

# REPUBLIC OF KOREA (SOUTH KOREA)

## On trial for defending his rights: the case of human rights activist Suh Jun-sik

Human rights activist Suh Jun-sik is currently on trial in Seoul in connection with a human rights film festival. Currently free on bail, he faces a prison term for the non-violent exercise of his right to freedom of expression. His case illustrates a pattern of human rights violations in South Korea today and the urgent need for reform of South Korea's National Security Law. Amnesty International is calling for the charges against Suh Jun-sik to be dropped.

Suh Jun-sik, aged 49, has already spent 17-and-a-half years in prison. From 1971 to 1988 he was held under the National Security Law and the Public Security Law (now repealed). He was arrested again in 1991 and released after six months. Since 1993 he has headed *Sarangbang*, a small human rights organization which publishes a daily human rights bulletin, works on human rights education projects and runs a documentation centre. In 1996 and again in 1997 *Sarangbang* held a human rights film festival, in order to raise public awareness about human rights and as a means of challenging film censorship policies.

Suh Jun-sik is being tried for peacefully exercising his right to freedom of expression and opinion, in violation of international human rights standards.

*"Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."* (Article 19, Universal Declaration of Human Rights)

*"Everyone has the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice"* (International Covenant on Civil and Political Rights, ratified by South Korea in 1990).

Suh Jun-sik, before his arrest

The real reason for Suh Jun-sik's arrest and prosecution appears to have been his determination to challenge government policy on issues such as film censorship

and student activism. During *Sarangbang's* annual human rights film festival he refused to allow government censorship of the films shown. Earlier in the year he had upset the authorities by expressing support for student activism, encouraging students to engage in non-violent civil disobedience.

### **The Human rights film festival**

*Sarangbang's* second human rights film festival was held at Hong-ik University in Seoul from 27 September to 3 October 1997 and was scheduled to tour nine other cities. The festival featured 24 films from 13 different countries, including Guatemala, Taiwan and South Korea. Suh Jun-sik did not submit the films for prior government censorship. He argued that film censorship had been used in South Korea to violate freedom of artistic expression and he feared that certain films and passages of the films he intended to show might be cut for political reasons. In October 1996 South Korea's Constitutional Court had recognized the problems with film censorship and ruled that systematic film censorship by the Korea Public Performance Ethics Committee, a government body, was unconstitutional. Despite this ruling, government censorship has continued and the relevant legislation has not yet been changed.

Shortly before the festival was due to open, Hong-ik University suddenly withdrew permission for the organizers to use university premises. This unexpected decision is widely believed to have been taken under pressure from the police and prosecution authorities. The festival went ahead but several student volunteers were arrested and briefly detained and large numbers of police tried to stop members of the public from entering the university to view the films.

### **Arrest of Suh Jun-sik**

Suh Jun-sik was detained on the evening of 4 November 1997 by around 15 police officers who searched his office and home. The police search warrant listed as items to be confiscated "*video tapes of ideological material and any evidence linked to the subjects' violation of the National Security Law*". The police took 20 video tapes of films which had been shown at the festival; several of Suh Jun-sik's personal notebooks; his laptop computer together with 48 computer disks; one binder containing copies of *Sarangbang's* daily human rights bulletin; books of poetry by the imprisoned poet Park No-hae and Suh Jun-sik's own works, including a book of his letters from prison. An arrest warrant against Suh Jun-sik was issued the following day. He was later charged under the National Security Law, the Social Surveillance Law and other several other laws.

### **National Security Law charges**

Article 7 of the National Security Law provides up to seven years' imprisonment for the act of "*praising*" or "*benefitting*" an "*anti-state*" organization "*with the knowledge that s/he might*

*endanger the existence, security of the State or the basic order of free democracy*". (North Korea is defined as an "anti-state" organization) This vague provision is the most commonly used and abused clause of the National Security Law. It is used arbitrarily since people considered to have left-wing views, students and dissident figures are most at risk of arrest. Amnesty International believes that Article 7 of the National Security Law is used to violate the right to freedom of expression. It is calling for the National Security Law to be amended in accordance with international standards.

Suh Jun-sik was charged under Article 7 of the National Security Law on two counts. The first of these was the screening of the South Korean film *Red Hunt*, an act considered by the authorities to "benefit" North Korea. *Red Hunt* is a documentary film about events which occurred in 1948 on Cheju Island, a small island off the southern coast of South Korea and now a popular holiday resort. On 3 April 1948 an alleged communist uprising on Cheju Island was violently suppressed and tens of thousands of islanders were massacred on the grounds that they were communists or communist sympathisers. The documentary contains the testimony of survivors and comment by historians. The film had been screened earlier in the year at the Pusan International Film Festival without any of those involved being detained. The film maker himself was detained briefly after the arrest of Suh Jun-sik and was subsequently released without charge.

Suh Jun-sik was also accused of "benefitting" North Korea through his possession of *True Beginning*, a collection of poetry by the well-known socialist poet and political prisoner Park No-hae. Thousands of copies of this popular book have been sold to the public. This second charge appears to have been added on as a means of strengthening the case against Suh Jun-sik.

These two accusations illustrate the arbitrary way in which the National Security Law is used. While Suh Jun-sik was charged with aiding North Korea through screening the film *Red Hunt*, others who screened the film and the film maker were not charged. Thousands of ordinary people have books of poetry by Park No-hae, but only Suh Jun-sik was accused of possessing the book with the aim of benefitting North Korea.

### **Charges under the Social Surveillance Law**

Suh Jun-sik has also been charged with violating the Social Surveillance Law. The Social Surveillance Law is used to track the activities of certain prisoners after their release. Political prisoners who have refused to "convert" (to renounce communism) or to admit their "crimes" may be subject to this law. The Ministry of Justice decides which former prisoners will be subject to this law and information about such decisions is not public. Under the terms of the Social Surveillance Law, released prisoners are required to report their activities regularly to the police and also to report on all travel. They may be barred from participating in certain events or meeting certain people. Many former prisoners have refused to comply with these requirements, and some have subsequently been prosecuted and fined. Amnesty International

is concerned that the law is applied arbitrarily and in order to curtail the legitimate activities of former political prisoners.

Suh Jun-sik had been subject to the Social Surveillance Law since his release from prison in 1988, but had consistently ignored the reporting requirements. He had been told to report to the police about his activities every three months and also to write a report on several overseas trips, including his attendance at the UN World Conference on Human Rights in 1993 and a visit to Amnesty International in 1997. On one occasion the police told him not attend a demonstration against the National Security Law, and another time he was ordered not to attend a party to welcome the release of a long-term political prisoner. When he was chairman of the National Alliance for Democracy and Unification of Korea (a coalition of mainly human rights, pro-democracy and workers' organizations) he was told by the police to resign from this post.

Although he had ignored these requirements for ten years, he was only arrested and charged in this connection once, in 1991. Former political prisoners such as Suh Jun-sik live with the constant threat of prosecution for violating the Social Surveillance Law, a law which he saw as a curb on his activities as a human rights activist. In February 1998 Suh Jun-sik told Amnesty International "*I would not have been able to carry out my human rights work if I had complied with this law*". Charges under the Social Surveillance Law appear to have been added to those under the National Security Law in order to strengthen the case against Suh Jun-sik.

### **Other charges**

Suh Jun-sik was also charged under the Law on Records and Video Tapes for failing to submit films for prior government censorship and for entering Hong-ik University without permission (a charge of "trespass"). In addition he was accused of raising funds for the film festival illegally and without government permission. Legislation on fundraising, currently under review by the Constitutional Court, has been used arbitrarily over the years against selected opposition groups. *Sarangbang* had collected funds from members of the public who donated about SK won 10,000 (approximately US\$6) each and received in return a newsletter and festival pamphlets. The organization had made a prior decision not to accept large donations from business or other organizations and had collected funds in a public and transparent manner. Other organizations raising money in a similar fashion have not been prosecuted.

### **Imprisonment and release on bail**

Suh Jun-sik was questioned by the security division of the Seoul Police Administration from 4 to 12 November 1997 and was then transferred to Youngdungpo Detention Centre in Seoul. During this time his reading material was censored - he was not allowed, for example, to read

copies of *Sarangbang*'s daily human rights bulletin. During his time in prison, he experienced the extremely cold conditions (cells are unheated in winter) and claims to have seen several prisoners being ill-treated by prison guards.

Suh Jun-sik's trial opened before Seoul District Court on 30 January 1998 and it is expected that there will be a series of separate hearings over a period of months. On 5 February 1998 Suh Jun-sik was released on bail, upon payment of SK won 10,000,000 (approximately US\$ 6,500). Since his release Suh Jun-sik has made several complaints to the Constitutional Court regarding aspects of his treatment in prison, including censorship of prisoners' newspapers, the handcuffing of prisoners and the fact that unconvicted prisoners have to wear prison uniforms.

### **ACTION: WHAT YOU CAN DO**

○ Send letters/faxes/e-mails/petitions to President Kim Dae-jung:



! expressing concern that Suh Jun-sik is on trial for the non-violent exercise of his right to freedom of expression and calling for charges against him to be dropped;

! Expressing concern that Article 7 of the National Security Law is often used to imprison people for the non-violent exercise of their rights to freedom of expression and association and calling for the release of those held for non-violent activities;

! Calling for the National Security Law to be amended in accordance with international standards, including Article 19 of the Universal Declaration of Human Rights.

! *Send appeals to:*

President Kim Dae-jung  
The Blue House  
1 Sejong-no, Chongno-gu  
Seoul, Republic of Korea  
**Fax: (82 2) 770 0253**

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