

EXISTING "NOWHERE"

Looking into North Korea's
Crime of Enforced Disappearance

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TRANSITIONAL
JUSTICE
WORKING GROUP

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ABOUT TRANSITIONAL JUSTICE WORKING GROUP (TJWG)

Transitional Justice Working Group (TJWG) is a human rights documentation NGO established in Seoul in 2014 that aims to develop the best practice to address mass human rights violations and to realize victim-centered approach and justice in societies that are making a transition from or have yet to make a transition from armed conflict or dictatorship. TJWG also cooperates and shares experience with organizations and individuals who take lead in human right documentation and accountability for mass atrocities.

Authors and Contributors

Jeonghyun Kang
April Song-Ah Park
Ethan Hee-Seok Shin
Nina Seungju Lee
Hubert Younghwan Lee
Seonghwi Cho
Suhena Mehra
Soogon Park

Cover Artwork

Ariana Hussein

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Transitional Justice Working Group (TJWG)

Seoul, South Korea
Website www.tjwg.org (Korean) / en.tjwg.org (English)
E-mail info@tjwg.org
Phone 02-722-1162
Fax 02-722-1163

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Research and Documentation

Hye-sook Kim | Former detainee of North Korea's *Gwanliso* No. 18 in Pukchang County, South Pyongan Province

Hyeongsoo Kim | Co-head of Stepping Stones

Gwang Il Jung | Founder of No Chain for North Korea

Hyebin Bina Jeon | Asia Pacific Team Programme Officer, HURIDOCS

Benedict Salazar Olgado | Documentalist, HURIDOCS

Report Design

Eui Hwan Cho

Sook Yi Oh

Graphic Design

Heejoon Yang

Eunji Jang

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Introduction

Enforced disappearance has been used as an absolute means for the reign of terror and total submission pursued by totalitarian regimes. Dictators around the world, including in North Korea, have used enforced disappearances not only to eliminate their political enemies but also to silence society at large. The disappeared persons' families and friends are being repressed with the pain of not knowing the fate or whereabouts of the disappeared persons and the fear that they could be next. Although enforced disappearance is a grave human rights violation on its own, it can also result in other various violations, including the right to life, the right not to be tortured, the right to liberty and security of the person and the right to recognition as a person before the law.

In Nazi-occupied territories during World War II, the members of the resistance were taken to Germany in the middle of the night under Hitler's infamous Night and Fog (*Nacht und Nebel*) decree, never to be seen again. During Stalin's great purge in the Soviet Union, millions were clandestinely taken by the secret police, the People's Commissariat for Internal Affairs (NKVD), to be secretly executed or sent to gulags. The systematic abduction and killing of countless dissidents by the military juntas in Latin America including Chile and Argentina in the 1970s became the direct impetus for the United Nations to address 'enforced disappearance' as a stand-alone human rights violation.

Today, the international community recognizes the right not to be subjected to enforced disappearance, which continues to torment people until the fate and whereabouts of the missing person are clarified, as a fundamental right under international law. This entails the obligation to investigate enforced disappearance, to punish the perpetrators of the crime of enforced disappearance and to provide prompt, fair and adequate compensation in the form of restitution, rehabilitation, satisfaction and guarantees of non-repetition

for the victims.¹

The 2014 Report of the United Nations Commission of Inquiry (COI) on Human Rights in the Democratic People's Republic of Korea was right on the mark when it concluded that public executions and enforced disappearance are the core means supporting North Korea's totalitarian system based on the reign of terror:

The keystone to the political system is the vast political and security apparatus that strategically uses surveillance, coercion, fear and punishment to preclude the expression of any dissent. Public executions and enforced disappearance to political prison camps serve as the ultimate means to terrorize the population into submission. The state's violence has been externalized through state-sponsored abductions and enforced disappearances of people from other nations. These international enforced disappearances are unique in their intensity, scale and nature.²

Established with inspiration from the COI report in 2014, the Transitional Justice Working Group (TJWG) first began investigating public executions,³ followed by abductions and disappearances committed by North Korea. TJWG intends to show that even with a state like North Korea where information and evidence collection is extremely limited, it is possible to document the worst of North Korea's human rights violations and crimes according to the international standards and best practices. TJWG further aims to realize justice and accountability by analyzing and preserving such information and evidence.

1 "International Convention for the Protection of All Persons from Enforced Disappearance," adopted December 23, 2010, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>

2 UN Human Rights Council (HRC), Twenty-fifth session, "Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea," A/HRC/25/CRP.1, February 7, 2014, para. 1214, <https://undocs.org/a/hrc/25/crp.1>

3 *Mapping Crimes Against Humanity in North Korea* (Seoul: TJWG, 2017); *Mapping the Fate of the Dead* (Seoul: TJWG, 2019); *Mapping Killings Under Kim Jong-Un: North Korea's Response to International Pressure* (Seoul: TJWG, 2021), <https://en.tjwg.org/mapping-project-north-korea/>

The purpose of this report is threefold. First, TJWG aims to look into the process and pattern of enforced disappearances in North Korea in detail. Previously, the crime of enforced disappearance perpetrated by North Korea mainly focused on abductions of foreigners including South Koreans and Japanese nationals. Enforced disappearances committed by the North Korean regime against its residents were widely overlooked, creating an imbalance between low awareness of the issue and high severity of the matter.

Secondly, TJWG intends to inform the international community that China and Russia also significantly partake in enforced disappearances in North Korea. As will be explained in this report, many North Korean escapees or those seeking asylum in third countries are vulnerable to enforced disappearances after being arrested and repatriated from other countries. These arrests are carried out by state agencies of different countries or North Korean agents dispatched to those countries. Hence, we highlight the critical need to define enforced disappearance as a transnational crime and respond accordingly.

Lastly, TJWG publishes this report to call on the necessity to hold North Korea's current leader, Kim Jong Un, and high-ranking state officials accountable for the crime of enforced disappearance when imposing targeted sanctions. To this end, the report outlines perpetrating state organs responsible for arrest and state organs responsible for disappearance after arrest, detention, and repatriation.

We plan to publish two reports. As the first of the two, this report summarizes and analyzes the results from in-depth interviews TJWG has conducted over several years. The report sheds light on the reality of enforced disappearances in North Korea and the underlying issues TJWG observed during its research. The second report, an advocacy report, outlines the current and future efforts of TJWG and its partners to ensure accountability for North Korea's crime of enforced disappearance. The advocacy report will also include suggestions for key international actors.

Methodology

Since 2017, TJWG has investigated and documented North Korea's crime of enforced disappearance. The first phase focused on building the online database (FOOTPRINTS 1.0) for North Korea's abduction and detention of South Koreans since the 1950s. Working closely with the remaining families and support groups, the goal was to standardize and compile differently-formatted records that have been preserved but remained scattered for decades. With the more publicly accessible data within the repository, the public, victim families, academics, journalists, diplomat and government officials could better understand North Korea's crime of enforced disappearance and devise potential solutions to address the issue.

Officially launched in January 2021, FOOTPRINTS 1.0 contains 'cards' on each disappeared person, known perpetrator, court case and submission received by the United Nations Working Group on Enforced or Involuntary Disappearances and Working Group on Arbitrary Detention.⁴ Within the cards, users can view relevant data, documents, photos and other materials. The database, which housed approximately 20,000 victims of enforced disappearance, was expanded over four years. In June 2024, TJWG launched Footprints 2.0⁵ with enhanced visualization, functionality and additional 70,000 victim data.

⁴ "FOOTPRINTS: Documenting Those Taken by North Korea Online (Video)," posted March 30, 2021, <https://www.youtube.com/watch?v=d9kuK0c1L0Q>; Edward White and Kang Buseong, "The digital detectives searching for North Korea's disappeared," *Financial Times*, May 15, 2021, <https://www.ft.com/content/c93451fb-676b-4b32-bcba-071b26046264>

⁵ "FOOTPRINTS: Database of those taken by North Korea," TJWG, <https://nkfootprints.tjwg.org/en/>; "Footprints 2.0 database (North Korea)," HURIDOCS, <https://huridocs.org/resource-library/human-rights-research-databases/north-korea-footprints/>

For the second phase of the project, TJWG focused on researching internal enforced disappearance in North Korea. In the process of building the database, TJWG identified the need for an in-depth study on the enforced disappearances of the North Korean people, the largest but also the least investigated class of victims. It is not unusual in North Korea for individuals to be taken by the agents of the Ministry of State Security (국가보위성 / *gukgabowiseong* / MSS), Ministry of Social Security (사회안전성 / *sahoeanjeonseong* / police) and other political and security apparatus. These state agents pay a sudden visit without warning and then take people away, making them disappear without a trace. In the case of North Korean escapees, they are cut off from the outside world and effectively placed outside the protection of the law from the time of arrest by the local authorities to the transfer between detention facilities within North Korea. However, there has been scant recognition that these cases may amount to ‘enforced disappearances’ under international law and a detailed investigation about the situation of the enforced disappearances of the North Korean people has been in need.

Accordingly, TJWG began conducting this research in January 2021. Up to May 2024, TJWG conducted 62 in-depth interviews with North Korean defectors in South Korea. From April 2023, TJWG focused on interviewing those who escaped from North Korea post 2018 in order to investigate recent trends. The interviewees were North Korean escapees whose families or friends were taken by the authorities and subsequently disappeared. All interviews were conducted in person and in Korean.

The 62 interviewees’ demographics - gender, age, primary residence in North Korea, and year of last escape – are as shown in Table 1.

Table 1 Demographics of 62 Interviewees

Unit: Person

Gender	
Female	41
Male	20
Withdrawn	1

Age	
20s	1
30s	4
40s	14
50s	23
60s	11
70s	6
80s	2
Withdrawn	1

Primary Residence by Province	
North Hamgyong	16
South Hamgyong	2
Rygang	28
Jagang	0
North Pyongan	3
South Pyongan	5
Kangwon	1
North Hwanghae	2
South Hwanghae	3
Pyongyang	1
Withdrawn	1

Year of Last Escape			
Kim Jong Un Era (2012–Present)		Kim Jong Il Era (1994–2011)	
2023	3	2011	2
2021	1	2010	4
2020	2	2009	3
2019	6	2008	4
2018	5	2005	1
2017	1	2004	2
2016	1	2003	1
2015	3	2002	1
2014	2	2001	1
2013	8	2000	1
2012	4	1999	1
Total	36	1998	1
		1997	2
		1996	1
Withdrawn	1	Total	25

The North Korea’s Criminal Procedure Code and Criminal Law cited in this report have been revised in 2021 and 2023, respectively.

Identified Cases and Victims of Enforced Disappearance

From January 2021 to May 2024, TJWG conducted in-depth interviews with 62 North Korean escapees in South Korea. Through the interviews, TJWG collected detailed information on **66 cases of 113 victims of enforced disappearance**. For the purpose of this research, TJWG followed the legal definition of enforced disappearance contained in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (Enforced Disappearance Convention).

Of the 113 victims, 54 (47.8%) were interviewees' family or relatives, and 59 (52.2%) were acquaintances. 27 of 54 were the interviewees' parents, siblings and spouses while the other 27 were close relatives including nephews and brothers-in-law. The remaining 59 included close acquaintances such as friends, neighbors and colleagues.

The enforced disappearance process begins when a person is taken away by state officials. Map 1 shows that **of the 113 victims, 90 (79.6%) were arrested within North Korea, while 23 (20.4%) were arrested overseas, including in China and Russia.** The top five provinces of arrest within North Korea were Ryanggang (42 victims), North Hamgyong (23 victims), North Pyongan (9 victims), South Pyongan (8 victims), and South Hamgyong (4 victims). Out of 23 victims who have been taken in foreign countries, 19 were arrested in China, three in Russia, and one in Vietnam.

Of the 19 victims arrested in China, three have been released. After being arrested by Chinese authorities, they were unreachable for several months to their families who had settled in South Korea. They successfully entered South Korea a year or so later. We have included the three individuals in our analysis, as one of our goals for this research is to study various stages of detention where enforced disappearances occur. The fate and whereabouts of the three victims were

Map 1 Region of Arrest

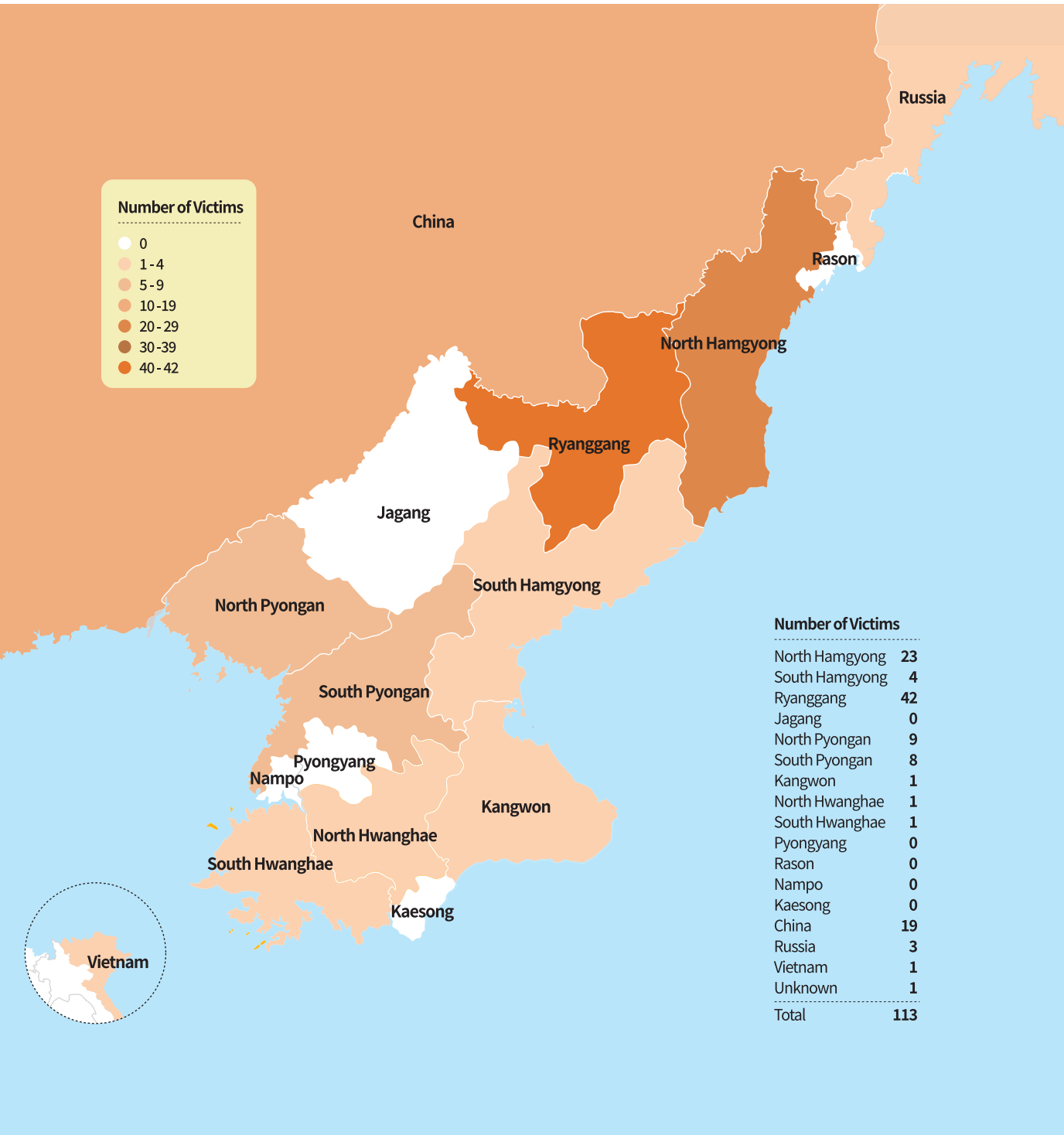


Table 2 **Year of Arrest**

Year of Arrest		Number of Victims	Year of Arrest		Number of Victims
Kim Jong Un Era	2021	6	Kim Jong Il Era	2007	5
	2020	1		2006	1
	2018	4		2005	9
	2017	1		2001	1
	2016-2017	1		2000	3
	2016	6		1998	1
	2015	8		1997-1998	2
	2014	5		1997	5
	2013	1		1996	5
	2012	2		1995	1
	35		68		
Kim Jong Il Era	2011	14	Kim Il Sung Era	1993-1994	2
	2010-2011	3		1990	1
	2010	6		1980	1
	2009	2		1979-1980	3
	2008-2009	1			7
	2008	9	Unknown		3

unknown while they were detained in China, putting them in a state of enforced disappearance for an extended period. The fate and whereabouts of the remaining 110 victims remain unknown to this day.

As can be seen in Table 2, 35 (31.0%) out of 113 victims disappeared under the Kim Jong Un regime. While it is difficult to determine whether North Korea’s crime of enforced disappearances has been exacerbated under the Kim Jong Un regime based on this research only, it is clear that the regime continues to commit such crimes.

Of the identified victims, there were 66 men (58.4%) and 47 women (41.6%). In Argentina, Chile, Guatemala, Peru and South Africa, there was a big difference in the number of enforced disappearance victims with 70-94% of the victims being men and 6-30% being women.⁶ Although it is difficult to amass a large

⁶ Such statistics were produced through each country’s investigation to address the crime of enforced disappearance and its fact-finding committee’s report. International Center for Transitional Justice (ICTJ) posed the possibility of female victims being underreported or underdocumented. Polly Dewhirst and Amrita Kapur, *The Disappeared and Invisible: Revealing the Enduring Impact of Enforced Disappearance on Women* (New York: International Center for Transitional Justice, 2015), <https://www.ictj.org/sites/default/files/ICTJ-Global-Gender-Disappearances-2015.pdf>

Figure 1 **Victim Demographics: Gender**

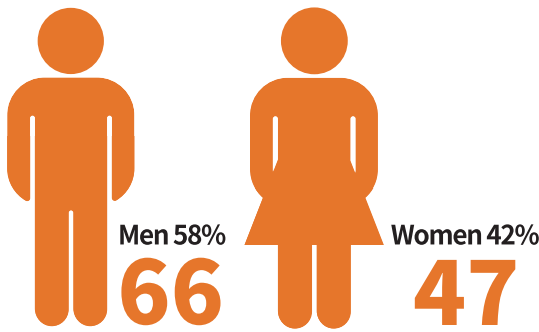


Table 3 **Victim Demographics: Age**

Age	Number of Victims
Below 10	13
10s	4
20s	22
30s	22
40s	15
50s	10
60s	4
70s	2
Unknown	21

quantity of data on enforced disappearance victims in North Korea, the ratio of female victims of enforced disappearance documented through this research is considerably higher than that of other countries. If more women in North Korea are vulnerable to enforced disappearance compared to women in other countries, we can speculate that the following reasons may be the cause of such vulnerability.

For one, a lot of North Korean escapees who are arrested and forcibly repatriated from China are women. From the 66 male and 47 female victims identified through TJWG’s interviews, 18.2% (12 victims) and 23.4% (11 victims) respectively were arrested overseas. The ratio is relatively higher for women, which suggests that women were more prone to disappearance starting with an arrest in foreign countries such as China, and men to internal disappearance in North Korea.

The second reason why many North Korean women are vulnerable to enforced disappearance is the system of guilt by association. Guilt by association is a deep-rooted cause of crimes against humanity prevalent in North Korea. There may be many enforced disappearance cases that arise from North Korean female family members being sent away to political prison camps for their husband’s or father’s crimes.

Lastly, the North Korean regime does not only practice the crime of enforced disappearance for overt anti-regime activities, but for any act that shows political opposition. Since many enforced disappearance cases can stem from actions that have the slightest political undertone, the gender gap in the

victims may not be as significant. For these reasons, there needs to be follow-up investigations that study the gendered impact of enforced disappearance in North Korea.

Victims in their 20s and 30s accounted for the largest proportion at 38.9% (44 out of 113).

One noteworthy and serious issue observed through this research is the prominent presence of children in the crime of enforced disappearance. Children under the age of 10 who were subjected to enforced disappearances accounted for 11.5% (13 out of 113). Attempting to escape from North Korea (4 victims), preparation to escape from North Korea (3 victims), and guilt by association (5 victims) were found to be the most likely grounds for enforced disappearances of children. Lastly, the grounds for enforced disappearance for one victim remains unknown. The issue of North Korean children going missing for attempting to escape from North Korea with their parents or for guilt by association requires the international community to publicly call out the state in question. It should also take strong initiatives to alleviate the matter at hand.

Figure 2 **Perpetrating State Organs**

Out of 113 disappeared victims, 62 have been arrested by **North Korean MSS**, **Chinese police** and **North Korean border guards** came next, each accountable for 17 and 9 victims respectively. Most of the victims were transferred to MSS.



The interviewees frequently named the North Korean Ministry of State Security (국가보위성 / *gukgabowiseong* / MSS), Chinese police, North Korean border guards and North Korean Defense Security Bureau (보위국 / *bowiguk* / DSB) as the perpetrators of the arrest and detention. Out of the 113 victims identified in this research, MSS was the sole perpetrator of arrest and detention of 62 victims. Without taking the foreign perpetrating organs into account, North Korean perpetrators are listed sequentially by number of identifications: MSS, border guards, DSB, Ministry of Social Security (사회안전성 / *sahoeanjeonseong* / police) and anti-socialist inspection group.

Other than documenting state organs responsible for arrest, TJWG also identified state organs responsible for disappearance after arrest, detention, and repatriation. **MSS was identified as the key perpetrator, being the state organ responsible for the disappearance of 92 victims (81.4%) out of the identified 113 victims.**

The Definition of Enforced Disappearance and Its Continuous Nature

Legal Definition: Deprivation of Liberty, State Involvement and Refusal to Disclose

On December 18, 1992, UN member states including North Korea adopted by consensus the Declaration on the Protection of all Persons from Enforced Disappearance (Enforced Disappearance Declaration).⁷ The Enforced Disappearance Declaration reflects the customary international law that is legally binding on all States⁸ and its preambular paragraph 3 contains the definition of ‘enforced disappearance,’ which does not differ in substance to that in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (Enforced Disappearance Convention).

The Enforced Disappearance Convention defines ‘enforced disappearance’ as follows in Article 2:

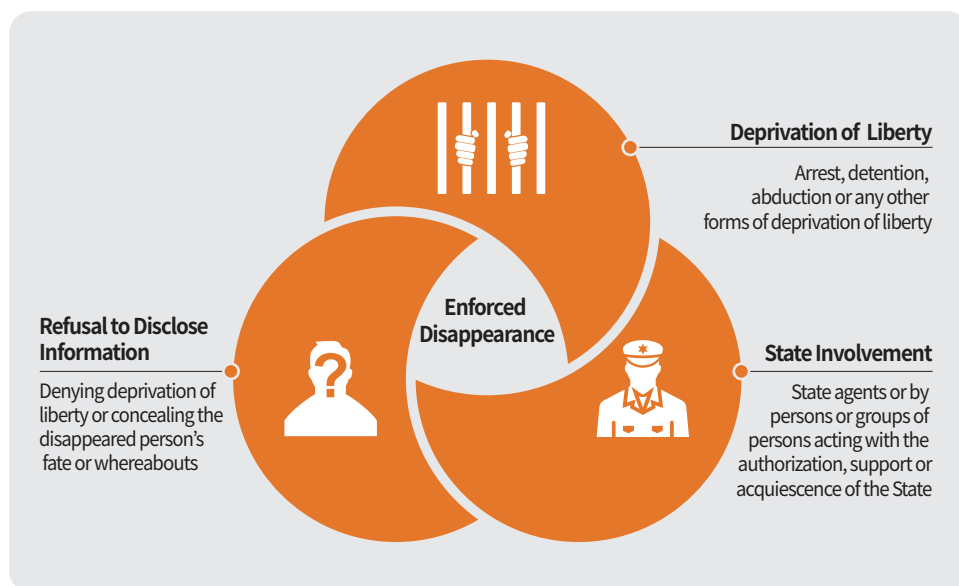
For the purposes of this Convention, “enforced disappearance” is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.⁹

⁷ North Korea is not a party to the convention.

⁸ UN HRC, Fifty-first session, “Thirtieth anniversary of the Declaration on the Protection of All Persons from Enforced Disappearance: Report of the Working Group on Enforced or Involuntary Disappearances,” A/HRC/51/31/Add.3, August 31, 2022, para. 72, <https://undocs.org/A/HRC/51/31/Add.3>

⁹ “Enforced Disappearance Convention.”

Figure 3 Elements of Enforced Disappearance



The constitutive elements of ‘enforced disappearance’ are:

- (a) Deprivation of liberty against the will of the person concerned;
- (b) Involvement of government officials;
- (c) Refusal to disclose the fate and whereabouts of the person concerned.¹⁰

Article 5 of the Enforced Disappearance Convention states that “the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law.” The definition of enforced disappearance as a crime against humanity can be found in Article 7(2)(i) of the Rome Statute.¹¹

¹⁰ UN HRC, “Report of the Working Group on Enforced or Involuntary Disappearances: Addendum: Best practices on enforced disappearances in domestic criminal legislation,” A/HRC/16/48/Add.3, December 28, 2010, para. 21, <https://undocs.org/A/HRC/16/48/Add.3>

¹¹ “The United Nations Rome Statute of the International Criminal Court,” effective July 1, 2002, <https://www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court>

Continuous Nature: A Crime that Does Not End until the Individuals' Fate and Whereabouts are Clarified

The continuous nature of enforced disappearance is of particular importance. Enforced disappearances begin at the time of arrest or abduction and are not complete until the state acknowledges the detention and releases information pertaining to the fate or whereabouts of the individual.¹² Even if the disappeared person is dead, the state of enforced disappearance does not end as long as the state does not provide or refuses to provide information on the deceased's fate or whereabouts.¹³

The continuous nature of enforced disappearances means that the statute of limitations in respect of enforced disappearance in criminal proceedings commences from the moment when the offense of enforced disappearance ceases in accordance with article 8(1)(b) of the Enforced Disappearance Convention.

It is also important that an enforced disappearance may be established regardless of the duration of the deprivation of liberty or concealment.¹⁴ Therefore, enforced disappearances can occur during a part of the criminal judicial procedures without

12 UN HRC, "Report of the Working Group on Enforced or Involuntary Disappearances," A/HRC/16/48, January 26, 2011, para. 39, <https://undocs.org/A/HRC/16/48> ("1. Enforced disappearances are prototypical continuous acts. The act begins at the time of the abduction and extends for the whole period of time that the crime is not complete, that is to say until the State acknowledges the detention or releases information pertaining to the fate or whereabouts of the individual").

13 UN HRC, "Report of the Working Group on Enforced or Involuntary Disappearances," A/HRC/7/2, January 10, 2008, para. 26, <https://undocs.org/A/HRC/7/2> ("...General comment on the definition of enforced disappearance ... 10. Therefore, a detention followed by an extrajudicial execution, as described in the preceding paragraph, is an enforced disappearance proper, as long as such detention or deprivation of liberty was carried out by governmental agents of whatever branch or level, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, and, subsequent to the detention, or even after the execution was carried out, State officials refuse to disclose the fate or whereabouts of the persons concerned or refuse to acknowledge the act having been perpetrated at all").

14 Committee on Enforced Disappearances, "Views approved by the Committee under article 31 of the Convention for communication No. 1/2013," CED/C/10/D/1/2013, April 12, 2016, para. 10.3, <https://undocs.org/CED/C/10/D/1/2013> ("... The Committee further recalls that, in order to constitute an enforced disappearance, the deprivation of liberty must be followed by a refusal to acknowledge such deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law, regardless of the duration of the said deprivation of liberty or concealment").

prolonged detention.¹⁵

Preventative Measures: Due Process, Notification of Detention and Visits

To institutionally prevent the crime of enforced disappearance, it is critical to establish and follow due process above all else. The right to be presented with a warrant issued by a judge except for when the offender is being caught red-handed needs to be ensured. Even if someone voluntarily accompanies state agents, they need to be given a specific reason for accompaniment and the right to refuse to accompany them to the investigative office.

Moreover, Article 9(2) of the International Covenant on Civil and Political Rights (ICCPR) provides that anyone who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest and shall be promptly informed of any charges against him or her. In accordance with Article 9(3) and (4) of the ICCPR, anyone arrested or detained on a criminal charge must be brought promptly before a judge and anyone deprived of liberty by arrest or detention must be entitled to take proceedings before a court to determine without delay the lawfulness of the detention.¹⁶ In many dictatorships, these

15 This is an important difference with the definition of enforced disappearance as a crime against humanity in article 7(2)(i) of the Rome Statute which requires “the intention of removing [persons] from the protection of the law for a prolonged period of time.” “The Rome Statute.”

16 According to UN HRC, for the purpose of article 9(3), any delay longer than 48 hours must remain absolutely exceptional and be justified under the circumstances. UN HRC, “General comment No. 35: Article 9 (Liberty and security of person),” CCPR/C/GC/35, December 16, 2014, para. 33, <https://undocs.org/CCPR/C/GC/35>; The United Nations Working Group on Arbitrary Detention (WGAD) held that the failure to bring a detainee before a judge within 48 hours of arrest or denial of the right to judicial review of detention violate the relevant provisions of the Universal Declaration of Human Rights even for countries that are not parties to the ICCPR. UN WGAD, Eighty-seventh session, “Opinion No. 32/2020 concerning He Fangmei (China),” A/HRC/WGAD/2020/32, September 2, 2020, paras. 37-38, <https://documents.un.org/doc/undoc/gen/g20/223/67/pdf/g2022367.pdf>; UN WGAD, Eighty-ninth session, “Opinion No. 78/2020 concerning Kai Li (China),” A/HRC/WGAD/2020/78, January 18, 2021, paras. 49-50, <https://documents.un.org/doc/undoc/gen/g21/011/40/pdf/g2101140.pdf>; UN WGAD, Eighty-seventh session, “Opinion No. 34/2020 concerning Abdullah Awad Salim al-Shamsi (United Arab Emirates),” A/HRC/WGAD/2020/34, October 14, 2020, paras. 51-52, <https://documents.un.org/doc/undoc/gen/g20/265/68/pdf/g2026568.pdf>; UN WGAD, Ninety-sixth session, “Opinion No. 17/2023 concerning Aida al-Ghamdi and Adel al-Ghamdi (Saudi Arabia),” A/HRC/WGAD/2023/17, June 8, 2023, para. 72, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wgad/opinions/session96/A-HRC-WGAD-2023-17-Saudi-Arabia-AEV.pdf>

procedural rights exist on paper but are rarely enforced in practice, especially in the case of political crimes.

Even if an arrest or detention follows due process, the family must be notified of the location of detention. Furthermore, visits should also be allowed, and the detainee's right to legal counsel must be ensured at all times.

In the case of foreign detainees, consular protection under Article 36 of the Vienna Convention on Consular Relations can provide additional protection against enforced disappearance. However, many autocratic states, even the parties to the Vienna Convention, fail to properly respect consular protection.

North Korea's Enforced Disappearances: Deprivation of Liberty, State Involvement and Refusal to Disclose

Enforced Disappearances in North Korea

Arrest, Detention and Abduction

The practice of due process of the law concerning deprivation of liberty is rarely observed when it comes to political offenses in North Korea. Due process includes the right to be promptly informed, at the time of arrest, of the reasons for arrest and of any charges, the right to legal counsel and the control exercised by the independent judiciary. While the absence of due process in itself does not amount to enforced disappearances, it is clear that enforced disappearances occur at the stage of arrest and detention if due process is not guaranteed.

Of the identified 113 enforced disappearance victims from TJWG's interviews, 90 (79.6%) were arrested within North Korea. In none of these cases did state agents present a warrant, state the reason for arrest or state the accused's right to refuse to accompany to the investigative office.

According to an interviewee, three or four Ministry of State Security (국가보위성 / *gukgabowiseong* / MSS) agents visited a woman who sent her daughter from Hyesan City, Ryanggang Province to China in 2016. When the MSS agents came to her house in broad daylight and told her they had something to ask her, she followed them out. Since then, nobody has heard from or of her again.

Another interviewee stated that a man, who got involved in a fight with other men, disappeared in Sariwon City, North Hwanghae Province after he accompanied MSS agents in 2016.

“A province MSS agent, a city MSS agent, and a neighborhood MSS

agent in charge came to arrest him. They didn't cuff him, but told him they had some questions for him. They told him to get dressed and lock the door to his house. They took him in a car and that was the last of him. He never came back.”

In Hyesan City, Ryanggang Province, a man was called in at work by an MSS agent in charge and never came back. His disappearance took place in 2012 following his mother's arrest.

“The MSS agent called him in when he showed up at work and then he was taken without a trace.”

An interviewee, who had been questioned multiple times for using Chinese mobile phones, described how he was treated after he accompanied the MSS agents.

“They don't tell you [why you are being taken away]. When [the MSS agents] came to my house and told me to come with them because they had something to ask me, I knew something was wrong. When I asked them why, they said, ‘We need to check something, so just come with us.’ Once I was at [the MSS] and started talking, they told me to hand over the phone. When I denied owning it, they started to hit me..however much they want.”

An interviewee from Hyesan City, Ryanggang Province who escaped in 2019

As such, enforced disappearances in North Korea often begin at the stage of arrest and detention. This may be because it has become customary for state agents to arbitrarily arrest and detain individuals without a warrant and North Korean residents have normalized such behavior. Two reasons can account for this internalization of arbitrary arrest and detention. For one, it is difficult for North Korean residents to easily access and understand written laws such as the Criminal Procedure Code. North Korean society lacks an adequate understanding of their basic rights such as ‘the right to be presented a warrant before being arrested, detained and searched.’ Even in situations of arbitrary arrest and detention, it is easy to mistake them as legitimately enforced. Secondly, it is nearly impossible for North Korean residents to

avoid repercussions from protesting or refusing to accompany the state agents. Given this knowledge, North Korean residents have no choice but to comply.

Even if mandatory arrest warrants are reinforced, it would be difficult to expect real improvement because there are deep-rooted fundamental issues within the Criminal Procedure Code. On paper, North Korea's Criminal Procedure Code prohibits arrests without an arrest warrant.

Article 176 (Officers in Charge of Arrests) of the Criminal Procedure Code
Arrests are made by investigators and preliminary examiners.
An arrest cannot be made without an arrest warrant.

However, it is problematic that arrest warrants are issued by prosecutors instead of judges who belong to an independent judiciary. This implies that state organs have the ability to execute arbitrary detention and enforced disappearances without court approval.

Article 177 (Application for the Issuance of Arrest Warrants and Their Issuance) of the Criminal Procedure Code
A preliminary examiner who wishes to arrest an examinee who is not in detention shall send an application for the issuance of an arrest warrant to a prosecutor for authorization.
Authorization by the prosecutor shall be done by the method of issuing an arrest warrant.

Even more problematically, the MSS has its own prosecution bureau. This conveys that when the MSS investigation bureau and the MSS preliminary examination bureau's agents apply for arrest warrants, the MSS prosecution bureau's prosecutors have the power to issue the warrants.

Involvement of the Ministry of State Security and Other State Organs

In this research, TJWG looked into which state organs were involved and had jurisdiction over process at which the 113 victims went missing. We focused on identifying state organs responsible for arrests and state organs responsible for disappearance after arrest, detention and repatriation.

State Organs Responsible for Arrest

TJWG documented and categorized the organs that arrested each victim. Of the 113 victims, 90 were arrested within North Korea, and 23 were arrested overseas. The MSS was the primary perpetrating organ for victims arrested within North Korea, having arrested 61 out of 90 victims. Other responsible organs were border guards¹⁷ (9 victims), Defense Security Bureau (보위국 / *bowiguk* / DSB) (5 victims), Ministry of Social Security (사회안전성 / *sahoeanjeonseong* / police)¹⁸ (4 victims), police and MSS' joint operation (1 victim) and non-socialist inspection group (1 victim). The specific state organ responsible for the remaining nine victims remains unknown.

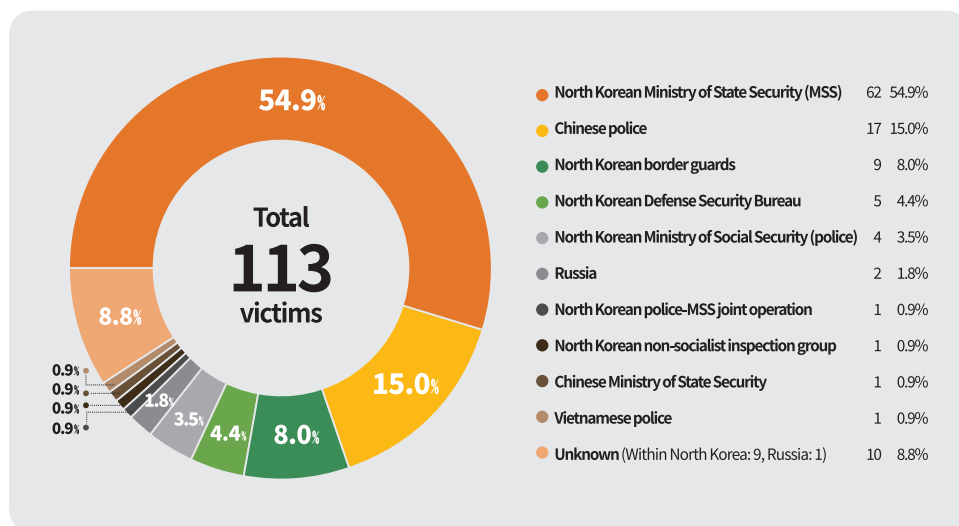
Of the 23 victims arrested in foreign countries, 19 were arrested in China. Chinese police arrested 17 victims and the Chinese Ministry of State Security (국가안전부 / *gukgaanjeonbu*) arrested one victim. The remaining one victim was arrested by a North Korean MSS agent operating in China. Of the three victims arrested in Russia, two were arrested by the Russian state and the remaining victim's perpetrating organ could not be identified. One victim was arrested in Vietnam by the Vietnamese police. TJWG documented these perpetrators based on the interviewee's identification.

As shown in Figure 4, North Korean MSS carried out the majority (54.9%, 62 out of 113 victims) of arrests among the nine identified state organs of the four

17 Historically, North Korea's border guards were transferred multiple times. It has been known that the boards guards belong to the MSS under the Kim Jong Un regime. The Institute for National Security (INSS), a think tank under the South Korean National Intelligence Service (NIS), stated that the Border Guard General Bureau (국경경비총국 / *gukgyeonggyeongbichongguk*) was transferred to the MSS in April 2012. Kim Il-Gi and Kim Ho-Hong, *김정은 시대 북한의 정보기구* [North Korean intelligence agencies in the Kim Jong-un era] (Seoul: INSS, 2020), 36, 44, 97-98, <https://www.inss.re.kr/upload/bbs/BBSA05/202101/F20210125215025285.pdf>; The Agreement between China and North Korea and the protocol to amend and supplement the agreement (concluded in November 2011) use the expression 'the Korean People's Army's Border Guard General Bureau.' "中华人民共和国国防部和朝鲜民主主义人民共和国国防委员会武装力量部队边防合作协议" [The Agreement between the People's Republic of China's Ministry of National Defense and the Democratic People's Republic of Korea's National Defense Commission's Ministry of the People's Armed Forces on cooperation in the border guard field], concluded June 28, 2004, <http://treaty.mfa.gov.cn/web/detail1.jsp?objid=1531876977686>; The United States added the MSS Border Guard General Bureau to its sanction list. U.S. Department of the Treasury, "Treasury Sanctions Over 40 Individuals and Entities Across Nine Countries Connected to Corruption and Human Rights Abuse," press release, December 9, 2022, <https://home.treasury.gov/news/press-releases/fy1155>

18 The Ministry of Social Security, which acts as the police in North Korea, is commonly called "*anjeonbu*" (안전부).

Figure 4 State Organs Responsible for Arrest



countries (North Korea, China, Russia, and Vietnam).

One may question how North Korean residents come to know that the MSS is responsible for the arrests and enforced disappearances of the accused. The interviewees pointed out the MSS commonly called “*bowibu*” among North Koreans as the arresting authority.

“If they take you away secretly, it is the MSS.”

An interviewee from Chongjin City, North Hamgyong Province who escaped in 2020

“[The MSS] just comes and takes you away at night.”

An interviewee from Musan County, North Hamgyong Province who escaped in 2013

“They [the MSS] don’t reveal [their affiliation] or anything like that. They knock on the door and tell you to step out and handcuff you... The police do not take you away at night. They would straightforwardly tell you to come and tell the family to bring the meals [for the detainee]. Everyone knows that it is the MSS because they secretly take you away at night.”

An interviewee from Pukchang County, South Pyongan Province who escaped in 2011

“When they take you away in a black car, you know [that it is the MSS].”

An interviewee from Chongjin City, North Hamgyong Province who escaped in 2005

The North Korean authorities are also known to dispatch ‘arrest teams’ (체포조 / *chaepojjo*) to China and elsewhere to capture and abduct North Korean refugees.¹⁹ These arrest teams consist of agents from the MSS and other state organs. There were reports that arrest teams disguise themselves as North Korean escapees to infiltrate the group or even Chinese police to this end.²⁰

One interviewee stated that when she was in China in 2021, she had to hide from those who were assumed to be MSS agents. They went around looking for her with her photos.

Another interviewee stated that she was supposed to meet her younger sister in 2009 who had escaped from North Korea to China. The interviewee called her sister on the day they promised to meet, only to be answered by a man speaking in a North Korean dialect. Her sister could not say much when the phone was passed to her. The interviewee said she suspected that he was an undercover MSS agent in China. About a year later, the interviewee heard that her sister was sent to a political prison camp.

State Organs Responsible for Disappearance after Arrest, Detention and Repatriation

TJWG identified and documented the state organs responsible for the transfer of detainees after the arrest. For those who were arrested and forcibly repatriated,

19 Hong Yun-oh, “탈북자 「체포조」/북,중국에 급파/관계당국이 밝힌 충격내용” [The relevant authorities reveal the shocking information that North Korea hurriedly dispatched ‘arrest teams’ for North Korean escapees to China], *Hankook Ilbo*, August 6, 1994, <https://www.hankookilbo.com/News/Read/199408060021414440>; Joo Seong-ha, “北 탈북자 체포조 2000명 중 암약... 탈북자 위장 2인1조로 색출 활동” [2,000 strong North Korean arrest teams for North Korean escapees secretly active in China; acting in groups of two disguised as North Korean escapees], *Donga Ilbo*, February 16, 2012, <https://www.donga.com/news/Politics/article/all/20120216/44078580/1>; Jung Young, “북 보위부 ‘탈북자 체포조’ 중국서 활약” [North Korean MSS’ ‘arrest teams’ for North Korean escapees’ active in China], *Radio Free Asia*, May 6, 2015, https://www.rfa.org/korean/in_focus/nk_nuclear_talks/arrestteam-05062015154916.html; Kim Myung-sung, “간수와 죄수 동반 탈북에 北 발각... 중에 체포조 보내 ‘참빛 작전’” [Prison guard and prisoner escaping together flips North Korea; arrest teams sent to China for “combing operation], *Chosun Ilbo*, September 11, 2019, https://www.chosun.com/site/data/html_dir/2019/09/11/2019091100292.html

20 Moon Seonghwi, “북, 탈북자 색출전문 ‘미행조’ 운영” [North Korea runs ‘arrest teams’ to identify North Korean escapees], *Radio Free Asia*, August 20, 2015, https://www.rfa.org/korean/in_focus/ne-ms-08202015094708.html

TJWG documented the North Korean organ that received the victims. These state organs were documented based on the information interviewees personally acquired or learned through others.

Families of the disappeared tried their best to gain information about their loved ones' fate and whereabouts. The interviewees dedicated even more time and effort when the disappeared were their direct family members or close relatives. Many interviewees stated that they tried to get information on their loved ones through other family members, relatives, and acquaintances. At times, families were able to infer their loved ones' fate or whereabouts from state officials' vague comments only after families reached out with bribes and personal connections. Families who have settled in South Korea usually relied on their families in North Korea or intermediaries who had contacts in North Korea.

TJWG defined the beginning of enforced disappearance as the stage where the interviewees' attempts to find out the victims' fates and whereabouts are rejected by the state organs. If the interviewee was unable or did not try to look for the victim, TJWG documented the state organ responsible for the disappearance as unknown.

For the 61 victims arrested by the MSS in North Korea, no other state organ was involved in the victims' subsequent detention or transfers. Only higher- and lower-level offices within the MSS were involved.

There were many cases where the victims were transferred to the MSS from other state organs. This is because other state organs transfer the victims to the MSS if they find any elements of political offenses during interrogation. Nine victims arrested by the North Korean border guards and one victim by the police-MSS joint operation were all transferred to the MSS. Of the five victims arrested by the DSB,²¹ one was handed over to the MSS presumably because the victim was a civilian and not a soldier. Of the 23 victims arrested in China, Russia, and Vietnam, 20 were forcibly repatriated to North Korea and all

21 DSB, formerly known as Military Security Command (보위사령부 / *bowisaryeongbu*) is a military counterintelligence agency and military inspection organ, responsible for arresting, investigating and punishing military personnel.

handed over to the MSS.²² In total, TJWG documented that 31 victims have been handed over to the MSS after their arrest, detention and repatriation.

Of the five victims the DSB arrested, it was responsible for the subsequent detention of four victims who were soldiers. State organs responsible for disappearance after arrest remain unknown for nine out of ten victims, for whom we lack information about the state organ responsible for arrest.

Meanwhile, the state organ responsible for the disappearance of a victim arrested by the non-socialist inspection group remains unknown as it is unclear whether the victim was handed over to the MSS or the police.

From this research, TJWG found that the MSS is responsible for 81.4% (92 out of 113 people) of the identified enforced disappearance victims, including the arrest, handovers from other state organs or foreign countries and subsequent transfers. Figure 5 illustrates the breakdown of state organs responsible for disappearance after arrest, detention and repatriation.

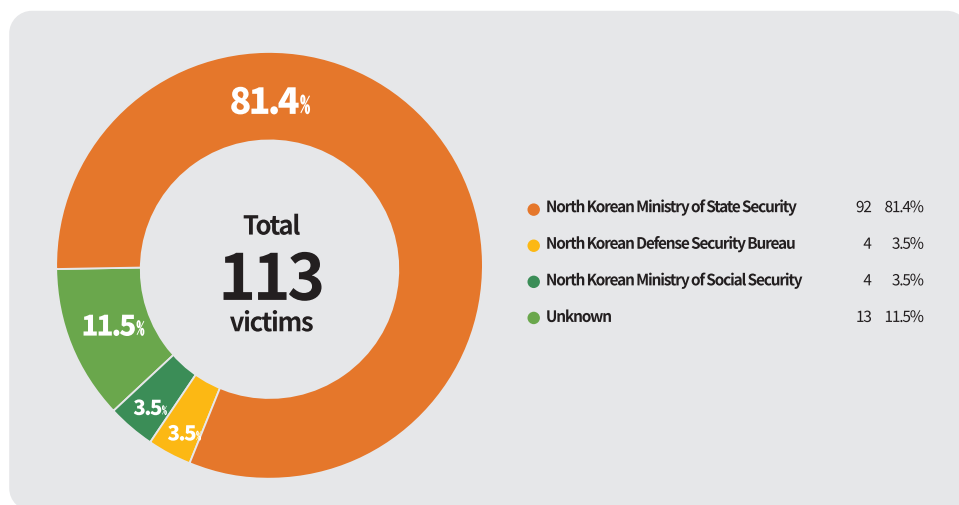
The MSS' involvement in widespread enforced disappearances occurs at various levels. It can vary from individual MSS agents assigned in neighborhood-level people's units (인민반 / *inminban*) to individual MSS agents at workplace-level factories or enterprises to county/city/province-level or the nationwide MSS.

There is also a strong possibility that the non-socialist inspection group is connected to the MSS. Composed of personnel assigned from the Central Party, the Central Prosecutors' Office, the Central Court, the MSS and the police, the non-socialist inspection group police 'non-socialist' activities like watching South Korean dramas and movies with warrantless search and arrest. The legal basis for their composition and operation remains unknown.²³

22 The perpetrating state organs for the remaining three victims remain unknown. The three individuals successfully resettled in South Korea a year or so later and were relieved from the state of enforced disappearance.

23 Jeong Yeon-seon et al., "Non-socialist groups," in *North Korean encyclopedia* (Seoul: National Institute for Unification Education, 2021), <https://www.uniedu.go.kr/uniedu/home/brd/bbsatcl/nknow/view.do?id=46195>; Ministry of Unification, *2024 Report on North Korean Human Rights* (Seoul: Ministry of Unification, 2024), 65-67.

Figure 5 State Organs Responsible for Disappearance after Arrest, Detention and Repatriation



In the case of political crimes over which the MSS has jurisdiction, it is important to note that enforced disappearances originate mainly from the preliminary examination process,²⁴ one of the stages of the criminal justice procedure in North Korea. The four stages of the criminal justice procedure are investigation, preliminary examination, prosecution and trial.

Under Article 50 of North Korea’s Criminal Procedure Code, the apparent legal basis for the MSS’ exclusive jurisdiction over political crimes, the investigators and preliminary examiners of security organs conduct the investigation and preliminary examination of ‘anti-state and anti-nation’ crimes. The ‘anti-state and anti-nation crimes’ are offenses defined in chapter 3 (Articles 61-75) of North Korea’s Criminal Law and include Article 61 (Act of Subverting the State), Article 63 (Treason against the Fatherland), Article 66 (Anti-State Propaganda and Agitation) and Article 70 (Treason against the Nation).

‘Political offenses’ in North Korea are not confined to overt efforts to bring about political change or organize political opposition. They encompass any

²⁴ Article 144 (The Task of Preliminary Examination) of the Criminal Procedure Code The task of preliminary examination is to confirm the examinee and accurately clarify the full account of a criminal case.

act that goes against the ‘Ten Principles for the Establishment of a Monolithic Guidance System’²⁵ which supersedes the ‘Socialist Constitution’ and ‘Rules of the Workers’ Party of Korea.’ Such acts include ‘verbal reactionary acts’ in the form of spreading rumors about the Supreme Leader’s private life and commenting negatively on state orders and national policies. Religious activities, consumption of foreign culture and communication with the outside world are also viewed as political offenses.

According to Article 14 of the Criminal Procedure Code, the MSS investigators and preliminary examiners are monitored by prosecutors in the investigation and preliminary examination stages.

Article 14 (The Person in Charge of Monitoring the Investigation, Preliminary Examination and Trial) of the Criminal Procedure Code

The prosecutor monitors the investigation, preliminary examination and trial.

However, according to the Korea Institute for National Unification, a North Korean escapee stated that the MSS oversees the trials, which is contrary to what is written in the Criminal Procedure Code. The escapee, who is an ex-MSS agent, stated that “a prosecutor from the MSS prosecution bureau renders a judgment in the name of the Central Court.”²⁶ Those convicted of political offenses can be executed by the MSS or imprisoned indefinitely in MSS-run political prison camps,²⁷ making them victims of enforced disappearance. The

25 Originally promulgated in 1974 as ‘Ten Principles for the Establishment of a Monolithic Ideological System’ which codified unconditional obedience to Kim Il Sung, the Ten Principles were amended in 2013 to add references to Kim Jong Il.

26 Lee Wootae et al., *White Paper on Human Rights in North Korea 2023* (Seoul: Korea Institute for National Unification (KINU), 2023), 190; In interviews conducted in 2006 by the ROK National Court Administration under the ROK Supreme Court, there are accounts of the MSS case examination committee, composed of MSS cadres, prosecutors and other officials, handing down judgments in the name of the court having jurisdiction in closed proceedings without defense counsel. ROK National Court Administration, *북한의 형사법* [North Korea’s criminal law], 2006, 31 as cited in Lee Kyu Chang and Jeong Kwang Jin, *북한형사재판제도 연구: 특징과 실태* [North Korea’s criminal trial system: characteristics and actual state] (Seoul: KINU, 2011), 100.

27 It was reported in the past that the selection and management of the prisoners as political prison camps (관리소 / *gwanliso*) are carried out by the State Security Department (MSS’ former name)’s Bureau 7 under the guidance of the Guidance Department of the Secretariat of the Korean Workers’ Party Central Committee. Do Kyung-ok et al., *White Paper on Human Rights in North Korea 2015* (Seoul: KINU, 2015), 112-113.

MSS in effect acts as police, prosecutor, judge, jury and executioner for political crimes.

In North Korea, the institutionalized ‘Party-State dual structure’ enables the Party to exist above and monitor the state. Often, arrest, preliminary examination, prosecution and trial are approved by the Party’s security committees and chairs behind the scenes.²⁸

Lack of Notification and the Refusal to Provide Information

In none of the identified cases concerning political offenses were the families formally notified about the arrest or detention of their loved ones. Such lack of notification makes it difficult for the family to seek the victim’s fate or whereabouts. Unless the family witnesses the victim’s arrest, the very fact of detention remains unknown. Even if the family finds out in other ways, it is often too late because the victims would have suffered from irreparable injuries during the long interrogation process.

The North Korean state’s refusal to disclose even basic information to the victim’s families impedes them and the victims from taking appropriate legal remedies. The interviewees stated that it was difficult to ascertain the victim’s fate or whereabouts, not to mention visit them, without utilizing personal connections or bribery. Some interviewees pointed out that they feared seeking information about the fate or whereabouts of persons arrested for political offenses, as there is a high risk of them being subjected to enforced

28 Kang Han, “북한법 잘 알지만 남한에 전문성 발휘할 시스템 없어…: 김은덕 前북한 검사가 밝힌 북한 사법체계” [I know the North Korean law well, but there is no system to make use of the expertise: North Korea’s judicial system as revealed by former North Korean prosecutor Kim Un-duk], *The Law Times*, June 28, 2021, <https://www.lawtimes.co.kr/news/170900> (“Regarding the cases, the Party’s security committee convenes before proceeding to the preliminary examination to decide on the punishment and make findings. The case investigation and preliminary examination must occur under the watch of prosecutors. In particular, the Ministry of Social Security must get the approval from prosecutors when conducting investigations. The issuance of arrest warrants can be done only by the prosecutors’ office. The investigation, preliminary examination, prosecution and judgment take place in such a structure. The judgment is ratified by the Party’s chief secretary”).

There are escapee accounts of the county, city, and province-level Party Committees’ legal affairs committees, which includes the MSS local chiefs, deciding whether to refer a specific case to the MSS as a political offense. ROK National Court Administration, *North Korea’s criminal law*, 31 as cited in Lee and Jeong, *North Korea’s criminal trial system*, 100.

Figure 6 Process of Enforced Disappearance in North Korea Perpetrated by MSS



disappearance themselves.

Article 179 of North Korea's Criminal Procedure Code provides that the arrested or detained person's family shall be notified of the reasons for arrest or detention and the place of detention within 48 hours of the arrest or detention.

Article 179 (Notification of Arrest and Detention) of the Criminal Procedure Code
The examinee shall be notified in case of arrest or detention disposition decisions, and his/her family, affiliated groups and relevant social security organs shall be notified of the reasons for arrest or detention and the place of detention within 48 hours of the arrest or detention.

However, there is a discrepancy between law and practice. In certain cases, instead of being notified, the families are called in for an interrogation and made aware of their loved one's arrest only then. In 2011, an interviewee was arrested with her brother-in-law in Onsong County, North Hamgyong Province. The interviewee's family was not informed about the arrest until the interviewee returned home after being released.

"We [The interviewee and her brother-in-law] did not return on the day that we were supposed to return from China... Five days passed,

yet we still hadn't returned... It made my family think, 'Something must have happened.'"

The interviewee's sister was only able to ascertain her husband's whereabouts when she was called to the MSS for an interrogation.

There are other cases where the family learned of the victim's prolonged detention only once the state agents came to the family's house to interrogate them. The following statement shows such a case that occurred in Kilju City, North Hamgyong Province in 2013.

"We didn't know [the victim] was arrested. He had a phone on him, but he wouldn't answer no matter how many times we called. After a month, we knew something was off and was about to search for him. That's when the DSB came. Five or six agents came to investigate and that's how we knew [he was arrested]."

Some families find out that their loved ones were arrested by the MSS only after they go asking around for information. In Hyesan City, Ryanggang Province, a man followed a couple of men who came to his house in 2016. He went missing since then, and his family was only able to learn of his detention at the MSS by word of mouth.

"We asked around if anyone knew who took [the victim] and was told that it was the MSS."

In 2000, a man was arrested at night in Hyesan City, Ryanggang Province, for selling and sending North Korean magazines to China. His relative, who had a close relationship with an MSS agent, was able to ascertain his detention at the MSS through the agent.

"My cousin had a lot of former students. They were at the province-level Party and at the MSS too. We only know [about the arrest and detention] because he asked around."

In some cases, family members were able to learn that their loved ones had

been arrested via hearsay but could not find them. In Hyesan City, Ryanggang Province, a mother and her two children (ages five and seven) got arrested in 2011 while trying to escape from North Korea. Their family searched for their whereabouts and heard from a state agent that the children were sent to an orphanage. The victims' family searched different orphanages for many years to no avail.

“[The victim’s family] just wanted to know where they were because they felt sorry for the kids. When [the victim’s family] asked the official where the kids were, he told them that they are at an orphanage. Didn’t specify which one. We still can’t find them.”

The same year, a grandmother and her two grandchildren were arrested in Kyongwon County, North Hamgyong Province, for trying to escape to China. The missing children’s family heard rumors of their arrest and went to the regional MSS to verify; however, the MSS denied making such an arrest. The grandmother and the two grandchildren remain missing to this day.

“[The victim’s family] went to the MSS and asked at least to let the kids go. But, the MSS denied the arrest and told her to go away. The MSS denied probably thinking, ‘How would they know when we have arrested the victims in secret?’, but word spreads. [The victim’s family] went to the MSS because the victim’s family knew they were there.”

Occasionally, families only find out about their beloved person’s arbitrary arrest and detention when the MSS agents approach the family members for financial gain. In Hyesan City, Ryanggang Province, the victim’s wife found out about her husband’s arrest in 2000 when the MSS agents came to her house, demanding 100 dollars (United States currency USD) as a bribe.

“The MSS agents came to [the victim’s] wife for her money. That’s how she found out that her husband was at the MSS.”

All this is a far cry from the mandatory notification of the arrest or detention to the families as procedure guaranteed by law. None of TJWG’s 62 interviewees

recounted being officially notified of the arrest or detention of their families.

Even if the families come to know about detention through other means, visits are not allowed from the time of arrest if the victims are detained under the jurisdiction of the MSS. An interviewee, whose friend was arrested in 2017 and detained at the province-level MSS in Hyesan City, Ryanggang Province for communicating with someone in South Korea using a Chinese mobile phone, said,

“You can’t go there at all. You can never visit the MSS. It has just been that way. The MSS doesn’t allow visits. No exceptions.”

Another interviewee learned through an acquaintance working at the MSS that her son who had been repatriated from China was detained at the province-level MSS in Chongjin City, North Hamgyong Province. The interviewee also explained how she couldn’t visit or help her son while he was detained at the province-level MSS in Chongjin City, North Hamgyong Province.

“The province-level MSS doesn’t allow visits. I heard [my son] got tuberculosis and he had difficulty standing upright. I gave [the acquaintance] money for more information, but he said he didn’t know what would happen [to my son]. I begged him, ‘Just get my son out. I’ll get as much money as they want. Just get him out.’ [The acquaintance] said it was very difficult to get him out. A few months later, I heard they sent [my son] who was nearly dying to a political prison camp. The acquaintance told me my son wasn’t likely to survive.”

Another interviewee explained that her mother and her younger sister were arrested in 2010 while preparing to escape from North Korea. They were detained at city-level MSS in Hyesan City, Ryanggang Province and the interviewee or her family couldn’t visit them.

“We couldn’t visit them. When [my uncle] asked the MSS agents about them, they told him to just give up.”

In 2008, a woman was repatriated from China and detained at city-level MSS

in Hoeryong City, North Hamgyong Province. An interviewee who knew her husband mirrored that visits were impossible to arrange for political crimes.

“Visits aren’t allowed. If [the crime] involves South Korea or anything political, visits aren’t allowed. Visits are sometimes allowed for ordinary crimes, but that changes every year with new policies. One year visits are allowed, the next year they aren’t anymore. This person I knew told me he couldn’t visit [those detained at the MSS]. When I was there, I was able to visit people. But, never with those detained for political crimes.”

In certain cases, visits for those charged with political offenses may be exceptionally permitted. Yet, these visits occur not through a legally guaranteed procedure that any person can utilize, but by paying a substantial bribe to the MSS officials. An interviewee explained that her family was allowed to visit her sister-in-law, who was detained at the province-level MSS in Hyesan City, Ryanggang Province, in 2020 only after paying a huge sum as a bribe.

“[My family] visited her frequently. My nieces always went there with food. Once they enter the preliminary examination stage, you can’t visit them anymore. During the investigation stage, [my family] visited her.”

There are cases where bribes were requested in the form of specific items. In 2014, the victim’s sister-in-law was able to visit her at the county-level MSS in Musan County, North Hamgyong Province, after fulfilling the MSS’ request for a motorcycle.

“A motorcycle was about 1.5 million won (South Korean currency KRW). [The MSS] couldn’t even afford that. The MSS investigation bureau asked for a motorcycle.”

Another interviewee stated that she was denied a proper visit and could only get a ‘proxy visit’ even after bribing the MSS. In 2011, the interviewee, searching for her sister who was detained at the province-level MSS at Hyesan City, Ryanggang Province, gave money to pay a bribe to her acquaintance

who had connections within the MSS. The victim's family couldn't see her, but the acquaintance who delivered the bribe was granted one visit by way of compensation.

“If you bribe [the MSS] through people you know...that's how you get a chance to visit [your family].”

In some cases, only meal deliveries were permitted even after families bribed the state agents. In 2010, an interviewee's brother-in-law was arrested for helping another person escape North Korea. The interviewee tried to visit his brother-in-law at the MSS in Onsong County, North Hamgyong Province but was denied direct contact.

“When I went to visit him, I was only able to deliver him food but never see him in person. One day, they told me, ‘Stop coming here because he isn't here anymore.’”

Some family members tried to find out the victim's fate or whereabouts during and after transfers between detention facilities; however, the families were either denied any answers or merely given hints that the victims had been sent to political prison camps. Such concealment of the victim's fate, whereabouts, and death by North Korean authorities constitutes the crime of enforced disappearance.

“If you are told in [North Korean] society ‘Why look for a person who cannot live in our society?’, it means that person cannot live in society. The MSS said, ‘Don't look for the person.’ It means the MSS knows [the person's not there anymore].”

An interview about the interviewee's brother-in-law who was arrested in Pyongsong City, South Pyongan Province in 2016

“My uncle told me that they would not tell him where she went. She appears to have been sent to the place [political prison camp] where OOO was sent to.”

An interview about the interviewee's mother who disappeared in 2010 for preparing to escape from North Korea

In many cases, the victim's family gave up on confirming the victim's detention or place of detention or making visits. When the victims were arrested by the MSS, their families simply assumed that their loved ones had been sent to a political prison camp, a place known for its notoriety among North Koreans.

“If only the husband had been taken, we could have looked into it. But the whole family was gone. This just means that they were sent to a political prison camp.”

An interview about a man and his family (wife and daughter) who disappeared in Hyesan City, Ryanggang Province in 2021

“I was told that he wasn't there and no visits were allowed. That's how I knew that he had been sent [to a political prison camp]. Where do I even ask where he went? I was turned away right at the door.”

An interview about the interviewee's brother-in-law who was arrested in Onsong County, North Hamgyong Province in 2010

“No idea where she was taken. We only assume that when someone disappears like that, she is taken to the sort of place for political criminals...where no one ever gets out.”

An interview about a woman who disappeared in 2008 after being repatriated from China

As mentioned in the COI report, the MSS-run political prison camps have become a byword for North Korea's enforced disappearances. Some interviewees pointed out that seeking information about the fate or whereabouts of a person taken away for political offenses carries high risks.

“It's impossible to ask questions. When it is the MSS, people keep themselves on their toes. They know, ‘Oh, it is a political crime.’ The remaining family of political criminals could be annihilated, so forget about finding the missing person. Who would they even ask?”

An interview about an acquaintance who disappeared in Kimhyongjik County, Ryanggang Province in 2000

TJWG has also asked the interviewees about procedures in case of the accused's

death during detention. From the interviews, there were nine cases in which persons detained under the jurisdiction of the MSS passed away. There were eight cases where the family was not formally notified of the victim's death and in only one case was the family notified of the victim's death. In said case, the victim's wife received her husband's body who died while being detained at the province-level MSS in Hyesan City, Ryanggang Province in 2020.

Generally, it appears to be that remains were not returned to the victims' families. The state authorities did not return the remains in eight of the nine cases mentioned above. In one case, the interviewee was not able to verify whether the remains had been returned. In only one case did a family member receive the victim's remains. In 2020, a man passed away while being detained at the province-level MSS in Hyesan City, Ryanggang Province. His wife was able to receive his remains and hold a funeral.

Transnational Enforced Disappearances of North Korean Refugees

North Korean refugees who are arrested, detained, and repatriated by foreign authorities are also at great risk of enforced disappearance. The arrest and repatriation of North Korean refugees in China, Russia, Vietnam and other foreign countries is a violation of the principle of non-refoulement in Article 8 of the Declaration on the Protection of all Persons from Enforced Disappearance (Enforced Disappearance Declaration).²⁹ The denial of North Korean refugees' deprivation of liberty or the concealment of their fate or whereabouts while they are detained in foreign countries constitutes the crime of enforced disappearance.

Among the 113 North Korean victims of enforced disappearances identified through TJWG's interviews, 23 victims (20.4%) were arrested by foreign state

29 Article 8 of the Declaration on the Protection of all Persons from Enforced Disappearance 1. No State shall expel, return or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance. 2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

organs in China, Russia, and Vietnam or dispatched North Korean agents.

China

In this research, TJWG identified 19 victims whose disappearance began in China. The interviewees stated that Chinese police was responsible for 17 victims and the Chinese Ministry of State Security (국가안전부 / *gukgaanjeonbu*) was responsible for one.

Despite international concern and criticism, China has consistently maintained the policy of rounding up and repatriating North Korean refugees to North Korea since the 1990s. Although forcible repatriation was temporarily halted since January 2020 due to North Korea's border closure in response to the COVID-19 pandemic, China continued to monitor North Korean escapees residing in China and detained those who moved to other regions. In 2023, North Korea partially lifted its border closure and consequently, forcible repatriation has resumed. In October 2023, China carried out mass deportation of 500 to 600 North Korean detainees.

Chinese authorities remain steadfast in their position that China has a legal obligation under its treaties to arrest North Korean refugees and repatriate them to North Korea. Article 4 of the Agreement on Mutual Cooperation for the Maintenance of State Safety and Social Order between North Korea's MSS and Chinese police states that anyone crossing the border without proper documentation shall be processed as an illegal border crosser. It further states that the list and relevant materials of illegal border crossers shall be handed over to the other side immediately.³⁰

Article 4 of the Agreement on Mutual Cooperation for the Maintenance of State Safety and Social Order

Both sides shall mutually cooperate to stop illegal border crossing.

1. Those who cross the border without proper documentation or ones

30 “中华人民共和国公安部 朝鲜民主主义人民共和国国家安全保卫部 关于在边境地区维护国家安全和社会秩序的工作中相互合作的议定书” [Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas], signed July 8, 1998, <http://treaty.mfa.gov.cn/Treaty/web/detail1.jsp?objid=1531876990894>

that have not gone through the transit point and inspection organs shall be processed as illegal border crossers...

2. The list and relevant materials of the illegal border crossers shall be handed over to the other side immediately. But among them, those who committed crimes on the other side's territory can be processed in accordance with that country's laws and the punishment shall be notified to the other side.

However, China can terminate this Agreement by notifying its nullification of the Agreement six months before its automatic five-year extension according to Article 10 of the Agreement. This indicates that China is intentionally adhering to this Agreement while possessing the power to terminate it. The enforcement of these treaty provisions is particularly cruel as third countries including South Korea, the United States and Canada have been and have committed to continue the resettlement of North Korean refugees in their territories.

Moreover, the principle of non-refoulement under customary international law and Article 3 of the UN Convention against Torture to which China is a party is considered to have acquired the status of a peremptory norm of general international law (*jus cogens*) and a treaty that conflicts with such a norm is void.³¹ The same can be said about the principle of non-refoulement in Article 8 of the Enforced Disappearance Declaration.

The Chinese authorities arrest and detain North Korean refugees and interrogate them before transferring them to North Korea via the frontier administration

31 Executive Committee of the High Commissioner's Programme, Thirty-third session, "General Conclusion on International Protection No. 25 (XXXIII) – 1982 (20 October 1982)," 12A (A/37/12/Add.1), October 20, 1982, <https://www.unhcr.org/publications/general-conclusion-international-protection-17> ("(b) Reaffirmed the importance of the basic principles of international protection and in particular the principle of non-refoulement which was progressively acquiring the character of a peremptory rule of international law"); UN High Commissioner for Refugees (UNHCR), "Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol," January 26, 2007, <https://www.refworld.org/policy/legalguidance/unhcr/2007/en/40854> ("21. The prohibition of torture is also part of customary international law, which has attained the rank of a peremptory norm of international law, or *jus cogens*. It includes, as a fundamental and inherent component, the prohibition of refoulement to a risk of torture, and thus imposes an absolute ban on any form of forcible return to a danger of torture which is binding on all States, including those which have not become party to the relevant instruments").

detachments (边境管理支队(边管支队)) and frontier administration battalions (边境管理大队(边管大队)) of the Chinese police's National Immigration Administration (NIA) (国家移民管理局).³²

If the Chinese authorities do not notify the families about the detention or place of detention during the pre-deportation detention, the detention by the Chinese authorities may amount to enforced disappearance.

Russia

In this research, TJWG identified three victims whose disappearance began in Russia. Russian authorities were accused of being involved in the enforced disappearance of two out of three victims.

Unlike the Chinese government, the Russian government permits entry to North Koreans and does not block any application for refugee status determination (RSD). Some of these refugees are sent to South Korea via a third country.

However, according to the Civic Assistance Committee, a Russian refugee NGO, for the 207 North Koreans who applied for refugee status in Russia between 2011 and 2019, the Russian authorities granted refugee status to only one person in 2011. During the same period, only 213 of the 305 North Koreans who applied for temporary asylum were granted it. The subsequent number of applications dropped from 43 in 2011 and 64 in 2012 to 23 in 2018 and 20 in 2019. Russian courts, which lack independence from other political branches, have ordered expulsions of North Koreans in many cases.³³

In addition to expulsions to North Korea as illegal aliens or criminals, there are reported cases of abductions and handovers to North Korea's MSS agents by individual Russian officials. In one of TJWG's interviews, a North Korean worker dispatched to external construction work sites in Russia was arrested by

32 The frontier defense corps (边防部队) with the active-duty armed-police status of the Chinese police's 4th Bureau/Frontier Defense Administration (边防管理局) until 2018.

33 Svetlana Gannushkina, Konstantin Troitsky and Moonyoung Lee, *Report: "One recognized refugee in nine years. Overview of the situation with refugees from the DPRK (North Korea) in Russia"* (Moscow: Civic Assistance Committee, 2020), https://refugee.ru/wp-content/uploads/2020/09/DPRK-Refugees_English.pdf

the Russian police and repatriated to North Korea by the deportation decision from Russian courts.³⁴

If the Russian authorities do not notify the families about the detention or place of detention during the pre-deportation detention, the detention by the Russian authorities may also amount to enforced disappearance.

Russia has concluded multiple agreements with North Korea. Such agreements include Agreement on mutual legal assistance in criminal matters,³⁵ Agreement on extradition,³⁶ Agreement on transfer and receipt of persons illegally entered and illegally residing in the territory of Russia and North Korea³⁷ and Agreement on transfer of persons sentenced to imprisonment.³⁸

The 2016 treaty on transfer and receipt of persons illegally entered and illegally residing persons in particular appears to have facilitated the rejection of new applications for or extension of temporary asylum by North Koreans in Russia.³⁹

34 Svetlana Gannushkina, Konstantin Troitsky and Moonyoung Lee, *Report: "One recognized refugee in nine years. Overview of the situation with refugees from the DPRK (North Korea) in Russia"* (Moscow: Civic Assistance Committee, 2020), https://refugee.ru/wp-content/uploads/2020/09/DPRK-Refugees_English.pdf

35 "ДОГОВОР МЕЖДУ РОССИЙСКОЙ ФЕДЕРАЦИЕЙ И КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКЕ О ВЗАИМНОЙ ПРАВОВОЙ ПОМОЩИ ПО УГОЛОВНЫМ ДЕЛАМ" [Agreement between the Russian Federation and the Democratic People's Republic of Korea on mutual legal assistance in criminal cases], signed November 17, 2015, https://www.mid.ru/ru/foreign_policy/international_contracts/international_contracts/2_contract/43707

36 "ДОГОВОР МЕЖДУ РОССИЙСКОЙ ФЕДЕРАЦИЕЙ И КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКЕ О ВЫДАЧЕ" [Agreement between the Russian Federation and the Democratic People's Republic of Korea on extradition], signed November 17, 2015, https://www.mid.ru/ru/foreign_policy/international_contracts/international_contracts/2_contract/43706

37 "СОГЛАШЕНИЕ МЕЖДУ ПРАВИТЕЛЬСТВОМ РОССИЙСКОЙ ФЕДЕРАЦИИ И ПРАВИТЕЛЬСТВОМ КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКИ О ПЕРЕДАЧЕ И ПРИЕМЕ ЛИЦ, НЕЗАКОННО ВЪЕХАВШИХ И НЕЗАКОННО ПРЕБЫВАЮЩИХ НА ТЕРРИТОРИИ РОССИЙСКОЙ ФЕДЕРАЦИИ И КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКИ" [Agreement between the Russian Federation and the Democratic People's Republic of Korea on transfer and receipt of persons illegally entered and illegally residing in the territory of Russia and North Korea], signed February 2, 2016, https://www.mid.ru/ru/foreign_policy/international_contracts/international_contracts/2_contract/43686

38 "ДОГОВОР МЕЖДУ РОССИЙСКОЙ ФЕДЕРАЦИЕЙ И КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКЕ О ПЕРЕДАЧЕ ЛИЦ, ОСУЖДЕННЫХ К ЛИШЕНИЮ СВОБОДЫ" [Agreement between the Russian Federation and the Democratic People's Republic of Korea on transfer of persons sentenced to imprisonment], signed December 5, 2017, https://www.mid.ru/ru/foreign_policy/international_contracts/international_contracts/2_contract/52773

39 Rhee Kyungha, "러시아, 9년간 탈북민 1명 난민으로 인정" [Russia recognized 1 North Korean escapees as a refugee in 9 years], *Radio Free Asia*, October 21, 2020, https://www.rfa.org/korean/in_focus/human_rights_defector/russiankreguee-10212020160833.html

On February 15, 2016, Marzuki Darusman, the UN Special Rapporteur on DPRK human rights, sent letters to Russia and North Korea raising concerns about these treaties, but neither government replied.⁴⁰

Even after the Russo-North Korean rapprochement resulting from Russia's full-scale invasion of Ukraine in 2022 and North Korea's export of artillery shells and missiles, Russia has not officially blocked North Koreans from applying for RSD. However, it is widely feared that Russia will make such application impossible in practice by repatriating North Korean asylum seekers as wanted criminals.⁴¹

South Korea

South Korea has a stated policy of extending protection and assistance to North Korean escapees who have expressed the will to be protected as South Korean citizens. Yet, it has deported two North Korean escapees, Mr. Woo Beom-seon and Mr. Kim Hyun-wook, on suspicion of committing murder prior to their escape from North Korea on November 7, 2019.

Past cases of the repatriation of North Koreans found in the South Korean waters, who reportedly drifted without the intent to defect, have been questioned regarding whether their intent to defect was properly ascertained.⁴²

Those responsible for their forcible repatriation are currently on trial in the South Korean domestic court, but the South Korean government has never asked North Korea to clarify their fate or whereabouts. Nor have there been institutional reforms such as the codification of the principle of non-refoulement

⁴⁰ Office of the United Nations High Commissioner for Human Rights (OHCHR), "Mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea," OL RUS 1/2016, February 15, 2016, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=17335>; OHCHR, "Mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea," OL PRK 1/2016, February 15, 2016, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=17685>

⁴¹ Kim Jieun, "러, 북 외교관 가족 체포위해 항공기 회항" [Russia forced a plane to return to arrest a North Korean diplomat family], *Radio Free Asia*, July 19, 2023, https://www.rfa.org/korean/in_focus/human_rights_defector/arrest-07192023095130.html

⁴² Ahn Jun-ho, "작년 표류해 越境한 北 주민 22명 北송 의혹" [Suspicion of the repatriation to North Korea of 22 North Koreans who drifted across the border last year], *Monthly Chosun*, November 2009, <https://monthly.chosun.com/client/news/viw.asp?nNewsNumb=200911100012>

in the domestic law or the judicial review of the detention of North Korean escapees newly arriving in South Korea who are deprived of their liberty by the South Korean government's 'provisional protection measures' to prevent reoccurrence.

Grounds for Enforced Disappearances

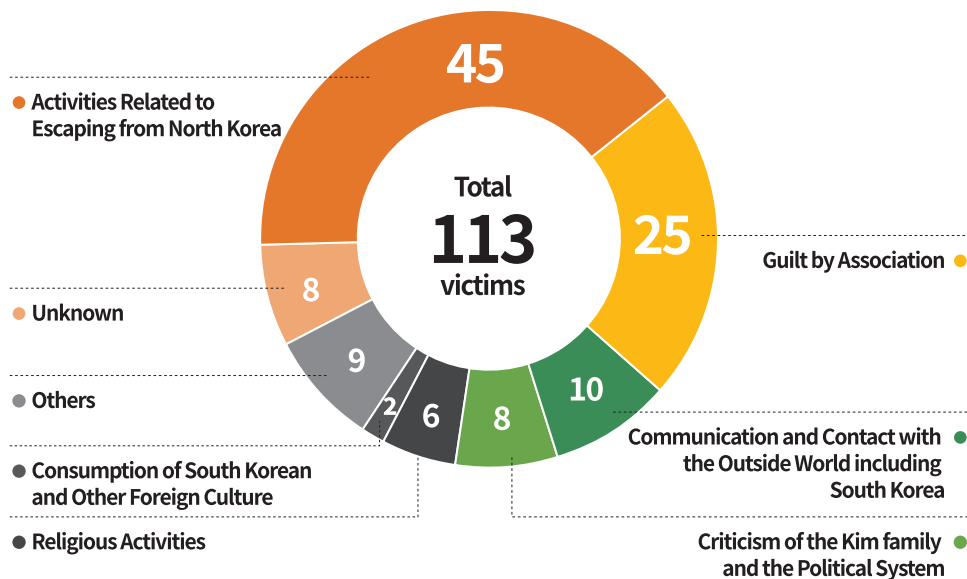
Political crimes encompass not only active efforts to change existing political order but any acts contrary to the ‘Kimilsungism–Kimjongilismization of the entire society’ as set out in the ‘Ten Principles for the Establishment of a Monolithic Guidance System’ in North Korea, making the reasons for why enforced disappearances run rampant in North Korea self-explanatory. Hence, it is not surprising that North Korean authorities can arbitrarily exercise or abuse their powers to effect enforced disappearances.

Based on the analysis of the in-depth interviews, TJWG identified several grounds for enforced disappearances of North Koreans. The grounds for enforced disappearance were categorized based on the grounds for arrest that the interviewees knew at the time or found out later through other means.

As can be found in Figure 7, disappearances resulting from escaping from North Korea (45 victims, 39.8%) were the most common. The grounds for enforced disappearance that fall under this category include disappearance after repatriation (21 victims), disappearance from attempting to escape (12 victims), disappearance from preparing to escape (7 victims), and disappearance from helping others escape (5 victims). The fact that disappearances after repatriation occurred a lot more than others illustrates that even if the crime of enforced disappearance ultimately occurred within North Korea, China is also largely responsible for the disappearance of these victims.

Guilt by association was the second most common ground for disappearance with 29 victims (25.7%). It is critical for the international community to adamantly reprove North Korea for making not only the accused but also their families vulnerable to enforced disappearance.

Figure 7 Grounds for Enforced Disappearance



Contact with South Korea and the external world ranked third (10 victims, 8.8%).

If we were to exclude ‘Others’ from consideration, criticism of the Kim family and the political system ranks fourth with 8 victims (7.1%). Although this research revealed a relatively small percentage, it is important not to undermine the gravity of this charge and to note that this charge is dealt with harsh punishment in North Korea and anyone detained with this charge is either executed or sent to political prison camps.

The fifth most common ground for disappearance was religious activities (6 victims, 5.3%).

These grounds clearly show that enforced disappearances have been carried out to maintain the regime and the Kim family’s power. This supports that Kim Jong Un is ultimately responsible for the countless enforced disappearances that have occurred in North Korea to this day.

The characteristics and the process of enforced disappearance for each of the grounds are discussed below.

Escape from North Korea

TJWG's interviews documented 23 instances of North Koreans being subjected to enforced disappearance after they were captured and repatriated from China, Russia and elsewhere.

In North Korea, not only is the unauthorized departure from the country punishable as 'Illegal Border Exit and Entry' but attempts to escape to South Korea or contact with South Koreans or Christian missionaries are punished as political offenses under the 'Treason against the Fatherland'.

Article 260 (Illegal Border Exit and Entry) of the Criminal Law

A person who exits and enters the border illegally shall be punished by training through labor.

In cases where the act of exiting and entering the border illegally is grave, reform through labor for not more than five years shall be prescribed.

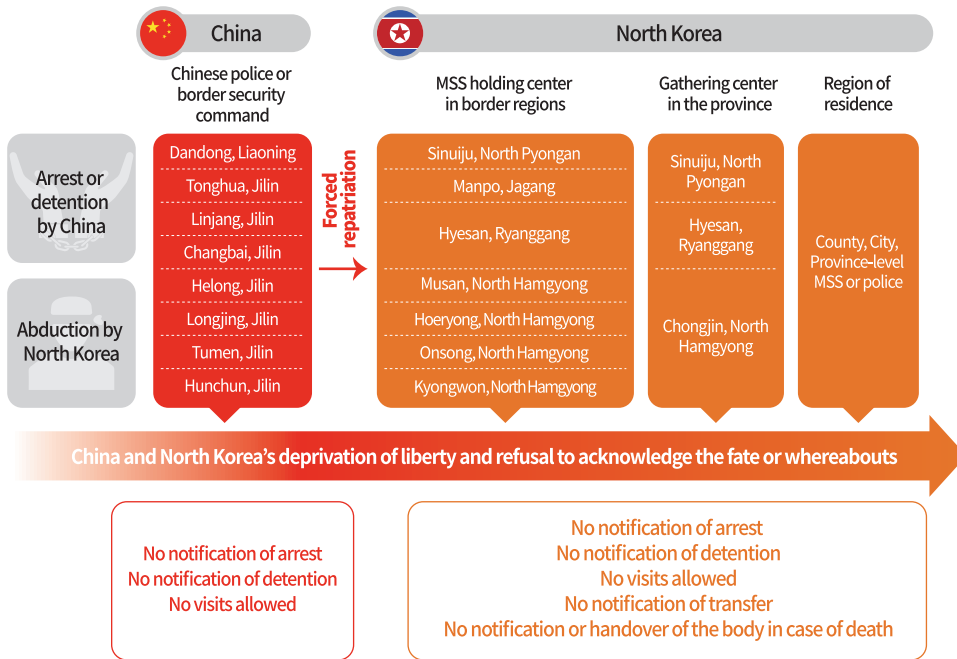
Article 63 (Treason against the Fatherland) of the Criminal Law

A person who commits an act of treason against the fatherland shall be punished by reform through labor for not less than five years. In cases where the circumstances are grave, reform through labor for life or death and confiscation of property shall be prescribed.

A majority of repatriated North Korean escapees are handed over to the North Korean Ministry of State Security (국가보위성 / *gukgabowiseong* / MSS). At each stage of the transfer, the repatriated North Koreans are subjected to enforced disappearance by various Chinese and North Korean state organs.

Upon repatriation to North Korea, North Korean escapees' investigations are based on the materials handed over from Chinese authorities at the MSS holding center (구류장 / *guryujang*) in the border areas. If the escapees confess that there were attempts to escape to South Korea, contact with South Koreans or interaction with missionaries or other religious figures, they are classified as political criminals and will continue to be under the jurisdiction of the MSS. If they deny such charges and persist against the investigation, they will be

Figure 8 **Enforced Disappearance Arising from China’s Repatriation and Transfers within North Korea**



charged with relatively lighter crimes and transferred to the police.⁴³

If the accused is from a region other than the border area, they are usually transferred to their region of residence. Often, the MSS detains them at the province-level gathering center (집결소 / *jipgyeolso*) until they are handed over to the MSS agents from the region of residence. Once the accused are transferred to their region of residence, it is common for the MSS agents to re-investigate them.⁴⁴

43 TJWG interviewed a woman who was repatriated from China and interrogated an MSS holding center in the border areas in 2017. The interviewee told the MSS agents that she had only gone to China for her missing daughter. Even though she told the MSS agents that she had not escaped from North Korea to go to South Korea, she was repeatedly interrogated about the same matter for a month while being kicked all over her body. The interviewee was transferred to a police station and could only be visited by her acquaintances after she'd been transferred. She received six months of re-education through labor, but bribed her way out of the punishment. Yet, she was thoroughly monitored by the MSS.

44 If the detainees did not commit any political offenses, they are transferred to the police. The process of transferring the detainees remain similar to that of the MSS.

Case 1 Transfer Route after Repatriation from China: Victim A

Mongolia



1 Arrest

Location: On his way to Mongolia from China (location unknown)

Date: 2015 (date unknown)

The family searched for victim A to no avail. First learned that he was arrested by Chinese police on his way to Mongolia, repatriated to North Korea and detained at the province-level MSS in Chongjin, North Hamgyong

2 1st detention

Location: Prison in China (location unknown)

Date: 2015 (date unknown)



3 2nd detention

Location: Border security command in Tumen, Jilin (presumed)

Date: 2015 (date unknown)

Based on the interviewee and her acquaintances' experience, it is presumed that victim A was repatriated via border security command in Tumen

4 3rd detention

Location: MSS holding center in Onsong, North Hamgyong

Date: 2015 (date unknown)

Based on the interviewee and her acquaintances' experience, it is presumed that victim A was detained at MSS in Onsong after repatriation

Tumen



Onsong

5 4th detention

Location: Province-level MSS in Chongjin, North Hamgyong

Date: 2015 (date unknown)

His family found out about his whereabouts through their acquaintance who had a cousin working at the MSS. He severely suffered from tuberculosis



Chongjin



6 5th detention

Location: Political prison camp (presumed)

Date: 2016 (presumed) (date unknown)

His family heard that he was severely ill when he was sent to a political prison camp. His fate and whereabouts remain unknown



Victim A

Communicated with his family every 2-3 days since his escape from North Korea in 2015, but abruptly went incommunicado

According to TJWG's interviews, no state organ formally informed the repatriated escapees' families of their detention throughout the various stages of investigation and transfers. In some cases, the families belatedly learned of their loved ones' detention and whereabouts; yet, it was only after the victims had been handed over to the regional or city-level MSS in their residence. Often, the MSS agents visited the families to ask them a few questions about the victims' investigation. Multiple interviewees stated that they realized their loved ones had been repatriated and detained through the visiting MSS agents.

Case 1 describes a victim whose fate or whereabouts remained unknown until he was transferred four times. According to the interviewee, she had been in contact with her son, victim A, once every two days since he escaped to China in 2015. Suddenly, she was unable to reach him since he headed toward Mongolia and his whereabouts remained unknown. Half a year later, the interviewee learned from an acquaintance who had a relative working at the MSS that victim A had been repatriated to North Korea and had been detained ever since. After continuously sending money and bribing for information, she heard in 2017 that victim A was sent to a political prison camp in 2016.

Case 2 illustrates victim B who was arrested in a hideout in China and later repatriated to North Korea. Victim B was sent to a political prison camp after five consecutive detentions. Victim B was charged with practicing religion in China. The interviewee was arrested with victim B but was released after she claimed that she didn't attempt to travel to South Korea or participate in any religious activities. The interviewee was able to find out about victim B's whereabouts through his family.

Attempting to Escape from North Korea

Under Kim Jong Un, the North Korean regime has relentlessly doubled its efforts to reestablish firm control over the border with China which had become porous since the economic and food crisis of the 1990s. In April 2012 (or around 2010), the Border Guard General Bureau (국경경비총국 / *gukgyeonggyeongbi chongguk*) was transferred to the MSS, resulting in a stronger crackdown on

Case 2 Transfer Route after Repatriation from China: Victim B



Victim B

- Escaped to China and taught the Bible
- North Korean authorities already knew about victim B's religious activities

1 Arrest

Location: Lodging in Changchun

Date: 2010.10.00

10 or more agents from the Chinese regional Ministry of State Security in Changchun, China arrested victim B, the interviewee and their acquaintance

1
Changchun

China



2 1st detention

Location: Chinese Ministry of State Security

Date: 2010.10.00 (approximately 3 days)

Victim B and the interviewee were transferred together

Baishan

6
Chongjin

3 2nd detention

Location: Psychological detention center in Baishan, Jilin

Date: October 2010 (approximately 1 month)

Victim B and the interviewee were transferred together

3

4
Linjang

5
Hyesan

5 4th detention

Location: Province-level MSS in Hyesan, Ryanggang

Date: 2010.11.00 – September 2011 (presumed)

MSS agents came to ask the victim's family if they had received help from the victim

4 3rd detention

Location: Border security command in Linjang, Jilin

Date: 2010.11.00 (approximately 2 days)

Interviewee was transferred to the border security command first, followed by victim B few days later. They were both repatriated to North Korea the next day

6 5th detention

Location: No. 25 political prison camp in Chongjin, North Hamgyong (presumed)

Date: September 2011 (presumed)

Sought whereabouts through an acquaintance working at the MSS to no avail

escapees.⁴⁵ The Border Guard General Bureau used to be under the Ministry of the People’s Armed Forces (인민무력부 / *inminmuryeokbu*), which is now called the Ministry of Defense (국방성 / *gukbangseong*). After North Korea implemented strict border closures in response to COVID-19, there was a sharp decrease in the number of escapees from North Korea and smuggling between North Korea and China.⁴⁶

TJWG’s interviews documented 9 victims being discovered and arrested by the North Korean border guards while secretly attempting to cross the North Korean-Chinese border. According to the interviewees, North Korean border guards transfer arrested persons to the MSS for interrogation. The families were not notified about the arrest and detention.

Interviewees stated that people are likely to receive heavier punishment if they already have family members who escaped from North Korea. An interviewee, whose sister was arrested in 2012 and detained at MSS in Hyesan City, Ryanggang Province, said the following:

“[The MSS agent told my sister] that she’ll never leave that place. Because her immediate family all came [to South Korea].”

Preparing to escape from North Korea

TJWG documented seven victims of enforced disappearance who were arrested while being in contact with their families in South Korea and preparing to escape from North Korea. While some interviewees were able to attest to the charges because they had multiple confirmations, some can only make assumptions from the given circumstances.

The MSS employs a variety of methods to track down North Korean residents

⁴⁵ Kim and Kim, *North Korean intelligence agencies*, 36, 44 and 97-98.

⁴⁶ “‘이제 탈북도 밀수도 불가능하다’ 교활·교묘한 부대 운영책 유착 우려해 주민과 떼어놔” [‘Defection and smuggling are now both impossible’ Cunning military operation strategy separates North Korean residents], *Asia Press*, November, 10, 2023, <https://www.tongnastory.com/news/articleView.html?idxno=844>

who are preparing to escape. In North Korea, ‘lodging inspections’ are conducted by police and heads of neighborhood-level people’s unit (인민반 / *inminban*). During these inspections, they go around houses to check whether all family members are home and that no unregistered outsiders without travel documents are there. An interviewee who escaped from Hyesan City, Ryanggang Province in 2019 and was familiar with lodging inspections explained that the inspections are even more commonly experienced by those who have family members who escaped North Korea. The interviewee, who worked as an informant for the MSS from 2016 to 2019, said that she used to monitor and report on people who were illegally crossing the border or preparing to escape to South Korea.

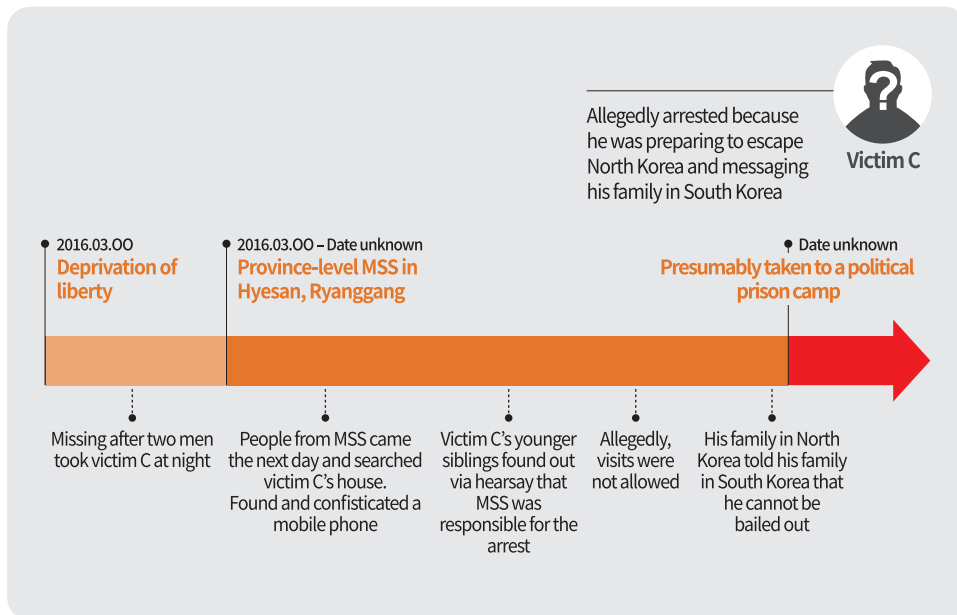
Some interviewees stated that surveillance by the North Korean authorities tightened after their families escaped from North Korea. An interviewee who left Hyesan City, Ryanggang Province in 2018 had two younger brothers who came to South Korea in 2013. She and the other remaining family members were under extensive surveillance by the MSS. The MSS agent in charge also frequently summoned the interviewee for long questioning.

“If your family escapes from North Korea, it’s considered a political [offense]. So, I was under surveillance. Because my brother left [for South Korea], they assumed he would eventually take me too. So they kept a close watch on me. It was obvious that I was being watched, and I couldn’t live like that anymore. They would call me out now and then, make me sit down for an hour, and ask me all these things. So I thought I couldn’t live [in North Korea]. My daughters didn’t have a future there anymore, and I was constantly under surveillance.”

The process of being forcibly disappeared while preparing to escape is well illustrated by Case 3. Victim C disappeared in Hyesan City, Ryanggang Province in 2016. The interviewee, the missing person’s older sister, stated that the MSS agents searched her brother’s house the day after he was arrested and confiscated his mobile phone. The interviewee exchanged text messages with her brother and believes that the MSS agents must have tried to verify the victim’s plans to escape.

“[The MSS agents] took the mobile phone that was connected to me

Case 3 Process of Enforced Disappearance: Victim C



[the interviewee]. We didn't talk, but I did send a text message saying, 'Have mother and the kids ready [to escape].'"

Helping Others Escape from North Korea

TJWG's interviews documented five victims of enforced disappearance for helping other North Koreans escape.

The North Korean authorities have imposed draconian punishment on 'brokers' who professionally assist in escaping from North Korea.⁴⁷ One interviewee

⁴⁷ "함북도재판소, 탈북 브로커에 사형선고" [North Hamgyong Provincial Court sentences brokers for North Korean escapees to death], *DailyNK*, December 18, 2007, <https://www.dailynk.com/함북도-재판소-탈북-브로커에-사형선>: Jung Young, "북 당국, 탈북 브로커에 칼바람" [North Korean authorities put brokers for North Korean escapees to the sword], *Radio Free Asia*, January 27, 2014, https://www.rfa.org/korean/in_focus/ne-jy-01272014160754.html; Kim Ho-jun, "北, 올해 60여명 공개처형...김정은식 공포정치 확산" [North Korea publicly executes about 60 people this year... Kim Jong Un-style reign of terror spreading], *Yonhap News*, August 12, 2016, <https://www.yna.co.kr/view/AKR20160811099900014>

stated that his cousin who used to be a broker went missing after he was arrested by the MSS in Hyesan City, Ryanggang Province. Another interviewee said the following about her distant cousin who was in hiding to avoid being arrested by the MSS. He was eventually caught in Hyesan City, Ryanggang Province in 2016 and has been missing since.

“He used to send people and deliver money from South Korea. North Korea will stop at nothing to catch people who do these things. [The MSS] needed to arrest him, so they went undercover. It was election day, so they knew he had to come. He did, so they arrested him.”

Another interviewee, who had succeeded in making it to South Korea, was keeping in touch with her family in North Korea through a broker. In 2016, the interviewee suddenly couldn't reach the broker and learned that he had been taken from Hyesan City, Ryanggang Province. The interviewee also heard from his wife that her husband “has gone to a place from where there is absolutely no way to return.”

TJWG also documented cases where a person was arrested and subsequently subjected to enforced disappearance for helping their family members escape. In 2005, a family was arrested while trying to escape. Their cousin, who connected them to a professional broker, was arrested by the MSS in Hoeryong City, North Hamgyong Province, and has been missing ever since. In 2016, a woman was arrested and disappeared in Hyesan City, Ryanggang Province for sending her daughter to China through a group of professional brokers.

Guilt by Association

TJWG documented 25 victims who have gone missing due to guilt by association.

North Korea applies guilt by association to political offenses in order to punish not only the persons involved but their families as well. The way that guilt by association is applied varies: the whole family may be arrested together at once or one family member may be arrested first followed by the rest.

A notable characteristic of enforced disappearances that occur from guilt by association is that, compared to cases with other grounds for enforced disappearance, very little information is available after the arrest. In most cases, the only piece of information that is available is that the entire family was taken away altogether. The interviewees explained that either they know or hear rumors that the families are sent straight to political prison camps when guilt by association is applied.

If a married person is being arrested as a political criminal, the application of guilt by association depends on the victim's gender and marital role. It has been stated that when the wife is arrested for a political offense, guilt by association is unconditionally applied to the husband. When the husband is arrested for a political offense, the MSS asks the wife if she wishes to divorce him to avoid guilt by association. If she does not wish to divorce him, the wife is considered to have taken part in the husband's crime and cannot avoid punishment. Yet, the wife is not given such a choice at all if the husband's crime is considered grave. In this research, at least three interviewees supported this claim.

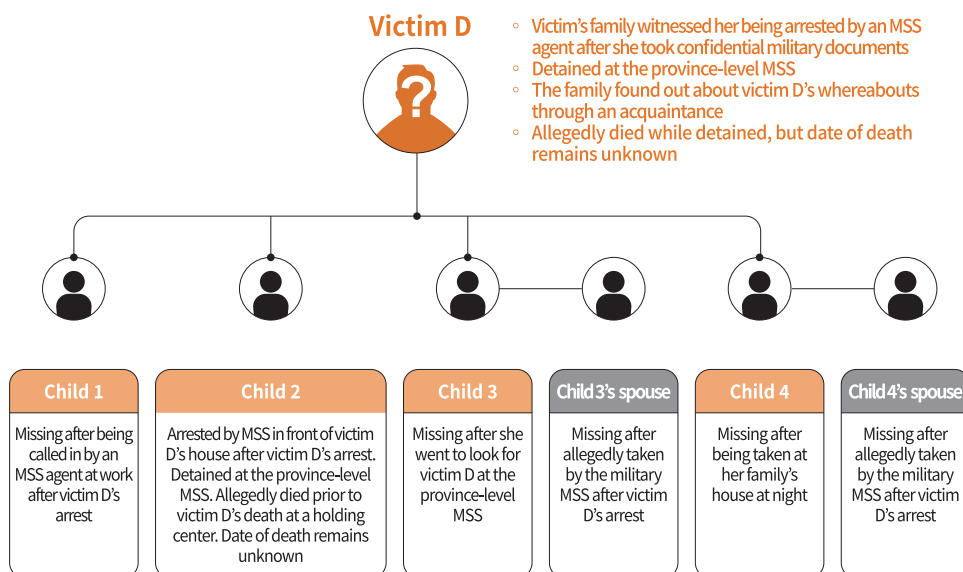
“If a woman demands a divorce, they can be separated. If the woman is involved [in the crime], she can't get a divorce. But if the family is an independence activist family or comes from a good lineage such as the Baekdu bloodline, the woman gets legally separated if the husband commits a crime.”

An interviewee from Hyesan City, Ryanggang Province who escaped in 2009

According to TJWG's interviews, the application of guilt by association differs when the child is a minor. While there are instances in which a minor is taken away with their parents, some minors are sent to another guardian in the family or sent to an orphanage if there is no other person to take care of them.

On the other hand, it is difficult for the child to avoid the application of guilt by association if they are an adult and a son. If the child is a married adult daughter, she is considered to belong to her husband's family and may avoid the punishment.

Case 4 Family Tree of Disappeared Members: Victim D



“When a woman is a political criminal, her husband has to go with her. When a man is a political prisoner, his wife can get a divorce depending on the circumstances. Even if the wife gets a divorce, if they have children, their sons are still sent to the political prison camp with their father. If the son is married, he’ll also get a divorce. In other words, they are eradicating that family lineage. Ending the bloodline.”

An interviewee who escaped in 2012

As can be observed in Case 4, not only were both victim D’s sons and daughters arrested for guilt by association, but the children’s spouses were also arrested and disappeared.

The consecutive disappearance of this family’s members took place from late 2011 to early 2012. After closely analyzing the context and the relationships between the missing individuals, TJWG documented the four children to be victims of guilt by association. Grounds for the disappearances of the two spouses, on the other hand, were classified as unknown as there wasn’t enough information to make a definitive conclusion.

Communication and Contact with the Outside World including South Korea

TJWG documented 10 victims of enforced disappearances from communicating or contact with the outside world. Such cases include talking to South Korean people on the phone, calling family members who have resettled in South Korea, delivering money from South Korea, or getting caught while attempting to send North Korean documents to South Korea or other foreign countries.

An interviewee who was investigated several times by the North Korean authorities for the use of illegal mobile phones stated that those arrested for the use of illegal mobile phones are usually released after being investigated for about a month. When the interviewee was arrested in 2018 by city-level MSS in Hyesan City, Ryanggang Province, he claimed that he was communicating with the Chinese and paid 20,000 yuan (Chinese currency RMB) as a bribe to be released.

Yet, if the call history includes calls to South Korea, the investigation continues until the relationship with the caller is clarified and a heavier punishment follows. The interviewee gave his friend who was arrested in Hyesan in 2017 as an example. The interviewee's friend was arrested while trying to recover a Chinese mobile phone that he had hidden in a mountain. The arrested friend was rumored to have died in the province-level MSS in Ryanggang Province, but his subsequent fate and whereabouts remain unknown.

“Once [the MSS] finds call records with South Korea, they are considered serious offenses. You have to be there until you confess. How did he come to know this person? Who is this person he's talking to? I don't know what they found in his phone, but I think it was serious. That explains why he couldn't get out.”

There are also cases where people disappeared while trying to deliver money or connect people to their families who resettled in South Korea. An interviewee explained that his brother-in-law was arrested by the military MSS in Kilju County, North Hamgyong in 2013 for this very reason. The family members who worked with him were also called in and asked about who they had delivered the money to.

Another interviewee explained that she had been sending money to her younger sister in Musan County, North Hamgyong Province. The phone calls made in this process were discovered and the younger sister was arrested in 2014 for charge of espionage. She disappeared after being sent to the province-level MSS in Chongjin City, North Hamgyong Province from the MSS in Musan. The interviewee's younger brother, who was also arrested around this time, was also allegedly accused of espionage for accepting money from the South Korean intelligence agency. The younger brother was also transferred from the MSS in Musan to the province-level MSS in Chongjin. According to the broker who the interviewee asked about her siblings' whereabouts, the younger brother was sent to the *Gwanliso* (관리소 / Political prison camp) No. 16 in Hwasong County, North Hamgyong Province.

Since Kim Jong Un came to power, North Korea strengthened punishment for those making contact with the outside world. In 2015, North Korea revised the Criminal Law to newly insert the 'crime of illegal international communication' which prescribes up to five years in prison, the same level of punishment as illegal border crossing. However, judging from the aforementioned cases of enforced disappearance, it appears that the punishment exceeds the legally mandated punishment in severity.

Article 261 (Illegal International Communication) of the Criminal Law

A person who internationally communicates illegally shall be punished by training through labor.

In cases where the act of international communication is grave, reform through labor for not more than five years shall be prescribed.

TJWG also documented a case where a person goes missing for relaying internal information to the outside world. In 2011, a woman in Hyesan City, Ryanggang Province was arrested for attempting to send North Korean documents to South Korea.

Criticism of the Kim family and the Political System

TJWG documented eight cases of enforced disappearances attributed to the

criticism of the Kim family and the political system. Most of the criticizing comments were made in private, but the offenders were arrested regardless within a few days. Expression of discontent in private settings can also result in the speaker's enforced disappearance. This happens because those present at the time of the conversation or third parties who heard of the comments being made report the offender.

In 2016, a man disappeared for criticizing the Kim family in Pyongsong City, South Pyongan Province. According to his family, he was reported by a close colleague of his. An interviewee from the victim's family explained that he used to make comments such as "The Kim family is the issue." The victim's wife searched for her husband for a year and finally went to the MSS. The MSS agent in charge told her, "You bit**, you should watch your mouth too."

In 2012, a man who was repatriated from Russia also disappeared for making comments about the Kim family. The victim was an overseas laborer working in Chita, Russia. An interviewee, the victim's friend, stated that it is likely that the MSS discovered that he used to make comments such as "Kim Jong Il murdered Kim Il Sung."

Desecration of the Supreme Leader's portraits or graffiti can also result in enforced disappearances. In 2016, a mosaic of Kim Jong Il was vandalized in Tanchon City, South Hamgyong Province. A few days after an investigation began, a man turned himself in. According to TJWG's interviewee, the man was the interviewee's neighbor, and his fate or whereabouts remain unknown to this day.

Religious Activities

TJWG's interviews documented six cases of enforced disappearances arising from religious activities.

The North Korean authorities have banned religious activities that could threaten the absolute power and idolization of the Kim family, having Christianity and other religions experience extermination bordering on

genocide. As the number of North Koreans coming into contact with Christianity increased with the rise of escapes from North Korea to China and North Korean-Chinese smuggling from the 1990s, the North Korean authorities redoubled the persecution.

An interviewee who escaped North Korea from Hyesan City, Ryanggang Province in 2012 stated that there were rumors since the 2000s that Bibles have been circulating along the border region.

According to another interviewee, her daughter's friend's mother was arrested by the MSS agents lying in ambush in Unhung County, Ryanggang Province as she took down Kim Il Sung's portrait and prayed. Since she was arrested in 2008, her fate or whereabouts remain unknown.

A different interviewee explained that a man was arrested in Bocheon County, Ryanggang Province for delivering Bibles to another region in 2010. His mother was also taken away ten days after his arrest. Both the man and his mother have subsequently disappeared.

In 2018, a man was arrested in Chongjin City, North Hamgyong Province for being involved in missionary work. The MSS reportedly told his family, who was searching for his whereabouts, not to look for him.

“[The MSS told them] ‘From now on, don't talk about him or try to find out his whereabouts.’ If they take you to prison, they tell you to bring food. But, nothing like that since he was arrested.”

Consumption of South Korean and Other Foreign Culture

The North Korean authorities have long considered foreign culture, especially South Korean culture, as a threat to the regime and accordingly strictly suppressed it. TJWG documented two cases of enforced disappearances resulting from the consumption of South Korean and other foreign cultures.

In 1995, an interviewee's colleague was arrested in the middle of the night for

listening to South Korean radio in Tanchon City, South Hamgyong Province. In 2008, another interviewee's friend was arrested in Musan County, North Hamgyong Province for possessing four mobile phones and a USB with South Korean dramas and pornographic videos. The mobile phones and the USB were found while state agents searched his house.

As South Korean cinema, dramas and music began to gain popularity in the 2000s, the North Korean authorities created non-socialist inspection groups to punish the influx and dissemination of foreign culture.⁴⁸ The three laws enacted since 2020, Anti-Reactionary Thought and Culture Law (2020), Youth Education Guarantee Act (2021) and Pyongyang Cultural Language Protection Act (2023), are clear proof of the intensifying crackdown on foreign culture by the North Korean authorities. Surveillance against the families of the escapees as potential disseminators of outside information has also escalated.⁴⁹

Moving forward, there is a strong need to collect and closely analyze more cases of enforced disappearances related to the consumption of South Korean and other foreign cultures.

Others

Of the nine victims of enforced disappearance with reasons classified as 'Others,'

48 "北 국경 '5부 합동 검열그루뻬' 활동중" ['5th Joint Inspection Group' in action by the North Korean border], *DailyNK*, December 22, 2006, <https://www.dailynk.com/北-국경-5부-합동-검열그루뻬-활동중>; Kim Chae Hwan, "North Korea renames organization tasked with cracking down on 'non-socialist behavior,'" *DailyNK*, November 9, 2021, <https://www.dailynk.com/english/north-korea-renames-organization-tasked-cracking-down-non-socialist-behavior/>; Lee Myungchul, "North Korean sentenced to death after students caught watching Squid Game," *Radio Free Asia*, November 23, 2021, <https://www.rfa.org/english/news/korea/squidgame-11232021180155.html>; Son Hyemin, "North Korean Authorities Arrest Seven Teenagers for Watching South Korean Movies," *Radio Free Asia*, July 19, 2019, <https://www.rfa.org/english/news/korea/hk-sk-movies-109-sangmu-07192019172917.html>; Jeong Tae Joo, "손전화 기록 뒤지고 가족까지 구금...한류 처단 실효성 거들까?" [Searching mobile phone records and detaining family members... Will the crackdown on South Korean media be effective?], *DailyNK*, December 20, 2021, <https://www.dailynk.com/20210115>

49 "정보 차단에 주민들은 눈뜬장님... 탈북자 가족이 외부 소식 유입을 주도한다고 간주해 유례없는 철저한 감시" [Information block turns the people into the open-eyed blind; North Korean escapees' families under unprecedented thorough surveillance for leading the influx of the outside news], *Asia Press*, May 13, 2024, <https://www.asiapress.org/korean/2024/05/society-human-rights/blocking>

eight victims either had multiple grounds for disappearance or there was not enough information to determine the grounds.

TJWG paid particular attention to the following case of a disappeared person with disabilities.

One interviewee described how she never got to see her niece again. The interviewee's niece was a person with psychiatric disabilities who suffered from polio. She was raised by her mother in Hyesan City, Ryanggang Province. Even before the niece turned 20, the town police came to her house and asked her mother, "Do you intend to send her to such a place?" The mother assumed the place mentioned by the police was where they conducted human experiments and refused the offer. The niece and her mother later moved to Kangso County, South Pyongan Province. In 2008, the mother passed away, leaving the interviewee's niece without any guardian. The police eventually took the niece. The interviewee stated that the police said the following as they took the niece with them:

"[The police said] to never ask for [the niece's] whereabouts or tell anyone about this. You sign with your fingerprint, swearing you'll never discuss this with anyone."

The interviewee hasn't heard about the niece's fate or whereabouts since.

The 2014 COI report stated that there are allegations of human experimentation being conducted on persons with disabilities. Yet, the Commission cannot confirm the allegations and notes them as subjects for further investigation.⁵⁰ Ten years have passed since the report; yet, we still lack enough information on this subject. As persons with disabilities are vulnerable to the crime of enforced disappearance, discrimination against persons with disabilities needs further research and analysis from the perspective of enforced disappearance.

⁵⁰ UN HRC, "Report of the commission of inquiry," para. 328.

Closing Remarks

Since the North Korean government was established in 1948, the Kim family has maintained its authority and position for three generations. Such inheritance has led to continued repression and violence against North Korean citizens. This suggests that during a time comparable to the history of the United Nations, which was founded in 1945 and will celebrate its 80th anniversary in 2025, enforced disappearances have been occurring in a UN member state on a daily basis.

North Korea's crime of enforced disappearances has been manifesting for over 76 years and is still ongoing. Whenever North Korea seeks to solidify its power or instill fear in its citizens, it carries out large-scale enforced disappearances by linking the accused to political purges and guilt by association. Enforced disappearances have become normalized with laws and judicial procedures that are built on grave structural and institutional issues. Considering the number, size and period of operation of political prison camps in North Korea, it is reasonable to estimate that the total number of victims of enforced disappearances in North Korea, that have accumulated over time, are in the millions. Cases that can be identified and documented from outside North Korea, through research such as this one, depict only a microscopic fraction of the real scale.

Many victims of enforced disappearance, whose fate or whereabouts remain unknown to their families, either die in detention facilities or are executed in secret. Crimes against humanity such as torture and enslavement perpetrated against victims of enforced disappearances are well described in the COI report published 10 years ago. While the COI report presented the international community with the important task of holding perpetrators accountable, it is yet to be properly put into effect.

This report contains the sorrow, frustration, and hopes of North Korean escapees and citizens. Families of disappeared persons suffer from endless pain. They face hopelessness in situations of prolonged disappearances and are put in a state of fear for their missing family members being treated as if they never existed in this world. Whether the victims of enforced disappearance remain alive somewhere or have passed away, they remain in their families' memories and affliction.

In this report, TJWG aimed to depict the horror and disheartenment experienced by those who tirelessly persist in their efforts to find their missing loved ones only to be told by the state agents to “give up on the search.” Our interviewees hope for a world in which people understand the suffering of those who were forcibly disappeared and the impotence experienced by their families and friends. They aspire for more people to join and collectively urge governments to take action.

TJWG will continue to respond to North Korea's crime of enforced disappearance by conducting systematic investigation and documentation, as well as contribute to international advocacy. For accountability of the perpetrators, it is crucial to identify state organs directly responsible for each grave and systematic crime and individuals in charge of each state organ. Collecting various circumstantial evidence such as linkage evidence that maps the chain of command system would be an insurmountable task moving forward. Rather than gathering fragmented information on low-level perpetrators, this research focuses on identifying patterns of enforced disappearance and the state organs responsible for the disappearances, reducing the time and cost required to identify perpetrators for potential fact-finding and accountability avenues in the future.

