

TO: PRESS OFFICERS
FROM: IS PRESS OFFICE
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Following is an open letter which has been sent to all candidates in the presidential election in South Korea, scheduled for 18 December. It is not embargoed, but the IS will be sending it to Asia-interest radio services on 15 December.

**SOUTH KOREA
OPEN LETTER TO ALL PRESIDENTIAL CANDIDATES**

December 1992

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Amnesty International is sending this open letter to all the candidates in the presidential election in South Korea scheduled for 18 December 1992. It asks them to make public their commitment to the protection of basic human rights and identifies ten issues which it believes require their attention.

Dear Candidate,

I am writing to urge you to make public your commitment to the protection of basic human rights in South Korea. In recent years basic human rights have been enhanced in some respects, but a number of serious problems remain to be addressed and urgently acted upon. In this letter I wish to highlight ten issues which Amnesty International believes should receive your attention and support. I hope that you will adopt Amnesty International's recommendations and, if elected President, implement them at the earliest opportunity.

Amnesty International is a worldwide voluntary movement which seeks to prevent some of the gravest violations by governments of fundamental human rights. The main focus of our campaign is to free all prisoners of conscience (these are people detained anywhere for their beliefs or because of their ethnic origin, sex, colour or language -- who have not used or advocated violence); ensure fair and prompt trials for political prisoners; abolish the death penalty and end torture and other cruel treatment of prisoners; and stop extrajudicial executions and "disappearances". Amnesty International is impartial. It is independent of any government, political persuasion or religious creed. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect.

Freedom of expression is now broader in South Korea than in previous decades but restrictions on the expression of certain political views, mainly about Korean reunification, socialism or communism, continue to be punished with imprisonment, thus, in Amnesty International's view, violating the essence of the freedom. Reports of torture and ill-treatment, such as beatings, sleep deprivation, threats and forced strenuous physical exercises, are still received by Amnesty International. They underline the inadequacy of current interrogation and detention procedures and the urgency for the authorities concerned to take concrete measures to prevent such abuses. In recent years the

courts have in several important cases upheld complaints about illegalities in the detention of political prisoners, but recourse to judicial remedies is not a substitute to preventing human rights violations from occurring in the first place. We welcome the progress that has been made in restricting the use of the death penalty: no executions have been carried out so far this year and legislative proposals are under consideration to reduce the number of capital offences.

Amnesty International believes the following ten steps should be urgently acted upon; we urge you to give them your serious consideration and support:

1. Release all prisoners of conscience

All people imprisoned solely for the non-violent exercise of their rights of freedom of expression and association, regardless of their political views, should be immediately and unconditionally released.

In addition, the administrative provisions under which "leftist" prisoners who have not "converted" or recanted their political views are not entitled to early release on parole should cease to be applied to prisoners held for the non-violent expression of their political views.

2. Review the convictions of political prisoners said to be based on confessions obtained by torture

The cases of the political prisoners convicted in previous decades under the National Security Law or the Anti-Communist Law on the basis of confessions they say were extracted from them under torture should be reviewed.

Amnesty International believes that a confession made by a suspect against his will, during illegal or incommunicado detention, and which constitutes the only or main incriminating evidence, should not be accepted as a basis for conviction and that the prisoner should not have the onus of proving that his confession was false.

3. Revise the National Security Law

The National Security Law should be revised so as to remove from its scope provisions which punish non-violent political activities with imprisonment or the death sentence.

Amnesty International is concerned that the prohibition of "anti-state" activities and activities "endangering national security and the basic liberal democratic order", in the National Security Law (as amended in May 1991), could still lead to the imprisonment of people for their non-violent political views or activities.

4. Revise other laws that restrict freedom of expression

The provision in the Labour Dispute Mediation Law prohibiting third party intervention in a labour dispute (that is the intervention of somebody who has no immediate connection with a workplace where a dispute is taking

place) should be revised to stop the imprisonment of trade unionists for giving advice about peaceful and legitimate trade union activities.

Restrictions on the freedom of expression of members of the public under election laws should be lifted to prevent the detention of prisoners of conscience.

5. Suspend and review the Agency for National Security Planning's powers of arrest and interrogation.

In view of continuing reports of illegal arrests, illegal restrictions on suspects' access to lawyers and relatives, and reports of ill-treatment by the Agency for National Security Planning, the agency's powers to arrest and detain suspects should be suspended until measures to effectively protect the basic rights of detainees have been introduced.

6. Examine and strengthen the role of the prosecution authorities in the protection of human rights.

In view of the apparent failure of the prosecution authorities to initiate investigations and prosecutions into reported instances of illegalities in the detention and interrogation of political prisoners, an impartial examination should be made to identify the factors that have adversely affected the role of the prosecution authorities in this area, and possible steps to strengthen its ability to ensure that law enforcement agencies comply with laws to protect human rights.

An impartial examination should also be made into the prosecution authorities' handling of individual complaints of human rights abuses filed by political prisoners. Investigation of the complaints appear to suffer long delays and this raises doubts about the effectiveness of this procedure.

7. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

To show commitment to eradicate torture and ill-treatment the government should, without delay, ratify and implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In preparation for ratification the authorities should also consult non-governmental organizations, including the legal profession and human rights groups, about changes to current arrangements for custody and interrogation of suspects and other measures to strengthen safeguards against torture.

8. Restrict the application of the death penalty.

In view of current legislative proposals to restrict the application of the death penalty, prosecution authorities should not request death sentences against prisoners tried for the offences which it is proposed should no longer be punishable by death in the revised Penal Code.

9. Declare a moratorium on executions

A moratorium should be imposed on all executions pending the decision of the Constitutional Court on a petition challenging the constitutionality of the death penalty and pending a thorough study into whether the death penalty has a real deterrent effect on crime.

10. Consider the appointment of a Human Rights Ombudsman

Basic human rights are guaranteed by South Korean law, either by explicit mention in the country's Constitution or by virtue of the country's accession to the International Covenant on Civil and Political Rights and its (first) Optional Protocol. Yet basic rights continue to be violated in many instances. Remedies are available, but these are no substitute to preventing human rights violations in the first place. Often judicial remedies cannot immediately stop human rights abuses in individual cases: the courts cannot help a prisoner held incommunicado who it is believed may be ill-treated. If later the prisoner files a complaint for ill-treatment he may find, as others have, inertia on the part of the prosecution authorities or that he cannot collect the evidence required by law to secure a criminal conviction.

Amnesty International believes the government should consider the possibility of creating a Human Rights Ombudsman as a means of addressing these problems. The Ombudsman's role would be to defend prisoners against human rights violations by officials. In order to be effective, the independence of this office should be guaranteed. It should be empowered to act on its own initiative as well as on the basis of complaints by alleged victims and on the basis of reports from any source. The Ombudsman should not be bound by any formalities and should be able to adopt any reasonable procedure he/she considers appropriate. When deemed necessary, the Ombudsman should be able to publicize his/her views. Officials should have a legal duty to cooperate with his/her investigations. In addition to investigating individual situations the Ombudsman should be empowered to make recommendations about legislation and administrative arrangements. This office should publicize its role and means of action and the ways people can have recourse to it.

Amnesty International urges all candidates for the Presidency to give high priority to policies to protect and promote human rights. We will be most interested to receive your response to the ten points we have proposed.

Yours sincerely,
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