

# DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (NORTH KOREA) Human Rights Violations behind Closed Doors

## 1. INTRODUCTION

The Democratic People's Republic of Korea (DPRK, North Korea) remains one of the most isolated countries in the world, although substantial changes have taken place within North Korea itself and the world around it in recent years. The death of President Kim Il Sung does not seem to have brought about a noticeable change in economic and political policies. His son, Kim Jong Il, is referred to as the country's leader although he has not officially succeeded his father yet. The collapse of the Communist world however has isolated North Korea politically even more than it already was. The country seems to have grown economically more dependent on the international community, as was clearly shown by its requests for assistance in dealing with the damage done by floods in July and August 1995 from the United Nations and Médecins Sans Frontières, by the country's considering accepting rice from Japan and the Republic of Korea (South Korea) earlier in 1995 and its diplomatic strategy to pursue normalized relations with a number of Western countries.

Despite the political isolation of North Korea, contacts with the rest of the world are slowly being developed and foreign presence seeming to grow stronger, the information flow from the country is still very limited. While information about life in general in North Korea is scarce, reliable and independent information on human rights issues is almost non-existent. The North Korean Government seems to have almost completely monopolized information on human rights issues. As a result of this, the human rights situation in North Korea largely remains a blind spot in a world where human rights play an ever more important role and human rights violations are generally well documented.

Amnesty International has in the past succeeded in interviewing a number of unofficial sources knowledgeable about the human rights situation in North Korea, including North Koreans who left North Korea, relatives of North Koreans outside North Korea and former prisoners, and received information about prisoners of conscience and political prisoners from them. Their cases were published in Amnesty International's reports on North Korea in 1993 and 1994<sup>1</sup>. Recently, Amnesty International expressed its concern to the North Korean authorities about the cases of a number of North Koreans who were forcibly returned to North Korea from the Russian Federation and the People's Republic of China.

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<sup>1</sup>See *North Korea: Summary of Amnesty International's concerns* (ASA 24/03/93), issued in October 1993; *North Korea: Prisoners of Conscience: Shin Sook Ja and her Daughters* (ASA 24/04/93), issued in October 1993; *North Korea: New information about political prisoners* (ASA 24/05/95), issued in June 1994; *North Korea: Concern about the fate of Shibata Kozo* (ASA 24/07/94), issued in September 1994; *DPRK (North Korea): What happened to Cho Ho Pyong and his family?* (ASA 24/05/95), issued in August 1995.

### **Contacts between Amnesty International and the North Korean Government**

For a number of years, Amnesty International and the North Korean Government have been engaged in a dialogue about human rights violations in North Korea. Discussions took place at a number of meetings between the North Korean Government and Amnesty International in Geneva and most recently during a week-long visit by Amnesty International to North Korea in April and May 1995 at the invitation of the Institute for the Research of Human Rights. Concerns have also been discussed in exchanges of written correspondence between Amnesty International and the North Korean Government.

The concerns discussed included the cases of reported prisoners of conscience and political prisoners, problematic provisions in North Korean laws, the use of the death penalty and other issues. The North Korean Government has provided Amnesty International with information about many reported prisoners (see below). The organization was informed during its 1995 visit to North Korea of several amendments to the Criminal Law and the Criminal Procedure Law which were recently introduced to bring legislative provisions in line with international human rights standards. The Amnesty International delegation was told, for example, that the minimum age for the imposition of the death penalty was raised from 17 to 18 years and that articles in the Criminal Law punishing "crimes against the state" had been amended to restrict their scope. Amnesty International had expressed concern in 1992 that several such articles were vaguely worded and may lead to the imprisonment of people solely for the peaceful expression of their political beliefs. The organization

was also given further information about the use of the death penalty and had the opportunity to discuss aspects of the legal system of the DPRK in detail with North Korean officials.

Amnesty International welcomed the information it has received from the North Korean Government and the opportunity to visit North Korea to discuss human rights issues. Amnesty International also welcomed the information it had received about legal reforms and has written to the North Korean authorities to request the full texts of the laws that were reported to have been amended. It has also requested further information on several other matters that were discussed during the visit. The organization will comment in detail on the amendments to the North Korean legal system and other aspects of the visit to North Korea when it receives such information.

Amnesty International values the dialogue with the North Korean Government and hopes to continue and deepen it in the future. It also welcomes all information received from the North Korean Government. However, the organization believes that information received from governments has to be supplemented by information from independent sources in order to provide maximum protection to possible victims of human rights violations.

In the course of the continuing dialogue between Amnesty International and the North Korean Government, as well as during Amnesty International's visit to North Korea in April and May 1995, the organization was provided with information about many individuals reported to have been held as prisoners of conscience or political prisoners. The information provided by the North Korean Government has however left numerous questions about the fate of many of these reported prisoners, as will be discussed in chapters three and four of this document.

This report further argues that an almost complete information monopoly on human rights and other issues has been created by the North Korean Government and that protective policies and measures are employed by the government to sustain this information monopoly. Due to these policies independent and reliable information on the general human rights situation in North Korea and on new cases of political prisoners is rare and independent research following up on the cases of prisoners known to Amnesty International is almost impossible. The North Korean Government is, therefore, effectively almost the only source for additional information about the cases of reported prisoners Amnesty International raised. This lack of information on the human rights situation in North Korea is of major concern because it allows the fate, whereabouts and situation of alleged victims of human rights violations to remain unclarified, denying them the protection that international human rights monitoring can offer. This report recommends certain steps to the North Korean Government to promote maximum protection of victims of human rights violations.

### **Political and Social Background**

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The Korean peninsula was divided in 1945 into two military zones, respectively controlled by the Soviet Union (USSR) and the United States of America (USA) at the end of 50 years of colonial rule by Japan. The Korean war (1950-53) resulted in very heavy damage over most of the peninsula. It is estimated that at least one million Koreans died, and several million were displaced during the war. Since 1953, North Korea and South Korea have been almost completely cut off from each other. There has been virtually no traffic across the 1953 cease-fire line. To this day, it is still impossible to travel, write or telephone directly between North and South Korea. Citizens on both sides of the demarcation line have been imprisoned for meeting, or attempting to meet, people from the other side. Non-governmental organizations estimate that up to 20 million Koreans on the whole peninsula have been separated from close relatives since 1953.

Kim Il Sung headed the Government of the DPRK from its establishment in 1948 until his death in 1994. He gradually reinforced his power during the 1950s and 1960s and died as State President and Grand Marshal. His son, Kim Jong Il, seems to have succeeded his father although he has not yet been appointed to the posts his father held. The ruling Workers' Party of Korea (WPK) has monopolized political power since its establishment in 1949. The Constitution specifies that North Korea "conducts all activities under the leadership" of the WPK.

The WPK reportedly has about three million members (North Korea's population is about 22 million). Kim Jong Il is one of the three members of the Presidium of the Political Bureau, the top decision-making body of the Party. A high personal loyalty to Kim Jong Il appears to be demanded by the Party, from both members and non-members. In effect the government is accountable only to the WPK leadership.

The Administration Council (Council of Ministers) is led by a Premier and Vice-Premiers. Policies are set, and the work of the Administration Council is directed, by the Central People's Committee, which is officially led by the State President of the DPRK. It is unclear who leads the Central People's Committee at this moment because a new State President has not been appointed since the death of Kim Il Sung. The Premier and Vice-Premiers of the Administration Council, as well as the State President and the other members of the Central People's Committee, are elected by the Supreme People's Assembly (SPA), defined by the 1972 Constitution (amended in 1992) as "the highest organ of state power in the DPRK". The 692-member assembly meets once or twice a year, for a few days. State organs, including the judiciary, are nominally responsible to the SPA.

The military is led by the National Defence Commission of the DPRK, since April 1993 headed by Kim Jong Il. Kim Jong Il is also since 1991 the Supreme Commander of the Korean People's Army and has the title of Marshal.

North Korea has diplomatic relations with over 130 countries. It became a full member of the United Nations (UN) in 1991, at the same time as South Korea.

The North Korean economy has been affected by shortages of energy and other supplies in recent years, according to foreign trade sources and Korean visitors to North Korea. Energy shortages have reportedly had severe consequences in some regions and for certain categories of citizens, including detainees. Visitors to Hamgyong South Province have reported that shortages of food and energy resulted in increased mortality in some villages in the late 1980s. Former prisoners have stated

that inmates have died of hunger and cold. Rationing of food, clothing and energy appears to continue in most parts of the country.

Heavy rainfall in the summer of 1995 caused large-scale floods in North Korea. The North Korean Government claims some 100,000 people have been left homeless and a total of about 500,000 people have suffered damage from the floods. The North Korean Government has requested aid from the international community in order to deal with the damage the flood has caused.

International relief organizations that were admitted into North Korea to give aid have mentioned a high level of solidarity among the North Koreans and a well-organized aid program by the North Korean authorities. Most homeless have reportedly been given shelter within the community. There were also reports of hospitals being clean, well organized and the medical staff was said to be highly motivated.

An Amnesty International delegation was told in April and May 1995 during its visit to North Korea that there are three "rehabilitation centres" (prisons) in North Korea. The delegation visited the "rehabilitation centre" near Sariwon, capital of North Hwanghae Province and discussed disciplinary measures, complaints procedures and other matters relating to the inmates with the commander and other officials in the centre. Amnesty International was told the three "rehabilitation centres" hold a total of 800 to 1,000 inmates. These include some 240 people held for "anti-state" activities. The authorities stated that all "anti-state" offenders are held in Hyongsan re-education centre in the capital Pyongyang and that there is no place of detention for convicted prisoners in North Korea other than the three centres named to Amnesty International.

The North Korean authorities told the Amnesty International delegation that there is very little crime in the country and that "social re-education" is applied in the cases of most criminal offences rather than criminal procedures. The authorities also stated that the death penalty is very rarely used.

## **2. RESTRICTIONS ON INFORMATION IMPOSED BY GOVERNMENT**

As with any government, Amnesty International values its dialogue with the North Korean Government and hopes to continue and deepen it in the future. Amnesty International believes however that information received from official representatives of a country has to be supplemented by information received from independent sources in order to establish the facts in each case and provide maximum protection to possible victims of human rights violations. However, independent and reliable information about the human rights situation in North Korea is scarce. Even close relatives of reported victims of human rights violations have often been unable for years to be in contact with them, and the North Korean authorities have not responded to many appeals for information.

Almost all persons mentioned in this report have not been heard of through sources other than the North Korean Government for extended periods of time. Cho Ho Pyong and his family were last heard of through unofficial channels in 1973, when his relatives in Japan received a letter from Koike Hideko, Cho Ho Pyong's wife. Shibata Kozo was last seen in late 1989 by an unofficial source in North Korea. Kim Duk Hwan has not been heard of since his wife received his last letter in 1966. The same uncertainty seems to surround the fate of the people whose cases Amnesty International has recently raised. Choi Yen Dan has not been heard of since he was taken away from the police station in Moscow by the North Korean authorities in August 1994. Lee Sung Nam has not been heard of since he was apprehended in Tashkent in 1994. Choi Gyong Ho's wife has not been able to contact her husband since he was handed over to his superior from the logging sites on 24 March 1995. The Hwang brothers have not been heard of since they were transported to the North Korean city of Sinuiju in June 1995. Most other reported prisoners of conscience and political prisoners have not been heard of since their cases were reported to Amnesty International.

The North Korean authorities have shrouded the country's human rights situation in secrecy by creating an almost complete monopoly on all information, on human rights as well as on other issues. Even a major train accident, reported to Amnesty International in connection with the case of Shibata Kozo and in which "hundreds of people" died was not publicly reported. The Government's information monopoly on human rights issues is sustained by a range of protective policies and measures to prevent the dissemination of information:

- ◆Independent human rights research in North Korea is practically impossible. Even international human rights organizations that are allowed into North Korea are unable to carry out independent research because of conditions in the country, such as tight social control of its citizens by the government. Amnesty International's visit to North Korea in April and May 1995 was organized by the North Korean Institute for the Research of Human Rights and included a large number of meetings with North Korean officials. However, the delegation was not able to carry out any independent research during the visit;
- ◆Foreign visitors and journalists, including ethnic Koreans living abroad, are heavily restricted in their freedom of movement and do not seem to be allowed to mix with ordinary North Koreans. Ethnic Koreans, who are now citizens of countries other than North Korea, have been allowed to visit North Korea as tourists but were in many cases not allowed to meet their North Korean relatives;

- ◆ Ordinary North Korean citizens are not allowed to mix with foreign nationals in North Korea. Amnesty International has received reports about the disappearance of a number of North Koreans who had had friendships or relationships with foreigners. Amnesty International has received one report alleging that a North Korean was executed for his friendship with a Soviet citizen;
- ◆ For North Koreans, correspondence with people outside the country appears to be highly restricted and censored. Workers and students abroad are tightly monitored by the North Korean Government and have been called back to North Korea in the past whenever the North Korean authorities feared that information about North Korea might leak;
- ◆ The North Korean authorities try to prevent North Koreans from seeking asylum in other countries. North Korean refugees and asylum-seekers in the Russian Federation are being pursued and harassed by the North Korean Public Security Service and abducted to North Korea in case of apprehension, and in some cases Russian authorities are being pressured to return North Korean refugees against their will to North Korea in breach of international law regarding the protection of refugees. It is feared the same applies to North Korean refugees in the People's Republic of China. North Koreans living abroad have been blackmailed into keeping silent about the human rights situation in North Korea. In some such cases, North Korean officials are known to have threatened North Koreans abroad with repercussions against relatives who remained in North Korea.

Amnesty International constantly faces the consequences of these policies and measures in carrying out its research. Many potential sources have in the past declined to talk to the organization openly and in some cases even refused to meet with the organization at all. Several sources who did speak openly to Amnesty International about cases of political prisoners in North Korea and the general human rights situation in the country asked the organization not to publish anything that could lead to their identification. In some instances the sources insisted that Amnesty International should not publish the cases at all. These sources all told Amnesty International they feared for their own safety or the safety of relatives and other people who live in North Korea.

Another result of these policies and measures is that independent verification of the fate, whereabouts and legal situation of prisoners known to Amnesty International is extremely difficult. The North Korean Government is effectively almost the only source available for additional information on the fate of prisoners of conscience and political prisoners, whose cases Amnesty International has raised. However, the information received from the North Korean Government about cases of reported prisoners raised by Amnesty International has not proven to be satisfactory in all cases, as has been argued in this report. Amnesty International is gravely concerned that this information monopoly enables the North Korean Government to make claims concerning the fate of reported prisoners which are difficult to check independently.

During Amnesty International's visit to North Korea in April and May 1995, North Korean officials said they were concerned about misinformation circulating abroad on the human rights situation in North Korea. Amnesty International believes that by allowing full disclosure of the facts, openness in the circulation of information and unrestricted access to independent and impartial

human rights monitors, the North Korean authorities would address the root cause of any misinformation.

Amnesty International believes the almost complete information monopoly on human rights and other issues that has been created by the North Korean Government through protective policies and measures is a major concern because it allows the fate, whereabouts and situation of victims of human rights violations to remain unclarified, denying them the protection that international human rights monitoring can offer. Due to these policies independent and reliable information on the general human rights situation in North Korea and on new cases of political prisoners is rare, as a result of which the human rights situation in North Korea remains largely unknown. The policies have also rendered independent research following up on the cases of prisoners known to Amnesty International almost impossible. The North Korean Government is, therefore, effectively almost the only source for additional information about the cases of reported prisoners Amnesty International raised. Amnesty International is also concerned that some of the measures employed by the North Korean Government to prevent information about the human rights situation in North Korea from leaving the country constitute human rights violations in themselves.

Amnesty International believes that such an information monopoly, and the subsequent denial of protection to victims of human rights violations that international human rights monitoring can offer, is contrary to commitments made by the North Korean Government on an international level. By becoming a member of the United Nations and ratifying the International Covenant on Civil and Political Rights (ICCPR) the North Korean authorities have recognized human rights issues as a matter of international responsibility. The fact that the North Korean Government has still not submitted its first periodic report on the implementation of the International Covenant on Civil and Political Rights, which was due in 1987, confirms the concern that the North Korean Government does not comply with its international commitments to treat human rights as a matter of international responsibility.

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### **3. RESPONSE BY THE NORTH KOREAN AUTHORITIES TO CASES RAISED BY AMNESTY INTERNATIONAL IN 1993 AND 1994**

#### **3.1 General information about the responses of the North Korean Government**

Over the years, Amnesty International has raised the cases of a number of prisoners of conscience and political prisoners with the North Korean government. In written correspondence as well as during Amnesty International's visit to North Korea in April and May 1995, the North Korean authorities provided the organization with information about the prisoners mentioned in Amnesty International's reports.

Amnesty International welcomed the oral and written responses from the North Korean authorities on the cases the organization mentioned in its reports. However, Amnesty International believes that in a number of cases the information provided by the North Korean authorities is unsatisfactory and raises further concern about the fate and whereabouts of the individuals concerned. Amnesty International continues to seek further information on the cases it believes have not been clarified fully.

Amnesty International was told that out of about 50 cases of reported prisoners the organization raised in 1993 and 1994<sup>2</sup>, only two of the persons mentioned had actually been detained, both on espionage charges. All others had never been detained. Both prisoners the North Korean authorities admitted had been detained were said to have died; one was killed during an escape attempt together with his wife and children, the other died in a train accident, also with his whole family. According to the authorities seventeen reported prisoners could not be identified due to a lack of information. Of the 34 reported prisoners the North Korean authorities claim never to have been detained, some were said to have had careers in government. Eighteen of them were said to have died of diseases or old age. Around 12 of them are allegedly still living in North Korea, many of them in Pyongyang. Three were said to have moved abroad. Shin Sook Ja, one person whose case Amnesty International had raised, was apparently asked by the North Korean officials to agree to meet the Amnesty International delegation in April 1995, but she is said to have refused to do so. The daughter of one of the reported prisoners, Kang Yong Su, was brought to meet the Amnesty International delegation. She accused Amnesty International of being manipulated by the South Korean Government and claimed her father had never been detained. Amnesty International was not able to speak to the daughter in private.

#### **3.2 The details of the cases of Kim Duk Hwan, Shibata Kozo and Cho Ho Pyong**

##### **Kim Duk Hwan**

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<sup>2</sup> See footnote 1

The case of Kim Duk Hwan was published by Amnesty International in 1994.<sup>3</sup> Kim Duk Hwan, a North Korean engineer, studied in the USSR in the 1950s and married a Russian woman. After he had finished his studies, he decided to return to North Korea to work for a number of years to pay off what his wife described as his “moral debt” to the North Korean state which had enabled him to study in the USSR. His wife followed him some time later. When relations between the People's Republic of China and the USSR deteriorated due to ideological conflict, North Korea aligned with China. Propaganda campaigns against the USSR resulted in hostile treatment of USSR citizens in North Korea.

The quickly worsening situation for Soviet citizens in North Korea forced Kim's wife, Valentina Dmitrievna Kurashova, to return to the USSR with her son. Kim Duk Hwan was not allowed to accompany her. After Valentina Kurashova left North Korea, she and Kim wrote regularly to each other for about six years. Within a year of his wife's departure, the North Korean government started to put pressure on him to divorce his wife. When Kim refused to abandon her, he was sent to a re-education camp, in late 1961 or early 1962. Kim wrote in a letter to his wife that he had been told his refusal to divorce her and the fact that he had studied in the USSR were the reasons for him being sent to a re-education camp. In 1966 Kim's letters suddenly stopped. Since then Valentina Kurashova has been trying to find information about her husband's fate. Amnesty International adopted Kim Duk Hwan as a prisoner of conscience, who was solely detained for his personal background and private life.

During Amnesty International's visit to North Korea in April 1995, an Instructor of Investigation of the Investigation Department at the Ministry of Public Security told Amnesty International that Kim Duk Hwan had never been detained. It was claimed that he worked as a researcher at a building material research centre in Pyongyang from 1960 until 1967. After this he was said to have worked as an instructor at the same research centre until December 1971. From

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<sup>3</sup> See *North Korea: New information about political prisoners* (ASA 24/05/95), issued in June 1994.

December 1971 he reportedly worked at the Ministry of Construction as an instructor and a section chief. He was said to have died of lung cancer on 23 February 1985.

Amnesty International however believes there is convincing evidence that Kim Duk Hwan has been detained. The organization has seen letters written by Kim from the re-education camp where he was working, in which he writes about conditions in the camp.

The information provided by the North Korean authorities about the case of Kim Duk Hwan does not give an explanation as to why the numerous requests for information made by Kim's wife and her son have remained unanswered. Kim's son visited the North Korean Embassy in Moscow five times over the years and never received a proper answer to his enquiries. Amnesty International was also shown the answer to a request from Kim's wife to the North Korean Red Cross for information on her husband. The answer from the North Korean Red Cross informed her that it had not been possible to track down her husband.

Amnesty International is asking the North Korean authorities to undertake full investigation into allegations that he was held in a re-education camp and to provide his family with:

- ◆ Documentary evidence of his fate, including proof of his death if it occurred;
- ◆ If it is established that Kim Duk Hwan has died, his wife should be informed of the exact location of the burial place of her husband. She and her son should be given the possibility to correspond and meet her husband's family and visit Kim Duk Hwan's grave.
- ◆ A detailed account of Kim Duk Hwan's whereabouts and status between 1961 and, as appropriate, the time of his death. This should be supported by copies of contemporary documentary evidence.

**Shibata Kozo**

The case of Shibata Kozo (or Kim Ho Nam<sup>4</sup>) was first described by Amnesty International in 1993. Additional information was published in 1994<sup>5</sup>. Shibata Kozo, a Japanese citizen who left to go to North Korea in 1960 with his wife, was first arrested in 1962. Amnesty International believes his arrest may have been connected with a protest by Japanese spouses of former Korean residents of Japan who had resettled in North Korea. The North Korean authorities, however, claim that Shibata Kozo was involved in espionage activities and had attempted to hand over state and military secrets. He was arrested in 1964. After his arrest, he was sentenced to 20 years' imprisonment. Although his sentence expired in 1984, Shibata Kozo was not released. The North Korean authorities claim he was given a supplementary six-year term because of his involvement in "anti-state activities". Shibata Kozo was last seen in late 1989 at a detention centre in Sungho Township. In 1992 Shibata Kozo's relatives in Japan heard reports that Shibata Kozo was still alive and in detention. However these reports could not be confirmed.

In June 1994 the North Korean authorities provided Amnesty International with new information about the fate of Shibata Kozo and his family. The authorities said that Shibata Kozo was released on 20 January 1990 and reunited with his family. They lived for a short period in Mundok-Uhup, South Pyongan Province before travelling to Ryongdae-Dong, Tanchon City, South Hamgyong Province on 18 March 1990, where they apparently intended to reside permanently. According to the authorities Shibata Kozo and his entire family died when the train on which they were travelling crashed.

During Amnesty International's visit to North Korea in April and May 1995, the North Korean authorities gave some additional information on the train accident in which Shibata Kozo and his family are said to have died. The whole family, including his wife, his adult son and his wife and their child, and two adult daughters were apparently planning to live together in a three bedroom house in Ryongdae-Dong, Tanchon City. The whole family embarked on the fatal train journey on 18 March 1990. The delegation was shown a video in which some officials could be seen walking around

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<sup>4</sup> The North Korean Government claims Shibata Kozo adopted the Korean name Kim Ho Nam shortly after arrival in North Korea. Amnesty International has however information that Shibata Kozo had consistently refused to change his nationality or his name. Former detainees knew him as Shibata Kozo.

<sup>5</sup> *North Korea: Summary of Amnesty International's Concerns* (ASA 24/03/93), issued in October 1993; *North Korea: Concern about the Fate of Shibata Kozo and his family* (ASA 24/07/94), issued in September 1994.

the site of what was said to be a train accident. The video also showed a page from a registry said to be a registry of all the people who died in the accident. The names of Shibata Kozo and his wife were visible on the registry. The names of the other victims had been whited out "for reasons of privacy". The official providing the information to Amnesty International could not explain why the North Korean authorities had failed to inform Shibata Kozo's brother in Japan about his death.

According to a letter received from the North Korean authorities in July 1995, the train was derailed on a bridge between the cities of Sinuiju and Chongjin and seven passenger carriages fell down into a river. Apparently hundreds of people died in this train accident. The North Korean authorities told Amnesty International in their letter of July 1995 that neglect of security measures by a railway official caused the train accident. The responsible official was, according to the North Korean authorities, sentenced to 12 years' imprisonment in a "reform institution" under article 71 - 2 of the North Korean Criminal Code. When Amnesty International expressed its surprise at not having heard anything about this major train accident, the organization was told that "accidents are not reported in our country". It is also considered strange that while the North Korean authorities claim that the family was travelling from Mundok Uhap (South Pyongan Province) to Ryongdae-Dong, Tanchon City (South Hamgyong Province), the family travelled on a train from Sinuiji in the direction of Chongjin (North Pyongan Province). There is no obvious connection by rail between Mundok-Uhap and Tanchon City through the North Pyongan Province. The North Korean authorities also told the Amnesty International delegation during the 1995 visit to North Korea that they have no knowledge of any place of detention in Sungho Township.

Amnesty International is asking the North Korean Government to provide the following supplementary information to the organization and to Shibata Kozo's relatives in Japan:

- ◆ Information about Shibata Kozo's alleged supplementary six-year prison term for "instigating other prisoners to commit an anti-state plot". This should include details of the charges against the prisoner, the dates of his trial, the reason for his conviction, the text of the indictment, the defense statement and the verdict in the case, and documents confirming his release;
- ◆ Documentary evidence about the train accident in which the family are said to have been killed. This should include eye-witness accounts or other reports of the accident;
- ◆ Official documentation indicating that Shibata Kozo changed his name to Kim Ho Nam;
- ◆ Copies of the autopsies and other documentary evidence of the investigation which established that Shibata Kozo and his family were victims of the train crash. This should include information about other family members allegedly killed in the train accident, including details of their marital status and place of residence before the accident;
- ◆ A copy of the video tape that was shown to the delegation in Pyongyang in April 1995, which showed the site of the train accident and the registry with the names of Shibata Kozo and his wife;

- ◆The relatives of Shibata Kozo and his wife, Shin Sung Suk, should be provided with information about the family's burial place. They should also be given the names and addresses of the victims' surviving relatives and a means of communicating with them.

### Cho Ho Pyong <sup>6</sup>

Cho Ho Pyong was born in 1936 in Japan to a Korean father and a Japanese mother. He travelled to North Korea together with his wife, Koike Hideko, in February 1962, wishing to settle there. According to letters he wrote to his relatives in Japan, Cho Ho Pyong worked as a lecturer in physiology at the Medical University in Hamhung City. In the mid-1960s he appears to have come under official suspicion and in 1967 he wrote to his relatives in Japan that he was on his way to a place of "re-education". This was the last letter Cho Ho Pyong's relatives received from him. Koike Hideko wrote last in 1973, saying she was living alone with their three children. Relatives of Cho Ho Pyong and Koike Hideko have since made several attempts to visit North Korea, but permission to do so was never granted.

The case of Cho Ho Pyong and his wife Koike Hideko was first described by Amnesty International in 1994 in its report: *North Korea: New Information About Political Prisoners* (ASA 24/05/94). In this report the organization expressed concern that the couple may have been taken into detention or "disappeared" and it urged the government to publish information about the family's whereabouts.

The North Korean Government provided Amnesty International with information on the case of Cho Ho Pyong during Amnesty International's visit to North Korea in April 1995 and in a letter from the North Korean Institute for the Research of Human Rights in July 1995. According to the North Korean Government Cho Ho Pyong, Koike Hideko and their three children were shot in 1974 while attempting to escape from North Korea for Japan by soldiers of the Korean People's Army. Cho Ho Pyong had been arrested in November 1967 for having collected state and military secrets and was subsequently sentenced to 20 years' imprisonment by a lower court. The North Korean authorities claimed that Cho Ho Pyong escaped from the rehabilitation centre in Chunnæ where he had been serving his sentence. A few hours after his escape, he and his family apparently

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<sup>6</sup> For more information on this case, see also: *DPRK (North Korea): What happened to Cho Ho Pyong and his family?* (ASA 24/05/95), issued in August 1995

entered a navy base and stole a navy boat, killing one of the guards and taking his weapon. The whole family was then killed in a shoot-out following involving Cho Ho Pyong and a pursuing navy boat. According to the North Korean authorities the bodies were never found.

Amnesty International is asking the North Korean Government to provide the following supplementary information about the cases of Cho Ho Pyong, Koike Hideko and their children:

- ◆ Information about the reasons for Cho Ho Pyong's arrest, the charges against him and the date and outcome of his trial. This should include the text of the indictment, the defence statement and the verdict in the case;
- ◆ Documentary evidence of the investigations into the alleged shooting incident, including details of eye-witness accounts;
- ◆ The results of any official investigation into the incident, in particular into the manner and cause of death of all members of the family as well as any casualties from the Korean People's Army;
- ◆ Copies of the victims' death certificates or other official notification of the deaths, and an explanation of why the bodies were not found.

### **3.3 Amnesty International's position and concerns regarding the responses of the North Korean authorities**

The North Korean Government said in its responses to Amnesty International's reports that allegations made by the organization concerning reported prisoners of conscience and political prisoners are groundless. Amnesty International's publications however are always based on independent research and careful assessment of the reliability of sources and information. Amnesty International believes that there is convincing evidence that the persons mentioned in earlier reports have been detained by the North Korean Government at some point and that some may still be detained. The responses from the North Korean Government have left numerous questions and doubts.

In a number of cases the information received from the North Korean authorities is inconsistent with information obtained by Amnesty International from other, independent sources. The case of Kim Duk Hwan is a striking example of this. Letters, written by Kim Duk Hwan while he was in the re-education camp and in which he describes conditions in the camps, have been shown to Amnesty International. Other inconsistencies are shown by the case of Shibata Kozo; while the North Korean Government claims that Shibata Kozo died in a train accident in March 1990, Shibata Kozo's relatives in Japan heard reports that he was still alive and in detention in 1992. According to one source Shibata Kozo was told by officials that his wife had died of a heart disease, while the North Korean Government claims in its responses to Amnesty International that Shibata Kozo's wife died with him in a fatal train crash in March 1990. The claim made by the North Korean authorities that there has never been a detention centre in Sungho Township is inconsistent with information received from an independent source in Sungho Township that Shibata Kozo was being detained at a detention centre in the township in 1989.

Amnesty International is concerned about the striking similarities between the cases of Shibata Kozo and Cho Ho Pyong, who both died instant deaths with their entire families. In both cases, no documentary evidence of the deaths was provided. Amnesty International is also concerned that those prisoners of conscience and political prisoners, whose cases were documented most extensively in the organization's previous reports, all appear to have died.

The information provided by the North Korean Government does not offer any explanation as to why repeated requests from the relatives of Kim Duk Hwan, Shibata Kozo and Cho Ho Pyong for information about the whereabouts of these reported prisoners remained unanswered or resulted in a short message stating that they could not be located.

Amnesty International is concerned that Kim Duk Hwan and other reported prisoners, who according the North Korean authorities were never detained, have in fact been detained and some of them may still be detained. The organization is also concerned that Shibata Kozo, Cho Ho Pyong and possibly some of the other people reported to have died of old age or diseases, may have died in different circumstances than those indicated by the North Korean Government.

The North Korean Government said that three of the people Amnesty International had mentioned in its previous reports, Min Yong Il, Kim Jin Ho and Koh Dae Ki moved abroad. The authorities did not specify the destination of these North Koreans. All three were reportedly educated in Pyongyang in the 1970s and left North Korea, which is known to be very reluctant to let its citizens move abroad, in 1973, 1977 and 1979 respectively. An unofficial source at a detention centre in Sungho Township told Amnesty International however that all three man were held in detention at Sungho Township in late 1990.

Amnesty International calls on the North Korean authorities to provide the organization with the following supplementary information:

- ◆ Documentary evidence of the fate and whereabouts of the reported prisoners. This should include papers documenting the results of official investigations into the cause and manner of death of those reported prisoners who the government claims have died;
- ◆ Documentary evidence confirming that Min Yong Il, Kim Jin Ho and Koh Dae Ki left North Korea. This should include a details of the destination of all three;
- ◆ Allow all reported prisoners of conscience and political prisoners to contact relatives, friends and others outside North Korea.

#### **4. NORTH KOREANS DEPORTED TO NORTH KOREA FROM THE RUSSIAN FEDERATION**

##### **4.1 Introduction**

Since the visit to North Korea in April and May 1995, Amnesty International has raised the cases of a number of refugees, who were forcibly returned to North Korea. Amnesty International believes these refugees may have faced human rights violations in North Korea after deportation. Although the North Korean authorities provided Amnesty International with information on the case of one forcibly returned refugee, the organization has not found sufficient reason to abandon its concerns about these North Koreans. Song Chang Keun, Choi Gyong Ho, Choi Yen Dan and Lee Sung Nam were all deported from the Russian Federation to North Korea. Amnesty International has information that there are more cases of North Korean refugees in the Russian Federation being deported to North Korea.

North Korean refugees in the Russian Federation come predominantly from a number of logging sites, which the North Korean government runs in the Khabarovsk and Amur regions in the Russian Far East. Timber felling takes place at these logging sites on the basis of a logging agreement between the Russian Federation and North Korea. An unspecified number of North Korean workers have left the logging sites after having made the decision not to return to North Korea. Most of them are hiding in the Russian Federation. They fear being arrested as illegal aliens by Russian law enforcement officials, as well as apprehension by the North Korean Public Security Service<sup>7</sup>. There are also North Korean refugees in the Russian Federation who did not come from the logging sites but entered the Russian Federation by other routes or means. Their situation is similar to that of the refugees from the logging sites.

Amnesty International is deeply concerned at numerous reports claiming that North Korean refugees in the Russian Federation and people believed to be involved in helping these refugees have been and are still being pursued by people believed to be linked to the North Korean Public Security

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<sup>7</sup> The North Korean Public Security Service has operated on the territory of the former Soviet Union for a considerable number of years. Until the early 1990s its operations on Soviet territory were sanctioned by a secret additional protocol to the agreement on the logging sites in the Russian Far East. This protocol allowed the North Korean Public Security Service to pursue and arrest North Koreans who had escaped from the logging sites. The protocol was declared illegal in 1993 by a delegation led by Sergei Kovalyov, the Chairman of the Presidential Human Rights Commission of the Russian Federation, during a visit to the logging sites to investigate allegations of human rights violations. Although activities by North Korean Public Security Service on the territory of the Russian Federation are no longer legal, it continues to operate on Russian territory, pursuing, attempting to abduct and intimidating North Korean refugees. In reaction to concern raised by Amnesty International about this practice several Russian officials told Amnesty International that they are aware of the continuing operations by the North Korean Public Security Service but are not able to prevent the operations due to (among others) financial limitations.

Service. This is in breach of Article 12-2 of the International Covenant on Civil and Political Rights (ICCPR), to which North Korea acceded on 14 September 1981. Article 12-2 guarantees the freedom of every person to leave any country, including his or her own.

Amnesty International is also concerned that the governments of the Russian Federation and the People's Republic of China are in some cases handing over North Korean refugees to the North Korean authorities against their will. North Koreans in the Russian Federation who do not wish to return to North Korea are recognized as refugees by the office of the United Nations High Commissioner for Refugees (UNHCR). Consequently, according to Article 33 of the 1951 Convention relating to the Status of Refugees (to which the Russian Federation acceded in 1993), they cannot be forcibly returned to a country where their life or freedom might be endangered. This principle of non-refoulement is a fundamental principle of customary international law and is binding on all states irrespective of whether or not they have signed the Convention.

#### **4.2 The fate of forcibly returned North Koreans**

The fate of forcibly returned North Koreans is clouded with uncertainty. Although the North Korean authorities have responded to Amnesty International's requests for information about the fate of Song Chang Keun, the organization's concerns have not been refuted. Amnesty International has not only heard allegations of the execution of apprehended refugees by North Korean authorities in the case of Song Chang Keun, but has also received reports claiming that apprehended refugees are being executed by North Korean security forces as a standard procedure, possibly on the territory of the Russian Federation. Amnesty International has not been able to confirm these reports.

Amnesty International has received allegations that some North Korean refugees were ill-treated while being deported to North Korea by the North Korean authorities; one was said to have been severely beaten up in 1990. Other refugees are said to have had pieces of iron placed around their legs during deportation. These iron shackles reportedly covered the full length of their legs, rendered them immobile and prevented them from standing up.

Under the Criminal Code of North Korea, the life and freedom of North Korean refugees may be at risk if returned to North Korea. Article 47 of the Criminal Code states that:

"A citizen of the Republic who defects to a foreign country or to the enemy in betrayal of the country and the people . . . shall be committed to a reform institution for not less than seven years. In cases where the person commits an extremely grave offence, he or she shall be given the death penalty . . ."

Amnesty International is concerned that, under this law, North Koreans forcibly returned to North Korea may face prison terms and even the death penalty, solely on account of their decision not to return to the country of their nationality. A person who is detained solely for expressing the wish to leave (or not return to) their country of origin is considered a prisoner of conscience by Amnesty International. This is in accordance with Article 12 of the International Covenant on Civil and Political Rights which states that "everyone shall be free to leave any country, including his own" and Article 14 of the Universal Declaration of Human Rights. Amnesty International opposes the use of the death penalty in all cases, irrespective of the circumstances. It considers capital punishment to

be a violation of the right to life and the ultimate form of cruel, inhuman or degrading punishment. The use of the death penalty as punishment for any offence which does not involve the use of violence, including the right to leave one's country, is in breach of the United Nations Economic and Social Council (ECOSOC) Safeguards guaranteeing protection of the rights of those facing the death penalty (1984/50).

#### 4.3 The case of Song Chang Keun

Song Chang Keun was reportedly born in 1962 in the village of Sanhari, as the fourth son in the family of a teacher at an agricultural school. He graduated from the school of forestry and worked in his village for three years. He claimed that after he got married and his wife gave birth to twins, life became difficult. It was then that he started thinking about the possibility of applying for work in the Russian Federation.

A relative who worked in the provincial administration apparently helped Song to get work at the logging sites in the Russian Far East. Song promised to bring back a refrigerator to this relative as a present after finishing his work term there. Song started visiting Party members in the city and the province, bringing them vodka and cigarettes and asked them to help arrange work for him at the logging sites.

In 1992 Song left North Korea for the Russian Federation together with a hundred other North Koreans. After crossing the border their passports were reportedly taken away and according to Song their freedom was highly restricted<sup>8</sup>. After arriving at the logging sites, Song was trained to work on a truck, but after the training it turned out that there was hardly any work. Song was sent on numerous trips to Khabarovsk and Birobidzhan, where he sold watches, tape players and other goods, "for the motherland", as his superior reportedly used to say.

On one such trip, in 1994, Song met someone in Khabarovsk who suggested that he visit the consulate of South Korea and discuss resettlement in South Korea. After having done so, Song left the logging sites for good. He lived in Khabarovsk, for some time apparently at the house of a Korean American missionary.

On 24 March 1995 the Korean American missionary and his wife were killed in their apartment in Khabarovsk. The circumstances of the murder were highly suspicious: there were no signs of forced entry into the apartment, both bodies had ritual signs on them and over 17,000 US dollars in cash were found in the apartment, untouched.

A week later Song visited the apartment of the dead couple according to some sources, because he was concerned that the couple did not answer the telephone. He was arrested on the spot

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<sup>8</sup> According to the new agreement on the logging sites, passports are not taken away from the North Korean loggers when they arrive in the Russian Federation anymore. For practical considerations however the passports of the loggers are kept centrally at the logging sites. Loggers can get a temporary ID card issued by Russian visa-authorities; most escaped loggers appear not to have such ID cards.

by Russian law enforcement officials in connection with the murder. Song confessed having committed the murder during interrogations, saying he got angry with the pastor and his wife because they did not seem to keep their promise of helping him leave the Russian Federation.

Some sources however claim that Song confessed only because he feared being handed over to North Korea authorities if acquitted. He is said to have preferred the prospect of serving time in a Russian prison to being returned to the North Korean authorities. Amnesty International has received reports that other North Korean refugees have committed crimes in the past with the same intent. Some sources say they believe the North Korean Public Security Service is responsible for the murder of the pastor and his wife. These sources claim the murder was committed by North Korean Public Security officials because the pastor had been helping North Korean refugees hiding from the North Korean Public Security Service.

Song was kept in detention in Khabarovsk for about four months, before being handed over to a North Korean official in early August 1995, who is thought to have been the deputy head of the Public Security Department at the office of North Korea for the logging sites in Khabarovsk. Song Chang Keun was apparently handed over to the North Korean official because of a lack of evidence against him, but on the condition that he would be returned to the Russian authorities in case they would require him for further investigation of the murder or to stand trial.

One source told Amnesty International that he believes Song Chang Keun was killed on Russian territory after he was handed over to of the North Korean authorities.

In a reply to Amnesty International's letter expressing concern about the case of Song Chang Keun, the North Korean authorities claimed that Song Chang Keun was not killed by the North Korean authorities, but is living in Muchae-Ri, Songgang County in Chagang Province in North Korea and "is working as a designer at the Logging Enterprise of Songgang County, Chagang Province". They also claim he did not kill the couple, although they state he visited them regularly.

The letter from the North Korean authorities states that: "He [Song Chang Keun] returned to North Korea through Tuman River Station after going through due formalities of Russian border crossing on July 9, 1995." The letter continues saying that this can be confirmed by Russian officials concerned. Amnesty International however was told by local officials in the Russian Federation on 12 July 1995 that Song Chang Keun was still being detained in a prison in Khabarovsk. According to the organization's information Song was handed over to the custody of North Korean officials in early August.

Amnesty International remains deeply concerned about the fate of Song Chang Keun and is asking the North Korean Government to:

- ◆ Provide Amnesty International with documentary evidence of Song Chang Keun's fate and whereabouts. This should include copies of documents showing that Song Chang Keun crossed the Russian-Korean border, current photographs, documents of his current employment, as well as details of the whereabouts of his wife and children;

- ◆ Song Chang Keun should be allowed to meet any relatives, colleagues or others who might want to visit him.

#### 4.4 The case of Choi Gyong Ho

Choi Gyong Ho was born on 30 March 1960 in Inhung-dong, Moranbong District, Pyongyang City. Before coming to the Russian Federation as a logger he worked at the Pyongyang International Movie Center in the department of drama.

Choi arrived at a logging site near the town of Chegdomyn in the Russian Far East on 28 July 1990, where he worked at the 5th logging unit. In June 1992 he left the logging site and came to Khabarovsk. In February 1995 he wrote a letter to the General Consulate of the Democratic People's Republic of Korea in Nakhodka to ask permission to stay in the Russian Federation.

In Khabarovsk he started a business together with a Russian. In his letter to the General Consulate he said that he was managing a store. He also wrote: "I did not realize how fast time passed until I suddenly realized I could not go back to my country and have to stay here". In the mean time he had met Tatyana Dokuchaeva whom he married on 18 November 1993, in a Korean church. In his letter to the General Consulate he wrote that they had a child.

Choi Gyong Ho and Tatyana Dokuchaeva tried all possible ways they could think of to get a residence permit for Choi. They turned to the governor of the Khabarovsk area twice, but were told each time that their marriage was not officially recognized because Choi Gyong Ho didn't have any documents confirming his identity. They wrote to President Boris Yeltsin with a request for a residence permit on 29 November 1994. The Presidential administration informed the couple that in accordance with Russian law, a foreign citizen has to obtain permission to stay in Russia from the local Internal Affairs office. After having obtained such permission foreign citizens can request a residence permit at the passport and visa-department of the local Internal Affairs office. Marriage with a Russian citizen was mentioned as one of the legitimate reasons to obtain Russian citizenship.

Choi wrote several further letters to the North Korean General Consulate in Nakhodka expressing his intention to stay in Russia and asking for permission from the North Korean government.

On 13 March 1995, Choi and his wife went to the passport department of the local Internal Affairs office. A policeman they knew advised them to go there and said he would help them. They expected to receive some kind of document for Choi, but he was arrested on the spot. Choi was kept in custody for 11 days, during which time his wife brought him food and clean clothes every day. She regularly visited the passport and visa registration office (OVIR) to ask what was going to happen to her husband until she was firmly told not to come again.

On the 24 March 1995 an officer from OVIR came to the prison together with Choi's superior from the logging sites. The North Korean official had Choi's passport and other documents with him. When it became clear he would be handed over to his superior, Choi shouted, according to his wife: "Shoot me here, I don't want to go back to North Korea." Choi and his wife were given the opportunity to say goodbye in the building where he was being held, after which he was put in a police van and taken away. It is unclear where he was taken to, but Amnesty International believes he was taken back to North Korea.

Although Amnesty International has no information about the fate of Choi Gyong Ho after he was handed over to his superior, it believes he may currently be detained as a prisoner of conscience, solely for his attempt not to return to North Korea and may face the death penalty. The organization is also concerned that Choi Gyong Ho may have been ill-treated as other forcibly returned refugees reportedly have been in the past.

Amnesty International is asking the North Korean authorities to:

- ◆ Provide information about the current whereabouts and legal status of Choi Gyong Ho. If he is kept in detention solely for his attempts to leave his country, Amnesty International considers him a prisoner of conscience and calls for his immediate and unconditional release;
- ◆ Allow full and unhindered contact between Choi Gyong Ho and his wife.

#### **4.5 The cases of Choi Yen Dan and Lee Sung Nam**

In 1986 Choi Yen Dan was sent to the Russian Federation to work at a logging site, identified as Unit No. 12. At a date unknown to Amnesty International he escaped and went to Moscow where he was planning to make a formal application for political asylum in South Korea. He is said to have contacted the Russian authorities to seek advice. He was however arrested by the police on 29 June 1994 during a routine check on illegal aliens and was taken to Police Station 83 in Moscow. He was held for several weeks at the police station because of his illegal status. In the meantime the Moscow police contacted the Russian Foreign Ministry, which reportedly started official procedures for Choi Yen Dan's departure to South Korea.

The North Korean Embassy found out that Choi Yen Dan was being detained in Police Station 83 in Moscow. The police station was subsequently visited by several officials of the North Korean Embassy on 6 August 1994. They apparently told the police that it was illegal to hold a person

without charge or trial.<sup>9</sup> The police then allowed the North Korean officials to take Choi Yen Dan with them. Choi Yen Dan is believed to have been sent back to North Korea.

Lee Sung Nam is another former North Korean logger who was reportedly forcibly returned to North Korea. Lee came to the logging sites around five years ago and escaped on a date unknown to Amnesty International. After his escape he apparently made his way to Moscow before heading to Uzbekistan. He was reportedly apprehended at the main train station in Tashkent in 1994.

Although Amnesty International has no information about the fate of Choi Yen Dan after he was taken away from the police station in Moscow by officials from the North Korean Embassy or about Lee Sung Nam after he was apprehended, the organization believes they were forcibly returned to North Korea. Amnesty International is concerned they may be detained as prisoners of conscience, solely for their attempts not to return to North Korea and may even face the death penalty. The organization is also concerned that Choi Yen Dan and Lee Sung Nam may have been ill-treated as other forcibly returned refugees reportedly have been in the past.

Amnesty International is asking the North Korean authorities to:

- ◆ Provide information about the current whereabouts and legal status of Choi Yen Dan and Lee Sung Nam. If they are kept in detention solely for their attempts to leave their country, Amnesty International considers them prisoners of conscience and calls for their immediate and unconditional release;

#### 4.6 Amnesty International's concerns

Amnesty International is concerned that it has not been able to obtain any news about Choi Gyong Ho, Choi Yen Dan and Lee Sung Nam. It fears that these and other forcibly returned refugees may face human rights violations in North Korea.

Amnesty International is concerned that forcibly returned refugees may face imprisonment under article 47 of North Korea's Criminal Code as prisoners of conscience and may even face the death penalty. The organization is particularly alarmed by reports that Song Chang Keun was executed and by persistent, though unconfirmed, allegations that North Korean refugees are systematically executed after falling into the hands of the North Korean authorities. Sources familiar with the situation North Korean refugees in the Russian Federation claim that apprehended refugees are taken to the logging sites in the Khabarovsk and Amur regions and are executed there. Amnesty International has not been able to confirm these allegations.

The organization is concerned that the active pursuit and intimidation by the North Korean Public Security Service of North Korean refugees in the Russian Federation and of people who are believed to be involved in helping these refugees has led to many more people being forcibly returned

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<sup>9</sup> It is true that the Russian police did not have a right to hold Choi Yen Dan without charge or trial. Russian authorities claim however that Choi Yen Dan was detained in his own interest, while his departure to South Korea was being arranged.

than those mentioned in this report. Amnesty International was told there are many more such cases. Most sources had however been intimidated by the North Korean Public Security Service and subjected to hostility from some Russian officials to such an extent that they declined to provide Amnesty International with further information. Amnesty International is also concerned at allegations that refugees apprehended by the North Korean Public Security Service or handed over by Russian officials have been ill-treated while in the custody of North Korean officials.<sup>10</sup>

Amnesty International is asking the North Korean Government to undertake the following steps:

- ◆ Respect the right of its citizens to leave their country of origin and not to be forcibly returned. This right is guaranteed in Article 12-2 of the ICCPR and Article 14 of the Universal Declaration of Human Rights.
- ◆ Ensure that no forcibly returned North Koreans have been nor will be imprisoned as prisoners of conscience, solely for their wish not to return to their country of origin. If any such North Koreans have been imprisoned as prisoners of conscience, the North Korean authorities should release them immediately and unconditionally;
- ◆ Ensure the physical safety of all forcibly returned North Koreans. Ensure that no forcibly returned North Koreans are subjected to the death penalty;
- ◆ Amend Article 47 of the Criminal Code to bring it into line with international standards, such as Article 12-2 of the ICCPR and the ECOSOC safeguards guaranteeing protection of the rights of those facing the death penalty (1984/50);
- ◆ Ensure that forcibly returned North Koreans are not subjected to any form of cruel, inhuman or degrading treatment and that they are, as appropriate, treated in accordance with Standard Minimum Rules for the Treatment of Prisoners;
- ◆ Refrain immediately from pursuit and intimidation of North Korean refugees in the Russian Federation and elsewhere who exercise their legitimate right to leave their country.
- ◆ Allow full contact between all forcibly returned refugees and their relatives and others abroad.

Amnesty International is also calling on the authorities of the Russian Federation not to return those asylum-seekers who are at risk of human rights violations;

## **5. THE HWANG BROTHERS**

Amnesty International raised concern with the North Korean Government in September 1995 about the Hwang brothers, who were reportedly deported to North Korea from Beijing, where they lived. Amnesty International expressed concern that the brothers may be kept in detention in the city of

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<sup>10</sup> see also pages 18 and 19.

Sinuiju in North Korea. In a reply to Amnesty International's request for information on the fate and whereabouts of the brothers, the North Korean authorities claimed the brothers had never been detained and were living with a relative. The authorities also told Amnesty International that they were engaged in negotiations with the Chinese authorities about the return of the brothers to the People's Republic of China (China).

Hwang Sung Kuk, Hwang Sung San and Hwang Sung Chon were all born in North Korea, but are believed to have no citizenship at present. The brothers, aged respectively 20, 18 and 16, had been living in Beijing since 1993 with residence permits issued by the Foreign Affairs Office of Public Security Bureau in Beijing.

The three brothers were reportedly summoned to report to the Foreign Affairs Office of the Public Security Bureau in Beijing on 1 June, where they were interrogated for three days. The reasons for this interrogation are not clear. The brothers were reportedly told they could leave the Public Security office after three days, but instead they were sent to the city of Sinuiju, in the north-western part of North Korea. One source told Amnesty International that the Public Security Office in Beijing summoned the brothers to report to the office and later turned them over to North Korean officials on North Korea's request, reportedly because of their father's criticism of the human rights situation in North Korea.

The North Korean authorities asked Amnesty International in a letter, dated 1 October 1995, to publish the following information about the Hwang brothers:

“ *True Situation of Hwang Song Guk and His Brothers*

*Quite contrary to the Amnesty International's concern, Hwang Song Guk, Hwang Song Sam and Hwang Song Chol were not “forcibly taken” but transferred to the Democratic People's Republic of Korea (DPRK) for their illegal action and are not “detained” but now live in their relative's house.*

*Following is the true situation of Hwang Song Guk and his brothers;*

*Hwang Song Guk, Hwang Song Sam and Hwang Song Chol were borne by Hwang Ryong Su, Chinese father who once lived in DPRK and Pang Ok Hui, Korean mother. They grew up in Jongju City, North Pyongan Province and received education there.*

*When they were born, they were registered on their mother's citizen certificate in accordance with the Nationality Law of DPRK and they held Korean nationality.*

*However, while they were growing, they wanted to have Chinese nationality following their father's nationality.*

*Accordingly, in August 1990, they had their Korean nationality cancelled and submitted for Chinese nationality to the Consulate General of the People's Republic of China in DPRK.*

*They illegally crossed the border to China in May 1993 together with their mother, following their father who was living in Beijing since March 1992.*

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*On 22 May 1995, the Chinese side charged the three brothers with their illegal border crossing and transferred them to the Korean side.*

*In consideration of the fact that they are already no longer Korean nationality and they do not have their parents nor house to protect them in Korea and also they hope to live in China, the organ concerned in DPRK had already been negotiating with its counterpart in China on sending them back to China, with the purpose of solving the issue in a humanitarian manner.*

*They now live in the house of Hwang Ryong Do (46, working in the fruit farm of Jongju City), cousin of their father...(address follows) ”*

Amnesty International welcomes the response of the North Korean Government and the effort made by the government to arrange the return of the three brothers to China. Amnesty International however remains concerned about the fate of the brothers until it receives confirmed reports that they have returned to China. It also remains concerned that the forcible return of the brothers may have been politically motivated.

Amnesty International is asking the North Korean authorities to secure the return of the brothers to China as soon as possible and to keep the organization informed on any developments in the case.

## 6. RECOMMENDATIONS

Amnesty International believes that the North Korean Government's policy to treat human rights matters with secrecy and its measures to try to prevent any unofficial information on the human rights situation in North Korea from leaving the country are clearly contrary to the government's commitments toward treating human rights as an issue of international responsibility. These commitments were made by the North Korean Government by becoming a member of the United Nations and by ratifying the International Covenant on Civil and Political Rights. Amnesty International is concerned that as a consequence of the above-mentioned policies and measures safeguards to prevent human rights violations and to protect victims of human rights violations are insufficient.

Amnesty International is urging the North Korean Government to undertake the following steps to promote the protection of victims of human rights violations:

- ◆ Treat the issue of human rights with openness and as a matter of international responsibility and accountability. It should provide full disclosure of all relevant information and grant unhindered access to independent human rights observers and to the International Committee of the Red Cross;
- ◆ Refrain immediately from harassing and threatening North Korean refugees and other North Koreans abroad to prevent them from exercising their legitimate right to express their political opinions;

- ◆ Provide satisfactory and documentary information about the fates of all prisoners of conscience and political prisoners mentioned by Amnesty International in previous reports and this report; It should account for the whereabouts and legal status of the persons believed to be detained;
- ◆ Complete the first periodic report on the implementation of the ICCPR in North Korea and submit it to the Human Rights Committee;
- ◆ Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment;
- ◆ Ensure that no forcibly returned North Koreans have been nor will be imprisoned as prisoners of conscience, solely for their wish not to return to their country of origin. If any such North Koreans have been imprisoned as prisoners of conscience, the North Korean Government should release them immediately and unconditionally. All forcibly returned North Koreans (and reported prisoners) should be allowed to contact relatives and others outside North Korea;
- ◆ Amend Article 47 of the Criminal Code to bring it in accordance with international standards, such as Article 12-2 of the International Covenant on Civil and Political Rights and the United Nations Economic and Social Council (ECOSOC) safeguards guaranteeing protection of the rights of those facing the death penalty (1984/50)
- ◆ Ensure that forcibly returned North Koreans are not subjected to any form of cruel, inhuman or degrading treatment and that they are, as appropriate, treated in accordance with Standard Minimum Rules for the Treatment of Prisoners;

Amnesty International is also calling on the international community to make clear to the North Korean authorities that human rights are an international responsibility and that it is not acceptable for a full member of the international community to treat human rights issues as a secret matter and employ protective measures, as mentioned in this report, to prevent information about the human rights situation in North Korea from becoming known to the world. Amnesty International is asking all members of the international community to employ their diplomatic channels to ask the North Korean authorities to carry out the recommendations mentioned in this report.

## APPENDIX 1

List of reported prisoners and responses of North Korean Government<sup>11</sup>

No	Name	Sex/ Age	Background	Reported Place of Detention	Information provided by the North Korean Government
1	An Am Jun		Former resident of Japan	Sungho Township	Government said it could not identify the person.
2	An Hung Kap	m/69	Former resident of Japan	Sungho Township	He is the deputy director of the Ministry of Rice Policy in Pyongyang.
3	An I Jun	m/ 67	Former resident of Japan	Sungho Township	He is the manager of a Soybean sauce factory, Junchen City, South [PIERRE'S NOTES] Province.
4	Cho Bok Ae	f/-	Took part in the Korean war	Sungho Township	She died 5 October 1984, aged 66. From April 1955-September 1957 she was a major in the Korean People's Army. She attended the Senior Party School 1957-1961 and was a Lieutenant-Major in the Korean People's Army from July 1961-December 1980.
5	Cho Byong Uk		South Korea	Sungho Township	Government said it could not identify the person.
6	Cho Ho Pyong	m/-	Was sent to a place of "re-education" in 1967.	Dokpung-ri, Ryongsong District, Hamhung City	He was sentenced to 20 years' imprisonment for espionage. He and his family were killed during an escape attempt in 1974.
7	Cho Jong Kap	m/67	Former resident of Japan	Sungho Township	He was the deputy manager of a farm implements factory, Pukchang City, South Pyongan Province.
8	Choi Gyong Ho	m/35	Forcibly returned to North Korea from the Russian Federation in 1995	unknown	Government has not yet replied to Amnesty International's request for information.
9	Choi Yen Dan	m/?	Forcibly returned to North Korea from the Russian Federation in 1994	unknown	Government has not yet replied to Amnesty International's request for information.
10	Choi Kyong Sik			Sungho	Not mentioned by the Government.

<sup>11</sup> This is not an exhaustive list of all prisoners in North Korea known to Amnesty International. A number of cases have not been included at the request of Amnesty International's sources.

No	Name	Sex/ Age	Background	Reported Place of Detention	Information provided by the North Korean Government
				Township	
11	Han Kyong Ji	f/?	Formerly Secretary at the Foreign Languages Publishing House. Was accused of espionage and sent to a detention centre	unknown	Not mentioned by the Government.
12	Hu Ik (Ko Ik)	m/-	Korean from the former USSR, formerly Dean of the Higher School of the WPK. Was removed from his post in the late 1950s and sent to a labour camp.	unknown	He died 17 September 1976, aged 65. He was the headmaster of the Senior Party School until May 1960 then Deputy Director of the Ministry of Higher Education from June 1960-September 1976. Lived in Pyongyang.
13	Jong Jong Do	m/-	South Korean	Sungho Township	He served in the Korean People's Security Army where he was a senior colonel from November 1983-July 1989. He died on 30 July 1989 when he was aged 63. Lived in Pyongyang.
14	Jong U Taek		Former resident of Japan	Sungho Township	Government said it could not identify the person.
15	Kang Dae Yong		Former resident of Japan	Sungho Township	Government said it could not identify the person.
16	Kang Jung Sok	m/60	South Korean	Sungho Township	He was the chair of the Trade Federation of the Kosan District Health Resort under the Ministry of Public Health, Kosan City, Kangwon Province.
17	Kang Su Ho	m/-	Former resident of Japan	Sungho Township	He died in September 1991 aged 60. He was an instructor in the State Commission on Science and Technology. Lived in Pyongyang.
18	Kang Yong Su	m/?	Former resident of Japan	Sungho Township	The authorities claim he was never imprisoned. The Amnesty International delegation spoke to his daughter.
19	Kim Bo Kyom		South Korean	Sungho Township	Government said it could not identify the person
20	Kim Byong Hun	m/-	Former resident of Japan	Sungho Township	He died October 1969, aged 69. Lived in Musan County Seat, North Hamgyong Province.
21	Kim Chon Hae	m/-	Former resident of Japan	Sungho Township	He died on 4 December 1969, aged 71. He was the chair of the Democratic Front for National Reunification from 1954 to August 1965 before he retired. Lived in Pyongyang.
22	Kim Duk Hwan	m/-	Studied in USSR and married a Russian	Sinyang District,	He died 23 February 1985 of lung cancer, aged 50. From 1960 to September 1967 he was a researcher in the Building

No	Name	Sex/ Age	Background	Reported Place of Detention	Information provided by the North Korean Government
			woman. Was sent to a place of "re-education" because he refused to divorce his wife	Pyongan South Province	Material Research Centre. He was an instructor in the same Centre from 1967 to December 1971. From December 1971 to January 1985 he was an instructor and then a section chief in the Ministry of Construction in Pyongyang. The Government claims he was never detained
23	Kim In Bong	m/-	Former Supervisor at DPRK Trade Ministry	Sungho Township	He died of an illness in 1992, aged 64(?). He was an instructor in the Ministry of Foreign Trade from 1981-April 1985. He served in the People's Security Army as a major from May 1985-March 1992.
24	Kim Jin Ho	m/70	Former resident of Japan	Sungho Township	He was educated in People's Economic Institute from September 1973-August 1977. He went abroad in September 1977.
25	Kim Jong Ho		Former Deputy Commander of Eastern Coast Front Army	Sungho Township	Government said it could not identify the person.
26	Kim Sang Il	m/-	Former Councillor at DPRK Trade Ministry	Sungho Township	He died of an illness 20 November 1991, aged 63. He was the Deputy Director of the Ministry of Foreign Trade from March 1983 to May 1984. He was a senior Colonel in the People's Army from June 1984-February 1990.
27	Kim Yong Kil	m/-	Former resident of Japan	Sungho Township	He died in August 1986, aged 75. Lived in Sunchen City South Pyongan Province.
28	Kim Yong Wu(Soo)	f/-	Korean from former USSR and formerly Director of the Press Bureau. Reportedly removed from her post in 1950s and sent to a labour camp.	unknown	She died on 22 June 1979, aged 67. She was a deputy chair of the Central Committee of the Korea Workers' Union until August 1959. She was a deputy chair of the Dukson County Committee of the Workers' Union from 1959-1969. Retired after 1969.
29	Koh Dae Ki	m/68	Former resident of Japan	Sungho Township	He was educated at the Senior Party School from August 1975-August 1979. He went abroad in September 1979.
30	Koh Sang Mun	m/47	South Korean high school teacher	Sungho Township	Koh Sang Mun appeared in a press conference and stated publicly that he had never been detained.
31	Kwak Chol (Kwak Jong Ku)	m/60	Former resident of Japan	Sungho Township	He is a manager of a local management office in Pyongyang.
32	Kwon Bong Hak		Former resident of Japan	Sungho Township	Not mentioned by the Government.
33	Lee Chi Su		South Korean	Sungho Township	Government said it could not identify the person.

No	Name	Sex/ Age	Background	Reported Place of Detention	Information provided by the North Korean Government
34	Lee Dae Chul	m/72	Former resident of Japan	Sungho Township	Lives in Pyongyang.
35	Lee Dong Ho		Former Deputy Chief of Third Administrative Unit (counter-intelligence department)	Sungho Township	Government said it could not identify the person.
36	Lee Jae Yong		Political supervisor during the Korean war	Sungho Township	Government said it could not identify the person.
37	Lee Jae Yong	m/82	North Korean - unrelated to person named above	Sungho Township	He was never in prison and lives in Tonghun City.
38	Lee Jang Su		South Korean	Sungho Township	Not mentioned by the Government.
39	Lee Jun Kwang		South Korean	Sungho Township	Government said it could not identify the person.
40	Lee Ra Yong	m/-	North Korean historian, who wrote a book "Youth and the Revolution"	Sungho Township	He died 13 July 1977, aged 65. He worked as a Section chief of the Education and Scientific Research Centre from October 1950-December 1970. He was the manager of the Culture Cinema of Sinyang City, South Pyongan Province from January 1971-May 1974. Lived in Sinyang County Seat.
41	Lee Sung Nam	m/?	Forcibly returned from the Russian Federation	unknown	Government has not yet replied to Amnesty International's request for information.
42	Min Yong Il	m/71	Former resident of Japan	Sungho Township	He was educated at the People's Economic Institute from September 1969 to August 1973 and went abroad in September 1973.
43	Mun Hoi Jang		Former Deputy Chief of the Third Administrative Unit (counter-intelligence department)	Sungho Township	Government said it could not identify the person.
44	Oh Hyon (Kim Si Taek)		Former resident of Japan	Sungho Township	Government said it could not identify the person.
45	Park Chang Sop	m/67	North Korean - Korean war veteran	Sungho Township	He is an instructor for the Trade Department of North Hwanghae Province. Lives in Sariwon City, North Hwanghae Province.
46	Park Mu	m/50	Former resident of Japan	Sungho Township	He is an instructor in the Mansudae Creation Company. Lives in Pyongyang.

No	Name	Sex/ Age	Background	Reported Place of Detention	Information provided by the North Korean Government
47	Park Un Chol	m/-	Former resident of Japan	Sungho Township	He worked at the Central Party School from May 1956 to November 1959 and at the Department of Education of the Chunsen City Administrative Committee in North Pyongan Province from December 1959 until June 1973> He died on 28 July 1973, aged 64.
48	Roh Jun Woo	m/66	South Korean	Sungho Township	Lives in Kyongsong City Seat, North Hamgyong Province.
49	Ryu Song Kum		South Korean	Sungho Township	Not mentioned by the Government.
50	Seo Yong Chil		Former resident of Japan	Sungho Township	Government said it could not identify the person.
51	Shibata Kozo (Kim Ho Nam)	m/-	Former resident of Japan. Arrested in 1962 on espionage charges.	Sungho Township for at least part of his time in detention	He was sentenced to 20 years' imprisonment for espionage in 1964, supplementary sentence of 6 years for "anti-state activities". Died in a train accident in March 1990 together with his whole family.
52	Shin Jae Wha	m/-	Former resident of Japan	Sungho Township	He died 8 December 1975, aged 65. He was the Deputy Manager of the Sales Office of the Pyongyang Textile Mill from March 1964-July 1969. He was an instructor in the Supply Section of the Pyongyang Coalmine Machinery Factory from August 1969-January 1972. Lived in Pyongyang.
53	Shin Muk		Former resident of Japan	Sungho Township	Government said it could not identify the person.
54	Shin Sook Ja and daughters	f/52, 17, 14	Taken into detention after her husband applied for asylum in Denmark	Yodok District, Hamgyong South Province	She has never been detained. According to the North Korean authorities she refused to meet the Amnesty International delegation.
55	Song Chang Keun	m/33	Forcibly returned from the Russian Federation. Was allegedly executed.	unknown, may have been executed	Government has not replied to Amnesty International's request yet.
56	Song Kwan Ho	m/-	Former resident of Japan	Sungho Township	He died of an illness in 1988, aged 68. Lived in Pyongyang.
57	Son Jae Sok	m/69	Former resident of Japan	Sungho Township	He is retired. Lives in Pyongyang.
58	Son Kwi Ik		Former resident of	Sungho	Not mentioned by the Government.

No	Name	Sex/ Age	Background	Reported Place of Detention	Information provided by the North Korean Government
			Japan	Township	
59	Yi Ki-sok		Formerly Minsiter of Light Industry. Was reportedly removed from his post in August 1953 and may have been arrested.	unknown	Not mentioned by the Government.
60	Yom Kil Song		Former Supervisor at the North Korean Trade Ministry	Sungho Township	Not mentioned by the Government.
61	Yom Kwi Whan		South Korean	Sungho Township	Government said it could not identify the person.
62	Yu Chang Sik	m/-	Formerly Vice Minister of Foreign Affairs. Dismissed from his posts and charged with espionage in 1975.	unknown	He died on 5 October 1987, aged 64. He worked as an instructor of the Mangan County Education Committee in North Hamgyong Province from January 1976-August 1984. Lived in Myongan County Seat North Hamgyong Province.
63	Yum Sun Dal	m/-	Formerly Deputy Chief, Liaison Department of the Central Committee of the WPK. Arrested in 1952, charged with espionage and sentenced to 60 years' imprisonment in 1953.	unknown	He died of an illness on 19 December 1981, aged 67. He was an army officer from March 1953-December 1979. He started as a lieutenant and became a senior colonel.

**APPENDIX 2**

**Map of the Democratic People's Republic of Korea**