

Detailed Report ①
(2023)



• Detention Facilities



• Right to Food



In the **Kim Jong Un** Era

What Is the Reality of Social Control and Punishment in North Korea?



• Vulnerable Groups



• Right to Health

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National Unification

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the authors and do not necessarily reflect of the official
opinion of the Korea Institute for National Unification.

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In the Kim Jong Un Era

What Is the Reality of Social Control
and Punishment in North Korea?

I

Introduction



I. Introduction

Human rights abuses in North Korea frequently occur during criminal case procedures. Public trials and public executions take place during criminal court procedures. In the meantime, judicial rights such as the right to counsel and the right to appeal are violated. Moreover, the North Korean government imprison North Korean people in political prison camps without trials. The judicial institutions that should have primarily functioned as the last line of defense safeguarding human rights instead protected the system rather than human rights. That is, the main roles of the North Korea's Prosecutors' Office are to 'ensure the strict observance of State laws by institutions, enterprises, organizations, and citizens' and to 'identify and institute legal proceedings against criminals and offenders in order to protect the State power' of the DPRK and 'the socialist system'(North Korean Socialist Constitution, Article 156). Similarly, the primary function of the courts is to protect 'the State power and the socialist system' (North Korean Socialist Constitution, Article 162). In addition, the people of North Korea face torture and inhuman treatment during criminal case procedures at holding centers (*jipkyulso*), detention centers (*guryujang*), labor training camps (*rodongdanryundae*), disciplinary labor centers (*rodonggyoyangdae*), and labor prison camps (*rodongkyohwaso*) operated by the Ministry of State Security (hereinafter MSS) and the Ministry of Social Security.

On this ground of human rights, the international community has sanctioned the MSS, the Ministry of Social Security, and the Central Public Prosecutors' Office. On December 7, 2020, the European Union (EU) adopted the 'Global Human Rights Sanctions Regime' that laid out measures to freeze assets. The 'Global Human Rights Sanctions Regime'¹⁾ bans travel, freezes assets, and

1) European Union External Action, "The EU has a New Powerful Tool to Protect Human Rights: The EU Global

prohibits the making of funds or economic resources available to individuals and entities that have seriously violated human rights.²⁾ Based on the Regime, the EU designated 11 persons and 4 entities from 6 countries (China, North Korea, Russia, Libya, South Sudan, and Eritrea) as sanction targets on March 22, 2021. Regarding North Korea, the Minister of State Security Jong Kyong-thaek, the Minister of Social Security Ri Yong-gil, and the Central Public Prosecutors' Office were sanctioned.³⁾ The EU has extended its human rights sanctions on North Korean officials and entities until December 8, 2023.⁴⁾ Similarly, the U.K. enacted the Sanctions and Anti-Money Laundering Act in 2018 and the Global Human Rights Sanctions Regulations in 2020. Based on this legislation, the U.K. included 47 persons and 2 entities from four countries (Russia, Myanmar, Saudi Arabia, North Korea) in its sanctions list on July 6, 2020. North Korean entities such as the Ministry of Public Security (MPS, now called Ministry of Social Security) Corrections Bureau and MSS Bureau 7 were listed for human rights abuses inside political prison camps.⁵⁾ The U.S. has sanctioned human rights abusers in North Korea in accordance with the North Korea Sanctions and Policy Enhancement Act of 2016 and Executive Order 13722 issued on March 16, 2016.⁶⁾ On the basis of these acts, as of December 2018, the U.S. has imposed economic sanctions such as US entry bans, asset

Human Rights Sanctions Regime,” <https://www.eeas.europa.eu/eeas/eu-has-new-powerful-tool-protect-human-rights-eu-global-human-rights-sanctions-regime-0_en> (Accessed February 1, 2023).

2) This includes the following five abuses: genocide; crimes against humanity; torture and other cruel, inhuman or degrading treatment or punishment; slavery; extrajudicial, summary or arbitrary executions and killings.

3) Council of the EU, “EU Imposes further Sanctions over Serious Violations of Human Rights around the World,” March 22, 2021, <<https://www.consilium.europa.eu/en/press/press-releases/2021/03/22/eu-imposes-further-sanctions-over-serious-violations-of-human-rights-around-the-world/>> (Accessed February 1, 2023).

4) Council of the EU, “Human Rights Violations: EU Restrictive Measures Prolonged for a further Year,” December 5, 2022, <<https://www.consilium.europa.eu/en/press/press-releases/2022/12/05/human-rights-violations-eu-restrictive-measures-prolonged-for-a-further-year/>> (Accessed February 24, 2023).

5) Government of UK, “UK announces First Sanctions under New Global Human Rights Regime,” July 6, 2020, <<https://www.gov.uk/government/news/uk-announces-first-sanctions-under-new-global-human-rights-regime>> (Accessed February 24, 2023).

6) Ministry of Unification, Republic of Korea, North Korean Human Rights Portal, “Efforts by the UN and Others,” <<https://unikorea.go.kr/nkhr/current/international/sanctions/un/>> (Accessed February 1, 2023).

freezes, and transaction bans on 32 officials and 13 entities, including Kim Jong Un and Kim Yo-jong.⁷⁾

Figure I-1

Imposed Sanctions on North Korean Entities and Individuals for Human Rights Abuse



Human rights abuses during criminal case procedures are not new to the Kim Jong Un era. It is also criticized as a textbook case of human rights abuses under the Kim Jong-il regime. Political prison camps have a even longer history, dating as far back as the Kim Il-sung era. Amidst such continued human rights abuses during criminal case procedures, this report seeks to investigate whether the situation has changed under the Kim Jong Un regime, how it has changed - if it has - and why. The report is based on surveys of North Korean defectors

7) "U.S. marks 5th Anniversary of Human Rights Sanctions on Kim Jong Un, "Human Rights Improvement Pressure Effective", VOA, 2021.7.6.

conducted by the Korea Institute for National Unification (KINU), but it also examines paper published by institutions in South Korea and abroad to ensure objectivity. Chapter II of the report examines public trials, public executions, the right to counsel, the right to appeal, and political prison camps as human rights issues that arise during criminal case procedures. Chapter III investigates torture and other inhuman treatments that occur at detention facilities such as holding centers (*jipkyulso*), detention centers (*guryujang*), labor training camps (*rodongdanryundae*), disciplinary labor centers (*rodonggyoyangdae*), and labor prison camps (*rodongkyohwaso*). Chapter IV explores the possibility that human rights violations during criminal case procedures have either continued or worsened because the North Korean government has strengthened social control since the outbreak of the COVID-19 pandemic.

II

Human Rights During Criminal Case Procedures



II. Human Rights During Criminal Case Procedures

1. Public Trials

In North Korea, there is a public trial system, commonly known as the people's trial. It refers to the trial system where people convene on-site in order to raise awareness among the people and deter crime. Parties relevant to the case, including the head of institutions, enterprises, and groups, as well as the victims, are allowed to divulge and criticize the criminal's conducts (Criminal Procedure Law, Article 282). The public trial system can be perceived as having certain benefits, namely that it is convenient since trials are convened on-site. But North Korea's public trial system is not a genuine trial system. Instead, it is manipulated as a means to control people by raising awareness and instilling fear by and condemning crimes.

For what crimes are applicable to this public trials is unclear. Public trials can occur by the order of the Party when it is deemed necessary to raise the awareness of certain crimes or to educate the public.⁸⁾ Recently, instances of public trials regarding crimes related to the trading of narcotics such as methamphetamine (*bingdu*) and opium have become more frequent. Public trials on 'impure recordings,' including the viewing of South Korean movies and dramas, have also been widely witnessed. Furthermore, illegal border crossings, murders, human trafficking, individuals caught making a phone call to either China or South Korea, and acts of superstition are also subject to public trials. Testimonies collected indicate that public trials are held mostly on 'policy cases' - which Kim Jong Un issued policies specific to key incidents.

8) Court Administration Office of the Republic of Korea, *North Korea's Criminal Law*, (Seoul: Court Administration Office of the Republic of Korea, 2006), p. 30.

Public trials have also been confirmed to be held within the military. A North Korean who defected in 2020 testified witnessing a public trial of a platoon commander in a brigade who had physically beaten and killed a soldier in 2012. The military court marshal headed by a military judge and military prosecutors was held in a public trial format with public in attendance on the brigade's drill ground.

The testimonies of North Korean defectors differ on whether judges, prosecutors, lawyers, and people's jurors are present at these public trials. But these actors of the judicial system play an inconsequential role even if they are in attendance at public trials. A North Korean accused of illegally crossing the border was prosecuted in a public trial held in front of the Potae district community center in Samjiyeon, Yanggang province in 2014. Before the trial, the defendant was severely beaten with a stick for 20 days at the Ministry of State Security (hereinafter MSS) detention center (*guryujang*). Then the public trial was held without a preliminary examination and without a judge, prosecutor, lawyer, and people's jurors present. A North Korean who defected in 2019 testified that prosecutors and lawyers only attend public trials perfunctorily and that lawyers fail to appropriately advocate on behalf of the accused. Moreover, defendants are not permitted to defend themselves against the charges.

Not all public trials lead to public executions. But perpetrators judged to have committed serious crimes as a result of public trials may be shot. There is testimony that a criminal that murdered the son of the chief party secretary of the Onsong county in North Hamgyeong province was publicly executed immediately after the public trial in January 2018. On the other hand, a North Korean from Kimjongsuk county in Yanggang province in 2019 testified that while there have been public trials in the past, they are no longer convened. It is uncertain whether this change is limited to specific regions or is nationwide

across North Korea. It is conceivable that public trials where a large number of people gather have temporarily decreased in number or have been suspended in order to prevent the spread of COVID-19 since 2020. But it is rather considered that public trials will frequent because North Korea has recently imposed strict societal regulations. North Korea's tighter control over society will be discussed in Chapter IV.

2. Public Executions

Every human being has the inherent right to life (International Covenant on Civil and Political Rights (hereinafter ICCPR), Article 6, Paragraph 1). The right to life is the most fundamental right and is the basis for all human rights. The deprivation of life by government institutions must be strictly governed and restricted by law. Even when executions are legal by domestic laws of an individual state, extrajudicial, summary, and arbitrary executions must be prohibited due to every individual's right to a fair trial (Article 14 of the ICCPR). Public executions in North Korea have been utilized as a method of social control by raising awareness and inciting fear that socially deviant behaviors have severe consequences.

A. Regions Where Public Executions Are Held

Public executions have most frequently occurred in border regions such as Hyesan, Hamheung, and Chongjin. This appears to reflect the fact that the majority of North Korean defectors that were interviewed had lived in border regions. Most North Korean defectors are from North Hamgyeong province and Yanggang province. Public executions also took place in the capital Pyongyang primarily from 2013 to 2015 during the early days of the Kim Jong

Un era. This is believed to be related to the process of power consolidation and reign of terror that followed Kim Jong Un's rise to power. Beyond the general community, public executions have also been conducted at detention facilities. Testimonies report that an inmate who was capture attempting to escape a prison camp (*kyohwaso*) attempt was publicly executed in April 2016. Meanwhile, inmates who did not wish to witness the execution were forced to do so after being threatened to have their release dates postponed in case of their absence.

B. Reasons for Public Execution

(1) Violating Kim Jong Un's Orders and the Policies of the Workers' Party of Korea (WPK)

The guidelines of the Supreme Leader (Kim Il-sung's Instructions, Kim Jong-il's Messages, and Kim Jong Un's Orders) hold the status of extralegal norms that supersede the statutes of the WPK and North Korea's constitution. Since the beginning of the Kim Jong Un regime, lower-level officials such as lower-class Party secretaries and commissioners have been publicly executed for corruption, policy failure, and violation of Kim Jong Un's orders or WPK policies. In 2014, four officials, including a division chief of staff, were expelled from the party, stripped of their positions, and subsequently faced public executions for violating Kim Jong Un's order to prohibit beatings in the military. In 2015, the manager of the Daedonggang turtle factory and the sister-in-law of a party secretary were publicly executed for anti-Party behavior, obliteration of the teachings and instructions of the Supreme Leader, and corruption in Pyongyang. Public executions of individuals associated with Jang Song-thaek have also been witnessed.

(2) Religious Activities

Article 68 of the North Korean Socialist Constitution stipulates that “citizens have freedom of religious belief. This right is granted through the approval of the construction of religious buildings and the holding of religious ceremonies.” But in reality, the regime persecutes freedom of religion in pursuant to the provision that “religion must not be used as a pretext for drawing in foreign forces or for harming the order of the state and society.” Religious activities are considered anti-state crimes subject to public executions. Two women were executed for spreading Christianity, and another woman was killed publicly for distributing anti-regime leaflets after a public trial at Gilseongpo port in North Hwanghae province in 2015. In addition, two people were publicly put to death for possessing the Bible in Pyeongseong, South Pyongan province in 2018.

(3) Theft and Smuggling of State Property

Public executions have been carried out as punishment for theft and the smuggling of state property and goods considered important by the authorities. Specific cases include public executions of those that smuggled special steel to China and stole food set aside for rations. In another case, famous ‘gangsters’ in Pyongyang that stole items from an official of the Guard Command on the subway were executed as one of the items was a confidential state document (goods list of a guest lodge (*chodaeso*) run by the Guard Command).

(4) Violent Crimes

Public executions of perpetrators of violent crimes that drew significant social attention have also been witnessed. Between 2014 and 2015, a criminal abducted a child in Hyesan, Yanggang province. Kim Jong Un passed down orders and the kidnapper was publicly executed by firing squad. A woman who ran a prostitution business and worked as a madam was executed sometime

between 2014 and 2015. A man was also executed by shooting for murder in the military town of Jangsaeng in 2018. In one case, the Central Court publicly released a suspect's personal information and accused crime (sexual assault of a minor). The public trial that followed articulated the provisions of the law on the basis of which execution by firing squad was to be sentenced, and the execution was administered thereafter. In 2018, the son of the Party chief secretary of Onsong county in North Hamgyeong province was murdered. The North Korean authorities regarded this incident as an exceptional case as a member of a party official's family had been killed, and mobilized a crowd at the scene of the shooting of the perpetrator. A North Korean defector who witnessed the public execution on January 31, 2018, recalled that they were unable to sleep properly for more than a week afterwards.

Table II-1 A Testimony on Public Execution⁹⁾

Hyesan City publicly executed two women on January 29, 2023 for the murder of a female Ministry of State Security (MSS) agent in October 2021. The deceased agent worked in the marketplace (*jangmadang*) as one of the first money traders, referred to as *donjangsaggun*, offering private loans. The two women, who were the deceased's relatives, killed her for her money. The public execution took place against this background. Although 5,000 individuals were initially scheduled to participate, only 1,500 ended up attending because of the extremely severe COVID-19 situation.

(5) Viewing Recorded Materials, Drugs, and Prostitution

Since Kim Jong Un assumed power, North Korea has uninterruptedly tightened control over ideology and information over its people, resulting in public executions for watching video recordings. Testimonies about public

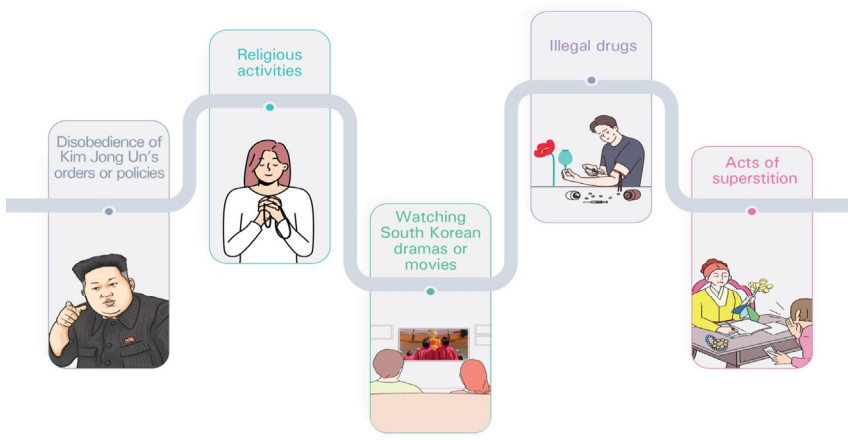
9) A testimony of North Korean defector, February, 2023.

executions related to narcotics have also been continually heard. In 2014, an individual was publicly gunned down at a square in Chongjin, North Hamgyeong province for distributing South Korean dramas and trafficking drugs. In 2014, two men were shot to death for distributing South Korean movies and providing a venue for prostitution, respectively, in Yeonbong-dong, Hyesan, Yanggang province. In October 2014, three men were shot to death at an airfield in Yeonbong-dong, Hyesan, Yanggang province for distributing South Korean video recordings. In March 2015, five men in their 30s to 40s lost their lives to gunfire in Pyeongseong, South Pyeongan province after an open trial for watching South Korean video recordings and trading narcotics. In 2017, a man was shot to death at an airfield in Yeonbongdong, Hyesan, Yanggang province for distributing South Korean video recordings. In February 2017, around 20 people were killed in public view in Byeoksong county, South Hwanghae province, for watching and distributing South Korean video recordings and trading narcotics.

(6) Acts of Superstition

Acts of superstition has also been subject to public execution. A North Korean defector testified that policing acts of superstition was strengthened in 2018, and public executions were carried out in the process. A North Korean defector testified that he/she heard that public executions were held while policy control over acts of superstition was carried out between 2018 and 2019. Another testimony indicated that public executions also took place in 2019 for acts of superstition.

Figure II-1 Reasons for Public Executions



C. Public Executions as an Opportunity to Highlight Kim Jong Un's Generosity

North Korea has used public executions as a showcase to highlight Kim Jong Un's generosity. Such occasions were primarily noteworthy in 2013 during the early days of the Kim Jong Un era. Commonly, the regime executed the instigator but offered the accomplices the chance to be rehabilitated. During a case regarding impure recordings in 2013, a judge reportedly read out an instruction from Kim Jong Un, and stated that "I declare you innocent because our Great Leader Kim Jong Un told me to start your sins with a clean slate." In another case from 2013, the main culprit in a prostitution-related case was executed while others had their sentences commuted and subsequently released.

D. Shift to Secret Executions

Collected testimonies have pointed out that public executions have decreased in North Korea. Testimonies differ on when this change occurred. A

North Korean defector who defected in 2019 said public executions have disappeared since 2008. Another North Korean who defected in 2019 also claimed that public executions have disappeared since 2008. Meanwhile, another North Korean defected in the same year told the same story after he/she had witnessed public shootings between 2012 and 2013 for the last time. A North Korean defector who defected in 2019 testified his/her last attendance in public executions was between 2015 and 2016 and has not seen any since 2018. The continued international criticism is believed to have been a determinant to this shift. A North Korean defector testified that public executions have vanished following resolute criticisms by the UN. However, given that the number of those defecting to South Korea has continued to decline since Kim Jong Un assumed power, it is difficult to verify the decrease in number of public executions purely based on the testimonies of North Korean defectors. Public executions do still exist in North Korea. It was found that a public execution took place for an act of superstition in 2019. Radio Free Asia (RFA) reported in October 2022, that two teenagers were executed in North Korea for watching and selling films from South Korea in Hyesan, Yanggang province, and another teenager was also put to death for murdering his stepmother.¹⁰⁾ Moreover, Daily NK reported a public execution of a man in his 50s in Wonsan, Gangwon province for manufacturing illegal drug in late September last year.¹¹⁾ An emerging pattern of public executions increasingly being replaced with secret or closed-door executions has also been observed. Testimonies have been collected that secret executions, instead of public executions, have been conducted for political crimes ('reactionary words', espionage related to South Korea, slur against the Supreme Leader among others) since Kim Jong Un assumed leadership. A North Korean defected in 2019 testified that a woman in

10) "North Korea publicly executes 2 Teenagers for distributing South Korean Movies," *Radio Free Asia*, December 12, 2022.

11) "Public Executions still exist in the DPRK ... Residents tremble with Fear," *Daily NK*, November 11, 2022.

his/her neighborhood who worked as a broker aiding North Korean defectors was shot to death in secret around 2014.

3. Political Prison Camps

The North Korean authorities administer political prison camps called *kwanliso*. Political prison camps have been a method of control to maintain the regime since the Kim Il-sung era, and has followed through under Kim Jong Un. Inmates are exposed to severe and grave human rights violations to the extent that these political prison camps can be called an archetype of human rights violations.

A. Detention Process

“All persons shall be equal before the courts and tribunals,” and “everyone shall be entitled to a trial established by law” (Article 14, paragraph 1 of ICCPR). But North Korea incarcerates people in political prison camps without trials. Therefore, it is difficult to safeguard judicial rights such as the right to counsel and the right to appeal. The legal basis and procedures for arresting suspects of political prisoners and holding them in political prison camps are still unknown. However, the decision to apprehend someone in a political prison camp lies in the hands of MSS alone without trial. If the MSS concludes that a crime falling short of sending a perpetrator to a political prison camp, the case is transferred to the Ministry of Social Security. When it comes to the punishment of political prisoners, it is said that not only prisoners themselves but also immediate family members and relatives are sometimes subject to punishment due to guilt-by-association. When a woman and her mother were caught attempting to defect to South Korea in 2014, not only the woman and her mother but also the woman’s grandmother were sent to a political prison

camp. However, testimony has shown that while many families had been arrested because of one member's defection to South Korea in the past, the number of such cases has significantly decreased because the increased amount of defection attempts has meant that detaining the entire family has become burdensome. Testimonies have substantiated that when a whole family was imprisoned due to guilt-by-association, children were released. However, another testifier said that he/she heard that a minor of the family (presumed to be eight years old at that time) was sent to a lodging facility that raises orphans. A testimony indicated that when a spouse is accused of being a political criminal, one may avoid being sent to a political prison camp by divorcing the accused spouse.

B. Current State of Operation

Based on in-depth surveys of North Korean defectors and analysis of satellite images, KINU has estimated that as of 2013, approximately 80-120 thousand political prisoners are detained at five political prison camps.¹²⁾ Political prison camps can be categorized into the following types based on their mode of operation, the possibility of family staying with them, and supervising entity; village-types and prison camp-types (*kyohwaso*), political prison camps where reentry is impossible because there are only total control zones, political prison camps where reentry is possible because there is both total control zones as well as 'revolutionizing areas', political prison camps where the detainee lives by themselves, political prison camps where the detainee lives with their family, and political prison camps that are supervised by either the MSS and the Ministry of Social Security.

12) Lee, Geum-soon *et. al.*, *Political Prison Camps in North Korea* (Seoul: Korea Institute for National Unification, 2013), pp. 20~21.

Table II-2 Operation and Supervision of Political Prison Camps in North Korea¹³⁾

	No. 14 in Gaecheon	No. 15 in Yodok	No. 25 in Myeonggan	No. 18 in Gaecheon	No. 25 in Chongjin
Type	Village	Village	Village	Village	Prison Camp (<i>kyohwaso</i>)
Re-entry	Impossible	Possible / Impossible	Impossible	Possible / Impossible	Possible / Impossible
Alone or with Family	Family	Alone / Family	Family	Alone / Family	Alone
Supervising Entity	MSS	MSS	MSS	Ministry of Social Security	MSS

Since then, partial changes are visible in regards to how political prison camps are operated. Based on the analysis of satellite images of the No. 25 *kwanliso* in Chongjin, the Committee for Human Rights in North Korea (HRNK) in the U.S. announced in 2016 that the facilities had expanded more than doubled compared to 2003.¹⁴⁾ Figure II-2 is a satellite image of the No. 25 *kwanliso* in Chongjin that HRNK took in 2021. Based on internal sources in North Korea, Daily NK, a South Korean media outlet that reports extensively on North Korea, has reported that North Korea expanded the capacity of political prison camps during the latter half of 2021 to respond to public unrest and ideological weakening precipitated by COVID-19 and economic hardships.¹⁵⁾ Also, Citing high-ranking internal sources in North Korea, DailyNK further reported in December 2022 that the No. 15 *kwanliso* in Yodok underwent renovations by demolishing and refurbishing certain areas.¹⁶⁾

13) *Ibid.*, p. 17.

14) Joseph S. Bermudez Jr., Andy Dinville, and Mike Eley, "North Korea Camp No. 25 - Update 2," *The Committee for Human Rights in North Korea* (HRNK), November 29, 2016, <https://www.hrnk.org/uploads/pdfs/ASA_HRNK_Camp25_Update2.pdf>. Accessed February 7, 2023.

15) "Personnel for Maintenance and Management of Prison Camps and Political Prison Camps increased, Reign of Terror enhanced," *Daily NK*, November 26, 2021.

16) "North Korea Updates Facilities and System of the Prison Camp in Yodok to increase Number of New Prisoners," *Daily NK*, December 23, 2022.

Figure II-2 Satellite Image of the No. 25 *kwanliso* in Chongjin (2021)¹⁷⁾



C. Reasons for Imprisonment

(1) Opposing the North Korean System, Insulting the Supreme Leader

Those who criticize the North Korean system or defame the Supreme Leader end up in political prison camps. A North Korean defector testified that he/she always spoke carefully to avoid being accused of ‘reactionary words’. A North Korean defector who defected in 2018 testified that those who opposed or censured Kim Jong Un were sent to political prison camps. Another North Korean who defected in 2019 testified that those who distorted Kim Jong Un’s words or implemented his policies discordantly resulted in political prison camps.

(2) Receiving Money from, or Making Phone Calls to, South Korea

Those who were caught receiving money from South Korea or making phone calls to South Korea were also sent to political prison camps (*Kwanliso*).

17) Joseph S. Bermudez, Jr., Greg Scarlatoiu, Amanda Mortwedt Oh, and Rosa Park-Tokola, “North Korea’s Political Prison Camp, *Kwan-liso* No. 25, Update 3,” *The Committee for Human Rights in North Korea* (HRNK), September 30, 2021, <https://www.hrnk.org/uploads/pdfs/Bermudez_KLS25_FINAL.pdf>. Accessed February 7, 2023. (Photo=HRNK)

A North Korean defector testified that a 33-year-old woman in Yanggang province was apprehended receiving and delivering money from South Korea in 2016, and her husband, who had been in service at a ‘General Bureau’, was discharged from his position as his wife was sent to a political prison camp.

(3) Organized Human Trafficking

It has been identified that those who commit human trafficking are usually sent to prison camps, but those who commit organized human trafficking or trafficking related to South Korea are jailed in political prison camps. A North Korean defector testified that a woman who was in the same Women’s Union with her was arrested for trafficking 70 people in 2015 and sent to a political prison camp. Another North Korean defector testified that he/she heard that his/her schoolmate who lived in a border region was taken into custody by the MSS and sent to a political prison camp (*Kwanliso*) sometime between in 2015-2016 for trafficking people to China. A North Korean defector testified that a People’s Unit (*inminban*) chief in Kimjongsuk county was detained in a political prison camp for human trafficking around 2016 for accepting money from South Korea in the process.

(4) Attempting to Defect to South Korea

Testimonies have been collected that people were detained in political prison camps after being caught while attempting to defect to South Korea. A North Korean defector who defected in 2018 testified that those who were caught while defecting to South Korea were imprisoned in political prison camps. Another North Korean defector who defected in 2018 also testified that those caught attempting to defect to South Korea were directly sent from the MSS to political prison camps without trial.

Figure II-3 Tightening Security on the Sino-North Korean Border¹⁸⁾

(5) Brokering Defection of North Koreans to South Korea

Testimonies have been collected that brokers helping North Korean people defect to South Korea are locked in political prison camps. A North Korean defector testified that his/her uncle, who worked as a broker aiding North Korean defectors, was sent to a political prison camp in 2015. A North Korean defector in his/her 50s who defected in 2017 testified that his/her sister, who was a broker for defectors, went missing after being arrested by the MSS in 2016. The North Korean defector testified that his/her sister is assumed to have been confined in a political prison camp. Another North Korean defector testified that his/her neighbor, who was a broker for defectors, was caught in 2017 by the MSS for transferring the children who remained in North Korea to a Chinese broker upon request by their parents who had already defected to South Korea. The testimony stated that he/she heard that the neighbor was sent to a political prison camp.

(6) Religious Activity

Religious activity is another reason for imprisonment. A North Korean

18) Kang, Dong-wan, *Pyongyang 882.6km*; (Seoul: Neonadeuli, 2020), p. 292, p. 346.

defector testified that he/she heard in April 2018 that his/her relative was caught by the MSS and sent to a political prison camp for obtaining copies of the Bible from China and distributing them to North Koreans and carrying out missionary work.

(7) Other Reasons

Moreover, making phone calls to South Korea, watching South Korean movies, dealing with narcotics, engaging in human trafficking, and distributing recordings that show the reality of North Korea have all been identified as grounds for incarceration in political prison camps. A North Korean defector, whose acquaintance was sent to a political prison camp sometime between 2015 and 2016, testified that calling relatives in South Korea, watching South Korean movies, using narcotics, and being involved in human trafficking were some of the causes of imprisonment in political prison camps.

D. Cases of Imprisonment

It has been continuously corroborated that North Korean citizens are actually being imprisoned in political prison camps. A North Korean defector testified that in 2013, a man in his 20s living in Bocheon county, Yanggang province, was detained in a political prison camp in Myeonggan in North Hamgyeong province for helping his family defect to South Korea. The testimony claimed that he/she witnessed the man later being arrested and killed while fleeing. Another North Korean defector testified that in 2016, a man in his 40s and his five family members (mother, him, wife, and two children) living in Hyesan, Yanggang province were all detained in a political prison camp for an anti-state and anti-nation crime after being caught in possession of black money (South Korean currency). A North Korean defector testified that his/her spouse's in-law was arrested for receiving a watch in exchange for giving

information about North Korea to China. This was considered an act of espionage, and his/her spouse's in-law was sent to a political prison camp in 2015. In addition, there is also a testimony of a local resident being sent to a political prison camp in December 2015 for a copy of the Bible being discovered in his/her house.

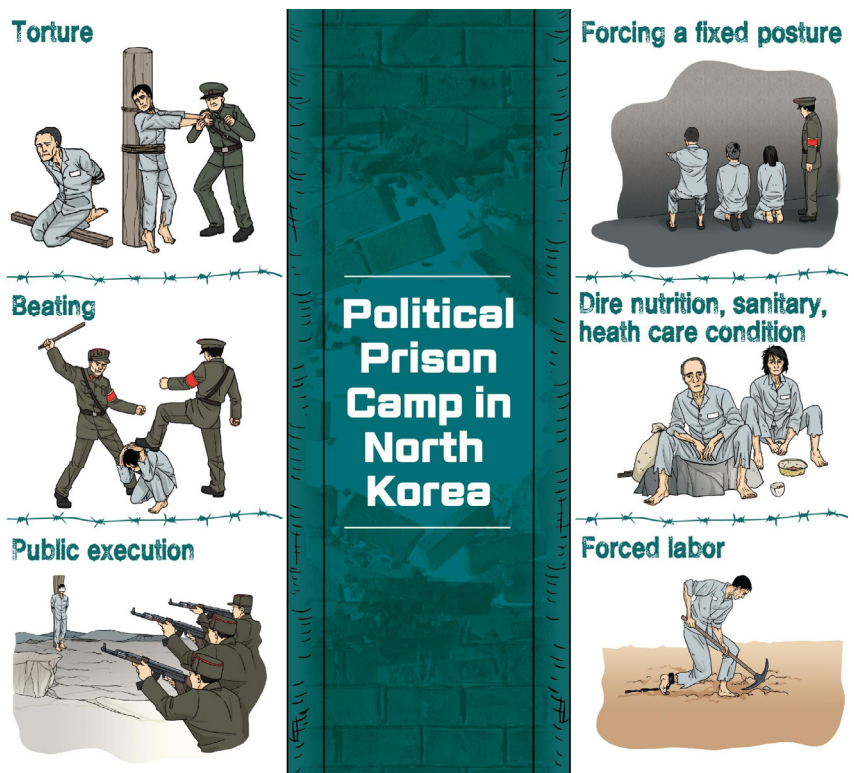
E. Reality of Inmates' Human Rights

Inmates in political prison camps are dehumanized to the extent that they are likened to 'working ants.' It has been identified that extrajudicial, summary, or arbitrary executions are carried out, and inmates suffer from excessive labor. In addition, beatings and abuse are prevalent, and the state of nutrition, hygiene, and health care is dire which causes inmates immense distress. It appears that family rights, one of the basic human rights, are also violated. Even parents and siblings as well as husbands and wives are not allowed to stay together. Marriage and childbirth are also prohibited. Testimonies claim that husbands and wives are assigned to alternating work shifts to prevent them from engaging in sexual intercourse. From around 2015 and 2016 onwards, there have been no specific testimonies by North Korean defectors on the status of the human rights of detainees in political prison camps, and this has made it a daunting task to accurately figure out the current state of human rights. However, it appears that the improvement has been marginal at best.

However, there have also been testimonies that conflict with the general understanding of the state of human rights in political prison camps. In particular, the human rights status of No. 18 *kwanliso* in Bukchang county, North Hamgyeong province (which relocated to Gaecheon sometime in 2006-2007), has been found to be at odds with that of other political prison camps. This information was collected from the testimonies of three North Korean defectors who defected in 2019 and arrived in South Korea in 2020 after being detained in

a completely restricted area with their parents. They were born in a political prison camp, which runs counter to the general perception that marriage and childbirth are prohibited in political prison camps. In addition, they testified they had attended the same school as the children of the staff (MPS officers) and had been educated without discrimination. They also testified that the political prison camp had an independent judicial system and a court, a disciplinary labor center (*rodonggyoyangdae*), and a labor training camp (*rodongdanryundae*). However, it is difficult to generalize these testimonies to other *kwanlisos* as they pertained to the No. 18 *kwanliso* in Bukchang.

Figure II-4 Annihilation of Human Dignity to North Korean People



In the Kim Jong Un Era

What Is the Reality of Social Control
and Punishment in North Korea?

III

Torture and Inhuman Treatment in Detention Facilities



III. Torture and Inhuman Treatment in Detention Facilities

1. Types of Detention Facilities in North Korea

A. Holding Centers (*jipkyulso*)

Holding centers (*jipkyulso*) are where travelers who have left their designated travel area or traveled beyond the duration of their authorized travel dates, homeless children, pretrial detainees, and defectors who have been forcibly repatriated are investigated and detained. After the holding center informs the MPS branch responsible for a particular detainee, the detainee is transferred to their place of residence when the local security officer arrives at the holding center. Holding centers, operated by the Ministry of Social Safety, are located nationwide all across North Korea, whereas holding centers, operated by the Ministry of State Security (hereinafter MSS), are situated in border regions. The latter are known to detain those that have illegally crossed the border or, in other words, North Koreans that have attempted to flee to either China or South Korea. It has also been confirmed that a large number of people are confined in small areas. A North Korean defector that defected in 2019 testified that while jailed in 2017, 30 detainees were housed in an area no larger than two *pyeong* (approximately 6.6m²) at a MSS-operated holding center in Cheongjin.

B. Detention Centers (*guryujang*)

Detention centers (*guryujang*) are where criminal suspects are detained for investigation before trial. According to Article 50 of North Korea's Criminal Procedure Law, investigators and preliminary examination officers of the MSS

investigate and conduct preliminary examinations of anti-state and anti-nation crimes.¹⁹⁾ Meanwhile, officers of the Ministry of Social Security investigate and conduct preliminary examinations of general crimes. As such, detention centers in North Korea appear to be split between those operated by the MSS where suspects accused of anti-state and anti-nation crimes are investigated and those operated by the Ministry of Social Security where suspects accused of general crimes are investigated. The MSS consists of units in central, province, city, and county levels, and each unit has its own detention center. The Ministry of Social Security is comprised of units in central, province (including direct-controlled municipality), city (district), county, institution, and enterprise levels (People's Security Law, Articles 8 and 9), and detention centers exist at each unit of these levels. As MSS-operated detention centers handle suspects accused of anti-state and anti-nation crimes, human rights abuses have been confirmed to be much harsher compared to detention centers operated by the Ministry of Social Security that hold suspects accused of general crimes. Specific regulations on the management of detention centers have not yet been confirmed. Related to this issue, Radio Free Asia (RFA) reported in December 2021, citing a source from a legal system in North Hamgyeong province, that detainees would be imprisoned much more strictly from 2022 following revisions to the regulations for the management of detention centers in accordance with orders issued in early December 2021 by the judicial authorities.²⁰⁾

C. Labor Training Camps (*rodongdanryundae*) and Disciplinary Labor Centers (*rodonggyoyangdae*)

Criminals sentenced to labor training punishment (6 months to a year) are sent

19) North Korea has a procedure called preliminary examinations that is conducted after investigations and before prosecutions.

20) "North Korea strengthens the Conditions for Detainment by revising Regulations for Detention Centers," *Radio Free Asia*, December 24, 2021.

to labor training camps (*rodongdanryundae*). The rights of a citizen are guaranteed during labor training punishment (Criminal Law, Article 39). Criminals that receive labor training punishment are sent to labor training camps under the jurisdiction of the Ministry of Social Security. There have been testimonies that verify the fact that the labor training camps in Wonsan, Gangwon province, as well as in Jeungsan county, South Pyeongan province, are both under the aegis of the Ministry of Social Security. There has also been a testimony of a person who was detained at the labor training camp at Gaecheon prison camp after receiving a labor training punishment sentence. Based on these accounts, it appears that there is a labor training camp under the jurisdiction of the Ministry of Social Security within the Gaecheon prison camp. There are also reports that the military operates its own labor training camps as well.

North Korea's Administrative Penalty Law classifies re-educational labor discipline as a type of administrative penalty. The Administrative Penalty Law (revised on December 18, 2020) stipulates that a North Korean person that has committed a serious crime can receive a re-educational labor discipline sentence (ranging from 5 days to 6 months) and be sent to a disciplinary labor center (Administrative Penalty Law, Article 18). Various institutions, such as the Socialist Law-Abiding Life Guidance Committee, prosecutorial institutions, judicial institutions, and social security institutions can sentence re-educational labor discipline punishments (Administrative Penalty Law, Articles 345-349). The People's Security Enforcement Law also stipulates that the Responsible Workers' Association of the People's Security Institutions can also sentence re-educational labor (Article 57).

One North Korean defector distinguished disciplinary labor centers in his/her testimony. This defector was detained at the Bocheon county disciplinary labor center in Yanggang province from August to September 2016. According to the testimony, the defector commuted to the disciplinary

labor center to do woodcutting and kitchen work after receiving a six-month sentence without a trial. In contrast, many other North Korean defectors have testified that they were sent to a labor training camp (and not a disciplinary labor center) after sentenced to a re-educational labor discipline for a fixed term. For example, one defector testified that he/she served a six month re-educational labor discipline from a MPS branch and political committee members for being absent from work without permission in November 2016. This defector further testified that he/she was imprisoned at the Hyesan labor training camp in Yanggang province and had to work from 7 am to 9 pm at a secondary academy construction site.

Considering how both the Criminal Law and the Administrative Penalty Law differentiate them, labor training camps and disciplinary labor centers are thought to be two distinct facilities. Re-educational labor discipline was newly introduced in 2011.²¹⁾ Meanwhile, labor training camps were not mentioned in the Administrative Penalty Law of 2011.²²⁾ Given these facts, it appears that North Koreans unfamiliar with re-educational labor discipline and labor training camps might be confused with the disciplinary labor centers. It is presumed that labor is more intense at labor training camps. This is because while labor training punishment is a form of punishment, re-educational labor discipline is an administrative penalty sentenced for unlawful behavior that does not amount to criminal punishment.²³⁾ However, the intensity of labor at labor training camps and disciplinary labor centers is thought to be not markedly distinct keeping in mind of the confusion between these two facilities among North Korean defectors. According to the previous survey conducted

21) North Korea's Administrative Penalty Law (revised on October 16, 2011), Article 14.

22) North Korea's Administrative Penalty Law (revised on October 16, 2011), Article 17: A punishment of re-educational labor discipline is an administrative legal sanction applied to a person who has done an unlawful act that does not reach the level of short-term labor.

23) While the current version of the Administrative Penalty Law does not explicitly state this, the previous version of the law did. North Korea's Administrative Penalty Law (revised on October 16, 2011), Article 13.

by KINU, not many testimonies dealt with disciplinary labor centers. Additional research is required to fathom the details such as the entities that operate disciplinary labor centers as well as the severity of re-educational labor discipline sentences.

D. Labor Correctional Center (*rodongkyohwaso*)

Labor correctional centers (*rodongkyohwaso*) are detention centers operated by the Ministry of Social Security directly under the supervision of the State Affairs Commission (SAC). Criminals that receive a correctional labor punishment sentence are detained at these facilities. Correctional labor punishment sentences are categorized into life-term and limited-term sentences. Limited-term sentences range from a minimum of one year to a maximum of 15 years. Some rights of citizens are suspended during the term of imprisonment (Criminal Law, Article 38). Based on testimonies by North Korean defectors and analysis of satellite imagery, a total of 19 labor correctional centers were confirmed to be operational in North Korea in 2015. There appear to have been some changes to how labor correctional facilities are run since then. Comparing satellite images from 2012 and 2022, Daily NK reported that Wonsan *kyohwaso* seemed to have been transformed into a detention center. The article estimates that this transformation comes as a result of a large complex built near the labor correctional center and therefore, taking into account the exposure of the facility as well as the attention of the local community.²⁴⁾ Meanwhile, RFA has reported that, based on an analysis of satellite images taken in September 2022, Sunwha-dong *kyohwaso* in Pihyeon county, North Pyeongan province had been demolished and the detainees were relocated to other areas.²⁵⁾

24) “[North Korea from above] No. 88 Prison Camp, Labor Training Camp in Wonsan appears to have been changed to Detention Center,” *Daily NK*, November 29, 2022.

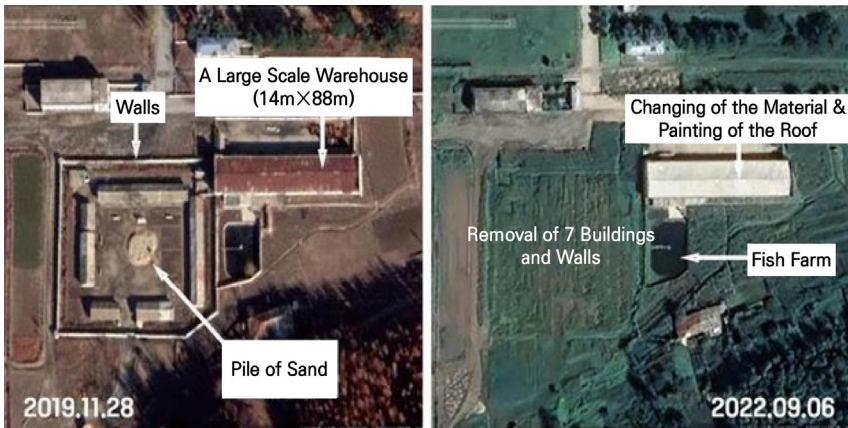
25) “[Zoom in North Korea] Labor Training Camp where Forced Labor Occurs Demolished after being Exposed,” *Radio Free Asia*, October 31, 2022.

Figure III-1 Changes to the Facilities at the Wonsan *kyohwaso*²⁶⁾



Figure III-2

Changes to the Facilities at the Sunhwa-dong *kyohwaso* in Piyeon County, North Pyeongan Province²⁷⁾



26) “[North Korea from above] No. 88 Prison Camp, Labor Training Camp in Wonsan appears to have been changed to Detention Center,” *Daily NK*, November 29, 2022. (Photo=*Daily NK*)

27) “[Zoom in North Korea] Labor Training Camp where Forced Labor Occurs Demolished after being Exposed,” *Radio Free Asia*, October 31, 2022. (Photo=*RFA*)

2. Torture and Cruel Treatment

Physical abuses, such as beating and forcing detainees to remain in a fixed posture (stress position), have continued in the Kim Jong Un era. A North Korean defector testified that he/she was investigated by the MSS county branch in Onsong county, North Hamgyeong province, for human trafficking in February 2015, and was frequently beaten during the investigation process. The defector testified that there were also people whose bodies were bruised and their flesh decayed after being beaten with a club. A North Korean defector, investigated for eight days in May 2016, at an MSS holding center (*jipkyulso*) in Samjiyeon, Yanggang province, was bruised all over his/her body after being beaten for denying that he/she attempted to defect to South Korea. His/Her father suffered even worse corporal punishment as he had lost all of his teeth, and the blood vessels in his eyes had burst. A North Korean defector who had been detained in Hamheung *kyohwaso* in South Hamgyeong province in 2016 said that he/she worked making artificial eyelashes in a work unit and had his/her legs whipped when he/she failed to complete the planned workload. Another testimony has been collected that he/she was forced to maintain a fixed posture and was thrashed with a nailed wooden stick for moving slightly, and suffered severe wounds on his/her back in the MSS county detention center in Onsong county, North Hamgyeong province. A North Korean defector who had been imprisoned in the MSS holding center (*jipkyulso*) in Yanggang province in 2018 testified that he/she was forced to remain in a fixed posture and even a slight movement, such as scratching, was unacceptable. A North Korean defector, who worked in a detention center (*guryujang*) in April 2019, testified that a ‘person under trial’ was treated the same as a criminal and suffered cruel treatment such as being forced to maintain a fixed posture. Even with a tiny move due to the stress of maintaining a fixed posture, correctional officers would grab his/her head and hit it against the wall and beat him/her. Another

defector remarked that even an elderly over 70 was subject to mistreatment such as repeatedly sitting and standing if he/she did something wrong. Male detainees are said to be beaten more frequently than female detainees.

There were also cases where MPS officers did not directly beat a prisoner, and instead, ordered other inmates to do the beating. A North Korean defector testified that an MPS officer even coerced the leader of a cell to beat other inmates in order not to touch them because they were filthy. Another testimony claimed that inmates were forced to inflict self-harm, such as banging their heads against the wall.

3. Forced Labor

Excessive and forced labor still takes place at holding centers (*jipkyulso*). A North Korean defector testified that if a holding center needed workforce, the authorities elongated the terms of inmates. A North Korean defector who had been detained in a holding center (*jipkyulso*) in Ranam district in Chongjin, North Hamgyeong province in 2015 said he/she was mobilized to produce precast pavers for around 15–16 hours per day. A North Korean defector who was detained in Nongpo *jipkyulso* in Ranam district in Chongjin, North Hamgyeong province in August 2017 testified that he/she was forced to work at a cement factory. Another testimony claims that he/she did farm work, construction work, and livestock work from 5 am to 8 pm while detained at a holding center (*jipkyulso*) in Chongjin, North Hamgyeong province.

Cases of forced labor at training camps (*rodongdanryundae*) have also been continuously gathered. A North Korean defector testified that he/she was forced to work on building a river bank with stones on a river called Hongdansu in Daehongdan county in 2013 which was extremely laborious. Meanwhile,

another North Korean defector testified that he/she witnessed a labor training camp inmate who was forced to chant while doing construction work building apartments in Yongseong district, Pyongyang, from dawn in 2014. A North Korean defector testified that he/she was sentenced by the MPS city branch in Samjiyeon to be imprisoned in the Samjiyeon labor training camp (*rodongdanryundae*) for a month. During his/her sentence, he/she was mobilized to undertake various kinds of work including papering walls, building fences for the MPS building, hardening the ground for the city stadium in Samjiyeon, and weeding. According to his/her testimony, he/she stayed at the camp during her term and was accompanied by a supervisor whenever he/she left the camp for work. A North Korean defector, who was imprisoned in a labor training camp (*rodongdanryundae*) in Hoeryong from February to May 2019, testified that he/she had to convert the land for agricultural use where woodcutting works were done by a factory in Hoeryong.

4. Poor Nutrition, Sanitation, and Health Care and Deaths

The appalling conditions of nutrition, sanitation, and health care have reportedly resulted in many deaths in prison camps (*kyohwaso*). A survey conducted in 2014 confirmed that many inmates died in Jeongeori *kyohwaso* and in Hamheung *kyohwaso* during the winter of 2010 due to a fever and an infectious disease respectively. A North Korean defector, who had been detained in Gaecheon *kyohwaso* twice in 2008 and 2015, said that although violence and cruel treatment had decreased significantly, nothing progressed with regards to nutrition, sanitation and health care between 2008 and 2015. Meals merely consisted of lumps of corn and beans, and thus, inmates were only able to subsist by relying on food brought by their families during

visitations. However, not many inmates had families visiting them while detained. A North Korean defector testified that he/she witnessed two prisoners die from illness while serving their sentences in Hamheung *kyohwaso* in 2016. The two prisoners had uterine cancer and spondylitis tuberculosa respectively and died as the prison camp did not provide medical treatment.

The nutrition, sanitation, and health care in labor training camps (*rodongdanryundae*) still appear to remain in desperate conditions. A North Korean defector, who had been detained in a labor training camp (*rodongdanryundae*) in Samjiyeon, Yanggang province in August 2016, testified that the camp provided three meals a day, but it was very difficult to endure the hunger as the detainees were only served boiled corn and dried radish soup. Another North Korean defector, who had been detained in a labor training camp (*rodongdanryundae*) in Onsong county, North Hamgyeong province for two months from March 2015, testified that corn rice, clear soybean soup, and salted dried radish soup were provided as meals.

The nutrition, sanitation, and health care in holding centers (*jipkyulso*) are also found to be in a grievous state. A North Korean defector, who had been detained in a holding center (*jipkyulso*) in Hyesan, Yanggang province for a month from April 2014, testified that corn was served as a meal and he/she was required to work even when he/she had a fever. Another North Korean defector, who had been imprisoned in a holding center (*jipkyulso*) in Hyesan in 2014, testified that corn and dried radish soup were served as meals, and the prisoners all felt starvation as the portions were so small.

The state of nutrition, sanitation, and health care has not ameliorated much at detention centers (*guryujang*) either. A female defector, who had been detained in the MSS county detention center (*guryujang*) in Onsong county, North Hamgyeong province in February 2015, testified that crusty overcooked

rice, kimchi and bean sprouts were provided as meals. Because spoons were not provided, she had to make a spoon using a piece of plastic. A North Korean defector, who had been detained in a detention center (*guryujang*) around 2018 and 2019, testified that a handful of corn and saltwater were provided as meals, and the quality was shoddy that even dogs would not eat them.

When detainees died from infectious diseases or malnutrition at detention facilities, their deaths were not notified to their families. The dead bodies were sent not to their family but instead to ‘Mount bulmang (bulmangsan)’, a local mountain where corpses were cremated and buried. A North Korean defector testified that his/her mother, who was detained in Gaechon *kyohwaso*, died from illness in December 2014, and yet, the prison camp did not deliver the corpse to the family but disposed of it. There was an exceptional case where one died of a disease at a labor training camp (*rodongdanryundae*), and the family was notified of the fact and the corpse was handed over to the family.

5. Violence and Forced Abortions of Forcibly Repatriated Women

Violence against women who have been forcibly repatriated to North Korea from China has continued during the Kim Jong Un era, and has been confirmed to have mostly occurred at holding centers (*jipkyulso*). Naked searches and cervical examinations have also happened during the investigation process. One female detainee was beaten and forcibly searched after being undressed as soon as she arrived at the State Security Department (SSD) in North Hamgyeong province in 2017. Two female officers stripped the detainee of her clothes and conducted cervical and anal examinations without wearing gloves. Once nothing was found through the searches, the detainee was ordered to repeat squats (so-called *ppomppujil*). She even had her winter underwear and

sanitary pads that she possessed when she was forcefully repatriated from China taken away from her. Another female who was forcibly repatriated to North Korea in 2017 stated that there was a male present in the same room when a female MSS agent conducted a cervical examination at the SSD in Onsong county, North Hamgyeong province.

Instances of rape at detention facilities have also been confirmed. One female testified that she had been raped by an military officer at the Ministry of Social Security holding center (*jipkyulso*) in 2016, after which she even thought about committing suicide. There has also been testimony from a person who, after being called to a correctional officer's house to do work, witnessed the correctional officer raping a female prisoner who accompanied him to the house as well. As many female rape victims are hesitant to reveal cases of sexual assault due to embarrassment, it can be inferred that many more cases of sexual assault have occurred at detention facilities.

Forced abortions at detention facilities on women that have been forcibly repatriated to North Korea after their failed attempts of defection have continued during the Kim Jong Un era also. One female North Korean defector who had been detained at the Cheongpyeong *jipkyulso* in the Ranam district in Chongjin, North Hamgyeong province from April to August 2013, testified witnessing a fellow female prisoner, three months into her pregnancy, being forced to undergo a dilation and curettage procedure (surgical abortion). This female prisoner later died due to complications of the cervix after continued hemorrhaging. In another case, one female North Korean defector who was imprisoned for a month at the holding center (*jipkyulso*) in Hyesan, Yanggang province in December 2016, testified that she witnessed a fellow prisoner who was four months pregnant forced to undergo an abortion. The female prisoner was returned to the holding center (*jipkyulso*) immediately after the surgery and was sent to do woodcutting work which was very toilsome for her.

6. Testimonies of Orders Prohibiting Human Rights Abuses and of Occurring Changes

Since Kim Jong Un's ascension to power, ensuring accountability has been the most prominent characteristic of the international community's activities to improve human rights in North Korea. In 2013, the UN Human Rights Council (UNHRC) adopted a resolution on North Korea and commissioned the Commission of Inquiry (hereinafter COI) on Human Rights in the Democratic People's Republic of Korea. Through its report that the Commission released in February 2014, the COI suggested that persons that have committed crimes against humanity should be held either by referring them to the International Criminal Court (ICC) or by establishing a UN ad hoc tribunal.²⁸⁾ Since then, the UN has continued to embolden its activities to ensure accountability. As mentioned in the introduction, another noteworthy development is that countries such as the U.S., the EU, and the U.K. have sanctioned North Korean persons and institutions for their role in human rights violations.

Since Kim Jong Un's came to power, North Korea has responded to the international community's criticism of human rights and its particular emphasis on accountability with the logic of sovereignty. North Korea has constantly dismissed international criticisms as 'defamation of the Supreme Dignity, attempts to overthrow the regime, and challenges against the North Korean system.' North Korea enacted the Law on Countermeasures on November 20, 2019. Albeit consisting of nine brief provisions, the law addresses more than just responses to the international community's criticism of human rights in North Korea. For example, Article 3 illustrates the intention to provide an answer to U.S.-ROK joint military exercises as well as the international sanctions regime on nuclear weapons and missile development. Noticeably, the law mentions

28) UN Doc. A/HRC/25/63 (February 7, 2014), para. 87; UN Doc. A/HRC/25/CRP.1 (February 7, 2014), para. 1218.

‘activities that defame the dignity of the Republic’ as the first type of hostile behavior. It addresses common economic sanctions such as travel restrictions and asset freezes found in human rights laws adopted by the U.S., the EU, and the U.K. But in addition, also touches on the suspension of economic and cultural exchanges as well as even the severance of diplomatic relations.(Article 4) From the perspective of human rights, the Law on Countermeasures can be viewed as an ‘enactment to sanction the international community’s criticism and its sanctions on human rights.’ Put differently, it is a stronger response to the sanctions imposed by the international community. It is yet to be known whether specific measures have been implemented on grounds of this legislation. But the enactment of the law is concerning because it demonstrates how North Korea aims to respond not only rhetorically but also institutionally against the criticism, accountability, and sanctioning of human rights by the international community.²⁹⁾ Since 2015, North Korea has also added a provision (Article 64) in the Criminal Law that allows the death penalty to be sentenced for the crime of defaming the dignity of the Republic.³⁰⁾

On the other hand, it has been confirmed that North Korea has set forth orders prohibiting the violation of human rights since 2013. Table III-1 summarizes the orders issued under the Kim Jong Un regime not to violate human rights, based on testimony by North Korean defectors.

29) Lee, Kyu-Chang, “Analysis and Evaluation of DPRK Human Rights Trends around 2020- Focused on Law Enactment,” *KINU Online Series*, CO 23-06 (March 3, 2023), p. 2.

30) North Korea has revised its Criminal Law nine times since July 22, 2015, but it is difficult to specify when the article on defaming the dignity of the Republic was added.

Table III-1

Orders Prohibiting the Violation of Human Rights under the Kim Jong Un Regime³¹⁾

Year	Venue	Order
2013	MPS city branch in Samjiyeon	Do not beat or otherwise violate human rights at detention facilities
	Jeongeori <i>kyohwaso</i>	Do not kill and release reeducated detainees alive
	MSS in Wonsan	Guarantee the human rights of the prisoners
2014	MSS in Yanggang province	Prohibit torture during interrogations
	Ministry of People's Security (MPS) (Currently the Ministry of Social Security)	The violation of human rights is an act of colluding with the enemy that drives a wedge between the people of North Korea from the Supreme Leader. Perpetrators will be punished under Article 60 of the criminal law (Sedition)
	Central Party	The MSS shall not violate human rights
2017	MSS in Yanggang province	Guarantee the human rights of even the prisoners
	MSS in Yanggang province	Do not violate human rights at detention facilities
	Jeongeori <i>kyohwaso</i>	Prevent deaths and weakened individuals from occurring at <i>kyohwaso</i> . Do not punish or beat prisoners even if they fail to accomplish their tasks or fulfill their requirements. Abolish the practice of social exclusion (bullying among peers)
2018	Lecture at the Women's Union in Hyesan	Refrain from exchanging words that ignore the human rights of others and harm their feelings. Our country (North Korea) values human rights.
	Unidentified	Do not beat people at MSS
	Unidentified	Do not beat people under interrogation at either the SSD or MPS branches. Teachers shall also not beat students at school
	SSD in Taehongdan County	Do not beat prisoners

31) Compiled based on the results of surveys of North Korean defectors.

North Korean defectors have testified that these orders of forbidding the violation of human rights have been issued in response to criticism by the international community of human rights in North Korea. A North Korean defector that experienced a preliminary examination at an MPS branch in 2013 testified that the officer in charge showed him/her a legal handbook. The defector further testified that the handbook included a section prohibiting the beating and violation of human rights at detention facilities in accordance with the ‘rule of law’ of the Kim Jong Un regime. Another North Korean defector who was imprisoned at the SSD in 2017 testified that a correctional officer had told them that “you should know how lucky you are because laws have changed due to how the world has made a fuss about human rights. Prisoners who don’t obey orders were punished and beaten until last year, but now we don’t lay a hand.”

Cases that show how changes have occurred with torture and other forms of cruel treatment have since been recognized as violations of human rights and responded to accordingly have been collected. One North Korean defector testified that acts of physical abuse were not observed at the MPS detention center (*guryujang*) in Hyesan in 2017 because it was when “North Korea suffered measures against human rights abuses.” The defector also testified hearing that there had been instructions from Kim Jong Un not to beat or physically abuse prisoners at labor training camps (*rodongdanryundae*). As a matter of fact, several testimonies have been collected through surveys conducted in 2018 and 2019 that confirm how beatings by MPS officers have either declined or ended. A North Korean defector imprisoned at the labor training camp (*rodongdanryundae*) in Samjiyeon in 2014 and 2016 testified that they had seen the phrase “human rights violations are prohibited” posted at the labor training camp in 2016 that was not previously there in 2014.

There have also been testimonies that detainees whose yet to be sentenced

are not ordered to work. A North Korean defector who experienced forced labor at a detention center (*guryujang*) in April 2019, testified that detainees waiting for their trials are categorized as ‘prisoners awaiting their sentencing’ and not ordered to work. Another North Korean defector that claims to have undergone investigation while detained at a detention facility affiliated with the MSS from late 2017 to early 2018 testified that they were not ordered forced labor.

Testimonies have also stated that the number of deaths at detention facilities has also decreased. A North Korean defector has stated that an average of 3–4 prisoners died per month while he/she was detained at the Gaecheon *kyohwaso* in South Pyeongan province. But the number of deaths decreased due to orders to improve management by, for example, allowing more family visitations.

North Korea passed the Act on Prevention of Batteries on November 30, 2021. Particularly noteworthy are articles related to beatings at detention facilities. The law states that punishments such as unpaid labor, demotions, and dismissals can be sentenced if judicial institutions, including social security institutions (Ministry of Social Security), fail to outlaw instances of beatings or fail to open and launch investigations upon receiving reports of such incidents (Article 22). In light of the orders prohibiting violations of human rights and testimonies of observed changes discussed above, it appears that orders have brought about substantive changes, reflected by the decline of torture and other forms of cruelty, as well as the prohibition of forcing pretrial detainees to work represent. Despite seemingly positive changes, it is difficult to generalize that human rights at detention facilities have improved. This is because the number of North Korean defectors surveyed has drastically subsided under the Kim Jong Un regime which makes their accounts not particularly representative of the overall situation in North Korea. Above all, as Chapter IV below will elaborate, it is extremely likely that the human rights situation at detention

facilities has worsened since 2020 and the outbreak of the COVID-19 pandemic because North Korea has strengthened the enforcement and punishment of the North Korean people to enhance social control. It has been reported that approximately 700 prisoners have died of either starvation or illness between late 2022 and early 2023 at three prison camps, including the Gaecheon *kyohwaso*, as food rations have decreased as food shortages have exacerbated due to the COVID-19 pandemic. Moreover, it has also been reported that prisoners have escaped in large groups in order to secure food. This has heightened fear among local communities as these escapees have committed robberies, thefts, and murders in the process.³²⁾

32) “Mass Escape from North Korean Prison Camp due to Starvation, 700 Prisoners have died due to Starvation and Illness over Last Two Years,” *Yonhap News Agency*, February 22, 2023.

IV

Human Rights Abuses Due to Stronger Control of Society since the Outbreak of COVID-19



IV. Human Rights Abuses Due to Stronger Control of Society since the Outbreak of COVID-19

North Korea controls its society through several laws, including Criminal Law, Criminal Procedure Law, Judgments and Decisions Enforcement Law, Prosecution and Surveillance Law, Administrative Penalty Law, People's Security Enforcement Law, and People's Security Law. The enforcement of these laws breach a wide range of human rights such as the right to life, freedom from torture or inhuman treatment, freedom from forced labor, bodily freedom and safety, detainee rights, and the right to a fair trial of the people of North Korea. Among the various laws, Criminal Law and Administrative Penalty Law have a particularly significant impact on the human rights of the people of North Korea. During the Kim Jong Un era, North Korea has continued to strengthen social control through these two laws. Through the Criminal Law revised in 2009, the punishment was strengthened, and fines were added for crimes against sustaining national security order as perpetrators were accused of crimes against the state and the nation. In 2015, the crime of illegal international communications was newly added to constrain North Korean defections. The Criminal Law in 2015 (revised July 22, 2015) consisted of 241 articles punishable by law. In contrast, the Criminal Law in 2022 (revised May 17, 2022) consists of 269 articles. As for Administrative Penalty Law, the number of punishable offenses has continued to inflate with each amendment, with 174 articles on May 20, 2008, 195 articles on October 16, 2011, 296 on December 22, and 307 articles on December 18, 2020. North Korea's control over society has strengthened since the outbreak of the COVID-19 pandemic. This can be

observed in the excessive regulation and punishment for violation of quarantine rules, increased control of ideology, information, and culture to prevent the inflow and spread of anti-socialism and non-socialism, personnel decisions and enhanced management of officials, and stronger control and punishment of narcotics crimes. The number of North Korean who defected to South Korea has drastically decreased due to North Korea's border closure measures after the outbreak of the COVID-19 pandemic.³³⁾ Therefore, there are limitations to the accurate assessment of the current situation. But it is estimated that the judicial rights of the people of North Korea have consistently been abused during the processes of enforcement, trial, and punishment by public trials and public executions, violation of the right to counsel, and torture and inhuman treatment at political prison camps and other detention facilities. In fact, the situation may even be deteriorating.

1. Excessive Regulation and Punishment of Violation of Quarantine Rules

Since the outbreak of COVID-19, North Korea has updated its emergency quarantine levels into a three-tiered system consisting of Level 1, Special Level, and Super Special Level, and has implemented lockdowns, restrictions, containment, and quarantines based on the revised Law on Prevention of Epidemics (August 22, 2020) and the newly enacted Emergency Quarantine Law (August 22, 2020).

33) The number of North Korean defectors arrived in South Korea was 1,047 in 2019, but has decreased to 229 in 2020, 63 in 2021, and 67 in 2022. Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors: Recent Status," <<https://www.unikorea.go.kr/unikorea/business/NKDefectorsPolicy/status/lately/>> (Accessed February 23, 2023).

Table IV-1 Emergency Quarantine Levels of North Korea³⁴⁾

Level	Situations
Level 1	In case of a possibility of any highly virulent infectious disease entering North Korea, making it necessary to restrict border-crossing of people, animals and plants, and goods; or when any highly virulent infectious disease has occurred in North Korea, making it necessary to take quarantine measures while restricting the movement of people, animals and plants, and goods to and from the affected area
Special Level	In case of a danger of any highly virulent infectious disease entering the country, making it necessary to close the border; or when any highly virulent infectious disease has occurred inside North Korea, making it necessary to lock down the affected area and start quarantine measures
Super Special Level	In case of a danger of any highly virulent infectious disease that has occurred in a neighboring country or region causing detrimental and destructive catastrophe to North Korea, making it necessary to close all borders including land, air and sea, and ban gatherings and close schools ; or when any highly virulent infectious disease has occurred in North Korea, making it necessary to completely lock down the affected and adjacent areas while carrying out more intensive quarantine measures nationwide

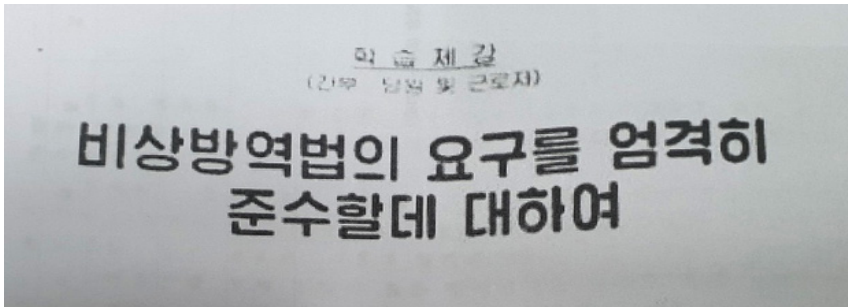
What is concerning is that any North Korean person who violates quarantine rules may face excessive criminal punishment. In general, individual laws in the North Korean legal system stipulates that “any individual who causes serious consequences in violation of this law shall be subject to administrative or criminal liability depending on the severity of their offense,” Consequently, administrative and criminal punishment is sentenced in accordance with the Administrative Penalty Law and the Criminal Law, respectively. By comparison, the Emergency Quarantine Law differs by having a separate chapter on ‘legal liability for violations of emergency quarantine regulations’ (Chapter 5) consist of 13 articles on punishment (Articles 63 to 75). The law also includes rules for fines (Articles 63 and 64). An study session was held to explain

34) North Korea’s Emergency Quarantine Law Article 3

the regulations of the Emergency Quarantine Law in Yanggang province in September 2021. North Korean people in attendance were reportedly shocked at the amount of the fines.³⁵⁾

Figure IV-1

Picture of the Cover of Educational Material ‘On Strict Adherence of the Requirements of the Emergency Quarantine Law³⁶⁾



The Emergency Quarantine Law stipulates that the people of North Korea can receive, at a maximum, the death penalty if they violate quarantine regulations. Two provisions the death penalty regarding punishment when the Emergency Quarantine Law was first enacted in 2020, but this increased to three when revised in 2021 (revised November 19, 2021). The rights and freedom of individuals may be restricted in a state of emergency. But such restrictions are only permitted to the extent strictly required by the exigencies of the situation (the ICCPR, Article 4, Paragraph 1). From the standpoint of the standards set by global norms on human rights, the North Korean government's measure of sentencing the death penalty for failing to comply with quarantine rules is disproportionately excessive – namely, a violation of the right to life.

35) "Excessively high Fines for Violations of Quarantine Rules in North Korea," Radio Free Asia, September 29, 2021.

36) *Ibid.* (Photo=RFA)

Table IV-2

Articles that Sentence the Death Penalty in the
Emergency Quarantine Law of North Korea

Emergency Quarantine Law (newly enacted on 22 Aug. 2020)		Revised Emergency Quarantine Law (revised on 19 Oct. 2021)	
Neglect of Execution of any Order, Decree, Decision, or Directive on Emergency Quarantine Measures (Article 65)	Life-term correctional labor punishment or death penalty in case of any extremely grave violations	Negligent Execution of any Order, Decree, Decision or Directive on Emergency Quarantine Measures (Article 69)	Life-term correctional labor punishment or death penalty in case of any extremely grave violations
Negligent Border Closures on Land, at Sea, and in the Air (Article 68)	Life-term correctional labor punishment or death penalty in case of any extremely grave violations	Negligent Border Closures on Land, at Sea, and in the Air (Article 72)	
		Obstruction of Emergency Quarantine Measures (Article 73)	

Figure IV-2

North Korean Poster Emphasizing Absolute Compliance with Quarantine Measures³⁷⁾



37) Korea Central News Agency, May 23, 2022. (Photo=Yonhap News Agency)

2. Stronger Control over Ideology, Information, and Culture to Prevent the Inflow and Spread of Anti-Socialism and Non-Socialism³⁸⁾

The international community has emphasized the importance of the inflow of information and culture into North Korea and has increased relevant activities. In July 2018, the U.S. Congress renewed the North Korean Human Rights Reauthorization Act of 2017, making the law effective through 2022 and extending financial support for private groups that produce broadcasts to North Korea (Section 4).³⁹⁾ The renewed Act also provides for new means of distributing information such as USB, micro SD cards, audio players, video players, cell phones, Wi-Fi, wireless internet, other types of Internet connections and wireless communications, and other electronic mediums (Section 5). On December 23, 2022, the U.S. legislative branch passed the Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2021.⁴⁰⁾ The key elements of the law include sanctions, including the freezing of assets and revocation of visas, on any foreign person who has engaged in or is responsible for censorship by the government of North Korea or the Workers' Party of Korea (WPK) (Section 5), as well as the promotion of freedom of information and countering censorship and surveillance in North Korea (Section 7). On April 16, 2021, the Tom Lantos Human Rights Commission under the U.S. Congress held an unprecedented public hearing on human rights in Korea and discussed the issue of South Korea's anti-Pyongyang leafleting ban. In its 2021 Country Report on Human Rights Practices in South Korea, the U.S. State Department elaborated the revisions to the Development

38) This updates information from a previous study, Lee, "Analysis and Evaluation of DPRK Human Rights Trends around 2020," (2023), pp. 3-4.

39) North Korean Human Rights Reauthorization Act of 2017.

40) Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2021.

of Inter-Korean Relations Act enacted on December 29, 2020, and the ensuing investigations of related organizations after the revised law took effect in the section on restrictions to the freedom of expression.⁴¹⁾ In his 2021 report on the situation of human rights in North Korea submitted to the UNHRC, former Special Rapporteur on the Situation of Human Rights in the DPRK Tomás Ojea Quintana also expressed concern on the revised Development of Inter-Korean Relations Act which stipulates the prohibition of and punishment for the flying of leaflets, and recommended a review of the legislation.⁴²⁾

In contrast to the international community's continued emphasis and work on disseminating information in North Korea to help promote the peoples' access to information, the North Korean regime has shored up its laws and regulations on its control over ideology and information. As part of these efforts, North Korea has recently enacted the Reactionary Ideology and Culture Rejection Act (December 2020) and the Youth Education Security Act (September 29, 2021). The Reactionary Ideology and Culture Rejection Act reportedly has provisions that allow sentencing the death penalty for any act of introducing, distributing, watching, or browsing South Korean movies or recordings.

Table IV-3

Death Penalty Provisions under the Reactionary Ideology and Culture Rejection Act (2020)⁴³⁾

	Violations and Offenses	Punishment
Article 27	Importing or distributing any South Korean movie, recording, compilation, or book	Life-term correctional labor punishment or death penalty

41) 2021 Country Reports on Human Rights Practices: Republic of Korea, pp. 7~8.

42) UN Doc. A/HRC/46/51 (2 July 2021), para. 41.

43) This table is adapted from the following, Myung Sub Han, "A Study on North Korea's Reactionary Ideology and Culture Rejection Act," *Studies on North Korean Law*, Vol. 27 (2022), pp. 117~118.

Violations and Offenses		Punishment
	Organizing or promoting collective viewing or browsing of any South Korean movie, recording, compilation, or book	Death penalty
Article 28	Importing or distributing a large amount of recordings, compilations, or books from any enemy country, or distributing them to multiple persons, or organizing or promoting the collective viewing or browsing of them	Life-term correctional labor punishment or death penalty
Article 29	Importing or distributing a large amount of pornographic recordings or books, photos or paintings, or distributing them to multiple people, or organizing or promoting the collective viewing or browsing of them	Death penalty

Between September 14 and 15, 2022, the Seventh National Conference of Judicial Officers was held for the first time in 5 years.⁴⁴⁾ The purpose of the meeting was stated as ‘perfecting the legal system of the country and strengthening the socialist legal system.’⁴⁵⁾ At this meeting, Choe Ryong-hae, Chairman of the Standing Committee of the Supreme People’s Assembly (SPA), stated that “legal struggle has been intensified to enhance the law-abiding consciousness of officials and working people and eradicate anti- and non-socialist practices.” ‘Ideology’ was also stressed at the 6th Plenary Meeting of the 8th Central Committee of the WPK held in December 2022 as it was mentioned 12 times.⁴⁶⁾ The 8th session of the 14th SPA, held on January 17–18, 2023, highlighted the meaning of the enactment of the Pyongyang Standard Language Protection Act as “a law-governed requirement of the development of socialist national culture to protect and actively preserve the cultured Pyongyang dialect.”⁴⁷⁾ It was highly unusual that this meeting discussed projects overseen by the Central Public Prosecutors’ Office for the

44) Law workers refer to executive and working-level officials in the judicial sector that work at institutions such as the prosecutor’s office and the courts. the national meeting of law workers was held for first time in five years since the last meeting held in October 2017.

45) *Korea Central News Agency*, September 16, 2022.

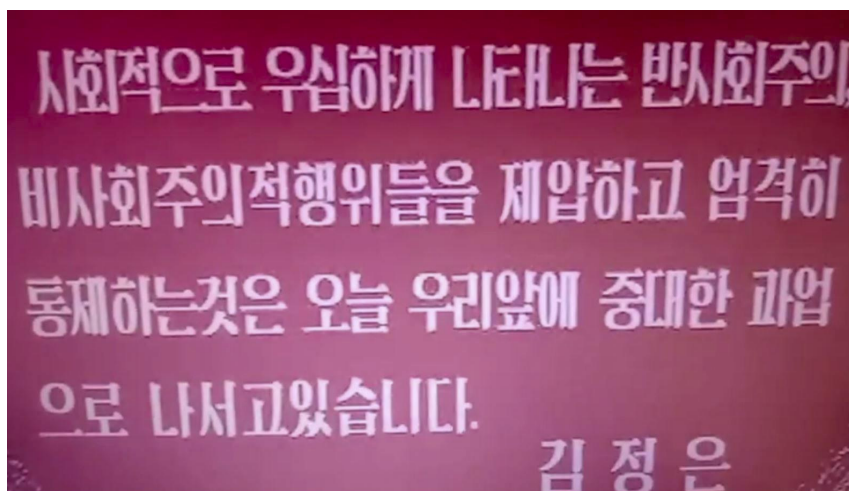
46) *Korea Central News Agency*, January 1, 2023.

47) *Korea Central News Agency*, January 19, 2023.

year 2022. Deputies in attendance raised ‘practical issues that arise in the process of strengthening the degree of legal surveillance and control in order to establish the revolutionary law-abiding ethos’ during the process of implementing national projects in general.⁴⁸⁾ Figure IV-3 below is an image of a message captured from a video titled ‘Let us more vigorously undertake the Struggle to eradicate various Anti-Socialist and Non-Socialist Phenomena in the Capital’, which North Korea reportedly created in the first half of 2022. In this video, Kim Jong Un encourages the people of North Korea to participate in the struggle against anti-socialism and non-socialism.

Figure IV-3

Kim Jong Un’s Order Encouraging the struggle against Anti-socialism and Non-socialism⁴⁹⁾



Kimilsungism-Kimjongilism as well as the Ten Principles is underlying factors for the North Korean regime to strengthen its control over the people’s access to information and culture in contrast to the hope of the international

48) *Ibid.*

49) *Chosun Ilbo*, December 26, 2022. (Photo=*Chosun Ilbo*)

community. North Korea replaced its governing ideology of *Juche* with Kimilsungism-Kimjongilism through the constitutional amendment in 2019.⁵⁰⁾ Previously, the WPK had revised the ‘Ten Principles for the Establishment of the Party’s Unitary Ideology System’ to the ‘Ten Principles for the Establishment of the Party’s Unitary Leadership System’ on June 19, 2013. In order to maintain and promote Kimilsungism-Kimjongilism, which constitute the foundations of the Statutes of the WPK and the Ten Principles, North Korea has violated the people’s’ freedom of thought and conscience, freedom of religion, freedom of the press and publication, freedom of assembly and of association, freedom of expression, freedom of elections, and the right to access information. These human rights abuses of the people of North Korea are expected to continue or even aggravate with the enactment of North Korea’s Law of the DPRK on the Administration of Revolutionary Relics on April 30, 2021. This is because the law stipulates the establishment of a unitary leadership system as the foundational principle of revolutionary projects (Article 3). In particular, the law designates not only Kim Il-sung and Kim Jong-il but also Kim Jong Un as those whose revolutionary history and accomplishments need to be continued and further cultivated (Article 2).⁵¹⁾ The Law of the DPRK on the Administration of Revolutionary Relics is the first instance in legislation where Kim Jong Un is idolized. This leads to the prediction that North Korea’s control of ideology, information, and culture will either continue or strengthen for the foreseeable future to maintain the North Korean system that Kim Jong Un symbolizes. Therefore, human rights abuses, including public executions, torture and inhuman treatment at detention facilities, violation of judicial rights

50) North Korean Constitution (revised August 29, 2019), Article 3: The Democratic People’s Republic of Korea is guided in its building and activities only by great Kimilsungism-Kimjongilism.

51) North Korea’s Act for Commemoration on Revolutionary Historic Site, Article 2: The Revolutionary Projects is **a noble project to firmly defend and inherit the glorious and magnificent revolutionary history and accomplishments** of the great respected Supreme Leader Kim Il-sung, Supreme Leader Kim Jong-il, and **our Dear Leader Kim Jong Un**.

during criminal case procedures, imprisonment in political prison camps for religious activities, the spread and distribution of anti-system leaflets, and the viewing and dissemination of recorded materials are feared to continue.

Table IV-4

Core Contents of the Ten Principles for the Establishment of the Party's Unitary Leadership System

Principle 1	Fight, with all your strength, to make the whole society embody Kimilsungism and Kimjongilism
Principle 2	Venerate the great respected comrades Kim Il-sung and Kim Jong-il as the Great Leaders of the Party and of the People, and as the suns of <i>Juche</i>
Principle 3	Treat the authority of the great respected comrades Kim Il-sung and Kim Jong-il and of the Party as absolute and protect them unto death
Principle 4	Solidly arm yourself with revolutionary ideas of the great respected comrades Kim Il-sung and Kim Jong-il as well as the line and the policy of the Party which represent the fulfillment of their ideas
Principle 5	Firmly adhere to the teachings of the great respected comrades Kim Il-sung and Kim Jong-il as well as the line and policy of the party based on the principle of absolutism
Principle 6	Strengthen in every way the ideological-philosophical integrity and revolutionary unity of the whole Party which are centered on the Supreme Leader
Principle 7	Follow the great respected comrades Kim Il-sung and Kim Jong-il to learn an esteemed moral and ethical image, revolutionary methods of action, and the people's model of behavior
Principle 8	Venerate the political aspect of life bestowed by the Supreme Leader and by the Party and reciprocate with high political consciousness and accomplishments
Principle 9	Establish a strong organizational discipline under the unitary leadership of the Party that mobilizes the entire Party, state, and military as one
Principle 10	Inherit and fulfill the great deeds of the <i>Juche</i> revolution and the Songun revolution, both pioneered by the great respected comrade Kim Il-sung, and later guided by the great respected comrades Kim Il-sung and Kim Jong-il, from generation to generation until the end

3. Stronger Control and Management of Officials through Personnel Decisions

COVID-19 has had a negative impact on the human rights of the people of North Korea. North Korea continued to deny the existence of patients and deaths caused by the pandemic, but officially announced that deaths due to COVID-19 had begun to occur since late April 2022. According to North Korea's news reports, there were 74 deaths related to COVID-19 as of August 10, 2022.⁵²⁾ But North Korea's approach to the pandemic was not based on the perspective of protecting the human rights of the people but from the perspective of the system. In other words, North Korea perceived COVID-19 as a challenge to the survival of the state. This is confirmed by the various measures that the North Korean government adopted after the outbreak of COVID-19. On January 28, 2020, North Korea transitioned its health and quarantine system into a national emergency quarantine system to be maintained until the threat of COVID-19 disappeared. Later, the Rodong Sinmun emphasized that efforts to prevent the spread of COVID-19 should be viewed as 'a serious political issue related to the survival of the state' on January 29, 2020. The Emergency Enlarged Meeting of Political Bureau of WPK Central Committee held on July 26, 2020, elevated the state emergency anti-epidemic system to a maximum emergency system. Simply put, North Korea has responded to the COVID-19 pandemic not merely as a health issue but rather as a threat to the survival of the state. This appears to have been intended to prevent public unrest that could be caused by a complex mix of travel restrictions, quarantines, consequent restrictions to the *jangmadang* and other economic activities, and food shortages from potentially to destabilize the system. This is reflected in how North Korea continuously stressed the

52) KINU, "The State of COVID-19 in North Korea," <<https://kinu.or.kr/cms/content/view/938>> (Accessed February 23, 2023).

seriousness and threat posed by COVID-19 through news reports and statements by Kim Jong Un from the beginning of the pandemic.⁵³⁾ For example, North Korea stated that “political efforts to increasingly raise the awareness of the people of the risk of the pandemic … and will constantly strengthen control to effectively respond to COVID-19” through state media.⁵⁴⁾ Regarding officials in particular, the North Korean government stressed the realization of the unitary leadership system and sought to strengthen discipline through punishments and personnel decisions.⁵⁵⁾ One instance was the 2nd Enlarged Meeting of Political Bureau of 8th Central Committee, WPK held on June 29, 2021, which Kim Jong Un chaired himself. At the meeting, Kim Jong Un slammed certain responsible officials and made personnel changes for their negligence in the implementation of the Party’s major decisions in response to the protraction of COVID-19 which consequently posed a serious threat to the safety of the state and its people.⁵⁶⁾ In its 2021 report, the EU notes that through border closures and travel restrictions, North Korea has strengthened the authority of the state by limiting economic activities and access to information.⁵⁷⁾ In its 2023 World Report, Human Rights Watch (HRW) similarly comments on how North Korea has used the COVID-19 pandemic to abuse human rights.⁵⁸⁾

53) Kim, Ho-Hong and Park, Bora, “North Korea’s Use of the Covid-19 Pandemic for Regime,” *INSS Strategic Report*, No. 192 (November, 2022), pp. 10–12.

54) *Rodong Sinmun*, May 3, 2021.

55) Kim and Park, “North Korea’s Use of the Covid-19 Pandemic for Regime,” (2022), pp. 12–15.

56) *Rodong Sinmun*, June 30, 2021.

57) “The measures appeared also to be part of a strategy to strengthen the authority of the State by further restricting access to information and the ability to engage in the unofficial market transactions on which much of the population depends for its livelihood.” EU, *EU Annual Report on Human Rights and Democracy in the World*, 2021 Country Updates, p. 198.

58) Human Rights Watch (HRW), “North Korea uses the COVID-19 Pandemic to abuse Human Rights,” *HRW*, January 12, 2023, <<https://www.hrw.org/ko/news/2023/01/12/north-korea-covid-19-used-crush-rights>> (Accessed February 23, 2023).

4. Stronger Control and Punishment of Narcotics Crimes⁵⁹⁾

By revising the Criminal Law in 2013, North Korea has added the death sentence as the maximum punishment that the court can sentence for narcotics crimes – growing opium and manufacturing drugs. In the Criminal Law revised in 2015, four articles address narcotics crimes, and two of these articles stipulate that, at a maximum, the death penalty can be sentenced for offenses. The 2022 revision of the Criminal Law increased the number of articles related to narcotics crimes to eight, of which three crimes can be sentenced with the maximum death penalty.

Table IV-5

Comparison of Articles on Narcotics Crimes in North Korea's Criminal Law

Criminal Law as of July 22, 2015	Criminal Law as of May 17, 2022
Article 130 (Violation of Order of Storage and Supply of Narcotics, Poisons and Explosives) Correctional labor punishment of less than three years in cases of grave violations	Article 231 (Illegal Loss of Narcotics) Correctional labor punishment of more than three years and less than five years in cases of grave violations
	Article 232 (Illegal Supply of Narcotics) Illegal supply of large quantities of narcotics punishable by correctional labor punishment of more than five years and less than ten years
	Article 236 (Illegal Storage of Narcotics) Correctional labor punishment of more than five years and less than ten years in cases of grave violations
Article 206 (Illegal Opium Cultivation and Manufacture of Narcotics) Life-term	Article 233 (Illegal Cultivation of Opium) Cultivation of large quantities of opium

59) This updates and revises information from a previous study, Lee, “Analysis and Evaluation of DPRK Human Rights Trends around 2020,” (2023), pp. 5-6.

Criminal Law as of July 22, 2015	Criminal Law as of May 17, 2022
correctional labor punishment or death penalty in cases of particularly grave violations	<p>punishable by correctional labor punishment of less than five years</p> <hr/> <p>Article 234 (Illegal Harvesting of Opium) Illegal harvesting of extremely large quantities of opium punishable by life-term correctional labor punishment, or the death penalty and confiscation of property</p> <hr/> <p>Article 235 (Illegal Manufacture of Narcotics) Illegal manufacturing of extremely large quantities of opium punishable by life-term correctional labor punishment, or the death penalty and confiscation of property</p>
Article 207 (Illegal Narcotics Use) Correctional labor punishment of less than five years in cases of grave violations	Article 238 (Illegal Narcotics Use) Correctional labor punishment of less than five years in cases of grave violations
Article 208 (Smuggling and Trade of Narcotics) Life-term correctional labor punishment or death penalty in cases of particularly grave violations	Article 237 (Smuggling and Trade of Narcotics) Smuggling and trading of extremely large quantities of Narcotics punishable by life-term correctional labor punishment, or the death penalty and confiscation of property

In addition to Criminal Law, North Korea enacted the Law of the DPRK on the Prevention of Drug-related Crimes on July 1, 2021. The law stipulates the prohibition of acts related to narcotics (Articles 11-16), the reporting of narcotics crimes (Article 17), and the education of students on the prevention of narcotics crimes (Article 9). Criminal liability for narcotics crimes are also mentioned in 20 articles (Articles 20-39). Of these, four crimes are punishable by the death penalty (Articles 23, 24, 28, and 39). The reason North Korea has strengthened its response to drug-related crimes can be found in the article of the law that defines drug-related crime. North Korea perceives narcotics crimes as “serious

behaviors that pervert and corrupt individuals both physically and mentally, and destroy the political stability of the state and social system” (Law of the DPRK on the Prevention of Drug-related Crimes, Article 2). This demonstrates how North Korea considers its response to narcotics crimes as a matter related to the system. Meanwhile, detailing criminal liability in specific laws other than Criminal Law is a characteristic found in recent changes to North Korea’s legislative system. In addition to the Law of the DPRK on the Prevention of Drug-related Crimes, this trend can also be observed in the Reactionary Ideology and Culture Rejection Act and Emergency Quarantine Law. This further illustrates how North Korea perceives its response to narcotics crimes as a crucial issue regarding the system, similar to its response to anti-socialism and non-socialism as well as emergency quarantine measures. Based on existing testimonies by North Korean defectors, there also exists the possibility that perpetrators of narcotics crimes are imprisoned at political prison camps. There is concern that violation of the North Korean people’s judicial rights may continue during criminal case procedures related to narcotics.

In the Kim Jong Un Era

What Is the Reality of Social Control
and Punishment in North Korea?

V

Conclusion



V. Conclusion

Public trials and public executions have been pointed out as typical examples of human rights issues that arise during criminal case procedures. The imprisonment of North Korean people at political prison camps in absence of a trial has continued under Kim Jong Un. Prisoners are exposed to severe and grave human rights abuses to the extent that these political prison camps can be viewed as a culmination of human rights violations. Various detention and correctional facilities exist in North Korea including holding centers (*jipkyulso*), detention centers (*guryujang*), labor training camps (*rodongdanryundae*), disciplinary labor centers (*rodonggyoyangdae*) and labor prison camps (*kyohwaso*) operated by the Ministry of State Security (MSS) and the Ministry of Social Security. The people of North Korea face torture, harsh treatment, and forced labor during the investigation process before trials, as well as during the execution of sentences. The state of nutrition, sanitation, and health care at detention and correctional facilities remain extremely dire, which, combined, continue to cause deaths. Females that have been forcibly repatriated after their attempts to defect, assault, forced abortions, and murdering of infants continue to occur at detention facilities. Torture and inhuman treatment at detention facilities have continued during the Kim Jong Un era.

Since the resolution establishing the COI in 2013 and the subsequent release of the Commission's report in 2014, it has been confirmed that the North Korean government has issued orders through various routes prohibiting human rights abuses. Testimonies by North Korean defectors have been collected that state how public executions have become less frequent, and how torture, inhuman treatment, forced labor, and deaths at detention facilities have all declined. The Act on Prevention of Batteries was enacted in 2021. Regarding

human rights at political prison camps, there has also been testimony that marriage, childbirth, and education are allowed and that there is an independent legal system at the No. 18 *kwanliso* in Bukchang county in North Hamgyeong province. But these testimonies by North Korean defectors are insufficient to conclude that human rights during criminal case procedures has improved. This is because it is difficult to determine whether these statements represent the overall situation since the number of North Korean defectors has sharply decreased due to stronger control on defections from North Korea by the Kim Jong Un regime.

Since the outbreak of the COVID-19 pandemic, North Korea has strengthened its control over society through excessive regulations and punishment for compliance with quarantine measures, stronger controls over ideology, information, and culture to prevent the inflow and spread of anti-socialism and non-socialism, enhanced control and management of officials through personnel decisions, and stronger control and punishment of narcotics crimes. This implies that human rights abuses during criminal case procedures and at detention facilities are extremely likely to have degraded. There have already been reports that facilities at prison camps and political prison camps have been expanded while deaths due to illness and starvation at detention facilities against the backdrop of the deteriorating humanitarian situation have already been piling since the outbreak of the COVID-19 pandemic. Consistent observation and investigation is necessary to specifically and objectively assess human rights during criminal case procedures and the situation at North Korea's detention facilities.