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South Korea: Amnesty International condemns detention of a conscientious objector

Amnesty International today condemned the detention of conscientious objector -- 28 year-old Lim Tae-hoon.

Lim Tae-hoon was detained on 26 February after refusing to perform his military service on grounds of discrimination against gay, bisexual and transsexual persons by the military officials. He has called for an expansion of the alternative civilian service to include gay, bisexual and transsexual conscientious objectors.

"Lim Tae-hoon is a prisoner of conscience because he has been detained for refusing to perform armed service due to his ethical, political and humanitarian beliefs," said Amnesty International.

In particular, he had objected to the questions posed in the questionnaires during the physical examination that is conducted before entry into the military service where military authorities identified gay, bisexual, transsexual persons. Of particular concern to him is the fact that transsexuals are referred to psychiatrists and not admitted to the military service as they were considered to be "abnormal".

Following his rejection of the military conscription order, the Seoul Criminal Court ordered that he be detained under the Military Service Law while investigations are conducted by the police authorities. Lim Tae-hoon is currently detained at the Kangnam Police Station, Seoul.

In South Korea, though the freedom of conscience is guaranteed by the Constitution, refusal to serve the military conscription or refusal to take lethal weapons during military training on the basis of one’s faith and belief is a criminal offence. Those who refuse to comply with conscription are tried by civil courts. Those tried in civil courts receive a sentence of up to 18 months of imprisonment for violating the Military Service Law. Those who refuse to participate in military training after being conscripted are tried in a military criminal court for mutiny.

Most of the Conscientious Objectors in South Korea are Jehovah's Witnesses. As of December 2003, over 1,000 conscientious objectors were in prison for their refusal to serve in the military.

Amnesty International calls for them to be immediately and unconditionally released.

Background

A person who for reasons of conscience or profound conviction arising from religious; ethical; moral; humanitarian; philosophical; political or similar motive may refuse to perform armed service or any other direct or indirect participation in wars or armed conflicts. If imprisoned as a result of his/her refusal and denied an alternative civilian service of comparable length, Amnesty International would consider such a person to be a prisoner of conscience.

Amnesty International believes that all conscientious objectors should be given the opportunity to present the grounds of their objection to an impartial and independent decision-making body, which is established by law.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: http://www.amnesty.org

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