

£SOUTH KOREA

@Prisoner of Conscience Baik Tae-ung

Baik Tae-ung, 31-year-old leader of *Sanomaeng* (Socialist Workers' League), is serving a 15-year prison sentence under the National Security Law (NSL). Amnesty International believes that Baik Tae-ung is held solely for exercising his rights of freedom of expression and association and that he did not use or advocate the use of violence. It has adopted him as a prisoner of conscience and is calling for his immediate and unconditional release.

Amnesty International is also concerned about reports that Baik Tae-ung was tortured during interrogation. It is calling on the authorities to initiate an immediate and impartial investigation in to these allegations and to make its findings public. This document describes the background to Baik Tae-ung's arrest, the charges against him and a brief analysis of the case.

Arrest and Interrogation: Reported Torture

Baik Tae-ung was arrested on 29 April 1992 by the Agency for National Security Planning (ANSP). He was interrogated for 22 days and exercised his right to silence for 15 of these days. During his trial in July 1992 Baik Tae-ung told the court that he had been beaten, deprived of sleep and given a chemical to weaken him during interrogation. He said:

"During the 22 days of ANSP interrogation, I was subjected to various types of torture such as sleep deprivation, drug injection and mob beating. Going through these rounds of torture I prepared myself for death three times . . . Five days before my [being sent to the prosecution], interrogators had this look on their faces that they had had enough of it, taking me to a special torture chamber. In the middle of the night investigators beat me for hours. They took turns in beating. Their demand was that complete silence was unacceptable."

Baik Tae-ung's claims of torture are consistent with reports made by other *Sanomaeng* members who have been arrested since 1990. Many said they were beaten and deprived of sleep during interrogation. They include *Sanomaeng* leader Park No-hae who is said to have attempted suicide as a result of his treatment at the hands of interrogators and is now serving a life sentence under the NSL.

To Amnesty International's knowledge, no investigation has been carried out into the allegations of torture made by Baik Tae-ung and other prisoners.¹

The Accusations Against Sanomaeng

Baik Tae-ung is one of the alleged leaders of *Sanomaeng*, a socialist organization which was established in 1989. Since then over 200 of its alleged members have been arrested under the NSL, many of whom have been sentenced to lengthy prison terms.

Sanomaeng is regarded by the authorities as an "anti-state" organization. The NSL defines an "anti-state" organization as an "association or group within the territory of the Republic of Korea or outside of it, which has the structure of command and control, as organized for the purpose of assuming a title of the government or disturbing the State". The law prescribes long sentences of imprisonment or the death penalty for "anti-state" activities and contacts with "anti-state" organizations. The term "anti-state" is open to wide interpretation and has been used by successive governments to imprison people who held socialist or communist political views or whose views were alleged to be similar to those of the North Korean Government².

In May 1992, soon after Baik Tae-ung's arrest, the Agency for National Security Planning (ANSP) announced to the media the results of its investigations of *Sanomaeng*. It said that *Sanomaeng* was the second largest "revolutionary organization" in the country's history. It found that *Sanomaeng* members had worked on university campuses and in factories to prepare for an armed uprising to establish a "people's government" and that it had links with the North Korean Workers Party. *Sanomaeng* leaders are said by the ANSP to have masterminded a series of strikes throughout the country and to have taken control of *Chonminhangnyon* (National Students Democratic League), instructing it to carry out a series of firebomb attacks on university campuses. They are also alleged to have sought to control the *Minjung Party* (People's Party), a legal political party set up in 1990 and disbanded after it failed to gain sufficient votes in the March 1992 National Assembly election.

¹Further information regarding Amnesty International's concerns about torture and ill-treatment in South Korea may be found in the following document: *South Korea, Amnesty International Urges Ratification of The UN Convention Against Torture*, ASA 25/15/93, published in May 1993.

²Further information about Amnesty International's concerns regarding the National Security Law may be found in the following document: *South Korea, the test of practice, the National Security Law and human rights*, ASA 25/14/93, published in June 1993.

Sanomaeng was said by the authorities to be organized along the lines of a communist organization, with a central committee and five provincial organizations spread throughout the country. According to the ANSP, it had some 3,500 members, consisting of 300 full members, 500 supporters, 1,200 campus organizers and 1,500 collaborators. The authorities claim to have seized thousands of pieces of evidence since 1990, including computer disks, forged residence cards, publications, bankbooks and money.

The Accusations Against Baik Tae-ung

Baik Tae-ung was charged under the NSL with establishing *Sanomaeng*, an "anti-state" organization which sought to destroy the current government and establish a democratic people's government. He was said by the authorities to have published and distributed over 20 printed documents about *Sanomaeng*, to have organized two attacks on police boxes, to have communicated with other *Sanomaeng* members and to have received money from them. Evidence allegedly seized by the ANSP included computers, computer disks, forged residents cards and money. Baik Tae-ung's trial opened in July 1992 at Seoul District Court and the prosecution sought a death sentence.

An Analysis of Baik Tae-ung's Case

The aims of *Sanomaeng* after it was established do not appear to have been clearly defined and were the subject of constant debate within the group. However, there is no evidence available to the public to suggest that *Sanomaeng* members were seeking an armed uprising of the type described by the ANSP. *Sanomaeng* appears to have been a large grassroots organization with several thousand members spread throughout the country. It was a well-organized network with an expanding membership which was forced to organize itself in a clandestine manner in order to avoid the arrest of its members. There is no evidence to suggest that it had any direct links with North Korea but was a South Korean organization seeking a South Korean form of socialism. It is said to have organized mass rallies, distributed leaflets, and published magazines. It also sent its members to work with farmers and manual workers, to educate them about their political rights.

In 1992 *Sanomaeng* members and supporters told Amnesty International that the group was then reviewing the best ways to implement its ideas but had not come to any firm conclusion. However, many members felt there should be an open political debate and an opportunity to raise their ideas in a public forum. They did not think that change could or should be brought about through armed struggle. Some *Sanomaeng* members, such as Baik Tae-ung, had clear ideas about the way the organization should develop and these were clarified in his statement to Seoul District Court at the start of his trial. He said:

"Politically, Sanomaeng aims at liberty and democracy, economic equality and a society not swayed by a handful of monopolistic business conglomerates and instead a society in which workers and small farmers become masters. I would like to ask: why is Sanomaeng an anti-state organization? Sanomaeng has never assumed the title of government. It has never purported to disturb or overthrow the State. Unlike the New People's Army in the Philippines or the Shining Path in Peru, Sanomaeng is not an organization of armed struggle. . .

We never take pride in having built such a large and strong organization, but we can say this for sure: if it was a terrorist organization, it would have never been necessary to painstakingly build such an inclusive, large-scale and far-flung organization. Sanomaeng cultivates its ability to exercise widespread influence and forms relationships with people in various walks of life, because it has a vision to transform our society, thoroughly, democratically, peacefully and in the manner guaranteed by the democratic institutions of our society . . .

Sanomaeng aspires to build a party named the Socialist Workers' Party. We have a firm belief that it will not be long before Sanomaeng and the Socialist Workers' Party are legalized. We have been doing preparatory work in this connection. We have drawn out a solid plan wherein we will build the Socialist Workers' Party by the end of 1995 and get a group of socialist candidates successfully elected to the 1996 National Assembly election and let them triumphantly march into parliament."

The aims of this prospective political party included: the implementation of a mixed economy, reform of the electoral system and greater efforts towards realizing Korean reunification.

The ANSP portrayed Sanomaeng as a highly secretive clandestine organization which adopted warlike strategies, but Baik Tae-ung pointed out that repression by the authorities had forced the group underground to avoid detection and arrest. He also pointed out that socialist parties are playing an active role in other democracies and that the arrest of Sanomaeng members constitutes a denial of their right to freely express their political views.

Verdict and Sentence

On 27 October 1992 Baik Tae-ung was sentenced to life imprisonment by Seoul District Court. When delivering the court's verdict, the judge is reported to have said that Baik Tae-ung should be segregated from society indefinitely because he had ignored the liberal democratic system and the market economy, upheld in the Constitution. He also said that Baik Tae-ung was not sentenced to death in view of the fact that he had told the court that he would try to establish a legal socialist party, using peaceful methods. Baik Tae-ung appealed to

the high court which reduced his sentence to 15 years' imprisonment on 20 February 1993, in view of his repentance and the fact that he had renounced violence.

These final words of Baik Tae-ung's opening statement to Seoul District Court give further weight to the argument that he supported peaceful, legal change:

"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 labor ceases to be mechanical physical wringing of tears and signs and instead becomes a creative process for self-realization. I want to build a humane country in which altruistic sacrifice and volunteer service for others becomes an act of joy and happiness. . .

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. . .

We, Sanomaeng, are an organization aiming at legalization. Even if the government does not want to sanction the Socialist Workers' Party, we still intend to build the party within the legal confines."