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REPUBLIC OF KOREA (SOUTH KOREA)

Long-term prisoner Kim Chang-ho

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Kim Chang-ho was arrested in December 1982 under the National Security Law and reportedly interrogated for 85 days during which time he claims to have been tortured and forced to make a confession. Kim Chang-ho was sentenced to death on charges of espionage, after a trial which is believed to have been unfair. His death sentence was later reduced to 20 years' imprisonment. Amnesty International believes that Kim Chang-ho 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 Chang-ho, 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. They were accused of passing "state secrets" to North Korean agents in Japan.

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 Chang-ho, 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 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 many victims of past human rights violations have not received redress.

Kim Chang-ho's case:

Kim Chang-ho was born in Japan in 1941. In 1945, after Korea had been freed from Japanese rule, his family went to live in Korea. But living conditions there were difficult and Kim Chang-ho returned to Japan illegally in 1958 in order to find work. For the next decade he worked as a labourer in the construction business in Tokyo. The company Kim

Chang-ho worked for apparently had links with the North Korean organization *Chochonnyon*.¹

Kim Chang-ho visited his family in South Korea in December 1981. The following December he decided to make a second visit, but he was arrested at the airport as he tried to enter the country. He is reported to have been held and questioned by the Agency for National Security Planning (ANSP) for 85 days, during which time he claims to have been tortured and forced to make a confession.

The ANSP said that Kim Chang-ho had visited North Korea in 1973 to receive espionage training and that after his return to Japan he had received wireless transmissions from North Korea. During his visit to South Korea in December 1981 he was said to have collected information about several military installations and passed this information on to North Korea. Kim Chang-ho admitted visiting North Korea, but denied the accusations of espionage, which he claimed were extracted under torture. There appears to have been no concrete evidence to support the charges, apart from Kim Chang-ho's confession.

Recommendations to the government

Amnesty International urges the South Korean Government to:

- Order and urgent and impartial review of Kim Chang-ho's trial and conviction, including an investigation into reports that he was tortured and convicted largely on the basis of a coerced confession.
- 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 confession.

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¹*Chochonnyon* groups the Korean residents of Japan who are North Korean nationals. It officially represents the views of the North Korean Government. A different organization, *Mindan*, groups the Korean residents who are South Korean nationals.