

REPUBLIC OF KOREA

Violations of human rights

an amnesty international report



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First published 1981 by Amnesty International Publications
10 Southampton Street, London WC2E 7HF, England
© Copyright Amnesty International Publications
ISBN: 0 86210 031 3
AI Index: ASA 25/22/81
Original language: English
Printed by Shadowdean Ltd., 01-543 4450

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Cover picture shows the opposition leader Kim Dae-jung (front row, second from right) and 23 others at their trial in August 1980.

Preface

The Republic of Korea occupies the southern part of the Korean peninsula, which is contiguous to the People's Republic of China and the Soviet Union, with Japan lying offshore to the east. The effective administrative area of the Republic of Korea is 98,799 square km, about 45 per cent of the peninsula.

The population of the republic in 1977 was 36,436,360, and of Seoul, the capital, 7,823,195. Other large cities of Pusan, Taegu and Inchon.

The country is divided into nine provinces and two separately administered cities, Seoul and Pusan. The population is homogeneously Korean, with no ethnic minorities. Korean belongs to the Altaic group of languages.

History

After the collapse of its colonial ruler, Japan, in 1945, the Korean peninsula was divided by United States and Soviet forces into two, separated at the 38th parallel of latitude. The Republic of Korea was proclaimed on 15 August 1948 after SYNGMAN RHEE was elected President by a national assembly which came into existence after general elections supervised by the United Nations. President Syngman Rhee was re-elected in 1952, 1956 and 1960, but was forced to resign and leave the country at the end of April 1960.

The National Assembly of 15 June 1960 amended the constitution, changing from a presidential to a cabinet system, with the President as the symbolic head. The Democratic Party, which had been in opposition under Syngman Rhee, won the elections under the new system and CHANG Myeon became Prime Minister. YUN Po-sun was elected President by both houses of parliament.

On 16 May 1961 the government was overthrown by General PARK Chung-hee and martial law was imposed. The presidential form of government was revived after a referendum and Park Chung-hee was elected President on 15 October 1963. He was re-elected in 1967 and

1971. In 1978 he was re-elected for another six years by a National Conference for Unification (NCU) under the Yushin "revival" Constitution.

President Park was assassinated on 26 October 1979 and the Prime Minister CHOI Kyu-hah became interim President, being replaced by CHUN Doo-hwan in August 1980. A new constitution was approved in a referendum in October 1980 and elections were announced for March 1981.

Economy

Exports grew by an annual average of 40 per cent between 1962 and 1976. The principal export trading partners were Japan, the USA, Saudi Arabia and the Federal Republic of Germany (FRG). The main exports are: textile fabrics and clothing, electrical machinery and transport equipment.

There has been a marked increase in imports following a recent relaxation of restrictions. Major exporters to the republic are the USA, Japan, the FRG, Saudi Arabia and Kuwait; the principal commodities are power generating machinery, textile machinery, electric power machinery, ships and boats and petroleum.

The USA and Japan have up to now been the principal trading partners but recently there has been less dependence on them and trade has increased with the European Economic Community and the Middle East; Australia is also an important trading partner.

In 1973 there were 187,000 South Koreans working abroad—mainly in Japan, Europe and the Middle East.

The balance of payments deteriorated in 1978 and 1979 and the country was expected to require financial assistance worth about US\$ 13.5 billion during 1979 to 1982.

Religion

According to estimates in 1978, 36 per cent of the population were Buddhists and 17 per cent

Christians; 13 per cent were Confucians.

International relations

The Republic of Korea is not a member of the United Nations—nor is the People's Democratic Republic of Korea (North Korea)—and has not

become party to UN instruments on human rights. It does, however, belong to many international and inter-governmental organizations, including the World Bank, the International Monetary Fund, and the Asian Development Bank. It has diplomatic relations with 111 countries.

Political imprisonment, torture and the death penalty

Amnesty International's concerns over the violation of human rights in the Republic of Korea have remained constant in recent years in spite of various legal changes and changes of government. After 17 May 1980, when nationwide martial law was declared and mass arrests took place—according to some reports up to 1,200 civilians died during clashes involving the security forces in the city of Kwangju in May—it noted a rapid deterioration in human rights. It has the names of 545 political prisoners now believed to be detained in the Republic of Korea, many of them prisoners of conscience; a number are under sentence of death.

The organization's concerns in the Republic of Korea are:

- Imprisonment of people for exercising their right to freedom of expression by criticizing the government.
- Frequent and serious irregularities in the judicial process which gravely limit defendants' opportunities to prepare and present an adequate defence. Such irregularities include incommunicado detention; harassment of defence lawyers; the use as prosecution evidence of incriminating statements obtained under duress; trials of civilians by military courts (for martial law violations) and trials *in camera*.
- Detention for up to several months without formal charges. People known to have criticized the government may be held in police stations and army camps; they have also been detained in hotel rooms or placed under house arrest.
- The death penalty. Amnesty International knows of 10 political prisoners under sentence of death at the time of going to press. The death sentence has also been imposed for murder. Concern about the application of the death penalty is heightened because in 1975 eight prisoners of conscience were executed immediately after the Supreme Court had confirmed their sentences and before they were

able to pursue other legal resources for appeal.

- The use of torture, usually during the period of interrogation, to force prisoners to make false statements; torture is also used as a means of intimidation.

At the end of July 1980 the South Korean authorities refused entry to an Amnesty International mission that wished to meet government officials and private people to investigate reports of serious human rights violations in the country.

The proposed visit followed reports that hundreds of political prisoners had been arrested in recent months; that the whereabouts of many had not been disclosed by the government and that prisoners had been held incommunicado and tortured. The mission wished to investigate these reports and inquire into the judicial proceedings and treatment of political prisoners convicted before the wide-ranging arrests that followed the imposition of full martial law, as well as the subsequent arrests of journalists, university professors, members of the National Assembly (legislature), lawyers, clergymen, human rights activists, and hundreds of students detained after demonstrations in Seoul, Kwangju and other cities.

Recent events in the Republic of Korea

Under Article 53 of the 1972 Yushin Constitution, the President was empowered to take "necessary emergency measures" when "national security or the public safety and order is seriously threatened or anticipated to be threatened". The constitution guaranteed the rights of freedom of speech, assembly and association, but included the proviso "except as provided by law".

In 1974 President Park promulgated a series of emergency regulations under Article 53 and

several hundred people were imprisoned for violation of the regulations, before they were lifted in August 1974. A further emergency regulation, No. 9, was promulgated in May 1975 and was still in force when President Park died in 1979.

Emergency Regulation No. 9 (ER9) prohibited criticism of the government or of the constitution; it prohibited reporting such criticism and banned political meetings and demonstrations. Most prisoners of conscience adopted by Amnesty International between 1975 and 1979 were convicted of violations of this regulation.

In addition, the 1961 Anti-Communist Law and the 1960 National Security Law were (and the latter still is) widely interpreted, so that those peacefully expressing criticism of the government could be prosecuted. A further measure, the Public Security Law, was passed by the National Assembly in July 1975; it was designed to "control anti-state criminals and espionage agents for North Korea even after they have finished prison terms". The Public Security Law—still in force—allows three degrees of control and supervision of those previously convicted under the Anti-Communist Law and the National Security Law: surveillance or "protective supervision"; restricted residence in city or county; and "security custody" in jail. In this last form it can be used to keep some political prisoners in custody after their sentences have expired.

Martial law was imposed on the whole country, except Cheju Island, immediately after President Park's assassination. In spite of this many people who had been advocating increased democratic and human rights in the republic saw this as an opportune time for reform.

The new President and former Prime Minister, Choi Kyu-hah, elected on 6 December 1979, took a number of immediate steps in favour of human and democratic rights. They included releasing the dissident leaders YUN Po-sun and KIM Dae-jung from house arrest; rescinding Emergency Regulation No. 9 and releasing prisoners held under the measure; opening discussion on the reform of the constitution and promising elections for the presidency and National Assembly. However, the nature of President Choi's election proved controversial. After President Park's death various groups involved in the democratic rights movement issued statements

calling for the immediate reform of the Yushin Constitution and for direct presidential elections. Although the government proposed popular discussion on the constitution, they proceeded to elect a new president under the indirect system of the Yushin Constitution.

The authorities took repressive measures, including imprisonment, against some of those who demanded wider reform. For example, in November 1979 two former prisoners of conscience, LEE Bu-young and the Reverend YUN Ban-ung, were arrested for violations of the Martial Law Regulations after they had issued statements advocating more rapid constitutional reform; they were sentenced to three and two years' imprisonment respectively on 5 December 1979, although the Reverend Yun was later released.

A meeting on 24 November 1979 at the Young Women's Christian Association in Seoul to protest against the proposed indirect presidential elections was broken up by the police. They detained 123 people; some were taken to the Army Security Command investigation centre, where they were reportedly severely and systematically beaten. Later, 62 of those detained were given Summary Court sentences and 18 formally indicted for violation of the Martial Law Regulations.

Nonetheless, there were noticeably fewer arrests between December 1979 and April 1980 than under the rule of President Park. Vigorous public debate on the revision of the constitution was conducted in an atmosphere of optimism that repressive elements of the Yushin Constitution would be rescinded. On 29 February 1980 President Choi announced the restoration of civil and political rights for 648 former political offenders, including Kim Dae-jung and Yun Po-sun. Many students and professors who had been expelled from universities for political activities were allowed to return. People convicted under the Anti-Communist Law, however, were not included in this measure.

Despite legal restrictions on collective action and bargaining, there was a sharp increase in the number of labour disputes between January and May 1980. By the end of April over 700 disputes had occurred, most involving claims for overdue wages. Industrial action was also aimed at wage increases, better working conditions and the removal of employers' representatives from union

positions.

The government intervened only where disputes involved violence; at the beginning of May about 160 workers accused of rioting or damaging factory premises were being investigated by the police. At a rally on 13 May 1980, sponsored by the Federation of Korean Trade Unions, some 2,000 workers called for the full constitutional guarantee of labour rights, the reinstatement of workers dismissed for trade union activities and the immediate release of the workers under investigation.

During March 1980 demonstrations began on a number of university campuses. Initially the students demanded academic autonomy and the dismissal of university staff associated with President Park's government, and protested against the plans for intensifying military training drill for students. By early May 1980 the disturbances had spread, and demands were made for an end to martial law; democratic elections before the end of the year; freedom for trade unions; an end to press censorship; and the resignation of General CHUN Doo-hwan (head of the Army Security Command and Acting Director of the Korean Central Intelligence Agency), President Choi Kyu-hah and the Prime Minister, SHIN Hyong-hwak.

On 14 and 15 May 1980, tens of thousands of students clashed with the police in Seoul and major provincial cities. KIM Young-sam, the leader of the main opposition party, the New Democratic Party, and Kim Dae-jung appealed to the students to exercise self-restraint. KIM Jong-pil, leader of the government Democratic Republican Party, and Kim Young-sam made it clear that their parties intended to vote for the repeal of martial law in the National Assembly. Under Article 54(5) of the Yushin Constitution such a vote by a majority of the Assembly would require the President to repeal martial law. On 16 May students in Seoul called off their protests but demonstrations continued in some provincial cities.

Other groups supported the students' demands. On 15 May 1980, a group of 134 intellectuals, including scholars, journalists, religious leaders and writers signed a declaration calling for the repeal of martial law, immediate constitutional reform and elections, and press freedom.

All reference to the declaration was censored from the press by the military authorities. Many

journalists expressed their disapproval of such censorship and reiterated their demands for freedom of the press.

On 17 May the Journalists Association of Korea protested to the military authorities that censorship was being used to manipulate public opinion and consolidate the control of the military over the country. The journalists announced that from 20 May they would stop submitting stories for censorship.

Describing how censorship had affected reports of the recent student demonstrations, the Journalists Association of Korea stated that "the media were forced to report only negative and destructive aspects and were prohibited from reporting positive aspects, such as that they were ordered and justified". Slogans used by the students indicating that they were still strongly anti-communist were deleted from reports by the censors. The number of students arrested or injured was not allowed to be published—but newspapers were allowed to print the number of police casualties.

Justifying the declaration of nationwide martial law on 17 May 1980, the Martial Law Commander LEE Hui-sung said: "The whole country is now under a state of emergency, considering the current moves of North Korea and disturbances throughout the country." Martial law was strengthened by the following measures:

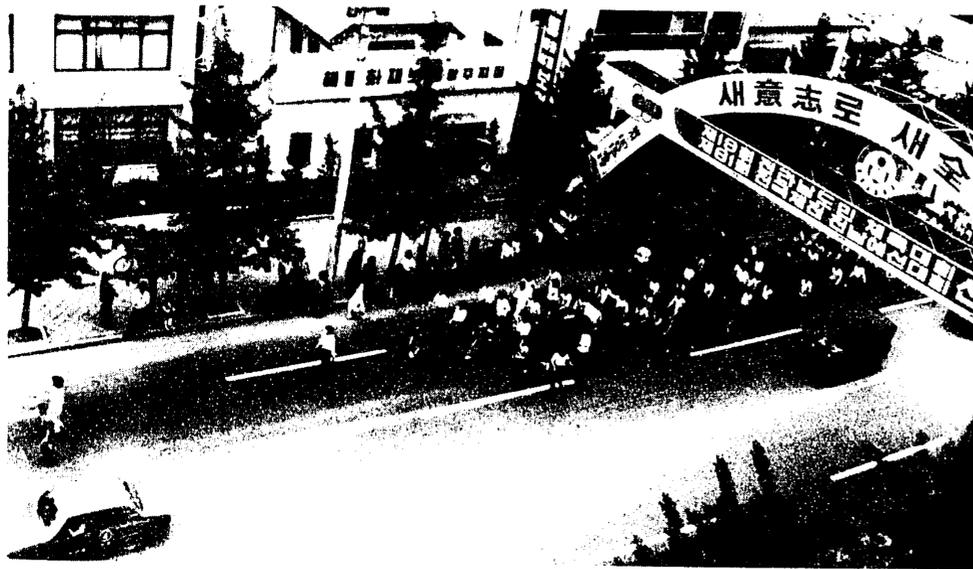
- All political activity was banned, including any assembly or demonstration for political purposes. This included the closure of the National Assembly.
- Universities and colleges which had reopened were closed temporarily. (This provision was lifted in September 1980.)
- "Strikes and absence from work without good reason" were banned.
- To the prohibition on "spreading groundless rumours" was added "the act of slandering the former and present heads of state and the use of declaration and language in the same vein as used by the North Korean puppets; and any other agitating remarks and acts corrupting public order at public meetings will not be permitted".

The martial law declaration was followed within hours by the arrest of student leaders and others involved in the movement for democracy and human rights. Among those detained were a

number of former prisoners of conscience, including Kim Dae-jung, a leading candidate in the promised presidential elections; the Reverend MOON Ik-hwan; the Reverend LEE Hae-dong; the poet KOH Eun; Professors LEE Moon-yung and SUH Nam-dong; the former lawyer, HAN Seung-hon, who was Executive Director of Amnesty International Korea Committee.

Estimates of the number of people arrested varied greatly, but Amnesty International has the names of more than 200 who were held for investigation or charged with violations of the Martial Law Regulations.

The following day, 18 May 1980, a student demonstration took place in Kwangju. The students, from Chonnam and Chosun Universities, were demanding the immediate end of martial law; the resignation of General Chun; the release of Kim Dae-jung and other political prisoners; the commutation of the death sentence against KIM Jae-kyu (President Park's assassin) and his four co-defendants (all five were executed on 24 May). The demonstration ended in considerable violence after the dispersal of the crowd by paratroopers. They are reported to have attacked the demonstrators with ferocious brutality, stabbing them with bayonets, kicking them and beating them with rifle butts. At least 40 people were killed.



A student demonstration in Kwangju in May 1980

In the ensuing days there were continuing clashes with the troops; over 300,000 people, including students, are said to have been involved. By 21 May the demonstrators were virtually in control of Kwangju. The next day local citizens and students formed a committee to restore order and collected arms captured from the military.

On 27 May the army retook the city, again with great brutality. The Martial Law Command reported that 144 civilians, 22 soldiers and four police officers were killed during the disturbances. Reports from other sources put the number of civilian dead at 1,200, with many more injured or missing.

Reports of the events in Kwangju were effectively censored from the press by the military authorities. They described the Kwangju incident as "an unprecedented tragedy" and stated "the military refrained from exercising even the slightest degree of self-defence for fear of unnecessarily aggravating the situation and causing casualties on the part of innocent citizens".

According to other reports, the violence used by the troops against the demonstrators on 18 May horrified and angered other citizens and students in Kwangju and provoked further violent confrontations with the troops. Amnesty International has received reports and eyewitness

accounts from many sources about the actions of the troops on 18 May. The reports include allegations that:

- paratroopers indiscriminately clubbed people on the head, and stabbed them with bayonets;
- female students were forced to strip naked—some of them being stabbed to death;
- injured students were dragged through the streets;
- soldiers had followed a wounded student into the hospital and beat up the nurses who were going to treat her;
- many of the dead were shot in the face;
- a girl student, stripped and tied to the fountain in front of Kwangju's railway station, had her breasts cut off before she was killed.

On 31 May 1980, the Martial Law Command released a statement on the Kwangju disturbances in which they alleged that the incident had been started by students at Chonnam and Chosun Universities who had been "manipulated and agitated by Kim Dae-jung". This charge was central to the indictment against Kim Dae-jung published on 4 July, in which he was accused of being the organizational and financial force behind both the student demonstrations before 17 May and the Kwangju insurrection. He and 23 people alleged to have aided him stood trial before a Military Tribunal on 14 August. On 17 September he was sentenced to death. The sentence was confirmed by the Military Appeal Court and the Supreme Court, but was commuted to life imprisonment by President Chun Doo-hwan on 23 January 1981.

The Prime Minister and Cabinet resigned on 22 May 1980. The formation of a 25-member "Committee for Emergency Measures for National Security" was announced on 31 May, headed by Major-General Chun Doo-hwan. It was described as being designed to advise and assist President Choi and to facilitate coordination between the Cabinet and Martial Law Command.

The new committee initiated an extensive "purification movement" said to be intended to eradicate "power linked irregularities and social evils". Part of this program resulted in the dismissal for "corruption and inefficiency" of members of the National Assembly, government officials, civil servants, KCIA officials, teachers and education officials, journalists, bank and company employees. In August it was announced

that the drive had been extended to include "hooligans, drug-pushers, smugglers, swindlers, extortioners, thieves and habitual gamblers." In October the authorities reported that over 46,000 people had been detained, 2,000 of whom were still in custody, with 10,500 undergoing forced labour or corrective education, and the rest released. On 28 November the detention of a further 1,200 people in Seoul was reported. It is not known whether all of these detentions were prompted by overt criminal acts, or whether those in custody were given legal assistance.

About 380 journalists were dismissed and at least 17 arrested between May and August 1980 for violations of the Martial Law Regulations, and, in some cases, the Anti-Communist Law. In July, five Korean journalists working for major foreign newspapers were detained for investigation for several days. On 1 August the authorities revoked the publishing licences of 172 periodicals, only a few of which were clearly political. Strict censorship and control of all aspects of the media by the authorities continues. In November 1980, the government announced a major reorganization of the news media including the merger of two privately owned broadcasting companies into the state-run Korean Broadcasting System, the formation of a single news agency and reductions in the number of daily papers.

On 16 August 1980 President Choi resigned. On 27 August Chun Doo-hwan became President under the unamended Yushin Constitution.

Martial law was eased on 17 October, effectively reducing the power of the Martial Law Commander, and a referendum on the new constitution was held on 22 October.

The authorities have said that the new constitution is significantly more liberal than the Yushin Constitution, since it limits the President to a single seven-year term; restricts his authority to assume emergency powers; strengthens guarantees of fundamental rights. It prohibits people being punished for their relatives' actions; declares confessions obtained through torture inadmissible as evidence in court and gives a limited right of *habeas corpus*. Fundamental rights are not described as "limited by law", as in the Yushin Constitution, but may still be restricted "when necessary for national security, the maintenance of law and order or for public welfare" as long as "no essential aspect of the freedom or

right shall be violated" (Article 35). The election of the President is still by an indirect electoral college. The previous National Assembly and all existing political parties are abolished.

The new constitution was approved by 92 per cent of the votes cast in a referendum on 22 October 1980; 95.5 per cent of those eligible to vote did so. The constitution was promulgated on 27 October 1980.

Following the abolition of the former National Assembly, its functions are being carried out by a 70-member Legislative Council for National Security—an extension of the Committee for Emergency Measures for National Security founded in May 1980.

On 7 November 1980 President Chun appointed a committee to screen all politicians and political activists; those considered "conspicuously responsible for political and social corruption and chaos" were to be banned from political activity for eight years. Altogether 825 people were banned, including Kim Dae-jung, Kim Jong-pil and Kim Young-sam, and 210 of the 230 members of the last National Assembly. In late November 268 people successfully appealed against the ban on them.

Some steps have been taken to allow more

political activity. On 21 November the Martial Law Commander announced that the ban on political meetings imposed in May 1980 would be lifted to allow meetings for creating or operating political parties. By late January 1981, 15 new political parties had been registered, including the Democratic Justice Party, led by President Chun; the Democratic Korea Party, based on the former opposition New Democratic Party and the Democratic National Party, formed by supporters of the late President Park.

In January 1981 the government announced that the presidential elections—to be held through a 5,278-member electoral college—would be moved forward to 25 February 1981 and elections for the new National Assembly to March 1981.

Martial law was lifted on 24 January 1981.

A number of changes in the legal system were introduced by the Legislative Council on 29 November. Stiffer penalties—with a maximum of seven years' imprisonment—were announced for assemblies and demonstrations "harming public order or fanning social unrest"; in January 1981 the Anti-Communist Law was abolished although clauses banning activities in support of North Korea have been incorporated into the National Security Law.

The laws

A number of laws are in force in the Republic of Korea which enable people to be detained for the non-violent exercise of their right to freedom of expression and association. Political prisoners are detained under provisions of the following laws:

- the Anti-Communist Law, 1961;
- the National Security Law, 1960;
- the Criminal Code, Articles 87, 90, 98 and 104(2);
- the Law on Assemblies and Demonstrations;
- the Special Law on National Defence and Security;
- the Public Security Law, 1975.

They have also been detained under Presidential Emergency Regulations and Martial Law Regulations provided for by the constitution.

Some political prisoners have been charged under two or more of these legal provisions and have later been sentenced without knowing under which provisions they had been convicted.

Arrest and trial procedures are laid down in the Code of Criminal Procedure and in the Code of Military Procedure but the legal rights of political prisoners to a fair and speedy trial and to constitutional protection from torture and ill-treatment have often been violated.

The Constitution of the Republic of Korea, promulgated on 27 October 1980, guarantees the following fundamental rights: *habeas corpus* (Article 11(3)); exclusion of coerced confessions from evidence (Article 11(6)); freedom of residence (Article 13); of occupation (Article 14); of correspondence (Article 17); the right not to suffer for the misdeeds of a relative (Article 12(3)); the right to be presumed innocent until found guilty (Article 26(4)).

In addition, Article 35(1) provides that rights of citizens shall not be neglected because they are not enumerated in the constitution. These rights may constitutionally be restricted "only

when necessary for national security, the maintenance of law and order or for public welfare", according to Article 35(2), adding: "Even when such restriction is imposed, no essential aspect of the freedom or right shall be violated".

The Anti-Communist Law, 1961 (as amended)

The Anti-Communist Law (ACL) aims "... to strengthen the anti-communist posture, which is the primary objective of the national reconstruction tasks; to block the activities of the communist organizations that endanger the national security, so the safety of the state and freedom of the people may be secured." Article 4(1) provides a maximum sentence of seven years' imprisonment for those who aid, benefit, communicate with or travel to the "anti-state organization" (that is, North Korea).

Widely interpreted, any dissent is capable of being characterized as benefiting an anti-state organization and is therefore, in terms of the ACL, illegal. For instance, Amnesty International has adopted people imprisoned for violations of the ACL because they:

- published an essay arguing that the death sentence was morally indefensible;
- alleged that the current government had neglected the rights of the poor and underprivileged;
- stated publicly that torture was used to extract false confessions from individuals under interrogation by the Korean Central Intelligence Agency (KCIA);
- reported allegations of military brutality during clashes between troops and demonstrators in Kwangju in May 1980.

Article 9(2) provides that the sentence of death can be passed on those convicted under this law who have previously been convicted under the ACL, the National Security Law and

certain articles of the Criminal Code.

Conviction under the ACL carried serious consequences for offenders and often for their families as well. Because of the high level of anti-communist propaganda in the country, members of the family of a suspect accused of ACL violations often find themselves shunned by the local community; even suspects acquitted of charges brought under the ACL are likely to lose their jobs. When 648 former political offenders had their civil and political rights restored in February 1980, former violators of the ACL and the NSL were excluded. The ACL was abolished in January 1981. Clauses banning activities which are considered to support the People's Democratic Republic of Korea have been transferred to the National Security Law.

The National Security Law, 1960

The National Security Law (NSL) provides for penalties of at least five years' imprisonment for activities related to an "anti-state organization". The latter is described as an association or group whose aim is to assume a "title of the government" or "disturb the state". Among the offences punished under the NSL are participation in the formation of an "anti-state organization", voluntary or paid work for the organization or failure to inform the police of its activities. People convicted of leading such organizations face the death sentence, life imprisonment or imprisonment for not less than five years.

The Criminal Code, Articles 87, 90, 98 and 104(2)

Articles 87 to 91 of the Criminal Code (CC) deal with offences of "creating disorder for the purposes of usurping the national territory or subverting the constitution".

Article 87 provides for imprisonment for not more than five years for a person who "merely responds to the agitation and follows the lead of another or merely joins in the disorder". Convicted participants in or leaders of such disorders face a term of imprisonment of not less than five years or the death sentence.

Article 90 deals with the preparation of or pro-

paganda relating to a planned disorder as defined in Article 87 and provides for imprisonment of not less than three years.

Article 98 deals with "espionage" and provides for from a minimum of seven years' to life imprisonment.

Article 104(2), promulgated in March 1975 and subsequently inserted in the code, provides for up to seven years' imprisonment for those convicted of slandering or defaming the Republic of Korea or its state organizations from abroad or at home with the help of foreigners or foreign organizations.

Political prisoners have usually been charged with offences under two or more of the preceding laws.

The Korea Christian Academy case

Six staff members of the Korea Christian Academy—an institute which runs an educational program for labourers, farm workers and women—and a professor who worked with the academy, were arrested in March 1979. They were charged on 4 May 1979 under the ACL and NSL with forming a "pro-communist group" because they had allegedly listened to North Korean radio broadcasts; possessed Marxist-Leninist books published in North Korea; had tried to "organize a base involving peasants, workers, youths, students and women and spread the secret cell with the aim of building a socialist state in South Korea".

By 20 April 1979, only three of the accused had been allowed access to their lawyers. None was allowed to see family members until 12 May 1979.

During the trial, which started on 14 July, all defendants stated they had been tortured in order to compel them to sign confessions. The complaints included prolonged beatings, burning with cigarettes, threats of execution and deprivation of sleep. Because of these complaints, the judge dismissed the evidence obtained during interrogation but found all seven guilty on other evidence and sentenced them to between one and a half and seven years' imprisonment.

In January 1980, the Seoul Criminal Court of Appeal ruled that the accusation relating to the formation of an illegal organization was not well-founded and dismissed the charges under the

NSL. It reduced five of the sentences and acquitted two of the defendants; two of the five later had their sentences suspended and were released. Amnesty International is still appealing for the immediate and unconditional release of:

LEE Woo-jae, aged 44, the principal defendant in the case, who is now serving a five-year sentence. A veterinary surgeon and economics graduate, he was the Director of the Rural Program of the Korea Christian Academy and was mainly responsible for its educational program for farmers.

HAN Myung-sook, aged 36, a staff member of the women's affairs section of the academy, who is now serving a 30-month sentence. The Presiding Judge, when ruling on her appeal, found her guilty of copying the *Chosun Women's Reader* and of distributing it to others.

CHANG Sang-hwan, aged 29, a member of staff of the rural communities affairs section of the academy, who is now serving a two-year sentence. When ruling on Chang Sang-hwan's appeal, the Presiding Judge found him guilty of having shown to several people notes on the *Studies in Modern Thought*, published by the USSR Academy of Science.



Chang Sang-hwan

Espionage

Amnesty International has investigated a number of cases of political prisoners charged with "espionage" under the Criminal Code because it believes that in many cases the charges were not proved by the prosecution and may have been used to imprison people who had expressed views critical of the government. In most "espionage" cases known to Amnesty International people were convicted on the strength of confessions made under duress.

CHI Jung-kwan, aged 50, a South Korean press photographer resident in Japan, was arrested on 31 March 1979. He was tried with seven others, including IM Tong-kyu, on 8 October 1979, by Seoul District Criminal Court for violations of ACL, NSL and articles of the CC. He was sentenced to 15 years' imprisonment for "espionage", the gravest of the offences he was reportedly convicted of. In his defence, Chi Jung-kwan pointed out that the photographs he took of South Korean military equipment were taken at a military parade and that their publication did not amount to divulging military secrets.



Lee Woo-jae

Han Myung-sook

He is also believed to have been charged with publishing an article on his meeting with the wife of the then imprisoned poet KIM Chi-ha, an activity classed by the authorities as detrimental to the country.

In February 1980, the Appeal Court reduced his sentence to seven years' imprisonment.

KANG Jyon-hon, aged 29, a South Korean resident in Japan, was a medical student at Seoul National University when he was arrested in November 1975. He was sentenced to death on 7 July 1976 for "espionage" activities. His sentence was confirmed by Seoul High Court in November 1977. The Supreme Court rejected his request for retrial, and confirmed his sentence in September 1980. He may be executed as soon as the death sentence is confirmed by the President.

Kang Jyon-hon was charged with violations of the NSL, ACL and articles of the CC. He was accused of having visited North Korea in 1973; of having been recruited by the North Korea Labour Party and given espionage training; of having supplied pro-communist agents with information detrimental to the Republic of Korea; of having organized an illegal student group in order to instigate anti-government demonstrations.

In his appeal against his death sentence, he explained how, through his education in Japan, he became interested in comparing the two Koreas and had read books on communism. He argued that in his discussions with South Korean students his purpose was not to pass on to them information he had had access to in Japan and which was censored from the South Korean press. As for supplying North Korean agents with reports on the Republic of Korea, he argued that he had no access to "secret" information. He admitted having been in touch with members of a pro-North Korean organization in Japan, but denied that he had supplied them with reports on the Republic of Korea. His meetings with them, he said, were motivated by an academic interest in North Korea.

At his trial, Kang Jyon-hon stated that his confession to the charges against him had been obtained under torture. The Tokyo Bar Association collected information which it said proved that he had been in Japan at the time the South Korean authorities alleged he was in

North Korea. This evidence was submitted to the South Korean courts as grounds for a retrial, but was rejected.

Amnesty International has reviewed all the available information and concluded that there are not sufficient grounds for accepting the ruling of the South Korean courts that Kang Jyon-hon committed the offences he was convicted of, and that there are stronger grounds to believe that he was wrongly convicted and was detained because of his beliefs.

The case of KIM Dae-jung and 23 others

Kim Dae-jung and 23 people accused with him were arrested after full martial law was imposed on 17 May 1980. They were held incommunicado until just before their trial began on 14 August before a military tribunal.

Kim Dae-jung was charged under the NSL, ACL, CC, the Foreign Exchange Control Law and Martial Law Regulations (MLR); 12 of his co-defendants were charged with violations of the MLR and CC; the others were charged with violations of the MLR alone.

On 4 July the Martial Law Command issued a report on the investigation entitled "The Results of the Investigation of the Case of Kim Dae-jung's Sedition Plot", which appeared in full in the government-controlled *Korean Herald*, headlined "Kim Dae-jung Masterminds Kwangju Riot". It asserted that the 23 co-defendants and a number of other people were in a conspiracy organized by Kim Dae-jung "to provoke a bloody mass revolution" so that he could seize power. Kim Dae-jung was accused of being the organizational and financial force behind the student demonstrations before 17 May and the Kwangju disturbances, which began on 19 May.

The trial began with a six-hour reading of the 156-page indictment. Several of the defendants stated that they had not yet had an opportunity to choose lawyers. The court told them that they would still have this opportunity. In a joint statement, relatives of the prisoners said they had been unable to obtain legal counsel of their choice and that lawyers normally handling civil rights cases had been taken into custody. A few days before the trial opened the authorities had

tried to force the relatives to select lawyers but they had refused to do so.

On the third day of the trial, Kim Dae-jung told the court that he did not believe in violence; he categorically rejected prosecution allegations that he had tried to cause student disturbances in order to overthrow the government. He said he had been kept in an underground room and questioned continuously, 15 hours a day for 60 days until "I signed some document against my will. Sometimes I was stripped from my clothes and brought to the very point of torture".

The prosecution alleged that Kim Dae-jung had helped found an "anti-state organization" while in Japan in 1973; that he had remained in contact with members of this organization; that he had financed and instigated student disturbances in Kwangju in May 1980 in an attempt to overthrow the government and seize power. His co-defendants and a number of other people were accused of helping him. On 17 September the Military Tribunal sentenced Kim Dae-jung to death and the other defendants to between two and 20 years' imprisonment. It has not yet been disclosed on which of the charges Kim Dae-jung was sentenced to death.

After the sentence had been announced, Amnesty International wrote to the South Korean authorities expressing its concern that the Military Tribunal had arrived at its verdict after what appeared to have been an inadequate examination of the facts and the evidence.

During the Appeal Court hearing, the defence was again not permitted to challenge the testimony of a prosecution witness reportedly extracted under duress, as well as that of a person who had confessed to being a North Korean spy.

On 3 November, a Military Court of Appeal upheld the death sentence on Kim Dae-jung. The decision was confirmed a few days later by the Martial Law Commander and by the Supreme Court on 23 January 1981. Immediately afterwards it was commuted to life imprisonment by the President. Terms of imprisonment for 11 of his co-defendants were reduced at the same time; eight had been released in November and December 1980.

Amnesty International has welcomed the reduction in the sentences and has appealed for the unconditional release of Kim Dae-jung and his co-defendants. It has adopted all of them as prisoners of conscience and has repeatedly ex-

pressed its concern to the South Korean Government that they were sentenced by a court which failed to examine thoroughly the validity of the evidence against the defendants and that they did not allow them to present a full and adequate defence.

The 'South Korea National Liberation Front' case

Between August and November 1979, up to 110 people were arrested in connection with an alleged pro-communist group, the "South Korea National Liberation Front" (SKNLF), which, the police said, aimed to topple the government in order to establish a socialist state. Five of those later charged in this case were already serving prison sentences. Two of them, LEE Jae-oh, arrested under Emergency Regulation No. 9, and Im Tong-kyu, under the ACL and NSL, had already been adopted by Amnesty International as prisoners of conscience.

The defendants were charged with having, among other things:

- formed the SKNLF whose objective was to overthrow the government and establish a communist state;
- contacted foreign press correspondents and told them that the cases against the People's Revolutionary Party (PRP) and the National Federation of Democratic Youth and Students League in 1974 had been fabricated by the government;
- formed a "Democratic National Salvation Farmers League" on the pretext of protecting farmers' rights but in fact to instigate subversive actions, and had formed similar leagues for students and labourers;
- committed burglaries to provide funds for the organization;
- distributed "subversive" leaflets.

The trial of 73 of those arrested opened in Seoul District Criminal Court on 4 February 1980. All the defendants were charged under the ACL and NSL. Relatives had been denied contact with the defendants for more than three months, and Amnesty International received several allegations that alleged confessions had been extracted under torture; one prisoner's spine was said to have been broken.

On 2 May 1980 the District Criminal Court sentenced 44 defendants to terms of imprisonment ranging from three years to life. Four other defendants were sentenced to death. In September the Appeal Court commuted two death sentences to life imprisonment but confirmed those on Lee Jae-mun and SHIN Hyang-shik. It also confirmed or reduced sentences of imprisonment ranging from eight months' to life imprisonment for 42 defendants; it suspended the sentences in 29 cases. On 24 December 1980 the Supreme Court confirmed the death sentences imposed on Lee Jae-mun and Shin Huang-shik and prison sentences passed on 55 other defendants. The case of one other defendant was referred back to a lower court for retrial.

LEE Jae-mun, aged 45, a graduate of Kyongbuk University, started work as a journalist with the *Taegu Daily News* and *Minjok Ilbo* in 1959. From 1964 to 1966 he was imprisoned in connection with the People's Revolutionary Case (see below). He was accused of being the "ring-leader" of SKNLF; of possessing a letter addressed to KIM Il-sung, the President of North Korea; of attacking or instructing others to attack President PARK at an Armed Forces Day ceremony in 1977. SKNLF documents, including membership lists and "operation" plans, were said to have been found in his apartment.

SHIN Hyang-shik, aged 45, was a philosophy graduate of Seoul National University. He too was sentenced to death as a "ringleader of an anti-state organization" under Article 1(2) of the NSL.

The Public Security Law

The Public Security Law (PSL) can be applied to anyone who has received and served a sentence of imprisonment for offences under Articles 87-90, 92-101 of the CC; Articles 5-8, 9(2), 11-16 of the Military Criminal Code; Articles 1-8 of the NSL; Articles 3-7 of the ACL. It provides for protective surveillance, house arrest and preventive custody.

The Minister of Justice decides on the application of such measures on advice from the "Peace Preservation Measures Committee"; it is composed of the Vice-Minister of Justice and members of the legal professions appointed or commissioned by the President on the recommendation of the Minister of Justice. The com-

mittee deliberates and decides on the serving and renewal of terms of preventive custody, which are reviewed every two years.

Amnesty International knows only of one prisoner of conscience now detained in preventive custody under the PSL: SOH Joon-shik, now 33, who was due for release on 27 May 1978 after completing a seven-year sentence following his conviction under the ACL and NSL. At the time of his arrest, Soh Joon-shik and his brother SOH Sung, both Koreans born in Japan, were students at Seoul National University. They were arrested after widespread demonstrations over the 1971 presidential elections and were accused of being the leaders of a spy-ring working under instructions from North Korea.



Soh Joon-shik, left, and his brother Soh Sung

The brothers were convicted on the evidence of "confessions" extracted under torture. Soh Joon-shik has stated that he was forced to drink large quantities of water and was then beaten and bound in extreme cold. His brother's face and body were badly burned, allegedly while he was trying to commit suicide during interrogation.

Soh Sung is serving a life sentence. Soh Joon-shik's order of preventive custody was renewed on 27 May 1980; he is now detained in Cheongju Preventive Custody House.

Legislation under which prisoners of conscience have been convicted in the past

Amnesty International does not know of any political prisoners being detained under Article 104(2) of the CC, which provides a maximum

seven-year sentence for "slandering or defaming the Republic of Korea or its state organizations from abroad or at home with the help of foreigners or foreign organizations". In 1977 it adopted a poet convicted on a charge of defamation of the state and sentenced to three years' imprisonment. The charge arose after a Japanese journal published one of his poems, copies of which he gave to a number of foreigners. He was released under presidential amnesty in July 1979 before completing his sentence.

The Law on Assemblies and Demonstrations

This law restricts rights of assembly and forbids any assembly or demonstration "to attain the objective of a political party or its subordinate organization which had been disbanded by a court decision" or which is "designed to influence a court trial".

On 29 November 1980 the authorities announced stiffer penalties, including a maximum prison sentence of seven years for assemblies and demonstrations "harming public order or fanning social unrest."

Amnesty International does not know of any political prisoners now detained under this law. (For a previous case, see that of Dr LEE Moon-young below.)

The Special Law on National Defence and Security

This law specifies procedure in industrial disputes and requires workers to request arbitration by the proper authorities before taking collective action. It also empowers the President to take "special measures" to regulate collective action by workers employed by government owned enterprises and by workers in public services and in enterprises essential to the national economy. Amnesty International does not know of any political prisoners detained under this law.

Eight people were arrested in August 1979, after women workers of the Y H Trading Co. protested against the closure of their factories by holding a demonstration at the Seoul office of the New Democratic Party, the main opposition

party. Police stormed the building on 11 August 1979. One woman died. On 13 August the police arrested three leaders of the women's union and five others, including Dr Lee Moon-young, a former professor at Korea University who had been dismissed for political activity. He had previously been arrested under Emergency Regulation No. 9 over a statement read in Myong-Dong Cathedral in Seoul on 1 March 1976 (see page 18). Sentenced then to three years' imprisonment, he was released in December 1977 by presidential amnesty. Amnesty International adopted him as a prisoner of conscience. After his arrest in August 1979, Dr Lee Moon-young was charged, under the Special Law on National Defence and Security and the Law on Assemblies and Demonstrations, with inciting women workers at the Y H Trading Co. to take illegal collective action. He was released on bail in December 1979. Dr Lee Moon-young was re-arrested on 17 May 1980 and accused of creating social disturbance and conspiring with Kim Dae-jung to overthrow the government by violence. On 17 September the Military Tribunal sentenced him to 20 years' imprisonment for violations of Martial Law Regulation No. 10 and Article 87 of the CC. His sentence was reduced to 15 years' in January 1981.

Constitutional provisions for temporary restrictions of freedom

Presidential Emergency Regulations (January 1974 to December 1979)

Article 53 of the Yushin Constitution gave the President power to take emergency measures when the national security or public order "is seriously threatened or anticipated to be threatened"; the President was furthermore granted the power to "temporarily suspend the freedom and rights of the people as defined in the present constitution". These measures were not subjected to judicial review.

Emergency Regulations Nos. 1 and 4 (ER1 and ER4) were promulgated in early 1974, the latter imposing heavy penalties, including possible death sentences, for anyone found to "praise,

encourage or sympathize with" the activities of an outlawed student organization.

The 'Peoples Revolutionary Party' case, 1974

Sixteen prisoners from among 54 defendants who were tried in 1974 by the Court Martial in Seoul are still serving terms of imprisonment ranging from 15 years to life. They were convicted of having planned to overthrow the government and replace it with a regime sympathetic to North Korea. They had been charged with violations of ER1 and ER4.

The defendants were also indicted under the NSL, ACL and Article 90 of the CC. ER1 and ER4 were rescinded in August 1974. An Amnesty International mission to the Republic of Korea from 27 March to 9 April 1975 was unable to ascertain whether the charges under the ACL and the NSL had been included in the indictment.

The trial hearings were closed, one member of each defendant's family being allowed to attend. The Amnesty International mission reported that the defendants had been tortured during interrogation into making false confessions, which were used against them, and that they were not allowed to present an adequate defence. The mission concluded that the case had been fabricated by the authorities. Amnesty International adopted all the defendants as prisoners of conscience.

In April 1975 the Supreme Court upheld the death sentences passed on eight of those convicted in the case and confirmed 16 prison sentences of between 15 years' and life imprisonment imposed on the remaining accused (see page 25).

In May 1975 President Park invoked Article 53 to promulgate a further emergency regulation, Emergency Regulation No. 9 (ER9), to restrict freedom of expression and suppress political opposition. It prohibited criticism of the constitution, the government, the President and ER9 itself; it also forbade the reporting of dissent and banned political meetings and demonstrations. Sentences of imprisonment were usually short. People convicted under ER9 also had their civil rights suspended for a specified term.

Most Korean prisoners of conscience adopted by Amnesty International between 1975 and the end of 1979 were imprisoned for violations of

ER9; most were students.

President Choi rescinded ER9 in December 1979 and Amnesty International believes that no prisoner tried and convicted solely for violation of ER9 is still detained. In February 1980, 648 people who had previously been convicted of violations of ER9 had their civil rights restored by a presidential decree.

The case of the "Myong-Dong Incident" illustrates the use of ER9. In March 1976 several dissidents were arrested because they endorsed a public statement entitled the "Declaration for Democratic National Salvation"; read out in Myong-Dong Cathedral in Seoul, it called for the release of political prisoners and the restoration of basic liberties. The defendants were convicted under ER9 on charges of agitating for the overthrow of the government and given heavy prison sentences (two to eight years') reduced in some cases by the Appeal Court. When the Supreme Court confirmed the Appeal Court's ruling, the demands made in the March 1976 declaration were reiterated by a number of prominent Koreans and this was followed by more than 100 arrests.

Martial Law Regulations (October 1979 to January 1981)

Martial law was first introduced during violent disturbances in Pusan and Masan in October 1979. It was considerably extended by a series of Martial Law Regulations (MLR) after the assassination of President Park.

The scope of martial law was extended on 17 May 1980 by the promulgation of the new MLR (see page 7). People acting in violation of the measure could be arrested, detained or searched without warrant.

The declaration of nationwide martial law was followed within a matter of hours by the arrest of student leaders and people involved in the movement for democratic and human rights. The arrests continued during May, June and July.

Thousands of people were arrested under martial law between October 1979 and January 1981; many were released after investigation, but the following are among political prisoners still detained.

The Young Women's Christian Association (YWCA) case, November 1979

In November 1979, a number of groups and individuals issued statements calling for the repeal of the Yushin Constitution.

A total of 123 people were detained for interrogation and 18 formally charged and tried in connection with a meeting at the YWCA in Seoul on 24 November 1979. (Under MLR1, all political meetings had to be authorized by martial law authorities.) Three statements were read out at the meeting, ostensibly a wedding, which called for national democratization, an end to the Yushin Constitution and direct presidential elections. The meeting was broken up by the police. Of the 123 persons held for interrogation, 62 were given Summary Court sentences of 10 to 25 days' imprisonment; eighteen were indicted for violations of the MLR and tried by the Capital Garrison Court Martial in January 1980. Two defendants were exempted from serving sentence and one received a suspended sentence; 15 were sentenced to between 18 months' and three years' (seven have since been released).

A prisoner of conscience adopted by Amnesty International, LEE Bu-young, former journalist with the *Dong-A Ilbo* newspaper, was arrested on 14 November 1979 and sentenced on 5 December 1979 by the Court Martial, Seoul, to three years' imprisonment for violation of MLR1. He had been involved in issuing a statement by

five dissident groups entitled "For the Democratization of Our Nation".

Many other journalists have recently been arrested and convicted to terms of imprisonment for violation of the MLR. Among them are three members of the Journalists Association of Korea: KIM Tong-son, PARK Chong-sam and AHN Yang-no, arrested on 17 May 1980 and charged under MLR10 with "unauthorized publishing of printed material". On 2 August 1980, two were sentenced to three years' imprisonment and the third to one year's imprisonment.

Among the 23 defendants tried with Kim Dae-jung, 11 were charged with violations of the MLR. They were sentenced to between two and four years' imprisonment. Four are still in prison:

SONG Kon-ho, 53, formerly managing editor of *Dong-A Ilbo* newspaper, before he was dismissed in March 1975. Since then he has worked as deputy head of the Korean Human Rights Council and as adviser to the Democratic Youth Council (see journalists' case histories).

HAN Seung-hon, 46, a lawyer and former defence lawyer for Kim Dae-jung (see lawyers' case histories).

The Reverend **LEE Hae-dong**, 46, a Presbyterian minister (see clergy case histories).

KIM Chong-wan, a farmer and a member of the League for Democracy and Constitutionalism.

The other people in this group have been released.

The death penalty

Legislation

The death penalty is specified by the laws of the Republic of Korea for a wide range of offences. It is mandatory for the offence of taking up arms against the Republic of Korea by joining forces of an enemy country (Article 93 of the Criminal Code) and for a large number of offences under the Military Penal Code, including insurrection, aiding the enemy, espionage and desertion of a guard post.

Imposition of the death penalty is discretionary for a number of political offences and the following offenders may be punished by death:

- an agent of an "anti-state organization" who infiltrates the Republic of Korea on the directive of the "anti-state organization" (Article 6(3) of the Anti-Communist Law (ACL));
- the ring-leader and leaders of an "anti-state organization"—in this case a group whose aim is to assume a "title of the government" or to "disturb the state"—(Article 1(2) of the National Security Law (NSL));
- the ring-leaders and leaders of and participants in crimes of insurrection—offences of creating disorder for the purpose of usurping the national territory or subverting the constitution—(Article 87 of the Criminal Code).

Both the ACL and NSL provide for the execution of people previously sentenced under these laws or under the Criminal Code for insurrection, espionage or aiding the enemy.

The death penalty may also be imposed for the offences of using explosives and thereby causing injury, damaging property or disturbing the public peace (Article 119, CC), causing death by arson (Article 164, Criminal Code) or damaging means of transport (Article 188 of the code).

Other Criminal Code offences carrying the death penalty are: murder, using force or fraudulent means to induce another person to commit

suicide (Article 253); murder while committing robbery or piracy (Articles 338 and 340); rape whilst committing piracy. A law was passed in March 1977 which banned trafficking in marijuana and specified penalties ranging from 10 years' imprisonment to death.

The Code of Criminal Procedure lays down the procedures for appeals against death sentences. They may be lodged by the prosecutor and by the defendant, first in a higher court and then in the Supreme Court. The Supreme Court reviews all sentences, including those passed by Martial Law Courts. No limit of time is set for the Supreme Court to give its decision.

According to Article 54 of the Constitution of the Republic of Korea (1980), the President may declare an amnesty and commute sentences.

In 1975 eight defendants were unlawfully hanged the morning after the Supreme Court's judgment and were denied their constitutional right to petition the President for clemency or file a request for retrial. They had been convicted on 9 April 1975—after a trial *in camera* and without adequate rights for the defence—on political charges that an Amnesty International mission to the Republic of Korea (27 March-9 April 1975) concluded to have been fabricated.

This speed in proceeding with execution is unusual. Most prisoners under sentence of death wait several years before a final decision is taken to commute the sentence or carry out the execution.

Recent and current death penalty cases

A number of death sentences have been passed over the past year by South Korean courts and some of the defendants have been executed.

On 6 March 1980, Colonel PARK Jung-ju, found guilty in December 1979 of involvement in the shooting of the bodyguard of President PARK on 26 October 1980 after the President's

assassination, was executed by firing squad. As an active officer, Colonel Park Jung-ju had not been allowed to appeal to a higher court. His death sentence was confirmed by the Martial Law Commander.

On 24 May 1980, KIM Jae-kyu, former director of the Korean Central Intelligence Agency (KCIA) and four KCIA guards, PARK Sun-ho, LEE ki-ju, YU Sung-ok, KIM Tae-won, were executed by hanging. They had been convicted by a court-martial in December 1979 of assassinating President Park. All were executed after their sentences had been confirmed by the Supreme Court and the President.

Five people were sentenced to death on 25 October 1980 after a trial *in camera* of 390 people by a military tribunal at an army base outside Kwangju, on charges related to the violent disturbances in the city the previous May. Two sentences were commuted to life imprisonment on 31 December 1980. The three still under sentence of death are: **CHUNG Dong-nyon**, 37, a student whose testimony, obtained during interrogation, was used against Kim Dae-jung (he is reported to have tried to commit suicide during interrogation); **PARK No-jon**, 28, a printer, and **PAE Yong-ju**, 34, a taxi-driver. Their death sentences have still to be confirmed by the Supreme Court.

Defence lawyers were reportedly not allowed to take up the case of the 390 defendants individually but had to provide defence counsel for them collectively. They were permitted to meet their clients for the first time only at the start of the trial session and were reportedly not permitted to consult freely with them.

Five Koreans normally resident in Japan were tried separately between 1974 and 1977. Each was sentenced to death upon being convicted of having visited North Korea for espionage training and having then travelled to the Republic of Korea. All are reported to have been tortured and forced to sign confessions admitting the charges against them. It is believed they were all charged under the NSL, ACL and CC in connection with espionage. The Tokyo Bar Association and friends of the prisoners have collected information which indicated that they were actually in Japan at the time the courts found that they were travelling to North Korea for training.

The authorities refused an application for re-

trial in July 1980 to consider evidence not available at the original trial. The five are being held in Seoul Sudaemoon Prison and are reportedly held in manacles. In August 1979, LEE Chul, another Korean normally resident in Japan and convicted of espionage, had his death sentence commuted by presidential amnesty.

Choi Chul-kyo, 49, who runs a business, was sentenced to death on 21 October 1974 after being convicted of espionage activities. His death sentence was confirmed by an appeal court on 28 February 1975 and by the Supreme Court in September 1980.

Kang Jong-hon, 29, a medical student at Seoul National University, was sentenced to death for alleged espionage activities on 7 July 1976 (see page 14). His death sentence was confirmed by Seoul High Court in November 1977. The Supreme Court rejected his request for retrial in July 1980 and confirmed his death sentence in September 1980.

The following three political prisoners, former Koreans resident in Japan and sentenced to death on charges involving espionage, are in the process of appealing to the Supreme Court against their death sentences:

PAIK Ok-kwan, 32, Secretary General of the Osaka Korean Junior Chamber of Commerce. He was sentenced to death on 30 April 1976 and his first appeal dismissed on 31 August 1976.

KANG Woo-kyu, 63, the owner of a restaurant in Japan, was sentenced to death on 24 March 1977.

CHIN Du-hyon, 52, Vice-President of Tokyo Headquarters of Mindan (a pro-South Korean organization of Koreans in Japan), was sentenced to death on 1 April 1975. His sentence was confirmed on appeal on 18 September 1975.

In addition to the cases described above, Amnesty International has appealed for commutation of the death sentences on the following prisoners:

PARK Moon-jae, 56, a cigarette vendor from Pusan, sentenced to death by Seoul District Criminal Court on 23 October 1979 under the ACL for attempting to defect to North Korea.

KIM Sam-yon, 45, sentenced to death by Seoul District Criminal Court on 26 November 1979. He had been accused of leading an espionage network for North Korea. Kim Sam-yon has been in prison since September 1969, when he

was convicted under the ACL for alleged "subversive activities" and visiting North Korea in 1961.

PARK Chol-ung, 39, sentenced to death on 20 February 1980 by Seoul District Criminal Court. He had been convicted of murder and robbery.

CHOI Jom-sun, 35, convicted of murder; she was sentenced to death in June 1980.

HAN Ki-cho, 43, sentenced to death at the

beginning of October 1980 by Seoul District Criminal Court; he had been convicted of murder.

LEE Yang-gil, 27, sentenced to death in June 1979 for murder. The Supreme Court confirmed his sentence on 25 June 1980.

LEE Jae-mun, 45, a journalist, and **SHIN Hyang-shik**, 45, both sentenced to death as "ring-leaders" in the SKNLF case (see page 15).

Arrest and Trial Procedures

Investigation of suspects

Initially, suspects are held for investigation by the police, the Korean Central Intelligence Agency (KCIA) or the military security forces. Formal arrest occurs when they are handed over to the prosecution authorities. Articles 203 and 205 of the Law of Criminal Procedure provide for a maximum period of detention of 20 days after formal arrest; after this the suspect must be released or formally charged.

The investigation can last for several weeks. During this period many suspects have been subjected to prolonged interrogation and coerced into writing "confessions" and reports about their recent activities and associates. Suspects are usually held incommunicado and often subjected to severe physical and psychological pressures.

Article 11(2) of the 1980 constitution states: "No citizen shall be tortured or be compelled to testify against himself in criminal cases". The same guarantee was included in Article 10(2) of the 1972 Yushin Constitution. However, Amnesty International has frequently received reliable reports of suspects being ill-treated in the following ways: electric shock torture, water torture (cold water forced up the nostrils through a tube), burning with open flames or cigarettes, sleep deprivation, severe beatings, threats to family, long periods of intensive interrogation and threats of execution (see Torture testimonies).

In July 1980 a Christian clergyman, the Reverend **IM Ki-yoon**, was returned to his family unconscious after a few days in custody; he had been questioned on political matters. He died soon after without regaining consciousness. The authorities said that he had collapsed because of chronic high blood pressure and that he had not been tortured. He was reported to be in good health before his arrest.

Trial

A case is first heard by the District Criminal Court,

or, in the case of martial law violations, by a Military Tribunal or Martial Law Court. The defendant has the right of appeal to the Appeal Court against a sentence imposed by the first court; to the Military Appeal Court in the case of sentences for Martial Law violations; finally, all defendants may appeal to the Supreme Court.

Amnesty International has been concerned about frequent and serious irregularities reported in the judicial process, including the fact that:

- the authorities' accusations are often publicized through the South Korean news media as statements of fact before they are presented in court;
- journalists' and defendants' families are often given only limited access to attend the trial sessions, or may not be allowed to attend the trial at all;
- during June to August 1980, the military authorities censored domestic reports of trials, and to some extent reports by foreign correspondents (as a result, news reports in the Republic of Korea omitted, among other information, denials by defendants of the charges against them and statements about torture and ill-treatment.
- confessions extracted under duress are accepted as evidence;
- defence witnesses are rarely allowed;
- cross-examination of prosecution witnesses is rarely allowed;
- defence lawyers can be seriously hampered in their work in other ways: their legal right of access to their client is often denied; often they are shown the indictment just before the start of the trial; (lawyers known for their work in defending human rights cases are liable to harassment, intimidation and even arrest);
- Appeal Court and Supreme Court judgments have been made in the absence of the defendants and their lawyers;
- defendants are not always told on which charges they have been convicted (this has happened even with prisoners sentenced to death). Kim

Dae-jung was indicted under a number of laws which prescribe the death penalty but at no point have the authorities stated under which provision he was sentenced to death.

Another concern has been that civilians have been tried in military courts for violations of Martial Law Regulations, with consequent deprivation of the right of trial.

Torture testimonies

Although torture is prohibited by the South Korean constitution of 1980, Amnesty International is nevertheless concerned that in some cases political prisoners have been tortured during interrogation to force them to sign false statements.

The following cases illustrate reports of ill-treatment carried out between 1974 and 1980. Except where the cases have been publicized in the past, the victims' names are not given for their own protection; in some cases dates and places have also been omitted to prevent identification.

The first three statements were made by people arrested in 1974 under Emergency Regulations Nos. 1 and 4, promulgated in January and April 1974. Several hundred people were arrested in those months; many were released by a presidential amnesty in February 1975 but Amnesty International is still appealing for the release of 16 people arrested in April 1974 and accused of being members of the "People's Revolutionary Party".

'People's Revolutionary Party' case

● "I was taken to . . . Korean Police Station on . . . April 1974 from where I was taken to the Central Intelligence Agency (KCIA) where I was interrogated in three different rooms. I was viciously beaten.

"Around . . . April at about 6 pm I was again taken to an interrogation room at the KCIA where two KCIA agents and two or three policemen administered water torture. First I was forced to kneel down on the cement floor, where I was beaten with the side slat of an army cot, while they threatened me. They said 'You know Professor Choi Jong-kil died at KCIA headquarters?*' Not a rat or a bird told a soul. Nobody said a word. You know you could die, we could dispose of your body and that would be the end of it. You didn't know the KCIA was such a frightening place, did you? When I heard that, I felt in my whole body I was about to die.

"Next they stripped me, bound my wrists and ankles, forced the stick they had beaten me with between my wrists and ankles, hung me upside down from the ceiling, and forced water into my mouth. While they were doing this they ordered me to admit to what they would say. These were that . . . was the power behind what I did; that I received my instructions from North Korean broadcasts regularly; that I had been to North Korea; that . . . had been to North Korea; that we were planning to overthrow the government by force.

"They continued pouring water over my whole body and into my nose and mouth. Then handling my private parts, they said they would do something to me. It reminded me that I had heard that a girl from Ehwa (University) the year before had been raped at the KCIA. I felt that they weren't people doing this . . . but rather animals so I didn't feel any shame at all.

"After a time they let me down and ordered me to put my thumb print on the 'confession' they had written. When I refused, the process began again, and again . . . until at last I could take no more and agreed."

● **Ha Jae-won.** He was arrested in April 1974 and tried as an alleged member of the "People's Revolutionary Party" (see page 18). He was executed on 9 April 1975.

"I was forced to give the names of 20 people whom I knew, and then I was forced to put my thumbprint to a statement written by the KCIA and which I did not even have the opportunity to read. The authorities arrested the 20 people who were not guilty. They were sentenced to from 15 to 20 years' in prison.

"After the first session of the prosecutor on 27 May in KCIA headquarters, I had to write down what was dictated to me by the agent. This

*Professor Choi Jong-kil, a member of the Law Department at Seoul National University, died in October 1973 while under investigation by the KCIA. The authorities said he had committed suicide by jumping out of a seventh-floor window, after confessing that he was a spy for North Korea.

statement was extracted under torture and threats from 29 May to 8 June. It was under these conditions that the statement was written. The 32 items which appeared in the indictment of 9 June were taken from this statement.

"On 28 April I suffered a hernia as the result of torture. I also suffered a prolapsus of the anus and an abscess of the lungs for the same reason. The investigation was continued nonetheless."

● "I was taken to KCIA headquarters . . . where I was kept awake for days. If my head nodded, I was hit on the back of the neck. This went on for so long that my feet and ankles became very swollen. When I refused to admit what they accused me of they said I was lying, stripped me and beat me.

"In prison at night I would be so fearful that the sound of the guards' footsteps would put me in a frenzy; my heart would beat in my throat for fear that he would stop in front of my cell, which would mean that I would be taken back to the KCIA. I knew that if I went back to the KCIA it would mean that I would be kept there from one to four days and that I would be subjected to water torture and also beatings.

"I still refused to admit what they demanded, and during [date deleted] I was tortured by electric shock. It was also during this time that I realized how fearful a thing the dictatorship really is. I could not even have dreamt how cruelly they would torture. I am making this known in order that such a thing may never be able to happen again."

Korea Christian Academy case, 1979

The judge in the case (see page 12) dismissed the testimony obtained by the KCIA and the prosecutor during interrogation because of the defendants' allegation of torture—but he found all seven guilty on other evidence. The following excerpts are from the court testimony of two of the defendants:

"They hit me with a bat; after placing a stick behind my knees, and making me get down on my knees, they stepped on my thighs. They said 'Even a well-trained spy from North Korea will confess when we do this.' When the stick was broken, they brought another to continue this. They burned my back with lighted cigarettes, and hit my chest so hard with their fists that I could hardly breath. I still cannot touch my chest even slightly without pain.

When I walk, I feel pins and needles in my left leg.

"In the prison cell I had to lie down all day long for two months. They said, 'This is nothing but the introductory exercise. You can test the limit of your spiritual and physical patience when you are taken to the basement, where there are all kinds of torture instruments from ancient times to the modern age.' More than 15 days passed under the torture . . ."

"He sat me on a chair, covered my eyes with a blindfold, then put a pistol to my chest and I heard the sound of it being loaded. I could endure everything till then. But when they said 'You are not the only one that'll be killed by us: all your family will be killed by a deliberate traffic accident in the street', the mere imagination of the scene shocked me greatly and scared me—I was terrified. I made strenuous efforts to withstand this . . . but the pain was beyond description."

Young Women's Christian Association Case, November 1979

For details of the case, see page 19. The following three reports of accounts by prisoners of the process of investigation were received by Amnesty International.

● A man who was held for seven days stated that he was taken to Suh Bingo, the investigation office of the Army Security Command, on [date deleted]. As soon as he arrived, before investigation, he was taken to a prison basement cell. He was told to take off his clothes and was kicked twice on the knee. He was given prison uniform. Five minutes later four people in military uniform and two in military working clothes entered his cell saying "Bastard! On your knees!" They kicked him on his knees, shoulders and neck. He collapsed after counting to 60. He was told to lie down and to lift his legs and was beaten 15 times on the soles of his feet with a heavy stick. Again he was told to kneel; his knees, shoulders and arms were trampled on; he was kicked in the neck and hit on the buttocks with a police baton. When the investigation started, he was sworn at.

● A man held for 13 days stated that he was forced to kneel and was pulled along the floor by his hair over sharp objects so that his knees were

cut. He was taken to the shower room and water from the shower was poured into his mouth and nose until he could no longer breathe.

● A man held for seven days stated that at the military investigation office he was made to sit and stand repeatedly. He was told to stand on his head with hands held behind his back. Each time he fell over he was beaten. A stick was put behind his knees while he was kneeling. He was made to arch on his hands and feet and beaten one hundred times on his buttocks. He was made to hang from the bars of the prison cell and was beaten each time he fell. He was made to cling to the bars with his feet extended through the bars, and beaten; to stand facing the wall, with his arms and legs outstretched against the wall and his throat touching the wall. He was beaten on the palms of his hands dozens of times and also on his back and shoulders with a thick stick. He was not allowed to sleep. He was made to stand with his back to the wall, hands above his head and palms to the wall, then told to step forward, and left to stand in that position. He was threatened with further torture. When he was released he was required to sign a statement saying he would not reveal what had happened.

Amnesty International is concerned about the current state of health of a man arrested after the YWCA meeting who is reliably reported to have been severely beaten while held at the Army Security Command after his arrest on 27 November 1979. He was tried by court martial in January 1980 and sentenced to 18 months' imprisonment for violation of the Martial Law Regulations. On 13 May 1980 he was moved to Hanyang University Hospital; later he was allowed home. In August 1980 Amnesty International was told that students who had been arrested in May and June had been repeatedly threatened during interrogation, "You will end up like [the man cited above]" In December 1980 it was said that he was slowly responding to medical treatment at home and was "recovering his memory".

Amnesty International has received reports alleging ill-treatment during interrogation of prisoners arrested after 17 May 1980. The allegations include: hanging people upside down and pouring

water into their nostrils; severe beatings; sleep deprivation; confinement in a small space lit by a 300-watt bulb.

Among those who have alleged ill-treatment are KIM Dae-jung and a number of his 23 co-defendants in the military tribunal trial of August 1980. The full details of their treatment during interrogation are still not known.

Amnesty International has also received allegations of extreme ill-treatment of suspects held in connection with the violent disturbances in Kwangju. According to these allegations:

● on 16 July 1980 eight people under investigation were beaten to death by Special Forces troops and their bodies buried in the prison grounds;

● four prisoners formed a suicide pact rather than be tortured and one of them succeeded in committing suicide;

● a student, accused of leading the "rebellion", was severely beaten and, while being held in the Kwangju Army Hospital for treatment of the injuries sustained during interrogation, attempted to kill himself by slashing an artery and his stomach;

● a student was severely beaten and hit on the head with an M-16 rifle butt, had two teeth broken and lost consciousness three times;

● a man had his fingernails punctured with a drill until the nails were torn off—he was repeatedly stabbed in the back with the drill and beaten until some of his teeth fell out;

● an elderly lawyer was continuously interrogated for 48 hours wearing only his briefs; he was allowed hardly any sleep for 38 days and told that members of his family and staff had been arrested;

● another student sustained severe damage to his spinal cord while being beaten. He was transferred to the Army General Hospital in Kwangju and was given pain-killers continuously. He is reported to be unable to speak and to be severely mentally disturbed. The indictment against him has been dropped for the present, but in December 1980 his family's request to have him released was refused. He is reported to be in the hospital's intensive care unit.

Case Histories

Imprisonment of teachers and students

Students have played a major role in criticizing and opposing government policies in recent years: student demonstrations were a major factor of ending the rule of Syngman Rhee in 1960. In 1974, after large demonstrations by students, many were arrested when an allegedly subversive student organization, the National Democratic Youth and Students Federation, was outlawed by emergency regulations. Five teachers whose cases are described below are still in prison, convicted of organizing student demonstrations then and aiming to overthrow the government.

Another presidential regulation, Emergency Regulation No. 9—in force from May 1975 to December 1979—prohibited peaceful criticism of the government and in the four-year period Amnesty International adopted as prisoners of conscience many students and academics imprisoned for doing that. Many students and academics were expelled from universities for their political activities.

On 29 February 1980 the President ordered that the civil rights of some former political offenders be restored. This enabled many students and academics to return to their universities. Peaceful student demonstrations at universities and colleges throughout South Korea during 1980 culminated in violent attacks by the security forces in Kwangju in May. Many of the estimated 1,200 people reported to have died in Kwangju were students.

CHUNG Dong-nyon, a student at Chunnam University in the city was one of those arrested in connection with the violence. He has been sentenced to death for leading a student rebellion on orders from Kim Dae-jung, although he had been detained the day before the violence started (see page 21). Amnesty International has received reliable reports that Chung Dong-nyon was

severely tortured while being interrogated by the Defence Security Command to force him to sign a false confession and that he attempted to commit suicide by slashing an artery and his stomach.

LEE Moon-young, aged 53, formerly a professor at Korea University, and five students stood trial with Kim Dae-jung in August 1980 charged with aiding him in organizing students' demonstrations to incite rebellion. Dr Lee was sentenced to 20 years' imprisonment for violations of the Criminal Code and Martial Law Regulations. The sentence was reduced by the President to 15 years' on 23 January 1981.

On 12 September 1980 during his trial Dr Lee said: "I will pray for Kim Dae-jung and those who beat me and repent of my sins of acknowledging false statements because of the beatings." Dr Lee was adopted by Amnesty International as a prisoner of conscience for the third time.

The names listed below are of the students and teachers who over the years have received the most severe sentences; they include two sentenced to death. Amnesty International has also adopted as prisoners of conscience more than 30 other students sentenced to two or three years in prison for participating in the student demonstrations in May 1980.

SOH Sung and SOH Joon-shik

SOH Sung is serving a life sentence; his brother SOH Joon-shik ended a seven-year sentence in 1978 but is still held in prison under the Public Security Law of 1975 (see page 16).

CHO Sung-oo, LEE Hae-chan, LEE Shim-bom, LEE Sok-pyo, and SUL Hun

Cho Sung-oo, aged 30, a student at Korea University; Lee Hae-chan, 27, a sociology student at Seoul National University; Lee Shim-bom, 30, a law student at Seoul National University; Lee Sok-pyo, 27, a social work student at Chungang University; and Sul Hun, 27, a student at Korea

University, were arrested in May or June 1980. They were tried with 18 other defendants in August 1980 with Kim Dae-jung, charged with helping him to organize student demonstrations with the aim of inciting rebellion.

On 23 January 1981, the following sentences were confirmed by the President: Cho Sung-oo, 10 years' imprisonment; Lee Hae-chan, seven years'; Lee Shim-bom, nine years'; Sul Hun, seven years' and Lee Sok-pyo, five years'.



Lee Shim-bom

All had previously been imprisoned for peaceful political activity and adopted by Amnesty International as prisoners of conscience. Cho Sung-oo was imprisoned in 1975 for three years; Lee Hae-chan spent 10 months in prison from April 1974; Lee Shim-bom was sentenced to two years' imprisonment in 1971; Sul Hun was sentenced to two and a half years' imprisonment in 1977 and Lee Sok-pyo was arrested in May 1976 and imprisoned for 10 months.

KANG Jong-hon and LEE Chul

Kang Jong-hon, aged 29, a medical student at Seoul National University and Lee Chul, 32, a postgraduate student of politics at Korea University were arrested with 19 others, mostly students, in November 1975 and charged with violations of the Anti-Communist and National Security Laws, including espionage activities for North Korea and anti-government activities (for details of the case see page 14).

In July 1976 Kang Jong-hon and Lee Chul were sentenced to death. Lee Chul's sentence was commuted to life imprisonment in August 1979 by presidential amnesty. Kang Jong-hon's sentence has been confirmed by the Appeal and Supreme Courts. It has still to be confirmed by the President before execution may be carried out.

HWANG Hyong-sung, IM Koo-ho, KIM Chong-dae, LEE Chang-bok and LEE Sung-jae
Hwang Hyong-sung, aged 45, was a high school

teacher; Im Koo-ho, 32, a language teacher; Kim Chong-dae, 43, director of a private school; Lee Chang-bok, 42, a middle school and university teacher; and Lee Sung-jae, 51, a former university teacher. They were arrested between April and June 1974 and charged under Emergency Regulations Nos. 1 and 4, the Anti-Communist Law and National Security Law. They and 49 other defendants were accused of organizing student demonstrations and aiming to overthrow the government and establish a communist regime.

Twenty-two of the defendants, including Hwang Hyong-sung, Im Koo-ho, Kim Chong-dae, Lee Chang-bok and Lee Sung-jae, were accused of membership of the "People's Revolutionary Party" (see page 18). Eight were executed; the other 16 are serving long prison sentences. In April 1975 the Supreme Court confirmed sentences of 15 years' on Im Koo-ho and Lee Chang-bok, 20 years' on Hwang Hyong-sung, and life imprisonment on Kim Chong-dae and Lee Sung-jae.

All five prisoners have been adopted by Amnesty International as prisoners of conscience.

LEE Jae-oh

Lee Jae-oh, aged 36, a high school teacher, was arrested on 6 August 1979 and charged with violations of Emergency Regulation No. 9 for criticizing the government in a speech made at a prayer meeting.

In November 1979 he was charged with violations of the National Security Law and Anti-Communist Law in connection with the "South Korean National Liberation Front" (see page 15). The precise charges against him are not known.

He was sentenced to five years in prison on 2 May 1980 by Seoul District Criminal Court.

Lee Jae-oh was adopted by Amnesty International as a prisoner of conscience. He had previously been adopted after he was arrested in February 1977 and charged with violations of Emergency Regulation No. 9 for criticizing the government in a play presented at the school where he taught. He was sentenced to three years' imprisonment, but released in May 1978 by presidential amnesty. He was Secretary General of the Executive Committee of Amnesty International in the Republic of Korea.

Repression of journalists in the Republic of Korea

The press in the Republic of Korea has long been subjected to censorship and government pressure to prevent independent reporting and in recent years several journalists have been arrested and imprisoned for the peaceful exercise of their opinion.

In 1974 the South Korean press attempted to re-establish its independence by publishing, against government instructions, reports on the Vietnam war and widespread student demonstrations in the Republic of Korea. On 24 October 1974 journalists of the daily newspaper *Dong-A Ilbo* issued a "Declaration of Press Freedom" to express their opposition to government pressure on news coverage and the expression of editorial views, to the presence of agents of the Korean Central Intelligence Agency (KCIA) in newspaper offices and to the arbitrary detention of journalists. When the KCIA responded by putting pressure on major advertisers, thousands of private subscribers helped maintain the paper by buying advertising space for messages of support. But by March 1975 the management of the paper was faced with severe financial difficulties following the reduction in advertising revenues, and 134 journalists were dismissed.

The sacked journalists formed the *Dong-A Struggle Committee for the Freedom of the Press*, which they describe as an organization of journalists "without pen or microphone". Members have been arrested by the KCIA; they are prevented from working as journalists and forbidden to leave the country. A similar organization, the *Chosun Ilbo Struggle Committee*, was formed by journalists dismissed from the *Chosun Ilbo*, another daily paper, because they opposed censorship.

On 24 October 1978, the fourth anniversary of the "Declaration of Press Freedom", the *Dong-A Struggle Committee* published a special edition of their journal *Dong-A Struggle News* which contained "A Log of Democracy and Human Rights". In this they reported 123 items that included statements by dissidents, student demonstrations and developments in the labour movement, none of which had received press coverage. Ten members of the committee were charged with violations of Emergency Regulation No. 9 (which banned criticism of the

government or constitution, and the reporting of dissent), and were given sentences of one to three and a half years' imprisonment. All 10, adopted as prisoners of conscience by Amnesty International, were released in December 1979 following the lifting of Emergency Regulation No. 9.

Under the Martial Law Regulations promulgated after the assassination of President Park, all news reports had to be submitted to military censors. On 17 May 1980 the Journalists Association of Korea protested to the military authorities that censorship was being used to manipulate public opinion and to consolidate the military authorities' control.

Since then, at least 39 journalists have been held for investigation by the military authorities. Amnesty International believes 17 have been formally charged and are now serving prison sentences or awaiting trial. The cases of some of these are described in this report.

Since May 1980 all media reports have been strictly censored by the military authorities. News media reports of the trials of political prisoners, especially that of Kim Dae-jung and his 23 co-defendants have been severely restricted and include distortion of the defendants' statements in court. Attempts were also made to censor reports of the Kim Dae-jung trial by foreign correspondents.

In July 1980, the military authorities announced an extensive "Purification Movement" officially intended to eradicate "power linked irregularities and social evils". On 30 July the Martial Law Command announced that all reporters were to be dismissed who:

- were not sufficiently "enthusiastic anti-communists";
- had joined a strike to oppose military censorship in May 1980;
- had close links with politicians;
- were known to be corrupt;
- had been "accused of corruption by society".

On 5 August 1980 official South Korean sources were reported as putting the number of those to be dismissed at 350. Journalists put the total at 400.

On 1 August 1980 the military authorities announced that the publishing licences of 172 periodicals had been revoked for "corrupt, obscene, depraved or distorted reporting". A wide

range of publications was affected, including popular weekly magazines, local newspapers, glossy pro-government publications, intellectual journals, and business and trade union journals and the magazine of the Journalists Association of Korea.

In November 1980 the government announced a major reorganization of the news media, including the merger of two privately owned broadcasting companies with the state-run Korean Broadcasting System, the formation of a single news agency and a reduction of the number of daily papers. On 20 November 1980 the authorities announced that 14 cartoonists and publishers had been arrested for producing "cruel, violent, obscene and vulgar cartoons and comics". Nineteen publishing firms were closed down and the licences of 19 cartoon publishing companies cancelled. Two former reporters with the Christian Broadcasting System were arrested on 20 December 1980 for allegedly "spreading false rumours . . . to fan people's distrust of the military as well as to create political and social unrest". Amnesty International is seeking further information about these arrests.

LEE Bu-young

Lee Bu-young, 38, a former journalist on the newspaper *Dong-A Ilbo*, was arrested on 14 November 1979 and charged with violating Martial Law Regulations. On 5 December he was sentenced by a court martial in Seoul to three years' imprisonment, confirmed by the Supreme Court in June 1980. He has been adopted by Amnesty International as a prisoner of conscience.

He was convicted for his part in a statement issued on 13 November 1979 calling for reform of the constitution to increase democratic and human rights.

Lee Bu-young was Chairperson of the *Dong-A Struggle Committee for the Freedom of the Press*. He was previously adopted by Amnesty International as a prisoner of conscience after he had been arrested in June 1975, charged under Emergency Regulation No. 9 with possessing documents critical of the government and passing them to students who had been demonstrating against government policies. He was then sentenced to two and a half years' imprisonment; he was released in December 1977. He is now held in Taejon Prison.

SUH Dong-kyu, LEE Kyung-il and PARK Oo-chung

Suh Dong-kyu, Lee Kyung-il and Park Oo-chung were journalists on the *Kyungyang Shinum*, a national evening paper. They were arrested on 9 June 1980 and charged with violations of the Martial Law Regulations and Anti-Communist Law on 20 June 1980. They were accused of spreading "false and malicious rumours" about the violent disturbances in Kwangju in May 1980. In August and September 1980 they were sentenced to six, five and four years' imprisonment respectively. They may appeal against these sentences to the Military Appeal Court.

Three reporters arrested with them were sentenced to two years' imprisonment each for violations of Martial Law Regulations. They are PYO Wan-Soon and HONG Soo-won, of the newspaper *Kyungyang Shinum*, and Shim Song-mu, of the *Dong-A Ilbo*. All six journalists have been adopted by Amnesty International as prisoners of conscience.

KIM Tae-hong

Kim Tae-hong was President of the Journalists Association of Korea and editor of the *Korean Readers Digest*. He was arrested in Seoul on 27 August 1980 and charged on 10 October 1980 with violations of the Anti-Communist Law and Martial Law Regulations. He is accused of plotting sedition by accepting money from Kim Dae-jung's press secretary to help overthrow the government and seize power. Amnesty International has adopted as prisoners of conscience Kim Tae-hong and Kim Dae-jung's press secretary HAHN Hwa-kap, who was sentenced to four years' imprisonment in September 1980 for violations of Martial Law Regulations.

Amnesty International believes that the real reason for Kim Tae-hong's arrest was his part in a protest by the Journalists Association of Korea delivered to the martial law authorities about censorship of the press on 17 May 1980. Kim Tae-hong was in hiding until his arrest.

SONG Kon-ho

Song Kon-ho, 53, was managing editor of the *Dong-A Ilbo* newspaper until March 1975, when he and other journalists who had persisted in writing reports critical of the government were dismissed. He was arrested on 17 May 1980 immediately after the declaration of nationwide martial law.

Song Kon-ho was one of the 23 people tried with Kim Dae-jung in August 1980. On 17 September 1980, he was sentenced to three and a half years' imprisonment for violations of the Martial Law Regulations, reduced to two years' by the Military Appeal Court on 3 November 1980. Amnesty International has adopted him as a prisoner of conscience.

LEE Jae-mun

Lee Jae-mun was a reporter with the *Taegu Daily News* and the *Minjok Ilbo* starting in 1959. In 1964 he was sentenced to two years' imprisonment on political charges. In December 1980 the Supreme Court confirmed a sentence of death passed on him after the South Korean National Liberation Front case (see page 15).

The Clergy

The involvement of the clergy and members of Christian organizations in the movement for democratic reform increased during the 1970s. Many argued that the Christian church could not fulfil its mission to help the poor and underprivileged unless there were reforms that would establish a democratically elected government under a constitution guaranteeing fundamental human rights.

Two members of the clergy adopted as prisoners of conscience by Amnesty International were among the 23 people convicted after their trial with Kim Dae-jung in August 1980; a third was convicted in connection with the Kwangju disturbances.

The Reverend MOON Ik-kwan (Timothy Moon)

The Reverend Moon Ik-kwan, aged 62, a distinguished Old Testament scholar and a minister in the Presbyterian Church, was arrested at the same time as his friend and colleague Kim Dae-jung on 17 May 1980. On 17 September he was sentenced to 20 years' imprisonment for violations of the Criminal Code and Martial Law Regulations, reduced to 15 years' by the Military Appeal Court on 3 November and to 10 years' by the President on 25 January 1981.

The Reverend Moon was adopted by Amnesty International for the third time. He had previously been arrested in March 1976 with Kim Dae-jung and 16 others over a statement read out

in Myongdong Cathedral (see page 18). He was sentenced to five years' imprisonment for violations of Emergency Regulation No. 9. He was released by presidential amnesty in December 1977, and resumed his work with groups working for the establishment of a democratic government and for the protection of human rights. He was arrested on 14 October 1978 and reimprisoned without trial to continue serving his sentence. He was released on 8 December 1979 following the lifting of Emergency Regulation No. 9.

The Reverend Moon and the other defendants denied the charges against them.

The Reverend Lee Hae-dong

The Reverend Lee Hae-dong, aged 46, is a minister in the Presbyterian Church in the Republic of Korea. He too was arrested on 17 May 1980 and accused of aiding Kim Dae-jung. On 17 September 1980 he was sentenced to four years' imprisonment for violations of the Martial Law Regulations. The sentence was confirmed by the Military Appeal Court on 3 November 1980. During the trial he had told the military tribunal that he had been beaten during interrogation.

This is the second time that the Reverend Lee has been adopted by Amnesty International as a prisoner of conscience. In March 1976 he was arrested with Kim Dae-jung and 16 others in connection with the statement read out in Myongdong Cathedral. He was sentenced to three years' imprisonment for violations of Emergency Regulation No. 9 in December 1976, but was released by presidential amnesty in December 1977.

Father KIM Song-yong

On 12 July 1980 the Martial Law Command announced that they were holding for investigation six Roman Catholic priests, including Father Kim Song-yong, a priest at the Nam Dong Church in Kwangju, and one nun. They were accused of fabricating false information on the Kwangju disturbances and sending the information to Japan—actions which the Martial Law Command said were damaging to the image of the Republic of Korea and in violation of the Martial Law Regulations. The seven were further accused of spreading these "unfounded rumours" in the country and in churches. The Japanese Catholic Council for Justice and Peace, which was alleged to have published the infor-

mation on the Kwangju disturbances, denied that they had received any information from the seven or from any other Koreans.

Three of the priests were released in July 1980 without being formally charged. Two others and the nun were sentenced on 14 August 1980 to two years' imprisonment but were released after the trial.

In October 1980 Father Kim was amongst 390 people tried by a military tribunal in connection with the Kwangju disturbances. He was among 13 defendants accused of forming a committee to carry out clandestinely the orders of Kim Dae-jung during the disturbances. Amnesty International has been informed that this committee was in fact formed on 22 May—four days after the disturbances started—to negotiate with the martial law authorities to prevent further violent clashes between troops and demonstrators, and to collect weapons captured by the demonstrators. Father Kim acted as the committee's representative and was a signatory to a letter sent to the then President CHOI Kyu-hah on 26 May appealing for his personal intervention to end the disturbances.

On 25 October 1980 Father Kim was sentenced to 15 years' imprisonment for violation of Martial Law Regulations and the Criminal Code. He may appeal against this sentence to the Military Appeal Court and the Supreme Court.

CHOI Yul and KIM Jung-taik

CHOI Yul, 30, Vice-Chairman of the Korea Student Christian Association, and KIM Jung-taik, 30, Chairperson of the Ecumenical Youth Council, were in a group of 123 arrested after a meeting at the Young Women's Christian Association in Seoul in November 1979 (see page 19).

Choi Yul and Kim Jung-taik and 16 others were formally charged with violations of the Martial Law Regulations and tried by the Capital Garrison Court Martial in January 1980. Both were sentenced to three years' imprisonment, reduced to two years' by the Military Appeal Court on 15 April 1980.

Writers

The two writers whose cases are described here have been imprisoned for peaceful political activity. They are both accused of aiding Kim Dae-

jung in an alleged attempt to instigate rebellion and overthrow the government. Both have been adopted as prisoners of conscience by Amnesty International.

KOH Eun (KOH Eun-tae)

KOH Eun-tae, usually known by his pen name of KOH Eun, aged 47, a poet and novelist, was a Buddhist priest until 1963. He has published more than 50 books since 1958. He was a member of the Writers Council for the Freedom of Expression and a leader of the Writers' Movement for Democracy.

KOH Eun, and another writer, SONG Ki-won (see below), were arrested on 17 May 1980 and appeared in the trial of Kim Dae-jung in August 1980. Koh Eun was sentenced to 15 years' imprisonment. On 23 January 1981 his sentence was reduced to 10 years' by the President.

This was the second time Koh Eun had been adopted by Amnesty International as a prisoner of conscience. He was previously arrested on 11 August 1979 and charged in the YH Trading Company Case (see page 17). He was released in December 1979.

SONG Ki-won

SONG Ki-won, aged 33, is a writer and student of creative literature at Choongang University. He was expelled from the university in 1975 because he was suspected of printing and distributing leaflets critical of the government. In March 1980 he was allowed to resume his studies.

On 17 September 1980 he was sentenced to 10 years' imprisonment, reduced on 23 January 1981 to seven years' by the President.

In December 1980 Amnesty International welcomed the release on humanitarian grounds of the internationally known poet KIM Chi-ha. He was released after serving almost six years of a 20-year sentence.

Lawyers in Prison

In recent years lawyers in the Republic of Korea defending political cases have often been illegally prevented from presenting a full and adequate defence; those who persistently took political cases have been liable to harassment from the authorities and, on occasions, arrest and imprisonment.

An Amnesty International mission which visited the Republic of Korea in 1975 reported: "The individual who seeks to establish his innocence in a political trial is handicapped further by the systematic intimidation that any lawyer acting in his defence is liable to encounter . . . A lawyer who agrees to act in a political case is likely to be threatened that if he continues so to act, he or his family will suffer. Very often other clients will be warned and members of the Korean Bar are frequently detained for questioning by the Korean Central Intelligence Agency and the civilian police. These periods of detention vary in time. The questioning is rarely intended to derive information; it is merely a tactic to intimidate."

(Report of an Amnesty International Mission to the Republic of Korea, 27 March-9 April 1975, page 2)

A report published by the International Commission of Jurists after a mission to the Republic of Korea in May 1979 to investigate reports of the harassment of defence lawyers stated: "We collected considerable evidence to suggest that the independence of the judiciary has been seriously undermined and is not capable of giving prisoners charged with political offences a fair trial". (Persecution of Defence Lawyers in South Korea, report of a mission to South Korea in May 1979 by Adrian W. De Wind and John Woodhouse, page 57).

It should be noted that both these missions took place during the administration of President Park Chung-hee, who was assassinated in October 1979. No similar survey has been conducted since then (the South Korean authorities refused to allow an Amnesty International fact-finding mission to the country in August 1980). However, Amnesty International has expressed its concern at the detention since then of some 20 lawyers in July 1980. All but one were released within a few weeks without being charged; four have since resigned their legal practices for one year. The lawyer remaining in prison, PARK Se-kyung, has been formally charged with violations of the Martial Law Regulations.

Amnesty International has also expressed concern at restrictions on the work of defence representation in two recent political trials.

● In the August 1980 trial of Kim Dae-jung and 23 others, including the former lawyer HAN Seong-hon, the defendants were unable to retain lawyers of their choice. Kim Dae-jung met his

government-appointed lawyers for the first time on the day before the trial started.

● In October 1980, at the trial of 390 people charged in connection with the violent disturbances in the city of Kwangju in May 1980, the defendants were not permitted to appoint defence lawyers of their choice. They were represented by 30 government-appointed lawyers, two of whom attended each trial session on a rota basis. It has been reported that in many cases the lawyers only met the defendants for the first time at the start of the trial session; they were not allowed to consult freely with them and were given only material prepared by the prosecution. Each lawyer represented a group of defendants, which made it difficult for them to pay adequate attention to each individual case.

HAN Seong-hon

Han Seong-hon was arrested on 17 May 1980. He was formerly a leading defence lawyer who had acted for Kim Dae-jung and the dissident poet Kim Chi-ha. In 1975 he was banned from practising as a lawyer after prosecution under the Anti-Communist Law for an article he wrote in 1972; in it he had argued that the death penalty was morally indefensible. He was adopted as a prisoner of conscience by Amnesty International. In December 1975 he was given an 18-month suspended sentence and released from prison. Since 1975 he has worked with the Korean Writers and Poets Association, the Human Rights Committee of the Korean National Council of Churches, the Writers Council for the Promotion of Freedom and Amnesty International Korea Committee.

At the end of the trial in August 1980 he was sentenced to four years' imprisonment for violation of the Martial Law Regulations. The sentence was reduced to three years' imprisonment by the Military Appeal Court on 3 November 1980.

PARK Se-kyung

Park Se-kyung was detained for investigation on 16 July 1980 and was formally charged with violations of the Martial Law Regulations on 25 July 1980. Another 19 lawyers who were held for investigation around the same time were released by the end of July 1980 without being charged. Four of those released, however, all members of the Lawyers Committee of the Human Rights Committee of the Korean National

Council of Churches, have since resigned their legal practices for one year.

Park Se-kyung was a member of the South Korean National Assembly from 1954 to 1969. He then went into private practice and has defended many political prisoners, including Kim Dae-jung and former President Yun. He has been Chairperson of the Lawyers Committee of the Human Rights Committee of the Korean National Council of Churches since 1969.

At the end of September 1980, Park Se-kyung was awaiting trial. Amnesty International, which was unable to confirm whether he had yet been tried at the time of going to press (February 1981), has adopted him as a prisoner of conscience.

HONG Nam-soon and LEE Ki-hong

Hong Nam-soon and Lee Ki-hong, adopted by Amnesty International as prisoners of conscience, were arrested in May 1980 and tried by Military Tribunal on charges relating to the violent disturbances in the city of Kwangju in May 1980. Both were charged with violations of the Martial Law Regulations and the Criminal Code. Hong Nam-soon, aged 65, was sentenced to life imprisonment, reduced to 15 years' in December 1980 by the Military Appeal Court, which confirmed the five-year sentence passed on Lee Ki-hong, 46. Lee Ki-hong was Chairperson of the Kwangju Bar Association and was well known for his defence of political cases in Kwangju, particularly of students and others prosecuted under emergency regulations; he was also a member of the Executive Board of the Amnesty International Korea Committee.

Hong Nam-soon and Lee Ki-hong were among 13 people accused of forming a committee to carry out clandestinely the orders of Kim Dae-jung during disturbances in Kwangju in May 1980. According to Amnesty International's information, the committee was formed on 22 May—four days after the disturbances started—to negotiate with the Martial Law Authorities to prevent further violence and to collect weapons captured by students. Both Hong Nam-soon and Lee Ki-hong were among those who signed letters to the then President CHOI Kyu-hah on 26 May, appealing for his personal intervention to end the violent clashes between demonstrators and troops.

Members of Parliament and Political Activists

Former members of parliament and political activists now in prison for the peaceful expression of their political opinions include Kim Dae-jung; two of his political colleagues and former National Assembly members; his son and brother and four members of his staff. Four other prisoners whose cases are described here were convicted of participating in an illegal meeting held in November 1979 to protest against the election of a new president by an indirect election.

All these prisoners and many others adopted as prisoners of conscience by Amnesty International were arrested principally because they advocated the peaceful establishment of a democratically elected government.

Kim Dae-jung, aged 56, a devout Roman Catholic, has been prominent in the movement for democratic and human rights in the Republic of Korea since the 1960s. He was narrowly defeated by Park Chung-hee in the presidential elections of 1971 (the last presidential elections



Kim Dae-jung

to be held by popular ballot), and since then has spent much of his time in prison or under house arrest. When he has been allowed to express his views publicly, he has been a strong critic of the South Korean Government and an advocate of reforms to increase human and democratic rights in the country.

He was released from house arrest on 7 December 1979, and his civil rights were restored on 29 February 1980. In March 1980 he was allowed to resume his political career with minimal restrictions from the authorities. Kim Dae-jung announced his intention of standing as presidential candidate in the elections promised for 1981 and resumed his political campaign, calling on the government to introduce democratic reforms, end martial law and release political prisoners. At no time has he been known to advocate political change by violence.

Since his arrest, his wife, LEE He-ho, has been kept under partial house arrest. His eldest son, KIM Hong-il, and his brother, KIM Dae-hyun, were accused of aiding him and were sentenced to four and three years' imprisonment respectively in September 1980.

HAHN Hwa-kap, HAN Yun-shik, KIM Ok-doo and PARK Sung-chul

Hahn Hwa-kap, aged 42, Kim Dae-jung's press secretary; Han Yun-shik and Kim Ok-doo, 42, his secretaries, and Park Sung-chul, one of his aides, were arrested on 17 May 1980 with Kim Dae-jung. In September 1980 Han Hwa-kap and Kim Ok-doo were sentenced to four years' imprisonment and Han Yun-shik and Park Sung-chul to three years'.

Hahn Hwa-kap and Kim Ok-doo have previously been adopted as prisoners of conscience by Amnesty International. In January 1978 they were arrested while attempting to visit Kim Dae-jung, who was being detained in Seoul National University Hospital. In September 1978 Hahn

Hwa-kap was given an eight-month suspended sentence and released. Kim Ok-doo was sentenced to one year's imprisonment and released in February 1979. Hahn Hwa-kap was arrested again in January 1979 for distributing copies of a speech by Kim Dae-jung; he was released in December 1979.

YE Choon-ho and KIM Sang-hyon

YE Choon-ho, aged 52, was a member of the National Assembly and of the new Democratic Party when he was arrested on 17 May 1980. Kim Sang-hyon, 45, was a member of the National Assembly from 1965 to 1972; recently he has worked as Director of the Korea Politics and Culture Institute.

Both were tried with Kim Dae-jung in August 1980. On 23 January 1981 their sentences were confirmed by the President: eight years' imprisonment for Ye Choon-ho, and seven years' for Kim Sang-hyon.

LEE Oo-hoe, KANG Koo-chul, HONG Sung-yop and YANG Soon-jik

Lee Oo-hoe, aged 26, was President of the Democratic Youth Council; Kang Koo-chul, 27, and Hong Sung-yop, 26, were members of the council; Yang Soon-jik, 55, was a former National Assembly member for the Democratic Republican Party.

They were arrested with 92 others after police broke into a meeting at the Young Women's Christian Association in Seoul on 24 November 1979 (see page 19).

The four and 14 others were formally charged with violations of the Martial Law Regulations and were tried by the Capital Garrison Court Martial in January 1980. Lee Oo-hoe was sentenced to three years' imprisonment; Hong Sung-yop to two years'; Kang Koo-chul and Yang Soon-jik to 18 months'.

The next step

The first step in trying to ensure the protection of human rights in any country is to get information about how people are being treated by the authorities there, taking care that the information is accurate and complete and that it is not politically biased or distorted. Amnesty International has been collecting information on The Republic of Korea since the early 1970s and has issued a number of documents listing its findings. For instance, in March 1975 it sent a mission there to investigate human rights violations; the findings were published in the *Report of an Amnesty International Mission to the Republic of Korea, 27 March-9 April 1975* and included reports of prisoners being tortured, detention without charge and the systematic harassment of people by law enforcement agencies.

The next step is to act on the information available by mobilizing international public opinion in defence of the victims. International publicity may well be their only hope of protection. In some cases world attention has saved lives. The single most important need, therefore, is to make people aware of what is happening.

What you can do

1: Write to the President of the Republic of Korea appealing for the release of prisoners of conscience and the commutation of death sentences and urging investigations into allegations of prisoners being ill-treated and tortured. Address your appeals to: President Chun Doo-hwan, the Blue House, Chongno-gu, Seoul, Republic of Korea.

2: Address similar appeals to the Foreign Minister. You can point out that although you are living in another country, you are concerned when the human rights of people anywhere in the world are violated. Stress that you do not oppose any government or political system but that you do oppose all human rights abuses. Address your appeals to: The Foreign Minister, Ministry of Foreign Affairs, 1 Sejong-no, Chongno-gu, Seoul, Republic of Korea.

3: If there is a Republic of Korea Embassy in the capital of your country, send similar letters to

the Republic of Korea Ambassador.

4: Try to help mobilize public opinion in your country. Send letters to newspaper editors asking them to publicize what is happening in the Republic of Korea; if possible, send them a copy of this publication.

5: Share this report with other people you feel ought to know about the facts in it. Discuss it with your family and friends; encourage them to express their concern by writing appeals.

6: For other information about Amnesty International's work on the Republic of Korea and other countries where human rights are violated, look in your telephone directory for your national section or local Amnesty International group, or contact the International Secretariat in London at: 10 Southampton Street, London WC2E 7HF, United Kingdom. You can also make a donation to support the work.

Amnesty International— a worldwide campaign

In recent years, people throughout the world have become more and more aware of the urgent need to protect human rights effectively in every part of the world.

- Countless men and women are in prison for their beliefs. They are being held as prisoners of conscience in scores of countries—in crowded jails, in labour camps and in remote prisons.
- Thousands of political prisoners are being held under administrative detention orders and denied any possibility of a trial or an appeal.
- Others are forcibly confined in psychiatric hospitals or secret detention camps.
- Many are forced to endure relentless, systematic torture.
- More than a hundred countries retain the death penalty.
- Increasingly, political leaders and ordinary citizens are becoming the victims of abductions, “disappearances” and killings, carried out both by government forces and opposition groups.

An international effort

To end secret arrests, torture and killing requires organized and worldwide effort. Amnesty International is part of that effort.

Launched as an independent organization 20 years ago, Amnesty International is open to anyone prepared to work universally for the release of prisoners of conscience, for fair trials for political prisoners and for an end to torture and executions.

The movement now has members and supporters in more than 130 countries. It is independent of any government, political group, ideology, economic interest or religious creed.

It began with a newspaper article, “The Forgotten Prisoners”, published on 28 May 1961 in *The Observer* (London) and reported in *Le Monde* (Paris).

Announcing an impartial campaign to help victims of political persecution, the British lawyer Peter Benenson wrote:

Open your newspapers any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government. . . . The newspaper reader feels a sickening sense of impotence. Yet if these feelings of disgust all over the world could be united into common action, something effective could be done.

Within a week he had received more than a thousand offers of support—to collect information, publicize it and approach governments. The groundwork was laid for a permanent human rights organization that eventually became known as Amnesty International. The first chairperson of its International Executive Committee (from 1963 to 1974) was Sean MacBride, who received the Nobel Peace Prize in 1974 and the Lenin Prize in 1975.

The mandate

Amnesty International is playing a specific role in the international protection of human rights.

It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed *prisoners of conscience*.

It works for *fair and prompt trials* for all *political prisoners* and works on behalf of such people detained without charge or trial.

It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

This mandate is based on the civil and political rights set down in the United Nations Universal Declaration of Human Rights and it reflects the belief that these rights transcend the boundaries of nation, race and belief.

Through its practical work for prisoners, Amnesty International participates in the wider promotion and protection of civil, political, economic, social and cultural rights.

Amnesty International does not oppose or support any government or political system. Its members around the world include supporters of differing systems who agree on the defence of all people in all countries against imprisonment for their beliefs, and against torture and execution.

Amnesty International at work

The working methods of Amnesty International are based on the principle of international responsibility for the protection of human rights. The movement tries to take action wherever and whenever there are violations of those human rights falling within its mandate. Since it was founded, Amnesty International groups have intervened on behalf of more than 20,000 prisoners in over a hundred countries with widely differing ideologies.

A unique aspect of the work of Amnesty International groups—placing the emphasis on the need for *international* human rights work—is the fact that each group works on behalf of prisoners held in countries other than its own. At least two prisoner cases are assigned to each group; the cases are balanced geographically and politically to ensure impartiality.

There are now some 2,500 local Amnesty International groups throughout the world. There are national sections in 40 countries (in Africa, Asia, the Americas, Europe and the Middle East) and individual members, subscribers and supporters in a further 94 countries. Members do not work on cases in their own country. No section, group or member is expected to provide information on their own country and no section, group or member has any responsibility for action taken or statements issued by the international organization concerning their own country.

Continuous Research

The movement attaches the highest importance to balanced and accurate reporting of facts. All its activities depend on meticulous research into allegations of human rights violations. The International Secretariat in London (with a staff of 150, representing nearly 30 nationalities) has a research department which collects and analyses information from a wide variety of sources. These include hundreds of newspapers and journals, government bulletins, transcriptions of radio broadcasts, reports from lawyers and humanitarian organizations, as well as letters from prisoners and their families. Amnesty International also sends fact-finding missions for on-the-spot investigations and to observe trials, meet prisoners and interview government officials. Amnesty International takes full responsibility for its published reports and if proved wrong on any point is prepared to issue a correction.

Once the relevant facts are established, information is sent to national sections and groups for

action. The members then start the work of trying to protect the individuals whose human rights are reported to have been violated. They send letters to government ministers and embassies. They organize public meetings, arrange special publicity events, such as vigils at appropriate government offices or embassies, and try to interest newspapers in the cases they have taken up. They ask their friends and colleagues to help in the effort. They collect signatures for international petitions and raise money to send relief, such as medicine, food and clothing, to the prisoners and their families.

A permanent campaign

In addition to casework on behalf of individual prisoners, Amnesty International members campaign for the abolition of torture and the death penalty. This includes trying to prevent torture and executions when people have been taken to known torture centres or sentenced to death. Volunteers in dozens of countries can be alerted in such cases, and within hours hundreds of telegrams and other appeals can be on their way to the government, prison or detention centre.

In its efforts to mobilize world public opinion, Amnesty International neither supports nor opposes economic or cultural boycotts. It *does* take a stand against the international transfer of military, police or security equipment and expertise likely to be used by recipient governments to detain prisoners of conscience and to inflict torture and carry out executions.

Amnesty International does not grade governments or countries according to their record on human rights. Not only does repression in various countries prevent the free flow of information about human rights abuses, but the techniques of repression and their impact vary widely. Instead of attempting comparisons, Amnesty International concentrates on trying to end the specific violations of human rights in each case.

Human rights have been violated not only by governments, but also by political groups. People have been taken prisoner and held hostage; torture has been inflicted and executions carried out in the name of different political causes. Amnesty International opposes these acts in all cases, whether they are perpetrated by government forces or opposition groups. It believes that international standards for the protection of human rights and the humane treatment of prisoners should be universally respected.

Policy and funds

Amnesty International is a democratically run movement. Each year major policy decisions are taken by an International Council comprising representatives from all the national sections. They elect an International Executive Committee to carry out their decisions and supervise the day-to-day running of the International Secretariat.

The organization is financed by its members throughout the world, by individual subscriptions and donations. Members pay fees and conduct fund-raising campaigns—they organize concerts and art auctions and are often to be seen on fund-raising drives at street corners in their neighbourhoods.

Its rules about accepting donations are strict and ensure that any funds received by any part of the organization do not compromise it in any way, affect its integrity, make it dependent on any donor, or limit its freedom of activity.

The organization's accounts are audited annually and are published in its annual report.

Amnesty International has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe. It has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States and is a member of the coordinating committee of the Bureau for the Placement and Education of African Refugees of the Organization of African Unity.



Symbol of
Amnesty International

Other Amnesty International reports

The following list includes a selection of reports issued since 1976. For a complete list, write to Amnesty International Publications, London.

AMNESTY INTERNATIONAL REPORT

This annual report provides a complete country-by-country survey of Amnesty International's work to combat political imprisonment, torture and the death penalty throughout the world. The report is organized into regional sections and normally covers developments in at least 100 countries.

This is probably the most widely read—and most influential—of the many reports published by Amnesty International each year.

Now available: the *Amnesty International Report 1980*. This 416-page report, illustrated with regional maps for easy reference, covers the period 1 May 1979–30 April 1980. First published 10 December 1980. £5.00. English, French, Spanish.

AMNESTY INTERNATIONAL NEWSLETTER

This monthly bulletin provides a regular account of Amnesty International's work: the latest reports of fact-finding missions, details of the arrest and release of political prisoners, reliable reports of torture and executions. It also gives practical information for Amnesty International supporters: each issue includes appeals on behalf of prisoners of conscience and victims of torture around the world.

The newsletter is written—without political bias—for human rights activists throughout the world. It is widely used by journalists, students, political leaders, doctors, lawyers and other professionals.

Individual subscriptions: £5.00 (US\$10) a year.

HOW TO ORDER THESE REPORTS

If you live in a country where a national section of Amnesty International has been formed, you can obtain all these reports from the section. Section addresses are available from the International Secretariat.

If there is no national section in your country, you can order these reports direct from the International Secretariat of Amnesty International:

- select the publications you wish to order
- note the listed price
- make out a money order or bank draft payable to AMNESTY INTERNATIONAL for the total price of all the publications
- send your order and payment to

AMNESTY INTERNATIONAL
10 SOUTHAMPTON STREET
LONDON WC2E 7HF
UNITED KINGDOM

THE DEATH PENALTY

This unique study of the ultimate punishment examines the laws and methods by which people can be put to death in 134 countries. The 206-page report draws on more than a decade of research, using official and unofficial sources. Devoted mainly to a country-by-country survey of legislation and practice, the report also covers the phenomena of "disappearances" and summary executions through which suspected political opponents have been eliminated in large numbers by repressive regimes. First published 1979; illustrated. £2.00. English, French, Spanish.

AFRICA

GUINEA

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1978. £0.40. English, French, Spanish.

HUMAN RIGHTS VIOLATIONS IN ETHIOPIA

An account of political killings, the destruction of the rule of law, political imprisonment, prison conditions, the use of torture and the death penalty. First issued 1977. 26 pages. £0.50. English, French.

HUMAN RIGHTS IN UGANDA

An examination of human rights violations during the presidency of Idi Amin, including the overthrow of the rule of law, murder of judges, public executions, killings and torture. First issued 1978. 25 pages. £0.50. English, French.

HUMAN RIGHTS IN ZAIRE

Details on political prisoners and their conditions, torture, extrajudicial executions and the use of the death penalty, together with the political and legal background. First issued 1980. 22 pages. £1.00. English, French.

NAMIBIA

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1977. £0.40. English, French.

POLITICAL IMPRISONMENT IN SOUTH AFRICA

A detailed report, including photographs and case histories, on the political and legal background to human rights violations, the treatment of prisoners, killings, use of torture and the death penalty. First issued 1978. 108 pages. £1.00. English, French.

THE AMERICAS

DISAPPEARED PRISONERS IN CHILE

A dossier on political prisoners held in secret detention camps. It comprises background information on "disappeared" prisoners, appeals from their relatives, a selection of case histories and numerous photographs. First issued 1977. £1.45. English, French, Spanish.

GUATEMALA

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1976. £0.40. English (out of print), French, Spanish.

MEMORANDUM SUBMITTED TO THE GOVERNMENT OF THE REPUBLIC OF CUBA

Findings and recommendations of a mission that visited Havana in 1977 to examine questions of long-term political prisoners, prison regimes, the situation of released prisoners and the application of the death penalty. First issued 1978. Eight pages. £0.50. English, Spanish.

PARAGUAY

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1978. £0.40. English, French, Spanish.

PERU

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1979. £0.40. English, French, Spanish.

POLITICAL IMPRISONMENT IN URUGUAY

A dossier of documents on political imprisonment, law and justice for political prisoners, detention conditions, ill-treatment and torture, with 14 case histories. First issued 1979. £0.40. English, French, Spanish.

PROPOSAL FOR A PRESIDENTIAL COMMISSION ON THE DEATH PENALTY IN THE UNITED STATES OF AMERICA

The 1980 appeal to President Carter, urging the creation of a body to examine the social and legal impact of the death penalty, and a moratorium on all executions. First issued 1980. Four pages. £0.25. English.

TESTIMONY ON SECRET DETENTION CAMPS IN ARGENTINA

Testimony of two detention camp victims, including detailed information about their fellow prisoners; list of prisoners and correspondence to and from government officials about missing people. First issued 1980. 60 pages. £1.00. English, Spanish.

THE REPUBLIC OF NICARAGUA

Includes the findings of a mission in 1976. An examination of judicial procedures, political imprisonment, torture and "disappearances"; plus recommendations, case studies, lists of prisoners and an account of a trial in a military court. First issued 1977. 75 pages. £0.75. English (out of print), French, Spanish.

ASIA

ALI LAMEDA: A PERSONAL ACCOUNT OF THE EXPERIENCE OF A PRISONER OF CONSCIENCE IN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

The personal story of a Venezuelan poet and Communist Party member subjected to six years' political imprisonment in North Korea. First issued 1979. 39 pages. £0.50. English, French.

INDONESIA

A detailed account of political imprisonment between 1965 and 1976, including description of trials, prison conditions and forced labour, permanent post-release "resettlement" and case histories. First issued 1977. 146 pages. £2.00. English, French, Indonesian.

POLITICAL IMPRISONMENT IN THE PEOPLE'S REPUBLIC OF CHINA

A major report on the constitutional, legal and penal systems under which political dissenters have been detained, interrogated, tried and punished. First issued 1978. 171 pages, illustrated. £2.00. English, French, Spanish.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO BANGLADESH

Representations to the Bangladesh Government reflecting Amnesty Inter-

national's concern about trials of civilians by martial law courts and the execution of military personnel. First issued 1978. 20 pages. £0.50. English.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO THE FEDERATION OF MALAYSIA

An examination in 1978 of Malaysia's Internal Security Act, under which political prisoners, including members of political parties and trade unions, have been held without charge or trial and tortured. First issued 1979. 67 pages. £0.50. English.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO INDIA

The findings and recommendations of a mission that followed the 1975-1977 Indian Emergency. First issued 1979. 84 pages. £1.00. English.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO THE REPUBLIC OF KOREA

The conclusions and recommendations of a mission that visited South Korea at a time when Emergency Regulations resulted in the suppression of dissent throughout the country. First issued 1976; revised 1977. 45 pages £2.00. English.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO THE REPUBLIC OF THE PHILIPPINES

Second edition of the conclusions of a mission in 1975 together with the government's reply and Amnesty International's comments. Includes interviews with prisoners and an examination of the incidence of torture and other violations of human rights. First issued 1977. 95 pages. £2.00. English, Spanish.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO SINGAPORE

Report of a mission in 1978 plus recommendations to the government. An examination of preventive detention, trials, arrest and interrogation, prison conditions, torture and the use of the death penalty. First issued 1978. 60 pages. £2.00. English.

SHORT REPORT OF AN AMNESTY INTERNATIONAL MISSION TO THE ISLAMIC REPUBLIC OF PAKISTAN

Findings of a mission in 1978 that documented martial law provisions curtailing fundamental freedoms and the infliction of harsh punishments by military courts on civilians for exercising the right of free speech. First issued 1978. 24 pages. £0.50. English, French.

TAIWAN (REPUBLIC OF CHINA)

A 14-page briefing on political imprisonment, torture and the death penalty. First issued 1976; second edition 1980. £0.40. English, French, Chinese.

VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN THE DEMOCRATIC REPUBLIC OF AFGHANISTAN

A report, released in September 1979, on consistent violations: widespread arrests, torture, "disappearances" and deaths in detention between April 1978 and May 1979. 34 pages. £0.50. English.

EUROPE

CZECHOSLOVAKIA

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1977. £0.40. English, French, Spanish.

GERMAN DEMOCRATIC REPUBLIC

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1977; second edition 1981. £0.60. English, French, Spanish.

TORTURE IN GREECE: THE FIRST TORTURERS' TRIAL 1975

A rare insight into the inner clockwork of a torture state, this 98-page report analyses a contemporary example of the possibility of submitting accused torturers to due process of law. First

issued 1977. £0.85. English, French, Spanish.

ROMANIA

A 19-page briefing on political imprisonment, torture and the death penalty. First issued 1980. £0.60. English, French, Spanish.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO NORTHERN IRELAND

The findings and recommendations of a mission in 1977 that investigated allegations of ill-treatment of detainees and called for a public inquiry. First issued 1978. 72 pages. £1.00. English.

REPORT OF AN AMNESTY INTERNATIONAL MISSION TO SPAIN

First published in November 1980, the findings of a mission that examined the treatment of security detainees, plus Amnesty International's recommendations to prevent torture. 68 pages. £3.00. English, Spanish.

TURKEY

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1977. £0.40. English, French.

PRISONERS OF CONSCIENCE IN THE USSR: THEIR TREATMENT AND CONDITIONS

This 200-page report, containing photographs of prisoners of conscience and camps in which they are held, examines Soviet laws and their application to dissenters and includes new material on the treatment of dissenters in psychiatric institutions. First issued 1975; second edition 1980. £5.00. English, French, Spanish.

MIDDLE EAST

IRAN

A 12-page briefing on political imprisonment, torture and the death

penalty. First issued 1976. £0.40. English, Farsi.

LAW AND HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

An examination of legal procedures, revolutionary tribunals, offences and post-revolutionary executions during the first seven months after the 1979 revolution. First issued 1980. 216 pages. £10.00. English.

MOROCCO

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1977. £0.40. English, French.

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

A 12-page briefing on political imprisonment, torture and the death penalty. First issued 1976. £0.40. English, French, Arabic.

REPORT AND RECOMMENDATIONS OF AN AMNESTY INTERNATIONAL MISSION TO THE GOVERNMENT OF THE STATE OF ISRAEL

Report of a mission in 1979 that examined allegations of ill-treatment in the Occupied Territories and legal procedures used. Includes Amnesty International's recommendations, the government's reply and Amnesty International's comments on it. First issued 1980. 71 pages. £2.00. English, French.

SYRIA

A 16-page briefing on political imprisonment, torture and the death penalty. First issued 1979. £0.40. English, French, Spanish, Arabic.

TUNISIA: IMPRISONMENT OF TRADE UNIONISTS IN 1978

An account of the arrests and trials of trade unionists plus a description of prison conditions and torture allegations. First issued 1979. 24 pages. £0.75. English, French.