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REPUBLIC OF KOREA (SOUTH KOREA)

Long-term prisoner Kim Tae-ryong

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Kim Tae-ryong was arrested in July 1979 under the National Security Law and interrogated in incommunicado detention for 36 days during which time he was reportedly tortured. He was sentenced to life imprisonment on charges of espionage after a trial which is believed to have been unfair, largely on the basis of coerced confessions. Kim Tae-ryong's sentence was later reduced in a prisoner amnesty and he is due for release in 1999. Amnesty International believes that he may be a prisoner of conscience and is calling for an urgent review of his case.

Background information about long-term political prisoners:

For many years Amnesty International has called for a review of the cases of long-term political prisoners who were arrested during the 1970s and 1980s and sentenced to long prison terms on charges of spying for North Korea. Amnesty International believes that at least 20 current prisoners, including Kim Tae-ryong, were convicted during this period after unfair trials and that they were the victims of torture. In these cases there is evidence of illegal arrest, incommunicado detention for a long period of time; claims by the prisoners that they were forced to confess under torture or ill-treatment; lack of facilities in the preparation of the defence and conviction mainly based on confession. Many of these prisoners had lived in Japan or had relatives in Japan. Others had relatives in North Korea. They were accused of "passing "state secrets" to North Korean "agents".

In some of these cases, the information available to Amnesty International strongly supports the view that they are prisoners of conscience and should be released. In the other cases, including that of Kim Tae-ryong, Amnesty International is seeking additional information and is calling on the authorities to review their cases.

All these arrests took place in the context of a divided Korea. Since the Korean War (1950-53) the governments of the Democratic People's Republic of Korea (North Korea) and the Republic of Korea (South Korea) have prohibited almost all contact between citizens of the two countries. In South Korea, unauthorized contacts have often resulted in imprisonment under the National Security Law. The National Security Law provides long prison terms for unauthorized contacts with North Koreans, for "praising" and "benefitting" North Korea and forming or joining organizations alleged to be pro-North Korean. It also provides long sentences or the death penalty for "espionage", a term which is vaguely-defined in the law and has sometimes been used to imprison people who were exercising their rights to freedom of expression and association.

During the 1970s and 1980s, when many long-term prisoners were convicted, the country was ruled by military governments and human rights violations were widespread. Since 1993 South Korea has been governed under President Kim Young-sam, a civilian president who has introduced some reforms. However, the current government has failed to review the cases of these long-term political prisoners who were convicted unfairly under previous governments.

For several years, human rights lawyers in South Korea have sought retrials for some long-term political prisoners. Under the Code of Criminal Procedure a retrial may be granted if it is proved that evidence was forged, testimony was false and when new "clear evidence" is discovered. The requirements for a retrial have proved to be extremely difficult to meet and as far as Amnesty International is aware, no long-term political prisoner has secured one.

In addition, the statute of limitations on public prosecutions means that it becomes impossible to prosecute those responsible for human rights violations after a certain period has passed. In many cases of long-term political prisoners, the violations occurred too long ago for those responsible to be brought to justice under South Korean law.

In 1995 the government introduced legislation which extended the statute of limitations for certain crimes, including mutiny and treason. This led to the successful prosecution of two former presidents, Roh Tae-woo and Chun Doo-hwan, and 13 other former army officials on charges which included the killing of civilians at Kwangju in May 1980. However, there has been no investigation into many cases of torture and unfair trial under former governments, including the cases of long-term political prisoners. This means that many officials responsible for past human rights violations have escaped prosecution and that victims of past human rights violations have not received redress.

Kim Tae-ryong's case:

Kim Tae-ryong, now aged 48, worked for a construction company in Taegu City during the 1970s. On 15 June 1979 he was arrested by the "anti communist division" of the police and taken to their headquarters at Namyongdong in Seoul. He was not shown a warrant of arrest or told of the reason for his arrest. For the next 36 days he was interrogated without access to a lawyer or to his family and claims to have been forced to make a "confession" through torture. He said that police interrogators make him take off his clothes and beat him with fists and clubs. They also applied electric shocks to his

body. He was deprived of sleep and threatened. Eleven other members of Kim Tae-ryong's family were also arrested and also claim to have been ill-treated during interrogation.

Kim Tae-ryong and members of his family were charged with spying for North Korea. The charges related to a relative who had gone to live in North Korea during the Korean War (1950-53). In July 1968 this relative had come to South Korea and visited the family home. The family did not report the visit.

According to the charges, Kim Tae-ryong had been recruited as a spy by his North Korean relative. He had then given information to North Korea about police and military activity in his home town. He had also formed an "anti-state" organization called the "Kangwon Provincial Committee of the Unification Revolutionary Party". He denied the charges, which he said were extracted under torture.

Kim Tae-ryong was defended in court by a state-appointed lawyer. There is reported to have been no concrete evidence to prove that he had spied. He was found guilty and sentenced to life imprisonment. Other family members were given sentences of between three years' and life imprisonment. His father was sentenced to death and executed in 1983.

Recommendations to the government

Amnesty International urges the South Korean Government to:

- Order and urgent and impartial review of Kim Tae-ryong's trial and conviction, including an investigation into reports that he was tortured and convicted largely on the basis of coerced confessions.
- Review the cases of those long-term political prisoners who were convicted during the 1970s and 1980s where there are reports of unfair trial, on the basis of coerced confessions.