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# Amnesty International

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## REPUBLIC OF KOREA (SOUTH KOREA)

### @Arrest of Trade Union Leader Kwon Young-kil

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Kwon Young-kil, one of South Korea's most important and influential trade union leaders, was arrested on 23 November for the non-violent exercise of his trade union activities. His arrest comes at a critical time in the growth of trade unionism in South Korea and appears to be part of a government strategy to suppress the growth of a new, independent and democratic trade union movement. Amnesty International considers Kwon Young-kil to be a prisoner of conscience and is calling for his immediate and unconditional release.

Kwon Young-kil is President of a new trade union federation, the Korean Confederation of Trade Unions (KCTU, *Minju Nochong*). Under South Korean law the KCTU is an illegal body and the South Korean Government appears determined to ensure that it is unable to function as a trade union federation.

The KCTU was formally inaugurated on 11 November 1995 and comprises some 418,000 workers from 861 trade unions throughout the country. It has described itself as a national centre of independent and democratic trade unions. Under South Korean law the KCTU is illegal because it duplicates the work of an existing federation, the Federation of Korean Trade Unions (FKTU, *Hankuk Nochong*). Article 3 of South Korea's Trade Union law forbids the establishment of a second trade union at one workplace "when the organization has the same organizational object as an existing labour union, or it aims to interfere with the normal operation of such a union". This prohibition extends to trade union federations. At the national level the FKTU is the only legally recognized national trade union body.

A preparatory committee for the KCTU was set up in 1994, with Kwon Young-kil and Yang Kyu-hun as co-Presidents. Arrest warrants for the two men were

issued in June 1994 and have remained valid since then. The two are accused of violating a prohibition on "third party intervention" in labour disputes for the contents of their speeches at a series of rallies in May and June 1994 in which they advised workers about industrial action, expressed support for workers and criticised government policy. Since June 1994 the two leaders had been in hiding and Yang Kyu-hun is still wanted by the police.

The prohibition on "third party intervention" is contained in provisions of South Korea's labour legislation and has led, in recent years, to the arrests of trade unionists for the non-violent exercise of their legitimate trade union activities. Article 13-2 of the Labour Dispute Mediation Act prohibits a "third person", that is anyone who has no immediate connection with a workplace where a dispute is taking place, from intervening in the dispute. Trade unions are generally formed at company level and a person outside the company will be regarded as a "third party". Only a legally recognised industrial federation to which the trade union belongs is permitted to give advice or intervene in the dispute. The authorities regard as "third party intervention" advice given to trade union members about their rights and about the conduct of industrial disputes. The maximum penalty on conviction is five years' imprisonment.

Kwon Young-kil has been accused of giving advice to trade union members in speeches he made on 10 occasions in May and June 1994. In his speeches he made general expressions of support for workers and criticised the government for using armed police to arrest striking workers. He also expressed support for workers regarding industrial disputes at Daewoo Shipyard, Hyundai Heavy Industry and Seoul Subway. Several of the charges relate to statements he made about a strike at Korean National Railroad in June 1994. In this case, members of the trade union *Chonkihyop* had only taken strike action after management refused to negotiate with the union and there is evidence that Kwong Young-kil had made sincere efforts to bring about a peaceful end to the dispute.

Amnesty International believes that Kwon Young-kil has been arrested for activities which amount to no more than the peaceful exercise of his rights to freedom of expression and association. It is concerned that the prohibition on "third party intervention" has been used to deny trade union leaders the right to practice their legitimate trade union activities.

The need to reform labour legislation in South Korea has been recognized by several international bodies in a series of recommendations to the South Korean Government. In March 1993 the International Labour Organization (ILO) Committee on Freedom of Association called on the South Korean government to lift the ban on "third party intervention", saying *"As the Committee is of the opinion that the ban on third party intervention in the settlement of disputes constitutes a serious restriction on the free function of trade unions, it calls on the Government to repeal this ban"*. In May 1995 the UN Committee on Economic, Social and Cultural Rights included the following in its recommendations to the South Korean Government *"The committee recommends that the Government immediately amend its laws and regulations concerning the freedom to form trade unions and the right to strike in order to bring them into compliance with the Covenant [International Covenant on Economic, Social and Cultural Rights] and with other application international standards"*.

In July 1995 the UN Human Rights Committee found that Sohn Jong-kyu, sentenced to 18 months' imprisonment for "third party intervention" in a labour dispute, had been convicted for exercising his right to freedom of expression. The Committee urged the South Korean Government to review Article 13-2 of the Labour Dispute Mediation Act and to ensure that similar violations did not occur in future.

Amnesty International representatives expressed concern about the arrest of Kwon Young-kil at meetings with government ministers on 23 and 24 November 1995. They were told by a member of the Presidential Office that the government was considering an amendment of the prohibition on "third party intervention" in labour disputes. Government officials made similar statements to Amnesty International in October 1994, but the law has still not been amended. Amnesty International believes that the government must now be urged to take immediate action. It should demonstrate its willingness to do so by ordering the immediate and unconditional release of Kwon Young-gil.

## REQUEST FOR ACTION

### Please send letters and faxes:

- *Calling for the immediate and unconditional release of Kwon Young-kil, arrested for the peaceful exercise of his trade union activities;*
- *expressing concern that the arrest of Kwon Young-kil appears to be an attempt to suppress the formation of the KCTU;*
- *Calling for amendment of legislation prohibiting "third party intervention", in line with international standards relating to freedom of expression.*

### Send appeals 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**
- Mr Jin Nyun, Minister of Labour  
Ministry of Labour, 1 Chungang-dong  
Kwachon-myon, Shihung-gun, Kyonggi Province  
Republic of Korea, **Fax: +82 2 503 9771**
- and to diplomatic representatives of the republic of Korea (South Korea) in your own country.

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