

Submission to the Special Rapporteur  
on the situation of human rights  
in the Democratic People's Republic of Korea

**Progress made on  
accountability for serious  
human rights violations in  
the Democratic People's  
Republic of Korea  
and the steps required  
to further advance  
accountability**

DECEMBER 2023

# Introduction

**1.** This submission is based on Korea Future’s experiences engaging with accountability mechanisms through strategic submissions and legal and policy advocacy, both internationally and in domestic jurisdictions around the world. It does not provide an exhaustive account of all available accountability challenges and opportunities; rather, it focuses on issues which have arisen in our recent work.

**2.** This submission responds to questions (1), (2), and (3) set out in the call for input of the United Nations Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, and addresses the following topics:

**a.** Inadequacies in domestic legal frameworks, institutions, and resultant barriers to accountability in the Democratic People’s Republic of Korea;

**b.** Obstacles to the fulfilment of the recommendations of the 2014 United Nations Commission of Inquiry on human rights in the Democratic People’s Republic of Korea;

**c.** Opportunities to strengthen accountability through emergent pathways in the decade since the United Nations Commission of Inquiry on human rights in the Democratic People’s Republic of Korea concluded its mandate;

**d.** Viability of targeted human rights sanctions in seeking accountability for, and deterring, serious human rights violations;

**e.** Measures taken by Korea Future to advance accountability for serious human rights violations in the Democratic People’s Republic of Korea; and

**f.** The role of accountability in bridging human rights and peace and security agendas for the Democratic People’s Republic of Korea.





## Inadequacies in domestic legal frameworks, institutions, and resultant barriers to accountability in the Democratic People's Republic of Korea

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**3.** As a Member State of the United Nations since 1991, the Democratic People's Republic of Korea (DPRK) has committed to the promotion and protection of human rights as enshrined in the United Nations Charter and the Universal Declaration of Human Rights (UDHR).

**4.** The rights enshrined in the UDHR have been expressed in multiple international treaties. The DPRK is a State Party to five of these treaties, having acceded to the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Cultural Rights; the Convention on the Rights of the Child; the Convention on the Rights of Persons with Disabilities; and the Convention on the Elimination of All Forms of Discrimination against Women.

**5.** The DPRK is bound by rights and prohibitions generally recognised under customary international law and peremptory norms of general international law (*jus cogens*) that are accepted and recognised by the international community as a norm from which no derogation is permitted.

**6.** The DPRK may take account of non-binding soft law instruments that play an important role in guiding the interpretation of treaty obligations, addressing gaps in existing treaties in force, and clarifying the positive and negative obligations of state officials. These include the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules); the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules); and the United Nations Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment.

**7.** Domestic legislation in the DPRK that is relevant to the protection and promotion of fundamental human rights and freedoms includes the Ten Principles for the Establishment of a Monolithic Leadership System (Ten Principles); the Socialist Constitution of the DPRK; the Criminal Law of the DPRK, consisting partly of the Criminal Code and the Criminal Procedure Code; and the Administrative Punishment Law of the DPRK.



**8.** The Ten Principles, first released in 1974, is the *de facto* constitution of the DPRK and takes legal and political precedence over all other laws in the DPRK. Regarded as the country's most powerful document, it consists of ten principal clauses that establish the specific attitudes and behaviours required of all citizens. The principles shape both the formulation and enforcement of domestic laws by serving as authoritative guidelines for determining alignment with what has been specifically taught or ordered by Kim Il Sung, Kim Jong Il, and now Kim Jong Un. The institution responsible for overseeing their observance is the Organisation and Guidance Department of the Workers' Party of Korea Central Committee.

**9.** To the extent that domestic and international laws are upheld in the DPRK, they are enforced in the civilian sphere by the following institutions: the Prosecutor's Office; Border Security Command; the Ministry of Social Security, and the Ministry of State Security. In the military sphere, the Military Security Command performs the functions of the Ministry of State Security.

**10.** The Ministry of Social Security is analogous to a national police force in other nations, but it serves a party-political function in the DPRK due to it being subject to absolute Workers' Party of Korea control and that body's mission of upholding the political system. The Ministry of Social Security is the main entity that conducts law enforcement activities according to the criminal code. It may arrest individuals if they are found in the process of committing a crime, or following a warrant authorised by the Prosecutor's Office. The Ministry of Social 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.<sup>5</sup> 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.<sup>6</sup>

**11.** The Ministry of State Security is an intelligence agency with an official mission to protect the Kim family and the political system by uncovering citizens engaged in espionage, anti-party, or anti-revolutionary activities—commonly seen to amount to 'political crimes'.<sup>7</sup> It maintains its own prosecution department, court system, and penal facilities. It became independent from the Ministry of Social Security in 1973 following an order by Kim Il Sung that called for separating political order operations from public order operations.<sup>8</sup> To carry out its operations effectively, the Ministry of State Security maintains branches throughout the nation, covering administrative regions directly parallel to the ministry, as well as among resident foreigners and overseas postings of diplomats and dispatched workers.



**12.** As revealed in over 350 interviews conducted by Korea Future with persons who had experienced human rights violations in the DPRK penal system, agents of the Ministry of Social Security and the Ministry of State Security commonly did not present a court order or arrest warrant to the individuals being arrested or detained, or inform them of their rights at the moment of arrest.

**13.** On the issue of rights at the moment of arrest, we documented differences in processes between the Ministry of Social Security and the Ministry of State Security.

**a.** According to Jung Seol Bin, who was arrested and detained by Samsijon Ministry of State Security, "When someone tells you that they are from the Ministry of State Security and asks you to accompany them for questioning, you comply. The officer who came to our house was not wearing any uniform or any rank insignia."<sup>9</sup>

**b.** According to Min Hyeong Guk, who was detained by Hyesan Ministry of State Security for several weeks, "They did not provide any explanations on why I was held for an extended period [...] They told me to think of them as teachers and myself as a student."<sup>10</sup>

**14.** Reflecting the bureaucratic nature of law enforcement entities in the DPRK, some aspects of due process are evident in the pre-trial detention of individuals. These include restrictions on the length of pre-trial detention and the review of cases by officials from an entity other than the arresting entity, at least in the case of the Ministry of Social Security. However, for both the Ministry of Social Security and the Ministry of State Security, there is little in the way of due process that serves to protect an individual's rights "to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defence"<sup>11</sup> or "to a fair and public hearing by an independent and impartial tribunal,"<sup>12</sup> as defined in the UDHR.

**15.** Two systems of sentencing exist in the DPRK: a public prosecution according to the criminal code carried out by the Ministry of Social Security and the Prosecutor's Office and a secret *in camera* prosecution process managed by the Ministry of State Security.<sup>13</sup> These entities are implicated in perpetrating serious human rights violations, including detaining persons without trial or without trials that satisfied fair trial guarantees.<sup>14</sup> These practices effectively invalidate individuals' right to a fair trial and due process guarantees articulated in the International Covenant on Civil and Political Rights.

**16.** Criminal defendants cannot themselves hire an attorney, but they may be represented by a state-assigned attorney. Defence attorneys belong to the Central Defence Attorney League, which is an organisational unit of the Workers' Party of Korea, and a defence attorney's duty to political reporting means there can be no expectation of client-attorney confidentiality.

**a.** Lee Eun Mi explained, "I had one attorney consultation before the trial [...] The defence attorney did not argue in my favour. He said that there was nothing to argue as I had already confessed to the crime [...] As he was a state-appointed attorney, he was not on my side."<sup>15</sup>

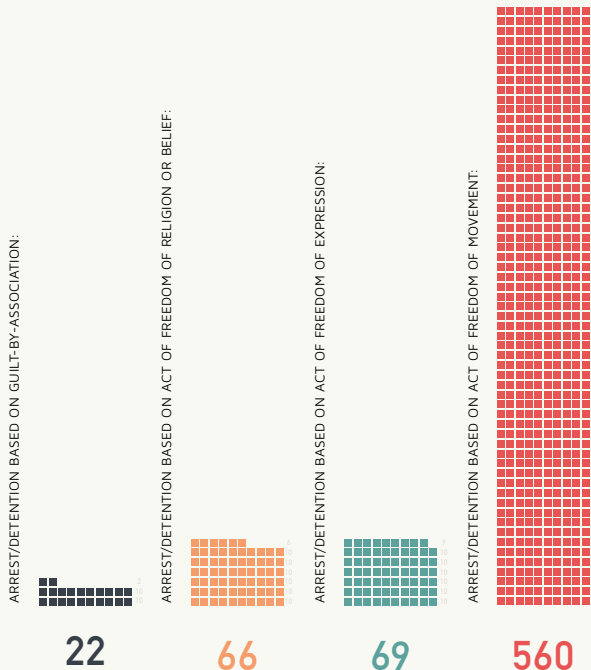


b. Kang Gə Mi, a former detainee from North Həmgjong, said “[Attorneys] come and ask you whether you were coerced into confession or were beaten, but they tell the authorities about what you said [...] They tell the officials everything because they are on the same side.”<sup>16</sup>

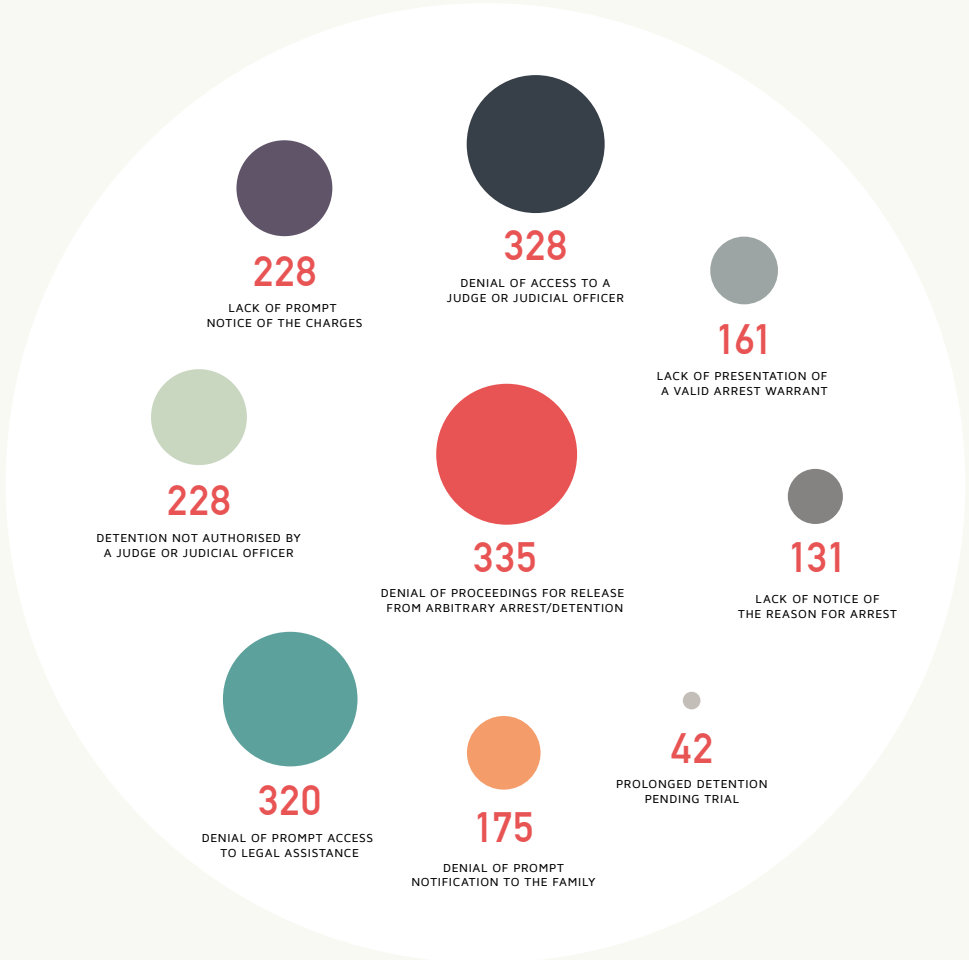
**17.** Especially for cases that are related to offences against the political system, it is not in the interest of the court or the defence attorney to be seen to side with the defendant.

a. A former judicial professional in the DPRK, Pərk Sung Hwa, explained, “I would not take the defence attorneys seriously. [...] They cannot voice opinions, and winning against prosecutors does little good for them.”<sup>17</sup>

**18.** A lack of due process is apparent in the entire criminal justice system of the DPRK, both at the moment of arrest and during detention. Korea Future has documented how the DPRK penal system detains vast numbers of citizens who have committed no crimes, alongside persons who have committed common crimes, including theft and assault. This fact should broaden the international community’s understanding of who the DPRK’s political prisoners are. The following data is drawn from the North Korean Prison Database:



**19.** Korea Future has documented that procedural guarantees set out in international law are habitually violated in the DPRK, thereby excluding the possibility of an effective justice system. The below data is drawn from the North Korean Prison Database:



**20.** Considering the challenges faced by persons detained in the DPRK, not least the role of the law and the justice systems as political tools of the Workers' Party of Korea, the DPRK's institutions are functionally incapable of providing effective justice to victims and accountability for perpetrators. In turn, survivors and families of victims must look outside the DPRK for remedy and redress.<sup>31</sup>





## Obstacles to the fulfilment of the recommendations of the 2014 United Nations Commission of Inquiry (UN COI) on human rights in the Democratic People's Republic of Korea

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**21.** The mandate of the UN COI had an objective of “ensuring full accountability, in particular where these violations may amount to crimes against humanity.”<sup>32</sup> The inquiry interpreted its mandate to include alleged violations perpetrated by the DPRK against its nationals, both within and outside the DPRK, as well as violations involving extraterritorial violations originating from the DPRK. In discharging its responsibilities, the UN COI issued a series of recommendations to the international community and the United Nations. We may consider seven of these recommendations to support the pursuit of full accountability.

**a.** The United Nations Security Council should refer the situation in the DPRK to the International Criminal Court for action in accordance with that court's jurisdiction.<sup>33</sup>

**b.** The Security Council should adopt targeted sanctions against those who appear to be most responsible for crimes against humanity.<sup>34</sup>

**c.** Periodic reports of the Secretary-General, the High Commissioner for Human Rights, as well as the Special Rapporteur on the situation of human rights in the DPRK should focus on ensuring accountability, in particular for crimes against humanity, and should report on the implementation of the Commission's recommendations.<sup>35</sup>

**d.** The United Nations High Commissioner for Human Rights should establish a structure to help to ensure accountability for human rights violations in the DPRK.<sup>36</sup>

**e.** The United Nations Secretariat and agencies should urgently adopt and implement a common “Rights up Front” strategy to ensure that all engagement with the DPRK effectively considers, and addresses, human rights concerns.<sup>37</sup>

**f.** States that have historically friendly ties with the DPRK, major donors and potential donors, as well as those states already engaged with the DPRK in the framework of the Six-Party Talks, should form a human rights contact group to raise concerns about the situation of human rights in the DPRK.<sup>38</sup>





9. The United Nations could set up an *ad hoc* International Tribunal for the DPRK. Such an *ad hoc* Tribunal could be provided with jurisdiction dating back before July 2002 and thereby comprehensively address crimes against humanity in the DPRK.<sup>39</sup>

22. The UN COI has become an important milestone marking the beginning of a concerted international effort to ensure full accountability for human rights violations and crimes against humanity in the DPRK. Yet the landscape of international justice and accountability has evolved and adapted to new realities in the decade since the inquiry fulfilled its mandate.<sup>40</sup> It is therefore to be expected that the inquiry's recommendations may struggle to address the evolved complexities of 2024.

23. Accountability-focused recommendations of the inquiry that have been implemented with success include the establishment of a United Nations Human Rights Office in Seoul and the periodic reports of the Special Rapporteur, the High Commissioner for Human Rights, and the Secretary-General.

24. Accountability-focused recommendations of the inquiry that have not been successfully implemented include the inquiry's core recommendations of 1) a referral of the situation in the DPRK to the International Criminal Court; 2) the imposition by the Security Council of targeted sanctions against persons most responsible for crimes against humanity; and 3) the creation of an *ad hoc* International Tribunal for the DPRK.

25. Concrete measures to advance accountability that did not exist when the UN COI issued its report in 2014 ought now to be considered. Such an approach would fit squarely within the spirit of the UN COI and build upon its legacy for the decade to come.

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## Opportunities to strengthen accountability through emergent pathways in the decade since the 2014 United Nations Commission of Inquiry on human rights in the Democratic People's Republic of Korea concluded its mandate

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**26.** Between 2020 and 2022, Korea Future undertook an extensive national, regional, and international mapping to establish viable means to support accountability for human rights violations committed in the DPRK. We partnered with Justice Rapid Response; the Kalshoven-Gieskes Forum on International Humanitarian Law in the Grotius Centre for International Legal Studies of Leiden University; the Amsterdam Law Clinics of the University of Amsterdam; and the International Human Rights Advocates of the University of Pennsylvania Law School for this work.

**27.** The following list of indicators guided our assessment of accountability options:

- a.** Accessibility;
- b.** Transparency;
- c.** Amount of political will required;
- d.** Level of reliance on the DPRK's cooperation;
- e.** Enforceability;
- f.** Previous experiences with the approach;
- g.** Opportunity for victims to participate and to receive compensation;
- h.** Impact on public opinion or on the actions of third actors;
- i.** Opportunity to establish a track-record and documentation of violations that may support future accountability initiatives; and
- j.** The option's likelihood of success.

**28.** A list of viable options was established that possessed realistic and time-bound prospects to enable accountability for perpetrators and justice for victims, could establish a track-record to support future accountability and justice initiatives, and could proceed without the need for cooperation from the DPRK; among them were:

- a.** Cases brought under the principle of universal jurisdiction.
- b.** Criminal cases.
- c.** Civil cases.
- d.** Submissions to United Nations Charter-based and Treaty-based bodies.
- e.** Submissions to targeted human rights sanctions regimes.



**29.** Based on Korea Future's methods of work, its geographical proximity to key jurisdictions and institutions, and the legal expertise of its staff, the organisation pursues two viable means for securing accountability:

- a. Targeted human rights sanctions.
- b. Engagement with the United Nations human rights system, including treaty bodies, special procedures, and other mechanisms.

**30.** Targeted human rights sanctions offer strong prospects for enforceability and can build consensus among like-minded states. Charter- and treaty-based bodies in the United Nations offer the complementary prospect of raising broader political awareness, building coalitions, and supporting immediate bilateral or multilateral interventions. Together, they are complementary accountability systems in both normative and political senses.

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## Viability of targeted human rights sanctions in seeking accountability for, and deterring, serious human rights violations

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**31.** Targeted human rights sanctions (often informally termed ‘Magnitsky Sanctions’) refer to comparable legislation contained in several domestic jurisdictions around the world that enable a government or multilateral institution to freeze the assets and block or revoke visas of any individual or entity determined to be responsible for serious human rights violations.

**32.** Targeted human rights sanctions regimes are legislated in over 30 states and in at least 12 jurisdictions, including the United States, the European Union, the United Kingdom, Canada, and Australia, together representing over one third of global GDP.<sup>41</sup>

**33.** Targeted human rights sanctions differ from country-wide economic or financial sanctions, given:

- a.** They **do not** target a population or an economy.
- b.** They **do not** impact humanitarian aid or the delivery of humanitarian services.
- c.** They **do not** impact anyone other than a targeted individual or entity found to be responsible for human rights violations.
- d.** They **do not** punish a state or state actors.

**34.** Targeted human rights sanctions regimes provide designated individuals and entities with the right to appeal and are time-limited, meaning they can be renewed based on evidence concerning the continuation of violations. Means to reverse or annul a designation are available provided that the individual or entity can prove their non-involvement in sanctionable conduct.



**35.** The European Union may sanction the following serious human rights violations or abuses:

- a.** Violations of the right to be free from slavery;
- b.** Extrajudicial, summary, or arbitrary executions and killings;
- c.** Enforced disappearances;
- d.** Violations of the right to be free from arbitrary arrest or detention;
- e.** Trafficking;
- f.** Sexual and gender-based violence;
- g.** Violations or abuses of the freedom of peaceful assembly and association;
- h.** Violations or abuses of the freedom of expression;
- i.** Violations or abuses of the freedom of religion; and
- j.** Other human rights violations in so far as those are widespread, systematic, or otherwise of serious concern.

**36.** The United Kingdom may sanction the following serious human rights violations or abuses:

- a.** Violations of the right to life;
- b.** Prohibition of torture and cruel, inhuman, or degrading treatment or punishment; and
- c.** Violations of the right to be free from slavery or forced labour.

**37.** The United States may sanction the following serious human rights violations or abuses:

- a.** Extrajudicial killings;
- b.** Torture; and
- c.** Other gross violations of internationally recognised human rights, including:
  - i.** torture or cruel, inhuman, or degrading treatment or punishment,
  - ii.** prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of these persons, and
  - iii.** other flagrant denial of the right to life, liberty, or the security of person.



**38.** Canada may sanction the following serious human rights violations or abuses:

- a.** Gross and systematic human rights violations have been committed in a foreign state;
- b.** Extrajudicial killings;
- c.** Torture; and
- d.** Other gross violations of internationally recognised human rights committed against individuals seeking to:
  - i.** Expose illegal activity carried out by foreign public officials, or
  - ii.** Obtain, exercise, defend or promote internationally recognized human rights and freedoms, such as freedom of conscience, religion, thought, belief, opinion, expression, peaceful assembly and association, and the right to a fair trial and democratic elections.

**39.** Australia may sanction the following serious human rights violations or abuses:

- a.** Violations of the right to life;
- b.** Prohibition of torture and cruel, inhuman, or degrading treatment or punishment; and
- c.** Slavery or servitude, or other violation of right not to be required to perform forced or compulsory labour.

**40.** Five types of impact that may result from targeted human rights sanctions have been identified.<sup>42</sup> In the case of the DPRK, we focus on four of these elements:

**a. Public Accountability Impact:** The decision by a government or multilateral institution to impose targeted human rights sanctions is a political decision to condemn a certain form of behaviour and hold the perpetrators accountable. For survivors of serious human rights violations in the DPRK, the imposition of targeted human rights sanctions on perpetrators can acknowledge their suffering and represent an important public censure, particularly where other accountability avenues are unable to do so.

**b. Material Impact:** The targeted nature of human rights sanctions means they impose a personal cost directly on the individual or entity, including a freezing of the individual's assets or restrictions on his or her travel. While the DPRK is more isolated from the international economy than most other states, many of its state entities and officials either own or are involved in companies that operate outside of the DPRK, for example in China, that raise funds, hold assets, and require that DPRK officials travel abroad.



**C. Personal Behavioural Impact:** Targeted human rights sanctions are not designed to punish individuals or entities responsible for serious human rights violations. Instead, they broadly seek to modify the behaviour of these actors and dissuade them from future actions.<sup>43</sup>

**d. Geopolitical Impact:** Targeted human rights sanctions can provide important leverage for a sanctioning state or multilateral institution vis-à-vis the state whose officials or entities have been designated. Sanctions communicate that human rights issues matter to the sanctioning state or institution and in some instances have encouraged domestic investigations or inquiries or other action by authorities in the sanctioning state.

**41.** Targeted human rights sanctions have been an underutilised tool to hold perpetrators of serious human rights violations in the DPRK accountable, yet they possess considerable potential.

**a.** First, they are both politically and legally sustained mechanisms designed to enable accountability.

**b.** Second, they provide a viable option for the DPRK where other accountability options, such as the International Criminal Court, are less feasible.

**c.** Third, legislation exists in many like-minded states who are active in their support for annual resolutions concerning the situation of human rights in the DPRK at the Human Rights Council.

**d.** Finally, such sanctions embody the spirit of the UN COI resolution 1225 (a), which called on the Security Council to adopt targeted sanctions against those who appear most responsible for crimes against humanity.

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## Measures taken by Korea Future to advance accountability for serious human rights violations in the Democratic People's Republic of Korea

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**42.** The UN COI recommended that “[s]tates, foundations, and engaged business enterprises provide more support for the work of civil society organisations to improve the human rights situation in the Democratic People’s Republic of Korea, including efforts to document human rights violations and to broadcast accessible information into each country.” Accordingly, Korea Future has dedicated its efforts to create a documentation system that would preserve evidence of gross human rights violations in the DPRK penal facilities.

**43.** Korea Future works to provide a credible documentation tool to support governments, multilateral institutions, and justice actors. Our databases are freely and publicly available online and hold quantified primary data of human rights violation analyses collected from interviews with survivors, witnesses, and former state-affiliated agents. We not only use our databases for the dissemination of knowledge, but also for submissions to various domestic and international mechanisms for accountability.





## DOCUMENTATION OF SERIOUS HUMAN RIGHTS VIOLATIONS

**44.** Korea Future interviews survivors, witnesses, and former state-affiliated agents to document and preserve information and evidence to support factual and legal research. We analyse the commission of violations and crimes in the DPRK penal system based on three pillars:

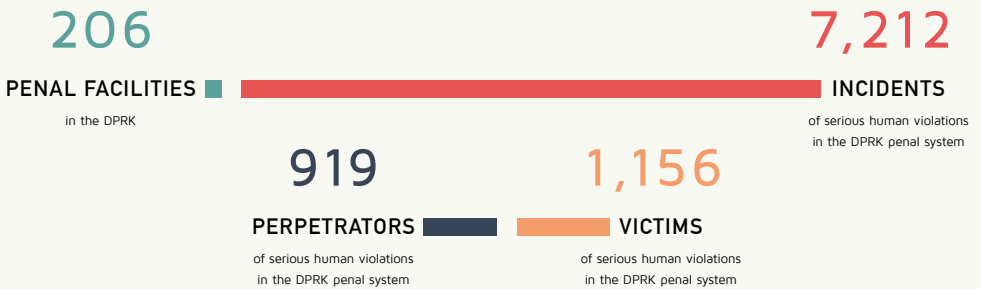
**a.** The crime base, namely violations such as torture, sexual and gender-based violence, and extrajudicial killings;

**b.** The contextual elements of crimes, namely the existence of a widespread or systematic attack directed against any civilian population, pursuant to or in furtherance of DPRK state policy; and

**c.** Perpetrator linkage to the underlying acts, including perpetrators as well as those otherwise responsible due to their roles. We safeguard the well-being of survivors, avoid further traumatising, and work closely with psychosocial providers who offer medical and psychological support.



**45.** In our investigations to date, Korea Future has identified:



## INFORMATION SHARING

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**46. North Korean Prison Database:** Launched in March 2022, Korea Future’s North Korean Prison Database is a growing and comprehensive archive of international human rights law violations and atrocities that have transpired in the DPRK penal system. Large volumes of data are free to access. Requests for specific, unlisted information is considered on a case-by-case basis.

**47. North Korean Religious Freedom Database:** Launched in September 2020, Korea Future’s North Korean Religious Freedom Database is a comprehensive archive of international human rights law violations perpetrated against persons with religious beliefs that have transpired in the DPRK penal system.

**48.** Publications that disseminate Korea Future’s findings related to serious human rights violations and capacity building include:

- Documenting Sexual and Gender-based Violence in the Democratic People’s Republic of Korea: Reflections on Survivor-centred Documentation Best Practices (2023).
- The Accountability Imperative: Torture & Ill-Treatment in the DPRK Penal System (2023).
- Preliminary Findings of the North Korean Exiled Community’s Perceptions of Sexual and Gender-Based Violence and Understandings of Relevant Accountability (2023).
- Kimilsungism-Kimjongilism and the Right to Freedom of Religion, Thought, and Conscience in North Korea (2022).
- Opportunities and Challenges for Exiled North Korean Women in the Human Rights Field (2022).
- North Korean Prison Database: Volume I (2022).
- Persecuting Faith: Documenting religious freedom violations in North Korea [Volume 2] (2021).
- Intersections between the Denial of Education & Freedom of Religion or Belief in North Korea (2021).
- Torture and Cruel, Inhuman, or Degrading Treatment or Punishment Experienced by North Korea’s Religious Minorities (2021).
- Organised Persecution: Documenting Religious Freedom Violations in North Korea (2021).
- Conflict Legacy in the Diaspora (2021).
- “We want our stories to be heard”: Barriers to North Korean women’s leadership and participation in the human rights movement (2021).

## PRODUCING CASE FILES IN SUPPORT OF TARGETED HUMAN RIGHTS SANCTIONS

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**49.** Korea Future has submitted recommendations for targeted human rights sanctions against perpetrators of serious human rights violations in the DPRK penal system to various jurisdictions. Although we are unable to comment further on the specificities of our submissions owing to issues of confidentiality, our recommendation packages contain evidence of incidents of human rights violations that can be linked directly to specific perpetrators. The information may lead to behaviour modification in the DPRK and subsequent investigations, prosecutions, and prevention of future human rights violations.

## ENGAGEMENT WITH THE UNITED NATIONS SYSTEM

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**50.** Korea Future supports the work of the United Nations human rights system, including treaty bodies, special procedures, and other mechanisms, through engagement with and submission of information concerning human rights violations in the penal system. Recently, we have submitted communications to the United Nations Special Procedures, including the Special Rapporteur on the situation of human rights in the DPRK, the Special Rapporteur on Torture, the Special Rapporteur on the Human Rights of Migrants, and the Special Rapporteur on trafficking in persons, especially women and children.

## POLICY-TARGETED ADVOCACY OF GOVERNMENTS AND MULTILATERAL INSTITUTIONS

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**51.** Korea Future engages governments and multilateral institutions in support of political and legal accountability and policy development. This has included over 60 policy-focused in-person briefings with central government departments and units in multilateral institutions in Europe, Asia, and North America, permanent missions in Geneva, and embassies in the Republic of Korea and Japan.



## SURVIVOR-CENTRED CAPACITY BUILDING

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**52.** Korea Future undertakes complementary activities designed to support accountability. This has included:

- Leading an initiative to establish and communicate gender-sensitive, trauma-informed, and survivor-centred documentation practices to civil society investigators to address challenges related to the documentation of sexual and gender-based violence in the DPRK. We have worked or are currently working with organisations led by exiled North Korean women and activists, organisations led by exiled North Korean men and activists, psychosocial service providers, civil society organisations in the Republic of Korea, and international civil society.
- Mapping and engaging psychosocial support services across the Republic of Korea to aid civil society referrals of survivors.

## HUMAN RIGHTS-BASED CAPACITY BUILDING

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**53.** Korea Future has supported diaspora-led organisations run by North Korean women in the Republic of Korea through human rights capacity building forums. We worked with experienced women leaders to publish a report that established the barriers to female leadership in the field and instituted network-building opportunities for young women leaders in the human rights field to develop skills for advocacy.

**54.** Korea Future provided leadership training workshops for North Korean women in the Republic of Korea who seek to enter the human rights field. The training workshops took place every month from January 2022 to August 2022 and covered various topics including gender-based frameworks, women's rights and human rights advocacy strategies, organisational communication, and organisational building.



## VISUAL INVESTIGATIONS

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**55.** Korea Future uses memory-based diagrams, survivor testimony, digital modelling, and satellite imagery to recreate the internal architectures of penal facilities. During our interviews, we ask individuals to geolocate as well as draw the penal facilities they experienced. Where sufficient reliable information is gathered, we create blueprints and 3D models of the penal facilities. These visual aids not only serve to corroborate aspects of witness testimonies but are essential to contextualise and reconstruct the evidence of human rights violations at specific locations where no formal in-person investigation can take place.

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## The role of accountability in bridging human rights and peace and security agendas for the Democratic People's Republic of Korea

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**56.** Korea Future's investigations of serious human rights violations in the DPRK penal system point to their clear structural linkages with peace and security concerns, whereby they resource destabilising security policies and reinforce the need for such security policies. This suggests that tangible political progress on human rights or peace and security are mutually dependent and must identify and address the common causes and mutual factors of reinforcement.

**57.** For example, Australia and the DPRK have similar sized populations.<sup>45</sup> Australia spends US\$250 per day on each of its detainees to meet their basic human rights, such as food and clean conditions of detention.<sup>46</sup> If the DPRK was to spend this sum on 80,000 detainees, which is the US State Department's lowest figure of detainees in the political prison system alone,<sup>47</sup> the DPRK would be spending over US\$7 billion a year on detainees—which is nearly twice its military budget.<sup>48</sup> Patterns in evidence of cruel, inhuman, and degrading treatment throughout the penal system that are preserved in the North Korean Prison Database strongly suggest the DPRK is not spending this sum on its detainees.

**58.** The United Kingdom government, among others, has accused the DPRK of diverting "resources from peoples' basic economic needs toward their illegal nuclear and ballistic weapons programme".<sup>40</sup> Accountability interventions, by way of targeted human rights sanctions, can become an important tool to address human rights concerns and in turn improve prospects for peace and security in the DPRK.



ANNEX I

SIMPLIFIED OVERVIEW OF GLOBAL TARGETED HUMAN RIGHTS SANCTIONS JURISDICTIONS

SANCTIONS REGIME

HUMAN RIGHTS SCOPE

	EUROPE	UNITED KINGDOM	UNITED STATES	CANADA	AUSTRALIA
	<p>European Union Global Human Rights Sanctions Regime (2020)</p>	<p>Global Human Rights Sanctions Regulations (2020)</p>	<p>1) General Human Rights Sanctions regimes:                      • Global Magnitsky Act (GLOMAG) &amp; E.O. 13818;                      • Section 7031(c) of the Annual Department of State Appropriations Act.</p> <p>2) Democratic People's Republic of Korea Specific Human Rights Sanctions regimes:                      • North Korea Sanctions and Policy Enhancement Act (NKSPEA),                      • E.O. 13722.</p>	<p>1) Justice for Victims of Corrupt Foreign Officials Act (JVCFOA);                      2) Special Economic Measures Act (SEMA)</p>	<p>Autonomous Sanctions Regulations 2011, as amended by the Autonomous Sanctions Amendment(Magnitsky-style and Other Thematic Sanctions) Regulations 2021</p>
	<p><b>Council Decision 2020/1999,</b>  <b>Art. 1(c):</b> the following serious human rights violations or abuses:                      (I) torture and other cruel, inhuman and degrading treatment or punishment                      (II) slavery                      (III) extrajudicial, summary or arbitrary executions and killings                      (IV) enforced disappearances                      (V) arbitrary arrests or detentions</p> <p><b>Art. 1(d):</b> other human rights violations in so far as those are widespread, systematic or otherwise of serious concern;                      (I) trafficking                      (II) sexual and gender-based violence                      (III) violations or abuse of freedom of peaceful assembly and of association                      (IV) violations or abuses of freedom of opinion and expression                      (V) violations or abuses of freedom of religion or belief</p>	<p><b>Regulation 4(2):</b>                      (a) Right to life                      (b) Prohibition of torture or other cruel, inhuman and degrading treatment or punishment                      (c) Right to be free from slavery/forced labour not to be held in servitude or required to perform forced or compulsory labour</p>	<p><b>GLOMAG, Sec. 3(a)(1):</b>                      (a) extrajudicial killings,                      (b) torture,                      (c) other gross violations of internationally recognized human rights, as mentioned in Section 502B(d)(1) of the Foreign Assistance Act (FAA) of 1961-torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of these persons, other flagrant denial of the right to life, liberty, or the security of person</p> <p><b>E.O.13818,</b> "to be responsible for or complicit in, or to have directly or indirectly engaged in, serious human rights abuse"</p>	<p><b>JVCFOA 5.4(2)(a):</b>                      (a) Extrajudicial killings                      (b) Torture                      (c) Other gross violations of internationally recognised human rights against individuals seeking to:                      (I) Expose illegal activity carried out by public foreign officials                      (II) Exercise internationally recognised human rights such as freedom of religion and belief, expression, assembly and association, fair trial.</p> <p><b>SEMA 5.3.1,</b> gross and systemic human rights violations have been committed</p>	<p><b>2021 Regulations 6A(4)(a):</b>                      (I) Right to life                      (II) Right not to be subjected to torture or other cruel, inhuman and degrading treatment or punishment                      (III) Right not to be held in slavery or servitude, or other violation of right not to be required to perform forced or compulsory labour</p>

<sup>1</sup> United States Commission on International Religious Freedom. [2022]. *Kimilsungism-Kimjongilism and the Right to Freedom of Religion, Thought, and Conscience in North Korea*, p. 5.

[Available at: <https://www.uscifr.gov/sites/default/files/2022-07/2022%20North%20Korea%20Report.pdf>].

<sup>2</sup> *Ibid.*, p. 8; United States Commission on International Religious Freedom. (2022). *Organized Persecution Documenting Religious Freedom Violations in North Korea*, p. 7.

[Available at: <https://www.uscifr.gov/sites/default/files/2021-08/2021%20Organized%20Persecution%20-%20Documenting%20Religious%20Freedom%20Violations%20in%20North%20Korea.pdf>].

<sup>3</sup> See Collins, R. [2019]. *North Korea's Organization and Guidance Department, The Control Tower for Human Rights Denial*. Committee for Human Rights in North Korea.

[Available at: [https://www.hrnk.org/uploads/pdfs/Collins\\_OGD\\_Web.pdf](https://www.hrnk.org/uploads/pdfs/Collins_OGD_Web.pdf)].

<sup>4</sup> Kim Il Ki & Kim Ho Hong. [2020]. *North Korean Intelligence Agencies Under Kim Jong Un Regime* 김정은 시대 북한의 정보기구, pp. 45–47.

<sup>5</sup> *Ibid.*, p. 47.

<sup>6</sup> *Ibid.*, p. 45.

<sup>7</sup> Criminal Law of the Democratic People's Republic of Korea. [2015]. Criminal Code of the Democratic People's Republic of Korea. Chapter III; Kim Il Ki & Kim Ho Hong. [2020]. *North Korean Intelligence Agencies Under Kim Jong Un Regime* 김정은 시대 북한의 정보기구, pp. 35–37.

<sup>8</sup> Gwak, M.I. [2018]. *Study on Changes in Operating Mechanisms of North Korea's Three Major Control Organisations, focusing on the Kim Jong-un era*, pp. 19–20.

<sup>9</sup> A pseudonym attributed to protect the identity of the interviewee. United States Commission on International Religious Freedom. [2022]. *Organized Persecution Documenting Religious Freedom Violations in North Korea*, p. 17.

<sup>10</sup> *Ibid.*

<sup>11</sup> United Nations. [1948]. *Universal Declaration of Human Rights*, art. 11.

<sup>12</sup> *Ibid.*, art. 10.

<sup>13</sup> Korea Future. [2021]. *Persecuting Faith: Documenting religious freedom violations in North Korea, Volume 2*, p. 54.

<sup>14</sup> Korea Future. [2021]. *North Korean Prison Database*. [Available at: <https://nkpd.io/>]; United States Commission on International Religious Freedom. [2022]. *Organized Persecution Documenting Religious Freedom Violations in North Korea*, pp. 17–21; United Nations. [2014]. *Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea*, para. 1129.

<sup>15</sup> United States Commission on International Religious Freedom. [2022]. *Organized Persecution Documenting Religious Freedom Violations in North Korea*, p. 18.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Korea Future. [2021]. *North Korea Prison Database*. [Arrest/detention based on act of freedom of expression](#).

<sup>19</sup> *Ibid.* [Arrest/detention based on act of freedom of movement](#).

<sup>20</sup> *Ibid.* [Arrest/detention based on act of freedom of religion or belief](#).

<sup>21</sup> *Ibid.* [Arrest/detention based on guilt-by-association](#).

<sup>22</sup> *Ibid.* [Denial of access to a judge or judicial officer](#).

<sup>23</sup> *Ibid.* [Denial of proceedings for release from arbitrary arrest/detention](#).

<sup>24</sup> *Ibid.* [Denial of prompt access to legal assistance](#).

<sup>25</sup> *Ibid.* [Denial of prompt notification to the family](#).

<sup>26</sup> *Ibid.* [Detention not authorised by a judge or judicial officer](#).

<sup>27</sup> *Ibid.* [Lack of notice of the reason for arrest](#).

<sup>28</sup> *Ibid.* [Lack of presentation of a valid arrest warrant](#).

<sup>29</sup> *Ibid.* [Lack of prompt notice of the charges](#).

<sup>30</sup> *Ibid.* [Prolonged detention pending trial](#).



<sup>31</sup> For instance, in a survey conducted by Korea Future about sexual and gender-based violence (SGBV), North Korean exiles who were interviewed “expressed that legal reform and active prosecutions were entirely unrealistic in the DPRK, given there existed no political incentive for the ruling WPK [Workers’ Party of Korea] to enforce laws relating to such [SGBV] crimes.” This indicates that survivors do not rely on the justice system within the DPRK for remedy or redress for their past sufferings and the necessary improvements in these mechanisms are not expected to occur under the Workers’ Party of Korea. Korea Future. (2023). *Preliminary Findings of the North Korean Exiled Community’s Perceptions of Sexual and Gender-based Violence and Understandings of Relevant Accountability*, p. 20.

<sup>32</sup> United Nations. (2014). *Report of the detailed findings of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea*, para. 15(c).

<sup>33</sup> *Ibid.*, para. 1225(a).

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*, para. 1225(b).

<sup>36</sup> *Ibid.*, para. 1225(c).

<sup>37</sup> *Ibid.*, para. 1225(g).

<sup>38</sup> *Ibid.*, para. 1225(h).

<sup>39</sup> *Ibid.*, para. 1201(2).

<sup>40</sup> For example, the Security Council has been largely incapacitated by the propensity of Russia and China to wield their vetoes over the past decade.

<sup>41</sup> Redress. (2022). *Multilateral Magnitsky Sanctions at Five Years*, p. 4.

[Available at: <https://redress.org/wp-content/uploads/2022/11/Multilateral-Magnitsky-Sanctions-at-Five-Years-November-2022.pdf>]

<sup>42</sup> Redress. (2023). *Evaluating Targeted Sanctions, A Flexible Framework for Impact Analysis*, pp. 6–11.

[Available at: <https://redress.org/wp-content/uploads/2023/11/Evaluating-Targeted-Sanctions.pdf>]

<sup>43</sup> We have collected evidence from perpetrators who were ordered to decrease violations within penal facilities owing to increased international attention.

<sup>44</sup> United Nations. (2014). *Report of the detailed findings of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea*, para. 1224.

<sup>45</sup> Australian Bureau of Statistics. (2022). *National, state and territory population*. [Available at: <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/mar-20-22>]; Central Intelligence Agency. (2023). *The World Factbook*. [Available at: <https://www.cia.gov/the-world-factbook/countries/korea-north/#people-and-society>]

<sup>46</sup> Australian Government. (2018). *How much does prison really cost? Comparing the costs of imprisonment with community corrections*. [Available at: [https://www.aic.gov.au/sites/default/files/2020-05/rr\\_05\\_240418\\_2.pdf](https://www.aic.gov.au/sites/default/files/2020-05/rr_05_240418_2.pdf)]

<sup>47</sup> US Department of State. (2021). *Trafficking in Persons Report*. [Available at: <https://www.state.gov/reports/2021-trafficking-in-persons-report/north-korea/>]

<sup>48</sup> Independent. (2023). *North Korea sustains high defense spending with new budget*. [Available at: <https://www.independent.co.uk/news/north-korea-ap-kim-jong-un-united-states-south-korea-b2264977.html>]

<sup>49</sup> Foreign, Commonwealth and Development Office. (2023). Statement by Ambassador James Kariuki at the UN Security Council meeting on North Korea. [Available at: <https://www.gov.uk/government/speeches/the-uk-urges-the-dprk-to-prioritise-the-well-being-of-its-citizens-over-the-development-of-its-illegal-weapons-programmes-uk-statement-at-the-security>]

## About

Korea Future is a non-governmental organisation documenting human rights violations and international crimes committed in the penal system of the Democratic People's Republic of Korea in support of accountability proceedings under national and international law. Launched in 2017, the organisation operates from offices in The Hague, Seoul, and London.

The DPRK penal system is the primary tool used by the ruling Workers' Party of Korea to oppress citizens it deems a political threat, making it the most significant site of occurrence for widespread and systematic violations and crimes in the Democratic People's Republic of Korea. Before Korea Future, there was no organisation dedicated to undertaking credible, legally grounded investigations of violations and crimes transpiring in the Democratic People's Republic of Korea penal system for the purpose of supporting efforts to end impunity. This had led to an absence of material that could be used as evidence in accountability proceedings under national and international law. Korea Future exists to fill this gap.



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