
amnesty international

£SOUTH KOREA

@Summary of Amnesty International's Concerns and Recommendations

AUGUST 1992

AI INDEX: ASA 25/22/92

Amnesty International's concerns in South Korea include the detention of prisoners for the peaceful exercise of their rights to freedom of expression and association; the continued imprisonment of a number of long-term prisoners who it believes may have been denied a fair trial; reports of torture and ill-treatment and the use of the death penalty.

1) The Rights to Freedom of Expression and Association

Amnesty International is calling for the release of some 25 prisoners who it believes to be prisoners of conscience, held for the peaceful exercise of their rights to freedom of expression and association. It is investigating the cases of some 60 other prisoners who it believes may be prisoners of conscience.

Most of these prisoners are held under the National Security Law which has been used to imprison those who visited North Korea without government authorization, who met North Koreans or alleged North Korean agents abroad, who expressed support for North Korea or whose views were similar to positions taken by the North. They include former National Assembly member Suh Kyung-won who is serving a ten-year prison sentence for making an unauthorized visit to North Korea and his secretary Pang Yang-kyun who was sentenced to seven years' imprisonment for failing to report the visit and passing on alleged state secrets. Both men allege that they were tortured during interrogation. Amnesty International believes that they are held for the peaceful exercise of their rights to freedom of expression and association and is calling for their release. Another prisoner of

conscience adopted by Amnesty International is Kim Song-man who was arrested in 1985 and sentenced to life imprisonment for alleged espionage activities. Amnesty International believes there is no evidence to substantiate these accusations and is calling for the release of Kim Song-man.

Amnesty International believes other legislation has also been used to restrict the rights to freedom of expression and association. It has taken up the cases of a number of trade union leaders arrested under Article 13(2) of the Labour Dispute Mediation Act which prohibits third party intervention in a labour dispute. It believes that some may have been imprisoned solely for the peaceful exercise of their right to give advice to trade unionists. Amnesty International also believes that some provisions of the Law on Assemblies and Demonstrations have been used to imprison certain groups of dissidents and trade unionists in violation of their right to peaceful demonstration.

Recommendations to the South Korean Government:

- a) Nobody should be imprisoned for the non-violent exercise of their rights to freedom of expression and association. Those imprisoned in violation of these rights should be immediately and unconditionally released.
- b) Nobody should be imprisoned for exercising their rights to peaceful demonstration and association. Those imprisoned in violation of these rights should be immediately and unconditionally released.
- c) Relevant provisions of the National Security Law, the Labour Dispute Mediation Act and the Law on Assemblies and Demonstrations should be amended to bring them fully into line with international standards relating to freedom of expression and association.

2) Long-Term Political Prisoners

Amnesty International is campaigning on behalf of some 25 long-term political prisoners who were arrested during the 1970s and 1980s under the National Security Law and sentenced to lengthy prison terms on espionage charges. Amnesty International believes that some of these prisoners may have been denied a fair trial. It has received reports that many were held *incommunicado*, tortured and forced to confess. They include Park Dong-oon who was arrested in 1981 and Ham Ju-myong who was arrested in 1983. They were sentenced to life imprisonment under the National Security Law for their alleged espionage activities but both men claim that they were held *incommunicado* for some 60 days after their arrest and forced to confess under torture.

Amnesty International is also concerned about the cases of some 40 "unconverted" political prisoners, many of whom are serving life sentences on charges of espionage. The continued detention of some of these prisoners appears to be a result of their refusal to renounce their alleged communist views - some have been in prison for up to 40 years, while ordinary prisoners serving life terms are generally released on parole after 16 to 18 years' imprisonment.

Recommendations to the South Korean Government

- a) The government should ensure that statements obtained from prisoners as a result of torture are not admissible in legal proceedings.
- b) Prisoners who were convicted on the basis of coerced confessions should have their convictions promptly reviewed.
- c) Prisoners should not be held solely on account of their refusal to sign a statement of "conversion" renouncing their alleged communist views.

3) The Prohibition of Torture and Ill-Treatment

Although forms of torture such as water and electric shock torture appear no longer to be used, Amnesty International continues to receive reports of prisoners being beaten and deprived of sleep during interrogation by the Agency for National Security Planning or the police. On many occasions Amnesty International members have expressed concern to the South Korean authorities about allegations of torture and ill-treatment, but few of these allegations appear to have been adequately investigated. Recent cases include members of the anti-state group *Sanomaeng*, some of whom claim they were beaten and deprived of sleep following their arrest in late 1990. In March 1992 Amnesty International wrote to the authorities about the claims by five members of the teachers union *Chunkyojo* that they were beaten at two police stations in early March.

Recommendations to the South Korean Government

- a) All reports of torture or ill-treatment should be promptly investigated by an impartial and independent body. The results of all inquiries should be made public and should include a full report of the inquiry's findings.
- b) All those found to be responsible for inflicting torture and ill-treatment should be brought to justice and victims should receive fair and adequate compensation.
- c) The government should demonstrate its commitment to the eradication of torture and ill-treatment by ratifying the UN Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.

4) The Abolition of the Death Penalty

Amnesty International is concerned about the continued use of the death penalty which may be imposed for over 50 criminal and political offences. Some 30 people are under sentence of death and statistics released by the Supreme Court in October 1991 indicate that the number of sentences imposed by the courts has risen steadily over the past few years, in spite of the worldwide trend towards decreased use of the death penalty.

Recommendations to the South Korean Government

- a) The death penalty should be abolished and all death sentences should be commuted.
- b) The government should ratify the Second Option Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

5) Further Information

For further information about Amnesty International's concerns in South Korea please refer to the following Amnesty International documents which can be obtained from the address given below:

- South Korea: Prisoners held for National Security Offences (ASA 25/25/92)
- South Korea: Amnesty International's Concerns (ASA 25/14/92)
- Amnesty International Report 1992

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