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**QUESTIONS AND ANSWERS ABOUT AMNESTY INTERNATIONAL'S
WORK ON SOUTH KOREA**

1) What are Amnesty International's main concerns on South Korea?

One of Amnesty International's (AI's) main concerns relates to the continued use of the National Security Law to imprison students, activists, trade unionists, publishers, and others for the non-violent exercise of their rights to freedom of expression and association. In particular, there have been a very high number of arrests under Article 7 of the National Security Law since the new government took office, on charges of "praising" or "benefitting" an "anti-state organization" (this usually refers to North Korea).

Since the new President took office in February over 180 people are reported to have been arrested under the National Security Law, almost all held under Article 7, and over 100 others have been arrested under labour and demonstration laws. (Figures correct as of mid-August). AI calls for the release of all prisoners held for the non-violent exercise of their rights to freedom of expression and association. It calls for the release of political prisoners held solely for their refusal to sign an oath agreeing to respect the National Security Law and other legislation which violates fundamental rights.

In the context of the economic crisis, AI has called for the release of trade union leaders arrested for calling two general strikes in May and July and has expressed its concern about a crackdown on workers and others protesting about job losses. It also urges the government to protect the rights of vulnerable groups who have been hit hard by the crisis, for example migrant workers and women.

AI has long-standing concerns about police ill-treatment, conditions of imprisonment which fall below minimum international standards and an ineffective complaints procedure. It calls on the government to commute death sentences and take steps to abolish the death penalty.

The organization calls for legal and institutional reforms to protect human rights. It calls on the government to improve human rights training for law enforcement personnel and to make human rights promotion a priority.

2) What is Amnesty International's assessment of the human rights situation since President Kim Dae-jung took office?

Amnesty International (AI) respects President Kim Dae-jung for his long and distinguished record of human rights advocacy, for which he spent many years in prison, and his commitment to human rights reform.

There has been some progress in the past six months. For example, over 150 political prisoners were released in two amnesties in March and August. In July the government announced that "ideological conversion" (or forcing political prisoners to renounce leftist views) would be abolished. The government has taken steps to set up a national human rights commission. Internationally, South Korea played a constructive role in the establishment of the international criminal court.

But in many respects, the human rights situation remains unchanged and some rights have even been eroded as a result of the economic crisis. AI believes that legal and institutional reforms are urgently needed in order to transform further commitments into reality.

Over 180 people are reported to have been arrested under the National Security Law between February (when the new government took office) and mid-August, mostly for the non-violent exercise of their rights to freedom of expression and association.

By mid-August 57 trade unionists had been arrested for organizing strike action and demonstrations and 200 others had arrest warrants issued against them. Many are leading trade union officials, whose only "crime" was to organize strike action and demonstrations.

In spite of the two prisoner amnesties, large numbers of political prisoners continue to be held including some 240 held under the National Security Law. Many of these prisoners were denied release in the recent prisoner amnesty simply because they refused to sign an oath agreeing to respect the National Security Law, the very law which was used to imprison them unfairly.

Criminal suspects and prisoners have continued to face ill-treatment by law enforcement officials and further steps are needed to protect vulnerable groups such as migrant workers, asylum seekers and women. The lack of structural human rights reform is disappointing, although Amnesty International welcomes proposals to establish a national human rights commission.

3) How many prisoners of conscience / political prisoners are there in South Korea?

The high numbers of arrests and pattern of short-term detention make it difficult for Amnesty International (AI) to keep accurate and up-dated figures - domestic human rights groups are in a better position to give this information.

According to reliable information from South Korean human rights groups there were at least 360 political prisoners held after the August prisoner amnesty, of whom some 240 were held under the National Security Law. AI believes many of these prisoners are held for non-violent political and labour activities and that they should be released. Please refer also to point (2) above.

AI does not attempt to document every individual prisoner - particularly as so many are arrested these days and held for relatively short periods. Instead it uses the cases of some individual prisoners to highlight a pattern of human rights violations. It also works for legal and structural changes which will prevent future violations.

AI calls for the release of political prisoners held for the non-violent exercise of their rights to freedom of expression and association. As a matter of policy the organization does not call for the release of people who were detained for violent activities, but it does call for all such prisoners to be protected from torture and ill-treatment and to be tried fairly. While AI does not condone violence, it believes that students and workers are not always solely responsible for violence which occurs on demonstrations - on many occasions the organization has expressed its concern to the South Korean Government that the heavy police presence at demonstrations serves to provoke rather than prevent violence.

4) What specific cases are Amnesty International is working on?

Amnesty International (AI) calls for the release of all political prisoners held for the non-violent exercise of their rights to freedom of expression and association and those who were convicted after unfair trials in past decades. It calls for the release of political prisoners held solely for their refusal to sign an "oath" agreeing to respect the National Security Law and other legislation which violates fundamental rights.

Here are some examples of cases where AI is calling for the prisoner's release:

- Kang Yong-ju and Cho Sang-nok, long-term political prisoners who were convicted on espionage charges under the National Security Law in 1978 and 1985 respectively. AI believes they were convicted on the basis of confessions extracted under torture and that their trials fell short of international standards.
- Ahn Jae-ku and Yu Rak-jin, convicted in 1994 under the National Security Law on charges of establishing an "anti-state" organization. AI believes they are held for the peaceful exercise of their rights to freedom of expression and association.
- Members of the organization *Sanomaeng* (Socialist Workers League) who were not released in the recent prisoner amnesty.
- 17 long-term political prisoners who have been in prison for between 28 and 40 years on charges of espionage under the National Security Law. AI is concerned at reports that these prisoners may have been convicted unfairly and about their treatment in prison. Until the early 1980s they were tortured in an effort to force them to "convert" (to renounce communism,) and they have been consistently denied release on parole because of their refusal to do so. Some of these prisoners are elderly and in poor health.
- Dozens of prisoners arrested this year under Article 7 of the National Security Law. They include nine members of the Anyang Democratic Youth Federation, including its leader Kim Yong-bak, who were arrested in June and charged under the NSL with forming an organization which "benefits" North Korea. They are believed to be held on account of their left-wing political ideas. AI has also called for the release of people detained for posting information on the Internet, for example student Ha Young-joon who was arrested in April.
- Reverend Kang Hee-nam, aged 78, and other members of *Pomminnyon* (Pan National Alliance for reunification of Korea), reportedly arrested on 20 August for leading a reunification rally.

- Father Moon Kyu-hyun, a Catholic priest who was arrested on 27 August after returning from a visit to North Korea. His visit had been authorised by the authorities but prosecutors stated that Father Moon had violated the National Security Law during his visit by attending a reunification rally.
- Dozens of trade union leaders, including KCTU leader Koh Yong-ju, who were arrested and charged with calling for "illegal" strike action in May and July.

5) Why is Amnesty International's Secretary General visiting South Korea? What is his program?

Amnesty International's (AI's) Secretary General, Pierre Sané, is visiting South Korea from 9 to 12 September. His visit will include meetings with President Kim Dae-jung and other high-level government officials, politicians, human rights leaders and activists, students, former prisoners, the families of political prisoners and trade unionists.

The main aims of the visit are to highlight AI's human rights concerns on South Korea, to raise the profile of AI in the country, to promote awareness of all human rights and to encourage South Korea to play a positive role regionally and internationally for human rights.

1998 marks the 50th anniversary of the Universal Declaration of Human Rights and throughout the year AI has been campaigning to raise awareness about the rights contained in the Declaration. During the visit, President Kim Dae-jung will be asked to sign his name alongside those of other world leaders who have agreed to respect the Universal Declaration of Human Rights. President Kim Dae-jung's personal pledge, along with those of millions of people around the world, will be presented to UN Secretary General Kofi Annan on 10 December 1998, as "the world's biggest book".

6) What did Amnesty International do for Kim Dae-jung when he was a prisoner?

Kim Dae-jung spent much of the 1970s under house arrest or in prison and it was during this period that he was first adopted by Amnesty International (AI) as a prisoner of conscience. He was arrested in 1976, as a prominent signatory of the "declaration for national democratic salvation" and sentenced to five years' imprisonment. Released in 1978, he was immediately placed under house arrest.

Just before the Kwangju massacre of May 1980, he was arrested again and accused of having "instigated" agitation. When he was sentenced to death in September 1980, AI and other human rights and pressure groups campaigned vigorously on his behalf. Following widespread protests, his sentence was commuted to life imprisonment in September 1981 and in 1982 he was released. AI continued to campaign for Kim Dae-jung while he was under house arrest, on several occasions between 1985 and 1987.

7) What is Amnesty International's view on the requirement that political prisoners should sign a "law abiding oath" before they are considered for release

For many years prisoners held under certain provisions of the National Security Law were under pressure to "convert" (renounce alleged communist or left-wing views). Until the early 1980s prisoners were tortured as a means of persuasion, but in recent years they were simply denied rights and

privileges given to other prisoners and refused early release on parole. Those serving life sentences were only released on humanitarian grounds when they became very old or sick.

Amnesty International (AI) welcomes the new government's decision to abolish "conversion" statements but it opposes a new requirement on all political prisoners to sign an "oath" in which they must agree to respect South Korean law (including the National Security Law) as a condition for early release. At least 100 political prisoners appear to have been excluded from the recent prisoner amnesty simply because they refused to sign this oath.

AI calls for the release of political prisoners who continue to be held solely on account of their refusal to sign an oath requiring them to respect legislation which violates their fundamental rights.

8) Why doesn't AI take up the cases of students and others who used/advocated violence?

As a matter of policy, Amnesty International (AI) only calls for the release of political prisoners who have not used or advocated violence. However, in some cases AI also calls for the release of political prisoners who have been held for a long time after an unfair trial. Over the years, AI has called for the release of many students in South Korean prisons.

But AI also opposes torture and ill-treatment in *all* cases and calls for fair trials for *all* political prisoners, whether or not they have used violence. It has intervened many times on behalf of detained students in South Korea who were the victims of torture and/or unfair trial.

While it does not condone student violence, AI has also expressed concern to the South Korean Government about excessive deployment of riot police at student demonstrations, on the grounds that it is provocative and may lead to violence and arrests.

9) What does Amnesty International think of President Kim Dae-jung's "sunshine policy" towards North Korea?

Amnesty International (AI) welcomes President Kim Dae-jung's policy of increased civilian links with North Korea (the "sunshine policy") which should help to reduce tension, as well as giving ordinary South Koreans a chance to contact families in North Korea and learn more about North Korea. We hope that greater openness and contact might also promote human rights improvements in North Korea.

But the National Security law in its current form is incompatible with the "sunshine policy". It is used to arrest students, activists, trade unionists, publishers and others on vaguely-defined charges of "benefitting" and "praising" North Korea. Since February this year over 180 people are reported to have been arrested for activities such as publishing leaflets and books, posting information on the Internet and belonging to small left-wing groups.

AI believes it is unfair to encourage increased civilian contacts, in a situation where people risk arrest and imprisonment for doing so. It is also concerned that the law will be used in an increasingly arbitrary manner with the effect that actions deemed acceptable for some may result in arrest and imprisonment for others.

10) Why is Amnesty International calling for the release of communists?

Everybody has rights, whatever their political views. Amnesty International (AI) does not take a position on the views of those prisoners for whom it campaigns. Around the world, we campaign for communists and anti-communists; for people of all political views and religious beliefs alike.

11) But hasn't South Korea got special security considerations?

Amnesty International (AI) agrees that South Korea has security considerations and accepts the government's right to have security legislation. But this legislation should be used to counter real, physical threats to national security and it should be in line with international standards to which South Korea is committed.

At the moment the National Security Law is misused to imprison people simply for their political ideas. AI believes that South Korea can maintain state security and still allow people to exercise their rights to freedom of expression and association. In fact, the best guarantee for South Korea's security is becoming a more open and democratic society. AI simply asks that the National Security Law be amended in accordance with the international standards that South Korea has itself accepted.

12) Shouldn't the government's priority be to overcome the economic crisis?

The economic crisis is important for all Koreans, but cannot be seen in isolation from human rights protection. Experience throughout the world shows that people's rights are often eroded in times of crisis. The experience of South Korea is no exception - the crisis has led to mass job losses in a country without a social safety net. Migrant workers, women, children and the homeless have suffered particularly during this period, demonstrating the importance of programs to protect the rights of these groups.

Social unrest has also led to violations of civil rights. Strike action and street protests have resulted in arrests and confrontation with riot police. At least 57 trade unionists were arrested between May and August, including key trade union leaders who are accused of calling "illegal" strike action.

Further social unrest and a tough government response may result in more arrests for "illegal" strike action/demonstrations and on national security charges. The National Security Law has recently been used to arrest several trade union leaders and AI is concerned it may be used further to stifle debate about the economic situation.

13) Isn't North Korean's human rights situation much worse than that in South Korea? Why doesn't AI pay more attention to North Korea?

Amnesty International (AI) is concerned about human rights for ALL Koreans. Human rights are not a scorecard, pitting one country against another. While South Koreans should be concerned about the situation of those in North Korea, there is no room for complacency about human rights in their own society.

AI is very concerned about the situation in North Korea. The country is experiencing serious food shortages which have led to malnutrition and possibly many deaths. It is also clear that the North Korean authorities do not tolerate the public, peaceful expression of critical views. Amnesty International believes that serious human rights violations may have occurred in this context.

AI is urging North Korea to develop dialogue on human rights matters with the UN and others. It calls on the North Korean Government to recognise its accountability on human rights issues, in particular by allowing access to independent human rights NGOs.

In 1997 the North Korean Government stated that it had "withdrawn" from the International Covenant on Civil and Political rights (ICCPR). AI was deeply concerned by this statement; the ICCPR is an important legal safeguard for the people of North Korea and the rights enshrined in the Covenant belong to the North Korean people. In July 1998 the UN Human Rights Committee stated that *"international law does not permit a State which has ratified or acceded or succeeded to the Covenant to denounce it or withdraw from it"*. AI continues to call on North Korea to comply with its treaty obligations and in particular to report to the Human Rights Committee, in accordance with its obligations under the ICCPR.

AI is concerned that people deemed to be opposed to the policies of the North Korean Government may face detention. People who attempt to leave the country for political reasons may also be imprisoned and some have reportedly been executed. We are particularly concerned that economic hardship may have led to a deterioration of conditions of detention and serious food shortages for prisoners.

North Korea is closed to human rights monitors and AI's work is hampered by a lack of independent and accessible information about the country. AI's reputation rests on its accuracy and impartiality and it can only publish information which it knows to be true. Such information is difficult to obtain on North Korea. However, the organization has published some reports on North Korea in recent years and continues to search for ways to bring about improvements in human rights protection there.

South Korea, in comparison, is an open country where human rights violations are visible, there is an active network of human rights organizations and lawyers and a functioning legal system. These factors make it possible to document human rights violations and to campaign effectively for improvements. AI is putting pressure on South Korea now because it believes there are many opportunities for human rights reforms. It also hopes and expects that South Korea will become an example of good human rights practice for the rest of Asia.

14) What can the South Korean Government and people do about human rights violations in North Korea?

The South Korean people have for many years been denied access to impartial information about North Korea and have often been punished under the National Security Law when they attempted to obtain information or make contacts themselves. Amnesty International (AI) hopes the government's new "sunshine policy" of increased civilian contacts with North Korea will now create better understanding, alleviate tensions and contribute to improved human rights protection for all Koreans.

At the same time, AI calls for the National Security Law to be amended so that South Koreans can take advantage of the new "sunshine policy" without fear of arrest and imprisonment.

There is very little reliable information about the human rights situation in North Korea. The South Korean Government could contribute to a better understanding of the situation by allowing more public scrutiny of information from North Korean sources and by not misusing reports of human rights violations in North Korea for propaganda purposes. It also encourages the government to consider the importance of human rights in any preparations for reunification.

There is one obvious way in which South Koreans are already helping to improve human rights protection in North Korea - through generous donations of food and financial assistance.

15) What does AI think about the prospects for Korean reunification?

Amnesty International (AI) does not study the issue of reunification in itself, although it realises this is a very important subject for all Koreans and the division of the country has clearly led to human rights violations in both countries.

In South Korea AI has been primarily concerned with the arrests under the National Security Law of ordinary people who tried to take part in reunification discussions by having unauthorized contacts with North Koreans, visiting North Korea or joining small study groups to discuss the issue.

A reunified Korea will need good human rights protection. South Korea can help by improving its own human rights record, which includes amending the National Security Law, by raising public awareness about human rights and by ensuring that human rights are included in any preparation for reunification.