

REPUBLIC OF KOREA (SOUTH KOREA)

Amnesty International calls for prisoner releases and a halt to National Security Law arrests

Amnesty International is calling for a large-scale release of prisoners of conscience and long-serving political prisoners on 15 August, the anniversary of Korea's liberation from Japanese rule and the 50th anniversary of the establishment of the Republic of Korea. Prisoners who should be released include dozens of long-term prisoners, some of whom have been held for over 30 years. The organization is also calling for a halt to arrests under the National Security Law. It is alarmed that large numbers of students and activists continue to be detained for trivial offences such as forming left-wing organizations and publishing material which "benefits" North Korea.

In March 1998 President Kim Dae-jung ordered a prisoner amnesty to mark his inauguration as President. The new President had committed his government to a program of human rights reforms, and there were high expectations that he would order many prisoner releases. However, the scale of the amnesty was disappointing - in particular, it omitted many of the longest-serving political prisoners. Prisoners, their families and activists are now pinning their hopes on the 15 August anniversary as another chance for the President to demonstrate that he is committed to justice for human rights victims.

While Amnesty International welcomes the President's commitment to human rights reform, it is alarmed to see that the number of National Security Law arrests has continued unabated since he took office. Almost without exception, these arrests are for trivial offences and in violation of the right to freedom of expression.

The National Security Law

The National Security Law was first enacted in December 1948 and has been revised several times since then. Since its enactment the law has been used to violate human rights.

The National Security Law provides long sentences for "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. Most arrests today are under Article 7 which provides shorter sentences for the act of "praising" or "benefitting" the enemy (generally meaning North Korea).

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.

Large numbers of people held while arrests continue

At the end of June 1998 there were some 280 people held under the National Security Law, ranging from student activists held for a few months to long-term prisoners held for over 30 years. The long-term prisoners include 17 men 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. Others were given long prison sentences in the early 1990s for "espionage" and "anti-state" activities.

Dozens of other prisoners, mostly students and activists, are serving shorter sentences on charges of "praising" and "benefitting" North Korea and at least 90 people have been arrested since President Kim Dae-jung took office in late February. Most are held simply for belonging to a student or activist group with left-wing views and principles. They include people accused of publishing pro-North Korean material, in print and on the Internet.

Since taking office President Kim Dae-jung's government has adopted a new "sunshine policy" towards North Korea, involving increased business and civilian links. This is envisaged to include provision for family contacts and even for the import of North Korean films and books. But at the same time students and activists continue to be arrested under the National Security Law for discussing reunification, publishing socialist material or simply for having views considered similar to those of the North Korean Government.

Prisoners held for three decades must be released

Amnesty International knows of 17 political prisoners who have been in prison for over 28 years. They include Woo Yong-gak (aged 68) who has been held for 40 years and is partially paralysed; Hong Myong-ki (aged 69) who has been held for 36 years and suffers from heart disease and Lee Kong-sun (aged 63) who has been held for 30 years. The prisoners were accused of spying for North Korea but after three decades in prison they continue to be held because of their political views.

Some of these prisoners are reported to have been tortured after arrest and tried unfairly but the cases have never been the subject of an impartial review. Until the early 1980s they were tortured by the prison authorities in order to force them to "convert" (meaning to sign a statement renouncing communism). They have been denied the possibility of release on parole, solely because of their alleged communist views. Such prisoners are generally only released when they reach 70 years of age or become very sick.

After three decades in isolated and unheated prison cells, with various health problems and cut off from the outside world, it is surprising that the Korean authorities regard these prisoners as a security threat. Regardless of their political views, they should be released.

At least 15 prisoners still held after unfair trials

Amnesty International also calls for the release of at least 15 long-term political prisoners who were convicted unfairly and on politically motivated and trumped-up charges during

the 1970s and 1980s. Most were sentenced to life imprisonment under the National Security Law on charges of spying for North Korea. Their cases follow a consistent pattern of illegal arrest, incommunicado detention, torture and coerced confessions, mostly carried out by the Agency for National Security Planning (ANSP, recently renamed as the National Intelligence Service).

These prisoners include Kim Song-man, Kang Yong-ju, Hwang Tae-kwon and Yang Dong-hwa, arrested in 1985, held incommunicado for many weeks, tortured and forced to make a "confession". The longest serving is Cho Sang-nok who has been held for 20 years and was also convicted on the basis of a coerced confession.

There is clear and well-documented information available about human rights violations in these cases, but successive governments have chosen to ignore the facts. These prisoners should be released, regardless of their perceived political views.

Many other cases of unfair conviction

Several other prisoners who are serving long sentences for non-violent political activities should also be released. They include poet Park No-hae and activist Baik Tae-ung, leaders of *Sanomaeng* (Socialist Workers League), who were arrested in the early 1990s and sentenced to life and 15 years' imprisonment respectively. They and other *Sanomaeng* members are held for their political ideas rather than their actions. Amnesty International also calls for the release of Professor Ahn Jae-ku (aged 64) and Yu Rak-jin (aged 70), sentenced to life and eight years' imprisonment respectively in 1994 on charges of forming an "anti-state" organization, and reunification activist Kim Nak-jung (aged 66), sentenced to life imprisonment in 1992.

Past ANSP (National Intelligence Service) abuses must be reviewed

Amnesty International calls for an impartial investigation into the cases of at least 11 other people still held after their arrest in a 1992 case, known as the "South Korea Workers Party case". They include Ham Jung-hee(f), Yang Hong-kwan and Hwang In-uk. Arrested shortly before the Presidential election in 1992, the main defendants were held incommunicado for long periods by the ANSP and there were reports of torture and ill-treatment during interrogation. There has never been an impartial investigation into these and other reports of past human rights violations by the ANSP.

Current pattern of National Security Law arrests must stop

Between February and June 1998 there were over 90 arrests under the National Security Law. All were under Article 7 of the law which punishes the act of "praising" and "benefitting" North Korea. Almost all were arrested for non-violent activities such as

belonging to a student or activist group or publishing "enemy-benefitting" material. Amnesty International calls for the release of these prisoners. A few examples are described below.

At least 10 members of a group called International Socialists were arrested and charged under Article 7 of the National Security Law in May for forming an organization which "benefits" the enemy. In reality, Amnesty International believes they are held solely on account of their left-wing ideas. In a related case, student Ha Young-joon was arrested in April for sending a Trotskyist article to the homepage of a computer discussion group.

At least 21 members of the student organization *Hanchongnyon* have been arrested since February simply for belonging to the organization. After a series of violent student protests in 1997 the authorities declared *Hanchongnyon* to be an organization which "benefits" North Korea on the grounds that its ideas and principles are considered similar to those of the North Korean Government. After this, thousands of students who belonged to *Hanchongnyon* were threatened with possible arrest. Most of those arrested this year are the presidents of student unions, held solely because their university is affiliated to *Hanchongnyon* and not for any use or advocacy of violence. Dozens of other students are already serving prison terms for belonging to the organization.

Publisher Lee Sang-kwan, of *Taedong* Publishing Co., arrested on 29 April, has been charged with publishing two books which "praise" and "benefit" North Korea. One of the books, about North Korean women, was published in March 1997 to widespread acclaim. The second book, about the lives of former long-term political prisoners, was published in May 1996. Both are apparently still publicly available.

Eight members of the Federation of Young Progressive People were arrested on 25 June for belonging to an "enemy-benefitting" organization. Shortly before their arrest, they are reported to have circulated a petition to members calling on them to freely express their [left-wing] political ideas as a means of challenging the official definition of an "enemy-benefitting" organization. Over 60 members signed the petition/statement. The Federation's principles include criticism of capitalism and promotion of workers' rights.

Government lays down conditions for prisoner releases

On 1 July 1998 Minister of Justice Park Sang-chon said publicly that the system of ideological "conversion" would be abolished, acknowledging that the system had violated prisoners' right to freedom of conscience. Amnesty International has called for the conversion system to be ended and welcomes this statement by the government.¹

¹ Under the "conversion" system, certain National Security Law violators have not been

But the government has also announced that to qualify for early release, all political prisoners will be required to sign a statement in which they agree to respect the law and not to use violence. Amnesty International is concerned that this places the onus on prisoners to secure their own release and will be viewed as further form of oppression. Many long-term political prisoners may see this new requirement as an extension of the old conversion system which they have struggled to resist for so long. Other prisoners may refuse to sign a statement which requires them to respect the National Security Law.

Amnesty International once again calls for the unconditional release of prisoners held for non-violent political activities. It also calls for the release of political prisoners held for a long time after an unfair trial and where repeated calls for the cases to be reviewed have gone unheeded.

Human rights protection at a time of crisis

The economic crisis in South Korea has shown the importance of good human rights protection. Mass job losses and the lack of a social security net have led to social unrest, including strike action and street protests which have sometimes resulted in arrests and confrontation with riot policemen. Amnesty International is concerned that further social unrest and a tough government response may result in more arrests for "illegal" strike action and demonstrations and on national security charges. It is also concerned that the National Security Law may be used to stifle political debate during this critical period.

While some have argued that the country's economic problems must take priority over other reforms, Amnesty International believes that human rights protection is particularly important at a time of crisis. At the very least, the government should seek to minimize the number of National Security Law arrests. It should also ensure that people are able to express their political opinions, to take legitimate strike action and to protest peacefully without fear of arrest or other sanctions.

considered for release unless they sign a statement renouncing their "communist views". Some prisoners have refused to sign on the grounds that they have never held communist views and that this constitutes a violation of their right to freedom of thought. Others have spent many years resisting such pressure - until the early 1980s torture was used as a method of persuasion. Because of the conversion system, some prisoners have been held for between 30 and 40 years.

