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## **OPEN LETTER TO THE PRESIDENT OF SOUTH KOREA**

Dear Mr. President,

Following your recent election as President of the Republic of Korea (hereafter South Korea), Amnesty International would like to draw your attention to our key concerns regarding human rights in South Korea. In the coming years, we urge you to make the promotion and protection of human rights a priority for your government.

### **Death penalty**

Since December 2007, Amnesty International considers South Korea to be abolitionist in practice, as it has not carried out any executions for ten years. This landmark anniversary is welcomed by Amnesty International. However, the organisation remains concerned that there are still 58 inmates on death row in South Korean prisons and certain crimes still carry the death penalty. The Special Bill to Abolish the Death Penalty has been before the Legislation and Judiciary Committee (LJC) of the National Assembly since February 2005. Given the *de facto* moratorium on executions in South Korea and the parliamentary bill currently before the LJC, Amnesty International hopes that these positive steps will now provide your new government with the right framework to look again at abolishing the death penalty in law.

As you may be aware, the United Nations General Assembly adopted a resolution calling for a global moratorium on executions during its 62<sup>nd</sup> session in December 2007. This landmark resolution was endorsed by 104 votes in favour and is the latest major expression of the global trend away from the use of the death penalty. Amnesty International had hoped that South Korea would support this resolution and regrets its decision to abstain from voting.

### **Migrant workers' rights**

There are over 500,000 migrant workers in South Korea, of which an estimated 210,000 are in an irregular situation, lacking legal permission to remain in the country. Despite the introduction of the Act Concerning the Employment of Migrant Workers (EPS Act) in 2003, migrant workers, both regular and irregular, continue to face discrimination and abuse, including verbal abuse and beatings, by employers in the workplace and by state officials. Amnesty International recommends the government of South Korea to take steps

towards signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Women, who constitute roughly one-third of all migrant workers in South Korea, are particularly vulnerable to human rights abuses such as discrimination in wages compared to their male counterparts, sexual harassment and violence at work. Many women migrant workers claim that they feared retribution from their employers who threatened to report them to the authorities resulting in their possible deportations to their home country if they reported any instance of sexual violence by their employers. As a state party to the UN Convention on the Elimination of All Forms of Discrimination against Women, South Korea has undertaken to “to pursue by all appropriate means and without delay a policy of eliminating discrimination against women” (article 2), of which violence against women is a particularly abhorrent manifestation.

Amnesty International is seriously concerned about the recent crackdown against the Migrant Workers’ Trade Union (MTU). On 13 December 2007, the South Korean government deported three senior officials of the MTU. MTU President Kajiman Khapung, Vice President Raju Kumar Gurung and General Secretary Abul Basher M. Moniruzzaman were reportedly taken from Cheongju Detention Centre, Northern Chunchong Province. They had been detained since their arrest in a targeted crackdown on 27 November. President Kajiman Khapung and General Secretary Abul Basher M. Moniruzzaman were arrested in front of their houses while leaving to participate in a peaceful protest in front of the Seoul Immigration Office. Vice President Raju Kumar was arrested in front of the factory where he worked. Amnesty International expresses serious concern that their detention and subsequent expulsion without access to due process represent a violation of their rights including the right to freedom of association, provided *inter alia* in Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which South Korea is a state party, and represent an assault on the human rights of migrant workers.

### **Rights of workers and trade unionists**

Amnesty International has previously expressed its deep concern at the arrest of members of Korean Alliance against the Korea-US Free Trade Agreement (KoA) in 2007.<sup>1</sup> Oh Jong-ryul and Jung Gwang-hoon were arrested on 3 July 2007 on charges of carrying out an “illegal” strike though the KoA reportedly served the requisite notice to the Korean government about the details of the peaceful strike. These arrests came in the wake of 67 other arrest warrants being issued for senior leaders of the Korean Metal Workers Union (KMWU) who had organised strikes in June against the signing of the Korea-US Free Trade Agreement.

Amnesty International is concerned also with regard to the use of unnecessary and excessive force by police and security forces against striking irregular workers at E-land. The Contract Based Employment Law, enacted in July 2007, requires that all workers who have been on contracts for two years or more are to become regular workers. E-land fired over 1,000 temporary staff from June 2007 to avoid regularising the status of these employees. The Government attempted to block the strikes by applying for a provision disposition regarding the obstruction of business, thereby denying workers their freedom of association

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<sup>1</sup> See Amnesty International public statement, “Crackdown against Free Trade Agreement protest leaders” 27 July 2007 (ASA 25/006/2007)

and the right to strike, provided in Article 8(1)(d) of the International Covenant on Economic, Social and Cultural Rights, to which South Korea is a state party. The use of unnecessary and excessive force by the South Korean police to break up strikes led to injuries including fractures, concussion, abrasions and bruising. Over 640 people have been arrested since the strikes began in July 2007.

### **National Security Law**

Amnesty International acknowledges that every country has a right to take measures to ensure the security of its citizens. We also appreciate that South Korea has special security concerns with regard to North Korea. However, this does not justify the denial of the right to peacefully express different political views, in accordance with international human rights law and standards.

The National Security Law (NSL), which has been in force since 1948, has been used to imprison people for non-violent political activities in violation of South Korea's obligation under international law to respect, promote and protect the right to freedom of expression. The law provides for custodial sentences or the death penalty for "anti-state" and "espionage" activities. However, these terms are not clearly defined and consequently, the NSL has often been used to arbitrarily arrest and detain people who have peacefully exercise their rights to freedom of expression and association, as provided in Articles 19 and 22 of the ICCPR

### **Conscientious objectors**

There are around 733 conscientious objectors in prison, most of whom are Jehovah's Witnesses. Those who refuse to undergo compulsory military service are tried by civil courts for violation of the conscription law. The Ministry of National Defence set up a policy group, which has begun preparing proposals for offering alternative civilian service. However, Amnesty International is very concerned that the proposals include longer service than the military conscription period and excludes conscientious objectors from taking positions in public office in the future. The organization calls on you and your government to release all conscientious objectors and amend the current proposal so that alternative civilian service would be no longer than the military conscription period and would not exclude them from taking positions in public office in the future.

### **Justice for the survivors of Japan's military sexual slavery system**

Up to 200,000 women were sexually enslaved by the Japanese Imperial Army from around 1932 to the end of World War II. These women are euphemistically known as 'comfort women'. Sixty-two years after the end of World War II, survivors of the sexual slavery system continue to be denied justice. Survivors have suffered from physical and mental ill-health, isolation, shame and often extreme poverty as a result of their enslavement. Amnesty International is concerned about remarks made by you on January 17 that you would not call on Japan to apologize for or reflect on its wartime atrocities. The continued denial of justice prolongs the humiliation and suffering of the 'comfort women' survivors, most of whom are now in their late 80's. It also signals that states can get away with atrocities, especially if committed against the weak and the disenfranchised. Amnesty International considers that as long as this denial of responsibility, coupled with a refusal to grant adequate reparations, there is an ongoing violation of the human rights of these women. The organization urges you and your government to continue to call on Japan to accept full responsibility for the 'comfort women' system, to apologise unreservedly for the crimes

committed against the women, and for the government of Japan to provide direct, adequate and effective reparations to the women and/or their immediate families.

**Enforced disappearances of South Korean nationals**

The exact number of South Korean nationals who have been abducted by the North Korean government authorities to North Korea and subsequently becoming victims of enforced disappearance is difficult to ascertain. The list of persons who have disappeared include prisoners of war from the Korean War (1950-53), fishermen taken since the Korean armistice and other South Korean nationals. No one abducted during the Korean War has been officially confirmed to have returned to South Korea. The majority of South Korean nationals taken since the war have been returned to South Korea. However, an estimated 480 South Korean nationals remain in North Korea of which at least 428 are South Korean fishermen.<sup>2</sup> Enforced disappearance is a serious violation of international human rights law, as well as an international crime. Amnesty International urges you and the South Korean government to call on the North Korean authorities to reveal the fate and whereabouts of these persons and to return those who are still alive as a matter of urgency.

We therefore call on you to place high priority for human rights at the heart of your Presidency and I would welcome the opportunity to discuss the issues mentioned in this letter in further detail.

Yours sincerely,

Irene Khan  
Secretary General

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<sup>2</sup> Kim Soo-am, Lee Keum-soon, Lim Soon-hee, White Paper on Human Rights in North Korea 2007, Seoul: Korea Institute for National Unification, (KINU), August 2007.