

REPUBLIC OF KOREA (SOUTH KOREA)

Update on National Security Law arrests and ill-treatment: The need for human rights reform

1) Summary of concerns

In November 1995 Amnesty International published a report on human rights concerns in South Korea entitled: *International Standards, law and practice: the need for human rights reform* (ASA 25/25/95). It focused on the following three areas where Amnesty International believes human rights protection to be inadequate:

- The use of the National Security Law to imprison people for the non-violent exercise of their rights to freedom of expression and association.
- The need for practical measures to protect detainees from torture and ill-treatment.
- The lack of an effective remedy for the victims of human rights violations.

In November 1995 this report was raised by Amnesty International at meetings with South Korean Government officials who said that they would respond to the concerns raised. At the time of writing, no official response had been received.

Since the publication of that report, Amnesty International has continued to document human rights violations in these areas of concern, some of which are described in this document. These recent examples reinforce Amnesty International's earlier recommendations that the National Security Law should be amended and that better safeguards should be introduced to protect detainees from torture and ill-treatment. They also highlight the need for an effective and independent machinery to investigate all reports of human rights violations.

All governments have a responsibility to protect and promote human rights. The South Korean Government has recognized this responsibility through the ratification of major international human rights covenants. Amnesty International believes, however, that the South Korean Government should ensure that it respects the terms of the international standards it has ratified.

Through this document, Amnesty International renews its appeal to the South Korean Government to make human rights protection a priority by initiating early reform in law and practice so as to prevent further human rights violations.

2) The National Security Law

2.1 Summary of concern

South Korea's National Security Law (NSL) provides prison terms for those who "praise" and "benefit" the Democratic People's Republic of Korea (North Korea), for vaguely defined "anti-state" activities, for unauthorized visits to North Korea and unauthorized contacts with North Koreans. In practice it has been used frequently to imprison people for the non-violent exercise of their rights to freedom of expression and association. In its November 1995 report Amnesty International said that hundreds of political prisoners, including prisoners of conscience, were held under the NSL.

The NSL has been used in contravention of international human rights standards on freedom of expression and association. These include the International Covenant on Civil and Political Rights (ICCPR), which has been ratified by South Korea.

2.2 New Arrests under the National Security Law

Since November 1995 Amnesty International has documented dozens more arrests under the NSL for non-violent activities. During a two-and-a-half month period, from mid-November 1995 to early February 1996, the organization received information about at least 67 arrests under the NSL - mostly under Article 7 which provides up to seven years' imprisonment for those who "praise" and "benefit" North Korea. Those arrested included students, college lecturers, workers, teachers and activists. At least four of the prisoners were women; seven were over the age of 70 and one was 88 years old.

On 29 November 1995 a total of 29 people were arrested for their alleged membership of *Pomminnyon* (Pan national alliance for the reunification of Korea). They included five men over the age of 70: Chon Chang-il (aged 75), Kim Byong-kwon (aged 75), Kang Jae-woo (aged 76) Kim Kwang-ryun (aged 74) and Lee Joong-rim (aged 74). An 88-year-old man, Shin Chang-kyun, was also charged but was released from prison in December pending trial.

Most of these prisoners were arrested and charged under Article 7 of the NSL for being members of an organization which "benefits" North Korea. They are considered by Amnesty International to be prisoners of conscience, held for the non-violent exercise of their rights to freedom of expression and association.

Pomminnyon was established in 1990 and has branch offices in Japan, Europe and North Korea. Its main objectives include the peaceful reunification of Korea, the withdrawal of US troops from South Korea, abolition of the National Security Law and the replacement of the current armistice agreement with a peace treaty. Because its ideas are perceived to be similar to those of the North Korean Government, it has been defined as an organization which “benefits” North Korea under Article 7 of the NSL.

Chon Chang-il and Kim Byoung-kwon were also charged under Article 4 of the NSL with passing “state secrets” to and receiving money from an official of the Tokyo branch of *Pomminnyon*, whom the authorities claim to have been an “agent” for North Korea. The “state secrets” in question were apparently photographs of a May Day rally in Seoul and a press statement made by *Pomminnyon* calling for former long-term prisoners to be permitted to visit North Korea. Money received from Tokyo was, according to *Pomminnyon*, the result of fund-raising in Japan. Amnesty International believes the two men should be released if they are held solely for these activities, which amount to no more than the peaceful exercise of their rights to freedom of expression and association.

There were dozens of arrests at the beginning of 1996. Amnesty International recorded at least 30 arrests under the NSL in January and the first week of February. They included five army conscripts who were arrested on 30 January under Article 7 of the law. Lee Dong-bin, Ahn Chang-hyun, Jung Jong-kuk, Jung Taek-sang and Park Jong-suh were accused of belonging to *Minminkahryun* (Alliance for People’s Democratic Student Movement). The five claim that this was a student organization, disbanded in 1992. It is not clear to Amnesty International why their current activities were considered to be a violation of the NSL.

On 3 February singer Lee Eun-jin (f, aged 30) and publisher Won Yong-ho (m) were arrested under Article 7 of the NSL for publishing and disseminating a songbook called *Song of Hope* which is alleged to “praise” and “encourage” North Korea. On 8 February Amnesty International called for their immediate and unconditional release.

Nine members of *Sanomaeng* (Socialist Workers League) were also arrested on 3 February 1996 under Article 3 of the NSL for membership of an “anti-state” organization. They included college lecturers Yu Hyung-ok(m), Lee Sang-yoon(m) and Im Jong-won(m) and graduate student Kwon Soon-mi(f). *Sanomaeng* was established in 1990 and since then dozens of people have been arrested and imprisoned for their alleged membership of this group. Amnesty International has found no evidence that the individuals concerned had instigated a violent plot to overthrow the government, as was alleged by the authorities. Many have been adopted by the organization as prisoners of conscience.

2.3 Amnesty International's recommendations

- The National Security Law should be amended so that the rights to freedom of expression and association are protected, in accordance with international human rights standards.
- All prisoners held for the non-violent exercise of their rights to freedom of expression and association should be released immediately and unconditionally, regardless of their political views.

3) Torture and ill-treatment: the lack of safeguards to protect detainees

3.1 Summary of concern

Amnesty International has received regular reports that detainees are routinely deprived of sleep during long periods of interrogation, usually by the police or the Agency for National Security Planning (ANSP). Some reports of beatings have also been received. In its November 1995 report Amnesty International called for an end to torture and ill-treatment. It said practical safeguards, such as early access to lawyers, would provide some protection against ill-treatment. It expressed concern that the long period of detention before charges are brought - up to 50 days under the NSL - facilitates the use of ill-treatment to extract confessions. As a party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, South Korea has a responsibility to ensure that torture and ill-treatment are eradicated in practice.

3.2 New reports of ill-treatment

Since November 1995 Amnesty International has continued to receive reports that political detainees are being subjected to ill-treatment by the police, the Agency for National Security Planning (ANSP, South Korea's intelligence branch) and the Military Security Command (MSC). Several detainees were reported to have been denied access to lawyers and relatives and several were held for 50 days before they were charged.

Two men arrested in November 1995 by the ANSP were reportedly ill-treated, denied access to their lawyers and held for a long period before charges were brought. Park Chung-ryun (m, aged 35), Deputy Chairman of the National Alliance for

Democracy and Unification of Korea (NADUK), and Kim Tae-ryun (m, aged 32) , Chairman of *Songnam* youth group, were arrested on 15 November 1995 by the ANSP. During 20 days of interrogation by ANSP officials they were reportedly deprived of sleep, threatened and beaten. Park Chung-ryun told his lawyer that most of the ill-treatment occurred between 30 November and 3 December, a time when he was denied access to his lawyer. He said that during this period he was taken by ANSP officials to several different places in Seoul and that he was beaten on a number of occasions. During this time he claims to have made a false confession.

The two men were initially arrested on suspicion of “espionage” activities for North Korea but were charged on 4 January 1996 under Article 7 of the NSL on a less serious charge of possessing material which “benefits” North Korea. They were interrogated by the ANSP officials for 20 days and by prosecution officials for 30 days - a total of 50 days - before formal charges were brought.

Chun Chang-il and Kim Byong-kwon, two 75-year-old men (case described in point 2.2 above), were arrested on 29 November 1995 on suspicion of passing “state secrets” to North Korea. They were interrogated for 47 days before charges were brought against them on 15 January 1996.

The nine alleged *Sanomaneg* members arrested by the Seoul Police Administration on 3 February 1996 (case described under point 2.2 above) were reportedly denied access to their appointed lawyers on the day of their arrest. Two lawyers apparently came to the police station at 4pm and waited until 8pm but were not permitted to see the detainees.

The five army conscripts arrested in January by the MSC (case described under point 2.2 above) were reportedly interrogated for 20 hours each day between 30 January and 6 February and only permitted to sleep for three or four hours each night. They were also denied visits from family members. One of the prisoners, Lee Dong-bin, was said to have been denied medical attention while in detention, although before his arrest he had apparently been receiving medical treatment for a serious back complaint.

Koh Ae-soon(f) was arrested on 4 December under the National Security Law. She was in her eighth month of pregnancy at the time but was not examined by a medical doctor for 50 days after her arrest, even though she had apparently complained to the authorities at Kwangju Prison that she felt unwell. Koh Ae-soon was released on 31 January and went into hospital. Her baby was stillborn on 5 February.

3.3 Amnesty International's Recommendations

- Torture and ill-treatment are prohibited under South Korean and international law. As a party to the UN Convention against Torture South Korea has a responsibility to ensure that torture and ill-treatment are eradicated in practice.
- Legal provisions which permit suspects to be held for up to 50 days before charge should be amended. Suspects should be either charged promptly with a recognizable offence or released.
- In Amnesty International's experience prompt and regular access to lawyers constitutes an important safeguard to protect the rights of detainees. All detainees should be granted prompt and regular access to lawyers, relatives and independent medical attention.
- The government should ensure that all law enforcement personnel receive adequate training in both domestic and international human rights standards. This should include information about South Korea's responsibilities under the UN Convention against Torture.

4) Investigations into reported human rights violations, past and present

4.1 Summary of concern

South Korean law stipulates that those responsible for human rights violations should be brought to justice and victims receive compensation. In practice, however, most investigations are inadequate and most victims do not obtain redress.

In South Korea there is no independent body responsible for the investigation of human rights violations. The prosecution authorities only investigate formal complaints; they often appear unwilling to take action; when investigations do take place, they are slow and result in few prosecutions. In a few cases officials were brought to justice and victims received compensation, but these are exceptional cases. Victims and their families have told Amnesty International that they have little confidence in a system which rarely provides justice.

In early 1996 two former Presidents and several other former government officials were put on trial for their involvement in a series of events in 1979 and 1980, including the killings of unarmed civilians at Kwangju in May 1980. Amnesty International believes that the investigation into this incident has raised important and relevant questions about past human rights violations. However, it urges the authorities to ensure that the victims of all past human rights violations have access to an effective legal remedy.

Other victims of past human rights violations include several dozen political prisoners who are believed to have been convicted unfairly under previous governments, during the 1970s and 1980s. These prisoners, sentenced to long prison terms under the National Security Law, are widely believed to have been tortured and convicted on the basis of coerced confessions. They too are entitled to justice.

4.2 Amnesty International's Recommendations

- All reports of torture, ill-treatment and unfair trial - past and present - should be investigated by an independent body. Anyone found responsible for inflicting torture and ill-treatment should be brought to justice; victims should receive fair and adequate compensation.