

 amnesty
international

Report
of an
Amnesty International
Mission
to
The Republic of Korea

27 March - 9 April 1975

Second Edition

AMNESTY INTERNATIONAL is a worldwide human rights movement which is independent of any government, political faction, ideology, economic interest or religious creed. It works for the release of men and women imprisoned anywhere for their beliefs, colour, ethnic origin, language or religion, provided they have neither used nor advocated violence. These are termed "prisoners of conscience".

AMNESTY INTERNATIONAL opposes torture and the death penalty in all cases and without reservation. It advocates fair and early trials for all political prisoners and works on behalf of persons detained without charge or without trial and those detained after expiry of their sentences.

AMNESTY INTERNATIONAL seeks observance throughout the world of the United Nations Universal Declaration of Human Rights and the UN Standard Minimum Rules for the Treatment of Prisoners.

AMNESTY INTERNATIONAL has 1,930 adoption groups and national sections in 33 countries in Africa, Asia, Europe, the Middle East, North America and Latin America and individual members in 103 countries. Each adoption group works for three prisoners of conscience in countries other than its own. The three countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London.

AMNESTY INTERNATIONAL has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States, and has observer status with the Organization of African Unity (Bureau for the Placement and Education of African Refugees).

AMNESTY INTERNATIONAL is financed by subscriptions and donations of its worldwide membership. To safeguard the independence of the organization, all contributions are strictly controlled by guidelines laid down by AI's International Council, and income and expenditure are made public in an annual financial report.

© Amnesty International Publications 1977

All rights reserved

First published, June 1976; second printing with revised preface, June 1977

ISBN: 0 900058 45 5

Original Language: English

AI Index: PUB 49/00/76

Published by Amnesty International Publications

Copies of Amnesty International Publications can be obtained from the offices of the national sections of Amnesty International. Office addresses and further information may be obtained from the International Secretariat, 10 Southampton Street, London WC2E 7HF, England.
Printed in Great Britain by Hill and Garwood Ltd, Fourth Way, Wembley, Middlesex.

 Published during
1977 Prisoners of Conscience Year
by Amnesty International Publications

REPORT
OF AN
AMNESTY INTERNATIONAL
MISSION
TO
THE REPUBLIC OF KOREA

27 MARCH-9 APRIL 1975

CONTENTS

Preface	5
Outline and Recommendations	9
1. Introduction	15
2. The Law and Civil Rights	17
3. Intimidation of the Legal Profession	21
4. Irregularities in the Trial Process	24
5. Harassment and Torture	27
Physical treatment	27
Organizational harassment	29
6. Prison Conditions	32
7. Case Study: <u>The People's Revolutionary Party</u>	33
Background	33
The allegations	34
The process of investigation and torture	36
The evidence as presented in court	40
Irregularities in pre-trial and court procedure	41
The Supreme Court judgment and its execution ..	43
Conclusion	43
8. Harassment of the Mission	44

PREFACE

Background

The Amnesty International mission visited the Republic of Korea (South Korea) from 27 March to 9 April 1975. In the period since then, there has been what may be described as a progressive broadening of political repression in that country. Largely invoking a threat of invasion and subversion from the Democratic People's Republic of Korea (North Korea), the South Korean administration of President Park Chung-hee has taken steps intended to suppress opposition in all quarters. Leaders of opposition parties, church leaders, lawyers and university teachers, journalists, students and others have all been subjected to arbitrary arrest, detention and harassment. Prominent dissidents and opposition politicians have been brought to trial on charges which are unfounded.

The execution of the eight People's Revolutionary Party (PRP) prisoners on 9 April 1975 prompted a wave of student demonstrations. In response, presidential Emergency Regulation number 7, introduced on the day of the executions, and the later Emergency Regulation number 8 prohibited all campus rallies and demonstrations against the government.

On 13 May 1975, following the fall of the Thieu regime in South Vietnam and amidst repeated warnings by the Park administration against a threat of invasion from North Korea, Emergency Regulation number 9 was promulgated. At the time this preface was written, this was the most recent in the series of special presidential decrees designed to outlaw all forms of criticism of the revised 1972 constitution which allows President Park to hold office for life. Under article 53 of this constitution, the President is empowered to issue emergency decrees whenever he considers that national security is seriously threatened. Emergency Regulation number 9 bans all campus demonstrations, prohibits published criticism and political meetings and enables the authorities to remove offenders from their jobs. In the second half of 1975, several hundred students were reportedly detained under these provisions, although it is not clear whether such arrests would fit a pattern of long term imprisonment or one of short term interrogation and intimidation.

On 8 July 1975, the National Assembly passed three laws considered "necessary to put the nation on a total mobilization basis" in case of attack. One of these laws was the Public Security Act, which is designed specifically to "control anti-state criminals and espionage agents for North Korea even after they have finished prison terms". It applies equally to those convicted under the Anti-Communist and National Security Laws and to those against whom former indictments were dropped. More than 10,000 persons are kept under surveillance under the provisions of this act. In practice, these are mainly people suspected of anti-government sympathies who received light sentences in the past as a warning.

Reliable reports say that students who were released from detention in the conditional amnesty of February 1975 are now in complete isolation from all but their own families. They are unable to complete their studies or to find employment. They are under constant surveillance.

There is concern also for those defendants in the PRP cases who were not sentenced to death but who were given prison sentences. These men remain in prison. It is believed that their wives and families have been subjected to harassment and intimidation by the Korean Central Intelligence Agency.

Kim Chi-ha

Among those political prisoners brought to trial since the time of the mission is the poet and writer Kim Chi-ha. Re-arrested in March 1975 and charged under the Anti-Communist Law after he had published an article describing the torture of fellow-prisoners, his trial began on 19 May 1975. It was subsequently adjourned, however, and the period of pre-trial detention permitted by law expired in September without the proceedings having resumed. A military court reinstated Kim Chi-ha's earlier life sentence, which had been suspended, as a means of keeping him in prison.

The trial of Kim Chi-ha finally resumed on 18 May 1976. Because of his previous arrests, Kim faced the possibility of a death sentence if found guilty. The prosecution sought to prove that his literary works are designed to bring about a revolution in South Korea, but Kim protested that the government was trying to label him as a communist on the basis of notes on fictional characters for a book which he intended to write in the future.

Kim told the panel of three judges that the Korean Central Intelligence Agency had forced him to sign a document which was later distributed publicly with the intention of proving that he was a self-confessed communist. He has consistently maintained that he signed the document under severe pressure.

On 31 December 1976 the Seoul District Criminal Court found Kim guilty of violating the Anti-Communist Law by supporting North Korean propaganda. The court sentenced him to seven years' imprisonment. He is to appeal against this sentence. Kim, who suffers from tuberculosis, remains in solitary confinement in Seoul's West Gate Prison, where he is already serving the 15-year life sentence arbitrarily reinstated by military court in 1975.

The Korean National Council of Churches Case

In September 1975, four prominent Korean Protestant pastors, including the secretary general of the Korean National Council of Churches, Kim Kwansuk, were given prison sentences. The case against the pastors related to the alleged "misuse of church funds" in helping the families of political prisoners. The pastors had been released by January 1976.

Han Seung-hon

Also in September 1975, the distinguished human rights lawyer Han Seung-hon was sentenced to 18 months' imprisonment with 18 months' suspension of civil rights to follow on being found guilty of violating the Anti-Communist Law. The charges against him related to a collection of essays

published in 1972 in which he lamented the execution of a former colleague as an alleged spy. Han was released in December 1975, although his case is still before the Supreme Court.

Kim Dae-jung

In December 1975, the former opposition presidential candidate Kim Dae-jung was found guilty of violating election law and was sentenced to one year's imprisonment. Kim Dae-jung, who was put on trial on charges dating back to the presidential election of 1971 after he had been abducted from an hotel in Tokyo by unidentified Koreans in August 1973, was in the process of appealing against the conviction for allegedly slandering President Park when he was re-arrested in March 1976 (see below).

Dong-A Ilbo Journalists

Also in December 1975, two former journalists of the Dong-A Ilbo newspaper, Lee Bu-yong and Song Yu Bo, were given heavy prison sentences with suspension of civil rights to follow upon being found guilty of violating Emergency Regulation number 9, the Anti-Communist Law and the National Security Law. These sentences were later reduced on appeal. Both men were prominent members of the movement aimed at opposing the many restrictions which have been placed on the freedom of the press by the government.

"The Myong-Dong Incident"

In March 1976, more than 20 prominent men and women were arrested in connection with a declaration calling for the restoration of basic freedoms in South Korea. Eighteen of these people were subsequently indicted under Emergency Regulation number 9 on charges of agitating to overthrow the government. Those indicted include:

ex-President Yun Po Sun, aged 79, who is the only living former President of the Republic of Korea;

Kim Dae-jung, aged 51, the leading opposition contender for the presidency, who is seriously ill;

the distinguished Quaker leader Hahm Suk Hon, aged 75, who is known as "the Gandhi of South Korea";

former foreign minister Chung Il Hyung, aged 72, and his wife Dr Lee Tai Young, aged 61, who is South Korea's first woman lawyer;

Professor Miss Lee Oo Chung, president of Korea Church Women United;

and a number of Roman Catholic priests, Protestant ministers and university professors.

The names of most of these had appeared under the text of the declaration. Eleven of the indicted, including Kim Dae-jung, have been held in prison since their arrest in March 1976. They remain in prison at the time of writing.

The declaration, entitled the "Declaration for Democratic National Salvation" was read out at a meeting of 700 people in the Myong-Dong Cathedral in Seoul on 1 March 1976. It called for the lifting of the presidential ban on opposition to the present political system, the release of political prisoners, and the restoration of basic freedoms, independence of the judiciary and freedom of the press. Although the declaration was very moderate in its wording, the accused were charged with attempting to overthrow the government.

The mass trial of the 18 defendants began on 4 May 1976. The hearings were adjourned several times after defence complaints that defence counsel were unable to interview their clients. On 25 May relatives of the defendants complained to Amnesty International that the trial was being held in "an atmosphere of terrorism". They said that the authorities had illegally detained close friends of the defendants, restricted the number of seats in the courtroom by issuing admission tickets and prevented lawyers and relatives from freely seeing the accused. At one point in the trial, defence lawyers walked out of the courtroom after the panel of three judges had refused to hear evidence from any of the 16 defence witnesses.

On 28 August, all 18 defendants were found guilty of violating Emergency Regulation number 9 and were given severe prison sentences. Yun Po Sun, Kim Dae-jung and Hahm Suk Hon were each sentenced to eight years' imprisonment with eight years' suspension of civil rights to follow. Chung Il Hyung and his wife Dr Lee Tai Young were each sentenced to five years' imprisonment with suspension of civil rights to follow for the same period. The remaining 13 defendants were given prison sentences ranging from eight to two years with corresponding suspension of civil rights.

On 29 December 1976, the Seoul Appellate Court confirmed the convictions of the 18 defendants, but reduced their prison sentences for unstated reasons. Yun Po Sun and Kim Dae-jung each had their sentences changed from eight years' imprisonment to five years' imprisonment. Hahm Suk Hon similarly had his sentence changed to five years' imprisonment. Besides other reductions, sentences were suspended in four cases. On 22 March 1977, the Supreme Court confirmed the Appellate Court rulings and nine of the defendants, including Kim Dae Jung, are now serving their sentences.

When the Supreme Court verdict was made on 22 March 1977, the Myong Dong Declaration was reiterated by prominent Koreans, including those who had been prosecuted for endorsing the original declaration. The government reacted with a new wave of arrests in March and April, and in all more than 100 people were arrested, including Roman Catholic priests, Protestant ministers, journalists, students, and wives and relatives of those who endorsed the Myong Dong Declaration. It is the view of Amnesty International that all those people who have been imprisoned in 1976 and 1977, in connection with the Myong Dong Declaration, are without doubt prisoners of conscience.

Amnesty International
February 1977

OUTLINE AND RECOMMENDATIONS

In 1972 a new constitution of the Republic of Korea (ROK) was promulgated. It gave the President the power to rule by emergency decree at any time that he considered necessary in the interest of national security.

Since 1972, it has often been alleged that large numbers of persons have been detained in the ROK without trial; that lawyers have been officially harassed in their attempts to defend persons accused of political crimes, and that torture has been systematically used in the extraction of confessions.

In order that these allegations could be investigated at first hand, Amnesty International despatched a mission to the Republic of Korea. The mission conducted its investigations in Seoul from 27 March to 9 April 1975.

The mission found:

i. Torture is frequently used by law-enforcement agencies both in an attempt to extract false confessions, and as a means of intimidation. The methods of torture comprise, inter alia:

- a) water torture - cold water forced up the nostrils through a tube. A cloth is simultaneously placed in the victim's mouth so that breathing becomes impossible. Unconsciousness will follow. No physical scars result;
- b) electrical torture, often in conjunction with water torture, to sensitive parts of the body, such as the toes and genitals;
- c) the beating of individuals tied hand and foot and suspended from the ceiling;
- d) deprivation of sleep for prolonged periods - one case up to 15 days.

ii. Detention without charge of journalists, lawyers, churchmen and academics is frequent. In the case of lawyers, the harassment is such as to prevent the presentation of a full defence. The court will often refuse a defence application to call a witness; lawyers are sometimes placed peremptorily under house arrest to ensure their absence from court. In such instances the court will order that the trial continue nonetheless.

iii. Systematic harassment of Korean citizens by law-enforcement agencies is commonplace. Individuals wake to find guards on their houses, their mail shows obvious signs of having been opened prior to arrival, telephones are tapped, and people are openly followed in the street.

The mission has concluded that the manner in which these activities are carried out is evidently designed to intimidate.

iv. The trials of those individuals alleged to be members of the "People's Revolutionary Party" involved:

- a) 42 prosecution witnesses being called to give evidence in the absence of defence lawyers; their absence was said to have been due to house arrest;
- b) the refusal by the court to allow witnesses for the defence;
- c) trial proceedings being heard in camera;
- d) evidence being extracted under torture;
- e) refusal of permission to foreign journalists wishing to observe the trials;
- f) the proclaiming of the defendants' guilt, before the case had been fully heard, by government newspapers and in official pamphlets as well as on public billboards and Korean television;
- g) the unlawful hanging of eight defendants prior to their being given time to lodge applications for "reopening of procedure" (i.e. rehearing) and/or appeals for clemency;
- h) the peremptory burning by the police of two of the bodies of the executed defendants that had been released to families. One body was taken from a funeral cortège; another was taken prior to a post-mortem examination intended to establish whether torture had been employed prior to execution.

On the basis of the findings of the mission to the Republic of Korea, Amnesty International respectfully submits the following recommendations to His Excellency President Park Chung-hee:

A. We deplore the fact that eight members of the so-called "People's Revolutionary Party", who were sentenced on political charges, were hanged. They were denied their constitutional right to petition for re-trial or for clemency; all eight people were taken to the scaffold on the day following the Supreme Court judgment delivered on 8 April 1975. None of the defendants nor their lawyers were present in court when the Supreme Court delivered its judgment; there were reports that the lawyers were at that time under house arrest.

B. We respectfully urge compliance with Article 5 of the Universal Declaration of Human Rights which prohibits the use of torture and degrading treatment.

Thus

- i. The practice of torture by police and law-enforcement agencies should be discontinued forthwith.
- ii. All allegations of torture should be investigated by an impartial commission of enquiry. All complainants to this agency should be guaranteed freedom from retributive action.
- iii. The Ministry of Foreign Affairs is respectfully urged to release a full account of the "unauthorized torture of dissidents" referred to by the Minister of that department, Mr Kim Dong-jo, in his interview with the New York Times of 1 May 1975.

C. We respectfully urge compliance with Article 9 of the Universal Declaration of Human Rights which prohibits arbitrary arrest and detention.

Thus

- i. The Code of Criminal Procedure of the Republic of Korea should be amended to allow applications of habeas corpus to be made to the courts. It should be provided that, in such a case, the police or law-enforcement agency be obliged to show cause as to the necessity for a remand in custody.
- ii. The practices of lengthy detention and house arrest without judicial proceedings or warrant should be discontinued.

D. We respectfully urge compliance with Article 10 of the Universal Declaration of Human Rights which guarantees the right to a fair and public hearing by an independent and impartial tribunal to all persons charged with a criminal offence.

Thus

- i. The present practice of the Korean courts whereby the defence in a political-criminal matter is unable to call its own witnesses, or cross-examine prosecution witnesses, should cease forthwith.
- ii. If indictments are to continue as detailed statements of the offence and antecedents of the accused, they must be proved in court after the defence has had time to consider their

content. The defence must be given an opportunity to cross-examine the makers thereof. Normally speaking, antecedents should not be admissible before a finding of guilt.

- iii. The cross-examination of persons making depositions must be allowed.
- iv. The government should undertake a commitment that lawyers will be freed from KCIA and police harassment.
- v. Statements made in court by defence lawyers, who are acting bona fide in the interests of their clients, should not, in themselves, become the subject of criminal charges against the counsel.
- vi. Confessions extracted under torture should cease to be admissible against the defendant.
- vii. All criminal trials should be heard in public. Restrictions on the number of the defendant's family members who are allowed entrance to court proceedings should be lifted forthwith.
- viii. Civilians charged with contravening laws of the Republic of Korea should never again be subjected to trial by court-martial. We note that Emergency Regulation No. 9, promulgated 18 May 1975, provides for trial by civil court.

E. We respectfully urge compliance with Article 11 of the Universal Declaration of Human Rights which provides for the presumption of innocence prior to a finding of guilt and "all the guarantees necessary for defence".

Thus

- i. Government-sponsored statements of guilt of persons alleged to have committed offences should be discontinued.
- ii. Transcripts of legal proceedings should be capable of being freely consulted. Copies of such transcripts should be made available to defence counsel. It is evident that this is an essential prerequisite to the proper preparation of appeal proceedings.

F. We respectfully urge compliance with Article 12 of the Universal Declaration of Human Rights, prohibiting arbitrary interference with, inter alia, privacy, home or correspondence.

Thus

- i. Official harassment and intimidation of Korean citizens should be terminated forthwith.
- ii. The searching of property and the imposition of house arrest should only occur on production of a warrant or other official authorization.
- iii. The opening and examination of personal mail should cease forthwith.

G. We respectfully urge compliance with Article 19 of the Universal Declaration of Human Rights: the guarantee of opinion, expression and information.

Thus

- i. Surveillance by police and KCIA of church services, prayer meetings, university seminars and classes, and newspaper editorial rooms should be terminated forthwith.
- ii. Pressure on newspapers, such as Dong-A Ilbo, to refrain from criticizing the government, should cease forthwith. We regret to note that under Emergency Regulation No. 9, the government has taken the power to close radio stations and newspapers that are critical of the regime.

We further regret that under the same Emergency Regulation No. 9, it is now an offence, punishable by imprisonment of one to 15 years, for any person to, inter alia:

- i. advocate revision of the Constitution;
- ii. publish any news report of criticism of the Constitution;
- iii. publicly oppose, or report on any opposition to the present Regulation.

A public statement that freedom of speech is desirable in Korea may therefore bring to its maker a fifteen year period of incarceration.

H. We respectfully urge that the Korean prison authorities conform to the guidelines set out in the Standard Minimum Rules for the Treatment of Prisoners promulgated by the first United Nations Congress on the Prevention of Crime and the Treatment of Offenders (UN Document A/CONF/6/1, Annexe 1.A., 30 August 1955).

Thus

- i. The bedding supplied to prisoners should be of a satisfactory standard.
- ii. The food supplied to prisoners should be of adequate nutritional value.
- iii. Heating in prisons should be made sufficient for the maintenance of good health.
- iv. Political prisoners should cease to be subjected to a regime that improperly denies them work, reading matter, medical attention and visitors.
- v. Overcrowding in prisons should be reduced so as to guarantee sanitary conditions.

1. INTRODUCTION

General

The mission, consisting of a Danish surgeon, Dr. Eric Karup Pedersen, and an English barrister, Brian Wrobel, visited the ROK from 25 March until 9 April 1975. It had four separate objectives:

i. Torture: to carry out medical examinations of those people who alleged that they had been tortured or ill-treated whilst in the custody of the main law-enforcement agencies of the Republic of Korea, that is: the Korean Central Intelligence Agency (KCIA); the Korean Counter-Intelligence Command (KCIC); and the Korean Civilian Police;

ii. Prison Conditions: to collect evidence on the conditions in which detainees and prisoners were confined;

iii. Conduct of Trial Proceedings:

a) to establish whether or not the procedure adopted by the civilian and military courts of the ROK was such as to hinder the defence in fully presenting its case;

b) to establish whether or not lawyers were personally harassed by the Korean authorities with a view to prejudicing the right of a defendant to full legal representation.

iv. To seek an interview with the Korean Minister of Justice, Mr Hwang San-dock, to discuss certain of the mission's findings.

Whilst in Seoul, it became evident to the mission that the case of the "People's Revolutionary Party" involved not only torture of defendants, but also the harassment of defence lawyers and irregularities in trial proceedings. For these reasons a detailed examination of the case is presented below.

Background to the Mission

A total of 203 people were arrested in 1974 and charged under Presidential emergency decrees prohibiting either criticism of the 1972 constitution or activities allegedly sympathetic to an outlawed student organization. These cases were investigated by Mr William Butler, an American attorney, as an Amnesty International delegate, in July 1974, and details are to be found in his report, published by International Documentation on the Contemporary Church (IDOC, No. 65, September 1974).

Of the 203 prisoners, 168 were released conditionally in mid-February 1975; a number of those released stated that they had been tortured.

In the course of its enquiry into allegations of torture, the mission encountered many attempts to hinder its work, and these are given in detail below (P.44). At this point, it should be emphasized that as a result of the pressure placed on South Korean citizens by their own government and its agencies, it has been decided that this report will not divulge sources of information, nor certain of the individuals who have received the treatment detailed below. Further, there are individuals presently in custody whose cases this report cannot itemize, for fear that they be subjected in reprisal to torture and other degradation. It is regrettable that this course of action has to be followed.

2. THE LAW AND CIVIL RIGHTS

A citizen of the Republic of Korea who is accused of a political offence is faced with a frightening panoply of legal instruments which can be used to deny him the opportunity to establish his innocence. Some "offences" are so defined that many activities that are normally considered the natural right of citizens become illegal. It is worth noting that various forms of criticism of the government are illegal under Article 4 of the National Security Law, Article 4 of the Anti-Communist Law, Emergency Regulations 1 (now repealed), 4 (now repealed), 7 and 9 and Article 104 (ii) of the Korean Criminal Code. The impression emerges from this continual re-enactment of essentially similar provisions that it is the actual promulgation of law, quite apart from its content, that is used to communicate the notion that there must be no dissent. Thus it is the prescriptive form, as distinct from the substance, of legislation that is used to maintain a strongly authoritarian regime and inhibit civil liberty. The following examples are illustrative:

a) Anti-Communist Law, Article 4(i). (Law No. 643 as amended. Originally promulgated on 3 July 1961.)

Article 4(i): According to the official English translation contained in the volume "Laws of the Republic of Korea", published by the Korean Legal Centre, Seoul, April 1969:

"Any person who has benefitted the anti-state organizations by praising, encouraging or siding with or through other means the activities of an anti-state organization or their components or the communist organizations outside the Republic of Korea shall be punished by imprisonment and hard labour for not more than seven years. The same shall apply to the person who has organized or affiliated with the organizations for the purpose of committing such acts."*

This provision is capable of the widest interpretation. The Attorney General of the Republic of Korea informed this mission that the threat from the North was sufficient to justify all and any internal measures. The way in which Article 4(i) is applied leads to the logical conclusion of this argument; the effect is that any dissent is capable of being characterized as a benefit to an anti-state organization, and is therefore as such illegal.

* Article 9(2) provides that sentences of death can be passed on persons previously convicted under, *inter alia*, the National Security Law, the Anti-Communist Law and certain articles of the Criminal Code. The current indictment against poet Kim Chi-ha refers to Article 9(2) of the Anti-Communist Law.

As a result, the following situations are considered by the authorities as in breach of this provision:

- i. the publishing of an essay that argues that the death sentence is morally indefensible;
- ii. an allegation that the present Government of Korea neglects the rights of the poor and underprivileged;
- iii. a public statement that torture is used to extract false confessions from individuals under interrogation by the KCIA.

The individuals concerned in the above matters, poet Kim Chi-ha and lawyer Han Seung-hon, are presently under detention.

b) Article 104(ii) of the Criminal Code of the Republic of Korea. On 18 March 1975 this new offence was inserted into Article 104 of Chapter 2 (crimes concerning foreign aggression) of Book 2 (Specific Provisions) of the Criminal Code. (Law No. 293 as amended, originally promulgated 18 September 1953.)

According to the English language translation of the semi-official magazine News Review dated 29 March 1975, this newly inserted provision reads as follows:

- "i. A domestic person who slanders or defames from abroad the Republic of Korea or State organizations ... ("Government agencies" according to the Korean Times of 19 March 1975) ... installed in accordance with the Constitution, or spreads distorted or false facts about the organizations or harm (sic) or are feared to harm the safety, interests or dignity of the Republic of Korea by other means, shall be punished with imprisonment or confinement for not more than 7 years.
- "ii. The same penalties shall be applied to the above mentioned acts committed at home by using (sic) foreigners or foreign organizations.
- "iii. In the first and second cases, suspension of civil rights for not more than 10 years can be added to the punishment."

Despite the fact that the pre-existing law (especially Article 4(i) of the Anti-Communist Law, see above) can and has been interpreted to cover the type of conduct prohibited under this provision; and moreover despite the fact that the KCIA have frequently detained and ill-treated persons who have voiced criticism of the government (see below), this new piece of

legislation has had an effect on many Koreans, except the increasing number who feel that they no longer have anything more to lose. As a result the number of people that this mission could effectively interview was only a proportion of those who felt they had useful information to tender. This is another example that whereas there are many Koreans who exhibit little fear of punishment per se, most naturally are fearful of the torture that might follow testimony to a foreign mission.

Members of the opposition National Democratic Party (NDP) have issued statements alleging that the Amendment Bill was passed in violation of constitutional procedures. They allege:

- i. the opposition had no notice that the Bill was on the agenda;
- ii. the Bill was only passed in committee because the Government Party chose to hold the committee meeting in the library, having locked the opposition in the Committee Room;
- iii. the Bill was only passed in plenary session because the Government Party locked the opposition members in the Main Hall and chose to hold the session in the cloakroom.

Twenty-four other Bills were passed at the same time. The Government Party spokesman, Mr Lee Hae-won, is quoted in The Times, London, of 20 March 1975 as saying that these "irregular means" were necessary because of the Opposition's physical obstruction of legislative activity.

c) Emergency Regulation 9 promulgated on 13 May 1975 provides for imprisonment of 1 to 15 years for, inter alia:

- i. "Fabricating, disseminating falsehood or making false presentation of fact.
- ii. "Denying, opposing, distorting or defaming the constitution, or asserting, petitioning, instigating or propagating revision or repeal thereof, by means of assembly, demonstration, or by using mass-communication media such as newspapers, broadcasts or news correspondence, or by making documents, pictures, records or other publications."

Under Article 2 it is prohibited for any person to broadcast, report or otherwise disseminate publicly the fact or content of criticism of the Government by another. This is strengthened by Article 6 which provides:

"The prohibition (... i.e. on dissent...) under the present emergency measures should not be construed to provide punishment to members of the National Assembly for their opinions officially expressed in the National Assembly: provided, however, that this exemption does not cover a person who broadcasts, reports or otherwise disseminates publicly the said opinion."

Under Article 11 the "Minister in Charge" is given the power to issue orders or measures which he deems necessary to enforce compliance with the Regulation. Under Article 13 there is to be no judicial review of orders issued or measures taken by a Minister in this capacity.

Conclusion

Perhaps the most noticeable characteristic of the Korean decision-making process is its intrinsically arbitrary character. It was not necessary for the Government Party to pass the revision of Article 104 of the Criminal Code (above) in the manner that it chose so to do. Their majority in the National Assembly was perfectly sufficient. It happens because those with power in South Korea are not publicly accountable.

A further example of this arbitrary behaviour is the government's handling of the poet, Kim Chi-ha, convicted and sentenced to death in July 1974, sentence later commuted to life imprisonment, released in February 1975, re-arrested in March 1975. This would appear to indicate a relatively care-less regard for the rights of the individual.

3. INTIMIDATION OF THE LEGAL PROFESSION

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. The situation in South Korea is such that no indigenous group has been able to dissent publicly and remain unchallenged. In that vein, the government is aware that if the legal profession were allowed the degree of independence usual in democratic countries, it would be a powerful and influential body with which to contend. As appears below, defence lawyers in political trials are subjected to continual harassment in court, whilst lawyers for the prosecution are permitted to brow beat a defendant in a particularly intimidating manner.

The authorities do not want this situation to be known, and as a result intimidation by them starts early in the pre-trial process. 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 are warned away and, further, it is not uncommon for the authorities to remove a lawyer's files. It is generally rumoured that there is a section of the KCIA that explicitly documents the progression of a lawyer's career, the clients for whom he has acted and, as one lawyer informed this mission, all the mistakes he has ever made. This provides an unsurpassable basis for psychological intimidation.

Members of the Korean Bar are frequently detained for questioning by the KCIA and the civilian police. These periods of detention vary in time¹. The questioning is rarely intended to derive information; it is merely a tactic to intimidate.

1. Articles 203 and 205 of the Law of Criminal Procedure provide for a maximum period of detention of 10 days, renewable for a further 10 days on prosecution application to a court. This only applies, however, once the police or KCIA have handed over a suspect to the prosecution authorities. After the appropriate 10 or 20-day period, the suspect must then be formally charged or released.

It is this handing over of an individual that constitutes in law his "arrest". However, the mission was informed that pre-"arrest" detention for lengthy periods of time is commonplace.

Article 11 of Emergency Regulation No. 2 expressly provides that in cases involving offences under other Emergency Regulations, there be no limitation on a period of detention. Consequently, 100-day detention of students without arrest or charge was not unusual.

Notwithstanding the safeguards laid down in Articles 203 and 205, the defence is not permitted to make an application to the court of its own motion. It seems that pre-trial applications relating to detention can only be made by the prosecution, i.e. the courts will only consider a question of detention when the prosecution asks for the extra 10-day period. If the prosecution makes no such application, no court will become seized of the matter, and the suspect will remain in custody. In other words, although the remedy exists in law, there is no procedure of which the defence can take advantage. In this sense, there is no habeas corpus.

As an example, one particular lawyer, whose name cannot be revealed, was threatened over a period of two days that if he continued to involve himself in political-criminal work, action would be taken against him. He refused to accede to this pressure, and as a result was immediately detained. Although no definitive news has been released, KCIA sources have said that a charge will be brought under Article 4(i) of the Anti-Communist Law, the action complained of being that the defendant wrote an essay some three to four years ago on the immorality of the sentence of death. In a situation such as this it is for the law-enforcement agency to consider whether or not bail is appropriate, and in this instance the KCIA have informed lawyers acting for the detained man that bail would not be appropriate as, if free, he would probably destroy the evidence. The evidence is in published form, and as the book in which this essay is published is no longer permitted reading in Korea, the KCIA possess most of the copies. In this situation, Korean Law makes no provision for the making of an application of habeas corpus to the courts.

Another, though slightly different, example is the case of lawyer Kang Shin-ok. Attorney Kang was instructed to appear on behalf of poet Kim Chi-ha, nine Christian students and Yo Chong-nam, in trials under certain of the now repealed Presidential Emergency Regulations.

On 9 July 1974, Attorney Kang made his closing speech on behalf of the defendants. Whilst so doing he criticized the court for not allowing him to make a full defence (see below) and he alleged that his clients had been tortured. He further argued that the Emergency Regulations were anti-democratic and in violation of the principle of free speech, and that therefore it was the duty of the court to hold that they were void and of no effect.

Before the trial had finished, that is before the client had made his personal appeal to the court, Attorney Kang was taken from his seat by the KCIA for interrogation. The court made no move to prohibit their action. Although he was allowed his liberty for three of the following six days, he was arrested on 15 July 1974 on a charge that he did, on 9 July whilst in court, publicly oppose and defame the Constitution of the Republic of Korea contrary to Emergency Regulation No. 1 of 8 January 1974.

99 Korean lawyers offered to appear for the defence. At the court-martial hearing, for such was the tribunal that heard this case, the defence was refused permission to call any witnesses. A defence application was made that the court hear evidence from the presiding judge to whom Attorney Kang had made his submission. This was rejected. A further application was made that the court hear evidence from a respected Korean professor of the philosophy of law. This too was rejected.

Attorney Kang was sentenced to 10 years' imprisonment, and a consecutive 10-year deprivation of civil rights. The effect of this sentence is that he is prohibited from practising his profession until the year 1994.

The above discussion has now been rendered academic by the promulgation on 13 May 1975 of Emergency Regulation No. 9, certain provisions of which provide for unlimited periods of detention without judicial review.

The sentence was affirmed on appeal. A further appeal has now been lodged with the Supreme Court and is due for hearing in the near future. Attorney Kang was released in the conditional amnesty of February 1975. His appeal is now pending and as the presumption of innocence theoretically applies under Korean Law, there is presently no legal bar to him exercising his profession. The KCIA have informed him that if he takes any cases he will suffer severely.

The Position of the Bar Associations

The Bar Associations are unable to take any action on either the gross infringement of the independence of the legal profession, or the consequent gross violation of the right to legal representation.

The reason is that under Chapters 4 and 5 of Law No. 63, as amended, (promulgated originally on 7 November 1949) the local and state Bar Associations are "subject to the supervision of the Ministry of Justice."

The provision of Article 43 of this enactment which states that the purpose of the Korean Bar Association "shall be to ... (inter alia) ... preserve ... the character and dignity of lawyers" is therefore actively disregarded.

4. IRREGULARITIES IN THE TRIAL PROCESS

It was with shame rather than anger that members of the Korean Bar described to the mission the procedures adopted in the courts of their country. The facts as presented speak largely for themselves.

- i. In civil cases where the government is in the position of defendant, the court will rarely allow the plaintiff to call witnesses. This is for reasons of pure prejudice, but is theoretically explained by the discretion of the trial judge to decide who is, and who is not, an appropriate witness.

In political criminal trials, the procedures adopted by the courts are intended to harass the defence. They successfully achieve this objective and it is difficult to characterize this type of trial as anything other than a travesty of justice. Thus:

- ii. The indictment, which in Korea is lengthy and contains full details of the facts (see below), is presented to the court by the prosecution, and is accepted as evidence by the court without any formal proof.
- iii. Depositions are tendered in evidence by the prosecution in the same way; that is, without formal proof. Their validity is accepted by the court without question. No cross-examination of the person making the deposition is normally allowed.
- iv. The defence will probably have been shown a copy of the full indictment and deposition only two or three days before the trial. No copies of the latter are made available to the defence, and facilities for making a photocopy are withheld.
- v. The indictment is more than a mere statement of offence. Given its automatic status as evidence, it will normally contain highly prejudicial material. A good example is the indictment in the case of Yi Chu-byong, who, it was alleged, was a member of the "People's Revolutionary Party" (see below).

The official English language newspaper, The Korea Herald, stated on Tuesday, 28 May 1974, that the indictment in this case was framed as follows:

"A communist who once served 7 years in prison for violations of the law governing special crimes, met with Kang Mu-gap, a leading member of the now defunct People's Revolutionary Party, who are not indicted in this incident, and co-defendants So To-won, Wu Hong-sun and Kim Yong-won at the Yajasu tea room located in Chongno-gu, Seoul, several times from January 1971 to October 1973, reaching agreement that they would enlist their colleagues in an organization with the ultimate aim of overthrowing the government

through a violent revolution and creating a communist state. Receiving a sum of money from Kang Mu-gap as an operational fund, he succeeded in winning support from co-defendants Yi Song-jae and Chon Chang-il and organized the four-member leadership council with Wu Hong-sun, naming To Ye-jong and So To-won as its members.

"In the early part of October 1972, he received a note containing the entire text of Kim Il-sung's report of the Fifth National Convention of the Worker's Party and had Kim Chong-dae and Kim Yong-won read it carefully. During the middle part of December 1973 till 3 April 1974 he had discussions with So at the Yajasu tea room on several occasions, and the two agreed that Yi would receive Yo Chong-nam and train him into a student organizer on the nationwide scale for the purpose of overthrowing the government. He had Kim Yong-won train Yo and donate 185,000 won as an operational fund for the NDYSF, thereby preparing an internal disturbance and forming and leading an anti-national organization.

"During the period from 6 to 15 April 1974, he went with So and Kim Yong-won several times and received printed materials of the league, which he later gave to Kim Jong-dae for safe-keeping and reading. After the 3 April emergency measure, he assisted Yo Chong-nam in hiding and escaping, while refusing to report to the investigation and intelligence authorities on his involvement with the league meeting relating to Emergency Measure 4."

- vi. If in an espionage prosecution the defence applies to the court for permission to call a witness, the KCIC will often arrest that witness as a security risk to the Republic of Korea. As a result, even if the application to the court is allowed, the witness will be in custody and unable to attend.
- vii. Confessions are frequently extracted under torture (see below). Courts will not enquire into the methods of interrogation employed by the law-enforcement agencies.
- viii. Although under Korean Law legal counsel has an unrestricted right to visit his client if in custody and discuss the case, this is rarely allowed, entry to the prison being denied by the prison authorities.
- ix. In conclusion, we reproduce part of a written statement tendered to the mission by a defendant who had been charged under the Emergency Regulations.

"At the trial what was read as my written confession was entirely different from the statement that I had written whilst under detention and signed. The defendants were so incensed at the

prosecution's deceit that we all stood up and shouted that the trial was a farce. Then we sang the National Anthem. We were not allowed to say one word for ourselves. We had been warned to answer "yes" to all questions that were put to us. On one occasion I answered "no" and I was taken into an office during a recess with another of the defendants and we were warned that if we continued to answer in the negative to questions that had been put to us we would be condemned as communists.

"From beginning to end everything was illegal. We were forced to sign false confessions, only witnesses for the prosecution were allowed. No defence witnesses could be called. The whole course of the trial was illegal, false witnesses and all. It was the court that was breaking the law, not the defendants."

5. HARASSMENT AND TORTURE

Physical Treatment

Although the details of ill-treatment and torture suffered by certain detainees will be itemized below, it should not be thought that such behaviour is directed solely to those individuals charged with criminal activities.

It is a tactic of all three of the Korean law-enforcement agencies that they ill-treat any person who may appear to them, or their political superiors, to be a threat.*

Members of the church, academics, lawyers and journalists are commonly detained for interrogation. The same applies to relatives of persons under direct suspicion and the relatives of persons in detention.

Another tactic of Korean law-enforcement agencies is to ensure that certain Korean citizens are aware that the conduct of their daily lives is under surveillance. Individuals awake to find guards on their houses, their mail shows obvious signs of having been opened prior to arrival, and people are openly followed in the streets. The manner in which these police activities are carried out is so arrogant and blatant that the inescapable conclusion is that its object is often, like interrogation, not an attempt to gather information, but an attempt to intimidate.

On a slightly different level, people whom the authorities feel are indulging in "political activity" are often and without warning detained for questioning. "Political activity" would seem to incorporate an involvement in any form of dissent. It especially comprehends support for human rights movements. This questioning may involve physical attacks on the person detained. In one case it resulted in a broken leg, in others beatings with wooden sticks.

This report has already dealt at length with the behaviour in court of those holding judicial and prosecution appointments. On the basis of our findings, it is clear that law-enforcement agencies could fabricate confessions without the need for the effort involved in torturing a prisoner. When either are subjected to examination, a forged signature is no different in effect from a coerced signature. Nevertheless, the torturing of detainees is continued and of course has an effect on those involved in civil rights work and political opposition.

* Article 10(i) of the Anti-Communist Law provides for prize money to be awarded to "staff personnel of an investigation or intelligence agency" who have apprehended those in breach of the provisions of that law. Further, under Article 10(ii) prize money may be awarded "to a person who has inevitably killed an offender or has forced an offender to commit suicide" whilst resisting apprehension.

The mission received evidence that the following kinds of torture had been used against individuals in Korean prisons:

- i. water torture - cold water forced up the nostrils through a tube. A cloth is simultaneously placed in the victim's mouth so that breathing is impossible. Unconsciousness results. No physical marks remain;
- ii. electrical torture - especially to sensitive parts of the body such as toes and genitals;
- iii. deprivation of sleep - in one case up to 15 days;
- iv. beatings - particularly to the soles of the feet;
- v. being hung from the ceiling and spun around;
- vi. having a ball-point pen placed between the fingers and having the fingers twisted and crushed against it;
- vii. stripping naked in sub-zero weather and being doused in water;
- viii. burning with flames or cigarettes;
- ix. torture wounds left without treatment;
- x. being forced to sit facing a white wall for up to six days without sleep. This can cause hallucinations after two days;
- xi. kicking below the knee on the front of the shin bone;
- xii. prolonged standing;
- xiii. intimidation by the use of screams from adjoining rooms.

This treatment has been said to have the following medical effects:

- i. ruptured ear-drums;
- ii. abscessed lungs;
- iii. prolapsed anus;
- iv. heart attack;
- v. bruising of bone and tissue.

On 28 February 1975, 13 opposition ex-National Assemblymen alleged in a press conference that they had been tortured by South Korean law-enforcement agencies shortly after President Park Chung-hee had taken emergency powers in the Autumn of 1972.

It was the intention of this mission to interview all 13 of the parliamentarians in order that a full investigation be conducted into the treatment that they alleged they had suffered.

To this end, appointments were made for the mission by officials of the National Democratic Party to interview those of the politicians who were then in Seoul. They numbered eight. Immediately prior to the meeting, the mission was informed by an NDP spokesman that the discussions would have to be cancelled as all eight had been physically restrained by the KCIA from keeping the appointments. Seven were under house arrest, one had been detained in custody.

Despite a KCIA cordon the mission entered the home of one of the politicians for a discussion which lasted approximately two hours. The politician with whom we spoke had without doubt suffered brutal and humiliating treatment at the hands of law-enforcement agencies. He had been stripped naked, bound hand and foot, suspended from the ceiling and beaten viciously with wooden sticks. At no time was he charged with any offence. The aim of the exercise had simply been to intimidate an outspoken critic of the government.

Organizational Harassment

A. Dong-A Ilbo. The oldest established daily newspaper in the country, Dong-A Ilbo, had in the past been severely critical of the internal policies of the Park Chung-hee government. It had carried articles telling of torture and brutality against members of the so-called "People's Revolutionary Party" (26 February 1975) and former opposition National Assemblymen (28 February 1975). Its editorial columns had been outspoken on many questions involving civil liberties.

This mission received testimony that in February and March 1975 official pressure had been placed on those seeking to place advertisements in the paper's columns. This pressure was substantially successful in compelling advertisers to withdraw and as a result the Dong-A Ilbo was deprived of revenue to a degree that made its financial situation precarious.

At about the same time the majority of the board of directors was replaced following its resignation. Shortly thereafter some of the young journalists who had hitherto been permitted to file reports of their investigations into issues involving civil liberties were dismissed.

After staff protests, the new management formally announced the dismissals were on economic grounds. In reply the colleagues of those dismissed offered to take a substantial reduction in salary so that all those who had previously been working together in the field of investigative journalism could continue to do so.

This offer was rejected. Following a strike, all the young journalists have now been dismissed. Subsequent editions of the newspaper have not criticized the government.

B. The Universities. In April 1960, student demonstrators toppled the authoritarian rule of Syngman Rhee, under which illegal electioneering and the suppression of political opposition were a regular occurrence. On 19 April 1960, large numbers of students from Seoul's universities and high schools had demonstrated against police brutality and corruption, demanding new elections and respect for civil liberties. Police opened fire, killing

or wounding several hundred demonstrators. On 27 April, following further demonstrations which clearly commanded the support of a majority of Koreans, Syngman Rhee resigned the presidency. The anniversary of 19 April is still observed in Korea.

The present government has adopted the following policy on student unrest:

- i. Presidential Emergency Decree No. 4 of 3 April 1974, repealed on 22 August 1974, outlawed the so-called "National Democratic Youth and Student Federation" and provided the death penalty and imprisonment up to life term for, inter alia, encouraging or publicizing its activities.
- ii. Article 5 of this Regulation made it illegal for "any student to reject school attendance, classes or examinations without justification, and to be engaged in assembly in and outside the campus (except for normal classes or research programs under the supervision of school authorities), demonstrations, protest rallies, sit-in strikes or all other individual and collective activities. No non-political activities ... (were) ... to be subject to this prohibition."

Any breach of this article, including non-attendance at classes, could be punished by death or imprisonment up to life term.
- iii. As a result of the preceding, many students and some professors found that their inevitable contact with the main body of students automatically led to long periods of incarceration.
- iv. After students and professors were paroled in the February 1975 suspension of sentence, the Ministry of Education placed pressure on the universities concerned not to re-admit them to courses or to reinstate them in office. This has resulted in some resignations in the Korean university hierarchy. Whether or not this governmental pressure has been successful was unclear at the date that this mission left Korea.
- v. According to government sources themselves, (see the Korea Herald article abstracted under People's Revolutionary Party (P. 33) below,) the "public's generous attitude towards student demonstrations should be rectified". We have stated below that we believe that the case of the "People's Revolutionary Party" was fabricated. One of the aims of such an exercise was to convince the people of Korea that student demonstrations were an aid to subvert the South. Such allegations continue today.
- vi. On 8 April the President promulgated Emergency Decree No. 7. This provided for the closure of Koryo University to forestall anti-government demonstrations by the students. The Decree prohibited demonstrations on the campus and authorized the Ministry of Defence to use military force to maintain order in the university. Those who violate the Decree are liable to imprisonment ranging from 3 to 10 years. Prosecutions will be brought before the civil courts.

C. The Church. Article 16 of the Constitution of the ROK provides that all citizens shall enjoy freedom of religion and that no state religion shall be recognized. The article further provides that religion and politics shall be separated.

It is not the present intention to deal at length with the relationship between church and state in Korea, merely to high-light some of the facts which give rise to doubt as to whether freedom of religion is effectively guaranteed.

- i. KCIA surveillance of church sermons and prayer meetings to see whether "political matters" such as civil rights are mentioned is commonplace.
- ii. Interrogation and detention of churchmen who have actively involved themselves in community work for the poor and underprivileged is frequent.
- iii. Rev. George Ogle, an American missionary who made his own investigations into the official case against the so-called "PRP" and concluded that it was a fabrication, was expelled from Korea on 14 December 1974, after he had refused to sign a statement renouncing his criticism of the policies of the Park government. The Korean authorities claimed that his political activities exceeded the conditions of his residence permit as a missionary.
- iv. Another American missionary, Father James Sinnott MM, who had given active support to the wives of PRP prisoners, was obliged to leave Korea on 30 April 1975. The authorities refused to extend his residence permit. The Department of Immigration complained that he had been involving himself in domestic policies.
- v. Three members of the Korean National Council of Churches have been arrested on charges of "misuse of church funds". These charges are thought to relate to church relief work for political prisoners and their families.

6. PRISON CONDITIONS

The 203 students, intellectuals and churchmen sentenced to heavy terms under the Presidential Emergency Decrees 1 and 4 were initially detained in Seoul's Westgate prison, and subsequently dispersed to other prisons, many to Anyang and other regional prisons. The general level of prison conditions is low: food and bedding are rudimentary. Food consists of a small thrice-daily mixture of beans, barley and rice and soup with salted radishes. Bedding consists often of decomposed and foetid mattresses. Both are inadequate to cope with the bitterly cold winters (-10°C, with no heating). Arthritis among ex-prisoners is common.

It has been reliably reported that there is serious over-crowding, with as many as 20 prisoners to a cell, often sleeping in shifts on the few mattresses available. Clothes are brought by relatives, but visits are severely restricted, with only one close relative allowed to see the prisoners once a month. The members of the People's Revolutionary Party were held incommunicado. Prisoners are now allowed access to their personal doctors, although many of them are reported to have been tortured during pre-trial detention. This is in breach of the Penal Administration Law.

Political prisoners are singled out for particularly discriminatory treatment, and are permitted neither to write nor receive letters, nor to take exercise. They are prohibited from talking or communicating with one another, under pain of punishment by their guards. They are denied medical attention when sick, even though this is guaranteed by the law. Indeed, even the term "political prisoner" is not allowed, the authorities preferring the term "leftist prisoner" (chwaiksu) whose treasonable connotations with the fervently anti-communist philosophy of the regime leads them to be considered outcasts within the prison system itself. They are further obliged to wear red badges.

Such prisoners are under constant pressure to recant their views, including being subjected to a restrictive regime which denies them work, reading matter, medical attention and visitors. They are termed "unrepentant prisoners" (mijonghyangja), as distinct from those who have recanted (chonhyang chwaiksu), the latter being granted certain limited privileges and an end to discriminatory treatment. Usually their conversion consists of a declaration signed under duress that they will not indulge in their former activities and beliefs.

7. CASE STUDY: THE PEOPLE'S REVOLUTIONARY PARTY

While the mission was in Seoul, the Supreme Court passed final judgment confirming the death sentences on eight prisoners in the "People's Revolutionary Party" case. The legal proceedings, which ended in the peremptory execution of these eight prisoners, contained numerous disturbing elements which require examination. The case illustrates dramatically that defendants have grossly inadequate opportunity to present a defence, and that in this case justice was neither done nor seen to be done.

Background to the Case

On 8 January 1974, President Park Chung-hee introduced his Emergency Measure No. 1. This provided sentences of imprisonment of up to 15 years for any person who, inter alia, "opposed or defamed the constitution of the Republic of Korea". Despite this measure, those student and church groups who had previously criticized the constitution on the grounds that it gave the Presidential office untrammelled power, continued to do so.

On 3 April 1974, the President introduced Emergency Measure No. 4 which declared unlawful a student organization said to be called the "National Democratic Youth and Student Federation" (NDYSF). The KCIA had claimed that the NDYSF had been infiltrated by North Koreans and was an integral part of a plan to overthrow President Park's government. Sentences of death or imprisonment could be levied on any person held to have "praised, encouraged or sympathized with" this organization. Persons charged under these two Emergency Measures were tried by court martial.

Central to the argument that the student movement was being manipulated by North Korea was the role alleged to be played by 22 members of the so-called "People's Revolutionary Party". This organization had been declared unlawful in 1964, at which date indictments had been brought against its alleged members charging them with having undertaken subversive activities. Of 47 people arrested on this occasion, 34 were later released owing to insufficient evidence. The remaining 13 were charged with "holding non-conformist ideas" and "having constituted a clandestine study group on political questions". This was alleged to be in contravention of the National Security Law (Law No. 549 as amended, originally promulgated 10 June 1960). This law prohibits the formation of any anti-state organization.

All three of the officials of the public prosecutor's department, that is Mr Lee Yong-hon, the Chief Prosecutor, Mr Kim Byung-rhee, and Mr Chang Won-chan, who were involved in preparing the case, resigned rather than formally charge the defendants. After 20 days of investigation they had formed the opinion that the charges were groundless. Consequently, on 5 September 1964, Mr Suh Yoo-yun, Chief of the Seoul City Prosecutor's Office, ordered a Mr Chung Myung-rai, an official in his office who had not previously done work on this case, to sign the charge sheet.

The resignations became a live issue in the National Assembly. The then Minister of Justice gave the following explanation, any further comment on which is superfluous.

"The People's Revolutionary Party is an illegal organization founded on the orders of the Labour Party of communist North Korea, and it controlled the student demonstrations from 24 March to 3 June, and conspired to overthrow the government. The prosecutors have continually disobeyed orders from their superiors in dealing with this case."

At first instance, 11 of the 13 defendants were acquitted. The then Attorney General, Mr Shin Jik-su, the present Director of the KCIA, recharged these defendants on appeal with offences under the Anti-Communist Law. Naturally, the changing of a charge on appeal is irregular. Seven received light prison terms; six received suspended sentences.

The indictments in the 1974 case bear a remarkable similarity to the case a decade earlier. The central allegation is that the defendants were organizing to overthrow the government and to replace it with a proletarian regime sympathetic to the North.

The Recent Allegations

The government newspaper, Korea Herald, recited the main allegations on 28 May 1974. To ensure fairness these allegations are fully reported:

- i. The NDYSF was organized by communist and anti-government elements and was piloted by communist political forces in North Korea and Japan. This organization established a united front with the People's Revolutionary Party, Japanese communist elements and the pro-North Korean Residents' Federation (Cho Chong Ryon) in Japan.
- ii. The primary goal was to establish a "common front", overthrow the Republic of Korea by "bloody, violent revolution" and set up a communist regime. Their activities in the Republic were a model which the North Korean Communist Party had constructed at its Fifth Congress in November 1970.

The Fifth Communist Party Congress decided as a basic tactic of communizing the South to push ahead with the common front under the principle of people's democratic revolution.

The conspiracy was a well-calculated action which took a long time in the planning stage, according to the government. The second characteristic astounded many people who remember numerous incidents of communist subversion in the past.

Through its long, clandestine underground activities, the NDYSF is said to have founded the largest secret network in the history of the Republic. It must be noted with the utmost concern, argued the official text, that almost all universities and colleges were selected as centres ... of the organization's activities.

- iii. It was alleged that diverse "impure elements" at home and abroad were involved.

Twenty-eight members of the People's Revolutionary Party had contacted the League through Yo Chong-nam in an effort to instigate violent communist revolution. Pursuant to this aim they did everything that they could whilst the Cho Chong Ryon and some Japanese Communist Party elements also played a part.

In this connection the behind-the-scenes role of Cho Chong Ryon was said to be crucial. By using Kwak Tong-ui and Tachikawa, a Japanese, the pro-Pyongyang Residents' Federation attempted to serve as a go-between in supplying arms from North Korea to overthrow the Republic.

- iv. The case was said to have posed serious questions regarding the nation's younger generation that were born after the three year Korean war. The League could be seen, it was argued, to be an example that some of these youths had become communistic and active on the surface of society.

The post-war generation, lacking the bitter experience of communist atrocities and oppression, had apparently caught the delusion of communism and become prey to the tricks of the "impure elements". The Investigation findings point out that this fourth characteristic - lack of strong anti-communist posture among youth - was abused by adults in the Republic.

- v. The Investigation authorities have emphasized that agitation and instigation by some thoughtless adults had been responsible for the current state of affairs. It was said to be deplorable that young people had been provided with operational funds and had been encouraged to jeopardise the national security by certain adults who were aware of the anti-state plot.
- vi. The League's leaders came mostly from Seoul National University College of Liberal Arts and Sciences. A group of students initiated demonstrations in October 1973 as a prelude to campus unrest in the ensuing months. Further SNU students of this League had been assisted by "a considerable number of those who belong to Christian sects".

"On the basis of these six characteristics, investigation findings had made it clear that North Korea is capitalizing on student activities as part of its scheme to communize the South.

"North Korea, which is bent on carrying out a communist revolution in the Republic of Korea through common front tactics, now regards students as the nucleus of the revolutionary task and has been frantically engaged in instigating student activities.

"The case also revealed that some Christians and religious circles have become an indisputable target of communist infiltration. The communist effort is directed to divert religious activities to the anti-establishment movement. Communist elements never expose their identity but they engage secretly in fanning anti-government activities.

"The public's generous attitude towards student demonstrations should be rectified. The NDYSF case has imposed on the public a new task of drawing an acceptable limit to the students' off-campus activities. At the same time impure adults have been warned not to make use of enthusiastic students for their impure purposes.

"Finally, it is time for all to strengthen their vigilance as against 'communists' by renewing their concept of communism. So far, many people have regarded as the only communists those 'armed espionage agents coming from North Korea'.

"What is most important lies in the emergence of new self-orientated communists and red sympathizers who are deluded by thoughts of communism without the experience of war-time agony and life under the North Korean invaders. In this sense the NDYSF case may have served as a lesson for the post-war generation who are apt to be tempted by the illusion of communism, and to their parents in order that they may reflect on the future, not only for themselves but also for the entire nation."

The Process of Investigation and Torture

The evidence presented below was received from both primary and secondary sources; that is to say, those who were present in the courtroom (one family member of each defendant) and those who had been in receipt of clandestine messages from the defendants. This mission has formed the view that the evidence is authentic. The Attorney-General of Korea denied that there had been torture of detainees. On 1 May the Foreign Minister admitted in an interview with the New York Times that there had been "unauthorized torture of dissidents". He maintained, however, it was no worse than in the USA, West Germany and Great Britain.

Owing to Korean Government harassment of the released students and the refusal of the Korean authorities to allow the mission to visit the prisoners, that is either those executed or those presently serving sentences of imprisonment, names and dates have been withheld to prevent retributive action.

Case No. 1

"I was taken to Yongdeungpo police station on ... (date) ... from where I was taken to the Korean CIA headquarters, where I was interrogated in three different rooms. I was viciously beaten.

"On ... (date) ... at about 6 pm I was again taken to an interrogation room at the CIA where two 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 all over my body. I was being threatened: one of the agents said to me: "You know Professor Choi Jong Kil (Seoul National Professor who reportedly committed suicide during interrogation and whose body was never released) died at KCIA headquarters? Not a rat nor 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 that 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 doing this, they ordered me to admit the following:

- i. ... (name) was the power behind what I did;
- ii. that I received my instructions from North Korean broadcasts regularly;
- iii. that I had been to North Korea;
- iv. to say that ... (name) ... had been to North Korea;
- v. that we were planning to overthrow the Park Government by force.

They continued pouring water over my whole body and into my nose and mouth. Then, handling my private parts, said that 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 this was not people who were doing this to me, but rather animals doing it to me. For that reason perhaps I did not feel any shame.

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

Case No. 2

"Around ... (date) ... I was taken to KCIA headquarters, my hands tied together and I was tied to a chair. I was not allowed to have any sleep. At night they would drag me to the basement where they would beat me with a long heavy stick, and jump on me. By morning I would not be able to walk, I would be forced to crawl back upstairs. They were trying to make me confess that I was a spy. This kind of treatment went on for several days, and for a time I was unable to use my legs. Even so, they continued to tie me onto a chair every day for five days. Of course my legs were terribly swollen. Finally I put my thumbprint on the confession they had prepared. At my trial I denied what I had confessed under torture. On cloudy days now I have a lot of pain in my body."

Case No. 3

"I was arrested and taken to the Yongdeungpo police station, and from there to the 6th Bureau of the CIA. For three or four days I was not allowed any sleep. I was taken to Westgate prison and from there to the KCIA again for three or four days at a time every five days or so. I was beaten on the hands and legs with the side pole of an army cot. For some time both my hands and legs were useless. I was ordered to admit that I had received instructions over North Korean radio. I would be surrounded by three or four men who would take turns beating me with heavy sticks. On one day, when the weather was cold, I was stripped of all my clothes and they poured cold water over my whole body, ordering me to admit the things I had never done. When I refused they bound my hands and feet with a thick wire, forced a rod between them hanging me upside down by it between two desks. Then they tied a towel tightly over my nose and mouth and poured water on the towel.

They said: "You know that Professor Choi Jong Kil was beaten to death? It is no problem to Korea if a few scoundrels like you die!" They climbed up and stood on me as I was tied, at the same time they were beating me across the back.

In the prison, I was very hungry. Even if I had a little spending money, I was not allowed to use it. For some time I was not given anything for washing, or a toothbrush. Life was very miserable. Almost all of us were kept in solitary confinement."

Case No. 4

"I was taken on ... (date)... from my home in ... (place) ... to an army detention place at midnight. A second-lieutenant told me that it would be quite all right for them to kill me. "If you don't say what you are told, we'll fix you. You'll end up a cripple." They would not let me sleep. If I dozed, someone would shout loudly in my ear. My tormentor said he had grown up as a thug, so he was well able to beat me up. They forced a thick stick behind my knees, made me kneel with it there and then jumped on my bent legs. They tied my hands behind me and then banged my forehead on the cement floor until it was covered with blood. I ended up with a high fever which lasted some days."

Case No. 5

"I was taken to KCIA headquarters on ... (date) ... 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 CIA. 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) ... 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."

Case No. 6

"I was taken to the police station on ... (date) ... and from there to the CIA. I was ordered to admit that I had been with ... (name) ... I did not even know his name at that time, but they wouldn't accept this. I was made to kneel down. My tormentor seemed to see me simply as a machine that could talk, not as a person at all. For four days I was kept from sleeping, guarded by an army policeman with a rifle. If I became sleepy I would be ordered to march.

When I still refused to admit what they said, I was made to bend over and stand with my hands and feet on the floor, and was not allowed to move. If I moved at all, they would kick me. They would ask if I had any physical weakness, and then they would threaten to take me to the basement and beat me. Each time they beat me I seemed hardly to know what was happening."

Case No. 7

"I was taken on ... (date) ... and for five days was allowed no sleep. I was ordered to write down my confession as they dictated it and to put my thumbprint on it. The confession included:

- i. that I had received my instructions from North Korea;
- ii. that I had received and used tainted money;
- iii. that we were planning to form a new government for which we had formed a committee of ten people.

Since I refused to admit these, I was struck about 20 times with a pole from the side of an army cot. They told me my father had committed suicide because of me, and that they would kidnap a relative of mine who was then outside Korea. They ordered me to write that I got other students to listen to the North Korean radio on 700kh, telling them that we would overthrow the government by force. I was forced to say that our plans would have involved burning down a police box, secretly entering the Capital building and taking over the Blue House.

I left out significant parts of their dictation and so I was beaten again and ordered to rewrite it.

They ordered me to admit that there was a connection between myself and the Japanese who had been arrested. At the trial, what they read as my written confession was entirely different from the one I wrote and signed.

For ten days after going back to prison after the trial, I was given no towel or toothbrush, and I wasn't allowed to spend any money on food. I was terribly hungry. I had water to wash my face, but could only wipe my face with my clothes. I was kept in solitary confinement the whole time. I was never allowed a visitor."

Case No. 8 - Ha Jae-won

Mr Ha was executed on 9 April 1975. The name consequently can be stated.

"I was forced to give the names of 20 persons whom I knew, and then I was forced to put my thumbprint to a statement which was written by the CIA, and which I did not even have the opportunity to read. The authorities arrested the 20 persons who were not guilty. They were sentenced 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 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."

The process of torture is dealt with in greater detail below. Although this report deals only with specific incidents, this mission has found that all the crucial elements in the case against the alleged members of the People's Revolutionary Party were confessed to under torture. This mission has further found that these confessions do not represent the truth. They

are merely a reflection of the oppressive interrogation which was used by the KCIA.

The Evidence as Presented in Court

- i. The alleged link between the PRP and the NDYSF was said to be a 29-year-old man, Yo Chong-nam, the importance of whom was recognized in the death sentence that was carried out on him on 9 April 1975. He was claimed to have set up local NDYSF sections throughout the country in the space of three months, between January and March 1974. During the same period of time it is alleged that the national organization had been structured and further that its members had been indoctrinated in the art of revolution. Yo Chong-nam was accused of being closely linked with the PRP since 1969, that is to say before it was ever reconstituted. It is further alleged that he was an especially active member since the reconstitution. However, the only link that the prosecution was able to prove in court was that in 1969 Yo Chong-nam had been a tutor of Ha Jai-won's children. A former NDYSF member, Ha Jai-won was said to have helped reconstitute the party in November and December of 1971. He too was sentenced to death. Yo Chong-nam was presented by the prosecution as the key link between the PRP and the NDYSF. However, the prosecution was unable to prove links between Yo Chong-nam and Ha Jai-won after 1969. This piece of evidence does not, according to any recognized evidential test, establish guilt.
- ii. In order that To Rye-jong could be shown to be a communist the prosecution presented as an exhibit a book entitled "The Teachings of the Russian Revolution" by Ha Ki-rik. This publication had been found in the defendant's home. The book had a red cover and was theatrically displayed in the well of the court. The bench looked at it and accepted it as strong evidence of the defendant's guilt. Regrettably, the court saw no reason to further examine this exhibit to determine for itself whether or not it was communist in flavour. Representations were made to the mission that it was anti-communist.
- iii. According to a KCIA statement of 27 May 1974, and repeated as evidence in court, the PRP and NDYSF received 1,700,000 won from a certain Kang Mu-gap in October 1973. This takes no account of the fact that Kang died in April 1973.
- iv. It was alleged that the manager of the Daesan Timber Company had given company money to the PRP. The court refused to allow the company treasurer to give evidence in court. The company's account book and diaries were then confiscated from company property by the KCIA.
- v. It was alleged that Mr Wu Hong-sun had received orders from North Korea. The only evidence produced in support of this was that the defendant had been in possession of a transistor radio capable of receiving FM transmission. Furthermore, the prosecution produced evidence in court

that the radio was purchased on 27 April; this was nine days after the arrest of Kim Yong-won and Yi Chu-byong, and two days after details of the case first appeared in the newspapers.

- vi. Despite the prosecution allegations, this mission has come to the conclusion that the 22 alleged PRP members were not even acquainted with each other. To Rye-jong especially did not know most of his supposed accomplices. He had been involved in the 1964 case and had remained under KCIA surveillance ever since that date. The prosecution alleged in court that he had reformed the PRP, organized student demonstrations, and coordinated activities between the two organizations. However, the only evidence of this was that from the middle part of January to the latter part of February 1974 he twice met Yi Chu-Byong in a tea room in Tadong Chung-gu and on both those occasions had criticized the constitution and the Emergency Regulations.

Conclusion

As appears below the defence were not permitted to cross-examine those witnesses called by the prosecution nor the makers of prosecution statements that were tendered in evidence. The evidence presented, even without cross-examination, falls far short of proof that the defendants were involved in the alleged conspiracy.

Irregularities in Pre-trial and Court Procedure

- i. No copies of the depositions were made available to the defence more than two or three days prior to the court hearing. Further, the defence was able to inspect only prosecution copies of these documents. The defence was given no opportunity to make its own copies.
- ii. The indictments and depositions were accepted as evidence without ever being formally proved. (See part 4 above)
- iii. No cross-examination of those prosecution witnesses who were actually called to give evidence was allowed.
- iv. 42 prosecution witnesses were called in the absence of defence lawyers. The mission heard that the lawyers were at this stage of the trial being kept under house arrest.
- v. Trials were held in camera. Only one family member of the defendant was allowed to be present. The Prime Minister, Mr Kim Jong-pil, explained that this was on the grounds of lack of court space.
- vi. Evidence was extracted under torture. (See above)
- vii. No foreign journalists were allowed to be present during the trial. "There was too great a risk they might misunderstand and misrepresent what happened in court." (Prime Minister in National Assembly speech October 1974.)

- viii. Government newspapers were proclaiming the defendants' guilt prior to judgment being given. Moreover, according to relatives, they were described as "criminals" and "subversives" on public bill-boards, official pamphlets, and on the news broadcasts of KBS television.
- ix. No defence witnesses were allowed. Applications by the student defendants to call Mr Yo Chong-nam to rebut the allegations that there was a link between the students and the 22 alleged PRP members were refused.
- x. The Korean authorities persistently refused to release official transcripts of the trial.
- xi. At no stage were the defendants allowed to receive family visitors whilst in prison. Visits by lawyers were unlawfully restricted.
- xii. When one defendant stated in court that he had been subjected to torture and that the confession that he had made was the result of that torture, the prosecution is alleged to have replied: "If you can say something like that, it means that you obviously were not tortured enough".
- xiii. One defendant had been forced to commit his confession to memory. On being given an opportunity by the court to make a statement in person he forgot that which he had learnt by heart. Prosecuting counsel then saw fit to prompt from his own copy of the confession. The defendant then haltingly continued to recite the text. This defendant showed outward signs of ill-treatment: that is to say he had difficulty in standing and limped.
- xiv. The defendants were charged under the Emergency Regulations, the Anti-Communist Law and the National Security Law. The mission was unable to ascertain whether this was so at first instance, or whether the prosecution had irregularly added the latter two charges on appeal in the manner that had been adopted in 1964.
- xv. As a point of law, Article 1(3) of the Korean Criminal Code provides that:

"Where a statute is changed after a sentence imposed under it upon a criminal conduct has become final, with the effect that such conduct no longer constitutes a crime, the execution of the punishment shall be remitted."

The Emergency Regulations were repealed prior to the Higher Emergency Court-Martial decision in September 1974 and the Supreme Court's judgment on 8 April 1975. Neither the Higher Emergency Court-Martial nor the Supreme Court indicated on which counts the sentences had been passed.

The Supreme Court Judgment and its Execution

On 8 April 1975 in the presence of this mission, but in the absence of the defendants and their lawyers, the Supreme Court of the Republic of Korea upheld the eight death sentences and all but two of the terms of imprisonment.

Under Article 460 of the Court-Martial Law (Book 3 Special Procedures; Chapter 1 Re-opening of Procedure - Law No. 1004 as amended, originally promulgated 20 January 1962) and Article 420 (Book 4 Special Procedure; Chapter 1 Re-opening of Procedure) of the Code of Criminal Procedure, the defendants were then entitled to petition the Supreme Court for a retrial on the grounds that the evidence heard both before that court and before the courts below was false. Further, the defendants have the right under Korean Law to petition the President for mercy.

At 11.30 am, 8 April 1975, the mission had been personally assured by an official of the Public Prosecutor's Department that the executions would not take place prior to the defendants being able to lodge applications for retrial and/or clemency.

On 9 April 1975 between 5.00 am and 8.00 am the eight men were hanged. No time had been given to them to pursue appropriate avenues of appeal. These hangings were unlawful.

On 10 April 1975 certain of the bodies of the executed men were released to families. One was withheld and later cremated by prison authorities. Whilst one of the bodies that had been released was being taken by the family to a private doctor so that evidence of torture could be sought, the van carrying the body was diverted by the police to a crematorium and the body peremptorily burnt. A second corpse was removed by the police from a funeral cortege and suffered the same fate.

Conclusion

It is the considered opinion of this mission that the above facts point to the case having been fabricated by the Korean authorities. When government authorities feel compelled to torture in order that false confessions be extracted, and then to deny the defendants a fair and open court hearing, this conclusion becomes inescapable. The PRP case of 1964 had been fabricated in an attempt to rouse the Korean people's feeling on the North-South issue. This we find to have been the aim in 1974; it was further an attempt by the government to arouse prejudice against academic, church and other demands for liberalisation.

8. HARASSMENT OF THE MISSION

The activities of the mission whilst in Korea were themselves obstructed by the authorities.

- a) Certain individuals whom the mission wished to contact were deprived of their liberty and were transported out of Seoul so that no communication with them would be possible. The official explanation was that these individuals, most of them students who had been released from prison in February 1975 and who had alleged that they had been tortured, had been taken on a conducted tour of the countryside.
- b) On occasions when the mission had appointments with certain Korean ex-National Assemblymen who alleged they had been tortured, these latter were for that reason placed under house arrest or taken into custody.
- c) Numerous people were warned by the KCIA against giving any evidence to the mission.
- c) In violation of Korean constitutional procedures, the National Assembly of the Republic of Korea revised the Criminal Code on 18 March 1975 to create a new offence of "Defamation of the State". This piece of legislation is fully considered above, but for practical purposes its effect was that Korean citizens giving evidence to the mission that might ... "insult ... Government agencies ..." stood in jeopardy of 7 years' imprisonment and a consecutive 10 years' deprivation of civil rights.
- e) On 8 April 1975 a member of the mission, Brian Wrobel, Barrister-at-Law, was forcibly restrained from entering the Supreme Court Building in Seoul. This was despite the fact that the Korean Supreme Court had granted the mission observer status at that day's sentencing of the alleged members of the "People's Revolutionary Party".
- f) Requests by the mission for appointments with the Minister of Justice, the Vice-Minister of Justice and the Minister of Culture and Public Information were curtly rejected. The mission was, however, able to speak with the Attorney General, Mr Kim Chi-yul, and with a representative of the Public Prosecutor's office.
- g) The mission was refused access to certain detainees and prisoners.* On applying for permission to inspect certain prisons and facilities, the mission was informed by the office of the Public Prosecutor, relaying a message from the Ministry of Justice, that these institutions could not be contacted on the grounds that:

*See page 45

- i. they did not have a telephone, or
 - ii. if they did have a telephone, the number was unknown.
- h) At no time did the mission receive any aid from the authorities in locating transcripts of trials or official court documents. This was so despite requests to the Ministry of Justice, the Department of the Attorney General and the office of the Public Prosecutor.
 - i) The entry of the mission into the ROK was delayed for a short period of time at Seoul Kimpo Airport. Certain of the mission's documents were removed from hand luggage in an exceptionally discourteous manner, and were taken away for examination. Whilst in Korea, the mission was openly followed and photographed by the KCIA. On departure one member of the mission found the locks on his luggage had been broken, and that photographic material had been tampered with. Documents and hand luggage were examined in a manner far exceeding that necessary for airline security. The other member of the mission, leaving separately, was accompanied to the aircraft by an official from his Embassy. This member of the mission was subjected to no harassment.

*From page 44

Persons to whom the mission was refused access:

- Soh Sung
- Soh Joon-shik
- Park Hyong-gyu
- Kim Chi-ha
- Han Seung-hon
- Kim Kwan-suk

Institutions to which the mission was refused access:

- Kwang-ju Prison
- Taegu Prison
- Seoul Detention House
- Sudaemun Prison

Amnesty International Publications

Report on Allegations of Torture in Brazil, A5, 108 pages, first edition September 1972, re-set with updated preface March 1976: £1.20 (US \$3.00).

A Chronicle of Current Events (Journal of the Human Rights Movement in the USSR), numbers 17, 18, 21, 24, 27 published individually: 65 pence (US \$1.60); double volumes 19-20, 22-23, 25-26: 85 pence (US \$2.10); numbers 28-31 in one volume: 95 pence (US \$2.50); numbers 32-33, one volume, £1.95 (US \$4.95).

Chile: an Amnesty International Report, A5, 80 pages in English, 88 pages Spanish, September 1974: 85 pence (US \$2.10).

Workshop on Human Rights: Report and Recommendations, A5, 15 pages, April 1975, issued by the Amnesty International Campaign for the Abolition of Torture.

Report of an Amnesty International Mission to Spain, A5, 24 pages in English, 28 pages Spanish, September 1975: 35 pence (US \$0.90).

Prisoners of Conscience in the USSR: Their Treatment and Conditions, A5, 154 pages, November 1975: £1.00 (US \$2.50).

AI in Quotes, A5, 24 pages, May 1976: 25 pence (US \$0.50).

Amnesty International 1961-1976: A chronology, May 1976: 20 pence (US \$0.40).

Professional Codes of Ethics, A5, 32 pages, October 1976: 40 pence (US \$1.00). Also available in Spanish.

Report of an Amnesty International Mission to Sri Lanka, A4, 52 pages, second edition December 1976: 75 pence (US \$1.25).

Los Abogados Contra La Tortura, A4, 31 pages, first published in Spanish, January 1977.

Report of an Amnesty International Mission to the Republic of the Philippines, A5, 60 pages, first published September 1976, second (updated) edition March 1977: £1. Also available in Spanish.

Dossier on political prisoners held in secret detention camps in Chile, A4, March 1977: £1.45. Also available in Spanish.

Report of an Amnesty International Mission to Argentina, A4, 92 pages, March 1977: £1.00. Also available in Spanish.

Torture in Greece: The First Torturers' Trial 1975, A5, 98 pages, April 1977: 85 pence.

Islamic Republic of Pakistan. An Amnesty International Report including the findings of a Mission, A4, 96 pages, May 1977: Price: 75 pence.

Evidence of Torture: Studies by the Amnesty International Danish Medical Group, A5, 40 pages, June 1977: 50 pence.

Report of an Amnesty International Mission to The Republic of Korea, A4, 46 pages, first published April 1976, second edition June 1977: Price: 75 pence.

In addition to these major reports, Amnesty International also publishes a monthly **Newsletter**, an **Annual Report** and a regular series of **Amnesty International Briefing Papers**.

Amnesty International Briefing Papers: a new series of human rights reference booklets on individual countries, averaging between 12-16 pages in A5 format.

Briefing Papers Number 1-11.

Singapore	Rhodesia/Zimbabwe	People's Democratic Republic of Yemen
Paraguay*	Malawi	Taiwan (Republic of China)
Iran	Guatemala*	Czechoslovakia*
Namibia	Turkey	*also available in Spanish

Subscription price for series of 10 briefing papers: £6 (US \$15). Price includes postage and packing. Single copies 40 pence (US \$1.00), plus 20 pence (50 cents) for postage and handling.

Amnesty International Newsletter and Annual Report: The Newsletter is a six-page monthly account of Amnesty International's work for human rights in countries throughout the world and includes a two-page bulletin on the work of the Campaign for the Abolition of Torture. The **Annual Report** gives a country-by-country survey of human rights violations which have come to the attention of Amnesty International. Yearly subscription £6 (US \$15) inclusive.

Amnesty International Publications are available in English and in most cases have been translated into other major world languages by the International Secretariat or by the national sections of Amnesty International.

Copies of Amnesty International Publications can be obtained from the offices of the national sections of Amnesty International. Office addresses and further information may be obtained from the International Secretariat, 10 Southampton Street, London WC2E 7HF, England.

