

URGENT ACTION

ACTIVIST HELD IN SOLITARY CONFINEMENT

Lee Jin-young is being held in solitary confinement after being formally charged under the National Security Law (NSL) for the online distribution of materials that are deemed, by South Korean authorities, to 'benefit' North Korea. If found guilty, Lee Jin-young could face up to seven years in prison.

Lee Jin-young, labour activist and owner of the online library 'Labour Books', was arrested and detained on 5 January 2017, and officially charged on 3 February 2017 for violating Article 7 of the National Security Law (NSL) after distributing materials that allegedly benefit "anti-government organizations". According to his wife, Lee Jin-young is currently being held in solitary confinement, and is only allowed one hour for exercise and 10 minutes for external visitors per day. There are concerns for his mental health as he has previously been diagnosed with panic disorder.

In July 2016, six months before Lee Jin-young's arrest, the police seized more than 100 books, 10 research documents, a hard drive, and other electronic storage devices during an early morning raid at his home. He was searched, and eventually arrested for allegedly violating the NSL, a law that is consistently used by authorities in South Korea to undermine the rights to freedom of expression, opinion, peaceful assembly or association. Although the seized titles were seen to benefit an "anti-government organization", meaning North Korea, many of the books can easily be found in public libraries and bookstores. If found guilty, he could face up to seven years in prison.

Lee Jin-young, 67, is an activist who was convicted twice in the 1980s and 1990s under the NSL for organizing study groups on political philosophy in South Korea. In 2016 he took part in a 74-day strike, and was suspended from his job prior to being arrested.

Please write immediately in Korean, English or your own language urging authorities to:

- Immediately drop the charges and release Lee Jin-young as he is prosecuted solely for the peaceful exercise of his human right to freedom of expression;
- Until he is released, immediately end the solitary confinement of Lee Jin-young, and ensure he is allowed meaningful human contact with the outside world as well as adequate medical care;
- Stop the arbitrary use of, and fundamentally amend or abolish, the National Security Law and ensure that South Korea meets its international obligations to respect, protect and fulfil the rights to freedom of expression, opinion, peaceful assembly and association.

PLEASE SEND APPEALS BEFORE 10 APRIL 2017 TO:

Chief Inspector,
Seoul Nambu Detention Center
Park Byeong-yong
865 Geum-o Ro (Cheon-wang dong)
Guro-gu, Seoul
Fax: +82-2-2105-0220

Salutation: Dear Chief Inspector

Minister of Justice
Kim Hyun-woong
Gwanmun_ro 47, Gwacheon-si, Kyunggi-do,
Republic of Korea 13809
Fax: +82-2-2110-0350
Twitter: @happymoju

Facebook: www.facebook.com/mojkorea/

Salutation: Dear Minister

Prime Minister
Hwang Kyo-ahn
Government Complex Sejong,
261 Dasom-ro,
Sejong-si, Republic of Korea
Twitter: @PrimeMinisterKR

Facebook:

www.facebook.com/PM0415HwangKyoahn/

Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR SUNGNAM LIM, Embassy of the Republic of Korea, 60 Buckingham Gate SW1E 6AJ, 020 7227 5500/2, Fax 020 7227 5503, Website <http://gbr.mofa.go.kr>

Please check with your section office if sending appeals after the above date. This is the first update of UA 20/17. Further information: <https://www.amnesty.org/en/documents/asa25/5532/2017/en/>

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ADDITIONAL INFORMATION

Lee Jin-young has been charged for violating Article 7 of the National Security Law (NSL), a vaguely-worded clause that is often used by the South Korean government to detain people who pose no threat to security. Investigations, detentions and prosecutions under the NSL have been used as a form of censorship to intimidate and imprison people exercising their rights to freedom of expression, including individuals accused of publishing and distributing material deemed to “benefit” North Korea. These investigations, detentions and prosecutions have led to violations of the freedoms of expression, opinion, peaceful assembly and association, particularly among those individuals perceived to be critical of the South Korean government’s policies.

Article 7 of the NSL stipulates punishment for anyone who “manufactures, imports, reproduces, holds, carries, distributes, sells or acquires any documents or drawings or other expression materials” with the intention to “praise, incite or propagate the activities of an anti-government organization,” commonly regarded as the government of North Korea. The words “praise” or “incite” are not defined clearly in the law, and the provision has been arbitrarily used against organizations or individuals who may hold alternative views to the government on various issues, including how to approach North Korea. Individuals discussing issues relating to North Korea on traditional or social media, having meetings on the subject or even just singing North Korean songs, risk criminal investigation and prosecution.

Amnesty International recognizes that every government has the right and duty to protect its citizens, and that some countries have specific security concerns that differ from others. South Korea has special security concerns with regard to North Korea, however these should never be used to deny people the right to express different political views and to exercise their human rights, including the right to freedom of expression as established in international law and standards such as the International Covenant on Civil and Political Rights (ICCPR). Amnesty International and other national and international human rights organizations have urged the South Korean government to fundamentally repeal or amend the NSL so that it conforms to international human rights law and standards.

The confinement of detainees for 22 hours or more a day without meaningful human contact constitutes solitary confinement (Rule 44 of the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)). Under international human rights laws and standards, solitary confinement may only be used in exceptional circumstances, for short periods of time, and under judicial supervision. Depending on the specific circumstances, solitary confinement can constitute torture or other ill-treatment, in particular if it is prolonged (lasting longer than 15 days), or if holding the person in solitary confinement before a trial is used intentionally to obtain information or a confession, and pain or suffering is inflicted.

Further Information on UA: 20/17 Index: ASA 25/5771/2017 Issue Date: 27 February 2017