

# £SOUTH KOREA

## @ "Unconverted" Political Prisoners

Amnesty International is concerned about a number of prisoners of conscience, possible prisoners of conscience and other political prisoners, convicted under national security legislation, whose continued detention appears to be a result of their refusal to renounce their real or alleged communist views. These prisoners are known as "unconverted" political prisoners, over 40 of whom have been held for some years in Taejon Prison. It is also concerned that some of the "unconverted" political prisoners may have been convicted after an unfair trial and that some may be required to renounce a communist viewpoint which they never held. It has adopted three of the "unconverted" political prisoners as prisoners of conscience and is calling for their unconditional release.

The "unconverted" political prisoners have been held for some years in Taejon Prison but according to recent reports some may now have been transferred to other prisons. They are serving lengthy prison sentences for alleged espionage activities on behalf of North Korea and the majority were convicted under previous governments. Some came from North Korea during the 1950-53 Korean War or were members of local opposition parties or resistance groups in the 1950s. Many of those arrested in later years were accused of visiting North Korea or of meeting supposed North Korean agents in Japan. Some of these prisoners claim that after their arrests they were subjected to lengthy interrogation, tortured and denied access to their families and lawyers.

The continued detention of many "unconverted" political prisoners appears to be a result of their refusal to renounce certain political beliefs. Many are serving terms of life imprisonment and some have already spent a considerable amount of time in prison. At least 30 "unconverted" political prisoners have spent more than 20 years in prison, including ten who have been held for over 30 years. Two have been in prison for over 40 years. Ordinary prisoners serving life-terms are generally released after serving between 16 and 18 years' imprisonment. While other prisoners can hope to be considered for early release by the Parole Examination Board, "unconverted" prisoners are kept outside this system, a factor which is particularly acute for those serving life terms.

Amnesty International believes that some of the "unconverted" political prisoners may never have held communist beliefs or have been involved in espionage activities. It has repeatedly urged the South Korean authorities to review the cases of some "unconverted" long-term prisoners, whom it considers may have been convicted after an unfair trial. Three of the "unconverted" political prisoners, Kim Song-man, Yu Won-ho and Chang Ui-gyun, have been adopted by Amnesty International as prisoners of conscience.

Kim Song-man, a student of political science, studied in South Korea and the USA. He also travelled to several East European countries and visited the North Korean embassies in Budapest and East Berlin. He was arrested in 1985 and sentenced to life-imprisonment under the National Security Law for passing state secrets to North Koreans he met abroad and acting under their instructions. Kim Song-man denied the charges against him and said that he met North Koreans to learn more about North Korea and to find out about the possibilities for reunification. Amnesty International has adopted Kim Song-man as a prisoner of conscience and is calling for his release as it does not believe that there is any evidence to substantiate the charges against him. Kim Song-man has argued that he should not have to "convert" because he was never involved in any spying activities. In a recent interview with his lawyer, he said:

"First of all, I believe in the principle of freedom of conscience . . . Right now, all over the world, the Cold War has ended, and even when one's ideology is different from that of others, they are still trying to seek reconciliation, so I can't agree with the proposition that I will receive special treatment only if I convert. . ."

"The true meaning of reunification [between North and South Korea] is that people with different ideologies can freely interact and travel about in public . . . Is it true that only the government can strive for reunification? I too support reunification and cannot sign something which goes counter to reunification. I should walk freely on the street without converting . . ."

Amnesty International is also calling for the release of businessman Yu Won-ho and publisher Chang Ui-gyun. Yu Won-ho was arrested in April 1989 and sentenced to seven years' imprisonment under the National Security Law for making an unauthorized visit to North Korea, together with Presbyterian minister Reverend Moon Ik-hwan. At his trial Yu Won-ho explained that he went to North Korea to advance reunification and because he did not consider North Korea to be an "anti-state" organization (the National Security Law prohibits unauthorized contact with North Korea which it defines as an "anti-state" organization). Chang Ui-gyun was arrested in July 1987 and charged under the National Security Law with meeting and passing state secrets to pro-North Koreans in Japan. Chang Ui-gyun denied the charges of espionage and said he had only met people who supported North Korea in an attempt to understand the division of the Korean peninsula and the political system in North Korea. He was sentenced to eight years' imprisonment.

Other "unconverted" political prisoners whom Amnesty International believes may have been convicted after unfair trials, include Cho Sang-nok and Shin Kui-yong. Cho Sang-nok, who was arrested in 1978 and sentenced to life imprisonment, alleges that he was tortured in an unidentified location for 17 days after his arrest and Amnesty International is concerned that he may have been convicted on the basis of a confession extracted under torture. Shin Kui-yong was arrested in 1980 and sentenced to 15 years' imprisonment. His family say he

was held incommunicado for 70 days after his arrest in 1980 and was forced to make a confession under torture.

The basis for the "conversion" system is contained in a regulation issued by the Ministry of Justice in 1969. The Ministry of Justice regulation classifies political and non-political prisoners into four classes. Class A includes the prisoners who can be rehabilitated; Class B includes the prisoners whose rehabilitation is considered difficult; Class C includes prisoners whose rehabilitation is deemed very difficult, including recidivists and "prisoners of conviction" who have "converted". "Prisoners of conviction" who have not "converted" belong to Class D and are not entitled to the benefits granted in the other classes.

According to testimonies of former political prisoners, in order to show they had "converted", they were required to write a statement explaining (a) how they became communists, (b) the activities they carried out to promote communism, (c) the reasons why they wanted to give up communism, and (d) what they proposed to do in the future. The prisoners then appeared before a committee of prison officials who decided whether to accept the statement as evidence of a true "conversion". Released political prisoners have testified that during the 1970s and 1980s many prisoners were tortured to force them to "convert". At present, however, the main pressure on prisoners is said to be a psychological one, including the denial of early release on parole. Prisoners who have not "converted" are also reportedly unable to receive and send regular correspondence, to meet visitors without guards being present, to have extra items of furniture in their cells, to work, watch television or to attend religious worship.

In February 1992 a group of "unconverted" political prisoners filed a petition with the Constitutional Court on the basis that the "conversion" system violates the rights to freedom of conscience and human dignity, guaranteed in the Constitution of the Republic of Korea.