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South Korea: On-going Crackdown against Migrant's Trade Union

Amnesty International expresses serious concern at the arrest of two senior officials of the Seoul-Gyeonggi-Incheon Migrants Trade Union (MTU) on 2 May 2008. Amnesty International is concerned that they may be arbitrarily returned to their countries of origin.

Amnesty International has been told that President Torna Limbu, a Nepalese national was confronted by 10-15 immigration officers as he left the MTU office in Seoul. He was surrounded and forced into a waiting van. The immigration officers did not present a detention order.

Vice President Abdus Sabur a Bangladeshi national was reportedly taken from his home around the same time. Both men have been taken to a detention centre in Cheongju, Northern Chunchong Province, south of Seoul.

They are being detained for being in an irregular or undocumented situation/status and are at risk of being returned to their countries of origin without due process.

Amnesty International believes that the arrests of Torna Limbu and Abdus Sabur are an attempt by the Government of South Korea to deprive them of their basic labour rights protected in the South Korean constitution.

The crackdown appears to be a continuation of arrests made against irregular migrant workers in South Korea since August 2007.

Amnesty International considers Torna Limbu and Abdus Sabur to be prisoners of conscience and urges the South Korean Government to release the two men immediately and unconditionally. The organization calls on the South Korean Government not to return the men to their countries of origin without a full and individual assessment of their circumstances, including due process safeguards and the right to appeal the decision to an independent and competent authority.

Background

In November 2007, immigration officials arrested and deported MTU President Kajiman Khapung, Vice President Raju Kumar Gurung (Raj) and General Secretary Abul Basher M. Moniruzzaman (Masum). President Kajiman and General Secretary Masum were arrested in front of their houses as they were leaving to participate in a protest in front of the Seoul Immigration Office. The Vice President was arrested in front of the factory where he worked.

The Seoul High Court issued a judgment on 1 February 2007 calling for the cancellation of the rejection by the authorities of the Migrant Workers' Trade Union's Notice of Union Founding. This ruling, in effect, recognizes and thereby legalizes the MTU as a union representing the rights of all migrant workers, regardless of their status. The Ministry of Labour has appealed against this decision to the Supreme Court.

There are some 210,000 irregular migrant workers in South Korea. However, they remain at constant risk of arrest, detention and return.

The arrests of the senior MTU officials come at a time when the Ministry of Justice is reportedly proposing revisions to the Immigration Law. These revisions could remove the requirement on authorities, in the process of conducting checks on migrant workers, to present identification documentation, to obtain other relevant documentation such as warrants prior to entering buildings, and the necessity of obtaining detention orders before arresting migrant workers. In the crackdowns against irregular migrant workers since August 2007, about 23 MTU members and officials have been arrested.

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