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REPUBLIC OF KOREA (SOUTH KOREA): AMNESTY INTERNATIONAL CALLS FOR HUMAN RIGHTS REFORMS

Human right reforms are urgently needed in South Korea to stop the arrests of hundreds of people peacefully expressing their opinions, Amnesty International said in a report released today.

"The government still refuses to amend the National Security Law which, far from countering the threat from North Korea, is used to imprison people who pose no threat to state security," the organization said.

Amnesty International is also concerned that political prisoners are being ill-treated during interrogation and that victims of human rights violations have little chance of obtaining redress.

In its 62-page report, *Republic of Korea (South Korea): International standards, law and practice: the need for human rights reform*, Amnesty International documents these concerns and compares South Korean law and practice with international human rights standards.

In recent years hundreds of people have been arrested under Article 7 of the National Security Law which provides up to seven years' imprisonment for those who "benefit" and "praise" the Democratic People's Republic of Korea (North Korea).

In a recent case Yu Dok-ryol and Kim Chon-hee of *Han* Publishing Company were arrested in July 1995 for publishing and distributing North Korean books. Eight members of *Heemangsae* (Bird of Hope) singing troupe were among those imprisoned in 1994, for trying to stage a musical based on an allegedly pro-North Korean poem and for disseminating parts of the poem via a computer communications network.

Under the National Security Law people have been imprisoned for visiting North Korea without government authorization. They include 75-year-old Park Yong-gil who was arrested in July 1995 and is now on trial before Seoul District Court. Under another provision of the law people who leak vaguely-defined "state secrets" may be sentenced to long prison terms. Any information of use to North Korea -- even such items as newspapers or magazines which are available to the general public in South Korea -- have been defined as "state secrets".

"While we are aware of the military and political situation caused by the division of the Korean peninsula, the restrictions on freedom of expression and association in the National Security Law go beyond those permitted by international human rights standards," Amnesty International said.

Flaws in arrest and interrogation procedures leave detainees with inadequate protection from human rights abuse. South Korean law prohibits arbitrary arrest and torture and guarantees

prompt access to lawyers. In practice, however, few detainees are able to exercise their rights. Many prisoners are arrested without a court-issued warrant, and access to lawyers and family is often hampered. Suspects may be held without charge for up to 30 days -- extended to 50 days -- under the National Security Law. They are systematically deprived of sleep and subjected to long interrogation in order to obtain a "confession".

Kim Un-ju, arrested in September 1993 by the Agency for National Security Planning (ANSP), did not see a lawyer until three days after her arrest and told Amnesty International that she was deprived of sleep, forced to do physical exercises, slapped and insulted during interrogation. She was not charged until 45 days after her arrest. Professor Park Chang-hee, aged 63, was arrested in April 1995. He claims to have been deprived of sleep, threatened, beaten and forced to drink alcohol during 19 days of questioning by the ANSP.

Under South Korean law violations of human rights are punishable criminal offences and victims are entitled to compensation. In practice, however, it is extremely difficult for victims to obtain any kind of redress. There is no independent body or individual responsible for the investigation of human rights violations. Investigations by the authorities are generally slow and ineffective, leading to a lack of public confidence.

Kim Sam-sok, arrested in September 1993, made public statements about his ill-treatment and also lodged a formal complaint but in August 1995 the authorities had still not completed an investigation. Some former prisoners told Amnesty International that they did not make a complaint because they did not think they would obtain any redress.

"Legal provisions alone are inadequate without public confidence and an effective system which works for the victims of human rights violations," Amnesty International said.

Victims of severe human rights violations under previous governments appear to be left without an effective remedy. They include at least 25 prisoners who were convicted of "espionage" during the 1970s and 1980s at a time when torture and incommunicado detention were widely used. Most have spent over a decade in prison with little hope of release. The authorities have consistently refused to review these cases, although there is evidence that their trials were unfair.

In a set of recommendations to the South Korean government, Amnesty International calls for the amendment of the National Security Law in line with international standards on the rights to freedom of expression and association. It recommends that practical steps be taken to protect the rights of detainees, including the prevention of torture and ill-treatment. The organization also calls for the implementation of an effective complaints system for the victims of human rights violations and urges the authorities to find an effective remedy for those convicted unfairly under previous governments.

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