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NEWS SERVICE ITEMS: EXTERNAL - KUWAIT, SOUTH KOREA

PLEASE NOTE: The enclosed item on South Korea can be used in conjunction with the document South Korea: Human Rights Violations Continue Under New Government, AI INDEX: ASA 25/08/94, which will be sent in a weekly mailing shortly.

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EMBARGOED FOR 24 FEBRUARY 1994

KUWAIT: AMNESTY INTERNATIONAL CALLS FOR END TO HUMAN RIGHTS VIOLATIONS CONTINUING SINCE IRAQI OCCUPATION IN 1991

Amnesty International today called on the Kuwaiti Government to end the serious human rights violations which still continue three years after the end of the Iraqi occupation on 26 February 1991.

Following the withdrawal of Iraqi troops, Kuwaiti armed forces, police and armed civilians were responsible for widespread human rights violations. Hundreds of people suspected of "collaboration" with the Iraqi forces were arbitrarily arrested, detainees were routinely tortured and others were extrajudicially executed or "disappeared".

"Three years on, the Kuwaiti Government has failed to bring to justice any law enforcement officials responsible for these crimes. It has also failed to apply even the minimum international standards to its law courts and scores of suspected 'collaborators', detained since 1991, continue to be sentenced to prison terms after grossly unfair trials," said Amnesty International.

In a report published today, the human rights organization said that over 120 people, including prisoners of conscience, accused of "collaboration" with Iraqi occupation forces are currently serving prison sentences after unfair trials. Nineteen are under sentence of death and one person has been executed. Some were convicted by the temporary Martial Law Court - now abolished - and others by the State Security Court, which is continuing to sentence scores of defendants to death and to prison terms after trials which fail to satisfy international minimum standards.

Over the past three years, Amnesty International has repeatedly raised its concerns with the Kuwaiti authorities about, among other things, the unfairness of trials before the Martial Law Court and the State Security Court, and the continued detention of those acquitted. The Government has taken no serious action and replies from the authorities have failed to address most of Amnesty International's concerns or to provide requested information.

Following the withdrawal of Iraqi forces on 26 February 1991, the Amir of Kuwait declared a three-month period of Martial Law, later extended to 26 June 1991. A special Martial Law Court was established to try cases of individuals suspected of "collaboration" with Iraqi occupation forces, charged with state security crimes and ordinary crimes. Kuwaiti government forces and armed civilians - often acting with the knowledge or acquiescence of government officials - immediately began carrying out a campaign of arbitrary arrests, torture and extrajudicial killings of individuals suspected of "collaboration" with the Iraqi authorities. Close to 1000 people - the vast majority of whom were non-Kuwaitis - were arbitrarily detained and at least 62 of these "disappeared" between 26 February and the end of June 1991.

Medical evidence obtained during a visit to Kuwait by an Amnesty International forensic pathologist in March and April 1991 confirmed that the torture of detainees, particularly during the period of martial law, was routine and widespread. Numerous victims testified that they were beaten, burned with cigarettes or acid, given electric shocks, subjected to mock executions and had their skin slashed with knives by Kuwaiti military and security personnel and, in some cases, by armed civilians. Amnesty International believes that in many cases the victims were picked up and tortured solely on the basis of their nationality or origin.

According to information provided by the authorities, 164 detainees were tried by the Martial Law Court before it was dissolved on 26 June 1991; 118 were convicted, of whom 34 had been tried in absentia; and 29 of those convicted were sentenced to death.

After widespread criticism of the trials by many observers, the 29 death sentences were commuted and some prison sentences were reduced.

Defendants tried by the Martial Law Court were denied access to their families, lawyers and independent medical attention, many were tortured and all were denied the right to prompt access to a judge. Many defendants were unaware of the charges against them until the day of the trial. The charges and the state security crimes were frequently so vague and broadly-defined that it was difficult to prepare a defence. Defendants did not have adequate time or facilities to prepare their defence and often did not see the evidence against them or learn the identity of prosecution witnesses. Judges were not independent or impartial and failed to investigate claims of torture adequately. Those who were convicted were denied the right to appeal.

The cases of more than 450 defendants which had not been tried by the Martial Law Court before it was dissolved were transferred to another special court, the State Security Court, which began trying cases of alleged "collaborators" in April 1992. Although there were a number of changes in the procedure of the State Security Court in September 1991, which led to the release of at least 150 defendants before trial by May 1992, the State Security Court proceedings do not meet international standards for fair trial.

By the end of January 1994 at least 95 defendants had been convicted by the State Security Court and 47 acquitted. Twenty-four of those convicted were sentenced to death, including two in absentia. One person, an Iraqi national, has been executed after an unfair trial. Two death sentences were reduced by the Court of Cassation, one to life and one to six months' imprisonment. Trials against scores of others detained since early 1991 are continuing. Some of those acquitted by the State Security Court are still in detention.

Amnesty International is urging the Government of Kuwait to set up a judicial review of the cases of all prisoners convicted after unfair trials by special courts and to commute all death sentences imposed by the State Security Court. The human rights organization is asking for the immediate release of all those who were acquitted or whose charges were dropped by the special courts, but who still remain in detention.

Amnesty International is also calling on the Kuwaiti authorities to conduct impartial and thorough investigations into all cases of arbitrary arrest, torture, deaths in custody, "disappearances" and extrajudicial executions, to make the findings of these investigations public and bring to justice those found responsible.

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SOUTH KOREA: HUMAN RIGHTS VIOLATIONS STILL RIFE UNDER NEW GOVERNMENT

The government of President Kim Young-sam, South Korea's first president in recent years without a military background, has ended its first year in office without substantially improving South Korea's human rights record. Dozens of political prisoners and prisoners of conscience have been arrested over the past year. South Korea has some of the longest-held prisoners of conscience known to Amnesty International anywhere in the world. There have been new reports of torture and ill-treatment.

In his inaugural speech in February 1993 President Kim Young-sam said that under his government South Korea would be a "freer and more mature democratic society" where "justice will flow like a river". In June 1993 the Minister of Foreign Affairs told the United Nations World Conference on Human Rights that "human rights have finally come of age in Korea. I stand before you representing a nation and a people who can proudly say that truth, freedom and democracy have at last triumphed in their country".

In spite of these words, Kim Young-sam's government has done next to nothing to end human rights violations. It curbed slightly the powers of the Agency for National Security Planning (ANSP), but left intact those of the police, who like the ANSP can detain political suspects without charge for up to 50 days. It decided to shelve indefinitely amendments to the National Security Law (NSL), a law which has led to the imprisonment of hundreds of prisoners of conscience. It failed to amend the Labour Dispute Mediation Act to remove the ban on "third party intervention" in labour disputes, which effectively prohibits trade union officials and advisors from giving advice to members. It has failed to meet its commitment to ratify the UN Convention against Torture before the end of 1993. It has done nothing to review the cases of dozens of prisoners of conscience imprisoned on fabricated charges and after unfair trials under previous governments.

Today, some 200 prisoners are held under the NSL. A number of political prisoners serving long prison terms are being denied release on parole because they have not "converted" (renounced their real or alleged Communist views). They include Kim Sun-myung and Ahn Hak-sop, prisoners of conscience held since the Korean War.

Those arrested during 1993 included dozens of alleged members of Sanomaeng (Socialist Workers League), labelled by the authorities as an "anti-state" organization. Others were arrested under a widely-abused clause of the NSL which allows imprisonment for possessing and distributing published material "benefitting" North Korea - even when the material in question is publicly available in South Korea.

New reports of torture and ill-treatment were received over the past year. Peace activist Kim Sam-sok and his sister, Kim Un-ju were beaten and sexually assaulted by the Agency for National Security Planning (ANSP) after their arrest on national security charges in September 1993. Other political detainees arrested by the police or the ANSP also reported being beaten and said that they had been deprived of sleep during the initial stages of interrogation.

In a major positive development in human rights protection, the new government has so far refrained from carrying out death sentences. But some 50 prisoners remain under sentence of death. Most are handcuffed throughout their imprisonment, a practice which in Amnesty International's view amounts to cruel, inhuman and degrading treatment.

In a report published today, Amnesty International highlighted the failure of the year-old South Korean Government to end human rights violations. The organization urges the South Korean Government to release all prisoners of conscience and to review the cases of political prisoners who were convicted after apparently unfair trials. It calls for legislation used to curtail the rights to peaceful

freedom of expression and association, including the National Security Law, to be amended; for torture and ill-treatment to be ended; and recommends that further safeguards be implemented to protect the rights of detainees. It also urges the government to commute all death sentences and to abolish the death penalty.

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