

White Paper
on
Human Rights in North Korea

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**Korea Institute for
National Unification**

**White Paper on Human Rights
in North Korea**

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Preface

History of mankind is a history of progress of human rights. Human rights are God-given rights that every human person is entitled to enjoy and a universal value that is shared by the entire human race. For these reasons, the international community has ushered in a new era of worldwide respect for human rights by adopting the Universal Declaration of Human Rights (1948) and two International Covenants on Human Rights (adopted in 1966, went into effect in 1976). These treaties are often referred to as “the International Bill of Rights.” Non-governmental organizations have also been strengthening international efforts for the protection of human rights everywhere.

As North Korea began to experience economic hardship and food shortage and as the humanitarian assistance to North Korea became a major international issue, the world’s attention was drawn to the hitherto-forgotten human rights situation in North Korea. In 1997 and, again in 1998, the United Nations Human Rights Subcommittee adopted resolutions expressing concerns over the human rights situation in North Korea. It further agreed to continue discussions in 1999 if improvements were not forthcoming. Thus, the human rights situation in North Korea has now become a subject of serious international public debate.

The deteriorating economic difficulties and food shortage, particularly in recent years, have reached such a level as to deprive the North Korean people of the most basic of rights, i.e., the right to life, and to destroy a person’s most elementary sense of morality. Another serious problem is the protection of

human rights of the rapidly increasing North Korean defectors.

In our efforts to monitor the human rights situation in North Korea, the Center for Human Rights in North Korea at KINU has, since 1996, been publishing its annual report entitled, *White Paper on Human Rights in North Korea*, which is essentially a status report on the human rights situation in North Korea. The "*White Paper 1999*" examines the human rights situation in North Korea according to the guidelines set forth in the International Covenants on human rights and analyzes major human rights issues in North Korea.

This White Paper is based on extensive personal interviews with defecting North Koreans and other materials pertaining to human rights in North Korea. And yet, some readers will find certain weaknesses in this report since we had to work under insurmountable realistic constraints such as the problems of ascertaining objectivity and verifying some of the information and materials.

It is hoped that this book will serve as a catalyst for stimulating national and international concerns about the human rights situation in North Korea. I also hope that it will meet the needs of specialists and policy-makers involved in unification studies and inter-Korean affairs.

Young-Shik Yang, Ph.D.
President, KINU
May 1999

I. The Human Rights Situation in North Korea in 1998: An Overview

In efforts to mitigate pressures from the international community and the increasing displacement of its inhabitants due to economic hardship and food shortage, North Korea made some institutional changes such as amending or inserting human rights provisions when it revised its Socialist Constitution on September 5, 1998. But the overall human rights situation in North Korea during 1998 continued to deteriorate to a point where even the most basic right, the right to sustenance, was threatened due to persisting economic hardship and food shortage. Also, the civil and political rights situation has not seen any fundamental improvement, as public executions of criminals continued and as human rights violations continued in concentration camps for political prisoners.

I. Major Problem-Areas in North Korea's Human Rights Situation

Threats to Right to Sustenance Due to Continuing Food Shortage

Emphasizing the importance of materialistic foundations for the guarantee of human rights, North Korea insists that rights to maintain economic, social and cultural life are guaranteed by the State. However, the reality is that due to extreme food shortages that have persisted over the years, the most fundamental right, the right to survival and sustenance, of the North Korean people is being threatened.

At present, the scale of operation of North Korea's nationwide ration system is limited to providing sustenance guarantees for special groups of people such as Party operatives, high-level officials and soldiers and, of course, to Pyongyang which is a special supply area. Since the ration system has collapsed, ordinary households are on their own and are forced to secure over 70% of the required daily diet through black markets and peasants' markets. As a result, most of the inhabitants are single-minded-

ly engaged in illicit trade activities. Food shortages are most severe among the urban areas, although they are relatively less so in the farming villages. Such mountainous provinces as Hamkyungdo, Yangkangdo, and Jakangdo, where the means of transportation are extremely poor and grain products are critically short, have also been seriously affected.

In 1998, researchers from the World Food Program (WFP), the United Nations Children's Fund (UNICEF), and the European Union (EU) have conducted a scientific survey on the nutritional conditions of North Korean children under the age of 7 based on 1,800 random samples. The results revealed that 62% of them were suffering from growth deficiency due to extended periods of malnutrition while 16% were in serious malnutrition stages. The severity of food shortage has caused an enormous number of deaths by starvation. South Korea's Ministry of Unification estimated that between 500,000-800,000 North Koreans have died annually over the past 2-3 years due to malnutrition. Mr. Hwang Jang-yop has testified that he heard from a responsible person at the Organization Department of Party Headquarters that some 500,000 persons, including 50,000 Party members, died of hunger in 1995, and the number had exceeded one million by November 1996. He went on to estimate that if the food situation did not improve in 1997 and 1998 the number of deaths would exceed one million a year. Mr. Kim Dong-soo, a "North Korean defector" (hereinafter 'defector') who is a former second secretary at the North Korean Embassy to the UN Food and Agriculture Organization (FAO), was admitted into South Korea in February 1998. He testified hearing from his superior, Ambassador Kim Hong-lim, who had traveled to Pyongyang, that the starvation deaths in North Korea amounted to 2-3 million. Other sources also estimated that an enormous number of people were dying of starvation in North Korea: the estimates include, for example, Korean Buddhist Sharing Movement (3.5 million starvation deaths since 1994); former POW Chang Moo-hwan admitted into South Korea in September 1998 (one million deaths in 1997); and the 35-men Special Investigative Team of the Foreign Relations Committee in New York (one million deaths in 1996-97).

Primary causes for the food shortage, which have led to such severe *starvations*, are the *irresponsibility and incompetence* of North Korean authorities. North Korea's introverted closed-door policy and structural problems stemming from its economic policy have exacerbated the food shortage. Under the closed-door policy, technology in all sectors advanced at a slow pace, if at all. Furthermore, the absence of material

incentives under the collective production methods and the emphasis on heavy industries have resulted in chronic economic stagnation. Worse still were the shortage of energy resources and the attendant shortages of fertilizers, pesticides and farming equipment. All of these factors have seriously weakened the agricultural infrastructure and hampered the efforts to increase food production.

Incidents of family rupture and disruptions of interpersonal relations are on the increase as the food shortage worsened. Frequently, people leave homes in search of food and end up missing or dead from disease. Rapidly increasing in number are the homeless children. Their parents have left home in search of food never to return. Also frequent under the food shortage situation are incidents of a 'women slave-trade' across the Chinese border. Divorce rate is also increasing as it is easier to sustain a single lifestyle, consequently, young persons tend to avoid marriage altogether.

Human Rights Infringement inside Concentration Camps for Political Prisoners

The most sharply criticized aspect of human rights in North Korea is the infringement of human rights inside Concentration Camps for Political Prisoners. Installed in the remote mining or mountainous regions, political prisoner camps usually carry a sign of "No. xx Control Center" and hold political prisoners who have been classified as anti-State criminals or national traitors. Because North Korea exercises strict control over such camps, accurate realities are difficult to know. But, it is clear that human rights violations and persecutions continued there in 1998.

Political concentration camps are set up in secluded areas of Hamkyung Namdo and Pyongan Namdo provinces, and South Korea's National Intelligence Service has announced that some 207,000 prisoners are collectively held in 10 different locations of North Korea.

On February 25, 1998, defectors Kang Chul-hwan (admitted in August 1992) and Lee Soon-ok (admitted in December 1995) testified before the U.S. Senate Subcommittee on Asia-Pacific Affairs, that there were about 200,000 political prisoners in North Korea then. In its "1997 Human Rights Report," the U.S. State Department also stated that between 150,000-200,000 political prisoners were being held in such camps in North Korea. Amnesty International (hereinafter AI) has reported that special "punishment rooms" were set up in the camps to regulate the pun-

ishment of prisoners, and the rooms were so tightly built that whoever entered them would not be able to stand up or lie down. Prisoners are pent up there for several weeks at a time.

Some details of human rights violations in these prisoners' camps have also appeared in the resolution adopted by the 50th UN Subcommittee on Human Rights in North Korea. The resolution expresses concern over incidents of illegal summary executions and frequent reports of missing persons, as well as thousands of political prisoners who were dying from exposure to severe persecution, disease, hunger, and mistreatment. North Korean authorities attempt to justify these human rights violations inside the political prisoners' camps with both the need of absolute obedience to the supreme leader and with slogans like "(i)mposing sanctions against a small number of enemies of the class is our human right." Consequently, it would be very difficult to expect any improvement in this area so long as there are no fundamental changes in the definition of 'class' in North Korea's concept of human rights.

Increasing North Korean Defectors and Human Rights Violations against them

As the number of defectors increased due to food shortages in North Korea, international concerns for human rights have also increased. But, it is realistically impossible to obtain accurate numbers or information because North Korean defectors are scattered widely across China and Russia. And, they are not in a position to openly ask for assistance owing to their unstable status. North Korean defectors staying in China and Russia are estimated to number roughly 2,000-3,000, however, some civilian groups that are helping the defectors in China estimate that the number is as high as 100,000-200,000.

The defection phenomenon is likely to continue since its causes are rooted in several sources: North Korea's negative economic growth since 1990; exacerbating food shortages resulting from floods and drought during 1995-1997; discontinuation of medical benefits and rations of daily necessities; increasing contact with and knowledge of the outside world through diverse channels; weakening social disciplines and increasing socially decadent behavior; and changing outlook of workers and people with overseas experience.

North Korean defectors, if deported, could face life-threatening situations in North Korea, so forcible deportations are grave human rights vio-

lations. Nevertheless, North Korean defectors staying in China and Russia are, if caught, forcibly deported to North Korea. For example, on December 16, 1998, the Citizen's Alliance to Help Political Prisoners in North Korea announced that Chinese security authorities at Tung-wa City, Jirin Province, arrested and deported 150 defectors back to North Korea. Upon release of this report, Chinese security authorities in Jirin Province confirmed that they arrested and deported to North Korea approximately 100 defectors over a period, including the 20 on December 16, 1998, adding that "they came across because they were hungry, but they did not have any political motivations." Again, in June 1998, a leader of a Chinese wives' association in the Antao-hyon region conducted a household survey under the pretext of providing family registers (IDs) for North Korean women who have married Chinese men. Subsequently, however, those defecting North Korean women were forcefully deported. Also, an incident of on-the-spot execution occurred along the banks of the Tumen River when a woman defector attempting to cross the river was caught and accused of connections with human-trade. On October 28, 1998, two Chinese newspapers (The Yanbian Daily and The Work Report) carried, for the first time, detailed reports on a human-trade incident. The incident took place in Wichung-hyon, Shandong Province, and defecting North Korean women were involved (about 3,900-4,700 Chinese Yuan or about \$4-500 per person). They were deported forcibly.

In the past, North Korea treated those defected-and-deported North Koreans as political criminals and placed them under special surveillance inside the political prisoners' camp. Their families also were forcibly transplanted to special control areas. But, as the number of defectors rapidly increased, punishment levels have also changed, which take into account motivations and the duration of stay after defection. And, since September 27, 1997, penalties have become somewhat lenient as they are placed for a period in the "9.27 camps" and then released; except, of course, for special cases (which would be supervised by the National Security and Social Safety Agents Collectives). Since the special decrees of February 13, 1998, people crossing the border for food purposes are to be classified by their region of origin, and inhabitants living along the border would be given relatively lenient penalties, while those from the inner regions such as Hwanghai-do Province would be labeled as 'betrayers of the fatherland' and are punished as political criminals. But, even in these cases, punishment on their family members has been relaxed.

One of the most appropriate means of protection for defecting North

Koreans is to grant them eligibility for refugee status. But, it is becoming more difficult for the North Korean defectors in third countries to become eligible for refugee status, since North Korea appears to be gradually lowering penalties against defection in light of rapid increases in such cases. For example, it has deleted the clause on 'betrayal against the fatherland and the people' (Article 86 of the old Constitution) from its new Constitution. Upon their return to North Korea, the defections are classified into two categories: clear cases fit for political punishment and simple cases for light punishment and release. For this reason, it is not easy to generalize persecution from a particular individual's punishment, nonetheless, dangers inherent in forcible deportations are in complete disregard of individual wishes, because the levels of punishment differ depending on one's region of origin, personal background, age, and the length of stay as defector.

To be sure, the danger of political persecution appears to have diminished for a significant number of North Korean defectors, since North Korea is selectively imposing political punishments upon forcible deportees. But, to treat them simply as deportation cases of undocumented aliens can hardly be justified, because they will, upon return to North Korea, soon face the danger of starvation due to the food shortage there. In short, defecting North Koreans have fled their country to avoid extreme food shortages in North Korea. So, they may not, as such, be eligible for a 'mandate refugee' status, but forcible deportations and repatriations against their will must be banned since they are clearly 'displaced persons' who are entitled to international community's protection and concern. According to the International Organization for Migration (IOM), undocumented migrants, too, are entitled to protection of fundamental human rights, such as the right to life and the freedom of movement, thought, expression, and religion, and the protection against slavery, forced labor, torture and inhuman treatment, as well as the right to privacy.

In addition to human rights violations inherent in forcible deportations, human rights violations in the third country itself are also very serious. The most serious situation is the human rights infringement against defecting North Koreans in China, due to their unstable status. In their efforts to avoid forcible deportations, the defecting North Koreans will attempt to purchase alien certificates or citizen IDs so they may legally reside in China. In the process, some inevitably fall prey to human-trade and forced labor. In the early days, the human-trade of defecting North

Korean women took the form of arranged marriages with unmarried Chinese farmers. It eventually turned into a thriving business dictated by prostitution rings and organized crimes, hence a social problem.

Child defectors are also on the increase. The Osaka-based "The North Korean People Urgent Action Network" estimates that about 20,000 North Korean children have fled the country. These North Korean children in China can be classified into two major categories: those who fled the country alone as a result of family dissolution and those who left North Korea with parents but became stranded because their parents either died of disease or were forcibly deported to North Korea. These children barely maintain their lives by panning or stealing. In the case of returning children, North Korea is usually placing them in the "9.27 camps" for a period of 7-15 days and then releasing them. However, in extreme cases it is said that severe punishments such as severing children's ankles are carried out for purposes of illustration to others.

2. Summary of Civil and Political Rights Violations

In the face of increasing social decadence amidst persistent economic hardship and food shortage, North Korea has been imposing such severe punishments as death penalties not merely on political crimes but on ordinary economic crimes as well. Punishment by public execution is a particularly harsh and brutal violation of one's right to life, and yet, as of 1998, the practice still has not been rooted out. Because of the food shortage, incidents of pilfering various equipment (and parts, especially copper products) for their food exchange values have been steadily increasing, and there have even been "human flesh" incidents. Defectors have testified that public executions are used as a means to prevent acts of social decadence as they have reached dangerous proportions. However, public executions appear to have diminished in number, as North Korean authorities realized that they do not effectively prevent various acts of social decadence. As an alternative, they will now publicize the nature of the crimes committed. But, the practice will simply breed more crimes by others who learn of the methods. This vicious circle will thus contribute to abetting anti-government attitudes among the people. In any event, signs of fundamental improvement over the right to life violations are not noticeable. On the contrary, secrete executions, rather than public executions, are increasing as a means of tightening social controls and preventing social decadence.

The independence of the judiciary is not recognized in North Korea and the judiciary branch is subject to program guidelines issued by other state organizations. On January 15, 1992, North Korea revised its criminal code and procedures, reflecting some progress toward guaranteeing human rights in its criminal procedures. And yet, inhumane treatment of suspects, such as tortures and taking into custody without due process, persist to this day.

North Korea is advertising that a 'policy of consolidation' is being implemented through the relaxation of background discriminations and politics of virtue and broad-mindedness. But, discriminations based on class status still persist. Due to the continuing economic hardship and food shortage, discriminations have taken a new form. Even though most of the inhabitants are faced with the threat of starvation, regular rations are offered to such people as high-ranking officials who enjoy special status and who are deemed essential for the maintenance of the Kim Jong Il regime. This practice clearly demonstrates that discriminations according to status and class have not improved at all.

Infringement on the rights of the handicapped worsened as the economic and food situation deteriorated. All physically challenged persons have been driven out of Pyongyang and forcibly transplanted elsewhere for collective controls. And, as the food shortage widened persecutions on them also increased. Defectors Kang Chul-hwan and Lee Soon-ok testified before the U.S. Senate Asia-Pacific Subcommittee on February 25, 1998 that mandatory sterilizations are performed on midgets and physically deformed persons.

One area that draws our attention in connection with the human rights situation in North Korea in 1998 is the freedom of travel and residence. Until recently, North Korea has never permitted the freedom of travel and residence. But, the continuing economic and food situation has brought on tremendous increases in social fluidity of the inhabitants. Under the circumstances, North Korean authorities had no other recourse but to give tacit consent to freer movements. Criticisms from the international community were piling against North Korea's strict control of the inhabitants' freedom of movement. During its 49th session in 1997, and again at the 50th session in 1998, the UN Subcommittee on Human Rights called upon North Korean authorities to grant its people the freedom to choose residence, including the right to travel abroad. In efforts to head off international criticisms, including those of the UN Human Rights Subcommittee, and in view of the increasing inter-regional movements of its

people for food, North Korea has added a provision in its new Constitution, which stipulates that “all citizens shall have the freedom of travel and residence”(Article 75). At the same time, the provision (Art. 86 of the old Constitution) which provided that “those betraying the people and the fatherland shall be subject to heavy punishment according to law” has been dropped.

These changes were based on the reality that people would frequently cross the border in search of food, and that they could not be punished as betrayers of the fatherland. Despite these institutional changes, the reality is that the freedom of residence and travel is still restricted for purposes of social control.

The international community has also expressed serious concerns over the suppression of free press and the control of the means of communication which are both designed to cut off the inflow of information from the outside. In its resolutions, the UN Human Rights Subcommittee has strongly called upon North Korea to permit, and provide facility to, independent national and international human rights monitoring agencies to conduct research on the human rights situation in North Korea and to allow publication and dissemination of their final survey results in North Korea.

North Korean authorities insist that there is no sexual discrimination in North Korea because they have always pursued policies based on socialistic equality between men and women. But, the reality is that women’s rights are seriously infringed at home and in workplaces due to the male-dominant family system and the women-oppressive social and structural barriers.

Discrimination against women has worsened with the collapse of ration systems in wake of the food shortage. Under a male-dominant family structure, meals are served in the order of father, son, and daughter, with mother coming last. Recently, obtaining food has become a major responsibility of the woman of the house, and family pressures on mothers have intensified. According to defector testimonies, family violence is a very serious matter. However, given North Korea’s male-dominant system, the issue of violence on women is hardly raised.

As a consequence, women have to move around various regions and frequently have to cross the Chinese border in search of food, daily necessities, and medicine. In the process, they risk violence and punishment.

Sexual harassment and sexual violence are daily occurrences in North Korean workplaces. However, most of the ordinary people do not regard

sexual harassment as a “problem.” On the contrary, they would treat women as inferior beings and regard justifiable harassment protests simply as “unruly” behaviors.

Furthermore, as the influx of foreign culture increased since 1990, chances of interaction between men and women have increased, and pre-marital and extra-marital sex have also increased. Because North Korean authorities emphasize sexual abstinence until one reaches the proper age for marriage and punish pre-marital and extra-marital affairs, pregnant unmarried women will attempt various ways to avoid punishment, including abortions and suicide. Occasionally, pregnant women are murdered by the fathers-to-be.

3. Summary of Economic, Social, and Cultural Rights Violations

As indicated earlier, the food shortage and attendant threats to the right to life have reached a serious stage in North Korea. Along with threats to life, the chronic economic difficulty has brought a serious impact on North Korea’s social welfare system. North Korea used to advertise that human rights in North Korea were guaranteed through the social welfare system, particularly the “free medical treatment benefits.” However, this system, too, is almost inoperative due to the economic hardship and consequent funding shortages. The district-doctor system designed to prevent diseases and epidemics through free treatment is not fully functioning due to poor diagnoses, low medical qualifications, and mounting workloads. A medical doctor who is responsible for 4-5 “people’s districts” is required to look after up to 4,000 patients.

Depending on one’s status, different medical systems are available. The quality of treatment facility and medicine at hospitals for ordinary people is extremely poor. According to defector Lee Young-sil who used to practice pediatrics in North Korea, hospitals cannot function due to the lack of medical tools. Because of the lack of such elementary tools as syringes, doctors will give their diagnosis but patients will have to find the medicine. If the patients manage to obtain the medicine in the market place doctors will then give them proper intake or application instructions.

Due to the paralysis of the medical system, patients dying of disease are increasing rapidly. And, because tap water is not sufficiently clean due to energy shortage and economic hardship, a large number of North Koreans

are falling victims to waterborne diseases. Such diseases as cholera and paratyphoid are rampant, and even tuberculosis which North Korea announced it had conquered in 1975, is widely circulated among the people. It is estimated that the number of TB patients in North Korea stands at about 3-4 million and the number of infected germ carriers will total as many as 7-8 million persons.

In addition, the child birth rate is falling as medical programs for pregnant women are not properly carried out and general medical conditions continue to deteriorate. And, the infant survival rate till the age of five is under 50%.

In 1998, North Korea received several hundred tons of medical supplies from the West. However, North Korea is suspected to have diverted these medical supplies for the use by special status people, because it was unable to provide the outside world with detailed lists of their use or distribution. According to defector testimonies, medical supplies provided by international organizations do sometimes reach local hospitals, but hospital and regional staff members will intercept them for family use reasons and then sell them off on the market at premium prices. On September 30, 1998, Medecins Sans Frontieres (MSF) announced that it was withdrawing from North Korea because, among other reasons, North Korean authorities restricted its humanitarian medical service activities by prohibiting its medical personnel from approaching local inhabitants and by refusing to allow supervision of actual distributions of foreign-assisted medical supplies.

Under North Korean laws, citizens are entitled to the right to work, but the right to work or labor rights contained in various laws and regulations are closer to duties than rights. Under the collectivist principle, labor in North Korea is performed not for individual benefits but in the common interest, and it is defined as a duty of all citizens. Labor unions that voluntarily protect and represent workers' rights and interests do not exist in North Korea. The "National All-workers' Alliance," which is the only union-like organization in North Korea does not have collective bargaining power nor the right to strike. North Korea insists that only the North Korean Workers' Party (KWP) can represent workers' interests. The workers' alliance, then, is simply a part of a ruling mechanism and labor mobilization. Also, there are rules and regulations for rest and vacations, but in most workplaces workers have to give up vacations either under peer pressures or due to political propaganda and instigations at the workplace.

The freedom to choose jobs in North Korea depends not on individual preferences but on manpower supply plans of the Party and political agencies. Also, individual work assignments depend on central economic plans and on allocation demands of various departments and sectors. Individual wishes, talents, and capabilities are secondary, and voluntary transfers of workplace are strictly controlled. One clear example of North Korea's infringement of the freedom to choose jobs is the so-called "group assignment." The "group assignment" is a method of assigning a group of workers to fill the manpower shortage according to instructions of the Party, be it factories, coal mines, or construction sites. Recently, even North Koreans tend to avoid dirty, difficult and dangerous work. So, North Korean authorities are sponsoring "loyalty resolution meetings" and sending Kim Jong Il's "personal letters" to discharged soldiers and high school graduates before they are group-assigned to coal mines and construction sites.

As the economic hardship exacerbated, an increasing number of workers are leaving workplaces, even by bribing, to become peddlers or marketeers. Others are seeking to obtain jobs in food or merchandise sectors. In efforts to get transfers, many people will attempt to purchase "false diagnoses" from local hospitals, and some would utilize hepatitis or tuberculosis clinics.

Because of the economic difficulty, the quality of education in North Korea is also very poor. The shortage of paper has resulted in a short-supply of textbooks and notebooks. Except for large cities like Pyongyang, new textbooks have not been made available to elementary and secondary schools in the outlying provinces since 1990. So, the schools are collecting used textbooks from upper classmen and keeping 6-7 copies of each subject on reserve for common use of lower classmen. Class attendance also is very poor due to economic difficulties. College student absenteeism is caused by the students' joining peddlers and marketeers for food. Some colleges have up to 30% of students withdrawing from school. The attendance rate at kindergartens is about 60%, and elementary and secondary schools' attendance rates remain at about 40%. The reasons for the low attendance rate at elementary and secondary schools are that the students either are watching their homes because both of their parents have left home to secure food or are involved in activities to secure food alone or with parents.

II. The Nature of the North Korean Socialist System and the Concept of Human Rights

I. The Peculiarities of the North Korean Socialist System

At its first session of the 10th Supreme People's Assembly, North Korea has revised and supplemented its socialist constitution, revamped its leadership structure, and amended and complemented its economic policies. Their contents contain diverse systemic elements and represent a peculiar socialist system.

North Korea is a Confucian socialist state. It is a totalitarian state and a despotic state ruled by one party.

In many respects, such as the sources of authority and governing styles, the North Korean system reveals characteristics inherent in Confucian tradition. During the recent constitutional revision, North Korea has (a) inserted a new "preamble to the constitution," (b) designated Kim Il Sung as "the founder of the Republic" and "the founding father of socialist Korea," and (c) abolished the position of Jusok (the Highest Seat) by elevating Kim Il Sung as "the eternal Jusok of the Republic." Since the revised constitution has been newly named as "the Kim Il Sung Constitution," North Korea has made clear that the Democratic People's Republic of Korea is "the Kim Il Sung's Republic" and that North Korea is "Kim's Dynasty." Article 3 of the constitution justifies Kim Il Sung's absolute authority by stipulating, as Kim Il Sung had previously proclaimed, that "the Juche Ideology, as the revolutionary ideology, is accepted as the leading guidelines of one's actions." Major contents of the Juche Ideology is stated as follows:

(T)he people are the creators of history. But, they can seize their sta-

tus as leaders and fulfill their roles in the progress of social development only by following correct guidance... In the revolutionary movement and the Communist movement the question of guidance is nothing but a question of leadership of the Party and the Suryong (Great Leader) over the people. The Party of the working class is the staff headquarters of the revolution and the Suryong of the working class is the supreme leader of the revolution... Only by receiving the correct leadership of the Party and the Suryong can the people dynamically perform the serious and complicated revolutionary struggle of restructuring the nature and society; achieve national liberation and class liberation; effectively build a socialist, Communist society; and correctly manage it.¹⁾

In the above article, the Juche Ideology ultimately comes back to the Suryong theory. In other words, the core of the North Korean political system is the dictatorship of the Suryong. The argument is simply that the general public is powerless in the absence of Suryong's leadership and the Party's organizational base. This line of logic is further expanded in North Korea to the extent that the Suryong's leadership is the sine qua non of the Communist revolutionary process.

(A) Communist society is to be realized through the process of transforming the society consistent with the Suryong's revolutionary ideology... by reforming and educating all components of the society into loyal Communists according to the Suryong's dictates... And, the working class will become a self-reliant revolutionary class only when guided by the Party which loyally carries out the instructions and teachings of the Suryong.²⁾

In short, a revolution in this sense is nothing more than reforming individuals to fit the will of the Suryong. Professor Chong-sik Lee has described it as follows: "If Kim Il Sung's words are the soul of the Korean Workers' Party, the Party organization is the body, and this body will be forced to obey all the instructions and whims of the Party center according to the Leader's will."³⁾

1) "On Juche Ideology," *Korean Central Annual 1983*, March 31, 1982, p.131.

2) "Kim Il Sung's Revolutionary Ideology," *The Dictionary of Philosophy*, p.115.

3) Chong-sik Lee, *Korean Worker's Party: A Short History* (Stanford, CA: Hoover Institution Press, 1978), p.133.

Kim Il Sung's authority is based on moral superiority usually found in the old Confucian societies. Kim Il Sung has established a new system of morality based on the Juche Ideology, which has donned the Marxism-Leninism veils and is recharging the battery by emphasizing the moral superiority and invincibility of the leader.⁴⁾

Fully utilizing the old Confucian tradition, North Korea has emphasized absolute obedience to the authority of Kim Il Sung-Kim Jong Il, and has stressed collectivism and excluded individual interest to ensure the veneration toward that authority.⁵⁾ North Korea has also emphasized and taken advantage of the Confucian tradition of "loyalty and fealty" as the foundation of the leader and the led. As such, Kim Il Sung's rule over North Korea has utilized the traditional family (group) values and attitudes and emphasized the idolization of the leader. Defector Hwang Jang-yop is a former secretary of the Korean Workers' Party (hereinafter Hwang Jang-yop). He has testified that Kim Il Sung has enjoyed the status of a king of the feudal era. And, from the many personal privileges enjoyed by Kim Il Sung and his family, North Korea was quite akin to the Confucian feudal society. Hwang has further stated that in North Korea the assessment of an individual is based on two criteria; the first is whether one is absolutely loyal to Kim Il Sung-Kim Jong Il; and the second is one's personal and social background. The Kim Il Sung idolization program that North Korea has been pursuing since the 1970s has turned into a deification program which called for an absolute veneration of his "revolutionary family" including Kim Jong Il. In the process of deification, the so-called "ten commandments" or the "ten principles to establish sole-ideology system (hereinafter "ten principles")⁶⁾ in 1974. Subsequently, the "ten principles" have become a peremptory social norm that demands unconditional and absolute loyalty to Kim Il Sung. North Korea's deification efforts have produced a number of adoring and venerating phrases, such as: Kim Il Sung is "the Sun of the People," "Beloved

4) Lucian W. Pye regards Mao Zedong's China as Confucian Leninism. See Lucian W. Pye, *The Spirit of Chinese Politics* (Cambridge, MA: Harvard University Press, 1968). But, it should be noted that North Korea under Kim Il Sung-Kim Jong Il far exceeds Pye's Chinese model in its ruling style and the intensity of ideological indoctrination.

5) Richard H. Solomon has defined Mao Zedong's China as a traditional Confucian state. See Richard H. Solomon, *Mao's Revolution and the Chinese Politics*, (Berkeley, CA: University of California Press, 1971). But, the Confucian tradition is far more emphasized in North Korea.

6) For contents of the "ten principles," see p.64 ff.

Suryong,” and “the Great Leader Humankind has ever given birth to.” Upon his death, the North Korean people were called “the Kim Il Sung people,” the annals were changed to “the Juche Years,” thus renaming 1912, the year of Kim’s birth, as the “founding year of Juche,” and renamed Kim Il Sung’s birthday (April 15th) as the “Sun Day.” Under the revised 1998 Constitution, Kim Jong Il was installed to the position of Chairman of the National Defense Committee. The status and authority of this position has been elevated to the highest position of the State since “the Chairman of the National Defense Committee shall guide overall national defense programs by commanding and controlling all armed forces” (Art. 102). The nominal Head of State, Kim Young Nam, who is also Chairman of the Standing Committee of the Supreme People’s Assembly, has enunciated in his nomination speech that “Chairman of the National Defense Committee is the highest position of the State and commands and controls the entire political, military and economic capabilities of the State.” In this manner, North Korea has become the first Communist kingdom ever in history to have completed the father-son hereditary succession. Kim Jong Il’s preparations for a hereditary succession had begun in the early 1970s. In March 1982, Kim Jong Il published an article entitled, “On the Juche Ideology,” to deepen and develop the Kim Il Sung-founded Juche Ideology and to demonstrate his loyalty to the Juche Ideology and to Suryong Kim Il Sung. At this point, Kim Jong Il emerged as the realistic successor.

North Korea is a socialist society. North Korea defines itself as “a self-reliant socialist state representing the interests of the entire Korean people” (Art.1 of the Constitution).

The economic principles are based on socialist productive relations and a self-supporting national economy (Art.19); that all means of production belong to the state and social cooperative organizations (Art.20); and that there is no limit to the state’s possessive rights and the state’s possessions shall be protected and grown on a priority basis (Art.21). It further stipulates that the people’s economy is a planned economy (Art.34). Thus, North Korea maintains feudalistic central authority in its management of the socialist economy.

North Korea is a state of classes. It calls for a perfection of socialism through class struggles, and the class resisting socialist revolution is subject to dictatorship and removal from the citizenry. Only citizens have sovereignty in North Korea, and “(s)overeignty resides in workers, peasants, working intelligentsia and all the working citizens” (Art.4). Since

1958, North Korea has conducted inhabitants' background checks eight times, and classified its people into 3 levels and 51 categories. And, discriminations are applied accordingly.

North Korea is a totalitarian state. Just as under Kim Il Sung, the North Korean socialist system under Kim Jong Il also demands complete centralization of power, unconditional obedience, and complete social transformation as stipulated in the Juche Ideology. To achieve these ends, constant mass mobilizations for propaganda and indoctrination have become a routine. In North Korea the state, as a collective, takes priority over individuals, and to bring about ideological unity of the entire people it shall "turn the entire society into a solidified collective(Art.10). It further emphasizes that "citizens must respect organizations and collectives, and should highly inculcate the spirit of sacrificing oneself for the society and the people" (Art.81). The old Constitution's dictum that "collectivism is the foundation of socialist life" was deleted, but the principle of collectivism continues to be stressed. In Article 63, it continues to maintain that "citizens' rights and duties are based on the collectivist principle of 'one for all and all for one'" As such, North Korea is a contemporary style totalitarian state based on a collectivist principle buttressed by 'the sole-ideology system' and 'the sole leadership system.'

North Korea is a despotic state ruled by one party, the Korean Workers' Party. Article 11 of the new Constitution stipulates that the state "implements all activities under the guidance of the Korean Workers' Party." North Korea's KWP, then, is dominant over the state, which is organized as an one-party ruling system. North Korea insists that as Jusok (the Highest Seat) Kim Il Sung founded the Korean Workers' Party; that North Korea consists of forefront fighters who serve devotedly for the victory of the Socialist-Communist movement and for the interests of the working masses; and that North Korea is an organization pursuing revolution and construction under the Juche Ideology and the sole-leadership of Comrade Suryong Kim Il Sung(KWP Charter, Oct.13,1980). The Party is guided by Kim Il Sung's sole-ideology and the Party plays the central role in ensuring one-man dictatorship. In short, the KWP has become a quasi-religious organization and demands of the partisans and the people a blind and unflagging faith (loyalty) toward the leader.

2. Apparent Changes in the North Korean Socialist System

The revised 1998 Constitution shows that the North Korean socialist system has incorporated some changes in its leadership system, economic policies and human rights issues. North Korea has elevated Kim Il Sung as the eternal Jusok (the Highest Seat) and installed Kim Jong Il as Chairman of the National Defense Committee, who is the real supreme ruler.

Kim Jong Il has not succeeded the Jusok position even after Kim Il Sung's death so as that he may exercise leadership on the strength of Kim Il Sung's authority. This is what North Korea calls the "politics of inherited instructions." North Korea is a peculiar "theocracy" governed by the authority of the deceased Kim Il Sung.⁷⁾

Due in part to international isolation and economic hardship, Kim Jong Il is exercising authority in the name of Kim Il Sung. But, if he fails to find a breakthrough in the current economic difficulty, Kim Jong Il is certain to face a serious challenge in his attempts to build an independent leadership system of his own.

North Korea has always insisted that it has been maintaining a system which was closest to Communism. The recent Constitutional revision, however, has significantly moved North Korean socialism backward. For the revised Constitution contains provisions that broaden, limited though they are, the room for 'freedom' in the citizens' economic activities. It was in the early 1990s when the central ration system, a core concept of socialism, lost its functions due to the deteriorating economic situation and food shortage.

The reality today is that marketplaces have replaced both the central ration system and market mechanism. And, private trade activities of citizens and organizations have become commonplace. The revised Constitution appears to be reflecting the recently changing reality of the North Korean economic situation. In efforts to mitigate the economic hardship and to encourage economic development, the ownership of the means of production has been expanded to include individuals and other entities (Arts.20; 22; 24). In economic management, profits and independent profit/loss accounting system have been introduced (Arts.26; 28; 33). The state supervisory authority over foreign trade is abolished and encouragement is given to special economic zones and the establishment and opera-

7) Lee Sang-woo, *Introduction to North Korean Politics*, (Seoul: Nanam Publishers, 1997), p.57.

tion of diverse businesses within the zones (Arts. 36; 37). As its economic policies change, North Korea is also cautiously taking openness measures toward the outside world and South Korea. One such measure was the Kumkang Mountain sightseeing contract with South Korea's Hyundai Corporation. On the other hand, these policy changes could also play some role in solidifying Kim Jong Il's leadership under the so-called 'strong and prosperous great nation' slogan.

In the area of human rights, North Korea has inserted a new provision, declaring that "citizens shall have freedom of residence and travel" (Art.75). This is apparently a result of North Korea's accommodation of the demands advanced by the international community and the UN Subcommittee on Human Rights regarding the freedom of travel and residence.⁸⁾ So, at least nominally, human rights of the North Korean people have improved. And, if the improvement actually provides more opportunities for its active private sector economy it can be seen as a positive factor for overall human rights. But, it can hardly be taken as a positive improvement if the new provision is meant simply as a tacit permission of inter-regional movements of the people for purposes of food and self-support.

In addition, Article 86 of the old Constitution which stated, "those betraying the people and the fatherland shall be gravely punished according to law," has been deleted. It appears that this action also was meant to overlook the inhabitants' frequent border crossings in search of food.

In connection with the freedom of religion, Article 68 of the old Constitution stipulated that "no one is permitted to use religion to introduce foreign influence or to harm the social order of the state." Under the revised Constitution "no one is" is replaced with "it is not." This would mean that activities of various religious groups, including religious associations, are now legally permitted.

Recent changes in North Korea appear to reflect efforts to overcome the impending economic difficulties and to respond to international pressure. For the foreseeable future, however, it would be very unrealistic to expect positive improvements in North Korea's human rights situation in light of its systemic peculiarity, which stresses the predominance of Kim Il Sung-Kim Jong Il "instructions" over laws.

8) Subcommission on the protection of minorities and prevention of discrimination has adopted two resolutions successively in 1997 and 1998, on human rights situations in North Korea. The resolutions called for the freedom of travel and residence. For full texts, see Appendix below.

3. North Korea's Concept of Human Rights and its Unusual Features

North Korea's concept of human rights and its human rights policies reflect the unique characteristics of its political system. We can point out at least seven unusual features: First, in interpretation and application, North Korea's concept of human rights relies absolutely on the instructions of the Suryung Kim Il Sung and Kim Jong Il. North Korea has devised the Ten Great Principles so that its people could comply with Kim Il Sung's and Kim Jong Il's instructions. The Ten Great Principles are the ultimate norm controlling people's daily lives and they thus function as a conditional requirement for guaranteeing human rights.

Second, North Korea's concept of human rights emphasizes the benevolence of the Suryung and the Party for the people. Their conception stresses the importance of a politics of virtue, and North Korea argues that the human rights problems in other socialist countries are caused by an absence of a politics of virtue.

The so-called "politics of virtue" began to be advertised since the publication of Kim Jong Il's article entitled "Socialism is Science" in the Rodong Shinmun dated November 1, 1994. Beginning from 1995 all news media in North Korea began to emphasize and carry commentaries on the concept of "politics of virtue" daily.

In "Kim Jong Il's Revolutionary History Lecture Series No.163" (Jan.16,1995) which aired over Radio Pyongyang, North Korea defined "politics of virtue" as follows:

(V)irtue means lofty spirit and moral character with which to cherish human beings and care for them with benevolent love and benefits. From time immemorial, it has been said that politicians must possess the highest virtues and nations must be ruled through virtue... Great Leader Comrade Kim Jong Il's favoured maxim has been to respect the people like heaven and he has practiced politics of virtue and trust with boundless love for the people. The politics of virtue of our Party is politics of extending respect to the people and endowing benefits to all people. It is politics of love, trust and responsible leadership for socio-political lives of all people. And, it is a broad-based politics which provides love and trust to the people of all levels and sectors without discrimination.

In the Rodong Shinmun article cited above, North Korea explained the politics of virtue as follows:

(P)olitics that guarantees human rights at the highest level of the world is referred to as the politics of virtue. Politics of virtue is an advanced and people-oriented politics that, through love, enables people's happiness to blossom and, through the power of trust, lets the people enjoy true life by standing together firmly in unity.

North Korea's politics of virtue and broad-based politics, then, appear to be the same as politics of benevolence of kings and princes of a by-gone era. Since Kim Il Sung's death, Kim Jong Il has particularly emphasized the politics of virtue and broad-based politics, and has attempted to secure the regime stability through a national consolidation by embracing all people regardless of their background. And yet, it would be difficult for him to paper over the human rights situation in North Korea so long as human rights are regarded as something benevolently given by the leader and as long as personal background discriminations persist.

Third, North Korea's concept of human rights reflects a class consciousness. In Article 12 of North Korea's Socialist Constitution, it is stipulated that (t)he State shall firmly safeguard the people's sovereignty and the socialist system from the destructive attempts of hostile elements at home and abroad by maintaining the class structure and by strengthening the dictatorship of the people's democracy. The phrase, strengthening of the dictatorship of the people's democracy, means that it will accomplish a socialist revolution by extending democracy to the class supportive of and sympathetic to the revolution and enforce dictatorship on the class opposed to it.

Increasingly aware of international concerns over its human rights situation, North Korea has attempted to clarify its position on human rights. The Rodong Shinmun, the official newspaper of the Korean Workers' Party (KWP), emphatically stressed in an article (June 24, 1995) entitled "In Support of True Human Rights" that human rights are not a universal concept applicable to all human beings. It continued:

(J)ust as we do not hide our Party loyalty, we do not hide our class consciousness in human rights issues. The socialist human rights are not supra-rights transcending the class structure and extending freedom and rights even to hostile elements who oppose socialism, or to

reactionaries who harm the interests of the people. To us, human rights mean providing freedom and rights to large masses of people such as workers, peasants, intellectuals, etc., and to impose sanctions on a small number of class enemies who infringe on the human rights of the masses.

North Korea has thus openly declared the fact that it is imposing absolute sanctions on those who are opposed to its style of socialism by labeling them as class enemies or hostile elements. The state has made it clear that the freedoms and rights of these people would be deprived of as a matter of principle and that their human rights were not worthy of respect.

Fourth, North Korean human rights are based on collectivist principles and because North Korea places priority on collective interests over absolute and inalienable rights of individuals, an unfair and unbalanced set of rights and duties are imposed. Article 63 of the North Korean Constitution declares that (i)n the Democratic People's Republic of Korea the rights and duties of citizens are based on the collectivist principle, one for all and all for one. Also, in Article 82, it is stipulated that collectivism is the basis of social life, and that "(c)itizens must cherish their collective organization and develop the trait of working devotedly for the good of society and the people..."

A North Korean delegate argued before the United Nations General Assembly in November 1996 that "(j)ust as it is inconceivable to think of individuals without a society and a collective, it is also inconceivable to think of individual human rights apart from the human rights of the collective." In short, North Korea has made it clear that under "our-style of human rights" individuals exist only as part of the collective and they exist only for collective class interests. In a society where personal interests and society's interests stand in fundamental conflict, personal interests can be secured only at the expense of someone else's interests. Consequently, the principle of individualistic living will tend to create mischief between individuals and sharpen clashes of personal interests more than in any other society.⁹⁾

Fifth, North Korea's concept of human rights emphasizes duties rather than rights. As in other socialist countries, human rights in North Korea fall in to the realm of a political concept, and the rights are extended only

9) Kim Chang-ryol, "the 'human rights protection' harangue of imperialists and its reactionary nature," *The Worker*, 1990 No.2, p.93.

to those who accept the North Korean system and fulfill all of its duties. In other words, in North Korea, individuals may be guaranteed human rights, limited though they are, only if they contribute to socialist nation-building and fully carry out their duties required of them as a constituent of the organization he or she belongs to or to the suryong Kim Il Sung and Kim Jong Il who is the ultimate leader of the collective. Consequently, all fundamental rights incorporated into the laws, whether intended to restrain private lives or to control the Party and other institutions of power, contain a concept that emphasizes duties rather than rights.

Sixth, North Korea's human rights concept emphasizes materialistic aspects of human rights protection. Just as it is generally stressed in many socialist countries, North Korea also stresses the protection of economic, social, and cultural rights. So, the economic, social, and cultural rights relating to such ideas as "realistic protection of freedom and rights" or "pursuit of material happiness" are emphasized to a greater extent rather than the protection of habeas corpus or civil and political rights relating to freedom of action.

North Korea has declared the recently increasing demands of the international community for the improvement of human rights as an infringement on its sovereignty, or at least an intervention in its internal affairs. Emphasizing the "right to development" and "relativism" in human rights as advocated by the Third World countries, North Korea is attempting to justify its own human rights situation. The country repeatedly denied that there exists any human rights problems in North Korea, and it nevertheless embraces the right to development argument, saying that the protection of human rights is difficult without economic development. Furthermore, North Korea relies on the "relativist" thesis of political culture and argues that human rights issues are a matter of national sovereignty, and that considerations must be given to unique situations of each country and region, since human rights are "(r)ealized according to the political and economic system each country and people have chosen."

North Korea repeatedly asserts that education and medical treatments are free under the "our-style socialism"; that this system is superior to capitalist human rights; and that human rights problems do not exist in North Korea.

Seventh, as in any socialist system, North Korea's justice system operates under the ruling authority, so it is difficult to expect any protection of human rights in North Korea, legally as well as institutionally. North Korea's "Political Dictionary" defines that the role of the judiciary is:

“(t)o guarantee implementation of the Great Leader’s instructions and Party policies with the Sole-ideology accuracy.” As such, it is difficult to expect a fair protection of human rights by the judiciary. Furthermore, the North Korean criminal code is unique in that crimes are not concretely enumerated in the codebooks but generally stated in the laws. As a result, it is impossible to expect punishments to fit the crime, and the principle of non-retroactive punishment is denied in North Korea.

III. Infringement of Civil and Political Rights

1. Right to Life

Right to Life and Death Penalty in North Korea

The right to a life with dignity and value is one of the most fundamental rights of humankind. All people possess a unique right to life and no one may, at will, deprive the another of their life. All countries are responsible for protecting this right to life, and all people have the right to have their lives protected. The protection of the right to life is a supranational natural right and international cooperation increasingly seeks to guarantee such protection.

The International Covenant on Civil and Political Rights, better known as "Covenant B", in Article 6 emphatically stipulates that "(e)very human being has the inherent right to life... No one shall be arbitrarily deprived of his life." It is further specified that "(i)n countries which have not abolished the death penalty, a sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court." The new North Korean penal code of 1987 explains that any anti-national criminals and ordinary criminals who object to the national liberation struggle and infringe upon the national sovereignty and legal order will be legally punished for violently attempting to oppress and curtail the socialist country. Applicable punishments include the death penalty, labor rehabilitation punishment, property seizure, the deprivation of the right to vote, and the deprivation or suspension of certain qualifications.

Before the new penal code was enacted in 1987, the original 1950 North Korean penal code enacted the death penalty for over fifty types of

crimes. Countless political prisoners and prisoners of conscience have been purged and executed throughout North Korean history. In particular, numerous people were purged as anti-party elements or as anti-revolutionaries when political oppression was rampant, following the 1956 "August Faction Incident" and during the establishment of the Kim Il Sung unitary system between 1967 and 1972.

In the book, *Le Livrenoir du Communism (The Dark Veils of Communism)* published in November 1997, Pierre Rigoulot reported that since the inception of the North Korean regime a total of 100,000 persons have died during the purge of the North Korean Workers' Party (KWP) and some 1.5 million have died in concentration camps.

The new 1987 penal code provides that anti-national crimes consist of such crimes as objecting to national sovereignty, objecting to the struggle for national liberation and the concealment of or failure to report anti-national crimes. Of those provisions in the new penal code that require serious punishment such as the death penalty, ones that contain ideological content are as follows:

1. Those who conspire to overthrow the republic or incite riots, or the leaders of such actions: the death penalty or at least ten years of labor rehabilitation (Article 44).
2. Those who carry out terrorist activities against officials or patriotic people for the purpose of defying the republic: the death penalty or up to five years of labor rehabilitation (Article 45).
3. Those guilty of treason against the fatherland such as those who help the enemy, or those who betray the fatherland and its people by escaping or spying for other countries or the enemy side: the death penalty or at least seven years of labor rehabilitation (Article 47).
4. Those who commit treason against the nation by selling out the interests of the nation or by oppressing the revolutionary struggle for national liberation and independent unification: the death penalty or if the circumstances are not serious ten years of labor rehabilitation (Article 52).

Furthermore, these criminal codes contain possibilities of arbitrary application due to ambiguous terminologies and ideological prejudice. Despite the ambiguities, North Korea continues to enforce the death penalty on certain enumerated crimes, thereby threatening the lives of not only political criminals and conscientious objectors but of ordinary

citizens as well. DPRK officials claim that execution only occurs in special circumstances, but they refuse to provide information regarding case decisions or the number of executions carried out. In the case of Article 47, which concerns refugees from North Korea, despite claims by North Korean officials that this provision was amended in 1995, Amnesty International reports that they have not received an accurate amended version of the law.

Public Executions

North Korea defines execution as “(a) merciless iron hammer of the revolution to terminate the tainted destinies of the class enemies and a most formidable legal means of guaranteeing a firm victory for the class struggle.”

Public executions are, during certain periods, carried out quite frequently and those executed include political prisoners, people guilty of heinous crimes and even economic criminals. The special report on North Korea published by Amnesty International in October 1993 discusses regarding public executions as follows:

(T)he death penalty is reported to be widely used in North Korea as a penalty for a variety of crimes, including political offences... Witnesses at public announcements of death sentences, former detainees and visitors to North Korea report that the death penalty is used frequently, and has been increasingly used in recent years against alleged economic offenders. Reports suggest that dozens of prisoners are executed each year. Executions are carried out either by shooting or hanging. In some cases, prisoners sentenced to death are displayed at public meetings attended by workers and students, including school-age children. At these meetings, the alleged crimes of prisoners, and their sentence, are read out by officials. Executions have reportedly been carried out in front of these meetings, although in some cases it appears that the prisoners were taken away for execution. In places of detention, detainees have reportedly been executed in front of assembled inmates.

Amnesty International issued another special report on public executions in North Korea in January 1997, which stated that over 23 public executions were performed between 1970 and 1992. This report also concludes that because most witnesses testified that they saw more than one

public execution the number of revealed executions represents perhaps only a small portion of the actual total number. Lastly, the report finds the chances that these executions continue today to be extremely high because they have occurred in such diverse regions as Wonsan, Chungjin, Hamhung, Shinuiju, Pyongsan, and Pyongyang.

In performing public executions, North Korea uses extremely non-humanitarian methods. Even though a particular crime might not merit the death penalty, persons are often executed publicly to set an example, the person executed that belongs to the "hostile class," or that he or she was killed because of impure political intentions. Executions are performed by firing squad or through hanging, and often in front of a mass gathering, sometimes even in the presence of family members.

According to the testimonies of defecting North Korean residents (hereinafter termed "defectors"), public executions had been suspended for a while following the death of Kim Il Sung in July 1994 but resumed from the end of 1995. Defectors Chung Kap Yul and Chang Hae Sung who entered South Korea in May 1996, and Hong Kyung Hwa who came to South Korea in May 1997, testified that public executions have been reinstated in all cities and provinces in the latter half of 1995 by Kim Jong Il's "personally written instructions," and that public executions of those criminals arrested after the death of Kim Il Sung have been carried out with intensity.

According to these testimonies, as acts of social deviation increased amid economic difficulties and food shortages the scope of public execution was expanded to include minor larcenies (or grand thefts). According to the defector Ju Young Hee who entered South Korea in May 1997, a 17-year-old male was executed in November 1995 at Hwesang district of Hamhung, South Houngyong Province for having stolen 320 Won (of North Korean currency).¹⁰ Defector Kim Won-hyung (admitted into South Korea in May 1997) has testified that public executions were carried out in South Shinuiju city in October 1996 against the Kim Kwang-chul brothers for larceny, and in early 1997 another person was publicly executed for stealing copper cables and selling them on the black market in Shinuiju.¹¹

The defector sisters, Chang Sung-sook and Chang Sun-young (admitted in February 1998) testified that since late 1995, North Korea has fre-

10) Testimony during the interview at KINU on August 22, 1997.

11) Testimony during the interview at KINU on August 21, 1997.

quently carried out public executions by region, and that in December 1995 a family of five was publicly executed in connection with the sale of human flesh in the Mankyongdae region of Pyongyang.¹²⁾

Defector Kim Kyung-il (admitted in June 1998) testified that "(a)n official instruction was issued by the Social Safety Agency to arrest and execute more than 30 criminals per county, and in Eundok County as many as 4-5 executions at a time have been carried out under the Dongkyung bridge. In the winter of 1996 in Sunbong one person was executed, whose nominal crime was potato stealing, but the real reason was his confrontation with a local Party secretary. The process of public executions usually follow a pattern in which the accused's personal history and crimes are read before a gathered crowd, the sentence of execution is handed down by a judge dispatched by the People's Court, and executions follow immediately."¹³⁾ Also, defector Sohn Chul-nam (admitted in May 1998) testified that "(s)ince early 1997, public executions have been carried out once every month in the Cholsan County market. Usually, public execution notices would be sent in advance to schools, businesses, farms, and the like. There have been three public executions including Hwang Yong-soo who was executed for having slaughtered a cow for food. Sometimes, people are executed without blindfolds, and as soon as the 'safety director' discloses the crimes charged and orders public execution, nine bullets are fired."¹⁴⁾

In efforts to buttress the regime from the worsening crisis, North Korean authorities did not hesitate to execute prominent persons. According to the former KWP Party Secretary, Hwang Jang Yup, a total of seven persons, including movie-makers and actors, were shot to death near the Hyungjesan district of Pyongyang while some 300,000 people watched. They were accused of having produced pornographic movies under the pretext of earning foreign currency.

On November 6, 1997, Japan's Kyoto News Agency reported, citing a North Korean visitor source, that a number of ranking staffers were publicly or secretly executed in September 1997 at Pyongyang and in the Pyongsung region in South Pyongan Province on charges of treason, espionage, and corruption. Among those executed were General Lee Bong Won, who was a commissar at the General Political Bureau of the North Korean People's Army, Agricultural Secretary Suh Kwan Hee of KWP,

12) Testimony during the interview at KINU on May 14, 1998.

13) Testimony during the interview at KINU on Sept. 8, 1998.

14) Testimony during the interview at KINU on Sept. 9, 1998.

and Choi Hyun Duk of the "Kim Il Sung Socialist Youth League."

So, it is clear that public executions are frequently carried out in North Korea for political purposes. For example they are used to forestall resistance to the regime or to maximize awe and fear towards the governing authority. Executions take place more frequently whenever there is a need to buttress or consolidate the regime. Despite such inhumane practices as public executions, the North Korean people still have a low level of awareness concerning human rights.

Public executions and secret executions are carried out at political concentrations camps and "rehabilitation centers" on an even broader scale. Ahn Myung Chul, a former concentration camp security guard who defected in October 1994, testified that executions based on summary trials are carried out on a routine basis at these camps and at times security personnel arbitrarily execute people in secret.¹⁵⁾

Those subject to public executions are usually people who are arrested after attempted escapes. Choi Dong Chul, a former security officer at a concentration camp between May 1983 and June 1986 before he defected in December 1994, stated that at Management Center No. 11 at Kyungsung, North Hamkyung Province, an entire family, including a grandmother, her son and grandchildren, were publicly executed after being caught following a three-day escape attempt. All the political prisoners at the camp were gathered and guarded by security officials armed with machine guns where they witnessed the hanging of the two adults and the execution by firing squad of the three children. Immediately after the execution, the political prisoners were forced to throw stones at the corpses to create a horrible sense of fear regarding attempted escape.¹⁶⁾

Ahn Myung Chul explained that even the security personnel at the Seventh Bureau fear the Third Section (Preliminary Investigation Section) of the State Security Agency (SSA), which is responsible for the arrest and investigation of political prisoners, especially because of the manner in which they arbitrarily carry out executions. This fear is derived from such reports that the Agency extracts the oil from human bodies to make cosmetic products and makes whips from human tendons. Ahn explains that, for their personal fame or career advancement, some security personnel deliberately execute innocent political prisoners and frame it to appear as if they caught them attempting to escape. In return for maintaining secre-

15) Testimony during the interview at KINU on July 9, 1996.

16) Testimony during the interview at KINU on July 8, 1996.

cy and to increase morale, security personnel who finish their terms are guaranteed entry into the KWP and into college.¹⁷⁾

Public executions at “rehabilitation centers” also remain a serious problem. Lee Soon Ok, who defected in December 1995, testified that between December 1987 and December 1992 she witnessed nine public executions (seven males and two females) while she was imprisoned at the Kaechun Rehabilitation Center, South Pyongan Province. These executions were carried out within the centers factory grounds in the presence of the deputy head of the prison and all the inmates. In 1990 Suh Yong Soon, a 23-year-old former cook for some “Pyongyang Commandos” (construction workers), was executed. She was initially sentenced to a three-year term for being responsible for a lack of food because she had been dishing out more than the required rations. Yet, after a new trial her sentence was increased to twenty years. She was executed after it was discovered that she had tried to hide damaged products made at her factory.¹⁸⁾

Recently, North Korea seems to have realized that public executions do not effectively contribute to preventing socially decadent behaviors. Rather, they tend to increase similar-method crimes and antagonism among the people. As a result, lately public executions seem to be decreasing. Although public executions were decreasing in number, secret executions were on the increase as a means of preventing socially decadent behaviors and strengthening social controls. In short, there is no indication that fundamental improvements are being made in its practice of violating people’s right to life.

2. Freedom of Habeas Corpus

Illegal Confinement and Torture

The right to personal liberty consists of those freedoms of personal security and autonomy that cannot be limited or abridged without due process of law. Together with the freedom of mental activity, personal liberty is one of the most basic human needs. If personal liberties cannot be guaranteed, the pursuit of other freedoms and rights undoubtedly cannot occur, and the dignity of people will be violated.

Accordingly, a person is entitled to one’s inalienable rights such as the

17) Testimony during the interview at KINU on July 9, 1996.

18) Testimony during the interview at KINU on June 12, 1996.

freedom of habeas corpus. Every person has right to the due process of law and should not be treated inhumanely, including illegal arrest, imprisonment, and torture. Also included are the freedom not to be arrested, imprisoned, or searched and seized without warrant, the freedom from illegal interrogation and punishment, the freedom from being labelled a security risk, and the freedom not to be forced into hard labor.

Article 5 of the Universal Declaration of Human Rights, provides that "(n)o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Article 7 of the International Covenant on Civil and Political Rights also stipulates that "(n)o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Furthermore, it is stipulated in Article 9 that "(n)o one shall be subjected to arbitrary arrest or detention." And, in Article 10 it is provided that "(a)ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." Based on Article 5 of the Universal Declaration of Human Rights, the UN adopted the "Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment" at the General Assembly held on 10 December 1984. In 1993 the Vienna Declaration argued that the principle against torture must be respected in all circumstances, with particular attention to wartime, and further demanded that all UN member countries must endorse this declaration.

Ostensibly, the freedom of habeas corpus is guaranteed in the Socialist Constitution revised in September 1998. Its Article 79 declares that "(u)nless based on the law citizens shall not be arrested or imprisoned, nor their homes searched." The DPRK revised its criminal procedure code on 15 January 1992 and declared the protection of human rights (Section 4). Criminal cases are now to be managed based upon concrete evidence in the process of criminal proceedings. The DPRK has thus adopted an investigation approach based on legal procedure and is administering justice grounded on evidence (Sections 35 and 36). In Section 11 there is an emphasis upon deliberation in arrests and legal disposition. These changes show that there should be some improvement in human rights.

However, inhumane treatment of people is commonplace in North Korea today. Suspects are routinely arrested and imprisoned without proper legal procedures. In particular, to demonstrate the seriousness of the offense, those who disobey the directives or the teachings of Kim Il Sung and Kim Jong Il or policies of the party are deprived of even the

most fundamental human rights given normal suspects. Many North Korean defectors admitted into South Korea in 1998 have testified to these realities.

Despite recent revisions of the criminal code and its procedures, dangers of human rights violations still persist in North Korea. North Korea has also adopted a people's review system which appears to resemble a jury system but in practice is not objectively used in trial decisions. Instead it is used to confirm unilaterally the crimes of a suspect.

Human Rights Violations at Rehabilitation Centers

The prison facilities in North Korea are a two-tiered system that differentiates and manages crimes according to whether they are political or economic offenses. In the 1970s, Kim Il Sung attempted to separate the responsibilities of what was to become the SSA (it was then located within MPS and called the Political Security Department) from the MPS because of internal tensions between the two offices. This measure was intended to prevent inter-departmental frictions and to separate respective roles of the two departments so that the State Security Agency could take charge of political criminals, while the MPS could handle other criminals.

First, economic criminals and criminals guilty of violent crimes would be separated from political prisoners and held in "rehabilitation centers" much like common prisons.

Rehabilitation centers are managed by the Rehabilitation Bureau of the MPS and divided into rehabilitation facilities, and labor rehabilitation facilities (labor training camps).

In contrast, political criminals are held in "management centers" supervised by the SSA, the Seventh Bureau. These management centers are

Table 3-1. Confinement Facilities in North Korea

	Economic criminals and criminals found guilty of violent crimes	Political criminals
Supervising institution	Ministry of Public Security	State Security Agency
Confinement facilities	Rehabilitation Centers, Labor Training Camps	Concentration Camps

concentration camps that are often called “restricted areas” or Special Dictatorship Target Areas.

Rehabilitation centers are like correctional institution prisons and, among the facilities that the MPS manages, hold persons found guilty of the most serious crimes. People who have been sentenced by a court to death or penal servitude are held in these facilities, and each North Korean province contains one or more of these facilities.

Rehabilitation centers run by the MPS are Numbers 11, 13, 17, 18 and some others, however the Number 11 facility appears to have been closed. According to recent testimony from a defector, these facilities are where persons who had held high positions are incarcerated.

According to the defector Ahn Sun Kuk who entered South Korea in May 1997, North Korean authorities are consolidating corrections facilities for reasons of food shortage and increases in death ratios. For example, the Chunnae Rehabilitation Center at Chunnae, Kangwon Province was merged into the Third Corrections Facility at Shinuiju, North Pyongan Province.

Those criminals whose crimes are lighter for accommodation at these corrections facilities are sent off to the [Labor Training Camps] for one-to-six months forced labor. The defector Ahn further testified that since August 1995 labor rehabilitation camps disappeared and instead new “labor training camps” (North Koreans call them the “labor ganglands”) appeared under the jurisdiction of the MPS.

Labor training camps can usually hold between 500 and 2,500 inmates, and each province has two or three of them, with a total number in the entire country of between twelve to sixteen. Those at the labor training camps do not lose their civic rights. The facilities usually hold thieves and those who disassociate themselves from group life.

The former “re-education centers” hold people who have not committed crimes but need education such as those who “do not obediently follow instructions.” These persons receive education and engage in unpaid labor at such places as farms and construction sites. They are usually held for one to six months. Most cities and counties have re-education centers and each facility usually has a capacity for one to two hundred persons. Because these facilities hold many delinquent students or juveniles, they are sometimes referred to as “juvenile education centers.”

In addition, there are in North Korea the so-called “collection points.” These “points” are “youth relief centers” similar to “corrections facilities” and have been set up by “socialist law-abiding life guidance

committees” to guide juveniles. Homeless children, trial-pending suspects, and violators of the terms of travel are housed in these collection points for a short period.

North Korea also disclosed to Amnesty International officials visiting the country for the International Festival in April 1995 that it has three rehabilitation facilities, including the Sariwon Rehabilitation Center, which holds between 800 to 1,000 persons. In addition, Pyongyang said that 240 anti-national criminals are held in the Hyungsan Rehabilitation Center.

The Hyungsan Rehabilitation Center that North Korean officials mentioned to Amnesty International officials is presumed to be the Headquarters of the Prosecutors Section and Trial Bureau of the MPS, located in the Kumkang Mountains across from the North Korean Film Studio. Most believe that it is probably not a rehabilitation facility. The Prosecutors Section and Trial Bureau of the MPS are responsible for conducting preliminary criminal reviews.

An account of the average day of a person held in a rehabilitation center and the various human rights violations that occur can be obtained from the testimony of Lee Soon Ok, who was held in the Kaechun Rehabilitation Center.¹⁹⁾

Originally a female rehabilitation center under the SSA, located in South Sinuiju, the Kaechun Rehabilitation Center became a management facility under the MPS when it moved to Kaechun in March 1982. The Kaechun Rehabilitation Center has one of the largest capacities in North Korea, built to house over 600 persons (approximately 20 persons per prison cell). Yet, this facility holds approximately 6,000 prisoners, 2,000 of whom are female inmates. A single cell (eight by six meters) usually holds eighty persons. Most are economic criminals guilty of such offenses as dealing in the blackmarket or theft. Some are burglars or murderers. Eighty percent of the female inmates are former housewives. Husbands may receive automatic divorce decisions if their wives are imprisoned.

The Kaechun Rehabilitation Center contains twenty-two factories for male inmates and eleven for females. Each factory consists of a rehabilitation section of around 300 persons which is further divided into groups of 40~50 and subgroups of 4~7. The factories for women include shoe factories, military shoe factories, textile factories, daily necessity factories, export factories, and sewing factories, and they usually produce textiles,

19) Testimony during the interview at KINU on July 12, 1996.

shoes, bags, belts, and gun cases for MPS personnel, military dog collars and muzzles for their dogs, and exportable items such as knitwear, artificial flowers, undergarments and ashtrays. The MPS manages all rehabilitation facilities in the country and therefore gains a sizeable income from the labor of these prisoners.

In addition, such forced labor as the raising of livestock, farming or tailoring is carried out at the Jungsan Rehabilitation Center and, in fact, a considerable amount of military supplies such as military uniforms are made through inmate labor from facilities such as these. Juveniles and women are usually held in the centers. There is said to be an even ratio of males and females. The Wonsan Rehabilitation Facility is large and the basic necessities produced here play an important role in the light industry of North Korea. Under the auspices of the Wonsan Rehabilitation Center there are various regional rehabilitation facilities.

Most inmates produce a single product at the same factory until they leave the facility. Although DPRK labor law provides that general labor should be eight hours per day and prison labor should be ten hours per day, inmates here normally get up at 5 A.M. and work seventeen hours until 12:30 A.M. the next morning. Total rest time during those hours, including meal time, is only about an hour. Twice a year usually for ten days each in the spring and in the fall healthy people may be sent to work in areas outside the rehabilitation facility for planting and harvesting.

Meals consist of 300 grams of corn and cabbage soup per day even though the regulations provide for 700 grams, and the penalty for underproduction is reduction to 240 grams. For underproduction three consecutive times, only 180 grams, and for those in solitary confinement or preliminary review confinement, 90 grams is issued.

However, since normal operations of rehabilitation centers became impossible under the deteriorating food situation, North Korean authorities decided to consolidate the facilities, and to impose forced labor at labor training camps even on those whose crimes were relatively light.

Inmates in the rehabilitation facility who do not obey prison regulations called "Living Guidelines," who do not reach required production levels three consecutive times, or who damage manufacturing equipment or produce defective products can be sentenced to solitary confinement in "preliminary review rooms" so tiny that it is impossible either to stand or lie down (1 meter x 60 cm x 60 cm). Also, they receive a ration of 90 grams of leftover rice. People who are found not to follow the socialist rehabilitation policies are subject to corporal punishment (beating or tor-

ture), and in extreme situations they are executed.

3. The Right to Protection under the Law and Due Process

Anti-Human Rights Provisions in North Korea's Criminal Code

Anyone who denies the socialist institution is brutally suppressed, and the heaviest punishment is imposed on those who injure the authority or prestige of the two Kims. Moreover, the North Korean authorities argue that because the interpretation and application of penal law is inseparable from politics, judges should "understand the principles of class struggle" and receive party guidance in order to administer proper sentencing. In other words, they are expected to rule more harshly against people outside the core class. After all, North Korean penal law is a tool of the proletarian dictatorship and a means to support the two Kims and the policy of the KWP.

The North Korean criminal code is woefully deficient in protecting human rights of criminals and suspects. There are certain crime-versus-punishment provisions that are universally recognized in the criminal justice systems of most civilized states. But, either they are missing outright in the North Korean system, or they contain possibilities of excessive punishments and/or arbitrary dispositions. As a result, their human rights protective functions are extremely weak.

First, it permits arbitrary interpretation. Not only does Section 9 read in an abstract way that: "(C)rime is any action deemed dangerous that violates state sovereignty and the legal order, purposefully or by negligence," but Section 10 states, "(I)f a crime is not defined in the penal code, it shall be punished in accordance with similar crimes and in accordance to the degree of danger."

Second, not only is there no statute of limitations, but the law is even applied unrestrictedly. Section 42 renders a transgressor liable to prosecution until his very death: "(R)egarding anti-state crimes and deliberate murder, penal responsibility is applied without respect to any given period."

Third, those convicted who plead not guilty and criminals that attempt crimes are punished the same as those who plead guilty (Section 15). Abettors are also applied the same degree of punishment as perpetrators (Section 18).

Fourth, those who denounce or oppose the two Kims are prosecuted based on Sections 44 to 55, and Section 105 of the legislation. They are treated as anti-state criminals and sentenced to death or subjected to the confiscation of all their property.

Fifth, failure to report or failure to interfere with a felony (Sections 54 and 55) are criminal offenses, and crimes against the state are prosecuted according to this standard. This is nothing other than guilt by association, an antiquated and inhumane form of criminal law.

The Right to an Attorney

The right to an attorney's assistance throughout the trial process is very important in that it is the individual's last resort to protect his/hers rights against the state. The fairness of trial procedures depend ultimately with how faithful the individual's right to choose an attorney is legally guaranteed in reality.

Furthermore, the question of whether a defense attorney's human rights protection activities can be effectively carried out depends on the independence of attorney's activities from the state. Ultimately, the fairness of a trial depends on whether an individual is allowed to select a conscientious and able attorney, who is independent from the state, and gets his assistance throughout the trial. In most civilized states, the right to receive the assistance of an attorney and related methods and procedures are stipulated in detail in the Constitution, the Criminal Procedures and Attorney laws.

The North Korean attorney system also serves the proletariat dictatorship. Although the system in principle does not differ much from that of Western countries, there are great gaps in actual practice. By the very fact that lawyers are employed by the state, their scope of action is quite restricted. Rather than rendering functions such as providing legal counsel, they actually play the role of a political educator to facilitate the penetration of party and regime policy into the population. Article 11 of the Legal Representation Law provides that an attorney's responsibility is to "(e)xplain the national laws and regulations to the people, and to help the people obey these laws and regulations." This indicates that the duties of an attorney in North Korea are to make sure that the policies of the party and government are injected into and carried out by the people. Lawyers usually serve to help persuade defendants to confess their crimes.

The Unfair Trial Procedures

In North Korea, anti-state crimes committed by the so-called anti-revolutionary hostile elements who oppose the people's regime and the party (KWP) are pre-tried by pre-trial courts of the SSA (Art.74 of Criminal Procedures). City and provincial courts are designated as the lower (district) courts (Art.181 of Criminal Procedures) where ordinary criminals are separately tried. Consequently, if investigators belonging to MPS or Prosecutors Office were to arrest anti-state criminals such as spies, anti-party or anti-regime activists, they would be transferred to the National Security Agency. Thus, all political cases are tried by the SSA independently of the prosecutors office and the judiciary. Here, then, is the source of frequent violations of human rights.

Due to the peculiar hierarchy of state organizations, the judiciary is nothing but a subsidiary organ placed below such powerful bodies as the Supreme People's Assembly, the National Defense Committee, and the Cabinet. This in itself reveals that independence of the courts cannot be guaranteed. Unique in North Korea is the so-called People's review system in which ordinary people with no legal training participate in the trial procedures. This system would appear, at least in its form, to follow the jury system of the Anglo-American courts. But, in reality, it is a system employed to exercise the Party's control over the judicial system. Thus, the role of this system is not to guarantee objective and fair trials but to one-sidedly acknowledge the guilt of the accused. The true nature of the people's review system can be found in Article 230 of the Criminal Procedure Code which provides that "when laborers and farmers participate in the review of a trial they must first expose and denounce the suspects wrongful actions."

Hwang Jang Yup testified that the "Socialist Law-abiding Life Guidance Committees"(SLLGC) which have been installed at every level of the society, are in charge of criminal dispositions. In the case of the county, the "County SLLGC" carry out these duties, and the committees consist of 1) a chief party secretary of the county, 2) a chairman of administrative-economics of the county, 3) a commander of SSA of the county, 4) a commander of MPS of the county, 5) a chief of a public procurators' office of the county, a county chairman of administrative-economics committee, a county commander of SSA, a county commander of MPS, and a county prosecutor. Nominally, the duties of the "SLLGC" are to educate on crime prevention and on how to observe socialist laws. How-

ever, in reality the committees routinely exercised controls over the inhabitants and Party-government cadres. This was particularly true as acts of social deviation steadily increased under deepening economic difficulties.

It is a reality in North Korea today that political criminals (or suspects) and some economic criminals are frequently imprisoned without undergoing legal procedures or fair trials. According to testimony from North Korean defector Kim Woon Hak, his friend Kim Duk Chul submitted an anonymous shinso at the end of February 1988 declaring that DPRK economic policy was incorrect: a policy of privatization would be needed for economic development. His handwriting was analyzed and he was arrested; he was soon reported missing and his family was sent to prison camp. Defector Lee Young-sim (admitted in June 1998) testified that “ ‘personal appeals’ are a Constitutionally guaranteed system for a person who was unfairly prosecuted. However, as the appeals move up toward the center from county, city and province, they are usually ignored if officials fear that they might be blamed. Initially, officials will pretend to listen to the appeals with sympathetic ears, but in the end they will hand down penal judgments, saying that the content of the appeals violated the Sole-Ideology system.”²⁰⁾

4. Right to Equality

It is an evident truth that because all people equally have sanctity and value they should all receive equal treatment. The principle of equality requires that all people be treated equally and it is based on such tenets as the prohibition of discrimination and the principle of equal opportunity.

Article 6 of the Universal Declaration of Human Rights provides that people, regardless of who they are, have the right to be recognized as human beings and Article 7 of this Declaration further provides that all people are equal before the law and have the right to be protected by the law without any type of discrimination.

The right to equality under the law is an indivisible civil right that provides that one will not be discriminated against by the state, and allows one to demand equal treatment from the state. The right of equality under the law is not a right granted by public law; rather it is a natural right that humankind has long enjoyed. Therefore, the right to equality is not a part

20) Testimony during the interview at KINU on Sept. 9, 1998.

of various natural rights but is a means and method to fulfill fundamental rights and as such this characteristic is seen with regard to all fundamental rights.

In the economic sector this means that there must not be any discrimination in hiring, pay, working conditions or taxation. In the social sphere, it means that in social participation or in the activities or the pursuit of ones development there must not exist any discrimination based on ones family background, gender, or for any other reason. In the cultural sphere, it means that everyone must be guaranteed all their freedoms and rights to enjoy equally all social facilities such as the right to participate in cultural activities and the right to equal education.

Social Discrimination Based on Family Background

Article 65 of the revised 1998 Constitution recognizes, at least nominally, citizens' rights to equality, stipulating that "(a)ll citizens shall have equal rights in all sectors of social life of the nation." It is asserted that "equal" here means equality in realizing the rights provided by the constitution, but Pyongyang strictly classifies everyone by family background (or class origin) and by the degree of loyalty to the regime. For example, on numerous occasions since liberation from the Japanese in 1945, North Korea has conducted loyalty surveys.

Having completed socialist institutional reforms by August 1958, the DPRK began in December of the same year to classify everyone by family background with a view to converting everyone into workers and to facilitate socialist construction. It was part of a socialist class policy designed to control the people more effectively by surmising everyone's political inclinations based on family class background and social activities, then categorizing them by their degree of loyalty.

The loyalty surveys were conducted in phases. They included an intensive guidance program by the central party staged from December 1958 through December 1960; a residents re-registration program between April 1966 and March 1967; a project from April 1967 through June 1970 to classify the people into three classes and 51 sub-classes; a program toward naturalized foreigners and defectors from the South in January through October 1980; and a program toward repatriates from Japan in January through April 1981. In the 1980 project toward naturalized foreigners and defectors conducted at Kim Jong Il's instructions, thirteen sub-classes were added to the list.

Table 3-2. Family Background Investigation Projects

Project	Period	Description
Intensive guidance by the Central Party	Dec. 58 – Dec. 60	Exposing, punishing and forcing relocation of impure elements to remote mountain villages
Re-registration of the people	Apr. 66 – Mar. 67	Classification based on family background to arm a million-man Red Army (investigate 3 direct generations and all relatives of the wife and mother that are removed up to the 6th degree)
Division into 3 classes and 51 sub-classes	Apr. 67 – Jun. 70	Based on the re-registration project all people are divided into Core Class, Wavering Class and Hostile Class, and then further divided into 51 sub-classes
Understanding People Project	Feb. 72 – 74	Investigate and determine the inclinations of people based on discussions concerning North-South relations and then classify people based on those whom everyone can believe, those whose beliefs are somewhat dubious, and those believed to be renegades
Civic Pass Inspection Project	Jan. 80 – Dec. 80	To expose impure elements and increase control, inspect and renew citizen's certificates according to Kim Jong Il's orders
Project concerning naturalized foreigners and defectors from South Korea	Apr. 80 – Oct. 80	Divide those outside people who entered North Korea such as those who defected to North Korea into 13 categories and update monitoring data
Project concerning those compatriots who were repatriated to North Korea	Jan. 81 – Apr. 81	Segment the data on former Korean residents in Japan who were repatriated to North Korea and reduce material monitoring of recent scientific activities
Citizenship identification card Renewal Project	Nov. 83 – Mar. 84	Renewal of citizen's certificates and revision of documents for all residents

Source: Ministry of Unification, *An Overview of North Korea* (Seoul, 1995), Ministry of Unification Press, 1995, p.275.

Former KWP Secretary Hwang Jang Yup who came to South Korea in April 1997, has testified that after the Korean War the North Korean authorities organized special “residents registration groups” and conducted background checks eight times on all residents. These checks covered family backgrounds, the history of relatives, wartime experiences, etc.

Through this classification system the authorities ferret out political forces rallied against the North Korean system, suppressing their anti-party and anti-revolutionary activities before they act and thus further tighten their grip of surveillance. Those classified as reactionary based on family background are discriminated against in every area of life ranging from food rationing to the distribution of dwellings, social mobility and the execution of legal provisions.

North Korean authorities classify its citizens into three broad categories: Core class, Wavering class, and Hostile class. Defectors Park Chang-dok (admitted in February 1998) and Lee Jung-ok (admitted in February 1998) testified that North Korea’s background classifications and class categorization policies significantly affect crucial aspects of people’s lives, such as marriage, employment, and political-social status. They testified that ordinary people on private occasions would call themselves “the (king’s) subjects” rather than “citizens” and the party and government cadres “the gentry.”²¹⁾

The core class, comprising about thirty percent of the population, is the ruling class that spearheads the North Korean system. Included in it are the family members and relatives of Kim Il Sung and Kim Jong Il, high level cadres estimated to number about 200,000 or one percent of the population, and mid-level cadres who account for about 28%. The mid-level cadres comprise mostly anti-Japan partisan fighters and their families, and the families of those killed in battle or otherwise during the Korean War.

For the education of core class children, North Korea runs various special schools including the Man-kyong-dae and Kang Ban Sok Institutes for the bereaved children of revolutionary martyrs. High cadres live in luxurious residences, send their children to special schools and possess up-to-date home appliances. They have personal telephones, are allowed to subscribe to foreign publications, and have radios capable of picking up foreign broadcasts. Most of them live in Pyongyang and other major cities, enjoying privileges such as recruitment for the party, administra-

21) Testimony during the interview at KINU on May 15, 1998.

Table 3-3. The 3 Classes and 51 Sub-classes

Core Class	People from the families of laborers, hired peasants (farm servants), poor farmers, and administrative clerical workers during the Yi Dynasty and Japanese occupation, Korean Workers' Party cadre members; bereaved families of revolutionary (killed in anti-Japan struggles); bereaved families of patriots (killed as noncombatants during the Korean War); revolutionary intellectuals (trained by North Korea after liberation from Japan); families of those killed during the Korean Wars; families of the fallen during the Korean War; Servicemen's families (families of active People's Army officers and men); and families of honoured wounded soldiers (family members of service members wounded during the Korean War).
Wavering Class	People from the families of small merchants, artisans, small factory owners, small service traders; medium service traders; unaffiliated persons hailing from South Korea; families of those who went to the South (1st Category); families of those who went to the South (2nd Category); People who used to be medium-scale farmers; national capitalists; families of those who went to the South (3rd Category); those who repatriated from China; intellectuals trained before national liberation; the lazy and corrupt; tavern hostesses; practitioners of superstition; family members of Confucianists; people who were previously locally influential figures; and economic offenders.
Hostile Class	People from the families of wealthy farmers, merchants, industrialists, landowners, or those whose private assets have been completely confiscated; pro-Japan and pro-US people; reactionary bureaucrats; defectors from the South; members of the Chondoist Chongu Party; Buddhists; Catholics; expelled party members; expelled public officials; those who helped South Korea during the Korean War; family members of anyone arrested or imprisoned; spies; anti-party and counter-revolutionary sectarians; families of people who were executed; anyone released from prison; and political prisoners; Members of the Democratic Party, capitalists whose private assets have been completely confiscated.

Source; Ministry of Unification, *An Overview of North Korea*, 1995, p.276.

tion and military positions. In effect they form a feudal hereditary class entitled to favors in all areas such as education, promotions, rations, dwellings and medical services.

The wavering class is the basic stratum of North Korea, comprising those ordinary workers, technicians, farmers, office workers, teachers and their families who do not belong to the core class and who are not party members. They represent about 45% of the population. They lead lives with extremely limited income and food rations. Most of them live in small cities and in rural areas. Health service for them is insufficient. They can travel to Pyongyang only with special permits. Yet, there have been

some instances in which these people have been elevated to the nucleus class.

The hostile class consists of “national enemies,” those branded as impure elements and reactionaries. They are alienated from the rest of society and their human rights are often trampled. The hostile class accounts for about 27% of the population. They are families of previous landowners and capitalists, public officials under the Japanese rule, religiously active persons and those who collaborated with the advancing South Korean forces during the Korean War. They are denied the right to receive a college education, join the party or to be an officer in the military.

The loyalty classification policy unfavorably affects the wavering class, checking their advancement to leading positions in society. Those hardest struck by the policy, however, are the hostile class. It includes those sacrificed in power struggles and alienated elites and bureaucrats such as those expelled from the party, dismissed cadres, the family members of those arrested or imprisoned, people released from concentration camps, economic offenders, and anti-party and counter-revolutionary sectarians.

Table 3-4. Categories of the Hostile Class

Dictatorial Target	People charged with trying to overthrow the existing system. To keep them away from the ordinary people, North Korea keeps them isolated in “safe areas” such as mountain zones and coal mines and adjoining areas.
Isolation Target	People regarded as considerably dangerous, who are prone to side with South Korea in the event of an emergency. They are exposed to the general public for collective surveillance.
Absorption and Indoctrination Target	The type whose social deviation is relatively minor and who are considered likely to return to the system if they are given intense ideological indoctrination.

Those classified as part of the hostile class will receive discriminatory treatment in all phases of social life including hiring, education, housing, medical benefits, and criminal punishment. In general the hostile class does laborious and hazardous manual work. For societal management, they are classified into “dictatorial targets,” “isolation targets” and “absorption and indoctrination targets.” Dictatorial targets are held in sep-

arate areas, isolation targets live in society but are kept under close round-the-clock surveillance. Recruitment and indoctrination targets are intensively indoctrinated for possible absorption into the system.

However, according to defector Lee Soon Ok, a former cell secretary who previously participated in the reviews, the secretaries of primary party committee, secretaries of branch party committee and cell secretaries review everyone's family background on a quarterly basis and during each of these evaluation periods one's standing can change.²²⁾

In general, she says, party members, laborers, office workers, families of soldiers who died in battle, or wounded veterans and others will be categorized as "core masses" or "wavering masses" depending on the relevant standards. Moreover, she said that revolutionary intellectuals can belong to the wavering masses or "hostile masses."

One way of determining the degree to which people are controlled through discriminatory policies based on family background is through examining the forced relocation of families. North Korea has been classifying a massive group of separated families, which comprise 25~30% of the entire population, as "traitors who defected to South Korea" and is treating them as part of the hostile masses. These people continue to have their fundamental rights deprived and they receive various disadvantages because of the behavior of their ancestors or events which occurred during the Japanese occupation or during the Korean War. The defector Chung Jae Kwang who came to South Korea in April 1996, testified that the family of his classmate Kim Yong Kak, who at the time was a senior in high school, was banished to Jagang Province, Yongrim County, because it was discovered that his father had been a South Korean law enforcement official during the Korean War. According to Yang Soon-yong who was a POW in North Korea, many South Korean POWs are not repatriated even after the conclusion of the Korean Armistice Agreement (in 1953) and are subjected to physically taxing hard labor in coal mines or timberyards. Due to their status, the POWs are subject to various repressive measures, and many disadvantages exist also for their families and children in job searches and social advancement. Indeed, background discriminations are applied across generations in North Korea.

This classification system is difficult to assess precisely because many sub-classes have been deleted, or added, or shifted from one class to another. North Korean authorities do not admit that it exists. However,

22) Testimony during the interview at KINU on July 12, 1996.

instructions to relax the loyalty classification policy were given by Kim Jong Il in the mid-1980s. On the surface North Korea has recently changed its policies based on family background, and it is pursuing a new family background investigation project as part of Kim Jong Il's "Magnanimous Politics" which is supposed to encompass even the "wavering masses." Many people are deprived of their political and social rights due to the background check policies. The defector Ju Young Hee and Suh Chang Eun who came to South Korea in May and August 1997, respectively, testified that between 50 and 60% of ordinary people regarded their personal background to be bad.²³⁾

The film, "Guarantee," produced in North Korea and screened there in 1987, clearly shows that this policy had been in force. The movie was produced with a view to publicizing Kim Jong Il's order to ease the classification system, and accents the need to rectify the discriminatory classification policy. The film vividly describes a worker suffering great social and psychological pain as he undergoes various disadvantages because he has family in the South.

Oppression of the Disabled

The protection of the rights of disabled people has not been made manifest through an international convention. The 1993 World NGO Forum strongly proposed that UN member states pursue an international convention to realize the [equal opportunity of disabled people,] and the 1993 UN Vienna Declaration also demanded that physically and mentally disabled people be guaranteed their right to equal opportunity.

The world has over 500 million disabled people, and due to such events as the Korean War, North Korea is known to have a considerable number. It has been made clear that the disabled may not live in Pyongyang. Physically and mentally disabled persons and the deaf and their families are deported from Pyongyang and other major cities such as Nampo, Kaesung and Chongjin, where foreigners frequent, for resettlement in exclusive areas. They have been shipped to remote mountains or isolated areas. Foreigners invariably testify that they saw no handicapped people during their visits to Pyongyang. Recent defectors say that such people are dispatched according to the degree of their disability.

Yet testimony indicates that depending on their physical characteristics

23) Testimony during the interview at KINU on August 22, 1997.

these disabled people receive severely discriminatory treatment. According to Hwang Jang Yup's testimony, Kim Il Sung had instructed in the 1960s that "since midget persons should not be allowed to reproduce, bring them together and put them in one place." Subsequently, a "concentration camp for midget persons" was established at Jungpyong County, South Hamkyung Province.

Yoon Sung Chul, who defected in March 1996, testified that genetically handicapped people may be allowed to live in general living areas, excluding of course special areas such as Pyongyang where foreigners visit, and then only if they are sterilized and receive party permission.²⁴⁾ Oh Su Ryong who defected in March 1995 testified that Kim Ki Hwa, a dwarf, was banished to a remote mountain region in North Hamkyung Province but returned after he had been castrated.²⁵⁾ According to the defector Chung Jae Kwang, an unnamed security guard in the Moranbong region, poisoned to death his 16-year-old paralyzed son to avoid being banished from Pyongyang.²⁶⁾ Defectors Kang Chul-hwan and Lee Soon-ok have testified before the US Senate Foreign Relations Subcommittee on Asia-Pacific Affairs that midget persons and the deformed are forcibly subjected to vasectomy/sterilization operations. In North Korea, foreign visitors will never be able to see or find physically deformed persons anywhere, particularly in large cities like Pyongyang.

5. Civil Liberties

The most important aspect of human rights is the limitation of totalitarian power and the guarantee of individual freedoms and equality. Together with equality under the law, freedom is an important factor in human rights and is a fundamental necessity for all people to enjoy a happy life. Freedom has historically been a great human concern. Civil liberty as a fundamental right has been a passive and defensive public right free from state interference or infringement of one's individual livelihood. At the same time freedom and equality are supranational rights of humankind.

Freedom based on natural law is a right that human beings must be able to enjoy. The responsibility of the state is to confirm the inviolability of civil liberties and it is obliged to not destroy the fundamental nature of civil liberties. Therefore all countries are responsible for maintaining civil

24) Testimony during the interview at KINU on July 16, 1996.

25) Testimony during the interview at KINU on July 12, 1996.

26) Testimony during the interview at KINU on July 18, 1996

liberties to their utmost ability. The guarantee of civil liberties is a supra-constitutional issue that is universally accepted, which signifies the ultimate value of a constitutional state. Constitutional amendments concerning these liberties can only be made within certain limitations.

Freedom of Residence, Movement and Travel

The freedom of residence and movement concerns the right to determine by oneself where to live, to relocate freely from that place, or not to be relocated against one's will. As a fundamental freedom throughout the existence of humans, by expanding a person's area of activity, the freedom of residence and relocation allows the creation of a forum for free human exchange which contributes to the character development of individuals. By contributing to people's character formation and human growth this freedom maintains and develops human sanctity and value. Article 3 of The Universal Declaration of Human Rights stipulates that "(E)veryone has the right to freedom of movement... to leave any country... and to return to his or her country."

In the past, North Korea did not recognize the freedom of travel and the right to choose residence. However, as the economic hardship and food shortage worsened since 1990 the social fluidity and the movement of inhabitants in search of food have tremendously increased. And, even North Korean authorities could not but tacitly accept this reality. And so, in revising the Socialist Constitution in September 1998, it was the first time it stipulated that "citizens shall have the freedom of residence and travel(Art.75)."

In practice, however, and for purposes of social control, significant constraints are imposed on the freedom to travel and to choose residence. In short, there is a significant gap between the law and reality in North Korea today. With the exception of special occasions, it is impossible for North Koreans to make personal trips. Even when they travel on official business they have to carry their citizenship certificates, identification cards, letters of credence and official travel certificates. Even such an array of documents does not guarantee the bearer unencumbered travel, travel arrangements are heavily dependent on many other factors. A trip to Pyongyang, for example, can only be taken for certain reasons including participation in large public rallies or college entrance, and it is allowed only to those who have no defect in social status. Restrictions on the freedom of travel are also imposed on foreign visitors.

The Asia Watch reported that in the 1980s a limited number of foreigners were permitted to visit North Korea, and that Pyongyang residents told American visitors that they were not allowed to travel outside of the city by train or by bus without authorized permits and that in order to travel to other regions they needed travel passes.

According to the testimonies made by Kim Chang Hwa and O Song Il, both of whom defected to the South in 1987, a travel application is filed with the workplace chief fourteen days before a planned trip. It is reviewed based upon the applicant's work performance and ideological purity. Defector Kim Kyung-il (admitted in June 1998) testified that travels to and from the Rajin-Sunbong region ("special economic zone") are particularly controlled and people have to obtain permits from six different agencies. So that contacts with the outside world are absolutely cut off from this sensitive region where North Korea set up a customhouse in the Hujang area.²⁷⁾

If the initial application is approved, the would-be traveller applies for a travel pass at the Certificate Division of a regional MPS office three days before the planned departure. The application is reviewed based upon social status; if approved, the office refers it to a regional State Security Agency (SSA) office, which issues the pass through the secretary of the primary party committee of the applicant's work place.

After arrival, the traveller reports to the head of the local neighborhood unit or inminban, registers on the travel roster, and gets his travel pass stamped by a local MPS official. A travel pass carries the date of return, and a traveller can get a train ticket only after applying at the railway station security office four days beforehand. These complicated procedures convince most people not to travel to attend funeral services of relatives, even their parents.

As defector Chi Man-chul testified, it is needless to say that those released from the indoctrination camps are subject to constant surveillance and restrictions are imposed on their employment and residence. In a socialist society travel is considered a work-loss factor and this is part of the reason North Korea restricts it so rigidly. The more fundamental reason, however, is that discipline might slacken and people might criticize government policies through the exchange of information during trips.

The international community is gravely concerned about extreme restrictions the North Korean authorities are imposing on people's free-

27) Testimony during the interview at KINU on Sept. 8, 1998.

dom of travel. During its 49th session held in August 1997, the UN Subcommittee on Human Rights expressed its concern over North Korea's serious infringement of the freedom of residence. In its 50th session in August 1998, the committee urged North Korean authorities to guarantee the freedom of residence, including travels to and from North Korea. The question of how faithfully North Korea will guarantee basic human rights such as the freedom of residence and travel will be a focal point of observation and concern of the international community.

Meanwhile, North Korea is forcibly moving and transplanting politically unreliable persons. Forced transfers of political prisoners and anti-regime complainants have by now become a routine phenomenon. In addition, North Korea forcibly moves people according to the needs of the regime as evident in cases of special economic zones like Rajin-Sunbong and newly developed industrial or coal-mine regions in Jakang and Yangkang Provinces.

The former secretary of Korean Workers' Party (KWP) Hwang Jang Yup stated that after the Korean War North Korean authorities conducted evacuation exercises in Pyongyang every 3-4 years as part of war preparations and for population adjustment purposes. According to his testimony, at the time of the abduction of the USS Pueblo in 1968 a large number of Pyongyang residents who were identified as bad elements, were relocated to other regions. And, after the Panmunjom "axe-murders" in 1976, a sizable number of Pyongyang residents were moved out of the city under the pretext of war preparations. In 1994 when they renewed the Pyongyang [citizen IDs,] many citizens who were identified to have committed punishable crimes, bad behavior, or frequent job changes, were evicted to other provinces.

As food shortages exacerbated in recent years, there appear to be sizable increases in the number of illicit travelers and peddlers who bribe their way in search of food and work. Foreigners who have visited Pyongyang testified that they frequently saw people carrying bags of food. One said he saw many train passengers carrying food from China. According to testimony of the defector Choi Dong Chul, in the 1980s one could travel without a pass only during such special holidays as chusok (or the harvest moon festival on August 15 in lunar calendar) and hanshik (or the 105th day after the winter solstice), but in the 1990s travel by residents from urban areas seeking food substantially increased.

The recent defectors Kim Won Hyung and Ahn Sun Kuk who came to South Korea in May 1997, testified that every railroad station they saw

was crowded with people looking for food. And, a great many people have gathered together in cities and towns bordering China (Shinuiju, for example), in the expectation that food shortages there would be less harsh owing to border (mostly barter) trade. Most of them ventured to move about without travel permits, but they stated that if one was financially well off travel permits were easily available.²⁸⁾

Freedom of Speech and Press

The freedom of speech and press signifies the freedom to publish one's opinion. A broader meaning includes not only the freedom to publish an opinion, but also people's right to know; the right to access, use, or refute a press institution or to establish a new one; and such procedural freedoms as the press's right to report, edit and compile.

In Article 19 of the Universal Declaration of Human Rights, it is guaranteed that "(e)veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." The International Covenant on Civil and Political Rights, too, stipulates in Article 19 that "(e)veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice." Article 67 of North Korea's 1992 constitution provides that "(c)ivilians have the freedom of press, publication, association, demonstration and assembly. The state guarantees a democratic party and free activity of social organizations." Yet, the North Korean press disregards the proper function of the press such as critical thought and provision of information, and focuses instead upon the unilateral propaganda of Kim-Il-Sungism based on the *juche* ideology and upon instigating the population. The press is used as a tool to mold North Koreans into good communists. Freedom of the press is only guaranteed to the extent that it "(h)elps the masses participate even more vigorously in the construction of socialism." Therefore, the press in the DPRK is an advertiser, instigator and organizer for the KWP designed to help achieve its goals and it exists only as an education tool. Under no circumstances may the North Korean press engage in any type of criticism toward the fundamental leadership

28) Testimony during the interview at KINU on August 20~21, 1998.

principles, “the instructions of the great suryung Comrade Kim Il Sung.” The press’s only function is to exist as a means for the party to fulfill these instructions.

Broadcast networks function as the “most incisive and combative, mobile weapon” among the “ideological weapons” of the class struggle. As Kim Il Sung pointed out, broadcast networks “(e)xplain and publicize the party line and party policies; they are a powerful advertising and inducement means to mobilize the masses to revolution and socialist construction.” Broadcasting is responsible to “(i)nstigate strongly the fight against class enemies such as the Americans and the construction of socialism while upholding absolute confidence in the victory of the masses as a whole.”

The role of the press in North Korea is not to improve the quality of life for individuals by functioning as an information provider, protector of individuals, monitor of the government, conveyor of culture or for entertainment or advertisement. It exists only to justify the line of Kim Il Sung and Kim Jong Il as well as to monitor and reproach the people.

In North Korea, the right to freely express one’s opinion is also subject to strict controls. In its 1987 Penal Code, Article 105 stipulates that “those who have caused social confusion by spreading false or inaccurate rumors that could cause social confusion and/or mistrust of the state shall be punished with one year or less of corrective labor.” Thus, expression of personal opinions and recounting of such views are sanctioned.

Publications are also used as a means for ideological education and the party directly manages, censors and controls all publication materials. Publications inculcate the communist ideology and fulfill their organizational role as instigators of the revolution. They act as a means of publicizing the policy of the party based on party and class consciousness, the line of the masses and revolutionary zeal. “(P)ublications are an important means of connecting the party and the masses and a strong organizational weapon used to mobilize the laboring masses to enact the construction of politics, economics and culture of the party.” In other words, all publications support *juche* ideology and the unitary ideological system of Kim Il Sung. They seek to realize the party line and the line of the masses and to solve theoretical and actual problems such as those discussed in revolutionary principles. In the end, publications must devote themselves to the worship of Kim Il Sung, and the systemization of the unitary ideology. Publications have promoted the establishment of the Kim Il Sung - Kim Jong Il hereditary succession and have fostered participation in the con-

struction of the North Korean-style “live in our own way” socialist economy.

Freedom of the press is guaranteed in Article 67 of the constitution but only under the guidance and control of the party and the state. The North Korean press serves as a mouthpiece of the KWP. Every publication without exception trumpets the activities of Kim Il Sung and Kim Jong Il and their relatives, and serves as propaganda for government policies. Contents must support Kim Il Sung’s *juche* ideology and the unitary ideological system, realization of class and mass party line and revolutionary principles. Private publications are permitted only if they pass KWP censorship based on the above standards.

Based on Section 46 of the penal code, anyone caught publishing anything that violates these standards is either put to death, sentenced to forced labor, or at the minimum is subject to having all their personal belongings confiscated. This section on, “Crimes of Reactionary Propaganda and Agitation,” defines such transgression as “political crime instigating the people to digress from the party and state policy and leading them to oppose the state and socialist institution.” It is defined in a comprehensive manner so that anything aired or printed that criticizes the KWP or anyone in Kim Il Sung’s family would be construed as a violation. In this context, defector Lee Young-sim testified that influx of foreign ideas through books would be difficult because three times a year joint censor teams consisting of MPA, SSA and the Party conduct censorship reviews on all books and printed matter.

Every single issue of every North Korean publication and broadcast service contains something that eulogizes Kim Il Sung and praises Kim Jong Il. Reports on the two Kims occupy newspaper front pages and their names are printed in special bold fonts. The news is all written for the purpose of embedding the supremacy of the North Korean system in the minds of the people. There are no critical reports or discussions on touchy issues regarding the system. News on negative aspects of the United States or South Korea are normally dealt with quite concretely.

Pyongyang blocks the inflow of information. All radio dials are fixed to the DPRK official broadcasting service channels and sealed. An official of the MPS visits each home every three months; if a seal is found broken the person concerned is assumed guilty of listening to South Korean or other foreign broadcasting services and treated as a political criminal. In areas near the DMZ all television sets have their channels fixed. Chinese TV programs as well are blocked in border regions.

Likewise, Pyongyang controls all access by foreign reporters. For example the US State Department's 1997 Human Rights Report, published by the US State Department, pointed out that "(a)lthough more foreign journalists have been allowed into North Korea, the government still strictly maintains the strictest control over the movement of foreign visitors." Foreign journalists are often threatened to write favorably, or admonished to write nothing more than what they actually see and hear.

For criticizing official propaganda, even a foreigner can be arrested as a spy. Ali Lameda, a Venezuelan Communist poet and translator, was invited to work in the Pyongyang government as a translator in 1966. As North Korean propaganda usually lacks proof when he requested revisions for the sake of more effective foreign consumption he was accused of espionage and imprisoned for over six years in solitary confinement.

Not only are DPRK residents totally ignorant of political changes outside of the country but they are also unable to criticize the wrongdoings of the authorities. Residents learn about domestic affairs and about events in the outside "through the grapevine," a substitute that serves as the only true news media.

North Korea regulates literature and the arts as a "(m)means of educating workers in the communist way and for turning the whole communist society into the working class." In other words, literature and art in North Korea is an important ideological tool utilized to attain complete socialist revolution. It functions as an important device for ideological mobilization, a device that functions with military precision at the orders of the party.

In purging his foes and consolidating his one-man dictatorship, Kim Il Sung acutely felt the need to thoroughly control and use writers and artists. He organized the General Federation of the Unions of Literature and Arts of Korea (GFULA) in March 1961 as an umbrella organization in the area of literature and arts.

Since the creation of the GFULA, the emphasis in North Korea's literature and arts policies has switched from creativity to satisfaction of the demand to respect "socialist realism," carry through the principle of imbuing party, class and people's traits into works of art, and creative works based thoroughly on the party policy line. In addition, Pyongyang has been strongly insisting that all literary and artistic pieces be composed with an emphasis on the four themes of revolutionary traditions, war, construction of socialism, and the reunification of the fatherland.

The fact that literary and artistic works should be thoroughly integrated

with the party line means that (1) all works should be produced in a plan dictated by the party, (2) works should be subject to party orders and be controlled in the course of production, and publishing and (3) all stage art activities should be done subject to rigid party supervision and within the scope demanded by the party.

A 1966 meeting of KWP delegates called for arming the North Korean society with *juche* ideology. The literature and arts area, responding to the call, produced a literary and artistic concept based on *juche* ideology, that is, "the concept of *juche* literature and arts." This is a fusion between *juche* ideology and socialist realism, a new concept emphasizing that to communicate the socialist and realistic traits of the party, working class and people, the party's unitary leadership and unitary thought systems need to be solidly established. These traits are considered in North Korea to be prototype socialist literature and arts theories.

The federation has under its control the Writers Union, Artists Union, Drama Workers Union, Musicians Union, Filmworkers Union, Dancers Union and Photographers Union. Under each union there are subcommittees, and in the provincial areas there are branch offices of the GFULA and their unions.

The *juche* theory of literature and arts, therefore, sets forth as its first task depicting Kim Il Sung as the "prototype of an absolute communist." The theory also calls for the deification of Kim Il Sung's family, in a manner that parallels his own idolization.

In the meantime, the *Juche* Literature and Arts Theory demands "collective creative artwork" in the context that because Kim Il Sung is an "absolute being," his depiction cannot be rightfully accomplished through any single individual's ability alone. North Korea, which regards creative artwork as similar to material production, has come to emphasize the importance of the combination of the party's "political projects" and revolutionary organizational activities.

In this way, North Korea's literature and arts policies are focused primarily on depicting, under the slogan of "literature and arts revolution," the revolutionary nature of, and struggles by, Kim Il Sung and his family members and followers.

The Culture and Arts Department of the Party Central Committee is directly responsible for rigid, merciless control of writers and artists in order to materialize the literature and arts policies. This is accomplished through the GFULA, which although on paper is a social organization is in effect a front organization for the KWP.

Control of writers and artists begins with handing down plans for their creative or stage activities. The party obliges writers and artists and their respective unions, to forward to the party their production plans by month, quarter and year, which are to be worked out based on quota and by theme.

Production plans forwarded to the respective unions are organized by the unions before being submitted to the Culture and Arts Department of the Party Central Committee. Writers and artists are obliged to create in strict accordance with the plans under the overall control of the leadership of each union controlled by GFULA.

To ensure effective control over artists, each union holds a session for the general review of party activities once each quarter and the GFULA once a year, in which the activities of the writers and artists are examined and new tasks are assigned.

The decision of whether there or not to permit publishing or staging of creative works is controlled very strictly, and the party is directly involved. The assignment of themes on works to be published or staged is made at the session discussed above, and the annual work plan of each publishing house and stage performance company is reviewed by the politburo of the Party Central Committee after first being examined by the central committee of the union. The GFULA together with the union routinely supervise works to be published, while both the Ministry of Culture and Arts of the Administration Council and a relevant social organization in charge of stage performances control the stage performance company.

The process of control and supervision is divided into reference, inspection, and publishing or performance stages. In the reference stage, a work is reviewed between the author and an editorial department or a stage performance company, which, along with the author, is supposed to be held responsible for anything published or staged. Thus a manuscript is generally reviewed and rewritten some three to four times to improve its ideological implications and artistry. A manuscript approved by an editorial department or a stage performance company must next pass inspection by the General Bureau of Publication of the Administration Council. Inspection is very rigid. Even if only a few problematic points are found, a manuscript is returned for rewriting.

Any novel, poem, play, opera, art piece or musical item can be published only after it passes inspection and receives an inspection stamp. In particular, meticulous attention is paid to the works of "revolutionary traditions" designed to salute, or to invent, the struggles of Kim Il Sung.

In effect, the most important criterion for inspection is whether or not a

work can cater to the taste of the top leaders. An inspector's duty is very delicate. Inspectors are held responsible if defective works are passed on or if something intended to praise Kim Il Sung is rejected due to poor artistry.

Freedom of Association and Assembly

The freedom of association and assembly permits a large number of people to gather freely and unite for a common goal. If freedom of speech and press could be considered as an individualistic type of freedom of expression, then the freedom of association and assembly could be considered as a type of freedom of expression with a broader meaning, carried out by a group.

The Universal Declaration of Human Rights in Art.20 guarantees that "(e)veryone has the right to freedom of peaceful assembly and association. And (n)o one may be compelled to belong to an association." The International Covenant on Civil and Political Rights also stipulates that "(t)he right of peaceful assembly shall be recognized(Art. 21)." And, "(e)veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of their interests(Art. 22)." So, it is quite clear that the freedom of assembly and association is a civil and political right in its truest sense to protect one's own interests.

Article 67 of the constitution states that "(t)he citizens have the freedom of association and assembly. The state guarantees this condition for free activities of democratic party and social groups." In reality, however, only association and assembly required by the party are permitted. If a gathering occurs that is based upon individual free will, it is regarded as group action that creates disorder and thus carries a sentence of up to five years in prison.

Anyone appealing state policy guidelines is punished in accordance with Sections 103 and 105 of the penal code. Section 103 says, "(T)hose unwilling to follow state orders or who disrupt the social order are subject to up to five years of corrective labor." This disallows any group protest and discourages petition and shinso. Section 105 prescribes up to one year of corrective labor for those who proliferate rumors, and is thus used to prosecute acts of petition and shinso.

Social groups in North Korea represent the interests of the KWP and play the role of providing ideological education. All North Korean resi-

dents must be affiliated with social groups from six years of age until retirement. These groups include kindergarten, the Children's Union, various educational institutions, the Kim Il Sung Socialist Youth League, the General Federation of Trade Unions of Korea, the Union of Agricultural Working People of Korea, or the Korean Democratic Women's Union. The KWP controls free thought and group action by means of mutual surveillance, critique, and education within the permitted social groups.

According to the US State Department's 1997 *Human Rights Report*, "(T)here are no known organizations other than those created by the Government." Professional associations exist primarily as a means of government monitoring and control over the members of these organizations.

According to the testimony of Yoon Ung, in April 1992 at a soccer game celebrating the April 15, birthday of Kim Il Sung held in Chongjin Stadium, North Hamkyung Province, a young man was arrested by state security members and beaten to death on site. Yoon had been disseminating leaflets to the effect, "We have no freedom. Kim Jong Il is deceiving us. Let's gain back our freedom." Yoon also testified that when the Soviet and East European communist system fell, Korean students studying there were summoned back to Korea to check for any possible ideological contamination and reassigned to local universities. He said that the ones at Kim Il Sung University were all reported to have been arrested in May 1991 by the SSA for attempting anti-government activities. Kim Dong Kuk, a thirty-year-old student who had been studying in Czechoslovakia and who was sent to Mine and Metallurgy College in Chongjin where the defector Yoon was also studying, was arrested in connection with the Kim Il Sung University students.²⁹⁾

The defector Chung Jae Kwang testified that in the 1980s there were several incidents at Kim Il Sung University where anonymous complaints were made criticizing economic policy. Chung mentioned a 1983 incident of anonymous complaints lead by the Math Department where a faculty member was also implicated.

The North Korean *Encyclopedia* (1982) explains that "(t)he freedom of association is one of the most important desires of social mankind who value their autonomy and is a fundamental right of the so-called civic persons. In our country where the labor masses are considered the masters of society and of national sovereignty, socialist democracy has been completely adopted and all laborers participate as masters of national politics;

29) Testimony during the interview at KINU on July 18, 1996.

the freedom of assembly is an absolute constitutional right given to the laboring masses.”

Despite this declaration, the North Korean people do not have an institution or organization that represents their interests. Only those associations formed based on orders from the party, or associations and assemblies carried out for the needs of the party, are permitted. Social organizations are not interest groups or pressure groups in the Western sense. They are instead as provided in Article 56, Part 9, of the Party By-laws, party auxiliary organizations that faithfully fulfill the orders of the KWP, and “function as transmission belts between the party and people.” All organizations including women’s organizations, religious groups, labor unions and parties and their assemblies are controlled by the North Korean authorities, who promote the party members and supporters through these organizations. The existence of independent institutions or assemblies is not permitted.

The KWP has the responsibility for monitoring all mass organizations. The main purpose of social organizations is to support the party and to facilitate loyalty to Kim Il Sung and Kim Jong Il. These social organizations act as primary control mechanisms over the people and also serve as means for mobilizing people for mass rallies and marches at national events such as movements to accomplish the goals of authorities, movements to increase productivity, such as the Chollima Movement, and the birthdays of Kim Il Sung and Kim Jong Il. Other political parties include the Korean Social Democratic Party and the Chundokyo (indigenous religion) Youth Party. But, they simply perform the role of a faithful supporter of the Party (KWP) as they are nothing more than external organizations in accordance with the KWP party statute. They are organizations charged with ideology education of the masses and their roles are defined in terms of a conduit between the Party and the masses.

Freedom of Thought and Religion

The freedom of mental activity is a fundamental condition necessary to maintain the sanctity of humans beings. The formation and conveyance of thought, the maintenance of conscience and faith, and research of scholarship. Due to their nature these actiuities all lose their significance without freedom from oppression and the interference of state power. In a democratic society the freedom of mental and social activity must be respected to its utmost in order to maintain the system itself and to secure a democ-

ritic tradition.

Article 18 of the Universal Declaration of Human Rights guarantees that “(e)veryone has the right to freedom of thought, conscience and religion;” and the International Bill of Rights in Article 18 also declares that “(t)his right shall include freedom to have or to adopt a religion or belief of one’s choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

Since founding of the regime, pursuant to Karl Marx’s statement that “(r)eligion is the opiate of the masses,” the DPRK has steadily persecuted religiously active people. It explains religion as a tool for the ruling class to exploit the masses. The North Korean Dictionary on Philosophy states that “(h)istorically, religion was seized by the ruling class to deceive the masses and was used as a means to exploit and oppress. And that recently it is being used by imperialists as an ideological tool to invade underdeveloped countries.”

Many religiously active people in North Korea have been branded as disloyal and brutally tortured or executed for their beliefs. In particular, immediately before and during the Korean War, a large number were arrested and executed or banished. Most religiously active people were categorized as anti-national and counter-revolutionary hostile elements and subjected to ruthless persecution. Christians in particular were purged because they were regarded as “tools for imperialist aggression.”

All religiously active people have disappeared as a result of the central party’s “intensive guidance program” begun in 1958. Only 60 out of the total of 400 or so Buddhist temples survived. The 1,600 monks and nuns and 35,000 Buddhist followers were either killed or forced to recant their faith. Likewise gone are some 1,500 Protestant churches and 300,000 lay, person followers three Catholic dioceses and 50,000 Catholic followers; and 120,000 followers of Chondo-kyo (a Korean traditional religion).

Kim Il Sung reminisced in a speech made at the MPS in 1972:

(W)e cannot carry such religiously active people along our march toward a communist society. Therefore we tried and executed all the religious leaders higher than deacon in Protestantism and Catholicism. Among other religiously active people, those deemed malignant were all put to trial. Among ordinary religious believers, those who repented were given jobs while those who did not were held at concentration camps.

Freedom of religion is guaranteed in Article 68 of the DPRK constitution. The 1972 constitution mentioned not only freedom of faith but also freedom of anti-religious activity, thus in effect denying freedom of religion. The revised constitution of 1992, however, reflected changes in social conditions in which Pyongyang found it unavoidable to authorize freedom of religion, at least on paper. Paragraph 1, Article 68, of the amended constitution authorizes the erection of religious buildings and the staging of religious activities while the clause "freedom of anti-religious activity" has been deleted.

Nonetheless, limits to freedom of religion were not overlooked. Paragraph 2 says, [(N)o person may bring in alien forces under the cloak of religion and use them in damaging the state or the social order.]

After building the Bongsu Church (Protestant) and the Changchung Chapel (Catholic) in 1988, North Korea announced to the outside world that it had started to guarantee freedom of religion. On 15 January 1989 a Buddhist Sungdojul ceremony (the memorial day of Buddha's attainment of Great Wisdom) was carried out for the first time since the Korean War in temples throughout the country. Also, during a visit to the United States in May 1991, a North Korean religious mission admitted frankly to the persecution by the North Korean authorities of many religiously active people due to "past misunderstandings."

Yet in contrast to North Korea's assertions that it has over 10,000 Christians and 500 home churches there are virtually no people practicing religion. The fabricated announcement was to avoid being internationally branded as a country without religion. The churches, chapels and temples serve only political purposes as foreign propaganda facilities for visitors such as foreign faithful believers and tourists. The US State Department's *1997 Human Rights Report* pointed out that "(t)he regime discourages all organized religious activity except that which serves the interests of the State."

There exist a number of religious organizations in North Korea, such as the Korean Buddhist Association, the Korean Christian Association, and the Korean Chonjukyo (Catholic) Conference. However, the churches, cathedrals, and temples are nothing but external propaganda facilities established for political purposes to show to visiting foreigners, such as sightseers and religious leaders.

Access by people to the newly built religious facilities is strictly controlled. People living nearby believe that these facilities are merely a

“visiting site for foreigners.” At the Bongsu Church constructed in September 1988 at Gunguk-dong, Mangyungdae District, Pyongyang, during normal hours only the manager’s family lives there, and only when foreigners visit will forty or fifty selected people from the Mangyungdae district participate in a church service.

Defector Oh Su Ryong testified that he never met a person who believed in religion and that he only heard rumors that there were a number of Christians in Sunchun, North Pyongan Province. He also stated that due to policies to oppress religion that have been conducted for dozens of years religious people are considered ignorant and mentally impaired. All defectors testified that there can be no religiously active people in North Korea. Nevertheless, based on all the testimony of these defectors, it is estimated that some former religiously active people are still alive in concentration camps.

The North Korean authorities do not permit any ideology other than the *juche* ideology. Based on the “sociopolitical organism theory,” the *suryung* Kim Il Sung and Kim Jong Il are worshipped absolutely. Nothing else may be worshipped other than *juche* ideology and its founders the *suryung*. This is why the authorities prohibit all forms of religious organization, thus violating the freedom of thought and conscience of the North Korean people. The worship of Kim Il Sung and his family does not remain simply a political ideology. It demands a system of strict control and a monitoring network. Within this system no objecting ideological differences in opinion or protestations to outside authorities are permitted.

The basic perception is that in a classless North Korea, where there is a “perfect religion” called *juche* thought, religion is entirely meaningless. Many religiously active people in North Korea have been branded as “disloyal” and brutally tortured or executed for their beliefs. North Korean people must make decisions and act according only to the instructions of Kim Il Sung and Kim Jong Il and the *juche* ideology and therefore individual conscience and thought are oppressed. The worship of Kim Il Sung and Kim Jong Il has now obtained a religious status. The US State Department’s 1996 Human Rights Report points out that “the worship of the *juche* ideology and Kim Il Sung and his family has reached the level of a state religion.”

The worship of Kim Il Sung and Kim Jong Il is specifically stipulated in the Ten Great Principles of Unique Ideology. The principles of being unconditionally loyal to Kim Il Sung and adopting Kim Il Sung’s instructions for absolute guidance are provided for in this document. As the so-

called Ten Commandments of North Korea, these ten principles form the basis for determining who can be judged a political or ideological prisoner. They act as the ultimate method of controlling all aspects of the life of people.

No trace of guarantees of the basic rights stipulated in the constitution can be found in the Ten Great Principles enforced upon all party members as well as upon the rest of the people in 1974 when Kim Jong Il seized party hegemony.

Major contents of the Ten Great Principles are as follows:

1. Struggle with all your life to paint the entire society with one color of the Great Leader Kim Il Sung's revolutionary thought.
2. Respect and revere highly and with loyalty the Great Leader Kim Il Sung.
3. Make absolute the authority of the Great Leader Kim Il Sung.
4. Accept the Great Leader Kim Il Sung's revolutionary thought as your belief and take the Great Leader's instructions as your creed.
5. Observe absolutely the principle of unconditional execution in carrying out the instructions of the Great Leader Kim Il Sung.
6. Rally the unity of ideological intellect and revolutionary solidarity around the Great Leader Kim Il Sung.
7. Learn after the Great Leader Kim Il Sung and master Communist dignity, the methods of revolutionary projects, and the people's work styles.
8. Preserve dearly the political life the Great Leader Kim Il Sung has bestowed upon you, and repay loyally for the Great Leader's boundless political trust and considerations with high political awareness and skill.
9. Establish a strong organizational discipline so that the entire Party, the entire people, and the entire military will operate uniformly under the Sole Leadership of the Great Leader Kim Il Sung.
10. The great revolutionary accomplishments pioneered by the Great Leader Kim Il Sung must be succeeded and perfected by hereditary successions till the end.

The Ten Great Principles serve as an expansive norm that control and manage every word and expression of the North Korean people. Those who disobey the norm will be designated as political or ideological criminals and be punished. Because they are so vague, these ten principles can

be interpreted arbitrarily; they are frequently the first tool used to designate people who are considered political discontents as political and economic criminals; they then may serve as a legal means to punish them. For example, two entire families disappeared because in one case a nine-year old second-grade student scribbled over with pencil the faces of the Kim's in his text book; in the other an elderly grandmother used issues of the Rodong Shinmun as wallpaper. Of course, they contained pictures of Kim Il Sung and Kim Jong Il. Both families were punished on the basis of the Ten Great Principles.

The inhumane practice persists in North Korea of forcing people even to sacrifice their lives to save portraits of Kim Il Sung and Kim Jong Il in accordance with the Ten Great Principles. In *Stories on Revolutionary Optimism* authored by Ahn Chang Hwan and published in 1991 by the Pyongyang Working People's Organizations Publishing House, there exists the story of a person named Park Young Duk who sacrificed his life to protect a portrait of Kim Il Sung. It is reported that while working in the Yellow Sea Park Young Duk died when his boat capsized and while it was on the verge of sinking, "(h)e carefully wrapped a portrait of Kim Il Sung with a plastic cover, attached a heavy weight to himself and jumped into the sea."

Based on this example, the newspaper Rodong Shinmun, in its 28 April 1993 issue, highly praised two young women who died while trying to remove portraits of Kim Il Sung and Kim Jong Il from a burning factory. The newspaper described it as [beautiful conduct] in which they practiced the leader's instructions to the fullest. The article stated;

(C)omrades Chu Soon Hee and Suh Ryong Hwa who work in the same factory as Ga Young Hwan sacrificed their young lives to protect the portraits of the great suryung and the dear comrade leader during an emergency fire at the factory... By protecting with their lives the great suryung and the dear comrade leader, this act clearly demonstrates the ideological heights of the youths of our generation. Upon receiving the report of the acts of Chu Soon Hee and Suh Ryong Hwa, our dear comrade leader praised their valor and bestowed upon them an eternal honor that will forever remain in the memories of the people.

In preparation for Kim Jung Il's accession to the position of Party General Secretary, North Korean authorities in 1997 tightened the observance of the Ten Great Principles and demanded more acts of self-sacrifice for

Kim Il Sung-Kim Jung Il. For example, the North Korean Central Broadcast Agency on June 4, 1997, reported that a fishing boat assigned to the North Korean People's Security Forces was sunk by typhoons on its way back to Nampo harbor in April 1997, and all aboard the boat perished. Moments before the boat went down, the sailors tied their [Work No.1,] the portraits of Kim Il Sung and Kim Jung Il, to life-tubes and the portraits [returned home safely.] It further reported that the fishermen were awarded the posthumous title of [Heroes of the Republic] in a ceremony attended by Minister of Public Security Paik Hakrim.

Article 1 of Principle 5 stipulates, "(W)e should regard the instructions of Great Leader Comrade Kim Il Sung as laws and paramount orders, and unconditionally and thoroughly carry them out without excuse, displaying the unbounded spirit of dedication and sacrifice." Article 1 of Principle 8 says, "(W)e should regard our political life as the primary life... We should be able to give up our physical life as if it were a piece of straw in favor of our political life."

As such, North Korea is trying to justify the father-son hereditary succession by deifying Kim Il Sung and his family over other religions. In this connection, it is useful to note that North Korea has adopted Kim Il Sung's year of birth (1912) as the base year of a new "Juche Era" and began to use the new era from 1997. The date used to begin the new era was September 9th, the day the North Korean regime was established in 1948.

Right to Privacy

The guarantee of privacy exists so that people, who are beings of character, can maintain their human dignity. From a passive view the purpose of privacy is to protect the content, honor and credibility of one's private life from interference. From a different perspective, privacy exists so that the formation and enjoyment of freedom is guaranteed. Therefore, the right to privacy is an inviolable right that exists primarily to protect the legal development of individual character, which is crucial for the respect of sanctity and dignity of human beings as well as for legal stability.

Article 17 of the International Covenant on Civil and Political Right guarantees that "(n)o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. (And) (e)veryone has the right to the protection of the law against such interference or attacks."

At least nominally, any intrusion into a person's private life is prohibited in North Korea, as Article 79 of its Constitution provides that "citizens are guaranteed the inviolability of their residence and the confidentiality of their letters."

Yet in practice these legal provisions have little significance. The right to privacy according to North Korea remarkably differs from the right to privacy seen in Western countries. Violations of privacy can be found everywhere, a leading example being widespread wire-tapping. North Korea violates the privacy of individuals through an expansive reciprocal monitoring system under which average people and even the homes and automobiles of senior information officers are bugged with monitoring devices.

Hwang Jang Yup testified that North Korean intelligence agencies would conduct much closer surveillances over the Party cadres than the general public, and that they even would mobilize eavesdropping devices to monitor their every word and every move. He explained that one of the reasons why the high-ranking cadres were watched so closely was that they had the highest potential to rebel against Kim Jung Il.

North Koreans frequently tell foreign travelers of the atmosphere of terror brought about by the rampant monitoring of personal activities in North Korean society. Those outside the ruling classes fear criticizing or even mentioning politics or discussing issues in a way that might deviate from what has been decided upon by the party. People seldom exchange words even within the same residential complex. Family members rarely exchange opinions on current issues.

North Korea routinely utilizes the security network to violate personal privacy. The Overnight Inspection Group at the MPS visits each family and carries out inspections between midnight and 3:00 A.M. to prevent such activities as impermissible stays and adultery. This group frequently visits and searches homes without warning under the pretense of inspecting for impermissible stays.

North Korea also utilizes the Summation Self-criticism Session to accomplish the dual purpose of organizationally controlling the personal lives of all people and to implement party policies. A weekly group study system is carried out, at which intensive mutual criticism is conducted. During self-criticism sessions, North Koreans must systematically report on such details as their personal life, family life and even aspects of conjugal relations.

Ostensibly to prevent fires or unexpected accidents, workers must give

their house keys to the leaders of their people's neighborhood unit (inminban). These leaders in turn visit families without notice and inspect the sanitary conditions, as well as portraits and books related to Kim Il Sung and Kim Jong Il. Moreover, during census surveys uninvited officials from the county or city district enter and inspect houses.

At the various meeting of housing units, composed of twenty to thirty households, everyone must disclose and criticize all unlawful activities conducted by other families. Defector Chung Jae Kwang described how the head of the inminban could visit a family at any time. He said they were the most feared because not only do they monitor and control ideological inclinations and everyone's family situation, but also it is they who evaluate the labor mobilization and self-criticism sessions.

North Korean society is tightly organized for the purpose of thorough control over literally everyone. The KWP, the SSA and the MPS play central roles.

Under the pyramidal hierarchy of power, orders from above must be carried out without question. KWP members occupy major posts in institutions, groups and workplaces. Not only do they supervise and control the people but they are also responsible for mobilizing them for political and military purposes.

Party cells composed of five to thirty party members are the base of operation for the KWP members, the centers around which to gather the people, and the party combat units that directly carry out the party line and policy (Section 41 of the KWP By-Laws). This cellular principle is extended from the workplace of primary party organization to branch party organization, and to cities and county party organizations. Section 11 of the KWP By-Laws reads, "(A)ll party organizations should unconditionally support and realize the party line and policy, and it is the obligation of the lower party organizations to follow decisions reached by the higher ones."

The Department of Organization Guidance of Party Secretariat controls party officials, members, social groups and individuals. Kim Jong Il took control of this organization in 1974. It comprises five sections and commands all state organs and the party organizations related to them through a system of three lines (party organization, government administration, and SSA) together with what is called the "three-day report control." In fact, this department is in charge of guiding party personnel matters regarding the executive officers as well as conducting probes into private lives.

The SSA is under the direct control of the National Defense Committee, and has been at the forefront maintainin the Kim Il Sung-Kim Jong Il system. Through writing and enforcing the ten regulations that parallel the "Ten Great Principles," delivered by Kim Jong Il at a "Lecture to Those in Charge of Ideology" in February 1974, this body has been exercising absolute power in North Korea.

This institution tracks down and arrests anti-party and anti-system conspirators, infiltrates special areas and arrests spies, collects and analyzes information related to domestic and foreign matters, and supervises the guard alert system in the border areas and extraterritorial regions. In wartime the SSA is to take full responsibility in ideological issues by culling out betrayers among the supposed supporters of the North Korean system. The institution accomplishes these tasks by closely watching the activities of officials and the general population as well as supervising what are termed "factional elements" and political criminals. The party cannot interfere with matters of the SSA and must render full cooperation.

The MPS is fully responsible for maintenance of social order. Together with its predecessor forms, it is and has been the mainstay of the DPRK. It is the very institution that has maintained the society since liberation in 1945. First founded as one of the bureaus in the Ministry of the Interior in 1948, it developed into an independent department in 1951 and again merged into the Ministry of the Interior in October 1952. It was separated as an independent department in 1962 and became the MPS with the adoption of the new constitution in 1972.

At its incipient period, the ministry was devoted to eradicating the remains of Japanese imperialism immediately after liberation, and it later played a prominent role in purging factions belonging to the lines of the South Korean Workers' Party, the Yenans and the pro-Soviets. After the Fourth Party Congress in 1961 it became an independent body, which reinforced its role, and it started to conduct political surveillance with direct orders from the KWP. Its role of political surveillance continued until the SSA was established in 1973.

The MPS, professes to be a body of the dictatorship of the proletariat that maintains social order and protects people's lives and property. However, the MPS has as its main duty supervision of the entire population for the purpose of maintaining the North Korean system. Its purpose has been to eliminate any factors that might hinder the construction of socialism, and to suppress the people to render them obedient to the dictatorship of Kim Il Sung and Kim Jong Il.

The MPS is an organ of the Administration Council, and on the national level it is composed of the main body and affiliated bodies. In each province there is a Public Security Bureau and affiliated agencies, and there are Public Security Departments in all city and county areas. Its members, called "security guidance" personnel are also dispatched to factories and enterprises.

6. The Right to Participate in Politics

Nominal Exercise of Political Rights

The right to participate in politics encompasses the subjective civic right of a people to participate directly in the formation of their country, to join in the election and voting process as election candidates or voting members and to be elected to public office. Everyone should have the right to participate or not to participate in the vote, and each person should have the freedom to vote for any candidate whom he or she wishes. Therefore, all persons should have the freedom to not be forced against their will to vote for a specific candidate. In addition, balloting should be fair and done in secret and should be carried out in accordance with legal procedures.

Article 21 of the Universal Declaration of Human Rights stipulates that "(e)veryone has the right to take part in the government of his country, directly or through freely chosen representatives... The will of the people shall be the basis of the authority of government..." In Article 25 of the International Covenant on Civil and Political Rights, it is guaranteed that "(e)very citizen shall have the right and the opportunity, ... without unreasonable restrictions: to take part in the conduct of public affairs, directly or through freely chosen representatives; (and) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors..."

As part of a tribute to Kim Il Sung, North Korea has suspended for three years all events related to political participation, including the Supreme People's Assembly, Party Congress, and elections at all levels. Kim Jon Il was inaugurated as Party Secretary General, but the people were deprived of their political rights because he was "nominated" to the position, not "elected."

According to Article 6 of the revised 1998 Constitution, "all levels of

sovereign office from the County People's Assembly to the Supreme People's Assembly shall be elected through secret ballot based on the general, equal, and direct voting principles." Article 66 also stipulates that all citizens above the age of 17 shall have rights to vote and the right to the elective office. Yet, elections in North Korea are used, internally, to confirm the people's confidence in the party and to justify the single party dictatorship, while externally they are a propaganda tool used to demonstrate that democracy is being practiced. These characteristics are obvious if one considers the manner in which candidates are nominated, registered and elected, and the loss of suffrage rights if one is considered guilty due to family history.

The US State Department's 1997 *Human Rights Report* found that "(F)ree elections do not exist, and that Kim Jong Il has criticized the concept of free elections and competition among political parties as an artifact of capitalist decay. Elections to the Supreme People's Assembly and to provincial, city, and county assemblies are held irregularly. In all cases there is only one government-approved candidate in each electoral district. According to the media, over 99 percent of the voters turn out to elect 100 percent of the candidates approved by the KWP. The vast majority of the KWP's estimated 3 million members (in a population of 23 million) work to implement decrees formulated by the party's small elite."

Because candidates are appointed by the KWP's Department of Organization Guidance, there is no way that people can freely exercise the right to be elected. Elections in North Korea are not a political process in which a plurality of political forces freely competes on the basis of ideals and policies, but a formalistic process designed to give post facto consent to the elite recruiting and power-building programs led by the KWP and a political mobilization process used to retain people's interest in politics.

Elections are held under a one-candidate system in which each electoral district has only one candidate. Theoretically, all workplaces, social organizations, peoples' assemblies, etc, are supposed to nominate candidates, but in reality KWP strictly screens and selects candidates beforehand. There are two nominal splinter parties in North Korea; the Korean Social Democratic Party, and the Chondoist Chongu Party. Their candidates, too, undergo strict screening by the KWP before any nominations. So, essentially they are also under the control of the KWP.

Through the *Rodong Shinmun*, the official Party newspaper, North Korea on October 5, 1997, criticized the Western-style multiparty political system and called for an absolute elimination of such systems. The

paper pointed out that many African countries such as the Congo, Liberia, and Cameroon, have adopted the Western-style multiparty system, but that it "(o)nlý caused ethnic rivalries and severe political struggles among different factions, as well as national strife.] The paper then argued that [(t)he Western-style multiparty system is not a model for a democratic development but a source of socio-political chaos and confusion."

Election in North Korea

According to defector Oh Su Ryong,³⁰ election committees are organized thirty or forty days before the election. The election committee consists of the responsible state security and public security personnel, two representatives from each factory enterprise and the Inminban leader. Election referees needed for each electoral district are chosen from each enterprise or inminban. An electoral district is usually composed of five or six inminbans, which means 120~130 households. Once the election committee is organized, the lists of eligible voters at the MPS and the local records office are compared. Citizenship's certificate are collected and compared with the list, everyone's participation is confirmed, and then the eligible voters list is disclosed to the inminban.

Voting results are mostly finished by 10:00 A.M. the same day because the voting districts compete for voting participation. According to the testimony of Oh Su Ryong, the inminbans must circle and sing songs in their respective areas beginning early in the morning to encourage voting participation. It is impossible to imagine a person's not participating in the vote because it would be considered as an act against the great surýung. Those travelling to other regions must first report their travel plans if they plan to vote in the region they are visiting. For overseas travellers and unconscious patients, the party cells or the immediate relatives can vote by proxy. The voting rate thus equals 100%.

As for the ballot boxes, North Korea had used a blackbox-whitebox system until 1957, but changed in 1962, to a one-box system. The defector Chang Ki Hong who came to South Korea in November 1991, explained that if you are for the candidate you simply put the ballot into the box without any marks on it, and if you are against the candidate you will have to mark as such by a pencil provided at the polling booth. However, it is impossible to mark your ballot under the watchful eyes of the election

30) Testimony during the interview at KINU on July 12, 1996.

supervisors on the spot, and, of course, no pencils are to be found at the booth! Consequently, according to the defector Kim Won Hyung who came to South Korea in May 1997, there is no possibility of votes against the candidate.³¹⁾ The result, therefore, is 100% support for the candidate at every election.

North Korea was unable to break away from the old electoral behaviors even in the 10th general elections of deputies for the Supreme People's Assembly, which was held for the first time in four years since Kim Il Sung's death. North Korea adopted in October 1992 new "deputy election laws for all levels of people's assemblies" and introduced in Article 5 a provision guaranteeing freedom to vote for or against deputy candidates. In practice, however, marking a vote against a candidate is impossible. During the recent deputy elections, too, it was realistically impossible to cast a vote against any candidate because the procedure would require the voter to draw a line across the name(s) which would be noticed by every one in the hall, thereby revealing the act of opposition.

7. The Status of Women

Article 3 of the Universal Declaration of Human Rights provides that signatories to the Declaration promise to guarantee, with regard to all the civic and political rights provided in the Declaration, that men and women will have equal rights, and emphasizes the importance of gender equality. At the 18 December 1979 UN General Assembly, the Convention on the Elimination of All Forms of Discrimination against Women was adopted.

North Korea argues that because it has been pursuing all policies based on socialistic equality of man and woman there does not exist any discrimination against women. On the contrary, North Korean women have been enduring, and suffering from, a dual repressive structure of patriarch-dominant and women-subservient tradition. As a result, their rights as women are being violated in both family life and social participation.

Emphasizing the socialistic equality between man and woman, North Korea has, since 1945, been taking legal and institutional measures to identify women as working class and to socialize domestic workloads. In the early days of its inception, North Korea promulgated such laws as [the Statute on the Equality of Man and Woman,] ostensibly to liberalize women. Additional measures have been taken to establish nurseries and

31) Testimony during the interview at KINU on August 20-21, 1997.

kindergartens, to socialize domestic workloads and the rearing of children, and to organize the "Korean Democratic Women's Union" for women's political participation.

However, the socialistic reforms of domestic workloads and the policies for women's social participation were pursued as part of the class theory rather than for women's liberation and thus secured an additional workforce for economic growth. As a result, the social perception of women, formed under the feudalistic paternal tradition, has not changed significantly. Furthermore, in the 1970s North Korea introduced the theory of the "socio-political organism" and the concept of "extended socialist family" to further strengthen the Sole Leadership of Kim Il Sung-Kim Jong Il and the hereditary succession, and emphasized loyalty to a paternalistic state. From this point forward, a significant gap began to appear between the nominal liberation of women in policy and reality in their daily lives.

In the field of politics, the ratio of women's participation in the Supreme People's Assembly is higher than that of other advanced countries. But, because the deputies to the Supreme People's Assembly are symbolic representatives, and in reality do not perform supervisory or critical roles in state affairs, the political influence of North Korean women is not as high as the share of their Assembly seats would suggest. Only five women have been appointed to cabinet-level posts with political power and administrative responsibilities. The average ratio of women's participation in the Central Committee of KWP, which wields real power in North Korea, is less than 4.5%.

The most representative women's organization in North Korea is the "Korean Democratic Women's Union." This, however, is not a voluntary organization geared towards helping solve women's issues, but an organization responsible for women's ideology education and mobilization of women for the Party and the State. This "Women's Union" has been active from the early days of the North Korean regime in mobilizing women for socialist nation-building, and in strengthening the *juche* ideology and hereditary succession. But, as a social organization, it has almost never been allowed to exercise political influence for the protection of women's rights, the elimination of discrimination, or the solution of social irregularities.

In the economic field, however, women's participation was encouraged in order to fill in for the woeful shortage of labor throughout the process of socialist nation-building and postwar reconstruction. As

“proud workers pulling the cartwheels of revolution” most women between the ages of 16-55 have been arbitrarily assigned by the Party and government organizations to specific posts in accordance with the workforce supply plans of the State Planning Commission. Once assigned to a worksite, they were then forced to perform the same kind of work as men on the basis of equality of man and woman regardless of hard labor or hazardous work. Exactly like their male counterparts, women had to carry out heavy-duty work in the heavy industries: as rockdrillers, machinists, carriers, drivers, and metal casters at coal mines, steel mills, railroad yards, construction sites, and the like.

As postwar rehabilitation and collective farm projects progressed and as numerous administrative measures were taken to expand the participation of women in a variety of economic activities, discrimination against women began to emerge in the form of differentiated pay scales and inequality in types of work. Under the guidelines that men would be assigned to important, complicated, and hard jobs, while women would be assigned to relatively less important and less paying jobs, the criteria of sex and lines of work became more serious. As a result, a new phenomenon developed in which women were assigned to special fields where a “women’s touch” was required, such as in light industries, agriculture, commerce, communications, health, culture, and education.

Accordingly, most of the North Korean women, whose numbers reached as high as 49.5% (as of 1993) of the entire North Korean workforce, are working as workers in specially assigned fields. The ratio of women engaged in physical labor categories such as farmers and workers is 52% and 51.7%, respectively, and exceeds the male ratio. Considering the fact that the ratio of males engaged in government organizations and office work amount to 66.4%, the work exploitation of women is serious, indeed.

Meanwhile, the status of women at home, too, reveals serious divergence from the socialist principle of equality between man and woman as advertised by the socialist regime. In the early days of the regime, North Korea declared that the then existing man-centered and authoritarian Confucian traditional family system was not only a hurdle to a socialist revolution but that it also oppressed women politically and economically. Therefore, it adopted as “(a)n important task at that stage of anti-imperialist, anti-feudal democratic revolution to liberate women from the colonial and feudalistic yoke and oppressions and to guarantee them equal rights with men in all realms of social activities.”

Even though superficially legal and institutional measures were taken to provide socialist equalities between men and women, in reality the traditional paternal family structures were maintained in the families. Moreover, as the Sole Leadership of Kim Il Sung-Kim Jung Il was solidified in the 1970s, pre-modern traditions began to be emphasized again in family lives. One result of this development was the 1990 "Family Law," which contained elements of a pre-modern paternal family system such as the principle of assuming father's last names, a broader definition of family support, and the broadening of scope of intra-family-marriage restrictions.

Contrary to North Korea's insistence that it has guaranteed equal opportunities to women for social advancement through the socialization of domestic workloads and child-rearing, women's traditional roles are emphasized in North Korea. The idea that domestic workload and child-rearing are a woman's responsibilities, is deep-rooted, while the idea that the household work also is a type of labor, is non-existent. Consequently, North Korean women have endured a heavy dual burden of fulfilling family roles and participating in social activities on equal standing with men. In fact, Kim Il Sung himself emphasized women's roles in the family when he said, "(n)aturally, the basic role of women is to rear children." The regulations of the Women's Union also stipulate that "(c)ooking is something that women have been doing traditionally, and women are born with this duty."

Worse still was the fact that as the economic situation deteriorated in the late 1980s social demands for the manpower of women dwindled drastically. One result was the reduction of various socialization measures related to domestic chores and child rearing. This change has led to an added burden on women. In addition to the duties at workplaces and social education classes, they have to bear the full burden of domestic chores. Leisure time for their rest is almost non-existent and they suffer from overwork at all times.

Remnants of the patriarch-dominant tradition and the respect-man downgrade-women custom are the two repressive elements in the lives of North Korean women. In a society where emphasis is placed on patriarchal power women are generally required to behave subserviently to men. This is the major cause of family violence in North Korea, according to defector Hong Kum-sil. But, detailed statistics on family violence are not available. That the family violence issue is never even mentioned in North Korea is evidence that violations of women's basic rights in the form of

family violence are not recognized as a serious problem in North Korea today.

Due to the deteriorating economic situation since the late 1980s, food rations have been discontinued in many regions as early as 1992. Generally speaking, the lives of women are more vulnerable to worsening economic conditions. What little food there is must be served to the father first, then to the son and daughter. Mothers always end up getting whatever is left over. According to defectors Lee Ok-keum, Kim Chan-ok, and Hong Kum-sil, women have recently become responsible for the family's food, and so they are under extreme pressure and frequently become the victims of family violence. Consequently, housewives will resort to all kinds of means and methods to obtain food for the entire family, and in the process fall victims to violence and penal code violations. According to Lee Soon-ok's testimony, a housewife was sentenced to a 15-year imprisonment for attempting to steal corn from a collective farm. She wanted to feed her children when the food ration system failed. As the accumulative effect of economic hardship deepened with the onslaught of climatic disasters, it became the duty of women to secure not only food but also daily necessities, as well as medicine. In efforts to secure these items, women move around various regions, and incidents of border-crossing are rapidly increasing. As a consequence, trading North Korean women are increasing along the Korean-Chinese border. Some North Korean women would voluntarily cross the border in search of food, but there are organized women trading rings which smuggle North Korean women to China for profit.

The most basic human rights violations against North Korean women are sex assaults. According to testimonies of defecting North Korean residents, sex assaults are secretly committed in North Korea, using such incentives as Party membership and improved treatment. For example, Party cadres would routinely induce women staffers into having sex and commit sex assaults, and in return would grant qualifications to Party membership.

Party cadres' sex exploitations against women simply reflect the common views of the powerful class in North Korea that women are objects of sex and pleasure. We can detect their lowly views from the fact that in North Korea today there is jargon depicting sex offenses, such as the "cadre head-cutter," "rainbows," "spread," and the like. It is also noteworthy that Section 5 of the Protective Department, which is a part of Kim Jung Il's Secret Service, is charged with selecting and exclusively main-

taining a group of comfort girls (otherwise known as the "pleasure units)."

As the number of sex offenses by the cadres increased, incidences of punishments also increased. The defector Suh Chang Eun who came to South Korea in May 1997, testified that a total of 12 persons, including a manager and a secretary of primary party committee at Kosang-li, Yangduk County, South Pyongan Province, were removed from their jobs for having committed sex assaults on women.³²⁾ However, due to a social atmosphere which values women's purity, most women would try to hide the fact that they were victims of sexual assault.

Also routine are suggestive remarks and rude behavior at workplaces. The defecting North Korean residents plainly testify that these triflings with sex could be found routinely in daily lives and that such acts went unpunished. But, most of the ordinary people do not seem to comprehend the serious nature of these sex offenses. Because of the social atmosphere in which women are looked down upon and even the legitimate protests by women are declared as "unruly behavior," North Korean women generally must endure suggestive remarks and behavior by men.

With the influx of foreign trends in the 1990s, dating between men and women has increased, and premarrital and extra-marrital sex cases are also increasing. Because North Korean authorities emphasize sexual abstinence and will punish all pre-marrital and extra-marrital sex, unmarried pregnant women will attempt abortions or even suicide to avoid punishment. Sometimes they are murdered by the would-be fathers.

32) Testimony during the interview at KINU on October 16, 1997.

IV. Violations of Economic, Social, and Cultural Rights

1. Right to Sustenance

North Korea's "Dictionary of Political Terms" defines human rights as "those political, economic, cultural and social rights that citizens should naturally have." Like other socialist countries, North Korea emphasizes the materialistic foundation as guarantees of human rights protection and insists that human rights of its people are well protected since the government guarantees rights to sustain economic, social and cultural life. In other words, North Korea claims that human rights are guaranteed through such systems as full employment, free education, free medical treatment and other social welfare programs. Contrary to their claims, and as the economic stagnation continues, a large number of North Koreans are presently facing a dire situation in which obtaining even the minimum required food for survival is difficult. The right to lowest sustenance is seriously threatened.

The primary cause for this threat to life is the breakdown of the food ration system. North Koreans have never freely purchased food with money. They have been living on twice-a-month food rations. Their strongest means of controlling the people, the food ration system, has been in operation since 1952 when "the national food ration regulation" was promulgated. In November 1957, Cabinet Decisions No. 96 and No. 102 were issued to "integrate food sales into a 'nationwide sole-system'." It has expanded the ration system to all inhabitants except for those on collective farms.

The objective of the ration system was to efficiently distribute the absolutely short-supplied food and grains to the people and to exercise effective controls over the people through the system. Additionally, it was also intended to root out non-working free-loaders and to inculcate a sense of gratitude and loyalty toward the distributing authority and/or the leader.

The Reality of Threats to 'Right to Sustenance'

Due to the food shortage, the ration system which used to serve as North Korea's central means of social control is crumbling. Until early 1990, rations were distributed twice a month according to the standard indicated on the food (grain) ration cards. The amount was 10 kilograms for a four-person family for each 15-day period (less 3-days' worth deducted under such euphemisms as frugality grains, patriotism grains, and military grains). Between 1990 and 1995 the food (grain) ration system has degraded to the point where only about 3 kilograms of grain a month per household, which would be enough only for 3-5 days, were distributed, having of course ignored the standard amount listed on the ration cards. The ration system crumbled by the end of 1995 and rations were almost completely cut off. Since the end of 1996, individuals became responsible for his or her own food. Agencies, factories, and businesses independently began to engage in various illicit profit-making trades and in ventures to earn foreign currency. They then hand out about 3-4 days' worth of food per month to the employees. The reduced food rations resulting from the persistent food shortage are threatening the people's rights to sustenance.

Presently, the official ration system is confined to guaranteeing sustenance of the people in Pyongyang, which is a special supply zone, and of a special class of people such as Partisans, high-ranking officials and the military. In the case of an ordinary city family about 70% of all food requirements are secured through peasants' markets, and if these unofficial food and grain trades are interrupted, people's livelihood would be directly threatened.

A majority of ordinary North Koreans are left to fend for themselves without food rations. Most of them help themselves through the peasants' markets, black markets, and/or through their relatives in farm villages. Since the central ration system is not properly working, people would engage in illicit trading of housing coupons and ration cards to obtain food. Since lack of purchasing power would mean starvation and death, most people now concentrate on peddling and marketeering.

For food purchase and marketeering purposes, people move around and steal various items of commercial value such as factory equipment and scrap irons and exchange them for food at the border. Some people illegally cultivate scrap lands or marginal land strips for food and sell leftover produce and grains on the market. Despite food shortage and illegal

commercial activities, however, the gap between the haves and have-nots are widening.

Farming villages seem to weather the food shortage relatively better, and the impact of the shortage is most harsh on urban dwellers. Food and grain shortages are most severe in the remote mountain provinces such as Hamkyungdo, Yangkangdo, and Jakangdo where the means of transportation is poor and grains are rare. The people in these regions are facing a serious food shortage due to (a) the collapse of central ration system, (b) the convergence of international aid on select areas, and (c) the paralysis of the means of transportation due to energy shortage.

In 1998, the New York Times reported on the result of a three week scientific survey jointly conducted by 18 research teams of World Food Program (WFP), UNICEF, and the EU. Some 1,800 children under the age of 7 have been randomly selected as samples from eight different regions of North Korea. The survey found that 62% of children under the age of seven were suffering from abnormal growth due to extended periods of malnutrition, and 16% were in a serious malnutrition stage.

Another survey report was released by The Korean Buddhist Sharing Movement. This report was based on personal interviews with 1,694 defecting North Koreans in the Chinese-Korean border provinces of Jirin, Jiangbei, and Yanbian between Sept. 30, 1997 and Sept. 15, 1998. Of the total of 9,249 defecting family members, some 28%, or 2,653 persons, have died in the past 2-3 years due to illness and disease stemming from food shortage and economic hardship. According to another defector testimony, during a KWP Partisans' education class the attendees were told that "during the past hardship-march the number of starvation deaths amounted to about 2-2.5 million and the number of defectors about 200,000."

South Korea's Ministry of Unification has estimated the number of malnutrition-related deaths to be about 500,000-800,000 a year during the past 2-3 years. Defector Hwang Jang-yop testified that he heard in mid-November 1996 from the chief of the KWP Organization Affairs who used to regularly report food supply levels and starvation death statistics to Kim Jong Il, that in 1995 about 500,000 persons died of starvation, including 50,000 Party members, and as of November 1996 the number reached one million. And, if there were no improvement on the food situation during 1997-98, he estimated that more than a million persons would die of hunger each year. Other estimates include 3.5 million deaths since 1994 (The Korean Buddhist Sharing Movement), one million deaths in

1997 (former POW Chang Moo-hwan), and one million dead during 1996-97 (Special 35-men Investigation Team of the New York-based Foreign Relations Committee). In short, most of these estimates agree in suspecting that an enormous number of starvation deaths are taking place in North Korea.

As the food shortage deteriorated, inter-personal relations are destroyed and incidents of family dissolution are increasing. According to defectors Chang Sung-sook and Kim Kyung-il, when food shortages hit a family they first sell off furniture, then clothing, and finally bedding. The next step is the dispersion of family members in different directions, the idea being each one for himself. Once people leave the house in search of food, it is common that he or she will die of illness or become missing. In North Korea, the number of children who wander about without parents or homes is rapidly on the increase. Defector Kim Dong-soo also testified that the divorce rate is rising and the trend to avoid marriage is spreading widely in the thought that singles have a better chance of surviving.

Another evidence that a person's right to sustenance is threatened in North Korea is the increasing number of defectors. As the rations for food and daily necessities were cut off due to the deteriorating North Korean economy, a rapidly increasing number of North Koreans are defecting across the border to China.

Status of Grain Supplies

Due to its structural problems, North Korea, since 1992, has been experiencing a chronic grain shortage of more than two million tons a year. Furthermore, the two consecutive floods in 1995 and 1996 plus the 1997 drought have intensified the already dire food situation in North Korea.

South Korea's Ministry of Unification estimated North Korea's total grain stock in 1997 to be about 4.702 million tons. Of the total, 3.49 million tons were North Korea's 1997 harvest and 1.232 million tons were supplied by foreign sources (323,000 tons through imports and 889,000 tons through assistance). This would mean that between 800,000 and 1.8 million tons of grain fell short of demand. This assumes the total grain demands to be about 6.5 million tons for normal rations and 5.51 million tons under a 22% reduced ration basis. (Since 1987 North Korea has been implementing a 22% reduced ration system in which an adult would receive 546 grams per day.)

On March 2, 1998, North Korea announced in the name of the Flood

Damage Rehabilitation Committee(FDRC) that due to last year's bizarre climate conditions it suffered a reduced output of 1.2 million tons of corn and 600,000 tons of rice. It has also revealed that the 167,000 tons of grain in stock at the beginning of the year would run out by the middle of March (1998).

South Korea's Agricultural Promotion Agency has estimated North Korea's total 1998 grain production to be about 3.886 million tons or an 11% increase over the previous year. Of the total, rice would amount to 1.461 million tons, corn 1.947 million tons, beans 113,000 tons, kaoliang 154,000 tons, and others 9,000 tons.

Assuming that 6.5 million tons of grain would be needed for normal rations and 5.513 tons under a 22% reduced ration basis, North Korea in 1999 is expected to experience about 1.63 million tons of grain shortage on the reduced ration basis.

Now, if the FAO standards for minimum recommended daily diet (458 grams per day/grown-up person) are applied, North Korea would still experience 1.45 million tons of grain shortage. So, even if North Korea were to secure, through imports and foreign assistance, one million tons of grain this year, as it did every year, the food shortage will nonetheless persist as 600,000 tons would fall short.

The grain shortage is, of course, a reflection of North Korea's deteriorating economy. North Korea's 1997 GDP growth rate was -6.8% in real terms. This represents the lowest growth rate in recent years: for example, the rate was -7.7% in 1992, -4.2% in 1993, -1.8% in 1994, -4.6% in 1995, and -3.7% in 1996. The negative growth trend persisted for eight straight years since 1990. The stagnant economy has also triggered a foreign currency shortage, making it difficult for North Korea to import foreign grains and forcing it to depend on foreign humanitarian assistance extended by China the United Nations, and so on.

South Korea's Assistance Efforts

Since September 1995, the international community has extended assistance to North Korea an equivalent of \$720.7 million. The international assistance continued in 1998 and its total value in equivalent dollar terms amounted to \$218.1 million (through UN-related organizations), \$11.48 million (International Red Cross), \$5.89 million (NGOs), and \$79.43 million (direct assistance from individual countries). In this process, the South Korean government and civilian organizations have

played active and important roles, and the assistance from South Korea accounted for 43% of the total foreign assistance North Korea has received.

Beginning with the direct delivery of 150,000 tons of rice, South Korea has actively participated in international humanitarian efforts to help the North Korean people over the past three and a half years (June 1995-November 31, 1998). During the period, South Korea has extended assistance to North Korea an equivalent of \$272.72 million through various channels, including Korean National Red Cross, UNICEF, WFP, and IFRC.

In 1998, various relief assistance worth \$31.85 million was delivered to North Korea via the South Korean government and civilian channels. In its efforts to increase civilian contacts between the two Koreas and to encourage civilian sector assistance to North Korea, the South Korean government announced the "Measures to Encourage Civilian Sector Assistance to North Korea" on March 18, 1998. This reflects the government position that all assistance to North Korea should be promoted with a view to providing real help to the North Korean people and contributing to the improvement of inter-Korean relations.

In its efforts to find avenues to the solution of the (South-North) separated family reunion issue, South Korea has decided to allow activities in the following two areas, while maintaining the inter-Korean Red Cross assistance programs: (1) Participation of civilians in assistance activities for North Korea, including participation of civilian representatives during the Red Cross relief material hand-overs and civilian visits to North Korea for assistance consultation and monitoring purposes; and (2) relaxation of fund-raising activities, including benefit concerts, bazaars, and events, and anonymous donations and donations by private companies and news organizations, as well as assistance in the form of joint-ventures.

As a result, many South Korean civilian organizations have participated in the assistance activities through International Red Cross and Korean Red Cross channels. Since there were some complaints as to the efficiency and transparency of assistance through the Red Cross, some organizations have been providing direct first-hand assistance to North Korea. Since September 1995, the direct assistance provided by South Korean civilian organizations through the Red Cross has reached a total of \$43.21 million (₩472,000,000), including the recent "third" additional assistance. So far, the assistance policy followed by the South Korean government is to let the Korean Red Cross be responsible for assistance proce-

dures (such as sending and receiving telephone communications with North Korea and attaching ID tags, etc.) and civilian organizations for the procurement of relief materials, transportation, and distribution monitoring. In addition, some South Korean civilian organizations are pursuing joint-venture style assistance to North Korea. They include the International Corn Foundation, Doorae Community Movement, the Korean Welfare Foundation, Good Neighbors Korea, and Join Together Society.

South Korea's government position is that both government-level assistance and assistance for agricultural structural reforms could be discussed through a direct dialogue between the two government authorities. South Korea has also made it clear that it will allow civilian assistance based on humanitarian principles and will itself participate in assistance efforts of the international community, as well.

Threats to Right to Sustenance and North Korea's Responsibility

North Korean authorities blame U.S. economic sanctions and natural calamities for their food shortage. In fact, its chronic economic stagnation is the result of (a) the low technology brought on by the isolationist policy, (b) the lack of incentives and motivations endemic in collective production methods, and (c) the wrong-headed heavy industry priority policy. Furthermore, the efforts to increase grain production were critically hamstrung by the weakened agricultural fundamentals. For example, there were lack of fertilizers, pesticides, and farming equipment, which was inevitable under the impending energy shortage. Since external economic sanctions were brought on by North Korea's isolationism and hostile foreign policy, the primary cause of the current North Korean food crisis is in its foreign policy and economic structure.

In order to resolve the North Korean food crisis, it is necessary to provide incentives to individuals through agricultural reforms. Both Kim Jong Il and the power elites are well aware of this need. And yet, Kim Jong Il has declared the collective farming to be "the eternally immutable principle," and there seems to be little possibility of reforms other than partial improvements made in the team management system.

North Korea is not likely to dissolve the collective farming system, if only to maintain the food ration politics (or "grain politics" as known in North Korea), which is the basic means of control over its people. North Korean leaders seem to rationalize that the control over the people, i.e.

dictatorship, cannot be maintained if farms are individualized and people are well fed.

In efforts to paper over the current economic crisis, the North Korean leadership has been advertising the superiority of the “Juche-style North Korean economy” and criticizing South Korea’s (financial) economic plight as an inevitable result of a foreign-dependent economic system. The thesis of its propaganda is that compared to South Korea’s dependence on the IMF financial relief the North Korean economy is rather problem-free. North Korea argues that “the path we have taken was the right path,” or “our people’s faith that the self-reliant trail we have blazed is justified hundred-times and is resounding and reverberating like a million pound weight.” From such sloganeering, it is plain to see that North Korea is likely to hold on to its isolationist economic system.

In light of the above, it is quite clear that threats to the people’s right to sustenance are entirely the responsibility of North Korean authorities. They are obstinately defending the current system for the single-minded purpose of maintaining the Kim Jong Il regime. For this reason they loathe any openness or economic reforms which will inevitably entail the inflow of information from the outside world.

2. The Right to Social Security

The ‘right to social security’ is an individual’s right to demand of the state certain positive recompense to maintain human dignity and one’s life as a human-being when one is in need of assistance or protection due to unemployment, sickness, disability, or old age. Freedom from poverty and sickness is an immutable goal of the ideal world. And, all humankind have been striving to realize this ideal. For this reason, the nations of the world have come to promulgate the demands for social security as an individual’s right, following the tragic calamities of First and Second World Wars.

The Universal Declaration of Human Rights stipulates in Articles 22 and 25 that “Everyone... has the right to social security and is entitled to realization ...of the economic, social and cultural rights indispensable for his dignity... ” and “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...” Article 9 of the International Covenant on Economic, Social and Cultural Rights also stipulates that “The States Parties ...recognize the right of

everyone to social security, including social insurance.”

From North Korea's Constitution and Social Security Laws, North Korea appears, at least institutionally, to be striving for a welfare state in which a perfect social security is possible. Article 72 of North Korea's Constitution stipulates that citizens shall have the right to free treatment and children, the old, and the infirm are entitled to “material assistance,” and these rights are guaranteed by the free treatment system, the medical facilities, the state social insurance, and social security system.

Under the North Korean social security system, however, the pension system is the only existing social insurance and the rest of social security is maintained by government support. The North Korean pension system is based on the “state social security law (of Aug. 1951)” and the “socialist labor law (of Apr.1978). The beneficiaries are those men and women who have worked until the age of 60 and 55, respectively. Government support is designed to provide living subsidies for three special categories of people, they are: the living subsidy, the disaster relief, and the medical assistance. Included in the living subsidy program are those with national citations, military families, retired soldiers, deported Koreans from Japan, and defectors from South Korea.

North Korea is advertising that its social security system is ahead of other advanced nations (North Korea's Central Radio, Dec. 5, 1997). However, there is a wide gap between the law and the reality in North Korea's social security system, because the system is not functioning properly owing to the lack of necessary resources. Above all, the most fundamental means of living, the ration system, is not available in most areas, except for Pyongyang and a few select areas. Nothing more need be said of those who have lost the ability to work, such as the old and the infirm.

Of its social security system, the feature North Korea is most proud of is the “free treatment system.” Due to the economic hardship, however, this system is almost non-operative. Article 56 of the North Korean Constitution stipulates that the “state shall strengthen and develop the overall free treatment system, and by promoting the district doctor system and preventive medicine, the state shall protect the lives of the people and promote the health of the workers.” From this provision, it may be presumed that North Korea has adopted health policies covering the overall free treatment system, the district doctor system, and preventive medicine.

North Korea's medical policy objective is in early prevention of diseases through the district doctor system, which in turn operates on the

basis of the free treatment system. Under this system, the people in a district are expected to receive a systematic health maintenance from the district doctor. But the system does not appear to function properly, because (a) the quality of district doctor's diagnostic skills are poor, (b) their medical qualifications are at low levels, and (c) each doctor is charged with a maximum of 4-5 districts or up to 4,000 people.

The current structure of North Korean medical facility is as follows: One university hospital and one central hospital in areas where "people's committees" exist; one to two people's hospitals where city and county people's committees exist; one hospital and one diagnostic center in workers' districts, and one combined diagnostic center each for groups of smaller villages. However, very few North Koreans are able to use medical facilities above people's hospitals at the city and county levels, because there is an absolute shortage of hospitals relative to the number of people. More over, in order for anyone to be admitted to higher level hospitals, patients are required to submit a diagnosis called "patient transfers" issued by one's own diagnostic center and the district people's hospital. The procedures are so strict that without this "patient transfers" no one under any circumstances can be admitted into the city-county level hospitals nor receive treatment.

Despite the poor quality, it can be said that the free treatment system is at least fair, if compared to the discriminative medical structure which works differently for people with different background. All hospitals have a list of pre-determined level of patients according to ranks, and they will not permit treatment of people who are not on that list. For example, the "Bonghwa Diagnostic Center" in Pyongyang is exclusively for Kim Il Sung and Kim Jong Il and their family members, as well as people with the rank of minister or above in the Party and the military), the "Oheun Hospital" (for colonels and generals), the "Namsan Diagnostic Center" (for vice-ministers and above, and some prominent persons like "people's actors/actresses" and deported Koreans from Japan). These hospitals are for special class of people only and do not permit treatment of ordinary people. They must go to their local diagnostic center or to city/county/district hospitals.

The treatment facilities and medicine at hospitals are very poor. According to defector Lee Young-sim (admitted in June 1998), who used to practice pediatrics in North Korea, hospitals could not properly func-

33) Testimony during the interview at KINU on Sept. 9, 1998.

tion for lack of medical equipment.³³⁾ In the case of Danchon City Hospital, there were supposed to be at least 200 syringes with 2,500 needles, but in reality there were only five extremely worn out syringes. Despite the poor equipment, patients who receive treatment must pay for themselves. In the absence of basic medical equipment, medical doctors can only prescribe diagnoses. Patients will have to obtain the medicine from the market, and the doctors will then give instructions on how to take or apply the medicine. Defector Kim Soon-hee (admitted in May 1997) used to work as a registered nurse in North Korea. She testified that patients were purchasing medicine and medical supplies for their own treatment because hospitals are not equipped with such basic items as antibiotics or anesthetics. For this reason, the most frequent requests of North Koreans to people travelling abroad or relatives living abroad are for medicine and medical supplies.

The paralysis of the medical system inevitably leads to the increased number of people dying of diseases. Many people die of infectious diseases caused by contaminated water, since clean tap water supplies are not available due to economic difficulties and related energy shortages. Rampant in North Korea today and rapidly spreading are such epidemics as paratyphoid and cholera, as well as tuberculosis which North Korea had declared eradicated in 1975. According to the testimony of defector Choi Hoon-chul (admitted in May 1998) who was a practicing physician in North Korea, there are 3-4 million tuberculosis patients in North Korea today, and 7-8 million people are believed to have been infected by the disease.³⁴⁾ This deplorable situation is the result of paralyzed medical systems, contaminated tap water, and malnutrition. South Korea's Ministry of Unification estimates the number of starvation deaths in North Korea to be about 500,000-800,000 during the past 2-3 years. And, they are the victims of hunger and disease brought on by the collapse of the overall social security system, rather than simple starvation deaths.

North Korea's women hygiene policies, too, are totally inadequate for the maintenance of health for women. North Korean authorities insist that they are providing extensive protection and care for the health of women and new-born babies through women consultation centers and obstetric centers. But, the fact is that medical care programs for pregnant mothers are woefully inadequate due to the collapse of the overall medical service system, including poor medical facilities and shortages of medicine and

34) Testimony during the interview at KINU, September 11, 1998.

supplies. One result is the declining birth-rate in North Korea and the rising infant-death rate. Only 50% of infants survive beyond the age of 5 in North Korea.

In efforts to overcome the shortage of medicine, North Korean authorities are recommending the recourse to folk medicine. They encourage local hospitals to become "medicine production bases" in a "self-reliant revolutionary spirit" and "anti-Japan ranger-style projects." (Central Broadcast Oct. 31, 1998) In order to promote herbal medicine treatments, they are calling for an "all masses campaign" for the cultivation and regeneration of medical herbs, while introducing instances of successful herbal medicine treatment.

In 1998, North Korea received several hundred tons of medicine and medical supplies from the Western world. In late January, American Christian Churches sent 100 tons of medicine and medical equipment, and 40 tons of medicine were provided by an Italian civilian organization known as "CESVI" or "cooperation and development." However, North Korea is suspected to have diverted these medical supplies for elite class uses, and the list and contents of use and distribution of medicine have never been provided. According to defector Lee Young-sim, the medicine and supplies provided by international organizations were sometimes distributed to the hospital she used to work for, the Danchon City Hospital, but the local officials would seize most of it under the pretext of using it for themselves or for their family members. Subsequently, they would sell it on the market for maximum profit. On September 30, 1998, "Medecin Sans Frontieres"(MSF) officially announced its permanent withdrawal from North Korea. Its secretary general, Eric Goumard, explained that "the withdrawal decision was inevitable because North Korean authorities prohibited medical personnel contact with local inhabitants and prevented their personnel from supervising the distribution of medicine and supplies. In short, North Korea had restricted their humanitarian medical service activities and the doctors had no choice but to leave North Korea."³⁵⁾

3. Labor Rights

Article 23 of the Universal Declaration of Human Rights provides that "(e)veryone has the right to work, to free choice of employment, to just

35) "The Naewoe Press" Daily No.1131 (October 15, 1998).

and favourable conditions of work and to protection against unemployment.” In Articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights (Covenant A) it is guaranteed that “(t)he States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work... (and) to ensure (t)he right of everyone to form trade unions and join the trade union of their choice...” Article 70 of North Korea’s constitution provides the people’s right to work. That is, “(A)ll persons with the ability to engage in labor may select occupations according to their choice and talents and are guaranteed the right to a secure job and labor conditions.” People are supposed to work based on their abilities and receive allocations based on their amount and quality of labor. This provision is best interpreted as making labor a responsibility instead of a right. Article 29 of the Socialist constitution provides that “(t)he state must provide for laborers, who do not know what unemployment is, so that they can enjoy their labor and be satisfied with devoting and exerting their creativity for society, the group and themselves.” The phrase “(w)ho do not know what unemployment is” can be interpreted as meaning all persons must engage in labor, and the phrase “devoting and exerting their creativity” can be interpreted as encouraging laborers to step up their labor efforts. These interpretations are supported by Article 30 of the constitution which provides that “(t)he state must organize labor effectively and increase labor regulations to fully utilize all labor time.”

Article 83 of the constitution states: “(L)abor is the sacred responsibility and honor of the people. The people must voluntarily and diligently engage in labor and strictly obey labor regulations and labor hours,” and Article 82 further rationalizes the logic of forced labor when it states, “(C)ollectivism is the foundation of socialist life. Civilians must value the organization and group and must be willing to sacrifice themselves ardently for society and the people.” Article 34 requires that “(t)he state must accomplish the singular and specialized plans for, and guarantee high-speed production and balanced development of, the people’s economy” and, in essence, it provides that the state demand continuous and intensive labor to maintain “high-speed production.”

Therefore, in North Korea labor is the responsibility of all people because labor is not for the individual’s benefit: based on collectivist principles labor is a group activity for the benefit of everyone. One can find further support for this interpretation in the various sections of Article 1 (Fundamental Principles of Socialist Labor) of the Socialist Labor Law

enacted by the Supreme People's Assembly on 18 April 1978 which are as follows: Section 2 provides that "(L)abor is the most sacred and honorable thing"; Section 3 says, "(L)abor under socialism is a group activity by laborers for the benefit and interest of everyone"; and Section 4 states, "(U)nder socialism, civilians are responsible for participating in labor."

Under these regulations and under Article 31 of the Socialist Constitution, all North Koreans above the age of 16 are obligated to work at work-sites directed by the Party, regardless of whether one likes it or not, until the legal retirement age (60 for men, 55 for women). With allocations depending upon the quantity and quality of one's labor, to survive in North Korea everyone must work or go without retirement, and to receive more one must work even harder.

Moreover, free labor unions that protect and represent the interests of laborers do not exist in North Korea. The only form of labor union that exists is the General Federation of Korean Trade Unions, but it does not have the right collectively to organize or bargain, or to strike. The KWP is solely responsible for representing the interests of the laborers, and the trade unions exist merely as a formality. Following the Ninth Plenum of the Fourth Party Central Committee held in June 1964, the trade unions' "monitoring and controlling role" of corporate management was abolished, and the interest of the laborers has been placed entirely under the control of the party. The General Federation of Korean Trade Unions merely acts as "(a) transmission belt that links the KWP with the labor classes, and an active supporter that strictly and unconditionally seeks to accomplish the directives of the suryung."

The North Korean authorities severely oppress the activities of any labor cooperative activity through the penal code. Article 59 provides that any person who uses his or her employment to destroy or damage the state's industry, transportation, commerce, circulation of currency or credit system will be executed, and Article 61 further adds that persons who carry out their work in an inattentive manner will be sentenced to at least five years imprisonment and cannot vote for four years after the completion of their sentence. These provisions make voluntary labor movements basically impossible.

In addition, Article 71 of the Socialist Constitution provides that "people have a right to rest," and Article 62 of the labor law adds that "(l)aborers have a right to rest... and this right is guaranteed through the labor time system, holiday system, paid leave system, state sponsored rest system and the increasing number of cultural facilities." The Socialist

Labor Law specifically stipulates the number of rest days in the following manner, “(a)ll laborers have fourteen official days of leave [per year] and depending on their occupation may have seven to twenty-one days of additional leave.” Yet, despite these guarantees, most laborers cannot take advantage of this time because they are mobilized and pressured by the political organization at work. The only time people can really rest is during the one- or two-day celebrations of the births of Kim Il Sung and Kim Jong Il, and on certain national holidays.

The constitution states in Article 30 that laborers shall engage in eight hours of labor a day. Despite the proclamations in Article 33 of the labor law that the “(t)he state must strictly guarantee the principle of eight hours of work, eight hours of rest and eight hours of study in the life of laborers,” laborers rarely have eight hours of rest. This is because, in addition to their basic workloads, the people are exploited for additional labor mobilization programs and various study sessions. Labor projects are planned by daily, monthly and quarterly schedules and to surpass the goals of these plans socialist labor competition movements such as the chollima movement, the Three Revolutions Red Flag Movement, Speed Campaigns and the Speed Creation Movement have been established. Under these circumstances, the extension of labor hours is inevitable. Also in regards to workers rights there aren't any provisions to prevent the coercion of labor by the authorities.

4. The Freedom of Employment

Article 23 of the Universal Declaration of Human Rights provides that (e)veryone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.” Furthermore, Article 6 of the International Covenant on Economic, Social and Cultural Rights stipulates that “(t)he States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which one freely chooses or accepts, and will take appropriate steps to safeguard this right.”

Article 70 of the North Korean Constitution provides that [people have a right to choice of employment according to their desire and talent.] But employment decisions do not respect individual choice but are made according to manpower needs as determined by the party and state institutions. Work allocation is decided by central economic planning based on the needs among various sectors; individual desires, abilities and talents

are secondary and the opportunity to independently change jobs is strictly controlled. The primary considerations in work allocation include such political aspects as one's family history and party loyalty, and after that overall ability based on such factors as education, qualifications, abilities and efficiency ratings may also be considered.

High school graduates must first fill out documents provided by the labor department of the city or county people's committee and then submit them to their schools. Based on these, the school then completes an efficiency rating report which is then given to the vice-principal in charge of political affairs. He in turn submits these evaluations to the labor department of the city or county people's committee three months before the students graduate, and the labor department reviews the evaluations and assign students to a workplace.

On the whole, the government has already investigated the family lineage of high school students before they graduate. Students with low-class lineage—those with a relative who might have spoken out against the Kim Il Sung ideological system or with kin in South Korea, or students one of whose family members defected to the South or agreed to be a member of a South Korean security squad during the Korean War, or students from a family that previously owned land—will surely be assigned to work areas that require hard physical labor such as a farm, village or mine. Sons of the cadres of the party and government, that is, from top-grade lineage, are stationed at desirable workplaces regardless of their ability. However, the defector Kim Hi Keun who came to South Korea in May 1997, testified that one could be assigned to favorable worksites regardless of one's background if one could submit bribes.

In North Korea, the most common example of violation of individual's right to choose jobs is that most job appointments will take the form of "group allocations." This means that people are assigned their job or workplace on a group basis to factories, mines or various construction facilities that the party or the *suryong* determines as needing more labor.

Recently, as tendencies spread across the North Korean society to avoid dirty and difficult work, the North Korean authorities began to sponsor "loyalty resolution rallies" and to send "handwritten letters" of Kim Jung Il to the discharged soldiers and graduates of high schools before "group-assigning" them to coal mines and construction sites. For example, in March 1998, North Korea "group allocated" 30,000 high school graduates to a cooperative farm. Also, in July of that year young men from Pyongan-namdo province were "group allocated" to the Soon-

chon Coal-mine Joint Enterprise, located in the largest coal-mine region of North Korea.

High school graduates and discharges from the military cannot help but report for work because food rationing would be suspended. Chin Kwang Ho, who defected to South Korea in 1990, said, "Anyone who is assigned by collective assignment is never given the opportunity to go home. In most cases his family will not see them before they die."

No one can change their post on their own volition. On 31 August 1953 a law was passed banning laborers and office workers of any enterprise or organization from walking off the job-ostensibly to prevent loss of labor and carry out the planned economy in a systematic fashion through the full command of labor. To regulate people by job control, however, is also to inculcate obedience and induce their loyalty to the party.

However, despite strict labor law regulations and the ration system, labor relocations are rather active in North Korea today. And, as the economy worsened, rapidly increasing in number are those who gained early retirements through bribes or influential persons so to enter the peddling market or the food/marketing sectors. Also increasing are the instances of [buying bogus diagnoses] from hospitals for hepatitis or tuberculosis to gain job relocations by way of local sanitararia.

5. The Right to Education

Everyone has the right to be educated without interference from the state and everyone has the right to request that the state actively seek to provide education. In a free democratic state, the main characteristic of the right to education is that it is a socially fundamental right. This means that an able person who cannot receive an education for economic reasons has the right to request the state to provide it through such means as the establishment of educational facilities and the operation of a scholarship system.

Article 26 of the Universal Declaration of Human Rights guarantees that "(e)veryone has the right to education...(and) (e)ducation shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms..." Also, Article 13 of the International Covenant on Economic, Social and Cultural Rights stipulates that "(t)he States Parties... agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial,

ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.”

The North Korean constitution provides in Article 73 that all persons have the right to education, yet education is not equally available to everyone and depends on one's political and class, rank and status. No matter how gifted or how diligent a student may be, without the requisite of status he or she cannot enter college.

Education in North Korea has varied depending upon such aspects as the construction of socialism or the development of the revolution, but the fundamental goals of training “communist revolutionary talents” remains unchanged. Article 43 of the constitution provides that the goal of education is for the “state to fulfill the teaching of socialist educational principles and to train for posterity solid revolutionaries who will struggle for society and for the people and be new communist citizens with intelligence, wisdom and health.”

Based on these goals, North Korea emphasized the need to occupy an “ideological fortress” for the construction of socialism. To this end it has increased investments in education, setting the immediate education goal as “raising the whole population as intelligentsia.” The eleven-year free compulsory education system in force since 1973 and the Thesis on Socialist Education introduced in 1977 were both designed to facilitate the training of communist-type human beings. It is not a true education system but is rather one aimed at infusing Kim Il Sung's unitary thought into the minds of the people with a view to producing uniform “juche men and women.”

The entire North Korean educational system operates under strict control of the “department of science education” under the Secretariat of the Central Committee of the KWP, which establishes important educational policies, and guides and supervises their implementation processes. The Education Commission within the government is the administrative enforcement arm that carries out various educational policies and administrative tasks decided on by the Party. The actual teaching and educational affairs at each level of school are directed and supervised by the department of elementary education and the department of high school education under the Education Commission.

The basic educational structure consists of a 2-4-6-4 system where one attends 2 years of kindergarten, 4 years of primary (people's) school, 6 years of high school (4 years of middle school and 2 years of high school), and 4 (or 6) years of college. In addition, there are 3-year researchers who

are equivalent to graduate students and 2-year doctoral candidates. There also are special educational institutes and systems for children of the higher classes and a set of separate systems for technical education and adult education. Finally, North Korea operates specialty schools outside of the regular school system, such as the “art and sports institute” and “the revolutionary school (such as those found in Mankyungdae, Kangbansuk, and Haeju)”

Education in North Korea is distorted by political purposes, and due to economic difficulties normal education is not available. The quality of education offered to students remains at inferior levels. There are several reasons: First, student selection processes at all levels of school are not based on fair competition among candidates but mostly affected by the ideological classification of their parents. According to defector testimonies, no matter how bright a student is or how good one’s academic records are, he/she cannot expect to receive college education if one’s background is unfavorable. If flaws are discovered in the course of personal background checks, one’s slot will be taken automatically by the children of the powerful and good background, even if one scores higher marks at state college entrance examinations. And, even if one is exceptionally good and is granted an opportunity to enter, admissions into major universities are denied if one’s background is found unsatisfactory during the more detailed background checks conducted by the college. In the case of normal colleges (teachers’ colleges) everyone in the family up to and including one’s own cousins fall under the purview of background checks. To enter the Kim Il Sung University and Kim Chack Engineering University, the scope is expanded to include one’s cousins’ cousin. Since the late 1980s, background check requirements have been tightened in college recruiting processes.

Consequently, the only students who enter colleges are the children of Party cadres and the rich. The highest number of college entrance candidates is allocated to the Pyongyang region because it is there that the highest number of Party officials and people with good background live. Recently, however, a slight change in the trend has been detected and the children of people who hold large amounts of foreign currency, are entering major universities by way of bribery, which is another result of economic hardship.

Second, education in North Korea is mainly focused on the infusion of political ideologies, and relatively neglected are education for personal enrichment, imparting of universal values and knowledge, and other lib-

eral arts subjects. All education in North Korea focuses on political ideology education and technical education. During the fourth grade students learn about "The Days When Dear Suryung Kim Il Sung Was A Boy" and "The Days When Comrade Leader Kim Jong Il Was Young." First and second graders learn Korean language, math, physical education, music, drawing, and the "The Days When Dear Suryung Kim Il Sung Was A Boy," the seven morals of communism, and third and fourth graders also study natural science and health.

During the four years spent in primary school, education time allotted to Kim Il Sung and Kim Jong Il idolization and communist ideology occupies over 44% of the total time. Grammar, vocabulary and writing sections of the 1990 Korean language textbooks published by the Pyongyang Education Textbooks Publishing Company make up only 33% of the textbooks; the remaining 67% are sections on political ideology. Regarding children's books, 73% concern such political thoughts as collectivism, loyalty to Kim Il Sung, *juche* ideology, and revolutionary consciousness. Only 27% concern non-ideological matters such as diligence, filial piety, frugality and friendship. Based either on the hours of education or the content of the education, children's education in North Korea is excessively ideological.

Third, the quality of North Korea's education is at an extremely poor level due to the on-going economic difficulties. Above all, textbooks and notebooks are not properly supplied due to the shortage of paper. Except for Pyongyang and some large cities, no new textbooks have been supplied since the early 1990s in almost all provincial schools, including elementary and secondary schools. Students have to recover textbooks from upper classmen and or share the usual six or seven copies per class. As a result, five or six students are grouped into one "study group" using one textbook each. Also, students cannot take notes during the class since notebooks are not at all available. In addition to these inferior educational conditions, students are required to put in mandatory labor service for two and a half months a year, once in the spring and once in the fall.

The students' class attendance rate, too, is very low. Expressing worries about the college students' low attendance rate, North Korea's official youth alliance paper, "The Youth Guard", pointed out on October 1, 1998 that "the task of improving college students' attendance rate is one of the important issues which should be emphatically promoted under a close cooperation between the youth alliance and the school academic administrations." It further criticized that "the schools do not feel any

responsibilities even though the students' attendance rate is falling, and the youth alliance organizations in the schools do not pay attention to school administration affairs." The absenteeism is caused mostly by the college students who increasingly engage in peddling and marketeering activities for food, and the absentee rate in some schools is as high as 30%.

The attendance rate of kindergarten children is below 60%, and the rates for elementary and secondary schools range around 40%. The reasons for the low attendance rate in the primary and secondary schools stem from the fact that the children have to stand watch at home while their parents are away from home in search of food, or they have to follow the parents to secure food. The students who are already hungry due to the poor food situation have generally lost interest in school work, particularly since school conditions have deteriorated to a point where they cannot motivate themselves to study any subject.³⁶ Despite North Korea's insistence that it offers free education and 11 years of mandatory schooling, it is clear that students in North Korea are deprived of their right to a proper education compared to students of other countries.

36) "The Naewoe Press," Day-time edition No.1135 (January 12, 1998).

V. Major Human Rights Violations by Problem-Areas

1. Human Rights Violations at Political Concentration Camps

One place where human rights are known the world over to be commonly trampled is North Korean concentration camps. North Korean authorities refer to these political prisons officially as “Management Center No. XX” Unofficially, however, they are known as special dictatorship target areas, places of exile, sectarian dens or resettlement areas.

Concentration Camp History

North Korean authorities give the name of camps depending on either the numbers for a specific area or the document number regulating the crimes that were deemed to be harmful to the maintenance of the regime. For example, the “Yoduk Concentration Camp” in South Hamgyong Province is labeled “Management Center No.15.” These camps are camouflaged on paper as a unit of the North Korean People’s National Guard. For example, “Hyeryong Concentration Camps” in North Hamgyong Province are recorded as “No. XXXX unit of North Korean People’s National Guard.”

According to North Korean documents seized during the Korean War and later released by the US State Department, North Korea has been operating collective camps since 1947, two years after national liberation. The people confined there in the post-liberation years were “malignant” landowners, along with pro-Japanese and religiously active persons. After the war inmates consisted mostly of those who had served as local security unit members on the side of the advancing South Korean and UN forces during the war.

These detention camps were turned into banishment camps for political prisoners after the so-called “August Faction Incident” of 1956 (when Choi Chang Ik, Yoon Kong Heum and others conspired against Kim Il Sung). The former KWP secretary Hwang Jangyup who came to South

Korea in April 1994, testified that the “controlled districts” originated from the “August Faction Incident.” At first, according to Hwang, only the “sectarianists” were sent to these camps, but later on all political prisoners, including anti-Kim Il Sung elements were sent there. He further testified that at the time Kim Il Sung argued that “(t)he sectarianists were so wrong in their minds that they should be sent along with their family to remote rural mountain areas to lead segregated lives there.” Accordingly, the first “controlled district” was set up in the Dukjang Coal Mine region in Bukchang County, South Pyongan Province, at the end of 1958.

In the course of purging Kim Il Sung’s political foes such as those of the Yen-an Faction, the Pyongyang authorities retaliated against anti-party and anti-Kim Il Sung elements (and to contain the proliferation of their influence) by holding those involved in the incident but who had escaped execution, together with their families, in remote mountainous areas.

During 1966 North Korea began re-registering the people to prepare for the arming of one million people into the Worker-Peasant Red Guards. The project included information on everyone’s political bent, and the entire North Korean population was categorized from 1967 through 1970 into three classes and fifty-one subclasses.

About 6,000 people among those categorized as belonging to the hostile class who were branded as sectarians or anti-revolutionaries were executed through kangaroo court trials. The approximately 15,000 who escaped execution along with their family members which numbered about 70,000 were held in the remote mountains under Cabinet Decision No. 149. Confined separately were those who opposed the Korean Workers Party or Kim Il Sung himself.

In the process, the families of some political prisoners were driven out and forced to disperse across deep mountainous areas or to rural farm areas with certain restrictions. The defector Chu Young Hee who entered South Korea in May 1997, testified that 7-8 families whose heads of household had been involved in the “Kim Chang Bong incident” were sent away to Sangnam-ri, Hochon County, South Hamgyung province, and have been living there for over 20 years now. The former general and Minister of National Security Kim Chang Bong was purged during the Fourth Plenum of the Fourth Military Party Committee in 1969.

In the early stages the combined area of the camps was about equal to that of a small town. Since the Three Revolutionary team movements began in 1973 in a move to consolidate a base for Kim Jong Il’s succession to power, the number of inmates swelled phenomenally.

In the course of purging the party, military and administration officials who were against Kim Jong Il's succession to power following his seizure of party control at the 6th Party Congress in 1980, created the need for at least four more concentration camps to be created. As of 1982 more than one hundred thousand were sentenced to hard labor at eight camps, isolated from the rest of the society for the rest of their lives.

The number of camps grew as the regime tightened its internal control to keep the wave of reforms from reaching North Korea following the fall of Eastern Europe in the late 1980s, with their inmates reaching about two hundred thousand. In terms of human rights conditions these camps are reported to be worse in many ways even than the infamous Soviet gulag.

Scope and Punishment of Political-Ideological Criminals

In referring to politico-ideological prisoners, North Korea calls them vaguely "anti-revolutionaries," "people with unsound ideology" or "hostile elements," so that once a leader decides to eliminate someone, he can do it readily through an accusation under one of these counts.

Kim Il Sung once said, "(F)or the victory of the socialist revolution, we should oppress those anti-revolutionary elements who are opposed to and who impede the thought and passion of the revolution as well as hostile elements who stage a compromising struggle against unsound thoughts-especially, those who try to revive capitalism" For North Korea, then, it is a matter of course either to execute or to hold in concentration camps not only the political foes of the Kim Il Sung and Kim Jong Il system but also those who are uncooperative in the construction of socialism. Such people are branded as politico-ideological criminals.

Under the penal code, acts subject to political crimes include "conspiracy to overthrow the state," or "reactionary propaganda and agitation" and "betrayal of the fatherland." The crime of conspiracy to overthrow the state as envisioned in Section 44 of the penal code, means the act of "a person who took part in a conspiracy to overthrow the Republic or who participated in a revolt." Anti-party and anti-Kim Il Sung elements have been executed or shipped to concentration camps on this criminal count: It is said that Kim Jong Il purged more than 15,000 people on this charge since the beginning of the 1980s.

The provisions of Section 46 on crimes of reactionary propaganda and agitation are designed to [discipline those who urge others to overthrow, disturb or weaken the DPRK, or to commit other anti-government crimi-

nal acts.] In short, the clause was intended to seal the flow of overseas information and prevent internal restlessness.

In the initial stage the clause was used to punish habitual complainers among those repatriated from Japan and those hailing from South Korea. Following the collapse of Eastern Europe, however, the provisions were used mainly in punishing those who, upon return home from overseas studies or duties, spread information on overseas situations.

The clause on treason against the fatherland in Article 47 is intended to punish anyone who, after betraying the fatherland and the people, tries to run away to another country or to the side of the enemy. As more and more people attempted to escape the extreme economic and food difficulties, the numbers executed or sent to concentration camps also swelled.

North Korea made specific provisions in Sections 44 through 55 of the penal code to punish politico-ideological criminals mercilessly without due trial.

Whether or not to send ordinary criminals to prison is decided through minimum reviews and trial procedures. Cases of politico-ideological criminals, however, are unilaterally reviewed by the State Security Agency(SSA) in a single-trial system without judicial trial procedures. Even an innocent politico-ideological suspect can hardly be found not guilty and set free. Punishment is not limited to the person involved; immediate family members and even more distant relatives are punished under the North's system of guilt by association.

The Camps

Concentration camps in North Korea are located in remote mountainous areas in South Hamgyong, North Hamgyong, South Pyongan, North Pyongan and Chagang Provinces. Their total captives are estimated at about 200,000.

The true picture of the camps has yet to be grasped accurately. Mr. An Myong Chol,³⁷⁾ however, who before he defected to the South in October 1994 had worked as a guard at the camp at Hyeryong, North Hamgyong Province, said that under the control of Bureau No. 7 of the SSA alone, there were ten political prison camps.

Later five of them including two in Onsong, North Hamgyong Province, near the Chinese border, and ones near Pyongyang were closed

37) Testimony during the interview at KINU on July 9, 1996.

or moved to prevent discovery by the outside world since Pyongyang, is frequented by foreigners.

With reference to remaining camps he mentioned Management Center No. 14 at Kaechon, South Pyongan Province; No. 15 at Yodok, South Hamgyong Province; No. 16 at Hwasong, North Hamgyong Province; No. 22 at Hyeryong, North Hamgyong Province; and No. 25 at Chongjin, also in North Hamgyong Province. He said at these camps the numbers of prisoners total around 200,000.

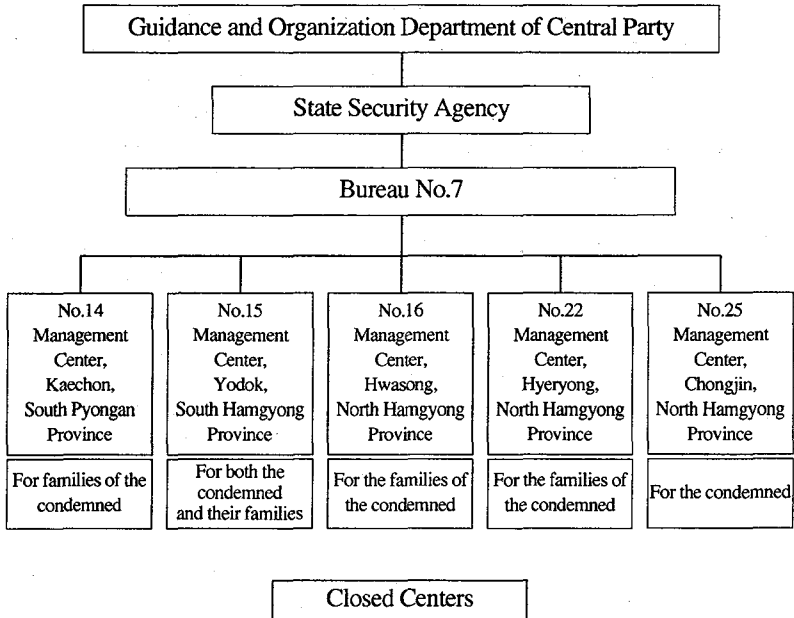
Most of these centers are located in remote mountainous or mining areas. As was the case with the Sungho-ri Camp which was closed down in January 1991, some are dug entirely underground to keep their secrecy intact. On February 25, 1998, defectors Kang Chul-hwan and Lee Soon-ok testified before the U.S. Senate Foreign Relations Subcommittee on East Asia and Pacific Affairs that presently some 200,000 political prisoners are detained in concentration camps in North Korea. In its "human rights report 1997" released on January 30, 1998, the U.S. State Department also reported that 150-200,000 political prisoners are being held in concentration camps. South Korea's National Intelligence Agency announced on January 22, 1999 that about 207,000 'system-threatening elements' have been sent without trial procedures to the ten concentration camps set up in various parts of North Korea; to wit: in the Hamkyungbukdo province at Hweiryong (50,000 prisoners), Chungjin (15,000) Hwasung (20,000); in the Hamkyungnamdo province at Danchon (10,000), Duksong (10,000), Yoduk (50,000); in the Pyongannamdo province at Keichon (15,000), Bukchang (5,000), in the Pyonganbukdo province at Chonma (15,000) and in the Jakangdo province at Dongshin (17,000).

An Myong Chol further told of another concentration camp, a [complete-control district] under the control of Bureau No. 3 of the SSA, where human rights violations have been perpetrated at a magnitude beyond imagination.

Meanwhile, as international opinion has risen against North Korean human rights abuses, Lee Chang Ha, chief secretary of the DPRK Human Rights Institute, invited a fact-finding team from Amnesty International to visit from 26 April through 3 May 1995. The North allowed it to tour a rehabilitation center at Sariwon.

The authorities told the AI mission that they had between 800 and 1,000 prisoners at three rehabilitation centers. Among them, they said, political prisoners numbered only 240 and because they were being held

Table 5-1. North Korean Concentration Camps



Name	Location	Time of Closure	Reason for Closure
No.11	Kwanmobong, Kyongsong, North Hamgyong Province	October 1989	Construction of Kim Il Sung villa
No.12	Changpyong Labor Region, Onsong, North Hamgyong	May 1989	Proximity to national boundary
No.13	Chongsong Labor Region, Onsong, North Hamgyong	December 1990	Proximity to national boundary
No.26	Hwachon-dong, Sungho District, Pyongyang	January 1991	Proximity to Pyongyang
No.27	Chonma, North Pyongan Province	November 1990	Reason not known

at the Hyongsan Rehabilitation Center. Defectors, however, have unequivocally stated that such assertions are untrue.

Concentration camps are divided into [complete-control districts] and the “revolutionized districts.” The complete-control districts are exclusively for those given life terms. They slave at mines and logging yards under horrible working conditions. There is no need for them to be ideologically educated because they will never return to society alive.

The revolutionized districts on the other hand are divided into family and bachelor sections; prisoners held here may be freed depending on the outcome of reviews made after a specified period from one to ten years. Upon release prisoners must sign an oath not to discuss anything about their experience, and violating the oath means return to the camp.

As members of the hostile class, prisoners released from the revolutionized districts lead a low existence. They are the priority target of surveillance by the SSA so they suffer various restrictions in employment, travel, etc. If an ex-political prisoner commits an ordinary crime, ten years’ imprisonment is added to the term he or she would normally draw.

Inmates of the revolutionized districts consist mostly of Pyongyang’s ex-elites, repatriates from Japan who have personal connections with senior officials of the pro-Pyongyang association of Korean residents in Japan, Chochongryon, and their families. The policy is to have them go through physical difficulties and thus make them more obedient to the Kim Il Sung and Kim Jong Il system for when they return to society.

The great bulk of other political prisoners are held at the lifetime complete-control districts. Defectors have said that a very small number of life-term prisoners, exceptional cases, are transferred from complete-control districts to revolutionized districts.

Organization and Size of Concentration Camps

North Korean concentration camps are said to extend from about 50 to 250 square kilometers holding between 5,000 to 50,000 inmates each. Prisoners sent to the camps are selected and managed in effect by the SSA under the supervision of the Guidance Department of the Secretariat of the Central Committee. The camps under the control of Bureau No. 7 of the SSA consist each of a political section, security section, management section, guards section and supply service section.

The duty of the political section is to watch the ideological behavior of people in the security and guards section and punish those who commit

any irregularities. The security section watches the inmates and ferrets out, for execution or assignment to harsher labor, any malignant elements such as escape plotters, murderers and habitual complainers.

The management section is organized to maximize the work load and attain the production norms allotted to the camps. The responsibility of the guards section is to guard the outer perimeter of a camp and suppress by force of arms any revolt or other commotion inside a camp.

In addition, there are supply service sections responsible for supplying food for security and guards section personnel, the materials section for supplying materials for various construction projects inside the camps, and a chemical section for supplying dynamite to mines. Other sections include finance, transportation and communications. Most dreaded by the prisoners are the security and guards sections, as both hold the right to determine their fates.

Security at Concentration Camps

Around the perimeter of each camp are three- to four-meter-high double or triple barbed-wire fences, and seven-meter watch towers are installed at kilometer intervals along the fences. Manning the watch towers are guards section troops armed with automatic rifles, grenades and submachine guns.

Heavily armed guardsmen also patrol the perimeter area with military dogs day and night, and ambush teams watch security-vulnerable portions of the camp around the clock. Escape can hardly be imagined under such heavy security, but those who try are hanged or shot dead before a firing squad without trial. About fifteen or twenty prisoners try to escape each year. The other prisoners are forced to watch their executions as a means of terrorizing them into not trying to escape.

Selection of Prisoners and Procedures

The SSA is responsible for catching anti-revolutionaries. Offenders are selected by local SSA officials and the central ministry makes the final decision concerning guilt without trial. The Maram Secret Guest House in the Yongsung District of Pyongyang is notorious for ferreting out political prisoners.

People subject to banishment are mainly those considered harmful to the Kim Il Sung and Kim Jong Il's system such as anti-party and sectarian

elements and anti-revolutionaries, previous landowners and pro-Japanese, the religiously active, anyone opposed to Kim Jong Il's succession to power, attempted escapees and their families, and seditious people among those repatriated from Japan.

Following the collapse of Eastern Europe, those who returned from overseas duties or studies and spread knowledge of what they had seen and heard abroad were also targeted.

There are many cases where people are sent to prison camps for incomprehensible reasons. Kim Myong Jun, a bellboy at the Koryo Hotel in Pyongyang, was investigated at the Maram Guest House for espionage because he failed to report a tip he received for carrying a foreign visitor's luggage. Nothing substantiated the charge, but the investigators unreasonably found him guilty of having [betrayed the fatherland] and had him serve three years' hard labor at Yodok. According to the 1994 Human Rights Report released by the US State Department on 1 February 1995, among some political prisoners there were those who were arrested because they sat on a newspaper containing a picture of Kim Il Sung.

Kim Kwang Ho defected to the South on 3 March 1987. He spoke of how he had suffered under the policy of control through *inminban* or neighborhood units. *Inminban* heads sometimes keep the keys to unattended homes, and one day when a certain Kim and his wife were away from home, the *inminban* head and an inspector from a higher office entered their home and found a collection of Kim Il Sung masterpiece works which contained Kim Il Sung's picture blurred because of their baby's urine. The inspector accused him and his wife of improperly keeping the collection of the *surjong*'s masterpieces and the whole family was sent to a concentration camp.

In October 1992 at a rice ration center near Sunchon, South Pyongan Province, a woman receiving no rice on a ration day shouted, "This is worse than the Japanese rule." Nearby people joined in her complaint and there was a collective protest. They were soon dispersed by Ministry of Public Security troops and that night the woman and her family disappeared, never to be heard from again.

People are swept away without advance notice or legal procedures, so that even their neighbors or relatives do not know what happened. For fear of harm, even someone who does know dares not protest to the authorities or inquire after the fate of missing people. Neighbors and relatives can only presume that they were arrested. Such a reign of terror is how people are made subservient to the system of Kim Il Sung and Kim Jong Il.

Daily Duties

Once the condemned person enters a concentration camp, medical service is suspended and regular food rationing no longer applies. Prisoners are barred from marrying or delivering babies. They are completely insulated from the outside and no visits or letters are allowed from their relatives.

Prisoners finish breakfast and other preparation for a day's work by 5:30 A.M. roll call. Being late results in a sharp beating, and three times tardy means a loss of one day's food.

A day's work quota is assigned to five-person work teams. In general, prisoners often must work until 9:00 P.M. A lunch composed of boiled corn will typically be eaten at noon. Around 6:00 P.M. a security section officer, foreman or an inminban head makes an interim check on the extent of the work completed. When the completed work volume is found to be unsatisfactory, the team must work overtime.

To prevent group activity all mutual visits are banned even within the same camp. With the exception of going to work or class, inmates are prohibited from walking around in groups of more than two persons. Even in the daytime they cannot visit other living quarters inside the camp without a special permit. If anyone is found to be visiting without permission, an emergency alarm is sounded and a search is launched. Those violating the 10:00 P.M. midnight curfew are given one month extra-hard labor, and doing so three times means punishment in the camp stockade.

During curfew, security section officers and supervisors in groups of three or four patrol the camp area checking everywhere including the sleeping quarters. The security section also infiltrates undercover agents into the prisoners' world in order to monitor them.

Diet

Amounts vary, but laboring prisoners are generally rationed 550 grams of corn per day together with a little salt and a spoonful of acorn paste every week. Rations are said to be reduced by 90 grams for those deemed negligent at work. People need to supplement their diet with wild herbs and roots, and those who cannot correctly identify edible wild plants and mushrooms sometimes poison themselves. Prisoners will eat scrap livestock feed if it is available and sometimes even kernels of corn or beans that might be found in cattle excrement. They catch on sight and devour

frogs, frog spawn, rats and snakes. According to defectors Kang Chol Hwan and An Hyok, camp prisoners typically lose more than fifteen kilograms in weight within the first year. In the case of Ahn Hyuk, he used to weigh 78 kilograms before being sent to the concentration camps, but weighed only 38 kilograms after two years there.

Dwellings and Camp Life

In these concentration camps, single people or those without their spouses lead collective lives in barracks while families live in huts they build themselves with wood, mud and straw mats. Because floors and walls are made of earth, the rooms are very dusty. Roofs are made in most cases with wooden boards and are covered with straw mats. Rain leaks in and it is extremely cold in the winter. Floors may be covered with mats made of bark. Therefore, conditions are similar to those in the dwellings of primitive humans.

Electric power is generated at the camps, but power output is so meager that only one light bulb is allowed for a family. Power will be supplied only between 7 to 12 P.M. and 2 to 5 A.M. The voltage is so low and the lights so dim that books and newspapers can barely be read. Still, camps with such power facilities are envied by others. At some camps a wooden torch is only lit during meals.

The supply of fuel, too, is so short that people barely cook their meals and never dare to heat rooms. On cold winter nights families usually sleep juxtaposed to share body warmth. Some freeze to death. Furthermore, there isn't enough clothing. For an entire internment period a single sheet of blanket material is issued to one family and one set of padded winter clothes to each person. To those living with their families work fatigues are rationed only once every three years. Fatigues are usually not issued to those in the bachelors' barracks; they use the same clothes they wore when they entered the camps, patching them up when needed.

Work shoes are issued once every one and half a years, and padded winter shoes only once every five years. No socks or underwear are given to the prisoners. Because of the lack of socks and underwear, many are frostbitten and toe amputations are not uncommon.

Under such miserable conditions, many prisoners suffer from pneumonia, tuberculosis, pellagra and other such diseases mainly due to malnutrition and heavy labor. Still, everyone without exception is forced to continue working. Many suffer from ailments such as testitis or hemorrhoids,

but they are likely to be beaten if they walk or work slowly due to the pain.

When one's case of disease becomes so bad that a foreman decides he or she can no longer work, the patient is sent to a sanatorium and essentially abandoned, as there are no proper medicines or doctors. They are said to be about 40-50 prisoners who die due to the lack of proper medical facilities at each center, every year.

Executions and Mass Executions

There have been massacres at the North Korean concentration camps. According to An Myong Chol, political prisoners at the No. 12 Management Center in Onsong, North Hamkyong Province, enraged at harsh persecution attacked a security officers village inside the camp in October 1986. The group killed hundreds of family members of security guards. A battalion of security troops was mobilized which killed about 5,000 young and middle-aged prisoners including those who had no part in the riot.

Without any exception anyone who is unable to endure the harsh conditions, tries to escape, resist or who physically assaults security officers is hanged or shot to death at a gathering of the other prisoners.

Kang Chol Hwan, An Hyok and An Myong Chol testified that those who die due to such execution or accidents number in the hundreds in each camp every year. Kang Chol Hwan said that at the now closed Sung-ho-ri Camp, sometimes more than 300 prisoners died per month.

A prisoner set to be executed is confined in the stockade for a day or two before all prisoners at the work sites are mobilized, usually around 10:00 A.M. Two security officers tie the condemned to a pole, blindfolded and gagged. The camp director declares the opening of an execution ceremony, at which time an officer publicly details the crime for about five minutes. Then three security officers fire three shots each at the prisoner and the body is buried in a straw mat.

According to testimony by An Myong Chol, however, North Korea resorted to secret executions in place of some of public killing beginning in 1984. The reason was that although public execution is a device intended to terrorize prisoners into absolute obedience, frequent public executions had formed a sort of immunity of fear among prisoners. As well, a repercussion of such violence was anger among prisoners.

Anyone aware of irregularities on the part of security officers, attempted escapees, attempted murderers, habitual complainers, and expecting

women and their lovers are all subject to secret execution. According to testimony, Security Section No. 1 of a camp would be in charge of secret executions. The method of death, decided by security officers, is usually quite brutal and includes beating with batons or crushing with stones.

Defector An Myong Chol testified that at the camps under the control of Bureau No. 3, condemned prisoners have been used as living victims on which medical experiments were conducted by camp doctors—just like those conducted by the notorious Japanese army 731 Unit or by Nazi doctors on prisoners of war and other prisoners.

All these reports from defectors cannot be confirmed now but we need to remind ourselves that although in the extremely closed North Korea it is hard to verify if such brutality actually does take place in these camps, defectors' testimonies cannot be dismissed simply due to lack of proof. This is all the more so in view of the fact that the Nazi massacre of Jews could only be known wholly after World War II was over. The international community should pay more attention to these North Korea political concentration camps in the hopes of preventing further cruelty against the human rights of prisoners.

Internment of Repatriates in Concentration Camps

There is little solid information on the present situation of the detained repatriates in concentration camps. We do have testimonies of defectors who themselves were in the camps. However, a recently published report by Amnesty International listed the names of some repatriates found in the Sungho-ri camp.

According to testimony from Kang Chol Hwan and An Hyok who had been imprisoned at Yodok, many are there including about 600 persons of 100 families who were first detained in early 1974. They also stated that from then on 100 to 200 more families were added every year; totalling as of 1987 about 5,000 repatriated political prisoners from 800 families, and 300 criminals. A total of 5,300, were living in the "Kueup and Ipsuk area" villages, a special zone designated to be revolutionized.

Meanwhile, according to the testimonies of Kang Chul Hwan and Ahn Hyok, former staffers of the pro-Pyongyang association of Korean Residents in Japan, chochongryon and some industrialists were separated from their families and believed to have been detained in different camps. This suspicion is supported by the fact that of the many detainees they met in the camps a majority of them are never accounted for. Kang

Chul Hwan still does not know the whereabouts of his grandfather “Kang Tae Whew” (who used to be the Tokyo chapter chamber of commerce chairman of the chochongryon). He was reported missing in 1977.

When people are found missing overnight in North Korea, people assume they have been whisked away to prison. Repatriates deported to the camps are usually charged with espionage or provoking social agitation because they conveyed information about Japan and South Korea. But the repatriates concerned say they have no idea why they should be punished. Defectors say the members of the SSA who supervise the camps call these repatriate prisoners “semi-Japanese” and treat them worse than they do other prisoners.

The death rate of the repatriate prisoners is high because they are treated more severely than others and because they cannot easily adapt to the severe circumstances.

2. Abductees

A total of 3,740 persons have been kidnapped to North Korea since the Korean Armistice Agreement in 1953. Of them, only 442 persons (see the ‘appendix’) are known to be still under detention.

Beginning with the first kidnapping of 10 fishermen aboard the Dae-sung-ho on May 28, 1955, North Korea has abducted a total of 3,662 fishermen since the Korean Armistice in 1953. They subsequently returned 3,255 and are still holding 407 fishermen to this day. As recently as May 30, 1995, North Korea had kidnapped 8 fishermen aboard the [No. 86 Woosung-ho.] Three of the eight were killed during the struggle against kidnapping. They were returned through Panmunjom on December 26, 1995.

In addition, North Korea has been forcibly detaining South Korean Navy’s I-2 boat and her 20-men crew since the abduction on June 5, 1970, as well as the civilian Korean Airliner airplane and 12 persons aboard, including crew and passengers, since December 11, 1969. North Korea is also detaining a South Korean school teacher Ko Sang Mun since the abduction in April 1979 in Norway and the Full Gospel Church Reverend Ahn Seung Wun since the abduction in July 1995 at Yenji, China.

In addition, there are suspected to be more unidentified kidnappees forcibly detained in North Korea, whose incidents have not yet been published. Amnesty International published a list of 49 political prisoners on July 30, 1994, and included in it were a few kidnapped persons. When the

AI list drew international attention, North Korea put both Ko Sang Mun and Yoo Sung Keun, whose names were included in the list, on the North Korean and in statements similar to press interviews made them “confess” their “voluntary entry” into North Korea on August 10-11, 1994. The defector Ahn Myung Jin who came to South Korea in 1993, testified that the South Koreans who had been kidnapped to North Korea by its espionage agents, were engaged in spy training.

Some of the abductees from South Korea are being used in “broadcasts to South Korea” or in “espionage training.” The Korean Airliner stewardesses Sung Kyung Hee and Chung Kyung Sook have been used in “broadcasts to South Korea.” Other detainees are used as instructors for North Korea’s espionage agents to be sent to the South. According to the testimonies of Ahn Myung Jin, about 20 unidentified detainees from South Korea are working as “spy-training” instructors at the “Center for Revolutionizing South Korea” located at Yongsung district, Pyongyang. This center is a reduced model of South Korea designed to teach and train how to adjust to real life in South Korea and ways and means to get along in the South to the core graduates of “Kim Il Sung Political Military College (renamed as such in 1992)”. The center is under the direct control of Operations Division in the Building No.3 of the Central Party, which is responsible for producing espionage agents to be infiltrated into the South.

The rest of the abductees whom North Korea found useless are presumed to be detained in various concentration camps. The fact that some abductees from South Korea are detained in the concentration camps can be ascertained from the AI report above. In a special report entitled “New information on political prisoners in North Korea,” published in 1994 by AI, abductees who were presumed to have been detained in the now defunct “Seunghori concentration camp,” were included. South Korea’s National Intelligence Service has also reported that 22 South Korean abductees, including Lee Jae-hwan, are being detained in a political prisoner concentration camp.

Meanwhile, North Korea in a Red Cross statement on September 24, 1996, insisted that the Reverend Ahn Seung Wun who was abducted in July 1995, was not forcibly kidnapped but instead “voluntarily entered” North Korea. On the contrary, however, the Chinese government on September 13, 1996, sentenced Lee Kyung Choon, who was found to have been one of the two suspects involved in kidnapping the Reverend Ahn, to a two-year imprisonment for “illegal detention and unlawful border-crossing” and banished him from China. In short, the Chinese government

in effect officially confirmed that the Reverend Ahn incident was a kidnapping perpetrated by North Korea. Accordingly, the South Korean government requested the Chinese government to restore the case status quo ante, and demanded North Korea to immediately return Reverend Ahn. But, North Korea is still refusing the return of the Reverend Ahn to South Korea.

3. Human Rights Violations against Defecting North Koreans Abroad

Status of North Korean Defectors

The International Covenant on Civil and Political Rights stipulates in its Article 12 paragraph 2 that "Everyone shall be free to leave any country, including his own." Since 1990, many North Koreans have fled the country, and a large number of North Korean defectors are believed to be staying illegally in China, Russia and other countries. The collection of accurate data on their exact number and individual situations is realistically impossible, since most of them have an unstable legal status and are unable to openly ask for help. Nonetheless, there are estimated to be about 2,000-3,000 defecting North Koreans in China, Russia, and other countries. Some 500 of them have directly or indirectly expressed desires to be admitted into South Korea through embassies and consulates. Various civilian organizations assisting the defecting North Koreans in China have estimated their number to be in the 100,000-200,000 range.

Most defecting North Koreans cross the border into China via the Yalu River or the Tumen River, and some of them flee from the timber yards or construction sites in Russia. North Koreans choose China for a defection destination, since movements there are relatively easier than in other countries and because they can expect help of the Chinese Koreans living along the border areas. For these reasons, many North Koreans will attempt the border-crossing as a last resort to obtain food and daily necessities. Most of this last category of people will return to North Korea, although a large number of them will attempt to flee North Korea for good. The number of defecting children and women is increasing, as they wander homeless for extended periods of time in North Korea. They were either separated from their parents or their family had been broken due to the food shortage.

The North Korean defectors staying in other countries will be forcibly

deported to North Korea if caught by local security agents or North Korean agents operating in the area. Deportations are carried out in accordance with the terms of illegal aliens deportation agreements between North Korea and that country. In any event, these defectors are not protected even though they are faced with threats to their most basic right, the right to sustenance. China and Russia are the two possible countries for defection. But, indifferent to North Korea's definition of 'criminals', both these governments routinely deport North Korean defectors under mutual deportation agreements. Under the terms of its Constitution, the South Korean government regards the North Korean people as citizens of South Korea. But, due to political-diplomatic considerations it is restraining demands for positive protection of these people by the two governments. In any event, the reality is that most North Korean defectors hide and evade local security agents and North Korean agents, while seeking ways to be admitted into South Korea. The price they pay in the meantime is the persecution and infringement of their fundamental human rights.

As the number of North Korean defectors increase and international concerns over their human rights deepen, North Korean authorities have begun to tighten controls over its inhabitants. In 1995, North Korea declared its border areas as the "frontline areas" and strengthened border patrols by creating the new "10th Corps" to prevent border crossings.

In addition, North Korea is doubling its efforts to arrest defectors by organizing bases in its embassies and consulates in the neighboring countries. The search and arrest activities against defecting North Koreans, and their deportations, are conducted by "arrest teams" consisting of 3-4 security agents and consulate personnel, or by the "national security agency 'grouppa'" dispatched directly from North Korea. Because the number of defectors increased rapidly, North Korean authorities are taking measures to persuade the defectors to return to North Korea. Such 'carrot' measures include propaganda that Kim Jong Il has issued a no punishment instruction against them. But, most defecting North Koreans understand this announcement as part of the search and arrest tactics.

While tightening the internal control system, North Korea is also conducting a recall and re-training program on its overseas personnel. In the face of increasing defections of its elites such as the former Party secretary, Hwang Jang-yop, and the former North Korean ambassador to Egypt, Chang Seung-il, North Korea has quickly recalled home many overseas personnel and their family for re-training purposes. Already in October 1998, when the socialist bloc was collapsing, North Korea in the

name of Party Central Committee had issued instructions to all overseas missions "on the recall of overseas workers, researchers, and students."

In the past, North Korea used to treat all deported North Koreans as political prisoners and sent them to political prisoner camps for special supervision, and their families were forcibly transplanted to certain control regions. However, as the number of defectors rapidly increased, the level of punishment will now depend on motivations of defection and the duration of stay out of the country. Since September 27, 1997 when a more lenient measure was announced, punishments have been relaxed such that many of the defectors will be detained in the so-called "9.27 relief centers" (or homeless detention centers) for a certain period of time and released, except of course for special cases which are handled by security agency or safety agency detention centers. Following the February 13, 1998 measures, border-crossing cases are classified into certain categories; and those living along the border will receive lighter penalties, while those from the inner regions of North Korea such as Hwanghaedo province are accused as betrayers of the fatherland and punished as political criminals. But, even in the latter cases, their family members are subjected to lighter punishments than before.

Meanwhile, conferring refugee status on the defecting North Koreans is becoming more complicated and difficult for two reasons: (1) North Korea is relaxing punishments against defection in efforts to reduce the rapidly increasing number of defectors, and (2) it has deleted from its revised Constitution the provision on the "betrayal against the people and the fatherland" (Art.86 of the old Constitution). Broadly, defectors are classified into two categories: those who are clear cases for political punishment upon return and those to be released after simple punishments. But it is not easy to identify and generalize from the levels of individual punishment. In other words, since punishments invariably differ according to one's background, regional origin, age, and the duration of stay out of the country, there still exist dangers and threats to a person if forcible deportations are carried out in complete disregard of individual's wishes.

North Korean Defectors Admitted into South Korea

As of the end of 1998, a total of 945 defectors have been admitted into South Korea. Currently, 741 are residing in South Korea, if the deceased and overseas emigrants (those re-settling abroad) are excluded. The number of defectors admitted into South Korea has drastically increased since

1994, and in 1998 there were 70 entries into South Korea.

As the number of defectors have increased, so have the types of people in terms of occupations, age, groups and patterns, as well as motivations of defection. In the past, most were inevitable last resort cases under circumstances of extreme background discriminations and/or human rights violations. As can be seen in the case of an entire family fleeing aboard a boat, recent cases involve more individual motivations to solve personal plight under severe food shortage and economic hardship.

The size of defection has also changed, and family defections are increasing since last year. Defector Kim Kyung-ho (admitted in December 1996) and defectors Kim Won-hyung and Ahn Sun-kuk (admitted in February 1998) have attempted to assist a large scale defection involving 14 family members, but were not successful. Nonetheless, 3-4 person families of defector Kim Dong-soo (admitted in February 1998) and Chi Man-chol (admitted in May 1998) have successfully defected. As a result, the defector age distributions also range evenly from elderly to children.

Patterns of defection include walking across the Demilitarized Zone (DMZ) and border-crossing into a third country. Recently, however, defections by sea aboard a boat has been added to the pattern. It is generally known that breaking through the coastal surveillance system is much harder than defections across the DMZ. Defections by sea, then, should be understood in terms of defectors' desperations rather than weaknesses in North Korea's coastal surveillance system.

Defectors' occupations also show a wide variety. They range from high officials, such as Hwang Jang-yop, diplomats and medical doctors, to soldiers, foreign currency handlers, students, teachers, workers, and peasants. In addition to the defection in December 1997 of POW Yang Soon-yong who was a former South Korean soldier, Chang Moo-hwan (September 30), Kim Bok-ki and Park Dong-il (December 14), and their families have successfully defected to South Korea via China.

The Background Behind the Escapes

Despite efforts by North Korean authorities, the escape phenomenon appears to be increasing due to the following factors:

First there is the continued negative economic growth in North Korea since the 1990s and the worsening food shortages especially due to the flood and drought damage of 1995 and 1997. Most people do not regularly receive food rations, and it is reported that in certain regions some have

starved to death. The food shortage has brought increased international attention and North Korea has received international assistance through such organizations as the UN. Yet, the food crisis and overall economic condition cannot recover in the short term through such emergency measures as international aid or economic support and the number of North Korean people who escape to avoid starvation and poverty will increase.

Second, the economic and food crisis also has the effect of allowing North Koreans to come into contact with more outside information which further entices them to escape. They do so through Chinese-Korean merchants, foreign citizens of Korean heritage who visit North Korea, students studying abroad, and foreign correspondents. Many North Koreans are aware of the development of China and the ROK and it is believed that the number of people who secretly listen to South Korean broadcasts has increased. The development of China following its reform and market opening policies also causes North Koreans to compare their system with others. This increase in foreign information and the relative sense of deprivation it creates motivates even more people to escape.

Third, the weakening of the North Korean social psyche and the increasing isolation from society also results in more escapees. Starting from the mid-1980's the absolute materialistic attitude that [money is best] has rapidly spread in North Korea, and, with the increase in personal economic activity, bribery and economic crimes occur more frequently. The DPRK authorities severely punish minor offenses such as personal economic activity on the part of anyone they believe is against the socialist system. Yet the increasing rejection of society and the changes in popular values due to economic and political instability are already too widespread for forcible control and many believe that the number of defectors will continue to increase.

Fourth, the changing values of laborers and others living abroad have also contributed to the increase in escapes as seen in the defection of Hyun Sung Il and his wife and Cha Sung Gun in early 1996. The financial crisis at foreign embassies due to the economic crisis at home, the poor living standards of embassy personnel, the smuggling of such products as narcotics, the manufacture and distribution of counterfeit money and finally the heightening tension, reciprocal monitoring, backstabbing and forced summoning of embassy personnel, have all contributed to the increasing number of defections among embassy personnel. Particularly those who have been in contact with South Korean businessmen and missionaries as part of their foreign currency operations are full of fear and are attempting

to defect. As a result, North Korean authorities are summoning those citizens living overseas who seem problematic and are attempting to reeducate them. Yet, it is difficult to control the changing values of people working overseas when they were originally sent out to solve the growing economic crisis.

The Human Rights Situation of North Korean Escapees in China

Most of escapees in China live and hide with relatives in the three northeastern provinces (Yonyung, Qilin, Hukryongkang) while they engage in odd jobs and assist farmers. A small number of these people eventually seek escape to Southeast Asia. China shares border with North Korea across the Yalu River and the Tumen River, and living along its North Korean border are a high number of Chinese-Koreans. As many North Koreans crossed the border to ask for help to their relatives, including food and/or defection, others without relations in the area also began to jump borders. However, since China began to impose "border intrusion penalties" (October 1997 revised penal code) on people assisting defections and as internal security is tightened inside China, it has become much more difficult for the defecting North Koreans to hide, disguise, and/or conceal themselves. This has added to the already unsafe personal security, and possibilities of human rights violations have increased. In efforts to avoid forcible deportation and to obtain resident IDs which will permit legal stays in China, defecting North Koreans will try to purchase the permits, and in the process they often fall prey to human trade (slave trade) rings and harsh labor.

Those who escaped to China can easily be reported by cho-gyos (North Koreans living in China) and arrested by either special security agents from North Korea or Chinese police officials. If arrested, they are forcibly extradited according to the PRC-DPRK Escaped Criminals Reciprocal Extradition Treaty that was secretly concluded in early 1960. According to a copy of "Administrative Regulations for the Border Area" in the Province of Jilin obtained by Seoul's Dong-A Ilbo newspaper on 26 December 1996, more than 140 escapees living in China were arrested by Chinese police after these regulations were passed in November 1993 and forcibly extradited in 1994 and 1995. On December 16, 1998, Citizen's Alliance to Help Political Prisoners in North Korea has announced that 150 North Korean defectors were arrested by the Chinese security in

Tung-hwa city, Jirin Province, and deported to North Korea. Regarding this report, the Jirin Province security authorities responded on December 16 that they have deported 20 North Koreans, and over a period they have returned to North Korea about 100 persons, including the 20. However, the Chinese announcement said, "They came to China because they were hungry and there were no political motivations." Defectors Kim Jae-won and Choi Young-joo who came to South Korea in 1997, said their second son, Kim Eun-chul, became missing while they were still in hiding in China. After they were admitted into South Korea, they have requested the International Red Cross to confirm the whereabouts of their son, Kim Eun-chul. Subsequently, they were informed by the Chinese Red Cross that "Kim Eun-chul was handed over to a North Korean security agency along the border at Dandong city in late 1997."

Article 33 of the 1951 Convention prohibits the extradition and forcible expulsion of refugees as follows:

No contracting state shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. Since 1982 China is a signatory to both the "Convention Relating to the Status of Refugees" and the "Protocol Relating to the Status of Refugees," but it does not yet recognize the status of North Koreans who have defected to China for fear of political persecutions, as refugees.

This provision of course does not apply to those "refugees" who are considered dangerous if not repatriated because they would threaten the security of the DPRK or because they have received guilty sentences for committing serious crimes. (Article 33, Section 2 of the 1951 Convention relating to the Status of Refugees). It is unreasonable to regard defecting North Koreans as people who have committed crimes that would pose threats to North Korea's national security. Article 32, paragraph 2 of the Chinese Constitution stipulates that "the PRC shall accord the right to protection to those foreigners who demand refuge for political reasons." Since it is clear that defecting North Koreans will face threats to their lives upon deportation, international organizations and member states involved should strengthen mutual cooperation so that China could properly discharge its international responsibilities as a signatory to the "Convention Relating to the Status of Refugees."

As defecting North Koreans increased rapidly, the "Rescue! The North Korean People Urgent Action Network or RENK," based in Osaka,

Japan, has launched a "help the defecting North Korean orphans campaign." RENK estimates defecting orphans to number about 20,000. North Korean orphans in China are the results of (a) defecting alone upon dispersion of the family, or (b) parental deaths or deportations after a family defection to China, and they are left to engage in begging or theft for survival. In case these children are forcibly deported to North Korea, it is known that they will generally be detained in the "9.27 detention centers" for 7-15 days and then released. In exceptional cases, they could receive harsh punishments as examples.

The human trade involving defecting North Korean women initially took the form of arranged marriages with Chinese farm village youngmen. It has now become a social problem as the organized crimes and prostitution rings got involved in the practice. As the heinous crimes were reported in the South Korean news media and elsewhere, China and North Korea began to strengthen the related measures, and China since October 1997 has begun to impose heavy penalties under the "border intrusion laws" on perpetrators of human trade. In June 1998, a women's association leader at Ahndo county interviewed a North Korean woman married to a Chinese man under the pretext of offering a resident ID. Subsequently, the woman was forcibly deported to North Korea. On another occasion, a woman crossing the river was shot on site along the banks of the Tumen River for suspicions of human trade. On October 28, 1998, two Chinese newspapers (The Work Guidance and The Yianbian Daily) carried for the first time detailed reports on forced deportations and human trade of defecting North Korean women (for about \$500-\$650 per person) near Winching country, Shandong Province, China.

Chinese authorities are closely cooperating with North Korea for the deportation of defectors to prevent social disorder inside China stemming from theft, human trade, murder, and smuggling. It can be assumed that possibilities of individual persecution on political grounds have been reduced since North Korea began relaxing punishment on forcible deportations. Nevertheless, they should not be deported for such simple reasons as illegal aliens, because upon return to North Korea they are likely to face starvation due to the food crisis in all of North Korea. Simply stated, it is true that North Korean defectors are fleeing North Korea to avoid primarily the food crisis there, and so they may not be eligible for a status of "mandate refugees." But, they are certainly entitled to treatment as "displaced persons" who are objects of concern and protection of the international community. At a minimum, therefore, the international com-

munity should closely cooperate with China to spare them of forcible deportations against their will. According to International Organization for Migration (IOM), even undocumented migrants are entitled to protection of such basic human rights as right to life, religion, expression, ideas, privacy, and movement, as well as the right not to suffer from slave trade, hard labor, torture, and inhumane treatment. If defecting North Koreans are an unavoidable phenomenon, efforts should be increased to prevent infringement of their fundamental human rights.

The Human Rights Situation of North Korean Escapees in Russia

Those North Koreans who have escaped from logging camps or construction sites in Russia travel throughout the Vladivostok area, Central Asia and the Chinese-Russian border, selling such things as clothes, and live in hiding with the help of local Koreans. In the case of defecting North Koreans in Russia, avenues are open for them to win the status of refugees through the UNHCR, and to legally enter South Korea. And yet, the situation is difficult for them to receive full protection of their rights as provided under the terms of the "Convention Relating to the Status of Refugees."

North Korean laborers began working in regions of the former Soviet Union after logging facilities were established in the Khabarovsk and Amur regions according to a logging treaty signed in 1967 between Soviet President Brezhnev and Kim Il Sung. Although at one point the number of Korean loggers reached 20,000, presently it has been reduced to between 2,500 and 4,000 persons. In September 1997, North Korea and Russia concluded an agreement to adjust and downsize their joint forest and lumber projects.

In addition to logging camps, Korean laborers have also been sent to mines and construction sites in Siberia and to ones near Vladivostok and Moscow. Defector Yoon Sung Chul, who used to work at a mining site as a construction laborer, testified that at the site where he worked in 1990 there were over 2,000 North Korean laborers in eleven locations. Amnesty International's 1996 report quoted the testimony of a North Korean defector who stated that over 3,000 Korean laborers worked in mines near Khabarovsk.

North Korean laborers in Russia began increasingly to escape from their work sites before and after the collapse of the Soviet Union in the

1990s. More began to desert around 1990 as the excess labor that resulted from decreases in wood production was sent areas outside their logging sites to "collect foreign currency" or to work in "side jobs."

Those who have escaped their work sites live in dangerous conditions. They are constantly pursued by DPRK security personnel and if arrested and repatriated they may face execution. Previously, North Koreans were returned to North Korean authorities if arrested by Soviet police under a secret DPRK-USSR protocol. This secret protocol was declared illegal in 1993 by the Chairman of the Human Rights Subcommittee of Russia's Supreme People's Assembly, Sergei Kovalnov.

Despite this declaration, North Korean security personnel continue to pursue escapees in Russia and this has been justified by Article 14, Section 5, of a new forestry agreement reached in February 1995. It provides that all personal and "foreign currency collection" projects of North Korean laborer, need special authorization from the regional authorities. While telling international human rights organizations and Russian authorities that these escapees are criminals, North Korean authorities attempt to prevent escapees from attaining refugee status and obtain information about hiding places.

In 1995, the UNHCR bestowed international refugee status upon the escaped loggers and permitted defection to South Korea in accordance with the will of the respective individuals. Refugee status from this UN organization means that North Korea can no longer argue that the South abducts loggers from Siberian camps.

Russia joined the "Refugee Convention" in February 1993, but Russia's provincial authorities do not recognize the existence of defecting North Koreans: The local authorities not only engage in deportation of defecting North Koreans but also cooperate with North Korea in some cases. Because of the insufficient cooperation between Russia's central and provincial authorities it is realistically difficult for the defecting North Koreans to expect full protection of their rights under the "Refugee Convention."

Meanwhile, Amnesty International has reported that the Russian police do not approve of the IDs issued by the UNHCR to the defecting North Koreans. Consequently, the defecting North Koreans are trying to avoid contact with Russian authorities, while at the same time hiding themselves from the pursuing North Korean agents.

Amnesty International found that these escapees are not sufficiently aware of the rights guaranteed them under international law. This is large-

ly because no human rights organization exists in the Russian northeastern region and no one really shows any interest in their plight. As a result, when the Koreans escape from their work sites, they destroy their identification cards (resident permit cards) because they fear the Russian police might send them back to these sites. Yet the lack of an identification card can be grounds for extradition. Amnesty International reported that in 1993 a North Korean escapee, Choi Kyung Ho, who was trying to register his marriage with a Russian women, was instead arrested and extradited because he did not have an identification card.

The North Koreans who are arrested are handed over to DPRK security agents stationed in the region. Defector Yoon Sung Chul testified that those arrested are forced to sign documents arbitrarily prepared by security agents (which usually consist of confessions to crimes such as attempting to escape to South Korea or listening to South Korean broadcasts) and then they are deported. The forcible extradition is carried out by the SSA personnel or other security agents stationed in the region. Together with their documents, escapees are sent to the provincial political departments in their home towns. When sent back to North Korea, often their legs are placed in casts or in chains to make sure they do not attempt to escape again.

Those who try to resist the extradition process are summarily executed. In May 1996, one North Korean who tried to seek asylum in Seoul was arrested by Russian authorities and then was executed on site while he was being handed over to North Korean authorities. The Russian Maritime Province, governor Nazdrachenko explained that "(t)hree North Korean escapees who had been seeking asylum in South Korea with fake passports were arrested, and while they were being transferred to North Korean authorities at the border one was summarily executed on the spot." He continues, "(F)or humanitarian reasons we did not return the other two but brought them back instead and imprisoned them in a Vladivostok jail." Amnesty International demanded that the Pyongyang authorities investigate this incident and punish those involved, and later disclosed human rights violations suffered by these various escapees in a report that it compiled and published.

Those escapees who are returned to North Korea receive harsh punishment. According to Article 47 of the penal code, they are considered national traitors and face execution or concentration camp sentences. According to Amnesty International's report, a North Korean escapee named Song Chang Geun who was sent back to North Korea in August

1995 was later executed. After Pyongyang began to receive international criticism regarding the execution provision in Article 47 of its Criminal Code, they informed Amnesty International in February 1996 that “this provision was amended in 1995”; yet Amnesty International’s repeated requests for clear confirmation regarding this provision have remained unanswered. These escaping North Koreans risk their lives to avoid deportation. Amnesty International reports that a North Korean named Kim Sun-ho threw himself from a moving train near the city of Vellocost in the Russian northeast region while he was being extradited. Yoon Sung Chul successfully escaped during his extradition while he was still shackled. To avoid arrest and extradition, some escapees deliberately commit crimes so that they will be imprisoned in Russian jails. And as their sentences are about to finish, they commit another crime. Amnesty International believes that some of these escapees are being held in a prison for foreigners in Moldova.

Appendix

<Appendix I>

List of Abductees and Detainees in North Korea

1. Kidnapees and Detainees in North Korea

	Total	Fishermen	Crew of KAL	Navy Personnel	Others
Kidnapees	3,740	3,662	51	20	7
Detainees	442	407	12	20	3

Note: These statistics do not include unconfirmed reports on people kidnapped from third countries. They include the dead.

2. Detainees by Year

Year	Number fo New Detainees	Cumulative Total	Year	Number of New Detaines	Cumulative Total
1955	10	10	1971	16	324
1957	2	12	1972	66	390
1958	23	35	1973	6	396
1964	16	51	1974	28	424
1965	22	73	1975	(1)	425
1966	2	75	1977	(1)	426
1967	43	118	1979	1	427
1968	131	249	1980	(1)	428
1969	21	370	1987	13	441
1970	38	308	1995	1	442

Note: Figures in parentheses are unconfirmed.

3. Fishermen Kidnapped and Detained in North Korea

May 28, 1955	Cho Jong Il, Hwang Deuk Shik, Jung Tae Hyun, Kim Jang Hyun, Kim Sun Kwi, Lee San Eum, Park Pyo Man, Yu Jang Hwa, Yun Seong Woo, Yu Oe Taek
Nov. 9, 1957	Kim Seong Ju, Ma Seung Sup
April 28, 1958	Hong Bok Dong, Park Dong Keun
April 29, 1958	Kim Yung Bok, Park Yung Keun
April 30, 1958	Han Jin Yong, Kim Chang Hyun, Kim Myung Sun, Park Se-un
May 14, 1958	Jang Sun Jong
Nov. 7, 1958	Heo Jun, Lee Yong Taek, Park Dong Jun, Shin Kwang Pil, Song Sang In, Song Seong Rak
Dec. 6, 1958	Kim Beom Ju, Kim Ke Rak, Kim Myung Eun, Kim Won Ro, Kim Yeo Hun, Kim Yun Taek, Um Kwang Sup, Yun Seung Beom
March 1, 1964	Choi Dong Gil, Choi Jun Su, Choi Mun Gil, Choi Seok Yong, Kwak Hyung Ju, Kwak Jong Hyo Kwon Oh Dong, Lee Jong Yun, Lim Kwi Bok, Park Tae Gil, Song Eun Seok
July 19, 1964	Han Sang Jun, Park Ki Jeong
July 29, 1964	Mun Seong Cheon
Oct. 16, 1964	Kim Kwang Ho, Yu Han Bok
May 8, 1965	Choi Dong Gi
May 31, 1965	Lee Jeong Ung
Oct. 29, 1965	Hyun Keun Hwa, Jung Yung Nam, Kim Bun Im, Mun Jeong Suk, Na Yong Yul
Nov. 15, 1965	Cheon Tae Ok, Jung Chang Kyu
Nov. 20, 1965	Choi Yung Jung, Han Dong Sun, Ju In Bok, Kim Jang Won, Kim Jeong Gu, Kim Kyung Su, Kim Seong Man, Lee Byung Gi, Lee Chang Yung, Seo Bong Rae
Nov. 26, 1965	Kim Tae Jun
Nov. 30, 1965	Kim Jong Ok, Seo Seok Min
Jan. 26, 1966	Hwang Chang Sup
June 24, 1966	Park Pal Man

April 12, 1967	Choi Hyo Gil, Choi Jong Deung, Choi Myung Hwan, Jang Kil Yong, Jnag Yung Sik, Jin Jeong Pal, Jung Hak Myung, Nam Bok Yi, Kim Dae Gon, Kim Hong Il, Kim Jang Hun, Kim Sang Su, Kim Yung Il, Lee Jeong Sik
May 23, 1967	Hong Seung Gyun, Yun Kyung Gu
May 28, 1967	Lee Seon Il
May 29, 1967	Choi Chang Eui, Kim Ok Jun
June 5, 1967	Choi Won Mo, Mun Kyung Sik
June 15, 1967	Kim Bong Su
July 22, 1967	Lee Ki Chul
Nov. 3, 1967	Hong Sun Kwon, Jang Jae Cheon, Kim Ja Jun, Kim Sang Jun, Kim Seong Jae, Lee Chang Sik, Lee Jin Yung, Lee Tae Su, Ma Ki Deok, Oh Won Sup, Park Kyu Chae, Park Neung Chul, Park Rak Seon
Dec. 20, 1967	Kim Nam Hyun, Kim Seong Ho, Ki Yang Deok, Lee Chun Sik, Lee Jeong Hae, Oh Myung Bok
Dec. 25, 1967	Han Hae Jin
Jan. 6, 1968	Kim Ju Cheol, Yang Sang Eul
Jan. 11, 1968	Park Bok Tack
March 10, 1968	Seo Su Jung
April 17, 1968	Jung Jang Baek, Kang Myung Bo, Kim Hak Rae, Kim Hong Rok, Lee Ok Jin, Lee Tae Yong, Lee Yung Suk
April 27, 1968	Jung Yeon Tae, Kim Yong Bong, Lim Kyu Cheol, Yun Mu Chul
May 9, 1968	Kim Jeong Il, Oh Seong Jae
May 23, 1968	Han Ki Dol, Kim Hong Gyun, Lim Byung Hyuk
May 29, 1968	Jang Chang Su, Kim Jae Gu, Kim Myung Hak, Kim Su Keun, Lee Sang Won, Park Man Bok
June 1, 1968	Gong Mun Ik

June 6, 1968	Choi Dong Jin, Kim Il Oh, Kim Kil Oh, Kim Kyung Du, Ko Jong Hyun, Ko Ju Bong, Kim Yi Bae, Kim Yong Gil, Lee Il Nam, Lee Seon Ju, Oh Pan Cheol, Park Myung Ok, Seo Jong Sul June 8, 1968 Choi Dong Il, Cho Mun Ho, Chun In Man, Ju Jae Keun, Kim Byung Ho, Kim Yong Gi, Kim Yung Uk, Ko Jun Su, Lee Un Gil, Park Hyung Jung, Shin Seong Uk
June 12, 1968	Kim Do Kyung, Seo Yong Sik
June 16, 1968	Kim Kwang Un
June 17, 1968	Hong Sang Pyo, Kim Kwang Geun, Kim Yeong Gu, Son Cheol Sun, Son Eun Ju, Yu Byung Chun
June 21, 1968	Kim Chang Hyun, Shim Kwang Sik
June 23, 1968	Kim Jin Kyung, Lee Il Hwan, Lee Ki Jun, Oh Nam Mun
June 29, 1968	Cha Jong Seok, Kim Dae Man, Lee Sang Eun
July 2, 1968	Cho Kyu Yung, Ham Tae Cheon, Hwang Du Ho, Jang Myun, Ju Yung Sam, Kim Cheol Kyu, Kim Eung Kwon, Kim Myung Hi, Kim Nam Ho, Kim Yong Su, Ko Jong Hwan, Kwak Do Sang, Lee Chun Man, Lee Eun Kwon, Lee Jong Beom, Park Seong Mun, Seon Woo Seok, Yu Kang Yeol, Yun Du Chan, Yun Neung San
July 4, 1968	Lee Yung Cheol, Yun Kwi Nam
July 10, 1968	Choi Seung Bok, Choi Won Su, Cho Seok Won, Chun Seok Gu, Jang Jin Gu, Kang Bung Un, Kim Jin Yung, Kim Sang Yun, Lee Hae Jun, Park Heung Sik, Park Jong Up
July 12, 1968	Kim Chun Sik, Kim Nam Guk, Lee Yang Jin, Yeo In Eok
Aug. 6, 1968	Han Taek Seon, Hwang Myung Sam, Kim Jae Uk
Aug. 7, 1968	Jang Eul Seon, Jung Han Su, Kang Myung Hwa, Kim In Cheol, Kim Kwang Su, Um Ki Man
Oct. 30, 1968	Chun Man Su, Ham Ki Nam, Jin Ki Bong, Kim Jong Woo, Kim Yi Deuk, Lim Jae Dong
Nov. 7, 1968	Kim Dong Ju, Ko Sun Cheol, Lee Ki Seok, Lee Tae Un, Lee Yung Gi, Mun Won Pyo
Nov. 8, 1968	An Su Seon, Chun Do Min, Jung Yeon Bae, Kim Jong Sun
May. 1, 1969	Han Jong Nam
May. 5, 1969	Lee Kwang Won

May 10, 1969	Jung Heung Hae, Lee Dong Woo, Lim Pan Gil
June 10, 1969	Cheon Mun Seok, Choi Du Su, Jung Oh Seok, Lee Deok Pyo
April 29, 1970	Choi Jong Yul, Hwang Seok Gyun, Jung Yung Cheol, Kang Byung Il, Kim Tae Rang, Lee Jae Geun, Park Hwi Man, Um Seung Yung
June 22, 1970	Kim Heung Dong, Kwon Hyuk Geun, Lee Sun Bong, Oh Kwan Su
June 30, 1970	Kim Il Yung
July 8, 1970	Byun Ho Shin, Choi Sang Il, Jang Chun Bin, Min Kyung Shin, Sa Myung Nam
Jan. 6, 1971	Hwang Yung Sik, Jung Moksari, Jung Se Yul, Jung Wan Sang, Kim Chang Deok, Kim In Cheon, Kim Sang Dae, Park Cheon Hyang, Park Dong Sun, Park Jeong Gu, Park Gil Yun, Song Ok Cheon
May 14, 1971	Kim Jae Su
Dec. 25, 1971	Hwang Yung Cheon, Kang Heung Gi, Kim Bong Sik
Jan. 10, 1972	Kim Jeong Ok
Feb. 4, 1972	Bae Hyun Ho, Choi Bu Yung, Chun Seung Cheol, Dong Byung Sun, Gong Sun Gyung, Jung Dong Bae, Jung Tae Gap, Kim Cheol Ju, Kim Dal Yung, Kim Dong Sik, Kim Du Seon, Kim Hwi Nam, Kim Il Bong, Kim Im Kwon, Kim Kye Heung, Kim Seok Man, Kim So Ung, Lee Heung Sup, Lee Pyung Il, Lee Sang Rok, Park Bok Man, Park Dal Mo, Park Jang Hyun, Park Sang Guk, Shin Tae Yong, Wi Chun Hwan
May 4, 1972	Kang Yeo Jin
May 12, 1972	Kim Sun Sik
June 9, 1972	Bae Min Ho, Bang Seung Do, Choi Seong Hyun, Kim Jeong Gil, Lee Su Seok, Lee Won Jae, Lim Chang Gyu, Nam Jeong Yeol, Nam Mu Su
Aug. 14, 1972	Kim Yung Sik, Song Rae Gyu
Aug. 21, 1972	Kim Dae Bong, Lee Seok Ryong
Dec. 28, 1972	An Su Yung, Choi Yung Geun, Jung Do Pyung, Jung Geon Mok, Jung Hyung Rae, Kang So Dong, Kim Cheon Gu, Kim Eui Jun, Kim Il Man, Kim Jong Won, Kim Ok Ryul, Kim Tae Jun, Kim Yong Cheol, Lee Gong Hi, Lee Jae Myung, Park Du Hyun, Park Du Nam, Park Yang Su, Park Yong Gap, Park Yung Jong, Park Yung Seok, Seo Seok Gi, Seo Yung Gu, Yu Kyung Chun

July 27, 1973	Cho In Woo, Cho Sun Rae, Kim Sun Nam, Kim Yung Hi, Na Ki Yong, Seo Deuk Su
Feb. 15, 1974	An Byung Jin, Baek Heung Seon, Choi Bok Yeol, Choi Yung Cheol, Jang Yung Hwan, Jung Jong Yun, Jung Yu Seok, Kim Hyun Nam, Kim Jae Bong, Kim Jong Kwan, Kim Jung Sik, Kim Keun Sik, Kim Seng Rim, Kim Wol Geun, Kim Yong Geon, Kim Yong Gi, Kim Yong Gil, Ki No Seok, Ko Kwang Hi, Lee Cheon Seok, Lee Dae Hong, Lee Seong Yong, Lim Tae Hwan, Park Jong Ju, Park Kyung Won, Park Nam Ju, Song Min Gyung, Yu Yong Seok
Aug. 8, 1975	Kim Du Ik
May 10, 1977	Choi Jang Geun
Jan. 26, 1980	Kim Hwan Yong
Jan. 15, 1987	Choi Jong Seok, Chu Yung Su, Jin Yung Oh, Jung Il Nam, Kang Hi Keun, Kim Sang Sup, Kim Sun Keun, Kim Yung Hyun, Lim Kuk Jae, No Seong Ho, Park Kwang Hyun, Yang Yong Sik

4. Crewmen of ROK Navy vessel I-2 Kidnapped and Detained in North Korea

June 5, 1970	Choi Ung Ho, Cho Jin Ho, Cho Tae Bong, Chun Hae Yeol, Do Jong Mu, Ham Yung Ju, Jung Kwang Mo, Jung Su Il, Jung Won Seok, Kim Ki Gang, Kim Tae Jong, Kwon Deok Chan, Lee Deok Ju, Lee Jae Yung, Lim Seong Woo, Meng Kil Su, Mun Seok Yung, Park Jae Su, Seo Keum Seong, Shin Yung Hun
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5. KAL Korean Airlines crew members Kidnapped and Detained in North Korea

Dec. 11, 1969	Choi Jung Ung, Choi Seok Man, Chong Kyong Sook, Cho Uk Hee, Hwang Won, Im Cheol Su, Jang Ki Yung, Je Heon Duk, Kim Bong Ju, Lee Dong Gi, Song Kyong Hee, Yu Byung Hwa
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6. Others Kidnapped and Detained in North Korea

April 13, 1978	Koh Sang Mun
July 20, 1987	Lee Jae Hwan
July 9, 1995	Ahn Sung Un

7. Partial List of Abductees and Detainees in Political Concentration Camps

Kang Kwang Suk	Abducted in December 1992; formerly a real estate agent
Kang Jung Suk	Former miner in West Germany; Forcibly abducted by North Korean agents in 1971
Ko Sang Moon	Former teacher at Seoul's Soodo Girl's High School; Lost South Korean passport while studying in Oslo, Norway. Took a taxi to the South Korean embassy in Oslo to file reports on the missing passport. Taxi driver mistakenly dropped him off at the North Korean embassy in Oslo, and was forcibly abducted by the embassy staff to North Korea. After Amnesty International disclosed the list of detainees at Sungri Concentration Camp in North Korea, Radio Pyongyang announced in August 1994 that Mr. Ko has voluntarily entered North Korea and was working as a geography researcher. When Mr. Ko's family in South Korea petitioned the United Nations about Mr. Ko's case, North Korea responded via the UN to Mr. Ko's family in 1995 that Mr. Ko was well and has remarried in North Korea. South Korea has raised questions as to the credibility of the response and declared that it will continue to demand Mr. Ko's return to South Korea.
Kim Bo Gyom	Taxi driver; Forcibly abducted by North Korean soldiers near DMZ.
Kim Sung Bae	In May 1983; A former construction company executive.
Kim Sung Jin	In Sept. 1984; A private in South Korean Army
Kim Soon Sung	A former miner in West Germany
Kim Won Suk	In Feb. 1990; A former president of a sight-seeing company
Ro Joon Woo	A former farmer
Shin Sook Ja	A former registered nurse; Entered North Korea in November 1985 via North Korean Embassy accompanying her husband Oh Gil-Nam. Used to live on Changkwang street, Pyongyang. When Oh Gil-Nam fled North Korea in November 1986, she was detained at Yoduk Concentration Camp with two daughters. Worked as nurse at TB Ward of the Yoduk Camp between Jan. 1998 and Feb. 1989. North Korea denies detaining her in the camp.

Shin Weon Sik	In June 1991; A former bridge designer in the United States
Yang Chil Sung	In Sept. 1988; A former real estate agent
Yom Kyu Hwan	A former employee of a pharmaceutical company; Abducted while attending an international conference in Japan by agents of pro-North Korean Residents Association in Japan.
Yoo Sung Keun	A former Labor Attache at South Korean Embassy in Bonn; Forcibly abducted by North Korean agents while traveling to West Berlin in April 1971; His wife, Chung Soon-Sop and two daughters, Yoo Kyung-Hee (age 7 at the time) and Yoo Jin-Hee (age 1) were also abducted together.
Lee Dae Sik	In Sept. 1988; A former emigrant to Paraguay
Lee Young Hoon	In April 1992; A former chief-of-staff at an attorney's office
Lee Jang Soo	Entered North Korea with Cho Byung-Wook below.
Lee Jae Kwan	In Dec. 1989; A former employee of Samsung Electronics Distribution Center
Lee Jae Hwan	In July 1989; A former student in the United States
Lee Joon Kwang	A former army lieutenant colonel; Entered North Korea due to promotion complaints.
Lee Chi Soo	A former farmer
Chung Rak Ho	In July 1991; A former crew of Chokwang Shipping Company
Chung Jong Do	A former scientist in the United States; Abducted by North Korean embassy personnel while travelling to Indonesia. North Korea disclosed to Amnesty International that he had passed away in 1989.
Cho Byung Wook	A former employee at a Naval Transportation Depot; Entered North Korea in October 1976.
Cho Hong Rae	In Aug. 1992; A former operator of a sports shop.
Choi Jong Suk	In Jan. 1987; A crew member of the abducted fishing boat, the Dongjin 27.
Choi Hee Chang	In Oct. 1991; A former crew of Chokwang Shipping Company

* Other abductees without personal details: Known O-Moon; Cho Seng-Koo; Suh Hak-Sik; Park Chong-Sin; Lee Chan-Soo; Yoo Jae-Won; and Kim Choon-Gil.

**The above list is based on information obtained from report of the Amnesty International and South Korea's National Intelligence Service.

<Appendix II>

The Situation of Human Rights in the Democratic People's Republic of Korea

(E/CN.4/Sub.2/1998/L.7: 1998.8.14)

The Sub-Commission on Prevention of Discrimination and Protection for Minorities.

Reaffirming that all Member states have the obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments.

Recognizing that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.

Considering the participation of the Government of the Democratic People's Republic of Korea at the examination of its initial report on the implementation of the Convention on the rights of the Child (CRC/C/3/Add.41) by the committee on the Rights of the Child in May 1998 to be an encouraging sign of cooperation with the United Nations treaty bodies, Recalling its resolution 1997/3 of 21 August 1997.

Concerned at the extreme difficulty in obtaining accurate information concerning the situation of human rights in the Democratic People's Republic of Korea, which has been made even more difficult by the Government's persistent repression of independent journalists and human rights defenders.

Concerned also at frequent reports of extrajudicial execution and disappearances within the Democratic People's Republic of Korea, as well as at similar reports that thousands of political prisoners are currently being

detained within the country, many of whom have suffered severe ill-treatment and have consequently died of disease, starvation, and exposure.

1. Welcomes the participation of the Government of the Democratic People's Republic of Korea in the examination of its initial report on the implementation of the Convention on the Rights of the Child by the Committee on the Rights of the Child.

2. Urgently calls upon the Government to ensure full respect for articles 13 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights, both of which relate to the right of anyone to leave any country including his or her own, and to return to his or her country.

3. Requests the Government to cooperate fully with the procedures and services established by the United Nations with the aim of ensuring the promotion and protection of human rights, in accordance with the Charter of the United Nations.

4. Strongly urges the Government to allow and facilitate inquiries by independent national or international human rights monitoring organizations concerning the current human rights situation within the country and to allow the publication and distribution of all findings inside the Democratic People's Republic of Korea.

5. Invites international human rights and humanitarian organizations to devote greater attention to the human rights situation in the DPRK.

6. Invites international humanitarian organizations to enhance, at the international level, awareness of the effects of hunger and other economic difficulties for all the citizens of this country and to provide an substantial and effective assistance.

7. Decides to recommend that the Commission on Human Rights consider the situation of human rights in the Democratic People's Republic of Korea at its next session and, if the commission is unable to take action on the situation of human rights in the Democratic People's Republic of Korea to continue consideration of the matter at the fifty-first session of the Sub-commission under the same agenda item.