

£SOUTH KOREA

@Journalist Choi Chin-sop Prisoner of Conscience

Amnesty International is calling for the immediate and unconditional release of 33-year-old journalist Choi Chin-sop who is serving a three-year prison term on charges under the National Security Law (NSL). It believes that he is held in violation of his rights to freedom of expression and association.

Before his arrest Choi Chin-sop was a journalist working for *Mal*, a monthly current affairs journal established in 1985. It is one of the few publications in South Korea to have published detailed analyses of human rights issues. Choi Chin-sop had written articles about human rights issues, including about the case of Im Su-kyong who had been imprisoned for making an unauthorized visit to North Korea in 1989; about human rights abuses in the military and about voting practices during parliamentary elections. Some of these articles were the basis for accusations that he had praised North Korea.

Choi Chin-sop.

Choi Chin-sop was one of 67 people arrested in September and October 1992 for their alleged links with a "spy" ring operated by the North Korean Government. The prisoners were said to be linked to a large and complex "spy" ring, but Amnesty International believes there is no evidence that many of them, including Choi Chin-sop, had any connection with spying activities. Around 40 of the prisoners were later sentenced to prison terms ranging from one year to life imprisonment. The arrest of Choi Chin-sop and other prisoners in this case took place directly before a presidential election and may have seriously damaged the credibility of opposition groups.

The prisoners were arrested without warrants by the Agency for National Security Planning (ANSP) and many were subjected to beatings and sleep deprivation during interrogation. In certain circumstances officers may detain suspects for up to 48 hours before applying for an arrest warrant, but in practice this provision is often used by police to hold suspects *incommunicado*. All the prisoners were denied access to their families for up to 20 days and some were denied access to their lawyers.

The arrest of Choi Chin-sop appears to be linked primarily to his published articles on political and human rights issues. Amnesty International is concerned at several recent arrests of people working to protect human rights in an apparent attempt to curtail their human rights work.

Arrest and Ill-Treatment

Choi Chin-sop was arrested by four officials of the ANSP at around 8.00 am on 14 September 1992 as he was leaving his house to go to work. He was taken to the ANSP interrogation facility where he was forced to change into a military uniform and interrogated. He was deprived for sleep for the first few days and later he told his lawyer: "*After I had no sleep for several days, I found myself muttering something without knowing what I was talking about, on the verge of consciousness.*" He was also beaten, stripped naked, forced to stand in the same position for long periods of time and forced to crawl on the floor with his hands behind his back and his head against the floor. He was also denied access to his family and lawyer. On 26 September lawyers filed a petition with Seoul District Court on the grounds that they had been denied permission to visit Choi Chin-sop and five other defendants in this case. The court ruled in their favour and after this Choi Chin-sop's lawyer was permitted one five-minute meeting with him.

Pre-trial disclosure of ANSP investigation

On 6 October 1992 the ANSP released a sensational "spy" story to the media. It said that it had uncovered the largest spying organization in South Korea since the 1950s and gave detailed descriptions of the case. A large exhibition was set up by the ANSP at Seoul Railway Station, with posters of some defendants, including Choi Chin-sop, who were labelled as "spies". At this time, the defendants had neither been charged nor tried. South Korean law specifically prohibits the pre-trial publication of material related to court cases¹. Some of the

¹Article 126 of the Criminal Code states that "A person who, in the performance or supervision of, or in the assistance in, functions involving prosecution, police, or other activities concerning the investigation of crimes, makes public, before request for public trial, the facts of a suspected crime which have come to his knowledge during the performance of his duties, shall be punished by penal servitude for not more than three years, or by suspension of qualification for not more than five years".

"evidence" exhibited by the ANSP and distributed to the media was eventually dismissed by the courts.

International standards prohibit any attempt by public authorities to prejudge the outcome of a trial. Article 14(2) of the International Covenant on Civil and Political Rights (ICCPR) states that: "Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to the law". The Human Rights Committee in its commentary on Article 14 of the ICCPR states that "It is . . . a duty for all public authorities to refrain from prejudging the outcome of a trial". Amnesty International believes that the public accusations of "espionage" made by the ANSP against Choi Chin-sop and others, may have compromised the fairness of his trial and violated his right to be presumed innocent until proven guilty.

Unfair and Politically-Motivated Charges

Choi Chin-sop was charged with belonging to an "anti-state" organization. The organization in question was a pro-reunification group called the 1995 Committee, which had been established in 1990 with some 240 members. It was said to be a loosely structured organization, mostly comprising students and workers. In 1991 it was renamed the Patriotic League, but Choi Chin-sop was apparently no longer a member at that time.

The 1995 Committee and the Patriotic League were said by the ANSP to be linked to the Central Regional Chapter of the North Korean Workers Party. The ANSP said that this Central Regional Chapter had been set up in July 1991 with the help of North Korean agents, although the prosecution was later unable to prove its existence before the courts. Amnesty International believes that there is no evidence that many of the defendants, including Choi Chin-sop had any involvement with spying activities. It believes they are held solely for belonging to a group of people who wished to discuss reunification issues among themselves.

Choi Chin-sop was also charged with publishing information praising North Korea. During interrogation he was asked many questions about how he collected information for his articles, and about the organization and structure of *Mal*. The offices of *Mal* were searched and many books, diaries and pamphlets were confiscated. Most of this literature was reference data which Choi Chin-sop had gathered in order to prepare his articles. In his trial in January 1993 he said:

"I consider it a preliminary step towards the oppression of the press that I was investigated tenaciously about Mal magazine as well as on the matters concerning the 1995 Committee. . . I was interrogated on almost all the articles that I had written regarding any political issues and human rights. I was forced to confess in detail who had planned which article, what the article had been intended for, whom I had met for news gathering

etc in detail. I had to recall even the names of the people I had left omitted from the articles to protect news sources. So I felt shame at being deprived of professional ethics as a reporter."

Some of the articles Choi Chin-sop had written were included in the list of charges against him. For example, he was accused of praising a theologian who had made an unauthorized visit to North Korea in 1991.

Under the NSL, an "anti-state" organization is defined as one, "with the structure of command and control, as organized for the purpose of assuring a title of the government or disturbing the State". This definition has been widely interpreted by the South Korean courts which have used the term to describe a variety of domestic organizations, as well as the North Korean Government. The law has frequently been used to imprison people with left-wing views and those with views considered similar to those of the North Korean Government. A group labelled as "anti-state" by a court becomes illegal *ipso facto*, and its past and present members are all liable to criminal charges under the NSL. In practice, such groups cannot legally challenge the official determination that they are "anti-state".

Under the NSL the definition of "espionage" has also been widely interpreted. A "state secret" includes any information which may be useful to North Korea, even if it is publicly available in the South. The law has often been used to imprison people who met North Koreans in third countries or who disseminated information deemed to be useful to the North.

On 24 February 1993 Choi Chin-sop was sentenced to three years' imprisonment under the National Security Law, for belonging to an "anti-state" organization and for producing and disseminating material in support of North Korea. Amnesty International has adopted Choi Chin-sop as a prisoner of conscience and is calling for his immediate and unconditional release. It is also calling for a full and independent investigation into reports that he was deprived of sleep and beaten during interrogation.