

North Korean Prison Database

VOLUME I

2022

Executive Summary

A vast system of penal facilities extends across North Korea. The construction of these facilities — capable of detaining hundreds of thousands of people suspected or accused of crimes — has enabled extensive and egregious violations of international law with catastrophic human consequences.

Until now, little evidence had been gathered according to the standard of international law for the explicit purpose of holding accountable those implicated in violations of the human rights of individuals detained in North Korean penal facilities. Rarer still has been evidence that identifies individual North Korean perpetrators and links them directly to cases where international law has been violated.

In the first phase of a detailed and exhaustive investigation into violations of international law in North Korea's penal system, **Korea Future has identified 597 perpetrators linked to 5,181 human rights violations committed against 785 detainees in 148 penal facilities.**

Using best practices throughout our investigations to ensure our evidence is admissible in national and international justice settings, we interviewed 259 survivors, perpetrators, and witnesses; documented thousands of pages of testimony; and sourced internal documents and photographic and video evidence from inside North Korea as part of our ongoing investigation. The evidence in this report and currently accessible in the **North Korean Prison Database** is based on 161 of

the 259 interviews. This report serves as an accompaniment to the database.

It is our assessment that the ruling Workers' Party of Korea, with the Supreme Leader Kim Jong Un at the helm, is responsible for, and has exerted de facto authority and control over, state organisations and state agents — from lowly correctional officers to superiors who failed to manage their subordinates — who have committed gross violations of international human rights law, including, but not limited to: arbitrary arrest and detention; systematic torture; widespread starvation; inhumane, overcrowded, and unsanitary conditions of detention; the denial of fair trial rights; pervasive sexual violence; unlawful forced labour; and death resulting from extrajudicial execution.



We have documented sufficient evidence to suggest a potential finding of crimes against humanity, namely that the North Korean state is responsible for a systematic and widespread attack directed against a civilian population. Our evidence demonstrates a context, scale, and pattern of far-reaching violence that we believe may amount to the furtherance of a state or organisational policy that was first documented by a 2014 United Nations Commission of Inquiry.

What is happening in North Korea's penal system is not simply the detention and brutalisation of political enemies of the state, as is customary belief. Nor are the majority of violations restricted to the country's infamous political prison camps. Rather, we are documenting how arbitrary mass detention and penal violence are wielded against all categories of detainee — from persons who are alleged to have committed common crimes, including theft and assault, to those who are alleged to have committed so-called 'political crimes,' including engaging South Korean individuals or engaging in prayer. Even children are not being spared.

A deliberate focus of our work is the acceleration of justice and accountability, particularly where positive international law exists to enforce responsibility and a growing range of mechanisms enable stakeholders to challenge impunity for international human rights law violations and international crimes. For that reason, we are placing our full archive of crime-base evidence at the disposal of international and national justice actors on request. **To support legal practitioners, policymakers, civil society organisations, researchers, and journalists, we are also making select data from our archive freely accessible at our North Korean Prison Database.**

What is presented in this report is plain evidence of incidence — specifically, patterns of human rights violations that have been perpetrated by state agents in state-run penal facilities against detainees. We include four individual cases that shine a light on the devastating human impact of arbitrary mass detention. To expose the insidious and often hidden violence inflicted upon detainees — from deficient food rationing to brutal beatings and sexual assault — we also include materials that spotlight systematic brutality. **Each of these elements serves the same purpose: to ensure that justice can be served.**

■

Key Findings

Violations of International Human Rights Law

We find the North Korean state responsible for gross violations of international human rights law resulting from its failure to meet its legal obligations to detainees in the penal system.¹ Of particular relevance to this report are violations of North Korea's legal obligations related to the right to personal liberty and security of person; the right to a fair trial; the right to be free from torture or cruel, inhuman or degrading treatment or punishment; the right to be free from rape; the right to be free from gender discrimination; the right to health; the right to life; the right to be free from forced labour; the right to freedom of expression and opinion; the rights of juvenile detainees; the rights of persons with disabilities; and the right to freedom of thought, conscience, religion, or belief.



Denial of Health

We find the North Korean state responsible for gross and systematic violations of the right to health that amount to contraventions of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC), alongside the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty; and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

Our evidence shines a light on dangerous conditions of detention across the penal system that directly risk the health and wellbeing of detainees. In **1,047** cases, we documented how detainees were denied access to mental, physical, maternal, and reproductive healthcare. These acts were often exacerbated by the denial of drinking water (**956** cases) and the denial of food (**1,123** cases). An absence of sanitation was characteristic of many penal facilities (**1,034** cases) and detainees were forbidden by correctional officers from maintaining personal hygiene through washing their bodies and laundering their clothing (**1,095** cases).

Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

We find the North Korean state responsible for gross and systematic violations of the right to freedom from torture and cruel, inhuman, or degrading treatment or punishment. This amounts to contraventions of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT); the Universal Declaration of Human Rights (UDHR); the International Covenant on Civil and Political Rights (ICCPR); and the CRC, in addition to the Mandela Rules; the United Nations Rules for the Protection of Juveniles Deprived of their Liberty; the Bangkok Rules; the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or

Imprisonment; the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Basic Principles for the Treatment of Prisoners.

Our evidence demonstrates that systematic and egregious forms of torture and wide-ranging acts of cruel, inhuman, or degrading treatment or punishment have occurred across the penal system. At their most brutal, these violations amounted to severe physical assault, including corporal punishment (**452** cases) and positional torture (**321** cases). At their most cruel, acts perpetrated against detainees included forced abortions (**35** cases).

Arbitrary Deprivation of Liberty

We find the North Korean state responsible for gross and systematic violations of the right to be free from arbitrary deprivation of liberty. This amounts to contraventions of the ICCPR and the UDHR, alongside the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Mandela Rules, among others.

We documented **512** cases where a detainee's liberty had been arbitrarily deprived. Persons suspected of crimes were detained without prompt notice of their charges (**152** cases) and without a valid arrest warrant (**92** cases). In **160** cases, detention was not authorised by a judge or judicial officer, and detainees were not provided access to legal assistance in **224** cases. In **212** cases where the deprivation of liberty was arbitrary in its character, proceedings for release from detention were not initiated by judicial actors. The exercise of the rights or freedoms guaranteed by the UDHR and the ICCPR led to the arrest and detention of hundreds of victims who simply exercised their freedom

of expression (**57** cases), freedom of movement (**397** cases), and freedom of religion or belief (**43** cases).

Forced Labour

We find the North Korean state responsible for gross violations of the right to be free from forced labour. This amounts to contraventions of the ICCPR and the Convention Concerning Forced or Compulsory Labour, alongside the Basic Principles for the Treatment of Prisoners and the Mandela Rules.

Compulsory labour performed by detainees may only be exacted as a consequence of a conviction in a court of law. Detainees who have been subjected to arbitrary deprivation of liberty, who are awaiting trial, who have not been sentenced, or who have been sentenced without trial cannot be forced to perform labour. We documented **359** cases of forced labour, including detainees subjected to forced labour who had experienced arbitrary detention and detainees who had not received a judicial sentence.

Rape and Other Forms of Sexual Violence

We find the North Korean state responsible for gross violations of the right to be free from rape and sexual violence. International human rights law does not comprehensively define rape and other forms of sexual violence. However, acts for which the North Korean state is responsible amount to contraventions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Bangkok Rules; the United Nations Declaration on the Elimination of Violence against Women; and the Rome Statute of the International Criminal Court.

We documented how cases of sexual violence assumed a gendered role inside North Korea's penal system. Though women and girls are not the only victims of rape and sexual violence, in our documentation, the majority of the victims were women. We documented multiple forms of rape — including penetrative acts with body parts (**16** cases) — and other forms of sexual assault (**20** cases).

Unlawful or arbitrary body searches, including internal body cavity searches conducted in front of other detainees, constituted the majority of cases of sexual violence (**115** cases).

Denial of the Right to Life

We find the North Korean state responsible for gross violations of the right to life that amount to contraventions of the ICCPR and the UDHR, among others.

Large numbers of detainees were denied the right to life through the failure of the North Korean state to provide for a safe physical environment in detention (**9** cases) and to prevent torture or cruel, inhuman, or degrading treatment in detention (**108** cases). Infanticide was present in **four** cases alongside extrajudicial, summary, or arbitrary executions of detainees (**five** cases). In **22** cases, there were no official investigations into deaths of detainees in custody.

Denial of the Right to a Fair Trial

We find the North Korean state to be responsible for gross violations of the right to a fair trial that amount to breaches of the ICCPR, the UDHR, and the CRC, among others.

Fundamental legal elements constituting a fair trial were widely violated. In **129** cases, detainees were not heard by an independent and transparent judiciary or tribunal; in **124** cases, detainees were denied the presumption of innocence; and in **114** cases, detainees were denied access to legal aid. Pre-trial detainees were not provided adequate time and facilities for preparation of their defence in **110** cases and compromised evidence extracted under duress was used against detainees in **64** cases.

Vulnerable Detainees

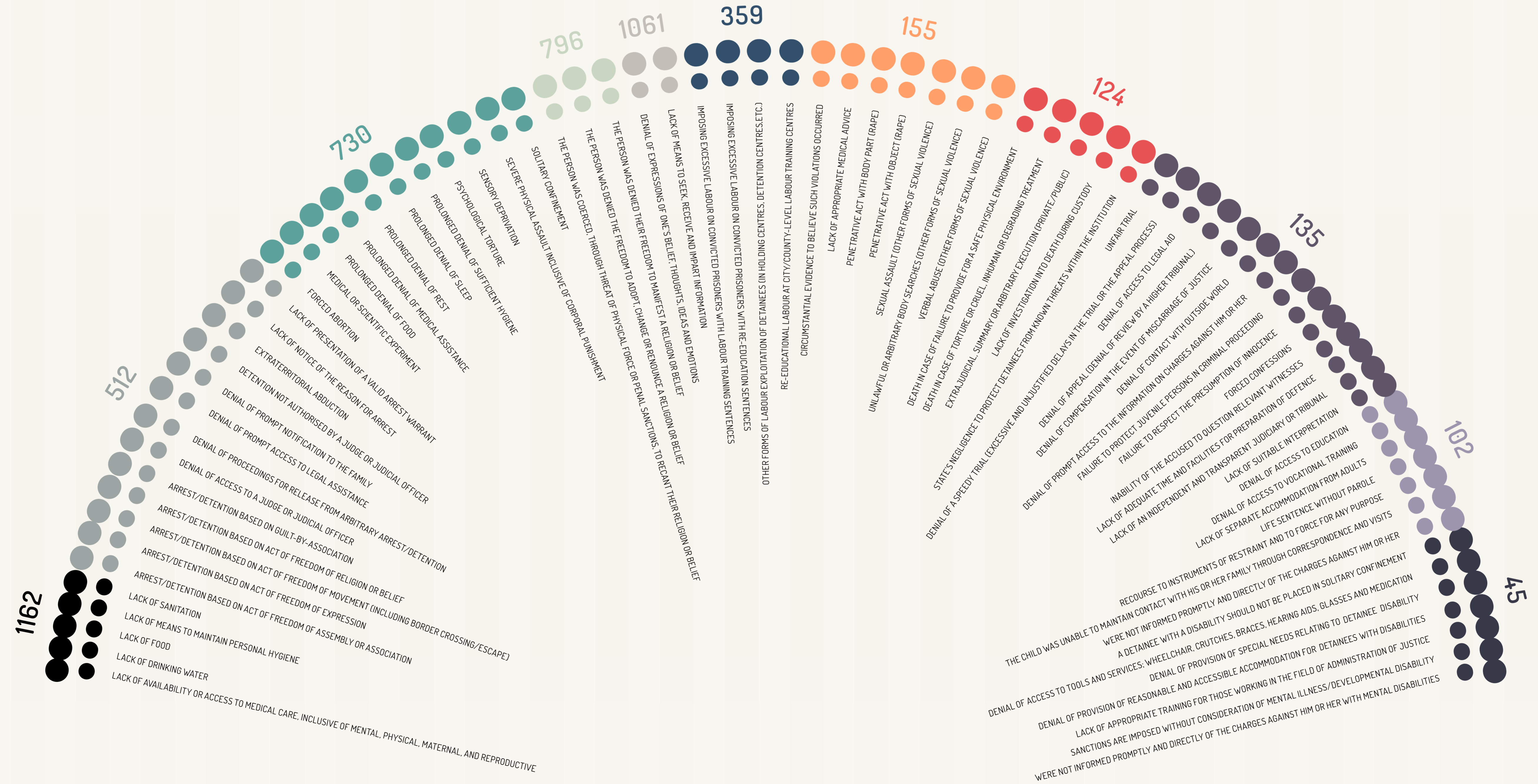
We find the North Korean state responsible for widespread violations

of international human rights law protecting vulnerable detainee populations, in particular women detainees, juvenile detainees, and detainees with disabilities. These amount to contraventions of the CRC, the Convention on the Rights of Persons with Disabilities, the ICESCR, and the ICCPR, alongside standards such as the Bangkok Rules, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

Women detainees, juvenile detainees, and detainees with disabilities were particularly vulnerable to violations. Juvenile detainees, including those aged 0–9, were not separated from cells containing adults in **97** cases and were subjected to instruments of restraint and force (**35** cases) and were unable to maintain family contact through correspondence and visits (**32** cases). Detainees with a disability were denied access to critical tools and services, such as wheelchairs, crutches, and medication (**31** cases), accessible accommodation (**28** cases), and were denied specialist assistance with their needs (**42** cases).

Violations of International Law

- 1162 • DENIAL OF HEALTH
- 512 • ARBITRARY DEPRIVATION OF LIBERTY
- 730 • TORTURE & CRUEL, INHUMAN, OR DEGRADING TREATMENT
- 796 • DENIAL OF THE RIGHT TO FREEDOM OF CONSCIENCE, THOUGHT, AND RELIGION
- 1061 • DENIAL OF FREEDOM OF EXPRESSION
- 359 • FORCED LABOUR
- 155 • RAPE AND OTHER FORMS OF SEXUAL VIOLENCE
- 124 • DENIAL OF THE RIGHT TO LIFE
- 135 • DENIAL OF THE RIGHT TO A FAIR TRIAL
- 102 • DENIAL OF THE RIGHTS OF JUVENILE DETAINEES
- 45 • DENIAL OF THE RIGHTS OF DETAINEES WITH DISABILITIES



1162

LACK OF AVAILABILITY OR ACCESS TO MEDICAL CARE, INCLUSIVE OF MENTAL, PHYSICAL, MATERNAL, AND REPRODUCTIVE
 LACK OF DRINKING WATER
 LACK OF FOOD
 LACK OF SANITATION
 LACK OF MEANS TO MAINTAIN PERSONAL HYGIENE

512

ARREST/DETENTION BASED ON ACT OF FREEDOM OF EXPRESSION
 ARREST/DETENTION BASED ON ACT OF FREEDOM OF MOVEMENT (INCLUDING BORDER CROSSING/ESCAPE)
 ARREST/DETENTION BASED ON ACT OF FREEDOM OF RELIGION OR BELIEF
 ARREST/DETENTION BASED ON GUILT-BY-ASSOCIATION
 ARREST/DETENTION BASED ON ACT OF FREEDOM OF MOVEMENT (INCLUDING BORDER CROSSING/ESCAPE)
 DENIAL OF ACCESS TO A JUDGE OR JUDICIAL OFFICER
 DENIAL OF PROCEEDINGS FOR RELEASE FROM ARBITRARY ARREST/DETENTION

730

PROLONGED DENIAL OF REST
 PROLONGED DENIAL OF SLEEP
 PSYCHOLOGICAL TORTURE
 SENSORY DEPRIVATION
 SEVERE PHYSICAL ASSAULT INCLUSIVE OF CORPORAL PUNISHMENT
 SOLITARY CONFINEMENT
 THE PERSON WAS COERCED, THROUGH THREAT OF CORPORAL PUNISHMENT
 THE PERSON WAS DENIED THE FREEDOM TO ADOPT CHANGE OR RENOUNCE A RELIGION OR BELIEF
 THE PERSON WAS DENIED THEIR FREEDOM TO MANIFEST A RELIGION OR BELIEF

796

IMPOSING EXCESSIVE LABOUR ON CONVICTED PRISONERS WITH LABOUR TRAINING SENTENCES
 LACK OF MEANS TO SEEK, RECEIVE AND IMPART INFORMATION
 DENIAL OF EXERCISIONS OF ONE'S BELIEFS, THOUGHTS, IDEAS AND EMOTIONS

1061

RE-EDUCATIONAL LABOUR AT CITY/COUNTY-LEVEL LABOUR TRAINING CENTRES
 CIRCUMSTANTIAL EVIDENCE TO BELIEVE SUCH VIOLATIONS OCCURRED

359

RE-EDUCATIONAL LABOUR AT CITY/COUNTY-LEVEL LABOUR TRAINING CENTRES
 CIRCUMSTANTIAL EVIDENCE TO BELIEVE SUCH VIOLATIONS OCCURRED

155

UNLAWFUL OR ARBITRARY BODY SEARCHES (OTHER FORMS OF SEXUAL VIOLENCE)
 VERBAL ABUSE (OTHER FORMS OF SEXUAL VIOLENCE)
 DEATH IN CASE OF FAILURE TO PROVIDE FOR A SAFE PHYSICAL ENVIRONMENT
 EXTRA-JUDICIAL SUMMARY OR ARBITRARY EXECUTION (PRIVATE/PUBLIC)

124

STATE'S NEGLIGENCE TO PROTECT DETAINEES FROM KNOWN THREATS WITHIN THE INSTITUTION
 DENIAL OF APPEAL (DENIAL OF THE TRIAL OR THE APPEAL PROCESS)
 DENIAL OF COMPENSATION IN THE EVENT OF MISARRIAGE OF JUSTICE

135

INABILITY OF THE ACCUSED TO QUESTION RELEVANT WITNESSES
 LACK OF ADEQUATE TIME AND FACILITIES FOR PREPARATION OF DEFENCE
 LACK OF ACCESS TO EDUCATION
 DENIAL OF PROMPT ACCESS TO THE INFORMATION ON CHARGES AGAINST HIM OR HER

102

RECURSE TO INSTRUMENTS OF RESTRAINT AND TO FORCE FOR ANY PURPOSE
 LACK OF SEPARATE ACCOMMODATION FOR DETAINEES WITH DISABILITIES
 LIFE SENTENCE WITHOUT PAROLE
 DENIAL OF ACCESS TO VOCATIONAL TRAINING

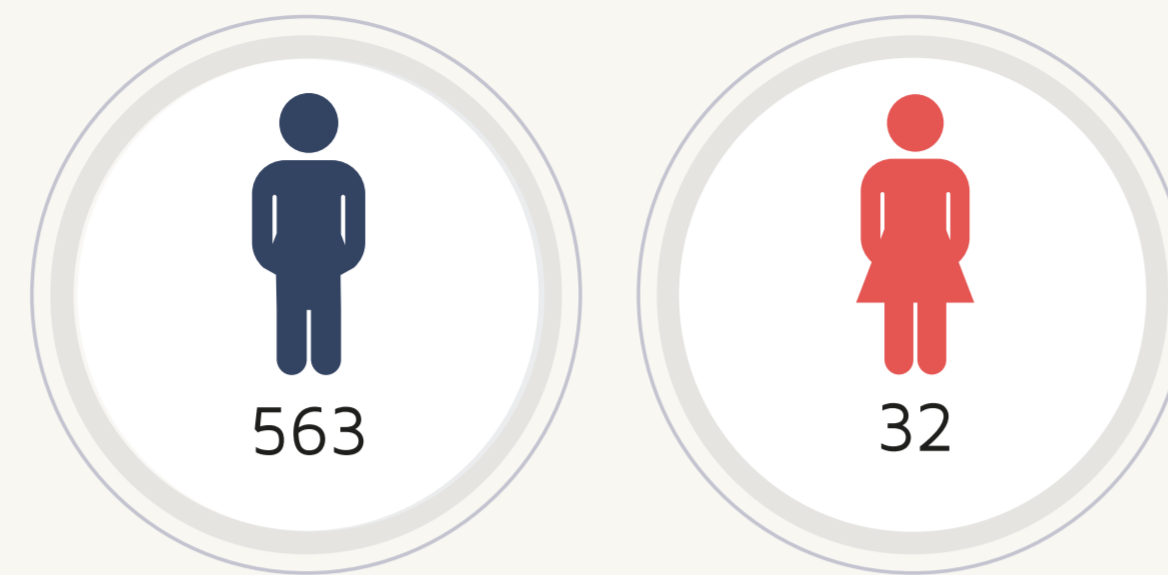
45

THE CHILD WAS UNABLE TO MAINTAIN CONTACT WITH HIS OR HER FAMILY THROUGH CORRESPONDENCE AND VISITS
 WERE NOT INFORMED PROMPTLY AND DIRECTLY OF THE CHARGES AGAINST HIM OR HER
 A DETAINEE WITH A DISABILITY SHOULD NOT BE PLACED IN SOLITARY CONFINEMENT
 DENIAL OF ACCESS TO TOOLS AND SERVICES: WHEELCHAIR, CRUTCHES, BRACES, HEARING AIDS, GLASSES AND MEDICATION
 DENIAL OF PROVISION OF REASONABLE AND ACCESSIBLE ACCOMMODATION FOR DETAINEES WITH DISABILITIES
 SANCTIONS ARE IMPOSED WITHOUT CONSIDERATION OF MENTAL ILLNESS/DEVELOPMENTAL DISABILITY
 WERE NOT INFORMED PROMPTLY AND DIRECTLY OF THE CHARGES AGAINST HIM OR HER WITH MENTAL DISABILITIES

597 Perpetrators

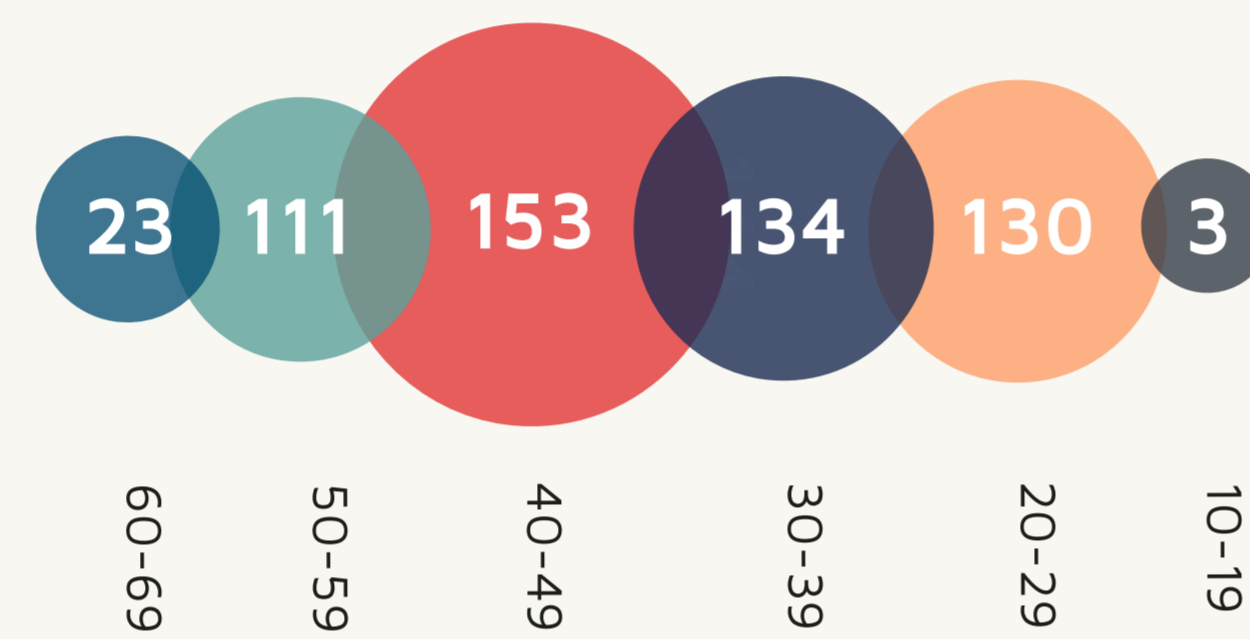
GENDER

UNKNOWN/WITHHELD: 2



AGE

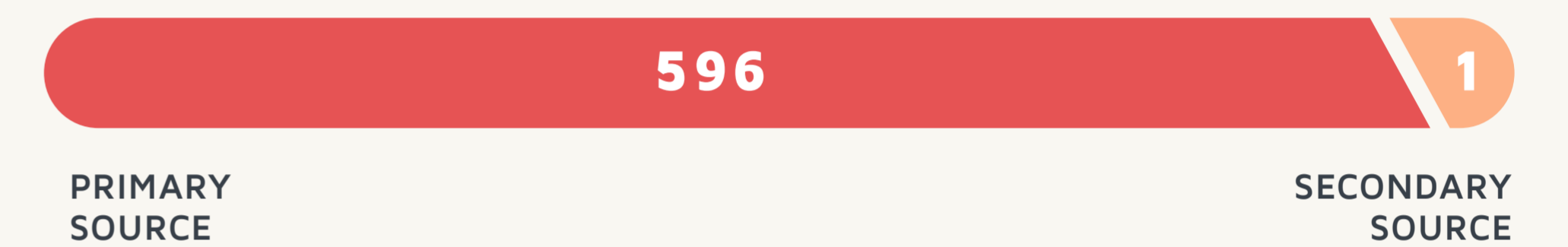
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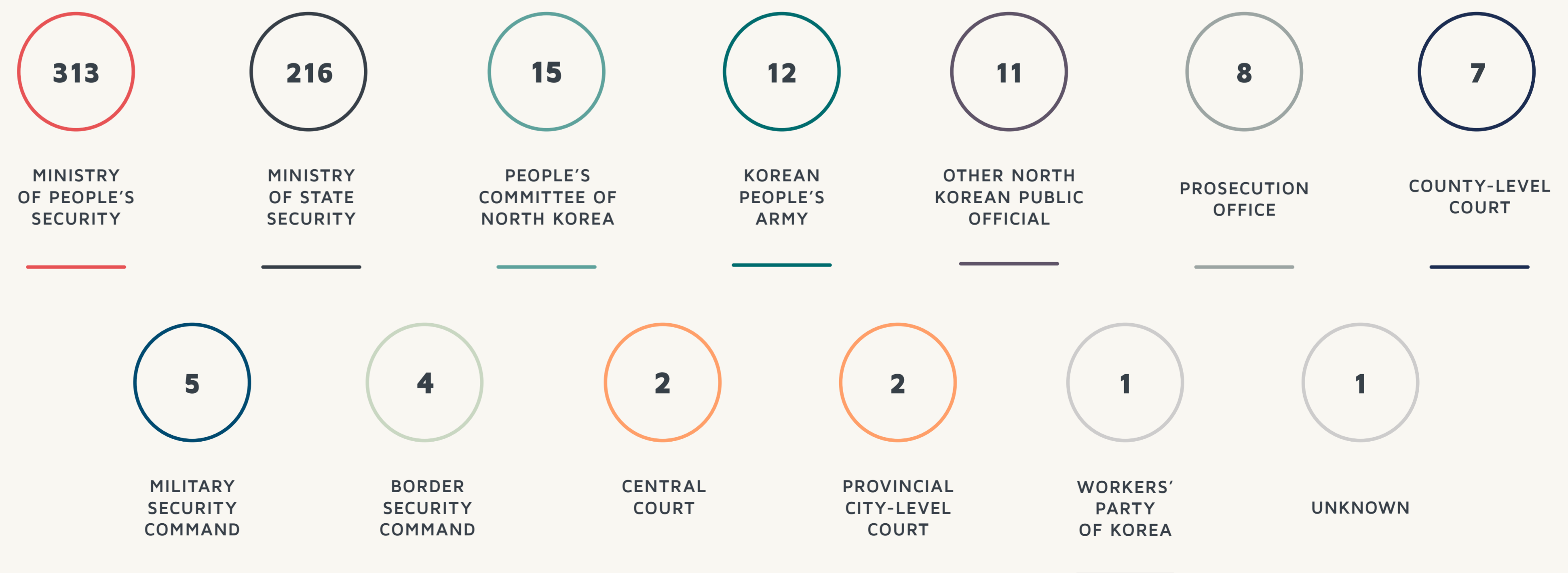
IDENTITY



SOURCE TYPE



AFFILIATION



Perpetrator Ranks



MAJOR GENERAL

SOJANG

4



BRIGADIER GENERAL

TAEJWA

8



COLONEL

SANGJWA

10



LIEUTENANT COLONEL

JUNGJWA

28



MAJOR

SOJWA

45



CAPTAIN

TAEWI

79



SENIOR LIEUTENANT

SANGWI

37



LIEUTENANT

JUNGWI

38



JUNIOR LIEUTENANT

SOWI

34



SERGEANT MAJOR

TEUKMU SANGSA

28



MASTER SERGEANT

SANGSA

10



SERGEANT FIRST CLASS

JUNGSA

10



STAFF SERGEANT

HASA

16



SERGEANT

SANGGUP BYONGSA

17



CORPORAL

JUNGGUP BYONGSA

7



LANCE CORPORAL

CHOGUP BYONGSA

7

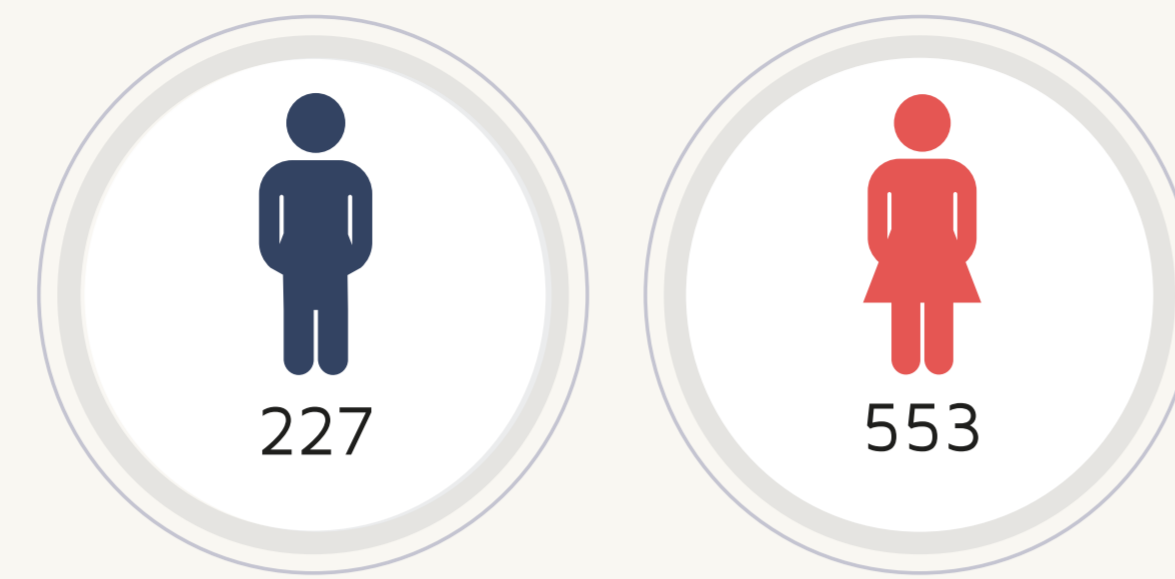
OTHER 10

UNKNOWN 209

785 Detainees

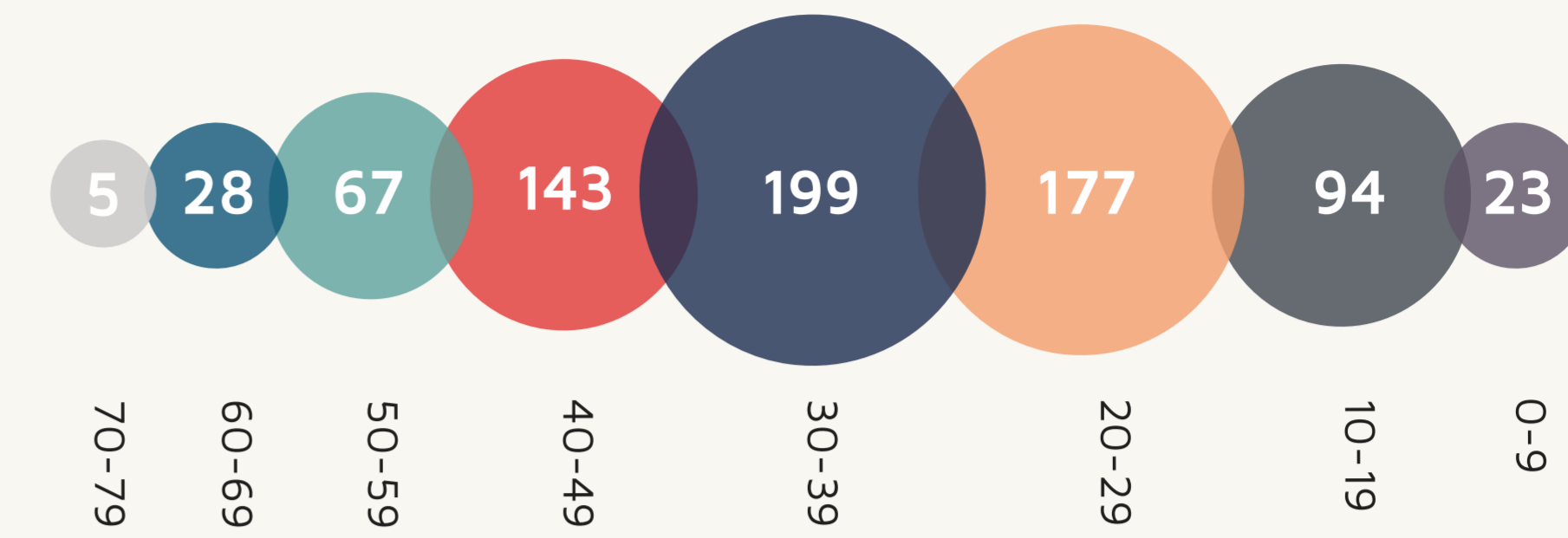
GENDER

UNKNOWN/WITHHELD: 5



AGE

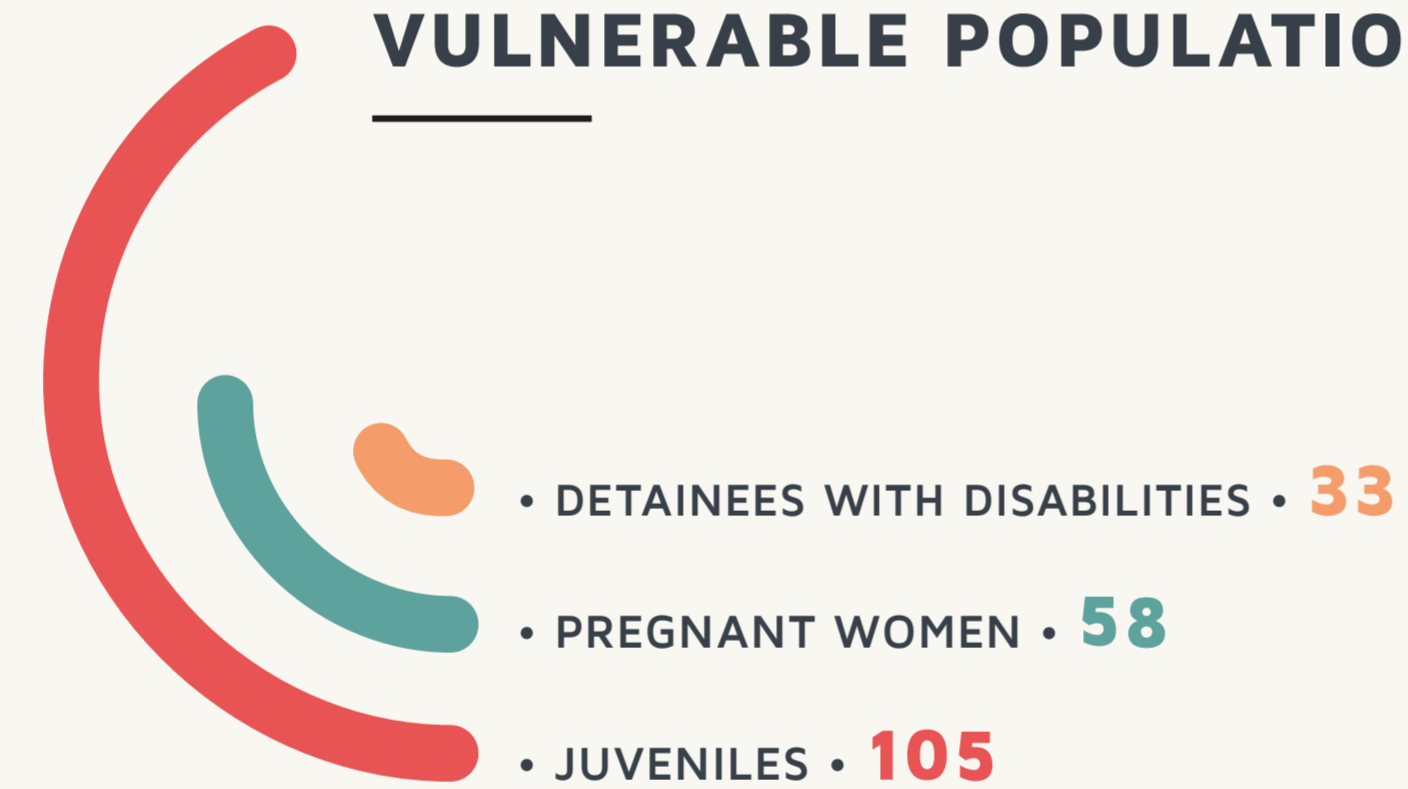
UNKNOWN/WITHHELD: 49



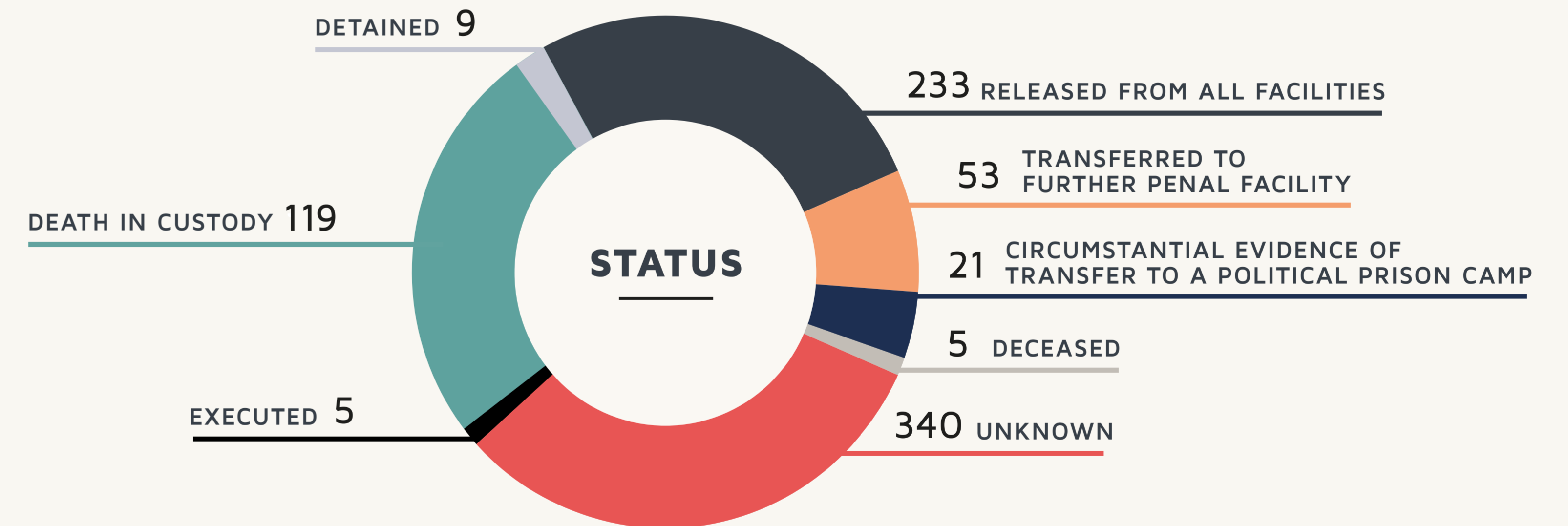
IDENTITY



VULNERABLE POPULATION



STATUS



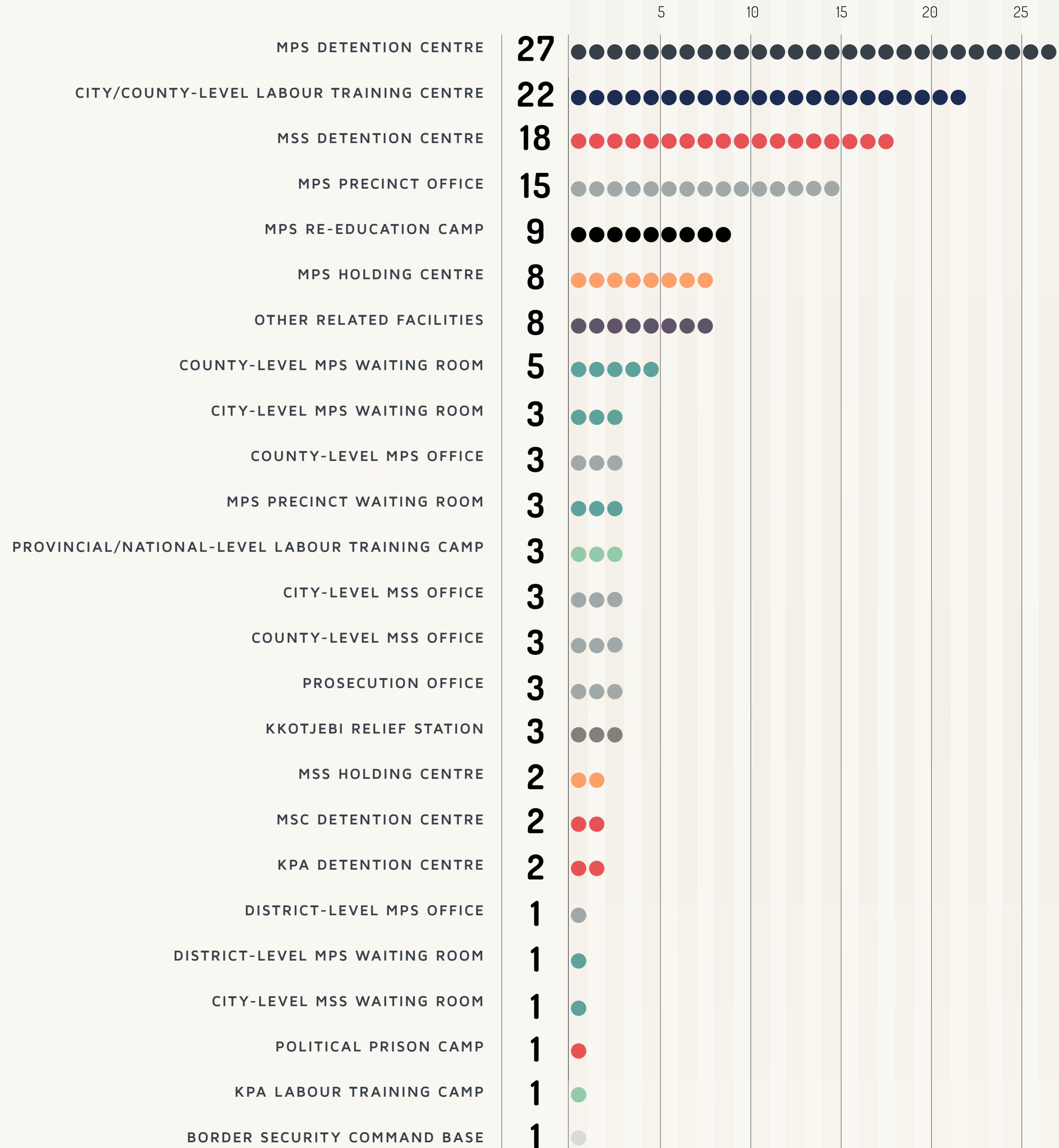
PENAL FACILITY



148

Penal Facilities

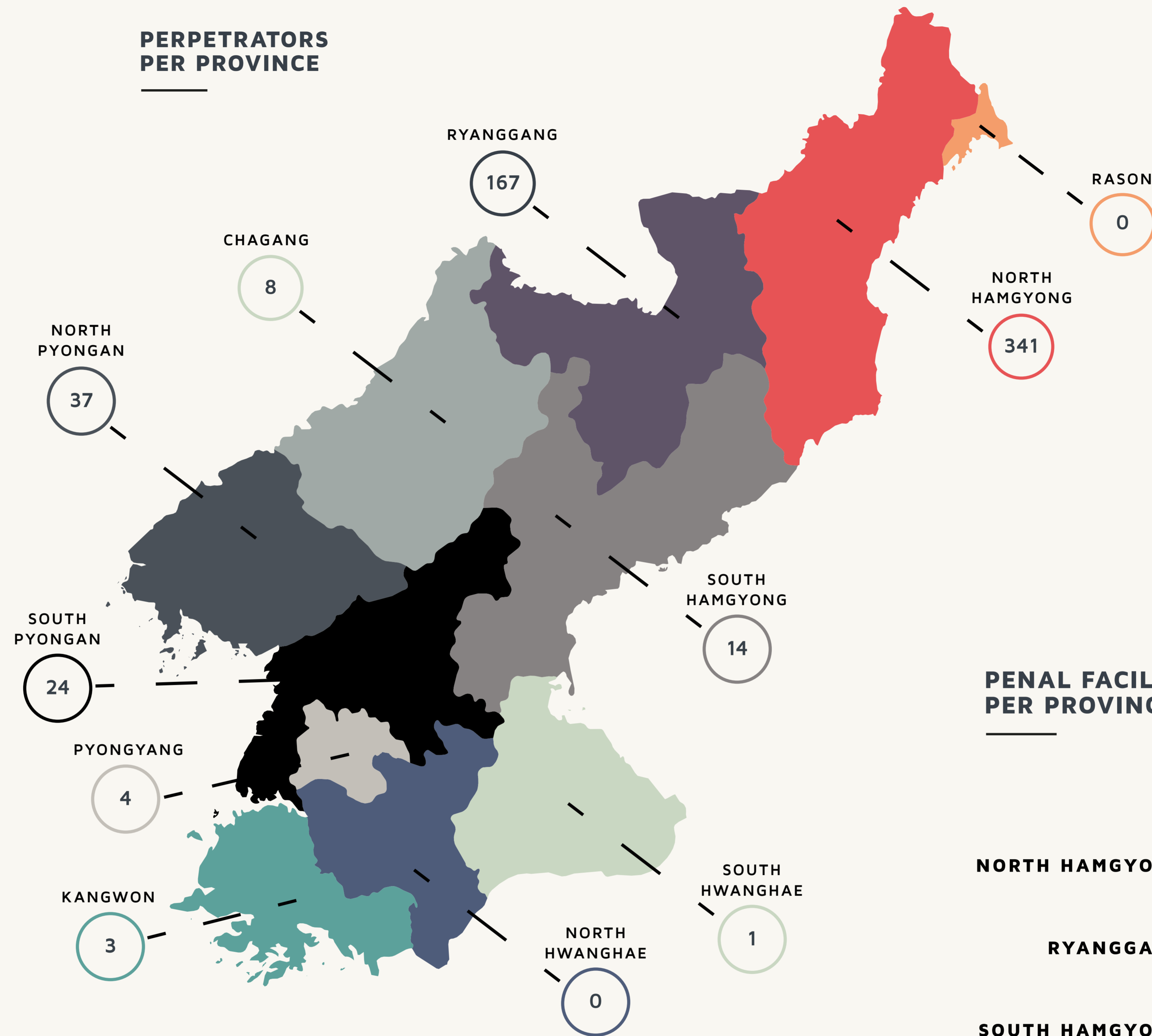
TYPE OF FACILITY



148

Penal Facilities

PERPETRATORS PER PROVINCE



PENAL FACILITIES PER PROVINCE



Recommendations



To the international community:

Ensure that the cessation of acts amounting to crimes against humanity is placed on the agenda of any diplomatic engagement with the Workers' Party of Korea and its organs.

Fund and prioritise the collection of linkage evidence; namely, evidence that links high-level political actors to crimes committed by lower-level perpetrators. This evidence may become central to cases for future prosecution.

Build support within the United Nations General Assembly to establish, by resolution, a mechanism to assist in the investigation and prosecution of persons responsible for violations and crimes under international law in North Korea.

Support and build the capacity of civil society organisations to collect crime-base evidence — namely, direct or indirect evidence of crimes from witnesses or survivors who were present when violations of international law were committed — in accordance with an international law standard to enable its use in future justice and accountability interventions. Training in investigative standards in particularly demanding areas of documentation, including rape and other forms of sexual violence, will be critical.

States with 'Magnitsky'-style sanctions regimes must consider targeting individuals identified in this report as responsible for gross violations of international law in North

Korea's penal system. Given the particular situation of North Korea, sanctions should not be restricted to those with superior responsibility and should extend to low-ranking state agents.



To the United Nations Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea:

Investigate findings documented in this report, in particular of arbitrary imprisonment, torture, enforced disappearance of persons, and other inhumane acts that may have been committed as part of officially sanctioned, widespread, and systematic attacks against the civilian population.

Clearly signal prospects for accountability for North Korean state agents who violate international law, in order to deter future abuses and to create incentives for state agents to modify their behaviour. While the gains may not be immediately apparent, it will serve to create momentum and strengthen global action around the principles of international justice.



To the United Nations Security Council:

Refer the situation in North Korea to the Prosecutor of the International Criminal Court.

Findings and contents of this report are based on primary evidence contained in the North Korean Prison Database, a comprehensive and growing archive of violations of international law that have transpired in the North Korean penal system. It is created and administered by Korea Future.

The North Korean Prison Database holds evidence that identifies perpetrators and their links to state organisations and penal facilities, and the violations for which they are responsible. It holds evidence of detainees, including their current status, the violations they experienced, and the facilities in which they were detained, alongside the identities of their perpetrators. And, uniquely, the database breaks down the specific legal elements of every single documented violation of international law, including specific constituting acts.

Our full archive of crime-base evidence is available to international and national justice actors on request. Select evidence stored in the North Korean Prison Database is freely available to legal practitioners, policymakers, civil society organisations, researchers, and journalists. For information about our working methods, refer to our Methodology in Appendix 1.



North Korean Penal System

Established under the Soviet Civil Administration in early November 1945, the North Korean penal system was a contemporary of the infamous Gulag system of the Communist Party of the Soviet Union and the Laogai system of the Chinese Communist Party. Originally overseen by the Police Department of North Korea, its Prison Division took responsibility for managing the newly-formed country's penal facilities and up to 8,000 detainees.²

The Soviet Civil Administration Directorate's final report in 1948 marks the last external account of imprisonment documented from inside North Korea. From that moment, independent human rights monitors have been denied access and detainees have been forbidden from sharing their experiences upon release.

Under seven decades of rule by the Workers' Party of Korea (WPK), North Korea's penal system has grown to include hundreds of facilities under the responsibility of several state organisations. The Ministry of People's Security (MPS), the Ministry of State Security (MSS), and the People's Committee of North Korea (PCNK) are prominent in this regard.³

The MPS is analogous to a national police force in other nations, but serves a party-political function in North Korea due to it being subject to WPK control. It conducts law enforcement activities according to the criminal code and is directly responsible for 78 penal facilities documented in the North Korean Prison Database.



The MSS is an intelligence agency with an official mission to protect the Kim family and the political system by uncovering citizens and foreign nationals engaged in espionage, anti-party, or anti-revolutionary activities — commonly termed ‘political crimes.’ It is directly responsible for 28 penal facilities documented in the North Korean Prison Database.

People’s Committees are administrative bodies that operate on the city/county, provincial, and national levels, overseeing labour training centres and *kkotjebi* relief stations that house homeless people. They are responsible for the management of 22 penal facilities documented in the North Korean Prison Database.

Three principal systems of sentencing exist in North Korea. The first involves a public prosecution process managed by the MPS and the Prosecutor’s Office, according to the criminal code. Generally, persons sent to trial through the public prosecution process are heard before courts composed of a prosecutor, a judge, a defence lawyer, and lay persons selected by People’s Committees for their party loyalty. Detainees are rarely afforded the right to legal counsel, but where legal representation does occur, this takes the form of state-assigned criminal defence lawyers belonging to the Central Defence Attorney League, which is an organisational unit of the WPK with a duty to the state and to political reporting, rather than to defending the accused. To signal consequences for criminal acts, selected trials take place in stadiums, city or town squares, and other public locations under similar settings to regular trials.

The second system involves *in-camera* trials managed by the MSS. Persons charged by the MSS for political crimes are tried only in the presence of select state agents. Credible evidence of executions following these trials has been documented in cases concerning religious adherents.

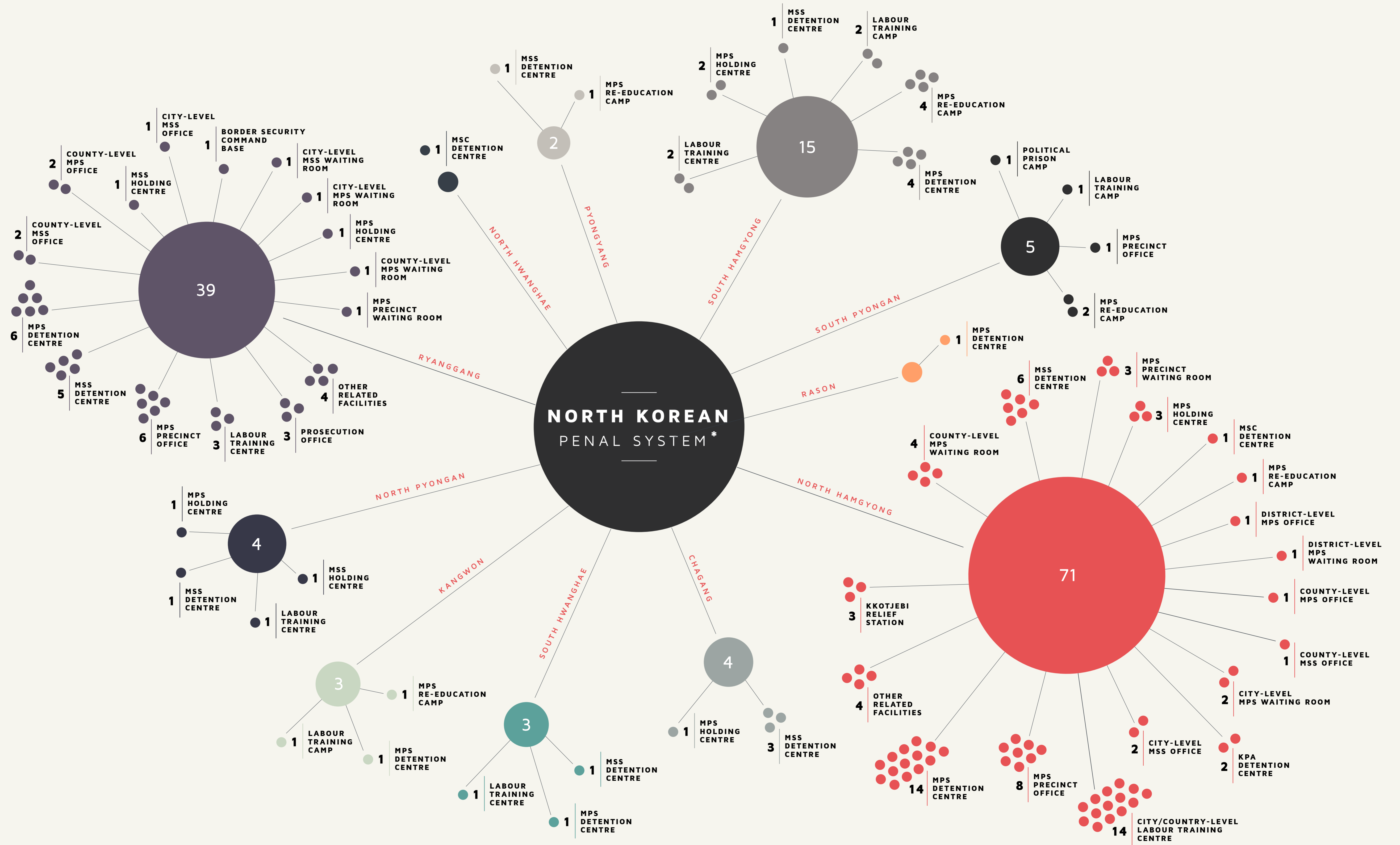
The third involves non-judicial Regional Security Committees who meet weekly and monthly to decide on administrative penalties for pre-trial detainees. Cases deemed non-political and minor breaches of the criminal code are heard under the Administrative Punishment Law. These cases do not go to trial and incur administrative penalties that typically constitute 1–6 months of forced labour to be served at city or county-level labour training centres. Administrative penalties can be delivered during public criticism sessions that are overseen by provincial level authorities and which gather students and citizens from local workplaces and People’s Units.

While there is much we cannot know about North Korea’s penal system — for example, we cannot know the size of the detainee population — we can attribute responsibility for both the daily management of penal facilities and the political oversight over their organisation and staff under the WPK. This is helpful as we document and retain the names and affiliations of perpetrators, their ranks, and other identifying information, including the facilities in which violations took place.

Responsibility for documented violations of international law exist on many levels, including on legal, political, and moral grounds. Ultimately, however, under international human rights law, it is the North Korean state that assumes primary responsibility for human rights violations. Where a crime under international law has taken place, state agents, which include organisations exercising legislative, judicial, and executive functions and individuals in positions to invoke the state’s responsibility under international law, may assume individual criminal responsibility.

The North Korean state is obliged to respect, protect, and fulfil all human rights. It must refrain from interfering with the enjoyment of the rights of persons deprived of their liberty. It must prevent violations of rights afforded to detainees by others. And it must take appropriate legislative, administrative, and judicial actions towards the full realisation of these rights afforded to detainees, including through compliance with international treaties, such as the ICCPR and the ICESCR. Although not all state omissions fit comfortably within these three categories, it is suggestive of documented violations of international law that may be considered systematic and widespread evidence of the failure of the WPK to meet the state’s various obligations, signalling further prospects for individual criminal responsibility.

■



* THIS IS A PARTIAL MAPPING OF THE PENAL SYSTEM BASED ON AN INITIAL 9 MONTHS OF INVESTIGATIONS. THE MAP WILL EXPAND AS WE CONTINUE OUR INVESTIGATIONS.

Since the release of the United Nations Commission of Inquiry report in 2014, various efforts have focused on gathering evidence for use in future accountability and justice mechanisms. When establishing international crimes, such as genocide or crimes against humanity, it is necessary to distinguish between those who are perpetrators because they planned, prepared, or executed a crime and those who are perpetrators due to their command responsibility for the actions of subordinates. Certain observations regarding North Korean chains of command are relevant in this regard.

The institutions responsible for managing penal facilities where systematic human rights violations have been documented — including the MPS, MSS, and PCNK — do not have standalone chains of command. One factor is related to internal guidance provided continuously by embedded WPK committees. This guidance is exercised over administrative entities and inside the facilities where direct perpetrators engage in the ground-level work of committing violations of international law.

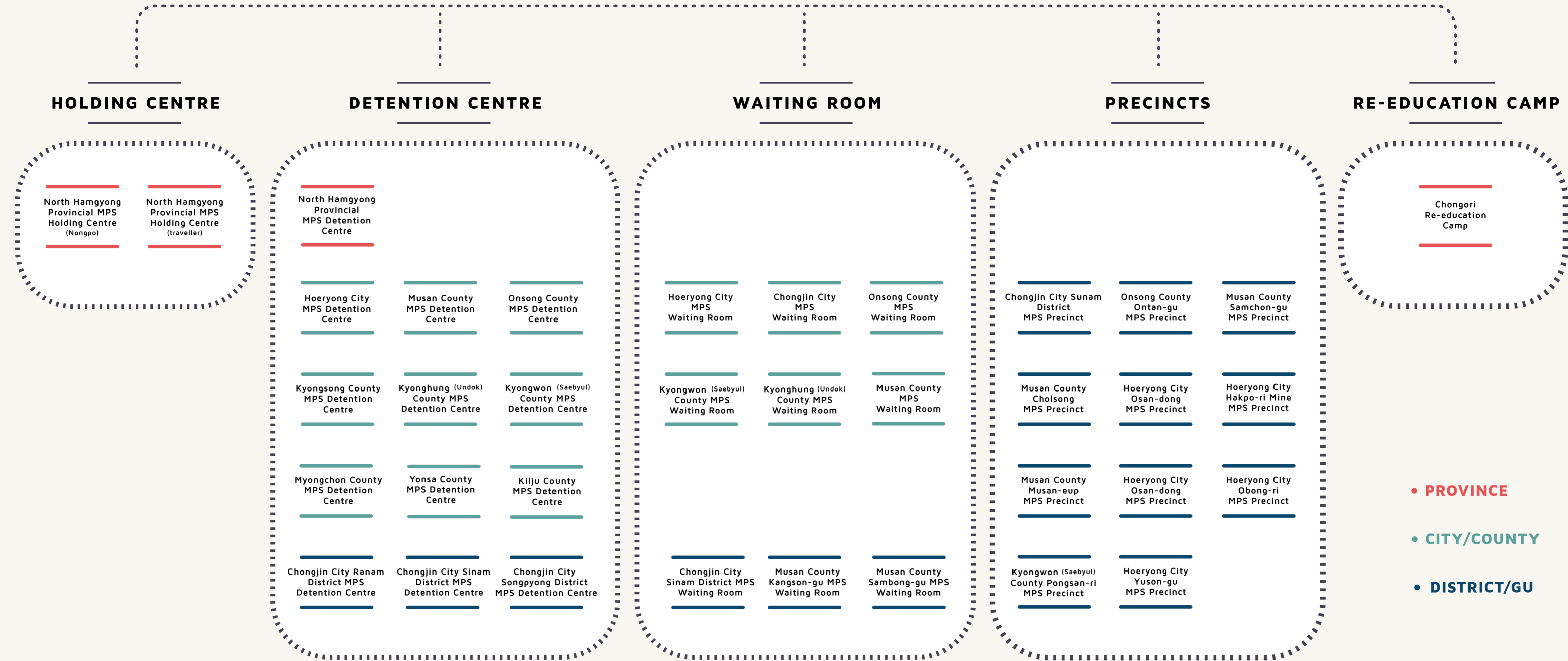
Another factor is the granularity and extent of WPK control and influence over state agents, including over direct perpetrators, indirect perpetrators, and military or paramilitary leaders who may be investigated regarding their command or superior responsibility because of their position in the administrative hierarchy. Indications of a systematic exercise of authority and power by committees and agents of the WPK suggest that it is a norm rather than an exception that unity of command is fractured in North Korea.

It remains beyond the scope of this report to comment in further detail on the subject but this explanation is included for two reasons.

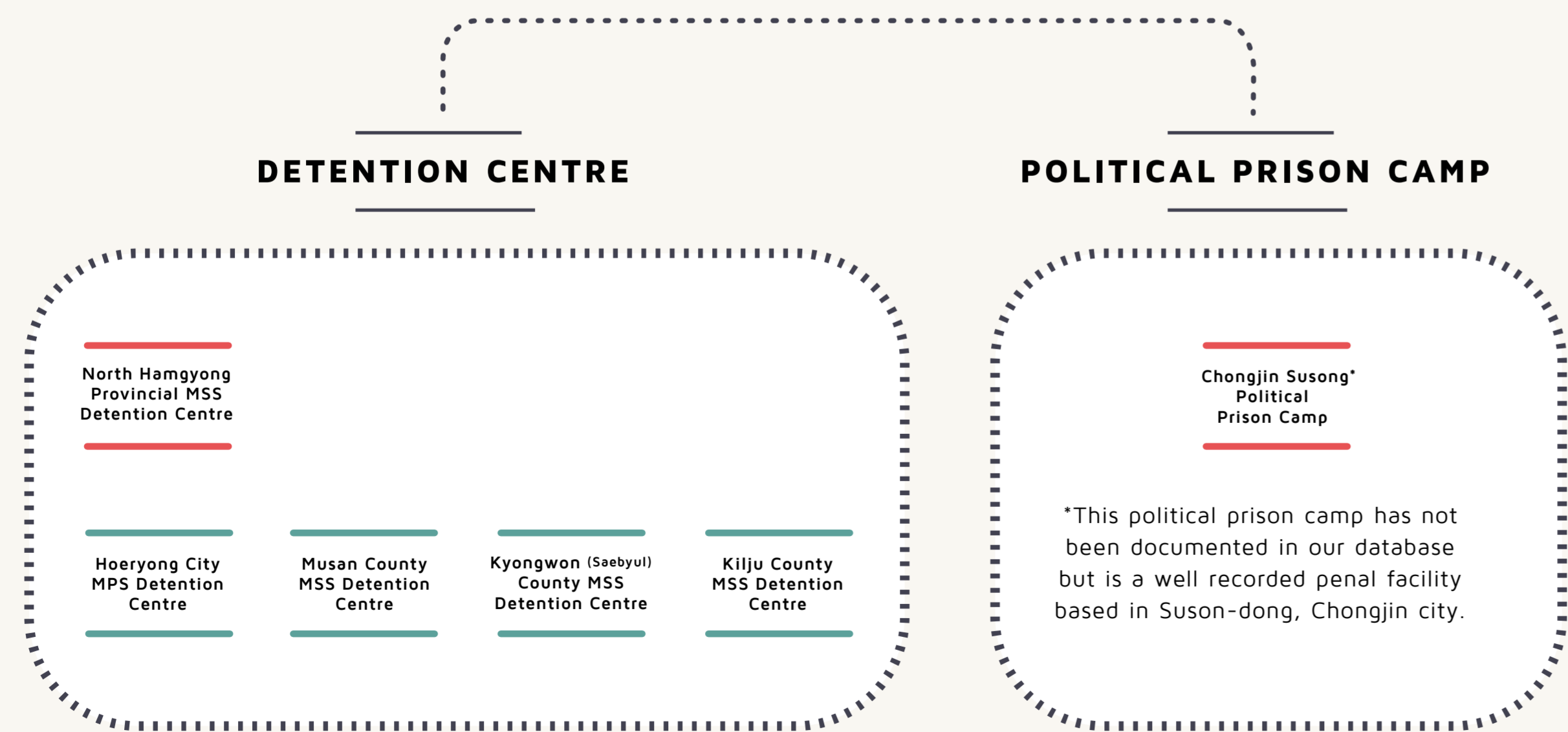
First, it is a reminder that the arrangements of people and entities as customarily depicted in this report and elsewhere describe what is known as the “administrative” chain of command in North Korea. These administrative hierarchies should not be taken as indicative of chains of command according to the concept that we are accustomed to under international law or to reflect superior-subordinate relationships on the ground. Second, it serves as an early signpost on the implications that arise from our ongoing investigations of linkage evidence.



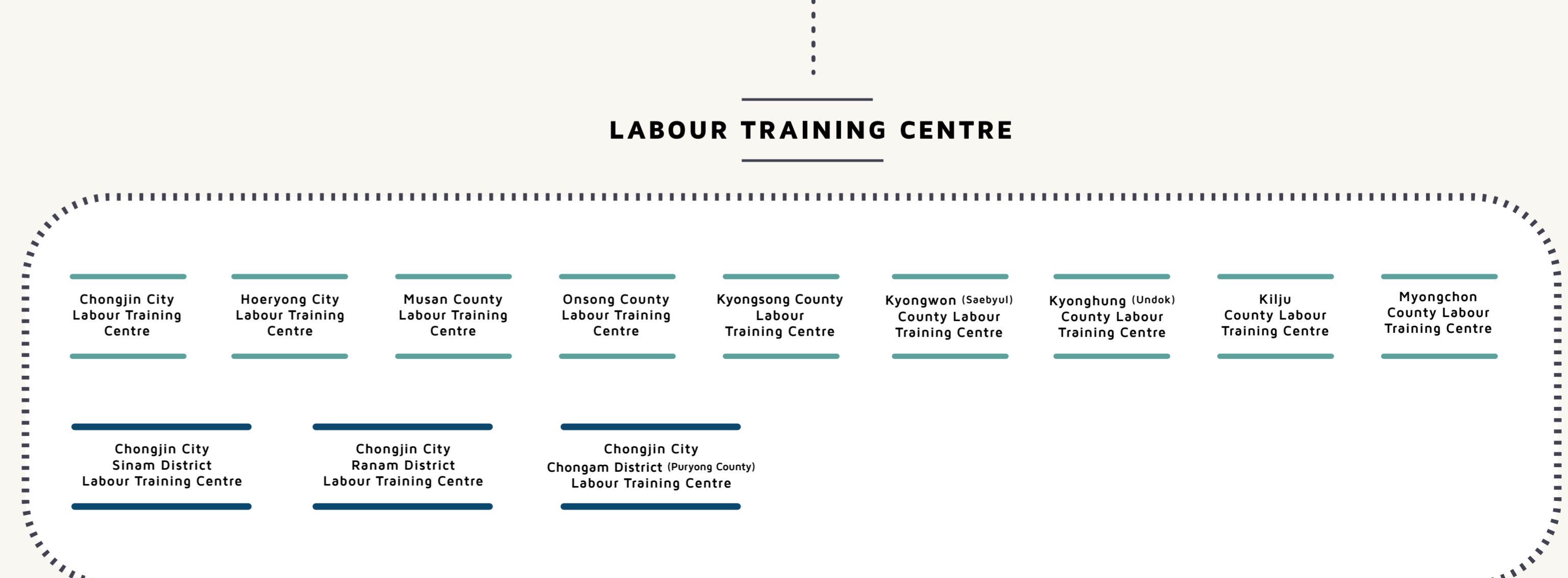
MINISTRY OF PEOPLE'S SECURITY



MINISTRY OF STATE SECURITY



PEOPLE'S COMMITTEE



Ministry of People's Security Management of Penal Facilities in North Hamgyong Province

The chart above shows primary detention centres operated by the MPS in North Hamgyong Province, the region with the highest number of documented penal facilities in the first phase of North Korean Prison Database. These facilities are notable in that Korea Future has documented violations of international law in each facility. Four detention centres are operated at the provincial level, eight at the city level, and 13 at the county level.

Holding centres are used to detain accused persons awaiting transfer into the custody of another facility. A provincial "traveller" holding centre confines detainees arrested for unauthorised domestic travel while the provincial "fugitive" holding centre confines detainees arrested in relation to border crossings or who have been refoiled and released by the MSS following interrogation.

Detention centres are situated at the province, city/county, and district/*gu* levels. According to our documentation, waiting rooms are situated at the city/county and district/*gu* levels. The MPS office of the corresponding administrative unit is responsible for these facilities. The section responsible for detention

centres is the pre-trial examination bureau of the local MPS office. An inspection section chief oversees a local MPS inspection bureau that determines whether cases progress to pre-trial examination and to court. MPS pre-trial examiners are responsible for interrogating detainees charged with crimes. Correctional officers, who are typically in their 20s and are responsible for monitoring detainees and enforcing rules within penal facilities, fall under the administrative chain of command of the MPS pre-trial examination bureau. They are supervised by an MPS official.

MPS offices and their sections fall under the administrative chain of command of the MPS office directly above them, in a hierarchy that corresponds to the administrative geographical divisions. For example, a city district MPS is under the city MPS, which is under the province MPS, which is under the central MPS in Pyongyang. The top of the administrative chain of command for detention facilities in North Hamgyong Province is therefore the MPS Pre-Trial Examination Bureau (6th Bureau) of the central MPS in Pyongyang. Chongori Re-education Camp is overseen by the MPS Prison Bureau, which is a sub-bureau of the 6th Bureau and is responsible for MPS re-education camps located nationwide. ■

Categories of Penal Facilities

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

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

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

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

A **labour training camp** (*most commonly referred to as rodong danryondae or rodong kyoyangso, but also, song danryondae*) is a provincial- and national-level detention facility managed by the MPS for detainees sentenced to 6-12 months (*rodong danryon hyong*) for

non-political crimes. Detainees sentenced to labour training camps retain their citizenship and party membership. Sentences served at labour training camps are based on the revised 2015 criminal code.

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

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

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

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

■

Onsong County MPS Detention Centre

Onsong County MPS Detention Centre is located in North Hamgyong Province. Less than a mile from the border with China, the detention centre is situated in the north of Onsong and is bordered by agricultural fields and the Tumen River. The penal facility is managed by the MPS at the county level and is staffed by MPS state agents and correctional officers. The detention centre covers approximately 560 square metres. To date, Korea Future has identified 23 individual perpetrators at this facility.

UNIQUE REFERENCE NUMBER

PERPETRATORS

A0005	Named. Male. 2012. Sergeant Major. Correctional officer.
A0006	Partially named. Male. 2012. Sergeant First Class. Correctional officer.
A0007	Partially named. Male. 2012. Lance Corporal. Correctional officer.
A0131	Named. Male. 2019. Correctional officer.
A0132	Named. Male. 2019. Major. Pre-trial Section Chief.
A0133	Named. Male. 2019. Captain. Pre-trial examiner.
A0134	Named. Male. 2019. Captain. Pre-trial examiner.
A0135	Named. Male. 2019. Captain. Pre-trial examiner.
A0136	Named. Male. 2019. Captain. Pre-trial examiner.
A0137	Named. Male. 2019. Captain. Pre-trial examiner.
A0138	Named. Male. 2019. Captain. Pre-trial examiner.
A0139	Named. Male. 2019. Captain. Responsible for correctional officers.
A0140	Named. Male. 2019. Master Sergeant. Correctional officer.
A0141	Named. Male. 2019. Sergeant First Class. Correctional officer.
A0142	Named. Male. 2019. Staff Sergeant. Correctional officer.
A0143	Named. Male. 2019. Sergeant. Correctional officer.
A0144	Named. Male. 2019. Master Sergeant. Correctional officer.
A0146	Named. Male. 2019. Sergeant First Class. Correctional officer.
A0147	Named. Male. 2019. Sergeant First Class. Correctional officer.
A0237	Named. Male. 2003. Lieutenant Colonel. Pre-trial examiner.
A0279	Partially named. Male. 2009. Lance Corporal. Correctional officer.
A0466	Named. Male. 2005. Inspection Section/Bureau Chief.
A0796	Unnamed. Male. 2005. Captain.

SATELLITE VIEW OF
Onsong County
MPS Detention Centre

Image © 2022 Maxar Technologies



Legal classification of violations of international law

experienced by A0001 (Ms. Kim) at Onsong County MPS Detention Centre

- Ms. Kim (A0001) was detained in Onsong County MPS Detention Centre between January and July 2019. She was arrested for exercising her right to freedom of expression. Prior to her detention in Onsong County MPS Detention Centre, Ms. Kim had been detained in Onsong County MSS Detention Centre for 10 days. During her detention, Ms. Kim was denied access to a judge or a judicial officer; denied a proceeding for release from arbitrary detention; denied prompt access to legal assistance; and her family was denied prompt notification of her status. Ms. Kim was not notified of an authorisation by a judge or a judicial officer concerning her detention.

Thereby the North Korean state is responsible for:

Count 1: Arbitrary deprivation of liberty resulting from the denial of rights or freedoms guaranteed by Articles 3 and 9 of the UDHR and, insofar as North Korea is a state party, to Article 9 (1, 2, 3) of the ICCPR.

- The charge against Ms. Kim was not heard by a competent, independent, and impartial court or tribunal, nor was Ms. Kim presumed to be innocent. She was held in pre-trial detention for 6 months and was not promptly informed of her charge. Ms. Kim was charged with the 'crime of illegal international communications,' a clause added to the revised North Korean Criminal Act in 2015. A defence lawyer was assigned to Ms. Kim's case; however, the lawyer did not fulfil his duties and requested a monetary bribe from Ms. Kim who was sentenced to detention for 51 months in Chongori Re-education Camp in 2019.

Thereby the North Korean state is responsible for:

Count 2: Denial of the right to a fair trial resulting from the denial of rights or freedoms guaranteed by Articles 6, 7, 10, and 11 of the UDHR and, insofar as North Korea is a state party, Articles 14 and 15 of the ICCPR.

- Ms. Kim experienced the intentional infliction of severe mental and physical pain and suffering during her detention at Onsong County MPS Detention Centre. These acts were conducted by and with the acquiescence of state agents. Ms. Kim was subjected to positional torture; the prolonged denial of food; the prolonged denial of medical assistance; the prolonged denial of rest; and the prolonged denial of sufficient hygiene between January and July 2019. Positional torture was inflicted, whereby Ms. Kim was forced to sit cross-legged for more than 12-hours each day. Slight movements led to torture, including being beaten with the hands of state agents or with an object. Denied adequate food during her detention, Ms. Kim experienced constant hunger and became malnourished.

Thereby the North Korean state is responsible for:

Count 3: Torture and other cruel, inhuman, or degrading treatment or punishment resulting from the denial of rights or freedoms guaranteed by Article 5 of the UDHR; Articles 1 and 2 of UNCAT; Articles 1, 2, and 3 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and, insofar as North Korea is a state party, Articles 7 and 10 (1) of the ICCPR.

- Ms. Kim was denied the right to health at Onsong County MPS Detention Centre. During her detention, she was permitted to drink tap water only a few times each day, but only with the permission of a correctional officer. Items to maintain personal hygiene, including soap, a toothbrush, toilet paper, and sanitary products, were not provided. These necessities had to be procured by detainees from their families. Ms. Kim experienced unsanitary conditions in her cell related to a communal open toilet located at the back of the cell.

Thereby the North Korean state is responsible for:

Count 4: Denial of the right to health resulting from the denial of rights or freedoms guaranteed by Article 25 (1) of the UDHR; Article 14 (2 h) of CEDAW; and, insofar as North Korea is a state party, Article 11 (1) of the ICESCR.

- Ms. Kim was denied the freedom to express her beliefs, thoughts, and emotions in detention. At Onsong County MPS Detention Centre, there were no means to seek, receive, and impart information, and Ms. Kim's right to freedom of expression was entirely restricted. Even communication between detainees was forbidden. Detainees caught speaking during periods of outdoor exercise, which occurred one or two times each week, were punished by correctional officers.

Thereby the North Korean state is responsible for:

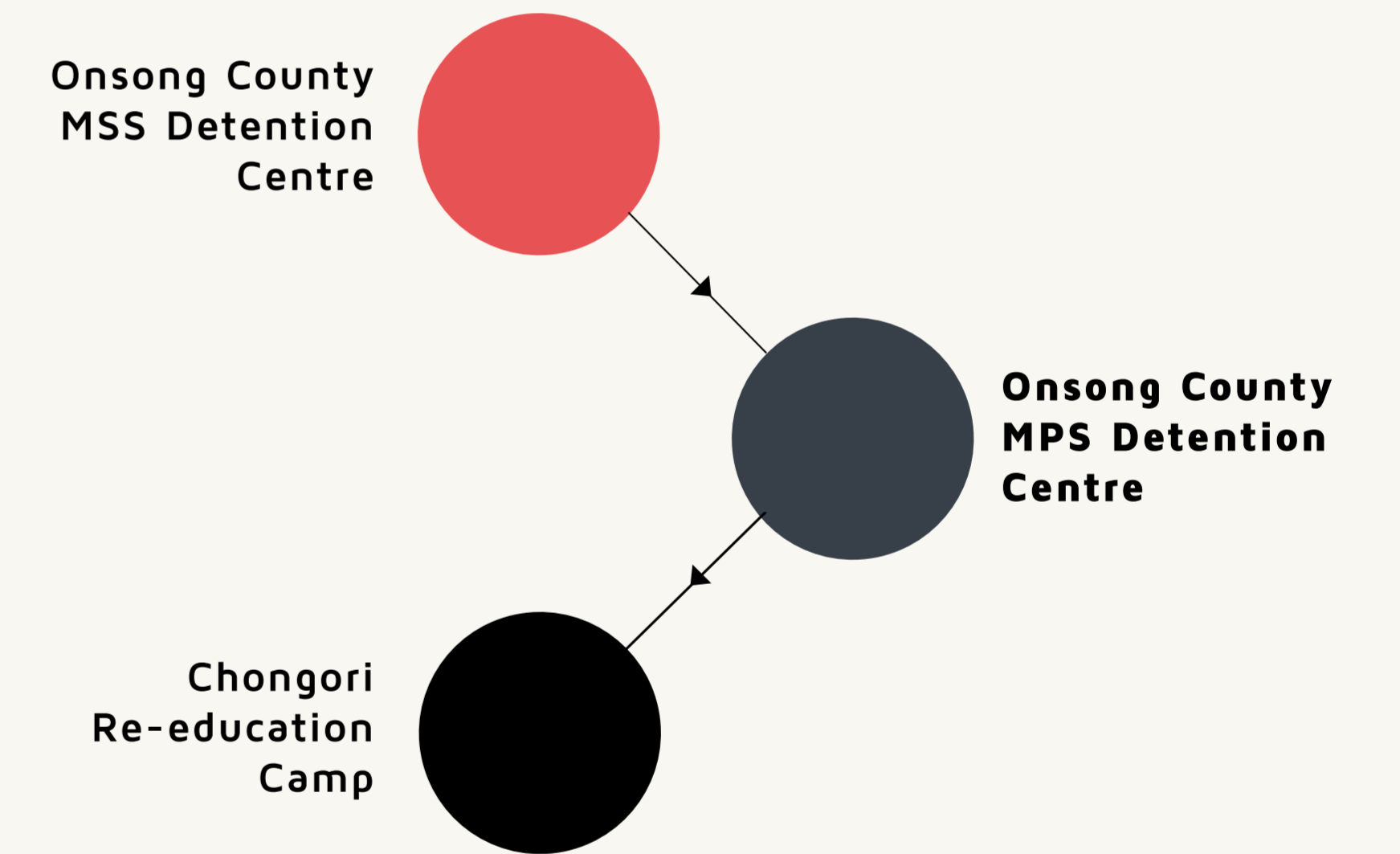
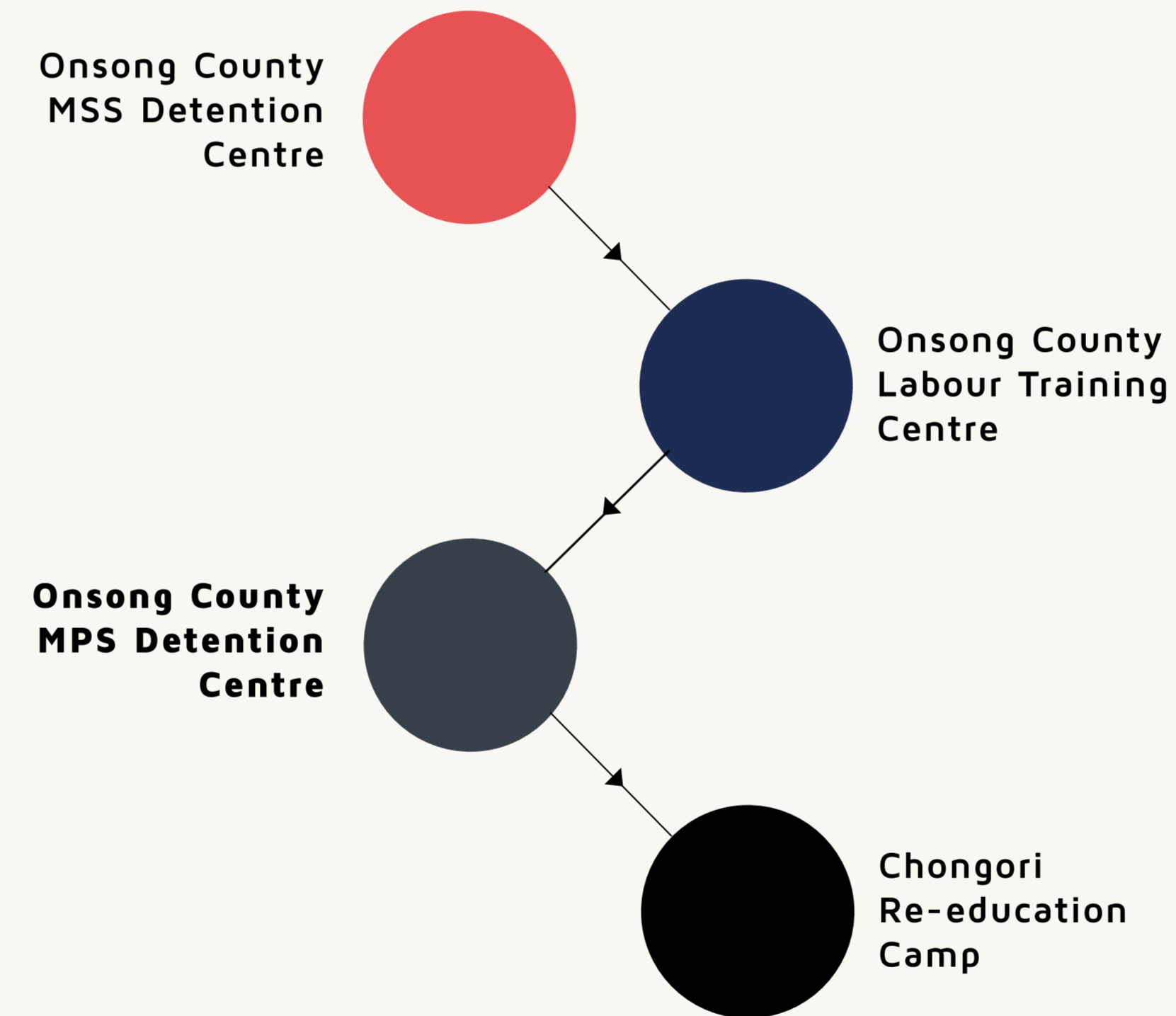
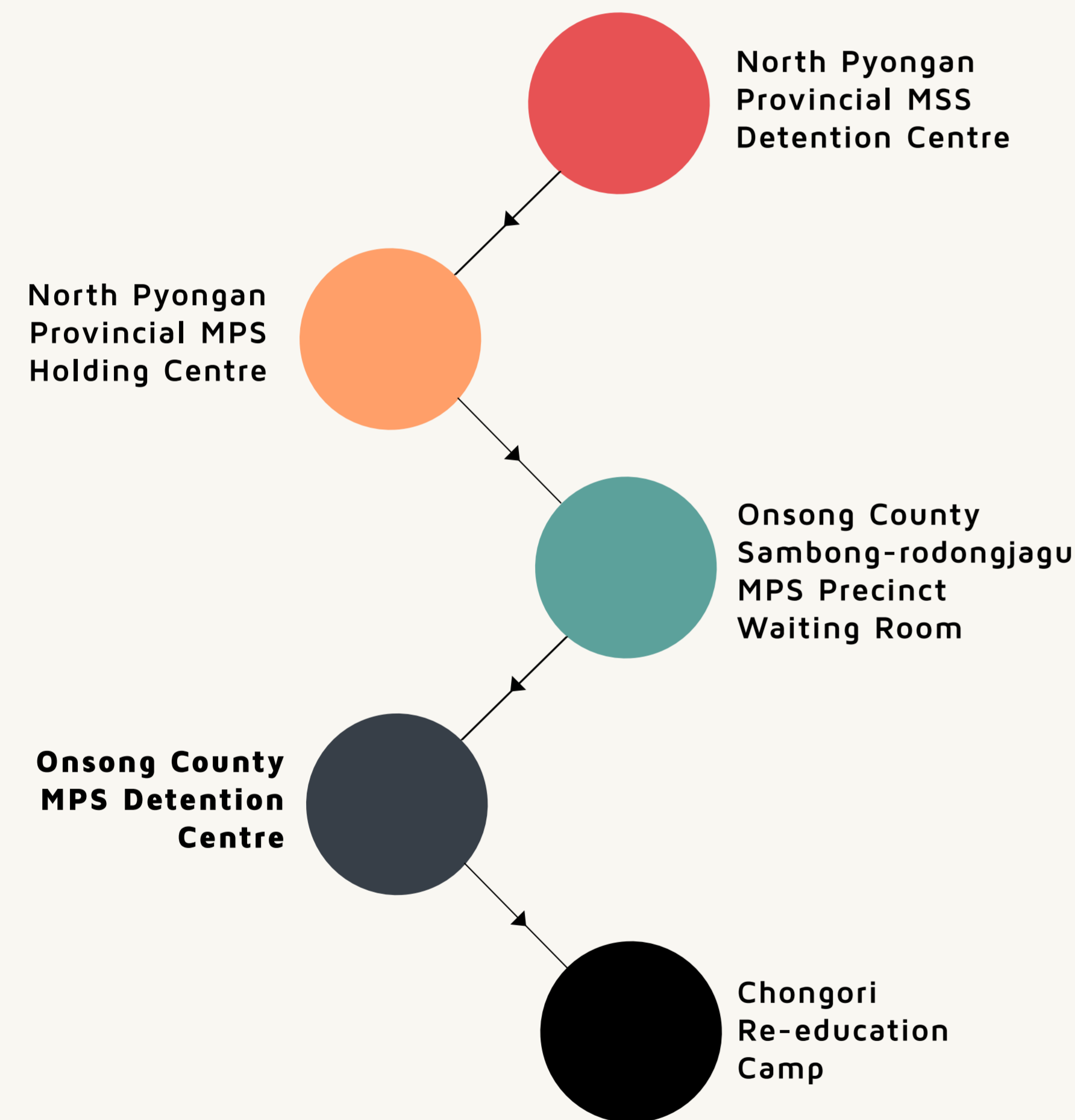
Count 5: Denial of the right to expression resulting from the denial of rights or freedoms guaranteed by Article 19 of the UDHR; and, insofar as North Korea is a state party, Article 19 of the ICCPR.

- Ms. Kim's right to freedom of conscience, thought, and religion was interfered with by state agents at Onsong County MPS Detention Centre. She was denied the ability to manifest a religion or belief, even when emergency limitations on religious freedom had not been prescribed by law. Further, Ms. Kim witnessed a fellow detainee being tried and sentenced to Chongori Re-education Camp for 8 years for the crime of religious practice.

Thereby the North Korean state is responsible for:

Count 6: Denial of the right to freedom of conscience, thought, and religion resulting from the denial of rights or freedoms guaranteed by Article 18 of the UDHR and, insofar as North Korea is a state party, Article 18 of the ICCPR.

TRANSFER ROUTES TO Onsong County MPS Detention Centre

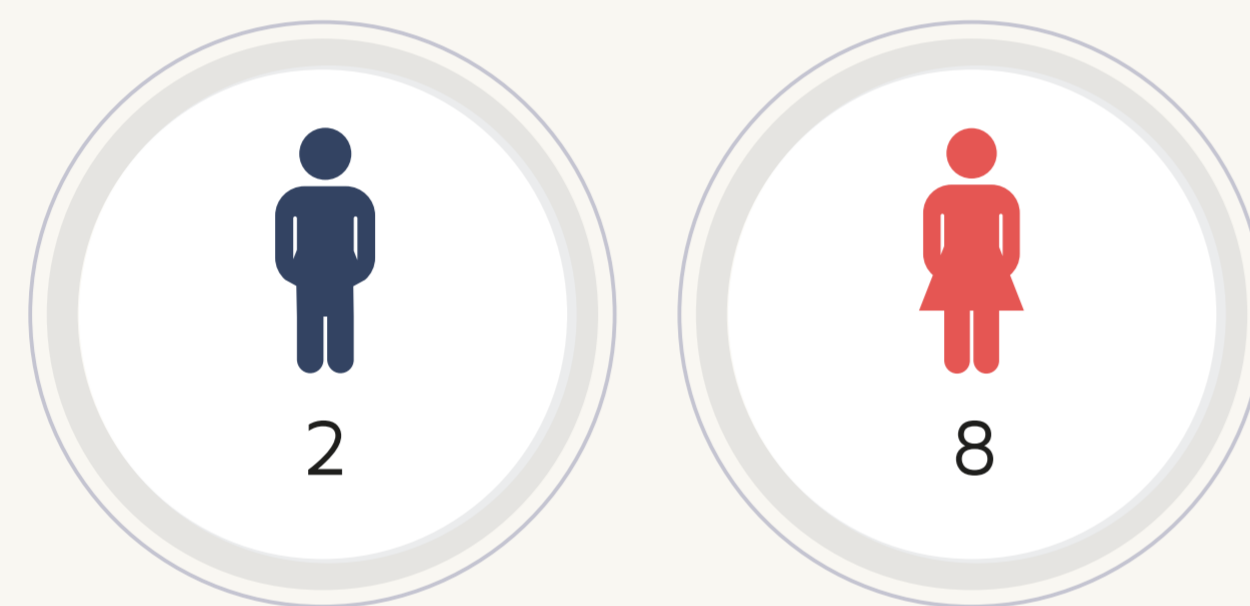


Onsong County

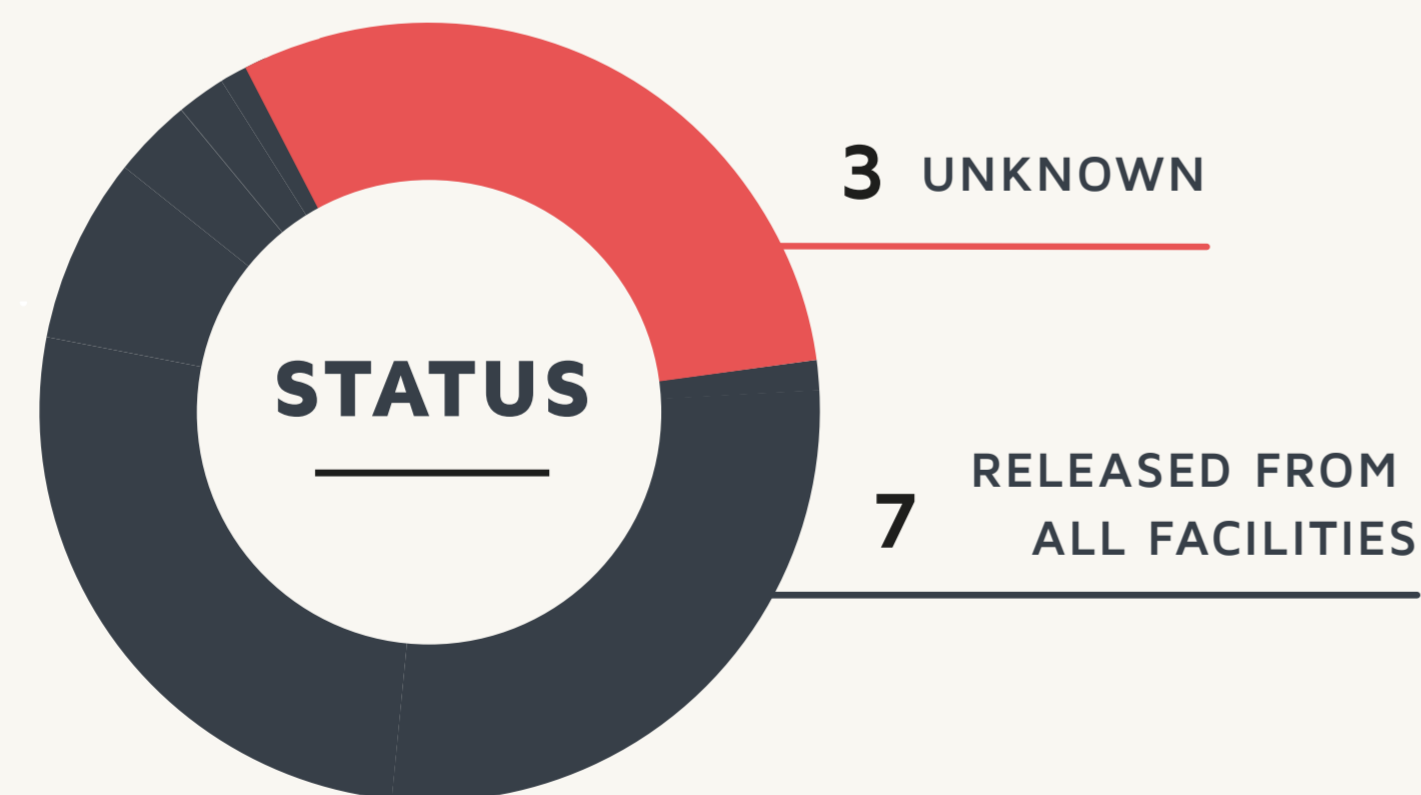
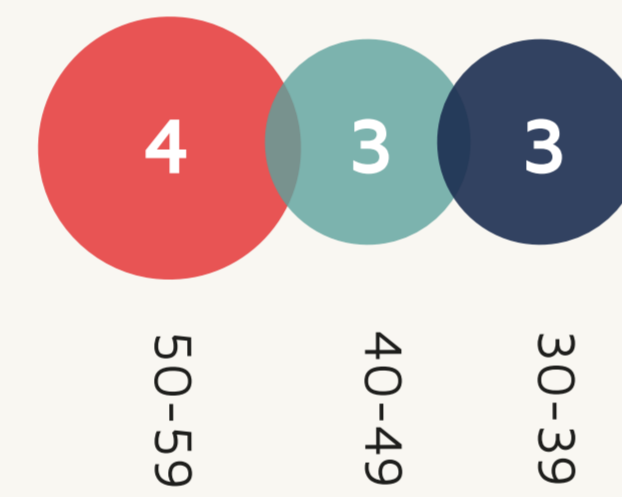
MPS Detention Centre

Detainees

GENDER

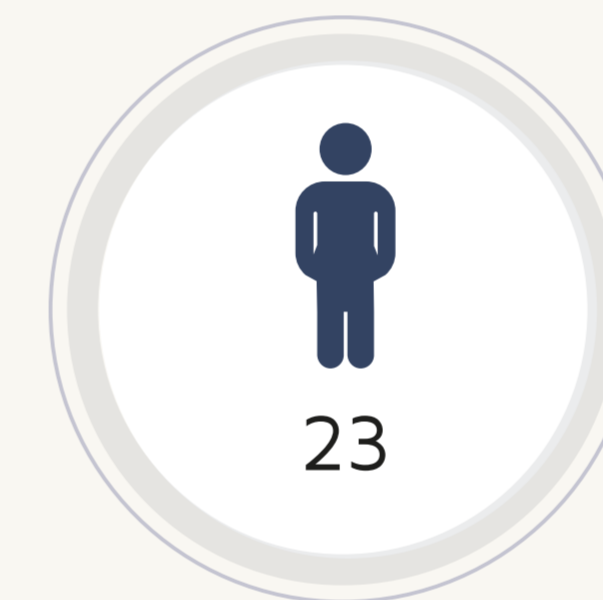


AGE

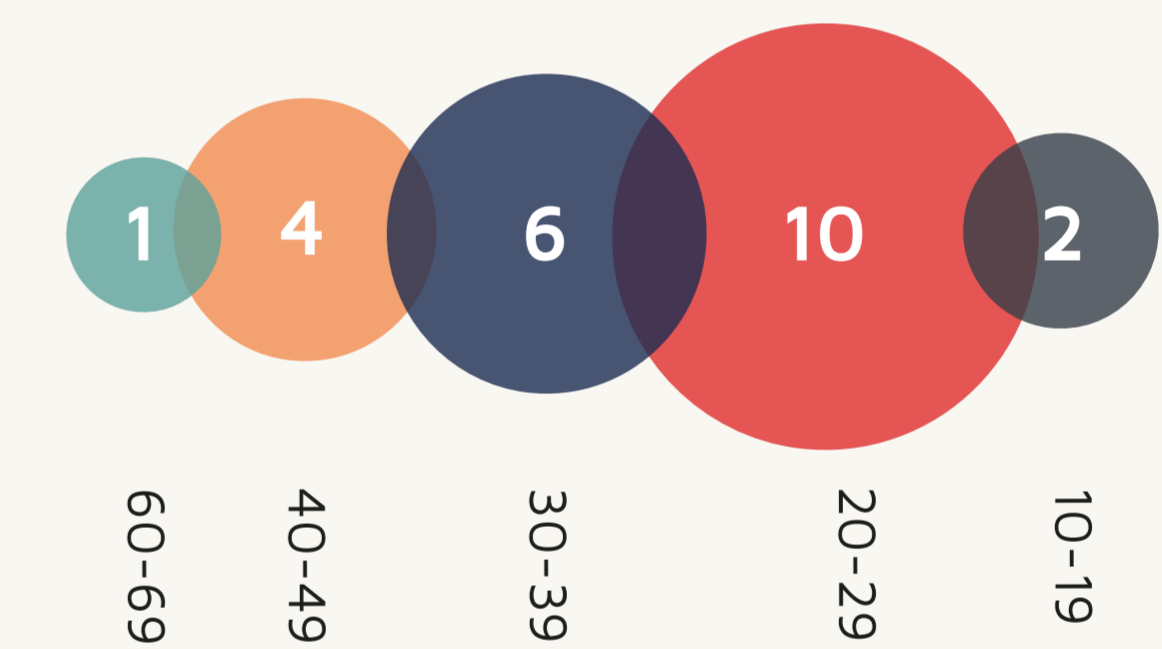


Perpetrators

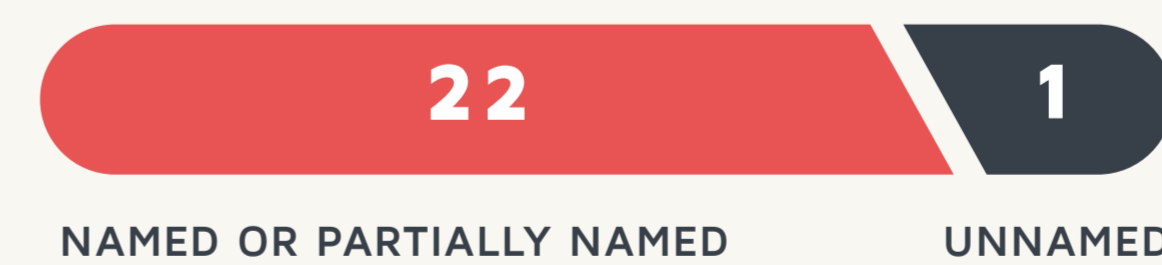
GENDER



AGE



IDENTITY



AFFILIATION



International law violations

Onsong County MPS Detention Centre

ARBITRARY DEPRIVATION OF LIBERTY

ARREST/DETENTION BASED ON ACT OF FREEDOM OF EXPRESSION:

— 2

ARREST/DETENTION BASED ON ACT OF FREEDOM OF MOVEMENT
(INCLUDING BORDER CROSSING/ESCAPE):

— 7

ARREST/DETENTION BASED ON ACT OF FREEDOM OF RELIGION OR BELIEF:

— 2

ARREST/DETENTION BASED ON GUILT-BY-ASSOCIATION:

• 1

DENIAL OF ACCESS TO A JUDGE OR JUDICIAL OFFICER:

— 6

DENIAL OF PROCEEDINGS FOR RELEASE FROM ARBITRARY ARREST/DETENTION:

— 8

DENIAL OF PROMPT ACCESS TO LEGAL ASSISTANCE:

— 7

DENIAL OF PROMPT NOTIFICATION TO THE FAMILY:

— 4

DETENTION NOT AUTHORISED BY A JUDGE OR JUDICIAL OFFICER:

— 4

LACK OF NOTICE OF THE REASON FOR ARREST:

• 1

LACK OF PRESENTATION OF A VALID ARREST WARRANT:

— 3

LACK OF PROMPT NOTICE OF THE CHARGES:

— 4

PROLONGED DETENTION PENDING TRIAL:

— 2

International law violations

Onsong County MPS Detention Centre

DENIAL OF FREEDOM OF EXPRESSION

DENIAL OF EXPRESSIONS OF ONE'S BELIEF, THOUGHTS, IDEAS AND EMOTIONS:

8

LACK OF MEANS TO SEEK, RECEIVE AND IMPART INFORMATION AND IDEAS OF ALL KINDS, REGARDLESS OF FRONTIERS:

9

DENIAL OF HEALTH

LACK OF AVAILABILITY OR ACCESS TO MEDICAL CARE, INCLUSIVE OF MENTAL, PHYSICAL, MATERNAL, AND REPRODUCTIVE:

6

LACK OF DRINKING WATER:

5

LACK OF FOOD:

8

LACK OF MEANS TO MAINTAIN PERSONAL HYGIENE:

8

LACK OF SANITATION:

7

TORTURE & CID

POSITIONAL TORTURE:

6

PROLONGED DENIAL OF FOOD:

8

PROLONGED DENIAL OF MEDICAL ASSISTANCE:

5

PROLONGED DENIAL OF REST:

9

PROLONGED DENIAL OF SLEEP:

5

PROLONGED DENIAL OF SUFFICIENT HYGIENE:

8

PSYCHOLOGICAL TORTURE:

3

SENSORY DEPRIVATION:

1

International law violations

Onsong County MPS Detention Centre

SEVERE PHYSICAL ASSAULT INCLUSIVE OF CORPORAL PUNISHMENT:

— 4

SOLITARY CONFINEMENT:

— 2

DENIAL OF THE RIGHT TO A FAIR TRIAL

DENIAL OF A SPEEDY TRIAL
(EXCESSIVE AND UNJUSTIFIED DELAYS IN THE TRIAL OR THE APPEAL PROCESS):

— 2

DENIAL OF ACCESS TO LEGAL AID:

— 4

DENIAL OF APPEAL (DENIAL OF REVIEW BY A HIGHER TRIBUNAL):

• 1

DENIAL OF CONTACT WITH OUTSIDE WORLD:

— 4

DENIAL OF PROMPT ACCESS TO THE INFORMATION ON CHARGES AGAINST HIM OR HER:

— 3

FAILURE TO RESPECT THE PRESUMPTION OF INNOCENCE:

— 6

FORCED CONFESSIONS:

— 3

INABILITY OF THE ACCUSED TO QUESTION RELEVANT WITNESSES:

• 1

LACK OF ADEQUATE TIME AND FACILITIES FOR PREPARATION OF DEFENCE:

— 4

LACK OF AN INDEPENDENT AND TRANSPARENT JUDICIARY OR TRIBUNAL:

— 6

DENIAL OF THE RIGHT TO FREEDOM OF CONSCIENCE, THOUGHT AND RELIGION

THE PERSON WAS DENIED THE FREEDOM TO ADOPT, CHANGE OR RENOUNCE A RELIGION OR BELIEF (THE PERSON WAS ASKED WHETHER THEY HAD VISITED A PLACE OF WORSHIP OR ENGAGED WITH A RELIGIOUS PERSON):

— 4

THE PERSON WAS DENIED THEIR FREEDOM TO MANIFEST A RELIGION OR BELIEF:

— 5

Food Ratio

DETAINEES CAN BE PROVIDED WITH AS LITTLE AS 80 GRAMS OF PORRIDGE MADE FROM GROUND CORN KERNELS PER MEAL.
OTHER ADDITIONS CAN INCLUDE SMALL STONES OR UNCOOKED OR ROTTING FOOD.



QUOTE

“I weighed 32 kilograms when I was released from detention. I could even see my bones when I held my hands to the sun. I was only a thin layer of skin and bones”.

HANDLES OF SPOONS PROVIDED TO DETAINEES ARE REMOVED BY CORRECTIONAL OFFICERS.

BOWLS ARE TYPICALLY PROVIDED TO DETAINEES AND MAY INCLUDE HOLES.

This meal is indicative of evidence of meals served across multiple penal facilities.

Chongori Re-education Camp

Chongori Re-education Camp is located in Musan-ri, North Hamgyong Province, approximately 30 kilometres from Hoeryong City. It is surrounded by mountains with elevations of up to 969 metres. The penal facility is managed by the MPS Prison Bureau (*kyohwaguk*) and staffed by MPS state agents and correctional officers. The principal detention facility in the camp comprises accommodation for female and male detainees, covering approximately 25,120 square metres. To date, Korea Future has identified 18 individual perpetrators at this facility.

UNIQUE REFERENCE NUMBER

PERPETRATORS

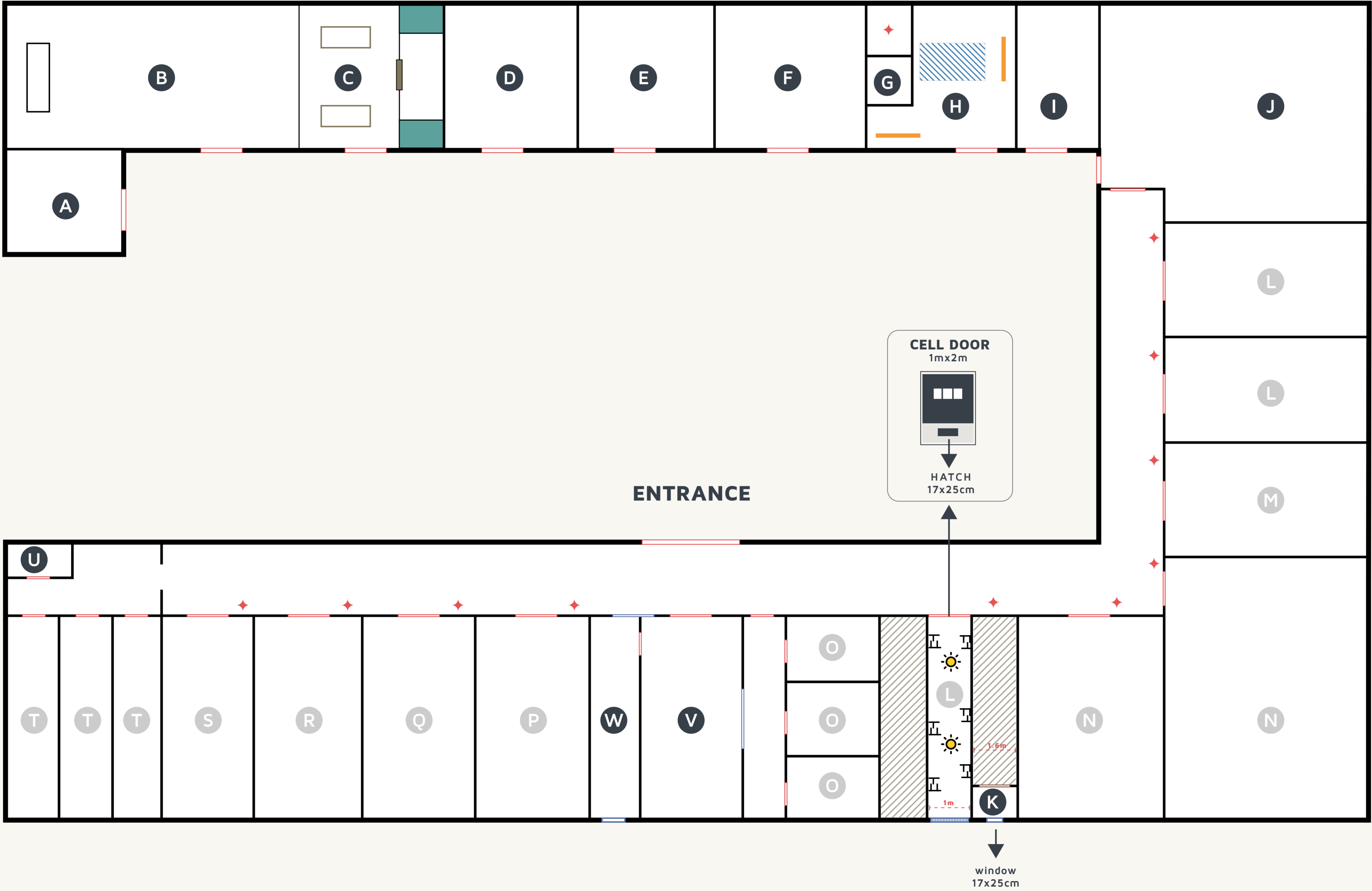
A0914	Named. Male. 2009. Captain responsible for overseeing forced labour in the bean farming women's work party.
A0915	Partially named. Unnamed. Male. 2010. Lieutenant responsible for overseeing forced labour in the corn farming women's work party.
A1236	Partially named. Female. 2010-2015. Captain responsible for overseeing forced labour in women's work parties.
A0683	Named. Male. 2005. Captain responsible for overseeing forced labour in the men's carpentry work party.
A0512	Partially named. Male. 2009. Captain responsible for overseeing forced labour in the potato farming women's work party group.
A1434	Named. Male. 2007. Captain responsible for overseeing forced labour in the men's mining working party.
A1435	Named. Male. 2007. Captain. Secretary in the male section.
A1436	Named. Male. 2007. Major. Prison section chief in the male section.
A1437	Named. Male. 2007. Major. First Section Chief of the male section.
A1438	Named. Male. 2007. Colonel. Warden of Chongori Re-education Camp.
A1439	Named. Male. 2007. Major. Security Section Chief.
A1440	Unnamed. Male. 2007. Lieutenant colonel. Chief medical officer.
A1441	Unnamed. Male. 2007. Junior lieutenant. Medical officer.
A1442	Unnamed. Male. 2006. Lieutenant. Medical officer.

SATELLITE VIEW OF
Chongori
Re-education Camp

Image © 2022 CNES / Airbus



Chongori Re-education Camp 2010-2013



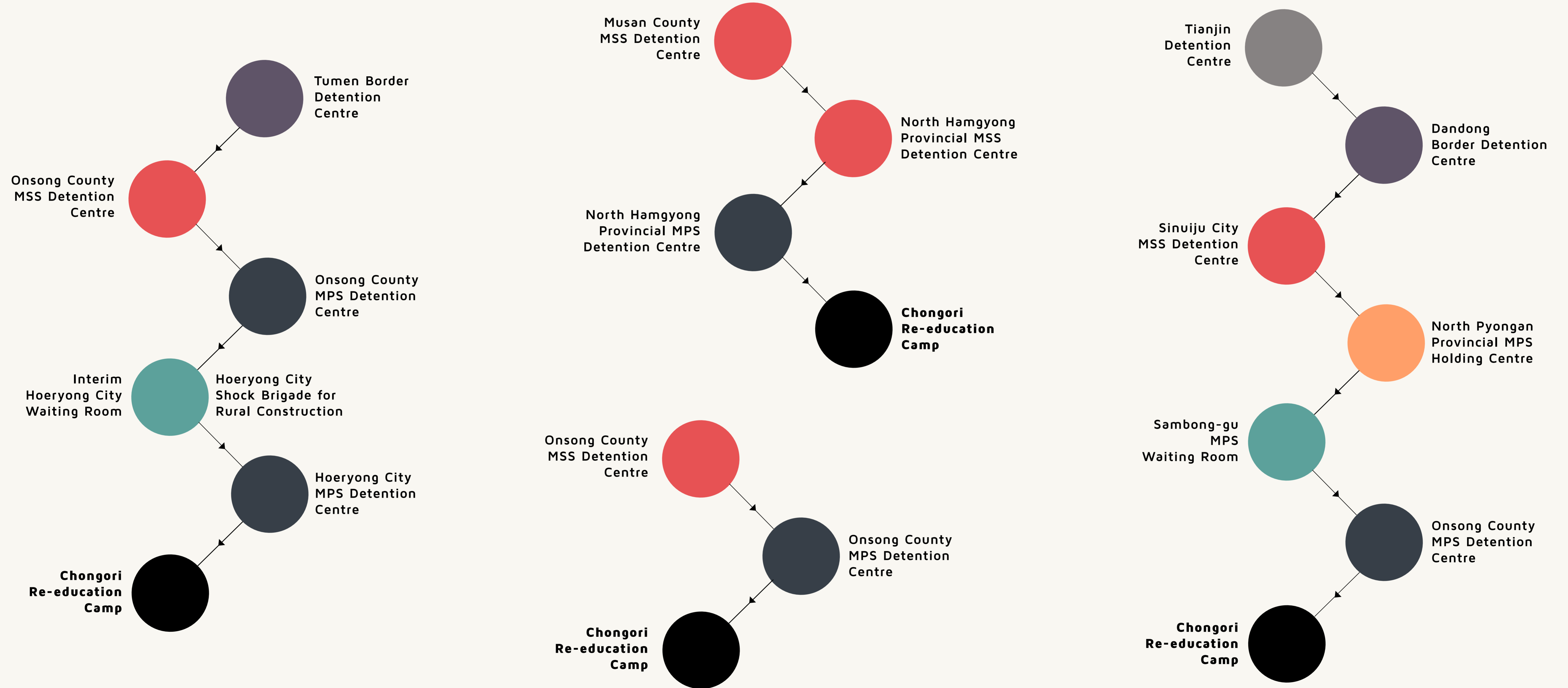
LEGEND

- A** MPS OFFICER'S ROOM
- B** STUDY ROOM FOR DETAINEES
- C** VISITATION ROOM (OFFICE X 4)
- D** STORAGE FOR EQUIPMENT
- E** WORKSHOP (EYELASHES)
- F** WORKSHOP (WIG)
- G** SAUNA (MAX 20 PEOPLE)
- H** WASHROOM (MAX 50 PEOPLE)
- I** MILL
- J** KITCHEN
- K** TOILET
- L** CORN GROUP
- M** BEAN GROUP
- N** GROUP 2 (RECIDIVIST)
- O** SOLITARY CONFINEMENT CELL
- P** NEW DETAINEES
- Q** MALNOURISHED GROUP
- R** COOKING GROUP
- S** WIG GROUP
- T** SICK WARD
- U** NURSE'S ROOM
- V** OFFICE FOR MPS OFFICER
- W** BODY SEARCH ROOM

SLEEPING SPACES

- STAND
- TABLES
- SHELVES FOR FOOD
- HATCH
- CLOTHES HANGER
- FIREPLACE
- BATHTUB
- DOOR
- WOODEN DOOR
- WOODEN BUNK BEDS
- LADDER
- LIGHT

TRANSFER ROUTES TO Chongori Re-education Camp



Legal classification of violations of international law

experienced by A0909 (Ms. Choi) at Chongori Re-education Camp

- Ms. Choi (A0909) was arbitrarily deprived of her liberty by North Korean state agents in July 2008 for exercising her right to freedom of movement. She was initially detained at Onsong County MSS Detention Centre, Onsong County Labour Training Centre, North Hamgyong Provincial MPS Holding Centre (Nongpo) and Chongjin City Ranam District MPS Detention Centre. During her arrest and pre-trial detention, Ms. Choi was denied due process and access to a judge or a judicial officer; denied proceedings for release from arbitrary detention; denied prompt access to legal assistance; and her family was denied prompt notification of her status.

Thereby the North Korean state is responsible for:

Count 1: Arbitrary deprivation of liberty resulting from the denial of rights or freedoms guaranteed by Articles 3, 9, and 13 of the UDHR; and, insofar as North Korea is a state party, to Articles 9 and 12 of the ICCPR.

- Ms. Choi was granted a trial in November 2008. Prior to the trial, Ms. Choi was denied contact with the outside world and was forcibly compelled to confess guilt by state agents during her pre-trial examinations at Chongjin City Ranam District MPS Detention Centre. This evidence was used against Ms. Choi during her trial. She was not presumed to be innocent, nor was she heard by a competent, independent, and impartial court. Though a defence lawyer was present during her trial, this served only as a formality. Ms. Choi did not have sufficient time, nor was she provided the facilities, to prepare a defence, to communicate with a counsel of her choosing, or to access legal aid. Ms. Choi was sentenced to 3 years of detention in Chongori Re-education Camp for the crime of illegal border crossing. Ms. Choi was not offered an opportunity to make an appeal and was denied the right to have her conviction reviewed by a higher tribunal. She had been held in pre-trial detention for 3 months at the Chongjin City Ranam District MPS Detention Centre. As a result of the sentence, Ms. Choi was deprived of her citizenship.

Thereby the North Korean state is responsible for:

Count 2: The denial of fair trial rights guaranteed by Articles 10 and 11 of the UDHR; and, insofar as North Korea is a state party, to Articles 9 and 14 of the ICCPR.

- During her detention, Ms. Choi was physically beaten with the hands and feet of state agents and was deprived of food and water as punishment for eating crops during forced labour and for failing to meet quotas set by MPS agents.

Thereby the North Korean state is responsible for:

Count 3: Torture and cruel, inhuman, or degrading treatment or punishment resulting from the denial of rights or freedoms guaranteed by Article 5 of the UDHR; Articles 1, 2, and 3 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Articles 1, 2, and 10 of UNCAT; and, insofar as North Korea is a state party, to Articles 7 and 8 of the ICCPR.



- Ms. Choi was subject to forced labour between January 2009 and September 2010 at Chongori Re-education Camp. Labour was extracted involuntarily and conducted under the threat of penalty, including physical violence and deprivation of food and water. This followed a trial and sentence that was not in accordance with international law. Ms. Choi was assigned to a work party and forced to labour for 12 hours each day between 05:00 and 20:00. Between the hours of 05:00 and 07:00, she was forced to conduct 'pre-meal labour' (*sikjeonjakup*). This involved moulding and transporting bricks, mud, and sand for the construction of a female wing at Chongori Re-education Camp, which was completed in November 2009. After breakfast, she was separated into a work party. Each work party comprised roughly 100 detainees and was overseen by one MPS officer, three or four correctional officers, and three or four detainees who were selected to oversee other detainees. Ms. Choi farmed beans under the supervision of A0914 until she was reassigned to farm corn under the watch of A0915 in 2010. Ms. Choi described how the work party farming beans was dissolved for the remainder of her detention following a disease outbreak that led to the deaths of a large number of detainees.

Thereby the North Korean state is responsible for:

Count 4: The denial of the right to be free from forced labour in detention guaranteed by Article 4 of the UDHR; Articles 2, 12, and 13 of the Forced Labour Convention; and, insofar as North Korea is a state party, to Article 8 of the ICCPR.

- Ms. Choi was denied the right to health during her detention at Chongori Re-education Camp. She entered the facility experiencing malnourishment, yet was given no access to medical care other than temporary exemption from work. The conditions of the facility were unsanitary. Ms. Choi was detained in a severely overcrowded cell that was infested with lice. Before the construction of the female wing, approximately 300 female detainees were held in one building in the male wing of the facility.

Ms. Choi was denied the right to maintain personal hygiene. Although the camp had washing facilities, washing and laundry for detainees were not permitted due to a scarcity of water. Personal hygiene products, including toothbrushes, toothpaste, soap, and even sanitary pads, were not made available to Ms. Choi. Detainees were responsible for procuring these products through family visitations.

Ms. Choi, like many female detainees, suffered from amenorrhea due to malnutrition. Detainees were given corn kernels and beans compressed into a tubular mould (*danjibab*) for each meal. Reducing the amount of *danjibab* was considered the most severe form of punishment for detainees. During potato season in June and July, detainees were served two or three crushed potatoes each day. On public holidays, such as the birthdays of Kim Jong Il and Kim Il Sung, detainees were served broken white rice, two small vegetable



dishes, such as radish leaves, and a portion of rice cake. Unprocessed tap water was provided only during meals. During forced labour, Ms. Choi drank from streams, but only with the permission of MPS officers. Unsanitary and unhygienic conditions enabled infestations of scabies and lice and infectious diseases, including typhoid fever, to spread across Ms. Choi's work party, resulting in a high number of deaths.

Thereby the North Korean state is responsible for:

Count 5: Denial of the right to health resulting from the denial of rights or freedoms guaranteed by Article 25 of the UDHR; and, insofar as North Korea is a state party, to Article 11 of the ICESCR.

- Ms. Choi was denied the right to adopt, change, or renounce a religion or belief and to manifest a religion or belief of her choosing during her detention. She was forced to participate in 1-hour ideological study sessions every night and was compelled to recite tenets from the state-imposed belief system known as the *Ten Principles for Establishing a Monolithic Leadership System*. This document has as its purpose to bring each North Korean

citizen's thoughts and acts in line with the teachings of Kim Il Sung, Kim Jong Il, and Kim Jong Un. Detainees who were found to be inattentive during ideological study sessions were punished by deprivation of sleep. Ms. Choi was detained alongside persons who had been sentenced owing to their involvement in religious practice.

Thereby the North Korean state is responsible for:

Count 6: Denial of the right to freedom of conscience, thought, and religion resulting from the denial of rights or freedoms guaranteed by Article 18 of the UDHR; and, insofar as North Korea is a state party, to Article 18 of the ICCPR.

- Ms. Choi was denied the right to seek, receive, or impart information or ideas of any kind and the right to express her belief, thoughts, ideas, and emotions. These limitations on her freedom of expression were not a result of an emergency situation decreed by law.

Thereby the North Korean state is responsible for:

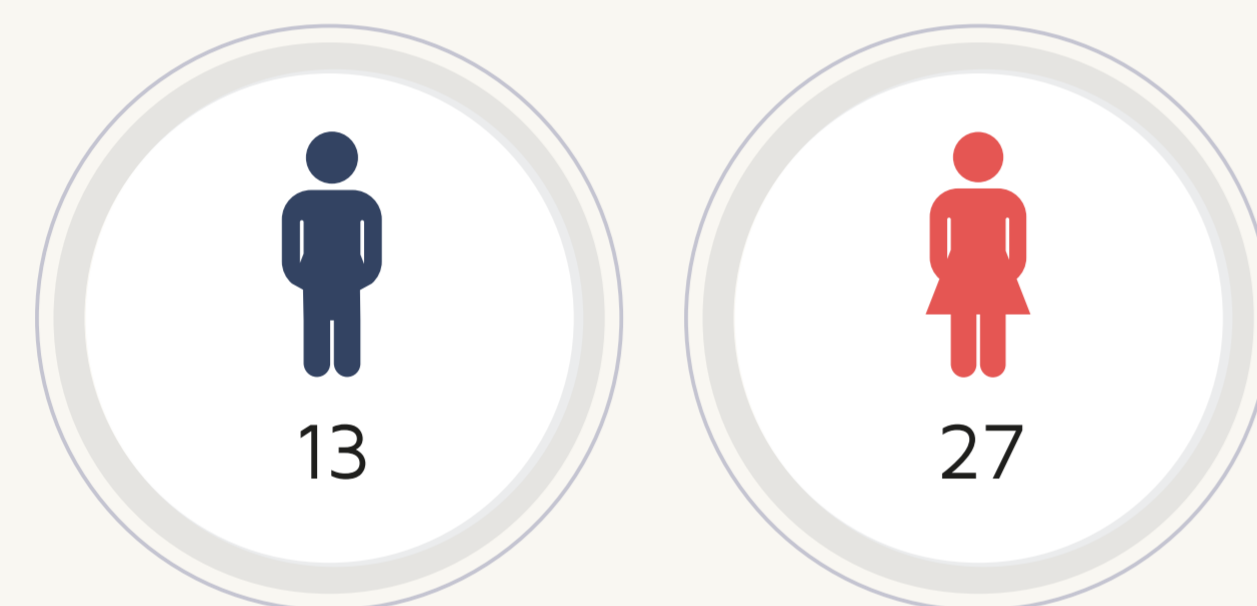
Count 7: Denial of the right to freedom of expression resulting from the denial of rights or freedoms guaranteed by Article 19 of the UDHR; and, insofar as North Korea is a state party, to Article 19 of the ICCPR.

Chongori

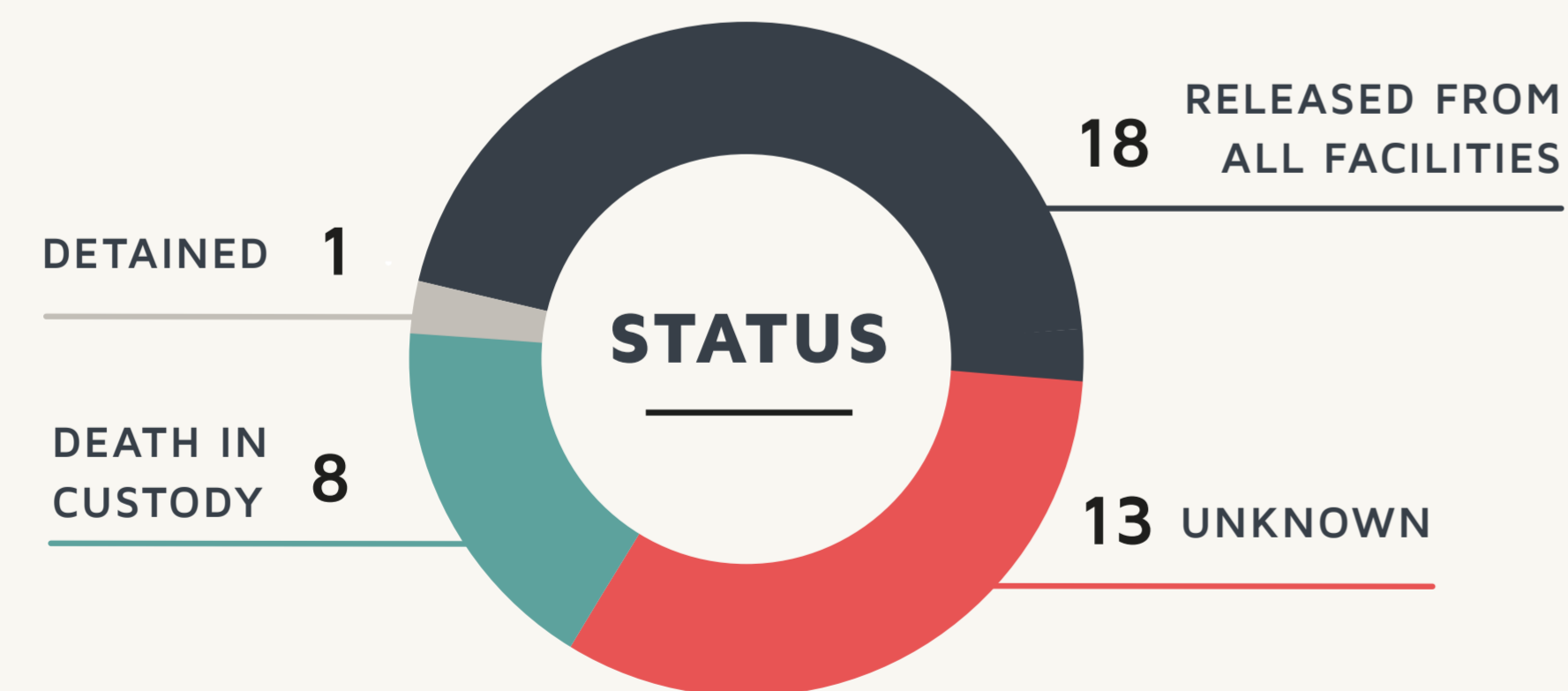
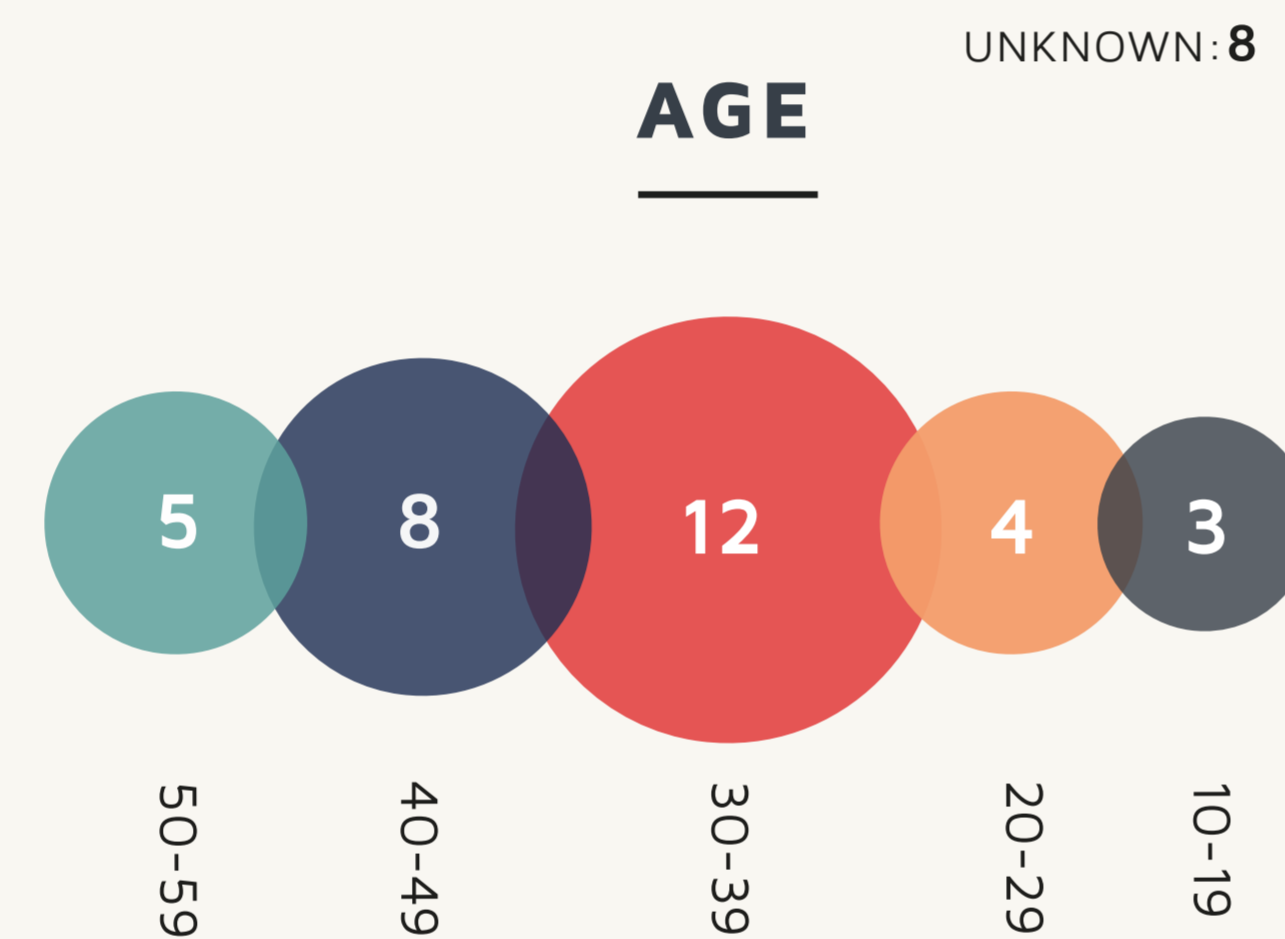
Re-education Camp

Detainees

GENDER

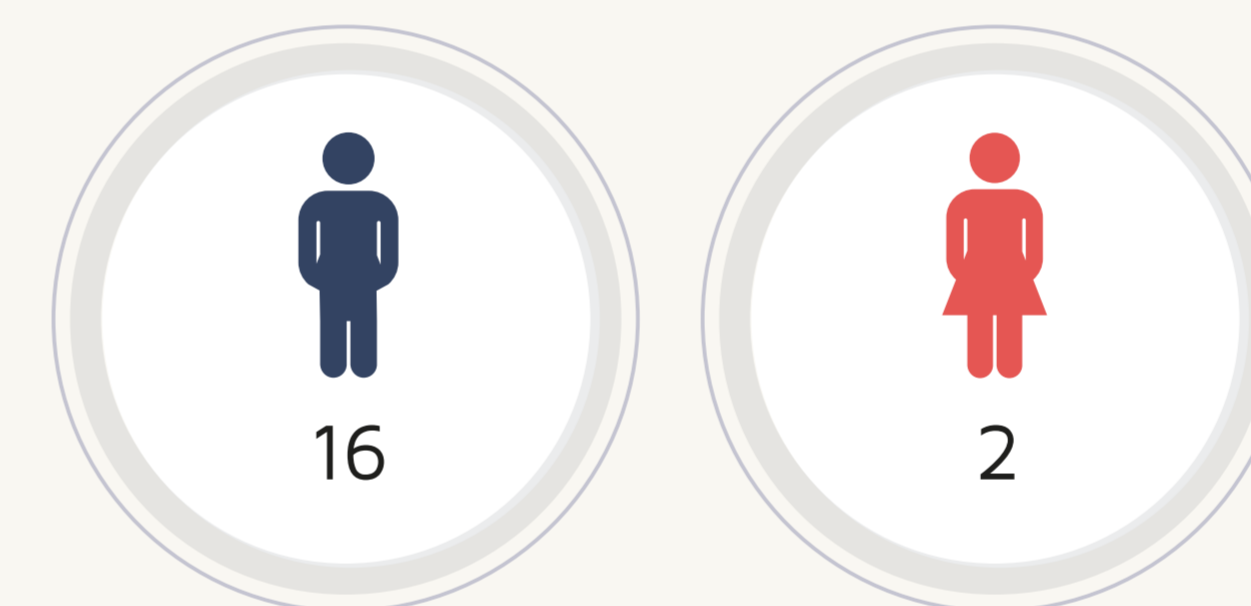


AGE

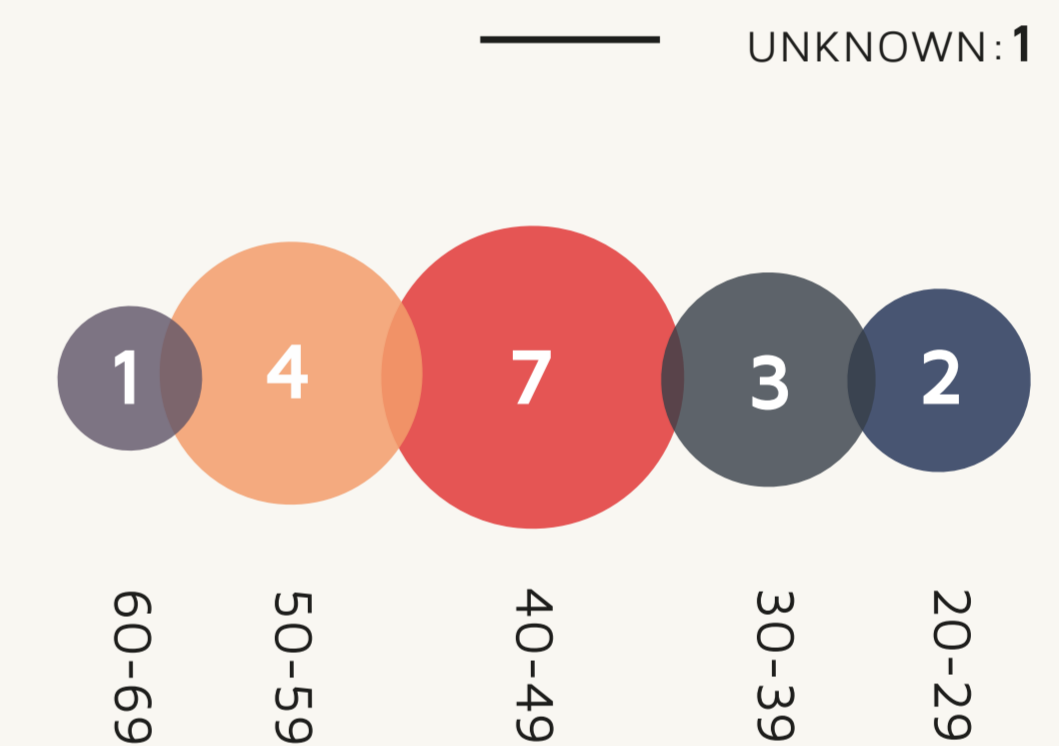


Perpetrators

GENDER



AGE



IDENTITY



AFFILIATION



International law violations

Chongori Re-education Camp

DENIAL OF HEALTH

LACK OF AVAILABILITY OR ACCESS TO MEDICAL CARE, INCLUSIVE OF MENTAL, PHYSICAL, MATERNAL, AND REPRODUCTIVE:



LACK OF DRINKING WATER:



LACK OF FOOD:



LACK OF MEANS TO MAINTAIN PERSONAL HYGIENE:



LACK OF SANITATION:



DENIAL OF FREEDOM OF EXPRESSION

DENIAL OF EXPRESSIONS OF ONE'S BELIEF, THOUGHTS, IDEAS AND EMOTIONS:



LACK OF MEANS TO SEEK, RECEIVE AND IMPART INFORMATION AND IDEAS OF ALL KINDS, REGARDLESS OF FRONTIERS:



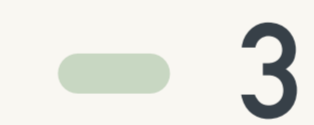
FORCED LABOUR

IMPOSING EXCESSIVE LABOUR ON CONVICTED DETAINEES WITH RE-EDUCATION SENTENCES:



DENIAL OF THE RIGHT TO FREEDOM OF CONSCIENCE, THOUGHT AND RELIGION

THE PERSON WAS COERCED, THROUGH THREAT OF PHYSICAL FORCE OR PENAL SANCTIONS, TO RECANT THEIR RELIGION OR BELIEF:



THE PERSON WAS DENIED THE FREEDOM TO ADOPT, CHANGE OR RENOUNCE A RELIGION OR BELIEF (THE PERSON WAS ASKED WHETHER THEY HAD VISITED A PLACE OF WORSHIP OR ENGAGED WITH A RELIGIOUS PERSON):



THE PERSON WAS DENIED THEIR FREEDOM TO MANIFEST A RELIGION OR BELIEF:



International law violations

Chongori Re-education Camp

TORTURE & CID

FORCED EXERCISE DRILLS (JUMPING JACKS, SQUAT JUMPS ETC.):

• 1

POSITIONAL TORTURE:

• 2

PROLONGED DENIAL OF FOOD:

———— 20

PROLONGED DENIAL OF MEDICAL ASSISTANCE:

———— 15

PROLONGED DENIAL OF REST:

———— 15

PROLONGED DENIAL OF SLEEP:

———— 12

PROLONGED DENIAL OF SUFFICIENT HYGIENE:

———— 18

PSYCHOLOGICAL TORTURE:

• 3

SENSORY DEPRIVATION:

• 3

SEVERE PHYSICAL ASSAULT INCLUSIVE OF CORPORAL PUNISHMENT:

———— 19

SOLITARY CONFINEMENT:

• 5

ARBITRARY DEPRIVATION OF LIBERTY

ARREST/DETENTION BASED ON ACT OF FREEDOM OF EXPRESSION:

• 4

ARREST/DETENTION BASED ON ACT OF FREEDOM OF MOVEMENT (INCLUDING BORDER CROSSING/ESCAPE):

———— 14

ARREST/DETENTION BASED ON ACT OF FREEDOM OF RELIGION OR BELIEF:

• 4

ARREST/DETENTION BASED ON GUILT-BY-ASSOCIATION:

• 1

International law violations

Chongori Re-education Camp

DENIAL OF ACCESS TO A JUDGE OR JUDICIAL OFFICER:

10

DENIAL OF PROCEEDINGS FOR RELEASE FROM ARBITRARY ARREST/DETENTION:

14

DENIAL OF PROMPT ACCESS TO LEGAL ASSISTANCE:

15

DENIAL OF PROMPT NOTIFICATION TO THE FAMILY:

8

DETENTION NOT AUTHORISED BY A JUDGE OR JUDICIAL OFFICER:

8

LACK OF NOTICE OF THE REASON FOR ARREST:

4

LACK OF PRESENTATION OF A VALID ARREST WARRANT:

4

LACK OF PROMPT NOTICE OF THE CHARGES:

8

PROLONGED DETENTION PENDING TRIAL:

4

DENIAL OF THE RIGHT TO LIFE

DEATH IN CASE OF FAILURE TO PROVIDE FOR A SAFE PHYSICAL ENVIRONMENT:

1

DEATH IN CASE OF TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT:

6

LACK OF INVESTIGATION INTO DEATH IN CUSTODY:

2

STATE'S NEGLIGENCE TO PROTECT DETAINEES FROM KNOWN THREATS WITHIN THE INSTITUTION, TO CARRY OUT REGULAR CHECKS ON DETAINEES ESPECIALLY THOSE AT RISK (E.G. A KNOWN SUICIDE RISK), TO BE ALERT TO KNOWN RISKS, TO INSTITUTE SYSTEMS, REGULATIONS AND PROCEDURES TO PROTECT FROM ALL THE ABOVE:

5

DENIAL OF THE RIGHT TO A FAIR TRIAL

DENIAL OF A SPEEDY TRIAL (EXCESSIVE AND UNJUSTIFIED DELAYS IN THE TRIAL OR THE APPEAL PROCESS):

1

DENIAL OF ACCESS TO LEGAL AID:

6

DENIAL OF APPEAL (DENIAL OF REVIEW BY A HIGHER TRIBUNAL):

5

International law violations

Chongori Re-education Camp

DENIAL OF CONTACT WITH OUTSIDE WORLD:

— 5

DENIAL OF PROMPT ACCESS TO THE INFORMATION ON CHARGES AGAINST HIM OR HER:

• 1

FAILURE TO RESPECT THE PRESUMPTION OF INNOCENCE:

— 6

FORCED CONFESSIONS:

— 3

INABILITY OF THE ACCUSED TO QUESTION RELEVANT WITNESSES:

— 6

LACK OF ADEQUATE TIME AND FACILITIES FOR PREPARATION OF DEFENCE:

— 6

LACK OF AN INDEPENDENT AND TRANSPARENT JUDICIARY OR TRIBUNAL:

— 6

DENIAL OF RIGHTS OF DETAINEES WITH DISABILITIES

DENIAL OF ACCESS TO TOOLS AND SERVICES; WHEELCHAIR, CRUTCHES, BRACES, HEARING AIDS, GLASSES AND MEDICATION:

— 2

DENIAL OF PROVISION OF REASONABLE AND ACCESSIBLE ACCOMMODATION FOR DETAINEES WITH DISABILITIES:

— 3

DENIAL OF PROVISION OF SPECIAL NEEDS RELATING TO DETAINEES' DISABILITY (SPECIAL ASSISTANCE WITH DAILY ACTIVITIES):

— 5

LACK OF APPROPRIATE TRAINING FOR THOSE WORKING IN THE FIELD OF ADMINISTRATION OF JUSTICE, INCLUDING POLICE AND PENAL FACILITY STAFF:

— 4

SANCTIONS ARE IMPOSED WITHOUT CONSIDERATION OF MENTAL ILLNESS/DEVELOPMENTAL DISABILITY:

• 1

International law violations

Chongori Re-education Camp

DENIAL OF THE RIGHTS OF JUVENILE DETAINEES

DENIAL OF ACCESS TO EDUCATION:

— 3

DENIAL OF ACCESS TO VOCATIONAL TRAINING:

— 2

LACK OF SEPARATE ACCOMMODATION FROM ADULTS:

— 3

RECOURSE TO INSTRUMENTS OF RESTRAINT AND TO FORCE FOR ANY PURPOSE:

• 1

THE CHILD WAS UNABLE TO MAINTAIN CONTACT WITH HIS OR HER FAMILY THROUGH CORRESPONDENCE AND VISITS:

• 1

WERE NOT INFORMED PROMPTLY AND DIRECTLY OF THE CHARGES AGAINST HIM OR HER, AND, IF APPROPRIATE, THROUGH HIS OR HER PARENTS OR LEGAL GUARDIANS, AND TO HAVE LEGAL OR OTHER APPROPRIATE ASSISTANCE IN THE PREPARATION AND PRESENTATION OF HIS OR HER DEFENCE:

• 1

RAPE & OTHER FORMS OF SEXUAL VIOLENCE

UNLAWFUL OR ARBITRARY BODY SEARCHES (OTHER FORMS OF SEXUAL VIOLENCE):

• 1

North Hamgyong

Provincial MSS Detention Centre

North Hamgyong Provincial MSS Detention Centre is located in Chongjin City, North Hamgyong Province. It is situated in the northeast of the city and is surrounded by urban housing. The penal facility is managed by the MSS at the provincial level and is staffed by MSS state agents and correctional officers. The detention facility covers approximately 24,000 square metres. To date, Korea Future has identified eight individual perpetrators at this facility.

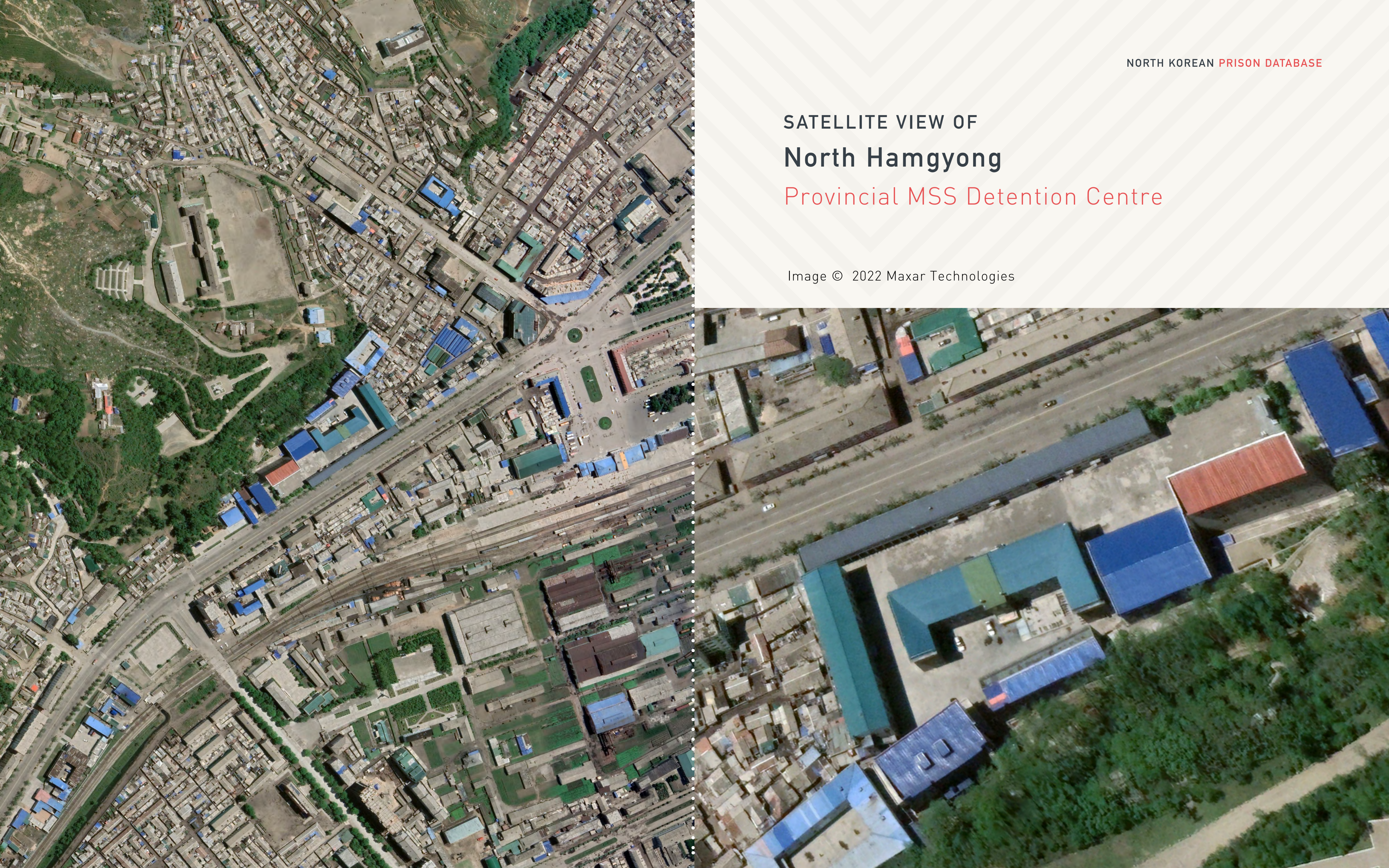
UNIQUE REFERENCE NUMBER

PERPETRATORS

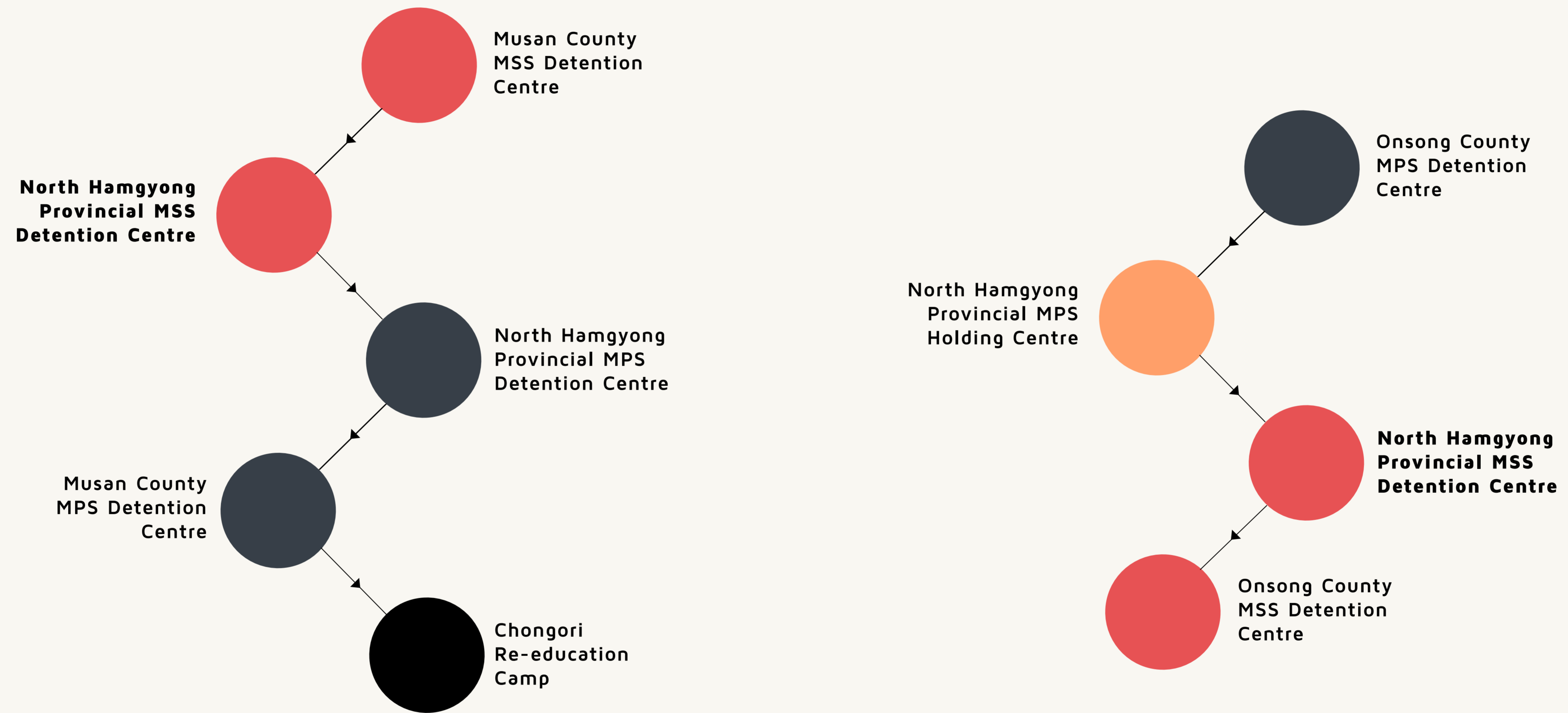
UNIQUE REFERENCE NUMBER	PERPETRATORS
A1043	Unnamed. Male. 2001-2002. Colonel.
A1042	Unnamed. Male. 2001-2002. Senior Lieutenant.
A1128	Partially named. Male. 2008. Captain. Counter-espionage section.
A1051	Named. Male. 1999. Section chief. Pre-trial examination section.
A0549	Partially named. Male. 2003.
A0247	Named. Male. 2009. Junior Lieutenant. Correctional officer.
A0246	Partially named. Male. 2009. Junior Lieutenant. Correctional officer.
A0242	Named. Male. 2011. Major. MSS guidance officer. Transferred to North Hamgyong Provincial MSS office and promoted to Lieutenant Colonel in Counter-espionage section 2 in 2018.

SATELLITE VIEW OF
North Hamgyong
Provincial MSS Detention Centre

Image © 2022 Maxar Technologies



TRANSFER ROUTES TO
North Hamgyong Provincial MSS Detention Centre



Legal Classification of violations of international law

experienced by A0953 (Ms. Lee) at North Hamgyong Provincial MSS Detention Centre

- Ms. Lee (A0953) was arrested for exercising her right to freedom of expression and was detained at North Hamgyong Provincial MSS Detention Centre between September 2009 and April 2011. During her detention, Ms. Lee was denied access to a judge or judicial officer, a proceeding for release from arbitrary detention, and prompt access to legal assistance. Ms. Lee was provided with no evidence that her detention was authorised by a judge or judicial officer. In total, Ms. Lee was detained for more than 30 months at different penal facilities, resulting in a prolonged period of pre-trial detention.

Thereby the North Korean state is responsible for:

Count 1: Arbitrary deprivation of liberty resulting from the denial of rights or freedoms guaranteed by Articles 3 and 9 of the UDHR; and, insofar as North Korea is a state party, to Article 9 (1, 3, 4) of the ICCPR; and Principles 11 and 38 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

- Ms. Lee experienced the intentional infliction of severe physical pain and suffering with the consent of state agents at North Hamgyong Provincial MSS Detention Centre. She also experienced the prolonged denial of food, medical assistance, and rest or sleep, as well as the prolonged denial of sufficient hygiene, in addition to psychological torture between December 2014 and February 2015. Ms. Lee was asked by an MSS officer “How are you still alive?”, implying that it was expected a detainee would perish following the torture she received.

Thereby the North Korean state is responsible for:

Count 2: Torture and other cruel, inhuman, or degrading treatment or punishment resulting from the denial of rights or freedoms guaranteed by Article 5 of the UDHR; Articles 1 and 2 of the UNCAT; and, insofar as North Korea is a state party, Article 7 of the ICCPR.

- The case of Ms. Lee was not heard by a competent, independent, and impartial court or tribunal, nor was Ms. Lee presumed to be innocent. She was held in pre-trial detention for 17 months in North Hamgyong Provincial MSS Detention Centre and, therefore, was not tried within a reasonable time. Upon the date of Ms. Lee’s trial in August 2011, she was not provided sufficient time to prepare a defence, to communicate with a counsel of her own choosing, nor was she provided with access to legal aid. Ms. Lee was sentenced to a term of 5 years and 6 months of re-education at Chongori Re-education Camp after being held for 28 months in detention. Throughout her period of detention, Ms. Lee was denied contact with the outside world.

Thereby the North Korean state is responsible for:

Count 3: Denial of the right to a fair trial resulting from the denial of rights or freedoms guaranteed by Articles 10 and 11 of the UDHR; and, insofar as North Korea is a state party, Article 14 of the ICCPR; Principles 15, 16, 17, 18, 19, and 38 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; and Rules 58 and 93 of the Mandela Rules.



- Ms. Lee was denied her right to health during her period of detention at North Hamgyong Provincial MSS Detention Centre. She was further denied access to mental or physical healthcare and experienced prolonged amenorrhea following her first month of detention due to malnutrition, among other factors. Ms. Lee was denied access to drinking water and to sufficient food that was nutritionally adequate. Daily food rations consisted of steamed corn kernels, including the husks, and harmful substances, including small stones, that together amounted to 100 grams per meal. Meals were provided three times per day. At the time of Ms. Lee's release, she had lost 36 kilograms and weighed just 32 kilograms. Ms. Lee stated that upon her release, she was able to see the bones in her hands.

Ms. Lee was denied any means to maintain her personal hygiene during detention and was often denied access to a toilet. Conditions of detention were unsanitary, and Ms. Lee was forced to wear the clothing that she was first arrested in for the duration of her 22-month detention without being able to wash or launder her clothing.

Thereby the North Korean state is responsible for:

Count 4: Denial of the right to health resulting from the denial of rights or freedoms guaranteed by Article 25 (1) of the UDHR; and, insofar as North Korea is a state party, Article 11 of the ICESCR; and Rules 12, 15, 18, 19, 22, 24, 25, and 27 of the Mandela rules.

- During Ms. Lee's detention at North Hamgyong Provincial MSS Detention Centre, she was denied the freedom to adopt, change, or renounce a religion or belief and to manifest a religion or belief of her choosing.

Thereby the North Korean state is responsible for:

Count 5: Denial of the right to freedom of conscience, thought and religion resulting from the denial of rights or freedoms guaranteed by Article 18 of the UDHR; and, insofar as North Korea is a state party, Article 18 of the ICCPR.

- The right of Ms. Lee to seek, receive, or impart information or ideas of any kind was denied during her period of detention at North Hamgyong Provincial MSS Detention Centre. Ms. Lee experienced the denial of contact with the outside world, a lack of means to seek, receive, and impart information, and the denial of expressions of her belief, thoughts, ideas, and emotion. Family visitation was also forbidden.

Thereby the North Korean state is responsible for:

Count 6: Denial of the right to expression resulting from the denial of rights or freedoms guaranteed by Article 19 of the UDHR; and, insofar as North Korea is a state party, Article 19 of the ICCPR.

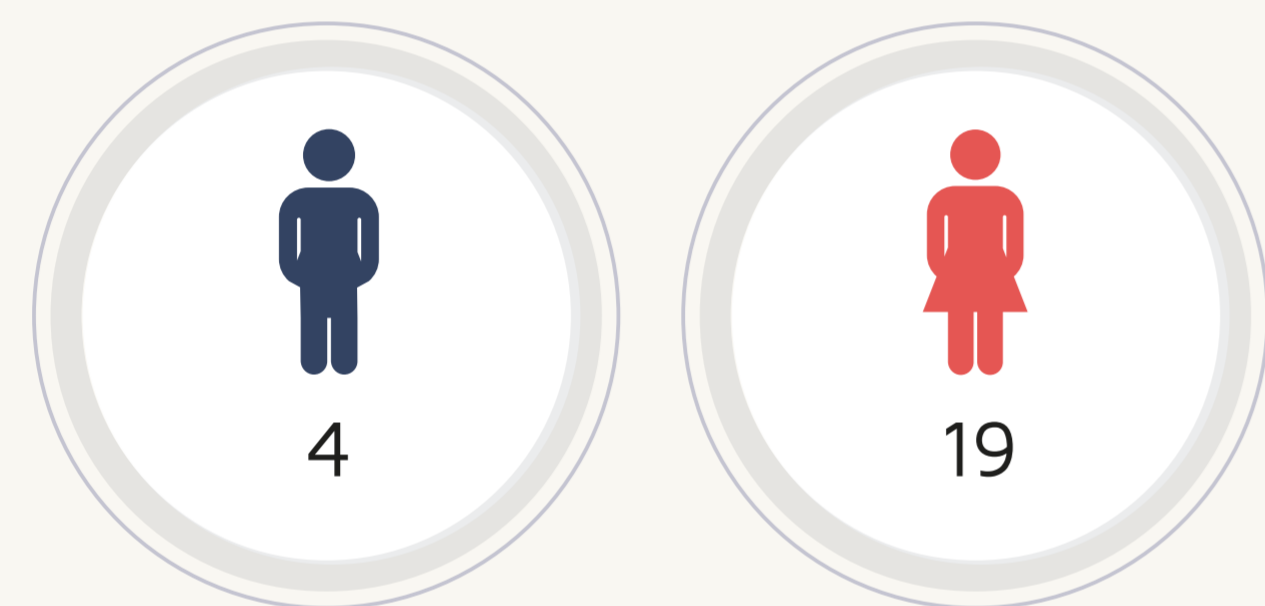


North Hamgyong

Provincial MSS Detention Centre

Detainees

GENDER



AGE

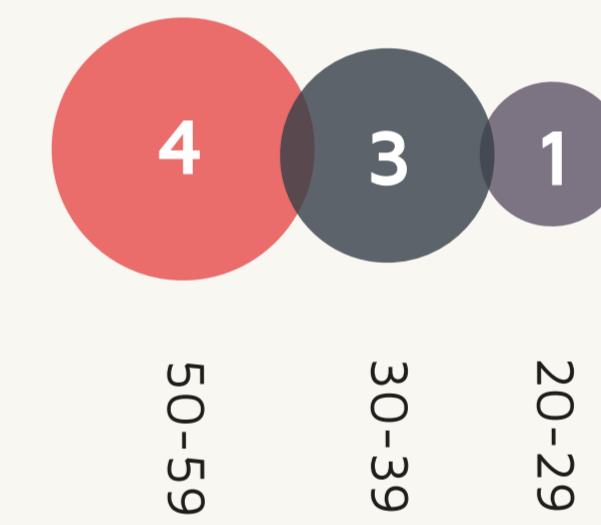


Perpetrators

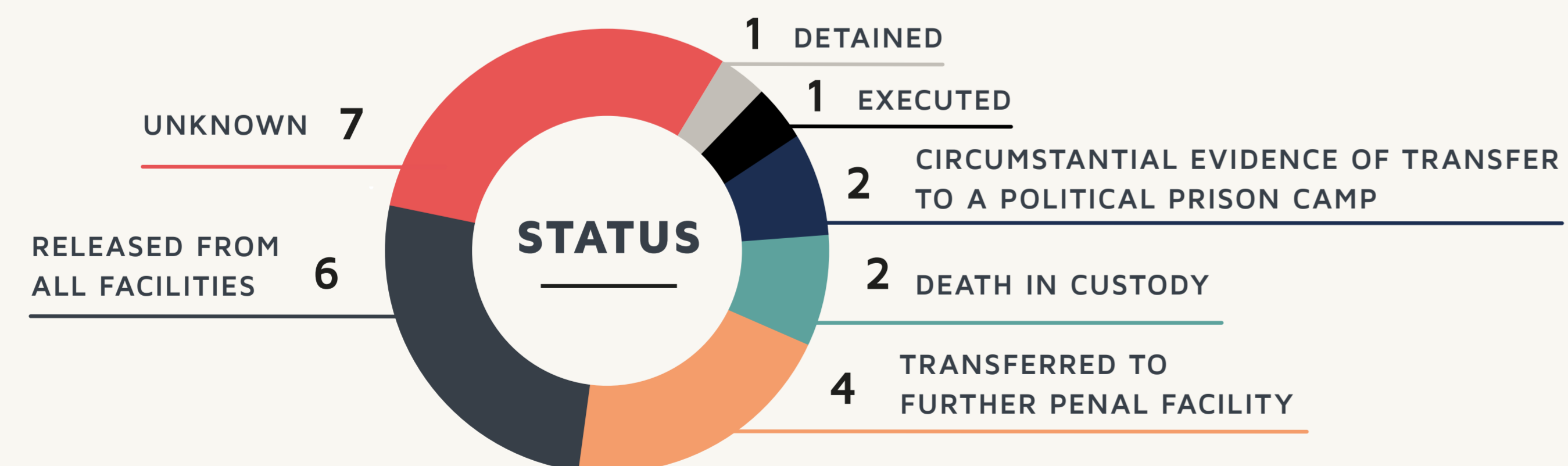
GENDER



AGE



STATUS



IDENTITY



AFFILIATION



International law violations

North Hamgyong MSS Provincial Detention Centre

ARBITRARY DEPRIVATION OF LIBERTY

ARREST/DETENTION BASED ON ACT OF FREEDOM OF EXPRESSION:

— 3

ARREST/DETENTION BASED ON ACT OF FREEDOM OF MOVEMENT
(INCLUDING BORDER CROSSING/ESCAPE):

———— 12

DENIAL OF ACCESS TO A JUDGE OR JUDICIAL OFFICER:

———— 6

DENIAL OF PROCEEDINGS FOR RELEASE FROM ARBITRARY ARREST/DETENTION:

———— 10

DENIAL OF PROMPT ACCESS TO LEGAL ASSISTANCE:

———— 9

DENIAL OF PROMPT NOTIFICATION TO THE FAMILY:

— 4

DETENTION NOT AUTHORISED BY A JUDGE OR JUDICIAL OFFICER:

———— 6

LACK OF NOTICE OF THE REASON FOR ARREST:

— 4

LACK OF PRESENTATION OF A VALID ARREST WARRANT:

— 4

LACK OF PROMPT NOTICE OF THE CHARGES:

———— 7

PROLONGED DETENTION PENDING TRIAL:

— 5

DENIAL OF FREEDOM OF EXPRESSION

DENIAL OF EXPRESSIONS OF ONE'S BELIEF, THOUGHTS, IDEAS AND EMOTIONS:

———— 15

LACK OF MEANS TO SEEK, RECEIVE AND IMPART INFORMATION AND IDEAS OF ALL
KINDS, REGARDLESS OF FRONTIERS:

———— 15

International law violations

North Hamgyong MSS Provincial Detention Centre

DENIAL OF HEALTH

LACK OF AVAILABILITY OR ACCESS TO MEDICAL CARE, INCLUSIVE OF MENTAL, PHYSICAL, MATERNAL, AND REPRODUCTIVE:

15

LACK OF DRINKING WATER:

15

LACK OF FOOD:

15

LACK OF MEANS TO MAINTAIN PERSONAL HYGIENE:

15

LACK OF SANITATION:

13

DENIAL OF RIGHT TO FAIR TRIAL

DENIAL OF A SPEEDY TRIAL (EXCESSIVE AND UNJUSTIFIED DELAYS IN THE TRIAL OR THE APPEAL PROCESS):

5

DENIAL OF ACCESS TO LEGAL AID:

4

DENIAL OF CONTACT WITH OUTSIDE WORLD:

3

DENIAL OF PROMPT ACCESS TO THE INFORMATION ON CHARGES AGAINST HIM OR HER:

5

FAILURE TO RESPECT THE PRESUMPTION OF INNOCENCE:

7

FORCED CONFESSIONS:

3

LACK OF ADEQUATE TIME AND FACILITIES FOR PREPARATION OF DEFENCE:

4

LACK OF AN INDEPENDENT AND TRANSPARENT JUDICIARY OR TRIBUNAL:

7

TORTURE & CID

POSITIONAL TORTURE:

10

FORCED ABORTION:

2

International law violations

North Hamgyong MSS Provincial Detention Centre

PROLONGED DENIAL OF FOOD:



PROLONGED DENIAL OF MEDICAL ASSISTANCE:



PROLONGED DENIAL OF REST:



PROLONGED DENIAL OF SLEEP:



PROLONGED DENIAL OF SUFFICIENT HYGIENE:



SEVERE PHYSICAL ASSAULT INCLUSIVE OF CORPORAL PUNISHMENT:



SOLITARY CONFINEMENT:

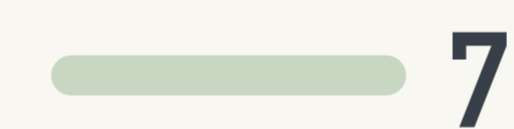


DENIAL OF THE RIGHT TO FREEDOM OF CONSCIENCE, THOUGHT AND RELIGION

THE PERSON WAS DENIED THEIR FREEDOM TO MANIFEST A RELIGION OR BELIEF:



THE PERSON WAS COERCED, THROUGH THREAT OF PHYSICAL FORCE OR PENAL SANCTIONS, TO RECANT THEIR RELIGION OR BELIEF



THE PERSON WAS DENIED THE FREEDOM TO ADOPT, CHANGE OR RENOUNCE A RELIGION OR BELIEF



North Hamgyong

Provincial MPS Holding Centre

(Nongpo)

North Hamgyong Provincial MPS Holding Centre (Nongpo) is located in Chongjin City, North Hamgyong Province. It is situated south of the city and is surrounded by urban housing and agricultural fields. The penal facility is managed by the MPS at the provincial level and is staffed by MPS state agents and correctional officers. The detention facility covers approximately 4,000 square metres. To date, Korea Future has identified 39 individual perpetrators at this facility.

UNIQUE REFERENCE NUMBER

PERPETRATORS

A1170	Unnamed. Male. 2010. Junior Lieutenant. Warden of North Hamgyong Provincial MPS Holding Centre.
A0913	Partially named. Male. 2008. Captain. Correctional officer.
A0241	Named. Female. Captain.
A0372	Unnamed. Male. Lieutenant Colonel.
A0504	Partially named. Male. 2005. Senior Lieutenant. Correctional officer.
A1217	Moniker. Male. 2005. Unknown.
A0312	Named. Male. Brigadier General.
A0313	Unnamed. Male. Major.
A0583	Unnamed. Male. Unknown. Warden of North Hamgyong Provincial MPS Holding Centre.
A0733	Unnamed. Male. 2004. Correctional officer.
A0732	Unnamed. Male. 2004. Correctional officer.
A0731	Unnamed. Male. 2004. Correctional officer.
A0729	Unnamed. Male. 2004. Sergeant Major.
A0487	Partially named. Male. Junior Lieutenant. Correctional officer.
A1244	Partially named. Male. 2003-2004. Sergeant Major. Correctional officer.
A1243	Named. Male. 2003-2004. Sergeant Major. Correctional officer.
A0946	Partially named. Male. 2003. Junior Lieutenant. Correctional officer.
A1157	Partially named. Male. 2003. Colonel. Correctional officer.
A1156	Named. Male. 2001-2003. Major. Secretary.
A1155	Partially named. Female 2001-2003.
A0425	Named. Male. 2002. Sergeant Major. Correctional officer.
A1058	Unnamed. Male. 2002.
A1383	Unnamed. Male. Unknown. Correctional officer.
A0439	Unnamed. Male. Lieutenant. Correctional officer.
A1269	Unnamed. Male. 2000-2001. Lieutenant Colonel. Warden of North Hamgyong Provincial MPS Holding Centre.
A1268	Unnamed. Male. 2000-2001. Lieutenant Colonel. Chief medical officer.
A1267	Named. Male. 2000-2001.
A0304	Unnamed. Male. 2001. Major.
A0847	Named. Male. 2005. Sergeant Major. Correctional officer.
A1428	Unnamed. Female. Lieutenant. Correctional officer.
A1401	Unnamed. Male. Senior Lieutenant. Medical officer.
A0795	Named. Male. 2005. Major General. Warden of North Hamgyong Provincial MPS Holding Centre.
A0794	Partially named. Male. 2005. Senior Lieutenant. Medical officer.
A0793	Partially named. Male. 2005. Lieutenant. Correctional officer.
A0414	Named. Male. Staff Sergeant.
A0360	Named. Male. Sergeant.
A0358	Unnamed. Male. 2014. Major.
A0357	Named. Male. 2014. Corporal.
A0193	Named. Male. 2008. Sergeant Major.

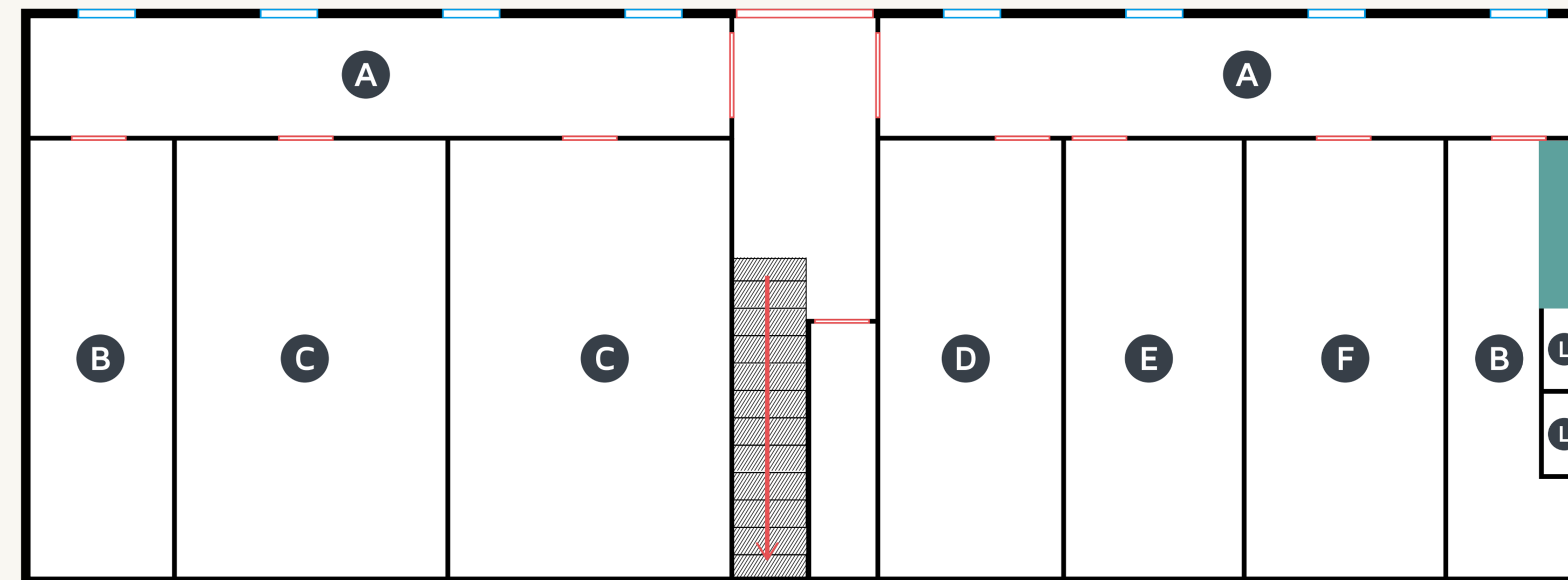
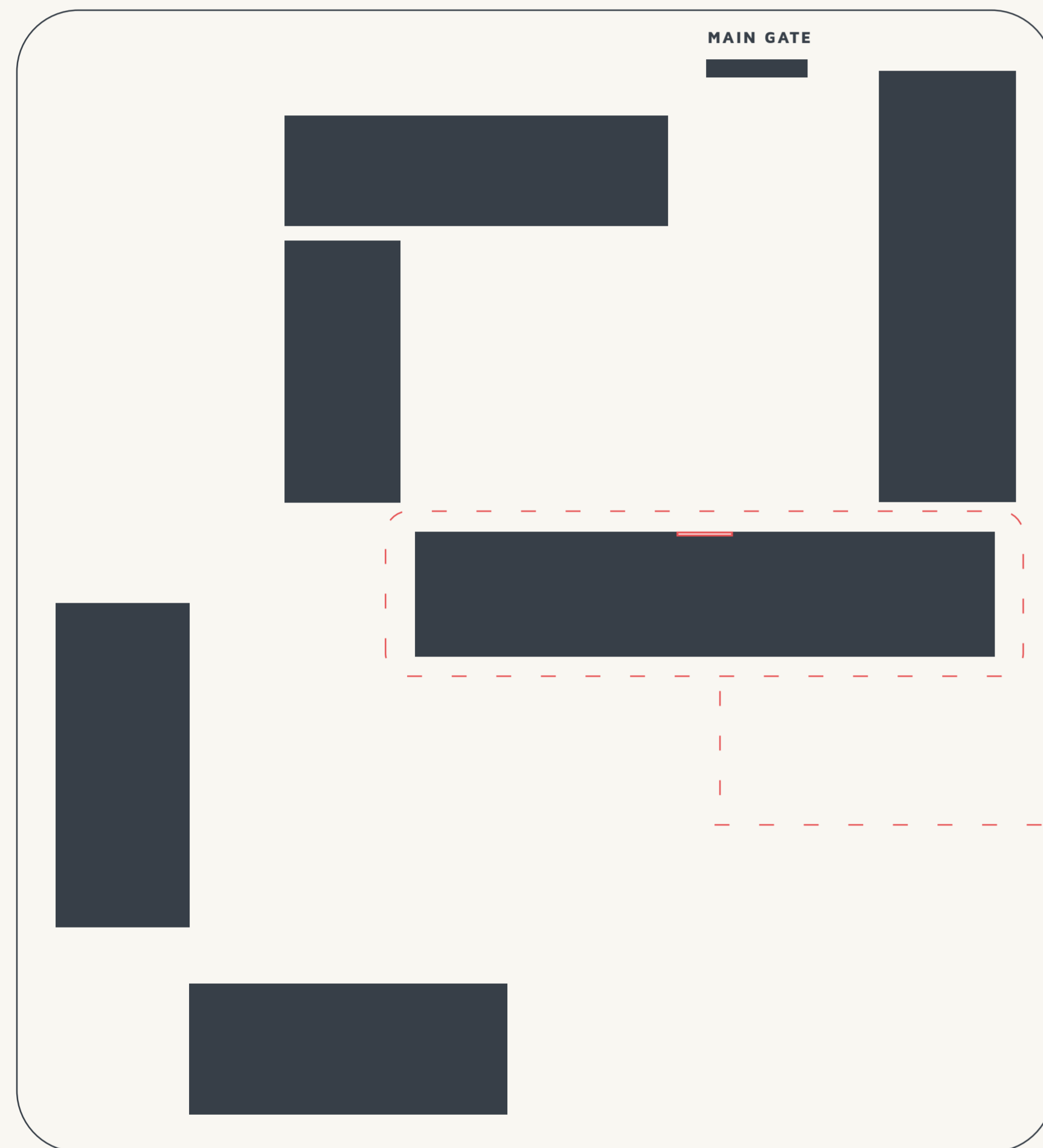
SATELLITE VIEW OF
North Hamgyong
Provincial MPS Holding Centre (Nongpo)

Image © 2022 Maxar Technologies



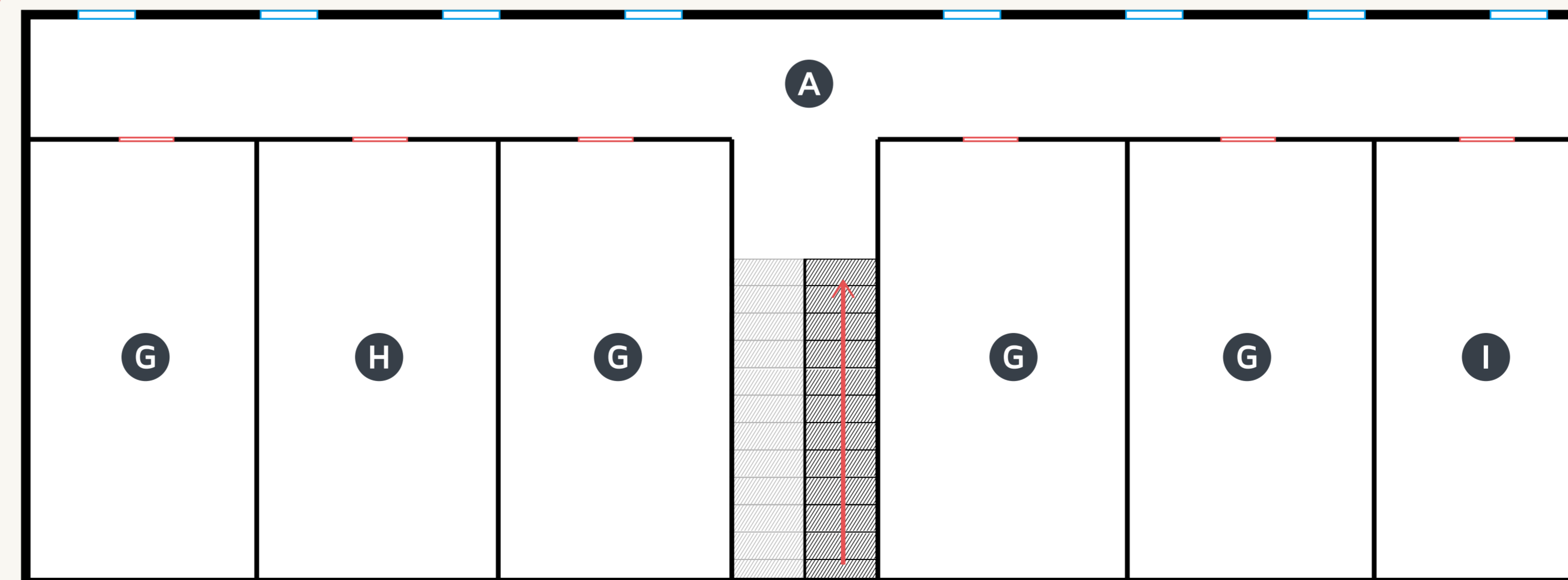
North Hamgyong Provincial MPS Holding Centre (Nongpo) 2013

MAIN COMPOUND



1ST FLOOR

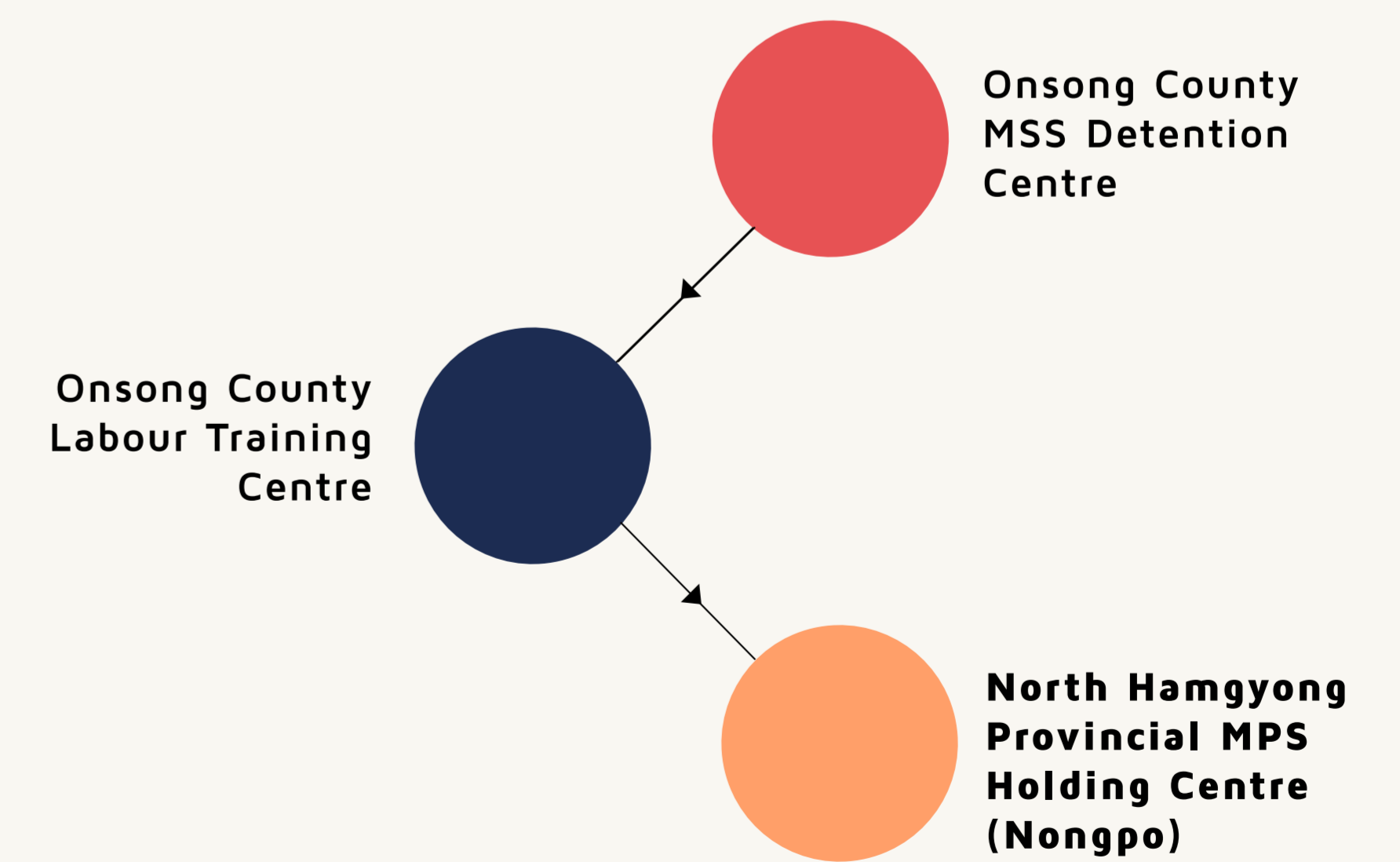
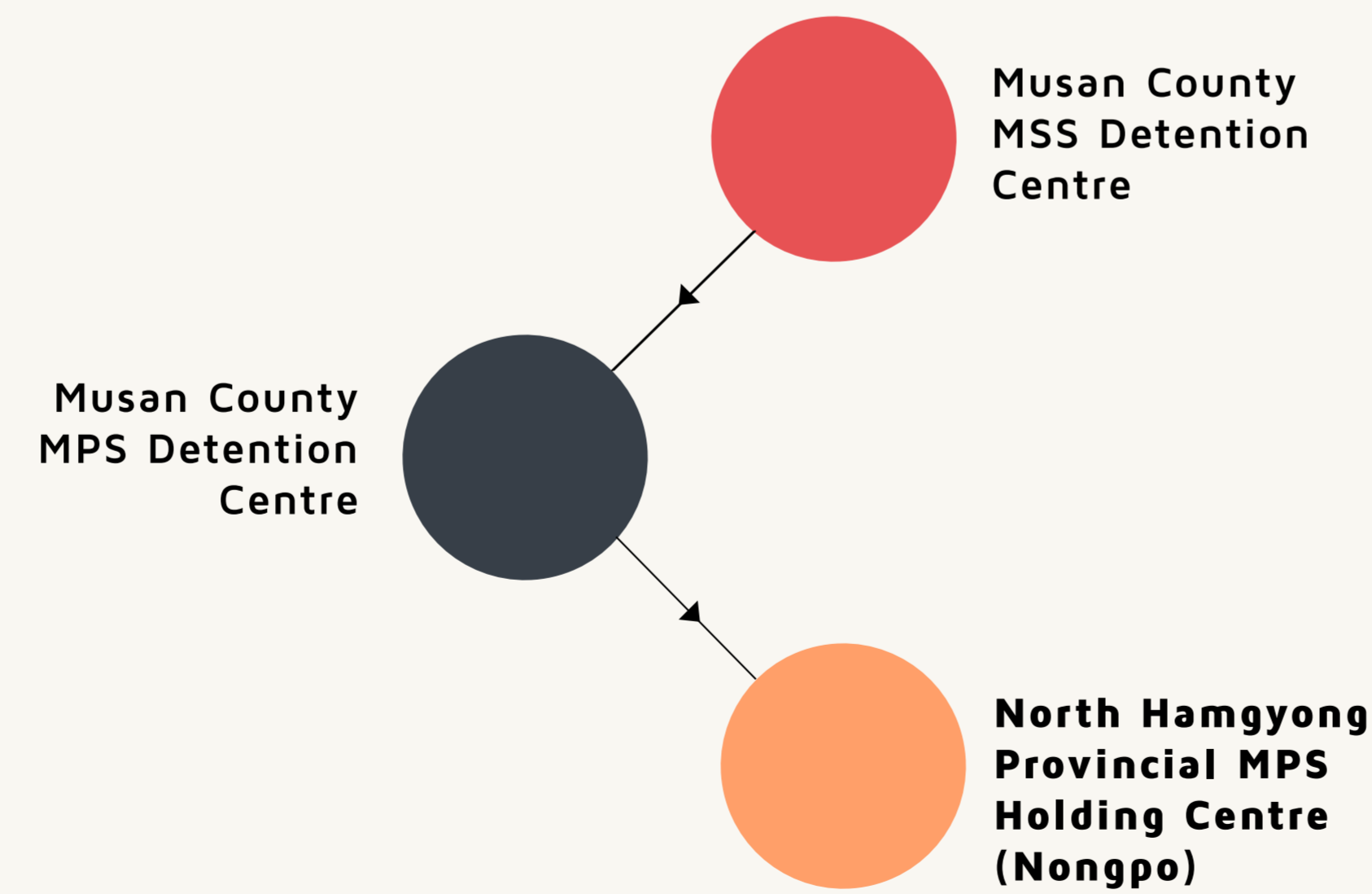
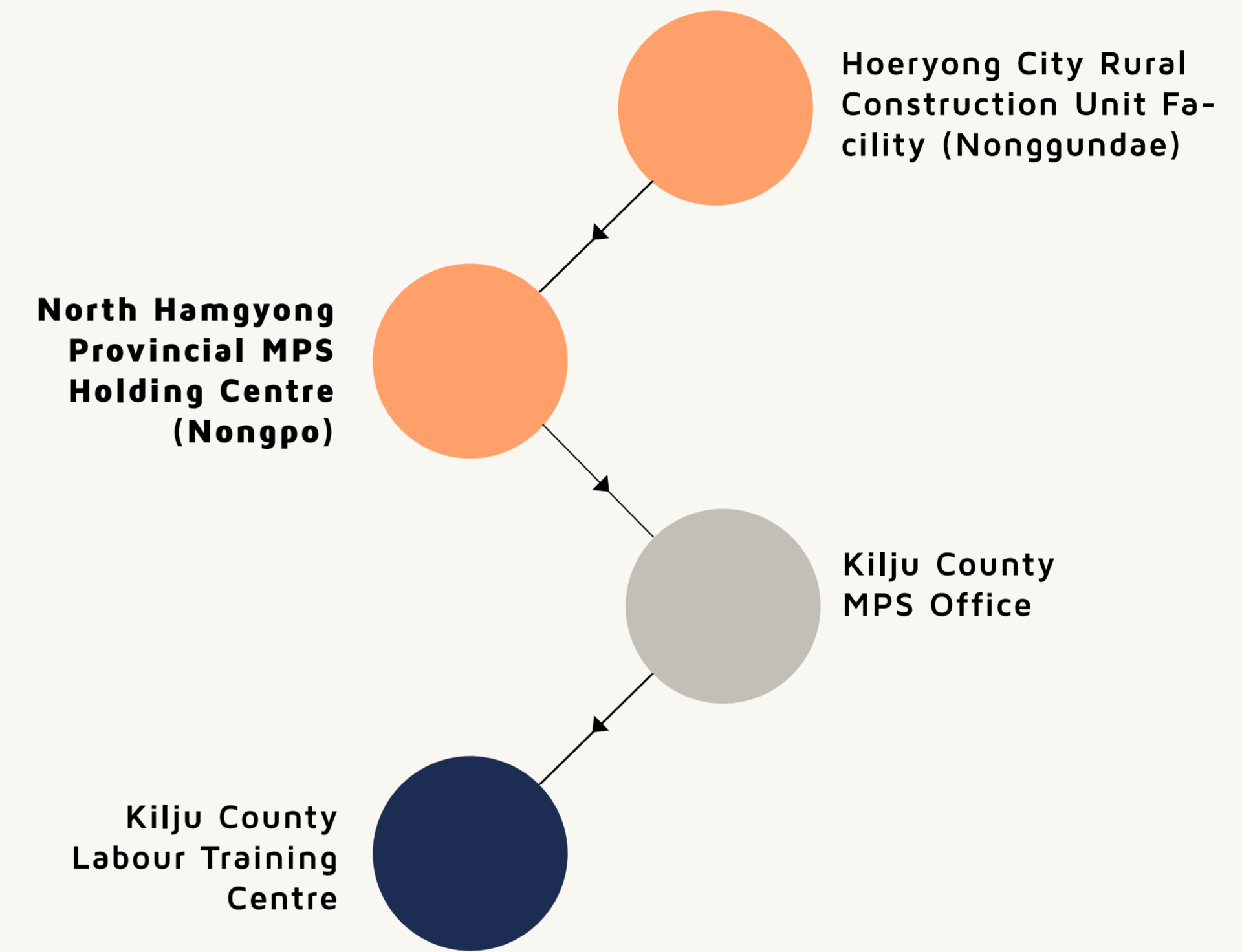
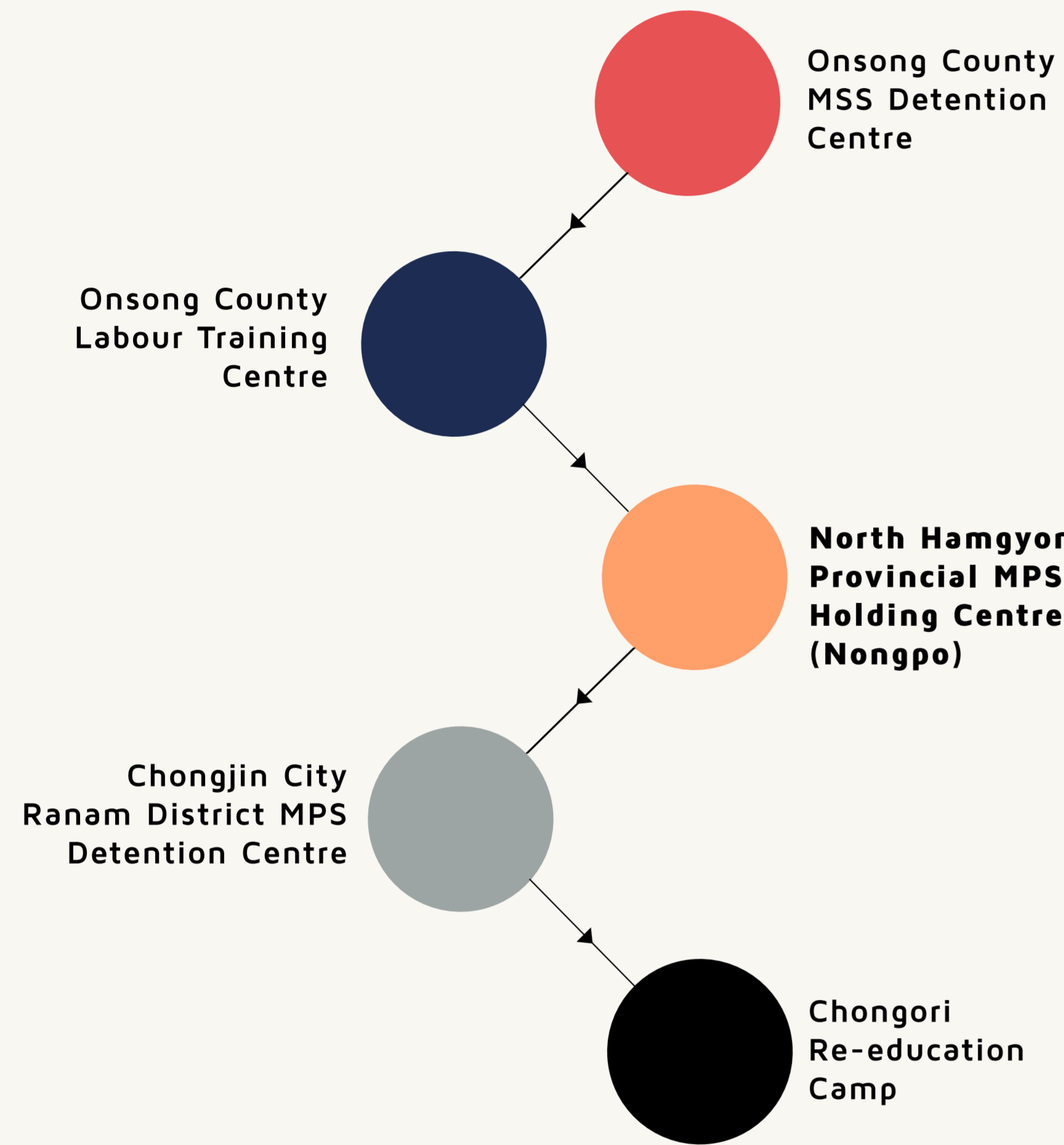
2ND FLOOR



LEGEND

- A** HALLWAY
- B** WASHROOM
- C** CELLS FOR MEN
- D** CELL N.1 (WOMEN)
- E** CELL N.2 (WOMEN)
- F** CELL N.3 (WOMEN)
- G** STAFF OFFICE
- H** OFFICE FOR MEDICAL PERSONNEL
- I** STORAGE FOR RICE
- L** TOILET
- DOOR
- WINDOW
- AREA FOR SHOES
- SHELF

TRANSFER ROUTES TO North Hamgyong Provincial MPS Holding Centre (Nongpo)



Legal classification of violations of international law

experienced by A1347 (Ms. Yang) at North Hamgyong Provincial MPS Holding Centre (Nongpo)

- Ms. Yang (A1347) was arrested and detained at North Hamgyong Provincial MPS Holding Centre (Nongpo) for 2 months in 2004 and for 2 months in 2005. On both occasions she had been refouled from China after being arbitrarily arrested by Chinese state agents in December 2003 and November 2004, respectively. Ms. Yang's experiences of arrest and detention resulted from her exercising her right to freedom of movement. During her periods of detention, she was denied access to a judge or judicial officer, proceedings for release from arbitrary deprivation of liberty, and prompt access to legal assistance. Ms. Yang's detention was not authorised by a judge or judicial officer.

Thereby the North Korean state is responsible for:

Count 1: Arbitrary Deprivation of Liberty resulting from the denial of rights or freedoms guaranteed by Articles 3, 9, and 13 (2) of the UDHR; and, insofar as North Korea is a state party, to Articles 9 (3) and 12 (2) of the ICCPR.

- Ms. Yang was subjected to torture and cruel, inhuman, and degrading treatment during her detention at North Hamgyong Provincial MPS Holding Centre (Nongpo). Ms. Yang was severely physically beaten by MPS agents at North Hamgyong Provincial MPS Holding Centre (Nongpo) in 2005. In particular, Ms. Yang stated that MPS agents had beaten her "mercilessly with the most painful wooden sticks" when she was transferred from Onsong County Labour Training Centre to North Hamgyong Provincial MPS Holding Centre (Nongpo) in 2005. Ms. Yang had first seen her bruised and swollen face in a reflection on the surface of her urine. There were no mirrors at the holding centre.

In addition to experiencing the intentional infliction of severe physical pain, Ms. Yang experienced the prolonged denial of food, medical assistance, and rest and sleep, as well as the prolonged denial of sufficient hygiene between February and March 2004 and between January and March 2005.

Thereby the North Korean state is responsible for:

Count 2: Torture and other cruel, inhuman or degrading treatment of punishment resulting from the denial of rights or freedoms guaranteed by Article 5 of the UDHR; Articles 1, 2, and 3 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Articles 1, 2, and 10 of UNCAT; and, insofar as North Korea is a state party, Article 7 of the ICCPR; and Rule 1 of the Mandela Rules.

- Ms. Yang was denied the right to a fair trial following her refoulement to North Korea. The case of Ms. Yang was not heard by a competent, independent, and impartial court or tribunal, nor was she presumed to be innocent. She was detained at five different penal facilities between November 2004 and September 2005. She was not afforded a trial and was instead transferred to Musan County Labour Training Centre following her detention at North Hamgyong Provincial MPS Holding Centre (Nongpo) and Musan County MPS Detention Centre in 2005. Until the moment she was released, Ms. Yang was denied contact with the outside world.

Thereby the North Korean state is responsible for:

Count 3: Denial of the right to a fair trial resulting from the denial of rights or freedoms guaranteed by Articles 10 and 11 of the UDHR; and, insofar as North Korea is a state party, Articles 9 (3) and 14 of the ICCPR.



- Ms. Yang was detained in inhuman and degrading conditions, which included unsanitary conditions, both in 2004 and 2005. She was provided with food that was of poor nutritional quality while the deprivation of food was so severe that a pregnant detainee stole and ate dog food and was subsequently punished. Ms. Yang was permitted to drink water only after receiving permission from state agents at North Hamgyong Provincial MPS Holding Centre (Nongpo). She recounted the absence of any available medical care and medicine in the holding centre. Ms. Yang was denied adequate water to maintain her personal hygiene, and there was no place to wash or take a bath inside the holding centre. She and other detainees were only allowed to rid themselves of lice when they were unable to engage in forced labour due to severe weather conditions.

Thereby the North Korean state is responsible for:

Count 4: Denial of the right health resulting from the denial of rights or freedoms guaranteed by Article 25 (1) of the UDHR; and, insofar as North Korea is a state party, Articles 11 and 12 (1) of the ICESCR.

- During her detention at North Hamgyong Provincial MPS Holding Centre (Nongpo), Ms. Yang was not permitted to manifest a religion or belief.

Thereby the North Korean state is responsible for:

Count 5: Denial of the right to freedom of conscience, thought, and religion resulting from the denial of rights or freedoms guaranteed by Article 18 of the UDHR; and, insofar as North Korea is a state party, Article 18 of the ICCPR.

- Ms. Yang was not permitted to have access to information due to her limited contact with the outside world. Additionally, Ms. Yang was denied the right to express her belief, thoughts, ideas, and emotions at North Hamgyong Provincial MPS Holding Centre (Nongpo) and other penal facilities.

Thereby the North Korean state is responsible for:

Count 6: Denial of the right to freedom of expression resulting from the denial of rights or freedoms guaranteed by Article 19 of the UDHR; and, insofar as North Korea is a state party, Article 19 of the ICCPR.

- Despite Ms. Yang's status as an unconvicted detainee, she was compelled to perform forced labour at North Hamgyong Provincial MPS Holding Centre (Nongpo) in 2004 and 2005. She was assigned to construction work that involved frequent transportation of heavy loads of aggregate materials. Ms. Yang began labour between 08:00 and 12:00 and resumed labour following lunch until 20:00. Forced labour was conducted under the threat of penalty. Ms. Yang was not provided with sufficient and adequate food or water during her forced labour. The work was performed involuntarily, and Ms. Yang was not compensated for her labour at North Hamgyong Provincial MPS Holding Centre (Nongpo).

Thereby the North Korean state is responsible for:

Count 7: Denial of the right to be from forced labour resulting from the denial of rights or freedoms guaranteed by the ICCPR (Article 8(3)); the Convention Concerning Forced or Compulsory Labour (Articles 2 (c), 12, 13); the UDHR (Article 5); and the Mandela Rules.

- Patterns of forced abortion and the denial of the right to life prior to conviction have been documented in facilities where detainees await transfer to another penal facility. These violations have similarly been reported in North Hamgyong Provincial MPS Holding Centre (Nongpo). One interviewee who was detained at North Hamgyong Provincial MPS Holding Centre (Nongpo) in 2000 (A1406) stated that she accompanied and witnessed a fellow detainee, who was in her eighth month of pregnancy and who had experienced refoulement, being transported from North Hamgyong Provincial MPS Holding Centre (Nongpo) to a local hospital to undergo a forced abortion. Following the forced abortion, the infant, who survived, was drowned in a basin of water by MPS agents.

Thereby the North Korean state is responsible for:

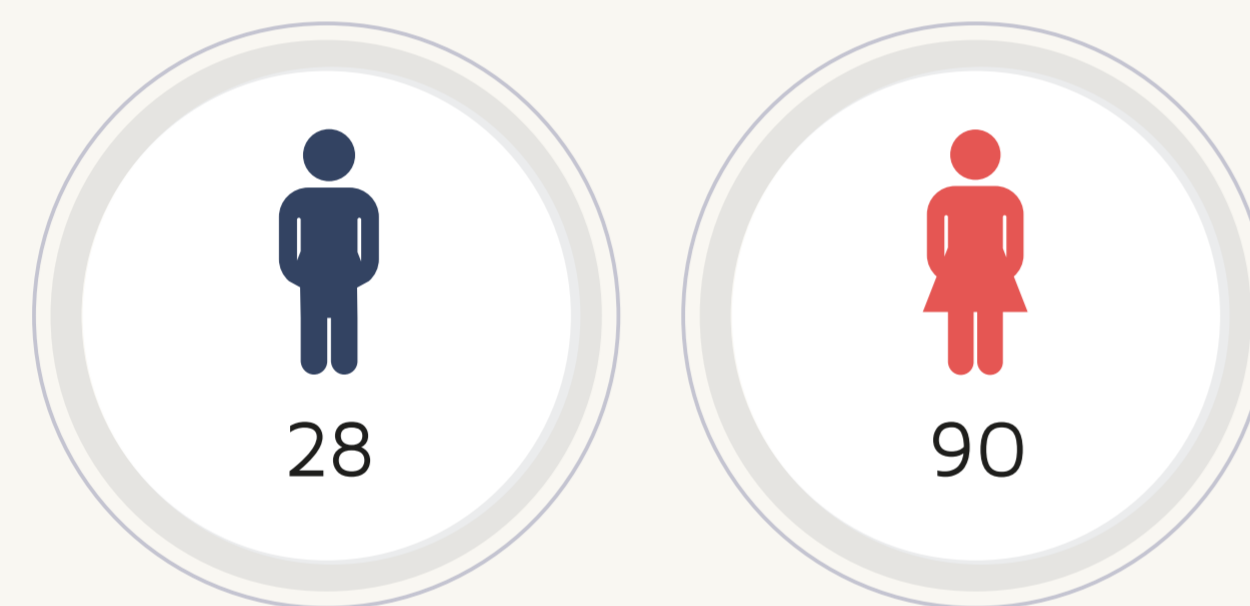
Count 8: Denial of the right to health, the right to life, and to torture and other cruel, inhuman, and degrading treatment resulting from the denial of rights or freedoms guaranteed by Article 25 (1) of the UDHR; Article 6 of the ICCPR; Article 12 of the ICESCR; and Article 16 (e) of CEDAW.

North Hamgyong

Provincial MPS Holding Centre (Nongpo)

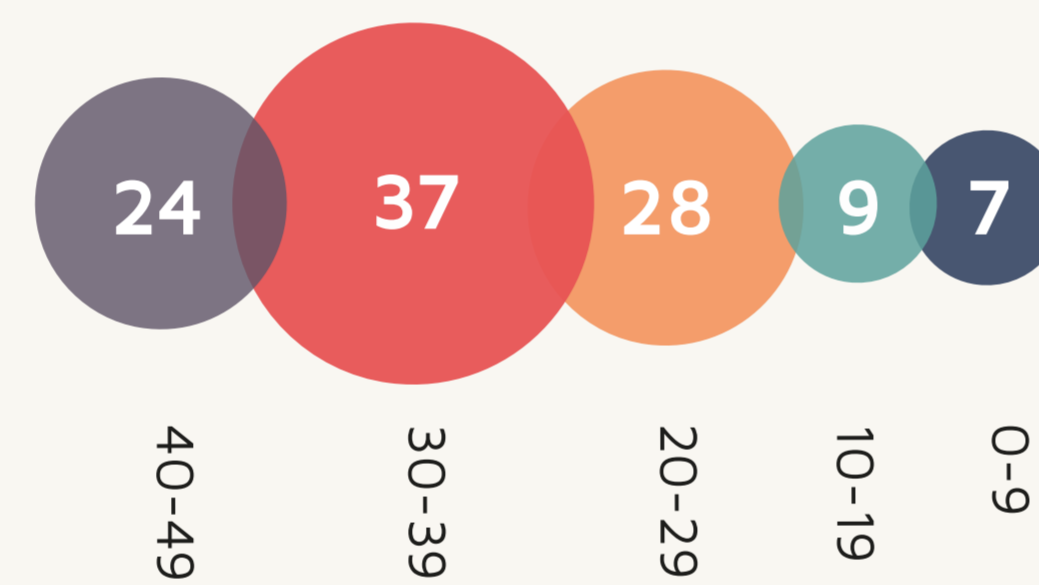
Detainees

GENDER



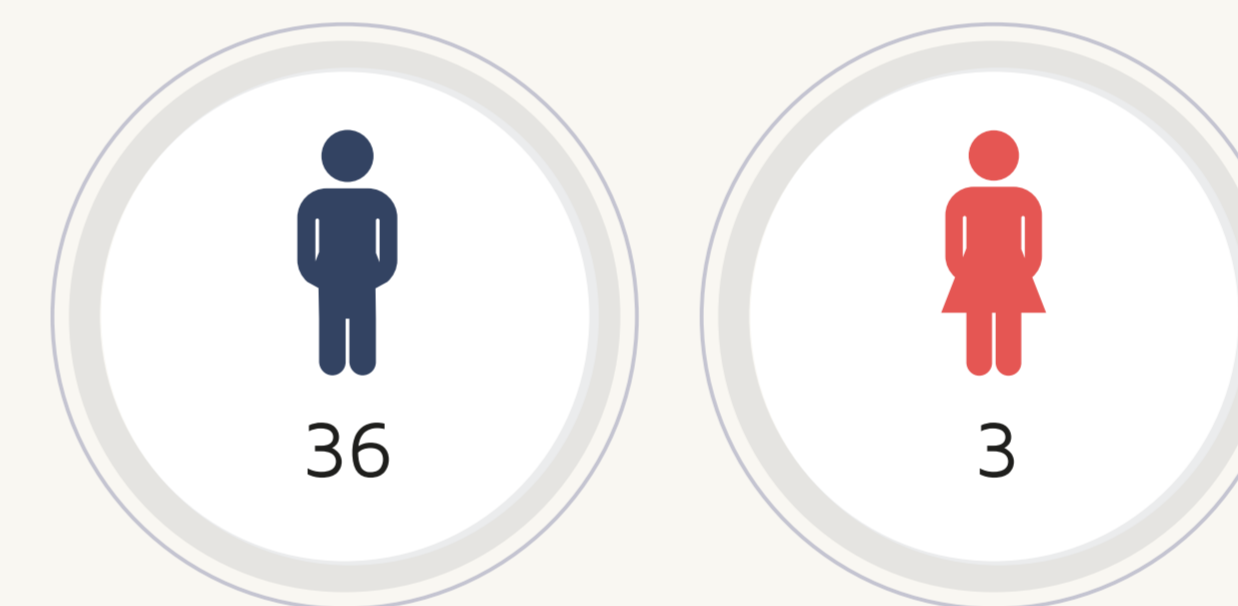
UNKNOWN: 1

AGE



Perpetrators

GENDER



AGE



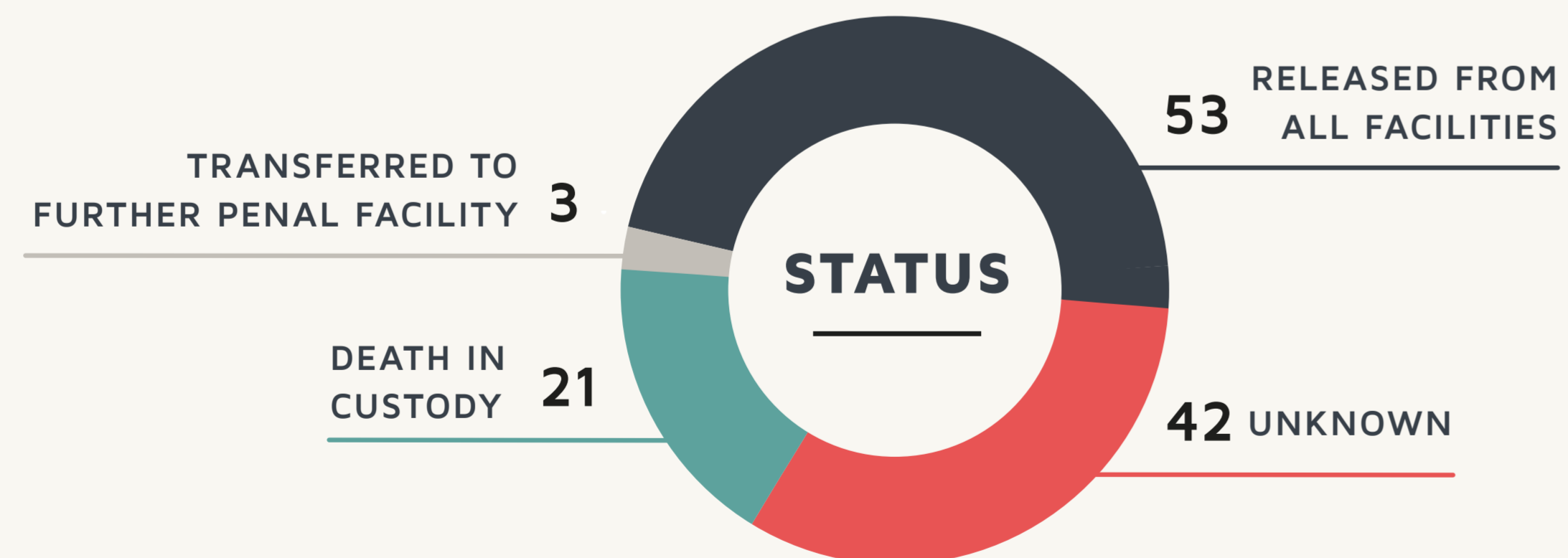
IDENTITY



AFFILIATION



STATUS



International law violations

North Hamgyong Provincial MPS Holding Centre (Nongpo)

ARBITRARY DEPRIVATION OF LIBERTY

ARREST/DETENTION BASED ON ACT OF FREEDOM OF EXPRESSION:

• 1

ARREST/DETENTION BASED ON ACT OF FREEDOM OF MOVEMENT
(INCLUDING BORDER CROSSING/ESCAPE):

————— 79

ARREST/DETENTION BASED ON GUILT-BY-ASSOCIATION:

• 1

DENIAL OF ACCESS TO A JUDGE OR JUDICIAL OFFICER:

————— 41

DENIAL OF PROCEEDINGS FOR RELEASE FROM ARBITRARY ARREST/DETENTION:

————— 40

DENIAL OF PROMPT ACCESS TO LEGAL ASSISTANCE:

————— 48

DENIAL OF PROMPT NOTIFICATION TO THE FAMILY:

————— 37

DETENTION NOT AUTHORISED BY A JUDGE OR JUDICIAL OFFICER:

————— 36

LACK OF NOTICE OF THE REASON FOR ARREST:

— 5

LACK OF PRESENTATION OF A VALID ARREST WARRANT:

— 6

LACK OF PROMPT NOTICE OF THE CHARGES:

————— 29

PROLONGED DETENTION PENDING TRIAL:

— 2

International law violations

North Hamgyong Provincial MPS Holding Centre (Nongpo)

DENIAL OF THE RIGHT TO FREEDOM OF CONSCIENCE, THOUGHT AND RELIGION

THE PERSON WAS COERCED, THROUGH THREAT OF PHYSICAL FORCE OR PENAL SANCTIONS, TO RECANT THEIR RELIGION OR BELIEF:

● 1

THE PERSON WAS DENIED THE FREEDOM TO ADOPT, CHANGE OR RENOUNCE A RELIGION OR BELIEF (THE PERSON WAS ASKED WHETHER THEY HAD VISITED A PLACE OF WORSHIP OR ENGAGED WITH A RELIGIOUS PERSON):

69

THE PERSON WAS DENIED THEIR FREEDOM TO MANIFEST A RELIGION OR BELIEF:

75

DENIAL OF FREEDOM OF EXPRESSION

DENIAL OF EXPRESSIONS OF ONE'S BELIEF, THOUGHTS, IDEAS AND EMOTIONS:

104

LACK OF MEANS TO SEEK, RECEIVE AND IMPART INFORMATION AND IDEAS OF ALL KINDS, REGARDLESS OF FRONTIERS:

108

DENIAL OF HEALTH

LACK OF AVAILABILITY OR ACCESS TO MEDICAL CARE, INCLUSIVE OF MENTAL, PHYSICAL, MATERNAL, AND REPRODUCTIVE:

111

LACK OF DRINKING WATER:

80

LACK OF FOOD:

114

LACK OF MEANS TO MAINTAIN PERSONAL HYGIENE:

115

LACK OF SANITATION:

113

TORTURE & CID

FORCED ABORTION:

5

POSITIONAL TORTURE:

16

International law violations

North Hamgyong Provincial MPS Holding Centre (Nongpo)

PROLONGED DENIAL OF FOOD:



PROLONGED DENIAL OF MEDICAL ASSISTANCE:



PROLONGED DENIAL OF REST:



PROLONGED DENIAL OF SLEEP:



PROLONGED DENIAL OF SUFFICIENT HYGIENE:



PSYCHOLOGICAL TORTURE:



SENSORY DEPRIVATION:



SEVERE PHYSICAL ASSAULT INCLUSIVE OF CORPORAL PUNISHMENT:



FORCED EXERCISE DRILLS:



SOLITARY CONFINEMENT:



DENIAL OF THE RIGHT TO A FAIR TRIAL

DENIAL OF CONTACT WITH OUTSIDE WORLD:



DENIAL OF PROMPT ACCESS TO THE INFORMATION ON CHARGES AGAINST HIM OR HER:



FAILURE TO RESPECT THE PRESUMPTION OF INNOCENCE:



FORCED CONFESSIONS:



INABILITY OF THE ACCUSED TO QUESTION RELEVANT WITNESSES:



LACK OF ADEQUATE TIME AND FACILITIES FOR PREPARATION OF DEFENCE:



LACK OF AN INDEPENDENT AND TRANSPARENT JUDICIARY OR TRIBUNAL:




International law violations


North Hamgyong Provincial MPS Holding Centre (Nongpo)

DENIAL OF THE RIGHT TO LIFE

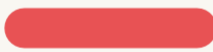
DEATH IN CASE OF TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT:

 19

LACK OF INVESTIGATION INTO DEATH IN CUSTODY:

 4

STATE'S NEGLIGENCE TO PROTECT DETAINEES FROM KNOWN THREATS WITHIN THE INSTITUTION, TO CARRY OUT REGULAR CHECKS ON DETAINEES ESPECIALLY THOSE AT RISK (E.G. A KNOWN SUICIDE RISK), TO BE ALERT TO KNOWN RISKS, TO INSTITUTE SYSTEMS, REGULATIONS AND PROCEDURES TO PROTECT FROM ALL THE ABOVE:

 7

FORCED LABOUR

OTHER FORMS OF LABOUR EXPLOITATION OF DETAINEES (IN HOLDING CENTRES, DETENTION CENTRES ETC.):

 85

This report is published at a moment where the central pillars upholding international law are being tested globally. For its part, the actions of the Workers' Party of Korea, led by Kim Jong Un, suggest the North Korean state does not share the international community's commitment to upholding the rights of people accused or suspected of crimes. Years of condemnation and censure have done little to dissuade its assault on detainees and denial of their fundamental freedoms, rights, and liberties.

The current state of impunity is not for lack of accountability mechanisms. In 2014, the United Nations Commission of Inquiry recommended the Security Council to refer the situation in North Korea to the International Criminal Court based on Article 13 (b) of the Rome Statute and Chapter VII of the Charter of the United Nations, despite barriers to its success. Moreover, the inquiry suggested the United Nations establish an *ad hoc* International Tribunal in line with precedents that led to the establishment of the International Criminal Tribunals for Yugoslavia and Rwanda.

In 2022, other opportunities for justice present themselves. Domestic courts that apply the principle of universal jurisdiction offer recourse to victim-centred justice, alongside non-judicial options, including civil claims. States that possess 'Magnitsky'-style targeted human rights sanctions regimes offer alternative approaches to deter, penalise, and spotlight individual perpetrators who remain in North Korea. Various transitional justice approaches, such as people's tribunals, may enable the voices of thousands of survivors to be heard.

Korea Future is agnostic to the mechanisms in which justice and accountability will be realised. Our purpose is simple: to investigate, analyse, and preserve evidence so that it may be deployed by national and international justice actors who seek to hold North Korea's perpetrators accountable in jurisdictions across the world.

Conclusion

Appendix 1: Methodology

Evidence presented in this report has been entirely sourced from primary investigations undertaken by Korea Future. Our methods of investigation are well-established across our work and have been developed with and comprehensively reviewed by legal experts with international prosecutorial and analytical experience. For this report, Korea Future investigators undertook 259 detailed in-person interviews with survivors, perpetrators, and witnesses who either experienced, witnessed, or committed violations of international human rights law at penal facilities in North Korea. Information from 161 interviews form the foundation of this report's findings.

In establishing a necessary standard of proof, we employed a reasonable grounds standard in making factual determinations on individual cases. We analysed evidence against elements required for violations under international human rights law, customary international law, peremptory norms, and basic principles. Other forms of evidence, including geolocations and organisational maps, were gathered by our investigators. Chains of custody and communication logs are retained in all circumstances.

It is not possible to extrapolate figures from this report or our database to estimate broader patterns or demographics across the national detainee population; however, certain patterns in our crime-base evidence indicate that experiences to the contrary may be exceptions rather than the norm.

We have concealed the identities of detainees in this report. Where necessary, we use pseudonyms. We do not name individual perpetrators in our work, which are human rights findings rather than attributions of criminal responsibility. Our evidence, alongside other materials, has been preserved for use in justice and accountability efforts.

International instruments and national authorities often use different terminologies to refer to persons deprived of their liberty, including prisoner, convict, detainee, and inmate. In certain jurisdictions, various terms are used for persons detained at different stages of a justice process, including pre-trial detainee. In this report, the term 'detainee' is used to describe all persons who have been deprived of their liberty in all its forms.

As used in the report, the term 'perpetrator' refers to individuals who, according to evidence and analysis gathered by Korea Future, demonstrate responsibility for violation(s) of international human rights law.

We use the term 'penal facility' to refer to the locations and institutions where a detainee is deprived of their liberty. Under different global jurisdictions, these places may be narrowly termed jails, penal colonies, penitentiaries, correctional institutions, or prisons. Our terminology is wider in scope owing to the realities of North Korea where there is use of interim locations used to hold detainees during judicial proceedings. For example, the use of waiting rooms and *kkotjebi* relief stations helps us understand the varied experiences of detention in the penal system from the beginning to the end. In this respect, our findings demonstrate that patterns of international law violations transcend categories of penal facilities, including those most commonly associated with North Korea, such as facilities customarily termed '*kwalliso*' (political prison camp) and '*kyohwaso*' (re-education camp) and those termed 'ordinary' and 'political.'

Appendix 2: Glossary

Bangkok Rules: United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.

Beijing Rules: United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women.

CRC: Convention on the Rights of the Child.

Detainee: A person deprived of their liberty. In certain jurisdictions, various terms are used for persons detained at different stages of a justice process, including pre-trial detainee. In this report, the term 'detainee' is used to describe all persons who have been deprived of their liberty in all its forms.

Havana Rules: United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

ICCPR: International Covenant on Civil and Political Rights.

ICESCR: International Covenant on Economic, Social and Cultural Rights.

Kkotjebi: A child who is homeless.

Mandela Rules: United Nations Standard Minimum Rules for the Treatment of Prisoners.

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

MSS: Ministry of State Security.

PCNK: People's Committee of North Korea.

Penal facility: A location or institution where a detainee is deprived of their liberty. We use the term 'penal facility' to refer to the locations and institutions where a detainee is deprived of their liberty. Under different global jurisdictions, these places may be narrowly termed jails, penal colonies, penitentiaries, correctional institutions, or prisons.

Perpetrator: A person who, according to evidence and analysis gathered by Korea Future, may be held responsible for violation(s) of international human rights law.

State agent: An individual employed by the state, or empowered to exercise elements of state authority, or otherwise in a position to invoke state responsibility under international law, including persons, and commonly public officials, acting on the state's instructions or under its direction or control; a state organ (e.g., ministries); and its armed forces (e.g., security services or army). See Responsibility of States for Internationally Wrongful Acts 2001, which is generally accepted as reflecting customary international law.

State organisation: A state organ (e.g., ministry) empowered to exercise elements of state authority, or otherwise in a position to invoke state responsibility under international law. See Responsibility of States for Internationally Wrongful Acts 2001, which is generally accepted as reflecting customary international law.

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

UDHR: Universal Declaration of Human Rights.

WPK: Workers' Party of Korea.

Acknowledgements

Korea Future acknowledges and thanks those individuals who survived North Korea's penal system and provided evidence for this report and our North Korean Prison Database. Our investigation continues to benefit from the support and expertise of various organisations and partners. In particular, we extend our thanks to Tongil Somang, HURIDOCS, 'PS', and Jungwoo Lyoo, among others. We thank Jiwon Kim for his significant work on the North Korean Prison Database. Finally, we thank Kyeong Min Shin, Inje Hwang, and Soo Bin Yoon for their contributions.

Endnotes

¹ North Korea has ratified five major international human rights treaties and is legally bound by its obligations under these treaties, as well as by relevant customary international law, including the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities.

² Vasilii Lebedev. "War and peace in liberated North Korea: Soviet military administration and the creation of North Korean police force in 1945." Accessed 11 March, 2022. <https://www.cambridge.org/core/journals/international-journal-of-asian-studies/article/war-and-peace-in-liberated-north-korea-soviet-military-administration-and-the-creation-of-north-korean-police-force-in-1945/B26380E11146A0FDF8766960B2947ED3>. During this period — and serving as a harbinger for what was to become customary — North Korean state agents commonly subjected detainees to torture and other forms of cruel and inhuman methods of interrogation, drawing censorship even from Soviet military counterintelligence officials.

³ The Ministry of People's Security has had several changes of name, including in recent years. For example, it was renamed the Department of People's Security in 2010 as part of an effort to place it alongside two other major security organs: the Department of People's Armed Forces and the Department of State Security. It was renamed again in 2016 as the Ministry of People's Security and placed under the State Affairs Commission. Finally, in May 2020, it was renamed the Ministry of Social Security. To avoid confusion, this report continues to refer to it as the Ministry of People's Security, which is conventionally the name most used.

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