

NKHR Briefing Report No. 2

SURVIVAL UNDER TORTURE

Briefing Report on the Situation of Torture in the DPRK

Citizens' Alliance for North Korean Human Rights

Citizens' Alliance for North Korean Human Rights (NKHR), since its establishment in 1996 as Citizens' Alliance to Help North Korean Political Prisoners, aims to protect the lives of North Koreans and to defend their human rights. As one of the oldest non-governmental, non-profit organisations in South Korea devoted to informing people about the human rights atrocities in North Korea and assisting in the adjustment and education of North Korean refugees settled in South Korea, our ultimate goal is to create a peaceful environment for a harmonious North-South reunification and a democratic national community.

NKHR endeavours to accomplish these goals by:

- * Proposing international organisations condemn human rights violations in North Korea, particularly with respect to the forced labour of political prisoners and extrajudicial killings
- * Collecting and publicising facts and other information on the current North Korean human rights situation, particularly regarding political prison camps
- * Protecting the lives and human rights of North Korean refugees
- * Assisting North Korean defectors living in South Korea with a focus on youth education
- * Coordinating efforts with other human rights organisations to fulfill the aforementioned programmes

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September 2009

Acronyms

CAT	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	United Nations Convention on the Elimination of All Forms of Discrimination against Women
CRC	United Nations Convention on the Rights of the Child
DC	Detention Centre [<i>Jipgyeolso</i>]
DPRK	Democratic People's Republic of Korea
HRC	United Nations Human Rights Council
HRCee	United Nations Human Rights Committee
HRCion	United Nations Commission on Human Rights
HSA	Headquarter of Security Agency [<i>Bowi-saryeongbu</i>]
ICCPR	International Covenant on Civil and Political Rights
KWP	Korean Worker's Party [<i>Joseon Rodongdang</i>]
LPLC	Long-term Prison Labour Camp [<i>Gyohwaso</i>]
LRF	Labour Re-education Facility [<i>Rodong-danryeondae</i>]
NGO	Non-Governmental Organisation
NKHR	Citizens' Alliance for North Korean Human Rights
NSA	National Security Agency [<i>Gukga-anjeon-bowibu</i>]
OHCHR	Office of the High Commissioner for Human Rights
PPC	Political Penal-labour Colony [<i>Gwalliso</i>]
PSA	People's Safety Agency [<i>Inmin-boanseong</i>]
SARS	Severe Acute Respiratory Syndrome
SOCF	Street Orphan Concentration Facility [<i>Kotjebi Suyongsol</i>]
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

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Executive Summary

Citizens' Alliance for North Korean Human Rights (NKHR) conducted two research projects to analyse the situation of torture and causes of either improving or worsening human rights situation in the Democratic People's Republic of Korea (DPRK) from 1993 to 2008.

This report focuses on the following three objectives: first, it analyses how North Korean refugees had been tortured during the process of interrogation by the National Security Agency (NSA, *Gukga-angeon-bowibu*) and the People's Safety Agency (PSA, *Inmin-boanseong*, known as the Social Safety Agency until 2000) in detention facilities from 1993 to 2008 and estimates whether there has been actual improvement of human rights in the DPRK; second, according to the information accumulated through the NKHR's researches, it explains the duty of the DPRK to prohibit torture under international and domestic laws; third, it presents a few recommendations to the North Korean authorities and proposals to the United Nations and the UN Special Rapporteurs for better protection of human rights in the DPRK.

With regard to the changing patterns of torture, until 1999, it had been a rule to resort to torture in the process of investigation of crimes, for both ordinary crimes and otherwise, including escaping from North Korea. Most testimonies of North Korean refugees coherently reveal that the process of investigation at the NSA or the PSA depended mostly on torture and arbitrarily prolonged detention periods. In fact, the Criminal Code was totally ignored, and investigators were

obsessed with the idea of extracting confessions from suspects. As the number of refugees and international concerns increased enormously after the 1990s, a series of policies seemed to have been adopted to investigate and punish them systematically. Meanwhile, since 2000, the inhuman treatment of women has drastically increased.

Even though testimonies conflict about whether or not the punishment on those who were forcibly repatriated from other countries was ameliorated, it seems that pressure from the international society began to take effect to some extent at the end of 2002. In spite of the increasing concern in the international society, the North Korean authorities denied the very existence of human rights violations, did not show any will to correct the inappropriate practices, and demonstrated complete rejection of the recommendations and resolutions from the United Nations.

On the other hand, although the DPRK emphasised a stubborn attitude toward any international community's attempt to comment on its own system, it revised the Criminal Code and the Criminal Procedure Code in April and May of 2004, and partially amended both in July of 2005. The revised Procedure Code contains the protection of human rights, such as shortened periods of detention during prosecution and trial, arrest by warrant, prohibition of collecting evidence by forced or entrapped confessions, etc., which were not included in preceding Code. Nevertheless, instances of cruel, inhuman, and degrading treatment are still reported.

As the DPRK became a state party to the International Covenant on Civil and Political Rights (ICCPR), it is required to avoid practicing torture and ensure the individual's right to a fair trial. The Universal Declaration of Human Rights (UDHR) also upholds the right of the individual to life, liberty and security as the cornerstone of the Declaration and the most fundamental rights that are essential for the enjoyment of all other rights.

Let alone its responsibility as a party to the ICCPR, the DPRK cannot be immune from the duty to prohibit torture. The right not to be subjected to torture is considered as *jus cogens* in the international society regardless of whether or not a country is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Furthermore, the DPRK is to be reminded of the provisions of its Criminal Code and Criminal Procedure Code to prohibit torture and protect the rights of the accused.

NKHR welcomes the aforementioned revision and amendment of the relevant legal tools with respect to the recommendations of the United Nations and non-governmental organisations, and calls forth its attention to the provisions on torture prohibition and fair trial in the revised domestic laws, UDHR, and ICCPR. NKHR also recommends the DPRK to bolster the rule of law in order to protect its own people.

I Introduction

1. Purpose of Research

This report focuses on the following three objectives: first and foremost, it analyses how North Korean refugees had been tortured during the process of interrogation by the National Security Agency (NSA, *Gukga-angeon-bowibu*) and the People's Safety Agency (PSA, *Inmin -boanseong*, known as the Social Safety Agency until 2000) in detention facilities from 1993 to 2008 and estimates whether there has been actual improvement in the human rights situation in the Democratic People's Republic of Korea (DPRK); secondly, according to the information gathered through the research by Citizens' Alliance for North Korean Human Rights (NKHR), it explains the duty of the DPRK to prohibit torture under international and domestic laws; thirdly, it presents several recommendations to North Korean authorities and proposals to the United Nations and the UN Special Rapporteurs for better protection of human rights in the DPRK.

2. Method of Research

NKHR conducted two research projects of North Korean refugees to analyse the situation of torture and causes of either improving or worsening human rights situation in the DPRK from 1993 to 2008. In the first research, NKHR interviewed 20 North Korean refugees (9 males and 11 females) who were incarcerated in various detention facilities from 1993 to 2005 and had escaped from the DPRK between 2000 and 2005. From the research, the report “North Korea: Republic of Torture” was published in 2007.¹⁾ The focus of the first report was on how these refugees had been tortured during the process of interrogation by the NSA and the PSA. In the second research, 15 North Korean refugees (7 males and 8 females) were interviewed on their experiences of being incarcerated between 2004 and 2008 and researched whether the revised Criminal Code and Criminal Procedure Code have been implemented in the DPRK.

The research was performed on the basis of one-to-one and face-to-face interviewing. In addition, so as not to be too much involved in dealing with matters not directly related to their torture experiences such as living in the DPRK, the motives of escaping from the country and living in the third countries (mostly in China), a quasi-schematized interviewing method was adopted using a list of questions that could be flexibly reorganised.

3. Target Areas and Time Period

The North Korean refugees had been incarcerated by various organisations and for various periods as shown in the following table:

¹ Young-Hwan Lee, North Korea: Republic of Torture (Seoul: Citizens’ Alliance for North Korean Human Rights, 2007).

| Table 1 | Target Areas and Period of Research

	National Security Agency	People's Safety Agency	Detention Centre	Labour Re-education Facility
North Hamgyong Province	<p>Onsong Sep. 1998 ~ Dec.1998 Jun. 2000 ~ Jul. 2000 Oct.2001~Nov.2001 Feb.2002 Jun. 2002 Nov. 2002 ~ Dec. 2002 Apr. 2003 ~ May 2003 Nov. 2003 Jan.2004~Feb.2005 Jul.2005~Aug.2005 Oct.2005 Dec.2005 Jun.2007 ~Oct.2007 Mar.2008</p> <p>Hoeryong Jul. 1999 ~ Mar. 2000 Jun. 2002 ~ Nov. 2002 Jan.2003~Apr.2003 Apr 2004 ~ May 2004 Dec.2004~Jan.2005 Jul.2006~Aug.2006</p> <p>Musan Nov. 1999 ~ Jul. 2000 Jul.2002 Apr.2003 Nov.2003 Dec.2005 Feb.2006~Apr.2006 Jul.2006</p> <p>Kyongsong Dec. 2002 ~ Feb. 2003</p> <p>Orang Sep.2004~Oct.2004</p>	<p>Onsong Aug.2002 Apr.2005~Aug.2005</p> <p>Hoeryong Jan.2004~Jun.2004 Dec.2004 Aug.2005</p> <p>Musan May. 1997 ~ Aug.1997 May.2002 Jul.2002 Apr.2003 Jul. 2003 Nov.2003 May.2005~Nov.2006</p> <p>Chongjin Oct.2005</p> <p>Myongchon Jan.2006</p>	<p>Chongjin Jul. 2000 ~ Aug. 2000 Apr.2002~May.2002 Jul.2002~Aug.2002 Apr.2003 Nov.2003 Jul.2004~Sep.2004 Dec.2004 Aug.2005~Dec.2005 Jul.2006 Oct.2007 Dec.2007~May.2008</p>	<p>Onsong Mar. 2002~Apr.2002 Apr.2003~Jun.2003 Jun.2004~Jul.2004 Oct.2007~Dec.2007 Mar.2008</p> <p>Hoeryong Aug.2006~Jan.2007</p> <p>Musan Aug. 1999 Jul. 2000 Apr.2003~Sep.2003</p>
South Hamgyong Province		Hamju May 1993		
South Pyongan Province	Pyongsong Jan.2004~Feb.2005			
North Pyongan Province	Shinuiju Oct. 1998 ~ Dec. 1998 Aug. 1999 Apr. 2000 ~ May 2000 Dec. 2000 Jul. 2001 ~ Aug. 2001 Oct. 2003 ~ Dec. 2003 Jan.2004 Apr. 2004		Shinuiju Aug. 1999 Jul. 2000 Jan.2006~Feb.2006	
Pyongyang	Jul. 2000~Oct. 2000			

II North Korea's Duty to Prohibit Torture and Related Criminal Procedure

1. Provisions on Prohibition of Torture in International and DPRK Laws

1) International Laws

Article 3 of the Universal Declaration of Human Rights (UDHR) upholds the right to life, liberty and security of person as the cornerstone of the Declaration and the most fundamental rights that are essential to the enjoyment of all other rights. The principle of torture prohibition and the right to fair trial are stipulated from Article 4 to 11.

The DPRK became a state party to the International Covenant on Civil and Political Rights (ICCPR) in 1981 and has duty to conform to the Covenant. ICCPR stipulates the principle of torture prohibition and the right to fair trial from Article 6 to 16.

Let alone its responsibility as a party to the ICCPR, the DPRK cannot be immune from the duty to prohibit torture. The right not to be subjected to torture is considered as *jus cogens* in the international society regardless of whether or not a country is a party to the UN Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

2) DPRK Laws

From the recommendations of the United Nations and non-governmental organisations (NGOs), the DPRK revised the Criminal Code²⁾ and the Criminal Procedure Code³⁾ in 2004 and partially amended both in 2005.⁴⁾ NKHR welcomes the revision of the DPRK's domestic laws, calls forth its attention to the provisions on torture prohibition and fair trial in the revised laws, and focuses whether it carries out the rule of law to protect its own people.

Article 4 of the revised Criminal Procedure Code of the DPRK provides, "The state shall guarantee scientific objectivity, prudence and fairness in dealing with criminal cases." Article 5 stipulates, "The state shall thoroughly protect human rights in handling criminal cases." Article 8 asserts that the principles and methods provided in the law shall be observed in treating and processing criminal cases.

In regard to the specific provisions on the investigation of the accused, Article 163 provides that investigation shall be conducted between 8:00 and 20:00. While investigation in other time may be allowed for exceptional cases, the supervision by a prosecutor is required.

To prevent torture in the process of investigation, Article 167 prohibits forced interrogation by providing that the Pretrial Board (*Yeshimwon*) shall not force the accused to testify against himself/herself or to confess guilt. Article 169 provides the duty of the Pretrial Board to notify the accused of his/her rights after identifying him/her. The rights of the accused listed in Article 170 includes: Firstly, the accused may offer his/her opinion if he/she does not approve of the charges described in the criminal investigation record; Secondly, the accused himself/herself may present counter proof or demand an intensified investigation, if he/she does not agree with the Pretrial Board; Thirdly, the accused may demand the replacement of personnel, including the member of the Pretrial Board. Fourthly, the accused himself/herself may fill in the investigation record or demand the revision or deletion or addition of a certain part of the record; Fifthly, the accused may appeal to the prosecutor when he/she thinks his/her rights are transgressed.

In this regard, the DPRK should prohibit torture and protect the rights of the accused as provided in its Criminal Code and Criminal Procedure Code.

2 The 6th Revised Criminal Code of the DPRK (29 April, 2004).

3 The 9th Revised Criminal Procedure Code of the DPRK (6 May, 2004).

4 The 8th Partial Amendment of Criminal Code and the 10th Partial Amendment of Criminal Procedure Code of the DPRK (26 July, 2005).

2. Criminal Procedures and Responsible Organisations

The Criminal Procedure Code of the DPRK shows five stages of judicial process: Investigation, pretrial examination, prosecution, trial, and execution. Investigator of relevant organisation or the prosecutor, if needed, conducts investigation (Article 10). Pretrial examination is performed by the investigators of either the PSA or the prosecutor's office or the NSA or agencies of the Ministry of the People's Armed Forces (Article 11). Prosecution is under the jurisdiction of the prosecutor (Article 12), trial the court, and the decision of execution the court (Article 13). The prosecutor is responsible for the supervision of investigation, pretrial examination, and trial (Article 14).

Investigation in a broad sense comprehends investigation, pretrial examination, and prosecution. It is under the jurisdiction of the PSA, the Prosecutor's Office, the NSA, and the Ministry of the People's Armed Forces. The PSA is in charge of non-political crimes, the NSA political crimes, the Ministry of the People's Armed Forces crimes of military personnel, and the Prosecutor's Office any crime committed in the judicial process.

III

Until 2003: Changed Patterns of Torture

NKHR has been accumulating and analysing data for the past 15 years, from 1993 to 2008, on North Korea's use of torture. In this period, there have been notable changes and it is estimated that these changes are the result of the international society effectively monitoring and demanding the improvement of human rights.

1. Before 1999: Presumption of Culpability and Total Dependence on Torture

The situation of torture in the DPRK became known to the international community by Amnesty

International and various intermittent reports in the late 1970s. However, until the autumn of 1999, it was discussed only between the Sub-committee on Human Rights of the UN and the DPRK and did not get much attention from the international community.

In general, until 1999, it had been a rule to resort to torture in the process of investigation of crimes, for both ordinary crimes and otherwise, including escaping from the DPRK. Most testimonies of North Korean refugees coherently reveal that the process of investigation at the NSA or the PSA depended mostly on torture and arbitrary prolonged detention periods. In fact, the Criminal Code was totally ignored, and investigators were obsessed with the idea of extracting confessions from suspects.

2. 1999~2002: Concerning International Reputation and Hiding the Truth

Since the opening of annual international conferences at NGO levels in December 1999, the mass media and the international community have begun to pay attention to North Korean human rights issues. In respect to torture, there would not have been any improvement without collective demands from the international community.

In December 1999, NKHR and the Chosun Ilbo (Daily Press) co-hosted ‘The 1st International Conference on North Korean Human Rights and Refugees’ and received remarkable attention from the international community. North Korean official media criticised the conference as “a deceptive trick to cover up their despicable crimes and mislead public opinion” as well as “a mockery and insult to human conscience and as shameless an act as a thief crying ‘stop the thief.’” However, as the international concern arose, the DPRK began to respond to it. As aforementioned, the DPRK joined the ICCPR in 1981. Under Article 40 of the Covenant, it submitted its first report in 1983 and a revised one in 1984. On 25 December, 1999, the DPRK submitted its second periodic report to the UN, showing a growing cooperative attitude toward the UN and international society.⁵⁾ KIM Chun-

⁵ See CCPR/C/PRK/2000/2 (4 May, 2001).

Ae (*Alias*, aged 46, escaped in 2000), who had been at the *Chongjin* Detention Centre (*Jipgyeolso*) and the *Musan* Labour Re-education Facility (*Rodong-danryeondae*), testified that, “it was when the Central Committee of Korean Worker’s Party (*Joonggangdang*) just finished its inspection over detention facilities. Because of the inspection, the safety agents seemed to be cautious about their behaviour and did not beat the accused as relentless as before.”⁶⁾

Meanwhile, it is estimated that sometime between 1999 and 2002 the regulatory system for defectors was reorganised and strengthened. As the number of defectors increased enormously, a series of policies seemed to have been adopted to investigate and punish them systematically. The fact that a detention facility was set up for arbitrarily prolonged investigation at the *Musan* County Security Agency in North *Hamgyong* Province sometime between July and November 1999 supports this estimation.

It is also noteworthy when the Chinese Public Security Agency began to hand over documents of defectors when repatriating them. After comparing the testimonies of defectors who had been repatriated at different times, it seems that the Chinese Public Security Agency has regularly released documents to the DPRK since August 1999. It has become apparent that a secret legal agreement has been made between these security agencies to provide documents and pictures of defectors.

Since 2000, the inhuman treatment of women has become prevalent in interrogation and detention facilities. NKHR’s research showed that so called “pumping,” which makes women sit and stand repeatedly while naked, has been used as a typical means of investigation at that time. In two isolated National Security Agencies, the *Shinuiju* City Security Agency in North *Pyongan* Province and the *Musan* County Security Agency in North *Hamgyong* Province, both used this “pumping” in their investigation practices. Yet, some interviewees said that these methods had been used in the late 1990’s to take money from defectors.

As the Detention Centre began to be temporarily used as so-called waiting rooms in 2000, repatriated defectors were detained after the primary investigation at the NSA until they were sent to the relevant agencies or prisons in their residential areas. It seems that the process of investigation and punishment in 2000 followed this pattern: NSA in border areas ⇒ (PSA in border areas) ⇒ Provincial Detention Centre (or Political Penal-labour Colony) ⇒ Labour Re-education Facility (or investigation organisation in residential area).

Torture was the most commonly used method to extract confessions from the accused. Since 2000, investigation methods have been institutionalised; for example, there have appeared some questions mainly asked to the accused during the interrogation. The questions include why he/she left the country, how and where he/she lived in China, where he/she visited in China, whether he/she received aid from South Koreans or Church, whether he/she attempted to go to South

6. NKHR Interview (8 February, 2005 / 10 June, 2006).

Korea, and others. The change was inevitable due to the increasing number of defectors, and this also allowed the authorities to reduce the time of investigation.

3. 2002~2003: From Severe to Moderate Punishment for Simple Border Crossers

Testimonies conflict about whether or not the punishment of defectors was ameliorated around 2002. However, it seems that pressure from the international community began to take effect to some extent at the end of 2002. Many North Koreans testified that KIM Jong-Il ordered to ease the punishment of simple border crossers. They testified, “in November 2002, there was an instruction to strictly distinguish those who had ever attempted to go to South Korea from simple border crossers and some of simple border crossers were pardoned,” “there were rumours; that KIM Jong-Il ordered not to extort money from simple border crossers since they would cross the border again to earn some money; that KIM Jong-Il said, ‘it is all good at the end to go to a foreign country and wear foreign clothes as long as they desire the reunification of the fartherland.’”

Inspection of the NSA and the PSA throughout the country by an inspection group from the Central Committee of the Korean Worker’s Party (*Joongangdang*) also implies that international scrutiny was effective. Although it probably was to abolish the corruption of security agents, safety agents, and border guards and to renew the discipline of judicial organisations, it seems that illegal investigation and torture were temporarily restricted. According to the testimony of KANG Seong-Hwa (*Alias*, aged 57, escaped in 2004), who had been imprisoned for a year at the Oro Labour Re-education Facility (*Rodong-danryeondae*) in *Hamhung* City in early 2003, she was given a month reduction of her punishment in the autumn of 2002.

In short, since 2003, simple border crossers seemed to have been punished less severely. However, it is important to monitor this situation, since more subtle abuses, e.g., making the the accused beat one another, have been reported even though security agents are less likely to use torture.

Some temporary epidemics, such as a Severe Acute Respiratory Syndrome (SARS) outbreak in the spring of 2003, made Chinese police repatriate up to 850 defectors a day. This shortened the period of NSA and PSA investigations to anywhere between ten days and a month. However, the length of investigation increased again. Despite the increase in investigation time, testimonies showed that there was not an illegal forfeiture of interrogation or signatures, which implied that

Articles 174 and 175 of the Criminal Procedure Code were observed. However, it should be noted that some investigation organisations still resorted to torture and beating to extract confessions and signatures instead of forfeiting them entirely.

In spite of enhanced concern of the international society, the North Korean authorities denied the very existence of human rights violations, did not show any will to correct the inappropriate practices, and made it hard to comprehend the human rights situation in the DPRK. With this in mind, the 59th Session of the United Nations Commission on Human Rights (HRCion) passed the Resolution on North Korean Human Rights in April 2003. The North Korean representative to the UN expressed complete rejection of the Resolution when presented by the EU, blaming it as “a challenge to the socialist system of the DPRK based on the *Juche* ideology.”

Furthermore, when the DPRK submitted its second periodic report to the ICCPR in February 2002, the UN Human Rights Committee (HRCee) in 2001 concluded that the data presented by the DPRK (6 cases from 1998 to 2000) did not seem to reflect reality, taken into account many cases of cruel treatment or torture reported to the Committee. The HRCee recommended that the DPRK should consider independent investigations on various types of cruel treatment, torture, or other inhuman treatment executed by governmental organisations and should establish a body to oversee all types of incarceration and detention facilities and prevent law enforcement officers from abusing their authorities.⁷⁾

^{7) The 72nd} UN Human Rights Committee, CCPR/CO/72/PRK (27 August, 2001).

IV After 2004: Revision of the Criminal Code and the Criminal Procedure Code, and Estimation of the Improvement in Investigation Practice

In spite of its stubborn attitude toward the international community's attempt to comment on its own system, the DPRK revised the Criminal Code and the Criminal Procedure Code in April and May of 2004, and partially amended both in July of 2005. The revised Criminal Procedure Code contains the protection of human rights, such as shortened periods of detention during prosecution and trial, arrest by warrant, prohibition of collecting evidence by forced or entrapped confessions, etc. In addition, the prohibition of repeated investigation (Article 150), prohibition of nighttime interrogation (Article 163), notification to the suspects of their rights (Article 169), limit of the length of detention for witnesses (Article 227), prohibition of arrest in trial courts (Article 283), reduction of the period of the first and second trials (Article 287, Article 366), etc., can be regarded as positive changes in terms of human rights protection.⁸⁾

Regarding the revision of the Criminal Code and the Criminal Procedure Code, the situation and changes of torture in the DPRK brought a lot of attention from the international community.

⁸ **National Court** Administration, North Korean Criminal Code (Seoul, 2006), pp.376-377.

However, the international community continuously expressed its concerns and doubts whether there has been actual improvement in the DPRK. Resolutions on North Korean Human Rights adopted at the 61st to 63rd UN General Assembly in 2006, 2007, and 2008 also expressed concerns about the serious human rights situation in the DPRK. The Resolutions addressed concerns at the “persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the DPRK, including torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention, and the absence of due process and the rule of law.”⁹⁾

1. Changes after the Revision of the Criminal Code and the Criminal Procedure Code

In the second research of NKHR, there were many refugees who testified that they had not been harshly beaten or tortured and that the detention facilities had been slightly improved. LEE Hong-Ran, (*Alias*, aged 39, escaped in 2007) was arrested and sent to the NSA for a second time in 2005. She testified that, “I heard through other detainees that KIM Jong-Il had laid out a policy that if a detainee at the NSA or the PSA experienced an excessive beating they were able to report them.” SEO Jin-Hee (*Alias*, aged 39, escaped in 2007) was incarcerated in NSA in 2005. While there, she was told by an official, “You guys should consider yourselves lucky. 2 to 3 years ago the only way to leave here was by being dead. Since the policy has changed, your conditions have improved. Before, people here used to leave only after they had been beaten to death but things are a lot better now.”¹⁰⁾

However, these formal changes in legal codes cannot guarantee the substantial improvement in the protection of human rights for North Koreans. Some criticised that human rights in the DPRK cannot be improved as long as there is no change in the nature and function of the Criminal Procedure Code that maintain the socialist system and the proletarian dictatorship.¹¹⁾ For instance,

⁹ **Situation of** human rights in the Democratic People’s Republic of Korea, General Assembly, A/C.3/63/L.26 (30 October, 2008)

¹⁰ **NKHR** Interview (26 and 28 August, 2009).

the UN Special Rapporteur on the Situation of Human Rights in the DPRK, Vitit Muntarbhorn, reported his concerns to the UN Human Rights Council as follows: “Overhaul of the prison system is long overdue and the harsh conditions imposed by the criminal justice system and related detention give rise to a plethora of abuses, including torture and other cruel, inhuman and degrading treatment.”¹²⁾

2. Use of Torture

The DPRK is a state party to the ICCPR and Article 7 of the Covenant states, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” In regard to torture, Article 1 of the CAT provides a definition of torture which reads as follows:

The term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

The North Korean authorities deny any use of torture in official documents or reports and the DPRK’s Criminal Procedure Code states, “Statements acquired from the accused or plaintiff

11 LEE Baek-Gyu, “Estimating the revision of the North Korean Criminal Procedure Code”, Studies on North Korean Laws, Vol.8 (Seoul, 2005), p.183.

12 Human Rights Council, Human Rights Situations that Require the Council’s Attention: Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea, Vitit Muntarbhorn, A/HRC/7/20 (15 February, 2008), para. 26.

through repression or coercion cannot be used as evidence. When their statement is the only evidence, the crime is not proven. Also, document of voluntary submission or statement is recognized only when other relevant evidence is presented.”

Although this research found that beatings and use of torture in detention facilities had reduced since 2004, they were still widely being done. North Korean refugees testified that they were severely beaten and faced inhuman treatment in detention facilities when they were investigated about whether they had contacted South Koreans or religious persons in China.

KIM Mi-Ran (*Alias*, aged 48, escaped in 2007) ¹³⁾

From January of 2004 to February of 2005, I was taken to the interrogation room everyday in the *Pyongsong* NSA where I was beaten. My arms were handcuffed behind my back and I was kicked with the guard’s boots in my side and chest. Then they would pick up sticks and hit anywhere. I got beaten on the ears and to this day can’t hear very well. There wasn’t a spot on my body that wasn’t hit. Even though my body was swollen and there were wounds all over my ears and face, they didn’t give me any medical attention.

KIM Seong-Cheol (*Alias*, aged 46, escaped in 2007) ¹⁴⁾

I was transferred to the *Onsong* NSA in October of 2005. It would be so crowded that you were not able to sit anywhere. They set aside 2 to 3 hours for exercise but all we were made to do was sit and stand repeatedly. If we didn’t listen to them then they would make us stick out our arms through the bars. They would tighten our handcuffs and beat our hands with the iron rods used to clean their guns. If the guards were unsatisfied and still feeling angry then they would just beat us anywhere. The guards didn’t like it if there were wounds that were evident so the guards would beat us on our thighs and backs rather than our faces. Once I was kicked in the eye with boots and began bleeding and the guards sent me back to my cell. Receiving medical care or medicine was unimaginable. In the PSA I also witnessed the accused being subjected to the strappado (a method of torture in which the individual’s hands are tied behind their back and then suspended in the air by ropes tied around their wrists). The guards would always suspend the accused in public and leave them there for around 30 minutes while hitting them. Anyone who would come back to the cell after having it done on them would be unable to speak and nearly dead.

SEO Jin-Hee (*Alias*, aged 39, escaped in 2007) ¹⁵⁾

I was in the *Musan* NSA and from December of 2005 was interrogated for 40 days. The first day I would be made to write my confessions and from the second day they would read my confessions

¹³ NKHR Interview (21 August, 2009).

¹⁴ NKHR Interview (25 August, 2009).

¹⁵ NKHR Interview (26 August, 2009).

and say, 'Is this true? Write it again.' If I told them that everything on there was true, they would make me sit on the floor and beat me. With sticks they'd beat my head and body and kick my legs. My legs would be in so much pain that I would be unable to walk afterwards.

LEE Kyu-Cheol (*Alias*, aged 58, escaped in 2008)¹⁶⁾

I entered the *Onsong* NSA in October of 2007. The guards never treated us like humans. They would wake us up at 5 AM and we would sit all day, not being allowed to move at all. If someone moved even the slightest bit we were ordered to do drills by sitting and standing with our hands still tied behind our backs. If there was a pregnant woman, the guards would take skewers and stab the woman and then send her to the hospital to have a forced abortion. During interrogations they would take sticks and beat the victims endlessly on their head and side. Some of the accused even had their ribs broken. Because I was always in a stooped state my right collarbone began protruding out. Even for this I didn't receive any medical attention and I had to let it heal on its own.

As aforementioned, violence or harsh treatment in the arrest and questioning process is a violation of Article 5 of the UDHR and Article 7 of the ICCPR which state "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

3. Inhuman and/or Cruel Treatment and Punishment and Degrading Punishment

According to Manfred Nowak, the UN Special Rapporteur on Torture, inhuman and/or cruel treatment include "all forms of imposition of severe suffering that are unable to be qualified as torture for lack of one of its essential elements. They also cover those practices imposing suffering that does not reach the necessary intensity. The Human Rights Committee expressly deemed

¹⁶ **NKHR** Interview (2 September, 2009).

forced psychiatric experiments, such as injections against the will of the imprisoned victim, to be inhuman treatment ... deprivation of food and drink for four days after arrest was considered inhuman treatment ...” Cruel, inhuman or degrading punishment is also defined as follows:

Since all punishment contains as element of humiliation and perhaps also inhumanity, an additional element of reprehensibleness must also be present in order for it to qualify as a violation of Art. 7 of the ICCPR... Under the current standard, such punishment as the pillory or caning represent degrading punishment at the least. Further, the Committee has placed under the prohibition of Art. 7 excessive chastisement as an educational or disciplinary measure.¹⁷⁾

Even though there is not severe pain or suffering, either physically or mentally, lack of food, freezing temperatures in wintertime, and collective punishment in the detention facilities can be categorised as cruel, inhuman or degrading treatment and punishment.

LEE Kyu-Cheol (*Alias*, aged 58, escaped in 2008)¹⁸⁾

The amount of rice they gave us at the *Onsong* NSA was one spoonful. They gave us some diluted salt water and one spoonful of rice. How could anyone survive on that kind of ration? The frail and weak individuals at the *Chongjin* Detention Centre were unable to survive. In the two and a half months I was there, I witnessed six women die of starvation ... From the moment I entered the *Onsong* NSA they would no longer be treated as humans. They would wake us up at 5 AM and make us sit without moving all day. If any one of us moved they would shout, ‘Which one of you moved? Everyone stand up!’ and then everyone would be required to do 500 more of those “pumpings.” Since we were always underfed, there were times I collapsed while doing these exercises.

CHOI Won-Seok (*Alias*, aged 24, escaped in 2008)¹⁹⁾

I was in the *Shinuiju* NSA in 2006. They would give us a fistful of rice with some salt. The basement we were in didn’t have any sunlight so after a month and a half we developed anemia and our skin began shedding.

KIM Mi-Ran (*Alias*, aged 48, escaped in 2007)²⁰⁾

I remained in solitary confinement while in the *Pyongsong* NSA between 2004 and 2005. I had my

¹⁷ Manfred Nowak, “U.N. Covenant on Civil and Political Rights: CCPR Commentary” (1993)

¹⁸ NKHR Interview (2 September, 2009).

¹⁹ NKHR Interview (2 September, 2009).

²⁰ NKHR Interview (21 August, 2009).

period once in the beginning but I had no sanitary pads so I had to rip my underwear and make some. After that, due to the lack of food and constant stress I never had my period again. The solitary confinement is made of a cement floor and I was only given a thin blanket to last me through the cold winter.

It is evident that the North Korean detention facilities remain places of cruel and inhuman treatment. Many have testified and confirmed that the people are there underfed, even starved, and kept in unsanitary conditions. In the “Situation of human rights in the Democratic People’s Republic of Korea” which was submitted to the UN General Assembly by the Special Rapporteur on the Situation of Human Rights in the DPRK, Vitit Muntarbhorn, on 4 August, 2009, he stated, “Although torture is prohibited by law, it is extensively practised. In addition, the substandard prison conditions, including lack of food, poor hygiene, freezing temperatures in wintertime, forced labour and corporal punishment, constitute a myriad of abuses and deprivations, ensuring that many prisons are akin to purgatory for the inmates” and expresses his concerns over inhuman or cruel treatment and punishment.

4. Degrading Treatment

Manfred Nowak, the UN Special Rapporteur on Torture, explains degrading treatment as follows:

Degrading treatment is the weakest level of a violation of Art. 7 of the ICCPR. The severity of the suffering imposed is of less importance here than the humiliation of the victim, regardless of whether this is in the eyes of others or those of the victim himself or herself... In *Conteris v. Uruguay*, the Committee expressly designated as degrading treatment within the meaning of Art. 7 certain arbitrary prison practices in the “Libertad Prison” in Montevideo aimed at humiliating prisoners and making them feel insecure (repeated solitary confinement, subjection to cold, persistent relocation to a different cell)...²¹⁾

²¹ Manfred Nowak, U.N. Covenant on Civil and Political Rights: CCPR Commentary (1993)

Particularly the treatment of women at the NSA, the PSA, Labour Re-education Facility, and Detention Centre is of concern. They would be made to do humiliating acts such as “pumping” in which they would have to sit and stand repeatedly while naked. Numerous testimonies found that instances of sexual harassment and rape on women in detention facilities were still frequently occurring. Additionally, there were testimonies that among the women who were trafficked into China and then repatriated back to North Korea, if any of them were found to be pregnant they were sent to induce an abortion or do manual labour which would induce a miscarriage.

KIM Mi-Suk (*Alias, aged 46, escaped in 2006*)²²⁾

I was in the *Onsong* NSA in 2002 when I was raped by a prison guard. I was raped again in 2005, this time at the *Hoeryong* NSA. The prison guard called me over and told me to lift my dress and sit. Then he sexually harassed me. I don’t remember his name. Those kinds of incidences were frequent. It was always better to just do as they said.

KIM Hyun-Kyung (*Alias, aged 35, escaped in 2007*)²³⁾

I was transferred to the *Chongjin* Detention Centre in December of 2005. One night the head warden called me into a small room and ordered me to massage him but I refused. Beginning the next day I was made to go up a mountain to collect wood everyday.

PARK Sun-Ok (*Alias, aged 35, escaped in 2008*)²⁴⁾

I was in the *Onsong* NSA in 2006. After inspections we would be made to sit all day in our cells. Then we’d be called to be interrogated where we would be beaten and told that we weren’t listening. With fists, they would beat my face mercilessly. We were made to wear shabby clothes that resembled military uniforms and we had no undergarments. Being beaten in that kind of condition, I often couldn’t help but feel a deep sense of humiliation.

KIM Cheol-Yoon (*Alias, aged 46, escaped in 2008*)²⁵⁾

When I was in the *Jongsong* NSA in June of 2007, many women were dragged out at night and raped. The prison guards would call the women out at 1 or 2 AM and tell them to sit on a chair and begin raping them. If any of the women would come back to the cell crying, the guards would beat the shackled women.

²² NKHR Interview (25 August, 2009).

²³ NKHR Interview (2 September, 2009).

²⁴ NKHR Interview (31 August, 2009).

²⁵ NKHR Interview (28 August, 2009).

²⁶ See CEDAW/C/PRK/1 (11 September, 2002).

With regard to the degrading treatment of women, the DPRK submitted its first report on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 11 September, 2002.²⁶⁾ Nevertheless, the report did not mention anything about the situation of North Korean women defectors. The UN Committee on the Elimination of Discrimination against Women deliberated its first periodic report on 18 July, 2005 and adopted ‘Concluding Observation’ on 22 July, 2005. It expressed that “the Committee is concerned about the insufficient explanation provided on the number and condition of women in detention” and urged the State party to provide information on the number and condition of women in detention in its next report. The North Korean authorities should submit their next report which contains the situation of women in detention facilities including degrading treatment such as sexual harassment and sexual violence as well as beatings.

5. Duration of Investigation and Right to a Lawyer

Regarding the specific provisions on the investigation of the accused, Article 151 (1) of the Criminal Procedure Code stipulates that the entire investigation shall be finished within two months, and (2) An investigation of the case which could lead to the sentence of imprisonment in Labour Re-education Facility (*Rodong-danryeonhyeong*) shall be finished within 10 days, and the additional investigation within seven days if a court sends the case back to the pretrial board. However, Article 152 of the same Code prescribes that in the case of complicated criminal offences, whose investigation would exceed the period mentioned in Article 151 (1), but under inevitable circumstances, the accused is subject to imprisonment in Labour Re-education Facility and investigation can be prolonged up to a month with the prosecutor’s approval. However, after the second research of NKHR, 15 North Korean refugees testified that they had been detained for one month to a maximum of one year without any trial.

In respect to the nighttime interrogation, Article 163 of the Criminal Procedure Code provides that “investigation shall be conducted between 8:00 and 20:00. While investigation in other time may be allowed for exceptional cases, the supervision of a prosecutor is required.” However, some North Korean refugees testified that they were interrogated at nighttime without the supervision of a prosecutor. KIM Mi-Ran (*Alias*, aged 48, escaped in 2007) was repatriated by the Chinese police in 2004 and sent to the *Pyongsong* NSA. She testified that during the one year she was incarcerated there, she received nightly interrogations. “A week after I first entered the

NSA, they began bringing me in for interrogations nightly. They would bring me in around 9, 10, 11 PM and interrogate me until 3 AM. I would have to write self-critical confession statement but have to write it word for word as my previous statements. If there were any discrepancies they would beat me. Going every night to these interrogations and being hit as I wrote these confessions was the most difficult part.”

In regard to the right to a lawyer, Article 106 of the Criminal Procedure Code provides “the right of the the accused to defend himself/herself in criminal cases shall be guaranteed.” Article 297 states “the lawyer should make sure that the truths of the case are clearly addressed in public, the act of the accused is correctly analysed and assessed and is his or her rights are guaranteed.” However, with these testimonies there is a margin of doubt on whether these Articles are actually being implemented. During the trials the lawyers usually do not speak and aside from recognizing the accused as a criminal and accepting his/her acts as crimes, nothing else is referenced.

KIM Mi-Ran (*Alias*, aged 48, escaped in 2007)²⁷⁾

During my trial I had a lawyer but was barred from voicing directly any of my own testimony nor would they be accepted by the court. During my trial there was one clerk, one lawyer, one judge, one administrator, and two jurors. My trial lasted about 20 minutes but anything that was stated on my behalf by my lawyer was not recorded nor accepted by the court. The lawyer only asked the court to accept my written confession as testimony.

KIM Young-Chun (*Alias*, aged 35, escaped in 2007)²⁸⁾

I was in the Myongchon Labour Re-education Facility (LRF) until I received official notification from the PSA to come and receive an official document listing my charges. I was told that all I needed to do was consent and sign. So I signed my name and gave my fingerprints. After a week, I was taken to another location and told that I would be receiving a trial. Perhaps there was a lawyer but I had no idea who it was nor did they come to represent me. During my trial, the people that served as witnesses were my LRF supervisor and prison guard. The supervisor testified, ‘I agree that she should be punished for her crimes,’ and the guard stated, ‘What can I say? I hope she’ll serve her time well and return.’

KIM Eun-Joo (*Alias*, aged 35, escaped in 2005)²⁹⁾

During my trial in 2005, a lawyer was present but gave no argument on my behalf. The lawyer did not speak at all and only wrote down what I said.

²⁷ NKHR Interview (21 August, 2009).

²⁸ NKHR Interview (21 August, 2009).

²⁹ NKHR Interview (28 August, 2009).

Since the revision of the Criminal Code and the Criminal Procedure Code in April and May of 2004 as well as another revision made in July of 2005, the conditions of the detention facilities in the DPRK have slightly improved. The DPRK has nominally maintained a negative attitude toward the demand of the international community, but the DPRK has, in fact, shown some positive changes, such as the submitting of its report to the United Nations on the human rights situation, joining new international human rights Conventions, revising related laws, lightening the punishment of defectors, etc. In short, persistent monitoring by NGOs and demands from the international community function effectively to draw positive changes and cooperation from the DPRK. Nevertheless, instances of torture and cruel, inhuman or degrading treatment or punishment are still occurring, troubling the international community.

Today's international community prohibits torture in any case, which has become a solid consensus under the terms of *jus cogens* and international customary law that are to be maintained even in emergencies or any other situation. Therefore, it must be clarified that even if a state is not a party to the Convention, it does not mean the State has the immunity from these responsibilities. Extensive precaution must be taken not to limit the scope of the problem, whether there has been any act of torture or cruel, inhuman or degrading treatment or punishment. More comprehensive understanding, which includes the conditions like severe starving or overcrowded prisons, must be included, along with the realisation of the rule of law which complies with the human rights protection Articles of the Criminal Code and the Criminal Procedure Code.

V

Concluding Recommendations

1. Recommendations for the DPRK

Citizens' Alliance for North Korean Human Rights (NKHR) recommends that the DPRK consider the following recommendations and exert more effort to put them into practice and to eliminate torture, a serious threat to human rights, which has been prevalent in the country.

1) NKHR recommends that the DPRK thoroughly abide by the provisions of human rights protection as provided in its Criminal Code and the Criminal Procedure Code.

NKHR recommends that the DPRK take proper measures to eliminate torture which is prevalent at the National Security Agency (NSA) and the People's Safety Agency (PSA), the lower-level organisations of the security agency and the safety agency, and during illegal investigations performed at Detention Centres (*Jipgyeolso*) and the Labour Re-education Facilities (*Rodong-danryeondae*).

NKHR also recommends that the Central Prosecutor's Office and other related organisations

carry out continued inspections and take proper measures to ensure those lower-level organisations to observe the provisions of human rights protection as provided in its Criminal Code and the Criminal Procedure Code.

2) NKHR recommends that the DPRK investigate officials' allegations and conduct close-interviews with detainees.

In particular, NKHR recommends that the DPRK ask suspects whether they were tortured or beaten in the process of investigation and whether torture or beating is used by agents as a means of taking money and take proper measures to secure the rule of law by correcting wrong practices and punishing responsible personnel over their illegal acts.

3) NKHR recommends that the DPRK abolish the underground cells where serious torture is practiced.

NKHR welcomes the policy of the DPRK since late 2002 to lighten the punishment of simple border crossers. However, NKHR is concerned about the existence of underground cells secretly run by the NSA and severe torture practiced in the cells. NKHR recommends that the DPRK take appropriate measures to abolish the illegal underground cells.

4) NKHR recommends that the DPRK seek assistance from the international community for the improvement of detention facilities.

NKHR recommends that the DPRK seek assistance from and cooperate with the international community, including the relevant UN agencies to improve the inhuman condition of detention facilities related to nutrition, sanitation, etc. Hence, we recommend that the DPRK invite the Special Rapporteur of the UN Human Rights Council (UNHRC) to constructive dialogues in order to explicate its efforts to enhance the facilities and express the needs for further improvement.

5) NKHR recommends that the DPRK join the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

NKHR recommends that the DPRK join the CAT, reflect it on its domestic laws, and abide by the duty of reporting violations and executing justice as provided in the Convention, and thus eliminating the worries of the international community about human rights situation and enabling itself to be a reliable member of the international community and earn support and cooperation from it.

6) NKHR recommends that the DPRK take appropriate measures for the protection of the vulnerable groups, including women and children in the facilities.

Noting that brutal actions against women and children remain in investigation agencies, NKHR recommends that sufficient action be taken to eradicate torture and other cruel, inhuman or degrading treatment or punishment of women and children. NKHR also recommends that the DPRK provide information on the number and condition of women in detention facilities in its next report to the Committee on the Elimination of All Forms of Discrimination against Women and eradicate sexual harassment in detention facilities. NKHR also recommends the DPRK assist women who went abroad without valid travel permits to reintegrate into their families and society and to protect them from all forms of violations of their rights.

2. Requests to the United Nations Agencies

1) UN Committee against Torture (UNCAT)

The DPRK cannot be immune from the duty to prohibit torture. The right not to be subjected to torture is considered as *jus cogens* in the international society regardless of whether or not a country is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

However, a direct criticism by the Committee would be confronted with a truculent repulsion by the DPRK. Besides, the North Korean government may respond to Committee's criticism by saying a Committee investigation would be an interference in its domestic affairs, since the DPRK is not a member of the Convention against Torture. It is impossible to apply the procedures of implementation of the Convention to the DPRK, such as an invitation to co-operate in the examination of the information, which would include a visit to its territory, and to this end to submit observations with regard to the information concerned (Article 20), receiving and considering communications from another State Party (Article 21), and receiving and considering communications from or on behalf of individuals (Article 22). Therefore, it seems realistic that the Committee should put forth more efforts to investigate the breach of international laws by the Chinese authorities, who often repatriate the North Korean refugees to the DPRK, and present a constructive road map to provide China with the necessary material and

institutional aid, in cooperation with favorable neighboring countries, to keep it from sending refugees back to the DPRK.

Since refugees deported back to the DPRK are likely to be tortured or ill-treated, the UNCAT and UN High Commissioner for Refugees (UNHCR) should cooperate to prevent the torture of the refugees.

2) UN Special Rapporteur on Torture and Working Group on Arbitrary Detention

Under current conditions, namely that the Committee against Torture cannot easily or directly express its opinions to the DPRK, the roles of the UN Special Rapporteur on Torture, Manfred Nowak, and Working Group on Arbitrary Detention are crucial. They should gather as much information as possible, including reports by NGOs that show the situation of torture in investigative institutions, in cooperation with the Special Rapporteur on the Human Rights Situation in the DPRK. They should express those concerns, present recommendations, and further ask the North Korean government to accept on-site visits. These ideas may also be proposed through the report submitted by the Special Rapporteur to the UN Human Rights Council.

The UN Human Rights Commission, the predecessor of the UN Human Rights Council, had already created the mandate of Special Rapporteur on Torture in 1985 (Resolution 1985/33) in order to strengthen the investigative activities on torture, and it should be reminded that this had been a measure implemented before the entry into force of the Convention against Torture in 1987.³⁰⁾ The Working Group on Arbitrary Detention was also established in 1991 and has been promoting a variety of activities.

Above all, the Special Rapporteur is given the mandate to examine questions relevant to torture covering all countries, irrespective of whether the country has ratified the Convention, and it should be noted that the DPRK cannot be an exception. The Special Rapporteur is mandated with three main activities: transmitting urgent appeals³¹⁾ to State parties with regard to individuals

30 The UN Human Rights Commission was concerned that the Convention would not be officially ratified within the near future and simultaneously hoped for a more strengthened activity, thus special rapporteurs were appointed for each subject since 1982 and have made great achievements. Cees Flinterman and Catherine Henderson, "Special Human Rights Treaties", Raija Hanski and Markku Suksi (ed.), *An Introduction to the International Protection of Human Rights: A Textbook*, 2nd Edition (Turku/Åbo, Institute for Human Rights, Åbo Akademi University, 1999), p.141.

31 Urgent appeal is a temporary preventative measure asking the government of concern to guarantee the physical and mental wholeness of the prisoner when the Special Rapporteur receives communication that someone may be in danger of torture since arrest. This is different from the post-preventative measure, which recommends the government of concern to investigate into the existing cases of torture and to provide the necessary legislations and detention facilities so that there would no longer be any repeating or similar incidences.

who are reported to be at risk of torture, as well as communications on past alleged cases of torture; undertaking fact-finding country visits³²⁾; and submitting annual reports on activities, mandates and methods of work to the Human Rights Council and the General Assembly.³³⁾ Through these three methods, the Special Rapporteur may engage in promoting and improving the situation of human rights in the DPRK

3) UN Special Rapporteur on the Situation of Human Rights in the DPRK

The UN Special Rapporteur on the Situation of Human Rights in the DPRK, Vitit Muntarbhorn, not only carries the significance of a symbolic representative of the UN demanding the improvement of the human rights situation in the DPRK, but also holds the important role as a mediator and an information analyst who gives a fair and balanced evaluation of the large pool of various information.

Thus, without any doubt, the Special Procedure should be maintained and reinforced under the new system, the UN Human Rights Council (UNHRC). NKHR strongly expresses its support of the role of the Special Rapporteur and his activities, and asks him to actively report to the international community on the situation of human rights in the DPRK in the upcoming meetings, such as the UNHRC and the UN General Assembly.

4) UN Human Rights Council and All State Parties of the United Nations

The Situation of human rights in the DPRK is scheduled to be reviewed at the sixth session of the Universal Periodic Review (UPR) in December of 2009. NKHR cordially asks for the UN Human Rights Council and State Parties of the United Nations, and especially all relevant stakeholders, to intensively question and give impartial criticisms and recommendations regarding the situation of torture either orally or in writing.

32 “Fact-finding country visit” indicates that the Special Rapporteur may demand information on the necessary legislative and administrative measures and future plans from the government subjected to investigation, and can either meet the government representatives s/he wishes to see or carry out on-site consultation visits for on-site consultation within the boundaries of the mission itself. This may overlap with the system of visit prescribed in the Optional Protocol of the same Convention, but in the case of Special Rapporteur, the visit may take place through the invitation of the concerning government, whereas the visit of the sub-Committee against Torture provided by the Optional Protocol must be received as a natural legal obligation by the states which have ratified the protocol.

33 Methods of Work of the Special Rapporteur on Torture, Annex to E/CN.4/1997/7, approved by the Commission in resolution 2001/62 (E/CN.4/RES/2001, para. 30).

VI Annex

North Korean Refugees who Gave Testimonies -A total of 35: 16 Males and 19 Females

Personal Information and Detained Experience³⁴⁾

ID	Name	Sex	Year of Birth	Final Escape	Hometown	Detained
1	KANG Won-Cheol	M	1982	Apr 2000	Chongjin City, N. Hamgyeong Province	Shinuiju NSA (5~12 AUG, 1999) → Shinuiju DC (12 Aug, 1999) → Chongjin DC (12 Aug~30 Oct, 1999)
2	PARK Eun-Cheol	M	1982	Oct 2000	Bukchong County S. Hamgyong Province	Shinuiju NSA (Oct~Dec, 1998) → Shinuiju DC (Jan~Mar, 1999)
3	KIM Ran (Alias)	F	1967	Oct 2000	Musan County, N. Hamgyong Province	Onsong NSA (30 Jun~11 Jul, 2000) → S Onsong LRF (11 Jul~30 Sep, 2000) → SHOeryong DC (30 Sep~3 Oct, 2000)
4	KIM Chun-Ae (Alias)	F	1955	Nov 2000	Pyongyang	Musan NSA (10 Aug, 1999) → Musan PSA (11 Aug, 1999) → Musan LRF (12~14 Aug, 1999) → Musan NSA (15~21 Jul, 2000) → Musan PSA (22 Jul, 2000) → Musan LRF (22~28 Jul, 2000) → Chongjin DC (28 Jul~30 Aug, 2000)

ID	Name	Sex	Year of Birth	Final Escape	Hometown	Detained
5	KIM Hyuk	M	1982	Dec 2000	Chongjin City, North Hamgyong Province	Onsong NSA (Sep–Dec 1998) → Onsong Police Station (Dec 1998–Mar 1999) → Onsong PSA (Mar–Nov 1999) → Hoeryong No.12 LPLC (Nov 1999–6 Jul, 2000)
6	JI Hae-Nam	F	1949	Oct 2001	Hamhung City, South Hamgyong Province	Hamju PSA (15–30 May, 1993) → Myongchon PSA (Jun 1993) → Hwasong PSA (Jul 1993) → Gaechon LPLC (Jul 1993–Sep 1995) Shinuiju NSA (3–23 Dec, 2000)
7	PARK Sun-Ja(Alias)	F	1977	Oct 2001	Hoeryong City, North Hamgyong Province	Shinuiju NSA (30 Apr–7 May, 2000) → Shinuiju DC (7 May–5 Jul, 2000) → Shinuiju NSA (27 Jul–3 Aug, 2000) Hoeryong PSA (3–13 Aug, 2001)
8	SHIN Jung-Ae	F	1945	Nov 2001	Chongjin City, North Hamgyong Province	Musan NSA (Nov 1999–Apr 2000) → No.15 Yodok Political Penal-labour Colony (apr2000–apr2001)→Onsong NSA (Oct 2001)
9	LEE Gwang-Il(Alias)	M	1981	Nov 2002	Hoeryong City, North Hamgyong Province	Hoeryong NSA (21 Jun–4 Nov, 2002)
10	SHIN Hyeok-Cheol (Alias)	M	1956	Dec 2002	Chongjin City, North Hamgyong Province	Musan PSA (May–Aug 1997) Onsong NSA (11–21 Jun, 2002) → Onsong PSA (21–25 Jun, 2002) → Onsong LRF (25 Jun–1 Jul, 2002) → Chongjin DC (1–16 Jul, 2002) → Musan LRF (16 Jul–27 Oct, 2002)
11	LEE Kwang-Cheo (Alias)	M	1985	Mar 2003	Pyongyang	Pyongyang Headquarter of Security Agency (Jul–Oct 2000)→Pyongyang Street Orphan Concentration Facility (Oct 2000–15 Nov, 2002)
12	KIM Gwang-Soo(Alias)	M	1963	Apr 2003	Chongjin City, North Hamgyong Province	Hoeryong NSA (Jul 1999–Apr 2000) → No.15 Yodok Political Penal-labour Colony (Apr 2000–Apr 2003)
13	KIM Jeong-Sook(Alias)	F	1952	Sep 2003	Onsong County, North Hamgyong Province	Onsong NSA (3–13 May, 2003) → Onsong PSA (13 May, 2003) → Onsong LRF (13 May–8 Jun, 2003) → Chongjin DC (8 Jun–15 Jul, 2003) → Orang PSA (15 Jul–20 Aug, 2003)
14	OH Soon(Alias)	F	1984	Feb 2004	Hoeryong City, North Hamgyong Province	Shinuiju NSA (23 Oct–30 Dec, 2003) → Shinuiju DC (30 Dec, 2003–Feb 2004) → Musan PSA (Feb 2004)→Musan Street Orphan Concentration Facility (Feb 2004)
15	WON Cheol(Alias)	M	1990	May 2004	Onsong County, North Hamgyong Province	Onsong NSA (20–29 Nov, 2003) → Onsong PSA (29 Nov, 2003)
16	LEE Min-Ok(Alias)	F	1986	Sep 2004	Hoeryong City, North Hamgyong Province	Shinuiju NSA (6–9 Apr, 2004) → Hoeryong DC (9 Apr–10 May, 2004) → Hoeryong PSA10–17 May, 2004) → Hoeryong LRF (17 May–15 Aug, 2004)

ID	Name	Sex	Year of Birth	Final Escape	Hometown	Detained
17	KANG Seong-Hwa(Alias)	F	1950	Oct 2004	Gyongsong County, North Hamgyong Province	Onsong NSA (8 Nov-8 Dec, 2002) → Gyongsong NSA (8 Dec, 2002-22 Feb, 2003) → Hamhung LRF (23 Feb, 2003-22 Jan, 2004)
18	LEE Yeong(Alias)	F	1960	Nov 2004	Hoeryong City, North Hamgyong Province	Shinuiju NSA (6-9 Apr, 2004) → Hoeryong NSA (9 Apr-10 May, 2004) → Hoeryong PSA (10-17 May, 2004) → Hoeryong LRF (17 May-Oct 2004)
19	PARK Yeong-Hee(Alias)	F	1960	Feb 2005	Musan County, North Hamgyong Province	Onsong NSA (30 Apr-20 May, 2003) → Chongjin DC (20 May-11 Jul, 2003) → Musan PSA (12-20 Jul, 2003) → Musan LRF (20 Dec, 2003-10Jan , 2004)
20	KIM Eun-Cheol	M	1980	Apr 2005	Musan County, North Hamgyong Province	Musan PSA (16 Jan, 2000) → Musan NSA (16 Jan ~ 30 Jun, 2000) → No.15 Yodok Political Penal-labour Colony (30 Jun, 2000-Jul 2003) Musan LRF (Oct 2004 ~ Apr 2005)
21	KIM Eun-Joo	F	1973	Apr 2005	Orang County, North Hamgyong Province	Onsong NSA (27 May-11 Jun, 2004) → Onsong LRF (11 Jun-11 Jul, 2004) → Chongjin DC (11 Jul ~11 Sep, 2004) → Orang NSA (11 Sep-11 Oct, 2004) → Gyongsong PSA (11-24 Oct, 2004)22
22	SEO Jin-Hee	F	1970	Jun 2006	Myungchon County, North Hamgyong Province	Onsong NSA (20 Dec,2005 ~ 2Jan,2006) → Musan LRF (2 Jan-11 Feb, 2006) → Musan PSA (11 Feb-11 May, 2006)
23	KIM Mi-Suk	F	1963	Sep 2006	Hoeryong City, North Hamgyong Province	Onsong NSA (20Dec,2002 ~ 9Jan,2003) → Hoeryong NSA (9 Jan ~ 9 Apr, 2003) Onsong NSA (Dec 2004) → Hoeryong NSA (Dec 2004 ~ Feb 2005) → Hoeryong PSA (Feb ~ Aug 2005) → Jongori LPLC (~ Aug 2006)
24	KIM Young-Su	M	1982	Mar 2007	Hoeryong City, North Hamgyong Province	Hoeryong NSA (7 days in 2005)
25	KIM Hyun-Kyung	F	1974	Mar 2007	Hoeryong City, North Hamgyong Province	Onsong NSA (25 Apr ~ 4 May, 2003) → Onsong LRF (4 May ~ 30 Jun, 2003) Onsong NSA (27 Nov ~ 6 Dec, 2004) Onsong NSA (24 Jul, 2005) → Onsong LRF (24 Jul ~ 24 Aug, 2005) → Hoeryong PSA (24 Aug, 2005) → Chongjin DC (24 Aug ~ 9 Sep, 2005) → Onsong NSA (2006)
26	KIM Mi-Ran	F	1960	Apr 2007	Bukchang County, South Hamgyong Province	Onsong NSA (Oct ~ Nov 2001) Onsong NSA (1 Jan ~ 1 Feb, 2004) → Shinuiju NSA (8 ~15 Feb, 2004) → Pyongsong NSA (17Feb,2004-17Feb,2005) → Pyongsong PSA (17 Feb ~ 17 Mar, 2005) → Jeungsan LPLC (14Mar,2005-8Feb,2007)

ID	Name	Sex	Year of Birth	Final Escape	Hometown	Detained
27	KIM Seong-Chul	M	1963	Jul 2007	Chongjin City, North Hamgyong Province	Onsong NSA (1-6 Oct, 2005) → Chongjin PSA (6 Oct, 2005 -) → Pyongyang LPLC (1 year)
28	KIM Young-Chun	F	1974	Oct 2007	Myungchon County, North Hamgyong Province	Musan NSA (2-6 Apr, 2003) → Musan PSA (6-8 Apr, 2003) → Chongjin DC (9 Apr ~ 19 May, 2003) → Myungchon LRF (20 May ~ Sep, 2003) Musan NSA (Nov 2003) → Musan PSA (10 days) → Chongjin DC (7 days) Onsong NSA (7 Dec, 2005-7 Jan, 2006) → Myungchon PSA (7 Jan, 2006) → Myungchon LRF → Hamhung LPLC (from 27 May, 2006)
29	LEE Hong-Ran	F	1963	Oct 2007	Onsong County, North Hamgyong Province	Musan NSA(4-14 Jul, 2002) → Musan PSA(14-24 Jul, 2002) → Chongjin DC (24 Jul ~ 12 Aug , 2002) → Onsong PSA (12-22 Aug, 2002) Onsong PSA (Apr ~ Sep 2005) → South Pyongnam Province LPLC (30 Aug , 2005) → Hyungjesan LPLC1 (Sep, 2005-Aug, 2006)
30	PARK Sun-Ok	F	1973	Jan 2008	Kimchaek City, North Hamgyong Province	Musan NSA (2 days in 2006) → Chongjin DC (3 days in 2006) → Hoeryong NSA (2 months and 10 days in 2006) → Oryu LRF (Aug 2006 ~ 17 Jan, 2007)
31	CHOI Won-Suk	M	1985	Mar 2008	Musan County, North Hamgyong Province	Onsong NSA (Feb 2002) → Onsong LRF (Mar-Apr 2002) → Chongjin DC (Apr-May 2002) → Musan PSA (May 2002) → Musan LRF (May 2002) Shinuiju NSA (9 Jan ~ 28 Feb, 2006) → Musan NSA (28 Feb ~ 25 Apr, 2006) → Musan PSA (25 Apr ~ 25 Nov, 2006) → Jeonguri LPLC (~ Apr 2007)
32	LEE Kyu-Cheol	M	1950	Jul 2008	Baekam County, Yangang Province	Onsong NSA (20 Oct ~ 4 Nov, 2007) → Onsong LRF (4 Nov~ 25 Dec, 2007) → Chongjin DC (5 months) Onsong NSA (20 days in Mar, 2008) → Onsong LRF (5 days in Apr, 2008)
33	KIM Nam-Gil	M	1971	Oct 2008	Onsong County, North Hamgyong	Onsong NSA (Sep 2002) → Onsong PSA (Sep 2002 ~ Mar 2003)
34	LEE Chul-Min	M	1977	Nov 2008	Anak County, South Hwanghae	Hoeryong NSA (2006) → Hoeryong PSA Hoeryong NSA (20 Jun, 2008 ~ 2009)
35	KIM Cheol-Yoon	M	1963	Dec 2008	Haeju City, South Hwanghae	Onsong NSA (6 Jun, 2007) → Jongsong NSA (6 Jun ~ 20 Sep, 2006) → Onsong NSA (20-23 Sep, 2006) → Chongjin (20 days)

34 Acronyms: NSA (National Security Agency, *Gukga-anjeon-bowibu*); PSA (People's Safety Agency, *Inmin-boanseong*); DC (Detention Centre, *Jipgyeolso*); LRF (Labour Re-education Facility, *Rodong-danryeondae*); LPLC (Long-term Prison Labour Camp, *Gyohwaso*).

