

## Urgent call by the Observatory

Friday 27 May 2005, by [FIDH](#), [OMCT](#) (Date first published: 27 May 2005).

New information

KOR 001 / 0405 / OBS 027.1

Release / Arbitrary detentions / Sentencing / Judicial proceedings

South Korea

May 27, 2005

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in South Korea.

New information:

The Observatory has been informed by the International Confederation of Free Trade Unions (ICFTU) that Mr. Ahn Byeong-Soon, General Secretary of the Korean Government Employees Union (KGEU), who had been arrested on March 15, 2005, was released on April 28, 2005 after 44 days in prison. He was sentenced to eight month imprisonment with two years suspension of the sentence.

Moreover, on April 28, 2005, Mr. Kim Young-Gil, KGEU President, who had been arrested on April 8, 2005 (See background information), was prosecuted under charges of violation of the Public Officials Act. He is still being detained.

Besides, the Observatory expresses its deep concern about the arrest of the President of the new Migrant Workers' Trade Union (MTU), Mr. Anwar Hossain.

According to the information received, on May 14, 2005, at 1:00 am, Mr. Anwar Hossain was forcibly arrested by more than 30 police officers from the immigration control division, on his way home, because his visa had expired. The police officers caused injuries to his head and hands during his arrest. He is said to be currently detained at an immigration detention centre in Chungjoo, two hours south of Seoul. Mr. Anwar Hossain played a prominent role as a migrant worker activist and was openly critical of the government's policy towards undocumented migrant workers. On the day he was arrested, Mr. Anwar had just been featured in a prominent national paper criticising the government's policy towards undocumented migrant workers.

The Observatory points out that South Korea refused to recognise MTU after its creation on April 24, 2005 and publicly announced that MTU, which is affiliated to the Korean Confederation of Trade Unions (KCTU), would not be granted the right to organise, the right to strike, or the right to collective bargaining. Reportedly, immigration officials secretly videotaped a press conference held by MTU to announce its creation in an effort to specifically target migrant workers participating in MTU.

On May 16, 2005, the government declared that once they would receive Mr Anwar Hossain's passport, he would be expelled from the country.

Despite South Korean government contends that Mr. Hossain was arrested because he is an undocumented migrant worker from Bangladesh with illegal status, his arrest so close to the founding of MTU can only be interpreted as an attempt by the government to repress MTU by

arresting its leader.

The Observatory recalls that South Korea has previously targeted migrant workers activists. In 2003, for instance, many migrant workers were labeled as threatening national security, arrested and expelled.

**Background information:**

On March 17, 2005, Mr. Ahn Byeong-Soon, KGEU General Secretary, was arrested, and on March 17, 2005, the courts allowed for his continued detention. Mr. Ahn was reportedly imprisoned in Seoul Prison. The police also arrested Mr. Kim Young-Gil, KGEU President, on April 8, 2005. Their arrest took place in the context of a general crackdown on KGEU, which is considered as an illegal union, as it is illegal to organise for civil servants in South Korea.

Mr. Ahn Byeong-Soon and Mr. Kim Young-Gil were arrested after an arrest warrant was issued against them on November 9, 2004, in relation with a general strike in opposition to the Bill on the Public Officials' Trade Union Act that took place in November 2004. At the time, the government of Korea attempted to prevent nation-wide rallies organised by the Korean Confederation of Trade Unions (KCTU) and KGEU in protest of this Bill, which contains provisions restricting trade unions' rights. Riot police have surrounded and monitored the KGEU office building since November 2004 and have prevented almost every event of KGEU. The arrests warrants against Mr. Ahn Byeong-Soon and Mr. Kim Young-Gil were pending ever since.

Furthermore, according to the information received, the Ministry of Government Administration and Home Affairs (MOGAHA) has started at the end of 2004 a "New Wind Campaign" targeting KGEU and promoting a "reformation of organisational culture, focusing on rearing workplace councils and healthy employee groups".

**Action requested:**

Please write to the authorities in South Korea urging them to:

- i. release immediately and unconditionally Mr. Anwar Hossain and Mr. Kim Young-Gil;
- ii. guarantee in all circumstances their physical and psychological integrity, as well as that of all human rights defenders in the country;
- iii. put an end to all forms of harassment, legal action, and ill-treatment of human rights defenders in South Korea, including trade unionists, as well as any obstacles to freedom of expression and assembly;
- iv. revise the Bill on the Establishment and Operation of Public Officials' Trade Unions, so as to put Korean Law in accordance with international standards;
- v. ensure the implementation of the provisions of the Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998, in particular article 1, which states that "everyone has the right, individually or collectively, to promote the protection and fulfilment of human rights and fundamental freedoms at the national and international levels", article 5.b which stipulates that everyone has the right "(b) To form, join and participate in non-governmental organisations, associations or groups, as well as article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her

legitimate exercise of the rights referred to in the present Declaration";

vi. guarantee the respect of human rights and fundamental freedoms in accordance with the Universal Declaration on Human Rights and other international human rights instruments ratified by South Korea.

Addresses:

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Please also write to the embassies of South Korea in your respective country.

Paris - Geneva, May 27, 2005

Kindly inform the Observatory of any action undertaken quoting the code number of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

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