



White Paper on
Human Rights
in North Korea



Korea Institute for
National Unification

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on
Human Rights in North Korea

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I. Human Rights and the North Korean Socialist System

1. Human Rights and the Nature of the North Korean Political System

A. The Continuing Personality Cult

Kim Jong-il succeeded power from Kim Il-sung upon his death in 1994. Kim Jong-il became General Secretary of the North Korean Workers' Party (KWP) in October 1997, and was elected Chairman of the National Defense Commission, which is the highest position in North Korea, in September of 1998. However, Kim Il-sung continues to hold the position of Jusok (or presidency), exclusively and in perpetuity. Kim Jong-il is using the aura of Kim Il-sung to solidify the foundation of his own power. At this point, there does not exist any challenging elements against Kim Jong-il.

In an effort to justify his rule, Kim Jong-il is strengthening the personality cult for Kim Il-sung and himself. When BBC correspondent Brian Barren visited the Kumsusan Memorial Palace, a North Korean female guide explained to him that North Koreans were not a particularly religious people, but they regarded Kim Il-sung and Kim Jong-il as "god." This is the extent to which the two father-son Kims and their clans are deified, and absolute loyalty is demanded of the people.

In terms of laws and institutions, the constitution, revised in 1998, stipulates Kim Il-sung as "the permanent Jusok" and designates the revised constitution as the "Kim Il-sung Constitution." It also adopted a new "Juche (self-reliance) era," calling the year of Kim Il-sung's birth, 1912, as the first year of the era. Except for the title "Jusok," which permanently belongs to Kim Il-sung, Kim Jong-il is adulated with all the heroic expressions that had been used to hail Kim Il-sung, such as "the Sun of the People" and "the Great

Field Marshall.” Following in the footsteps of Kim Il-sung, Kim Jong-il is making the best of the Confucian tradition to justify his own rule. North Korean authorities constantly emphasize Kim Jong-il’s moral superiority as a leader, absolute obedience to Kim Jong-il’s authority, and society-wide collectivism. A “Joint Editorial” of the Rodong Shinmun (Party newspaper), the Korean People’s Army and the Youth Vanguard was published as the New Year’s Message for 2001. In the editorial, North Korea stressed that the people had to safeguard Kim Jong-il’s ideological lines at all cost, because he was “the leader of the people, creator of happiness, guardian of justice... and standard-bearer in the 21st Century.” This is the extent of emphasis on the imperative to pay unconditional loyalty to Kim Jong-il and his absolute leadership.

Consequently, those who criticized, disrespected, defamed or complained about Kim Il-sung or Kim Jong-il, their words or images, would suddenly disappear and remain “missing.” The defectors from North Korea (hereinafter “defectors”) testified that the North Korean authorities would send away most of these people to detention camps for political criminals (hereinafter “political detention camps”) without proper trial procedures. In North Korea, traitors, factional elements, anti-Kim Il-sung elements and those purged for political reasons are not given due process of the law, but tried behind doors by the State Security Protection Agency (SSPA) and sent off to political detention camps. The criminal’s family members and relatives are also punished, depending on the nature of crime committed. In many cases, political prisoners are subjected to inhuman treatments under segregation in remote mountains. Many of them do not even know the specific name of their crime or the level of punishment. North Korean authorities refer to each political detention camp as “Control (Management) Center No. XX.”

It is clear that the process of regimentation to promote Kim Jong-il’s personality cult and absolute power begets untold numbers and unspeakable levels of human rights violations, the likes of which existed only during the

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reign of Stalin in the former USSR.

B. Reinforcing Ideology Education

The North Korean regime's primary objective in reinforcing ideological education is to inculcate the people's loyalty to Kim Jong-il and justify Kim Jong-il's authoritarian rule. The other objective is to maintain the socialist system under a one-party rule. In order to alleviate economic difficulties and secure international support for the Kim Jong-il regime, North Korea is pursuing a pragmatic, "all-directions" diplomacy internationally and engaging in exchanges with South Korea. However, it has recently been tightening internal social controls for fear of adverse repercussions on the regime's stability. The regime is operating "ideology inspection teams" and has increased education hours. The objective is to prevent the inhabitants from indulging in ideological indifference and to cut off the winds of reform that began to reach North Korea as exchanges increased internationally and between the two Koreas since the inter-Korean summit. North Korea seems to believe that external contacts, such as economic exchanges, are necessary, but that the winds of liberalization should be actively cut off.

Since June of 2001, North Korean authorities have been promoting ideological struggles, instructing the people to "cut off capitalism at the bud" before it grows and stamp out any area where "internal and external class enemies" may try to emerge. Such calls were contained in political essays like "On Sharpening Knife Blades of Class Struggle against the Emerging Political Climate."

An important objective of North Korea's ideological education is to maintain the socialist regime by emphasizing the merits of socialism and plant fears of capitalism in the minds of the people. The education aims to reinforce the idea that capitalism thrives in the survival-of-the-fittest societies where the strong dominate over the weak.¹⁾

1) Testimony of Kim X-ik during an interview at KINU, August 29, 2001.

The reason the authorities are trying to reinforce the ideological education is to strengthen internal cohesion by protecting the restive populace from adverse influences, which frequent external contacts may bring on amid economic hardship and ideological indifference. But, the attempts to exercise strict control over the people's freedom of action invariably lead to human rights violations.

C. Coercive Repressive Apparatuses

North Korean authorities are maintaining their regime's security on the basis of the Korean Workers' Party and the People's Army, in addition to the education in ideology that the people receive. Internally, North Korea is a one-party dictatorship under the Korean Workers' Party, which is an ultra-constitutional organization that dominates over the state. Article 11 of the North Korean constitution stipulates, "The DPRK carries out all its activities under the leadership of the KWP." The KWP was founded by Kim Il-sung, and is the organization that leads revolution and construction under the sole leadership of the Great Leader Kim Il-sung and the Juche ideology. Since the death of Kim Il-sung, Kim Jong-il has led the party as its general secretary. The party is performing a central role for the one-man dictatorship by implementing Kim Jong-il's instructions and orders. The party is demanding its 3.2 million partisans to pay unflagging and unconditional loyalty to the leader.

The external security is the responsibility of the People's Army, but the army is also expanding its role to internal affairs. In an effort to solidify his leadership base and to overcome economic hardship, Kim Jong-il has been actively involved in military-related activities such as "on-site instructions" for the military, and has emphasized the "military-first" policy in the political, economic and social sectors. The primary objective of the "military-first" policy is to win the loyalty of the 1.17 million soldiers to his leadership and the regime. Under the policy, Kim is encouraging the military to play a vanguard role in their pursuit of socialist revolution. The 2002 New Year's

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Message stressed that Kim Jong-il and the military were leading the efforts to build socialism, saying “the military-first revolutionary line is a permanent strategy of revolution in our time and an almighty sword in our efforts to build socialism. The eternal order for the People’s Army is to protect the revolutionary leadership, and the spirit of our combat-driven military is “all bombs and self-destruction.” The message also emphasized that the mission of the People’s Army is to protect the supreme commander (Kim Jong-il) to the death. The military, then, is the vanguard of protection for the socialist system and for the construction of a “powerful and prosperous nation.” On the other hand, the excessive emphasis on military-first politics tends to permit lenient discipline on individual soldiers, and the people are scared of the soldiers’ violent behavior.

The People’s Safety Agency (PSA-formerly Social Safety Agency) and the State Security Protection Agency (SSPA, or SSA) share the responsibilities for internal order. The SSPA is responsible for detection and punishment of anti-Kim Jong-il and anti-revolutionary elements. The farm-guidance bureau of the SSPA supervises the political detention camps. The PSA performs police functions and handles social and economic crimes, as well as surveillance of the people. Since the economic hardship and food shortage also affect these regime-protection agencies, the morale of the agents working for these outfits is also very low, and their “out-of-line” behavior often results in breaches of citizens’ human rights.

D. Economic Hardship and the Continuing Threat to Life

The economic hardship and food shortage in North Korea are threatening the citizens’ right to life. At the “East Asian-Pacific Region Ministerial Conference for the Protection of the Rights of the Child” in Beijing, North Korean Vice Foreign Minister Choi Su-hun openly admitted that due to economic hardship and the shortage of food, North Koreans were suffering from shorter life-expectancy and starvation, and that the country was suffering

from a chronic shortage of food and medicine and collapse of the medical service system.²⁾ Director Andrew Natsios of the US Agency for International Development estimated in a paper that North Korea suffered a population reduction of seven million people in the past ten years, and that at least 2.5 million (10% of the population) perished due to starvation.³⁾

Due to the aid from the international community, the North Korean economy appears to be overcoming negative growth to show some positive growth, but its food shortage situation has yet to be completely ameliorated. According to South Korea's Bank of Korea, North Korea in 1999 recorded a GDP growth of 6.2% over the previous year, and a growth rate of 1.3% in the year 2000. However, it suffered a 15% reduction in the agricultural sector in 2000.

Both the Food and Agricultural Organization (FAO) and World Food Program (WFP) estimated that North Korea's grain output for the year 2001 showed an increase of 38% over the previous year for a total of 3.54 million tons. This was 1.37 million tons short of the required 5.1 million tons, they said. Director John Powell of the WFP's Asia Bureau predicted that North Korea would run out of grains in January 2002 if it did not receive international aid.

North Korea's food shortage displays two basic problems: one is the inability to meet the absolute minimum required, and the other is the transparency in the distribution of grains provided by the international community. The international aid is distributed on a priority basis to the military, the staff members of NSPA and PSA, and almost none to ordinary inhabitants. Verification efforts proved to be futile due to the deceitful practice of double bookkeeping.⁴⁾ The issue of transparency was raised again in a report of the special grain inspector of the UN Human Rights Commission.

2) UNICEF, "UNICEF Humanitarian Action," DPR Korea, July 12, 2001.

3) See his paper "Massive Starvation in North Korea - Starvation, Politics and Foreign Policy," *Joong-Ang Ilbo* (Seoul), December 17, 2001, daily edition.

4) Testimony of Lee X-chul during an interview at KINU, September 23, 2001.

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Although North Korea appears to be moving out of the worst food crisis, one out of three North Koreans are still facing the danger of starvation, and food shortage is still a main source of human rights violations. The persisting food shortage is causing family breakups, crimes and defection of people from the North. The severe punishments imposed on lawbreakers by the government also serve as a key to the vicious circle of human rights violations.

The food shortage has caused spouses to feud, then divorce, which ultimately leads to a break-up of the family. The broken families produce a great number of homeless children (called “Kochebi”). Their petty thefts help multiply disorderly social behaviors. Also, there is increasing in North Korea something called the “Daegisukbak” or overnight sex business.⁵⁾ All sorts of criminal activities are taking place involving North Korean women that cross the border into China, such as “human trade”(slave trade), prostitution, and forced marriage. Some women voluntarily submit themselves to human trade or forced marriage with Chinese men for their own survival or for their family.⁶⁾ It is reported that some 50% of those crossing the border due to the food shortage become the target of human trade. As such, the primary victims of the food crisis are women and children. Inhuman punishments such as public executions for economic crimes continue in North Korea.

Due to the shortage of medicine and equipment, the medical system is paralyzed and only 5% of patients can expect to receive medical benefits. Grohalem Bruntland, Secretary General of World Health Organization, reported after a trip to Pyongyang that there was an increase of 30-40% in the number of people who died of infectious diseases such as tuberculosis and malaria.

E. Restricting the Freedoms

In its constitution and laws, North Korea institutionally provides for

5) Testimony of Lee X-chon during an interview at KINU, August 31, 2001.

6) Testimony of a 23-year old woman from Hichon City, Jakang-do Province. See the data provided by *Good Friends*, p. 3, December 26, 2001.

political and civil rights, but in reality they are strictly controlled. Independence of the judiciary as a bastion of human rights is ignored in North Korea. It is one of the characteristics of socialist systems in general that no fair trial can be expected legally or institutionally since the judiciary is subservient to the party. North Korea's "Political Dictionary" defines that the function of the judiciary is to guarantee that the Suryong's teachings and the policies of the Party are followed.

Lawyers do exist in North Korea, but few practice law per se, and there is no attorney-client system. All lawyers are state attorneys belonging to the Chosun Lawyers' Association, and are political workers whose duties are to protect and carry out the Party's policies rather than represent defendants in court. Even when they appear before the court, no opportunity is given the attorneys to argue for the defendant(s). During power struggles in the past, Kim Il-sung once pointed out, "The idea of defense attorney is bourgeois thinking." In 1993, an attorney law was enacted, and a system of qualification exams was also instituted. But these lawyers are mostly engaged in external relations, and are known to be unable to perform the role of protecting the rights of the people.

The North Korean criminal code does not stipulate punishable crimes in detail but sets down the rules in broad terms. Furthermore, many human rights principles, such as "prohibition of retroactive legislations" or "punishment only by the prescribed laws," are denied in North Korea. Such ambiguous and all-inclusive concepts as "anti-revolution" or "reactionary" are applied to anti-regime persons, who are then imprisoned, their properties expropriated, and sent to political detention camps or sentenced to death. Anti-revolutionary crimes include criticism of Party or state policies and complaining about or defaming Kim Il-sung or Kim Jong-il (such as defacing their pictures).

The deteriorating economic hardship and food shortage contributed to increases in public executions and the number of detainees in political detention camps. North Korean defectors testify that in the political detention

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camps inhuman treatment, such as public executions and sex crimes against female detainees, was so widespread that they refer to them as places of “human butchery.”⁷⁾

The freedom of speech and expression is strictly controlled, and all media including cultural activities are employed as means of propaganda to achieve the Party’s goals. No criticism is allowed against policies of the Party or the government, let alone criticism of Kim Il-sung or Kim Jong-il. North Korean authorities strictly control all internal and external information that could adversely affect the maintenance of the regime. North Korea is enforcing the “three don’t” policy: don’t see, don’t hear, and don’t know. As a result, North Koreans will get only the information provided by the government. For all other information-though extremely limited-they rely on word of mouth, rumors or “secret communications.” Any unauthorized assembly or association are regarded as a collective disturbance and will result in severe punishment for those implicated.

Religious freedom is guaranteed by the constitution, but it is sharply curtailed in reality because it is proscribed that citizens must not use religion to bring in foreign influences or disturb social order. To be sure, some courses in religion are offered at universities, including Kim Il-sung University, but the students who took the courses are mostly working in the foreign trade sector.⁸⁾ There are no genuine religious practitioners in North Korea. Some people are officially recognized as practicing religion, but in fact they are there to facilitate foreign aid or for purposes of international propaganda. According to defectors’ testimonies, underground churches are recently increasing in number. But if the members are spotted, they are arrested and subjected to the severest of punishments such as the death sentence.⁹⁾ For these reasons, the US International Religious Freedom Committee classified North Korea as a

7) Testimony of Lee X-kuk during an interview at KINU, October 27, 2001

8) US Department of State, “Democratic People’s Republic of Korea - Country Report on Human Rights Practices - 2000,” (February 2001), pp. 7-8.

9) Ibid.

country engaged in religious repressions.¹⁰⁾ The North Korean constitution also guarantees “the freedom of residence and travel,” but this “freedom” is subject to the government's approval. Recently, however, illegal travels have been tacitly allowed due to the food shortage.

North Korean workers are not permitted to form voluntary labor unions to protect their rights without government authorization. The “All Korea Professional Alliance” is nothing more than an official organization that carries out policies of the Party and teachings of the Leader, and the workers are “organized” or mobilized only for purposes of political education and additional labor. The authorities routinely ignore individuals' freedom to choose jobs, and the workers are “group-assigned” to workplaces according to their family history or background. The constitution provides for an eight-hour workday, but usually people are forced into 12- to 16-hour-days on top of the time they spend in political education sessions. And due to the ramshackle working environment, the rate of accidents incurred on the job has risen.

Freedom is granted on a very limited basis and only to the extent that such freedom would not compromise Kim Jong-il's hold on power, his personality cult, or the policies of the Party and the government.

North Korean inhabitants do not enjoy the right of peaceful change of government through a free exercise of political rights. The North Korean constitution guarantees secret ballots based on universal, equal and direct voting principles in electing all levels of sovereign institutions. In reality, however, the votes are merely a facade used to justify the KWP's one-party rule and a propaganda tool to show off internationally that a democracy is at work. In North Korea, the elections are conducted under the control of the SSPA, and the people cast votes under the SSPA's supervision to the single candidate nominated by the party. Unless one is prepared to sacrifice oneself or one's family, it is unthinkable to cast a vote against the candidate.

10) US Department of State, “Democratic People's Republic of Korea,” International Religious Freedom Report, (October 2001).

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Furthermore, the idea of objection, or opposition, itself does not exist in their minds. Hence elections in North Korea are a formality to endorse the KWP's recruiting structure after the fact, and play a function of mobilizing the citizens for political purposes. North Korea's Rodong Shinmun (the Party newspaper, October 5, 1997) criticized the Western style multiparty political system and free elections as a source of sociopolitical confusion and frustration and asked the people to absolutely reject them. There are reports, however that in view of the rising discontent under the economic hardship, since 1997, inhabitants have sometimes been allowed to elect lower level farm and enterprise leaders directly. But, these direct elections, too, are not fully free from the Party's supervision.

F. International and Civic Human Rights Groups

North Korean authorities do not permit independent domestic organizations to monitor the human rights situation or criticize human rights violations occurring within the country. In 1992, North Korea did establish the "Korea Human Rights Research Association," but this is a government propaganda agency designed to carry out external public relations on human rights in North Korea.

To improve their image and gain international support for the Kim Jong-il regime, North Korea submitted in March 2000 a "second periodic report" on the implementation of the "International Covenant on Civil and Political Rights" to the UN Committee on Human Rights. This was North Korea's second report in 17 years. North Korea also joined the "Elimination of Violence against Women" campaign in February 2001. The March 2000 "second report" on human rights contained a number of measures. For example, it said there was in 1995 a revision of criminal code, reducing the number of crimes punishable by death from 33 to 5. North Korea said it did guarantee freedom of residence and travel, prohibit forced or mandatory labor of all kinds, guarantee the right to life and physical integrity, guarantee fair

trial procedures and conduct elections according to democratic principles.

North Korea also showed a positive attitude by dispatching a delegation to the UN Human Rights Committee meeting in Geneva (in July 2001) and answered questions posed by the committee members and staff. But, the North Koreans either totally denied or responded negatively to items concerning public executions, political detention camps, right to life, and open door policies. They admitted to only one case of public execution for which evidence was presented. But, defectors from North Korea testify that the number of public executions was far more than North Korea would admit, and the practice continues to this day.

North Korea has agreed to a “human rights dialogue,” which the European Union demanded in the process of improving relations with the EU. As part of this agreement, it held a “human rights conference” with Sweden (June 11-12, 2001) and a “human rights seminar” with the EU (June 13, 2001). The EU side was generally negative on the outcome of the seminar, but it was significant in that North Korea came to the human rights dialogue at all. For North Korea, improved relations with EU countries would have been more important than the dialogue on human rights.

It is possible to expect that North Korea will gradually and selectively improve human rights, legally and institutionally, as concerns of the international community on the human rights situation in North Korea increase and as North Korea tries to break out of the self-imposed isolation. At this juncture, however, chances are very low that this inclination will be translated into realistic improvements in human rights due to the North Korean authorities’ negative perceptions toward the global imperatives and universal value of human rights.

2. The North Korean Concept of Human Rights

As soon as a socialist regime was established in North Korea, the term “human rights” disappeared and was replaced by phrases like “working

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people's rights" and "peoples' rights." According to North Korean theories of socialism and the Juche ideology, human rights mean nothing in North Korea since the working people themselves are the builders of socialism. North Korea therefore insisted that individual rights could be guaranteed without the term "human rights," and that "human rights" were nothing but a foreign concept. In its New Year's message in January 2000, North Korea stressed that humanitarianism was an imperialist ploy, and that North Koreans should not be deceived by these ideas. Furthermore, the message insisted that the idea of human rights reflected the spiritual decay of capitalism, and so the Western idea of human rights should be rejected if North Koreans were to be liberated from capitalism.

North Korea's concept of human rights is a construct that was built by combining certain elements of the socialist system and Confucian customs to justify one-man rule and collectivism. The North Korean concept of human rights may be summarized below:

First, North Korean authorities insist on cultural exceptions and relativism with regard to the globalization of universal human rights. The "our-style" human rights theory that Kim Il-sung used to argue maintains that the standards of human rights and the "forms of guarantee" should be different from country to country depending on the realities of each nation. Since "our-style" human rights standards are defined as something that our people prefer and reflect their demands and interests, the universality of human rights should be denied.¹¹⁾ Furthermore, the emphasis the international community places on human rights and the intervention in internal affairs of another state in the name of humanitarianism are nothing but symptoms of a hegemonic and domineering attitude.¹²⁾ North Korea denies the universality of human rights and insists on exceptions and relativism in order to justify the rule of Kim Jong-il and his select group.

Second, the North Korean demands for respect for the supreme leader and

11) *Rodong Shinmun* (Pyongyang), March 2 and 16, 2001.

12) *Rodong Shinmun* (Pyongyang), January 21, 2001.

absolute loyalty to his family stem from the Juche ideology and the Confucian tradition. The Juche ideology holds and stresses that just as the core of life in the human body is the brain, the core of sociopolitical life is the Suryong, who is the supreme brain of the collectivity, and that the social life takes precedence over the individuals' biological being.¹³⁾

The Confucian tradition is also employed to justify this theory. Kim Il-sung once observed that personality cult was possible because the Confucian culture was still maintained in North Korea.¹⁴⁾ For North Koreans, rendering loyalty to the supreme leader is a prerequisite to guarantee individual human rights. The "virtuous politics" and "broad-base politics" that North Korea advertises are said to be prime examples of the benefits that the leader provides for the citizens. They argue that departing from the past political practice, which was based on class background, Kim Jong-il has declared "virtuous politics" and "broad-base politics" for the socially discriminated classes such as the families of defectors. In his first thesis released after Kim Il-sung's death, entitled "socialism is science," Kim Jong-il argued that his party has always respected the people with endless love. He stressed that the party has practiced the politics of trust and politics of virtue, and that since ancient times it has been said that politicians should display high moral standards and rule by virtue.¹⁵⁾ Kim Jong-il reiterated the politics of virtue and broad-base politics that Kim Il-sung used to emphasize. So, in order to stabilize his regime, he is trying to embrace all citizens, regardless of their background, in the name of national cohesion. But, the practice of discrimination according to a person's family background persists among the ordinary people.

Third, human rights in North Korea are treated like ranks. North Korean authorities broadly divide the inhabitants into two classes: "the people" and "the enemy." The class enemies are defined as hostile elements and their

13) *The Worker*, No. 7, 1987, p. 16.

14) Don Oberdorfer, *The Two Koreas: A Contemporary History* (Reading, Mass: Addison-Wesley, 1997) p. 21.

15) *Rodong Shinmun*, November 4, 1994.

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freedoms and rights are, in principle, denied and strictly sanctioned. Even the Confucian tradition is put through a hierarchical legal structure, and laws and justice are used as tools to protect the people and punish the enemies. To the enemies, even procedural justice is denied.¹⁶⁾

In the cases of public execution, the criminals are executed after summary trials, and political criminals often do not know the nature of their crime or the level of punishment. The practice of dividing the people into three large categories is similar to the class distinctions in the Confucian societies of the past.

Finally, North Korea emphasizes collective interests and duties (or, the interests of the collectivity) rather than inalienable rights of individuals. With respect to the peoples' rights and duties, North Korea stresses collectivism under a motto of "one for all, all for one," arguing that individual rights contribute only to social contradictions. In short, individuals exist only as members of the collectivity and individuals exist only for the interests of the "class" collectivity.¹⁷⁾ The argument simply is that respect for individual rights only pits individuals against each other and causes social instability. This line of thinking emerged as a result of grafting socialist principles and traditional Confucian precepts into collectivism for purposes of suppressing the people's way of thinking.

As such, North Korean authorities are suppressing the individuals' basic rights and freedoms for purposes of maintaining Kim Jong-il's regime. In short, the right to life and right to sustenance of the people are seriously threatened by fears of public execution and detention in political detention camps. These fates one could face on account of minor social misdemeanors or economic misbehaviors amid food shortages and due to unclear definitions of "anti-revolutionary crimes."

16) Ping Yu, "Post-Deng China: Justice with Chinese Characteristics," *Human Rights Dialogue*, Vol. 8, March 1997 (Carnegie Council of International Affairs: New York, 1997), pp. 13-14.

17) Kim Chang-ryol, "The 'Human Rights Protection' the Imperialists Insist and its Reactionary Nature," *The Worker*, No. 2, 1990. p. 93.

II. Economic, Social and Cultural Human Rights

1. Right to Life

Unlike the liberal democracies where civil and political rights are respected, socialist countries emphasize the material foundation of human rights and argue that the government is guaranteeing human rights of their citizens by providing for economic, social and cultural benefits. Like other socialist countries, North Korea is also stressing the material aspects of human rights. It emphatically points out that human rights are guaranteed by such social welfare systems as full employment, free education and free medical treatment.

As economic hardship persists, however, a large number of North Koreans face a very difficult situation in which they cannot secure even a minimum amount of food for subsistence. Since the most fundamental of rights, the right to life, is threatened, human rights in other areas, including social and cultural sectors, are absolutely inferior.

The Reality of Grain Distribution

The North Korean people understand socialism as a system in which all necessities including grains are provided for by the government. In fact, the distribution (or ration) system is one of the central features of the North Korean socialist system. In this respect, the economic, social and cultural lives of the North Korean people depend entirely on rations provided for by the state.

The food ration system has been in operation since 1952 when the national food ration law was promulgated. In November 1957, Cabinet Decisions No. 96 and No. 102 were issued to integrate food sales into a nationwide system. The ration system was later expanded to all inhabitants except for those on

collective farms. North Koreans subsist on food rations that are distributed twice a month.

The objective of the North Korean grain ration system is to effectively distribute grains, which are in absolute short supply, and to exercise effectively control over the inhabitants through the grain rations. For this reason, there are some people who believe that the government is purposefully reducing the amount of rations in the belief that if the inhabitants were given extra amounts of grain (or, in abundance) they might become complacent and indulge in idle speculations.¹⁸⁾ In addition, the system was also intended to root out freeloaders and to inculcate a sense of gratitude and loyalty toward the government and the Great Leader.

In any case, the North Korean ration system does not function properly any longer and has collapsed in most regions, except for the capital city of Pyongyang. Until early 1990, the amount of grain indicated on the ration card (a 15-day ration) was given twice a month. (The amount was about 10 kilograms for a family of four. Because they deducted from the ration the “conservation grain,” the “patriotic grain” and the “military grain,” the actual amount of grain was good for about 12 days.)

Between 1990 and 1995 the ration system degraded to the point where only about 3 kilograms of grain per month per household were distributed, which would be enough for only 3-5 days. By the end of 1995 the ration system had collapsed and rations were almost completely stopped. Since the end of 1996, individuals became responsible for their own food. Agencies, factories, and businesses independently began to engage in various illicit profit-making trade and ventures to earn foreign currencies. They then handed out about 3-4 days worth of food per month to the employees. Foreign aid has increased in the year 2000 and North Korea’s grain output also increased slightly in 2001. As a result, North Korea’s ration system appears to have improved somewhat, but

18) Testimony of defector Cho X-il (age 50, Deputy Base Leader, Military Unit 964 in Hamkyung Bukdo Province).

there is absolutely no difference in the grain shortage situation.

Currently, official food rations are distributed on a priority basis to Pyongyang, which is a special supply zone, and to selected classes of the elite, such as Party cadres, high government officials and the military. Defector Lee X-chul fled south after working for 10 years at a grain administration office that handled grain purchase and distribution. According to Lee, the grains harvested at the farms are distributed to military units and the grains provided by the foreign sources are distributed mainly to the high-ranking staff members. Ordinary people receive 2-3 days' worth of grain on special days like Kim Il-sung's birthday, Kim Jong-il's birthday, (Korean) Thanksgiving Day, and so on.¹⁹⁾

The grain situation in the farm areas is comparatively better, but the grain shortage is a serious threat to workers in the provincial cities. The food shortage is particularly serious in the remote mountain regions where the transportation access is poor, such as the Hamkyung, Yang-gang and Jagang provinces. The inhabitants in these areas are suffering from life-threatening food shortages due to the lack of energy and means of transportation, as well as due to the collapse of the central ration system and the diversion of international aid to other special areas.

The area where grains are distributed on a priority basis is Pyongyang. Pyongyang is the capital city and is the last bastion of the social security system maintained at the state level. However, as it became difficult to meet the grain ration demands for the citizens of Pyongyang, North Korea began to take steps to reduce the size of Pyongyang's population. It is reported that since 1998 North Korea has been engaged in an "inhabitants relocation project" to forcibly move out as many as two million people from Pyongyang and provincial cities to farms and other areas. On April 2, 1999, South Korea's National Security Planning Agency submitted a report, entitled "Recent Trends

19) Testimony of Lee X-chul (Inspector at Grain Administrations Office at Onsung County, Hamkyung Bukdo Province), September 2001.

of Relocation of North Korean Inhabitants,” to the Intelligence Committee of the National Assembly. In the report, the agency revealed that the relocation of two million people amounted to about eight percent of the North Korean population and was the largest relocation project since the birth of the North Korean regime. According to the report, North Korea is in the process of reducing, by stages, about one million out of the 3.61 million Pyongyang citizens between 1998 and 2003. Under a policy to relocate the citizens in provincial cities, another one million inhabitants are being moved out to farm areas.

People’s Lives under the Black Market

As soon as the rations were suspended, North Korean inhabitants were left to support themselves. As a result, most North Koreans are supporting themselves with whatever supplies they can get from their relatives in the farm areas. In addition, due to the failure of the central ration system, various coupons, like ration cards and housing cards, are illegally circulating behind the scenes. Most inhabitants who lack purchasing power face starvation, and so they are concentrating on peddling or barter trading.

The inhabitants maintain their lives by securing most of their daily necessities, including grains, through the black market. Under such slogans as “rehabilitation with self-help,” or “self-reliance,” the authorities are also encouraging self-support instead of relying on the Party. In the past the “rehabilitation with self-help” used to be a Party slogan at the state level and a part of the economic development policy, but the slogan has been lowered to individual levels for survival. This is an inevitable result of the collapse of the ration system, and the black market has in fact replaced the ration system.

The price of rice at the North Korean farmers’ market in 2001 was about 60-70 North Korean won per kilogram and a head of chicken was about 350 won. This is a very expensive price, considering that a worker’s average monthly wage is 100 won. That the grains are traded at unusually high prices

is indication that grain supplies are not sufficient even in the black market. The June 2001 edition of the WFP's North Korea Report stated that the number of private markets called "farmers' markets" or "marketplaces" was recently on the increase. Also, according to the South Korean Ministry of Unification, there are about 300-350 farmers' markets in operation in North Korea: 12 farmers' markets in Pyongyang, one or two in each county, and three to five in each city.

The North Korean inhabitants move about in various regions for purposes of peddling or to secure grains. In many cases, they even steal industrial products, parts of factory equipment or scrap metals, to exchange for grains or food. Some inhabitants illegally till the patches of land (scrap terrace lands) to grow produce and sell extra output at the marketplace.

Ironically, however, North Korean authorities define all black markets as illegal and try to control them, except for the farmers' markets in certain areas and those dealing in selected items. It means that all inhabitants selling and buying in the marketplaces are maintaining lives by illegal methods. The inspectors regard all merchandise being traded in the market as illegal and confiscate them. Frequently, they even cuss and beat the people engaged in trading activities at the market. Most people, however, get tacit approval by bribing the inspectors. So, even the last resort attempt for survival is controlled and regulated as a matter of national policy.

Since people have to travel illegally and temporarily move their residence, and because they get aboard trains without permits, engage in business, beg, steal or cross the rivers, on-the-spot punishments such as cussing, beating and confiscation are routinely carried out. For these reasons, ordinary citizens complain that they are never treated like human beings unless he/she is a staff member of an organization.

The Impact of the Food Shortage

North Korea's Vice Foreign Minister Choi Su-hon read a report on

starvations in North Korea in the 1990s at a UNICEF conference in Beijing on May 15, 2001.²⁰⁾ According to this report, the average life expectancy was reduced by six years from 73.2 in 1993 to 66.8 in 1999 due to the shortage of food and medicine. During the same period, the mortality rate for children under the age of five increased from 27 to 48 per thousand. The birth rate decreased from 2.2 percent in 1993 to 2 percent in 1999. Also, the per capita GDP decreased by more than a half from US\$991 to \$457 during the same period. The rate of supply of safe drinking water, which stood at 86 percent in 1994, dropped to 53 percent two years later. The vaccine supply for polio and measles dropped from 90 percent in 1990 to 50 percent in 1997.

Vice Foreign Minister Choi Su-hon also reported that almost 220,000 North Koreans perished during the food shortage between 1995 and 1998. This number appears to be about 10 times less than the numbers developed from independent estimates, because the statistics from other sources estimated the number to be about 2,000,000.

There are several reasons for this. First, there is a possibility that the North Korean statistics are fabricated. Second, North Korean inhabitants could have given false reasons when reporting the cause of death. According to testimonies of North Korean defectors, if anyone were to report the starvation death of a family member, the authorities would regard it as a form of resistance against the government and punish the person as a political prisoner. For this reason, most inhabitants file death reports on the basis of illness.

In reality, however, the causes could be a combination of illness and starvation, since various diseases caused by contaminated water are commonplace all over North Korea. The UNICEF representative, Omar Walle, reported on March 4, 1999 at an interview with Radio Free Asia, “The number of deaths from diseases caused by contaminated water and polluted environment is rapidly increasing.” He further reported that there were a great number of starvation deaths, but many people were dying due to infectious

20) UNICEF, “UNICEF Humanitarian Action,” DPR Korea, July 12, 2001.

diseases caused by contaminated water.

Since clean tap water is not supplied due to economic hardship and the shortage of energy, many North Koreans end up falling victim to water-related diseases. Infectious diseases like cholera and paratyphoid are rampant, and tuberculosis, which North Korea reported completely eliminated in 1975, is once again widespread in North Korea. In its Report 2000, the UN Office for the Coordination of Humanitarian Affairs (OCHA), quoting North Korean materials, reported that the number of tuberculosis patients in North Korea increased from 50 per 1000 in 1998 to 70 in 1999 and 120 in 2000. Some 60 clinics and 12 hospitals are experiencing shortages of medicine and are entirely relying on external aid. Tuberculosis patients are in fact returning home from the clinics due to the lack of heating. Massive deaths are inevitable due to starvation, disease and the paralysis of medical services.

According to the defectors' testimonies, more people died from disease and starvation than from the war (Korean War) in the case of Jungpyong County, Hamkyung-Bukdo Province. They said they have not actually seen slaughtering of human beings for food, but they have frequently heard such rumors in many places. They said there never was such a period in Korea's 5,000-year history.²¹⁾

It is true that the number of deaths due to starvation in North Korea is large, but estimates vary from group to group. David Morton, a representative of the World Food Program (WFP) stationed in North Korea, reported that the number of starvation deaths amounted to about one million since 1995.²²⁾ In February 1999, the South Korean government estimated that the number of deaths from starvation to be about 2.5-3 million, citing documents from North Korea's Social Security Ministry.²³⁾

The Korean Buddhist Sharing Movement released a report based on personal interviews with 1,694 North Korean defectors in the Chinese-Korean

21) Testimony of defector Lee X-pal (age 55, former worker at Herb Medicine Office, Jungpyong County, Hamkyung Bukdo Province).

22) Yoshida Yasehiko (a Japanese professor), 「世界週報」 (1999.11.16)

23) *Yonhap News*, (1999.11.25)

border provinces of Jilin, Jiangbei, and Yianbian between September 30, 1997 and September 15, 1998. Out of a total of 9,249 family members of defectors accounted for in this study, fully 28 percent, or 2,653 persons, died in the past 2-3 years due to illness and disease stemming from food shortages.²⁴⁾ According to the testimony of another defector, during a KWP Partisans education class the attendees were told that the number of starvation deaths amounted to about 2-2.5 million and the number of defectors at about 200,000.

South Korea's Ministry of Unification estimated the number of malnutrition-related deaths to be about 500,000-800,000 a year over the past 2-3 years. Former KWP party secretary Hwang Jang-yop testified that he heard in mid-November 1996 from the chief of the KWP Organization Affairs, who was responsible for regularly reporting food supply levels and starvation death statistics to Kim Jong-Il, that in 1995 about 500,000 people died of starvation, including 50,000 Party members, and as of November 1996 the number had reached one million. If there was no improvement in the food situation during 1997-98, he estimated that more than a million people 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 X-hwan), and one million deaths during 1996~97 (Foreign Relations Committee). In short, most of these estimates agree that an enormous number of starvation deaths have taken place in North Korea.

The number of starvation deaths seems to have decreased during 1999-2001 for the following reasons: First and foremost, North Koreans no longer expect to receive grain distribution from their government and have therefore learned to fend for themselves on the black market. Second, a large portion of those who were most vulnerable to food shortages, such as the infirm and the elderly, may have already passed away. And third, grain assistance from the international community since 1995 has improved the situation.

24) Korean Buddhist Sharing Movement, *Survey Report on 1,694 North Korean Food Refugees*, 1998. 12.

Status of Grain Supplies

Due to its rapid decrease in agricultural productivity since 1990, North Korea is facing a chronic grain shortage of more than 1.3 million tons every year. Especially in the wake of the so-called “three-year calamity” from 1995 to 1997, the shortage of grain has been further aggravated to the level of 1.5-2 million tons a year. The grain output, which was more than 4.7 million tons in the 1970s, decreased to the level of 3.5 million tons in 2000.

In order to supplement this grain shortage, North Korea has purchased about 1 million tons of grain a year from abroad since 1990. Before 1994, the grain shortage was supplied totally through commercial imports. However, as the food shortage deepened following heavy floods in the summer of 1995, North Korea has become increasingly dependent upon assistance from the international community. The percentage of grain imports from international aid sources out of the total grain imported from abroad is increasing year by year, from 33 percent in 1995 to 80 percent in 1998. Also, grain aid increased from 5.5 percent of the nation’s food supply in 1995 to 10.3 percent in 1999.

North Korea still lacks 0.51-1.28 million tons of grain each year despite continuous aid from abroad. This is the result of North Korea’s reducing its grain imports, which had once amounted to 1 million tons a year. North Korea’s grain importation drastically decreased from 0.83 million tons in 1992 and 1.09 million tons in 1993 and to 0.29 million tons in 1998.

North Korea’s grain output for the year 2001 was the best in six years. Through their on-site surveys in North Korea during September 25-October 5, 2001, FAO and WFP estimated North Korea’s grain output for 2001 to be 3.54 million tons, a 38 percent increase, or 2.573 million tons, over the previous year.²⁵⁾

This increase in grain production is a combined result of good weather conditions during the rice-growing season, increases in agricultural budget, more uses of agricultural machines, and increases in fertilizer supplies from

25) See reports published by FAO and WFP, November 28, 2001.

outside sources. Of particular help was the South Korean government's fertilizer assistance amounting to 200,000 tons, provided on May 2-June 5 under its third year aid program. According to the FAO/WFP reports, about 71 percent of fertilizers used during the period was supplied by the international community (mostly from South Korea).²⁶⁾

And yet, the FAO and WFP assessment concluded that 5.01 million tons of grain are required for North Korea during the 2001-2002 grain year, but that North Korea would continue to fall short of grain by about 1.47 million tons. This, however, represents a significant improvement over the previous year when the shortfall was 2.3 million tons. If North Korea's commercial grain imports of about 100,000 tons are considered, it will have to rely on as much as 1.37 million tons of grain aid from the international community.

The amount of output in each grain category is as follows: rice - gross total of 2.06 million tons (or 1.339 million tons of "standard grain"); corn - 1.482 million tons; potatoes - 1.882 million tons (an equivalent of 471,000 tons of grain); barley and wheat - 178,000 tons; kaoliang and other grains - 74,000 tons.

Housing Conditions

The ratio of housing unit supply in North Korea is about 56-63 percent. The reason for this poor housing supply situation is due to the lack of raw materials and the shortage of manpower in housing construction. According to a "Study of the North Korean Housing Problem" published by South Korea's Public Housing Corporation, an average of 2-3 households are living together in one unit in the outlying provincial areas. Heating is poor and tap water facilities are worn out. Bathrooms are in such short supply that several families have to share a community bathroom.

High-rise apartment buildings are under construction in Pyongyang, but the

26) FAO/WFP, Special Report: FAO/WFP Crop and Food Supply Assessment Mission to the Democratic People's Republic of Korea, Oct. 26, 2001.

housing situation in the provincial cities and farm regions is very poor.

The housing construction trends in North Korea show that during the third 7-year plan (1987-1993) North Korea targeted construction of 150,000-200,000 units per year and tried to build as many apartments and multiplexes as possible. But even during this very active period of housing construction, the average number of housing units completed was about 41,000-49,000 units per year.

Each year brings up a new housing demand of 50,000-60,000 units in North Korea. Supplying about 40,000 units per year would result in a significant shortfall, even to meet the new housing demands.

In September 2001, the North Korean press reported that almost 300,000 modern housing units were built during the period of the “hardship march” and “forceful march” (1995-1997). Specifically, the press insisted that some 94,000 units were newly supplied in Pyongyang and provincial cities and about 30,000 units in the farm regions. In addition, 62,000 units were built in 1999.

Since the mid-1990s, however, North Korea seems to have concentrated on repairing the broken units rather than building new ones due to devastating domestic conditions such as the deteriorating economic hardship, repeated heavy rains, and tsunami damages.

In view of the poor capability to build new housing at the time, the claim of 300,000 new units seems to include the number of units under construction during the entire year of 2001. The recent housing conditions in North Korea are believed to be below the levels of 1995.

Responsibility for Threats to the Right to Life

North Korean authorities are trying to deflect the responsibility for the threats to North Korean people’s right to life by pointing to US economic sanctions and natural disasters as causes of food shortage. In reality, however, the main causes of the chronic economic stagnation are technological

underdevelopment resulting from isolationism and the lack of material incentives under the collective production system. Another important impediment to food production is the shortage of energy and lack of resources such as fertilizers, pesticides and equipment. Since the external economic sanctions are based on North Korea's isolationism and hostile foreign policy, the primary cause of the North Korean food shortage has to be the structural problems inherent in the North Korean foreign and economic policies.

To solve the North Korean food shortage, it is first necessary to introduce personal incentives through agricultural reforms, and North Korean authorities are fully aware of this fact. At this point, unfortunately, there is little possibility of reforms except for partial improvements in its unit management systems, because North Korea continues to claim that collective farming "is an eternally unalterable principle."

North Korea is not likely to dissolve collective farms because they are indispensable for the maintenance of grain ration politics (or "grain politics"), which is a basic means of controlling the inhabitants. North Korea seems to believe that if individual farming is allowed, the control over inhabitants, or dictatorship, cannot be maintained.

Even in 2001 North Korea was concentrating on restoring the central planning economic system, which has been proven ineffectual. In order to restore the centrally planned economy, which has collapsed under pressures of economic hardship over the past several years, North Korea adopted a "people's economic planning act" during the Supreme People's Assembly in April 1999 to suppress the grain black markets. It has been stressing, once again since 1998, the mass mobilization movement to improve productivity, a similar movement conducted in the past under the slogan of "the second Chollima (Flying-horse) Movement." In an effort to overcome the grain shortage, North Korea expanded throughout the nation the land reorganization project, which began in Kangwondo Province in 1998. It is also emphasizing restoration of a socialist land ownership system by confiscating all patches of

land from individuals. These policy measures being taken by North Korea are indications that there is not going to be introduction of a market economy or private property systems any time soon, and that there won't be any material incentive systems either. These policy measures are signs that the repair work is under way to restore the original framework of socialist system, fractured as it was.

It would be difficult to expect the North Korean system to improve economic efficiency or to hope for a resolution of economic difficulties. Seen in this light, the North Korean authorities are entirely responsible for the threats to the lives of inhabitants during the grain shortage. And yet, the North Korean authorities are persistently clinging to the current policy lines in order to maintain the Kim Jong-il regime.

Aid to North Korea

For the shortage of grains and daily necessities, North Korea is depending mostly on the humanitarian aid from the international community. From June of 1995 when North Korea officially asked for grain assistance to the end of November 2001, international aid worth almost \$2.19 billion was extended to North Korea. South Korea rendered a total of \$603 million worth, or 28.6 percent of the total international aid. During 2001, the South Korean government and private sector provided a total of \$126 million (\$70 million by the government, and \$56.5 million by the private sector). As for the international community, combined aid through the United Nations was \$213.4 million, plus \$11.5 million in direct aid by individual member nations and \$21.4 million by NGOs, for a total of \$245.3 million.

The amount of South Korea's aid to North Korea in 2001 showed an increase of 11.3 percent over the previous year, but the amount represented 33.9 percent of the entire aid amount from the international community (\$373 million). South Korea's assistance comprised of \$54.76 million, or 43 percent, for agricultural rehabilitation, \$19.67 million, or 16 percent, for the health and

medicine sector, and \$52.13 million, or 41 percent, under general relief. The aid categories included a variety of items, such as the 200,000 tons of fertilizer from South Korea, as well as corns, flour, farming water-pumps, freight bicycles, light farm transporters, handcarts, clothing, medicine, medical equipment, and milk-cows.

Based on the “Humanitarian Aid Bill for North Korea,” the South Korean government has provided 7.5 billion won (about \$6 million) during the year 2001 to 14 private aid organizations for North Korea such as World Vision and the Eugene Bell Foundation. Unlike the year 2000, when the inter-Korean summit was held, the inter-Korean relations during the year 2001 were not smooth. As a result, the government aid to the North saw a reduction of 11 percent. However, thanks to the government’s support for the private aid groups for North Korea, the private sector aid to the North increased by 60.8 percent, which contributed to an overall increase in the amount of aid.

As part of its third year aid, the South Korean government has extended 200,000 tons of fertilizer and 1.5 million sets of clothing to North Korea in May and March, respectively. In addition, it provided 100,000 tons of corn through WFP in April, and malaria vaccine in May through the World Health Organization (WHO). Thanks to the South Korean government’s assistance, private sector aid to North Korea greatly increased, and the number of private sector personnel’s visit to North Korea also increased from 148 individuals for 41 cases in 2000 to 366 individuals for 78 cases in 2001.

The aid from the international community also increased in 2001 by 35.6 percent over the previous year, when the activity showed a significant decrease. During the year 2000, the size of international aid shrank by 50 percent because the international concern over North Korea diminished as progress was made in inter-Korean relations following the summit meeting. In 2001, however, UN organizations and NGOs launched active support activities, and the size of their aid increased 38.7 percent and 36.2 percent, respectively. The scope of aid from individual countries declined 11 percent over the

previous year. But, through the WFP, Japan provided 500,000 tons of rice between January-October, Vietnam sent 5,000 tons in April, and Germany sent the first shipment of 6,000 tons of beef (worth \$6 million) in November and December. On the occasion of Chinese President Jiang Zemin's visit to North Korea on September 3-5, China promised to provide a grant in the amount of 200,000 tons of grain and 30,000 tons of diesel fuel. In October, Australia and the EU announced that they would provide wheat and winter clothing, and Malaysia indicated it would help out with fertilizers. In May, the United States also announced its plan to provide 100,000 tons of grain, but the plan has not been carried out as of yet.

The NGO International Conference held in Seoul on June 18-20, 2001 has played an important role in the increased NGO activities to help North Korea. The Seoul conference was held following the previous meetings in Beijing and Tokyo, and it served as an occasion to build a cooperative framework for various aid programs for North Korea by discussing realistic issues and solutions. Some of them included discussions on changes in the status of North Korean aid after the inter-Korean summit, the roles of NGOs, and cooperation between UN organizations, NGOs and governments, plus private corporations, as well as ways to improve aid in the agricultural, health and medical sectors.

In an effort to increase civilian contacts between the two Koreas and to encourage civilian sector assistance to North Korea, the South Korean government announced a set of measures to encourage civilian sector assistance to North Korea on March 18, 1998. Since then, the Red Cross has been responsible for assistance procedures (such as sending and receiving telephone communications with North Korea and attaching ID tags, etc.) and civilian organization for the procurement of relief materials, transportation and distribution monitoring. Through this division of labor individual and autonomous contacts with and assistance to North Korea by civilian organizations have been allowed (98.9.18) and thus channels with the North

have been diversified since 1999 (2.10).

2. Social Security Rights

The right to social security is an individual's right to demand from the state compensation to maintain his or her dignity and 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 governments around the world. For this reason, the nations of the world have come to promulgate the demands for social security as an individual's right.

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 that offers comprehensive social security. 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 that these rights are guaranteed by the free medical system, medical facilities, state social insurance and the social security system.

Under the North Korean social security system, however, the pension system is the only existing type of social insurance and social security is maintained by government support. The North Korean pension system is based on the state social security law (of August 1951) and the socialist labor law (of April 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: a living subsidy, disaster relief, and 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 claims 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 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 working, except for in 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 medical system. Due to economic problems, however, this system is almost non-operative. Article 56 of the North Korean Constitution stipulates that the state shall strengthen and develop the free medical care 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.

North Korea's medical policy objective is to prevent diseases through the district doctor system, which in turn operates as part of the free medical system. Under this system, the people in a district are expected to receive systematic health care from the district doctor. But the system does not appear to function properly, because (a) the quality of the district doctor's diagnostic skills are poor, (b) their medical qualifications are not sufficient, 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 facilities 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 have access to 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. Moreover, in order for anyone to be admitted to higher-level hospitals, patients are required to submit a patient transfer that is issued by one's own diagnostic center and the district people's hospital. The procedures are so strict that without a patient transfer authorization, no one, under any circumstances, can be admitted into a city-county level hospital to receive treatment.

In addition to the poor quality, the medical system is not fair. The discriminative medical structure offers different treatment levels for people with different backgrounds. All hospitals have a list of pre-determined levels for patients according to rank, and they will not permit the 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 O-eun Hospital (for colonels and generals), the Namsan Diagnostic Center (for vice-ministers and above, and some prominent persons such as people's actors/actresses and deported Koreans from Japan). These hospitals are for a special class of people only and do not treat ordinary people. They must go to their local diagnostic center or to city/county/district hospitals to receive treatment.

As economic hardship worsened, the North Korean medical system and the services have fallen into near paralysis. The following is a collection of testimonies of various individuals on the reality of the medical service situation in North Korea. Witnesses include the officials of international organizations and NGO workers who have observed firsthand the conditions of the North Korean medical system, foreign correspondents who visited North Korea, a defector who used to serve as a medical doctor there for 30 years, and a low-level party official who was assigned to a hospital. Since the

observations are very consistent in their details the testimonies appear to be highly credible. And, all witnesses testified to the fact that there were significant differences between Pyongyang and the provincial cities and farm regions, and that major differences existed between ordinary hospitals and those for the high-ranking officials.

Dr. Bruntland, the secretary general of the WHO, who visited North Korea in November 2001 to observe the medical service situation, concluded that the North Korean health care system was on the brink of collapse. He testified that the hospitals were not properly equipped with basic needs such as running water and electricity, and the lack of medicine and equipment was beyond description. He further said the farm areas were facing a far more serious situation.²⁷⁾ He estimated that the malaria patients numbered almost 300,000 at the end of 2001.

Norbert Vollertsen is a German doctor who provided medical service in North Korea between July 1999 and December 2000 when he was expelled. In an article contributed to the Wall Street Journal, he testified that in most North Korean hospitals there were no antibiotics or bandages, let alone such simple operating equipment as surgical knives. On the other hand, hospitals that were used for treatment of high-ranking military officers and elites were full of modern equipment almost like German hospitals. They were equipped with MRI, Ultra-sonar, EKG and X-ray cameras. He testified that an enormous inequality existed between the two levels of hospitals.

Elizabeth Rosenthal, the Beijing correspondent of the New York Times, reported on the medical situation in North Korea after a firsthand visit there, and her report corroborated Dr. Vollertsen's observations. She accompanied the American civilian aid group, AmeriCare, to North Korea in February of 2001, and was able to check on the distribution of aid materials to orphanages and hospitals in and around Pyongyang. According to her report, a throat operation

27) See Dr. Bruntland's press interview on his visit to North Korea. *Yonhap News*, November 20, 2001.

was performed with only local anesthesia due to the shortage of anesthetics, and the surgeons were using operating equipment that they themselves handmade at the blacksmith.²⁸⁾ She also interviewed the UN Coordinator in Pyongyang, David Morton, and Morton said that there were no medicines at hospitals, the tap water was contaminated, and the North Korean health system was facing the danger of collapse.²⁹⁾

In an annual report on the world's disaster areas, released on June 28, 2000, the International Committee of the Red Cross (ICRC) reported that North Korea was suffering from a serious shortage of medicine and medical equipment. Over 70 percent of medicine dispensed by North Korean hospitals consisted of traditional herbal medicine, the reason being that there was a shortage of Western medicine. Communicable diseases were on the rise and about 40,000 new tuberculosis patients were reported annually. Owen Davis of the ICRC, who visited North Korea in February 2000, testified on the North Korean medical reality when he reported that even such major operations as amputations were performed on local anesthesia.

President Bradley of the "doctors without borders (MSB)" group testified that the North Korean hospitals were so short of basic medical equipment and the existing equipment were so worn out that patients contracting such diseases as pneumonia would have to face death.

Defector Kim X-young (alias, age 58, pediatrician from XX city hospital in Hamkyung-Bukdo province) provides a well-organized testimony on the status of hospitals in North Korea as follows:

North Korean medical service became paralyzed from about 1990. The most important medical policy is preventive medicine, but most children in North Korea cannot receive preventive vaccination, and the BCG vaccines have disappeared since 1992. The only preventive vaccination still given is against cholera and Japanese influenza. But, this vaccination is given only to

28) Elizabeth Rosenthal's report on North Korea, *New York Times*, February 20, 2001.

29) See Rosenthal's article above.

a small minority such as security agents and staff members who frequently travel.

Because children are not vaccinated at proper stages, all sorts of contagious diseases and illnesses are raging rampantly. A majority of cases are communicable diseases like cholera and liver diseases, particularly the type-B liver disease, which is usually spread via the repeated use of syringes.

The hospitals are unable to fulfill their functions due to a lack of medical equipment. In the case of Danchon City Hospital in Hamkyung Bukdo province, the hospital should have been equipped with a minimum of 200 syringes and 2,500 hypodermic needles, but there were only about five of each and, even then, the cylinders were so worn out that syringes were seriously defective.

Due to economic difficulties, not only was there little medicine, but there also were not enough blank sheets of paper for the doctors to record patients' medical histories. For this reason, doctors usually write out diagnoses on the paper the patients bring in. There do not exist any system of prescriptions or diagnoses, which are a basic duty of the doctors. Because there are no medicines that doctors can administer or prescribe, patients are responsible for obtaining the medicine themselves. If the patients obtain the medicine from the marketplace, the doctors will then give instructions for its use.

Due to the lack of medicine, doctors usually stop at giving consultations to patients, except for those they personally know or the staff members for whom they have to provide some medicine. For this reason, most North Koreans ask for medicine from those who are traveling abroad or from their relatives living abroad. What little medicine provided to the hospitals won't be dispensed to ordinary citizens but only to agency staff members. In many cases, doctors do not have stethoscopes. In Dr. Kim X-young's case, she used the same stethoscope she obtained at the time of her graduation from medical school in 1968 until she defected from North Korea. She said the rubber parts were so worn out that she could not quite listen to the sounds through the equipment.

Thermometers were so rare that doctors usually feel the patient's temperatures by placing their forehead on the patient's to judge the temperature levels. Because blood-test equipment is not available, doctors cannot properly diagnose the status of their patients. As indicated above, the patients have to obtain their own medicine in the market, but the medicines sold in the market, in many cases, are phoney.

According to Dr. Kim X-young's testimony, she used to be in charge of a pediatrics ward, and there were 1,500-2,000 children in her ward under her responsibility. From 1995 to 1998, when she defected, an average of 15 percent of the children died in a year; that is to say, she had written death certificates for about 15 percent of the children under her care every year.

In sum, the "free treatment" system, in general, is nothing but a principle, and it has nothing to do with reality. Since there is little medicine in the hospital, the patients are obtaining their own medicine in the market. One reason the medicines are available only in the market is that as the medicines became rare they were smuggled out to the markets. The other reason, of course, is that the pharmaceutical factories are not properly operating. Furthermore, powerful managers would routinely intercept what little medicine the factories might manufacture and sell them outside. Hospital staff, such as nurses, would also smuggle them out to the markets.

In order to maintain their lives, doctors would also take bribes for medicine. Because the hospital service is free of charge the doctors would illegally earn their living by family visitations at night.

Doctors will also sell their prescriptions and diagnoses. Patients would present the diagnoses to their workplaces (or offices) for a leave of absence, and use the off-days for peddling.

According to Cha X-sang who used to be a low-level party secretary at a hospital, food and room temperatures for the patients in provincial hospitals are the responsibility of their families and guardians. Because there are not enough grains for patients' meals, hospitals are restricting the patient

admissions. In-patient numbers are pre-allocated to each division of the hospital, and only emergency patients are admitted. A majority of patients are suffering from cholera, paratyphoid and typhoid. In the early stages, these contagious disease patients were treated in segregation at hospitals. As the number increased, however, they are now being treated at their homes.

In the provinces, even medical doctors take turns and work at small patches of land or “private farms” along the mountainside to solve their food shortage.

Meanwhile, North Korea’s health policy for women is very inadequate for women to maintain their health. The authorities insist that they are protecting and treating women and newborn babies by maintaining birth clinics and consultation centers for women under the women’s healthcare policies. The reality, however, is that due to a paralysis of the medical service system and the generally dilapidated medical facilities, as well as the shortage of medicine, medical assistance programs for pregnant women and mothers of newborn babies are not properly implemented. As a result, the birth rate has been dropping and the death rate of children under the age of 5 is as high as 48 per 1,000.³⁰⁾

In an effort to overcome the shortage of medicine, North Korean authorities are encouraging the use of folk medicine. They encourage the construction of “production bases” that will autonomously produce medicine on the basis of “revolutionary spirit of self-help” and “anti-Japan guerrilla-style projects.” In order to spread the herb medicine treatments, they also introduced various cases of folk medicine treatment, while encouraging an “all-masses campaign” for the production and circulation of medicinal herbs.

North Korea is receiving several hundred tons of medicine from the Western world every year. But, most of them are suspected of being diverted for use by special classes of people, and there is absolutely no transparency as to the use and distribution of the medicine. According to Dr. Kim X-young,

30) See Vice Foreign Minister Choi Su-hon’s Report to the Ministerial Meeting of the Asia-Pacific Economic Cooperation (APEC), *Yonhap News*, Seoul, May 15, 2001.

a medical doctor and defector, some medicines do occasionally arrive at XX city hospital through international support groups, but the hospital and regional government staffs intercept boxes of them, saying that they or their family members were ill. They then sell them off at the market at high prices. On September 30, 1998, the “doctors without borders (MSF)” that used to provide free medical service in North Korea, officially announced their withdrawal from North Korea. Dr. Eric Goumart, secretary general of MSF, announced that MSF was withdrawing from North Korea because North Korean authorities restricted the activities of the doctors from MSF in their humanitarian activities. He cited that North Korean authorities prevented the doctors from approaching the inhabitants and refused to allow them to watch the process of distribution of medicine and medical supplies they provided to North Korea.³¹⁾

3. The Right to Work

Article 23 of the Universal Declaration of Human Rights provides that, “Everyone has the right to work, to free choice of employment, to just and favorable 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, “The states party to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work... (And) to ensure the 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, “All 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 the amount and quality of their labor. This provision is

31) See *Naewoe Tongshin (Internal/External Communication)*, Seoul, daytime issue, No. 1131, October 15, 1998.

best interpreted as making labor a responsibility instead of a right. Article 29 of the Socialist constitution provides that, “The 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 “who 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, “the state must organize labor effectively and increase labor regulations to fully utilize all labor time.”

Article 83 of the constitution states, “Labor 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, “Collectivism 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, “the 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 this 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 April 18, 1978 which reads as follows: Section 2 provides that, “Labor is the most sacred and honorable thing;” Section 3 says, Labor under socialism is a group activity by laborers for the benefit and interest of everyone;” and Section 4 states, “Under 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 worksites as 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 labor union that exists is the General Federation of Korean Trade Unions, but it does not have the right to collectively organize or bargain, or to strike. The KWP is solely responsible for representing the interests of the laborers, and the trade union exists merely as a formality. Following the Ninth Plenum of the Fourth Party Central Committee held in June 1964, the trade union's “monitoring and controlling role” of corporate management was abolished, and the interest of the laborers has been placed 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 Suryong (great leader).

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 people 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 North Korean Constitution provides that,

“people have the right to rest,” and Article 62 of the labor law adds that, “Laborers have a right to rest...and this right is guaranteed through the labor hours 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, “All 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 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, these 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 are no 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, “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.”

Furthermore, Article 6 of the International Covenant on Economic, Social and Cultural Rights stipulates that, “The states party 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.” However, 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 of various sectors; individual desires, abilities and talents are secondary and the opportunity to independently change jobs is strictly controlled. The primary considerations for work allocation include such political aspects as one’s family history and party loyalty, and one’s 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 student graduates, and the labor department reviews the papers, and assigns the student 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 ideological system or with kin in South Korea, or a student whose family member 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 be assigned to work in a field that requires hard physical labor,

such as a farm, village or mine. Sons of the cadres of the party and government, that is, high-class 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 a violation of an individual's right to choose jobs is that most job appointments 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 North Koreans have begun to avoid manual labor, the North Korean authorities began to sponsor "loyalty resolution rallies" and to send "handwritten letters" from Kim Jong-Il to discharged soldiers and graduates of high schools before "group-assigning" them to coal mines and construction sites.

In September of 2001, high school students and soldiers being discharged from the military have been "group-assigned" to the Pyongyang Textile Factory located deep inside the lumbering fields in Rangrim County, Jagangdo Province and to the Ranam Coal Mine Machine Company Collective in Chungjin City, Hamkyung-Bukdo province, where the "Ranam Torch" movement originated from. North Korean authorities awarded service medals and gave colorful "send-off" ceremonies, but the defectors testified that they were, in fact, being "sent off forcibly by the authorities, independently of individual wishes."³²⁾

The "group-assignments" are given mostly to soldiers nearing honorable discharge, high school seniors and graduating students of engineering colleges such as the Kim Chaek Polytechnic University. For this reason, the students and soldiers facing graduation or discharge are nervous about news concerning expansion or construction of farms and factories. The "group assignments" are

32) *Yonhap News*, December 13, 2001.

carried out upon the approval of KWP secretary general Kim Jong-il, so nobody can refuse to comply. Since they are very strictly controlled, even the children of powerful and wealthy families cannot hope to avoid the assignment. If ever it were revealed that someone was missing from the group-assignment, the responsible staff would be subject to severe punishment, while the missing individual would be returned to the original group-assignment. To prevent evasions from group-assignment, the authorities will collect such vital documents as the grain ration card, inhabitant registration card, and KWP partisan membership card, and ship them ahead of the person to the unit of assignment. They will then register their residence with the local county office en masse. Because group-assignment means that one has to live there for life, the fear of group-assignment is tremendous.³³⁾

Because the rations would be suspended if one did not report to work on grounds of grudges against “group-assignment,” no one can refuse to report to work. Once assigned to a workstation, it is very difficult to change positions regardless of one’s aptitude for the job, because whoever leaves the workstation without permission will be excluded from all rations, including grains and daily necessities. The North Korean authorities are not allowing movement between workstations to prevent man-hour losses resulting from the manpower flows and to carry out the planned economy systematically through a tight grip on their manpower. This system will further permit them to institutionally control the inhabitants through their workplaces and to maintain psychological subservience and 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 worsens, the number of people who gain early retirement, through bribes or other means, to become peddlers is increasing. Also increasing are instances of buying bogus diagnoses for hepatitis or tuberculosis from hospitals in order to be relocated.

33) Ibid.

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 that the state provide education 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, “everyone has the right to education,” and, “education 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, “the States Parties... agree that education shall enable all people 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 people 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 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 communists. It is not a true educational system but is rather a system aimed at infusing Kim Il-Sung’s philosophy 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. 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 “Revolutionary Schools” (such as those found in Mankyungdae, Kangbansok, and Haeju).

From 2001, North Korea began to emphasize computer and “gifted and

talented” education programs to catch up with the global trends toward building an information society. But, the education is politically distorted and, in any case, normal education is impossible in most areas due to economic hardship, except for in Pyongyang and some large cities. Consequently, the contents and quality of education for the students are inferior and poor.

Student selection processes at all school levels are not based on fair competition among candidates but mostly affected by the ideological classification of their parents. According to the testimony of defectors, no matter how bright a student is or how good one’s academic records are, he or she cannot expect to receive a college education if one’s background is unfavorable. If flaws are discovered in the course of personal background checks, the children of the powerful will automatically take one’s slot, even if one scores higher on state college entrance examinations. 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 cousins fall under the purview of the background checks. To enter Kim Il-Sung University and Kim Chaek Polytechnic University, the scope is expanded to include one’s cousins’ cousins. Since the late 1980s, background check requirements have been tightened in the college recruiting process.

Consequently, the only students who enter college 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 backgrounds live. Kim X-chul, a North Korean defector, said that a friend of his was so talented with the violin that he grew up as a student of Baikdu-san and then appeared in a movie playing the violin. However, he was not able to enter university owing to his bad background, and as a result he gave up his music life and committed suicide.

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 also a result of the economic hardship.

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 liberal 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 Suryong Kim Il-Sung Was A Boy” and the “Days When Comrade Leader Kim Jong-Il Was Young.” First and second graders learn the Korean language, math, physical education, music, drawing, and the “Days When Dear Suryong 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 percent 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 percent of the textbooks; the remaining 67 percent are sections on political ideology. Regarding children’s books, 73 percent concern such political thoughts as collectivism, loyalty to Kim Il-Sung, Juche ideology, and revolutionary consciousness. Only 27 percent 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.

Recently, 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. With the exception of 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 borrow textbooks from upper classmen and 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 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.

Due to economic problems, high school seniors increasingly avoid college education, since dormitories, too, are suffering from food shortages and students must depend on food and money from their parents, who are also suffering from deprivation. Also, many college students return home due to malnutrition or illness.

The students' class attendance rate is very low. Expressing worries about the low attendance rate of college students, North Korea's official youth alliance paper, *The Youth Guard*, pointed out on October 1, 1998 that the task of improving attendance is one of the important issues that should be emphatically promoted under close cooperation between the youth alliance and the school academic administrations. It further criticized schools that do not take any responsibility for the situation even though the attendance of students is falling, and the youth alliance organizations in the schools do not pay attention to school administrative affairs. Most college students are increasingly engaged in peddling activities to buy food and this is the cause of their absenteeism. The attendance rate in some schools is as low as 30 percent.

According to the defector Lee X-Young, who was a teacher in a North Korean elementary school, the number of students absent from class was only 3 or 4 out of a total of 25-30 students in a class when he first started his post in 1995. However, the number increased to 7-8 in 1996, and in 1997, only 3 students attended class during the height of the famine.

The attendance rate of kindergarten children is below 60 percent, and the

rates for elementary and secondary schools range around 40 percent. 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 in search of food, or they have to follow their parents in their search for food. The students who are already hungry due to the poor food situation have generally lost interest in schoolwork, particularly since school conditions have deteriorated to a point where they cannot motivate themselves to study any subject.

He also reported that usually only 17 out of a total of 23 teachers taught at the school. Even after coming to school, the teachers spent their time talking about how to find food rather than how to teach students. In kindergarten too, during the school term only one teacher was in charge of teaching all students while the other teachers were away from school in search of food.

Normal school hours are from 09:00 to 17:00. However, often only morning classes are open and children go back home earlier in order to search for food or peddle. 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 in other countries.

III. Civil and Political Rights

1. The Right to Life

The Inalienable Right to Life and North Korea's Capital Punishment Law

All people possess a unique right to life and no one may, at will, deprive another of his or her life. All countries are responsible for upholding this right to life, and all people have the right to have their lives protected. The protection of this right to life is a supra-national right and international cooperation increasingly seeks to guarantee its protection.

The International Covenant on Civil and Political Rights, better known as covenant B, in Article 6 emphatically stipulates that, “every human being has the inherent right to life... No one shall be arbitrarily deprived of his life.” The article goes on to state that, “in 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.”³⁴⁾

As a signatory of “Covenant B” (the international covenant on civil and

34) North Korea joined the Human Rights Covenant B (on civil and political rights) in 1981, and submitted its first report in 1983. However, it failed to fulfill the duty of filing a periodic report every five years. Only in March of 2000, it filed its “second periodic report.” The UN Human Rights Committee convened a “review session” on the “second report” on July 19-20, 2001. As for the text of the “second report,” the written questionnaires on the report, the proceedings of the review session and the committee’s “final opinion,” see the references contained in the website of UNHCHR: (<http://www.unhchr.ch/tbs/doc.>)

political rights), North Korea has the duty to fulfill the terms of the covenant. In its second periodic report submitted in March 2000 to the UN Human Rights Committee, North Korea unequivocally stated that it has incorporated this treaty as part of its municipal law in December 1998. The covenant mandates that the “signatory must execute the treaty faithfully.” The covenant further mandates that the covenant on civil and political rights shall have the same force as domestic laws (Article 17).

The new North Korean penal code of 1987 states that any anti-state criminals or ordinary criminals, who object to the national liberation struggle or infringe upon national sovereignty and law and order, shall be punished by law for violently attempting to oppress and curtail socialism. Punishments that may be applied to these crimes include the death penalty, labor rehabilitation, property seizures, revocation of one’s voting rights and revocation or suspension of certain benefits or qualifications.

The new 1987 penal code states that anti-state crimes include such offenses as objecting to national sovereignty, objecting to the struggle for national liberation and the concealment of, or failure to report, anti-state crimes. Of the provisions in the new penal code that stipulate serious punishments, including the death penalty, the following are crimes that are ideological in nature:

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 aid the enemy, or those who betray the fatherland and its people by escaping or spying for other countries or the enemy: 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 minor ten years of labor rehabilitation (Article 52).

The North Korean government in the March 2000 report clarified that it has revised its penal code in March of 1995. Under the revised penal code, North Korea said, the number of capital punishments has been reduced from 33 down to 5, and that the existing five crimes punishable by death were retained to prevent crimes and due to unique internal reasons.³⁵⁾ During the penal code review process, North Korea explained that the crimes punishable by death included sedition against sovereignty, treason against the fatherland, treason against the people, terrorist acts and premeditated murder. (Table 3-1 below)

<Table 3-1> Crimes Subject to Capital Punishment in North Korea

Sedition against sovereignty	Capital punishment may be handed down to the leader(s) of armed revolt in an attempt to topple the state sovereignty; others are subject to appropriate prison terms.
Treason against the fatherland	Capital punishment may be given to those criminals who attempted to topple the Republic and fled the country. Applied in especially serious cases.
Treason against the people	Capital punishment may be given to those who, as Koreans, participated in oppressions or persecutions of the national liberation movement in collusion with the imperialists under their direction, including those who sold out the nation or national interest, particularly in serious cases.
Terrorist acts	Capital punishment is applicable to those who committed terror on the leaders and people with the aim of resisting against the Republic, particularly serious cases.
Premeditated murder	Capital punishment is given to those who committed murder out of greed, jealousy, base motivations, or to conceal other serious and egregious crimes, or to threaten many lives. Also imposed on people whose responsibility is to support or care for human beings.

35) The English texts of North Korea's revised penal code were distributed on August 11, 1999, to the commissioners of the 72nd UN Human Rights Committee, but KINU has not been able to obtain a copy at this time.

Be that as it may, however, the North Korean penal code pertaining to the death sentence is fraught with imprecise terminologies and ideological biases. Consequently, there is considerable room for manipulation in the course of application. Because North Korea is carrying out death sentences not only on political criminals and conscientious objectors, but also on routine social misdemeanors, the right to life of its citizens is seriously threatened. In the past, North Korea painstakingly explained to international human rights organizations that executions were carried out only in exceptional cases, and yet it refused to make public concrete data on death sentences and executions. However, the UN human rights “review subcommittee” demanded North Korea to release the number of executions in the recent three years. North Korea responded by reporting that there were 6 death sentences and 5 executions in 1998, 4 sentences and 4 executions in 1999, 5 sentences and 4 executions in 2000, and as of March 2001, no death sentences or executions were carried out in 2001.

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.” In this manner, North Korean authorities place political meaning on capital punishments, and from time to time gather large crowds of inhabitants and carry out public executions to force subservience on them and create fears in their mind.

A special report on North Korea published by Amnesty International (AI) in October of 1993 discusses public executions as follows:

It is reported that the death penalty is 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.

AI issued another special report on public executions in North Korea in January of 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 executions cited represents only a small percentage of the actual number. Lastly, the report states that in all probability these executions continue today because they have occurred in such diverse regions as Wonsan, Chungjin, Hamheung, Shinuiju, Pyongsan and Pyongyang.

In its "second report," North Korea said that death sentences were possible only by the courts of central and provincial or direct-control city levels in accordance with Articles 181 and 184 of the Criminal Procedure Law. In other words, lower courts at city and county levels do not have the authority to hand down death sentences. Despite these legal provisions, however, defectors testify that public executions are being carried out, not according to clearly established standards but under the pretext of "examples must be shown to inhabitants." The security agents and other executioners of the death sentence usually take precautions to eliminate any possibility of resistance from the one to be executed by beating him up before setting him up for execution. They then carry out the execution after reading a few words of charge and terms of sentence, and execute the prisoner.³⁶⁾

Usually, public executions are carried out at places where large crowds gather, and schools, enterprises and farms are notified in advance of the scheduled public executions. The proceedings of public execution include the reading of the convict's personal background and the nature of crime committed before an assembled crowd. A judge dispatched from the People's Court will then hand down a sentence of execution, and the execution is carried out immediately.³⁷⁾

The method of execution is either by hanging or by a firing squad, but some testimonies say that burning on stakes is also used. Sometimes the execution is carried out in the presence of the convict's families. There are also cases in which the convict is not blindfolded before the execution. When a People's Safety agent announces the name of the crime and orders the execution, a firing squad will fire 9 shots at the victim.³⁸⁾

In 1998, Kim Jong-il instructed to shoot at the victims' heads, as their brains were bad. Since then, scenes of firing 9 shots at the head are frequently observed.³⁹⁾

In 1997 when the grain shortage was most extreme, public executions were routinely carried out to prevent various social misdemeanor crimes. In spite of these inhumane practices of public execution, the level of North Korean inhabitants' awareness of them in terms of human rights violations is very low. They are recently becoming completely insensitive to "life." They seldom feel sympathy toward the dead even if they happen to come across dead bodies along the streets, as the number of starvation deaths and execution deaths mounted. It is clear that public executions do not effectively deter social misdemeanors. On the contrary, they contribute to an increase of "copy crimes" and tend to help the opposing elements. Perhaps for this reason, some

36) Testimonies of Park X-ju and Kim X-sook during an interview at KINU, April 1999.

37) Kim X-il, during an interview at KINU, September 8, 1998.

38) Testimony of Sohn X-nam during an interview at KINU, September 9, 1998.

39) Testimony of Lee X-chun during an interview at KINU, August 31, 2001.

people testify that public executions have become less frequent recently.

According to the testimonies of defecting North Korean residents, public executions were suspended for a brief time following the death of Kim Il-Sung in July of 1994 but resumed at the end of 1995. Defectors Chung Kap-yul and Chang Hae-sung, who entered South Korea in May of 1996, and Hong Kyung-hwa, who came to South Korea in May of 1997, testified that public executions have since been reinstated in all cities and provinces in the latter half of 1995 according to Kim Jong-Il's personal instructions. They also report that public executions of criminals arrested after the death of Kim Il-Sung have been carried out with renewed frequency.

In their testimonies, defectors from North Korea gave the following details of public executions:

(1) Public executions on anti-regime charges: A recent defector testified that he eye-witnessed an execution by a firing squad at the firing range of his regiment in 1989 when he was serving in the army. The victim was Kang Won-sook (age 21, a sergeant), who dared to leave the post (or, AWOL) after reading a South Korean leaflet and was arrested.⁴⁰⁾

Yoon X-chan testified that chairman Kim Man-kum of the agricultural committee and a senior Party secretary in the Kaesung City branch of the Communist Party were executed in 1997 on charges of anti-Party, anti-revolutionary espionage. They were publicly executed on the firing range of the Pyongyang Military Academy as Party cadres watched.⁴¹⁾ According to the defector Suk X-hwan, North Korea in April of 1998 carried out a mass public execution of 13 cadres from the Social Safety Agency at Songrim City, Hwanghae-Bukdo Province.⁴²⁾ Defector Cho X-il testified that Choi Jong-gil

40) His testimony during an interview with North Korean defectors in China, October 19, 2001.

41) Testimony of Yoon X-Chan at KINU, May 24, 2000.

42) Songlim city is a trade port. Kim Jong Il, when he was working as a secretary for organization in the KWP, introduced the high-tech facilities into the Hwanghae Steel Mill in the city. As the economic difficulties were aggravated, facilities in

and eight others were publicly executed by firing squad in early 1997 in the Nanam district of Chungjin City. The victims disguised themselves in military uniforms and were caught stealing corn from a thrashing lot.⁴³⁾ Defector Kim X-il testified that he saw one person executed in the winter of 1996 at Sunbong. He said the nominal charge was theft of potatoes, but the real reason for the execution was because the individual had engaged in a heated argument with a local Party secretary.⁴⁴⁾

According to Lee X-chun, a husband and wife were public-executed in Haeju City around March 15, 1998. The reason was that they had an argument with an agent of the People's Security Agency. The couple had loaned 2000 won to a debtor in 1997. When the debtor defaulted on the loan, they struck him and fetched some of his furniture, instead. The debtor demanded the return of the furniture through a Haeju City security agent. The couple brushed aside the agent, saying he should stay out of the matter. An argument ensued, and the couple were arrested, and later executed.⁴⁵⁾

(2) The second category of public executions deals with so-called economic crimes. Most public executions on charges of economic crime involved theft of government property and theft of livestock. Defector Shim X-bok testified that Yoon Young-il, an employee of a business branch, was publicly executed in early 1997 while trying to sell grain coupons, which were his responsibility to destroy after use. Shim also testified that since 1995 he witnessed four public executions in the Chungnam Workers District.⁴⁶⁾ In addition, another

the steel mill were robbed so frequently that the KWP or security apparatus could not control the situation. In April 1998, the minister of People's Military Ministry proclaimed the martial law in the city of Songlim, encircling the whole city with a brigade. And then the Security Commander in the Ministry searched for and executed thirteen criminals. Testimony during an interview at KINU on May 20, 1999.

43) Testimony of Cho X-II at KINU, November 20, 2000.

44) Testimony of Kim X-II at KINU, September 8, 1998.

45) Testimony of Lee X-chun at KINU, August 31, 2001.

defector, Son X-nam, testified that there were three public executions, including the execution of Hwang Yong-soo, who was publicly executed for butchering and consuming a cow.⁴⁷⁾

Under such horrible economic conditions, public executions have become tools to control society. Evidence of the extent of the economic collapse and famine can be found in reports that executions are now taking place to punish those who traffic in human beings or sell human meat. Two sisters who defected to the South, Chang X-sook and Chang X-young, testified that a family of five was executed on charges of selling human meat in the Mankyungdae District of Pyongyang in December of 1995.⁴⁸⁾ Defector Yoo X-ran testified that four persons, including a man, his wife and his parents, were publicly executed for selling human meat at a market in the Yongsung District of Pyongyang in April of 1997.⁴⁹⁾ Also, six persons were publicly executed in February of 1998 on charges of slave trading in Onsung County in North Hamkyung Province.⁵⁰⁾ One woman was publicly executed for slave trade in China in May of 1999 in the Yuson district of Hweryong City, North Hamkyung Province.⁵¹⁾ Kim X-Ik testified that in Onsung they eye-witnessed an execution by hanging. The crime was for killing an old woman after taking 300 won in cash.⁵²⁾ In January 1999, two women and a man were executed in Onsung. They were sent to rehabilitation camps for drinking and singing decadent songs at a school reunion meeting. Their parents petitioned to the central party. The result, on the contrary, was that their sentences were changed to the death sentence and they were executed.⁵³⁾

46) Testimony of Shim X-bok at KINU, MAY 25, 1999.

47) Testimony of Son X- Nam at KINU, September 9, 1998.

48) Testimony of Chang X-Sook, Chang X-Young at KINU, May 14, 1998.
Subsequently, a number of other North Koran defectors also confirmed this particular public execution.

49) Testimony of Yoo X-Ran at KINU, November 22, 2000.

50) Testimony of Choi X-Sil at KINU, MAY 30, 2000.

51) Testimony of Joo X-Min at KINU, November 17, 2000.

52) Testimony of Kim X-Ik at KINU, August 29, 2001.

(3) Public executions and secret executions are carried out at political concentration camps and rehabilitation centers on an even broader scale. Ahn X-chul, a former concentration camp security guard who defected in October of 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.⁵⁴⁾

Those subject to public executions are usually people who are arrested after they attempt to escape. Choi X-chul, a former security officer at a concentration camp between May 1983 and June 1986 before he defected in December of 1994, stated that at Control Center No. 11 in Kyung-sung, 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 together 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.⁵⁵⁾

Ahn X-chul explained that even the security personnel at the Seventh Bureau fear the Third Section (Preliminary Investigation Section) of the State Security Protection Agency (SSPA), 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 bolstered by reports that the Agency produces oil from human bodies to make cosmetic products and fashions 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 while attempting to escape. In return for maintaining secrecy and to increase morale,

53) Testimony of Lee X-chun during an interview at KINU, August 31, 2001.

54) Testimony during an interview at KINU on June 9, 1996.

55) Testimony during an interview at KINU on June 8, 1996.

security personnel who finish their terms are guaranteed entry into the KWP and college.⁵⁶⁾

(4) Public executions at rehabilitation centers also remain a serious problem. Lee X-ok, who defected in December of 1995, testified that between December of 1987 and December of 1992 she witnessed nine public executions (seven males and two females) while she was imprisoned at the Kaechun Rehabilitation Center, in South Pyongan Province. These executions were carried out within the center's factory grounds in the presence of the deputy warden of the prison and all the inmates. In 1990, Suh Yong-soon (23), formerly a cook for a group of construction workers known as the "Pyongyang Commandos," was executed. She was initially sentenced to a three-year term for being responsible for a food shortage caused by serving portions larger than rations allowed. After a new trial her sentence was increased to twenty years. She was later executed after it was discovered that she had tried to hide damaged products made at her factory.⁵⁷⁾

North Korea is strongly rejecting the charge of public executions as absolute fabrications of hostile elements. But, it admitted to one case when evidence was presented during the UN's review process. The case was about a public execution of Ju Soo-man for heinous murders of his grand parents Ju Jong-eun (84) and Choi Yun-ok (72) in October of 1992 in Hamheung City. While admitting the case, North Korea argued that it was simply complying with the demands of local residents. The UN review subcommittee urged North Korea to revise the criminal code provisions relating to capital punishment in a way that would be consistent with the relevant articles of international covenants, and to prohibit any form of public execution. In its annual report released in May of 2001, Amnesty International (AI) complained

56) Testimony during an interview at KINU on June 9, 1996.

57) Testimony during an interview at KINU on July 12, 1996.

about the information control in North Korea, pointing out “there are persistent worries about unreported human rights violations being committed inside North Korea, including tortures and illegal confinement of political prisoners.”⁵⁸⁾

But, defectors testify that North Korean authorities, in recent years, carry on public execution at places where lots of people come to, such as markets and rail stations, rather than announcing in advance and mobilizing the residents to watch them. Because the UN review subcommittee demanded the abolition of public execution practices, particularly the practice of advance public notices of execution, North Korea is likely to carry out public executions without prior notices.

As we have seen, there is as yet no sign of fundamental improvement in North Korea’s violations of human rights, including the right to life.

2. Freedom of Individual Liberty

Illegal Confinement and Torture

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

Accordingly, a person is entitled to inalienable rights such as the protection afforded by the rule of “no arrest without warrant.” Every person has the right to due process and should be treated humanely, and not be subject to illegal arrest, imprisonment, and torture. Also included among the protections granted by the “rule of writ of habeas corpus” are prohibitions against unreasonable arrest, imprisonment, search or seizure of property, illegal interrogation and punishment, from being labeled a security risk, and hard labor.

58) Amnesty International, Annual Report 2001. (<http://www.web.amnesty.org>).

Article 5 of the Universal Declaration of Human Rights, provides that “no 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, “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Furthermore, it is stipulated in Article 9 that, “no one shall be subjected to arbitrary arrest or detention.” And, in Article 10 it is provided that, “all 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 December 10, 1984. In 1993 the Vienna Declaration argued that the prohibition against torture must be respected in all circumstances, with particular attention being paid during times of war, and further demanded that all UN member countries must endorse this declaration.

Ostensibly, the freedom of habeas corpus is guaranteed in the revised Socialist Constitution of September 1998. Article 79 declares that, “Unless based on the law citizens shall not be arrested or imprisoned, nor their homes searched.” The DPRK revised its criminal procedure code on January 15, 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 based on evidentiary procedures (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.

In its second regular human rights report, North Korea insisted that it has improved human rights guarantees for crime suspects as stipulated in articles 6, 14 and 26 of the international covenants since the revision of its penal code in April 1995. It also reported that it has concretely and systematically

improved a suspect's right to attorney to further strengthen the suspect's individual rights. It also insisted that under the criminal procedure law, tortures and other inhuman treatment were prohibited in accordance with many articles of its penal code.

North Korea specifically argues that its criminal procedure law in Article 93, section 1, stipulates, "interrogators must not induce or force suspects to admit acts of crime by forcible means," and that "the state shall nullify by law the suspect's confessions or statements obtained by means of torture or forcible threats." In addition, North Korea says that Article 37 of the detention facility operating regulations stipulates that the "detention facility staff shall refrain from any form of illegal acts, and shall not inflict tortures, cruel treatment or injuries to the suspects." Furthermore, North Korea points out that Article 5, section 3 of the law on compensation for criminals prescribes that victims subjected to forcible treatment such as tortures during interrogation shall be compensated for.

Even in the revised Criminal Procedure Act, sources of human rights violation are still retained. The act does not provide for an arrest-warrant system, in which investigators and preliminary examiners are required to obtain in advance of the arrest, investigation or seizure warrant from the judiciary (See Articles 40, 100, 111, and 129 of the Act.). But, when arresting/seizing or investigating according to a court decision, the investigators are required to present the "determination papers (for arrest or investigation)" issued by a prosecutor (Articles 107, 132). The institutional mechanism is in place to prevent breaches of personal liberty and unlawful human rights violations, but the reality is that laws are not observed.

In fact, according to the testimonies of defectors, inhuman treatment is easily found all over North Korea, including detentions and tortures without due process of the law. In cases of transgression of party policies or Kim Il-sung/Kim Jong-il instructions, even the basic human rights of the suspect are routinely violated to show to the people the severity of punishment.

Regarding unlawful detentions and tortures, defectors have testified as follows:

“When I was deported to North Korea and detained in prison, they twisted my legs and ordered me to lift a heavy bar with both hands fully extended. If I moved a little they would beat me, and if I uttered a word, they said I was lying or not telling the truth. If I kept quiet, they asked if my lips were frozen. Since I would get beat up either way, the best policy was to keep silent.”⁵⁹⁾

“They put me up in a rehabilitation center, beat me up and confiscated all my money and belongings. The interrogation began at 5 a.m. They asked me whom I contacted, and which intelligence agency gave me what mission. All these had nothing to do with me. But, they clubbed me at will and did not give me enough water, so I was unable to wash my face or go to bathroom properly.”⁶⁰⁾

“Two inmates in my room were starved, beaten and frozen to death. With the dead body in front of us, they said they wouldn’t blink an eye even if thousands of these lowly beings were to perish, and threatened, ‘you guys saw it with your own eyes, didn’t you? You will all end up like this.’”⁶¹⁾

“At a collection point at Hoeryong City, a safety agent ordered the repatriated female defectors to take off all of their clothes. He was wielding a big club over our bodies, heads, stomachs, waists and chests. So, for fear of clubbing we all had to take off our clothes... While we were there, a 28-year-old man called Choi XX tried to escape and was caught. They beat him for half a day to the extent that he could not even move a finger. At that point, they collected hundreds of detainees and showed them “the cruel

59) Testimony of a 52-year-old man from Onsung County, Hamkyung Bukdo province, during an interview at a support organization for North Korean defectors in China.

60) Testimony of a 37-year old woman from Eunduk County, Hamkyung Bukdo province.

61) Testimony of a 41-year-old man from Gilju County, Hamkyung Bukdo province.

punishment given to an attempted escapee.”⁶²⁾

North Korea denied as untrue the charges brought up by the international community that torture and cruel treatment continue in rehabilitation and detention centers. It again cited in its March 2000 report to the UN Human Rights Committee, which detailed the various law provisions contained in the penal code, detention center operating regulations and rules for rehabilitation, etc. North Korea argues that torture and cruel treatment are prohibited under these provisions and North Korea is strictly enforcing the laws. But, North Korea partly admitted to certain cases, saying that some “law enforcement workers” sometimes beat the resisting detainees in violation of the provisions, and that the practice has not completely disappeared at this point. The responsible agencies, it explained, are sanctioning and punishing such workers in order to root out such practices. North Korean delegates even submitted statistical evidence showing that there were 3 cases of petition against torture or ill treatment in 1998, 1 case in 1999 and 2 cases in 2000, and all the agents were given administrative punishments.

North Korea insisted that torture was eradicated as a result of repeated education of law enforcement officials and revised law provisions. But, the UN Human Rights Committee” urged North Korea to operate an independent watchdog agency to oversee and prevent holding and detention centers from any abuse of power by law enforcement agents. The UN subcommittee further called upon North Korea to guarantee that all occurrences of unlawful treatment, torture and cruel treatment would be promptly reported to an independent agency and fully investigated.

Human Rights Violations at Rehabilitation Centers

Prison facilities in North Korea are divided into a two-tiered system that

62) Testimony of a 43-year old woman from Chungjin City, Hamkyung Bukdo province, May 2, 2001.

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 MPS because of internal tensions between the two offices. This measure was intended to prevent inter-departmental friction and to separate the 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 concentration camps that are often called “restricted areas” or Special Dictatorship Target Areas.

<Table 3-2> 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

Rehabilitation centers are among the facilities that the MPS manages, and they can be likened to correctional institutions or prisons. These institutions 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.

According to the defector Ahn Sun-kuk, who entered South Korea in May

1997, North Korean authorities are consolidating their correctional facilities because of food shortages and soaring death rates. For example, the Chunnai Rehabilitation Center at Chunnai, Kangwon Province was merged with the Third Corrections Facility at Shinuiju, North Pyongan Province.

North Korea also disclosed to AI 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-state criminals are held in the Hyungsan Rehabilitation Center.

During the review of the second report, North Korea was asked to permit on-site inspections of international human rights organizations. But, North Korea refused the request, saying that it had twice permitted AI's visits, but because hostile elements attempted to take advantage of the occasions for their impure intentions, the concerned agencies in North Korea were growing sensitive to such visits.

According to North Korea's second human rights report, the following crimes are subject to detention in rehabilitation centers under the penal code:

<Table 3-3> Crimes subject to detention in rehabilitation centers

Anti-state crime	Crimes aimed at overturning state sovereignty, destruction, assassination, and 12 other crimes.
Economic crimes	Theft of state property, smuggling, fraud, embezzlement, polluting, stealing of technology related to labor stability, traffic accident, and 41 other crimes.
Culture crimes	Medical malpractice, narcotics and 6 other crimes.
Public order and office crimes	Leaking of secrets, abuse of power, exceeding authority, negligence, ignoring petitions, gangsterism, gambling.
Breach of citizens' life or property	murders, humiliating and defaming others, rape, larceny, embezzlement, fraud and 21 other crimes.

The duration of detention will last anywhere from 6 months to 15 years depending on the crime. There are three rehabilitation centers and the number of detainees and duration are as follows:

Year	Number of detainees	Number of detainees per 100,000
1998	1,153	5.2
1999	1,999	14
2000	1,426	6.5
Average duration in the past three years	3 years	

In its “second report” North Korea insisted that the conditions of detention are stipulated in the rehabilitation project regulations, and that they are faithfully carried out. But the fact is that the human rights violations inside the detention facilities are absolutely cruel and inhuman. We can confirm the facts through the testimony of defector Lee X-ok, who came to South Korea after having been detained in the “Gaechun Rehabilitation Center.”⁶³⁾ 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 was moved to Kaechun in March 1982. The Kaechun Rehabilitation Center is one of the largest prisons 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 people. Most are economic criminals guilty of such offenses as dealing in the black market or theft. Some are burglars or murderers.

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

63) Testimony during an interview at KINU, July 12, 1996.

normally get up at 5:00 A.M. and work until 12:30 A.M. the next morning, for a seventeen-hour work day. Total rest time during those hours, including mealtime, 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 are issued.

However, since the normal operation of rehabilitation centers became impossible due to 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.

In compliance with Kim Jong-il's instructions contained in "Regarding Military's Self-education for Minor Violators," forced-labor units are organized and operating in each city and county.⁶⁴⁾

Defector Ahn X-guk testified that as of August 1995 the former rehabilitation centers were abolished and new "hard labor units (or hard labor gangs)" were established under the control of city and county security agencies.⁶⁵⁾ There are 12-16 hard labor units in North Korea, 2 or 3 in each province, and each unit houses 500 to 2,500 individuals who committed larceny or ran away from the collective environment.⁶⁶⁾

64) Testimony of Lee X-chun during an interview at KINU, August 31, 2001.

65) Former rehabilitation centers used to house those who were not necessarily criminals but "failed to follow instructions." They are subjected to 1-6 months of unpaid labor such as farming and construction. The units are installed mostly in cities and counties, and each facility houses 100-200 individuals. Because many of them are simple truants or school gangs and young, they are also called "centers for youth and juniors."

66) North Korea is housing the rapidly increasing minor criminals in the "hard labor units" installed in cities and counties. Each center houses about 100 individuals,

The “labor units” were first run as an ad hoc organization called “rehabilitation units,” but later changed into “hard labor units.” The “hard labor units” are organized with members from various organizations. They include one person each from the military, People’s Safety Agency, and Inspector General’s office, one from the “3-revolutions unit” of the party-in-the-military, one instructor from military-socialist-youth, one troop leader, one rearguard and the commander.

If anyone escapes from the labor unit, he/she will be sent to “rehabilitation centers,” or “reform centers.” In the early days, service at the labor units was not recorded on the individual’s personal history, but the fact of service there is recorded today. Unlike the “reform centers” the individuals are allowed to retain their party and citizen cards after the service, but physically the service at the labor units is much harder to endure, since the objective is to rehabilitate through heavy physical burdens imposed over a short period of time.⁶⁷⁾

Human rights violations inside the labor units are also serious. According to defector Ju X-eun, his mother was detained for a month in a hard labor unit for defection. They called her a prisoner, cut off her hair so she won’t be able to escape, and beat her severely. Detainees are forced to work for 16 hours a day, plus they are forced to memorize Kim Il-sung/Kim Jong-il’s teachings at night, which in combination made them absolutely exhausted.⁶⁸⁾

In addition, North Korea has a system called “collection points.” The collection points are similar to “rehabilitation centers” or “youth relief centers” set up to help the wayward youth and run by the “socialist law-abiding life guidance committees.” They are used to house for short periods of time the floaters and stray travelers who exceeded the travel permit zone or period of permit and those pending court decisions.

and agents who retire from the People’s Safety Agency are sent to supervise the detainees.

67) Testimony of Lee X-chun during an interview at KINU, August 31, 2001.

68) Testimony of Ju X-eun during an interview at KINU, May 25, 2001.

Each province operates “collection points” under the control of the provincial safety office. If a Hamkyung-Bukdo province resident were arrested in Pyung-an Namdo province, the individual would be held at the “collection point” until he was turned over to the original province of residence. If one is caught while trying to flee from the “collection point,” he/she is put to death.⁶⁹⁾

Despite the existence of these hard labor units, North Korea in its second report insisted that there was no hard labor except the “labor rehabilitation” punishment. It argued that there did not exist any law that imposed forced labor on violators of law and order, except for the labor rehabilitation punishment, which is handed down by the court, and that no forced labor is imposed as punishment for political, social or religious reasons.

In connection with human rights violations in these detention facilities, the UN Human Rights Committee, in its “final opinion,” strongly recommended North Korea to allow independent internal and international inspections of prisons, reform institutions, and other places of detention or imprisonment.

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

The anti-human rights elements in North Korea's penal code

North Korea's 1987 revised criminal code (which North Korea said was again revised in 1995) clearly shows the class-oriented nature and mission of the North Korean penal code. Anyone who denies the authority of the socialist institution is brutally repressed, 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

69) Testimony during an interview at KINU, August 31, 2001.

proper sentencing. In other words, they are expected to rule more harshly against people outside the ruling 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 the 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, they are either missing outright from the North Korean system, or, if they exist, they contain excessive punishment and/or arbitrary disposition. As a result, their ability to protect human rights are extremely weak.

First, the North Korean legal system permits arbitrary interpretation. Not only does Section 9 read abstractly that: “Crime is any action deemed dangerous that violates state sovereignty and the legal order, purposefully or by negligence,” but Section 10 states, “If 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 without restriction. Section 42 renders a transgressor liable to prosecution until his very death: “Regarding anti-state crimes and deliberate murders, penal responsibility is applied without respect to any given period.”

Third, those who plead not guilty and are subsequently convicted are punished the same as those who plead guilty (Section 15). Those who aid or abet a criminal offense receive the same degree of punishment as the 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 subject to the confiscation of all their property.

Fifth, failure to report or failure to attempt to stop a felony in progress

(Sections 54 and 55) is a criminal offense, and crimes against the state are prosecuted according to this standard. These sections of the penal code are nothing more than guilt by association, an antiquated and inhumane form of criminal law.

However, North Korea is emphasizing in its second report that the system of compensation for suspects is functioning well in line with the human rights protection policies. North Korea's law on compensation for suspects, in its Article 2, stipulates that in case an innocent person is unduly arrested, detained, or punished by investigators, interrogators, or the courts, the state shall compensate for the mental anguish, physical pains and property losses. The compensation for criminals is offered in case: (a) a person was unlawfully arrested for indictment, investigation, or interrogation, or the prosecutor releases the detained person; (b) a person was detained, but sentenced "not guilty" by the court; and (c) the person sentenced to detention at a forced labor camp is given a not guilty sentence by a higher court, review court or special court.

The Unfair Trial Procedures

In North Korea, anti-state crimes are committed by so-called anti-revolutionary hostile elements that are opposed to the people's regime and the party (KWP). The verdicts are decided before the trial by pre-trial courts of the SSPA (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 the MPS or the Prosecutor's 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 SSPA independently of the prosecutor's office and the judiciary. This practice is the source of frequent violations of human rights.

In fact, it is commonplace that political prisoners and certain economic

criminals are detained without fair trials or due process of the law. Defector Kim X-hak testified that his friend, Kim Duk-chul, submitted a secret letter to the Petition Department of the Central Party in late February 1988, stating that “the Republic’s economic policy is not suitable in reality and private enterprise policy is needed for economic development.” Because of this letter, he went missing after the arrest, and his grandmother, immediate family, and uncle said he was banished to a “control district.”

In this context, the UN review committee demanded an explanation about the portion of North Korea’s report where it said, “The trials may not be open to public if there is a danger of releasing state secrets or adverse impact on the society.” North Korea responded by saying that the state secret defined under Article 16 of the penal code means facts and documents having to do directly with national security and that which could not be made public without the express consent of the controlling agency. It further explained that adverse impact on society means all crimes that could mislead the healthy atmosphere of society, including crimes that are lewdly sexual in nature. Following this, it submitted statistics showing that there has never been a trial that was closed to the public in the past three years.

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 Commission, and the Cabinet. This in itself reveals that the independence of the courts cannot be guaranteed.

The most disturbing issue is that a judge is responsible for the sentences he hands down on political cases. For this reason, it is virtually impossible to expect judicial independence. In its final opinion, the UN review subcommittee urged North Korea to take appropriate measures to guarantee independence and fairness of the judiciary at all levels.

North Korea has adopted a “people’s jury” system in its trial procedures. Judges and jurors for each level of court are elected by the Standing Committee of the Supreme People’s Assembly and the central, provincial and

city/district people's assemblies in accordance with Article 110, Section 13 and Article 134, Section 5 of the Constitution. The people's jurors enjoy the same status as the judge. At every level of trial, these jurors can exercise the right to interrogate the accused, just like the judges. In short, one judge and two people's jurors participate in the sentencing.

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 rather to lend the public legitimacy to 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 suspect's wrongful actions.

Defector Yoon X-guk testified that an agent of Hamheung City Social Safety Agency arrested him three days after he struck a party official. Two people's jurors were appointed by the Party-in-the-military. They were required to express their opinions at the trial. So, they said, "Striking an official working for Kim Il-sung was dangerous for the society." Prosecutors and judges proceeded with the trial on the basis of this kind of statement.⁷⁰⁾

Hwang Jang-yup testified that the Socialist Law-abiding Life Guidance Committee (SLLGC), installed at every level of North Korean society, is in charge of criminal dispositions. In the case of the county, the county SLLGC carries out these duties, and the committees consist of 1) the chief party secretary of the county, 2) the administrative/economics chairman of the county, 3) the commander of the SSPA from the county, 4) a commander of the MPS of the county, 5) the chief of the county prosecutor's office. Nominally, the duties of the SLLGC are to educate the public on crime prevention and on how to observe socialist laws. However, in reality, the committees routinely exercise control over the inhabitants and Party-

70) Testimony of Yoon X-guk during an interview at KINU, May 16, 2001.

government cadres. This was particularly true, as anti-social acts steadily increased due to the worsening economic conditions.

The North Korean constitution also has stipulations on petitions and complaints. Article 69 of the constitution says, "Citizens are entitled to submit complaints and petitions. Complaints and petitions shall be investigated and dealt with according to the procedures and within the period fixed by law." The law on petitions and complaints also sets down various procedures such as submittal, registration, examination and disposition. North Korea insists that citizens enjoy the rights to prevent breaches of interest and to demand compensation for any damages.

During the review of the second report, North Korea was asked if it had an agency that could independently dispose of petitions and complaints. North Korea responded by saying, "Petitions and complaints can be submitted to all agencies from the lowest level of business or government to the highest sovereign organ, directly or through an agent and in oral or written form." Because the petition system is operating systematically from the lowest to the highest levels of government, there is no independent organ that handles petitions exclusively as in other countries, the North Koreans replied. They further said that from the Presidium of the Supreme People's Assembly and the Cabinet to all departments and provincial offices, and other project organs, there is established at every level of government an agency or section that handles petitions and complaints. Smaller units have "workers" who are assigned to handle complaints.

Despite these institutional apparatus, however, petitions in North Korea are certain to bring enormous harm to the petitioner(s). Defector Lee X-sim (defected in June 1998) testified that so-called "personal appeals" are a constitutionally guaranteed system for a person who has been unfairly prosecuted. However, as the appeals move up toward the capital from the county, city and provincial level, they are usually ignored if officials fear that they might be blamed. Initially, officials will pretend to listen sympathetically

to the appeals, but in the end they will hand down penal judgments, saying that the content of the appeals violated the “Sole-Ideology” system.⁷¹⁾ In light of these realities the UN human Rights Committee, in its final opinion, urged North Korea to establish a “national human rights commission.”

North Korea also has a clemency system called the “great amnesty.” According to defector Yoon X-guk, there is a “great amnesty” every three to five years or on Kim Il-sung’s birthdays, and 80 percent of prisoners released are on amnesty. But he himself was released after serving the full term of his sentence because his crime was striking a party official.⁷²⁾ In this context, North Korea’s Central Broadcast reported on December 27, 2001 that the Presidium of the Supreme People’s Assembly decided to issue an order of “Great Amnesty on the occasion of the 90th anniversary of Kim Il-sung’s birth, which is the greatest festival of the Korean people.” The report said the Presidium would implement the order effective January 1, 2002 on those who were sentenced to “labor rehabilitation.”⁷³⁾

The Right to an Attorney

The right to an attorney’s assistance throughout the trial process is an important right in that it is the individual’s last chance to protect his/her rights against the state. The fairness of trial procedures ultimately depends upon whether the individual’s right to choose an attorney is legally guaranteed in reality.

Furthermore, the question of whether a defense attorney’s role of protecting the human rights of the accused can be effectively carried out depends on the independence of an 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 receives his

71) Testimony during an interview at KINU on September 9, 1998.

72) Testimony during an interview at KINU, May 16, 2001.

73) *Yonhap News*, December 27, 2001.

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 dictatorship of the proletariat. 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 "Explain the nation's 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 understood and carried out by the people. Lawyers usually serve to help persuade defendants to confess their crimes.

Furthermore, there is a system of free attorney service within the Chosun Attorney's Association (under Article 172, penal code). But, most North Koreans are unaware of the various legal systems, let alone the free defense attorney service. According to defector Lee X-pal, he was not aware of the attorney system. He had heard about the existence of the prosecutor's offices and courts, but he never knew how the system worked.⁷⁴⁾

4. Right to Equality

The Concept of Equal Rights

It is an evident truth that because all people are endowed equally with sanctity and value they should all receive equal treatment under law. The principle of equality requires that all people be treated equally and it is based

74) Testimony of Lee X-pal during an interview at KINU, May 14, 2001.

on a belief in non-discrimination and the principle of equal opportunity.

Article 6 of the Universal Declaration of Human Rights provides that all people, regardless of their nationality, 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 law; rather it is a natural, universal human right.

In the economic sense this means that there must not be any discrimination in hiring, pay, working conditions or taxation. In the social sphere, it means that there should not exist any discrimination based on one's family background, gender, or any other reason that would preclude one from participating in social groups or pursuing one's career. Culturally, it means that all citizens must be guaranteed the freedoms and rights to participate equally in all social activities, including cultural activities and educational opportunities.

Social Discrimination Based on Family Background

<Project to Classify People by Family Background>

Article 65 of the revised 1998 Constitution recognizes, at least nominally, citizens' rights to equality, stipulating that, "all 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. In its "second report," North Korea insisted that the citizens of the Democratic People's Republic of Korea (DPRK), in accordance with international covenants, enjoyed equal rights and were not discriminated against for reasons of race, color, sex, language, religion, political beliefs or opinions, national or social origin, property, birth or status.

Despite such an argument, Pyongyang strictly classifies every individual by his or her family background (or class origin) and by the degree of loyalty to the regime. For example, on numerous occasions since liberation from Japanese rule in 1945 North Korea has conducted loyalty surveys in order to classify its citizenry.

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

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 in accordance with Kim Jong-Il's instructions, thirteen sub-classes were added to the list.

Former KWP Secretary Hwang Jang-Yup who defected 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 their relatives and ancestors, their wartime experiences and other information deemed relevant.

Meanwhile, North Korea is reported to have conducted a new personal background investigation project under the pretext of promoting Kim Jong-il's

“broad-base politics” and to allegedly relax the personal background policy and embrace the “complex masses.” But the exact nature of the project remains unknown.

Since many groups of people have been newly labeled or unlabeled in the process of the staggered implementation of the inhabitants’ background investigation project, it is rather difficult to accurately know all the classifications used for inhabitant categories. For example, the “national capitalists” and “landlords” that used to be classified as part of the “basic masses” and “complex masses” appear to have been abolished. In addition, new social groups are apparently being added to the list depending on a given period. It also appears that since the mid-1980s when Kim Jong-il began to assume the leadership role, all unnecessary classifications that still remained at that point were either abolished or consolidated in accordance with his instructions to relax the personal background policy.

<Table 3-4> 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? 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.

<Class Categories of North Korean Inhabitants>

North Korean authorities classify citizens into three broad categories: the Core class, Wavering class, and Hostile class. Defectors Park X-dok (defected in February 1998) and Lee X-ok (defected in February 1998) testified that North Korea's background classification and class categorization policies significantly affect crucial aspects of people's everyday lives, such as marriage, employment, and socio-political status. They testified that, in private, ordinary people would occasionally refer to themselves as "the (king's) subjects" rather than "citizens" and the party and government cadres as "the gentry."⁷⁵⁾

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-II, high level cadres estimated to number about 200,000 or one percent of the population, and mid-level cadres who account for about 28 percent of the population. The

75) Testimony during an interview at KINU on May 15, 1998.

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 Mankyongdae and Kangbansok Institutes for the bereaved children of revolutionary martyrs. High-level cadres live in luxurious residences, send their children to special schools and possess modern home appliances. Their houses have telephones, and they 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 Party membership, or administrative or military positions. In effect, they form a feudal hereditary class entitled to benefits in education, promotions, food rations, housing and medical services.

The so-called “wavering class” comprises a near majority of the North Korean population. This group is made up of 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 percent of the population. They are provided with meager incomes and food rations. Most of them live in small cities and in rural areas. Health benefits are insufficient. They can travel to Pyongyang only with special permits. However, in some instances a member of this class has been elevated to the core class. According to defector Hwang X, the distinction in personal backgrounds has recently weakened in some places, because the difficult economic situation has contributed to a rapid rise in bribery cases, including kickbacks for appointments to low provincial positions.⁷⁶⁾

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 abused. The hostile class accounts for about 27 percent of the population. This class is composed of the families of those who owned land and businesses prior to the communist takeover, public officials

76) Testimony during an interview at KINU on May 24, 2000.

under 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 most harshly affected by the policy, however, are the hostile class. The hostile class also includes Party members who were on the losing end of power struggles, bureaucrats and elites who have been 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 3-5> The 3 Classes and 51 Sub-classes

<p>Core Class</p>	<p>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 honored wounded soldiers (family members of service members wounded during the Korean War).</p>
<p>Wavering Class</p>	<p>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.</p>

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

Those classified as part of the hostile class receive discriminatory treatment in all aspects of their life; including hiring, education, housing, medical benefits, and criminal punishment. In general, members of the hostile class are limited to laborious and hazardous manual work. For societal management purposes they are classified as either: “dictatorial targets,” “isolation targets” or “absorption and indoctrination targets.” Dictatorial targets are held separately from society, 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. Defector Kim X-hyung testified that those belonging to the “complex masses” category are now allowed to live in Shinuiju, which is a border city, and the ratio of their number living in cities across the nation is also very low.⁷⁷⁾

<Table 3-6> Categories of the Complex Masses

Dictatorship targets	These are the people who are trying to overturn the current North Korean system and regime. They should be segregated from the ordinary inhabitants and moved to the so-called “safe zones” such as coalmine areas or mountainous highlands
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77) Kim’s testimony during an interview at KINU.

<p>Isolation targets</p>	<p>These are very dangerous people who will participate in or are likely to support the South Korean causes should the circumstances warrant. They will be exposed to the basic masses for purposes of collective surveillance.</p>
<p>Inclusive education targets</p>	<p>These people include those belonging to “potential disturbance groups.” Their levels of misdemeanors are so minor as to warrant including in the system and ideology. These are fluid groups of people who show possibilities of returning to the fold if they underwent intensive ideology education.</p>

<Discriminatory Education Benefits based on Personal Background>

Because North Korea offers education benefits on the basis of personal background, the students’ colleges and their major areas of concentration are decided upon regardless of individuals’ wishes. Special admissions without examination are offered to the children of senior staff or close aides of Kim Jong-il and cabinet members, as well as senior Party staff. Defector Park X-hyun testified that the children of high-ranking officials entering college upon instructions of Kim Il-sung or Kim Jong-il are called the “instruction student,” or “directed student” or “student who received word.”

Students entering the Kim Il-sung University or Kim Chaek Polytechnic University will have to undergo background checks up to and including their second cousins, and those entering the normal teachers’ colleges will be screened up to their cousins. Admissions will be cancelled even if a minor demerit is discovered in the process of the background check. If the admission is cancelled, the rejected male applicant has to serve out military duty for 7-10 years, while the rejected female applicant is assigned to production facilities.

Most defectors testify to the reality of controlled college admission practices. Students from less favorable classes will have to pass the background check even if he or she passed the college entrance examinations. Defector Kim Sung-X testified that he was at the top of the class throughout his

elementary and secondary schools, but he could not take the college entrance examination in March of 1979 because he was not given the permit to do so. Subsequently, his mother and the school principal visited the college and inquired about the reasons, they were told, “The student’s uncle fled south in December of 1946 and he is classified as ‘watch-list number 10’ (family of defector to the south).” Defector Lim X-sun testified that after he was commissioned as an officer in April 1988, he even gave bribes to a staff member at the political section in hopes of going on to college. He was later told by his superiors to give up such hope because his background was not good enough.

Defector Kim X-ik testified that the children of former South Korean POWs are discriminated against, including the right to get college education.⁷⁸⁾

Defector Chung X-yong had excellent academic records, so he applied to the Kim Chaek Polytechnic University, but he was denied on the grounds that his father was a former POW. Children of former POWs are not accepted in the military, but he was able to join the military thanks to a guarantee provided by his teacher. In the military, however, he was always assigned to inferior positions and tasks despite his excellent capabilities, and he was unable to join the Party. Later on, under the “broad-base politics,” all levels of government were instructed to ignore personal background and allow promotions of capable persons. Thanks to this policy, he was able to become a manager, but instead of being assigned to the state-run Onsung Coal Mine, he was sent to a coal mine operated by Muan County, which was smaller and operated for the military.⁷⁹⁾

Defector Lee X-pal was severely discriminated against because his other family members fled to South Korea during the Korean War. As a result, he was able to graduate from middle school, but never higher. He worked harder and was able to join a military school. This was made possible due to the

78) Testimony of Kim X-ik during an interview at KINU, August 29, 2001.

79) Testimony of Chung X-yong during an interview at KINU, May 18, 2001.

“broad-base politics.” He thought the situation was improving from the 1980s since he was allowed to move on to a vanguard unit, and the children of those who fled south during the Korean War were accepted in the military. But, he testified that there were no fundamental changes because promotions to staff levels were blocked and discriminations against residence and job assignments continued. For example, the families of those who fled south during the Korean War are not allowed to live in cities, or along the borders or coastal areas.⁸⁰⁾

**<Emphasis on Family Background in Recruiting Core Cadres
and the Reality of Discrimination>**

North Korean authorities have strengthened elements of the family background system, which they use to screen possible cadres for membership in the KWP or in the legal field, on the assumption that the class origin of those who harbor an extreme enmity toward the system does not change, even after three generations. This policy has been especially apparent since the defection of Hwang Jang-yup in 1997. In the past, problems in one’s family background did not matter, if one was willing, sincere and qualified. However, now, more than ever, defects in one’s family background play a determining role in hiring cadres or obtaining employment, so that whoever has even insignificant mistakes in their personal records are excluded from consideration. This trend to emphasize family background can be found not only in the hiring of new employees but also in examinations of existing members.

Any member in the KWP or in the machinery of law who does not satisfy the requirements of family background that the North Korean authorities demand is dismissed or transferred to another position. In extreme cases, even the rule of law is dismissed because of one’s inferior family background. In the military, the family background principle is applied even more strictly.

80) Testimony of Lee X-pal during an interview at KINU, May 14, 2001.

While it matters relatively less in low-ranking positions, it is more significantly applied among officers as a hiring standard. In the case of those working in the field of technology, on the other hand, the family background does not play a role as great as in the past. Thus, even those technicians who sided with South Korea during the Korean War are employed although supervision of them is being tightened.

Examination of one's family background is more thorough especially in the security field. This practice points to North Korea's discrimination in social occupations. For instance, if a North Korean wants to enter the MPS, the procedures are so strict that even the family background of one's second cousins must be examined. There should be neither anti-regime activists nor those sent to "re-education centers" as second cousins in their family. Since entering the MPS implies membership in the party organization, many North Korean youth favor joining such party organizations. But only applicants siding with the regime can enter the Ministry because of the strict check of their family background. In the case of the State Security Agency, which is more concerned about security than the MPS, the class origin of all family members up to third cousins are examined before one is hired.⁸¹⁾

**<Guilt-by-Association as a Means of Control and Punishment
According to One's Family Background>**

One way to determine the degree to which people are controlled through discriminatory policies based on one's family background is to examine forced relocations of families. North Korea has classified a significant portion of its population (25~30 percent) as members of separated families, whose relatives are classified as traitors who defected to South Korea. They are therefore

81) Testimony of Kim X-sub (from Hoeryeong of the Northern Ham-kyung Province) and Kim X-im (from Deokseong of the Southern Hamkyung province) who defected in November 1998. National Intelligence Agency, *Recent Situations of North Korea*, vol. 180 (1999.2), p. 44.

treated as part of the hostile class. These people continue to have their fundamental rights deprived and they are disadvantaged because of the behavior of their ancestors or for events that occurred during the Japanese occupation or the Korean War. The defector Chung X-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 Jakang 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 X-yong, who was a POW in North Korea, many South Korean POWs have not been repatriated even after the conclusion of the Korean Armistice Agreement (in 1953) and are subjected to physically taxing hard labor in coalmines or timber yards. Due to their status, these POWs are subject to various repressive measures, and their families and children are also disadvantaged in employment and social advancement. Indeed, discrimination based on one's background is applied across generations in North Korea. In addition, their family members are subject to close surveillance by the authorities.

According to the defector Kim X-lim, the guilt-by-association system is being applied strictly to political prisoners. With respect to this, there are some articles regarding the guilt-by-association in the policies of the State Security Agency.⁸²⁾

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

82) Testimony during an interview at KINU on October 19, 1999.

people are deprived of their political and social rights due to the background check policies. Defectors Ju X-hee and Suh X-eun, who came to South Korea in May and August 1997, respectively, testified that between 50 and 60 percent of ordinary people regarded their personal background to be bad.⁸³⁾

In brief, North Korean authorities have strengthened the surveillance system toward the reactionary classes through the classification of backgrounds and further have extended the discrimination policy to all areas of life, including the distribution of food, clothing and shelter, permission for social movement (including travel and research in the revolutionary historical sites)⁸⁴⁾, the application of laws and other acts.

Recently, North Korea has been implementing an irrational discrimination policy wholly based on one's personal background in which even the type and severity of punishment is decided by one's background. In Kyungsoong, North Hamkyung Province, public execution is carried out on average once or twice a month. However, the final judgment depends upon the background or birth origin of the criminals and thus the death penalty is sometimes reduced to a prison sentence if the background of the criminal is good. By contrast, criminals having inferior backgrounds or birth origins, including orphans, are usually sentenced to death without any other considerations. Thus, people who have witnessed the executions complain that they are unfair and that the level of punishment for a crime varies according to one's background. North Korean people complain that governmental authorities arbitrarily determine the level of punishment on criminals depending upon their background or birth origin.⁸⁵⁾

83) Testimony during an interview at KINU on August 22, October 16, 1997.

84) In North Korea, discrimination by class is being carried out even in the time of research of revolutionary-historical sites by operating different research-camps according to the classes. While people from the Ministry of Social Security or the military are treated favorably as in instance of provision of meats in their camps, ordinary people are provided only with housing camps without any separate meals or subsidiary food.

85) The defector Han X-chul who was a responsible technician in the Kimchaek Ship Assembly, testified too that "majority of the people who are publicly executed

<Discrimination in Residence and Housing According to Class>

North Korea assigns housing to people according to their background and forcibly relocates people from one place to another. Those people whose backgrounds are regarded as bad are mostly from South Korea or once belonged to the landlord or capitalist classes in the past. North Korean authorities fear the possibility that those people might escape from North Korea because they secretly admire South Korea. That is the reason why North Korean authorities limit the areas where those people are allowed to live. For instance, people having bad backgrounds are not allowed to live in Pyongyang, Nampo, near the coast and in other sensitive areas.

Also, even the people with good backgrounds are frequently expelled from urban areas like Pyongyang to secluded places in the mountains because of mistakes made by their family members or relatives. For instance, the original residents of the Poongseo Mine and Happo Mine at Poongseo-kun of Yangkang Province now make up less than ten percent of the entire population of those areas. Almost 90 percent of the population in these areas is from Pyongyang. In Deokseong-kun in Southern Hamkyung Province, people from Pyongyang occupy 50 percent of the entire population. Also, in Changjin, Boojeon, Heocheon, and other cities in South Hamkyung Province, there are many people living there who have been expelled from Pyongyang or Hamheung. These people, who were forcibly relocated due to their backgrounds, are prohibited from serving as salaried members of the KWP or to important positions in the administration. Instead, they can only be promoted to a low ranking public service position. These people frequently gather together to sympathize with one another, complain about their situations, and show

realizes that they are executed because they do not have any connections to the power holders.” He also testified that “while powerless people are executed merely because of trifle mis- takes as a model, really big criminals are not executed due to their connections with security officers and thus the ordinary people consider that the executed are unfortunate.” Testimony during an interview at KINU on October 15, 1999.

resentment against the North Korean authorities.⁸⁶⁾

The North Korean authorities forcibly relocate criminals, defectors, and families with bad backgrounds to remote and secluded places in the mountains. These people are seriously despised and discriminated against by the local population. Instances of discrimination against expelled individuals can be easily found.

While the local populace is allowed to assault these people, they are not allowed to assault or inflict damage on the natives. It is routine for supervisors belonging to the MPS to beat and torture these expelled individuals in public places. Also, these exiled individuals are forced to work at the most difficult jobs, such as logging and mining. Even if they work long and hard, they are rarely promoted to staff positions in the workplaces. Rather, they are even stripped of their houses and private gardens and are forcibly relocated to inferior housing.

In addition to this discriminatory treatment, grain allotments are first distributed to the locals with only the remaining grain being distributed to those who have been expelled from the cities. Also, they are not allowed to marry because of their background. In cases where natives and exiles are caught working together to commit a crime, the native is set free without suspicion while the expelled is punished as a criminal. Since the expelled are discriminated against in many ways, they always feel alienated. It is common for their coworkers to visit their houses on national holidays and at that time the expelled must treat them to liquor and meat. If the treatment is not satisfactory for the staff, they insult the expelled, cursing them for their inhospitality. Because the expelled constantly live with such discrimination, they have a deep hatred for the indigenous population.

<Discrimination by the North Korean Authorities against Pyongyang Citizens>

North Korean authorities strictly decide, based on a person's background,

86) Testimony of Kim X-sub and Kim X-im.

whether or not he or she is eligible to live in Pyongyang. Even residents of Pyongyang are discriminated against according to how they are classified. By and large, citizens of Pyongyang are divided into three categories. The first and second categories are composed of those people who do not have any clear defects in terms of their background. These people account for almost 80-90 percent of the entire population of Pyongyang.⁸⁷⁾ The third category includes people repatriated to the North, people from South Korea, and people whose relatives are listed as missing persons. The portion of these people is almost 10-20 percent of the total. People belonging to the third category are not eligible to attend various political events. For instance, people belonging only to the first and second category are mobilized when the heads of foreign governments visit Pyongyang. Hence, people belonging to the third category are always put aside and can only participate in general mass rallies. In this case, they are also discriminated against. People in the first and second category can sit in the front seats while people from the third category must stand in the most rear seats while being supervised by members of the State Security Agency.

Those belonging to the third category constantly live in fear and aware of their alienation, as they do not receive the benefits entitled to ordinary citizens of Pyongyang. Although they desperately try to gain admission to the KWP, the discrimination against them based on their background is not easily changed.⁸⁸⁾

Oppression of the Disabled

The protection of the rights of the disabled people has not been made manifest through an international convention. The 1993 World NGO Forum

87) National Intelligence Agency, *The Recent Situations of North Korea*, Vol. 179, January 1999, pp. 23-24.

88) Testimony of the defectors, Kim X-sup and Kim X-im, during interview at the KINU. Also see National Intelligence Agency, *Recent Situations of North Korea*, vol. 180, pp. 42-43.

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 is a well-known fact 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, Kaesong and Chungjin, where foreigners make frequent visits, for resettlement in exclusive areas. They are shipped to remote mountains or isolated areas. Foreigners invariably testify to the fact that they saw no handicapped persons during their visit to Pyongyang. Recent defectors say that the handicapped are exiled according to the severity of their disability. With the exception of talented individuals, ordinary handicapped persons are not allowed to live in Pyongyang or other places where foreigners visit frequently because they are said to give a bad impression of the country. The handicapped may not be transferred on a permanent basis, but they are sent away to other areas whenever the authorities wish, such as when special events are held.

Yet testimony indicates that, depending on their physical characteristics, these disabled people receive severely discriminatory treatment. According to Hwang Jang-yup’s testimony, Kim Il-Sung instructed in the 1960s that midgets not be allowed to reproduce, and that they be rounded up and relocated. Subsequently, a concentration camp for midgets was established at Jungpyong County, South Hamkyung Province.

Yoon X-chul, who defected in March 1996, testified that those with congenital birth defects 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.⁸⁹⁾ Oh

89) Testimony during an interview at KINU on June 16, 1996.

X-ryong, who defected in March 1995, testified that Kim Ki-hwa, a midget, was banished to a remote mountain region in North Hamkyung Province but returned after he had been castrated.⁹⁰⁾ According to the defector Chung X-kwang, an unnamed security guard in the Moranbong region poisoned his 16-year-old paralyzed son to avoid being banished from Pyongyang.⁹¹⁾ Defectors Kang X-hwan and Lee X-ok testified before the US Senate Foreign Relations Subcommittee on Asia-Pacific Affairs that midgets and the deformed are forcibly subjected to vasectomy or sterilizations. In North Korea, foreign visitors are not allowed to see physically deformed persons anywhere, particularly in large cities like Pyongyang.

5. Civil Liberties

The most important aspect of human rights is to limit totalitarian power and guarantee individual freedoms and equality. Together with equal justice under 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 not to destroy the fundamental nature of civil liberties. Therefore, all countries are responsible for maintaining civil 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

90) Testimony during an interview at KINU on June 12, 1996.

91) Testimony during an interview at KINU on July 18, 1996.

only be made within certain limitations.

Freedom of Residence, Movement and Travel

The freedom of residence and movement concerns the right to independently determine where one chooses to live, to be able to relocate freely from that place, and to not be relocated against one's will. As a fundamental freedom throughout human history, by expanding a person's area of activity, the freedom of residence and relocation allows the creation of a forum for free human exchanges which contributes to the development of individuals. By contributing to development and human growth this freedom maintains and develops human sanctity and value. Article 3 of The Universal Declaration of Human Rights stipulates that, "Everyone 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 one's residence. However, as its economy has collapsed and food shortages have worsened since 1990, the social fluidity and movement of inhabitants in search of food have increased tremendously. Furthermore, the North Korean authorities were forced to tacitly accept this reality. And so, in revising the Socialist Constitution in September 1998, for the first time it stipulated that, "Citizens shall have the freedom of residence and travel (Art.75)."

In practice, however, and to control society, significant constraints are imposed on the freedom to travel and to choose one's residence. In short, there is a significant gap between the law and reality in North Korea today. Defector Kim X-lim once observed that North Korea's creation of the freedom of travel and residence in the Socialist Constitution was created for outside propaganda purposes or to win the hearts of the North Korean people.⁹²⁾ Defectors Han X-chul⁹³⁾ and Park X-chul⁹⁴⁾ testified that the creation of the

92) Testimony during an interview at KINU on October 19, 1999.

freedom of travel and residence is nothing but lip service and, in reality, these freedoms are not allowed in North Korean society. Except for 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 and 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 an unblemished social status. Restrictions on the freedom of travel are also imposed on foreign visitors.

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 testimony of Kim X-hwa and O X-II, 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. Another defector, Kim X-il, testified that travels to and from the Rajin-Sunbong region (a special foreign investment zone) are strictly controlled and people have to obtain permits from six different agencies to travel to the area.⁹⁵⁾ As a result, contacts with the outside world are completely cut off from this sensitive region.

If the initial application is approved, the would-be traveler applies for a travel pass at the Certificate Division of a regional MPS office three days

93) Testimony during an interview at KINU on March 18, 1999.

94) Testimony during an interview at KINU on October 20, 1999.

95) Testimony during an interview at KINU on September 8, 1998.

before the planned departure. The application is reviewed based upon social status; if approved, the office refers it to a regional SSA office, which issues the pass through the secretary of the primary party committee of the applicant's workplace.

After arrival, the traveler 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 traveler can purchase a train ticket only after applying at the railway station security office four days beforehand. These complicated procedures discourage most people from traveling to attend the funeral services of relatives, even their parents.

As defector Chi X-chul testified, those released from 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 the extreme restrictions the North Korean authorities impose on the freedom of travel. During its 49th session held in August 1997, the UN Sub-Commission 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 sub-commission urged North Korean authorities to guarantee the freedom of residence, including travel 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 for the international community.

Meanwhile, North Korea is forcibly moving and transplanting politically suspect people. Forced transfers of political prisoners and anti-regime

complainants have by now become a routine phenomenon. In addition, North Korea forcibly relocates people according to the needs of the regime as evidenced in the case of special economic zones like Rajin-Sunbong and newly developed industrial or coalmining regions in Jakang and Yangkang Provinces.

The former secretary of the 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. In addition, 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 the identification cards of Pyongyang citizens were renewed, many citizens who were identified as having committed punishable crimes, exhibited bad behavior, or frequently changed jobs, 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 across the country 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 the testimony of the defector Choi X-chul, in the 1980s one could travel without a pass only during special holidays such as Juseok (or the harvest moon festival on August 15 in the 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. Defectors Kim X-hyung and Ahn X-kuk, who came to South Korea in May 1997, testified that every railroad station they saw was crowded with people looking for food. In addition, 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 travel without permits, but they stated that if one was financially well off, travel permits were easily attainable.⁹⁶⁾

However, Yoon X-chan testified that as more and more people traveled around the country seeking food, the authorities usually inspected travel papers only when moving outside the province of residence.⁹⁷⁾

During the UN review session, North Korea released the following numbers of foreign travel (passport) applications and denials in connection with the freedom of residence and movement. North Korea explained that the number of denials were due to the lack of approval of the destination countries.

<Table 3-7> Status of Foreign Travel Denials

Year	Number of Applications	Number of Denials
1998	17,440	65
1999	29,875	104
2000	35,650	91

The international community is deeply worried about North Korea's severe restrictions on the freedom of movement of its citizens. During its 49th session in August 1997, the UN committee on human rights expressed concern over the serious breach of the freedom of residence and movement. During the committee's 50th session in August 1998, the committee again urged North Korean authorities to guarantee the freedom of residence and movement, including travels abroad. The international community continues to monitor how well North Korea will guarantee the fundamental rights such as the freedom of residence and movement. The UN human rights committee, in its final opinion, strongly urged North Korea to consider abolishing its domestic travel permit system. It also recommended North Korea to abolish the exit visa

96) Testimony during an interview at KINU on August 20-21, 1998.

97) Testimony during an interview at KINU on May 23, 2000.

requirement for foreign residents in North Korea. It recommended North Korea to limit the permit system to cases that fit the terms set out in the international covenants.

Freedom of Speech and Press

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

In Article 19 of the Universal Declaration of Human Rights, it is guaranteed that "Everyone has the right to freedom of opinion and expression; this right includes the 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 "Everyone shall have the right to freedom of expression; this right shall include the 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, "Civilians 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 providing critical commentary and providing objective information to citizens, but instead focuses on the propaganda of Kim-Il-Sung as based on the Juche ideology and upon indoctrinating 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 "helps 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 educational tool. Under no circumstances may the North Korean press engage in any type of criticism toward the leadership or the instructions of the great leader Comrade Kim Il-Sung.” The press’s only function is to be a means for the party to fulfill these instructions.

Every single issue of a North Korean publication or broadcast service contains something that eulogizes Kim Il-Sung and praises Kim Jong-Il. Reports on the two Kims occupy the front pages of newspapers, and their names are printed in special bold fonts. All news is written for the express 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 is normally dealt with in a straightforward manner.

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 to be 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 are blocked as well.

In its second report, North Korea stated that under Article 23 of the Law on News Media all government and business organizations must provide an environment in which journalists and editors may collect news materials. Furthermore, journalists can travel to any region in North Korea to meet with individuals they wish to meet. North Korea also insisted that foreign reporters are free to collect information and report it under the “regulations regarding the activities of foreign journalists.”

However, the fact is that contact with foreign journalists is as controlled as ever. In its “human rights country report,” released in February 2001, the US State Department favorably rated North Korea, saying that it was allowing news reports on recent grain situations, as well as the activities of KEDO

(Korean Peninsula Energy Development Organization) since 1997. It also had positive comments for the fact that North Korea allowed news reporting activities to correspondents accompanying Secretary of State Madeline Albright, and that Kim Jong-il permitted an interview with a group of South Korean newspaper presidents. North Korea even agreed to guarantee the activities of foreign reporters at the time it opened diplomatic relations with Germany. But the State Department report pointed out that the North Korean government continued to strictly control the activities of foreign visitors. For example, the reporters accompanying the Secretary were not permitted to collect information at department stores or rail stations, nor any conversations with people in the street. Also, the authorities withheld all cellular phones and satellite telephones for the duration of visit. In answer to an oral inquiry during the review of the second report, North Korea frankly admitted that sale of foreign newspapers and magazines are not allowed on the North Korean streets.

The role of the press in North Korea is not to improve the quality of life for individuals by providing information, protecting individual rights, monitoring the government, or transmitting culture, entertainment or advertisement. It exists only to justify the policies of Kim Il-Sung and Kim Jong-Il, as well as to monitor and reproach the people.

Since the North Korean inhabitants are fundamentally cut off from the outside world, they are not only ignorant about changes in the international situation, but it is also very difficult for them to maintain the abilities and desires to freely express their views or criticize the shortcomings in government policies. It is reported that the North Korean authorities prohibit the inhabitants from any contact with foreigners. Citing the AI's report, the "Human Rights Country Report 2000," published by the US State Department, said that many North Koreans who maintained friendship with foreigners went missing, and there were cases of execution of those North Koreans who maintained acquaintances with Russians. As a result, North Koreans rely on rumors, or

“secret communications,” which play the role of news media, for domestic developments and foreign news.

In North Korea, the right to freely express one’s opinion is also subject to strict controls. North Korea’s 1987 Penal Code, Article 105 stipulates that, “Those who have caused social confusion by spreading false or inaccurate rumors that could bring about social confusion and/or mistrust of the state, shall be punished with up to a year of corrective labor.” Thus, the expression of personal opinions and the 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 mass line and revolutionary zeal. “Publications 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 the 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 construction 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 the 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 as well as the realization of class 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 entitled, "Crimes of Reactionary Propaganda and Agitation," defines such a transgression as a political crime instigating the people to digress from the party and state policy and leading them to oppose the state and socialist institutions." 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 could be construed as a violation of the law. In this context, defector Lee Young-sim testified that an influx of foreign ideas through books would be difficult because three times a year joint censor teams consisting of MPS, SSA and Party officials conduct censorship reviews on all books and printed matter.

North Korea regulates literature and the arts as a "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 a 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 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 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. Responding to the call, writers and artists produced a literary and artistic theory based on the Juche ideology. This theory is a fusion between the Juche ideology and socialist realism, a new concept to communicate the socialist and realistic traits of the party, the working class and the people, and to solidly establish the party's unitary leadership and philosophy among the public at large. These traits are considered in North Korea to be prototypes for socialist literature and artistic theories.

The federation has under its control the Writers Union, Artists Union, Drama Workers Union, Musicians Union, Film-workers 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 the arts, therefore, sets forth as its first task the depiction of Kim Il-Sung as the prototype of the quintessential 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, Juche Literature and Arts Theory, as it is called, demands collective creative artwork in the belief 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 combining 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 a literature and arts revolution, the revolutionary nature and struggles of Kim Il-Sung as well as his family members and followers.

The Culture and Arts Department of the Party Central Committee is directly responsible for the rigid control of writers and artists in order to realize this 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 the distribution of plans for their creative activities. The party obliges writers and artists and their respective unions to forward to the party their production plans on a monthly, quarterly and yearly basis, which are to be worked out based on quota and by theme.

Unions will organize production plans forwarded to them before submitting those plans 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 each quarter and the GFULA holds a similar meeting once a year in which the activities of the writers and artists are examined and new tasks are assigned.

The decision of whether or not to permit publishing or staging of creative works is strictly controlled, and the party is directly involved in every stage of the process. 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 troupe 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 supervises 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 controls theater companies.

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. If only a few problematic points are found, the 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 a work intended to praise Kim Il-Sung is rejected.

In connection with the freedom of press and expression, North Korea answered during the UN review of its second report that there have been 30 cases in the past three years in which publication and dissemination of materials were prohibited. The North Koreans insisted that the contents of the

prohibited articles generally contained state and military secret materials. The stop-print orders and revisions in the process of printing were numbered at about 27-28 cases (mostly) involving encyclopedia, maps and magazines, and 3-4 cases involving military books and pamphlets. Despite these replies, the UN Human Rights Committee, in its final opinion, recommended North Korea to specifically list the reasons for prohibiting certain magazines from distribution, and refrain from barring subscriptions to foreign newspapers. It further urged North Korea to ease foreign travel restrictions on North Korean reporters and not to abuse or misuse the concept of “national security,” for it could then be used for repressions of the freedom of expression.

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 individual 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.

Art. 20 of The Universal Declaration of Human Rights guarantees that, “Everyone has the right to freedom of peaceful assembly and association.” And “No one may be compelled to belong to an association.” The International Covenant on Civil and Political Rights also stipulates that, “The right of peaceful assembly shall be recognized” (Art. 21), and “Everyone 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). Hence 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 “the 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.

In its “second report” North Korea insisted that there were very few protest demonstrations in North Korea, although there were any number of assemblies organized by the agencies, enterprises and other associations on their own needs and plans, as well as independent meetings called by the provinces, cities, counties and other sectors. This description indirectly reflects the fact that these meetings and assemblies are called at the needs of the Party.

Unauthorized assemblies and associations are regarded as collective disturbances that will cause social disorder. The North Korean penal code in Article 103 stipulates, “Those who cause collective disturbances against the instructions of government agencies or contribute to social disorder shall be sentenced to 5 years of labor rehabilitation.” Thus, protest demonstrations are fundamentally blocked.

According to the testimonies of defectors, some disgruntled inhabitants risk their lives by secretly forming various underground assemblies or associations. If caught, they are, of course, subject to heavy punishment. Yoon X-eun testified that when the Soviet and East European communist systems fell, Korean students studying in those countries were summoned back to Korea to check for any possible ideological contamination and reassigned to local universities. He said that some returning students at Kim Il-Sung University, reportedly, have been arrested in May 1991 by the SSPA for attempting to hold anti-government protests. Kim Dong Kuk, a thirty-year-old student who had been studying in Czechoslovakia and who was sent to the Mine and Metallurgy College in Chungjin, where Yoon was also studying, was arrested in connection with the Kim Il-Sung University students. The defector Chung X-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 where anonymous complaints in the Math Department led to a faculty member being implicated.⁹⁸⁾

In connection with the freedom of association, North Korea in its second

98) Testimony during an interview at KINU on June 18, 1996.

report stated the following: In order to organize a democratic public association it is necessary to register the association with the government 30 days in advance. The registration documents must contain such information as the objectives, membership size, structure, founding date and name of the president, as well as by-laws. In order to dissolve the association, it should be notified and registered with the government in writing. The dissolution documents should contain such information as the reasons and date of dissolution, financial status and the disposition of corporate property. These procedures are not aimed at interfering with or restricting the freedom of establishing democratic public associations, but intended for the state to know accurate facts about the association so that the state could provide necessary support. In North Korea, there are dozens of democratic public organizations, such as Workers' Unions, Farmers' and Working Masses' Cooperatives, Youth Alliances, Women's Alliances, the Federation of Literary and Artists' Unions, Democratic Attorneys' Association, Christians' Alliance, Buddhists' Alliance, Anti-nuclear Peace Committee and Association for African-Asian Coalition.

Despite this type of report, North Korean citizens do not have any organizations or institutions that could protect their individual rights, because the only permitted assemblies and associations are those formed in response to Party instructions. Independent agencies or associations are never allowed in North Korea, and all organizations and associations are subject to absolute control of the authorities, including women's organizations, religious associations, labor unions, and political parties.

All North Koreans are required to join various organizations from the age of 6 to retirement. They include kindergarten, youth corps, various educational institutions, the Socialist Workers' Youth Alliance, Chosun (Korea) Employees' Alliance, Chosun Agricultural Workers' Alliance, Chosun Democratic Women's Alliance, and the like.

But, social organizations are not interest groups or pressure groups in the Western sense. They are instead, as explained 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.”

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 a means of mobilizing people for mass rallies and marches at national events (i.e., 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.

The Korean Workers’ Party is responsible for the supervision of all mass organizations. The KWP controls the people’s voluntary ideas and collective actions through a system of mutual surveillance, criticism, guidance, and the like, and trains the partisans and supporters through various social organizations. In its second report, North Korea argued, “There are no specific laws relating to organization of political parties, because the existing party was formed prior to the birth of the Republic and has been functioning for over 50 years, and that there has in fact never been any public demands for the formation of a new party. The existing political parties are the Korean Workers’ Party, the Korean Social Democratic Party, and the Korean Chundokyo (Heaven’s way) Youth Party.”⁹⁹⁾ But, these political parties, as satellite organs, are nothing but faithful supporters of the KWP in compliance with the Party’s statute.

In connection with human rights organizations, North Korea insists that the government does support the establishment of organizations that seek to promote human rights. The procedures for establishing such organizations are the same as the administrative requirements for any public organizations. North Korea reported that there are currently many human rights organizations, such as the Human Rights Research Institute, the Association to Assist

99) As for the organization and operation of the “Chundokyo Youth Party,” see *Yonhap News* (Seoul), April 13, 2001.

Handicapped Persons, the Lawyers' Association and Democratic Attorneys' Association. In addition, North Korea said many others are freely working for human rights. During the second report review session, the UN Human Rights Committee members demanded explanations as to why they were not able to obtain any information from non-governmental organizations in North Korea. A North Korean delegate replied that it was because the activities of North Korea's non-governmental human rights organizations were not robust, and said he would transmit the details of discussion at the UN session to North Korea's non-governmental organizations on human rights.

The UN Human Rights Committee in its final opinion demanded North Korea to provide additional information on the requirements to hold public assemblies, even though the North Koreans reported that the freedom of assembly and association was fully guaranteed. In particular, the committee demanded to know under what circumstances public assemblies are denied, and in the event of denial, whether or not appeals are allowed and in what manner. The North Korean delegation maintained that in reference to the spirit of Article 25 of Covenant B, which defines the right of political participation, no social demand existed in North Korea for the formation of new political parties nor any legal procedures for that purpose. Mindful of these explanations, the committee recommended North Korea to faithfully refer to the committee's general recommendation No. 25 in fulfilling the terms of Article 25 of the Covenant B that defines the right of political participation.

Freedom of Thought and Religion

The freedom of thought is a fundamental condition necessary to maintain the sanctity of human beings. This freedom includes the formation and conveyance of thought, acts of conscience and faith, and independent scholarship. Due to the very nature of these activities, they lose their significance without freedom from oppression and the interference of state power. In a democratic society the freedom of thought must be respected in

order to maintain the system itself and to secure a democratic society.

Article 18 of the Universal Declaration of Human Rights guarantees that, “Everyone has the right to freedom of thought, conscience and religion;” and Article 18 of the International Bill of Rights also declares that, “this right shall include the 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 the founding of the regime, pursuant to Karl Marx’s statement that “Religion 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, “historically, religion was seized by the ruling class to deceive the masses and was used as a means to exploit and oppress, and it has recently been 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 of imperialist aggression.

All religiously active people have disappeared as a result of the central party’s intensive guidance program that began in 1958. Only 60 out of the total of 400 or so Buddhist temples have survived. The 1,600 monks and nuns and their 35,000 Buddhist followers have either been killed or forced to recant their faith. In addition, some 1,500 Protestant churches and some 300,000 followers, three Catholic dioceses and 50,000 Catholic followers; and 120,000 followers of Chondokyo (a Korean traditional religion) have been wiped out or forced to recant their faith. Kim Il-Sung stated in a speech made at the MPS

in 1972:

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

Meanwhile, North Korea built at the end of 1988 the Bongsu Church and Jangchoong Catholic Church and began to advertise internationally as if there were freedom of religion in North Korea. For the first time since the Korean War, it allowed Buddhist commemorative services at all temples nationwide on January 15, 1989. In May 1991, a North Korean religious delegation toured the United States. The members frankly admitted that in the past the North Korean authorities had engaged in repressions on many religious followers because of their misunderstanding of religion.

According to the human rights report North Korea submitted to the UNHCHR in March 2000, a department of religion was newly established within the Kim Il-sung University in 1989. The report insisted, "There are religious educational organizations run by religious entities. The Central Committee of Korean Christian Alliance is operating the Pyongyang Theological Seminary, the Central Committee of the Korean Buddhists Alliance runs Buddhist schools, the Central Guidance Committee of the Korean Chundokyo (Heaven's Way) runs the Korean Chundokyo Middle School, and the Central Committee of the Korean Catholic Association also teaches students." The report continued to argue that "In North Korea religion is completely independent from state and all religions are equal. No religion will be interfered with or discriminated against and individuals are free to believe in the religion of his or her choice." It further insisted, "In accordance

with Article 67; 2, of Constitution, which guarantees free activities of all democratic political parties and public organizations, there are no restrictions in religious activities or in forming religious associations by the religious people. At present, there are various religious organizations in North Korea, including the Korean Christians' Alliance, the Korean Buddhists' Alliance, the Korean Catholic Association, the Korean Chundokyo Central Guidance Committee, and the Korean Religious Followers' Association.”

In addition to these arguments, North Korea has been taking legislative actions concerning freedom of religion. In its 1972 Constitution, freedom of religion was clearly stipulated, but the freedom of religion was denied because it also mentioned a freedom of anti-religious propaganda. But, its 1998 Constitution stipulated, “Citizens have freedom of religion. This right is granted by approving the construction of religious buildings and the holding of religious ceremonies” (Article 68). The earlier 1992 constitution had already removed the “freedom of anti-religious propaganda” clause, reflecting the changing situation in which freedom of religion, however formalistic, had to be permitted. At the same time, however, the same constitution stipulates, “No one may use religion as a pretext for drawing in foreign forces or for harming the State and social order.” (Article 68; 3) This clearly shows the limit or restrictions that the North Korean authorities will tolerate in terms of freedom of religion.

During the second report review session, and despite the arguments above, North Korea admitted that there were not many religious practitioners in North Korea. It argued that lots of religious practitioners perished during the Korean War and many religious followers passed away due to old age, and the new generation youngsters are not well disposed to practice religion. During the review session, North Korea provided the following numbers:

<Table 3-8> The Status of Religion in North Korea

Religion	Churches/temples	Pastors/monks	Congregation
Christian	2 (500 "family service" sites)	300	10,000
Catholic	1 (2 assembly sites)	2	3,000
Buddhist	60	200	10,000
Chundokyo (indigenous)	52	250	15,000

In connection with these statistics, the “International Religious Freedom Report” released by the Bureau of Democracy, Human Rights, and Labor estimated that there were in North Korea about 10,000 Christians, 10,000 Buddhists and 4,000 Catholics. In addition, it estimated that there were 500 assembly halls and 300 Buddhist temples.¹⁰⁰⁾

Despite the North Korean argument, the reality is that freedom of religion is not properly guaranteed in North Korea, the revised laws and regulations notwithstanding.

There exist a number of religious organizations in North Korea, such as the Korean Buddhist League, the Korean Christian Federation, and the Korean Catholics Association, The Central Guidance Committee for Korean Chondokyo, and The Confederation of Korean Religious Associations. However, the churches, cathedrals, and temples are nothing but external propaganda facilities established for political purposes to show to visiting foreigners, such as tourists and religious leaders. The goal of these religious organizations is not to guarantee and support freedom of religion in North Korea but to act as partners of foreign religious organizations or international aid organizations.

Access to the newly built religious facilities is strictly controlled. People living nearby believe that these facilities are merely a “visiting site for foreigners.” The Bongsu Church was constructed in September 1988 at Gunguk-dong, Mangyungdae District in Pyongyang. During normal hours only

100) “International Religious Freedom Report,” Bureau of Democracy, Human Rights and Labor (<http://www.state.gov/g/drl/irf/2001/index.cfm>)

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.

Overseas Korean residents, who visited North Korea, testified that when they went to a church without prior consultation with North Korean authorities on Sunday, all the seats, bibles, and hymnals in the church were covered with dust.

Believing that the Christian church has a negative impact on the maintenance of the regime, North Korean authorities have recently begun to control Christian missionary work more strictly. Since 1997, State Security Agents have instructed the North Korean people to prevent Christian missionary activity. The instructions tell citizens of the necessity of searching out missionaries and methods of finding them.¹⁰¹⁾ The defector Yoo X-duk testified that in 1996 he investigated for three years to uncover the existence of an underground church.¹⁰²⁾ The defector Hwang X testified that in Sariwon, Wunsan County, North Hwanghaedo Province, a daughter-in-law reported a family church service. Four family members were subsequently executed and the rest were sent to a political concentration camp.¹⁰³⁾

One defector who used to work at the Security Agency testified that in the early 1990s a total of 86 "underground" Christians were arrested in Anak County, Hwanghaedo Province. Some of them were executed and others were sent off to political detention camps. This "Hwanghaedo incident" was a clear

101) According to defectors, North Korean authorities instruct people, with respect to the necessity for searching out the Christian missionaries, that "the imperialist states first send the Christian church before they invade overseas and so we must search out the Christian missionaries because they are vicious wolves." As technical methods to find out the Christians, North Korean authorities instruct, "Christians bow habitually their heads and say unintentionally strange languages such as 'Oh, my God' and 'You fellow like Yuda' and are also not willing to perform a sacrificial rite." Testimony of a South Korean Christian missionary in China.

102) Testimony during an interview at KINU on May 22, 2000.

103) Testimony during an interview at KINU on May 24, 2000.

case of massive repressions on an “underground” church.¹⁰⁴⁾

North Korean authorities are imposing severe punishments on those who were deported by the Chinese security, especially if they were known to have contacted South Korean Christians. This practice is believed to be part of an effort to prevent transmission of Christianity into North Korea. These incidents clearly show that the freedom of religion in North Korea is superficial. Consequently, the United States, in its “International Religious Freedom Report” compiled by the State Department, designated North Korea as a “special watch country” where freedom of religion did not exist.

With regard to the US designation as a religion-repressive country, North Korea through its “Chosun Shinbo” newspaper complained and refuted such labeling, saying that 200-300 Christians were worshipping every Sunday at “Bongsu Church,” and that church services were being held at 500 “family churches” every Sunday.¹⁰⁵⁾

Summarizing the testimonies of defectors, it is clear that there cannot be any religious followers in North Korea except for those approved by the authorities. Some religious leaders don’t even understand the teachings of his/her religion. As a result of decades of religious repression, North Koreans generally regard the practitioners of religion as ignorant, crazy, or mentally deranged. In exceptional cases, there is a possibility that the former religious followers are still alive in control zones such as the political detention camps. There also is a possibility that a small number of religious practitioners emerged in North Korea as contacts increased in the process of receiving aid from external Christian organizations, and as foreign religious groups paid more attention to North Korea.

North Korea’s Juche ideology has been elevated to a religious dimension. The North Korean authorities do not permit any ideology other than the Juche

104) *Yonhap News*, June 15, 2001.

105) See “Weekly North Korean Trends,” No. 569, (Seoul: Ministry of Unification) pp. 9-10.

ideology. Based on the sociopolitical organism theory, the great leader Kim Il-Sung and Kim Jong-Il are the absolute focus of the people's worship. Nothing else may be worshipped other than Juche ideology and its founder, the great leader. 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 is not simply a political ideology. It demands a system of strict control and a monitoring network. Within this system no differing ideological opinion or protests to outside authorities are permitted.

The basic belief of the government is that in a classless North Korea, where there is a perfect religion called Juche thought, religion is entirely meaningless. Therefore, 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 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 control of the party.

The Ten Great Principles are as follows:

1. Struggle with all your life to paint the entire society with the 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 from 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 until 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 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 family 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 "he carefully wrapped a portrait of Kim Il-Sung with a plastic cover, attached a heavy weight to himself and jumped into the sea."

In preparation for Kim Jong-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 Jong-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 portraits of Kim Il-Sung and Kim Jung Il to life-tubes and the portraits returned home safely." The Agency 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.

These acts of martyrdom for Kim Il-sung and Kim Jong-il are clearly stipulated in each of the "10 Great Principles." The 10-principles contain

extremely inhuman demands, requiring the people to sacrifice the right and freedom of thought and “devote everything to and for the Suryong (leader).” Defector Lee X-pal testified that harsh punishment would be imposed without exception on individuals who criticized the policies of the Party or Kim Jong-il. He said he knew that there was a Constitution, but in real life people feared the “10-principles” the most.¹⁰⁶⁾

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 calendar beginning in 1997. The date used to begin the new era was September 9th, the day the North Korean regime was established in 1948.

In this connection, the UN human rights committee queried during the review session whether the state ideology of Juche and religious beliefs were compatible. In other words, the committee members were asking whether a good citizen who happened to be a Christian or a Buddhist, could reconcile his/her religious beliefs with the Juche ideology without contradiction? Also in its final opinion, the UN subcommittee urged North Korea to provide it with the latest information on the number of religious followers, the places of worship, and practical guarantees for citizens to lead religious lives.

Right to Privacy

The guarantee of the right to privacy exists so that individuals can maintain their human dignity. The purpose of a privacy protection 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

106) Testimony of Lee X-pal at KINU, May 14, 2001.

well as for legal stability.

Article 17 of the International Covenant on Civil and Political Rights guarantees that, “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation. And everyone 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.

In its second report, North Korea stated that illegal or arbitrary invasion of citizens' privacy is prohibited and the confidentiality of private letters is fully guaranteed. It also argued that there is no law enforcement agency that collects and uses information concerning private citizens and that the confidentiality of private lives of citizens is fully guaranteed even in investigating criminal cases. For this reason, said North Korea, the criminal procedure law in its Article 137 provides that “if personal secrets unrelated to the criminal case are found in the process of investigation, they shall not be made public.” In the communications law, agencies or businesses dealing with communication must institutionalize their postal letter service and must guarantee the accuracy, cultural sensitivity and confidentiality of communication. No one is allowed to open personal letters, parcels and other postal matter. If investigators or judges need to intercept letters or cables in efforts to locate crimes or criminals they must show cause and obtain approval from the prosecutors (Article 22).

However, these legal provisions have little to do with actual life. The right to the protection of privacy that North Korea talks about is entirely different from that of the West. The invasion of privacy and private life is taking place almost everywhere in North Korea. One of the most well known examples is the wiretapping of a person's homes to eavesdrop on his/her personal life. The North Korean authorities are invading private lives through strict mutual

surveillance systems, so that wiretapping devices are installed in the residences and automobiles of high-ranking officials, military officers and party leaders. In view of these realities, the UN committee also wanted to hear explanations about reports that there was an extremely high level of domestic surveillance on citizens' private lives. To this query, North Korea replied that such reports were unfounded rumors spread by hostile elements. In other words, North Korean was saying that such speculations would not be spreading had North Korea not been confronting head-on the hostile external forces, and if North Korea did not engage in a struggle to safeguard "our-style" system and ideology.

Hwang Jang-yup testified that North Korean intelligence agencies conduct much closer surveillance over the Party cadres than the general public, and that they even 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 Jong-Il.

Defectors Yoo X-joon and Kim X-soon also testified that North Korean authorities are setting up eavesdropping devices in the houses of major Party cadres and in public places in order to prevent any anti-regime activities from taking place.

Also, North Korea is strengthening its surveillance over the people who have relatives living abroad. It is reported that North Korea is recording the attitudes of those people by classifying their words and moves into a positive or negative category, based on record cards being written since 1995. This is done because it is thought that people who have relatives abroad tend to have an illusion of the outside world and so behave strangely and differently from ordinary people. Not only that, the State Security Agency has strengthened its surveillance over people who have recently traveled overseas, according to Han X-cheol.¹⁰⁷⁾

107) Testimony during an interview at KINU on May 18, 1999.

On the other hand, judging recently that the more they study, the more troubles they are likely to cause, North Korean authorities have been strengthening their surveillance over university students, the intelligentsia, and people engaged in the fields of art and culture. The defectors testify that surveillance over the ideological attitudes of university students are conducted mostly in the areas of Sariwon and Haejoo. Also, judging that artisans are professionals who can be easily polluted by the capitalist system, it is reported that North Korean authorities are much more firmly in ideological control of the artisans.

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 various meetings of neighborhood units, which are composed of fifteen to twenty 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 they are also the ones 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 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 also 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). These cells extend from the workplace or primary party organization to branch party organization, and to cities and county party organizations. Section 11 of the KWP By-Laws reads, "All 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 and Guidance of the 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 three-tiered system (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 SSPA is under the direct control of the National Defense Committee, and has been at the forefront of maintaining 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 border areas and extraterritorial regions. During wartime, the SSA is to take full responsibility for ideological issues by culling out betrayers among the supposed supporters of the North Korean system.¹⁰⁸⁾ 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 SSPA and must render full cooperation.

During 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.

108) Testimony during an interview at KINU on October 19, 1999.

The MPS professes to be a body representing 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 populace in order 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 its 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 of Political Participation

Nominal Exercise of Political Rights

The right of political participation encompasses the subjective civic right of 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 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 ability to freely choose 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, "Everyone 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, "Every 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 its tribute to Kim Il-Sung, North Korea suspended for three years all events related to political participation, including the Supreme People's Assembly, Party Congress, and elections at all levels. Kim Jong-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 universal, equal, and direct suffrage principles. Article 66 also stipulates that all citizens above the age of 17 shall have the right to vote and the right to 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 used as a propaganda tool 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, "free 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 and 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 compete on the basis of their 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 the people's interest in politics.

According to defector Ju X-eun, the authorities would build up an upbeat atmosphere several days before the election of people's deputies to the Supreme People's Assembly by mobilizing students and others to sing and march on the streets. The polling stations open at 5 A.M., and she went to vote early so as to avoid the line up that would form later on. The first order of business was to confirm her citizen certificate and the voter roster. Then the ballot was handed to her. She was supposed to insert the ballot into a box covered in a white curtain. She saw writing pencils on the ballot box but she did not know their purpose, and she did not know what was written on the ballot. She said at about 11 A.M. they began to announce that 100 percent of the votes were cast in support of the deputies.¹⁰⁹⁾

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, the KWP strictly screens and selects candidates beforehand. There are two nominal splinter parties in North Korea, the Korean Social Democratic Party, and the Chondokyo Chongu Party. Their candidates, too, undergo strict screening by the KWP before any nominations. Essentially, they are also under the control of the KWP.

In its second report, North Korea introduces the following deputy nomination process and statistics. Voters or political parties and social organizations, alone

109) Testimony of Ju X-eun during an interview at KINU, May 25, 2001.

or together, can nominate candidates. The nominated candidates will undergo a qualification review by the “electors’ caucus” and then register as candidates. The electors’ caucus examines qualifications of nominated candidates, and a simple majority of electors will approve their registration. There is no limit to the number of candidates in a district. The order of registration is determined by the order of nomination. The people’s assemblies are composed of representatives from various fields, such as political parties, public agencies, power elites, soldiers, reformist workers at factories, project sites or collective farms, and personalities from the fields of science, education, health, literature and the arts. Included in the Supreme People’s Assembly are deputies from the Korean Residents’ Association in Japan and its subsidiaries. Represented in the 10th Supreme People’s Assembly elected in 1998 were 31.3 percent of industrial workers and 9.3 percent of collective farmers. Of the 687 people’s deputies in the 10th Supreme People’s Assembly, women occupied 20.1 percent, partisans of the social democratic party 7.6 percent, the Chundokyo religious followers 3.4 percent, and no party affiliation 1.5 percent.

North Korea insists that if multiparty democracy is permitted and activities of the anti-socialist parties are guaranteed in North Korea, the class-enemies and reactionaries would agitate anti-socialist plots and drive out from power the party of the working class.¹¹⁰⁾

North Korea also defines multiparty system as a form of repressive politics and robbery politics in collusion with capitalist powers. In order to counter this, North Korea needs “politics of virtue” that will provide the foundation for collectivism, which nurtures love, trust, cooperation and solidarity among comrades. If the “politics of virtue” were to succeed, a political leader of virtue is a prerequisite.¹¹¹⁾

110) Kim Jong-il, “Historical Lessons in Building Socialism and the Main Line of Our Party.” Selections from Kim Jong-il, Volume 12, 1997, pp. 283-284.

111) Kim Jong-il, “Socialism is Science,” Selections of Kim Jong-il, Volume 13, 1998, pp. 481-483.

7. The Status of Women

Article 3 of the Universal Declaration of Human Rights provides that the signatories must guarantee that men and women will equally enjoy all the civil and political rights specified in the declaration. The declaration also emphasizes the importance of gender equality. At the December 18, 1979 UN General Assembly, the Convention on the Elimination of All Forms of Discrimination against Women was adopted.

North Korea argues that because all of its policies are based on the socialist equality of men and women, there does not exist any discrimination against women. On the contrary, North Korean women have been enduring, and suffering from, a doubly repressive social structure that is both patriarchal and views women as being subservient to men. As a result, their rights are violated in both family life and social participation.

The ultimate goals of North Korea's feminist policy are to promote equality between men and women and to liberate women from their traditionally subservient roles. Starting with the anti-feudal democratic revolution that began prior to the formation of the North Korean regime, North Korea began to streamline its legal and institutional framework to wipe out the traditional family system and liberate women from the family. Consequently, the law concerning equality between men and women is one of the first pieces of legal evidence that North Korea put forward during discussions regarding the social role and status of women. Since the formation of the regime in 1948, North Korea has guaranteed women's political and social roles on the basis of equality with men. For this purpose, many laws have been enacted, such as the socialist constitution, the law on rearing and teaching of children, the socialist labor law, and the law on the family. Furthermore, North Korea has sought to institutionally promote the status of women and increase their social participation through the socialization of family chores. Other measures included the implementation of child rearing by the state and the abolition of the family register system. Therefore, from a legal and institutional

perspective, and in terms of women's social participation, it may be said that the social status and roles of women have seen a distinct improvement. But, it is also true that the policies to reform family chores in a socialist manner and to encourage women's social participation were pursued to obtain a larger workforce for economic growth, rather than women's liberation in the true sense of the word. The truth is, in North Korea, social discrimination against women still exists, and it stems from a male-centered, patriarchal, feudalistic order.

Unlike the early days of its regime, North Korea began to emphasize the importance of family and a male-centered family order beginning at the 5th Party Congress in 1970. It was at this Congress that North Korea declared Kim Il-Sung's Juche Ideology as the Party's leading ideology, and tried to solidify and strengthen the unitary or sole system under Kim Il-Sung. The establishment of a unitary system under Kim Il-Sung and the Juche Ideology, based on idolatry of Kim Il-Sung, was an attempt to turn North Korea into one giant family with Kim as the patriarch. In order to justify the logic of the Kim Il-Sung/Kim Jong-Il hereditary succession, it was imperative to derive a male-centered hierarchical order from within the family structure. From the early 1980s, North Korea began to introduce such concepts as "socio-political being" and "large socialist family" to emphasize the philosophy of a patriarch state. In the process, a wide gap inevitably began to grow between the reality of women's lives and the nominal liberation of women.

In the field of politics, women make up 20.1 percent of the membership of the Supreme People's Assembly and compose 20-30 percent of delegates in the provincial people's assemblies. This level of political participation by women is almost equal to that of countries in the West. The difference is that delegates in North Korea are not elected through free elections, but are instead arbitrarily assigned by the Party due to political considerations. Furthermore, assembly delegates serve only a symbolic purpose and the delegates do not perform important functions or supervisory roles in the affairs of state. The

political power of North Korean women is not as strong as the number of delegates to the Supreme People's Assembly would suggest. In fact, only a very small number of women are appointed to cabinet positions that offer political and administrative powers and responsibilities. On average, women occupy only 4.5 percent of the more powerful Party's Central Committee positions.

At the UN review session on the North Korean report in July 2000, a North Korean delegate stated in connection with the promotion of women's social status, "Only 10 percent of the central government bureaucrats are women. And, we admit that this is clearly inadequate for the realization of gender equality."¹¹²⁾

In the economic field, however, women's participation was encouraged in order to fill the woeful shortage of labor that has existed throughout the process of socialist nation-building and postwar reconstruction. During this period, the Party and government organizations arbitrarily assigned most women between the ages of 16-55 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, irrespective of the difficulty or danger factor of the work. Exactly like their male counterparts, women had to perform hard labor in heavy industries: for example, as rock drillers, 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 the types of work. Under the guidelines, men would be assigned to important,

112) See Lee Won-woong, "Observer's Report on the UN Human Rights Committee's Review Session on North Korea's Second Human Rights Report."

complicated, and difficult jobs, while women would be assigned to relatively less important and lower paying jobs. As such, the sexual criteria in employment became more pronounced. As a result, a new phenomenon developed in which women were assigned to special fields where a woman's touch was required, such as in the light industries, agriculture, commerce, communications, health, culture, and education.

However, most women are now assigned to work at specified job categories that are regarded as menial. Even though women constitute 50 percent of North Korea's economically active population,¹¹³⁾ the ratio of women is higher among workers and farmers, the two largest categories of manual labor. For example, some 75 percent of the employees are women at the Pyongyang Textile Factory, which is one of the largest and best-known textile factories in North Korea. Considering that over 65 percent of all office workers, in the government and elsewhere, are men, the exploitation of women's labor in North Korea is serious indeed.

The North Korean Democratic Women's Alliance (hereinafter Women's Alliance) is a representative women's organization in North Korea that all women between the ages of 31 and 60, and who do not belong to other organizations, are obligated to join. However, this group is not a voluntary organization aimed at solving the problems of women, but an organization responsible for mobilizing women for the Party and State and for the ideological education of women. From the early days of the regime, the Women's Alliance has been a front organization of the Party, mobilizing women for political purposes such as building a socialist society, strengthening the Juche Ideology and the father-son hereditary succession. However, it has exercised little influence on political or other issues, such as the protection of women's rights, the elimination of sex discrimination, or social injustice.

113) On March 6, 1999, *North Korean Central News Agency* reported, the ratio of women in the composition of economic endeavors was almost 50 percent, See the *Yonhap News*, Seoul, March 16, 1999.

Meanwhile, the status of women in the home also reveals serious divergence from the socialist principle of equality between men and women as advertised by the socialist regime. In the early days of the regime, North Korea declared that the then existing male-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 an important task at that stage of the anti-imperialist, anti-feudal democratic revolution to liberate women from the colonial and feudalistic yoke of oppression and to guarantee them equal rights with men in all realms of social activity.

Even though superficially legal and institutional measures were taken to provide socialist equality 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 and Kim Jong-Il was solidified in the 1970s, pre-modern traditions began to be emphasized again in family lives. Furthermore, the family law, promulgated in 1990, codified various elements of pre-modern, patriarchal family order, expanded the scope of family support duties and stipulated the principle of women's subservience to men.

North Korean authorities have always insisted that they guaranteed an environment for the equal social participation of women through such measures as the socialization of family chores and the rearing of children. Contrary to their claims, however, emphasis was placed on the traditional role of women in the family. Because North Korean women still retain the deep-rooted traditional concept that family chores and the rearing of children are the natural responsibilities of women, and because they have to participate in society as equal workers with men, North Korean women shoulder a dual burden. This sort of emphasis on the role of women in the family is reflected in Kim Il-Sung's comment that, rearing children has, from ancient times, been the responsibility of women, and that a wife's role is to rear children and do family chores well at home. The bylaws of women's alliance also stipulate that

cooking has traditionally been done by women and is a born duty of women.

Worse still was the fact that as the economic situation deteriorated in the late 1980s the demand for the women workers 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 them is almost non-existent and they suffer from fatigue at all times.

North Korea defines the traditional concept of men being superior to women as the remnants of a feudalistic Confucian idea that should be rooted out, or as the reactionary moral precepts of an exploitative society. Unlike the official North Korean position on this issue, it is reported that the belief in the superiority of men is still strong among the inhabitants of North Korea. Along with the traditional patriarchal system, this belief in inequality is yet another factor that constrains the life of women in North Korea.

Article 18 of North Korea's family law clearly states, man and wife shall have the same rights in family life. But in reality, the husband is the center of family life in North Korea. The wife calls him the family host and the host makes decisions on all family affairs with absolute authority. It is also reported that extramarital affairs are rampant and are not grounds for family disputes, and that wife beatings are commonplace. However, it is very difficult to find statistical data on family violence in North Korea, and this fact is itself evidence that in the North family violence is not perceived as a serious infringement on a woman's fundamental human rights.

Apparently, however, significant changes are taking place in the family life of the North Korean people, particularly as a result of the famine and economic difficulties of the 1990s. Because husbands failed to provide for their families, the wives were forced to put food on the table. The result was the weakening of the husband's authority within the family as he became unemployed and unable to provide for the family. According to most women

defectors, however, the patriarchal culture continues to spread across North Korea. For instance, most North Korean women are burdened with the responsibility to provide food for their husbands and children regardless of circumstances even if it means skipping their own meals. And yet, women regard it as natural that they are treated poorly and despised by their husbands, and are not allowed to criticize their husbands. At first, North Korean men regret not being able to provide for their families. But, as they become accustomed to a wife who puts food on the table and runs the family, they often request that their wives make more money from peddling, and, in many cases, resort to violence or threaten divorce if they refuse. One defector testified that as the food ration system failed due to the food shortages, one woman was sentenced to 15 years in prison for trying to steal corn for her children from a cooperative farm.

In the mid-1990s, repeated natural disasters such as heavy rains and drought struck the already weak North Korean economy. Therefore, the burdens of North Korean housewives became heavier as they were forced to secure food, medicine and other daily necessities, which became harder and harder to find.

Consequently, women were driven to roam the countryside in search of these necessities, and cases of women crossing the border with China rapidly mounted. Furthermore, instances of women trading were also increasing along the Chinese border. Some women cross the border voluntarily to avoid food shortages, but later there appeared organized gangs of women traders who would smuggle women from North Korea to China. Unfortunately, a large number of North Korean teenage girls were also subjected to this malicious trade in women.

During the review session, North Korean delegates emphatically denied the practice of “women trafficking,” saying “Women trading has been absolutely prohibited, and there has never existed ‘women trafficking’ in North Korea in the past 50 years.” But, the second human rights report indicated that the

North Korean authorities were aware of such practice, even though legally the human trafficking was strictly prohibited. The report argued that “women trafficking” is a phenomenon that is never consistent with the North Korean laws and systems, saying “We do not know what kind of practice is taking place along the border areas.” The trafficking of North Korean women is being carried out by way of forcible kidnapping, such as use of violence, luring women through intermediaries, and the like. The women “sold” are then re-sold as maids at farms and restaurants, servants of Chinese senior citizens, brides of lonely farmers, or hostesses at bars.

Sexual violence against women is a grave infringement of human rights, and it is becoming a serious problem in North Korea. According to the testimony of defecting North Korean residents, sexual harassment is 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 with them and would commit sexual assaults against them if they refused. Often, sexual favors are granted in return for Party membership.

Sexual exploitation by Party cadres against women reflects the common view of the ruling class in North Korea that women are merely sex objects. It is also noteworthy that Section 5 of the Protective Department, which is a part of Kim Jong-Il’s Secret Service, is exclusively charged with selecting and maintaining a group of comfort girls (otherwise known as “the pleasure units”) for Kim’s personal use.

As the number of sex offenses by cadres have increased, punishment for such incidents have also increased. The defector Suh Chang-eun, who came to South Korea in May 1997, testified that a total of 12 people, including a manager and a secretary of the primary party committee at Kosang-li, Yangduk County, South Pyongan Province, were removed from their jobs for having committed sexual assaults against women.¹¹⁴⁾ However, due to the

114) Testimony during an interview at KINU on October 16, 1997.

social atmosphere that places value on a woman's purity, most women hide the fact that they have been victims of sexual assault.

Suggestive remarks and lewd behavior are common at workplaces. The defecting North Korean residents plainly testify that sexual banter and harassment is a routine part of the daily lives of North Korean women, and that such acts go 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.

North Korean defectors, especially women defectors, point out that the fundamental cause of these sexual harassments is the absence of sex education at schools and society at large.

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

Due to the food shortage, the health and hygiene of North Korean women is seriously threatened. As the food crisis persists, premature births and infant mortality are increasing due to the malnutrition of expectant mothers. As the shortage of medicine worsened, more and more mothers had to deliver at home with the assistance of a midwife rather than in hospitals. Some defectors testified that the rate of premature birth and infant mortality is much higher than the published data would indicate.¹¹⁵⁾ During the famine, the birth rate in North Korea dropped sharply. For this reason, North Korea is actively encouraging women to become pregnant, and abortion is now prohibited. Under these circumstances, however, North Korean authorities do not provide

115) *Yonhap News Service*, Seoul, Mach 9, 1999.

any means of family planning, and the result is an increase in unwanted pregnancies and the consequent health threats to women. In the case of illegal abortions, no treatment is available for post-abortion infections that often result from these unsanitary procedures.¹¹⁶⁾

116) Testimony of the defector Kim Soon-hee, who once worked as a midwife in Shineuijoo.

IV. Other Human Rights Violations

1. Human Rights Violations at Political Detention Camps

It is widely and internationally known that North Korean political concentration camps are the one place where human rights are violated the most. North Korea is operating many political detention camps to segregate the violators of political ideology. This fact is known to the outside world by the defectors who experienced the camp life firsthand. The realities inside the camps are uncovered thanks to the persistent efforts of international human rights groups such as Amnesty International (AI). Defector Kim X-jun, who used to work as an intelligence agent at the State Political Safeguard Agency, testified for the first time about the existence of political prison camps. Subsequently, several former inmates provided additional information on political prisons. They included Kang X-hwan and Ahn X, who defected after release from “Yoduk Detention Camp,” Ahn X-chul who defected while working as a security guard at “Hoeryung Detention Camp,” and Choi X-chul who used to be a security guard at the State Security Protection Agency in the mid-1980s.

Lee X-guk escaped from North Korea upon release from prison after serving time at Daesook-ri No. 8 of the Yoduk Detention facility between 1995 and January of 1999. The following is his account of the life in the political detention camp:

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 Hamkyung 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 Camp in North Hamkyung Province is recorded as No. XXXX unit of the North Korean People's Security 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 landowners, along with pro-Japanese and religious 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 Jang-yup, 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 sectarians 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 "the sectarians were so wrong in their minds that they should be sent along with their families to remote rural mountain areas to lead segregated lives there." Accordingly, the first "controlled district" was set up in the Dukjang Coal Mining region of 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 unexecuted persons involved, together with their families, in remote mountainous areas.

During 1966, North Korea began re-registering its 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 after being tried in show trials. The approximately 15,000 who escaped execution along with their family members that 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.¹¹⁷⁾

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 X-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, Huhchon County, South Hamkyung 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 their 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 as a move to consolidate Kim Jong-Il's power base in preparation for his succession to power, the number of inmates swelled phenomenally.

In the course of purging the party, military and administration officials who opposed Kim Jong-Il's succession to power following his seizure of party

117) Professor Ogawa insists that the current concentration camps have been formed in the process of establishing the Kim Il Sung-Kim Jong Il Sole Ideological System in the latter part of the 1960s. Ogawa Haruhisa, "North Korea's Concentration Camp," *International Seminar for the Issue of North Korea's Human Rights and Defectors* (jointly held by Chosun Ilbo, The Civilian Coalition for the North Korean People's Lives and Human Rights, and Korea University: 1999.12.2)

control at the 6th Party Congress in 1980, the need for at least four more concentration camps to be created became evident. As of 1982, more than one hundred thousand were sentenced to hard labor at eight camps, isolated from the rest of 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 the number of inmates reaching about two hundred thousand. In terms of human rights conditions, these camps are reported to be worse in many ways than even the infamous Soviet Gulag.¹¹⁸⁾ North Korean authorities, of course, continue to deny the existence of political detention camps.

The Scope and Punishment of Political-Ideological Criminals

In referring to politico-ideological prisoners, North Korea calls them “vaguely anti-revolutionaries,” or “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, “For 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.

118) Harry Woo said in the seminar that Adolf Hitler in the Third Reich attempted to biologically transform human beings but China’s and North Korea’s concentration camps are more vicious and crafty because their purpose is to ideologically transform human beings. Ibid.

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 Sections 44 through 55 of the penal code means the act of “a person who takes 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 sent to concentration camps on this criminal count.

North Korea made specific provisions in Sections 44 through 55 of the penal code to punish politico-ideological criminals mercilessly without trial. According to the defector Kim X-lim, in December 1995, Kim Jong-Il directed in his own handwriting that those who hide foreign currency should be regarded as political prisoners, branding them as people with whom the Korea Workers Party cannot share its destiny.¹¹⁹⁾

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 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. According to Kim Young-lim, the above-mentioned defector, the scope for applying the system of guilt by association is limited to immediate family members. If a husband is punished as a political prisoner, his wife should be separated and returned to her original home. However, if a wife is indicted as a political prisoner her husband is not punished.¹²⁰⁾

Defector Lee X-guk testified that political detention camps are where the

119) Testimony during an interview at KINU on October 18, 1999.

120) Testimony during an interview at KINU on October 18, 1999. Piere Rigulo pointed out that one characteristic of North Korea's concentration camps, which are similar to those of other Soviet system, is that the prisoner's family is usually detained together. Ibid. International Seminar (1999.12.2).

authorities drag those people who presumably said things or acted contrary to the one-man-one-party dictatorial system. There they are completely segregated from the outside world and forced to live in “exile.” Lee X-guk recounted recent examples of criminal behaviors that are subject to detention in the political prison camps, in addition to political crimes.

First, the primary target is the staff or cadres who spread information concerning Kim Il-sung, Kim Jong-il, their families and their personal lives, and those who criticized the politics of Kim Il-sung and Kim Jong-il. Second would be those who exercised negative influences in the process of amassing slush funds for Kim Jong-il. Recently, more people are detained in connection with irregularities over the formation of slush funds. Third would be those who either listened to South Korean broadcasts or contacted South Koreans in a country (China or Japan, for example). Most of these people are former diplomats. There are other detainees who were caught while attending church services out of curiosity during visits with their families in China. Fourth, there were former high-ranking officials who tried to maintain lavish “drinking fraternities” with local leaders: For example, a division commander, an organization secretary of the Party, and a political director at the First Corps of the Ministry of People’s Armed Forces were all implicated on such charges. No private associations such as “fraternities” or “mutual loans” among inhabitants are allowed. These behaviors are punished before such behaviors grow to form decadent organizations. Finally, cases of forming anti-government cells are increasing recently. For example, in August 1995, seven squadron pilots were detained on charges of anti-regime conspiracy, including Lee Chul-woong, under the command of Third Fighter Wing of the North Korean Air Force, located in Hwangjoo Air Base.

Status and Operation of the Camps

Detention camps in North Korea are located in remote mountainous areas in South Hamkyung, North Hamkyung, South Pyongan, North Pyongan and

Jagang Provinces. Their total inmate population is estimated to be about 200,000. Since there is no confirmed evidence, we have to rely on the testimonies of defectors who used to work on the prison staff or who were personally detained as prisoners at the political detention camps. According to the testimonies, the actual realities in the camps are as follows.

Ahn X-chol, who worked as a guard at the camp at Hyeryong, North Hamkyung Province before he defected to the South in October 1994, said that under the control of Bureau No. 7 of the SSA alone, there were ten political prison camps.¹²¹⁾

Later, five of them, including two in Onsung, North Hamkyung Province near the Chinese border and ones near Pyongyang, were closed or moved to prevent discovery by the outside world.

With reference to the remaining camps he mentioned Management Center No. 14 at Kaechun, South Pyongan Province; No. 15 at Yodok, South Hamkyung Province; No. 16 at Hwasung, North Hamkyung Province; No. 22 at Hyeryong, North Hamkyung Province; and No. 25 at Chungjin, North Hamkyung Province. He said at these camps the total number of prisoners stands at 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 existence secret. On February 25, 1998, the defectors Kang X-hwan and Lee X-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 detention camps in North Korea.

In its "Human Rights Country Report 2001," released in February 2002, the US State Department reported that some 150,000-200,000 political criminals are detained in various political detention camps in North Korea.

South Korea's National Security Planning Agency announced on January

121) Testimony during an interview at KINU on June 9, 1996.

22, 1999 that about 207,000 “system-threatening elements” have been sent without trial to the ten concentration camps set up in various parts of North Korea: in North Hamkyung Province at Hweryong (50,000 prisoners), Chungjin (15,000), and Hwasung (20,000); in the North Hamkyung Province at Danchon (10,000), Duksung (10,000), and Yoduk (50,000); in South Pyongan Province at Kaechun (15,000) and Bukchang (5,000); in the North Pyongan Province at Chunma (15,000); and in the Jakang Province at Dongshin (17,000). The defector Kim X-Lim testified that the Danchun Camp is controlled by the Military Security Agency because political prisoners in the military are detained there.¹²²⁾

An X-chol further told of another detention 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 there are between 800 and 1,000 prisoners at three rehabilitation centers. Among them, they said, political prisoners numbered only 240 and they were being held at the Hyongsan Rehabilitation Center. Defectors, however, have unequivocally stated that such assertions are untrue.

Detention 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

122) Testimony during an interview at KINU on October 19, 1999.

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 returning to the camp.

As members of the hostile class, prisoners released from the revolutionized districts lead a poor existence. They are the primary targets 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 serve.

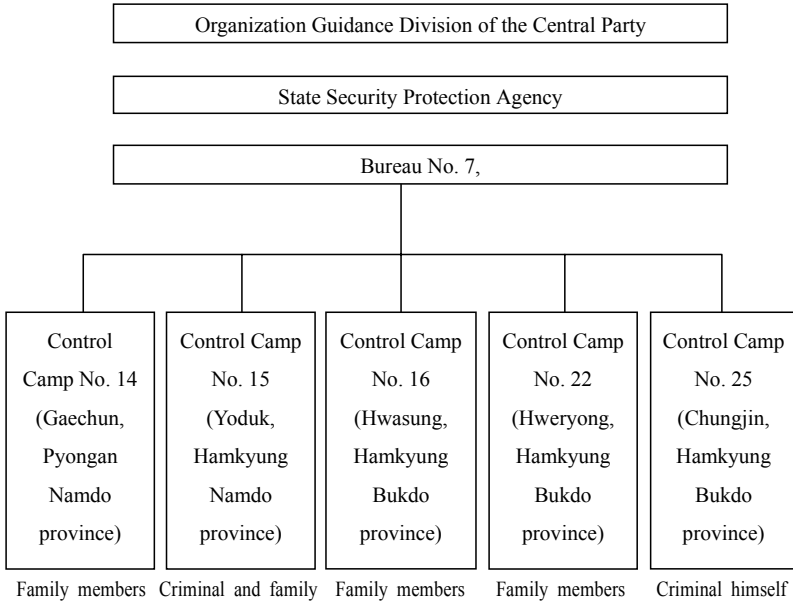
According to the testimony of Ahn X-chul, among all the political detention camps in North Korea, only the No. 15 Control Center at Yoduk, Hamkyungnamdo province, has two separate sections: the Revolution zone and Complete or Full Control zone. All others have only “full control zones.” This means that except for in extremely rare cases, the only detention camp that would permit any detainee with any hope of returning to society alive would be the “Revolution zone” in No. 15 Control Center.

The “revolution zone” simply means a boot camp, which dictates extremely harsh conditions and unbearable subsistence life until individuals are exhausted or expired

In the Daesuk-ri No. 8 camp where Lee X-guk was detained, about 900 inmates were detained as of January 1999, and about 80 female inmates were mixed among them. Lee testified that the number of inmates continued to increase even though lots of inmates died of beating, starvation and firing squad. Lee X-guk testified that about 400 inmates or almost one half of the detainees at Daesuk-ri camp died of starvation in one year during the food crisis in 1996.¹²³⁾

123) Lee X-guk during an interview at KINU, October 27, 2001.

Figure 4-1. Status of “Special Dictatorship Zones”



Inmates of the revolution zone 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, Chochong-ryon, and their families. The policy is to have them endure torture and thus make them more obedient to the Kim Il-Sung and Kim Jong-Il system before they return to society.

Most other political prisoners are held for life at the lifetime “full control zones.” Defectors have said that a very small number of life-term prisoners, in exceptional cases, are transferred from full or complete-control zones to the revolution zone.

Lee X-guk testified that the levels of punishment, such as the length of detention and the possibility of release, would vary depending on the detainee’s personal background.¹²⁴⁾

124) See Lee’s testimony above.

But, these are rare cases, and most detainees are pent up in “complete control zones” and will never return to society.

<Table 4-1> The Dissolved Camps

No.	Location	Date closed	Reasons for closing
No. 11	Foot of Gwanmo peak, Gyung-sung, Hamkyung Bukdo province	Oct. 1989	To build Kim Il-sung's villa
No. 12	Changpyong Workers' District, Onsung, Hamkyong Bukdo province	May 1987	Camouflage exposed; too close to the border
No. 13	Chongsung Workers' District, Eunsung, Hankyung Bukdo province,	Dec.1990	Camouflage exposed; too close to the border
No. 26	Hwachun-dong, Seungho District, Pyongyang	January 1991	Camouflage exposed; to close to the border
No. 27	Chunma, Pyongan Bukdo province	Nov. 1990	Reasons unknown

* This table is based on the testimony of defector Ahn X-chul.

The Organization and Size of Concentration Camps

North Korean detention 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 SSPA 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 SSPA consist each of a political section, security section, management section, security guards section and supply service section.

The duty of the political section is to watch the ideological behavior of people in the security 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 those who attempt escape, murderers and malingers.

The management section is organized to maximize the workload and attain the production norms allotted to the camps. The responsibility of the security guards section is to guard the outer perimeter of the 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 guard sections, as both hold the right to determine prisoners' 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 watchtowers are installed at one-kilometer intervals along the fences. Manning the watchtowers are guards, section troops armed with automatic rifles, grenades and submachine guns.

Heavily armed guardsmen also patrol the perimeter area with military guard 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 to 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 SSPA is responsible for catching anti-revolutionaries. Local SSPA officials select offenders and the central ministry makes the final decision concerning guilt without a 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 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 February 1, 1995, among some political prisoners there were those who were arrested because they sat on a newspaper containing a picture of Kim Il-Sung.

In North Korea, one would be regarded as a political prisoner and detained in the camps if one is heard complaining that "This world is so hard to live in," or "If you don't have a bar of soap or a jar of toothpaste to sell, how could this place be called a store?" But since the severe food shortage in the mid-1990s, the cases of arrest due to inadvertent utterances have decreased as the levels and incidents of complaints rapidly rose. A new tendency in recent years is to arrest as political prisoners those who visited China for food and came in contact with the South Koreans there and bring outside information into North Korea.¹²⁵⁾

125) Kim X-ik, during an interview at KINU, August 30, 2001.

If one is branded for a crime of political ideology, for whatever reason, all his properties would be confiscated and the entire family would be transferred to the detention camps at night.

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 knew would dare not protest to the authorities or inquire after the fate of missing people. Neighbors and relatives can only presume that they were arrested. The reign of terror is to make people subservient to the system of Kim Il-Sung and Kim Jong-Il.

Dwellings and Camp Life

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

Prisoners finish breakfast and other preparations for a day's work by the 5:30 A.M. roll call. Being late results in a sharp beating, and being tardy three times 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 8:00 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.

An ordinary North Korean worker used to receive grain rations (rice/grain mix) of 600 grams per day, more or less depending on the difficulty factor of his work. Political prisoners in the camps would be required to work harder for lesser amounts of grain rations. In case of a household, each adult would receive 550 grams of corn per day as a main meal, and for side dishes a little bit of salt and a spoonful of soybean paste (made of acorns) would be rationed

out once a week.

However, due to the recent food shortage, rations for the political prisoners also were reduced. According to Lee X-guk, the grain rations are divided into three grades depending on the workload: Grade 1 workers are given 160 grams of boiled corn per meal, Grade 2 get 140g and Grade 3 get 100g. But when the grain shortage deteriorated in 1996 only 80 grams were given per meal and the inmates were forced to work from 5 A.M. to 8 P.M. As a result, Lee testified, several inmates died each day.¹²⁶⁾

According to testimonies of Kang X-hwan and Ahn X, past political prisoners lost weight drastically towards the end of their term in political detention camps due to malnutrition. In the case of Lee X-guk, he used to weigh 94 kilograms before detention. After four years of prison term in the camp, he weighed only 54 kilograms.

In these detention 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 7:00 to 12:00 P.M. and 2:00 to 5:00 A.M. The voltage is so low and the lights so dim that one can barely read books and newspapers. Inmates in other camps still envied camps with power facilities. At some camps a wooden torch is lit during meals.

The supply of fuel, too, is so short that people can barely cook their meals and never dare to heat rooms. On cold winter nights, families usually sleep together to share body warmth. Some freeze to death. Furthermore, there isn't

126) Testimony of Lee X-guk during an interview at KINU, October 27, 2001.

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 a half 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 diseases mainly due to malnutrition and heavy labor. Still, everyone, without exception, is forced to continue working. Many suffer from ailments such as frostbite or hemorrhoids, but they are likely to be beaten if they walk or work slowly due to the pain. When one's sickness 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. There are said to be about 40-50 prisoners who die every year due to the lack of proper medical facilities at each center.

According to the defector Park X-Chul (admitted in August 1999), he testified that he witnessed products produced by the political prisoners at Management Center No. 22 in Hoeryong, North Hamkyung Province, being transported by railroad. He estimates that because over 2,000 tons of coal, 2-3 tons of grain, and 60 tons of meat per day were transported to the camp, a large number of political prisoners are probably detained there.¹²⁷⁾ Also, it is reported that a certain number of political prisoners are moved to different places every three months so that political prisoners cannot escape the Management Center by recognizing the geographical features surrounding the Center.

127) Testimony during the interview at KINU on October 20, 1999.

The AI reported that special punishment rooms were installed in the camps to put away the inmates that violated camp regulations. The rooms were said to be so tight that one could neither stand nor lie down, and the inmates were detained in such rooms for weeks at a time.

The inhuman treatment in the detention camps is well reflected in the camps daily code of conduct. Some examples include the following: First, bow to the teacher (meaning the National Security agent). Second, if wanted by the teacher, run on the double with head down. Three, when the teacher passes by, maintain a prone position with face down. Fourth, never come close to the teacher's office. Fifth, if the teacher commands you to take a prone position, take off the upper-body clothing and assume the position. Sixth, if one fails to fulfill one's daily tasks, one's food ration shall be reduced. Seventh, inmates will be regarded as attempted escapees if matches are found on the body. Eighth, if found carrying meat or salt the inmate will be executed by firing squad. Ninth, if food is found on a person he shall be regarded as an escapee. Tenth, three or more persons shall move together. Eleventh, bathroom visits are limited to within 5 minutes. Twelfth, if found making contact with people from other districts during work details in the mountains the inmate shall be put to death.¹²⁸⁾

Public Executions and Mass Executions inside the Camps

There have been several reported massacres at North Korean concentration camps. According to An X-chol, political prisoners at the No. 12 Management Center in Onsung, North Hamkyung Province, enraged at their harsh persecution, attacked a security officer's village inside the camp in October 1986. The group killed hundreds of family members of security guards. A battalion of security troops was mobilized that killed about 5,000 young and middle-aged prisoners, including those who had no part in the riot.

Anyone who is unable to endure the harsh conditions, tries to escape, or

128) Testimony of Lee X-guk during an interview at KINU, October 27, 2001.

physically resists or assaults security officers is hanged or shot to death in front of the other prisoners.

Kang X-hwan, An X and An X-chol testified that those who are executed or die from accidents number in the hundreds in each camp every year. Kang X-hwan said that at the now closed Sungho-ri Camp, sometimes more than 300 prisoners died per month.

A prisoner condemned to execution 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 X-chol, however, beginning in 1984, North Korea resorted to secret executions in place of some public killings. The reason was that although public execution is a device intended to terrorize prisoners into absolute obedience, frequent public executions actually had a de-sensitizing effect on the prisoners. In addition, the frequent public executions were causing anger among prisoners.

Lee X-guk said that the proper description of the inmates detained in the detention camps would be animals rather than human beings, because depending on how the “teacher” felt at any given moment, or at his whim, the inmates were beaten to death or put to death by firing squad. Sometimes, an inmate would be beaten to death by the branch director simply because his work speed fell behind other inmates. Another inmate was charged with the crime of larceny and put to death by the firing squad simply because he asked the location of a chicken and duck farm run by a security agent. Lee X-guk also testified that one day someone was publicly executed for attempting to escape from the camp. The entire camp inmates were required to wipe the dead inmate’s blood by hand and place their bloody hands on their faces as

a sign of repentance. During the four years he served in the camp, Lee X-guk said he witnessed about 50 public executions, or once every 15 to 30 days on average. In the Daesuk-ri No. 8 camp, there were about 1,000 shallow graves for those who were killed or died there.¹²⁹⁾

Lee also testified that the newly arriving female inmates in the political detention camp become targets of sexual violence, voraciously committed by the “teachers” before the females lost weight.¹³⁰⁾

Defector An X-chol testified that at camps under the control of Bureau No. 3, condemned prisoners have been used as objects of live medical experiments conducted by camp doctors—just like those conducted by the notorious Japanese Army 731 Unit or by Nazi doctors during World War II. All these reports from defectors could not be confirmed.

But, Lee X-guk stated that he believed the authorities were conducting biological experiments on younger and healthy male inmates because they are usually removed to another location within six months of detention.¹³¹⁾

At present, it is known that there is a military unit performing biological experiments on human bodies in Omok-ri, near Nampo City, South Pyongan province.

Lee X-guk still remembers the names of 15 inmates detained in the Daesuk-ri No. 8 camp at Yoduk Detention facility. One of them is dead. The following is the list:

1. Lee Won-jo, age 47, detained in 1996, former North Korean ambassador to Indonesia. Crime: Criticized North Korea’s isolationist foreign policy with a counselor at the embassy. He was put on a plane within two hours of his conversation and shipped to Yoduk Detention camp. Currently assigned at work unit No. 3 of an independent platoon.

129) Testimony of Lee above.

130) Ibid.

131) Testimony of Lee above.

2. Kim Dae-sung, age 62, detained in 1996, former trade counselor stationed in Libya (originally a party secretary at the foreign ministry). Crime: His son defected to South Korea. Currently assigned at work unit No. 1.
3. Kim Hi-chil, age 61, detained in May 1997, former director of Trade Management Office, Hwanghae Namdo province. Crime: During the economic hardship, he commented at a drinking party with friends, “Kim Jong-il sold out the economy.” Currently assigned at work unit No. 1.
4. Paik Nam-chil, age 42, detained in 1996, formerly a staff at No. 3 Building of the inter-Korean liaison office. Crime: Addicted to narcotics. He was charged with the crime of failure in the “bears’ gall-bladder” trading (smuggling) company for North Korea between Hong Kong and China. Currently assigned to work unit No. 1.
5. Kim Hyung-sup, age 29, detained at the end of Oct. 1997, former sergeant at the Social Safety Agency (His father was a civil defense director of Pyongyang). Crime: He and eight of his classmates (from Non-Commissioned Officer (NCO) school) agreed that North Korea was a society that trampled on freedom. They conspired to terrorize against the defense minister and social safety minister and others. Their plot was uncovered and they were arrested. They all had tattoos on their arms with the words “Sungdo (disciples)” as they worked out terror plans. (Their fathers were all director-level officials at the Central Party or the Cabinet.) They were all arrested and currently assigned separately to work units No. 1, 2, and 3.
6. Kim Chul-soo, age 60, detained at the end of 1995, former director of Central Railroad (His brother was director at Marine and Land Affairs Bureau in the Cabinet.) Crime: He sold the rail-line blueprints of the Central Railroad to China. Currently assigned as a caretaker at a duck farm.
7. Lee Chul, age 57, detained in 1997, a former chairman of Taekwondo

Association in Hamkyung Namdo province. Crime: In connection with the food shortage, he commented, “Kim Jong-il was standing on top of the people’s corpses.” He was arrested and currently assigned to work unit No. 2.

8. Han Young-chun, age 34, detained in 1996, former coalminer at the Musan Coal Mine. Crime: While in the military he and three of his comrades tried to defect to South Korea with information about the Yongbyon Nuclear Power Plant. They were caught while crossing the border to China. Currently assigned to work unit No. 1.
9. Kim Chul-soo, age 56, detained in November 1998, former deputy manager at Musan Coalmine in Hamkyung Bukdo province. Crime: He tried to smuggle out to China the gold bullions the Japanese had buried in the mine, which he discovered. Currently assigned to work unit No. 1.
10. Kim Ok-sun, female, age 43, detained in 1995, former housewife in Haesanjin City, Yangkangdo province. Crime: Tried to smuggle out an ox-tail of an illegally slaughtered ox to China. (Ox and cow are used as a means of transportation, and illegal slaughtering is subject to 10-years' in prison) Currently assigned to work unit No. 1.
11. Lee Chung-gun, age 41, detained in 1996, former overseas student in Germany. (His father was chief secretary at Chungdan County, Hwanghae Namdo province.) Crime: He was charged with espionage with funds from the South Korean embassy. Currently assigned to work unit No. 1.
12. Chung Hyun-soo, age 31, detained in 1995, former draftsman at Nakwon Machine factory in Pyungan Bukdo province. Crime: Sold the factory's blueprint to China. Currently assigned to work unit No. 1.
13. Kim Myung-hwa (her Japanese name is Mitsubishi Damiko, her younger sister is Mitsubishi Fumiko and her elder brother, Gah-jang.), age 41 (born on August 2, 1960). Recollections about her are clear because they called her a Japanese spy. Detained in 1991. Crime: She returned to

North Korea with Korean repatriates from Japan, but it was uncovered that she was a graduate of Japan's Ninoki Academy. She was then sent off to the detention camp, but later she was taken away to the Yongpyong District in September 1997. Upon return to the camp, she died of beating and starvation.

14. Kim Ok-san, age 57, detained in 1992, former staff at Business Management Center in Sariwon City, Hwanghae Namdo province. Crime: He criticized Kim Il-sung as a dictator while intoxicated. Currently assigned to work unit No. 1. (Kim is well known within the camp as an expert catcher of rats and snakes for food.)
15. Kim Sung-hee, age 68, detained in 1975, former track and field head coach of the North Korean Athletic Association (and a highly popular former track athlete in North Korea). Crime: She jokingly talked about the family lineage of Kim Il-sung and his son and was charged as criticizing them. Currently assigned to work unit No. 1 as a caretaker of pigs. She is very thin-built, but very sturdy.¹³²⁾

Internment of Repatriates in Detention Camps

There is little solid information on the present situation of the detained repatriates in detention camps. We do have testimony from 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 X-hwan and An X, who were imprisoned at Yodok, about 600 people of the 100 families who were first detained in early 1974 are still held at the camp. They also stated that from 1974, 100 to 200 more families were added every year, totaling about 5,000 repatriated political prisoners from 800 families and 300 criminals, as of 1987.

Meanwhile, according to the testimonies of Kang X-hwan and Ahn X,

132) See Testimony of Lee above.

former staffers of the pro-Pyongyang association of Korean Residents in Japan, Chochongryon and some industrialists were separated from their families and were presumably detained in different camps. Kang X-hwan still does not know the whereabouts of his grandfather, Kang Tae Whew, (who was the Tokyo chapter Chamber of Commerce Chairman of Chochong-ryon). He was reported missing in 1977.

When individuals go missing during the night 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 are being punished. Defectors say the members of the SSA who supervise the camps call these repatriated prisoners "semi-Japanese" and treat them worse than they do other prisoners.

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

2. The Abducted

A total of 3,790 persons have been kidnapped to North Korea since the Korean Armistice Agreement in 1953. Of them, only 486 people (see appendix) are known to still be under detention. Among those kidnapped were five high school students who were reportedly brought to North Korea by a North Korean espionage agent in the late 1970s. This fact was revealed in the process of examining the Choi Sung-nam and Kang Yeon-jeong espionage event of 1977.

Beginning with the first kidnapping of 10 fishermen aboard the Daesung-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

Koreans kidnapped 8 fishermen aboard the No. 86 Woosung-ho. Three of the eight were killed as they struggled with their kidnappers. They were returned through Panmunjom on December 26, 1995.

In addition, North Korea has forcibly detained a South Korean Navy I-2 boat and her 20-man crew since their abduction on June 5, 1970, as well as a civilian Korean Airliner airplane and 12 people aboard, including crew and passengers, after a hijacking on December 11, 1969. North Korea has also been detaining a South Korean schoolteacher, Ko Sang-Mun, since her abduction in April 1979 in Norway and Full Gospel Church Reverend Ahn Seung-wun since his abduction in July 1995 at Yenji, China.

The five persons who were abducted were newly identified in 1977, Kim Young-Nam, Hong Keon-pyo, Lee Myung-woo, Lee Min-kyo, and Choi Seung-min, had previously been regarded as missing people. Kim Young-Nam (being in Kunsan Technical High-school at that time) was reported missing from Kunsan Seonyudo Beach on August 5, 1978. Hong Keon-pyo (a student at the Cheonnam Commercial High-school at the time) and Lee Myung-woo (a student at the Cheonnam Agricultural High-school at the time) were found to be missing from Hongdo Beach in Cheonnam Province on August 10, 1978. Lee Min-kyo and Choi Seung-min (students of the Pyeongtaek Taekwang High-school at the time) were also found to be missing from Hongdo Beach in August 1977. A North Korean espionage agent on his way back to the North kidnapped these five high school students, who were enjoying themselves at the beach during their vacation.

In addition, there are suspected to be more unidentified kidnapped 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 several kidnapped people. When the AI list drew international attention, both Ko Sang-mun and Yoo Sung-keun, whose names were included on the list, were made to confess their “voluntary entry” into North Korea on August 10-11, 1994. The defector Ahn X-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 abducted South Koreans 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 Korean espionage agents sent to the South. According to the testimonies of Ahn Myung-jin, about 20 unidentified detainees from South Korea are working as spy instructors at the center for Revolutionizing South Korea located in the Yongsung district of Pyongyang. This center is a replica of South Korea designed to teach and train graduates of the Kim Il-Sung Political Military College (renamed as such in 1992) how to adjust to real life in South Korea. The center is under the direct control of the Operations Division in Building No. 3 of the Central Party, which is responsible for training espionage agents to infiltrate the South.

The rest of the abducted, whom North Korea found useless are presumably detained in various concentration camps. Some abducted individuals from South Korea are detained in the detention camps and 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, the abducted individuals, who were presumably detained in the now defunct Seunghori concentration camp, were included in the report. South Korea's National Security Planning Agency has also reported that 22 South Korean abducted individuals, including Lee Jae-hwan, are being detained in a political prisoner detention 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. However, North Korea is still refusing to return Reverend Ahn to South Korea.

North Korea has not changed its previous attitude of not confirming the existence of abducting and detaining people from South Korea. For example, during the second batch of South-North Separated Family Reunion (Nov. 30-Dec. 2, 2000), a South Korean sailor, Kang Hee-kun of the fishing boat Dongjinho, which had been abducted by the North in January 1987, met with his mother from South Korea in Pyongyang. But, he was told to identify himself as having voluntarily entered North Korea. A stewardess of the Korean Airlines, Sung Kyung-hee was also forced to tell her South Korean mother who came to Pyongyang to meet her that she came to North Korea voluntarily. In early 2001, North Korea informed the South on the whereabouts of 200 family members in North Korea in preparation for a reunion with families from the South. North Korea informed that among them, Lee Jae-hwan, who was abducted in 1987, was dead. His family and organizations in South Korea wanted to know the date and cause of Lee's death and the return of his remains to the South. But, North Korea refused both requests.

3. Human Rights Violations against North Koreans Abroad

Status of the Fleeing North Koreans

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. The South Korean government announced in October 1999 that the number of North Korean defectors staying in a third country such as China and Russia is estimated to be about 10,000-30,000, among whom about 500 defectors have asked for refugee in South Korean embassies abroad.

However, civilian organizations helping North Korean defectors in China estimate that the total number of defectors may reach 100-300 hundred thousand. Good Friends, a relief organization for defectors, announced that as a result of its own field research conducted in 2,479 villages of the three northeastern provinces of China, 140-200 hundred thousand defectors from North Korea are hiding in the three northeastern provinces.

Meanwhile, the US nonprofit organization, United States Committee for Refugees (USCR), announced in its “world refugee report” released recently that there were about 50,000 North Korean defectors and 100,000 refugees in China.¹³³⁾

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 the 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. Furthermore, due to lost

133) See the *Joong-ang Ilbo* (Seoul), June 27, 2001, daily edition.

parents or family dissolutions during the food crisis, there are increasing numbers of children and women defectors. They usually spend an extended period of time in North Korea before defecting.

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 alien 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. However, 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. Nonetheless, 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 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 group," dispatched directly from North Korea. Because the number of defectors has increased

rapidly, North Korean authorities are taking measures to persuade the defectors to return to North Korea. Such measures include propaganda that Kim Jong-Il has issued a no punishment instruction against them. However, most defecting North Koreans understand this announcement as part of the search and arrest tactics.

Just as North Korea tightened its internal control system, it was also conducting recalls and re-training on its overseas personnel. In the face of the 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 1989, when the socialist bloc was collapsing, North Korea, in the name of the 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 has 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; those living along the border will receive lighter penalties, while those from the inner regions of North Korea such as Hwanghae 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 punishment against defection in its 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 punishment. However, 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 an individual's wishes. In 1999, North Korea tightened its control of defectors and strengthened its punishment on the forcible deportation. The danger that defectors face when they are forcibly deported is becoming increasingly serious since punishments are becoming more and more strict.

North Korean Defectors Entering South Korea

As of the end of 2001, there were a total of 1,990 North Korean defectors in South Korea. Among them, 1,758 are still in South Korea, excluding those who passed away or migrated overseas. The number of defectors drastically increased since 1994, and there were 312 defectors in the year 2000, and 583 in 2001.

As the number of defectors 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 discrimination 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 stemming from the severe food shortage and economic hardship.

In terms of the size of groups defecting, mass defections like the Kim X-hyung and Ahn X-kook family of 14 have not taken place again, but defections of 4- or 5-member families continue this year. Due to family defections, the average age of defectors varies widely from young children to the elderly. Occasionally, defectors are able to successfully arrange for the defection of their family members left behind in North Korea.

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.

Since the POW Cho Chang-ho returned home from North Korea, a total of 24 former POWs successfully defected to South Korea by the end of 2001. Some of them included Park Hong-gil and his family, Chang Mu-hwan, Kim Bok-gi, Park Dong-il, Son Jae-sul and Huh Pan-young.

The Background Behind the Escapes

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

First, negative economic growth in North Korea since the 1990s has continued and food shortages have worsened due in particular 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. Ultimately, the number of North Korean people who escape to avoid starvation and poverty will increase.

Second, family-group defections are increasing. In the past, most defectors

were men and they defected alone. Recently, the ratio of women and family-unit defections are increasing. In many cases, family members are defecting in a staggered sequence and over time intervals that would seem to indicate that they are systematically entering South Korea under meticulous preparations and plans. The fundamental cause for these defections is the food shortage.

Third, 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 economic progress 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 caused North Koreans to compare their system with others. This increase in foreign information and the sense of relative deprivation has motivated even more people to escape.

Fourth, the weakening of the North Korean social psyche results in more escapees. Starting from the mid-1980s, a materialistic attitude 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.

Fifth, the changing values of laborers and others living abroad have also contributed to the increase in escapes as seen in the defection of Hyun X- Il and his wife and Cha X-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 tensions, reciprocal monitoring, backstabbing and forced summoning of embassy personnel, have all contributed to the increasing number of defections among embassy personnel. In particular, 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.

Lastly, the motives for relocation to South Korea are also changing. More and more, North Koreans are moving to the South not simply for purposes of survival but in search of better lives. This can be interpreted to mean that the number of defections because of simple reasons like the unavailability of food is decreasing. A majority of recent North Korean defectors are not from the lowest echelon of society, but from the middle class or higher.

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 (Liaoning, Qilin, Heilungjiang) while they engage in odd jobs and assist farmers. A small number of these people eventually escape to Southeast Asia. China shares a border with North Korea along the Yalu River and the Tumen River. Living along its North Korean border are large numbers of Chinese-Koreans. As many North Koreans crossed the border to ask their relatives for food and/or help with defection, others without relations in the area also began to jump borders. However, since China began to impose “border intrusion penalties” (as per the revised penal code of October 1997) on people assisting defections, and as internal security has 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 situation, and possibilities of human rights violations have increased. In the effort to avoid forcible deportation and to obtain resident IDs that 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.

Escapees are exploited without receiving proper payment for their labor due to their insecure social status. Since their prime objective is to find a safe place to hide, they frequently work as shepherds or lumberjacks. Despite their difficult jobs, which most are hesitant to take, they receive extremely small wages or are sometimes threatened that they will be reported to the authorities if they complain of poor conditions or unpaid wages. According to an announcement of the Good Friends, some 40.9 percent of working escapees fail to receive their wages although their board and lodging is provided. When the escapees help out with housework and farm work in the farm villages, they are not only exploited for their wages but are also sometimes falsely accused of stealing.

Human trade involving defecting North Korean women initially took the form of arranged marriages with young men from Chinese farm villages. It has now become a social problem as the organized crimes and prostitution rings got involved in the practice. As these heinous crimes were reported in the South Korean news media and elsewhere, China and North Korea began to strengthen measures against them, and since October 1997, China 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 suspicion of engaging in 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.

According to field research by the Good Friends, female defectors make up 75.5 percent of the total number of North Korean defectors. Especially in the three northeastern provinces, the figure reaches 90.9 percent. Some 51.9 percent of female defectors are married to Chinese, but the figure reaches 85.4 percent in the three northeastern provinces except the Yianbian area. Female defectors, who make up the majority of all defectors, are living in the form of forcible marriage through human trade or in the form of arranged marriages for survival. Laws do not protect marriages by defectors in China because they are usually brides who have been bought from slave traders or arranged marriages. Female defectors being traded are subject to abuses such as confinement, sexual assault, violence, unwanted pregnancies, and forced prostitution.¹³⁴⁾ A great number of female defectors suffer from serious gynecological and venereal diseases but do not receive proper treatment. In addition, unplanned pregnancies are on the increase as women defectors stay for longer periods in China. Because of this situation, there arises questions over the nationality of the children, and furthermore, the mother risks harsher punishment by the authorities if deported to North Korea.

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 “Regulations for the Border Area” in the Province of Jilin printed by Seoul’s Dong-A Ilbo

134) For Example, see Good Friends’ *People Crossing Duman River: A Field Research of North Korean Food Defectors in 2,479 Villages of Chinese Northeastern Area* (Seoul: Jeongto Publishing Company, 1999), pp. 60-89.

newspaper on December 26, 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, the Citizen's Alliance to Help Political Prisoners in North Korea announced that 150 North Korean defectors were arrested by Chinese security officers in Tung-hwa City, Jilin Province, and deported to North Korea. Regarding this report, the Jilin 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 people, including the 20 mentioned previously. However, the Chinese announcement said, they came to China because they were hungry and not because of political motivations. Defectors Kim X-won and Choi X-joo, who came to South Korea in 1997, said their second son, Kim X-chul, went missing while they were hiding in China. After they were admitted into South Korea, they requested the International Red Cross to confirm the whereabouts of their son, Kim X-chul. Subsequently, the Chinese Red Cross informed them that Kim X-chul was handed over to a North Korean security agency along the border at Dandong City in late 1997.

A government-sponsored institute under the Chinese administration conducted field research in the three northeastern provinces where most North Korean defectors are staying. According to its report entitled "North Korean Defectors and the Social Phenomena," the number of forcibly deported defectors increased from 589 in 1996 to 5,439 in 1997 and 6,300 in 1998. According to results of the research of the Good Friends, the number of forcible defectors reaches some 1,857 in villages of the Yianbian area and some 584 in the three northeastern provinces during the period of research, from December 1998 to April 1999.

The USCR reported that at least 6,000 North Koreans were forcibly deported to the North every year, including 15,000 in June of 2000. China has concluded a defector deportation agreement with North Korea in 1987, but

since 1999 it regarded them not as “refugees” but as “food-seeking floaters.” Recently, the Chinese Deputy Foreign Minister, Wang Gwang-ya, made it clear that North Korean defectors in China are simple “economic re-settlers” and that China could not accord them with the refugee status.

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

No contracting state shall expel or return 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 persecution as refugees.

This provision 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 and 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 would properly discharge its international responsibilities as a signatory to the Convention Relating to the Status of Refugees.

Instead of offering the refugee status to the defectors, Chang Gil-soo and seven of his family, who took refuge at the office of UNHCR in Beijing, the Chinese government in July 2001 granted their departure to a third country to

resolve the issue. The Chinese government emphasized that this case was a “special disposition,” but it has left a good precedent since the defection of Hwang Jang-yup.

As the number of defecting North Koreans increased rapidly, the North Korean People Urgent Action Network or RENK, based in Osaka, Japan, has launched a campaign entitled “Help the Defecting North Korean Orphans. RENK estimates defecting orphans to number about 20,000. North Korean orphans in China result from (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. If 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 an example to others.

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 the possibility of individual persecution on political grounds has been reduced since North Korea began relaxing punishment on forcible deportations. Nevertheless, they should not be deported just because they are 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 primarily avoid the food crisis there, and so they may not be eligible for true refugee status. However, 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 community should closely cooperate with China to spare them from forcible deportations against their will. According to the International Organization for Migration (IOM), even undocumented migrants are entitled to the protection of such basic human rights such as the right to

life, religion, expression, ideas, privacy, and movement, as well as protections from slavery, labor abuses, torture, and inhumane treatment. If defecting North Koreans are an unavoidable phenomenon, efforts should be increased to prevent the infringement of their fundamental human rights.

The Human Rights Situation of North Korean Escapees in Russia

The number of North Korean escapees in Russia is estimated to be around 200-300.¹³⁵⁾ 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 Leonid 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.

135) Yoon Yeo-sang estimated that there are about 400-2000 North Korean defectors in Russia. Most of them are reportedly men and single in the twenties to forties and are especially under great personal threat due to surveillance of the Russian police and tracking of the North Korean security officers. See Yoon's "Actual Conditions of the North Korean Defectors and Programs for Their Protection," in the above mentioned international seminar (1999.12.2).

Defector Yoon X-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 increasingly began 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 to areas outside their logging sites to collect foreign currency or to work side jobs.

Those who have escaped from 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 Russia justifies this by Article 14, Section 5, of a new forestry agreement reached in February 1995. It provides that all personal and "foreign currency collection" projects using North Korean labor 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 the 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 largely because no human rights organization exists in the Russian northeastern region and no one really shows any interest in the plight of these people. 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 woman, 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 X-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 SSPA personnel or other security agents stationed in the region carry out the forcible extradition. Together with their documents, escapees are

sent to the provincial political departments in their hometowns. When sent back to North Korea, often their legs are placed in fetters 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, “three 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. For 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. AI 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 jumped off from a moving train near the city of Vellocost in the Russian northeast region while he was being extradited. Yoon X-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.

Recently, border patrols as well as surveillance by Chinese internal security have been tightened, forcing defectors to illegally attempt to enter Russia. North Korean defectors crisscross the Chinese-Russian border depending on which state offers them a safer haven at any given moment. In the process, they are often arrested by border patrols. For example, on November 4, 1999, seven North Korean defectors crossed the Tumen River and remained for five days in China. On November 9, they crossed the Chinese-Russian border via the Heilungjiang region, and arrived at the Russian village of Perbomaisco, some 7 kilometers from the border. However, a Russian boy reported them to the authorities and they were arrested and imprisoned by Russian border patrol officers in the Kamen-Libalovsky region. The Russian authorities later handed them over to Chinese authorities, and the latter deported them to North Korea.

<Appendix I>

List of Abductees and Detainees in North Korea

1. ROK Kidnapees and Detainees in North Korea

	Total	Fishermen	Crew of KAL	Navy personnel	Others
Kidnapees	3,790	3,692	51	20	25
Detainees	486	435	12	20	17

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

2. ROK 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, 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

Dec. 25, 1971	Hwang Yung Cheon, Kang Heung Gi, Kim Bong Sik
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

3. 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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4. 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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5. Others Kidnapped and Detained in North Korea

April 15, 1971	Yu Sung Keun, Chung Sun Seop, Yu Sung Hee, Yu Jin Hee
August 1977	Lee Min Kyo, Choi Seung Min
April 13, 1978	Koh Sang Mun
August 1978	Kim Young Nam, Lee Myoung Woo, Hong Jin Pyo
December 1985	Shin Suk Ja, Oh Hye Won, Oh Kyu Won
July 20, 1987	Lee Jae Hwan
July 9, 1995	Ahn Sung Un