



**White Paper on Human Rights
in North Korea
2004**

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White Paper on Human Rights in North Korea

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Preface

The North Korean human rights situation in 2003 can be summarized in terms of continuing food shortages and increasing international pressures on North Korea to improve the situation. In spite of international aid over the last ten years continuing food shortages are still threatening the security rights of the North Korean people, including their right to life. North Korea's announcement of a nuclear weapons development program and its refusal to allow inspections by the outside world caused deeper suspicions over its human rights violations, which prompted stronger international pressures on North Korea to improve the situation. This, in turn, led to a further deterioration of the food shortages situation.

In the wake of a protracted food shortages, the North Korean government has had to expose an untold number of its people to hunger and starvation. As of yet, its policies have failed to play a positive role in resolving the chronic food shortages. By pursuing repressive policies and withholding from the public relevant information, North Korean authorities not only concealed the severity of the food shortages for a long time but also interfered with a timely and fair distribution of relief goods from sources outside North Korea.

Human rights are universal and inalienable, and all rights are interdependent. Freedom from hunger and discrimination is a fundamental right along with security rights and the right to life. The right to food is the most important of all human rights. The violation of this right to food in North Korea is causing ordinary citizens to commit socially delinquent behaviors simply to get food. Many are attempting to flee to China, even while North Korean authorities are arresting, torturing, and even executing them. Suffering and human rights violations due to food shortages are closely

related in a vicious repeating circle in North Korea.

Recently, North Korea has begun establishing diplomatic relations with a number of Western countries in an effort to retreat from its self-imposed isolation. However, suspicions over the nuclear weapons program and its refusal to open doors to international organizations are still major causes of a dwindling international commitment for food assistance, which in turn dims the prospect of improved human rights in North Korea.

The continuing food shortages and human rights violations in North Korea have become matters of concern for the entire international community. For example, at the 59th UN Commission on Human Rights meeting, for the first time at the United Nations level, the members of the European Union, the United States, Japan and others sponsored and adopted a human rights resolution concerning North Korea. They also reconfirmed the North Korean human rights situation at the 2004 UN Commission on Human Rights meeting. Active human rights promotion campaigns led by non-governmental organizations in Europe and elsewhere are also drawing increased international attention to the issue.

In this context, the Korea Institute for National Unification (KINU) has been publishing an annual "White Paper on Human Rights in North Korea" both in English and Korean: Its purpose is to report accurate and objective facts on the human rights situation in North Korea; to ask North Korea to immediately desist from any and all human rights violations; and to encourage North Korea to improve human rights on a continuing basis.

To be sure, there are realistic limitations in this research as independent monitoring of the human rights situation in North Korea is not possible, nor is direct access to objective sources of information. The North Korean refusal to open its doors makes it more difficult to directly investigate the human rights situation or independently verify our information in detail. In our efforts to compensate for these weaknesses, this White Paper relies on the personal testimony of North Korean defectors now in South Korea and draws from the

published reports and interviews of government and international organizations, as well as observations and testimonies of the staff of various non-governmental organizations.

It is hoped that this White Paper will contribute to enhancing the level of national awareness on human rights in North Korea and directing the attention of the international community to this important issue.

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May 2004

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I . Human Rights and the North Korean Socialist System

Two major factors affecting the human rights situation in North Korea are its political and economic structures that distinguish the North Korean system from other systems. The political repressions that have been imposed in the process of creation, maintenance and succession of the unitary system for Kim Il Sung and Kim Jong Il seriously restrict civil and political rights of the people. The economic, social and cultural rights of the people are also seriously infringed due to the economic hardship stemming from its inefficient socialist economic system, which has failed to provide even a minimum of food supply. But, access to the reality of human rights in North Korea is difficult and even the credibility of testimonies of North Korean defectors and other eyewitnesses, who visited North Korea, is often questioned. Therefore, it is useful to examine the major structural factors of human rights violations in North Korea which contribute to a continued deterioration of human rights there.

1. Factors Affecting the Human Rights Situation in North Korea

A. Formation of a Unitary System and the Inhuman Purges

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

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

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

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

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

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

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

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

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

B. Physical Oppression Units and Secret Surveillance

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

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

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

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

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

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

C. Juche Ideology and Reinforced Education on Unitary Ruling System

Even for a despotic dictatorship like North Korea, it requires considerable efforts to force upon the people loyalty and allegiance to the leader and the system. Accordingly, North Korea reinforces ideology education on the people to inculcate loyalty to Kim Il Sung and Kim Jong Il and justify Kim Jong Il's authoritarian rule. This also helps authorities maintain socialist rule under Kim Jong Il's one-Party leadership. To be effective in this effort, however, it is necessary to demonstrate the moral superiority of Kim Il Sung and Kim Jong Il. Since the 1960s, the necessity of consolidating political ideology through a unitary ideology system based on Juche Ideology was repeatedly emphasized. The Juche (self-reliance) Ideology became the sole ideology of the Party in the 1970s, and the 1972 revised Constitution adopted Juche Ideology as the official ruling ideology.

North Korean authorities justify their system in terms of Juche Ideology, arguing that even though their economic life is not bountiful, at least the country is self-reliant. In reality, however, the record shows that the functions of Juche Ideology were designed precisely to maintain Kim Il sung and Kim

Jong il in power. Kim Il sung first used the term “Juche” in December 1955 in a speech, “To Establish Juche and Drive Out Dogmatism and Mannerism in our Ideology Project.” In the speech, he criticized the Yen-an (Chinese) and Russian factions and other forces hostile to him for lacking “Juche (self reliance).” Juche, then, was a concept developed to counter the winds of revisionism that swept across the Soviet Union in the wake of Stalin’s death (in 1953). Kim Il Sung criticized all his political foes, including Park Young bin and Park Chang ok, for flunkeyism and factionalism, complaining that Juche was not firmly established in their thoughts.

This “Juche Ideology” was used as an unflagging rationale in purging Kim Il sung’s political opponents. In a speech during the 20th Congress of CPSU (Communist Party of the Soviet Union), Nikita Khrushchev warned against and criticized personality cult. Encouraged by the speech, Park Chang ok (Russian faction) and Choi Chang ik (Yenan faction) and others rose up against the Kim Il sung leadership system on the occasion of the Party Central Committee plenary session in August 1956. But, since Kim Il sung was in control of the military, he was able to successfully purge all of them by accusing them of pursuing flunkeyism and factionalism. People like Yoon Gong heum, Suh Hwi, Lee Yong kyu, and Kim Gang, fled to China, and Choi Chang ik and Park Chang ok were ousted from the party. As a result of purging his opponents in the Russian and Yen-an factions, Kim Il Sung was able to seize control of the North Korean regime under the exclusive leadership of the Kapsan (Korean) faction.¹⁾ However, the Soviet Union and China both had adverse reactions to this decision and intervened in North Korea’s internal affairs. Kim Il sung was forced to restore Choi Chang-ik and Park Chang ok to the party central committee, and cancelled the decision to oust the other four individuals. For Kim Il sung this was an unbearable humiliation. This is known as the “August Factionalism” episode.

1) North Korea Research Institute, ed., “A Comprehensive Review of North Korea,” (Seoul: North Korea Research Institute, 1980), pp. 301-02.

Initially, the term Juche was simply one of the slogans without any theoretical or logical content. But, Kim Il sung relied on it as a useful ideological tool in removing his oppositions. Subsequently, Kim Il sung would continue to develop the Juche Ideology, insisting that his political opponents were engaged in dogmatism, mannerism, factionalism and bureaucratic formalism and that they were obstructing the “revolutionary tasks.”

Years later, North Korea adopted the so-called Theory of Socio-political Organism, in which the Suryong, the Party and the Masses form an organic whole and live a life of common destiny. The upshot was to rally the people around the Suryong and ultimately justify and strengthen the theory of the Suryong. Furthermore, the theory of socio-political organism has evolved into a theory of blood ties, and it is employed to explain the legitimacy of the hereditary succession. The Theory of Superior Chosun People, which Kim Jong Il is currently exhorting, calls for a full-speed drive toward the construction of socialism based on Juche Ideology conceived and developed by Kim Il Sung and Kim Jong Il.²⁾

Kim Il Sung, when he was still alive, explained that the reason such deification of leaders should work is because the Confucian tradition is deeply rooted in Korea.³⁾

North Korea is exercising ideology control over its people, first, to minimize the adverse effect on its populace of its pragmatic foreign policy for economic assistance and promote external support for the Kim Jong Il regime, and second, to reduce the impact of the increasing inter-Korean exchanges on its political system. In an effort to forestall any ideological demise in the face of increasing exchanges with the outside world, the North Korean authorities are further reinforcing the ideology education on its inhabitants and repeatedly

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

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

reminding them that capitalism and liberalism should be rooted out even before they begin to bud. The main focus of recent ideology education is to plant fears in the people's mind by stressing that the world of capitalism is a world of survival of the fittest and to emphasize the merits of protection culture under socialism.⁴⁾

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

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

One of the characteristics of socialism is that there is no independent judiciary. The North Korean laws and institutions are designed to serve the ruler's convenience, and because they stress the state-first principle, individual freedoms are always subject to restrictions by political decisions and expediency. North Korea classifies its populace into the people and the enemy, and it argues that human rights mean the exercise of absolute dictatorship over the class enemies in order to build a socialist society.⁵⁾ Furthermore, any and all rights and freedoms are subject to restriction if they hamper the progress of socialism. In fact, North Korea treats its penal code as classified documents and does not, in principle, publish even at home. This itself is evidence of the non-democratic and uncivilized nature of its regime. In fact, many uncivilized rules persist in the North Korean criminal code. For example, it does not respect the principle of "no crimes unless prescribed by law" (*Nullen Crimen Sine Lege*), but it does recognize the *ex post facto* (*retroactive*) laws, and there is no statute of limitation in its laws.

North Korea regards laws and justice as vehicles of punishing the enemies and protecting the people based on Confucian tradition and the hierarchical

4) Testimony of Hong X-hee during an interview at KINU, December 20, 2002.

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

framework of the socialist legal system. To the enemies, even a minimum of humane treatment or due process of the law is denied.⁶⁾ Public executions are decided at summary trials, and most political prisoners do not exactly know the name of their crime or the scope of their sentence. In this way, all suspects are put through inhuman treatment.

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

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

Suicide is also subject to punishment under crime-by-association. In North Korea, suicide is treated as treason, because commission of suicide is evidence of one's complaint about the society. The entire family will be punished if there is a suicide in the family. This reality explains why the number of reported suicides is low in North Korea.⁷⁾ According to defector Suh X-young, one day a 50-year old neighbor committed suicide. The next day his family

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

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

was shipped out somewhere, and a few days later there were rumors that they were a family of traitors.⁸⁾ To say that one died of starvation is also subject to crime by association. Therefore, North Koreans do not admit that one died of hunger even if it were true because the entire family would then be punished. There are said to be many who wish to kill oneself with an automatic rifle but cannot do so for fear that his/her family will also be punished.

E. The Gap between the Institution and Reality

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

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

The North Korean Constitution says it guarantees a total of 17 rights, but they in fact play only supporting roles for the 6 duties imposed on its citizens. The most important duty for all North Koreans in their daily lives is the duty of absolute loyalty and obedience to the supreme leader, or Suryong. Under these circumstances, no one can insist on individual freedoms and rights (such as the freedom of speech, press, religion, association and political participation) unless one is prepared to risk personal safety. It is reported that those who ask for individual rights and freedoms often disappear without a trace.⁹⁾ North Korea insists that it allows the people to directly elect the chairman at their

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

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

collective farms and work-places in order to placate their complaints and increase productivity, but even these elections are not completely free from supervision of the KWP.

F. Economic Hardship and the Threat to Survival

Despite being a nation of Juche Ideology (self-reliance), North Korea has continuously been asking for food assistance from the international community since 1995. This fact alone speaks for the reality of North Korea's human rights situation in the economic, social and cultural fields. In a speech before the APEC Ministerial Meeting for the Rights of the Child, held in Beijing on May 15, 2001, North Korea's Vice Foreign Minister Choi Su-hon publicly admitted that the average lifespan of his people was shortened due to the economic hardship and grain shortages. He also acknowledged the chronic shortages of food and medicine, the collapse of medical system and the starvation situation.¹⁰⁾ Andrew Natsios, director of the US Agency for International Development, published a paper entitled "North Korea's Great Starvation: Hunger, Politics and Foreign Policy" in 2001. In the article, he estimated that the North Korean population has shrunk by about 7 million over the last 10 years, and that at least 2.5 million or 10 percent of the population were sacrificed during the period.¹¹⁾

The North Korean economy is slowly climbing out of the negative growth cycle thanks to the support from South Korea and the international community, but it is not completely out of the food shortages. The UN Food and Agriculture Organization (FAO) in its "Report on World Food Instability, 2003" said that the food situation in North Korea was not showing any improvement despite food aid from the international community. It said that during the years 1999-2001 the number of North Koreans suffering from malnutrition was some 7.5 million or 34 percent of the total population, which

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

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

was an increase over the 18 percent in 1990-92 and 32 percent in 1995-1999. If there were no international food assistance in 2004, North Korea is certain to experience another round of severe food shortages. The United States, Japan and other sources of international food assistance that previously provided massive humanitarian food aid to North Korea, are delaying their food aid on account of the nuclear issue.

The food shortages also has a serious negative impact on human rights. Due to the prolonged food shortages, delinquent social behaviors like family breakups, human trafficking, larcenies, and defections are on the increase. Severe punishments imposed on these behaviors by the government, in turn, would also exacerbate the vicious circle of human rights violations. This situation will also produce a great number of homeless children, commonly known as "flower swallows." Women are often induced to join prostitution rings, known as "stand-by inns." Many young women venture out to China to save themselves from food shortages, and many of them end up becoming targets for criminals involved in human trafficking (although some of women do get involved voluntarily).¹²⁾

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

Due to the "July 1 Economic Management Improvement Measures" announced in July of 2002, the life of North Korean people has been deteriorating still further. Once the ration system was abolished under the "July 1 Measures," the supply function of the North Korean economy became paralyzed. Instead, the government began to concentrate on tax collections taken from the profits the people would garner from voluntary private business

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

transactions.

Since the July 1 Measures, North Korean authorities have been trying to expand financial receipts. They are imposing excessive taxes on all means of production and on daily necessities that the people need to maintain their lives. The citizens, who used to pay minimal taxes on such items as rent and electric bills, will now have to pay high rates of tax. Since the food shortages in the mid 1990s, North Koreans have been heavily dependent on “farmers’ markets.” But, now the market rents have gone up from 15 won to 50 won, and individuals are required to pay 12 won of property rental tax per 1 pyong (4 sq. yds) of market space.¹³⁾ In the past, the main functions of the North Korean government had been supplying goods and services at minimum or no cost to the people. But, today, such supply functions have ceased to exist. Instead, the government functions have changed into one of collecting a variety of taxes at high rates. As a result, the right to life of the North Korean people is further deteriorated.

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

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

A. Stressing the Right to Subsistence

The first feature of North Korea's perception of human rights is that it

13) Testimony of defector Park X-sop during an interview at KINU on July 8, 2003.

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

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

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

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

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

Today, North Korea can no longer validly argue that even though its people are not allowed political freedom due to the unique nature of its political system they are nonetheless guaranteed materialistic welfare. In light of massive starvations, North Korea will no longer be able to talk about human rights protection in any sense of the term.

B. Emphasis on the State rather than on Individual Rights

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

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

and economic aspects of human rights. Basically, it regards human rights as collective and economic elements and considers that they are the benefits emanating from the leadership of the Suryong, or the Supreme Leader.

As a result of Japanese colonial rule, the destructions sustained during the Second World War and the Korean War, as well as the specter of massive Nazi genocide, North Korea must have felt the need to renew its concerns and perceptions over human rights principles. In the revised Constitution since the inauguration of government, North Korea provides certain guarantees of economic, social and cultural rights, as well as civil and political rights. But, as for the civil and political rights, North Korea considers that restrictions are possible through legislation or in terms of political expediency and *raison d'etat*. Since the laws are regarded as a vehicle of governance (a tradition of rule by laws), it assumes that individual rights are subject to restriction by legislation. Under the unitary ruling system and the deification efforts for the supreme leader, North Korea is predisposed to regard any expansion of individual rights and freedoms as a challenge and potential danger to the government and the leader. North Korea stresses the fact that the state is superior to individuals and that duties take precedence over rights of citizens. Consequently, it argues that the duties to the state should take precedence over individual rights, and that all rights should entail commensurate obligations.

C. Emphasizing the Principles of Sovereignty and Self-determination

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

From the early days of the international human rights movement, such as

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

Of course, the United Nations Charter places an equal emphasis on sovereignty and human rights. Article 1 of the Charter stresses international cooperation for the promotion of human rights, while Article 2 mandates the principle of non-intervention in various aspects of domestic jurisdiction. With respect to human rights, the Charter provides the member states with a limited choice as to which principles should deserve legal authority.

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

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

18) *Ibid.* p. 35.

As the number of defectors increased amid food shortages and economic hardship and as international concerns over the human rights situation in North Korea mounted, North Korea has seemed to worry more about the possibilities of the international community's humanitarian intervention to fulfill the duties of human rights protection. It even appears to be worrying about military intervention (as seen in the cases of Kosovo and East Timor), which would compromise its principle of national sovereignty.¹⁹⁾ Perceiving threats to the maintenance of its regime, North Korea constantly reiterates the principles of sovereignty and self-determination in connection with human rights. The North Korean delegate to the 56th Human Rights Committee meeting in 2000 insisted that the vital issue in the field of human rights is the infringement of the right of self-determination by means of mandatory measures and arbitrary standards. He then sharply criticized, "(Humanitarian intervention) is a breach of the sacrosanct right of self-determination and a violation of UN Charter and international law."²⁰⁾

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

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

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

to refuse to open doors to the human rights issue despite the pressures of the international community.

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

For political and economic reasons, North Korea seems to be trying to accede to various international human rights regimes gradually, fulfill minimum obligations under the international human rights covenants to which it is a party, and voluntarily participate in international human rights forums and educational programs. It is also attempting to deflect various international criticisms by participating in dialogues and seminars hosted by various regional organizations, including the European Union (EU). North Korea's participation in international forums and hosting human rights seminars, of course, would not necessarily contribute to any realistic improvement of human rights in North Korea. But, it is at least possible to expect that North Korea will actively participate in international human rights regimes, since North Korea seems to regard such activities as effective diplomacy and doing so would help deflect direct criticisms of the international community.

North Korea had expressed, but soon withdrew, its intention to sit on the UN Human Rights Committee in 2004.²¹⁾ In fact, North Korea experienced a serious setback in the field of human rights when the 59th UN Human Rights Committee meeting in 2003 adopted a resolution on the North Korean human rights situation. It is highly doubtful if its active human rights diplomacy abroad will have any remedial impact on its domestic human rights situation. The fact that partial institutional improvements are being made under international pressures is a welcome development, but possibilities of implementing such improvements or other changes appear to be minimal in reality.

21) *The Jungang Ilbo daily*, October 14, 2002.

The continuing economic hardship and food shortages, as well as the human rights violations to maintain its unitary ruling system, are the sources of political instability. In an effort to eliminate these causes of political instability, North Korea is constantly threatening the citizens' right to subsistence by such means as political prison camps, public executions on anti-social behaviors, and highly ambiguous anti-revolution and economic crimes. On July 1, 2002, North Korea announced Economic Management Improvement Measures to jump-start its ailing economy. But unless the measures were to lead to an overall reform and openness, it is very difficult to expect either economic development or improvement in the people's lives due to the chronic lack of supply of daily necessities. Due to economic hardship and food shortages, the people's right of survival is constantly in danger. Free medical treatments, social security benefits and other economic and social rights that North Korea advertised in the past are further deteriorating, including the availability of daily necessities.

There clearly exists contradiction between North Korea's human rights diplomacy and the reality. For the time being, however, North Korea will endeavor to improve institutional measures, participate in UN human rights regimes and pursue human rights diplomacy to secure international support. At the same time, however, it will refuse to open doors under the pretext of principles of sovereignty and self-determination to conceal the domestic human rights situation. But even this policy of duality should ultimately contribute to a gradual improvement of certain aspects of human rights, and on a mid-term basis could also work to spur some resistance against the totalitarian unitary ruling system. Nonetheless, North Korea is likely to further tighten human rights restrictions and systemic controls because even a gradual improvement of human rights will likely add risks and challenges to the maintenance of its regime. However, its on going efforts to break out of self imposed isolation and join the international community of nations to help it cope with the current economic hardship will likely increase international pressures on

human rights issues, and North Korea will have little option but to accommodate international demands, however selectively and gradually. In the long run, it will be impossible to deny that such gradual and selective changes will produce elements of challenge against the “unitary ruling system.” The more the North Koreans try to break out of international isolation, the stronger will the international demands grow for improved human rights, posing a serious dilemma for North Korea’s human rights policies.

II. The Economic, Social and Cultural Rights Situation

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

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

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

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

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

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

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

1. The Right to Subsistence

Before North Korea announced the Economic Management Improvement Measures in July 2002, the citizens' daily commodities were supplied through the nationwide ration system, so much so that most North Koreans understood socialism to be a system in which the state provides, through ration systems, all daily necessities including food. Indeed, the ration system is one of the vital features of the North Korean Socialist System because the ration system encompasses not simply grains and food items, but also clothing, housing, education and medical care. The objective of the North Korean grain ration system is to effectively distribute grains, which are in absolute short supply, and to exercise effectively control over the inhabitants through the grain rations. For this reason, there are people who believe that the government is purposefully reducing the amount of rations in the belief that if the inhabitants were given a sufficient amount of grain (or, in abundance) they might become complacent and indulge in idle speculations.²²⁾ In addition, the system is also intended to root out freeloaders and to promote a sense of gratitude and loyalty toward the government and the Great Leader.

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

Between 1990 and 1995 the ration system had degraded to the point where 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

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

system had collapsed and rations were almost completely stopped. Since the end of 1996, individuals became responsible for their own food. Agencies, factories, and businesses independently began to engage in various illicit profit-making trade and ventures to earn foreign currencies. They then handed out about 3-4 days worth of food per month to the employees. Foreign aid has increased in the year 2000 and North Korea's grain output also increased slightly in 2001. As a result, North Korea's ration system appears to have improved somewhat, but there is absolutely no improvement in the grain shortages situation.

Currently, official food rations are distributed on a priority basis to Pyongyang, which is a special supply zone, and to a select class of elite, such as Party cadres, high government officials and the military. Defector Lee X-chul fled south after working for 10 years at a grain administration office that handled grain purchase and distribution. According to Lee, the grains harvested at the farms are distributed to military units and the grains provided by the foreign sources are distributed mainly to the high-ranking staff members. Ordinary people receive 2-3 days' worth of grain on special days like Kim Il Sung's birthday, Kim Jong Il's birthday, Korean Thanksgiving Day, and so on.²³⁾

It is not true that soldiers were getting sufficient amounts of rations simply because the military were supplying them on a priority basis. Food is supplied to military units on a priority basis, but officers are supplied first and the amount of food rationed to the enlisted men is so extremely limited that their faces look pale like tuberculosis patients. According to Kim XX, who defected after completing 22 years of military service, his ration was so little even though his rank was second lieutenant that he too had to live on corn porridge mixed with some edible field vegetables.²⁴⁾ Another defector, Chu XX,

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

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

testified that the food situation in the agricultural areas was relatively better than the provincial cities where ordinary workers were experiencing unspeakable difficulties.²⁵⁾ The grain situation in the farm areas is comparatively better, but the grain shortages is a serious threat to workers in the provincial cities. The food shortages is particularly serious in the remote mountain regions, such as the Hamkyung, Yang-gang and Jagang provinces, where transportation access is poor. The inhabitants in these areas are suffering from life-threatening food shortages due to the lack of energy and means of transportation, as well as due to the collapse of the central ration system and the diversion of international aid to other special areas.

The area where grains are distributed on a priority basis is Pyongyang. Pyongyang is the capital city and is the last bastion of the social security system maintained at the state level. However, as it became difficult to meet the grain ration demands for the citizens of Pyongyang, North Korea began to take steps to reduce the size of Pyongyang's population. It is reported that since 1998 North Korea has been engaged in an inhabitants relocation project to forcibly move out as many as two million people from Pyongyang and provincial cities to farms and other areas. On April 2, 1999, South Korea's National Security Planning Agency submitted a report, entitled "Recent Trends of Relocation of North Korean Inhabitants," to the Intelligence Committee of the National Assembly. In the report, the agency revealed that the relocation of two million people amounted to about eight percent of the North Korean population and was the largest relocation project since the birth of the North Korean regime. According to the report, North Korea is in the process of reducing, by stages, about one million out of the 3.61 million Pyongyang citizens between 1998 and 2003. Under a policy to relocate the citizens in provincial cities, another one million inhabitants are being moved out to farm areas. Kim XX, who defected in 2002, testified that North Korea was

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

evacuating 100,000 Pyongyang citizens to the provinces every year, including the year 2002.

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

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

The Impact of the Economic Management Improvement Measures

In the wake of the Economic Management Improvement Measures of July 2002 there was a major change in North Korea's grain supply system. The ration system, which existed only nominally, was officially discontinued and a system of purchase at current market prices was launched. After this, the prices of daily necessities jumped 20- to 40-fold, food prices went up 40- to 50-times, and the rice price per kilogram was raised from 8 NK cents to 44 NK dollars (North Korean units of jon (cent) and won (dollar), respectively). The trolley fare went up from 10 cents to a dollar and subway fare from 10 cents to 2 dollars. Even though the ration system was abolished, the ration

card system was maintained unchanged. This exception appears to be intended for continued state control over grain circulations inside North Korea.

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

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

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

The impact of these improvement measures on the inhabitants has been considerable. Prices are too high, and the rent, electric bills, education tax and transportation costs that they have to pay the government are so drastically high that their burden is almost unbearable. What is worse is the supply-side

of the economy did not improve at all. As a result, the people suffer from high prices and the difficulties of trying to maintain normal lives.²⁶⁾ Because the privileged class citizens living in Pyongyang receive normal wages, their losses are not as significant. But the burdens are much heavier on those living in the provinces. Since factories are not operating at normal levels, the new wage-earner system is not operating normally, either.

The North Korean inhabitants are already complaining about the price hikes and wage systems. The essence of the problem is well expressed in their complaints: "In the past we barely managed our lives, but we were able to manage; but now we cannot live at all if we don't find work that pays." However nominal, the sudden and complete loss of the social security system that exist up until now has been a great shock to the North Korean people who are long used to depending on the government.

The July 1 Measures have caused enormous confusion for those North Koreans who depended on income from black markets before the measures were announced.²⁷⁾ The July 1 Measures have had some positive impact, such as introduction of new central market systems, but they have brought serious negative impact on those merchants engaged in black markets. The cost of living went up so steeply in the generally stagnant economy that the high costs and high taxes became heavy burdens on the ordinary people who do not have regular income.

Before the July 1 Measures people who depended on income from the black market were getting used to this life style. They now believe that their hardship worsened after the measures were announced because prices suddenly went up by 50 to 100 fold. The sudden price hike has caused confusion in the black market economy.

High prices meant heavier personal burdens, and additional higher tax

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

27) From the same testimony above.

burdens. Today, taxes have become major burdens. For example, the tax on electricity went up 70 fold. In the past, people didn't know what taxes they were paying for items such as electricity. They also now have to pay real estate taxes on any amount in excess of 10 pyong of land.²⁸⁾ The impact of the July 1 Measures on the North Korean people is that their hardship and pain have redoubled due to increases in prices and growing personal burdens and difficulties. Prices have gone up too high and the taxes owed to the state, such as rents, electric bills and transportation costs, have become too heavy and burdensome, while the overall economic condition, especially the supply side, has not improved at all.²⁹⁾ Because factories are not functioning properly, the wageworkers can hardly earn their living. The pain has been much less for the people living in Pyongyang since they usually get paid on time, but the level of pain is much deeper for those in the provinces.

North Koreans has been complaining about high prices and poor employment systems. Their complaints are well summarized in this quote, "In the past we were able to maintain our living even if we did not work. Today, we cannot live if we don't." In the past, the central ration system was operating, however nominally. Today, such a system has disappeared altogether, and it was a significant shock to the North Koreans who were used to depending on the government.

The more serious complaint people had against the July 1 Measures was that they could not continue their businesses or peddling activities due to the runaway prices. They depended on income from trading in the market, but the excessively high prices quickly overwhelmed consumers' purchasing power - hence no business activity. In addition, everyone must sell the items strictly in accordance with the official tag prices since the July 1 Measures. Even the black markets were told to follow the official price tag policy, which was

28) From the same testimony above.

29) From the same testimony above.

impossible to enforce in practice. Soldiers and security agents could purchase at official prices, but ordinary people had to pay higher black market prices. Both merchants and customers were extremely confused and didn't know what to do, because they have no way of knowing whether prices would go up or down the next moment. Furthermore, the government squeezed them more tightly. In the aftermath of "Hardship March", surveillance was tightened as the number of people doing business across the Chinese border increased. Even salaried individuals, couldn't make do, so most people continued to engage in personal sidebusiness of some kind. With the increased surveillance, wage earners had no way of paying the high prices, and life became harsher due to the runaway prices.³⁰⁾

The Economic Management Improvement Measures of July 2002 contributed to a wholesale deterioration of the former ration system, but the decision also led to a considerable deterioration in the economic human rights that North Korea used to brag about.

Status of Grain Supplies

Due to its rapid decrease in agricultural productivity since 1990, North Korea is facing a chronic grain shortages 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 shortages 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 shortages, North Korea has purchased about 1 million tons of grain a year from abroad since 1990. Before 1994, the grain shortages was met totally through commercial imports. However, as the food shortages deepened following heavy floods in the summer of 1995, North Korea has become increasingly dependent upon assistance from the international community. The percentage of grain from international aid

30) Testimony of Yoon X-sil during an interview at KINU, Aug. 18, 2003.

sources out of the total grain imported from abroad is increasing year by year, from 33 percent in 1995 to 80 percent in 1998. Also, grain aid increased from 5.5 percent of the nation's food supply in 1995 to 10.3 percent in 1999.

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

In 2003, North Korea saw the best agricultural output in nine years. On October 30, 2003, the FAO and World Food Programme (WFP) released a special report, "Assessment on Crop and Food Supply in North Korea in 2003-04."³¹⁾ Contained in the "special report" is a detailed analysis of the recent agricultural situation in North Korea. The report appears to be an excellent source for the study of the North Korean economy and agriculture. North Korea's agricultural output has been slowly recovering from 2001 and grain output in 2003 was the highest in nine years. The factors contributing to the increased output in 2003 may be summarized as follows: Improved weather conditions, a reduction in harmful insects, increased use of fertilizer provided by the international community, improved irrigation facilities in the crop growing areas in the western plains as the Gaecheon Taesung Lake Waterways Project was completed, increased use of farming water pumps as electric supplies improved, and the increased rate of operation of farming equipment as the supply of fuel and necessary parts increased. The total crop output for 2003-04, including potatoes, is estimated to amount to 4.16 million tons, or an increase of about 4.7 percent over the previous year.

However, North Korea is still unable to provide minimum necessary amounts of food and grain to its people despite the agricultural recovery of the

31) FAO/WFP, "Special Report: FAO/WFP Crop and Food Supply Assessment Mission to the Democratic People's Republic of Korea," Oct. 30, 2003.

past three years. North Korea has had to depend on outside food and grain assistance due to its limited abilities to import grains. The minimum grain demand in 2003-2004 will be 5.1 million tons compared to 4.156 million tons of domestic output, showing a shortages of 944,000 tons. Assuming 100,000 tons of commercial import, 300,000 tons of grains on loan from South Korea, and some 140,000 tons of foreign assistance, North Korea will still fall short by 404,000 tons.

Officially, WFP is currently assisting the 6.5 million most vulnerable North Koreans, or 27 percent of its 23 million population. WFP estimates that it will need 484,000 tons of grain assistance for North Korea in 2004.

North Korea is absolutely in need of outside assistance. But, because of to the nuclear issue and North Korea's refusal to allow on site inspections of the process of actual distribution, the assistance of the international community has been drastically reduced. Japan has been one of the major sources of North Korean assistance, but it has suspended support since 2001 due to the Japanese abduction cases and the nuclear issue. Japan had provided North Korea with 100,000 tons of grain in the year 2000 and 500,000 tons in 2001.

The United States was the largest assistance provider through the WFP. However, it announced recently that any additional assistance would depend on the accessibility of international inspectors in the area of actual grain distribution. Subsequently, the United States provided a total of \$3.111 million through WFP.

In fact, WFP announced that the food shortages in North Korea has reached a serious stage as the amount of grain aid from the international community has drastically diminished and as the UN relief organizations operating in North Korea are unable to distribute minimum amounts required.

The Impact of the Food shortages

A recent publication dealing with the impact of food shortages on North Korea is the "Report on the Health of North Korean Children, 2003" published

by the Center for Medical Supply Assistance for North Korean Children (Shim Jae sik, Chairman).³²⁾ This report is a compilation of various data published by a number of sources, including the survey report on the status of nutrition of children and mothers conducted jointly by UNICEF and WFP in October 2003, the data and reports submitted by North Korea to various international organizations, and survey reports of various Korean and international relief organizations over the past two years. According to this report, North Korea's infant mortality rate is still very high. In 1994, before the food shortages became serious, the rate stood at 14 per 1,000. In 1999, after the worst food shortages, the rate jumped to 22.5, and has stood at 21 deaths per 1,000 since 2002. During this same period in South Korea, the infant mortality rate showed a decreasing trend. In 1999 it was 9.9 per 1,000, and it fell to 7.7 in 1996, and 6.2 in 1999. The North Korean children's nutrition level is very poor. Out of the 2.5 million children under the age of five, the number of malnourished children was 1.2 million, or almost one of every two children. Of these, 250,000 children needed immediate treatment for malnutrition. Forty thousand were suffering from serious lack of nutrition, 100,000 from pernicious anemia, and one million children were Vitamin A deficient. Some 70,000 children were in life threatening danger that required immediate nutrition recovery treatment under hospital care.

The death rate of mothers (while pregnant or during delivery) was 70 per 100,000 childbirths in 1990. It increased to 110 in 1996, then fell to 87 in 2002, but this is still five times higher than in South Korea.

In North Korea, mothers usually breastfeed their children, and bottled milk is fed only when the mother is ill. Some two-thirds of newborn babies are breastfed, but mothers' poor nutritional levels are likely to hinder normal growths of their children. Mothers with 45kg of body weight and with a child

32) Medical Aids for Children of DPR Korea, "Report on the Health of North Korean Children," (Seoul: Dec. 20, 2003).

under 2 years of age were 16.7 percent of the total, and 32 percent of the total were suffering from nutritional deficiency.

There are about 37 orphan related facilities across North Korea, and in 2001 there were about 15,000 orphans housed in them. The number was estimated to total about 7,500 in 2002. Some 1,863 orphans were between the ages of 0-4, 1,544 children were between the ages of 5-6, and 4,410 were between the ages of 7-17.

Here, we also need to consider the questionnaire surveys conducted in 2002 regarding children's growth levels.

This survey was the most extensive ever, and was jointly conducted by UNICEF, the WFP and the North Korean government across all of North Korea. This was a survey of 60,000 mothers and their children under the age of 7 randomly selected from 10 out of 12 cities and provinces.³³⁾

According to the results, the ratio of under-weight children was 21 percent, which was a significant improvement over the ratio of 1998 when it was 61 percent. Also, the ratio of children suffering from acute malnutrition, or "wasting" (severe under-weight compared to height), was 9 percent, down from 16 percent, and the ratio of children with below-average height, or "stunting" (chronic malnutrition), improved to 42 percent from 62 percent.

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

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

North Korea's Vice Foreign Minister Choi Su-hon read a report on starvations in North Korea in the 1990s at a UNICEF conference in Beijing on May 15, 2001.³⁴⁾ According to this report, the average life expectancy was

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

reduced by six years from 73.2 in 1993 to 66.8 in 1999 due to the shortages of food and medicine. During the same period, the mortality rate for children under the age of five increased from 27 to 48 per thousand. The birth rate decreased from 2.2 percent in 1993 to 2 percent in 1999. Also, the per capita GDP decreased by more than a half from US\$991 to \$457 during the same period. The rate of supply of safe drinking water, which stood at 86 percent in 1994, dropped to 53 percent two years later. The vaccine supply for polio and measles dropped from 90 percent in 1990 to 50 percent in 1997.

These statistics are exactly repeated in the Second Regular Report on Covenant-A³⁵⁾ that North Korea submitted to the UN Human Rights Committee in May of 2002.

Food shortages has had the greatest deleterious impact on children, who are the most vulnerable. According to various reports, including North Korea's reports of 2002 to various international organizations such as the WHO, UNICEF and the International Federation of Red Cross Societies (IFRC), two thirds of every one million North Korean children under the age of 5 suffer from acute respiratory infections and over 20 percent from diarrhea.³⁶⁾ Diarrhea directly contributes to the infant mortality rate. Yet, this rate has increased by 30 percent since 1995, and the respiratory infections increased by 25 percent. The rate of death from these diseases reached almost 80 percent. Over 40-50 percent of children visiting the clinics were suffering from diseases caused by contaminated water, and during the monsoon season the rate shot up to 60-70 percent. The cases of malaria patients steadily increased until 2002: in 1998 the number was 2,100; in 1999 it increased to 95,960; in 2000 to 204,428 and in 2001 to 295,570. However, the number dramatically

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

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

36) Medical Aids for children of DPR Korea, Symposium on the Health Conditions of North Korean Children, (Seoul: The Sejong Cultural Center, November 14, 2002.)

dwindled to 90,806 in July of 2002. Of this number, the ratio of child-patients were 6.1 percent, or 12,270, in the year 2000, which became 1.4 percent or 4,093 in 2001, and 5.9 percent or 5,908 in July of 2002.

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

Meanwhile, it was estimated that since 1995 a total of 6,423,600 North Korean inhabitants benefited from the grain aid provided by the international community. Of the total, some 1,356,400 children (6 months to 4 years) at child-care centers, 649,600 at kindergartens, 1,394,100 elementary school children, and 676,000 middle school students received aid from the international community. Also benefitting were 365,000 senior citizens, 357,000 baby-feeding mothers, 1.2 million public works participants and their families, 144,000 inhabitants without food in the dire spring season, and 250,000 natural disaster victims.³⁷⁾

The economic hardship also had a considerable impact on the health and medical fields. It also contributed to the shortages of running water and electricity. Because there is no running water supply, many North Koreans suffer from, and are victimized by, the many diseases caused by contaminated water. Infectious diseases like cholera and paratyphoid are rampant, and tuberculosis, which North Korea reported completely eliminated in 1975, is once again widespread in North Korea.

According to the report of the “Medical Aids for Children of DPR Korea”, North Korea is one of the 22 countries that account for 80 percent of the

37) *Yonhap News*, November 14, 2002

world's tuberculosis patients. The rate of tuberculosis in North Korea was at 38 cases per 100,000 in the 1990s. In 2001, a total of 47,000 new cases were reported and the rate jumped to 220 per 100,000 in 2002. The rate of death due to the disease is estimated to be 10 per every 100,000. For 2004, the center forecast some 55,000 new cases.

The number of malaria patients is rapidly decreasing. The number rapidly increased from 1998 to reach as many as 300,000 in 2001. Thanks to the assistance from WHO and others, the number was reduced to about 254,000 in 2002. In 2003, the number was reduced by 72.3 percent from 2002. As of September 2003, the number of malaria patients was 38,920 patients, compared to 185,420 in the same period of 2002. But, new cases were reported in all eight provinces and two large cities, and about 40 percent of the North Korean population continue to be in danger of contracting malaria. In its Report 2000, the UN Office for the Coordination of Humanitarian Affairs (OCHA), quoting North Korean materials, reported that the number of tuberculosis patients in North Korea increased from 50 per 1000 in 1998 to 70 in 1999 and 120 in 2000. Some 60 clinics and 12 hospitals are experiencing shortages of medicine and are entirely relying on external aid. Tuberculosis patients are in fact returning home from the clinics due to the lack of heating. Massive deaths are inevitable due to starvation, disease and the paralysis of medical services.

According to the defectors' testimonies, more people died from disease and starvation than from the war (Korean War) in the case of Jungpyong County, North Hamkyung Province. They said they have not actually seen slaughtering of human beings for food, but they have frequently heard such rumors in many places. They said there never was such a period in Korea's 5,000-year history.³⁸⁾

Since 1990, the numbers of starvation deaths vary from one North Korean

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

agency to another. At the UNICEF conference held on May 15, 2001 in Beijing, North Korean Vice Foreign Minister Choi Su-hon reported that during the food shortages between 1995 and 1998 some 220,000 North Koreans perished.³⁹⁾ The Doctors Without Borders (Medicine sans Frontiers -MSF) estimated on the basis of North Korean defectors accounts in China that some 3.5 million people died from starvation or disease between 1995 and 1998.⁴⁰⁾

David Morton, a representative of the World Food Programme(WFP) stationed in North Korea, reported that the number of starvation deaths was about one million since 1995.⁴¹⁾ In February 1999, the South Korean government estimated that the number of deaths from starvation to be about 2.5-3 million, citing documents from the North Korean Ministry of Social Security.⁴²⁾

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

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

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

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

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

42) *Yonhap News*, (1999.11.25)

In short, most of these estimates agree that an enormous number of starvation deaths have occurred in North Korea.

The number of starvation deaths seems to have decreased during 1999-2003 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.

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

It is well known that there are few normal family households along North Korea's northern border (the Korean-Manchurian border). All family members have to search for food in different directions until life improves for them.⁴³⁾

The Housing Situation

The rate of housing supply in North Korea was hovering around 56-63 percent. The reason for this poor housing supply situation is due to the lack of raw materials and the shortages of manpower in housing construction. The reason for the poor housing situation was not only due to the lack of basic

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

materials like cement, but also due to the food shortages and lack of experienced construction workers. When the food shortages worsened amid deteriorating economic hardship, North Korean authorities issued instructions to stop all housing construction work that required cement. The reason for this was to export cement to allow for import of food and grains. Total cement output also declined when the electricity needed for cement production was diverted to coal production efforts.⁴⁴⁾ In 2000, housing constructions were resumed, and many housing units were recently completed that had begun being constructed in the 1990s.⁴⁵⁾

According to a "Study of Housing Problems in North Korea" published by South Korea's Public Housing Corporation, an average of 2-3 households are living together in one unit in the outlying provincial areas. Heating is poor and tap water facilities are worn out. Bathrooms are in such short supply that several families have to share a community bathroom. High-rise apartment buildings are under construction in Pyongyang, but the housing situation in the provincial cities and farm regions is very poor.

North Korea discusses the housing situation in its Second Regular Report on Covenant-A submitted to the UN Human Rights Committee in May 2002. In this report, North Korea explained that floods destroyed many housing units and brought on the shortages of housing in North Korea. It further said that the housing shortages amounted to a total of 186,000 units, including 151,000 independent units for family households and 35,000 condominium units.⁴⁶⁾

The housing construction trends in North Korea show that during the third 7-year plan (1987-1993) North Korea had targeted construction of 150,000-200,000 units per year and tried to build as many apartments and multiplexes

44) Testimony of Kim X-ok, (inhabitant of Nampo, defected in August 2002) during an interview at KINU, Jan. 9, 2004.

45) Testimony of Yoon X-suk (defected in June 2002) during an interview at KINU, Jan. 12, 2004.

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

as possible. But, even during this very active period of housing construction, the average number of housing units completed was about 41,000-49,000 units per year.

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

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

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

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

North Korea's housing difficulty is well recounted in the testimonies of defectors. Defector Kim XX testified that housing was not supplied to him even after 22 years of military service and at the rank of second lieutenant, so he had to stay at his sister's house and other places before finally defecting via China.⁴⁷⁾

Recently, "housing deals" have been conducted in the cities. Those living in the public housing would often "combine" houses with their children or relatives. For a finder's fee the bureaucrats in the City's Management

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

Department would introduce these units to people in powerful positions or to those who accumulated had wealth through trading or “foreign currency earning.” This kind of practice would aggravate the housing situation for the ordinary people as these housing units are subject to real estate speculation.⁴⁸⁾

2. Social Security Rights

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

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

In reality, North Korea's social welfare system can be divided into the following three categories: First, the State Social Insurance and the State Social Welfare, which are the two pillars of North Korea's social welfare system. Second, the food, clothing and shelter supply system, which is a typical public support system. Under this form of income guarantee system, there are cash payments and in kind payments, Third, as part of health care and medicine, there is a free treatment system. Unlike other payment systems

48) Testimony of Suh X-yoon, during an interview at KINU, Nov. 11, 2003.

mentioned above, the free treatment system is in most cases offered in the form of medical payment.

The State Social Welfare, the food, clothing, and shelter supply system, and the free treatment system play the role of primary social safety net by protecting family members lives. The role of secondary social safety net is filled by the Industrial Accident Compensation System, which is a form of State Social Insurance.

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

North Korea claims that its social security system is ahead of other advanced nations. However, there is a wide gap between the law and reality in North Korea's social security system because the system is not functioning properly owing to the lack of necessary resources. Above all, the most fundamental means of living, the ration system, is not working, except for in Pyongyang and a few select areas. Nothing more need be said of those who have lost the ability to work, such as the old and the infirm. For example, the pension system for the retirees is near perfect, legally and institutionally, but it is never fully carried out in reality.

The situation had seriously deteriorated when North Korea announced the July 1 Economic Management Improvement Measures of 2002, abolishing significant portions of social security benefits. Although the previous system is nominally maintained, the July 1 Measures changed the nature of operating

principles and benefit payments. Under the July 1 measures, the food, clothing, housing supply system(ration system) was practically abolished, and the state social insurance and the state social security benefit payments were transformed in a way that individuals rather than the government will have to bear the principal burdens. This meant that workers would now have to rely on their income for these benefits. As a result, the function and role of the social safety nets that North Korea's social welfare system had aimed for has been greatly reduced. In short, the July 1 Measures transferred the family welfare responsibilities from the state to individuals.

In addition, the levels, nature, and functions of cash payments have all changed. Under the July 1 Measures, the responsibility to pay various welfare obligations do not depend on whether one has a job, but are determined by the workers' skills, contribution to finance (taxes), and individual income levels. In particular, the increasing price of rice, which is a major form of in-kind payment, has seriously undercut the life guarantee functions under the State Social Insurance and the State Social Welfare systems. As a result of these North Korean social welfare realities, the burden on the various welfare program recipients has greatly increased.

The North Korean social welfare system was distorted and has been inoperative since the economic hardship of the 1990s. North Korean authorities finally had to admit to flaws in their system and make revisions to reflect the realities. In the process, they reduced excessive state responsibilities in this sector. The July 1 Measures could be regarded as a North Korean style of "social welfare reform." Under the North Korean concept of social welfare, the July 1 Measures have shifted the responsible parties for people's welfare, minimizing the state's responsibilities and maximizing the responsibilities of individuals and families.

The testimony of defectors fully document these developments. According to a testimony of Kim San-X, who defected to the South after retirement, the retirees are entitled to 600 grams of grain and 60 won of pension, but they

never receive either benefit. The pension money is disbursed to individuals and registered on a personal account, but no one is allowed to withdraw for personal use. It is also impossible to depend on one's children. Thus, once a person retires, his/her life becomes very difficult to manage.⁴⁹⁾

Under the slogan of "military-first" policy, priority is placed on soldiers. But retired soldiers are not even assigned to a housing unit. Defector Kim Kyu-X, who retired as first lieutenant after 22 years of military service, was not given any housing after the retirement nor any place to work. Instead he had to stay at his sister's house at Daehungdan-gun. He made several trips to China, and then decided to defect to South Korea.⁵⁰⁾

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

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

North Korea's medical policy objective is to prevent diseases through the district doctor system, which in turn operates as part of the free medical system. Under this system, the people in a district are expected to receive systematic health care from the district doctor. But the system does not appear to function properly, because (a) the quality of the district doctor's diagnostic

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

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

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

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

North Korea's so-called free treatment system is still maintained. However, with the deteriorating economic hardship, the medical system and medical care

service have almost ceased to function. For example, doctors will provide free diagnoses and prescriptions for the patients, but the patients are responsible for obtaining the necessary medication because there is little medication in the hospital. The patients have to go to the markets or to the individuals introduced by the doctor to purchase the necessary medication.

The following is a collection of testimonies of various individuals on the reality of the medical service situation in North Korea. Witnesses include the officials of international organizations and NGO workers who have observed firsthand the conditions of the North Korean medical system, foreign correspondents who visited North Korea, a defector who used to serve as a medical doctor there for 30 years, and a low-level party official who was assigned to a hospital. Since the observations are very consistent in their details the testimonies appear to be highly credible. And, all witnesses testified to the fact that there were significant differences between Pyongyang and the provincial cities and farm regions, and that major differences existed between ordinary hospitals and those for the high-ranking officials.

The WHO mission chief in North Korea, Eigil Sorensen, testified at an interview with South Korean reporters in January 2004 to the effect that the level of medical service in North Korea was so serious as to call it a crisis.⁵¹⁾ According to Sorensen, hospital hours are limited due to the shortages of electricity and running water, and that very frequently patients needing urgent care could not be treated in time. He also noted a complete lack of heating in the patient wards in winter months.

Dr. Gro Harlem Brundtland, the director-general of the WHO, who visited North Korea in November 2001 to observe the medical service situation, concluded that the North Korean health care system was on the brink of collapse. She testified that the hospitals were not properly equipped with basic needs such as running water and electricity, and the lack of medicine and equipment was beyond description. She further said the farm areas were facing

51) *Yonhap News*, January 29, 2004.

a far more serious situation.⁵²⁾ She estimated that the malaria patients numbered almost 300,000 at the end of 2001.

Norbert Vollertsen is a German doctor who provided medical service in North Korea between July 1999 and December 2000 when he was expelled. In an article he contributed to the *Wall Street Journal*, he testified that in most North Korean hospitals there were no antibiotics or bandages, let alone such simple operating equipment as surgical knives. On the other hand, hospitals that were used for treatment of high-ranking military officers and the elite were full of modern equipment almost like German hospitals. They were equipped with MRI, Ultra-sonar, EKG and X-ray cameras. He testified that an enormous inequality existed between the two levels of hospitals.⁵³⁾

Elizabeth Rosenthal, the Beijing correspondent of the New York Times, reported on the medical situation in North Korea after a firsthand visit there, and her report corroborated Dr. Vollertsen's observations. She accompanied the American civilian aid group, AmeriCare, to North Korea in February of 2001, and was able to check on the distribution of aid materials to orphanages and hospitals in and around Pyongyang. According to her report, a throat operation was performed with only local anesthesia due to the shortages of anesthetics, and the surgeons were using operating equipment that they themselves handmade at the blacksmith.⁵⁴⁾ She also interviewed the UN Coordinator in Pyongyang, David Morton, and Morton said that there were no medicines at hospitals, the tap water was contaminated, and the North Korean health system was facing the danger of collapse.⁵⁵⁾

In an annual report on the world's disaster areas, released on June 28, 2000, the International Committee of the Red Cross (ICRC) reported that North Korea was suffering from a serious shortages of medicine and medical

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

53) *Wall Street Journal*, April 17, 2001.

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

55) See Rosenthal's article above.

equipment. Over 70 percent of medicine dispensed by North Korean hospitals consisted of traditional herbal medicine, the reason being that there was a shortages of Western medicine. Communicable diseases were on the rise and about 40,000 new tuberculosis patients were reported annually. Owen Davis of the ICRC, who visited North Korea in February 2000, testified on the North Korean medical reality when he reported that even such major operations as amputations were performed on local anesthesia.

President Bradley of the Doctors Without Borders (MSB) group testified that the North Korean hospitals were so short of basic medical equipments and the existing equipments were so worn out that patients contracting such diseases as pneumonia would have to face death.⁵⁶⁾

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

North Korean medical service became paralyzed from about 1990. The most important medical policy is preventive medicine, but most children in North Korea cannot receive preventive vaccination, and the BCG vaccines have disappeared since 1992. The only preventive vaccination still given is against cholera and Japanese influenza. But, this vaccination is given only to a small minority such as security agents and staff members who frequently travel.

Because children are not vaccinated at proper stages, all sorts of contagious diseases and illnesses are rampant. A majority of cases are communicable diseases like cholera and liver diseases, particularly the type-B liver infections, which is usually spread via the repeated use of syringes. Defector Sohn XX, who defected in August 2002, testified that recently an increasing number of North Koreans are dying from liver infections and tuberculosis.⁵⁷⁾

56) See his speech before the "Future Forum," an informal forum of the opposition Grand National Party, the Korean National Assembly, December 15, 2000.

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

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

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

Due to the lack of medicine, doctors usually stop at giving consultations to patients, except for those they personally know or the staff members for whom they have to provide some medicine. For this reason, most North Koreans ask for medicine from those who are traveling abroad or from their relatives living abroad. What little medicine provided to the hospitals won't be dispensed to ordinary citizens but given only to agency staff members. In many cases, doctors do not have stethoscopes. In Dr. Kim X-young's case, she used the same stethoscope she obtained at the time of her graduation from medical school in 1968 until she defected from North Korea. She said the rubber parts were so worn out that she could not quite listen to the sounds of heartbeat through the equipment. Thermometers were so rare that doctors usually feel the patient's temperatures by placing their forehead on the patient's to judge the temperature levels. Because blood-test equipment is not available, doctors cannot properly diagnose the status of their patients. As indicated above, the patients have to obtain their own medicine in the market, but the medicines sold in the market, in many cases, are phoney.

According to Kim Ji-eun, who used to practice medicine in Chongjin City until 1999, doctors in North Korea merely write prescriptions for the patients because there is no way they can treat them. In some cases, children suffering from simple indigestion died for lack of treatment at the hospitals. At hospitals in Chongjin, North Hamkyung province, there were barely one blood-pressure gauge and body temperature gauge for every six doctors, not to speak of the lack of medicine.⁵⁸⁾

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

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

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

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

According to Cha X-sang who used to be a low-level party secretary at a hospital, food and room temperatures for the patients in provincial hospitals

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

are the responsibility of their families and guardians. Because there are not enough grains for patients' meals, hospitals are restricting the patient admissions. In-patient numbers are pre-allocated to each division of the hospital, and only emergency patients are admitted. A majority of patients are suffering from cholera, paratyphoid and typhoid. In the early stages, these contagious disease patients were treated in segregation at hospitals. As the number increased, however, they are now being treated at their homes.

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

Meanwhile, North Korea's health policy for women is very inadequate for women to maintain their health. The authorities insist that they are protecting and treating women and newborn babies by maintaining birth clinics and consultation centers for women under the women's healthcare policies. The reality, however, is that due to a paralysis of the medical service system and the generally dilapidated medical facilities, as well as the shortages of medicine, medical assistance programs for pregnant women and mothers of newborn babies are not properly implemented. As a result, the birth rate has been dropping and the death rate of children under the age of 5 is as high as 48 per 1,000.⁵⁹⁾

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

North Korea is receiving several hundred tons of medicine from the Western world every year. However, most of them are suspected of being

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

diverted for use by special classes of people, and there is absolutely no transparency as to the use and distribution of the medicine. According to Dr. Kim X-young, a medical doctor and defector, some medicines do occasionally arrive at XX city hospital through international support groups, but the hospital and regional government staffs would intercept boxes of them, saying that they or their family members were ill. They then sell them off at the market at high prices. On September 30, 1998, the Doctors Without Borders (MSF) that used to provide free medical service in North Korea, officially announced their withdrawal from North Korea. Dr. Eric Goumart, secretary general of MSF, announced that MSF was withdrawing from North Korea because North Korean authorities restricted the humanitarian activities of the doctors from MSF. He cited that North Korean authorities prevented the doctors from approaching the inhabitants and refused to allow them to watch the process of distribution of medicine and medical supplies they provided to North Korea.⁶⁰⁾

3. The Right to Work

Article 23 of the Universal Declaration of Human Rights provides that, "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment." Article 3 of Covenant-A also stipulates, "The States Members to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant." Furthermore, article 7 declares as follows: "Article 23 of the Universal Declaration of Human Rights provides that, everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment."

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

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

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays."

In Articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights (Covenant A) it is guaranteed that, "The states party to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work... [And] to ensure the right of everyone to form trade unions and join the trade union of their choice." Article 70 of North Korea's constitution provides for the people's right to work. That is, all persons with the ability to engage in labor may select occupations according to their choice and talents and are guaranteed the right to a secure job and labor conditions. People are supposed to work based on their abilities and receive allocations based on the amount and quality of their labor. This provision is best interpreted as making labor a responsibility rather than a right.

Article 83 of the constitution states, "Labor is the sacred responsibility and honor of the people. The people must voluntarily and diligently engage in

labor and strictly obey labor regulations and labor hours," and Article 82 further rationalizes the logic of forced labor when it states, "Collectivism is the foundation of socialist life. Civilians must value the organization and group and must be willing to sacrifice themselves ardently for society and the people. Article 34 requires, "The state must accomplish the singular and specialized plans for, and guarantee high-speed production and balanced development of, the people's economy. In essence, it provides that the state demand continuous and intensive labor to maintain this high-speed production.

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

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

Moreover, free labor unions that protect and represent the interests of laborers do not exist in North Korea. The only labor union that exists is the General Federation of Korean Trade Unions, but it does not have the right to collectively organize, bargain or strike. The KWP is solely responsible for representing the interests of the laborers, and the trade union exists merely as

a formality. Following the Ninth Plenum of the Fourth Party Central Committee held in June 1964, the trade union's role of monitoring and controlling corporate management was abolished, and the interests of the laborers have been placed under the control of the party. The General Federation of Korean Trade Unions merely acts as a transmission belt that links the KWP with the labor classes, and an active supporter that strictly and unconditionally seeks to fulfill the directives of Suryong (Great Leader).

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

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

The constitution states in Article 30 that workers shall engage in eight hours of work a day. Despite the proclamations in Article 33 of the labor law that states, "The state must strictly guarantee the principle of eight hours of

work, eight hours of rest and eight hours of study in the life of workers," North Korean workers rarely have eight hours of rest. This is because, in addition to their basic workloads, these people are exploited for additional labor mobilization programs and various study sessions. Labor projects are planned by daily, monthly and quarterly schedules, and to surpass the goals of these plans socialist work competition movements such as the Chollima (flying horse) movement, the Three Red Flag Revolutions Movement, Speed Campaigns and the Speed Creation Movement have been established. Under these circumstances, the extended work hours are inevitable. Also, in regards to workers rights, there are no provisions to prevent coercive work by the authorities.

For North Koreans, work is not a right but a duty. Yet, a majority of North Korean industrial workers are unemployed. The ratio of operating factories is only around 20-30 percent due to economic hardship, and workers cannot find places to work. Because their factory was not in operation, if they report to work, they clean up around their workstations and then leave to go to unofficial markets to earn a living.

4. The Freedom to Choose Jobs

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

Article 70 of the North Korean Constitution provides, "People have a right to the choice of employment according to their desire and talent." However, employment decisions do not respect individual choices but are made

according to manpower needs as determined by the party and state institutions. Work allocation is decided by the central economic planning based on the needs of various sectors; and individual desires, abilities and talents are secondary and the opportunity to independently change jobs is strictly controlled. The primary considerations for work allocation include such political aspects as one's family history and party loyalty, and one's overall ability based on such factors as education, qualifications, abilities and efficiency ratings may also be considered.

If a worker is dismissed from a workplace, he could move to other jobs. In the meantime, however, he/she would have to temporarily become a laborer. Transfer from one organization to another requires an approval number from the city of where the prospective new job is located. This number can only be obtained after obtaining and submitting various papers to the new city, including government dispatch orders, party affiliation, other documents related to military service, residence and rations.⁶¹⁾ In order to resign from a job, one has to obtain the approval of his/her manager and the party secretary, usually, however, the party secretary's approval is very difficult to obtain, and will require some sort of bribe.⁶²⁾ But, there are some recent cases in which job transfers were permitted if the factory could not pay wages.⁶³⁾

High school⁶⁴⁾ graduates must first fill out documents provided by the city or county people's committee's labor departments and then submit them to their schools. Based on these, the school then completes an efficiency rating report, which is then given to the vice-principal in charge of political affairs. He in turn submits these evaluations to the labor department of the city or

61) Testimony of Kim X-wook, during an interview at KINU, Jan. 9, 2004.

62) Testimony of Suh X-yon during an interview at KINU, Nov. 11, 2003. Defector Kim X-kyu said he knew some cases in which transfers were made after providing a TV or cigarettes to the County Workers' Division. Testimony of Kim X-kyu during an interview at KINU, Jan. 29, 2003.

63) Testimony of defector Hwang X-kuk during an interview at KINU, July 4, 2003.

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

county people's committee three months before the student graduates, and the labor department reviews the papers, and assigns the student to a workplace.

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

But, according to the testimony of a defector in 2002, many middle school graduates are assigned to factories and enterprises depending on demand. Personal backgrounds are frequently ignored since the background-check data are unorganized and in disorder.⁶⁵⁾

There is also a testimony stating that the Party has the authority to assign jobs, but most assignments are made on the basis of personal favoritism or bribes. Frequently, college graduates are assigned to trade-related agencies engaged in dollar-making business regardless of their college majors. The assignments are based on personal relations and the amount of bribe. Due to this type of practice, perception is spreading among the North Koreans that the North Korean economy is deteriorating due to the bad job assignments based on personal favoritism and bribes.⁶⁶⁾

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

65) Hong X-hee, Testimony during an interview at KINU, December 20, 2002.

66) Kim X-san, Testimony during an interview at KINU, February 3, 2003.

Recently, as North Koreans began to avoid hard labor, North Korean authorities began to sponsor loyalty resolution rallies and to send handwritten letters from Kim Jong Il to discharged soldiers and graduates of high schools before group-assigning them to coal mines and construction sites.

In September of 2001, high school students and soldiers being discharged from the military have been group-assigned to the Pyongyang Textile Factory located deep inside the lumbering fields in Rangrim County, Jagangdo province and to the Ranam Coal Mine Machine Company Collective in Chungjin City, North Hamkyung province, from where the "Ranam Torch Movement" originated. North Korean authorities awarded service medals and gave colorful send-off ceremonies, but the defectors testified that they were, in fact, being sent off forcibly by the authorities, independently of individual wishes.⁶⁷⁾

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

The group assignments are carried out upon the approval of KWP general secretary Kim Jong Il, so nobody could dare refuse to comply. Since they are very strictly controlled, even the children of powerful and wealthy families cannot hope to avoid the assignment. If ever it were revealed that someone was missing from the group-assignment, the responsible staff would be subject to severe punishment, while the missing individual would be returned to the original group-assignment. To prevent evasions from group-assignment, the authorities collect such vital documents as the grain ration card, inhabitant registration card, and KWP partisan membership card, and ship them ahead of the person to the unit of assignment. They then register their residence with the local county office en masse. Because group-assignment means that one has to live there for life, the fear of group-assignment is tremendous.⁶⁸⁾

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

68) *Ibid.*

Because the rations are suspended if one did not report to work on grounds of grudges against group-assignment, no one can refuse to report to work. Once assigned to a workstation, it is very difficult to change positions, regardless of one's aptitude for the job, because whoever leaves the workstation without permission will be excluded from all rations, including grains and daily necessities. The North Korean authorities are not allowing movement between workstations to prevent man-hour losses resulting from the manpower flows and to carry out the planned economy systematically through a tight grip on their manpower. This system will further permit the authorities to institutionally control the inhabitants through their work-places and to maintain psychological subservience and loyalty to the Party.

However, despite strict labor law regulations and the ration system, labor relocations are rather active in North Korea today. As the economy worsens, the number of people who gain early retirement--through bribes or other means--to become peddlers will likely continue to increase.⁶⁹⁾ Bribery prone positions are preferred, such as positions in departments like staffing, foreign currency, and overseas appointments. In any case, only a very few would qualify for these appointments.⁷⁰⁾ Also, if anyone wanted to engage in peddling rather than office work, he or she could go out to the markets by illegally handing in money to the office and then engage in marketing. The under-the-table payment to the office is usually about 1,000 won a month.⁷¹⁾ In the case of Chongjin, most factories and enterprises were shut down since the launch of the Economic Management Improvement Measures, and the workers report to offices only to engage in the work unrelated to what they

69) Testimony of Yoon X-Suk during an interview at KINU, January 12, 2004.

70) For appointment to overseas posts, the first qualification is the class base. Next would be personal skills. Testimony of Kim X-san during an interview at KINU, Feb. 3, 2003.

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

officially earn a wage for, such as working for the construction of fish-farms or salt paddies. Since this type of work does not pay well, the families suffer from extreme difficulties. On account of this, workplaces usually look the other way and permit the workers to engage in peddling as long as they pay their monthly dues.⁷²⁾ If anyone wanted to transfer to another workplace, he or she could do so by bribing the Party secretary at his factory or enterprise, or the worker guidance official at the city (county) office with cigarettes, a television, or other commodities.⁷³⁾ To get out of the workplace, some people use bogus diagnosis from hospitals, claiming liver infection or tuberculosis. The proper way of transfer is to obtain an employment certificate from the labor department of the desired city (county) and submit it to the office of current residence.⁷⁴⁾ However, despite strict labor law regulations and the ration system, labor relocations are rather active in North Korea today. As the economy worsens, the number of people who gain early retirement, through bribes or other means, to become peddlers will likely increase.

One of the problems that emerged as the job assignment rules went in disarray was the tendency for college graduates to transfer to power positions or dollar-making jobs regardless of their major field of concentration. According to one defector's testimony, this trend contributed to the further deterioration of the economy since labor productivity is bound to decline if high-quality manpower is not assigned to places where professional skills can be maximized.⁷⁵⁾

Another defector said he moved around to a number of different jobs. Finally, he rented a fishing boat, and then decided to defect to the South. It

72) Same testimony.

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

74) Testimony of Kim X-kyu during an interview at KINU, January 29, 2003.

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

is clear that the system of job assignment by the central government is crumbling in North Korea today.⁷⁶⁾

5. The Right to Education

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

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

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

Education in North Korea has varied depending upon such considerations as the construction of socialism or the progress of revolution, but the fundamental goals of training communist revolutionary talents remains

76) Son XX Testimony during an interview at KINU, February 4, 2003.

unchanged. Article 43 of the Constitution provides that the goal of education is to fulfill the teaching of socialist principles and to train solid revolutionaries for the future, who will struggle for the society and for the people, and to educate new communist citizens with intelligence, wisdom and health.

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

The entire North Korean educational system operates under a strict control of the Department of Science Education under the Secretariat of the KWP Central Committee, which establishes important educational policies and guides and supervises their implementation. The Education Commission within the government is the administrative enforcement arm that carries out various educational policies and administrative tasks decided on by the Party. The actual teaching and educational affairs at each level of school are directed and supervised by the Department of Elementary Education and the Department of High School Education under the Education Commission. North Korea's basic school system consists of 2-4-6-4 or 2-4-6-4/7, which includes two years of kindergarten, four years of elementary and six years of middle schools, plus four to seven years of college education. Some colleges recently reduced the required school years to 3.5 (Kim Chaek Polytechnic) and 4 (Kim Il-sung University) years.⁷⁷⁾ In addition, there are 3-year researchers who are

77) Since September 1, 2002, North Korea changed the names of school systems: The elementary "People's School" became "Elementary School," and the middle level

equivalent to graduate students, and 2-year doctoral candidates. Also, there are special educational institutes and the systems for the children of high class people, as well as a set of separate systems for technical education and adult education. Finally, North Korea operates specialty schools outside of the regular school system, such as the Art and Sports Institute and Revolutionary Schools (such as those found in Mankyungdae, Kangbansok, and Haeju).

From 2001, North Korea began to emphasize computer education and the education of the talented to catch up with the global trend toward knowledge and information-based industries. In an article in the *Rodong Shinmun* dated October 16, 2002, Kim Jong Il instructed that North Koreans "Further strengthen the education of the talented and computer skills at schools, guarantee practical benefits and uphold the knowledge-first principle." But, education is politically distorted and, in any case, normal education is impossible in most areas due to the economic hardship, except for in Pyongyang and some large cities. Consequently, the contents and quality of education for the students are inferior and poor.

The student selection processes at all school levels are not based on fair competition among candidates but affected by the ideological classification of their parents. According to defector testimonies, no matter how bright a student is or how good one's academic records are, he or she cannot expect to receive college education if one's personal background is unfavorable.⁷⁸⁾ If flaws are discovered in the course of background checks, the children of the powerful will automatically win a slot, even if others score higher on state college entrance examinations. But, even if one is exceptionally good and is granted an opportunity to enter, admissions into major universities are denied if one's background is found unsatisfactory during the more detailed background checks conducted by the college. In the case of normal colleges (teachers colleges) everyone in the family up to and including one's cousins

"Higher Middle School" is now called "Middle School."

78) Kim X-Kyu, Testimony during an interview at KINU, January 29, 2003.

are subject to background checks. To enter Kim Il Sung University or Kim Chaek Polytechnic University, the scope is expanded to include one's half cousins. Since the late 1980s, background check requirements have been tightened in the college recruiting process.

Consequently, the only students who enter college are the children of Party cadres and the rich. The highest number of college entrance slots is allocated to the Pyongyang region because it is there that the highest number of Party officials and people with good backgrounds live. Due to the recent worsening of economic conditions, changes have taken place such that the children of those with lots of foreign currency are able to enter major colleges on bribes.

In terms of educational contents, the education for personal improvement, imparting knowledge, or teaching universal values is generally neglected and the emphasis is placed on the infusion of political ideology. All educational curricula in North Korea are planned and carried out with emphasis on the education of political ideology. For four years of elementary school, children learn about The Childhood of Beloved Leader General Marshall Kim Il Sung and The Childhood of Dear Leader Kim Jong Il. For six years of middle school, they study such subjects as The Revolutionary Activities of Great Leader Kim Jong Il, The History of Revolution by the Great Leader Kim Il Sung and The Revolutionary Activities of Dear Leader Kim Jong Il. They also study The History of Revolution by Dear Leader Kim Jong Il and The Current Policies of the Party. In addition, during the vacations the students are required to visit the sites of revolutionary battles of Kim Il Sung and Kim Jong Il, as well as historical sites, while training for various field exercises.

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

Recently, the quality of North Korea's education is at an extremely poor

level due to the on-going economic difficulties. Above all, textbooks and notebooks are not properly supplied due to the shortages of paper. With the exception of Pyongyang and some large cities, no new textbooks have been supplied since the early 1990s in almost all provincial schools, including elementary and secondary schools. Students have to borrow textbooks from upper classmen and share the usual six or seven copies per class.⁷⁹⁾ As a result, five or six students are grouped into one study group using one textbook each. Also, students cannot take notes during the class since notebooks are not available.

North Korea has also admitted that it was experiencing enormous difficulties in the field of education due to the loss of various production units, including textbook printing plants and other educational material production facilities. It reported that during the 1995 flood disaster, some 2,290 school-buildings and 4,120 kindergartens were destroyed and innumerable educational materials were lost.⁸⁰⁾

Due to economic problems, an increasing number of high school seniors try to avoid pursuing a college education because dormitories, too, are suffering from food shortages and students have to depend on food and money from their parents, who are also suffering from deprivation. Many college students also are returning home due to malnutrition or illness.

The students' class attendance rate is very low. Expressing worries about the low attendance rate of college students, North Korea's official youth alliance paper, *The Youth Guard*, pointed out on October 1, 1998 that the task of improving attendance is one of the important issues that should be

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

80) Compliance with Covenant-A on Economic, Social and Cultural rights. See "North Korea's Second Regular Report" (April 9, 2002) submitted in compliance with Articles 16 and 17 of Covenant-A.

emphatically promoted under close cooperation between the youth alliance and the school academic administrations. It further criticized schools that do not take any responsibility for the situation even though the attendance of students was falling, and the youth alliance organizations in the schools were not paying attention to school administrative affairs.

Most college students are increasingly engaged in peddling activities to buy food and this is the cause of their absenteeism. In fact, even though education is compulsory, truancy has been widespread since the economic hardship, and the schools normally would not take issue with student absenteeism.⁸¹⁾

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

In addition, according to a former school teacher, Kim X-kyu, some 70 percent of all students were attending the classes at Soje Middle School in Jeryong-gun, South Hwanghae province, during the 1998-1999 school year. But recent defectors testified that in the provinces more than half of those enrolled failed to report to school, and many schools were operating with a far smaller enrollment than they would normally.⁸²⁾ The reasons for the low attendance rate in the primary and secondary schools stem from the fact that the children have to stand watch at home while their parents are away in search of food, or they have to follow their parents in their search for food. The students who are already hungry due to the poor food situation have generally lost interest in school work, particularly since school conditions have deteriorated to a point where they could not motivate themselves to study.

He also reported that usually only 17 out of a total of 23 teachers taught at the school. Even after coming to school, the teachers spent their time

81) Testimony of defector Kim X-kyu during an interview at KINU, Jan.29, 2003.

82) Testimony of Kim X-san during an interview at KINU, February 3, 2003.

talking about how to find food rather than how to teach students. In kindergarten, too, during the school term only one teacher was in charge of teaching all students while the other teachers were away from school in search of food. Normal school hours are from 09:00 to 17:00. However, often only morning classes are open and children go back home earlier in order to search for food or peddle.

North Korea insists that child labor is prohibited, and the realistic working age is 17. Even though the labor law defines the minimum legal age for employment to be 16, the actual working age is 17 because the young workers have to undergo one year of vocational education before they are allowed to join the production facilities. The reality, however, is that it is mandatory for all North Korean students to render voluntary manpower service at agricultural cooperatives twice a year for two and a half months, once in the spring and once in the fall. There is also a testimony stating that in times of the so-called "war-like" situations, middle school students are also subject to conscription. A defector testified that at the time of the axe murders at Panmunjom on August 18, 1976, he was drafted and served the military even though he was just a senior middle school student.⁸³⁾

Under the March 1959 cabinet decision to abolish tuition, all education in North Korean schools was made free of charge. However, students are required to pay much of the school operations fees anyway. For example, students are required to pay part of the expenses for student uniforms, textbooks, education equipment, and facility repairs. Even though education is free, current practice is to collect money or materials from students for purposes of school operating expenses. Several times a month, schools will collect cement, cash, or food. Students are also asked to pick pinecones or scraps of tree branches for classroom stoves.⁸⁴⁾

83) Testimony of Kim X-kyu during an interview at KINU, January 29, 2003

84) Testimony of defector Yoon X-suk during an interview at KINU, Jan. 12, 2004.

As exchanges with South Korea has increased, and as North Korea has gradually pursued openness, education in North Korea seems to show gradual changes. Occasionally, students are taught with South Korean economic textbooks, and about South Korean economic development models. Seoul National University and Kim Il sung University have agreed to establish a “graduate school of international studies” in Pyongyang. Seoul’s Hanyang University and Kimchaek Polytechnic University have concluded an agreement on academic and technology exchanges. Also, special lectures on capitalism are offered to North Korean government agencies and private business units in the “Mt. Geumgang special zone.”

III. Civil and Political Rights Situation

Since the official inception of the Kim Jong il system, North Korean authorities have actively reacted to the human rights issues raised by the international community. As a signatory of the International Covenants on Human Rights, North Korea submitted its “second regular report” on “Covenant B (civil and political rights)” to the UN Human Rights Committee (UNHRC) in March of 2000, some 16 years after its first regular report in 1984. This response indicted a change in North Korea’s human rights policy since Kim Jong il assumed the leadership. At the least, North Korea was trying to fulfill its procedural duties as a signatory of the UN human rights regime, filing regular reports, for example. However, its purpose did not appear to be to improve the human rights situation in North Korea, but to avoid criticisms of the international community.

The national human rights reports submitted by the its members to the UNHRC generally emphasize legal and institutional aspects rather than the more practical aspects of guaranteeing human rights. So, it remains difficult to verify human rights realities in individual member states. The North Korean authorities are taking advantage of this report to emphasize that North Korea, too, is fully guaranteeing human rights, and that they have taken various measures to guarantee human rights. After reviewing North Korea’s second regular report on Covenant B, the UNHRC pointed out, in its “Concluding Observations” of July 2001, various problems concerning the human rights situation in North Korea, and requested that within a year the North Korean delegate submit two reports: a report on improvement measures and a regular annual human rights report. In August 2002, North Korea rather promptly submitted a response on various measures it has taken, but it continued to maintain a negative position regarding various recommendations the UNHRC made to improve civil and political rights in North Korea, including: the establishment of an independent human rights commission, the guarantee of

independence of the judiciary, agreeing to allow access to international human rights organizations, and addressing the problem of public executions. So, it is difficult to say whether the human rights of North Koreans have in fact improved in 2003.

1. The Right to Life and North Korean Laws on Death Penalty

Capital Punishment in North Korea

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

The International Covenant on Civil and Political Rights, better known as Covenant-B, in Article 6 emphatically stipulates, "Every human being has the inherent right to life... No one shall be arbitrarily deprived of his life." The article goes on to state, "In countries which have not abolished the death penalty, a sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court."⁸⁵)

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

The recent consensus of the international community is to guarantee the liberty and dignity of human persons including their right to life; and no government or society is allowed to insist or justify inhuman actions such as extra legal executions, tortures, or massive genocide in terms of officially enacted domestic laws or traditional culture or custom.

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

The new North Korean penal code of 1999⁸⁶⁾ states that any anti-state criminals or ordinary criminals, who object to the national liberation struggle or infringe upon national sovereignty and law and order, shall be punished by law for violently attempting to oppress and curtail socialism. Punishments that may be applied to these crimes include the death penalty, labor rehabilitation, property seizures, revocation of one's voting rights and revocation or suspension of certain benefits or qualifications.

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

1. Those who conspire to overthrow the republic or incite riots, or the leaders of such actions, are subject to death penalty or at least ten years

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

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

In the process of reviewing its second report to the UNHRC, North Korea explained that the crimes subject to death penalty included conspiracy to overturn the state, exile in foreign territory for purposes of toppling the government, anti people traitorous acts, terrorism, and premeditated murders. (See Table - 1) North Korea revised its criminal code in August 1998 in which, it says, the category of crimes subject to death penalty was reduced from 33 to 5. But, the details of the revision were not published for review by the outside world. North Korea said it has deleted the “anti fatherland behavior” clause in the 1987 revision and replaced it with the “foreign exile” clause. It also said Article 23 of the revised 1999 criminal law raised the death penalty age limit from 17 to 18 in accordance with the International Covenants on Human Rights. However, North Korea insisted that the current death penalty system is maintained to prevent crimes; and also in consideration of "its unique domestic situation." As discussed above, North Korea appears to be doing its best to revise its laws in response to the criticism of the international community that North Korea's capital punishment clauses are strongly political in nature. Despite these efforts, the law provisions still bear the marks of

political influence.

The North Korean penal code pertaining to the death sentence is fraught with imprecise terminologies and ideological biases. As we can see in Table 3-1, expressions like “serious” or “interests of Chosun (Korean) people” are not specific enough as crimes fit for the death penalty, and the applicable articles are too vague and broadly defined. There is too much latitude and room for arbitrary interpretation and application. In spite of such arbitrariness in the legal provisions, North Korea continues to hand down death penalties not only related to political crimes but also for delinquent social behaviors stemming from economic hardship. Under these circumstances, the ordinary citizens’ right to life is seriously threatened, along with the lives of political criminals and conscientious objectors. In the past, North Korea painstakingly explained to international human rights organizations that executions were carried out only in exceptional cases, and yet it refused to make public concrete data on death sentences and executions. However, the UN human rights review subcommittee demanded North Korea to release the number of executions in the recent three years. North Korea responded by reporting that there were 6 death sentences and 5 executions in 1998, 4 sentences and 4 executions in 1999, 5 sentences and 4 executions in 2000, and as of March 2001, no death sentences or executions were carried out in 2001.

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

<Table 3-1> Crimes Subject to Capital Punishment

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

Public Executions

North Korea defines execution as a merciless iron hammer of the revolution to terminate the tainted destinies of the class enemies and a most formidable legal means of guaranteeing a firm victory for the class struggle. In this manner, North Korean authorities place political meaning on capital punishments, and from time to time gather large crowds of inhabitants and carry out public executions to force subservience on them and create fears in their mind.

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

포 고
남강을 돌지고 뱀며 허심하는자들을
엄격히 처벌함에 대하여

남강을 돌지고 뱀며 허심하는 자는 나라의 가장 중요한 직책으로서
 국가의 안전과 국민의 행복을 위하여 고귀한 직책을 맡고 있는 자로서
 국가의 안전과 국민의 행복을 위하여 고귀한 직책을 맡고 있는 자로서
 국가의 안전과 국민의 행복을 위하여 고귀한 직책을 맡고 있는 자로서
 국가의 안전과 국민의 행복을 위하여 고귀한 직책을 맡고 있는 자로서

1. 남강을 돌지고 뱀며 허심하는 자는 나라의 가장 중요한 직책으로서
 국가의 안전과 국민의 행복을 위하여 고귀한 직책을 맡고 있는 자로서
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2. 남강을 돌지고 뱀며 허심하는 자는 나라의 가장 중요한 직책으로서
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3. 남강을 돌지고 뱀며 허심하는 자는 나라의 가장 중요한 직책으로서
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4. 남강을 돌지고 뱀며 허심하는 자는 나라의 가장 중요한 직책으로서
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 국가의 안전과 국민의 행복을 위하여 고귀한 직책을 맡고 있는 자로서

5. 남강을 돌지고 뱀며 허심하는 자는 나라의 가장 중요한 직책으로서
 국가의 안전과 국민의 행복을 위하여 고귀한 직책을 맡고 있는 자로서
 국가의 안전과 국민의 행복을 위하여 고귀한 직책을 맡고 있는 자로서
 국가의 안전과 국민의 행복을 위하여 고귀한 직책을 맡고 있는 자로서

조선민주주의인민공화국 사회안전부
1987년 5월 5일

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

Proclamation

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

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

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

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

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

1. Do not steal grains!

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

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

2. Do not engage in grain-selling activities!

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

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

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

3. Do not ever cheat or waste grains!

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

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

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

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

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

August 5, 1997

The Social Safety Agency

The Democratic People's Republic of Korea

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

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

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

AI issued another special report on public executions in North Korea in January of 1997, which stated that over 23 public executions were carried out between 1970 and 1992. This report also concludes that because most witnesses testified that they saw more than one public execution the number of executions cited represents only a small percentage of the actual number. Lastly, the report states that in all probability these executions continue today because they have occurred in such diverse regions as Wonsan, Chungjin, Hamheung, Shinuiju, Pyongsan and Pyongyang.

In its second report, North Korea said that death sentences were possible only by the courts of central and provincial or direct-control city levels in accordance with Articles 181 and 184 of the Criminal Procedure Law. In other words, lower courts at city and county levels do not have the authority to hand

down death sentences. Despite these legal provisions, however, defectors testify that public executions are being carried out, not according to clearly established standards but under the pretext of showing examples to inhabitants. The security agents and other executioners of death sentence usually take precautions to eliminate any possibility of resistance from the one to be executed by beating him up before setting him up for execution. They then carry out the execution after reading a few words of charge and terms of sentence, and execute the prisoner.⁸⁷⁾

Usually, public executions are carried out at places where large crowds gather, and schools, enterprises and farms are notified in advance of the scheduled public executions. The proceedings of public execution include the reading of the convict's personal background and the nature of crime committed before an assembled crowd. A judge dispatched from the People's Court will then hand down the sentence of execution, and the execution is carried out immediately.⁸⁸⁾

The method of execution is either by hanging or by a firing squad, but some testimonies say that burning on stakes is also used. Sometimes the execution is carried out in the presence of the convict's families. There are also cases in which the convict is not blindfolded before the execution. When a People's Safety agent announces the name of the crime and orders the execution, a firing squad will fire 9 shots at the victim.⁸⁹⁾

In 1998, Kim Jong Il instructed to shoot at the victims' heads, as their brains were bad. Since then, scenes of firing 9 shots at the head are frequently observed.⁹⁰⁾

It has been widely reported that public executions were frequently conducted to prevent socially delinquent behaviors between 1997-1998 when

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

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

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

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

food shortages was severe. In spite of these inhuman practices of public execution, the level of North Korean inhabitants' awareness of them as human rights violations is very low. They are recently becoming completely insensitive to life. They seldom feel sympathy toward the dead even if they happen to come across dead bodies along the streets, as the number of starvation deaths and execution deaths mounted.

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

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

(1) Public executions on anti-regime charges: A recent defector testified that he eye-witnessed an execution by a firing squad at the firing range of his regiment in 1989 when he was serving in the army. The victim was Kang Won-sook (age 21, a sergeant), who dared to leave the post (or, AWOL) after reading a South Korean leaflet and was arrested.⁹¹⁾ Defector Kim XX testified that his friend Kim Jung-soon's father, Kim Jung-rae, was shot to death by firing squad as an anti-revolutionary because a gun and a South Korean leaflet were found in his house. His entire family was ostracized.⁹²⁾ Yoon X-chan testified that chairman Kim Man-kum of the agricultural committee and a

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

92) Testimony of Kim XX during an interview at KINU, July 6, 2002.

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.⁹³⁾ According to the defector Suk X-hwan, North Korea in April of 1998 carried out a mass public execution of 13 cadres from the Social Safety Agency at Songrim City, North Hwanghae Province.⁹⁴⁾ Defector Kim XX testified that Hyun Chul-nam was executed for striking a security guard while in the process of being arrested at Jinha, Moosan County, for having stolen grains at Sangchang, North Hamkyung province, in 1996.⁹⁵⁾ Defector Kim X-gil testified that Yoo Sang-chul was publicly executed after a violent confrontation with a Social Safety agent, and that this execution was carried out to maintain social order by showing to others the consequences of such confrontations.⁹⁶⁾ According to Lee X-chun, a husband and wife were public-executed in Haeju City around March 15, 1998. The reason was that they had an argument with an agent of the People's Security Agency. The couple had loaned 2000 won to a debtor in 1997. When the debtor defaulted on the loan, they struck him and fetched some of his furniture, instead. The debtor demanded the return of the furniture through a Haeju City security agent. The couple brushed aside the agent, saying he should stay out of the matter. An argument ensued, and the couple were arrested, and later executed.⁹⁷⁾ Defector Ma XX testified that the members of an organized crime

93) Testimony of Yoon X-Chan during an interview at KINU, May 24, 2000.

94) Songlim City is a trade port. Kim Jong-ill, when he was working as a secretary for organization in the KWP, introduced the high-tech facilities into the Hwanghae Steel Mill in the city. As the economic difficulties were aggravated, facilities in the steel mill were robbed so frequently that the KWP or security apparatus could not control the situation. In April 1998, the minister of People's Military Ministry proclaimed martial law in the city of Songlim, encircling the whole city with a brigade. Then the Security Commander in the Ministry searched for and executed thirteen criminals. Testimony at KINU on May 20, 1999.

95) Testimony of Kim XX during an interview at KINU, August 17, 2002.

96) Testimony of Kim X-kil during an interview at KINU, October 20, 2003.

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

syndicate in Musan, North Hamkyung province, shouted in loud voices the name of their boss, Sungdo. They were charged with political crimes for showing respect for their boss. The boss was executed.⁹⁸⁾ Defector Suh X-yoon testified that a group of seven thugs were publicly executed in Wonsan in 1998 on the pretext that they organized the so called “Hong sons” gang led by Hong Sung-chul which had intimidated the staffers.⁹⁹⁾

(2) The second category of public executions deals with so-called economic crimes. Most public executions on charges of economic crime are for theft of government property and theft of livestock. It is well-known that copper is state property. In September of 1994, a staff sergeant, named Suh Chol, at a communications unit stole some copper communication lines. He was arrested and publicly executed.¹⁰⁰⁾ In another case, brothers Lee Byung-kwon and Lee Byung-man stole some copper lines from a coal mine and tried to sell them in China. They were arrested and executed by firing squad, and their father was sent to a political prison camp.¹⁰¹⁾ Defector Kim XX testified that Lim Chol-san living in Yong-am District, Myungchun County, stole a goat being raised at an enterprise. He and four other perpetrators were executed.¹⁰²⁾ Defector Nam XX testified that Lim Chol-san and nine others conspired to butcher an animal on a goat farm. They were put to death in November 1998 for engaging in butchery.¹⁰³⁾ Defector Suh X-yoon testified that he personally witnessed the public execution of a family for having stolen eight heads of cattle. He said the public executions were carried out since 1998 for anyone stealing five or more heads of cattle.¹⁰⁴⁾ Defector Om XX testified that three men, including Kim Yong-ju and Kim Woong-kil, were publicly executed at

98) Testimony of Ma XX during an interview at KINU, August 17, 2002.

99) Testimony of defector Suh X-yoon during an interview at KINU, Nov. 3, 2003.

100) Testimony of Park XX during an interview at KINU, June 29, 2002.

101) Testimony of Choi XX during an interview at KINU, July 6, 2002

102) Testimony of Kim XX during an interview at KINU, June 29, 2002.

103) Testimony of Nam XX during an interview at KINU, August 17, 2002.

104) Testimony of Suh X-yoon during an interview at KINU, Nov. 3, 2003.

Sunamjang grounds, Chungjin City for having stolen a car, a television set, and a motorcycle.¹⁰⁵⁾ Defector Yoon X-suk testified about a number of public executions: Two brothers were publicly-executed for smuggling Japanese used cars into China at Chongam Marketplace, Chongam District, Chongjin City; Twelve men were publicly-executed for systematically stealing grains at Nanam Marketplace, Nanam District, Chongjin City while disguised as soldiers; and a defector was publicly-executed for an attempted murder on the beaches of Orang town, Orang County, North Hamkyung Province.¹⁰⁶⁾

(3) Public Execution for Socially Delinquent Behaviors: This type of public execution is carried out in order to prevent socially delinquent behaviors stemming from economic hardship. Typical cases would include the sale or consumption of “human meat” and “human trafficking.” Two sisters who defected to the South, Chang X-sook and Chang X-young, testified that a family of five was executed on charges of selling human meat in the Mankyungdae District of Pyongyang in December of 1995.¹⁰⁷⁾ Defector Yoo X-ran testified that four persons, including a man, his wife and his parents, were publicly executed for selling human meat at a market in the Yongsung District of Pyongyang in April of 1997.¹⁰⁸⁾ Defector Lee X-kun testified that he eye witnessed sales of “human meat” and the subsequent public execution of the perpetrator in 1997 in Hamju County, North Hamkyung Province.¹⁰⁹⁾ Also, six persons were publicly executed in February of 1998 on charges of slave trade in Onsung County in North Hamkyung Province.¹¹⁰⁾ One woman was publicly executed for slave trade in China in May of 1999 in the Yuson

105) Testimony of Um XX during an interview at KINU, June 29, 2002.

106) Testimony of Yoon X-suk during an interview at KINU, Jan. 10, 2004.

107) Testimony of Chang X-Sook, Chang X-Young during an interview at KINU, May 14, 1998. Sub-sequently, a number of other North Koran defectors also confirmed this particular public execution.

108) Testimony of Yoo X-Ran during an interview at KINU, November 22, 2000.

109) Testimony of Lee X-kun during an interview at KINU, Jan. 7, 2004.

110) Testimony of Choi X-Sil during an interview at KINU, MAY 30, 2000.

district of Hweryong City, North Hamkyung Province.¹¹¹⁾

Public execution is also imposed on socially unacceptable behaviors such as the disturbing of social order. In Onsung County in October 1997, four drunken high school graduates, boys and girls, were engaged in a game of streaking. They were spotted and were all executed.¹¹²⁾ Defector Park XX testified that her husband's cousin, Kim Young-X, was a bully. He struck one of his friends. He fled to China unaware of the fact that his friend died. Upon his return, he was arrested, and executed for having gone disco dancing and followed revisionist fashions.¹¹³⁾

In January 1999, two women and a man were executed in Onsung. They were sent to rehabilitation camps for drinking and singing decadent songs at a school reunion meeting. Their parents petitioned to the central party. The result, on the contrary, was that their sentences were changed to the death sentence and they were executed.¹¹⁴⁾ According to defector Kang XX, Choi Min-sung was a bully in the marketplace, and he was arrested for disorderly conduct and was publicly executed.¹¹⁵⁾

(4) Public executions and secret executions are carried out at political concentration camps and rehabilitation centers on an even broader scale. Ahn X-chul, a former concentration camp security guard who defected in October of 1994, testified that executions based on summary trials are carried out on a routine basis at these camps and at times security personnel arbitrarily execute people in secret.¹¹⁶⁾

Those subject to public executions are usually people who are arrested during an escape attempt. Choi X-chul, a former security officer at a

111) Testimony of Joo X-Min during an interview at KINU, November 17, 2000.

112) Testimony of Moon XX during an interview at KINU, June 29, 2002.

113) Testimony of Park XX during an interview at KINU, August 3, 2002.

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

115) Testimony of Kang XX during an interview at KINU, August 17, 2002.

116) Testimony at KINU on June 9, 1996.

concentration camp between May 1983 and June 1986 before he defected in December of 1994, stated that at Control Center No. 11 in Kyung-sung, North Hamkyung Province, an entire family, including a grandmother, her son and grandchildren, were publicly executed after being caught during a three-day escape attempt. All the political prisoners at the camp were gathered together by security officials armed with machine guns to witness the hanging of the two adults and the execution by firing squad of the three children. Immediately after the execution, the political prisoners were forced to throw stones at the corpses.¹¹⁷⁾

Ahn X-chul explained that even the security personnel at the Seventh Bureau fear the Third Section (Preliminary Investigation Section) of the State Security Protection Agency (SSPA), which is responsible for the arrest and investigation of political prisoners, particularly because of the manner in which they arbitrarily carry out executions. This fear is bolstered by reports that the Agency produces oil from human bodies to make cosmetic products and whips from human tendons. Ahn explains that for their personal fame or career advancement, some security personnel deliberately execute innocent political prisoners and frame them to appear as if they caught them while attempting to escape. In return for maintaining secrecy and to increase morale, security personnel who finish their terms are guaranteed entry into the KWP and college.¹¹⁸⁾

(5) Public executions at rehabilitation centers also remain a serious problem. Lee X-ok, who defected in December of 1995, testified that between December of 1987 and December of 1992 she witnessed nine public executions (seven males and two females) while she was imprisoned at the Kaechun Rehabilitation Center, in South Pyongan Province. These executions were carried out within the center's factory grounds in the presence of the

117) Testimony at KINU on June 8, 1996.

118) Testimony at KINU on June 9, 1996.

deputy warden of the prison and all the inmates. In 1990, Suh Yong-soon (23), formerly a cook for a group of construction workers known as the Pyongyang Commandos, was executed. She was initially sentenced to a three-year term for food shortages caused by serving portions larger than the rations allowed. After a new trial her sentence was increased to twenty years. She was later executed after it was discovered that she had tried to hide damaged products made at her factory.¹¹⁹⁾ Defector Yoo XX insisted that when he was detained at Chungjin No. 25 Correctional Center after his arrest upon return to North Korea, he eye-witnessed two individuals get executed by firing squad for having discussed religion.¹²⁰⁾

North Korea is strongly rejecting the charge of public executions as absolute fabrications of hostile elements. But, it admitted to one case when evidence was presented during the UN review process. The case was about a public execution of Ju Soo-man for heinous murders of his grand parents Ju Jong-eun (84) and Choi Yun-ok (72) in October of 1992 in Hamheung City. While admitting the case, North Korea argued that it was simply complying with the demands of local residents. The UN review subcommittee urged North Korea to revise the criminal code provisions relating to capital punishment in a way that would be consistent with the relevant articles of international covenants, and to prohibit any form of public execution. In its annual report released in May 2001, Amnesty International (AI) complained about the information control by North Korea, pointing out that there are persistent worries about unreported human rights violations being committed inside North Korea, including tortures and illegal confinement of political prisoners.¹²¹⁾

Most defectors uniformly testify that public execution was carried out most frequently between 1997-1998 when food shortages was most severe. They

119) Testimony at KINU on July 12, 1996.

120) *Yonhap News*, Feb. 17, 2002.

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

testify that North Korea resumed the practice in 2000 when crime began to increase. However, they said, unlike in the past when public executions were pre-announced to mobilize a large crowd on school grounds, these days they are conducted without advance notices at marketplaces or railway stations where large groups of people gather. Now that UNHRC has demanded a total ban on public executions, North Korea seems to be continuing the practice of public execution and secret execution without advance notice. However, public executions seem to be decreasing in recent months. The reason, according to defector Hong XX, was that Kim Jong Il reportedly complained, "Firing shots are heard too often in the socialist state." Also, Kim X-hoon said the authorities announced that they would desist from the practice, beginning March 2003, based on adverse public reaction against the practice.¹²²⁾ And yet, North Korean defectors testify that public executions continued in 2003. Blatant violations of human rights, including threats to life, such as public executions, continue to persist in North Korea.

2. Freedom of Individual Liberty

Illegal Confinement and Torture

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

Accordingly, a person is entitled to inalienable rights such as the protection afforded by the rule of no arrest without warrant. Every person has the right to due process and should be treated humanely, and not be subject to illegal

122) Testimony of defector Kim X-hoon during an interview at KINU, Oct. 27, 2003.

arrest, imprisonment, and torture. Also included among the protections granted by the rule of writ of habeas corpus are prohibitions against unreasonable arrest, imprisonment, search or seizure of property, illegal interrogation and punishment, from being labeled a security risk, and hard labor.

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

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

In its second regular human rights report, North Korea insisted that it has improved human rights guarantees for crime suspects as stipulated in articles 6, 14 and 26 of the international covenants since the revision of its penal code in April 1995. It also reported that it has concretely and systematically improved a suspect's right to attorney to further strengthen the suspect's individual rights. It also insisted that under the criminal procedure law, tortures and other inhuman treatments were prohibited in accordance with many articles of its penal code.

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

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

In fact, according to the testimonies of defectors, inhuman treatment is

easily found all over North Korea, including detentions and tortures without due process of the law. In cases of transgression of party policies or Kim Il Sung/Kim Jong Il instructions, even the basic human rights of the suspect are routinely violated to show to the people the severity of punishment.

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

When I was deported to North Korea and detained in prison, they twisted my legs and ordered me to lift a heavy bar with both hands fully extended. If I moved a little they would beat me, and if I uttered a word, they said I was lying or not telling the truth. If I kept quiet, they asked if my lips were frozen. Since I would get beat up either way, the best policy was to keep silent.¹²³⁾

They put me up in a rehabilitation center, beat me up and confiscated all my money and belongings. The interrogation began at 5a.m. They asked me whom I contacted, and which intelligence agency gave me what mission. All these had nothing to do with me. But, they clubbed me at will and did not give me enough water, so I was unable to wash my face or go to bathroom properly.¹²⁴⁾

Two inmates in my room were starved, beaten and frozen to death. With the dead body in front of us, they said they wouldn't blink an eye even if thousands of these lowly beings were to perish, and threatened, 'you guys saw it with your own eyes, didn't you? You will all end up like this.'¹²⁵⁾

At a collection point at Hoeryong City, a safety agent ordered the repatriated female defectors to take off all of their clothes. He was

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

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

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

wielding a big club over our bodies, heads, stomachs, waists and chests. So, for fear of clubbing we all had to take off our clothes... While we were there, a 28-year-old man called Choi XX tried to escape and was caught. They beat him for half a day to the extent that he could not even move a finger. At that point, they collected hundreds of detainees and showed them the cruel punishment given to an attempted escapee.¹²⁶⁾

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

North Korea argues that tortures has disappeared as a result of relevant law revisions and the thorough education of law enforcement officers. But, the members of the UNHRC review panel refuted these assertions and said that if the North Korean position were true, North Korea would indeed be a unique state. The UNHRC in its “concluding observations” also demanded that North Korea guarantee that all unfair treatments, tortures and other inhuman

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

treatments be swiftly reported to and investigated by, an independent organization. In addition, they demanded that North Korea and to establish an independent surveillance system to prevent any abuse of power in the process of illegal arrests and detentions. In its response of August 2002 North Korea said that it could more effectively prevent the law enforcement officials' abuse of power through regular institutions rather than through an independent national human rights commission. North Korea reacted negatively toward such a commission, saying that establishment of such an independent commission would require many discussions in the future.

North Korean defectors testify that all sorts of tortures and inhuman treatments are inflicted at various detention facilities such as correctional centers, worker reinforcement training centers, collection points, and retention centers. Recent defectors testify that the incidents of harsh treatment are being reduced after Kim Jong Il's instructions. This shows that North Korea is a society that is run at the instructions of a supreme leader rather than on the basis of institutional means such as an independent supervisory agency as recommended by the UN. In reality, a branch office manager of the People's Security Agency routinely threatens the people by saying, "No body would care if scum like you were to die."¹²⁷⁾ In most cases, beatings are carried out not by the instructors at detention centers but by other detainees under orders from them. Defector Moon XX testified that her husband died during the preliminary hearings in November 1999 from complications of beating after he was arrested in China and repatriated to North Korea.¹²⁸⁾ Defector Kim XX testified that in March 1997 a man was hung on a tree and indiscriminately beat up at a People's Security Agency patrol post in Obongku, Eunduck County. He died of intestinal ruptures.¹²⁹⁾ Defector Kim XX testified that while his father was detained in a PSA center in Musan County in 1999, he

127) Testimony of Cho XX during an interview at KINU, July 6, 2002.

128) Testimony of Moon XX during an interview at KINU, June 29, 2002.

129) Testimony of Kim XX during an interview at KINU, August 3, 2002

said he saw a fellow detainee with severe bruises all over his body.¹³⁰⁾ Defector Cho XX testified that Yo Sung-sam was arrested for larceny and subsequently beat up in the retention center and died of hunger.¹³¹⁾ Defector Lee XX testified that he himself was beat up with wooden clubs in the detention center and hung over a tree with fetters on.¹³²⁾ According to defector Park XX, in 1996, due to hunger, Park Chol wanted to escape from a worker reinforcement center at Seungpyongku Station in Chongjin City. He died while being transferred to a district hospital because the instructor told other detainees to do away with him.¹³³⁾ Defector Shin XX testified that he was tortured by electrocution when he was under detention at the Gaesong City Security Agency.¹³⁴⁾ From these testimonies, it is quite clear that there are numerous deaths and victims of beating, starvation, and combinations of both.¹³⁵⁾ Defector Kim XX testified that he was detained for about a month and a half at a Worker Reinforcement Center, but he was not beat up by fellow detainees or others in the center after Kim Jong Il's special instructions. However, North Korean defectors testified that “group beatings” and inhuman treatments continue to persist in North Korea today.¹³⁶⁾

Human Rights Violations at Rehabilitation Centers

Prison facilities in North Korea are divided into a two-tier system that differentiates and manages crimes according to political or economic offenses. In the 1970s, Kim Il Sung attempted to separate the responsibilities of what was to become the SSA (it was then located within MPS and called the

130) Testimony of Kim XX during an interview at KINU, August 17, 2002.

131) Testimony of Cho XX during an interview at KINU, August 3, 2002.

132) Testimony of Lee XX during an interview at KINU, August 31, 2002

133) Testimony of Park XX during an interview at KINU, September 7, 2002.

134) Testimony of Shin XX during an interview at KINU, November 30, 2002.

135) Testimony of Kang XX during an interview at KINU, August 3, 2002

136) Testimonies of defector Yoon X-suk during an interview at KINU, Jan. 10, 2004, and defector Shin X-hyuk during interviews at KINU, Nov. 3, 2003.

Political Security Department) from MPS because of internal tensions between the two organizations. This measure was intended to prevent inter-departmental friction and to separate the respective roles of the two departments so that the State Security Agency could take charge of political criminals, while the MPS could handle other criminals.

First, economic criminals and criminals guilty of violent crimes would be separated from political prisoners and held in rehabilitation centers much like common prisons. Rehabilitation centers are managed by the Rehabilitation Bureau of the MPS and divided into rehabilitation facilities and labor rehabilitation facilities (labor training camps). In contrast, political criminals are held in management centers supervised by the SSA, the Seventh Bureau. These management centers are concentration camps that are often called restricted areas or Special Dictatorship Target Areas.

<Table 3-2> Confinement Facilities

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

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

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

Third Corrections Facility at Shinuiju, North Pyongan Province.

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

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

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

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

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

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

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

In its second report North Korea insisted that the conditions of detention are stipulated in the rehabilitation project regulations, and that they are faithfully carried out. But the fact is that the human rights violations inside the detention facilities are absolutely cruel and inhuman. We can confirm the facts through the testimony of defector Lee X-ok, who came to South Korea after having been detained in the Gaechun Rehabilitation Center.¹³⁷⁾ Originally a female rehabilitation center under the SSA, located in South Sinuiju, the Kaechun Rehabilitation Center became a management facility under the MPS when it was moved to Kaechun in March 1982. The Kaechun Rehabilitation Center is one of the largest prisons in North Korea, built to house over 600 persons (approximately 20 persons per prison cell). Yet, this facility holds approximately 6,000 prisoners, 2,000 of whom are female inmates. A single cell (eight by six meters) usually holds eighty people. Most are economic criminals guilty of such offenses as dealing in the black market or theft. Some are burglars or murderers. Defector Yoo XX testified that a friend of his aunt, X Yon-hwa, was arrested for adultery. She was not aware of her pregnancy at the time, but later she died in a correctional facility in Jeung-san, South Pyongan province, due to complications after losing the baby (premature abortion).¹³⁸⁾ Defector Chi X-nam testified that while he was detained in a detention camp, the wardens sexually harassed female detainees under the pretext of “personal interviews.”¹³⁹⁾ And, it is reported that if a female

137) Testimony at KINU, July 12, 1996.

138) Testimony of Yoo XX during an interview at KINU, August 3, 2002.

prisoner gave birth to a child, the newborn baby would be murdered.

Although DPRK labor law provides that general labor should be eight hours per day and prison labor should be ten hours per day, inmates here normally get up at 5:00 am and work until 12:30 am the next morning, for a seventeen-hour work day. Total rest time during those hours, including mealtime, is only about an hour. Twice a year, usually for ten days each in the spring and in the fall, healthy people may be sent to work in areas outside the rehabilitation facility for planting and harvesting.

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

Defector Lee XX testified that a production supervisor at the City Construction Team, Kang Sehwan, was caught for butchering a cow. It was confiscated and he was fined 3,000 won. He died suddenly while being transferred after serving term at the Junggori Correctional Facility. The reason given for his death was that he simply died of as physical fatigue due to life in the facility.¹⁴⁰⁾

The “collection points” are similar to the “correctional centers” and are established and run by the “Socialist Law abiding Life Guidance Committee” to provide proper guidance to young people. Staff at the collection points investigate and detain for six months to a year, without trial revocation of citizenship, various defectors, those transgressing the designated area, those overstaying travel permits, those on “wanted lists” and ordinary “loafers.” The cases handled by “collection points” include those whose crimes are not heavy enough for “correctional centers” but too serious to send off to “labor training camps.” Examples would include the cases of moral hazard at work, such as

139) *The Chosun Ilbo daily*, April 2, 2003.

140) Testimony of Lee XX during an interview at KINU, October 12, 2002

absence from work or group training sessions, and accidental homicide by medical doctors or vehicle drivers.¹⁴¹⁾ Each Provincial Government runs a “central collection point” across North Korea. Anyone at these central collection points caught trying to escape, will be put to death. According to defector Lee XX, he was beaten with clubs while detained in the Provincial Collection Point in Chongjin City in 1998, and at one point he was hung upside down on a wooden column with fetters on his legs.¹⁴²⁾ Defector Kim XX testified that his neighbor, Kim Hyun-guk, was put to hard labor from 5 a.m. till 10 p.m. everyday he was in the collection point, and he was “group beaten” by cellmates under orders of the “cell senior” until he “confessed all his crimes.” If a detainee did not admit to his crimes, the wardens would repeatedly prohibit all cellmates from going to sleep, thus forcing confessions they wanted to have.¹⁴³⁾

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

In compliance with Kim Jong Il's instructions contained in "Regarding Military's Self-education for Minor Violators," forced-labor units are organized and operating in each city and county.¹⁴⁴⁾

These Worker Reinforcement Centers are not official detention facilities, so possibilities of human rights violations continue to exist. This in itself is a fundamental problem. The People's Security Agency is solely charged with preliminary decisions to detain people either in the correctional facilities or Worker Reinforcement Centers. In the case of Worker Reinforcement Centers, people are detained without formal trials as stipulated in the North Korean laws.¹⁴⁵⁾

141) Testimony of defector Yoon X-suk during an interview at KINU, Jan. 10, 2004.

142) Testimony of defector Lee XX, during an interview at KINU, Aug. 31, 2002.

143) Testimony of defector Kim XX during an interview at KINU, Aug. 31, 2002.

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

Defector Ahn X-guk testified that as of August 1995 the former rehabilitation centers were abolished and new hard labor units (i.e., hard labor gangs) were organized under the control of city/county security agencies.¹⁴⁶⁾ There are 12-16 hard labor units in North Korea, 2 or 3 in each province, and each unit houses 500 to 2,500 individuals who committed larceny or ran away from the collective environment.¹⁴⁷⁾

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

If anyone escapes from the labor unit, he/she is sent to a rehabilitation center, or a reform center. In the early days, service at the labor units was not recorded on the individual's personal history, but the fact of service there is recorded today. Unlike the reform centers the individuals are allowed to retain their party and citizen cards after the service, but physically the service at the labor units is much harder to endure, since the objective is to rehabilitate through heavy physical burdens imposed over a short period of time.¹⁴⁸⁾

Human rights violations inside the labor units are also serious. Defector

145) Testimony of Soon X-bum during an interview at KINU, February 4, 2002.

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

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

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

Park XX testified that Park Chol was detained in the WRC in Chongjin City. He was caught trying to escape due to hunger, and he was beaten up by fellow detainees who acted on orders from the guard. He died of complications from the beating during a transfer to the district hospital.¹⁴⁹⁾ Defector Suh X-yoon testified that he was caught while trying to defect, and was put through one month of “labor training camp.” Inside the camp, he was called “prisoner.” The detainees were allowed to use bathrooms only on appointed times, and the workload was very heavy and the duty hours would end at 6:30 pm.¹⁵⁰⁾ Sometimes they would cut hair off female inmates, and beatings were routine.

Despite the existence of “labor training camps,” North Korea reported in its second regular report that there was no “hard labor” in North Korea except for the “correctional labor punishments.” It argued that because there did not exist any legal basis to impose sentences of “hard labor” to violators of law and order, except for the sentences of “correctional labor punishment” given at formal trials, North Korea did not have any “labor punishment” imposed as a means of political, social or religious control.

There are, however, “detention points.” These are the facilities designed to temporarily house suspects under interrogation and those formally sentenced before sending them off to “correctional centers.” But, according to defectors testimony, tortures and beatings are routine in the detention points. Defector Kim X-gil testified that he was forced to sit at full attention in his underwear for long hours. If he failed to comply with this requirement, he was ordered to stand upside down on his chin against the wall (the “chin stand”), or was beaten on the back of his hands until they bled. He was also struck in the groin. For this reason the “correctional center” refused to take him in. Furthermore, the use of bathrooms was allowed only at appointed times throughout the interrogation. All these tortures were inflicted on the inmates to

149) Testimony of Park XX during an interview at KINU, September 7, 2002.

150) Testimony of defector Suh X-Yoon during an interview at KINU, Nov. 11, 2003.

secure confessions of crime. At “detention points,” he also saw about 10 or 15 starvation deaths due to malnutrition, and testified that they would execute in secret (“sending off for a haircut”) without trial those charged with the theft of communication equipment(especially for stealing 100kg of copper lines).¹⁵¹⁾ Defector Shim X-hyuk testified that cellmates would be instructed to beat up the inmate who snored too much while sleeping.¹⁵²⁾ Many North Korean defectors testified that they witnessed many deaths due to beatings by guards’ beatings, starvation and hunger related illnesses while detained in the People’s Security “detention points.”

According to the more recent defectors from the North, forced abortions are frequent in these detention facilities, a flagrant violation of women's human rights. Dr. Willy Porter, the representative of Doctors without Borders (MSF) in Brussels, reported, "Interviews were conducted with 35 defectors who escaped from various detention facilities in the preceding 18-month period, and 31 of them testified to having witnessed the killing of newborns." He said this was organized behavior of wardens and correctional officials. These officials would seek out pregnant inmates and torture them or put them to hard labor to induce forced abortions and get rid of the babies.¹⁵³⁾ In its annual human rights report 2002–2003, the US State Department pointed out that there were cases in North Korea of forced abortion of pregnant female inmates and murdering newborn babies. During the Fourth International Conference on Refugees and Human Rights in North Korea held in Prague, Czech Republic, investigator David Hawk of the U.S. Committee on North Korean Human Rights reported, “A North Korean defector testified to me that when he was

151) Testimonies of defectors Kim X-gil on Oct. 20, 2003, and Yoon X-suk on Jan. 10, 2004, during interviews at KINU.

152) Testimony of defector Shim X-hyuk during an interview at KINU, Nov. 3, 2003.

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

detained at a detention point at Onsung (Hamkyung Bukdo Province, North Korea), two female inmates were forcibly taken to a hospital for forced abortion and the newborn babies were stifled to death.” He added, “From various testimonies, I was able to confirm that tortures, abortions and murders of newborn are carried out in North Korean prisons and detention facilities .”¹⁵⁴⁾

David Hawk is the author of a report entitled, “The Hidden Gulag: Exposing North Korea’s Prison Camps.” In Chapter III, he reported testimonies of North Korean defectors on abortions and murders of newborn babies.¹⁵⁵⁾ All North Korean defectors testify that they have never seen any female inmate being released from detention centers accompanied by their children. This fact supports the fact that murders of newborn babies are routinely carried out at detention facilities.

Regarding these grave violations of human rights and the numerous practices of inhuman treatments such as tortures, beatings, rapes, starvation deaths and murders of newborn, the UNHRC in its “concluding observations” strongly recommended North Korea allow on site inspections of various correctional and detention facilities in North Korea by independent national and international teams. But, North Korea insisted that it could improve such practices by means of existing systems, and maintained a negative position regarding this demand, arguing that opening doors to international human rights organizations and establishing an independent human rights commission would be difficult in light of the unique condition of inter Korean division.

3. The Right to Protection under Due Process

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

154) *The Chosun Ilbo daily*, March 3, 2003.

155) David Hawk, *The Hidden Gulag: Exposing North Korea’s Prison Camps*, (Washington, DC: US Committee for Human Rights in North Korea, 2003), Part III.

North Korea revised its criminal code in 1987 for the second time. It revised it for the third time on March 15, 1995 (Supreme People's Assembly Standing Committee Decision No. 54). The fourth revision was on August 11, 1999 (Decision No. 953). The original text of the 1995 revision is not available as yet, but an English version of the 1999 revision was submitted to the UN Human Rights Committee. However, the English version, being a translation, is not fully reliable. A comparison of the 1987 revision and the 1999 revision (English version) indicates that some 19 articles have been revised, but it is not clear when the revisions of each article were made (either in 1995 or 1999).¹⁵⁶⁾

North Korea's 1987 revised criminal code (which North Korea said was again revised in 1995) clearly shows the class-oriented nature and mission of the North Korean penal code. Anyone who denies the authority of the socialist institution is brutally repressed, and the heaviest punishment is imposed on those who injure the authority or prestige of the two Kims. Moreover, the North Korean authorities argue that because the interpretation and application of penal code is inseparable from politics, judges should understand the principles of class struggle and receive party guidance in order to administer proper sentencing.

North Korea's criminal code is woefully inadequate in terms of protecting the suspects' human rights.

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

Second, not only is there no statute of limitations, but the law is even

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

applied without restriction. Section 42 renders a transgressor liable to prosecution until his very death: "Regarding anti-state crimes and deliberate murders, penal responsibility is applied without respect to any given period."

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

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

Fifth, Articles 54 and 55 of criminal code stipulate punishments for concealing, failing to report, or releasing suspects. In cases of anti-state crimes, not only the perpetrator but also his/her relatives will be punished without exception.

Finally, the details of the North Korean criminal code and criminal procedure laws are not published, and one can read details only in the libraries for purposes of research or upon special permission of the authorities.¹⁵⁷⁾

In the face of sharp criticism by international community, North Korea has been revising parts of its criminal code. In the absence of fundamental reform, its criminal code still remains uncivilized, undemocratic and negligent of human rights. Yet, North Korea insists in its second regular report submitted to the UNHRC that its criminal law system is well equipped to protect human rights and to compensate for those who might suffer from unjust applications of the law. It also insists that it has specified the definition of anti-state crimes and relaxed the application of this provision, while expanding the scope of "re-education punishments" to include those older than the age of 17, depending on the nature of crimes and the level of remorse. Even if these positive improvements were true, North Korean criminal code

157) Testimony of defector Kim X-wook during an interview at KINU, Jan. 9, 2004.

suffers from many flaws relating to the protection of the human rights of its people.

The Unfair Trial Procedures

As part of their right to fair trial, people should be entitled to equal rights under the law; the independence of the court should be guaranteed; trials should be conducted; and verdicts openly based on specific evidence. Furthermore, the suspects should have the right to an attorney and the right to appeal unfair trial procedures, and the results should be institutionally guaranteed. The North Korean criminal laws guarantee these rights nominally, but in reality it is difficult for the citizens to expect them to be applied under its system.

The independence of the judiciary is, in principle, guaranteed in North Korea, but due to the socialist nature of its system, the judicial independence is not observed. And the role of attorneys is not necessarily to protect the rights of the accused but to promote the policies of the party. Proper legal procedures are usually ignored or overlooked in the trial process or in meeting out punishment to political criminals. North Korea enacted the “law concerning the composition of courts” in January 1976, and it was revised after 22 years, in July 1998, when it added a new law concerning “sentencing and enforcement of sentences.”¹⁵⁸⁾ Under the revised law, the section on “political roles and missions” was deleted, but the basic framework of trial procedures was not changed at all.

Structurally, the North Korean court system is placed below the Supreme People’s Assembly, the National Defense Commission, and the cabinet. As a result, there is a strong possibility of human rights violations, because the independence of its court system is not guaranteed and the courts are controlled by the “guidance” of other state organizations. Most importantly, the independence of the court is difficult to maintain since the judges are

158) *Yonhap News* (Seoul), Nov. 28, 2003.

politically responsible for the sentences they impose. In addition, all judges, prosecutors and attorneys lack professional qualifications because they are appointed by the state from among the graduates of the Kim Il sung University law school.¹⁵⁹⁾ In view of these realities, the UNHRC in its concluding observations recommended North Korea take appropriate steps to guarantee and protect the independence and fairness of courts at all levels.

With regard to the open courts principle, most North Koreans do not understand why the open courts principle is essential for the fairness of trials. In fact, the defectors testify that officials and staff are tried in closed courts or secret trials.¹⁶⁰⁾ In other words, citizens are tried in open courts, but officials and party staff are tried in secret. The reason for this practice, the defectors say, is that trying the officials openly will have a negative impact on the society. In fact, an open trial is tantamount to double punishment since they are already censured (punished) by the party in the pre-trial stage.

In connection with this issue, the UNHRC demanded explanations regarding the section of the North Korean report that said, “trials may not be open in case there are possibilities of leaking classified information or the opening could have bad influences on the society.”

North Korea replied that Article 16 of its criminal law defines state secrets as those directly related to national security and those facts and documents that must not be released without approval of the government agencies concerned. The cases of “bad influences on the society,” North Korea explained, include sex crimes and other crimes that could disturb healthy social atmosphere. North Korea, then, submitted statistics showing that there were no closed trials

159) Testimony of defector Kim X-gil during an interview at KINU, Oct. 20, 2003.

160) Testimony of defectors Kim X-wook and Yoon X-suk during the interviews at KINU on Jan. 9, 2004 and Jan. 10, 2004, respectively. Kim is a graduate of Pyongyang Mechanical Engineering College and Yoon quit during his senior year at the Kim Il sung University. They understood the open court principle to be the difference between the trials conducted inside or outside the buildings.

in the last three years.

North Korea has adopted a people's jury system in its trial procedures. Judges and jurors for each level of court are elected by the Standing Committee of the Supreme People's Assembly and the central, provincial and city/district people's assemblies in accordance with Article 110, Section 13 and Article 134, Section 5 of the Constitution. The people's jurors enjoy the same status as the judge. At every level of trial, these jurors can exercise the right to interrogate the accused, just like the judges. In short, one judge and two people's jurors participate in the sentencing.

This system would appear, at least in its form, to follow the jury system of the Anglo-American courts. But, in reality, it is a system employed to exercise the Party's control over the judicial system. Qualifications to serve as "people's jury" are limited to "workers" such as farmers and laborers. In fact, their important role is not for fair and objective trials but to rubber stamp the conviction of the accused's wrongdoing. Their role is defined in Article 230 of the criminal code, which states, "Whenever representatives of workers and farmers are present in the trials, they will be asked to make initial accusations of the crimes." According to the testimonies of North Korean defectors, their role is indeed limited to confirming the list of crimes presented at the trial s.¹⁶¹⁾

Defector Yoon X-guk testified that an agent of Hamheung City Social Safety Agency arrested him three days after he struck a party official. Two people's jurors were appointed by the Party-in-the-military. They were required to express their opinions at the trial. So, they said, "Striking an official working for Kim Il Sung was dangerous for the society." Prosecutors and judges proceeded with the trial on the basis of this kind of statement.¹⁶²⁾ Moreover, defectors testify that most North Korean people know of the citizen jury system and they know jurors appear before the court, but they have

161) Testimony of defector Kim X-wook during an interview at KINU, Jan. 9, 2004.

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

absolutely no idea how the jurors are selected or what their role is.¹⁶³⁾ Defectors Kim X-gil, Shin X-hyuk and Yoon X-suk all testified that in the case of open trials a judge and People's Security agents will be present and in most cases executions are carried out without witnesses or without specifying the crimes committed.¹⁶⁴⁾

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

In fact, it is commonplace that political prisoners and certain economic criminals are detained without fair trials or due process of the law.

A typical case of human rights violation is detention without trial in the "labor training camps," not for reasons of political crimes but to prevent social delinquency. There is another quasi law enforcement agency called "lawful life guidance committee." Its purpose is to prevent crimes of, and provide law abiding education to, the people, and conduct surveillance of corruption and unlawful behaviors of party and government officials.

North Korea also has an appeals system, but citizens usually avoid appeals to higher courts because chances are that the sentences would become heavier than those of the lower court. In appeals cases, the period of investigation is

163) Testimony of Soon X-bum during an interview at KINU, February 4, 2003.

164) Testimonies of the above three defectors during interviews at KINU, Oct. 20, 2003, Nov. 3, 2003 and Jan. 10, 2004, respectively.

prolonged, and the longer the investigation the more painful it is for the accused. Most people give up appeals and choose to go to “correctional centers,” instead.¹⁶⁵⁾

North Korean authorities insist that they have appeals regulations and guarantee citizens’ rights to appeal for compensations in case their rights and interests are infringed by law enforcement agencies. In the process of reviewing North Korea’s second regular report on human rights, the UNHRC asked if North Korea had an independent organization that would handle appeals. North Korea replied, “People can freely make appeals verbally or through documents, in person or through an agent, and from the lowest levels of organization or workplace to the highest sovereign authority.”

Despite these institutional apparatus, however, petitions in North Korea are certain to bring enormous harm to the petitioner(s). Defector Lee X-sim (defected in June 1998) testified that so-called personal appeals are a constitutionally guaranteed system for a person who has been unfairly prosecuted. However, as the appeals move up toward the capital from the county, city and provincial level, they are usually ignored if officials fear that they might be blamed. Initially, officials will pretend to listen sympathetically to the appeals, but in the end they will hand down penal judgments, saying that the content of the appeals violated the Sole-Ideology system.¹⁶⁶⁾ Defector Kim X-hak testified that his friend Kim Duk-chul submitted a secret petition to the Petitions Bureau of the Central Party saying, "The economic policy of the Republic is not compatible with reality, and for our economic development, policies should be changed to allow private enterprises." A little while later, he was arrested and became a missing person. His grandmother, uncle and family members were all ostracized to various control zones.

In light of these realities the UN human Rights Committee, in its concluding observation, urged North Korea to establish a national human

165) Testimony of defector Soon X-bum during an interview at KINU, Feb. 4, 2003.

166) Testimony at KINU on September 9, 1998.

rights commission.

North Korea also has a clemency system called the great amnesty. According to defector Yoon X-guk, there is a great amnesty every three to five years or on Kim Il Sung's birthdays, and 80 percent of prisoners released are on amnesty. But he himself was released after serving the full term of his sentence because his crime was striking a party official.¹⁶⁷⁾ In this context, North Korea's Central Broadcast reported on December 27, 2001 that the Presidium of the Supreme People's Assembly decided to issue an order of Great Amnesty on the occasion of the 90th anniversary of Kim Il Sung's birth, which is the greatest festival of the Korean people. The report said the Presidium would implement the order effective January 1, 2002 on those who were sentenced to labor rehabilitation.¹⁶⁸⁾

The Right to an Attorney

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

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

The North Korean attorney system also serves the dictatorship of the

167) Testimony at KINU, May 16, 2001.

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

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

Furthermore, there is a system of free attorney service within the Chosun Attorney's Association (under Article 172, penal code). But, most North Koreans are unaware of the various legal systems, let alone the free defense attorney service.

Defector Soon X-bum said because his brother had faced trials, he was aware that there was an attorney system in North Korea. But he testified that most trials are conducted without the presence of attorneys, and even if attorneys were present their defense usually did not mean anything.¹⁶⁹⁾ Another defector Kim X-gil testified that North Korea did not have lawyer qualification examinations, and attorneys, judges and prosecutors are appointed by the state from among the university law school graduates. The attorney's role is to explain and make the accused understand what the law is rather than defending him/her.¹⁷⁰⁾ Thus, even those who are aware of the attorney system do not exactly know the role of lawyers, and even if they thought the lawyer knew the accused as well as the lawyer did his/her own family members, they would not expect them to play positive roles in protecting their human rights.

169) Testimony of defector Soon X-bum during an interview at KINU, Feb. 4, 2003.

170) Testimony of defector Kim X-gil during an interview at KINU, Oct. 20, 2003.

4. Right to Equality

The Concept of Equal Rights

It is an evident truth that because all people are endowed equally with sanctity and value they should all receive equal treatment under law. The principle of equality requires that all people be treated equally and it is based on a belief in non-discrimination and the principle of equal opportunity.

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

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

In the political domain, moral rectitude and personal security must be guaranteed. In the economic sector, there must not be discriminations in terms of employment, wages, working conditions and taxation. In the social sphere, it means that there should not exist any discrimination based on one's family background, gender, or any other reason that would preclude one from participating in social groups or pursuing one's career. Culturally, it means that all citizens must be guaranteed the freedoms and rights to participate equally in all social activities, including cultural activities and educational opportunities.

Social Discrimination Based on Family Background

<Project to Classify the People by Family Background>

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

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

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

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

the list.

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

Meanwhile, North Korea is reported to have conducted a new personal background investigation project under the pretext of promoting Kim Jong Il's broad-base politics and to allegedly relax the personal background policy and embrace the complex masses. But the exact nature of the project remains unknown.

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

<Table 3-4> Family Background Investigation Projects

Project	Period	Description
Intensive guidance by the Central Party	Dec. 58 - Dec. 60	Exposing, punishing and forcing relocation of impure elements to remote mountain villages
Re-registration of the people	Apr. 66 - Mar. 67	Classification based on family background to arm a million-man Red Army (investigate 3 direct generations and all relatives of the wife and mother that are removed up to the 6th degree)
Division into 3 classes and 51 sub-classes	Apr. 67 - Jun. 70	Based on the re-registration project all people are divided into Core Class, Wavering Class and Hostile Class, and then further divided into 51 sub-classes
Understanding People Project	Feb. 72 - 74	Investigate and determine the inclinations of people based on discussions concerning North-South relations and then classify people based on those whom everyone can believe, those whose beliefs are somewhat dubious, and those believed to be renegades
Civic Pass Inspection Project	Jan. 80 - Dec. 80	To expose impure elements and increase control, inspect and renew citizen? certificates according to Kim Jong Il's orders
Project concerning naturalized foreigners and defectors from South Korea	Apr. 80 - Oct.80	Divide those outside people who entered North Korea such as those who defected to North Korea into 13 categories and update monitoring data
Project concerning those compatriots who were repatriated to North Korea	Jan. 81 - Apr. 81	Segment the data on former Korean residents in Japan who were repatriated to North Korea and reduce material monitoring of recent scientific activities
Citizenship identification card Renewal Project	Nov. 83 - Mar. 84	Renewal of citizen's certificates and revision of documents for all residents
Inhabitants Re registration Project	M a r 1 9 8 4 - Oct. 1989	Review and Re indexing Inhabitants Registry, Develop background data on separated families
R e n e w i n g Citizenship Cards	Feb. 1998 -Oct.1998	Change passport style to credit card style.

(Source)Ministry of Unification, "North Korea 2004,"(Seoul: Ministry of Unification, 2003) p.327.

<Class Categories of North Korean Inhabitants>

North Korean authorities classify citizens into three broad categories: the Core class, Wavering class, and Hostile class. Defectors Park X-dok and Lee X-ok 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.¹⁷¹⁾ According to defector Kim X-gil, all North Koreans are classified into Categories 1-7 depending on their personal background. These records are maintained at Province or County People's Security Offices. People in Categories 1-3 are known as "Core Masses," Category 4 includes factory managers and party workers. The rest of the general public is known as "bastards" or low people.¹⁷²⁾ Defector Kim X-hoon testified that most people are unconcerned about their status as they do not know about it, but those who are unable to get promotions due to their personal background often try to pay money to delete their background records.¹⁷³⁾

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

171) Testimony at KINU on May 15, 1998.

172) Testimony of defector Kim X-gil during an interview at KINU, Oct. 20, 2003.

173) Testimony of defector Kim X-hoon during an interview at KINU, Oct. 27, 2003.

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

The so-called wavering class comprises a near majority of the North Korean population. This group is made up of ordinary workers, technicians, farmers, office workers, teachers and their families who do not belong to the core class and who are not party members. They represent about 45 percent of the population. They are provided with meager incomes and food rations. Most of them live in small cities and in rural areas. Health benefits are insufficient. They can travel to Pyongyang only with special permits. However, in some instances a member of this class has been elevated to the core class. According to defector Hwang X, the distinction in personal backgrounds has recently weakened in some places, because the difficult economic situation has contributed to a rapid rise in bribery cases, including kickbacks for appointments to low provincial positions.¹⁷⁴⁾

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

174) Testimony at KINU on May 24, 2000.

in the military.

The "personal background policy" which is a policy of discrimination, sometimes does suppress the social mobility of the persons belonging to Basic Masses. But, those in the Complex Masses category suffer most directly. Defector Lee X-ok testified that low-level party secretaries, deputy secretaries and cell secretaries are conducting quarterly background checks and reviews, and the results vary over time. Generally speaking, party members, workers, clerks, families of war-dead, honored soldiers are by definition classified as Core Masses or Basic Masses, and Revolutionary Intellectuals are classified into Basic Masses or Complex Masses.¹⁷⁵⁾

Those classified as part of the hostile class receive discriminatory treatment in all aspects of their life; including hiring, education, housing, medical benefits, and criminal punishment. In general, members of the hostile class are limited to laborious and hazardous manual work. For society management purposes they are classified as either: dictatorial targets, isolation targets or absorption and indoctrination targets. Dictatorial targets are held separately from society, isolation targets live in society but are kept under close, round-the-clock surveillance. Recruitment and indoctrination targets are intensively indoctrinated for possible absorption into the system. Defector Kim X-hyung testified that those belonging to the complex masses category are now allowed to live in Sinuiju, which is a border city, and the ratio of their number living in cities across the nation is also very low.¹⁷⁶⁾

175) From the testimony during an interview at KINU, July 12, 1996

176) Kim's testimony at KINU. Aug 21,1997.

<Table 3-5> The 3 Classes and 51 Sub-classes

Core Class	<p>People from the families of laborers, hired peasants (farm servants), poor farmers, and administrative clerical workers during the Yi Dynasty and Japanese occupation, Korean Workers' Party cadre members; bereaved families of revolutionary (killed in anti-Japan struggles); bereaved families of patriots (killed as noncombatants during the Korean War); revolutionary intellectuals (trained by North Korea after liberation from Japan); families of those killed during the Korean Wars; families of the fallen during the Korean War; Servicemen's families (families of active People's Army officers and men); and families of honored wounded soldiers (family members of service members wounded during the Korean War).</p>	<ul style="list-style-type: none"> - Recruit as staff of party, government or military. - Set apart from individuals of other class, and offer special privileges (in matriculation, promotion, rations, residence, treatment and other areas).
Wavering Class	<p>People from the families of small merchants, artisans, small factory owners, small service traders; medium service traders; unaffiliated persons hailing from South Korea; families of those who went to the South (1st Category); families of those who went to the South (2nd Category); People who used to be medium-scale farmers; national capitalists; families of those who went to the South (3rd Category); those who repatriated from China; intellectuals trained before national liberation; the lazy and corrupt; tavern hostesses; practitioners of superstition; family members of Confucianists; people who were previously locally influential figures; and economic offenders.</p>	<ul style="list-style-type: none"> - Employ as low-level managers or technicians. - Promote a limited number to the "core masses" class.
Hostile Class	<p>People from the families of wealthy farmers, merchants, industrialists, landowners, or those whose private assets have been completely confiscated; pro-Japan and pro-US people; reactionary bureaucrats; defectors from the South; members of the Chondoist Chongu Party; Buddhists; Catholics; expelled party members; expelled public officials; those who helped South Korea during the Korean War; family members of anyone arrested or imprisoned; spies; anti-party and counter-revolutionary sectarians; families of people who were executed; anyone released from prison; and political prisoners; Members of the Democratic Party, capitalists whose private assets have been completely confiscated.</p>	<ul style="list-style-type: none"> - Assign to dangerous or heavy-duty labor. - Block and suppress from school admissions, matriculations, and party membership. - Classify as subjects of control, surveillance and persuasion. <ul style="list-style-type: none"> -- Control: By forcible relocation, separate accommodation. -- Surveillance: Place under constant surveillance of movements. -- Persuasion: Intensive re-education. Re-classify very limited numbers (ex. Children)

*The following is a sample of 1970 classification based on the results of a citizen registration project at the time. Source; Ministry of Unification, *An Overview of North Korea*, 2000, p.420

<Table 3-6> Categories of the Personal Background

Special Class	Families of Revolutionary Fighters and Patriots (1-2 percent)
Core Masses	Party members; Families of war-dead (if death is confirmed), Families of honorees and rear-area military families, rich/poor farmers, clerks, and workers.
Basic Masses	KWP party members, clerks, workers, families of honorees, South Korea volunteers to People's Army, new intellectuals
Complex Masses	Intellectuals, South Korean refugees and voluntary entrants, Returning POWs, Families of defectors (to South Korea), Small/medium merchants and skilled workers, former waitresses and families of shamans, former Confucian scholars and the rural area (bourgeois) leaders, former intellectuals, and economic criminals.
Under Surveillance	Families of former landed class, entrepreneurs, bourgeois farmers; families of former pro-Japanese, pro-American activists, and staff of enemy organizations; religious practitioners; former inmates, party members (dropped from membership), persons fired from jobs, families of inmates and the arrested.

<Table 3-7> Categories of the Complex Masses

Dictatorship targets	These are the people who are trying to overturn the current North Korean system and regime. They should be segregated from the ordinary inhabitants and moved to the so-called "safe zones" such as coalmine areas or mountainous highlands
Isolation targets	These are very dangerous people who will participate in or are likely to support the South Korean causes should the circumstances warrant. They will be exposed to the basic masses for purposes of collective surveillance.
Inclusive education targets	These people include those belonging to "potential disturbance groups." Their levels of misdemeanors are so minor as to warrant including in the system and ideology. These are fluid groups of people who show possibilities of returning to the fold if they underwent intensive ideology education.

<Discriminatory Education Benefits based on Personal Background>

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

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

Most defectors testify to the reality of controlled college admission practices. Students from less favorable classes will have to pass the background check even if he or she passed the college entrance examinations. Defector Kim Sung-X testified that he was at the top of the class throughout his elementary and secondary schools, but he could not take the college entrance examination in March of 1979 because he was not given the permit to do so. Subsequently, his mother and the school principal visited the college and inquired about the reasons. They were told the student's uncle fled south in December of 1946 and he is classified as 'watch-list number 10' (family of defector to the south). Defector Lim X-sun testified that after he was commissioned as an officer in April 1988, he even gave bribes to a staff member at the political section in hopes of going on to college. He was later told by his superiors to give up such hope because his background was not

good enough. Defector Kim X-gil said he was discriminated against in his applications to the Party and the university because his grandfather was a landed gentry. Furthermore, he said he heard that his grandfather was forced to wear a “no outside trips” tag on his back to let others know that he was a man of landed class.¹⁷⁷⁾

Recently, however, as economic hardship worsened and social disciplines deteriorated, discrimination in college admissions due to personal background were relaxed in the name of “broad base politics.”¹⁷⁸⁾ Unlike in the past, even those with an unfavorable personal background would be able to matriculate as far as (two year) professional colleges if qualified. But they are still absolutely denied opportunities to go to four year colleges, the purpose of which is to train and educate party cadres and staff.¹⁷⁹⁾ If a youngster is denied entry into colleges or the military service owing to the personal background, he/she is assigned the job of a miner if his parents were also miners.”¹⁸⁰⁾

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

North Korean authorities have strengthened elements of the family background system, which they use to screen possible cadres for membership in the KWP or in the legal field, on the assumption that the class origin of those who harbor an extreme enmity toward the system does not change, even after three generations. This policy has been especially apparent since the defection of Hwang Jang-yop in 1997. In the past, problems in one's family background did not matter, if one was willing, sincere and qualified. However, now more than ever, defects in one's family background play a determining

177) Testimony of defector Kim X-gil during an interview at KINU, Oct. 20, 2003.

178) Testimony of defector Kim X-min during an interview at KINU, July 26, 2003.

179) Testimony of defector Kim X-su during an interview at KINU, April 26, 2003.

180) Testimony of defector Byun X-nam during an interview at KINU, April 26, 2003.

role in hiring cadres or obtaining employment, so that whoever with even insignificant mistakes in their personal records is excluded from consideration. This trend to emphasize family background can be found not only in the hiring of new employees but also in examinations of existing members.

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

Examination of one's family background is more thorough especially in the security field. This practice points to North Korea's discrimination in social occupations. For instance, if a North Korean wants to enter the MPS, the procedures are so strict that even the family background of one's second cousins must be examined. There should be neither anti-regime activists nor those sent to re-education centers as second cousins in their family. Since entering the MPS implies membership in the party organization, many North Korean youth favor joining such party organizations. But only applicants siding with the regime can enter the Ministry because of the strict check of their family background. In the case of the State Security Agency, which is more concerned about security than the MPS, the class origin of all family members up to third cousins are examined before one is hired.¹⁸¹⁾

181) Testimony of Kim X-sub and Kim X-im who defected in November 1998. National Intelligence Agency, *Recent Situations of North Korea*, vol. 180 (1999.2), p. 44.

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

One way to determine the degree to which people are controlled through discriminatory policies based on one's family background is to examine forced relocations of families. North Korea has classified a significant portion of its population (25~30 percent) as members of separated families, whose relatives are classified as traitors who defected to South Korea. They are therefore treated as part of the hostile class. These people continue to have their fundamental rights deprived and they are disadvantaged because of the behavior of their ancestors or for events that occurred during the Japanese occupation or the Korean War. The defector Chung X-kwang, who came to South Korea in April 1996, testified that the family of his classmate Kim Yong Kak, who at the time was a senior in high school, was banished to Jakang Province, Yongrim County, because it was discovered that his father had been a South Korean law enforcement officer during the Korean War. According to Yang X-yong, who was a POW in North Korea, many South Korean POWs have not been repatriated even after the conclusion of the Korean Armistice Agreement (in 1953) and are subjected to physically taxing hard labor in coal mines or timber yards. Due to their status, these POWs are subject to various repressive measures, and their families and children are also disadvantaged in employment and social advancement. Indeed, discrimination based on one's background is applied across generations in North Korea. In addition, their family members are subject to close surveillance by the authorities.¹⁸²⁾

According to the defector Kim X-lim, the guilt-by-association system is being applied strictly to political prisoners. With respect to this, there are some articles regarding the guilt-by-association in the policies of the State Security Agency.¹⁸³⁾

179) Testimony of defector Yoon X-chan during an interview at KINU, May 23, 2000.

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

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

183) Testimony at KINU on October 19, 1999.

people complain that governmental authorities arbitrarily determine the level of punishment on criminals depending upon their background or birth origin.

Personal background also affects marriages. Men with unfavorable personal background can hardly overcome the class barriers unless he is lucky to get married to a woman with good personal background.¹⁸⁴⁾ If one's background is unfavorable, the control apparatus like Security Agency will often systematically interfere with personal affairs. According to Lee X-kun, who defected after being abducted, he was denied marriage for ten times, even though he had favorable personal interviews with prospective brides, because the agents from the Security Agency or Factory Party Committee members intentionally spread the word secretly that he came from South Korea and had anti regime inclinations.¹⁸⁵⁾

<Discrimination in Residence and Housing According to Class>

North Korea assigns housing to people according to their background and forcibly relocates people from one place to another. Those people whose backgrounds are regarded as bad are mostly from South Korea or once belonged to the landlord or capitalist classes in the past. North Korean authorities fear the possibility that those people might escape from North Korea because they secretly admire South Korea. That is the reason why North Korean authorities limit the areas where those people are allowed to live. For instance, people having bad backgrounds are not allowed to live in Pyongyang, Nampo, near the coast, and in other sensitive areas.¹⁸⁶⁾

Also, even the people with good backgrounds are frequently expelled from urban areas like Pyongyang to secluded places in the mountains because of

184) Testimony of defector Kim X-wook during an interview at KINU, Jan. 7, 2004.

185) Testimony of defector Lee X-kun during an interview at KINU, Jan. 7, 2004.

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

mistakes made by their family members or relatives. 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. Defector Chu XX testified that Kim XX, who used to be the second percussion player in the light music band at Wangjaesan, Uihamyon, was exiled from Pyongyang to Hyesan in 1997.¹⁸⁷⁾ According to defector Park XX, people who were ostracized and forcibly relocated to remote places are called the Pyongyang evacuees.¹⁸⁸⁾ These people are seriously despised and discriminated against by the local population. Instances of discrimination against expelled individuals can be easily found.

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

In addition to this discriminatory treatment, grain allotments are first distributed to the locals with only the remaining grain being distributed to those who have been expelled from the cities. Also, they are not allowed to marry because of their background. In cases where natives and exiles are

187) Testimony of Chu XX during an interview at KINU, July 6, 2002

188) Testimony of Park XX during an interview at KINU, August 3, 2002.

caught working together to commit a crime, the native is set free without suspicion while the expelled is punished as a criminal. Since the expelled are discriminated against in many ways, they always feel alienated. It is common for their co-workers to visit their houses on national holidays and at that time the expelled must treat them to liquor and meat. If the treatment is not satisfactory for the staff, they insult the expelled, cursing them for their inhospitality. Because the expelled constantly live with such discrimination, they have a deep hatred for the indigenous population.

**<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.¹⁸⁹⁾

Oppression of the Disabled

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. North Korean authorities strictly prohibit handicapped persons from living in the special district of Pyongyang and other cities like Nampo, Kaesung and Chongjin where visits of foreigners are frequent. 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.¹⁹⁰⁾ In an effort to portray Pyongyang as an international city, North Korean authorities are carting the handicapped persons off to the countryside so that visiting foreigners will not spot them.¹⁹¹⁾ In fact, outsiders visiting Pyongyang, as well as most of the defectors testify that they have never seen a handicapped person in the streets of Pyongyang.¹⁹²⁾

North Korean authorities are practicing merciless discrimination against

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

190) Testimony of Han X-chul at KINU, May 18, 1999. Testimony of Yoon X-Chan during an interview at KINU, May 23, 2000.

191) Defector Lee X-suk during an interview at KINU, Feb. 15, 2003.

192) Defector Lee X-dong during an interview at KINU, Feb. 15, 2003.

handicapped persons by setting up collective camps for them where they are assigned according to their physical deformity or disability. Defectors from North Korea testify without exception that there exist collective camps for midgets in North Korea. According to Hwang Jang-yop's testimony, Kim Il Sung instructed in the 1960s that midgets not be allowed to reproduce, and that they be rounded up and relocated. Subsequently, a concentration camp for midgets was established at Jungpyong County, South Hamkyung Province. Defector Chung XX testified that there is a segregation facility for children with birth defects in Youngkwang County, South Hamkyung province.¹⁹³⁾ Also, defector Lee X-dong testified that there is a “midget camp” deep in the mountains of Jakang do Province.¹⁹⁴⁾

According to defectors Choi XX and Park XX, the so-called midget detention camps exist. Marriages at these camps are permitted but childbirth is not.¹⁹⁵⁾ Defector Kim X-gil testified that midgets are separately detained in the detention camps, and he heard all male midgets are castrated. But, he also heard that they were released during the 1998-1999 period due to pressure from the international human rights community.¹⁹⁶⁾

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

193) Testimony of Chung XX during an interview at KINU, November 30, 2002.

194) Testimony of Lee X-dong during an interview at KINU, Feb. 15, 2003.

195) Testimony of Choi XX at KINU, July 6, 2002. Testimony of Park XX during an interview at KINU, October 12, 2002.

196) Testimony of defector Kim X-gil during an interview at KINU, Oct. 20, 2003.

classified as unable to use their limbs freely, 22.03 percent as hearing impaired, and 21.63 percent as seeing impaired. In addition, 4.95 percent of them had mental defects and 3.5 percent had a level of intelligence that would hinder their normal social life. Some 9.04 percent of them were suffering from multiple impairment handicaps.¹⁹⁷⁾

In its concluding observations presented after the review of North Korea's second periodic report on "Covenant A" in 2003, the committee on economic, social and cultural rights expressed worry that handicapped children in North Korea are not included in its regular school system.

5. Civil Liberties

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

Freedom of Residence, Movement and Travel

The freedom of residence and movement concerns the right to independently determine where one chooses to live, to be able to relocate freely from that place, and not to be relocated against one's will. As a 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

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

maintains and develops human sanctity and value. Article 3 of the Universal Declaration of Human Rights stipulates, "Everyone has the right to freedom of movement... to leave any country... and to return to his or her country."

In the past, North Korea did not recognize the freedom of travel and the right to choose one's residence. However, as its economy has collapsed and food shortages have worsened since 1990, the social fluidity and movement of inhabitants in search of food have increased tremendously. Furthermore, the North Korean authorities were forced to tacitly accept this reality. And so, in revising the Socialist Constitution in September 1998, for the first time it stipulated, "Citizens shall have the freedom of residence and travel." (Art.75)

In practice, however, and to control society, significant constraints are imposed on the freedom to travel and to choose one's residence. In short, there is a significant gap between the law and reality in North Korea today.

According to the testimony of Kim X-hwa and O X-il, both of whom defected to the South in 1987, a travel application is filed with the work-place boss fourteen days before a planned trip. It is reviewed based upon the applicant's work performance and ideological purity. Another defector, Kim X-il, testified that travels to and from the Rajin-Sunbong region (a special foreign investment zone) are strictly controlled and people have to obtain permits from six different agencies to travel to the area.¹⁹⁸⁾ Furthermore, if anyone wanted to travel to the border regions or military areas, he/she has to obtain an approval number from the Security Guidance office.¹⁹⁹⁾

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

198) Testimony at KINU on September 8, 1998.

199) Testimony of defector Suh X-yoon during an interview at KINU, Nov. 11, 2003.

parents.

As in the case of travel permits, North Koreans are not permitted to freely move their residences, and must obtain permission from the authorities. If one moves residence without permission, he/she would not be able to obtain the citizen card, hence would face extreme restrictions in social activities including jobs and food rations. As defector Chi X-chul testified, those released from indoctrination camps are subject to constant surveillance and restrictions are imposed on their employment and residence. However, since the economic hardship in the 1990s, and as the private economic sector has expanded, the authorities often tacitly overlook and indirectly permit some freedom of residential relocation and under the table house sales among the rich and powerful has increased.²⁰⁰⁾

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

The former secretary of the KWP, Hwang Jang-yup, stated that after the Korean War North Korean authorities conducted evacuation exercises in Pyongyang every 3-4 years as part of war preparations and for population adjustment purposes. According to his testimony, at the time of the abduction of the USS Pueblo in 1968, a large number of Pyongyang residents who were 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

200) The same testimony above.

bad behavior, or frequently changed jobs, were evicted to other provinces. Defector Choi XX recounted that his friend Park Chun-wol's father was forcibly relocated from Kaesong to Musan.²⁰¹⁾ Defector Kim XX also testified that his high school classmate Kim Young-min's family was forced out of Pyongyang to Sunbong County because his mother was caught stealing rice.²⁰²⁾ Defector Kim XX testified that he and his family were forcibly relocated because his father had an argument with the local Party secretary, and subsequently they were forcibly relocated from Pyongyang to Hweryong in 1981. At the time, the Party awarded housing units to a select number of attack unit members (elite workers), and his father was a member. His father had a heated argument with the local Party secretary as the secretary tried to snatch the unit from his father.²⁰³⁾ People always try to avoid contact with banished people as they are subject to surveillance. So, they are in effect socially ostracized or "buried."²⁰⁴⁾

The reason North Korea imposes restrictions on movements and travel is to prevent anti-system and socially delinquent behaviors stemming from information exchanges. In other words, people on the road could easily get psychologically complacent, and through exchanges of information they could become critical of government policies. Despite the regulations on the books, however, it appears that controls over travels are becoming more lenient due to the recent North Korean reality.

In spite of these regulations, however, the travel restrictions are not strictly enforced in light of the North Korean reality. Due to the deteriorating economic hardship and food shortages since the 1990s, the mobility of the North Korean citizens has tremendously increased, and the situation reached a stage where even the authorities had to condone such a development. Inspections are still conducted on the trains, so people usually travel on foot

201) Testimony of Choi XX during an interview at KINU, July 6, 2002.

202) Testimony of Kim XX during an interview at KINU, August 3, 2002.

203) Testimony of Kim XX during an interview at KINU, August 3, 2002.

204) Testimony of defector Lee X-chul during an interview at KINU, April 26, 2003.

without travel certificates. For this reason, it is common to spot people trying to hitch a ride in the streets of North Korea. Such a ride usually costs about 100 won per 40 kilometers.²⁰⁵⁾ According to an aid worker of NGO, the travel permit system is still in place in North Korea, but control over travel has been significantly relaxed except for some important security sensitive areas. Until the year 2000, going through transportation checkpoints used to be frightening experience, but they now have become “bus stops,” where one can pass through by paying cash.²⁰⁶⁾ If one does not have travel permits, one cannot purchase transportation tickets, which in turn would require a substantial cash substitute, so people still prefer to get travel permits before departure.²⁰⁷⁾

Due to the food shortages, unofficial movement is on the increase in North Korea, but the international community is still deeply concerned over the extreme travel restrictions the North Korean authorities impose on the free movement of citizens.

During its 49th session in August 1997, the UN committee on human rights expressed concern over the serious breach of the freedom of residence and movement. During the committee's 50th session in August 1998, the committee again urged North Korean authorities to guarantee the freedom of residence and movement, including travels abroad. The international community continues to monitor how well North Korea will guarantee the fundamental rights such as the freedom of residence and movement.

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

205) Testimony of Soon X-bum during an interview at KINU, February 4, 2003.

206) Staff of a North Korea assistance organization during an interview at KINU, January 2004.

207) Testimony of defector Suh X-yoon during an interview at KINU, Nov. 11, 2003.

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

<Table 3-8> Status of Foreign Travel Denials

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

The international community is deeply worried about North Korea's severe restrictions on the freedom of movement of its citizens. The UN human rights committee, in its concluding observation, strongly urged North Korea to consider abolishing its domestic travel permit system. It also recommended North Korea to abolish the exit visa requirement for foreign residents in North Korea. It recommended North Korea to limit the permit system to cases that fit the terms set out in the international covenants.

Freedom of Speech and Press

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

In Article 19 of the Universal Declaration of Human Rights, it is guaranteed, "Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." The International Covenant on Civil and Political Rights, too,

stipulates in Article 19, "Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice." Article 67 of North Korea's 1998 constitution provides, "Civilians shall have the freedom of press, publication, association, demonstration and assembly." The state should guarantee a democratic party and free activity of social organizations. Yet, the North Korean press disregards the proper function of the press, such as providing critical commentary and providing objective information to citizens, but instead focuses on the propaganda of Kim-II-sung based on the Juche ideology and upon indoctrinating the population. The press is used as a tool to turn North Koreans into good communists. Freedom of the press is only guaranteed to the extent that it helps the masses participate even more vigorously in the construction of socialism. Therefore, the press in the DPRK is an advertiser, instigator and organizer for the KWP designed to help achieve its goals and it exists only as an educational tool. Under no circumstances may the North Korean press engage in any type of criticism of the leadership or the instructions of the great leader Kim Il Sung. The press's only function is to be a means for the party to fulfill these instructions.

Every single issue of a North Korean publication or broadcast service contains something that eulogize Kim Il Sung and praises Kim Jong Il. Reports on the two Kims occupy the front pages of newspapers, and their names are printed in special bold fonts. All news is written for the express purpose of embedding the supremacy of the North Korean system in the minds of the people. There are no critical reports or discussions on touchy issues regarding the system. However, news on negative aspects of the United States or South Korea is normally dealt with in a straightforward manner.

Pyongyang blocks the inflow of information. All radio dials are fixed to the DPRK official broadcasting service channels and sealed. An official of the

MPS visits each home every three months; if a seal is found broken the person concerned is assumed to be guilty of listening to South Korean or other foreign broadcasting services and treated as a political criminal. These sorts of controls are still continuing. Defector Suh X-yoon testified that people must register their radios, televisions and tape recorders, and their frequencies must remain firmly fixed at all times.²⁰⁸⁾

In its second periodic report(Covenant B), North Korea stated that journalists can travel to any region in North Korea to meet with individuals they wish to meet. North Korea also insisted that foreign reporters are free to collect information and report it under the regulations regarding the activities of foreign journalists.

However, the fact is that contact with foreign journalists is as controlled as ever. North Korea even agreed to guarantee the activities of foreign reporters at the time it opened diplomatic relations with Germany. But the State Department report pointed out that the North Korean government continued to strictly control the activities of foreign visitors.

In answer to an oral inquiry during the review of the second report, North Korea frankly admitted that sale of foreign newspapers and magazines are not allowed on the North Korean streets.

In its responses to the concluding observations on the second report, North Korea argued that reporters activities abroad were being restricted due to the shortages of foreign currency during the economic hardship. It is true that foreign newspapers and publications are not widely circulated in North Korea. Presumably, this is due to the shortages of foreign currency and the paucity of people who can read and understand foreign languages. All news media in North Korea belong either to the state or to public organs. In order to support the activities of correspondents abroad, the media organizations should guarantee financial support. But, because the media organizations do not have

208) Testimony of defector Suh X-yoon during an interview at KINU, Nov. 11, 2003.

sufficient foreign currency, they are unable to maintain correspondents abroad. The North Korean news media obtain information from such sources as foreign mass media and the reporters assigned to North Korean embassies abroad. North Korea also claimed that it does not restrict the dispatching of reporters abroad.

The role of the press in North Korea is not to improve the quality of life for individuals by providing information, protecting individual rights, monitoring the government, or transmitting entertainment, advertisement or culture. It exists only to justify the policies of Kim Il Sung and Kim Jong Il, as well as to monitor and reproach the people. North Korean citizens are utterly uninformed about international affairs because the sources of external information are completely blocked to them. Consequently, it is very unrealistic to expect them to have any desire to freely express their views or any ability to criticize wrong the policies of the North Korean authorities. Only recently, the people in the border regions have been somewhat exposed to outside information through defectors who come across the border. According to recent defectors, some Chinese cellular phones are smuggled into the border regions of North Korea for communication with their counterparts in China.²⁰⁹⁾

In North Korea, the right to freely express one's opinion is also subject to strict controls. North Korea's 1987 Penal Code, Article 105 stipulates, "Those who have caused social confusion by spreading false or inaccurate rumors that could bring about social confusion and/or mistrust of the state, shall be punished for up to a year of corrective labor." Thus, the expression of personal opinions and the recounting of such views are sanctioned. However, this provision was deleted in the 1999 revised criminal code, which is an improvement. North Korean defectors also testified that punishments for "speech violations" have recently been relaxed, but any and all "speech violations" involving the supreme leader will continue to be subject to heavy

209) Testimony of defector Byun X-nam during an interview at KINU, April 26, 2003.

punishments.²¹⁰⁾

Publications are also used as a means for ideological education and the party directly manages, censors and controls all publication materials. Publications inculcate the communist ideology and fulfill their organizational role as instigators of the revolution. They act as a means of publicizing the policy of the party based on party- and class-consciousness, the mass line and revolutionary zeal. Publications are an important means of connecting the party and the masses and a strong organizational weapon used to mobilize the laboring masses to work for the construction of politics, economics and culture of the party. In other words, all publications support the Juche ideology and the unitary ideological system of Kim Il Sung. They seek to realize the party line and the line of the masses and to solve theoretical and actual problems such as those discussed in revolutionary principles. In the end, publications must devote themselves to the worship of Kim Il Sung, and the systemization of the unitary ideology. Publications have promoted the establishment of the Kim Il Sung/Kim Jong Il hereditary succession and have fostered participation in the construction of the North Korean-style life in "our-own way" socialist economy. Freedom of the press is guaranteed in Article 67 of the constitution but only under the guidance and control of the party and the state. The North Korean press serves as the mouthpiece of the KWP.

Based on Section 46 of the penal code, anyone caught publishing anything that violates these standards is either put to death, sentenced to forced labor, or at a minimum is subject to having all their personal belongings confiscated. This section entitled, Crimes of Reactionary Propaganda and Agitation, defines such a transgression as a political crime instigating the people to digress from the party and state policy and leading them to oppose the state and socialist institutions. It is defined in a comprehensive manner so that anything aired or printed that criticizes the KWP or anyone in Kim Il Sung's family could be construed as a violation of the law. In this context, defector Lee Young-sim

210) Testimony of defector Kim X-gil during an interview at KINU, June 28, 2003.

testified that an influx of foreign ideas through books would be difficult because three times a year joint censor teams consisting of MPS, SSA and Party officials conduct censorship reviews on all books and printed matter.

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

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

The federation has under its control the Writers Union, Artists Union, Drama Workers Union, Musicians Union, Film-workers Union, Dancers Union, and Photographers Union. Under each union there are subcommittees, and in the provincial areas there are branch offices of the GFULA and their unions. The Juche theory of literature and the arts, therefore, sets forth as its first task the depiction of Kim Il Sung as the prototype of the quintessential communist. The theory also calls for the deification of Kim Il Sung's family in a manner that equals the deification of himself.

The decision of whether or not to permit publishing or staging of creative works is strictly controlled, and the party is directly involved in every stage of the process. The assignment of themes on works to be published or staged is made at the session discussed above, and the annual work plan of each

publishing house and stage performance troupe is reviewed by the politburo of the Party Central Committee after first being examined by the central committee of the union. The GFULA, together with the union, routinely supervises works to be published, while both the Ministry of Culture and Arts of the Administrative Council and a relevant social organization in charge of stage performances controls theater companies.

In connection with the freedom of press and expression, North Korea answered during the UN review of its second report that there have been 30 cases in the past three years in which publication and dissemination of materials were prohibited. The North Koreans insisted that the contents of the prohibited articles generally contained state and military secret materials. The number of stop-print orders and revisions in the process of printing was about 27-28 cases (mostly) involving encyclopedia, maps and magazines, and 3-4 cases involving military books and pamphlets. Despite these replies, the UN Human Rights Committee, in its concluding observation, recommended North Korea to specifically list the reasons for prohibiting certain magazines from distribution, and refrain from barring subscriptions to foreign newspapers. It further urged North Korea to ease foreign travel restrictions on North Korean reporters and not to abuse or misuse the concept of national security, for it could then be used for repressions of the freedom of expression.

Freedom of Association and Assembly

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

Art. 20 of The Universal Declaration of Human Rights guarantees, "Everyone has the right to freedom of peaceful assembly and association. And no one may be compelled to belong to an association." The International

Covenant on Civil and Political Rights also stipulates, "The right of peaceful assembly shall be recognized (Art. 21), and everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of their interests." (Art. 22) Hence it is quite clear that the freedom of assembly and association is a civil and political right in its truest sense to protect one's own interests.

Article 67 of its Constitution states that the citizens have the freedom of association and assembly. The state guarantees this condition for free activities of democratic party and social groups. In reality, however, only the assemblies and associations required by the party are permitted.

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

Unauthorized assemblies and associations are regarded as collective disturbances that will cause social disorder. The North Korean penal code in Article 103 stipulates, "Those who cause collective disturbances against the instructions of government agencies or contribute to social disorder shall be sentenced to 5 years of labor rehabilitation." Thus, protest demonstrations are fundamentally blocked. In connection with the freedom of assembly, North Korea in its second report on Covenant-A offered the following explanation: To stage a rally, the organizers must notify the local people's committee or local branch of PSA three days in advance in accordance with the rules guaranteeing assemblies and rallies. The notifications must include the purpose, day of the week, time, place, the name of organizer and the size of the assembly or rally. The people's committee or PSA branch must guarantee various conditions necessary for the assembly or rally and cooperate for the maintenance of safety and order. The assemblies or rallies that could disturb

sound social order or national safety can be controlled according to methods and procedures set forth in the Public Safety Management Law.

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

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

unions in North Korea.²¹¹⁾ In its "concluding observations" presented in 2003 after reviewing the second periodic report on North Korea's performance involving Convention-A, the UN Human Rights Committee on Economic, Social and Cultural rights expressed concern over the fact that the only professional union in North Korea is under the control of Korean Workers' Party and its rights are subservient to the authority of National Security apparatus. It further pointed out that the freedom of collective actions (rallies and demonstrations) is not granted in North Korea.

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

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

But, social organizations are not interest groups or pressure groups in the Western sense. They are instead, as explained in Article 56, Part 9, of the Party by-laws, party auxiliary organizations that faithfully fulfill the orders of the KWP, and function as transmission belts between the party and people.

The main purpose of social organizations is to support the party and to facilitate loyalty to Kim Il Sung and Kim Jong Il. These social organizations act as primary control mechanisms over the people and also serve as a means

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

of mobilizing people for mass rallies and marches at national events (i.e., movements to accomplish the goals of authorities; movements to increase productivity, such as the Chollima (flying horse) Movement; and the birthdays of Kim Il Sung and Kim Jong Il.)

The Korean Workers' Party is responsible for the supervision of all mass organizations. The KWP controls the people's voluntary ideas and collective actions through a system of mutual surveillance, criticism, guidance, and the like, and trains the partisans and supporters through various social organizations. In its second report, North Korea argued that there are no specific laws relating to organization of political parties, because the existing party was formed prior to the birth of the Republic and has been functioning for over 50 years, and that there has in fact never been any public demands for the formation of a new party. The existing political parties are the Korean Workers' Party, the Korean Social Democratic Party, and the Korean Chundokyo (Heaven's way) Youth Party.²¹² But, these political parties, as satellite organs, are nothing but faithful supporters of the KWP, complying completely with the Party's statute.

In connection with human rights organizations, North Korea insists that the government does support the establishment of organizations that seek to promote human rights. The procedures for establishing such organizations are the same as the administrative requirements for any public organizations. North Korea reported that there are currently many human rights organizations, such as the Human Rights Research Institute, the Association to Assist Handicapped Persons, the Lawyers' Association and Democratic Attorneys' Association. In addition, North Korea said many others are freely working for human rights. During the second report review session, the UN Human Rights Committee members demanded explanations as to why they were not able to obtain any information from non-governmental organizations in North Korea.

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

A North Korean delegate replied that it was because the activities of North Korea's non-governmental human rights organizations were not robust, and said he would transmit the details of discussion at the UN session to North Korea's non-governmental organizations on human rights.

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

Freedom of Thought and Religion

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

Article 18 of the Universal Declaration of Human Rights guarantees, "Everyone has the right to freedom of thought, conscience and religion;" and Article 18 of the International Bill of Rights also declares, "This right shall include the freedom to have or to adopt a religion or belief of one's choice,

and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

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

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

All religiously active people have disappeared as a result of the central party's intensive guidance program that began in 1958. Only 60 out of the total of 400 or so Buddhist temples have survived. The 1,600 monks and nuns and their 35,000 Buddhist followers have either been killed or forced to recant their faith. In addition, some 1,500 Protestant churches and some 300,000 followers, three Catholic dioceses and 50,000 Catholic followers; and 120,000 followers of Chondokyo (a Korean traditional religion) have been wiped out or forced to recant their faith. Kim Il Sung stated in a speech made at the MPS in 1972:

(We) cannot carry such religiously active people along our march toward a communist society. Therefore, we tried and executed all religious leaders higher than deacon in the Protestant and Catholic churches. Among other

religiously active people, those deemed malignant were all put to trial. Among ordinary religious believers, those who recanted were given jobs while those who did not were held at concentration camps.

As we have seen above, North Korea continues to maintain its hostile and repressive basic attitude toward religion, but in view of anticipated international criticism, it has been approaching this issue from two directions since the 1990s. First, it is advertising the fact that there is freedom of religion in North Korea by citing newly established religious facilities, religious organizations, and religious educational centers, in addition to making some institutional changes. But, North Korea is taking a duplicitous approach, and in reality no freedom of religion is permitted despite these foreign eyes only, window dressing measures.

North Korea's policy on religion is "official stamp religion policy," in which religious activities are strictly controlled by the government.²¹³⁾ All religious activities permitted in and outside of North Korea by the authorities are part of the effort to promote political and economic objectives, such as creating a favorable image abroad, earning foreign currencies, or winning economic assistance from overseas. In a strict sense, therefore, there is no religious freedom in North Korea.

Looking at the legal aspect, North Korea in Article 54 of its 1972 Socialist Constitution stipulated, "Citizens shall enjoy the freedom of religion as well as the freedom of anti religion propaganda." In allowing the freedom of religion, it also allowed the freedom of anti religion propaganda, thus denying in effect any freedom of religion at constitutional levels. Mindful of international criticisms in the 1990s, North Korea deleted the "anti religion propaganda" clause in the revised 1992 Socialist Constitution. Article 68 of

213) See Kim Byung ro, *Changes in North Korea's Policy on Religion and Realities of Religion* (Seoul: KINU, 2002) passim.

the 1992 constitution stipulates, “Citizens shall enjoy the freedom of religion. This right shall be guaranteed by allowing the construction of religious buildings or religious ceremonies. No one is allowed to use religion to invite foreign influences or harm the national and social order.” The revised 1992 constitution shows certain progress from a legalistic point of view. By allowing religious rites and construction of new religious buildings, North Korea has streamlined the laws that provide freedom of religion. But, it clearly retains the basic attitude that religions are means of foreign intervention in domestic affairs and that they are harmful to its social order.²¹⁴⁾ However, North Korea seems to have provided a legal framework for (a) the construction of religious facilities, (b) the conduct of religious ceremonies, and (c) the operation of religious education facilities.

On the other hand, these measures could be construed as part of an effort to legally accommodate the measures North Korea has been taking since the late 1980s with regard to religious facilities and ceremonies. First, North Korea began to advertise to the outside world that it was guaranteeing the freedom of religion by constructing the Bongsoo Church and Janchoong Cathedral in 1988. Subsequently, Chilgol Church was built, and since 2003 North Korea has assumed a more positive attitude in connection with the construction of religious facilities, allowing South Korean religious groups to build or restore religious facilities in North Korea. Currently, South Korea’s Jogye Buddhist Order is engaged in redecorating works at 59 Buddhist temples across North Korea including Bopwoon Am near Pyongyang in cooperation with North Korea’s Buddhist Council for Peaceful Unification of the Fatherland. South Korea’s Chuntaejong Buddhist Order is also engaged in a restoration work of North Korea’s Yongtongsa temple in Gaeseong. In addition, South Korea’s Daehan Presbyterian Church, in cooperation with

214) The revised 1998 constitution deleted only the phrase “whoever” from the 1992 constitution. This will indicate that the constitutional attitude toward religion has not changed.

North Korea's Joseon Christ Church Association, is planning to build a church building in Chungryoodong in Pyongyang.²¹⁵⁾ In accordance with the instructions of Chairman Kim Jong il on June 24, 2003, North Korea launched the construction in Pyongyang of the "Jungbaek Church" building, which is going to be the city's first Russian Orthodox Church. It is slated for completion in 2004. Regarding this project, Chairman Huh Il jin of the Joseon Orthodox Church said the construction of "Jungbaek Church" in Pyongyang would contribute to a further strengthening of Russo North Korea friendly relations. It is also reported that four North Koreans are currently studying the theories of Russian Orthodox Church at a seminary in Moscow so they could serve at the Pyongyang church upon its completion.²¹⁶⁾

Second, on January 15, 1989, for the first time since the Korean War, North Korea allowed the performance of Buddhist monks inauguration ceremonies across North Korea. Subsequently, Buddhist ceremonial services have been allowed at least three times a year on major Buddhist holidays.²¹⁷⁾ Other religions are also allowed religious ceremonies, like Christian Easter services.

Third, North Korea is internationally advertising the fact that various religious education facilities have been established and are in operation. According to North Korea's the second regular report, a department of religion was newly established at Kim Il sung University in 1989. The report also said, "There are religious education facilities run by religious organizations. The Central Committee of Joseon Christian League is operating Pyongyang Seminary, the Central Committee of Joseon Buddhist League is running a Buddhist seminary, the Central Guiding Committee of Joseon Cheondo (Heavenly Way) religion is operating a Cheondo Middle School, and the Central Committee of Joseon Catholic Association is educating its students."

215) *Yonhap News*, Nov. 26, 2003 and Jan. 19, 2004.

216) *North Korean Central Broadcast*, June 25, 2003; Also, *Yonhap News*, June 24 and 27, 2003.

217) *Yonhap News*, May 5, 2003.

And, the “Voice of Russia” broadcast reported that, as of 2003, graduates of Kim Il sung University are studying theology in Moscow through the arrangement of Joseon Christ Church League.²¹⁸⁾

Lately, North Korea is emphasizing to the international community that the freedom of religion is guaranteed within the context of the “freedom of association.” In its second report on Convention B, North Korea insisted that in accordance with Article 67, section 2 of its constitution, (which stipulates, “Democratic parties and public organizations are guaranteed of their free activities.”) there are no restrictions on the practitioners of religion in their religious activities or in forming religious organizations. As a result of the freedom of association, North Korea states, many religious associations are engaged in activities in North Korea, including the Joseon Christian League, Joseon Buddhist League, Joseon Catholic Association, Joseon Cheondo (Heavenly Way) religion Central Committee, and Joseon Religious Leaders Association. Furthermore, North Korea insists, they are fully independent from the state, and no religion is interfered with or discriminated against. In other words, people are free to choose and practice their own religion

These assertions are fraudulent, because even though the legal and institutional measures are in place, the freedom of religion in reality is not guaranteed in North Korea because the fundamental attitude of the authorities toward religion has not changed.

The problem is the attitude of North Korean authorities toward religion. Most religious facilities and religious education centers are concentrated in the special district of Pyongyang. Koreans living outside the city are not even aware that churches and Cathedrals exist in Pyongyang.²¹⁹⁾ Few people are aware that there are also religious educational facilities. From this reality, it is clear that the most important element of freedom of religion, i.e., the freedom

218) *Yonhap News*, March 31, 2003.

219) Testimony of defector Suh X-yoon during an interview at KINU, Nov. 11, 2003; Also, Testimony of defector Song X-sil during an interview at KINU, April 26, 2003.

of proliferation, is not guaranteed in North Korea. Regarding this problem, North Korean authorities admitted during the review process of its second regular report on Convention B that there were not many practitioners or followers of religion, adding that numerous religious people died during the Korean War, that old religious people passed away, and that the new generation of young people are not prone to religious inclinations.

During the review session, North Korea provided the following numbers:

<Table 3-9> The Status of Religion

Religion	Churches/temples	Pastors/monks	Congregation
Christian	2 (500 "family service" sites)	20	12,000
Catholic	1 (2 assembly sites)	-	800
Buddhist	60	200	10,000
Chundokyo (indigenous)	800	-	15,000

The fact that freedom of religion is not guaranteed in reality despite the new legal provisions can be ascertained by looking at the nature of religious organizations. For example, such religious organizations as the Joseon (Korea) Christian League and the Joseon Catholic Association are regarded important in their roles as counterpoints to foreign religious organizations or international aid agencies, rather than as associations to guarantee and support the freedom of religion. Defector Suh X-yoon testified that he heard from a Central Party cadre that there was a central religious organization for purposes of conducting "religion diplomacy."²²⁰ In other words, North Korea is utilizing these centrally controlled religious organizations to promote international public relations in connection with the freedom of religion in North Korea by dispatching them to international religious events. North Korea's Joseon Buddhist League participated in the Asian Buddhist Peace Conference held in Laos.²²¹ They are also utilized as propaganda windows toward South Korea.

²²⁰) Testimony of defector Suh X-yoon during an interview at KINU, Nov. 11, 2003.

The Joseon Christian League and Joseon Buddhist League, for example, released public statements supporting a government/party/associations joint proposal calling for the protection of peace and the right of national self reliance through inter Korean coordination, released on March 27, 2003.²²²⁾

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.

Access to the newly built religious facilities is strictly controlled. People living nearby believe that these facilities are merely a visiting site for foreigners. The Bongsu Church was constructed in September 1988 at Gunguk-dong, Mangyungdae District in Pyongyang. During normal hours only the manager's family lives there, and only when foreigners visit will forty or fifty selected people from the Mangyungdae district participate in a church service. Overseas Korean residents, who visited North Korea, testified that when they went to a church without prior consultation with North Korean authorities on Sunday, all the seats, bibles, and hymnals in the church were covered with dust.

The fundamental reason for North Korea's difficulty in guaranteeing he freedom of religion in accordance with the Socialist Constitution, stems from its mistaken belief that religions are a means of foreign encroachment and would inflict harm on North Korea's social disciplines. Believing that the Christian church has a negative impact on the maintenance of the regime, North Korean authorities have recently begun to control Christian missionary work more strictly. Since 1997, State Security Agents have instructed the North Korean people to prevent Christian missionary activity. The instructions tell citizens of the necessity of searching out missionaries and methods of finding them.²²³⁾

221) *Korean Central News Agency*, Feb. 10, 2003.

222) *Korean Central News Agency*, March 29, 2003.

223) North Korea educates and demands its citizens to report to authorities those who read the Bible. The testimony of defector Kim X-jung during an interview at

In this connection, North Korean defectors testified that there are underground churches in North Korea, even though their existence has not been officially confirmed. The defector Yoo X-duk testified that in 1996 he investigated for three years to uncover the existence of an underground church.²²⁴⁾ The defector Hwang X testified that in Sariwon, Wunsan County, North Hwanghae Province, a daughter-in-law reported a family church service. Four family members were subsequently executed and the rest were sent to a political concentration camp.²²⁵⁾

One defector who used to work at the Security Agency testified that in the early 1990s a total of 86 underground Christians were arrested in Anak County, Hwanghae Province. Some of them were executed and others were sent off to political detention camps. This Hwanghae incident was a clear case of massive repressions on an underground church.²²⁶⁾ Defector Kim X-soo testified that Bang X-sil was the sister of his friend, Bang X-gol, and she got married to a man in Nampo City. In 2001, he heard she and four others were caught trying to propagate religion and were executed by firing squad.²²⁷⁾

Another point is that North Korea is relaxing the level of punishment for the defectors to China, but continues to impose heavy punishment on those who make contacts with South Korean practitioners of religion, believing that such behavior would lead to foreign encroachment and hamper social discipline. North Korean authorities are imposing severe punishments on those who were deported by Chinese security agents, especially if they were known to have contacted South Korean Christians. This practice is believed to be part of an effort to prevent transmission of Christianity into North Korea. These incidents clearly show that the freedom of religion in North Korea is superficial.

KINU, May 31, 2000.

224) Testimony at KINU on May 22, 2000.

225) Testimony at KINU on May 24, 2000.

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

227) Testimony during an interview at KINU on April 26, 2003.

Defector Kim XX recounted that her sister was arrested and deported to North Korea for having met with a South Korean at a church in Yenji, Manchuria.²²⁸⁾ Defector Ma XX was arrested by the State Security Protection Agency because one of the defectors informed the authorities that he was related with the church.²²⁹⁾ In another case, defector Huh XX reported that one Johan was sentenced to three years of work rehabilitation for having contacted Christians in China²³⁰⁾. Defector Um XX testified that the SSPA arrested him twice because someone informed the authorities that he had contacted a missionary. He was released after he testified that he was not a Christian.²³¹⁾ These defectors also related an incident in which some 60 people were sentenced to 15-year prison terms because they visited a church upon unconfirmed news that they would be given 15 kilograms of corn if they became Christians.²³²⁾

The fundamental reasons North Korea perceive religion as a means of foreign encroachment and disrupting social disciplines stem from its unique “Suryong (Great Leader) Unitary Ruling System.” North Korea's Juche ideology has been elevated to a religious dimension. The North Korean authorities do not permit any ideology other than the Juche ideology. Based on the socio-political organism theory, the great leader Kim Il Sung and Kim Jong Il are the absolute focus of the people's worship. Nothing else may be worshipped other than Juche ideology and its founder, the great leader. This is why the authorities prohibit all forms of religious organization, thus violating the freedom of thought and conscience of the North Korean people.

The worship of Kim Il Sung and 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

228) Testimony of Kim XX during an interview at KINU, August 3, 2002.

229) Testimony of Ma XX during an interview at KINU, August 3, 2002.

230) Testimony of Huh XX during an interview at KINU, September 7, 2002.

231) Testimony of Um XX during an interview at KINU, August 3, 2002.

232) Testimony of Moon XX during an interview at KINU, June 29, 2002.

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.²³³⁾

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

233) 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.

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

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

In preparation for Kim Jong Il's accession to the position of Party General Secretary, North Korean authorities in 1997 tightened the observance of the Ten Great Principles and demanded more acts of self-sacrifice for Kim Il Sung/Kim Jong Il. For example, the North Korean Central Broadcast Agency on June 4, 1997, reported that a fishing boat assigned to the North Korean People's Security Forces was sunk by typhoons on its way back to Nampo harbor in April 1997, and all aboard the boat perished. Moments before the boat went down, the sailors tied their portraits of Kim Il Sung and Kim Jong Il to life-tubes and the portraits returned home safely. The Agency further reported that the fishermen were awarded the posthumous title of heroes of the Republic in a ceremony attended by Minister of Public Security Paik Hak-rim.

These acts of martyrdom for Kim Il Sung and Kim Jong Il are clearly stipulated in each of the 10 Great Principles. The 10-principles contain extremely inhuman demands, requiring the people to sacrifice the right and

freedom of thought and devote everything to and for the Suryong (leader). Defector Lee X-pal testified that harsh punishment would be imposed without exception on individuals who criticized the policies of the Party or Kim Jong Il. He said he knew that there was a Constitution, but in real life people feared the 10-principles the most.²³⁴⁾ Defector Kim X-hoon testified that the “10 Great Principles of Unitary Ideology” are the rules that most directly affect the daily lives of the people. Since the economic hardship, especially since 1995, the “10 principles” are repeatedly emphasized at various people’s meetings. In the past the instructions of Kim Il sung/Kim Jong il had been stressed.²³⁵⁾

So, the freedom of religion can hardly be guaranteed in reality in a society where people are forced to render an absolute loyalty to the supreme leader based on the "10 principles." Under these circumstances, there would be few other practitioners of religion in North Korea, except for those officially sanctioned by the authorities, particularly since no freedom of religious propagation is allowed.

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

The UNHRC is questioning whether any religious faith could co-exist with the Juche Ideology. In its concluding observations after the review of North Korea's second regular report on Convention-B, the UN committee asked North Korea to submit more recent information concerning religious followers

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

235) Testimony of defector Kim X-hoon during an interview at KINU, Oct. 27, 2003.

and their facilities, as well as more realistic measures it has taken to guarantee religious life.

Right to Privacy

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

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

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

In its second report, North Korea stated that illegal or arbitrary invasion of citizens' privacy is prohibited and the confidentiality of private letters is fully guaranteed. It also argued that there is no law enforcement agency that collects and uses information concerning private citizens and that the confidentiality of private lives of citizens is fully guaranteed even in investigating criminal cases. For this reason, said North Korea, the criminal procedure law in its Article 137 provides that if personal secrets unrelated to the criminal case are found in the process of investigation, they shall not be made public. In the communications law, agencies or businesses dealing with communication must

institutionalize their postal letter service and must guarantee the accuracy, cultural sensitivity and confidentiality of communication. No one is allowed to open personal letters, parcels and other postal matter. If investigators or judges need to intercept letters or cables in efforts to locate crimes or criminals they must show cause and obtain approval from the prosecutors (Article 22). Meanwhile, the North Korean "International Communication Bureau" began international e-mail service in 2003. According to the Korean Central News, the Joseon (Korea) International Communication Bureau launched international email service as it completed development of its own technology and equipped itself with protective systems that would guarantee speed and confidentiality of email transactions.²³⁶⁾

However, these legal provisions have little to do with actual life. The right to the protection of privacy that North Korea talks about is entirely different from that of the West. The invasion of privacy and private life is taking place almost everywhere in North Korea. One of the most well-known examples is the wiretapping of a person's homes to eavesdrop on his/her personal life. The North Korean authorities are invading private lives through strict mutual surveillance systems, so that wiretapping devices are installed in the residences and automobiles of high-ranking officials, military officers and party leaders. In view of these realities, the UN committee also wanted to hear explanations about reports that there was an extremely high level of domestic surveillance on citizens' private lives. To this query, North Korea replied that such reports were unfounded rumors spread by hostile elements. In other words, North Korean was saying that such speculations would not be spreading had North Korea not been confronting head-on the hostile external forces, and if North Korea did not engage in a struggle to safeguard "our-style system" and ideology.

Hwang Jang-yop testified that North Korean intelligence agencies conduct much closer surveillance over the Party cadres than the general public, and

236) *Korean Central News*, Nov. 28, 2003.

that they even mobilize eavesdropping devices to monitor their every word and every move. He explained that one of the reasons why the high-ranking cadres were watched so closely was that they had the highest potential to rebel against Kim Jong Il.

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

Also, North Korea is strengthening its surveillance over the people who have relatives living abroad. It is reported that North Korea is recording the attitudes of those people by classifying their words and moves into a positive or negative category, based on record cards being written since 1995. This is done because it is thought that people who have relatives abroad tend to have an illusion of the outside world and so behave strangely and differently from ordinary people. In addition, the State Security Agency has strengthened its surveillance over people who have recently traveled overseas, according to Han X-cheol.²³⁷⁾

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

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

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

stays.

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

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

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

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

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

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

This institution tracks down and arrests anti-party and anti-system conspirators, infiltrates special areas and arrests spies, collects and analyzes information related to domestic and foreign matters, and supervises the guard alert system in border areas and extraterritorial regions. During wartime, the SSA is to take full responsibility for ideological issues by culling out betrayers among the supposed supporters of the North Korean system. 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.²³⁸) The party cannot interfere with matters of the SSPA and must render full cooperation.

During its incipient period, the ministry was devoted to eradicating the remains of Japanese imperialism immediately after liberation, and it later played a prominent role in purging the elements of the South Korean Workers

238) Defector Kim X-lim testified (on Oct. 19, 1999) that the National Safety Protection Agency has a Surveillance Bureau and an Eavesdropping Bureau, and they are eavesdropping at any and all places, including Inns, Hotels, or public places. Testimony during an interview at KINU on October 19, 1999.

Party, the Yen-an and the pro-Soviet factions. After the Fourth Party Congress in 1961 it became an independent body, which reinforced its role, and it started to conduct political surveillance with direct orders from the KWP. Its role of political surveillance continued until the SSA was established in 1973.

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

The MPS is an organ of the Administration Council, and on the national level it is composed of its main body and affiliated bodies. In each province there is a Public Security Bureau and affiliated agencies, and there are Public Security Departments in all city and county areas. Its members, called security guidance personnel, are also dispatched to factories and enterprises.²³⁹⁾

6. The Right of Political Participation

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

239) For details on People's Security Agency, see Chon Hyun-joon, *North Korea's Social Control Agencies - with Emphasis on People's Security Agency* (Seoul: KINU, 2003).

legal procedures.

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

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

According to Article 6 of the revised 1998 Constitution, "All levels of sovereign office from the County People's Assembly to the Supreme People's Assembly shall be elected through secret ballot based on universal, equal, and direct suffrage principles." Article 66 also stipulates, "All citizens above the age of 17 shall have the right to vote and the right to elective office." Yet, elections in North Korea are used, internally, to confirm the people's confidence in the party and to justify the single party dictatorship, while externally they are used as a propaganda tool to demonstrate that democracy is being practiced. These characteristics are obvious if one considers the manner in which candidates are nominated, registered and elected, and the loss of suffrage rights if one is considered guilty due to family history.

Elections are held under a one-candidate system in which each electoral district has only one candidate. Theoretically, all work-places, social organizations, peoples' assemblies, etc, are supposed to nominate candidates,

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

Basically, the North Korean Constitution stipulates that voting shall be conducted in secret, under general, equal and direct voting principles. But, in practice people are asked to cast simple "yes" or "no" votes in nominating a single candidate appointed by the Korean Workers' Party (KWP). Voting is not an act of choosing one's favorite out of multiple candidates, but an act of celebrating one's active support for the candidate appointed by the party. For this reason, many celebratory performances are held in all North Korean electoral districts.

"The colorful performances of brass bands and small artisan groups that various levels of students put up in open spaces and railway station grounds are inspiring fighting spirits and revolutionary passions."²⁴⁰⁾

According to defector Ju X-eun, the authorities would build up an upbeat atmosphere several days before the election of people's deputies to the Supreme People's Assembly by mobilizing students and others to sing and march on the streets.²⁴¹⁾ In order to show off their allegiance to the party by raising the voting rate, a mobile ballot box system is being operated to allow the aged and infirm voters who are unable to go to the voting stations.²⁴²⁾ In fact, North Korea is utilizing the elections of deputies to the Supreme People's Assembly as a vehicle to express personal loyalties to Chairman Kim Jong il, who is nominated as a candidate for deputy.²⁴³⁾ A military officer, Park Seung chul, as he emerged from the voting booth at electoral district No. 649, which nominated Kim Jong il as its candidate, exclaimed, "I have

240) *Korean Central News*, Aug. 4, 2003.

241) *Ibid.*

242) *Ibid.*

243) *Ibid.*

cast my vote for him with the heart and mind of a soldier who would protect our supreme commander Kim Jong il to death.”²⁴⁴⁾

Because candidates are appointed by the KWP Department of Organization and Guidance, there is no way that people can freely exercise the right to be elected. Elections in North Korea are not a political process in which a plurality of political forces freely compete on the basis of their ideals and policies, but a nominal process designed to give *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. This same phenomenon continued to persist during the deputy elections for the 11th Supreme People's Assembly conducted on August 3, 2003. Through a “report” the North Korean Central Election Committee announced that a total of 687 deputies for the SPA and 26,650 deputies for the Province, City and County People's Committees have been elected. It further said, “Some 99.7 percent of those listed on the eligible voter registry participated in the election and 100 percent of those voting cast “yes” for the candidate nominated by the district .”²⁴⁵⁾

In connection with elections, North Korea is encouraging voters to openly cast affirmative votes for the candidates appointed by the party, because elections are opportunities to express one's absolute loyalty to the Republic and the Leader. In the 11th deputy elections in 2003, it also encouraged voters with similar messages.

“In Pyongyang and in the streets, agencies and factories across the provinces, cities and counties, election slogans, lanterns, placards, paintings and other decorations are installed, bearing phrases like, “Let us strengthen the revolutionary sovereignty by participating in the elections of deputies for the people's sovereign body!” “Let us all participate in the deputy elections of the people's sovereign body and cast affirmative votes!” “Congratulations!” and

244) Ibid.

245) *ibid.*

“Elections!”²⁴⁶⁾

As is apparent from the encouragement slogans, one could hardly expect secret ballots stipulated in the Socialist Constitution. Defector Shin X-hyuk testified that at the time of the 1998 deputy elections the principle was secret voting, but indication of a negative vote was impossible as two inspectors each were watching in front and rear of the ballot box and the booth was not covered to protect the voter.²⁴⁷⁾ People are required to participate in elections without exception, and because the entire process of voting is under watchful eyes, there was no way of refusing the vote or for not casting the ballot in the affirmative.²⁴⁸⁾ The voting procedures will show that voters will be handed the ballots and they will simply deposit them in the ballot boxes.²⁴⁹⁾

7. The Status of Women

Article 3 of the Universal Declaration of Human Rights provides that the signatories must guarantee that men and women will equally enjoy all the civil and political rights specified in the declaration. The declaration also emphasizes the importance of gender equality.

Looking simply at current laws and systems, as well as the social participation of North Korean women, it is possible to think that North Korean women are enjoying equal civil and political rights with men, and their social status and roles have seen a significant improvement.²⁵⁰⁾ In fact, North Korea

246) *ibid.*

247) Testimony of defector Shim X-hyuk during an interview at KINU, Nov. 3, 2003.

248) Testimony of defector Kim X-hun during an interview at KINU, Oct. 27, 2003.

249) Testimony of defector Kim X-min during an interview at KINU, July 26, 2003.

250) Just before the regime's inception, North Korea enacted the "law concerning the equality of men and women," and after the inception North Korea tried to guarantee women's political and social roles by enacting various laws, including the "constitution," the "law on children rearing and education," "socialist labor law," and "family laws." It also sought to encourage women's social participation and improve their status by abolishing the family registry system, and pursuing institutional reforms such as the socialization of household chores and a national

is insisting that there is absolutely no discrimination against women in North Korea as it has been pursuing socialist policies based on gender equality. North Korea, indeed, joined the Convention on the Elimination of All Forms of Discrimination against Women in February 2001.

In practice, however, the status and roles of North Korean women have not improved as much as North Korea claims and the society wide discriminatory attitude stemming from the feudal patriarchal tradition continues to prevail in North Korea. The policies of women's social participation and socialist reforms in household chores pursued during its founding years were motivated by the class theory and the need to mobilize the labor force for economic growth functions, rather than for the liberation of women. In the 1970s, North Korea tried to emphasize the importance of families, the paternal hierarchy and patriarchal national hierarchy for political reasons and succession concerns. As a result, there developed an unbridgeable gap between the ideal of women's liberation and the lives of North Korean women in reality

In connection with women's political participation, about 20 percent of the people's deputies at the Supreme People's Assembly have been women and 20-30 percent at lower levels of people's assemblies have been women since the 1970s. This level of political participation by women is almost equal to that of countries in the West. The difference is that delegates in North Korea are not elected through free elections, but are instead arbitrarily assigned by the Party due to political considerations. Furthermore, assembly delegates serve only a symbolic purpose and the delegates do not perform important functions or supervisory roles in the affairs of state. The political power of North Korean women is not as strong as the number of delegates to the Supreme People's Assembly would suggest. In fact, only a very small number of women are appointed to cabinet positions that offer political and administrative powers and responsibilities. On average, women occupy only 4.5 percent of the more powerful Party's Central Committee positions. In addition, during the

nursery system for children.

UNHRC review session of North Korea's second regular report of July 2001, a North Korean delegate clearly admitted that, in connection with the effort to improve women's social status "The fact that only 10 percent of our central government officials is women is clearly unsatisfactory in terms of achieving gender equality." He then promised to consider improvement measures.²⁵¹⁾

In the economic field, however, women's participation was encouraged in order to fill the woeful shortages of labor that has existed throughout the process of socialist nation-building and postwar reconstruction. During this period, the Party and government organizations arbitrarily assigned most women between the ages of 16-55 to specific posts in accordance with the workforce supply plans of the State Planning Commission. Once assigned to a work site, they were then forced to perform the same kind of work as men on the basis of equality, irrespective of the difficulty or danger factor of the work.

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

However, most women are now assigned to work at specified job categories that are regarded as menial. According to North Korea's official announcement, the ratio of women reached as high as 70 percent of all

251) See Lee Won woong, "An Observations Report on the UNHRC Review Session on North Korea's Second Regular Report on Human Rights," *passim*.

government employees engaged in the areas of public health, commerce, nursing, and education.²⁵²⁾ Even though women constitute 50 percent of North Korea's economically active population,²⁵³⁾ 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 League (hereinafter, "Women's League") is an organization in which North Korean women between the ages of 31 and 60, must join if they have no other specific affiliations. But, this is not a voluntary organization for the promotion and protection of women's rights, and it does not exercise any critical or political influences as a social organization. It is simply the party's external arm charged with responsibilities of mobilizing women for the construction of a socialist economy. Its main task is to perform ideology education of women.

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

252) Ibid.

253) On March 6, 1999, North Korean Central News Agency reported, the ratio of women in the composition of economic endeavors was almost 50 percent. See the Yonhap News, Seoul, March 16, 1999; During the July 2001 UNHRC review of North Korea's second regular report on human rights, North Korea reported that currently the ratio of women was as high as 48.4 percent out of the total number of workers engaged in the people's economy.

revolution to liberate women from the colonial and feudalistic yoke of oppression and to guarantee them equal rights with men in all realms of social activity.

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

North Korean authorities have always insisted that they guaranteed an environment for the equal social participation of women through such measures as the socialization of family chores and the rearing of children. Contrary to their claims, however, emphasis was placed on the traditional role of women in the family. Because North Korean women still retain the deep-rooted traditional concept that family chores and the rearing of children are the natural responsibilities of women, and because they have to participate in society as equal workers with men, North Korean women shoulder a dual burden.

Such emphasis on the role of women in the family is well expressed in Kim Il Sung's view of women. The most desirable woman for Kim Il Sung is, "one who treats her husband and parents with respect, rears children well, does household chores well and keeps on working hard."²⁵⁴ Kim especially stressed that rearing children is the natural responsibility of women. Kim Jong Il also said the role of a wife is to rear children at home and manage household chores well. The role of North Korean women is also defined in the by-laws of the North Korean Women's League, which says, cooking is the

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

work traditionally done by women and is a duty naturally endowed to women.

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

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

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

Apparently, however, significant changes are taking place in the family life of the North Korean people, particularly as a result of the famine and economic difficulties of the 1990s. As soon as husbands were unable to bring paychecks home due to economic hardship, the role and status of women within the family began to increase. The result is that the divorce rate increased rapidly during the period of "Hardship March" as a consequence of

women's demands and men's inability to earn a living.²⁵⁵⁾ Many women defectors testified that while it is true that women's power within the family has increased in proportion to their growing income earning abilities, either through peddling or trading, they still do not resist the patriarchal family system because they believe that family peace is best maintained if they relinquish the leadership role to the man of the house. On the other hand, many among the women who defected to China since 1996, testified that they did so because they could no longer stand the mistreatment they suffered at the hands of their husbands even as they were supporting the entire family.²⁵⁶⁾ This fact seems to support the conclusion that food shortages had the effect of reinforcing the old patriarchal family culture, thereby deepening the troubles in the families.

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

255) As the number of divorce lawsuits increased, the trial period has been reduced to three months from over a year previously, and the losing party will be charged to pay for all expenses incurred during the suit. (Testimony of defector Yoon X-suk during an interview at KINU, Jan. 10, 2004.) After the July 1 Measures of 2002, divorces are granted, provided that the party demanding a divorce will be charged with heavy fines, which is one way of discouraging divorces.

(Testimony of defector Kim X-wuk during an interview at KINU, Jan. 9, 2003.)

256) Testimony of defector Hong X-hi during an interview at KINU, Dec. 20, 2002.

were also subjected to this malicious trade in women.

During the review session, North Korean delegates emphatically denied the practice of women trafficking, saying Women trading has been absolutely prohibited, and there has never existed 'women trafficking' in North Korea in the past 50 years. According to the report, however, the human trafficking of women is absolutely inconsistent with the North Korean laws and systems. The North Korean delegate did indicate his awareness of the problem when he stated, "Even though we do not know what's going on along the border area s..." The human trafficking of North Korean women takes place in a number of ways, including forcible abductions, enticing through intermediaries, and women who volunteer to support the family. These women are sent off to farms, restaurants, drinking salons, or to become partners of bachelors in remote areas.

Sex violence on women is becoming a serious human rights problem in the North Korean society. It is reported that sexual advances and sexual violence toward women in workplaces is quite common. In most cases, they involve offers of promotion or party membership. In another incident, Lee XX was caught on a train without a ticket, but could not pay the penalty. She was taken to the railroad inspectors home and sexually assaulted there.²⁵⁷⁾ Unless officially protested, sexual violence toward women is usually ignored in North Korea. The victims of sexual violence also prefer to hide the facts because the social atmosphere generally expects women to maintain their sexual integrity.²⁵⁸⁾ Furthermore, most North Koreans do not seem to regard sexual violence as a serious problem. Since the overall social attitude toward women is to assign them a subservient role, North Korean women have no other option but to endure various forms of sexual harassment and violence. Women defectors also point out that the fundamental cause of sexual problems is the lack of sex

257) Testimony of Lee X-hee during an interview at KINU, November 16, 2002.

258) If a love affair takes place in a workplace, the man would be retained but the woman would be fired for "bad personal behavior." This would be so recorded in her personal records that she may not be able to work elsewhere.

education at schools and in the society in general.

North Korean authorities emphasize the purity of women until marriage, and pre marriage or extra marital sex is subject to punishment. As foreign culture has been introduced to the North Korean society since the 1990s and as North Korean's attitude toward sex is changing, pre marriage and extra marital sex is on the increase in North Korea. Women who became pregnant due to extra marital sex previously would attempt illegal abortions or suicide. In extreme cases, their male partners would murder the pregnant women. According to a women defector from North Korea, North Korean authorities now tacitly condone abortions at city and university hospitals as the unlawful pregnancies have increased in recent years.²⁵⁹⁾

Due to the food shortages, 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 shortages 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.²⁶⁰⁾

259) Testimony of defector Hong X-hee during an interview at KINU, Dec. 20, 2002.

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

IV. Other Human Rights Violations

1. Human Rights Violations at Political Detention Camps

It is widely and internationally known that North Korean political concentration camps are the one place where human rights are violated the most. North Korea is operating many political detention camps to segregate the violators of political ideology. This fact is known to the outside world by the defectors who experienced the camp life firsthand. The realities inside the camps are uncovered thanks to the persistent efforts of international human rights groups such as Amnesty International (AI). Defector Kim X-jun, who used to work as an intelligence agent at the State Political Safeguard Agency, testified for the first time about the existence of political prison camps. Subsequently, several former inmates provided additional information on political prisons. They included Kang X-hwan and Ahn X, who defected after release from Yoduk Detention Camp, Ahn X-chul who defected while working as a security guard at Hyeryong Detention Camp, and Choi X-chul who used to be a security guard at the State Security Protection Agency in the mid-1980s. Defector Lee X-guk, who served a term at Daesuk-ri Unit No. 8 of Yoduk Detention Camp from 1995 to January 1999, recently disclosed his experience living inside a political prison camp. The *Digital Globe* zoomed in its satellite cameras on Unit No. 22 Political Prison Camp in April 2002, and the pictures were released to the international media, including the South Korean media, on December 5, 2002.²⁶¹⁾ The US Committee for Human Rights in North Korea published a report in October 2003, on realities of

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

political prison camps in North Korea, based on defector testimonies and satellite pictures.²⁶²⁾

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. And Each Concentration Camp in North Korea is recorded as No. XXXX unit of the North Korean People's Security Guard.

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

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

262) David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps*, (Washington, DC: US Committee for Human Rights in North Korea, 2003).

Mining region of Bukchang County, South Pyongan Province, at the end of 1958.

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

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

About 6,000 people among those categorized as belonging to the hostile class who were branded as sectarians or anti-revolutionaries were executed after being tried in show trials. The approximately 15,000 who escaped execution along with their family members that numbered about 70,000 were held in the remote mountains under Cabinet Decision No. 149. Confined separately were those who opposed the Korean Workers Party or Kim Il Sung himself.²⁶³⁾

In the process, the families of some political prisoners were driven out and forced to disperse across deep mountainous areas or to rural farm areas with certain restrictions. The defector Chu X-hee, who entered South Korea in May 1997, testified that 7-8 families whose heads of household had been involved in the Kim Chang-bong incident were sent away to Sangnam-ri, Huhchon County, South Hamkyung Province, and have been living there for over 20

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

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, the need for at least four more concentration camps to be created became evident. As of 1982, more than one hundred thousand were sentenced to hard labor at eight camps, isolated from the rest of society for the rest of their lives.

The number of camps grew as the regime tightened its internal control to keep the wave of reforms from reaching North Korea following the fall of Eastern Europe in the late 1980s, with the number of inmates reaching about two hundred thousand. In terms of human rights conditions, these camps are reported to be worse in many ways than even the infamous Soviet Gulag.²⁶⁴⁾

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

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

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 Sections 44 through 55 of the penal code means the act of a person who takes part in a conspiracy to overthrow the Republic or who participated in a revolt. Anti-party and anti-Kim Il Sung elements have been executed or sent to concentration camps on this criminal count.

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

Whether or not to send ordinary criminals to prison is decided through minimum reviews and trial procedures. Cases of politico-ideological criminals, however, are unilaterally reviewed by the State Security Agency in a single-trial system without judicial trial procedures. Even an innocent politico-ideological suspect can hardly be found not guilty and set free. Defector Lim XX said that Lee Dong-myong was in Russia in 1998, demanding to go to South Korea. He was later deported to North Korea, and reportedly sent to a political prison camp. In short, people are sent to political prison camps secretly without their neighbors' knowledge of the fact.²⁶⁵ 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

265) Testimony of Lim XX during an interview at KINU, September 7, 2002.

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.²⁶⁶⁾

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

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

266) Testimony during an interview at KINU on Nov 30, 2002.

located in Hwangjoo Air Base.²⁶⁷⁾

Status and Operation of the Camps

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

Ahn X-chol, who worked as a guard at the camp at Hyeryong, North Hamkyung Province before he defected to the South in October 1994, said that under the control of Bureau No. 7 of the SSA alone, there were ten political prison camps.²⁶⁸⁾ 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.²⁶⁹⁾

With reference to the remaining camps he mentioned Management Center No. 14 at Kaechun, South Pyongan Province; No. 15 at Yodok, South Hamkyung Province; No. 16 at Hwasung, North Hamkyung Province; No. 22 at Hyeryong, North Hamkyung Province; and No. 25 at Chungjin, North Hamkyung Province. He said at these camps the total number of prisoners stands at around 200,000. Defector Jin XX recalled that when he was serving in the military he gave a ride to a sister of his senior officer's wife to Yoduk Management Center when she came to see a safety guard at one of the prison camps.²⁷⁰⁾ Defector Um XX testified that there are political prisoner

267) Testimony during an interview at KINU on Oct 27, 2001.

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

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

270) Testimony of Jin XX during an interview at KINU, September 7, 2002.

detention camps in Danchon, South Hamkyung Province, and Hweryong, North Hamkyung Province.²⁷¹⁾ It is unconfirmed whether this facility was moved to another location, or the prisoners were scattered around similar facilities elsewhere after the facility was closed down. On February 25, 1998, the defectors Kang X-hwan and Lee X-ok testified before the U.S. Senate Foreign Relations Subcommittee on East Asia and Pacific Affairs that presently some 200,000 political prisoners are detained in detention camps in North Korea.

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

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

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

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

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

271) Testimony of defector Um XX during an interview at KINU, June 29, 2002.

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

As members of the hostile class, prisoners released from the revolutionized districts lead a poor existence. They are the primary targets of surveillance by the SSA so they suffer various restrictions in employment, travel, etc.²⁷²⁾ If an ex-political prisoner commits an ordinary crime, ten years imprisonment is added to the term he or she would normally serve.

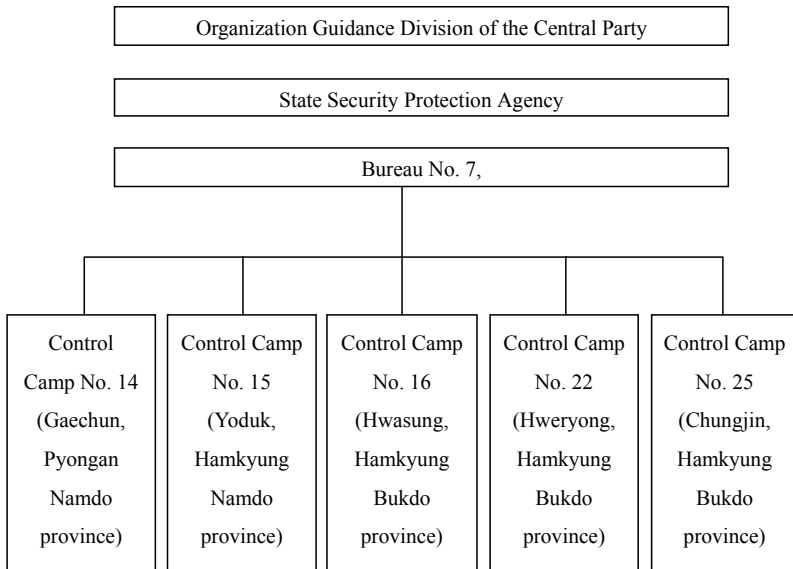
According to the testimony of Ahn X-chul, among all the political detention camps in North Korea, only the No. 15 Control Center at Yoduk, South Hamkyung province, has two separate sections: the Revolution zone and Complete or Full Control zone. All others have only full control zones. This means that except for in extremely rare cases, the only detention camp that would permit any detainee with any hope of returning to society alive would be the Revolution zone in No. 15 Control Center. The revolution zone simply means a boot camp, which dictates extremely harsh conditions and unbearable subsistence life until individuals are exhausted or expired.

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

272) According to Tak X-sook, Koh X-ho was working as an interpreter at the Foreign Press Bureau of the Ministry of People's Army. He was arrested on espionage charges in 1989 during the process of ideology review of former Russian-educated students. He served prison terms at Yoduck Prison from May 1989 to February 1994. Subsequently, he was working as a laborer at Chungjin Steel Mill. (Testimony during an interview at KINU, Nov. 30, 2002.)

crisis in 1996.²⁷³⁾ The Citizens Alliance for North Korean Human Rights presented a video entitled *The Seven Defectors and their Aftermath* during the Third Conference on North Korean Human Rights and Refugees on February 9, 2002 in Tokyo. In the video, it said the seven defectors crossed the border in January 1999 from China into Russia. They were caught by the border guards and deported to North Korea via China. One of the seven, Kim Eun-chol, it said, was detained in Yoduk Detention Camp.²⁷⁴⁾

<Figure 4-1> Status of Special Dictatorship Zones



Family members Criminal and family Family members Family members Criminal himself

Inmates of the revolution zone consist mostly of Pyongyang's ex-elites, repatriates from Japan who have personal connections with senior officials of the pro-Pyongyang association of Korean residents in Japan, Chochong-ryon, and their families. The policy is to have them endure torture and thus make

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

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

them more obedient to the Kim Il Sung and Kim Jong Il system before they return to society.

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

Lee X-guk testified that the levels of punishment, such as the length of detention and the possibility of release, would vary depending on the detainee's personal background.²⁷⁵⁾

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

<Table 4-1> The Dissolved Camps

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

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

The Organization and Size of Concentration Camps

275) See Lee's testimony above.

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

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

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

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

Selection of Prisoners and Procedures

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

People subject to banishment are mainly those considered harmful to the

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

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

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

In North Korea, one would be regarded as a political prisoner and detained in the camps if one is heard complaining, "This world is so hard to live in," or "If you don't have a bar of soap or a jar of toothpaste to sell, how could this place be called a store?" But since the severe food shortages in the mid-1990s, the cases of arrest due to inadvertent utterances have decreased as the levels and incidents of complaints rapidly rose. A new tendency in recent years is to arrest as political prisoners those who visited China for food and came in contact with the South Koreans there and bring outside information into North Korea.²⁷⁶⁾

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

People are swept away without advance notice or legal procedures, so that even their neighbors or relatives do not know what happened. For fear of

276) Testimony of Kim X-ik during an interview at KINU, August 30, 2001.

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

Dwellings and Camp Life

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

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

A day's work quota is assigned to five-person work teams. In general, prisoners often must work until 8:00 pm. A lunch composed of boiled corn will typically be eaten at noon. Around 6:00 pm a security section officer, foreman or an Inminban head makes an interim check on the extent of the work completed. When the completed work volume is found to be unsatisfactory, the team must work overtime.

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

However, due to the recent food shortages, rations for the political prisoners also were reduced. According to Lee X-guk, the grain rations are divided into three grades depending on the workload: Grade 1 workers are given 160 grams of boiled corn per meal, Grade 2 get 140g and Grade 3 get

100g. But when the grain shortages deteriorated in 1996 only 80 grams were given per meal and the inmates were forced to work from 5 a.m. to 8 p.m. As a result, Lee testified, several inmates died each day.²⁷⁷⁾

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

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

Electric power is generated at the camps, but power output is so meager that only one light bulb is allowed for a family. Power will be supplied only between 7:00 to 12:00 pm and 2:00 to 5:00 am. The voltage is so low and the lights so dim that one can barely read books and newspapers. Inmates in other camps still envied camps with power facilities. At some camps a wooden torch is lit during meals.

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

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

camps, patching them up when needed.

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

Under such miserable conditions, many prisoners suffer from pneumonia, tuberculosis, pellagra and other diseases mainly due to malnutrition and heavy labor. Still, everyone, without exception, is forced to continue working. Many suffer from ailments such as frostbite or hemorrhoids, but they are likely to be beaten if they walk or work slowly due to the pain. When one's sickness becomes so bad that a foreman decides he or she can no longer work, the patient is sent to a sanatorium and essentially abandoned, as there are no proper medicines or doctors. There are said to be about 40-50 prisoners who die every year due to the lack of proper medical facilities at each center.

According to the defector Park X-chul (admitted in August 1999), he testified that he witnessed products produced by the political prisoners at Management Center No. 22 in 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.²⁷⁸⁾ Also, it is reported that a certain number of political prisoners are moved to different places every three months so that political prisoners cannot escape the Management Center by recognizing the geographical features surrounding the Center.

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

The inhuman treatment in the detention camps is well reflected in the

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

camps daily code of conduct. Some examples include the following: First, bow to the teacher (meaning the National Security agent). Second, if wanted by the teacher, run on the double with head down. Three, when the teacher passes by, maintain a prone position with face down. Fourth, never come close to the teacher's office. Fifth, if the teacher commands you to take a prone position, take off the upper-body clothing and assume the position. Sixth, if one fails to fulfill one's daily tasks, one's food ration shall be reduced. Seventh, inmates will be regarded as attempted escapees if matches are found on the body. Eighth, if found carrying meat or salt the inmate will be executed by firing squad. Ninth, if food is found on a person he shall be regarded as an escapee. Tenth, three or more persons shall move together. Eleventh, bathroom visits are limited to within 5 minutes. Twelfth, if found making contact with people from other districts during work details in the mountains the inmate shall be put to death.²⁷⁹⁾

The Realities of Public Execution inside the Detention Camps

The human rights realities inside the political prison camps are extremely bad. Anyone who is unable to endure the harsh conditions, tries to escape, or physically resists or assaults security officers is hanged or shot to death in front of the other prisoners.

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

Lee X-guk said that the proper description of the inmates detained in the detention camps would be animals rather than human beings, because depending on how the teacher felt at any given moment, or at his whim, the inmates were beaten to death or put to death by firing squad. Sometimes, an inmate would be beaten to death by the branch director simply because his

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

work speed fell behind other inmates. Another inmate was charged with the crime of larceny and put to death by the firing squad simply because he asked the location of a chicken and duck farm run by a security agent. Lee X-guk also testified that one day someone was publicly executed for attempting to escape from the camp. The entire camp inmates were required to wipe the dead inmate's blood by hand and place their bloody hands on their faces as a sign of repentance. During the four years he served in the camp, Lee X-guk said he witnessed about 50 public executions, or once every 15 to 30 days on average.²⁸⁰⁾

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

But, Lee X-guk stated that he believed the authorities were conducting biological experiments on younger and healthy male inmates because they are usually removed to another location within six months of detention.²⁸¹⁾

At present, it is known that there is a military unit performing biological experiments on human bodies in Omok-ri, near Nampo City, South Pyongan province. And, the BBC reported a North Korean defector's testimony, stating that a new gas chamber for testing of chemical weapons was built at No. 22 prison camp in Hweryong, Hamkyung North Province, but the fact has not been confirmed so far.²⁸²⁾

Lee X-guk still remembers the names of 15 inmates detained in the Daesuk-ri No. 8 camp at Yoduk Detention facility. One of them is dead.²⁸³⁾

280) Testimony of Lee above.

281) Ibid.

282) Testimony of Kwon X at an interview. See *The Chosun Ilbo*, Feb. 1, 2004.

283) The following is the list:

1. Lee Won-jo, age 47, detained in 1996, former North Korean ambassador to Indonesia. Crime: Criticized North Korea's isolationist foreign policy with a

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- counselor at the embassy. He was put on a plane within two hours of his conversation and shipped to Yoduk Detention camp. Currently assigned at work unit No. 3 of an independent platoon.
2. Kim Dae-sung, age 62, detained in 1996, former trade counselor stationed in Libya (originally a party secretary at the foreign ministry). Crime: His son defected to South Korea. Currently assigned at work unit No. 1.
 3. Kim Hi-chil, age 61, detained in May 1997, former director of Trade Management Office, South Hwanghae province. Crime: During the economic hardship, he commented at a drinking party with friends, Kim Jong Il sold out the economy. Currently assigned at work unit No. 1.
 4. Paik Nam-chil, age 42, detained in 1996, formerly a staff at No. 3 Building of the inter-Korean liaison office. Crime: Addicted to narcotics. He was charged with the crime of failure in the bears' gall-bladder trading (smuggling) company for North Korea between Hong Kong and China. Currently assigned to work unit No. 1.
 5. Kim Hyung-sup, age 29, detained at the end of Oct. 1997, former sergeant at the Social Safety Agency (His father was a civil defense director of Pyongyang). Crime: He and eight of his classmates (from Non-Commissioned Officer school) agreed that North Korea was a society that trampled on freedom. They conspired to terrorize against the defense minister and social safety minister and others. Their plot was uncovered and they were arrested. They all had tattoos on their arms with the words Sungdo (disciples) as they worked out terror plans. (Their fathers were all director-level officials at the Central Party or the Cabinet.) They were all arrested and currently assigned separately to work units No. 1, 2, and 3.
 6. Kim Chul-soo, age 60, detained at the end of 1995, former director of Central Railroad (His brother was director at Marine and Land Affairs Bureau in the Cabinet.) Crime: He sold the rail-line blueprints of the Central Railroad to China. Currently assigned as a caretaker at a duck farm.
 7. Lee Chul, age 57, detained in 1997, a former chairman of Taekwondo Association in South Hamkyung province. Crime: In connection with the food shortages, he commented, Kim Jong Il was standing on top of the people's corpses. He was arrested and currently assigned to work unit No. 2.
 8. Han Young-chun, age 34, detained in 1996, former coal-miner at the Musan Coal Mine. Crime: While in the military he and three of his comrades tried to defect to South Korea with information about the Yongbyon Nuclear Power Plant. They were caught while crossing the border to China. Currently assigned to work unit No. 1.
 9. Kim Chul-soo, age 56, detained in November 1998, former deputy manager at Musan Coal-mine in North Hamkyung province. Crime: He tried to smuggle out to China the gold bullions the Japanese had buried in the mine, which he discovered. Currently assigned to work unit No. 1.

Internment of Repatriates in Detention Camps

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

According to testimony from Kang X-hwan and An X, who were imprisoned at Yodok, about 600 people of the 100 families who were first

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10. Kim Ok-sun, female, age 43, detained in 1995, former housewife in Haesanjin City, Yanggang province. Crime: Tried to smuggle out an ox-tail of an illegally slaughtered ox to China. (Ox and cow are used as a means of transportation, and illegal slaughtering is subject to 10-years' in prison) Currently assigned to work unit No. 1.
 11. Lee Chung-gun, age 41, detained in 1996, former overseas student in Germany. (His father was chief secretary at Chungdan County, South Hwanghae province.) Crime: He was charged with espionage with funds from the South Korean embassy. Currently assigned to work unit No. 1.
 12. Chung Hyun-soo, age 31, detained in 1995, former draftsman at Nakwon Machine factory in North Pyongan province. Crime: Sold the factory's blueprint to China. Currently assigned to work unit No. 1.
 13. Kim Myung-hwa (her Japanese name is Mitsubishi Damiko, her younger sister is Mitsubishi Fumiko and her elder brother, Gah-jang.), age 41 (born on August 2, 1960). Recollections about her are clear because they called her a Japanese spy. Detained in 1991. Crime: She returned to North Korea with Korean repatriates from Japan, but it was uncovered that she was a graduate of Japan's Ninoki Academy. She was then sent off to the detention camp, but later she was taken away to the Yongpyong District in September 1997. Upon return to the camp, she died of beating and starvation.
 14. Kim Ok-san, age 57, detained in 1992, former staff at Business Management Center in Sariwon City, South Hwanghae province. Crime: He criticized Kim Il Sung as a dictator while intoxicated. Currently assigned to work unit No. 1. (Kim is well known within the camp as an expert catcher of rats and snakes for food.)
 15. Kim Sung-hee, age 68, detained in 1975, former track and field head coach of the North Korean Athletic Association (and a highly popular former track athlete in North Korea). Crime: She jokingly talked about the family lineage of Kim Il Sung and his son and was charged as criticizing them. Currently assigned to work unit No. 1 as a caretaker of pigs. She is very thin-built, but very sturdy.¹⁾

detained in early 1974 are still held at the camp. They also stated that from 1974, 100 to 200 more families were added every year, totaling about 5,000 repatriated political prisoners from 800 families and 300 criminals, as of 1987.

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

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

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

Defector Shin X-ae testified that she was sent for a year to the Revolutionary Section in the Yoduk Detention Camp for having contacted her elder sister, who was living in Japan, while Shin was in Yenji, China, in 1999. However, they did not beat her because she was old and a former expatriate who returned home.²⁸⁴⁾

284) Testimony of Shin X-ae during an interview at KINU, November 30, 2002.

2. The Abducted

Since the Korean Armistice in 1953, a total of 3,790 people have been abducted and taken to North Korea. They have been forcibly detained in North Korea contrary to their wishes, partly because North Korea may have found their knowledge and manpower useful.²⁸⁵⁾ Of them, only 486 people (see appendix) are known to still be under detention. Among those kidnapped were five high school students who were reportedly brought to North Korea by a North Korean espionage agent in the late 1970s. This fact was revealed in the process of examining the Choi Sung-nam and Kang Yeon-jeong espionage event of 1977.

Beginning with the first kidnapping of 10 fishermen aboard the Daesung-ho on May 28, 1955, North Korea has abducted a total of 3,662 fishermen since the Korean Armistice in 1953. They subsequently returned 3,255 and are still holding 407 fishermen to this day. As recently as May 30, 1995, North Koreans kidnapped 8 fishermen aboard the No. 86 Woosung-ho. Three of the eight were killed as they struggled with their kidnappers. They were returned through Panmunjom on December 26, 1995. In some cases, the crew insisted that their captain voluntarily went north under the guise of abduction, which automatically put them in the “voluntary” category rather than “abduction” category when they returned to South Korea later. A North Korean patrol boat while engaged in fishing sank the Suwon No. 32 boat in 1974. The whereabouts of the crew remain unknown, and their names are still on the list of the abducted.

In addition, North Korea has forcibly detained a South Korean Navy I-2

285) Lee Jae geun who returned to South Korea after abduction to North Korea, testified that the 27 men crew of boats Bongsan No. 21 and No. 22 were transferred from Haeju to Pyongyang. They were interrogated to ascertain whether or not they were spies. In the process, they picked seven healthy and educated (10 years of education or higher) individuals, and gave them special training in Chongjin. The North released the rest of the crew back to South Korea.

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

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

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

Some of the abducted South Koreans are being used in broadcasts to South

Korea or in espionage training. The Korean Airliner stewardesses Sung Kyung-Hee and Chung Kyung-sook have been used in broadcasts to South Korea. Other detainees are used as instructors for North Korean espionage agents sent to the South. According to the testimonies of Ahn Myung-jin, about 20 unidentified detainees from South Korea are working as spy instructors at the center for Revolutionizing South Korea located in the Yongsung district of Pyongyang. This center is a replica of South Korea designed to teach and train graduates of the Kim Il Sung Political Military College (renamed as such in 1992) how to adjust to real life in South Korea. The center is under the direct control of the Operations Division in Building No. 3 of the Central Party, which is responsible for training espionage agents to infiltrate the South. According to the testimony of abducted fisherman Lee Jae-geun, who defected from North Korea in June of 2000, some of his colleagues were engaged in "South Korea projects" after undergoing a period of special training. Lee said he himself also received some espionage training.²⁸⁶⁾

The rest of the abducted, whom North Korea found useless are presumably detained in various concentration camps. Some abducted individuals from South Korea are detained in the detention camps and can be ascertained from the AI report above. In a special report entitled New Information on Political Prisoners in North Korea, published in 1994 by AI, the abducted individuals, who were presumably detained in the now defunct Seunghori concentration camp, were included in the report. South Korea's National Security Planning Agency also reported that 22 South Korean abducted individuals, including Lee Jae-hwan, were detained in a political prisoner detention camp.

Meanwhile, North Korea, in a Red Cross statement on September 24, 1996, insisted that the Reverend Ahn Seung-wun, who was abducted in July 1995, was not forcibly kidnapped but instead voluntarily entered North Korea. On

286) Testimony during an interview at KINU, Jan. 7, 2004.

the contrary, however, the Chinese government on September 13, 1996, sentenced Lee Kyung-choon, who was found to have been one of the two suspects involved in kidnapping the Reverend Ahn, to a two-year imprisonment for illegal detention and unlawful border-crossing and banished him from China. In short, the Chinese government in effect officially confirmed that the Reverend Ahn incident was a kidnapping perpetrated by North Korea. Accordingly, the South Korean government requested the Chinese government to restore the case status quo ante, and demanded North Korea to immediately return Reverend Ahn. However, North Korea is still refusing to return Reverend Ahn to South Korea.

North Korea has not changed its previous attitude of not confirming the existence of abducting and detaining people from South Korea. For example, during the second batch of South-North Separated Family Reunion (Nov. 30-Dec. 2, 2000), a South Korean sailor, Kang Hee-kun of the fishing boat Dongjinho, which had been abducted by the North in January 1987, met with his mother from South Korea in Pyongyang. But, he was told to identify himself as having voluntarily entered North Korea. A stewardess of the Korean Airlines, Sung Kyung-hee was also forced to tell her South Korean mother who came to Pyongyang to meet her that she came to North Korea voluntarily. In early 2001, North Korea informed the South on the whereabouts of 200 family members in North Korea in preparation for a reunion with families from the South. North Korea informed that among them, Lee Jae-hwan, who was abducted in 1987, was dead. His family and organizations in South Korea wanted to know the date and cause of Lee's death and the return of his remains to the South. But, North Korea refused both requests. During the 5th separated family reunion (Sept. 13 - 18, 2002) the captain of Changyoung ho (abducted north on April 17, 1968), Chung Jang baik, met with his mother from South Korea. In 2003, during the 6th family reunion (Feb. 20 - 25), 7th reunion (June 27 - July 2) and 8th reunion (Sept. 20 - 25), the crew of Odaeyang No. 61 (abducted in Dec. 1972), Kim Tae jun,

the crew of Changsung ho (abducted May 23, 1967), Yoon Kyung gu, the crew of Dongjin ho (abducted Jan. 15, 1987), and Kim Sang sup, met their mothers from the South.²⁸⁷⁾ All the abducted who participated in the family reunions had their newly married wives and children in North Korea. Through the eight family reunions, a total of 33 abducted persons were able to meet with their family members in South Korea.²⁸⁸⁾

During the Fourth South-North Red Cross Talks in September 2002, the two sides agreed at North Korea's suggestion to consult and resolve the problem of confirming the status and addresses of those who lost contact during the period of the Korean War. The issue concerning the fate of South Korean prisoners of war and those forcibly abducted during the Korean War was raised, but no progress has been made so far. The Korean War Kidnappes' Family Union has been urging the confirmation of the status and/or the return of the remains of their abducted family members based on the data compiled from various sources. Some of their sources include the Republic of Korea Statistical Annual published in October 1952, which contains some 82,959 names; the 1953 Annual Statistics, which lists 84,532 names; the list of abducted persons uncovered from the home of the late independence movement leader Shin Ik-hee; the 1956 Korean Red Cross list, with 7,034 names; and the list of abducted persons compiled by the statistics department of the (South Korean) Office of Public Information with 2,438 names. The Family Association published online the names of 94,700 persons compiled from the above sources and listed them by name, sex, age, address, profession, organization and rank, the time, date and place of abduction.²⁸⁹⁾

287) See Youn Mi ryang, "The Process and Results of Negotiations concerning the Abducted," in the "Human Rights of the Abducted and Possible Solutions," (Seoul: National Human Rights Commission, Dec. 19, 2003).

288) Ibid. p. 43.

289) See www.korwarabductees.org.

3. Human Rights Violations against North Koreans Abroad

Status of the Fleeing North Koreans

The International Covenant on Civil and Political Rights stipulates in its Article 12 paragraph 2, "Everyone shall be free to leave any country, including his own." Since 1990, many North Koreans have fled the country, and a large number of North Korean escapees are believed to be staying illegally in China, Russia and other countries. The collection of accurate data on their exact number and individual situations is realistically impossible, since most of them have an unstable legal status and are unable to openly ask for help. The South Korean government announced in October 1999 that the number of North Korean escapees staying in a third country such as China and Russia is estimated to be about 10,000-30,000, among whom about 500 escapees have asked for refugee in South Korean embassies abroad.

However, civilian organizations helping North Korean escapees in China estimate that the total number of escapees may reach 100,000-300,000. Good Friends, a relief organization for escapees, 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 escapees from North Korea are hiding in the three northeastern provinces.

Meanwhile, the US nonprofit organization, United States Committee for Refugees (USCR), announced in its world refugee report released recently that there were about 50,000 North Korean escapees and 100,000 refugees in China.²⁹⁰ In June 2003, the UN High Commissioner for Refugees, Ruud Lubbers, estimated North Korean escapees in China to number as many as 100,000.²⁹¹ One of the data that will help indirectly estimate the overall size of North Korean escapees abroad is the number of "deported escapees." A

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

291) *The Chosun Ilbo*, June 20, 2003.

state-run research institute under the Chinese central government published a report after on-site inspections of border cities along the three northeastern provinces. According to this report, the deported North Korean escapees numbered 589 in 1996, 5,439 in 1997 and 6,300 in 1998. Meanwhile, USCR reported that an increasing number of North Korean escapees were being arrested by the Chinese border units since 1999 and deported back to North Korea, and in spring of 2001 when China tightened the arrest and deportation measures, a total of 6,000 have been arrested in June and July alone.²⁹²⁾ As can be seen above, if the Chinese statistics on North Korean "deportees" totaled 6,000 a year, the South Korean Government's total estimated number of defectors to be about 10,000-30,000 seems to be too conservative. As the North Korean food shortages alleviated as a result of international aid, the number of North Korean defectors may be slowing down, but it would be reasonable to estimate the total number of North Korean defectors abroad to amount to about 100,000. In addition to China, the defectors seem to be attempting to move to all regions wherever Korean communities flourish, including Russia and other CIS countries, Mongol and Southeast Asia. Assisted by civilian organizations, volunteers and activists, they are seeking asylums and safe havens all over the world, including the Southeast Asian Countries, Australia and the United States. But, except for China and Russia, all other countries seem to serve only as transit points for their ultimate destination such as South Korea. In Russia, there are many North Korean lumberjacks and construction workers dispatched by North Korea. And, many of them are fleeing their workplaces for defection out of North Korea's control. In the Russian region, a total of 2,000 defectors are estimated, including the local defectors and those drifting into from China. Some Southeast Asian nations and Mongol are being used as transit points for entry into South Korea, and North Korean defectors in these regions awaiting admission into South Korea are estimated to number about 1,000.²⁹³⁾

292) USCR, World Refugee Survey 2002 North Korea (June 6, 2002)

Most defecting North Koreans cross the border into China via the Yalu River or the Tuman River, and some of them flee from the timber yards or construction sites in Russia. North Koreans choose China for a defection destination, since movements there are relatively easier than in other 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 escapees. They usually spend an extended period of time in North Korea before defecting.

The North Korean defectors staying in other countries are forcibly deported to North Korea if caught by local security agents or North Korean agents operating in the area. Deportations are carried out in accordance with the terms of illegal alien deportation agreements between North Korea and that country. In any event, these defectors are not protected even though they are faced with threats to their most basic right, the right to sustenance. Under these circumstances, the Chang Gil-soo family entered the UNHCR office in Beijing in 2001, demanding to be sent to South Korea. Subsequently, instances of North Korean defectors entering into diplomatic chancelleries, including those in Beijing, and demanding safe passage to South Korea have drastically increased, drawing the sharp attention of the international community. This new trend began after the Chinese authorities started tightening the surveillance over these defectors in China and pressuring the NGOs operating in China that support these refugees. The fundamental problem, however, is that these defectors are frequent targets of criminal elements operating in

293) See Yoon Yeo-sang, "Local Management and Re-education Program for North Korean Defectors Abroad: With Emphasis on Those in Southeast Asia," March 2002, (unpublished) (<http://www.iloveminority.com>)

China, including prostitution networks, in the absence of any effective means of protection such as safe return to North Korea without persecution. Under the South Korean Constitution, North Koreans are defined as citizens of South Korea. However, South Korea is not in a position to actively demand other governments to enforce measures of effective protection due to various realistic political and diplomatic considerations. Still, since the demands for safe passage to South Korea are increasing at South Korean foreign missions, the government is working hard to more pro-actively accommodate these demands.

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

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

Just as North Korea tightened its internal control system, it was also conducting recalls and re-training on its overseas personnel. In the face of the increasing defections of its elites such as the former Party secretary Hwang Jang-yop and the former North Korean ambassador to Egypt, Chang Seung-il, North Korea has quickly recalled home many overseas personnel and their

family for re-training purposes. Already in October 1989, when the socialist bloc was collapsing, North Korea, in the name of the Party Central Committee, had issued instructions to all overseas missions on the recall of overseas workers, researchers, and students.

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

Since September 27, 1997 when a more lenient measure was announced, punishments have been relaxed such that many of the defectors will be detained in the so-called '9.27 relief centers' for a certain period of time and released, except of course for special cases which are handled by security agency or safety agency detention centers. Following the February 13, 1998 measures, border-crossing cases are classified into certain categories; those living along the border will receive lighter penalties, while those from the inner regions of North Korea such as Hwanghae provinces are accused as betrayers of the fatherland and punished as political criminals. But, even in the latter cases, their family members are subjected to lighter punishments than before.

Meanwhile, conferring refugee status on the defecting North Koreans is becoming more complicated and difficult for two reasons: (1) North Korea is relaxing punishment against border-crossing defection in its efforts to reduce the rapidly increasing number of escapees, and (2) it has deleted from its revised constitution the provision on the betrayal against the people and the fatherland (Art. 86 of the old constitution). Broadly, defectors are classified into two categories: those who are clear cases for political punishment upon return and those to be released after simple punishment. However, it is not easy to identify and generalize from the levels of individual punishment. In

other words, since punishments invariably differ according to one's background, regional origin, age, and the duration of stay out of the country, there still exist dangers and threats to a person if forcible deportations are carried out in complete disregard of an individual's wishes. From March of 2000, North Korea launched a special 3-month campaign to search out its defectors in China, tightening search and deportation operations. This was reportedly in preparation for Chairman Kim Jong Il's anticipated visit to China. Therefore, the level of punishment was harsher in China, and less severe inside North Korea. The search was relaxed after June of 2000, in part to encourage the people to appreciate the occasion of the historic inter-Korean summit (of June 13-15, 2000 in Pyongyang). Defector Kim X-hei testified that she was detained at a detention center in Onsung County for the crime of river (border) crossing. But, when Chairman Kim Jong Il's handwritten policy regarding the easing of defector treatment was announced, she was immediately released. This relaxation measure did not last long.²⁹⁴ Since the level of punishment on the defectors varies depending on circumstances, the fear of forcible deportation is still very serious, indeed.

North Korean Defectors Entering South Korea

As of the end of 2003, a total of 4,410 North Korean defectors had entered South Korea. Some of them are deceased and others have moved to foreign countries, with the number of defectors currently living in South Korea at 4,147.²⁹⁵ Since 1994, the number of North Korean defectors entering South Korea has drastically increased. In 2000, 312 defectors came to South Korea, in 2001 a total of 583 arrived, in 2002 a total of 1,139 fled to the South and in 2003, a total of 1,281 defectors entered South Korea.

As the number of defectors increased, so have the types of people in terms of occupations, age, groups and patterns, as well as motivations of defection.

294) Testimony of Kim X-hei during an interview at KINU, November 30, 2002.

295) The Ministry of Unification, Jan. 15, 2004.

Profiles of the defectors entering South Korea in 2003 indicate that 63 percent of them were women, showing an increasing number of defectors are women. Most of them (83.6 percent) were from Hamkyung Province (northeastern region), and their occupations were mostly workers and farmers.

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 shortages and economic hardship.

The reasons for increases in family-unit defections will include (a) the increasing risks due to the tightened Chinese surveillance activities, (b) increases in information about the South Korean society, (c) the economic assistance from the defectors who settled in South Korea, and (d) increasing activities of professional intermediaries and business-type agencies.

Most of the defectors entering South Korea have been staying in China, and the duration of their average stay in China was three years and 10 months in 2003. However, the average for the year 2002 was three years and two months. The difference of duration of stay in China indicates that even if defections were made at about the same period the time and preparations needed to enter into South Korea are taking longer now than before.

As family unit defections increased, the age groups of defectors also began to show an even distribution. There were also cases in which the earlier defectors planned and assisted defection of their families from the North.

Defectors' occupations also show a wide variety. They range from high officials, such as Hwang Jang-yop, diplomats and medical doctors, to soldiers, foreign currency handlers, students, teachers, workers, and peasants. Since 1994 when the former POW, Cho Chang-ho, defected to South Korea, a total of 34 former POWs have successfully returned to South Korea as of 2003, including Chang Moo-hwan, Kim Bok-gi, Park Dong-il, Sohn Jae-sool, Huh

Pan-young, Park Hong-gil, and Chun Yong-il. In addition, three people, Lee Jae-geun, Kim Byung-do and Jin Jung-pal, who were forcibly abducted to North Korea have also defected and returned to the South.

The Background of the Escapes

Despite the efforts of the authorities to stem the tide, defections out of North Korea continue. The reasons may be summarized below:

First, the main reason for defection is economic hardship and food shortages. During earlier stages, defections occurred among the people in the mountainous border regions and among the citizens of cities in North Korea's northeastern regions who were looking for food and daily necessities in the face of shortages. This humanitarian crisis was mitigated as international aid arrived and as the inhabitants sought to survive through peddling activities and other desperate efforts. As a result, simple defections for survival decreased. Instead, people began to defect to make enough money to start small businesses back in North Korea.

Second, because they have been discriminated against in North Korean society based on their personal background, defectors seem to have serious psychological burdens relating to the fear of committing the "crime" of defection and its subsequent impact on their families left in North Korea. However, North Korean authorities came under pressure from the international community, and as defections rapidly increased, they became more lenient in terms of punishment. Consequently "re defections" have become more commonplace. In the early stages, North Korea treated defectors as political prisoners and put them in political prison camps and forcibly moved their families to "controlled areas." As the number of defectors increased, however, North Korea began to dispense different punishments for different reasons, depending on the duration of defection, motivation, and so on. Usually, upon forcible deportation from the Chinese border to North Korea's Social Safety Agency (currently People's Security Agency), defectors would be interrogated

about whether they came in contact with South Koreans or Christians, whether they tried to enter into South Korea, or whether they were involved in human trafficking schemes. If the defectors were found to have committed these crimes, they would be punished as political prisoners. But, other “simple stowaways” would be transferred to collection centers, and handed over to a county Social Safety agent from their hometown People’s Security Agency. They would be released after six months of “labor re education” at “Labor Training” units.²⁹⁶⁾

Third, there are many cases in which the defectors could not endure life in North Korea after they had a chance to experience life in North Korea and life outside North Korea. Even though the punishment for defection (“river crossing”) was relaxed, they would decide to defect from North Korea again due to humiliating experiences such as body searches and beatings. However briefly, they had better living experiences in China, so they were unable to withstand the unsanitary conditions and poor nutrition during the period of punishment back in North Korea. In the process of deportation, the experiences of these defectors are also relayed to other returning defectors for re defection. The arrested North Korean defectors are returned through the Chinese border patrol units to the North Korean border collection centers and “labor re training” units. While undergoing interrogations and punishment, information concerning re defection is conveyed through words of mouth among the inmates.

Fourth, North Koreans were able to take advantage of “border crossing”

296) Most of the beatings on the defectors are inflicted by the “fellow inmates” in the detention centers, and not by the Security or Safety agents. One women defector was severely beaten at night because she did not answer fully during the interrogations. The agents woke up all the inmates in the same cell at night, and conducted a “collective interrogation.” Subsequently, the inmates beat her for several hours until she was extensively bruised and bleeding, because she interrupted their sleep at night. - Testimony of a defector during an interview at KINU, May 17, 2003.

as a new survival method. The reason for success of this method owes much to the support and protection extended by the Korean communities in China's three northeastern (Manchurian) provinces. The Korean community in China is very strong in ethnic cohesiveness and Korean tradition. In addition, during the infamous Chinese Cultural Revolution, they are known to have received considerable assistance and support from the North Koreans. So, during the early stage of food shortages, the Korean Chinese played the role of protector of North Korean escapees individually or in groups, and behind these efforts was indirectly supported by South Korean individuals and religious organizations.²⁹⁷⁾ As the defection phenomenon continued, various problems involving the escapees such as larceny, robbery, murder and human trafficking were inevitable. The pressures coming from the Chinese central government to enforce strict punishment on North Korean escapees began to mount, and protection efforts were seriously hampered.

Fifth, the North Korean escapees were able to render low wage services on Chinese farmlands, where manpower was insufficient. North Korean men could work as seasonal workers, and women could become marriage partners to Chinese Koreans or Korean men, or work at restaurants or bars, low wage nurses, or maids. People who employ them could be punished for illegally hiring them. But, the reality was that they were able to take advantage of the escapees' unstable legal status and hire them at lowest possible wages.

Sixth, in the case of fleeing North Korean women, many of them maintain a marriage in fact relationship with local men (a common-law marriage), give birth to children and raise the children in China. Even though they

297) The South Korean Christian groups and others who were engaged in underground religious and protective activities for North Korean defectors were able to expand the scope of their activities because their projects were based on the support and assistance of local Chinese Koreans. Some South Korean groups even attempted to establish local businesses to help carry out social welfare projects for Chinese Koreans and North Korean defector protection projects.

married involuntarily and for practical reasons, they maintain their de facto marriage for extended periods of time and raise children and family in China. This factor also plays into the issue of deportation and re-defection. In order to prevent their re-defection, North Korean authorities examine defecting women upon their deportation back to North Korea to see if they have become pregnant while in defection. If so, they undergo forced abortions before being sent back to their hometowns.

Seventh, another major reason for defection is South Korea's policy of protecting and resettling defectors in South Korea. In accordance with the 1997 "Law concerning Protection and Resettlement of North Korean Defectors," the South Korean Government has been upholding the principle of protecting all North Korean defectors who ask for protection at its foreign missions and elsewhere, except for those involved in "crimes against humanity" or other serious non-political crimes. Once North Korean defectors are brought into South Korea, the government will provide them with a settlement allowance (about \$25,000 per one-person family), rental allowance, education opportunities, basic life safety net benefits (about \$450 per one-person family), medical insurance, re-training for social adjustment, job training and job opportunities. These defector protection policies became known to potential defectors through Korean Broadcasting System (Radio/TV), and other media, as well as through South Korean businessmen and other individuals. These benefits are major considerations for defecting North Koreans who come to South Korea. In the early stage of mass defections, North Koreans were loath to come to South Korea based on fear, prejudice and incorrect information they had been told about South Korea. However, watching many Chinese-Koreans attempting to enter into South Korea, even illegally in many cases, they came to regard South Korea as a land of new opportunities and made attempts to apply. Knowing the generous allowances and benefits defectors will enjoy once in South Korea, illegal organized criminals are operating rings that attempt to smuggle defectors into South

Korea in return for their settlement allowances.

Finally, as we can be concluded from the rapid increase in family unit defections, those defectors who do come to South Korea utilize their settlement allowances to arrange for other members of their families and relatives to move across the borders, and in many cases they are successful. The defectors who are already in South Korea wish to know the status of other members of their family, whether in China or North Korea. Since travels and a variety of means of communication are available between Korea and China, the defectors in South Korea constantly attempt to bring their families to safety. The Korea Institute for National Unification (KINU) conducted a survey of 2,510 defectors who came to South Korea since 1993. Most (90.1 percent) out of 780 respondents indicated their willingness to spend their income, including the settlement allowances and other assets, to bring their families inform the North into South Korea.²⁹⁸⁾ Some defectors more actively seek ways to bring their family member into South Korea, some travel to China, or even to North Korea itself to find ways to bring their families to the South.

The Human Rights Situation of North Korean Defectors in China

Most of defectors in China live and hide with relatives in the three northeastern provinces (Liaoning, Qilin, Heilungjiang) while they engage in odd jobs and assist farmers. A small number of these people eventually escape to Southeast Asia. China shares a border with North Korea along the Yalu River and the Tumen River. Living along its North Korean border are large numbers of Korean Chinese. As many North Koreans crossed the border to

298) See Lee Keum Soon, et.al., *A Study on the Reality of Adjustment of North Korean Defectors in South Korea* (Seoul: KINU, 2003).

ask their relatives for food and/or help with defection, others without relations in the area also began to jump borders. However, since China began to impose border intrusion penalties (as per the revised penal code of October 1997) on people assisting defections, and as internal security has tightened inside China, it has become much more difficult for the defecting North Koreans to hide, disguise, and/or conceal themselves. This has added to the already unsafe personal security situation, and possibilities of human rights violations have increased. In the effort to avoid forcible deportation and to obtain resident IDs that will permit legal stays in China, defecting North Koreans will try to purchase the permits, and in the process they often fall prey to human trade (slave trade) rings and harsh labor.

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

Human trade involving defecting North Korean women initially took the form of arranged marriages with young men from Chinese farm villages. It has now become a social problem as the organized crimes and prostitution rings got involved in the practice. As these heinous crimes were reported in the South Korean news media and elsewhere, China and North Korea began to strengthen measures against them, and since October 1997, China has begun to impose heavy penalties under the border intrusion laws on perpetrators of human trade. In June 1998, a women's association leader at Ando county interviewed a North Korean woman married to a Chinese man under the

pretext of offering a resident ID. Subsequently, the woman was forcibly deported to North Korea. On another occasion, a woman crossing the river was shot on site along the banks of the 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 escapees make up 75.5 percent of the total number of North Korean escapees. Especially in the three northeastern provinces, the figure reaches 90.9 percent. Some 51.9 percent of female escapees are married to Chinese, but the figure reaches 85.4 percent in the three northeastern provinces except the Yianbian area. Female escapees, who make up the majority of all escapees, 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 escapees in China because they are usually brides who have been bought from slave traders or arranged marriages. Female escapees being traded are subject to abuses such as confinement, sexual assault, violence, unwanted pregnancies, and forced prostitution.²⁹⁹⁾ 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 escapees 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

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

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 for North Korean Human Rights announced that 150 North Korean defectors were arrested by Chinese security officers in Tung-hwa City, Jilin Province, and deported to North Korea. Regarding this report, the Jilin Province security authorities responded on December 16 that they have deported 20 North Koreans, and over a period they have returned to North Korea about 100 people, including the 20 mentioned previously. However, the Chinese announcement said, they came to China because they were hungry and not because of political motivations. Defectors Kim X-won and Choi X-joo, who came to South Korea in 1997, said their second son, Kim X-chul, went missing while they were hiding in China. After they were admitted into South Korea, they requested the International Committee of the Red Cross to confirm the whereabouts of their son, Kim X-chul. Subsequently, the Chinese Red Cross informed them that Kim X-chul was handed over to a North Korean security agency along the border at Dandung City in late 1997.

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

from December 1998 to April 1999.

The USCR reported that at least 6,000 North Koreans were forcibly deported to the North every year, including 15,000 in June of 2000. China has concluded a defector deportation agreement with North Korea in 1987, but since 1999 it regarded them not as refugees but as food-seeking floaters. Recently, the Chinese Deputy Foreign Minister, Wang Gwang-ya, made it clear that North Korean defectors in China are simple economic re-settlers and that China could not accord them with the refugee status.

Article 33 of the 1951 Convention prohibits the extradition and forcible expulsion of refugees as follows: "No contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." Since 1982 China is a signatory to both the Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees, but it does not yet recognize the status of North Koreans who have defected to China for fear of political persecution as refugees.

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

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

During 2002, an increasing number of defectors, supported by meticulous planning of NGOs in China, intruded into foreign missions in China and demanded safe passage to South Korea. Twenty-five North Koreans entered the Spanish Embassy on March 14, 2002, and they were brought to South Korea via a third country (the Philippines) to which China expelled them. As the security around foreign missions in Beijing was tightened, defectors tried to enter into the Japanese and American consulates general in Shenyang. Five defectors who tried to break into the Japanese Embassy in Beijing were blocked and arrested by the Chinese security agents. The scuffling scene was vividly broadcast on Western media, touching off a diplomatic row between Japan and China. Thus, the North Korean defector issue came to draw serious international concern. On June 9, 2002, three defectors including a pregnant woman entered the South Korean Embassy in Beijing, demanding safe passage to South Korea. On June 13, an incident occurred when one Chinese security agent struck a South Korean diplomat in the process of blocking and arresting the defectors who were trying to enter the embassy compound. There were other successful cases involving defection to the Albanian Embassy and a Germany school. On August 26, seven defectors entered the Chinese Foreign Ministry building, demanded recognition of their refugee status, but instead were arrested. So, when the foreign missions in China are used as the defectors' conduit for entry into South Korea, China has significantly beefed up the security around foreign missions there.³⁰⁰As a result, more defectors are attempting to enter into Korean Consulates, where they undergo a set of investigations, and eventually come to South Korea via a third country to which China has expelled them. As a result of these attempts, the Consulate

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

Division of Korean Embassy in Beijing at one point had to temporarily close down normal consular business.

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

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

Chinese authorities are closely cooperating with North Korea for the deportation of defectors to prevent social disorder inside China stemming from theft, human trade, murder, and smuggling. It can be assumed that the possibility of individual persecution on political grounds has been reduced since North Korea began relaxing punishment on forcible deportations.

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

<Appendix I>

List of Abductees and Detainees in North Korea

1. ROK Kidnapees and Detainees in North Korea

	Total	Fishermen	Crew of KAL	Navy personnel	Others
Kidnapees	3,790	3,692	51	22	25
Detainees	486	435	12	22	17

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

2. ROK Fishermen Kidnapped and Detained in North Korea

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

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

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

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

Dec. 25, 1971	Hwang Yung Cheon, Kang Heung Gi, Kim Bong Sik
Feb. 4, 1972	Bae Hyun Ho, Choi Bu Yung, Chun Seung Cheol, Dong Byung Sun, Gong Sun Gyung, Jung Dong Bae, Jung Tae Gap, Kim Cheol Ju, Kim Dal Yung, Kim Dong Sik, Kim Du Seon, Kim Hwi Nam, Kim Il Bong, Kim Im Kwon, Kim Kye Heung, Kim Seok Man, Kim So Ung, Lee Heung Sup, Lee Pyung Il, Lee Sang Rok, Park Bok Man, Park Dal Mo, Park Jang Hyun, Park Sang Guk, Shin Tae Yong, Wi Chun Hwan
May 4, 1972	Kang Yeo Jin
May 12, 1972	Kim Sun Sik
June 9, 1972	Bae Min Ho, Bang Seung Do, Choi Seong Hyun, Kim Jeong Gil, Lee Su Seok, Lee Won Jae, Lim Chang Gyu, Nam Jeong Yeol, Nam Mu Su
Aug. 14, 1972	Kim Yung Sik, Song Rae Gyu
Aug. 21, 1972	Kim Dae Bong, Lee Seok Ryong
Dec. 28, 1972	An Su Yung, Choi Yung Geun, Jung Do Pyung, Jung Geon Mok, Jung Hyung Rae, Kang So Dong, Kim Cheon Gu, Kim Eui Jun, Kim Il Man, Kim Jong Won, Kim Ok Ryul, Kim Tae Jun, Kim Yong Cheol, Lee Gong Hi, Lee Jae Myung, Park Du Hyun, Park Du Nam, Park Yang Su, Park Yong Gap, Park Yung Jong, Park Yung Seok, Seo Seok Gi, Seo Yung Gu, Yu Kyung Chun
July 27, 1973	Cho In Woo, Cho Sun Rae, Kim Sun Nam, Kim Yung Hi, Na Ki Yong, Seo Deuk Su
Feb. 15, 1974	An Byung Jin, Baek Heung Seon, Choi Bok Yeol, Choi Yung Cheol, Jang Yung Hwan, Jung Jong Yun, Jung Yu Seok, Kim Hyun Nam, Kim Jae Bong, Kim Jong Kwan, Kim Jung Sik, Kim Keun Sik, Kim Seng Rim, Kim Wol Geun, Kim Yong Geon, Kim Yong Gi, Kim Yong Gil, Ki No Seok, Ko Kwang Hi, Lee Cheon Seok, Lee Dae Hong, Lee Seong Yong, Lim Tae Hwan, Park Jong Ju, Park Kyung Won, Park Nam Ju, Song Min Gyung, Yu Yong Seok
Aug. 8, 1975	Kim Du Ik
May 10, 1977	Choi Jang Geun
Jan. 26, 1980	Kim Hwan Yong
Jan. 15, 1987	Choi Jong Seok, Chu Yung Su, Jin Yung Oh, Jung Il Nam, Kang Hi Keun, Kim Sang Sup, Kim Sun Keun, Kim Yung Hyun, Lim Kuk Jae, No Seong Ho, Park Kwang Hyun, Yang Yong Sik

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

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

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

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