

REPUBLIC OF KOREA (SOUTH KOREA)

Open letter from Amnesty International to political parties on the occasion of the April 1996 National Assembly elections

February 1996

To all political parties and candidates in the National Assembly elections,

I am writing this open letter to you as Secretary General of Amnesty International, the world's largest human rights organization. I urge you to recognize the importance of human rights by including a human rights component in the program of action you propose to voters in the forthcoming National Assembly elections.

Today the promotion and protection of human rights has become a global issue. Governments have recognized its importance by ratifying international human rights treaties, participating in international human rights monitoring and raising human rights in international fora.

Over the past decade South Korea has taken steps towards greater freedom and enhanced human rights. It is emerging as one of the strongest and most dynamic economic and political forces in the Asia-Pacific region. As it assumes a greater role on the world stage, Amnesty International urges South Korea to promote international respect for human rights.

At the same time, South Korea must protect and promote human rights within its own borders, respect fully the international human rights standards it has ratified, and fulfil the recommendations made by international bodies such as the United Nations.

The forthcoming elections will be an important stage in the evolution of South Korean democracy. The development of an increasingly participatory democracy is contributing to South Korea's enhanced international credibility. This credibility remains fragile, however, if further safeguards for human rights are not implemented and necessary legal reforms remain stalled.

Amnesty International has identified some key human rights issues which mar South Korea's human rights record, and its image in the eyes of the international community. Amnesty International believes that these issues can and should be resolved by the next government in South Korea.

Politicians, whether in government or opposition, have a key role to play in the improvement of human rights. If elected, we hope you will ensure that human rights issues are on the agenda for debates in the National Assembly, that you raise questions about human rights and seek legislative reform. As elected members, you will be in a position to influence government policy and public opinion.

Amnesty International is an impartial, worldwide voluntary movement. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect.

The main focus of Amnesty International's campaigning is to free all prisoners of conscience (people detained anywhere for their beliefs or because of their ethnic origin, sex, colour or language - who have not used or advocated violence); to ensure fair and prompt trials for political prisoners; to abolish the death penalty, torture and other cruel treatment of prisoners; and to stop extrajudicial executions and "disappearances".

The points made below do not constitute a comprehensive set of recommendations on human rights in South Korea. They are a list of key issues which Amnesty International believes should be examined and acted upon; they are made in the spirit of international cooperation; and they are made as a part of Amnesty International's work to improve the protection and promotion of human rights throughout the world.

I urge you to consider these recommendations and to ensure that human rights do not become a forgotten issue - both during and after the election campaign.

1) Amendment of the National Security Law

Amnesty International believes that the National Security Law should be amended so that it conforms with provisions relating to freedom of expression and association contained in the International Covenant on Civil and Political Rights (ICCPR).

Provisions of the law which punish non-violent political activities should be removed. In the current law provisions which punish those who "praise" and "benefit" the enemy and "anti-state" activities, are vaguely defined. The authorities have been

able to use the law for political purposes, when it suits them to do so, against those it wishes to silence.

Amnesty International is aware of the military and political situation caused by the division of the Korean peninsula and is not advocating the abolition of security legislation. However, the National Security Law in its current form is being used to arrest and imprison people who pose no threat to state security.

Other international bodies, including the United Nations Human Rights Committee, have urged revision or abolition of the National Security Law. The last revision of the law was in 1991 and was not far reaching. Now is the time to take further action to bring the law into line with South Korea's responsibilities under international law.

2) Review of the cases of political prisoners

Amnesty International is calling for the release of all prisoners held for the non-violent exercise of their rights to freedom of expression and association, regardless of their political views. Most of these prisoners are currently held under the National Security Law. It also condemns the practice whereby some prisoners of conscience are under pressure to renounce their alleged communist views (to "convert").

Amnesty International calls for a review of the cases of political prisoners convicted in previous decades under the National Security Law after unfair trials and on the basis of confessions extracted under torture.

Amnesty International calls for the unconditional release of prisoners of conscience. It is concerned that some released prisoners have been placed under excessive police surveillance and had unreasonable restrictions placed upon their activities.

3) Repeal of the prohibition on "third party intervention" in labour disputes

The provision in the Labour Dispute Mediation Act prohibiting third party intervention in a labour dispute should be revised to prevent the imprisonment of trade unionists for non-violent, legitimate trade union activities. Other international bodies, including the United Nations and the International Labour Organization, have also urged the repeal of the ban on third party intervention. The ban on third party intervention has been used to

curtail workers' rights to freedom of expression and association, in contravention of international standards.

4) Prevention of abuse by the Agency for National Security Planning (ANSP)

Amnesty International urges a review of the ANSP's considerable powers of investigation, arrest and interrogation. For decades the ANSP has been responsible for the investigation of people suspected of national security offences. It has also been responsible for many abuses of human rights.

The ANSP's role and powers were restricted in 1993 with the passing of an amendment to the National Security Planning Agency Act (ANSP Act) but many of the agency's activities appear to continue unchecked. Amnesty International continues to document cases of illegal arrests and ill-treatment by the ANSP and is concerned that human rights abuses will continue unless it is made more accountable for its actions.

5) Eradication of torture and ill-treatment

The South Korean Government demonstrated its commitment to the eradication of torture and ill-treatment when it ratified the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in January 1995. Ratification of this convention places a responsibility on governments to ensure that torture and ill-treatment are prohibited, not only in law but also in practice.

Amnesty International receives fewer reports of severe torture and ill-treatment than in previous decades and recognizes that improvements have taken place. It continues, however, to receive reports of detainees being deprived of sleep, threatened, coerced into signing confessions and sometimes beaten. Such practices are incompatible with South Korea's new responsibilities under the Convention against Torture.

Torture and ill-treatment in South Korea could and should be eradicated. The authorities in South Korea should make clear that such practices will not be tolerated and should introduce effective measures to protect the human rights of detainees.

6) Investigation of all human rights violations - past and present

Recent events in South Korea have highlighted the importance of investigating past human rights abuses. An official investigation of the killings of unarmed civilians at Kwangju in May 1980 has raised questions about impunity and the situation of victims.

Amnesty International believes that these questions should be raised in relation to all reports of human rights violations - past and present. All reports of human rights violations should be the subject of an *independent* investigation; any official found responsible should be brought to justice and all victims should receive fair compensation.

At present, investigations are not independent, few officials are prosecuted and few victims receive compensation. There is no effective remedy for prisoners convicted in previous decades after reported unfair trials.

Amnesty International hopes that the current debate about killings in Kwangju will be extended to all victims of human rights violations - those which were carried out in past decades and those which have taken place under the current government. The government has a responsibility to ensure that all victims of human rights abuse have access to an effective remedy.

7) Abolition of the Death penalty

Amnesty International is urging South Korea to join the growing number of countries which have abolished the death penalty in law, having recognized that the arguments in favour of abolition are compelling. The death penalty is a violation of the right to life and the ultimate form of cruel and inhuman treatment. It has no unique deterrent effect; it may be inflicted on the innocent and is often inflicted on the weaker members of society.

Experience in other countries has shown that public opinion often supports abolition if it is given balanced information about the death penalty and a real opportunity to examine both sides of the debate. South Korea should follow the worldwide trend towards abolition. The first step could be the commutation of all death sentences and a public commitment to carry out no further executions.

I hope that all politicians elected to the National Assembly in April will give high priority to the concerns expressed in this letter and to policies which protect and promote human rights.

Yours sincerely

Pierre Sané
Secretary General