

SOUTH KOREA

Long-term prisoners still held under the National Security Law

This document highlights the cases of some long-term political prisoners held under South Korea's National Security Law. They include 17 prisoners who have been held in poor conditions for over 28 years, including one who has been in prison for 40 years. At least 15 others were convicted after unfair trials during the 1970s and 1980s. Thirteen were given long prison sentences in the early 1990s for involvement in an alleged "spy case" and three others for establishing a socialist organization.

Amnesty International is publishing this report now because a large-scale prisoner amnesty is expected to be announced in August, to mark the 15 August anniversary of Korea's liberation from Japanese rule. It hopes that many of the prisoners mentioned in this report will be considered for inclusion in the amnesty.

Amnesty International is urging the new government in South Korea to order a thorough review of the cases of long-term political prisoners held under the National Security Law. It is calling for the release of prisoners who are held on account of their non-violent political views and activities and prisoners who have been held for a very long time after an unfair trial. It is calling for an investigation of the many cases in which political prisoners were reportedly tortured during interrogation by investigative bodies, including the police and the Agency for National Security Planning (ANSP, South Korea's intelligence agency).

President Kim Dae-jung, who took office on 25 February 1998, is a former political prisoner and long-time human rights advocate who was himself the victim of severe human rights violations in past decades. Amnesty International believes Kim Dae-jung's Presidency can mark a new departure for human rights protection and promotion in South Korea, provided he takes immediate steps to implement human rights reforms.

Amnesty International welcomed President Kim Dae-jung's initial statements about the need for human rights reform. His many positive proposals include the establishment of a national human rights commission, a commitment to bring law and practice into line with international human rights standards, the promotion of women's rights, greater freedom of association for trade unionists and reform of the Agency for National Security Planning (ANSP, South Korea's intelligence agency). Amnesty International urges the new President to ensure that human reform remains close to the top of his reform agenda in the coming months.

Amnesty International was dismayed that President Kim Dae-Jung's first prisoner amnesty on 13 March 1998 fell short of expectations. It welcomed the release of 74 political prisoners, particularly those prisoners for whom the organization had

campaigned. However, many National Security Law prisoners were excluded, some of whom are clearly the victims of serious human rights violations.

Amnesty International calls for the immediate and unconditional release of people who are detained for their beliefs or because of their origin, sex, colour, language, or other status, provided they have not used or advocated violence. It also calls for the release of some political prisoners who have been held for a very long time after an unfair trial. More generally, it calls for all political prisoners to be given a fair trial and for all prisoners to be protected from torture and cruel or inhuman treatment.

Given the high number of arrests and lack of data about some prisoners, it is not possible for Amnesty International to document and campaign upon the case of every political prisoner in South Korea. What the organization does do is to campaign on behalf of individual prisoners whose cases demonstrate a pattern of human rights violations. It also calls for legal and procedural changes which will avoid such human rights violations in future.

Amnesty International has long-standing concerns about political prisoners in South Korea and this has enabled the organization to establish patterns of human rights violations and to measure progress. After the March prisoner amnesty, South Korean human rights groups reported that over 250 people were still held under the National Security Law. At least 50 of these prisoners were serving long prison sentences. The others had either been sentenced to fairly short prison terms or were awaiting trial. Although there has been a recent trend towards shorter sentences, it is still of considerable concern that so many political prisoners continue to be imprisoned.

The National Security Law should be amended in accordance with international human rights standards. Since most political prisoners in South Korea are held under this law, people will continue to face arrest and imprisonment for non-violent political activities unless the law is swiftly amended. At least 20 arrests took place in the first two months of 1998. They included eight labour activists arrested on 18 February and charged with forming the Kwanak Youth Workers Group, a group alleged to "benefit" North Korea. This group's main purpose had been to provide political and cultural education for young workers and since they had not used or advocated violence it is difficult to see how their activities posed a threat to state security. This case is typical of current National Security Law arrests.

Most long-term political prisoners in South Korea were arrested and interrogated by the ANSP and many claim to be victims of illegal arrest, torture and fabricated charges. Since early 1998 the ANSP has been widely discredited amidst reports that several top officials intervened to try and denounce Kim Dae-jung as a communist sympathiser in the run-up to the December 1997 Presidential election. Soon after his

inauguration, President Kim Dae-jung said the government would order an inquiry into the affair and make its findings public and that the agency would be downsized. A number of top ANSP officials were dismissed. Amnesty International urges the government to look further than this one political scandal and to investigate the many human rights violations inflicted on prisoners by the ANSP, past and present. It is calling for the ANSP to be thoroughly reformed and for procedures to be introduced to prevent illegal arrest and torture by the ANSP.

Amnesty International is well aware of the many difficulties facing the new President and his government, including the current economic crisis which is obviously a major priority for the new administration. It will be important to ensure that economic and social rights are protected during the coming months. But it will also be an important time to press for other human rights reforms, including amendment of the National Security Law and the release or review of the cases of political prisoners. Amnesty International is convinced that a strong human rights program will be a good foundation on which to build the country's economic recovery and further development.

What is the National Security Law?

The National Security Law was first enacted in 1948 and has been revised several times since then. Articles 3 and 4 of the National Security Law provide long prison sentences and the death penalty for crimes such as "espionage" and "anti-state" activities, but these terms are not clearly defined in the law and have often been used to imprison people for the non-violent exercise of their rights to freedom of expression and association. Under the National Security Law an "anti-state" organization is defined as "an association or group within or outside the Republic of Korea which has a structure of command and control, as organized for the purpose of assuming a title of government or disturbing the state". Under the National Security Law North Korea is defined as an "anti-state" organization, rather than a country. The definition of "state secret" is so vague that in many cases it has included information which is publicly available in South Korea.

Most of political prisoners with long sentences have been punished under Articles 3 and 4 of the National Security Law. Some are charged under Article 6 of the law which prohibits unauthorized travel to North Korea. Article 7 punishes the act of "praising" or "benefitting" the enemy (generally meaning North Korea) and today this is the most widely used and abused article of the law.

South Korean Governments have consistently linked discussion about the National Security Law with inter-Korean relations, refusing to amend the law because of the threat from communist North Korea.

Amnesty International understands the government's need to maintain national security, but simply calls for the law to be amended in accordance with international human rights standards so that basic rights such as freedom of expression and freedom of association

are protected.

1) Political prisoners held since the 1950s and 1960s

Amnesty International knows of at least 11 political prisoners who have been held in virtual isolation for over 30 years. They are: Woo Yong-gak (aged 68¹), Choi Son-muk (aged 69), Hong Myong-ki (aged 69), Ahn Young-ki (aged 68), Jang Byong-rak (aged 63), Yang Hee-chol (aged 65), Ri Kyong-chan (aged 62), Choi Soo-il (aged 59), Kim Dong-ki (aged 65), Park Won-kyu (aged 68), Lee Kong-sun (aged 63).

Six more prisoners have been held for over 28 years. They are: Kim Ik-jin (aged 67), Oh Hyong-sik (aged 68), Kim Eun-hwan (aged 67) and Yang Chong-ho (aged 67), Kim Chang-won (aged 64) and Lee Jae-ryong (aged 53).

Amnesty International urges the government to release these very long-term political prisoners for several reasons. Firstly, because their continued imprisonment appears to be solely because of their alleged communist views. Secondly, because of reports that some were tortured and did not have a fair trial in accordance with international standards. Thirdly, on humanitarian grounds due to old age, poor health, long imprisonment and decades of inhumane treatment in prison.

These prisoners were convicted of spying for North Korea during the late 1950s and 1960s and sentenced to life imprisonment under the National Security Law. In ordinary criminal cases, prisoners sentenced to life imprisonment will be considered for parole after around 16-18 years' imprisonment. These political prisoners, however, have been refused the possibility of release on parole because they have refused to "convert", meaning to renounce communism. They are generally referred to as "unconverted" political prisoners. In the past, most "unconverted" political prisoners serving life sentences have only been released on humanitarian grounds when they reached the age of 70.

These prisoners came from North Korea and most were arrested as they crossed the border into South Korea. Some claim to have been merely visiting their families, from whom they had been separated since the end of the Korean War in 1953. Some of these prisoners claim to have been tortured during interrogation which lasted for many months and forced to make a confession.

¹In Korea ages are calculated according to the Lunar calendar and may differ slightly from those given in this report.

In past decades the "unconverted" prisoners were often tortured by prison officials in order to force them to change their political views. Today, torture is no longer used but such prisoners are denied the possibility of release on parole. They are also prohibited from working and are often denied contacts with other prisoners. They are only allowed visits from and correspondence with family members. As a result, many of the long-term "unconverted" prisoners have been held for three decades with almost no human contact. Lawyers and human rights activists have been unable to obtain detailed information about the prisoners. What little information there is has been gathered mostly from family members (where they exist) and released prisoners.

Kim Sun-myung and Ahn Hak-sop, two former prisoners who spent over 40 years in prison and were released in 1995, told Amnesty International that throughout the years they had sometimes managed to communicate with each other by tapping on the walls of their cells and by exchanging occasional words on their way to the exercise yard. In the later years of their imprisonment, it became easier for them to communicate and pass their stories on to other prisoners.

Fifteen of these very long-term prisoners are over the age of 60 and many are reported to be in poor health. They are isolated in small cells with limited access to medical care. Some suffer from digestive ailments, rheumatism, high blood pressure and other illnesses. Medical facilities in South Korean prisons are generally poor and most prisons have only one part-time doctor. Prison cells are unheated in winter.

Woo Yong-gak has been in prison since July 1958 (almost 40 years) and suffers from muscular paralysis resulting from a stroke. He claims to have been tortured in an underground facility after his arrest and forced to make a confession. Hong Myong-ki, who has been in prison for 36 years, is reported to be suffering from heart disease. A former North Korean soldier, he said he was arrested as he was crossing from North Korea to South Korea to visit his family in April 1962. He claims to have been subjected to electric shock torture for some 18 hours after his arrest and that he was interrogated for a further eight months before he was formally charged. He was sentenced to death, later commuted to life imprisonment.

Other examples are Lee Kong-sun who also fought for North Korea during the Korean War and was arrested in December 1967 when he said he was entering South Korea to visit his family. He was sentenced to life imprisonment and has now spent 30 years in prison. During the 1970s Lee Kong-sun said he was beaten and forced to sleep without his clothes in freezing temperatures in an attempt to force him to "convert". He is now reported to be suffering from arthritis and neuralgia. Ahn Young-ki was arrested in

1962 as he entered South Korea. During the 1970s he said he was beaten repeatedly to force him to change his political views. He is now reported to be suffering from neuralgia and arthritis.

Amnesty International is concerned that the continued imprisonment of this group of political prisoners appears to be solely on account of their alleged communist views and is not based on any real security threat.

Many of the prisoners are in poor health and Amnesty International believes that their continued imprisonment in poor conditions is likely to pose a serious threat to their health.

Amnesty International does not know whether the prisoners were guilty of espionage, but the information available on several of the cases suggests that they were forced to confess under torture and that they did not receive a fair trial. The authorities have failed to release information about these cases or to review them, in spite of the concerns raised by human rights activists and lawyers in South Korea. All of these prisoners have already served far more than an ordinary life sentence.

In view of these concerns, Amnesty International urges the government to release these prisoners. It is also calling on the government to release full documentation on the prisoners relating to their arrest, interrogation, trial process and their treatment in prison and to conduct a full investigation where there are reports that the prisoners were tortured and did not have a fair trial.

2) Political prisoners convicted unfairly during the 1970s and 1980s

Amnesty International knows of at least 15 long-term political prisoners whom it believes were convicted unfairly and on politically motivated and trumped-up charges during the 1970s and 1980s. These prisoners were arrested under the National Security Law and convicted of spying for North Korea. Their cases follow a consistent pattern of illegal arrest, incommunicado detention, torture and coerced confessions. Eleven of these prisoners claim to have been tortured by the ANSP, three by the police and one by the military. Amnesty International is calling for their release.

With only one exception these prisoners are all serving sentences of life or 20 years' imprisonment. They have all been in prison for at least 12 years and the longest serving has been held for 20 years.

Many of these long-term prisoners were students and businessmen at the time of their arrest. Some had travelled abroad and had been in contact with North Koreans; some had lived in Japan or had relatives in Japan and had thereby had contacts with [North] Korean residents in Japan. These contacts made them vulnerable to arrest on fabricated charges under the National Security Law. The prisoners were accused of passing "state secrets" to North Korean agents in Japan or other countries and of engaging in other espionage activities, but in many cases the alleged "state secrets" consisted of information which was publicly available in South Korea and the main evidence of espionage was the prisoners' own confessions. The prisoners were arrested illegally, held incommunicado for a long period of time and forced to confess under torture.

In nine of these cases Amnesty International is convinced that the charges against the prisoners are unfounded and therefore calls for the prisoners to be released. These prisoners are: Ham Ju-myong (aged 64, sentenced to life imprisonment), Kang Hui-chol (aged 39, life imprisonment), Kang Yong-ju (aged 35, life imprisonment), Kim Song-man (aged 40, 20 years' imprisonment), Lee Jang-hyong (aged 65, 20 years' imprisonment), Park Dong-oon (aged 52, 20 years' imprisonment), Sok Tal-yun (aged 66, 20 years' imprisonment), Yang dong-hwa (aged 39, 20 years' imprisonment and Hwang Tae-kwon (aged 42, remaining sentence of four years' imprisonment²).

In six other cases Amnesty International has received insufficient information to judge whether or not the charges are unfounded but the organization is also calling for these prisoners to be released on the basis of consistent and convincing reports that the prisoners were tried unfairly and convicted largely on the basis of confessions extracted under torture. These prisoners have all been held for a very long time after a reported unfair trial and past governments have failed to order a review of the cases. The prisoners are: Chong Yong (aged 56, sentenced to life imprisonment), Cho Sang-nok (aged 51, life imprisonment), Kim Chong-muk (aged 63, 20 years' imprisonment), Kim Chang-ho (aged 57, 20 years' imprisonment), Kim Tae-ryong (aged 50, life imprisonment) and Lee Sang-chul (aged 49, 17 years' imprisonment).

²Hwang Tae-kwon was sentenced to life imprisonment in 1986. His sentence was reduced to 20 years' imprisonment in 1988 and his remaining prison term was reduced by half in the March 1998 prisoner amnesty.

The prisoners are currently held in different prisons throughout the country. Some appear to be in good health and are allowed to associate with other prisoners. Others are held in solitary confinement and are not allowed to mix. Some are reported to be suffering from psychological problems as a result of long-term isolation while others are suffering from digestive ailments, rheumatism, high blood pressure and other illnesses.

Some of these prisoners are also under constant pressure from the prison authorities to "convert" or to express repentance for their actions. But in several cases the prisoners have refused to do so, considering that this would amount to an admission of guilt. Their refusal to "convert" or to express remorse means that they are not considered for release on parole and generally have fewer rights and privileges than other prisoners. For example, visits and reading material may be restricted.

For many years human rights lawyers and activists in South Korea have sought retrials for some long-term political prisoners, as a means of obtaining redress. Under South Korea's 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. But 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. This means that the prisoners have been left without any effective legal redress.

Kim Song-man was arrested in June 1985 by the ANSP and interrogated without access to a lawyer or his family for two months. During this period he claims to have been severely tortured. Kim Song-man had studied political science at Western Illinois University in the USA where he met a publisher whom the South Korean authorities considered to be pro-North Korean. He had also met North Korean officials in Europe. Based on this and his student activism, he was accused of having engaged in subversive activities under instructions from North Korea and of passing "state secrets" to North Korean officials in Europe. Together with three other prisoners - Hwang Tae-kwon, Yang Dong-hwa and Kang Yong-ju - he was accused of belong to a spy ring known as "Western Illinois spy ring". Amnesty International believes the charges are unfounded and the main evidence was the prisoners' own confessions, extracted under torture. In this case "state secrets" consisted of pamphlets Kim Song-man had written about the political situation in South Korea. Kim Song-man spent almost three years under sentence of death, until his sentence was commuted to life imprisonment. It was further reduced to 20 years' imprisonment in the March 1998 prisoner amnesty. Amnesty International believes he should now be released.

It is also calling for the release of Kang Yong-ju, one of the other prisoners arrested with Kim Song-man in the "Western Illinois Spy Ring". A former medical student and student activist, he was arrested by the ANSP in July 1985 and held incommunicado for a two-month period. During this time he says he was beaten, deprived of sleep and forced to make a confession. Kang Yong-ju was charged with passing information on the student movement to North Korean agents and spreading North Korean propaganda among the student movement. He is serving a 20-year prison term.

Park Dong-oon was arrested in March 1981 by the Agency for National Security Planning along with several other members of his family. They were held incommunicado for around 60 days and subjected to beatings, threats, sleep deprivation and water torture. The family were accused of belonging to the "Chin-do spy ring", operating on behalf of North Korea. Park Dong-oon was sentenced to death, later commuted to life imprisonment. The family were believed to have been targeted because of Park Dong-oon's father who had been missing since the end of the Korean War and was said by the authorities to be a North Korean spy. Amnesty International believes that Park Dong-oon was convicted on the basis of confessions extracted from him and his family under torture.

Cho Sang-nok, arrested in January 1978 by the ANSP, was held for 17 days without access to a lawyer or his family. During this time he says he was subjected to electric shock and water torture and beatings in order to force him to confess to charges of espionage. Cho Sang-nok had close relatives living in Japan and had lived there himself for a few years. This became the basis of charges that he had passed "state secrets" to North Korean agents in Japan, but Amnesty International believes the main evidence used to convict him was his own confession, extracted under torture. Cho Sang-nok is believed to be in poor mental and physical health related to the after effects of torture, poor conditions of imprisonment and long isolation.

Cases from the early 1990s : the Sanomaeng case

Four leaders of *Sanomaeng* (Socialist Workers League) arrested in 1991 and 1992 are serving long sentences under the National Security Law on charges of forming and belonging to an "anti-state" organization with the aim of overthrowing the state. They are Park No-hae (aged 40, sentenced to life imprisonment), Baik Tae-ung (aged 36, 15 years' imprisonment), Nam Chin-hyon (aged 35, remaining sentence of 10 years' imprisonment³) and Hyon Jong-dok (aged 35, eight years' imprisonment). Amnesty International is calling for their immediate and unconditional release.

Sanomaeng was established in 1989 and in the early 1990s it is reported to have had several thousand members. Since 1990 hundreds of *Sanomaeng* members have been arrested on charges of belonging to an "anti-state" organization which planned a violent uprising to overthrow the government. The leaders and members of the organization who were arrested in the early 1990s were given long prison sentences, but those arrested more recently have received much shorter sentences or have been released after trial.

Sanomaeng advocated a socialist form of government but did not appear to have any links with North Korea. Amnesty International does not believe there was any evidence that it had planned an armed uprising to overthrow the government. Some of the organization's leaders called for peaceful political change. Baik Tae-ung's statement at his first trial included the following words:

"I aspire to build a country of true equality and peace in which the oppressed earn freedom and the deprived earn joy. I want to build a society in which labour ceases to be mechanical physical wringing of tears and sighs and instead becomes a creative process for self-realization. . . As long as legal and institutional improvement provides us with the legal right to engage ourselves in socialist activities, we will promote our socialism by expressing our ideas peacefully through legally-sanctioned democratic channels such as laws, institutions, parliament and social associations. . ."

Baik Tae-ung, a former law student, was a leader of *Sanomaeng* at the time of his arrest in April 1992. He was arrested by the ANSP. During 22 days' interrogation he said he was deprived of sleep for long periods, beaten and injected with drugs in an attempt to force him to confess. Baik Tae-ung was charged under the National Security Law with forming and belonging to an "anti-state" organization.

³Nam Chin-hyon was sentenced to 13 years' imprisonment in 1991 and his remaining prison term was reduced by half in the March 1998 prisoner amnesty.

Sanomaeng's other main leader, Park No-hae, was arrested in March 1991 by the ANSP and interrogated for over 30 days. During this time he said he was severely beaten and was only allowed to sleep for a few hours each night for the first 10 days of interrogation. He was charged under the National Security Law with establishing and belonging to an "anti-state" organization and sentenced to life imprisonment. Park No-hae is a well-known poet who has published several books of poetry. His latest work: *Human Beings, The Only Hope*, has sold over 100,000 copies. The government are reported to have said that Park No-hae was excluded from the March 1998 prisoner amnesty because he had not repented.

Park No-hae's supporters believe he has received harsh treatment from the authorities because he is a worker and a socialist whose ideas have inspired thousand of students and workers. In recent months, many well-known literary and religious figures have appealed for his release.

Cases from the early 1990s: the "South Korea Workers Party" case

In late 1992 and just before the last Presidential election, over 60 people were arrested for their alleged involvement in a case which became known as the "South Korea Workers' Party" case. The arrests and investigation were carried out by the ANSP and the main suspects were denied access to their lawyers and families for several weeks after their arrest. Some were reported to have been tortured. Of those arrested, several dozen were convicted under the National Security Law with belonging to an "anti-state" organization, with having illegal contacts with North Koreans and, in some cases, with espionage. The ANSP appeared to have deliberately timed these arrests to coincide with the run-up to the 1992 Presidential election which was won by Kim Young-sam of the [then] ruling Democratic Liberal Party.

Since 1992 Amnesty International has called for an investigation into this whole case, in view of the reported illegalities committed by the ANSP and concern that many of the prisoners may have been convicted unfairly. Since 1992 some of the prisoners have been released from prison as their sentences expired but 13 people remain in prison today.

In March 1998 President Kim Dae-jung announced an investigation into reports that the ANSP had taken action to influence the outcome of the 1997 Presidential election. Amnesty International now urges the government to extend this investigation to the ANSP's activities in connection with the previous Presidential election and alleged human rights violations committed by the Agency. This should include the arrests of people in the "South Korea Workers Party" case.

Thirteen people arrested in this case remain in prison today. These prisoners are: Kim Nak-jung (aged 66, sentenced to life imprisonment), Son Pyong-son (aged 57, life imprisonment), Hwang In-oh (aged 42, 20 years' imprisonment), Hwang In-uk (aged 32, remaining sentence of 10 years' imprisonment⁴), Choi Ho-kyong (aged 41, life imprisonment), Shim Keum-sop (aged 63, remaining sentence of 10 years' imprisonment⁵), Yang Hong-kwan (aged 38, 12 years' imprisonment), Ham Jung-hee (aged 33, 7 years' imprisonment), Byon Ui-sook (aged 31, 10 years' imprisonment), Jang Chang-ho (12 Years' imprisonment), Lee Kyong-sop (10 years' imprisonment), Cho Duk-won (8 years' imprisonment), Eun Jae-hyong (6 years' imprisonment).

Amnesty International is calling for the release of Kim Nak-jung and Son Pyong-son. It believes the charges in these two cases are unfounded and that the prisoners were not convicted fairly, in accordance with international standards. In the other cases, Amnesty International has insufficient information to judge whether the prisoners should be released. However, the many reports of illegal arrest, incommunicado detention and use of forced confessions in these cases have reinforced Amnesty International's concern that the prisoners may not have been convicted in accordance with international standards.

A brief summary of this case is as follows. On 6 October 1992 the ANSP announced that it had uncovered the largest communist organization in South Korea since the late 1940s. It was allegedly led by a high-ranking North Korean official who, with the help of more than ten other undercover North Korean agents, had organized a southern chapter of the Workers Party of [North] Korea (WPK) and infiltrated various sectors of society. The North Korean agents were not found or arrested. The ANSP said the operation's objectives was to support the election of an opposition candidate in the December presidential elections, to establish a coalition government with the

⁴Hwang In-uk was sentenced to 13 years' imprisonment in 1993. His remaining prison term was reduced by half in the March 1998 prisoner amnesty.

⁵Shim Keum-sop was sentenced to 15 years' imprisonment in 1993. His remaining prison sentence was reduced by half in the March 1998 prisoner amnesty.

communists in 1993 and to achieve the communization of the Korean peninsula during 1995. The ANSP said that the "spy ring" was made up of three sections and published a complex chart showing how various individuals and organizations had been involved. Although some of the main suspects appeared to have visited North Korea or to have met North Koreans, they denied committing espionage. Among those arrested were three leading members of the *Minjung* Party (People's Party, now disbanded), and workers and students believed to belong to groups that align themselves politically with North Korea.

Many of the suspects were arrested illegally without warrants of arrest and in many cases this amounted to abduction by unidentified agents of the ANSP. In most cases the prisoners were denied visits by their families for over 22 days, and the main suspects were also denied the right to see a lawyer for 22 days or longer. Many of the suspects said they had been tortured or ill-treated during interrogation by the ANSP.

Kim Nak-jung, 61, a political writer and former co-president of the *Minjung* Party, was held by the ANSP from 25 August to 15 September 1992. Later he said that he had been beaten all over his body and on his fingers by a group of ANSP agents using clubs. He had been deprived of sleep for long periods and had fainted during interrogation. Visitors saw a scar on his head and bruises on his arms. He told relatives that he had gone through "what no human

being should be made to suffer". Kim Nak-jung was accused of having met four North Korean agents between 1990 and 1992. He admitted this but denied all accusations of espionage and said he had acted out of a desire to bring about reunification. During the first hearing of his trial in November 1992, he said "I thought it would be all right so far as I did not betray South Korea and did not cooperate with the activities which aimed at the destruction and overthrow of the South Korean government. In reality, through contacts with the North Korean people, I held fast to such a position"

The evidence did not suggest that he had passed secret information to North Korea. When delivering his verdict the trial judge said that Kim Nak-jung had not posed a serious danger to the state but he had imposed a heavy sentence because the defendant had broken the [National Security] law and caused widespread concern to the general public.

Kim Nak-jung has already spent many years in prison - in both North and South Korea - for his work to bring about reunification. In 1955 he devised a reunification plan called "Proposal for the Establishment of a Unified Independent Youth Community of Korea". He submitted his reunification plan to the South Korean President for which he was arrested and interrogated for 20 days. He then visited North Korea to submit his reunification plan to the North Korean leader Kim Il Sung but was arrested by the North Korean authorities and imprisoned for one year on suspicion of spying for the South. When he returned to South Korea in 1956 he was arrested by the authorities on charges of spying for the North. He was arrested again in 1963 and in 1973. During the 1970s and 1980s he worked as an economics lecturer and joined a number of citizens' groups supporting

reunification, including the National Centre for the Promotion of Korean Reunification and the Citizens Coalition for Economic Justice. He also wrote numerous books and articles on the subject of reunification, the labour movement, economic policy and his own autobiography. In 1990 he joined and became co-president of the *Minjung* (People's) Party. In September 1991 he and several friends founded the Research Group for Peaceful Reunification, a private forum for academic discussion and analysis of reunification issues.

Son Pyong-son, a *Minjung* Party candidate in the March 1992 parliamentary elections, was arrested by the ANSP on 26 September at his family home in southern Seoul. He later told his family that he had been beaten continually for three days by a group of 13 men. On the fourth day he was forced to do repeated physical exercises, such as squatting with his arms stretched out and standing on his head and hands while he was told to confess to the charges against him. He was only permitted to sleep for a few hours each day. On several occasions during this interrogation period a doctor treated him and this included massage and the administering of injections. Son Pyong-son was accusing of being a member of the KWP and of having received instructions from North Korea, by radio and letters, on various aspects of activities and policies of the *Minjung* Party, including an instruction to set up an underground leadership of the party loyal to North Korea. But the main evidence to support the accusations was his own forced confession.

Prior to his arrest Son Pyong-son was actively involved in peace and reunification work. From 1981 he was a standing member of the [Presidential] Advisory Committee on Peaceful Reunification and in 1989 he became chair of the Reunification Committee of the *Minjung* Party.

One of the main suspects in this case was Hwang In-oh, a former miner and a trade union activist. He was accused of having visited North Korea in October 1990 and joining the Workers Party of Korea and receiving instructions on setting up a branch of it in the South. Upon his return he allegedly enlisted the help of his brother, Hwang In-uk, a former student activist, and of Choi Ho-kyong, a labour activist and *Minjung* Party supporter. He was accused of recruiting 12 people into a Central Regional Chapter of the party in July 1991, to which a number of workers or student groups which support North Korea were allegedly affiliated. The ANSP accused the Hwang brothers of having received instructions from North Korea and of having sent reports to them, by radio communication or messages conveyed by visitors to Japan.

Hwang In-oh was arrested by the ANSP in September 1992 and held for 28 days without access to his lawyer. He admitted that he had visited North Korea but said he had done so in order to help bring about reunification. He denied espionage but said he had signed a confession under pressure from the ANSP. He had been concerned about other members of his family who were also under arrest,

including his mother and his wife who were repeatedly threatened by ANSP investigators.

Hwang In-uk was arrested on 10 September and was denied all access to a lawyer for at least six weeks after his arrest. Choi Ho-kyong did not see a lawyer until 22 days after his arrest and said that he had been forced to make a confession. He is currently reported to be suffering from a back injury and broken teeth after he was recently beaten by prison guards because he went on hunger strike.

Dozens of students and activists were arrested and charged for having a connection to the Hwang brothers through membership of other student/worker discussion groups. But most said that they were not aware that the discussion groups they belonged to at university or in their workplaces were part of the Central Regional Chapter of the KWP or that they did not know that it had links with North Korea.

Activist Ham Jung-hee(f) was denied access to her family and lawyer for 20 days after her arrest by the ANSP in September 1992, during which time she claims to have been tortured. She was sentenced to seven years' imprisonment for belonging to an "anti-state" organization (the Patriotic Alliance) and passing "state secrets" to North Korea. According to her lawyers, these state secrets consisted of information which was publicly available in South Korea. Yang Hong-kwan was also denied access to a lawyer for 20 days after his arrest by the ANSP in September 1992. During this time he said that he was stripped, beaten, forced to do repeated physical exercises and deprived of sleep. Later he said "After five or six days of torture I gave everything up and admitted whatever they wanted me to say. There is nothing that could alleviate the pain and suffering that I underwent".

Cases from the mid-1990s: the Kukukchonui case

Three people are serving long prison terms for establishing and joining an "anti-state" organization called *Kukukchonui* in 1994 which the authorities said had been established by Ahn Jae-ku to spy for North Korea. A total of 23 people were arrested in this case by the police, the ANSP and the Military Security Command (MSC) and accused of being members of *Kukukchonui*.

Amnesty International is calling for the release of three prisoners who are still held in this case, as it believes they are held for their non-violent political views and activities. They are: Ahn Jae-ku (aged 64, sentenced to life imprisonment), Yu Rak-jin (aged 70, eight years' imprisonment), Jong Hwa-ryo (aged 33, 10 years' imprisonment). Amnesty International does not have details of five other prisoners held in this case, but understands that all will be released during 1998 when their prison sentences expire.

Ahn Jae-ku was arrested by the ANSP on 14 June and was questioned in the afternoon and evening each day for 20 consecutive days. He suffers from neuralgia and rheumatism and he said that the long periods of interrogation without sleep were difficult to withstand. At some points, he said he became confused by the questioning and was upset by threats and intimidation during interrogation by the ANSP and the Prosecution. For example, during one session of questioning he said he was tricked into admitting that the manifesto

and working rules of *Kukukchonui* contained reference to the Workers' Party of [North] Korea. He and his lawyers were also concerned that a computer diskette containing the organization's rules and manifesto appeared to have been altered by investigators and that the diskette used in court as evidence was an incorrect version.

Ahn Jae-ku was accused of establishing *Kukukchonui* in order to spy for North Korea. The authorities said that he had recruited other people to work for this organization, including his son Ahn Young-min (now released), and that he had received money from North Korea. They also said that Ahn Jae-ku had joined the North Korea's ruling Korean Workers' Party (KWP) while he was in prison in the 1980s.

At his trial, Ahn Jae-ku admitted that since 1991 he had been in contact with an allegedly pro-North Korean organization in Japan called *Kwang Myung* and that this group had persuaded him to establish a study group in South Korea to study North Korea's *Juche* (self reliance) ideology. Ahn Jae-ku said was interested in learning more about North Korea and its political ideology but denied committing espionage or attempting to overthrow the South Korean Government. He said that *Kukukchonui*, was "an organization for independence, democracy and reunification, but not one designed to violently or unlawfully change or undermine the republic of Korea". At his trial, Ahn Jae-ku said:

I am totally against the idea that the socio-political systems in South Korea should be overthrown. Nor do I agree with the idea that the socialist system in North Korea should be

dismantled and replaced with capitalism. We should recognize that two different political systems exist in the South and North and that the two sides constitute a community destined to jointly embody national independence. This means that we are in a community where we seek what we have in common and respect differences. How to create such a community is our task."

Amnesty International believes there was no evidence that Ahn Jae-ku had committed espionage or sought to overthrow the state using violence.

In 1971 Ahn Jae-ku was appointed professor of mathematics at Kyongbuk University and achieved renown as a mathematician. He lost his position in 1976 when he refused to report student activities to the authorities. He then became actively involved in opposition to the then military government of President Park Chong-hee and in 1979 was arrested on charges of "anti-state" activities. Sentenced to life imprisonment, he was released in 1988 under a presidential amnesty and took up a position as lecturer of mathematics at Kyunghee University in Seoul.

Yu Rak-jin is a former long-term political prisoner who had already spent 19 years in prison on political charges before his release in 1990 in a presidential amnesty. He was also arrested in June 1994 and accused of belonging to *Kukukchonui* and of "reporting" to Ahn Jae-ku. Yu Rak-jin said that during questioning by the ANSP was only allowed to sleep for one or two hours each night for 14

consecutive nights. He was also threatened and shown confessions by the other defendants in an effort to force him to sign a similar confession. Yu Rak-jin, aged 70, suffers from angina and his family claim that he is not receiving adequate medical care.

Background information about the Republic of Korea (South Korea)

After World War II the Korean peninsula was divided along Soviet and United States occupation lines, north and south of the 38th parallel. The communist North was backed by the former Soviet Union and the capitalist South was supported by the USA. In 1950 the Korean War broke out. The North was backed by China and the South by a US-led United Nations force. The war ended in 1953 with an armistice agreement. To this day there is no formal peace treaty between the Republic of Korea (South Korea) and the Democratic People's Republic of Korea (North Korea). The demilitarized zone separating the two countries is one of the most heavily fortified in the world. Since the end of the Korean War millions of family members and friends in both countries have been cut off from each other.

Until the early 1990s South Korea was run by authoritarian military governments and human rights violations were widespread. From 1961 until his assassination in 1979 General Park Chung-hee was President. In 1979 martial law was declared and power was seized by General Chun Doo-hwan who cracked down on pro-democracy protesters, culminating in the Kwangju massacre in May 1980 in which at least 200 people were killed. Chun Doo-hwan became President in August 1980 and held this position until 1987 when mass public protests led him to amend the Constitution and call a direct Presidential election.

Under Presidents Park Chung-hee and Chun Doo-hwan thousands of people were arrested and imprisoned under the National Security Law and other security

legislation for non-violent political activities, political prisoners were often held for weeks or months without access to lawyers or relatives and torture was used frequently as a means of intimidation or to obtain a "confession".

A former army general, Roh Tae-woo, was elected as President and held office from 1988 to 1993. In 1993 a former dissident, Kim Young-sam, was elected and widely acclaimed as the first "civilian" President in South Korea's modern history. President Kim Young-sam carried out some economic reforms and took steps to eradicate corruption but the later years of his Presidency were marred by corruption scandals and the economy slowed down. His authoritarian style of leadership and wavering policy towards North Korea added to his unpopularity.

Since 1988 democracy in South Korea has allowed greater freedom for the media, human rights groups, trade unions, lawyers and others seeking to protect and enhance human rights. During this period human rights protection improved but problems remain. For example, in recent years there have been fewer reports of torture, but sleep deprivation, threats and beatings are still used to elicit confessions from suspects. Political prisoners have benefitted from better legal protection, but the National Security Law continues to be used to detain people for non-violent political offences. Sentences for national security offences are generally shorter than they were in the past, but South Korea remains one of the few countries in Asia which allows the arrest of hundreds of political prisoners each year, many of whom are held for their peaceful political views or activities.

Former political prisoner and human rights advocate Kim Dae-jung took office as President in February 1998. Amnesty International has welcomed his initial proposals for human rights reforms and hopes they will be fully implemented. The organization has called on President Kim Dae-jung to review the cases of all political prisoners and release those who are held in violation of international human rights standards.

