

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

2001



**Korea Institute for  
National Unification**

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## Foreword

Since the inter-Korean Summit meeting, North Korea appears to be actively pursuing policies to improve South-North relations and resolve the humanitarian "war-separated family" issue. Already, three batches of war-dispersed family members from each side have met with their families on the other side, and a round of mail exchanges is also scheduled on a trial basis.

North Korea filed its first human rights report in 1983 to comply with the terms of the International Covenant on Civil and Political Rights (covenant "B"), which it acceded to in 1981. However, since it submitted a supplementary report in 1984, North Korea did not file any additional reports until July of 2000 when it submitted only its second report in 16 years to the UN Commission on Human Rights.

In an effort to secure international support for the Kim Jong-il regime and to obtain more economic assistance from the international community, North Korea is pursuing a pragmatic "all-directions diplomacy" in its foreign relations. That North Korea has engaged in a new approach was particularly evident when it accepted Germany's preconditions concerning human rights, and as it established formal relations with most of the European Union (EU) member states.

Although North Korea has outwardly shown a somewhat different attitude toward human rights, there is certainly room for improvement in the human rights situation in North Korea today. This is particularly true from the standpoint of the human rights standards of the international community.

Since 1996, the Korea Institute for National Unification (KINU) has been publishing its annual report, "White Paper on Human Rights in North Korea," based on facts gathered and an analysis of the status of human rights in North Korea. This "white paper," which is written based on research and material data, includes many personal interviews with recent defectors from North Korea. However, this report may contain weaknesses in certain respects, such as in its academic rigor, objectivity, or lack of verifiable or corroborating evidence. This was unavoidable given the insurmountable constraints that currently prevail on the Korean Peninsula.

It is our hope that this annual report will serve to deepen the concerns of the Korean people over the human rights situation in North Korea, and remind the international community of the

deplorable situation that currently exists there. It is also hoped that this report will serve as useful reference material for unification policymakers and specialists on inter-Korean relations.

Suh Byung-chul, Ph.D.  
President, KINU  
Seoul,  
April 2001

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

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

#### A. The Continuing One Party Dictatorship and Personality Cult

North Korea has begun an all-out, pragmatic diplomacy to copewith its impending economic hardship and to overcome international difficulties flowing from its self-imposed isolation. For the same purpose, it agreed to cooperate with South Korea at the inter-Korean Summit (June of 2000) to pursue tension reduction onthe Korean Peninsula and engage in exchanges and cooperation in various fields. Currently, it is responding to attempts to resolve various humanitarian issues, such as the reunion of war-separated families, while endeavoring to achieve economic rehabilitation through such projects as the reconnection of the Seoul-Shinuiju rail lineand the formation of industrial and tourist complexes in and around Kaesong City.

North Korea is also pursuing improved diplomatic relations with advanced nations while continuing negotiations on the missile issue to improve its relations with the United States. Despite the changes in its external and inter-Korean policies, so far no major changes, either politically or socially, have taken place inside North Korea.

North Korea is still under the grip of the dictatorship of the Korean Workers' Party. The Korean Workers' Party (KWP) has played a central role in the maintenance of both Kim Il-sung's and his successor's dictatorial rule. The revised 1998 Constitution stipulates that the "DPRK shall conduct all activities under the leadership of the KWP." (Art. 11) The KWP statute also states that the party's major mission is to carry out the revolution and nation buildingunder the Juche ideology and under the sole leadership of Kim Il-sung. The KWP, then, is the nation's ruling organization, which mobilizes the populace and demands from the people unconditional and unflagging loyalty to the leader.

Upon Kim Il-sung's death in 1994, Kim Jong-il ascended to power, and currently theredoes not appear to be any challenge to his rule. Kim Jong-il became the KWP's general secretary in October of 1997, and in September of 1998 he was elected the Chairman of the National Defense Commission, the highest position of power in the

nation. Kim Il-sung was given the position of "Eternal Jusok (Leader)" while Kim Jong-il solidified the foundation of his rule on the basis of Kim Il-sung's authority.

To make his rule a legitimate one, the father-son personality cult was further strengthened. To this end, Kim Il-sung became "the eternal Jusok," and the revised Constitution was named "the Kim Il-sung Constitution." In addition, Kim Il-sung's birth year of 1912 became the "founding year of Juche" and the "Juche annals" are being used as the nation's official dogma. All sorts of heroic phrases such as "the Sun" and "Suryong (leader)" that were used to idolize Kim Il-sung are now used for Kim Jong-il, with the exception of the term Jusok, which is reserved for Kim Il-sung. Like Kim Il-sung, Kim Jong-il is also utilizing Confucian traditions to justify his rule. The North Korean authorities emphasize the moral superiority of Kim Jong-il as a leader and stress the importance of collectivism and the imperative of absolute obedience to Kim Jong-il's authority. The "Joint Editorials of the Party-Military-Youth Newspapers" published as a New Year's message for 2000 exhorted that a new path was open to building a "Strong and Prosperous State," thanks to Comrade Kim Jong-il's unequalled wisdom and sleepless, unreserved endeavors. Its instigations called for all North Koreans to defend the Suryong with everything in their power in both youth and old age. (1) As such, North Korea emphasizes that the first and foremost mandate for the people is to render an unconditional and absolute loyalty to Kim Jong-il. (2) The North Korean authorities utilize all mass media, including the press and cultural activities, as means of propaganda to marshal loyalty and support for Kim Il-sung and Kim Jong-il. In addition, the government attempts to exercise full control over any and all information that could negatively impact the maintenance of the regime.

- (1) The "Chosun Central Broadcast," "Radio Pyongyang," and "Joint Editorials of the Party, Military, and Youth Newspapers," January 1, 2000.
- (2) The "Central Broadcast," May 26, 2000.

The inhabitants of North Korea do not have the opportunity to change the regime through the free exercise of their political rights. The North Korean Constitution guarantees "all levels of sovereign agencies" the right to a secret ballot under general, equal and direct voting principles. In reality, however, the electoral system is used to

justify the KWP's one-party dictatorship and as an external propaganda tool to claim that North Korea is a democratic state. In North Korea, the right to vote is under the control and scrutiny of the National Security Agency. Consequently, it is unthinkable for anyone to cast a vote for a candidate other than the one recommended by the Party - unless one is prepared to sacrifice the safety of oneself and/or one's family. Furthermore, most North Koreans could not comprehend of the idea of an opposition party. Also, most in the North do not know of the procedures through which Kim Jong-il was appointed as Chairman of the National Defense Commission. The North Korean electoral system, then, is nothing more than a formalistic procedure for an *ex post facto* approval of the KWP's designs and a means of mobilization in which to arouse the people's interest in politics. The North Korean "Rodong Shinmun (Workers' Daily)" on October 5, 1997 criticized that the Western multiparty political structure and free elections as sources of sociopolitical dissention, confusion and frustration, and called for a total rejection of these systems.

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

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

The North Korean criminal code does not stipulate punishable crimes in detail but sets down rules in broad terms. Furthermore, many human rights principles, such as no *ex post facto* laws or punishment according to prescribed laws, are denied in North Korea.

Such ambiguous and all-inclusive concepts as "anti-revolution" or "reactionary" are applied to anti-regime elements who are then imprisoned, their properties expropriated, and sent to political concentration camps or sentenced to death. Anti-revolutionary crimes include criticism of the Party or of State policies and complaints or disrespectful acts toward Kim Il-sung or Kim Jong-il (such as defaming their pictures).

The National Security Agency determines the level of punishment in lieu of trial for so-called "traitors to the fatherland," "segregationists," "anti-Kim Il-sung individuals" or anyone needing to be politically purged. Depending on the seriousness of the crime, not only the perpetrator but also his/her family members and relatives are also punished. In many cases, political prisoners serve inhumane prison terms in far-flung mountainous areas, without specific knowledge of his/her crime(s) or the duration of punishment that must be served. North Korean authorities refer to political prison camps as "00 management sites."

#### B. The Political Apparatus Supporting the Regime

The People's Army is responsible for North Korea's external security. The National Security Agency and reservists called Worker/Farmer Red Guards support the regime. In an effort to secure the support of the military during the power transition, Kim Jong-il emphasized "military-first politics" and actively pursued military-related activities including "on-site instructions." The "military-first politics" meant giving top priority to the military and paying primary attention to the strengthening of the armed forces. It also meant that emphasis was placed on the revolutionary military spirit involved in carrying out the socialist revolution, and that the armed forces stood at the forefront of building a socialist nation. The New Year's message of 2000 emphasized that Kim Jong-il was leading the socialist nation building with the People's Army, and that "Comrade Kim Jong-il's 'military-first politics' is powerful in our times and is shining brightly as a method of socialist politics. It has put the People's armed forces as the pillar of revolution and led the entire people to fight on in the spirit of a revolutionary army." The message further reiterated that the People's armed forces would put their lives on the line to protect their highest command post (Kim Jong-il), an indication that protection of Kim Jong-il from all internal and external challenges was their priority. Another task of the armed forces is to safeguard agricultural production at cooperative farms.

With the increasing number of defectors due to economic hardship and food shortages, the number of border guards has been increased, and shoot-on-sight orders have been given to prevent North Koreans from fleeing the country.

The People's Safety Agency (the former Social Safety Agency), the National Security Agency and KWP cadres are charged with the maintenance of internal stability. The National Security Agency is responsible for holding elections and finding and punishing anti-Kim Jong-il, anti-revolutionary political criminals. The People's Safety Agency deals with general and economic crimes and is charged with police work and the surveillance of citizens. The Farming Guidance Bureau within the National Security Agency runs and manages political concentration camps.

The level and extent of human rights violations perpetrated by these political agencies are widespread and serious.

### C. Reinforcing the Ideology Education

Recently, North Korea is showing signs of change in its external relations. For example, in the wake of the inter-Korean Summit it is seeking a relaxation of tensions on the Korean Peninsula, pursuing inter-Korean exchanges and cooperation, and continuing reunion meetings among war-separated families. However, out of fear of the adverse repercussions that these developments may have on society, North Korean authorities are tightening social controls. The authorities are now operating "ideology inspection teams" and have increased the number of ideology education classes from once to four times a week in order to prevent ideological slackening among the people and to insulate them from the winds of openness. Within six months of the launch of the Mt. Geumgangsightseeing program, North Korea tightened its ideology education by warning that in all sectors of society a "mosquito net" should be tightly drawn to keep out foreign influences. (3) The idea being that external contacts, such as economic exchanges, are necessary, but that destabilizing ideas should be kept from entering North Korea. North Korea repeatedly points out to its people that the former Soviet Union and Eastern Europe firmly withstood armed threats but swiftly collapsed in the face of cultural and ideological intrusions. In an effort to safeguard the regime, North Korea is feverishly arming its people with ideological education, and emphasizing that moral deterioration among the younger generation is a serious problem. Ideological re-indoctrination is part of an ongoing campaign to safeguard the

system before moving ahead with economic rehabilitation, and is evidence of North Korea's paranoia over the possible influx of foreign ideas.

(3) The "Rodong Shinmun" and "the Worker," June 1, 1999.

#### D. Searching for a Solution to Economic Hardship

North Korea insists that it maintains a system that is closest to the communist ideal. In North Korea political power is centralized, and the government exercises extensive control over economic activities according to economic plans. Due to this inefficient structure, it has faced economic stagnation since the late 1980s. Initially, North Korea pursued the goal of building a self-reliant nationalistic economy based on self-help and with emphasis on heavy industries. But, its industries soon lost their competitiveness because they failed to induce foreign capital and technology, which in turn forced its consumer industries to falter and caused an imbalance among its various industrial sectors. The populace's living standards rapidly deteriorated due to a chronic shortage of supplies, which was caused by technological backwardness. There were several reasons for this eventuality, including the government's introverted economic policies, the lack of material incentives under a collectivist system, excessive defense spending and a vulnerable social infrastructure. Once the Cold War was over, North Korea's economic hardship worsened further because North Korea was isolated, the international community was loathe to extend credit to North Korea because it failed to repay outstanding external debts, and both Russia and China discontinued grant-in-aid trade. The North Korean authorities, however, blamed the economic hardship and food shortages on US economic sanctions and natural disasters that hit North Korea during the period. Due to drastic shortfalls in agricultural output, government rations since 1995 were confined to certain privileged classes to the exclusion of ordinary citizens. It is reported that "marketplaces" or farmers' markets have replaced the official distribution system, and that these markets now provide a minimum supply of food and consumer necessities to the populace. The severe food shortage has caused many to die of starvation and others to flee the country in search of food, with some of these defecting via third countries.

North Korea confirms that the number of starvation deaths at approximately 220,000, but the United States estimates the number to exceed two million. (4) The breakdown of the food distribution system in socialist North Korea amounts to a paralysis of the socialist system itself, and the North Korean authorities are fully

accountable for this threat to the lives of its people.

(4) The Washington Post, September 6, 2000.

Throughout the 1990s the North Korean economy recorded negative growth. Since 1998, when Kim Jong-il officially assumed power as Chairman of the National Defense Commission, a full-fledged economic rehabilitation has been under way. Some of the measures include allowing ownership of the means of production by legal entities and individuals, permitting business profits, encouraging special economic zones, introducing a variety of new business operations, and the "Strong and Prosperous Nation" and "Second Flying Horse" campaigns. Kim Jong-il is attempting to lay a firm foundation for economic recovery by recruiting young professional cadres and imposing a strict control over the economy. Between 1997 and 1998, a generational change has taken place in both central and local governments, and new professionals have been promoted en masse.

North Korean authorities are trying to increase agricultural and industrial productivity through pragmatic methods and by promoting younger, more creative workers. Because they know that overall openness and reforms would result in a collapse of the socialist regime itself, they are pursuing gradual adjustments and changes by upgrading and improving the existing economic foundation. Their choice of policy adjustments rather than economic reforms and openness appears to reflect a strategy designed to safeguard and maintain the current Kim Jong-il regime.

In 1999, the North Korean economy recorded growth of 6.2 percent. This was the first growth in 10 years and is largely due to the more than \$400 million in assistance that the North received from South Korea and the international community. Prices for consumer products at farmers' markets dropped from 5-15 won, depending on the item, year-to-year, and the prices of industrial goods also remained at the previous year's price levels. The reasons for this phenomenon may be attributed to decreasing demand as supplies increased as a result of numerous donations by the international community. The drop in grain prices, however, does not necessarily mean that the food situation is improving. (5) Due to a lack of oil and raw materials and the vulnerable infrastructure, the North Korean economy can hardly be expected to achieve growth without outside aid. Following the inter-Korean Summit, North Korea is hoping to rebuild its infrastructure and earn foreign currency through reinvigorated inter-Korean exchanges and cooperation, such as the Seoul-Shinuiju

rail reconnection project and industrial and sightseeing complexes in and around Kaesong. After the inter-Korean Summit, Kim Jong-il himself appears to be focusing his "on-site instructions" on the economic sector (10 visits) rather than the military sector (4 visits). (6) Finally, incentives are being increased in the agricultural sector, but there are no signs that widespread reforms are actually being made.

(5) The Chosun Ilbo daily, March 14, 2000

North Korean authorities have set the year of Kim Jong-il's 60<sup>th</sup> birthday, which falls in 2002, as a milestone, and are reportedly concentrating on normalizing the economy in time for this occasion. North Korea now appears to be interested in a market economy and has established a "capitalism research institute" within the Ministry of Trade. It has also sponsored a "seminar on capitalism" in conjunction with a British university. An increasing number of economic officials are going abroad to receive training. (7) But, if these measures are merely part of temporary policy adjustments designed to lure increased foreign aid, the possibility of real economic reform is very low.

The food shortage persists in North Korea, even though the severity has been greatly eased owing to grain supplies from South Korea and the international community. According to the FAO's grain supply-demand estimates for 2000-2001, North Korea will produce about 3.4 million tons of grain, well short of the needed 4.7 million tons. Even if the outside world provides up to 800,000 tons of grain, North Korea will still face a shortfall of 500,000 tons. (8)

After undergoing extreme food shortages the past 5-6 years, the North Korean people have experienced a lingering threat to their very existence. Serious social problems have been caused by the food crisis, including a massive increase in crime, homeless and abandoned or orphaned children, broken families and cross-border defections. The deteriorating food situation has also forced students under the age of 17 to be mobilized in the spring and fall for farming details that last for 20-30 days at a time. They are also sent to industrial sites for labor mobilization. The increase in the number of North Korean defectors in China and Russia is rapidly becoming an international issue. Even after escaping from the North defectors face flagrant violations of their human rights, as evidenced by the sale and trafficking of North Korean women in China.

(6) The Chosun Ilbo daily, October 31, 2000.

- (7) The Chosun Ilbo daily, October 31, 2000.
- (8) The Dong-A Ilbo daily, September 1, 2000.

#### E. Restrictions on Citizens' Freedom

The North Korean Constitution does guarantee freedoms to its citizens. In reality, however, these freedoms are strictly curbed. There are no means to exercise the freedom of the press and expression, and the news media have simply become a means of propaganda and agitation to achieve the goals of the Party. No criticism is allowed against national or party policies, or against Kim Il-sung and Kim Jong-il. Strict controls are imposed on all means or contacts through which information from outside may be obtained. In order to safeguard the regime, North Korean authorities enforce the so-called "three-not" policy; namely, not seeing, not hearing, and not knowing. As a result, the inhabitants are cut off from outside information except for that which is supplied by the government. A limited amount of information is known to reach the populace through word of mouth. Unauthorized assembly or association is treated as a collective civil disturbance and is subject to harsh punishment.

The Constitution also guarantees the freedom of religion. But it also stipulates that religion cannot be used to introduce foreign influences or to harm the social order, which in effect restricts the practice of any religion in North Korea. There are no genuine practitioners of religion in North Korea. Those that attend churches are either officially sanctioned by the government for propaganda purposes or foreign aid workers. According to the testimony of recent defectors, however, underground churches are on the increase. (9)

The North Korean Constitution clearly states the right to "freedom of residence and travel," but this freedom has never been granted in practice. The food crisis, however, forced authorities to turn a blind eye to illegal travel outside their hometowns. Also, North Korean workers are not permitted to form voluntary labor unions to protect their rights without government authorization.

- (9) Interviews with the defectors Yoo In-duk (May 22, 2000) and Hwang Young (May 20, 2000).

The "All Korea Professional Alliance" is nothing more than a support organization that carries out policies of the Party and teachings of the Leader, and the workers are "organized" or mobilized only for purposes of political education and additional labor. The authorities routinely ignore individuals' freedom to choose jobs, and the workers

are "group-assigned" to workplaces according to their personal background.

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

#### F. North Korea and International and Private Human Rights Organizations

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

North Korea has a duty to file an annual human rights report to the UN Commission on Human Rights. It filed its first report in 1983, and a follow-up report in 1984. Ever since, North Korea has failed to fulfill its responsibility to file regular human rights reports with the United Nations. Since the human rights situation there was not improving, in August of 1997 the UN Human Rights subcommittee (the UN subcommittee on anti-discrimination and the protection of minorities) adopted a resolution, criticizing the human rights situation in North Korea, and called upon North Korea to submit annual human rights reports. However, North Korea denounced the adoption of the UN resolution as a violation of state sovereignty, and announced that it would withdraw from the International Covenant on Civil and Political Rights (ICCPR – covenant "B") of which North Korea became a signatory in September of 1981. But, the UN Commission on Human Rights informed North Korea in October of the same year that withdrawal was not an option. In August of 1998, the UN Commission on Human Rights again adopted a resolution calling for improvements in the human rights situation in North Korea.

Meanwhile, North Korea permitted a visit of delegates from Amnesty International in 1996 and discussed a possible revision of its criminal code. But, it has since not permitted any other visits by private or international organizations.

However, in the face of increasing pressures from international organizations and private human rights groups, North Korea decided to file its second report with the UN Commission on Human Rights in

July of 2000, after a 16-year delay. By filing the report with the United Nations, North Korea attempted to water down international criticism of its human rights record and obtain more humanitarian assistance. It also sought to mitigate its isolationist image through wide-ranging diplomacy and to promote diplomatic and economic cooperation with Western nations.

The latest North Korean human rights report covers the period from 1984 to 1997, and contains part of the revised 1998 constitution. The report highlighted the 1995 revision of its criminal code as follows: The number of crimes punishable by death was reduced from 33 to 5, the freedom of residence and travel is guaranteed, any form of forced or mandatory labor is prohibited. Citizens' right to life and freedom of habeas corpus are guaranteed. Fair trial procedures are guaranteed. And, elections follow democratic principles. Despite these revisions, sharp criticism from the international community persists because there still remains a significant gulf between the constitutional provisions and reality. (10) As a result, the North Korean report is likely to become a subject of heated debate during the review process at the UN Commission on Human Rights in July of 2001.

(10) See Choi Ui-chol, "A Comparative Analysis of the US State Department's 'Human Rights Report on North Korea 2000' and KINU's 'White Paper on Human Rights in North Korea, 2000'," (Seoul: KINU, Analysis of Unification Policies, No.2000-02) June 2000.

## 2. The Nature of the North Korean Concept of Human Rights

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

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

In North Korea, a theoretical hierarchy divides human rights. North Korean authorities divide all inhabitants into two classes: "the people" and "the enemy" depending on the individual's personal background. "Class enemies" are defined as "hostile elements" and their rights and freedoms are fundamentally denied and harsh sanctions are imposed on them. The Confucian tradition is also twisted to fit the hierarchical thinking of its legal framework, and justice and the laws are but tools to protect the people and punish the enemy. To the "enemies," even procedural justice is denied. (11) In the case of public execution, the verdict is delivered by summary trials, and many political convicts are not even aware of the nature or terms of their crime(s). North Korea also classifies its inhabitants into three broad categories that are similar to the three Confucian class categories (the royals, the literati and commoners).

Second, the fact that North Korean authorities reinforce the personality cult of their supreme leader and demand absolute loyalty to his family can be traced to the legacies of the Confucian tradition. Kim Il-sung once remarked that a personality cult was possible in North Korea because the Confucian culture was maintained there. (12) For North Koreans, to pledge allegiance to the supreme leader is a prerequisite to winning a human rights guarantee. The "politics of virtue and benevolence" and "the broadbase politics" that North Korea advocates are examples of "human rights as benevolence" from the leader to the people. Departing from past policies that were based on class background, Kim Jong-il has enunciated a new policy that includes the "politics of virtue" and "broadbase politics," which are said to embrace socially discriminated classes, such as the families of defectors. In his article entitled "Socialism is Science," first published after Kim Il-sung's death, Kim Jong-il stressed that the KWP would always uphold the idea of "people are the heaven" as a guiding principle. He added that the Party would practice the politics of trust and endless love of the masses, or a "politics of virtue and benevolence." He said that from time immemorial it has been said that statesmen should possess high virtues, and a country should be ruled by virtue and benevolence. (13) In this manner, Kim Jong-il reiterated the politics of virtue and broadbase politics that Kim Il-sung used to advocate, and attempted to embrace all peoples regardless of their background and bring about a national harmony for

his regime's stability. Nevertheless, discrimination according to one's background still persists in North Korea today.

Third, North Korea emphasizes collective interests and duties rather than the naturally endowed absolute rights of individuals. With regard to the rights and duties of the people, North Korea stresses collectivism in terms of a "one for all, all for one" philosophy, and rejects individual rights as the breeding-ground of social discord. In short, individuals exist only as part of the whole, and only for the collective interests of the class. (14)

(12) Don Oberdorfer, *The Two Koreas: A Contemporary History*, (Reading, MA: Addison-Wesley, 1997), page 21.

(13) The "Rodong Shinmun," November 4, 1994.

(14) See Kim Chang-ryol, "The imperialists' harangue on 'human rights protection' and its reactionary nature," *The Worker*, No.2, 1990, p.93.

In other words, respect for individual rights tends to pit conflicting interests against each other and create discord between individuals, thus contributing to social instability. This line of argument reinforces collectivism, because it combines elements of Confucian tradition with socialist principles.

And, fourth, like the general perception of all socialist regimes, North Korea, too, insists on materialistic aspects of human rights protection and emphasizes economic and social rights rather than civil and political rights. North Korea highlights the superiority of the North Korean-style socialist system by pointing to such things as free education and free health care to bolster its argument that there are no human rights problems in North Korea.

In order to protect the regime, North Korean authorities impose extreme restrictions on fundamental human rights. All North Korean inhabitants are faced with mortal threats, such as political concentration camps and public executions based on ambiguous definitions of social misbehaviors, namely, "anti-revolutionary" and "economic" crimes. In addition, due to continuing food shortages, their health is constantly under threat.

## II. Infringement of Civil and Political Rights

### 1. Right to Life

#### Right to Life and the Death Penalty in North Korea

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

The International Covenant on Civil and Political Rights, better known as covenant B, in Article 6 emphatically stipulates that, "every human being has the inherent right to life... No one shall be arbitrarily deprived of his life." The article goes on to state that, "in countries which have not abolished the death penalty, a sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court."

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

Before the new penal code was enacted in 1987, the original 1950 North Korean penal code stipulated the death penalty for over fifty types of crimes. Countless political prisoners and prisoners of conscience have been purged or executed throughout the history of the North Korean state. In particular, during periods of rampant political oppression, such as the 1956 August Faction Incident and during the establishment of the Kim Il-Sung unitary system between 1967 and 1972, numerous people were labeled as anti-party elements or as anti-revolutionaries and subsequently purged and executed.

In his book, *Le Livrenoir du Communism* (The Dark Veils of Communism), published in November of 1997, Pierre Rigoulot reported that since the inception of the North Korean regime a total of 100,000 people have died during purges of the North Korean

Workers Party, and some 1.5 million have died in concentration camps.

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

1. Those who conspire to overthrow the republic or incite riots, or the leaders of such actions: the death penalty or at least ten years of labor rehabilitation (Article 44).
2. Those who carry out terrorist activities against officials or patriotic people for the purpose of defying the republic: the death penalty or up to five years of labor rehabilitation (Article 45).
3. Those guilty of treason against the fatherland such as those who aid the enemy, or those who betray the fatherland and its people by escaping or spying for other countries or the enemy: the death penalty or at least seven years of labor rehabilitation (Article 47).
4. Those who commit treason against the nation by selling out the interests of the nation or by oppressing the revolutionary struggle for national liberation and independent unification: the death penalty or if the circumstances are minor ten years of labor rehabilitation (Article 52).

These articles are likely to be applied arbitrarily due to their ambiguous terminology and ideological prejudice. Despite these ambiguities, North Korea continues to enforce the death penalty on certain enumerated crimes, thereby threatening the lives of not only political criminals and conscientious objectors but of ordinary citizens as well. North Korean officials claim that executions only take place in special or unusual circumstances, but they refuse to provide information regarding case decisions or the number of executions carried out. In the case of Article 47, which concerns refugees from North Korea, Amnesty International reports that they have not received an accurate amended version of the law despite claims by North Korean officials that the provision was amended in 1995.

### Public Executions

North Korea defines execution as "a merciless iron hammer of the revolution to terminate the tainted destinies of the class enemies and a most formidable legal means of guaranteeing a firm victory for the

class struggle." Public executions are, during certain periods, carried out quite frequently and those executed include political prisoners, people guilty of heinous crimes and economic criminals.

Public executions are carried out by either firing squad or hanging. Executions are carried out without any standard, only according to the consideration that an example should be given to all criminals, including those who have tried to flee the country those suspected of espionage. The site of a public execution is not fixed. While executions in the past were usually carried out on the bank of a river or under a bridge recently executions have been held on market grounds or in front of railway stations where crowds tend to gather. Executioners, such as national security officers, torture the condemned before the execution to keep them from resisting. In many instances the executioners break the arms and legs of the condemned; who are often unconscious at the time of their execution. The executioners gag and display the condemned person, briefly read the ruling, then execute the victims.

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

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

AI issued another special report on public executions in North Korea in January of 1997, which stated that over 23 public executions were performed between 1970 and 1992. This report also concludes that because most witnesses testified that they saw more than one public execution the number of executions cited represents only a small percentage of the actual number. Lastly, the report states that in all probability these executions continue today because they

have occurred in such diverse regions as Wonsan, Chungjin, Hamheung, Shinuiju, Pyungsan, and Pyongyang.

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

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

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

The first category of public executions is based on the charge of undermining the regime. Yoon Young-chan testified that chairman Kim Man-kum of the agricultural committee and a senior Party secretary in the Kaesung City branch of the Communist Party were executed in 1997 on charges of anti-Party, anti-revolutionary espionage. They were publicly executed on the firing range of the Pyongyang Military Academy as Party cadres watched. According to the defector Suk Young-hwan, North Korea in April of 1998 carried out a mass public execution of 13 cadres from the Social Safety Agency at Songrim City, Hwanghae Bukdo Province. Defector Cho Bong-il testified that Choi Jong-gil and eight others were public executed by firing squad in early 1997 in the Nanam district of Chungjin City. The victims disguised themselves in military uniforms and were caught stealing corn from a thrashing lot. Defector Kim Kyung-il testified that he saw one person executed in the winter of 1996 at Sunbong. He said the nominal charge was theft of potatoes, but the real reason for the execution was because the individual had engaged in a heated argument with a local Party secretary.

The second category of public executions deals with so-called economic crimes. Most public executions on charges of economic crime involved theft of government property and thefts of livestock. Defector Shim Shin-bok testified that Yoon Young-il, an employee of a business branch, was publicly executed in early 1997 while trying to

sell grain coupons, which were his responsibility to destroy after use. Shim also testified that since 1995 he witnessed four public executions in the Chungnam Workers District. In addition, another defector, Son Chul-nam, testified that there were three public executions including the execution of Hwang Yong-soo, who was publicly executed for butchering and consuming a cow.

Under such horrible economic conditions, public executions have become tools to control society. Evidence of the extent of the economic collapse and famine can be found in reports that executions are now taking place to punish those who traffic in human beings or sell human meat. Two sisters who defected to the South, Chang Sung-sook and Chang Sun-young, testified that a family of five was executed on charges of selling human meat in the Mankyungdae District of Pyongyang in December of 1995. Defector Yoo Hei-ran testified that four persons, including a man, his wife and his parents, were publicly executed for selling human meat at a market in the Yongsung District of Pyongyang in April of 1997. Also, six persons were publicly executed in February of 1998 on charges of slave trading in Onsung County in North Hamkyung Province. One woman was public executed in May of 1999 in the Yusun district of Hweryong City, North Hamkyung Province.

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

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

Ahn Myung Chul explained that even the security personnel at the Seventh Bureau fear the Third Section (Preliminary Investigation Section) of the State Security Agency (SSA), which is responsible for the arrest and investigation of political prisoners, especially because of the manner in which they arbitrarily carry out executions. This fear is bolstered by reports that the Agency produces oil from human

bodies to make cosmetic products and fashions whips from human tendons. Ahn explains that, for their personal fame or career advancement, some security personnel deliberately execute innocent political prisoners and frame it to appear as if they caught them while attempting to escape. In return for maintaining secrecy and to increase morale, security personnel who finish their terms are guaranteed entry into the KWP and college.

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

Recently, North Korea seems to have realized that public executions do not effectively contribute to preventing socially decadent behavior. Rather, they tend to increase similar crimes and provoke antagonism from the public. As a result, the number of public executions seems to be decreasing. Although public executions are decreasing in number, secret executions are believed to be on the increase as a means of preventing so-called "decadent" behavior and strengthening social control. In short, there is no indication that fundamental improvements are being made in North Korea's practice of depriving its own citizens of the right to life.

## 2. Freedom of Habeas Corpus

### Illegal Confinement and Torture

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

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

protection afforded by habeas corpus. Every person has the right to due process and should be treated humanely, and not be subject to illegal arrest, imprisonment, and torture. Also included among the protections granted by habeas corpus are prohibitions against unreasonable arrest, imprisonment, search or seizure of property, illegal interrogation and punishment, from being labeled a security risk, and hard labor.

Article 5 of the Universal Declaration of Human Rights, provides that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Article 7 of the International Covenant on Civil and Political Rights also stipulates that, "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Furthermore, it is stipulated in Article 9 that, "no one shall be subjected to arbitrary arrest or detention." And, in Article 10 it is provided that, "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." Based on Article 5 of the Universal Declaration of Human Rights, the UN adopted the Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment at the General Assembly held on December 10, 1984. In 1993 the Vienna Declaration argued that the prohibition against torture must be respected in all circumstances, with particular attention being paid during times of war, and further demanded that all UN member countries must endorse this declaration.

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

However, inhumane treatment of citizens is commonplace in North Korea today. Suspects are routinely arrested and imprisoned without proper legal procedures. In particular, to demonstrate the seriousness of the offense, those who disobey the directives or the teachings of Kim Il-Sung and Kim Jong-Il or policies of the Party are deprived of even the most fundamental human rights given normal suspects. Many North Korean defectors admitted to South Korea in 2000 have testified to these realities.

Despite recent revisions of the criminal code and its procedures,

dangers of human rights violations still persist in North Korea. North Korea has also adopted a people's review system, which appears to resemble a jury system, but in practice is not used in trial decisions. Instead, it is used only to rubberstamp the decisions of the court.

#### Human Rights Violations at Rehabilitation Centers

Prison facilities in North Korea are divided into a two-tiered system that differentiates and manages crimes according to whether they are political or economic offenses. In the 1970s, Kim Il-Sung attempted to separate the responsibilities of what was to become the SSA (it was then located within MPS and called the Political Security Department) from MPS because of internal tensions between the two offices. This measure was intended to prevent inter-departmental frictions and to separate the respective roles of the two departments so that the State Security Agency could take charge of political criminals, while the MPS could handle other criminals. First, economic criminals and criminals guilty of violent crimes would be separated from political prisoners and held in "rehabilitation centers" much like common prisons. Rehabilitation centers are managed by the Rehabilitation Bureau of the MPS and divided into rehabilitation facilities, and labor rehabilitation facilities (labor training camps). In contrast, political criminals are held in "management centers" supervised by the SSA, the Seventh Bureau. These management centers are concentration camps that are often called "restricted areas" or Special Dictatorship Target Areas.

#### Table 2-1

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

According to the defector Ahn Sun Kuk, who entered South Korea in May 1997, North Korean authorities are consolidating their correctional facilities because of food shortages and soaring death rates. For example, the Chunnae Rehabilitation Center at Chunnae, Kangwon Province was merged with the Third Corrections Facility at Shinuiju, North Pyongan Province.

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

anti-state criminals are held in the Hyungsan Rehabilitation Center.

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

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

The Kaechun Rehabilitation Center contains twenty-two factories for male inmates and eleven for females. Each factory consists of a rehabilitation section of around 300 persons, which is further divided into groups of 40-50 and subgroups of 4-7. The factories for women include shoe factories, military shoe factories, textile factories, factories for daily necessities, export factories, and sewing factories, which usually produce textiles, shoes, bags, belts, and gun cases for MPS personnel, military dog collars and muzzles for their dogs, and exportable items such as knitwear, artificial flowers, undergarments and ashtrays. The MPS manages all rehabilitation facilities in the country and therefore realizes a sizeable profit from the labor of these prisoners.

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

Most inmates produce a single product at the same factory until they leave the facility. Although DPRK labor law provides that general labor should be eight hours per day and prison labor should be ten hours per day inmates here normally get up at 5:00 A.M. and work until 12:30 A.M. the next morning, for a seventeen-hour work day. Total rest time during those hours, including mealtime, is only

about an hour. Twice a year, usually for ten days each in the spring and in the fall, healthy people may be sent to work in areas outside the rehabilitation facility for planting and harvesting.

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

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

Labor training camps can usually hold between 500 and 2,500 inmates, and each province has two or three of them. There are believed to be from twelve to sixteen of these camps in the entire country. Those at the labor training camps do not lose their civil rights. The facilities usually hold thieves and those on the margins of society.

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

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

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

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

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

First, the North Korean legal system permits arbitrary interpretation. Not only does Section 9 read abstractly that: "Crime is any action deemed dangerous that violates state sovereignty and the legal order, purposefully or by negligence," but Section 10 states, "If a crime is not defined in the penal code, it shall be punished in accordance with similar crimes and in accordance to the degree of danger."

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

Third, those who plead not guilty and are subsequently convicted are punished the same as those who plead guilty (Section 15). Those who aid or abet a criminal offense receive the same degree of punishment as perpetrators (Section 18).

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

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

### The Right to an Attorney

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

Furthermore, the question of whether a defense attorney's role of protecting the human rights of the accused can be effectively carried out depends on the independence of attorney's activities from the state. Ultimately, the fairness of a trial depends on whether an individual is allowed to select a conscientious and able attorney, who

is independent from the state, and receives his assistance throughout the trial. In most civilized states, the right to receive the assistance of an attorney and related methods and procedures are stipulated in detail in the Constitution, the Criminal Procedures and Attorney laws.

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

#### Unfair Trial Procedures

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

Due to the peculiar hierarchy of state organizations, the judiciary is nothing but a subsidiary organ placed below such powerful bodies as the Supreme People's Assembly, the National Defense Commission, and the Cabinet. This in itself reveals that the independence of the courts cannot be guaranteed. Unique in North Korea is the so-called People's review system in which ordinary people with no legal training participate in the trial procedures. This system would appear, at least in its form, to follow the jury system of the Anglo-American courts. But, in reality, it is a system employed to exercise the Party's control over the judicial system. Thus, the role of this system is not to guarantee objective and fair trials, but rather to lend the public's

legitimacy to the guilt of the accused. The true nature of the people's review system can be found in Article 230 of the Criminal Procedure Code which provides that when laborers and farmers participate in the review of a trial they must first expose and denounce the suspect's wrongful actions.

Hwang Jang Yup testified that the Socialist Law-abiding Life Guidance Committees (SLLGC), which have been installed at every level of North Korean society, are in charge of criminal dispositions. In the case of the county, the county SLLGC carries out these duties, and the committees consist of 1) a chief party secretary of the county, 2) a chairman of administrative-economics from the county, 3) a commander of the SSA from the county, 4) a commander of the MPS from the county, 5) a chief of the public procurators office of the county, a county chairman of the administrative-economics committee, a county commander of the SSA, a county commander of the MPS, and a county prosecutor. Nominally, the duties of the SLLGC are to educate the public on crime prevention and on how to observe socialist laws. However, in reality, the committees routinely exercise control over the inhabitants and Party-government cadres. This was particularly true, as anti-social acts steadily increased due to the worsening economic difficulties.

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

#### 4. Right to Equality

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

equally and it is based on a belief in non-discrimination and the principle of equal opportunity.

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

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

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

#### Social Discrimination Based on Family Background

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

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

The loyalty surveys were conducted in phases. They included an intensive guidance program by the central party staged from December 1958 through December 1960; a residents re-registration program between April 1966 and March 1967; a project from April 1967 through June 1970 to classify the people into three classes and

51 sub-classes; a program toward naturalized foreigners and defectors from the South in January through October 1980; and a program toward repatriates from Japan in January through April 1981. In the 1980 project toward naturalized foreigners and defectors conducted at Kim Jong-Il's instructions, thirteen sub-classes were added to the list.

#### Table 2-2

Former KWP Secretary Hwang Jang-Yup who defected to South Korea in April 1997, has testified that after the Korean War the North Korean authorities organized special "residents registration groups" and conducted background checks eight times on all residents. These checks covered family backgrounds, the history of their relatives and ancestors, their wartime experiences and other information deemed relevant.

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

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

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

For the education of core class children, North Korea runs various special schools including the Man-kyong-dae and Kang Ban Sok Institutes for the bereaved children of revolutionary martyrs.

High-level cadres live in luxurious residences, send their children to special schools and possess modern home appliances. Their houses have telephones, and they are allowed to subscribe to foreign publications, and have radios capable of picking up foreign broadcasts. Most of them live in Pyongyang and other major cities, enjoying privileges such as Party membership, or administrative or military positions. In effect, they form a feudal hereditary class entitled to benefits in education, promotions, food rations, housing and medical services.

#### Table 2-3

The so-called "wavering class" comprises a near majority of the North Korean population. This group is made up of ordinary workers, technicians, farmers, office workers, teachers and their families who do not belong to the core class and who are not party members. They represent about 45 percent of the population. They are provided with meager incomes and food rations. Most of them live in small cities and in rural areas. Health benefits are insufficient. They can travel to Pyongyang only with special permits. However, in some instances a member of this class has been elevated to the core class. According to the defector Hwang Yong, the distinction in personal backgrounds has recently weakened in some places, because the difficult economic situation has contributed to a rapid rise in bribery cases, including kickbacks for appointments to low provincial positions.

The hostile class consists of "national enemies," those branded as impure elements and reactionaries. They are alienated from the rest of society and their human rights are often abused. The hostile class accounts for about 27 percent of the population. This class is composed of the families of those who owned land and businesses prior to the communist takeover, public officials under Japanese rule, religiously active persons and those who collaborated with the advancing South Korean forces during the Korean War. They are denied the right to receive a college education, join the party or to be an officer in the military.

The loyalty classification policy unfavorably affects the wavering class, checking their advancement to leading positions in society. Those most harshly affected by the policy, however, are the hostile class. The hostile class also includes Party members who were on the losing end of power struggles, bureaucrats and elites who have been expelled from the party, dismissed cadres, the family members of those arrested or imprisoned, people released from concentration camps, economic offenders, and anti-party and counter-revolutionary sectarians.

Table 2-4

Those classified as part of the hostile class receive discriminatory treatment in all aspects of their life including hiring, education, housing, medical benefits, and criminal punishment. In general, members of the hostile class are limited to laborious and hazardous manual work. For societal management purposes they are classified as either: "dictatorial targets," "isolation targets" or "absorption and indoctrination targets." Dictatorial targets are held separately from society, isolation targets live in society but are kept under close, round-the-clock surveillance. Recruitment and indoctrination targets are intensively indoctrinated for possible absorption into the system.

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

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

<Emphasis Placed on Family Background in Screening Core Cadres and the Actual Conditions of Discrimination>

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

Any member in the KWP or in the machinery of law who does not

satisfy the requirements of family background that the North Korean authorities demand is dismissed or transferred to another position. In extreme cases, even the rule of law is dismissed because of one's inferior family background. In the military, the family background principle is applied even more strictly. While it matters relatively less in low-ranking positions, it is more significantly applied among officers as a hiring standard. In the case of those working in the field of technology, on the other hand, the family background does not play a role as great as in the past. Thus, even those technicians who sided with South Korea during the Korean War are employed although supervision of them is being tightened.

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

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

One way to determine the degree to which people are controlled through discriminatory policies based on one's family background is to examine forced relocations of families. North Korea has classified a significant minority of its population (25~30 percent) as members of separated families, whose relatives are classified as traitors who defected to South Korea. They are therefore treated as part of the hostile class. These people continue to have their fundamental rights deprived and they are disadvantagedbecause of the behavior of their ancestors or for events thatoccurred during the Japanese occupation or the Korean War. The defector Chung Jae Kwang, who came to South Korea in April 1996, testified that the family of his classmate Kim Yong Kak, who at the time was a senior in high school, was banished to Jakang Province, Yongrim County, because it was discovered that his father had been a South Korean law enforcement official during the Korean War. According to Yang Soon-yong, who was a POW in North Korea, many South Korean POWs have not been

repatriated even after the conclusion of the Korean Armistice Agreement (in 1953) and are subjected to physically taxing hard labor in coalmines or timber yards. Due to their status, these POWs are subject to various repressive measures, and their families and children are also disadvantaged in employment and social advancement. Indeed, discrimination based on one's background is applied across generations in North Korea. In addition, their family members are subject to close surveillance by the authorities.

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

This classification system is difficult to accurately assess because many sub-classes have been deleted, or added, or shifted from one class to another. North Korean authorities do not even admit that the system exists. However, instructions to relax the loyalty classification policy were given by Kim Jong-Il in the mid-1980s. On the surface, North Korea has recently changed its policies based on family background, and it is pursuing a new family background investigation project as part of Kim Jong-Il's "Magnanimous Politics," which is supposed to encompass even the wavering masses. Many people are deprived of their political and social rights due to the background check policies. The defector Ju Young-Hee and Suh Chang-Eun who came to South Korea in May and August 1997, respectively, testified that between 50 and 60 percent of ordinary people regarded their personal background to be bad.

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

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

crime varies according to one's background. North Korean people complain that governmental authorities arbitrarily determine the level of punishment on criminals depending upon their background or birth origin.

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

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

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

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

While the local populace is allowed to assault these people, they are not allowed to assault or inflict damage on the natives. It is routine for supervisors belonging to the MPS to beat and torture these expelled individuals in public places. Also, these exiled individuals are forced to work at the most difficult jobs such as lumberjacks or

miners. Even if they work long and hard, they are rarely promoted to staff positions in the workplaces. Rather, they are even stripped of their houses and private gardens and are forcibly relocated to inferior housing.

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

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

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

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

their background is not easily changed.

### Oppression of the Disabled

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

The world has over 500 million disabled people, and due to such events as the Korean War, North Korea is known to have a considerable number. It is a well-known fact that the disabled may not live in Pyongyang. Physically and mentally disabled persons and the deaf and their families are deported from Pyongyang and other major cities such as Nampo, Kaesong and Chungjin, where foreigners make frequent visits, for resettlement in exclusive areas. They are shipped to remote mountains or isolated areas. Foreigners invariably testify to the fact that they saw no handicapped persons during their visit to Pyongyang. Recent defectors say that the handicapped are exiled according to the severity of their disability. With the exception of talented individuals, ordinary handicapped persons are not allowed to live in Pyongyang or other places where foreigners visit frequently because they are said to give a bad impression of the country. The handicapped may not be transferred on a permanent basis, but they are sent away to other areas whenever the authorities wish, such as when special events are held.

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

Yoon Sung Chul, who defected in March 1996, testified that those with congenital birth defects may be allowed to live in general living areas, excluding of course special areas such as Pyongyang where foreigners visit, and then only if they are sterilized and receive party permission. Oh Su Ryong, who defected in March 1995, testified that Kim Ki-Hwa, a midget, was banished to a remote mountain region in North Hamkyung Province but returned after he had been castrated. According to the defector Chung Jae Kwang, an unnamed security guard in the Moranbong region poisoned his 16-year-old paralyzed son to avoid being banished from Pyongyang. Defectors Kang

Chul-hwan and Lee Soon-ok testified before the US Senate Foreign Relations Subcommittee on Asia-Pacific Affairs that midgets and the deformed are forcibly subjected to vasectomy or sterilizations. In North Korea, foreign visitors are not allowed to see physically deformed persons anywhere, particularly in large cities like Pyongyang.

## 5. Civil Liberties

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

Freedom based on natural law is a right that human beings must be able to enjoy. The responsibility of the state is to confirm the inviolability of civil liberties and it is obliged not to destroy the fundamental nature of civil liberties. Therefore, all countries are responsible for maintaining civil liberties to their utmost ability. The guarantee of civil liberties is a supra-constitutional issue that is universally accepted, which signifies the ultimate value of a constitutional state. Constitutional amendments concerning these liberties can only be made within certain limitations.

### Freedom of Residence, Movement and Travel

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

In the past, North Korea did not recognize the freedom of travel and the right to choose one's residence. However, as its economy has collapsed and food shortages have worsened since 1990, the

social fluidity and movement of inhabitants in search of food have increased tremendously. Furthermore, the North Korean authorities were forced totacitly accept this reality. And so, in revising the Socialist Constitution in September 1998, for the first time it stipulated that, "Citizens shall have the freedom of residence and travel (Art.75)."

In practice, however, and to control society, significant constraints are imposed on the freedom to travel and to choose one's residence. In short, there is a significant gap between the law and reality in North Korea today. The defector Kim Young-lim once observed that North Korea'screation of the freedom of travel and residence in the Socialist Constitution was created for outside propaganda purposes or to win the hearts of the North Korean people. The defectors Han Tae-chul and Park Jeong-chul testified that the creation of the freedom oftravel and residence is nothing but lip service and, in reality, the freedom is not allowed in North Korean society. Except forspecial occasions, it is impossible for North Koreans to make personal trips. Even when they travel on official business they have to carry their citizenship certificates, identification cards, letters of credence and official travelcertificates. Even such an array of documents does not guarantee the bearer unencumbered travel and travel arrangements are heavily dependent on many other factors. A trip to Pyongyang, for example, can only be taken for certain reasons including participation in large public rallies or college entrance, and it is allowed only to those who have an unblemished social status. Restrictions on the freedom of travel are also imposed on foreign visitors.

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

According to the testimony ofKim Chang-Hwa and O Song-Il, both of whom defected to the South in 1987, a travel application is filed with the workplace chief fourteen days before a planned trip. It is reviewed based upon the applicant's work performance and ideological purity. Another defector, Kim Kyung-il, testified that travel to and from the Rajin-Sunbong region (a special foreign investment zone) are stringently controlled and people have to obtain permits from six different agencies to travel to the area. As a result, contacts with the outside world are completely cut off from this sensitive region.

If the initial application is approved, the would-be traveler applies for a travel pass at the Certificate Division of a regional MPS office three days before the planned departure. The application is reviewed based upon social status; if approved, the office refers it to a

regional SSA office, which issues the pass through the secretary of the primary party committee of the applicant's work place.

After arrival, the traveler reports to the head of the local neighborhood unit or "inminban," registers on the travel roster, and gets his travel pass stamped by a local MPS official. A travel pass carries the date of return, and a traveler can purchase a train ticket only after applying at the railway station security office four days beforehand. These complicated procedures discourage most people from traveling to attend the funeral services of relatives, even their parents.

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

The international community is gravely concerned about the extreme restrictions the North Korean authorities impose on the freedom of travel. During its 49th session held in August 1997, the UN Sub-Commission on Human Rights expressed its concern over North Korea's serious infringement of the freedom of residence. In its 50th session in August 1998, the sub-commission urged North Korean authorities to guarantee the freedom of residence, including travel to and from North Korea. The question of how faithfully North Korea will guarantee basic human rights such as the freedom of residence and travel will be a focal point of observation and concern for the international community.

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

The former secretary of the KWP, Hwang Jang-Yup, stated that after the Korean War North Korean authorities conducted evacuation exercises in Pyongyang every 3-4 years as part of war preparations and for population adjustment purposes. According to his testimony, at the time of the abduction of the USS Pueblo in 1968, a large number of Pyongyang residents who were identified as bad elements were relocated to other regions. In addition, after the Panmunjom axe-murders in 1976, a sizable number of Pyongyang residents were moved out of the city under the pretext of war preparations. In 1994,

when the identification cards of Pyongyang citizens were renewed, many citizens who were identified as having committed punishable crimes, exhibited bad behavior, or frequently changed jobs, were evicted to other provinces.

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

The recent defectors Kim Won Hyung and Ahn Sun Kuk who came to South Korea in May 1997, testified that every railroad station they saw was crowded with people looking for food. And, a great many people have gathered together in cities and towns bordering China (Shinuiju, for example), in the expectation that food shortages there would be less harsh owing to border (mostly barter) trade. Most of them ventured to travel without permits, but they stated that if one was financially well off travel permits were easily available. But, Yoon Myung-chan testified that as more and more people traveled around the country seeking food, the authorities usually inspected travel papers only when moving outside the province of residence.

### Freedom of Speech and Press

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

In Article 19 of the Universal Declaration of Human Rights, it is guaranteed that "Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." The International Covenant on Civil and Political Rights, too, stipulates in Article 19 that "Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice."

Article 67 of North Korea's 1992 constitution provides that, "Civilians have the freedom of press, publication, association, demonstration and assembly. The state guarantees a democratic party and free activity of social organizations." Yet, the North Korean press disregards the proper function of the press such as providing critical commentary and providing objective information to citizens, but instead focuses on the propaganda of Kim-Il-Sungism as based on the Juche ideology and upon instigating the population. The press is used as a tool to mold North Koreans into good communists. Freedom of the press is only guaranteed to the extent that it "helps the masses participate even more vigorously in the construction of socialism. Therefore, the press in the DPRK is an advertiser, instigator and organizer for the KWP designed to help achieve its goals and it exists only as an educational tool. Under no circumstances may the North Korean press engage in any type of criticism toward the leadership or the instructions of the great leader Comrade Kim Il-Sung." The press's only function is to be a means for the party to fulfill these instructions.

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

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

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

Publications are also used as a means for ideological education and the party directly manages, censors and controls all publication materials. Publications inculcate the communist ideology and fulfill their organizational role as instigators of the revolution. They act as a means of publicizing the policy of the party based on party and

class-consciousness, the mass line and revolutionary zeal. "Publications are an important means of connecting the party and the masses and a strong organizational weapon used to mobilize the laboring masses to enact the construction of politics, economics and culture of the party." In other words, all publications support the Juche ideology and the unitary ideological system of Kim Il-Sung. They seek to realize the party line and the line of the masses and to solve theoretical and actual problems such as those discussed in revolutionary principles. In the end, publications must devote themselves to the worship of Kim Il-Sung, and the systemization of the unitary ideology. Publications have promoted the establishment of the Kim Il-Sung-Kim Jong-Il hereditary succession and have fostered participation in the construction of the North Korean-style "live in our own way" socialist economy.

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

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

Every single issue of a North Korean publication or broadcast service contains something that eulogizes Kim Il-Sung and praises Kim Jong-Il. Reports on the two Kims occupy the front pages of newspapers, and their names are printed in special bold fonts. All news is written for the express purpose of embedding the supremacy of the North Korean system in the minds of the people. There are no critical reports or discussions on touchy issues regarding the system.

News on negative aspects of the United States or South Korea is normally dealt with in a straightforward manner.

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

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

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

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

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

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

Since the creation of the GFULA, the emphasis in North Korea's literature and arts policies has switched from creativity to satisfaction of the demand to respect socialist realism, carry through

the principle of imbuing party, class and people's traits into works of art, and creative works based thoroughly on the party policy line. In addition, Pyongyang has been strongly insisting that all literary and artistic pieces be composed with an emphasis on the four themes of revolutionary traditions, war, construction of socialism, and reunification of the fatherland.

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

A 1966 meeting of KWP delegates called for arming the North Korean society with Juche ideology. Responding to the call, writers and artists produced a literary and artistic theory based on the Juche ideology. This theory is a fusion between the Juche ideology and socialist realism, a new concept to communicate the socialist and realistic traits of the party, the working class and the people, and to solidly establish the party's unitary leadership and philosophy among the public at large. These traits are considered in North Korea to be prototypes for socialist literature and artistic theories.

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

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

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

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

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

it is in effect a front organization for the KWP.

Control of writers and artists begins with the distribution of plans for their creative activities. The party obliges writers and artists and their respective unions, to forward to the party their production plans by on a monthly, quarterly and yearly basis, which are to be worked out based on quota and by theme.

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

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

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

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

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

In effect, the most important criterion for inspection is whether or not a work can cater to the taste of the top leaders. An inspector's

duty is very delicate. Inspectors are held responsible if defective works are passed on or if a work intended to praise Kim Il-Sung is rejected.

### Freedom of Association and Assembly

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

Art. 20 of The Universal Declaration of Human Rights guarantees that, "Everyone has the right to freedom of peaceful assembly and association." And "No one may be compelled to belong to an association." The International Covenant on Civil and Political Rights also stipulates that, "The right of peaceful assembly shall be recognized (Art. 21)." And, "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of their interests (Art. 22)." So, it is quite clear that the freedom of assembly and association is a civil and political right in its truest sense to protect one's own interests.

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

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

Social groups in North Korea represent the interests of the KWP and play the role of providing ideological education. All North Korean residents must be affiliated with social groups from six years of age until retirement. These groups include kindergarten, the Children's Union, various educational institutions, the Kim Il-Sung Socialist Youth League, the General Federation of Trade Unions of Korea, the Union of Agricultural Working People of Korea, or the Korean Democratic Women's Union. The KWP controls free thought and group action by means of mutual surveillance, critique, and

education within the permitted social groups.

According to the testimony of Yoon Ung, in an April 1992 soccer game celebrating the April 15 birthday of Kim Il-Sung in Chungjin Stadium, North Hamkyung Province, a young man was arrested by state security members and beaten to death on the site. Yoon had been disseminating leaflets protesting the lack of freedoms in North Korea and stating that, "Kim Jong-Il is deceiving us. Let's regain our freedom." Yoon also testified that when the Soviet and East European communist systems fell, Korean students studying in those countries were summoned back to Korea to check for any possible ideological contamination and reassigned to local universities. He said that some returning students at Kim Il-Sung University are believed to have been arrested in May 1991 by the SSA for attempting to hold anti-government protests. Kim Dong Kuk, a thirty-year-old student who had been studying in Czechoslovakia and who was sent to the Mine and Metallurgy College in Chungjin, where Yoon was also studying, was arrested in connection with the Kim Il-Sung University students.

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

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

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

The KWP has the responsibility for monitoring all mass

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

### Freedom of Thought and Religion

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

Article 18 of the Universal Declaration of Human Rights guarantees that, "Everyone has the right to freedom of thought, conscience and religion;" and Article 18 of the International Bill of Rights also declares that, "this right shall include the freedom to have or to adopt a religion or belief of one's choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

Since the founding of the regime, pursuant to Karl Marx's statement that, "Religion is the opiate of the masses," the DPRK has steadily persecuted religiously active people. It explains religion as a tool for the ruling class to exploit the masses. The North Korean Dictionary on Philosophy states that, "historically, religion was seized by the ruling class to deceive the masses and was used as a means to exploit and oppress, and it has recently been used by imperialists as an ideological tool to invade underdeveloped countries."

Many religiously active people in North Korea have been branded as disloyal and brutally tortured or executed for their beliefs. In particular, immediately before and during the Korean War, a large

number were arrested and executed or banished. Most religiously active people were categorized as anti-national and counter-revolutionary hostile elements and subjected to ruthless persecution. Christians in particular were purged because they were regarded as tools of imperialist aggression. "

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

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

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

Freedom of religion is guaranteed in Article 68 of the DPRK constitution, which was revised in 1998. The 1972 constitution mentioned not only freedom of faith but also freedom of anti-religious activity, thus in effect denying freedom of religion. The revised constitution of 1992, however, reflected changes in social conditions in which Pyongyang found it unavoidable to authorize freedom of religion at least on paper. Paragraph 1, Article 68, of the amended constitution authorizes the erection of religious buildings and the staging of religious activities while the freedom of anti-religious activity clause has been deleted.

Nonetheless, limits to freedom of religion were not overlooked. Paragraph 2 says, "No person may bring in alien forces under the cloak of religion and use them in damaging the state or the social order."

After building the Bongsu Church (Protestant) and the Changchung Chapel (Catholic) in 1988, North Korea announced to the outside world that it had started to guarantee the freedom of religion. On 15 January 1989 a Buddhist Sungdojul ceremony (the memorial day of Buddha's attainment of enlightenment) was carried out for the first time since the Korean War in temples throughout the country. Furthermore, according to the North Korean report filed with the UN

Human Rights Committee in March of 2000, a department of religion was newly opened at Kim Il-Sung University in 1989. Also, during a visit to the United States in May 1991, a North Korean religious mission admitted frankly to persecution by the North Korean authorities of many religiously active people due to past misunderstandings. "

Yet in contrast to North Korea's assertions that it has over 10,000 Christians and 500 home churches, there are virtually no people actively practicing religion. The fabricated announcement was to avoid being internationally branded as a country that bans religious activity. The churches, chapels and temples serve only political purposes as foreign propaganda facilities for visitors such as foreign believers and tourists. The US State Department's 1997 Human Rights Report pointed out that, "the regime discourages all organized religious activity except that which serves the interests of the State."

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

Access to the newly built religious facilities is strictly controlled. People living nearby believe that these facilities are merely a "visiting site for foreigners." At the Bongsu Church constructed in September 1988 at Gunguk-dong, Mangyungdae District, Pyongyang, during normal hours only the manager's family lives there, and only when foreigners visit will forty or fifty selected people from the Mangyungdae district participate in a church service.

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

Believing that the Christian church has a negative impact on the maintenance of the regime in North Korea, North Korean authorities have recently begun to control Christian missionary work more strictly. Since 1997, State Security Agents have instructed the North Korean people to prevent Christian missionary activity. The instructions tell citizens of the necessity of searching out missionaries and methods of finding them. The defector Yoo In-duk testified that in 1996 he investigated for three years to uncover the existence of an

underground church. The defector Hwang Young testified that in Sariwon, Wonsan County, North Hwanghae Province, a daughter-in-law reported a family church service. Four family members were subsequently executed and the rest were sent to a political concentration camp.

Also, North Korean authorities severely punish defectors sent back to North Korea Chinese security authorities if it is discovered that they have been in contact with South Korean Christians. This can be interpreted as North Korea's attempt to block the spread of Christianity into North Korean society. This is simply an example demonstrating that the freedom of religion in North Korea exists in name but not in reality.

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

The North Korean authorities do not permit any ideology other than the Juche ideology. Based on the sociopolitical organism theory, the greater leader Kim Il-Sung and Kim Jong-Il are worshipped absolutely. Nothing else may be worshipped other than Juche ideology and its founder, the great leader. This is why the authorities prohibit all forms of religious organization, thus violating the freedom of thought and conscience of the North Korean people. The worship of Kim Il-Sung and his family is not simply a political ideology. It demands a system of strict control and a monitoring network. Within this system no differing ideological opinion or protests to outside authorities are permitted.

The basic belief of the government is that in a classless North Korea, where there is a perfect religion called Juche thought, religion is entirely meaningless. Therefore, many religiously active people in North Korea have been branded as disloyal and brutally tortured or executed for their beliefs. North Korean people must make decisions and act according only to the instructions of Kim Il-Sung and Kim Jong-Il and the Juche ideology and therefore individual conscience and thought are oppressed. The worship of Kim Il-Sung and Kim Jong-Il has now obtained a religious status. The US State Department's 1996 Human Rights Report points out that worship of the Juche ideology and Kim Il-Sung and his family has reached the level of a state religion. The worship of Kim Il-Sung and Kim Jong-Il is specifically stipulated in the Ten Great Principles of Unique

Ideology. The principles of being unconditionally loyal to Kim Il-Sung and adopting Kim Il-Sung's instructions for absolute guidance are provided for in this document. As the so-called Ten Commandments of North Korea, these ten principles form the basis for determining who can be judged a political or ideological prisoner. They act as the ultimate method of controlling all aspects of the life of people.

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

The Ten Great Principles are as follows:

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

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

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

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

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

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

In preparation for Kim Jong-Il's accession to the position of Party General Secretary, North Korean authorities in 1997 tightened the observance of the Ten Great Principles and demanded more acts of self-sacrifice for Kim Il Sung-Kim Jong-Il. For example, the North Korean Central Broadcast Agency on June 4, 1997, reported that a fishing boat assigned to the North Korean People's Security Forces

was sunk by typhoons on its way back to Nampo harbor in April 1997, and all aboard the boat perished. Moments before the boat went down, "the sailors tied their portraits of Kim Il-Sung and Kim Jung Il to life-tubes and the portraits returned home safely." The Agency further reported that the fishermen were awarded the posthumous title of heroes of the Republic in a ceremony attended by Minister of Public Security Paik Hakrim.

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

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

### Right to Privacy

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

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

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

Yet in practice, these legal provisions have little significance. The

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

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

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

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

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

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

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

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

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

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

North Korean society is tightly organized for the purpose of thorough control over literally everyone. The KWP, the SSA and the MPS play central roles. Under the hierarchy of power, orders from above must be carried out without question. KWP members occupy major posts in institutions, groups and workplaces. Not only do they supervise and control the people but also they are also responsible for mobilizing them for political and military purposes.

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

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

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

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

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

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

The MPS is an organ of the Administration Council, and on the national level it is composed of its main body and affiliated bodies. In each province there is a Public Security Bureau and affiliated

agencies, and there are Public Security Departments in all city and county areas. Its members, called security guidance personnel, are also dispatched to factories and enterprises.

## 6. The Right of Political Participation

### Nominal Exercise of Political Rights

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

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

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

According to Article 6 of the revised 1998 Constitution, all levels of sovereign office from the County People's Assembly to the Supreme People's Assembly shall be elected through secret ballot based on universal, equal, and direct suffrage principles. Article 66 also stipulates that all citizens above the age of 17 shall have the right to vote and the right to elective office. Yet, elections in North Korea are used, internally, to confirm the people's confidence in the party and to justify the single party dictatorship, while externally they are a propaganda tool used to demonstrate that democracy is being

practiced. These characteristics are obvious if one considers the manner in which candidates are nominated, registered and elected, and the loss of suffrage rights if one is considered guilty due to family history.

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

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

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

Through the *Rodong Shinmun*, the official Party newspaper, North Korea on October 5, 1997, criticized the Western-style multiparty political system and called for an absolute elimination of such systems. The paper pointed out that many African countries such as the Congo, Liberia, and Cameroon, have adopted the Western-style multiparty system, but that it "only caused ethnic rivalries and severe political struggles among different factions, as well as national strife." The paper then argued that, "the Western-style multiparty system is not a model for a democratic development but a source of socio-political chaos and confusion."

## 7. The Status of Women

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

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

The ultimate goals of North Korea's feminist policy are to promote equality between men and women and to liberate women from their traditionally subservient roles. Starting with the anti-feudal democratic revolution that began prior to the formation of the North Korean regime, North Korea began to streamline its legal and institutional framework to wipe out the traditional family system and liberate women from the family. Consequently, the law concerning equality between men and women is one of the first pieces of legal evidence that North Korea puts forward during discussions regarding the social role and status of women. Since the formation of the regime in 1948, North Korea has guaranteed women's political and social roles on the basis of equality with men. For this purpose, many laws have been enacted, such as the socialist constitution, the law on rearing and teaching of children, the socialist labor law, and the law on the family. Furthermore, North Korea has sought to institutionally promote the status of women and increase their social participation through the socialization of family chores. Other measures included the implementation of child rearing by the state and the abolition of the family register system. Therefore, from a legal and institutional perspective, and in terms of women's social participation, it may be said that the social status and roles of women have seen a distinct improvement. But, it is also true that the policies to reform family chores in a socialist manner and to encourage women's social participation were pursued to obtain a larger workforce for economic growth, rather than women's liberation in the true sense of the word. The truth is that in North Korea social discrimination against women still exists, and it stems from a male-centered, patriarchal, feudalistic order.

Unlike the early days of its regime, North Korea began to emphasize the importance of family and a male-centered family order beginning at the 5th Party Congress in 1970. It was at this Congress

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

In the field of politics, women make up 20.1 percent of the membership of the Supreme People's Assembly and compose 20~30 percent of delegates in the provincial people's assemblies. This level of political participation by women is almost equal to that of countries in the West. The difference is that delegates in North Korea are not elected through free elections, but are instead arbitrarily assigned by the Party due to political considerations. Furthermore, assembly delegates serve only a symbolic purpose and the delegates do not perform important functions or supervisory roles in the affairs of state. So, the political power of North Korean women is not as strong as the number of delegates to the Supreme People's Assembly would suggest. And, only a very small number of women are appointed to cabinet positions that offer political and administrative powers and responsibilities. On average, women occupy only 4.5 percent of the more powerful Party's Central Committee positions.

In the economic field, however, women's participation was encouraged in order to fill the woeful shortage of labor that has existed throughout the process of socialist nation-building and postwar reconstruction. During this period, the Party and government organizations arbitrarily assigned most women between the ages of 16-55 to specific posts in accordance with the workforce supply plans of the State Planning Commission. Once assigned to a worksite, they were then forced to perform the same kind of work as men on the basis of equality regardless of the difficulty of the labor or the danger of the work. Exactly like their male counterparts, women had to perform hard labor in the heavy industries: as rock drillers, machinists, carriers, drivers, and metal casters at coal mines, steel mills, railroad yards, construction sites, and the like.

As postwar rehabilitation and collective farm projects progressed and as numerous administrative measures were taken to expand the participation of women in a variety of economic activities, discrimination against women began to emerge in the form of

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

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

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

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

Even though superficially legal and institutional measures were taken to provide socialist equality between men and women, in reality

the traditional paternal family structures were maintained in the families. Moreover, as the sole leadership of Kim Il-Sung-Kim Jong-Il was solidified in the 1970s, pre-modern traditions began to be emphasized again in family lives. Furthermore, the family law, promulgated in 1990, codified various elements of premodern, patriarchal family order, expanded the scope of family support duties and stipulated the principle of women's subservience to men.

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

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

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

Article 18 of North Korea's family law clearly states, man and wife shall have the same rights in family life. But in reality, the husband is the center of family life in North Korea. The wife calls him the family host and the host makes decisions on all family affairs with absolute authority. It is also reported that extramarital affairs are rampant and are not grounds for family disputes, and that wife beatings are commonplace. However, it is very difficult to find

statistical data on family violence in North Korea, and this fact is itself evidence that in the North family violence is not perceived as a serious infringement on a woman's fundamental human rights.

Apparently, however, significant changes are taking place in the family life of the North Korean people, particularly as a result of the famine and economic difficulties of the 1990s. Because husbands failed to provide for their families, the wives were forced to put food on the table. The result was the weakening of the husband's authority within the family as he became unemployed and unable to provide for the family. According to most women defectors, however, the patriarchal culture continues to spread across North Korea. For instance, most North Korean women are burdened with the responsibility to provide food for their husbands and children regardless of circumstances even if it means skipping their own meals. And yet, women regard it as natural that they are treated poorly and despised by their husbands, and are not allowed to criticize their husbands. At first, North Korean men regret not being able to provide for their families. But, as they become accustomed to a wife who puts food on the table and runs the family, they often request that their wives make more money from peddling, and, in many cases, resort to violence or threaten divorce if they refuse. One defector testified that as the food ration system failed due to the food shortages, one woman was sentenced to 15 years in prison for trying to steal corn for her children from a cooperative farm.

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

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

Sexual violence against women is a grave infringement of human rights, and it is becoming a serious problem in North Korea. According to the testimony of defecting North Korean residents, sexual harassment is secretly committed in North Korea, using such incentives as Party membership and improved treatment. For example, Party cadres would routinely induce women staffers into having sex with them and would commit sexual assaults against them if they

refused. Often, sexual favors are granted in return for Party membership.

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

As the number of sex offenses by cadres have increased, punishment for such incidents have also increased. The defector Suh Chang Eun, who came to South Korea in May 1997, testified that a total of 12 people, including a manager and a secretary of the primary party committee at Kosang-li, Yangduk County, South Pyongan Province, were removed from their jobs for having committed sexual assaults against women. However, due to the social atmosphere that places value on a woman's purity, most women hide the fact that they have been victims of sexual assault.

Suggestive remarks and lewd behavior are common at workplaces. The defecting North Korean residents plainly testify that sexual banter and harassment is a routine part of the daily lives of North Korean women, and that such acts go unpunished. But, most of the ordinary people do not seem to comprehend the serious nature of these sex offenses. Because of the social atmosphere, in which women are looked down upon and even the legitimate protests by women are declared as unruly behavior, North Korean women generally must endure suggestive remarks and behavior by men.

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

Due to the food shortage, the health and hygiene of North Korean women is seriously threatened. As the food crisis persists, premature births and infant mortality are increasing due to the malnutrition of expectant mothers. As the shortage of medicine worsened, more and more mothers had to deliver at home with the assistance of a midwife rather than in hospitals. Some defectors testified that the rate of premature birth and infant mortality is much higher than the published data would indicate. During the famine, the birth rate in North Korea dropped sharply. For this reason, North Korea is actively encouraging women to become pregnant, and abortion is now prohibited. Under these circumstances, however, North Korean

authorities do not provide any means of family planning, and the result is an increase in unwanted pregnancies and the consequent health threats to women. In the case of illegal abortions, no treatment is available for post-abortion infections that often result from these unsanitary procedures.

### III. Violations of Economic, Social, and Cultural Rights

#### 1. Right to Sustenance

North Korea's dictionary of Political Terms defines human rights as those political, economic, cultural and social rights that citizens should naturally have. Like other socialist countries, North Korea emphasizes the materialistic foundation as a guarantee of human rights protection and insists that the human rights of its people are well protected since the government guarantees rights to sustain economic, social and cultural life. In other words, North Korea claims that human rights are guaranteed through such systems as full employment, free education, free medical treatment and other social welfare programs. Contrary to their claims, and as economic stagnation continues, a large number of North Koreans are presently facing a dire situation in which obtaining even the minimum required food for survival is difficult. The primary cause of starvation is the general failure of the grain distribution and food rationing system. In reality, black markets have replaced the ration system.

In an effort to cope with the food shortages, North Korea is seeking changes in its external policies, including a sea change in its foreign policy toward South Korea. As a result, the food crisis appears to have abated somewhat, thanks to increased foreign aid, including support from South Korea. But, a failure to meet the absolute minimum nutritional needs of its populace continued throughout the year 2000.

#### Threats to the Right to Sustenance

North Koreans subsist on food rations that are distributed twice a month. The government's most effective way of controlling its people, the food ration system, has been in operation since 1952 when the national food ration regulation was promulgated. In November 1957, Cabinet Decisions No. 96 and No. 102 were issued to integrate food sales into a nationwide system. The ration system was later expanded to all inhabitants except for those on collective farms.

The objective of the ration system was to efficiently distribute food and grains to the populace and to thereby exercise effective control over citizens. In addition, the system was also intended to root out freeloaders and to inculcate a sense of gratitude and loyalty toward the government and the Great Leader.

Nonetheless, the ration system is quite unstable due to widespread economic problems. Due to the food shortages, the ration system is crumbling. Until early 1990, rations were distributed twice a month according to food ration cards. The amount was set at 10 kilograms

for a family of four for each 15-day period (minus a 3-day supply withheld under such euphemisms as frugality grains, patriotism grains, and military grains). Between 1990 and 1995 the ration system degraded to the point where only about 3 kilograms of grain per month per household were distributed, which would be enough for only 3-5 days. By the end of 1995 the ration system had collapsed and rations were almost completely stopped. Since the end of 1996, individuals became responsible for their own food. Agencies, factories, and businesses independently began to engage in various illicit profit-making trades and ventures to earn foreign currency. They then hand out about 3-4 days worth of food per month to the employees. The reduced food rations resulting from the persistent food shortage are threatening the people's rights to sustenance. However, North Korea's distribution system appeared to be improving during the year 2000 as the amount of external assistance increased.

Currently, official food rations are distributed on a priority basis to Pyongyang, which is a special supply zone, and to selected classes of the elite such as Party cadres, high government officials and the military. Presently, the official ration system is confined to guaranteeing sustenance for the citizens of Pyongyang, and of a special class of people such as high-ranking officials and the military. In the case of an ordinary city family about 70 percent of their food requirements are met through farmers' markets, and if these unofficial food and grain trades were to be interrupted, their livelihood would be directly threatened.

Pyongyang, the capital city of North Korea, is the last foothold that still maintains social welfare at the state level. But North Korea is taking measures to decrease the population of the city because rationing food to the citizens of Pyongyang is becoming unfeasible. It is reported that North Korea is implementing a project to forcibly relocate about 2 million residents of Pyongyang and other cities to the countryside and farm villages. South Korea's National Information Agency reported in a document entitled, "The Recent Re-Disposition of the North Korean People," which was released to the Intelligence Committee of the National Assembly on April 2, 1999, that the relocation program involves more than 2 million people -- almost 8 percent of the entire population of North Korea -- making it the largest project since the founding of the DPRK.

According to the National Information Agency, the North Korean authorities are planning to slowly lower the population of Pyongyang (3.6 million) to 1 million over a five-year period that began in 1998 and to forcibly relocate another 1 million from other cities to farming villages by the year 2001.

A majority of ordinary North Koreans are left to fend for themselves without food rations. Most of them help themselves

through the farmers markets, black markets, and/or through their relatives in farming villages. Since the central ration system is not properly working, people engage in illicit trading of housing coupons and ration cards to obtain food. Since a lack of purchasing power would mean certain starvation and death, most people now engage in peddling and black marketeering.

The FAO's Asia-Pacific regional director, Daud Khan, reported that during the year 2000 the grain distribution system has improved, but the inhabitants were given only one third of the grain required and they were responsible for obtaining the remainder on their own. This observation was based on a per capita average. The more serious problem is that there is a great divergence among the recipients depending on their accessibility to transportation and political considerations.

To purchase food and engage in black marketeering, people move around and steal various items of commercial value such as factory equipment and scrap iron and exchange them for food at the border. Some people illegally cultivate land for food and sell the produce and grain in the farmers' markets. Despite food shortages and illegal commercial activities, however, the gap between the haves and have-nots is widening.

In agricultural areas, the grain situation is comparatively better, but the grain shortage is a serious problem for workers in urban cities. Food and grain shortages are most severe in remote mountain provinces such as Hamkyung Province, Yangkang Province, and Jakang Province where transportation is poor and food is hard to find. Persons in these regions face serious food shortages due to (a) the collapse of central ration system, (b) the convergence of international aid on select areas, and (c) the lack of transportation due to the energy shortage.

It is true that the number of deaths due to starvation in North Korea is large, but estimates vary from group to group. David Morton, a representative of the World Food Program (WFP) stationed in North Korea, reported that the number of starvation deaths amounted to about one million since 1995. In February 1999, the South Korean government estimated that the number of deaths from starvation to be about 2.5-3 million, citing documents from North Korea's Social Security Ministry.

The Korean Buddhist Sharing Movement released a report based on personal interviews with 1,694 North Korean defectors in the Chinese-Korean border provinces of Jilin, Jiangbei, and Yianbian between September 30, 1997 and September 15, 1998. Out of a total of 9,249 family members of defectors accounted for in this study, fully 28 percent, or 2,653 persons, died in the past 2-3 years due to illness and disease stemming from food shortages. According to the

testimony of another defector, during a KWP Partisans education class the attendees were told that the number of starvation deaths amounted to about 2~2.5 million and the number of defectors at about 200,000.

South Korea's Ministry of Unification estimated the number of malnutrition-related deaths to be about 500,000-800,000 a year over the past 2-3 years. Hwang Jang-yop testified that he heard in mid-November 1996 from the chief of the KWP Organization Affairs, who was responsible for regularly reporting food supply levels and starvation death statistics to Kim Jong-Il, that in 1995 about 500,000 people died of starvation, including 50,000 Party members, and as of November 1996 the number had reached one million. And, if there was no improvement in the food situation during 1997-98, he estimated that more than a million people would die of hunger each year. Other estimates include 3.5 million deaths since 1994 (The Korean Buddhist Sharing Movement), one million deaths in 1997 (former POW Chang Moo-hwan), and one million deaths during 1996~97 (Foreign Relations Committee). In short, most of these estimates agree that an enormous number of starvation deaths have taken place in North Korea.

The number of starvation deaths seems to have decreased during 1999-2000 for the following reasons: First and foremost, North Koreans no longer expect to receive grain distribution from their government and have therefore learned to fend for themselves on the black market. Second, a large portion of those who were most vulnerable to food shortages, such as the infirm and the elderly, may have already passed away. And third, grain assistance from the international community since 1995 has improved the situation.

Some experts attribute the large number of deaths due to starvation to not only food shortage but also polluted drinking water. The representative of the UNICEF stationed in Pyongyang stated in his interview with Radio Free Asia on March 4, 1999 that the number of deaths is increasing due to the diseases caused by polluted water and that although many people in North Korea die from starvation, many other people die from contagious diseases caused by water pollution.

The food shortage has had a terrible impact on the children of North Korea. In the fall of 1998, the WFP, UNICEF, and EU announced that they jointly carried out a three-week long scientific research project in which their 18 research teams examined the health and nutrition of North Korean children under the age of 7, using a random sample of 1,800 children from eight areas of North Korea. They reported that sixty-two percent of children under the age 7 are stunted due to long-term malnutrition and that sixteen percent suffer from serious malnutrition.

According to the World Food Shortage Situation Report 2000

published by FAO, North Korea ranked 11th in the world in per capita malnutrition levels in terms of daily minimum calorie intake. North Korea's per capita daily caloric intake deficiency was 340kcal, which was 11th behind Somalia's 490kcal, Afghanistan's 480kcal, Haiti's 460kcal, Mozambique's 410kcal and Burundi's 410kcal.

The deteriorating food situation seems to have caused increasing social dysfunction. Dissolution of families is one such example. According to the defectors Yoo Nan-hee and Joo In-sung, there are innumerable cases in which parents either died or went missing after leaving their homes in search of food. The children left behind inevitably become orphans, or what is referred to in the North as "flower swallows," a euphemistic term for street urchins. The number of these children is rapidly on the increase. Also, according to defectors, the divorce rate is rising and young people are increasingly avoiding marriage in the belief that singles have a better chance of surviving than married couples.

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

#### Status of Grain Supplies

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

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

North Korea still lacks 0.51-1.28 million tons of grain each year despite continuous aid from abroad. This is the result of North Korea's reducing its grain imports, which had once amounted to 1

million tons a year. North Korea's grain importation drastically decreased from 0.83 million tons in 1992 and 1.09 million tons in 1993 and to 0.29 million tons in 1998.

According to a joint report by the FAO and the World Food Program (WFP), North Korea experienced a significant reduction in its grain harvest in 2000 due to severe drought and typhoon damage. Rice production saw a 31 percent falloff from 1999's level and the corn harvest also suffered a 235,000-ton reduction. North Korea's total grain production in the year 2000 was estimated to be about 2.92 million tons in standard grain. The report calculated that during the year 2000-2001 (November to next October) North Korea's minimum grain demand would amount to 4.785 million tons (for a population of 23.18 million) and that the total amount subject to outside assistance was 1.865 million tons. If commercial imports of 0.2 million tons and imports-on-loan of 0.5 million tons were deducted from the shortfall, the total grain shortage would still amount to 1.165 million tons.

#### South Korea's Assistance Efforts

From June of 1995 to the end of 2000, the international community has extended assistance to North Korea equivalent to \$1.658 billion. During the year 2000, South Korea provided a total of \$113.7 million (excluding the 0.5 million tons in grains-on-loan), and the international community (with the exception of South Korea) assisted with an additional \$166.6 million. While South Korea's total assistance in 2000 exceeded the total of the previous year by 142.7 percent, the international communities assistance to North Korea decreased by \$260,000 in 2000 from \$151.1 million in 1999.

Beginning with the direct delivery of 150,000 tons of rice, South Korea has actively participated in international humanitarian efforts to help the North Korean people over the past three and a half years (June 1995-October 31, 1999). During this period, South Korea has extended the equivalent of \$397 million in assistance to North Korea through various channels, including the Korean National Red Cross, UNICEF, WFP, and IFRC. A variety of aid items have been provided to North Korea, including 300,000 tons of fertilizer by the South Korean government. Other aid items donated to North Korea include corn, flour, seed potatoes, clothing, medicine, medical supplies and ambulances.

In an effort to increase civilian contacts between the two Koreas and to encourage civilian sector assistance to North Korea, the South Korean government announced a set of measures to encourage civilian sector assistance to North Korea on March 18, 1998. Since then, the Red Cross has been responsible for assistance procedures

(such as sending and receiving telephone communications with NorthKorea and attaching ID tags, etc.) and civilian organization for the procurement of relief materials, transportation and distribution monitoring. Through this division of labor individual and autonomous contacts with and assistance to North Korea by civilian organizations have been allowed (98.9.18) and thus channels with the North have been diversified in 1999 (2.10).

While the Red Cross alone accounted for 27 percent of all aid to the North, other independent private aid organizations contributed the remaining 73 percent, an increase of 24 percent over the previous year. Shipments of aid have become more diversified, with a total of eight independent organizations currently in operation, including World Vision, Eugene Bell, South-North Sharing, South-North Children'sShoulder Friends, Grand National Welfare Foundation, and the National Mutual Assistance Movement. The total assistance by these organizations amounted to \$35.13 million, including grain. This is an increase of 87.8 percent over the previous year's total of \$18.63 million.

#### Threats to the Right to Sustenance and North Korea's Responsibility

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

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

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

control over the people, i.e. dictatorship, cannot be maintained if farms are privatized and people are not starving.

During the year 2000, North Korea continued to pursue an isolationist policy. In its editorial of September 29, 2000, the *Rodong Shinmun* criticized capitalism and argued that capitalist society is a land barren of morality. Emphasizing that the moral decadence of capitalist societies can never be eradicated by any means, the editorial insisted that, in time, capitalist societies would become devoid of morality and conscience, and that they would end up self-destructing. In its 2001 New Years joint editorial, the paper disclosed the direction of economic policies that would streamline the existing economic foundation to achieve maximum efficiency.

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

## 2. The Right to Social Security

The right to social security is an individual's right to demand from the state compensation to maintain his or her dignity and when one is in need of assistance or protection due to unemployment, sickness, disability, or old age. Freedom from poverty and sickness is an immutable goal of governments around the world. For this reason, the nations of the world have come to promulgate the demands for social security as an individual's right.

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

From North Korea's Constitution and Social Security Laws, North Korea appears, at least institutionally, to be striving for a welfare state that offers comprehensive social security. Article 72 of North Korea's Constitution stipulates that, "citizens shall have the right to free treatment and children, the old, and the infirm are entitled to material assistance," and that these rights are guaranteed by the free

medical system, medical facilities, state social insurance and the social security system.

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

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

Of its social security system, the feature North Korea is most proud of is the free medical system. Due to economic problems, however, this system is almost non-operative. Article 56 of the North Korean Constitution stipulates that the state shall strengthen and develop the free medical care system, and by promoting the district doctor system and preventive medicine, the state shall protect the lives of the people and promote the health of the workers.

North Korea's medical policy objective is to prevent diseases through the district doctor system, which in turn operates as part of the free medical system. Under this system, the people in a district are expected to receive systematic health care from the district doctor. But the system does not appear to function properly, because (a) the quality of the district doctor's diagnostic skills are poor, (b) their medical qualifications are not sufficient, and (c) each doctor is charged with a maximum of 4-5 districts or up to 4,000 people.

The current structure of North Korean medical facilities is as follows: One university hospital and one central hospital in areas where people's committees exist; one to two people's hospitals where city and county people's committees exist; one hospital and one diagnostic center in workers districts, and one combined diagnostic center each for groups of smaller villages. However, very few North Koreans have access to medical facilities above people's hospitals at the city and county levels, because there is an absolute shortage of

hospitals relative to the number of people. Moreover, in order for anyone to be admitted to higher-level hospitals, patients are required to submit a patient transfer that is issued by one's own diagnostic center and the district people's hospital. The procedures are so strict that without a patient transfer authorization no one, under any circumstances, can be admitted into a city-county level hospital to receive treatment.

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

The treatment facilities and medicines at hospitals are very poor. According to the testimony of a former lower-level Party secretary at a hospital, Cha Min-sang, in North Korean hospitals the family of the patient is responsible for meals and room heating. The most common epidemics found in the North are cholera, typhoid, paratyphoid and typhoid rash. In the early phase of these epidemics victims were treated at hospitals, but as the number of patients increased they had to seek treatment at home. In provincial areas, even doctors take turns working at private farms to alleviate food shortages.

According to the defector Lee Young-sim, who used to practice pediatrics in North Korea, hospitals could not properly function for lack of medical equipment. In the case of Danchon City Hospital in North Hamkyung Province, there were supposed to be at least 200 syringes and 2,500 needles, but in reality there were only five extremely worn syringes. Despite the poor equipment, patients who receive treatment must pay for it themselves. In the absence of basic medical equipment, medical doctors can only diagnose the illness. Patients must obtain medicine from the market, and the doctors will then give instructions on how to take or apply the medicine. Defector Kim Soon-hee (admitted in May 1997) used to work as a registered nurse in North Korea. She testified that patients were purchasing medicine and medical supplies for their own treatment because hospitals are not equipped with such basic items as antibiotics or

anesthetics. For this reason, the most frequent requests of North Koreans to people traveling abroad or relatives living abroad are for medicine and medical supplies.

The paralysis of the medical system inevitably leads to a large number of deaths from treatable conditions. Many people die of infectious diseases caused by contaminated water, since clean tap water supplies are not available due to the economic collapse and energy shortages. Diseases that North Korea had declared eradicated in 1975, such as paratyphoid and cholera, as well as tuberculosis, are rampant in North Korea today. The UN Office of Cooperation and Humanitarian Assistance (OCHA), citing North Korean government data, disclosed in its report for the year 2000 that during the three years between 1998 and 2000 the number of tuberculosis patients in North Korea increased each year, from 50 to 70 to 120 cases per 100,000, respectively.

North Korea's obstetrics and gynecological services are also totally inadequate for the maintenance women's health. North Korean authorities insist that they are providing extensive protection and care for the health of women and newborn babies through women's clinics and obstetric centers. But the fact is that medical care programs for pregnant mothers are woefully inadequate due to the collapse of the overall medical service system, which has resulted in poor medical facilities and shortages of medicine and supplies. One result is the declining birthrate in North Korea and the rising infant mortality rate. Only 50 percent of infants survive beyond the age of 5 in North Korea.

In an effort to overcome the shortage of medicine, North Korean authorities are recommending that citizens resort to folk medicines. They encourage local hospitals to produce their own medicines "in a self-reliant revolutionary spirit." In order to promote herbal medicine treatments, they are initiating a public campaign to cultivate medical herbs, while introducing instances of successful herbal medicine treatment.

In 1998, North Korea received several hundred tons of medicine and medical supplies from the West. In late January, American Christian Churches sent 100 tons of medicine and medical equipment, and 40 tons of medicine was provided by an Italian civilian organization known as "CESVI" or "cooperation and development." However, North Korea is suspected of having diverted these medical supplies for use by the elite class, and details as to how these medicines were distributed were never provided. According to defector Lee Young-sim, the medicine and supplies provided by international organizations were sometimes distributed to the hospital she used to work for, the Danchon City Hospital, but the local officials would seize most of it under the pretext of using it for

themselves or for their family members. Subsequently, they would sell it on the black market for maximum profit. On September 30, 1998, "Medecin Sans Frontieres" (MSF) officially announced its permanent withdrawal from North Korea. Its secretary general, Eric Goumard, explained that the withdrawal decision was inevitable because North Korean authorities prohibited medical personnel contact with local inhabitants and prevented their personnel from supervising the distribution of medicine and supplies. In short, North Korea had restricted their humanitarian medical service activities leaving the doctors with no choice but to leave North Korea.

### 3. Labor Rights

Article 23 of the Universal Declaration of Human Rights provides that, "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment." In Articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights (Covenant A) it is guaranteed that, "the states party to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work... (and) to ensure the right of everyone to form trade unions and join the trade union of their choice." Article 70 of North Korea's constitution provides the people's right to work. That is, "All persons with the ability to engage in labor may select occupations according to their choice and talents and are guaranteed the right to a secure job and labor conditions. People are supposed to work based on their abilities and receive allocations based on the amount and quality of their labor. This provision is best interpreted as making labor a responsibility instead of a right. Article 29 of the Socialist constitution provides that, "The state must provide for laborers, who do not know what unemployment is, so that they can enjoy their labor and be satisfied with devoting and exerting their creativity for society, the group and themselves." The phrase "who do not know what unemployment is" can be interpreted as meaning all persons must engage in labor, and the phrase "devoting and exerting their creativity" can be interpreted as encouraging laborers to step up their labor efforts. These interpretations are supported by Article 30 of the constitution which provides that, "the state must organize labor effectively and increase labor regulations to fully utilize all labor time."

Article 83 of the constitution states, "Labor is the sacred responsibility and honor of the people. The people must voluntarily and diligently engage in labor and strictly obey labor regulations and labor hours," and Article 82 further rationalizes the logic of forced labor when it states, "Collectivism is the foundation of socialist life.

Civilians must value the organization and group and must be willing to sacrifice themselves ardently for society and the people."Article 34 requires that, "the state must accomplish the singular and specialized plans for, and guarantee high-speed production and balanced development of, the people's economy" and, in essence, it provides that the state demand continuous and intensive labor to maintain this high-speed production. "

Therefore, in North Korea, labor is the responsibility of all people because labor is not for the individual's benefit: based on collectivist principles labor is a group activity for the benefit of everyone. One can find further support for this interpretation in the various sections of Article 1 (Fundamental Principles of Socialist Labor) of the Socialist Labor Law enacted by the Supreme People's Assembly on April 18, 1978 which reads as follows: Section 2 provides that, "Labor is the most sacred and honorable thing;" Section 3 says, "Labor under socialism is a group activity by laborers for the benefit and interest of everyone;" and Section 4 states, "Under socialism, civilians are responsible for participating in labor."

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

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

The North Korean authorities severely oppress the activities of any labor cooperative activity through the penal code. Article 59 provides that any person who uses his or her employment to destroy or damage the state's industry, transportation, commerce, circulation of currency or credit system will be executed, and Article 61 further adds that people who carry out their work in an inattentive manner

will be sentenced to at least five years imprisonment and cannot vote for four years after the completion of their sentence. These provisions make voluntary labor movements basically impossible.

In addition, Article 71 of the North Korean Constitution provides that, "people have the right to rest," and Article 62 of the labor law adds that, "laborers have a right to rest...and this right is guaranteed through the labor hours system, holiday system, paid leave system, state sponsored rest system and the increasing number of cultural facilities." The Socialist Labor Law specifically stipulates the number of rest days in the following manner, "All laborers have fourteen official days of leave per year and depending on their occupation may have seven to twenty-one days of additional leave." Yet, despite these guarantees, most laborers cannot take advantage of this time because they are mobilized and pressured by the political organization at work. The only time people can really rest is during the one- or two-day celebrations of the births of Kim Il-Sung and Kim Jong-Il, and on certain national holidays.

The constitution states in Article 30 that laborers shall engage in eight hours of labor a day. Despite the proclamations in Article 33 of the labor law that, "the state must strictly guarantee the principle of eight hours of work, eight hours of rest and eight hours of study in the life of laborers," laborers rarely have eight hours of rest. This is because, in addition to their basic workloads, these people are exploited for additional labor mobilization programs and various study sessions. Labor projects are planned by daily, monthly and quarterly schedules, and to surpass the goals of these plans socialist labor competition movements such as the "chollima" movement, the Three Revolutions Red Flag Movement, Speed Campaigns and the Speed Creation Movement have been established. Under these circumstances, the extension of labor hours is inevitable. Also, in regards to workers rights, there are no provisions to prevent the coercion of labor by the authorities.

#### 4. The Freedom of Employment

Article 23 of the Universal Declaration of Human Rights provides that, "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment." Furthermore, Article 6 of the International Covenant on Economic, Social and Cultural Rights stipulates that, "The states party to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which one freely chooses or accepts, and will take appropriate steps to safeguard this right.

Article 70 of the North Korean Constitution provides that, "people

have a right to choice of employment according to their desire and talent." However, employment decisions do not respect individual choice but are made according to manpower needs as determined by the party and state institutions. Work allocation is decided by central economic planning based on the needs of various sectors; individual desires, abilities and talents are secondary and the opportunity to independently change jobs is strictly controlled. The primary considerations for work allocation include such political aspects as one's family history and party loyalty, and one's overall ability based on such factors as education, qualifications, abilities and efficiency ratings may also be considered.

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

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

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

Recently, as North Koreans have begun to avoid manual labor, the North Korean authorities began to sponsor "loyalty resolution rallies" and to send "handwritten letters" from Kim Jong-Il to discharged soldiers and graduates of high schools before "group-assigning" them to coal mines and construction sites. For example, in March 1998,

North Korea group "allocated" 30,000 high school graduates to a cooperative farm. Also, in July of that year, young men from North Pyongan Province were "group allocated" to the Sunchun Coal-mine Joint Enterprise, located in the largest coalmining region of North Korea.

High school graduates and discharged military personnel must report for work because otherwise their food rations would be suspended. Chin Kwang Ho, who defected to South Korea in 1999, reported that, "anyone who is assigned by collective assignment, is never given the opportunity to go home. In most cases his family will not see them before they die."

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

However, despite strict labor law regulations and the ration system, labor relocations are rather active in North Korea today. And, as the economy worsens, the number of people who gain early retirement through bribes or other means to become peddlers is increasing. Also increasing are instances of buying bogus diagnoses from hospitals for hepatitis or tuberculosis in order to be relocated.

## 5. The Right to Education

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

Article 26 of the Universal Declaration of Human Rights guarantees that, "everyone has the right to education," and, "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms." Also, Article 13 of the International Covenant on Economic, Social and Cultural Rights stipulates that, "the States Parties... agree that education shall enable all people to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the

activities of the United Nations for the maintenance of peace.

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

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

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

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

The basic educational structure consists of a 2-4-6-4 system where one attends 2 years of kindergarten, 4 years of primary (people's) school, 6 years of high school (4 years of middle school and 2 years of high school), and 4 (or 6) years of college. In addition, there are 3-year researchers who are equivalent to graduate students and 2-year doctoral candidates. There also are special educational institutes and systems for children of the higher classes and a set of separate systems for technical education and adult education. Finally, North Korea operates specialty schools outside of the regular school system, such as the "Art and Sports Institute" and

"Revolutionary Schools" (such as those found in Mankyungdae, Kangbansuk, and Haeju).

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

Consequently, the only students who enter college are the children of Party cadres and the rich. The highest number of college entrance candidates is allocated to the Pyongyang region because it is there that the highest number of Party officials and people with good backgrounds live. Han Tae-chul, a North Korean defector, said that a friend of his was so talented with the violin that he grew up as a student of Baik Ho-san and then appeared in a movie playing the violin. However, he was not able to enter university owing to his bad background, and as a result he gave up his music life and committed suicide. Recently, however, a slight change in the trend has been detected and the children of people who hold large amounts of foreign currency, are entering major universities by way of bribery, which is another result of the economic hardship.

Second, education in North Korea is mainly focused on the infusion of political ideologies, and relatively neglected are education for personal enrichment, imparting of universal values and knowledge, and liberal arts subjects. All education in North Korea focuses on political ideology education and technical education. During the fourth grade students learn about "The Days When Dear Suryung Kim Il-Sung Was A Boy" and the "Days When Comrade Leader Kim Jong-Il Was Young." First and second graders learn the Korean

language, math, physical education, music, drawing, and the "Days When Dear Suryung Kim Il-Sung Was A Boy," the seven morals of communism, and third and fourth graders also study natural science and health.

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

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

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

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

are increasingly engaged in peddling activities to buy food and this is the cause of their absenteeism. The attendance rate in some schools is as low as 30 percent.

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

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

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

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

## IV. Major Human Rights Violations

### 1. Human Rights Violations at Political Concentration Camps

It is a well-known fact that human rights are violated in North Korean concentration camps. North Korean authorities refer to these political prisons officially as management Center No. XX. Unofficially, however, they are known as special dictatorship target areas, places of exile, sectarian dens or resettlement areas.

#### Concentration Camp History

North Korean authorities give the name of camps depending on either the numbers for a specific area or the document number regulating the crimes that were deemed to be harmful to the maintenance of the regime. For example, the Yoduk Concentration Camp in South Hamkyung Province is labeled management Center No.15. These camps are camouflaged on paper as a unit of the North Korean People's National Guard. For example, Hyeryong Concentration Camp in North Hamkyung Province is recorded as No. XXXX unit of North Korean People's National Guard. According to the defector Han Tae-chul, North Korean people describe being captured by the State Security Agency as going to Yoduk Concentration Camp.

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

These detention camps were turned into banishment camps for political prisoners after the so-called August "Faction Incident" of 1956 (when Choi Chang Ik, Yoon Kong Heum and others conspired against Kim Il-Sung). The former KWP secretary Hwang Jang-Yup, who came to South Korea in April 1994, testified that the controlled districts originated from the August Faction Incident. At first, according to Hwang, only the sectarianists were sent to these camps, but later on all political prisoners, including anti-Kim Il-Sung elements were sent there. He further testified that at the time Kim Il-Sung argued that "the sectarianists were so wrong in their minds that they should be sent along with their families to remote rural mountain areas to lead segregated lives there." Accordingly, the first "controlled district" was set up in the Dukjang Coal Mining region of Bukchang County, South Pyongan Province, at the end of 1958.

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

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

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

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

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

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

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

many ways than even the infamous Soviet gulag.

### The Scope and Punishment of Political-Ideological Criminals

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

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

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

The provisions of Section 46 on crimes of reactionary propaganda and agitation are designed to "discipline those who urge others to overthrow, disturb or weaken the DPRK, or to commit other anti-government criminal acts." In short, the clause was intended to seal the flow of overseas information and prevent internal dissent.

Initially this clause was used to punish those repatriated from Japan and those hailing from South Korea. Following the collapse of Eastern Europe, however, the provisions were used mainly in punishing those who, upon return home from overseas studies or duties, spread information on the situation overseas.

The clause on treason against the fatherland in Article 47 is intended to punish anyone who, after betraying the fatherland and the people, tries to escape to another country or defect. As more and more people attempted to escape the extreme economic problems and famine, the numbers executed or sent to concentration camps also swelled.

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

Whether or not to send ordinary criminals to prison is decided through minimum reviews and trial procedures. Cases of politico-ideological criminals, however, are unilaterally reviewed by the State Security Agency in a single-trial system without judicial trial procedures. Even an innocent politico-ideological suspect can hardly be found not guilty and set free. Punishment is not limited to the person involved; immediate family members and even more distant relatives are punished under the North's system of guilt by association. According to Kim Young-lim, the above-mentioned defector, the scope for applying the system of guilt by association is limited to immediate family members. If a husband is punished as a political prisoner, his wife should be separated and returned to her original home. However, if a wife is indicted as a political prisoner her husband is not punished.

### The Camps

Concentration camps in North Korea are located in remote mountainous areas in South Hamkyung, North Hamkyung, South Pyongan, North Pyongan and Jagang Provinces. Their total inmate population is estimated to be about 200,000.

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

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

With reference to the remaining camps he mentioned Management Center No. 14 at Kaechun, South Pyongan Province; No. 15 at Yodok, South Hamkyung Province; No. 16 at Hwasung, North Hamkyung Province; No. 22 at Hyeryong, North Hamkyung Province; and No. 25 at Chungjin, North Hamkyung Province. He said at these camps the total number of prisoners stands at around 200,000.

Most of these centers are located in remote mountainous or mining areas. As was the case with the Sungho-ri Camp, which was closed down in January 1991, some are dug entirely underground to keep

their existence secret. On February 25, 1998, the defectors Kang Chul-Hwan and Lee Soon-Ok testified before the U.S. Senate Foreign Relations Subcommittee on East Asia and Pacific Affairs that presently some 200,000 political prisoners are detained in concentration camps in North Korea. In its human Rights Report 1997, released on January 30, 1998, the U.S. State Department also reported that 150-200,000 political prisoners are being held in concentration camps. South Korea's National Intelligence Agency announced on January 22, 1999 that about 207,000 "system-threatening elements" have been sent without trial to the ten concentration camps set up in various parts of North Korea; in North Hamkyung Province at Hweryong (50,000 prisoners), Chungjin (15,000) Hwasung (20,000); in the North Hamkyung Province at Danchon (10,000), Duksung (10,000), Yoduk (50,000); in South Pyongan Province at Kaechun (15,000), Bukchang (5,000), in the North Pyongan Province at Chunma (15,000) and in the Jakang Province at Dongshin (17,000). The defector Kim Young-Lim testified that the Danchun Camp is controlled by the Military Security Agency because political prisoners in the military are detained there.

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

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

#### Table 4-1

The authorities told the AI mission that they there are between 800 and 1,000 prisoners at three rehabilitation centers. Among them, they said, political prisoners numbered only 240 and they were being held at the Hyongsan Rehabilitation Center. Defectors, however, have unequivocally stated that such assertions are untrue.

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

The revolutionized districts on the other hand are divided into family and bachelor sections; prisoners held here may be freed depending on the outcome of reviews made after a specified period

from one to ten years. Upon release prisoners must sign an oath not to discuss anything about their experience, and violating the oath means returning to the camp.

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

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

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

#### The Organization and Size of Concentration Camps

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

The duty of the political section is to watch the ideological behavior of people in the security and guards section and punish those who commit any irregularities. The security section watches the inmates and ferrets out, for execution or assignment to harsher labor, any malignant elements such as those who attempt escape, murderers and malingerers.

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

In addition, there are supply service sections responsible for supplying food for security and guards section personnel, the materials section for supplying materials for various construction

projects inside the camps, and a chemical section for supplying dynamite to mines. Other sections include finance, transportation and communications. Most dreaded by the prisoners are the security and guards sections, as both hold the right to determine their fates.

### Security at Concentration Camps

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

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

### Selection of Prisoners and Procedures

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

People subject to banishment are mainly those considered harmful to the Kim Il-Sung and Kim Jong-Il system such as anti-party and sectarian elements and anti-revolutionaries, previous landowners and pro-Japanese, the religiously active, anyone opposed to Kim Jong-Il's succession to power, attempted escapees and their families, and seditious people among those repatriated from Japan.

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

There are many cases where people are sent to prison camps for incomprehensible reasons. Kim Myong-Jun, a bellboy at the Koryo Hotel in Pyongyang, was investigated at the Maram Guest House for espionage because he failed to report a tip he received for carrying a foreign visitor's luggage. Nothing substantiated the charge, but the investigators unreasonably found him guilty of having "betrayed the fatherland" and had him serve three years hard labor at Yodok. According to the 1994 Human Rights Report released by the US State

Department on February 1, 1995, among some political prisoners there were those who were arrested because they sat on a newspaper containing a picture of Kim Il-Sung.

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

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

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

### Daily Duties

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

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

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

To prevent group activity all visits are banned even within the

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

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

### Diet

Amounts vary, but prisoners are generally rationed 550 grams of corn per day together with a little salt and a spoonful of acorn paste every week. Rations are said to be reduced by 90 grams for those deemed negligent at work. People need to supplement their diet with wild herbs and roots, and those who cannot correctly identify edible wild plants and mushrooms sometimes poison themselves. Prisoners will eat scrap livestock feed if it is available and sometimes even kernels of corn or beans that might be found in cattle excrement. They catch on sight and devour frogs, tadpoles, rats and snakes. According to defectors Kang Chol-Hwan and An Hyok, camp prisoners typically lose more than fifteen kilograms in weight within the first year. In the case of Ahn Hyuk, he used to weigh 78 kilograms before being sent to the concentration camp, but weighed only 38 kilograms after two years there.

### Dwellings and Camp Life

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

Electric power is generated at the camps, but power output is so meager that only one light bulb is allowed for a family. Power will be supplied only between 7:00 to 12:00 P.M. and 2:00 to 5:00A.M. The voltage is so low and the lights so dim that books and newspapers can barely be read. Still, camps with power facilities are envied by

others. At some camps a wooden torch is lit during meals.

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

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

Under such miserable conditions, many prisoners suffer from pneumonia, tuberculosis, pellagra and other diseases mainly due to malnutrition and heavy labor. Still, everyone, without exception, is forced to continue working. Many suffer from ailments such as testitis or hemorrhoids, but they are likely to be beaten if they walk or work slowly due to the pain.

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

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

### Executions and Mass Executions

There have been several reported massacres at North Korean concentration camps. According to An Myong-Chol, political prisoners at the No. 12 Management Center in Onsung, North Hamkyung Province, enraged at their harsh persecution attacked a security

officer's village inside the camp in October 1986. The group killed hundreds of family members of security guards. A battalion of security troops was mobilized that killed about 5,000 young and middle-aged prisoners, including those who had no part in the riot.

Anyone who is unable to endure the harsh conditions, tries to escape, physically resists or assaults security officers is hanged or shot to death in front of the other prisoners.

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

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

According to testimony by An Myong Chol, however, North Korea resorted to secret executions in place of some of public killing beginning in 1984. The reason was that although public execution is a device intended to terrorize prisoners into absolute obedience, frequent public executions prisoners had become sensitized. In addition, the frequent public executions were causing anger among prisoners.

Anyone aware of irregularities on the part of security officers, attempted escapees, attempted murderers, habitual complainers, and expecting women and their lovers are all subject to secret execution. According to testimony, Security Section No. 1 of a camp would be in charge of secret executions. The method of death, decided by security officers, is usually quite brutal and includes beatings with batons or stoning.

Defector An Myong-Chol testified that at camps under the control of Bureau No. 3, condemned prisoners have been used as subjects in live medical experiments conducted by camp doctors -- just like those conducted by the notorious Japanese Army 731 Unit or by Nazi doctors during World War II.

All these reports from defectors cannot be confirmed and the reader must be reminded of the difficulty of verifying such brutal acts in a closed society like North Korea. The testimony of defectors cannot be dismissed simply due to lack of proof. This is all the more so in view of the fact that the Holocaust was discovered only after World War II was over. The international community should pay more attention to North Korean political concentration camps in hopes of

preventing further human rights abuses against prisoners.

### Internment of Repatriates in Concentration Camps

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

According to testimony from Kang Chol-Hwan and An Hyok, who were imprisoned at Yodok, about 600 people of the 100 families who were first detained in early 1974 are still held at the camp. They also stated that from 1974 on 100 to 200 more families were added every year, totaling about 5,000 repatriated political prisoners from 800 families and 300 criminals, as of 1987.

Meanwhile, according to the testimonies of Kang Chul-Hwan and Ahn Hyuk, former staffers of the pro-Pyongyang association of Korean Residents in Japan, Chochongryon and some industrialists were separated from their families and believed to have been detained in different camps. Kang Chul-Hwan still does not know the whereabouts of his grandfather, Kang Tae Whew, (who was the Tokyo chapter Chamber of Commerce Chairman of Chochongryon). He was reported missing in 1977.

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

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

## 2. Abductees

A total of 3,740 persons have been kidnapped to North Korea since the Korean Armistice Agreement in 1953. Of them, only 442 people (see appendix) are known to still be under detention. Among those kidnapped were five high school students who were reportedly brought to North Korea by a North Korean espionage agent in the late 1970s. This fact was revealed in the process of examining the Choi Sung-Nam and Kang Yeon-Jeong espionage event of 1977.

Beginning with the first kidnapping of 10 fishermen aboard the

Daesung-ho on May 28, 1955, North Korea has abducted a total of 3,662 fishermen since the Korean Armistice in 1953. They subsequently returned 3,255 and are still holding 407 fishermen to this day. As recently as May 30, 1995, North Korea kidnapped 8 fishermen aboard the No. 86 Woosung-ho. Three of the eight were killed as they struggled with their kidnappers. They were returned through Panmunjom on December 26, 1995.

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

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

In addition, there are suspected to be more unidentified kidnapped forcibly detained in North Korea, whose incidents have not yet been published. Amnesty International published a list of 49 political prisoners on July 30, 1994, and included in it were several kidnapped people. When the AI list drew international attention, North Korea put both Ko Sang-Mun and Yoo Sung-Keun, whose names were included on the list, were made to confess their "voluntary entry" into North Korea on August 10-11, 1994. The defector Ahn Myung-Jin who came to South Korea in 1993, testified that the South Koreans who had been kidnapped to North Korea by its espionage agents, were engaged in spy training.

Some of the abductees from South Korea are being used in broadcasts to South Korea or in espionage training. The Korean Airliner stewardesses Sung Kyung-Hee and Chung Kyung-Sook have been used in broadcasts to South Korea. Other detainees are used as

instructors for North Korean espionage agents sent to the South. According to the testimonies of Ahn Myung-Jin, about 20 unidentified detainees from South Korea are working as spy instructors at the center for Revolutionizing South Korea located in the Yongsung district of Pyongyang. This center is a replica of South Korea designed to teach and train graduates of the Kim Il-Sung Political Military College (renamed as such in 1992) how to adjust to real life in South Korea. The center is under the direct control of the Operations Division in Building No. 3 of the Central Party, which is responsible for training espionage agents to infiltrate the South.

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

Meanwhile, North Korea, in a Red Cross statement on September 24, 1996, insisted that the Reverend Ahn Seung-Wun, who was abducted in July 1995, was not forcibly kidnapped but instead "voluntarily entered" North Korea. On the contrary, however, the Chinese government on September 13, 1996, sentenced Lee Kyung-Choon, who was found to have been one of the two suspects involved in kidnapping the Reverend Ahn, to a two-year imprisonment for "illegal detention and unlawful border-crossing" and banished him from China. In short, the Chinese government in effect officially confirmed that the Reverend Ahn incident was a kidnapping perpetrated by North Korea. Accordingly, the South Korean government requested the Chinese government to restore the case status quo ante, and demanded North Korea to immediately return Reverend Ahn. However, North Korea is still refusing to return Reverend Ahn to South Korea.

### 3. Human Rights Violations against Defecting North Koreans Abroad

#### Status of North Korean Defectors

The International Covenant on Civil and Political Rights stipulates in its Article 12 paragraph 2 that, "Everyone shall be free to leave any country, including his own." Since 1990, many North Koreans have fled the country, and a large number of North Korean defectors are

believed to be staying illegally in China, Russia and other countries. The collection of accurate data on their exact number and individual situations is realistically impossible, since most of them have an unstable legal status and are unable to openly ask for help. Nonetheless, there are estimated to be about 2,000-3,000 defecting North Koreans in China, Russia, and other countries. Some 500 of them have directly or indirectly expressed their desire to be admitted into South Korea through embassies and consulates. Various civilian organizations assisting the defecting North Koreans in China have estimated their number to be in the 100,000-200,000 range.

The South Korean government announced in October 1999 that the number of North Korean defectors staying in a third country such as China and Russia is estimated to be about 10,000-30,000, among whom about 500 defectors have asked for refugee in South Korean embassies abroad. However, civilian organizations helping North Korean defectors in China estimate that the total number of defectors may reach 100-300 hundred thousand. Good Friends, a relief organization for defectors, announced that as a result of its own field research conducted in 2,479 villages of the three northeastern provinces of China, 140-200 hundred thousand defectors from North Korea are hiding in the three northeastern provinces.

Most defecting North Koreans cross the border into China via the Yalu River or the Tumen River, and some of them flee from the timber yards or construction sites in Russia. North Koreans choose China for a defection destination, since movements there are relatively easier than in other countries and because they can expect the help of the Chinese Koreans living along the border areas. For these reasons, many North Koreans will attempt the border crossing as a last resort to obtain food and daily necessities. Most of this last category of people will return to North Korea, although a large number of them will attempt to flee North Korea for good. Furthermore, due to lost parents or family dissolutions during the food crisis there are increasing numbers of children and women defectors. They usually spend an extended period of time in North Korea before defecting.

The North Korean defectors staying in other countries will be forcibly deported to North Korea if caught by local security agents or North Korean agents operating in the area. Deportations are carried out in accordance with the terms of illegal alien deportation agreements between North Korea and that country. In any event, these defectors are not protected even though they are faced with threats to their most basic right, the right to sustenance. China and Russia are the two possible countries for defection. However, indifferent to North Korea's definition of "criminals," both these governments routinely deport North Korean defectors under mutual

deportation agreements. Under the terms of its Constitution, the South Korean government regards the North Korean people as citizens of South Korea. Nonetheless, due to political-diplomatic considerations it is restraining demands for positive protection of these people by the two governments. In any event, the reality is that most North Korean defectors hide and evade local security agents and North Korean agents while seeking ways to be admitted into South Korea. The price they pay is the persecution and infringement of their fundamental human rights.

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

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

While tightening the internal control system, North Korea is also conducting a recall and re-training program on its overseas personnel. In the face of the increasing defections of its elites such as the former Party secretary Hwang Jang-yop and the former North Korean ambassador to Egypt, Chang Seung-il, North Korea has quickly recalled home many overseas personnel and their family for re-training purposes. Already in October 1989, when the socialist bloc was collapsing, North Korea in the name of Party Central Committee had issued instructions to all overseas missions on the recall of overseas workers, researchers, and students.

In the past, North Korea used to treat all deported North Koreans as political prisoners and sent them to political prisoner camps for special supervision, and their families were forcibly transplanted to certain control regions. However, as the number of defectors rapidly increased, the level of punishment will now depend on motivations of defection and the duration of stay out of the country. Since September 27, 1997 when a more lenient measure was announced,

punishments have been relaxed such that many of the defectors will be detained in the so-called (or homeless detention centers) for a certain period of time and released, except of course for special cases which are handled by security agency or safety agency detention centers. Following the February 13, 1998 measures, border-crossing cases are classified into certain categories; those living along the border will receive lighter penalties, while those from the inner regions of North Korea such as Hwanghae Province are accused as betrayers of the fatherland and punished as political criminals. But, even in the latter cases, their family members are subjected to lighter punishments than before.

Meanwhile, conferring refugee status on the defecting North Koreans is becoming more complicated and difficult for two reasons: (1) North Korea is relaxing punishment against defection in its efforts to reduce the rapidly increasing number of defectors, and (2) it has deleted from its revised constitution the provision on the "betrayal against the people and the fatherland"(Art.86 of the old constitution). Broadly, defectors are classified into two categories: those who are clear cases for political punishment upon return and those to be released after simple punishment. However, it is not easy to identify and generalize from the levels of individual punishment. In other words, since punishments invariably differ according to one's background, regional origin, age, and the duration of stay out of the country, there still exist dangers and threats to a person if forcible deportations are carried out in complete disregard of an individual's wishes. In 1999, North Korea tightened its control of defectors and strengthened its punishment on the forcible deportation. The danger that defectors face when they are forcibly deported is becoming increasingly serious since punishments are becoming more and more strict.

#### North Korean Defectors Admitted into South Korea

As of the end of 2000, a total of 1,407 defectors have been admitted into South Korea. Currently, 1,188 are residing in South Korea, if the deceased and overseas emigrants (those re-settling abroad) are excluded. The number of defectors admitted into South Korea has drastically increased since 1994, and in 2000 there were 312 entries into South Korea.

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

individual motivations stemming from the severe food shortage and economic hardship.

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

Defectors' occupations also show a wide variety. They range from high officials, such as Hwang Jang-yop, diplomats and medical doctors, to soldiers, foreign currency handlers, students, teachers, workers, and peasants. In addition to the defection in December 1997 of POW Yang Soon-yong, who was a former South Korean soldier, Chang Moo-hwan, Kim Bok-ki, and Park Dong-il, Son Jae-sul, Huh Pan-young, Park Hong-gil, and their families have successfully defected to South Korea via China. During the year 2000, more Korean War POWs, such as Kang Sang-kwon, Kim In-jun, Huh Hyung-jik and Yoo Jin-ho, have returned to South Korea.

### The Background Behind the Escapes

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

First there has been the continued negative economic growth in North Korea since the 1990s and the worsening food shortages especially due to the flood and drought damage of 1995 and 1997. Most people do not regularly receive food rations, and it is reported that in certain regions some have starved to death. The food shortage has brought increased international attention and North Korea has received international assistance through such organizations as the UN. Yet, the food crisis and overall economic condition cannot recover in the short term through such emergency measures as international aid or economic support and the number of North Korean people who escape to avoid starvation and poverty will increase.

Second, the economic and food crisis also has the effect of allowing North Koreans to come into contact with more outside information, which further entices them to escape. They do so through Chinese-Korean merchants, foreign citizens of Korean heritage who visit North Korea, students studying abroad, and foreign correspondents. Many North Koreans are aware of the development of China and the ROK and it is believed that the number of people

who secretly listen to South Korean broadcasts has increased. The development of China following its reform and market opening policies also causes North Koreans to compare their system with others. This increase in foreign information and the relative sense of deprivation it creates motivates even more people to escape.

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

Fourth, the changing values of laborers and others living abroad have also contributed to the increase in escapes as seen in the defection of Hyun Sung Il and his wife and Cha Sung Gun in early 1996. The financial crisis at foreign embassies due to the economic crisis at home, the poor living standards of embassy personnel, the smuggling of such products as narcotics, the manufacture and distribution of counterfeit money and finally the heightening tensions, reciprocal monitoring, backstabbing and forced summoning of embassy personnel, have all contributed to the increasing number of defections among embassy personnel. Particularly those who have been in contact with South Korean businessmen and missionaries as part of their foreign currency operations are full of fear and are attempting to defect. As a result, North Korean authorities are summoning those citizens living overseas who seem problematic and are attempting to reeducate them. Yet, it is difficult to control the changing values of people working overseas when they were originally sent out to solve the growing economic crisis.

### The Human Rights Situation of North Korean Escapees in China

Most of escapees in China live and hide with relatives in the three northeastern provinces (Yonyung, Qilin, Hukryongkang) while they engage in odd jobs and assist farmers. A small number of these people eventually seek escape to Southeast Asia. China shares a border with North Korea across the Yalu River and the Tumen River, and living along its North Korean border are a high number of Chinese-Koreans. As many North Koreans crossed the border to ask their relatives, for help including food and/or defection, others without relations in the area also began to jump borders. However, since China began to impose "border intrusion penalties" as per the revised

penal code of October 1997 on people assisting defections and as internal security is tightened inside China, it has become much more difficult for the defecting North Koreans to hide, disguise, and/or conceal themselves. This has added to the already unsafe personal security, and possibilities of human rights violations have increased. In the effort to avoid forcible deportation and to obtain resident IDs that will permit legal stays in China, defecting North Koreans will try to purchase the permits, and in the process they often fall prey to human trade (slave trade) rings and harsh labor.

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

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

According to field research by the Good Friends, female defectors make up 75.5 percent of the total number of North Korean defectors. Especially in the three northeastern provinces, the figure reaches 90.9 percent. Some 51.9 percent of female defectors are married to Chinese, but the figure reaches 85.4 percent in the three

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

Those who escaped to China can easily be reported by cho-gyos (North Koreans living in China) and arrested by either special security agents from North Korea or Chinese police officials. If arrested, they are forcibly extradited according to the PRC-DPRK Escaped Criminals Reciprocal Extradition Treaty that was secretly concluded in early 1960. According to a copy of "Regulations for the Border Area" in the Province of Jilin printed by Seoul's *Dong-A Ilbo* newspaper on December 26, 1996, more than 140 escapees living in China were arrested by Chinese police after these regulations were passed in November 1993 and forcibly extradited in 1994 and 1995. On December 16, 1998, the Citizen's Alliance to Help Political Prisoners in North Korea announced that 150 North Korean defectors were arrested by Chinese security officers in Tung-hwa City, Jilin Province, and deported to North Korea. Regarding this report, the Jilin Province security authorities responded on December 16 that they have deported 20 North Koreans, and over a period they have returned to North Korea about 100 people, including the 20 mentioned previously. However, the Chinese announcement said, they came to China because they were hungry and not because of political motivations. The defectors Kim Jae-Won and Choi Young-Joo, who came to South Korea in 1997, said their second son, Kim Eun-Chul, went missing while they were hiding in China. After they were admitted into South Korea, they requested the International Red Cross to confirm the whereabouts of their son, Kim Eun-Chul. Subsequently, they were informed by the Chinese Red Cross that Kim Eun-Chul was handed over to a North Korean security agency along the border at Dandong City in late 1997.

A government-sponsored institute under the Chinese administration conducted field research in the three northeastern provinces where most North Korean defectors are staying. According to its report entitled, "North Korean Defectors and the Social Phenomena," the

number of forcibly deported defectors increased from 589 in 1996 to 5,439 in 1997 and 6,300 in 1998. According to results of the research of the Good Friends, the number of forcible defectors reaches some 1,857 in villages of the Yianbian area and some 584 in the three northeastern provinces during the period of research, from December 1998 to April 1999.

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

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

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

As the number of North Koreans defecting increased rapidly, the North Korean People Urgent Action Network or RENK, based in Osaka, Japan, has launched a campaign entitled "Help the Defecting North Korean Orphans. RENK estimates defecting orphans to number about 20,000. North Korean orphans in China result from (a) defecting alone upon dispersion of the family, or (b) parental deaths or deportations after a family defection to China, and they are left to engage in begging or theft for survival. If these children are forcibly deported to North Korea, it is known that they will generally be detained in the "9.27 detention centers" for 7-15 days and then released. In exceptional cases, they could receive harsh punishments as an example to others.

Chinese authorities are closely cooperating with North Korea for

the deportation of defectors to prevent social disorder inside China stemming from theft, human trade, murder, and smuggling. It can be assumed that the possibility of individual persecution on political grounds has been reduced since North Korea began relaxing punishment on forcible deportations. Nevertheless, they should not be deported just because they are illegal aliens, because upon return to North Korea they are likely to face starvation due to the food crisis in all of North Korea. Simply stated, it is true that North Korean defectors are fleeing North Korea to primarily avoid the food crisis there, and so they may not be eligible for true refugee status. However, they are certainly entitled to treatment as displaced persons, who are objects of concern and protection of the international community. At a minimum, therefore, the international community should closely cooperate with China to spare them from forcible deportations against their will. According to the International Organization for Migration (IOM), even undocumented migrants are entitled to the protection of such basic human rights such as the right to life, religion, expression, ideas, privacy, and movement, as well as protections from slavery, labor abuses, torture, and inhumane treatment. If defecting North Koreans are an unavoidable phenomenon, efforts should be increased to prevent the infringement of their fundamental human rights.

#### The Human Rights Situation of North Korean Escapees in Russia

The number of North Korean escapees in Russia is estimated to be around 200-300. Those North Koreans who have escaped from logging camps or construction sites in Russia travel throughout the Vladivostok area, Central Asia and the Chinese-Russian border, selling such things as clothes, and live in hiding with the help of local Koreans. In the case of defecting North Koreans in Russia, avenues are open for them to win the status of refugees through the UNHCR, and to legally enter South Korea. And yet, the situation is difficult for them to receive full protection of their rights as provided under the terms of the convention Relating to the Status of Refugees.

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

In addition to logging camps, Korean laborers have also been sent to mines and construction sites in Siberia and to ones near

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

North Korean laborers in Russia increasingly began to escape from their work sites before and after the collapse of the Soviet Union in the 1990s. More began to desert around 1990 as the excess labor that resulted from decreases in wood production was sent to areas outside their logging sites to collect foreign currency or to work side jobs.

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

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

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

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

Meanwhile, Amnesty International has reported that the Russian police do not approve of the IDs issued by the UNHCR to the defecting North Koreans. Consequently, the defecting North Koreans

are trying to avoid contact with Russian authorities, while at the same time hiding themselves from the pursuing North Korean agents.

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

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

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

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

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

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



## <Appendix I>

# List of Abductees and Detainees in North Korea

## 1. ROK Kidnapees and Detainees in North Korea

	Total	Fishermen	Crew of KAL	Navy personnel	Others
Kidnapees	3,790	3,692	51	20	27
Detainees	487	436	12	20	19

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

## 2. Fishermen Kidnapped and Detained in North Korea

May 28, 1955	Cho Jong Il, Hwang Deuk Shik, Jung Tae Hyun, Kim Jang Hyun, Kim Sun Kwi, Lee San Eum, Park Pyo Man, Yu Jang Hwa, Yun Seong Woo, Yu Oe Taek
Nov. 9, 1957	Kim Seong Ju, Ma Seung Sup
April 28, 1958	Hong Bok Dong, Park Dong Keun
April 29, 1958	Kim Yung Bok, Park Yung Keun
April 30, 1958	Han Jin Yong, Kim Chang Hyun, Kim Myung Sun, Park Se-un
May 14, 1958	Jang Sun Jong
Nov. 7, 1958	Heo Jun, Lee Yong Taek, Park Dong Jun, Shin Kwang Pil, Song Sang In, Song Seong Rak
Dec. 6, 1958	Kim Beom Ju, Kim Ke Rak, Kim Myung Eun, Kim Won Ro, Kim Yeo Hun, Kim Yun Taek, Um Kwang Sup, Yun Seung Beom
March 1, 1964	Choi Dong Gil, Choi Jun Su, Choi Mun Gil, Choi Seok Yong, Kwak Hyung Ju, Kwak Jong Hyo Kwon Oh Dong, Lee Jong Yun, Lim Kwi Bok, Park Tae Gil, Song Eun Seok
July 19, 1964	Han Sang Jun, Park Ki Jeong

July 29, 1964	Mun Seong Cheon
Oct. 16, 1964	Kim Kwang Ho, Yu Han Bok
May 8, 1965	Choi Dong Gi
May 31, 1965	Lee Jeong Ung
Oct. 29, 1965	Hyun Keun Hwa, Jung Yung Nam, Kim Bun Im, Mun Jeong Suk, Na Yong Yul
Nov. 15, 1965	Cheon Tae Ok, Jung Chang Kyu
Nov. 20, 1965	Choi Yung Jung, Han Dong Sun, Ju In Bok, Kim Jang Won, Kim Jeong Gu, Kim Kyung Su, Kim Seong Man, Lee Byung Gi, Lee Chang Yung, Seo Bong Rae
Nov. 26, 1965	Kim Tae Jun
Nov. 30, 1965	Kim Jong Ok, Seo Seok Min
Jan. 26, 1966	Hwang Chang Sup
June 24, 1966	Park Pal Man
April 12, 1967	Choi Hyo Gil, Choi Jong Deung, Choi Myung Hwan, Jang Kil Yong, Jnag Yung Sik, Jung Hak Myung, Nam Bok Yi, Kim Dae Gon, Kim Hong Il, Kim Jang Hun, Kim Sang Su, Kim Yung Il, Lee Jeong Sik
May 23, 1967	Hong Seung Gyun, Yun Kyung Gu
May 28, 1967	Lee Seon Il
May 29, 1967	Choi Chang Eui, Kim Ok Jun
June 5, 1967	Choi Won Mo, Mun Kyung Sik
June 15, 1967	Kim Bong Su
July 22, 1967	Lee Ki Chul
Nov. 3, 1967	Hong Sun Kwon, Jang Jae Cheon, Kim Ja Jun, Kim Sang Jun, Kim Seong Jae, Lee Chang Sik, Lee Jin Yung, Lee Tae Su, Ma Ki Deok, Oh Won Sup, Park Kyu Chae, Park Neung Chul, Park Rak Seon
Dec. 20, 1967	Kim Nam Hyun, Kim Seong Ho, Ki Yang Deok, Lee Chun Sik, Lee Jeong Hae, Oh Myung Bok
Dec. 25, 1967	Han Hae Jin

Jan. 6, 1968	Kim Ju Cheol, Yang Sang Eul
Jan. 11, 1968	Park Bok Tack
March 10, 1968	Seo Su Jung
April 17, 1968	Jung Jang Back, Kang Myung Bo, Kim Hak Rae, Kim Hong Rok, Lee Ok Jin, Lee Tae Yong, Lee Yung Suk
April 27, 1968	Jung Yeon Tae, Kim Yong Bong, Lim Kyu Cheol, Yun Mu Chul
May 9, 1968	Kim Jeong Il, Oh Seong Jae
May 23, 1968	Han Ki Dol, Kim Hong Gyun, Lim Byung Hyuk
May 29, 1968	Jang Chang Su, Kim Jae Gu, Kim Myung Hak, Kim Su Keun, Lee Sang Won, Park Man Bok
June 1, 1968	Gong Mun Ik
June 6, 1968	Choi Dong Jin, Kim Il Oh, Kim Kil Oh, Kim Kyung Du, Ko Jong Hyun, Ko Ju Bong, Kim Yi Bae, Kim Yong Gil, Lee Il Nam, Lee Seon Ju, Oh Pan Cheol, Park Myung Ok, Seo Jong Sul
June 8, 1968	Choi Dong Il, Cho Mun Ho, Chun In Man, Ju Jae Keun, Kim Byung Ho, Kim Yong Gi, Kim Yung Uk, Ko Jun Su, Lee Un Gil, Park Hyung Jung, Shin Seong Uk
June 12, 1968	Kim Do Kyung, Seo Yong Sik
June 16, 1968	Kim Kwang Un
June 17, 1968	Hong Sang Pyo, Kim Kwang Geun, Kim Yeong Gu, Son Cheol Sun, Son Eun Ju, Yu Byung Chun
June 21, 1968	Kim Chang Hyun, Shim Kwang Sik
June 23, 1968	Kim Jin Kyung, Lee Il Hwan, Lee Ki Jun, Oh Nam Mun
June 29, 1968	Cha Jong Seok, Kim Dae Man, Lee Sang Eun
July 2, 1968	Cho Kyu Yung, Ham Tae Cheon, Hwang Du Ho, Jang Myun, Ju Yung Sam, Kim Cheol Kyu, Kim Eung Kwon, Kim Myung Hi, Kim Nam Ho, Kim Yong Su, Ko Jong Hwan, Kwak Do Sang, Lee Chun Man, Lee Eun Kwon, Lee Jong Beom, Park Seong Mun, Seon Woo Seok, Yu Kang Yeol, Yun Du Chan, Yun Neung San
July 4, 1968	Lee Yung Cheol, Yun Kwi Nam

July 10, 1968	Choi Seung Bok, Choi Won Su, Cho Seok Won, Chun Seok Gu, Jang Jin Gu, Kang Bung Un, Kim Jin Yung, Kim Sang Yun, Lee Hae Jun, Park Heung Sik, Park Jong Up
July 12, 1968	Kim Chun Sik, Kim Nam Guk, Lee Yang Jin, Yeo In Eok
Aug. 6, 1968	Han Taek Seon, Hwang Myung Sam, Kim Jae Uk
Aug. 7, 1968	Jang Eul Seon, Jung Han Su, Kang Myung Hwa, Kim In Cheol, Kim Kwang Su, Um Ki Man
Oct. 30, 1968	Chun Man Su, Ham Ki Nam, Jin Ki Bong, Kim Jong Woo, Kim Yi Deuk, Lim Jae Dong
Nov. 7, 1968	Kim Dong Ju, Ko Sun Cheol, Lee Ki Seok, Lee Tae Un, Lee Yung Gi, Mun Won Pyo
Nov. 8, 1968	An Su Seon, Chun Do Min, Jung Yeon Bae, Kim Jong Sun
May. 1, 1969	Han Jong Nam
May. 5, 1969	Lee Kwang Won
May 10, 1969	Jung Heung Hae, Lee Dong Woo, Lim Pan Gil
June 10, 1969	Cheon Mun Seok, Choi Du Su, Jung Oh Seok, Lee Deok Pyo
April 29, 1970	Choi Jong Yul, Hwang Seok Gyun, Jung Yung Cheol, Kang Byung Il, Kim Tae Rang, Lee Jae Geun, Park Hwi Man, Um Seung Yung
June 22, 1970	Kim Heung Dong, Kwon Hyuk Geun, Lee Sun Bong, Oh Kwan Su
June 30, 1970	Kim Il Yung
July 8, 1970	Byun Ho Shin, Choi Sang Il, Jang Chun Bin, Min Kyung Shin, Sa Myung Nam
Jan. 6, 1971	Hwang Yung Sik, Jung Moksari, Jung Se Yul, Jung Wan Sang, Kim Chang Deok, Kim In Cheon, Kim Sang Dae, Park Cheon Hyang, Park Dong Sun, Park Jeong Gu, Park Gil Yun, Song Ok Cheon
May 14, 1971	Kim Jae Su
Dec. 25, 1971	Hwang Yung Cheon, Kang Heung Gi, Kim Bong Sik
Jan. 10, 1972	Kim Jeong Ok

Feb. 4, 1972	Bae Hyun Ho, Choi Bu Yung, Chun Seung Cheol, Dong Byung Sun, Gong Sun Gyung, Jung Dong Bae, Jung Tae Gap, Kim Cheol Ju, Kim Dal Yung, Kim Dong Sik, Kim Du Seon, Kim Hwi Nam, Kim Il Bong, Kim Im Kwon, Kim Kye Heung, Kim Seok Man, Kim So Ung, Lee Heung Sup, Lee Pyung Il, Lee Sang Rok, Park Bok Man, Park Dal Mo, Park Jang Hyun, Park Sang Guk, Shin Tae Yong, Wi Chun Hwan
May 4, 1972	Kang Yeo Jin
May 12, 1972	Kim Sun Sik
June 9, 1972	Bae Min Ho, Bang Seung Do, Choi Seong Hyun, Kim Jeong Gil, Lee Su Seok, Lee Won Jae, Lim Chang Gyu, Nam Jeong Yeol, Nam Mu Su
Aug. 14, 1972	Kim Yung Sik, Song Rae Gyu
Aug. 21, 1972	Kim Dae Bong, Lee Seok Ryong
Dec. 28, 1972	An Su Yung, Choi Yung Geun, Jung Do Pyung, Jung Geon Mok, Jung Hyung Rae, Kang So Dong, Kim Cheon Gu, Kim Eui Jun, Kim Il Man, Kim Jong Won, Kim Ok Ryul, Kim Tae Jun, Kim Yong Cheol, Lee Gong Hi, Lee Jae Myung, Park Du Hyun, Park Du Nam, Park Yang Su, Park Yong Gap, Park Yung Jong, Park Yung Seok, Seo Seok Gi, Seo Yung Gu, Yu Kyung Chun
July 27, 1973	Cho In Woo, Cho Sun Rae, Kim Sun Nam, Kim Yung Hi, Na Ki Yong, Seo Deuk Su
Feb. 15, 1974	An Byung Jin, Baek Heung Seon, Choi Bok Yeol, Choi Yung Cheol, Jang Yung Hwan, Jung Jong Yun, Jung Yu Seok, Kim Hyun Nam, Kim Jae Bong, Kim Jong Kwan, Kim Jung Sik, Kim Keun Sik, Kim Seng Rim, Kim Wol Geun, Kim Yong Geon, Kim Yong Gi, Kim Yong Gil, Ki No Seok, Ko Kwang Hi, Lee Cheon Seok, Lee Dae Hong, Lee Seong Yong, Lim Tae Hwan, Park Jong Ju, Park Kyung Won, Park Nam Ju, Song Min Gyung, Yu Yong Seok
Aug. 8, 1975	Kim Du Ik, Ko Nam Su, Ko Myung Seop, Kwon Yong Man, Kwon Jong Deok, Kim Ku Yeong, Kim Chan Wo, Min Ki Shik, Park Sang Won, Choi Jong Deok, Heo Jung Su, Park Si Dong, Park Jong Seon, Park Jung Chul, Park Hae Yeong, U Jae Seon, U Tae Hak, Yu Ji Yong, Yun Jung Sun, Yun Jong Su, Hwang Kyu Oh
May 10, 1977	Choi Jang Geun
Jan. 26, 1980	Kim Hwan Yong
Jan. 15, 1987	Choi Jong Seok, Chu Yung Su, Jin Yung Oh, Jung Il Nam, Kang Hi Keun, Kim Sang Sup, Kim Sun Keun, Kim Yung Hyun, Lim Kuk Jae, No Seong Ho, Park Kwang Hyun, Yang Yong Sik

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

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

### **and Detained in North Korea**

Dec. 11, 1969	Choi Jung Ung, Choi Seok Man, Chong Kyong Sook, Cho Chang Hee, Hwang Won, Im Cheol Su, Jang Ki Yung, Chae Heon Duk, Kim Bong Ju, Lee Dong Gi, Song Kyong Hee, Yu Byung Ha
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### **5. Crewmen of Korean Maritime Police vessel 836 Kidnapped and Detained in North Korea**

June 28, 1974	Jin Jong Yeong, Shin Myung Seon
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### **6. Others Kidnapped and Detained in North Korea**

April 15, 1971	Yu Sung Keun, Chung Sun Seop, Yu Sung Hee, Yu Jin Hee
August 1977	Lee Min Kyo, Choi Seung Min
April 13, 1978	Koh Sang Mun
August 1978	Kim Young Nam, Lee Myoung Woo, Hong Jin Pyo
December 1985	Shin Suk Ja, Oh Hye Won, Oh Kyu Won
July 20, 1987	Lee Jae Hwan
July 9, 1995	Ahn Sung Un
Sep 17, 1999	Chang Se Chul
Jan 16, 2000	Kim Dong Shik