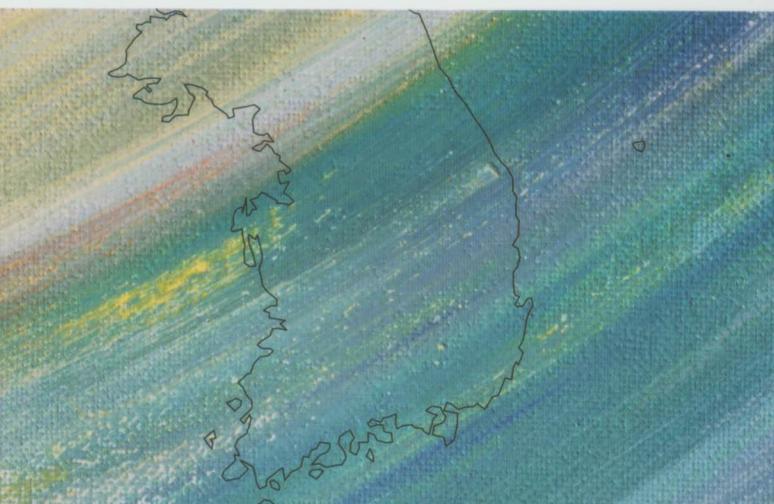


# White Paper on Human Rights in North Korea 2003



Korea Institute for  
National Unification

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

**2003**

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The analyses, comments and other opinions contained in this White Paper are those of the authors and do not necessarily represent the views of Korea Institute for National Unification.

# White Paper on Human Rights in North Korea

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## Preface

In the year 2002 there were two meaningful changes in North Korea in connection with the human rights situation. The first was the July Economic Management Improvement Measures, abolishing the central ration system that used to provide the inhabitants with daily necessities for free or at a low cost. North Korea sought to minimize or remove the benefits under the social security system by abolishing the state-run ration system, which used to provide the people with free, consumable commodities, and to force them to purchase daily necessities at market prices with income from their work.

This decision means that North Korea has abandoned the social security system and the guarantees of subsistence, which it used to publicize in connection with human rights. It also is evidence that North Korea's concept of human rights sustained a significant setback.

The second change was that North Korea began to show active responses to various human rights regimes of the international community. For example, North Korea submitted to the United Nations Human Rights Committee (or HRC) an implementation report on International Covenant on Civil and Political Rights on time in August 2002. In July 2001, the UN Human Rights Committee released its concluding observations on North Korea's Second Report on Covenant-B, which North Korea had submitted in March of 2000 after a 16-year delay, and recommended Pyongyang to submit an implementation report on its observations within a year. For its part, North Korea fulfilled this obligation on time. It appears that North Korea tried to utilize its human rights report as a vehicle to illustrate the point that it was taking various legal and institutional measures to guarantee human rights for its people.

However, apart from the promptness of its responses to the procedural

demands of the UN human rights regimes, there was little indication in 2002 to suggest that human rights of the North Korean inhabitants have improved in reality. North Korea has indeed submitted a regular report to the UN HRC, indicating its compliance with the international covenants on human rights, but the report was full of self-centered justifications for various human rights laws, systems and related matters. Furthermore, through its Party newspaper, Rodong Shinmun, North Korea complained that the international community was taking issue with human rights in North Korea, which amounted to a breach of its sovereignty and intervention in domestic affairs.

North Korea denies universality as a basis of human rights. It insists, "we have proper, our-style human rights standards." It claims, "in accordance with our-style concept, human rights are highly respected under the North Korean-style socialist system, which is voluntarily supported by the people." It further insists, "every citizen not only fully enjoys true political freedom and rights, but also receives full guarantees for economic, social and cultural life."

This White Paper aims to present objective evidence on human rights situation in North Korea in light of increasing concerns of the international community over the situation and in view of North Korea's highly defensive posture. In an attempt to maintain the objectivity of the human rights concept, this White Paper has adopted the International Covenant on Economic, Social and Cultural Rights (or Covenant-A) and the International Covenant on Civil and Political Rights (or Covenant-B) as the framework of analysis. Chapter II applies various articles of Covenant-A as standards and Chapter III relies on Covenant-B as criteria of analysis. Chapter IV deals with various issues that draw intense concerns of the international community such as political concentration camps and the defectors.

In the past, our discussions on human rights in North Korea focused on violations of political and civil rights in connection with the Covenant-B criteria. Since the food crisis, however, the problem area seems to have shifted to the Covenant-A provisions, with which North Korea used to argue it was

complying fully. Today, the reality is that starvation persists as the grain shortage exacerbated. Except for Pyongyang, the inhabitants in the provinces are forced to skip meals routinely, let alone social security benefits such as medical treatment. At the same time, violations of Covenant-B are becoming more serious and widespread as the foundation for livelihood collapsed and as political repressions are reinforced by the riot-fearing North Korean authorities.

Primary materials we used for our analysis of human rights situation in North Korea include the testimonies of North Korean defectors and the observations and testimonies of various experienced visitors to North Korea from international organizations and nongovernmental organizations (NGOs). As a matter of fact, we found little difference in the observations of the two groups of people and their testimonies were consistently in agreement.

We have tried to maintain the objectivity of our materials and analyses throughout this White Paper. However, as the UN Human Rights Committee itself admitted, we must also admit that there was a limit in accessing the sources of information on human rights in North Korea. This paper, then, is a product of comprehensive analyses of available materials and information even as North Korea restricted access to the sources of information on human rights. It is hoped that this report will serve to raise the levels of concern for our fellow citizens, and draw more serious attention from the international community over the human rights situation in North Korea.

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May 2003

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# **I . Human Rights and the North Korean Socialist System**

The two important variables that affect the human rights situation in North Korea are political and economic factors, which distinguish the North Korean system from other systems. The political repressions that have been imposed in the process of creation, maintenance and succession of the unitary system for Kim Il Sung and Kim Jong Il seriously restrict civil and political rights of the people. The economic, social and cultural rights of the people are also seriously infringed due to the economic hardship stemming from its inefficient socialist economic system, which has failed to provide even a minimum of food supply. But, access to the reality of human rights in North Korea is difficult and even the credibility of testimonies of North Korean defectors and other eyewitnesses, who visited North Korea, is often questioned. For these reasons, it would be very meaningful to examine the historical and structural uniqueness of the North Korean system, which has caused the human rights issues to begin with.

## **1. Factors Affecting the Human Rights Situation in North Korea**

### **A. Formation of a Unitary System and the Inhuman Purges**

The most salient characteristics of North Korean politics may be defined in terms of ruthless and repeated purges in the process of forming Kim Il Sung's dictatorship and his hereditary succession system. In order to solidify his power base, Kim Il Sung carried out a number of purges after the Korean liberation in 1945 against various factions that had participated in the communist as well as national liberation movement. He purged the South Korean communist faction (or domestic faction) in 1952 on account of the

unsuccessful Korean War, and in August 1956 both the Yenan faction (or Chinese faction) and the Russian faction (including Kim Du-bong, Choi Chang-ik, Park Chang-ok and Yoon Gong-heum) were purged. In 1967, the Kapsan faction (Park Keum-chul, Lee Hyo-soon) that used to closely support Kim Il Sung was purged. This was followed by a purge of the military in 1969 (Kim Chang-bong, Huh Bong-hak). From the early 1970s, those who were opposed to the hereditary succession were removed.

According to a US State Department report, North Korea began to operate detention facilities since 1946 to hold these reactionaries as it continued with purges of ordinary people, including former pro-Japanese elements and religious leaders. Since 1966 the government began to classify the people into 3 classes and 51 groupings based on their background, and those belonging to the "hostile class" were detained in separate facilities.

In this manner, until the 1960s Kim Il Sung ruthlessly purged all his political opponents and potential elements of challenge to build up his one-man rule and solidify the base for deification of Kim Il Sung and the hereditary succession for Kim Jong Il. Following the "1956 factional incident," the North Korean authorities established "special control areas," or political criminals detention camps, for purposes of segregating the anti-Kim Il Sung and anti-socialist elements from the society and exiling them to remote mountainous areas.

Kim Jong Il, who was born in 1942 and succeeded Kim Il Sung's power upon his death in 1994, began his political career in the 1960s. It is widely believed that he led the 1967 purge of the Kapsan faction, and he was nominated to be the successor of the Suryong (Great Leader or Kim Il Sung) in February of 1974. In the 1980s he was elected to the National Defense Commission and by December 1991 he began to wield a de facto control over the military as supreme commander. He was elected Chairman of the National Defense Commission and seized power upon the death of Kim Il Sung in July of 1994. He became General Secretary of the North Korean Workers' Party

(KWP) in October 1997, and after the September 1998 Constitutional revision, which strengthened the power of the Chairman of the National Defense Commission, he fully replaced Kim Il Sung's authority. It appears that there is no power group today that can challenge Kim Jong Il.

According to a BBC report by Brian Barron, which relied on explanations of a woman guide at the Keumsoosan Memorial Palace, the personality cult for the supreme leader is constantly strengthened and the North Korean people regard Kim Il Sung and Kim Jong Il as god. The deification of Kim Il Sung and his son, as well as their families, is constantly reinforced, and absolute loyalty to them is forced upon the citizens. The 1998 revised Constitution defined Kim Il Sung as Permanent Jusok (Supreme Leader) and designated the new Constitution as the Kim Il Sung Constitution. Furthermore, Kim Il Sung's birth year 1912 has been designated as the first year of the Juche Era.

Under these political and social circumstances it is unthinkable to challenge or criticize Kim Il Sung or Kim Jong Il. Should anyone complain about them the outcome would be either execution or detention in political concentration camps. In short, no anti-Kim Jong Il or anti-regime element is allowed to challenge him or cause social disorder because the regime does not tolerate such behavior.

Similar to those that took place in the former Soviet Union during the Joseph Stalin era and in China during the Mao Zedong era, the on-going personality cult campaign for Kim Il Sung and Kim Jong Il and the drive to reinforce their absolute power have been the root cause of the horrendous human rights violations in North Korea today.

## **B. Physical Oppression Units and Secret Surveillance**

Under any form of government, a variety of means of physical control is maintained. In the liberal democracies the basic objective of mobilizing physical means is to secure social order while providing for maximum freedom and rights for the citizens. Under despotic dictatorships like North

Korea, however, all physical means of control over its citizens are monopolized by the state, and the scope of control extends to such areas as the citizens' political, social, and personal lives. The punishment under such a system is usually carried out in an inhuman manner, not according to proper legal procedures but according to political expediency.

In North Korea, the two well-known pillars of physical means of control over the inhabitants are the Party and the People's Army. The Party (KWP) plays a pivotal role in protecting the leadership of Kim Il Sung and Kim Jong Il and implementing their instructions. The KWP has about 3.2 million members, and they play the pivotal role in mobilizing and controlling the people's loyalty to Kim Jong Il. The People's Security Agency (PSA) and the State Security Protection Agency (SSPA) are responsible for the maintenance of internal order in North Korea. The PSA is in charge of overall police functions, while the SSPA is responsible for searching for and punishing anti-revolution, anti-Kim Jong Il political criminals and for the operation of political prison camps.

The external security is the responsibility of the Korean People's Army (KPA), but as social instability increased recently in the wake of the exacerbating economic hardship and food shortage, the domestic role of the KPA has also rapidly increased. The so-called military-first (or, army-based) politics publicized by North Korea dictates the military to play a vanguard role in the construction of a socialist society and to protect to the death Kim Jong Il's leadership system. These agencies of oppression routinely mobilize secret surveillance networks and carry out various human rights violations over the citizens.

The most repressive system in the lives of North Korean inhabitants is the covert surveillance network run by the government. The PSA, SSPA and KWP each plant their own informants in all work-places and units of organization. The informants are not dispatched from their Central Headquarters, but recruited and trained locally from among ordinary citizens of certified personal

background. They are charged with a mission and asked to report on other workers on a regular basis. Thus, workers have no way of knowing who among them are the informants. According to the testimonies of defectors, some say one in five or one in six are informants. Some say that perhaps one in ten is an informant, showing that no one is sure. However, it is clear that every North Korean citizen must behave under the assumption that everyone else is an informant. Among the North Korean population there is a saying, "You cannot trust even your own back." Their fears about eavesdropping and surveillance are so great that they dare not complain about Kim Jong Il even when one is alone in the middle of his room. The most frequent words of warning from parents to children venturing outside are "Watch your words."

### **C. Ideology Education to Reinforce the Unitary Ruling System**

Even for a despotic dictatorship like North Korea, it requires considerable efforts to force upon the people loyalty and allegiance to the leader and the system. Accordingly, North Korea reinforces ideology education on the people to inculcate loyalty to Kim Il Sung and Kim Jong Il and justify Kim Jong Il's authoritarian rule. This also helps authorities maintain socialist rule under Kim Jong Il's one-Party leadership. To be effective in this effort, however, it is necessary to demonstrate the moral superiority of Kim Il Sung and Kim Jong Il. Since the 1960s, the necessity of consolidating political ideology through a unitary ideology system based on Juche Ideology was repeatedly emphasized. The Juche (self-reliance) Ideology became the sole ideology of the Party in the 1970s, and the 1972 revised Constitution adopted Juche Ideology as the official ruling ideology. North Korea adopted the so-called Theory of Socio-political Organism, in which the Suryong, the Party and the Masses form an organic whole and live a life of common destiny. The upshot was to rally the people around the Suryong and ultimately justify and strengthen the theory of the Suryong. Furthermore, the theory of socio-political organism has evolved into a theory of blood ties, and it is employed to explain the

legitimacy of the hereditary succession. The Theory of Superior Chosun People, which Kim Jong Il is currently exhorting, calls for a full-speed drive toward the construction of socialism based on Juche Ideology conceived and developed by Kim Il Sung and Kim Jong Il.<sup>1)</sup>

Kim Il Sung, when he was still alive, explained that the reason such deification of leaders should work is because the Confucian tradition is deeply rooted in Korea.<sup>2)</sup>

North Korea is exercising ideology control over its people, first, to minimize the adverse effect on its populace of its pragmatic foreign policy for economic assistance and promote external support for the Kim Jong Il regime, and second, to reduce the impact of the increasing inter-Korean exchanges on its political system. In an effort to forestall any ideological demise in the face of increasing exchanges with the outside world, the North Korean authorities are further reinforcing the ideology education on its inhabitants and repeatedly reminding them that capitalism and liberalism should be rooted out even before they begin to bud. The main focus of recent ideology education is to plant fears in the people's mind by stressing that the world of capitalism is a world of survival of the fittest and to emphasize the merits of protection culture under socialism.<sup>3)</sup>

Clearly, the objective of such a sustained ideology education is to help maintain the Kim Jong Il regime, but the freedoms and behaviors of the people are utterly controlled in the process.

#### **D. The Uncivilized Judicial System and Crime-by-association**

One of the characteristics of socialism is that there is no independent judiciary. The North Korean laws and institutions are designed to serve the

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1) Ko Young-hwan, *A Theory of Superiority of Our People*, (Pyongyang: Pyongyang Publishing Co., 1999), pp.127-188.

2) Don Oberdorfer, *The Two Koreas: A Contemporary History* (Reading, Mass.: Addison-Wesley, 1997), p.212.

3) Hong X-hee's testimony at KINU, December 20, 2002.

ruler's convenience, and because they stress the state-first principle, individual freedoms are always subject to restrictions by political decisions and expediency. North Korea classifies its populace into the people and the enemy, and it argues that human rights mean the exercise of absolute dictatorship over the class enemies in order to build a socialist society.<sup>4)</sup> Furthermore, any and all rights and freedoms are subject to restriction if they hamper the progress of socialism. In fact, North Korea treats its penal code as classified documents and does not, in principle, publish even at home. This itself is evidence of the non-democratic and uncivilized nature of its regime. In fact, many uncivilized rules persist in the North Korean criminal code. For example, it does not respect the principle of "no crimes unless prescribed by law" (*Nullum Crimen Sine Lege*), but it does recognize the *ex post facto* (*retroactive*) laws, and there is no statute of limitation in its laws.

North Korea regards laws and justice as vehicles of punishing the enemies and protecting the people based on Confucian tradition and the hierarchical framework of the socialist legal system. To the enemies, even a minimum of humane treatment or due process of the law is denied.<sup>5)</sup> Public executions are decided at summary trials, and most political prisoners do not exactly know the name of their crime or the scope of their sentence. In this way, all suspects are put through inhuman treatment.

Because the government emphasizes the rule of law and statism, individual freedoms are subject to restriction at any moment by political expediency. To the extent that certain human rights are granted, they are publicized as special benefits granted by the Suryong. In this regard, the enjoyment of genuine freedom is seriously restricted. In addition, any and all freedoms and rights that might hinder the progress of "our-style socialism" are not allowed.

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4) Institute of Social Science, *Dictionary of Political Terms* (Pyongyang: Institute of Social Science, 1970), p.718.

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

The particularly inhuman and uncivilized examples are crimes by association and collective retribution. In the cases of political and ideological criminals the rule of crime-by-association is applied, and depending on the level of seriousness of the crime, their relatives are also punished. In North Korea, the most effective mechanism of controlling individual complaints and collective actions is the rule of crime-by-family-association. Not only the perpetrator himself but also his/her family is punished, including his children's generation. Without exception, crime-by-association is applied on all political crimes.

Suicide is also subject to punishment under crime-by-association. In North Korea, suicide is treated as treason, because commission of suicide is evidence of one's complaint about the society. The entire family will be punished if there is a suicide in the family. This reality explains why the number of reported suicides is low in North Korea.<sup>6)</sup> According to defector Suh X-young, one day a 50-year old neighbor committed suicide. The next day his family was shipped out somewhere, and a few days later there were rumors that they were a family of traitors.<sup>7)</sup> To say that one died of starvation is also subject to crime by association. Therefore, North Koreans do not admit that one died of hunger even if it were true because the entire family would then be punished. There are said to be many who wish to kill oneself with an automatic rifle but cannot do so for fear that his/her family will also be punished.

### **E. The Gap between the Institution and Reality**

North Korean laws basically do not treat human rights seriously, and in many instances the human rights specified in the laws are not guaranteed in

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6) Testimony of Lim X-sin (48, Lead technician at a Paper Mill, Defected in October 1998).

7) Testimony of Suh X-young (25, Signalman at Sechon Station of Chungjin Railroad's Namyang Subdivision, Defected on August 14, 1999).

reality.

The basic rights stipulated in the Constitution outwardly look similar to those in the liberal democracies, but the truth is that they are intended to organize the inhabitants and impose duties on them. The basic rights illustrated in the Constitution are more declaratory in nature and exist for external propaganda purposes.

The North Korean Constitution says it guarantees a total of 17 rights, but they in fact play only supporting roles for the 6 duties imposed on its citizens. The most important duty for all North Koreans in their daily lives is the duty of absolute loyalty and obedience to the supreme leader, or Suryong. Under these circumstances, no one can insist on individual freedoms and rights (such as the freedom of speech, press, religion, association and political participation) unless one is prepared to risk personal safety. It is reported that those who ask for individual rights and freedoms often disappear without a trace.<sup>8)</sup> North Korea insists that it allows the people to directly elect the chairman at their collective farms and work-places in order to placate their complaints and increase productivity, but even these elections are not completely free from supervision of the KWP.

#### **F. Economic Hardship and the Threat to Survival**

Despite being a nation of Juche Ideology (self-reliance), North Korea has continuously been asking for food assistance from the international community since 1995. This fact alone speaks for the reality of North Korea's human rights situation in the economic, social and cultural fields. In a speech before the APEC Ministerial Meeting for the Rights of the Child, held in Beijing on May 15, 2001, North Korea's Vice Foreign Minister Choi Su-hon publicly admitted that the average lifespan of his people was shortened due to the economic hardship and grain shortage. He also acknowledged the chronic

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

shortage of food and medicine, the collapse of medical system and the starvation situation.<sup>9)</sup> Andrew Natsios, director of the US Agency for International Development, published a paper entitled "North Korea's Great Starvation: Hunger, Politics and Foreign Policy" in 2001. In the article, he estimated that the North Korean population has shrunk by about 7 million over the last 10 years, and that at least 2.5 million or 10 percent of the population were sacrificed during the period.<sup>10)</sup>

The North Korean economy is slowly climbing out of the negative growth cycle thanks to the support from South Korea and the international community, but it is not completely out of the food shortage. In the absence of additional support from the international community, the grain shortage is likely to return to North Korea in 2003. The largest grain aid to North Korea comes from the United States, but it is withholding this year's allocated grain assistance upon reports that the grains are diverted for military use and for use of the politically privileged class. In February 2003, the United States announced that it would extend 100,000 tons of grain in aid to North Korea. The US grain aid in 2002 amounted to 172,700 tons or \$61 million worth.<sup>11)</sup> The secretary general of the World Food Programme, James Morris, and other UN relief experts expressed their worries that due to the North Korean nuclear issue the North Korean food situation is likely to deteriorate in 2003.<sup>12)</sup>

The continuing food shortage contributes to increases in family breakups, crimes and other social disorders. Harsh government punishments against these crimes result in wanton violations of the citizens' human rights, and the vicious circle is repeated as a result. This situation will also produce a great number of homeless children, commonly known as "flower swallows." Women are often induced to join prostitution rings, known as "stand-by inns." Many young women venture out to China to save themselves from food shortages,

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

10) *The Joong-Ang Ilbo daily*, December 17, 2001.

11) *The Hankuk Ilbo daily*, February 12, 2003.

12) *Yonhap News*, February 14, 2003.

and many of them end up becoming targets for criminals involved in human trafficking (although some of women do get involved voluntarily).<sup>13)</sup>

The cost-free medical treatment that North Korea used to brag about has collapsed, and only 5 percent of those in need of medical treatment receive medical benefits. After her visit to Pyongyang, Dr. Gro Harlem Brundtland, Director-General of the WHO, disclosed that there was a 30-40 percent increase in tuberculosis-related deaths in North Korea.

## **2. North Korea's Perceptions and Policies of Human Rights**

Since the appearance of a socialist regime in North Korea, the phrase human rights disappeared and the rights of citizens or working people replaced the phrase. Based on its socialist ideology, North Korea explains that insisting on human rights is meaningless since the working people are themselves the masters of (North Korean) socialism. In any case, some salient points of North Korea's our-style human rights are summarized in the following sections.

### **A. Stressing the Right to Subsistence**

The first feature of North Korea's perception of human rights is that it regards material (or tangible) guarantees more important than freedoms. North Korea insists that as a socialist society it is fully guaranteeing materialistic infrastructure for the people by providing for a bulwark of human rights, such as the right to subsistence, the right to work, free education, medical treatment through social welfare and the social security system.<sup>14)</sup>

North Korea argues that trying to guarantee individual rights and freedoms in the absence of guarantees for materialistic infrastructure for the people

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13) Testimony of a 23-year-old woman from Hwechon city, Jakang-do province, provided by Good Friends (December 26, 2001), p.3.

14) Kim Jong Il, "Socialism Is Science," *The Selections from Kim Jong Il*, vol. 13, (Pyongyang: Korean Workers' Party Press), 1998, p.482.

would only be approving the rights and freedoms of the rich, hence meaningless. It says this is why numerous violations of human rights are taking place in Western democracies.<sup>15)</sup> North Korean authorities particularly emphasize that guarantees for all other rights are impossible without the guarantee of the right to subsistence. To escape from poverty and hunger that they experienced under the Japanese colonial rule and the destruction during the Korean War, they seem to believe that the priority should be placed on the guarantees of materials for the people's daily lives. They believe that this imperative has direct impact on political stability and the legitimacy of the supreme leader's authority. Since the inception of the regime, North Korea tried to maintain systemic superiority over South Korea by building socialism through mass mobilization. In its competition with South Korea, it also felt the need to show off the superiority of their system in terms of economic superiority, social security, and free education. In order to achieve a rapid economic development through mass mobilization, it rationalized that a socialist dictatorship of the people was inevitable, and that the civil and political rights of the people had to be restricted. Yet, it was never clear how much political rights had to be curbed to allow the economic development to proceed. More important, it was quite unclear how the unitary ruling system, or one-man rule, could contribute to North Korea's economic progress.

However, the recent food shortage and economic hardship have clearly demonstrated the negative impact of the unitary ruling system. In fact, a more persuasive position would be to argue that economic prosperity and political freedom are not mutually exclusive goals but mutually complementary. The Nobel Laureate Amartya Sen argues that in all cases of starvation on earth there has never been a serious problem of hunger under a democratic government that guarantees the freedom of the press, regardless of whether it is rich or poor.<sup>16)</sup> It is well-known that a great number of people died of

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15) Li Bong-hak, "Capitalist Societies are Reactionary Societies Where Rich Gets Richer and Poor Gets Poorer," *The Worker*, No. 6, 1997, pp.92-97.

hunger under the dictatorial regimes of Josef Stalin, Mao Zedong and Kim Jong Il.

### **B. Emphasis on the State rather than on Individual Rights**

North Korea traditionally stresses collectivity over individuality and regards law as a means of control, which would be far from any guarantee of individual rights. It appears that such a way of thinking was derived from its Confucian tradition and the socialist legal philosophy and ruling techniques. North Korea ignores the imperatives of respect for international norms and protection of the rights of citizens from government infringements. After the launch of its socialist regime, North Korea placed its national goals on equal distribution and the socialization of the means of production, emphasizing collective aspirations such as national self-determination, struggle against colonialism and economic development. In domestic policies, it stressed social and economic aspects of human rights. Basically, it regards human rights as collective and economic elements and considers that they are the benefits emanating from the leadership of the Suryong, or the Supreme Leader.

As a result of Japanese colonial rule, the destructions sustained during the Second World War and the Korean War, as well as the specter of massive Nazi genocide, North Korea must have felt the need to renew its concerns and perceptions over human rights principles. In the revised Constitution since the inauguration of government, North Korea provides certain guarantees of economic, social and cultural rights, as well as civil and political rights. But, as for the civil and political rights, North Korea considers that restrictions are possible through legislation or in terms of political expediency and *raison d'etat*. Since the laws are regarded as a vehicle of governance (a tradition of rule by laws), it assumes that individual rights are subject to restriction by

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16) Armatyya Sen, "Human Rights and Economic Achievements," in Joanne Bauer and Daniel A. Bell, ed., *The East Asian Challenge for Human Rights*, (New York: Cambridge University Press, 1999), *passim*.

legislation. Under the unitary ruling system and the deification efforts for the supreme leader, North Korea is predisposed to regard any expansion of individual rights and freedoms as a challenge and potential danger to the government and the leader. North Korea stresses the fact that the state is superior to individuals and that duties take precedence over rights of citizens. Consequently, it argues that the duties to the state should take precedence over individual rights, and that all rights should entail commensurate obligations.

### **C. Emphasizing the Principles of Sovereignty and Self-determination**

North Korea recently characterized the demand of the international community to improve human rights as an infringement of its sovereignty and intervention in its domestic affairs. Having included in its human rights concept the right to development, or right to progress, which is often claimed by Third World countries, North Korea is attempting to seal off at the source any criticism of its human rights situation.

From the early days of the international human rights movement, such as the Charter of the United Nations and the Universal Declaration of Human Rights, socialist countries and newly developing countries perceived sovereignty and self-determination as concepts that contradict with the idea of an international community of nations. They understood the right to development (or, the right to progress) as their inherent right rather than as a problem of economic development or distribution, and thus they objected to the international supervision or enforcement of human rights, or universal observation of human rights. The newly emerging countries with colonial experience like North Korea generally tend to display sensitive reactions to all suggestions or recommendations from the outside.

Of course, the United Nations Charter places an equal emphasis on sovereignty and human rights. Article 1 of the Charter stresses international cooperation for the promotion of human rights, while Article 2 mandates the

principle of non-intervention in various aspects of domestic jurisdiction. With respect to human rights, the Charter provides the member states with a limited choice as to which principles should deserve legal authority.

According to the international covenants on human rights, however, exclusive and absolute interpretations of sovereignty are contrary to the concept of human rights. Both Bhutros Galli and Kofi Annan, the former and incumbent UN Secretary Generals, insisted that the principle of absolute sovereignty was not applicable to the human rights abuse cases. In 1923, the Permanent Court of International Justice (PCIJ) concluded that sovereignty is fundamentally a relative concept and subject to limitations by higher norms.<sup>17)</sup> Consequently, the predominant view is that the relationship between the principle of sovereignty and human rights is defined depending on how a government treats its citizens.<sup>18)</sup> The mainstream of international politics today is to accept the relative nature of the concept of sovereignty.

As the number of defectors increased amid food shortage and economic hardship and as international concerns over the human rights situation in North Korea mounted, North Korea has seemed to worry more about the possibilities of the international community's humanitarian intervention to fulfill the duties of human rights protection. It even appears to be worrying about military intervention (as seen in the cases of Kosovo and East Timor), which would compromise its principle of national sovereignty.<sup>19)</sup> Perceiving threats to the maintenance of its regime, North Korea constantly reiterates the principles of sovereignty and self-determination in connection with human rights. The North Korean delegate to the 56th Human Rights Committee meeting in 2000 insisted that the vital issue in the field of human rights is the infringement of

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17) Ann Kent, *China, the United Nations and Human Rights*, (Philadelphia: University of Pennsylvania Press, 1999), pp.26-31.

18) Ibid. p.35.

19) Gareth Evans and Mohamed Sahnoun, "The Responsibility to Protect," *Foreign Affairs*, (November/December 2002). There is also a thesis that suggests a transfer of the concept of mandatory intervention with the concept of protection as a duty.

the right of self-determination by means of mandatory measures and arbitrary standards. He then sharply criticized, "(Humanitarian intervention) is a breach of the sacrosanct right of self-determination and a violation of UN Charter and international law."<sup>20)</sup>

North Korea's attitude toward international law is to interpret the principle of sovereignty as a contrasting concept to international society, and it insists that no foreign intervention should be allowed, while a national system is being formed according to *raison d'etat*. Accordingly, North Korea frequently stresses the principles of sovereignty and non-intervention in domestic affairs as prescribed in the UN Charter, but it seldom refers to the respect for human rights or fundamental individual rights. This position is based on a view that the subjects of international law should include the state and international organizations but not individuals, and that municipal laws rather than international law or international organizations should guarantee human rights, including fundamental individual rights. Consequently, North Korea continues to refuse to open doors to the human rights issue despite the pressures of the international community.

### **3. The Duality of North Korea's Human Rights Policies**

For political and economic reasons, North Korea seems to be trying to accede to various international human rights regimes gradually, fulfill minimum obligations under the international human rights covenants to which it is a party, and voluntarily participate in international human rights forums and educational programs. It is also attempting to deflect various international criticisms by participating in dialogues and seminars hosted by various regional organizations, including the European Union (EU). North Korea's participation in international forums and hosting human rights seminars, of

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20) *Rodong Shinmun*, "Human Rights Are Unthinkable Without National Self-determination," April 7, 2000.

course, would not necessarily contribute to any realistic improvement of human rights in North Korea. But, it is at least possible to expect that North Korea will actively participate in international human rights regimes, since North Korea seems to regard such activities as effective diplomacy and doing so would help deflect direct criticisms of the international community. In fact, North Korea is working hard to become a member of the UN Human Rights Committee in 2004.<sup>21)</sup> It is highly unlikely that North Korea's human rights diplomacy will have any positive effects on its domestic human rights situation. The fact that partial institutional improvements are being made under international pressures is a welcome development, but possibilities of implementing such improvements or other changes appear to be minimal in reality.

The continuing economic hardship and food shortage, as well as the human rights violations to maintain its unitary ruling system, are the sources of political instability. In an effort to eliminate these causes of political instability, North Korea is constantly threatening the citizens' right to subsistence by such means as political prison camps, public executions on anti-social behaviors, and highly ambiguous anti-revolution and economic crimes. On July 1, 2002, North Korea announced Economic Management Improvement Measures to jump-start its ailing economy. But unless the measures were to lead to an overall reform and openness, it is very difficult to expect either economic development or improvement in the people's lives due to the chronic lack of supply of daily necessities. In addition, the social security system and free medical treatment, which are currently limited only to the privileged class due to economic hardship, also continue to deteriorate. Therefore, the economic and social rights, including basic materials for the people, which North Korea used to publicize so proudly, will further be undermined, and the threat to the citizens' right to subsistence is likely to continue.

There clearly exists contradiction between North Korea's human rights

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21) *The Jung-Ang Ilbo* daily, October 14, 2002.

diplomacy and the reality. For the time being, however, North Korea will endeavor to improve institutional measures, participate in UN human rights regimes and pursue human rights diplomacy to secure international support. At the same time, however, it will refuse to open doors under the pretext of principles of sovereignty and self-determination to conceal the domestic human rights situation. But even this policy of duality should ultimately contribute to a gradual improvement of certain aspects of human rights, and on a mid-term basis could also work to spur some resistance against the totalitarian unitary ruling system. North Korea will certainly continue its systematic control and human rights restrictions to cope with these dangers and challenges, but the increasing international exchanges and pressures of the international community should lead to a gradual improvement of human rights in North Korea. Furthermore, there are possibilities that these factors could also work as elements of challenge to the unitary ruling system. Increasing these possibilities should be encouraged as North Korea is included in the international human rights regimes because they will ultimately pose a serious dilemma for the North Korean regime.

## **II . The Economic, Social and Cultural Rights Situation**

Article 1, Section 1 of the International Covenant on Economic, Social and Cultural Rights (hereinafter Covenant-A) stipulates, "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Article 2 further states, "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."

Article 1 is truly the core of economic, social and cultural human rights. Because North Korea has a system of command economy under state ownership, however, the individual right of self-determination is not allowed. Covenant-A, in effect, defines the North Korean Socialist system itself as a violation of human rights covenants, and for this reason North Korea refutes many parts of these covenants.

Generally speaking, the socialist countries and the developing countries have always emphasized the importance of economic development and social security system for the promotion of human rights and political stability. Even the international community, including the advanced Western countries that stress human rights in the field of politics, tends to agree with the developing countries on the importance of Covenant-A.

But unlike Western countries that emphasize civil and political rights, North Korea emphasizes its social security system as guarantees of human rights and insists that the human rights of its citizens are secure because the government guarantees their economic, social and cultural rights. Accordingly, this White Paper will accept such a position of North Korea, and set the

criteria broadly accommodating the concept of universal human rights.

Article 11 Section 1 of Covenant-A stipulates, "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent."

Since these provisions deal directly with the fulfillment of the most basic needs and desires in human life, it would be essential to take this part of Covenant-A as a criterion of evaluation. If we utilized the material aspects such as food, clothing and shelter as a criterion of right to economic life, it would also be compatible with the standards of human rights that North Korea argues it guarantees. Article 22 of the Universal Declaration of Human Rights also stipulates, "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality." Article 25 Section 1 further defines, "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, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

In addition, Covenant-A recognizes "the right to social security and the right to the continuous improvement of living conditions, and the States Parties must take necessary steps to ensure the realization of these rights." The Covenant also contains articles that recognize "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the right to education, the right to participate in cultural life and the right to enjoy

the fruits of scientific progress and its applications."

## 1. The Right to Subsistence

Before North Korea announced the Economic Management Improvement Measures in July 2002, the citizens' daily commodities were supplied through the nationwide ration system, so much so that most North Koreans understood socialism to be a system in which the state provides, through ration systems, all daily necessities including food. Indeed, the ration system is one of the vital features of the North Korean Socialist System because the ration system encompasses not simply grains and food items, but also clothing, housing, education and medical care. 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 people who believe that the government is purposefully reducing the amount of rations in the belief that if the inhabitants were given a sufficient amount of grain (or, in abundance) they might become complacent and indulge in idle speculations.<sup>22)</sup> In addition, the system is also intended to root out freeloaders and to promote 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 the early 1990s, 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 had degraded to the point where

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

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 there is absolutely no improvement 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 a select class of 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.<sup>23)</sup>

It is not true that soldiers were getting sufficient amounts of rations simply because the military were supplying them on a priority basis. Food is supplied to military units on a priority basis, but officers are supplied first and the amount of food rationed to the enlisted men is so extremely limited that their faces look pale like tuberculosis patients. According to Kim XX, who defected after completing 22 years of military service, his ration was so little even though his rank was second lieutenant that he too had to live on corn porridge

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

mixed with some edible field vegetables.<sup>24)</sup> Another defector, Chu XX, testified that the food situation in the agricultural areas was relatively better than the provincial cities where ordinary workers were experiencing unspeakable difficulties.<sup>25)</sup> 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, such as the Hamkyung, Yang-gang and Jagang provinces, where transportation access is poor. 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 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

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24) Testimony of Kim XX (former First Lieutenant, Peoples Army, defected in 2000) at KINU on January 29, 2003.

25) Testimony of Chu XX (age 63, Guide at Grain Purchase Unit, defected in 2001) at KINU, May 6, 2002.

provincial cities, another one million inhabitants are being moved out to farm areas. Kim XX, who defected in 2002, testified that North Korea was evacuating 100,000 Pyongyang citizens to the provinces every year, including the year 2002.

As soon as the rations were suspended, North Korean inhabitants were left to support themselves. Consequently, most North Koreans must support 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 forced to concentrate 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 rather than continued reliance 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 Impact of the Economic Management Improvement Measures**

In the wake of the Economic Management Improvement Measures of July 2002 there was a major change in North Korea's grain supply system. The ration system, which existed only nominally, was officially discontinued and a system of purchase at current market prices was launched. After this, the prices of daily necessities jumped 20- to 40-fold, food prices went up 40- to 50-times, and the rice price per kilogram was raised from 8 NK cents to 44 NK dollars (North Korean units of jon (cent) and won (dollar), respectively).

The trolley fare went up from 10 cents to a dollar and subway fare from 10 cents to 2 dollars. Even though the ration system was abolished, the ration card system was maintained unchanged. This exception appears to be intended for continued state control over grain circulations inside North Korea.

As North Korea raised commodity prices, it also raised wages proportionately. Regular office workers got a raise from 140 won to 1,200 won and some heavy-load workers like miners received over 20-fold increases. Other workers, farmers and scientists got a 10-fold raise and soldiers and bureaucrats received anywhere from 14- to 17-times higher pay.

The crux of the Economic Management Improvement Measures was to minimize the number of commodities and services that the state used to provide cost-free or at a low cost and to begin charging for them instead. In October 2001 Kim Jong Il instructed, "Certain unreasonable social policies should be readjusted to reflect realistic conditions, except for those items that clearly display the superiority of socialism such as free education, free medical care and social security." Accordingly, the government began to charge and significantly raised the cost of all free services such as rent and transportation.

The North Korean leadership has taken these measures based on a judgment that the ration system, in which all commodities were provided at fixed prices regardless of individual productivity, contributed to lower productivity, which in turn produced a major cause for economic stagnation. Indeed, the improvement measures seem to represent a major change both in economic management methods and in the nature of the North Korean system because the measures have abolished the socialist-style work-payment system and switched it into a system that is similar to a Western-type wage-labor system. Since it meant a significant reduction in social welfare, the people had to transform their lifestyles and adjust to the new system that was similar to the wage-earner market rather than the state guaranteed welfare system.

The impact of these improvement measures on the inhabitants has been considerable. Prices are too high, and the rent, electric bills, education tax and

transportation costs that they have to pay the government are so drastically high that their burden is almost unbearable. What is worse is the supply-side of the economy did not improve at all. As a result, the people suffer from high prices and the difficulties of trying to maintain normal lives.<sup>26)</sup> Because the privileged class citizens living in Pyongyang receive normal wages, their losses are not as significant. But the burdens are much heavier on those living in the provinces. Since factories are not operating at normal levels, the new wage-earner system is not operating normally, either.

The North Korean inhabitants are already complaining about the price hikes and wage systems. The essence of the problem is well expressed in their complaints: "In the past we barely managed our lives, but we were able to manage; but now we cannot live at all if we don't find work that pays." However nominal, the sudden and complete loss of the social security system that exist up until now has been a great shock to the North Korean people who are long used to depending on the government. The Economic Management Improvement Measures of July 2002 contributed to a wholesale deterioration of the former ration system, but the decision also led to a considerable deterioration in the economic human rights that North Korea used to brag about.

### **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

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26) Hong XX, (Manager at Childcare Center, defected in August 2002), Testimony at KINU, December 20, 2002

about 1 million tons of grain a year from abroad since 1990. Before 1994, the grain shortage was met 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 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 reduced 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 to 0.29 million tons in 1998.

In the year 2002, North Korea's grain output registered the highest level in seven years. The FAO and World Food Programme (WFP) released the result of their evaluation of North Korea's grain output and distribution in June of 2002. According to this study, North Korea's total grain and potato output during the 2002 grain-year (Nov. 2001-Oct. 2002) amounted to 3.66 million tons, which was a 42 percent increase over the 2001 grain-year when a total of 2.57 million tons were produced.<sup>27)</sup> Regarding the grain situation during 2001-2002, the two organizations estimated that North Korea's grain demand was about 4.957 million tons compared to the 3.566 million tons of actual output, with a shortage of 1.301 tons. Assuming that there are about 100,000 tons of commercial grain imports and 819,000 tons of grain assistance from the international community, the study estimated that there would be a shortage of about 382,000 tons between the months of July and October 2002. As for the current 2002 grain-year (Nov. 2001-Oct. 2002), the study estimated that the average official grain ration for adults in the cities increased by 48

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27) FAO/WFP, Report: FAO/WFP Crop and Food Supply Assessment Mission to the Democratic Peoples Republic of Korea," July 29, 2002.

percent, or 292 grams per day, from the previous year, but fell short of the recommended minimum calorie requirement by 50 percent. However, due to the decreases in international aid for North Korea, the WFP had to discontinue the grain assistance to three million persons out of the planned 6.4 million since September 2002.

A joint estimate of North Korea's grain demand for the 2003 grain-year (Nov. 2002-Oct. 2003), compiled by South Korea's Ministry of Unification and the Agricultural Promotion Agency, also forecast it to be about 6.32 million tons, showing an increase of 60,000 tons over the previous year. However, North Korea's total grain output in the 2003 grain-year amounted to a total of only 4.13 million tons. Assuming South Korea provides 250,000 tons under the pre-arranged loan and the WFP provides 510,000 tons, North Korea would still experience a shortfall of 1.43 million tons of grain. A South Korean government source said, "A comprehensive analysis of weather conditions and the outbreak of harmful insects in North Korea showed that its total grain output this year would increase by 4.6 percent over the last years amount of 3.95 million tons. Nevertheless, this amount would fall far short of its total grain demand." Assistance from the outside is absolutely necessary. But in light of the recent controversy over North Korea's nuclear development program and North Korea's refusal to allow on-site observations of grain distribution, international aid is expected to dwindle drastically. The United States, which is the largest supporter of the WFP, announced that any additional grain assistance would depend on whether North Korea would allow greater on-site accessibility to inspectors to the areas where its grain aid is actually distributed to consumers.

The United States also emphasized that it would review the grain aid request of the WFP in terms of the amount of demand, the current grain in stock, grain demands in other parts of the world, and the ability to supervise the grain distribution process in North Korea. Japan provided 352,000 tons in 2001 and 308,000 tons in 2002, but recently decided to discontinue its

donation to the WFP aid program for North Korea.<sup>28)</sup>

In fact, WFP announced that the food shortage in North Korea has reached a serious stage as the amount of grain aid from the international community has drastically diminished and as the UN relief organizations operating in North Korea are unable to distribute minimum amounts required. Officially, the WFP is providing foods to some 6.4 million North Koreans, or 27 percent of its population of 23 million. Mr. Burke, a WFP spokesman, said his organization had to stop the food distribution for three million people due to the drastic drop in the amount of grain donations. As a result, North Korean families are suffering from severe hardship due to the worst food shortage ever. He said a large part of the North Korean population is directly faced with starvation, and adults and children alike are picking whatever is edible, including tree leaves, grasses, acorns or seaweed.<sup>29)</sup>

### **The Impact of the Food Shortage**

A recent inquiry survey on the nutrition levels and growth of children clearly shows the impact of food shortage on North Korea. This survey was the most extensive ever, and was jointly conducted by UNICEF, the WFP and the North Korean government across all of North Korea. This was a survey of 60,000 mothers and their children under the age of 7 randomly selected from 10 out of 12 cities and provinces.<sup>30)</sup>

According to the results, the ratio of under-weight children was 21 percent, which was a significant improvement over the ratio of 1998 when it was 61 percent. Also, the ratio of children suffering from acute malnutrition, or "wasting" (severe under-weight compared to height), was 9 percent, down from 16 percent, and the ratio of children with below-average height, or

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28) *Yonhap News*, January 8, 2003.

29) *Yonhap News*, January 17, 2003.

30) Central Bureau of Statistics, "Report on the DPRK Nutrition Assessment, 2002," (Pyongyang: DPRK, November 20, 2002).

"stunting" (chronic malnutrition), improved to 42 percent from 62.

The two UN agencies concluded that although the survey methods were slightly different from 1998, the broad trend was that the nutrition level of North Korean children has considerably improved.

However, they said, the ratio of malnutrition of North Korean children is still too high compared to the standards set by the WHO, and the ratio of children with chronic malnutrition is extremely high.

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.<sup>31)</sup> 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.

These statistics are exactly repeated in the Second Regular Report on Covenant-A<sup>32)</sup> that North Korea submitted to the UN Human Rights Committee in May of 2002.

Food shortage has had the greatest deleterious impact on children, who are the most vulnerable. According to various reports, including North Korea's reports of 2002 to various international organizations such as the WHO, UNICEF and the International Federation of Red Cross Societies (IFRC), two thirds of every one million North Korean children under the age of 5 suffer from acute respiratory infections and over 20 percent from diarrhea.<sup>33)</sup>

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

32) For a full text of the report, see [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c3b70e5a6e2df030c1256c5a0038d8f0?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2df030c1256c5a0038d8f0?OpenDocument).

33) Center for Children Medicine Support, Inc., Symposium on the Health Conditions

Diarrhea directly contributes to the infant mortality rate. Yet, this rate has increased by 30 percent since 1995, and the respiratory infections increased by 25 percent. The rate of death from these diseases reached almost 80 percent. Over 40-50 percent of children visiting the clinics were suffering from diseases caused by contaminated water, and during the monsoon season the rate shot up to 60-70 percent. The cases of malaria patients steadily increased until 2002: in 1998 the number was 2,100; in 1999 it increased to 95,960; in 2000 to 204,428 and in 2001 to 295,570. However, the number dramatically dwindled to 90,806 in July of 2002. Of this number, the ratio of child-patients were 6.1 percent, or 12,270, in the year 2000, which became 1.4 percent or 4,093 in 2001, and 5.9 percent or 5,908 in July of 2002.

Due to the malnutrition of pregnant mothers and lack of obstetrics facilities, the death rate of pregnant mothers also increased steadily. In 1990, some 70 out of 100,000 died and the number increased to 110 in 1996. The infant mortality rate also increased from 14 deaths out of 1,000 in 1993 to 22.5 in 1999. Some 30 percent of 450,000 baby-feeding mothers were suffering from pernicious anemia and iron deficiency. The number of under-weight newborn babies has also increased steadily since 1995, and their average weight dropped from 3.3 kilograms to 2.2-2.6 kilograms.

Meanwhile, it was estimated that since 1995 a total of 6,423,600 North Korean inhabitants benefited from the grain aid provided by the international community. Of the total, some 1,356,400 children (6 months to 4 years) at child-care centers, 649,600 at kindergartens, 1,394,100 elementary school children, and 676,000 middle school students received aid from the international community. Also benefitting were 365,000 senior citizens, 357,000 baby-feeding mothers, 1.2 million public works participants and their families, 144,000 inhabitants without food in the dire spring season, and 250,000 natural disaster victims.<sup>34)</sup>

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of North Korean Children, (Seoul: The Sejong Cultural Center, November 14, 2002.)

The economic hardship also had a considerable impact on the health and medical fields. It also contributed to the shortage of running water and electricity. Because there is no running water supply, many North Koreans suffer from, and are victimized by, the many diseases caused by contaminated water. 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, North Hamkyung 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.<sup>35)</sup>

Since 1990, the numbers of starvation deaths vary from one North Korean agency to another. At the UNICEF conference held on May 15, 2001 in Beijing, North Korean Vice Foreign Minister Choi Su-hon reported that during the food shortage between 1995 and 1998 some 220,000 North Koreans perished.<sup>36)</sup> The Doctors Without Borders (Medicine sans Frontiers -MSF) estimated on the basis of North Korean defectors accounts in China that some 3.5 million people died from starvation or disease between 1995 and 1998.<sup>37)</sup>

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34) *Yonhap News*, November 14, 2002

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

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

David Morton, a representative of the World Food Programme(WFP) stationed in North Korea, reported that the number of starvation deaths was about one million since 1995.<sup>38)</sup> 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 the North Korean Ministry of Social Security.<sup>39)</sup>

According to the testimony of another defector, during a KWP Partisans education class the attendees were told that the number of starvation deaths was about 2-2.5 million and the number of defectors 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 occurred in North Korea.

The number of starvation deaths seems to have decreased during 1999-2002 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

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37) *Yonhap News*, July 30, 2001.

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

39) *Yonhap News*, (1999.11.25)

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.

However, other negative impacts of the food shortage on the society have also surfaced. One has been the number of family breakups. According to North Korean defectors, parents would usually disperse in all directions in search of food, and some of them would go missing or die from diseases. The children who were left at home inevitably would become flower-swallows (roaming orphans without parents). The number of these children rapidly increased. The defectors also testified that as the food shortage exacerbated, the selfishness of individuals also deepened. The result has been an increase in the number of divorces and singles as many believe it is easier to survive as a single. Defector Kim San-X, who defected in 2002, also testified that family break-ups and divorces were increasing in North Korea due to the food shortage.<sup>40)</sup>

It is well known that there are few normal family households along North Korea's northern border (the Korean-Manchurian border). All family members have to search for food in different directions until life improves for them.<sup>41)</sup>

### The Housing Situation

North Korea's economic hardship has also deeply affected the supply of housing units. The rate of housing supply in North Korea was hovering around 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 Housing Problems in North Korea" published by South Korea's Public Housing Corporation, an average of 2-3 households are

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40) Kim San-X (Office worker at a trading company, Entered South Korea in 2002). Kims testimony at KINU, February 3, 2003.

41) Testimony of defector Kim X-hee (age 43, worker at propaganda unit in Chongjin city, Hamkyung Bukdo province).

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

North Korea discusses the housing situation in its Second Regular Report on Covenant-A submitted to the UN Human Rights Committee in May 2002. In this report, North Korea explained that floods destroyed many housing units and brought on the shortage of housing in North Korea. It further said that the housing shortage amounted to a total of 186,000 units, including 151,000 independent units for family households and 35,000 condominium units.<sup>42)</sup>

The housing construction trends in North Korea show that during the third 7-year plan (1987-1993) North Korea had 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

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42) For the full text, see [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c3b70\\_e5a6e2df030c1256c5a0038d8f0?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70_e5a6e2df030c1256c5a0038d8f0?OpenDocument).

domestic conditions such as the deteriorating economic hardship, repeated heavy rains, and tsunami damages.

In view of the poor capabilities 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.

North Korea's housing difficulty is well recounted in the testimonies of defectors. Defector Kim XX testified that housing was not supplied to him even after 22 years of military service and at the rank of second lieutenant, so he had to stay at his sister's house and other places before finally defecting via China.<sup>43)</sup>

It is widely reported that many people have remodel space previously used for storage of coal or fire-logs into living quarters.<sup>44)</sup>

### Aid to North Korea

North Korea relies to a considerable degree on humanitarian aid from the international community to fill up its grain shortage and requisite commodities. From June 1995 to the end of 2002, the international community extended a total of \$2,621,840,000 worth of aid to North Korea. South Korea's share of the total was 28.5 percent, or \$746,880,000. In 2002, South Korea provided a total of \$134,920,000 (\$83,750,000 by the government and \$51,170,000 by the private sector) and the international community assisted North Korea with a total of \$57,270,000 via consolidated support through the United Nations and other direct assistances by individual countries and international NGOs.

South Korea's 2002 aid equivalent of \$134,920,000 represents a drop of 0.35 percent, or \$480,000, from the 2001 aid total of \$135,390,000. This

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43) Testimony of Kim XX(former second lieutenant of the Peoples Army, defected in 2002) at KINU on January 29, 2003.

44) Testimony of Hong XX(manager at childcare center, defected in August 2002) at KINU on December 20, 2002.

number, however, amounted to 52.4 percent of the total aid of \$257,270,000 from the international community. The South Korean government provided \$83,750,000 worth of assistance (an increase of 19 percent over \$70,450,000 in 2001) and the private sector helped North Korea with a total of \$51,170,000 worth (a drop of 21 percent from \$64,940,000 in 2001). In terms of the contents of aid, they were \$41,740,000 worth of general relief items, \$73,510,000 worth for agricultural recovery, and \$19,670,000 worth for health and medical care.

The South Korean government's assistance to the North consisted of items that were similar to those of the previous year but the amount has slightly increased over the previous year (\$83,750,000 in 2002 over \$70,450,000 in 2001). The contents included 300,000 tons of fertilizer, 100,000 tons of corn (through WFP) and malaria vaccines (through WHO).

Aid to North Korea from the private sector saw a drop of 21 percent from the 2001 total. South Korea's individual humanitarian groups extended a lions share of 85 percent of the total with the Korean Red Cross providing 15 percent of the total. The share of Red Cross aid within the total showed a drop from 34:66 (\$22,020,000 vs. \$42,922,000) in 2001 to 15:85 (\$7,490,000 vs. \$43,680,000) in 2002. The amount of the largest aid organization, the One People Welfare Foundation, was reduced to \$3,850,000 worth in 2002 from \$8,190,000 in 2001. The Our Nation Mutual Help Movement provided \$4,550,000 worth of aid in 2002, down from \$6930,000 worth in 2001. In contrast, the Association of Christians to Help North Koreans increased its aid amount from \$6,430,000 worth in 2001 to \$9,590,000 worth in 2002. Also increased was the amount of aid of Shoulder-to-Shoulder Children Buddies of South and North Korea from \$3,370,000 to \$5,230,000 worth. In terms of the contents of aid, general relief amounted to \$24,350,000, or 48 percent, but the share of health and medical care (37 percent or \$19,080,000 worth) and agricultural recovery (15 percent or \$7,740,000 worth) is increasing.

The South Korean government's continued fertilizer assistance (115,000

tons in 1999, 300,000 tons in 2000, 200,000 tons in 2001 and 300,000 tons in 2002) is considered to have contributed to an increase in the North Korean output. Both the FAO/WFP estimate of October 2002 and North Korea's own estimate forecast the grain output in 2002 to amount to 3,840,000 tons. This total represents the largest output since 1995-96 with the total expected to exceed the 2001 total of 3,540,000 tons by about 300,000 tons. The FAO/WFP report observed that the provision of agricultural equipment by the international community greatly contributed to North Korea's increased output.

The South Korean government continued to uphold its principle of direct aid to North Korea, while also maintaining international coordination by participating in WFP/WHO projects and other international efforts. It tried to expand the scope of assistance and redouble the effect of aid by utilizing various aid channels to North Korea.

The private sector assistance is making a significant contribution to the promotion of inter-Korean reconciliation and cooperation as it is better organized and professionally staffed, while complementing the government's aid efforts. North Korea also seems to understand the nature of humanitarian assistance extended by the private sector and shows a favorable attitude.

The total amount of aid to North Korea from the international community in 2002 amounted to \$257,270,000 worth, which represented a reduction of 28 percent from \$357,250,000 worth provided in 2001. The cause of this drop appears to stem from the North Korean nuclear issue. The United Nations organizations provided \$231,000,000 worth of aid, individual countries \$34,100,000 worth, and international NGOs \$2,003,000 worth.<sup>45)</sup> The aid of the international community followed an upward path beginning in June of 1996 when the North Korean food crisis was first known to the outside world, but began to drop from 2001 and 2002. Questions were raised from the international community as to the transparency of distribution of aid materials and the effectiveness of methods of assistance, in addition to the axis of evil

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45) UNOCHA materials (January 1, 2003)

speech of President Bush and the Afghan war. It is believed that the increasing relief needs elsewhere also contributed to the reduction in aid to North Korea. For example, Japan extended 100,000 tons of grain in 2000 and 500,000 tons in 2001 to North Korea. Since Prime Minister Koizumi's visit to Pyongyang in 2002, however, Japan had to discontinue the North Korean aid due to worsening public opinion in Japan (over North Korea's past abduction of some Japanese citizens). However, the European Union and the European Combined Humanitarian Organization (ECHO), as well as other international NGOs, have extended active assistance to North Korea during the year 2002 in the areas of running-water, hygiene, flood damage relief, and the like.

### **Responsibility for the Threats to Right to Life**

North Korean authorities are trying to deflect the responsibility for the threats to the 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. There was a report in 2002 that a test case family-farm system was in operation near the border town of Hweryong

(North Hamkyong province).

Even in 2002 North Korea was concentrating on restoring the central planning economic system, which has been proven ineffective. 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 black markets. It has been stressing, for the second time since 1998, the mass mobilization movement to improve productivity. A similar movement was conducted in the past under the slogan of the second Chollima (Flying-horse) Movement. One of the intended objectives of the July 2002 Economic Management Improvement Measures was to maintain control over the black markets and restore the role of government-operated stores.

These policy measures taken by North Korea are indications that it is not going to introduce 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 is.

Seen in this light, the North Korean authorities are entirely responsible for the threats posed to the lives of the people during the grain shortage.

## **2. Social Security Rights**

The right to social security is an individual's right to demand compensation from the state 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.

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, "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. 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.

For example, the pension system for the retirees is near perfect, legally and institutionally, but it is never fully carried out in reality. According to a testimony of Kim San-X, who defected to the South after retirement, the retirees are entitled to 600 grams of grain and 60 won of pension, but they never receive either benefit. The pension money is disbursed to individuals and registered on a personal account, but no one is allowed to withdraw for personal use. It is also impossible to depend on one's children. Thus, once a person retires, his/her life becomes very difficult to manage.<sup>46)</sup>

Under the slogan of "military-first" policy, priority is placed on soldiers. But retired soldiers are not even assigned to a housing unit. Defector Kim Kyu-X, who retired as first lieutenant after 22 years of military service, was not given any housing after the retirement nor any place to work. Instead he had to stay at his sister's house at Daehungdan-gun. He made several trips to China, and then decided to defect to South Korea.<sup>47)</sup>

This is a good example of the reality of North Korea's public support system. It is clear that there is a wide gap between the system and reality. Under the deteriorating economic hardship and food shortage, children, senior citizens and people with various diseases are suffering from severe physical pains and hardships due to the breakdown of the grain ration system, which used to provide a minimum of basic means of subsistence.

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

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46) Kim San-X (former party secretary at a university hospital. Defected in October 2001). Kims testimony at KINU, November 13, 2002.

47) Testimony of Kim Kyu-X (former second lieutenant, Peoples Army, defected in 2000) at KINU, January 29, 2003.

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 is for colonels and generals and the Namsan Diagnostic Center is for vice-ministers and above, as well as for 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.

North Korea's so-called free treatment system is still maintained. However, with the deteriorating economic hardship, the medical system and medical care service have almost ceased to function. For example, doctors will provide free diagnoses and prescriptions for the patients, but the patients are responsible for obtaining the necessary medication because there is little medication in the hospital. The patients have to go to the markets or to the individuals

introduced by the doctor to purchase the necessary medication.

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. Gro Harlem Brundtland, the director-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. She 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. She further said the farm areas were facing a far more serious situation.<sup>48)</sup> She 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 he 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 the elite 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

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48) See Dr. Brundtland's press interview on her visit to North Korea. *Yonhap News*, November 20, 2001.

enormous inequality existed between the two levels of hospitals.<sup>49)</sup>

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 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.<sup>50)</sup> 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.<sup>51)</sup>

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 equipments and the existing equipments were so worn out that patients contracting such diseases as pneumonia would have to face death.<sup>52)</sup>

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49) *Wall Street Journal*, 2001. 4. 17.

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

51) See Rosenthal's article above.

52) See his speech before the "Future Forum," an informal forum of the opposition

Defector Kim X-young (alias, age 58, pediatrician from XX city hospital in North Hamkyung 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 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 rampant. A majority of cases are communicable diseases like cholera and liver diseases, particularly the type-B liver infections, which is usually spread via the repeated use of syringes. Defector Sohn XX, who defected in August 2002, testified that recently an increasing number of North Koreans are dying from liver infections and tuberculosis.<sup>53)</sup>

The hospitals are unable to fulfill their functions due to a lack of medical equipment. In the case of Danchon City Hospital in North Hamkyung 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 the 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 does not exist any system of prescriptions or diagnoses, which are basic duties of the doctors. Because there are no

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Grand National Party, the Korean National Assembly, December 15, 2000.

53) Testimony of Sohn XX (foreign currency seeker, defected in August 2002) at KINU, February 4, 2003.

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 given 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 of heartbeat 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 Kim Ji-eun, who used to practice medicine in Chongjin City until 1999, doctors in North Korea merely write prescriptions for the patients because there is no way they can treat them. In some cases, children suffering from simple indigestion died for lack of treatment at the hospitals. At hospitals in Chongjin, North Hamkyung province, there were barely one blood-pressure gauge and body temperature gauge for every six doctors, not to speak of the lack of medicine.<sup>54)</sup>

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

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54) *Yonhap News*, July 3, 2002.

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 is usually 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 work-places (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.<sup>55)</sup>

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 (herb) 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. However, 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, 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 would 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 humanitarian activities of the

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55) 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.

doctors from MSF. 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.<sup>56)</sup>

### **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." Article 3 of Covenant-A also stipulates, "The States Members to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant." Furthermore, article 7 declares as follows: "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."

"The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
  - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;

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

- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays."

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 for 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 best interpreted as making labor a responsibility rather than a right.

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, "The state must accomplish the singular and specialized plans for, and guarantee high-speed production and balanced development of, the people's economy. 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, but 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 work-sites as directed by the Party, regardless of whether one likes it or not, until the legal retirement age (60 for men, 55 for women). Since allocations depend upon the quantity and quality of one's labor, everyone in North Korea must work to survive or continue work 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, bargain or 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 role of monitoring and controlling corporate management was abolished, and the interests of the laborers have 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 fulfill the directives of Suryong (Great Leader).

The North Korean authorities severely oppress the activities of labor cooperative bodies 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 workers shall engage in eight hours of work a day. Despite the proclamations in Article 33 of the labor law that states, "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 workers," North Korean workers 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 work competition movements such as the Chollima (flying horse) movement, the Three Red Flag Revolutions Movement, Speed Campaigns and the Speed Creation Movement have been established. Under these circumstances, the extended work hours are inevitable. Also, in regards to workers rights, there are no provisions to prevent coercive work by the authorities.

#### **4. The Freedom to Choose Jobs**

Article 23 of the Universal Declaration of Human Rights provides, "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, "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, "People have a right to the choice of employment according to their desire and talent." However, employment decisions do not respect individual choices but are made according to manpower needs as determined by the party and state institutions. Work allocation is decided by the central economic planning based on the needs of various sectors; and 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<sup>57)</sup> graduates must first fill out documents provided by the city or county people's committee's labor departments 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.

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57) Since September 1, 2002, North Korea changed its classification name for "senior middle school" to "middle school."

On the whole, the government has already investigated the student's family lineage before they graduate. Students with low-class lineage--those whose relative have spoken out against the ideological system or with kin in South Korea, whose family member defected to the South or was a member of a South Korean security squad during the Korean War, or whose family previously owned land--are assigned to work in a field that requires hard physical labor, such as a farm, village or mine. Sons of party cadres and government officials, i.e., good lineage, are stationed at desirable work-places regardless of their ability.

But, according to the testimony of a defector in 2002, many middle school graduates are assigned to factories and enterprises depending on demand. Personal backgrounds are frequently ignored since the background-check data are unorganized and in disorder.<sup>58)</sup>

There is also a testimony stating that the Party has the authority to assign jobs, but most assignments are made on the basis of personal favoritism or bribes. Frequently, college graduates are assigned to trade-related agencies engaged in dollar-making business regardless of their college majors. The assignments are based on personal relations and the amount of bribe. Due to this type of practice, perception is spreading among the North Koreans that the North Korean economy is deteriorating due to the bad job assignments based on personal favoritism and bribes.<sup>59)</sup>

In North Korea, the most common example of violations of individual rights to choose jobs is that most job appointments take the form of group allocations. This means that people are assigned their jobs or work-places on a group basis to factories, mines or various construction facilities that the Party or Suryong believes necessary.

Recently, as North Koreans began to avoid hard labor, North Korean authorities began to sponsor loyalty resolution rallies and to send handwritten

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58) Hong X-hee, Testimony at KINU, December 20, 2002.

59) Kim X-san, Testimony at KINU, February 3, 2003.

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, North Hamkyung province, from where the "Ranam Torch Movement" originated. 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.<sup>60)</sup>

In 2002, the practice of group assignment for retired soldiers continued. For example, in September 2002, a group of retiring soldiers were assigned en masse to the July 6 Railroad Factory.

The group assignments are carried out upon the approval of KWP general secretary Kim Jong Il, so nobody could dare 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 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 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.<sup>61)</sup>

Because the rations are suspended if one did not report to work on grounds of grudges against group-assignment, no one can refuse to report to work.

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

61) Ibid.

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 the authorities to institutionally control the inhabitants through their work-places 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. As the economy worsens, the number of people who gain early retirement--through bribes or other means--to become peddlers will likely continue to increase.

Also, if anyone wanted to engage in peddling rather than office work, he or she could go out to the markets by illegally handing in money to the office and then engage in marketing. The under-the-table payment to the office is usually about 1,000 won a month.<sup>62)</sup> In the case of Chongjin, most factories and enterprises were shut down since the launch of the Economic Management Improvement Measures, and the workers report to offices only to engage in the work unrelated to what they officially earn a wage for, such as working for the construction of fish-farms or salt paddies. Since this type of work does not pay well, the families suffer from extreme difficulties. On account of this, workplaces usually look the other way and permit the workers to engage in peddling as long as they pay their monthly dues.<sup>63)</sup> If anyone wanted to transfer to another workplace, he or she could do so by bribing the Party secretary at his factory or enterprise, or the worker guidance official at the city (county) office with cigarettes, a television, or other commodities.<sup>64)</sup> To get

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62) It used to be 300 won per month. But since the July 2000 Economic Measures it was raised to 1,000 won. Testimony of Hong X-hee during an interview at KINU, December 20, 2002.

63) Same testimony.

out of the workplace, some people use bogus diagnosis from hospitals, claiming liver infection or tuberculosis. The proper way of transfer is to obtain an employment certificate from the labor department of the desired city (county) and submit it to the office of current residence.<sup>65)</sup> However, despite strict labor law regulations and the ration system, labor relocations are rather active in North Korea today. As the economy worsens, the number of people who gain early retirement, through bribes or other means, to become peddlers will likely increase.

One of the problems that emerged as the job assignment rules went in disarray was the tendency for college graduates to transfer to power positions or dollar-making jobs regardless of their major field of concentration. According to one defector's testimony, this trend contributed to the further deterioration of the economy since labor productivity is bound to decline if high-quality manpower is not assigned to places where professional skills can be maximized.<sup>66)</sup>

Another defector said he moved around to a number of different jobs. Finally, he rented a fishing boat, and then decided to defect to the South. It is clear that the system of job assignment by the central government is crumbling in North Korea today.

## 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. The main characteristics of a free democratic society is that the

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64) Some 30-40 percent of workers get transfers by bribing party officials. The officials taking bribes usually work at the Organization Unit, Cadre Unit, or Foreign Currency Unit. Soon X-bums testimony at KINU, January 29, 2003.

65) Testimony of Kim X-kyu at KINU, January 29, 2003.

66) Testimony of Kim San-X (worker at trading company, defected in 2002) at KINU, February 3, 2003.

right to education is a fundamental social right. This means that an able person who cannot receive education for economic reasons has the right to request the government to provide education through such means as the establishment of educational facilities or the operation of a scholarship system.

Article 26 of the Universal Declaration of Human Rights guarantees, "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, "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. And yet, education is not equally available to everyone and depends on one's political rank, class and status. No matter how gifted or diligent a student may be, without the requisite status he or she cannot enter college.

Education in North Korea has varied depending upon such considerations as the construction of socialism or the progress of revolution, but the fundamental goals of training communist revolutionary talents remains unchanged. Article 43 of the Constitution provides that the goal of education is to fulfill the teaching of socialist principles and to train solid revolutionaries for the future, who will struggle for the society and for the people, and to educate new communist citizens with intelligence, wisdom and health.

Based on these goals, North Korea emphasizes the need to safeguard an ideological fortress for the construction of socialism. To this end it has increased educational investments, setting the immediate educational goal of raising the entire 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 truly an educational system but rather a system aimed at infusing Kim Il Sung's philosophy into the minds of young people with a view to producing uniform Juche men and women.

The entire North Korean educational system operates under a strict control of the Department of Science Education under the Secretariat of the KWP Central Committee, 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. Also, there are special educational institutes and the systems for the children of high class people, as well as 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 education and the education of the talented to catch up with the global trend toward knowledge and information-based industries. In an article in the *Rodong Shinmun* dated October 16, 2002, Kim Jong Il instructed that North Koreans "Further strengthen the education of the talented and computer skills at schools, guarantee practical benefits and uphold the knowledge-first principle." But, education is politically distorted and, in any case, normal education is

impossible in most areas due to the economic hardship, except for in Pyongyang and some large cities. Consequently, the contents and quality of education for the students are inferior and poor.

The student selection processes at all school levels are not based on fair competition among candidates but affected by the ideological classification of their parents. According to defector testimonies, no matter how bright a student is or how good one's academic records are, he or she cannot expect to receive college education if one's personal background is unfavorable. If flaws are discovered in the course of background checks, the children of the powerful will automatically win a slot, even if others score higher on state college entrance examinations. But, 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 are subject to background checks. To enter Kim Il Sung University or Kim Chaek Polytechnic University, the scope is expanded to include one's half 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 slots is allocated to the Pyongyang region because it is there that the highest number of Party officials and people with good backgrounds live. Due to the recent worsening of economic conditions, changes have taken place such that the children of those with lots of foreign currency are able to enter major colleges on bribes.

In terms of educational contents, the education for personal improvement, imparting knowledge, or teaching universal values is generally neglected and the emphasis is placed on the infusion of political ideology. All educational curricula in North Korea are planned and carried out with emphasis on the education of political ideology. For four years of elementary school, children

learn about The Childhood of Beloved Leader General Marshall Kim Il Sung and The Childhood of Dear Leader Kim Jong Il. For six years of middle school, they study such subjects as The Revolutionary Activities of Great Leader Kim Il Sung, The History of Revolution by the Great Leader Kim Il Sung and The Revolutionary Activities of Dear Leader Kim Jong Il. They also study The History of Revolution by Dear Leader Kim Jong Il and The Current Policies of the Party. In addition, during the vacations the students are required to visit the sites of revolutionary battles of Kim Il Sung and Kim Jong Il, as well as historical sites, while training for various field exercises.

A great majority of elementary and middle school curricula are filled with subjects geared to the deification of Kim Il Sung and Kim Jong Il and the education of communist ideology. The education of Juche Ideology begins from the middle school and from senior year the education concentrates on the study of theoretical structures of Juche Ideology and communism.

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.<sup>67)</sup> 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.

North Korea has also admitted that it was experiencing enormous difficulties in the field of education due to the loss of various production units, including textbook printing plants and other educational material production

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67) School textbooks are supposed to be return to the school so that other students can use them year after year. However, some of the textbooks end up in the markets, and parents have to purchase them with cash. Testimony of Kim X-san at KINU, February 4, 2003.

facilities. It reported that during the 1995 flood disaster, some 2,290 school-buildings and 4,120 kindergartens were destroyed and innumerable educational materials were lost.<sup>68)</sup>

Due to economic problems, an increasing number of high school seniors try to avoid pursuing a college education because dormitories, too, are suffering from food shortages and students have to depend on food and money from their parents, who are also suffering from deprivation. Many college students also are returning 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 was falling, and the youth alliance organizations in the schools were not paying 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 classes was only 3 or 4 out of a total of 25-30 students per class when he first started teaching in 1995. However, the number increased to 7-8 in 1996, and in 1997, only 3 students attended his class during the height of the famine.

In addition, according to a former schoolteacher, Kim X-kyu, some 70 percent of all students were attending the classes at Soje Middle School in

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68) Compliance with Covenant-A on economic, social and cultural rights. See "North Korea's Second Regular Report" (April 9, 2002) submitted in compliance with Articles 16 and 17 of Covenant-A.

Jeryong-gun, South Hwanghae province, during the 1998-1999 school year. But recent defectors testified that in the provinces more than half of those enrolled failed to report to school, and many schools were operating with a far smaller enrollment than they would normally.<sup>69)</sup> 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 school work, particularly since school conditions have deteriorated to a point where they could not motivate themselves to study.

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.

North Korea insists that child labor is prohibited, and the realistic working age is 17. Even though the labor law defines the minimum legal age for employment to be 16, the actual working age is 17 because the young workers have to undergo one year of vocational education before they are allowed to join the production facilities. The reality, however, is that it is mandatory for all North Korean students to render voluntary manpower service at agricultural cooperatives twice a year for two and a half months, once in the spring and once in the fall. There is also a testimony stating that in times of the so-called "war-like" situations, middle school students are also subject to conscription. A defector testified that at the time of the axe murders at Panmunjom on August 18, 1976, he was drafted and served the military even though he was just a

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69) Testimony of Kim X-san at KINU, February 3, 2003.

senior middle school student.<sup>70)</sup>

Under the March 1959 cabinet decision to abolish tuition, all education in North Korean schools was made free of charge. However, students are required to pay much of the school operations fees anyway. For example, students are required to pay part of the expenses for student uniforms, textbooks, education equipment, and facility repairs.

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70) Testimony of Kim X-kyu at KINU, January 29, 2003

### **III. Civil and Political Rights Situation**

Recently, North Korea has taken an active posture toward the human rights issue raised by the international community. As a signatory of the international human rights covenants, North Korea submitted the Second Periodic Report on Covenant-B in March 2000 after 16 years of delay. This meant that North Korea was shifting its policy toward satisfying the demands of the international community. After reviewing the report, the UN Human Rights Committee released in July 2001 its concluding observations, requesting North Korea to include its responses in the Third Periodic Report one year later. North Korea showed an unusually quick response to this recommendation by submitting its explanations within a year in August 2002. But, the North Korean responses were bound to contain certain limitations since it was written to justify its position. For example, it would make propaganda messages on the superiority of the North Korean socialist system in guaranteeing human rights by describing the legalistic aspects only, rather than accurately portraying the human rights realities in North Korea. In other words, North Korea was using its human rights report to reiterate the fact that the government was taking all possible legal and institutional measures for the protection of human rights of its people. Despite its active compliance with the demands of the UN human rights regime, there is little sign as of this writing that human rights of North Korean citizens are improving in reality.

#### **1. The Right to Life**

##### **Capital Punishment in North Korea**

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 is increasing to guarantee its protection.

The International Covenant on Civil and Political Rights, better known as Covenant-B, in Article 6 emphatically stipulates, "Every human being has the inherent right to life... No one shall be arbitrarily deprived of his life." The article goes on to state, "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."<sup>71)</sup>

As a signatory of Covenant-B (the international covenant on civil and 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 1999<sup>72)</sup> states that any anti-state criminals or ordinary criminals, who object to the national liberation struggle

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71) 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 Concluding Observations, see the references contained in the website of UNHCHR: (<http://www.unhchr.ch/tbs/doc.>)

72) On August 11, 1999, North Korea distributed an English edition of its revised criminal code to the members of the UNHRC.

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 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, are subject to 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 are subject to 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 are subject to 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 are subject to death penalty or if the circumstances are minor ten years of labor rehabilitation (Article 52).

During the second report 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)

&lt;Table 3-1&gt; Crimes Subject to Capital Punishment

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.

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. Article 23 of the revised 1999 criminal code moved up the minimum age for capital punishment from 17 to 18. It insisted, however, that the existing system of capital punishment had to be maintained in view of the unique domestic circumstances and to prevent crime. As discussed above, North Korea appears to be doing its best to revise its laws in response to the criticism of the international community that North Korea's capital punishment clauses are strongly political in nature. Despite these efforts, the law provisions still bear the marks of political influence. 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, its citizens' right to life 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.

As shown in (Chart 3-1), North Korea issued a warning in 1997, saying that anyone stealing grains from the agricultural cooperatives would be shot. This proclamation was released and distributed by the Social Security Agency on August 5, 1997.

### **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.

<Figure 3-1> A Proclamation by the Social Safety Agency

**Proclamation**

**Regarding Stern Punishment on Those Who Steal, Sell or Waste Grains**

Grain is the primary means of peoples subsistence and the most important strategic material of the country. Under the wise leadership of the Party, the entire nation was fully mobilized to energetically conduct cultivation battles to solve the serious grain problem and the road is opened for the Hardship March to finish in victory.

However, some inhabitants are engaged in extremely selfish egoism and are trying to fulfill selfish greed by stealing, wasting or selling the grains.

These are anti-state criminal acts that harm the nation's happiness, and treasonous acts of isolating and stifling Our-style Socialism and aiding the enemy that deserve stern punishments.

Upon delegation of the Government of the Republic and to absolutely eradicate the acts of stealing, selling or wasting the grains, the Social Safety Agency proclaims as follows:

1. Do not steal grains!

Those who steal grains from the paddies, thrashing yards, silos or storages are subject to maximum punishment under the law and will be ordered to compensate for the entire amount. **Those whose crimes are particularly serious shall be executed by firing squad.** (Bold type added by editor)

Those who neglect to enforce adequate security measures and patrol duties around the paddies, thrashing yards, silos and storages, are also subject to punishment under the law. The grain security guards who steal grains and those who steal grains under conspiracy with the guards shall be subject to a more severe level of punishment. Those who sustained damage or wound while stealing grains shall have no right to appeal to the law.

2. Do not engage in grain-selling activities!

Those who are engaged in grain-selling activities for the purpose of illicit accumulation of wealth shall be sternly punished under the law, **including execution by firing squad.** (Bold type added by editor)

Those who steal from the paddies or state-run or other agricultural

cooperatives, as well as those who buy or sell grains, or exchange them with other goods, at farmers markets, public places or back-alleys shall be punished under the law, and the grains, money and other goods shall be confiscated.

3. Do not ever cheat or waste grains!

Those who falsify production reports, organize or carry out unlawful book-keeping under such pretext as business, support, visiting guests, barter exchange, etc., and those who skim off grains by influence-peddling or cheat the amount of grain under conspiracy shall be strictly punished under the law, including execution by firing squad. The total amount of the affected grain shall be confiscated or subject to compensation.

All activities involving exchanges of grain with other items shall be strictly punished under the law. They include exchanges of grain with fertilizer, pesticide, farming equipment, fuel, machine parts, or animals between the farmers at the agricultural cooperatives, working units or sub-units and the workers at agencies, workplaces or social cooperative organizations. All affected grains and materials shall be confiscated, and all promissory notes of payback by grain upon harvest shall be null and void.

Those who handle the harvest, thrashing and storage of products irresponsibly, and those who are responsible for loose handling, wasting, spoiling or festering of grain shall also be punished under the law.

4. In the lofty ideal of patriotism and in the spirit of love of fellow countrymen, all citizens are encouraged to keep sharp watchful eyes on, and promptly report, anyone stealing and selling grains, as well as those cheating and misappropriating grains.

5. Those who violate this proclamation will be arrested as criminals-on-site and punished under the law, regardless of position, organization, or personal accomplishments.

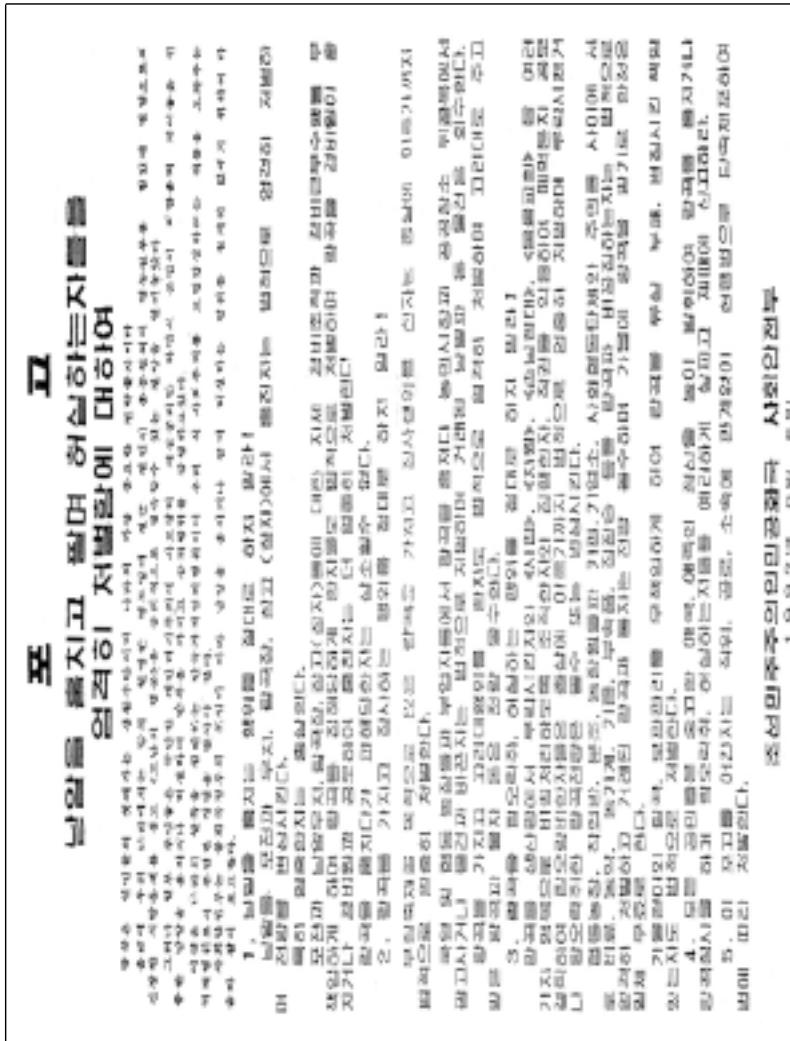
August 5, 1997

The Social Safety Agency

The Democratic People's Republic of Korea

Note: translation of <photograph 3-1>, pp. 74-75.

### <photograph 3-1> A Proclamation by the Social Safety Agency





Note: see <Figure 3-1> for translation.

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 carried out 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 showing examples to inhabitants.

The security agents and other executioners of 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.<sup>73)</sup>

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 the sentence of execution, and the execution is carried out immediately.<sup>74)</sup>

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.<sup>75)</sup>

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.<sup>76)</sup>

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 inhuman practices of public execution, the level of North Korean inhabitants' awareness of them as 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

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73) Testimonies of Park X-ju and Kim X-sook at KINU, April 1999.

74) Kim X-il, at KINU, September 8, 1998.

75) Testimony of Sohn X-nam at KINU, September 9, 1998.

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

along the streets, as the number of starvation deaths and execution deaths mounted.

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.<sup>77)</sup> Defector Kim XX testified that his friend Kim Jung-soon's father, Kim Jung-rae, was shot to death by firing squad as an anti-revolutionary because a gun and a South Korean leaflet were found in his house. His entire family was ostracized.<sup>78)</sup> 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.<sup>79)</sup> According to the defector Suk X-hwan,

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

78) Testimony of Kim XX at KINU, July 6, 2002.

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

North Korea in April of 1998 carried out a mass public execution of 13 cadres from the Social Safety Agency at Songrim City, North Hwanghae Province.<sup>80)</sup> Defector Kim XX testified that Hyun Chul-nam was executed for striking a security guard while in the process of being arrested at Jinha, Moosan County, for having stolen grains at Sangchang, North Hamkyung province, in 1996.<sup>81)</sup> Defector Cho X-il testified that Choi Jong-gil 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.<sup>82)</sup> 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.<sup>83)</sup> Defector Ma XX testified that the members of an organized crime syndicate in Musan, North Hamkyung province, shouted in loud voices the name of their boss, Sungdo. They were charged with political crimes for showing respect for their boss. The boss was executed.<sup>84)</sup>

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80) Songlim City is a trade port. Kim Jong-ill, 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 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 martial law in the city of Songlim, encircling the whole city with a brigade. Then the Security Commander in the Ministry searched for and executed thirteen criminals. Testimony at KINU on May 20, 1999.

81) Testimony of Kim XX at KINU, August 17, 2002.

82) Testimony of Cho X-il at KINU, November 20, 2000.

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

84) Testimony of Ma XX at KINU, August 17, 2002.

(2) The second category of public executions deals with so-called economic crimes. Most public executions on charges of economic crime are for theft of government property and theft of livestock. It is well-known that copper is state property. In September of 1994, a staff sergeant, named Suh Chol, at a communications unit stole some copper communication lines. He was arrested and publicly executed.<sup>85)</sup> In another case, brothers Lee Byung-kwon and Lee Byung-man stole some copper lines from a coal mine and tried to sell them in China. They were arrested and executed by firing squad, and their father was sent to a political prison camp.<sup>86)</sup> Defector Kim XX testified that Lim Chol-san living in Yong-am District, Myungchun County, stole a goat being raised at an enterprise. He and four other perpetrators were executed.<sup>87)</sup> Defector Nam XX testified that Lim Chol-san and nine others conspired to butcher an animal on a goat farm. They were put to death in November 1998 for engaging in butchery.<sup>88)</sup> Lee Bom-jae collected mushrooms and tried to sell them in China. He was spotted and executed in the Youth Park in Musan County in November 1998.<sup>89)</sup> Defector Om XX testified that three men, including Kim Yong-ju and Kim Woong-kil, were publicly executed at Sunamjang grounds, Chungjin City for having stolen a car, a television set, and a motorcycle.<sup>90)</sup>

(3) Public execution is imposed on socially unacceptable behaviors. One of the well-known cases for public execution involves the sale of human meat or human trafficking. These executions are carried out to prevent illegal activities during times of economic hardship. Two sisters who defected to the South, Chang X-sook and Chang X-young, testified that a family of five was

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85) Testimony of Park XX at KINU, June 29, 2002.

86) Testimony of Choi XX at KINU, July 6, 2002

87) Testimony of Kim XX at KINU, June 29, 2002.

88) Testimony of Nam XX at KINU, August 17, 2002.

89) Testimony of Choi XX at KINU, July 6, 2002.

90) Testimony of Um XX at KINU, June 29, 2002.

executed on charges of selling human meat in the Mankyungdae District of Pyongyang in December of 1995.<sup>91)</sup> 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.<sup>92)</sup> Also, six persons were publicly executed in February of 1998 on charges of slave trade in Onsung County in North Hamkyung Province.<sup>93)</sup> One woman was publicly executed for slave trade in China in May of 1999 in the Yuson district of Hweryong City, North Hamkyung Province.<sup>94)</sup> 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.<sup>95)</sup>

Public execution is also imposed on socially unacceptable behaviors such as the disturbing of social order. In Onsung County in October 1997, four drunken high school graduates, boys and girls, were engaged in a game of streaking. They were spotted and were all executed.<sup>96)</sup> Defector Park XX testified that her husband's cousin, Kim Young-X, was a bully. He struck one of his friends. He fled to China unaware of the fact that his friend died. Upon his return, he was arrested, and executed for having gone disco dancing and followed revisionist fashions.<sup>97)</sup>

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

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

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

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

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

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

96) Testimony of Moon XX at KINU, June 29, 2002.

97) Testimony of Park XX, at KINU, August 3, 2002.

sentence and they were executed.<sup>98)</sup> According to defector Kang XX, Choi Min-sung was a bully in the marketplace, and he was arrested for disorderly conduct and was publicly executed.<sup>99)</sup>

(4) 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.<sup>100)</sup>

Those subject to public executions are usually people who are arrested during an escape attempt. 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 Kyungsung, North Hamkyung Province, an entire family, including a grandmother, her son and grandchildren, were publicly executed after being caught during a three-day escape attempt. All the political prisoners at the camp were gathered together by security officials armed with machine guns to witness 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.<sup>101)</sup>

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, particularly 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 whips

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

99) Testimony of Lee X-chon at KINU, August 31, 2001.

100) Testimony at KINU on June 9, 1996.

101) Testimony at KINU on June 8, 1996.

from human tendons. Ahn explains that for their personal fame or career advancement, some security personnel deliberately execute innocent political prisoners and frame them to appear as if they caught them while attempting to escape. In return for maintaining secrecy and to increase morale, security personnel who finish their terms are guaranteed entry into the KWP and college.<sup>102)</sup>

(5) 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 food shortage caused by serving portions larger than the 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.<sup>103)</sup>

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 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

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102) Testimony at KINU on June 9, 1996.

103) Testimony at KINU on July 12, 1996.

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 2001, Amnesty International (AI) complained about the information control by North Korea, pointing out that there are persistent worries about unreported human rights violations being committed inside North Korea, including tortures and illegal confinement of political prisoners.<sup>104)</sup>

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, instead of 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.

But according to defector Hong XX, public executions have been less frequent in recent years since Kim Jong Il observed, "Gun shorts are heard too often in a socialist country." He nevertheless testified that there were eyewitness reports of public execution in 2001 also. This indicates that public execution still persists in North Korea.<sup>105)</sup> 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

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

105) Testimony of Hong XX at KINU, December 20, 2002.

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.

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 stipulated 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 will be some improvements in the human rights situation.

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 treatments 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 that 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 violations are still retained. The act does not provided for an arrest-warrant system, in which investigators and preliminary examiners are required to obtain a warrant from the judiciary in advance of the arrest, investigation or

seizure. (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 decision 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.<sup>106)</sup>

They put me up in a rehabilitation center, beat me up and confiscated all my money and belongings. The interrogation began at 5a.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.<sup>107)</sup>

Two inmates in my room were starved, beaten and frozen to death.

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

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

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.'<sup>108)</sup>

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 punishment given to an attempted escapee.<sup>109)</sup>

North Korea denied as untrue the charges brought up by the international community that torture and cruel treatment continue in rehabilitation and detention centers. The March 2000 report to the UN Human Rights Committee contained various details about law provisions of the penal code, and North Korea repeated its detention center operating regulations and rules for rehabilitation, etc. North Korea argues that torture and cruel treatment are prohibited under these provisions and it 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,

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

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

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 be promptly reported to an independent agency and fully investigated.

In its response to these UN Human Rights Committee recommendations, North Korea in August 2002 expressed a negative position regarding the establishment of an independent human rights commission. The rationale was as follows: There was a discussion over the creation of an agency like a national human rights commission as an independent supervisory body, but most of the participants thought it was unnecessary. Such an agency would have to receive complaints, investigate them and report the results, but it would not have power to implement the laws. Since such an agency would be composed of a limited number of people, it would not be able to solve the people's demands directly, hence it would not be effective. It would be more effective to control the abuse of power through the regular petition-handling agencies, and the agencies have a wide network and are strict in executing the laws. North Korea also said the question of setting up an independent surveillance body would require more discussions in the future.

Apart from the reasoning of the North Korean arguments, North Korean defectors testify that all sorts of tortures and inhuman treatments are inflicted at various detention facilities such as correctional centers, worker reinforcement training centers, collection points, and retention centers. Recent defectors testify that the incidents of harsh treatment are being reduced after Kim Jong Il's instructions. This shows that North Korea is a society that is run at the instructions of a supreme leader rather than on the basis of institutional

means such as an independent supervisory agency as recommended by the UN. In reality, a branch office manager of the People's Security Agency routinely threatens the people by saying, "No body would care if scum like you were to die."<sup>110)</sup> In most cases, beatings are carried out not by the instructors at detention centers but by other detainees under orders from them. Defector Moon XX testified that her husband died during the preliminary hearings in November 1999 from complications of beating after he was arrested in China and repatriated to North Korea.<sup>111)</sup> Defector Kim XX testified that in March 1997 a man was hung on a tree and indiscriminately beat up at a People's Security Agency patrol post in Obongku, Eunduck County. He died of intestinal ruptures.<sup>112)</sup> Defector Kim XX testified that while his father was detained in a PSA center in Musan County in 1999, he said he saw a fellow detainee with severe bruises all over his body.<sup>113)</sup> Defector Cho XX testified that Yo Sung-sam was arrested for larceny and subsequently beat up in the retention center and died of hunger.<sup>114)</sup> Defector Lee XX testified that he himself was beat up with wooden clubs in the detention center and hung over a tree with fetters on.<sup>115)</sup> According to defector Park XX, in 1996, due to hunger, Park Chol wanted to escape from a worker reinforcement center at Seungpyongku Station in Chongjin City. He died while being transferred to a district hospital because the instructor told other detainees to do away with him.<sup>116)</sup> Defector Shin XX testified that he was tortured by electrocution when he was under detention at the Gaesong City Security Agency.<sup>117)</sup> From these testimonies, it is quite clear that there are numerous deaths and victims of beating, starvation, and combinations of both.<sup>118)</sup> Defector Kim XX testified

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110) Testimony of Cho XX at KINU, July 6, 2002.

111) Testimony of Moon XX at KINU, June 29, 2002.

112) Testimony of Kim XX at KINU, August 3, 2002

113) Testimony of Kim XX at KINU, August 17, 2002.

114) Testimony of Cho XX at KINU, August 3, 2002.

115) Testimony of Lee XX at KINU, August 31, 2002

116) Testimony of Park XX at KINU, September 7, 2002.

117) Testimony of Shin XX at KINU, November 30, 2002.

that he was detained for about a month and a half at a Worker Reinforcement Center, but he was not beat up by fellow detainees or others in the center after Kim Jong Il's special instructions. There were, however, grudge beatings on a target person at the instruction of the cell leader.<sup>119)</sup>

### **Human Rights Violations at Rehabilitation Centers**

Prison facilities in North Korea are divided into a two-tier system that differentiates and manages crimes according to 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 organizations. 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.

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118) Testimony of Kang XX at KINU, August 3, 2002

119) Testimony of Kim XX at KINU, November 30, 2002.

&lt;Table 3-2&gt; Confinement Facilities

	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 Chunnae Rehabilitation Center at Chunnae, 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, it 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 to international human rights organizations. But, North Korea refused the request, saying that it had twice permitted visits to AI, but because hostile elements attempted to take advantage of the occasions for their impure intentions, the concerned agencies in North Korea were growing nervous with 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:

&lt;Table 3-3&gt; 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.<sup>120)</sup> 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. Defector Yoo XX testified that a friend of his aunt, X Yon-hwa, was arrested for adultery. She was not aware of her pregnancy at the time, but later she died in a correctional facility in Jeungsan, South Pyongan province, due to complications after losing the baby (premature abortion.<sup>121)</sup> Defector Park XX testified that his uncle on his mother's side, Huh Chung, was detained after breaking someone's ribs. He later suffered from extreme beatings and malnutrition at the correctional facility.<sup>122)</sup>

Most inmates work on a single product at the same factory until they leave the facility. Although DPRK labor law provides that general labor should be eight hours per day and prison labor should be ten hours per day, inmates here normally get up at 5:00 am and work until 12:30 am 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 call for 700 grams, and the penalty for underproduction is reduction to 240 grams. For underproduction three consecutive times, only 180

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120) Testimony at KINU, July 12, 1996.

121) Testimony of Yoo XX at KINU, August 3, 2002.

122) Testimony of Lee XX at KINU, October 12, 2002

grams are given, and for those in solitary confinement or preliminary review confinement, 90 grams are issued.

Defector Lee XX testified that a production supervisor at the City Construction Team, Kang Sehwan, was caught for butchering a cow. It was confiscated and he was fined 3,000 won. He died suddenly while being transferred after serving term at the Junggori Correctional Facility. The reason given for his death was that he simply died of as physical fatigue due to life in the facility.<sup>123)</sup>

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.<sup>124)</sup>

These Worker Reinforcement Centers are not official detention facilities, so possibilities of human rights violations continue to exist. This in itself is a fundamental problem. The People's Security Agency is solely charged with preliminary decisions to detain people either in the correctional facilities or Worker Reinforcement Centers. In the case of Worker Reinforcement Centers, people are detained without formal trials as stipulated in the North Korean laws.<sup>125)</sup> Defector Kang XX testified that he was detained in a Peoples Security detention center in Musan County, North Hamkyung province, between May and September of 1998. While there he witnessed many people dying from beating, hunger and disease. He also said Pyun Young-chol was his cell-mate and he died during the preliminary screening and the officials said it was suicide. His family protested that it could not have been suicide,

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123) Testimony of Lee XX at KINU, October 12, 2002

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

125) Testimony of Soon X-bum at KINU, February 4, 2002.

and the security guard in charge was subsequently dismissed from his post.<sup>126)</sup>

Defector Ahn X-guk testified that as of August 1995 the former rehabilitation centers were abolished and new hard labor units (i.e., hard labor gangs) were organized under the control of city/county security agencies.<sup>127)</sup> 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.<sup>128)</sup>

The labor units were initially 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 is sent to a rehabilitation center, or a reform center. 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.<sup>129)</sup>

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126) Testimony of Kang XX at KINU, August 17, 2002.

127) 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.

128) North Korea is housing the rapidly increasing number of minor criminals in the hard labor units installed in cities and counties. Each center houses about 100 individuals, and agents who retire from the People's Safety Agency are sent to supervise the detainees.

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

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.<sup>130)</sup> Defector Kim XX testified that her husband Kim Myung-X had to go through excruciating pains in the Worker Reinforcement Center managed by Hweryong City.<sup>131)</sup> Defector Park XX testified that Park Chol was detained in the WRC in Chongjin City. He was caught trying to escape due to hunger, and he was beat up by fellow detainees who acted on orders from the guard. He died of complications from the beating during a transfer to the district hospital.<sup>132)</sup>

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.

Each province operates collection points under the control of the provincial safety office. If a resident of North Hamkyung province were arrested in South Pyungan 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.<sup>133)</sup>

Defector Lee XX testified that while he was detained in the Chongjin Provincial Collection Center in 1998, he was clubbed and was hung on a tree with fetters on.<sup>134)</sup> Defector Kim XX testified that his neighbor, Kim

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130) Testimony of Ju X-eun at KINU, May 25, 2001.

131) Testimony of Kim XX at KINU, August 3, 2002.

132) Testimony of Park XX at KINU, September 7, 2002.

133) Testimony at KINU, August 31, 2001.

134) Testimony of Lee XX at KINU, August 31, 2002.

Hyun-guk, was put to hard labor from 5 am to 10 pm while detained at the Provincial Collection Center. Until he admitted to all the charges read against him, he was beat up by his cell-mates under the orders of cell leaders. If a suspect still refuses to confess, all his cell-mates gang up and harass him so he cannot sleep. This continues until he confesses to everything or admits to the manufactured crimes.<sup>135)</sup>

According to the more recent defectors from the North, forced abortions are frequent in these detention facilities, a flagrant violation of women's human rights. Dr. Willy Porter, the representative of Doctors without Borders (MSF) in Brussels, reported, "Interviews were conducted with 35 defectors who escaped from various detention facilities in the preceding 18-month period, and 31 of them testified to having witnessed the killing of newborns." He said this was organized behavior of wardens and correctional officials. These officials would seek out pregnant inmates and torture them or put them to hard labor to induce forced abortions and get rid of the babies.<sup>136)</sup>

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.

To rectify human rights violations in these detention facilities, the UN Human Rights Committee, in a concluding observation, strongly recommended North Korea to allow independent internal and international inspections of prisons, reform institutions, and other places of detention or imprisonment.

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135) Testimony of Kim XX at KINU, August 31, 2002.

136) *The Chosun Ilbo daily*, January 9, 2002. In this connection, the Chosun Central News Agency criticized, The Chosun Ilbo carried a completely false and fabricated story about murder of newborns at concentration camps in the name of MSB. This is totally false. *The Chosun Central News*, Pyongyang, January 18, 2002.

### **3. The Right to Protection under Due Process**

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

North Korea revised its criminal code in 1987 for the second time. It revised it for the third time on March 15, 1995 (Supreme People's Assembly Standing Committee Decision No. 54). The fourth revision was on August 11, 1999 (Decision No. 953). The original text of the 1995 revision is not available as yet, but an English version of the 1999 revision was submitted to the UN Human Rights Committee. However, the English version, being a translation, is not fully reliable. A comparison of the 1987 revision and the 1999 revision (English version) indicates that some 19 articles have been revised, but it is not clear when the revisions of each article were made (either in 1995 or 1999).<sup>137)</sup>

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 code is inseparable from politics, judges should understand the principles of class struggle and receive party guidance in order to administer proper sentencing. In other words, they are expected to rule more harshly against people outside the ruling class. After all, the North Korean penal code is a tool of the proletariat 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

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137) Ministry of Justice, Basic Legal Affairs Documents on Unification (Seoul: Ministry of Justice, 2003), pp.419-521.

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 is extremely weak.

First, the North Korean legal system permits arbitrary interpretation. Section 9 reads abstractly, "Crime is any action deemed dangerous that violates state sovereignty and the legal order, purposefully or by negligence." 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 law. 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.

Article 11 of the revised criminal code of 1999 stipulates that even in cases of crime committed by someone over 17 years of age, he/she can be sentenced to correctional facilities in the process of indictment or trial. Considerations are given based on the gravity of the crime and whether he/she shows genuine remorse and repentance, as well as on the assumed results of being placed in a correctional facility. This means an expansion of the scope for those subject to correctional facilities.

### **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. There is a system of appeals to higher courts, but defectors say that people generally avoid appeals because heavier sentences are often handed down in appeals decisions. Furthermore, if an appeal is made, the preliminary detention is prolonged, which itself is quite painful. Hence, many people choose to go to correctional facilities instead of undertaking the dreaded preliminary process.

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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 concluding observation, 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

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138) Testimony of Soon X-bum at KINU, February 4, 2003.

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.<sup>139)</sup> Moreover, defectors testify that most North Korean people know of the citizen jury system and they know jurors appear before the court, but they have absolutely no idea how the jurors are selected or what their role is.<sup>140)</sup>

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

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139) Testimony of Yoon X-guk at KINU, May 16, 2001.

140) Testimony of Soon X-bum at KINU, February 4, 2003.

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-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.<sup>141)</sup> Defector Kim X-hak testified that his friend Kim Duk-chul submitted a secret petition to the Petitions Bureau of the Central Party saying, "The economic policy of the Republic is not compatible with reality, and for our economic development, policies should be changed to allow private enterprises." A little while later, he was arrested and became a missing person. His grandmother, uncle and family members were all ostracized to various control zones.

In light of these realities the UN human Rights Committee, in its concluding observation, 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.<sup>142)</sup> 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.<sup>143)</sup>

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141) Testimony at KINU on September 9, 1998.

142) Testimony at KINU, May 16, 2001.

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

### **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 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.<sup>144)</sup>

Defector Soon X-bum said that his brother had to face trial, and he was aware of the attorney system. In most cases, however, trials proceed without the presence of attorneys. Unfortunately, even when an attorney is present, the words offered in defense do not amount to anything.<sup>145)</sup>

## 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 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

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

145) Testimony of Soon X-bum at KINU, February 4, 2003.

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 the 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 from January through October 1980; and a program toward repatriates from Japan from 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.

&lt;Table 3-4&gt; 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.<sup>146)</sup>

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

For the education of core class children, North Korea runs various special schools including the 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.

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146) Testimony at KINU on May 15, 1998.

&lt;Table 3-5&gt; The 3 Classes and 51 Sub-classes

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

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

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.<sup>147)</sup>

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 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 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.

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147) Testimony at KINU on May 24, 2000.

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 society 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 Sinuiju, which is a border city, and the ratio of their number living in cities across the nation is also very low.<sup>148)</sup>

<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
Isolation targets	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.
Inclusive education targets	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.

148) Kim's testimony at KINU.

**<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.<sup>149)</sup>

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.<sup>150)</sup>

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 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.<sup>151)</sup>

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149) Testimony of Kim X-ik at KINU, August 29, 2001.

150) Testimony of Chung X-yong at KINU, May 18, 2001.

**<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-yop 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 with even insignificant mistakes in their personal records is 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. 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 as great a role 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

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

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.)<sup>152)</sup>

#### **<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 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 officer during the Korean War. According to Yang X-yong, who was a POW in North Korea, many South

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

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 coal mines 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.<sup>153)</sup>

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 such 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 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.<sup>154)</sup>

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

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153) Testimony at KINU on October 19, 1999.

154) Testimony at KINU on August 22, October 16, 1997.

(including travel and research in the revolutionary historical sites)<sup>155)</sup>, 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 Kyungsung, 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.<sup>156)</sup>

#### **<Discrimination in Residence and Housing According to Class>**

North Korea assigns housing to people according to their background and

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- 155) 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.
  - 156) 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 realize 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 trifles mistakes as examples to the public, 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 at KINU on October 15, 1999.

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.<sup>157)</sup>

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 South 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 resentment against the North Korean authorities.<sup>158)</sup>

The North Korean authorities forcibly relocate criminals, defectors, and families with bad backgrounds to remote and secluded places in the mountains.

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157) Defector Soon X-bum testified that he was born in Pyongyang but had to relocate to Sinuiju because his father was born in South Korea and there were some minor problems with his job performance. Soon's testimony at KINU, February 4, 2003.

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

Defector Chu XX testified that Kim XX, who used to be the second percussion player in the light music band at Wangjaesan, Uihamyon, was exiled from Pyongyang to Hyesan in 1997.<sup>159)</sup> According to defector Park XX, people who were ostracized and forcibly relocated to remote places are called the Pyongyang evacuees.<sup>160)</sup> 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, the relocated 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 work-places. 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 co-workers 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.

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159) Testimony of Chu XX at KINU, July 6, 2002

160) Testimony of Park XX at KINU, August 3, 2002.

**<Discrimination by the North Korean Authorities against Pyongyang  
Citizens>**

North Korean authorities strictly decide, based on a person's background, 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.<sup>161)</sup> 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.<sup>162)</sup>

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

162) 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.

### **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 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-yop'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.<sup>163)</sup> Oh 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.<sup>164)</sup> 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.<sup>165)</sup> 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. According to defectors Choi XX and Park XX, the so-called midget detention camps exist. Marriages at these camps are permitted but childbirth is not.<sup>166)</sup> Defector Chung XX testified that there is a segregation facility for children with birth defects in Youngkwang County, South Hamkyung province.<sup>167)</sup>

Secretary Lee Sung-sim of the Chosun Handicapped Persons Assistance Association established in July 1998 gave an interview with *Choguk* (fatherland), a monthly magazine published by the All Koreans Association in Japan. In the interview carried in its May 1999 issue, he said that a sample survey was conducted between January and March of 1999. Exactly 435,866 inhabitants from four areas of Pyongyang, Pyongwon-gun and Pyongsung City (South Pyongan province), Tongchun-gun and Wonsan City (Kangwon province) and Pyoksung-gun (South Hwanghae province) were surveyed. Of those surveyed and found to be handicapped, as high as 38.8 percent were

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163) Testimony at KINU on June 16, 1996.

164) Testimony at KINU on June 12, 1996.

165) Testimony at KINU on July 18, 1996.

166) Testimony of Choi XX at KINU, July 6, 2002. Testimony of Park XX at KINU, October 12, 2002.

167) Testimony of Chung XX at KINU, November 30, 2002.

classified as unable to use their limbs freely, 22.03 percent as hearing impaired, and 21.63 percent as seeing impaired. In addition, 4.95 percent of them had mental defects and 3.5 percent had a level of intelligence that would hinder their normal social life. Some 9.04 percent of them were suffering from multiple impairment handicaps.<sup>168)</sup>

## 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 supra-national 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 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 not to be relocated against one's will. As a

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168) *Yonhap News*, May 5, 2002.

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, "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, "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.

In its Second Human Rights Report submitted in 2001, North Korea stated that all citizens wishing to travel must obtain travel certificates in accordance with Article 6 of the Travel Regulations. The purpose of such certificates, it argued, was to safeguard the nation's security by preventing activities of espionage or other destructive and harmful elements, given North Korea's unique situation.

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 authorizing 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-il, both of whom defected to the South in 1987, a travel application is filed with the work-place

boss 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.<sup>169)</sup> 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 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 work-place.

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.

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169) Testimony at KINU on September 8, 1998.

During its 49th session held in August 1997, the UN Sub-Committee 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-committee 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.

In spite of these regulations, however, the travel restrictions are not strictly enforced in light of the North Korean reality. Due to the deteriorating economic hardship and food shortage since the 1990s, the mobility of the North Korean citizens has tremendously increased, and the situation reached a stage where even the authorities had to condone such a development. Inspections are still conducted on the trains, so people usually travel on foot without travel certificates. For this reason, it is common to spot people trying to hitch a ride in the streets of North Korea. Such a ride usually costs about 100 won per 40 kilometers.<sup>170)</sup>

The most obvious breach of the freedom of residence is forcible relocation. 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 coal mine 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

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170) Testimony of Soon X-bum at KINU, February 4, 2003.

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. Defector Choi XX recounted that his friend Park Chun-wol's father was forcibly relocated from Kaesong to Musan.<sup>171)</sup> Defector Kim XX also testified that his high school classmate Kim Young-min's family was forced out of Pyongyang to Sumbong County because his mother was caught stealing rice.<sup>172)</sup> Defector Kim XX testified that he and his family were forcibly relocated because his father had an argument with the local Party secretary, and subsequently they were forcibly relocated from Pyongyang to Hweryong in 1981. At the time, the Party awarded housing units to a select number of attack unit members (elite workers), and his father was a member. His father had a heated argument with the local Party secretary as the secretary tried to snatch the unit from his father.<sup>173)</sup>

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. 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 Chusok (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

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171) Testimony of Choi XX at KINU, July 6, 2002.

172) Testimony of Kim XX at KINU, August 3, 2002.

173) Testimony of Kim XX at KINU, August 3, 2002.

people have gathered together in cities and towns bordering China (Sinuiju, for example) in the expectation that food shortages there would be less harsh owing to border (barter) trade. Most of them ventured to travel without permits, but they stated that if one was financially well off, travel permits were easily obtained.<sup>174)</sup>

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.<sup>175)</sup>

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

174) Testimony at KINU on August 20-21, 1998.

175) Testimony at KINU on May 23, 2000.

concluding observation, strongly urged North Korea to consider abolishing its domestic travel permit system. It also recommended North Korea to abolish the exit visa 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 right of the press to report, edit and compile information.

In Article 19 of the Universal Declaration of Human Rights, it is guaranteed, "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, "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, "Civilians shall have the freedom of press, publication, association, demonstration and assembly." The state should guarantee 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 based on the Juche ideology and upon indoctrinating the population. The press is used as a tool to turn 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 of the leadership or the instructions of the great leader 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 eulogize 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. However, 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.

In its response to the recommendations of UN Human Rights Committee

concerning the Second Report, North Korea stated that there have been 30 cases in the last three years in which publications were temporarily suspended due to the need to correct the contents. It argued that the corrected portions were related to important military secrets and that in view of the sharp military confrontation on the peninsula, military secrets would directly affect national security. Some other revisions were also inevitable because some publications contained information on scientific and technological discoveries that should not have been released to the public.

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 of State 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 the 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.

In its responses to the concluding observations on the second report, North Korea argued that reporters activities abroad were being restricted due to the shortage of foreign currency during the economic hardship. It is true that

foreign newspapers and publications are not widely circulated in North Korea. Presumably, this is due to the shortage of foreign currency and the paucity of people who can read and understand foreign languages. All news media in North Korea belong either to the state or to public organs. In order to support the activities of correspondents abroad, the media organizations should guarantee financial support. But, because the media organizations do not have sufficient foreign currency, they are unable to maintain correspondents abroad. The North Korean news media obtain information from such sources as foreign mass media and the reporters assigned to North Korean embassies abroad. North Korea also claimed that it does not restrict the dispatching of reporters abroad.

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 entertainment, advertisement or culture. 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, "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 for 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 work for 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 life 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 a propaganda arm of 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 a 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 and carry out the principle of supporting the party. People's works of art and creative works are 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) art activities at all stages should be done subject to rigid party supervision and within the scope demanded by the party.

A 1966 meeting of KWP delegates had 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 equals the deification of himself.

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 something 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 demands writers and artists as well as their 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 Administrative 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 Administrative 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 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 number of stop-print orders and revisions in the process of printing was 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 concluding observation, 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, "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, "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 its 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 the assemblies and associations required by the party are permitted.

In its second report North Korea insisted that there were very few protests 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. In connection with the freedom of assembly, North Korea in its second report on Covenant-A offered the following explanation: To stage a rally, the organizers must notify the local people's committee or local branch of PSA three days in advance in accordance with the rules guaranteeing assemblies and rallies. The notifications must include the purpose, day of the week, time, place, the name of organizer and the size of the assembly or rally. The people's committee or PSA branch must guarantee various conditions necessary for the assembly or rally and cooperate for the maintenance of safety and order. The assemblies or rallies that could disturb sound social order or national safety can be controlled according to methods and procedures set forth in the Public Safety Management Law.

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

In connection with the formation of unions at work-places, North Korea argued as follows in its second report on Covenant-A: The workers at state organs, factories and enterprises are not simple employees but owners participating in the planning, administration and management of their own organs, factories, and enterprises. Therefore, other than personal complaints problems such as collective bargaining with the enterprise owners, labor disputes or demonstrations for the protection of workers rights are not raised. However, workers employed at foreign enterprises have to depend on the labor unions to protect their rights and interests, their working environment and the terms of contract with foreign firms and their implementation. So far, however, there has not been any labor dispute in connection with the activities of labor unions in North Korea.<sup>176)</sup>

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, labor unions, religious associations, 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

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176) North Korea submitted its Second Regular Report on Covenant-A in May 2002. For a full text, see [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c3b70e5a6e2df030c1256c5a0038d8f0?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2df030c1256c5a0038d8f0?OpenDocument).

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 (flying horse) 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 that 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.<sup>177)</sup> But, these political parties, as satellite organs, are nothing but faithful supporters of the KWP, complying completely 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

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

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 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 sub-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 concluding observation 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, "Everyone has the right to freedom of thought, conscience and religion;" and Article 18 of the International Bill of Rights also declares, "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 and pursuant to Karl Marx's statement, "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, "Religion historically 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 was 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 formal, 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 above arguments, 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:

&lt;Table 3-8&gt; The Status of Religion

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.<sup>178)</sup>

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 many 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 Chundokyo, 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

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

Gunguk-dong, Mangyungdae District in Pyongyang. During normal hours only the manager's family lives there, and only when foreigners visit will forty or fifty selected people from the Mangyungdae district participate in a church service.

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.<sup>179)</sup> The defector Yoo X-duk testified that in 1996 he investigated for three years to uncover the existence of an underground church.<sup>180)</sup> The defector Hwang X testified that in Sariwon, Wunsan County, North Hwanghae 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.<sup>181)</sup>

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, Hwanghae Province. Some of them were executed and others were

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179) 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 ferret out Christians, North Korean authorities instruct that Christians bow their heads habitually and utter unintentionally strange sayings such as 'Oh, my God' and 'You fellow like Yuda' and are also not willing to perform sacrificial rites. Testimony of a South Korean Christian missionary in China.

180) Testimony at KINU on May 22, 2000.

181) Testimony at KINU on May 24, 2000.

sent off to political detention camps. This Hwanghae incident was a clear case of massive repressions on an underground church.<sup>182)</sup>

Defector Kim XX recounted that her sister was arrested and deported to North Korea for having met with a South Korean at a church in Yenji, Manchuria.<sup>183)</sup> Defector Ma XX was arrested by the State Security Protection Agency because one of the defectors informed the authorities that he was related with the church.<sup>184)</sup> In another case, defector Huh XX reported that one Johan was sentenced to three years of work rehabilitation for having contacted Christians in China<sup>185)</sup>. Defector Um XX testified that the SSPA arrested him twice because someone informed the authorities that he had contacted a missionary. He was released after he testified that he was not a Christian.<sup>186)</sup> These defectors also related an incident in which some 60 people were sentenced to 15-year prison terms because they visited a church upon unconfirmed news that they would be given 15 kilograms of corn if they became Christians.<sup>187)</sup> They also said that people living outside of Pyongyang do not really know the fact that there are Christian and Catholic churches.<sup>188)</sup>

North Korean authorities are imposing severe punishments on those who were deported by Chinese security agents, 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.

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

183) Testimony of Kim XX at KINU, August 3, 2002.

184) Testimony of Ma XX at KINU, August 3, 2002.

185) Testimony of Huh XX at KINU, September 7, 2002.

186) Testimony of Um XX at KINU, August 3, 2002.

187) Testimony of Moon XX at KINU, June 29, 2002.

188) Testimony of Soon XX at KINU, February 4, 2003.

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.<sup>189)</sup>

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 ideology. Based on the socio-political 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,

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

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 tools 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 Jong 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 Hak-rim.

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.<sup>190)</sup>

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

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

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 well as for legal stability.

Article 17 of the International Covenant on Civil and Political Rights guarantees, "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-yop 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. In addition, the State Security Agency has strengthened its surveillance over people who have recently traveled overseas, according to Han X-cheol.<sup>191)</sup>

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.

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191) Testimony at KINU on May 18, 1999.

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 unauthorized stays and adultery. This group frequently visits and searches homes without warning under the pretense of inspecting for illegal stays.

North Korea also utilizes the Self-criticism Sessions 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 work-places. 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.<sup>192)</sup> 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 the elements of the South Korean Workers Party, the Yenan and the pro-Soviet factions. After the Fourth Party Congress in 1961 it became an independent body, which reinforced its role, and it started to conduct political surveillance with direct orders from the KWP. Its role of political surveillance continued until the SSA was established in 1973.

The MPS professes to be a body 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

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192) Testimony at KINU on October 19, 1999.

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, "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 states, "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, "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 did 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 estimated 3 million KWP 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 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 nominal process designed to give *poste 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 am 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 am. they began to announce that 100 percent of the votes were cast in support of the deputies.<sup>193)</sup>

Elections are held under a one-candidate system in which each electoral district has only one candidate. Theoretically, all work-places, 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 Chundokyo Central 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 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

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193) Testimony of Ju X-eun at KINU, May 25, 2001.

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 multi-party 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.<sup>194)</sup>

North Korea also defines multi-party 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.<sup>195)</sup>

## 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

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194) 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.

195) Kim Jong Il, "Socialism is Science," *Selections of Kim Jong Il*, Volume 13, 1998, pp. 481-483.

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.<sup>196)</sup>

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 work site, 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, 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

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

percent of North Korea's economically active population,<sup>197)</sup> 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.

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

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197) 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.

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.

Such emphasis on the role of women in the family is well expressed in Kim Il Sung's view of women. The most desirable woman for Kim Il Sung is, "one who treats her husband and parents with respect, rears children well, does household chores well and keeps on working hard."<sup>198)</sup> Kim especially stressed that rearing children is the natural responsibility of women. Kim Jong Il also said the role of a wife is to rear children at home and manage household chores well. The role of North Korean women is also defined in the by-laws of the North Korean Women Alliance, which says, cooking is the work traditionally done by women and is a duty naturally endowed to women.

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198) Central Committee, the Chosun Socialist Youth Workers Alliance, *In the Bosom of Suryong (the Great Leader)*, (Tokyo: Chosun Youth Co., 1972), p.154.

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 work-places 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 head of household head and the head makes decisions on all family affairs with absolute authority. It is also reported that extra-marital 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.

These incidents are substantiated by the fact that many defecting women since 1996 fled North Korea because they could not endure their husbands' harsh treatment of them even though they faithfully supported the family.<sup>199)</sup> Most of the defecting women reported that recently the woman's position within the family was improving as they began to make money through peddling. However, since most wives believe that recognizing the husband as head of the family is the best way of keeping peace in the family, most of them choose not to resist the paternalistic family system.

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 trafficking 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

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199) Testimony of Hong X-hee at KINU, December 20, 2002.

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 through the use of 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. In another incident, Lee XX was caught on a train without a ticket, but could not pay the penalty. She was taken to the railroad inspectors home and sexually assaulted there.<sup>200)</sup> Sexual exploitation by Party cadres against women reflects the common view of the ruling class in North Korea that women are merely sex objects. This attitude is quite apparent from the fact that there is much cryptic jargon depicting Party officials' taking advantage of women, such as "rainbow," "broad," and "(Party) staff-cutter."

As the number of sex offenses by cadres have increased, punishment for

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200) Testimony of Lee X-hee at KINU, November 16, 2002.

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.<sup>201)</sup> However, due to the social atmosphere that places value on a woman's purity, most women hide the fact that they have been victims of sexual assault.<sup>202)</sup>

Suggestive remarks and lewd behavior are common at work-places. 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. According to a woman who defected in 2000, in recent years abortions for unmarried women are carried out at city and university hospitals under tacit approval of the authorities.<sup>203)</sup> Due to the

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201) Testimony at KINU on October 16, 1997.

202) In the event of a love affair within a workplace, the man is allowed to stay on, but the woman is driven out of her job. Furthermore, the comment "she displays bad moral behavior" is written into her personnel record so that she will not be able to work at another workplace.

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.<sup>204)</sup> 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 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.<sup>205)</sup> In addition, evidence of human rights violations on North Korean women is clearly shown in instances of forcible abortions performed on the handicapped midget women.<sup>206)</sup>

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203) Testimony of Hong X-hee at KINU, December 20, 2002.

204) *Yonhap News Service*, Seoul, March 9, 1999.

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

206) Testimony of Choi X-sung who used to live in Sebyol County, Hamkyung Bukdo province, on November 30, 2002.

## **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. Defector Lee X-guk, who served a term at Daesuk-ri Unit No. 8 of Yoduk Detention Camp from 1995 to January 1999, recently disclosed his experience living inside a political prison camp. The *Digital Globe* zoomed in its satellite cameras on Unit No. 22 Political Prison Camp in April 2002, and the pictures were released to the international media, including the South Korean media, on December 5, 2002.<sup>207)</sup>

North Korean authorities give the name of camps depending on either the

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207) On January 15, 2003, NBC-TV in the United States reported the realities inside the political prison camp based on the testimonies of the defectors and the satellite pictures. See <http://www.msnbc.com/news/859191.asp?0sp=v3z2&0cb=114130475#BODY>

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 Yenan 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.<sup>208)</sup>

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

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208) 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).

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 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.<sup>209)</sup>

### **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

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209) 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.

are uncooperative in the construction of socialism. Such people are branded as politico-ideological criminals.

Under the penal code, acts subject to political crimes include conspiracy to overthrow the state, or reactionary propaganda and agitation and betrayal of the fatherland. The crime of conspiracy to overthrow the state as envisioned in 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.

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. Defector Lim XX said that Lee Dong-myong was in Russia in 1998, demanding to go to South Korea. He was later deported to North Korea, and reportedly sent to a political prison camp. In short, people are sent to political prison camps secretly without their neighbors' knowledge of the fact.<sup>210)</sup> 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.<sup>211)</sup>

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210) Testimony of Lim XX at KINU, September 7, 2002.

211) Testimony at KINU on October 18, 1999. Pierre Rigulo pointed out that one characteristic of North Korea's concentration camps, which is similar to those of the former Soviet system, is that the prisoner's family is usually detained

Defector Lee X-guk testified that political detention camps are where the 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.<sup>212)</sup> 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.<sup>213)</sup>

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. Defector Jin XX recalled that when he was serving in the military he gave a ride to a sister of his senior officer's wife to Yoduk Management Center when she came to see a safety guard at one of the prison camps.<sup>214)</sup> It is unconfirmed whether this facility was moved to another location, or the prisoners were scattered around similar facilities elsewhere after the facility was closed down. On February 25, 1998, the defectors Kang X-hwan and Lee X-ok testified before the U.S. Senate Foreign Relations

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212) Testimony at KINU on June 9, 1996.

213) According to defector Kim X-hei, the No. 12 Management Center at Onsung was abolished in 1987, and No. 425 tobacco farm has replaced it. Testimony of Kim X-hei at KINU, November 30, 2002.

214) Testimony of Jin XX at KINU, September 7, 2002.

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.

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 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, South Hamkyung 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.

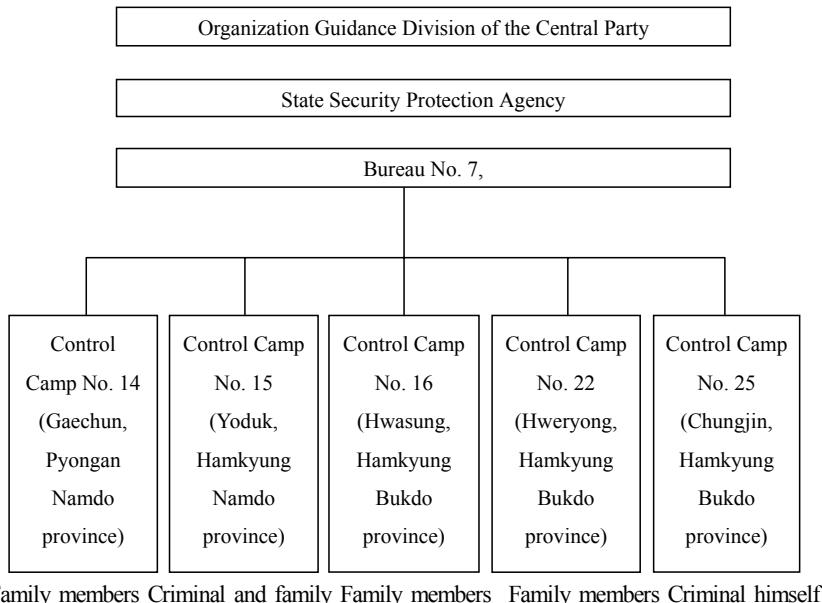
In the Daesuk-ri No. 8 camp where Lee X-guk was detained, about 900 inmates were detained as of January 1999, and about 80 female inmates were mixed among them. Lee testified that the number of inmates continued to increase even though lots of inmates died of beating, starvation and firing squad. Lee 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.<sup>215)</sup> The Citizens Coalition for Human Rights in North Korea presented a video entitled *The Seven Defectors and their Aftermath* during the Third Conference on North Korean Human Rights and Refugees on February 9, 2002 in Tokyo. In the video, it said the seven defectors crossed the border in January 1999 from China into Russia. They were caught by the border guards and deported to North Korea via China. One of the seven, Kim Eun-chol, it said, was detained in Yoduk Detention Camp.<sup>216)</sup>

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215) Lee X-guk at KINU, October 27, 2001.

216) See *Chosun Ilbo* (daily), February 10, 2002.

<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.<sup>217)</sup>

217) 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, Gyungsung, North Hamkyung province	Oct. 1989	To build Kim Il Sung's villa
No. 12	Changpyong Workers' District, Onsung, North Hamkyung province	May 1987	Camouflage exposed; too close to the border
No. 13	Chongsung Workers' District, Eunsung, North Hankyung province	Dec.1990	Camouflage exposed; too close to the border
No. 26	Hwachun-dong, Seungho District, Pyongyang	January 1991	Camouflage exposed; too close to the border
No. 27	Chunma, North Pyongan 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 malingerers.

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 watch-towers are installed at one-kilometer intervals along the fences. Manning the watch-towers are guards, section troops armed with automatic rifles, grenades and submachine guns.

Heavily armed guardsmen also patrol the perimeter area with military 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.

In North Korea, one would be regarded as a political prisoner and detained in the camps if one is heard complaining, "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.<sup>218)</sup>

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

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218) Kim X-ik's testimony at KINU, August 30, 2001.

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 am 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 pm A lunch composed of boiled corn will typically be eaten at noon. Around 6:00 pm 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.<sup>219)</sup>

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 pm and 2:00 to 5:00 am. 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 enough clothing. For an entire interment period a single sheet of blanket material is issued to one family and one set of padded winter clothes to each

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219) Testimony of Lee X-guk at KINU, October 27, 2001.

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.<sup>220)</sup> 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.

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

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

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.<sup>221)</sup>

### **The Realities of Public Execution inside the Detention Camps**

The human rights realities inside the political prison camps are extremely bad. Anyone who is unable to endure the harsh conditions, tries to escape, or 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.

Lee X-guk said that the proper description of the inmates detained in the detention camps would be animals rather than human beings, because

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221) Testimony of Lee X-guk at KINU, October 27, 2001.

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.<sup>222)</sup>

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.<sup>223)</sup>

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.<sup>224)</sup>

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.

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222) Testimony of Lee above.

223) Ibid.

224) Ibid.

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.
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, South Hwanghae 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 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 South Hamkyung 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 coal-miner 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 Coal-mine in North Hamkyung 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, Yangkang 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, South Hwanghae 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 North Pyongan 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, South Hwanghae 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.<sup>225)</sup>

### **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

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225) See Testimony of Lee above.

Sungho-ri camp.

According to testimony from Kang X-hwan and Ahn 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, 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.

Defector Shin X-ae testified that she was sent for a year to the Revolutionary Section in the Yoduk Detention Camp for having contacted her elder sister, who was living in Japan, while Shin was in Yenji, China, in 1999. However, they did not beat her because she was old and a former expatriate who returned home.<sup>226)</sup>

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226) Testimony of Shin X-ae at KINU, November 30, 2002.

## 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 his 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 Taekwong 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 also reported that 22 South Korean abducted individuals, including Lee Jae-hwan, were 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.

During the Fourth South-North Red Cross Talks in September 2002, the two sides agreed at North Korea's suggestion to consult and resolve the problem of confirming the status and addresses of those who lost contact during the period of the Korean War. The issue concerning the fate of South Korean prisoners of war and those forcibly abducted during the Korean War was raised, but no progress has been made so far. The Korean War Kidnappees' Family Union has been urging the confirmation of the status and/or the return of the remains of their abducted family members based on the data compiled from various sources. Some of their sources include the Republic of Korea Statistical Annual published in October 1952, which contains some 82,959 names; the 1953 Annual Statistics, which lists 84,532 names; the list of abducted persons uncovered from the home of the late independence movement leader Shin Ik-hee; the 1956 Korean Red Cross list, with 7,034 names; and the list of abducted persons compiled by the statistics department of the (South Korean) Office of Public Information with 2,438 names. The Family Association published online the names of 94,700 persons compiled from the above sources and listed them by name, sex, age, address, profession, organization and rank, the time, date and place of abduction.<sup>227)</sup>

Since the Korean War, however, North Korea continues to deny the fact of abduction. However, some former South Korean POWs and abducted persons were allowed to participate in the recent family reunion meetings as members of separated families.

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227) See [www.korwarabductees.org](http://www.korwarabductees.org).

### **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, "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 100,000-300,000. 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.<sup>228)</sup>

Most defecting North Koreans cross the border into China via the Apnok (Yalu) River or the Tuman 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

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

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 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 are 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. Under these circumstances, the Chang Gil-soo family entered the UNHCR (refugee commission) office in Beijing in 2001, demanding to be sent to South Korea. Subsequently, instances of North Korean defectors entering into diplomatic chancelleries, including those in Beijing, and demanding safe passage to South Korea have drastically increased, drawing the sharp attention of the international community. This new trend began after the Chinese authorities started tightening the surveillance over these defectors in China and pressuring the NGOs operating in China that support these refugees. The fundamental problem, however, is that these defectors are frequent targets of criminal elements operating in China, including prostitution networks, in the absence of any effective means of protection such as safe return to North Korea without persecution. Under the South Korean Constitution, North Koreans are defined as citizens of South Korea. However, South Korea is not in a position to actively demand other governments to enforce measures of effective protection due to various realistic political and diplomatic considerations. Still, since the demands for safe passage to South Korea are increasing at South Korean

foreign missions, the government is working hard to more pro-actively accommodate these demands.

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 provinces 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. From March of 2000, North Korea launched a special 3-month campaign to search out its defectors in China, tightening search and deportation operations. This was reportedly in preparation for Chairman Kim Jong Il's anticipated visit to China. Therefore,

the level of punishment was harsher in China, and less severe inside North Korea. The search was relaxed after June of 2000, in part to encourage the people to appreciate the occasion of the historic inter-Korean summit (of June 13-15, 2000 in Pyongyang). Defector Kim X-hei testified that she was detained at a detention center in Onsung County for the crime of river (border) crossing. But, when Chairman Kim Jong Il's handwritten policy regarding the easing of defector treatment was announced, she was immediately released. This relaxation measure did not last long.<sup>229)</sup> Since the level of punishment on the defectors varies depending on circumstances, the fear of forcible deportation is still very serious, indeed.

### **North Korean Defectors Entering South Korea**

As of the end of 2002, there were a total of 3,131 North Korean defectors in South Korea. Among them, 2,886 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, 583 in 2001, and 1,141 in 2002.

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 2002, the entire family of Soon X-bum defected aboard a boat of which he was captain. In the process, the boat engineer also had to accompany the family involuntarily. Since he indicated he did not want to defect, he was allowed to voluntarily return to the North through the Red Cross channel. As family unit defections increased, the age groups of defectors also began to

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229) Testimony of Kim X-hei at KINU, November 30, 2002.

show an even distribution. There were also cases in which the earlier defectors planned and assisted defection of their families from the North.

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 of 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.

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 South Korea, 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.<sup>230)</sup>

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.

### **The Human Rights Situation of North Korean Defectors in China**

Most of defectors 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 Apnok (Yalu) River and the Tuman River. Living along its North Korean border are large numbers of Korean Chinese. 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

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230) North Korea is dispatching construction workers not only to Russia, but also to Libya, Kuwait and other places. It is also dispatching female light industry workers to the Czech Republic and United Arab Emirates under terms of technical cooperation. Testimony of Kim X-san at KINU, January 30, 2003.

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 Ando 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 Tuman 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, Shandung 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.<sup>231)</sup> 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 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

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231) 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.

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 Committee of the 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 Dandung 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, "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 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.

During 2002, an increasing number of defectors, supported by meticulous planning of NGOs in China, intruded into foreign missions in China and demanded safe passage to South Korea. Twenty-five North Koreans entered the Spanish Embassy on March 14, 2002, and they were brought to South

Korea via a third country (the Philippines) to which China expelled them. As the security around foreign missions in Beijing was tightened, defectors tried to enter into the Japanese and American consulates general in Shenyang. Five defectors who tried to break into the Japanese Embassy in Beijing were blocked and arrested by the Chinese security agents. The scuffling scene was vividly broadcast on Western media, touching off a diplomatic row between Japan and China. Thus, the North Korean defector issue came to draw serious international concern. On June 9, 2002, three defectors including a pregnant woman entered the South Korean Embassy in Beijing, demanding safe passage to South Korea. On June 13, an incident occurred when one Chinese security agent struck a South Korean diplomat in the process of blocking and arresting the defectors who were trying to enter the embassy compound. There were other successful cases involving defection to the Albanian Embassy and a Germany school. On August 26, seven defectors entered the Chinese Foreign Ministry building, demanded recognition of their refugee status, but instead were arrested. So far, there are about 200 defectors who have successfully made their way to South Korea via foreign missions in China.<sup>232)</sup>

As planned defections increased and security around foreign missions tightened, NGOs instead tried to help defections by boat over sea routes. On January 20, 2003, a group of 78 defectors and their helpers were arrested at Yentai Harbor on China's Shantung Peninsula. Chinese Foreign Ministry spokesperson Jiang Qiwei in a regular briefing on January 21 confirmed the arrest of these boat people by the Chinese security and warned that the Chinese government will tighten the surveillance over potential defectors and NGOs that help or plan for their defection. The Doctors without Borders reported that China launched a 100-day campaign in December 2002 to flush out potential defectors, and some 3,200 of them were deported to North Korea, with an additional 1,300 individuals under detention in Jilin Province awaiting deportation.

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232) <http://www.msnbc.com/news/859189.asp?0sp=v3a4>.

As the number of defecting North Koreans increased rapidly, the North Korean People Urgent Action Network or RENK, based in Osaka, Japan, 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.



## <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. 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