

The background is a dark teal illustration. It depicts several people with expressions of sadness and distress. On the left, a woman's face is partially visible, looking down with a tearful expression. In the center, another woman is shown with her hand covering her face, crying. To the right, a person is holding a video camera on a tripod, with a small inset showing a person's face on the camera's screen. In the bottom right corner, a sign is partially visible with the words 'SISTER' and 'PLEASE' written on it.

Documentation and Accountability for North Korea's Crime of Enforced Disappearance

Stock-taking and Recommendations

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TRANSITIONAL
JUSTICE
WORKING GROUP

**Documentation and Accountability for
North Korea's Crime of Enforced Disappearance**
Stock-taking and Recommendations

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J U S T I C E
WORKING GROUP

ABOUT TRANSITIONAL JUSTICE WORKING GROUP (TJWG)

Transitional Justice Working Group (TJWG) is a human rights documentation and advocacy NGO established in Seoul in 2014 that aims to develop the best practice to address mass human rights violations and to realize reparation and judicial accountability through a victim-centered approach 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 the lead in human rights documentation and accountability for mass atrocities.

Authors and Contributors

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

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Transitional Justice Working Group (TJWG)

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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External Review

Tae-Ung Baik | Professor of Law at the University of Hawaii William S. Richardson School of Law; and former Chairperson-Rapporteur and Member of the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID)
Buhm-Suk Baek | Associate Professor at Kyung-Hee University Law School and member of the United Nations Human Rights Council (UNHRC) Advisory Committee
Lee Kyu-Chang | Senior Research Fellow at Korea Institute for National Unification (KINU)

Information Collection

Kim In Sung | Chief Advisor to Member of National Assembly Kim Gunn
Chun Soo Kyung | Policy Researcher, Special Committee on Budget and Accounts of the People Power Party
Chae Young Kwon | Chief of Staff for Member of National Assembly Na Kyung-won

Report Design

Eui Hwan Cho
Sook Yi Oh

Cover Artwork

Ariana Hussein

Proofreading and Feedback

Koomin Chung
Julia I. Araujo Pourné
Surya Sethi
Eojin Park

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Introduction

In 2014, the United Nations Commission of Inquiry on Human Rights in the Democratic Republic of Korea (COI DRPK) in its landmark report found that crimes against humanity have been committed in North Korea. The crimes against humanity identified by the COI DRPK included crimes against humanity of enforced disappearance committed in political prison camps and against North

Table 1 **Crimes Against Humanity (CAH) of Enforced Disappearance and Other Inhumane Acts Identified by the COI DPRK**

	CAH in political prison camps	CAH in ordinary prisons	CAH targeting religious believers and other 'subversive influencers'	CAH in targeting refugees and escapees	CAH in knowingly causing starvation	CAH in targeting foreigners
Murder	●	●	●	●	●	
Extermination	●	●			●	
Enslavement	●	●				
Forcible transfer of a population		●				
Imprisonment	●	●	●	●		●
Torture	●	●	●	●		
Rape and sexual violence	●	●		●		
Persecution	●		●	●		
Enforced disappearance	●			●		●
Other inhumane acts	●			●	●	

Korean refugees and escapees and foreigners.

The COI DPRK's documentation of crimes against humanity in North Korea made it clear that the conventional UN human rights system is inadequate to address North Korea's grave human rights violations, which require holding perpetrators accountable under international criminal law. Moreover, the COI DPRK was politically independent enough to publicly criticize and hold China accountable for its officials' aiding and abetting of North Korea's crimes against humanity, perpetrated against the North Korean refugees and escapees forcibly repatriated from China—which certain UN agencies and governments are hesitant to do today.

The COI DPRK also 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.”¹

With this in mind, Transitional Justice Working Group (TJWG) published *Existing “Nowhere”: Looking into North Korea's Crime of Enforced Disappearance* based on in-depth interviews with North Korean escapees. *Existing “Nowhere”*: (1) analyzed the process and pattern of enforced disappearances

¹ 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>

in North Korea, (2) highlighted the aiding and abetting of North Korea's crime of enforced disappearance by Chinese and Russian authorities who arrest and repatriate North Korean refugees and asylum-seekers, and (3) called for the need to hold North Korea's top officials accountable, including through the imposition of targeted sanctions.

This report aims to build upon *Existing "Nowhere"* by first taking stock of the advocacy efforts undertaken by TJWG and other stakeholders for North Korea's crime of enforced disappearance and abduction in the fields of documentation and accountability. While considerable progress has been made, there are still political and legal actions that the international community has failed to take. The reasons for inaction and its consequences will be discussed.

As a human rights NGO, TJWG approaches its documentation and accountability projects not simply as a matter of academic interest, but as an integral part of its broader advocacy strategy. Especially given the difficulty of raising the visibility of North Korean human rights and refugee issues due to the extremely limited access to the country, TJWG believes that documentation and accountability work should support advocacy efforts to improve the human rights of the North Korean people and refugees.

This report will also make recommendations based on the stock-taking of the advocacy efforts made thus far to combat North Korea's crime of enforced disappearance. These recommendations aim to overcome the bureaucratic and political inertia and inaction that impedes progress in promoting documentation and accountability. A separate section at the end lists a set of recommendations for future actions addressed to each key stakeholder.

DOCUMENTATION

FOOTPRINTS

Homepage The Disappeared The Archive Contact TJWG

English

Database of those taken by North Korea

Search by victim / perpetrator / proceedings / keyword (e.g. repatriation) **Search**

96,910
VICTIMS DOCUMENTED

Disappearances recorded in our database

FOOTPRINTS is a joint civil society project to document and publish information concerning reported cases of arbitrary detention, abduction and enforced disappearances committed in and by North Korea, including the victims, perpetrators, proceedings to seek redress, relevant human rights instruments and North Korean resources. The open, accessible and searchable online database also provides relational and geospatial information to the users.

96600 SOUTH KOREAN VICTIMS View in library →	251 NORTH KOREAN VICTIMS View in library →	59 VICTIMS OF OTHER NATIONALITIES View in library →
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FOOTPRINTS Database: Documenting information on victims of enforced disappearance by North Korea

Documentation is the first step in seeking justice and accountability for human rights violations and abuses. Transitional Justice Working Group (TJWG) began with the classification of various victims of North Korea's crime of enforced disappearance and abduction as it created the online database FOOTPRINTS.

TJWG identified the following victim classes:

(1) Unrepatriated South Korean prisoners of war (POWs)

According to the 1953 Armistice Agreement, North Korea had a legal obligation to repatriate the South Korean POWs it had captured during the Korean War (1950-1953). However, it is estimated that over 50,000 South Korean POWs were forced to stay and subjected to forced labor, mostly in coal mines in North Korea. In the post-1953 period, North Korea further captured South Korean POWs from the inter-Korean land and maritime clashes and took custody of South Korean POWs captured by the Communist forces during the Vietnam War (COI, paras. 861-883).

(2) Korean War-era South Korean civilian abductees

During the Korean War, the Communist forces abducted tens of thousands of South Korean civilians in the areas they occupied. The 1953 Armistice Agreement provided for the return of ‘displaced civilians,’ as the civilian abductees were called, but North Korea refused to observe this legal stipulation. From 2010 to 2017, the South Korean government’s Committee on Fact-Finding of Korean War Abductions and the Restoration of the Reputation of the Victims conducted an investigation of the Korean War-era South Korean civilians abducted by Communist forces. The investigation identified 95,456 victims, mostly from the nine lists compiled in the 1950s. This includes 4,777 persons identified as victims based on the reports filed by their families to the Committee from 2011 to 2015 (COI, paras. 848-860).²

(3) Post-war South Korean civilian abductees

In post-1953 period, North Korea abducted thousands of South Korean citizens, the vast majority of whom were fishermen from the fishing vessels

² ROK Committee on Fact-Finding of Korean War Abductions and the Restoration of the Reputation, *Fact-Finding Report on Abductions during the Korean War*, July 2017, 110, https://www.abductions625.go.kr/resources/adc625/img/ebook/625_rpt_eng/index.html

seized by the North Korean naval forces. North Korea shortly returned most captured South Korean fishermen, but it forced hundreds to stay in North Korea. North Korea refused to return 11 crew and passengers from the hijacking of Korean Air Lines YS-11 in 1969. North Korea also abducted and detained South Koreans from South Korea and other countries. According to the South Korean government, while a handful of South Korean abductees have escaped from North Korea to South Korea, at least 516 persons have yet to return (COI, paras. 884-906).

(4) “Returnees” from Japan

From 1959 to 1984, at least 93,340 ethnic Koreans and their Japanese spouses “returned” to North Korea from Japan. They were promised a return to ‘paradise on earth,’ but by the time they witnessed the actual political and economic situation in North Korea, they had no option of leaving (COI, paras. 916-923).

(5) Japanese and other foreign abductees

According to the Japanese government, North Korea abducted 17 Japanese citizens, five of whom were allowed to return to Japan in 2002. North Korea, which has recognized only 13 abduction cases, failed to clarify the fate and whereabouts of the other abductees. Japanese authorities have also not ruled out the possible abduction of 875 missing persons by North Korea and concluded that the disappearance of Ko Yon-Mi [고연미] and Ko Kang [고강], resident Koreans in Japan, in June 1974, is a suspected abduction case.³ North Korea has also reportedly abducted Chinese, Thai, Lebanese and other nationals (COI, paras. 924-975).

(6) North Korean refugees disappeared in and/or repatriated from China, Russia and other countries

Since the 1990s, China has continued its policy and practice of denying

³ Headquarters for the Abduction Issue of Japan, *Abductions of Japanese Citizens by North Korea*, October 2020, <https://www.rachi.go.jp/en/p-en2020.pdf>

the refugee status determination procedure for North Koreans and deporting them to North Korea as ‘illegal economic migrants’, despite the risk of persecution upon repatriation as well as the willingness of South Korea and other countries to resettle them. Russia, in theory, allows North Koreans to seek asylum through the UN High Commissioner for Refugees, but in practice, only a limited number are granted the refugee status or resettlement in South Korea or other countries, while most are deported to North Korea or abducted by Ministry of State Security (국가보위성 / *gukgabowiseong* / MSS) agents in Russia (COI, paras. 976-982).

(7) North Koreans subjected to internal disappearances

Since the Soviet occupation of the northern half of the Korean Peninsula and the formation of the Democratic People’s Republic of Korea in the mid-1940s, countless North Koreans have been internally disappeared by its military and security organs. While many were victims of a series of mass political purges, ‘political crimes’ in North Korea include offenses such as gossiping about the Kim dynasty or possessing a bible.

TJWG will continue the documentation of the enforced disappearance and abduction of those belonging to these victim classes. The documentation work forms an integral part of TJWG’s advocacy strategy aimed at clarifying the fate and whereabouts of these victims. Facts can also be a powerful tool in the court of international public opinion for human rights advocacy as well as holding the perpetrators accountable and securing reparations for the victims.

Effective documentation requires combined efforts by civil society and governments, especially South Korea, both for the collection, consolidation, analysis, and preservation of oral statements and documentary evidence and the creation of authoritative and competent investigative bodies for documentation work, like the COI DPRK and South Korea’s Committee on Fact-Finding of Korean War Abductions and the Restoration of the Reputation of the Victims.

The Korea Institute for National Unification (KINU), the South Korean

government's think tank on North Korea, has published annual White Papers on Human Rights in North Korea as well as various thematic reports since 1996. The KINU publications were cited in at least 60 footnotes in the COI report. The Ministry of Unification (MOU)'s Center for North Korean Human Rights Records, created by South Korea's North Korean Human Rights Act in 2016, finally published Reports on North Korean Human Rights in 2023 and 2024.

However, the MOU and KINU do not always have access to classified materials, mostly in the possession of the National Intelligence Service (NIS). The Ministry of Justice (MOJ)'s North Korean Human Rights Archive, which produces and preserves files on victims, perpetrators, and witnesses based on transcripts of interviews with newly arriving North Korean escapees by the MOU's Center for North Korean Human Rights Records, has little say in the preparation of the interview questionnaires and, in turn, do not share the files at its disposal.

The Ministry of National Defense (MND) also retains bureaucratic jurisdiction over the POW issue, even for the POWs who have been formally discharged from their military service after escaping to South Korea. The Ministry of Foreign Affairs (MOFA), tasked with implementing South Korea's foreign policy on North Korean human rights both bilaterally and at the United Nations, often competes, rather than cooperates, with the MOU in North Korean human rights diplomacy.

To ensure a comprehensive, coherent and consistent approach to documentation as well as accountability with a view to improving the human rights of the North Korean people and refugees, the South Korean government should create an inter-ministerial body under the direct supervision of the President. Japan's Headquarters on the Abduction Issue can serve as a model.

Without such a reform, coordination between the MOU, the MOFA, the MOJ, the MND, the NIS and other offices will remain fragmented and ineffective.

TJWG's Efforts to Collect, Consolidate, Analyze and Preserve Information

The North Korean people who have disappeared in North Korea, including those deported from China, Russia and other countries, constitute the largest victim class. However, documenting this group is the most challenging because of extremely limited access.



Recounting the abductees' stories, Lee Mi-il, the founder of the Korean War Abductees' Family Union (KWAUFU), expressed her concern that not many people, including the abductees' children and grandchildren, showed interest in continuing the documentation work about them [Source: TJWG]

To address this difficulty, TJWG first began collaborating with the Korean War Abductees' Family Union (KWAFU) and other families of South Korean abductees and unrepatriated prisoners of war to upload the information they collected on the online database FOOTPRINTS.⁴ The victim families welcomed TJWG's proposal, especially because they were concerned that their painstaking documentation work may be lost, as the children of the mostly decades-old abduction victims are in advanced age.

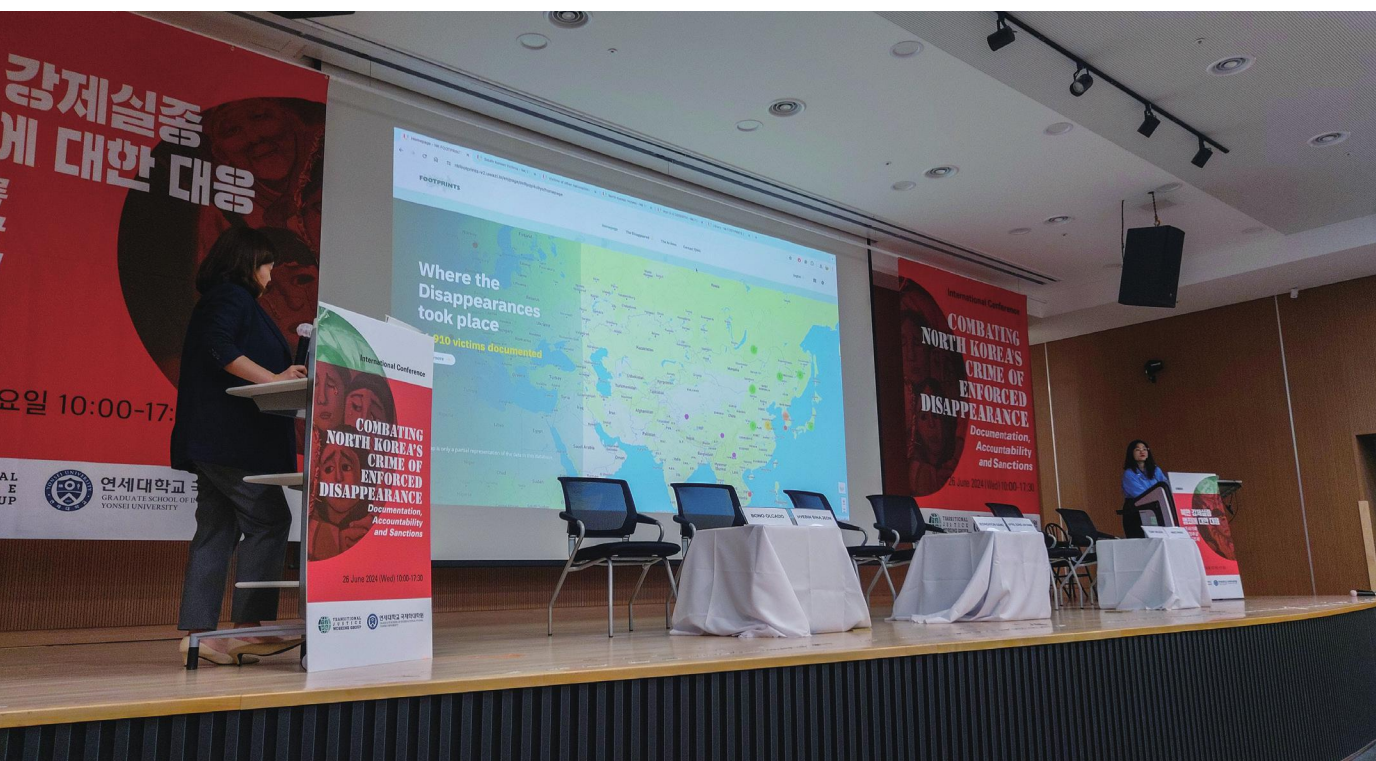
Since 2021, TJWG has been interviewing North Korean refugees who have resettled in South Korea to document the enforced disappearances of their families in North Korea. This includes North Korean refugees repatriated from China, Russia and other states. Based on these interviews, TJWG published its report *Existing "Nowhere": Looking into North Korea's Crime of Enforced Disappearance*.⁵ The report provided a detailed analysis of the process and pattern of enforced disappearances of North Koreans, including the responsible state organs, such as the Ministry of State Security (국가보위성 / *gukgabowiseong* / MSS), and the grounds for enforced disappearances. It also highlighted the significant role played by China and Russia in enabling such disappearances.

Existing "Nowhere" further benefited from the insights shared among the experts, practitioners and policymakers who participated in the international conference titled 'Combating North Korea's Crime of Enforced Disappearance: Documentation, Accountability and Sanctions' organized by TJWG in Seoul on June 26, 2024.⁶

⁴ Transitional Justice Working Group (TJWG), "FOOTPRINTS: Database of those taken by North Korea," <https://nkfootprints.tjwg.org/en/>

⁵ TJWG, *Existing "Nowhere": Looking into North Korea's Crime of Enforced Disappearance* (Seoul: TJWG, 2024), https://en.tjwg.org/wp-content/uploads/2024/10/Report2024_Existing-Nowhere_Looking-into-North-Koreas-Crimes-of-Enforced-Disappearance-31-Oct-2024.pdf

⁶ TJWG, *Combating North Korea's Crime of Enforced Disappearance: Documentation, Accountability and Sanctions* (Seoul: TJWG, 2024), https://en.tjwg.org/wp-content/uploads/2024/11/conference_proceedings_dprk-enforced-disappearance-documentation-accountability-sanctions.pdf



TJWG presents the FOOTPRINTS database at the international conference 'Combating North Korea's Crime of Enforced Disappearance: Documentation, Accountability and Sanctions' [Source: TJWG]

TJWG made submissions to the United Nations special procedures, such as the Working Group on Enforced or Involuntary Disappearances (WGEID) and Working Group on Arbitrary Detention (WGAD), on behalf of the families of South Korean abductees, unrepatriated POWs, and disappeared North Koreans. Both WGEID and WGAD regularly publish reports on those considered to be victims of enforced disappearances and arbitrary detention, which hold considerable documentary value. The WGAD, in particular, issues detailed 'Opinions' in the form of UN documents, outlining the facts and violations associated with each case.

The WGEID has sent 450 communications to North Korea concerning cases of enforced disappearances, but North Korea has failed to resolve a single case. To

date, TJWG has made 32 submissions to the WGEID, 30 of which have been transmitted to North Korea.

In response to TJWG's submission, the WGAD concluded that North Korea's detention of a South Korean citizen taken during the Korean Air Lines YS-11 hijacking was arbitrary in *Hwang Won v. DPRK* (Opinion No. 69/2019).⁷ Similarly, TJWG submitted a case concerning China and North Korea's detention of a North Korean refugee which was found to be arbitrary in *Kim Cheol-Ok v. China and DPRK* (Opinion No. 37/2024).⁸

TJWG, in collaboration with Mulmangcho, made a joint submission for North Korea's fourth-cycle Universal Periodic Review (UPR), documenting prominent cases of enforced disappearances and abductions.⁹ TJWG made two additional joint UPR submissions: one with Human Rights Watch (HRW),¹⁰ and the other with the Advocates for Human Rights (TAHR) and the World Coalition Against the Death Penalty (WCADP).¹¹ These UPR submissions listed the South Korean citizens detained in North Korea and the estimated total population of disappeared persons in political prison camps by year, based on reports by DailyNK, a Seoul-based online newspaper that specializes in North Korea.

With the victims' consent, TJWG will continue to submit information relating to individual cases of enforced disappearances and abductions perpetrated by North Korea to the UN special procedures and UPR cycles, as well as treaty

⁷ UN Working Group on Arbitrary Detention (WGAD), Eighty-sixth session, "Opinion No. 69/2019 concerning Hwang Won (Democratic People's Republic of Korea)," A/HRC/WGAD/2019/69, February 7, 2020, <https://undocs.org/A/HRC/WGAD/2019/69>

⁸ UN WGAD, Hundredth session, "Opinion No. 37/2024 concerning Kim Cheol-Ok (China and Democratic People's Republic of Korea)," A/HRC/WGAD/2024/37, September 24, 2024, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session100/a-hrc-wgad-2024-37-china-democratic-peop.pdf>

⁹ "Joint submission 13 submitted by Transitional Justice Working Group (TJWG) and Mulmangcho (MMC)," April 8, 2024, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=13320&file=EnglishTranslation>

¹⁰ "Joint submission 11 submitted by Human Rights Watch and Transitional Justice Working Group," April 2024, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=13263&file=EnglishTranslation>

¹¹ "Joint submission 1 submitted by the Advocates for Human Rights, the World Coalition Against the Death Penalty and Transitional Justice Working Group," April 2024, <https://www.theadvocatesforhumanrights.org/Res/TAHR%20TJWG%20WCADP%20NKorea%20DP%20UPR%20FINAL.pdf>

bodies when they review North Korea's implementation of the respective treaties. Although North Korea has not been communicating with the treaty bodies other than the Committee on the Rights of Persons with Disabilities (CRPD), TJWG has been and will continue to make submissions to the treaty bodies in their reviews of China, Russia and other countries concerning North Korean refugees, escapees, overseas workers and military personnel. Through these submissions, we intend to ensure the preservation of case information in the UN's semi-permanent documentation system.

Although they will focus primarily on the enforced disappearance and arbitrary detention in South Korea, the planned visits by the WGEID and WGAD to South Korea in 2025 may offer the families of North Korean political prisoners and refugees in South Korea as well as the families of South Korean abductees, detainees and unrepatriated POWs and other victims an opportunity to meet with the visiting members and staff of the WGEID and WGAD. The National Human Rights Commission of Korea can assist by translating the findings by the WGEID and WGAD in the cases concerning North Korea into Korean for the victims' families who do not speak English.

The United Nations treaty bodies and special procedures, especially the members and staff of the WGEID and WGAD, should meet with the families of North Korean political prisoners and refugees in South Korea as well as the families of South Korean abductees, detainees and unrepatriated POWs and other victims if they visit South Korea or Japan.

North Korea's Law and Institutions

The lack of access to information in North Korea pervades the legal field as well. North Korea does not publish its legal codes or their revisions and ordinary North Korean people do not have regular access to them. North Korea even failed to make public the new constitutional amendments adopted by the Supreme People's Assembly in early October 2024, which reportedly defined South Korea as "an enemy state." It has been speculated that the North Korean authorities are having difficulty finding the persuasive rationale to justify this major departure from the previous official policy, recognized by the two Koreas, that "their relations, not being a relationship between states, constitute a special interim relationship stemming from the process towards unification."¹²

During North Korea's third Universal Periodic Review (UPR) on May 9, 2019, Sweden recommended that North Korea publish the translation of the full text of the ratified human rights treaties on the *Kwangmyong* network, North Korea's nationwide intranet.¹³ Given that North Koreans do not even have access to their own laws adopted by the Supreme People's Assembly, the North Korean government should be asked to publish them on the *Kwangmyong*

¹² U.S. Department of State, "Agreement on Reconciliation, Nonaggression and Exchanges And Cooperation Between the South and the North," signed December 13, 1991, <https://2001-2009.state.gov/t/ac/rls/or/2004/31012.htm>

¹³ UN HRC, Forty-second session, "Report of the Working Group on the Universal Periodic Review - Democratic People's Republic of Korea," A/HRC/42/10, June 25, 2019, para. 126.98. ("Publish the full text of human rights treaties that the Democratic People's Republic of Korea has ratified, translated into Korean, on the national network service (Kwangmyong) (Sweden)").

network too.

South Korea's National Intelligence Service (NIS) regularly publishes the updated legal codes of North Korea, including the Criminal Code and the Criminal Procedure Code, on its website.¹⁴ In recent years, the website also made available full texts of new draconian laws like the Reactionary Thought and Culture Rejection Law [반동사상문화배격법], the Youth Education Guarantee Law [청년교양보장법], the Pyongyang Cultural Language Protection Law [평양문화어보호법] and the Mass Reporting Law [군중신고법]. DailyNK had previously published the texts of these laws in 2023.¹⁵ However, the NIS does not consult with legal experts, even in other government offices, and there are notable editing errors that take away from this important project's credibility.

There is also a section on North Korean legal codes in the Database on a Unified Korea's Legal System [통일법제데이터베이스], which was created by the South Korean Ministry of Justice in conjunction with the Ministry of Unification and the Ministry of Government Legislation.¹⁶ The Ministry of Government Legislation updates the North Korean legal codes on the website following the NIS's regular publications.

However, the website is not as accessible or user-friendly as the Ministry of Government Legislation's Korean Law Information Center [국가법령정보센터] website, which publishes South Korea's laws and ratified treaties.¹⁷ For example, the Korean Law Information Center allows the users to compare the

¹⁴ ROK National Intelligence Service, "북한법령집" [Compilation of North Korea's legal codes], https://www.nis.go.kr/AF/1_2_1.do

¹⁵ Seulkee Jang, "Daily NK acquires full text of the anti-reactionary thought law," *DailyNK*, March 21, 2023, <https://www.dailynk.com/english/daily-nk-acquires-full-text-of-the-anti-reactionary-thought-law>; Mun Dong Hui, "Daily NK obtains the full text of the Pyongyang Cultural Language Protection Act," *DailyNK*, March 23, 2023, <https://www.dailynk.com/english/daily-nk-obtains-full-text-pyongyang-cultural-language-protection-act>; Mun Dong Hui, "North Korea's 2022 public reporting law revealed in full," *DailyNK*, November 22, 2024, <https://www.dailynk.com/english/north-korea-2022-public-reporting-law-revealed-full>

¹⁶ ROK Ministry of Justice, "북한법령" [North Korean legal system] in "통일법제데이터베이스" [Database on a Unified Korea's Legal System], https://www.unilaw.go.kr/bbs/selectBoardList.do?bbsId=BBSMSTR_000000000021

¹⁷ ROK Ministry of Government Legislation, "국가법령정보센터" [Korean Law Information Center], <https://www.law.go.kr/LSW/eng/engMain.do?menuId=0>

past and present versions of a law with relative ease, but the Database on a Unified Korea's Legal System does not have such a function.

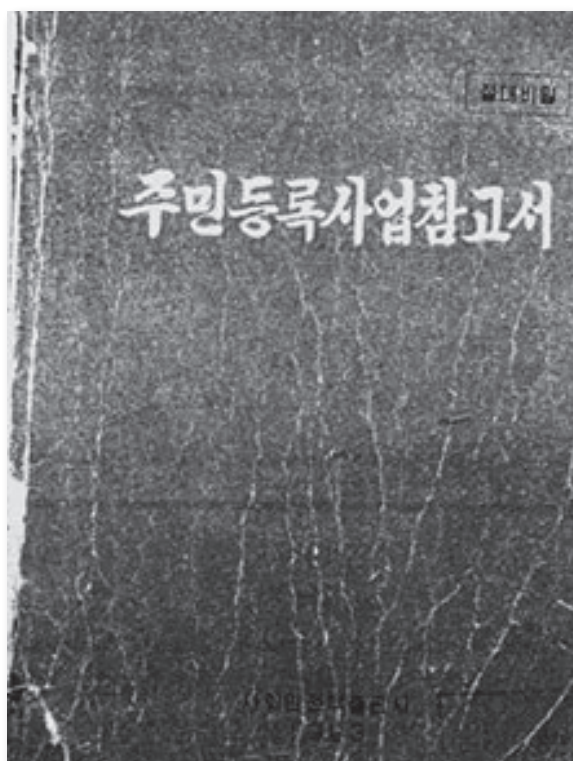
For documentation purposes, it would be helpful for the full texts of other laws, such as the Minors' Crime Prevention Law [미성년범죄방지법] recently published by DailyNK,¹⁸ to be made public too. The South Korean government should also publish North Korea's past laws, including the Criminal Code and the Criminal Procedure Code, to document the evolution of the crimes, punishments and procedures over the decades in the totalitarian North Korean state.

It is important to distinguish 'law in books' from 'law in action,' especially for political crimes in North Korea.¹⁹ For instance, the Criminal Procedure Code gives the Ministry of State Security (국가보위성 / *gukgabowiseong* / MSS) jurisdiction over the investigation and preliminary examination of 'anti-state and anti-nation crimes' under the supervision of prosecutors. However, the MSS not only has its own prosecutors—or preliminary examiners who play the role of prosecutors—but also its own 'judges' who nominally try the offenders, despite the absence of any known legal basis. The MSS's preliminary examiners in practice have almost full discretion in determining the guilt and punishment for political offenses.

The political prison camps (관리소 / *kwanliso*), operated mostly by the MSS, also have no known legal basis for their existence or imprisonment of the political prisoners and their families. The MSS in effect, acts above the law as police, prosecutor, judge, jury and executioner for political crimes. In North Korea, such acts include possessing a bible and gossiping about the personal lives of the ruling Kim family, despite the absence of any explicit legal provisions to punish

¹⁸ Mun Dong Hui, "Revealed: N. Korea's 2020 law to shield young people from 'foreign influence'," *DailyNK* November 26, 2024, <https://www.dailynk.com/english/revealed-north-korea-2020-law-shield-young-people-foreign-influence>

¹⁹ Baik Tae-Ung, "Nonjudicial Punishments of Political Offenses in North Korea—With a Focus on *Kwanliso*," *American Journal of Comparative Law* 64, no. 4 (Winter 2016): 891-930.



Residence Registration Project Handbook, which outlines the *songbun* system that classifies citizens

such acts.

The ‘anti-socialist inspection groups,’ composed of the MSS, Ministry of Social Security (사회안전성 / *sahoeanjeonseong*) and Korean Workers’ Party (조선노동당 / *joseonnodongdang* / KWP) officials, police foreign culture and other ‘subversive influences,’ even though they have no known statutory basis for their existence or warrantless search and arrest.

The creation and maintenance of the *songbun* (성분) system, which classifies every citizen into different categories based on their presumed loyalty to the regime by the Ministry of Social Security, has not been publicly admitted by the North Korean government. The *songbun* system plays an important role in determining the severity of treatment and punishment—and the likelihood of enforced disappearance—for political offenses.

The NIS obtained the original copy of the top-secret Residence Registration Project Handbook [주민등록사업참고서] published by the Ministry of Social Security in 1993.²⁰ Its contents have become widely known as many researchers were allowed to read the original document. It is therefore difficult to understand why the original Handbook still remains classified by the South Korean government on the bureaucratic state secrecy grounds.²¹

There has been a news report of Kim Jong Un ordering the Ministry of Social Security to update the *songbun* system to further tighten social control for the younger generations.²² It would be important for the relevant materials to be made public to understand any changes to the *songbun* system under Kim Jong Un's reign.

Given extralegal powers exercised by the MSS and other security organs, it would be important to obtain the secret substantive and procedural laws, regulations and guidelines that govern their organization and exercise of their powers—especially the Security Work Guidance [보위사업지도서], the MSS's unpublished internal 'guidance manual' that serves as the criminal code and criminal procedure code for its prosecution and trial of political offenses. The Political Security Work Guidance [정치보위사업지도서], which was in use at the time of the Korean War, can be found among the captured documents in the U.S. National Archive.²³

The organizational chart, including the bottom-up reporting and top-down

²⁰ Park Seung-Min and Bae Jin-Young, "북한 사회안전부 권 「주민등록사업참고서」" [Resident Registration Project Handbook Published by North Korea's Ministry of Social Security], *Monthly Chosun*, July 2007, <https://monthly.chosun.com/client/news/viw.asp?nNewsNumb=200707100015>

²¹ Similarly, the NIS announced in February 1999 that North Korea's population had decreased by 3 million due to the mass famine, citing the Ministry of Social Security's internal report it obtained, but the original text of this report has not been made public to this date. "북한 인구 3년새 300만명 감소-사회안전성" [North Korean population decreased by 3 million over 3 years according to Ministry of Social Security], *Munhwa Ilbo*, February 18, 1999, <https://www.munhwa.com/news/view.html?no=199902186700>

²² Ha Yuna, "N. Korea orders reorganization of the country's caste system," *DailyNK*, February 21, 2020, <https://www.dailynk.com/english/north-korea-orders-reorganization-countrys-caste-system-songbun>

²³ Yeon Joung-Eun, "The Formation and Activities of North Korea's Political/Security Bureau in the Early Stage," *SARIM*, no. 61 (2017): 215-246, citing NA, RG242, SA2010, item 33.

decision-making process, and information for the identification of the top cadres of the MSS and other security organs are also critical in understanding the commission of enforced disappearances and other human rights violations.

The information about North Korea's formal legal codes and secret internal regulations of the Ministry of State Security and other security organs as well as the organization chart and top cadres should be shared with the United Nations special procedures, especially the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture, the Working Group on Arbitrary Detention, and the Working Group on Enforced or Involuntary Disappearances.

Lee Il-kyu, former political counsellor at the North Korean embassy in Havana until his defection to South Korea in or around November 2023, made public the full text of 12 North Korean diplomatic cables concerning human rights issues that he brought with him on November 15, 2024. The disclosure, dubbed 'the North Korean Wikileaks,' confirmed that the North Korean human rights discussion at the UN is reported to Kim Jong Un and he gives guidance about the North Korean response to his diplomats.

Counsellor Lee's diplomatic cables also showed that North Korea stopped calling votes on North Korean human rights resolutions at the UN Human Rights Council and General Assembly from 2016, because many countries were shunning bilateral contacts with North Korea altogether to avoid discussing the vote.

Political Prison Camps (*Kwanliso*)

The *kwanliso* is the end point of North Korean political prisoners' enforced disappearance, which begins with their arrest or abduction by the MSS and other security organs. Ali Lameda, a Venezuelan communist invited to North Korea to translate its state propaganda materials into Spanish, but detained as a Central

Intelligence Agency spy from 1967 to 1974 for questioning the risible claim of a 14-year-old Kim Il Sung leading his communist forces to victory, estimated that there are a total of 150,000 political prisoners based on his interaction with the prison officials at his prison camps in Sariwon City, North Hwanghae Province.²⁴

The first comprehensive human rights report on North Korea by civil society organizations (CSOs) in 1988 detailed the detention camps called ‘Special Dictatorship Target Areas’ for political prisoners.²⁵ Amnesty International reported on the Sungho political prison camp in 1993²⁶ and called for the release of 58 political prisoners, including Koh Sang Mun [고상문] and other South Korean abductees and “returnees” from Japan detained at the Sungho camp, in 1994.²⁷

In January 1999, the NIS made public the list of 22 South Koreans detained in North Korea’s political prison camps.²⁸ The Korean Institute for National Unification (KINU)’s annual White Papers on Human Rights in North Korea published “The current imprisonment status of South Koreans who were abducted or defected to North Korea in political prison camps” [납북억류자 및 월북자 정치범수용소 수용현황] in the 1999 and 2000 editions, but this information was deleted from the 2001 edition.²⁹

²⁴ Amnesty International, *Ali Lameda: A personal account of the experience of a Prisoner of Conscience in the Democratic People’s Republic of Korea* (Amnesty International, 1979), <https://www.amnesty.org/en/documents/asa24/002/1979/en>

²⁵ Richard Kagan, Matthew Oh and David Weissbrodt, *Human Rights in the Democratic People’s Republic of Korea* (Asia Watch and Minnesota Lawyers International Human Rights Committee, 1988), <https://www.theadvocatesforhumanrights.org/Publications/A/Index?id=35>

²⁶ Amnesty International, *North Korea: Summary of Amnesty International’s concerns* (Amnesty International, 1993), <https://www.amnesty.org/en/documents/asa24/003/1993/en>

²⁷ Amnesty International, *North Korea: New information about political prisoners* (Amnesty International, 1994), <https://www.amnesty.org/en/documents/asa24/005/1994/en>

²⁸ Lim Chae-chung, “國情院 『자진월북·납북자 22명 北정치범수용소 수감』” [National Intelligence Service says 22 who voluntarily defected or were abducted to North Korea detained in North Korean political prison camps], *Donga Ilbo*, January 31, 1999, <https://www.donga.com/news/Politics/article/all/19990131/7416402/1>

²⁹ Joo Yong-sung, “‘월·납북억류자 34명 정치범수용소 수감’-인권백서” [34 South Koreans who defected or were abducted to North Korea imprisoned in political prison camps according to the white paper], *Yonhap News*, March 4, 1999, <https://n.news.naver.com/mnews/article/001/0004518525?sid=100>; Jang Yong-Hoon, “북한인권백서, 정치범 명단삭제” [The list of political prisoners deleted from the North Korean human rights white paper], *Yonhap News*, April 6, 2001, <https://n.news.naver.com/mnews/article/001/0000064555?sid=100>

Although the extremely limited access to political prison camps and their present or former inmates makes it difficult to obtain information, changes in their location and size can still be documented. For instance, in 2013, KINU published a comprehensive report on this issue based on satellite imagery and other information shared by the South Korean government.³⁰

It has been possible to piece together the scale and details of China's prison camps for Uyghurs in Xinjiang using satellite imagery³¹ and leaked internal documents³² despite the Chinese Communist Party's best efforts to conceal their very existence. The same can be done for North Korea's political prison camps.

The U.S.-based Committee for Human Rights in North Korea has published a series of reports on North Korea's political prison camps based on its own analysis of satellite imagery and defector statements.³³ The Citizens' Alliance for North Korean Human Rights (NKHR) also published reports on the use of forced labor, including prison labor, in the international supply chain.³⁴

³⁰ Lee Geum Sun et al., *북한 정치범수용소* [North Korea's political prison camps] (Seoul: Korea Institute for National Unification (KINU), 2013), <https://repo.kinu.or.kr/handle/2015.oak/2246>

³¹ Chris Buckley and Austin Ramzy, "Night Images Reveal Many New Detention Sites in China's Xinjiang Region," *New York Times*, September 24, 2020, <https://www.nytimes.com/2020/09/24/world/asia/china-muslims-xinjiang-detention.html>; Doug Irving, "China's Disappeared Uyghurs: What Satellite Images Reveal," RAND, April 29, 2021, <https://www.rand.org/pubs/articles/2021/chinas-disappeared-uyghurs-what-satellite-images-reveal.html>

³² Austin Ramzy and Chris Buckley, "'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims," *New York Times*, November 16, 2019, <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html>; Patrick Wintour, "Leaked papers link Xinjiang crackdown with China leadership," *The Guardian*, November 29, 2021, <https://www.theguardian.com/world/2021/nov/29/leaked-papers-link-xinjiang-crackdown-with-china-leadership>; John Sudworth, "The faces from China's Uyghur detention camps," *BBC*, May 2022, <https://www.bbc.co.uk/news/extra/85qihtvw6e/the-faces-from-chinas-uyghur-detention-camps>

³³ The Committee for Human Rights in North Korea (HRNK), *Political Prison Camps Archives*, https://www.hrnk.org/documentations_cat/political-prison-camps

³⁴ Citizens' Alliance for North Korean Human Rights (NKHR), *Blood Coal Export from North Korea: Pyramid scheme of earnings maintaining structures of power* (Seoul: NKHR, 2021), <https://www.nkhr.or.kr/publications/nkhr-research-reports/blood-coal-export-from-north-korea-pyramid-scheme-of-earnings-maintaining-structures-of-power>; NKHR, *Made in China: How Global Supply Chain Fuels Slavery in North Korea's Prison Camps: The Case of Chongori Kyohwaso No.12* (Seoul: NKHR, 2024), <https://www.nkhr.or.kr/publications/nkhr-research-reports/made-in-china-how-global-supply-chain-fuels-slavery-in-north-koreas-prison-camps>

The South Korean government, especially its intelligence community, which has access to the most high-resolution satellite imagery, the manpower for its analysis as well as sources in and out of North Korea, must be more proactive in making public the information it has concerning political prison camps.

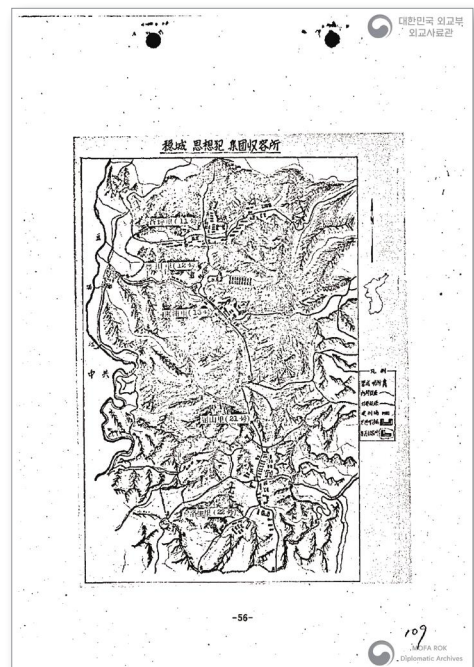
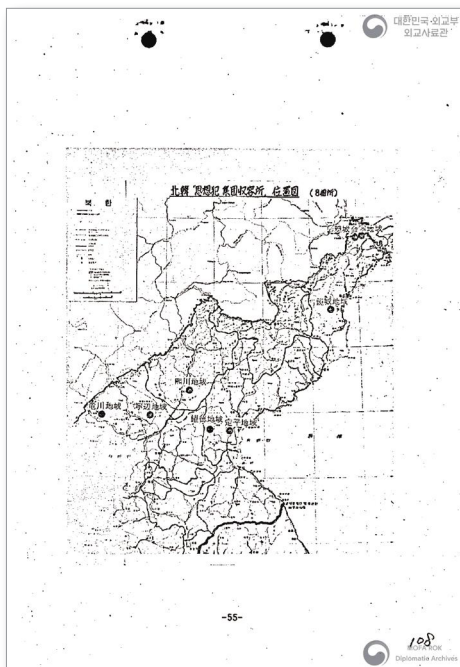
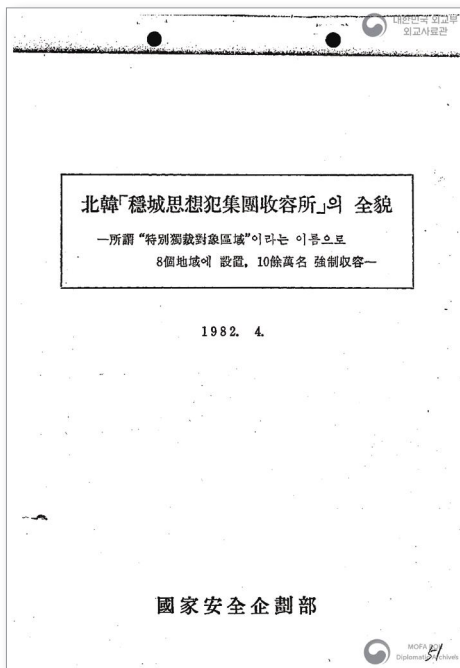
In April 1982, international news outlets published reports about North Korea's political prison camps for the first time citing the statements by three North Korean defectors and aerial reconnaissance photos provided by the South Korean intelligence ahead of Kim Il Sung's 70th birthday, which it claimed was unrelated to the disclosure.³⁵ South Korean government documents declassified in 2013 made clear that the exposé was in fact a well-coordinated international campaign that resulted in media reports in about 150 news outlets in 53 countries.³⁶

Given the far greater number of defector statements and high-resolution satellite imagery concerning North Korea's political prison camps accumulated in the past four decades, the South Korean government should be able to disclose more information about their changing location and size over the years if it has the political will. Considering the reluctance of the intelligence agencies in general to reveal such information, a decision will have to be made at the top government level for strategic and judicious disclosure.

It is also important to obtain the North Korean government's internal documents concerning the organization and operation, as well as the location and inmate population of the political prison camps.

³⁵ Henry Scott Stokes, "North Korea is said to hold 105,000 for ideology," *New York Times*, April 11, 1982, <https://www.nytimes.com/1982/04/11/world/north-korea-is-said-to-hold-105000-for-ideology.html>

³⁶ Kang Byeongcheol, "<외교문서> 정부, 김일성 생일 앞두고 '북수용소' 동시다발 폭로" [Diplomatic documents: Government made simultaneous multiple expose of North Korean camps ahead of Kim Il Sung's birthday], *Yonhap News*, April 1, 2013, <https://www.yna.co.kr/view/AKR20130329197500043>



The South Korean government's declassified documents reveal an elaborate international media campaign to expose North Korea's political prison camps with aerial photos and defector statements in April 1982

[Source: Diplomatic Archives of the ROK Ministry of Foreign Affairs]

North Korean Refugees and Escapees

The documentation of the enforced disappearance of North Korean refugees and escapees abroad has been hampered not only by the extreme restrictions on information collection in North Korea but also by the lack of transparency in China, Russia and other transit countries.

The first large wave of North Korean refugees began with North Korean overseas workers in Russia seeking asylum in the early 1990s. In the years following the Soviet collapse, Amnesty International documented and provided a factual and legal analysis of the North Korean workers who wished to defect but were prevented from doing so in a stand-alone report.³⁷ Amnesty International also made appeals for the individual North Korean workers forcibly repatriated to North Korea.³⁸

More recently, in 2020, the Civic Assistance Committee (Комитет «Гражданское содействие»), a Russian refugee NGO, published a comprehensive report on the refugee status application by North Koreans. According to the Civic Assistance Committee, during the 2011-2019 period, the Russian authorities granted refugee status to only one person though almost 70 percent of the applicants were granted temporary asylum while the Russian courts ordered deportation in many cases.³⁹

The Russian authorities have also detained South Korean missionary Baek Won-

³⁷ "Democratic People's Republic of Korea/Russian Federation: Pursuit, intimidation and abuse of North Korean refugees and workers," Amnesty International, September 8, 1996, <https://www.amnesty.org/en/documents/asa24/006/1996/en>

³⁸ "Russian Federation: Refoulement of Lee Yen Sen: fear for safety in North Korea," Amnesty International, February 1, 1996, <https://www.amnesty.org/en/documents/eur46/006/1996/en>; Kim Tae-sik, "탈북 北送교포 체포된 뒤 행방요연...北으로 압송된듯" [Whereabouts of returnee from Japan who escaped North Korea unknown after arrest; Appears to have been forcibly sent to North Korea], *Yonhap News*, May 25, 1998, <https://n.news.naver.com/mnews/article/001/0004355617?sid=102>

³⁹ 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

soon [백원순] on espionage charges since early 2024.⁴⁰ It has been speculated that the real reason for Baek's arrest was for helping North Korean workers escape to South Korea. Although Russia has, in the past, arrested other South Korean missionaries for similar reasons, they were usually deported shortly. Baek's prolonged pre-trial detention has made it difficult for South Korean missionaries to help North Koreans who are seeking asylum in Russia.

The documentation of North Korean refugees in China, who first began escaping North Korea in large numbers in search of food and economic opportunities following the mass famine in the mid-1990s, was hampered by the limited access in China. In January 1997, a news report based on statements from North Korean escapees revealed the existence of secret prisons in Hyesan City, Ryanggang Province, operated by the MSS for escapees returned from China and Russia.⁴¹

In October 1997, Amnesty International called upon China and North Korea to release information about a North Korean escapee, Li Song Nam [리송남], who was last seen being arrested by Chinese authorities and appeared to have been subsequently repatriated to North Korea.⁴² In December 1998, the Citizens' Alliance for North Korean Human Rights (NKHR) reported upon the first known incident of mass round-up and deportation of about 150 North Koreans by the Chinese authorities in Tonghua, Jilin province.⁴³

⁴⁰ "South Korean detained earlier this year is accused of espionage in Russia, state news agency says," *Associated Press*, March 12, 2024, <https://apnews.com/article/russia-south-korea-spying-ba8f0c260b1c8a9b203d39c3d90f75c2>; "Russian court rejects detention appeal of South Korean accused of espionage, RIA reports," *Reuters*, October 15, 2024, <https://www.reuters.com/world/europe/russian-court-rejects-pre-trial-detention-appeal-south-korean-accused-espionage-2024-10-15/>

⁴¹ "北韓, 체포된 탈북자 비밀감옥에 수용" [North Korea detains arrested escapees in secret prisons], *Yonhap News*, January 9, 1997, <https://n.news.naver.com/mnews/article/001/0004160858?sid=100>

⁴² "North Korea: The fate of those who flee: The case of Li song Nam," Amnesty International, October 5, 1997, <https://www.amnesty.org/en/documents/asa24/011/1997/en/>

⁴³ Kim Tae-sik, "중공안당국 탈북자 1백 50명 검거. 北 압송" [Chinese Public Security Authorities Round Up 150 North Korean Escapees and Transfer Them to North Korea], *Yonhap News*, December 21, 1998, <https://n.news.naver.com/mnews/article/001/0004346357?sid=103>

In August 1999, based on interviews with 872 North Korean escapees in 2,479 villages in northeastern China between November 1998 and April 1999, Seoul-based humanitarian NGO, Good Friends estimated that there were over 300,000 North Korean escapees.⁴⁴ In November 1999, the North Korean Refugee Protection International Consultative Body estimated the number to be 100,000 to 200,000 based on interviews with 1,383 escapees in China in October and November 1999.⁴⁵

By contrast, in December 1999, the South Korean Ministry of Foreign Affairs claimed that these figures were exaggerations and estimated that there were 10,000 to 30,000 North Korean escapees in China based the Chinese government's estimate of 5,000 to 10,000 and the United Nations High Commissioner for Refugees' estimate of 30,000 as well as the reports from South Korea's embassy in Beijing and consulate in Shenyang.⁴⁶ A Human Rights Watch report in 2002 stated that, "There are anywhere from 10,000 to 300,000 North Koreans living in hiding in China."⁴⁷

The Chinese government's hostile policy towards efforts to assist or even survey North Korean refugees is well-known. In September 1999, the Chinese police arrested and later deported three South Korean missionaries and businessmen who were helping North Korean escapees.⁴⁸ From April to June 2000, the Chinese authorities illegally detained South Korean activists associated with

⁴⁴ Kang Jin-Wook, "재중 북한 식량난민 여성이 75% 차지" [Women take up 75 percent of North Korean food refugees in China], *Yonhap News*, August 30, 1999, <https://n.news.naver.com/mnews/article/001/0004467988?sid=100>; Good Friends, under Buddhist monk Venerable Pomnyun's leadership, published in total 466 editions of periodical Today's North Korea News [오늘의 북한소식] between September 16, 2006 and August 1, 2012. The periodicals reported on the significant development in the humanitarian and human rights situation in North Korea. "오늘의 북한소식" [Today's North Korea News], Good Friends, <https://www.gf.or.kr/notice/1198>

⁴⁵ Lee Woo-yeong et al., *북한이탈주민 문제의 종합적 정책방안 연구* [A study on the comprehensive policy proposal on the issue of North Korean escapees] (Seoul: KINU, 2000), 5-8, <https://repo.kinu.or.kr/handle/2015.oak/525>

⁴⁶ Kwon Kyung-bok, "정부·민간단체의 재중 탈북자 '논란'" [Controversy between government and civic groups over North Korean escapees in China], *Yonhap News*, October 8, 1999, <https://n.news.naver.com/mnews/article/001/0004474018?sid=100>

⁴⁷ "The Invisible Exodus: North Koreans in the People's Republic of China," Human Rights Watch (HRW), November 2002, <https://www.hrw.org/reports/2002/northkorea/norkor1102.pdf>

⁴⁸ Lee Don-kwan, "중국, 한국인 목사·사업가 3명 구금" [China detains three South Korean pastors and businessman], *Yonhap News*, September 10, 1999, <https://n.news.naver.com/mnews/article/001/0004447416?sid=104>

Good Friends for 50 days without informing the South Korean consulate, and beat them to force confessions that Good Friends works under the South Korean government.⁴⁹ China even reportedly expelled dozens of South Korean intelligence agents in July 1999 on the suspicion that they were helping North Korean escapees, prompting the South Korean government to order its consular officials to refrain from any action that might aggravate China.⁵⁰

China also tacitly allows North Korean agents who target escapees as well as those who help them operate within Chinese territory, only intervening on occasion. Following Reverend Ahn Seung-wun [Ahn Sung-wun / 안승운]'s abduction by North Korean agents in China in July 1995, Chinese authorities prosecuted and convicted North Korean ringleader Lee Kyong-chun [리경춘] of unlawful confinement and border-crossing, sentencing him to two years in prison.⁵¹

However, China's vice foreign minister claimed that China was the true victim, since the case involved South Korean and North Korean nationals who violated Chinese law on Chinese soil and demanded that the South Korean government police 'unlawful proselytizing activities' by South Korean religious groups.⁵² In July 1997, China promptly released and returned Lee Kyong-chun to North Korea after he served his two-year term without making any serious effort to secure Reverend Ahn's release from North Korea.⁵³

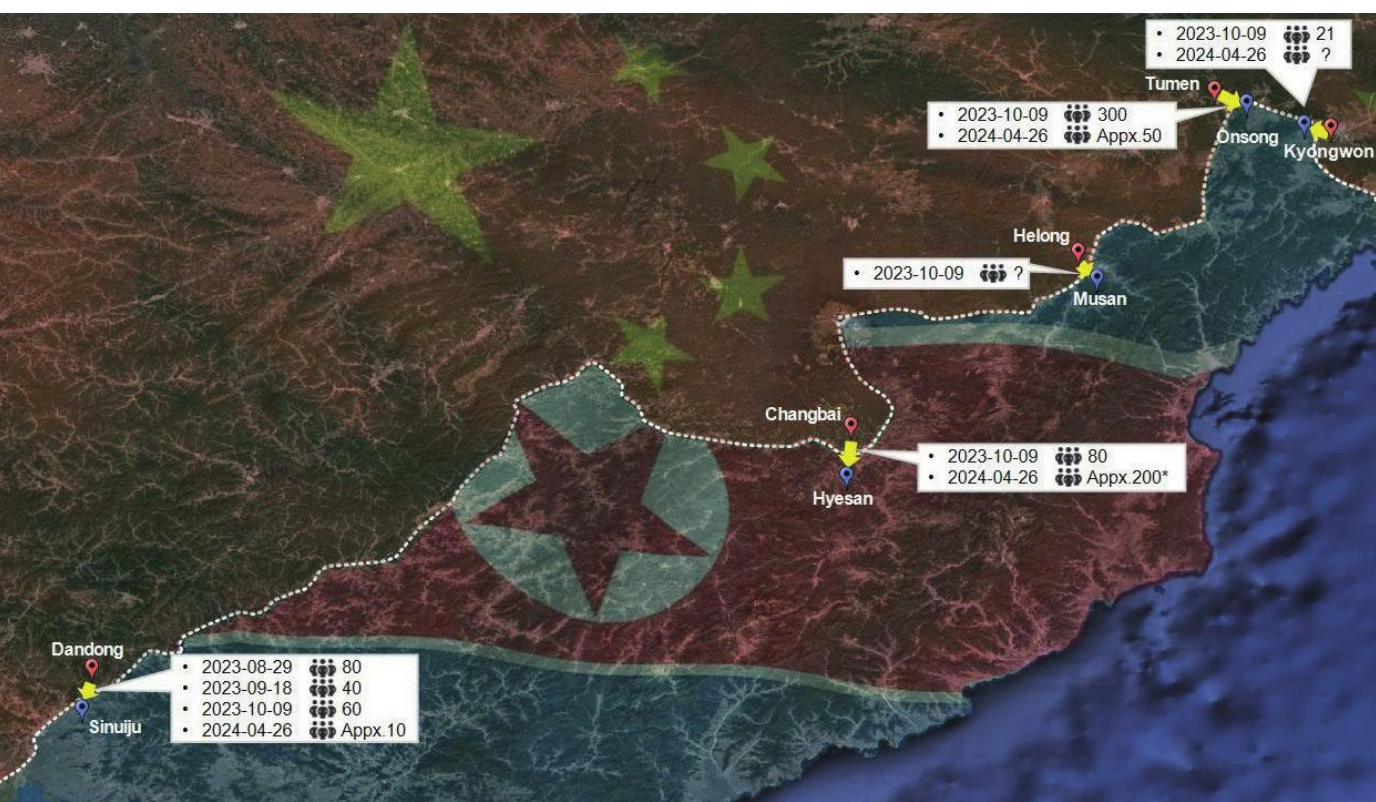
⁴⁹ Lee Chung-won, "中,北 난민지원 NGO활동가 인권침해" [China's violates human rights of NGO activists assisting North Korean refugees], *Yonhap News*, June 18, 2001, <https://n.news.naver.com/mnews/article/001/0000081050?sid=100>

⁵⁰ Seo Eui-dong, "탈북자 관련 정보수집 정보요원 중서 철수" [Intelligence agents collecting intel in China withdrawn in relation to North Korean escapees], *Munhwa Ilbo*, September 11, 1999, <https://www.munhwa.com/news/view.html?no=199909112001001>

⁵¹ "中國, 안목사 납치범 재판후 추방키로" [China to deport Reverend Ahn's abductees after trial], *Yonhap News*, November 22, 1995, <https://n.news.naver.com/mnews/article/001/0004004140?sid=100>

⁵² Lee Don-kwan, "안목사 납치범에 징역2년.강제추방 선고" [Reverend Ahn's kidnapper sentenced to two years in prison and deportation], *Yonhap News*, August 26, 1996, <https://n.news.naver.com/mnews/article/001/0004059851?sid=104>

⁵³ "안목사사건 유엔인권고등판무관실에 문제제기" [Reverend Ahn's case to be appealed to the Office of the United Nations High Commissioner for Human Rights], *Yonhap News*, August 2, 1997, <https://n.news.naver.com/mnews/article/001/0004190930?sid=100>



The map shows China's post-pandemic forcible repatriation of hundreds of North Korean refugees at key border crossing points between August 2023 and April 2024 [Source: TJWG; Freedom Chosun (repatriation via Changbai to Hyesan in 2024)]

Similarly, China did little to secure the release of Reverend Kim Dong-shik [김동식], who was abducted by North Korean agents in January 2000 from China, although Chinese authorities reportedly arrested one of the abductors, Kim Song-san [김송산], in 2006 and imprisoned him.⁵⁴ While the state of Sino-North Korean relations is an important factor, North Korean agents can reportedly operate in China with impunity at certain times.⁵⁵ The number of North Korean

⁵⁴ Hwang Hyung-Jun, "김동식 목사 납치 北공작원 2명 사망" [2 North Korean operatives in Reverend Kim Dong-shik's abduction dead], *Donga Ilbo*, September 23, 2009, <https://www.donga.com/news/article/all/20090116/8684956/1>

⁵⁵ Kim Jieun, "중, 한국계 미국인 선교사 일행 전격 체포" [China promptly arrests Korean American missionary's group], *Radio Free Asia*, February 10, 2017, https://www.rfa.org/korean/in_focus/human_rights_defector/missionary-02102017092410.html

agents and their duration of stay in China are reportedly only restricted by China's uneasiness and North Korea's budgetary constraints.⁵⁶

Nevertheless, there has also been a steady documentation of individual cases of China's deportation of North Korean detainees, including South Korean prisoners of war (POWs) Han Man-taek [한만택] and Jeong Sang-un [정상운].⁵⁷

After Son Myeong-hwa [손명화], the daughter of South Korean POW Son Dong-sik [손동식] (military service number K1123444) who died in North Korea in 1984, escaped to South Korea in 2005 and brought the remains of her late father to South Korea in 2013 in fulfillment of his dying wish, the North Korean authorities sent her older brother (Son Choong-kwon [손충권]), younger sister (Son Young-keum [손영금]), and nephew (Park Young-ho [박영호]) to the political prison camp.⁵⁸

Other high-profile cases such as the repatriation of seven North Koreans from Russia to China to North Korea in 1999 and 2000, and that of a group of North Koreans from Laos to China to North Korea in 2014 have also been documented.

In October 2023, China resumed its policy and practice of forcibly repatriating North Korean refugees, which was curtailed by the pandemic-era border closure. Human Rights Watch and TJWG have documented the deportation of

⁵⁶ Jung Young, "북, '고현철 사건' 후 해외 반탐조 일부 철수" [North Korea partially withdraws overseas counter-surveillance teams after the Ko Hyon-chol case], *Radio Free Asia*, August 1, 2016, https://www.rfa.org/korean/in_focus/human_rights_defector/kidnapping-08012016161708.html

⁵⁷ "North Korea: Elderly prisoner's life at risk in North Korea: Jeong Sang-un," Amnesty International, August 19, 2010, <https://www.amnesty.org/en/documents/asa24/006/2010/en>; Pu Hyong-gwon, "Controversy over China's Repatriation of South Korean POW to the North," *Donga Ilbo*, January 27, 2005, <https://www.donga.com/en/article/all/20050127/239525/1>

⁵⁸ "Translated Remarks by Son Myeong-hwa" in "Forget Me Not: Impact of North Korean Human Rights Abuses on Families Worldwide," The Korea Society, September 25, 2024, <https://www.koreasociety.org/policy-and-corporate-programs/item/1864-forget-me-not-impact-of-north-korean-human-rights-abuses-on-families-worldwide>

over 500 North Korean refugees in October 2023⁵⁹ and about 60 North Korean refugees in April 2024⁶⁰ through a reliable source with connections in both China and North Korea.

Since the COVID-19 pandemic, China's vast state surveillance system has made it dangerous for most NGOs to meet in person with North Korean escapees in China. The revised Counter-Espionage Law which entered into force in July 2023 and resulted in the first arrest of a South Korean national in December 2023—without any news report or confirmation by the South Korean government until October 2024⁶¹—makes it risky for North Korean human rights and refugee activists to even visit China. Even under the Counter-Espionage Law before the revision, 17 Japanese nationals, including a “returnee” who had escaped from North Korea to Japan, were imprisoned.⁶²

While access to information about North Korean refugees detained in China or repatriated to North Korea is limited, it is important to continue to track cases of their arrest, deportation and enforced disappearance. TJWG has continued to make submissions to the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention (WGAD) on behalf of the repatriated North Koreans, which resulted in the WGAD's finding of arbitrary detention in *Kim Cheol-Ok v. China and DPRK* (Opinion No. 37/2024).⁶³

⁵⁹ Lina Yoon, “China Forcibly Returns More than 500 to North Korea: Returnees, Mostly Women, Face Torture, Sexual Abuse, Forced Labor,” HRW, October 12, 2023, <https://www.hrw.org/news/2023/10/12/china-forcibly-returns-more-500-north-korea>

⁶⁰ Lina Yoon, “China Forcibly Returns 60 Refugees to North Korea: Returnees at Risk of Torture, Forced Labor,” HRW, May 8, 2024, <https://www.hrw.org/news/2024/05/08/china-forcibly-returns-60-refugees-north-korea>

⁶¹ Kim Hyo-shin, “Korean citizen detained in China on espionage under new law,” *KBS*, October 28, 2024, <https://news.kbs.co.kr/news/pc/view/view.do?ncd=8092424>

⁶² Sakong Kwansook, “‘장성택 숙청’ 말해서 체포...중서 ‘간첩 복역’ 일본인 17명 사면” [Arrested for talking about Jang Song-Thaek's purge; story of 17 Japanese serving time in prison as spies in China], *Joongang Ilbo*, July 17, 2023, <https://www.joongang.co.kr/article/25177920>

⁶³ UN WGAD, “Opinion No. 37/2024 concerning Kim Cheol-Ok,” A/HRC/WGAD/2024/37, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session100/a-hrc-wgad-2024-37-china-democratic-peop.pdf>



Border Security Command in Tumen, photographed in August 2018

[Source: TJWG]

Another important development in recent years is North Korea's construction of fences, walls and guard posts along its border with China that have been documented by NGOs and news reports using satellite imagery.⁶⁴ This expanded and strengthened 'border wall' has made it extremely difficult for North Koreans to escape to China, and many attempting to escape to China have disappeared along it.⁶⁵ North Korea's 'border wall' therefore deserves continued study based on satellite imagery and human intelligence.

The holding centers for North Korean refugees awaiting deportation in China and border crossing points used during repatriation also merit more investigation. Again, the analysis of satellite imagery, combined with statements from former guards, inmates and other witnesses, is necessary.

⁶⁴ "North Korea: Covid-19 Used as Pretext to Seal Border: Enhanced Fences, Guard Posts Further Restrict Movement, Trade," HRW, November 17, 2022, <https://www.hrw.org/news/2022/11/17/north-korea-covid-19-used-pretext-seal-border>; "A Sense of Terror Stronger than a Bullet: The Closing of North Korea 2018-2023," HRW, March 7, 2024, <https://www.hrw.org/report/2024/03/07/a-sense-of-terror/stronger-than-a-bullet-the-closing-of-north-korea-2018%E2%80%932023>; Josh Smith and Sudev Kiyada, "North Korea spent the pandemic building a huge border wall," *Reuters*, May 27, 2023, <https://www.reuters.com/graphics/NORTHKOREA-BORDER/byvrlwjreve/>

⁶⁵ TJWG, *Existing "Nowhere"*, 57-58.

One of the grave human rights violations that North Korean refugees and escapees face upon repatriation is forced abortions and infanticide against repatriated mothers and their children, as cited in the COI report. The Ministry of Unification (MOU)'s North Korean Human Rights Record Center published its second report in June 2024, which contained a summary of statements from 14 women who had been subjected to forced abortions.⁶⁶ The MOU should follow up by interviewing doctors and other medical personnel who have information about the policy and practice of the North Korean authorities for its next report.

China and Russia have bilateral treaties with North Korea that are used to justify the forcible repatriation of North Korean refugees despite their obligations under the Refugee Convention and Protocol as well as the Convention against Torture.

In China's case, the 1998 revised border security agreement between North Korea's MSS and China's Ministry of Public Security, which greatly facilitated the arrest and deportation of North Korean refugees, came to light only in January 2007.⁶⁷ The agreement provides in article 4(1) that "those who do not hold legal documents or have used a crossing point not specified in the documents will be treated as illegal border crossers." In article 4(2), it provides that "illegal border crossers will be returned to the other side with information on their identity and specific situation."⁶⁸ The 2003 Treaty on Judicial Assistance in Civil and Criminal Matters also eased China's deportation of

⁶⁶ ROK Ministry of Unification, *2024 Report on North Korean Human Rights*, 95-98, <https://unikorea.go.kr/nkhr/en>

⁶⁷ Cho Kye-chang, "北-中 98년 체결 국경협정에 담긴 내용" [Contents of North Korea-China border agreement signed in 1998], *Yonhap News*, January 22, 2007, <https://n.news.naver.com/mnews/article/001/0001527361?sid=100>

⁶⁸ "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 / 조선민주주의인민공화국 국가안전보위부 중화인민공화국 공안부 국경지역에서 국가의 안전과 사회질서 유지사업에서 호상 협조할데 대한 합의서" [Agreement between the Ministry of Public Security of the People's Republic of China and the Ministry of State Security of the Democratic People's Republic of Korea on Mutual Cooperation for the Maintenance of State Security and Social Order in the Border Area], signed July 8, 1998, <http://treaty.mfa.gov.cn/tykfiles/20180718/1531876990905.pdf> See also, the earlier version of the treaty. "Protocol between the PRC Ministry of Public Security and the DPRK Social Safety Ministry for Mutual Cooperation in Safeguarding National Security and Social Order in Border Areas," Wilson Center, June 9, 1964, <https://digitalarchive.wilsoncenter.org/document/protocol-between-prc-ministry-public-security-and-dprk-social-safety-ministry-mutual>

North Korean refugees.⁶⁹

The enactment of the Jilin Province Border Management Regulations in November 1993 and its revision in 1998 was an example of China's domestic legislation that facilitated the roundup of North Korean escapees.⁷⁰ The Jilian provincial government's propaganda outline for the Jilin Province Border Management Regulations, made public in December 1996, reveals China's repatriation of 140 North Korean escapees in 1994-95 and 48 in 1996.⁷¹

North Korea's bilateral treaties with Russia on mutual legal assistance in criminal matters, extradition, transfer and receipt of illegal entrants and residents, and transfer of sentenced persons similarly facilitate the deportation of North Koreans, mostly overseas workers, who seek asylum or wish to opt for settlement in South Korea.⁷² The new Treaty on Comprehensive

69 “中华人民共和国和朝鲜民主主义人民共和国关于民事和刑事司法协助的条约” [Treaty between the People's Republic of China and the Democratic People's Republic of Korea on Judicial Assistance in Civil and Criminal Matters], signed November 19, 2003, https://www.mfa.gov.cn/web/wjwb_673085/zfxgk_674865/gknrlb/tywj/tyqk/200804/t20080408_9276965.shtml

70 ROK Ministry of Government Legislation's World Laws Information Center, “지린성 변경관리 조례(吉林省边境管理条例)” [Jilin Province Border Management Regulations], World Laws Information Center, https://world.moleg.go.kr/web/wli/lgsInfoReadPage.do?CTS_SEQ=47874&AST_SEQ=53

71 Lee Byung-ki and Gong Jong-sik, “The first confirmation of number of China's repatriation of North Korean escapees; exclusive obtainment of Chinese official document [中 송환 탈북자수 첫 확인…「中 공식문서」 단독입수],” *Donga Ilbo*, December 26, 1996, <https://www.donga.com/news/Politics/article/all/19961226/7218338/9>

72 “ДОГОВОР МЕЖДУ РОССИЙСКОЙ ФЕДЕРАЦИЕЙ И КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКОЙ 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 Matters], signed December 5, 2017, https://www.mid.ru/ru/foreign_policy/international_contracts/international_contracts/2_contract/43707; “ДОГОВОР МЕЖДУ РОССИЙСКОЙ ФЕДЕРАЦИЕЙ И КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКОЙ 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; “СОГЛАШЕНИЕ МЕЖДУ ПРАВИТЕЛЬСТВОМ РОССИЙСКОЙ ФЕДЕРАЦИИ И ПРАВИТЕЛЬСТВОМ КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКИ О ПЕРЕДАЧЕ И ПРИЕМЕ ЛИЦ НЕ ЗАКОННО ВЪЕХАВШИХ И НЕ ЗАКОННО 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; “ДОГОВОР МЕЖДУ РОССИЙСКОЙ ФЕДЕРАЦИЕЙ И КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКОЙ О ПЕРЕДАЧЕ ЛИЦ СОУЖДЕННЫХ 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

Strategic Partnership, signed by Putin and Kim Jong Un on June 18, 2024, calls for cooperation in judicial matters (article 14). A historical, textual analysis of the bilateral treaties concerning deportation or extradition may be helpful in understanding the policy priorities that informed the changes made in the treaty relations between North Korea and other countries.

Another important area of documentation is the abduction and enforced disappearance of North Korean refugees who have resettled in South Korea and conferred South Korean nationality. Since the 1990s, North Korean agents in China have abducted North Korean escapees, including those who had fled to South Korea and had been confirmed as South Korean citizens, in blatant examples of transnational repression.

Ji Man Gil [지만길]⁷³ and Kim Cheol Soo [김철수]⁷⁴ abducted in Changbai Korean Autonomous County in April 2003; Kim Cheol Hun [김철훈] and Shin Seong Sim [신성심], a married couple,⁷⁵ abducted in Jilin Province in April 2003; Jin Kyoung-Sook [진경숙]⁷⁶, a pregnant woman abducted in Helong county-level city in August 2004; and Kang Gun [강건], a former military officer, abducted in Longjing county-level city in March 2005 were South Korean citizens at the time of their abduction by North Korean agents in China.⁷⁷

In the mid-2010s, the North Korean government made a more concerted effort to lure back North Korean refugees who have resettled in South Korea to aggravate the North Korean public's perception of South Korea and discourage

⁷³ UN Working Group on Enforced or Involuntary Disappearances (WGEID), Hundred-ninth session, "Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances," A/HRC/WGEID/109/1, July 22, 2016, para. 23(f).

⁷⁴ UN WGEID, A/HRC/WGEID/109/1, para. 23(g).

⁷⁵ UN WGEID, Hundred-sixth session, "Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances," A/HRC/WGEID/106/1, July 22, 2015, para. 22.

⁷⁶ UN Commission on Human Rights, Sixty-first session, "Report of the Working Group on Enforced or Involuntary Disappearances," E/CN.4/2005/65, December 23, 2004, para. 112, <https://documents.un.org/doc/undoc/gen/g04/169/65/pdf/g0416965.pdf>

⁷⁷ Kang Chol-Hwan, "전 인민군 군관 강건 씨의 비극" [The tragedy of former People's Army officer Kang Gun], *Chosun Ilbo*, August 23, 2005, https://www.chosun.com/site/data/html_dir/2005/08/23/2005082370019.html

flight from North Korea. According to the South Korean government, 31 North Korean refugees who had resettled in South Korea have “re-defected” to North Korea since 2012.⁷⁸

However, it has been argued that even Lim Ji-hyun [임지현], the most prominent example, may in fact have been coerced by North Korean security services to return to North Korea and it has been reported that the South Korean authorities do not know the whereabouts of 746 escapees who have left South Korea.⁷⁹ The remaining families of North Korean escapees have appeared on North Korean state television calling upon their return to North Korea.⁸⁰

The South Korean government officially recognized three ex-North Korean refugees as detained against their will in North Korea. Their reported names are Ko Hyon-chol [고현철], Kim Won-ho [김원호] and Park Jung-ho [박정호].⁸¹ On May 29 2017, Ham Jin Woo [함진우], a former defector and journalist for DailyNK, was reportedly abducted by North Korean agents at the border between Yanbian Korean Autonomous Prefecture in China and North Korea.⁸²

⁷⁸ Hong Je-sung, “통일부 ‘최근 10년간 재월북 탈북민은 올해 1명 포함 31명’” [According to the Ministry of Unification, ‘North Korean escapees who re-defected to North Korea in the recent decade total 31 including 1 this year’], *Yonhap News*, September 27, 2022, <https://www.yna.co.kr/view/AKR20220927061800504>; Hong Seung-wook, “탈북민 2012년 이후 재입북 31명...2030세대 65%” [31 North Korean escapees reentered North Korea since 2012; 65 percent were in their 20s and 30s], *Radio Free Asia*, November 4, 2024, https://www.rfa.org/korean/in_focus/nk_nuclear_talks/north-defectors-re_entry-escapees-unification-11042024085754.html; Kim Dang, “‘제 2의 임지현’ 재입북자 명단과 재입북 사유” [‘Second Lim Ji-hyuns’: The list of North Korean escapees who reentered North Korea and the reasons for re-entering North Korea], *KPI News*, June 3, 2020, <https://www.kpinews.kr/newsView/179546303749769>

⁷⁹ Chang Hoon-Kyung, “‘나 좀 데려가 줘’ 北 유인 공작 급증...억류된 ‘북한 상남자’” [North Korea’s ‘please come take me’ luring operations increase rapidly; detained ‘North Korean manly man’], *SBS*, December 22, 2017, https://news.sbs.co.kr/amp/news.amp?news_id=N1004541106

⁸⁰ Cho Jung-hoon, “北, 탈북자 재입북 중용 ‘너를 기다린다’” [North Korea induces North Korean escapees to re-enter North Korea saying ‘Waiting for you’], *Tongil News*, July 2, 2015, <https://www.tongilnews.com/news/articleView.html?idxno=112642>

⁸¹ Jung Hye-kyung, “‘생사도 알 수 없어’ 북한 억류 4,000일...가족의 호소” [Not even the fate known after 4,000 days of detention in North Korea; appeal by family], *SBS*, September 20, 2024, https://news.sbs.co.kr/news/endPage.do?news_id=N1007806946

⁸² UN WGEID, Hundred-thirteenth session, “Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances,” A/HRC/WGEID/113/1, November 24, 2017, para. 35.

The South Korean authorities should create an inter-ministerial task force that includes the National Police Agency, the Ministry of Justice, the Ministry of Foreign Affairs and the National Intelligence Service to conduct a full-scale investigation into the resettled escapees whose final destination was China before going missing. For those who are identified as having last traveled to China, the South Korean government should ask the Chinese authorities for cooperation in finding their whereabouts.

Although South Korea, in principle, receives and recognizes the South Korean nationality of North Korean escapees who express the will to defect, the screening process supervised by the NIS is ambiguous.

There have been accusations of human rights violations at the NIS-run screening facilities. As early as 1999, a group of North Korean escapees sued the South Korean government for beatings and verbal abuses during the screening process.⁸³

In at least one known instance in November 2019, the South Korean government was caught red-handed forcibly repatriating Woo Beom-seon [우범선] and Kim Hyun-wook [김현욱], two escapees accused of committing murder before fleeing to South Korea by sea.⁸⁴ It has been suggested that the South Korean government tried to appease Kim Jong Un so that he would attend the ASEAN-ROK commemorative summit held in Busan during November 25-26, 2019.

There have also been accusations of the South Korean government returning North Korean escapees to North Korea, especially at sea, for reasons unclear. The first known incident of seaborne escape from North Korea to South Korea was by Yoo Ki-bang [유기방]'s family of eight in May 1955, followed by Kim

⁸³ “탈북자 9명, ‘인권침해당했다’ 국가상대 손해소” [Nine defectors sue government for compensation alleging human rights violations], *Munhwa Ilbo*, February 19, 1999, <https://www.munhwa.com/news/view.html?no=19990219152>

⁸⁴ Kim Eun-bin, “강제복송 탈북어민 이름은 97년생 우범선·96년생 김현욱” [Names of forcibly repatriated North Korean escapee fishermen are Woo Beom-seon and Kim Hyun-wook], *Joongang Ilbo*, September 16, 2022, <https://www.joongang.co.kr/article/25101992>

Man-cheol [김만철]’s family of 11 in January 1987, with the “boat people” from North Korea becoming more frequent since the mid-1990s.⁸⁵

South Korea’s Ministry of Unification has provided the record of past seaborne defections by incident since 2001 (see Table 2), but the South Korean Navy admitted to hundreds more incidents of North Korean fishing vessels entering South Korean waters in the past few years.⁸⁶

Table 2 **List of North Korean Seaborne Defections provided by the ROK Ministry of Unification**

	Date	Drifting area	Drifters	Returnees	Defectors	Return date	Return via
1	2001.01.16.		2	2	0		
2	2001.11.18.		2	2	0		
3	2002.01.09.		3	3	0		
4	2004.01.23.		2	2	0		
5	2004.12.28.		2	2	0		
6	2005.01.23.		2	2	0		
7	2005.09.05.		2	1	1		
8	2005.12.20.		6	6	0		
9	2006.03.18.		5	0	5		
10	2006.10.23.		1	1	0		
11	2006.11.01.		1	1	0		
12	2007.12.10.		5	5	0		
13	2008.06.15.		2	0	2		
14	2008.06.22.		1	0	1		
15	2008.06.24.		1	1	0		
16	2008.06.25.		2	0	2		
17	2008.09.02.		2	2	0		

⁸⁵ Lee Jun-sam, “반세기 넘게 이어지는 ‘북한판 보트피플’” [‘North Korean version of boat people’ for over half a century], *Yonhap News*, September 13, 2011, <https://www.yna.co.kr/view/AKR20110913072400014>

⁸⁶ Se yoon Kim, “2019년 NLL 월선한 北 어선 423척… 軍 3척만 나포: 文 정부, 해상 매뉴얼 무시한 채 北 어선 돌려보내” [423 North Korean fishing boats crossed NLL in 2019; Military seized only 3: Moon administration sent them back, ignoring maritime protocols], *Monthly Chosun*, December 2024, <https://monthly.chosun.com/client/news/viw.asp?ctcd=A&nNewsNumb=202412100020>

	Date	Drifting area	Drifters	Returnees	Defectors	Return date	Return via
18	2009.10.01.		11	0	11		
19	2009.12.21.		7	7	0		
20	2010.01.03.	East Sea	2	2	0	2010.01.06.	Panmunjeom
21	2010.05.08.	West Sea	1	0	1		
22	2010.06.01.	West Sea	1	0	1		
23	2010.06.24.	West Sea	1	0	1		
24	2010.06.27.	East Sea	3	0	3		
25	2010.09.20.	East Sea	4	1	3	2010.09.26.	Sea
26	2010.12.03.	West Sea	3	3	0	2011.01.07.	Sea
27	2010.12.25.	West Sea	1	1	0	2011.01.28.	Sea
28	2011.02.05.	West Sea	31	27	4	2011.03.27.	Sea
29	2011.05.25.	West Sea	1	0	1		
30	2011.06.11.	West Sea	9	0	9		
31	2011.08.11.	West Sea	4	4	0	2011.08.12.	Panmunjeom
32	2011.08.11.	West Sea	3	3	0	2011.08.12.	Sea
33	2011.08.16.	West Sea	2	2	0	2011.08.18.	Panmunjeom
34	2011.10.04.	East Sea	2	0	2		
35	2011.10.30.	West Sea	21	0	21		
36	2011.10.30.	West Sea	1	0	1		
37	2011.11.25.	West Sea	1	1	0	2011.11.25.	Sea
38	2012.12.11.	East Sea	10	10	0	2012.12.12.	Sea
39	2012.12.13.	East Sea	3	3	0	2012.12.16.	Sea
40	2013.07.03.	East Sea	3	3	0	2013.07.05.	Panmunjeom
41	2013.10.26.	East Sea	4	4	0	2013.10.27.	Sea
42	2013.11.22.	West Sea	1	1	0	2013.11.26.	Panmunjeom
43	2013.12.30.	East Sea	4	4	0	2013.12.31.	Sea
44	2014.03.27.	West Sea	3	3	0	2014.03.28.	Sea
45	2014.04.04.	South Sea	3	3	0	2014.04.06.	Panmunjeom
46	2014.05.31.	East Sea	3	1	2	2014.06.03.	Panmunjeom
47	2014.06.16[13]	East Sea	5	5	0	2014.06.16.	Panmunjeom
48	2014.06.16.	East Sea	1	0	1		
49	2014.07.03.	West Sea	1	0	1		

	Date	Drifting area	Drifters	Returnees	Defectors	Return date	Return via
50	2014.08.14.	West Sea	2	0	2		
51	2014.09.07.	East Sea	3	3	0	2014.09.08.	Sea
52	2014.11.18.	East Sea	12	12	0	2014.11.18.	Sea
53	2014.11.19.	East Sea	7	7	0	2014.11.19.	Sea
54	2014.11.23.	East Sea	10	10	0	2014.11.26.	Sea
55	2014.12.19.	East Sea	1	1	0	2014.12.23.	Sea
56	2015.02.12.	East Sea	2	2	0	2015.02.23.	Panmunjeom
57	2015.06.16.	East Sea	5	5	0	2015.06.18.	Sea
58	2015.07.04.	East Sea	5	2	3	2015.07.14.	Panmunjeom
59	2015.09.16.	West Sea	1	0	1		
60	2015.11.22.	East Sea	3	0	3		
61	2015.12.28.	East Sea	3	3	0	2015.12.29.	Panmunjeom
62	2016.08.07.	South Sea	3	0	3		
63	2016.12.11.	East Sea	3	3	0	2016.12.19.	Sea
64	2016.12.11.	East Sea	1	1	0	2016.12.19.	Sea
65	2016.12.12.	East Sea	4	4	0	2016.12.19.	Sea
66	2017.02.13.	East Sea	5	5	0	2017.02.18.	Panmunjeom
67	2017.05.27.	East Sea	3	3	0	2017.05.31.	Sea
68	2017.05.27.	East Sea	3	3	0	2017.05.31.	Sea
69	2017.06.02.	East Sea	1	1	0	2017.06.09.	Sea
70	2017.06.03.	East Sea	3	1	2	2017.06.09.	Sea
71	2017.06.21.	East Sea	7	7	0	2017.06.21.	Sea
72	2017.06.22.	East Sea	8	8	0	2017.06.22.	Sea
73	2017.06.23.	East Sea	8	8	0	2017.06.29.	Sea
74	2017.07.01.	East Sea	5	0	5		
75	2017.08.06.	West Sea	1	1	0	2017.08.11.	Panmunjeom
76	2017.12.20.	East Sea	2	0	2		
77	2018.01.08.	East Sea	1	0	1		
78	2018.05.19.	West Sea	2	0	2		
79	2018.06.11.	East Sea	5	4	1	2018.06.15.	Panmunjeom
80	2018.08.12.	East Sea	4	0	4		
81	2018.11.22.	East Sea	2	2	0	2018.11.23.	Sea

	Date	Drifting area	Drifters	Returnees	Defectors	Return date	Return via
82	2018.12.20.	East Sea	3 (+1 body)	3	0	2018.12.22.	Panmunjeom
83	2019.06.15.	East Sea	4	2	2	2019.06.18.	Panmunjeom
84	2019.07.27.	East Sea	3	3	0	2019.07.29.	Sea
85	2019.11.02.	East Sea	2	2	0	2019.11.07.	Panmunjeom
86	2022.03.08.	West Sea	7	7	0	2022.03.09.	Sea
87	2023.05.06.	West Sea	9	0	9		
88	2023.10.24.	East Sea	4	0	4		
89	2024.08.08.	West Sea	1	0	1		
Total			349	231	118		

The South Korean Coast Guard's list of seaborne defections (no record of the date and route of repatriation) contains incidents that are not on the Ministry of Unification's list or with different recorded dates (marked in Table 3). The incidents on June 21-22, 2017 in the Ministry of Unification's list are missing in the Coast Guard's list.

Table 3 **List of North Korean Seaborne Defections provided by the ROK Coast Guard**

	Date	Defectors	Returnees
1	2015.02.12.	2	2
2	2015.06.16.	5	5
3	2015.07.04.	5	2
4	2015.09.04.	3	
5	2015.09.16.	1	
6	2015.09.29.	1	
7	2015.11.22.	3	
8	2015.12.28.	3	3
9	2016.08.07	3	
10	2016.08.24.	1	
11	2016.09.19.	2	
12	2016.12.11. (2 cases)	4	4
13	2016.12.12.	4	4
14	2017.02.13.	5	5

	Date	Defectors	Returnees
15	2017.05.27. (2 cases)	6	6
16	2017.06.02.	1	1
17	2017.06.03.	3	1
18	2017.06.23.	8	8
19	2017.07.01.	5	
20	2017.08.06.	1	1
21	2017.12.20.	2	
22	2018.01.08.	1	
23	2018.05.19.	2	
24	2018.06.11.	5	4
25	2018.08.12	4	
26	2018.11.20.	2	2
27	2018.12.20.	3	3
28	2019.06.15.	4	2
29	2019.07.27.	3	3
30	2019.10.31.	2	2
31	2019.12.19.	2	2
32	2022.03.08.	7	7
33	2023.05.06.	9	
34	2023.10.24.	4	
35	2024.08.08.	1	
	Total	117	67

The Ministry of Unification should collect all relevant information from other government bodies, including the military and intelligence agencies, and publish on its website all known instances of seaborne escapes to ensure transparency.

Religious Believers and ‘Subversive Influencers’

The North Korean government routinely arrests and forcibly disappears religious believers and others deemed to introduce ‘subversive influences.’ While the COI DPRK only identified crimes against humanity of murder,

imprisonment, torture and persecution for this category of victims, there have been numerous reported cases of their enforced disappearances.

Many Christians and other religious believers were taken to be secretly executed or sent to political prison camps, especially in the 1950s and 1960s. In 1950, a quarter of the population had a religion; in 2002, that ratio had dropped to 0.16 or 0.27 percent depending on the two versions of statistics provided by the North Korean government.⁸⁷

The brutal persecution of Christianity and other religions continues in North Korea. TJWG has documented enforced disappearances of persons for even the possession and distribution of Bibles and having a prayer alone at home.⁸⁸

Article 68 of the ‘Socialist Constitution’ provides that:

“Citizens have freedom of religious belief. This right is granted through the approval of the construction of religious buildings and the holding of religious ceremonies. Religion must not be used as a pretext for drawing

⁸⁷ In 1950, there were 2,132,000 religious believers (1,500,000 Cheondo, 375,000 Buddhists, 200,000 Protestants and 57,000 Catholics) or 23.69 percent of the total population (9 million) according to the Korean Workers’ Party Yearbook. However, Christian Solidarity Worldwide (CSW) provides the ‘realistic estimate’ of 2,557,000 religious believers or 28.41 percent of the total population. CSW, *North Korea: Case to Answer - A Call to Act: The urgent need to respond to mass killings, arbitrary imprisonment, torture and related international crimes* (United Kingdom: CSW, 2007), 65, <https://www.csw.org.uk/2007/06/20/report/35/article.htm>; In 2002, there were 37,800 religious believers (15,000 Cheondo, 10,000 Buddhists, 12,000 Protestants and 800 Catholics) according to the replies submitted by North Korea in response to the concerns identified by the Human Rights Committee in its concluding observations on North Korea’s second periodic report under the International Covenant on Civil and Political Rights. UN HRC, Seventy-fifth session, “Concluding observations of the Human Rights Committee: Democratic People’s Republic of Korea,” CCPR/CO/72/PRK/Add.1, August 5, 2002, para. 5, <https://undocs.org/CCPR/CO/72/PRK/Add.1>; Given that North Korea reported that its population as of 2000 was 22,963,000, this would mean 0.16 percent of the population. “Core Document Forming Part of the Reports of the States Parties: Democratic People’s Republic of Korea,” HRI/CORE/1/Add.108/Rev.1, July 16, 2002, para. 4, <https://undocs.org/HRI/CORE/1/Add.108/Rev.1>; However, a North Korean official named Kim Yong Chol stated in his response to a question from Mr. Ivan Shearer, a member of the Human Rights Committee, that there were 63,000 religious believers (40,000 Cheondo, 10,000 Buddhists, 10,000 Protestants and 3,000 Catholics) or 0.27 percent of the population. UN HRC, Seventy-second session, “Summary Record of the 1946th Meeting,” CCPR/C/SR.1946, October 30, 2001, para. 63, <https://undocs.org/CCPR/C/SR.1946>; Even in 1990, the authorities arrested 86 Christians holding a secret service in Anak County, South Hwanghae Province. Kang Chol-hwan, “기독교인 86명 비밀예배보다 수난” [86 Christians holding secret service face ordeal], *Chosun Ilbo*, June 17, 2001, https://www.chosun.com/site/data/html_dir/2001/06/17/2001061770160.html

⁸⁸ TJWG, *Existing “Nowhere”*, 66-67.

in foreign forces or for harming the State or social order.”⁸⁹

However, the North Korean authorities can arrest and disappear religious believers, especially Christians for their alleged ties to South Korea and other countries, for ‘subverting the state’ or other political offenses. It has been reported that the MSS prefers to punish them silently to avoid inadvertently advertising Christianity or other religions to the people who generally do not know about them.

The North Korean laws explicitly criminalize ‘superstitious activities,’ which is generally known to refer to fortune-telling, while few explicitly ban religious activities. It is necessary to document the activities punished as ‘superstition’ and to compare similar provisions found in other Asian communist states for comparative analysis.⁹⁰

In 2021, North Korea enacted the Youth Education Guarantee Law [청년교양 보장법], one of the three infamous pandemic-era laws. Article 41 of this Law provides that “the youth must not do the following acts: ... acts of religions and superstition.” It is important to understand why the Youth Education Guarantee Law departed from other laws in explicitly banning religious activity and whether other laws will follow this new precedent.

TJWG has also identified the enforced disappearances of persons for communication with the outside world as well as the consumption and dissemination of South Korean and other foreign culture.⁹¹ Enforced disappearances under the recent enactment of the Reactionary Thought and Culture Rejection Law, the Pyongyang Cultural Language Protection Law and the Enemy Area Material

⁸⁹ “DPRK Constitution (2019),” National Committee on North Korea, https://www.ncnk.org/resources/publications/dprk-constitution-2019.pdf/file_view; North Korea reportedly revised its constitution in November 2024, but the text of the revised constitution has not been made public.

⁹⁰ See article 300 of the Criminal Law of the People’s Republic of China; article 320 of the Criminal Code of the Socialist Republic of Vietnam and articles 3 (13) and 184 of the Penal Code of the Lao People’s Democratic Republic.

⁹¹ TJWG, *Existing “Nowhere”*, 64-65 and 67-68.

Disposal Law, which are likely to increase the uniformity and severity of punishments, will require greater documentation and analysis.

Foreigners Abducted and/or Disappeared by North Korea

North Korea's abduction and enforced disappearance of foreigners dates back to the 1950s with the South Korean POWs and civilian abductees during the Korean War and "returnees" from Japan since 1959. Ali Lameda, a Venezuelan communist arrested and disappeared in a political prison camp in 1967-1974, first informed the outside world about an estimated 150,000 political prisoners in North Korea.⁹²

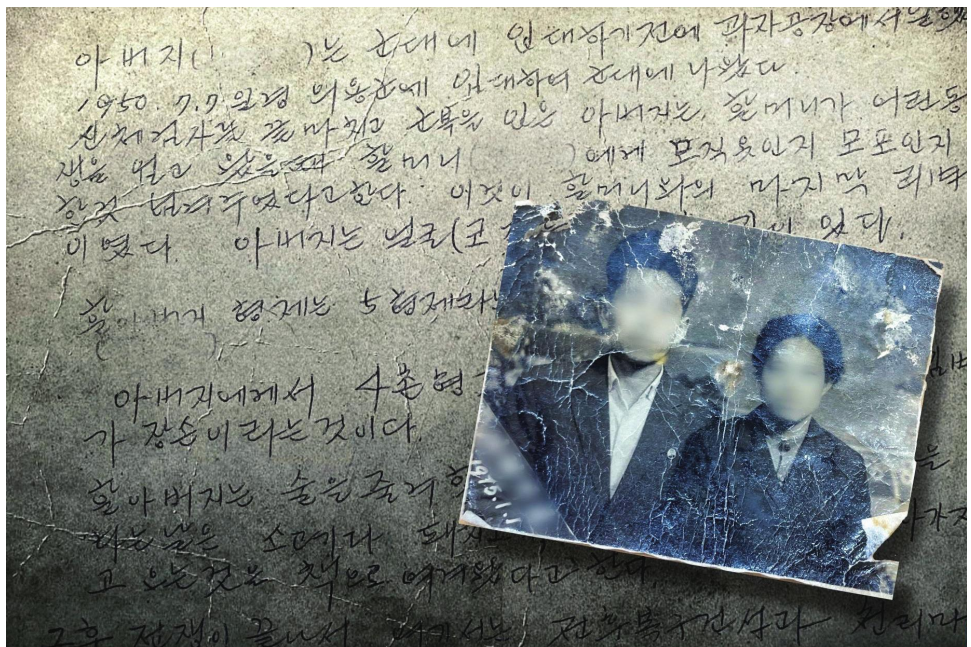
The Committee for Human Rights in North Korea (HRNK)'s 2011 report *TAKEN! North Korea's Criminal Abduction of Citizens of Other Countries* provided comprehensive documentation of North Korea's abduction and enforced disappearance of people from other countries,⁹³ which was cited extensively by the COI DPRK.

Some victim states, namely Japan and South Korea, have conducted partial investigations of the abduction and enforced disappearances of their citizens. However, in the case of countries with a small number of abductees, fact-finding by the states of their nationalities has been limited.

Although South Korea's Truth and Reconciliation Commission (TRC) investigates cases primarily upon application by the victims' families or acquaintances and the deadline for such applications lapsed in December 2022, it has the power to open investigations where it deems them necessary. TRC can exercise this power to open investigations into the abductions of foreigners by North Korea that have not been properly investigated in the past.

⁹² Amnesty International, *Ali Lameda: A personal account*.

⁹³ HRNK, *TAKEN! North Korea's Criminal Abduction of Citizens of Other Countries* (Washington DC: HRNK, 2011), <https://www.hrnk.org/documentations/taken>



A letter from a South Korean POW and his family, disappeared in North Korea, asking for rescue [Source: Mulmangcho]

While the Japanese government has investigated and recognized 17 Japanese citizens, including Yokota Megumi, as abduction victims, it has taken little action to investigate the fate and whereabouts of at least 93,340 ethnic Koreans and their Japanese spouses who disappeared after ‘returning’ to North Korea from Japan from 1959 to 1984.

Most “returnees” had become stateless after their Japanese nationality was stripped by an administrative decree, the circular notice of the Director-General of the Civil Affairs Bureau of the Attorney General’s Office of April 19, 1952 on “the administrative disposal of the nationality and family registrar of Koreans, Taiwanese, etc. accompanying the Peace Treaty,” and were deemed to have acquired North Korean nationality after their ‘return’ to North Korea. As a result, no government has been active in fact-finding about them.

On December 9, 2022, NKHR and TJWG made a submission to South Korea’s



Han Jae-bok (second from left), a former South Korean POW, his Mulmangcho lawyers and supporters smile as they walk out of court on July 7, 2020, after winning compensation from the Democratic People's Republic of Korea for decades of slave labor [Source: Mulmangcho (Yoon Sang-gu)]

TRC asking for the investigation of the ‘Paradise on Earth’ project that resulted in at least 93,340 ethnic Koreans and their Japanese spouses ‘returning’ to North Korea from Japan from 1959 to 1984. The submission was filed on behalf of more than a dozen “returnees” who later escaped from North Korea to South Korea and Japan.⁹⁴

94 Park Su-yoon, “대북단체, 진실화해위에 ‘재일교포 복송’ 공식조사 요청” [North Korean groups request official investigation of ‘repatriation of Koreans in Japan to North Korea’ to the Truth and Reconciliation], *Yonhap News*, December 8, 2022, <https://www.yna.co.kr/view/AKR20221208159200504>

Separate from the ‘Paradise on Earth’ project, there have been reports of the members of the pro-North Korean General Association of Korean Residents in Japan (*Chongryon*) disappearing after making ‘visits’ to North Korea. It has been speculated that *Chongryon* cadres ask North Korean officials to ‘disappear’ their political enemies with the organization to eliminate them in internal power struggles. Before traveling to North Korea, *Chongryon* members who do not have Japanese nationality have to apply for the reentry permit from Japanese immigration offices unless they intend to permanently stay in North Korea. Therefore, the Japanese government can publish the annual number of *Chongryon* members who left Japan with the reentry permit but never returned. If the numbers raise serious concerns, the Japanese authorities can investigate these cases as possible enforced disappearances in North Korea. On May 26, 2015, Arita Yoshifu, member of the Diet, asked the Japanese government in writing whether it is aware of the number of stateless Koreans in Japan that participated in the “homeland visiting group project” but did not reenter Japan after having applied for the reentry permits. However, the Japanese government curtly replied that it is difficult to answer because it does not take record of the relevant statistics.

On August 7, 2024, TRC found that human rights violations had been committed by the North Korean government and the pro-North Korea General Association of Korean Residents in Japan. It also recognized the responsibility of the Japanese government and Red Cross, the International Committee of the Red Cross and the South Korean government. It was the first-ever fact-finding investigation of the ‘Paradise on Earth’ project by a government body.⁹⁵

In South Korea, the CSOs have played a leading role in the documentation of abductees and the creation of the government’s investigative commissions. The Korean War Abductees Family Union (KWAFU) compiled the lists of wartime

⁹⁵ Truth and Reconciliation Commission, “재일교포 복송에 의한 인권유린 사건 진실규명” [Fact-finding on the case of human rights abuse by repatriation of Koreans in Japan to North Korea], press release, August 7, 2024, https://www.jinsil.go.kr/fnt/nac/selectNoticeDetail.do?bbsId=BBSMSTR_000000000710&nttlId=321862



A ship carrying "returnees" departs Niigata, Japan for Chongjin, North Korea in December 1959. The banner reads "We fervently welcome the return of Korean citizens in Japan" [Source: International Committee of the Red Cross (ICRC)]

abductees in the 1950s and successfully advocated for the passage of the government fact-finding bill in 2010. The Committee on Fact-Finding of Korean War Abductions identified 4,777 individuals as wartime abductees based on the submissions from their families and compiled a list of 94,121 wartime abductees. This list was consolidated from the 12 lists of wartime abductees abducted from 1950 to 1963.

However, the Committee's consolidated report redacted the names of the abductees on privacy grounds. This is difficult to justify, especially given the passage of time, and the South Korean government should consider making them public.

The Committee also simply shelved over 300 cases of enforced disappearances committed in North Korea before the outbreak of the Korean War, that were filed by the victims' families on the ground that they were beyond its mandate.⁹⁶

The TRC or the Ministry of Unification's North Korean Human Rights Record Center could have the files transferred to it for investigation of the first reported cases of enforced disappearances in North Korea. The families of the wartime civilian abductees have also been calling for compensation from the South Korean government.

The facts concerning the post-1953 abductees, largely fishermen, were reported in most cases at the time of the abduction, but the Abductees' Family Union continued to collect and publish North Korea's internal documents about the fate and whereabouts of the abductees.⁹⁷ The call for a compensation bill by the Abductees' Family Union was realized in 2007 and the compensation committee published a white paper with the full list of known abductees in 2011.⁹⁸

In contrast to the wartime and post-war civilian abductees, South Korea never created a similar truth commission for the POW issue. In June 2021, Cho Tae-yong, then-member of the National Assembly and now the Director of NIS, sponsored a bill for the creation of a fact-finding commission for the Korean War-era POWs, but the bill perished with the end of the 21st National Assembly

⁹⁶ Committee on Fact-Finding of Korean War Abductions, *Fact-Finding Report*, 110.

⁹⁷ "남북단체 입수 北 문건 '해원·규원' 생존자 분류" [North Korean document obtained by abductees group classify 'Hae Won and Kyu Won' as survivors], *DailyNK*, January 26, 2012, <https://www.dailynk.com/남북단체-입수-北-문건-해원-규원-생/>

⁹⁸ Committee to Deliberate on Compensation and Support for Abduction Victims, *전후 남북피해자 보상 및 지원 백서* [White Paper on Compensation and Support for Abduction Victims] (Seoul: Abductee Support Directorate, 2011), <http://dl.nanet.go.kr/law/SearchDetailView.do?cn=MONO1201214458>

in May 2024.⁹⁹

On August 25, 2023, TJWG and other NGOs sent an open letter to Cho Tae-yong, calling for a government bill for the establishment of an investigative commission on POWs to cover not only the Korean War but also the Vietnam War and post-1953 military clashes between the two Koreas.¹⁰⁰ TJWG also held meetings with the Ministry of National Defense's Arms Control and Nonproliferation Policy Division, which oversees the POW issue in the South Korean government, and asked for the submission of a government bill.

On December 20, 2024, the Seoul Metropolitan Council adopted a recommendation proposed by Council Member Muhn Sung-ho for the creation of an investigative commission on the POW issue by the central government.¹⁰¹

The Korean War POW Family Association successfully advocated for the bill. Other local assemblies in South Korea, such as the Gyeonggi Provincial Assembly, may adopt similar recommendations.

99 ROK National Assembly, *6·25전쟁 국군포로의 진상규명 및 명예회복에 관한 법률안* [Bill on Finding the Truth and Restoring Honor for the Republic of Korea Armed Forces Prisoners of War from the Korean War], Bill no. 2111051, proposed by 29 members including Cho Tae-yong on June 24, 2021, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_B2M1Z0V6A1G6R0M9E1M1C2O7Q1B1L2

100 TJWG, "Open letter urging a government bill for the establishment of a POW investigative commission," August 25, 2023, <https://en.tjwg.org/2023/08/25/open-letter-urging-a-government-bill-for-the-establishment-of-a-pow-investigative-commission>; The information about South Korean POWs dead during the Korean War and identification of the burial sites for the UN from a recent statement from an escapee who served a long sentence in South Korean prison for committing murder after defecting to South Korea in 1996 show that unexpected breaks are possible in the North Korean documentation work. Yoo Ho-yoon, "'북한에서 20년 숨어살다 처형된 국군포로 있다'...첫 증언" [First testimony about South Korean POW executed after hiding out in North Korea for 20 years], *KBS*, November 23, 2023, <https://news.kbs.co.kr/news/pc/view/view.do?ncd=7849457>; Yang Min-cheol, "정부, 유엔군 대규모 매장 위치 3곳 유력 증언 확보...조사 착수" [Government obtains compelling testimony concerning 3 mass burial sites for UN forces; investigation commenced], *KBS*, December 14, 2023, <https://news.kbs.co.kr/news/pc/view/view.do?ncd=7842248>

101 문성호 의원 외 19인, *국군포로 명예회복 및 제도개선 건의안* [Recommendation bill for the honor restoration and institutional improvement for South Korean prisoners of war], Bill no. 11-02231, <https://www.smc.seoul.kr/info/billRead.do?menuId=006004002&url=/billNewList.do&propTypeCd=07&generationNum=011&billNo=02231&billTypeCd=1&billNum=1&1=1>; Lee Jung-eun, "서울시의회, 국회에 '국군포로 진상규명' 법률 제정 건의" [Seoul Metropolitan Council recommends the National Assembly to enact law on POW fact-finding], *RFA*, December 20, 2024, https://www.rfa.org/korean/in_focus/nk_nuclear_talks/north-korea-pow-factfinding-seoul-council-12202024094607.html



Kim Yung-ho, ROK Unification Minister, Lee Shin-hwa, ROK Ambassador for International Cooperation on North Korean Human Rights, and Julie Turner, US Special Envoy on North Korean Human Rights Issues, join Choi Sung-ryong, Representative of the Family Assembly of Those Abducted to North Korea, and other abductees' families at the unveiling of a monument at Seonyudo Beach on May 24, 2024 [Source: ROK Ministry of Unification]

TJWG has also asked the Ministry of National Defense officials to update (1) the number of unrepatriated POWs that have been identified by POWs who successfully escaped to South Korea, and North Korean refugees, which was last updated in 2007, and (2) the number of POW family members that have successfully made their way to South Korea. The Ministry of National Defense's Arms Control and Nonproliferation Policy Division keeps track of only the number of households, not individuals.

At the request of TJWG, the Korean War POW Family Association, and other CSOs, a resolution urging the return of South Korean POWs from the North Korean seizure of South Korea navy vessel I-2 on June 5, 1970, was proposed

by lawmaker Ha Tae-Keung on November 11, 2020. However, the bill perished in the Foreign Affairs and Unification Committee without any action.¹⁰²

The United States and other like-minded governments should extend support to the South Korean investigative commission on the POW issue, including providing access to their archives.

North Korea's Overseas Workers and Military Personnel

The 2014 COI report did not address the issue of North Korea's overseas workers extensively, as their numbers, especially in China, were only beginning to grow at the time of its writing. However, it is worth noting that the history of North Korean workers, including loggers and fishermen, in Russia stretches back to the Soviet period in the late 1940s, and their flight en masse in the early 1990s was the first wave of North Korean refugees in the early 1990s.

Overseas workers endure various human and labor rights violations under conditions that contribute to forced labor and those caught attempting to escape are subjected to abduction and enforced disappearance by the North Korean authorities dispatched to surveil them. There have been claims that these human and labor rights violations amount to crimes against humanity of enslavement, imprisonment, torture, sexual violence, persecution and other inhumane acts.

Under United Nations Security Council resolution 2397, all UN member states were required to repatriate all North Korean nationals earning income in their jurisdiction, and all “government safety oversight attachés” monitoring North Korean workers abroad by December 2019. This was mainly because the North

¹⁰² 하태경 의원 외 10인, *한국판 푸에블로호 사건인 1970년 6월 5일 해군 방송선 I-2호정 나포사건 50주년에 즈음한 북한의 I-2호정 승조원 20명의 생사 확인 및 포로 즉각 송환 등 촉구 결의안* [Resolution urging the clarification of the fate of 20 crew, the immediate return of prisoners of war, etc. by North Korea on the 50th year of the seizure of navy broadcast vessel I-2 on June 5, 1970, which is the South Korean version of the Pueblo incident], Resolution no. 2105204, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_Q2G0D1P1U1F1C1Y3J3N1O0X6O1X3T3

Korean government effectively seizes most of the salaries that are paid out by local employers to North Korean workers around the world, and uses it to fund its illegal weapons programs.

However, China, Russia and other countries have allowed the continued stay and additional arrival of tens of thousands of overseas North Korean workers in their territories. North Korea's transnational repression, including abduction and enforced disappearance, against its overseas workers in China, Russia and elsewhere remain under-documented. A recent *New Yorker* article that utilized open-source intelligence and interviews with North Korean workers to expose these violations in China's seafood processing industry, shows that documentation is not impossible.¹⁰³

The MSS maintains presence in China and Russia to surveil the workers and to capture escapees. There have been reports of North Korean workers staging a violent strike in China in January 2024.¹⁰⁴ The fate and whereabouts of the striking workers remain unclear.

In Russia, North Koreans who attempted to escape such as Major Choe Kum Chol [최금철], a North Korean IT specialist in the North Korean People's Army, were captured by the Russian police as they tried to seek asylum at the UN High Commissioner for Refugees and detained in the North Korean consulate in Vladivostok.¹⁰⁵

According to the Civic Assistance Committee (Комитет «Гражданское содействие»), a Russian refugee NGO, North Koreans who attempt to escape can expect limited protection from the Russian authorities. In 2011-

¹⁰³ Ian Urbina, "Inside North Korea's Forced-Labor Program," *New Yorker*, February 25, 2024, <https://www.newyorker.com/magazine/2024/03/04/inside-north-koreas-forced-labor-program-in-china>

¹⁰⁴ Aadil Brar, "North Korean Official Killed in China After 'Violent Protests,'" *Newsweek*, January 30, 2024, <https://www.newsweek.com/north-korea-china-official-killed-workers-strike-wages-1865115>

¹⁰⁵ William Kim and Christy Lee, "North Korean Cyberwarfare Officer Arrested in Vladivostok While Seeking Asylum," *Voice of America*, February 10, 2022, <https://www.voanews.com/a/north-korean-cyberwarfare-officer-arrested-in-vladivostok-while-seeking-asylum-/6436872.html>

2019, among the 207 applicants, the Russian authorities granted refugee status to only one person in 2011 and only 213 of 305 who applied for temporary asylum were granted the temporary status while the Russian courts, which lack independence, have ordered expulsions of North Koreans in many cases.¹⁰⁶

North Korea's recent deployment of military units to Russia also creates the need for the related documentation. The conscription and selection of North Koreans deployed to Russia and their understanding and observance of international humanitarian law as combatants and possible POWs also require informed discussion. There have already been reports of starving North Korean soldiers deserting the battlefield.¹⁰⁷ The fate and whereabouts of them and other North Korean soldiers who desert or attempt to surrender or defect are a serious concern. At the same time, deserting, surrendering or defecting North Korean soldiers are likely to be an important source of information for documentation.

Persons with Disabilities Transferred to a Remote Island

The 2014 COI report cited “disturbing allegations of an island in South Hamgyong Province where gruesome medical testing of biological and chemical weapons has been conducted on persons with disabilities” based on the statement of a former high-level official.¹⁰⁸ While admitting that it is “not in a position to confirm these allegations,” the COI DPRK noted them as subjects for further investigation.

TJWG and other groups will continue the search for more information concerning the reported disappearances of persons with disabilities in this elusive island in the South Hamgyong Province.

¹⁰⁶ Gannushkina, Troitsky and Lee, “Overview of the situation with refugees from the DPRK”.

¹⁰⁷ Nate Ostiller and The Kyiv Independent news desk, “18 North Korean soldiers already deserted positions by Ukraine’s border, intelligence sources tell Suspilne,” *Kyiv Independent*, October 15, 2024, <https://kyivindependent.com/18-north-korean-soldiers-already-deserted-positions-by-ukraines-border-intelligence-sources-tell-suspilne>

¹⁰⁸ UN HRC, “Report of the commission of inquiry,” para. 328.

ACCOUNTABILITY

There can be no impunity for North Korea's crime of enforced disappearance and abduction. The international community has come to consensus on the need for justice and accountability for such crimes ever since the World War II-era atrocities shocked the conscience of humanity and resulted in the historic judgments at Nuremberg and Tokyo.

The documentation of North Korea's crimes and violations, including enforced disappearances, should facilitate accountability for those crimes and violations. At the same time, accountability projects such as the COI DPRK can greatly facilitate documentation.

TJWG views the accountability project as an integral part and a vehicle for North Korean human rights advocacy. The COI DPRK was a prime example: unlike other UN fact-finding projects that were created in response to an international outcry over well-publicized atrocities accompanying armed conflict or popular revolution, the COI DPRK was created by the advocacy work of NGOs like Human Rights Watch and the Citizens' Alliance for North Korean Human Rights and its landmark report in turn generated unprecedented international interest in North Korean human rights and refugee issues.

In 2014, the COI DPRK found that "the international community must discharge its responsibility to protect by pursuing a multi-faceted strategy that combines strong accountability measures targeting those most responsible for crimes against humanity."¹⁰⁹

The COI DPRK also recommended that:

"The United Nations High Commissioner for Human Rights, with full support from the Human Rights Council and the General Assembly, should establish a structure to help to ensure accountability for human rights violations in the Democratic People's Republic of Korea, in

¹⁰⁹ UN HRC, "Report of the commission of inquiry," para. 1210.

particular where such violations amount to crimes against humanity. The structure should build on the collection of evidence and documentation work of the Commission, and further expand its database. ... In addition to informing the work of human rights reporting mechanisms and serving as a secure archive for information provided by relevant stakeholders, the work of such a structure should facilitate United Nations efforts to prosecute, or otherwise render accountable, those most responsible for crimes against humanity.”¹¹⁰

The UN General Assembly resolutions have continued to call upon Member States to “undertake, where possible, the investigation and prosecution of persons suspected of committing international crimes in the Democratic People’s Republic of Korea, in accordance with international law.”¹¹¹

At the Trilateral Meeting on Human Rights on October 18, 2024, South Korea, the United States and Japan “urge[d] the international community to shift its approach on North Korean human rights issues toward action – from monitoring violations and abuses to promoting accountability.”¹¹² South Korea’s joint summit statement with Canada committed to “seek accountability”¹¹³ while its joint summit statements with Romania¹¹⁴ and

¹¹⁰ UN HRC, “Report of the commission of inquiry,” para. 1225(c).

¹¹¹ UN General Assembly, Seventy-sixth session, “General Assembly Resolution on the situation of human rights in the DPRK adopted on 16 December 2021,” A/RES/76/177, January 10, 2022, <https://seoul.ohchr.org/index.php/en/node/401>; UN General Assembly, Seventy-seventh session, “General Assembly Resolution on the situation of human rights in the DPRK adopted on 15 December 2022,” A/RES/77/226, January 9, 2023, <https://seoul.ohchr.org/en/node/520>; UN General Assembly, Seventy-eighth session, “General Assembly Resolution on the situation of human rights in the DPRK adopted on 19 December 2023,” A/RES/78/218, December 22, 2023, <https://seoul.ohchr.org/en/node/547>

¹¹² U.S. Department of State, “Joint Statement on Strengthening Cooperation to Improve Human Rights in North Korea,” press release, October 18, 2024, <https://www.state.gov/joint-statement-on-strengthening-cooperation-to-improve-human-rights-in-north-korea>

¹¹³ Canada Office of the Prime Minister, “Leaders’ Joint Statement in Commemoration of the 60th Anniversary of Diplomatic Relations Between the Republic of Korea and Canada: Stronger Together for the Next 60 years,” May 17, 2023, <https://www.pm.gc.ca/en/news/statements/2023/05/17/leaders-joint-statement-commemoration-60th-anniversary-diplomatic>

¹¹⁴ ROK Office of the President, “대한민국과 슬로바키아 공화국 간 전략적 동반자 관계 수립에 관한 공동성명” [Joint Statement on the Establishment of a Strategic Partnership Between the Republic of Korea and the Slovak Republic], press release, September 30, 2024, <https://www.president.go.kr/newsroom/press/urC3DXWa>

Peru¹¹⁵ included the expression of concerns about possible crimes against humanity in North Korea.

TJWG and other NGOs have been urging South Korea and other governments to mention accountability for North Korea's human rights abuses in joint summit statements and other diplomatic statements. We have also been asking national and local legislatures around the world to support calls to hold the perpetrators accountable.

With our partner Christian Solidarity Worldwide, TJWG met with members of the European Parliament and their staff to reemphasize the need for accountability for North Korea's grave human rights situation. The meetings helped the resolution condemning North Korea's military deployment in support of Russia's unlawful invasion of Ukraine include language that "... calls for the European Union and international partners to enhance efforts to hold the North Korean regime accountable for its human rights abuses; urges increased support for civil society organisations and human rights defenders working to document abuses and provide aid to North Korean citizens; ..." ¹¹⁶

On June 7, 2016, the Argentine Chamber of Deputies adopted a North Korean human rights resolution condemning North Korea's enforced disappearances and other grave human rights violations and urging it to release all political prisoners. ¹¹⁷

115 ROK Office of the President, "한-페루 정상회담, '공동선언문' 채택...방산·인프라 등 협력 강화" [Korea-Peru summit adopts 'joint declaration'; strengthening cooperation in defense industry and infrastructure], press release, November 17, 2024, <https://www.korea.kr/news/policyNewsView.do?newsId=148936364>

116 "Resolution on Reinforcing the EU's Unwavering Support to Ukraine Against Russia's War of Aggression and the Increasing Military Cooperation Between North Korea and Russia," European Parliament Legislative Observatory, [https://oeil.secure.europarl.europa.eu/oeil/en/procedure-file?reference=2024/2940\(RSP\)](https://oeil.secure.europarl.europa.eu/oeil/en/procedure-file?reference=2024/2940(RSP))

117 Cámara de Diputados de la Nación Argentina, "Expresar apoyo a la Resolución 70/172 aprobada por la Asamblea General de las Naciones Unidas, el 17 de diciembre de 2015 sobre la situación de los Derechos Humanos en la República Popular Democrática de Corea del Norte" [To express support for Resolution 70/172 approved by the United Nations General Assembly on December 17, 2015 on the situation of Human Rights in the Democratic People's Republic of North Korea] proposed by Martín Maquieyra on April 21, 2016, adopted on June 7, 2016, <https://www.diputados.gov.ar/comisiones/permanentes/creyculto/proyecto.html?exp=1919-D-2016>

This accountability push had been bolstered by the appointment of Professor Lee Shin-wha as South Korea's Ambassador for International Cooperation on North Korean Human Rights on July 19, 2022, and the appointment of Ambassador Julie Turner as America's Special Envoy on North Korean human rights issues on October 13, 2023. Their appointments followed years of vacancy that deprived the North Korean human rights movement of the most visible spokespersons for accountability. However, Ambassador Lee's successor has not been appointed following the end of her mandate on July 18, 2024 and it is unclear if the latest administration will appoint a new Special Envoy after January 20, 2025.

The United States should also consider making the atrocity determination in North Korea with respect to the well-documented crimes against humanity, including those identified by the COI DPRK.¹¹⁸ The Secretary of State has made the genocide and crimes against humanity determination in Xinjiang by China on January 19, 2021, the genocide and crimes against humanity determination in Myanmar on March 21, 2022, and most recently the war crimes, crimes against humanity and ethnic cleansing determination in Sudan on December 6, 2023.¹¹⁹ The atrocity determination will be a powerful signal about accountability for crimes against humanity committed in North Korea.

The expectation of justice and accountability for North Korea's crime of enforced disappearance and abduction will also have a deterrence effect on the perpetrators. While the top leaders such as Kim Jong Un may have no incentives to cease committing crimes against humanity and other grave human rights

¹¹⁸ Olivia Enos, "The US Needs to Issue an Atrocity Determination for North Korea," Hudson Institute, April 30, 2024, <https://www.hudson.org/human-rights/us-needs-issue-atrocity-determination-north-korea-olivia-enos>. See also Olivia Enos, "Why the U.S. Should Issue an Atrocity Determination for Uighurs," Heritage Foundation, September 17, 2020.

¹¹⁹ U.S. Department of State, "Determination of the Secretary of State on Atrocities in Xinjiang," press release, January 19, 2021, <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang>; "Secretary Antony J. Blinken on the Genocide and Crimes Against Humanity in Burma," press release, March 21, 2022, <https://www.state.gov/secretary-antony-j-blinken-at-the-united-states-holocaust-memorial-museum/>; "War Crimes, Crimes Against Humanity, and Ethnic Cleansing Determination in Sudan," press release, December 6, 2023, <https://www.state.gov/war-crimes-crimes-against-humanity-and-ethnic-cleansing-determination-in-sudan>

violations, the mid-level cadres who are aware of the legal consequences for their actions may have reasons to curtail their worst abuses, especially in cases where they can exercise discretion and therefore cannot claim that they were “following orders.”

The “high-level plenary meeting” on North Korea’s human rights abuses and violations at the 2025 UN General Assembly, mandated by the North Korean human rights resolution adopted by the UN General Assembly’s Third Committee on November 20, 2024 (A/C.3/79/L.34), will be another important occasion to emphasize this point. This meeting can build upon the side event organized by HanVoice, TJWG and other CSOs during this year’s UN General Assembly high-level week on September 25, 2024 where families of a North Korean refugee deported from China to North Korea, an unrepatriated South Korean prisoner of war, a detained South Korean missionary and a Japanese abductee called for accountability for the forced separation of families before South Korean Foreign Minister Cho Tae-yul and other officials of like-minded states.

The Legal Framework

Under international criminal law, the crime of enforced disappearance can be punished either as (1) a stand-alone crime or (2) a crime against humanity when certain conditions, including its widespread or systematic practice, are met. They are respectively codified in two international treaties. The International Convention for the Protection of All Persons from Enforced Disappearance (Enforced Disappearance Convention) provides the legal definition of enforced disappearance (article 2) and requires the state parties to take legislative measures to criminalize enforced disappearance (article 4). If an offender is present in its territory, the state party has the obligation to prosecute or extradite the offender (article 9).

The Enforced Disappearance Convention makes clear that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law (article 5). Under the Rome Statute, the definition of crimes against humanity is inhumane acts “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.” One of the inhumane acts for the purpose of the definition of crimes against humanity is enforced disappearance of persons.

According to the principle of complementarity, states parties have the primary jurisdiction over the international crimes stipulated in the Rome Statute and the International Criminal Court (ICC) exercises its jurisdiction only when the states parties are unable or unwilling to do so. Most member states in practice codify the ICC crimes in domestic legislation to avoid a situation where they

would be unable to exercise jurisdiction because of the legal *lacunae*.

In theory, treaty provisions may be ‘self-executing’ or directly applicable in the domestic legal system without separate legislation. But the principle of legality (*nullum crimen, nulla poena sine lege* or ‘no crime, no punishment without law’) makes it difficult to apply the Enforced Disappearance Convention or the Rome Statute directly without domestic implementing legislation in criminal cases. For instance, neither the Enforced Disappearance Convention nor the Rome Statute prescribes the punishment for the convicted offenders—a matter left to national legal provisions.

The principle of legality requires that an act or omission be punished as a crime only in accordance with the legislation in force at the time. The future prosecution of cases of enforced disappearances that occurred prior to the enactment of the relevant legislation in the jurisdiction may invite criticism for violation of this fundamental principle of modern criminal law.

It is unlikely that North Korea, China or Russia will ratify or accede to the Rome Statute or Enforced Disappearance Convention in the near future. Nevertheless, it is important for the international community to continue to urge North Korea, China and Russia to ratify and implement the two treaties at the Universal Periodic Review (UPR), treaty bodies and other international forums as a matter of principle.

It would also be critical for other countries that may be willing to take legislative measures necessary to hold perpetrators of North Korea’s crime of enforced disappearance accountable. South Korea already ratified the Rome Statute in 2002 and enacted the domestic implementing legislation in 2007, which faithfully codifies the international crimes listed in the Rome Statute, including the crime against humanity of enforced disappearance.

During the 20th Republic of Korea National Assembly (May 30, 2016 - May 29, 2020), TJWG asked the members of the main conservative and progressive

political parties to propose resolutions calling for the speedy ratification of the Enforced Disappearance Convention¹²⁰ and a domestic implementing bill.¹²¹

The actions at the National Assembly prompted the Ministry of Justice to convene an Enforced Disappearance Convention implementing legislation committee in October 2020. The committee, composed of officials from the Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of National Defense and senior jurists and experts of international law, human rights law and criminal law, held in-depth discussion for a year and a half and provided the outline for the domestic implementing legislation.¹²²

TJWG called for the speedy ratification of the Enforced Disappearance Convention and a stand-alone law to fully implement the Convention. The committee moved away from the simple addition of new provisions in the Criminal Code, the position initially favored by the Ministry of Justice and some academics, to the enactment of a comprehensive new law to codify the principle of non-refoulement and remedies and rehabilitation of the victims as well as the punishment of the perpetrators.

Further progress came in the 21st National Assembly (May 30, 2020 - May 29, 2024). On June 29, 2021, the National Assembly passed a resolution urging the

120 권칠승 의원 외 10인, 유엔 강제실종보호협약 비준동의안 제출 촉구 결의안 [Resolution on Urging the Submission of the Ratification Bill for the International Convention for the Protection of All Persons from Enforced Disappearance], Resolution no. 2015176, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_D1L8O0X8Y3D0T1X6A1R5B1E2G8R8K9; 정병국 의원 외 10인, 강제실종으로부터 모든 사람을 보호하기 위한 국제협약 비준동의안 제출 촉구 결의안 [Resolution on Urging the Submission of the Ratification Bill for the International Convention for the Protection of All Persons from Enforced Disappearance], Resolution no. 2024646, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_S2Y0E0Q2X2C7J1E5J0V3V2V4E8B1U0

121 박정 의원 외 13인, 강제실종으로부터 모든 사람을 보호하기 위한 법률안 [Bill to Protect All Persons from Enforced Disappearance], Bill no. 2023394, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_J1W9F1G0H3O1D1V4S4V9U3K1I4COM4

122 법무부 강제실종방지협약 이행입법위원회 운영지침 [Operational Guidelines for the Ministry of Justice's Implementing Legislation Committee for the International Convention for the Protection of All Persons from Enforced Disappearance], Established Rule 1262, <https://www.moj.go.kr/bbs/moj/155/530973/artclView.do>

government to take action to ratify the Enforced Disappearance Convention.¹²³ On July 21, 2022, the government formally sought the National Assembly's consent for the accession to the Enforced Disappearance Convention which was given on December 8, 2022.¹²⁴ Domestic implementation bills were introduced by the progressives¹²⁵ and the conservatives,¹²⁶ the latter was based largely on the recommendations made by the Ministry of Justice's committee.

South Korea acceded to the Enforced Disappearance Convention without reservations on January 4, 2023 and the Convention entered into force for South Korea on February 3, 2023. South Korea also made declarations under articles 32 and 33 accepting the Committee on Enforced Disappearance's competence to entertain individual and inter-state communications at the time of its accession.

Though the 21st National Assembly ended without the enactment of the implementing legislation, two bills based largely on the recommendations made by the Ministry of Justice's committee have been introduced by the conservatives and progressives in the 22nd National Assembly.

TJWG has advocated for a speedy passage of the final bill by the Legislative and Judiciary Committee and eventually by the full National Assembly before South Korea's submission of its report to the Committee on Enforced Disappearance which is due in early 2026.

123 전용기 의원 등 10인, 유엔 강제실종보호협약 비준동의안 제출 촉구 결의안 [Resolution on Urging the Submission of the Ratification Bill for the International Convention for the Protection of All Persons from Enforced Disappearance], Resolution no. 2107518, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_J2V1C0H1E1T1T1A0J0O7H0N1D4V5R9

124 ROK Government, 강제실종으로부터 모든 사람을 보호하기 위한 국제협약 비준동의안(정부) [Motion for Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance], Motion no. 2116598, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_O2Y2C0F7B2M1A1L7B2A3Y5R7S3D4A7

125 전용기 의원 등 10인, 강제실종으로부터 모든 사람을 보호하기 위한 법률안 [Bill to Protect All Persons from Enforced Disappearance], Bill no. 2107371, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_P2E1S0R1F0T8B1V6Z2W9P1X1B2Z7C7

126 김기현 의원 등 10인, 강제실종범죄 처벌, 강제실종의 방지 및 피해자의 구제 등에 관한 법률안 [Bill on the Punishment of Crimes of Enforced Disappearance, Prevention of Enforced Disappearance, and Remedy for Victims], Bill no. 2115792, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_D2B2M0R4W2K1E1J7M2S9C4O4X2T9D1



TJWG, Citizens' Alliance for North Korean Human Rights (NKHR) and abductees' families discuss the implementation of the Enforced Disappearance Convention at the National Assembly on September 8, 2023 [Source: TJWG]

Japan acceded to the Rome Statute in 2007 and ratified the Enforced Disappearance Convention in 2009, but it has taken no domestic legislative action for their implementation. The Japanese government's position is that the existing penal provisions are sufficient to punish the crimes covered by the two treaties. With respect to the Rome Statute, the Ministry of Justice reportedly supported the enactment of implementing legislation in light of the principle of complementarity, but its position was not adopted.

The Committee on Enforced Disappearance expressed concerns about the failure of Japanese law to stipulate enforced disappearance as a stand-alone crime.¹²⁷ The continued absence of criminal provisions that are in line with

¹²⁷ Committee on Enforced Disappearances, "Concluding observations on the report submitted by Japan under article 29 (1) of the Convention," CED/C/JPN/CO/1, December 5, 2018, paras. 13-14, <https://undocs.org/CED/C/JPN/CO/1>

the definitions provided in the Rome Statute and Enforced Disappearance Convention may pose a serious obstacle to realizing accountability for North Korea's crime of enforced disappearance and abduction in Japanese courts.

The United States is unlikely to ratify the Rome Statute or the Enforced Disappearance Convention in the near future. However, the Sixth Committee of the UN General Assembly finally agreed in November 2024 to convene an international conference to adopt an international convention on crimes against humanity “enjoying the broadest possible support” by 2029 which was approved by the full General Assembly in its resolution 79/122 of December 4, 2024.¹²⁸

The proposed convention, which will be based largely on the Draft articles on Prevention and Punishment of Crimes Against Humanity prepared by Professor Sean D. Murphy and other members of the International Law Commission¹²⁹ that follows the definition of crimes against humanity verbatim from the Rome Statute, may be more politically acceptable to the United States.

With the U.S. ratification of the final convention and its domestic incorporation, crimes against humanity of enforced disappearance would become a criminal offense under U.S. jurisdiction.

¹²⁸ UN General Assembly, Seventy-ninth session, “Sixth Committee, Upholding Tradition of Consensus in Historic Meeting, Approves Text to Begin Elaborating International Convention on Crimes Against Humanity: Delegations Also Send 15 Draft Texts to General Assembly for Adoption,” GA/L/3738, November 22, 2024, <https://press.un.org/en/2024/gal3738.doc.htm>

¹²⁹ “Analytical Guide to the Work of the International Law Commission: Crimes against humanity,” International Law Commission, https://legal.un.org/ilc/guide/7_7.shtml

Judicial Proceedings in Domestic and International Forums

The COI DPRK cited two criminal cases, one in the South Korean court and the other in the Chinese court, against the Ministry of State Security (국가보위성 / *gukgabowiseong* / MSS) operatives for the abduction operations in China.¹³⁰ There have been a number of other criminal prosecutions and convictions of individuals for their role in North Korea's abduction and other crimes in South Korean courts.

However, the proceedings in Chinese courts are not made public. Even the judgment of the Intermediate People's Court of Yanbian Korean Autonomous Prefecture, Jilin Province, cited in the COI report, has not been made public. While there may have been more relevant criminal cases, the high level of secrecy limits the factual and legal value of its contribution to the accountability efforts.

It is also worth noting that the defendants in the South Korean criminal cases were prosecuted and tried for violations of the National Security Act, traditionally applied to North Korean spies and agents. This was the case for Ryu Young-hwa (or Liu Yong-hua) [류영화] and Kim Hak-su [김학수] and, the two ethnic Korean Chinese who assisted North Korean agents in abducting Reverend Kim Dong-shik [김동식] and 40 other North Korean escapees and "returnees" from Japan.¹³¹

¹³⁰ UN HRC, "Report of the commission of inquiry," paras. 977-979.

¹³¹ "FOOTPRINTS: Database of those taken by North Korea," <https://nkfootprints.tjwg.org/en/entity/ypesspk5vw/relationships>; HRNK, *An Investigation into the Human Rights Situation in North Korea's Political Prison Camps: Testimonies of Detainee Families by No Chain*, https://www.hrnk.org/wp-content/uploads/pdfs/publications/eng/No-Chain-Translated-Version_edits.pdf

Even in the criminal cases brought after South Korea's enactment of implementing legislation of the Rome Statute for the International Criminal Court (ICC) in 2007, which includes the crimes against humanity of enforced disappearance, the defendants were prosecuted and convicted only for espionage charges under the National Security Act.

In February 2012, Hwang In-cheol [황인철], the son of Hwang Won [황원], one of the 10 South Koreans abducted by North Korea in the Korean Air Lines YS-11 hijacking, filed a criminal complaint against the hijacker Cho Chang-hui [조창희].¹³² In November 2018, South Korean prisoners of war (POWs) filed a criminal complaint against Kim Jong Un in South Korea in anticipation of his visit to an inter-Korean summit in Seoul.¹³³ However, the prosecutors have not acted upon these complaints.

The Japanese police have been investigating the mysterious disappearances of its citizens as possible abductions by North Korea since at least the 1980s.¹³⁴ The Japanese authorities have issued arrest warrants for 11 suspects in the abduction cases.¹³⁵ One of them, Kim Kil-uk [김길옥], died in South Korea without facing arrest or extradition.¹³⁶ No arrests or prosecutions have been made in Japan.

In 2012, South Korean and Japanese NGOs filed a criminal complaint against

¹³² Jang Cheol-woon, "KAL기피랍자가족회 '北납치범 내일 고소'" [KAL Abductees' Families Association to file a criminal complaint against North Korean abductor tomorrow], *Yonhap News*, February 13, 2012, <https://www.yna.co.kr/view/AKR20120213079100014>

¹³³ William Kim, "탈북 국군포로·인권단체들 '김정은 현행범으로 검찰에 고발'" [POWs who escaped from North Korea and human rights groups file criminal complaint against Kim Jong Un as 'a person caught in the act of committing a crime to prosecutors'], *Voice of America*, November 6, 2018, <https://www.voakorea.com/a/4646501.html>

¹³⁴ Kim Kyung-suk, "복송 신광수씨 수사기록 日에 전달" [The investigation records of Mr Sin Kwang-Su transmitted to Japan], *Yonhap News*, August 29, 2000, <https://n.news.naver.com/mnews/article/001/0000023432?sid=100>

¹³⁵ Headquarters for the Abduction Issue of Japan, *Abductions of Japanese Citizens*, 16.

¹³⁶ Kyung Soo-Hyun, "'일본인 北납치 공범 혐의 한국인 사망'...日, 한국에 확인 요청" [South Korean accused of being an accomplice to North Korea's abduction of Japanese is dead; Japan requests confirmation from South Korea], *Yonhap News*, October 24, 2023, <https://www.yna.co.kr/view/AKR20231024071600073>

Kim Jong Un and other North Korean officials in Spain.¹³⁷ The case generated a lot of media attention, but it soon fizzled out without much progress.

Recently, in Argentina, the former UN Special Rapporteur on the situation of human rights in Myanmar (2008-2014) and North Korea (2016-2022), Tomás Ojea Quintana, helped the Rohingya victims file a criminal complaint against the top leaders of Burma for crimes against humanity and genocide.¹³⁸ This raises the possibility of a similar criminal complaint against North Korean leaders for their international crimes in Argentina.

There have been a number of civil lawsuits filed against North Korea in the courts of the United States, South Korea and Japan. In U.S. courts, the state sponsor of terrorism exception to the Foreign Sovereign Immunities Act (FSIA)¹³⁹ has enabled the civil awards against North Korea.

Under the FSIA, foreign states designated as “state sponsors of terrorism” cannot claim jurisdictional immunity in U.S. courts for torture, extrajudicial killing, aircraft sabotage and hostage taking if the claimant or the victim was at the time of these acts a U.S. national or a member of the U.S. armed forces or a U.S. government employee.

The families of Otto Warmbier and Reverend Kim Dong-shik [김동식], both victims of North Korea’s torture, have not only won judgments against North Korea in U.S. courts, but there have been moves to enforce these judgments against confiscated North Korean assets, including most famously M/V Wise

¹³⁷ “스페인 법원서 김정은 반인륜범죄 증언할 것” [To testify about Kim Jong Un’s crimes against humanity at Spanish court], *DailyNK*, May 22, 2012, <https://www.dailynk.com/스페인-법원서-김정은-반인륜범죄-증-“日-NGO-김정은-스페인-법정-세우는-데-협력키로”> [Japanese NGO to cooperate to take Kim Jong Un to Spanish court], *DailyNK*, June 28, 2012, <https://www.dailynk.com/%E6%97%A5-ngo-%EA%B9%80%EC%A0%95%EC%9D%80%EC%8A%A4%ED%8E%98%EC%9D%B8-%EB%B2%95%EC%A0%95-%EC%84%B8%EC%9A%B0%EB%8A%94/>

¹³⁸ Burmese Rohingya Organisation UK, “Historic decision by Argentinian courts to take up genocide case against Myanmar,” November 28, 2021, <https://www.brouk.org.uk/historic-decision-by-argentinian-courts-to-take-up-genocide-case-against-myanmar>

¹³⁹ 28 U.S.C. § 1605A.

Honest.¹⁴⁰

It is important therefore for the United States to maintain the “state sponsor of terrorism” designation of North Korea to allow the U.S. victims of North Korean human rights violations to sue North Korea in U.S. courts. The United States first designated North Korea as a state sponsor of terrorism on January 20, 1988, but controversially rescinded the designation on October 11, 2008 after North Korea’s commitment to dismantle its nuclear weapons program.¹⁴¹

Later, there were congressional efforts to require the Secretary of State to report on the designation of the Democratic People’s Republic of Korea as a state sponsor of terrorism,¹⁴² and section 324 of the Countering America’s Adversaries Through Sanctions Act, enacted on August 2, 2017, required the Secretary of State to submit to Congress “a determination whether North Korea meets the criteria for designation as a state sponsor of terrorism” within 90 days.¹⁴³ On November 27, 2017, North Korea was re-designated as a state sponsor of terrorism.¹⁴⁴

It is also worth noting that the Senate version of the North Korean Human Rights Reauthorization Act, co-sponsored by United States Secretary of State

¹⁴⁰ Sam LaGrone, “North Korean Cargo Ship Sold to Compensate Families of Regime’s Victims,” *U.S. Naval Institute News*, October 9, 2019, <https://news.usni.org/2019/10/09/north-korean-cargo-ship-sold-to-compensate-families-of-regimes-victims>

¹⁴¹ Joshua Stanton, “Ten Years Later, South Korea Questions Suspected North Korean Agent in U.S. Resident’s Kidnapping,” *One Free Korea*, January 16, 2010, <https://freekorea.us/2010/01/ten-years-later-south-korea-questions-suspected-north-korean-agent-in-us-residents-kidnapping>

¹⁴² H.R. 5208 - North Korea State Sponsor of Terrorism Designation Act of 2016: 114th Congress (2015-2016), <https://www.congress.gov/bill/114th-congress/house-bill/5208/text>; H.R. 479 - North Korea State Sponsor of Terrorism Designation Act of 2017: 115th Congress (2017-2018), <https://www.congress.gov/bill/115th-congress/house-bill/479/text>; S. 672 - North Korea State Sponsor of Terrorism Designation Act of 2017: 115th Congress (2017-2018), <https://www.congress.gov/bill/115th-congress/senate-bill/672/text>

¹⁴³ H.R.3364 - An act to provide congressional review and to counter aggression by the Governments of Iran, the Russian Federation, and North Korea, and for other purposes: 115th Congress (2017-2018), <https://www.congress.gov/bill/115th-congress/house-bill/3364/text>

¹⁴⁴ “Democratic People’s Republic of Korea (DPRK) Designation as a State Sponsor of Terrorism (SST): A Notice by the State Department,” *Federal Register*, November 27, 2017, <https://www.federalregister.gov/documents/2017/11/27/2017-25547/democratic-peoples-republic-of-korea-dprk-designation-as-a-state-sponsor-of-terrorism-sst>

Marco Rubio while he served as a senator, that failed to pass in the 117th and 118th Congresses, included sanctions against any person that “knowingly, directly or indirectly, forced the repatriation of North Korean refugees to North Korea.”¹⁴⁵

The U.S. courts have also been flexible in the service of documents, even allowing service by email or on social media while the State Department also recently began to serve documents through its diplomatic channels to North Korea’s UN Mission in New York.¹⁴⁶

TJWG also hopes to support civil actions against North Korea for the human rights violations against people in North Korea initiated, for instance, by naturalized North Korean escapees in America.

In South Korea, POWs and families of abductees have won a series of civil cases against North Korea and Kim Jong Un since July 2020, but they have had difficulties enforcing the judgments. In October 2023, the Tokyo High Court ruled in a case brought against North Korea by “returnees” who escaped from North Korea to Japan that Japanese courts have jurisdiction.¹⁴⁷

One of the most challenging and time-consuming aspects of the civil lawsuits in South Korea and Japan has been the service of documents to North Korea. There was an attempt by the plaintiffs in a recent case to serve the documents to North Korea’s UN Mission in New York, but the service could not be made

¹⁴⁵ U.S. Congress, S.4216 - North Korean Human Rights Reauthorization Act of 2022, 117th Congress (2021-2022), <https://www.congress.gov/bill/117th-congress/senate-bill/4216/text>; S.584 - North Korean Human Rights Reauthorization Act of 2023, 118th Congress (2023-2024), <https://www.congress.gov/bill/118th-congress/senate-bill/584/text>

¹⁴⁶ Jiha Ham, “미 국무부, 유엔 북한대표부에 법원 문건 전달...‘외교적 경로’로 북한 접촉” [U.S. State Department transmits court documents to North Korea’s UN Mission; contact with North Korea through ‘diplomatic channels’], *Voice of America*, May 5, 2024, <https://www.voakorea.com/a/7592233.html>

¹⁴⁷ William Kim, “재일 북송 피해자들 ‘일본 고등법원 ‘관할권’ 판결 역사적’” [Victims of repatriation from Japan to North Korea say that Japanese high court’s jurisdiction ruling is historic], *Voice of America*, November 1, 2023, <https://www.voakorea.com/a/7334928.html>

so service by public notice was used instead.¹⁴⁸

South Korea and Japan should also consider innovative methods to enforce judgments against North Korea in their domestic courts. Legislative measures may allow the use of the assets seized for sanctions violation, such as the M/V Wise Honest, to this end.

At the UN Security Council, like-minded states should consider calling a vote on the referral of the situation in North Korea to the ICC, as recommended by the COI DPRK in 2014. While Russia and China will no doubt veto it, they will be forced to make their position clear and also explain their veto at the UN General Assembly under the new rule adopted by resolution 76/262 of April 26, 2022. In May 2014, France called a vote on the referral of the situation in Syria to the ICC which was supported by 13 states, including the United States and South Korea, but it failed to pass because of Russian and Chinese veto.¹⁴⁹

Even without the UN Security Council referral, the ICC Prosecutor can initiate investigations *proprio motu* under article 15 of the Rome Statute if part of a crime is committed in the territory of the state that accepted its jurisdiction. The Office of the Prosecutor (OTP) opened an investigation and applied for an arrest warrant against Myanmar's *de facto* ruler Min Aung Hlaing on the crimes against humanity of deportation and persecution on the ground that part of the crime was committed on the territory of Bangladesh, which is a state party to the Rome Statute.¹⁵⁰ The ICC's arrest warrants against Russian

¹⁴⁸ Park Hye-yeon, "국내 최초 북송 재일교포, 北 상대 손해소…1심 승소" [First compensation suit in South Korea against North Korea by those repatriated from Japan to North Korea; win at court of first instance], *Chosun Ilbo*, September 12, 2024, https://www.chosun.com/national/court_law/2024/09/12/50SIBK7EVRDBDI6T2WK26PF4RY

¹⁴⁹ UN Security Council, "Referral of Syria to International Criminal Court Fails as Negative Votes Prevent Security Council from Adopting Draft Resolution," SC/11407, May 22, 2014, <https://press.un.org/en/2014/sc11407.doc.htm>

¹⁵⁰ International Criminal Court (ICC), "Statement of ICC Prosecutor, Fatou Bensouda, on opening a Preliminary Examination concerning the alleged deportation of the Rohingya people from Myanmar to Bangladesh," press release, September 18, 2018, <https://www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-opening-preliminary-examination-concerning-alleged-icc>; ICC, "Statement of ICC Prosecutor Karim A.A. Khan KC: Application for an arrest warrant in the situation in Bangladesh/Myanmar," press release, November 27, 2024, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-application-arrest-warrant-situation-bangladesh>

President Vladimir Putin and Israeli Prime Minister Benjamin Netanyahu were also based on alleged crimes committed in the territory of Ukraine and Palestine, respectively.

Therefore, while North Korea is unlikely to accept the ICC's jurisdiction by ratifying the Rome Statute or making a declaration to that effect, it is possible for the OTP to open an investigation into crimes against humanity of enforced disappearance, persecution or other inhumane acts committed against the defectors in the territory of South Korea or Japan. The possible war crimes and crimes against humanity, including enforced disappearance, committed by the North Korean soldiers deployed in support of Russia's invasion of Ukraine will also be under the ICC's jurisdiction.

With the ICC's increasing caseload in the past few years, state referrals of a situation to the Prosecutor under article 14 of the Rome Statute have also become important. State referrals not only obviates the need for the Prosecutor to seek authorization of an investigation by the Pre-Trial Chamber, but also provides political support from the states parties who hold the power of the purse. Lithuania's referral of the situation concerning the deportation and persecution of dissidents in Belarus is the latest example.¹⁵¹

Because North Korea has been a state party to the Genocide Convention since January 30, 1989 without any reservation, other states parties to the Genocide Convention can submit disputes with North Korea relating to the responsibility for genocide, direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide.

Although the International Court of Justice (ICJ), the principal judicial organ of the United Nations where only states can be parties, is not a criminal court,

¹⁵¹ ICC, "Statement of ICC Prosecutor Karim A.A. Khan KC on receipt of a referral by the Republic of Lithuania," press release, September 30, 2024, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-receipt-referral-republic-lithuania>



Panelists discuss North Korean accountability strategies at side event 'Exploring New Opportunities for DPRK Accountability at the ICC and ICJ' co-sponsored by the ROK government, TJWG and Global Rights Compliance (GRC) in The Hague on December 4, 2024 during the 23rd session of the Assembly of States Parties to the Rome Statute of the ICC [Source: TJWG]

the ICJ has applied strict standards in genocide cases. It has been particularly difficult to prove the specific intent to commit genocide (“intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”).

While those subjected to enforced disappearance or executed for political offenses are not ‘as such’ included in the protected groups for the purpose of genocide, some of them may be included in such protected groups. The Christians and other religious believers qualify as ‘a religious group’ under the Genocide Convention. The forced abortions and infanticide against repatriated mothers and their children—“based on gender and racial discrimination” according to the COI DPRK¹⁵²—may amount to intentional destruction of ‘an ethnic or racial group.’

In the recent years, there has been a number of *erga omnes* cases brought to the ICJ under human rights treaties by states whose citizens are not the victims of the alleged human rights violations, beginning with The Gambia’s proceedings against Myanmar for the latter’s campaign of genocide against the Rohingya,¹⁵³ followed by South Africa’s case against Israel¹⁵⁴ and Nicaragua’s case against Germany¹⁵⁵ under the Genocide Convention in relation to the Gaza conflict and the Netherlands and Canada’s Torture Convention case against Syria.¹⁵⁶

In addition, Germany, the Netherlands, Canada and Australia are taking steps to sue Afghanistan for its violation of the Convention on the Elimination of All Forms of Discrimination against Women.¹⁵⁷ Depending on the outcome of

¹⁵² UN HRC, “Report of the commission of inquiry,” paras. 424, 426, 434 and 1105.

¹⁵³ “Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar: 7 States intervening),” International Court of Justice (ICJ), <https://www.icj-cij.org/case/178>

¹⁵⁴ “Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),” ICJ, <https://www.icj-cij.org/case/192>

¹⁵⁵ “Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany),” ICJ, <https://www.icj-cij.org/case/193>

¹⁵⁶ “Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic),” ICJ, <https://www.icj-cij.org/case/188>

¹⁵⁷ Patrick Wintour, “Taliban to be taken to international court over gender discrimination,” *The Guardian*, September 25, 2024, <https://www.theguardian.com/world/2024/sep/25/taliban-to-be-taken-to-international-court-over-gender-discrimination>

these cases, some states may be interested in bringing a similar *erga omnes* case against North Korea under the Genocide Convention.

TJWG has been in touch with different governments and international organs to consider these ICC and ICJ accountability avenues for North Korea with Global Rights Compliance (GRC) and co-organized a side event entitled ‘Exploring New Opportunities for DPRK Accountability at the ICC and the ICJ’ with GRC and the government of the Republic of Korea on December 4, 2024 during the 23rd session of the Assembly of States Parties to the Rome Statute.¹⁵⁸

It is also important for like-minded governments to consider supporting civil society initiatives dedicated to the collection of information and evidence concerning North Korea’s crimes against humanity and other grave human rights violations, and preparation of case files to facilitate and expedite judicial proceedings as a more economic and less bureaucratic alternative to realize judicial accountability. The Commission for International Justice and Accountability (CIJA) which works on Syria, Myanmar and other situations and the International Accountability Platform for Belarus (IAPB) offer models for North Korea accountability work. South Korea can also facilitate criminal and civil actions by making available the judgments and other court documents, from the criminal and civil cases related to North Korea’s abduction and enforced disappearance in South Korean courts, on the Ministry of Unification’s website.

¹⁵⁸ “ICC ASP23: Exploring New Opportunities for DPRK Accountability at the ICC and the ICJ (Video),” posted December 11, 2024, <https://www.youtube.com/watch?v=zQeYEWE1XMI>

Targeted Sanctions

Despite the importance of judicial accountability and exploration of creative accountability avenues, the actual criminal punishment of the perpetrators of North Korea's crime of enforced disappearance and abduction will have to await a radical political transition in North Korea. The frustration of the victims with the inevitably slow pace of justice in court has led many countries to adopt targeted sanctions against the individuals and entities responsible for grave human rights violations, commonly called Magnitsky laws. These targeted sanctions also have the advantage of addressing concerns about the collateral damage of the sanctions against the population or the economy as a whole.

The COI DPRK recommended that the UN Security Council “adopt targeted sanctions against those who appear to be most responsible for crimes against humanity,”¹⁵⁹ but the Security Council has imposed sanctions only in relation to North Korea's nuclear and ballistic missile programs. Given Russia's unprecedented military reliance on North Korea, it is even less likely now that the Security Council will adopt targeted human rights sanctions.

The existing targeted human rights sanctions or Magnitsky sanctions are governed by domestic laws and regulations adopted by each state and the European Union (EU). The most important sanctioning authorities are the U.S., the EU, the U.K., Canada, Australia and Norway. The efforts to pass Magnitsky legislation in New Zealand and Japan have not been successful thus far.

¹⁵⁹ UN HRC, “Report of the commission of inquiry,” para. 1225(a).

It would be helpful in globalizing Magnitsky laws if non-Western liberal democracies like South Korea and Japan enact targeted human rights sanctions laws. The United States also has separate sanctions laws against North Korea, such as the Countering America's Adversaries Through Sanctions Act.

Because the U.S. has North Korea-specific sanctions laws, its targeted human rights sanctions against individuals and entities for North Korea's human rights abuses are imposed under the rubric of these laws rather than the Global Magnitsky Act. Executive order 13687¹⁶⁰ and executive order 13722¹⁶¹ have been the legal basis for these targeted human rights sanctions.¹⁶²

On July 6, 2016, in conjunction with the State Department's publication of the 'Report on Serious Human Rights Abuses or Censorship in North Korea' in accordance with section 304(a) of the North Korea Sanctions and Policy Enhancement Act (NKSPEA),¹⁶³ the Office of Foreign Assets Control (OFAC) sanctioned 11 individuals and 5 entities including Kim Jong Un¹⁶⁴—the first-ever targeted human rights sanction against a sitting head of state. Section 304(a) of the NKSPEA, enacted on February 18, 2016, required the Secretary of State to submit to Congress a report that “identifies each person the Secretary determines to be responsible for serious human rights abuses or censorship in North Korea and describes the conduct of that person” not later than 120 days

¹⁶⁰ Executive Order 13687 of January 2, 2015, *Imposing Additional Sanctions with Respect to North Korea*, 3 CFR 13687, <https://www.govinfo.gov/app/details/CFR-2016-title3-vol1/CFR-2016-title3-vol1-eo13687>

¹⁶¹ Executive Order 13722 of March 15, 2016, *Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions with Respect to North Korea*, 3 CFR 13722, <https://www.govinfo.gov/app/details/CFR-2017-title3-vol1/CFR-2017-title3-vol1-eo13722>

¹⁶² Stephan Haggard, “Executive Order 13722,” Peterson Institute for International Economics, March 21, 2016, <https://www.piie.com/blogs/north-korea-witness-transformation/executive-order-13722>

¹⁶³ U.S. Department of State, “Report on Human Rights Abuses or Censorship in North Korea,” July 6, 2016, <https://2009-2017.state.gov/j/drl/rls/259366.htm>

¹⁶⁴ U.S. Department of the Treasury, “Treasury Sanctions North Korean Senior Officials and Entities Associated with Human Rights Abuses,” press release, July 6, 2016, <https://home.treasury.gov/news/press-releases/jl0506>; The State Department's report referred to 4 individuals and 3 entities who had already been designated by the OFAC earlier, including the KWP's Propaganda and Agitation Department for its full control over the media and censorship on March 16, 2016. U.S. Department of the Treasury, “Announcement of Sanctions against North Korean Transportation, Mining, Energy, and Financial Services Industries and North Korean Government Officials and Organizations,” press release, March 16, 2016, <https://home.treasury.gov/news/press-releases/jl0385>

after the NKSPEA's enactment and "every 180 days thereafter for a period not to exceed 3 years."

The OFAC followed with sanctions against seven individuals and two entities¹⁶⁵ in conjunction with the State Department's second report on January 11, 2017,¹⁶⁶ sanctions against seven individuals and three entities¹⁶⁷ in conjunction with the State Department's third report on October 26, 2017,¹⁶⁸ and sanctions against three individuals¹⁶⁹ in conjunction with the State Department's fourth and final report on December 10, 2018.¹⁷⁰

Since the expiration of the NKSPEA-mandated State Department reports, there have been far fewer targeted sanctions for North Korea's human rights abuses although the OFAC added more individuals and entities to the sanctions lists on December 20, 2021¹⁷¹ and December 9, 2022.¹⁷²

New congressional actions like section 304(a) of the NKSPEA requiring the State Department to report legal and natural persons responsible for serious

¹⁶⁵ U.S. Department of the Treasury, "Treasury Sanctions Additional North Korean Officials and Entities In Response To The North Korean Regime's Serious Human Rights Abuses and Censorship Activities," press release, January 11, 2017, <https://home.treasury.gov/news/press-releases/jl0699>

¹⁶⁶ U.S. Department of State, "Report on Human Rights Abuses or Censorship in North Korea," January 11, 2017, <https://2009-2017.state.gov/drl/rls/266853.htm>

¹⁶⁷ U.S. Department of the Treasury, "Treasury Sanctions Additional North Korean Officials and Entities in Response to the Regime's Serious Human Rights Abuses and Censorship Activities," press release, October 26, 2017, <https://home.treasury.gov/news/press-releases/sm0191>

¹⁶⁸ U.S. Department of State, "Report on Serious Human Rights Abuses or Censorship in North Korea," October 26, 2017, <https://2017-2021.state.gov/reports-bureau-of-democracy-human-rights-and-labor/report-on-serious-human-rights-abuses-or-censorship-in-north-korea>

¹⁶⁹ U.S. Department of the Treasury, "Treasury Sanctions North Korean Officials and Entities in Response to the Regime's Serious Human Rights Abuses and Censorship," press release, December 10, 2018, <https://home.treasury.gov/news/press-releases/sm568>

¹⁷⁰ U.S. Department of State, "Report on Serious Human Rights Abuses or Censorship in North Korea," December 10, 2018, <https://2017-2021.state.gov/reports-bureau-of-democracy-human-rights-and-labor/report-on-serious-human-rights-abuses-or-censorship-in-north-korea-2>

¹⁷¹ U.S. Department of the Treasury, "Treasury Sanctions Perpetrators of Serious Human Rights Abuse on International Human Rights Day," press release, December 10, 2021, <https://home.treasury.gov/news/press-releases/jy0526>

¹⁷² 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/jy1155>

human rights abuses, including enforced disappearances, in North Korea may boost sanction designations again. Such a provision may be added in the North Korean Human Rights Reauthorization Act which will be introduced again in 119th Congress (January 3, 2025 – January 3, 2027) as it failed to pass the previous Congress.

Under its Global Human Rights sanctions regime, the United Kingdom sanctioned the Ministry of State Security Bureau 7 [국가보위성 7국] and the Ministry of People's Security Correctional Bureau [인민보안성 교화국] on July 7, 2020.

The EU has listed three individuals (Jong Kyong-thaek [정경택], Director of the General Political Bureau of the Korean People's Army and former Minister of State Security; Ri Yong Gil [리용길], Chief of the General Staff of the Korean People's Army; and Ri Chang Dae [리창대], Minister of State Security and two entities (the Central Public Prosecutor's Office and MSS holding center in Onsong County, North Hamgyong Province) in North Korea under its Global Human Rights Sanctions Regime, established on December 7, 2020. Because all 27 member states have to agree on designation, it is difficult for the EU to impose sanctions on Chinese individuals and entities.

To this date, Canada, Australia and Norway have not sanctioned any individuals or entities in relation to North Korea's human rights violations under their Magnitsky legislation. Given the discrepancy in the designations between different jurisdictions, it would be ideal for them to share information or at least refer to each other's sanctions list.

In April 2024, the European Union adopted a forced labor import ban.¹⁷³ This follows the examples set by the United States, Canada and Mexico.¹⁷⁴ The

¹⁷³ European Parliament, "Products Made with Forced Labour to Be Banned from EU Single Market," press release, April 23, 2024, <https://www.europarl.europa.eu/news/en/press-room/20240419IPR20551/products-made-with-forced-labour-to-be-banned-from-eu-single-market>

¹⁷⁴ "Drivers of Forced Labour Import Bans," blog post, British Institute of International and Comparative Law, July 2, 2024, <https://www.biiicl.org/blog/81/drivers-of-forced-labour-import-bans>

United States also has particular laws targeting North Korea's forced labor issue, including 'rebuttable presumption' for goods made with North Korean labor under the NKSPEA, that later set the example for a similar provision in the Uyghur Forced Labor Prevention Act. The forced labor import ban is important because overseas North Korean workers in China and elsewhere provide forced labor and those who disappeared in political prison camps in North Korea are subjected to prison labor which feeds into the global supply chain.

The human rights sanctions and forced labor import ban can target individuals and entities in China, Russia and elsewhere that presumably have more to lose than those in North Korea. Even for the sanctioned North Korean individuals and entities, the 'naming and shaming effect' can serve as a deterrent.

TJWG therefore plans to provide more information about enforced disappearances and identification information for individuals and entities to the relevant authorities to facilitate sanction designations. As a member of the Targeted Sanctions Coalition which includes Human Rights First, Redress, the Open Society European Policy Institute and the Raoul Wallenberg Centre for Human Rights, TJWG will partner with these NGOs to increase the chances of success.

At the same time, it is important to remember that the targeted sanctions regime is a form of non-judicial accountability and cannot be a substitute for criminal and civil proceedings in domestic and international courts.

After Russia vetoed on March 28, 2024 a draft resolution at the Security Council which would have renewed the mandate of the 1718 Committee's Panel of Experts to monitor enforcement of the United Nations Security Council's sanctions resolutions on North Korea, TJWG and other CSOs on May 16, 2024 sent an open letter to the South Korean government calling for the creation of a new North Korean accountability mechanism to monitor not only the Security Council's North Korean sanctions resolutions but also North Korea's human rights violations.

OHCHR DPRK Accountability Project

The Human Rights Council in its resolution 25/25 of March 28, 2014 (A/HRC/RES/25/25) requested the Office of the High Commissioner for Human Rights (OHCHR) to follow up urgently on the recommendations made by the COI DPRK in its report, and to provide the Special Rapporteur on the situation of human rights in North Korea with increased support, including through the establishment of a field-based structure to strengthen monitoring and documentation of the situation of human rights in North Korea, to ensure accountability, to enhance engagement and capacity-building with the Governments of all States concerned, civil society and other stakeholders, and to maintain visibility of the situation of human rights in North Korea, including through sustained communications, advocacy and outreach initiatives.

On June 26, 2015, the new OHCHR Office opened in Seoul to monitor and document human rights issues in North Korea.¹⁷⁵ Given this history and wording of Human Rights Council resolution 25/25 of March 28, 2014, it is difficult to discuss the creation and performance of OHCHR Seoul without considering its intrinsic ties to the COI DPRK's findings and recommendations.

The Human Rights Council in its resolution 34/24 of March 24, 2017 (A/HRC/RES/34/24), decided to strengthen the capacity of the OHCHR, including its field-based structure in Seoul, to implement the recommendations made by the group of independent experts on accountability. These recommendations

¹⁷⁵ "UN Human Rights Chief Opens New Office in Seoul," The Office of the High Commissioner for Human Rights (OHCHR), June 26, 2015, <https://www.ohchr.org/en/stories/2015/06/un-human-rights-chief-opens-new-office-seoul>

were “aimed at strengthening current monitoring and documentation efforts, establishing a central information and evidence repository, and having experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process.”

In March 2018, the OHCHR created the DPRK Accountability Project to carry out this mandate.¹⁷⁶ In her oral update to the Human Rights Council on March 10, 2020, High Commissioner Michelle Bachelet stated, “Our Accountability Project for the DPRK presents a historic, but challenging opportunity to advance accountability.”¹⁷⁷ However, after the High Commissioner’s biennial accountability reports to the Human Rights Council in 2019¹⁷⁸ and 2021¹⁷⁹ as well as the oral update on March 12, 2021,¹⁸⁰ there has been very little mention of the DPRK Accountability Project, even though the name is still used on the OHCHR website.¹⁸¹

Interestingly, the High Commissioner’s biennial accountability report to the Human Rights Council did recommend the Council to consider extending “the mandate of the dedicated OHCHR accountability team” for an additional

¹⁷⁶ “Oral Updates on DPRK and Eritrea,” OHCHR, March 14, 2018, <https://www.ohchr.org/en/statements/2018/09/oral-updates-dprk-and-eritrea>; “Oral update on the situation of human rights in the Democratic People’s Republic of Korea by the United Nations Deputy High Commissioner for Human Rights,” OHCHR, March 12, 2019, <https://www.ohchr.org/en/statements/2019/03/oral-update-situation-human-rights-democratic-peoples-republic-korea-united>

¹⁷⁷ “Statement by Michelle Bachelet, United Nations High Commissioner for Human Rights,” OHCHR, March 10, 2020, <https://www.ohchr.org/en/statements/2020/03/statement-michelle-bacheletunited-nations-high-commissioner-human-rights?LangID=E&NewsID=25697>

¹⁷⁸ UN HRC, Fortieth session, “Promoting accountability in the Democratic People’s Republic of Korea: Report of the United Nations High Commissioner for Human Rights,” A/HRC/40/36, March 7, 2019, <https://undocs.org/A/HRC/40/36>

¹⁷⁹ UN HRC, Forty-sixth session, “Promoting accountability in the Democratic People’s Republic of Korea: Report of the United Nations High Commissioner for Human Rights,” A/HRC/46/52, January 11, 2021, <https://undocs.org/A/HRC/46/52>

¹⁸⁰ “Human Rights Council Hears Presentation of Reports on Democratic People’s Republic of Korea and on Myanmar and Starts General Debate on Human Rights Situations that Require the Council’s Attention,” OHCHR, March 12, 2021, <https://www.ohchr.org/en/press-releases/2021/03/human-rights-council-hears-presentation-reports-democratic-peoples-republic>

¹⁸¹ “Democratic People’s Republic of Korea Accountability Project,” OHCHR, <https://www.ohchr.org/en/hr-bodies/hrc/democratic-People-Republic-Korea/index>

period of two years in 2023.¹⁸²

The reorganization of the OHCHR accountability project, if it has indeed taken place, has not been done in consultation with civil society. It is also unclear if this reorganization is linked to the broader organizational changes in Geneva aimed at centralizing OHCHR's various accountability projects which have also raised concerns about transparency in civil society.

The OHCHR DPRK Accountability Project is not an independent accountability mechanism like the International, Impartial and Independent Mechanism (IIIM) to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011 or the Independent Investigative Mechanism for Myanmar (IIMM).

The General Assembly in its resolution 71/248 of December 21, 2016 (A/RES/71/248) decided to establish the IIIM to closely cooperate with the Independent International Commission of Inquiry on the Syrian Arab Republic “to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses” and “to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law.”

Similarly, the Human Rights Council in its resolution 39/2 of September 27, 2018 (A/HRC/RES/39/2) decided to establish the IIMM to “collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011” and “to

¹⁸² UN HRC, Fifty-second session, “Promoting accountability in the Democratic People’s Republic of Korea: Report of the Office of the United Nations High Commissioner for Human Rights,” A/HRC/52/64, January 18, 2023, <https://undocs.org/A/HRC/52/64>

prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law.”

As independent accountability mechanisms, the IIIM and the IIMM are not under the OHCHR’s control and report directly to the General Assembly and the Human Rights Council respectively. The IIIM and the IIMM also have the budget and personnel to work on evidence of international crimes and human rights abuses and to prepare case files to support criminal proceedings.

If the IIIM and the IIMM had been created earlier, the Human Rights Council or the General Assembly might have opted to create a similar independent mechanism for North Korea to “collect, consolidate, preserve and analyse evidence” and to “prepare files” to facilitate and expedite criminal proceedings in domestic and international courts in continuation of the COI DPRK’s accountability work.

The OHCHR DPRK Accountability Project’s mandate is limited even in comparison to other OHCHR accountability projects. With respect to the OHCHR Sri Lanka Accountability Project, the Human Rights Council in its resolution 46/1 of March 23, 2021 (A/HRC/RES/46/1) decided to strengthen the capacity of the OHCHR to “to collect, consolidate, analyse and preserve information and evidence and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka” and “to advocate for victims and survivors” and “to support relevant judicial and other proceedings, including in Member States, with competent jurisdiction.”

The OHCHR DPRK Accountability Project’s mandate in Human Rights Council 34/24 of March 24, 2017 (A/HRC/RES/34/24) of “strengthening current monitoring and documentation efforts, establishing a central information and evidence repository, and having experts in legal accountability assess all

information and testimonies with a view to developing possible strategies to be used in any future accountability process” is unclear or silent about: (1) collecting, consolidating, analyzing and preserving evidence; (2) advocating for victims and survivors; and (3) supporting judicial and other proceedings.

It is also noteworthy that the OHCHR DPRK Accountability Project lacks terms of reference (TOR) unlike the OHCHR Sri Lanka Accountability Project which clarifies its mandate, procedure and composition to the public.¹⁸³ The OHCHR DPRK Accountability Project asks NGOs to share information or statements from North Korean refugees and escapees, but it has avoided concluding a legal instrument like a memorandum of understanding (MOU); in fact, it does not have a standard MOU for this purpose.

This is problematic as it goes against NGO code of ethics to share sensitive information with OHCHR in the absence of a formal legal arrangement specifying the intention of the parties, confidentiality and conditions for information sharing, including the respect for conditional consent from the NGO and the escapees who provided statements for their usage.

South Korea, the United States and other interested governments should also formally seek information and evidence from the OHCHR DPRK Accountability Project for judicial and other accountability purposes to ascertain: (1) the method and modality of the transfer of such information and evidence and (2) the quality and usefulness of the information and evidence for judicial and other accountability work.

South Korea in particular should consider convening a committee of experts with experience in international criminal law at the International Criminal Tribunal for the former Yugoslavia, the International Criminal Court, the Extraordinary Chambers in the Courts of Cambodia and other international

¹⁸³ OHCHR, *Sri Lanka accountability project: Terms of Reference*, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sri-lanka/OHCHR-Sri-Lanka-accountability-project-Terms-Reference.pdf>

tribunals to review the information and evidence collected by the OHCHR DPRK Accountability Project and assess their suitability for the purpose of international criminal law.

In 2022, the OHCHR sent a written questionnaire to 17 victim groups, including families of forcibly disappeared persons, and CSOs “to seek the victims’ perspectives on truth-seeking, justice mechanisms and reparations,” but the OHCHR’s biennial accountability report in 2023 provided only a paragraph-long description of the “views and expectations with regard to the realization of their right to truth, justice (including accountability) and reparations.”¹⁸⁴ The 2025 accountability report should provide a fuller description and analysis of this and other similar surveys, including the breakdown by percentage of the accountability measures favored by the respondents as well as the number of respondents by sex, province and year of survey.

The 2023 accountability report was also criticized for using the term ‘the neighbouring State(s)’ instead of naming China, as the COI report has done, in relation to OHCHR DPRK Accountability Project’s documentation of female victims of trafficking.¹⁸⁵

OHCHR’s thematic report on North Korea’s enforced disappearances and abductions in March 2023¹⁸⁶ was also notable for its silence on China’s grave human rights violations, including enforced disappearance, against North Korean refugees in China. Section IV (Context) of the OHCHR report refers to “enforced disappearance in the Democratic People’s Republic of Korea, including following repatriations,” but in these four paragraphs, China is mentioned only once in passing.

¹⁸⁴ UN HRC, A/HRC/52/64, paras. 25-26.

¹⁸⁵ Ibid., paras. 33-35.

¹⁸⁶ OHCHR, *“These wounds do not heal” - Enforced disappearance and abductions by the Democratic People’s Republic of Korea* (Seoul: OHCHR, 2023), <https://www.ohchr.org/en/documents/reports/these-wounds-do-not-heal-enforced-disappearance-and-abductions-democratic-peoples>

In Section V (Impact of enforced disappearance on victims) under the heading of ‘C. Obstacles faced by relatives in the search of forcibly disappeared persons and in obtaining reparations,’ the report notes that “under previous Governments of the Republic of Korea, families of forcibly disappeared persons experienced surveillance, harassment, and in some cases arbitrary detention by police and intelligence services. These practices continued until the late 1990s” and that “victims of the Paradise on Earth campaign emphasized to OHCHR they expect to receive a similar level of attention and support from the Government of Japan as the recognized abductees, to raise awareness at both the domestic and international level.” While raising important historical issues, it makes the absence of any reference to China's far more serious and ongoing violations all the more conspicuous and incomprehensible.

Section VI (Victims’ perspectives on truth, justice including accountability and reparations for violations suffered as a result of enforced disappearance) devotes only a single paragraph about the guarantees of non-recurrence without any reference to the ongoing enforced disappearance and forcible repatriation of North Korean refugees by China.

The section also notes that: “Some victims, including relatives of forcibly disappeared persons, emphasised that the Government of the Republic of Korea is also partly responsible for the long-standing enforced disappearance cases of its citizens. The families of forcibly disappeared persons said that the Republic of Korea should also restore the victims’ reputations and compensate victims who were subjected to surveillance and discrimination for several years in the past.”

Section VI also states that “victims also pointed to the lack of political will from [Member States other than North Korea] to pursue prosecutions” under the heading of ‘Criminal prosecution of those responsible.’ Yet, it fails to mention the criminal prosecutions and convictions against North Korean and Chinese nationals for their role in the abduction of North Korean, South Korean and other nationals from China to North Korea in South Korean and Chinese

courts. This includes the two South Korean and Chinese court cases cited in paragraphs 977 to 979 of the COI report.

Section VIII (Recommendations) continues this trend with six recommendations to “Member States whose nationals are victims of enforced disappearances by the Democratic People’s Republic of Korea, including relatives of forcibly disappeared persons.” The section also outlines four recommendations to the international community which includes a brief recommendation to “uphold the principle of non-refoulement by not forcibly returning individuals to the Democratic People’s Republic of Korea who are at risk of serious human rights violations, such as torture, forced labour and enforced disappearance” without naming China. This shows a stark contrast to the COI DPRK’s robust, country-specific recommendations.

In August 2023, TJWG and other CSOs sent an open letter to High Commissioner Volker Türk expressing concern about OHCHR’s silence on China’s policy and practice of enforced disappearance and forcible repatriation of North Korean refugees.¹⁸⁷ The OHCHR spokesperson responded that OHCHR was “gravely concerned” about forced repatriations of North Koreans from China and elsewhere, and insisted that OHCHR had “raised these concerns publicly” on many occasions and “directly with the member states concerned” in order to uphold international human rights standards.¹⁸⁸

However, OHCHR’s thematic report on North Korea’s forced labor in July 2024 again fails to mention that most overseas North Korean workers go to China and Russia, that the two governments are complicit in the labor rights violations that they suffer and that they forcibly repatriate those who attempt

¹⁸⁷ TJWG, “Open letter on OHCHR’s unacceptable silence on China’s forcible repatriation of North Korean refugees,” August 11, 2023, <https://en.tjwg.org/2023/08/11/open-letter-on-ohchrs-unacceptable-silence-on-chinas-forcible-repatriation-of-north-korean-refugees>

¹⁸⁸ Jamey Keaten, “UN affirms concern over forced repatriation of North Koreans following criticism from rights groups,” *AP News*, August 12, 2023, <https://apnews.com/article/china-north-korea-un-human-rights-office-refugees-06c1753de9c06d2dab0fdb22bbf0aaba>

to seek asylum in many cases in Section IV (vi) (Overseas Labour).¹⁸⁹

The only recommendation to the host countries in Section VI was:

“Without prejudice to applicable United Nations Security Council decisions relating to sanctions, States engaging with the Democratic People’s Republic of Korea in labour migration programs should ensure agreements contain robust safeguards and monitoring arrangements to ensure labour is voluntary in nature, remunerated adequately to the workers and conducted in decent work conditions, as well as promptly, impartially and effectively investigating alleged crimes against overseas laborers in their territories.”

The OHCHR DPRK Accountability Project’s failure to name China and Russia and to urge the transit states to respect the principle of non-refoulement for those seeking asylum is disappointing.

For China’s third Universal Periodic Review (UPR) in 2018, the OHCHR came under criticism for its summary of CSO submissions that excluded those from Tibetan, Uyghur and other groups.¹⁹⁰ For China’s fourth UPR in 2024, the OHCHR’s compilation of UN submissions omitted the conclusion of OHCHR’s ‘assessment’ on Xinjiang¹⁹¹ that arbitrary and discriminatory detention of Uyghurs, pursuant to law and policy, may constitute international crimes, in particular crimes against humanity to the dismay of the Uyghur community.¹⁹²

¹⁸⁹ OHCHR, *Forced labour by the Democratic People’s Republic of Korea* (Seoul: OHCHR, 2024), <https://www.ohchr.org/en/documents/country-reports/forced-labour-democratic-peoples-republic-korea>

¹⁹⁰ “Joint Press Statement: China UPR: Civil Society Deeply Concerned by Removal of Key Stakeholder Information by the UN Office of the High Commissioner for Human Rights for Upcoming Universal Periodic Review of China,” HRW, November 5, 2018, <https://www.hrw.org/news/2018/11/05/joint-press-statement-china-upr>

¹⁹¹ OHCHR, *OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China* (Seoul: OHCHR, 2022), <https://www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-concerns-xinjiang-uyghur-autonomous-region>

¹⁹² Rushan Abbas, “Testimony at Congressional-Executive Commission on China Hearing Entitled ‘The PRC’s Universal Periodic Review and the Real State of Human Rights in China,’” February 1, 2024, <https://www.cecc.gov/events/hearings/the-prcs-universal-periodic-review-and-the-real-state-of-human-rights-in-china>

TJWG and other CSOs will continue to monitor OHCHR DPRK Accountability Project's reports, including the upcoming 2025 biennial accountability report and future thematic reports, and again raise issues with OHCHR if necessary.

The OHCHR DPRK Accountability Project's over-reliance on interviews with the North Korean escapees at Hanawon is also worrying. As the number of North Korean refugees arriving in South Korea plummeted during the COVID-19 pandemic and appears unlikely to recover even in the post-pandemic period, it is important to find other sources of information.

For the forced labor report, the OHCHR DPRK Accountability Project could have cited the North Korean state media's heaping praise on those who work to death and other self-reporting of labor and human rights violations, and could have tried to quantify the scale and monetary value of North Korean forced labor and identify businesses involved in the international supply chain.¹⁹³

For topics such as enforced disappearances, the OHCHR could utilize the satellite imagery from the United Nations Satellite Center (UNOSAT) for identifying the location of political prison camps and use such imagery in the report. For the forced labor report, the OHCHR DPRK Accountability Project could have done a supply chain analysis as is common in forced labor investigations.

OHCHR can also introduce novel legal concepts or ideas to the North Korean human rights and accountability discourse. OHCHR's 2016 thematic report on involuntary separation of families made the first case to view the issue of separated families from the human rights dimension.¹⁹⁴ TJWG wholeheartedly agrees with this report and the latest North Korean human rights resolution

¹⁹³ Ifang Bremer, "Forced labor pervasive in North Korea and may even constitute slavery: UN report," *NK News*, July 16, 2024, <https://www.nknews.org/2024/07/forced-labor-pervasive-in-north-korea-and-may-even-constitute-slavery-un-report>

¹⁹⁴ OHCHR, *TORN APART - The human rights dimension of the involuntary separation of Korean families* (Seoul: OHCHR, 2016), <https://www.ohchr.org/en/documents/country-reports/torn-apart-human-rights-dimension-involuntary-separation-korean-0>

adopted by the UN General Assembly on December 17, 2024 (A/RES/79/181) which incorporated the concept of forced separation of families.¹⁹⁵

In its resolution 55/21 of April 4, 2024, the United Nations Human Rights Council requested the High Commissioner for Human Rights to submit a comprehensive report (1) “containing an update on the situation of human rights in the Democratic People’s Republic of Korea since 2014, when the report of the commission of inquiry was published” and (2) “taking stock of the implementation of the commission’s recommendations” to the 60th Human Rights Council in September 2025.

However, the progress on the COI update report is, as the CSOs that first proposed and successfully advocated for the inclusion of this language in Human Rights Council resolution 55/21 has called it,¹⁹⁶ worrying. The OHCHR DPRK Accountability Project, which prefers to call it the ‘10-Year Assessment Report on the situation of human rights in the DPRK’ without mentioning the COI DPRK on the grounds that OHCHR Seoul was created by a resolution of the Human Rights Council, has no ties to the COI DPRK.

TJWG and other CSOs have asked OHCHR to hold public hearings or meetings where the victims and experts are given a chance to speak before the preparation of the COI update report following the precedent set by COI DPRK ten years ago. The COI DPRK held public hearings in Seoul (August, 20-24 2013), Tokyo (August 29-30, 2013), London (October 23, 2013) and Washington, D.C. (October 30-31, 2013) with the operational and substantive support from the authorities of South Korea, Japan, the United Kingdom and

¹⁹⁵ UN General Assembly, Seventy-ninth session, “Draft Resolution: Situation of human rights in the Democratic People’s Republic of Korea,” A/C.3/79/L.34, November 5, 2024, preambular paras. 23, 25 and operative para. 23, <https://undocs.org/A/C.3/79/L.34>

¹⁹⁶ “Open Letter to Permanent Representatives of Member and Observer States of the United Nations Human Rights Council: North Korea: States Should Support the Resolution on the Human Rights Situation in North Korea at the 55th Session of the UN Human Rights Council,” HRW, March 14, 2024, <https://www.hrw.org/news/2024/03/14/north-korea-states-should-support-resolution-human-rights-situation-north-korea>

the United States.¹⁹⁷

TJWG and other CSOs have also raised concerns about OHCHR's insistence that the maximum length of the COI update report is 8,500 words. Again, COI DPRK circumvented the 8,500-word limit by preparing the regular 36-page UN report (A/HRC/25/63) which has to be translated into six official UN languages¹⁹⁸ and the 372-page report of detailed findings (A/HRC/25/CRP.1).¹⁹⁹ The 8,500-word limit is not applicable to the 'conference room paper (CRP)' which does not need to be translated. While it would be unrealistic to expect the OHCHR's COI update report to be as long as the COI report, it certainly does not have to be capped at 8,500 words.

It is also worrying that OHCHR has not been engaging civil society to survey the issues and recommendations to be included in the COI update report. It may be necessary for CSOs to survey themselves and deliver the views they expressed to the OHCHR DPRK Accountability Project. TJWG considers that the COI update report should include sections on political prison camps, deportation of North Korean refugees and escapees by China and Russia, persecution of religious believers and 'subversive influencers,' foreigners abducted and/or disappeared by North Korea, North Korea's overseas workers and military personnel, and persons with disabilities transferred to a remote island.

It is worth noting that the COI DPRK made 20 sets of recommendations to North Korea, six to China and other states and 10 to the international community and the United Nations. TJWG will urge the OHCHR DPRK Accountability Project to take stock of the implementation of these sets of recommendations, especially the COI DPRK's recommendations to China concerning the forcible repatriation of

¹⁹⁷ UN HRC, A/HRC/25/CRP.1, paras. 30-33.

¹⁹⁸ UN HRC, Twenty-fifth session, "Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea," A/HRC/25/63, February 7, 2014, <https://undocs.org/A/HRC/25/63>

¹⁹⁹ UN HRC, A/HRC/25/CRP.1.

North Korean refugees and escapees, in the COI update report as mandated by Human Rights Council resolution 55/21 of April 4, 2024.

TJWG has already raised many of the issues concerning the OHCHR DPRK Accountability Project in its submission to the Special Rapporteur on the situation of human rights in North Korea in February 2024²⁰⁰ in responses to her call for inputs on the progress in accountability for human rights violations in North Korea.²⁰¹

200 *A Submission to the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea Re: Call for Inputs Concerning the Progress in Accountability for Human Rights Violations in the DPRK for the Special Rapporteur's Report to the 55th Human Rights Council Session in March 2024*, February 14, 2024, <https://www.ohchr.org/sites/default/files/documents/countries/korea-dpr/cfi-hrc55/subm-progress-accountability-hr-cso-transitional-justice-wg.pdf>

201 "Call for Inputs on the Progress in Accountability for Human Rights Violations in the Democratic People's Republic of Korea," OHCHR, <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-progress-accountability-human-rights-violations-democratic-peoples>

South Korean Ministry of Unification's North Korean Human Rights Record Center and Ministry of Justice's North Korean Human Rights Archive

Under the North Korean Human Rights Act enacted in 2016, the Ministry of Unification (MOU)'s North Korean Human Rights Record Center (hereinafter referred to as the Record Center) interviews North Korean defectors at Hanawon while the Ministry of Justice (MOJ)'s North Korean Human Rights Archive (hereinafter referred to as the Archive) prepares 'cards' of perpetrators, victims and witnesses with a view to future criminal investigations and prosecutions based on the materials transferred from the Record Center.

The division of labor was the outcome of a bureaucratic turf battle between the MOU and the MOJ, and the cooperation or even information sharing between the Record Center and the Archive is strained. The Record Center is hesitant about addressing issues of international criminal law in its work or reports because of the tacit understanding that criminal matters are under the purview of the Archive. However, the Archive has no direct access to the defectors and its prosecutors and investigators' experience or expertise in international criminal law is limited.

The MOJ's Archive has recently been reluctant to even disclose the number of perpetrator, victim and witness cards it has prepared. This is in stark contrast to the time when it was headed by Choi Gi-sik (August 2017 – August 2018) who actively published the quarterly figures and held public conferences.²⁰²

²⁰² Mok Yong Jae, "한국 정부, 북 인권침해 가해자 656명 명시" [South Korean government names 656 perpetrators of North Korea's human rights violations], *Radio Free Asia*, March 2, 2018, https://www.rfa.org/korean/in_focus/human_rights_defector/nkhr-03022018094701.html

The South Korean government should take a more active role in advancing accountability for North Korea's crime of enforced disappearance and other violations. The MOJ's Archive should not only disclose the quarterly number of card production but also hold public events to discuss the pattern of crimes identified.

The Record Center and the Korea Institute for National Unification (KINU) should apply international criminal law as well as international human rights law for their legal analysis of atrocities in North Korea in comprehensive and thematic reports. There appears to be an unspoken understanding that international criminal law falls under the MOJ Archive's purview, but the distinction between international human rights law and international criminal law is becoming blurred and there is no reason why the Record Center and KINU should not cite the Enforced Disappearance Convention, the Genocide Convention or even the Rome Statute as human rights treaties.

The Record Center and the Archive each have an advisory committee to assist their work. Both the MOU and MOJ should jointly appoint a group of experts on international criminal law, including judges and prosecutors with experience at the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Extraordinary Chamber of Courts in Cambodia and the International Criminal Court, as advisers and ask them to review existing information and evidence to provide recommendations.

The Record Center published its second report in June 2024.²⁰³ TJWG was invited to supervise the report's editing and advised the Record Center to prioritize key issues of interest, such as information control, forced repatriation, overseas workers, political prison camps and abductees and prisoners of war, by placing them at the beginning of the earlier chapters.

²⁰³ ROK Ministry of Unification, *2024 Report on North Korean Human Rights* (Seoul: Ministry of Unification, 2024), <https://unikorea.go.kr/nkhr/en>

Political Prison Camps (*Kwanliso*)

In post-unification Germany, the bulk of criminal cases against former East German officials concerned the shooting of those who attempted to defect to West Germany by making an unauthorized crossing of the infamous Berlin Wall and inner German border. For North Korea, the largest number of prosecutions may concern enforced disappearance and other human rights violations committed at political prison camps.

In 2014, the COI DPRK concluded that the human rights violations at political prison camps (관리소 / *kwanliso*) amount to crimes against humanity. The COI DPRK also recommended that North Korea “[d]ismantle all political prison camps and release all political prisoners.”²⁰⁴

Since 2014, all annual Human Rights Council resolutions have urged North Korea to “dismantl[e] all political prison camps and release all political prisoners” and annual General Assembly resolutions have urged North Korea to “immediately close the political prison camps and to release all political prisoners unconditionally and without any delay.”

Many states have recommended North Korea to close political prison camps and release political prisoners in the past Universal Periodic Reviews (UPR), but

²⁰⁴ UN HRC, A/HRC/25/CRP.1, para. 1220(b).

North Korea has rejected all such recommendations.²⁰⁵ Despite North Korea's continued rejections, it is important for the international community to continue to call upon North Korea to dismantle all political prison camps and to release all political prisoners at UPRs.

The Special Rapporteur on the situation of human rights in North Korea and other special procedure mandate-holders can also address the human rights abuses related to political prison camps. TJWG has made a number of submissions concerning the reported cases of people sent to political prison camps to the Working Group on Enforced or Involuntary Disappearances (WGEID).

For many years, North Korea has failed to submit periodic reports to the treaty bodies for the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

²⁰⁵ UN HRC, Fifty-eighth session, "Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea," A/HRC/58/11, November 11, 2024. (¶ 7.4 Implement all Commission of Inquiry recommendations, including on torture, abductees, the death penalty and political prison camps (Australia); ¶ 7.5 Fully implement the recommendations of the 2014 Commission of Inquiry report, including releasing political prisoners and clarifying the fate and whereabouts of all missing persons (Croatia); ¶ 7.6 Fully implement the recommendations of the Commission of Inquiry, including dismantling all political prison camps, releasing political prisoners, and clarifying the fate and whereabouts of all disappeared persons including those subjected to forcible repatriation from neighbouring countries (Denmark); ¶ 7.28 End politically motivated imprisonment and the use of torture in all places of detention and ensure fair trials (France); ¶ 7.29 Abolish political prison camps and release all political prisoners, discontinue the use of torture, prevent enforced disappearances and arbitrary and public executions, and introduce a moratorium on the use of the death penalty (Czechia); ¶ 7.30 Take immediate and effective action to abolish all political prison camps and to discontinue the use of torture in all detention facilities, in line with the International Covenant on Civil and Political Rights and Sustainable Development Goal 16 (Netherlands (Kingdom of the)); ¶ 7.32 Immediately close political prison camps and release all political prisoners unconditionally (Luxembourg); ¶ 7.33 Release all political prisoners, disband all political prison camps and immediately cease the arbitrary arrest and imprisonment of persons on the grounds of their political or other opinion, and take steps to improve conditions in detention facilities (Liechtenstein); ¶ 7.34 Immediately close all political prison camps and unconditionally release all prisoners of conscience, including relatives being held on the basis of "guilt by association" (Sweden); ¶ 7.35 Dismantle political prison camps and release all political prisoners (Albania); ¶ 7.36 Dismantle all political prison camps, release all political prisoners, and implement safeguards against arbitrary detention, ensuring due process and fair trial rights (Ukraine)).

The only treaty body that North Korea has maintained interaction with in recent years is the Committee on the Rights of Persons with Disabilities (CRPD). The CRPD is scheduled to review North Korea's initial report during its 33rd Session (August 11, 2025 - August 29, 2025).²⁰⁶ TJWG plans to make submissions concerning the treatment of persons with disabilities in political prison camps.

North Korea has failed to submit the third periodic review to the Human Rights Committee, the treaty body for the ICCPR, for the past two decades. The Committee has taken the unusual step of sending a list of issues prior to the review (LOIPR) to the North Korea based on the submissions by NGOs in 2021.²⁰⁷

If North Korea continues its refusal to submit a response to the LOIPR, the Human Rights Committee should proceed with the review with or without the attendance of North Korean delegation under rule 71 of the Rules of Procedure.²⁰⁸ North Korea may be inclined to submit information and send a delegation to the review to avoid the human rights violations alleged against it accepted by the Human Rights Committee without North Korea's objection.

Other treaty bodies should also consider sending a LOIPR to North Korea with a view to proceeding to the review even without North Korea's participation to address human rights issues, including enforced disappearances and other related human rights abuses in political prison camps, in North Korea.

The collection, consolidation, preservation and analysis of the information concerning political prison camps will also be important to facilitate accountability in domestic and international courts. Documentary materials and insider statements about the organization and operation of political prison

²⁰⁶ Committee on the Rights of Persons with Disabilities, "Convention on the Rights of Persons with Disabilities 33rd Session (August 11-29, 2025)," UN Treaty Database, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2795&Lang=en

²⁰⁷ UN HRC, "List of issues prior to the submission of the third periodic report of the Democratic People's Republic of Korea," CCPR/C/PRK/QPR/3, June 22, 2021, <https://undocs.org/CCPR/C/PRK/QPR/3>

²⁰⁸ UN HRC, "Rules of procedure of the Human Rights Committee," CCPR/C/3/Rev.12, January 4, 2021, <https://undocs.org/CCPR/C/3/Rev.12>

camps and the most responsible officials are necessary for criminal and civil cases against the perpetrators.

North Korean Refugees and Escapees

Those responsible for enforced disappearance and other related human rights violations committed against North Korean refugees and escapees must be held accountable. Just as those responsible for the killing of East German refugees attempting to escape to West Germany were brought to justice in post-unification Germany, those responsible for crimes against humanity targeting North Korean refugees and escapees should be too.

At the same time, the complicity of China and other countries cannot be ignored. In 2014, the COI DPRK expressed concerns to China about China's forced repatriation of North Koreans and sharing of specific information about them with the North Korean authorities. The report warned that such conduct could amount to the aiding and abetting of crimes against humanity "where repatriations and information exchanges are specifically directed towards or have the purpose of facilitating the commission of crimes against humanity in the DPRK."²⁰⁹

The North Korean human rights draft resolution submitted by the European Union (EU) and adopted by the UN General Assembly's Third Committee on November 20, 2024 referred to "forced abortions and infanticide against repatriated mothers and their children" for the first time.²¹⁰ It also urged all Member States to respect the fundamental principle of non-refoulement, to take action to counter acts of transnational repression by North Korea and to refrain from sharing information about the contacts and conduct of refugees, asylum-seekers and other citizens of North Korea with the North Korean government.

TJWG has urged governments to raise concerns about the forcible repatriation

²⁰⁹ UN HRC, A/HRC/25/CRP.1, para. 1197.

²¹⁰ UN General Assembly, A/C.3/79/L.34, paras. 2(a)(v) and 19(g).

of North Korean refugees and escapees at the UPRs for China and North Korea in 2024. At the China UPR on January 23, 2024, several countries made recommendations either directly or indirectly referring to China's policy of forcible repatriation.²¹¹ At the North Korea UPR on November 7, 2024, there were many recommendations concerning the enforced disappearances and other human rights violations against repatriated North Koreans.²¹²

TJWG and other NGOs also asked the South Korean government to raise the issue of North Korean refugees at the UPRs for Vietnam and Cambodia on May 7 and 8, 2024, respectively.²¹³ However, South Korea made no recommendations concerning North Korean refugees at these UPRs. South Korea did not take part in Russia's earlier UPR on November 13, 2023 even though Russia has the second-largest number, after China, of North Korean asylum-seekers as well as their deportations.²¹⁴

211 UN HRC, Fifty-sixth session, "Report of the Working Group on the Universal Periodic Review: China," A/HRC/56/6, March 11, 2024, <https://documents.un.org/doc/undoc/gen/g24/034/58/pdf/g2403458.pdf>. (¶ 22.183 Cease the restriction of civil society and independent media, end forced repatriations and stop targeting human rights defenders (United Kingdom of Great Britain and Northern Ireland); ¶ 22.422 Observe the international principle of non-refoulement and provide protection to migrants and refugees (Afghanistan); ¶ 22.424 Refrain from the forcible repatriation of North Korean refugees to the Democratic People's Republic of Korea (Czechia); ¶ 22.425 Provide adequate protection to escapees of foreign origin, including from the Democratic People's Republic of Korea (Republic of Korea); ¶ 22.426 Respect relevant international norms such as the principle of non-refoulement (Republic of Korea); ¶ 22.427 Strengthen measures to guarantee the protection of asylum-seekers and their non-refoulement (Uruguay)).

212 UN HRC, A/HRC/58/11. (¶ 6.67 Ensure that those who are repatriated are not subjected to punishment, torture, enforced disappearance or arbitrary detention (Ireland); ¶ 7.6 Fully implement the recommendations of the Commission of Inquiry, including dismantling all political prison camps, releasing political prisoners, and clarifying the fate and whereabouts of all disappeared persons including those subjected to forcible repatriation from neighbouring countries (Denmark); ¶ 7.27 Put an end to enforced disappearances, executions, torture, and inhuman treatment, including of those forcibly repatriated to the DPRK (Canada); ¶ 7.31 Ensure those who have been forcibly repatriated, especially women and girls, are not subjected to inhumane treatment such as torture (Republic of Korea); ¶ 7.44 Provide information on the whereabouts of missing or forcibly repatriated persons, including the 4,777 persons listed in the 2017 report published by the Government on the Facts of Victims of Abduction during the Korean War (Mexico); ¶ 7.47 Clarify the whereabouts and fate of repatriated persons to the Democratic People's Republic of Korea (Finland); ¶ 7.76 End the practice of prosecuting women who have escaped the country and have subsequently been repatriated back to the DPRK (Lithuania); ¶ 7.77 End the practice of forced abortions for women repatriated to the DPRK while pregnant (Canada)).

213 TJWG, "Open letter to Yoon – Raising the issues of North Korean escapees and Vietnam War-era prisoners of war (POWs) at Vietnam and Cambodia's Universal Periodic Reviews (UPRs) on May 7 and 8," April 30, 2023, <https://en.tjwg.org/2024/05/03/open-letter-to-yoon-vietnam-cambodia-4th-uprs>

214 "44th Session: Russian Federation," Universal Periodic Review Extranet, <https://uprmeetings.ohchr.org/Sessions/44/RussianFederation/Pages/default.aspx>

TJWG and other CSOs will continue to make submissions and urge South Korea and other countries to ask advanced questions and make recommendations concerning North Korean refugees and escapees at UPRs for China, Russia and other transit countries like Vietnam, Cambodia, Laos and Mongolia.

TJWG and other CSOs will continue to make submissions, urge South Korea and other countries to ask advanced questions, and make recommendations to treaty bodies when they review the periodic reports submitted by these states.

On May 12, 2023, TJWG and other NGOs made submissions concerning China's treatment of North Korean women refugees prior to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)'s review of China.²¹⁵ The participation of TJWG and the Citizens' Alliance for North Korean Human Rights (NKHR) contributed to the robust findings and recommendations concerning the issue in the CEDAW's concluding observations.²¹⁶

TJWG and other CSOs will continue to make submissions concerning North Korean refugees and escapees in China, Russia and other transit countries when they review the periodic reports submitted by these states.

TJWG has also made submissions to the Special Rapporteur on the situation of human rights in the DPRK and other special procedures, including the WGEID and Working Group on Arbitrary Detention (WGAD), about the individual cases. However, North Korea almost never provides any substantive response, instead blaming the international propaganda against it, while China infrequently responds in a substantive manner.²¹⁷

²¹⁵ CEDAW, "Convention on the Elimination of All Forms of Discrimination against Women: 85th Session (May 8-26, 2023)," UN Treaty Database, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2648&Lang=en

²¹⁶ CEDAW, "Concluding Observations on the Ninth Periodic Report of China," CEDAW/C/CHN/CO/9, May 31, 2023, paras. 14, 15, 29-30, <https://undocs.org/CEDAW/C/CHN/CO/9>

²¹⁷ OHCHR, *Ref.: UA CHN 11/2024*, May 23, 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=38754>

In its response to the communication of July 18, 2023 from the special procedures about the up to 2,000 North Koreans detained and facing deportation in China,²¹⁸ China claimed with regard to the non-refoulement provision in article 3 of the Convention against Torture that:

“As there is currently no evidence of torture or so-called ‘massive human rights violations’ in the Democratic People’s Republic of Korea, the constituent elements for the application of the principle of non-refoulement are not satisfied. Furthermore, under the principle of sovereign equality, a State cannot judge whether the judicial system of another State would expose the person concerned to the risk of torture. The Chinese side has not yet encountered situations in which persons being repatriated to the Democratic People’s Republic of Korea have raised objections to repatriation on the grounds that they will be subjected to torture.”²¹⁹

Nevertheless, it is important for CSOs to continue to pressure China and other transit countries about their treatment of North Korean refugees and escapees through UN special procedures.

TJWG engaged with the members of the European Parliament (MEPs) and their staff with Christian Solidarity Worldwide concerning China’s deportation of North Korean refugees in November 2024. On November 28, the European Parliament adopted a resolution where it urged “the Chinese Government to cease refoulement practices and provide North Korean refugees with access to international protection” and called on “North Korea to grant UN human rights bodies access to the country to assess the human rights situation,

²¹⁸ OHCHR, *Ref.: AL CHN 9/2023*, July 18, 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicationCommunicationFile?gld=28210>

²¹⁹ OHCHR, *Ref.: AL CHN 9/2023*, September 13, 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=37710>

enforced disappearances and the conditions of detainees and returned refugees, including the cases of Kim Cheol-ok (one of the hundreds repatriated by China on October 9, 2023).”²²⁰

MEP César Luena (S&D), the Chair of the Delegation for relations with the Korean Peninsula (DKOR), submitted a written question to the European External Action Service, the EU’s diplomatic service, asking if the EU will “ask China to uphold its obligations with regard to non-refoulement of DPRK escapees” and consider specifying Kim Cheol-ok’s case in the upcoming North Korean human rights resolution at the Human Rights Council.²²¹

One year after China’s deportation of hundreds of North Korean refugees and escapees on October 9, 2023, U.S. Representatives Adam Schiff, Young Kim and Michelle Steel made social media postings condemning China’s deportation and urging it to stop the repatriation.²²²

Earlier, on May 22, 2024, the Chicago City Council adopted a resolution noting that “people in North Korea are subject to many types of human rights violations committed by their own government and others that support North Korea” and

²²⁰ “Resolution on Reinforcing the EU’s Unwavering Support”.

²²¹ European César Luena (S&D), “China’s Refoulement of DPRK Escapees, and the Situation of Detainees in the DPRK,” European Parliament, November 27, 2024, https://www.europarl.europa.eu/doceo/document/E-10-2024-002674_EN.html

²²² Adam Schiff [@SenAdamSchiff], “One year ago, China deported 500+ refugees back to North Korea, knowing that they would face torture, violence, prison camps, and executions. China must stop their policy of refoulement and allow these refugees to resettle in other countries – free from persecution,” Twitter, October 10, 2024, <https://x.com/SenAdamSchiff/status/1844074817622016167>; U.S. Representative Young Kim, “One year ago, the CCP forcibly repatriated over 500 North Korean escapees, including Ms. Kim Cheol-ok, who face torture, sexual violence, & forced labor in prison camps. As the CCP & North Korea mark 75 years of ties, we must double down on human rights. That’s why I’m working to get my bipartisan North Korean Human Rights Reauthorization Act across the finish line to counter the North Korean regime & promote human rights for the North Korean people. The U.S. must lead on the world stage as a beacon for freedom & democracy,” Facebook, October 9, 2024, <https://www.facebook.com/RepYoungKim/posts/pfbid02JZAHA8ymnxJysgK7TTZvK8M9Ey7mXYHsy9Hpam3ApMnPTLym6xBy6DDT1st94GI>; Rep. Michelle Steel [@RepSteel], “Today marks 1 year since the CCP’s deportation of 500 refugees to North Korea where torture, political prison camps, and executions await them. The CCP must stop the deportations of North Koreans and allow them to resettle, free from religious and political persecution,” Twitter, October 10, 2024, <https://x.com/RepSteel/status/1844119078832832729>



Kim Kyu-li and Kim Yu-bin, sisters of repatriated North Korean refugee Kim Cheol-ok, defector activist Park Ji-hyun of Stepping Stones and other supporters protest before the North Korean embassy in London on January 24, 2024 [Source: Yonhap News]

that “Chinese government should classify North Korean defectors who cross into China as refugees and not to repatriate them to North Korea but send them to South Korea.”²²³

While it is critical to hold North Korea accountable for its crimes against humanity, including enforced disappearances, committed against repatriated North Korean refugees and escapees, it is equally important to hold China and other countries accountable for their complicity.

In reaction to the exodus of North Korean refugees, the Chinese government ruled out granting refugee status to North Korean escapees in February 1998.²²⁴ In December 1998, NKHR appealed to Chinese President Jiang Zemin and the UN High Commissioner of Refugees (UNHCR) to treat North Korean escapees as refugees under international law in response to the mass round-up and deportation of about 150 North Koreans by the Chinese authorities in Tonghua, Jilin province.²²⁵

When formally asked by South Korea to treat the North Korean escapees as refugees in 1999, China initially claimed that the issue was an internal matter and relied upon its bilateral treaty with Pyongyang to justify the deportations.²²⁶

²²³ Chicago City Council, “Resolution R2024-0009179: Recognition of Korean American Friendship Network and Chicago Chapter of Peaceful Unification Advisory Council for fighting human rights violations committed by North Korean government against citizens,” adopted on May 22, 2024, <https://chicago.councilmatic.org/legislation/r2024-0009179>

²²⁴ Cho Sung-dae, “中, 탈북자에 난민자격 거부” [China rejects refugee status for North Korean escapees], *Yonhap News*, February 15, 1998, <https://n.news.naver.com/mnews/article/001/0004301594?sid=104>

²²⁵ Kim Tae-sik, “中공안당국 탈북자 1백 50명 검거, 北압송” [Chinese Public Security Authorities Round Up 150 North Korean Escapees and Transfer Them to North Korea], *Yonhap News*, December 21, 1998, <https://n.news.naver.com/mnews/article/001/0004346357?sid=103>

²²⁶ Kwon Dae-yeol, “‘탈북자는 중국-북한의 문제’ 주한 중대사, 강경입장 밝혀” [The North Korean Escapees Are Chinese-North Korean Issue; Chinese Ambassador to South Korea Expresses Hardline View], *Chosun Ilbo*, September 2, 1999, https://www.chosun.com/site/data/html_dir/1999/09/02/1999090270467.html

In May 2000, the Chinese government pledged to address the North Korean escapees issue in accordance with three principles: (1) observe international law, international custom and domestic law; (2) ask for the safety of persons from North Korea in line with humanitarian principles; and (3) consider the peace and stability in the Korean peninsula.²²⁷

Following a spate of attempts by North Korean refugees and escapees to enter the UNHCR office, embassies and consulates in China, Beijing adopted its ‘domestic law, international law and humanitarian principles’ formula in 2002.²²⁸ However, China’s policy of deporting North Korean refugees to North Korea, where they face enforced disappearance, torture, and other severe persecution, despite the willingness of South Korea, the United States, and Canada to resettle them, is neither legal nor humane.

The international community should continue to urge China to end the forcible repatriation of North Korean refugees in violation of the principle of non-refoulement, guarantee the refugee status determination (RSD) procedure for them and allow third country resettlement.

In accordance with its legal obligation under the Torture Convention and the Refugee Convention and Protocol, China should terminate or revise its bilateral treaties with North Korea, especially the 1998 revised border security agreement and the 2003 Treaty on Judicial Assistance in Civil and Criminal Matters, that facilitate the deportation of North Korean refugees and escapees

²²⁷ Hwang Yoo-Sung, “주방짜오 중대변인 ‘中 남북회담 성사 적극적 역할’” [Chinese Spokesperson Zhu Bangzao Says China Will Play Active Role for the Achievement of Inter-Korean Talk], *Donga Ilbo*, May 8, 2000, <https://www.donga.com/news/article/all/20000508/7533284/1>

²²⁸ “发言人否认有关中日双方已就将擅自日驻沈阳总领馆的朝鲜人尽快送往第三国达成一致的报道” [The spokesperson denied reports that China and Japan have reached an agreement to send the North Koreans who broke into the Japanese Consulate General in Shenyang to a third country as soon as possible], Ministry of Foreign Affairs of the People’s Republic of China, May 15, 2002, https://www.mfa.gov.cn/web/gjhdq_676201/gj_676203/yz_676205/1206_676404/fyrygth_676412/200205/t20020515_9290395.shtml

and their enforced disappearance after their return to North Korea.

Moreover, in accordance with the recommendations contained in the annual North Korean human rights resolutions adopted by the UN Human Rights Council and General Assembly, China should stop sharing information about the contacts and conduct of North Korean refugees and escapees with North Korean authorities, counter acts of transnational repression by North Korea, including by expelling the ‘arrest teams’ dispatched by North Korea’s Ministry of State Security (국가보위성 / *gukgabowiseong* / MSS) and other security services that are active in Chinese territory and allow unimpeded access to the UNHCR.

China should also adopt a national refugee law as part of its efforts to implement the 1951 Convention relating to the Status of Refugees and implement article 46 of the Exit and Entry Administration Law, adopted on June 30, 2012 and entered into force on July 1, 2013, which provides that “Foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public security organs; foreigners who are recognized as refugees may stay or reside in China on the strength of refugee identity certificates issued by public security organs.”

China must also allow NGOs to document North Korean refugees and escapees in China by repealing draconian laws, such as the revised Counter-Espionage Law, that threaten civil society, including North Korean human rights and refugee activists.

The EU-sponsored North Korean human rights resolutions at the UN Human Rights Council should also name individual North Koreans forcibly repatriated to North Korea by China, such as Kim Cheol-ok, the only one whose family has publicly called for her release. Not only will this reduce the risk of torture and other human rights abuses that the named disappeared person faces but also put a human face to the issue. The NGOs have pointed out in open letters that past Myanmar human rights resolutions sponsored by the EU specifically

named journalists, school teachers and environmental activists as victims.²²⁹

The UNHCR also needs to play a more active role for the North Korean refugees in China as it once did in the past. The agreement signed between China and the UNHCR in December 1995 when its mission office in Beijing established in 1979 was upgraded to a branch office,²³⁰ provides in article III (5): “In consultation and cooperation with the Government, UNHCR personnel may at all times have unimpeded access to refugees and to the sites of UNHCR projects in order to monitor all phases of their implementation.”²³¹

However, when a UNHCR assessment mission to the China/North Korea border revealed the presence of some North Korean refugees among the undocumented North Korean population in China in May 1999, the Chinese government reprimanded UNHCR for the results of the mission. It also refused

229 UN HRC resolutions 34/22 of 24 March 2017 (“the killings of constitutional legal expert and senior National League for Democracy adviser Ko Ni, in January 2017, land and environmental activist Naw Chit Pan Daing, in November 2016, and journalist Soe Moe Tun, in December 2016”), 37/32 of 23 March 2018 (“the killings of constitutional legal expert and senior National League for Democracy adviser Ko Ni, in January 2017, land and environmental activist Naw Chit Pan Daing, in November 2016, and journalist Soe Moe Tun, in December 2016, the rape and murder of Kachin school teachers Maran Lu Ra and Tangbau Hkawn Nan Tsing in January 2015”; “immediately release journalists Wa Lone and Kyaw Soe Oo”), 39/2 of 27 September 2018 (“Expresses grave concern that the journalists Wa Lone and Kyaw Soe Oo, who were investigating the Inn Dinn killings, have been jailed, prosecuted and sentenced, and calls for their immediate and unconditional release”), 40/29 of 22 March 2019 (“reiterates its call for the immediate and unconditional release of journalists Wa Lone and Kyaw Soe Oo”), 43/26 of 22 June 2020 (“Welcomes the release of journalists Wa Lone and Kyaw Soe Oo”), 46/21 of 24 March 2021, 49/23 of 1 April 2022, 52/31 of 4 April 2023 and 55/20 of 4 April 2024 (“Calls for the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all those who have been arbitrarily detained, charged, [arrested, convicted or sentenced] on specious grounds during and in the aftermath of 1 February 2021”). TJWG, “Open letter to Yoon – co-penholdership of 2024 HRC DPRK resolution and strengthening its language,” December 27, 2023, <https://en.tjwg.org/2023/12/29/open-letter-to-yoon-co-penholdership-of-2024-hrc-dprk-resolution>. See also TJWG, “Open letter to Yoon – On strengthening the language concerning South Korean POWs, abductees, detainees and North Korean refugees in the UN General Assembly’s North Korean human rights resolution,” June 22, 2023, <https://en.tjwg.org/2023/06/22/open-letter-to-yoon-on-strengthening-the-language-concerning-south-korean-pows-abductees-detainees-and-north-korean-refugees-in-the-un-general-assemblys-north-korean-human-rights-resolution>

230 PRC’s Ministry of Foreign Affairs, “China’s Relation with UNHCR,” September 27, 2003, https://www.fmprc.gov.cn/eng/wjb/zzjg_663340/gjs_665170/gjzyhy_665174/2594_665176/2600_665188/202406/t20240606_11404354.html

231 “Agreement between the Government of the People’s Republic of China and the Office of the United Nations High Commissioner for Refugees on the Upgrading of the UNHCR Mission in the People’s Republic of China to UNHCR Branch Office in the Republic of China,” <https://www.nkfreedom.org/UploadedDocuments/UNHCR-China1995Treaty.pdf>

to permit UNHCR's formal involvement with the population.²³² The UNHCR had classified these North Korean escapees as refugees on account of the politically discriminatory food distribution policies in North Korea.²³³

In response to China's deportation of seven North Koreans recognized as refugees by the UNHCR in Russia in January 2000, UN High Commissioner for Refugees Sadako Ogata stated that they "are gravely concerned by the Chinese decision to deport people whom UNHCR has recognised as refugees under the 1951 Refugee Convention."²³⁴ However, the Chinese government claimed that it has to deal with the issue 'prudently.'²³⁵ UNHCR offered to assess the asylum claims of North Korean asylum-seekers jointly with the Chinese authorities to no avail.²³⁶

During his visit to China in March 2006, then-UN High Commissioner for

²³² U.S. Committee for Refugees, *World Refugee Survey 2000 – China* (U.S. Committee for Refugees, 2000), <https://www.refworld.org/docid/3ae6a8cc4.html>. ("However, a May 1999 UNHCR assessment mission to the China/North Korea border revealed the presence of some North Korean refugees among the undocumented North Korean population in China. The Chinese government reprimanded UNHCR for the results of the mission and refused to permit UNHCR's formal involvement with the population."); Lee Hyeok-jae and Jee Hae-bum, "유엔, 탈북자에 첫 '난민' 인정" [The UN recognizes North Korean escapees as 'refugees'], *Chosun Ilbo*, October 14, 1999, https://www.chosun.com/site/data/html_dir/1999/10/14/1999101470026.html; Ko Seung-il, "UNHCR, 탈북자 일부 난민 인정" [UNHCR recognizes some of North Korean escapees as refugees], *Yonhap News*, October 14, 1999, <https://n.news.naver.com/mnews/article/001/0004479815?sid=100>; "Seoul reacts cautiously to U.N. move on North Korean refugees in China," *Korea Herald*, October 15, 1999, <https://n.news.naver.com/mnews/article/044/0000012041?sid=104>

²³³ Roberta Cohen, "Can the UN Secretary-General Help the 2,000 North Koreans Detained in China? With every reason to believe North Koreans would face persecution and torture back home, the U.N. must take a stronger stance on China's repatriation of North Korean refugees," *The Diplomat*, July 5, 2023, <https://thediplomat.com/2023/07/can-the-un-secretary-general-help-the-2000-north-koreans-detained-in-china/>. ("Indeed, Guterres would do well to reveal that UNHCR staff, when allowed access to the China-North Korea border in the mid 1990s, classified starving North Koreans as refugees, because they were subject to North Korea's politically discriminatory food distribution policies. To squash such findings, China barred UNHCR from the border in the late 1990s, and in 2008 ended the access of North Koreans to the UNHCR office in Beijing, which had helped small groups of North Koreans to depart. China's collusion with North Korea in undermining the Refugee Convention through bilateral agreements that treat asylum seekers as criminals must be stopped").

²³⁴ Public Information Section, "UNHCR Protests Chinese Deportation of North Koreans," UNHCR, January 13, 2000, <https://www.unhcr.org/news/news-releases/unhcr-protests-chinese-deportation-north-koreans>

²³⁵ Christian F. Mahr, "North Korea: Scenarios from the Perspective of Refugee Displacement," *Rosemarie Rogers Working Paper Series* #11 (February 2002): 21, <https://dspace.mit.edu/handle/1721.1/97603>

²³⁶ Kris Janowski, "UNHCR Seeks Access to North Koreans Detained in China," UNHCR, January 21, 2003, <https://www.unhcr.org/news/unhcr-seeks-access-north-koreans-detained-china>

Refugees António Guterres in his own words had “very intense, frank and meaningful discussions” with the Chinese officials about North Koreans in China, some of whom are in need of protection as “refugees sur-place” due to the “risk of deportation back to their countries of origin [that] is associated with the risk of persecution in those areas covered by the 1951 Refugee Convention.”²³⁷ In May 2013, then-High Commissioner Guterres publicly “expressed grave concern” over the safety and security of nine North Koreans who were reportedly deported from Laos to China.²³⁸ The Chinese government warned him against making “irresponsible remarks.”²³⁹

However, UNHCR has been conspicuously silent and absent on the North Korean refugee issue since 2013. At the same time, High Commissioner Filippo Grandi has been a regular visitor to Beijing and a champion of China’s Belt and Road Initiative which he said could “definitely” help with global refugee work.²⁴⁰

On April 18, 2024, TJWG, Mulmangcho and other NGOs held a press conference before the South Korean Ministry of Foreign Affairs. TJWG and other NGOs urged the government to ask UNHCR to consider adopting a country-specific guidance²⁴¹ for North Korean refugees, emphasizing that South

²³⁷ “Statement to Media by Mr. António Guterres, United Nations High Commissioner for Refugees, on the Conclusion of His Mission to the People’s Republic of China, Beijing, 23 March 2006,” UNHCR, March 23, 2006, <https://www.unhcr.org/publications/statement-media-mr-antonio-guterres-united-nations-high-commissioner-refugees>

²³⁸ “Chief Calls on States to Respect Non-Refoulement After North Koreans Deported from Laos,” UNHCR, May 30, 2013, <https://www.unhcr.org/news/news-releases/unhcr-chief-calls-states-respect-non-refoulement-after-north-koreans-deported>; Shin Hyon-hee, “UNHCR Ups Efforts to Protect N.K. Defectors,” *Korea Herald*, March 2, 2014, <https://www.koreaherald.com/view.php?ud=20140302000452>. (“Dirk Hebecker, representative for UNHCR Korea, says his agency provides financial and technical support for defectors on their way to South Korea, while boosting cooperation with neighboring countries and other U.N. entities”).

²³⁹ Terri Yue Jones, “China Warns U.N. Against ‘Irresponsible Remarks’ on North Koreans,” *Reuters*, June 3, 2013, <https://www.reuters.com/article/us-korea-north-china-idUSBRE95209W20130603>

²⁴⁰ Xinhua, “Belt and Road Initiative Helps with Refugee Work: UNHCR,” *China Daily*, August 12, 2018, <https://www.chinadaily.com.cn/a/201808/12/WS5b6f7a52a310add14f385415.html>

²⁴¹ “Country Information and Guidance: Reports Covering the General Conditions, State of Human Rights, and Major Events of Countries,” UNHCR USA, <https://www.unhcr.org/us/what-we-do/u-s-asylum-resources/country-information-and-guidance>

Korea's state contributions and private donations are greater than China's.²⁴²

If China continues to deny UNHCR personnel “unimpeded access to refugees,” including North Korean refugees, “at all times” as stipulated in article III(5) of the 1995 PRC-UNHCR agreement, UNHCR should consider instituting arbitration against China under article XVI (Settlement of Disputes) of the agreement which allows for arbitration of “any disputes between the Government [of the People's Republic of China] and UNHCR arising out of or relating to this Agreement.”²⁴³

The U.S. Congress in section 304(b)(1) and (2) of the North Korean Human Rights Act of 2004 expressed its sense that “if the Government of China continues to refuse to provide the UNHCR with access to North Koreans within its borders, the UNHCR should initiate arbitration proceedings pursuant to Article XVI of the UNHCR Mission Agreement and appoint an arbitrator for the UNHCR” and that “because access to refugees is essential to the UNHCR mandate and to the purpose of a UNHCR branch office, a failure to assert those arbitration rights in present circumstances would constitute a significant abdication by the UNHCR of one of its core responsibilities.”²⁴⁴

UNHCR was the first UN agency to open an office in Beijing in 1979, but the reasons for its continued presence there is unclear as it processes only a modest number of asylum-seekers for the RSD and is denied access to North Korean refugees which is guaranteed by 1995 agreement.²⁴⁵ UNHCR should consider pulling out from Beijing if China continues its current policy of forcible repatriation of North Korean refugees and escapees.

²⁴² UNHCR, *2023 Global Funding Overview* (UNHCR, 2023), <https://reporting.unhcr.org/global-funding-overview-2023>

²⁴³ “Agreement between the Government of the People's Republic of China and the Office of the United Nations High Commissioner for Refugees.”

²⁴⁴ H.R.4011 - North Korean Human Rights Act of 2004, 108th Congress (2003-2004), <https://www.congress.gov/bill/108th-congress/house-bill/4011/text>

²⁴⁵ “Agreement between the Government of the People's Republic of China and the Office of the United Nations High Commissioner for Refugees.”

TJWG will continue to collect information about North Korea's forced abortions and infanticide against repatriated mothers and their children based on gender and racial discrimination which may amount to genocide. TJWG will also try to persuade like-minded governments to consider instituting proceedings against North Korea at the International Court of Justice based on the Genocide Convention for genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide or complicity in genocide.

The South Korean government also needs to take a consistent, robust policy for the protection of North Korean refugees. When North Koreans sent to work as loggers in Russia began to seek asylum in South Korea in the mid-1990s, the South Korean government was hesitant about resettling them. In April 1994, South Korean President Kim Young-sam stated that, to “avoid irritating North Korea,” his government was not considering granting asylum to the North Korean loggers, even though 90 of them had sought asylum at South Korean embassies and consulates.²⁴⁶

The South Korean government continued to vacillate, but gradually adopted the position of accepting all North Korean refugees. In 1999, the South Korean government stated its position that it would accept all North Korean escapees who wished to come to South Korea.²⁴⁷ Since then, successive administrations maintained that they are open to accepting and resettling all North Korean escapees in South Korea.²⁴⁸

246 “북 벌목부 망명 허용 현단계선 고려안해/김 대통령” [President Kim Says He Is Not Considering Granting Asylum to North Korean Loggers at Current Stage], *Hankook Ilbo*, April 7, 1994, <https://www.hankookilbo.com/News/Read/199404070033390587>

247 Choi Yi-rak, “입국희망 탈북자 전원수용 방침” [Policy to Accept All North Korean Escapees Who Wish to Enter South Korea], *Yonhap News*, October 17, 1998, <https://n.news.naver.com/mnews/article/001/0004479812?sid=100>

248 Joo Yong-sung, “입국 희망 탈북자 전원 수용” [Accept All North Korean Escapees Who Wish to Enter South Korea], *Yonhap News*, March 18, 2002, <https://n.news.naver.com/mnews/article/001/0000141597?sid=100>; Kim Sung-gon, “李대통령 ‘한국행 희망 탈북자, 전원 수용’” [President Lee States That All North Korean Escapees Wishing to Go to South Korea Will Be Accepted], *Asia Business Daily*, April 11, 2009, <https://www.asiae.co.kr/news/view.htm?idxno=2009041017501335601>



A Chinese diplomat calls North Korean escapees "illegal migrants" and denies torture and other abuses in North Korea at a CSO side event at the UN Human Rights Council on March 15, 2024 [Source: Radio Free Asia]

This long-standing principle was called into question again with South Korea's forcible repatriation of two North Korean escapees accused murder Woo Beom-seon [우범선] and Kim Hyun-wook [김현욱] to North Korea in November 2019. However, after a change of government in 2022, the South Korean government reaffirmed that the acceptance of all North Korean escapees willing to come to South Korea has always been the government's basic position.²⁴⁹

²⁴⁹ Hong Seung-wook, "The Unification Ministry Says the Acceptance of All North Korean Escapees Is South Korea's Basic Principle; Nothing New," *Radio Free Asia*, August 2, 2022, https://www.rfa.org/korean/in_focus/human_rights_defector/defectorpolicy-08022022091054.html

In February 2023, the state prosecutors indicted the previous administration's top four officials—the former national security advisor, presidential chief of staff, director of the National Intelligence Service and the minister of unification—after a criminal investigation.

However, the South Korean government has yet to formally ask North Korea to clarify the fate and whereabouts of Woo Beom-seon and Kim Hyun-wook and to ask whether they were guaranteed the due process and fair trial rights as the NGOs have urged. The South Korean government never offered a convincing explanation for its inaction.

As early as January 1997, the South Korean government raised concerns about human rights abuses against the repatriated North Koreans.²⁵⁰ However, it was not consistent in holding North Korea accountable for such abuses. South Korea has been even more reluctant to name China. For example, following China's mass deportation in October 2023, the South Korean delegation referred to China as "a third country" at the UN General Assembly, perhaps to avoid China exercising the right of reply.²⁵¹

250 “정부, 北 체포 탈북자 인권침해 문제 제기” [Government Raises Issue of Human Rights Violations of North Korean Escapees Arrested by North Korea], *Yonhap News*, January 11, 1997, <https://n.news.naver.com/mnews/article/001/0004163618?sid=100>

251 H.E. Ambassador Hwang Joonkook, Permanent Representative of the Republic of Korea, “General Discussion on Agenda Item 71 (Promotion and Protection of Human Rights),” October 18, 2023, https://estatemements.unmeetings.org/estatemements/11.0030/20231018100000000/UY2QYuMamj7z/mf4MmR2GqrqB_en.pdf. (“The Special Rapporteur reiterated in her report her extreme concern about the imminent risk of forced repatriation of those detainees in a third country. Unfortunately and sadly, the risk became reality. According to several sources, it seems that a number of North Korean people in a third country had been repatriated in line with the partial opening of the DPRK’s international borders. In a statement on this matter by the OHCHR issued yesterday, more than a dozen experts, including the Working Group on enforced or involuntary disappearances, called for respecting the principle of non-refoulement.”); H.E. Ambassador Kim Sangjin, Deputy Permanent Representative of the Republic of Korea, “The 3rd Committee of the 78th Session of the United Nations General Assembly, Item 60: Report of the United Nations High Commissioner for Refugees, Questions Relating to Refugees, Returnees, and Displaced Persons, and Humanitarian Questions,” November 1, 2023, https://estatemements.unmeetings.org/estatemements/11.0030/20231101100000000/Uhh9K9MRHBAL/hqgDPkmGIXgA_en.pdf. (“As underlined during the recent General Discussion and the Interactive Dialogue with the Special Rapporteur on the DPRK human rights situation, according to several sources, a substantial number of North Korean people in a third country have been repatriated against their will, as well as against the principle of non-refoulement. We are extremely concerned about the potential grave human rights violations and abuses as well as retaliatory action, including torture and the imposition of the death penalty, that repatriated North Korean individuals face right now in the DPRK”).

Under current Foreign Minister Cho Tae-yul, South Korea has consistently raised the issue of North Korean escapees in the bilateral diplomatic meetings with China in a departure from the “quiet diplomacy” preferred by his predecessors.²⁵²

TJWG and other NGOs asked the South Korean government to use the term ‘refugees’ to refer to the North Koreans in China and other countries who have left North Korea without authorization and to name Kim Cheol-ok at North Korea UPR on November 7, 2024. TJWG also considers that South Korea should name China at the Human Rights Council, the General Assembly and the Security Council.

China appears to be feeling the diplomatic pressure. For the first time, a Chinese diplomat attended a side event organized by TJWG, HanVoice and other NGOs on March 15, 2024 during the 55th Human Rights Council to read a prepared statement justifying China's deportation of North Koreans.²⁵³

At the same time, given the nature of China’s top-down policy-making process, especially under Xi Jinping’s centralization of power, a diplomatic settlement to guarantee some form of legal status for the North Korean refugees and escapees in China will require a summit-level negotiation.

With respect to the North Korean asylum-seekers in Russia, two cases were submitted to the European Court of Human Rights to prevent their deportation

²⁵² ROK Ministry of Foreign Affairs, “Outcome of Telephone Conversation between Minister of Foreign Affairs Cho Tae-yul and Minister of Foreign Affairs of China Wang Yi,” press release, February 6, 2024, https://www.mofa.go.kr/eng/brd/m_5676/view.do?seq=322405; ROK Ministry of Foreign Affairs, “Outcome of Korea-China Foreign Ministers’ Meeting (May 13),” press release, May 13, 2024, https://www.mofa.go.kr/eng/brd/m_5676/view.do?seq=322559; ROK Ministry of Foreign Affairs, “Outcome of Korea-China Foreign Policy and Security Dialogue (June 18),” press release, June 19, 2024, https://www.mofa.go.kr/eng/brd/m_5676/view.do?seq=322603; ROK Ministry of Foreign Affairs, “Outcomes of 10th Korea-China Vice Foreign Ministerial Strategic Dialogue,” press release, July 24, 2024, https://www.mofa.go.kr/eng/brd/m_5676/view.do?seq=322636; ROK Ministry of Foreign Affairs, “Outcome of Korea-China Foreign Ministers’ Meeting Held on Sidelines of ASEAN-related Foreign Ministers’ Meetings,” press release, July 26, 2024, https://www.mofa.go.kr/eng/brd/m_5676/view.do?seq=322639

²⁵³ Jamin Anderson and Seo Hye-jun, “중국, 유엔 인권이사회서 탈북민 강제복송 모르쇠” [China Feigns Ignorance About Forced Repatriation of North Korean Escapees at the UN Human Rights Council], *Radio Free Asia*, March 15, 2024, https://www.rfa.org/korean/in_focus/human_rights_defector/nkchinahumanrights-03152024114511.html

to North Korea. In February 2017, the European Court of Human Rights indicated an interim measure to save Choi Myung-bok [최명복] from deportation at the request of lawyers from Memorial.²⁵⁴ On March 19, 2024, the European Court issued a judgment in the cases brought by the Civic Assistance Committee on behalf of three North Korean asylum-seekers in Russia.²⁵⁵

Following Russia's full-scale invasion of Ukraine on February 24, 2022, the Council of Europe expelled Russia on March 16, 2022 and accordingly it ceased to be a state party to the European Convention on Human Rights on September 16, 2022.²⁵⁶ As a result, North Korean refugees and asylum-seekers in Russia cannot seek judicial remedies at the European Court of Human Rights. However, since Russia permits individual communications to the Human Rights Committee and Committee against Torture, it is still possible to submit deportation cases to these Committees.

Concerning the due process violations and the risk of forced repatriation of North Korean escapees newly arriving, especially by sea, in South Korea, TJWG has made recommendations to the South Korean government to codify (1) the principle of non-refoulement, (2) the right to the nationality of the Republic of Korea, (3) the right to liberty of person and (4) the right to due process.

TJWG also made submissions to the Human Rights Committee²⁵⁷ and the Committee against Torture²⁵⁸ ahead of the reviews of South Korea on

²⁵⁴ "Russian Court Saves North Korean Defector from Deportation," *Moscow Times*, February 14, 2017, <https://www.themoscowtimes.com/2017/02/14/russian-court-saves-north-korean-refugee-from-deportation-a57144>

²⁵⁵ *K.J. and Others v. Russia* (Applications nos. 27584/20 and 39768/20), Judgment, <https://hudoc.echr.coe.int/fre?i=001-231609>

²⁵⁶ "Russia Ceases to Be a Party to the European Convention on Human Rights on 16 September 2022," Council of Europe, March 23, 2022, <https://www.coe.int/en/web/portal/-/russia-ceases-to-be-a-party-to-the-european-convention-of-human-rights-on-16-september-2022>

²⁵⁷ "CCPR - International Covenant on Civil and Political Rights: 139th Session, October 9, 2023 - November 3, 2023," UN Treaty Database, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2637&Lang=en

²⁵⁸ "CAT - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: 80th Session (July 8 - 26, 2024)," UN Treaty Database, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2750&Lang=en

October 19-20, 2023 and July 10-11, 2024, respectively. Both Committees made recommendations for reform.²⁵⁹ TJWG made submissions to the Committee on the Elimination of Racial Discrimination (CERD) on the same issue to which the CERD recommended that South Korea “codify in national law the principle of non-refoulement for escapees.”²⁶⁰

Religious Believers and ‘Subversive Influencers’

The extreme persecution of religious believers and ‘subversive influencers’ that could subvert North Korea’s Monolithic Ideological System that justifies three generations of totalitarian rule by the Kim dynasty is one of the most unique crimes against humanity. Those responsible for these crimes should be held accountable.

TJWG and other NGOs have called for the UN’s North Korean human rights resolutions to make a reference to North Korea’s draconian laws. A joint CSO letter dated December 28, 2023, addressed to South Korea and forwarded to like-minded states, called for the inclusion of additional references to the Pyongyang Cultural Language Protection Act and the Youth Education Guarantee Act, as well as for replacing ‘reviewing’ with ‘repealing or revising.’²⁶¹ The final text of operative paragraph 2(1) in Human Rights Council resolution 55/21 of April 4, 2024 was “repealing or reforming all practices and laws suppressing the aforementioned rights, including the Law on Rejecting

²⁵⁹ UN HRC, “Concluding Observations on the Fifth Periodic Report of the Republic of Korea,” CCPR/C/KOR/CO/5, November 24, 2023, paras. 37-38, <https://undocs.org/CCPR/C/KOR/CO/5>; Committee against Torture, “Concluding Observations on the Sixth Periodic Report of the Republic of Korea,” CAT/C/KOR/CO/6, August 16, 2024, paras. 30-31, <https://undocs.org/CAT/C/KOR/CO/6>

²⁶⁰ Committee on the Elimination of Racial Discrimination, “Concluding observations on the combined twentieth to twenty-second periodic reports of the Republic of Korea,” CERD/C/KOR/CO/20-22, June 4, 2025, paras. 29-32.

²⁶¹ TJWG, “South Korea’s responsibility as a global pivotal state to become a co-penholder of the North Korean human rights resolution to be adopted by the UN Human Rights Council in April 2024 and to strengthen the language therein concerning the issues of South Korean POWs, abductees and detainees in North Korea as well as China’s forcible repatriation of North Korean refugees and other issues concerning improvement of human rights and accountability,” December 28, 2023.

Anti-Reactionary Thought and Culture, the Youth Education Guarantee Law and the Law on Protecting the Pyongyang Cultural Language.”

At the North Korea UPR on November 7, 2024, Gambia, Croatia and Italy made recommendations concerning religious freedom.²⁶² There were also recommendations to repeal or reform the Anti-Reactionary Thought and Culture Law, the Youth Education Guarantee Law and the Pyongyang Cultural Language Protection Act.²⁶³

Christians and other religious believers who are disappeared by the Ministry of State Security and sent to political prison camps may qualify as ‘religious groups’ for the purpose of article 2 of the Genocide Convention. Christian Solidarity Worldwide concluded in 2007 that genocide has been committed against the Christian population in North Korea, especially in the 1960s and 1970s.²⁶⁴

²⁶² UN HRC, A/HRC/58/11. (¶ 6.80 Guarantee the right to freedom of religion in accordance with article 68 of its Constitution (Gambia); ¶ 7.20 End state-sanctioned discrimination underpinned by the songbun system, including the criminalization and persecution of religious believers (Croatia); ¶ 7.62 Take measures to put an end to the systemic repression of human rights, including violations of freedoms of conscience and religion, and release missionaries subjected to unjust or arbitrary detention (Italy)).

²⁶³ Ibid. (¶ 7.21 Put an immediate stop to all public executions and abolish the death penalty in all cases, including urgently reversing the five new charges that have been declared punishable by death under the Law on Rejecting Reactionary Thought and Culture in 2024 (New Zealand); ¶ 7.58 Repeal or reform all practices and laws suppressing the right to freedom of opinion and expression, especially the Reactionary Ideology and Culture Rejection Act, the Youth Education Guarantee Act, and the Pyongyang Cultural Language Protection Act (Republic of Korea); ¶ 7.59 Repeal elements of the Reactionary Thought and Culture Rejection Law; Youth Education Guarantee Law; and Pyongyang Cultural Language Protection Act (Australia); ¶ 7.60 Guarantee the right to freedom of expression by, amongst others, repealing the Reactionary Thought and Culture Rejection Law, the Youth Education Guarantee Law and the Pyongyang Culture Language Protection Act (Belgium); ¶ 7.61 Repeal the Reactionary Thought and Culture Rejection Law, the Youth Education Guarantee Law, and the Pyongyang Cultural Language Protection Act (United States of America)).

²⁶⁴ CSW, *North Korea: Case to Answer - A Call to Act: The Urgent Need to Respond to Mass Killings, Arbitrary Imprisonment, Torture and Related International Crimes* (United Kingdom: CSW, 2007), 67, <https://www.csw.org.uk/2007/06/20/report/35/article.htm>. (“Available evidence demonstrates that Christians have been targeted and that various attacks or measures constituting the objective element of genocide have been committed or imposed against members of the group. A considerable number of members of religious groups have been systematically targeted for their belief as such, not least on the basis of its incompatibility with the ideology of Juche. The discriminatory nature of the practice and the policy of subjecting members of religious groups to detention, inhuman prison conditions, torture and, in some cases, arbitrary killings, is indicative of genocidal intent. This applies in particular to the height of religious persecution in the 1950s and 1960s”).

TJWG will continue to collect information about North Korea's brutal persecution of Christians and other religious believers which may amount to genocide. TJWG will also try to persuade like-minded governments to consider instituting proceedings against North Korea at the International Court of Justice based on the Genocide Convention for genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide or complicity in genocide.

Foreigners Abducted and/or Disappeared by North Korea

North Korea's enforced disappearance of foreigners is the most documented and litigated thanks to the presence of victims, evidence and even some perpetrators in foreign jurisdictions.

South Korea and China should compile and publish the indictments, judgments and other court documents in relation to the criminal cases brought against North Korean agents for their role in the abduction of foreigners. The judgment against Reverend Kim Dong-shik [김동식]'s kidnapper in South Korea was used by his family in America to win the Foreign Sovereign Immunities Act lawsuit against North Korea in US courts. The South Korean authorities should also consider bringing not only espionage charges under the National Security Act but also criminal charges under the Act on Punishment of Crimes under Jurisdiction of the International Criminal Court, where possible.

The North Korean human rights draft resolution submitted by the European Union and adopted by the UN General Assembly's Third Committee on November 20, 2024 referred to "the continued failure of the Democratic People's Republic of Korea in its obligations to repatriate under the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949" for the first time.²⁶⁵ TJWG and other NGOs have called for the addition of

²⁶⁵ UN General Assembly, A/C.3/79/L.34, preambular para. 24.

language concerning the right of repatriation of South Korean POWs under the Geneva Convention.²⁶⁶

The draft resolution also “condemn[ed] the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other Member States, on a large scale and as a matter of State policy, as well as denial of repatriation of prisoners of war” and strongly urged North Korea “to urgently resolve these issues of international grave concern, by clarifying their whereabouts in good faith and in a transparent manner, including by ensuring the realization of the immediate return of all abductees, detainees and unrepatriated prisoners of war.”²⁶⁷

The commitment to resolve the issues of abductees, detainees, and unrepatriated POWs in the South Korea-U.S. joint summit statement of April 26, 2023²⁶⁸ and the South Korea-US-Japan trilateral summit statement of August 18, 2023²⁶⁹ elevated these issues to international prominence.

The South Korea-Romania Joint Statement of April 23, 2024²⁷⁰ and the South Korea-Slovakia Joint Statement of September 30, 2024²⁷¹ also called for the immediate resolution of the issues of abductees, detainees and unrepatriated prisoners of war. The South Korea-Philippines Joint Declaration of September

²⁶⁶ TJWG, “Open letter to Yoon – co-penholdership of 2024 HRC DPRK resolution”.

²⁶⁷ UN General Assembly, A/C.3/79/L.34, para. 3.

²⁶⁸ The White House, “Leaders’ Joint Statement in Commemoration of the 70th Anniversary of the Alliance between the United States of America and the Republic of Korea,” press release, April 26, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/26/leaders-joint-statement-in-commemoration-of-the-70th-anniversary-of-the-alliance-between-the-united-states-of-america-and-the-republic-of-korea>

²⁶⁹ The White House, “The Spirit of Camp David: Joint Statement of Japan, the Republic of Korea, and the United States,” press release, August 18, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/08/18/the-spirit-of-camp-david-joint-statement-of-japan-the-republic-of-korea-and-the-united-states>

²⁷⁰ ROK Office of the President, “대한민국과 루마니아 간 전략적 동반자 관계 강화에 관한 공동성명” [Joint Statement on Strengthening the Strategic Partnership between the Republic of Korea and Romania], April 23, 2024, <https://www.president.go.kr/newsroom/press/wX5NuSuw>

²⁷¹ ROK Office of the President, “대한민국과 슬로바키아 공화국 간 전략적 동반자 관계 수립에 관한 공동성명” [Joint Statement on the Establishment of a Strategic Partnership Between the Republic of Korea and the Slovak Republic], September 30, 2024, <https://www.president.go.kr/newsroom/press/urC3DXWa>

30, 2024²⁷² “emphasized the importance of addressing issues of human rights and humanitarian concerns of the international community, including the immediate resolution of the issues of abductees, detainees, and unrepatriated prisoners of war” while the South Korea-Malaysia Joint Declaration of November 25, 2024 adopted the same language but omitted any mention of unrepatriated POWs.²⁷³

At the North Korea UPR on November 7, 2024, many countries raised the issue of abductees, detainees and unrepatriated POWs.²⁷⁴ Italy recommended North Korea to “release missionaries subjected to unjust or arbitrary detention” while Mexico recommended providing information about 4,777 persons listed in the 2017 report by the South Korean government’s Committee on Fact-Finding of Korean War Abductions and the Restoration of the Reputation and Costa Rica

²⁷² ROK Office of the President, “대한민국과 필리핀 공화국의 전략적 동반자 관계에 관한 공동선언” [Joint Declaration on the Strategic Partnership between the Republic of Korea and the Republic of the Philippines], October 7, 2024, <https://www.president.go.kr/newsroom/press/PBGyGswl>

²⁷³ ROK Office of the President, “대한민국과 말레이시아 간 전략적 동반자 관계 수립에 관한 공동성명” [Joint Statement on the Establishment of a Strategic Partnership between the Republic of Korea and Malaysia], November 25, 2024, <https://www.president.go.kr/newsroom/press/WZQnmUDv>

²⁷⁴ UN HRC, Fifty-eighth session, “Report of the Working Group on the Universal Periodic Review - Democratic People’s Republic of Korea,” A/HRC/58/11, November 11, 2024. (¶ 7.4 Implement all Commission of Inquiry recommendations, including on torture, abductees, the death penalty and political prison camps (Australia); ¶ 7.39 Immediately resolve the issues of abductees, detainees, and unrepatriated prisoners of war as well as the issue of separated families and particularly, promptly release six Korean nationals who are held against their will by the DPRK, including three Korean missionaries KIM Jung Wook, KIM Kook Kie and CHOI Chun Gil (Republic of Korea); ¶ 7.40 Provide a comprehensive and transparent record of all abductions, including of foreign nationals, and facilitate reunification of divided families, including abductees, detainees and unrepatriated POWs (United States of America); ¶ 7.41 Take concrete measures against abductions and enforced disappearances (Israel); ¶ 7.42 Take concrete actions toward the immediate resolution of the abductions issue, including the swift return of all abductees (Japan); ¶ 7.43 Provide full and credible information to families of persons who have been abducted and forcibly disappeared (Lithuania); ¶ 7.44 Provide information on the whereabouts of missing or forcibly repatriated persons, including the 4,777 persons listed in the 2017 report published by the Government on the Facts of Victims of Abduction during the Korean War (Mexico); ¶ 7.45 Provide information on the fate and whereabouts of South Korean, Japanese and other third country nationals, which were abducted by the DPRK (Ukraine); ¶ 7.46 Provide the families of all missing persons in its territory with full information on their fate and whereabouts; and, if they have survived, allow them and their descendants to return to their countries of origin; and identify and repatriate the physical remains of those who have died (Costa Rica); ¶ 7.48 Return immediately and unconditionally all abductees to their families and countries of origin (Slovakia); ¶ 7.62 Take measures to put an end to the systemic repression of human rights, including violations of freedoms of conscience and religion, and release missionaries subjected to unjust or arbitrary detention (Italy)).

recommended with respect to the missing persons that North Korea “if they have survived, allow them and their descendants to return to their countries of origin; and identify and repatriate the physical remains of those who have died.”²⁷⁵

The South Korean government, led by the Ministry of Unification’s Abductees Response Team [납북자 대책팀], has been vocal about securing the release and return of the six South Korean citizens detained in North Korea, in particular missionaries Kim Jung-wook [김정욱], Kim Kook-kie [김국기] and Choi Chun-gil [최춘길].

On March 26, 2024, the South Korean cabinet formally adopted and donned the *mulmangcho* (forget me not) badge, proposed by the Ministry of Unification, in remembrance of the South Korean POWs, abductees and detainees who have not been able to return from North Korea.²⁷⁶ NGOs have urged President Yoon to wear the *mulmangcho* badge in summit meetings with the leaders of Japan, China and other countries to naturally remind them about the issue, but he and his staff have not been seen wearing it since the March 26 cabinet meeting. This is difficult to understand as Japanese prime ministers have consistently worn their blue-ribbon badge in their summit meetings even in bilateral meetings with South Korean Presidents. By contrast, the officials of the South Korean Ministry of Unification and the Ministry of Foreign Affairs, including their respective Ministers, have worn the *mulmangcho* badge on many occasions.

On September 20, 2024, which marked the 4,000th day of missionary Kim Jung-wook’s detention in North Korea, the Minister of Unification issued a statement calling for the release of six South Korean detainees,²⁷⁷ which was

²⁷⁵ UN HRC, A/HRC/58/11.

²⁷⁶ ROK Policy Briefing, “제14회 국무회의 대통령 말씀” [President’s Remarks at 14th State Council], 14th State Council briefing, March 26, 2024, <https://www.korea.kr/briefing/stateCouncilView.do?newsId=148927485>

²⁷⁷ ROK Ministry of Unification, “Unification Minister’s Statement Regarding the 4000th Day of the Arbitrary Detention of Kim Jung-wook in North Korea,” press release, September 20, 2024, https://www.unikorea.go.kr/eng_unikorea/news/releases/?boardId=bbs_0000000000000034&mode=view&cntId=54307

남북·억류·강제실종 문제의 국제 연대를 위한 가족들의 호소

Families' Call for International Solidarity
: Issues of Aduction, Aribtrary Detention and Forced Disaapearance

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Families of South Korean abductees and detainees speak at an event hosted by the ROK Ministry of Unification on August 29, 2024

[Source: ROK Ministry of Unification]

echoed in a statement by the State Department spokesperson.²⁷⁸ On December 3, 2024, the Ministry of Unification spokesperson's statement on the 10th year of missionary Choi Chun-gil's detention in North Korea was joined by voices around the world,²⁷⁹ including the International Religious Freedom or Belief Alliance Chair Statement,²⁸⁰ social media postings by the UK All-Party

²⁷⁸ U.S. Department of State, "Four Thousandth Day of Detention in the DPRK for Missionary Kim Jung-Wook," press release, September 19, 2024, <https://www.state.gov/four-thousandth-day-of-detention-in-the-dprk-for-missionary-kim-jung-wook>

²⁷⁹ ROK Ministry of Unification, "최춘길 선교사 억류 10년 계기 통일부 대변인 성명(12.3.) 발표 관련 보도참고자료" [Press reference materials in relation to the announcement of the statement by the Ministry of Unification spokesperson (12.3.) on the 10th year of detention of missionary Choi Chun-gil], press release, December 3, 2024, https://www.unikorea.go.kr/unikorea/news/release/?boardId=bbs_0000000000000004&mode=view&cntId=55679

²⁸⁰ "IRFBA – the Article 18 Alliance, "Chair Statement: Tenth Year of the Arbitrary Detention of Choi Chun-gil in the Democratic People's Republic of Korea," Article18 Alliance, <https://www.article18alliance.org/statements-1/irfba-the-article-18-alliance-chair-statement-tenth-year-of-the-arbitrary-detention-of-choi-chun-gil-in-the-democratic-peoples-republic-of-korea>

Parliamentary Group on North Korea,²⁸¹ U.S. Senator Chris Coons,²⁸² the Slovenian embassy,²⁸³ and the Canadian embassy.²⁸⁴

TJWG successfully engaged with members of the European Parliament (MEPs) and their staff with Christian Solidarity Worldwide for the inclusion of a call for North Korea to grant UN human rights bodies access to the country to assess the human rights situation, enforced disappearances and the conditions of the missionaries in the resolution condemning North Korea's military deployment in support of Russia's war of aggression against Ukraine.²⁸⁵

MEP César Luena (S&D), the Chair of the Delegation for relations with the Korean Peninsula, submitted a written question to the European External Action Service, the EU's diplomatic service, asking if the EU will raise the cases of the missionaries and call for their release in any future interaction with North Korea, and if it will consider specifying the cases of the missionaries in the upcoming North Korean human rights resolution at the Human Rights Council.²⁸⁶

The EU can and should also raise the issue of North Korean refugees, as well as individual deportation victims like Kim Cheol-ok, in its "human rights dialogues" with China as well as with other transit countries like Vietnam, Laos

281 APPG North Korea [@APPGNK2024], "December 2024 marks 10 years since South Korean missionary Choi Chun-gil was detained in North Korea. He and five other SKs currently in detention, have been denied a fair trial. APPG NK calls for their release and urges NK to uphold its international human rights obligations," Twitter, December 2, 2024, <https://x.com/APPGNK2024/status/1863543174272053404>

282 Senator Chris Coons [@ChrisCoons], "It's been 10 years since North Korea detained South Korean missionaries Choi Chun-gil, Kim Jung-wook, and Kim Kook-kie for their religious freedom advocacy. Exercising basic human rights is not a crime and should not be treated as such. I call for their immediate release," Twitter, December 3, 2024, <https://x.com/ChrisCoons/status/1863669670454198662>

283 Slovenia in Korea [@SLOinKorea], "This month marks 10 years since South Korean missionary Choi Chun-gil was detained in North Korea. He and five other South Koreans currently in detention were denied a fair trial. We call for their release and for North Korea to meet its international human rights obligations," Twitter, December 3, 2024, <https://x.com/SLOinKorea/status/1863744250896101618>

284 Canada in Korea [@CanEmbKorea], "This month marks 10 years since South Korean missionary Choi Chun-gil was detained in #NorthKorea. We call for his release and that of the other five South Koreans currently in detention and denied a fair trial. KP must respect its international #HumanRights obligations," Twitter, December 5, 2024, <https://x.com/CanEmbKorea/status/1864522085218820308>

285 "Resolution on Reinforcing the EU's Unwavering Support".

286 César Luena (S&D), "China's Refoulement of DPRK Escapees".

and Mongolia.²⁸⁷

North Korea has maintained that there are no South Korean abductees or POWs in North Korea as they chose to stay in North Korea voluntarily,²⁸⁸ but it has never made such a claim about the three South Korean missionaries whom they accuse of being South Korean spies. North Korea has already released Korean American and Korean Canadian missionaries similarly accused and imprisoned as ‘spies’ on ‘humanitarian grounds’. TJWG hopes that the release and return of the three South Korean missionaries may open possibilities for talks on other abductees and POWs as well as political prisoners in North Korea.

TJWG’s engagement with the WGEID has also borne fruit. The WGEID’s press release²⁸⁹ and allegation letter²⁹⁰ urging North Korea to repatriate South Korean POWs and civilian abductees on the 70th anniversary of the outbreak of the Korean War, as well as its press release²⁹¹ and allegation letter²⁹² urging North

287 European External Action Service (EEAS) Press Team, “China: 39th Human Rights Dialogue with the European Union took place in Chongqing,” EEAS, June 17, 2024, https://www.eeas.europa.eu/eeas/china-39th-human-rights-dialogue-european-union-took-place-chongqing_en; EEAS Press Team, “Lao PDR: Human Rights Dialogue with the European Union takes place in Brussels,” EEAS, July 2, 2024, https://www.eeas.europa.eu/eeas/lao-pdr-human-rights-dialogue-european-union-takes-place-brussels_en; “Mongolia: Sixth EU-Mongolia Human Rights Dialogue took place online,” EEAS, July 18, 2023, https://www.eeas.europa.eu/eeas/mongolia-sixth-eu-mongolia-human-rights-dialogue-took-place-online_en; “Joint Statement for the EU-Vietnam Human Rights Dialogue,” Article 19, July 04, 2024, <https://www.article19.org/resources/joint-statement-eu-vietnam-human-rights>

288 “北, ‘국군 포로 납치 민간인 한명도 없다’ 주장” [North Korea: ‘There are no prisoners of war or kidnapped civilians’], *Yonhap News*, June 24, 1998, <https://www.yna.co.kr/view/AKR19980624000900014>

289 OHCHR, “UN experts urge DPRK to repatriate abductees on 70th anniversary of the Korean War,” press release, June 25, 2020, <https://www.ohchr.org/en/press-releases/2020/09/un-experts-urge-dprk-repatriate-abductees-70th-anniversary-korean-war>

290 OHCHR, “Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,” June 23, 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25386>

291 OHCHR, “UN experts urge North Korea to repatriate 11 abducted from plane hijack 50 years ago,” press release, February 13, 2020, <https://www.ohchr.org/en/press-releases/2020/02/un-experts-urge-north-korea-repatriate-11-abducted-plane-hijack-50-years-ago>

292 OHCHR, “Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,” February 1, 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25066>

Korea to repatriate the abductees of the Korean Air Lines YS-11 hijacking on the 50th anniversary, have been instrumental in raising visibility and reiterating the need for justice and accountability.

TJWG plans to engage WGEID to take action regarding the enforced disappearances arising from ‘Paradise on Earth’ Movement. Given that there were at least 93,340 ethnic Koreans and their Japanese spouses who ‘returned’ to North Korea from Japan, it is important to include a reference to this victim class in the annual North Korean human rights resolutions at the Human Rights Council and General Assembly.

TJWG also hopes to translate *Kims lek (Kim’s Games)* by Sun Heidi Sæbø, editor-in-chief of Norwegian newspaper Morgenbladet, a non-fiction work detailing the abduction of South Korean school teacher Koh Sang-Moon [고상문] in Scandinavia in 1979, from Norwegian to Korean and English.²⁹³ The translation of this work into languages that are more accessible to the international audience may help rekindle calls for accountability.

TJWG will also request the South Korean government to send the list of South Korean abductees and ask the North Korean authorities to provide their dates of death, which are of particular significance to the bereaved families in Korea for ancestor-worshipping ceremonies, through the International Committee of the Red Cross.

TJWG has also been asking the Ministry of National Defense to be more proactive on POW documentation and advocacy. The Ministry of National Defense has not been keen on publicizing or supporting the POW issue since the issue first came up in the late 1990s.²⁹⁴ TJWG will continue to call for the

²⁹³ Sun Heidi Sæbø, *Kim’s Games (Kims lek)* (Cappelen Damm, 2015), <https://norla.no/en/books/688-kim-s-games>

²⁹⁴ Kim Kui-Keun, “북역류 국군포로 ‘연고통보’ 낙장” [Foot dragging in notification of families of POWs detained in North Korea], *Yonhap News*, December 28, 1999, <https://n.news.naver.com/mnews/article/001/0004487259?sid=100>

creation of a POW fact-finding body by the government.

TJWG will consider making submissions to the International Criminal Court's Office of the Prosecutor for possible *proprio motu* initiation of investigations under article 15 of the Rome Statute if enough information is collected to make the case that North Korea's abduction and enforced disappearance of North Korean refugees who have resettled in South Korea and acquired South Korean nationality may amount to crimes against humanity committed in both the South Korean and North Korean territory.

North Korea's Overseas Workers and Military Personnel

According to United Nations Security Council resolution 2397, all overseas North Korean workers should have been repatriated by December 2019, but this does not mean that the North Korean authorities and the businesses that employ them can abuse their human and labor rights with impunity.

Pyongyang's sudden rapprochement with Moscow complicates the picture. There have been reports of North Korean workers being sent to the Russian-occupied territory of Ukraine.²⁹⁵ As Pyongyang appears to bet its political and economic future on Russia and Moscow reciprocates, it will not be surprising to find more North Korean workers being sent to Russia and Russian-occupied parts of Ukraine.

At the same time, China is reportedly showing its discomfort with Pyongyang-Moscow ties by restricting the inflow of North Korean workers.²⁹⁶ However, the Chinese government denied this news report, stating that it hopes that South

²⁹⁵ Cho Jinwoo and Park Jaewoo, "우크라 '북 노동자들, 러 점령지서 재건작업 참여'" [Ukraine says North Korean workers are taking part in the reconstruction work in Russian occupied territory], *Radio Free Asia*, October 21, 2024, https://www.rfa.org/korean/in_focus/food_international_org/nk-workers-russia-10212024153519.html

²⁹⁶ Shin Kyu-Jin and Shin Jin-Woo, "中 '北 노동자 다 나가라'... 러와 밀착 北 '돈줄' 쥔다" [China tell North Korean workers to leave; tightening "money line" of North Korea which is clinging to Russia], *Donga Ilbo*, July 9, 2024, <https://www.donga.com/news/Inter/article/all/20240709/125834395/2>

Korean media outlets “will show professionalism and base their reporting on facts instead of treating journalism as if they were writing fiction.”²⁹⁷ China appears to have accepted a new batch of North Korean workers for the first time since the COVID-19 pandemic in September 2024.²⁹⁸

TJWG will continue to collect more information about North Korea’s overseas workers in Russia, China and elsewhere to ensure justice and accountability. The information can be submitted to the national authorities for targeted sanctions and import restrictions.

TJWG will consider making submissions to the International Criminal Court (ICC)’s Office of the Prosecutor for possible *proprio motu* initiation of investigations under article 15 of the Rome Statute if enough information is collected to make the case that crimes against humanity of enforced disappearance, enslavement, torture, persecution and other inhumane acts have been committed against overseas North Korean workers in places where the ICC can exercise jurisdiction such as the Russian-occupied territory of Ukraine.

At the North Korea UPR on November 7, 2024, several Eastern European states, including Ukraine, recommended North Korea to end its assistance of the Russian invasion of Ukraine, but North Korea rejected these recommendations.²⁹⁹ If a special tribunal is created in the future to address Russia’s crime of aggression against Ukraine, North Korea’s complicity should also be brought to justice.

²⁹⁷ PRC Ministry of Foreign Affairs, “Foreign Ministry Spokesperson Lin Jian’s Regular Press Conference on July 9, 2024,” July 9, 2024, https://www.fmprc.gov.cn/eng/xw/fyrbt/lxjzh/202407/t20240730_11463260.html

²⁹⁸ Kim Jieun, “코로나 이후 첫 ‘북 노동자’ 중국 파견” [First North Korean workers after COVID sent to China], *Radio Free Asia*, September 11, 2024, https://www.rfa.org/korean/in_focus/food_international_org/workers_dispatch-09112024105204.html

²⁹⁹ UN HRC, A/HRC/58/11. (¶ 7.50 Stop facilitating Russia’s war of aggression against Ukraine and refrain from assisting serious violations of international humanitarian and human rights law (Czechia); ¶ 7.51 Immediately end its complicity in Russia’s war against Ukraine and return to compliance with international law (Ukraine); ¶ 7.52 Immediately cease violations of international law and multiple UN Security Council resolutions including the most fundamental principles of the UN Charter and stop providing assistance and direct support to Russia’s war of aggression against Ukraine (Estonia); ¶ 7.53 Stop providing support to Russia’s war of aggression against Ukraine, resulting in grave human rights violations (Latvia)).

It is too early to observe war crimes or other atrocities committed by North Korean forces as they have only begun to take part in combat on the Kursk front.³⁰⁰ TJWG will continue to collect information about the possible crimes committed by North Koreans and their chain of command.

On November 19, 2024, TJWG and other NGOs published an open letter addressed to the North Korean soldiers imploring them to lay down their weapons and stand on the side of justice.³⁰¹ Ukraine's 'I Want to Live' project which has been credited with facilitating the surrender of 350 Russian soldiers has begun to target North Korean soldiers with leaflets and videos in Korean.³⁰²

The surrender or defection of the North Korean soldiers will be important for the collection of information about possible war crimes committed by the North Korean forces.

300 Olena Harmash and Tom Balmforth, "North Korean Troops Join Russian Assaults in Significant Numbers, Kyiv Says," *Reuters*, December 15, 2024, <https://www.reuters.com/world/europe/zelenskiy-says-russia-is-deploying-more-north-korean-troops-repel-kursk-2024-12-14/>

301 TJWG, "Open letter to the soldiers of the Korean People's Army mobilized for Russia's unjustifiable war of aggression," August 25, 2023, <https://en.tjwg.org/2024/11/19/open-letter-to-the-soldiers-of-the-korean-peoples-army-mobilized-for-russias-unjustifiable-war-of-aggression>

302 "Ukraine Produces Leaflets, Videos to Encourage North Korean Soldiers to Surrender," *Euronews*, December 10, 2024, <https://www.euronews.com/2024/12/10/ukraine-produces-leaflets-videos-to-encourage-north-korean-soldiers-to-desert>

RECOMMENDATIONS

North Korea's widespread and systematic practice of enforced disappearance which constitutes crimes against humanity under international law, requires an international response. This is particularly urgent given North Korea's failure to uphold its responsibility to protect its population, prevent and suppress crimes against humanity, and ensure that perpetrators are prosecuted and brought to justice.

Considering the long-standing, ongoing and transboundary nature of the issue, Transitional Justice Working Group (TJWG) recommends the following to the main stakeholders. These recommendations aim to advance documentation and accountability efforts as an integral part of a broader advocacy strategy to clarify the fate and whereabouts of disappeared persons, as well as to improve the human rights situation of the North Korean people and refugees.

To All States That Have Not Already Done So

1. Ratify or accede to all core international human rights, especially the Enforced Disappearance Convention, and ensure that enforced disappearance constitutes an independent offense under its criminal law;
2. Ratify or accede to the Rome Statute of the International Criminal Court (ICC) or, accept the exercise of the ICC's jurisdiction, in accordance with article 12(3) of the Rome Statute, and make crimes against humanity of enforced disappearance and other inhumane acts constitute independent offenses under its criminal law;
3. Establish its jurisdiction over the crime of enforced disappearance and crimes against humanity of enforced disappearance and other inhumane acts:
 - (a) When the offence is committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
 - (b) When the alleged perpetrator is one of its nationals or a stateless person who is habitually resident in that State's territory;

(c) When the victim is a national of that State; and

(d) When the alleged perpetrator is present in any territory under its jurisdiction or present on board a ship or aircraft registered in that State;

4. Abolish the statute of limitations for the crime of enforced disappearance and crimes against humanity of enforced disappearance and other inhumane acts;

5. Investigate and prosecute persons present in any of its territories, who are alleged to have committed the crime of enforced disappearance in North Korea and elsewhere if extradition or surrender to another state or jurisdiction, or competent international criminal court or tribunal is not possible;

6. Ratify or accede to the Convention and Protocol Relating to the Status of Refugees; ensure that refugee status determination and all other relevant procedures are accessible to all refugees and asylum-seekers, including those from North Korea; and allow the North Korean refugees and asylum-seekers who wish to opt for third country resettlement to do so on the basis of an informed choice and acceptance by the resettlement country;

7. Enact Magnitsky sanctions laws and impose targeted sanctions against the individuals and entities most responsible for North Korea's enforced disappearance and other grave human rights violations;

8. Adopt a forced labor import ban and strengthen efforts to combat forced labor of North Korean overseas workers and political prisoners in supply chains linked to North Korea.

To Like-Minded Countries or Friends of the North Korean People and Refugees

1. States parties to the Rome Statute should consider referring situations in which international crimes, including crimes against humanity of enforced

disappearance, appear to have been committed by North Koreans. Such referrals should be made to the International Criminal Court Prosecutor for investigation under article 14 of the Rome Statute;

2. States parties to the Genocide Convention should consider submitting disputes with North Korea relating to the responsibility for genocide, direct and public incitement to commit genocide, attempt to commit genocide or complicity in genocide to the International Court of Justice;

3. Consider supporting civil society initiatives like the Commission for International Justice and Accountability (CIJA) and the International Accountability Platform for Belarus (IAPB), which are dedicated to the collection of information and evidence concerning North Korea's crimes against humanity and other grave human rights violations, and the preparation of case files to facilitate and expedite judicial proceedings;

4. Engage civil society organizations (CSOs) that are willing to provide information and share information among like-minded governments to ensure the effective designation and implementation of Magnitsky-style targeted sanctions against the individuals and entities most responsible for North Korea's enforced disappearance and other grave human rights violations;

5. Engage CSOs that are willing to provide information and share information among like-minded governments to ensure the effective import ban on goods produced in whole or in part by the forced and prison labor of North Korean overseas workers and political prisoners in North Korea in the supply chain;

6. Formally seek information and evidence from the OHCHR DPRK Accountability Project for judicial and other accountability purposes to ascertain: (1) the method and modality of the transfer of such information and evidence and (2) the quality and usefulness of the information and evidence for judicial and other accountability work.

7. Create a new North Korean accountability mechanism at the UN General Assembly to monitor not only the Security Council's North Korean sanctions resolutions but also the General Assembly's North Korean human rights resolutions.

To North Korea

1. Ratify and implement the Enforced Disappearance Convention; clarify the fate and whereabouts of all disappeared persons; locate and release them; and identify and return the physical remains of those who have died to their families;
2. Investigate and prosecute individuals who have committed the crime of enforced disappearance if it does not extradite or surrender them to another state, jurisdiction, or a competent international criminal court or tribunal;
3. Publish the full text of all laws adopted by the Supreme People's Assembly on the *Kwangmyong* network and repeal laws suppressing freedoms and rights;
4. Publish the location and size of the political prison camps and other prison facilities; dismantle all political prison camps; and release all political prisoners;
5. Dismantle the Ministry of State Security (국가보위성 / *gukgabowiseong* / MSS) and place the Ministry of Social Security (사회안전성 / *sahoeanjeonseong*) and other state organs under transparent democratic oversight;
6. Enact a compensation law for all victims of abductions and enforced disappearances;
7. Submit the third periodic report to the Human Rights Committee and all other outstanding periodic reports to other United Nations treaty bodies;
8. Clarify the fate and whereabouts of South Korean prisoners of war (POWs)

in North Korea from the Korean War, the Vietnam War and other armed conflicts and repatriate them to South Korea in accordance with article 118 of the 1949 Geneva Convention (III) on POW;

9. Clarify the fate and whereabouts of Son Choong-kwon [손충권], Son Young-keum [손영금] and Park Young-ho [박영호] who were sent to the political prison camp for helping their family Son Myeong-hwa [손명화] bring the remains of her father, South Korean POW Son Dong-sik [손동식] (military service number K1123444), to South Korea in 2013 and release them;

10. Clarify the fate and whereabouts of South Koreans detained in North Korea, including missionaries Kim Jung-wook [김정욱], Kim Kook-kie [김국기] and Choi Chun-gil [최춘길] and defectors Ko Hyon-chol [고현철], Kim Won-ho [김원호], Park Jung-ho [박정호] and Ham Jin Woo [함진우], and return them to South Korea;

11. Clarify the fate and whereabouts of South Korean nationals, who had defected from North Korea to South Korea, before being abducted by North Korea in China, in particular Ji Man Gil [지만길] and Kim Cheol Soo [김철수] abducted in Changbai Korean Autonomous County in April 2003; Kim Cheol Hun [김철훈] and Shin Seong Sim [신성심], a married couple, abducted in Jilin Province in April 2003; Jin Kyoung-Sook [진경숙], a pregnant woman abducted in Helong county-level city in August 2004; and Kang Gun [강건], a former military officer, abducted in Longjing county-level city in March 2005;

12. Clarify the fate and whereabouts of Woo Beom-seon [우범선] and Kim Hyun-wook [김현욱], two North Koreans accused of murder who were forcibly repatriated from South Korea to North Korea on November 7, 2019, and reveal whether they were guaranteed due process and fair trial rights;

13. Clarify the fate and whereabouts of North Korean refugees and escapees repatriated from China and other countries, including Kim Cheol-ok [김철옥] who was one of the hundreds deported from China on October 9, 2023,

and release them; and publish the number of extradited and other transferred persons.

To China

1. End the forcible repatriation of North Korean refugees and escapees in violation of the principle of non-refoulement, guarantee the refugee status determination procedure for them and allow third-country resettlement;
2. Terminate or revise treaties with North Korea, especially the 1998 revised border security agreement and the 2003 Treaty on Judicial Assistance in Civil and Criminal Matters, that facilitate the deportation of North Korean refugees and escapees and their enforced disappearance after their return to North Korea; and publish the number of extradited and other transferred persons;
3. Stop sharing information about the contacts and conduct of North Korean refugees and escapees with North Korean authorities, counter acts of transnational repression by North Korea, including by expelling the ‘arrest teams’ dispatched by the Ministry of State Security (국가보위성 / *gukga-bowiseong* / MSS) and other security services that are active in Chinese territory, and allow unimpeded access to the United Nations High Commissioner for Refugees;
4. Allow those who wish to opt for third-country resettlement to do so on the basis of an informed choice and acceptance by the resettlement country;
5. Adopt a national refugee law as part of its efforts to implement the 1951 Convention relating to the Status of Refugees;
6. Implement article 46 of the Exit and Entry Administration Law, adopted on June 30, 2012 and entered into force on July 1, 2013, which provides that, “Foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public

security organs; foreigners who are recognized as refugees may stay or reside in China on the strength of refugee identity certificates issued by public security organs”;

7. Publish the number of North Korean refugees and escapees determined to be residing in China by province, prefecture and county, the number of those detained in China by location and the number of those deported to North Korea by month;

8. Allow NGOs to document North Korean refugees and escapees in China by repealing draconian laws, such as the revised Counter-Espionage Law, that threaten civil society, including North Korean human rights and refugee activists;

9. Help resolve the issue of abductees, detainees and unrepatriated prisoners of war by urging North Korea to immediately return them, especially those abducted, deported or otherwise transferred from China to North Korea.

To Russia

1. End the forcible repatriation of North Korean refugees and escapees in violation of the principle of non-refoulement, guarantee the refugee status determination procedure for them and allow third-country resettlement;

2. Terminate or revise treaties with North Korea, especially the treaties on mutual legal assistance in criminal matters, extradition, transfer and receipt of illegal entrants and residents and transfer of sentenced persons, that facilitate the deportation of North Korean refugees and escapees and their enforced disappearance after their return to North Korea; and publish the number of extradited and other transferred persons;

3. Stop detaining South Korean nationals reportedly for helping North Korean workers seeking asylum in South Korea, as in the case of missionary Baek Won-soon [백원순]’s prolonged pre-trial detention.

To South Korea

1. Create a presidential inter-ministerial body to coordinate the documentation and accountability efforts for North Korea's crimes against humanity and other grave human rights violations, including enforced disappearance and abduction, by different ministries and agencies, including the Ministry of Unification (MOU), the Ministry of Foreign Affairs (MOFA), the Ministry of Justice (MOJ), the Ministry of National Defense (MND) and the National Intelligence Service (NIS); and enact implementing law for the Enforced Disappearance Convention;
2. Make available online all North Korean legal codes obtained by the South Korean government in an accessible and user-friendly manner;
3. Make efforts to obtain and publish the internal regulations, guidelines and organization chart of the MSS and North Korea's other security organs, such as the Security Work Guidance [보위사업지도서], to support the documentation and accountability work for North Korea's crimes against humanity and other grave human rights violations;
4. Make efforts under the Office of the President's direction to declassify the North Korean government documents obtained by the South Korean government in a strategic and judicious manner to support the documentation and accountability work for North Korea's crimes against humanity and other grave human rights violations, such as the Residence Registration Project Handbook [주민등록사업참고서] published by the Ministry of Social Security (사회안전성 / *sahoeanjeonseong*) in 1993;
5. Make available to the public more information about the political prison camps in North Korea, including the location and size;
6. Follow up on the statements from 14 North Korean defectors who had been subjected to forced abortions after forcible repatriation from China to North Korea in MOU's 2024 Report on North Korean Human Rights by interviewing

doctors and other medical personnel who have information about the policy and practice of the North Korean authorities for the next report;

7. Create an inter-ministerial task force that includes the National Police Agency, the MOJ, the MOFA and the NIS to conduct a full-scale investigation into the resettled escapees whose final destination was China before going missing;

8. Publish anonymized information about all known instances of seaborne escapes from North Korea to South Korea, including the date of arrival and return and the number of defectors and returnees, on the website of the MOU to ensure transparency;

9. The Truth and Reconciliation Commission should open investigations into the abductions of foreigners by North Korea that have not been properly investigated in the past;

10. Formally ask North Korea to clarify the fate and whereabouts of Woo Beom-seon [우범선] and Kim Hyun-wook [김현욱] and to ensure that they are guaranteed the due process and fair trial rights;

11. Name China explicitly, instead of referring to China as “a third country” when raising the issue for the forcible repatriation of North Korean refugees and escapees at the UN;

12. Ask advance questions and make recommendations concerning North Korean refugees and escapees at UPRs for China, Russia and other transit countries like Vietnam, Cambodia, Laos and Mongolia;

13. Discuss a diplomatic settlement to guarantee some form of legal status for the North Korean refugees and escapees in China in the bilateral summit;

14. Include in bilateral summit statements and other diplomatic statements:

- (a) accountability for North Korea's crimes against humanity and other grave human rights violations;
- (b) immediate and unconditional return of abductees, detainees and unrepatriated POWs; and
- (c) non-refoulement of North Korean refugees and escapees and their third-country resettlement;

15. Reconfirm publicly in speeches by the President, especially in the annual addresses on the March First Independence Movement Day and on the August 15 Liberation Day, as well as speeches at the United Nations General Assembly in September, South Korea's commitment to accept all North Korean refugees and escapees who wish to opt for resettlement in South Korea;

16. Create a state fact-finding body to investigate the issue of South Korean prisoners of war (POWs) in North Korea from the Korean War, the Vietnam War and other armed conflicts, and enact a Memorial Day for the POWs;

17. Update and publish (1) the number of unrepatriated POWs that have been identified by defectors and POWs who successfully escaped to South Korea, which was last updated in 2007, and (2) the number of POW family members that have arrived in South Korea as the MND's Arms Control and Nonproliferation Policy Division keeps track of only the number of households, not individuals;

18. Consider making public the redacted names in the list of the Korean War-era abductees published by the Committee on Fact-Finding of Korean War Abductions and enacting compensation law;

19. Transfer the over 300 reported cases of enforced disappearances committed in North Korea before the outbreak of the Korean War submitted to the Committee on Fact-Finding of Korean War Abductions but shelved by the

Committee for lack of jurisdiction to the Truth and Reconciliation Commission or the MOU's North Korean Human Rights Record Center for a thorough investigation;

20. Exercise jurisdiction over crimes of enforced disappearance, including those committed by North Korea, by charging the North Korean agents accused of taking part in the abduction of foreigners and North Korean escapees for crimes against humanity of enforced disappearance and other inhumane acts as well as the espionage crimes under the National Security Act;

21. Convene a committee of experts with experience in international criminal law at the International Criminal Tribunal for the former Yugoslavia, the International Criminal Court, the Extraordinary Chambers in the Courts of Cambodia and other international tribunals to review the information and evidence collected by the OHCHR DPRK Accountability Project and assess their suitability for the purpose of judicial and other proceedings;

22. Convene a group of experts on international criminal law, with experience in international tribunals, jointly appointed by the Ministry of Unification and the Ministry of Justice, as advisers and ask them to review existing information and evidence to provide recommendations;

23. Appoint the Ambassador for International Cooperation on North Korean Human Rights in accordance with the North Korean Human Rights Act and issue statements welcoming annual UN DPRK resolutions;

24. Become a joint sponsor and co-penholder of the annual North Korean human rights resolutions at the UN Human Rights Council and General Assembly;

25. Persuade the European Union, Japan and other like-minded countries to name Kim Jung-wook [김정욱], Kim Kook-kie [김국기] and Choi Chun-gil [최춘길], the three South Korean missionaries detained in North Korea for 11 years,

and Kim Cheol-ok [김철옥], the only identified person among the hundreds of North Korean refugees deported from China to North Korea on October 9, 2023;

26. The MOFA should publish the full text of South Korea's statements on North Korean human rights at the UN and programs of North Korean human rights events organized by its diplomatic missions on its website;

27. The National Assembly and local legislatures should regularly adopt resolutions condemning North Korea's crimes against humanity and other grave human rights violations and the forcible repatriation of North Korean refugees by China, Russia and other states urging the international community to ensure accountability.

To Japan

1. Investigate the fate and whereabouts of at least 93,340 ethnic Koreans and their Japanese spouses who disappeared after 'returning' to North Korea from Japan from 1959 to 1984 and publish the findings in a comprehensive government report;

2. Publish the annual number of members of the pro-North Korean General Association of Korean Residents in Japan (*Chongryon*) who left Japan for North Korea after applying for and receiving the reentry permit from the Japanese authorities but never returned to Japan, and investigate their cases as possible enforced disappearances in North Korea;

3. The National Diet and local legislatures should regularly adopt resolutions condemning North Korea's crimes against humanity and other grave human rights violations and the forcible repatriation of North Korean refugees by China, Russia and other states urging the international community to ensure accountability.

To the United States

1. Pass the North Korean Human Rights Reauthorization Act in Congress that contains sanctions against any person that, “knowingly, directly or indirectly, forced the repatriation of North Korean refugees to North Korea”;
2. Include a provision like section 304(a) of the North Korea Sanctions and Policy Enhancement Act requiring the State Department to report legal and natural persons responsible for serious human rights abuses, including enforced disappearances, in North Korea to facilitate designations for targeted human rights sanctions in the North Korean Human Rights Reauthorization Act or other bills;
3. The Secretary of State should make an atrocity determination for North Korea with respect to the crimes against humanity identified by the COI DPRK;
4. Continue to appoint the Special Envoy on North Korean human rights issues to coordinate and promote efforts to improve respect for the fundamental human rights of the people of North Korea and the protection of those people who have fled as refugees as stipulated in the North Korean Human Rights Act;
5. The United States Congress, state and local legislatures should regularly adopt resolutions condemning North Korea’s crimes against humanity and other grave human rights violations and the forcible repatriation of North Korean refugees by China, Russia and other states urging the international community to ensure accountability.

To the European Union (EU)

1. As penholder of annual North Korean human rights resolutions at the UN Human Rights Council and General Assembly, incorporate robust language and measures in the draft resolutions without unwarranted fear of breaking the

consensus as the North Korean diplomatic cables disclosed by Counsellor Lee Il-kyu make clear that North Korea is unwilling to call a vote on the resolutions for fear of harming bilateral ties over the vote;

2. Raise the issue of North Korean refugees, as well as individual deportation victims like Kim Cheol-ok, in its “human rights dialogues” with China as well as with other transit countries like Vietnam, Laos and Mongolia;

3. Name Kim Jung-wook [김정욱], Kim Kook-kie [김국기] and Choi Chun-gil [최춘길], the three South Korean missionaries detained in North Korea for 11 years, and Kim Cheol-ok [김철옥], the only identified person among the hundreds of North Korean refugees deported from China to North Korea on October 9, 2023, in the EU-authored North Korean human rights resolutions at the UN Human Rights Council as the EU has done for constitutional legal expert Ko Ni, land and environmental activist Naw Chit Pan Daing, journalists Soe Moe Tun, Wa Lone and Kyaw Soe Oo, Kachin school teachers Maran Lu Ra and Tangbau Hkawn Nan Tsing as well as President Win Myint and State Counsellor Aung San Suu Kyi in the past EU-authored Myanmar human rights resolutions at the UN Human Rights Council;

4. Impose additional targeted sanctions against individuals and entities sanctioned by the United States and other countries for North Korean human rights violations;

5. The European Parliament should regularly adopt resolutions condemning North Korea’s crimes against humanity and other grave human rights violations and the forcible repatriation of North Korean refugees by China, Russia and other states urging the international community to ensure accountability.

To the Human Rights Council

1. In the draft North Korean human rights resolution to be submitted by the European Union:

- (a) Name South Korean missionaries Kim Jung-wook [김정욱], Kim Kook-kie [김국기] and Choi Chun-gil [최춘길] and repatriated North Korean refugee Kim Cheol-ok [김철옥];
- (b) Mention forced abortions and infanticide against repatriated mothers and their children;
- (c) Urge states to terminate or revise treaties with North Korea that facilitate the deportation of North Korean refugees and escapees and their enforced disappearance after their return to North Korea;
- (d) Urge states to allow those who wish to opt for third country resettlement to do so on the basis of an informed choice and acceptance by the resettlement country and publish the number of extradition and other transfers to North Korea;
- (e) Urge the immediate return of all abductees, detainees and unrepatriated prisoners of war;
- (f) Urge North Korea to clarify the fate and whereabouts of the “returnees” from the ‘Paradise on Earth’ project who have disappeared;
- (g) Urge North Korea to submit its third periodic report to the Human Rights Committee and to ratify the Enforced Disappearance Convention;
- (h) Urge North Korea to become a party to the Rome Statute of the International Criminal Court (ICC) or to accept the exercise of jurisdiction of the ICC, in accordance with article 12(3) of the Rome Statute, while recalling the authority of the Security Council to refer the situation in North Korea to the ICC.

To the General Assembly

1. In the draft North Korean human rights resolution to be submitted by the European Union:

- (a) Name South Korean missionaries Kim Jung-wook [김정욱], Kim Kook-kie [김국기] and Choi Chun-gil [최춘길] and repatriated North Korean refugee Kim Cheol-ok [김철옥];
- (b) Urge states to terminate or revise treaties with North Korea that facilitate the deportation of North Korean refugees and escapees and their enforced disappearance after their return to North Korea;
- (c) Urge states to allow those who wish to opt for third country resettlement to do so on the basis of an informed choice and acceptance by the resettlement country and publish the number of extradition and other transfers to North Korea;
- (d) Urge the immediate return of all abductees, detainees and unrepatriated prisoners of war;
- (e) Urge North Korea to clarify the fate and whereabouts of the “returnees” from the ‘Paradise on Earth’ project who have disappeared;
- (f) Urge North Korea to submit its third periodic report to the Human Rights Committee and to ratify the Enforced Disappearance Convention;
- (g) Urge North Korea to become a party to the Rome Statute of the International Criminal Court (ICC) or to accept the exercise of jurisdiction of the ICC, in accordance with article 12(3) of the Rome Statute, while recalling the authority of the Security Council to refer the situation in North Korea to the ICC.

To the Security Council

1. Consider calling a vote on the referral of the situation in North Korea to the ICC, as recommended by the COI DPRK in 2014, with a view to force Russia and China to explain their veto at the UN General Assembly.

To United Nations Human Rights Treaty Bodies and Special Procedures

1. The Human Rights Committee should examine North Korea's implementation of the International Covenant on Civil and Political Rights in public session, without the presence of North Korea's representatives, and adopt concluding observations under rule 71 of its Rules of Procedure if North Korea continues to fail to submit its third periodic report;

2. Other treaty bodies should also consider sending a list of issues prior to the review to North Korea, with a view to proceeding to the review even without North Korea's participation, in order to address human rights issues, including enforced disappearances and other related human rights abuses, if North Korea continues to fail to submit its periodic report;

3. Express concern about North Korea's bilateral treaties with China, especially the 1998 revised border security agreement and the 2003 Treaty on Judicial Assistance in Civil and Criminal Matters, as well as its treaties with Russia, especially those on mutual legal assistance in criminal matters, extradition, transfer and receipt of undocumented migrants, and the transfer of sentenced persons, which facilitate the deportation of North Korean refugees and escapees and their enforced disappearance after their return to North Korea, recommend their termination or revision, and meet with families of North Korean political prisoners and refugees and abductees, detainees and unrepatriated prisoners of war and other victims.

To Civil Society

1. Continue to obtain, publish, and share information about North Korea's formal legal codes, and secret internal regulations of the Ministry of State Security (국가보위성 / *gukgabowiseong* / MSS) and other security organs that enable enforced disappearance and abduction, as well as the organization chart and top cadres to identify those most responsible; and to make submissions to United Nations special procedures, especially the Special Rapporteur on the situation of human rights in the DPRK, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture, and the Working Group on Enforced or Involuntary Disappearances (WGEID);
2. Continue to obtain, publish and share information about North Korea's political prison camps, including the location and size, based on oral statements, satellite imagery as well as the organization chart and top cadres to identify those most responsible; and to document individual cases of enforced disappearance with a view to making submissions, especially to the Working Group on Arbitrary Detention (WGAD) and the WGEID;
3. Continue to obtain, publish and share information about North Korean refugees and escapees in China, Russia, and elsewhere, including along the 'border wall'; the pattern of their arrest, abduction and deportation to North Korea; and to document individual cases of enforced disappearance with a view to making submissions, especially to the WGAD and the WGEID;
4. Continue to obtain, publish and share information about enforced disappearances and other related human rights violations committed against individuals for their exercise of the right to freedom of thought, conscience and religion and freedom of opinion and expression, including in relation to the persecution of religion and "superstition" and consumption and dissemination of South Korean and other foreign culture under the Reactionary Thought and Culture Rejection Law, the Youth Education Guarantee Law, the Pyongyang Cultural

Language Protection Law and the Enemy Area Material Disposal Law; and to document individual cases of enforced disappearance with a view to making submissions, especially to the WGAD and the WGEID;

5. Continue to obtain, publish and share information about foreigners abducted and/or disappeared by North Korea, especially the reported abduction of South Korean nationals, who had defected from North Korea to South Korea, that were abducted by North Korea in China; and to document individual cases of enforced disappearance with a view to making submissions, especially to the WGAD and the WGEID;

6. Continue to obtain, publish and share information about North Korea's overseas workers who seek asylum in China, Russia and elsewhere; the pattern and individual cases of their arrest, abduction and deportation to North Korea; and to document individual cases of enforced disappearance with a view to making submissions, especially to the WGAD and the WGEID;

7. Continue to obtain, publish and share information about the North Korean military personnel deployed in support of the Russian invasion of Ukraine, as well as the pattern and individual cases of desertion, defection and capture by Ukraine;

8. Continue to obtain, publish and share information about the reported disappearance of persons with disabilities in an island in South Hamgyong Province and the allegation of medical testing of biological and chemical weapons on them in the island;

9. Continue to make submissions to the International Criminal Court (ICC)'s Office of the Prosecutor concerning international crimes, including crimes against humanity of enforced disappearance, committed by North Koreans in part on the territory of a state party to the Rome Statute with a view to the ICC Prosecutor's initiation of *proprio motu* investigation under article 15 of the Rome Statute;

10. Ask and share relevant information with states parties to the Rome Statute to refer a situation in which international crimes, including crimes against humanity of enforced disappearance, appear to have been committed by North Koreans requesting the ICC Prosecutor's investigation under article 14 of the Rome Statute;

11. Ask and share relevant information with states parties to the Genocide Convention to submit disputes with North Korea relating to the responsibility for genocide, direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide to the International Court of Justice;

12. Continue to share information with like-minded governments for the effective designation and implementation of Magnitsky-targeted sanctions against individuals and entities most responsible for North Korea's enforced disappearance and other grave human rights violations;

13. Continue to share information with like-minded governments for the effective import ban on goods produced in whole or in part by the forced and prison labor of North Korean overseas workers and political prisoners in North Korea in the supply chain;

14. Make submissions to United Nations human rights treaty bodies for their consideration of North Korea's periodic reports, especially the Committee on the Rights of Persons with Disabilities' consideration of North Korea's initial periodic report in August 2025;

15. Urge the Human Rights Committee to examine North Korea's implementation of the International Covenant on Civil and Political Rights in public sessions without the presence of North Korea's representatives and to adopt concluding observations under rule 71 of its Rules of Procedure, if North Korea continues to fail to submit its third periodic report;

16. Take a survey of CSOs on the issues and recommendations to be included in

the COI update report and share the views that were expressed to the OHCHR DPRK Accountability Project;

17. Make submissions to United Nations human rights treaty bodies for their consideration of periodic reports of China, Russia and other countries concerning the treatment of North Korean refugees and escapees;

18. Make submissions to United Nations human rights treaty bodies for their consideration of periodic reports of Vietnam, Cambodia, Laos and other transit countries for North Korean refugees and escapees.

To OHCHR DPRK Accountability Project

1. Adopt terms of reference (TOR), similar to the TOR adopted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) Sri Lanka accountability project, that transparently set out: (1) the mandate; (2) the collection, consolidation, analysis and preservation of information and evidence; (3) the development of possible strategies for future accountability processes; (4) advocacy for victims and survivors; (5) advancement of accountability through support to relevant judicial and other proceedings; (6) standards and procedural requirements; (7) the composition; (8) privileges and immunities; and (9) other provisions;

2. Prepare a standard memorandum of understanding to conclude with NGOs willing to share information or statements from North Korean refugees and escapees that will serve as a legally binding instrument specifying, at a minimum, the intention of the parties, confidentiality and conditions for information sharing, including the respect for conditional consent from the NGO and the escapees who provided statements for their usage;

3. Name China explicitly instead of using the term ‘the neighbouring State(s)’ as in the 2023 accountability report, and hold China accountable instead of maintaining silence on China’s ongoing human rights abuses against North

Korean refugees and escapees, while criticizing South Korea for its human rights abuses against the repatriated abductees until the 1990s, as in the thematic report on North Korea's enforced disappearances and abductions in the 2025 accountability report and other future reports, including the COI update report which is to be submitted to the Human Rights Council in September 2025;

4. Reduce reliance on interviews with North Korean defectors at Hanawon, whose numbers have been in sharp decline since the COVID-19 pandemic, by testing new methodologies such as utilizing and analyzing the satellite imagery from the United Nations Satellite Centre, analyzing the North Korean state media's own reporting and conducting a supply chain analysis;

5. Hold public hearings or meetings for the victims and experts to speak before the preparation of the COI update report, following the COI DPRK's precedent, with the operational and substantive support from the authorities of South Korea, the United States, Japan and other like-minded countries;

6. Circumvent the 8,500-word limit for the COI update report by following the COI DPRK's precedent, preparing one version of the report, which has to be translated into six official UN languages, and another version as a 'conference room paper' that does not need to be translated and therefore is not bound by the 8,500-word limit;

7. Engage civil society to survey issues and recommendations to be included in the COI update report;

8. Take stock of the implementation of 20 sets of recommendations to North Korea, 6 to 'China and other states' and 10 to the international community and the United Nations in the COI update report as mandated by Human Rights Council resolution 55/21 of April 4, 2024.

To the United Nations High Commissioner for Refugees (UNHCR)

1. Consider adopting a country-specific guidance for North Korean refugees;
2. Consider instituting arbitration with China under article XVI of the 1995 PRC-UNHCR agreement, or withdrawing from Beijing, if China continues its policy of forcible repatriation of North Korean refugees and denial of access to them.



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