
amnesty *international*

£SOUTH KOREA

@Appeal on behalf of Kang Ki-hun

APRIL 1992

AI INDEX: ASA 25/13/92

DISTR: SC/CO/GR

Kang Ki-hun, 27-year-old staff member of *Chonminnyon* (National Democratic Alliance of Korea) was arrested on 24 June 1991 and sentenced to three years imprisonment for aiding and abetting the suicide of Kim Ki-sol, also a staff member of *Chonminnyon* who committed self-immolation on 8 May 1991. He was also convicted with membership of an anti-state organization. Amnesty International is concerned that Kang Ki-hun may not have received a fair trial and is urging the authorities to review his case.

On 26 April 1991 student Kang Kyung-dae was beaten to death by riot police during an anti-government demonstration. His death provoked violent demonstrations throughout South Korea by students, workers and dissident groups who established a special committee, comprising some 55 dissident groups, to make arrangements for the funeral and to campaign against the government's policies. During the following weeks many protests and demonstrations were organized by the committee and by other student and dissident groups. A number of people, including Kim Ki-sol, committed self-immolation as a gesture of protest against the death of Kang Kyung-dae and against government policies.

In late May police obtained a warrant for the arrest of Kang Ki-hun who sought sanctuary in the grounds of Myongdong Cathedral and gave himself up to the police on 24 June. The most important charge against him, under the Criminal Code, was one of aiding

and abetting the suicide of Kim Ki-sol and specifically of writing Kim Ki-sol's suicide note. He was also charged under the National Security Law for membership of the group *Hyoknomaeng* (Revolutionary Workers' Federation) which is seen by the authorities as an anti-state, pro-North Korean group. Regarding the charges against Kang Ki-hun, Senior Prosecutor Kang Shin-uk is reported to have said "Formal charges were filed even with the possibility that the case could be thrown out of court for lack of evidence because we are convinced that Kang is the most likely person to have abetted Kim in his suicide". Kang Ki-hun denied the charges against him saying "As I am innocent, there is no choice for me but to turn myself in honourably". Soon after the arrest friends and supporters formed a "Joint Taskforce Committee" to protest his innocence and work for his release. It claimed that the police had fabricated a case against Kang Ki-hun in order to discredit the dissident movement at a time of social unrest.

Amnesty International is concerned that the evidence in this case may not have produced conclusive proof of Kang Ki-hun's guilt on charges of aiding and abetting the suicide of Kim Ki-sol. In delivering his sentence the court judge is reported to have said that he was not sure whether the accused actually wrote the suicide note or actively took part in the fabrication of the suicide note. According to an article in the *Korea Herald* of 6 December, shortly before the verdict was delivered the bench told press reporters that "the court will have to approach the case for 'relative' truth rather than the whole truth for lack of objective evidence to prove claims of each side." The same article went on to say that "Both sides, however, failed to submit evidence crucial to the solution of the case while simply denying and denouncing allegations made by the other side." In his appeal to the High Court Kang Ki-hun quoted the judge as saying "We do not believe that our judgement is in accordance with the objective and absolute truth, but . . ."

The main evidence in this case consisted of a handwriting analysis carried out by the National Institute for Scientific Investigation (NISI) which supported the prosecution's charge that Kang Ki-hun had written Kim Ki-sol's suicide note. The NISI compared the handwriting on the suicide note and in a notebook and other texts allegedly written by Kang Ki-hun and concluded the handwriting on the suicide note was that of Kang Ki-hun. In its verdict the court praised the work of the Chief of the Document Analysis Department of the NISI. Two months later, in February 1992, this same official was arrested on charges of accepting bribes in return for false appraisals. Although these corruption charge relate to different cases, Amnesty International is concerned that the incident casts some doubt on the reliability of the NISI's analysis of the handwriting on Kim Ki-sol's suicide note. It is particularly concerned that this appears to have been the most important evidence used to convict Kang Ki-hun.

The Korea National Council of Churches commissioned an independent analysis of the suicide note and other written texts by a Japanese graphology expert, Yoshio Onishi, who testified before the court on 28 November. Yoshio Onishi claimed that the suicide note had been written by Kim Ki-sol himself and not by Kang Ki-hun. Prosecutor Shin Sang-kyu is reported to have discredited Ohishi's evidence on the basis that he was unfamiliar with the Korean alphabet saying "How is possible for a foreigner who is quite unfamiliar with the Korean alphabet to have accurate analysis of the handwriting . . . The National Scientific Investigation Bureau is the sole authoritative body to determine the authenticity of the handwriting." When announcing the verdict, the presiding judge is

reported to have said that the court found valid the results of a forensic examination by the NISI.

Kim Ki-sol's girlfriend, Hong Song-un, was also presented as an important witness. She was reportedly interrogated for long periods by the police and held *incommunicado*, although she was later released. During interrogation she is reported to have implicated Kang Ki-hun in the suicide, but she apparently retracted this statement when under cross-examination by the court.

On 20 December Kang Ki-hun was sentenced to three years' imprisonment for aiding and abetting the suicide of Kim Ki-sol and writing his suicide note and for membership of an anti-state organization. In his appeal to the High Court Kang Ki-hun said:

"The Court would not sentence guilty someone who is innocent, would it? The Court would not accept the sham handwriting appraisal of the NISI before all the evidence pointing to the clear truth and fact, would it?"

These were the thoughts that ran through my mind as I moved to and from the detention centre in the mountains of Poil-dong and the courthouses in Socho-dong for the first trial. I wanted to convince myself again and again that the trial would lead to a rational conclusion. However, the court accepted without altering one word the argument of the prosecution which was based on evil distortion of the facts and outlandish assertions. The moment that I heard the decision of the judge I felt despair falling on me with the weight of the sky caving in all around me. This land became a land struck with calamity full of falsehood and deceit with no glimpse of truth."

On 20 April Kang Ki-hun's three year sentence was upheld by Seoul High Court. Amnesty International is concerned that the evidence used to convict Kang Ki-hun of aiding and abetting the suicide of Kim Ki-sol does not appear to provide conclusive proof of his guilt. It believes that the authorities should review the case of Kang Ki-hun and release him on these charges if there is an absence of conclusive evidence to convict him.

ACTION REQUESTED

Please write appeals to the South Korean Minister of Justice urging a review of Kang Ki-hun's case:

Mr Kim Ki-Choon, Minister of Justice
 Ministry of Justice
 1 Chungang-dong
 Kwachon-myon
 Shihung-gun
 Kyonggi Province
 REPUBLIC OF KOREA

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM