

From **CRADLE** to **GRAVE**

The Path of North Korean Innocents



**ROBERT COLLINS**  
AND  
**AMANDA MORTWEDT OH**

Edited by Raymond Ha



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\*The sign on the cover, which says “수령 결사 응위 정신,” translates as “Absolute devotion to the Supreme Leader.”

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## ABOUT THE COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA (HRNK)

HRNK is the leading U.S.-based bipartisan, non-governmental organization in the field of North Korean human rights research and advocacy, tasked to focus international attention on human rights abuses in that country. It is HRNK's mission to persistently remind policymakers, opinion leaders, and the general public that more than 20 million North Koreans need our attention.

Since its establishment in October 2001, HRNK has played an important intellectual leadership role in North Korean human rights issues by publishing thirty-four major reports (available at <https://www.hrnk.org/publications/hrnk-publications.php>). Recent reports have addressed issues including political prison camps, the dominant role that Pyongyang plays in North Korea's political system, North Korea's state sponsorship of terrorism, the role of illicit activities in the North Korean economy, the structure of the internal security apparatus, the songbun social classification system, and the abduction of foreign citizens.

HRNK was the first organization to propose that the human rights situation in North Korea be addressed by the UN Security Council. HRNK was directly, actively, and effectively involved in all stages of the process supporting the work of the UN Commission of Inquiry on North Korean human rights. Its reports have been cited numerous times in the report of the Commission of Inquiry, the reports of the UN Special Rapporteur on North Korean human rights, a report by the UN Office of the High Commissioner for Human Rights, a report of the UN Secretary-General António Guterres, and several U.S. Department of State Democratic People's Republic of Korea Human Rights Reports. On several occasions, HRNK has been invited to provide expert testimony before the U.S. Congress.

## ABOUT THE AUTHORS

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### Robert Collins

Robert M. Collins completed 37 years of service as a soldier and U.S. Department of the Army civilian employee. He served 31 years in various assignments with the U.S. military in Korea, including several liaison positions with the Republic of Korea Armed Forces. Mr. Collins' final assignment was as Chief of Strategy, ROK-US Combined Forces Command, serving the four-star American commander as a political analyst for planning on Korean Peninsula and Northeast Asian security issues. He received the Sam-il Medal (Republic of Korea Order of National Security Medal, Fourth Class) from President Lee Myung-bak and U.S. Army Decoration for Exceptional Civilian Service by the Secretary of the Army. Mr. Collins earned a B.A. in Asian History from the University of Maryland in 1977, and a M.A. in International Politics, focusing on North Korean Politics, from Dankook University in 1988. Mr. Collins is a Senior Adviser at HRNK, where he conducts interviews with North Korean defectors in South Korea to develop specific information for North Korean population and human rights data. He is the author of *Marked For Life: Songbun, North Korea's Social Classification System* and *Pyongyang Republic: North Korea's Capital of Human Rights Denial*, both published by HRNK.

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Amanda Mortwedt Oh holds a JD from the University of St. Thomas School of Law (Minneapolis) and an LL.M. from the Fletcher School of Law and Diplomacy at Tufts University. She also serves as an attorney in the U.S. Army Reserve Judge Advocate General's Corps.

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The authors wish to dedicate this work to those innocents in the aforementioned unmarked graves.

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*Robert Collins and Amanda Mortwedt Oh*

November 13, 2017

## TERMS

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<i>In-min-ban</i>	Neighborhood unit
<i>Juche</i>	Self-reliance (ideology)
<i>Kwan-li-so</i>	Political prison camp (also referred to as a political penal labor colony)
<i>Kyo-hwa-so</i>	Labor camp (also referred to as a long-term prison labor facility)
<i>So-nyeon-dan</i>	Children's corps
<i>Songbun</i>	Socio-political classification
<i>Songun</i>	Military-first
<i>Suryong</i>	Supreme Leader
<i>Yeon-jwa-je</i>	Guilt-by-association

## ACRONYMS

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COI	UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea
DPRK	Democratic People's Republic of Korea
GPB	General Political Bureau
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
KPA	Korean People's Army
KWP	Korean Workers' Party
MPS	Ministry of People's Security
MSC	Military Security Command
MSS	Ministry of State Security (formerly SSD)
OGD	Organization and Guidance Department (KWP)
PAD	Propaganda and Agitation Department (KWP)
PEA	Pre-Trial Examination Agency
SPA	Supreme People's Assembly
SSD	State Security Department (currently MSS)
TPMI	Ten Principles of Monolithic Ideology

**“Factionalists or enemies of class, whoever they are; their seed must be eliminated through three generations.” – Kim Il-sung (1972)<sup>1</sup>**

## INTRODUCTION

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Outside of the free world, saying or doing the “wrong” thing can lead to dire consequences including incarceration, torture, or even death. The totalitarian regime in North Korea ruled by Kim Jong-un is perhaps the most extreme example of these consequences that exists today. Disloyalty or disrespect towards the Kim family rule is considered a crime against the state. Even minor missteps are severely punished. Those accused of such political crimes end up in an unmarked grave or they are cremated and their ashes used as fertilizer—one of the more egregious cases of human rights denial. These horrendous practices by the Kim regime take place inside political prison camps (*kwan-li-so*), which are in isolated areas closed off to most North Koreans. Under North Korea’s system of guilt-by-association (*yeon-jwa-je*),<sup>2</sup> punishment often extends to family members as the crimes of the guilty are also the crimes of their family members who suffer the same denial of human rights and end up in similar graves. It is these innocents who suffer the most undeserving of fates under the Kim Regime. Regardless of how careful one is to demonstrate loyalty to the regime, many end up in political prison camps only because they are related to someone who violated the Kim regime’s rules of political behavior.<sup>3</sup> Even the regime’s highest elites are not exempt. This apparatus of terror was established under Kim Il-sung, the founding president of North Korea, and it has been sustained and reinforced by his successors, Kim Jong-il and Kim Jong-un. No one can know for sure the exact numbers who have died under these three tyrants, but over the decades the number likely lies in the hundreds of thousands.

Existing reports provide a comprehensive account of the human rights violations that have taken place in North Korea for the past seven decades. The landmark report of the United Nations Commission of Inquiry (UN COI) in 2014 concluded that “systematic, widespread and gross human rights violations have been, and are being, committed” by the North Korean state against its own people, and that “in many instances, the violations of human rights... constitute crimes against humanity.”<sup>4</sup> Moreover, HRNK has published reports on issues ranging from the political prison camps and the structure of the internal security agencies to the use of forced labor in North Korea’s export industries.<sup>5</sup>

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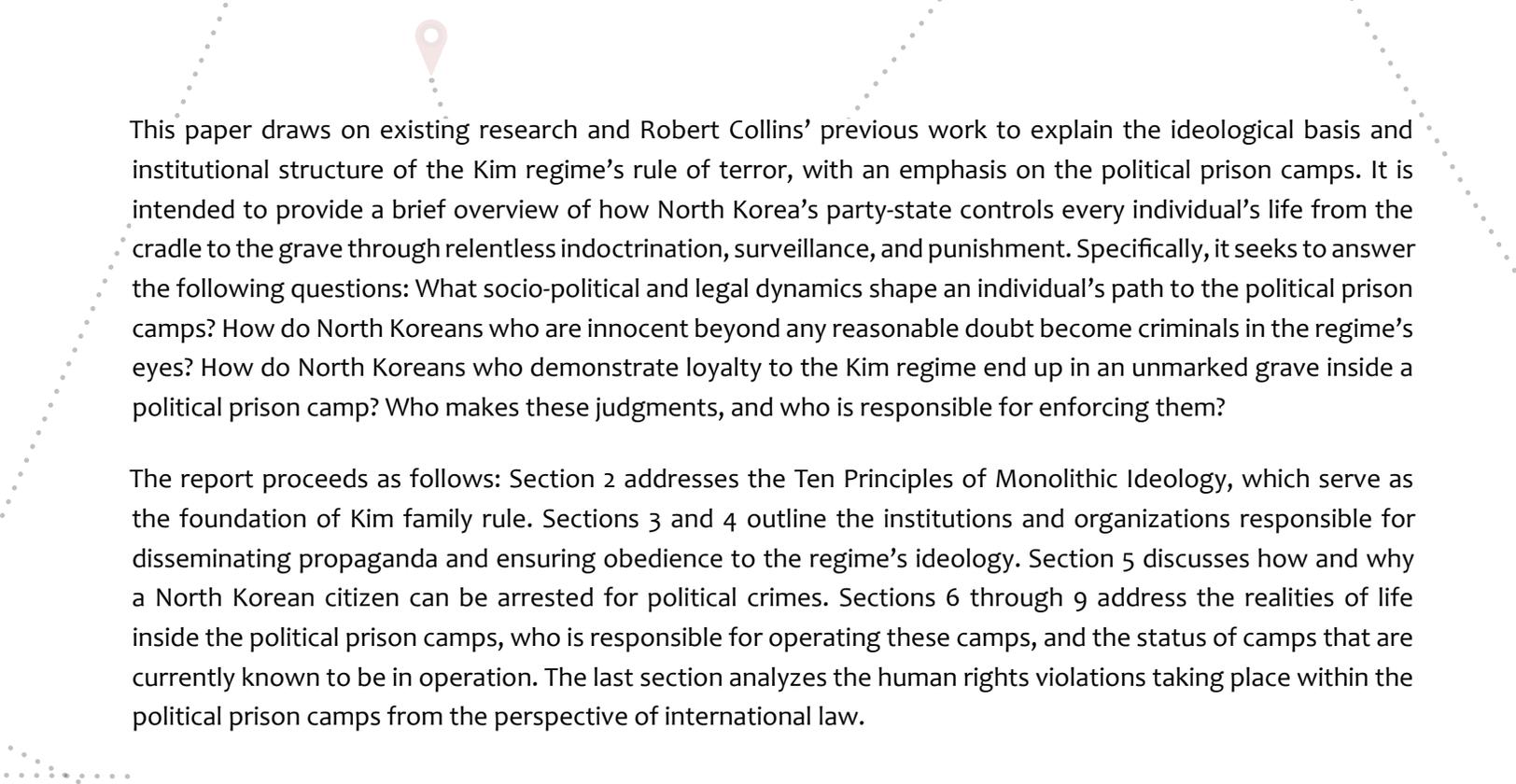
1 As cited in David Hawk, *Hidden Gulag Second Edition* (Washington, DC: Committee for Human Rights in North Korea, 2012), 29.

2 U.S. Department of State, “2016 Human Rights Reports: Democratic People’s Republic of Korea,” March 3, 2017, <https://www.state.gov/j/drl/rls/hrrpt/2016/eap/265344.htm>; Do Kyung-ok et al., *White Paper on Human Rights in North Korea 2017* (Seoul: Korea Institute for National Unification, 2017).

3 For a detailed understanding of the Kim regime’s policy of guilt-by-association as explained by North Korea’s highest-ranked defector to the Republic of Korea, see Hwang Jang-yop, “The Problems of Human Rights in North Korea,” in Jeong-Ho Roh, Columbia University, “Contemporary Issues in Business Laws of South and North Korea,” April 8, 2003, [http://www2.law.columbia.edu/course\\_00S\\_L9436\\_001/North%20Korea%20materials/hwang%20jang3.html](http://www2.law.columbia.edu/course_00S_L9436_001/North%20Korea%20materials/hwang%20jang3.html).

4 UN Human Rights Council, *Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea*, UN Doc. A/HRC/25/CRP.1 (February 7, 2014), par. 1211, <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>.

5 All HRNK publications are available online at <https://www.hrnk.org/publications/hrnk-publications.php>.



This paper draws on existing research and Robert Collins' previous work to explain the ideological basis and institutional structure of the Kim regime's rule of terror, with an emphasis on the political prison camps. It is intended to provide a brief overview of how North Korea's party-state controls every individual's life from the cradle to the grave through relentless indoctrination, surveillance, and punishment. Specifically, it seeks to answer the following questions: What socio-political and legal dynamics shape an individual's path to the political prison camps? How do North Koreans who are innocent beyond any reasonable doubt become criminals in the regime's eyes? How do North Koreans who demonstrate loyalty to the Kim regime end up in an unmarked grave inside a political prison camp? Who makes these judgments, and who is responsible for enforcing them?

The report proceeds as follows: Section 2 addresses the Ten Principles of Monolithic Ideology, which serve as the foundation of Kim family rule. Sections 3 and 4 outline the institutions and organizations responsible for disseminating propaganda and ensuring obedience to the regime's ideology. Section 5 discusses how and why a North Korean citizen can be arrested for political crimes. Sections 6 through 9 address the realities of life inside the political prison camps, who is responsible for operating these camps, and the status of camps that are currently known to be in operation. The last section analyzes the human rights violations taking place within the political prison camps from the perspective of international law.

## TEN PRINCIPLES OF MONOLITHIC IDEOLOGY: THE KIM REGIME'S CRADLE TO GRAVE BEHAVIORAL NORMS AND THEIR VIOLATIONS

The Kim regime's strategy for survival goes far beyond its reliance on military strength, which it demonstrates with one of the world's largest standing armies and through nuclear tests and missile launches.<sup>6</sup> Its strategy is ultimately based on ensuring the complete loyalty of the people to the Supreme Leader (*Suryong*) and the Korean Workers' Party (KWP) to maintain domestic stability and prevent challenges to the *Suryong's* authority. The regime commits its political, security, and educational institutions to shaping every citizen into a loyal "soldier." Obedience is the primary requirement of every North Korean citizen. The KWP articulates the standard by which to determine political obedience, uses its ubiquitous propaganda machine to ensure that everyone understands it, and employs the security services and the judicial system to enforce it. The Ten Principles of Monolithic Ideology (TPMI) serves as this standard, and it thus exerts the greatest influence on the life of every North Korean.<sup>7</sup>

The TPMI, publicly proclaimed in 1974, is the guidebook for behavioral norms under the Kim regime. Kim Yong-ju, Kim Il-sung's brother, initiated its development in 1967, and Kim Jong-il finalized its content. North Korea's official political dictionary defines TPMI as "the ideological system by which the whole party and people is [*sic*] firmly armed with the revolutionary ideology of the *Suryong* and united solidly around him, carrying out the revolutionary battle and construction battle under the sole leadership of the *Suryong*."<sup>8</sup> The TPMI is taught to everyone on a weekly basis to ensure their loyalty to him and the Party. Every North Korean must study these principles and then evaluate themselves based on their daily observance of the principles at weekly self-critique sessions.<sup>9</sup>

The TPMI is the most dominating guidance from the *Suryong*, and it reflects four overarching principles: deification of the Supreme Leader; accepting the prestige of the Supreme Leader as absolute; treating the Supreme Leader's directives as dogma; and unconditional implementation of the Supreme Leader's commands. The ten principles, as formulated in 1974, are as follows:<sup>10</sup>

1. Struggle with all your life to paint the entire society with the one color of the Great Leader Kim Il-sung's revolutionary thought. Violations include remarks about the existence of other authorities, such as spiritual authorities or deities, other North Korean individuals, and other world leaders.
2. Respect and revere highly and with loyalty the Great Leader Kim Il-sung. Any remarks or actions that are deemed disrespectful are considered as violations. The interpretation of "disrespect" rests with the Party and the security services.

6 This section contains some content that parallels concepts previously published in Robert Collins, *Pyongyang Republic: North Korea's Capital of Human Rights Denial* (Washington, DC: Committee for Human Rights in North Korea, 2016), 18-27.

7 Jeon Yeong-Seon, *Dasi gochyeo sseun Bukan-ui sahoe-wa munhwa* [Revised North Korean Society and Culture] (Seoul: Yeongnak Publishing, 2006), 32.

8 Kang Mi-Jin, "NK Adds Kim Jong Il to 'Ten Principles'," *Daily NK*, August 9, 2013, <http://www.dailynk.com/english/read.php?catald=nk01500&num=10828>.

9 "What Are the 'Ten Principles?'," *Daily NK*, August 9, 2013, <http://www.dailynk.com/english/read.php?catald=nk02900&num=10829>.

10 The ten principles were further subdivided into sixty-five sub-principles. See "Ten Great Principles of the Establishment of the Unitary Ideology System," *Citizens' Alliance for North Korean Human Rights*, June 29, 2012, [https://eng.nkhumanrights.or.kr:444/board/bbs\\_view.php?no=3&board\\_table=bbs\\_literature&page=1](https://eng.nkhumanrights.or.kr:444/board/bbs_view.php?no=3&board_table=bbs_literature&page=1).

3. Make absolute the authority of the Great Leader Kim Il-sung. Violations include comments and actions that question the authority of the Supreme Leader, the status of the KWP, or the decisions of the KWP. This includes disputing the Kim family regime’s history as propagated by regime historians and propagandists.
4. Accept the Great Leader Kim Il-sung’s revolutionary thought as your belief and take the Great Leader’s instructions as your creed. Violations include failing to study the TPMI, questioning the TPMI’s relevance, or disobeying a directive from the Supreme Leader.
5. Observe absolutely the principle of unconditional execution in carrying out the instructions of the Great Leader Kim Il-sung. Violations include failure to follow Supreme Leader directives, Party directives, or Party ideological lines and practices.
6. Rally the unity of ideological intellect and revolutionary solidarity around the Great Leader Kim Il-sung. Violations include raising alternative approaches to regime policies or initiating programs and actions that run counter to the Supreme Leader’s intent, as interpreted by the Party.
7. Learn from the Great Leader Kim Il-sung and master communist dignity, the methods of revolutionary projects, and the people’s work styles. Violations include complaints about social conditions or the plight of everyday workers, showing distaste for working on specific work assignments, or blaming the regime for lack of resources or inadequacy of public services.
8. Preserve dearly the political life the Great Leader Kim Il-sung has bestowed upon you, and repay loyally for the Great Leader’s boundless political trust and considerations with high political awareness and skill. Violations include complaints about or refusal to do the established political tasks of studying the TPMI, attending weekly self-critique sessions, or participation in mass events organized by the local Party committee.
9. Establish a strong organizational discipline so that the entire Party, the entire people, and the entire military will operate uniformly under the sole leadership of the Great Leader Kim Il-sung. Violations include poor performance in organizational participation led by the Party in the military or paramilitary elements.
10. The great revolutionary accomplishments pioneered by the Great Leader Kim Il-sung must be succeeded and perfected by hereditary successions until the end. Violations include complaining about current socio-economic conditions as compared with the past or with the Republic of Korea.<sup>11</sup>

There were no changes to these principles until Kim Jong-un released a modified version on June 19, 2012 by removing the word “communism” and specifying Kim Il-sung, Kim Jong-il, and the “Paektu line” as the objects of absolute loyalty.<sup>12</sup> In addition, the sixty-five sub-principles were consolidated and reduced to sixty.<sup>13</sup>

11 Examples of violations of the TPMI are taken by the author from defector testimonies in the Korea Institute for National Unification’s *White Paper on Human Rights in North Korea*, published annually since 1996 and available online at [http://www.kinu.or.kr/www/jsp/eng/report\\_list.jsp?menuIdx=648&category=000%20%EC%9D%B8%EA%B6%8C&thisPage=1](http://www.kinu.or.kr/www/jsp/eng/report_list.jsp?menuIdx=648&category=000%20%EC%9D%B8%EA%B6%8C&thisPage=1).

12 The “Paektu line” refers to Kim Il-sung and family being associated with Mount Paektu, which sits astride the Sino-North Korean border and is the tallest peak on the Korean peninsula. This mountain holds mythical significance in Korean history. North Korean propaganda claims that Kim Jong-il was born on Mount Paektu, when he was born in the former Soviet Union during World War II. Consequently, descendants of Kim Il-sung are referred to as the Paektu line.

13 “N. Korea revises leadership ideology to legitimize rule of Kim Jong-un,” *Yonhap News*, August 12, 2013, <http://english.>

The North Korean security services prioritize adherence to the TPMI in their dealings with the population. This leaves no room for individual human rights in a North Korean's life. Violating these principles results in harsher penalties than violations of the state's Criminal Code, and violations of the TPMI are the reason most people are sent to political prison camps.<sup>14</sup> The charges against a political prisoner include "conspiracy to topple the state, reactionary agitations and propaganda, and treason against the fatherland."<sup>15</sup> Essentially, these charges are interpreted by the Kim regime as crimes against the Supreme Leader.

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[yonhapnews.co.kr/northkorea/2013/08/12/72/0401000000AEN20130812004400315F.html](http://yonhapnews.co.kr/northkorea/2013/08/12/72/0401000000AEN20130812004400315F.html).

14 Hyun Seong-Il, "Bukan sahoe-e daehan nodongdang-ui tongjecheje" [KWP's Control System Over North Korean Society], *Bukan josa yeongu* (Aug. 1998), North Korean Issues Research Center.

15 Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2010* (Seoul: KINU, 2010), 157.

## LEARNING TO OBEY UNDER THE KIM REGIME

Those that have died and will die in the Kim regime's political prison camps started life as loyal subjects to the Supreme Leader. Every North Korean, regardless of socio-political rank, is subject to life-long indoctrination. Propaganda is disseminated in individual villages, schools, workplaces, military units, and at every KWP organizational function.<sup>16</sup> North Koreans are told that obedience is required to avoid punishment. Every North Korean faces a lifetime of indoctrination that is designed to force every citizen to be completely loyal to the Supreme Leader and the KWP.

When someone is born in North Korea, his or her parents have already been subjected to a lifetime of propaganda and have thus learned the political risks associated with living in North Korean society. Consequently, a North Korean's indoctrination begins with his or her parents. From the earliest moments when a North Korean child learns how to talk, the parents instruct their children on what not to say for the safety of the family. Even the highest-ranking defector from North Korea to South Korea, Hwang Jang-yop, a former KWP Secretary and number twenty-two on the Party's protocol list, told of how he had to instruct his granddaughter about what and what not to say.<sup>17</sup>

The indoctrination continues once the child enters North Korea's school system, which is designed to teach basic knowledge and shape the student's mind through propaganda. Education in North Korea is supervised by the KWP's Science and Education Department and the government's Education Ministry, based on September 5, 1977 guidance from a Kim Il-sung thesis entitled "Thesis on Socialist Education." This speech identifies the premise of socialist education as "revolution, 'labor class-ization' and communization of the individual."<sup>18</sup>

Schoolchildren study the childhood of Kim Il-sung and Kim Jong-il in kindergarten and first grade, and those who show exemplary performance are inducted into the so-nyeon-dan (children's corps) in second grade, where they are exposed to more propaganda.<sup>19</sup> This continues throughout middle school and high school, when students join the Red Youth Corps. The children are taught that loyalty to the Supreme Leader is the correct approach to life. School vice-principals are responsible for the school's Party cell, the Children's League, and the Kim Il-sung Kim Jong-il Socialist Youth League.<sup>20</sup> The school propaganda poster on the next page demonstrates how young children are encouraged to be grateful to the Supreme Leader. The poster caption states, "Socialist Education Thesis – Hurray" (citing Kim Il-sung on the book covers).<sup>21</sup>

16 This section contains some content previously published in Collins, *Pyongyang Republic*, 27 & 67-70.

17 Author interview in August 1998.

18 *Bukan gaeyo* [Overview of North Korea] (Seoul: Korea Institute for National Unification, 2009), 385.

19 Lee Kwang-Bo et al., *Bukan-hak* [North Korea Studies] (Incheon: Jinyoungsa, 2010), 138-42; see also Jeong Hye-Yeon, "북한 핵미사일 개발의 배후 서상국의 실체" [The Truth About Seo Sang-guk, The Man Behind North Korea's Nuclear Weapons and Missiles], *Monthly Chosun*, January 8, 2016, <http://monthly.chosun.com/client/news/viw.asp?ctcd=H&nNewsNum-b=201601100022&page=1>.

20 Hyung-Chan Kim and Dong-Kyu Kim, *Human Remodeling in North Korea: A Social History of Education* (New York: University Press of America, 2005), 226.

21 Korean Central News Agency via Agence France-Presse – Getty Images, available at <https://www.nytimes.com/2017/08/10/world/asia/kim-jong-un-north-korea-nuclear.html>.

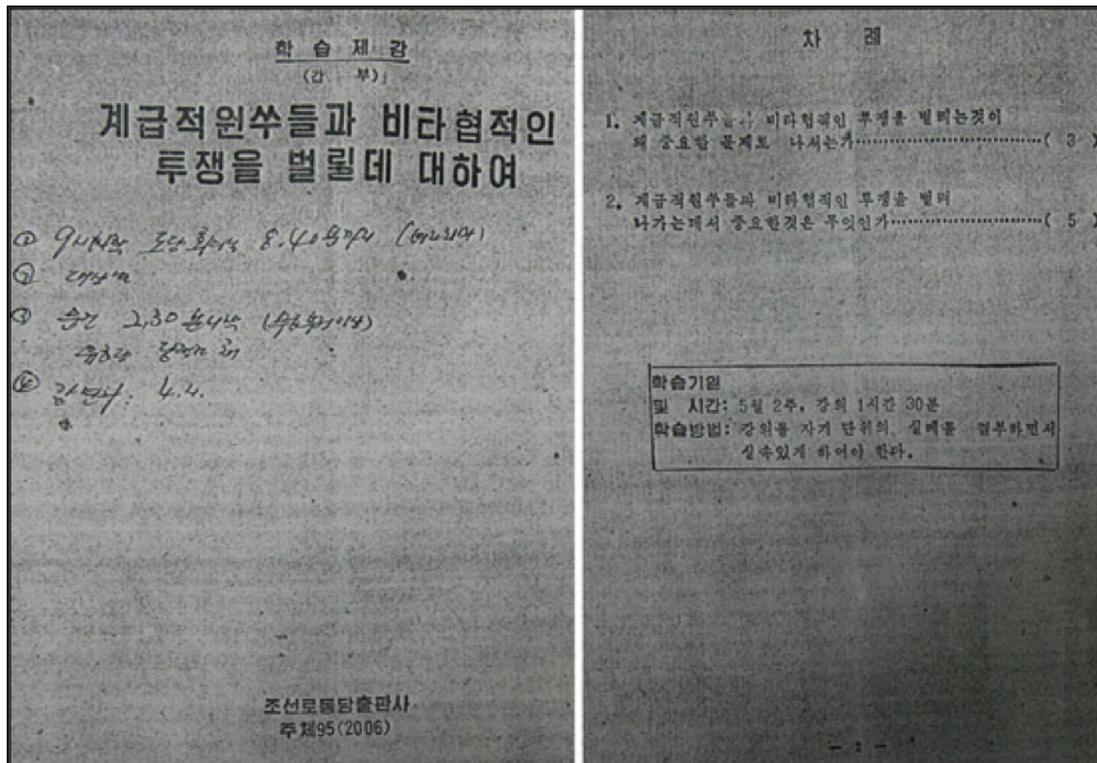


Kim Jong-un continues to nurture this attitude within the Red Youth Corps as seen in the below picture.<sup>22</sup>



22 Released by <http://kimssine51.tistory.com/853>. Korea Central News Agency, via European Pressphoto Agency.

Below is the cover of a KWP document providing KWP cadre with instructions on how to guide teachers on teaching party policies in the classroom. The document is entitled “On Discussing The Uncompromising Struggle Against Class Enemies.” The first chapter emphasizes the reasons this is important and the second chapter outlines what is important. The document states the instruction is for a 90-minute class.<sup>23</sup>



As a further example, curriculum topics in senior and middle school include the following: *The Respected Supreme Leader Generalissimo Kim Il-sung’s Revolutionary Activities*; *The Respected Supreme Leader Generalissimo Kim Il-sung’s Revolutionary History*; *The Great Leader Marshal Kim Jong-il’s Revolutionary Activities*; *The Great Leader Marshal Kim Jong-il’s Revolutionary History*; *Communist Morals*; and *Present Party Policies*.<sup>24</sup>

North Korean propagandists consistently teach that loyalty equates to defense of the party-state, with direct ties between student success, economic success, and national defense. Consequently, this learning process does not end after school. Upon completing their schooling, every North Korean adult enters a Party organization through either Party membership,<sup>25</sup> a Party workers’ union, Farmers’ League, the Women’s League, or the Kim Il-sung Kim Jong-il Socialist Youth League.<sup>26</sup> Each of these organizations maintains regional and local chapters, which enables the regime to mobilize and control the entire population through the Party, especially during a crisis.

23 Free North Korea Radio, “북한노동당교육자료” [North Korea’s Korean Workers’ Party Education Materials),” July 31, 2006, <http://cafe.daum.net/ktblove/3Vc/1410?q=%BA%CF%C7%D1%20%B1%B3%Co%Bo&re=1>.

24 Kim and Kim, *Human Remodeling in North Korea*, 222.

25 KWP membership stands at 3.2 million, which is approximately one-eighth of the population. See *Bukan gaeyo*, 48.

26 Kim Jin-Cheol, “북 청년단체 ‘김일성사회주의청년동맹’, ‘김일성-김정일주의청년동맹’으로 개칭” [North Korea’s Youth Organization, Kim Il-sung Socialist Youth League, Renamed Kim Il-sung Kim Jong-il Socialist Youth League], *Hankyoreh*, August 29, 2016, <http://www.hani.co.kr/arti/politics/defense/758949.html#csidxf4dcff1a124d22486c7ce23of3679bc>. Other sources state that the title has changed to “Kim Il-sung Kim Jong-il Youth League.”

Propaganda is also pervasive at the workplace.<sup>27</sup> Workers are constantly called upon to serve the Supreme Leader, and thus the party-state, by increasing their productivity. The use of ideology to improve workplace effectiveness was initiated by Kim Il-sung in 1958 through the *Chollima* movement.<sup>28</sup> In factories, there are posters that encourage workers to follow the *Chollima* example. These posters typically teach that loyalty through hard work strengthens national defense. The propaganda delivered at workplaces is further reinforced through weekly study sessions, ideological seminars, and self-critique sessions. All such events emphasize individual and organizational compliance with the TPMI, and each local Party committee has a propaganda secretary responsible for overseeing the process. In the image below, the banner on the left states, “Let’s thoroughly implement comrade Kim Il-sung’s on-site guidance.” The one on the right states, “Let’s defend to the last with our lives the Party Central Committee headed by the Great Supreme Leader comrade Kim Il-sung.”<sup>29</sup>



27 Lee et al., *Bukan-hak*, 138-42.

28 B.R. Myers, *The Cleanest Race: How North Koreans See Themselves and Why It Matters* (Brooklyn, NY: Melville House, 2011), 41.

29 Image by Laika ac from USA (Museum of Metro Construction) [CC BY-SA 2.0 (<https://creativecommons.org/licenses/by-sa/2.0>)], via Wikimedia Commons, [https://commons.wikimedia.org/wiki/File%3ALaika\\_ac\\_Museum\\_of\\_Metro\\_Construction\\_\(7953567476\).jpg](https://commons.wikimedia.org/wiki/File%3ALaika_ac_Museum_of_Metro_Construction_(7953567476).jpg).

Uniquely, North Korean propagandists also use music. Workers in the field at state and collective farms are supported by musical groups that play “loyalty songs,” as shown below.<sup>30</sup> Even construction crews receive musical support at work sites.<sup>31</sup> These musical sessions are directed by the KWP Propaganda and Agitation Department’s local county or provincial branch organization, which is subordinate to that region’s KWP Party committee.



The indoctrination of TPML, regime history, and regime policies also takes place in the military. Every soldier, regardless of rank, must attentively sit through ideological training sessions designed to ensure the loyalty of each soldier to the Korean People’s Army (KPA) Supreme Commander, Kim Jong-un.<sup>32</sup> This training is conducted by the KPA General Political Bureau (GPB), which operates under the authority of the KWP Central Committee. The GPB controls every Party cell in the KPA, as directed by the KWP Charter. It controls every soldier’s Party life, ensures the proper execution of yearly and quarterly meetings of military units’ political sections, and oversees weekly and monthly self-critique sessions.<sup>33</sup> The GPB’s Propaganda Department is responsible for ideological training, which is referred to within the military as “political and ideological education work.” The photo on the next page shows Kim Jong-un’s chief bodyguard, Lieutenant General Yun Jong-rin, Commander of the Guards Command, receiving political education from his GPB officer.<sup>34</sup>

30 Photo by Jacky Chen/Reuters. See Nicholas Eberstadt, “What to Read on North Korean Politics,” *Foreign Affairs*, October 23, 2009, <https://www.foreignaffairs.com/articles/northeast-asia/2009-10-23/what-read-north-korean-politics>.

31 Photo from “A State of Mind – Photo Essay: Kim Il Sung Nation,” PBS, September 11, 2003, <http://www.pbs.org/wnet/wideangle/uncategorized/a-state-of-mind-photo-essay-kim-il-sung-nation/1328/>.

32 For an explanation of Kim Jong-un’s various titles and authorities, see Robert Collins, “Kim Jong-un’s Hats: the Concept of Authority in North Korea,” *HRNK Insider*, October 6, 2016, <http://www.hrnkinsider.org/2016/10/kim-jong-uns-hats-concept-of-authority.html>.

33 Oh Gyeong-Sub, “Chejeyuji-ui junghaek, nodongdang jojik-jidobu-wa seonjeon-seondong-bu” [Nucleus of Regime Maintenance, Korean Workers’ Party Organization Department and Propaganda and Agitation Department], *Bukhan* (August 2015): 26-31.

34 Michael Madden, “Kim Jong Un Military Promotions 2012–2016,” *paperblog*, February 25, 2016, <https://en.paperblog.com/kim-jong-un-military-promotions-2012-2016-1424854/>. Photo from KCTV/NK Leadership Watch.



Those in the military are not exempt from purges, executions, or banishment to the political prison camps if they violate the TPMI.

The objective of propaganda and ideological education is to ensure complete loyalty to the Supreme Leader and his political, social, and economic programs. When an individual makes a complaint about the regime that is discovered by the Party or the internal security agencies, the TPMI becomes the basis for arresting and punishing the violator and his or her family.<sup>35</sup> Although the influx of outside information into North Korea has markedly increased since the famine of the mid-1990s due to the emergence of “new digital technologies” and markets, the regime appears to be developing “new strategies for reasserting control over information and media.”<sup>36</sup>

35 Choi Jin-Wook, “Haengjeong jedo-ui jojik-gwa unyeong” [Operation and Organization of Administrative Institutions] in Pak Ho-Song, *Bukan sahoe-ui i-hae* [Understanding North Korean Society] (Goyang, Republic of Korea: Ingan Sarang, 2002), 128-31; An Chan-Il et al., *10 nyeon-hu-ui Bukan* [North Korea After Ten Years] (Goyang, Republic of Korea: Ingan Sarang, 2006), 218-19; see also Lee Kwang-Bo et al., *Bukan-hak*, 138-42.

36 Nat Kretchun, “The Regime Strikes Back: A New Era of North Korean Information Controls,” *38 North*, June 9, 2017, <https://www.38north.org/2017/06/nkretchuno60917/>.

## SHAPING OBEDIENCE UNDER THE KIM REGIME

On July 6, 2016, the U.S. Department of State published its “Report on Human Rights Abuses and Censorship in North Korea,”<sup>37</sup> and the U.S. Department of Treasury sanctioned the individuals and organizations listed in this report.<sup>38</sup> These officials and institutions are responsible for operating North Korea’s political prison camps, which are estimated to hold between 80,000 and 120,000 individuals.<sup>39</sup> Due to the difficulty of acquiring names within North Korea’s chain of control who are responsible for running the camps, the State Department report does not name everyone who is involved in the operation of the political prison camps. Many more are involved in the administration and logistical management of these facilities.<sup>40</sup>

The personnel and organizations designated by the U.S. Department of Treasury were following Kim Il-sung’s guidance, which constitutes the Supreme Leader’s directives. Those who follow his orders are responsible for the arrest, incarceration, and death of political prisoners. These personnel spend a lifetime demonstrating obedience to the Supreme Leader’s ideology and directives, even to the point of committing crimes against humanity. Those who excel at this task are the Supreme Leader’s chief lieutenants within the regime and they belong to one of the following organizations: the KWP Organization and Guidance Department (OGD), the KWP Propaganda and Agitation Department (PAD), the Ministry of State Security (MSS) (the Supreme Leader’s personal secret police),<sup>41</sup> the Ministry of People’s Security (MPS), the Military Security Command (MSC), and the judicial system.<sup>42</sup> This section focuses on the organization and leadership of the OGD and PAD.<sup>43</sup>

Those organizations and personnel sanctioned by the U.S. government shape North Korean society through cradle-to-grave propaganda and ruthless physical punishment. The KWP OGD stands at the core of the Kim regime and is considered the “party within the party.”<sup>44</sup> As such, the OGD is responsible for ensuring that North Korean society strictly observes the ideology, directives, and policies of the Supreme Leader and the Party.

37 U.S. Department of State, “Report on Human Rights Abuses and Censorship in North Korea,” July 6, 2016, <http://www.state.gov/j/drl/rls/259366.htm>.

38 U.S. Department of Treasury, “North Korea Designations,” July 6, 2016, <https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20160706.aspx>.

39 UN Human Rights Council, *Report of the detailed findings of the commission of inquiry*, par. 843.

40 Some of the content in this section was previously published in Robert Collins, “Control of the Kim regime’s Political Prison Camps,” *HRNK Insider*, November 28, 2016, <http://www.hrnkinsider.org/2016/11/control-of-kim-regimes-political-prison.html>; and Collins, *Pyongyang Republic*, 47-49 & 112-20.

41 Formerly known as the State Security Department. Some academic articles refer to this organization as the National Security Agency. See Joo Seong-Ha, “北 실세 조직 보위부, 보위성으로 격 낮아져” [North’s Core Organization, State Security Department, Becomes Ministry of State Security, Lowered in Status], *Dong-A Ilbo*, August 16, 2016, <http://news.donga.com/3/00/20160816/79776976/1>.

42 The MSS is the secret police, whereas the MPS corresponds to the national police. The MSC is the counterpart of the MSS within the North Korean military.

43 Section 5 of this paper provides a brief discussion of the MSS, MPS, and the MSC. A comprehensive analysis is available in Ken E. Gause, *Coercion, Control, Surveillance, and Punishment: An Examination of the North Korean Police State* (Washington, DC: Committee for Human Rights in North Korea, 2013).

44 Kim Myeong-Seong, “금수산 참배 맨 앞줄에 선 ‘노동당 저승사자’” [The KWP’s Angel of Death Stands in the Front Row During Visit to Kumsusan Palace], *Chosun Ilbo*, January 5, 2016, [http://news.chosun.com/site/data/html\\_dir/2016/01/05/2016010500295.html?Depo=twitter&d=2016010500295](http://news.chosun.com/site/data/html_dir/2016/01/05/2016010500295.html?Depo=twitter&d=2016010500295).

It is also ultimately responsible for guiding and directing the camps. No individual or organization, except the Supreme Leader, can bring the OGD to task.

After becoming the designated successor to Kim Il-sung, the KWP Organization Secretary, and the OGD Director in 1973, Kim Jong-il advanced the Monolithic Ideology System and the Monolithic Guidance System. These systems are designed to teach the entire party-state, including all members of the MSS and MPS, to follow the Supreme Leader. The foundation of these two systems is the TPMI. Secure in his status as the designated successor, Kim Jong-il completely overhauled the following sub-systems within the KWP: Party organization system; Party task system; Party life guidance system; cadre task system; guidance inspection system; and the propaganda and agitation task system.<sup>45</sup> This organized the work of all Party and state organizations and, by extension, instituted the inhumane practices committed at the political prison camps.

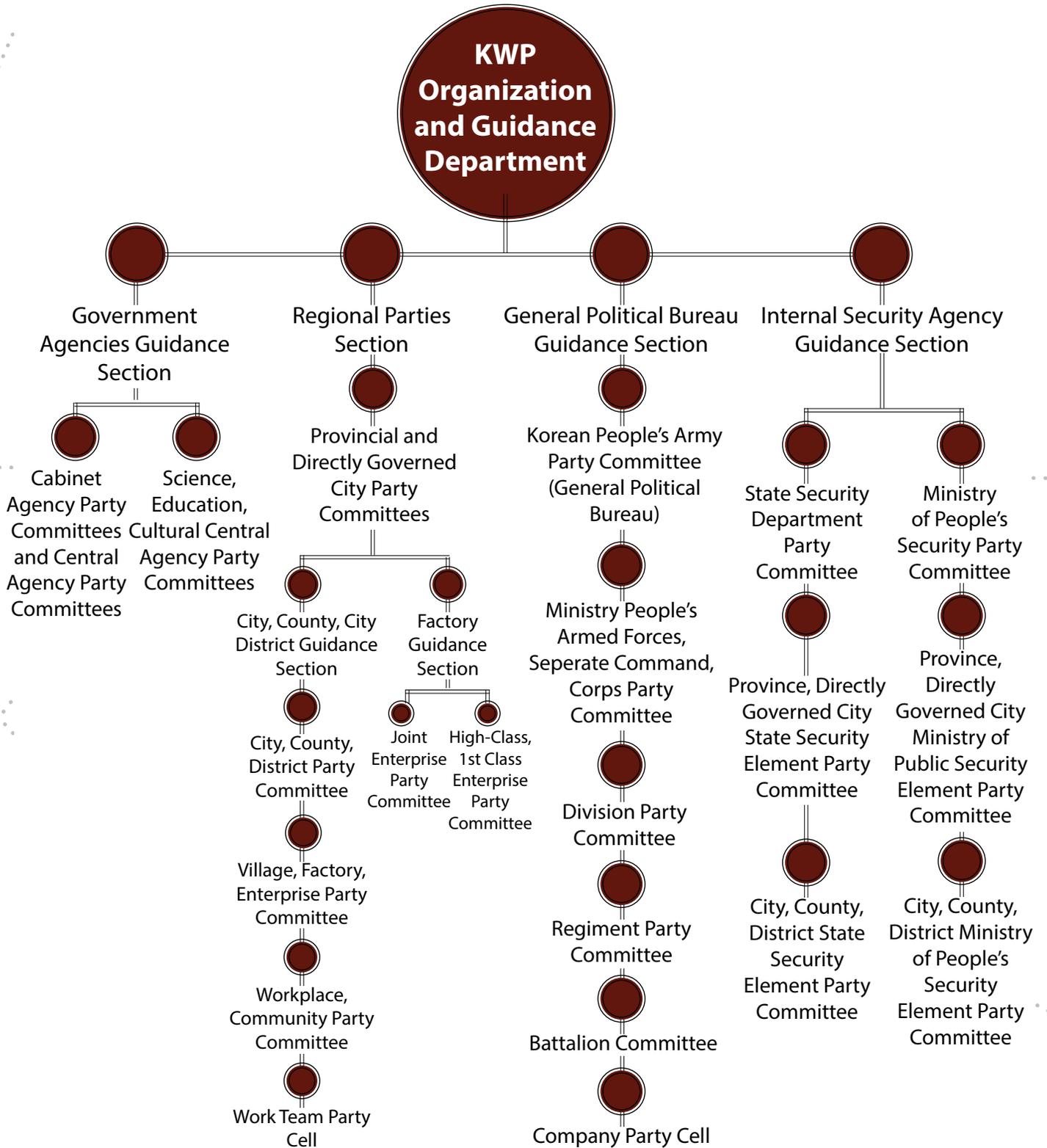
Consequently, each one of these programs directly impacts the life of every North Korean, the operation of the political prison camps, and the denial of human rights within and outside the prison camps. The OGD oversees the Party committees embedded in the camps, and it oversees the tasks associated with those camps. It directs Party life guidance—a critical task for controlling Party members—for every Party member who commands and administers the camps. It controls the guidance inspection system through a cadre system of guidance officers for the camps, and it oversees all propaganda and agitation activities of the propaganda officer of the camp Party committee.<sup>46</sup> Moreover, the OGD 7th Section is responsible for overseeing the MSS, the MPS, and the judicial system.

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45 Hyun Seong-Il, *Bukan-ui gukga jeollyak-gwa pawo ellipse: Ganbu jeongchaeg-ul jungsimeuro* [North Korea's National Strategy and Power Elite: Focus on Cadre Policy] (Seoul: Seonin Publishing, 2007), 281.

46 Jang Jin-Sung, "Why Choe Ryong-hae is not North Korea's No. 2," *New Focus International*, November 12, 2014, <http://newfocusintl.com/choi-ryong-hae-2/>; Oh, "Chejeyuji-ui junghaek, nodongdang jojik-jidobu-wa seonjeon-seondong-bu"; and Ri Myeong-Hun, "Nodongdang naebu sa-eob silsang-gwa jojik-jido-bu 65-gwa" [Reality of KWP internal affairs and Section 65 of the OGD], *Bukhan* (August 2014): 85-91.

Chart 1. Organizational Chart for the KWP Organization and Guidance Department<sup>47</sup>



47 Cheong Seong-Chang, *The Contemporary North Korean Politics: History, Ideology and Power System* (Seoul: Hanul Publishing, 2011), 310-11.

The leader of every organization in North Korea is evaluated by the OGD Party Life Guidance Section on his/her performance regarding loyalty to the Supreme Leader and adherence to the TPMI. The OGD Cadre Section's sub-section six evaluates the careers of MSS leaders, and sub-section seven does the same for MPS officials.<sup>48</sup> The OGD and its local subordinates at the regional Party Committee Organization Department control the organizational life guidance of every Party member.<sup>49</sup> This includes Party members of every political prison camp and every MSS and MPS official in a position of leadership within the political prison camps.

The OGD 7th Section provides political oversight of all MSS and MPS operations, including missions, arrest procedures and justifications, and political prison camp operations. The 7th Section reports to the KWP Party headquarters committee, which is controlled by the OGD First Vice-Director, Jo Yon-jun (Cho Yon-chun). Jo was one of those identified by the U.S. Department of State and U.S. Department of Treasury for committing human rights violations. Other than the Supreme Leader, there is likely no individual who is more responsible for the policies and procedures that lead North Koreans to unmarked graves inside political prison camps.



Jo serves in the extremely influential position of KWP OGD First Vice-Director. As with others in that position, Jo's access to Kim Jong-un is unsurpassed by any other adviser outside Kim's personal secretariat because of the OGD's mission of maintaining the superiority of the *Suryong* system that keeps Kim Jong-un in power.

Jo was born around 1937. After graduating from Kim Il-sung University, he worked as a political economist. He served as a senior instructor at Kim Il-sung University, the Organizational Secretary in South Hamgyong Province, and has served as a First Vice-Director in the OGD since January 2012. He was selected as a KWP Politburo candidate member in April 2012 and again in May 2016.<sup>50</sup>

Jo supervises all cadre evaluations of every agency and is the “commandant of the KWP headquarters.”<sup>51</sup> In the latter capacity, he oversees all Party activities in central government and Party agencies, particularly within the KWP Central Committee—the core of the North Korean elite.

He is responsible for overseeing the political investigation and assessment of everyone in North Korea except the Supreme Leader and thus possesses the capability to demote, hire, and transfer all high-ranking personnel except those whom Kim Jong-un must directly approve.

48 Jang Jin-Sung, “This is it: North Korea’s hidden power system,” *New Focus International*, December 31, 2013, <http://newfocusintl.com/north-koreas-hidden-power-system/>; and Ri Myeong-Hun, “Nodongdang naebu sa-eob silsang-gwa jojik-jido-bu 65-gwa.”

49 Jang, “Why Choe Ryong-hae is not North Korea’s No. 2.”

50 Republic of Korea Ministry of Unification, *Bukan juyo insa inmul jeongbo 2015* [Key Individuals in North Korea 2015] (Seoul: 2015), 485-87, [http://nkinfo.unikorea.go.kr/nkp/pblicitn/viewPblicitn.do?pageIndex=1&pblicitnId=61&originCd=OC0003&tabType=pblicitn\\_pic](http://nkinfo.unikorea.go.kr/nkp/pblicitn/viewPblicitn.do?pageIndex=1&pblicitnId=61&originCd=OC0003&tabType=pblicitn_pic).

51 Kim So-Jeong, “장성택 숙청 주도 북 인사권 쥔 조연준 알고보니” [A Look Into Jo Yon-jun, Who Led the Purge of Jang Song-taek and Controls Personnel Appointments in North Korea], *Dailian News*, December 12, 2013, <http://www.dailian.co.kr/news/view/409517/?pcv=1>.

He is known as North Korea's "angel of death" for control over inspections and executions.<sup>52</sup> Jo leads background investigations to determine if a cadre demonstrates ideological purity. The personal life and professional activities of cadre are monitored for this purpose.<sup>53</sup> If there are problems with a senior leader, Jo presents the case for or against purging that individual. Jo led the purge of Jang Song-taek, Kim Jong-un's uncle, at the Politburo meeting where Jang was arrested. Jo also led the purge of former State Security Department (SSD) leader Ryu Kyong in 2011. No other person in the North Korean political system except the Supreme Leader can turn a cadre's career into ruin faster than Jo. In this service, Jo ensures that all policies, practices, and procedures ensure the security of Pyongyang and that there are no changes to regime policies unless approved by Kim Jong-un. Jo is known for his well-rounded personality, dedication to his work, strictness in following rules, and for being a heavy drinker.<sup>54</sup>



Jo (red circle) standing in the front line with other "top ten" leaders at the 2016 New Year's ceremony at the Kumsusan Palace of the Sun.<sup>55</sup>

52 Lee Yoon-Geol, "숙청칼진 '저승사자' 조연준 실체" [Jo Yon-jun, Angel of Death With the Power to Purge], *Ilyo Sinmun*, February 6, 2016, [http://ilyo.co.kr/?ac=article\\_view&entry\\_id=163470](http://ilyo.co.kr/?ac=article_view&entry_id=163470).

53 Kim, "A Look Into Jo Yon-jun, Who Led the Purge of Jang Song-taek and Controls Personnel Appointments in North Korea."

54 Mok Yong-Jae, "김정은 문고리 권력 '김조김' 그중 '조연준' 으뜸?" [Kim Jong-un's Most Powerful Elite Are "Kim-Cho-Kim" – Is Jo Yon-jun the most powerful?], *Dailian News*, December 29, 2015, <http://www.dailian.co.kr/news/view/547246>.

55 Lee, "Jo Yon-jun, Angel of Death With the Power to Purge."



Jo (B) shown here lining up with those that serve at the level of KWP Vice-Chairman at the Kumsusan Palace of the Sun on October 15, 2015.<sup>56</sup>

The most influential cadre under Jo is his OGD Inspection Section Chief, Min Byong-chol. Min is in the extremely powerful position of investigating all deviations by Party and state leaders from the Supreme Leader's guidance and expectations. Min was responsible for purging Joo Sang-song, former Minister of People's Security, in 2012.<sup>57</sup> He is responsible for purging high-level cadre that are sent to the political prison camps, and he was also sanctioned by the U.S. Department of Treasury for human rights abuses.<sup>58</sup>

On October 7, 2017, Jo Yon-jun was reassigned as the Chairman of the KWP Inspection Committee, which is responsible for KWP discipline and membership control.<sup>59</sup> This position is consistent with Jo's significant experience at purging those not in compliance with the TPMI and party doctrine. This is an indication that purging is about to increase and that the number of entire families going to political prisons is about to increase.

56 Michael Madden, "The Education of Choi Ryong-hae," 38 North, November 24, 2015, <http://38north.org/2015/11/mmadden112415/>.

57 Jang Jin-Sung, "[김씨일가의 실제] 국방위원회 보안부장 추상성 해임의 전말" [Kim Family Exposé: How National Defense Commission's Minister of People's Security, Joo Sang-song was dismissed], *Radio Free Asia*, October 23, 2012, [http://www.rfa.org/korean/weekly\\_program/ae40c528-c77cac00c758-ac70c9d3acfc-c9c4c2e4/co-jj-10232012121742.html](http://www.rfa.org/korean/weekly_program/ae40c528-c77cac00c758-ac70c9d3acfc-c9c4c2e4/co-jj-10232012121742.html).

58 U.S. Department of Treasury, "Treasury Sanctions Additional North Korean Officials and Entities In Response To The North Korean Regime's Serious Human Rights Abuses and Censorship Activities," January 11, 2017, <https://www.treasury.gov/press-center/press-releases/Pages/jlo699.aspx>.

59 Michael Madden, "2<sup>nd</sup> Plenary Session of the 7<sup>th</sup> WPK Central Committee Held," *nkleadershipwatch.org*, October 8, 2017, <http://www.nkleadershipwatch.org/2017/10/08/2nd-plenary-session-of-the-7th-wpk-central-committee-held/>.

The second most influential organization in North Korea under the Kim regime is the KWP PAD, which works closely with the OGD. Kim Il-sung once described the relationship between these two departments as “the OGD is the doctor and the PAD is the medicine.”<sup>60</sup>

The PAD carries out the nationwide mission of political agitation and propaganda. PAD agitation officers are assigned to every level of every agency, including schools, the military, state bodies, and Party agencies, with the task of inculcating the masses with TPMI, *Juche* (self-reliance) ideology, and *songun* (military-first) politics.<sup>61</sup> The themes contained in PAD propaganda are overseen by the OGD for consistency with glorification of the Supreme Leader. The PAD controls all media and publications. It manages North Korea’s 200 radio stations, three television stations, and all newspapers. The PAD propagandizes every Party slogan and policy through broadcasts, newspapers, published items, and art.<sup>62</sup>

The PAD guides the ideological life of Party members, and it plays a key role in justifying Kim family rule through domestic and external propaganda that glorifies Kim Il-sung, Kim Jong-il, and Kim Jong-un. The PAD’s most critical task is establishing and securing the Supreme Leader’s Monolithic Guidance System by securing the loyalty and obedience of the elite and the people.<sup>63</sup> The PAD determines the direction, content, and methods used to deliver propaganda. Every morning and evening, the local KWP agitator delivers propaganda on every street, in the subway, in newspapers, and through digital media. This system is not unlike advertisements in capitalist counties, but it is more intense.<sup>64</sup> The photograph below shows a North Korean propaganda van with “Arirang” written on the side.<sup>65</sup>



60 Choi Jin-Wook, *Hyeondae Bukan Haengjeong-ron* [Modern North Korean Administration Theory] (Seoul: Myeongin Munhwasa, 2008), 54.

61 Choi, “Haengjeong jedo-ui jojik-gwa unyeong,” 128-31.

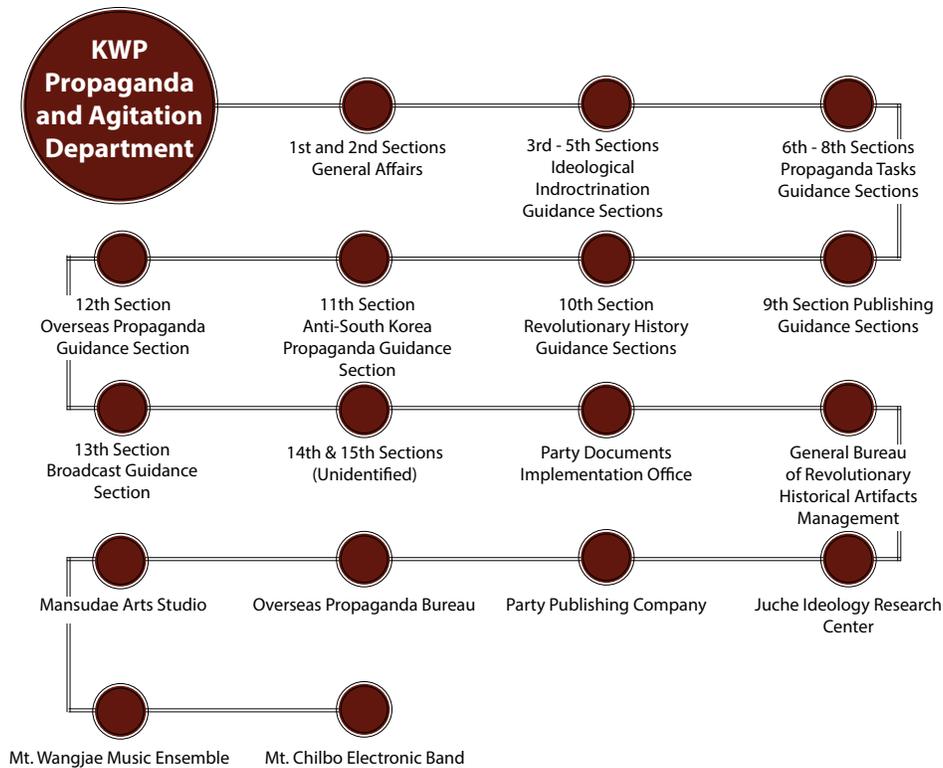
62 Jeon, *Dasi gochyeo sseun Bukan-ui sahoe-wa munhwa*, 34; and Michael Madden, “KWP Propaganda and Agitation Department,” *North Korea Leadership Watch*, November 2009, <http://nkleadershipwatch.files.wordpress.com/2009/11/kwp-propagandaandagitationdepartment.pdf>.

63 Oh, “Chejeyuji-ui junghaek, nodongdang jojik-jidobu-wa seonjeon-seondong-bu.”

64 Jeon, *Dasi gochyeo sseun Bukan-ui sahoe-wa munhwa*, 33.

65 Image © Roman Harak, available on Flickr at <https://www.flickr.com/photos/roman-harak/5015890642/in/photolist-8DeKx9-acwfAj-7wi7M2-dVW5sG-bQrCit-dmATqT-9BDV9m-nL25eQ-fdoXdh-nAYjCF-nL1Ycj-5j9kxK-ntGMCw-bnZo2F-ntGPe7-nxPpe8-acw9fw-acwefu-actpzM-f8WVZR-acw9s1-hTn1qD-actmwM-bjnb2-aoJT88-actH9F-e8sYtt-bRdL1X-9BAXX6-6ur71k-prSg2B-CLVodj-5UM1uY-bvmu72-5mXPS3-ax8BG6-dseF53-9BAYn8-bwSgH7-e8RBvY-9BDUQo-ntZX4X-oWmVQy-7GKQ8o-acwaMW-acwdny-82vMFz-acwbVY-82vNGH-f96jbf>.

## Chart 2. Organizational Chart for the KWP Propaganda and Agitation Department<sup>66</sup>



The long-time leader of the PAD is Kim Ki-nam, who serves as the primary propagandist for the Kim regime. In his roles as Secretary for Propaganda and Agitation and Director of the PAD, it is his responsibility to inculcate the masses on loyalty to the Supreme Leader and the Party and dedication to the TPMI. Every North Korean who wishes to maintain personal security or achieve career success must publicly express what Kim Ki-nam writes. Both Kim Ki-nam and his deputy, Ri Jae-il, were sanctioned by the U.S. Department of the Treasury for human rights abuses.<sup>67</sup> Born on August 28, 1929, in Kumya County, South Hamgyong Province, Kim graduated from the prestigious Mangyongdae Academy, Kim Il-sung University, and Moscow International College. Kim is a life-long propagandist, having risen through the ranks since the 1960s. He was the editor of the “Worker” Newspaper and then the KWP’s newspaper, the *Rodong Sinmun*. He was then Chairman of the Korea Reporters League in the

1970s, and he became the Vice-chairman of the International Reporters League in 1981. He was awarded the Kim Il-sung Medal in 1982, and he has been a member of the KWP Central Committee since 1980. He was appointed to the KWP Politburo in 2010 and reappointed in May 2016. He has also served as the Director of the KWP History Research Center. He has been a member of the 6th through the 13th Supreme People’s Assemblies, and is also a member of the Politburo.<sup>68</sup>

66 Cheong, *The Contemporary North Korean Politics*, 319.

67 U.S. Department of the Treasury, “North Korea Designations”; and U.S. Department of State, “Report on Human Rights Abuses and Censorship in North Korea.”

68 Republic of Korea Ministry of Unification, *Bukan juyo insa inmul jeongbo 2015*, 58-65, <http://www.unikorea.go.kr/>

## THE ARREST

The Ministry of State Security (MSS) and the Ministry of People's Security (MPS) are the primary law enforcement agencies in North Korea.<sup>69</sup> Within the Korean People's Army (KPA), the Military Security Command (MSC) serves this function in the areas of criminal investigation and counter-intelligence. These three institutions are directly involved in the arrest and incarceration of North Korean citizens.

The MSS is responsible for enforcing the TPMI. In that effort, it conducts investigations, surveillance, and border security operations along the Sino-North Korean border. With a force of approximately 50,000, MSS agents are assigned to regional posts, collective farms, and factories.<sup>70</sup> Every MSS field agent is responsible for monitoring approximately 200 citizens and recruits approximately thirty informants to spy on the activities of others in their environment.<sup>71</sup>

The MPS serves as the national police and fields approximately 144,000 personnel.<sup>72</sup> In addition to basic police functions, the MPS is also responsible for social control and internal security. MPS officers are at every level of North Korean society and recruit informants at the local village level, at workplaces, and in neighborhood units (*in-min-ban*). These neighborhood units are responsible for village-level campaigns, local propaganda at the household level, and cleaning campaigns. The unit chiefs are usually women, and the local policemen use them as informants for the housing group they control. The MSC conducts surveillance within the military with the objective of actualizing the Monolithic Leadership System of the Supreme Leader. It has gained the trust of the leaders for its effectiveness in protecting Kim Il-sung and Kim Jong-il.<sup>73</sup>

Once North Koreans are arrested by the authorities, everything they learned about the party-state is turned against them. Every Party, judicial, and law enforcement institution is designed to find everyone who is arrested guilty. There is no presumption of innocence. The sentencing is worse for those of lower *songbun* (socio-political class).<sup>74</sup> However, *songbun* is irrelevant if an individual is arrested for a political crime. While one's *songbun* determines every aspect of life in North Korea's highly stratified society, even those at the highest rungs of power and influence are not exempt from draconian punishment if they violate the norms of politically acceptable behavior.

[content.do?cmsid=1592&mode=view&cid=44134](https://www.khrp.org/content.do?cmsid=1592&mode=view&cid=44134).

69 Some of the content in this section was previously published in Collins, "Control of the Kim Regime's Political Prison Camps"; and Collins, *Pyongyang Republic*, 18 & 120-30.

70 Michael Madden, "State Security Department," North Korea Leadership Watch, <https://nkleadershipwatch.wordpress.com/dprk-security-apparatus/state-security-department/> (accessed April 1, 2017).

71 Kim Young-Cheol, "North Korea's Control over its People and the People's Safety Agency: Testimony of a former officer of the People's Safety Agency," *Citizens' Alliance for North Korean Human Rights*, June 29, 2012, [https://eng.nkhumanrights.or.kr:444/board/bbs\\_view.php?no=162&board\\_table=bbs\\_evidence&page=1](https://eng.nkhumanrights.or.kr:444/board/bbs_view.php?no=162&board_table=bbs_evidence&page=1).

72 Reports on the number of MPS personnel vary from 144,000 to 300,000. The former figure is likely the number of police in the field, which does not account for administrative personnel and other staff.

73 Choi Ju-Hwal, "Bukan Inmingun Bowisaryeongbu-ui chegye mit hwaldong" [North Korea's Korean People's Army Military Security Command's System and Activities], *Bukan Josa Yeongu* 1 (1997): 45-62.

74 For an understanding of "songbun" and its role in North Korean society, see Robert Collins, *Marked for Life: Songbun, North Korea's Social Classification System* (Washington, DC: Committee for Human Rights in North Korea, 2012).

Although North Korea's state constitution defines the rights of the people, these rights are only applicable to those who demonstrate total obedience to the regime's rules and ideology. North Korea's party-state defines human rights as being an individual's contribution to the revolution and the state.<sup>75</sup> Therefore, those that violate these rules and values are not considered to have such rights in practice.<sup>76</sup> If one is arrested for a political crime, the same goes for his or her family members due to the practice of guilt-by-association (*yeon-jwa-je*). Consequently, upon arrest by one of the Kim regime's security agencies, an individual's rights are completely suspended.<sup>77</sup> The same applies to his or her family members in cases where *yeon-jwa-je* is applied. Upon arrest, the individual faces a Party policy-oriented judicial system designed to defend the regime, not the rights of the accused. All the time and effort invested in studying and memorizing the regime's ideology becomes worthless.

North Korea's Central Court and the Central Procurator mechanisms are "powerful weapons of the proletariat dictatorship, which execute the judicial policies of the Korean Workers' Party."<sup>78</sup> North Korean courts do not engage in legal arbitration or interpretation. Instead, they only serve the Kim regime's exercise of political power. North Korea's Criminal Code is intended to punish those arrested based on class distinctions and to influence citizens to view class enemies with animosity.<sup>79</sup> Furthermore, the words of Kim Il-sung, Kim Jong-il, and Kim Jong-un are regarded as "supralegal"—higher than the law—and are thus not only expected to be obeyed, but are used in the North Korean legal system to determine an individual's guilt or innocence.<sup>80</sup>

Kim Il-sung established a socialist system of law subject to ideology when he distinctly emphasized the role of the Party over the state and legal system:

***The law of our country is an important weapon for implementing the policies of our state. The policies of our state are the policies of our Party. It is impossible to enforce the law without knowledge of the political line and policies of our Party. Our judicial functionaries are political workers who implement the policies of our Party and all the policies of our state. Law cannot exist by itself without definite basis. Being a reflection of policies, law must be subordinated to policies and must not be divorced from them.***<sup>81</sup>

75 *Bukan gaeyo*, 385.

76 Patricia Goedde, "Law 'Of Our Own Style': The Evolution and Challenges of the North Korean Legal System," *Fordham International Law Journal* 27.4 (2003): 1278.

77 Though specifically granted by the constitution of the Democratic People's Republic of Korea, those rights have never existed in reality. The concept of "rights" in North Korea apply to the collective, not to individual. See Kim Kook-Shin et al., *White Paper on Human Rights in North Korea 2011* (Seoul: Korea Institute for National Unification), 58-59.

78 "The Judiciary," in *North Korea: A Country Study*, ed. Andrea Matles Savada (Washington, DC: Federal Research Division of the Library of Congress, 1993), <http://www.country-data.com/cgi-bin/query/r-9648.html>.

79 Kim Soo-Am, *The North Korean Penal Code, Criminal Procedures, and their Actual Applications* (Seoul: Korea Institute for National Unification, 2006), 7.

80 Lee Kyu-Chang and Gwang-Jin Chung, "The North Korean Criminal Trial System: Characteristics and Actual Practice," *KINU Research Abstract 11-05* (January 26, 2012).

81 Kim Il-sung, *Selected Works Vol. 1* (Pyongyang: Foreign Languages Publishing House, 1971), 384.

Kim Jong-il maintained the absolute supremacy of the Party over the law. When visiting the Central Court building in 2010,<sup>82</sup> Kim Jong-il was quoted as stating, “in order to strengthen the observance of law for enforcing the socialist law it is important to increase the function and role of the judicial organ... *underlining the need for the officials in this field to strictly abide by the principle of loyalty to the Party.*”<sup>83</sup>

The Supreme People’s Assembly (SPA) Presidium is responsible for interpretation of the law, not the courts.<sup>84</sup> For the defendants, the court interprets what is appropriate thought and behavior.<sup>85</sup> The KWP’s role in denying human rights is highlighted in Article 2 of the Prosecutor’s Surveillance Law, which states:

***Prosecutorial institutions must engage in surveillance activities to resolutely defend the spoils of the revolution and the life and property of the people from all manner of criminal and illegal acts, and must assure the full realization of the Korean Workers’ Party’s policies by upholding the revolutionary institutions and revolutionary order in all areas of national social life.***<sup>86</sup>

Furthermore, the KWP vets and appoints all judges and people’s assessors.<sup>87</sup> The Prosecutor’s Office is responsible for assigning all prosecutors, lawyers, and court assessors to each case. There is no bar association to oversee legal assistance.<sup>88</sup>

Individuals who are arrested by the MPS are investigated by a subordinate body called the Pre-Trial Examination Agency (PEA). North Korean law specifies that the period of preliminary investigation should not exceed six months.<sup>89</sup> The PEA’s functions of pre-trial investigations and confinement make it a distinct feature of the legal system. The PEA’s duties and procedures are spelled out in the Criminal Procedure Act, and their duty to observe suspects’ rights are also stated in the same document. However, numerous defector testimonies demonstrate that the PEA disregards the rights of suspects more than any other agency in North Korea, particularly in cases that involve political crimes. The PEA is notorious for the worst kinds of torture and rights deprivation.<sup>90</sup> While under the authority of the PEA, individuals have no rights and are at the mercy of investigators who will use every means at their disposal to obtain confessions.

82 This is the highest judicial authority in North Korea, analogous to the Supreme Court in the United States.

83 Emphasis by author. See Curtis Melvin, “Exclusive: Inside the N. Korean Court That Tried Kenneth Bae,” NK News, August 5, 2013, <http://www.nknews.org/2013/08/n-koreas-supreme-court-where-americans-go-for-sentencing/>.

84 The SPA Presidium is a three-member body charged with all legal and legislative interpretation and leadership of the SPA. The current chairman is Kim Yong-nam.

85 Darren C. Zook, “Reforming North Korea: Law, Politics, and The Market Economy,” *Stanford Journal of International Law* 48.1 (2012): 147.

86 Chosun minjujuui inmin gonghwaguk geomchal gamsi-beob 조선민주주의인민공화국검찰감시법 [Democratic People’s Republic of Korea Prosecutor’s Surveillance Law]. North Korea Laws Information Center, Republic of Korea Ministry of Government Legislation, March 30, 2011, <http://world.moleg.go.kr/KP/law/19119?pageIndex=15>.

87 Yonhap News Agency, *North Korea Handbook* (Seoul: M. E. Sharpe Publishing, 2002), 151.

88 Zook, “Reforming North Korea,” 148.

89 Park Hung-Sun et al., *Survey Report on the Political Prisoners’ Camps in North Korea* (Seoul: National Commission of Human Rights of Korea, 2009), 51.

90 Author interviews.

Incarceration in political prison camps can be based on extra-legal decisions by bodies such as the MSS and the Socialist Life Guidance Committees, which are local organizations tasked with defending the North Korean regime.<sup>91</sup> The most famous such case is the arrest of Kim Jong-un's uncle, Jang Song-taek, whose arrest and trial were shown by the state-run *Korean Central News Agency*.<sup>92</sup>



Important political cases are handled by the MSS.<sup>93</sup> Those individuals who end up in the political prison camps generally have no recourse to legal proceedings, as most politically-oriented judgments are channeled through the MSS and not the criminal justice system.<sup>94</sup> Even if the accused had legal recourse, the North Korean legal system provides defense lawyers who, rather than assist or defend the accused, ensure that defendants take “full responsibility for their actions.”<sup>95</sup>

91 Lee and Chung, “The North Korean Criminal Trial System.”

92 Photo from “North Korea images confirm removal of Kim Jong-un’s uncle Chang Song-thaek,” *BBC News*, December 9, 2013, <http://www.bbc.com/news/world-asia-25295312>. Image: KCNA/Reuters.

93 Zook, “Reforming North Korea,” 148.

94 “The Judiciary,” in *North Korea: A Country Study*.

95 *Ibid.*

## ENTERING THE POLITICAL PRISON CAMP

Political prison camps (*kwan-li-so*) in North Korea can be characterized as “political penal labor colonies.”<sup>96</sup> After the initial arrest and investigation, prisoners are transported from their initial detention site by truck or train to the political prison camps.<sup>97</sup> MSS agents deliver prisoners to the front gate, where camp guards collect paperwork and take custody of the prisoners. Personal items are prohibited and confiscated immediately. Upon entrance, inmates are stripped of their citizenship.<sup>98</sup> They also undergo camp indoctrination for a period of three days to a month, depending on the facility. Inmates are also asked if they have a particular skill to determine work unit assignments.<sup>99</sup>

Political prison camps are divided into two types: “complete control districts” and “revolutionary districts.” Some camps have both types of districts. The complete control districts are for those with life sentences. The revolutionary districts are for those with set terms of incarceration. In both, the inmates are completely separated from the outside world.<sup>100</sup>

Although the precise rules for prisoners vary between political prison camps, there appear to be several widespread practices. Political prisoners are not exempt from the responsibility to study and conform to the regime’s ideology. Indoctrination about the superiority of the Supreme Leader and the Party continues inside the *kwan-li-so*.<sup>101</sup> The prisoners are also segregated, as male and female dorms are not integrated. Sexual relationships are not permitted. Prisoners are not allowed to be with more than three persons at a time and are prohibited from maintaining relationships with other prisoners. They must watch each other for violations of camp rules and are told they will be immediately executed for breaking camp rules. Punishments include beatings, reduced food allotments, extended work hours, internal prison incarceration, and execution. Stealing food is regarded as a severe infraction, to be dealt with by harsh punishment.<sup>102</sup>

North Korea’s political prison camps also maintain strict rules for camp administrators and guards. Latitude towards prisoners or overlooking prisoners’ mistakes are subject to severe punishment, including imprisonment. During training, these officials are told that the prisoners are “wicked elements of factionalists and their children who betrayed the party and the leader... and it is your duty to destroy their conspiracy.”<sup>103</sup> Consequently, prisoners are regarded more as enemies than prisoners.<sup>104</sup>

96 Hawk, *Hidden Gulag Second Edition*, 9.

97 Much of the content in this section was previously published in Collins, “Control of the Kim regime’s Political Prison Camps.”

98 Park et al., *Survey Report on the Political Prisoners’ Camps in North Korea*, 60.

99 Yoon Yeo-Sang, Lee Ja-Eun and Han Sun-Young, *Political Prison Camps in North Korea Today* (Seoul: Database Center for North Korean Human Rights, 2011), 156-60.

100 Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2010* (Seoul: KINU, 2010), 166.

101 For example, see Hawk, *Hidden Gulag Second Edition*, 68.

102 Yoon, Lee and Han, *Political Prison Camps in North Korea Today*, 248-57.

103 *Ibid.*, 259-60.

104 Hawk, *Hidden Gulag Second Edition*, 78.

As in any prison, security measures at the camps are designed to prevent prisoners from escaping. The number of camp guards and administrative personnel ranges from 200 to 1,000.<sup>105</sup> Security measures include barbed wire fences, electrified fences, armed guard towers, and landmines. MSS agents also recruit prisoners to tell on other prisoners in exchange for very minor rewards. The prison guards use food, violence, and solitary confinement as methods to control prisoners.<sup>106</sup> Prisoners who are Christian or have been forcibly repatriated from China are subject to some of the worst treatment.<sup>107</sup>

Courts exist within the political structure of the camps. They are staffed by MSS officers, but the MSS also has embedded political officers who report to the KWP OGD 7th Section. Permission to execute a prisoner in a political prison camp comes from the central Party, which means that the order must come from the OGD.<sup>108</sup>

The political prison camps also serve an economic function for the North Korean regime. After in-processing to the camp, prisoners are assigned to work units. The type of work varies by camp, but includes coal mining, logging, farming, and textile production. According to prisoner testimony, the coal is sent to nearby power plants, while the lumber is sent to furniture factories and the textiles are used in army uniforms.<sup>109</sup> Although the system of forced labor in the camps is extremely inefficient, “prisoners are punished and beaten if they do not fulfill their production quotas.”<sup>110</sup> Camp officials stress production and work quotas over everything else. Two examples of the structure of work teams at the political prison camps are shown on the next page.

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105 Park et al., *Survey Report on the Political Prisoners' Camps in North Korea*, 69, 71.

106 Testimony by former prison guard, Ahn Myong-Chol. See video at Amanda Macias, “Video Reveals Horrifying Tales and Drawings From North Korean Prison Survivors,” *Business Insider*, February 18, 2014, <http://www.businessinsider.com/north-korea-prison-survivors-on-video-2014-2>.

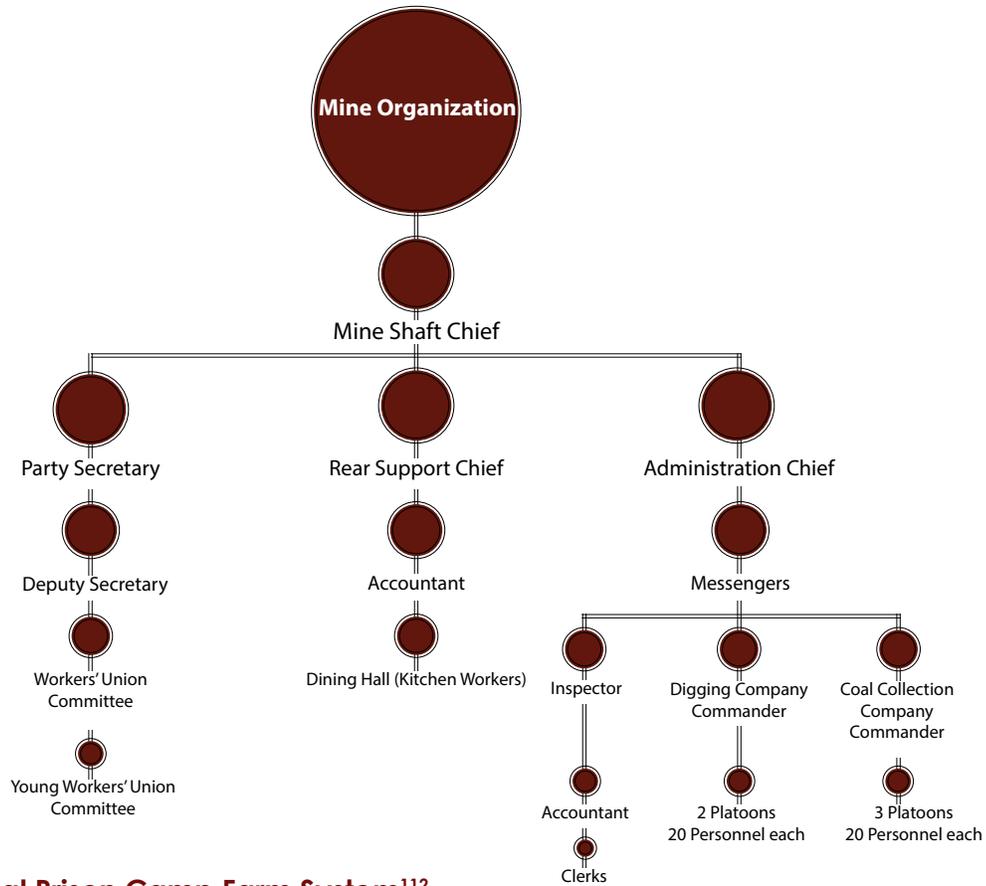
107 Kim Hi-Tae and Peter Jung, *The Persecuted Catacomb Christians of North Korea* (Seoul: Justice for North Korea, 2014), 86-87.

108 Yoon, Lee and Han, *Political Prison Camps in North Korea Today*, 259-60.

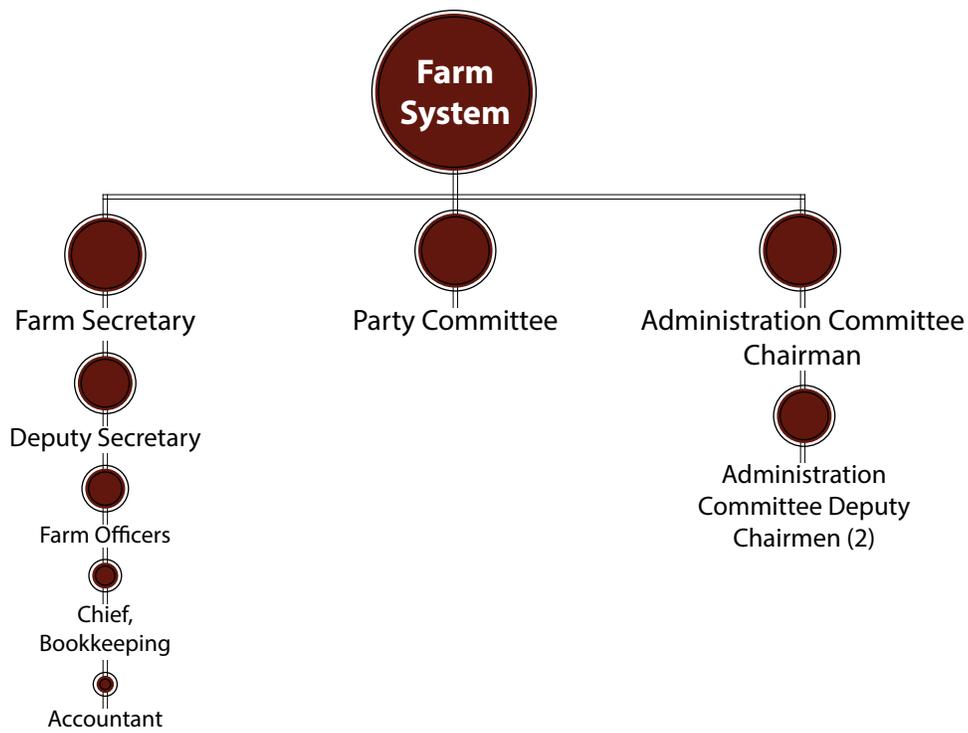
109 *Ibid.*, 35.

110 *Ibid.*, 36.

**Chart 3: Political Prison Camp Mining Organization<sup>111</sup>**



**Chart 4: Political Prison Camp Farm System<sup>112</sup>**



111 See Yoon, Lee and Han, *Political Prison Camps in North Korea Today*, 214.

112 Ibid.

The children who are incarcerated with their parents are forced into labor as well, albeit at simpler levels of labor. This type of labor was depicted in the 2008 South Korea-produced movie “Crossing.” A screen shot from that movie is displayed below.<sup>113</sup> This type of forced labor by children in the political prison camps is in direct contradiction to the Convention on the Rights of the Child.<sup>114</sup> When the children become adolescents, if they survive that long, they transition into the primary labor / production effort of the camp, i.e., mining, logging, farming and light manufacturing.



This type of treatment is indicative of how draconian the Kim regime is in their treatment of those that are perceived to be in opposition to the supreme leader.

The Kim regime regards the populations of these political prison camps as so politically sensitive that guards at these camps have standing orders to kill all prisoners in the event of a crisis on the Korean peninsula. According to Ahn Myong-Chol, a defector who once served as a guard at several prison camp facilities, the guards practiced for these mass executions. Other former guards and prison officials have corroborated this testimony.<sup>115</sup>

113 Yoo-jin Lee, *Crossing* (also known as *Keurosing*), Film, directed by Tae-kyun Kim (2008; South Korea: Big House/ Plan B (Korea).

114 United Nations Human Rights, Office of the High Commissioner, *Convention on the Rights of the Child*, September 2, 1990, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

115 Roberta Cohen, “Preventing a Massacre in North Korea’s Gulags,” *Washington Post*, July 25, 2014, [https://www.washingtonpost.com/opinions/preventing-a-massacre-in-north-koreas-gulags/2014/07/25/b9d6a3fe-1284-11e4-9285-4243a40d-dc97\\_story.html?utm\\_term=.8c818ce4a157](https://www.washingtonpost.com/opinions/preventing-a-massacre-in-north-koreas-gulags/2014/07/25/b9d6a3fe-1284-11e4-9285-4243a40d-dc97_story.html?utm_term=.8c818ce4a157).

## NORTH KOREA'S POLITICAL PRISON CAMPS

The Kim regime's use of political prisons has a history as old as Kim Il-sung's rise to power.<sup>116</sup> North Korea's political prison camps originated in the early communist revolution of Korea north of the 38<sup>th</sup> parallel, when Soviet Union military forces occupied the northern half of the Korean peninsula. Korean communists purged landlords, businessmen, those associated with religious organizations, and those who worked for the Japanese colonial government. Those who were not executed were sent with their families to isolated mountain villages in the northern half of North Korea, and some of these villages later evolved into formal political prison camp facilities.<sup>117</sup> After the Korean War, those who cooperated with troops under the command of the United Nations were also banished to such areas.

From 1956 to 1958, there were several challenges to Kim Il-sung's authority that were crushed through purges, executions, and imprisonment. According to testimony by former high-ranking defector, Hwang Jang-yop (now deceased), one of the early purges was of Choi Chang-ik and Yoon Kong-heum, who were accused of plotting against Kim Il-sung. Kim's response at the time was to establish a political prison camp because "factional elements have errors filled to the top of their heads, and must be isolated deep in the remote mountains."<sup>118</sup> In similar guidance, Kim instructed that "...for the victory of the socialist revolution, anti-revolutionary elements opposed to and who impede the thought and passion of the revolution, along with hostile elements who stage a compromising struggle against unsound thoughts, would have to be oppressed - especially those trying to revive capitalism."<sup>119</sup>

Cabinet Decree 149 of 1958 banished those deemed politically unreliable away from the demilitarized zone, the Sino-North Korean border, coastal regions, and areas surrounding Pyongyang. The decree also established "special districts for the objects of dictatorship" and these districts became known as Decree 149 districts.<sup>120</sup> High-ranking North Korean defector Hwang Jang-yop explained that the first "control districts" were instituted after the August faction incident of 1958.<sup>121</sup> The first official "controlled district" was set up in the Dukjang coal mining region of Bukchang County of South Pyongan Province in that same year.<sup>122</sup>

116 Some of the content in this section was previously published in Robert Collins, "Control of the Kim regime's Political Prison Camps," *HRNK Insider*, November 28, 2016, <http://www.hrnkinsider.org/2016/11/control-of-kim-regimes-political-prison.html>.

117 For an understanding of political prison camp development, see Collins, *Marked For Life*, 22-24.

118 Federation of American Scientists, "Testimonies of North Korean Defectors: Hwang Jang-yop Speaks," <http://fas.org/irp/world/rok/nis-docs/hwang5.htm> (accessed October 28, 2017).

119 Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2010* (Seoul: KINU, 2010), 157.

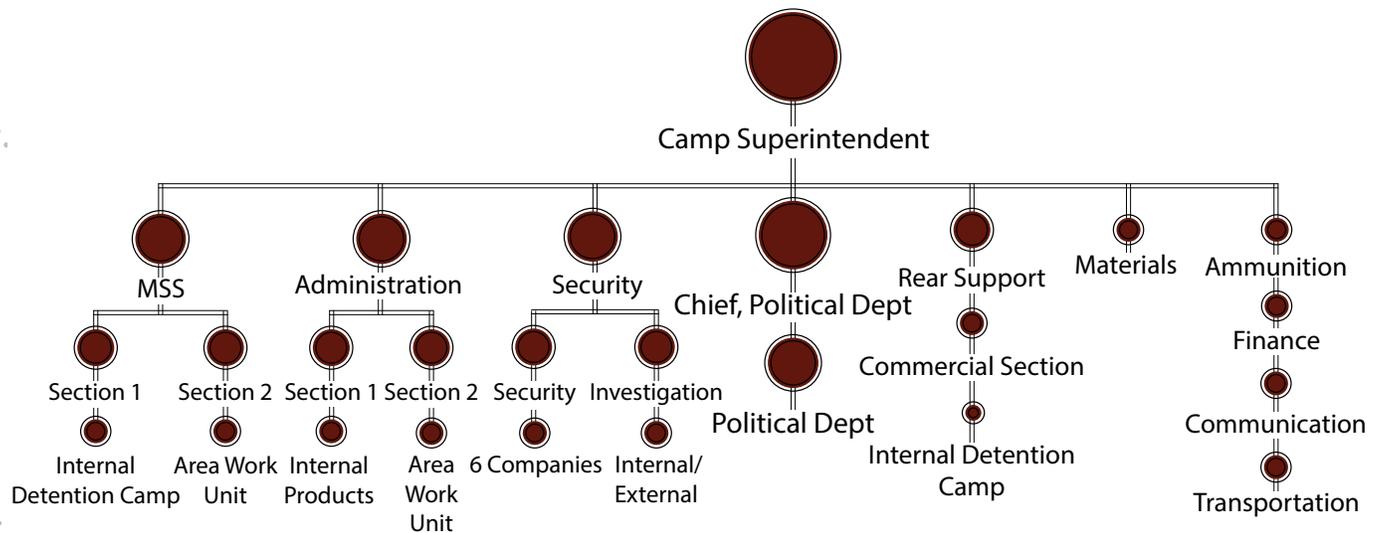
120 "On Strengthening the Socialist Lawful Living," in *Collected Works of Kim Jong-il*, Vol. 7 (Pyongyang: KWP Publishing House, 1996), 342. See also Kim Il-sung, "In order to Carry Out Our Party's Judicial Policies," *Collected Works of Kim Il-sung*, Vol. 12 (Pyongyang: KWP Publishing House, 1981), 221. Presented in an April 28, 1958 speech before the National Conference of Judicial Workers.

121 Between 1956 and 1958, Kim Il-sung fought off Russian-Korean, Chinese-Korean, and South Korean factions to secure power. For an excellent overview of these leadership purges, see Andrei Lankov, *From Stalin to Kim Il Sung: The Formation of North Korea 1945-1960* (New Brunswick: Rutgers University Press, 2002). In the 1960s, Kim fought off challenges from Pak Kum-chol and the Kapsan faction. See Jae-Cheon Lim, *Kim Jong Il's Leadership of North Korea* (New York: Routledge, 2009), 48-50.

122 Kim et al., *White Paper on Human Rights in North Korea 2011*, 148.

Following a re-registration drive between 1967 and 1970 that involved background checks of all residents, those found to be anti-revolutionaries were executed or sent with their families to remote mountain areas. An estimated 6,000 individuals were killed. Approximately 15,000 were banished, along with 70,000 of their family members.<sup>123</sup>

**Chart 5: Political Prison Camp Administrative and Security Structure<sup>124</sup>**



**Camp 4: Site razed, rebuilt as residential community, Pyongyang**



Previous location of Camp 4: 39° 1'15.69"N 125°52'38.44"E.

123 Ibid., 149.

124 Based on deactivated Camp 13. See Yoon, Lee and Han, *Political Prison Camps in North Korea Today*, 204.

There is limited information in the public domain about the early history of North Korea's political prison camp facilities. Declassified Central Intelligence Agency reports from 1958 reference two political prison camps: Camp 4 and Camp 5.<sup>125</sup> According to the reports, Camp 4 (image on the previous page) was used as an area to isolate prisoners for forced labor in Pyongyang, near Mirim-dong. It has since been deactivated, and the assets and prisoner population have been moved elsewhere long ago. Political prison camps are no longer known to be located in the Pyongyang area.

### **Camp 5: Site razed, rebuilt as residential community, North Hamgyong Province**

The report states that Camp 5 was founded as a labor camp in 1950 in the mining village of Aoji, North Hamgyong Province. It moved from there to Kiyang-ni (Kangso County, South Pyongan Province), approximately 500 meters west of the Kiyang Farm Machine Manufactory as of March 1955. The image below is a Google Earth screen capture of the Camp 5 area today. The camp was dismantled long ago and the area has been redeveloped, likely because of its proximity to Pyongyang. This discussion of Camps 4 and 5 suggests that there may have been additional prison facilities that are no longer in operation.



Previous location of Camp 5: 125°30'58.76"E 125°30'58.76"E.<sup>126</sup>

125 U.S. Central Intelligence Agency, *The Fourth and Fifth Camps for Prisoners*, 1958, <https://www.cia.gov/library/readingroom/docs/CIA-RDP80T00246A045300560001-7.pdf> (accessed April 4, 2017).

126 Image of Camp 4: © 2017 Google Earth /Image © 2017 CNES/Airbus. Image of Camp 5: © 2017 Google Earth / Image © 2017 CNES/Airbus.

There are several other political prison camps that have closed over the years for various reasons. These include:

- Camp 11, formerly located in lower Mt. Kwanmo, Kyung-sung County, North Hamgyong (also spelled Hamyeong) Province, which was closed in October 1989. Its reason for existence was to build a villa for Kim Il-sung.
- Camp 12, formerly located in the Changpyong Labor Area, Onsong, North Hamgyong Province, which was closed in May 1987. It was reportedly closed because it became exposed due to being too close to the border with China.
- Camp 13, formerly located in the Jongsung Labor Area, Onsong, North Hamgyong Province, which was closed in December 1990. It was closed because it became exposed due to being too close to the border with China.
- Camp 26, formerly located in Hwachun-dong, Sung-ho District, Pyongyang, which was closed in January of 1991. It was closed due to exposure within proximity to Pyongyang.
- Camp 27, formerly located in Chonma (also spelled Cheonma), North Pyongan Province, closed in November 1990, for unknown reasons.<sup>127</sup>

Today, there are at least five political prison camps in operation in North Korea: Kaecheon (No. 14), Yodok (No. 15), Hwasong (No. 16), Bukchang (No. 18), and Chongjin (No. 25).<sup>128</sup> With the use of satellite imagery analysis, HRNK recently confirmed an area adjacent to Camp 14, the Ch'oma-bong Restricted Area, as a potential political prison camp facility.<sup>129</sup> The report of the UN COI estimates the total population in the political prison camps at between 80,000 and 120,000.<sup>130</sup> The remainder of this section provides a brief overview of known current and former political prison facilities.

## Camp 14, “Kaecheon”: Kaecheon County, South Pyongan Province

This camp is located 61km north of the capital city of Pyongyang, adjacent to Camp 18. The satellite image on the next page<sup>131</sup> shows the 58.5-kilometer perimeter of the camp, which occupies an area of 153 square kilometers.<sup>132</sup> The camp maintains 119 kilometers of fences, patrol paths, and roads.

127 Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2010* (Seoul: KINU, 2010), 170.

128 Do et al., *White Paper on Human Rights in North Korea 2017*, 448.

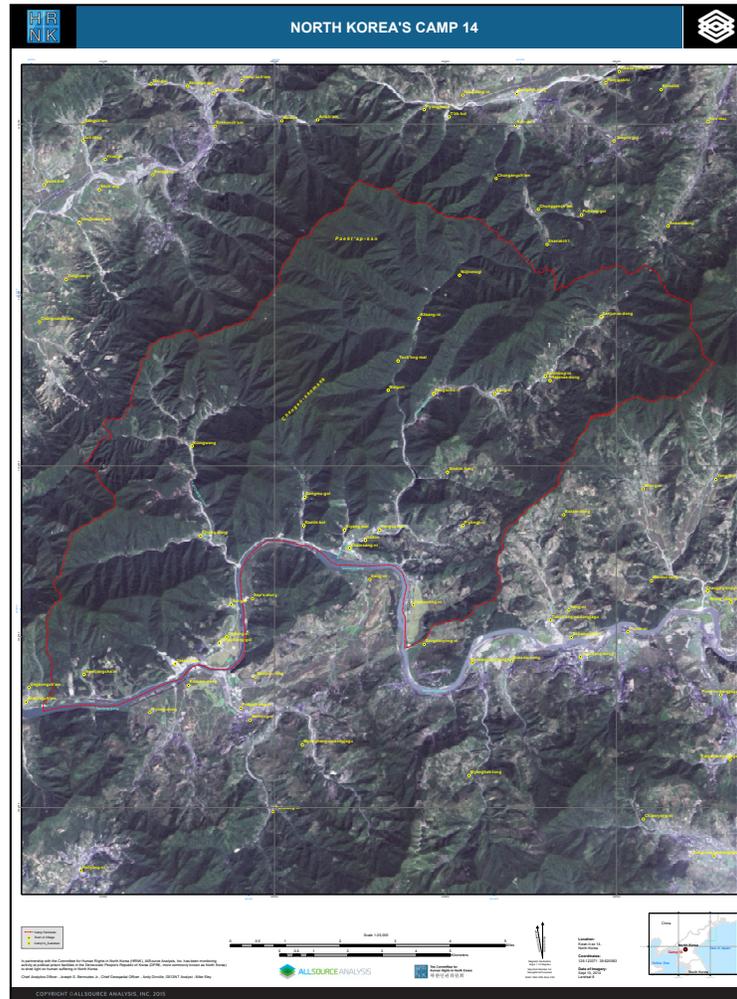
129 Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *North Korea: Ch'oma-bong Restricted Area* (Washington, DC: Committee for Human Rights in North Korea, 2016), [https://www.hrnk.org/uploads/pdfs/ASA\\_HRNK\\_Chmbg\\_201603\\_FINAL.pdf](https://www.hrnk.org/uploads/pdfs/ASA_HRNK_Chmbg_201603_FINAL.pdf).

130 UN Human Rights Council, *Report of the detailed findings of the commission of inquiry*, par. 843.

131 Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *Image map: North Korea's Camp 14*, (Washington, DC: Committee for Human Rights in North Korea, 2015). Image © 2017 Committee for Human Rights in North Korea.

132 Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *North Korea: Imagery Analysis of Camp 14* (Washington, DC: Committee for Human Rights in North Korea, 2016), 8, [https://www.hrnk.org/uploads/pdfs/ASA\\_HRNK\\_Camp14\\_v7\\_highrez\\_FINAL\\_11\\_30\\_15.pdf](https://www.hrnk.org/uploads/pdfs/ASA_HRNK_Camp14_v7_highrez_FINAL_11_30_15.pdf). Image © 2017 Committee for Human Rights in North Korea.

The camp's southern perimeter lies along the northern bank of the Taedong River. There are six entrance checkpoints, twenty-two guard positions, and ten guard barracks.<sup>133</sup> Assuming that there are thirty to forty guards per barracks, the guard force can be estimated at 500-600 personnel. This may or may not include headquarters and logistical personnel, which can be estimated to be approximately 100. Camp 14's population generally consists of former mid-to-high level ranking Party, government, and military officials. The camp houses an estimated 15,000 prisoners.<sup>134</sup>



## Ch'oma-bong Restricted Area: Kaechon County, South Pyongan Province

The camp is located 72km north of Pyongyang. The satellite image on the next page<sup>135</sup> shows the 20.4km perimeter of this camp, which is 14.5 square kilometers in area.<sup>136</sup> On its southern perimeter, the camp shares a 3.1km border

<sup>133</sup> Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *North Korea: Imagery Analysis of Camp 14* (Washington, DC: Committee for Human Rights in North Korea, 2016).

<sup>134</sup> Hawk, *Hidden Gulag Second Edition*, 48.

<sup>135</sup> Bermudez, Dinville and Eley, *North Korea: Ch'oma-bong Restricted Area*, 8.

<sup>136</sup> Bermudez, Dinville and Eley, *North Korea: Ch'oma-bong Restricted Area*, 8. Image © 2017 Committee for

with Camp 14. There is an internal, high-security area inside the camp boundaries, which is most likely for detaining former high-ranking officials. There are ten guard post and checkpoint positions and three guard barracks in the main camp, and eleven guard post and checkpoint positions in the internal high-security area.<sup>137</sup> The guard force can be estimated to be approximately 300 personnel. This may or may not include headquarters and logistical personnel, which can be estimated to be approximately 75. One defector testified that prisoners were subjected to tests of chemical weapons.



## Camp 18, “Bukchang”: Kaechon County, South Pyongan Province

The camp is located approximately 66km north of Pyongyang. The satellite image on the next page shows that the camp’s northern perimeter lies along the southern bank of the Taedong River.<sup>138</sup> Camp 18 borders Camp 14 to the north. Camp 18 differs from the other political prison camps referenced in this paper, as it is managed by the MPS and not the MSS. An analysis published by HRNK in 2013 concluded that most of the original facilities of Camp 18 appear to have been dismantled.<sup>139</sup> Camp 18 is 71.5 square kilometers in area, and it is enclosed within a 39.5-kilometers-long security perimeter shown in the image on the next page<sup>140</sup> consisting of five entrances connected by patrol paths and roads secured by a total of 19 perimeter barracks and guard positions.

Human Rights in North Korea.

137 Bermudez, Dinville and Eley, *North Korea: Ch’oma-bong Restricted Area*, 3-4.

138 Forthcoming HRNK report on Camp 18 by Joseph S. Bermudez Jr. Image © 2017 Committee for Human Rights in North Korea.

139 David Hawk, *North Korea’s Hidden Gulag: Interpreting Reports of Changes in the Prison Camps* (Washington, DC: Committee for Human Rights in North Korea, 2013), 23-33.

140 Google Earth 10/23/2016 / Image © CNES/Airbus. Image with border © Committee for Human Rights in North Korea.

All but ten of these were razed since 2006. Of these remaining ten, all were razed by 2016.<sup>141</sup> Two different estimates put the camp prisoner population at 30,000 or 50,000.<sup>142</sup>



## Camp 15, “Yodok”: Yodok County, South Hamgyong Province

The camp is in a very isolated location, 119km northeast of Pyongyang and 65km southwest of Hamhung City. The satellite image on the next page<sup>143</sup> shows the 85km-long perimeter of Camp 15, which is 365 square kilometers in area.<sup>144</sup> The camp maintains 119km of fences, patrol paths, and roads. Camp 15 is comprised of forty-two named villages, and its administrative headquarters is located near the southern entrance. There is a large secondary guard facility to the north side of the camp, likely due to the large distance between the southern and northern entrances.<sup>145</sup>

141 Forthcoming HRNK report on Camp 18 by Joseph S. Bermudez Jr.

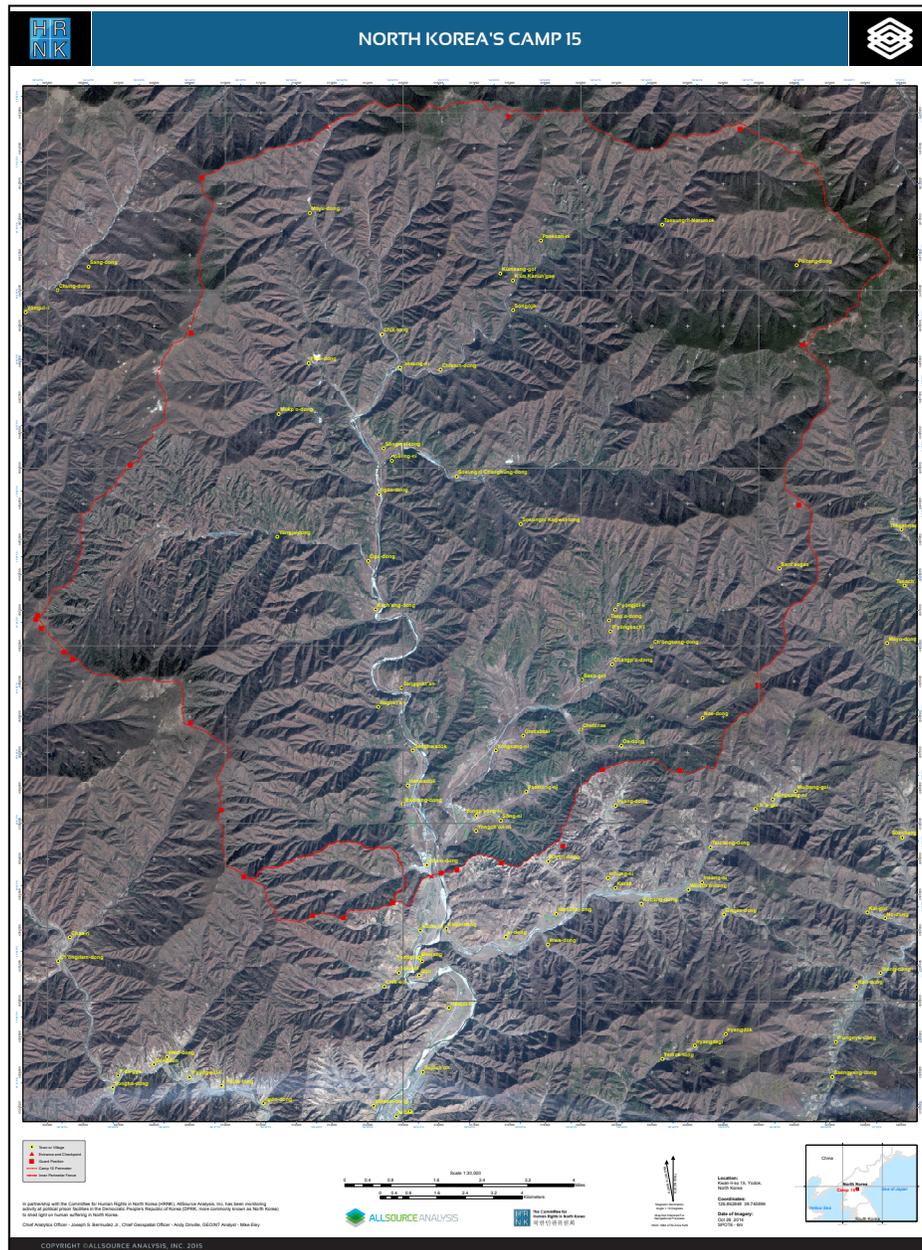
142 Joshua Stanton, “Camps 14 and 18, North Korea: Satellite Imagery and Witness Accounts,” *One Free Korea*, <http://freekorea.us/camps/14-18/#sthash.4oCqMt7i.dpbs> (accessed September 13, 2017).

143 Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, Image map: North Korea’s Camp 15, (Washington, DC: Committee for Human Rights in North Korea, 2015). Image (c) 2017 Committee for Human Rights in North Korea.

144 Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *North Korea: Imagery Analysis of Camp 15* (Washington, DC: Committee for Human Rights in North Korea, 2015), 4, [https://www.hrnk.org/uploads/pdfs/ASA\\_AnalysisReport\\_HRNK\\_Camp15\\_Final.pdf](https://www.hrnk.org/uploads/pdfs/ASA_AnalysisReport_HRNK_Camp15_Final.pdf). Image © 2017 Committee for Human Rights in North Korea.

145 Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *North Korea: Imagery Analysis of Camp 15* (Washington, DC: Committee for Human Rights in North Korea, 2015); and Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *North Korea: Imagery Analysis of Camp 15 “Yodök” - Closure of the “Revolutionizing Zone,”* (Washington, DC: Committee for Human Rights in North Korea, 2015).

A count on guard posts and guard barracks is not available, making assessments of the guard force size difficult. However, the camp's guard force size is likely to be at least 600 personnel just to cover an area of the camp's size. One report estimates guard strength at 1,000, but this is likely to be an overestimate.<sup>146</sup>

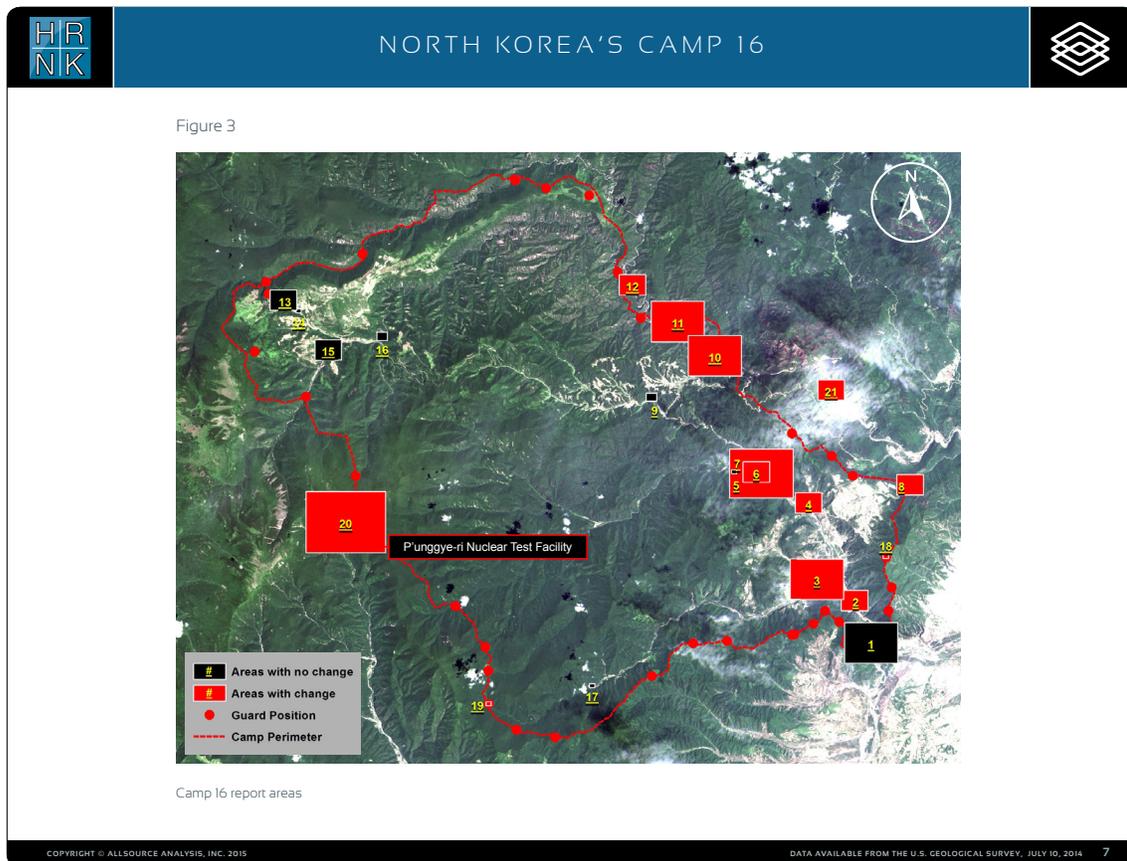


## Camp 16, “Hwasong”: Hwasong County, North Hamgyong Province

The camp is located 385km northeast of Pyongyang and 70km southwest of Chongjin. The most significant characteristic of Camp 16 is the location of North Korea's nuclear test facility at Punggye-ri, which is 2.5km to the west of the

146 U.S. Department of State, “Prison Camps of North Korea - Camp 15 Yodok,” <https://www.state.gov/j/drl/rls/fs/2017/273647.htm> (accessed September 13, 2017).

camp.<sup>147</sup> The satellite image below<sup>148</sup> shows the 119km-long perimeter of Camp 16, which is 539 square kilometers in area.<sup>149</sup> Camp 16 is comprised of fifty-three named villages, and its administrative headquarters is located 7km from the secondary entrance to the east. Camp 16 is not completely enclosed within a single dedicated security fence, and the northern perimeter lacks security sophistication. However, the west-central perimeter closest to the nuclear facility is reinforced. The camp maintains its own power supply with six power stations. There are thirty-five guard posts along this perimeter and six guard barracks within the camp.<sup>150</sup> The guard force can be estimated to be between 300 and 400 personnel. This may or may not include headquarters and logistical personnel, which can be estimated at approximately 100, given that the facilities at this camp are larger than all other political prison camps. Camp 16's prisoner population is estimated at 20,000.<sup>151</sup>



147 Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *North Korea: Imagery Analysis of Camp 16*, (Washington, DC: Committee for Human Rights in North Korea, 2015), 4. There have been allegations that prisoners at Camp 16 are used to construct the nuclear test facilities, but conclusive evidence has not yet emerged. See, for example, Kang Chol-Hwan, "The Terrible Secrets of N.Korea's Mt. Mantap," *Chosun Ilbo*, June 3, 2009, [http://english.chosun.com/site/data/html\\_dir/2009/06/03/2009060300829.html](http://english.chosun.com/site/data/html_dir/2009/06/03/2009060300829.html).

148 Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *North Korea: Imagery Analysis of Camp 16*, (Washington, DC: Committee for Human Rights in North Korea, 2015), 7.

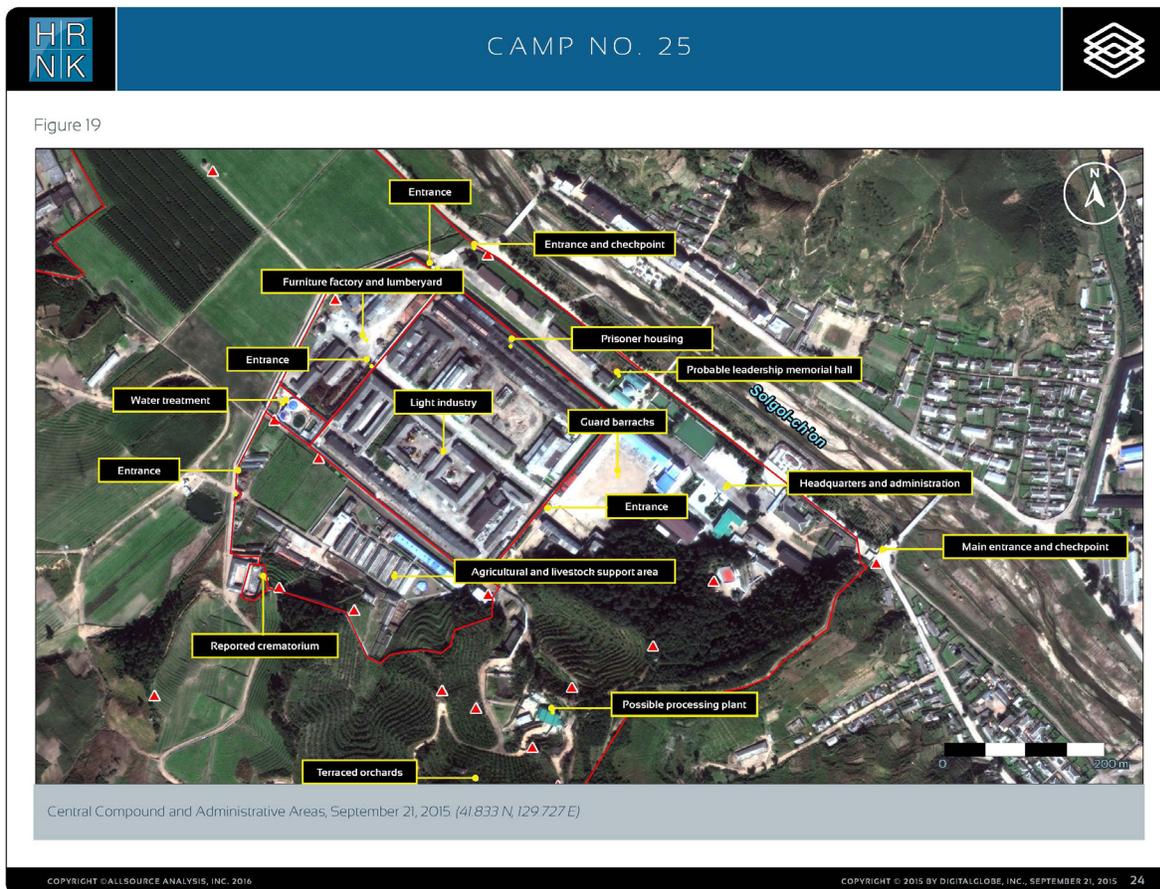
149 Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *North Korea: Imagery Analysis of Camp 16*, (Washington, DC: Committee for Human Rights in North Korea, 2015), 8. Image © 2017 Committee for Human Rights in North Korea.

150 Ibid.

151 U.S. Department of State, "Prison Camps of North Korea - Camp 16 Hwasong," <https://www.state.gov/j/drl/rls/fs/2017/273647.htm> (accessed September 13, 2017).

## Camp 25, “Chongjin”: Susong-dong, Chongjin, North Hamgyong Province

The camp is located 7.5km northwest of the port city of Chongjin. Camp 25 is a relatively small camp with an alleged prisoner population of approximately 5,000. This satellite image below<sup>152</sup> shows that Camp 25 occupies only 1.01 square kilometers in area, with a perimeter measuring only 5,100m. There are forty guard post and checkpoint positions and one guard barracks.<sup>153</sup> The guard force can be estimated to be 175-225 personnel, making this camp the most heavily guarded political prison camp based on the prisoner-to-guard ratio. These numbers may or may not include headquarters and logistical personnel, which can be estimated to be approximately fifty.



152 Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *North Korea: Camp No. 25 - Update 2*, (Washington, DC: Committee for Human Rights in North Korea, 2016), 24. Image © 2017 Committee for Human Rights in North Korea.

153 Joseph S. Bermudez Jr., Andy Dinville and Mike Eley, *North Korea: Camp No. 25 - Update 2*, (Washington, DC: Committee for Human Rights in North Korea, 2016).

## FROM DEATH TO THE UNMARKED GRAVES

Very few prisoners in the political prison camps are released alive. As testified by numerous defectors, death in the camps invariably leads to burial in unmarked graves. Any family members or relatives who are outside of the camps are never notified of the death of their loved ones. Available testimony also indicates that the reason for not marking the graves is to ensure that there is no evidence of the camp's existence. A former MSS officer who defected to South Korea stated that when Camp 13 was closed due to concerns about outside exposure, prisoners and assets were moved to Camp 22. After the move, guards were mobilized to eliminate all evidence of the unmarked graves at the original camp.<sup>154</sup> The testimony of a former North Korean police officer who defected to the Republic of Korea is also illustrative:

***During the Arduous March in 1997, around 20 prisoners died every day. At the time, they had to get rid of the corpses. However, these prisoners are considered to be traitors, not yet cleansed of their sins. Therefore, they were not handed over to the family but buried in the mountains behind the prison. The prisoners did not have enough strength to dig a deep hole for the corpses—the holes would be only 20-30cm deep. If it rained heavily in monsoon season, the arms and legs of the corpse would reappear through [the] ground. Then the prison guards would order the prisoners to rebury them.***<sup>155</sup>

Death in the political prison camps results from a variety of causes, but all deaths are ultimately due to cruel and inhumane treatment by camp officials and guards. One common cause of death is malnutrition and starvation from insufficient food and forced labor. As David Hawk notes, “the combinations of forced labor in very inhumane conditions and below-subsistence-level food rations lead to very high rates of deaths in detention.”<sup>156</sup> Another cause is work accidents, especially in logging and mining areas.<sup>157</sup> Executions inside the camps were also common. Hawk reports that “virtually all former prisoners interviewed for this report witnessed numerous executions,” since “escape attempts are punished by public execution.”<sup>158</sup> In addition, there are several testimonies from former prisoners and guards about deaths from medical experiments on political prisoners.<sup>159</sup>

154 Park et al., *Survey Report on the Political Prisoners' Camps in North Korea*, 35-36.

155 Kim, “North Korea’s Control over its People and the People’s Safety Agency: Testimony of a former officer of the People’s Safety Agency.”

156 Hawk, *Hidden Gulag Second Edition*, 32.

157 Ibid., 162.

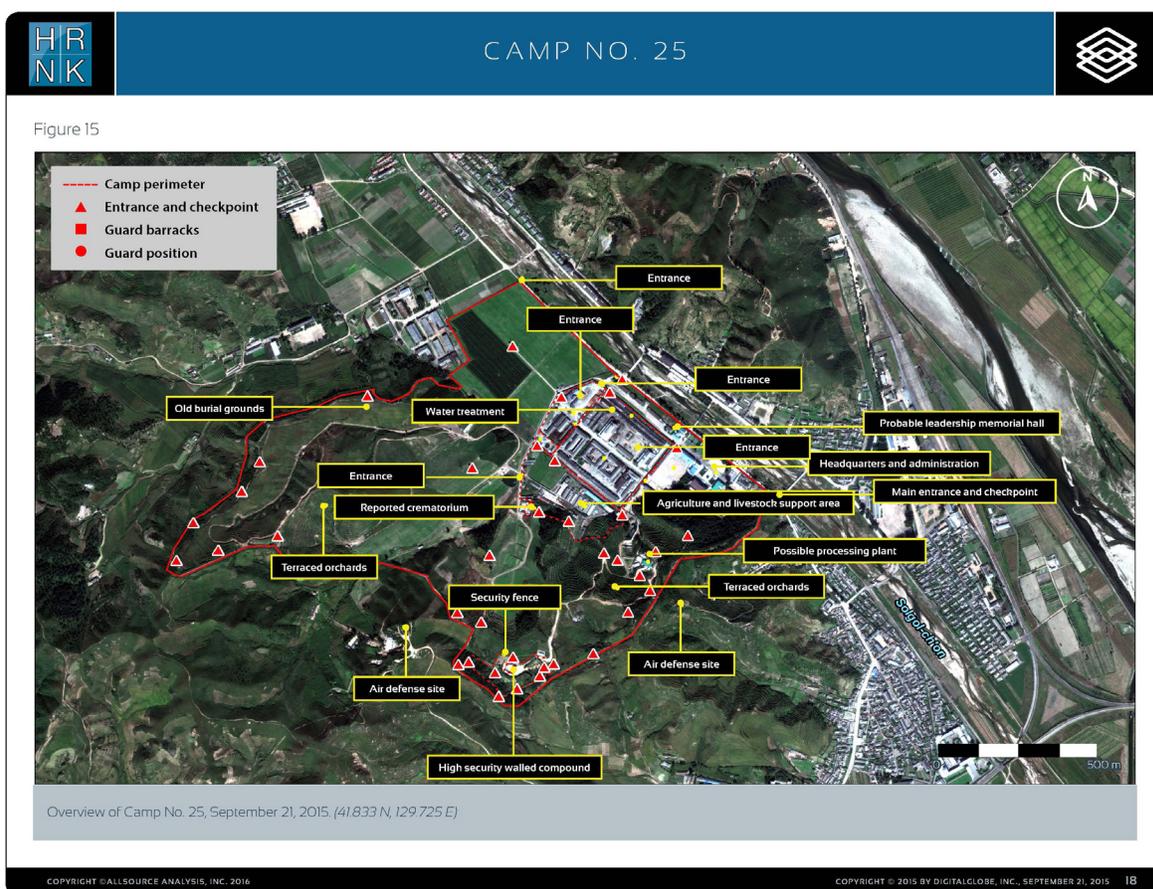
158 Ibid., 33.

159 Anthony Barnett, “Revealed: the gas chamber horror of North Korea’s gulag,” *The Guardian*, February 1, 2004, <https://www.theguardian.com/world/2004/feb/01/northkorea>; Robert Windrem, “Death, Terror in N.Korea Gulag,” *NBC News*, January 15, 2003, <http://www.nbcnews.com/id/3071466/#.WOx53dKGOUk>; Kim Yong, “On Political Prison Camps in North Korea (2),” *Citizens’ Alliance for North Korean Human Rights*, December 20, 2007, [https://eng.nkhumanrights.or.kr:444/board/bbs\\_view.php?no=23&board\\_table=bbs\\_evidence&page=14](https://eng.nkhumanrights.or.kr:444/board/bbs_view.php?no=23&board_table=bbs_evidence&page=14); Ahn Myong-Chol, “What Happened in the Valley of Death,” *Citizens’ Alliance for North Korean Human Rights*, December 20, 2007, [https://eng.nkhumanrights.or.kr:444/board/bbs\\_view.php?no=86&board\\_table=bbs\\_evidence&page=8](https://eng.nkhumanrights.or.kr:444/board/bbs_view.php?no=86&board_table=bbs_evidence&page=8); and Lee Baek-Lyong, “I Was a Prisoner of North Korea’s Political Prison Camp,” *Citizens’ Alliance for North Korean Human Rights*, December 20, 2010, [https://eng.nkhumanrights.or.kr:444/board/bbs\\_view.php?no=1&board\\_table=bbs\\_evidence&page=16](https://eng.nkhumanrights.or.kr:444/board/bbs_view.php?no=1&board_table=bbs_evidence&page=16)).

However, the UN Commission of Inquiry noted that it had not received sufficient evidence during its year-long investigation to “confirm whether any such medical experiments were conducted.”<sup>160</sup>

The bodies of those who die inside a political prison camp are not treated with respect. Jung Gwang-II, who was imprisoned for three years at Camp 15, has testified that the bodies of prisoners who were killed or severely injured in logging accidents during the winter were piled in “a shed next to a latrine” because the frozen ground was difficult to dig. In the spring, prisoners were forced to shovel and bury what remained of the bodies in the shed.<sup>161</sup> Kang Chol-Hwan, who is also a survivor of Camp 15, testified to the UN COI that “inmates assigned to bury the bodies stripped them of their clothes so as [to] reuse or barter them.”<sup>162</sup> He also stated that “the camp authorities simply bulldozed the hill used for [prisoner] burials to turn it into a corn field.”<sup>163</sup>

Suspected and confirmed burial sites have been identified using commercial satellite imagery in HRNK reports, including at Camp 15 (Yodok)<sup>164</sup> and at Camp 25 (Chongjin), as shown in the image below.<sup>165</sup>



160 UN Human Rights Council, *Report of the detailed findings of the commission of inquiry*, par. 837.

161 Jay Nordlinger, “He Calls Himself ‘Free Man’,” *National Review*, July 14, 2016, <http://www.nationalreview.com/article/437804/jung-gwang-il-north-korea-defector-calls-himself-free-man>.

162 UN Human Rights Council, *Report of the detailed findings of the commission of inquiry*, par. 780.

163 Ibid.

164 Bermudez, Dinville and Eley, *North Korea: Imagery Analysis of Camp 15*, 9.

165 Joseph S. Bermudez Jr., *Imagery Analysis: North Korea’s Camp No. 25 - Update* (Washington, DC: Committee for Human Rights in North Korea, 2014), 8. Image © 2017 Committee for Human Rights in North Korea.

Deaths and burials in unmarked graves have been documented by hundreds of defectors from North Korea with experience in the political prison camps. As Ahn Myong-Chol, a former prison guard, testified to the UN COI, “there is no actual cemetery for political prisoners.”<sup>166</sup>

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166 UN Human Rights Council, *Report of the detailed findings of the commission of inquiry*, par. 780.

## RESPONSIBILITY FOR THE POLITICAL PRISON CAMPS

Ultimate responsibility for the existence and operation of the political prison camps lies with North Korea's Supreme Leader, Kim Jong-un.<sup>167</sup> There is a direct chain of political control that links the Supreme Leader to the unmarked graves in the political prison camps. That chain runs from the Supreme Leader to the chief of the OGD headquarters, Jo Yon-jun (First Vice-Director of the OGD), to the OGD 7th Section (formerly the OGD Administration Department), to the MSS Prison Bureau (Farm Guidance Bureau) and the Correctional Management Bureau (Prisons Bureau), and then to the individual camps and their administrative leadership. The operation of political prison camps must be understood through the prism of regime security, which is overseen by the KWP OGD. The OGD ensures that the internal security services accomplish the mission of regime security through rigorous political monitoring and evaluation.

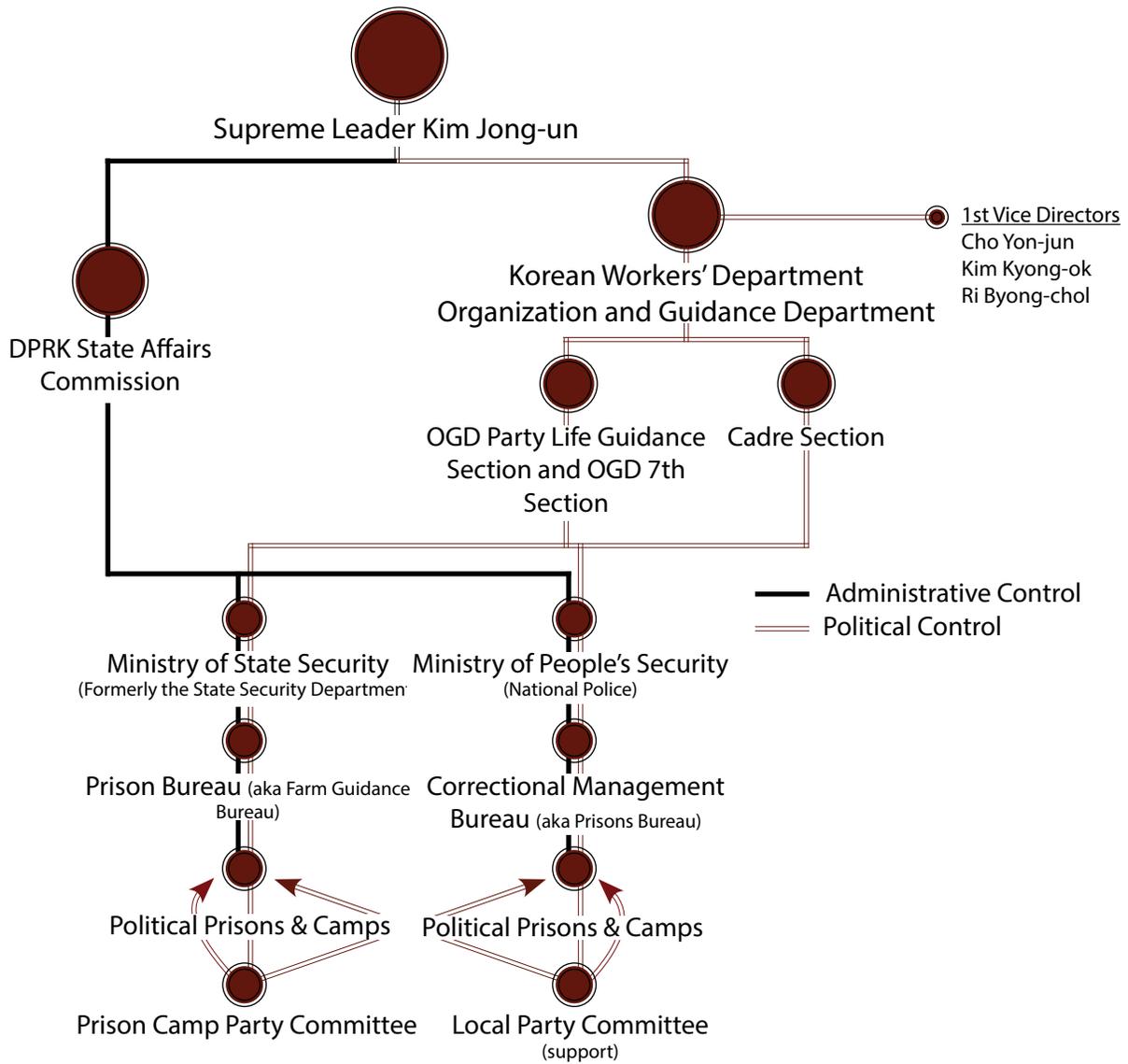
Chains of political control are far more critical to regime security than chains of administrative command. Though the administration of these camps is frequently reported as being controlled by the state, the Democratic People's Republic of Korea (DPRK), the actual control function is performed by the KWP. The camps exist at the direction of the Party, and the state apparatus carries out the Party's directive. Chart 6 on the next page demonstrates the chain of control for the camps.

Every organization in North Korea has a Party committee embedded in its structure. This Party committee provides the Supreme Leader and Party's guidance to the specific organization. The most critical position in a political prison camp's KWP committee is the organizational secretary. This official oversees the efficacy of camp management in accordance with OGD guidance and directives and its adherence to the TPMI. The guidance and directives of the KWP Central Committee are the responsibility of the OGD. This guidance is forwarded from the OGD through the Party apparatus, specifically the 7th Section of the OGD. The OGD 7th Section is the successor to the KWP Administration Department, which was responsible for political oversight of the North Korean legal system and the internal security agencies. The Director of the Administration Department, Jang Song-taek, was purged in December 2013, and the political officers overseeing the aforementioned agencies were removed. The Administration Department was dissolved, replaced by the OGD 7th Section, and staffed with trusted Party officials.<sup>168</sup>

167 Some of the content in this section was previously published in Collins, "Control of the Kim Regime's Political Prison Camps."

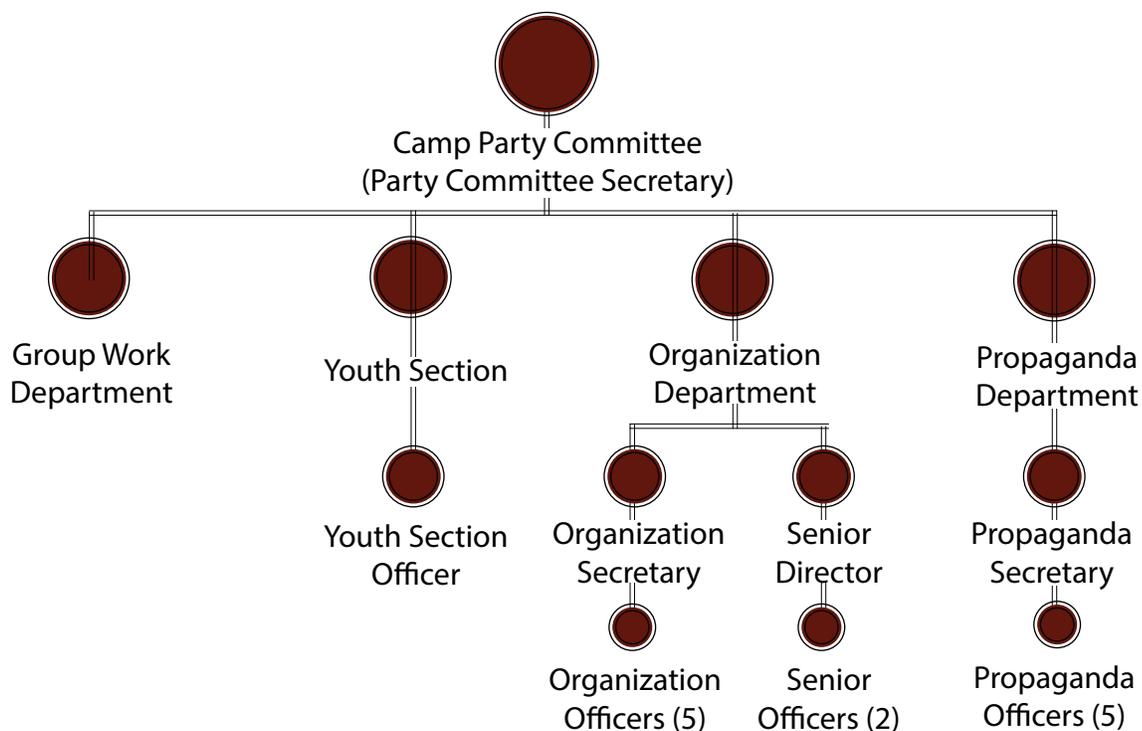
168 Lee Sang-Yong, "北 조직지도부 조연준, 장성택 외화벌이라인 완전 장악" [OGD's Jo Yon-jun Takes Control of Jang Song-taek's Foreign Earnings Operations], *Daily NK*, September 30, 2015, <http://www.dailynk.com/korean/read.php?cataId=nko4500&num=106989>.

Chart 6: Control of the Kim Regime's Political Prison Camps<sup>169</sup>



169 Author's rendition based on the following sources: Choi Da-Mi, "현성일 박사가 밝힌 당 조직지도부의 절대적 위상" [Professor Hyun Seong-il Reveals the Powerful Status of the OGD], *New Focus*, December 22, 2013, <http://newfocus.co.kr/client/news/viw.asp?cate=C01&mcate=M1001&nNewsNumb=20131211631>; Hyun Seong-il, *Bukan nodongdang-ui jojik gujo-wa sahoe tongjecheje-e gwanhan yeongu* [KWP's Organizational Structure and System of Social Control] (master's thesis, Hankuk University of Foreign Studies, 1999), 41-51; Choi, *Hyeondae Bukan Haengjeong-ron*, 187-88; Jeon Hyeon-Jun, *Kim Jong-il Leadership Yeongu* [Studies in Kim Jong-il's Leadership] (Seoul: Korea Institute of National Unification, 1994), 39, <http://lib.kinu.or.kr/wonmun/003/0000578253.pdf>; and Lim, *Kim Jong Il's Leadership of North Korea*, 36.

Chart 7: Korean Workers' Party Organization within the Political Prison Camps<sup>170</sup>



Political action officers belonging to the OGD Party Life Guidance Section are assigned to provide guidance to agencies under the 7th Section’s political control. These officers provide monthly guidance to organizations including the MSS Prison Bureau and MPS Correctional Management Bureau. This guidance is then passed to the organizational secretary of each camp’s Party committee for execution. The secretary subsequently files a report on how effectively the camp responds to the said guidance and whether it continues to abide by the TPMI.<sup>171</sup> Every official in a leadership position within the camp—administrators, shift supervisors, section chiefs—must follow the guidance within the TPMI, which calls for complete obedience to the Supreme Leader’s guidance and directives. Their actions at the camp are sanctioned by the OGD, which reports to the Supreme Leader.

For example, in a directive from Kim Jong-il published November 19, 2005, entitled “Commanding General Comrade Kim Jong-il’s Words to Senior Cadre of the State Security Department,” Kim Jong-il implores the senior officers of the SSD to increase camps for political prisoners. The following is an excerpt from Kim’s speech:

***My dear comrades, you are being called to uphold the revolutionary spirit, resist the yellow wind of capitalism and ensure that not a single citizen defects from North Korea. We have steadily reformed the ideology of the people since we won liberation from Japan. We have done enough of it. Now, we must give traitors a taste of the proletarian dictatorship. The roots of poisonous grasses must be pulled up. Any compromise means death in the class struggle.***

170 Yoon, Lee and Han, *Political Prison Camps in North Korea Today*, 208.

171 Ri, “Nodongdang naebu sa-eob silsang-gwa jojik-jido-bu 65-gwa.”

***My dear comrades, you should not compromise under any circumstance or show the slightest mercy on those who drop from the ranks of our revolution. We will stick to our methods at all costs. We must show the people that the last of traitors are eliminated even at the cost of gun-shots in public. We must expand camps for political prisoners in strategic locations and maintain strict control over them. Now, we are fighting an invisible war with class foes. The confused elements at home are more dangerous than the enemy outside. My dear comrades, you are fighters at the forefront of the revolution. I sleep comfortably because all of you are out there. Let's work hard through the upcoming generations to accomplish the great work of the Juche Revolution that the Supreme Generalissimo initiated from the peak of Mount Paektu.***<sup>172</sup>

It is imperative for camp guards and officials to punish political prisoners in accordance with the TPMI. Sympathy and latitude toward prisoners is considered counter to Supreme Leader guidance. Under the recently revised Criminal Code, failure to follow OGD guidance and conform to TPMI could result in punishment and even imprisonment of the prison officials themselves.<sup>173</sup>

172 Kim and Jung, *The Persecuted Catacomb Christians of North Korea*, 86-87.

173 "N. Korea strengthens penalty for consuming S. Korean pop culture," *Yonhap News*, April 2, 2017. <http://english.yonhapnews.co.kr/northkorea/2017/04/02/0401000000AEN20170402001200315.html>.

## FROM THE CRADLE TO UNMARKED GRAVES: INTERNATIONAL LAW

International human rights law, international criminal law, and customary international law are applicable to the treatment of prisoners inside North Korea's detention facilities. The regime's actions not only constitute egregious human rights violations as defined under both international human rights norms and treaties, but they also constitute crimes against humanity under international criminal law and customary international law.

Over the past seven decades, the principles of state sovereignty, sovereign equality of states, and non-intervention in internal affairs have evolved to allow individual perpetrators to be held accountable for actions that the international community has deemed to be particularly egregious. With developments in international criminal law following the horrific tragedy of the Holocaust, sovereignty is no longer a *carte blanche* for states. Specifically, there is no longer head of state immunity or substantive immunity for actions that rise to the level of crimes against humanity, war crimes, genocide, or crimes of aggression. There are no statutes of limitation for these crimes, and states do not have to agree to the respective laws.<sup>174</sup>

### International Criminal Law

In February 2014, the UN COI released its findings to the UN Human Rights Council, based on a "reasonable grounds" standard that "systematic, widespread and gross human rights violations have been and are being committed by the Democratic People's Republic of Korea (DPRK), its institutions and officials."<sup>175</sup> The commissioners had collected evidence and heard witness testimony of crimes committed by North Korean officials that "shocked the conscience of humanity."<sup>176</sup> They stated that based on the body of testimony and other information, "crimes against humanity have been committed in the Democratic People's Republic of Korea (North Korea), pursuant to policies established at the highest levels of the State."<sup>177</sup> The commissioners called on North Korea to undertake fundamental reforms to provide its citizens with basic human rights, including recommending that North Korea first "acknowledge the existence of human rights violations, including the political prison camps."<sup>178</sup>

The UN COI's primary findings related to the detention system in North Korea were as follows:

- Based on the body of testimony and information received, the Commission finds that DPRK authorities have committed and are committing crimes against humanity in the political prison camps, including extermination, murder, enslavement, torture, imprisonment, rape and other grave sexual violence and persecution on political, religious and gender grounds.<sup>179</sup>

174 *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity*, New York, November 26, 1968, *United Nations Treaty Series*, vol. 754, p. 73, available from [http://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.27\\_convention%20statutory%20limitations%20warcrimes.pdf](http://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.27_convention%20statutory%20limitations%20warcrimes.pdf); Article 29 of the *Rome Statute of the International Criminal Court*, Rome, July 17, 1998, available from [https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/o/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/o/rome_statute_english.pdf).

175 UN Human Rights Council, *Report of the detailed findings of the commission of inquiry*, pars. 67-68, 1211.

176 *Ibid.*, par. 1217.

177 *Ibid.*, par. 1160.

178 *Ibid.*, par. 1220 (b).

179 *Ibid.*, par. 1033.

- Based on the body of testimony and other information received, the Commission finds that crimes against humanity extend to the ordinary prison system, in particular the ordinary prison camps (kyohwaso) and, to a lesser degree, the various types of short-term forced labor detention facilities.<sup>180</sup>

It has been over three years since the UN COI issued its findings. Crimes against humanity are still ongoing, and prisoners are still deprived of their fundamental human rights inside the prison camps. Recent satellite imagery analysis published by HRNK shows that known political prison camp facilities are well maintained and in operation.<sup>181</sup> This implies that prisoners continue to be murdered through executions or torture, or succumb to disease, starvation, or brutal and unsafe working conditions.

The UN COI recommended that “the Security Council could refer the situation in the Democratic People’s Republic of Korea to the International Criminal Court (ICC) based on article 13 (b) of the Rome Statute and Chapter VII of the Charter of the United Nations.”<sup>182</sup> On July 1, 2002, the Rome Statute entered into force to establish the ICC, which was designed to prosecute perpetrators of atrocities.<sup>183</sup> The Court has temporal jurisdiction, which limits it to crimes under its subject matter jurisdiction committed from July 2, 2002 and onwards.<sup>184</sup> As defined in Article 7.1 of the Rome Statute, “crimes against humanity” include, but are not limited to, the following acts “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”:

- (1) murder;
- (2) extermination;
- (3) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (4) torture;
- (5) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (6) persecution against an identifiable group or collectivity; and
- (7) enforced disappearance of persons.<sup>185</sup>

Avenues for legal action are constrained by the fact that North Korea is not a state party to the Rome Statute of the ICC. Nevertheless, “the ICC may have jurisdiction over crimes committed by DPRK citizens if:

- (1) the UN Security Council refers a case to it, acting under Chapter VII of the UN Charter;

180 Ibid., par. 1068.

181 All reports are available at <https://www.hrnk.org/publications/hrnk-publications.php>.

182 UN Human Rights Council, *Report of the detailed findings of the commission of inquiry*, par. 1201 (1).

183 *Rome Statute of the International Criminal Court*, Rome, July 17, 1998, available from [https://www.icc-cpi.int/nr/rdonlyres/e9a9eff7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/e9a9eff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf).

184 Grace M. Kang, “A Case for the Prosecution of Kim Jong Il for Crimes Against Humanity, Genocide, and War Crimes,” 38 *Columbia Human Rights Law Review* 51 (2006), 64.

185 *Rome Statute of the International Criminal Court*, Rome, July 17, 1998, available from [https://www.icc-cpi.int/nr/rdonlyres/e9a9eff7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/e9a9eff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf).

(2) a State Party refers the situation to the ICC; or

(3) the prosecutor initiates an investigation *proprio motu*, pursuant to Article 13 of the Rome Statute.”<sup>186</sup>

With regard to the last option, the ICC Prosecutor’s Office responded in 2010 to a petition from political prison camp survivors by urging them to “consider raising these serious violations with ‘appropriate national or international authorities.’”<sup>187</sup>

## International Human Rights Law and Customary Law

It is very likely that mass graves exist in or near North Korea’s political prison camps. While there is no strict legal definition of mass graves, the term connotes a place where multiple bodies are compiled. Testimony by former prisoners indicates that prisoners buried in mass graves had their limbs broken to reduce their size, or were tightly wrapped, and then were dumped carelessly, cruelly into shallow, unmarked graves in the nearby mountains of the camps. Other accounts recall bodies being cremated. Continued monitoring and identification of suspected mass burial sites in North Korea is critical not only for uncovering atrocities, but also for ensuring accountability.<sup>188</sup>

The most basic and fundamental human right denied in these camps is the right to life. “[T]he right not to be arbitrarily deprived of life ‘is the supreme law of human beings. It follows that the deprivation of life by state authorities is a very serious matter.’”<sup>189</sup> North Korea has a legal obligation under international human rights law to respect and protect the right to life, “including when such persons are held in custody.”<sup>190</sup> According to the International Committee of the Red Cross (ICRC), “The duty to respect and ensure the right to life implies that no one may be arbitrarily deprived of his or her life.” In the case of North Korea’s detention facilities, the right to life is blatantly disregarded and violated. The ICRC report also specifies an obligation to investigate deaths in custody:

***Under human rights law, the prohibition against the arbitrary deprivation of life, read in conjunction with the general obligation to respect and ensure human rights within the State’s jurisdiction, has been interpreted as imposing by implication an obligation to investigate alleged violations of the right to life. This obligation is put into effect whenever a detainee—without injuries when taken into custody—is injured or has died.***<sup>191</sup>

186 Kang, “A Case for the Prosecution of Kim Jong Il,” 63-64.

187 Hawk, *Hidden Gulag Second Edition*, 174.

188 For an example of satellite imagery of mass graves, see North Atlantic Treaty Organization, “Aerial Views used during the Press Conference by NATO Spokesman, Jamie Shea,” May 14, 1999, <http://www.nato.int/kosovo/slides/m990514a.htm>.

189 Human Rights Committee, Communication No. 45/1979, *Case of Suárez Guerrero v. Colombia*, par. 13.1, as cited in International Commission of Jurists, *Enforced Disappearance and Extrajudicial Execution: Investigation and Sanction* (2015), 57, <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2015/12/Universal-Enforced-Disappearance-and-Extrajudicial-Execution-PGN09-Publications-Practitioners-guide-series-2015-ENG.pdf>.

190 International Committee of the Red Cross, *Guidelines for Investigating Deaths in Custody* (2013), 11, <https://www.icrc.org/eng/assets/files/publications/icrc-002-4126.pdf>.

191 *Ibid.*, 12.

Finally, as a state party to the International Covenant on Civil and Political Rights (ICCPR), North Korea has an obligation “[t]o ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.”<sup>192</sup> As *The Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* states, “[t]here shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death.”<sup>193</sup> Family members of these victims have a right to an investigation and may be entitled to reparations.<sup>194</sup> Specifically, the UN Human Rights Committee “found that systematic failure to inform families of the burial sites of executed prisoners violates Article 7 of the ICCPR.”<sup>195</sup>

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192 *International Covenant on Civil and Political Rights*, New York, December 16, 1966, Art. 2(3)(a), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

193 UN Economic and Social Council resolution 1989/65, *The Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* (May 24, 1989), 2, <http://www.ohchr.org/Documents/ProfessionalInterest/executions.pdf>.

194 International Commission of Jurists, *Enforced Disappearance and Extrajudicial Execution*, 159-62.

195 Karen Gulick, “Protection of Family Life,” in *Incorporating the Guiding Principles on Internal Displacement into Domestic Law: Issues and Challenges*, edited by Walter Kälin et al., *Studies in Transnational Legal Policy* 41 (2010): 311, [https://www.brookings.edu/wp-content/uploads/2016/06/0119\\_internal\\_displacement\\_Ch8.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/0119_internal_displacement_Ch8.pdf).

## CONCLUSION

In reference to those innocents that enter the prisons and die in unmarked graves, who are those most responsible for their murder? The answer may not be determined in every specific incident, but there are some solid assumptions that one can make based on the structure and function of the system described in this report as well as former prisoner testimony. The evidence available continues to point toward the Kim regime leadership as the most guilty. Without a doubt, it is Kim Jong-un who is ultimately responsible for the draconian and brutal policies that enable and dictate this treatment. These policies, found by the UN COI<sup>196</sup> to rise to the level of crimes against humanity in both the *kwan-li-so* and *kyo-hwa-so* prisons, lead to the death of prisoners in many cases.

National and local-level leaders within the Ministry of State Security (MSS) and the Ministry of People's Security (MPS), particularly those serving in Bureaus 3 and 7, are directly responsible for carrying out the crimes: of murder; extermination; enslavement; forcible transfer of population; imprisonment in violation of fundamental rules of international law; torture; persecution based on political grounds; sexual violence including forced abortion; enforced disappearances; and food and healthcare deprivation against the prison populations. They stand accused in former prisoner testimony as being guilty of the aforementioned crimes and the Republic of Korea (ROK) government has publicly declared its intent to try those individuals it can identify through this testimony. Furthermore, the responsible secretaries and organizational secretaries of the embedded party committees in the MSS, the MPS, and the North Korean court system, and its judges and prosecutors, are direct enablers of this treatment.

The North Korean Human Rights Documentation Office, which is affiliated with the ROK Ministry of Justice (MOJ), has made a list of 245 North Korean officials who are said to be responsible for North Korean human rights violations. As this office continues to work on collecting this data, the number of North Korean human rights abusers will increase. The ROK MOJ has secured alleged perpetrators' affiliation, place of work, and position, and it has specified the names of 5% of them thus far. The ROK MOJ stated it is still working on specifying their identities. The ROK government announced it will build a database by year's end (2017), and this database will become the basic evidence to hold them criminally liable for human rights abuses after unification.<sup>197</sup> It will be the responsibility of ROK MOJ prosecutors to charge and try in a court of law the appropriate North Korean officials accused of the aforementioned crimes.<sup>198</sup>

The vast majority of inmates at North Korea's political prison camps are innocent, unjustly determined by the Kim regime to have committed the 'crime' of guilt-by-association. The Kim regime and its leadership and enablers must be held accountable for their crimes against humanity in North Korean detention facilities. As a first step, it must acknowledge the existence of its political prison camps,

196 UN Human Rights Council, *Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea*, UN Doc. A/HRC/25/CRP.1 (February 7, 2014), <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>.

197 Yonhap News, "Gov't keeping record of N. Korean perpetrators of human rights violations: sources." (October 30, 2017), <http://english.yonhapnews.co.kr/northkorea/2017/10/30/37/0401000000AEN20171030004900315F.html>.

198 See Committee for Human Rights in North Korea, "An HRNK Interview with Justice Michael Kirby, Former Chair of the UN Commission of Inquiry on Human Rights in the DPRK," *HRNK Insider*, March 10, 2016, <http://www.hrnkinsider.org/2016/03/an-hrnk-interview-with-justice-michael.html>.



notify family members when a loved one has been detained or has perished, and return the remains of the deceased to the family members to provide the victim with a proper burial in peace and dignity. This would at least be a return to Korean cultural norms, which emphasize respect for the dead and the proper marking and maintenance of grave sites.

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