
Amnesty International

REPUBLIC OF KOREA (SOUTH KOREA) Pregnant woman denied medical care in prison

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Amnesty International is calling for an independent inquiry into the case of a prisoner of conscience who was arrested on political charges in the later stages of pregnancy and was denied adequate medical care while in detention. Koh Ae-soon, aged 28, was arrested in her 28th week of pregnancy but was not examined by an obstetrician until 57 days after her arrest. She later had a still birth. Amnesty International does not know whether the still birth was a result of inadequate medical treatment in prison, but it is concerned that the medical care given to Koh Ae-soon was grossly inadequate and in violation of international human rights standards. Amnesty International also believes that Koh Ae-soon was arrested for the non-violent exercise of her rights to freedom of expression and association and is calling for all charges against her to be dropped.

Koh Ae-soon was arrested by the South Cholla Province Police on 4 December 1995 under the National Security Law. On 9 December she was transferred to Kwangju Prison where she was held until 31 January 1996. Upon arrival at Kwangju Prison Koh Ae-soon is reported to have felt unwell - suffering from a fever, swollen feet, hands and face - but received no medical attention. Between 9 and 27 December, when she was charged, Koh Ae-soon was taken on several occasions for questioning at the prosecutors office outside the prison. On each visit she was tied by the wrists.

On 24/25 December Koh Ae-soon reported large amounts of a clear vaginal discharge and on 26 December she was finally examined by a prison medical officer who apparently did no more than measure her blood pressure. Although he promised to arrange a full medical examination, this was not carried out until 29 January - 57 days after her arrest. The obstetrician who examined Koh Ae-soon on 29 January is reported to have used sonography in order to determine the estimated date of delivery and does not appear to have given any further examination. Upon his recommendation Koh Ae-soon's detention was suspended on 31 January in order for her to give birth. On 5 February her baby was still born.

The prison authorities do appear to have made some concessions for Koh Ae-soon's condition. They apparently gave her a small stove to heat her cell (South Korean prison cells are virtually unheated and are very cold in winter). However, she was only permitted to shower once

a week and is reported to have had difficulty eating the standard prison food. There appears to be no special provision for the care of pregnant women at Kwangju Prison.

The treatment of Koh Ae-soon violated international human rights standards relating to the medical care of detainees. Article 24 of the Standard Minimum Rules for the Treatment of Prisoners states: *“The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary. . . .”*

Article 25 of the Standard Minimum Rules for the Treatment of Prisoners states: *“The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed..”*

Article 24 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states: *“A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. . . .”*

Article 6 of the Code of Conduct for Law Enforcement Officials states: *“Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required”.*

Amnesty International urges the South Korean authorities to order an independent inquiry into the treatment of Koh Ae-soon at Kwangju Prison. This inquiry should seek to ascertain the following:

- Why Koh Ae-soon was not given a full medical examination until 57 days after her arrest;
- Why the examination on 29 January 1996 was limited to a sonograph to determine the date of delivery;
- What measures were taken to investigate the discharge reported by Koh Ae-soon on 24/25 December
- What were the reasons for Koh Ae-soon’s still birth.

Amnesty International has previously expressed concern to the South Korean authorities that detainees in South Korea are not always given a medical examination after they are taken into custody, or examined regularly throughout their period of interrogation. It believes that all detainees should be offered regular medical examinations throughout the period of interrogation by a medical officer who belongs to a different government agency to that of investigating officials. Examinations should take place in private and written records should be kept. Records of medical examinations should be confidential but capable of being communicated, at the detainees’ request, to her or her lawyer and family.

Amnesty International is also concerned that Koh Ae-soon was arrested for the non-violent exercise of her rights to freedom of expression and association. Although she was released from prison on 31 January, she still faces trial and imprisonment as a prisoner of conscience under Article 7 of South Korea’s National Security Law. She has been charged with “praising” and “encouraging” North Korea through distributing pamphlets, newsletters and other promotional material for the National Alliance for Democracy and Unification of Korea (NADUK) on several occasions in 1994.

South Korea’s National Security Law is often used arbitrarily to restrict freedom of expression and association in South Korea. Article 7 of the National Security Law provides up to

seven years' imprisonment for those who praise, "encourage" and "side with" North Korea "with the knowledge that he or she might damage state security". During 1995 and early 1996 dozens of political activists, students, academics, publishers and others were arrested under this provision of the law, some of whom were sentenced to prison terms.

Koh Ae-soon was also accused, under the Law on Assemblies and Demonstrations, of participating in several demonstrations in 1994 and shouting anti-government slogans. To Amnesty International's knowledge she did not use or advocate violence. All the charges against Koh Ae-soon relate to incidents which occurred during 1994. It is unclear why she is being prosecuted two years later.

Please send letters and faxes in English, your own language or Korean:

- expressing concern that Koh Ae-soon was denied adequate medical care during her detention in Kwangju Prison in December 1995;
- calling for the South Korean authorities to order an immediate and independent inquiry into the lack of medical care given to Koh Ae-soon and to establish any links between this lack of medical care and the still birth of her child in February 1996;
- urging the South Korean authorities to ensure that in future the medical care of detainees conforms with international standards;
- expressing concern that Koh Ae-soon was arrested for the non-violent exercise of her rights to freedom of expression and association and calling for charges against her to be dropped.

Write to:

- President Kim Young-sam

The Blue House, 1 Sejong-no, Chongno-gu
Seoul, Republic of Korea

Fax: +82 2 770 0253

- Mr Ahn Woo-man, Minister of Justice

Ministry of Justice, 1 Chungang-dong, Kwachon-myon,
Shihung-gun, Kyonggi Province
Republic of Korea

Fax: +82 2 504 3337

- Director, Kwangju Prison

Munhong-dong 88-1
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- and to diplomatic representatives of the Republic of Korea (South Korea) in your own country.

This appeal is sent to KOTARAN coordinators for quick action by selected groups.

KEYWORDS: PREGNANCY1 / WOMEN1 / PRISONERS OF CONSCIENCE / PRISON
CONDITIONS / DEMONSTRATIONS / CENSORSHIP /

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