

Position Paper 1

# Evidentiary Developments Concerning Human Rights Violations in the DPRK Penal System

MARCH 2024

# Introduction

In 2014, the United Nations Commission of Inquiry (COI) on human rights in the Democratic People's Republic of Korea (DPRK) concluded its mandate. Yet over the past decade, a growing body of evidence has revealed a far larger penal system than the inquiry originally reported, encompassing more widespread, systematic, and gendered violations of international human rights law.

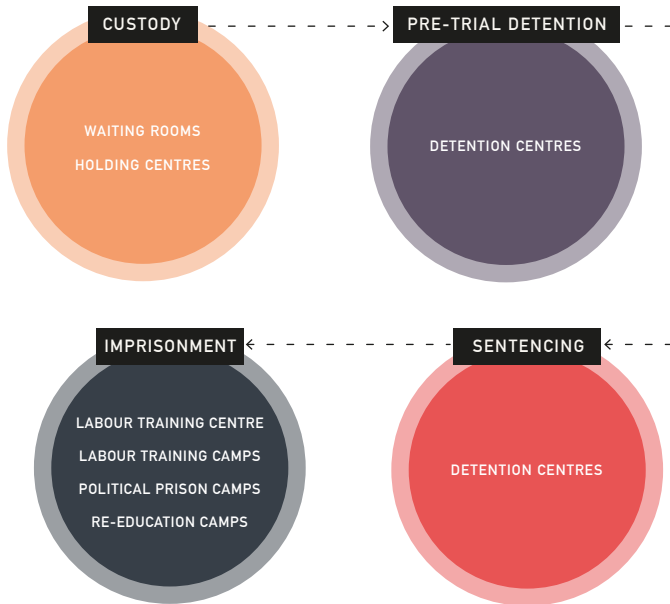
However, this evidentiary development is not yet fully reflected in United Nations Human Rights Council (UN HRC) resolutions on the situation of human rights in the DPRK. Past resolutions have only made reference to political prison camps, so-called "ordinary prisons", and "detention facilities".<sup>1</sup> For example, the 2018 UN HRC resolution urged the DPRK to halt "immediately all human rights violations"<sup>2</sup> in "detention facilities" and "prison camps".<sup>3</sup> Yet the UN HRC has not used language that identifies, condemns, or calls for the cessation of human rights violations throughout the entire penal system, including in waiting rooms, holding centres, detention centres, labour training centres, and labour training camps.

Korea Future proposes minor amendments to this year's resolution based on the 2023 text to ensure that it acknowledges the entire penal system and the widespread human rights violations that have taken place within its facilities. In doing so, the resolution can more accurately reflect developments in evidence since the COI concluded its mandate, more fully acknowledge the experiences of survivors, and better support efforts to ensure accountability.



## What is the DPRK penal system?

The DPRK penal system comprises a nationwide organisation of facilities that hold persons who have either been sentenced by courts or who have been unlawfully deprived of their liberty.<sup>4</sup> Managed by intelligence, civilian, and military entities under the effective coordination of the Workers' Party of Korea,<sup>5</sup> the penal system is organised into seven primary classifications of facilities (see Annex 1) that correspond to the different stages of detainees' cases and the severity of their alleged crimes.<sup>6</sup>



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## First proposed amendment to the 2024 UN HRC resolution

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1. (e) “Violations of the right to life and acts of extermination, murder, enslavement, torture and other cruel, inhuman and degrading treatment or punishment, imprisonment, rape and other grave forms of sexual and gender-based violence and persecution on any grounds, including on the grounds of political opinion, religion or belief and sexual orientation and gender identity, **throughout the entire penal system**, and the widespread practice of collective punishment, with harsh sentences imposed on innocent individuals;

- 2023 UN HRC resolution. “Situation of human rights in the Democratic People’s Republic of Korea”

The 2023 UN HRC resolution “condemns in the strongest terms” serious human rights violations “in political prison camps and ordinary prisons”.<sup>7</sup> In doing so, the resolution adopts language used in the report of the inquiry but excludes information based on new evidentiary developments concerning violations perpetrated throughout the entire penal system.

The DPRK penal system consists of seven corroborated categories of penal facilities alongside various closed detention facilities and temporary facilities. However, the 2023 UN HRC resolution refers to just two of these categories of penal facilities:

- **Political prison camps** (*kwalliso*, but commonly referred to as *chongchibom suyongso* in the DPRK), which are penal facilities principally managed by the Ministry of State Security that detain persons sentenced for so-called political crimes; and<sup>8</sup>

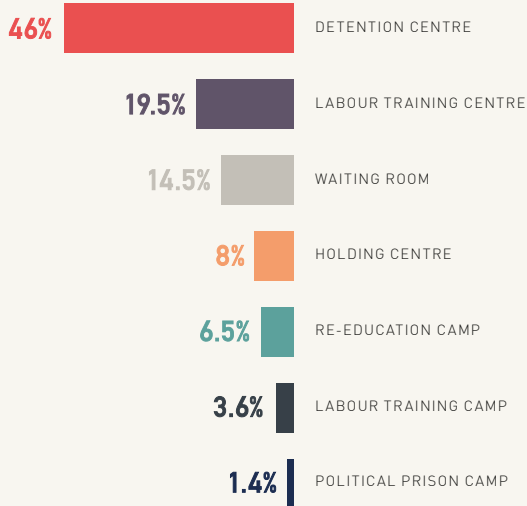
- **“Ordinary prisons”**, which is used by the COI and subsequent UN HRC resolutions, but is not a recognised term within or outside the DPRK. The COI used the term “ordinary prisons” to refer explicitly to re-education camps (*kyohwaso*), which is the accepted term for penal facilities managed by the Ministry of Social Security for detainees convicted of non-political crimes, and “labour training camps”.<sup>9</sup>



Paragraph 1(e) of the forthcoming resolution must “condemn in the strongest terms” serious human rights violations throughout *the entire penal system* if it is to reflect evidentiary developments since 2014. This addition would not divert attention from political prison camps and “ordinary prisons”. Rather, it would strengthen the resolution text by more fully reflecting evidence of the entire penal system and the experiences of survivors.



### FACILITIES IN THE DPRK PENAL SYSTEM



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## Second proposed amendment to the 2024 UN HRC resolution

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1. (e) Halting immediately all human rights violations **in the entire penal system**, including in **political prison camps, re-education camps, labour training camps, labour training centres, detention centres, holding centres, and waiting rooms**, including the practice of forced labour and the use of torture and other cruel, inhuman and degrading treatment or punishment and sexual and gender-based violence, dismantling all political prison camps and releasing all political prisoners, immediately ceasing the practice of the arbitrary and summary execution of persons in custody, including public executions, and ensuring that justice sector reforms provide for protections for fair trials and due process;

- 2023 UN HRC resolution. "Situation of human rights in the Democratic People's Republic of Korea"

Paragraph 2(g) of the 2023 Human Rights Council resolution urges the DPRK to halt "immediately all human rights violations in detention facilities, including in prison camps".<sup>10</sup> The resolution does not urge the DPRK to cease violations in the entire penal system or its seven categories of facilities.

The COI gave precedence in its reporting of serious human rights violations to political prison camps and so-called "ordinary prisons",<sup>11</sup> and found that crimes extended "to a lesser degree" to what it termed "various types of short-term forced labour detention facilities".<sup>12</sup> A new body of evidence demonstrates that serious human rights violations are in fact widespread throughout the entire penal system, including in waiting rooms (*daekisil*), holding centres (*jipkyolso*), detention centres (*kuryujang*), labour training centres (*rodong kyoyangdae*), and labour training camps (*rodong danryondae*).

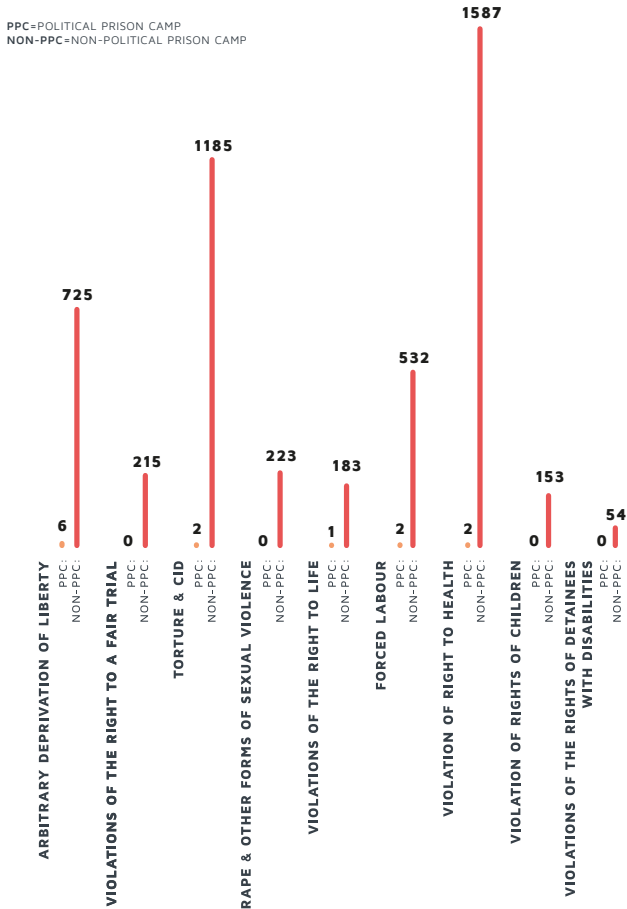
In 7,212 documented incidents of serious human rights violations between 1990-2019 in the DPRK penal system, just 0.2% of these violations transpired in political prison camps and 10.9% in "ordinary prison camps". By contrast, over 88% of serious human rights violations were perpetrated in penal facilities not named in the 2023 UN HRC resolution.



Contemporary evidence differs in perspective from the COI report. It substantiates widespread and systematic violations perpetrated throughout the entire penal system. Meaningfully, this evidentiary development was forecast by the COI, which conceded it could not “exclude the possibility that there are other ordinary prison camps...which are not yet known to the outside world”. Now that the international community knows of other facilities, the forthcoming resolution must call for the immediate cessation of human rights violations in all penal facilities and name each of the seven categories facilities, rather than identifying only “detention facilities, including in prison camps”.

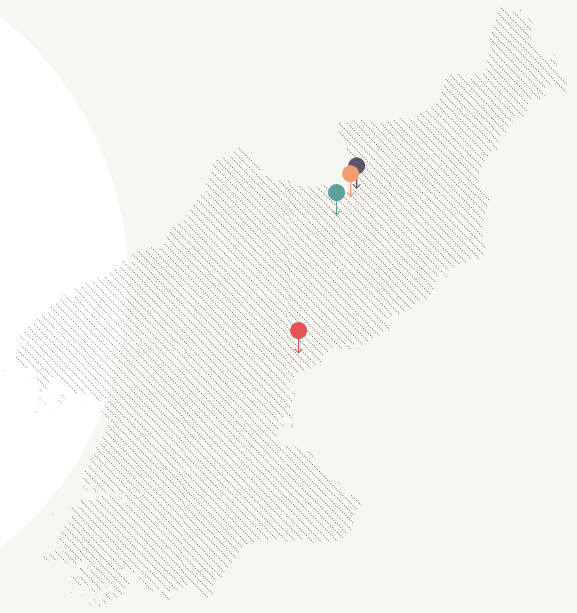


### COMPARISON OF VIOLATIONS IN POLITICAL PRISON CAMPS AND NON-POLITICAL PRISON CAMPS



## THE CASE OF A2350

A2350 experienced serious human rights violations throughout her 14-month detention between 2016 and 2018 in two holding centres, a detention centre, and a re-education camp. The victim had been arbitrarily deprived of her liberty by three identified Ministry of State Security agents (A2357, A2358, and A2359) for exercising her rights to freedom of movement and freedom of association. The list that follows describes what A2350 experienced during her detention, illustrating the extent of abuse taking place in penal facilities beyond those identified in the COI report.





## Conclusion

This paper presents new evidence that demonstrates that serious human rights violations are also widespread in categories of the penal system not identified in the COI report or in subsequent UN HRC resolutions. The 2024 UN HRC resolution can broaden prospects for accountability through minor amendments to this year's resolution based on the 2023 text to ensure that it acknowledges the entire penal system and the widespread human rights violations that have taken place within its facilities.



## Annex I

### Categories of Penal Facilities

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A **waiting room** (*daekisil*) is a detention facility, often managed by the MPS, where suspects accused of crimes are temporarily held prior to pre-trial examination or transfer to another detention facility.

A **holding centre** (*jipkyolso*) is an extrajudicial provincial-level detention facility commonly managed by the MPS, but also by the MSS, for detainees awaiting transfer to their local MPS detention centre or precinct. Detainees have typically been refouled from China. Detainees who are arrested for travelling without required documentation are detained in a separate holding centre for domestic travellers.<sup>13</sup>

A **detention centre** (*kuryujang*) is a detention facility managed by the MPS and MSS on the city, county, district, provincial, and national levels. This category of facility detains suspects undergoing pre-trial examination and detainees who have been sentenced and are awaiting transfer to a further penal facility.

A **labour training centre** (*officially rodong kyoyangdae, but commonly referred to as rodong danryondae*) is a city-, county-, or district-level detention facility managed by the MPS and PCNK. It holds detainees sentenced to an administrative penalty of short-term labour for between five days and 6 months (*rodong kyoyang chobol*). Administrative penalties served at labour training centres are based on the 2011 Administrative Punishment Law.

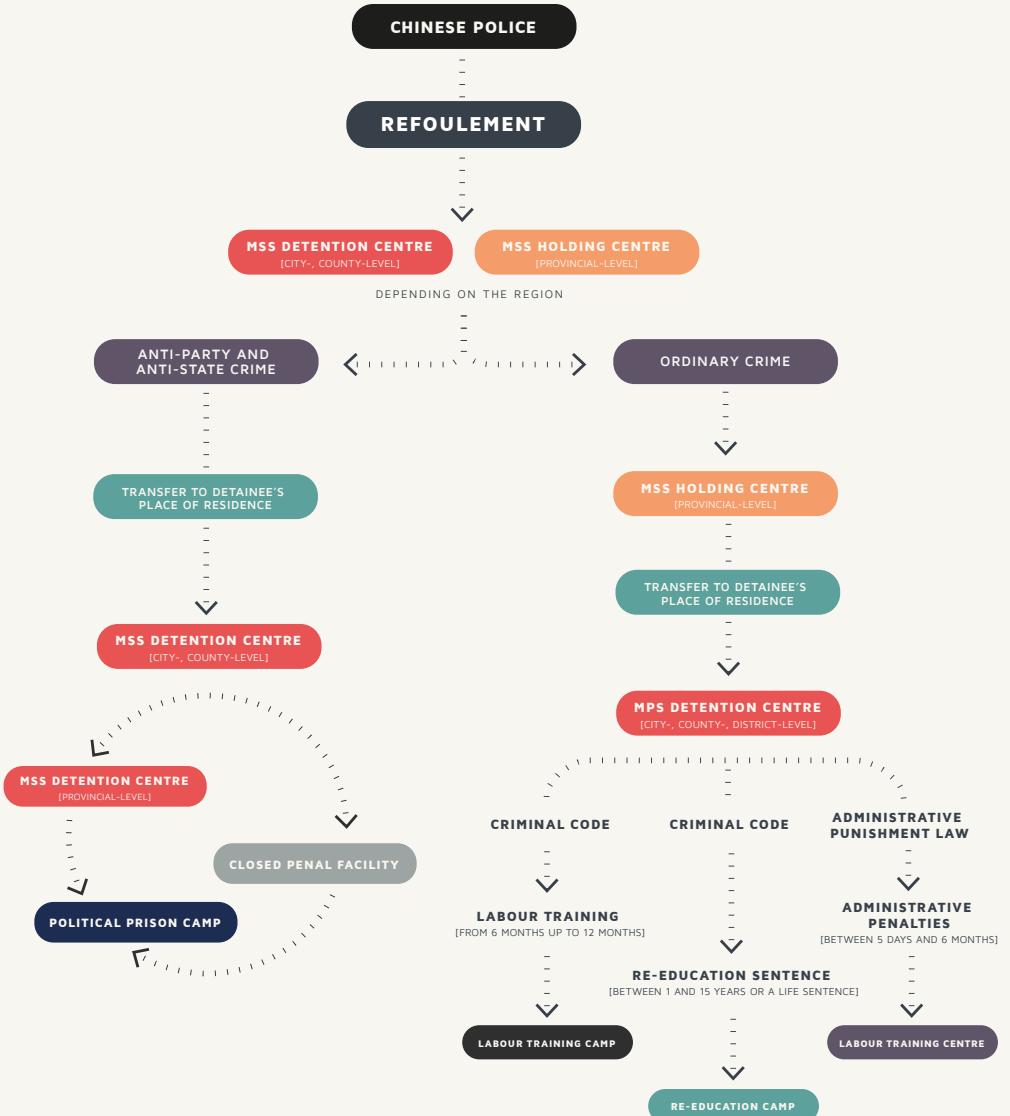
A **labour training camp** (*most commonly referred to as rodong danryondae or rodong kyoyangso, but also, song danryondae*) is a provincial- and national-level detention facility managed by the MPS for detainees sentenced to 6-12 months (*rodong danryon hyong*) for non-political crimes. Detainees sentenced to labour training camps retain their citizenship and party membership. Sentences served at labour training camps are based on the revised 2015 criminal code.

A **re-education camp** (*kyohwaso*) is a detention facility managed by the MPS for detainees convicted of non-political crimes and who have been handed a re-education sentence (*rodong kyohwa hyong*) of between 1 and 15 years or a life sentence. Detainees sentenced to re-education camps are deprived of their citizenship and party membership. Sentences served at re-education camps are based on the revised 2015 criminal code.

A **political prison camp** (*kwalliso, but commonly referred to as chongchibom suyongso*) is a detention facility managed by the MSS, but also by the MPS, for detainees sentenced with political crimes.

## Case of refoulement

Detainees are frequently moved between multiple penal facilities, creating an enabling environment for the prevalence of overlapping human rights violations during custody, pre-trial detention, sentencing, and imprisonment. Movements between facilities will depend on the location and nature of the alleged crimes that have been committed. The following chart reflects exemplary movements undertaken by detainees who are forcibly refouled from China.



<sup>1</sup> United Nations Human Rights Council, *Situation of human rights in the Democratic People's Republic of Korea*, April 4, 2023, A/HRC/RES/52/28, paragraph 1(e), 1(d), 31.

<sup>2</sup> United Nations Human Rights Council, paragraph 2(g).

<sup>3</sup> The UN HRC added text in 2018 urging the DPRK to halt “immediately all human rights violations in the penal system”, though this was restricted to political prison camps. The scope expanded to include “detention facilities” in 2022 [United Nations Human Rights Council, paragraph 2(g)].

<sup>4</sup> Korea Future, North Korea Prison Database.

<sup>5</sup> The Ministry of State Security, the Ministry of Social Security, the Prosecutor's Office, and the People's Committee of North Korea are prominent in this regard.

<sup>6</sup> Two systems of sentencing exist in the DPRK. One involves a public prosecution process managed by the Ministry of Public Security and the Prosecutor's Office, according to the criminal code. The other system involves a secret in-camera prosecution process managed by the Ministry of State Security.

<sup>7</sup> United Nations Human Rights Council, paragraph 1, 1(e)

<sup>8</sup> United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, Report of the Detailed Findings, 7 February 2014, A/HRC/25/CRP.1; p. 221.

<sup>9</sup> United Nations Commission of Inquiry, p. 245.

<sup>10</sup> UN Human Rights Council, paragraph 2(g).

<sup>11</sup> The COI's findings highlighted solitary confinement, the deliberate imposition of extreme levels of starvation, rape, forced abortions, and the infliction of severe beatings and other atrocities to punish inmates, coupled with other inhumane conditions of detention, in the “ordinary” penal system.

<sup>12</sup> United Nations Commission of Inquiry, pp. 330.



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