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# AMNESTY INTERNATIONAL NEWS SERVICE 156/94

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NEWS SERVICE ITEMS: EXTERNAL - ROMANIA, NORTH KOREA

## INTERNATIONAL NEWS RELEASES

Pakistan - 27 July - SEE NEWS SERVICE 81/94 - We are sending the report out via Swift air so it should reach you in time for the release date.

Myanmar - 20 July - SEE NEWS SERVICE 99/94

India - 16 August - SEE NEWS SERVICE 129/94

Kosovo - 20 September - SEE NEWS SERVICE 137/94

Algeria - first week of October - SEE NEWS SERVICE 137/94

France - second week of October - SEE NEWS SERVICE 137/94

## TARGETED AND LIMITED NEWS RELEASES

Sri Lanka - 15 July - SEE NS 146/94

Brazil - 14 September - SEE NEWS SERVICE 137/94

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**AI INDEX: EUR 39/WU 02/94  
20 JULY 1994**

**ROMANIA: "PUBLIC SCANDAL" RULING THREATENS RIGHTS OF HOMOSEXUALS**

**A recent decision by Romania's Constitutional Court, means homosexuals in Romania may be prosecuted for causing a "public scandal".**

**The Court ruled that the country's present legislation on homosexuality is unconstitutional "to the extent to which it applies to sexual relations between adults of the same sex, freely consummated, not committed in public or not causing public scandal".**

**Last week's decision affects the section of the Romania's Penal Code which allows for the arrest, prosecution and imprisonment of consenting adults engaging in homosexual acts in private. Though the decision will modify the enforcement of the existing law, it would still allow for the prosecution of freely consenting adults who engaged in homosexual acts in private if such acts "caused public scandal".**

**"'Causing a public scandal' is such a broad term it could lead to varying and contradictory judicial interpretations," Amnesty International said today. "It could be interpreted to allow the prosecution in Romania of adults solely because of consensual homosexual acts in private, which are not criminal if carried out in similar circumstances by heterosexuals."**

**Such prosecution would be a violation of the non-discrimination principle provided in international human rights standards ratified by Romania, which guarantees equal and effective protection against discrimination for everyone, according to the human rights organization.**

**On several occasions, Amnesty International has expressed its concern on this issue to the Romanian authorities and called for the release of prisoners who were charged or convicted under this law. In February, the organization wrote to the Constitutional Court of Romania stating its position and urging the law's abolition. In March, Amnesty International criticized a draft law adopted by the Romanian Senate revising the current legislation.**

**Amnesty International continues to urge the Romanian authorities and members of the Romanian Parliament to abolish Article 200, paragraph 1, and to ensure that future penal laws do not place at risk consenting adults engaging in homosexual acts in private.**

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**NORTH KOREA'S HUMAN RIGHTS RECORD REMAINS GRIM FOLLOWING THE DEATH OF  
PRESIDENT KIM IL SUNG**

In the wake of last week's announcement of the death of President Kim Il Sung, Amnesty International is reiterating its concerns about the human rights situation in North Korea.

"We are calling on the North Korea's new leadership to take concrete measures to improve its human rights record," Amnesty International said today. "Thousands of people may be detained as prisoners of conscience because of their alleged political views."

Shortly before Kim Il Sung's death, Amnesty International submitted a report summarizing new concerns about political prisoners in North Korea to the country's authorities. The organization will be writing to the new leadership in the Democratic People's Republic of Korea (DPRK, North Korea) in the coming weeks to reiterate its human rights concerns and to develop a further dialogue on the following issues:

◆ **Release all prisoners of conscience.** In a document released earlier this month, Amnesty International published reports of dozens of people reported to have been detained in North Korea for political reasons. Many may be prisoners of conscience.

Amnesty International believes that prisoners of conscience are held on both sides of the Demilitarized Zone dividing the Korean Peninsula. Many people in both countries appear to be held because their respective governments accuse them of activities supporting, directly or not, the other side.

◆ **Revise legislation.** North Korean criminal law allows the imprisonment of people for peacefully exercising their fundamental rights. It also provides for the imprisonment of people accused of ill-defined activities such as "subversive acts" and "causing social disruption".

◆ **Account for all detainees.** Amnesty International has published reports alleging that individuals have been kept in unacknowledged detention without communication with the outside world for many years. Political prisoners appear to have been imprisoned without trial or after trials falling far short of international standards for fairness. Some of these prisoners appeared to have been held because they allegedly carried out activities on behalf of South Korea. North Korea should account for their whereabouts and legal status.

Amnesty International is also concerned that dozens of people, including students and dissidents, have been arrested in the Republic of Korea (ROK, South Korea) since 9 July because they wanted to hold memorial ceremonies for Kim Il Sung. Others were arrested for attempting to travel to North Korea to attend today's national funeral service.

The human rights organization is calling on the South Korean Government not to detain people for peacefully mourning the death of Kim Il Sung or for travelling to North Korea. Amnesty International has on many occasions expressed its human rights concerns in South Korea and is continues to do so in its contacts with the South Korean authorities.

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