

@CHAPTER = SOUTH KOREA<R>(Republic of Korea)

If 1989 was marked by several high-level visits between U.S. and South Korean officials and ongoing bilateral negotiations on trade and military issues, it was also marked by a sharp deterioration in the human rights situation in South Korea. Over 1,000 South Koreans were detained on political grounds, several dozen of whom were arrested under the National Security Law for non-violent political activity such as advocacy of reunification with North Korea. Freedom of association suffered a major setback with the arrest of two key leaders of the independent National Teachers Union and other measures taken against the union. According to an administration official, human rights concerns were raised at the highest levels throughout 1989, by both President Bush and Vice President Quayle during meetings with South Korean officials. Whatever the nature of these private expressions of concern, however, the administration publicly confined itself almost exclusively to general statements in support of human rights and democracy in South Korea, without addressing specific violations. To the latter, it seemed indifferent.

On February 27, President Bush went to Seoul for six hours, between his visits to Japan and China. South Korea's inclusion on the itinerary of Bush's first major overseas trip as President was seen as recognition of South Korea's importance as a U.S. ally. Before the visit, members of the Congressional Human Rights Caucus sent a letter to the President urging him to raise the case of 49 elderly men being held at South Korea's Chongju Preventive Detention Center.<\$FAlthough the administration made no effort on their behalf, the Public Security Law under which these men were being held was repealed at the end of May, and the men were reportedly released at the end of October. However, it is worth noting that a newly enacted law, the Protective Surveillance Law, contains a number of provisions similar to the Public Security Law. For example, it provides for reimprisonment for up to two years for those who have served their prison terms but fail thereafter to report in detail every three months on their contacts, trips and so on. It is no t year clear how this law will work in practice, but it is fraught with the potential for abuse.> These men, many in ill-health, originally had been sentenced to 10 to 15 years' imprisonment, and most appear to have been held in preventive detention for an additional 11 years beyond the expiration of their terms.

During the visit, President Bush met with President Roh and other high-ranking government officials. He also spoke with leaders of four political parties and addressed the National Assembly. At these sessions, President Bush affirmed the U.S. commitment to South Korea's security, saluted South Korea's political achievements, including the emergence of the National Assembly as a forum for free debate, and reaffirmed in general terms the U.S. "commitment to human rights." But there is no indication that President Bush mentioned particular human rights violations such as the case of the 49 elderly men. When queried about this, Janet Mullins, Assistant Secretary of State for Legislative Affairs, resorted to artful dodge. She noted in a March 22 letter that: "[t]his administration is greatly concerned that there are cases such as the 49 men at Chongju Preventive Detention Center who have been detained long after their sentences have been served." She also went on to vow that: "[w]e will continue to make known our concerns over human rights to the Government of the Republic of Korea as it moves towards further democratization." But she never said that the case of the 49 was among the human rights concerns that had been, or even would be, raised with South Korean authorities.

Shortly after President Bush's visit, the democratization process in South Korea went into reverse, with attendant setbacks in respect for human rights. In mid-March, President Roh postponed indefinitely a promised referendum on his

performance, citing the unstable political climate and massive labor unrest. On April 3, South Korean authorities formed the "Joint Public Security Affairs Investigations Headquarters," composed of officials from the prosecutor's office, the Agency for National Security Planning, the police and the defense-security command. The ostensible purpose of the new unit was to investigate Reverend Moon Ik-hwan's trip to North Korea and to crack down on "leftists." Reverend Moon, one of South Korea's most prominent dissidents, had traveled to North Korea without government permission, and upon his return was arrested and charged with violating the stringent National Security Law. Although in July 1988 President Roh announced his "nordpolitik" under which South Korea would thereafter consider North Korea as a partner instead of an enemy, the authorities continued to see unsanctioned travel to North Korea as "anti-state" activity punishable by long prison terms. By the time the unit was disbanded in mid-June, the Joint Investigations Headquarters had arrested some 530 dissidents, and seized over 11,000 "leftist-leaning" publications from several hundred bookstores. Publishers and bookstore owners were also arrested as part of a crackdown on "leftists." Allegations of mistreatment by police and members of the Agency for National Security Planning began to resurface.

It was in the midst of this tense political climate and on the anniversary of the May 10 Kwangju massacre of 1980 that the body of Lee Chul-kyu, a 24-year-old student leader from Kwangju, was found in a reservoir near where he had disappeared the week before, reportedly while being pursued by the police. The authorities had sought Lee for allegedly writing a pro-North Korea article in a school publication he edited. An autopsy performed by the government on May 11 concluded that Lee had died of drowning, although dissident groups and the family hotly disputed the finding. Before the autopsy results were even made known, a spokesman for the U.S. State Department's Bureau of East Asian Affairs commented that the death was "a deplorable event" and stated:

@QUOTENOIND = We do not know who may have committed this atrocious act. We note that President Roh has called for a full investigation and we hope that the murderers will be exposed and severely punished.

@NOIND = When the South Korean government vigorously protested the accusation that Lee may have been murdered, State Department spokesman Richard Boucher withdrew the statement.

@QUOTENOIND = We, of course, do not intend to prejudge the outcome of the investigation.... I'm not taking a position on how the tragic death occurred. [It is] our hope that the facts will be made known promptly.

@NOIND = On May 17, the acting U.S. ambassador in Seoul, Thomas Brooks, issued a formal apology. According to ministry officials cited by Yonhap, the official South Korean news agency, "[d]uring the meeting at the Foreign Ministry, Brooks delivered a U.S. pledge to be more prudent in commenting on Korean affairs."<§FI In their press statement of October 18, the Boston-based Physicians for Human Rights reported that the cause of Lee's death still had not been fully investigated. A forensic pathologist sent by the group at the request of the family and Korean human rights organizations was refused permission to perform a second autopsy.>

This experience appears to have made administration officials apprehensive about commenting publicly on human rights in South Korea. As crackdowns and arrests continued, various sectors of South Korean society, the international community and the U.S. Congress urged the administration to discuss mounting human rights violations with South Korean officials. Despite earlier statements of U.S. commitment to political freedom and human rights in South Korea, the administration managed no public expressions of concern, or even a recognition of the setbacks.

On the contrary, William Clark, Jr., Deputy Assistant Secretary of State for East Asian and Pacific Affairs, testified on July 26 before the House Subcommittee on Asian and Pacific Affairs that:

“Under the leadership of President Roh, and with the constructive cooperation of the main opposition parties, a modern political system is being forged in South Korea, a healthy system of participatory government for which there is no precedent. While there remain some elements of the past yet to be overcome in the way politics is conducted in South Korea, the American people can and do warmly applaud the progress which has been made.

No mention was made of the political crisis that South Korea was undergoing, or of the mounting rights violations.

In late September, Vice President Quayle went to South Korea, and in October, President Roh came to Washington on an official state visit. Before the Vice President left, 46 members of Congress wrote to President Bush, drawing his attention to the deteriorating human rights conditions in South Korea and urging him to take the occasion of the two visits to raise U.S. human rights concerns.

By the time Vice President Quayle arrived in South Korea on September 19, South Korean human rights groups were estimating that at least 1,000 persons were imprisoned for having committed politically motivated offenses, including at least 78 imprisoned solely for their peaceful political activities. Allegations resurfaced of torture and mistreatment by police and security agency personnel. But according to the *Washington Post*, “[t]he vice president shied away from criticizing a government crackdown on South Koreans who seek to promote independent dialogue with North Korea.” *The Korea Herald* (an English-language daily published in Seoul, *The Korea Herald* is government-subsidized.) reported:

“Contrary to the expectation that he will raise the question of Korea's poor human rights record, Quayle praised President Roh Tae-woo for his government's efforts to establish democracy and said “Americans also admire the rapid progress of the Korean people to democracy...President Roh Tae-woo has successfully ushered in democratic reforms.”

According to the *The New York Times*, however, unnamed U.S. officials said that “Mr. Quayle had told South Korean officials to respect human rights.” State Department officials also pointed to Quayle's meetings with opposition party leaders of the National Assembly as a gesture of support for South Korea's parliamentary democracy. Whatever the value of this gesture or Vice President Quayle's private representations, he could have strengthened his message by, for example, publicly noting the indictments pending against Kim Dae-jung, chairman of the largest opposition party in the National Assembly. Kim had been indicted for allegedly having known about a secret trip to North Korea made by a member of his party but failing to report it to the authorities. Nor was Vice President Quayle's public stance on human rights strengthened by a press conference held in South Korea on September 20 at which he reportedly did not respond to questions on human rights.

The administration also wasted the opportunity to raise human rights issues publicly during President Roh's October visit to Washington. This was especially unfortunate because President Roh's visit had been announced months earlier, and South Korean authorities were reportedly anticipating criticism from the U.S. on human rights grounds. Instead of criticism, President Roh was publicly lauded for reforms and for his July 1988 “nordpolitik,” although a State Department official claimed that human rights concerns, including cases, were raised privately.

Throughout 1989, the Bush administration stated that it was committed to

continued human rights and democratic reforms in South Korea. But its failure to comment publicly and forcefully when the number and severity of human rights violations increased sent the opposite signal to the South Korean government and people. This weak response is all the more unfortunate because in 1989 the South Korean government went to great lengths to reaffirm its importance as a U.S. ally and to test the rules for its relationship with the Bush administration. The administration lost the chance to make use of the South Korean government's desire for a close relationship to press for greater respect for human rights.