

North Korean Prison Database

The Accountability Imperative:
Torture & Ill-Treatment
in the DPRK Penal System

VOLUME II

2023

Executive Summary

In March 2023, it will be a decade since a United Nations Commission of Inquiry (COI) was mandated to ensure full accountability for violations of human rights in the Democratic People's Republic of Korea (DPRK).¹ As the international community prepares to mark this anniversary, there remains no serious prospect or strategy for implementing the COI's recommendations to ensure accountability for human rights violations. This poses an acute challenge to the legacy of the commission, to international justice, and ultimately to the DPRK's victims.

This report builds upon the COI's findings and significantly advances documentation and understanding of widespread and systematic acts constituting torture and cruel, inhuman, and degrading treatment or punishment in the so-called 'ordinary' DPRK penal system.² We find that reasonable grounds exist to believe that the DPRK is in breach of its obligation to refrain from

torture and ill-treatment. The report highlights the cases of three victims from Korea Future's [North Korean Prison Database](#), a growing archive of violations that have transpired in the DPRK penal system, to illustrate patterns of torture.³ In doing so, we find that many detainees in the 'ordinary' penal system are, in effect, political prisoners who are detained based on the criminalisation of fundamental human rights and without a basis compatible with international law.

Prima facie, the incidents of torture and ill-treatment documented in this report and the accompanying North Korean Prison Database constitute serious breaches of international law and should be investigated and, where they amount to international crimes, prosecuted. Ensuring that the truth is established, and that justice and accountability can be delivered, remains an imperative a decade on from the COI, with implications for increased international and policy coordination and the deterrence of perpetrators.

Key Findings

1

We reveal that torture and ill-treatment in the DPRK's 'ordinary' penal system is systematic and that many persons detained in the 'ordinary' penal system are, in fact, political prisoners who are subject to a risk of torture and ill-treatment comparable to that facing detainees in political prison camps. Through the North Korean Prison Database, we find information of torture and ill-treatment in the 'ordinary' penal system to be greater in scale than the existing evidence of torture and ill-treatment in better-known political prison camps. This finding does not minimise or undermine the severity of the documented harms in the political prison camps. Instead, it better reflects the extensive use of torture and ill-treatment across all areas of the penal system.⁴

2

We establish a more widespread and systematic scale of torture and ill-treatment than was found by the COI, thereby increasing the international community's understanding of the extent to which the DPRK has failed in its duty to prevent and prosecute acts of torture and ill-treatment in detention. Our examination of international obligations of the DPRK in accordance with the relevant international conventions demonstrates that the human rights violations in the DPRK are grave and massive in scale and that it is responsible for such violations.

3

We provide an extensive mapping of the DPRK penal system, geolocating multiple state-run sites of torture and ill-treatment and hundreds of victims, including those who remain in the DPRK. Korea Future's North Korean Prison Database, which is freely accessible online, provides a full picture of the relationships between penal facilities, the state institutions managing the facilities, perpetrators at these facilities, and human rights violations experienced by detainees. This tool advances the understanding of the COI, which noted it "cannot exclude the possibility that there are other ordinary prison camps [...] which are not yet known to the outside world."⁵

4

We uncover the identities of 521 perpetrators—all active participants in a system of mass violence across the DPRK penal system. Unpublished and ongoing work being undertaken by Korea Future recognises the ruling Workers' Party of Korea at the centre of institutional responsibility within the apparatus of the state, advancing understandings on a subject that the COI acknowledged as having "experienced considerable difficulty" with, while noting that "the inner workings of the state and relevant chains of command are deliberately and systematically obfuscated." Connecting perpetrator identities and our larger crime base, which is preserved in the North Korean Prison Database, to high-ranking officials in the DPRK through linkage evidence is a crucial next step in the accountability imperative.

Recommendations



Korea Future invites the United States, United Kingdom, European Union, Canada, and Australia to sanction state agents and state organisations identified in the North Korean Prison Database through their targeted human rights sanctions regimes. Targeted human rights sanctions differ from broad economic and financial sanctions against a country by specifically targeting individuals and entities responsible for gross human rights violations. In the DPRK context, where multiple avenues for accountability are closed, targeted human rights sanctions can impose consequences on persons and entities responsible for gross violations of internationally recognised human rights.



Korea Future supports the National Diet of Japan's recent efforts in discussing a targeted human rights sanctions regime and invites all members of the international community to consider adopting similar provisions in their respective domestic jurisdictions. Korea Future is of the belief that strategic coordination in adopting and implementing such regimes is an effective means of targeting individuals and entities involved in the gravest human rights violations and abuses in places such as the DPRK, where extant accountability mechanisms have no real reach.



Korea Future invites states with national laws that provide the grounds for universal jurisdiction to consider the possibilities of bringing cases against DPRK agents to their domestic courts to help deliver access to justice to victims. Under respective domestic laws, states including Germany, Netherlands, Switzerland, Republic of Korea, and the United Kingdom may exercise jurisdiction over certain international crimes, including torture, even when it is committed outside the state's territory under certain conditions.



Korea Future requests that states, multilateral institutions, and foundations that actively assist civil society organisations involved in documentation efforts to increase support through technical expertise and funding to enable the findings from investigations to be submitted to the appropriate national and international investigative authorities. Civil society organisations can be important partners for states and multilateral accountability mechanisms in the fight against impunity in the DPRK. **Korea Future investigates, documents, and preserves credible crime-base information that may ultimately become admissible evidence in courts and advance the cause of justice and accountability.**

Glossary and Acronyms

Accountability: A method to challenge and end impunity, either through punitive measures or by seeking redress through an array of domestic and international mechanisms. As intended by Korea Future, the term implies flexibility in its process and is not limited to judicial means and includes a mixture of both long- and short-term political, diplomatic, and advocacy approaches.

CC: Criminal Code

CEDAW: The Committee on the Elimination of Discrimination against Women

COI: United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea

CPC: Criminal Procedure Code

Detainee: A person deprived of his or her liberty in all its forms. In certain jurisdictions, various terms are used for persons detained at different stages of a justice process, including pre-trial detainee.

Documentation: A process of investigating, recording, and preserving information.

DPRK: Democratic People's Republic of Korea

HRC: United Nations Human Rights Council

ICCPR: International Covenant on Civil and Political Rights

KPA: Korean People's Army

MPS: Ministry of People's Security. The Ministry of People's Security has had several changes of name, including as recently as May 2020 when it was renamed the Ministry of Social Security. To avoid confusion with the Ministry of State Security, this report continues to refer to it as the Ministry of People's Security or MPS, which is conventionally the name most used.

MSC: Military Security Command

MSS: Ministry of State Security. The MSS is an intelligence agency with an official mission to protect the Kim family and the political system by uncovering citizens and foreign nationals engaged in espionage, anti-party, or anti-revolutionary activities—commonly seen to amount to 'political crimes.'

PCNK: People's Committee of North Korea. Administrative bodies that operate on the city/county, provincial, and national levels, overseeing labour training centres and kkotjebi relief stations that house homeless people.

Penal facility: A location or institution where detainees are deprived of their liberty. Under different global jurisdictions, these places may be narrowly termed jails, penal colonies, penitentiaries, correctional institutions, or prisons.

Perpetrator: A person who, according to established documentation, is alleged to be responsible for violation(s) of international human rights law.

Political prisoner: A person who is detained based on the exercise of his or her fundamental human rights and without a basis compatible with international law. A person may become a political prisoner during his or her detention if the individual experiences harm or further punishment based on exercising his or her fundamental human rights.

PRC: People's Republic of China

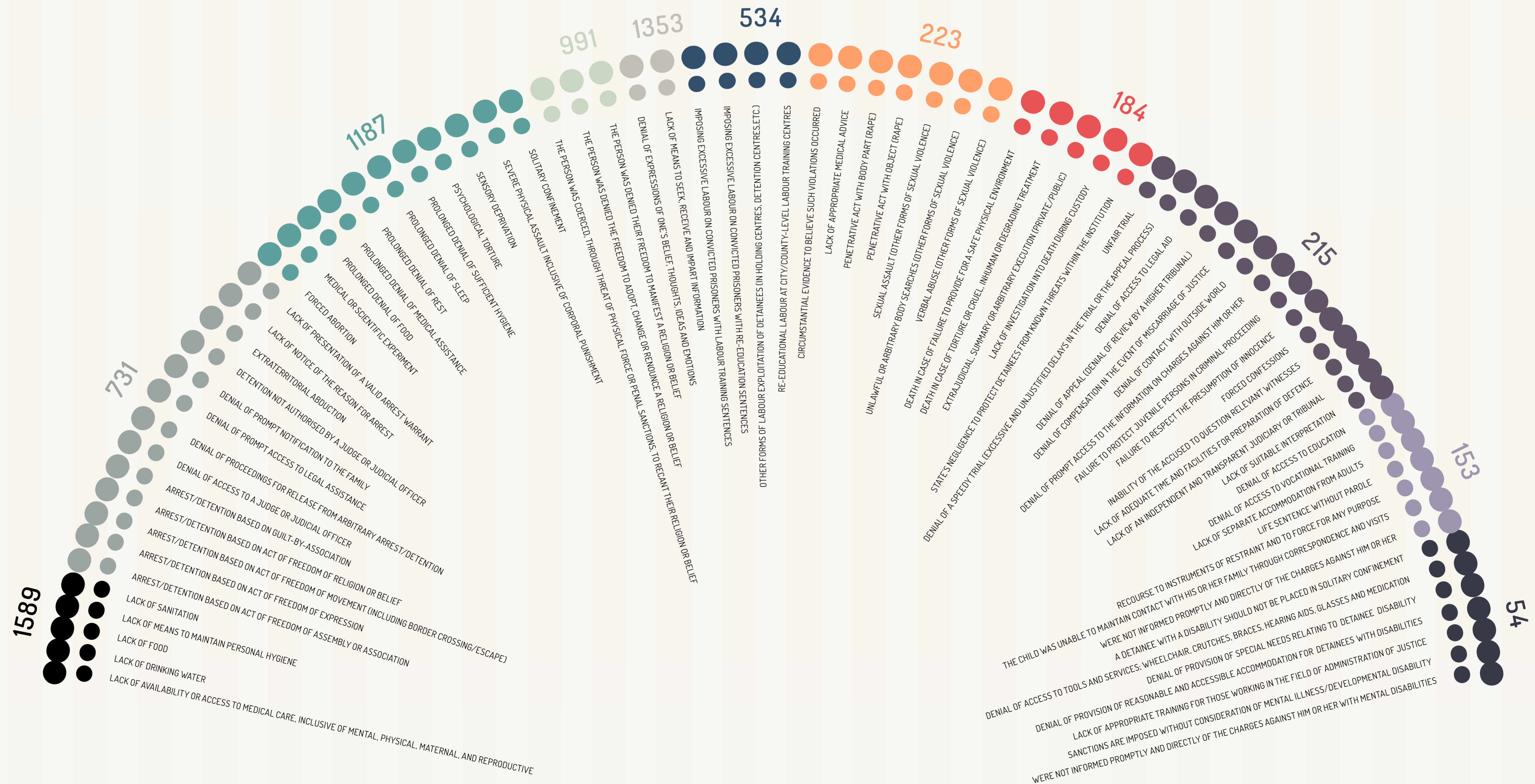
UNCAT: United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

WPK: Workers' Party of Korea

Violations of International Law

- 1589 • DENIAL OF HEALTH
- 731 • ARBITRARY DEPRIVATION OF LIBERTY
- 1187 • TORTURE & CRUEL, INHUMAN, OR DEGRADING TREATMENT
- 991 • DENIAL OF THE RIGHT TO FREEDOM OF CONSCIENCE, THOUGHT, AND RELIGION
- 1353 • DENIAL OF FREEDOM OF EXPRESSION
- 534 • FORCED LABOUR

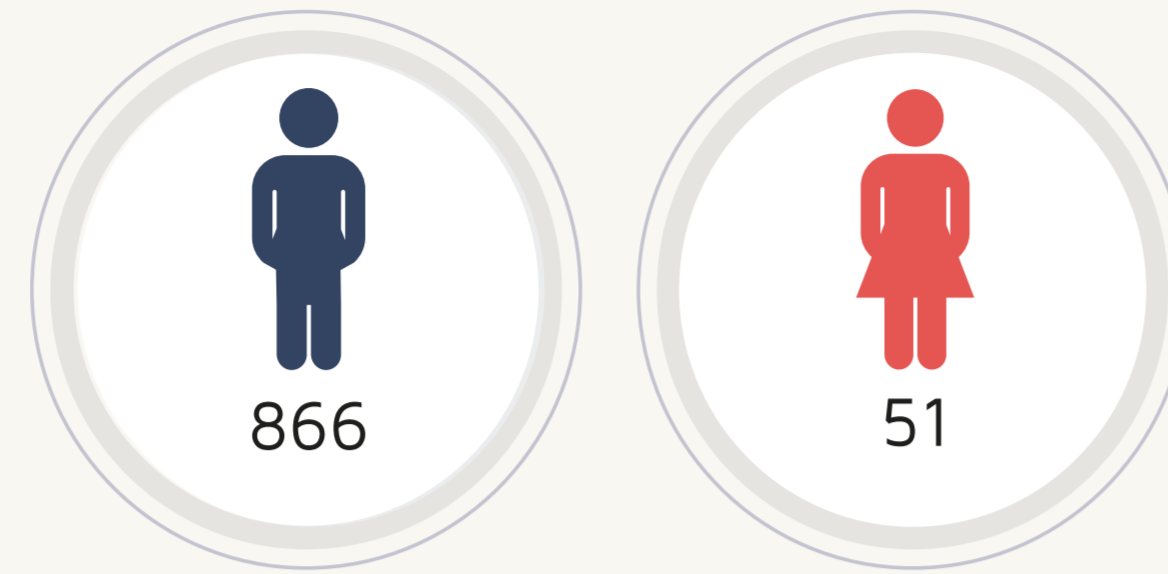
- RAPE AND OTHER FORMS OF SEXUAL VIOLENCE • 223
- DENIAL OF THE RIGHT TO LIFE • 184
- DENIAL OF THE RIGHT TO A FAIR TRIAL • 215
- DENIAL OF THE RIGHTS OF CHILD DETAINEES • 153
- DENIAL OF THE RIGHTS OF DETAINEES WITH DISABILITIES • 54



919 Perpetrators

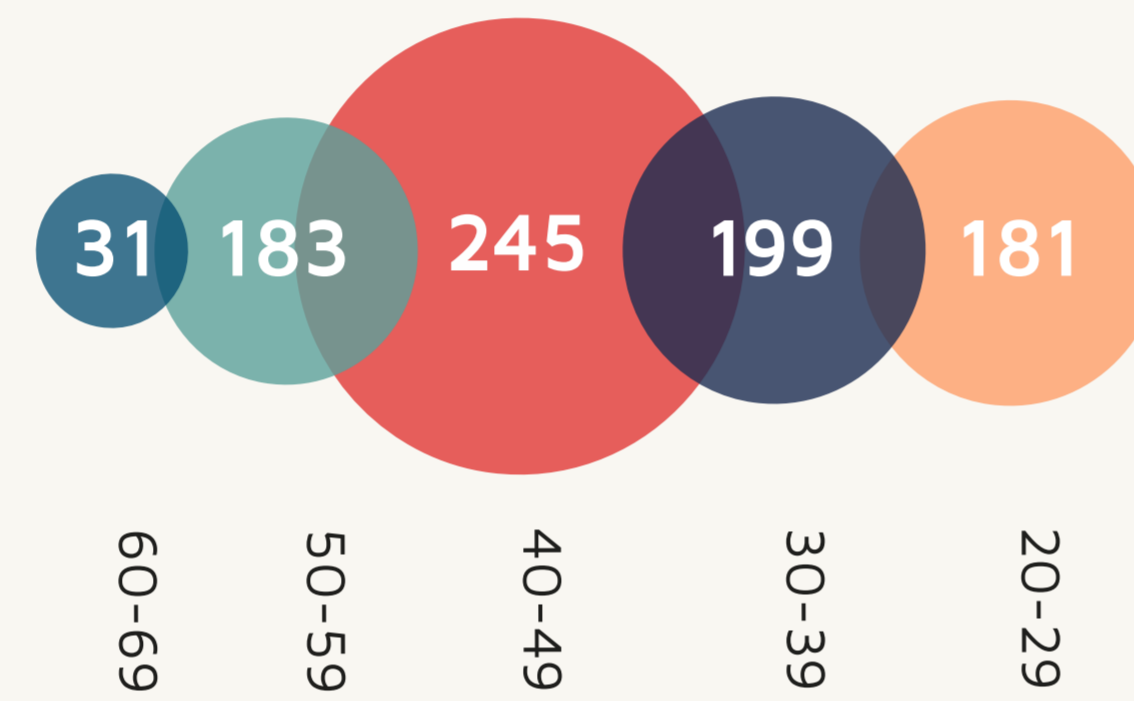
GENDER

UNKNOWN: 2



AGE

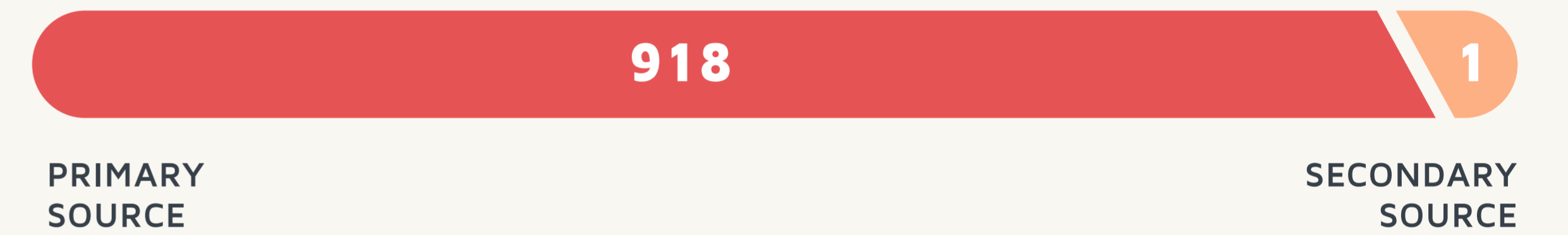
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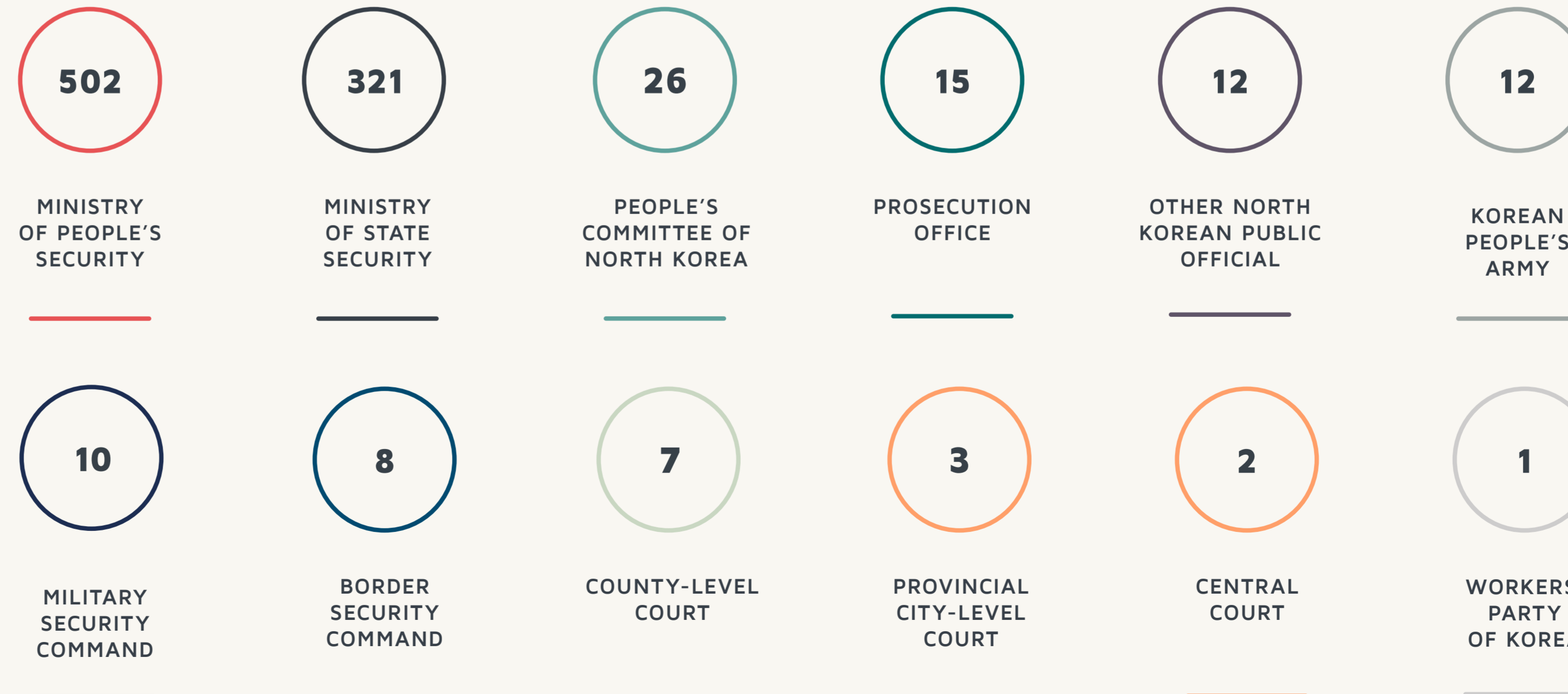
IDENTITY



SOURCE TYPE



AFFILIATION





MAJOR GENERAL
SOJANG
5



BRIGADIER GENERAL
TAEJWA
16



COLONEL
SANGJWA
20



LIEUTENANT COLONEL
JUNGJWA
37



MAJOR
SOJWA
69



CAPTAIN
TAEWI
111



SENIOR LIEUTENANT
SANGWI
57



LIEUTENANT
JUNGWI
63



JUNIOR LIEUTENANT
SOWI
47



SERGEANT MAJOR
TEUKMU SANGSA
44



MASTER SERGEANT
SANGSA
16



SERGEANT FIRST CLASS
JUNGSA
14



STAFF SERGEANT
HASA
20



SERGEANT
SANGGUP BYONGSA
18



CORPORAL
JUNGGUP BYONGSA
8



LANCE CORPORAL
CHOGUP BYONGSA
7

OTHER **46**

UNKNOWN **320**

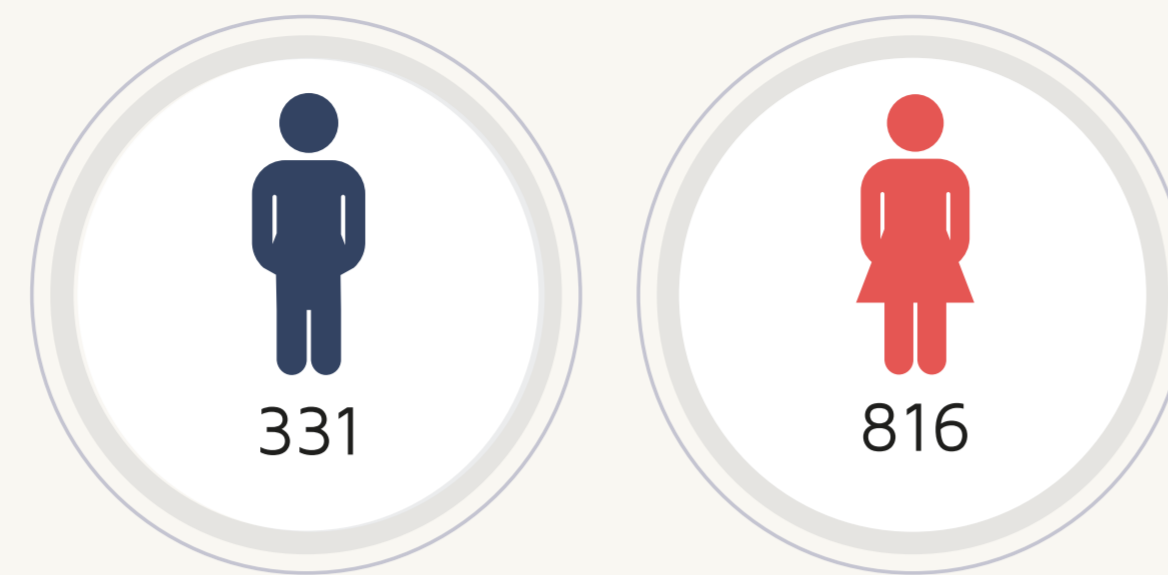
Perpetrator Ranks

1156

Detainees

GENDER

UNKNOWN/WITHHELD: 9

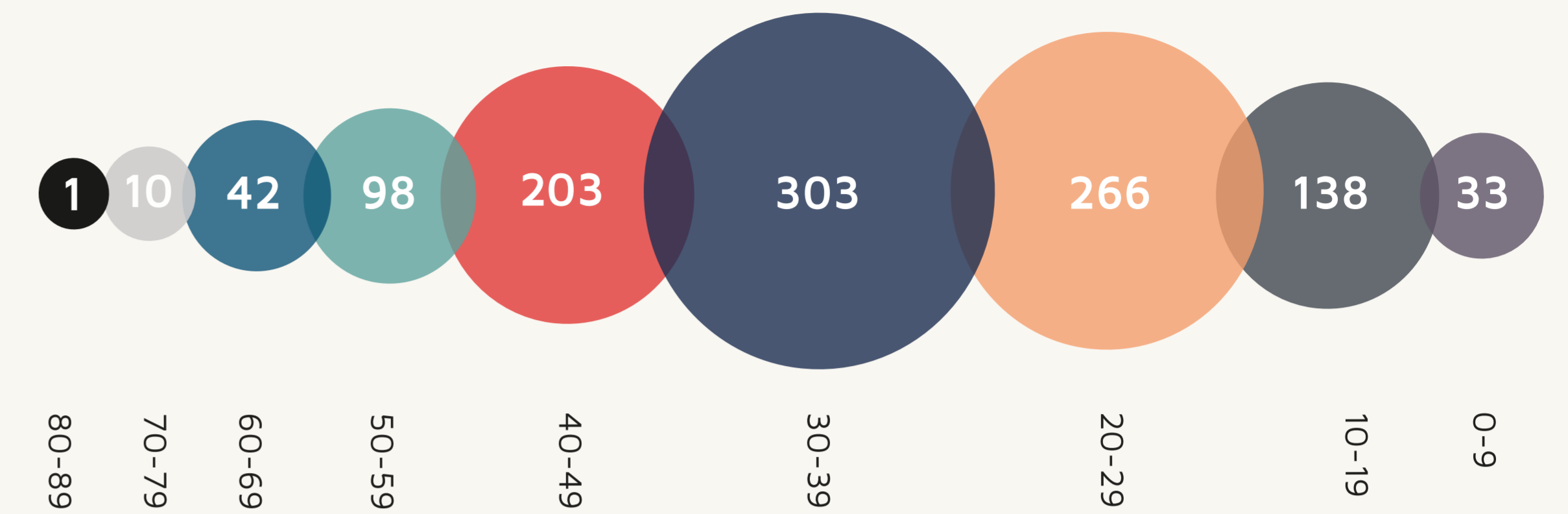


PENAL FACILITY

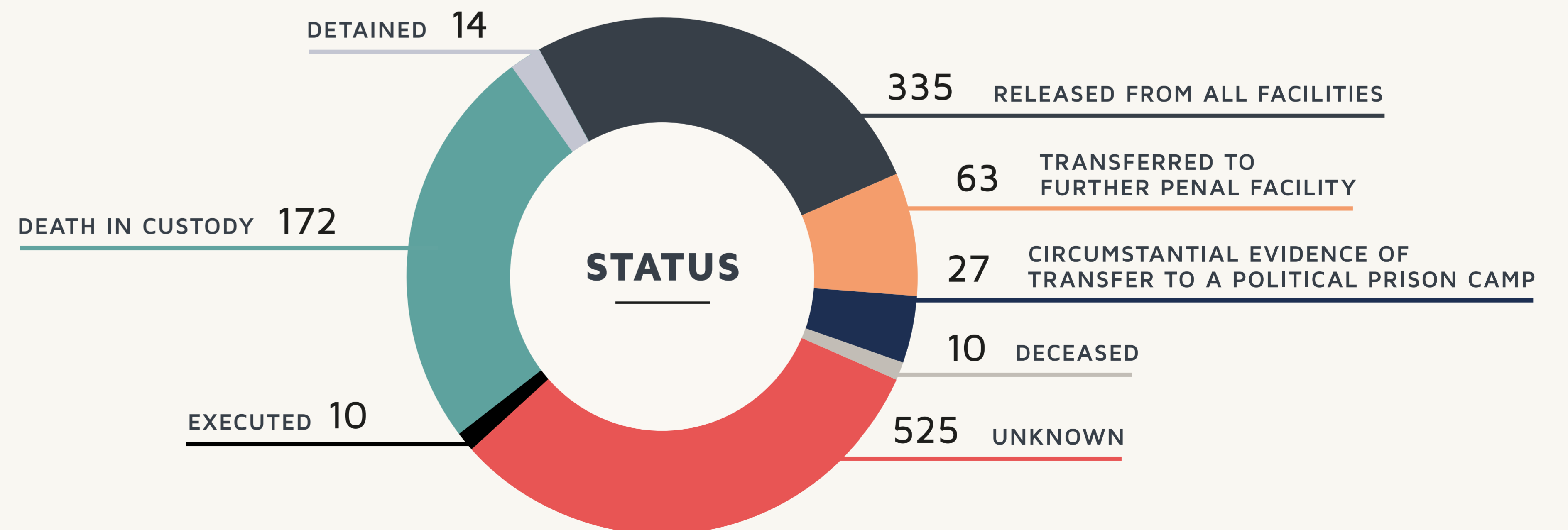


AGE

UNKNOWN/WITHHELD: 62



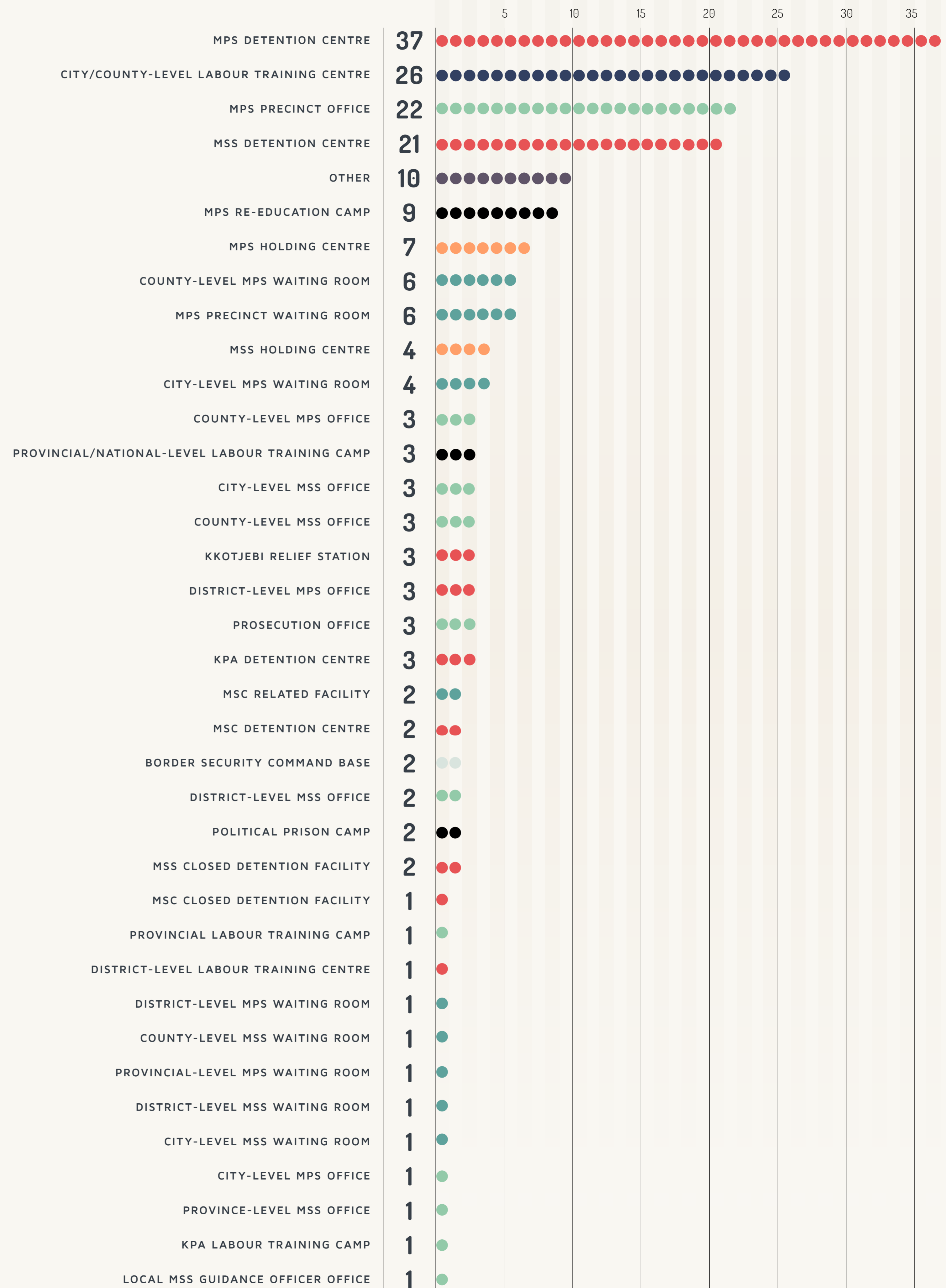
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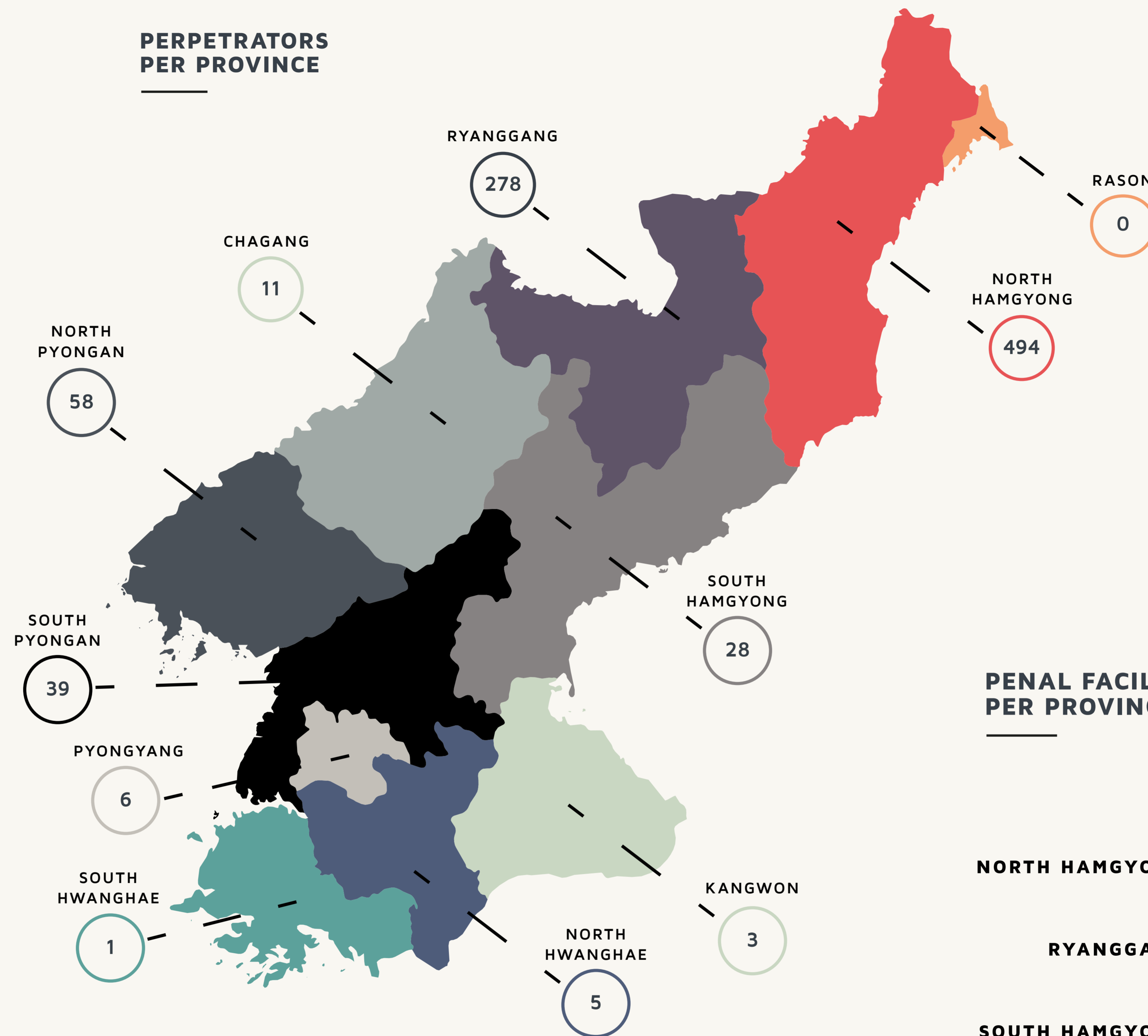
206

Penal Facilities

TYPE OF FACILITY



PERPETRATORS PER PROVINCE

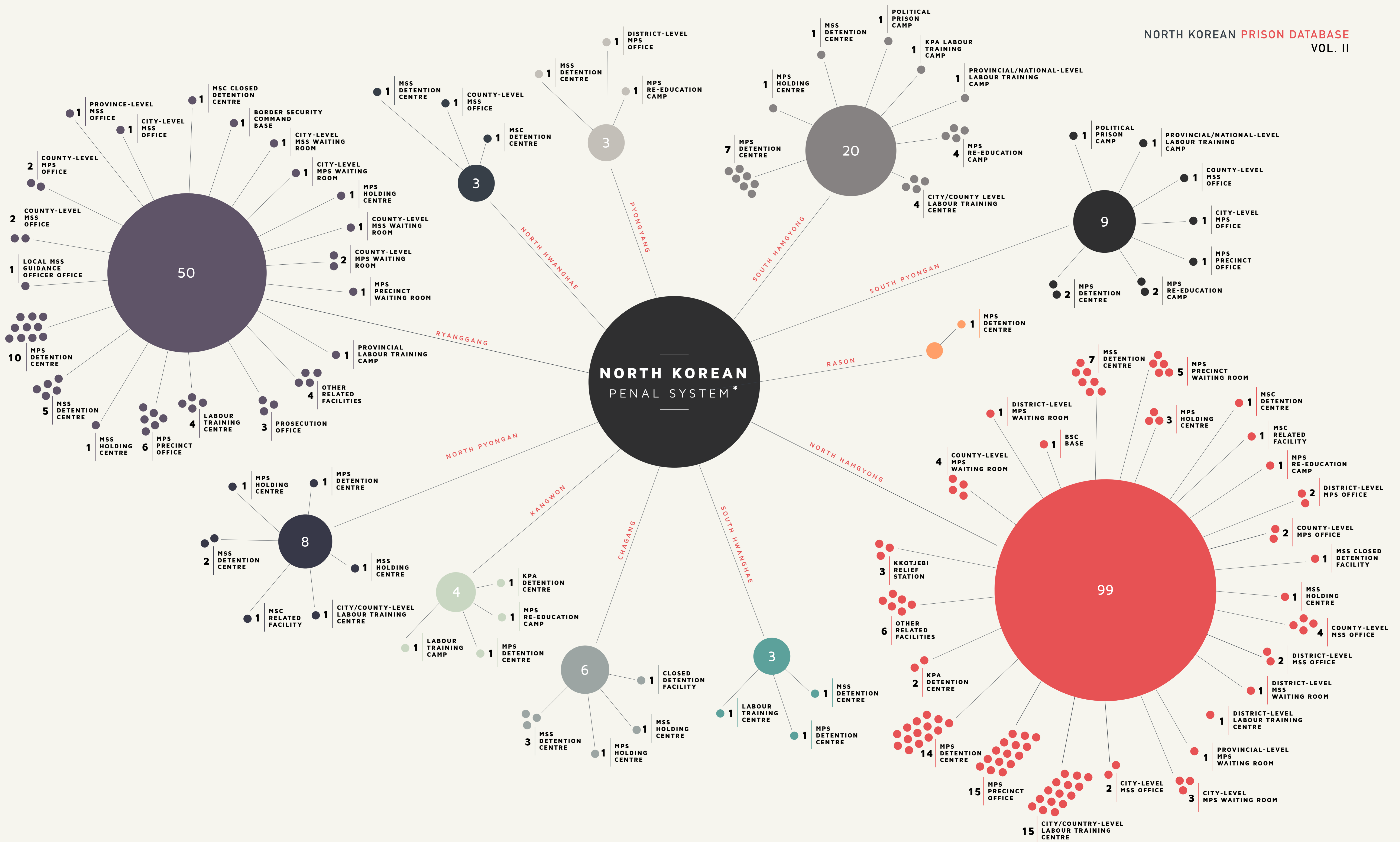


PENAL FACILITIES PER PROVINCE



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Penal Facilities



Background

Created under the Soviet Civil Administration in November 1945, the penal system was initially overseen by the Police Department of the newly-formed DPRK.⁶ Today, the penal system is under the effective control of the Workers' Party of Korea (WPK).

The DPRK penal system is subject to absolute WPK control. Accordingly, it functions as a distinctly *political apparatus*. Comparable to the Soviet Gulag and its contemporary, the Chinese Communist Party's *Laogai* system, the function of the DPRK penal system is not to detain and rehabilitate persons sentenced by courts in safe and humane facilities. Nor is its purpose to decrease recidivism and increase public safety.

The purpose of the DPRK penal system is to isolate persons from society whose behaviour conflicts with upholding the singular authority of the Supreme Leader, Kim Jong Un.⁷ Detainees are re-educated through forced labour, ideological instruction, and punitive brutality with the purpose of compelling unquestioning obedience and loyalty to the Supreme Leader, both while the individuals are in detention and after they are released.

The effective coordination of the DPRK penal system is maintained by the WPK through its mechanisms of command, control, and ideological instruction over all state entities and agents. Functionally, the WPK is responsible for monitoring the implementation of domestic policies, including those governing the judicial and penal systems.⁸ It is exclusively responsible for appointing and monitoring the conduct of high-ranking personnel and for conducting daily monitoring and reporting of mid- and low-ranking personnel in every institution of the state, including across law enforcement and the judiciary.⁹ **Ultimate responsibility rests with the WPK General Secretary, Kim Jong Un.**



WPK-issued policies, as they relate to the penal system, are implemented by intelligence, civilian, and military entities. The Ministry of State Security (MSS), the Ministry of People's Security (MPS),¹⁰ the Prosecutor's Office, the People's Committee of North Korea (PCNK), the Korean People's Army (KPA), Military Security Command (MSC), and Border Security Command are prominent in this regard.

These entities are monitored and steered by embedded political sections that are subordinate to a branch of the WPK Organisation and Guidance Department. Political sections do not nominally handle or monitor judicial and penal facility operations. Instead, political sections control and align individual state agents and policy implementations through their authority in party guidance, cadre assignment, and party member censures—demonstrating a system of centralised oversight that is a testament to how the WPK, and by extension Kim Jong Un, might maintain effective control over the operation of penal facilities.

Extensive WPK policy, personnel, and ideological oversight across every state institution managing penal facilities means that observance of the codified tenets of an ideology known as Kimilsungism-Kimjongilism is prioritised over the DPRK's constitution, criminal code, and other laws. At the same time, it is not only so-called political 'enemies of the state' that become political prisoners.

Based on primary investigations undertaken by Korea Future, we find the 'ordinary' penal system detains vast numbers of citizens who have no formal convictions, have experienced no due process, and have committed no crimes, alongside persons who have committed common crimes, including theft and assault. This fact should broaden the international community's understanding of who the DPRK's political prisoners are.

This finding differs in perspective from the report of the COI, which gave precedence in its reporting to the political prison system and the treatment of political prisoners,¹¹ and found that crimes against humanity extended "to a lesser degree" to what it termed "various types of short-term forced labour detention facilities" and that "compared to political prison camp inmates [...] [ordinary detainees] derive a modest measure of protection from the fact that ordinary prison camps are subject to oversight by the Office of the Prosecutor."¹²

With a refocused understanding of the DPRK penal system—where persons detained due to the criminalisation of fundamental human rights are systemically subject to torture and ill-treatment in 'ordinary' as well as 'political' penal facilities—it is possible to recognise that both these categories of penal facilities are controlled by the WPK, used in coordination and in complement to enforce political conformity across society.

According to our findings, perceived political nonconformity can often occur without a person having engaged in active dissent, but through exercising his or her fundamental human rights. Moreover, whether persons detained on such a basis are sent to a 'political prison camp' or another category of penal facility, which are explained in the following section of this report, is influenced by various factors beyond the question of whether a criminalisation of fundamental freedoms has occurred.

The common usages of the term 'political prison camp' to refer to a specific type of penal facility managed by the MSS and 'political prisoners' to refer primarily to the persons detained there can thus be misleading in light of the actual scope of the political prison system. Many of the detainees in the 'non-political' or so-called 'ordinary' penal facilities are also political prisoners, detained without a basis compatible with international law and subject to torture, ill-treatment, and other serious human rights violations. ■

Categories of Penal Facilities

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.¹³

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.

A **closed detention facility** refers to a detention facility, generally documented as managed by the MSS, whose location has been unidentified but is reserved for detainees charged with political crimes and who are undergoing investigation and for detainees who have been sentenced to a political prison camp and are awaiting transfer.

Other facilities include kkotjebi relief stations, which are facilities housing homeless people run by the PCNK, and rural construction unit facilities (*nongchon gonsoldae*), which are facilities for state-owned enterprises established across the DPRK for public construction of roads and houses in rural regions. These institutions are temporarily repurposed to detain people when regular detention facilities, generally belonging to the MPS, are at maximum capacity or under construction.



Legal Framework

This section provides a brief explanation of the structure of the DPRK's domestic legal framework and an overview of its international obligations relevant to torture and ill-treatment. Notwithstanding the absolute domestic authority of the Ten Principles for the Establishment of a Monolithic Leadership System over DPRK criminal codes and legislation, we establish that the DPRK is bound by the prohibition of torture under treaty law, customary international law, and *jus cogens* norms.

Domestic Law

The DPRK domestic legislations relevant to the prohibition of torture and ill-treatment consist of the Ten Principles for the Establishment of a Monolithic Leadership System (Ten Principles); the Socialist Constitution of the DPRK; the Criminal Law of the DPRK, consisting partially of the Criminal Code (CC) and the Criminal Procedure Code (CPC); and the Administrative Punishment Law of the DPRK. However, because the Ten Principles take precedence over other laws and are used to justify punishment for any act allegedly committed in contravention of the guidance of the Supreme Leader, provisions and guarantees of protection and remedies against torture included in domestic laws are nullified in practice. We find the domestic justice system unable to provide citizens protection and remedies against torture. The following paragraphs briefly discuss the Ten Principles and their significance in the DPRK.

The Ten Principles

The Ten Principles, first released in 1974, serve as the *de facto* constitution of the DPRK. Regarded as the country's most powerful document, it consists of ten principal clauses that establish the specific attitudes and behaviours required of all citizens. The institution responsible for overseeing their observance is the Organisation and Guidance Department of the WPK Central Committee.

In practice, the Ten Principles shape both the formulation and enforcement of domestic laws, by serving as authoritative guidelines for determining alignment with what has been specifically taught or ordered by Kim Il Sung, Kim Jong Il, and now Kim Jong Un. Observance of the Ten Principles serves as the justification for enforcement of laws and policies that are in conflict with international and domestic human rights obligations, including those prohibiting torture and ill-treatment.



Prohibition of Torture under International Law

The prohibition on torture and ill-treatment forms the corpus of both conventional and customary international law.¹⁴ The DPRK is a party to the International Covenant on Civil and Political Rights (ICCPR),¹⁵ the Convention on the Rights of the Child,¹⁶ and the Convention on the Rights of Persons with Disabilities,¹⁷ all of which expressly prohibit torture and ill-treatment. Under customary international law, the prohibition of torture is treated as a *jus cogens* norm,¹⁸ which means that this norm is so fundamental that it supersedes all other treaties and customary laws.¹⁹ As such, the DPRK has an international legal obligation not to engage in torture or ill-treatment, as well as an obligation to prohibit, refrain from, and punish the use of torture.²⁰

Since the DPRK is not a party to the UN Convention Against Torture, Korea Future's legal assessment of torture and ill-treatment in this report is based on the ICCPR and the Human Rights Committee's jurisprudence. According to Article 7 of the ICCPR, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."²¹ It does not, however, provide a definition or a list of acts that amount to torture. We acknowledge that International Human Rights Law, International Humanitarian Law, and International Criminal Law all have varying criteria to determine what constitutes torture²² and use varying understandings of 'ill-treatment' that include the infliction of severe suffering that may not amount to torture under specific definitions, but which are similar in nature. The Human Rights Committee (HRC) explains that "the distinctions [between torture and ill-treatment] depend on the nature,

purpose and severity of the treatment applied."²³ The HRC also provides that "[i]t is the duty of the State Party to afford everyone protection [...] against the acts prohibited by Article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity."²⁴

Article 10(1) of the ICCPR complements the prohibition of torture and ill-treatment for individuals who have been deprived of their liberty.²⁵ It states, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." As such, detainees have both a negative right not to be subjected to torture or ill-treatment and a positive right to be treated with respect. Indeed, "it may be argued that a violation of Article 7 in respect of a person deprived of liberty automatically entails a violation of Article 10(1)."²⁶

In addition to international treaty and customary laws, the prohibition of torture and ill-treatment in detention is detailed under multiple soft law instruments. Notable in this regard are the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.²⁸ Both standards prohibit disciplinary and correctional measures that amount to torture and ill-treatment.



Patterns of Torture and Ill-Treatment

This section consists of three case analyses based on interviews with victims who experienced torture and ill-treatment in the DPRK penal system. The experiences of the victims demonstrate clear violations by the DPRK of its international obligations, specifically the duty to refrain from torture and ill-treatment and prohibit further practice of such treatment within its penal system. **The North Korean Prison Database demonstrates that the experiences of the three victims are illustrative of systematic patterns of torture and ill-treatment inflicted upon detainees.**

The three modes of torture assessed in the case analyses are: forced abortion; the denial of the right to food; and positional torture. The victims' names are redacted to protect their identities. For each case, Korea Future provides basic information about the victims, the penal facilities in which they were detained, and the state agents involved in the documented abuses. We use three elements to assess whether the abuses documented meet the threshold for torture: **(1)** the 'nature' of the act, which refers to the inherent constituting characteristics of the conduct; **(2)** the 'purpose' of the act, which refers to the motives behind the conduct; and **(3)** the 'severity' of the act, which refers to the intensity of the harms and any factors that may aggravate the suffering of a victim.



The Case of A1781



AGE 30-39

REASON FOR DETENTION

Exercising her right to leave the DPRK²⁹

DETAINED

Kyongwon (Saebyul) County MSS Detention Centre
Kyongwon (Saebyul) County MPS Detention Centre
Chongori Re-education Camp

RESPONSIBILITY

Ministry of State Security
Ministry of People's Security

AFFILIATED STATE AGENT

A1782
A1783
A1784
A1785
A1786
A1787

Background

The following information provides a detailed overview of the case of A1781, a pregnant woman in her 30s and a member of the Socialist Women's Union of Korea. The victim was arrested in China when she was two-months pregnant and *refouled* to the DPRK, after which she was arrested and arbitrarily detained in three identified facilities. Authorities charged her with the crime of Illegal Border Entry and Exit under Article 221 of the Criminal Code.³² She was subjected to torture during pre-trial detention by means of a forced abortion when she was seven or eight months pregnant³³ at Kyongwon (Saebyul) County People's Hospital under the responsibility of two correctional officers at Kyongwon (Saebyul) County MPS Detention Centre. She was later sentenced to three years of re-education at Chongori Re-education Camp.

Forced Abortion

Forced abortion refers to the termination of pregnancy without the consent of the victim. It includes various painful procedures that result in the expulsion of all products of conception without the consent of the woman or girl.³⁰ Korea Future recorded 56 incidents of forced abortions in the DPRK penal system. These violations occurred in 23 penal facilities directly managed by the MPS, MSS, and the PCNK. We also documented state agents killing infants who were born alive, which is considered infanticide and constitutes a violation of the right to life under Article 6 of the ICCPR.³¹ This documentation expands on the findings of the COI with regards to both the scale and prevalence of forced abortions across state facilities. The case of victim A1781 exemplifies wider patterns of forced abortion documented in the North Korean Prison Database.

SATELLITE VIEW OF
Kyongwon

County MPS Compound



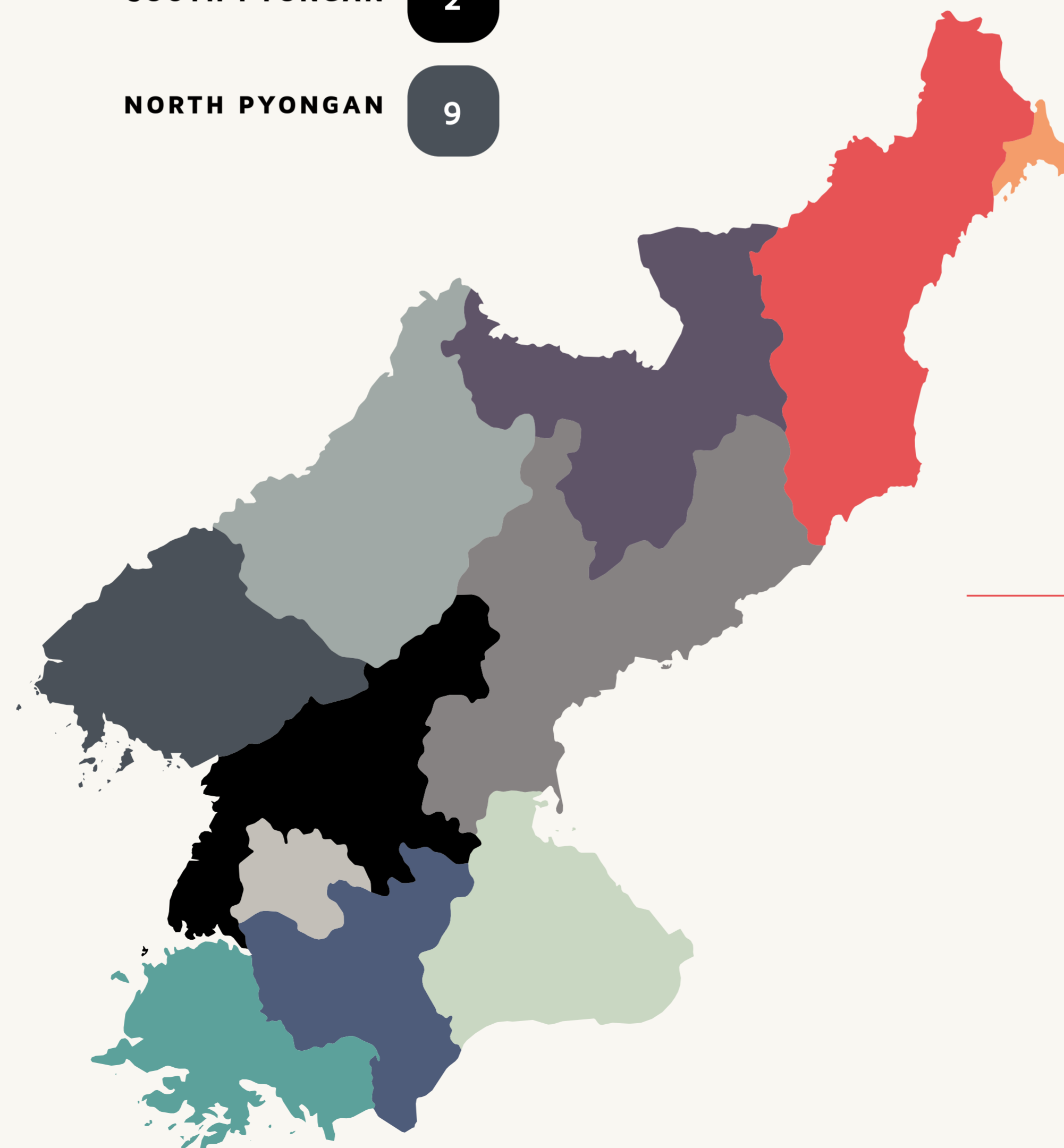
Patterns of Forced Abortion

in the North Korean Prison Database

PROVINCES WHERE THE VIOLATION OCCURRED



AFFILIATED ORGANISATIONS



56 incidents

Forced Abortion

in Kyongwon (Saebyul) County People's Hospital

A1781 was *refouled* to Kyongwon (Saebyul) County MSS Detention Centre, in contravention of the 1951 Refugee Convention, which the People's Republic of China (PRC) has signed. She was interrogated and then transferred to Kyongwon (Saebyul) County MPS Detention Centre. Two correctional officers stationed at Kyongwon (Saebyul) County MPS Detention Centre informed the victim she would undergo a routine medical examination and brought her to the hospital.

At Kyongwon (Saebyul) County People's Hospital, one of the correctional officers handcuffed A1781 and the hospital's Chief Gynaecologist performed a forced medical abortion without the consent of the victim. The Chief Gynaecologist injected A1781 with a substance to induce premature labour, using instruments the victim perceived to be non-sterilised.

A1781 entered premature labour at the hospital without medical supervision, intervention—such as an epidural to reduce the pain—or care. The victim was between seven and eight months pregnant. After the induced labour, A1781 did not deliver her placenta, which remained attached to her womb. Since medical personnel were absent, the two correctional officers applied force to A1781's abdomen in an attempt to discharge the placenta. The aborted infant and the placenta were later buried by the two correctional officers.³⁴ The two correctional officers observed the entire process of the forced abortion.

The following day, A1781 was discharged from the hospital and returned to Kyongwon (Saebyul) County MPS Detention Centre. A day later, A1781 was transferred to Chongori Re-education Camp where she was immediately subjected to forced labour in a corn field for more than 10 hours each day.

Assessment

The facts and circumstances of victim A1781's forced abortion meet the threshold of torture and ill-treatment.³⁵

Nature

The forced abortion performed on victim A1781 against her will was a physical act that inflicted physical, psychological, and emotional suffering. Moreover, the failure to use sterilised medical instruments and to provide appropriate medical care qualifies as a denial of safe abortion and post-abortion care. The Committee on the Elimination of Discrimination against Women has previously recognised that "violations of women's sexual and reproductive health and rights, such as [...] [the] denial or delay of safe abortion and/or post-abortion care [...] are forms of gender-based violence that, depending on the circumstances, may amount to torture or cruel, inhuman or degrading treatment."³⁶

Purpose

The purpose of the forced abortion was punitive and discriminatory. Victim A1781 was arrested and detained because she left the DPRK, which was an exercise of her fundamental right to movement. The forced abortion took place while A1781 was detained, under the direction and supervision of correctional officers. This form of punishment is distinctly gendered and amounts to sexual and gender-based violence. Under international law, including the UN Convention Against Torture, purposes such as obtaining information, extracting a confession, punishing, intimidating, coercing, or discriminating against an individual are all recognised as exemplary of torture and ill-treatment.³⁷

Severity

The HRC has also indicated that a breach of Article 7 "depends on all circumstances of the case, such as the duration and manner of the treatment, its physical or mental effects as well as the sex, age and state of health of the victim."³⁸ As such, the victim's age, gender, and mental health may exacerbate the effect of certain treatment, so as to bring it within the scope of Article 7.³⁹ In this case, victim A1781 was a young woman who was particularly vulnerable by virtue of her pregnancy (in the third trimester) and her status as a detainee. The Chief Gynaecologist did not use sterilised instruments, did not provide pain-reducing medication, and did not provide appropriate post-abortion after care. This conduct resulted in an exceptionally painful procedure, with severe physical and psychological consequences for A1781. Indeed, the Special Rapporteur on torture and other forms of cruel, inhuman and degrading treatment or punishment has previously found that "the denial of safe abortions [...] in such contexts of extreme vulnerability and where timely health care is essential amount to torture or ill treatment."⁴⁰

Case Conclusion

The Case of A1781

The DPRK acceded to the ICCPR on 14 September 1981 and is therefore bound by Article 7 and Article 10 of the Convention, which prohibit torture and ill-treatment and oblige states to treat detainees with dignity and respect. The DPRK is also in violation of Article 12 of the ICCPR by prohibiting individuals such as A1781 from leaving the country and subjecting them to punishment, such as forced abortion, as a punitive measure. Moreover, the UN Committee on Social, Economic and Cultural Rights⁴¹ and the Special Rapporteur on the right to health⁴² have determined that forced abortions violate the right to health, while the UN High Commissioner for Human Rights has found forced abortion to violate the right to start a family and the right to non-discrimination.⁴³

The Case of A0070



AGE 40-49

REASON FOR DETENTION

Crossing the PRC-DPRK border and assisting persons to leave the DPRK

DETAINED

Hyesan City MPS Detention Centre
Kaecheon Re-education Camp

RESPONSIBILITY

Ministry of People's Security

AFFILIATED STATE AGENTS

A0074

A0075

A0076

A0077

A0078

A0079

Background

The following information provides a detailed overview of the case of A0070, a man in his 40s and a member of the WPK. A0070 was involved in assisting North Korean citizens to leave the DPRK by crossing into the PRC, and smuggling goods from the PRC. The victim was arrested by seven state agents, including one identified as A0074 in the North Korean Prison Database. He was detained at Hyesan City MPS Detention Centre for 18 months by four named state agents: A0074, A0075, A0076, and A0077. Victim A0070 was charged by a judge with the crime of Illegal Border Entry and Exit under Article 221 of the Criminal Code⁴⁵ and Kidnapping under Article 278 of Criminal Code.⁴⁶ After the trial, victim A0070 was subjected to torture during his detention at Kaecheon Re-education Camp by means of systematic denial of food, which resulted in extreme weight loss wherein his weight reduced from 60 kilograms to 37 kilograms within a month, under the responsibility of A0078 among other unidentified correctional officers.

Denial of the Right to Food

Denial of the right to food occurs when regular, permanent, and unrestricted access to quantitatively and qualitatively adequate food is denied. Korea Future recorded 987 incidents of the denial of the right to food in the DPRK penal system.⁴⁴ These violations occurred in 104 penal facilities directly managed by the MPS, MSS, KPA, MSC, and the PCNK, among others. This documentation expands on the findings of the COI with regards to both the scale and prevalence of the denial of food across state facilities. The case of victim A0070 exemplifies wider patterns of the denial of food documented in the North Korean Prison Database.

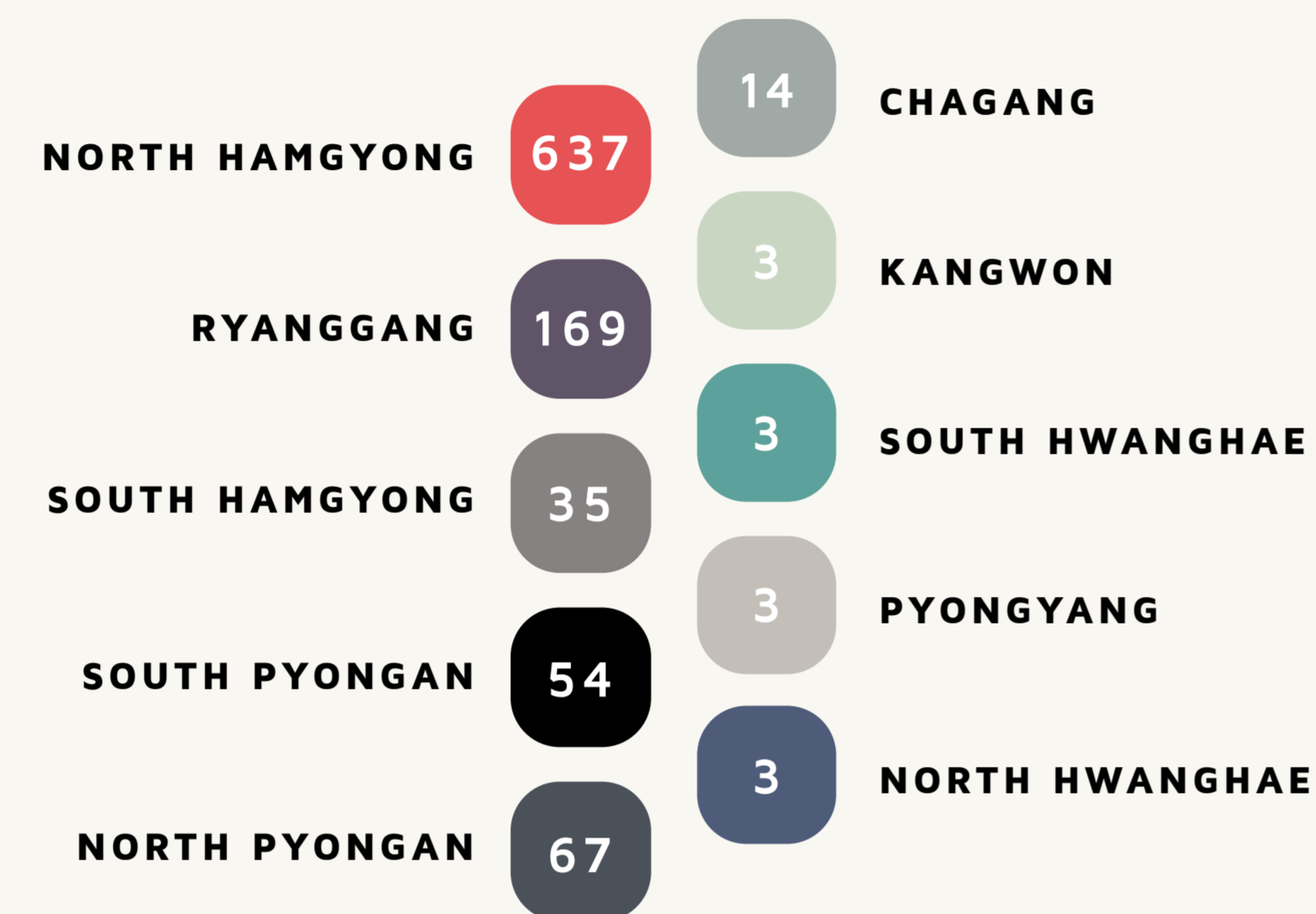
SATELLITE VIEW OF
Kaechon
Re-education Camp



Patterns of the Denial of the Right to Food

in the North Korean Prison Database

PROVINCES WHERE THE VIOLATION OCCURRED



AFFILIATED ORGANISATIONS



987 incidents

Denial of the Right to Food

in Kaechon Re-education Camp

Victim A0070 was arrested by state agent A0074 for an act protected by Article 12 of the ICCPR. The victim was interrogated by pre-trial examiner A0076 at Hyesan City MPS Detention Centre and was sentenced to ten years of re-education at Kaechon Re-education Camp.

A0070 was denied food by multiple MPS agents, including by agent A0078, throughout a period of seven years and nine months of detention at Kaechon Re-education Camp. The denial of food was used as a form of coercion and punishment. Victim A0070 was subjected to forced labour and was provided with food based solely on the amount of labour he completed within a day.⁴⁷ When the victim met his daily forced labour quota, he was typically provided a meal consisting of roughly 4.3 oz (120 g) of corn each day.⁴⁸ When he did not meet his quota, his food was reduced to just 80 g, which lacked nutritional value and contained inedible elements such as corn husks, small fragments of stone, and twigs. Victim A0070 regularly trapped and consumed insects, such as cockroaches, and small rodents to supplement his meals.⁴⁹

Assessment

The facts and circumstances of victim A0070's denial of food meet the threshold of torture and ill-treatment.⁵⁰

Nature

The provision of food lacking in nutritional value⁵¹ and food containing inedible substances⁵² qualifies as torture and ill-treatment. Food rations provided to victim A0070 did not contain sufficient nutritional value to sustain the basic health of an adult male, while small fragments of stone and twigs in food provided to the victim were inedible.

Purpose

The purpose of the denial of food was punitive. Victim A0070 was arrested and detained on two charges: first, for previously leaving and re-entering the DPRK, and second, for assisting other citizens to leave the DPRK, which was an exercise of his fundamental right to movement. The victim was denied food during his detention and under the direction and supervision of state agents. Under international law, including the UN Convention Against Torture, purposes such as punishing, intimidating, or coercing, an individual are recognised as exemplary of torture and ill-treatment.⁵³

Severity

Victim A0070 was habitually provided with insufficient food that also had limited nutritional value for over seven years of detention. The duration, frequency, and severity of the denial of adequate food in this case meets the threshold for torture. Moreover, in some cases, the denial of adequate food can qualify as a violation of the right to life under Article 6 of the ICCPR. During victim A0070's nearly eight years of detention at Kaechon Re-education Camp, he estimated that 980 of 3,000 detainees died from causes relating to starvation and malnutrition.

Case Conclusion

The Case of A0070

The DPRK acceded to the ICCPR on 14 September 1981 and is therefore bound by Article 7 and Article 10 of the Convention, which prohibit torture and ill-treatment and oblige states to treat detainees with dignity and respect. The DPRK is also in violation of Article 12 of the ICCPR by prohibiting individuals such as A0070 from leaving the country and subjecting them to punitive measures, such as the denial of food. The Nelson Mandela Rules prohibit the reduction of food as a disciplinary sanction and affirm the DPRK's obligation to provide detainees with well-prepared food of nutritional value adequate for supporting their health and strength.⁵⁴ As these constitute minimum standards, states cannot be exempted from complying with these provisions.⁵⁵

The Case of A1803



AGE 50-59

REASON FOR DETENTION

Exercising her right to leave the DPRK

DETAINED

Samjiyon County MSS Detention Centre
Hyesan City MSS Detention Centre
Hyesan City MPS Waiting Room
Hyesan City Labour Training Centre

RESPONSIBILITY

Ministry of People's Security
Ministry of State Security
People's Committee of North Korea

AFFILIATED STATE AGENTS

A1806
A1807
A1808
A1809

Background

The following information provides an overview of the case of A1803, a woman in her 50s and a member of the General Federation of Trade Unions of the DPRK. The victim was arbitrarily deprived of her liberty by identified MSS agents, A1806, A1807, A1808, A1809, after exercising her right to freedom of movement. Victim A1803 was detained in three facilities prior to receiving an administrative penalty: Samjiyon County MSS Detention Centre, Hyesan City MSS Detention Centre, and Hyesan City MPS Waiting Room. Without a trial or due process, the victim was handed an administrative penalty of short-term labour for three months at Hyesan City Labour Training Centre. A1803 was subjected to positional torture during her detention at Hyesan City MSS Detention Centre.

Positional Torture

Positional torture occurs when a victim is forced to remain in a fixed position for an extended period. Positions can include forced standing or crouching, suspension of the body from a chain, shackling in stress positions, and sitting in deliberately uncomfortable positions for multiple hours or days.⁵⁶ Korea Future recorded 570 incidents of positional torture in the DPRK penal system.⁵⁷ These violations occurred in 94 penal facilities directly managed by the MPS, MSS, and PCNK. This documentation expands on the findings of the COI with regards to both the scale and prevalence of positional torture across state facilities. The case of victim A1803 exemplifies wider patterns of positional torture documented in the North Korean Prison Database.

SATELLITE VIEW OF

Hyesan

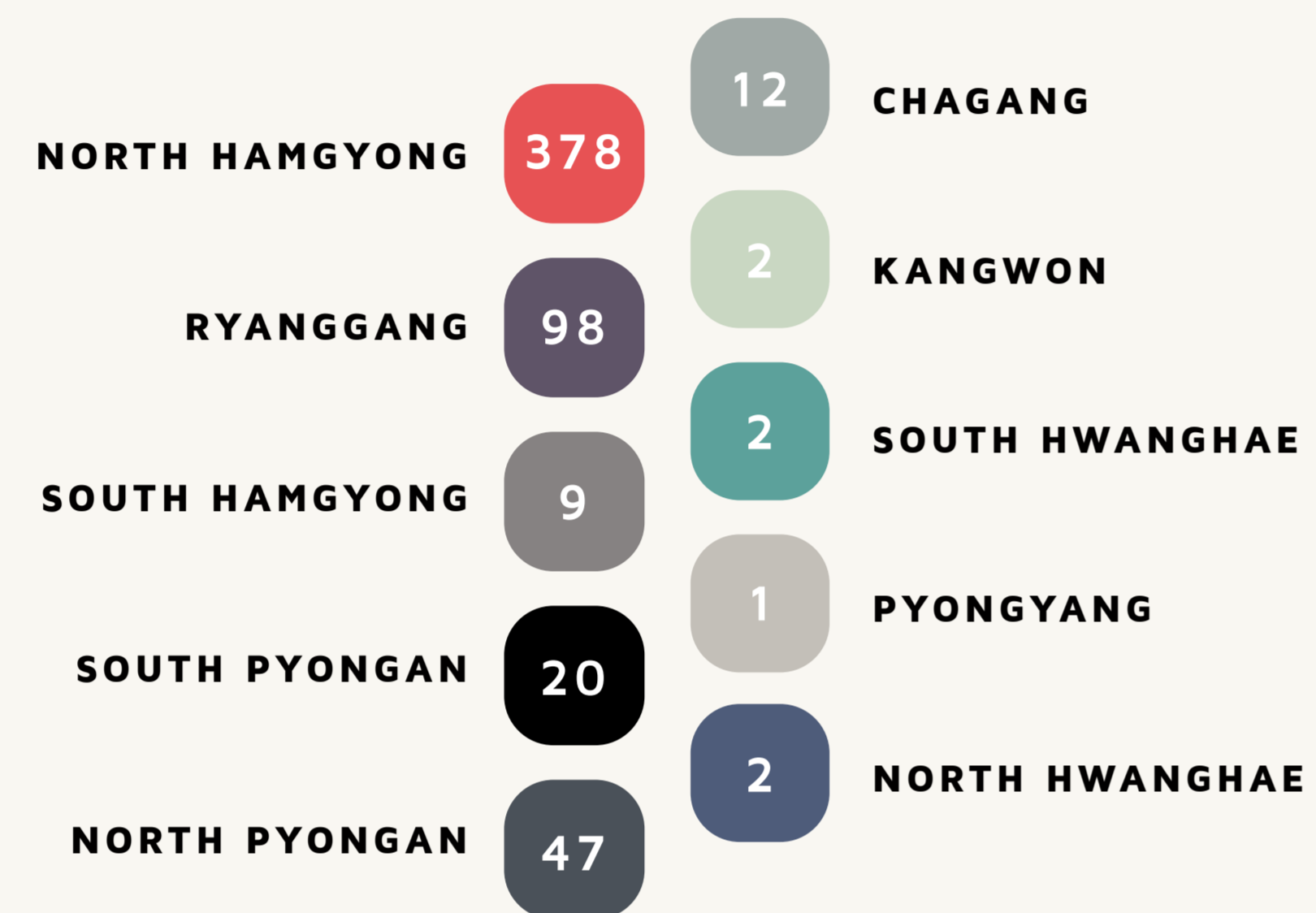
City MSS Detention Centre



Patterns of Positional Torture

in the North Korean Prison Database

PROVINCES WHERE THE VIOLATION OCCURRED



AFFILIATED ORGANISATIONS



570 incidents

Positional Torture

in Hyesan City MSS Detention Centre

A1803 was forced into a stress position for 30 consecutive days in Hyesan City MSS Detention Centre. She was forced by correctional officers to sit crossed-legged on the floor, with her hands on her lap and head raised, as punishment for her alleged crimes. A1803, and her fellow detainees, were forced to hold this stress position from 05:00 – 22:00 each day. Victim A1803 was only allowed to move during meals.

Correctional officers monitored A1803's compliance with the stress position through CCTV surveillance of cells. During her period of detention, A1803 experienced correctional officers physically beating detainees who failed to remain in stress positions or who made any movements, leading to a fear of physical assault among all detainees.

While at Hyesan City MSS Detention Centre, the victim was regularly interrogated. During these pre-trial examinations (also known as interrogations), which took place on weekends and lasted approximately 90 minutes each time, victim A1803 was subjected to a different stress position involving a chair.⁵⁸ She was forced to sit in a chair designed to restrict her movement, except for her hands, which resulted in severe physical pain in her knees and joints.

Assessment

The facts and circumstances of victim A1803's subjection to stress positions meet the threshold of torture and ill-treatment, therefore constituting positional torture.⁵⁹

Nature

The stress positions A1803 experienced in detention inflicted severe physical and psychological suffering and qualify as positional torture. A1803 was forced to remain in a seated stress position in her cell by threat of force. Correctional officers enforced this abusive practice by beating those who were non-compliant and threatening additional punishment. A1803 was also forced to endure a seated stress position involving a chair that restrained her movement. The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment lists "positional abuse when handcuffed or bound" as a method of torture.⁶⁰ Moreover, this form of positional torture may also amount to "psychological torture" in the form of "no marks, no touch" torture, which aims to inflict pain or suffering without physical interactions and without clear visible traces.

Purpose

The purpose of stress positions used on A1803 was punitive and coercive. Victim A1803 was arrested and detained because she left the DPRK, which was an exercise of her fundamental right to movement. Correctional officers and pre-trial examiners subjected A1803 to positional torture during her pre-trial examination and detention. Under international law, including the UN Convention Against Torture, purposes such as obtaining information, extracting a confession, punishing, intimidating, coercing, or discriminating against an individual are all recognised as exemplary of torture and ill-treatment.⁶¹

Severity

The severity of the conduct "depends on all circumstances of the case, such as the duration and manner of the treatment, its physical or mental effects as well as the sex, age and state of health of the victim."⁶² Victim A1803 was subjected to positional torture for 17 hours a day for 30 consecutive days and was forced to sit in a stress position as a means of disciplinary control within the facility. The victim stated that the detainees were only allowed to move their bodies during meals. The length, duration, and intensity of the stress positions had severe physical and mental effects on A1803, especially given her age. She experienced physical pain and swelling in her knees and joints, for which she currently still receives rehabilitative treatment. She also suffered psychological consequences that persist today, for which she is receiving mental health support.

Case Conclusion

The Case of A1803

The DPRK acceded to the ICCPR on 14 September 1981 and is therefore bound by Article 7 and Article 10 of the Convention, which prohibit torture and ill-treatment and oblige states to treat detainees with dignity and respect. The DPRK is also in violation of Article 12 of the ICCPR by prohibiting individuals such as A1803 from leaving the country and subjecting them to punishment, such as positional torture, as a punitive measure. The Nelson Mandela Rules also prohibit positional abuse, stipulating that restraints should not be used for disciplinary purposes.⁶³

This report determines that reasonable grounds exist to believe that the DPRK is in breach of its obligation to refrain from torture and ill-treatment. Victims have been subject to forced abortion, the denial of the right to food, and positional torture, among other grave violations. Incidents of torture and ill-treatment constitute serious breaches of international law and should be investigated and, where they amount to international crimes, prosecuted.

States with targeted human rights sanctions regimes can designate individual perpetrators and state institutions in the DPRK who are responsible for human rights violations that amount to torture and ill-treatment. States with national laws that provide the grounds for universal jurisdiction can consider the possibilities of bringing cases against DPRK agents to their domestic courts to help deliver access to justice to victims. Other states, multilateral institutions, and foundations can actively support documentation efforts to enable the findings from investigations to be submitted to the appropriate national and international investigative authorities.

Pursuing multi-track and parallel strategies for accountability will create new momentum and consensus in the international community's response to gross violations of human rights in the DPRK. A decade after the COI was mandated, accounting for both the continuities and changes in the international landscape and accumulating information that can lead towards material outcomes is the crucial next step for the imperative of accountability and justice for victims.

Conclusion

Annex 1: Methodology

This report is the result of an ongoing investigation into human rights violations in the DPRK penal system. All information contained in the report has been sourced entirely from primary investigations undertaken by Korea Future. We are making significant volumes of information gathered for this report publicly and freely available on the North Korean Prison Database at www.nkpd.io

Information in this report and the North Korean Prison Database has been gathered through:

- Interviews with 269 victims, witnesses, and perpetrators.
- Sourcing and analysis of internal DPRK documents and information.
- Architectural analysis, digital modelling, and satellite imagery of DPRK penal facilities.
- Reviews of domestic and international law.

In establishing a necessary standard of proof, we employed a reasonable grounds standard in making factual determinations on individual cases. We analysed documented information against elements required for violations under international human rights law, customary international law, peremptory norms, standards, and principles. We concealed the identities of all victims in this report. We do not name individual perpetrators in our public work.

Endnotes

¹ United Nations, The situation of human rights in the Democratic People's Republic of Korea, 18 March 2013, A/HRC/22/L.19.

² The COI defined 'ordinary' penal facilities as "kyohwaso", or re-education camps, finding "these prisons [are] acknowledged and they have a legal basis in the Criminal Code... [and] are for the most part operated by the Prisons Bureau of the Ministry of People's Security. They are subject to the oversight of the Office of the Prosecutor." In this report, we establish that the DPRK's 'ordinary' penal system, as opposed to its political prison camps, is actually far larger and encompasses more categories of facilities than was documented by the COI.

³ Korea Future, North Korean Prison Database. Available at: www.nkpd.io

⁴ The COI found that torture in the 'ordinary' penal system manifested itself in the form of "solitary confinement in tiny cells, the deliberate imposition of extreme levels of starvation as a disciplinary measure, and the infliction of severe beatings and other atrocities to punish inmates" among other acts. Our information establishes a greater breadth of acts that constitute torture and ill-treatment in the 'ordinary' penal system. 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; pp. 331.

⁵ 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; pp. 248.

⁶ Lebedev, V. (2022) "War and Peace in Liberated North Korea: Soviet Military Administration and the Creation of North Korean Police Force in 1945." International Journal of Asian Studies. Cambridge University Press, 19(1), pp. 117–133. Available at: <https://www.cambridge.org/core/journals/international-journal-of-asian-studies/article/war-and-peace-in-liberated-north-korea-soviet-military-administration-and-the-creation-of-north-korean-police-force-in-1945/B26380E11146A0FDF8766960B2947ED3> (Accessed: 11 March 2022).

⁷ The Ten Principles and WPK Charter have been described as "semi-laws" that "rank above the North Korean Constitution in terms of authority." See Dowling, J. and Hong, D.U. (2021) "The Enshrinement of Nuclear Statehood in North Korean Law," Illinois Law Review. Online, pp. 48. Available at: <https://www.illinoislawreview.org/online/the-enshrinement-of-nuclear-statehood-in-north-korean-law/> (Accessed: 11 March 2022).

⁸ Reporting takes place via the Organisation and Guidance Department and multiple Ministry of State Security channels.

⁹ This is overseen by the WPK Central Committee Organisation and Guidance Department.

¹⁰ The Ministry of People's Security has had several changes of name, including in recent years. For example, it was renamed the Department of People's Security in 2010 as part of an effort to place it alongside two other major security organs: the Department of People's Armed Forces and the Department of State Security. It was renamed again in 2016 as the Ministry of People's Security and placed under the State Affairs Commission. Finally, in May 2020, it was renamed the Ministry of Social Security. To avoid confusion, this report continues to refer to it as the Ministry of People's Security, which is conventionally the name most used.

¹¹ 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.

¹² 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; pp. 249–250.

¹³ Contrary to the ICCPR Article 12.

¹⁴ Recognised as such in Prosecutor v Anto Furundzija [1998] ICTY IT-95-17/1-T.

¹⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966) 999 UNTS 171 (ICCPR); the DPRK acceded to the ICCPR on 14 September 1981.

¹⁶ Convention on the Right of the Child (adopted 20 November 1989) 1577 UNTS 3 (CRC); the DPRK ratified the CRC on 21 September 1990.

¹⁷ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006) 2515 UNTS 3 (CRPD); the DPRK ratified the CRPD on 6 December 2016.

¹⁸ Jus cogens is a peremptory norm of international law that may only be modified by a subsequent norm of jus cogens as referenced in Art. 53 of the Vienna Convention on the Law of Treaties (A/ CONF.39/27(1969)); Prosecutor v Zejnil Delalic and others [1998] ICTY IT-96-21-T, para 454; Al- Adsani v UK [2001] ECtHR App no 35763/97; Prosecutor v Anto Furundzija [1998] ICTY IT-95-17/1-T.

¹⁹ United Nations Committee Against Torture et al, "26 June Joint Statement – UDHR70" 26 June 2018. Available at: <https://rm.coe.int/16808b6e78>.

²⁰ UN Human Rights Committee, 'CCPR General Comment No. 4: Article 3 (Equal Right of Men and Women to the Enjoyment of All Civil and Political Rights)' (1981); UN Human Rights Committee, 'CCPR General Comment No. 31(80): The nature of the general legal obligation imposed on States Parties to the Covenant' (2004).

²¹ Both the ICCPR Article 7 and the UDHR Article 5 use the same phrase that prohibit torture.

²² State practice suggests that customary international law includes a spectrum of acts that can cause mental or physical suffering inflicted on a person by an authority as torture.

²³ Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/ GEN/1/Rev.1 at 30 (1994) at para 4.

²⁴ Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/ GEN/1/Rev.1 at 30 (1994) at para 2.

²⁵ Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/ GEN/1/Rev.1 at 30 (1994) at para 2.

²⁶ The Center for Justice and International Law (2008) Torture in International Law: A Guide to Jurisprudence. pp. 10. Available at: <https://www.apt.ch/sites/default/files/publications/jurisprudenceguide.pdf> (Accessed: 26 February 2023).

²⁷ UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (adopted 17 December 2015) A/RES/70/175 (the Nelson Mandela Rules).

²⁸ UN General Assembly, The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (adopted 9 December 1988) A/RES/43/173 (the Body of Principles).

²⁹ This is a fundamental right enshrined in Article 12 of the ICCPR. As such, this victim would qualify as a political prisoner.

³⁰ European Institute of Gender Equality (2016). Available at: <https://eige.europa.eu/thesaurus/terms/1135> (Accessed: 26 February 2023).

³¹ Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, A/HRC/25/CRP.1, pp. 122.

³² A1781 was denied access to a judge or judicial officer; was denied proceedings for release from arbitrary detention; and was denied prompt access to legal assistance and to notice of their charges.

- ³³ This is in the third trimester, increasing the risks and harms of the forced abortion to the victim.
- ³⁴ Typically, the victim explained that deceased infants were placed in waste bins, but a family connection meant the infant in this case was buried.
- ³⁵ *Prosecutor v Kvočka et al.* [2001] ICTY IT-98-30/1, para 180, fn 343: (finding that “Sexual violence would also include such crimes as [...] forced abortion”).
- ³⁶ United Nations, General Recommendation 35 on gender-based violence against women, updating general recommendation 19, para 18, CEDAW/C/GC/35, 26 July 2017.
- ³⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984) 1465 UNTS 85 (CAT), Article 1.
- ³⁸ *Vuolanne v Finland*, HRC Communication No. 265/1987, 7 April 1989, at para 9.2.
- ³⁹ The Center for Justice and International Law (2008) *Torture in International Law: A Guide to Jurisprudence*, pp. 8. Available at: <https://www.apt.ch/sites/default/files/publications/jurisprudenceguide.pdf> (Accessed: 26 February 2023).
- ⁴⁰ United Nations, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 5 January 2016, A/HRC/31/57, para 44.
- ⁴¹ United Nations, General comment no. 22 on the Right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/22, 2 May 2016.
- ⁴² United Nations, Right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/66/254, 3 August 2011.
- ⁴³ United Nations, Review of promising practices and lessons learned, existing strategies and United Nations and other initiatives to engage men and boys in promoting and achieving gender equality, in the context of eliminating violence against women, A/HRC/38/24, 19 April 2018.
- ⁴⁴ An incident represents each detainee whose right to food was denied at a specific penal facility rather than each time a detainee was denied the right to food. If a detainee experienced multiple instances of such violation during the duration of detention in a single facility, it will still be recorded as one incident.
- ⁴⁵ A0070 was denied access to a judge or judicial officer; was denied proceedings for release from arbitrary detention; and was denied prompt access to legal assistance and to notice of their charges.
- ⁴⁶ The act of smuggling involved crossing the PRC-DPRK border. The victim was charged with the ‘crime’ of border crossing and kidnapping, and not smuggling.
- ⁴⁷ Detainees who completed their daily forced labour quota were provided with ‘first grade’ food provision, equivalent to 4.3 oz (120g). Detainees who did not meet their daily forced labour quota and detainees not fit to work due to illness were provided with ‘second grade’ food provision, equivalent to 2.8 oz (80g). Lastly, detainees in solitary confinement were provided with ‘third grade’ food provision, equivalent to a quantity of around 2.15 oz (60 g) of food.
- ⁴⁸ Food was provided to detainees on three occasions each day: breakfast at 07:00; lunch at 12:00; dinner between 18:00–19:00. Corn kernels were soaked in water and steamed in a kiln. Despite reducing the meagre nutritional value of the meal, this cooking process was intentionally repeated between 30 - 40 times to increase the volume of the meal.
- ⁴⁹ On occasions, A0070 was instructed to gather weeds within the camp, which were boiled and served to detainees.
- ⁵⁰ United Nations, Committee Against Torture, Conclusions and recommendations of the Committee against Torture, CAT/C/CR/33/1, para 6 (h), 10 November 2004.
- ⁵¹ *Cariboni v Uruguay* [1987] UN Human Rights Committee Communication No 159/1983, paras 4, 10; *Carmen Amendola Massiotti v Uruguay* [1982] UN Human Rights Committee Communication No 25/1978, paras 11, 13; *Sergei Kirsanov v Russian Federation* [2014] UN Committee Against Torture Communication No 478/2011, para 11.2.
- ⁵² *Déogratias Niyonzima v Burundi* [2014] Committee Against Torture Communication No. 514/2012, para 2.7.
- ⁵³ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984) 1465 UNTS 85 (CAT), Article 1
- ⁵⁴ UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (adopted 17 December 2015) A/RES/70/175 (the Nelson Mandela Rules).
- ⁵⁵ *Womah Mukong v Cameroon* [1994] UN Human Rights Committee Communication No 458/1991, para 9.3.
- ⁵⁶ Allen, S.A. (2007) *Physicians for Human Rights. “Leave No Marks: Enhanced Interrogation Techniques and the Risk of Criminality.”* Available at: <https://phr.org/our-work/resources/leave-no-marks/> (Accessed: November 2022).
- ⁵⁷ An incident represents each detainee who was forced to remain in a stress position for a known period at a specific penal facility rather than each time a detainee was in a stress position. If a detainee experienced multiple instances of such violation during the duration of detention in one facility, it will be recorded as a single incident.
- ⁵⁸ The victim stated the chair was introduced by Kim Jong Un in or around 2017 through the party directive to reduce any physical interaction with the pre-trial examiner and the detainee. This was supposedly imposed in consideration of preventing human rights abuses and further claims against the human rights violations.
- ⁵⁹ UN Human Rights Committee, ‘CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)’ (1992), para 5; UN Human Rights Council, ‘Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak’ (2010) UN Doc A/HRC/13/39, para 30.
- ⁶⁰ Nowak, M. (2008) UN Special Rapporteur on Torture. Report of the UNSRT, Sri Lanka. Report No.: A/HRC/7/3/Add.6-E. Available at: <https://undocs.org/A/HRC/7/3/Add.6>
- ⁶¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984) 1465 UNTS 85 (CAT), Article 1
- ⁶² *Vuolanne v Finland*, HRC Communication No. 265/1987, 7 April 1989, at para 9.2.
- ⁶³ UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (adopted 17 December 2015) A/RES/70/175 (the Nelson Mandela Rules).

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North Korean Prison Database: Volume II

The Accountability Imperative: Torture & Ill-Treatment in the DPRK Penal System

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