

Retreat from Reform

Labor Rights & Freedom
of Expression in South Korea

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Despite the South Korean government's June 1987 promise of reforms, there is a wide disparity between the rhetoric of democracy achieved and the reality of the Roh government's retreat from reform.

The government continues to violate the workers' right to elect their own leaders and take collective action. Riot police are frequently used to break up strikes and workers' rallies.

The government employs the stringent National Security Law to arrest its critics and advocates of unification with North Korea. Publishing houses are raided and "objectionable" materials confiscated. Writers, publishers and editors are rounded up. Military and security agencies engage in domestic surveillance.

Asia Watch urges the Bush administration to drastically revise its current policy of "silent diplomacy" and to use its leverage as a major ally and trade partner to condemn human rights abuses and promote needed reforms.

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I. INTRODUCTION

In June 1987, the government of South Korea embarked on a path of political reform. The tentative moves towards political openness came toward the end of the rule of President Chun Doo-hwan, whose administration had been marked by human rights abuses, ranging from the Kwangju massacre in 1980 to imprisonment and torture of critics and opponents and heavy-handed repression of the press.¹

Massive protests in the spring of 1987 attracted a wide cross-section of the South Korean population and led to government acceptance of an eight-point reform proposal issued by Roh Tae-woo (then chairman of the ruling Democratic Justice Party) on June 29, 1987, calling for direct presidential elections and other reform measures. In October, a newly amended constitution was approved in a national referendum. Besides the provision on elections, the constitution also included provisions strengthening protection of individual rights and empowering the legislature to hold public hearings on issues of national importance.

On December 16, 1987 South Koreans went to the polls for the first time in sixteen years to directly elect a new president. The opposition was split, unable to agree on a single candidate. Roh Tae-woo was elected with a plurality of 36.7 percent of the votes. In his inaugural address on February 25, 1988, President Roh declared, "The day when freedoms and human rights could be slighted in the name of economic growth and national security has ended. The day when repressive force and torture in secret chambers were tolerated is over."²

Two months after Roh took office, elections to the National Assembly took place in April 1988. For the first time the ruling party had a minority of seats in the legislature, while three other parties held a majority. The opposition asserted its newly-won power by initiating investigations and public hearings into the corruption and human rights abuses committed by former President Chun Doo-hwan. Numerous close associates and relatives of Chun were eventually arrested and jailed on corruption charges. In a controversial move, Chun was allowed to avoid prosecution by apologizing publicly for his past misdeeds and going into internal exile, where he remains as of the date of this publication.

In 1988, reacting to opposition pressure and the focus of the world's media in anticipation of the Olympic Games in Seoul in September, Roh proceeded to implement some of the other promised reforms, including elimination of many of the restrictions placed on the press, amendment of laws regulating trade unions, and the release of hundreds of political prisoners.³ Important as those changes were, some things remained unchanged.

¹ On May 18, 1980 demonstrations for democratic reform and against martial rule in the city of Kwangju (South Cholla province) were brutally put down by riot police and special airborne troops. In three days of barbarity, including beating, stabbing, and mutilating of unarmed and defenseless civilians, thousands were seriously injured and at least 2,000 were killed. Asia Watch, *Human Rights in Korea*, (January 1986), pp. 36-43. This report surveys human rights violations of the early-mid 1980's in South Korea. See also Asia Watch, *A Stern, Steady Crackdown: Legal Process and Human Rights in Korea*, (May 1987) and *Assessing Reform in South Korea*, (October 1988).

² *Korea Times*, February 26, 1988.

³ For details on the prisoner releases, see *Assessing Reform in South Korea*, pp. 13-14.

All the political parties initially expressed support for reforms and discussions took place in 1988 between the opposition parties and the Democratic Justice Party to hammer out a reform program. But disagreements and competition between the parties led to a failure to eliminate the repressive laws and practices that characterized the Chun Doo-hwan government. Most significantly, they failed to amend most of the laws used to restrict freedom of expression, association and assembly. Roh vetoed amendments of the labor laws approved by parliament. The National Security Law (NSL), a broadly worded law providing stiff penalties for anyone accused of supporting or benefitting an "anti-state organization," remained on the books and continued to be used to arrest government critics. The Law on Assembly and Demonstration, which allows the government to ban a wide range of gatherings, also remained in force (although it was amended in March 1989). The Agency for National Security Planning, historically involved in domestic surveillance and interrogation of political opponents as well as espionage cases, had no new legal limits put on its activities. And although fewer than before, incidents of torture and mistreatment of detainees continued to be reported.

By the end of December 1989, the parliament was at an impasse, with the opposition political parties refusing to pass the national budget. In a surprising move, the presidential Blue House issued on December 16, 1989 an 11-point statement outlining a new agreement reached by the four political parties. President Roh and his ruling party agreed to persuade Chun Doo-hwan to return from internal exile and testify on corruption and abuse of power charges before the National Assembly. Roh also agreed to persuade two key military figures -- who had helped Chun come into power and whom the opposition held responsible for the 1980 Kwangju massacre -- to resign from their public offices. Finally, Roh agreed to seek compensation for those the government admitted were killed or injured during the 1980 Kwangju massacre. He also promised to cooperate in passing local autonomy election laws and amending the National Security Law and the Law on Agency for National Security Planning. But the "grand compromise," as the December agreement was dubbed, and the hope for reform that it engendered were short-lived.

In January 1990, two parties in the National Assembly which were previously considered opposition parties merged with the Roh's Democratic Justice Party to form the Democratic Liberal Party (DLP). The merger followed secret negotiations with the Reunification Democratic Party, headed by Kim Young-sam, and the New Democratic Republican Party, led by Kim Jong-pil. Kim Young-sam, who had been an important opposition leader for more than ten years, became the executive chairman of the new party. This left Kim Dae-jung as the leader of the sole opposition group, the Party for Peace and Democracy. The huge new DLP effectively controls more than two-thirds of the seats in the legislature. The leaders of the new party blamed competition between the four parties for the failure to enact structural reforms which would have led to democratization and reunification, including action on the National Security Law. They claimed the new party would not be hindered by such inter-party squabbles, yet none of the promised reforms were carried out by the new party.

By mid-1990, it was clear that South Korea's path to democratization was going to be neither smooth nor rapid, as various groups in Korean society tested the government's willingness to implement reforms and found it lacking. Since early 1989, thousands of people -- writers, editors, publishers and others -- have been arrested and prosecuted for expressing views contrary to those of the government on reunification between North and South Korea or for engaging in personal pro-unification diplomacy through unauthorized travel to North Korea. This crackdown took place despite President Roh's *Nordpolitik* declaration in July 1988 that it was time to stop treating North Korea as the enemy and that the government wanted to promote contacts across the demilitarized zone.

Likewise, the labor movement, taking advantage of Roh's announced reforms, began to agitate for increased wages and the right to form "democratic unions." In addition to strikes and other labor activity by industrial workers, unions sprang up among teachers in public and private schools and within the broadcasting and newspaper publishing industries. On January 20, 1990, blaming the labor movement for threatening the economy, the government announced a tough crackdown. Strikes were crushed with riot police. Many labor activists were arrested. Dissident labor publications and writers were banned.

The gap between the government's stated commitment to reform and its actual practices widened. The number of political prisoners, one indicator of this gap, continued to rise. There were nearly 1,400 political prisoners in South Korea as of the end of July 1990.⁴ Nearly half of the political prisoners were workers and labor activists. Reforms in the security and labor laws were stalled. Rather than facilitating the smooth operation of the National Assembly, the merger of the political parties only led to further friction and division. The DLP unilaterally passed twenty-six bills in July and disbanded parliamentary investigations into past abuses. In protest, all of the non-DLP legislators resigned and refused to participate in National Assembly proceedings.

In early October, the limits of democratization were brought into sharp focus when an agent in the Defense Security Command (DSC), the military's counterintelligence agency, publicly revealed the existence of an extensive spying program that kept at least 1,300 politicians, labor leaders, academics, religious leaders, journalists and others under regular surveillance.⁵ President Roh, who had once been the head of DSC, immediately fired his defense minister and the head of the Defense Security Command but replaced them with his loyalists. As one respected publication noted, the new appointments "appear cosmetic rather than substantial."⁶ Kim Dae-jung, frustrated with affecting change through the parliament, began a hunger-strike to demand political reforms, including an end to the political surveillance. His strike ended on October 20.

Taken together, these laws and measures against individuals and organizations advocating reunification or involved in collective trade union action provide a telling indictment of the Roh administration's failure to protect fundamental human rights in South Korea.

⁴ Minkahyop, *Detainees in Connection with the Current Situation*, as reported by *Hankyoreh Shinmun*, August 4, 1990. Minkahyop is an organization of families of political prisoners. See chapter 2, footnote 31 and accompanying text. This figure encompasses all those believed to have been arrested for committing politically-motivated offenses, regardless of whether those are considered to be criminal offenses or acts of violence. Asia Watch calls for the unconditional release of only those persons who have neither engaged in or advocated the use of violence.

⁵ "The evidence [including files and computer disks] ... appears to be the first to contradict repeated assurances by President Roh Tae-woo that the armed forces would not get involved in politics. The politicians [under surveillance] include Kim Young-sam, until this year a prominent opposition figure but now executive chairman of the ruling Democratic Liberal Party, and Kim Dae-jung." *The New York Times*, October 8, 1990. The 1,300 included some 140 politicians, 550 dissidents, 250 workers and labor activists, 27 members of Chunkyojo, 160 student activists, 120 religious leaders, 60 professors, 27 journalists, and others. All names were published on October 6, 1990 in *Hankyoreh Shinmun*. Many of the persons mentioned in this report are named in the list, including: Moon Ik-hwan, Kim Keun-tae, Jang Myung-guk, Koh Un, Lee Bu-young (Chonminnyon), Kim Huon-jang, Hong Song-dam and persons associated with the newspaper *Hankyoreh Shinmun* (chapter 2); Yun Yong-kyu and Lee Bu-young (Chunkyojo) (chapter 3); Dan Byung-ho (chapter 4); Kwon Yong-mok (chapter 5); and members of the press unions discussed (chapter 6).

⁶ Shim Jae-hoon, "Old Habits Die Hard," *Far Eastern Economic Review*, p. 28.

* * * * *

This report is divided into ten chapters. Chapter 1 examines political developments in South Korea since the last Asia Watch report, *Assessing Reforms in South Korea*, published in October 1988. Chapter 2 examines the ways in which freedom of expression has been restricted through application of the National Security Law, controls on the press, and arrests of opposition leaders, publishers, writers and others. Chapter 3 provides an overview of the labor movement, an analysis of the repression it has faced since President Roh took office, and an examination of both the legal safeguards protecting workers and the ways they are violated. Chapters 4, 5, 6, 7 and 8 are case studies of how certain labor rights are violated in particular industries or professions, including the Hyundai group, the teaching profession, and the broadcasting and newspaper publishing industry. The report concludes with a chapter on recommendations to the South Korean government and a chapter on the U.S. role and government policy toward South Korea.

This report was written by Edward J. Baker, a member of the Asia Watch Committee; Mike Jendrzejczyk, the Asia Watch Washington director; and Ji Won Park, Asia Watch research associate. They visited South Korea from June 5-17, 1990 and interviewed government officials and a wide range of non-governmental authorities and contacts, including lawyers, labor activists, domestic and foreign press correspondents, academics, and human rights monitors. Most of the interviews took place in Seoul; the delegation also visited Ulsan, site of the giant Hyundai company plants, and Taegu, where they visited a political prisoner. The report is based on information gathered during the June mission, as well as research before and after it.

We would like to thank all those who gave generously of their time, energy and expertise to assist with the mission and with this report. We are especially grateful to Mr. Cho Young-rae, a respected human rights lawyer and friend, who reminds us all that concern about human rights is based upon a basic compassion for one's fellow men and women. He guided us but would not allow us to abdicate the responsibility of forming our own impressions and conclusions about the state of human rights in his country.

II. VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION

Despite its rhetoric and repeated commitments to reform, the Roh government continues to imprison publishers, labor activists, writers, political opponents, advocates of reunification with North Korea and others who to exercise their right to freedom of expression. Government control over the press and publishing industry has eased, but self-censorship is widely practiced. Foreign correspondents have limited access to information, and the broadcast media are largely owned and operated by the state.

The Unification Debate and the National Security Law

Under Roh Tae-woo, it has become much more difficult to prosecute people just for their pronouncements on domestic affairs, and much is now said in public and in private, in the National Assembly and in the press, which once might have landed the speaker in prison. One obvious example: Kim Dae-jung, while functioning as the head of a political party and a member of the National Assembly, has constantly criticized the government in terms at least as harsh as those which led to his being sentenced to death under the National Security Law in 1980.

As the permissible scope for critical political discussions has broadened, the taboo subjects fall into two broad areas: advocacy of unification and criticism of the policies which have led to economic growth at the expense of worker rights. Those speaking out on these subjects can still be arrested under the National Security Law.

The National Security Law (NSL) gives the authorities broad powers to arrest and imprison anyone accused of forming, participating in, or benefitting an "anti-state organization." According to the NSL, such an organization, whether based in South Korea or abroad, is one whose purpose is to "assume a title of the government or disturb the state" or an organization operating "along the lines of the communists."⁷

Over the years, the National Security Law (NSL) has been widely used to imprison people who, according to the government, visited North Korea, met North Koreans or alleged North Korean agents abroad, expressed support for North Korea or views similar to North Korean positions, listened to North Korean broadcasting, or possessed North Korean or other Marxist books. Conviction under the NSL can result in long prison sentences or the death penalty. Despite the fact that all the political parties have agreed since 1988 that it should be revised, the NSL remains the most frequently used instrument of repression against government dissenters in South Korea. Thirty-three percent of the political prisoners as of June 1990 were detained under the National Security Law.

The law was first enacted in November 1949 and has been amended several times, most importantly in 1980 when the Anti-Communist Law was repealed and several of its key provisions were incorporated into the NSL.⁸ In an April 1990 decision on two key provisions of the NSL, Articles 7(1) and 7(5), the South Korean Constitutional Court recognized that the law raised problems and that it was subject to abuse, yet still found the provisions constitutional and merely recommended limited application

⁷ Quoted from Article 3 of the NSL. Amnesty International, "Revision of the NSL and of the Law on the Agency for National Security Planning," AI Index: ASA 25/25/90 (May 1990).

⁸ *Ibid.* The Anti-Communist Law was promulgated in 1961 to counter communist insurgencies and infiltration.

in cases where there was "explicit harm to national security, existence or the basic order of free democracy."⁹

On July 7, 1988 President Roh made a declaration in which he proposed an end to confrontation and an increase in contact between South and North Korea and a willingness to bring North Korea into the international community.¹⁰ Many groups and individuals responded with proposals for contacts with the North and some even made contact. One was the Association of Writers for National Literature which proposed to meet with its North Korean counterpart at Panmunjom, the truce village at the demilitarized zone which divides North and South.¹¹ A second was Chonminnyon, a nationwide coalition of dissident groups, including artists', farmers' and workers' organizations, which was founded in January 1989 to campaign for freedom from foreign (i.e. American) influence, democracy, economic justice and reunification of Korea. At its inaugural meeting it proposed a conference to be attended by "representatives of all walks of life" in the North, the South and abroad.¹² Efforts to hold the conference led to the arrest of several Chonminnyon leaders.

Newspaper editors and political activists also tried to take advantage of the new *Nordpolitik*. Professor Lee Young-hee and some of his colleagues at *Hankyoreh Shinmun* allegedly attempted to arrange for a group of *Hankyoreh* reporters to visit North Korea to write feature articles for the paper. He was arrested, tried and given an 18-month suspended sentence in September 1989 after he had spent five months in prison.

The Roh government's response to these and other cases has made it clear that old habits die hard. After initially responding positively and helpfully to the Association of Writers for National Literature's proposal, the government backed away, then banned the proposed meeting and arrested the chairman of the executive committee, Ko Un, a well-known poet. Other members of the committee were indicted without detention. Eventually Ko was convicted and given a suspended one-year sentence for violating the National Security Law.¹³ Lee Bu-yong and other leaders of Chonminnyon were arrested in April 1990 for violating the NSL, the Law on Assembly and Demonstration, and in Lee's case also the labor laws for interfering in a labor dispute as a "third party."¹⁴ They were sentenced to one-year and two-year terms. Lee was sentenced in October to two years' imprisonment and then was released.

Those who visited North Korea without government permission fared worse. Reverend Moon Ik-hwan, a well-known political activist; Im Su-kyong, a leader of Chondaehyop, a nationwide alliance of student organizations; and Representative Suh Kyong-won, an opposition party member of the National Assembly, all made separate trips to North Korea in the spring and summer of 1989 which were not authorized by the government. All three and several of their associates were arrested, tried, convicted and

⁹ Article 7, para.1 prohibits "benefiting an anti-state organization by praising it, encouraging it, siding with it, or through other means." Para. 5 deals with "importing, disseminating, buying or selling, etc. documents, drawings or other means of expression" for purposes benefiting or supporting "anti-state organizations." The court ruled that these provisions were "qualifiedly constitutional if rightly applied." Yonhap, April 2, 1990, in FBIS, same day.

¹⁰ *Korea Herald*, July 8, 1988.

¹¹ *News from Asia Watch*, "Update on Human Rights Concerns in South Korea," July 26, 1989, p. 3; Amnesty International, *Urgent Action*, April 18, 1989.

¹² Amnesty International, "South Korea: Return to 'Repressive Force and Torture?'" p.6.

¹³ Baker memo; "Update on Human Rights Concerns," p. 3; "Repressive Force and Torture?" p. 21.

¹⁴ See chapter 3 for discussion of the labor laws, including the ban on "third-party interference."

sentenced to substantial terms of imprisonment under the NSL. On appeal, the Supreme Court reduced Im's sentence to five years, but it confirmed Reverend Moon's seven-year sentence. Representative Suh is serving fifteen years.¹⁵ On October 20, 1990, Reverend Moon was released for reasons of "poor health." The government denied that there was any connection with North Korea's demand for the release of the prisoners tried for visiting the North, which threatened to impede North-South talks. The others sentenced with him remained in prison.

In contrast with the treatment of these individuals, Chung Ju-yong, the founder and head of the Hyundai Group, who also visited North Korea in early 1989, has suffered no ill consequences. The government said, however, that Chung had obtained prior permission to travel to the North.

Reverend Moon's trip spurred the creation of an investigatory body which had a brief but active existence. In April 1989 representatives of the various South Korean security agencies were temporarily grouped into the Joint Security Investigations Headquarters (JSIH). Ostensibly formed to investigate persons in connection with Reverend Moon's trip, its mandate was far broader. The JSIH became a key element in April in a governmental "crackdown on rising militant forces."¹⁶ At a meeting of security officials, President Roh called for tough measures to root out alleged violent leftist revolutionary forces from schools, publishing houses, religious groups, and the labor movement. The Culture and Information Minister was quoted as saying his ministry would "tighten its control over the publication of leftist ideological books."¹⁷ In the first month of operation, the JSIH arrested 234 people, booked 215 others without detention, put 88 on a wanted list, and seized 11,471 publications from 460 bookstores.¹⁸ Another source, the Korean Association for the Publishing Culture Movement, reports that in one three-month period in 1989, the Joint Security Investigations Headquarters organized "the most extreme suppression of the press in Korean history [and] had publishers arrested each week."¹⁹ Those arrested, indicted or sought by JSIH agents included advocates of democracy and unification, labor activists, publishers, booksellers, writers, and others.

The JSIH was officially disbanded in June, although arrests of dissidents under the security laws continued. In the publishing sector alone, according to the Korean Association for the Publishing Culture Movement, 43 people were arrested for suspected violations of the National Security Law, and all were found guilty.²⁰

The pattern of repression continued in 1990. As of the end of July 1990, there were said to be 1,379 persons "detained in connection with the current situation," i.e. arrested for having committed

¹⁵ Yonhap, January 25, 1990, in FBIS, January 29; Yonhap, February 10, 1990, in FBIS, February 12; Yonhap, June 8, 1990, in FBIS, June 11; Reuters, June 11, 1990; Seoul Domestic Service, February 5, 1990, in FBIS, same day; Yonhap, June 11, 1990, in FBIS, June 13.

¹⁶ *Korea News Review*, April 15, 1989, p. 3.

¹⁷ *Ibid.*, p. 5.

¹⁸ "Update on Human Rights Concerns."

¹⁹ Korean Association for the Publishing Culture Movement, *The Sixth Republic and Suppression of the Press*, (published in Korean in Seoul, June 8, 1990), pp. 5-6.

²⁰ See Appendix 4. Arrested publishers are almost always found guilty of having violated the National Security Law but are released some months later after being given suspended sentences.

politically-motivated acts. Of the total, 435 were detained under the National Security Law. Approximately 438 were workers and union activists, and 25 were involved in publishing.²¹

National Security Law Cases

One of those arrested was Hong Song-dam, chairperson of the Kwangju chapter of the Korean National Artists Federation (Minminyon). Hong's main offense was sending a photographic slide of a large mural he painted, along with several other artists, to Pyongyang, North Korea. There it was displayed at the 13th World Festival of Youth and Students in July 1989. The mural, entitled "A History of the National Liberation Movement," depicts some scenes of popular movements in Korea from the late 19th century through the 1980 Kwangju uprising. Hong was also charged with leaking state secrets by sending books and magazines to North Korean sympathizers in Europe to pass on to North Korean artists. A third charge was that he met with North Korean agents in Germany and received funds for and instructions to set up the Korean National Artists Federation.

On June 1, 1990 the Seoul Appellate Court confirmed the seven-year sentence handed down by the Seoul District Criminal Court for violation of the National Security Law (NSL). Seven years is the maximum sentence allowed under Article 7 of the NSL prohibiting production and distribution of "documents, drawings or any other means of expression" which "praise, benefit or encourage" North Korea.²² In September 1990, the Supreme Court ruled on Hong's case, reversing one charge against him and finding him guilty of the other charges; it sent his case back to the appeals court for retrial.²³

Hong alleged at his initial trial that he had been tortured during his three weeks of detention by the Agency for National Security Planning. A forensic pathologist on the faculty of the Seoul National University testified that he had found evidence of torture when he examined Hong while he was still in detention.

On June 18, 1990 the Seoul Appellate Court also upheld the seven-year sentence of another prominent dissident, Kim Hyon-jang, head of the International Relations Bureau of Chonminnyon.²⁴ Kim's offense also involved expression which the government disliked. He was convicted under the NSL for sending facsimile messages to Hanmint'ong, an association of Korean residents in Japan which was declared an "anti-state organization" by the South Korean Supreme Court in the late 1970's. Hanmint'ong was one of several organizations abroad to which Kim sent appeals for support for a campaign to demand an independent autopsy and investigation into the suspicious circumstances surrounding the May 1989 death of a Kwangju student activist, Lee Chol-kyu. The authorities alleged that Hanmint'ong sent a contribution of \$1,200 in response.²⁵

²¹ Minkahyop, *Detainees in Connection with the Current Situation*, as reported by the *Hankyoreh Shinmun*, August 4, 1990. See chapter 1 of this report, footnote 5.

²² Amnesty International, "South Korea: Hong Song-dam: Seven Years' Imprisonment for Sending Paintings to North Korea," February 1990; North American Coalition for Human Rights in Korea, *Korea Update*, Issue No. 100, July-August 1990, p. 22.

²³ The court said there was no evidence to prove that Hong knew that the person he contacted in Germany was a North Korean agent and dismissed his conviction on an espionage charge. *Korea Herald*, September 26, 1990.

²⁴ Kim, a free-lance writer and human rights activist, was previously jailed from 1982-1988 on charges of violating the National Security Law. He had been wanted by the authorities for circulating documents on the Kwangju massacre.

²⁵ *Korea Update*, p. 22.

Kim Keun-tae

Kim Keun-tae is a chairperson of the Executive Committee of Chonminnyon and a prominent leader of the opposition movement.²⁶ His case illustrates the use of both the National Security Law and the Law on Assembly and Demonstration, another security measure frequently used to control dissent and restrict freedom of expression.

On September 29, 1990, Kim Keun-tae was sentenced to three years in prison on charges filed in connection with demonstrations on May 9, 1990 by at least 100,000 people, protesting the formation of the new government party.²⁷ Many people, including Kim, expressed the fear at that time that the new Democratic Liberal Party, holding more than the required two-thirds of the National Assembly seats, would act to amend the constitution to establish a cabinet system thus allowing President Roh to remain in power after his current single five-year term ending in 1992.²⁸ The demonstration led to a firebomb attack on the U.S. Information Service building in downtown Seoul, a frequent target of anti-American protests. About 40,000 riot police were mobilized and as many as 1,900 demonstrators were briefly detained by the police. Kim was arrested on May 14 and indicted on June 9, 1990 under the National Security Law and the Law on Assembly and Demonstration.²⁹

It appears that Kim was arbitrarily singled out because of the influential role he was playing in the movement to unify the opposition, since he was the only person prosecuted for a serious offense in connection with the May 9 demonstrations. Asia Watch believes that Kim was arrested simply for exercising his right to freedom of expression. In response to concerns raised by Asia Watch in meetings in June with the Ministry of Justice, and in correspondence, the government changed the stated reason for Kim's arrest, saying he was charged not only in connection with the May 9 rally, as his arrest warrant indicated but also with other violations of security laws.³⁰ Specifically, the Ministry said he was charged with violating the NSL by reading, at the organization's inaugural rally in January 1989, Chonminnyon's charter which advocated reunification. It is not at all clear how Kim's activities at the rally were "aiding the enemy," as the government alleged, especially when an official announcement made well after the rally in June 1989 cited the findings of government investigators who uncovered no evidence to link

²⁶ Kim has a long history of opposing the governments of Roh Ta-woo and Chun Doo-hwan. He was detained from 1985 until mid-1988 for his involvement in the National Youth Alliance for Democracy and his role in organizing anti-government demonstrations. He was severely tortured during the initial interrogation. See Asia Watch, *A Stern, Steady Crackdown*, pp. 78-89. He and his wife, Inn Jae-keun, also a leading human rights activist, were awarded the Robert F. Kennedy Human Rights Award for 1987.

²⁷ For descriptions of the demonstrations, see *New York Times*, May 10, 1990, p. 1 and UPI, May 10, 1990, *New York Times*, May 14, 1990, p. 6. Kim was sentenced to a three-year prison term by the Seoul District Criminal Court on September 29, 1990. Yonhap, September 29, 1990, in FBIS, same day.

²⁸ The Democratic Liberal Party was formed in January by the merger of the governing Democratic Justice Party, Kim Jong-pil's New Democratic Republican Party (a conservative "opposition" party), and Kim Young-sam's Reunification Democratic Party. See Chapter I for additional details and background.

²⁹ *Korea Times*, June 10, 1990.

³⁰ Asia Watch wrote to Minister Lee Jong-nam, August 6, 1990, raising questions about Kim's trial and the charges against him. Lee Sun-woo, Director of the Human Rights Division, Ministry of Justice, replied for the government. The case was raised with Lee Sun-woo and other Ministry officials on June 15, 1990 by the Asia Watch mission.

Chonminnyon with the "enemy" (i.e. North Korea), though some of its members have been arrested for trying to make contact with individuals in the North.³¹

In addition, Kim was accused of participating in several protest activities in 1989 and 1990 (including the May 9 demonstration) in violation of the Law on Assembly and Demonstration. Kim's alleged violations of this law included failing to report the assemblies 48 hours in advance as the "sponsor" is required to do, although it is not clear why the government considers Kim the sole "sponsor" of these protest activities.³² Failure to report properly is punishable by up to two years in prison or a fine of two million *won* (US\$2860). The law was amended in March 1989 considerably reducing the penalties for violating it. For example, failure to report properly was previously punishable by up to seven years in prison and a three million *won* fine (US\$4290). In addition, any assembly "feared to conspicuously cause unrest" was previously prohibited. The changed law specifies there has to be a "clear and present danger" of a threat to public order.³³ Before the amendments were made, the law was used to prevent opposition demonstrations from taking place, and they continue to be used by the authorities to restrict the exercise of freedom of speech by preventing or breaking up peaceful anti-government demonstrations.³⁴ In a letter to Asia Watch, the Justice Ministry maintained that "the National Security Law and laws governing public assembly and rally have been enacted to regulate freedom of speech and freedom of assembly to protect national security" and insisted they do not violate the "basic essence" of Kim's freedom guaranteed by Korean law.³⁵

Kim Keun-tae's case went to trial on July 20, 1990 and lasted only about five minutes. Kim refused to participate in the proceedings, characterizing his arrest "as a political reprisal for [his] criticism of the ruling group" and stated he could no longer recognize the state's authority to mete out punishment. He withdrew from the courtroom and was informed by the judge as he left that his walkout would be "tantamount to accepting all the evidence presented by the prosecution."³⁶ After he left the courtroom, the prosecutor asked the court to sentence him to seven years imprisonment to be followed by a seven-year's suspension of his civil rights. Asia Watch raised questions about the proceedings in a letter to the Ministry of Justice and expressed concern that the court may have violated Kim's right to the presumption of innocence, as guaranteed in South Korean domestic and international law.³⁷ In response, the government denied that the judge made the statement attributed to him and said it would be up to the court to rule on the basis of the evidence presented regardless of the position taken by Kim and his

³¹ "Aiding the enemy..." quoted from Justice Ministry letter, *Ibid.* The announcement was made in connection with the dissolution of the Joint Security Investigation Headquarters. *Korea Herald*, June 18, 1989.

³² Law on Assembly and Demonstration, Article 6(1). The South Korean government claims that Kim somehow "instigated" acts of violence which allegedly took place in connection with protest activities in February 1990, April 1990, and May 1990. Letter from Lee Sun-woo to Asia Watch, September 11, 1990.

³³ Law on Assembly and Demonstration, Article 19(2).

³⁴ See *Freedom of Expression*, pp. 38-40; Asia Watch, *Assessing Reform in South Korea*, (October 1988), pp. 37-39.

³⁵ Letter from Lee to Asia Watch, September 11, 1990.

³⁶ Account of the trial, confirmed to Asia Watch by Kim's attorneys, is from the *Hankyoreh Shinmun*, July 23, 1990, p. 19.

³⁷ Asia Watch letter, August 6, 1990: "Under international law, the state has the burden of proof regardless of whether the defendant chooses to participate in the trial. The court may have violated Kim's right to presumption of innocence by accepting the probative value of the prosecutor's evidence before the court had the opportunity to weigh it." The presumption of innocence is guaranteed in Article 14(2) of the ICCPR and Article 27(4) of the 1987 Constitution.

lawyers.³⁸ In keeping with his refusal to stand trial, Kim has refused to appeal. The prosecutor has appealed for a heavier sentence and an appeal has also been made by the defense in the name of one of Kim's lawyers.

Freedom of Expression and the Labor Movement

If those seeking reunification with North Korea have experienced the limits on freedom of expression, so have the leaders and members of South Korea's independent trade unions. The growth of the labor movement stimulated the creation of new periodicals and magazines dealing with labor issues, as well as a weekly newspaper (*Nodongja Shinmun*, literally translated as *Workers' Newspaper* but also known as the *Korea Labor News*). But like the independent unions themselves, the labor publications and the individuals associated with them have been targeted by the authorities for sustained and harsh repression. The suppression of labor publications is evidently aimed at stifling further growth and mobilization in the independent trade union movement by hindering the free and open exchange of information, news and ideas.

Asia Watch has compiled information on a number of cases of labor publishing companies and/or individuals associated with them, although these are only a fraction of the nearly eighty such cases of persons arrested during the Sixth Republic (Roh Tae-woo's presidency) for their publishing activities.³⁹

Asia Watch obtained information about cases of labor activists labelled by the authorities as "leftists" and "radicals" because they allegedly possessed "pro-communist" or pro-North Korean books or literature.

***Dawn* (Stone Pagoda (Suktap) Publishing Company)**

Jang Myung-guk is the founder of the Stone Pagoda (Suktap) Labor Research Institute. In October 1988, the Stone Pagoda Publishing Company, affiliated with the labor institute, began issuing *Dawn*, a periodical dealing with labor issues. Jang, 43, contributed articles addressing issues of economic class, social stratification, women's concerns and other matters. Active in the labor movement for twenty years, he authored the well-known book, *Explanation of Labor Laws*, which was published in 1982 and has sold 400,000 copies. In March 1989, Jang went into hiding for thirteen months. In the May 1990 issue of *Dawn*, Jang contributed articles that critically examined the present and future direction of the labor movement. Arrested on June 19, 1990, he was indicted on August 8 under the National Security Law (NSL) and the labor law ban on "third-party interference" in labor disputes.⁴⁰ His trial began on October 19, 1990. The NSL charges under Articles 7(1) and 7(5) stem from articles Jang wrote in *Dawn*.

³⁸ Lee letter to Asia Watch, September 11, 1990: "The court stated that in order for the prosecution to prove Mr. Kim's crimes [sic], each evidence admitted must be examined and explained by Mr. Kim or his lawyers.... The presiding judge cannot simply rule that the defendant is guilty just because he refused to examine and comment on the evidence presented by the prosecution....Mr. Kim will receive a fair trial on the charges brought against him."

³⁹ See Appendix 4.

⁴⁰ For details on the "third-party interference" charge against Jang, see chapter 3.

Nodong Haebang Munhak (Nodong Munhak)

The Nodong Munhak Company (Labor Literature Company) began publishing its *Nodong Haebang Munhak* (Labor Liberation Literature) magazine in March or April 1989.⁴¹ In publishing the magazine, its editors said, "Our goal is to maintain a clear line on behalf of the labor class."⁴² They added that the magazine was mainly intended for a readership consisting of union activists and reporters covering the labor scene.⁴³ The editors pledged "to make their magazine a guardian for the working class, a moderator of independent labor movements, and an essence of poignant literature of labor issues."⁴⁴

In May 1989, *Nodong Haebang Munhak's* publisher, Kim Sa-in, and its editor, Im Kyu-chan, were arrested in May 1989 in connection with an article on the Kwangju massacre published in the magazine's May issue. On September 18, 1989, they were found guilty and were each sentenced to two years' imprisonment and deprivation of civil rights. Their sentences were suspended for three years.

In December 1989, *Nodong Haebang Munhak* was ordered by the authorities to suspend publication for three months. On January 11, 1990, Kim and Im were arrested again by the Agency for National Security Planning (ANSP) and held under the National Security Law for allegedly defaming President Roh in their December issue. Im was sentenced on May 1, 1990 to two years' imprisonment and deprivation of civil rights; his sentence was suspended for two years.

ANSP agents also raided the magazine's office and the homes of the magazine staff members and confiscated 46,000 copies of the magazine.⁴⁵ Security agents were also reported to be seeking several other contributors to the magazine, including the author of the offending article who wrote it under the pen name Pak No-hae (short for Nodong Haebang). Pak, 31, is believed to be a poet from Chollanamdo reportedly famous for satirical verses and prose about harsh working conditions of workers. Among his writings is a piece published in the magazine's October issue entitled "Our Love, Our Wrath" which criticizes the semi-autobiography of Kim Woo-choong, chairman of one of Korea's largest conglomerates, the Daewoo group.⁴⁶

Kim Ta-jong, also a publisher of the *Nodong Haebang Munhak*, was arrested in February 1990 in connection with the May - December 1989 issues of the magazine. He had previously been arrested in March 1989 for publishing "A Philosophy of National Liberation."

Together with Farmers

Kim Chun-ki, publisher of *Together with Farmers* was arrested around June 26, 1989. According to the New York-based Committee to Protect Journalists, the magazine published articles criticizing the government's agricultural policies and the influence of the United States on the South Korean economy.

⁴¹ The June 1990 report by the Korean Publishing Culture Movement Association; International PEN, *Writers in Prison Committee Report*, September 1990.

⁴² *Korea Herald*, February 24, 1989.

⁴³ *Korea Herald*, February 24, 1989.

⁴⁴ *Ibid.*

⁴⁵ *Korea Herald*, January 13, 1990.

⁴⁶ *Korea Times*, January 13, 1990, in FBIS, January 18, 1990.

In late 1989, Kim was sentenced to two years' imprisonment under the National Security Law for disseminating and publishing materials that "praised" North Korea. Lee Sam-haeng, a writer for *Together with Farmers* was also arrested; he was released on a suspended sentence.⁴⁷

Choe Yun-yong

Choe Yun-yong, 29, a labor activist, was accused of receiving a "seditious" book on communist organization tactics from a member of the audience during an October 16, 1988 performance of a play that was performed to raise money for a workers' library on the Kyongbuk National University campus in Taegu. Choe was accused of displaying the "pro-communist" book at the office of the Progressive Political Union in Pisan-dong and photocopying it in order to disseminate information on communist tactics. He was arrested on May 21, 1989, convicted of violating the National Security Law and sentenced to six months' imprisonment and deprivation of civil rights for the same period. Choe appealed his case to the appellate court but on February 3, 1990 he was given a heavier sentence--10 months' imprisonment plus one year's civil rights suspension. In the ruling, presiding judge Son Che-hui reportedly said, "We cannot allow his actions committed in the name of academic freedom to overthrow the free democratic system, even though we admit that freedom of thought is one of the basic rights that should be guaranteed fully."⁴⁸

Inchon Labor Activists

In April 1990 eight labor counselors were arrested and three others booked for alleged violation of the National Security Law for teaching the *juche* (self-reliance) theory to workers. (*Juche* is the name of North Korean President Kim Il-sung's "self-reliance" ideology.) The National Police Headquarters accused the men of setting up a labor counselling center in Inchon in November 1988 and teaching the North Korean ideology to workers at five companies, including Daewoo Heavy Industries, Haitai Confectionery and Jindo Industries. Investigators also confiscated 300 articles on *juche* and other "illegal" publications containing the texts of North Korean radio broadcasts.⁴⁹

Kim Hong-shin

Kim Hong-shin, a well-known novelist was fired from his job in June 1990 for speaking out about the police mistreatment in April 1990 of striking unionists at the Korea Broadcasting System (KBS). During his radio program at a KBS-owned station, Kim announced over the air that he had watched a video showing police violence against striking KBS workers and that he could not remain silent about it. He added that if he were prohibited from broadcasting after he made his statement or if the radio station were retaliated against, then South Korea could not be a democracy. The KBS management pulled Kim off the air.⁵⁰

⁴⁷ See Appendix 4.

⁴⁸ *Korea Times*, February 4, 1990, in FBIS, February 6, 1990.

⁴⁹ The names of the men were not published. *Korea Herald*, April 13, 1990, in FBIS, same day.

⁵⁰ Interview with labor activist in Seoul, June 1990. Kim's case reportedly received wide press coverage in South Korea. Also see chapter 7.

Freedom of Expression and the "Conversion" System

Another group in South Korea which faces violations of freedom of expression consists of prisoners convicted under the National Security Law and the Anti-Communist Law who are pressured to sign statements formally "converting" to anti-communism and recanting their allegedly pro-communist beliefs. Requiring prisoners to sign "conversion" statements violates their rights to freedom of expression and freedom of conscience as guaranteed by the International Covenant on Civil and Political Rights and Article 19 of the South Korean Constitution.⁵¹

A ranking system exists in the South Korean prisons. As an inmate serves his sentence, he moves up the ranks and is afforded better treatment, such as more frequent family visits and correspondence, as well as the possibility of being considered for parole commutation or inclusion in a presidential amnesty. Prisoners convicted under the National Security Law are not included in this ranking system unless they sign a conversion statement. Signing such a statement, however, does not necessarily guarantee improved treatment.⁵²

Family members are pressured to convince prisoners to sign conversion statements, and there have been reports of ill-treatment of long-term prisoners who refuse to convert. In September and October 1989, inmates at several prisons staged hunger strikes; among their demands was a call for the abolition of the conversion system.⁵³

Suh Sung, a former political prisoner who spent nineteen years behind bars and was released on parole in February 1990, provided Asia Watch with information on 57 political prisoners, all refusing to convert, held at Taejon Prison. According to Suh, 51 of them are serving life sentences. Twenty-five are between 60 and 70 years old; ten are over 70. Three prisoners have served 40 years behind bars, and 20 have spent more than 30 years in prison. Many of them are now reportedly in failing health with little hope of being released. Suh said beatings and other forms of physical and psychological pressure were employed over the years to coerce the prisoners to convert.⁵⁴

Press and Publishing

In his inaugural address on February 25, 1988, President Roh admitted that critics had often accused his predecessors of stifling free expression "in the name of national security." When he took office, Roh ended regulations for overt censorship of the daily press, which under the Chun administration had included specific, detailed guidelines on what could and could not be published, and the press often contains articles critical of the government.

⁵¹ "Everyone shall have the right to freedom of thought, conscience and religion...No one shall be subject to coercion which would impair his freedom to have or to adopt ... beliefs of his choice." Article 18, ICCPR; "All citizens shall enjoy freedom of conscience." Article 19, Republic of Korea Constitution.

⁵² See *Assessing Reform* and Amnesty International, "South Korea: Long-term Political Prisoners," December 1989. The requirement to sign conversion statements was also confirmed to Asia Watch by Suh Joon-shik, chairman of Minkahyop (families of political prisoners) in an interview, Seoul, June 1990.

⁵³ *Ibid.*

⁵⁴ Suh Sung is the only prisoner convicted under the NSL known to have been released before the end of his sentence despite his refusal to convert. For details of his imprisonment, See Suh Sung, "Nineteen Years Behind Bars: My ordeal as a political prisoner in South Korea," *Asahi Monthly*, May 1990.

According to publishers interviewed by Asia Watch, publishing companies are no longer required to register with the government and to submit manuscripts to the Ministries of Culture and Information before they are put on sale.⁵⁵ Both requirements had been used as a censorship tool to control the content of publications.⁵⁶ Books and periodicals which could not have been published before June 1987 are now published. Under the Chun administration, some 650 books were banned. The ban on 431 titles on this list was lifted in October 1987, and the decision in the cases of 181 others was entrusted to the courts. In addition, there are new guarantees and protection of the right to freedom of expression contained in the 1987 South Korean constitution and in the International Covenant on Civil and Political Rights (ICCPR) to which the Roh government acceded in July 1990.⁵⁷

The problems that remain with censorship of the press stem largely from the fact that many of the most conscientious journalists were fired under government pressure during the Park and Chun years, and the habit of self-censorship has become ingrained. Self-censorship continues in part because of uncertainty about the consequences of ceasing it. *Hankyoreh Shinmun*, an outspoken opposition newspaper which employs many of the formerly dismissed journalists, continues to have trouble attracting corporate advertisers because "its lower income readership and politically committed coverage have branded it a newspaper of the militant working class and radical fringe."⁵⁸ The danger of being seen to support *Hankyoreh Shinmun* was underscored in 1989 by the arrest and conviction of editorial board member Professor Lee Young-hee, and by a July 12 police raid of the newspaper's offices to confiscate photographs and documents a reporter had allegedly received from National Assemblyman Suh Kyung-won after his trip to North Korea.⁵⁹

Since 1987, reporters have been given greater access to information. But the existence of a small elite of media personnel with close proximity to those in power has been, since the time of Park Chung-hee,⁶⁰ an obstacle to accuracy in reporting, reinforcing the trend toward self-censorship. After thirty years of dictatorship, a "yardstick" measuring what was acceptable to the government has been internalized in the minds of many journalists.

⁵⁵ The Ministry of Culture and Information was divided in beginning of 1990 into two separate ministries.

⁵⁶ See Asia Watch, *Freedom of Expression in the Republic of Korea*, August 1988, pp. 37-38. However, despite the lifting of these requirements, an informed person told the Asia Watch delegation that advance copies of books still have to be filed with the relevant ministries: books with the Ministry of Culture and periodicals with the Information Ministry. Interview in Seoul, June 1990.

⁵⁷ Article 18 of the constitution guarantees the right of all citizens to "freedom of conscience"; Article 37(2) protects the freedoms of speech, press and assembly. Article 19 of the Universal Declaration of Human Rights specifies, "This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." Article 19 of the ICCPR provides similar guarantees. South Korea ratified the ICCPR with four reservations, none of which applied to this article. The ICCPR allows for "certain restrictions" in these rights, under law, "for the protection of national security or of public order...." (3)(b). The Korean constitution, in an almost identical provision, says the rights of citizens are to be restricted only "when necessary for national security, the maintenance of law and order or for public welfare;" but it adds, "Even when such restriction is imposed, no essential aspect of the freedom or right shall be violated." 1987 Constitution of the Republic of Korea, Article 37(2).

⁵⁸ Shim Jae-hoon, "A Different Drummer," *Far Eastern Economic Review*, August 23, 1990, p. 26.

⁵⁹ See below for details of cases of Lee and Suh. For details on the raid, see *News from Asia Watch*, "Update on Human Rights Concerns in South Korea," July 26, 1989, p. 3.

⁶⁰ Park Chung-hee was South Korea's president from 1961 until 1979.

Access to information with respect to the civilian and military intelligence agencies and high government officials, remains restricted. Reporters, particularly cameramen and photographers, are still sometimes beaten by the police while trying to cover demonstrations. For example, a Yonhap news agency photographer and another photographer from *Hankyoreh Shinmun*, plus two others from local dailies were beaten by police while covering a demonstration in Inchon. The Yonhap photographer was trying to photograph riot police running to arrest demonstrators. He was reportedly swept up by the police squad who threw him to the ground; ten police officers trampled on him and beat him with truncheons. The other journalists were beaten when they tried to intervene.⁶¹

Related to the problem of journalists' access to official sources of information is the informal system of bribes reportedly paid by government ministries to the reporters assigned to cover them. Members of the press corps reportedly receive envelopes containing money -- termed *chonji* -- on a periodic basis from the ministries they cover. We were told that the sum given to the reporters varies; a former journalist said that the money is even allocated in some of the ministries' budgets as a "public relations expense." Many of the journalists we spoke with frowned upon acceptance of *chonji* and agreed that the practice should be discontinued, but there appears to be little prospect of this. In fact, we were told that newspapers calculate the ministries' bribes as part of journalists' salaries; the only exception was *Hankyoreh Shinmun*, which maintains a company policy of refusing to accept *chonji*.⁶²

Foreign Correspondents

Foreign correspondents based in South Korea have special problems with respect to access to news and official sources. The Press Freedom Committee of the Seoul Foreign Correspondents Club (SFCC) believes that the attitude of officials "has always been to keep [foreign correspondents] from, rather than to help us obtain, information."⁶³ At the same time, we were told it was easier for a foreign correspondent to obtain an interview with certain ministers, for example. In addition, the assistant foreign minister holds a briefing each Friday at the Seoul Foreign Correspondents' Club.

Since 1987, the SFCC and the Korea Overseas Information Service (KOIS), a government agency, have engaged in a dialogue on restrictions on access imposed on the foreign media. This ongoing dialogue has been chronicled in the "Press Freedom Report" column of *The Seoul Correspondent*, the SFCC's in-house newsletter. In the June 1988 "Press Freedom Report," Joe Manguno, reporter for the *Asian Wall Street Journal* and then chair of the SFCC's Press Freedom Committee, observed, "Personal hazards, censorship and poor access to government information continue to present obstacles to foreign media working in South Korea." A Reuters correspondent had been severely beaten on April 13, 1988 by guards of former President Chun Doo-hwan while trying to cover a press conference for "local media

⁶¹ *Korea Herald*, February 28, 1989. See also June 1988, March/April 1989, May 1989 issues of *The Seoul Correspondent*, an in-house newsletter of the Seoul Foreign Correspondents Club.

⁶² *Far Eastern Economic Review* reported on August 23, 1990, "Following overseas publicity, news organizations have posted circulars banning acceptance of money or favor by journalists. But the movement has had only limited success, according to newsroom sources...(the) technique is reportedly favored by the political parties and government ministries, which so far failed to disband their notoriously cozy 'press clubs' despite criticism from within the profession and the public." "Watching the Watchdog," p. 25.

⁶³ Interview with Joe Manguno, *Asian Wall Street Journal*, in Seoul, June 1990.

only," and a cameraman from Visnews, a British news organization, was hit and seriously injured by a tear gas grenade while covering a demonstration.⁶⁴

Access to information remained a key problem. Manguno cited the following in his June 1988 report:

- Lack of access to venues open to the Korean media, such as the presidential Blue House, Kimpo Airport VIP lounges, and even portions of President Roh's public inauguration ceremonies;
- Restricted access to information from and about the government, particularly regarding political matters;
- Arbitrary decisions, such as allowing print reporters at events barred to photographers or prohibiting tape recorders at events that are open to video cameras with sound.

The SFCC petitioned and met with various government and party officials to discuss their concerns. At a meeting with the SFCC in August 1988, one month before the Seoul Olympics, KOIS officials pledged to resolve the problems of foreign media access within a month's time. As of April 1990, the Press Freedom Committee remained dissatisfied with the limited measures the KOIS had taken to ostensibly fulfill their promise.⁶⁵

The Broadcast Media

The government's tight control over the broadcast media is described in chapter 7. The Korea Broadcasting System, which has a near monopoly over television and radio, is wholly owned and operated by the state. It need only be noted here that in June 1990, a complicated and controversial White Paper was issued by the government proposing a fundamental restructuring of the South Korean broadcasting industry. It introduced the notion of privately-owned companies, as well as regional broadcasting systems and other major changes in television and radio. The White Paper called for the breakup of the two existing broadcasting systems. Stocks in the new, wholly privately-owned companies would be limited to no more than 30 percent to be owned by any individual or group. The large conglomerates would not be permitted ownership, nor would anyone associated with a conglomerate be allowed to own stock.⁶⁶

It is not yet clear how the reorganization will proceed, or what the implications will be for freedom of expression in South Korea.

⁶⁴ Attacks against foreign journalists have also been carried out by demonstrators. In a March 1989 report to the SFCC's annual meeting on press freedom, Manguno wrote that SFCC had begun issuing its own armbands to members of the foreign media. He said this was necessitated by "the government practice of issuing armbands to foreign journalists -- and slipping the same foreign journalists armbands to government agents so they could get close to demonstrators and protestors. That resulted in growing mistrust by protestors of anyone wearing the government armbands.... [Since the issuance of the new armbands,] incidents of abuse dropped dramatically."

⁶⁵ See SFCC Press Freedom Report for details.

⁶⁶ *Far Eastern Economic Review, Ibid.; Korea Herald*, June 29, 1990.

III. VIOLATIONS OF WORKER RIGHTS

Under Roh Tae-woo's administration, labor union activity and government repression of workers have both risen dramatically. Workers have seen the more open political atmosphere as an opportunity to make long-suppressed demands for better wages and working conditions; the government has seen the increasingly militant labor movement as both a threat to economic growth and evidence of a growing leftist ideology which imperils national security. In the clashes that have ensued, both sides have used violence. In some cases, the use of an appropriate level of force by police in controlling demonstrations may arguably have been justified.⁶⁷ But Asia Watch is concerned about a range of techniques used by the government to curb the labor movement which violate fundamental human rights. These include laws which curtail the exercise of freedom of assembly, association and expression, and arrests of workers under those laws; tacit condoning of the use by companies of goon squads to break strikes, often resulting in serious injury to workers; excessive use of force by riot police to break up workers' rallies and strikes; and physical abuse of workers in detention.

Background

Until June 29, 1987, the government's program to promote economic growth depended upon tight restrictions on the labor movement, aimed at keeping workers docile and wages low. (One scholar estimates that the hourly wage of a Korean industrial worker in the beginning of 1987 was 11 percent of his or her American counterpart and less than that of a worker in Japan, Taiwan or Hong Kong.)⁶⁸ From the time of Park Chung-hee, successive governments have regarded unions as inherently left-wing institutions; the restrictions were thus also aimed at keeping communism out of the work place.

No independent unions were allowed under President Chun Doo-hwan. Existing unions, which were virtually company-controlled, were required to join the Federation of Korean Trade Unions (FKTU), the only legal nationwide federation of trade unions, which was closely tied to the ruling Democratic Justice Party. Some of the largest corporations in the country, such as the Hyundai conglomerate, allowed no unions at all. A strict trade union law placed severe constraints on the rights to form a union, engage in collective bargaining, or take other kinds of collective action.

The institution of the *chaebol*, or conglomerate, contributed to the difficulties faced by the labor movement. Run in a hierarchical, often authoritarian manner by the founder or his family, these massive enterprises such as Hyundai, Samsung, or Daewoo used appeals to Confucian values and patriotism to demand from their workers long hours, high production levels and total obedience.

⁶⁷ The United Nations Code of Conduct for Law Enforcement Officials, adopted by the General Assembly on December 17, 1979, stipulates: Art. 3 "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." Commentary (a) "This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used."

⁶⁸ Walden Bello and Stephanie Rosenfeld, *Dragons in Distress*, The Institute for Food and Development Policy (San Francisco: 1990), p. 24.

Roh Tae-woo did not mention labor rights specifically in his Eight Point Reform Program of June 29, 1987. But the theme of that program, democratization, seemed to give a green light to all sectors in society to participate more actively in the political system, and workers were no exception. The June declaration became the impetus for an explosion of labor union activity, focused heavily on improving wages and working conditions, which as of October 1990 showed no signs of letting up.

Workers at the various Hyundai companies formed unions within days of the 1987 declaration. Teachers, who as public sector employees were forbidden by law to form unions at all, began to organize. Workers in the news media took the opportunity to demand that curbs on editorial freedom be lifted. In January 1989, Chonminnyon, the opposition political coalition, was inaugurated with the participation of labor leaders. These labor leaders moved to form a second federation of unions, Chonnohyop (Council of Korean Trade Unions), directly challenging the FKTU's legitimacy. Chonnohyop was formally inaugurated in January 1990.

The government response to the unprecedented wave of strikes and demonstrations, often involving violence, was initially muted. In 1987 and 1988, it is true, thousands of workers were arrested under the Law on Assembly and Demonstration and labor laws, but the government tended to leave the work of strike-breaking to company goons called *kusadae* ("company defense corps") rather than trying to intervene directly.

By the beginning of 1989, however, the government was becoming increasingly frustrated at its inability to curtail labor unrest. The government was also fearful that Chonnohyop's emergence -- as a coordinating body for the new, independent unions and alliance between workers and the dissident and student movement -- would further fuel the labor unrest anticipated with the spring collective bargaining negotiations. In April, amidst the escalating labor unrest and Chonnohyop's call for a general strike on May 1, the Joint Security Investigation Headquarters (JSIH) rounded up hundreds of union leaders and labor activists.⁶⁹ The new labor activity became not just a public order issue but an ideological one as well. As the Chun administration had blamed "radicals" for labor unrest, President Roh also indicated the need to "set stern measures to root out leftist elements from the labor movement."⁷⁰ In June, the government stepped up its campaign against the labor movement and began blaming the workers' "excessive" wage demands and strikes for the country's "gloomy" economic forecast of 7.5 percent growth in GNP for 1989. To forestall additional labor disputes over wage increases, the government said that all wage increases from then on would "be curbed at 10 percent or less."

By the beginning of 1990, the government's campaign against the workers was in full swing. Having fostered a widespread sense of economic crisis, on January 20, the government unveiled a package of tough policies aimed at curbing the labor movement. It called for ending illegal labor strikes by mobilizing police. The government move had widespread public support. An Economic Planning Board survey showed that nearly 90 percent of those polled thought the economy was in crisis, and half put the blame on strikes and excessive wage hikes.⁷¹

⁶⁹ The JSIH, composed of civilian and military security officials, was formed to investigate dissident organizations in the aftermath of Reverend Moon Ik-hwan's trip to North Korea. See chapter 2.

⁷⁰ *Korea News Review*, April 15, 1989, p. 3.

⁷¹ *Korea News Review*, January 27, 1990, p. 13. The date of the survey was not given.

But if the public supported the new measures, workers criticized them as "an effort to turn back the clock to the dark era of the past."⁷² The effect of the new policies was to make labor disputes even more violent than before. When riot police intervened in the labor dispute at Hyundai Shipyard in April 1990, over 600 workers were arrested and two policemen and four workers were injured. The raid, in turn, sparked violent street demonstrations by the workers who clashed with the police. Similar violence took place when security forces clashed with members of Chonnohyop following its inauguration on January 22.

It turned out there was no economic crisis after all. Perhaps worried by a fall in the stock market caused by government-induced concern about the economic situation, President Roh declared in a televised address on May 7, "It is wrong to think we have an economic crisis on hand.... The real problem is that a pervasive sense of anxiety is making the situation more troublesome than it actually is."⁷³

Laws Placing Restrictions on Worker Rights

At the same time that the Roh government was deciding to intervene more forcefully in labor disputes, it was trying to gain membership in the International Labor Organization (ILO).⁷⁴ Those efforts are ironic given that South Korea's domestic labor laws violate the fundamental principle of the right to freedom of association contained in the ILO's constitution.⁷⁵

The three key laws in this regard are the Trade Union Law and the Labor Disputes Adjustment Law, both of which were promulgated in 1953, and the Law on Assembly and Demonstration, promulgated in 1962. The Trade Union Law and the Labor Disputes Adjustment Law were most recently amended in November 1987; the Law on Assembly and Demonstration in 1989.

Right to Form Unions

The Trade Union Law, the relevant articles of which appear in Appendix 2, restricts the right to form unions. Workers are not permitted to form a union whose potential "membership is the same as the already existing trade union" or if it is "deemed to hamper the normal operation of the already existing trade unions."⁷⁶ These provisions effectively outlaw any alternative to the company-sponsored unions or union federations existing at the time of Chun. They were used, for example, in January 1990 to declare Chonnohyop illegal.

Likewise, public servants, a category which includes government personnel, public school teachers at all levels, maintenance workers, and other miscellaneous state employees, cannot form a union unless

⁷² *Ibid.*, p. 3.

⁷³ As quoted in the *Wall Street Journal*, May 8, 1990, p. A21.

⁷⁴ A country may become a member of the ILO by: 1) getting two-thirds of the votes at an ILO conference, including two-thirds of the votes of government delegates or 2) first becoming a member of the United Nations and then communicating to the Director-General of the ILO its formal acceptance of the obligations under the ILO Constitution. ILO Constitution, Art. 1(2) and (3). South Korea had observer status with the ILO and was attempting to gain membership in the United Nations, as of October 1990.

⁷⁵ "Declaration Concerning the Aims and Purposes of the International Labor Organization" (also known as the Philadelphia Declaration), *Constitution of the International Labor Organization and Standing Orders of the International Labor Conference* (Geneva: International Labor Office, January 1988), pp. 22-23.

⁷⁶ Art. 3(5).

"stipulated separately by a Law."⁷⁷ No such law has been enacted. This provision, reinforced by the Civil Service Law,⁷⁸ violates an ILO convention which notes the special need for unionization in the public sector, and it has been used to declare illegal an independent teachers union called Chunkyojo. Repression against that union is described in chapter 4.⁷⁹

Independence of Unions

The independence of unions, a corollary of freedom of association and one specifically guaranteed by the ILO Convention on Freedom of Association and Protection of the Right to Organize, is undermined in South Korea by the Trade Union Law. By terms of that law, workers who wish to form a union must receive prior authorization by relevant Labor Ministry authorities. In order to get that authorization, the workers must submit a report which contains information, among other things, on the proposed union's by-laws, membership and background of leaders. The administrative authority may refuse to certify the union based on the information contained in its report.⁸⁰ Contrary to international standards which provide for the union's autonomy, "union by-laws are subject to amendment, cancellation or supplementation by the administrative authority."⁸¹ Government authorities may also investigate the union's internal documents when it deems necessary⁸² and impose ceilings on allocation of dues.⁸³ Unions are prohibited from engaging in political activity.⁸⁴

"Third-Party Interference" and Freedom of Expression

Unions are also forbidden to seek advice from a "third party." "Third-party interference," banned by both the Trade Union Law and the Labor Disputes Adjustment Act,⁸⁵ is one of the most controversial provisions in Korean labor laws and has been used to arrest hundreds of trade unionists and labor activists and prevent any organized effort to educate workers about their rights. It places severe constraints on freedom of expression. "Third parties" are defined by the Trade Union Law as:

Persons other than a worker who has actual employment relations with the employer, or a concerned trade union, or other persons having legitimate authority under law....⁸⁶

⁷⁷ Trade Union Law, Art. 8. See also Republic of Korea Constitution (November 1987), Art. 33(2).

⁷⁸ Art. 6.

⁷⁹ It should be noted that Korea is not alone in prohibiting teachers from forming unions. In the U.S., any teacher can legally belong to a union, but not all states allow collective bargaining. Thirty-three states have laws recognizing teachers' collective bargaining rights; in three other states, contracts are legally enforceable though there is no state law. Many states that allow collective bargaining rights impose restrictions and sanctions on strikes. American Federation of Teachers, Research Department, Washington, D.C.

⁸⁰ Trade Union Law, Arts. 13-15. The term "administrative authority" refers to the proper government authority to which unions and employers must submit all required documents and notices, as described in Appendix 2.

⁸¹ Trade Union Law, Arts. 16 and 21.

⁸² Trade Union Law, Art. 30; penal provisions in Art. 47.

⁸³ Trade Union Law, Art. 24.

⁸⁴ Trade Union Law, Art. 12.

⁸⁵ Trade Union Law, Art. 12(2), penal provisions in Art. 45(2); Labor Disputes Adjustment Law, Art. 13(2), penal provisions in Art. 45(2).

⁸⁶ Trade Union Law, Art. 12(2).

These third parties

shall not engage in an act of interference for the purpose of manipulating, instigating, obstructing, or otherwise influencing the concerned parties in the establishment or dissolution of a trade union, joining or withdrawing from a trade union, or in collective bargaining with the employer.⁸⁷

The provisions against "third-party interference" in both the Trade Union Law and the Labor Disputes Adjustment Law were enacted in 1980 during a period of severe labor repression to prevent two church-related organizations, the Urban Industrial Mission and the Catholic Workers Movement from educating and organizing workers.⁸⁸ They have been used repeatedly since then. For example, in June 1990, Jang Myung-guk, the publisher of a labor magazine, was arrested under the "third-party interference" provision for a series of articles on the labor movement in South Korea (see chapter 2). In March 1989, the National Assembly amended the Trade Union Law and the Labor Disputes Adjustment Law to permit labor advisers and lawyers to advise workers without violating the "third-party" ban. The amendments were vetoed by President Roh.

Collective Bargaining and Strikes

The Trade Union Law and the Labor Disputes Adjustment Law also allow for a degree of government control over collective action that is unacceptable by ILO standards. Collective bargaining, for example, must be conducted at the enterprise level; a collective agreement is not valid beyond the individual enterprise level unless determined otherwise by the administrative authority.⁸⁹ The administrative authorities "may order changes or nullification of a term in collective agreement when the term is improper in violation of laws."⁹⁰

The right to strike is severely constrained. Labor disputes are permitted under the Labor Disputes Adjustment Law (as amended in November 1987), as long as they concern working conditions such as wages, hours, welfare, dismissals or treatment of workers. However, "No act which suspends, discontinues or obstructs the normal maintenance and operation of safety protection facilities, of factories, work places or any other workshops shall be regarded as an act of dispute,"⁹¹ and the administrative authority can order the suspension of acts falling under those categories. In addition, the government announced in January 1990 that strikes on "political issues," such as the release of jailed unionists, appointments of management and personnel, and relocation plans were prohibited, as were sympathy strikes. In announcing the decision, the official noted that these provisions are not legally binding but that labor

⁸⁷ But a federation of unions or the industrial federations affiliated with the concerned unions shall not be regarded as a "third party." This latter provision exempts the Federation of Korean trade unions from being considered an illegal "third party" in labor disputes. Republic of Korea Ministry of Labor, *Labor Laws of Korea* (Seoul, 1989), p. 5. Translation altered slightly after consulting original Korean text.

⁸⁸ Asia Watch, *Human Rights in Korea*, p. 185.

⁸⁹ The binding force of a collective agreement beyond the individual enterprise level is described in Trade Union Law, Art. 38.

⁹⁰ Trade Union Law, Art. 34(3).

⁹¹ Art. 13-2.

offices reportedly were ordered to refer to them.⁹² According to figures provided by the Labor Ministry in February 1990, nearly 70 percent of the 1,107 labor disputes in 1989 were deemed illegal.

Before the union can engage in a strike, it must notify the administrative authority of a labor dispute⁹³ and then wait out the "cooling-off" period.⁹⁴ Additionally, the Minister of Labor "may render a decision for an emergency adjustment, in case an act of dispute is related to public interests, or it is of large scale or specific character, and that because of such act of dispute ... might impair the national economy or endanger the daily life of the general public."⁹⁵

Strike-breaking

The government has used or condoned several methods of strike-breaking which are in violation of international standards on freedom of association and freedom of assembly. One is the use of special units of police in civilian clothes, called *baikgoldan* (literally translated as the "white skull brigade," a derogatory term) to forcibly break up strikes. A second is the practice of charging striking workers under a provision of the Criminal Code prohibiting "interference with business." A third is the use of *kusadae* (company goon squads) which the government appears to condone.

A company will most often call in the *baikgoldan* during the "cooling-off period." A union must notify the authorities and the company of its plan to strike.⁹⁶ Thereafter, it has to wait until the "cooling-off period" has elapsed before striking.⁹⁷ To discourage workers from going through with the strike, a company will call in the police and complain about the workers. The company can file a written complaint or, more simply, dial "112" on the telephone, the emergency number that South Koreans call to report crimes.⁹⁸ Regular police respond when ordinary crimes are reported. When a report concerns a labor problem, however, the *baikgoldan* are dispatched to the work site to harass, intimidate, and arrest the workers. The police authorities also summon workers for questioning.

Arresting striking workers on charges of violating the criminal code provision barring "interference with business"⁹⁹ has been one of the most commonly used strike-breaking methods since mid-1989.¹⁰⁰

⁹² It had always been the government's stance to prohibit strikes over such matters. The formal announcement, however, was made on January 20, 1990 after a high-level meeting. See chapter 4, Chonnohyop. There is no inherent ban on strikes over issues such as management appointments in international standards and laws; they are protected as a form of free association. Though such strikes are not prohibited by law in the U.S., they would be in violation of most contracts, and striking workers would not be protected by U.S. labor laws.

⁹³ Labor Disputes Adjustment Law, Art. 16.

⁹⁴ *Ibid.*, Art. 14.

⁹⁵ *Ibid.*, Art. 40(1). In such instances, the act of labor dispute in question must be suspended immediately. Art. 41.

⁹⁶ Labor Dispute Adjustment Law, Art. 16.

⁹⁷ Labor Dispute Adjustment Law (LDAL), Art. 14. The "cooling-off period" is 10 days for regular businesses, 15 for "business of public interest," as defined in LDAL, Art. 4.

⁹⁸ "119," similarly, is the number to report fires; "113" to report spies.

⁹⁹ See Appendix 3 for list of unionists imprisoned under this legal provision.

¹⁰⁰ The Republic of Korea Criminal Code Article 314 provides that: A person who interferes with the business of another by the threat of force, shall be punished by penal servitude for not more than five years or by a fine not exceeding twenty-five thousand Hwan [*won*] (\$US3570)." There is no comparable law in the U.S., but under certain circumstances, unions on strike can be restrained by a court injunction from organizing picket lines or other

A person may be arrested for posing a "threat of force," as opposed to express use of force, while interfering in the business of another. Workers who did nothing more than to sing or beat on drums while on strike have been arrested under this law.¹⁰¹ For example, in April–May 1990, ten striking workers at Taehwa Dyeing Company in Taegu were arrested for beating drums outside of the plant. All were charged with "interference with business," but only one worker was additionally charged with committing physical violence.¹⁰²

The *kusadae* function as another form of strike-breaker. Hired and trained by the individual companies, these goon squads serve as virtual corporate armies and are believed to have links with government security officers. They have been responsible for beatings, kidnappings and other forms of violence against workers. One instance of *kusadae* violence at Hyundai attracted nationwide attention and led to the arrest and prosecution of those involved (see chapter 5). But for the most part, the goons are allowed to operate with impunity. A Labor Ministry spokesman stated that companies had been told to stop using *kusadae*, but the Ministry's admonitions do not seem to have been effective.¹⁰³

Preventing Worker Rallies

Workers are prevented from holding and participating in demonstrations and rallies which authorities consider constitute a "clear and present danger" to public order. For example, in November 1989, the government denied Chonnohyop permission to hold a rally saying that it feared violence by the participants.

In most instances, workers will hold the demonstration regardless of official approval. If the government is aware that the workers will hold a demonstration, the riot police are dispatched to blockade the rally site (and other possible alternate sites) in advance to prevent the participants from gathering. Additional riot police are deployed at railway stations, the bus terminal and other key strategic locations to turn back those coming from other areas to participate in the rallies.¹⁰⁴ If the demonstration is still held, rally participants are rounded up *en masse* by riot police who sometimes employ excessive force. Nearly all of those arrested are detained and sentenced under special summary proceedings authorized by the Minor Offense Punishment Act. Those accused of being the leaders or organizers of the demonstrations are formally arrested and charged under the Law on Assembly and Demonstration.

strike activity, under penalty of arrest.

¹⁰¹ Interviews in Seoul, June 1990.

¹⁰² Interview in Seoul, June 1990.

¹⁰³ Interview in Seoul, June 1990.

¹⁰⁴ *Korea Times*, January 23, 1990, in FBIS, January 26, 1990.

IV. CHONNOHYOP

Chonnohyop (Council of Korean Trade Unions) was inaugurated in January 1990 despite a government ban and outstanding arrest warrants against its leaders.¹⁰⁵ It emerged in response to restrictions on the labor movement and quickly became one of the foremost targets in the government's suppression of that movement. Its rallies were blocked, its leaders imprisoned, and its member unions harassed.

Background

At the time of its inauguration, 600 member unions and 190,000 workers belonged to Chonnohyop. Its membership was comprised of the independent unions formed since July 1987 which sought an alternative to the pre-existing Federation of Korean Trade Unions (FKTU).¹⁰⁶ These unions set up links at the regional level, and in December 1988 formed the National Council of Regional and Industrial Trade Unions Association (NCRITUA). Representatives of these unions announced in February 1989 their plan to form Chonnohyop.¹⁰⁷ In October 1989, NCRITUA decided upon a platform that emphasized economic demands including increased wages, a 44-hour work week, and improved working conditions. They also called for the amendment of labor laws and cooperation with dissident organizations.¹⁰⁸

Beginning in early November 1989, the government took steps to control Chonnohyop which was to be formally inaugurated January 22, 1990. The Labor Ministry stated that it would form an inter-ministry committee to cope with labor disputes.¹⁰⁹ The special committee, chaired by the vice minister of labor, would analyze the causes behind the labor unrest. The Labor Ministry reportedly also decided to conduct regular investigations of 500 firms which had been embroiled in labor unrest more than three times in the previous three years or whose labor unions had links with dissident labor organizations.

In mid-January at a meeting held at Chongwadae (the Blue House) with President Roh Tae-woo presiding, key cabinet ministers discussed a package of measures termed "countersteps to achieve industrial peace and to stabilize wages."¹¹⁰ President Roh told his key ministers that "labor problems should be coped with resolutely at an early stage and forces behind illegal disputes should be subject to stern punishment."¹¹¹

After the meeting, the Labor Ministry announced a new set of guidelines restricting the scope of "legitimate" collective action. There were four key guidelines. First, unionized workers would not be

¹⁰⁵ For details on its inauguration, see *Asian Labour Update*, February-April 1990, p. 9.

¹⁰⁶ FKTU has 7,000 member unions numbering 2 million members.

¹⁰⁷ *Korea Times*, February 24, 1989, in FBIS, March 3, 1989.

¹⁰⁸ *Chungang Ilb*, January 23, 1990, in FBIS, March 14, 1990. Chunkyojo (Korean Teachers and Educational Workers Union), the Technical Specialists' Union, and the Freight/Transportation Workers Union maintain observer status in Chonnohyop.

¹⁰⁹ *Korea Herald*, November 1, 1989.

¹¹⁰ *Korea Herald*, January 20, 1990 in FBIS, January 24, 1990.

¹¹¹ *Korea Herald*, January 21, 1990, in FBIS, January 24, 1990.

allowed to stage legal strikes if they put forth "political demands," such as the release of their imprisoned union leaders, resignation of certain executives, or opposition to appointment of presidents or senior company officials. Second, unions would be prohibited from staging sympathy strikes in support of striking workers at other sites of the same company. Third, striking workers would not be paid. And fourth, workers could not launch collective actions against relocation plans.

According to the Labor Ministry, these guidelines were not legally binding, but labor offices were reportedly ordered to refer to them.¹¹² Other official measures reportedly planned included mobilizing the police, either with or without the request of the companies involved, at the onset of an "illegal" strike. Labor Minister Choi Young-chul said that the government would consider invoking emergency powers if unrest at key industries became serious.¹¹³

On January 20, 1990, two days before the inauguration, the government officially banned Chonnohyop. Arrest warrants were issued for key Chonnohyop leaders who were accused of violating the Law on Assembly and Demonstration, the ban on "third-party interference" in labor disputes and "interference with normal operations of business." Although Chonnohyop was formally inaugurated on as planned,¹¹⁴ the government's actions had their intended effect: fifty to sixty member unions dropped out of Chonnohyop.¹¹⁵

The Legal Issue

The ban on Chonnohyop was based in part on Article 3(5) of the Trade Union Law which prohibits the formation of a union at any level that would compete for membership with a preexisting union.¹¹⁶ Korean law recognizes three levels of union: the company union, the single industry federation (such as the Korean Metalworkers Federation) and the cross-industry federation. Until Chonnohyop's emergence, the FKTU was the only federation in the country to consist of both company and industry-wide unions. Chonnohyop broke that monopoly; the government feared that it would compete for membership with FKTU and that any such competition would only further fuel labor disputes.

Asia Watch believes that Article 3(5) itself restricts the right to freedom of association and should be repealed. The ban on Chonnohyop is in clear violation of international standards which safeguard the right to establish and join federations.¹¹⁷ International standards also state, "The acquisition of legal personality by workers'...federations and confederations shall not be subject to conditions" that infringe on the workers' right to freedom of association.¹¹⁸ Chonnohyop's leaders, however, challenged the ban on other grounds. The federation claimed that it was a consultative committee, not a national union

¹¹² *Korea Herald*, January 21, 1990.

¹¹³ *Korea Herald*, January 20 and 29, 1990.

¹¹⁴ Dan Byung-ho was elected chairman. Forty-two Central Committee members appointed, including nine vice-chairmen among whom were Kim Young-dae, Chairman of the Seoul Association of Workers' Unions (also chair of the Chonggye apparel labor union); Choi Dong-sik, Chairman of Incheon Association of Workers' Unions; and Kwon Yong-mok, Chairman of the Hyundai unions in Ulsan. *Korea Herald*, January 21, 1990.

¹¹⁵ Interview in Seoul, June 1990. Also, *Korea Times*, February 7, 1990 in FBIS, February 12.

¹¹⁶ See Appendix 2 for text of the law.

¹¹⁷ "Workers' ... organizations shall have the right to establish and join federations and confederations." Art. 5, ILO Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organize, adopted by the General Conference of the ILO July 9, 1948 and effective July 4, 1950.

¹¹⁸ Art. 7, ILO Convention 87, cited above.

federation and, therefore, did not need to register or obtain government certification in order to operate legally.

Right to Assembly

One of the ways in which the government has suppressed Chonnohyop has been to deny its members the right to assemble. The police blocked a November 12, 1989 rally planned by Chonnohyop to promote their right to organize and to demand the release of Choe Tong-shik, 28, the chairman of Chonnohyop's Inchon chapter. On the next day, 47,000 Chonnohyop-affiliated workers from 95 companies staged one-day or half-day strikes to protest what they alleged was police suppression of their legal union activities.¹¹⁹ The authorities said they had blocked the rally because they feared violence by the participants, although an FKTU-organized rally had been permitted to take place at the same site only a week before.¹²⁰

Chonnohyop was forced to change its inaugural site to the Suwon campus of Sunggyunkwan University because the originally planned site, Seoul National University, was blocked off by police.¹²¹ But even at the new site, the rally was aborted after 20 minutes as some 600 riot police, firing tear gas, charged into the campus to break it up.¹²²

On March 18, Chonnohyop held rallies in five big cities, including Seoul, Inchon and Taegu. Some 15,000 riot police were mobilized around the country to prevent the rallies. Yonsei University, the original site for the protests, was sealed off by riot police, who were posted on roads and outside subway stations around the campus. The police detained a total of 1,552 protesters.¹²³ According to the same news report, all except seven were released on the following day with admonitions. Four were referred to summary courts, and three were still being questioned as of June 1990.

Arrests

The government has tried to inhibit the new federation's activities by arresting its leaders. According to Amnesty International, 136 persons were arrested at Chonnohyop's January 22 inauguration rally.¹²⁴ Dan Byung-ho, the federation's chairman who had been wanted by the police since December, managed to evade arrest that day. But at the beginning of February, the National Police Headquarters (NPH) announced that it had ordered all police stations around the country to arrest Dan "by every means available" before March 3. Special investigation squads were reportedly set up at police stations, and special probing teams planned to make house-to-house searches. Temples, churches, inns and apartment houses for bachelors were also to be searched.¹²⁵ On February 28, Dan was arrested during an on-the-

¹¹⁹ *Korea Herald*, November 18, 1989. The figure was provided by the Labor Ministry.

¹²⁰ *Yonhap*, December 13, 1989, in FBIS, same day.

¹²¹ *Korea Herald*, January 23, 1990.

¹²² *Korea Herald*, January 23, 1990. Police were also reportedly deployed around railroad stations and bus terminal to turn back those coming from other areas to participate in the Chonnohyop rally. *Korea Times*, January 23, 1990, in FBIS, January 26, 1990.

¹²³ *Yonhap*, March 19, 1990 in FBIS, March 20, 1990.

¹²⁴ Amnesty International, ACT 73/03/90 March 1990.

¹²⁵ *Korea Times*, February 7, 1990, in FBIS, February 12, 1990.

spot check on the street.¹²⁶ In July, he was convicted under the Law on Assembly and Demonstration and sentenced to one-and-a-half years' imprisonment.

On May 3, the prosecutor's office announced the names of thirty-two Chonnohyop leaders and heads of Chonnohyop-affiliated unions who were being investigated or sought for arrest.¹²⁷ Fourteen Chonnohyop leaders were on a wanted list, including Kim Yong-tae, acting president; Hyon Chu-ok, vice president; Kim Hak-tu, auditor; and Choe Tong-sik, secretary-general.¹²⁸

Harassment of Member Unions

To further erode support for Chonnohyop, on February 1, 1990 the Ministry of Labor launched a fifteen-day probe into 160 member unions of Chonnohyop to find out whether they misappropriated funds for "ideological purposes."¹²⁹ According to the Trade Union Law, "When it is deemed necessary, the Administrative Authority may have the accounting status or other necessary documents of the trade union submitted for investigation."¹³⁰ Anyone violating that provision may be jailed for up to three months and fined.¹³¹

On March 13, the government arrested Kim Un-im and Kim Young-sun, leaders of the union at Samsung Pharmaceutical Industrial Company for refusing to hand over union office papers to the authorities.¹³² Hanyang University Hospital union leader Cha Su-yon, who had twice refused to submit union papers to the authorities, evaded arrest that day. But as of early October, she was also under arrest for violation of the Trade Union Law. The labor authorities began a probe of 24 independent unions with significant roles in Chonnohyop. The leaders of 13 of the 24 unions were accused of violating the Trade Union Law. When some of the leaders under investigation refused to submit the requested documents, they were arrested.¹³³

The prosecutors' office also announced that it had booked chairmen of some fifty trade unions, most of whom belonged to Chonnohyop. They were charged with violating the labor laws by obstructing the government's investigations into their union's internal affairs.¹³⁴

¹²⁶ *Korea Herald*, March 1, 1990.

¹²⁷ *Korea Herald*, May 4, 1990, in FBIS, same day.

¹²⁸ Other Chonnohyop activists being investigated or sought for arrest were: Choe Yong-min, president of the Kangwon Industrial Company union; Kim Pyong-oh, president of the Hyosung Machinery Company union; Kim Kyong-man, a leader of the Dalim Motor Company union; Kim Chong-hun and two other leaders of the Tongil Company union. Eleven others had already been arrested for their membership in or affiliation with Chonnohyop.

¹²⁹ *Korea Times*, February 2, 1990, in FBIS, same day.

¹³⁰ Art. 30.

¹³¹ Article 47, Trade Union Law states: "Any person who, in violation of the provisions of Article 30, failed to submit the required documents or filed false report, or who refuses, obstructs or obviates investigation, shall be subjected to an imprisonment for the term not exceeding three months or a fine for the amount not exceeding 200 thousand won."

¹³² *Yonhap*, March 14, 1990, in FBIS, same day.

¹³³ *Korea Times*, March 14, 1990, in FBIS, March 16, 1990.

¹³⁴ *Yonhap*, March 14, 1990, in FBIS, same day.

May Day Response

In March, to protest the suppression of their rallies, Chonnohyop decided to stage a walkout on May Day. By the end of March, however, member unions of Chonnohyop decided not to walk off their jobs. Instead, it planned to stage a "reduced commemorating ceremony" and to co-sponsor several cultural events on that day with the rival FKTU. It also showed a flexible stance on its demand for 23.3 percent pay increase.¹³⁵ A spokesman for the independent workers' federation said, "Chonnohyop leaders reached the conclusion that flexible and multilateral strategies are the only way to obtain its long-term goals."¹³⁶

Subsequent developments at Hyundai Heavy Industries and the Korean Broadcasting System changed that stance. Following raids by riot police to break up the strikes at Hyundai and KBS, Chonnohyop called for a nationwide general strike on May 1.¹³⁷

¹³⁵ *Korea Times*, March 31, 1990, in FBIS, April 3, 1990.

¹³⁶ *Ibid.*

¹³⁷ Workers' day in South Korea is commemorated on March 10. The government refuses to recognize May Day, which was banned in mid-1950s by the Syngman Rhee government. This year, the government intended to partially lift the ban on May Day celebrations. In a compromise agreement with union leaders, the government said it would allow a rally in a Seoul gymnasium on May 1 in exchange for the cancellation of all other outdoor and indoor celebrations. *Yonhap*, April 12, 1990, in FBIS, same day. ¹³⁷

V. HYUNDAI

Background

The Hyundai Group, founded in 1947, produces most of Korea's automobiles and ships and a variety of other industrial products. Twelve of its 45 subsidiaries, including Hyundai Engine, Hyundai Shipbuilding, Hyundai Motors and Hyundai Heavy Industries, are located in the port city of Ulsan and employ some 70,000 people.

Hyundai's fortunes got a mammoth boost in the late 1970s when President Park Chung-hee embarked on a new economic strategy favoring heavy and chemical industries (HCI). Its rapid growth was due in part to the economic incentives that accompanied the new strategy but also to its policy of keeping wages low and hours long. Hyundai's authoritarian founder, Chung Ju-yung, is said to run the conglomerate like a "boot camp," demanding regulation uniforms and haircuts and absolute obedience from his workers.¹³⁸

If the HCI strategy catapulted Hyundai into the forefront of Korea's economic development program, it also meant that Hyundai workers would be at the forefront of the labor movement when controls on union organizing were eased in 1987. The first union at a Hyundai company was formed at Hyundai Engine on July 4, 1987, only five days after Roh Tae-woo's democratization declaration.

Workers at other Hyundai firms in Ulsan soon followed suit, and in August 1987, unions at the 12 Ulsan-based firms formed an Association of Unions at Hyundai to coordinate their efforts. The man they elected chair, Kwon Yong-mok, founder of the path-breaking union at Hyundai Engine, became one of the most important trade union leaders in South Korea and was in and out of jail ever after. Hyundai management tried to control the new unions through bribes, threats, and infiltration. At Hyundai Heavy Industries, for example, the company conceded in August 1987 to workers' demands for recognition of rank-and-file elected union leaders. But only a few weeks later the same union leaders were arrested and held responsible for the workers' riot at Ulsan City Hall. While they were in jail, Hyundai managed to fill their union positions with more pliable individuals. When they sought to regain their jobs and union offices after their release, they set off a chain of events which led to collective actions. The company and the government aggravated the situation by blaming only the "militant" faction for the labor unrest, jailing the leaders once again and setting the stage for the massive industrial actions that characterized the next three years.

Independent Unions and Dismissals

The right to an independent union and the right not to be dismissed for engaging in union activity are essential components of freedom of association. ILO conventions, for example, state that workers shall be protected from acts of anti-union discrimination, including acts calculated to "cause the dismissal of

¹³⁸ Walden Bello and Stephanie Rosenfeld, *Dragons in Distress*, The Institute for Food and Development Policy (San Francisco: 1990) pp. 29, 41.

or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours...."¹³⁹

In the Hyundai disputes, with rare exceptions, the government, using provisions of the Trade Union Law, acted in concert with Hyundai management to curb those rights. A pattern was established in August 1987 during the first violent clashes between the new unions and the government. Key elements of the pattern were as follows: workers would demand higher wages, better working conditions and, after the first strikes, the release of arrested union leaders and reinstatement of workers dismissed for their participation in strikes. The companies would either refuse (which led to collective actions) or agree to negotiate. Failure of the negotiations would also lead to collective action. The government would declare such action "political" and therefore illegal, riot police would be called in, workers and police would clash, and union leaders would be arrested or dismissed. Their arrest would lead to new demands for their release or reinstatement, and a whole new chain of events would begin.

The August 1987 Clash

Because the August 1987 clash set the pattern for subsequent disputes, it is worth noting in some detail. That month, after Hyundai refused to recognize the new unions at the twelve Hyundai firms or their Association of Unions at Hyundai, some 40,000 workers went on strike in Ulsan, and Hyundai imposed lock-outs at six of its firms.¹⁴⁰ The government, still committed to the democratization process, intervened on behalf of the workers. Appearing at a strikers' rally held on August 19, Labor Vice Minister Han Jin-hee announced that the government had managed to persuade the Hyundai Group to recognize the worker-elected unions and the new association. He also promised that the government would not punish those who played key roles in the labor disputes and that the issue of wage increases would be settled by September 1.¹⁴¹

Although Hyundai initially denied that there had been an agreement, it agreed to recognize the association. Hyundai also agreed to secure recognition for the newly-elected independent union at Hyundai Heavy Industries.¹⁴² But the wage negotiations became deadlocked, provoking strikes and violence at four of the Hyundai firms, Hyundai Heavy Industries, Mipo Dockyards, Precision and Motors. According to news accounts, on September 3 about 300 workers, mostly from Hyundai Heavy Industries, stormed Ulsan city hall, set cars on fire and ransacked offices.¹⁴³ The government arrested nearly 300 strikers, including fifteen union leaders at Hyundai Heavy Industries.¹⁴⁴ Domestic human rights monitors and opposition politicians charged that the government was exaggerating the level of violence to justify the crackdown.¹⁴⁵

¹³⁹ International Labor Organization, "Convention Concerning the Application of the Principles of the Right to Organize and to Bargain Collectively," Article 1.

¹⁴⁰ *Korea Herald*, August 18, 1987; see articles of the same date in *The New York Times*, *Washington Post*, and the *Los Angeles Times*.

¹⁴¹ Yonhap, August 19, 1987, in FBIS, same day.

¹⁴² *New York Times*, August 19, 1987; Yonhap, September 2, 1987, quoted in FBIS, same day.

¹⁴³ *Korea Herald*, September 3, 1987; *Washington Post*, September 3, 1987; *New York Times*, September 4, 1987.

¹⁴⁴ *Washington Post*, September 4, 1987; *Korea Herald*, September 7, 1987; *Los Angeles Times*, September 5, 1987.

¹⁴⁵ *Korea Herald*, September 4, 1987; *New York Times*, September 7, 1987, also noted that the Korean government, abetted by the South Korean press, exaggerated the level of violence by the striking workers.

The government had no hesitation about charging the strikers with violations of the law, and the Hyundai management equally readily sacked those charged, then claimed that as they were no longer workers at the firm, they could not hold union positions. The government and Hyundai management together made two not fully successful attempts to use the arrests as a pretext for replacing the union leaders with more pro-company individuals.

In the first attempt, on September 10, 1987, Hyundai Heavy Industries requested that the Ulsan City administration order the disbandment of the present union leadership.¹⁴⁶ The company stated that fifteen of the union's twenty leaders, including union president Lee Hyong-kon, were in jail in connection with the September 3 violence, and it refused to negotiate with the "interim" leadership of the union. The city denied the request stating that the company's reasons were insufficient. As 5,000 workers protested the company's move,¹⁴⁷ Hyundai made a second request a day later. This time city officials reversed themselves, reportedly at the Home Ministry's instructions,¹⁴⁸ and forwarded their decision upholding Hyundai's request to the Kyongsangnam-do provincial government and its Labor Committee for a final decision.

On September 17, the Kyongsangnam-do Labor Committee voted to order the reelection of current labor leaders, and the next day, the Kyongsangnam-do provincial government issued an administrative order to Lee Hyong-kon, in police custody, for the reorganization of the union leadership.¹⁴⁹ When the Labor Committee's decision was handed down, the workers voted to protest it. They turned down a proposal to resume operations by September 21 because, the union stated, the proposal "includes non-recognition of the current labor union leadership."¹⁵⁰

On September 19, Hyundai Heavy Industries reversed its earlier position and met with ten members of the union's interim leadership.¹⁵¹ They reached a four-point agreement in which management agreed to try and secure the release of the jailed unionists, who would be allowed to return to work upon their release. Work resumed three days later.

The second attempt was aimed at one individual in particular. Kwon Yong-mok was arrested in November 1987 for his role in leading the August protests. Hyundai Engine workers began a movement to secure his release, but the company responded by dismissing two other union leaders at Hyundai Engine. Kwon himself was dismissed on February 4, 1988 after a district court sentenced him to a one-year prison term, suspended for two years, on charges of leading protests.¹⁵² On February 15, a district court ruled that Kwon could not be a candidate for president of the union at Hyundai Engine because he no longer worked for the company. The next day the workers at Hyundai Engine elected him anyway.

¹⁴⁶ *Korea Times*, September 11, 1987, in FBIS, same day.

¹⁴⁷ *Korea Herald*, September 12, 1987.

¹⁴⁸ *Korea Times*, September 12, 1987, in FBIS, September 15. In contrast, the National Police Headquarters (NPH) stated on September 15 that it opposed replacing the current union leadership "as it may aggravate the protracted labor strife... [and] that the government order is sure to backfire and aggravate public opinion." *Korea Times*, September 16, 1987, in FBIS, same day. The NPH asked the Kyongsangnam-do Labor Committee not to order the disbandment.

¹⁴⁹ *Korea Times*, September 18, 1987, in FBIS, same day.

¹⁵⁰ *Korea Times*, September 18, 1987, in FBIS, same day.

¹⁵¹ Yonhap, September 22, 1987, in FBIS, September 23.

¹⁵² *Korea Herald*, March 1, 1988.

The company refused to recognize the new union leadership because it included Kwon. He in turn challenged the company's position, stating that his dismissal could not be effective until a higher court ruled on his appeal. On February 26, hundreds of Hyundai Engine workers protested and began a sit-down strike. The next day, Hyundai Engine was forced to suspend its operation. Kwon and some 90 fellow workers barricaded themselves in the fifth floor of the Hyundai Engine company's office building, vowing to stay there until the company recognized the new union leadership. On March 16, the company requested negotiations with them. Kwon and two other union leaders went down to talk with the management. But word spread among workers outside of the building that Kwon had been kidnapped by company officials.¹⁵³ The workers protested, and in the ensuing confusion a security guard for the company was hit on the head and killed with a stone thrown from the roof of the building.¹⁵⁴ At this point Kwon and the other two union leaders stopped the negotiations and rejoined the protestors. The police accused Kwon of having incited the workers and immediately launched a manhunt to apprehend him. On March 27, Kwon was arrested once again. The protest petered out, and the workers returned to work.¹⁵⁵

More Arrests and Dismissals

In December 1988, more strikes broke out at Hyundai Heavy Industries and lasted 128 days. The strike was crushed with a massive show of force by riot police. Nearly 700 workers were rounded up, but most were released after questioning.¹⁵⁶ Some were sentenced to short prison terms and dismissed from their jobs. In response to work slowdowns protesting the dismissals, however, Hyundai eventually reinstated them.

Six of the arrested workers from Hyundai Heavy Industries were in danger of being sentenced to longer terms. The company acceded to worker pressure and pledged to ask the prosecution to seek lesser sentences for them. When the trials were over, one worker was released and five were given sentences ranging from two and one-half to three years' imprisonment. But at the appeals hearings before the Pusan Appellate Court in February 1990, the prosecution requested that the sentences be increased. The prosecution demanded that Kim Chin-kuk, a former union vice president, be sentenced to five years in prison, three more years than it had demanded in lower court.¹⁵⁷ The prosecution demanded an eight-year sentence for O Chong-sae, also a union leader, although it had previously demanded a two-year sentence.¹⁵⁸ The workers believed that the company reversed its earlier pledge and used its influence to persuade the prosecution to demand tougher sentences.¹⁵⁹ Some 20,000 workers staged a walkout in protest, and the next day, refused to go back to work. The company complained to the police that the workers were "interfering with the normal operation of business."¹⁶⁰

¹⁵³ Ogle, p. 244.

¹⁵⁴ *Korea Herald*, March 17, 1988.

¹⁵⁵ Although it is unclear when Kwon was released from jail, he addressed workers at a gathering held on April 1, 1989, after the 128-day strike was broken up. For this, he was once again sought for arrest on the charge of "third-party interference." Kwon was in hiding for 11 months before being arrested in March 1990. See section on "third party interference" in chapter 3.

¹⁵⁶ *Korea Times*, April 2, 1989, in FBIS, April 4.

¹⁵⁷ *Korea Herald*, February 8, 1990, in FBIS, February 13, 1990.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Korea Herald*, February 8, 1990, in FBIS, February 13.

¹⁶⁰ "Interference with the conduct of business" is a violation of Article 314 of the Criminal Code. See chapter 3.

Lee Young-hon, the newly elected union leader at Hyundai Heavy Industries who called for the walkout, asked the workers to go to Pusan to protest the sentencing. Anticipating that the police might try to prevent a demonstration in Pusan, Lee himself decided to travel there the day before. But he was stopped at a roadblock and arrested under an outstanding arrest warrant. The next day, while some 4,000 workers protested in front of the court in Pusan against Lee's arrest and the anticipated sentencing of the six others, the judge entered the courtroom, read off the sentences, and left the room. The workers called for a new strike.

During March–April 1990, all twelve of the Hyundai Group's Ulsan firms struck in rotation. The vice-chairman on strike participated in the demonstrations, and each chair was then, in turn, arrested. Most were charged with "interference with normal operations." Again, the arrests seemed to be a way of preventing top union leaders from engaging in organizing efforts.

The April 20 arrest of U Ki-ha, senior vice-chairman of the union at Hyundai Shipbuilding, sparked the shipyard workers' anger and provoked a spontaneous strike action.¹⁶¹ They were joined by workers from the Heavy Industries, Motors, and other sections of Hyundai as well as by workers from non-Hyundai companies in Ulsan whose union leaders had also been arrested. On April 28, more than 10,000 riot troops raided the Heavy Industries, clashed with strikers and detained nearly 700 workers.¹⁶² Sympathy strikes broke out. At the Hyundai Shipyards, 100 workers staged a hunger strike atop a huge shipbuilding crane to demand the release of their co-workers and the withdrawal of the riot police. Their hunger strike continued until the end of May when normal operations resumed at all the Hyundai companies. The storming once again of the world's largest shipyard by riot police sparked international headlines and editorials. *The New York Times* queried: "Is this the new democratic South Korea?"¹⁶³

Use of Goon Squads (*Kusadae*)

Links between *kusadae* and government security forces were conclusively demonstrated in what has come to be known as the "James Lee Terror Incident" involving one of Hyundai's goons. Evidence of the links hardly came as a surprise. Contact between management of the *chaebols* (conglomerates) and police is known to be close, and the Korean intelligence organization reportedly includes the Committee to Combat Labor Insurgency, originally set up by the Korean Central Intelligence Agency and maintained by its successors.¹⁶⁴ Perhaps because of the severity of the violence in the James Lee case and Lee's status as a permanent legal resident of the U.S., this case is one of the few where the perpetrators were arrested and prosecuted. In most cases, the goons go free.

James (Yun-sop) Lee, a forty-year-old Korean-American, was hired by some Hyundai executives in January 1989 to train some 100 "pro-management" Hyundai workers and launch a violent assault

¹⁶¹ Reuters, April 27, 1990. The Shipbuilding section employees 8,000 persons.

¹⁶² Reuters, April 30, 1990.

¹⁶³ "Stutter-step Democracy in Korea," *New York Times* editorial, May 4, 1990. The editorial warned that the government's "violent assaults on labor" had steadied the shaky stock market but risked "setting off a dangerous backlash." The *Times* also observed that "in light of the importance of U.S. economic and military ties with Korea, any threat of a return by Seoul to the discredited repressive ways of the past is a legitimate cause for U.S. concern."

¹⁶⁴ Bello and Rosenfeld, *Dragons in Distress*, p.33

against the union leaders.¹⁶⁵ On January 8, Lee and a group of thugs went to a meeting of Hyundai union leaders and brutally beat those present. Afterwards, about thirty of them raided the offices of an organization of fired Hyundai workers and supporters called the Association of Dismissed Hyundai Workers. There they beat up five persons, including Kwon Yong-mok. Kwon's right arm was so severely broken in the attack that bone had to be removed from his hip to repair it.

Chon Chang-su, one of the workers seriously injured that night, reportedly said that "the attackers carrying about 20 torches [sic] ... dragged him and his colleagues outside their room, forced them to place their heads on the ground before taking pictures and beating them."¹⁶⁶ Other victims said that the attackers shouted "Kill the bastards" while beating them with baseball bats. The attackers also beat them when they refused to chant "Our father is Kim Il-sung," as ordered.¹⁶⁷

James Lee's involvement came to light when one of the assailants was caught and eight others surrendered to the police.¹⁶⁸ Kim Nam-so, one of the arrested goons, told the police that he purchased wooden sticks including four baseball bats for the assault. Lee admitted that he gave Kim 400,000 *won* (about US\$570) to carry out the attack in order "to discipline militant workers who 'inflict much harm' on a majority of shipyard workers."¹⁶⁹

Curiously, all of the nine arrested were identified by the company as current or former "labor representatives" at Hyundai companies. The nine claimed that "neither management nor outside forces were involved in the incident."¹⁷⁰ A police investigation revealed, however, that top level management at Hyundai was directly responsible for the assault as well as subsequent attempts to cover up the high-level involvement. Han Yu-dong, a managing director in charge of personnel management at the Hyundai Group's Planning Office, had ordered three buses to transport the *kusadae* to the site of the assault. He was later charged with planning it.¹⁷¹ To Yong-hoe, director of the Hyundai Group Human Resources Development Institute, was also questioned by police. The nine attackers had a meeting with To before their surrender to the police, according to the investigators.¹⁷²

On January 17, members of the National Assembly's Labor Committee went to Ulsan to investigate the assaults. In the course of their investigation, they uncovered evidence of direct police complicity. According to an account in the *Korea Herald*, Sergeant Lee Sang-gu, chief the Ulsan Police Station's Sangbuk substation, said that on January 8 at 1:30 a.m., the night of the assaults against Hyundai unionists, he stopped three buses which had their license plates covered with tape. He ordered James Lee out of one of the buses and questioned him. Lee then telephoned Superintendent Kim Yong-gap, the intelligence chief at the police station. Sergeant Lee said he did not know what James Lee had said to

¹⁶⁵ *Korea Herald*, January 10, 1989; see also *Korea Times*, January 10, 11, and 18, 1989, in FBIS, January 18, 1989; Yonhap, January 11, 12, and 18, 1989 in FBIS, January 18, 1989. Lee's activities on behalf of Hyundai and Samsung are also discussed in Ogle, pp. 245-251 and pp. 254-5.

¹⁶⁶ *Korea Herald*, January 10, 1989.

¹⁶⁷ *Korea Herald*, January 10, 1989. Kim Il-sung is the president of the DPRK (North Korea).

¹⁶⁸ A source close to the Hyundai union told Asia Watch that the Hyundai Group had paid James Lee four million *won* (US\$5,700) to carry out the attacks because he was known to have "a good technique for breaking things up." We are, however, unable to verify the figure. Interview in Ulsan, June 1990.

¹⁶⁹ *Korea Herald*, January 11, 1989.

¹⁷⁰ *Korea Herald*, January 10, 1989.

¹⁷¹ *Korea Herald*, January 15, 1989.

¹⁷² *Korea Herald*, January 11, 1989.

Kim but that he had let the buses pass on Kim's orders. According to the account of the National Assembly investigation, Kim was quoted as having said to Sergeant Lee: "You must keep secret what happened at the police box because police may be suspected of intervention in the case."

Superintendent Kim admitted that he ordered Sergeant Lee to let the buses pass but said that "since Lee Yun-sop [James] gave his identity," he "assumed that those on board were trying to hold talks with militant unionists."¹⁷³

James Lee received a prison term of one year after a trial in April 1989.¹⁷⁴ He was released in January 1990 and has resumed goon squad activity in Inchon, although we have no information as to who his current employers are. Others also received minor sentences. Han Yu-dong, a Hyundai company executive was sentenced to one year for his involvement in the assault.¹⁷⁵ Kim Nam-so, one of the key assailants, received the longest sentence of one year and six months' imprisonment.¹⁷⁶ Thirty-one other workers who took part in the assault were given suspended sentences and released.

Kidnappings

The *kusadae* have also been responsible for kidnappings of union leaders. Kim Hyong-kwon, a leader of the Hyundai Heavy Industries union, told a reporter for the *Christian Science Monitor* that some 30 company-hired men tried to kidnap him in September 1987.¹⁷⁷ Kim said that he had gone to the headquarters of another Hyundai union when suddenly a "gang of about 30 company goons burst in, grabbed him, hustled him into a waiting van." Workers witnessing this incident rushed to the van and rescued Kim and grabbed seven goons. They took the seven to the police; six of them were released due to lack of evidence.

In May 1988, So Chong-hui, a 37-year-old assistant manager at the Hyundai Engineering and Construction Company, was kidnapped by goons hired by the Hyundai Group. According to reports in the *Korea Herald*, So had been attempting to form a trade union for white collar workers at Hyundai, and Hyundai executives were pressuring him to give up his efforts.¹⁷⁸ On May 6 he was abducted by five persons outside a saloon in Yongdong after meeting with Choi Che-dong, a Hyundai director. At home in Seoul on May 11, So said that he had been kidnapped by five people, blindfolded and driven to an inn in Mokpo where he had been held for five days. According to So, the kidnappers told him that they had

¹⁷³ *Korea Herald*, January 18, 1989. On January 20, the National Police Headquarters announced that Superintendent Kim would be removed from his position, and possibly fired after the prosecution completed its investigation. The prosecution, in the meantime, announced that it would seek an arrest warrant for Kim for not taking any action to prevent the incident when he knew a clash was imminent. Prosecutors said that Superintendent Kim received a tip ten hours before the attack that the Hyundai workers were planning to hold the meeting at a particular bungalow, and he had even dispatched his subordinate Senior Patrolman Kim Tu-hwan to monitor their activities. Ulsan police chief Senior Superintendent Kwon Chung-su was also removed from his position by the National Police Headquarters. The prosecutors said that Kwon would be arrested if it was found that he had been notified of a possible clash but failed to take any action. *Korea Herald*, January 21, 1989.

¹⁷⁴ *Korea Herald*, April 25, 1989.

¹⁷⁵ *Korea Herald*, April 25, 1989.

¹⁷⁶ *Ibid.*

¹⁷⁷ "South Korea Unions: A Potent Voice Shaping Democracy Debate," *Christian Science Monitor*, September 21, 1987.

¹⁷⁸ *Korea Herald*, May 11, 1988.

been paid 17 million *won* (US\$24,300) by an unnamed person. His abductors forced him to write a letter of resignation and freed him when he complied.¹⁷⁹ Hyundai president Chun Hun-mok denied any involvement of Hyundai officials in the kidnapping, but among the ten persons who were convicted and drew light sentences on July 30 for their roles in the abduction were two company officials: Kang Myung-gu, chief of the Hyundai Construction Company's General Affairs Department and Choi Che-dong, a company director.¹⁸⁰

Treatment of Detained Unionists

In addition to the violations of their freedom of association, Hyundai workers have also had to face physical abuse and ill-treatment in detention. The Hyundai unionists arrested in connection with the April-May 1990 strikes were reportedly mistreated both at the Ulsan Nambu Police Station and the Pusan Pre-trial Detention Center where they were being held as of June 1990.¹⁸¹

Ulsan Nambu (South Section) Police Station

Normally, prisoners awaiting trials are kept in pre-trial detention centers, but Ulsan does not have one. Hence, the Hyundai workers were kept in the lock-up facilities at the Nambu Police Station along with common criminals, who reportedly extorted "entrance fees" from the unionists in the form of clothes and other goods brought by their family members.¹⁸² If the unionists refused, the criminals would beat them. But even if they paid the "entrance fee," they were beaten, albeit less severely.

Relatives of the detained workers felt that at best the police had lost control of the situation in the lock-up or were "like the monkey who closes his eyes." At worst, the families feared the police were encouraging or abetting this practice. When the family members initially complained to the police, they were told that extortion of "entrance fees" was a standard practice in the jail and that the unionists should simply handle it by paying up.

Not satisfied with the police response, members of the Family Association of Imprisoned Hyundai Workers picketed outside the main Hyundai complex gate for ten days in May to protest the mistreatment of workers and the violence in the police lock-up facility.¹⁸³ On May 28, the association released a statement on the prison conditions. The protest and the statement generated publicity on national television, thereby attracting the attention of the police officials. The chief investigator called the families and asked them why they were making trouble. He told them that they should try to resolve the problem without creating so much trouble. Yet the outside pressure had some effect. Within a day of the association's public statement, on May 29, the workers were given a separate room where they could eat by themselves. In South Korean prisons, as in most other prisons, meals are centrally prepared and

¹⁷⁹ *Korea Herald*, May 12, 1988.

¹⁸⁰ *Korea Herald*, May 22, 1988.

¹⁸¹ Information gathered in Ulsan and Seoul, June 1990. Asia Watch has raised the following cases with South Korean officials and their responses are noted in this section. We also raised these cases with the U.S. Embassy officials in Seoul; their responses are noted in the U.S. policy chapter.

¹⁸² Interview in Ulsan with the workers' families, June 1990.

¹⁸³ The Association was formed in May 1990 after the most recent strikes were broken up and union leaders jailed. It is composed primarily of women whose husbands, sons or brothers are imprisoned. Its predecessor was called the Association of Dismissed Hyundai Workers.

portions allocated by inmate-workers. Before the measure, the common criminals prevented the unionists from getting their share of the food. But now they could eat in peace and supplement their diet by buying private food without fear of having it snatched away.¹⁸⁴

The common criminals continued to extort goods from the workers, however. After the chief investigator met with the protesting family members on May 29, he instructed the clerk not to accept packages brought for the workers. This angered the common criminals. They blamed the families for the discontinuation of the goods and, in retaliation, beat the jailed workers.¹⁸⁵ In one incident in early June, the workers were beaten during the regular visiting hours, forcing officials to abruptly halt all visits for half an hour. The unionists were reportedly refused access to medical care after they were beaten.

All persons awaiting trial in South Korea fall under the jurisdiction of the Justice Ministry. However, Lee Sun-kil, Director of the Security Division at the Justice Ministry, maintained that the violence against the unionists detained at the Ulsan police station was not his division's responsibility.¹⁸⁶ The internal affairs of the police stations fall under the jurisdiction of the Ministry of Home Affairs, he said.

Cho Chu-nam: Beating in Prosecutor's Office

Another account of abuse involves a Hyundai worker named Cho Chu-nam. All of the following information comes from a source who asked to remain anonymous. In May 1990, Cho, a union official, was beaten in the presence of a prosecutor for his refusal to sign a prepared statement on the charges against him. Cho was in the office of Chung Pyong-t'ae, Ulsan regional prosecutor No. 330, when he was asked to sign the statement. When he refused, Choi Chong-gi, prosecutor Chung's clerk, beat him. Chung, who was present throughout, then told Cho to cross out the parts of the statement he did not agree with and sign it. When Cho crossed out everything of importance, he was forced to stand with his hands in the air for one hour. Afterwards, when he still refused to sign a statement that was satisfactory to the prosecutor, he was beaten again. This time, the clerk stomped on Cho's head five times with his boots and kicked Cho in the mouth, causing swelling and lacerations. Cho was unable to eat for three days. Although Cho was also promised medical attention, he did not receive any.

When Cho's relatives found out about the beating and complained about the mistreatment, his case was moved to another prosecutor's office in Yangsan. The beating was not investigated. Chang Yun-suk, the Director of the Prosecution Division at the Justice Ministry, said that he was unaware of the incident.¹⁸⁷ He stressed that such mistreatment was forbidden by law, but said that if the clerk had hit Cho, he must have done so for a reason.

¹⁸⁴ The prisoners are permitted to spend 1,000 *won*/day (US\$1.50) on private food.

¹⁸⁵ The Asia Watch delegation accompanied several Hyundai family members to the Ulsan Nambu Police Station and observed the procedures and conditions for visits. Visiting conditions are the same for all detainees at the police station. Regular visiting hours are 10 a.m.-noon and 2-4 p.m., Monday through Friday; on Saturday, 2-4 p.m.; no visits allowed on Sunday. Visitors are usually allowed 3-5 minutes per visit and speak to the prisoner over an interphone. Dark glass windows with bars separate the prisoners from their visitors making it possible only to see the outline of the person on the other side of the glass. While there are barriers between the prisoners and their visitors, nothing separates the prisoners from each other on their side of the visiting room.

¹⁸⁶ Interview in Kwacheon, June 1990.

¹⁸⁷ Interview in Kwacheon, June 1990.

Asia Watch requested that Cho's case be investigated, and we reiterated our appeal in a July letter to Lee Sun-woo, the Director of the Human Rights Division at the Ministry of Justice. Lee responded:

Cho Chu-nam was arrested on May 13, 1990 for leading the Hyundai Heavy Industry illegal strike and violent demonstration. After an investigation at the Ulsan police, he was transferred to the Pusan District Prosecutor's office. During the prosecutor's investigation, he was shown his statement prepared by the clerk Choi Chong-gi. As he requested some corrections to be made, he was allowed to make the corrections himself. The statement prepared by the clerk was an official document and damaging it constituted a criminal offense. However, while he was making corrections, he drew a diagonal line from left to right and damaged the entire document despite the clerk's attempts to stop him. Thus, the clerk kicked the chair once. Cho protested it, pushing the clerk and causing a disturbance. During the process of trying to stop the disturbance, he fell down, his face striking the desk, and received minor injury on his lips. The injury was not visible on that day, but there was a little swelling on the following day. He never requested any treatment. As the injury was not serious enough to require any treatment, the prosecutor did not suggest any treatment. This incident did not occur during the process of obtaining an involuntary confession.¹⁸⁸

Pusan Pretrial Detention Center

Because of the overcrowded facilities in Ulsan, some Hyundai workers awaiting trial were held at the Pusan Pretrial Detention Center. At the beginning of June 1990, some 44 prisoners there staged a hunger strike to protest the treatment of Hyundai workers being tried in Masan. (At that trial, the workers had been led into the courtroom handcuffed and roped to one another, in contrast to the normal procedure of using only one method of restraint.) The hunger strikers were beaten and put into punishment cells. On June 7, the prisoners' relatives and their supporters demonstrated in front of the prison. According to one of the family members, they were demanding an end to the violence in prison, no tying together of prisoners when they go to court, and outside medical examinations for the prisoners who had been beaten.¹⁸⁹ The authorities showed that they were sensitive to publicity about the mistreatment of imprisoned Hyundai workers because the vice warden reportedly apologized to the demonstrators and ordered the prisoners transferred to their regular cells.

Kim Nam-suk, a Hyundai union executive, participated in the hunger strike. He was reportedly beaten so severely, including having his back trampled on by the guards, that he could not move at his waist. His attorney, a member of the Pusan branch of Lawyers for a Democratic Society (Minbyun),¹⁹⁰ requested that Kim be hospitalized.

The Justice Ministry's Director of the Security Division told Asia Watch that Kim was not in any way mistreated.¹⁹¹ He said that Kim was moved from Ulsan to Pusan in handcuffs and his wrist may have been somewhat chafed as a result, but he denied that Kim was beaten. Hunger strikers, he said, are

¹⁸⁸ August 1990 letter addressed to Edward J. Baker, Asia Watch board member and member of the delegation to South Korea.

¹⁸⁹ Interview in Ulsan, June 1990.

¹⁹⁰ Minbyun is an association of lawyers working on human rights cases.

¹⁹¹ Interview in Kwacheon, June 1990.

never beaten. Chang Yun-suk, Director of the Prosecution Division, said that Kim's family and attorney were lying and what they told Asia Watch was a complete fabrication. He said that Kim admitted that there had been no problem, apologized to the police and resumed eating.

The Justice Ministry confirmed that more than 40 prisoners at Pusan Pretrial Detention Center had conducted a protest on June 1, 1990.¹⁹² The Ministry stated that "there was some physical struggle between the prisoners and the guards" as the protest was "suppressed with force." However, "no prisoner was beaten or injured." Kim Nam-suk "refused to cooperate while being transferred" from Ulsan to Pusan. He "received a little scratch on the wrist" as he was being handcuffed but neither he nor his lawyer ever requested treatment and Kim therefore received none" according to the Justice Ministry.¹⁹³

¹⁹² August 1990 letter from Lee to Baker.

¹⁹³ *Ibid.*

VI. CHUNKYOJO

Repression of the South Korean labor movement is not just directed at industrial workers. Public school teachers, who are part of the civil service, and private school teachers, who are treated as if they were civil servants, have been arrested and dismissed for activities in support of an independent union called Chunkyojo. This is an acronym for the Korean Teachers and Educational Workers Union. Chunkyojo members have been accused of being communists; all applicants for teaching positions are now interviewed about their political beliefs and activities, past and present, and whether they intend to join the new union. An affirmative response to the latter can lead to disqualification.

Background

Chunkyojo was launched on May 28, 1989 despite a legal ban on collective action by public sector employees and the arrest and dismissal of 100 union organizers less than two weeks earlier. It was the first independent teachers' union in almost 30 years. Such a union had been formed once before in 1960, but despite a membership of 20,000, then one-fifth of the teaching profession, it lasted less than a year. In 1961, it was declared illegal by Park Chung-hee and harshly suppressed.

In the intervening two decades before Chunkyojo was established, the only organization representing the interests of teachers was the government-sponsored Korean Federation of Education Associations (KFEA), which included administrators as well as primary and secondary school teachers and which was more a professional association than a trade union. Teachers, as civil servants, were barred from collective action by both the South Korean constitution, the National Civil Service Act and the Private School Law.

The flowering of the labor movement that followed Roh's June 1987 declaration, however, affected the teaching profession as well. In September 1987, a voluntary organization called the National Teachers' Association began advocating reforms in the educational system and improved working conditions for teachers. The teachers wanted more democratic operation of the schools as well as flexibility in choosing their teaching materials. At a conference in February 1989, participants decided they needed a full-scale union and resolved to establish Chunkyojo.

While the preparations were underway for Chunkyojo's inauguration, the Education Ministry announced that it would deal severely with any teachers involved in organizing the union. On May 16, two days after a Chunkyojo convention, the government convened a high-level meeting of the vice ministers of Education, Culture and Information, Home Affairs, and Labor, the under-secretary of the Agency for the National Security Planning and the vice director of the Public Prosecutors' Office. They decided to dismiss and arrest the 100 leading organizers of the union.¹⁹⁴

Despite these threats and intimidation, Chunkyojo was launched on May 28, 1989 at a rally at Yonsei University. Riot police were mobilized to block the site of the rally, and 1,082 teachers and students of teachers' colleges were arrested.

¹⁹⁴ Yonhap, May 16, 1989, in FBIS, May 17, 1989.

The four general principles of Chunkyojo are as follows:

1. We firmly unite to establish the autonomy and specialty of education and to realize democracy in education.
2. We strive to improve the socio-economical status of teachers, to acquire the civil rights of teachers and to improve the educational environment.
3. We stand in the vanguard of realizing nationalistic, democratic and humane education for pupils to lead their own independent life as citizens of [a] democratic society.
4. We cooperate with every organization in our country and [every] world-wide teachers' organization which supports liberty, peace and democracy.¹⁹⁵

The union stated its determination to undertake activities to achieve these goals and to win the teachers' rights "to organize, negotiate and act collectively through revising the laws concerning education."¹⁹⁶

In November 1989, clearly in response to the challenge from Chunkyojo, the official KFEA became the Korean Federation of Teachers Association (KFTA). But the name change meant little. Dues for the KFTA continued to be deducted automatically from teachers' salaries; the leadership continued to be chosen from retired government bureaucrats, with the president approved by the Ministry of Education. And the KFTA had no more bargaining power than its predecessor.

Suppression of Chunkyojo

Since their union was founded, Chunkyojo members have lobbied unsuccessfully for its legalization. Members have conducted hunger strikes and sit-down strikes, started signature and petition campaigns, staged cultural performances, launched support committees, organized massive rallies and demonstrations and even threatened mass resignation in protest at government actions against them. As a result, thousands of Chunkyojo members from public and private schools were arrested, detained or dismissed from their jobs because of their involvement in union activities. On a single day, July 9, 1989, more than 1,900 teachers were reportedly detained under the Law on Assembly and Demonstration for attempting to take part in a rally in Seoul. The rally site, according to the Yonhap news agency, was blocked by some 12,000 riot police, and the demonstrators were stormed by 1,500 police.¹⁹⁷

More than 80 teachers have been jailed for violating the Civil Service Law. Among them was Yun Yong-kyu, president of Chunkyojo, a physical education teacher at Junnam Physical Education High School. He was arrested on June 9, 1989 and charged with violating the Civil Service Law; six months later, he was sentenced to a one year jail term. He was released at the end of June 1990. A list of other teachers arrested appears in the Appendix 3.

¹⁹⁵ "The General Principles of Chunkyojo," in Chunkyojo, *Movement for Genuine Education*, Appendix 1, p. 27.

¹⁹⁶ *Ibid.*

¹⁹⁷ Yonhap, July 10, 1989, in FBIS, July 11, 1989.

Some 1,500 Chunkyojo members have been dismissed from their jobs. Many have filed appeals for reinstatement with arbitration committees but only a few have been successful. In December 1989, a district court in Kochang ordered the reinstatement of two private school teachers because the judge ruled that none of their activities "had harmed social order or education."¹⁹⁸ In June and July of 1990, Chunkyojo initiated a nationwide petition campaign for the reinstatement of the dismissed teachers. The government responded by threatening to dismiss or arrest the leaders of the campaign, despite guarantees of the right to petition the government contained in South Korea's Petition Law and the Constitution.¹⁹⁹ Not only have teachers been dismissed, but high school students have been expelled or even arrested for protesting the dismissal of their teachers. In September 1989, a Yangjong High School student was reportedly suspended from school for two weeks for writing "I support the teachers in Chunkyojo" in her test paper.

The Education Ministry decreed in August 1989 that all applicants for teaching positions in public schools must be interviewed on their views on political issues and Chunkyojo. In a break with the previous practice of automatically giving jobs to graduates of state-run teachers colleges, more than 250 prospective teachers underwent interviews conducted by the Seoul Board of Education. The interviews included questions about the applicants' past political activities and inquired as to whether they would join Chunkyojo upon becoming teachers. According to government officials, 18 persons were disqualified because of their past links with the student movement, and 46 applicants did not show up for the interviews.²⁰⁰

Support of Chunkyojo not only has disqualified applicants for teaching jobs but may affect applicants to teachers' colleges as well. In October, the Education Ministry issued new guidelines for those applying to teachers' colleges. Unlike other college applicants, they were now required to submit recommendations from their high school headmasters and records of their school activities "in what appears to be a government preemptive measure to weed out dissident students that may be involved in the union movement after becoming teachers."²⁰¹

In August 1989 the Ministry of Education ordered university officials not to reappoint Chunkyojo-member professors unless they quit the union. According to Chunkyojo, more than 400 college professors had joined the union, but it was not known how many would be affected by the new order. According to the prevailing law, full and associate professors at state universities must have their contracts renewed every six years, and assistant professors every three years. The re-employment statute had come under wide criticism in the past because the government had used it to expel dissident professors from college campuses; now the government was criticized for using it as a means to suppress the dissident union. But the Education Ministry maintained that it was "natural" for college professors to be dismissed for their membership in Chunkyojo as their counterparts in elementary and secondary schools faced the same punishment.²⁰²

In addition to those arrested or dismissed, others have reportedly been transferred to less desirable, remote villages and islands in retaliation for their pro-union activities. A teacher in Seoul, for example,

¹⁹⁸ Amnesty International, March 17, 1990, ASA 25/10/90.

¹⁹⁹ *Korea Herald*, July 4, 1990.

²⁰⁰ *Korea Herald*, August 8, 1989.

²⁰¹ *Korea Times*, October 8, 1989.

²⁰² *Korea Herald*, August 3, 1989.

was reportedly sent to a distant mountain village; another was transferred from Kwangju in the south to a northeastern province near the demilitarized zone.

A Chunkyojo official told Asia Watch of alleged mistreatment of teachers detained after the attempted July 9, 1989 demonstration in Seoul. Although the level of mistreatment varied in local police stations around the city, he said that detained teachers, male and female, who refused to hand over their citizens' ID cards, were often stripped and subjected to body searches. Some male teachers were so severely abused they required hospitalization; they were then re-arrested upon their release from the hospital. Mistreatment was said to be particularly harsh at a detention center in the northern section of Seoul. One person held there was beaten and sent to the hospital, then re-arrested when he was discharged. He was convicted and given a suspended sentence. Four teachers were subsequently charged and physically detained; 47 were indicted without physical detention and 6 were tried in the summary courts.²⁰³

The Legal Issues

The Law on Assembly and Demonstration (LAD), described in chapter 2, has also been most frequently used against the teachers. Lee Bu-young, for example, was convicted of violating the Law on Assembly and Demonstration. Lee, 43, acting president of the Chunkyojo and a teacher in Seoul, was arrested on July 13, 1989 on charges of organizing illegal rallies. In October, he was sentenced to an 18-month jail term, suspended for two years. Teachers who participate in Chunkyojo-organized demonstrations, rallies, sit-in protests and even hunger strikes have been arrested under the LAD. Most have been released after a short period of detention and a trial in summary court.

Teachers, however, have faced a particular problem because of ban on public sector workers. The South Korean constitution guarantees that "workers shall have the right to independent association, collective bargaining and collective action."²⁰⁴ However, the Constitution limits that right by stating that "only those public officials who are designated by law shall have the right of association, collective bargaining and collective action."²⁰⁵ This right has never been granted to teachers.

As noted by a legal scholar who compared South Korea's domestic laws with international labor standards, teachers are among a whole class of civil servants whose rights are abridged:

Employees of state-owned commercial enterprises are not prohibited from unionizing in South Korea, but the authorization contemplated in article 31 of the Korean Constitution has never been granted for most civil servants, a class comprising not only government personnel but also school teachers at all levels ... The effect of this restriction is to deny the right to unionize to large numbers of workers who could not be said to occupy administrative jobs in the government proper.²⁰⁶

²⁰³ *Movement for Genuine Education*, p. 32.

²⁰⁴ Constitution of the Republic of Korea, Art. 33(1).

²⁰⁵ Constitution of the Republic of Korea, Art. 33(2).

²⁰⁶ James M. West, "South Korea's Entry into the International Labor Organization: Perspectives on corporatist labor law during a late industrial revolution," *Stanford Journal of International Law*, v. 23, no. 2, (1987), p. 509.

In addition to the constitutional restriction, Article 66 of the National Civil Service Act bars civil servants, including public school teachers, from taking collective action, thus prohibiting their participation in trade union activity.²⁰⁷ In March 1989, amendments to the Trade Union Law which would have nullified the prohibition on union organizing by public sector employees were passed by the National Assembly. President Roh, however, vetoed them.²⁰⁸

In April 1990, the South Korean Supreme Court considered the constitutionality of the government's ban on organizing by public school teachers in the case of Won Yong-man. Won, a former teacher at Haksong Middle School in Wonju, was arrested in June 1989 for attempting to organize a branch of Chunkyojo.²⁰⁹ The Supreme Court upheld the provision of the Civil Service Law in question. Justice An U-man said that Chunkyojo could not be considered as legitimate even though the union members are pursuing the democratization of education and "true education," or Chamkyoyuk.²¹⁰ (See page 50 for further details about *Chamkyoyuk*.)

The Supreme Court's decision apparently conflicts with international labor standards. As West observed, "The pertinent International Labor Organization (ILO) standards have been consistently interpreted as rejecting a public/private distinction as determinative of associative rights."²¹¹ Moreover, the international trend, reflected in the ILO norms, is shifting away from blanket restrictions on public sector organizational rights. The ILO Labor Relations (Public Service) Convention (No. 151), for example, notes the special need for unionization in the public sector.²¹²

Private school teachers are also banned from organizing under Arts. 55 and 58 of the Private School Law. The first article stipulates that private school teachers are to be treated as public school teachers.²¹³ The second article states: "(A teacher may be dismissed from office) when he joins political movements or labor movements or ... agitates the students to support or to oppose any political party."²¹⁴

²⁰⁷ National Civil Service Act, Art. 66: "Prohibition of Collective Action: Civil servants may not take collective action for labor movement purposes or other purposes outside of public duty." The law was promulgated in 1963 and amended in 1986. 1989 *Popjun* (Code of Laws).

²⁰⁸ Trade Union Law, Art. 8: "Restriction on Formation and Membership of Trade Unions: Workers may organize or join a trade union at liberty. In case of public officials, however, the right shall be stipulated separately...." *Labor Laws of Korea*, Republic of Korea Ministry of Labor (1989), p. 4.

²⁰⁹ *Korea Herald*, April 12, 1990. Won had been sentenced to two-year prison term, which was later reduced to a 1 million *won* [US\$1430] fine.

²¹⁰ *Ibid.*

²¹¹ West, p. 508.

²¹² ILO Convention No. 151, Part II "(Protection of the Right to Organize): "Public employees shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment... (in respect of acts calculated to) -- (a) make the employment of public employees subject to the condition that they shall not join or shall relinquish membership of a public employees' organization; (b) cause the dismissal of ... a public employee by reason or membership ... or because of participation in the normal activities of such an organization." International Labor Office, *International Labor Conventions and Recommendations, 1919-1981* (Geneva, 1982), p. 26.

²¹³ Private School Law, Art. 55: "The provisions concerning the duties of the teachers of national and public schools shall apply *mutatis mutandis* to the duties of the teachers of the private schools." (Promulgated in June 1963). *Laws of the Republic of Korea*, v. 1, p. III50).

²¹⁴ Private School Law, Art. 58.1(4).

In a case pending before the South Korean Constitutional Court in mid-1990, private school teachers were arguing that these provisions violate their constitutional right to freedom of association as well as to organize and bargain collectively. Although the courts have thus far upheld the government's position on the legal status of Chunkyojo, the Democratic Liberal Party introduced a Special Law Concerning the Status of Teachers during the June-July 1990 special session of the National Assembly. The bill designated the KFTA as the sole, officially recognized association representing teachers, thus emphasizing the illegal status of Chunkyojo. The bill also did not grant the KFTA collective bargaining rights. Wide criticism forced the government to shelve the bill, but it is expected to come up for debate in a future session of the National Assembly.

***Chamkyoyuk* (True Education)**

Chunkyojo's chief aim is *Chamkyoyuk*, the establishment of democracy and autonomy in teaching. The elements of this aim include revision of textbooks and curricula, an improved educational environment and improved working conditions.

In September 1989, Chunkyojo teachers filed a case with the Constitution Court challenging the constitutionality of Article 57 of the Education Act which gives the Education Ministry the exclusive authority to write or review textbooks used in primary and secondary schools. Teachers were concerned that these textbooks contained historical distortions and reflected the political bias of previous dictatorships.²¹⁵ While a decision has yet to be rendered in the case, the authorities reportedly agreed that revisions were needed to the curriculum and to some textbooks. The Education Ministry announced that until the textbook revision was completed sometime in 1990, teachers would be free to depart from those texts which did not reflect the government's recent improvement in relations with communist countries or ignored the abuses of the Chun Doo-hwan government.²¹⁶ In addition, the Education Minister reportedly told the National Assembly's Education-Information Committee, which met to discuss the Chunkyojo controversy, that the government would push for legislation to "enhance the status of school teachers and improve their working conditions," and the Ministry would "actively" accommodate the teachers' demand for "democratic and rational" school operations and revisions in the curriculum.²¹⁷

Improving the student-teacher relationship is a fundamental part of their aim to improve the educational environment. In September 1989 the Education Ministry reported that 126 secondary students nationwide committed suicide for academic reasons during the 1988 school year.²¹⁸ Chunkyojo believes that over 200 students kill themselves each year.

²¹⁵ As recently as June 1990, in a seminar sponsored by the Presidential Advisory Commission on Education Policy, a Seoul National University professor noted, "Schools of all levels had been instilling rigid anti-communist ideas into the minds of the growing generation for the last four decades." *Korea Herald*, June 28, 1990. He added that there needed to be new guidelines on how subjects like reunification and North Korea should be treated, "Under these guidelines and subsequent limits, teachers and professors should be allowed to conduct their classes in their own way."

²¹⁶ Amnesty International, March 17, 1990, ASA 25/10/90.

²¹⁷ These demands for enhanced status and democratic operations of schools were to be met, he said, in the delayed Special Law Concerning the Status of Teachers. See "The Legal Issues" section, *supra*; *Korea Herald*, August 10, 1989.

²¹⁸ Twenty killed themselves after their parents severely scolded them for their poor academic performance; seven were afraid of fierce competition over college entrance.

Chunkyojo also demands improved working conditions. Teachers' salaries in South Korea are below those of other clerical jobs and some blue-collar jobs such as cab drivers. As of mid-1990, an average teacher with five-year experience earns 437,000 *won* (US\$624) per month for teaching a minimum of five classes a day.²¹⁹ Classrooms are overcrowded. The Education Ministry exercises near complete control over the entire educational system. It recruits and promotes teachers, has the power to dismiss and transfer them, and selects all their teaching materials.

²¹⁹ *Far Eastern Economic Review*, July 27, 1989.

VII. BROADCASTING AND PRESS UNIONS

Unions in the broadcasting and newspaper publishing industries have challenged the government's restrictions on collective action by striking over personnel decisions, issues of editorial independence and censorship. They have demanded a greater voice in the running of their industries.

A series of strikes, both legal and illegal, have taken place since June 1987, when Roh Tae-woo's promised reforms included a pledge to expand press freedom. The most dramatic confrontation between the unions, management and the government took place at the Korean Broadcasting System (KBS) in April 1990 when thousands of riot police broke up an "illegal" sit-in by employees at the headquarters of the giant TV and radio system.

Asia Watch takes no position on the specific grievances raised by the broadcasting and press unions. It maintains, however, that workers in the newsrooms and broadcasting studios have every right to freely express their views without fear of being arrested or forcibly silenced by riot police.

Background

Since the Republic of Korea was established in 1948, successive governments have maintained tight rein on the nation's press. Chun Doo-hwan's administration was accompanied by a particularly harsh suppression of the press. In 1980 alone -- as part of his "purification movement" against "undesirable and corrupt elements" of Korean society -- Chun fired and banned from writing 683 members of the press from some 40 newspapers and broadcasting stations; banned 172 periodicals on charges of obscenity and creating social confusion; closed 617 publishing firms; closed a Seoul-based daily newspaper; permitted only one newspaper per province; closed down two major news agencies and several smaller agencies and forced them to merge into the Yonhap News Agency.²²⁰ Two independent broadcasting stations were merged into the state-run Korean Broadcasting System (KBS), which also took over 70 percent of Munhwa Broadcasting System stocks.²²¹

In December 1980, the government enacted the Basic Press Law which then became the legal basis for government censorship of the press and the broadcasting industry. The Basic Press Law required publishers to be licensed by the state and to submit two advance copies of their publications to the Ministry of Culture and Information.²²² Periodicals could not be edited or published at branch offices. All journalists were required to have a press card to have their works published.

Broadcasters had to submit records of broadcasts to the Ministry of Culture and Information. The Korean Broadcasting Commission, whose members were appointed by the South Korean President, had broad powers over personnel and editorial decisions.

²²⁰ Asia Watch, *Human Rights in Korea* (January 1986), p. 289. Yonhap News Agency is a cooperative company, structured much like the Associated Press, with member companies represented on the board of directors. Currently about half of Yonhap's stocks are owned by KBS and MBC.

²²¹ *Ibid.*

²²² *Ibid.*, p. 290.

Those who protested the government's censorship were dealt with harshly.²²³ But until early 1985, "there had been very few instances of government action against the media since 1980 for the simple reason that the media has learned the limits of government tolerance and has policed itself."²²⁴ For its part, the Ministry of Culture and Information issued hundreds of daily, written guidelines to the news media.²²⁵ The guidelines dictated which stories and photos the news media should cover or ignore and how certain sensitive stories should be treated. The practice of issuing written guidelines ceased only after Roh Tae-woo's June 29, 1987 declaration. In November 1987, the National Assembly repealed the Basic Press Law and replaced it with two new laws, one governing periodicals and the other governing broadcasts.

Broadcasting Media

There are five television channels and some 50 radio stations in South Korea. Broadcasting has been the most tightly controlled mass media, with KBS having a near monopoly on the industry.²²⁶ Wholly owned and operated by the state, KBS broadcasts over three television channels and owns 25 radio stations. KBS also owns 70 percent of the stocks in the Munhwa Broadcasting Corporation (MBC) which has one television channel and operates twenty radio stations. A much smaller company, the Christian Broadcasting System (CBS) operates four radio stations. CBS was restricted only to religious programming until September 1987, when it was permitted to begin airing news broadcasts.²²⁷

Political control over the industry was traditionally maintained through presidential appointments to key posts. By the time Chun Doo-hwan left office, the last five presidents of KBS and MBC had been his former secretaries.²²⁸ Appointments to the chief regulatory agency of the industry, the 12-member Korean Broadcasting Commission (KBC), established in 1980, were and continue to be controlled by the President.

The November 1987 Broadcast Law ostensibly guaranteed an end to government interference in the broadcasting industry. But it retained the earlier provision empowering the President to appoint the heads of broadcast networks and members of KBC. The new law also appeared to strengthen the role of the Commission in programming and management decisions. The networks were required to submit details of daily broadcasts to the Commission and the Minister of Culture and Information. The Commission was also authorized to deliberate basic programming issues and to approve or disapprove the contents of programs.

During the upsurge of labor activism after June 1987, two large and powerful media unions emerged at MBC and KBS to challenge the Commission and the management's control over the broadcasting media. Both unions -- beginning in July 1987 at MBC and in April 1990 at KBS --

²²³ *Ibid.*, p. 290.

²²⁴ *Ibid.*

²²⁵ "Guiding the Press," *Index on Censorship*, May 1987, pp. 28-36. Also see *Human Rights in Korea*, p. 291.

²²⁶ See *Freedom of Expression in the Republic of Korea*, jointly published in August 1988 by Asia Watch, International Human Rights Law Group and American Center of International PEN. For background on the 1980 media merger, see pp. 19-20.

²²⁷ *Freedom of Expression in the Republic of Korea*, pp. 19-20, p. 67.

²²⁸ *Los Angeles Times*, August 17, 1987.

asserted their strength through a series of strikes and protests to demand fair and impartial broadcasting and editorial independence.

Munhwa Broadcasting Company (MBC)

The union at the Munhwa Broadcasting Company (MBC) is one of the strongest in the media industry; 950 of MBC's 1,800 employees are members of the union. Beginning in July 1987, they carried out three strikes which, over the course of three years, elicited concessions from the government and management on issues of editorial independence, most notably expanding the union's role in the system of appointing high-level officials at the network.

On July 16, 1987, approximately 100 journalists staged a 12-hour stoppage of news coverage to press for their demands, including greater freedom of the press and the reinstatement of hundreds of journalists who had been dismissed from their jobs over the past several years.²²⁹ A number of photographers and journalists joined in the protest.²³⁰ The striking journalists said they would work only under conditions that allowed fair and impartial reporting. Ranking MBC executives reportedly promised that the network would devote itself to fair reporting.²³¹

The union conducted a second strike a year later. In June 1988, they began negotiations on guarantees for fair reporting, demanding the resignation of the MBC president and establishment of a system for nominating chief editors that would ensure editing functions would not be influenced by the management. In late August, after a series of unsuccessful attempts to settle, the union decided to strike. The Minister of Culture and Information accused the union of calling an illegal strike because it did not observe the fifteen-day cooling-off period mandated for a "public utility."²³²

The MBC strike threatened to disrupt coverage of the upcoming Olympic Games in Seoul, and the management relented. Hwang Sun-pil, the government-appointed president (and a former spokesman for Chun Doo-hwan) submitted his resignation. In addition, seventy percent of MBC's ownership that had been previously in the hands of KBS was transferred to a newly-established, private Broadcast Culture Foundation.²³³ The Foundation's board of directors, composed of ten persons, would include one to be chosen by the union.²³⁴

In September 1989, over eighty percent of the 1,150 unionized workers at MBC voted to strike to demand a larger role in selecting key editors and program producers. The union also began talks with

²²⁹ Kyodo, July 16, 1987, in FBIS, same day.

²³⁰ At the beginning of February 1988, the union at MBC filed a petition with the Seoul Labor Committee protesting the management's January 29 transfer of Shim Chae-chol, a union member and staff reporter at the Foreign News Desk to the Business Department. The union alleged that the transfer was aimed at suppressing union activities. Journalists Association of Korea issued a statement demanding management stop "intentional and systematic" activities aimed at curbing labor activities. *Korea Herald*, February 4, 1988.

²³¹ *Korea Herald*, July 18, 1987.

²³² *Korea Herald*, August 27, 1988. See Appendix 3, Trade Union Law, Article 14.

²³³ Kyodo, August 28, 1988, in FBIS, August 23, 1988. The other 30 percent of the stock is owned by the Chung-Soo Foundation, named for former President Park *Chung-hee* and his wife *Yook Yong-soo*. The exact nature of this foundation is not clear.

²³⁴ The remaining nine members are chosen as follows: four by the Korean Broadcasting Commission, four by the-then existing four political parties, and one by management.

management on appointment procedures for directors of programming, news, and technical divisions, proposing a direct voting system for the three core directors. But management rejected the notion of a voting system, and subsequently turned down a series of alternative proposals for nomination or arbitration procedures to appoint the directors. Negotiations broke down, and on September 8, the union walked out.

The next day, MBC union president Kang Song-ju and four other union officials were charged with engaging in an illegal strike. The Labor Ministry accused the workers of violating the Labor Disputes Adjustment Law by failing to observe the required 15-day cooling-off period. The government also objected to a work stoppage on August 31-September 1 by more than 700 workers who took their monthly leave *en masse*.

The strike lasted until September 19, when management recognized the workers' demand for a voice in key management appointment decisions. The staff of the three departments (news, programming, TV technical division) would vote and recommend two or more candidates for the director-level positions, with the final selection to be made by the MBC president. Furthermore, by majority vote, a panel made up of six members -- three each from the union and the management -- could request the dismissal of high-ranking officials at the network.

The agreement set an important precedent for collective action in the broadcasting industry, demonstrating that a union could win significant concessions on decisions on editorial appointments from management and the government.²³⁵

Korean Broadcasting System (KBS)

Nearly a year after the MBC union formed, the KBS union was established on May 20, 1988. In contrast to the MBC union, the KBS union maintained a good relationship with the network officials, including then-network president, Suh Young-hoon. Suh was considered sympathetic to the free press movement, and the union grew rapidly during his tenure. He was forced to resign, however, in December 1989, after allegations of financial irregularities surfaced at the network.²³⁶

On April 9, 1990 Soh Ki-won was appointed as the new head of KBS by President Roh Tae-woo.²³⁷ He had close connections with the government, including a position as press secretary to former

²³⁵ On September 21, 1990, MBC unionists staged an overnight sit-in strike to protest the company's dismissal a week earlier of two union leaders, including union chairman and city-desk reporter Ahn Song-hil. The unionists also passed a no-confidence measure against the network's president. *Korea Times*, September 23, 1990 in FBIS, September 24; *Korea Herald*, September 22, 1990. The reasons for the dismissals and the outcome of the sit-in strike are not clear.

²³⁶ The Board of Audit and Inspection announced that KBS had spent more than 4 billion *won* (US\$5700) illegally in 1989. With fictitious documents, KBS paid 4,032 million *won* (US\$5760) to its employees, 3 billion *won* (US\$4290) as allowances for overtime work and 1,032 million *won* (US\$1470) as holiday bonuses, according to the *Korea Herald*. Payments were made in line with a labor-management agreement reached in December 1989 but KBS altered the date of the agreement to December 16 from December 23 to pay 1,702.4 million *won* (US\$2430) in special allowances to its employees from December 18 to December 31. In June 1989, it also illegally spent 1,377 million *won* (US\$1970) in that manner. The Board findings were expected to go to the Ministry of Information for actions against the KBS president and other management officials. *Korea Herald*, February 27, 1990. We understand from our interviews in Seoul that Suh had been under pressure to resign even before the financial scandal "surfaced."

²³⁷ It was known as early as in February that Soh would be appointed as KBS president.

President Park Chung-hee. As president of the pro-government newspaper, *Seoul Shinmun*, he had a reputation for union-busting and censorship and had reportedly ordered company employees to throw out workers engaged in a peaceful sit-in strike at the paper. The KBS union vigorously opposed Soh's appointment,²³⁸ viewing it as part of the government's plan to strengthen its control over the state-run network²³⁹ by revising the broadcast laws.

The appointment sparked a dramatic confrontation between the union, management and the government. There is no question that Soh's appointment was an assertion of government determination to control the media. There is also no question that the appointment of a company president *per se* would not be considered a legitimate issue for collective bargaining in many countries, including the U.S.

Ha Un-sung, a KBS union official interviewed by Asia Watch, described a sit-in strike that began on April 10 with a peaceful blockade to prevent Soh from entering the KBS building.²⁴⁰ But on April 12 Soh managed to evade the blockade and gain access to his office on the sixth floor. Some 200 surprised and angry workers went up to his office via the fire escape and tried to get in, using a rope to remove the doorknob when they found the doorway locked from the inside.

They encountered a large group of KBS officials with offices on that floor, and 20 to 30 company security guards blocking the hallway leading to Soh's office. The unionists asked all the company officials to leave peacefully in order to avoid a confrontation. When the managers refused, the workers moved them, one by one, out of the way. At the same time, several hundred riot police and *baikgoldan*, summoned by Soh, appeared and filled up the middle of the hallway, ordering the workers to disperse. The workers sat down, sang and shouted slogans, until the police after an hour began to forcibly disperse them. Some, including Ha, were reportedly beaten. But in general the police, aware that they were being filmed by the unionists, exercised restraint. As demonstrators came down the stairway, they were forced to walk between two columns of policemen leading them to police buses. A total of 117 union members were detained and transported to local police stations.

At the police stations, the demonstrators were treated politely, according to Ha. (KBS unionists we spoke with noted that there is generally a higher level of respect in South Korea for journalists than for ordinary workers and believe that for this reason, they tended to receive better treatment by the police.)

But there were some reports of police abuse. Kim Chum-suk, editor of the union's paper, told us that the police kicked him in the shins and bent his fingers back when he was arrested on April 12. Lee Won-hu, a vice-president of the KBS union, was reportedly beaten severely on April 11 and sustained head injuries. He was hospitalized for ten days. The authorities threatened to arrest him if he returned to "Democracy Plaza," the lobby area on the second floor of the KBS headquarters where the workers assembled for protest actions.

²³⁸ Yonhap, April 13, 1990 in FBIS, April 17.

²³⁹ We were also told that the KBS board of directors were indirectly threatened to support Soh's appointment. The KBS board of directors are chosen by the government appointed Korean Broadcasting Commission. Han Un-sa, a television and drama writer and a KBS board member, reportedly disclosed that the board was indirectly pressured and intimidated to accept Soh's selection without discussion. Han protested the closed procedure and another board member, Lee In-ho, a professor at Seoul National University, urged all the board members to resign in protest, but none did.

²⁴⁰ Interview with Asia Watch, June 8, 1990, at the KBS union office.

At the police station Ha and others learned from an early evening news broadcast that other KBS employees were refusing to work in protest against their colleagues' arrests. But the 9:00 p.m. newscast was abruptly halted and replaced with another program. Only later did Ha discover the reason for the interruption: ten reporters had staged a silent strike in the newsroom to demand airing of the labor unrest at KBS, standing behind the anchorman though out of the range of the cameras. By 9:13 p.m., when major news items had all been covered and there was still no mention of the KBS strikes, the anchor and the news production people walked off in the middle of the live newscast. In fact, while Ha and his colleagues were being detained, the police intervention had prompted over 500 KBS unionists to take part in an overnight sit-in strike at the KBS headquarters to demand their colleagues' release and Soh's resignation.

On April 13, the union held a general meeting, and more than 3,000 union members from all departments except the transmission section decided to go ahead with work stoppages until Soh resigned. Some 350 managing staff members at lower levels also demanded Soh's resignation and the release of all detained union members.²⁴¹

On April 17, the government's Information Minister, Choe Pyong-yul, ordered the KBS workers back to work:

The entire KBS staff should be enlightened to the public indignation stemming from the prolonged blockade of information and the act of holding broadcasting hostage for their struggle. The union's refusal to broadcast since April 12 is an obvious violation of the law and a virtual walkout.

Soh Ki-won had been chosen and taken office through a legal process, he asserted, and was therefore the legitimate head of the network.

The stand-off over Soh's appointment continued to generate controversy, with the government on the defensive. Home Minister An Ung-mo testified before the National Assembly's Home Affairs Committee and defended the decision to deploy -- at Soh Ki-won's request -- riot police at KBS headquarters. The Culture and Information Committee of the National Assembly also debated the KBS incident.²⁴² No one questioned the fact that the KBS strike was illegal under Korean Law: the KBS union did not file notice or wait out the cooling-off period, and the walk-out did interfere with normal operations. At the same time, 47 out of 72 bureau chiefs of the KBS issued a joint statement expressing full support for the efforts of the KBS workers and criticized Soh's "rash" mobilization of the police.

KBS executives called on employees to return to work and also urged the government revise the current system of appointing the KBS president to safeguard the independence and neutrality of the public network. "No punitive measures should be taken against employees for joining the massive walkout," they declared, adding that all bureau chiefs would resign with the normalization of broadcasting. Kang Won-yong, head of the Korean Broadcasting Commission reportedly discussed the situation in separate meetings with Soh Ki-won and KBS union representatives.²⁴³

²⁴¹ Yonhap, April 13, 1990.

²⁴² Yonhap, April 18, 1990, in FBIS, same day.

²⁴³ *Korea Times*, April 18, 1990, in FBIS, same day.

MBC and its 19 affiliated provincial networks held an emergency meeting and decided on April 18 to stage a work boycott in support of the KBS union:

The government's appointment of Soh as KBS president and Soh's resort to police force to quell the protest are an obvious sign of attempting to keep under the government control the broadcasting networks and to suppress mass media once again.²⁴⁴

But the government continued to resist the mounting pressure and criticism. On April 23, the ministers of Home Affairs, Justice, Labor and Information issued a joint statement threatening to take even tougher action:

If the KBS labor union continues to trample on the public's right to know and continues unlawful acts, the government cannot help taking all necessary measures in order to restore order at any cost...This is not a legal labor movement designed to improve working conditions. This is a challenge to the government's right to manage personnel and is an illegal collective action.²⁴⁵

They also dismissed the charge that Soh was appointed as KBS president to keep the nation's broadcast media under government control.²⁴⁶ The government referred to guidelines issued in January by the Labor Ministry. Though not legally binding, they stated specifically that unionized workers were not allowed to stage a legal strike over personnel decisions such as the resignation of certain executives or appointment of presidents or senior company officials.

A compromise agreement negotiated by KBS union leaders and management was rejected, late on April 30, by a union membership vote because it did not stipulate Soh's resignation as a precondition for ending the sit-in strike. Around midnight, approximately 2,000 riot police stormed the KBS headquarters, arresting 333 journalists, producers and other workers.²⁴⁷ The police raid -- just two days after the massive assault on striking unionists at the Hyundai shipyards -- made international headlines and conveyed the image of a government determined to maintain control over the media at virtually any cost.

On May 1, over 100,000 workers affiliated with Chonnohyop (the "illegal" national union federation) staged strikes at more than 50 work places, in part to protest the police raid on KBS strikers.²⁴⁸ The Korean Federation of Press Unions, composed of unions in print and broadcasting media, called for an unprecedented industry-wide work stoppage in solidarity with the KBS workers and the jailed KBS staff members. Both the MBC and CBS unions launched sympathy strikes.²⁴⁹ Editorials by most major newspapers generally supported the workers and criticized the government for its use of

²⁴⁴ Yonhap, April 18, 1990, in FBIS, April 19. An emergency solidarity committee at CBS was also considering a production boycott to support the KBS workers.

²⁴⁵ Yonhap, April 23, 1990, in FBIS, same day. On January 20 of this year, the Labor Ministry had announced new, although not legally binding guidelines restricting the scope of collective action. Specifically, the guidelines stated that unionized workers were not allowed to stage a legal strike over personnel decisions such as the resignation of certain executives or appointment of presidents or senior company officials.

²⁴⁶ *Ibid.*

²⁴⁷ Reuters, May 1, 1990; Associated Press, May 1, 1990.

²⁴⁸ Reuters, May 1, 1990.

²⁴⁹ Yonhap, May 3, 1990 in FBIS, same day.

the riot police to break up labor disputes. The government responded by threatening to arrest 30 more KBS staff workers on charges of "interference with business."²⁵⁰

By May 3, most of the 6,500 KBS workers had returned to work. But about 1,000 union members stayed away, and there were continuing reports of brief skirmishes with a force of 2,000 riot police deployed at KBS headquarters. Pak Chu-sang, head of the Management Workers Association, joined other KBS union leaders in an agreement on May 11 to drop Soh's resignation as a precondition to returning to work.

Normal operations at KBS resumed on May 18, but hundreds of riot police remained stationed in and around KBS headquarters as a visible reminder of the state's tough anti-labor policy. In mid-June, the Asia Watch delegation observed heavy anti-riot equipment, police buses, barbed wire barricades, and a fenced-off field with tents and other supplies in an area adjoining the KBS building.

In addition, we were told that security agents tapped the phones at the KBS union office (situated in the basement of the broadcasting headquarters), and subjected the office to constant surveillance. We also heard reports that the telephone conversations of unionists' relatives were monitored by the police as part of their search for union leaders whom they sought to arrest or wanted for questioning.²⁵¹

Print Media

Journalists at *Hanguk Ilbo* were, in October 1987, the first to form a union at a newspaper. Workers at other newspapers followed suit after the repeal of the Basic Press Law in November 1987. As the *Far Eastern Economic Review* noted:

As if to shake themselves loose from the trauma of the past, journalists took to celebrating their new freedom with a vengeance. Strikes, protest marches, newsroom sit-ins and even scuffles with riot policemen all marked the drive to unionize the profession.

As a result, militant trade unions have been organized at almost every newspaper and television company. The few newsrooms that have held out against unionization have done so only with the consent of their employees.²⁵²

In April 1988 a consultative body of press unions was formed with 14 trade unions represented. An industry-wide federation, the Korean Federation of Press Unions (KFPU), was established in November 1988 with membership of 13,000 media workers from 41 member unions. KFPU's primary goal was to "contribute to social democratization through achieving perfect editorial freedom."²⁵³ It designated 1989 as "The Inaugural Year for Press Liberation" and dedicated itself to press liberalization,

²⁵⁰ Yonhap, May 3, 1990, in FBIS, same day.

²⁵¹ The police raids on April 12 and April 30 resulted in the arrest of over 500 KBS union members. Most were released after a short period of detention. Union leaders were also subsequently arrested or placed on wanted lists. See appendix for names of those being held as of late June, 1990 on charges of "obstructing business." KBS trials were scheduled to begin in early July.

²⁵² Shim Jae-hoon, "Watching the Watchdog," *Far Eastern Economic Review*, August 23, 1990, p. 24.

²⁵³ Interview with Lee Seh-yong, Director of Domestic and International Relations, KFPU, in Seoul, June 1990.

including advocacy of editorial independence and democratization in the media.²⁵⁴ As of October 1990, KFPFU had approximately 16,000 members from 53 affiliated-unions.

"Democracy in the newsroom" was a chief objective of KFPFU member unions, as reporters demanded a greater voice in the selection of editors. At *Hankyoreh Shinmun* the editors are elected directly by the newsroom employees. After one or two years, newsroom staff can choose to veto their continued tenure in editorial positions. The staff at *Chungang Ilbo* also elect their managing editors.²⁵⁵ In 1989 at least one business newspaper closed down rather than agree to union demands for control over all newsroom appointments.²⁵⁶

Other press unions also demanded, through collective actions, the right to have a say in the selection of editors. As the following cases indicate, the results have been mixed:

-- The union at *Hanguk Ilbo* and its seven sister newspapers and magazines went on a six-hour strike on June 16, 1989 after failing to reach agreement with the management.²⁵⁷ The union demanded the right to elect managing editors and editorial executives of each publication, plus increased wages and bonuses. Only through direct elections of the managing editors by the staff, the union said, would the publications have editorial independence.²⁵⁸ The company agreed to most of the union's demands. The management currently selects the editors but the union must ratify appointments.

-- The union at *Seoul Shinmun*, a newspaper owned jointly by the Finance Ministry and the state-run Korean Broadcasting System, went on strike at midnight on September 22, 1989 upon expiration of the mandatory 10-day "cooling off" period. The management and union had been negotiating since July over the key demand of the union for the right of the staff to approve or reject the appointment or dismissal of managing editors.²⁵⁹ The strike ended on October 19 with a compromise agreement; the company managers agreed to inform the unions in advance of editorial appointments.

On October 8, more than 500 non-union workers at *Seoul Shinmun* held a rally in support of management, vowing "to protect the company and continue to produce newspapers despite the labor union-called walkout." (Of 1,400 employees at the paper, 730 belonged to the union.) The day before the rally, some 300 non-union members, including company executives, reportedly stormed the paper's newsroom and drove out about 100 members on strike, using force. Seven workers, including Kim Yong-won, the union's vice-president, were attacked and injured. Company president, Soh Ki-won, filed complaints with the police against seven union leaders for "obstructing company

²⁵⁴ See "Activity of the KFPFU: Media Labor Union Movement and Democracy," *Inha Times*, September 10, 1990.

²⁵⁵ *Ibid.*

²⁵⁶ "Watching the Watchdog," p. 24.

²⁵⁷ *Yonhap*, June 16, 1989, in FBIS, same day.

²⁵⁸ *Hanguk Ilbo* employees organized the first journalists' union in October 1987. *Korea Herald*, October 31, 1987.

²⁵⁹ *Korea Herald*, September 24, 1989.

operations." The union, in turn, protested against the company president and executives for ordering what they called illegal anti-labor acts.²⁶⁰

-- In October 1989, a year after a union was formed at the Yonhap News Agency, members voted to go on an indefinite strike after failing to settle disputes with the management. One of the central issues was the independence of editors from the management.²⁶¹ The strike lasted for nearly three weeks and ended with a compromise agreement acceding to the workers' demand for a voice in choosing editors, though a procedure for doing so has reportedly not yet been established. Yonhap is structured as a cooperative with member companies represented on the board of directors. The board chooses the president of the company who, in turn, selects the editors.

²⁶⁰ *Korea Times*, October 10, 1989, in FBIS, October 17, 1989. In April 1990 Soh Ki-won was appointed president of the Korean Broadcasting System.

²⁶¹ *Korea Herald*, October 13, 1989.

VIII. ORIENT ELECTRONICS

"If this problem [with mercury poisoning] is not solved, it will affect the next generation. We must do something about it or the health of the next group of workers will be threatened in the same way. We have to draw the line...."

--Orient Electronics worker

In May 1990, workers in a legally recognized union at Orient Electronics, Ltd., a small company in Seoul, went on strike over issues of worker health and safety related to alleged mercury poisoning. The resulting labor dispute, which ended with an agreement in July, illustrated the narrow range of permissible issues over which workers can engage in collective actions. Complaints about violent attacks on the strikers by company officials were ignored by the police.

Background

The Orient Electronics Company was founded in 1971 with U.S. investment to manufacture mercury switches used in telephone exchange devices. Since 1987, the company has been owned and operated by a Korean-American, Kang In-ho.

A union was organized at Orient in March 1989, affiliated with the Korean Metalworkers Federation; as of June 1990 most of the work force (34 out of 55 persons) were members. Most of the production workers were young single women in their 20's some as young as 18 years of age. High school students, we were told, were employed by the company on the night shifts. There was no safety committee at the plant; such a committee was reportedly not required by law in factories with fewer than one hundred employees.

The workers we spoke with said that when they were hired, no one explained to them the risks and hazards entailed in handling a dangerously toxic substance, nor were they properly trained or provided with protective clothing. There has been a constant turnover of personnel at the plant; none of the current employees had worked there for more than two years.²⁶³

The workers experienced apparent symptoms such as pain in the eyes, difficulties in breathing, headaches, memory loss, and insomnia, which they suspected might be connected with the hazardous substances in the factory. Two workers underwent medical tests at their own expense. One of them was Han Young-kwon, 23 years old, the vice-president of the union. His test results, and that of his colleague, indicated high levels of mercury in the urine and blood.²⁶⁴ He worked in the "activating room" where mercury is activated by heat and is often scattered in all directions when a glass is broken. (Mercury is injected into the glass in the previous step of the production process.) Workers do not wear special suits and are reportedly exposed directly to the mercury vapors. When we visited in June, Han was seriously ill, suffering from high blood pressure and other maladies.

²⁶³ On June 13, the Asia Watch delegation interviewed a group of twenty Orient employees (nineteen women and one man). The president of the union was reportedly too ill to meet with us.

²⁶⁴ Han's initial test results: 77.02 mg/l of mercury in urine, 11.72 mg/100 ml in blood.

In April 1990, alarmed by the implications of these results for the rest of the work force, 11 workers underwent tests with expenses shared between themselves and the union. Nine of the eleven were told their levels of chronic mercury poisoning were far above international standards for mercury exposure; five of them tested above South Korean standards, which allow for a greater level of exposure.²⁶⁵ In May, two of the workers were acknowledged by the Ministry of Labor to have an occupational disease and thus became eligible for compensation and free medical care.

Issues in the Labor Dispute

This revelation set off a series of labor disputes which pitted the workers against management over occupational health and safety issues.²⁶⁶ The outcome has potentially profound implications for the health and safety of the workers, as well as the union's ability to effectively agitate on their behalf within the framework of existing labor laws.

The workers' right to freedom of association was violated initially when the company refused to recognize the results of a union election on March 22, 1989. The government did nothing to protect the workers' rights to carry out collective actions, as guaranteed by Korean law and conventions of the International Labor Organization, or to stop the company from intimidating and harassing Orient's striking employees. Asia Watch was particularly concerned about allegations of beatings by the company's directors, and the failure of the police to investigate and prosecute those responsible even after official complaints were filed by the workers and union.

The Orient workers went on strike on May 15, 1990 to demand medical testing, compensation for those injured by mercury poisoning, improved working conditions, increased wages, and an inspection of the plant environment by occupational and medical specialists. In advance of the strike, they complied with legal requirements for the filing of a notice of dispute and a mandatory 10-day "cooling-off" period.²⁶⁷ Shortly before the strike began, there was a union election, but the company refused to recognize the newly-elected union leaders. In mid-May, two employees were hospitalized for symptoms of mercury poisoning and treated at the expense of the Ministry of Labor. The remaining workers refused treatment as a way of pressuring the company to cover the costs of testing all of the employees for mercury exposure.²⁶⁸

²⁶⁵ The World Health Organization (WHO) has recommended a standard of 0.05 mg/m³ of mercury vapor in the air, as have the American Conference of Governmental Industrial Hygienists and others. Mercury in its vapor form is extremely easy to inhale and absorb and can be quickly absorbed through the skin. Medical consultants for Physicians for Human Rights (PHR) (Dr. Howard Hu, professor of Occupational Medicine at Harvard School of Public Health and Dr. Michael Kosnett, Clinical Instructor of Medicine at the University of California at San Francisco) reviewed records provided to them by Asia Watch about the Orient Electronics case. Based on the data provided, they concluded that it is likely that at Orient the levels of exposure to mercury vapors in the air exceeded this standard. PHR's consultants also noted that the current Korean Ministry of Labor air exposure standard of 0.1 mg/m³ permits exposure twice as high as the standards recommended by WHO and enforced in the U.S. by the U.S. Occupational Safety and Health Administration. "Permissible Exposure Limits for Hazardous Substances," Ministry of Labor Notice 88-69, effective from March 1, 1989.

²⁶⁶ *Dong-a Ilbo* reported on May 10, 1990: "Laborers Group Mercury Poisoning: Nine workers are ill with headaches, two hospitalized."

²⁶⁷ A report in *Dong-a Ilbo* on May 17, 1990 was entitled: "Their Complaint Is: 'Shaking Our Fists We Demand Environmental Improvements.'"

²⁶⁸ Interviews with Orient workers, in Seoul, June 13, 1990.

On May 15 the workers set up eating and sleeping accommodations inside the factory, in accordance with the Labor Dispute Adjustment Act prohibiting strikes outside the concerned place of business. But they were informed by a police officer from the Kuro South (Nambu Station) that it was illegal for them to sleep in the plant or to use a butane gas burner for cooking. The workers then conducted a sit-in strike inside the plant. On the second day of the strike, while they were singing and banging drums, they were evicted by the company managers, who reportedly beat them as they left the factory. The beatings continued outside. One of the injured women said she required two weeks of treatment in the hospital for injuries to her eye.²⁶⁹ Han, the union's vice-president, complained to us of continuing problems with his legs as a result of the beatings.

The pattern of beatings at the hands of the company managers continued at least until early June; the last such incident reportedly took place on June 8. Throughout the strike the union says it tried to negotiate with management, but the president of the company refused to meet with them. Instead, they say, he ordered his managers and directors to beat and harass them to discourage them from continuing the strike. Towards the end, more sophisticated tactics of violence were utilized: the workers allege they were kicked in the abdomen in order to avoid leaving easily detectable marks of abuse.

Complaints were filed by the workers with the police, naming the persons responsible for the violence, but no investigations were undertaken or arrests made.²⁷⁰ In addition, on one occasion, a plainclothes police detective from the Seoul South Station intelligence section reportedly witnessed a beating but did not intervene to stop it.²⁷¹

Meanwhile, the ill workers were plagued by continuing health problems. At one stage they were sent to a clinic recommended by the Labor Ministry, but the union did not feel confident in the clinic's diagnoses or in their ability to be impartial and independent.²⁷²

Government Response

Asia Watch raised the Orient Electronics case with the Labor Ministry and with U.S. embassy officials in Seoul. We were assured that the allegations of abuse by the management and the role of the police in the dispute would be investigated. To date, we have received no response from either South Korean or U.S. officials.

²⁶⁹ Medical diagnoses of those injured in the beatings indicated multiple contusions, abrasions, and conjunctival hemorrhage -- issued by Kuro Clinic, May 16, 1990.

²⁷⁰ Charges of physical violence were filed with the Seoul District Police Headquarters, South Section Branch, on May 21, 1990, naming the company managers involved: Koh Kyung-il, Bae Jung-hee, and Oh P'yong-am.

²⁷¹ A separate complaint was filed by the union on May 20, 1990 against a police officer, Mr. Choi, alleging misconduct and abuse of power to forcefully stop a legitimate strike.

²⁷² According to Pak Suk-un, director of the Labor Human Rights Center, Seoul, "Doctors belonging to an institution recognized by the Labor Ministry have been suspected of unfairness by the workers...(because) these doctors tend to acknowledge a worker's occupational disease only when the results of blood or urine tests exhibit a level beyond the criteria fixed by the Ministry... In some cases, therefore, they do not acknowledge an occupational disease even when the worker has clear symptoms of it. Moreover, workers think that these physicians are strongly influenced by the Ministry of Labor or companies, which do not want the problem of occupational disease or unsanitary working environment to be publicized widely." Report to Physicians for Human Rights, July 18, 1990.

On July 9, 1990 an agreement was reached between Orient and the union, providing for special diagnostic tests of the workers to be conducted by the Korean University Environmental Medicine Research Institute (recommended by the company), an inspection of the work place to be carried out by the Seoul National University Graduate School of Public Health (recommended by the union), and some wage increases.²⁷³

The Labor Ministry and the police have a responsibility to protect the rights of workers, including their right to engage in labor disputes and collective actions free of harassment or physical violence. Asia Watch has urged a thorough, independent investigation into the complaints filed by the Orient employees against the company management and police and prosecution of those responsible for any physical violence committed against the strikers.

²⁷³ Before the agreement, the workers told us they earned 6,400 *won* (US\$9.15) per day and were requesting an increase of 1,700 *won* (US\$2.43). They also were seeking an increase of 3,000 *won* (US\$4.29) in their monthly travel allowance of 7,900 *won* (US\$11.29). According to the *Korean Times*, October 21, 1990, in October the Ministry of Labor recognized that four more workers had an occupational disease including the union's vice president. The *Hankyoreh Shinmun*, September 21, 1990, reported that 24 other workers had examinations. None were found to have the degree of mercury poisoning necessary to be judged to have an occupational disease and thus to be eligible for compensation and medical treatment from the Ministry of Labor. Four were to be monitored because they might develop an occupational disease. As of mid-October, the inspection of the work place had not taken place. A labor activist assisting the union noted that this is the second time the company has failed to keep its agreement to have an environmental survey conducted. The Minister of Labor referred the Orient case to the prosecution which levied a fine on September 17, 1990 of 300,000 *won* (\$US429) against the company in a summary proceeding under the Industrial Safety and Health Law for failure examine the work place environment and failure to have the workers examined.

IX. CONCLUSIONS AND RECOMMENDATIONS

The South Korean government, despite its promised reforms, continues to deny the fundamental rights of workers, labor organizers, writers, publishers, opposition leaders and others. It punishes many of those who attempt to exercise freedoms of expression and association guaranteed to them under domestic and international law. Its crackdown on labor has been particularly severe, as the administration of President Roh has attempted to blame economic difficulties on labor unrest and agitation. There are strict limits on the rights of workers to organize unions and engage in peaceful collective action and collective bargaining. Efforts to reform Korea's labor laws have been resisted by Roh's government.

Asia Watch recommends to the South Korean government the following urgently needed measures and reforms:

1. All persons being detained under the National Security Law or the Law on Assembly and Demonstration solely for the exercise of the peaceful expression of their beliefs, such as Kim Keun-tae, Hong Song-dam, and Kim Hyong-jang, should be promptly and unconditionally released.
2. The vaguely-worded National Security Law should be amended to prevent its frequent use to punish or prevent peaceful expression and dissent. Police and prosecutors should cease abusing the Law on Assembly and Demonstration to restrict free expression by preventing or suppressing peaceful protests.
3. The practice of pressuring prisoners sentenced under the National Security Law to sign "conversion" statements should be abolished.
4. Trade unionists and labor activists detained solely because of peaceful trade union activity, including those on trial or imprisoned charged with "third-party interference," "interfering with ordinary business," or violations of the Law on Assembly and Demonstration, should be released. Among those who should be released are Jang Myung-guk, Kwon Yong-mok and Dan Byong-ho. Allegations of mistreatment of arrested workers, such as those held at the Ulsan police station and Pusan Pretrial Detention Facility, should be fully investigated and steps should be taken to ensure they are not subjected to beatings, harassment or other forms of ill-treatment.
5. The labor laws should be reformed to bring them into line with international standards and South Korean constitutional guarantees of workers' rights to independent association, collective bargaining and collective action. The Trade Union law should be amended to allow independently-formed trade union federations, such as Chonnohyop, to freely function. Provisions of the Labor Dispute Adjustment Law and Trade Union Law prohibiting "third party interference" should be abolished; workers should have the right to associate freely and seek assistance from labor educators, advisors, lawyers and others. The laws governing public sector employees should be changed -- specifically the National Civil

Service Act, Trade Union Law, and Private School Law -- in order to recognize the right of both public and private teachers to form their own trade unions.

6. The South Korean government should undertake a thorough, public and independent investigation of the violent activities of the *kusadae* (company goon squads). Where such squads are found to have engaged in assaults on workers seeking to carry out peaceful trade union activity, they should be disbanded.
7. The practice of using *baikgoldan* (teams of special non-uniformed police) to break strikes should be ended. Allegations of police or company violence -- as in the case of Orient Electronics Ltd. -- should be fully investigated and prosecuted by the authorities, as vigorously as they prosecute workers engaged in alleged acts of violence. This is crucial to restore the role of the government as a neutral mediator in labor disputes.
8. The South Korean government should refrain from interfering with the internal operation of legally elected unions, by using arrests of union leaders as a pretext for dismissing them from their jobs, thus rendering them ineligible for union positions, or employing riot police and the threat of violence to suppress peaceful trade union activities. The rights of workers in the broadcast and newspaper industries to express their views and carry out peaceful collective actions in accordance with international standards should be fully respected and upheld by the government.

X. U.S. ROLE AND GOVERNMENT POLICY

As a military and political ally, trading partner, and major investor, the United States has played a crucial role in the Republic of Korea since before its foundation. The U.S. could bring significant pressure to bear on the government to protect freedom of expression, freedom of association and other basic human rights and to fulfill the promises of reform made in 1987.

U.S. Government Policy

The U.S. State Department *Country Report on Human Rights Practices for 1989*, published in February 1990, praises South Korea for "moving away from its authoritarian past" and for "making great strides towards attaining full democracy." It points to releases of some political prisoners in 1988 and a "boisterous free press" as examples of such progress, while at the same time it criticizes the increasing use of the National Security Law and the Law on Assembly and Demonstration to repress dissidents. It also notes the failure of the government to implement promised reforms in these laws. (As noted in chapter 2, the Law on Assembly and Demonstration was amended in March 1989, but abuse of the law continues.) Despite these, and other continuing human rights violations, the State Department concludes that "on balance Korea remains a much more tolerant and open society" than in the past.

In view of the massive crackdown on trade unions, stalling of promised legal reforms, and continued restrictions on free expression, these conclusions seem overstated.

On the question of trade union rights and the right of association, the report describes the lack of progress towards reform of the Trade Union Law and Labor Dispute Adjustment Act, noting that President Roh had vetoed several amendments. Most significantly, the report comments only very briefly on the government's crackdown on trade unionists, with a four-sentence reference to the Hyundai strike, the Seoul subway strike,²⁷⁴ and the teachers union dispute. It provides no details on the massive use of force to suppress strikes or on the number of arrests of trade unionists (with the exception of noting that forty teachers had been arrested as of early September). It concludes with the ambiguous statement that in 1989 "the Government began to take a more active role in labor-management disputes."

In surveying South Korea's observance of the right to organize and bargain collectively, the State Department says that "many major employers are strongly anti-union" and mentions that in several cases company goon squads have been used to beat up union organizers and intimidate workers. The State Department observes, correctly, that the authorities have "not been effective in investigating such incidents," but again the report provides no specifics.

The Asia Watch mission, in discussions with U.S. embassy officials in Seoul, raised several of the cases documented in this report, including those of Kwon Yong-mok, Cho Chu-nam, and Kim Nam-suk, as well as the plight of the Orient Electronics workers. The embassy's first secretary in the political section and its part-time labor attache agreed to make private inquiries about the cases with relevant

²⁷⁴ A Seoul taxi company employee was reportedly killed by company goons, or by "anti-union workers," as the Korean authorities concluded. Department of State Country Report on Human Rights Practices for 1989 (February 1990), p. 897.

government officials and said that the embassy had an "active interest" in bringing up incidents of abuse at every opportunity. As of October 1990, we had not been informed of the outcome of any such inquiries.

The embassy also acknowledged that the South Korean government's policy on labor issues was headed in the "wrong direction." However, U.S. government officials in Seoul stated it was current U.S. policy to raise human rights concerns only through quiet diplomatic channels. These officials firmly rejected the notion that the U.S. embassy should be publicly outspoken about human rights abuses or that it should demonstrate its concern about detainees subjected to abuses by seeking to visit them. We specifically asked for review of the existing stated policy of refraining from visiting any political prisoners.²⁷⁵

Finally, the embassy was reluctant to consider sending observers to political trials or trials of trade union leaders as a way of indicating U.S. concern that trial procedures are fair and legal according to international standards.

Asia Watch suggested that the U.S. government's restriction of its comments on human rights problems to "quiet diplomacy" might be a factor contributing to rising anti-Americanism -- marked, for example, by violent attacks on the U.S. Cultural Center in Seoul in May 1990 and a firebomb attack on the U.S. cultural center in Kwangju on June 11, 1990. Although the first secretary, who described himself as the embassy's anti-Americanism specialist, conceded that the failure of the U.S. government to speak out publicly about human rights at the time of the Kwangju massacre in 1980 was a major cause of the rise of anti-American feelings in the 1980's, he rejected the argument that continuing this approach was a mistake. He insisted that a more vocal, public policy would ostensibly reinforce the perception that the U.S. government is "omniscient" and "omnipotent" and should be responsible for solving South Korea's problems. Another State Department official in Washington, D.C. defended existing policy with a different argument: It is a "new day" in South Korea and "we can't interfere with their problems."²⁷⁶

This policy is politically short-sighted. It ignores the fact that the U.S. is widely perceived in South Korea as firmly aligned with the government of President Roh Tae-woo and its policies, and this perception contributes significantly to anti-American feelings. (This has made the U.S. a ready target for so-called "extremist violence," which in turn has provided a pretext for further repression.) Such an approach also fails to express what should be unequivocal U.S. government policy of support for democratic reform and the protection of basic rights of freedom of expression, association, and free trade union activity. Governments change their policies not only through private pressure but through public stigmatization. At a time when Korea is seeking to become a member of the United Nations, the U.S. should use Korea's desire for international acceptance to publicly press for improvements in the human rights situation.

The attitude of U.S. officials in Seoul reflects the overall Bush administration policy toward human rights in South Korea. Throughout 1989 and 1990 the Bush administration stated that it was committed to human rights and democratic reforms in South Korea. But its failure to comment publicly

²⁷⁵ Asia Watch made this request earlier in a letter to Mr. Raymond Burghardt, Deputy Chief of Mission, on April 9, 1990 following a meeting with him in Washington, D.C. on March 11, 1990.

²⁷⁶ Interviews with Lynn Turk and Jeffrey Goldstein, U.S. Embassy, Seoul, June 14, 1990; Roberta Chew and Spence Richardson, U.S. State Department, Office of Korean Affairs, May 16, 1990.

and forcefully when the number and severity of human rights violations increased sent the opposite signal to the South Korean government and people.²⁷⁷

The administration repeatedly failed to take advantage of strategic opportunities to comment publicly on specific human rights abuses, such as the meetings between President Bush and President Roh on February 27, 1989, and the visit to Seoul by Vice President Quayle on September 19, 1989. On June 6, 1990, another meeting between President Roh and President Bush took place at a particularly opportune moment, following Roh's "summit" meeting in San Francisco with Soviet President Gorbachev, at which there were discussions of steps towards reunification and improved relations between North and South Korea. It was also shortly before a special legislative session was due to begin in Seoul during which reforms in the National Security Law, the labor laws, the broadcasting commission, and various other laws relating to human rights were reportedly scheduled to be taken up. Asia Watch publicly urged the administration to use the occasion to press the South Korean government to implement legal reforms, including revisions of the National Security Law, and to release those imprisoned for non-violent political activity. No reference whatsoever to human rights was made by President Bush or the State Department as far as could be determined from the published accounts of the talks.

U.S. Trade Policy and Labor Rights

Legislation enacted by the U.S. Congress in 1984 links certain U.S. trade benefits to the recipient governments' respect for internationally-recognized labor rights. Section 502 (b)(8) of the Trade Act denies a recipient country preferential treatment under the Generalized System of Preferences (GSP) if that country "has not taken or is not taking steps to afford internationally recognized workers' rights." In addition, Congress made observance of internationally recognized rights, such as the rights of association, organization and collective bargaining, a condition for insurance and investment guarantees provided to U.S. companies investing abroad under the Overseas Private Investment Corporation (OPIC). In addition, OPIC is mandated by Congress to "take into account ... all available information about observance of and respect for human rights and fundamental freedoms" in countries receiving OPIC assistance.²⁷⁸

In 1988, imports from South Korea into the U.S. totalled \$20.2 billion. In 1989, \$19.7 billion worth of goods were exported to the U.S., making this country one of South Korea's most important trade markets.²⁷⁹

Asia Watch presented testimony on South Korea before the U.S. Trade Representative during the review of GSP in October, 1987. At that time, following an Asia Watch mission to South Korea from June 27 to July 14, we were encouraged by indications that labor reform might be promoted by a program of government liberalization, but we also expressed the concern that "such reform will have negligible impact on labor rights in the absence of an official, and continuing, commitment to end abusive and illegal practices."²⁸⁰ Asia Watch's testimony urged the U.S. Trade Representative to assess progress in the implementation of a number of measures to determine South Korea's eligibility under the GSP law. These

²⁷⁷ Human Rights Watch, *The Bush Administration's Record on Human Rights in 1989* (December 1989), pp. 243-8.

²⁷⁸ Section 239(i) of the Foreign Assistance Act.

²⁷⁹ The U.S. exported \$10.6 billion to South Korea in 1988 and \$13.5 billion in 1989, *Official Statistics*, U.S. Department of Commerce, July 26, 1990.

²⁸⁰ Asia Watch testimony, p. 3.

included reforms in the Trade Union Law and Labor Dispute Adjustment Law; an end to the official harassment, intimidation and mistreatment of labor organizers; and no further prosecutions of workers and labor groups for exercising their rights to peaceful expression and association.

South Korea graduated out of the GSP program on January 1, 1989 due to the increase in trade volume beyond the legal limit entitling South Korea to GSP benefits and not because of any improvement in their treatment of workers. However, OPIC continues its program in South Korea, notwithstanding the labor rights abuses.²⁸¹

Role of the U.S Congress

The South Korean government's suppression of trade unionists and denial of their human rights has been a matter of concern for many members of the U.S. Congress, despite the erroneous assumption on the part of some that the human rights situation has improved dramatically under President Roh and does not require close scrutiny.

Congressional offices have been active on behalf of trade unionists in South Korea. On March 9, 1990, the Congressional Working Group on International Labor Rights, a bipartisan group of fifty U.S. senators and representatives, wrote to South Korean officials about the deterioration of labor rights in South Korea. They expressed concern about restrictions on Chonnohyop (Council of Korean Trade Unions) and arrests of its leaders, and they urged an end to the government's crackdown "which clearly violates the rights of Korean workers to participate in peaceful union activities."

A separate letter signed by ten U.S. senators²⁸² was sent to President Roh on June 14, 1990. In particular, they criticized the government's infringement of the basic right of unionists to take collective action in the cases of Hyundai Heavy Industries and the Korean Broadcasting System. Furthermore, they warned, "Regulations to limit or prevent the formation of trade unions or restrict collective bargaining... may contravene laws requiring countries receiving loan [guarantees] from the Overseas Private Investment Corporation to extend to their workers internationally recognized worker rights." The appeal was covered in the Korean press.²⁸³

Congressional hearings on democratization in South Korea and the status of North-South relations were held on July 26, 1989, before the House Subcommittee on Asian and Pacific Affairs. At that hearing, Deputy Assistant Secretary of State for East Asia and Pacific Affairs, William Clark, Jr., said, "While there remain some elements of the past to be overcome...the American people can and do warmly applaud the progress which has been made" towards democratization.

²⁸¹ In 1989, over \$80 million in OPIC guarantees were given to U.S. investors in South Korea. This declined steeply in 1990 due to a ceiling imposed by the OPIC board of directors, which was recently lifted.

²⁸² Senators Kennedy, Leahy, Harkin, Levin, DeConcini, Mikulski, Kerry, Burdick, Conrad, and Akaka.

²⁸³ *Hankyoreh Shinmun*, June 16, 1990.

The Role of U.S. Investors and Companies

American companies and direct investors are heavily involved in the South Korean economy, taking advantage of low wages, high productivity and skills level, high profits,²⁸⁴ and an anti-union environment. While Japan is the largest foreign investor, the U.S. comes second with total investments of \$1.9 billion in 1989.²⁸⁵ The infusion of American capital and technology has been crucial to South Korea's economic growth. U.S. investors thus should be able to play an important role in promoting respect for labor rights.

U.S. companies operating in South Korea are most active in the heavy-industries manufacturing sector.²⁸⁶ Many started in the 1960's as small operations, as in the electronics field, with 100-200 employees. According to a representative of the American Chamber of Commerce in Seoul to whom we spoke, approximately 200 of the 348 member companies in the Chamber are U.S. companies, including the largest and most powerful.²⁸⁷ The balance are Japanese, South Korean and European. He said that 90 percent of U.S. companies are now unionized. The Chamber has a labor committee, and the organization sees its role as explaining labor standards and obligations under South Korean law to U.S. companies, assisting in the development of positive labor-management relations, and lobbying on behalf of business interests.²⁸⁸ The Chamber's representative characterized unionization as a "fact of life" which companies should accept and said that labor relations at U.S. companies in South Korea were "for the most part, relatively smooth." (We asked for statistics on the number of strikes and disputes at U.S. companies, but he was unable to provide that information.) He acknowledged, however, that there have been "problems" and alluded specifically to the 1987-88 strike against Motorola Company²⁸⁹ and to the Pico Korea Ltd. dispute.²⁹⁰

The Pico dispute has followed a pattern similar to other disputes involving foreign investors who have responded to labor unrest by pulling up stakes and leaving the country without fulfilling their legal obligations in the process.²⁹¹ During wage negotiations in February 1989, Pico Korea, a subsidiary of a Pico Products, cable T.V. component manufacturer headquartered in Syracuse, New York, closed down its South Korea operations and left the workers empty-handed, without back pay and benefits to which they were entitled. According to Pico workers interviewed by Asia Watch, on March 22, 1989 about 300 people went to the American Chamber of Commerce's offices in Seoul to ask their assistance in contacting

²⁸⁴ George Ogle, *South Korea: Dissent within the Miracle* (to be published in December 1990), Zed Books, London and distributed by Humanities Press International in the U.S.). Remittances in 1986 to U.S. businesses from Korean operations were approximately \$368 million, according to the U.S. embassy.

²⁸⁵ Bureau of Economic Analysis, U.S. Department of Commerce, statistics for year-end 1989.

²⁸⁶ Ogle: These include automobile, transportation equipment, machinery and chemicals.

²⁸⁷ Among the Chamber's members are: Westinghouse Electric (Asia), AT&T Far East, Bank of America, Citibank, Goodyear Korea, Litton Korea, Texas Instruments Korea. *1990 American Chamber of Commerce Directory*.

²⁸⁸ According to the Spring 1990 Introduction to the *American Chamber of Commerce Directory*, its aims include activities to "represent and relay the opinions and positions of the American business community to the Korean government ... (and) to U.S. government officials." The U.S. ambassador is the Chamber's honorary president; he meets monthly with the organization's board of governors, p. 3.

²⁸⁹ Repeated attempts to organize a legal union at Motorola, a major U.S. company with over 5,000 employees, were resisted by the company and ended tragically with the self-immolation of a worker.

²⁹⁰ Interview with Jeffrey Jones, attorney and a vice-president of U.S. Chamber of Commerce, Seoul, June 14, 1990.

²⁹¹ See e.g., the 1982 case of Control Data Company, Asia Watch, *Human Rights in Korea*, (January 1986), pp. 197-199.

the president of Pico Korea, Ltd., although Pico is not a member of the Chamber. The police came in to remove them, workers were repeatedly beaten and 17 were ultimately hospitalized. This violent incident was heavily covered in the media.

Trade unions in the U.S. have taken an active interest in the case. Several U.S. unions supported a tour of Pico workers in the U.S. and organized a picket line at the convention of national cable TV in Atlanta, Georgia. AFL-CIO President Lane Kirkland, on April 25, 1990, condemned Pico's violation of workers' rights and wrote to the South Korean government urging the Labor Ministry to initiate a lawsuit against Pico in South Korea.²⁹² Meanwhile, the Pico workers union filed a suit in a U.S. court alleging that the president of Pico Products in the U.S. interfered with the operation of Pico Korea and was responsible, by ordering the dissolution of the company, for the company not complying with its legal contract with the union. The suit also alleges that Pico Products failed to comply with the so-called "Plant Closures Act" (Worker Adjustment and Retraining Adjustment Act) requiring that notification of intent to close the plant be given to the workers 90 days in advance.

The role of U.S. companies in South Korea, despite the Chamber's claims, remains controversial. This is due to the mistreatment of workers by managers of U.S.-owned or U.S.-invested companies, as in the case of Orient Electronics cited in this report, coupled with the manner in which some U.S. companies have withdrawn from South Korea.

The American Chamber of Commerce should take a direct interest in the development and application of South Korean labor laws as they affect the work force and the country's business climate as a whole. To promote the protection of basic human rights for workers and the observance of international labor standards and principles, it should use its formal and informal channels with the government, its prestige and its substantial economic leverage.

The only sanction currently available for use against companies engaged in particularly egregious behavior would be a vote by the Chamber's board of governors to expel them. At the very least, the Chamber's labor committee should explore the establishment of an internal mechanism for monitoring the protection of basic human rights by its member companies. It should also take steps to more forcefully distance itself from U.S. invested companies like Pico and Orient Electronics which do not respect workers' rights. Finally, the Chamber does not have a code of conduct for member companies, which could be developed with strict guidelines for respecting workers' right to freedom of association, including the right to form trade unions and engage in collective action.

Role of the U.S. Labor Movement

Since 1971, the AFL-CIO has maintained an office in Seoul. The Asian-American Free Labor Institute (AAFLI) receives U.S. government funding as well as support from the AFL-CIO member unions.²⁹³ It operates in South Korea at the invitation of the Federation of Korean Trade Unions

²⁹² On August 12, 1990, the Center for Constitutional Rights, representing the Pico workers union, filed a suit in Northern New York District Court under the Labor Relations Management Act (301). The union is seeking over \$1 million in damages.

²⁹³ AAFLI was established in 1968. It lists as funding sources: the AFL-CIO and its affiliates, labor groups in Asia and the Pacific, the U.S. Agency for International Development, the National Endowment for Democracy (which receives annual appropriations from the U.S. Congress), and the U.S. Information Agency. Its stated aims are "to

(FKTU), which is the South Korean member of the International Confederation of Free Trade Unions (ICFTU). With the permission of the Seoul government, AAFLI provides labor education and training to FKTU affiliates. It is therefore not viewed legally as a "third party" under the South Korean labor laws. AAFLI sees its role as contributing to the development of long-term trade union institutions, within a legal framework and provisions of the South Korean constitution guaranteeing workers rights of free association and collective bargaining. AAFLI is in a strategic position to be a positive force and catalyst for change in official policies and practices, both within the FKTU and with the South Korean government. It can do this, for example, by encouraging reforms in the labor laws, as well as taking up cases of independent trade union educators or organizers who are arrested or detained for peaceful union activities. Within the U.S., the AAFLI can assist in educating and mobilizing AFL-CIO affiliated unions to become actively involved in campaigns in support of repressed South Korean workers.

The AFL-CIO Executive Council has adopted public positions critical of the Korean government's crackdown on labor. In May 1990 it adopted a resolution condemning the repression of the Hyundai strikes and "attacks on freedom of expression as evidenced by the police breaking a strike at KBS." The council called on the Bush administration to show "as much concern and effort in the field of worker rights as it has shown in pressuring Korea on beef import quotas...."²⁹⁴

Within the ICFTU, the AFL-CIO has aligned itself with efforts at the international level to support trade union and human rights in South Korea. For example, at its executive board meeting in Brussels on May 9-11, the ICFTU adopted a resolution condemning the South Korean government's "restrictive and oppressive policies on industrial relations." The resolution praised the "determination and courage of the Korean workers and the spontaneous upsurge of their actions which led to the establishment of many new unions." At the same time, it expressed support for the FKTU and urged "the release of detained trade union activists, continuing dialogue between the trade unions and the authorities, and the revision of labor and trade union legislation in line with ILO standards and principles."

The International Metalworkers Federation (IMF), representing 13 million workers in North America, Europe and Asia, met in Seoul on June 7-8, 1990. At the conclusion of a meeting of its 150-member Central Committee, the IMF general secretary issued a statement condemning the South Korean government's "totalitarian attitudes towards individual trade unionists" and said that IMF affiliates in seventy countries would be given the names of arrested South Korean trade unionists and asked to launch local campaigns for their release. An IMF resolution adopted at the conference said trade unions rights were "lagging far behind the rapid economic development" of South Korea and criticized existing Korean labor laws which denied workers "any genuine right of association."²⁹⁵

Conclusions and Recommendations

Based on Asia Watch's ongoing research and on-site investigations, we believe that much more could be done, privately and publicly, by the U.S. government and by corporate and trade union representatives to promote human rights in South Korea.

cooperate with trade unions in the region in a wide range of educational, organization, and membership services activities." Pamphlet: AAFLI - Questions and Answers.

²⁹⁴ AAFLI News, June 1990.

²⁹⁵ Press statement by IMF, June 8, 1990.

The U.S. government should be more energetic on behalf of the right to freedom of expression. The Bush administration should publicly oppose the arrest and imprisonment of South Koreans for expressing opinions on reunification with the North or for making contact with the North. Steps toward opening a dialogue with the North and U.S. encouragement of such steps should not be allowed to obscure delays in the process of democratization in South Korea or blunt U.S. efforts to promote reforms there.

It is clear that Congressional concern and the active involvement of the American trade union movement--in conjunction with international trade union bodies--have a significant impact in South Korea which should be enhanced and expanded. Congress should challenge the State Department to provide an in-depth assessment of the state of human rights and labor rights and should consistently press U.S. officials in Seoul and Washington D.C. to speak out, privately and publicly, about specific human rights cases and concerns.

Finally, the insurance investment guarantees to U.S. investors in South Korea provided under the Overseas Investment Corporation should be ended, in compliance with U.S. legal conditions on the observance of internationally recognized worker rights. The South Korean government must not be allowed to view U.S. trade and investment as an endorsement of anti-union policies that violate workers' rights.

APPENDICES

- I. Statement of the Republic of Korea Ministry of Justice
- II. Terms and Laws Cited in this Report
- III. List of Jailed South Korean Unionists and Labor Activists
- IV. List of Publishers and Others Jailed in Connection with Their Publishing Activities, 1989–90.

APPENDIX I. STATEMENT OF THE MINISTRY OF JUSTICE

Statement by the Minister of Justice Lee Jong-nam and read by Prosecutor Lee Sun-woo, Director of the Human Rights Division, to the Asia Watch Mission at the beginning of a discussion on June 15, 1990.

In launching the Sixth Republic the government has resolutely promoted policies of democratization, autonomy, and liberalization so that the authoritarianism of the old era could be liquidated and the true flower of democracy might bloom in this land. Thus in every segment of our society democratic systems and practices are being firmly established.

However, it is true that the process of promoting democratization has given us many trials and troubles. Before the new democratic order could completely send down its roots, the variegated demands of various sectors of the society which had been suppressed have exploded all at once and all the hidden problems have broken into the open.

In the midst of this, in order to achieve unreasonable objectives which are entirely their own, some people who lack discretion devoted themselves completely to illegal collective action. Moreover, left-wing violent revolutionary forces began to abuse the government's democratic measures and reveal machinations aimed at destroying the liberal democratic system.

Confronted with this situation the government patiently hoped that law and order would be obeyed and established through self-regulation. That is to say, recognizing that a truly democratic society maintains law and order through self-regulation, the government restrained itself from using public power in relation to repeated lawlessness and disorder which occurred in the early stages of democratization.

Nevertheless, some people lacking in discretion, starting with the left-wing violent revolutionary forces, have become more radical day by day. Thus, lawlessness and disorder which had not been seen in our society before became rampant and the worry and unease of the citizens increased daily.

Finally, it reached such an extreme situation that there was a worry that, if we continued to ignore their illegal collective actions and machinations to destroy the system, not only would it be impossible for democratization itself to progress but it also might endanger the very existence of the state.

In this kind of situation, the government, while, on the one hand, promoting democratization continuously, on the other hand was compelled to take stern legal action against the forces which were impeding democratization. No matter what sacrifice must be suffered, in the future the government must without fail have a policy -- based on the citizens' common feeling that the illegal collective action and the left-wing violent revolutionary forces must be eradicated -- of exerting its best effort to establish legal order in our society.

Nevertheless, this kind of effort to establish law and order is being distorted and propagandized by some at home and abroad as the suppression of democratic figures, and there are also even cases of

falsely conveying examples of human rights abuses in the judicial process as if they were common.²⁹⁶ This is very regrettable and distressing.

By all means I earnestly hope that this pamphlet will help in the understanding of the government's effort to promote democratization and establish law and order and will help to some extent in achieving a truly democratic society.

Lee Jong-nam
Minister of Justice
July, 1990²⁹⁷

²⁹⁶ The "and abroad" was written in by hand on the copy from which Mr. Lee read to us.

²⁹⁷ Note that the reference to a pamphlet, the date, and the Minister of Justice's title and name were not read at the time. This statement was apparently prepared for publication by the Ministry, perhaps as the preface of a pamphlet.

APPENDIX II. LAWS CITED IN THE REPORT

Frequently used terms about legal authority, and excerpts from the Constitution of the Republic of Korea, the Trade Union Law, and the Labor Dispute Adjustment Law. The terms and laws are cited from Labor Laws and Korea, Ministry of Labor, Republic of Korea, 1989.

TERMS

Administrative Authority: The governmental authority to which unions and employers must submit all required documents and notifications. The proper administrative authority depends upon the location of the union's membership. In case the union's membership is spread to more than one province, the Minister of Labor is the proper administrative authority. In other cases, the Mayor of Seoul Special City, Mayor of Pusan City, Taegu City or Governor of Provinces serve as the administrative authority to the unions within their geographical jurisdiction. (Art. 13(1), Trade Union Law) All these officials, except the mayor of Seoul, are appointed by the President.

Labor Relations Commission: There is a Central Labor Relations Commission established in the Ministry of Labor and Local Labor Relations Commissions established in each city and province. Each commission is composed of equal number of persons representing the workers, the employers, and the public. The appointments to and functions of the Labor Relations Commissions are governed by the Labor Relations Commission Law, which was promulgated in 1953 and most recently amended in 1984.

LAWS

The Constitution of the Republic of Korea (amended October 19, 1987)

- Art. 21 (1) All citizens shall enjoy freedom of speech and the press, and freedom of assembly and association.
- Art. 31 (6) Fundamental matters pertaining to the educational system, including...administration, finance, and the status of teachers, shall be determined by law.
- Art. 33 (1) To enhance working conditions, workers shall have the right to independent association, collective bargaining and collective action.
- (2) Only those public officials who are designated by law shall have the right to association, collective bargaining and collective action.
- (3) The right to collective action of workers employed by important defense industries may be either restricted or denied as prescribed by law.

Trade Union Law (promulgated March 1953, amended most recently November 28, 1987)

Art. 3 (Definition of Trade Union): "The trade union" mentioned in this Law shall mean an organization or a federation of the organizations, which is voluntarily formed at the initiative of laborers for the purpose of maintaining and improving working conditions and enhancing welfare and socio-economic status of the workers.

However, in the cases falling under the category of the following items, the definition made in this Article shall not be applied:

(5) When the subject of the organization membership is the same as the already existing trade union, or the purpose of the organization is to hamper the normal operation of the already existing trade unions.

Art. 8 (Restriction on Formation and Membership of Trade Union): Workers may organize or join trade union at liberty. In case of public officials, however, the right shall be stipulated separately by Law.

Art. 12 (Prohibition of Political Activities):

- (1) A trade union shall not be allowed to conduct any act, in the election of any public office, in order to support a specific political party or have specific persons elected.
- (2) A trade union shall not be able to collect political funds from its members.
- (3) Fund for a trade union shall not be diverted to political funds.

Art.12-2 (Prohibition for Interference by a Third Party): Persons other than a worker who has actual employment relations with the employer, or concerned trade union, or other persons having legitimate authority under law shall not engage in an act of interference for the purpose of manipulating, instigation, obstructing, or any other act to influence the concerned parties in an establishment or dissolution of a trade union, joining or disjoining a trade union, or in collective bargaining with the employer.

But the federation of unions or the industrial federations affiliated by concerned unions shall not be regarded as the Third Party.

Art. 13 (Establishment of a Trade Union):

1. Any person who intends to establish a union, must submit a report including the statements specified hereunder, and the charter attached thereto, to the federation to which the union is affiliated....

- (1) Name of the union.
- (2) Address of the principal union office.
- (3) Number of membership ...
- (4) Names of the officers and their addresses.
- (5) Names of industrial federation to which a union is affiliated.
- (6) In case of a federation of unions, names of member unions, number of membership, address of the principal office and names of officers and their addresses.

2. "The federation to which union is affiliated" mentioned in Paragraph 1 shall mean, the federation of unions by industry whose membership consists of unit trade union of the same kind, or a national federation whose membership consists of unit trade union by industry on a national scale.

Art. 14. (Charter):

1. In order to secure democratic and autonomous operation of the organization, a trade union shall specify in its charter the following contents.

- (1) Name;
- (2) Purpose and undertakings;
- (3) Address of main office;
- (4) Matters concerning union members;
- (5) Name of the federation to which the union is affiliated;
- (6) In case there is a council of delegates, matters concerning thereof;
- (7) In the case of a trade union which is a federate organization, matters concerning its constituent organizations;

- (8) Matters concerning conferences;
- (9) Matters concerning its representative and executive members;
- (10) Matters concerning union fees and accounting;
- (11) Matters concerning changes of charter;
- (12) Matters concerning dissolution;
- (13) Matters concerning representatives of labor-management councils;
- (14) Matters concerning labor disputes;
- (15) Matters concerning impeachment of representatives and executive members for violation of the charter;
- (16) Matters concerning election procedures of executive members and convention delegates; and
- (17) Matters concerning rules and regulations.

Art. 15. (Certificate of Report):

- 1. Upon receipt of a report of establishment prescribed in paragraph 1, Article 13, the Administrative Authority shall issue a certificate of report in accordance with the provisions of the Presidential Decree within 3 days.

Art. 16. (Amendment of, or Supplementation to, the Charter): In case any provision of the union charter conflicts with labor-related law and decree, the Administrative Authority may, with the approval of the Labor Relations Commission, order the amendment, or supplementation to the charter.

Art. 30 (Submission of the Documents): When it deemed necessary, the Administrative Authority may have the accounting status or other necessary documents of the trade union be submitted for investigation.

Art. 34 (Drawing Up of a Collective Agreement):

- 3. Administrative Authority may order change or nullification of a term in collective agreement when the term is improper in violation of laws, after obtaining resolution of the Labor Relations Commission.

Art. 38. (Regional Binding Force):

- 1. In case two-thirds or more of the laborers of the same kind who are engaged in a business in an area come under the application of a collective agreement, the pertinent administrative authority may, through the decision of the Labor Relations Commission, at the request of one party or both parties to the collective agreement or ex officio, decide that the same collective agreement shall be applied to the other laborers and employers of the same kind engaged in the same area.

Art. 47 (Penal Provision): Any person who, in violation of the provisions of Article 30, failed to submit the required documents or filed false report, or who refuses, obstructs or obviates investigation, shall be subjected to an imprisonment for the term not exceeding three months or a fine for the amount not exceeding 200 thousand *won*.

Labor Dispute Adjustment Law (promulgated March 1953, amended most recently November 1987)

Art. 4 (Definition of Business of Public Interest): The terms "business of public interest" as used in this Law shall mean a business indispensable for daily public life, or the suspension or termination of which has severe impact upon national economy, and which falls under one of the following categories.

- (1) Public transportation business

- (2) Water, electricity, gas supply, and petroleum refinery business.
- (3) Public hygiene and medical business
- (4) Banking business
- (5) Broadcasting and communication business

Art. 13-2. (Prohibition for Interference by a Third Party): Persons other than an employee who has actual employment relations with the employer, or concerned trade union and employer, or persons other than having legitimate authority under law shall not engage in an act of interference, in a dispute, for the purpose of manipulating, instigating, or any other act to influence the parties concerned.

Art. 14. (Cooling-off Period): No acts of dispute shall be conducted unless 10 days have elapsed in the case of ordinary enterprise and 15 days in the case of public utility after receipt of the report prescribed in the paragraph 2 of Article 16, by the Labor Relations Commission, has been rendered.

Art. 16 (Notice on a Labor Dispute):

1. In case a labor dispute has occurred, the one of the parties concerned shall notice it thereof to the Administrative Authority and the Labor Relations Commission concerned and notify the fact to the other.

Art. 40 (Decision of Emergency Adjustment):

1. The Minister of the Ministry of Labor may render a decision for an emergency adjustment, in case an act of dispute is related to public interests, or it is of large scale or of specific character, and that, because of such act of dispute there exist the same danger which might impair the national economy or endanger the daily life of the general public.

Art. 41 (Suspension of an Act of Dispute at the Time of Emergency Adjustment): The parties concerned shall immediately suspend any act of dispute when a decision for an emergency adjustment under paragraph 3 of Article 40 is announced, and no act of dispute shall be commenced again unless 20 days has elapsed from the date of announcement.

APPENDIX III. JAILED SOUTH KOREAN UNIONISTS AND LABOR ACTIVISTS

This list was compiled by the Korea Research and Information Center, a Seoul-based labor research institute as of October 1, 1990. We have also included information from Minkahyup's June 16, 1990 list of political prisoners, which are noted in brackets, and other sources as noted.

Some of the persons included on this list have been charged with violent offenses, such as physical assault and throwing firebombs. Their mention in the report should not be taken as Asia Watch's endorsement of such actions. Asia Watch calls for the release of only those who have neither engaged in or advocated the use of violence.

SEOUL

KO Min-taek: Choongwon Electronics, union's education officer, [arrested March 16, 1989], charged with "third-party interference" provision of the Labor Dispute Adjustment Law [and obstruction of business].

KIM Jum-soon: Choongwon Electronics, union president, charged with "third-party interference" provision of the Labor Dispute Adjustment Law [and obstruction of business].

HAN Sook-woong: Chunji Industry Company, union vice-president, arrested on May 18, 1990, charged with obstructing business.

KANG Keum-joo: Chunji Industry Company, union president, arrested on May 18, 1990, charged with obstructing business.

NAM Bae-hong: Daerim Plastics Company, union's cultural officer, arrested on May 4, 1990, charged under the Special Law against Firebombs and the Law on Assembly and Demonstration.

DAN Byung-ho: Dong-a Construction Company, chairman of Chonnohyop (Korean Council of Trade Unions), arrested on February 28, 1990, charged with violating the Law on Assembly and Demonstration. [On July 13, 1990, he was sentenced to a one-and-a-half years' imprisonment. *Korea Herald.*]

CHOI Bong-young: Dong-a Construction, union's general secretary, charged with violating the Law on Assembly and Demonstration.

LEE Tae-hyung: Dongbu Metal Company, rank-and-file worker, arrested on May 4, 1990, charged under the Special Law against Firebombs and the Law on Assembly and Demonstration.

YOON Kyu-hyun: Dongbu Metal Company, union's dispute officer, arrested on May 4, 1990, charged under the Special Law against Firebombs and the Law on Assembly and Demonstration.

KIM Il-sook: Dongsuh Culture Co., general secretary, arrested on May 17, 1990, charged with obstructing business and committing physical violence.

LEE Eon-joo: Dongsuh Culture Co., president, arrested on May 17, 1990, charged with obstructing business and committing physical violence.

LEE Tae-wan: Dongsuh Culture Co., vice-president, arrested on May 17, 1990, charged with obstructing business and committing physical violence.

BAEK Wan-ki: Education Insurance Company, planning director, arrested on June 1, 1990, charged with obstructing business (Criminal Code) and committing physical violence (Criminal Code).

HONG Eon-sook: Education Insurance Company, information officer, arrested on August 1, 1990, charged with obstructing business.

KIM Joo-sam: Education Insurance Company, general manager, arrested on June 1, 1990, charged with obstructing business (Criminal Code) and committing physical violence (Criminal Code).

LEE Sang-hak: Education Insurance Company, president, arrested in September 1990 (?), charged with "obstructing business."

YANG Dal-hwi: Education Insurance Company, union executive, arrested on June 1, 1990, charged with obstructing business (Criminal Code) and committing physical violence (Criminal Code).

YU Jin-hee: Hanjoo Electronics, arrested on June 20, 1990, charged with obstructing business.

CHOI Seung-nyul: Kwangrim Electronics Company, president, arrested on June 1, 1990, charged with obstructing business.

KIM Chae-bok: Kwangrim Electronics Company, convention delegate, arrested on June 1, 1990, charged with obstructing business.

KO Eun-jeong: Kwangrim Electronics Company, former general secretary, arrested on June 1, 1990, charged with obstructing business.

OH Eun-sook: Minsung Electricity Company, president, arrested on May 31, 1990, charged with violating the Law on Assembly and Demonstration.

CHOI Yoon-cheol: Minsung Electricity Company, rank-and-file worker, arrested on May 4, 1990, charged with violating the Law on Assembly and Demonstration and Special Law against Firebombs.

JI Dong-hwan: Minsung Electricity Company, general secretary, arrested on May 4, 1990, charged with violating the Law on Assembly and Demonstration and Special Law against Firebombs. [Arrest date given as May 6.]

KIM Hyung-tae: Minsung Electricity Company, deputy president, arrested on May 4, 1990, charged with violating the Law on Assembly and Demonstration and Special Law against Firebombs.

BANG Seung-kwan: Nambu Mechanical and Metalworkers Union, organizer, arrested on April 6, 1990, charged with obstructing business and physical violence.

CHO Won-bong: Nambu Mechanical and Metalworkers Union, statistics officer, arrested on April 6, 1990, charged with obstructing business and physical violence.

CHOI Do-hyun: Nambu Mechanical and Metalworkers Union, director, arrested on April 10, 1990, charged with obstructing business and physical violence.

CHOI Ki-tae: Nambu Mechanical and Metalworkers Union, officer at the Sang-won branch, arrested on May 10, 1990, charged with obstructing business and physical violence. [Arrest date given as April 10, 1990.]

KIM Ho-kyum: Nambu Mechanical and Metalworkers Union, general secretary, arrested on April 6, 1990, charged with obstructing business and physical violence.

KIM Yong-koo: Nambu Mechanical and Metalworkers Union, officer at the Shin-pyung branch, arrested on May 3, 1990, charged with obstructing business and physical violence.

LEE Jung-il: Nambu Mechanical and Metalworkers Union, dispute officer, arrested on April 6, 1990, charged with obstructing business and physical violence.

WOO Il-do: Nambu Mechanical and Metalworkers Union, rank-and-file worker, arrested on April 6, 1990, charged with obstructing business and physical violence.

YOON Tae-kyung: [noted as **Mae-kyung**] Nambu Mechanical and Metalworkers Union, research officer, arrested on April 6, 1990, charged with obstructing business and physical violence.

LEE Eon-soon: Naewoo Precision, president, arrested on June 14, 1990, charged with violating the Labor Dispute Adjustment Law.

CHUNG Yoon-kwang: Seoul Subway, president, arrested on March 16, 1989, and charged with violating the Labor Dispute Adjustment Law.

DO Il-hee: Shinhan Valve Company, president, arrested on April 16, 1990, charged with physical violence and violating the Labor Dispute Adjustment Law.

PARK Kwang-kook: Shinhan Valve Company, education officer, arrested on May 9, 1990, charged with obstructing business and "third-party interference" ban in the Labor Dispute Adjustment Law.

YOON Myung-sun: Taepyeongyang Chemical Company, director of the union's Seoul branch, [arrested in 1989], charged under the National Security Law.

EUN Hi-yul: Union of Booth Shops, education director, arrested on May 10, 1990, charged with interference of police operation (Criminal Code).

KIM Nam-soo: Yakurt Co., president, arrested on June 12, 1990, charged with obstructing business.

CHO Seon-kyung: labor movement activist, charged with violating the National Security Law.

CHOI Eun-seok: labor movement activist, charged with violating the National Security Law.

CHOI Jong-myung: [Bukbu Noryon], labor movement activist, arrested on February 15, 1990, charged with violating the National Security Law.

IM Jong-myung: [Bukbu Noryon], labor movement activist, arrested on February 15, 1990, charged with violating the National Security Law.

IM Young-hwan: labor movement activist, charged with violating the National Security Law.

JANG Myung-guk: labor movement activist, director of the Suktap Labor Center, arrested on June 19, 1990, charged with violating the National Security Law and "third-party interference" ban in the Labor Dispute Adjustment Law. [Information from *Dong-a Ilbo*, other sources.]

KIM Hyung-cheol: labor movement activist, arrested on July 20, 1990, charged with violating the National Security Law.

KIM Keon-joo: labor movement activist, charged with violating the National Security Law.

KIM Seon-hee: labor movement activist, charged with violating the National Security Law.

KIM Seon-mi: labor movement activist, charged with violating the National Security Law.

LEE Byung-kil: [Bukbu Noryon], labor movement activist, charged with violating the National Security Law.

LEE Deok-joo: labor movement activist, charged with violating the National Security Law.

LEE Deok-joon: labor movement activist, charged with violating the National Security Law.

LEE Kyung-sook: [Bukbu Noryon], labor movement activist, arrested on February 15, 1990, charged with violating the National Security Law.

LEE Seong-jae: labor movement activist, charged with violating the National Security Law.
LEE Seong-yong: [Bukbu Noryon], labor movement activist, arrested on February 15, 1990, charged with violating the National Security Law.
MIN Byung-kon: labor movement activist, charged with violating the National Security Law.
PARK Hyun-hee: labor movement activist, charged with violating the National Security Law.
PARK Moon-jae: labor movement activist, charged with violating the National Security Law.
PARK Nam-il: [Bukbu Noryon], labor movement activist, arrested on February 15, 1990, charged with violating the National Security Law.
WANG Hae-jeon: [Bukbu Noryon], labor movement activist, arrested on February 15, 1990, charged with violating the National Security Law.

INCHON

AHN Jae-hwan, [Inchon Puchon Workers' Center], labor movement activist, charged with violating the National Security Law, [being held in Anyang].
CHOI Byung-guk: labor movement activist, charged with violating the National Security Law, [being held in Seoul].
CHOI Keon-seop: labor movement activist, charged with violating the National Security Law, [being held in Seoul].
CHOI Kwi-sung: labor movement activist, charged with violating the National Security Law, [associated with "Inchon Workers' College," arrested on March 17, 1990, being held in Inchon].
CHOI Nam-ki: labor movement activist, charged with violating the National Security Law, [being held in Seoul].
HA Seong-chang: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.
HWANG Soon-hyun: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.
IM Jung-hwa: labor movement activist, charged with violating the National Security Law, [associated with "Inchon Workers' College," arrested on March 17, 1990, being held in Inchon].
JUNG Jong-joo: labor movement activist, charged with violating the National Security Law, [being held in Seoul].
KIM Hyung-su: labor movement activist, arrested on July 31, 1990, charged with violating the National Security Law.
KIM In-seon: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.
KIM Jin-hee: labor movement activist, charged with violating the National Security Law, [being held in Seoul].
KIM Jin-guk: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.
KIM Joong-sung: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.
KIM Neong-koo: labor movement activist, charged with violating the National Security Law.
KIM Seong-kyun: labor movement activist, charged with violating the National Security Law, [associated with "Inchon Workers' College," arrested on March 17, 1990, being held in Inchon].
KIM So-young: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.
KIM Tae-jin: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.
KIM Yong-ki: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.
KIM Yong-sook: labor movement activist, charged with violating the National Security Law, [being held in Seoul].
KIM Young-min: labor movement activist, charged with violating the National Security Law, [associated with the Inchon Workers' Group].
KWON Sang-man: labor movement activist, charged with violating the National Security Law, [associated with "Inchon Workers' College," arrested on March 17, 1990, being held in Inchon].
KWON Woo-cheol: labor movement activist, charged with violating the National Security Law, [being held in Seoul].
LEE Hyun-young: labor movement activist, charged with violating the National Security Law.
LEE Kang-seok: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.
LEE Myun-jae: labor movement activist, charged with violating the National Security Law, [being held in Seoul].
LEE Myung-hak: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.
LEE Sang-joon: labor movement activist, charged with violating the National Security Law, [associated with "Inchon Workers' College," arrested on March 17, 1990, being held in Inchon].
LEE Se-ran: labor movement activist, charged with violating the National Security Law, [associated with "Inchon Workers' College," arrested on March 17, 1990, being held in Inchon].
LEE Tae-joo: labor movement activist, charged with violating the National Security Law.
MIN Cheol-hong: labor movement activist, charged with violating the National Security Law, [associated with "Inchon Workers' College," arrested on March 17, 1990, being held in Inchon].
NHO Byung-jik: labor movement activist, charged with violating the National Security Law, [being held in Seoul].
NHO Hui-chan: labor movement activist, charged with violating the National Security Law, [being held in Seoul].
OH Dong-ryul: labor movement activist, charged with violating the National Security Law, [being held in Seoul].

PARK Jae-young: labor movement activist, charged with violating the National Security Law, [associated with "Inchon Workers' College," arrested on March 17, 1990, being held in Inchon].

PARK Yoon-bae: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.

SUH Jae-seok: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.

SUH Kyung-seon: labor movement activist, charged with violating the National Security Law, [associated with the Inchon Workers' Group].

SHIN Dong-soo: labor movement activist, charged with violating the National Security Law, [being held in Seoul].

SHIN Hyun-jik: labor movement activist, charged with violating the National Security Law, [associated with "Inchon Workers' College," arrested on March 17, 1990, being held in Inchon].

SHIN Joon-soo: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.

SHIN Jung-kil: [Inchon Puchon Workers' Center], labor movement activist, charged with violating the National Security Law, [being held in Chonju].

SHIN Nam-hee: labor movement activist, arrested on April 28, 1990, charged with violating the National Security Law.

SON Hyung-min: [Inchon Puchon Workers' Center], labor movement activist, charged with violating the National Security Law, [being held in Kongju].

YOON Cheol-ho: labor movement activist, charged with violating the National Security Law, [being held in Seoul].

LEE Seong-yong: Colt Musical Instruments Company, charged with violating the Law on Assembly and Demonstration.

HWANG In-beom: Daedong Chemical, acting president, arrested on July 5, 1990, charged with obstructing business and violating the Labor Dispute Adjustment Law.

IM Hye-ran: Daehan Trans. Company, organization director, charged with obstructing business, [arrested on April 26, 1990, also charged with physical violence].

IM Joon-shik: Daehan Trans. Company, cultural activities director, charged with obstructing business, [arrested on April 26, 1990, also charged with physical violence].

KIM Eon-hee: Daehan Trans. Company, general secretary, arrested on March 1, 1990, charged with obstructing business, [arrested on April 26, 1990, also charged with physical violence].

CHOI Joo-nam: Daewoo Precision Company, organization director

CHOI Seong-bok: Daewoo Precision Company, general secretary, arrested on June 4, 1990, charged with obstructing business and committing physical violence.

HWANG In-cheol: Daewoo Precision Company, president, arrested on June 4, 1990.

JUNG Kwang-hoon: Daewoo Precision Company, convention delegate, arrested on May 17, 1990, charged with obstructing business.

LEE Mi-ja: Daewoo Precision Company, vice-president.

IM Myung-seon: Daewon Steel Company

JUNG Chan: Dongsung Enterprises Company, president, arrested on December 24, 1989, charged with violating the National Security Law, [associated with Inchon Workers' Group].

KIM Yoon-mi: Handok Watches Company, convention delegate, arrested on June 4, 1990, charged with obstructing business.

LEE In-ja: Handok Watches Company, convention delegate, arrested on June 4, 1990, charged with obstructing business.

LEE Seong-sook: Handok Watches Company, convention delegate, arrested on June 4, 1990, charged with obstructing business.

PARK Mi-ae: Handok Watches Company, dismissed worker, arrested on April 28, 1990.

PARK Oh-soon: Handok Watches Company, convention delegate, arrested on June 4, 1990, charged with obstructing business.

LEE Jae-koo: Ilkoon Counseling Center, charged with violating the National Security Law.

MOON Jin-hyun: Ilkoon Counseling Center, charged with violating the National Security Law.

PARK Kwi-young: Ilkoon Counseling Center, charged with violating the National Security Law.

JUNG Chang-kyo: Incheon Trade Union Council, statistics officer, arrested on January 31, 1990, charged with violating the Law on Assembly and Demonstration and "third-party interference" ban in the Labor Dispute Adjustment Law. [Law on Assembly and Demonstration, not the Labor Dispute Adjustment Law.]

CHO Tae-cheon: Incheon Trade Union Council, vice-president, arrested on May 19, 1990, charged with violating the Law on Assembly and Demonstration.

LEE Sang-mok: Inchon Labor Counseling Center, [arrested April 13, 1989], charged with violating the National Security Law.

YANG Jae-deok: Inchon Labor Counseling Center, president, [arrested April 13, 1990], charged with violating the National Security Law.

CHANG Il-su: Jindo Co. (Metal), convention delegate, arrested on July 20, 1990, charged with violating the National Security Law.

OH Hye-ran: Jinsung Electronics Company, educational director, arrested on May 13, 1990, charged with obstructing business.

YOON Hwa-sim: Jinsung Electronics Company, president, arrested on May 13, 1990, charged with obstructing business.

CHAE Joong-young: Kyungdong Industry (Metal)

CHAE Sung-choon [noted as **Sung-joon**]: Kyungdong Industry (Metal), [charged with obstructing business and "third-party interference," sentenced to three years' imprisonment, being held at Youngdungpo].

CHOI Yong-jin: Kyungdong Industry (Metal)

CHOI Un-kyu: Kyungdong Industry (Metal), [charged with abetting suicide, obstructing business and committing physical violence, sentenced to two years' imprisonment, being held at Youngdungpo].

KIM Nam-pil: Kyungdong Industry (Metal)

KIM Sang-yong: Kyungdong Industry (Metal)

LEE Jae-kwon: Kyungdong Industry (Metal)

LEE Jae-min: Kyungdong Industry (Metal)

LEE Kun-tak: Kyungdong Industry (Metal) Union, charged with obstructing business. [Also charged with "third-party interference," sentenced to one-and-a-half years' imprisonment, being held at Youngdungpo.]

LEE Young-hwan: Kyungdong Industry (Metal), [charged with obstructing business and "third-party interference," sentenced to two years' imprisonment, being held at Youngdungpo].

LEE Young-sik: Kyungdong Industry (Metal)

OH Dong-jin: Kyungdong Industry (Metal)

PARK Ji-hoon: Kyungdong Industry (Metal)

PARK Sun-tae: Kyungdong Industry (Metal), [charged with obstructing business and "third-party interference," sentenced to four years' imprisonment, being held at Youngdungpo].

PARK Young-oh: Kyungdong Industry (Metal)

SUH Kwang-il: Kyungdong Industry (Metal)

WON Hong-sik: Kyungdong Industry (Metal), [charged with obstructing business and "third-party interference," sentenced to two years' imprisonment, being held at Youngdungpo].

YOON Pil-koo: Kochang Industry Company, president, charged with violating the Law on Assembly and Demonstration.

AHN Joong-joon: Kyungdong Industry Company, charged with abetting suicide (Criminal Code) and committing physical violence. [Kyungdong Industrial Union, arrested on February 21, 1990, charged with obstructing business and "third-party interference," being held in Inchon.]

CHOI Sung-choon: Kyungdong Industry Company, charged with abetting suicide (Criminal Code) and committing physical violence.

AHN Sun-ha: Myungsung Electronics (Metal), education officer.

KIM Ki-ja: Myungsung Electronics (Metal), president.

PARK Sun-sook: Myungsung Electronics (Metal), general secretary.

CHOI Dong-sik: Namil Metal Co., president.

IM Nak-bin: Samwon Plastic Company

SEOK Jung-nam: Sunmi Industry Company, female affairs director.

LEE Eon-young: Union of Construction, president, arrested on June 30, 1990, charged with obstructing business.

LEE Hyung-jin: Workers' Center, manager, [arrested on April 13, 1990], charged with violating the National Security Law.

SEONGNAM CITY

YANG Hee-soo: Rank-and-file worker, charged with technical interference with police operations.

KANG Kwan-hoi: Changsung Precision Company, rank-and-file worker, charged with technical interference with police operations.

KIM Hyun-joong: Hanyang Rubber, education director, [charged with obstructing business and forging private documents, being held in Sungdong].

YOON Yong-joo: Kookdong Company, deputy president, charged with falsification of private document (regarding his educational background) [Criminal Code].

LEE Joo-wan: Nassau, education director, [charged with forging private documents].

LEE Yong-keun: Nassau, dismissed worker.

SON Kil-soo: OPC (Metal), president [and chairman of the Sunnam Noryon, charged with "third-party interference," being held in Suwon].

JUNG Doo-wan: Pongkook Company, former dispute officer, charged with obstructing business and technical interference with police operations. [Charges listed as obstructing business, violating Law on Assembly and Demonstration, and forging private documents; being held in Sungdong.]

OH Haeng-seon: Pongkook Company, former general secretary, charged with obstructing business and violation of the Law on Assembly and Demonstration, [being held in Sungdong].

BAE Dae-yul: Shani Cake Bakery (Chemical), arrested on May 1, 1989, charged with deprivation of arms, [being held in Anyang].

HAN Kang-sik: Sung Ji Precision, president.

JUN Dong-woon: Samho Company, president, arrested on May 9, 1990, charged with obstructing business.

SEO Hee-young: Samho Company, convention delegate, arrested on May 12, 1990, charged with obstructing business.

SOH Jae-bong: Samho Company, arrested on June 5, 1990, charged with obstructing business.

YOON Sang-son: Samho Company, arrested on June 5, 1990, charged with obstructing business.

MYUNG Sung-kyu: Sungnam Bags Workshop Area Trade Union, rank-and-file worker, charged with technical interference with police operations.

PARK Jin-koo: Sungnam Bags Workshop Area Trade Union, president, charged with committing physical violence and technical interference with police operations.

PARK Jin-hyun: Sungnam Workers' House, education director, arrested on February 27, 1990, charged under the National Security Law.

YOO Hwan-rae: Sungnam Workers' House, education director, arrested on March 1, 1990, charged under the National Security Law.

KYUNGKI-NAMBU

PARK Chul-min: labor movement activist, arrested on September 14, 1990, charged with technical interference with police operation, Law on Assembly and Demonstration, and deprivation of arms.

KIM Jong-wan: Ansan Workers' House, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law.

KIM Jong-kwan: Ansan Workers' House, arrested on November 23, 1989, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law.

LEE Phan-doll: Ansan Workers' House, officer.

LEE Si-jung: Anyang Electronics, [charged with "third-party interference"].

BAEK Da-rye: Anyang Electronics, president, [charged with obstructing business].

LEE Hee-jung: Anyang Trade Union Center, general secretary, arrested on November 23, 1989, charged with "third-party interference."

OH Byung-chan: Baejoo Industry Co., rank-and-file worker, arrested on September 14, 1990, charged with technical interference with police operation, Law on Assembly and Demonstration, and deprivation of arms.

KIM Tae-yeon: Baemyung Metal Co., president, arrested on September 14, 1990, charged with technical interference with police operation, Law on Assembly and Demonstration, and abetting suicide.

CHOI Sook-joo: Chonnohyop, officer for the Ansan District, arrested on September 14, 1990, charged with technical interference with police operation, Law on Assembly and Demonstration, and deprivation of arms.

KIM Ki-whan: Chonnohyop, officer for the Ansan District, arrested on September 14, 1990, charged with technical interference with police operation, Law on Assembly and Demonstration, and deprivation of arms.

KANG Yun-hee: Daesin Electronics, rank-and-file worker, [charged with obstructing business].

LEE Young-hee: Daewoo Electronics, president, arrested on January 23, 1990, charged with obstructing business.

CHUN Kyei-ryong: Dukboo Jinheong Co., president, arrested on September 14, 1990, charged with technical interference with police operation, Law on Assembly and Demonstration, and abetting suicide.

YOO Mi-kyung: Haetae Dye Works, president, charged with obstructing business.

JOO Sel-lak: Hanchang Co.

LEE Jae-hee: Hanchang Co.

KIM Hee-sung: Kyungwon, arrested on October 17, 1989, charged with technical interference with police operations.

CHOI Yoon-bong: Kongyoung Engineering Company, president, charged with obstructing business.

KANG Woo-pil: Kongyoung Engineering Company, arrested on April 5, 1990, charged with obstructing business, [and committing physical violence, arrested on April 25, 1990].

KIM Ho-joong: Kongyoung Engineering Company, arrested on April 5, 1990, charged with obstructing business, [and committing physical violence, arrested on April 25, 1990].

KIM Man-il: Korea-Seakrit Co.

LEE Si-jeong: Kyungki Province Union Center, general secretary, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law.

LEE Doh-kil: Kyungwoo Leather Co., president, arrested on September 14, 1990, charged with technical interference with police duties, Law on Assembly and Demonstration, and abetting suicide.

KIM Mi-sook: Oslo Electronics Company, dispute officer, arrested on May 2, 1990, charged with obstructing business and committing physical violence. [Arrest date listed as May 4.]

KIM Ok-soon: Oslo Electronics Company, president, arrested on May 2, 1990, charged with obstructing business and committing physical violence. [Arrest date listed as May 4.]

SHIN Hyang-kyung: Oslo Electronics Company, rank-and-file worker, arrested on May 2, 1990, charged with obstructing business and committing physical violence. [Arrest date listed as May 4.]

WHANG Dae-hyun: Samjung Pulp Co., president, arrested in June 1990 (?), charged with obstructing business.

Name unknown: Samjung Pulp Co., organizing officer, charged with obstructing business.

CHOI Young-soo: Samryuk Machinery, president, [charged with violating the Labor Dispute Adjustment Law, being held in Suwon].

PARK Kong-woo: Samsung Electronics (Metal), dismissed worker, [charged with "third-party interference"].

LEE Mi-sook: Sankyo Precision (Metal), president, arrested on December 21, 1989, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law.

LEE Seong-ok: Shinho Paper Mill, vice-president, arrested in June 1990 (?), charged with violating the Law on Assembly and Demonstration and obstructing business.

KIM Boon-jong: TND Company (Metal), president, [charged with obstructing business].

KANG Young-joo: Won Electronics, organization director.

CHUN Sam-soo: Won Electronics, president, charged with obstructing business. [Also on the list as **JUN Sam-soo**, additionally charged with committing physical violence.]

BAEK Sung-hwa: Won Electronics (Metal).

KWON Yong-ho: Yoosin Heavy Electrical, general secretary, arrested in November 23, 1989, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law.

PARK Jong-won: Yakurt Company, director of the Pyungtaek branch, charged with obstructing business.

PUCHON

CHOI Mi-ja: Bosung Electronics, information officer, arrested on July 27, 1990, charged with obstructing business.

KIM Soo-wah: Bosung Electronics, dispute officer, arrested on July 27, 1990, charged with obstructing business.

LEE Mi-ja: Bosung Electronics, inspector, arrested on July 27, 1990, charged with obstructing business.

PARK Young-mi: Bosung Electronics, vanguard director, arrested on July 27, 1990, charged with obstructing business.

SUH Soon-lim: Bosung Electronics, information officer, arrested on July 27, 1990, charged with obstructing business.

CHO Sung-wook: Cerart Company, education director, arrested on June 7, 1990, charged with obstructing business.

HAN Hoo-ja: Cerart Company, vice-president, arrested on June 7, 1990, charged with obstructing business.

JEON Mal-jin: Cerart Company, president, arrested on June 7, 1990, charged with obstructing business.

CHA Kyu-keon: Cerite Company, general secretary, arrested on May 1, 1990, charged with violating the Law on Assembly and Demonstration.

LEE Jang-han: Cerite Company, general secretary, arrested on May 1, 1990, charged with violating the Law on Assembly and Demonstration.

WON Young-han: Cerite Company, cultural activities officer, arrested on May 1, 1990, charged with violating the Law on Assembly and Demonstration.

HAN Kyung-suk: Chonnohyop, president, arrested on June 14, 1990, charged with violating the Labor Dispute Adjustment Law and Law on Assembly and Demonstration and committing physical violence.

LEE Byung-chul: Doosung Industry Company (Metal), rank-and-file worker, [charged with committing physical violence, obstructing business].

YOON Ki-soo: Doosung Industry Company (Metal), auditor, [charged with committing physical violence, obstructing business].

SON Eun-hyun: Doosung Industry Company (Metal), president, [charged with committing physical violence, obstructing business].

OH Hyun-jin: Dukchang Industry Company

CHA Nam-hong: Dukchang Industry Company, director.

LEE Soo-chan: Dongyang Elevator Company, general secretary, arrested on May 9, 1990, charged with Special Law against Firebombs.

PARK Seong-kyu: Dongyang Elevator Company, convention delegate, arrested on May 1, 1990, charged with violating the Law on Assembly and Demonstration.

PARK Seong-ryong: Dongyang Elevator Company, education director, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law.

SO Soon-hong: Dongyang Elevator Company, rank-and-file worker, arrested on May 9, 1990, charged with violating the Law on Assembly and Demonstration.

PARK Jong-moon: Hanyang Precision Company, general secretary, arrested on May 1, 1990, charged with violating the Law on Assembly and Demonstration.

CHEON Young-sin: Heungyang Company, dispute director, arrested on May 24, 1990, charged with obstructing business.

JUNG Kyung-hwa: Heungyang Company, vice-president, arrested on May 24, 1990, charged with obstructing business.

IM Mi-ran: Heungyang Company, general secretary, arrested on May 24, 1990, charged with obstructing business.

PARK Mi-kyung: Heungyang Company, president, arrested on May 24, 1990, charged with obstructing business.

LEE Yong-keon: Puchon Dismissed Workers' Association, president, arrested on May 24, 1990, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law.

LEE Sang-bin: Puchon Labor Institute, arrested on May 9, 1990, charged with violating Special Law against Firebombs.

CHOI Deok-hee: Poongwon Electronics Company, education officer, arrested on May 10, 1990, charged with obstructing business.

KIM Cheol-young: Sejin Communication Company, president, arrested on June 7, 1990, charged with falsification of public documents (Criminal Code).

HONG Kyung-ho: Yoosung Company, general secretary, arrested on May 21, 1990, charged with obstructing business.

KIM Dong-am: Yoosung Company, president, arrested on May 21, 1990, charged with obstructing business.

TAEJON

LEE Dong-ho: Daesung Traffic Service Company, arrested on March 28, 1990, charged with committing physical violence.

MIN Byung-soo: Daesung Traffic Service Company, arrested on March 28, 1990, charged with committing physical violence.

CHEONAN

SONG Nam-ki: Cheonan Dye., vice-president.

CHUNGJU

PARK Mi-soon: AMK Company, union activist, arrested on June 3, 1990, charged with obstructing business and violation of the Labor Dispute Adjustment Law.

PARK Pil-soon: AMK Company, vice-president, arrested on June 3, 1990, charged with obstructing business and violation of the Labor Dispute Adjustment Law.

JEONPUK

LEE Seon-jae: labor movement activist [Jeonpuk Labor Association Preparation Committee], arrested on February 1, 1990, charged with violating the National Security Law.

CHO Sung-hoon: Hyundai Motor Service, president. [Also listed as Jo Seong-ho, arrested on February 1, 1990, charged with violating the National Security Law.]

JIN Doo-hwan: Plant Company, vanguard team member, arrested on January 23, 1990, charged with violating the Law on Assembly and Demonstration and committing physical violence.

BAEK Nam-soo: Sun Electronics, [charged with obstructing business].

CHOI Ki-hwa: Sungil Manufacturing Company, president, arrested on May 23, 1990, charged with obstructing business.

KWANGJU

KIM Doo-hwan: Daewoo Carrier Company (Metal), president [Chunbok Noryon, plant].

LEE Sang-hoe: Daewoo Carrier Company (Metal), president.

LEE Seung-hui: Daewoo Carrier Company (Metal), president.

PARK Jong-hyun: Daewoo Carrier Company (Metal), president, arrested on December 27, 1989, charged with obstructing business and violation of the Labor Dispute Adjustment Law. [Minkahyup lists charges as obstructing business and physical violence, being held in Kwangju.]

JUNG Soon-mi: [also listed as Soon-im], Kemsung Alps Company, vice-president, arrested on April 12, 1990, charged with obstructing business and violation of Law on Assembly and Demonstration.

KIM Cheon: Kemsung Alps Company, general secretary, charged with obstructing business.

KIM Soon-im: Kemsung Alps Company, president, arrested on December 27, 1989, charged with obstructing business, violation of Law on Assembly and Demonstration, and "third-party interference" ban in the Labor Dispute Adjustment Law.

OH Yeo-ok: Kemsung Alps Company, education officer, arrested in April 27, 1990, charged with obstructing business and violation of Law on Assembly and Demonstration.

TAEGU

SHIN Ki-bok: Daedong Industry Company (Metal), president.

LEE Beom-kyu: Daeha Dyeing Company, vice-president,

PARK Soon-deok: Daeha Dyeing Company, general secretary, arrested on May 14, 1990, charged with obstructing business.

PARK Young-bae: Daeha Dyeing Company, president, arrested on May 14, 1990, charged with obstructing business.

HONG Seong-koo: Daesung Precision Company, president, arrested on May 14, 1990, charged with obstructing business.

SEOL Tae-koo: Dongsan Bearings Company, president, arrested on May 7, 1990, charged with violating the Labor Dispute Adjustment Law and obstructing business.

KIM Hyun-cheol: Dongwon Metal Company, president, arrested on April 10, 1990, charged with violation of Law on Assembly and Demonstration and Special Law against Firebombs. [Minkahyup lists his charges as violation of the Law on Assembly and Demonstration and committing physical violence and his arrest date as April 14.]

LEE Yu-whung: Kangjin Manufacturing Co.

YOO Young-yong: Korea M.B.I. (Textile), president, arrested on February 26, 1990, charged with violating the Law on Assembly and Demonstration and the Labor Dispute Adjustment Law. [Mingahyup identifies the company as L.B.I., the arrest as February 8, 1989, and the charge as committing physical violence.]

PARK Min-ho: Namyoung Textile, president.

CHOI Byung-won: Namseon Manufacturing Company, vice-president, arrested on May 30, 1990, charged with obstructing business.

CHOI Han-soo: Namseon Manufacturing Company, acting president, arrested on August 31, 1990, charged with obstructing business and violating the Labor Dispute Adjustment Law.

CHUN Sung-tae: Namseon Manufacturing Company, dispute director, arrested on August 31, 1990, charged with obstructing business and violating the Labor Dispute Adjustment Law.

HONG Hoo-ki: Namseon Manufacturing Company, director, arrested on May 30, 1990, charged with obstructing business.

KOH Tae-kwon: Namseon Manufacturing Company, president, arrested on July 17, 1990, charged with obstructing business, and sentenced to 18 months' imprisonment.

LEE Jae-yeol: Namseon Manufacturing Company, director of branch, arrested on July 17, 1990, charged with obstructing business, and sentenced to 18 months' imprisonment.

LEE Jung-rim: Namseon Manufacturing Company, director, arrested on May 30, 1990, charged with obstructing business.

LEE Sung-hae: Namseon Manufacturing Company, education director, arrested on August 31, 1990, charged with obstructing business and violating the Labor Dispute Adjustment Law.

LEE Wol-nyeo: Sangkong Electronics Company, organization director, arrested on April 25, 1990, charged with obstructing business. [Arrest date given as April 28, being held in Taegu.]

AHN Byung-man: Taehwa Dyeing Company, general secretary, arrested on May 25, 1990, charged with obstructing business and "third-party interference" ban in the Labor Dispute Adjustment Law.

KIM Joo-kap: Taehwa Dyeing Company, dispute officer, arrested on May 12, 1990, charged with obstructing business.

KIM Joon-tae: Taehwa Dyeing Company, auditor, arrested on May 14, 1990, charged with obstructing business.

KIM Tae-ki: Taehwa Dyeing Company, convention delegate, arrested on May 14, 1990, charged with obstructing business.

KWON Seok-ho: Taehwa Dyeing Company, vice-president, arrested on June 1, charged with obstructing business and "third-party interference" ban in the Labor Dispute Adjustment Law.

LEE Myung-hwa: Taehwa Dyeing Company, female affairs director, arrested on May 25, 1990, charged with obstructing business and physical violence.

LEE Myung-jae: Taehwa Dyeing Company, vice-president, arrested on May 12, 1990, charged with obstructing business.

SEO Choong-jin: Taegu Workers Association, director, arrested on May 19, 1990, charged with violation of the Law on Assembly and Demonstration.

KUMI

KIM Jung-won: Pohang Dongjin Manufacturing Company, former president, charged with obstructing business [and "third-party interference, arrested in April 1990].

JANG Mi-jung: Hankook Sinix Company, arrested on May 8, 1990, charged with falsification of private documents (educational background).

CHO Myung-rae: Pohang Saehan Electronics Company, statistics director, arrested on May 8, 1990, charged with falsification of private documents (educational background).

POHANG, KYUNGJU

HUH Young: labor movement activist, charged with interference with police operations.

LEE Hee-chang: Chosun Ceramics Company, dismissed labor, charged with violation of Special Law against Firebombs.

BAE Young-jin: Daedong Steel Company, education officer, charged with technical interference with police operations, [arrested on April 9, 1990, being held in Taegu].

KIM Chan-soo: Hyosung Textile, auditor.

KIM Kyo-jung: Hyosung Textile, auditor.

LEE Byung-soo: Hyosung Textile, auditor, ["third-party interference," being held in Taegu].

PARK Joo-chul: Hyosung Textile, auditor.

JOO Sang-joon: Heunghwa Manufacturing Company, rank-and-file worker, arrested on November 1, 1989, charged with falsification of public documents, [being held in Taegu].

HAN Eu-keun: Hyundai Metal Complex Company, charged with falsification of public documents, [arrested in March 1990, being held in Taegu].

JANG Young-tae: Jecheol Facilities Company, president, charged with violation of the Law on Assembly and Demonstration, obstructing business and "third-party interference" ban in the Labor Dispute Adjustment Law, [arrested on June 5, 1989, being held in Kangteung].

KWON Oh-man: Kangwon Industry (Metal), president, charged with obstructing business and violation of the Labor Dispute Adjustment Law.

CHOI Young-min: Kangwon Industry (Metal), acting president, charged with obstructing business.

JUNG Kwang-soo: Kangwon Industry (Metal), education director, charged with obstructing business and violation of the Labor Dispute Adjustment Law.

LEE Yoo-hyung: Kwangjin Enterprise Company, president, charged with violation of the Law on Assembly and Demonstration, [arrested on April 9, 1990, being held in Taegu].

JUNG Tae-young: Kyungjoo Daeha Taxi Company, former president, arrested on May 28, 1990, charged with interference with police operation and violation of the Law on Assembly and Demonstration.

KIM Chang-joo: Poongsan, welfare officer.

KWON Young-kook: Poongsan, education director, charged with committing physical violence and violation of the Labor Dispute Adjustment Law. [Arrested on January 2, 1989, being held in Jangheung, charges listed as obstructing business and violation of the Labor Dispute Adjustment Law.]

CHUNG Jong-kil: Poongsan Metal Industry, president, charged with committing physical violence and violation of the Labor Dispute Adjustment Law. [Arrested on January 2, 1989, being held in Andong, charges listed as obstructing business and violation of the Labor Dispute Adjustment Law.]

KIM Doo-seong: Pohang Boiler Company, president, arrested on June 4, 1990, charged with committing physical violence and obstructing business.

PARK Chang-ho: Pohang Workers' House, director, charged with interference with police operations.

JO Myung-lae: Sanhan Electronics

CHANG Young-tae: Sujin.

CHOI Jin-shik: Sujin, president.

CHOO Yun-man: Sujin.

KIM Byung-koo: Sujin.

LEE Sang-mo: Sujin.

LEE Sun-hee: Sujin.

PUSAN

LEE Sung-do: Chonnohyop, chairman, arrested on June 12, 1990, charged with "third-party interference."

CHOI Nak-yoon: Copart Company, acting president, arrested on August 3, 1990, charged with obstructing business.

CHOI Sang-kook: Copart Company, arrested on August 3, 1990, charged with obstructing business.

IM Chul-jin: Copart Company, director of the vanguard team, arrested on August 3, 1990, charged with obstructing business.

JOO U-jong: Copart Company, officer of the vanguard team, arrested on August 3, 1990, charged with obstructing business.

JUNG Dae-shik: Copart Company, general secretary, arrested on August 3, 1990, charged with obstructing business.
KANG Sun-jin: Copart Company, president, arrested on August 3, 1990, charged with obstructing business.
LEE Sung-tae: Copart Company, arrested on August 3, 1990, charged with obstructing business.
SONG Wang-joon: Copart Company, dispute director, arrested on August 3, 1990, charged with obstructing business.
YU Choong-ki: Copart Company, arrested on August 3, 1990, charged with obstructing business.
PARK Tae-chun: Copart Company, arrested on August 3, 1990, charged with obstructing business.
YU Choong-ki: Copart Company, arrested on August 3, 1990, charged with obstructing business.
CHA Sang-keun: Dongsin Chemical Company, president.
IM Yo-taek: Dongsin Chemical Company
LEE Sang-kyu: Haehan Shipbuilding Company, arrested on May 1, 1990, charged with violating the Special Law against Firebombs. [Charge listed as violating the Labor Disputes Adjustment Law.]
LEE Mi-kyung: Hwasung (Textile), president, arrested on January 29, 1990, charged with violating the National Security Law. [Arrest date noted as February 1990, charged with committing physical violence, being held in Pusan.]
KIM Dae-keon: Hyosung Taxi Company, president, arrested on June 5, 1990, charged with obstructing business.
LEE Sung-hee: Ilkook Workers' Library, arrested on January 29, 1990, charged with violating the National Security Law.
PARK Hyun-yul: Ilsong Precision Company, arrested on April 28, 1990, charged with violating the Special Law against Firebombs. [Charge listed as violation the Labor Dispute Adjustment Law.]
KIM Young-joon: Manho Steel Mill, president, [charged with committing physical violence].
KIM In-kyu: Poongsan Metal Industry, delegate, arrested on September 11, 1990, charged with obstructing business.
KIM Jin-hak: Poongsan Metal Industry, organizing director, arrested on September 11, 1990, charged with obstructing business.
KIM Kook-kyung: Poongsan Metal Industry, arrested on September 11, 1990, charged with obstructing business.
KIM Myung-sil: Poongsan Metal Industry, delegate, arrested on September 11, 1990, charged with obstructing business.
KIM Young-il: Poongsan Metal Industry, vice-president, arrested on September 11, 1990, charged with obstructing business.
KWAK Sung-il: Poongsan Metal Industry, culture director, arrested on September 11, 1990, charged with obstructing business.
LEE Ho-woo: Poongsan Metal Industry, delegate, arrested on September 11, 1990, charged with obstructing business.
LEE Jin-soo: Poongsan Metal Industry, delegate, arrested on September 11, 1990, charged with obstructing business.
LEE Sang-woon: Poongsan Metal Industry, delegate, arrested on September 11, 1990, charged with obstructing business.
LEE Yang-soo: Poongsan Metal Industry, communication director, arrested on September 11, 1990, charged with obstructing business.
SHIN Gil-whu: Poongsan Metal Industry, athletic director, arrested on September 11, 1990, charged with obstructing business.
SONG Woon-jin: Poongsan Metal Industry, arrested on September 11, 1990, charged with obstructing business.
KIM Jin-sook: Pusan Workers' Association, president, arrested on June 1, 1990, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law.
NHO Chang-kyu: Samsung Industry Company, president, arrested on May 31, 1990, charged with obstructing business and violating the "third-party interference" ban in the Labor Dispute Adjustment Law.

ULSAN (excluding Hyundai Workers, who are listed separately below)

CHO Yoo-shik: labor movement activist, charged with violation of the National Security Law, arrested in January 1990 and sentenced in September to two years' imprisonment.
CHUNG Dae-hwa: labor movement activist, charged with violation of the National Security Law, [arrested in January 1990]. Sentenced (date unknown) to 24 months' imprisonment.
KIM Jong-seop: labor movement activist, charged with violation of the National Security Law.
KANG Bong-jin: Daesung Development Company, arrested on May 2, 1990, charged with technical interference with police operation.
JUNG Ho-young: Dongyang Nylon Company, former education director, [arrested in August 1989, charged with obstructing business and being held in Pusan].
LEE Yong-ryul: Dongyang Nylon Company, former president, [arrested in August 1989, charged with obstructing business and being held in Pusan].
KWAK Tak-sung: Sejong Industry, rank-and-file worker, charged with falsification of private documents (educational background), [arrested in February 1990].
YANG Dong-joo: Yooil Manufacturing Company, former president, charged with falsification of private documents (educational background).

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KIM Seon-joong: charged with falsification of private documents (educational background), [arrested in March 1990].

IM Chae-jung: labor movement activist, arrested in January 1990, charged with violating the National Security Law, [arrested on March 8, 1990, affiliated with the Kyungnohyop].

PARK Chang-seok: Association of day laborers, president, arrested on July 26, 1990, charged with technical interference with police operations.

KIM Ki-chul: Booyoung Engineering.

PARK Eun-tae: Booyoung Engineering.

YOO Byung-tae: Booyoung Engineering.

SEONG Myung-heon: Bong-am Company, arrested on March 3, 1990, charged with violating the National Security Law.

SON Taek-man: Bong-am Company, arrested on March 5, 1990, charged with committing physical violence, [being held in Masan].

LEE Bong-joo: Carbreaker Company, president, arrested in July 1990 (?), charged with obstructing business.

SHIN Yong-jung: Carburetor Company, dispute officer, charged with violating the Special Law against Firebombs, [arrested on May 3, 1990, in connection with the Lee Yong-il funeral rally].

HUH Tae-kwan: Changwon Air Conditioner Company, arrested on March 5, 1990, charged with committing physical violence, [being held in Masan].

CHOI Je-woo: Daelim Automobile Company, arrested in June 1990 (?), charged with committing physical violence and violating the Labor Dispute Adjustment Law.

HONG Ji-wook: Daelim Automobile Company, arrested in August 1990, charged with violating the Labor Dispute Adjustment Law.

JO Hyun-joon: Daelim Automobile Company, organization officer, charged with violating the Labor Dispute Adjustment Law.

KIM Yoon-soo: Daelim Automobile Company, communication director, arrested on March 16, 1990, charged with violating the National Security Law.

KO Young-tae: Daelim Automobile Company, education director, arrested on August (?) 1990, charged with violating the National Security Law.

LEE Seung-pil: Daelim Automobile Company, president, arrested on March 8, 1990, charged with violating the Law on Assembly and Demonstration. [Mingahyup listed his charge as the National Security Law.]

SHIN Duk-woo: Daewon Company (Metal), president, [arrested on May 26, 1989 and being held in Andong].

JOO Yun-ok: Dongkyung Electronics Company, president, arrested on March 13, 1990, [being held in Masan].

KIM Jung-ja: Dongkyung Electronics Company, vice-president, arrested on March 13, 1990, [being held in Masan].

CHOI Mi-yang: Dongyang Metal Company, arrested on March 12, 1990, charged with violating the National Security Law.

KIM Pil-hyun: Dukyung Industry Company

BYUN Hwa-seok: Goldstar (Metal), branch director, arrested on June 8, 1989, charged with violating the Labor Dispute Adjustment Law and committing physical violence, [sentenced to a one-and-a-half year prison term, being held in Andong].

HA Tae-wook: Goldstar (Metal), [arrested on June 8, 1989, sentenced to a two year prison term, being held in Mokpo].

KIM Hyun-shik: Goldstar (Metal), rank-and-file worker, charged with violating the National Security Law.

LEE Kyun-ha: Goldstar (Metal). [Arrested on May 26, 1989, sentenced to a two year prison term, being held in Soonchun].

PARK Won-joo: Goldstar Industrial Elec. Company, dismissed worker, arrested on February 5, 1990.

KIM Heong-suk: Hankook Hotcoil Company, convention delegate, charged with violating the National Security Law.

HONG Yeo-po: Hyosung Heavy Industry, branch director, arrested on July 5, 1989, charged with violating the Labor Dispute Adjustment Law and committing physical violence, [being held in Pusan].

PARK Sang-oh: Hyosung Heavy Industry, [arrested June 30, 1989, being held in Pusan].

SUH Woo-keun: Hyosung Heavy Industry, arrested on June 30, 1989, charged with violating the National Security Law, [being held in Pusan].

LEE Chang-sub: Hyosung Machinery, [arrested in September 26, 1989, being held in Mokpo].

JOO Jin-sung: Hyundai Precision Company, arrested on August 30, 1990, charged with committing physical violence.

KIM Je-kab: Hyundai Precision Company, arrested on August 30, 1990, charged with committing physical violence.

KIM Jung-myung: Hyundai Precision (Metal) Company, organizing director, arrested on August 30, 1990, charged with "third party" interference.

KIM Kook-han: Hyundai Precision Company, arrested on September 21, 1990, charged with "third-party" interference.

KIM Sang-hap: Hyundai Precision (Metal), arrested on June 2, 1989, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law and committing physical violence, [sentenced to a two year jail term, being held in Mokpo].

LEE Jung-ho: Hyundai Precision (Metal).

LEE Jae-koo: Ilkook Labor Center, director, arrested on March 5, 1990, charged with violating the National Security Law [and committing physical violence, being held in Masan].

MOON Jin-hun: Ilkook Labor Center, director, arrested on March 5, 1990, charged with violating the National Security Law, [arrest date as April 4].

PARK Ki-young: Ilkook Labor Center, director, arrested on March 5, 1990, charged with violating the National Security Law, [and committing physical violence, being held in Masan].

KIM Hong-joon: Ilsun Industry Company, convention delegate, arrested on May 3, 1990, [in connection with the Lee Yong-il funeral rally].

KIM Yong-sook: Ilsun Industry Company, convention delegate, arrested on May 10, 1990, charged with violating the National Security Law.

PARK Young-soon: Joongchun Company, general secretary, arrested on December 18, 1989, charged with obstructing business, [sentenced to a one-and-a-half year prison term].

JUNG Kwang-sik: Kia Manufacturing Company, rank-and-file worker, charged with violating the Law on Assembly and Demonstration.

CHUN Doll-ja: Korea Star (Electronics, Japanese-owned), arrested on August 29, 1990, charged with obstructing business.

CHUN Yoon-hee: Korea Star (Electronics, Japanese-owned), ex-president, arrested on August 29, 1990, charged with obstructing business and committing violence.

MIN Jung-sook: Korea Star (Electronics, Japanese-owned), general secretary, arrested on August 31, 1990, charged with obstructing business and committing violence.

SON Sung-ran: Korea Star (Electronics, Japanese-owned), president, arrested on August 29, 1990, charged with obstructing business and committing violence.

CHOI Dae-won: Korea Takoma (Shipbuilding), president.

LEE Chang-hoon: Korea Takoma (Shipbuilding), rank-and-file worker, charged with violating the Special Law against Firebombs.

LEE Heung-suk: Korea Takoma (Shipbuilding), president, Ma-chang, arrested on April 27, 1989, charged with violating the Law on Assembly and Demonstration and the "third-party interference" ban in the Labor Dispute Adjustment Law, [being held in Hongsung].

CHUNG Min-soo: Korex Sports Company, arrested on July 26, 1990, charged with technical interference with police operations.

JUN Chang-hyun: Korex Sports Company, dismissed worker, arrested on April 1, 1990, charged with violating the Law on Assembly and Demonstration.

SON Soon-do: Korex Sports Company, disputes director, arrested on August 16, 1990, charged with obstructing business and "third-party" interference.

JUNG Sang-cheol: Machang Council of Trade Unions, acting president, arrested on May 22, 1990, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law.

LEE Jong-yup: Machang Council of Trade Unions, acting president, arrested on March 31, 1990, charged with violating the Labor Dispute Adjustment Law and obstructing business. [Mingahyup lists his charge as violation of the National Security Law.]

BAEK Seung-man: Pusan Industry Machine.

CHO Kwang-hyun: Pusan Industry Machine.

KIM Sung-bae: Poongsung Electricity Company, arrested on June 8, 1990, charged with falsification of private documents (educational background).

PARK Hee-keun: Sammi Metal Company

SUH Il-bum: Sebang Electronics.

YOO Eun-soon: Soyo Enterprise, president.

KIM Jung-im: TC Company, president, arrested on December 1, 1989, charged with committing physical violence, [being held in Masan].

LEE Yon-sil: TC Company, vice-president, arrested on December 1, 1989, charged with committing physical violence, [being held in Masan].

CHUNG Ki-ho: Tong-il Company (Unification Church-invested), dismissed worker, arrested on October 31, 1989, charged with obstructing business, [sentenced to a one-and-a-half year prison term, being held in Masan].

IM Jong-ho: Tong-il Company (Unification Church-invested), convention delegate, arrested on April 24, 1989, charged with arson, [sentenced to a one-and-a-half-years prison term, being held in Andong].

IM Soo-kwan: Tong-il Company (Unification Church-invested), arrested on August 22, 1990, charged with violating the National Security Law and obstructing business.

JIN Soon-chan: Tong-il Company (Unification Church-invested).

JIN Young-kyu: Tong-il Company (Unification Church-invested), acting president, arrested on October 18, 1989, charged with committing physical violence and violating the "third-party interference" ban in the Labor Dispute Adjustment Law, [sentenced to two-and-a-half-years prison term, being held in Masan].

LEE Bong-woo: Tong-il Company (Unification Church-invested).

LEE Ho-sung: Tong-il Company (Unification Church-invested), arrested August 22, 1990.

LYU Hae-choon: Tong-il Company (Unification Church-invested), dismissed worker, arrested on September 21, 1989, charged with violating the Labor Dispute Adjustment Law, [sentenced to a two year prison term, being held in Masan].

MOON Sung-hyun: Tong-il Company (Unification Church-invested), dismissed worker and former president, arrested on April 22, 1989, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law, [sentenced to one-and-a-half-year prison term].

PARK Choon-yul: Tong-il Company (Unification Church-invested), dismissed worker, arrested on September 21, 1989, charged with violating the Labor Dispute Adjustment Law, [sentenced to a two year prison term, being held in Masan].

SHIN Chun-sub: Tong-il Company (Unification Church-invested), dismissed worker, arrested on October 31, 1989, charged with obstructing business, [sentenced to a one-and-a-half-year prison term, being held in Masan].

SHIN Sang-hwan: Tong-il Company (Unification Church-invested), organization director, arrested on October 31, 1989, charged with obstructing business, [sentenced to a one-and-a-half-year prison term, being held in Masan].

SONG Min-seok: Tong-il Company (Unification Church-invested), organizational director, arrested on September 21, 1989, charged with violating the Labor Dispute Adjustment Law, [sentenced to a two year prison term].

YANG Eon-cheol: Tong-il Company (Unification Church-invested), organization officer, charged with violating the Special Law against Firebombs.

YEO Young-guk: Tong-il Company (Unification Church-invested), dismissed worker, arrested on November 1, 1989, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law, [sentenced to a one-and-a-half-year prison term, being held in Masan].

YOO Soo-jong: Tong-il Company (Unification Church-invested), general secretary, arrested on October 31, 1989, charged with violating the Labor Dispute Adjustment Law, [sentenced to a one-year prison term, being held in Masan].

JANG Suk-kyo: Wooyoung Industry Company, [arrested in March 1990, charged with violating the National Security Law, associated with the Nodong Danche Shilmuja (Workers' Group Affairs), may have been released in June].

KEOJE ISLAND

IM Bok-je: Daewoo Shipbuilding Company, union activist, charged with violating the Labor Dispute Adjustment Law.

LEE Myung-ha: Daewoo Shipbuilding Company, union activist, charged with violating the Labor Dispute Adjustment Law.

SHIN Yoo-sik: Daewoo Shipbuilding Company, union activist, charged with violating the Labor Dispute Adjustment Law.

SOH Soon-sam: Daewoo Shipbuilding Company, union activist, charged with violating the Labor Dispute Adjustment Law.

BYUN Sung-joon: Samsung Shipbuilding Company, arrested on June 21, 1990, charged with violating the National Security Law.

KO Jae-kwon: Samsung Shipbuilding Company, arrested on June 22, 1990, charged with violating the Labor Dispute Adjustment Law.

LEE Kyo-woo: Samsung Shipbuilding Company, president, arrested on June 21, 1990, charged with violating the National Security Law.

TAEBAEK

KIM Chang-wan: Dongwon Coal Mine, [charged with violating the Kuangsan Security Law and the Law on Assembly and Demonstration and obstructing business].

YOO Sang-yul: Dongwon Coal Mine, [charged with violating the Kuangsan Security Law and the Law on Assembly and Demonstration and obstructing business].

BAEK Hyung-keon: Hanbo Mine, arrested on July 25, 1990, charged with obstructing business and committing physical violence.

CHANG Sung-ku: Hanbo Mine, dismissed worker, arrested on July 25, 1990, charged with obstructing business and committing physical violence.

CHO Sung-koon: Hanbo Mine, arrested on July 25, 1990, charged with obstructing business and committing physical violence.

CHOI Heong-kyung: Hanbo Mine, arrested on July 25, 1990, charged with obstructing business and committing physical violence.

LEE Mok: Hanbo Mine, arrested on July 25, 1990, charged with obstructing business and committing physical violence.

BAE Jin: Miners' Association, president, arrested on August 13, 1990, charged with violating the National Security Law, obstructing business, and committing physical violence.

CHUNG Moon-ho: Miners' Association, member, arrested on August 6, 1990, charged with violating the Law on Assembly and Demonstration, obstructing business, and committing physical violence.

KIM Hong-dae: Miners' Association, member, arrested on August 8, 1990, charged with violating the Law on Assembly and Demonstration, obstructing business, and committing physical violence.

CHO Yong-il: Miners' Association, charged with violating the National Security Law.

JUN Mi-young: Kuangsan Miners' Association, charged with violating the National Security Law.

CHANG Dong-chul: Kyungdong Mine, arrested on July 24, 1990, charged with obstructing business.

CHUNG Woon-hwan: Samchuk Coal Mine.

WON Ki-joon: Samchuk Coal Mine, [charged with violating the National Security Law and the ban on "third-party interference"].

KOREAN NATIONAL TEACHERS AND EDUCATIONAL WORKERS UNION (CHUNKYOJO)

AHN Jong-bok: Masan Vocational High School, arrested on March 27, 1990, charged with obstructing business.

CHOI Yun-ho: Taegu Shimin Middle School, arrested on April 27, 1990, charged with violating the Law on Assembly and Demonstration and committing physical violence.

KANG Sin-oh: Incheon Myungsin Female High School, arrested on April 12, 1990, charged with obstructing business and committing physical violence.

KIM Bang-sik: Incheon Myungsin Female High School, arrested on April 12, 1990, charged with obstructing business.

KIM In-kyo: Suhsan Seopo Middle School, arrested on July 15, 1990, charged with interference with police operation.

KO Heung-deok: Incheon Myungsin Female High School, arrested on April 12, 1990, charged with obstructing business.

KWON Bok-kyung: Pusan Branch, arrested on May 11, 1990, charged with violating the Law on Assembly and Demonstration.

KWON Kyung-bok: Pusan Sungdo High School, arrested on May 12, 1990, charged with violating the Law on Assembly and Demonstration.

LEE Young-joo: Sachun Seopo Middle School, arrested on March 27, 1990, charged with obstructing business.

LIM Il-taek: Masan branch, arrested on May 11, 1990.

PARK Jung-keon: Kyungki Province Branch, director, arrested on May 11, 1990, charged with violating the Law on Assembly and Demonstration.

SHIN Hyen-kyung: arrested May 11, 1990.

KOREAN BROADCASTING SYSTEM (KBS) UNION

AHN Deok-sang: emergency committee member, charged with obstructing business.

AHN Dong-soo: former president, charged with obstructing business.

CHA Hyung-hoon: planning officer, emergency committee, arrested on August 14, 1990, charged with interference with police operation and physical violence.

CHOI Chang-hoon: dispute director, charged with obstructing business, [arrested May 7, 1990].

JUN Young-il: director, charged with obstructing business.

JUNG Hee-chun

KIM Cheol-soo: president, charged with obstructing business.

KIM Jung-yuk

KIM Man-seok: reporter, charged with obstructing business, [arrested May 2, 1990].

KIM Young-dal: organization director, charged with obstructing business.

KIM Yu-young

KO Beom-joon: general secretary, charged with obstructing business, [arrested May 7, 1990].

LEE Hyung-mo: emergency committee director, charged with obstructing business.

LEE Im-ho: director of the fair broadcast committee director, charged with obstructing business, [arrested May 2, 1990].

LEE Kyung-hee: director of female affairs, charged with obstructing business, [arrested May 2, 1990].

LEE Yang-hoon

OH San-keon

PARK Chan-uk

PARK Myung-chul

WHUN Chun-gun

KOREAN FEDERATION OF HOSPITAL WORKERS' UNIONS

CHA Soo-ryun: Hanyang University Hospital, president, charged with "third-party interference".

KIM Jin-han: Pohang Seonlin Hospital, director on industrial disputes, charged with violating the Labor Dispute Adjustment Law, charged with violating the Labor Dispute Adjustment Law and obstructing business.
KIM Yoo-mee: Seoul National University Hospital, president, arrested on October 4, 1990, charged with obstructing business.

HYUNDAI WORKERS (ULSAN)

BAE Man-soo: Hyundai Automobile Company, convention delegate, arrested on June 3, 1990, charged with interference with police operations and arson. Currently on trial.
JUNG Kap-deuk: Hyundai Automobile Company, vanguard team member, arrested on June 3, 1990, charged with interference with police operations and arson. On trial.
KIM Jong-jin: Hyundai Automobile Company, president, democratic association, arrested on June 3, 1990 and charged with interference with police operation and arson. On trial.
KIM Kang-hee: Hyundai Automobile Company, management committee member, arrested on May 3, 1990, charged with obstructing business. On trial.
KIM Sung-eon: Hyundai Automobile Company, convention delegate, arrested on June 3, 1990, charged with interference with police operations. On trial.
LEE Soo-won: Hyundai Automobile Company, union specialist, arrested on May 18, 1990, charged with committing physical violence. Sentenced in September to six months' imprisonment.
KANG Seong-cheol: Hyundai Heavy Equipment Company, organization director, arrested on May 23, 1990. Charged with obstructing business.
KIM Hak-doo: Hyundai Heavy Equipment Company, president, arrested on May 15, 1990. Charged with obstructing business. On trial.
CHOI Jung-ho: Hyundai Heavy Industry, convention delegate, arrested on April 28, 1990, charged with technical interference with police operations. On trial.
CHOI Kap-yong: Hyundai Heavy Industry, rank-and-file worker, charged with technical interference with police operations. On trial.
CHUNG Young-min: Hyundai Heavy Industry (also listed as **Young-bin**), charged with obstructing business and violating the Labor Dispute Adjustment Law.
JANG Moon-ho: Hyundai Heavy Industry, convention delegate, charged with obstructing business. On trial.
JO Don-hwui: Hyundai Heavy Industry, cultural activities officer, charged with obstructing business. On trial.
JO Joo-nam: Hyundai Heavy Industry, convention delegate, charged with obstructing business. On trial.
JUNG Young-bin: Hyundai Heavy Industry, female affairs officer, charged with committing violence and obstructing business.
KANG Seong-man: Hyundai Heavy Industry, arrested on May 7, 1990, charged with obstructing business. On trial.
KIM Nam-suk: Hyundai Heavy Industry, convention delegate, charged with violation of the National Security Law. Sentenced to one years' imprisonment.
KIM Sang-hoon: Hyundai Heavy Industry, planning officer, charged with obstructing business. On trial.
KIM Won-pil: Hyundai Heavy Industry, dispute officer, charged with obstructing business. On trial.
KOO Young-sik: Hyundai Heavy Industry, convention delegate, charged with obstructing business. On trial.
KWON Yong-mok: Hyundai Heavy Industry, chairman of Council of Hyundai Unions, arrested on March 1, 1990, charged with violating the "third-party interference" ban in the Labor Dispute Adjustment Law. In September, sentenced to two years' imprisonment.
LEE Bong-soo: Hyundai Heavy Industry, convention delegate, charged with obstructing business. On trial.
LEE Jae-kwan: Hyundai Heavy Industry, convention delegate, arrested on May 16, 1990, charged with obstructing business. Sentenced to 18 months' imprisonment.
LEE Jung-seop: Hyundai Heavy Industry, rank-and-file worker, charged with technical interference with police operations. On trial.
LEE Kap-yong: Hyundai Heavy Industry, general secretary, charged with obstructing business. On trial.
LEE Won-kap: Hyundai Heavy Industry, former dispute director, charged with obstructing business.
LEE Won-keon: Hyundai Heavy Industry, strike leader, charged with committing physical violence and obstructing business, arrested in April 1989, charged with violating the Labor Dispute Adjustment Law, sentenced to 18 months' imprisonment.
LEE Young-hyun: Hyundai Heavy Industry. President, arrested in February 1990, charged with obstructing business. Sentenced to 12 months' imprisonment.
PARK Dae-yong: Hyundai Heavy Industry, planning officer, charged with obstructing business. On trial.
PARK Seong-woo: Hyundai Heavy Industry, convention delegate, charged with obstructing business. On trial.
SEO Pil-woo: Hyundai Heavy Industry, convention delegate, charged with obstructing business. On trial.

SEOL Nam-jong: Hyundai Heavy Industry, planning director, arrested in March 1990, charged with obstructing business, sentenced in September to one year's imprisonment.

WOO Ki-ha: Hyundai Heavy Industry, vice-president. On trial.

YOON Jae-keon: Hyundai Heavy Industry, organization director, charged with obstructing business, sentenced in September to one year's imprisonment.

KOO Ja-choon: Hyundai Wood Complex, former statistics director, arrested in February 1990, charged with violating the National Security Law, sentenced to 18 months' imprisonment.

LEE Young-do: Hyundai Wood Complex, president, arrested in March 1990, charged with obstructing business, and sentenced in September to one year's imprisonment.

APPENDIX IV: LIST OF PUBLISHERS AND OTHERS JAILED IN CONNECTION WITH PUBLISHING ACTIVITIES, 1989-90.

This information was compiled in Korean by the Korea Publishing Culture Movement, a Seoul-based organization of publishers, for their May 1990 list and June 1990 report on the state of publishing in South Korea during President Roh's tenure. Additional names have been noted and the source is as cited. Unless otherwise specified, all persons named on the list were arrested or charged under the National Security Law.

1989

January 19:

CHOI Pil-seung: A representative of the Han Madang Publishing Company, he was sentenced on April 3, 1989 to one year's imprisonment and one year's deprivation of civil rights. The sentence was suspended for two years, and Choi was released.

BAEK Yong: A representative of the Shinhak Munsa (Modern Sciences) Publishing Company, he was sentenced on April 6, 1989 to one year's imprisonment and one year's deprivation of civil rights. The sentence was suspended for two years and Baek was released.

BAE Jung-kyu: Representative of the Daedong (Korea) Publishing Company, he was sentenced on April 6, 1989 to one year's imprisonment and one year's deprivation of civil rights. The sentence was suspended for two years, and Bae was released.

February 9:

KIM Sung-jae: Head of the Hyungsungsa Publishing Company, which published *Biography of Kim Il-sung*, he was sentenced on May 24, 1989, to a one-year jail term and one year's deprivation of civil rights. The sentence was suspended for two years and he was released.

February 18:

KOH Kyu-tae: 30, a poet and representative of the Indong Publishing Company, he was sentenced on May 23, 1989, to one-and-a-half years' imprisonment and one year's deprivation of civil rights. The sentence was suspended for three years, and he was released.

March 3:

KIM Yon-in: A representative of the Him (Power) Publishing Company, he was sentenced on June 22, 1989, to a one year prison term; on October 19, his sentence was suspended, and he was released.

March 29:

JUNG Ji-suk: A representative of the Baekdu Publishing Company, he was sentenced on June 16, 1989, to a one-year prison term and one year's deprivation of civil rights. The sentence was suspended for three years, and he was released.

KANG Byung-sun: A representative of the Pulenseup Publishing Company, released on June 29, 1989 after he was given a suspended sentence.

April 7:

LEE Choon-ho: The police raided the Noon (Snow) Publishing Company's offices and confiscated 4,000 copies of books. The authorities took Lee, a representative, and **SO Jung-chul** and **KIM Eun-kyo**, editors of the publishing company, for questioning. The next day, So and Kim were released, but Lee was formally arrested. The confiscated copies of the "Tong-il Shisunjib" were returned. Lee was released on June 22, 1989 after being given a suspended sentence.

May 2

PARK Kang-hui: Investigators of the Agency for National Security Planning raided the Nonjang Publishing Company's offices, confiscating nearly 2,000 copies of books. Park was apprehended as he was leaving his home for work; he was formally arrested on the next day. On July 10, the publishing company's offices were searched, and 3,000 copies of a book on Marx and Engel were seized. The next day, the police searched Park's home. On October 30, 1989, he was released on bail.

May 4:

CHOI Kwang-ryul: Investigators of the Agency for National Security Planning apprehended Choi, a representative of the Galmuji Publishing Company, as he was leaving his home to go to work. The investigators raided the publishing company's offices and confiscated nearly 1,000 copies of books. Choi was indicted on September 27, 1989. On October 24, Choi was sentenced to two years' imprisonment and two years' deprivation of civil rights; the sentence was suspended for three years, and Choi was released.

May 26:

KIM Sa-in and IM Kyu-chan: An editor and a representative (respectively) of the Labor Literature Company were taken in for questioning. Investigators attached to the Agency for National Security Planning raided the publishing company's offices and confiscated the June issues of the *Labor Liberation Literature* magazine and documents. Kim and Im were formally arrested on May 29. On September 18, they were each sentenced to two years' imprisonment and two years' deprivation of civil rights. Their sentences were suspended for three years and they were released.

May 30:

PARK Jong-kyu, YU Hwan-ok, and LEE Sang-dong, representative, business manager and editor, respectively, of the Baek Book Publishing Company were taken in for questioning after police raided the company's offices. On June 1, the three men were booked on charges without physical detention.

June 7:

KIM Jae-wan: A representative of the Ohweol (May) Book Publishing Company, Kim was taken in for questioning after police raided the company's offices. The authorities confiscated publications and documents belonging to the company. Kim was formally arrested the next day. On September 22, he was released on a suspended sentence.

June 22:

KIM Sun-ho: A representative of the Yul Salam Publishing Company, he was taken in for questioning along with ten other employees of the publishing company. Kim was formally arrested the next day; the rest were released. The publishing company's offices were also raided and books confiscated. Kim was released on October 6, 1989 on a suspended sentence.

June 23:

NOH Seung-il: A representative of the Geunal (Some Day) Publishing Company, Noh was arrested for publishing the books, *Reform and Reunification* and *Present Society and New Understanding*. On June 23, there had been police raids at nine Seoul bookstores and 196 copies of books were confiscated. Noh was found guilty.

June 26:

KIM Joon-ki: Publisher of the *Together with Farmers* magazine, was arrested for alleged violation of the National Security Law because the magazine contained articles on North Korea's agricultural policy. He was convicted in late 1989 to two years' imprisonment and was jailed.

LEE Sam-haeng: a writer for the *Together with Farmers* magazine, Lee was arrested along with Kim Joon-ki and later released on a suspended sentence.

YU Si-keun: A representative of the Arirang Publishing Company, Yu was taken in for questioning and formally arrested two days later. The publishing company's offices were raided and 1,700 copies of two books were confiscated. On October 12, 1989, he was given a suspended sentence and released.

July 4:

IM Seung-nam: A representative of the Dolbaegae (Stone Pillow) Publishing Company, Im was taken in for questioning. On October 11, he was sentenced to one year's imprisonment and one year's deprivation of civil rights; his sentence was suspended for two years, and he was released.

KIM Yong-hang: A representative of the Onnuri Book Publishing Company, Kim was taken in for questioning. In the afternoon the publishing company's offices were raided and 623 copies of *Bukhan Tongil Jungchaek Byunchunsa* were confiscated. Kim was formally arrested on October 5. On October 17, he was sentenced to a one-year prison term and one year's deprivation of civil rights; the sentence was suspended for two years, and he was released.

July 5:

JUNG Dong-ik: A representative of the Achim (Morning) Book Publishing Company, Jung was taken in for questioning following police raids of Achim and other publishing companies' offices which resulted in the confiscation of over 4,000 copies of North Korean books. Jung was formally arrested on July 7. On October 25,

Jung was sentenced to one year's imprisonment and one year's deprivation of civil rights; the sentence was suspended for three years, and Jung was released.

July 7:

LEE Seung-chul: The authorities had raided the Hwangto Publishing Company's offices on July 5, and confiscated copies of the *Flower Selling Maiden* a North Korean book. Lee was formally arrested on July 7. On October 20, 1989, he was sentenced to a three-year jail term, which was suspended for three years.

August 1:

KIM Yong-hwan: A representative of the Manduri bookstore in Inchon, Kim was arrested for allegedly continuing to sell North Korean books. On November 9, 1989, Kim was sentenced to one year's imprisonment and one year's deprivation of civil rights; the sentence was suspended for two years, and he was released.

August 4:

CHO Nam-il: A representative of the Juksan Publishing Company, Cho had been wanted for arrest in connection with his role in publishing the *Celebration of Pyongyang (Pyongyang Chukjun)*. On August 6, Cho was formally arrested. On November 1, Cho was sentenced to one-and-a-half years' imprisonment and two years' deprivation of civil rights; the sentence was suspended for two years, and Cho was released.

August 9:

KIM Hong-jo, a representative, and **LEE Sang-woo**, an editor, of the Han Book Publishing Company were arrested for publishing *For New Life (Saesamul Wuihayul)* and *Essay on National Liberation, the Masses, Democracy and Revolution (Minjok haebang minjung minjuji hyukmyungnyon)*. On November 9, they were each sentenced to one year's imprisonment and one year's deprivation of civil rights. Their sentences were suspended for two years, and they were released.

August 25:

CHO Sung-il, a representative, and **LEE Byung-hoon**, an editor, of the Namnyuk Book Publishing Company, were taken in for questioning following an August 21 raid of the company's offices. Cho and Lee were formally arrested the next day. They were released on suspended sentences. [No additional details given.]

August 29:

PARK Jong-kyu, a representative, and **LEE Sang-don**, an editor, of the Baek Book Publishing Company were apprehended at the home of the publishing company business manager's home by the investigators of the Agency for National Security Planning. Park and Lee were held for questioning and formally arrested the next day. The publishing company's offices were raided and nearly 3,000 copies of books were confiscated. **KWAK Myung-dan**, an editor of the same company had also been taken in for questioning on August 29 but was released the next day. Park was sentenced on December 1 to one year's imprisonment and one year's deprivation of civil rights; his sentence was suspended for two years, and he was released. Lee was sentenced on the same day to eight months' imprisonment and one year's deprivation of civil rights.

September 25:

CHOI Hae-sung: A representative of the Hamsung Book Publishing Company, Choi was taken in for questioning following a police raid of the publishing company's offices in which the authorities confiscated copies of *From Leningrad to Pyongyang* and company documents. Park Sang-sun, an editor at Hamsung, was also taken in for questioning but released shortly thereafter. Choi was formally arrested the next day; he was released on December 29 on a suspended sentence.

October 4:

HONG Sa-yong: A representative of the Korean-American Culture Institute (Hanyoung Munhwasa), Hong was arrested for violation of the law on construction and buildings. He was released later [date not given].

October 7:

KANG Young-kil: A representative of the Taebaek Book Publishing Company and **SHIN Ha-seop**, a business manager of the Danggerae Book Publishing Company, were apprehended in front of their homes and taken in for questioning. Shin was released. Kang was formally arrested for his publishing activities. On February 2, 1990, Kang was sentenced to two years' imprisonment and two years' deprivation of civil rights; his sentence was suspended for two years, and he was released.

October 16:

LEE Jae-yeun: A representative of the Saenal (New Day) Book Publishing Company, Lee was arrested for alleged violation of the National Security Law following a police raid of the publishing company's offices. The authorities confiscated copies of books on Marxism and the labor movement. On February 2, 1990, Lee was sentenced to one year's imprisonment and one year's deprivation of civil rights. The sentence was suspended for two years, and he was released.

October 23:

NAM Eun-kyung: An editor of the Daedong Book Publishing Company, Nam was taken in for questioning. On October 24, the police raided the company's offices and Nam's home and confiscated several books on reunification and people's revolution and formally arrested Nam. On February 1, 1990, Nam was sentenced to one year's imprisonment and one year's deprivation of civil rights. His sentence was suspended for two years, and he was released.

October 25:

KIM Young-jeung: A representative of the Sagaesul Book Publishing Company, Kim was arrested for alleged violation of the National Security Law after a police raid of the publishing company's offices. He was apprehended in front of his home. On January 25, 1990, he was sentenced to one-and-a-half years' imprisonment and deprivation of civil rights. The sentence was suspended for two years, and he was released.

October 31:

LEE Ho-ung: A representative of the Hyungsungsa, was taken in for questioning by the Incheon police. He was released on November 4, 1989.

November 17:

KWON Hyung-woo: A representative of the Maga Bookstore in Taegu, Kwon was arrested for alleged violation of the National Security Law. He was released in February 1990 on a suspended sentence.

November 20:

LEE Wui-won: A representative of the Fiction Bookstore in Taejon, was taken in for questioning after the police raided the bookstore and confiscated issues 3 and 4 of the *Working Class*. On March 3, 1990, he was sentenced to imprisonment. [No additional details available.]

November 23:

LEE Shi-young: Editor of the *Creation and Criticism* magazine, Lee was formally arrested on November 25 for his role in publishing a travelogue on North Korea. On February 3, 1990, he was released on bail.

November 29:

HA Tae-wan: A representative of Chungnyun Saedae (Young Generation), Ha was taken in for questioning after the police raided the company's office and confiscated 2000 copies of the *Morning Sun* sixth issue. On December 2, Ha was formally arrested for alleged violation of the National Security Law.

December 1:

LEE Jae-hwa: The penname of Lee Seung-hwan, the chairman of the South Seoul Munchungnyon, was arrested for various essays that he had written on Kim Il-sung and other topics. On May 14, 1990, he was sentenced to a one-year jail term and deprivation of his civil rights for one year.

December 10:

KIM Sung-jae: editor at Hyungsungsa, was taken in for questioning by the police. He was released on December 12 after a police search of the company's offices failed to turn up evidence against Kim.

PARK Sang-ryul, the business manager of Hyungsungsa, was apprehended on December 17 in front of his home and taken in for questioning. He was released after being investigated about the company's finances.

1990

January 6:

KWAK Han-wang: A representative of the Kwangya bookstore, he was arrested for alleged violation of the National Security Law. On February 22, Kwak was released on a suspended sentence.

January 10:

PARK In-hae: A representative of the Hyungsungsa, Park was arrested. On April 6, Park was released on a suspended sentence.

January 11:

IM Kyu-chan: An editor of the *Labor Liberation Literature* magazine, he was taken in for questioning after a police search of his and the magazine's other staff members' homes and offices. On June 13, he was formally arrested for alleged violation of the National Security Law. May 1, he was sentenced to two years' imprisonment and two years' deprivation of civil rights. The sentence was suspended for two years, and he was released. On December 18, 1989, the authorities had ordered a six-month suspension against the *Labor Liberation Literature*.

January 16:

Jun Yong-ho: An editor of the Kwangju Book Publishing Company, he was taken in for questioning by the police. On April 30, he was sentenced to a one-and-a-half years' imprisonment; his sentence was suspended for two years, and he was released.

January 17:

LEE Jin-kyung: Whose real name is **PARK Tae-ho**, was arrested for alleged violation of the National Security Law for various essays he contributed to magazines.

January 22:

KIM Sun-ho: A representative of the Him Publishing Company. The police raided the company's offices and seized 3,000 copies of the *Flower Selling Maiden*. Kim was arrested for alleged violation of the National Security Law. On May 22, he was sentenced to two years' imprisonment and two-and-a-half years' deprivation of civil rights.

February 9:

KIM Tae-jong: Founder of the Labor Literature Company, Kim was arrested for alleged violation of the National Security Law for the May-December issues of the *Labor Liberation Literature* magazine.

February 17:

JUNG Min: A planning committee member of the *Society and Life*, a monthly magazine, was arrested for various articles he contributed on North Korea and reunification and democracy movement. On May 28, he was sentenced to a one-year prison term and one year's deprivation of civil rights. The sentence was suspended for two years and Jung was released.

YI Tae-hak: A representative of the Him Publishing Company, Lee was arrested and later released on a suspended sentence. [No additional information.]

February 22:

SEUNG Ki-won: Representative of the Silchon Munhak Publishing Company, he was arrested for alleged violation of the National Security Law. The police raided his office and home and confiscated 73 copies of the *Red Mountain*, *Black Blood* and copies of *Shilchun Munhak's* fall 1988 issue. **LEE Mun-ku**, also a representative of the publishing company was taken in for questioning. **OH Bong-ok:** A poet, was also arrested for alleged violation of the National Security Law.

February 27:

JUNG Sung-hyun: Representative of Chungnyunsa, Jung was apprehended in front of his house and taken in for questioning. He was later formally arrested for alleged violation of the National Security Law. The Chungnyunsa offices were raided and books confiscated.

February 28:

CHOI Pil-seung: Representative of the Han Madang Publishing Company, was taken in for questioning; the authorities raided the publishing company's offices and confiscated 3,000 copies of *Sea of Masses*. **KIM Hong-bum**, business manager of Inkansa Publishing Company and **CHOI Seung-bok**, business manager for the Silchon Munhak Publishing Company were also taken in for questioning. The authorities released the three men that evening.

March 6:

JUN Young-shik: Representative of the Han Madang bookstore, Jun was taken in for questioning. The bookstore was searched by the police, who confiscated copies of books and pamphlets. Jun was released the next day. On March 1, the authorities had raided the offices of the Daedong Publishing Company, and confiscated, among other items, Hanmadang's magazine.

March 9:

JUNG Soo-ung: Ilsongjung Book Publishing House representative, Jung was taken in for questioning. Over 2,000 copies of books were confiscated from the offices of the publishing company. On March 10, Jung was formally arrested for alleged violation of the National Security Law.

March 13:

YU Chang-sun: Representative of the Dulee Book Publishing Company, Yu was apprehended in front of his home on March 12, and taken in for questioning. The publishing company's offices were also raided that day and 45 books and the business ledger were confiscated. Yu was formally arrested the next day.

March 21:

LEE Sang-ho: An editor at the Daedong Book Publishing Company, Lee was taken in for questioning by the authorities who raided the publishing company's offices and seized thousands of copies of several books on reunification, including *Flower of Reunification*. Lee was released later that afternoon.

March 23:

IM Sung-an: Business manager of the Hamsung Publishing Company, was taken in for questioning and his office was searched. The police confiscated 900 copies of *From Leningrad to Pyongyang*, 100 copies of *Current Situation in North Korea* and documents.

YU Hwan-ok: Business manager for the Baek Book Publishing Company, was taken in by the authorities for questioning. He may have been released.

April 3:

KIM Yon-in: Representative of the Him (Power) Publishing House, arrested on charges of violating the National Security Law. The authorities had raided the offices of the publishing company on March 23, confiscating a number of books published by Him. He was previously arrested on March 3, 1989.

April 14 or 15:

SHIN Hyung-shik: Representative of the Nokdu Publishing Company, was arrested for alleged violation of the National Security Law. On April 13, the police raided the offices of the Nokdu Publishing Company and confiscated over 100 copies of the *Nokdu Suhpyung (Nokdu Book Review)*. The day before the raid, it was suspected that Shin had been taken in for questioning.

April 26:

KIM Jong-hyun: Representative of the Jipyung book publishing company was arrested for alleged violation of the National Security Law for his writings, among which are *Yungdo System* and *Yungdo Art*.

May 9:

Kim Su-kil: penname Kim No-bak, was apprehended in front of his house by the authorities who arrested him for questioning for alleged violation of the National Security Law. He had written an essay entitled "What is Marxism?"

May 23:

Park Il-tae: The authorities raided the offices of the *Nala Salang (Love of Land)* Publishing Company and confiscated 247 copies of *Marxist-Leninist Nationalism Theories* and 22 copies of *The Sino-Soviet Antagonism and North Korea*. Park was taken in for questioning.

June 11 (information from AI Urgent Action, July 13, 1990, #298-90):

KIM Myong-shik: A well-known poet and director of the Asia Africa Latin America Research Institute (AALARI) was being held for interrogation in connection with a book by the AALARI. Also being held were: **PUH Sah-hyon**, 34, a former philosophy student and the secretary general of the AALARI; **LEE Jae-ho**, 26, a former history student and a researcher with the Institute; and **YUH Jae-hyon**, 37, president of the Sonamu (Pine tree) Publishing Company, which is believed to have published the books of the Asia Africa Latin America Research Institute. Yuh is accused of violating the National Security Law.

August 6:

NOH Jong-sang: Noh was apprehended near his house by investigators of the Agency for National Security Planning in connection with his article that appeared in the *Sisa Journal*, a weekly newsmagazine. The article, entitled "Kim Bok-dong Angles for Power in Rebellion against President Roh," alleged that Kim Bok-dong, President Roh's brother-in-law, was planning an opposition party to counter the newly-formed Democratic Liberal Party. Noh had reportedly been hiding in a nearby inn for three days to evade arrest. He was released after hours of questioning. (*Korea Herald*, August 7, 1990.)