

PUBLIC

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UA 311/04 Fear of Torture / Ill-treatment

DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA
(NORTH KOREA)

CHANG Gyung-chul, (m), aged 35
CHANG Gyung-soo (m), his brother, aged 32
CHANG Mi-hwa (f), their cousin, aged 35

Three members of the same family, imprisoned for leaving North Korea without authorization, are reportedly at imminent risk of transfer to one of the country's political penal labour camps. Conditions in these camps are notoriously harsh and would further endanger their health, already thought to have been weakened by months of torture and ill-treatment in detention.

The three North Korean nationals - Chang Gyung-chul, his brother Chang Gyung-soo and their cousin Chang Mi-hwa, were arrested by Chinese Security Police in Shanghai, China, in August 2003. They were taken to Sinuiju City, North Korea, for interrogation, before being transferred to the National Security Agency detention centre in North Hamgyung Province.

In September 2004 Chang Gyung-chul and Chang Gyung-soo were each sentenced to 10 years' imprisonment. They are thought to remain in detention in North Hamgyung Province. Chang Mi-hwa, who was sentenced to five years' imprisonment, is thought to be under house arrest. All three are believed to have been tortured while in detention, and to be in poor health.

The three family members face imminent transfer to political penal labour camps, which are said to be severely overcrowded, with poor hygiene, grossly inadequate healthcare and crippling food shortages. Reports of beatings are common, and a combination of torture, disease and malnutrition leads to the deaths of many people.

The severe sentences imposed on the three family members are thought to be related to their unauthorised exit from North Korea, an offence under the North Korean penal code.

The mother of the two men, Shin Jong-ai, had travelled without authorisation to China in 1999 to meet her sister, a Japanese national of Korean origin, and was sentenced to one years' imprisonment in Yodok political penal labour camp in April 2000.

BACKGROUND INFORMATION

Acute food shortages in North Korea have forced tens of thousands of people to cross the border "illegally" into China's north-eastern provinces. Many remain in border areas. Thousands have been forcibly repatriated by the Chinese authorities who in October 2004 stated that they had adopted "zero tolerance" approach against North Koreans in China, after arresting at least 62 North Koreans in Beijing

North Koreans residing "illegally" in China live in appalling conditions and are vulnerable to physical, emotional and sexual exploitation, while North Koreans who "illegally" cross or help others in crossing the North Korean border face heavy penalties such as torture, ill-treatment during long hours of interrogation.

The sentence under North Korean law for a person who illegally crosses "a frontier of the Republic" is up to three years in a *kwalliso* (a political penal labour colony). This law (Article 117 of the Criminal Code) is in clear breach of the fundamental right to leave one's own country, as outlined by Article 12 (2) of the International Covenant on Civil and Political Rights, to which North Korea is a state party ("(e)veryone shall be free to leave any country, including his own.").

For further information, see '*Starved of Rights: Human Rights and the Food Crisis in the Democratic People's Republic of Korea (North Korea)*' (AI Index: ASA 24/003/2004, 17 January 2004).

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern at the detention of Chang Gyung-chul, Chang Gyung-soo and Chang Mi-hwa, three North Korean nationals who were arrested in Shanghai, China in August 2003;
- calling for their immediate and unconditional release, unless they are charged with a recognized crime;
- calling for a full, independent and impartial investigation into reports they have been tortured and ill-treated while in detention, and that all those responsible are brought to justice;
- calling for the provision of immediate guarantees for their safety while they remain in custody;
- urging the North Korean authorities to ensure that no-one is imprisoned or ill-treated solely for attempting to leave North Korea, and for all those detained or imprisoned for the peaceful exercise of their fundamental human rights to be released.

APPEALS TO:

Chairman Kim Jong-il
National Defence Commission
Pyongyang
Democratic People's Republic of Korea
Salutation **Dear Chairman**

Ambassador Ri Tcheul
Permanent Representative of North Korea (DPRK) Mission in Geneva
Permanent Mission of the DPRK to UN
Chemin de Plonjon 1
1207 Geneva,
Switzerland
Faxes: **(+41) 22 786 0662**
Salutation **Dear Ambassador**

Ambassador Park Gil-yeon
Office of the Permanent Mission of North Korea (DPRK) to UN
820 Second Avenue, 13th Floor
New York, N.Y. 10017, USA
Faxes: **(+1) 212 972 3154**
Salutation **Dear Ambassador**

COPIES TO:

Minister Paek Nam-sun
Ministry of Foreign Affairs
Pyongyang,
Democratic People's Republic of Korea

and to diplomatic representatives of Democratic People's Republic of Korea (North Korea) accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 December 2004.