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South Korea: Repeal or fundamentally reform the National Security Law

With 1 December marking the 60th anniversary of South Korea's National Security Law (NSL), Amnesty International again calls for the law to be repealed or fundamentally reformed.

The organization said that the National Security Law continues to be used as a tool to silence dissent and to prosecute individuals who are peacefully exercising their human rights to freedom of expression and association.

For example this year, the prosecutor's office twice issued a warrant for the arrest of professor Oh Se-chul - once in August and once again in November - for his "enemy-benefiting" activities and involvement in the Socialist Labour Solidarity movement.

However on both occasions, the Seoul Central District Court dismissed the charges citing "not enough proof that he tried to overthrow the country and the democratic system".

Amnesty International said the NSL prohibits "anti-state" and "espionage" activities, but does not clearly define them, and has been used arbitrarily against people peacefully exercising their rights to freedom of expression and association, in violation of South Korea's obligations under international law.

The NSL has also been used as a form of censorship, to punish people for publishing and distributing material deemed to 'benefit' North Korea. In 2008, seven people were detained for violating the NSL, all of whom were charged with engaging in pro-North Korean activities. The arrested individuals were peacefully exercising their right to freedom of expression, which are enshrined in international human rights law and standards, such as the International Covenant on Civil and Political Rights (ICCPR), to which South Korea is a state party, as well as in South Korea's constitution. As such, Amnesty International believes that those arrested may be detained solely because of the peaceful expression of their conscientiously-held beliefs and may therefore be prisoners of conscience.

Amnesty International appreciates that South Korea has security concerns with regard to North Korea. However, security concerns should never be used to deny people the right to exercise their human rights, in particular the right to express political views.

The organization calls on South Korea to fundamentally reform the NSL to bring it into line with international human rights standards, or else to repeal it completely.

Background

The NSL, which has been in force since 1 December 1948, has been used throughout the years to harass and punish people for non-violent political activities. The law provides long sentences or the death penalty for "anti-state" and "espionage" activities but these offences are not clearly defined and have often been used arbitrarily against people whose only crime is to exercise their human rights to freedom of expression and association. Most arrests in recent years have been

made under Article 7 of the law that provides sentences of up to seven years' imprisonment for "praising" and "benefiting" the "enemy" (generally meaning North Korea).

The NSL is applied in an arbitrary fashion - while certain political works are permitted for academic study, possession or reference to the same works by students or activists with perceived "pro-North Korean" leanings has often been treated as a criminal offence..

Some people have been arrested merely for discussing reunification with North Korea, publishing socialist or "pro-North Korean" material or having views which are considered to be similar to those of the North Korean Government.

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