

£SOUTH KOREA @Prisoner of Conscience Kim Nak-jung

Kim Nak-jung, 61-year-old political writer and activist, has been sentenced to life imprisonment under the National Security Law (NSL). Amnesty International has adopted him as a prisoner of conscience and is calling for his immediate and unconditional release. This document describes the background to Kim Nak-jung's arrest and the charges against him and why Amnesty International considers him to be a prisoner of conscience.

Background information about Kim Nak-jung

Kim Nak-jung is a well-known political activist who has pursued peaceful reunification of the divided Korean peninsula since the end of the Korean war (1953). The following statement, made by Kim Nak-jung during his first court appearance, offers an insight into his personality, motives and goals:

"I have lived here in South Korea for over 60 years. Through my life in South Korea, I have published numerous books and articles; delivered innumerable lectures and speeches; and appeared on many TV and radio interviews and debates. Not only the people who have had personal contacts with me but also those who have read my books or listened to my lectures, speeches or discussions are well aware that I have been an adamant pacifist opposing violent revolution and one-party dictatorship as well as a strong advocate of peaceful reunification of our nation. . . Since 1954 when nobody dared to talk about 'peaceful reunification' I have argued that in order to achieve reunification, both North and South Korea should stop attempting to overthrow each other and instead try to recognize and respect the presence of each other, promising non-aggression, securing international guarantees and increasing exchange and cooperation. Through these measures, I have argued, we should be able to hand down a reunified Korea to our descendants. I have struggled to achieve this and I have kept this conviction for the past 40 years. But for both North and South Korea, who were obsessed with how to topple each other, my arguments were intolerable and as a result I had to face various kinds of serious persecution and repression. . ."

Kim Nak-jung has spent many years in prison - in both North and South Korea. In 1955 he devised a reunification plan called "Proposal for the Establishment of a Unified

Independent Youth Community of Korea". He submitted his reunification plan to the South Korean President for which he was arrested and interrogated for 20 days. He then visited North Korea to submit his reunification plan to the North Korean leader Kim Il Sung but was arrested by the North Korean authorities and imprisoned for one year on suspicion of spying for the South. When he returned to South Korea in 1956 he was arrested by the authorities on charges of spying for the North. He was acquitted of these charges in 1960 after a series of trials, but was arrested again in 1963 while doing military service and served two years in prison for publicising his visit to North Korea.

In the early 1970s Kim Nak-jung obtained a master's degree in economics and went on to lecture on economic history at Korea University. In 1973 he was arrested again for involvement in the student movement and alleged espionage activities and was not released until 1980. After this he joined a number of citizens' groups supporting reunification, including the National Centre for the Promotion of Korean Reunification and the Citizens Coalition for Economic Justice. He also wrote numerous books and articles on the subject of reunification, the labour movement, economic policy and his own autobiography. In 1990 he joined and became co-president of the *Minjung* (People's) Party, a political party which was established in November 1990 with a moderate left-wing platform. In September 1991 he and several friends founded the Research Group for Peaceful Reunification, a private forum for academic discussion and analysis of reunification issues.

Arrest and interrogation

Kim Nak-jung was arrested at his home in Seoul on 25 August 1992 by the Agency for National Security Planning (ANSP) without a warrant of arrest. His wife and two daughters were also arrested and held incommunicado for 10 days.

Kim Nak-jung was not permitted to see his lawyer until 7 September - 13 days after his arrest. On 15 September he was transferred to the Seoul Detention Centre where he revealed that he had been beaten all over his body and on his fingers by a group of ANSP agents using clubs. He had been deprived of sleep and had fainted during interrogation. Visitors saw a scar on his head and bruises on his arms. He told relatives that he had gone through "what no human being should be made to suffer". Amnesty International expressed concern that Kim Nak-jung and other prisoners arrested in this case were denied access to lawyers and their families and that some were ill-treated¹.

¹See Amnesty International report, *South Korea: Reported Illegalities and Ill-Treatment in Latest "Spy Case"* (ASA 25/31/92), issued in December 1992.

The charges

Kim Nak-jung was one of 62 prisoners charged under the NSL for involvement in a "spy ring" allegedly operated by the North Korean Government, some 40 of whom have been sentenced to prison terms ranging from one year to life imprisonment. According to the ANSP, the "spy ring" was made up of three sections, one of which was headed by Kim Nak-jung. The central figure in the case was a 70-year-old North Korean woman called Lee Son-sil (alias Lee Son-hwa) who is described as being a high-ranking North Korean official. The ANSP stated that, while living in South Korea, from 1980 to 1990, Lee Son-sil organized a clandestine South Korean chapter of the Workers' Party of North Korea, encouraged the formation of the *Minjung* Party and infiltrated various sectors of society with the help of more than 10 North Korean agents.

Kim Nak-jung was accused of collecting state secrets through his activities in the *Minjung* Party and the Research group for Peaceful Reunification and of praising and benefitting the enemy (North Korea) through his writings, lectures and speeches. He was also charged with meeting and receiving money from North Korean agents on a number of occasions.

The NSL imposes long sentences of imprisonment or the death penalty for the very broadly-defined crime of "espionage" and for contacts with "anti-state" organizations (this definition includes the North Korean Government). It has often been used to imprison people with communist or socialist views, people who have expressed sympathy for North Korea and people who have made unauthorized visits to North Korea. Amnesty International believes that the definition of "espionage" in the NSL is too broad and that it has often been used to curtail the rights of freedom of expression and association. It has frequently urged the government to amend the NSL.

The trial

Kim Nak-jung's trial opened in November 1992 at Seoul District Criminal Court. His lawyers argued that his writings, discussions, lectures and activities in the *Minjung* Party and other citizens' groups were perfectly legal and did not involve the disclosure of classified information. Most of the charges with respect to praising and benefitting North Korea were dropped. The main evidence used to substantiate the charges was money which was allegedly found in Kim Nak-jung's home and presents he is said to have received from North Korean leader Kim Il Sung. Other pieces of espionage equipment were also presented, but these were allegedly found in other parts of Seoul.

Kim Nak-jung made a lengthy statement defending his activities and his ideals. He admitted that he had met North Korean agents who had first approached him in 1990 and he also admitted accepting money from them. However he defended his actions as those of a

peaceful activist who wished to see the reunification of North and South Korea. He denied all charges of espionage, saying that although he had spoken with North Korean agents, he had never passed secret information to them or sought to collaborate with them and he had not used the money given to him. He had not reported the meetings because he felt all citizens should have the opportunity to discuss reunification with North Koreans and felt he had a valuable contribution to make to this discussion. Like many other dissident figures, he did not believe that discussion of reunification should be monopolized by the government. He was also afraid that reporting the North Korean agents would endanger their lives and did not wish to be responsible for any loss of life. He said:

"I thought that it would be all right as far as I did not betray South Korea and did not cooperate with the activities which aimed at the destruction and overthrow of the South Korean Government. In reality, through contacts with the North Korean people, I held fast to such a position".

The following excerpt is taken from Kim Nak-jung's final statement to the court about his views on reunification the motivation behind his actions:

"This 'Proposal for the Establishment of a Unified Independent Youth Community of Korea' is a creation that took my whole life. And its single goal is to achieve reconciliation and peaceful reunification of this nation. In 1955 they never paid attention to my proposal and put it aside as the nonsense of a lunatic. But during the past 40 years everything has gradually changed. All principles of peaceful reunification in my proposal - mutual recognition, mutual respect, mutual non-aggression, gradual expansion of exchange and cooperation and peaceful reunification through an agreement of the two parties - are accepted in the North-South Agreement². Yet, the specific contents of my blueprint are not well understood. If this nation really wants to realize reconciliation and create a national community in which everyone could live together in peace, I am sure that the true meaning of my blueprint would eventually be found and appreciated by the people. As a miserable rooster on the chopping board, I am calling again for the true understanding of what I have been shouting for the past 40 years. The only reason I do so is because I wish that my beloved sons and daughters can avoid the judgement of fire and my beloved nation, to which I have devoted my whole life, can live together in peace as soon as possible. "

The verdict

²The Agreement on Reconciliation, Non-Aggression and Exchanges and Cooperation Between North and South Korea was signed by both parties in December 1991 but practical arrangements for its enforcement have not yet been worked out.

On 23 February 1993 Kim Nak-jung was sentenced to life imprisonment by the Seoul District Criminal Court. The judge's words to the court betrayed a degree of sympathy with the defendant. He said that he understood Kim Nak-jung's passion and desire for reunification and mentioned that he had received an impressive number of appeals from abroad. However, he said that he had to pass a guilty verdict because the defendant had broken the law.

The judge felt a death sentence was inappropriate because Kim Nak-jung's activities had not posed a serious danger to the state. However, he imposed a heavy prison sentence in view of the attention given to the case and the fact that it had generated such concern in the nation.

Amnesty International's view

Amnesty International does not believe that there is any evidence to suggest that Kim Nak-jung passed state secrets to the North Koreans he met, that he endangered the security of the state or that he used or advocated the use of violence. It believes that his actions were the result of a genuine attempt to realise peaceful reunification and as such cannot be seen as harmful to state security. Kim Nak-jung's writings, lectures, discussions and political activities show him to be a person who has always sought non-violent reunification of North and South Korea. Amnesty International does not believe that meeting and discussing reunification with North Koreans, without use or advocacy of violence, justifies imprisonment. It has adopted Kim Nak-jung as a prisoner of conscience and is calling for his immediate and unconditional release.

