

£SOUTH KOREA

@Statement of Amnesty International delivered at a Seminar on South Korea at the European Parliament, Strasbourg, on 13 February 1992

Ladies and Gentlemen,

As a member of Amnesty International I have personally been campaigning for the release of prisoners of conscience and an end to other human rights abuses in South Korea for 15 years. Those years saw major political changes; in some respects the human rights situation has changed for the better, in other respects, nothing has changed.

When I am asked to summarize Amnesty International's concerns in South Korea, I still say, as before, "we call for the release of prisoners of conscience, a review of the cases of political prisoners who claim they were convicted after unfair trials; an end to torture and ill-treatment of all prisoners (those held on political as well as on criminal charges) and an end to the use of the death penalty."

The current government in South Korea has dealt, albeit incompletely, with the legacy of human rights violations of previous decades. It has released most of the prisoners arrested in the 1970s and early 1980s whom Amnesty International considered to be prisoners of conscience.

But around 50 prisoners convicted of national security offences under previous governments are still imprisoned. For many years the fate of the longer-serving prisoners among them was unknown to human rights groups and even today their cases are still not well documented. Some of these prisoners came from North Korea during the 1950-53 Korean War, others were members of local opposition parties or armed resistance groups in the 1950s. Those arrested in later years were accused of visiting North Korea, usually via Japan, and of meeting Koreans in Japan said to belong to a pro-Pyongyang organization. The cases all follow the same pattern. I will illustrate this by giving you an outline of the case of Park Dong-oon. Park Dong-oon and several relatives who have now been released were convicted of belonging to the "Chindo Permanent Spy Ring" and accused of spying for North Korea. Park Dong-oon was arrested in 1981 and was accused of visiting North Korea in

1965 and 1971 where he allegedly received espionage training and instructions. He is also accused of meeting his father (missing since the Korean War) on several occasions when the latter allegedly returned to the south on spying missions. Park Dong-oon was first sentenced to death but his sentence was later reduced to life imprisonment. His relatives testified to being tortured physically and mentally for lengthy periods. Witnesses at the trial were reportedly intimidated by intelligence agencies into not confirming Park's alibi for the dates he was accused of travelling to North Korea. The only evidence about meeting his father was in the prisoner's confessions.

Amnesty International has been calling on the authorities to review the cases of these prisoners. Their convictions appear to rest on the prisoners' confessions and there is little other evidence to support the charges. Former prisoners have testified to Amnesty International about the investigation methods used in these cases and torture was alleged in many cases. Procedural irregularities were common : arrests without warrants, interrogation for longer than permitted by law (under the National Security Law interrogation can last for 50 days), and detention without access to lawyers and relatives. And in the cases where the prisoners have indeed met people in Japan or other countries who support North Korea, whether they did indeed spy for North Korea is a matter of definition. The South Korean courts consider as state secret any information that may be useful to North Korea, even if it is freely available.

In other cases more information is available and Amnesty International is confident that it can declare the prisoner to be a prisoner of conscience, detained for the peaceful exercise of the right of freedom of expression and association. Hwang Tae-kwon is one such prisoner. He has been in detention since June 1985. He was 30 years old when he was arrested as he returned for a vacation from the university in the USA where he was studying politics. In the USA he met other Koreans and is believed to have contributed articles reflecting anti-government and anti-US views in a Korean newspaper. He was accused of meeting North Korean agents in the USA and of being a communist. He was sentenced to life imprisonment, although the sentence was later reduced to twenty years. In a letter from prison he wrote " ... after 60 days of torture and beatings in the basement of the Agency for National Security Planning and after three years of imprisonment for a crime I did not commit, ... I hope my story will expose the crimes that were committed against me ... in order to extract my 'confession'. I am also hoping to restore my own human dignity which has been ruthlessly trampled upon during the interrogation and imprisonment." In a recent letter to one of the Amnesty International groups working for his release he said : "We were taught to hate people in the North... To try to know, let alone meet 'North Koreans' was regarded as an unforgivable sin. How many people died because of this 'crime!' How many more people [were] imprisoned because of this 'terrible crime!'" Several years ago Hwang Tae-kwon was not allowed to correspond with friends abroad and the fact that he now can write to an Amnesty International member is evidence that his conditions of

detention have improved. However in Amnesty International's view he should be immediately and unconditionally released.

What prevents the South Korean Government from reviewing the cases of the prisoners arrested by previous administrations, so that prisoners of conscience are released and those sentenced after unfair trials can seek redress? In many cases it is the prisoners' refusal to recant their political views, to "convert", that prevents their release. Prisoners convicted of national security offences are required to change their political views. If they don't, they are denied benefits granted to other prisoners such as the rights to work, to receive additional food, and most importantly to be released on parole. Political prisoners are required to write a statement explaining how they became communists and the activities they carried out to promote communism, why they now want to give up communism and what their future plans are. A committee of prison officials then decides whether to accept the statement as evidence of a true conversion. Released political prisoners have testified that during the 1970s and early 1980s many prisoners were tortured to force them to convert.

At present the main pressure on the prisoners is psychological: they know they are unlikely to be released on parole if they do not convert. For those sentenced to life imprisonment, the problem is very acute indeed. Two "unconverted" political prisoners have already been in prison for over 40 years, 12 for over 30 years and 35 for over 20 years.

I mentioned earlier that a large number of political prisoners claim that they were tortured during their interrogation. The South Korean Government stated in its report last year to the United Nations Human Rights Committee that 29 officials had been prosecuted in the years 1986 to 1990 for torturing prisoners. At the end of January 1992 a Seoul court awarded damages to Kim Keun-tae, a prominent dissident, for the torture he underwent at the hands of the "anti-communist" police in 1985. The judge apparently commented that officials had attempted to cover up the case and had destroyed evidence of Kim Keun-tae's torture. In 1987 in another case senior police officials were also found guilty of attempting to cover up the cause of the death of student Park Chong-chol who died from torture. Amnesty International believes that the authorities should investigate all claims of torture in spite of difficulties in gathering evidence and official attempts at covering up.

Ladies and Gentlemen,

The South Korean Government ought to rectify these legacies of the past, but what of the human rights situation today?

Political life is certainly freer today than it was before, but with severe restrictions on the expression of certain political views and the conduct of certain activities. Here are a few examples :

On 10th January four men were arrested under the National Security Law for attempting to form the "Korea Labour Party" and field 30 candidates in the elections for the National Assembly scheduled for March. Support for the new party is thought to come from trade union leaders and student activists. Its platform is said to call for the dissolution of the *chaebols*, the large conglomerates that control vast sectors of the economy, and an end to the opening of Korean markets to agricultural imports. The party would have had a clearly leftist/socialist colour. The four men are reported to have been charged with trying to form an anti-state organisation aimed at establishing a communist government in South Korea.

Several artists were arrested last year and are currently serving prison terms of between 18 months and two years under the National Security Law. The charges against them are that they had in their possession books and documents on socialism and North Korea, promoted socialist realism in art, praised North Korea and incited opposition to the government. Hong Song-dam, another artist, is serving a sentence of three years' imprisonment for praising North Korea in his paintings and in articles. With other artists he had created a large mural entitled History of the People's Liberation Movement of which he sent photographic slides to North Korea to be displayed at a youth festival in 1989.

Since 1990 South Koreans have been able to apply to their government for permission to visit North Korea or to meet North Koreans abroad. Unauthorized contacts continue to be punished by imprisonment. There are now five people serving jail sentences of between five and ten years for illegally visiting North Korea, in most instances quite openly. They include a student, a businessman, a former member of the National Assembly and two clergymen. About ten other people are currently serving shorter sentences of up to two years for meeting or seeking to establish contact with North Koreans, without government authorization. Amnesty International believes that the mere fact of travelling to North Korea or contacting North Koreans without evidence either of espionage activities or of the use or advocacy of violence does not justify imprisonment and regard these prisoners as prisoners of conscience.

The people just mentioned were all arrested and tried under the National Security Law. The purpose of this law is to control "anti-state" activities which endanger national security but it has, and continues to be used, to punish with imprisonment the expression of socialist or pro-communist views and unauthorized contacts with North Korea. The National Security Law was amended in May 1991 but it has continued to be used in broadly similar cases. It is under the amended law that six social science research students spent up to six months in detention last year for possessing and publishing books and articles praising North Korea. In fact these were mostly academic publications and university theses and the arrests caused great concern in academic circles. Clearly the National Security Law needs further revision if it is to fulfil the expectations raised by the clause inserted in last year's amendments that it was not to unreasonably restrict the basic rights of citizens.

The current administration in South Korea has carried out limited legislative reforms. The Public Security Law of 1975 which allowed the Minister of Justice to hold prisoners convicted of national security offences in preventive detention after they had completed their sentences was abolished in May 1989 and all the prisoners held under the law were released.

But restrictions remain on the freedom of released prisoners. A new law, the Social Surveillance Law, was promulgated the same year and allows the imprisonment of former prisoners who fail to abide by orders not to associate with some people or to report to the police about their political activities.

The Law on Assemblies and Demonstrations was amended in April 1989. The previous law of the same name banned "demonstrations likely to cause social unrest". The new law authorizes anti-government demonstrations so long as "public order and security are protected". In practice this has made little difference. The organizers of demonstrations must obtain prior police permission but trades unions and dissident leaders often organize street demonstrations without seeking police approval because they are never granted permission.

Freedom of expression and association of workers is restricted in various ways, most importantly from Amnesty International's point of view, by the prohibition on third party intervention and by prohibition on all government workers to organize trade unions. "Third party intervention" refers to the involvement of people not directly connected with the employees or employers of the workplace. The Labour Union Law and the Labour Dispute Mediation Law effectively prevent non-recognized labour federations or labour advisers from intervening in trade union activities and industrial disputes. People have been arrested for activities such as distributing leaflets and other documents giving advice to trade union members about their rights and about the conduct of wage negotiation. In March 1990 the National Assembly voted to repeal the prohibition on third party intervention, but this was vetoed by the President.

The right of government workers to organize is restricted by the Constitution itself. This has affected teachers from both public and private schools who in 1989 formed the National Council of Teachers. The authorities immediately declared it an illegal organisation and the union's leaders have since been repeatedly arrested.

Amnesty International urges that these laws be amended so that there is no possibility for people to be arrested under such provisions for activities which simply amount to the exercise of the rights of freedom of expression and association.

I named earlier several prisoners who claim that they were tortured after their arrest under previous governments. Fortunately, a few serious cases of torture where prisoners were subjected to electric shock and water torture were given wide publicity in South Korea itself in recent years forcing the government to do something about this problem. Amnesty

International has not received recent reports of such methods being used on political prisoners, although some people arrested on criminal charges have alleged that they were subjected to water torture. But ill-treatment of political prisoners has not ceased; only the methods have changed. Now Amnesty International receives reports of beatings, sleep deprivation and psychological pressure being used. Park Deuk-joon is a 27-year-old university graduate and a worker in the pharmaceutical industry who was arrested in March 1991 under the National Security Law. He was interrogated by the Agency for National Security Planning and testified at his trial that his interrogators had stripped him naked and forced him to kneel on the floor when he refused to comply with their demand that he confess to the charges against him. He was ordered to do press-ups and to repeat the words "bad conscience" while he was beaten on his heels with a piece of wood. He said they threatened to kill him and to give him electric torture. After he agreed to write a confession, he was not beaten again but he was deprived of sleep. He was forced to stand beside a wall and to do press-ups if he fell asleep. To Amnesty International's knowledge his claims of torture have not been investigated by the authorities.

Ladies and Gentlemen,

In the short time I have been given to speak to you today I hope I have been able to draw your attention to the continuing human rights violations in South Korea. Some are a legacy of the past government, some took place under the current government. I have explained that a number of prisoners have been released in recent years, that some relevant laws were partially amended, and that some past abuses have been investigated. But today there are still in South Korean prisons people arrested for the peaceful exercise of their rights of freedom of expression and association, prisoners who were denied a fair trial, prisoners who were tortured or ill-treated. The laws which restrict basic freedoms should be urgently amended, effective measures should be implemented to prevent torture and ill-treatment of detainees, and thorough and impartial investigations should be carried out into all claims of torture and ill-treatment. Lastly the trend in recent years which saw an increase in executions for ordinary criminal offences should be reversed (there were no executions between June 1987 and August 1989 but around 25 since then) and the death penalty should be abolished.

Thank you.