

DECISION No. 47/1992 (REPUBLIC OF KOREA)

Communication addressed to the Government of the Republic of Korea on 31 January 1992.

Concerning: Keun-Soo Hong, on the one hand, and the Republic of Korea, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it, and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with appreciation the information forwarded by the Government on 7 September 1992 in respect of the case in question, although the 90-day deadline indicated by the Working Group had expired on 31 April 1992.
3. (Same text as paragraph 3 of Decision No. 43/1992).
4. In the light of the allegations made the Working Group welcomes the cooperation of the Government of the Republic of Korea. The Working Group transmitted the reply provided by the Government to the source but, to date, the latter has not provided the Working Group with its comments. The Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, in the context of the allegations made and the response of the Government thereto.
5. It appears from the facts as reported that Keun-Soo Hong, born in 1937, Presbyterian Minister and pastor of Hyang Rin Presbyterian Church in Seoul, was arrested by Agency of National Security Planning officials in Seoul on 20 February 1991, allegedly for his involvement with the dissident organization Pomminnyon (Pan-National Alliance for the Reunification of Korea). In August 1991, Reverend Keun-Soo Hong was reportedly sentenced to two years' imprisonment under the National Security Law. Charges against him were said to have included: praising North Korea in his sermons, the publication of a collection of writings about reunification, his comments on a television debate in 1988 on the issue of reunification, and his involvement in the organization of the South Korean headquarters of Pomminnyon.
6. It appears from the Government's reply, which was not disputed by the source, that Keun-Soo Hong was released on 24 August 1992 "after the completion of his prison term", even though, according to the initial information provided by the source, his prison term should have ended in February 1993.
7. While learning with satisfaction of this apparently early release, the Working Group nevertheless notes that Keun-Soo Hong has done no more than exercise the right to freedom of opinion and expression and the right to peaceful assembly and association provided for in articles 19 and 20 of the Universal Declaration of Human Rights and articles 19, 21 and 22 of the International Covenant on Civil and Political Rights. That being so, and

after examining the relevant provisions of the above-mentioned National Security Law, under which the charges brought against him are of a criminal nature, the Working Group, notwithstanding the release, considers that the specific circumstances warrant its reaching a decision on whether or not the deprivation of liberty preceding the release was of an arbitrary character.

8. In the light of the above the Working Group decides:

The detention of Keun-Soo Hong, from 20 February 1991 to 24 August 1992, is declared to have been arbitrary being in contravention of articles 19 and 20 of the Universal Declaration of Human Rights, and articles 19, 21 and 22 of the International Covenant on Civil and Political Rights to which the Republic of Korea is a Party, and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

Adopted on 9 December 1992