

URGENT ACTION

WOMAN DENIED MEDICAL HELP ON HUNGER STRIKE

On 26 May 2016, the High Court of Seoul upheld the two-year prison sentence of Kim Hye-young, a woman in South Korea with thyroid cancer, who was earlier arrested for taking part in a peaceful demonstration. Kim, who developed mental health problems while in detention, is going on a hunger strike while authorities have continued to refuse her treatment outside the detention facility.



Kim Hye-young, a South Korea activist with thyroid cancer, has been sentenced to a two-year prison term for taking part in a peaceful demonstration on 29 January. She filed an appeal and on 26 May, the High Court of Seoul upheld the earlier verdict for violating the National Security Law.

Kim Hye-young had been suffering from thyroid cancer prior to her arrest, and developed mental health problems during her detention. Despite the recommendation of a psychiatrist, the Ministry of Justice continues to deny Kim Hye-young outpatient treatment. This includes psychological counselling which must be conducted without the direct supervision of staff from the detention facility.

Kim Hye-young has gone on a hunger strike to maintain her innocence and to fight for her right to receive health treatment outside the prison. According to her contacts, Kim Hye-young's health condition is "very worrying," and she is determined to leave the prison whether alive or dead.

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

- Urging the authorities to drop their charges, and immediately and unconditionally release Kim Hye-young and other members of CAIRD (see "additional information"), who were only legitimately expressing their rights to the freedom of expression and peaceful assembly;
- Pending her release, urging them to immediately allow Kim Hye-young access to adequate care and treatment outside the detention facility, without unnecessary interference;
- Calling on them to stop the arbitrary use of the National Security Law and ensure that freedom of expression, opinion and association are fully respected, protected and fulfilled.

PLEASE SEND APPEALS BEFORE 13 JULY 2016 TO:

Warden, Seoul Detention Center

Choi Gang-ju
143 Anyangpangyo-ro,
Euiwang-si, Gyeonggi-do,
Republic of Korea 16001
Email: Seoulcdc@korea.kr
Phone: +82-31-423-6100
Salutation: Dear Warden

Minister of Justice

Kim Hyun-woong
Gwanmun_ro 47, Gwacheon-si,
Gyeonggi-do, Republic of Korea 13809
Fax: +82-2-2110-0350
Twitter: @happymoj
<https://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
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 second update of UA 2/16. Further information: <https://www.amnesty.org/en/documents/asa25/3154/2016/en/>; <https://www.amnesty.org/en/documents/asa25/3747/2016/en/>

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ADDITIONAL INFORMATION

Kim Hye-young and three other members of the Korean Alliance for an Independent Reunification and Democracy (CAIRD) are charged for violating Article 7 of the National Security Law (NSL), a vaguely-worded clause that is widely used by the South Korean government to detain people who pose no threat to security. The clause stipulates punishment for anyone who “praises, incites or propagates the activities of an anti-government organization...,” either as an individual or as a member of an organization aiming at such acts. However, words such as “praise” or “incite” are not defined clearly in the law. This has facilitated arbitrary use of the article against members of organizations such as the CAIRD, which may hold alternative views to the government on how to approach North Korea.

The South Korean government claims that activities of CAIRD and its members have violated the NSL. The police searched the organization’s office and the homes of some of its members on 22 December 2014, which led to a sit-in demonstration with a few members including Kim Hye-young camping out at two sites in Seoul between 8 January and 15 July 2015. The demonstrators were evicted from the sites and went into hiding. Eventually, Kim Hye-young and three other members were arrested and put in detention, after an extensive search using surveillance equipment such as closed circuit televisions.

At the moment, when Kim Hye-young receives treatment visits from an outside medical professional, a manager in the detention facility stays and observes throughout the whole process. Furthermore, she is not allowed to leave the detention facility to visit a psychiatric hospital. The Administration and Treatment of Correctional Institutions Inmates Act of South Korea, however, does contain legal provisions allowing detainees to receive medical treatment in institutions outside of correctional institutions, if necessary for the appropriate treatment of prisoners. The same law also provides for detainees who are suspected of having a mental illness to receive medical treatment from a specialist of mental health, under measures to be taken by the warden.

According to the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), as revised in 2015, penal institutions must provide adequate medical care to prisoners without discrimination, including a psychiatric health service for the diagnosis and, in proper cases, the treatment of prisoners with mental disability. Also, any prisoners who require specialist health treatment should be transferred to specialized institutions or to civil hospitals; clinical decision may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff; and all medical examinations shall be undertaken in full confidentiality.

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