

---

# Amnesty International

---

## REPUBLIC OF KOREA (SOUTH KOREA)

### Arrest and Trial of Trade Union Leaders

2 February 1996

AI INDEX: ASA 25/03/96

DISTR: SC/CO/GR

On 1 February 1996 Yang Kyu-hun was arrested. On 26 January Kwon Young-kil went on trial. As leaders of *Minju Nochong* (Korean Confederation of Trade Unions, KCTU), Yang Kyu-hun and Kwon Young-kil are two of South Korea's most important trade union leaders. Their arrests appear to be motivated by a desire on the part of the South Korean authorities to suppress the growth of independent trade unionism in South Korea. Amnesty International has adopted Yang Kyu-hun and Kwon Young-kil as prisoners of conscience, held for the non-violent exercise of their trade union activities, and is calling for their immediate and unconditional release.

Kwon Young-kil, President of the KCTU, was arrested on 23 November 1995 and on 16 December he was charged with "third party intervention" in labour disputes. These charges relate to the contents of his speeches at a series of rallies in May and June 1994 in which he advised workers about industrial action, expressed support for workers and criticised government policy.

Yang Kyu-hun, Vice President of the KCTU, was in hiding until his arrest on 1 February 1996. Under South Korean law he may be questioned by police and prosecution authorities for up to 30 days and faces the same charges as those brought against Kwon Young-kil.

The KCTU currently comprises some 418,000 workers from 861 trade unions throughout the country. It has described itself as a national centre of independent and democratic trade unions and an alternative to an established federation, *Hankuk Nochong* (Federation of Korean Trade Unions, FKTU) which is generally seen as conservative and pro-government. The KCTU's platform includes a pledge to achieve workers' fundamental rights, to build and unify the trade union movement in South Korea, to improve work

conditions, to eliminate discrimination in the workplace and to develop solidarity with workers throughout the world.

### **Background information**

The prohibition on "third party intervention" is contained in Article 13-2 of the Labour Dispute Mediation Act which prohibits a "third person", that is anyone who has no immediate connection with a workplace where a dispute is taking place, from intervening in the dispute. Trade unions are generally formed at company level and any person outside the company will be regarded as a "third party".<sup>1</sup>

The authorities regard as "third party intervention" advice given to trade union members about their rights and about the conduct of industrial disputes. The maximum penalty on conviction is five years' imprisonment.

Kwon Young-kil and Yang Kyu-hun had been in hiding since June 1994 when warrants were issued for their arrest, on charges of "third party intervention" in labour disputes. Although in hiding, they established and led a preparatory committee for the KCTU which was formally inaugurated on 11 November 1995..

Kwon Young-kil was charged with giving advice to trade union members in speeches he made on 10 occasions in May and June 1994. In his speeches he made general expressions of support for workers and criticised the government for using armed police to arrest striking workers. He also expressed support for workers regarding industrial disputes at Daewoo Shipyard, Hyundai Heavy Industry and Seoul Subway. Several of the charges relate to statements he made about a strike at Korean National Railroad in June 1994. In this case, members of the trade union *Chonkihyop* had only taken strike action after management refused to negotiate with the union and there is evidence that Kwon Young-kil had made efforts to bring about a peaceful end to the dispute. In Amnesty International's opinion, these activities amount to no more than the peaceful exercise of his trade union activities.

Three additional minor charges were brought against Kwon Young-kil in connection with two demonstrations organized by the KCTU in November 1994 and November 1995. The latter was said to have interfered with traffic flow, although the KCTU had obtained permission to hold the demonstration; both rallies were said to have resulted in violence, although Amnesty International knows of no evidence that Kwon Young-kil had used or advocated violence. He is also charged with raising funds for the KCTU without government permission. Amnesty International is concerned that these additional charges, not mentioned on the original arrest warrant, may have been added to the charge of "third party intervention" in an effort to offset international and domestic protest against the arrest.

---

<sup>1</sup>A legally recognised industrial federation to which the trade union belongs is permitted to give advice/ intervene in a dispute. However, the KCTU is seen as an illegal trade union body because it duplicates the work of an existing federation, the FKTU. Article 3 of South Korea's Trade Union law forbids the establishment of a second trade union at one workplace "when the organization has the same organizational object as an existing labour union, or it aims to interfere with the normal operation of such a union". This prohibition extends to trade union federations. At the national level the FKTU is the only legally recognized national trade union body.

Amnesty International believes that Kwon Young-kil and Yang Kyu-hun have been arrested for activities which amount to no more than the peaceful exercise of their rights to freedom of expression and association. It is concerned that in recent years the prohibition on "third party intervention" has been used to deny trade union leaders the right to practice their legitimate trade union activities.

The need to reform labour legislation in South Korea has been recognized by several international bodies in a series of recommendations to the South Korean Government. In March 1993 the International Labour Organization (ILO) Committee on Freedom of Association called on the South Korean government to lift the ban on "third party intervention", saying "*As the Committee is of the opinion that the ban on third party intervention in the settlement of disputes constitutes a serious restriction on the free function of trade unions, it calls on the Government to repeal this ban*". In May 1995 the UN Committee on Economic, Social and Cultural Rights included the following in its recommendations to the South Korean Government "*The committee recommends that the Government immediately amend its laws and regulations concerning the freedom to form trade unions and the right to strike in order to bring them into compliance with the Covenant [International Covenant on Economic, Social and Cultural Rights] and with other applicable international standards*". In July 1995 the UN Human Rights Committee found that Sohn Jong-kyu, sentenced to 18 months' imprisonment for "third party intervention" in a labour dispute, had been convicted for exercising his right to freedom of expression. The Committee urged the South Korean Government to review Article 13-2 of the Labour Dispute Mediation Act and to ensure that similar violations did not occur in future.

## REQUEST FOR ACTION

### **Please send letters and faxes:**

- *Calling for the immediate and unconditional release of Kwon Young-kil and Yang Kyu-hun, held for the peaceful exercise of their trade union activities;*
- *Calling for amendment of legislation prohibiting "third party intervention", in line with international standards relating to freedom of expression.*

### **Send appeals to:**

- President Kim Young-sam

The Blue House, 1 Sejong-no, Chongno-gu  
Seoul, Republic of Korea, **Fax: +82 2 770 0253**

- Mr Ahn Woo-man, Minister of Justice

Ministry of Justice, 1 Chungang-dong  
Kwachon-myon, Shihung-gun, Kyonggi Province  
Republic of Korea, **Fax: +82 2 504 3337**

- Mr Jin Nyun, Minister of Labour

Ministry of Labour, 1 Chungang-dong  
Kwachon-myon, Shihung-gun, Kyonggi Province  
Republic of Korea, **Fax: +82 2 503 9743**

- and to diplomatic representatives of the Republic of Korea (South Korea) in your own country.

- *This appeal has been sent to KOTARAN Coordinators for quick action by selected groups.*

**KEYWORDS:** TRADE UNIONISTS1 / PRISONERS OF CONSCIENCE

**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM**

---