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Detainee Issue in North Korea Requires Urgent Solution

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10 years since the detention of a South Korean citizen

South Korean missionary Kim Jung-wook was arrested in Pyongyang on October 8, 2013 and brought to trial on May 30 of the following year. He was sentenced to hard labor for life on charges of conspiracy to subvert the state, spying, anti-state propaganda and agitation, and illegal border crossing. In addition, it is assumed that Kim Guk-gi and Choi Chun-gil, South Korean missionaries, sentenced to hard labor for life on charges of conspiracy to subvert the state, spying, sabotage, and illegal border crossing, and three North Korean defectors, who acquired the South Korean citizenship, are detained in North Korea, which means the number of South Korean detainees is six.¹⁾

¹⁾ 2023 *Unification White Paper* (Seoul: Ministry of Unification, 2023), 57.
Articles from Korea Central News Agency (dated May 30, 2014 and June 23, 2015)

<Table> The current status of detainees in North Korea

Name	Date of arrest	Date of trial	Applied crimes	Punishment	Consular access
Kim Jung-wook	Oct 8, 2013	May 30, 2014	Conspiracy to subvert the state, Spying, Anti-state propaganda and agitation, Illegal border crossing	hard labor for life	No
Kim Guk-gi	Oct 1, 2014	Jun 23, 2015	Conspiracy to subvert the state, Sabotage, Spying, Sabotage	hard labor for life	No
Choi Chun-gil	Dec 2014				Illegal border crossing
xxx	Mar 2016				No
xxx	Mar 2016				No
xxx	May 2016				No

Assumed to Face Inhumane Treatment

The most inhumane aspect of the detainee issue is that the real state of South Korean detainees is unknown. How they are living and their health states have not been identified. As such, we can only assume what situation our detainees are probably facing now in an indirect way, given foreigners who were detained in the past. Kenneth Bae, a Korean American, wrote in his memoir he had been imprisoned alone for 735 days in a special correctional labor camp where only foreigners are detained. He had to memorize 10 rules of correctional labor camp and daily schedule and do physical labor from 10 am to 6 pm. All he received for food was a bare minimum: a few strands of noodles, a small egg, and a little bit of vegetables.²⁾ Due to malnutrition, he lost 20kg and later received medical treatment.³⁾ Lim Hyeon-soo, a Canadian citizen and pastor, who was detained for 949 days in North Korea, recalled a horrible treatment: he experienced a twisted duodenum, brutal investigation, threats, close questioning, and gas poisoning in a prison. He also had three near-death experiences when he had diarrhea 29 times for two days in a row.⁴⁾ Otto Warmbier, a detained American college student, was released in a vegetative state and he died only six days after his return to the U.S. His parents sued North Korea for damages and according to the court's written judgment by the U.S. District Court for the District of Columbia,

²⁾ Kenneth Bae, *Not Forgotten* (Seoul: Duranno, 2016), 211-212, 217-218, 221, 223

³⁾ The above-mentioned book, 252-253

⁴⁾ Lim Hyeon-soo, *Whom Shall I Fear?* (Seoul: Kyujanggak, 2019), 103-107.

Warmbier was already in a vegetative state when North Korea sent him to the U.S. government officials. He couldn't hear or see because he was already brain-dead.⁵⁾ He was not able to perceive objects around him because of severe brain damage and inability to hear and see. Considering these past cases, it is assumed that South Korean detainees are in bad health due to forced labor in a separate facility and lousy meals, and we cannot rule out the possibility that they are suffering severe aftereffect of torture. It is likely that they are in a more terrible condition than foreign detainees.

International Efforts to Address the Detainee Issue

The South Korean government has continued to make efforts to address the issue of POWs, detainees, and abductees in North Korea through Inter-Korean conversation and international cooperation. First, it has put efforts into laying the domestic foundation. In the “the 4th Basic Plan on Promoting Exchanges of Separated Families in Korea,” announced in February 2023, addressing the issue of POWs, detainees, and abductees is specified as one of the key tasks. In addition, on October 2022, the Minister of Unification had a meeting for the first time with two representatives whose family members are detained in North Korea, in order to increase communication at a national level. Second, the government has made constant, diplomatic efforts to induce North Korea to change its attitude through the UN human rights mechanism. During the Working Group on Enforced or Involuntary Disappearance (WGEID), which was held in April 2018, Geneva, the South Korean government supported the participation and testimonies of detainees. In addition, the detainee issue was included in human rights resolutions on North Korea during meetings of the UN Human Rights Council (UNHRC) and the General Assembly. Third, we have clearly made our will to address the detainee issue known through leaders' summits. While the leaders of South Korea-the U.S.-Japan reaffirmed their collective will to solve the abductee issue during the trilateral leaders' summit held in November 2022, the leaders of South Korea and Japan expressed their support for the immediate release of the South Korean detainees. The three leaders also reaffirmed their collective will to immediately resolve

⁵⁾ United States District Court for the District of Columbia, Civil Action No. 18-977(BAH), p.1, p.10

the detainee issue in *the Spirit of Camp David: Joint Statement of ROK–the U.S.–Japan*. Fourth, *2022 Country Reports on Human Rights Practices: North Korea*, published by the U.S. Department of State also specifies six South Korean people are detained in North Korea.⁶⁾ Although inter-Korean conversations, including the 2018 Inter-Korean Summit, have frequently taken place, the detainee issue has not been on the list of agenda for these meetings.

Public Discourse on the Detainee Issue Both at Home and Abroad

We need to raise public interest in the detainee issue as it has been ongoing for 10 years. First, National Institute for Unification Education, together with other relevant agencies and groups, should create and expand lectures about POWs and abductees, including detainees. Second, we need to develop a decent textbook that deals with the issue of POWs, abductees, and detainees since there is a lack of content in the existing textbooks. Knowing Korean American and Canadian citizen, Kenneth Bae and Lim Hyeon-su, have already testified their experience as detainees and had their stories published, we can comprehensively analyze an those memoirs and testimonies to let the world know what is really going on in North Korea. Third, the Protestant community should join hands with the international community to launch a worldwide campaign calling for the return of those detainees. Given three out of six detainees are missionaries, the Protestant community should cooperate with the international Christian network to suppress the North Korean regime.

We also need to raise international interest in the detainee issue through cooperation with the international community. With a view to facilitating international discourse, we have to deepen our cooperation with domestic and international human rights organizations and groups, which hold consultative status at the UN Economic and Social Council, so that side events designed to let the world know the real state of detainees in North Korea can be held during UNHRC sessions. Bilateral, diplomatic efforts also need to be made in earnest to improve international interest in this matter. We have to seek bilateral cooperation to make sure that Tom Lantos Human Rights Commission

⁶⁾ Department of State, “Democratic People’s Republic of Korea 2022 Human Rights Report,” p. 13.

under the U.S House of Representatives can hold a hearing to discuss the detainee issue from the enforced disappearance perspective. At the same time, we have to find ways to cooperate with Council of the European Union to ensure the detainee issue can be dealt with through the adoption of a resolution or holding a hearing.

Confirming Life and Death and Locating Whereabouts of Detainees While Ramping Up Human Rights Diplomacy for Immediate Release

When it comes to solving the detainee issue, the top priority is to confirm life and death and locate whereabouts of South Korean detainees. To this end, we must make diplomatic efforts at a multilateral level. As part of this, we should actively use consular access with the help of the 3rd country (Protecting Power). For example, the U.S. used consular access to its detained citizens in Sweden, the 3rd country, including Euna Lee, Laura Ling, and Kenneth Bae. Canada also used consular access to its citizen Lim Hyeon-soo in Sweden. However, there has not been a single case consular access has been used as a way to address the detainee issue.

It is necessary to strengthen multilateral diplomacy using the UN human rights mechanism. First, we have to deepen multilateral diplomacy so that the detainee issue will be included in detail in the UN human rights resolution on North Korea, which will be adopted at the UN General Assembly in November 2023. The detainee issue has to be specified in the resolution that will be adopted soon at the General Assembly. As you can see in the box below, since the statement defines detainees as “citizens of other countries,” there could be a possibility of conflict when applying and interpreting that specific phrase given special relations between South Korea and North Korea. The phrase should be revised as “nationals of the Republic of Korea,” and a part calling for confirming life and death and locating whereabouts of detainees as well as immediate release should be added too. Second, the South Korean government needs to encourage North Korean authorities to change their attitude about confirming life and death and locating whereabouts of detainees by actively leveraging some institutions of WGEID. To this end, we need to find ways to invite some representatives from WGEID to South Korea and hold a presentation. To address the detainee issue, we have to actively utilize the communication system of WGEID while ramping up public-private partnership and providing relevant information for personal petition. Third, South Korea can also take advantage of the 4th Universal Periodic Review on

North Korea, which will be held from November 4 through 15, 2024, to call for the UN member states, including friendly nations, to make efforts to solve the detainee issue. Fourth, there should be diplomatic efforts to make sure the detainee issue will be an independent agenda or topic in the report submitted by UN Special Rapporteur on Human Rights Situation in North Korea.

<Text Box> A Part featuring detainees in Human Rights Resolution on North Korea adopted at the UN General Assembly in 2022

UN Doc. A/RES/77/226 (9 January 2023), Situation of Human rights in the Democratic People's Republic of Korea.

18. Strongly urges the Government of the Democratic People's Republic of Korea to respect, protect and fulfill all human rights and fundamental freedoms and, in this regard:

(h) To provide citizens of other countries detained in the Democratic People's Republic of Korea with protections, including freedom of communication with, and access to, consular officers in accordance with the Vienna Convention on Consular Relations, to which the Democratic People's Republic of Korea is a party, and any other necessary arrangements to confirm their status and to communicate with their families;

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