

AMNESTY INTERNATIONAL

COUNTRY: £South Korea
SUBJECT TITLE: @Increased use of the death penalty

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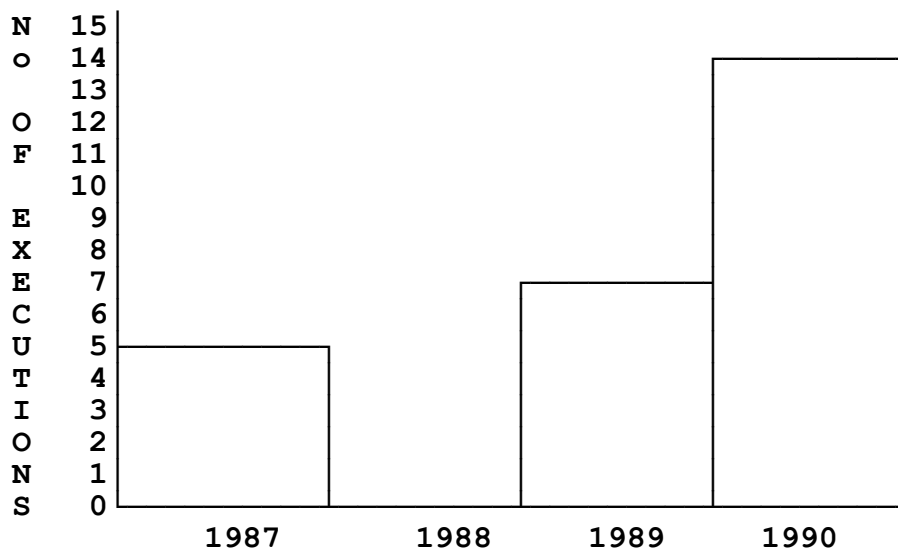
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SOUTH KOREA

INCREASED USE OF THE DEATH PENALTY

Fourteen people are known to have been executed in South Korea in 1990 and at least 16 more are reported to remain on death row. In 1989 seven people were executed, the first executions since July 1987. Amnesty International is concerned at the increased use of the death penalty in South Korea. The organization opposes the death penalty in all cases considering it to be a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights. It is calling on the South Korean Government to commute all death sentences and to abolish the death penalty.

The increased use of the death penalty over the past two years is shown approximately on the following table:



The latest executions were carried out in December 1990 when five prisoners were executed for offenses involving murder or rape. The five executed men were: Sohn Oh-sun, aged 22; Lee Chae-chol, aged 29; Chon Kyong-suk, aged 26; Im Chon-taek, aged 42 and Song Chae-hong, aged 35. The executions are part of the South Korean Government's "War on Crime" which was announced in November 1990. A spokesman from the Ministry of Justice was reported to have said that the executions were intended as a warning that the government is willing to go all the way in its war on crime.

Amnesty International believes that the death penalty does not act as an effective deterrent to combat violent crime. Although studies have been carried out on the effect of the death penalty in a number of countries, no conclusive evidence has been produced to demonstrate its value as a deterrent.

The death penalty can be imposed in South Korea for a variety of criminal and political offences under the Criminal Code and other laws. However, in practice most death sentences in recent years have been imposed for murder or for murder or rape in the course of robbery. The last known executions for political offences were in 1982.

The Code of Criminal Procedure requires that a defence counsel be present during the trial of capital offences. Most death sentences are first tried by district courts. All death sentences must be reviewed by a higher court and defendants may not waive their right of appeal. In practice, most death sentences are reviewed twice: by a high court (or high court martial in the case of military personnel) and by the Supreme Court. The order to carry out a death sentence is signed by the Minister of Justice. The order must be given within six months of the judgment becoming final and execution must then be carried out within five days. Under the law a death sentence should be suspended if the prisoner is of unsound mind or is a pregnant woman (the suspension lasts until the child is born). No one under the age of 18 is believed to have been executed since 1971, although the death sentence may be imposed on persons over the age of 16. Executions are carried out by hanging and are not conducted in public.

The South Korea Council for the Abolition of the Death Penalty was established in May 1989 to oppose the death penalty and to seek its abolition. Its members include lawyers, academics, journalists and members of the religious community. In 1989 a lawyer member of the Council filed a petition with the Constitutional Court on the grounds that the death penalty violates the Constitution. At the time of writing the petition is still pending with the court.