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REPUBLIC OF KOREA (SOUTH KOREA)

A HUMAN RIGHTS AGENDA FOR SOUTH KOREA QUESTIONS AND ANSWERS

1. Does Amnesty International expect South Korea's human rights situation to change after the inauguration of Kim Dae-jung as President?

Amnesty International strongly urges Kim Dae-jung to improve South Korea's human rights situation as soon as he takes office as President. The organization cannot predict the actions of Kim Dae-jung's administration, but it hopes that it will have the political will to get reform through, and to end human rights violations inherited from the past.

The presidency of Kim Dae-jung, a former prisoner of conscience and long-standing human rights advocate, could mark a new departure for human rights, provided he upholds his election pledges and maintains a firm commitment to carry out legal and judicial reforms. His long-standing support for human rights is a good omen for South Korea. As a former victim he of all people should understand the need for putting human rights principles into practice.

Kim Dae-jung has long advocated the universality of human rights and has himself supported what he described in 1995 as the *"increasing awareness of the importance of democracy and human rights among Asian peoples"*.

In November 1997, President-elect Kim Dae-jung pledged that he would consider measures such as the release of some, but not all, prisoners of conscience. Amnesty International hopes that these commitments will be clarified and followed through early on in his presidency, and that further action will be taken to remedy past human rights violations and prevent new ones from occurring.

2. What did Amnesty International do about Kim Dae-jung when he was himself targeted by the South Korean authorities?

Kim Dae-jung was subjected to human rights violations for peacefully exercising his right to freedom of expression. He spent much of the 1970s under house arrest or in prison. It was during this period that he was first adopted as a prisoner of conscience by Amnesty International.

He was arrested in March 1976, as a prominent signatory of a "Declaration for National Democratic Salvation". He was arrested again in May 1980, just before the Kwangju Massacre, and was accused of having "instigated" agitation. He was sentenced to death in September 1980.

His eldest son Kim Hong-il and his brother Kim Dae-hyun were sentenced to imprisonment at the same time, while his wife, Lee He-ho, was kept under partial house arrest.

Amnesty International, and many other human rights and pressure groups, campaigned vigorously on Kim Dae-jung's behalf throughout that period. In 1981, following widespread international protests and campaigning by international organizations, his death sentence was commuted; in 1982 he was released on a "suspended" sentence. In February 1985, he was placed under house arrest again on the day he returned from two years' exile in the USA. House arrest and harassment continued until February 1986.

During a visit to London in 1993, Kim Dae-jung presented Amnesty International Secretary General Pierre Sané with a calligraphy he had written, of four Chinese characters meaning "All Nations are One Family".

3. Specifically, what does Amnesty International want the new president to do?

Before the South Korean presidential election, Amnesty International published an open letter to all candidates, asking them to commit themselves to an 18-point agenda of human rights reforms. Amnesty International is now reiterating this request to the new President.

In particular the organization calls for the release of prisoners of conscience and the amendment of the National Security Law in accordance with international standards. It also calls for steps to be taken to eradicate torture and ill-treatment, and to abolish the death penalty.

Amnesty International also wants the new administration to ensure that full and impartial investigations are conducted into all human rights violations - past and present. It wants the new President to set up mechanisms to protect and promote human rights, possibly through the establishment of an independent national human rights commission. It hopes that the new administration will reform its asylum procedures and that it will fully implement the international human rights treaties it has signed.

4. Some human rights organizations claim that there are hundreds of prisoners of conscience and political prisoners in South Korea. What is Amnesty International's figure? How is it compiled?

Amnesty International does not document and research every individual political detainee or prisoner - given the high number of arrests this would not be practical. Therefore, it cannot say how many prisoners exist at a given point in time. Instead, the organization studies patterns of arrest and calls for legal and procedural changes which will avoid such human rights violations in future. Amnesty International campaigns on individual prisoner cases in order to demonstrate a pattern of human rights violations. It also uses its resources to work for those prisoners who have been sentenced to long prison terms and are therefore in most need of outside help.

Hundreds of people are arrested every year for political activities in South Korea - over 600 people were arrested under the National Security Law in 1997. Most are released after relatively short periods, but some receive lengthy prison sentences. The high number of arrests makes it difficult to keep exhaustive tabs on arrests, and it is also difficult in many cases to monitor the release of individuals.

Amnesty International has long-term concerns for dozens of political prisoners serving long prison sentences. Most are prisoners of conscience, others are not classified as such by Amnesty International - often because we do not have enough detailed information about them to do so. Amnesty International does not claim that it monitors all possible prisoners of conscience: it consistently signals that the individual cases taken up by the organization represent wider patterns of repression

Amnesty International regards as prisoners of conscience those who are detained for their beliefs or because of their ethnic origin, sex, colour, language, national or social origin, birth or other status - who have not used or advocated violence. The organization believes the imprisonment of such people cannot be justified in any circumstances and that they should be immediately and unconditionally released.

Amnesty International also calls for fair and prompt trials for all political prisoners - whether or not they have used or advocated violence. It may also call for the release of political prisoners who have been held for a long time after an unfair trial, unless their cases are reviewed urgently.

5. Kim Dae-jung said he wants to improve relations with North Korea. What is Amnesty International's view, and what do you expect him to do about human rights violations in North Korea?

Amnesty International hopes that increases in inter-Korean contacts and talks will contribute to reducing tension on the Korean Peninsula, and to improving human rights safeguards for all Koreans. The organization urges South Korea (and all other countries) to place human rights at the top of the agenda in any dialogue with North Korea - as should be the rule for all international dialogues.

There is very little reliable, independent information on the human rights situation in North Korea. South Korea could significantly contribute to a better understanding of the human rights situation in North Korea by allowing more public scrutiny of information from North Korean sources, and by refraining from misusing for propaganda purposes reports of human rights violations in North Korea.

Wider access to information on North Korea by independent academics and observers, could also contribute to improving understanding of human rights violations in North Korea. To promote greater public awareness and understanding, South Korea should allow its own citizens to be involved in discussions about contacts with North Korea and reunification issues.

6. Isn't North Korea's human rights situation much worse than that in the South? Shouldn't Amnesty International pay more attention to it than it does to the situation in South Korea?

North Korea is in the grip of a very serious economic crisis, with widespread food shortages which have led to famine and the premature death of at least one million people, possibly many more. In addition, there is clear evidence that the North Korean authorities do not tolerate the public, peaceful expression of critical views. Amnesty International believes that grave human rights violations have occurred in this context.

Amnesty International's work on North Korea is hampered by a lack of independent and accessible information about that country. In spite of these difficulties, in recent years it has published several reports about severe human rights violations in North Korea. The organization remains very concerned about the poor human rights situation in North Korea and continues to seek ways to improve human rights protection there.

Amnesty International does not compare the human rights situation in different countries. It holds the South Korean Government responsible for the protection and promotion of human rights in South Korea. It also expects the South Korean Government to press for improvements in the human rights situation in other countries, including North Korea.

7. Doesn't Amnesty International see that the economic crisis in Asia will overshadow the human rights agenda? Isn't overcoming the economic crisis a human rights priority too?

The economic crisis in South Korea is severe and is obviously a major priority for the new President. South Korea's economic problems may well impact upon the Korean people's enjoyment of economic, social and cultural rights. However, this should not become a justification for the denial of civil and political freedoms as well.

Human rights protection is particularly important at a time of crisis - it will be important for the new administration to ensure that the political, economic and social rights are not eroded during this period and that the rights of disadvantaged groups are protected, including those of women and non-unionised workers.

Amnesty International also believes a strong human rights program will be a good foundation on which to build the country's recovery. The economic crisis in Asia has shown the importance of the rule of law, government accountability and freedom of information (key factors in protecting human rights) to economic stability and sustainable development.