

Democratic People's Republic of Korea (DPRK)

Submission to the United Nations Universal Periodic Review (UPR) by PSCORE

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Introduction

PSCORE is a Non-Governmental Organisation (NGO), established in 2006 by Young-il Kim, a DPRK defector, based in Seoul, Republic of Korea. It has two objectives; the first is to encourage harmony and understanding between South and North Korea through education and capacity building, human rights awareness and debates. The second is to address potential barriers to the reunification of Korea by offering a platform for topics such as democratization, and social issues. *PSCORE* is achieving these goals through the creation of an education and integration program for defectors, hosting conferences and collecting evidence of human rights violations in the DPRK. *PSCORE* was granted 'Consultative Status' by the UN Economic and Social Council (*ECOSOC*) in 2012.

Executive summary: The DPRK, otherwise known as North Korea, is widely viewed by the international community as one of the world's most repressed societies. Despite signing five international human rights treaties¹ as well as outlining rights protection in its constitution and even since the accession to power of a new leader, there has been no sign of improvement to the country's human rights record. In the DPRK rights are conditional rather than universal and collective rights take priority over individual rights. Contrary to statements in the DPRK's extensive report submitted for this UPR in 2009², *PSCORE's* eye witness accounts³ of life inside DPRK reveal that all 30 articles of the Universal Declaration of Human Rights (UDHR) are regularly violated and many of the DPRK's citizens are denied even basic fundamental rights. Defectors' testimonies claim that torture, public executions, forced labour, death sentences for minor offenses and collective punishment for suspected crimes by an individual are all common place. Approximately, 120,000⁴ political prisoners are held in "total control camps," where hunger and abuse are common, death rates are high and inmates include children. As it is incredibly difficult for human rights defenders to gain access to the DPRK, the main source of information and evidence demonstrating human rights abuses comes from defectors and the testimonies they proffer.

¹ International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention of the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities

² A/HRC/WG.6/6/PRK/1

³ 'Only the Freedom to Breathe' testimonies collated by PSCORE between 2011-2013

⁴ Korea Institute for National Unification

1. *PSCORE* has selected 10 testimonies from 2013 for this report focusing on the abuse of the penal system in the DPRK. The evidence provided in the form of first-hand testimonies reveals that many human rights violations are not only widespread but are also tolerated by the authorities, thus in our view, they constitute crimes against humanity⁵. The defectors interviewed arrived in South Korea between 2005–2011. Their ages range between 26 and 55 at the time of interview. For security purposes, defectors' identities will be protected with the use of aliases. These statements offer evidence corroborating violations in 3 key areas of the UDHR pertaining to the penal system: Articles, 3, 5 and 9. The testimonies also offer examples of the DPRK authorities contravening many sections of the International Covenant on Civil and Political Rights (ICCPR), (a treaty ratified by the DPRK) namely ICCPR articles 6, 7 and 9. Within this, *PSCORE* has also highlighted other UDHR articles simultaneously abused by the state of the DPRK.

KEYWORDS: *Capital punishment, public execution, arbitrary detentions, torture, forced confessions, labour camps, sexual abuse, infanticide.*

I. Capital Punishment (UDHR Article 3, ICCPR Article 6)

2. The death penalty is widely practiced in the DPRK denying many citizens the right to life. Defectors' testimonies conflict with the DPRK's 2009 UPR report⁶ revealing that capital punishment is applied to crimes considered as non-serious under international law and is often combined with a denial of the right to a fair trial. Due to extreme censorship, for example, owning foreign CDs or DVDs is a crime punishable by death and thus also breaching UDHR Article 19. Defecting to another country is regarded as betrayal of the Nation often resulting in capital punishment as well as denying citizens UDHR Article 13.
3. The practice of public executions still occurs in DPRK especially in remote parts of the Northern provinces. Most of the defectors *PSCORE* interviewed, testified that they had been forced to witness executions. Public executions are used by the authorities to instill fear and to maintain their grip while combatting illegal activities such as the black market, practicing religion and defections: - Hwa-young Choi (Female, DPRK escapee) reported this incident from Kimhyongjik-gun, Yanggang province: *"The public execution I have seen was near my neighborhood. I was fifteen, and he was executed on the charge of stealing pigs and rabbits. [...] His wife was there and his kids as well, a little boy and his older sister. The wife was already nearly fainting in her seat even before the execution. They had the family sit directly in the middle, so that they could see. [...] The kids were too young, they just sat there crying."*
4. Before executions, victims are often judged in public and then beaten until they lose consciousness. It has also been reported that officers gag and silence those who are due to be executed. Public executions are widespread and represent an extreme form of cruel, inhuman and degrading treatment: - Sae-won Kim (Male, DPRK escapee) reported from Gilju, North

⁵ As defined in Rome Statute of the International Criminal Court, article 7

⁶ A/HRC/WG.6/6/PRK/1, section IV B 34

Hamgyeong province: *“They wrapped some stones with cloth, laid it on the mouth and kicked it to break all the teeth. [...] They placed a triangle bar at the mouth and kicked. Then the teeth broke and fell in. The man could not speak anymore and then they tied him to the execution site. He was already dead by then. Each gunner fired three shots each. The feet and the head, it dropped and burst. It was horrible.”*

5. Mortality rates are drastically high in the DPRK’s prison network due to the combination of malnutrition, beatings, torture, hard labour and harsh climate. In detention facilities and camps, guards limit access of food to control inmates’ behaviour and avoid any potential risk of escapes and riots. Starvation is used as a means of torture against prisoners: - Sang-chul Lee (Male, prisoner in Prison-labour Facility, Sinuiju, North Pyeongan province, released 2010): *“[In prison] 10 people die out of 100. Out of weakness, malnutrition...there are a lot of people who die. Before you die, they say all the lice leave your body...80-90% are feeble and weak. ”*
6. The DPRK has laws penalizing those who mistreat individuals, but legal procedure is often manipulated to ‘protect’ the power of the State. Prisoner deaths commonly occur in DPRK detention facilities where inmates have no rights and guards can decide if they live or die: - Hee-jin Park (Female, DPRK escapee) explained what happened when someone collapsed while being detained in a forced labour facility: *“They just carry them somewhere and throw them inside the dug up ground. People faint because they really cannot eat and are sick, so those people whose heart are still beating, but cannot get up... they carry them away and throw them away.”*

II. Arbitrary Detention (UDHR Article 9, ICCPR Article 9)

7. Many citizens are indiscriminately arrested in the DPRK. They are questioned in detention facilities under the threat of torture and must confess their “crimes”. Finally, they are sent to prison camps or forced-labour facilities depending on their charge:- Yun-Hee Moon (Female, former detainee of Musan National Security Agency, North Hamgyeong province): *“I found out later that my husband was beaten so much that he was soaked with blood, unable to walk or talk. With such condition he said that he and I went to church, met a South Korean pastor, and planned to follow that pastor back to South Korea. I was beaten to death for this. They said, your husband has already said everything so why do you persist in denying? They beat me too much and I had no choice. I was compelled to seal it [...] It is common in DPRK to admit to something you have not done because you are beaten”.*
8. The rules for a trial including provisions for an independent Court, the right to defence or the right to make an appeal are established in the DPRK’s constitution and in the DPRK’s Criminal Procedure Law⁷. However, unconvicted individuals are regularly deprived of their right to a fair trial and the right to be presumed innocent until proven guilty thus contravening UDHR articles 10 and 11:- Sang-chul Lee (Male, prisoner in Prison-labour

⁷ A/HRC/WG.6/6/PRK/1Section IV D 38

Facility, Sinuiju, North Pyeongan province, released 2010): “Yes, there is a trial. It does not even take hours, few minutes is all it takes. [...] The people that run the courthouse are not the judges but the lawyers. The lawyer would not protect me but he would accuse and insult with along with the prosecutor. You cannot really tell the difference between the lawyer and the prosecutor. [...] You can’t tell if the lawyers are there to protect the accused, to be like the prosecutor, or just helping the judge.”

9. ‘Re-education through work’ is a usual punishment in DPRK and inmates are enslaved in camps called ‘gyohwaso’ and ‘jipkyulso’. Those who are sent to political prison camps (‘gwalliso’) are usually given a life sentence deprived of all their rights. In penal-labour colonies, the rule of law does not exist and inhumane treatment is regularly carried out against prisoners and political dissidents. Article 5 of the UDHR is denied and abused at random: - Gil-hyeon Shim (Male, prisoner in Prison-labour Facility from 2007 to 2010): “If you go to a prison labour facility, there are sections specifically categorized as 1, 2 and 3. I was at section 2 [.....] The work was the hardest here and there were many people who died by falling into the pits. My friends stumbled and fell as well and because they got hit from one side to the other on the way down, you could not even recognize the bodies. At the time, it was common for about forty detainees to die in the mines every month.”

III. Torture and Inhuman Treatment (UDHR Article 5, ICCPR Article 7)

10. In most of the DPRK’s detention facilities, unconvicted persons and prisoners are often corrected and punished by torture. According to testimonies torture is used to coerce people into admitting crimes despite this constituting an offense in the DPRK⁸. In National Security Agency facilities, where political dissidents and repatriated people are held prisoner, torture and mistreatments are the most severe and irrational:- Gwang-hyeok Kim (Male, detainee in Chongsong National Security Agency in North Hamgyeong province, released 2010) recalled being beaten for not writing the exact same confessions: “They gave me ten pages to write on. ‘Write everything from your birth’, they said. ‘A tiny change in your story and you are dead again’. [...]. I may have walked in on foot, but when I left I collapsed and had to be dragged along. [...] Bruises were all over my face. The tortures were that severe.”
11. Sexual abuse is also widespread and tolerated in these facilities. National Security Agency officials are said to take advantage of their power to sexually harass female inmates. Victims are not in a position to report abuses and women often give up their bodies to avoid torture: - Mi-hyang Sohn (Female, detainee in Kimhyongjik National Security Agency, Yanggang province, released 2009): “In 2009, there was one girl [...] at my facility. She was 26 years old and very pretty. She had been caught smuggling. All officers gave her punishments. She had to stand raising one leg and holding her arms out wide in the posture of a flying bird from breakfast to lunchtime. [...] However, one day, she went out and returned late, and afterwards, she did not receive that kind of punishment. I asked her ‘What did you do

⁸ A/HRC/WG.6/6/PRK/1 Section IV C 36

outside last night?’ Then she kept crying [...]. Later, she tried to kill herself by swallowing a spoon head. I never saw her after.”

12. Pregnant prisoners repatriated from China are subjected to ethnically motivated violence, suffering forced abortions on the assumption that they have half-Chinese children: - Mi-hyang Sohn (Female, detainee in Kimhyongjik National Security Agency, Yanggang province, released 2009): *“Because the DPRK Government wants to avoid mixed-blood citizens, pregnant women are forced into labour, for example by having to run while carrying huge logs. All the babies die [...] and most pregnant women do not survive either because of miscarriage, loss of blood, hunger, and having no medical treatment whatsoever.”*

Concluding recommendations

PSCORE recommends that the DPRK should:

- Fully comply with obligations pertaining to ratified international human rights treaties, thus reassessing national statutes and laws concerning the interpretation of human rights.
- Allow the UN’s Special Rapporteur and Commission of Inquiry to evaluate the implementation of human rights within national legislation and their practical application.
- Take steps towards reforming the use of capital punishment and complying with accepted standards defined in the International Covenant on Civil and Political Rights ratified by the DPRK.
- Strive to respect all people as persons of the law, before, during, and after the court process. Enhance due process within the Criminal Procedure of the DPRK and discourage courts from accepting forced confessions, which are induced by torture and coercion, as evidence.
- Put into place protocols that promote safe environments for prisoners, as well as preventive measures which will ensure the preservation of life in prisons and labour camps.
- Consider ratifying and adhering to the Convention Against Torture (CAT). Clarify the definition of torture and mistreatment to discourage this practice in the DPRK’s detention facilities. Intensify the penalization of law enforcement officials, who permit and encourage the practice of torture, coercion, and beatings, during the interrogation process.
- Take measures to protect women from sexual abuses and violence and make the necessary provisions to implement a successful system to report violations.