

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/world-report/2011/country-chapters/north-korea>

### Annual reports

Events of 2010

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The Misuse of Dialogue and Cooperation with Rights Abusers

Protecting Students, Teachers, and Schools from Attack

The Changing Media Landscape and NGOs

Despite lip service to human rights in its constitution, conditions in the Democratic People's Republic of Korea (North Korea) remain dire. There is no organized political opposition, free media, functioning civil society, or religious freedom. Arbitrary arrest, detention, lack of due process, and torture and ill-treatment of detainees remain serious and endemic problems. North Korea also practices collective punishment for various anti-state offenses, for which it enslaves hundreds of thousands of citizens in prison camps, including children. The government periodically publicly executes citizens for stealing state property, hoarding food, and other "anti-socialist" crimes.

Vitit Muntarbhorn, then-United Nations special rapporteur on human rights in North Korea, wrote in his final report in February 2010 that the country's human rights situation "can be described as sui generis [in its own category], given the multiple particularities and anomalies that abound." He added that, "simply put, there are many instances of human rights violations which are both harrowing and horrific."

Inter-Korea relations plunged after 46 South Korean sailors died when their warship, the *Cheonan*, sank in March 2010. A South Korea-led team that included investigators from the United States, the United Kingdom, Australia, and Sweden blamed North Korea for the attack. In July the UN Security Council adopted a statement condemning the attack. However, North Korea's strongest ally, China, declined to name North Korea as the party responsible, and shielded it from significant Security Council action.

A campaign for a UN commission of inquiry on North Korea gained momentum in 2010, with a growing number of international and South Korea-based human rights organizations pressing governments to support the initiative.

Reports of deaths from starvation surfaced in the months following North Korea's ineptly managed monetary devaluation scheme, which effectively demonetized savings in the old currency in November 2009. North Korea abolished its old bank notes with virtually no advance notice and only allowed North Koreans to exchange up to 100,000 won (approximately US\$25 to US\$30 according to the then-market exchange rate) of the old currency for the new bills. Authorities also banned the use of foreign currencies and closed markets. It later lifted those bans.

Many people saw their entire private savings wiped out overnight, while prices for food and other basic commodities skyrocketed as merchants stopped selling goods in expectation of further price hikes.

South Korea-based NGOs and media with informants inside North Korea reported on new hunger-related deaths, especially among vulnerable groups. North Korea reportedly executed Pak Nam Ki, the former finance minister who implemented the currency

reevaluation, accusing him of being a South Korean spy intent on wrecking the economy. Although several international humanitarian agencies continued to deliver food and services, they have continued to have difficulty confirming delivery to the most needy.

Testimony from escaped North Koreans indicates that persons arrested on criminal charges often face torture by officials aiming to enforce obedience and to extract bribes and information. Common forms of torture include sleep deprivation, beatings with iron rods or sticks, kicking and slapping, and enforced sitting or standing for hours. Detainees are subject to so-called "pigeon torture," in which they are forced to cross their arms behind their back, are handcuffed, hung in the air tied to a pole, and beaten with a club. Guards also rape female detainees.

North Korea's Criminal Code stipulates that the death penalty can only be applied to a few crimes, such as "crimes against the state" and "crimes against the people," although at least one scholar believes a December 2007 law extended the penalty to many more. In reality, North Koreans are executed for a wide range of crimes, including vaguely defined non-violent offenses.

Testimony from escapees has established that persons accused of political offenses are usually sent to a forced labor camp, known as *gwolliso*.

The government practices collective punishment, which results in an offender's parents, spouse, children, and even grandchildren also being sent to a forced labor camp. These camps are notorious for abysmal living conditions and abuse, including severe food shortages, little or no medical care, lack of proper housing and clothes, mistreatment and torture by guards, and executions. Death rates in these camps are very high.

North Korea has never acknowledged these camps exist, but US and South Korean officials estimate some 200,000 people may be imprisoned in these facilities, which include No. 14 in Kaechun, No. 15 in Yodok, No. 16 in Hwasung, No. 22 in Hoeryung, and No. 25 in Chungjin.

North Korea criminalizes leaving the country without state permission. Those who leave face grave punishment upon repatriation such as lengthy terms in horrendous detention facilities or forced labor camps with chronic food and medicine shortages, harsh working conditions, and mistreatment and torture by camp guards. Some are even executed, depending on their offense and who they met abroad.

Most North Koreans who leave do so across the country's northern border with China. Hundreds of thousands have fled since the 1990s, and some have settled in China's Yanbian Korean Autonomous Prefecture. Beijing categorically labels North Koreans in China "illegal" economic migrants and routinely repatriates them, despite its obligation to offer protection to refugees under both customary international law and the Refugee Convention of 1951 and its 1967 protocol, to which China is a party.

Many North Korean women in China live with local men in de facto marriages. Even if they have lived there for years, they are not entitled to legal residence and face arrest and repatriation. Some North Korean women and girls are trafficked into marriage or prostitution in China. Many children of such unrecognized marriages are forced to live without a legal identity or access to elementary education in order to avoid their mothers being identified and repatriated.

North Korea's judiciary is neither transparent nor independent. All personnel involved in the judiciary, including judges, prosecutors, lawyers, court clerks, and jury members are appointed and tightly controlled by the ruling Workers' Party of Korea. In cases designated as political crimes, suspects are not even sent through a nominal judicial process; after interrogation they are either executed or sent to a forced labor camp with their entire families.

The ruling Korean Workers' Party firmly controls the only authorized trade union organization, the General Federation of Trade Unions of Korea. South Korean companies employ some 44,000 North Korean workers in the Kaesong Industrial Complex (KIC), where the law governing working conditions falls far short of international standards on freedom of association, the right to collective bargaining, and gender discrimination and sexual harassment.

The government uses fear-generated mainly by threats of forced labor and public executions-to prevent dissent, and imposes harsh restrictions on freedom of information, association, assembly, and travel.

North Korea operates a vast network of informants to monitor and punish persons for subversive behavior. All media and publications are state-controlled, and unauthorized access to non-state radio or TV broadcasts is severely punished. The government periodically investigates the "political background" of its citizens to assess their loyalty to the ruling party, and forces Pyongyang residents who fail such assessments to leave the capital.

The UN Human Rights Council reviewed North Korea's human rights record at a Universal Periodic Review session in December 2009. North Korea failed to formally state whether it accepts any of the 167 recommendations that it took under advisement from that session. The same month the UN General Assembly adopted a resolution against North Korea for the fifth straight year, citing member states' serious concerns about continuing reports of "systemic, widespread, and grave violations of civil, political, economic, social, and cultural rights." In April 2010 the council adopted a resolution against North Korea for the third year for abysmal, systematic human rights violations.

In July 2010 the European Parliament adopted a resolution calling for the European Union to sponsor a resolution to establish a UN commission of inquiry to assess past and present human rights violations in North Korea.

The Six-Party talks on denuclearizing the Korean peninsula remain stymied. Citing the attack on the *Cheonan*, the US announced new sanctions targeting Office 39, a secretive Korean Workers' Party organization known to raise foreign currency for the party. North Korea jailed Aijalon Mahli Gomes, a US citizen who crossed the border, on charges of illegal entry and other unspecified crimes. Former US President Jimmy Carter secured Gomes' release in August 2010.

North Korean leader Kim Jong Il visited Chinese leaders in Beijing in May and August 2010 to discuss economic and other cooperation schemes. Observers speculate the trips were tied to building support for a future transfer of power from Kim to his third son, Kim Jong

Un.

North Korea's relations with Japan remained frosty, largely due to a dispute over abductees. North Korea admitted in 2002 that its agents had abducted 13 Japanese citizens in the 1970s and 1980s to use them for training North Korean spies. It returned five to Japan, but claimed the other eight had died. Japan insists the number of abductees is higher. No legal means of immigration between the two countries exists; of the nearly 100,000 migrants from Japan to North Korea between 1959 and 1984, only 200 have been able to return to Japan by escaping clandestinely.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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