

REPUBLIC OF KOREA (SOUTH KOREA)

Hidden victims: the long-term political prisoners

There are over 50 long-term political prisoners in South Korea, half of whom are over the age of 60. They have all spent over seven years in prison, and some have been in prison for several decades. Sentenced to long prison terms for national security offences under past governments, they are South Korea's forgotten prisoners.

This report focuses on the cases of long-term political prisoners who were convicted unfairly during the 1970s and 1980s. Amnesty International has documented 20 of these cases (all of whom are men) but believes there may be at least a dozen more. In all of the cases documented by Amnesty International, the evidence strongly supports the view that they are the victims of human rights violations.

These prisoners were arrested and tried under South Korea's National Security Law. Many were students and businessmen at the time of their arrest. Some had travelled abroad and had been in contact with North Koreans; some had lived in Japan or had relatives in Japan. They were accused of passing "state secrets" to North Korean agents in Japan or other countries and other espionage activities. In these cases there is evidence of illegal arrest, incommunicado detention for a long period of time, claims by the prisoners that they were forced to confess under torture and a lack of facilities in the preparation of a defence. Amnesty International believes that they were convicted largely on the basis of confessions which were extracted under torture.

These prisoners were arrested and convicted at a time when human rights violations were widespread. During most of these two decades the country was ruled by authoritarian military governments. General Park Chang-hee seized power in 1961 and held the office of President until his assassination in 1979. Another army general, Chun Doo-hwan, became President in 1980 and held office until 1987 when he was forced by popular protests to call a presidential election. He was succeeded by Roh Tae-woo who held office until 1993. In 1996 two of these former presidents, Chun Doo-hwan and Roh Tae-woo, were sentenced to long prison terms on charges which included corruption and human rights violations.

The long-term political prisoners were convicted in the context of a divided Korea. Since the Korean War (1950-53) the governments of North Korea (the Democratic People's Republic of Korea) and South Korea (the Republic of Korea) have prohibited almost all contact between citizens of the two countries. In South Korea, unauthorized contacts have often resulted in imprisonment under the National Security Law. The National Security Law provides long prison terms for unauthorized contacts with North Koreans, for "praising" and "benefitting" North Korea and forming or joining organizations alleged to be pro-North Korean. It also provides long sentences or the death

penalty for "espionage" and passing "state secrets" to North Korea. However, the term "espionage" is vaguely-defined in the National Security Law and has sometimes been used to imprison people who were exercising their rights to freedom of expression and association. The definition of "state secrets" has included information which is publicly available in South Korea.

The long-term political prisoners are currently held in a number of different prisons throughout the country. Most are held in single cells and some have little contact with other prisoners. Conditions of imprisonment vary from prison to prison, and from prisoner to prisoner. Some prisoners appear to be in good health and are allowed to associate with other prisoners. Others are held in solitary confinement and are not allowed to mix with other prisoners. Some of the prisoners are reported to be suffering from psychological problems as a result of long-term isolation. Some suffer from digestive ailments, rheumatism, high blood pressure and other illnesses. Medical facilities in South Korean prisons are generally poor and most prisons have only one part-time doctor. Prisons are virtually unheated in winter.

Some of these prisoners are under constant pressure from the prison authorities to "convert", meaning to sign a statement renouncing their real or alleged communist views. Those who refuse to do this are not considered for release on parole and generally have fewer rights and privileges than other prisoners. For example, visits and reading material may be restricted.

It is often difficult for long-term political prisoners to communicate with the outside world. While some are permitted to send letters to friends and supporters at home and abroad, others are not permitted to do so. While some are allowed visits from friends and supporters, others are only allowed to see close relatives. These rules sometimes appear to be applied in an arbitrary manner. During a visit to South Korea in September 1996 an Amnesty International delegation was denied access to two long-term political prisoners in Taejon Prison on the grounds that Amnesty International had failed to fulfill the "procedural requirements". However, it was not clear what these requirements were, since the delegates had obtained prior written authorization for the visit from the Ministry of Justice.

It is the government's responsibility to review the cases of long-term political prisoners who were convicted unfairly, but it has not taken on this responsibility. In South Korea there is no independent body or individual responsible for the protection of human rights and the investigation of reported human rights violations. There has been no systematic and independent investigation into past human rights violations.

For several years human rights lawyers and activists in South Korea have sought retrials for some long-term political prisoners, as a means of obtaining redress. Under South Korea's Code of Criminal Procedure a retrial may be granted if it is proved that evidence was forged, testimony was false and when new "clear evidence" is discovered.

But the requirements for a retrial have proved to be extremely difficult to meet and as far as Amnesty International is aware, no long-term political prisoner has secured one.

The statute of limitations on public prosecutions means that it is impossible to prosecute those responsible for human rights violations inflicted on long-term political prisoners after their arrest. This is because the violations occurred too long ago for those responsible to be brought to justice under South Korean law. In January 1995 eight long-term political prisoners filed a complaint of torture against investigation officials but their complaint was dismissed on the grounds that the statute of limitations had expired.

In the absence of any legal redress for the long-term political prisoners, Amnesty International has urged the current government to find an effective remedy for these victims of human rights violations committed under previous governments. The current President, Kim Young-sam, took office in 1993 promising a new beginning with greater freedom and democracy. In 1995 his government took an important step in addressing past human rights violations by introducing legislation which extended the statute of limitations for certain crimes, including mutiny and treason. This led to the successful prosecution of two former presidents, Roh Tae-woo and Chun Doo-hwan, and 13 other former army officials on charges which included the killings of demonstrators in Kwangju in May 1980.

However, the successful prosecution of two former Presidents has not benefitted the long-term political prisoners - there has been no investigation into many other human rights violations committed under previous governments. The long-term political prisoners have little hope of obtaining redress, apart from the possibility of early release on parole. Amnesty International believes that it is unacceptable to neglect the individual victims of past human rights violations, especially those who are still in prison.

A presidential election will be held in December 1997. As the campaign gets underway, Amnesty International is calling on the current government, the main political parties and individual legislators to ensure that the cases of long-term political prisoners are not forgotten in the election campaign.

Amnesty International makes the following recommendations:

- **Review or release:** Amnesty International calls for a review of all the cases of long-term political prisoners who were convicted during the 1970s and 1980s where there are reports that the prisoners were tortured and convicted after unfair trials. In some well-documented cases Amnesty International is convinced the charges are unfounded and calls for the prisoner's immediate and unconditional release.

- **Investigation of past human rights violations:** Amnesty International calls on the government, the main political parties and individual legislators to find an effective

means of investigating past human rights violations. This is of particular urgency in the cases of long-term political prisoners who are still in prison.

• ***Prison conditions:*** Amnesty International calls on the government to ensure that the conditions of imprisonment for long-term political prisoners are in conformity with international human rights standards.

Yu Chong-sik: 22 years in prison

Yu Chong-sik, aged 57, was born in Japan but spent most of his childhood in South Korea. During the 1960s he studied in Japan and then returned to South Korea where he got married and became an art dealer.

Yu Chong-sik was arrested in March 1975 by the Korean Central Intelligence Agency (which later changed its name to the Agency for National Security Planning) and was held for one month without access to a lawyer. During this time he claims to have been tortured and forced to make a false confession.

Yu Chong-sik was charged under the National Security Law with spying for North Korea - he was alleged to have received orders to infiltrate student organizations, establish underground organizations and collect "state secrets". Yu Chong-sik denied these charges but was found guilty and sentenced to death. His sentence was later commuted to life imprisonment and in 1995 it was reduced to 20 years' imprisonment in a presidential amnesty.

Yu Chong-sik should have been eligible for release in 1995 but was given an extra three-year prison term under the National Security Law for allegedly "praising" North Korea in prison. Amnesty International has adopted Yu Chong-sik as a prisoner of conscience and is calling for his immediate and unconditional release.

Kang Hui-chol: 11 years in prison

"How happy I would be if I could see you some day. I have this hope in my mind"
(letter from Kang Hui-chol to Amnesty International members in Norway).

Kang Hui-chol, aged 39, was arrested by the police in April 1986 and held incommunicado for 85 days during which time he was reportedly tortured. He was charged under the National Security Law for giving "state secrets" about the location of roads and government offices to a North Korean agent in Japan and receiving espionage

training. But he claims that his confession was extracted under torture. He was sentenced to life imprisonment.

Human rights activists in South Korea have found several inconsistencies in the investigation records of Kang Hui-chol's case. A police investigator admitted to a human rights group in South Korea that there was no evidence that Kang Hui-chol had taken photographs of government offices and roads and passed them to North Korea. Kang Hui-chol was convicted largely on the basis of his own confession.

Kang Hui-chol was born in South Korea but in 1975 he went to Japan illegally to join his parents who had moved there several years earlier. He was deported to South Korea in 1981 where he married and took a job as a hotel clerk.

He is reported to be suffering from psychological problems, possibly as a result of torture. He has no close family living in South Korea. In September 1996 an Amnesty International delegation sought to visit him in Taejon Prison but was denied access. Amnesty International has adopted Kang Hui-chol as a prisoner of conscience and is calling for his immediate and unconditional release.

Kim Song-man: 12 years in prison

"I have lived in the prison for more than ten years. I think I am going through a period of darkness and patience in my life. But I have not lost a dream to contribute to social welfare in my future. The dream brightens my burden of hardship in prison." (Letter to Amnesty International members in Belgium).

Kim Song-man, aged 39, was a student at the time of his arrest in June 1985. He had studied political science at Western Illinois University in the USA and had visited several Eastern European countries out of a desire to learn more about North Korea and the possibilities for Korean reunification.

Kim Song-man was accused of taking instructions from North Korea to engage in anti-government activities and of having distributed pro-North Korean material. He was also alleged to have passed "state secrets" to North Korea, on the basis that he had given some leaflets to North Koreans he met in Europe. Although there was no evidence that he had carried out espionage activities, he was found guilty and sentenced to death. In his appeal to the Supreme Court Kim Song-man wrote:

"I am a person who wishes the independence of our nation and democracy. I think that this ideal can be realized in a socialistic country. I was interrogated and tortured mercilessly at the Agency for National Security Planning. During the

interrogation and torture I was even forced to write a suicide letter addressed to my parents in order to disguise my possible death as a suicide"

Kim Song-man spent almost three years under sentence of death before his sentence was commuted to life imprisonment. Amnesty International has adopted him as a prisoner of conscience and is calling for his immediate and unconditional release.

In April 1993 the United Nations Working Group on Arbitrary Detention said that Kim Song-man's imprisonment contravened the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which has been ratified by South Korea. The Working Group urged the South Korean Government to remedy the situation. However, Kim Song-man remains in prison today, without an effective remedy.

Hwang Tae-kwon: 12 years in prison

After 60 days of torture and beatings in the basement of the Agency for National Security Planning and after three years of imprisonment for a crime I did not commit, having been silenced all these years, I hope my story will expose the crimes that were committed against me by the powers-that-be in order to extract my "confession". I am also hoping to restore my own human dignity which has been ruthlessly trampled upon during the interrogation and imprisonment. (Letter from prison, 1988).

Hwang Tae-kwon, aged 42, was arrested in the same case as Kim Song-man. He had also studied political science at Western Illinois University in the USA and had been active in the student movement. Like Kim Song-man, he admitted having had a genuine desire to learn about North Korea, in order to help bring about Korean reunification.

After his arrest in 1985, Hwang Tae-kwon was held incommunicado for 60 days by the Agency for National Security Planning, during which time he said that he was repeatedly beaten, threatened, deprived of sleep and forced to write a false confession. He said *"Ironically the only document submitted to the court as conclusive evidence that I was a spy was drafted by myself and later revised by the interrogator in charge, then copied by myself word-for-word"*.

Hwang Tae-kwon was found guilty under the National Security Law on charges of passing "state secrets" to North Korean agents and engaging in pro-North Korean activities. He was sentenced to life imprisonment which was reduced to 20 years' imprisonment in a presidential amnesty. Amnesty International has adopted Hwang

Tae-kwon as a prisoner of conscience and is calling for his immediate and unconditional release.

In April 1993 the United Nations Working Group on Arbitrary Detention said that Hwang Tae-kwon's imprisonment contravened the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

★ Amnesty International is also calling for the release of two other prisoners who were arrested in this case. They are Kang Yong-ju and Yang Dong-hwa who were sentenced to 20 years' imprisonment and life imprisonment respectively.

Cho Sang-nok: 19 years in prison

Cho Sang-nok, aged 51, was arrested in January 1978 and held for 17 days without access to lawyers or family. During this time, he said he was subjected to electric shock and water torture and beaten. He was forced to write a confession.

Cho Sang-nok was sentenced to life imprisonment under the National Security Law on charges of spying for North Korea. He was accused of passing "state secrets" to North Korean agents in Japan. But the main evidence used to convict him appears to have been his own confession.

During the 1970s Cho Sang-nok studied in Japan and obtained a post-graduate degree in politics. During his stay in Japan he is reported to have been politically active and to have made comments critical of the South Korean Government. He was arrested soon after his return to Seoul.

Amnesty International does not have enough information about Cho Sang-nok to adopt him as a prisoner of conscience. However, on the basis of available information it believes he is probably a prisoner of conscience and that his case should be reviewed as a matter of urgency. Amnesty International is also concerned at reports that he is suffering from psychological problems, believed to be related to the effects of torture after his arrest and his long imprisonment in relative isolation.

Lee Jang-hyong: 13 years in prison

"The detention of Lee Jang-hyong is declared to be arbitrary being in contravention of Articles 5, 9 and 10 of the Universal Declaration of Human Rights, and Articles 7, 9 and 14 of the International Covenant on Civil and Political Rights, to which the Republic of

Korea is a party . . ." (Decision of United Nations Working Group on Arbitrary Detention, May 1995).

Lee Jang-hyong, aged 65, was born on Cheju Island off the southern coast of Korea, but spent most of his childhood in Japan. During the Korean War (1950-53) he served as a second lieutenant in the Marine Corps and later worked as a restaurant manager in Seoul. He made frequent trips to Japan to visit his relatives.

In June 1984 Lee Jang-hyong was arrested by the Anti-Communist Division of the National Police headquarters in Seoul where he was held incommunicado for 67 days. During this time he says he was tortured and forced to confess that he had carried out espionage activities for North Korea. He was charged with passing "state secrets" to his uncle in Japan, said to be a North Korean agent. He was also accused of visiting North Korea for espionage training.

However, Amnesty International believes that the main evidence used to convict Lee Jang-hyong was his own confession, extracted under torture. Human rights groups working on this case have found many inconsistencies in the documentation of this case, including evidence that Lee Jang-hyong did not go to North Korea in December 1982, as the authorities claimed.

Lee Jang-hyong's family did not appoint their own lawyer, claiming that they were intimidated by the authorities. Instead, he was represented by a state-appointed lawyer. He was found guilty and sentenced to life imprisonment. Amnesty International has adopted Lee Jang-hyong as a prisoner of conscience and is calling for his immediate and unconditional release.

Park Dong-oon: 16 years in prison

"With the help of endless torture the security department transformed the whole family into spies over 60 days. Instead of catching spies they were creating spies. . . All of my family went through humiliation and pain and I cannot find words to describe them."
(Letter from Park Dong-oon's brother, 1991)

Park Dong-oon, aged 52, used to live on Chin Island where he worked for an agricultural cooperative. In March 1981 he and several members of his family were arrested and interrogated by the Agency for National Security Planning. They were held incommunicado for some 60 days and said they were subjected to beatings, threats, sleep deprivation and water torture. They were forced to make confessions.

Park Dong-oon was charged under the National Security Law with visiting North Korea to meet his father, who had been missing since the end of the Korean War (1950-53). The authorities said that Park Dong-oon's father was a North Korean spy and that he had given instructions to Park Dong-oon to carry out espionage in South Korea.

Park Dong-oon denied the charges but was sentenced to death, largely on the basis of confessions made by himself and his family. In 1982 Park Dong-oon's sentence was commuted to life imprisonment. Amnesty International has adopted him as a prisoner of conscience and is calling for his immediate and unconditional release.

Cases of long-term political prisoners convicted during the 1970s and 1980s

(This table includes cases known to Amnesty International and is not intended to be a comprehensive list. It takes account of sentence reductions known at the time of writing).

NAME	AGE	ARREST	SENTENCE	PRISON	TIME SPENT IN PRISON
Chong Yong	56	13/9/83	Life imprisonment	Taegu	13-and-a-half years
Cho Sang-nok	51	15/1/78	Life imprisonment	Andong	19 years
Ham Ju-myong	64	18/2/83	20 years imprisonment	Kwangju	14 years
Hwang Tae-kwon	42	6/85	20 years' imprisonment	Taegu	12 years
Kang Hui-chol	39	21/7/86	Life imprisonment	Taejon	11 years
Kang Yong-ju	35	1/7/85	20 years' imprisonment	Andong	12 years
Kim Byong-ju	75	28/11/83	Due for release in 1999	Andong	14 years
Kim Chong- muk	58	4/7/82	Life imprisonment	Taegu	15 years
Kim Chang-ho	56	10/12/82	20 years' imprisonment	Taegu	14 years
Kim Song-man	39	6/6/85	Life imprisonment	Chonju	12 years

NAME	AGE	ARREST	SENTENCE	PRISON	TIME SPENT IN PRISON
Kim Tae-ryong	49	15/6/79	Due for release in mid-1999	Taejon	18 years
Kim Yun-su	59	24/6/85	Due for release in late 1997	Taejon	12 years
Lee Jang-hyong	65	15/6/83	Life imprisonment	Andong	13 years
Nah Jong-in	60	4/85	Due for release in late 1997	Taejon	12 years
Park Chan-u	43	7/84	Due for release in mid-1997	Kwangju	13 years
Park Dong-oon	52	9/3/81	Life imprisonment	Taegu	16 years
Sohn Yu-hyung	67	25/4/81	Due for release in mid 1998	Chonju	16 years
Sok Tal-yun	66	21/8/80	20 years' imprisonment	Chonju	16 and a half years
Yang Dong-hwa	38	2/6/85	Life imprisonment	Taegu	12 years
Yu Chong-sik	57	2/3/75	Due for release in March 1999	Andong	22 years