

AMNESTY INTERNATIONAL
ANNUAL REPORT ENTRIES 2005-2007¹
REPUBLIC OF KOREA

2007

Head of state: Roh Moo-hyun

Head of government: Han Myeong-sook (replaced Han Duck-soo in April, who replaced Lee Hae-chan in March)

Death penalty: retentionist

International Criminal Court: ratified

A draft bill to abolish the death penalty was discussed by the National Assembly for the first time, but no progress was made towards a final vote. More than two years after a law to regulate the employment of migrants was enacted, migrant workers continued to have limited protection against discrimination or abuse, including few possibilities of obtaining redress. In August, at least 189,000 irregular migrant workers faced detention and deportation. At least one prisoner of conscience was still imprisoned under the National Security Law. At least 936 conscientious objectors were in prison for refusing to do military service.

Background

Food aid to North Korea, suspended following a missile test in July, was resumed after floods in August. However, following a nuclear test by North Korea in October, food aid was again halted. In an unprecedented move, South Korea supported a resolution on human rights in North Korea passed by the UN General Assembly in November. Foreign Minister Ban Ki-moon was appointed as UN Secretary-General, to take up the post in January 2007.

Death penalty

There were no executions. At least two prisoners were sentenced to death. At least 63 prisoners were under sentence of death at the end of 2006.

A bill to abolish the death penalty was discussed by a National Assembly committee in February and before a public hearing in April. However, it was not put before the National Assembly as the committee did not vote on it.

In February, the Ministry of Justice announced that it was conducting in-depth research into the death penalty in response to public pressure for abolition. However, the findings had not been made public by the end of 2006.

Abuses against migrant workers

In August official figures recorded some 360,000 migrant workers, who included at least 189,000 irregular migrant workers. The 2003 Act Concerning the Employment Permit for Migrant Workers failed to provide adequate safeguards against discrimination and abuse. Many migrant workers continued to be at risk of verbal and physical abuse in the workplace, subjected to racial discrimination and not paid regularly. Most received less pay than Korean workers for the same

¹ The events listed in each year's report relate to events taken place the year before its publication

work, did not receive severance pay, were exposed to poor working conditions, and remained at increased risk of industrial accidents.

A National Human Rights Commission of Korea study reported in January that 20 per cent of detained migrant workers were beaten and nearly 40 per cent verbally abused. More than one-third alleged being stripped naked and searched, and 5.2 per cent alleged being subjected to sexual abuse by immigration officers during body searches following arrest. Some 15 per cent reportedly suffered injuries. Women, who constitute roughly one-third of all migrant workers in Korea, were particularly vulnerable to exploitation, including sexual violence. Some arrests were carried out without appropriate documentation, such as arrest warrants or detention order papers.

Conscientious objectors

At least 936 conscientious objectors, mostly Jehovah's Witnesses, were in prison following convictions in 2005 and 2006 for refusing compulsory military service.

20-year-old Ahn Jae-kwang was detained in January, the first conscientious objector to be detained since the National Human Rights Commission recognized the right of conscientious objection and recommended a system of alternative service in December 2005. The Seoul West District Court issued an arrest warrant on the grounds that pre-trial detention for offences punishable by imprisonment was the norm, even though the criminal procedure law provided for pre-trial imprisonment only where there was a possibility of destruction of evidence or flight by the suspect.

In April the Ministry of National Defence announced the establishment of a policy group to consider alternative civilian service.

National Security Law

The government did not amend or repeal the 1948 National Security Law.

Cheon Wook-yong remained in prison under the National Security Law. Arrested in November 2004 on his return to South Korea, he was sentenced to three and a half years in prison for allegedly releasing national secrets and assisting an anti-government organization. Cheon Wook-yong had visited North Korea, crossing from China in August 2004. He was captured and interrogated by the North Korean Defence Department. He was then sent back to China where he was detained for 13 days on suspicion of illegal border transgression. He was arrested and detained under vaguely worded articles of the National Security Law that allowed his conviction despite a lack of evidence that he had threatened national security.

Evictions

In February residents of Daechuri village in Pyongtaek, Gyeonggi Province, mostly farmers aged in their 60s and 70s, started resisting evictions aimed at expanding a US army base. They said that money offered was insufficient to buy equivalent land elsewhere or compensate for loss of livelihoods. Thousands of security personnel and hundreds of private contractors destroyed farmers' houses. Farmers and activists were injured in protests, and some were briefly detained. The security forces imposed severe restrictions on the movement of some 40 families still living in Pyongtaek. A consultation carried out before the eviction reportedly was a sham and did not reflect the farmers' concerns.

Kim Ji-tae, a farmers' leader, was sentenced to two years' imprisonment in November after being convicted on a charge of obstructing public officials engaged in performing their duties. AI considered him a prisoner of conscience, convicted for protesting peacefully and in order to curtail farmers' rights to protest and protect their livelihood. He was released pending appeal.

2006

Head of state: Roh Moo-hyun
Head of government: Lee Hae-chan
Death penalty: retentionist
International Criminal Court: ratified
UN Women's Convention: ratified
Optional Protocol to UN Women's Convention: not signed

Refugee recognition procedures did not take into account the threats faced by asylum-seekers. A draft bill to abolish the death penalty was introduced. At least 63 prisoners remained under sentence of death. At least eight prisoners of conscience sentenced under the National Security Law (NSL) were released. The NSL, which allowed the imprisonment of prisoners of conscience, remained in use. At least 200,000 irregular migrant workers faced detention and deportation. Despite improved protections for migrant workers, poor working conditions and discrimination in wages and access to justice continued. At least 1,090 conscientious objectors remained imprisoned for refusing to do military service.

Refugees and asylum-seekers

Refugee recognition procedures lacked transparency and failed to take into account threats faced by asylum-seekers. Refugee status was granted to as few as 40 applicants between February 2001 – when asylum was granted for the first time under the UN Refugee Convention – and the end of 2005, 15 of them in 2005. Detention policies for asylum-seekers were vague and arbitrary.

In May new guidelines under the Immigration Law required that asylum-seekers who had not possessed valid residence visas for over three years be detained and fined before their applications were considered. Applicants were not informed of the grounds for decisions on their cases. They did not receive sufficient protection or support, including from qualified interpreters, and were not allowed to work.

In March the authorities rejected asylum applications made by nine Myanmar nationals in May 2000. In April the men were ordered to leave the country within five days. On appeal in July, they were allowed to stay until April 2006. They were reportedly active in opposition political activities in Myanmar and South Korea that put them at risk of serious human rights violations if they returned to Myanmar. Although no interpreters were present during the interviews, applicants' signatures had been added to the transcripts of their testimonies. The lawyers complained that transcripts of their interviews appeared to have been either omitted or distorted.

Migrant workers

Basic rights of migrant workers appeared to be strengthened after the Employment Permit System Act came into effect in August 2004. However, migrant workers continued to face widespread discrimination in wages and in access to justice. Many worked in dangerous conditions, were not paid regularly or did not receive severance pay. In December, there were over 200,000 undocumented migrant workers liable to immediate detention pending deportation. In May, Anwar Hossain, head of the new Migrants Trade Union that had not been recognized by the government, was arrested by over 30 immigration and police officers and reportedly assaulted. The day before his arrest, he had criticized government policy towards irregular migrant workers in a national newspaper. He was still held at the Chonju Immigration Detention Centre at the end of 2005.

Death penalty

There were no executions. At least 63 prisoners remained under sentence of death. A bill to abolish the death penalty, proposed by 175 members of the 299-member National Assembly in December 2004, was introduced in the Legislation and Judiciary Committee of the National Assembly in February.

National Security Law

Under a presidential amnesty in August, at least eight prisoners of conscience sentenced under the NSL were released. At least two long-term prisoners were serving sentences imposed under the NSL.

Kang Tae-woon, aged 75, sentenced to six years' imprisonment in August 2003 for espionage, was reportedly in poor health. His sentence was reportedly reduced by half in August.

The NSL, in force since 1948, allowed for long prison sentences or the death penalty for non-violent political activities, including vaguely termed offences such as "benefiting the enemy" or "anti-state" activities. Despite growing support for repeal of the NSL, including from President Roh Moo-hyun and the National Human Rights Commission, the government did not amend or repeal it.

Conscientious objectors

At least 1,090 conscientious objectors, most of them Jehovah's Witnesses, were in prison at the end of 2005 for their refusal to carry out compulsory military service. The government gave no consideration to introducing an alternative civilian service.

Update

Lim Tae-hoon was released in June. He had been arrested in February 2004 and sentenced to 18 months' imprisonment in July 2004 for refusing to perform military service because of his pacifist beliefs and discrimination against gay, bisexual and transsexual people by the military.

2005

Head of state: Roh Moo-hyun

Head of government: Lee Hae-chan (replaced Goh Kun in June)

Death penalty: retentionist

International Criminal Court: ratified

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: not signed

Prisoners continued to be sentenced to death, but an unofficial moratorium on executions in place since 1998 continued. More than 60 prisoners were under sentence of death at the end of 2004.

Prisoners of conscience continued to be held under the controversial National Security Law.

Under a new work permit system, at least 180,000 undocumented migrant workers faced immediate detention and subsequent deportation. At least 758 conscientious objectors were imprisoned for refusing to perform compulsory military service.

Background

President Roh Moo-hyun was impeached in March – the first time a South Korean President had been impeached – on charges of incompetence and mismanagement. The impeachment was reversed by the Constitutional Court in May. During the interim, Prime Minister Goh Kun served as acting President. In National Assembly elections in April, the newly established Uri Party won a majority of seats.

Inter-Korean talks continued but were stalled when at least 468 North Koreans seeking asylum in Viet Nam went to South Korea in July.

Following investigations of unauthorized nuclear testing and other matters by an International Atomic Energy Agency (IAEA) team in August, the IAEA director-general expressed "serious concern" over South Korea's failure to report its nuclear experiments.

National Security Law

The NSL, which provides long sentences or the death penalty for loosely defined "anti-state" activities or espionage, was the subject of intense political debate. In August the Constitutional Court ruled that the NSL was not unconstitutional. In September, the National Human Rights Commission recommended the abolition of the NSL. President Roh also called for the law to be abolished.

As of December 2004, at least nine prisoners were held under the NSL. Six were members of the national students' organization, Hanchongnyeon, which was banned in 1997.

Professor Song Du-yul, a German national of South Korean origin, was sentenced in March to seven years' imprisonment by the Seoul District Court for "joining an anti-state organization" and supporting an "enemy-benefiting organization", under the NSL. He was a prisoner of conscience. Professor Song was released in July 2004 by the Seoul High Court which overturned the main charges and substituted a suspended sentence. Prosecutors appealed to the Supreme Court. Professor Song was allowed to leave the country.

Migrant workers

The Employment Permit System Act came into effect in August, giving the Ministry of Labour a legislative structure to control and monitor migrant workers for the first time. The Act allows migrant workers with visas to work for a maximum of three years, and gives some protection of basic rights. However, undocumented workers who have stayed longer than four years are liable to immediate detention pending deportation. Employers face large fines if they employ undocumented workers.

In October, there were at least 180,000 undocumented migrant workers not registered with the authorities, many of whom were unemployed. Others provided cheap labour, often in dangerous conditions.

Migrant workers faced widespread discrimination. Many were beaten by employers. They received less pay than Korean workers for the same work. Many were not paid regularly and most did not receive severance pay.

Leaders of migrant workers' unions were targeted by the authorities. At least five migrant union leaders were reportedly deported to their countries of origin in 2003-2004.

Samar Thapa, a Nepali national, chief of the Emergency Struggle Committee of the Equality Trade Union – Migrants' Branch, was forcibly deported to Nepal in April. He had been detained by immigration authorities in February in Seoul while leading a demonstration. At the time, investigations were continuing into complaints he had submitted to the National Human Rights Commission of Korea concerning human rights abuses against migrant workers, and to the Ministry of Labour for non-receipt of his salary. He was detained in Yeosu detention centre where he went on hunger strike and was reportedly in poor health.

Conscientious objectors

As of June 2004, at least 758 conscientious objectors, mostly Jehovah's Witnesses, were detained for refusing to perform compulsory military service. The government consistently refused to make available the civilian alternative to military service to those objecting on grounds of conscience. Prison terms for conscientious objectors appeared to have reduced in length, but with criminal records their future employment prospects are damaged.

Lim Taehoon, a 28-year-old gay rights activist, refused to perform military service because of his pacifist ideals and because of discrimination against gay, bisexual and

transgender people by the military. He was arrested in February and at the end of 2004 was still detained in Seoul Detention Centre.