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£SOUTH KOREA @Appeal for the Release of Pang Yang-kyun

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Pang Yang-kyun, 37-year-old secretary to a former member of the South Korean National Assembly, is serving a seven-year prison sentence on charges under the National Security Law. Amnesty International believes that Pang Yang-kyun has been imprisoned for the peaceful exercise of his rights to freedom of expression and association. It is calling for his immediate and unconditional release.

Pang Yang-kyun was secretary to Suh Kyung-won, an opposition member of the National Assembly, who visited North Korea in August 1988. In July 1989 he and Suh Kyung-won were arrested and charged under the National Security Law in connection with this visit. Suh Kyung-won was sentenced to ten years' imprisonment for making an unauthorized trip to North Korea and passing on state secrets. Pang Yang-kyun was sentenced to seven years' imprisonment for failing to report the visit and also for passing state secrets to an alleged North Korean agent in Germany. Both men have been adopted by Amnesty International as prisoners of conscience.

The National Security Law imposes long sentences of imprisonment or the death penalty for anti-state activities and contacts with anti-state organizations (including the North Korean Government). Over the years the law has been used widely to imprison people who visited North Korea without government authorization, people who met North Koreans or alleged North Korean agents abroad and people who expressed support for North Korea or whose views were similar to positions also taken by the North. In past years the courts have ruled that any information which could be useful to North Korea, even if it were publicly available, qualified as a state secret.

Amnesty International believes that Pang Yang-kyun's failure to report Suh Kyung-won's visit to North Korea cannot justify imprisonment. Pang Yang-kyun denied the charges of passing information to a North Korean agent in Germany and Amnesty International believes no evidence has been presented to support these accusations.

During his trial Pang Yang-kyun said that he had been subjected to beatings, death threats and sleep deprivation while under investigation by the Agency for National Security Planning (ANSP) and the prosecution. He also said that he had been forced under torture to sign a statement agreeing not to disclose his treatment by the ANSP. He is said to have suffered ill-health in prison as a result of this torture. In its verdict the court conceded that:

"In Pang Yang-kyun's case the court cannot rule out the possibility that he was tortured while being interrogated at the ANSP. But it cannot be viewed that such duress continued while he confessed to prosecutors".

In a written response to Amnesty International in January 1991, the South Korean authorities said that Pang Yang-kyun had admitted to the charges against him and denied ill-treatment in the presence of his defence lawyer. It said, "During the court proceeding he admitted most of the major criminal acts and his admission proves that the confession he made at the investigation is true and correct." Amnesty International is concerned that the authorities do not appear to have conducted an impartial investigation into Pang Yang-kyun's claims that he was tortured.

Both international and South Korean law forbid the use of testimony obtained under torture. Article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits the use in legal proceedings of a statement made under torture. The International Covenant on Civil and Political Rights, ratified by South Korea in April 1990, prohibits torture and also states that a defendant should not be compelled to testify against himself or to confess guilt. In a recent report, submitted to the UN Human Rights Committee, the South Korean Government states that these rights are guaranteed by Article 12 of the South Korean Constitution. Amnesty International is concerned that they appear to have been disregarded in the case of Pang Yang-kyun.

Pang Yang-kyun is married and has three young children. He has been in prison for three years and is currently held in Chonju Prison.

ACTION REQUESTED: Please send appeals to Mr Kim Ki-Choon, Minister of Justice, Ministry of Justice, 1 Chungang-dong, Kwachon-myon, Shihung-gun, Kyonggi Province, Republic of Korea.

- Seek the immediate and unconditional release of Pang Yang-kyun and express concern at claims that he was tortured during interrogation.

- Urge the South Korean Government to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

FURTHER INFORMATION: For further information about Amnesty International's concerns in South Korea, see the following Amnesty International documents: *South Korea, Prisoners Held for National Security Offences (ASA 25/25/91)*; *South Korea, Amnesty International's Concerns (ASA 25/14/92)*.

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