

Human rights violations against
women detained in
the Democratic People's Republic of Korea

**“I still feel
the pain...”**



UNITED NATIONS
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Ministries in charge of places of detention

Ministry of People's Security (MPS)

The Ministry of People's Security undertakes national policing functions, including the investigation and preliminary examination of crimes that the authorities consider not to be political. The Ministry of People's Security runs pre-trial detention centres, ordinary prisons, holding centres and short-term labour camps.

Ministry of State Security (MSS)

The Ministry of State Security carries out internal security functions, including the investigation and preliminary examination of crimes which the authorities consider involve a political element. The Ministry of State Security runs pre-trial detention centres and holding centres in provinces bordering China, as well as political prison camps.

Categories of places of detention in the Democratic People's Republic of Korea

Ordinary prisons (*Kyohwaso*)

Facility used to detain individuals convicted of crimes that the authorities consider as non-political. There are reportedly 19 ordinary prisons operating in the Democratic People's Republic of Korea.¹

Pre-trial detention centre (*Kuryujang*)

Facility used to detain individuals during the pre-trial process. Both the Ministry of People's Security and the Ministry of State Security run separate pre-trial detention centres at the provincial, city, county and village levels.

Holding centre (*Jipkyulso*)

Facility used to detain individuals suspected of violating travel restrictions. There are at least nine holding centres in the country as the Ministry of People's Security runs one holding centre in each of North Korea's nine provinces. In provinces bordering China, additional holding centres have been established, at least nine of which are run by the Ministry of State Security.

Short-term labour camp (*Rodongdanryondae*)

Facility where persons found guilty in trials or through administrative proceedings are held for re-education through labour for six months or less. It is not known how many short-term labour camps exist in the Democratic People's Republic of Korea.

Political prison camp (*Kwanliso*)

Facility used to detain individuals convicted of political crimes. Five political prison camps operate in the Democratic People's Republic of Korea. The authorities deny their existence.

¹ Korean Institute for National Unification, "White Paper", 2017, p. 91.

1. Introduction

1. This report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) describes allegations of human rights violations committed against women who are detained upon being forcibly returned to the Democratic People's Republic of Korea. It is produced under the mandate of the High Commissioner, as provided by General Assembly resolution 48/141, and pursuant to Human Rights Council resolution 25/25, which mandated OHCHR to establish a field-based structure to:
 - Strengthen monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea to ensure accountability;
 - Enhance engagement and capacity-building with the governments of all states concerned, civil society and other stakeholders;
 - Maintain public awareness of the situation.
2. Over seventy years since its establishment, the Democratic People's Republic of Korea remains a closed society. Leaving the country without official permission is considered a crime under domestic law, and those who do so face a perilous journey during which they risk abuses, arrest and forced repatriation, followed by long periods of pre-trial detention and imprisonment. In 2014, the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea² found that human rights violations committed against those forcibly returned to the Democratic People's Republic of Korea were widespread and systematic, and constituted a crime against humanity.³
3. The Commission of Inquiry looked into specific violations suffered by women detained after having been caught trying to leave the country and repatriated, which included sexual violence and other humiliating acts,⁴ forced abortion against repatriated mothers and infanticide of their children.⁵ This report will further explore how human rights violations impact women who have been forcibly repatriated and detained in the Democratic People's Republic of Korea. This includes consideration of the gender-specific human rights obligations of the State towards female detainees.
4. The practices documented in this report are in violation of the Democratic People's Republic of Korea's obligations under international human rights law, and contradict commitments made by the authorities in the context of the Universal Periodic Review and obligations highlighted by the Committee on the Elimination of Discrimination Against Women to improve the respect and protection of the rights of women.⁶

² The Commission of Inquiry on human rights in the Democratic People's Republic of Korea was established pursuant to Human Rights Council resolution 22/13, and mandated to investigate the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, with a view to ensuring full accountability, in particular, for violations that may amount to crimes against humanity.

³ A/HRC/25/CRP.1, *Report of the detailed findings of the Commission of Inquiry on human rights in the Democratic People's Republic of Korea*, [hereinafter Commission of Inquiry], 7 February 2014, paras. 380-492 and 1098-1114.

⁴ *Supra* note 3, Commission of Inquiry, paras. 415 to 422.

⁵ *Supra* note 3, Commission of Inquiry, paras. 424 to 434.

⁶ CEDAW/C/PRK/2-4, *Consideration of reports submitted by States parties under article 18 of the Convention. Second, third and fourth periodic reports of States parties due in 2014, Democratic People's Republic of Korea*, 1 June 2016; A/HRC/42/10/Add.1, *Report of the Working Group on the Universal Periodic Review, Democratic People's Republic of Korea*, 28 August 2019.

5. In recent years, the Government has taken some steps to address the human rights situation through amendments to its domestic law and greater engagement with the United Nations human rights mechanisms, including the treaty bodies and the Universal Periodic Review. However, the authorities of the Democratic People's Republic of Korea must urgently take further steps to comply with the country's international human rights obligations to ensure that citizens are not sanctioned for the peaceful exercise of their fundamental rights, and to prevent and investigate all human rights violations committed in the context of their detention. This includes addressing the gender-specific needs and human rights of female detainees outlined in this report. Moreover, steps must be taken to ensure that any individual perpetrating human rights violations is held to account, and that victims are protected and have access to effective remedies and redress, which requires gender-sensitive steps to ensure both men and women have such access. OHCHR further recommends that the Government undertake targeted training of law enforcement and judicial officials on relevant human rights standards, improve conditions in detention facilities in a gender-sensitive manner, implement strict institutional safeguards to prevent sexual violence, and consider alternative measures to pre-trial detention.
6. Given the serious nature of the human rights violations it identifies, this report suggests areas for engagement between the authorities and United Nations human rights mechanisms to address the situation. In particular, the authorities of the Democratic People's Republic of Korea should urgently consider avenues for technical cooperation to improve human rights compliance in detention facilities, in accordance with international standards.
7. The report also calls on other States to honour the principle of *non-refoulement* by not repatriating people to the Democratic People's Republic of Korea who are at risk of serious human rights violations, including reprisals for real or perceived political opinion.⁷
8. The information presented in this report forms an integral part of the development by OHCHR of possible strategies for use by future accountability processes pursuant to Human Rights Council resolutions 34/24 and 40/20. These resolutions mandate OHCHR to, *inter alia*, have experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process.
9. Given the apparent continued nature of violations laid out in the report, States are called upon to work with OHCHR in identifying and promoting avenues for accountability, including but not limited to those that might be pursued by victims and their representatives around the world, based on the principle of universal jurisdiction.

⁷ In relation to the right to life, the Human Rights Committee has stated: "The duty to respect and ensure the right to life requires States parties to refrain from deporting, extraditing or otherwise transferring individuals to countries in which there are substantial grounds for believing that a real risk exists that their right to life under article 6 of the Covenant would be violated." Para. 30 of the Human Rights Committee's General Comment 36 on the right to life.

2. Methodology

10. This report is based on various sources of information, including in-depth interviews conducted by OHCHR with over 100 women who were subjected to forced repatriation and subsequent detention in the Democratic People's Republic of Korea from 2009 to 2019. These are women who had eventually managed to escape and whom OHCHR interviewed outside of the Democratic People's Republic of Korea. OHCHR also obtained information from former officials of the Democratic People's Republic of Korea who left the country, as well as organizations and individuals working with women from the Democratic People's Republic of Korea who have settled in the Republic of Korea. In addition, the analysis draws from publicly available information such as reports from institutes, think tanks and non-governmental organizations.⁸ OHCHR has assessed the information collected for its compliance with the Democratic Republic of Korea's national legal framework and international human rights standards, including the Mandela and Bangkok Rules.⁹
11. OHCHR conducted all interviews in a confidential setting, using a format that allowed victims to talk through their experiences. It has secured the free and informed consent of all interviewees quoted in this report. In accordance with the OHCHR methodology, names and other details that might identify those interviewed have been withheld due to protection concerns.
12. The lack of access to the Democratic People's Republic of Korea is a major impediment to the Office of the High Commissioner for Human Rights' ability to verify allegations received during interviews, including through on-site monitoring and interviews with State officials and current detainees. The Office evaluates the reliability and credibility of each account provided, including its consistency and coherence, as well as consistency with other accounts received on similar facts and patterns. It also takes into account the potential bias of the escapees interviewed and the scarcity of independent and credible data. The Office then reaches conclusions according to a "reasonable grounds to believe" threshold.
13. While OHCHR gathered witness accounts indicating that repatriated women who were convicted of committing political crimes were in some cases sent to political prison camps, it was not able to interview any women with such experience.
14. Women and men experience different human rights violations when exposed to arrest and detention, related to gender constructs. This report looks at the specific vulnerabilities faced by women detainees. The OHCHR Seoul Office currently does not have sufficient access to male escapees who have arrived in the Republic of Korea, and therefore does not have enough evidence from which to draw firm conclusions of their experiences.
15. OHCHR transmitted the report to the Government of the Democratic People's Republic of Korea for factual comments prior to publication. The Government categorically rejected the report.

⁸ See for example: Database Center for North Korean Human Rights (NKDB), 2017 White Paper on North Korean Human Rights; Hawk, David, Committee for Human Rights in North Korea, "The Hidden Gulag IV. Gender Repression & Prisoner Disappearances" (2015); Korean Institute for National Unification, "White Paper on Human Rights in North Korea 2019".

⁹ The Standard Minimum Rules for the Treatment of Prisoners were first adopted by the United Nations General Assembly in 1957, and were revised and adopted as the Nelson Mandela Rules [hereafter: the Mandela Rules] in 2015. The Standard Minimum Rules are often regarded by States as the primary source of standards relating to treatment in detention, and are the key framework used by monitoring and inspection mechanisms in assessing the treatment of prisoners. The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders [hereafter: the Bangkok Rules] were adopted by the United Nations General Assembly in December 2010 and set standards for the specific characteristics and needs of women in detention.

3. Context

16. Citizens of the Democratic People's Republic of Korea who wish to travel abroad are subject to strict conditions that effectively restrict the possibility of leaving the country legally. The Immigration Law provides for the issuance of passports and travel permits, required for overseas travel.¹⁰ However, in practice, accounts from witnesses indicate that only individuals who are considered loyal to the Government or have sufficient funds are able to obtain these documents.
17. Many people therefore irregularly and unlawfully cross the border between the Democratic People's Republic of Korea and China. The Criminal Law criminalizes illegal border crossing, and makes it punishable with a sentence of up to one year of imprisonment, or up to five years in grave cases.¹¹ While the law does not specify what constitutes grave cases, information collected by OHCHR indicates that the sentences imposed are longer when a person is found to have sought to reach the Republic of Korea, has stayed abroad for what is considered a long period, or has assisted others in crossing. In such cases, detainees may also be charged with treason against the State, which carries a minimum sentence of five years of labour reform and a maximum sentence of labour reform for an indefinite period, or the death penalty.¹² Witness accounts reveal such persons may be sent to political prison camps if the act is deemed to challenge the legitimacy of the Government.
18. Clandestine movements across the border increased in the mid-1990's when the Democratic People's Republic of Korea was experiencing famine. The provinces along the northern border of the country were particularly affected by the famine, which compelled residents to cross the border, sometimes temporarily, in search for food and to engage in unofficial trade. As the situation improved approximately after 1999, unofficial economic activity across the border has since been growing, with people engaged in bartering or small-scale trading. Those involved in informal trade are in many cases married women who, unlike men, are not assigned to official full-time work by the State. The Commission of Inquiry noted that requirements to attend State assigned work and restrictions on the right to movement appeared to be more limiting for men than women, with men required to "check-in" with employers even if their State-assigned organization was not functioning. Many women who are not gainfully employed by the State can go undetected for longer periods of time as compared to men, which may also be an underlying reason for the disproportionate number of women able to leave the country.¹³ Furthermore, discrimination against women and their vulnerable status in the Democratic People's Republic of Korea, as well as the prospect of *refoulement*, make them vulnerable to trafficking in persons, often for purposes of exploitation in forced marriage or prostitution.¹⁴
19. People leave the Democratic People's Republic of Korea for different reasons. Many are attracted by economic opportunities combined with the prospect of enjoying freedom abroad. Others intend to return to the Democratic People's Republic of Korea after working in the informal sector. Many of those who leave have relatives or friends who have settled outside the Democratic People's Republic of Korea, with whom they hope to be reunited. Some leave the Democratic People's Republic of Korea

¹⁰ See Democratic People's Republic of Korea Immigration Law (1996, amended in 1999 and 2012), articles 9 to 12.

¹¹ Criminal Law of the Democratic People's Republic of Korea, last amended in 2015. [hereinafter Criminal Law], article 221, provides for a sentence of up to one year of "discipline through labour", and up to five years of "reform through labour" in the case the act constitutes a grave offence.

¹² *Ibid.*, article 63. OHCHR did not interview persons convicted under the more severe provisions, but several persons interviewed stated that they knew of others who had been held in political prison camps.

¹³ *Supra* note 3, Commission of Inquiry, paras. 365 and 377.

¹⁴ *Supra* note 3, Commission of Inquiry, para. 491.

because they are persecuted by the authorities. This includes persons who experienced imprisonment for previously attempting to leave the country, and have faced increased surveillance and discrimination after their release. Regardless of the reason for crossing the border “illegally”, all such persons are vulnerable to severe human rights violations upon repatriation to the Democratic People’s Republic of Korea.

20. The number of nationals of the Democratic People’s Republic of Korea who irregularly cross the border every year is not known. In its replies to the list of issues raised as part of the periodic reporting to the Committee on the Elimination of Discrimination against Women, the Government reported that a total of 6,473 women had returned to the Democratic People’s Republic of Korea after travelling abroad without valid permits between 2005 and 2016. It further stated that the majority were found to have done so for economic reasons or because they were victims of human trafficking, and that they were not subjected to legal punishment.¹⁵

21. In 2019, 1,047 persons from the Democratic People’s Republic of Korea resettled in the Republic of Korea, including 845 women (80.7 per cent of the total).¹⁶ The number of arrivals peaked between 2007 and 2011, when between 2,500 and 3,000 North Koreans arrived in the Republic of Korea annually. Since then, the Government of the Democratic People’s Republic of Korea has tightened restrictions and security at the borders to prevent people from leaving the country. For instance, witnesses interviewed by OHCHR stated that further restrictions on travel were imposed in the border areas and reported the increased installation of barbed wire and physical barriers along the border. They also mentioned heavier penalties for those caught using mobile phones to make calls abroad.

22. To cross the border, many people seeking to leave the Democratic People’s Republic of Korea rely on human traffickers, often disguised as business brokers. As the risk of being detected by the authorities has increased because of the tighter surveillance at the border, the price of engaging a broker has risen and is beyond the means of many of those seeking to leave. In some cases, women are approached by acquaintances or strangers in border towns and promised profitable jobs that would purportedly allow them to pay brokers. As a result, many women find themselves trafficked for the purposes of forced marriages, sexual exploitation, or cheap bonded labour. The risk of forced repatriation renders people more vulnerable to trafficking and other forms of exploitation. One victim who crossed the border in 2011 stated:

“[A]fter crossing the border, we went to the house of a man in Liaoning, China. I think he was a broker. I stayed at his house for a week. Then a man came and I realized that I had been sold to him. When I was taken to the man’s house I did not like him or the house. I called the broker to say I did not like it, but I was told I did not have a choice.”¹⁷

23. Those who are repatriated are transferred to the Democratic People’s Republic of Korea via border posts run by the Ministry of State Security of the Democratic People’s Republic of Korea.¹⁸ They are initially held in pre-trial detention centres (*kuryujang*), run by the Ministry of State Security, located close to the border. At these centres, the identity of the repatriated individuals is determined, and they

¹⁵ CEDAW/C/PRK/Q/2-4/Add.1, “Replies of the Democratic People’s Republic of Korea”, 5 July 2017.

¹⁶ Government of the Republic of Korea, Ministry of Unification, Data and Statistics, available at: https://www.unikorea.go.kr/eng_unikorea/relations/statistics/defectors/

¹⁷ KOR/17/0064.

¹⁸ OHCHR interviewed women repatriated to locations including Chongjin, Hoeryong, Musan, and Onsong, in North Hamgyong Province; Hyesan, in Ryanggang Province; Manpho, in Jagang Province; and Sinuiju, in North Pyongan Province.

- are searched and interrogated by officers of the Ministry of State Security. In many cases, the searches of women forcibly repatriated are invasive and humiliating and interrogations involve beatings.¹⁹ The initial interrogation usually focuses on establishing the reasons why the individuals left the country, their activities abroad, the length of stay, and identifying anyone who helped them leave the country.
24. In cases where detainees convince Ministry of State Security officers that they left the country for economic reasons and have not spent a long period of time away, they are not considered a “political threat”. Instead, they are considered to have committed an ordinary crime and are transferred to a pre-trial detention centre (*kuryujang*) or holding centre (*jipkyulso*) run by the Ministry of People’s Security. They are then usually kept in such facilities along the border until an officer of the Ministry of People’s Security from their registered place of residence collects them and escorts them back there. The detention period in these *kuryujang* and *jipkyulso* facilities ranges from several weeks to several months, depending on when a Ministry of People’s Security officer is available to escort the individual(s).
 25. Upon their transfer from Ministry of State Security to Ministry of People’s Security detention facilities, detainees undergo additional invasive strip searches and questioning. They may then be sentenced without trial to a maximum of six months short-term labour detention. In cases where investigators consider that a longer sentence is warranted, the repatriated person is brought to trial, usually in the presence of a judge, prosecutor and defence lawyer. These trials sometimes take place in public venues, such as a marketplace or in front of a school, and the person may be sentenced to serve a longer term in a short-term labour detention camp (*rodongdanryondae*) or in an ordinary prison (*kyohwaso*).²⁰ Such trials invariably fall short of international standards for a fair trial.²¹
 26. Detainees who are considered to have committed a crime of a more serious and political nature, including travelling with the intention to relocate to the Republic of Korea or coming into contact with citizens of that country, remain in the custody of the Ministry of State Security. According to accounts of individuals held with them in pre-trial detention centres, detainees who are considered to have committed a crime of a more serious and political nature face imprisonment in one of the country’s five political prison camps (*kwanliso*). The Government of the Democratic People’s Republic of Korea has denied the existence of political prison camps and there is no reference to them in the country’s Criminal Procedure Law. OHCHR has been unable to interview any recent female escapees from political prison camps.

¹⁹ See section 4 of this report.

²⁰ KOR/17/0001, KOR/17/0007, KOR/17/0045, KOR/17/0014, KOR/17/0049, KOR/17/0062. Throughout the report, these codes are references to confidential interviews conducted by OHCHR.

²¹ See section 4.7 of this report.

4. Human rights violations against women in detention

27. In contravention of international human rights norms and standards and of provisions in the Criminal Law and Criminal Procedure Law of the Democratic People's Republic of Korea, women detainees face serious human rights violations, including detention in inhumane conditions, deprivation of food, torture and ill-treatment, forced compulsory labour, and gender-based violence, including sexual violence. According to accounts of victims, judicial processes applied to them fail to meet minimum fair trial standards.
28. In 2016, the Democratic People's Republic of Korea submitted its latest report on progress made with regard to implementation of the Convention on the Elimination of Discrimination Against Women.²² In this report, the Government claimed that “[a]ll legal proceedings are carried out in full compliance with the law”, and that the provisions of the Criminal Procedure Law related to investigations and preliminary examinations were followed, including in relation to body searches, treatment during pregnancy and interrogation.²³ However, accounts from victims and witnesses gathered by OHCHR indicate that various human rights violations continue to be committed against women in detention.
29. OHCHR has now documented a considerable body of information that displays consistent patterns of human rights violations occurring against women in places of detention, including in relation to the following detention facilities:
- Malnutrition in detention facilities in Hyesan City and Pochon County, Ryanggang Province; Kaechon City, South Pyongan Province; Sinuiju City, North Pyongan Province; and Hoeryong City, North Hamgyong Province;
 - The use of beatings and other violence in detention facilities in Hyesan City and Pochon County, Ryanggang Province; Sinuiju City, North Pyongan Province; and Hoeryong City and Onsong County, North Hamgyong Province;
 - Overcrowding and unsanitary conditions in detention facilities in Hyesan City, Ryanggang Province and Kaechon City, South Pyongan Province.

4.1 Overcrowding, lack of sanitation and prevalence of male prison guards

30. According to victims and witnesses interviewed by OHCHR, conditions in pre-trial detention centres and holding centres fall below international human rights norms and standards. Article 10 of the International Covenant on Civil and Political Rights commits all States Parties to ensuring that “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” The United Nations Human Rights Committee, which provides authoritative guidance on interpretation of the Covenant, has stated that persons deprived of their liberty may not “be subjected to hardship or constraint other than that resulting from the deprivation of liberty.” It added that “respect for the dignity of such persons must be guaranteed under the same conditions as for that of

²² CEDAW/C/PRK/2-4 and CRC/C/PRK/

²³ CEDAW/C/PRK/Q/2-4/Add.1, para.76.

free persons.”²⁴

31. The Mandela Rules state that “all accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”²⁵ The Rules also lay out international standards in relation to sanitation (toilets and washing facilities),²⁶ adequate food and water,²⁷ and recreation time.²⁸
32. Women interviewed by OHCHR consistently recounted that they were held in pre-trial detention centres, holding centres and prisons in inhumane conditions, which included overcrowding and unsanitary conditions.²⁹ While the number of detainees held within a given space would reportedly vary over time and depend on the location, some women described being held with up to 20 women amassed in 15-square-metre cells.³⁰ In the *kuryujang*, women reported little or no access to daylight and fresh air at any part of the day.³¹
33. Rule 5 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (hereafter the Bangkok Rules) states that, “The accommodation of women prisoners shall have facilities and materials required to meet women’s specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water...”³² Women reported being denied adequate water for basic hygiene, and unable to wash themselves or their clothes.³³ Most said they were not provided with soap, toilet paper or other basic cleaning items.³⁴ Sanitary towels were not provided, forcing women to use rags torn from their clothes.³⁵ Poor physical conditions were exacerbated by lack of adequate and quality food,³⁶ causing serious health issues for many, as well as interrupted menstrual cycles.³⁷ In many cases, a toilet or bucket was located inside the cell, with only a low barrier for privacy.³⁸ Detainees could only use it after receiving permission, which was not always granted.³⁹ A woman who was detained in 2015 described the situation as follows:

“If [defecation] was urgent we just did it there sitting. We did it also in plastic bags, closed up to

²⁴ United Nations Human Rights Committee, General comment No. 21: Article 10 (Humane treatment of persons deprived of their liberty), 13 March 1992, para. 3.

²⁵ *Supra* note 9, the Mandela Rules, Rule 13.

²⁶ *Ibid*, Rules 15-18.

²⁷ *Ibid*, Rule 22.

²⁸ *Ibid*, Rule 23.

²⁹ KOR/18/0050, KOR/19/0016, KOR/19/0051, KOR/18/0078, KOR/18/0079, KOR/19/0011, KOR/19/0004, KOR/18/0029, KOR/18/0075, KOR/18/0058, KOR/19/0036, KOR/19/0044, KOR/18/0032, KOR/18/0077, KOR/19/0037

³⁰ KOR/17/0048, KOR/17/0049.

³¹ KOR/19/0002, KOR/19/0010, KOR/19/0011.

³² The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), Resolution adopted by the General Assembly on 21 December 2010, A/RES/65/229.

³³ KOR/17/0019, KOR/17/0048, KOR/17/0062, KOR/18/0009, KOR/19/0011, KOR/18/0029, KOR/19/0036, KOR/18/0031, KOR/18/0032, KOR/19/0037, KOR/18/0027.

³⁴ KOR/18/0050, KOR/19/0010, KOR/18/0009, KOR/19/0011, KOR/19/0004, KOR/18/0035, KOR/18/0077, KOR/19/0037

³⁵ KOR/17/0007, KOR/17/0045, KOR/17/0048.

³⁶ KOR/18/0050, KOR/18/0053, KOR/19/0002, KOR/19/0011, KOR/19/0004, KOR/18/0074, KOR/18/0029, KOR/19/0004, KOR/18/0029, KOR/18/0075, KOR/19/0027, KOR/19/0046, KOR/19/0010, KOR/17/0123, KOR/19/0032, KOR/19/0036, KOR/18/0031, KOR/18/0032, KOR/19/0037, KOR/19/0013, KOR/18/0027.

³⁷ KOR/18/0009, KOR/18/0035, KOR/17/0001, KOR/17/0049, KOR/17/0052, KOR/17/0057.

³⁸ KOR/19/0011, KOR/19/0001, KOR/18/0031, KOR/18/0032, KOR/18/0077, KOR/18/0027.

³⁹ KOR/18/0050, KOR/19/0002, KOR/19/0003, KOR/19/0001, KOR/19/0036, KOR/18/0027.

*avoid the smell. Detainees could be beaten up for that... When a detainee would defecate on the spot it smelled bad, so the guards would go to the cell and ask what happened and the person would be called out....*⁴⁰

A woman detained in 2015 in a Ministry of People's Security *kuryujang* described the lack of privacy in front of male guards when washing:

*"For bathing, we had to wash over the toilet with the tap next to us. We had to crouch down so that the guards couldn't see us."*⁴¹

34. In addition to unsanitary conditions and lack of privacy, detainees were subjected to overt harassment and humiliation by guards. A woman who was detained in 2009 described her experience in these words:

*"I was supposed to wash inside the cell and prison guards could see me taking a shower. To avoid that, you should squat by the toilet and get water from the bucket. There was no soap and the water was cold. No matter how hard you tried to hide, the prison guards could see you from the breast and shoulder level up while showering... [I]f we tried to hide when the guards were approaching our cell, they would say, 'there is nothing to hide, it is only nipples that you have'."*⁴²

35. Former detainees reported that while male and female detainees were held in separate cells, all guards were male.⁴³ International standards require that male and female detainees be kept in separate institutions, and that female detainees be exclusively supervised by female staff.⁴⁴ The Mandela Rules provide that women's sections of detention facilities should be under the authority of female staff and off-limits to male officers, unless accompanied by a female staff member.⁴⁵ Minimum standards also require that staff designated to oversee female detainees should be full-time professional prison staff trained on gender-specific needs, women's health, and ensuring the respect and protection of the human rights of female detainees.⁴⁶

⁴⁰ KOR/17/0049.

⁴¹ KOR/19/0011.

⁴² KOR/17/0062.

⁴³ KOR/18/0053, KOR/18/0009, KOR/19/0011, KOR/19/0001, KOR/18/0035, KOR/18/0031, KOR/18/0027.

⁴⁴ *Supra* note 9, the Mandela Rules, Rule 11.

⁴⁵ *Ibid*, Rule 81.

⁴⁶ *Ibid*, Rule 74; *supra* note 9, the Bangkok Rules, Rules 42 and 43.

4.2 Deprivation of food

36. Article 22 of the Mandela Rules states that “[e]very prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served”, and that “[d]rinking water shall be available to every prisoner whenever he or she needs it.”
37. All women detainees reported being provided with grossly inadequate quantity and poor quality of food while in detention, which led to high levels of malnutrition among detainees⁴⁷ and the interruption of their menstrual cycles.⁴⁸ In both detention facilities run by the Ministry of People’s Security and the Ministry of State Security, former detainees described being given small amounts of corn or corn-meal two or three times a day.⁴⁹ In some detention centres, relatives of the detainees were reportedly permitted to bring food, although this was often only feasible for detainees who had been transferred to their registered place of residence. Detainees who did not receive family visits were particularly vulnerable to malnutrition.⁵⁰
38. The impact of depriving detainees of food was reportedly particularly severe in short-term labour camps (*rodongdanryondae*), holding centres (*jipkyulso*), and prisons (*kyohwaso*) where women detainees were forced to carry out hard manual labour.⁵¹ The authorities appear to have been aware of this, given the measures in place described by a woman detained in 2017 in a Ministry of People’s Security *kyohwaso*:

“There was a specific unit in the kyohwaso where detainees with malnutrition were sent. They were required to do smaller amounts of work and were provided with a little more soft tofu.”⁵²

39. One woman, detained in 2016 in a Ministry of State Security *kuryujang*, stated:

*“I was fed with corn at the ***** MSS. I was given a handful of corn per meal. There were three meals provided per day. There were many cases of malnutrition. I also became weaker, and I did not look good.”⁵³*

Another woman, detained in 2013, reported being ordered to count the kernels by Ministry of State Security officers, noting she would receive 200 kernels per meal.⁵⁴ A woman who was detained in 2014 recounted that:

“I was not provided even with corn. I barely survived by being fed with five small potatoes. I was extremely hungry. I even ate rice and other leftovers in the water after washing dishes of prison officers.”⁵⁵

⁴⁷ KOR/19/0051, KOR/19/0003, KOR/18/0009, KOR/19/0011, KOR/19/0004, KOR/19/0044, KOR/18/0029, KOR/18/0035, KOR/18/0075, KOR/19/0027, KOR/19/0051, KOR/19/0032, KOR/19/0036, KOR/18/0031, KOR/18/0032, KOR/19/0043, KOR/19/0042, KOR/19/0034, KOR/19/0015, KOR/18/0027.

⁴⁸ *Supra* note 37.

⁴⁹ KOR/16/0020, KOR/17/0007, KOR/17/0020, KOR/17/0019, KOR/17/0060.

⁵⁰ KOR/19/0003, KOR/19/0044, KOR/18/0029, KOR/18/0075, KOR/18/0031, KOR/19/0043, KOR/19/0034.

⁵¹ See paras 46-48 below.

⁵² KOR/19/0051. Also KOR/19/0032.

⁵³ KOR/19/0003.

⁵⁴ KOR/16/0020.

⁵⁵ KOR/17/0014.

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40. The deprivation of food was at times so severe that some detainees reportedly starved to death, as described by a woman when detained in 2015 in a Ministry of People's Security *kyohwaso*:

*“*****, aged around 42 years, died when I arrived at the kyohwaso. She died due to malnutrition... During my time in the kyohwaso, about five to six people died. Most of them died due to malnutrition.”*⁵⁶

One detainee also described witnessing the death of a fellow inmate due to malnutrition in 2012:

*“We were barely fed. I witnessed a 47-year old woman who had lived in China for a long time die of malnutrition... [she] looked much older due to the starvation and suffering she had experienced.”*⁵⁷

4.3 Beatings during interrogation and to discipline; forced sitting positions

41. As a State party to the International Covenant on Civil and Political Rights, the Democratic People's Republic of Korea has a positive obligation to ensure that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” (Article 7). The Human Rights Committee has highlighted that this obligation is integral to the State's obligation to ensure “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person” in Article 10 of the Covenant.⁵⁸ The Mandela Rules reaffirm the international human rights norm that “[n]o prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment.”⁵⁹
42. Former detainees reported various instances of torture and ill-treatment by officers of the Ministry of State Security and the Ministry of People's Security. They recounted being beaten during interrogation to extract information about their activities, or a confession that they had sought to leave the Democratic People's Republic of Korea permanently or had been in contact with citizens of the Republic of Korea.⁶⁰ They would be forced to sit still for extended periods of time, and would be punished, including by being beaten or deprived of food, if they moved.⁶¹ In pre-trial detention centres (*kuryujang*) run by the Ministry of State Security and the Ministry of People's Security, women were required to sit completely still in a kneeling or cross-legged position from early morning until evening, with short breaks for eating and interrogation, as described by a woman detained in 2016 in a Ministry of State Security *kuryujang*:

“After breakfast at 7am until noon we had to sit in the same position, only getting a 15-minute break

⁵⁶ KOR/19/0044.

⁵⁷ KOR/17/0019. Also KOR/19/0004, KOR/18/0035, KOR/19/0032, KOR/18/0032.

⁵⁸ See the Human Rights Committee's General Comment 20, para. 2.

⁵⁹ *Supra* note 9, Rule 1.

⁶⁰ KOR/19/0016, KOR/10/0050, KOR/19/0008, KOR/19/0003, KOR/18/0004, KOR/18/0011, KOR/19/0049, KOR/19/0011, KOR/18/0004, KOR/19/0005, KOR/18/0029, KOR/19/0004, KOR/18/0035, KOR/19/0051, KOR/19/0046, KOR/19/0010, KOR/18/0058, KOR/19/0044, KOR/17/0123, KOR/18/0031, KOR/18/0032, KOR/18/0081, KOR/19/0042, KOR/19/0013, KOR/18/0027, KOR/19/0032, KOR/17/0048.

⁶¹ KOR/18/0053, KOR/19/0002, KOR/19/0016, KOR/19/0010, KOR/19/0008, KOR/19/0003, KOR/18/0079, KOR/19/0011, KOR/19/0004, KOR/19/0001, KOR/18/0029, KOR/19/0046, KOR/18/0031, KOR/18/0032, KOR/18/0077, KOR/18/0081, KOR/19/0042, KOR/19/0013, KOR/18/0027, KOR/17/0007, KOR/17/0001.

for the bathroom, and after lunch from 12.30 p.m. to 7 p.m. we had to sit in the same position, with only one 15-minute break for the toilet. Then again we had to sit in the same position after dinner until 10 p.m.”⁶²

43. Women detainees were monitored by guards and in some facilities by closed-circuit television. Those who moved, or looked at the guards, were punished, as described by a woman detained in 2016 in a Ministry of State Security *kuryujang*:

“Inside the cell, we were asked to sit down in a cross-legged position with our heads bent and facing the floor. We were not even allowed to roll our eyeballs. If we moved, we would be punished. Since it was very painful to stay in the same position for a long time, I moved a bit. I was asked to do push-ups for 100 times as a punishment. I only managed to do 30 times. I then told the officer that I would rather be punished differently than doing push-ups. I was beaten two times with a steel rod.”⁶³

The Mandela Rules set international standards for disciplinary measures that may be imposed on prisoners.⁶⁴ This includes Rule 43, stating that under no circumstances may disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment, which includes prohibition of corporal punishment or the reduction of a prisoner’s diet or drinking water, or collective punishment.

A woman detained in the Ministry of People’s Security’s *kyohwaso* in 2016, described some of the disciplinary measures she had witnessed:

*“The food isn’t very tasty in the kyohwaso, so while out in the fields ***** picked three peppers and hid them in her pocket. Every time we go in and out of the cells they search us, and the peppers were found. She was reported to the MPS officer who kicked her in the stomach so hard that she flew a metre across the room. He then got a wooden stick, which is used for farming, and started hitting her on her legs. She started bleeding from the mouth and said sorry.”⁶⁵*

This woman describes the collective punishments inmates were subjected to for minor infringements of the prison’s rules, as well as the individual punishments:

“When I had to sit tight in the same position, I was not supposed to make eye contact with officers outside the cell. However, I was not really aware of all the rules, so I happened to make eye contact with an officer without knowing the rule. Because of my mistake, all of the detainees in my cell were punished. We had to hold our hands behind our back and stand up and down repeatedly. I passed out because of this and the officer told the other detainees to drag me to his side close to him where he beat me on my head again. I lost consciousness due to the beating. The day after, I woke up in the morning with bloody ears. I still suffer from headaches to this day, which I presume came from the beatings I suffered there.”⁶⁶

⁶² KOR/19/0010.

⁶³ KOR/19/0008.

⁶⁴ *Supra* note 9, Mandela Rules, Rules 36-49.

⁶⁵ KOR/18/0078.

⁶⁶ KOR/19/0051.

This former detainee recounts how collective punishment was imposed in the short-term labour camp (*rodongdanryonda*) while she was detained there in 2012:

*“If 100 people are working at a site and I’m the only one who can’t meet the quota then all 100 are punished. So people meet their quotas. If you don’t, the 99 others would swear at you. You’re punished as a group by being made to do rounds in the yard in the morning. So everyone tried to meet their quotas.”*⁶⁷

An account from a former female detainee in a Ministry of People’s Security’s *kyohwaso*, where she was detained in 2013, also reveals that deprivation of food was used as a form of punishment for not meeting work quotas:

*“If we fail to meet our quota, we were given less food or were verbally abused and in a few cases beaten, if we were very behind our quota.”*⁶⁸

44. Women detainees consistently recounted physical beatings as an integral part of the interrogation process in pre-trial detention centres (*kuryujang*),⁶⁹ which included the aim of establishing their motive for leaving the Democratic People’s Republic of Korea, who may have been involved, and what they did while abroad. One woman, who was detained from 2009 to 2014, explained that *“violence was taken for granted during the course of the investigations.”*⁷⁰ Interrogations were reportedly particularly severe in Ministry of State Security facilities. Women described that interrogations would usually take place in a room with only one officer present. Victims were ordered to give detailed accounts of their actions since leaving the Democratic People’s Republic of Korea. If officers found inconsistencies in their accounts, detainees would be beaten. One former detainee, held in 2016 in a Ministry of State Security *kuryujang*, describes:

*“Since I did not confess that I was fleeing the country, I was beaten badly with wooden stick in my thigh and body, though they did not hit me on my head. I was also slapped around six times.”*⁷¹

Another woman, held in 2015, stated:

*“I was beaten with a club by a preliminary investigation officer and was kicked by the officer. The treatment was particularly harsh at the Ministry of State Security. If one is found to have gone to a South Korean church while staying in China, they are dead. I therefore tried hard not to reveal my life in China. I was beaten up as a result. I was beaten to a level that my rib was broken. I still feel the pain.”*⁷²

45. According to former detainees, women detainees who were considered to have attempted to reach the Republic of Korea, or who officials believed had been in contact with nationals of that country, were

⁶⁷ KOR/19/0043.

⁶⁸ KOR/19/0032.

⁶⁹ *Supra* note 60.

⁷⁰ KOR/17/0057. The victim recounted her experience, initially in detention of the Ministry of State Security and, after conviction, at an ordinary prison.

⁷¹ KOR/19/0008.

⁷² KOR/17/0014.

subjected to particularly severe treatment and faced the risk of being sent to a political prison camp.⁷³ One woman who was detained in 2013 alleged that, “[s]ome people had in their report from the Chinese authorities that they had attempted to go to South Korea. For this reason they were beaten up from the beginning.”⁷⁴

4.4 Forced labour

46. International instruments make a distinction between “hard labour”, which may be imposed as part of a court sentence, and “forced or compulsory labour”, which is prohibited.⁷⁵ Rule 97 of the Mandela Rules affirms that labour in prison “must not be of an afflictive nature”. The implications in practice mean that prisoners should be paid a fair wage for their work, and that their work should not be exploited to make profits for the prison authorities or a private contractor.⁷⁶ Work in prison should be subject to laws and standards that ensure the workers’ health and safety, with provisions to indemnify prisoners against industrial injury and occupational disease.⁷⁷ Maximum daily and weekly working hours should be set and one day of rest provided a week.⁷⁸ Moreover, prison labour must not be afflictive in the sense of causing pain, distress or grief.⁷⁹
47. Women detained in short-term labour camps (*rodongdanryondaes*) as well as holding centres (*jipkyulso*) and prisons (*kyohwaso*) were required to perform forced manual labour, often in the construction or agricultural sectors, in contravention of international standards.⁸⁰ This was particularly exhausting due to insufficient and inadequate food rations. Detainees were not compensated for their work. One woman described the work she was forced to carry out in early 2014 as follows:

“I had to work in construction sites. Some inmates were also mobilized and sent outside [the holding centre] to dig the ground to bury corpses. The payment for our work went to the holding facility. There were also constructions inside.... We had to break limestone with a hammer and nails. Our feet were frozen in the weather, and it was very difficult.”⁸¹

A woman detained in a Ministry of People’s Security *jipkyulso* in 2014 described her experience:

“I was forced to manually assemble metal hooks of necklaces. It was an assignment allocated to earn hard currency... However, we were not paid. Instead, money earned from our work was spent on construction of the holding centre. The work was extremely challenging physically... Whether

⁷³ KOR/17/0001, KOR/17/0007, KOR/17/0045, KOR/17/0014.

⁷⁴ KOR/17/0045.

⁷⁵ See ILO Forced Labour Convention No. 29 (1930), article 2, para. 1; ILO Convention No. 105 concerning the Abolition of Forced Labour (1957).

⁷⁶ *Supra* note 9, Mandela Rules, Rules 97 and 103.

⁷⁷ *Ibid.*, Rule 101.

⁷⁸ *Ibid.*, Rule 102.

⁷⁹ *Ibid.*, Rule 97.

⁸⁰ KOR/18/0053, KOR/19/0003, KOR/18/0078, KOR/19/0004, KOR/18/0029, KOR/18/0035, KOR/18/0060, KOR/18/0075, KOR/17/0123, KOR/18/0058, KOR/19/0032, KOR/19/0036, KOR/19/0044, KOR/18/0031, KOR/18/0032, KOR/19/0043, KOR/19/0037, KOR/19/0042, KOR/18/0027.

⁸¹ KOR/16/0020.

or not the assignment was completed was checked every morning at 7 a.m. Detainees who failed to complete the assignment were beaten. I did not sleep and worked because I did not want to be beaten. I did not lie down for sleep even. It was excruciating to a level that I even attempted to commit suicide. I was not properly fed, but forced to work. The work was done solely by my bare hands; and my hands were aching.”⁸²

48. Those who were unable to handle physically demanding tasks were not allowed to rest. One former detainee stated that she had witnessed the death of another detainee in 2016 during agricultural work:

“A woman... in her mid-forties lost consciousness while doing the weeding work. She died. When she lost consciousness, officers at the holding centre, instead of treating her, poured cold water over her. They even put her into a big water bucket.”⁸³

4.5 Sexual violence

49. International human rights standards provide that women prisoners shall be guarded exclusively by female prison staff.⁸⁴ The part of the prison set aside for women should be under the authority of a female staff member, and male staff should only enter that area if accompanied by a female staff member. These standards are particularly important to prevent sexual violence, including rape, sexual harassment and exploitation, among other forms of gender-based violence. However, male staff, particularly doctors and teachers, should not be prevented from carrying out their professional duties in institutions or parts of institutions set aside for women.⁸⁵
50. All women interviewed by OHCHR stated that in pre-trial detention centres and holding centres, female detainees were dealt with almost exclusively by male officers. Interrogations were reportedly conducted by male investigation officers, and prison guards were also men. Guards had access to the cells and could observe the female detainees at all times.⁸⁶ The only reported exception to the involvement of male officials was the initial body search, which was in most cases conducted by female officers from the Ministry of State Security.
51. This section reflects accounts of former detainees that reveal serious cases of sexual violence against women in pre-trial detention centres, holding centres, short-term labour camps and ordinary prisons.

4.5.1 Forced nudity and invasive body searches

52. International standards require that body searches be regulated by law, conducted in accordance with the principles of necessity and proportionality, and in a manner which is respectful of the dignity and

⁸² KOR/19/0004.

⁸³ KOR/17/0019.

⁸⁴ *Supra* note 9, the Mandela Rules, Rule 81.

⁸⁵ *Ibid.*

⁸⁶ KOR/17/0043, KOR/17/0019, KOR/17/0047.

privacy of the individuals being searched.⁸⁷ Forced nudity is a recognized form of sexual violence which can also amount to torture or to cruel, inhuman or degrading treatment or punishment prohibited by article 7 of the International Covenant on Civil and Political Rights. The Mandela Rules and the Bangkok Rules specify that cavity searches are to be conducted only when absolutely necessary, in private, by health professionals or, at a minimum, by appropriately trained staff, of the same sex as the prisoner.⁸⁸ The Bangkok Rules provide that “[e]ffective measures shall be taken to ensure that women prisoners’ dignity and respect are protected during personal searches...” and that “[a]lternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.”⁸⁹ If carried out in a discriminatory, disproportional or humiliating manner, body searches – in particular strip and cavity searches – can constitute forms of sexual violence and ill-treatment; if carried out for a prohibited purpose or for any reason based on discrimination and leading to severe pain or suffering, these practices can amount to torture.⁹⁰ Under certain circumstances, invasive body searches can amount to rape.⁹¹

53. The Criminal Procedure Law of the Democratic People’s Republic of Korea prohibits the use of force to compel a suspect to confess, but does not explicitly outlaw torture.⁹² It requires the presence of a recording clerk during the interrogation of a suspect, and, “if need be”, two observers.⁹³ The Criminal Procedure Law allows body searches of apprehended suspects for the purpose of seizing evidence only.⁹⁴ It requires the presence of two female observers when a woman is searched, but it does not specify that women shall be searched by female officers.⁹⁵ The Criminal Law outlaws rape, providing that “a man who rapes a woman by using violence, threats or by taking advantage of her helpless situation” may face imprisonment. However, it does not give a definition of rape.⁹⁶ Furthermore, this provision is too narrow and not in line with international standards, perpetuating gendered norms by which only men would be the perpetrators and only women the victims.
54. All women interviewed by OHCHR who had been forcibly repatriated stated that they were subjected to body searches at Ministry of State Security facilities immediately after repatriation.⁹⁷ The body searches were in some cases repeated when detainees were transferred to pre-trial detention centres or holding centres under the Ministry of People’s Security.⁹⁸ The objective of the searches appeared to be to confiscate money or other valuable items that detainees might have and, in some cases, to establish whether they had given birth while away.⁹⁹ In some cases, former detainees described how personnel

⁸⁷ *Supra* note 9, the Mandela Rules, Rules 50 to 52. See also Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/31/57, 5 January 2016, paras. 23 and 36.

⁸⁸ *Supra* note 9, Mandela Rules, Rules 50-52; Bangkok Rules, Rules 19-21.

⁸⁹ *Supra* note 9, Rules 19 and 20.

⁹⁰ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/31/57, 5 January 2016, para.23.

⁹¹ *Supra* note 3, Commission of Inquiry report, para. 420; see also International Criminal Court, Elements of Crimes, article 7(1)(g)-1.

⁹² Criminal Procedure Law of the Democratic People’s Republic of Korea, last amended in 2016, article 166.

⁹³ *Ibid.*, article 171.

⁹⁴ *Ibid.*, article 215.

⁹⁵ *Ibid.*, article 220.

⁹⁶ *Supra* note 11, Criminal Law, article 279.

⁹⁷ For e.g., KOR/19/0014, KOR/18/0050, KOR/18/0053, KOR/19/0002, KOR/18/0079, KOR/19/0004, KOR/19/0001, KOR/19/0051, KOR/18/0058, KOR/19/0030, KOR/18/0027, KOR/18/0035, KOR/18/0032.

⁹⁸ For e.g. KOR/19/0051, KOR/18/0031, KOR/19/0030.

⁹⁹ KOR/17/0019, KOR/17/0064, KOR/17/0062, KOR/17/0067.

with some medical training took blood samples, and visually inspected them to check whether they were infected by syphilis or other diseases. Having had a child was an indication of a longer stay outside the Democratic People's Republic of Korea, and would reportedly incur a longer term of imprisonment. One detainee described being told in 2013 that having a child also meant that she *“was likely to turn [her] back on the State at any time”*.¹⁰⁰

55. The accounts of former female detainees reveal that body searches were carried out in a manner that did not comply with applicable international human rights standards and were intended to humiliate and degrade them. For instance, during such searches, victims were ordered to strip naked.¹⁰¹ These cases of forced nudity often took place in front of other detainees. In some cases, while naked, detainees were ordered to squat and jump repeatedly to check whether they had hidden items in their body cavities.¹⁰²
56. In some facilities, officials of the Ministry of State Security conducted invasive searches of body cavities, including the vagina.¹⁰³ Female officers, in some cases working in administrative positions, were called in to carry out this task. While in most cases female staff conduct invasive searches on female detainees, two people OHCHR spoke to stated that male officers conducted the search, while male officers were present during the search in another case. The officers generally reportedly wore gloves as they searched detainees, but not always. One woman subjected to a search by the Ministry of State Security in 2011 described her experience:

*“When we first arrived at the MSS detention, we were body-searched in a group. We were told to strip naked, and my clothes were checked. My cavities, vagina and anus were also checked. A woman carried out the body search. She wore plastic gloves. She must have had a military rank, because she was under the MSS. She was working as a nurse. She also did a blood test, to check for diseases like hepatitis. There were no men present during the search.”*¹⁰⁴

57. Some women stated that officers also cited supposed medical reasons, including the alleged detection of syphilis or other diseases,¹⁰⁵ to justify the forced nudity of detainees during the searches. A detainee described that, in early 2015, she was brought by officers of the Ministry of People's Security among a group of 24 detainees to a hospital for a medical examination by a male doctor. She recounted:

*“We were told to be naked from the waist down, and the doctor told us to bend face down and checked our vagina... The doctor told us that the procedure was for HIV/Aids testing...”*¹⁰⁶

4.5.2 Rape

58. Rape is a serious form of sexual violence which consists of penetration, however slight, of any part of the body of the victim with a sexual organ, or of the anal or genital opening with an object or any part of

¹⁰⁰ KOR/17/0064.

¹⁰¹ KOR/19/0014, KOR/18/0050, KOR/18/0053, KOR/19/0002, KOR/19/0016, KOR/19/0008, KOR/18/0009, KOR/18/0079, KOR/19/0004, KOR/19/0001, KOR/18/0035, KOR/18/0075, KOR/19/0051, KOR/19/0010, KOR/18/0031, KOR/18/0032, KOR/18/0077, KOR/18/0027.

¹⁰² KOR/19/0014, KOR/18/0050, KOR/19/0008, KOR/18/0079, KOR/19/0004, KOR/18/0075, KOR/19/0051, KOR/18/0031, KOR/19/0030, KOR/18/0077.

¹⁰³ KOR/19/0014, KOR/18/0053, KOR/19/0002, KOR/19/0008, KOR/19/0001, KOR/19/0004, KOR/18/0032, KOR/18/0027.

¹⁰⁴ KOR/18/0032.

¹⁰⁵ KOR/17/0045, KOR/17/0019, KOR/17/0049.

¹⁰⁶ KOR/17/0049.

the perpetrator's body, absent freely given, genuine consent.¹⁰⁷ Lack of consent is evident if penetration is perpetrated by force or the threat of force. However, even if the perpetrator does not use or threaten to use force, the victim may not have given his or her consent freely, for example due to a coercive environment, which may include situations where the victim is detained.¹⁰⁸

59. Rape violates the right to security of the person, the right to be protected from torture and cruel, inhuman or degrading treatment or punishment, and the right to the highest attainable standard of health, as enshrined in international human rights law. Men and women can be victims of rape, but women are disproportionately subjected to this form of violence.
60. Some women interviewed by OHCHR stated that they and other female detainees were raped or sexually harassed by guards while in detention.¹⁰⁹ A former detainee described being taken to the room of an officer and raped on one of her first nights in detention in 2010. She explained that when she tried to defend herself:

*“He threatened that he was [an officer]... so that I would be humiliated if I rejected him. He even told me he could help me to be released sooner if I did as he said.”*¹¹⁰

61. Under the Democratic People's Republic of Korea's criminal law, rape is an offence, and officers who are found to have sexually assaulted detainees face severe punishment.¹¹¹ However, accounts of former detainees show they did not have access to avenues of complaint that would ensure confidentiality and protection from retaliation, as required by international standards.¹¹² Instead, some women interviewed stated that those who talked about having been raped or sexually harassed, or attempted to report it, were punished further. A woman held in a pre-trial detention facility in 2015 stated that:

*“At the pre-trial detention facility, there was a [female] smuggler who was victim of sexual harassment by an MPS officer. She shared it with other detainees. One detainee who heard the story shared it with officers during her interrogation. As a result, all detainees were punished by being denied food. The inmate, who was the victim and who shared her account of sexual harassment with other detainees in the first place, received a more severe punishment.”*¹¹³

Another woman, held in 2013, stated that:

“...the Ministry of State Security officers sexually abused detainees but no one could speak about

¹⁰⁷ International Criminal Court, Elements of Crimes, article 7(1)(g)-1; see also International Criminal Tribunal for the former Yugoslavia, Trial Chamber, Prosecutor v Kunarac, ICTY-96-23-T, Judgment of 22 February 2001, para. 460; Inter-American Court of Human Rights, Miguel Castro-Castro Prison v Peru, Judgment of 25 November 2006, Series C, No. 160, para. 310; Council of Europe Convention on preventing and combating violence against women and domestic violence (2014), article 36.

¹⁰⁸ It may also include situations where the victim is otherwise in the control of the perpetrator, or is not competent to give consent, particularly in the case of children or people with intellectual disabilities. Consent is also absent if persons are unable to give it, for example if they are drunk or drugged.

¹⁰⁹ KOR/19/0004, KOR/18/0058, KOR/19/0036, KOR/19/0044, KOR/18/0032, KOR/18/0031, KOR/17/0045, KOR/17/0019, KOR/17/0048, KOR/17/0062. Other organizations, including the Korean Institute for National Unification and the Commission of Inquiry on human rights in the Democratic People's Republic of Korea, have reported similar patterns.

¹¹⁰ KOR/17/0003.

¹¹¹ KOR/16/0001, KOR/16/0008 (OHCHR interviews with former officials); *Supra* note 11, Criminal Law, article 279.

¹¹² Rule 25 of the Bangkok Rules states that “Women prisoners who report abuse shall be provided immediate protection, support and counselling, and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.” *Supra* note 9.

¹¹³ KOR/17/0062.

it. No one was willing to share their story for fear of being beaten up. I witnessed one officer who called out a woman in her 20s one night while the rest of the detainees were told to go to sleep. He was drunk. She was told to remove her clothes and was sexually abused. Detainees reported the case to the officer in charge of preliminary investigation, but the detainees who reported this were later punished and beaten up.”¹¹⁴

62. Other women interviewed by OHCHR reported sexual violence in short-term labour camps (*rodongdanryondae*), including sexual exploitation in exchange for food or less demanding work.¹¹⁵ A woman detained in a *rodongdanryondae* in 2013 reported the following:

“If there was an incident of sexual abuse, the victim would stay quiet. There was a detainee who was one year younger than me who had sex with a guidance officer. The detainee did not sleep with us in the room, but in the canteen where the guidance officers were sleeping. Detainees who were assigned to work in the canteen also told us that such things happened. This woman then experienced favourable treatment. For example, when the rest of us were working she could take a rest.”¹¹⁶

4.5.3 Forced abortion and infanticide

63. Forced abortions are a form of sexual violence that violates the prohibition of torture and ill-treatment, as well as the rights to life, security of person and privacy (including the bodily autonomy and integrity of the woman) as enshrined in international human rights treaties, including the International Covenant on Civil and Political Rights. Such acts are also inherently inconsistent with the right to health, including sexual and reproductive health and rights, as guaranteed in the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination Against Women, both ratified by Democratic People’s Republic of Korea. Forced abortions may further violate the right of everyone to found a family and of the family to be protected by the State, as well as the right of mothers to special protection before, during and after childbirth.¹¹⁷
64. At the national level, the Law on the Protection of the Rights of Women (2010) provides safeguards for pregnant women, including the suspension of criminal punishment for women from three months before until seven months after giving birth.¹¹⁸ Former detainees reported that detainees who had become pregnant would be denied the special protection provided for in international and national law, and that they were at risk of being forced to undergo abortions during the pre-trial detention stage.¹¹⁹ A woman detained in a Ministry of People’s Security *jipkyulso* in 2015 reported the following:

¹¹⁴ KOR/17/0045.

¹¹⁵ KOR/17/0019, KOR/17/0048, KOR/18/0031.

¹¹⁶ KOR/19/0036.

¹¹⁷ See Special Rapporteur on Violence against Women, its Causes and Consequences, E/CN.4/1999/68/Add.4, paras. 45 and 49. See also Beijing Platform for Action, adopted at the Fourth World Conference for Women (1995), para. 115; Committee on the Elimination of Discrimination against Women, General Recommendation 19, A/47/38, para. 22; CEDAW/C/CHN/CO/6, para. 32. See also Article 16(e) of CEDAW: “States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights”.

¹¹⁸ Law on the Protection of the Rights of Women (2010), para. 38.

¹¹⁹ KOR/19/0001, KOR/18/0035, KOR/17/0043, KOR/17/0045.

“I suffered no violence but the other woman had become pregnant in China so the guards knew that her baby had Chinese blood. This was an issue as the local laws prevented any North Korean woman from giving birth to a mixed race baby. The doctor in the MPS centre told her to get an abortion despite the fact that she wanted to keep the baby. She was eventually forced to have an abortion and sent to a kyohwaso...”¹²⁰

65. According to former detainees, in some cases, prison officials reportedly sought to cause abortions through beatings or hard labour. One former detainee stated that among the group in which she was repatriated, and with which she was detained in a Ministry of State Security facility in 2010, *“There were two pregnant women, three months and five months pregnant, who were kicked very badly so that they would have lost their baby by the time they left the facility. They shared that they were pregnant out of expectation to be treated better. Instead they were equally beaten.”¹²¹*
66. OHCHR also was informed of cases of infanticide in Ministry of People’s Security holding centres (*jipkyulso*), which reportedly took place in cases when the pregnancy was too advanced to carry out an abortion.¹²² One woman stated that in 2012, in a Ministry of People’s Security provincial holding centre, she witnessed a detainee who was in her seventh month of pregnancy being taken out of the cell they shared. She was reportedly taken to the hospital to have an abortion, but was sent back because her pregnancy was too advanced. She later delivered in the cell without medical assistance:

“The guards put bricks on her back, and forced her to walk around. She had to walk with the bricks every day for a week or so. She eventually gave birth. The baby was alive when born. I was told to wrap the baby and put it outside. The woman had to work the following day.”¹²³

The witness did not see what happened to the baby subsequently, but as it was winter when temperatures fall well below freezing she believed that the baby may have been left to die.

67. In 2011, a repatriated woman detained in a Ministry of People’s Security holding centre was reportedly forced to deliver a baby prematurely. The child was reportedly alive at birth but killed by guards. The mother reportedly died one week later because she had not received medical assistance:

“From the moment she was detained she was told she should go through a miscarriage and was told to fall on her hips in order to cause a miscarriage. She did it three or four times but it did not happen. She was taken out of the holding centre and given an injection to make her miscarry. I saw her giving birth with my own eyes... I heard crying, but then the baby was placed face down, wrapped in plastic and taken out of the cell by a prison guard... No medical attention was given [to the mother]. She died after a week or so.”¹²⁴

68. The beating and other forms of ill-treatment suffered by pregnant women in detention, reportedly with the intent to cause miscarriage, amount to torture and other cruel, inhumane and degrading treatment. The killing of new-born babies and the death of women due to lack of medical assistance after birth constitute arbitrary deprivations of life in violation of article 6 of the International Covenant on Civil

¹²⁰ KOR/19/0001.

¹²¹ KOR/17/0043.

¹²² KOR/17/0019, KOR/17/0067. See also Commission of Inquiry report, *supra* note 3, paras. 424-434.

¹²³ KOR/17/0019.

¹²⁴ KOR/17/0067.

and Political Rights. The deaths of the women also result from violations of their right to health. Abortions conducted without the consent of the women detainees, and through violence, are forced abortions and constitute a form of sexual violence and violate the women's right to security of person¹²⁵ as well as their sexual and reproductive health rights.

4.6 Access to health care

69. The right to health is protected by the International Covenant on Economic, Social and Cultural Rights, which includes ensuring access to health care.¹²⁶ The Mandela Rules emphasise the State responsibility to provide health care for prisoners,¹²⁷ and affirm that “[e]very prison shall have in place a health-care service tasked with evaluating, promoting, protecting and improving the physical and mental health of prisoners...”¹²⁸ Moreover, prisoners are entitled to the same standards of health care that are available in the community, free of charge and without discrimination.¹²⁹ The Bangkok Rules add that “gender-specific health-care services” should be provided to women prisoners.¹³⁰
70. The Constitution of the Democratic People's Republic of Korea commits the State to “developing the system of universal free medical service”¹³¹ and guarantees that “[c]itizens shall be entitled to free medical care”.¹³² However, witness accounts suggest the near complete absence of any health care in the country's prisons.¹³³ Instead, any treatment appears dependent on the visits of family members, as indicated by a woman detained in 2016 in a Ministry of People's Security's *kyohwaso*:

*“The woman who died wasn't able to receive any medicine because she had no relatives to visit her from the outside.”*¹³⁴

71. Access to money appears to be the other determining factor in a prisoner's access to health care, as indicated by a woman detained in a Ministry of People's Security *kuryujang*:

“Because I didn't have any money, I didn't get proper [medical] treatment. The officer would come to the hospital and shout at me for not paying, and shouted that I was better off dead... I didn't receive any medical examination in the kuryujang, and in the hospital unless someone came from my house to pay I wouldn't get proper treatment. No one came so I received no treatment; I'd just lie down. A doctor came to see me and gave me a prescription, but I didn't have money to buy the

¹²⁵ The right to security of person is an overarching right that encompasses physical and mental integrity; see General Comment No.35 of the Human Rights Committee, paras. 3 and 9.

¹²⁶ International Covenant on Economic, Social and Cultural Rights, article 12.

¹²⁷ *Supra* note 9, Rule 24.

¹²⁸ *Supra* note 9, Rule 25.

¹²⁹ *Supra* note 9, Rule 24(1).

¹³⁰ *Supra* note 9, Rule 10.

¹³¹ Socialist Constitution of the Democratic People's Republic of Korea (1972, last amended in 2019), [hereinafter “Constitution”], article 56.

¹³² *Ibid*, article 72.

¹³³ KOR/18/0050, KOR/19/0010, KOR/18/0078, KOR/19/0011, KOR/19/0036, KOR/19/0044, KOR/91/0043, KOR/18/0081, KOR/19/0042, KOR/19/0032, KOR/19/0015, KOR/19/0005, KOR/18/0027.

¹³⁴ KOR/18/0078.

*medicine prescribed.*¹³⁵

72. An account from a woman detained in 2014 in a *rodongdanryondae* shows that prisoners are sometimes sent home when they get very sick. This may be the most humane option available, but also points to the lack of health care in detention facilities and the shifting of the burden of care onto the family:

*“We did not receive medical assistance while in the labour camp. However, in one case a prisoner was sent home because they were very ill.”*¹³⁶

4.7 The right to a fair trial

73. The right to a fair trial is enshrined in international human rights standards, including the International Covenant on Civil and Political Rights.¹³⁷ Some elements of fair trial standards are contained in the legal system of the Democratic People’s Republic of Korea. The Constitution states that, “court cases are heard in public and the accused is guaranteed the right of defence.”¹³⁸ The Constitution also provides for the right to not be detained without a warrant.¹³⁹ The Criminal Procedure Law requires the State to fully guarantee human rights in handling criminal cases.¹⁴⁰ It prohibits arbitrary detention,¹⁴¹ requires arresting officers to obtain an arrest warrant,¹⁴² provides that a detainee can file a complaint to the public prosecutor in the case of any infringement upon his or her rights,¹⁴³ and limits the circumstances under which individuals can be held in pre-trial detention.¹⁴⁴ It requires that the family or an organization to which the arrested person belongs be notified of the arrest within 48 hours,¹⁴⁵ and that law enforcement officers inform the suspect of his or her rights at the time of preliminary interrogation.¹⁴⁶ Once legal proceedings have been instituted, the suspect has the right to selection of a defence counsel for assistance.¹⁴⁷
74. However, witness accounts indicate that these standards are rarely, if ever, adhered to, which raises serious concerns with regard to the right to a fair and public hearing by a competent, independent and impartial tribunal under Article 14(1) of the International Covenant for Civil and Political Rights. Moreover, forcibly repatriated individuals can be sentenced to short-term labour without trial in

¹³⁵ KOR/19/0011.

¹³⁶ KOR/18/0029.

¹³⁷ International Covenant on Civil and Political Rights, article 14.

¹³⁸ *Supra* note 131, Constitution, article 164.

¹³⁹ *Ibid*, article 79.

¹⁴⁰ *Supra* note 92, Criminal Procedure Law, article 6.

¹⁴¹ *Ibid*, article 176.

¹⁴² *Ibid*, article 179.

¹⁴³ *Ibid*, articles 258 and 169.

¹⁴⁴ *Ibid*, article 178.

¹⁴⁵ *Ibid*, article 182. Although not specified by law, the organization refers to the state-run organizations to which citizens belong, for example the Socialist Women’s Union of Korea.

¹⁴⁶ *Ibid*, article 168.

¹⁴⁷ *Ibid*, article 158.

accordance with the country's administrative laws.¹⁴⁸ One woman, who was sentenced to two months in a short-term labour camp in 2014, explained:

*"In my case there was no judge or lawyer. MPS had a managerial meeting to decide how long a sentence I should receive, and then I was informed."*¹⁴⁹

Another woman observed: *"When we were transferred from the MPS to the head of the short-term labour training camp, we were informed of the length of the sentence. There was neither a preliminary investigation nor a trial. Trials are held only when one is sentenced to serve in an ordinary prison camp. There is no trial held when one is sentenced to serve in a short-term labour training camp."*¹⁵⁰

75. Under the Administrative Penalty Law, various institutions can impose up to six months of unpaid compulsory labour without trial.¹⁵¹
76. The Criminal Law criminalizes illegal border crossing, and makes it punishable with a sentence of up to one year of "labour reform", or up to five years in grave cases.¹⁵² While the law does not specify what constitutes grave cases, information collected by OHCHR indicates that longer sentences are imposed when a person is found to have sought to reach the Republic of Korea, has stayed abroad for a period considered as "long", or has assisted others in crossing. In such cases, detainees may also be charged with treason against the State, which carries a minimum sentence of five years of labour reform and a maximum sentence of labour reform for an indefinite period or the death penalty.¹⁵³ Article 6 of the International Covenant on Civil and Political Rights sets out specific safeguards for ensuring that, for States parties that have not yet abolished the death penalty, it is only applied for the most serious crimes, and then only in the most exceptional cases and under the strictest limits.¹⁵⁴ The Human Rights Committee has clarified that violations of fair trial rights that result in the imposition of the death penalty would render the sentence arbitrary and would, in turn, violate the right to life.¹⁵⁵ Furthermore, in "grave" cases, such persons risk being sent to a political prison camp (*kwanliso*), in which instance they are vulnerable to enforced disappearance due to the clandestine nature of these camps that operate without judicial oversight.
77. Due process rights, including access to a lawyer during interrogation, are denied and when trials do take place, witness accounts indicate that proceedings appear cursory and little more than a formality.¹⁵⁶ Former detainees described being tried in the presence of a judge, people's assessors, a prosecutor and

¹⁴⁸ KOR/19/0003, KOR/18/0029, KOR/18/0035, KOR/18/0075, KOR/19/0036, KOR/19/0010, KOR/19/0030, KOR/19/0043, KOR/19/0037. Administrative Penalty Law of the Democratic People's Republic of Korea, amended on 22 December 2016.

¹⁴⁹ KOR/16/0020.

¹⁵⁰ KOR/19/0003.

¹⁵¹ Administrative Penalty Law of the Democratic People's Republic of Korea, amended on 22 December 2016, articles 17, 332, 333 and 335-337. In addition, article 332 of the law provides that the Socialist Law-abiding Life Guidance Committee, the Cabinet, institutions of the prosecutor's office, arbitration institutions, institutions of the Ministry of People's Security, censorship supervision institutions and qualification granting institutions can impose administrative penalties.

¹⁵² *Supra* note 11, Criminal Law, article 221.

¹⁵³ *Ibid*, article 63. OHCHR did not interview persons convicted under the more severe provisions, but several persons interviewed stated that they knew of others who had been imprisoned in political prison camps.

¹⁵⁴ See General Comment No. 36 of the Human Rights Committee, para. 5.

¹⁵⁵ *Ibid*, para. 41.

¹⁵⁶ KOR/18/0050, KOR/19/0002, KOR/19/0049, KOR/19/0011, KOR/19/0004, KOR/18/0074, KOR/19/0001, KOR/18/0060, KOR/18/0078, KOR/18/0058, KOR/17/0123, KOR/19/0044, KOR/18/0032, KOR/18/0031, KOR/18/0077, KOR/19/0042, KOR/19/0015, KOR/19/0030, KOR/18/0027.

a lawyer. However, they did not have the right to choose their defence counsel. Access to a lawyer was usually limited to presence at trial, and the lawyer often failed to consult with the person, or present a defence.

A former detainee of a Ministry of State Security *kuryujang* in 2017 described:

*“I was assigned a lawyer during this process but the lawyer never spoke to me. At the beginning, I had the impression that to get him to actually work for me I would have had to bribe him. In any event, in North Korea, defence lawyers just represent the interests of the State and of the Party, not of their clients.”*¹⁵⁷

78. Trials of persons interviewed by OHCHR were in some cases held in public places; for example, in a village square or in front of a school.

79. The length of a sentence appears to be determined by factors including the suspect’s length of stay abroad, her family background, as well as the ability to pay bribes and to use social connections¹⁵⁸ as described by this woman detained in 2011 in a Ministry of People’s Security *jipkyulso*:

*“If the Officer in charge from your home town MPS is to come and get you, someone from your family needs to pay the MPS for the travel of the Officer. If no money is provided, you just have to wait in the jipkyulso.”*¹⁵⁹

The ability to bribe officials seems an important factor in the outcome of any judicial process, as described by a woman detained in 2012:

*“My trial took place on ***** in ***** courthouse. Before the trial, I spoke to a defence lawyer on one occasion. This was like an interrogation. The defence lawyer asked why I went to China, what my life was like in China, why I had been arrested there, and why I returned to North Korea... The entire trial took around one hour. I was sentenced to five years’ imprisonment. However, my uncle paid a bribe, either to the preliminary investigation officer or the judge, and my sentence was lowered to three years’ imprisonment.”*¹⁶⁰

A core element of the right to a fair trial is the right to appeal, as recognized in Article 14(5) of the International Covenant and Civil and Political Rights. This right is contained in the Democratic People’s Republic of Korea’s Criminal Procedure Law.¹⁶¹ However, most interviewees made no mention of an appeals process, and those who did indicated that it would be pointless to try.¹⁶² One witness reported being beaten for requesting an appeal.¹⁶³

¹⁵⁷ KOR/18/0074.

¹⁵⁸ KOR/18/0050, KOR/18/0053, KOR/19/0008, KOR/19/0003, KOR/18/0004, KOR/19/0049, KOR/19/0004, KOR/19/0001, KOR/18/0035, KOR/19/0046, KOR/18/0058, KOR/19/0032, KOR/19/0036, KOR/19/0044, KOR/18/0032, KOR/18/0031, KOR/19/0043, KOR/18/0081, KOR/19/0037, KOR/19/0042, KOR/17/0001, KOR/17/0017, KOR/17/0018, KOR/17/0020, KOR/17/0014, KOR/17/0067. See also OHCHR report “The Price is Rights: The violation of the right to an adequate standard of living in the Democratic People’s Republic of Korea”, pp. 34-39.

¹⁵⁹ KOR/19/0042.

¹⁶⁰ KOR/18/0032.

¹⁶¹ *Supra* note 92, Criminal Procedure Law, Articles 356 and 359.

¹⁶² KOR/19/0024.

¹⁶³ KOR/17/0045.

5. Conclusion

80. Women caught trying to leave the country without official permission, or forcibly repatriated to the Democratic People's Republic of Korea after having done so, have been subjected to serious human rights violations. The accounts of over 100 women interviewed by OHCHR confirm this pattern also documented by the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea and civil society and research institutions.¹⁶⁴ Some of the accounts collected by OHCHR referred to cases that occurred in 2018 and 2019, suggesting that such practices are likely ongoing.
81. The information collected by OHCHR indicates that upon arrest, women nationals of the Democratic People's Republic of Korea are systematically punished for having left their country without permission, detained in inhumane conditions, and subjected to torture and ill-treatment. None of them benefit from essential protections such as the right to a fair trial and adequate access to food. Some are victims of different forms of sexual violence, including rape, forced nudity, invasive body searches and forced abortions. There have been cases of new born babies stripped from their mothers and killed.
82. Women face gender-specific human rights violations when subjected to arrest and detention in the Democratic People's Republic of Korea. This includes increased risk to sexual violence, including during strip searches and invasive body searches, as well as other forms of gender-based physical or verbal violence; denial of access to facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge; violations of sexual and reproductive health and rights, including forced abortions; and the denial of gender-specific health-care services, including preventative measures such as Papanicolaou tests and screening for breast and gynaecological cancer. Other human rights violations also have physical and mental health impacts specific to women, such as the denial of the right to food in causing interrupted menstrual cycles, as well as the impact of malnutrition on pregnant and breastfeeding women and their child.
83. OHCHR recognizes that the Government has taken some steps to address the situation through greater engagement with the international community and small-scale changes in domestic legislation and policies, including in relation to the rights of women and detainees. For example, in 2010, the Government adopted the Law on the Protection of the Rights of Women. In 2017, it underwent review by the Committee on the Elimination of Discrimination Against Women after submitting its periodic report in 2016. The domestic legal framework, including the Criminal Law and the Criminal Procedure Law, contains important safeguards for all persons in detention, and the Government's acceptance of recommendations to increase the independence of the judiciary and enshrine fair trial and due process rights, as part of its Universal Periodic Review, is positive.
84. The lack of access for independent human rights monitors to the Democratic People's Republic of Korea, including to detention facilities, remains a major impediment to undertaking a comprehensive assessment of the situation of detainees. Such an assessment would help the Government to identify issues, and to benefit from related targeted technical assistance from OHCHR and international human rights mechanisms, to ensure compliance with the State's minimum human rights obligations.

¹⁶⁴ *Supra* note 3, Commission of Inquiry, paras. 380-492 and paras. 1098-1114; Database Center for North Korean Human Rights (NKDB), 2016 White Paper on North Korean Human Rights (2016); Hawk, David, Committee for Human Rights in North Korea, "The Hidden Gulag IV. Gender Repression & Prisoner Disappearances" (2015); Korean Institute for National Unification, "White Paper" (2017).

6. Recommendations

85. To the Government of the Democratic People's Republic of Korea:

- Implement measures to protect persons in detention, as outlined in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Nelson Mandela Rules and the Bangkok Rules.
- Implement recommendations made by United Nations treaty bodies related to detention, including those of the Committee on the Elimination of Discrimination Against Women.
- Ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons.
- Engage in a technical cooperation programme with experts of the United Nations human rights system to bring the detention system into line with international standards, which includes meeting the specific needs of female detainees, and put in place good practices, including alternatives to detention, particularly pre-trial detention.
- While recognizing the duty of the State to provide basic needs for persons in detention, allow international humanitarian agencies to conduct needs assessments and provide basic humanitarian assistance in detention facilities; and grant human rights monitors access to all detention facilities throughout the country.

National legislation and policy:

- Ensure that the fundamental right to leave and enter the Democratic People's Republic of Korea is guaranteed for all citizens, in law and in practice; and immediately implement policies to ensure that those who return or are repatriated to the Democratic People's Republic of Korea are afforded their full range of human rights and are not subjected to imprisonment or other forms of punishment, including for irregularly crossing the border.
- Ensure that victims of human trafficking are not subjected to imprisonment or other forms of punishment, and that they are given access to adequate protection mechanisms and medical, psychological and social support.
- Review the domestic legal framework to ensure that it fully complies with the Bangkok Rules in relation to places of detention holding female detainees.
- Review the domestic legal framework to ensure that it fully complies with international norms and standards related to the treatment of individuals deprived of their liberty and the right to a fair trial, including by guaranteeing the rights to a fair and public hearing by a competent, independent and impartial tribunal, presumption of innocence, prompt judicial review of the legality of any arrest or detention, prompt access to counsel of one's own choosing, to have any conviction and sentence reviewed by a higher tribunal according to law, and by ensuring that evidence obtained through torture is inadmissible in court.
- Amend the Criminal Law provisions concerning rape, including providing a definition of rape which is in line with international standards.
- Conduct prompt and impartial investigations into all allegations of violations of the rights of detainees, including cases of sexual violence; provide access to safe and confidential avenues for detainees to report allegations of any violations of their rights; conduct prompt and impartial investigations into all allegations of reprisals against persons who report on these violations; and ensure all victims have access to effective remedies and redress.

Penitentiary system:

- Conduct a comprehensive review of conditions in detention facilities, including in the border regions, to identify issues and steps needed to ensure compliance with domestic laws and international human rights norms and standards; in particular, ensure that conditions in cells are in compliance with minimum standards for humane treatment, that detainees are not subjected to torture and ill-treatment, and have access to adequate food, sanitation and health care; that detainees are not subjected to forced labour; and that detainees are protected from gender-based violence, which includes sexual violence.
- Ensure accommodation provided meets all requirements of health for female detainees, including in relation to minimum floor space, lighting, heating and ventilation; ensure access to adequate outdoor recreation time.
- Ensure that female detainees are attended by female officers, in compliance with international norms and standards; and implement strict institutional safeguards to prevent sexual and other forms of violence.
- Immediately abolish the practice of forced nudity and invasive body searches where not strictly necessary, proportionate, authorized by law, and undertaken for a legitimate purpose; put in place alternative screening methods, such as scans or electronic detection methods.
- Ensure female detainees are provided with food of nutritional value adequate for their health and strength, which is of wholesome quality and is well prepared and served, and make drinking water available to every prisoner whenever she needs it, taking into account the specific needs of pregnant and breastfeeding women.
- Ensure access to necessary and adequate medical services for all women in detention, including sexual and reproductive health services.
- Ensure the specific sanitary needs of women are met, including sanitary towels provided free of charge and access to toilet and washing facilities that also uphold their right to privacy.
- Avoid detaining pregnant women and provide them with the necessary protections in accordance with domestic laws and international best practices; ensure that pregnant women are provided with sexual and reproductive health services, including pre and post-natal care.
- Take immediate measures to end forced abortion as well as violence intended to provoke miscarriage, including through specific legislation prohibiting such practices, and conduct prompt and impartial investigations into allegations of such acts; and ensure the prosecution of those responsible.
- Take immediate measures to prevent infanticide in detention facilities; conduct full investigations into alleged cases of infanticide in detention, and hold anyone found to be responsible accountable in trials that meet applicable international standards.
- Ensure that children born from detained mothers are given adequate health care and are registered in the national civil registry to guarantee their right to be recognized before the law.
- Ensure that all law enforcement officers receive training on national and international human rights standards, including the gender-specific implications of different human rights violations.
- Release disaggregated and up-to-date statistics with respect to the number of detainees, including according to sex, held in different facilities throughout the country; allow for a full assessment of their situation, including standard of accommodation, access to food and drinking water, quality of health care, sanitary installations, and the right to make a complaint, among others.

86. To Member States of the United Nations:

- 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, including reprisals

for real or perceived political opinion.

- Adopt legal and policy frameworks to protect victims of human trafficking - with a particular focus on the situation of women and children - and allow their access to health care and education, among other basic services.
- Engage with the Government of the Democratic People's Republic of Korea with a view to assessing humanitarian needs in detention facilities, and providing relevant humanitarian assistance to people in detention.
- Urge the Government of the Democratic People's Republic of Korea to allow international human rights monitors to access the country, including all detention facilities.
- Continue to support efforts to investigate whether international crimes, in particular crimes against humanity identified by the Commission of Inquiry, have been or are being committed in the Democratic People's Republic of Korea, and bring those responsible to justice in domestic or international courts that meet international standards for a fair trial.

Annex

Annex 1: The legal framework

Annex 2: Witness accounts
received by OHCHR
between 2015 and 2019

Annex 1: The legal framework

The international legal framework

As a Member State of the United Nations since 1991, the Democratic People's Republic of Korea has committed to the promotion and protection of human rights as enshrined in the United Nations Charter, and is legally bound by the Universal Declaration of Human Rights as far as it represents customary international law. The Declaration provides a “common standard of achievement for all people and all nations”, irrespective of political system or ideology.

The rights enshrined in the Universal Declaration of Human Rights have been elaborated in legally binding international treaties. The Democratic People's Republic of Korea is a State party to five of these treaties: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention on the Elimination of Discrimination Against Women; and the Convention on the Rights of Persons with Disabilities. These instruments protect a wide range of civil, political, economic, social and cultural rights. They also protect specific groups that face and / or are at risk of discrimination, including women, children and persons with disabilities, through the prohibition of discrimination based on sex, religion, ethnicity, disability or other grounds.

In ratifying these international human rights treaties, the Democratic People's Republic of Korea has committed to fulfilling the related obligations under international law. In its Core Common Document forming part of the reports of States parties to treaty bodies, the Government stated that “the rights set out in these human rights instruments are firmly protected by the Constitution and other relevant laws and regulations”, and that it makes “every effort to faithfully implement the international human rights conventions to which it is a Party”.¹⁶⁵ The authorities at all levels are legally bound to respect and protect the human rights enshrined in these treaties for all persons in their territory.

The right to leave one's country is guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.¹⁶⁶ However, the Democratic People's Republic of Korea imposes measures that amount to a *de facto* travel ban on most citizens.¹⁶⁷

Both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights contain a number of rights that are relevant to the situation of persons in detention. The International Covenant on Civil and Political Rights guarantees the right to life, liberty and security of the person. It prohibits ill-treatment and torture, and provides the right not to be subjected to arbitrary arrest or detention, as well as the right to a fair and public hearing by a competent, independent and impartial tribunal established by law. The International Covenant on Economic, Social and Cultural Rights provides for the right to adequate food, water and sanitation, as well as the highest attainable standard of health and living conditions. The conditions of detention and investigation to which persons who have been forcibly repatriated are subjected to in the Democratic People's Republic of Korea contravene civil and political rights and economic and social rights as enshrined in the Covenants.

¹⁶⁵ “Common core document forming part of the report of States parties. Democratic People's Republic of Korea”, HRI/CORE/PRK/2016, paras 53-54.

¹⁶⁶ Universal Declaration of Human Rights, article 13.2; International Covenant on Civil and Political Rights, article 12.

¹⁶⁷ *Supra* note 3, Commission of Inquiry, para. 403.

International standards and guidelines for the treatment of persons under any kind of detention, while not legally binding, provide authoritative guidance on the treatment of such persons. The *UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*¹⁶⁸ and *The Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*¹⁶⁹ outline minimum conditions that must be in place in all detention facilities. The Bangkok Rules are applicable to the treatment of female detainees and outline policies and practices that must be adopted to meet the specific needs of female detainees. The failure to develop and implement such policies may amount to discrimination against women, and thus fall within the scope of the Convention on the Elimination of All Forms of Discrimination Against Women.

The Democratic People's Republic of Korea acceded to the United Nations Treaty on Transnational Organized Crime on 16 June 2016, but has not yet ratified its protocol to prevent, suppress and punish trafficking in persons. This protocol provides guidelines for domestic criminal prosecution of trafficking, and obligates States to identify victims, protect their privacy and identity and provide them with support and assistance, including attending their immediate medical and mental health needs.¹⁷⁰ The protocol also provides that countries of transit and destination shall provide victims with access to asylum procedures and international protection on the ground of being victims of human trafficking.¹⁷¹ States are also required to prevent victims of trafficking from being re-victimized and to take measures to alleviate the factors that make persons, especially women and children, vulnerable to trafficking.¹⁷²

States have an obligation under international law not to expel, return (*"refouler"*) or extradite a person to another State where there are substantial grounds to believe that he or she would be at risk of torture, or where his or her life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.¹⁷³

The Democratic People's Republic of Korea has participated in three cycles of the Universal Periodic Review; in 2009, 2014 and 2019. As part of this process, the Government has accepted a number of recommendations which, if implemented, would improve the human rights of people in the country, including persons in detention. These recommendations include the training of public officials on human rights; unlimited access and entirely satisfactory monitoring conditions for humanitarian organizations;¹⁷⁴ dialogue and cooperation with United Nations human rights mechanisms; more active steps to eliminate discrimination against women; measures to combat discrimination and violence against women; strengthening efforts to combat trafficking in persons; strengthening the independence of the judiciary and enhancing the right to fair trial; and ensuring the right to food, safe drinking water and sanitation for the whole population.

¹⁶⁸ *Supra* note 9.

¹⁶⁹ *Supra* note 9.

¹⁷⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (2000) [hereinafter "Trafficking Protocol"], article 6.

¹⁷¹ See also, "General Recommendation No. 32 on the Gender-related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women", CEDAW/C/GC/32, 14 November 2014, para 15.

¹⁷² *Supra* note 170, Trafficking Protocol, article 9.

¹⁷³ Convention against Torture, article 3; Convention Relating to the Status of Refugees (1951), article 33: both as reflective of customary international law.

¹⁷⁴ Due to restrictions of freedom of movement within the Democratic People's Republic of Korea, international humanitarian agencies do not have access to detention facilities.

The domestic legal framework

The Constitution of the Democratic People's Republic of Korea guarantees "genuine democratic rights and freedoms, as well as the economic and cultural well-being of all its citizens".¹⁷⁵ It guarantees fundamental rights, including freedom of speech, the press, assembly, demonstration and association,¹⁷⁶ residence and travel,¹⁷⁷ and equal social status of men and women.¹⁷⁸ The Constitution also contains a number of rights related to fair trial. The independence of the judiciary is constitutionally guaranteed, and trials are to be carried out in accordance with the law.¹⁷⁹ The Constitution stipulates that "court cases are heard in public and the accused is guaranteed the right of defence."¹⁸⁰ The right not to be detained without a warrant is also enshrined in the Constitution.¹⁸¹ However, the presumption of innocence is not explicitly guaranteed, nor is there any provision for judicial review or filing a writ of *habeus corpus*.

The Criminal Law criminalizes illegal border crossing, and makes it punishable with a sentence of up to one year of "disciplining through labour", or up to five years of "reform through labour" in grave cases.¹⁸² While the law does not specify what constitutes grave cases, information collected by OHCHR indicates that when a person is found to have sought to reach the Republic of Korea, has stayed in China for a period considered to be a long time, or has assisted others in crossing, the longer sentences are imposed. In such cases, detainees may also be charged with treason against the State, which carries a minimum sentence of five years of labour reform and a maximum sentence of labour reform for an indefinite period, or the death penalty.¹⁸³

The Criminal Law provides that a law officer who illegally detains, apprehends or arrests a suspect can be punished by "disciplining through labour" of up to one year or, in the case of serious consequences or repeat offences, up to five years of "reform through labour".¹⁸⁴ The Criminal Law also stipulates that an officer who "illegally interrogates an individual or fabricates or exaggerates a case" can be punished with up to one year of "disciplining through labour". If he or she acts in complicity with others, causes serious injury or loss of life, or causes a penalty to be imposed by fabricating or exaggerating a case, a law officer can be sentenced to up to five years of reform labour, or, in case of a grave offence, up to ten years.¹⁸⁵ The rape of women by a man is defined as a crime under the Criminal Law, although no definition of rape is provided.¹⁸⁶

The Criminal Procedure Law explicitly stipulates that the State should fully guarantee human rights in handling criminal cases and contains provisions that, if implemented, would protect many rights of persons

¹⁷⁵ *Supra* note 131, Constitution, article 64.

¹⁷⁶ *Ibid.*, article 67.

¹⁷⁷ *Ibid.*, article 75.

¹⁷⁸ *Ibid.*, article 77.

¹⁷⁹ *Ibid.*, article 166; *Supra* note 92, Criminal Procedure Law, article 271.

¹⁸⁰ *Supra* note 131, Constitution, article 164.

¹⁸¹ *Ibid.*, article 79.

¹⁸² *Supra* note 11, Criminal Law, article 221.

¹⁸³ *Ibid.*, article 63. OHCHR did not interview persons convicted under the more severe provisions, but several persons interviewed stated that they knew of others who had been imprisoned in political prison camps.

¹⁸⁴ *Ibid.*, article 241.

¹⁸⁵ *Ibid.*, article 242.

¹⁸⁶ *Ibid.*, article 279. "A man who rapes a woman by using violence, threats or by taking advantage of her helpless situation shall be committed to reform through labour of less than five years. In case of a grave offence he or she shall be committed to reform through labour of more than five years but less than ten years. In case of committing gang rape repeatedly or causing serious injury or loss of life on a victim, he or she shall be committed to reform through labour of more than ten years".

in detention.¹⁸⁷ It prohibits arbitrary detention,¹⁸⁸ requires arresting officers to obtain an arrest warrant,¹⁸⁹ provides that detainees can file a complaint to the prosecutor,¹⁹⁰ and limits the circumstances under which individuals can be held in pre-trial detention.¹⁹¹ The law requires that the family or employer of the arrested person be notified of the arrest within 48 hours,¹⁹² and that law enforcement officers inform the suspect of his or her rights at the time of initial interrogation.¹⁹³ The defendant has a right to be represented by a lawyer once a case has been indicted.¹⁹⁴ There is no right to a legal counsel during initial examination and investigation. Moreover, there are no provisions for judicial review during the initial stage of detention.

The Law on the Protection of the Rights of Women (2010) provides a number of safeguards for women, and notably gives domestic legal standing to international instruments pertaining to women's rights to which the Democratic People's Republic of Korea is a party.¹⁹⁵ This law prohibits discrimination against women, and makes protection and promotion of women's rights "compulsory for all institutions, enterprises and organizations".¹⁹⁶ It specifies that law enforcement and judicial institutions must "respect women's dignity and fully ensure their rights and interests".¹⁹⁷ It prohibits restricting women's freedom, inflicting bodily injury in a violent or non-violent manner, and conducting body searches without a warrant".¹⁹⁸ For women subjected to criminal sentences, the law foresees that punishment shall be suspended from three months before until seven months after giving birth.¹⁹⁹ While the adoption of this law was a positive step, provisions for its implementation are vague. The law refers to the role of State institutions at different levels as implementers of women's rights. It also provides that competent ministries, local people's committees and supervisory organs must "exercise strict supervision and control of the protection and promotion of women's rights".²⁰⁰ However, it does not provide for any independent monitoring mechanism, nor does it prescribe specific sanctions for those who violate the law.

¹⁸⁷ *Supra* note 92, Criminal Procedure Law, article 6.

¹⁸⁸ *Ibid*, article 176.

¹⁸⁹ *Ibid*, article 179.

¹⁹⁰ *Ibid*, articles 169 and 258.

¹⁹¹ *Ibid*, article 178.

¹⁹² *Ibid*, article 182.

¹⁹³ *Ibid*, article 168.

¹⁹⁴ *Ibid*, article 158.

¹⁹⁵ Law on the Protection of the Rights of Women (2010), article 10.

¹⁹⁶ *Ibid*, article 5.

¹⁹⁷ *Ibid*, article 16.

¹⁹⁸ *Ibid*, article 37.

¹⁹⁹ *Ibid*, article 38.

²⁰⁰ *Ibid*, article 54. City and county people's committees are local institutions, responsible for executive and administrative municipal and county government work, conducting public affairs and cultural activities and managing the affairs of basic party organizations.

Annex 2: Witness accounts received by OHCHR between 2015 and 2019

The following are some of the accounts relayed by former detainees interviewed by OHCHR between 2015 and 2019 concerning the conditions and treatment in places of detention in the Democratic People’s Republic of Korea, as well as access to due process and fair trial rights. The date and location included at the end of the quotation, in brackets, indicates when and where the experience relayed took place. Only accounts of experiences from 2009 onwards are included, in order to provide a more accurate picture of the current situation. Although OHCHR currently has limited access to former male detainees, those accounts that have been documented by OHCHR since 2015 are also included, with the male gender indicated in brackets at the beginning of the quotation.

I. Overcrowding and unsanitary conditions

“There was a shared toilet inside the cell which smelt, and smelled even worse when someone got sick. The cell was about one third larger than the size of this room [the room was approximately five metres by four metres] and contained 50 persons. There were no sleeping facilities and no recreation time allowed outside of the cell.”¹ (2017, MPS *kuryujang*)

“Six or seven people stayed in each cell. They were too small, but the crowdedness helped against the cold. The blankets they gave us were old, dirty, and insufficient to keep us warm. The floor were cement, and we sat on wooden planks that were elevated a bit from the floor.”² (2017, MSS *jipkyulso*)

“My cell size was about four times the size of this room [this room approximately six by four metres], containing 30 to 50 people. It was too crowded.”³(2017, MPS *kyohwaso*)

[Male] “The sanitation was very bad inside the cell. We couldn’t shower, and it was infested with bugs.”⁴ (2017, MPS *kuryujang*)

“There were a lot of contagious diseases in the *kyohwaso*, because it was dirty and full of bugs.”⁵ (2016, MPS *kyohwaso*)

“The cell was smaller than this room, with up to 10 inmates inside.”⁶ (2016, MSS *kuryujang*)

“There were seven cells in the *kuryujang*, with 23 to 24 in each cell. Cells 1, 6 and 7 were for females. There wasn’t enough space, not even enough to lie on our backs, so we had to lie on our sides.”⁷ (2015, MPS *kuryujang*)

“There were about 30 detainees in a cell. The size of the cell was twice the size of this room [three by two

¹ KOR/18/0050

² KOR/19/0016

³ KOR/19/0051

⁴ KOR/19/0050

⁵ KOR/18/0078

⁶ KOR/18/0079

⁷ KOR/19/0011

metres]... Detainees were told to sit along the wall. Detainees lay to sleep in the exact same spot where they sat. It was crowded when we detainees all lay for sleep.”⁸ (2015, MPS *kyohwaso*)

“I was held in a small cell with ten detainees, perhaps two by five metres. The cell was crowded.”⁹ (2014, MSS *kuryujang*)

“There were biting lice everywhere.”¹⁰ (2014, MPS *jipkyulso*)

“At the MSS *kuryujang* I was detained in a room of about four by five metres with about 40 other people. There was no heating, and there was not enough room to lie down at night. We had no blankets so we were cold.”¹¹ (2014, MSS *kuryujang*)

“We had no blankets and had to use buckets to relieve ourselves.”¹² (2014, MPS *kuryujang*)

“In the cells, which were about three by four metres, there were between 10 and 20 prisoners. There were five cells in total, with one cell holding men, the next one women, and so on. I was given a blanket that I had to use also as a mattress.”¹³ (2013, MSS *facility*)

“I slept in a cell approximately six metres by six metres with about 20 other people.”¹⁴ (2013, MPS *jipkyulso*)

“There were around 25 to 30 people in the room, with women and men mixed. It was twice the size of this room [approximately six by four metres]. To sleep, we had a blanket and nothing else.”¹⁵ (2013, *rodongdanryonda*)

“Inside the *kuryujang*, we were not fed properly so we did not have good excrement. The excreta often blocked toilets. We were falsely accused of blocking the toilet with clothes. We were asked to clean the toilet with our bare hands. We did not have enough water to clean our hands. When the family members brought food, we were so hungry that we had to eat with such a dirty hands. It was inhumane.”¹⁶ (2013, MPS *kuryujang*)

“Detainees were not treated as human beings, but more like animals.”¹⁷ (2012, MPS *kyohwaso*)

“The MPS *jipkyulso* was very dirty and full of bugs.”¹⁸ (2012, MPS *jipkyulso*)

“In the MSS I was locked in a small cell. A cell usually accommodated six to nine detainees. The size was around five by two metres. At night, the cell could accommodate nine of us lying down, if we lay head to foot.”¹⁹ (2011, MSS *jipkyulso*)

“The cell was a little smaller than this room [approximately five metres by three metres], with 12 inmates.”²⁰ (2011, MSS *jipkyulso*)

⁸ KOR/19/0004

⁹ KOR/18/0029

¹⁰ KOR/18/0029

¹¹ KOR/18/0075

¹² KOR/18/0075

¹³ KOR/18/0058

¹⁴ KOR/18/0058

¹⁵ KOR/19/0036

¹⁶ KOR/19/0044

¹⁷ KOR/18/0032

¹⁸ KOR/18/0077

¹⁹ KOR/18/0032

²⁰ KOR/18/0077

“It was too cramped, so we had to sleep lined head to foot.”²¹ (2011, MSS *jipkyulso*)

“The room we stayed in was bad. It was smelly. eight or nine people stayed together. For sleeping we were given blankets but no mattress. We lay on the ground to sleep. The pillows we were given were not in a good condition.”²² (2011, *rodongdanryonda*e)

II. Lack of sufficient and clean water for basic hygiene

[Male] “We were unable to wash. We could wash our faces; each cell of seven detainees was limited to 30 litres of water each day, for washing and for flushing the toilet. There was no tap water.”²³ (2017, MPS *kuryujang*)

“In prison, water was not clean, causing many instances of diseases.”²⁴ (2016, MSS *kuryujang*)

“Next to the toilet there was a tap from which we got water. We each had a container and could only drink and get water during the five-minute break which we had every two hours... For bathing, we had to wash over the toilet with the tap next to us. We had to crouch down so that the guards couldn’t see us. We were only allowed to wash on Sundays; we took turns, and also did our laundry and caught bugs. We began on Sunday morning and had to finish by 5 p.m. We still had to sit in our places. We did our bathing and our laundry one by one. We didn’t have a place to hang the laundry to dry, so we would shake it to dry and also sit face-to-face to do this.”²⁵ (2015, MPS *kuryujang*)

“There was no running water. We were given a big bucket without a lid for relieving ourselves, and as a result there was very poor hygiene. I was not even able to wash my face.”²⁶ (2014, MPS *jipkyulso*)

“There was no shower provided. We washed in the river, but had to get approval to do so.”²⁷ (2013, *rodongdanryonda*e)

“I was not able to take a shower while I was there, but I was able to wash my face and hands.”²⁸ (2012, MPS *jipkyulso*)

“There was no tap water in the cell, but there was a cleaning room for the MSS supervisors outside the cell, and on one side of the cell there was a bucket. We got water pumped from the MSS cleaning room and carried water in the bucket to the cell.”²⁹ (2011, MSS *jipkyulso*)

“Every day we had an inmate assigned to go to the river to get several buckets of water which we used to wash our faces from. The water from the river was not clean.”³⁰ (2011, *rodongdanryonda*e)

“We were given 50-litres of water each evening to wash in the morning inside the cell, though we weren’t

²¹ KOR/18/0077

²² KOR/19/0037

²³ KOR/19/0050

²⁴ KOR/18/0009

²⁵ KOR/19/0011

²⁶ KOR/18/0029

²⁷ KOR/19/0036

²⁸ KOR/18/0031

²⁹ KOR/18/0032

³⁰ KOR/19/0037

provided with soap and the 12 of us washed at the same time.”³¹ (2011, MSS *jipkyulso*)

III. Toilet, no privacy

[Male] “There was a toilet inside the cell with a waist high barrier and one side of the cell had steel bars.”³² (2017, MPS *kuryujang*)

“We had a toilet at the back of the cell; not closed off, but with only a low wall that partially blocked the view of the prison guards.”³³ (2015, MPS *kuryujang*)

“For bathing, we had to wash over the toilet with the tap next to us. We had to crouch down so that the guards couldn’t see us.”³⁴ (2015, MPS *kuryujang*)

“There was a toilet outside the cell but I was only allowed to use it at 6 a.m. when I woke up; I had to use a bucket inside the cell otherwise.”³⁵ (2015, MSS *jipkyulso*)

“If I needed to relieve myself I had to ask permission and, if granted, they would turn around but then watched me again when I was finished.”³⁶ (2015, MSS *jipkyulso*)

“We got given a bucket at night to go to the toilet.”³⁷ (2012, MPS *jipkyulso*)

“On the other side of the cell, there was a hole in the ground where we could relieve ourselves. I was able to wash myself in the cell, but since there was no cover, other detainees had to hold a curtain so that I could wash behind it.”³⁸ (2011, MSS *jipkyulso*)

“We had a toilet in the cell, which was only covered up to waist-height.”³⁹ (2011, MSS *jipkyulso*)

IV. Permission to use the toilet

“We were woken at 6 a.m. at which time we had our only opportunity of the day to deal with our excrement. This was the only time we were provided with toilet paper. During the day, if I wanted to go for a wee I had to ask permission. As I was nervous, I needed to go to the toilet quite often and sometimes was not given permission.”⁴⁰ (2017, MSS *kuryujang*)

“I had to sit tight for three hours each guard shift and could not talk to guards or ask to relieve myself. I had to

³¹ KOR/18/0077

³² KOR/19/0050

³³ KOR/19/0011

³⁴ KOR/19/0011

³⁵ KOR/19/0001

³⁶ KOR/19/0001

³⁷ KOR/18/0031

³⁸ KOR/18/0032

³⁹ KOR/18/0077

⁴⁰ KOR/18/0050

wake up at 6 a.m. and that was the only time I could use a toilet.”⁴¹ (2017, MSS *kuryujang*)

“I woke up in the morning at 5.30 a.m. That was the only time when I was allowed to visit a toilet. I was not allowed to go afterwards.”⁴² (2016, MSS *kuryujang*)

“If I needed to relieve myself I had to ask permission and, if granted, they would turn around but then watched me again when I was finished.”⁴³ (2015, MSS *jipkyulso*)

“We shared one toilet outside, but had to get approval to go. It was covered for privacy.”⁴⁴ (2013, *rodongdanryonda*)

V. Lack of hygienic items

“The women here who were on their period had no sanitary pads, so had to improvise with their own clothes.”⁴⁵ (2017, MSS *kuryujang*)

“Blankets and toiletries had to be brought from home.”⁴⁶ (2017, MPS *kuryujang*)

“For our periods we weren’t given sanitary pads so once a fellow cell-mate had to borrow gauze from the others and socks from myself for makeshift sanitary pads, and wash them with soap.”⁴⁷ (2016, MSS *kuryujang*)

“Sanitary pads were produced in North Korea. They were of good quality. However, they were expensive so that only 20-30 per cent of people could purchase sanitary pads for use. All the rest used sanitary pads made of fabric.”⁴⁸ (2016, MSS *kuryujang*)

“No sanitary pads were provided.”⁴⁹ (2015, MPS *kuryujang*)

“No supplies—including soap, tooth paste, tooth brush and blanket—were provided. Individual detainees had to supply it themselves.”⁵⁰ (2015, MPS *kyohwaso*)

“Sanitary pads were not provided. Women detainees would be on their own dealing with their period by, for example, using whatever fabric they had.”⁵¹ (2014, *rodongdanryonda*)

“For washing we had to bring from home all our toiletries, such as toothpaste and soap.”⁵² (2011, *rodongdanryonda*)

⁴¹ KOR/19/0002

⁴² KOR/19/0003

⁴³ KOR/19/0001

⁴⁴ KOR/19/0036

⁴⁵ KOR/18/0050

⁴⁶ KOR/18/0050

⁴⁷ KOR/19/0010

⁴⁸ KOR/18/0009

⁴⁹ KOR/19/0011

⁵⁰ KOR/19/0004

⁵¹ KOR/18/0035

⁵² KOR/19/0037

VI. Insufficient and inadequate food

“I was provided with 50 grains of corn per meal, which was sour.”⁵³ (2017, MPS *kuryujang*)

“I was fed corn rice, and pickled dried radish slices. This was the same for every meal. I received three meals a day, but the amount was very tiny.”⁵⁴ (2017, MSS *kuryujang*)

“For meals we were given corn but it was not properly processed or cooked. Meals were carried in a bucket and the bucket was never cleaned and smelled terrible. I was unable to eat it because the smell was so bad.”⁵⁵ (2017, MSS *kuryujang*)

“The food was better in the *kyohwaso* compared to the *kuryujang*. They gave us rice in a measuring bowl, seven centimetres high, and soup with pickled cabbage. It was better because we would also receive fresh vegetables for lunch and dinner. For water, we also drank from the taps but were free to get it when we wanted.”⁵⁶ (2016, MPS *kyohwaso*)

“Corn, without being properly washed, was ground and boiled in an iron pot. Then it was in such a form that it could be scooped. A scoop of approximately 8oz was provided with salt water... each detainee was provided with a scoop.”⁵⁷ (2015, MPS *kyohwaso*)

“We were given an insufficient amount of corn rice but our families brought us food.”⁵⁸ (2015, MPS *kyohwaso*)

“Meals provided at the holding centre were all same: corn and salt water.”⁵⁹ (2015, MPS *kuryujang*)

“I was fed a small amount of corn in a bowl, which was not even full.”⁶⁰ (2014, MSS *kuryujang*)

“Corn without being properly washed was boiled and provided as meals. The corn was in such a bad shape. Cabbage, which was not properly kept, was made into soup for meals. I did not take soup most of the time because there were foreign substances in it.”⁶¹ (2014, MPS *jjpkyulso*)

“We had to share a bowl of corn among us prisoners and eat it with our hands. The corn was not enough and essentially who ate faster ate more.”⁶² (2014, MSS *kuryujang*)

“They fed us five tiny rotten potatoes per meal. Only animals would eat that food. Relatives were allowed to bring food to inmates in the morning.”⁶³ (2014, MPS *kuryujang*)

“We called the porridge ‘piggy porridge’ which is basically food only suitable for baby pigs. The porridge was so thin that for 100 people just three to four kilos of corn flour was used.”⁶⁴ (2014, MPS *kyohwaso*)

⁵³ KOR/18/0050

⁵⁴ KOR/18/0053

⁵⁵ KOR/19/0002

⁵⁶ KOR/19/0011

⁵⁷ KOR/19/0004

⁵⁸ KOR/18/0074

⁵⁹ KOR/19/0004

⁶⁰ KOR/18/0029

⁶¹ KOR/19/0004

⁶² KOR/18/0075

⁶³ KOR/18/0075

⁶⁴ KOR/19/0027

“We were provided steamed corn and cabbage soup to eat. However, since the quality of the food was so bad, I could not eat at all. The food was not even good for animals’ consumption.”⁶⁵ (2014, MSS *jipkyulso*)

“In the waiting room, the toilet was in the same room, it was dark and cold and the food was meagre – only a tiny bit of corn kernels.”⁶⁶ (2013, MPS station)

“Food is essentially a corn wafer including the skin, and a salty soup. This was served three times a day for 10 minutes each time and nothing else was given. Detainees are then put to work, making clothes for exports, from 5 a.m. to 10 p.m.”⁶⁷ (2013, MPS *kyohwaso*)

“We were not provided with enough food. We were provided with corn mixed with tofu beans. The food was only two to three scoops. We never had rice. Rice was provided one to two times a year mainly during national anniversaries such as the birth anniversary of Kim Il Sung on 15 April.”⁶⁸ (2013, MPS *kyohwaso*)

“Each of the three meals we received during the day was corn, made up of 30 grains per meal... When inmates’ families visited, they might bring some decent food with them.”⁶⁹ (2013, *rodongdanryonda*)

“I was fed around 200 to 300 grains of corn three times per day.”⁷⁰ (2012, MSS *kuryujang*)

“I was fed three meals of steamed corn per day. I counted the grains and there were 50 grains at each meal.”⁷¹ (2011, MSS *jipkyulso*)

“We had a small amount of potato and salt soup.”⁷² (2011, *rodongdanryonda*)

“There was not enough food. I was given corn-meal with soup to eat. The corn meal was not properly processed so was very difficult to eat... After 16 days, MPS officers came from ***** to pick me up and take me back to detention in the area of my place of residence. I was taken to ***** city level MPS *kuryujang*. Conditions... were very poor. Like in the MSS facility I received corn-meal, but at the MPS the corn was not processed at all, just steamed. The difference was that at MPS I could receive family visits and my family provided food for me. They did not have to pay a bribe to do so.”⁷³ (2010, MSS *kuryujang* and MPS *kuryujang*)

“We received very little food, which consisted of a handful of steamed corn at each meal.”⁷⁴ (2010, MSS *kuryujang*)

VII. Malnutrition

[Male] “Our meals consisted of steamed corn and steamed tofu beans. We were given around 200 grains of corn per meal. It wasn’t sufficient. The families of detainees visited once a week and brought food. Without family

⁶⁵ KOR/19/0046

⁶⁶ KOR/19/0010

⁶⁷ KOR/17/0123

⁶⁸ KOR/19/0032

⁶⁹ KOR/19/0036

⁷⁰ KOR/18/0031

⁷¹ KOR/18/0032

⁷² KOR/19/0037

⁷³ KOR/19/0013

⁷⁴ KOR/18/0027

visits, detainees suffered from malnutrition. In 2018 there were two cases of male detainees starving to death in this *kuryujang*. I heard of the deaths after I'd left. One case was a man in his 30s called *****... With four children, it was a tough living and so the family were unable to visit him and so he died. The other was *****. He was in his 50s... He also had no visitors and so died of malnutrition.”⁷⁵ (2017, MPS *kuryujang*)

“I was allowed to have visitors twice a week. I was able to eat food brought in by the visitors. From the short-term labour training camp, I was provided with three meals per day. Potatoes were provided for each meal. Detainees without visitors were not properly fed, especially given that they engaged in physical labour, which is cutting trees.”⁷⁶ (2016, *rodongdanryonda*)

“During the detention, I was provided only with a small amount of corn. After a month of going through hardship which got even worse, my period stopped. All women’s period stopped due to malnutrition and hardship.”⁷⁷ (2016, MSS *kuryujang*)

“The food we were provided with was half a bowl of corn kernels, soybeans, and salted cabbage soup. We were given this same meal three times a day. I lost a lot of weight and was in a poor condition.”⁷⁸ (2015, MPS *kuryujang*)

“Many people died of malnutrition... I witnessed during the detention three deaths. Wormwood was burnt to remove the smell caused by the death... In my cell there were three to four detainees suffering from malnutrition. They were not taken to a unit accommodating detainees who were extremely weak though... I was... sent to the unit. I was returned after three to four months. If you are sent to the unit, you are mobilized less for work.”⁷⁹ (2015, MPS *kyohwaso*)

“*****, aged around 42 years, died when I arrived at the *kyohwaso*. She died due to malnutrition... During my time in the *kyohwaso*, about five to six people died. Most of them died due to malnutrition... [I]f the detainees do not meet their daily quota, family visits could also be denied. Some people are not in a healthy condition to complete their quota, which makes it hard for them to have family visits.”⁸⁰ (2015, MPS *kyohwaso*)

“While I was held there, my family brought me meals. However, the MSS wanted to punish and pressure me, and therefore they did not allow me to get the meals and I was starved on a few occasions. There was no food provided by the MSS in the detention facility. If some detainees did not have relatives who brought them food, then the MSS guards would give detainees some of their food.”⁸¹ (2014, MSS *kuryujang*)

“There was a woman in either her late 50s or early 60s, who was called ‘***** grandmother’. She died as she suffered from both malnutrition and tuberculosis.”⁸² (2014, *jipkyulso*)

“Many suffered from malnutrition... All women detainees had their period stopped due to malnutrition.”⁸³ (2014, *rodongdanryonda*)

“Inmates were given about 10 little sprouted potatoes and salt soup. We didn’t eat the potatoes because they made you sick. We were hungry, because our families were not allowed to bring us food. People became sick

⁷⁵ KOR/19/0050

⁷⁶ KOR/19/0003

⁷⁷ KOR/18/0009

⁷⁸ KOR/19/0011

⁷⁹ KOR/19/0004

⁸⁰ KOR/19/0044

⁸¹ KOR/18/0029

⁸² KOR/18/0035

⁸³ KOR/18/0035

because of malnutrition and fatigue.”⁸⁴ (2014, *rodongdanryonda*)

“We were given porridge made of corn flour. People who knitted more hats were given more food whereas those who knitted less were given less food. This meant that those who were weak would get even weaker and could not work well. This vicious cycle had led to malnutrition amongst many detainees.”⁸⁵ (2014, MPS *kyohwaso*)

“I myself experienced malnutrition in the county-level MPS *kuryujang* in *****. I was too weak to walk.”⁸⁶ (2014, MPS *kuryujang*)

“*****, in her 30s, died due to malnutrition. After she was diagnosed with malnutrition, she was sent to a special unit treating detainees suffering from malnutrition. She died there.”⁸⁷ (2013, MPS *kyohwaso*)

“The number of deaths in 2012/13 was around 20 but I do not personally know all the persons who died because I was working during the day. Most of the people died due to malnutrition.”⁸⁸ (2013, MPS *kyohwaso*)

“Regarding malnourishment, the women inmates were relatively okay. It was the men who suffered more from malnutrition, especially when they had no visitors, because men were mobilized to do more physically demanding jobs.”⁸⁹ (2013, *rodongdanryonda*)

“We were fed 200 to 300 grains of corn three times per day. There were many prisoners who were malnourished. This was especially the case for those who did not have family members that could bring them food.”⁹⁰ (2012, MPS *jipkyulso*)

“For food, I was given a small amount of cooked corn-meal, and salty soup with fermented cabbage and greens. There were many deaths from malnutrition. There was one person who died in my cell. But there were others who also died.”⁹¹ (2012, MPS *kyohwaso*)

“We got only 100 grams of corn rice for our meals, and weren’t allowed to have family members bring us meals. So we didn’t have enough strength...”⁹² (2012, *rodongdanryonda*)

“During the time that I was held in MPS *jipkyulso* in ***** for five months, five people died from malnutrition... They were buried in the mountains but were not put in coffins. They passed away in the cell.”⁹³ (2011, MPS *jipkyulso*)

“The MPS Officer from ***** came and took me to ***** District local-level MPS... I was already malnourished from my time in the *jipkyulso* so was released on sick bail.”⁹⁴ (2011, MPS *jipkyulso*)

“I witnessed people dying at ***** *kyohwaso*. People died from malnutrition, or from sickness. Dead bodies were taken away once a week... There is a big black barrel in the mountain, and people said that the dead bodies were placed there and burnt... About 15 people including both men and women died roughly every 10

⁸⁴ KOR/18/0075

⁸⁵ KOR/19/0027

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⁸⁸ KOR/19/0032

⁸⁹ KOR/19/0036

⁹⁰ KOR/18/0031

⁹¹ KOR/18/0032

⁹² KOR/19/0043

⁹³ KOR/18/0032

⁹⁴ KOR/19/0042

days. In my case, I was a little malnourished but my elder brothers brought me food. During the three years I was there, many people died every year; this happened continuously from 2008 to 2010.

If someone became malnourished, or was diagnosed with tuberculosis, they were sent to the infirmity unit. The only treatment they received was medicine provided once or twice a week, and this medicine had to be provided by someone on the outside anyway. Otherwise, no medicine was available.”⁹⁵ (2008 to 2010, MPS *kyohwaso*)

“We had 200 grains of corn and soup. We all felt very hungry. Many men were malnourished. I heard about many people who died while at the *kuryujang*.”⁹⁶ (2009, MSS *kuryujang*)

VIII. Forced sitting position

“While in the cell, I was forced to sit still the whole time. When I moved by mistake, I was punished by being forced to crawl on my knees between the door and the bars, from one end of the cell to the other. This was painful and my knees got scratched up, because the floor was not even, but was made out of rough wooden planks.”⁹⁷ (2017, MSS *kuryujang*)

“While in the cells we had to sit tight with crossed legs and hands on knees. The guards changed every three hours, though depending on which guards were on duty we might be allowed a short break. If we moved we would get punished.”⁹⁸ (2017, MSS *kuryujang*)

“In the *kuryujang*, inmates are watched at all times and are not allowed to move.”⁹⁹ (2017, MSS *jipkyulso*)

[Male] “During my 10-days in the MSS *kuryujang*, apart from the interrogation sessions, I had to sit tight in the cell.”¹⁰⁰ (2017, MSS *kuryujang*)

[Male] “A typical day at the MPS *kuryujang* would be: 6 a.m. wake up, time to wash face and fold blankets, then breakfast and sitting still until 12 p.m. Then lunch and after, sitting tight until 6 p.m. Then dinner and sitting tight until 10 p.m. I understand that the guidelines state that we should be given a break once every two-hours, but whether that was given depended on the prison guard. I never got any fresh air during my time there.”¹⁰¹ (2017, MPS *kuryujang*)

“After breakfast at 7 a.m. until noon we had to sit in the same position, only getting a 15-minute break for the bathroom, and after lunch from 12.30 p.m. to 7 p.m. we had to sit in the same position, with only one 15-minute break for the toilet. Then again we had to sit in the same position after dinner until 10 p.m.”¹⁰² (2016, MSS *kuryujang*)

“I was not able to cope sitting in the same position for a long duration inside the cell. When I moved my body,

⁹⁵ KOR/19/0034

⁹⁶ KOR/19/0015

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⁹⁸ KOR/19/0002

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¹⁰¹ KOR/19/0050

¹⁰² KOR/19/0010

I had to kneel down with toes touching the floor or by extending my arms straight up for an extended period as punishment.”¹⁰³ (2016, MSS *jipkyulso*)

“I washed my face, and sat tight from 6:30 a.m. I had to sit the whole day. It depended on the person on duty whether detainees were either given a 10-minute break or punished... I had to sit all the time except for during interrogations.”¹⁰⁴ (2016, MSS *kuryujang*)

“When we were in the *kuryujang* we had to stay sitting down... we were beaten for moving. Just for the slightest movement you were beaten and you couldn’t speak either.”¹⁰⁵ (2016, MSS *kuryujang*)

“We were kept in the cell the whole day, with one 10-minute break in the morning one in the afternoon. We had to sit cross-legged, with our hands on our knees. The floor was hard.”¹⁰⁶ (2016, MSS *kuryujang*)

“We each had a container and could only drink and get water during the five-minute break which we had every two hours. For the rest of the time we had to sit cross-legged with our hands on our knees and stay in the same position. It felt like this is what it must have been like during the Japanese occupation when Koreans were put in cells; like what I’d seen in the movies.”¹⁰⁷ (2015, MPS *kuryujang*)

“From 7 a.m. to 10 p.m. I had to sit tight and was watched the whole time... By sitting tight, I mean that I had to sit with crossed legs on the floor with my hands on my knees not moving. I asked them to give me a job to do because I was struggling to sit like that and I would prefer to work but they ordered me to keep sitting.”¹⁰⁸ (2015, MSS *jipkyulso*)

“All detainees had to sit tight from morning until evening.”¹⁰⁹ (2014, MSS *kuryujang*)

“We sat tight in the cells from 7 in the morning till 10 at night. We were not allowed to exercise... The person is punished for making a move as he or she wishes. We sat crossed legged with both our hands on our knees, and with our heads down. If a person got caught moving, the person had to kneel with two hands up as punishment. There were shifts once every two hours, and that was when we could relax.”¹¹⁰ (2014, MSS *kuryujang*)

“Inside the cell, we had to sit the whole day with our legs crossed and bending our head towards the floor. We were not allowed to move. If we moved, we were given extra punishment such as asked to extend our hand straight for a long period... and staying on our knees. Male detainees were asked to do push-ups. There were around 20 to 30 women in my cell. The Officers checked CCTV to monitor our position inside the cell.”¹¹¹ (2014, MSS *jipkyulso*)

“I had to sit tight the whole day. The floor was wooden...”¹¹² (2012, MSS *kuryujang*)

“I had to sit in a tight position with legs crossed and our hands on our knees, while looking down, the entire day. It was painful. We had one break in the morning and one in the afternoon. In the winter, even a slight move

¹⁰³ KOR/19/0008

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¹⁰⁸ KOR/19/0001

¹⁰⁹ KOR/18/0029

¹¹⁰ KOR/19/0004

¹¹¹ KOR/19/0046

¹¹² KOR/18/0031

would make a noise, and when this happened the MSS Officer would call out and punish everyone in the cell. The punishment could be that the break was taken away, or sometimes the person who moved was ordered to stand for an extended period of time.”¹¹³ (2011, MSS *jipkyulso*)

“I had to sit cross-legged with my hands on my knees and I was not allowed to move. If the guards were being nice, I had breaks of five to ten minutes twice in the morning and twice in the afternoon.”¹¹⁴ (2011, MSS *jipkyulso*)

“When inside the cell, the MSS made us stay seated and sit still from when we woke up at 5 a.m. until 9 p.m. when we went to sleep. We weren’t allowed to move, and had to stay sitting in the same position with our hands on our knees and with our heads kept down at a 40-degree angle.”¹¹⁵ (2011, MSS *kuryujang*)

“While in the cell, we had to sit still, facing away from the bars so that we could not see when guards were watching. There was CCTV. On the opposite side there was a short door of approximately one metre.”¹¹⁶ (2010, MSS *kuryujang*)

“I had to sit in a tight position again. There was a 15-minute break to stretch every three hours. I was held for two months in the MPS *kuryujang*.”¹¹⁷ (2010, MPS *kuryujang*)

IX. Beating and threats during interrogation

“I was interrogated and asked why I was trying to go to South Korea. When I denied that I intended to go there, they started beating me. It was just one person who beat me. He kicked my thigh several times and slapped me in the face. When I was beaten, the door was closed. The next day, as I was kneeling in the *kuryujang* as we were required to do; it hurt badly and both my thighs were all blue. I could not chew either. I was not allowed to complain about the pain or to tell my cell mates that I had been beaten. It hurt a lot; just thinking about it makes me cry [witness starts crying]. I know that the other inmates were beaten too. People were beaten every day.”¹¹⁸ (2017, MSS *jipkyulso*)

[Male] “During the 10-days’ interrogation in the MSS *kuryujang*, each interrogation lasted for an hour. I denied the charges, but the MSS Officers had evidence from others with dates and so it became violent. They used their fists and whatever tools they could get hold of to beat me during the interrogation: the handle of a mop, their belt. They hit me in my face and on my body, any part of the body... It was always the same person who carried out the beatings... Other MSS Officers were aware of the beatings - all the other MSS Officers of his division, about 10 of them, which was the Information Division. The beatings left bruises. I haven’t suffered any long term effects from the beatings.”¹¹⁹ (2017, MSS *kuryujang*)

“There were beatings. There were people who were out for interrogations and had bruises when returned. They were crying. I was beaten as well. There were no tools used to beat us. I was first shackled, and was beaten for telling lies even though I was telling the truth. I was verbally abused and punished. I was shackled, with both of

¹¹³ KOR/18/0032

¹¹⁴ KOR/18/0077

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¹¹⁶ KOR/19/0013

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¹¹⁸ KOR/19/0016

¹¹⁹ KOR/19/0050

my hands up, in a standing position as punishment. Or I was told to bend over to hold my ankles and stay still. If I made a move, I was beaten. There were interrogations every day. I was accused of telling lies and slapped in the face with a wet towel... The person who interrogated me was an MSS officer whose name was *****.”¹²⁰ (2016, MSS *kuryujang*)

“At the MSS office I was told I did something that was disgraceful to the national flag. I could not understand what they were telling me. They told me I was planning to go to South Korea and I denied that... I was sitting on a chair and had to put my hands on a wooden panel, while they hit my fingers with a stick. Then I was taken to an MSS *kuryujang* and beaten even more badly with a thicker wooden stick. I was locked up and taken in and out for interrogation for 17 days. I still feel the effect of the beating on my body. I was beaten for screaming, or for making eye contact with them; for anything. I passed out at some point...”¹²¹ (2016, MSS office)

“I was detained there for 25 days. I got interrogated three times. At every interrogation, I was grabbed by the hair. I was beaten with wooden sticks relentlessly.”¹²² (2016, MSS *jipkyulso*)

[Male] “I was arrested on charges of *****... I said it was not true; I was told to go to the MSS to say this. I went and was told to confess to every crime I had ever committed; when I refused, the beatings started.”¹²³ (2016, MSS *kuryujang*)

[Male] “I was beaten every day during my interrogation during the first month. I had to stand up during the whole time of the interrogation, and kneel on the floor when I was beaten. I wasn’t beaten at a certain time, just when they felt like it. During the investigation I was asked questions; if I said no and denied the charges then they would beat me for half-an-hour. I was then interrogated for 30-minutes before I was beaten again for 30-minutes. It was the same person beating me as was interrogating me. It was two persons (separately) during the course of my detention. One was from the provincial MSS and the other from the city MSS. During the investigation, if I didn’t write down what they wanted then they beat me. The beatings were worse during the first month. The beatings took place in the same room as the interrogations. Some people were beaten with wooden clubs; I was only beaten with the officer’s fist, palm or shoe on my head and face. MSS officer ***** from the provincial MSS was a major, and MSS officer ***** from the city MSS was a senior lieutenant. Other MSS officers came in and out of the room during my beatings; the Officer didn’t care if others saw him beating me. I was beaten in a way that didn’t leave any marks. I was hit on the head or slapped in the face. If I had to rank the pain from one to ten [ten being the worst], I would say five. The beatings made my head soft; my head was ringing inside. However, the worst thing was the degrading treatment I suffered when I was dragged around and shown to other people. It was inhumane, with the officers shouting abuse while they dragged me around... with my head swollen from the beatings. It was humiliating. I was angry and emotional and wanted to get back at them... Since the beatings, I haven’t had a good memory of my past and also more recent events, such as what happened a month ago.”¹²⁴ (2016, MSS *kuryujang*)

“They were pressuring me to change my story... On one occasion in mid-March an Officer kicked me three or four times on my right side. He was wearing shoes when he kicked me. My health was already in a bad condition, but after being kicked it was even harder for me to walk.”¹²⁵ (2015, MPS *kuryujang*)

¹²⁰ KOR/19/0003

¹²¹ KOR/18/0004

¹²² KOR/18/0011

¹²³ KOR/19/0049

¹²⁴ KOR/19/0049

¹²⁵ KOR/19/0011

“They [officers of the Prosecutor’s Office] took me to the city level Prosecutor’s Office in *****. There was only one man in the interrogation room - one of the two men who took me. He told me to write a confession note saying that I engaged in ***** activity not allowed by the Workers Party of Korea. He told me I must be aware of the regulations and policies of the Workers Party of Korea. I was sitting on a chair and he pushed me with a wooden stick. Whenever I protested he told me I should not talk back and he kicked me. I eventually passed out.”¹²⁶ (2015, Prosecutor’s Office)

“[T]hey brought a wooden stick and cursed at me, telling me to tell the truth. I saw ***** was already being beaten, and I had no choice but to give them his address to stop the beatings.”¹²⁷ (2014, MSS officers)

“While I was held there, my family brought me meals. However, the MSS wanted to punish and pressure me, and therefore they did not allow me to get the meals and I was starved on a few occasions. There was no food provided by the MSS in the detention facility. If some detainees did not have relatives who brought them food, then the MSS guards would give detainees some of their food.”¹²⁸ (2014, MSS *kuryujang*)

“MSS officers asked me who I met in China, and how I got to China... I was smacked a few times and kicked. I was interrogated every day for the first seven days by the head of the counterespionage department and one officer from MSS headquarters.”¹²⁹ (2014, MSS *kuryujang*)

“At the provincial MSS *kuryujang* I was interrogated on five different occasions. The interrogation took place in an office. The interrogating MSS officer told me that if I did not tell the truth, I would be sent to a place where I would not be released for good... I suppose that this was a reference to MSS run political prison camps.”¹³⁰ (2014, MSS *kuryujang*)

“No beatings took place during investigation unless one lied.”¹³¹ (2014, MSS *kuryujang*)

“When being interrogated, I was verbally and physically abused.”¹³² (2014, MSS *kuryujang*)

“I was not beaten during the interrogation, but was beaten and punished for not abiding by rules of the *kuryujang*. During interrogation those who wrote lies were beaten, because officers would go out and investigate to see if it was true.”¹³³ (2014, MSS *kuryujang*)

“During the interrogation, I was beaten severely with a wooden stick on my body and thigh. I had bruises on my back and on my legs. The interrogating officer [male] also pulled my hair and shook me violently and banged me against the wall. He also slapped me... I was beaten during interrogation for the first four days. The interrogation lasted for around one to two hours... Since I did not agree to any of the accusations, the interrogation officer was violent.”¹³⁴ (2014, MSS *jipkyulso*)

“I was asked a few questions and was beaten by the MPS officer...”¹³⁵ (2013, MPS station)

“The doctor treated me worse than an animal during the interrogation. If he had had a bad day, for instance, he

¹²⁶ KOR/18/0004

¹²⁷ KOR/19/0005

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¹³² KOR/18/0035

¹³³ KOR/19/0051

¹³⁴ KOR/19/0046

¹³⁵ KOR/19/0010

would beat me.”¹³⁶ (2013, MSS facility)

“During the investigation... [he] accused me of being involved in crimes that I did not commit. I refused to admit to his charges. He beat me with a wooden stick during interrogation.”¹³⁷ (2013, MPS *kuryujang*)

“I was first investigated in a *kuryujang*, where I was badly beaten by the guards, all of whom were male. I was physically and verbally abused... I spent 15 days in the *kuryujang* then I was sent for further police interrogation in an MPS station, which went on for four months. Investigators wanted to know the names of all brokers involved... whether I had sent any money to my family and how. I refused to confess and was badly beaten as a result.”¹³⁸ (2012)

“At the start of the interrogation, the MSS interrogating officer beat the chain of the handcuffs connecting my hands, and this hurt my wrists. The pain lasted a few days.”¹³⁹ (2012, MSS *kuryujang*)

“I was investigated on five occasions while held in MSS detention. The investigation was one-on-one, with a male MSS investigator. He asked me about China, for example, when and why I went to China or what I did in China. I told the investigator that I had been trafficked. I said that I had been deceived. I said that I did not work in China. In the beginning, he smacked me and said I was lying. I heard from other detainees that guards kicked them and beat them with a chair. Even though I had told the truth, the investigator still smacked me.”¹⁴⁰ (2011, MSS *jipkyulso*)

“I was interrogated at the MSS. I was kicked and beaten with a club. I made up my mind to come to South Korea due to the mistreatment at the MSS... The MSS officer who interrogated me... beat me as he pleased. He treated me as an animal.”¹⁴¹ (2011, MSS *kuryujang*)

“The MSS rules state that you have to be investigated for 20 days. They treat us like criminals. If you don’t give proper testimony they beat us... If we told the truth in the document, we would be taken away to a *kwansiso* and would never get out, so everybody lies in their written confessions. During investigation we are beaten, but we have to stick to our story and say we were not planning to go to South Korea. If we said we were going to South Korea we would be taken to a *kwansiso*... I said I was just staying in China to earn money. He hit my head and grabbed it and banged it against the wall.”¹⁴² (2011, MSS *kuryujang*)

“If people didn’t give proper testimonies they were made to stand still for a long time in an uncomfortable position.”¹⁴³ (2011, MPS station)

“The investigation officer beat me with his hands on one occasion, because I refused to share the name of the person who had helped me cross the border... I also heard about beatings from other detainees.”¹⁴⁴ (2010, MSS *kuryujang*)

“I was interrogated during detention. I was brought to an investigation room. The officers told me to kneel and then kicked me. The reason was that I had been caught with another person... Our stories did not match. I

¹³⁶ KOR/18/0058

¹³⁷ KOR/19/0044

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¹⁴² KOR/19/0042

¹⁴³ KOR/19/0042

¹⁴⁴ KOR/19/0013

heard that she was beaten in another room, but I don't know what happened to her."¹⁴⁵ (2010, MSS *kuryujang*)

"I did not reply to his question [the prosecutor]... They beat me with their hands for not answering properly. It was not a very severe beating. As I did not respond properly to their questions, the prosecutor handed me a harsh sentence... It was unfair to me and I believe it to be psychological torture. Being in a *kyohwaso* itself is a form of psychological torture even if you are not beaten."¹⁴⁶ (2010, MPS *kuryujang*)

X. Beatings and other violence to discipline

"While in the cell, I was forced to sit still the whole time. When I moved by mistake, I was punished by being forced to crawl on my knees between the door and the bars, from one end of the cell to the other. This was painful and my knees got scratched up, because the floor was not even, but was made out of rough wooden planks."¹⁴⁷ (2017, MSS *kuryujang*)

"The punishment varied by gender. When the women detainees moved or made sound the guards would verbally abuse us but didn't offer any violence beyond threats. However if men moved or made a sound then the head detainee or prisoner in the cell was ordered by the guards to beat them."¹⁴⁸ (2017, MSS *kuryujang*)

"I had only told him that I intended to go to China [to work]... so, while I was arrested and beaten a lot while in custody, I was not sent to a political prison camp."¹⁴⁹ (2017, MSS *kuryujang*)

"There was a female in the same cell as mine who had been caught trying to get to South Korea who cracked her knuckles during a 10-minute break during which we were allowed to stretch our legs. A guard beat her so severely that she had headaches every day... They beat me three times in the head with a bunch of keys because I had not stood up when my name was called. That produced a lump on the head."¹⁵⁰ (2017, MSS *jipkyulso*)

[Male] "When it comes to the MPS *kuryujang*, the condition depended who the officer on duty was. The officers watching over us had shifts of two hours. Some were nicer. However, the not so nice may beat us with firewood for moving, or would order detainees to maintain a stress position as a punishment. The stress position required the detainee to stretch their arms and stay in that position for a long period, or they had to hold their arms behind their back and sit down and stand up many times. Two of the MPS prison guards at this ***** county *kuryujang* who were notorious were ***** and *****. They were notorious for punishing detainees for making the slightest move, including beating them with sticks."¹⁵¹ (2017, MPS *kuryujang*)

"As my ***** unit was passing by... someone from the unit took two radishes from the field. The officer in charge of unit ***** is ***** , who is notorious for being violent. When that officer saw radishes being taken, he called the field managers [fellow inmates], one of which was *****. So on the day I was released, I saw ***** [fellow inmate] being beaten."¹⁵² (2016, MPS *kyohwaso*)

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¹⁵⁰ KOR/19/0016

¹⁵¹ KOR/19/0050

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“When we went outside the cell, we were made to look at the floor while walking, so we couldn’t see in front of us. Yet if we went the wrong way, the prison guard behind us would grab the back of our clothes and drag us to go left or right; it made me feel like a dog.”¹⁵³ (2016, MSS *kuryujang*)

“There were two officers... in the vehicle. The officers verbally abused us and also slapped me in the face for directly staring at their face. I was slapped for not behaving properly.”¹⁵⁴ (2016, MSS officers)

“Inside the cell, we were asked to sit down in a cross-legged position with our heads bent and facing the floor. We were not even allowed to roll eyeballs. If we moved, we would be punished. Since it was very painful to stay in the same position for a long time, I moved a bit. I was asked to do push-ups for 100 times as a punishment. I only managed to do 30 times. I then told the officer that I would rather be punished differently than doing push-ups. I was beaten two times with a steel rod.”¹⁵⁵ (2016, MSS *kuryujang*)

I was not able to cope sitting in the same position for a long duration inside the cell. When I moved my body, I had to kneel down with toes touching the floor or by extending my arms straight up for an extended period as punishment.¹⁵⁶ (2016, MSS *jipkyulso*)

“As punishment, detainees were told to bend over to hold their own ankles, or to squat multiple times with hands being clasped behind one’s back.”¹⁵⁷ (2016, MSS *kuryujang*)

“There were beatings. Those who were disobedient or not working effectively were beaten. They were beaten by hands.”¹⁵⁸ (2016, *rodongdanryonda*e)

“The MPS Officer in charge of the firewood unit... said he didn’t want to have to beat inmates if they tried to run away but that he had to follow his orders.”¹⁵⁹ (2016, MPS *kyohwaso*)

“A few days before I was released, someone had tried to run away, and the unit leader, the team leader and person in charge of monitoring [these roles are performed by inmates] were sent to solitary confinement [a cell measuring one metre by one metre] for 24 hours for a week. An MPS officer was also punished; he had to keep writing about what he had done wrong and the lower-ranking soldiers also had to write down what they had done wrong and had to perform extra duties.”¹⁶⁰ (2016, MPS *kyohwaso*)

“A lot of violence was used by the soldiers and MPS officers because they would beat or kick us if we did anything wrong. We were required to do a lot of study about how we had to behave and treat the MPS Officers, which included instructions on how to sit in a certain position, and not to resist against the beatings. The instructions didn’t refer to beatings explicitly, but used gentler wording implying what would happen if you’d gone against the rules.

There was a sentence in the rules that said if anyone disobeys the orders they will receive punishment under the law. The MPS officers who beat us said they were doing us a favour because to be punished under the law would mean that our sentence would be extended, perhaps for one or two years. If an inmate is punished under the law, the MPS officer will also be punished for this, which is why they don’t let it go to this stage.

¹⁵³ KOR/19/0010

¹⁵⁴ KOR/19/0008

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The rules we had to study also included a code of conduct on everyday life such as hygiene, as well as rules on the courtesy we had to show MPS officers. The most unfair were these courtesy rules. When we were called to an MPS officer, we had to go to him as quickly as possible and bow, and then when we were one-metre from him we had to kneel down and keep our head down and not look at his face. When an MPS officer was moving along the corridor, when you were five metres away from him you had to bow, turn and face the wall and wait for him to pass. When an MPS officer came into the cell, doing the rounds, you had to kneel down and look at the floor as he walked around. It made me angry.

I used to see beatings once or twice a week. There were more than 500 inmates... The MPS officers would slap inmates across the face, and punch them in the face. The female MPS officers used to take off their belts and beat us. Overall there were more male MPS officers, though female MPS staff were based in the waiting room and in charge of assigning inmates to different tasks.

The female MPS officers treated the inmates worse than the male MPS officers. The beatings were worse from the male MPS officers, but the female MPS officers used worse language and they had a way of keeping us under constant pressure. It was relentless mental violence.

The code of conduct included prohibitions on laughing and singing, dancing, acting dumb, and expressing that you don't want to work. You couldn't steal or get into fights. These were all reasons to get beaten by the MPS officers.

The person ***** I saw beaten was afterwards sent back to her cell. Her fellow inmates dragged her there because she couldn't walk."¹⁶¹ (2016, MPS *kyohwaso*)

"When we were in the *kuryujang* we had to stay sitting down... we were beaten for moving. Just for the slightest movement you were beaten and you couldn't speak either. We were not supposed to bow too deep or look up too high. The room had steel bars, and a security guard once ordered me to put my hand out through the bars and hit it."¹⁶² (2016, MSS *kuryujang*)

[Male] "In the cells I saw people who had been beaten with wooden clubs, with blood coming out of their head."¹⁶³ (2016, MSS *kuryujang*)

"At 10 p.m. everyone had to lie down together while holding their blankets to their chest. When lying down, if we didn't do it all at the same time or if someone moved, they made us do it again and again. One time we had to do it all night."¹⁶⁴ (2016, MSS *kuryujang*)

"I wasn't beaten, but others caught moving or making a loud noise were beaten severely and their faces were swollen."¹⁶⁵ (2015, MPS *kuryujang*)

"We were in cell 7 and ***** [prison guard] was chatting with some prisoners in cell 6. We could hear this, and ***** muttered a word to show her annoyance at the noise. ***** [Prison guard] heard this and so gave ***** a beating."¹⁶⁶ (2015, MPS *kuryujang*)

"There were three cells of solitary confinement behind the male cells."¹⁶⁷ (2015, MPS *kuryujang*)

¹⁶¹ KOR/18/0078

¹⁶² KOR/18/0079

¹⁶³ KOR/19/0049

¹⁶⁴ KOR/19/0010

¹⁶⁵ KOR/19/0011

¹⁶⁶ KOR/19/0011

¹⁶⁷ KOR/19/0011

“During the period leading up to the trial, I was told to sit in the same position without talking. I got doused with water for not obeying the rule. I was not allowed to wipe unless I was told to do so.”¹⁶⁸ (2015, MPS *kuryujang*)

“I witnessed serious violence while I was held in the *jipkyulso*. One male detainee was held in the *jipkyulso* after being repatriated... The MPS guards ordered other prisoners to beat him. That time, I saw the evil side of North Koreans. The incident happened shortly before I was released. At the time of my release, his face was not even recognizable because of the beating. I cannot recall his name, but he was in his mid-30s.”¹⁶⁹ (2014, MPS *jipkyulso*)

“They came with clubs. There was a head of the detainees in my cell. The head was asked, and answered... I was not allowed to talk back. I would be beaten either way for not talking back or for talking back. I was slapped in my face. I was kicked. I was kicked all over my body for not standing up in the right away. All detainees in the cell were beaten that day. From the following day, I was unable to breath well...”¹⁷⁰ (2014, MPS *jipkyulso*)

“The work was physically demanding and some people tried to run away. If they were caught, they were beaten. In one case, a detainee who had tried to escape was punished by making him run the entire night.”¹⁷¹ (2014, *rodongdanryonda*)

“The head of the labour camp had issued an order pursuant to which detainees were told to beat other detainees who had tried to escape, or even those who talked to family members they came across on their way to work. The beatings were hard, and procured bruises and broken ribs.”¹⁷² (2014, *rodongdanryonda*)

“In the MPS *kuryujang*, I was beaten when I first arrived. I was provided with a one-page paper of the rules of the *kuryujang* and told to memorize the rules in 30-minutes and then verbally recite what they were. But it had to be exactly what was written, with each syllable repeated exactly the same. I failed so I was beaten. I was inside the cell and the person who beat me was outside. I was told to put my head in front of the steel bars of the cell and the guard on the other side kicked my head with his shoes on. That was the prison officer in charge of all the prison officers in the *kuryujang*. There were existing detainees in the cell at the time, and three new inmates including myself. All three of us were beaten that way because we were unable to memorise the rules. I had a headache because he kicked me in the head. I had to put my forehead on the concrete floor and he kicked me from behind, so I had a bloody forehead and a headache.

When I had to sit tight in the same position, I was not supposed to make eye contact with officers outside the cell. However, I was not really aware of all the rules, so I happened to make eye contact with an officer without knowing the rule. Because of my mistake, all of the detainees in my cell were punished. We had to hold our hands behind our back and stand up and down repeatedly. I passed out because of this and the officer told the other detainees to drag me to his side close to him where he beat me on my head again. I lost consciousness due to the beating. The day after, I woke up in the morning with bloody ears. I still suffer from headaches to this day, which I presume came from the beatings I suffered there.”¹⁷³ (2014, MPS *kuryujang*)

“I didn’t get beaten, but a girl the same age as me was beaten hard; the guards kicked her in the face with the

¹⁶⁸ KOR/19/0004

¹⁶⁹ KOR/18/0029

¹⁷⁰ KOR/19/0004

¹⁷¹ KOR/18/0029

¹⁷² KOR/18/0075

¹⁷³ KOR/19/0051

soles of their shoes which were very thick and hard. It was a severe beating.”¹⁷⁴ (2013, MPS *kuryujang*).

“I was... placed in solitary confinement for five days after I had a fight with another detainee who bribed guards and asked them to punish me. I was put in a cold cell with a 1 metre by 1.2 metre size, and a 1.5 metre height. So I could neither stand up - I’m 1.55 metres tall - nor lie down. There was a small lid in the ground which I had to use as a toilet.”¹⁷⁵ (2013, MPS *kyohwaso*)

“People attempting to run away were punished with longer sentences, deprived of breaks at work, and criticized during self-criticism sessions. They were also beaten by other detainees upon encouragement by the prison authorities.”¹⁷⁶ (2013, MPS *jipkyulso*)

“Here, too, there were episodes of violence against those workers who disobeyed.”¹⁷⁷ (2013, *rodongdanryonda*)

“If we fail to meet our quota, we were given less food or were verbally abused and in few cases beaten, if we were very behind our quota.”¹⁷⁸ (2013, MPS *kyohwaso*)

“Ms. *****, in her 20s, died in solitary confinement... After the passing of the Kim Jong Il, the detainees were asked to write essay about him. Ms. ***** did not sugar coat but wrote what she wanted. She stated that she wanted more food to eat. She was detained in solitary confinement for not being ideologically sane. After eight days she died.”¹⁷⁹ (2012, MPS *kyohwaso*)

“I did see detainees beaten. I saw beatings taking place with the handle of a shovel, on their waist and legs and other parts of their body. People would be beaten for not following work orders, or for not providing tobacco to the officers or camp manager after a family visit. Both the guidance officers and the camp manager would conduct the beatings. The guidance officers were local MPS officers, but they didn’t wear an MPS uniform at the camp; just plain clothes. The beatings took place both inside and outside of the labour training camp, at the locations where the people were working. I can’t even count how many beatings I saw, because there was at least one every day. After the beatings, people experienced nose bleeds, swollen arms, swollen legs, that sort of thing. If people had lasting injuries and were suffering, I didn’t know because they didn’t express their suffering... I was told by my guidance officer that I had to behave well by providing them with tobacco or a bribe. The manager of the camp also told us to bring in tobacco, but I was unable to. I was threatened by the manager and beaten while inside of the camp; he hit me on the head [breaks down crying and doesn’t want to talk about this incident further].”¹⁸⁰ (2013, *rodongdanryonda*)

“Inside the *kuryujang*, I was beaten and mistreated. Those with money are treated better in the *kuryujang*... The guard poured a bucket of water on me and on the other detainees inside the cell. We were all soaked and had to remain in the cell with wet clothes.”¹⁸¹ (2013, MPS *kuryujang*)

“From 8 p.m. to 10 p.m. we had to study. A lot of the inmates hadn’t even gone to school, so were not good at studying and couldn’t memorize rules and what kind of punishments would be imposed for certain crimes if someone asked them to come up with the answer. I managed to memorize rules; many older inmates found it hard to. Again, we were punished as a group. We were punished by having to stand up against the wall for two

¹⁷⁴ KOR/19/0010

¹⁷⁵ KOR/17/0123

¹⁷⁶ KOR/18/0058

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¹⁷⁹ KOR/19/0032

¹⁸⁰ KOR/19/0036

¹⁸¹ KOR/19/0044

hours.”¹⁸² (2012, *rodongdanryonda*)

“At the detention centre I had to sit tight from six in the morning until 10 at night. I was not allowed to make any move. One was punished for making a move. The punishment was to squats between 500 and 1,000 times.”¹⁸³ (2011, MSS *kuryujang*)

“We were not allowed to walk to the Investigators Office and instead had to crawl on our hands and knees. If we didn’t do as we were told we were beaten.”¹⁸⁴ (2011, MSS *kuryujang*)

“Being in a *kyohwaso* itself is a form of psychological torture even if you are not beaten.”¹⁸⁵ (2010, MPS *kuryujang*)

“The Director of the city-level MSS, a person from the province-level MSS, and a clerk came to arrest me at 2 a.m. They did not use any violence. I was interrogated until 4 a.m. and I was asked about the whereabouts of my husband. Once they found him, they beat him hard. He had marks on his face and he could not walk. I also saw a woman beaten severely at the *kuryujang*.”¹⁸⁶ (2009, MSS *kuryujang*)

XI. Forced labour

“I was made to carry out hard labour while at the *jipkyulso*. We were woken up, had breakfast, and then worked from 7 a.m. to 7 p.m. I was sent to the field to tie rice sheaves. On another day, I was sent to build a low concrete wall at a construction site in *****.”¹⁸⁷ (2017, MPS *jipkyulso*)

“In the short-term labour training camp, I cut trees in the winter season. I went to cut trees before noon. I either went again to cut trees, or chopped the trees in the afternoon. If it snowed, I also cleared it out.”¹⁸⁸ (2016, *rodongdanryonda*)

“Some inmates were required to work outside of the *kyohwaso* in farming, mining, collecting firewood, and collecting vegetables, and for every 10 inmates there had to be two soldiers to watch over them.”¹⁸⁹ (2016, MPS *kyohwaso*)

“I was forced to manually assemble metal hooks of necklaces. It was an assignment allocated to earn hard currency, as the order was placed by China. Given that detainees were considered criminals and without jobs, we were mobilized for the work. However, we were not paid. Instead, money earned from our work was spent on construction of the holding centre. The work was extremely challenging physically. I would like to erase the memory of working at the holding centre as I was shaken up badly with the experience. Relatively younger detainees were mobilized for assembling necklace hooks. The assignment per day was to produce 1 kg of such hooks, which was hardly achievable. Whether or not the assignment was completed was checked every morning at 7 a.m. Detainees who failed to complete the assignment were beaten. I did not sleep and worked because I

¹⁸² KOR/19/0043

¹⁸³ KOR/18/0081

¹⁸⁴ KOR/19/0042

¹⁸⁵ KOR/19/0032

¹⁸⁶ KOR/19/0015

¹⁸⁷ KOR/18/0053

¹⁸⁸ KOR/19/0003

¹⁸⁹ KOR/18/0078

did not want to be beaten. I did not lie down for sleep even. It was excruciating to a level that I even attempted to commit suicide. I was not properly fed, but forced to work. The work was done solely by my bare hands, and my hands were aching. I also became less efficient. One day I was too tired to continue. I told all my mates in the cell to take a nap. However, we ended up sleeping through that night only to wake up next morning. Those who checked on the assignment came in to weigh the hooks produced. They came with clubs. There was a head of the detainees in my cell. The head was asked, and answered... I was not allowed to talk back. I would be beaten either way for not talking back or talking back. I was slapped in my face. I was kicked. I was kicked all over my body for not standing up in the right away. All detainees in the cell were beaten that day. From the following day, I was unable to breath well. I shared my situation. My complaint was disregarded.”¹⁹⁰ (2014, MPS *jipkyulso*)

“During the daytime, we were mobilized from around 8 a.m. until after dark. We worked under surveillance of prison guards who carried guns. We did a wide range of work. I cut steel plates designed for doors for a joint Chinese-North Korean venture, and I ran errands for the staff. I was also mobilized for construction work, carrying cement for the construction of apartment buildings, and I was mobilized for harvesting crops in the autumn.”¹⁹¹ (2014, MPS *jipkyulso*)

“We carried out different work in the village... We were assigned a particular quota to fill. We had to work until the quota was completed, and in extreme cases it could mean that we had to work until 1 or 2 a.m.”¹⁹² (2014, *rodongdanryonda*e)

“The detainees were mobilized for a wide range of manual work, including construction.”¹⁹³ (2014, *rodongdanryonda*e)

“I was forced to work and to grow vegetables, and armed prison guards watched over us as we worked.”¹⁹⁴ (2014, MPS *kyohwaso*)

“Essentially, inmates at the camp were tasked with carrying out the hardest work required by the community in which the camp was located. I was assigned to do digging and construction. I worked with 50 or 60 other people from the ages 17 or 18 to 50. Some young 18 year olds had been sentenced to the labour camp for listening and dancing to music from South Korea recorded on a CD. Working hours were from 8:30 a.m. to 12 p.m. and from 1 p.m. to 5 p.m. or 6 p.m. Guards watched over us as we worked.”¹⁹⁵ (2014, *rodongdanryonda*e)

“Detainees are then put to work, making clothes for exports, from 5 a.m. to 10 p.m. Unless you could bribe a guard you had to work all those hours.”¹⁹⁶ (2013, MPS *kyohwaso*)

“After the interrogation I was assigned to do construction work. I had to carry sand around and do similar types of physically demanding labour. Sometimes we started working at 4 a.m. until 6.30 a.m. I washed myself and had breakfast and started working again from 8 a.m. to 12 p.m., when we had lunch. Then we restarted working at 1 p.m. and had dinner at 6 p.m. Sometimes we also worked after dinner... We were required to complete an excessive workload and our supervisor treated us like horses or cows. Armed guards watched over us as we worked.”¹⁹⁷ (2013, MPS *jipkyulso*)

¹⁹⁰ KOR/19/0004

¹⁹¹ KOR/18/0029

¹⁹² KOR/18/0029

¹⁹³ KOR/18/0035

¹⁹⁴ KOR/18/0060

¹⁹⁵ KOR/18/0075

¹⁹⁶ KOR/17/0123

¹⁹⁷ KOR/18/0058

“I was in charge of making handmade wigs. We had a break for lunch during the day. I worked until 6 or 7 p.m. from 7 a.m. If there was a high demand for wigs, we worked until 9-10 p.m.... If we fail to meet our quota, we were given less food or were verbally abused and in few cases beaten.”¹⁹⁸ (2013, MPS *kyohwaso*)

“The work in the camp included going to the house of the manager and doing his weeding and cultivating his farming land. We also had to do some work in the labour training camp itself, such as building a fence. The work I did also included cutting down trees. We were required to work from 8 a.m. to 8 p.m., with no break time and only 10 minutes for lunch... Next to camp, we sometimes worked up the mountain to collect stones. Rocks could roll down and hurt people at the bottom. I saw one of the labour camp’s inmates hurt on the legs, though I was unable to see whether they were sent somewhere for treatment.”¹⁹⁹ (2013, *rodongdanryonda*e)

“My job was to sew clothes for members of Korean People’s Army... I was told to make 15 pieces per day but, in reality, I could only make eight pieces. I had to sleep less to meet the quota. You are either punished or provided with less food if you do not fulfil the quota.”²⁰⁰ (2015, MPS *kyohwaso*)

“I was mobilized to work. I carried gravel and sand, and I cleared snow when needed... I worked every day from 6 a.m. to 10 p.m., and we had some 30 minute breaks.”²⁰¹ (2012, MPS *jipkyulso*)

“I was moved to the agricultural unit, where I was held in a cell with around 35 women. I was mobilized to carry out agricultural work. Every day, I was woken up at 5 a.m. There was a check of the cell at 5.30 a.m.; breakfast at 7 a.m., and then we worked from 7.30 a.m. to 11.30 a.m. We returned for a meal and worked again from 1.30 p.m. to 6.30 p.m.”²⁰² (2012, MPS *kyohwaso*)

“We had to wake up at 6 a.m., do two hours work until 8 a.m., have breakfast at 8 a.m., then from 8.30 a.m. until 12 p.m. work. At 12 p.m. we had lunch followed by a 30-minute break, then work from 1 p.m. until 5.30 p.m. or 6 p.m. We then had two hours for dinner and washing up. From 8 p.m. to 10 p.m. we had to study the 10 principles, different rules, and the corresponding legal punishment for different crimes. We were required to do tough work across the county; jobs that normal people would find hard to do. For example, if heavy rainfall caused a hillside to collapse with dirt across the road, it would be our job to put the earth back and build a wall with stones to secure it. If there was damage from a flood, we had to restore it. We went to the mountains to fell wood for construction work that the county was doing. We didn’t have machines to help; everything was done by hand. The women put rocks in sacks and dragged them along and men took the rocks out to build walls. There were not a lot of big accidents because people knew if they got hurt; they would receive poor treatment in the hospital and then have to return to complete their sentence... No protective gear or guidelines on safety are provided in the camp. You just have to do as you are told. If you are told to jump into frozen water, you have to do it. We were given quotas and targets. We have to meet these targets.”²⁰³ (2012, *rodongdanryonda*e)

“I was transferred to the ***** MPS *jipkyulso*, where I was held for five months. There, I was mobilized for labour to earn currency. The MPS received all the money I made. We earned foreign currency by doing beading on textiles that were then exported to China.”²⁰⁴ (2011, MPS *jipkyulso*)

“We... had to wake up at 6 or 6.30 a.m. and were sent to villages in ***** county to sing propaganda songs. During the day we were sent up into the mountain to cut down trees, and went to bed at 10 p.m. We had to work

¹⁹⁸ KOR/19/0032

¹⁹⁹ KOR/19/0036

²⁰⁰ KOR/19/0044

²⁰¹ KOR/18/0031

²⁰² KOR/18/0032

²⁰³ KOR/19/0043

²⁰⁴ KOR/18/0032

three-and-a-half hours before lunch, and three-and-a-half hours after lunch. The men were mobilized to cut down trees in the mountain, while the women had to pick blueberries and do weeding on the farmland. Some also ran house errands in the camp. When we worked outside of the camp, two guidance officers went out with 10 detainees to make sure we didn't escape. They were not armed. If working too slowly, we might be given an extended sentence in the camp."²⁰⁵ (2011, *rodongdanryonda*)

"At ***** *jipkyulso* MPS, I was required to perform hard labour. People were sent to mines to work, construction sites, farms, as well as down toilet ditches to dig out the waste."²⁰⁶ (2011, MPS *jipkyulso*)

XII. Body searches

"When we arrived in ***** MSS *kuryujang*, at first all our luggage was tagged and checked. Then four female officers arrived and they took us four by four into a separate room and conducted a one-on-one naked body search. We were a total of eight persons in the room, four prisoners and four guards. The prisoner had to strip completely naked. Initially the female officers asked us all if we were hiding anything in our cavities. We all said no. Then we had to squat 10 times so that they could make sure that we did not have anything in our cavities. However, one of the women I was with in the room had her period and she was embarrassed to show that, so she resisted. Then the officers became unhappy. They took her sanitary pad and checked it. Then they searched our cavities, even of the woman who had her period. They used fingers to do a search. They were wearing rubber gloves. After three days, more than 20 of us who were from ***** Province were sent to ***** MSS provincial *jipkyulso*. Our belongings were checked again, and we were sent to different cells, three for females and two for males. We were body searched again naked, and told to squat, but this time there was no invasive cavity search, just squatting."²⁰⁷ (2017)

"I was... searched by a female officer. Naked, I was told to do 50 squats, I think to check that I was not hiding anything in my vagina. I failed to complete the 50, and so was told to do another 100. I was then transferred to *****... I was subjected to another naked search by a female officer, again being told to do squats. I was then transferred to ***** and subjected to the same search by a female officer. And finally, I was transferred to the county level MSS and subjected to the same search, again by a female officer. This was all on the same day I was arrested."²⁰⁸ (2017)

"When we arrived at ***** MSS we were again told to strip. The MSS officers carried out a search for anything hidden on our bodies. This was not a medical check-up. The search was carried out by a female officer."²⁰⁹ (2017, MSS facility)

"We were subjected to body searches to see if we hid money anywhere on our persons. I was body searched in both China and North Korea and was stripped naked in both. I was taken with other women to a separate room to be searched by female MSS officers."²¹⁰ (2017, MSS *kuryujang*)

[Male] "When I was searched after being arrested, I was required to be naked, and the seams of my clothes

²⁰⁵ KOR/19/0037

²⁰⁶ KOR/19/0042

²⁰⁷ KOR/19/0014

²⁰⁸ KOR/18/0050

²⁰⁹ KOR/18/0053

²¹⁰ KOR/19/0002

were searched. There was no invasive body search.”²¹¹ (2017, MSS *kuryujang*)

“A male doctor arrived and told us to strip, and he checked for spots on our body. I don’t know what disease he was checking for. The check took place for all three of us at the same time, and in a small room off to the left side of the customs facility, but there was no door between the two rooms, and a male officer in the main room was watching the whole time.”²¹² (2017, customs house)

“Once in MSS custody, they took blood samples from us, they made us strip naked and a female guard searched us.”²¹³ (2017, MSS *jipkyulso*)

“This was a very hard place to be detained. When we were admitted, our bodies were searched again. This time the search was conducted by a female. It was not an MPS officer, but the woman who was in charge of cooking at the *jipkyulso*. They searched us in order to find money, and this search was invasive. They searched our body cavities. The different body searches took place every time we were transferred to a new facility.”²¹⁴ (2017, MPS *jipkyulso*)

“I was searched by two females in military uniform. I was ordered to take off my clothes and do 10 squats, and the seams of my clothes were also checked.”²¹⁵ (2016, MSS *kuryujang*)

“At the MSS *****, I was strip searched by two female officers. Our vagina and all the seams of clothes were searched. For the purpose of the search, I squatted up and down.”²¹⁶ (2016, MSS *kuryujang*)

“As soon as I arrived at the holding centre, I was forced to be naked. I was checked whether I was hiding money. A female detainee of a detention facility (*kuryujang*) came to check on me. All prison guards were male. They were waiting outside when the female detainee checked on me naked. There were no cases that a man body searched a woman. Women were always checked by women. A blood test was run to see whether one had contagious diseases.”²¹⁷ (2016, MSS *kuryujang*)

“When I was taken to the detention centre of the MPS at first, I was body searched in a naked condition. Such a search can be done by sometimes a man or at other times by a woman.”²¹⁸ (2015, MPS *kuryujang*)

“This time the body search was a total strip search carried out by a female MSS doctor. I was forced to get entirely naked in a separate room and the doctor used a metal implement to search inside my vagina to see if I was concealing any money inside. I felt humiliated and violated by this search.”²¹⁹ (2015, MSS *jipkyulso*)

“For the body search, a female military officer was in the room with us. We were naked regardless of whether one was on their period. I squatted a dozen times. There were women who hid money inside their vagina, or ate money to conceal it. If they did well the money stayed inside. There were cases that invasive manual checks took place where the person(s) who did it wore surgical gloves.”²²⁰ (2014, MSS *kuryujang*)

“At the MSS and MPS *kuryujangs*, I was subjected to a full body search. At the MSS *kuryujang*, I was told by

²¹¹ KOR/19/0050

²¹² KOR/18/0053

²¹³ KOR/19/0016

²¹⁴ KOR/18/0053

²¹⁵ KOR/18/0079

²¹⁶ KOR/19/0008

²¹⁷ KOR/18/0009

²¹⁸ KOR/19/0004

²¹⁹ KOR/19/0001

²²⁰ KOR/19/0004

the Officer to strip naked and do squats repeatedly to see if I was hiding anything. The same search happened at the MPS *kuryujang*.”²²¹ (2014, MSS & MPS *kuryujang*)

“Upon arrival, I was interrogated for two weeks at the local Ministry of State Security in *****... I had to take off my clothes and be fully naked. My body was searched to make sure no money was hidden... [A]t the time of the naked body search, women did the search.”²²² (2014, MSS *kuryujang*)

“They also made us strip and do 200 squats to ensure we were not hiding money.”²²³ (2014, MSS *kuryujang*)

“I was interrogated repeatedly by an army doctor... He also searched me inappropriately to see if I was hiding anything in my body, but I don’t want to talk about this.”²²⁴ (2013, MSS facility)

“At the local level MPS station where we were taken for interrogation, the officers would say we were hiding items, and they would make another woman take off our clothes to search us.”²²⁵ (2013, MPS *kuryujang*).

“Three female MSS officers made us strip and do 100 squats. They then checked all the seams of the clothes and made us do another 100 squats.”²²⁶ (2012, MSS *kuryujang*)

“An MPS prison guard stood on the other side of the bars watching, and asked me to take off my clothes and do squats.”²²⁷ (2012, MPS *jipkyulso*)

“I was initially body-searched. I was ordered to strip naked, and the officer checked all of my body and my clothes to see if I was carrying something threatening. They also checked whether I was carrying any phone numbers from China. The body search was carried out by two women.”²²⁸ (2012, MSS *kuryujang*)

“I went to a room at the guard post where a woman conducted a strip search to check if I had any money; she also made me do 20 squats to check I was not hiding anything in my vagina. She was a civilian who was just brought in to do the search because all of the Officers were men.”²²⁹ (2011, border guard post)

“[A] further two searches took place. For the first, a female MSS officer conducted the search in the same way [strip search, 20 squats]. For the second, I went through to another room where the Officer-in-Charge ordered the lady in charge of doing the cooking to search me again, which followed the same procedure as the first two searches.”²³⁰ (2011, MSS *jipkyulso*)

“MSS officers conducted a body search after I was handed over. There were four or five of us naked women who were searched at this time. We were searched by a female who wore plain clothes. I presumed she was an MSS officer. The search was invasive, and we were also told to sit and stretch out our legs. The female MSS officer conducted a manual cavity search using her fingers. I was not permitted to look, so I don’t know if she wore gloves, but it is possible that she did.”²³¹ (2010, MSS *kuryujang*)

²²¹ KOR/19/0051

²²² KOR/18/0035

²²³ KOR/18/0075

²²⁴ KOR/18/0058

²²⁵ KOR/19/0010

²²⁶ KOR/19/0030

²²⁷ KOR/18/0031

²²⁸ KOR/18/0031

²²⁹ KOR/18/0077

²³⁰ KOR/18/0077

²³¹ KOR/18/0027

XIII. Rape and sexual harassment

“Before the trial, a guidance officer of the Inspection Department of the MPS attempted to rape me. I resisted.”²³² (2015)

“I was interrogated repeatedly by an army doctor... He also searched me inappropriately to see if I was hiding anything in my body, but I don’t want to talk about this.”²³³ (2013, MSS facility)

“My family paid 700 yuan for a lenient report. The head of the Preliminary Investigation Office ***** also asked for a sexual favour with my sister and she abided with his request thinking that it would help me. She was not even in her 20s. However, despite paying a bribe and even after my sister had to face sexual abuse, it did not help my case.”²³⁴ (2013, MPS *kuryujang*)

“I saw him having sexual relations with her. I quickly left and I pretended I had not seen anything. I never mentioned it to the woman, and I never shared it with anyone else. The supervisor was the prison officer in charge of supervising Agricultural Unit *** and his first name was *****. Actually, he was notorious for the sexual abuse of female prisoners.”²³⁵ (2012, MPS *kyohwaso*)

“*****[a fellow inmate] was sleeping with both the Head and the Security Guard.”²³⁶ (2012, MPS *jipkyulso*)

XIV. Forced abortion

“I suffered no violence but the other woman had become pregnant in China so the guards knew that her baby had Chinese blood. This was an issue as the local laws prevented any North Korean woman from giving birth to a mixed race baby. The doctor in the MPS centre told her to get an abortion despite the fact that she wanted to keep the baby. She was eventually forced to have an abortion and sent to a *kyohwaso*... My MPS contact told me the decision to order the abortion and send her to a *kyohwaso* was made by the MPS in ***** county but didn’t know anything more. The law regarding forced abortion for foreign conceptions requires that the decision must be made after discussion with head of the County level MPS.”²³⁷ (2015, MPS *jipkyulso*)

“Another woman—whose name is *****—was eight-months pregnant. She, along with me and other women, was brought to a military hospital. She got an injection, which was supposed to kill the foetus for miscarriage. However the foetus did not come out; and so she went through an abortion operation I heard. After the abortion, she was promptly returned to the holding centre without medical treatment. No medicine or prescription was provided. She took rest for about five days in a cell, and then was mobilized for labour.”²³⁸ (2014, *jipkyulso*)

²³² KOR/19/0004

²³³ KOR/18/0058

²³⁴ KOR/19/0044

²³⁵ KOR/18/0032

²³⁶ KOR/18/0077

²³⁷ KOR/19/0001

²³⁸ KOR/18/0035

XV. Lack of health care

“If someone got sick, their family would bring them medicine and they were able to see a doctor.”²³⁹ (2017, MPS *kuryujang*)

“We... didn’t receive any medical check-ups.”²⁴⁰ (2016, MSS *kuryujang*)

“We were not provided any medicine or health care. I contracted ***** and asked for medicine to treat it, but I was not given anything.”²⁴¹ (2014, MPS *jipkyulso*)

“Those who were with tuberculosis were not separately detained. No matter how seriously a detainee became sick, medication was not provided.”²⁴² (2014, *rodongdanryonda*)

“Medical services were available for people who suffered severe conditions.”²⁴³ (2014, MPS *kyohwaso*)

“When she got sick, we sent her to the nurse’s room in the *kyohwaso* where there was an MPS nurse. The unit leader was allowed to visit the patient in the patients’ room. This room is just a cell where they put patients. It’s only different from our cell in that people can lie down either on the floor, or a raised platform serving as a bed for 10 people if they feel sick; it was less strict in this room. In the nurse’s room there were no medical facilities; just a bed and sterilising equipment from the 1970s, mainly injection needles and knives for surgery. There were no anaesthetics. When surgery had to be done, for example for a burst appendix, anaesthetics weren’t used. IV drips were only used if the visitors of inmates brought them to the *kyohwaso*. If inmates needed them but no visitor had brought them, the nurse improvised with sugar in a glass bottle with other stuff.

Medicine, food and soap were all brought in by visitors. The *kyohwaso* itself didn’t provide any medicine or soap. Even the sterilising solution and injection needles were brought in by visitors who then requested the doctor to use them on the patient. There was an army doctor assigned by the MPS and the rest were nurses chosen from the detainees who’d had some experience as civilians in nursing. The doctor was not full time at the *kyohwaso* but would commute in.

The patients themselves would tell their family visitors what was needed. The family had a hard time acquiring all the required medicines, due to the cost. They also had to give some money, 500-600 yuan to the *kyohwaso* doctor as a bribe. There were a lot of people in the *kyohwaso* who had money and would bribe the doctor so they could get sent to the patients’ room and just to lay around and not work.

The patients’ room consisted of one platform which 10 people could lie on top and 10 below. They were given blankets. There was also a separate intensive care room that could hold up to 10 people.”²⁴⁴ (2016, MPS *kyohwaso*)

“While in detention, I suffered from a skin disease for which I received no treatment.”²⁴⁵ (2013, *rodongdanryonda*)

²³⁹ KOR/18/0050

²⁴⁰ KOR/19/0010

²⁴¹ KOR/18/0029

²⁴² KOR/18/0035

²⁴³ KOR/18/0060

²⁴⁴ KOR/18/0078

²⁴⁵ KOR/19/0036

“I received no medical check-up.”²⁴⁶ (2011, MSS *jipkyulso*)

“If someone became malnourished, or was diagnosed with tuberculosis, they were sent to the infirmity unit. The only treatment they received was medicine provided once or twice a week, and this medicine had to be provided by someone on the outside anyway. Otherwise, no medicine was available.”²⁴⁷ (2008 to 2010, MPS *kyohwaso*)

XVI. Sentence to short-term labour camp without trial

“I was transferred to ***** MPS *kuryujang* for 10 days. During this period the decision was made to send me to a short-term labour training camp. There was an MPS officer in charge of my case, named *****. He said that if I paid 350 Chinese yuan, I could be released from the short-term labour camp after three months. The money was paid. But then he held back my documents so that I would pay more money. I was sentenced to six months in a short term labour camp as I did not pay more.”²⁴⁸ (2014, MPS *kuryujang*)

“I was sentenced to six months in a short-term labour training camp (*rodongdanryondae*) without a trial.”²⁴⁹ (2014, MPS *kuryujang*)

“After the conclusion of the investigation by the MPS, I was sentenced to serve time in a labour camp. I received no information about the legal process that I was subjected to, I did not have access to a lawyer and I never saw a judge.”²⁵⁰ (2014, MPS *kuryujang*)

“When I was arrested, I was not provided with access to a lawyer and did not appear before a judge.”²⁵¹ (2013, prior to being sent to a *rodongdanryondae*)

“I had no lawyer and there was no trial.”²⁵² (2013, prior to being sent to a *rodongdanryondae*)

“Once we arrived at the MSS building in *Taehongdan* County, we were interrogated for a week, and then sent to the local MPS, where... I were sentenced to serve six months in a short-term labour camp.”²⁵³ (2012, MPS station)

“I was arrested and questioned by an MPS inspection officer who wrote up a document. My sentence was in the document itself, which contained a sentence of six months in a labour camp (*rodongdanryondae*). The officer wrote in the document that I would be sentenced to a labour camp. This sentence then has to be approved by the head of the ***** County MPS. If the head thinks the sentence is too light, the inspection officer has to write up the document again with a new sentence.”²⁵⁴ (2012, MPS local level station waiting room)

“I was assigned to work at *****. I had to find food and water, but was in economic difficulties with no salary

²⁴⁶ KOR/18/0077

²⁴⁷ KOR/19/0034

²⁴⁸ KOR/18/0029

²⁴⁹ KOR/18/0035

²⁵⁰ KOR/18/0075

²⁵¹ KOR/19/0036

²⁵² KOR/19/0010

²⁵³ KOR/19/0030

²⁵⁴ KOR/19/0043

or compensation provided, so I decided not to go to the workplace. The head of the workplace told MPS and I was sent to a labour training camp (*rodongdanryonda*)... I was... detained at a *kuryuso* for three days. The MPS Guidance Officer in charge of my workplace interrogated me. The interrogation lasted for two hours. I then had to sign off on a piece of paper which said I would be sent to a short term labour training camp in ***** for two months.”²⁵⁵ (2011, MPS *kuryuso*)

XVII. Lack of due process and fair trial

“During the interrogation I had no access to a lawyer.”²⁵⁶ (2017, MSS *kuryujang*)

“While detained I did not see any lawyers and had no opportunity to talk to one. The MSS would confirm wrongdoing or not themselves and decided either to send people to the MPS if they found the prisoner went to China for money or would keep them at the MSS for further interrogation and eventually send them to a political prison camp (*kwanliso*) if they determined they were trying to get to South Korea. Anything related to South Korea is considered a political crime and could get people sent to political prison camps.”²⁵⁷ (2017, MSS *kuryujang*)

[Male] “Regarding access to a lawyer, there is no such thing at MSS detention centres. Defence lawyers exist, but only in formality and they don’t help the accused. There is a concept of human rights, but the legal system and lawyers do not exist for the ordinary people.”²⁵⁸ (2017, MSS *kuryujang*)

[Male] “Before being sent to the MPS *kyohwaso* on a labour training sentence I had a trial with a lawyer and judge. There were five people involved: the trial judge, prosecutor, defence lawyer, people’s assessor and someone else I’m not sure of. It was only a formality and nothing like you see on TV. I was sentenced to one-year of labour training in the *kyohwaso*... My trial lawyer didn’t provide a defence.”²⁵⁹ (2017, MPS *kuryujang*)

[Male] “When people are sent to a *kwanliso*, there is no trial and it’s not possible to know the fate of the person when they are sent there.”²⁶⁰

[Male] “I had no lawyer present at any point during my interrogation. I wasn’t taken before a judge at any point because I wasn’t put on trial.”²⁶¹ (2016, MSS *kuryujang*)

“The interrogations lasted one or two hours every day. I didn’t have access to a lawyer.”²⁶² (2015, MPS *kuryujang*)

“At the trial there was a Judge, a “People’s Court lay judge” on either side of him, a clerk, a lawyer and a prosecutor. It was difficult to distinguish between what the lawyer and the prosecutor were saying. They were both arguing that I should be sentenced to two years and six months.”²⁶³ (2015, MPS *kuryujang*)

²⁵⁵ KOR/19/0037

²⁵⁶ KOR/18/0050

²⁵⁷ KOR/19/0002

²⁵⁸ KOR/19/0050

²⁵⁹ KOR/19/0050

²⁶⁰ KOR/19/0050

²⁶¹ KOR/19/0049

²⁶² KOR/19/0011

²⁶³ KOR/19/0011

“There was a trial; but I did not consider it a trial. To me it felt more like a gathering of a neighbourhood watch unit... A defence lawyer is supposed to be on the side of an [alleged] criminal, but the lawyer criticized me.”²⁶⁴ (2015)

“I never saw a lawyer or was informed of any charges.”²⁶⁵ (2015, MSS *jipkyulso*)

“I was given a defence lawyer, but in DPRK the role played by a defence lawyer is very limited. I watched South Korean dramas where there were exchanges between the prosecutor and the defence lawyer, but that is not really how things work in North Korea. I had a chance to meet with the lawyer before the trial commenced. However, my impression was that the remarks made by the lawyer were without any significance... In North Korea the prosecutor plays a role, the defence lawyer does not.”²⁶⁶ (2014, MPS *kyohwaso*)

“For my trial in ***** 2014, there was a lawyer, prosecutor and a judge who told me my sentence. There were two people on either side of the judge (*inmin chamsimwon*) who asked questions about why I had gone to China after having grown up in North Korea and been given education opportunities. I was asked why I’d betrayed the country by leaving... The lawyer present didn’t defend me, but just talked about the system and the proper thoughts I should have in my head... The judge told me that I was convicted of betraying the State by crossing the border into China illegally.”²⁶⁷ (2014)

“During my detention I had no access to any legal advice nor was I informed of any legal recourse I had against my detention.”²⁶⁸ (2013, MPS *jipkyulso*)

“It was a very artificial tribunal. There were five persons facing me: a prosecutor, a judge, and three other members. The man who was supposed to be my lawyer did not say anything. The prosecutor pronounced my crime, then I was given a brief opportunity to speak. I said that I was loyal to the country and confessed that I committed a sin because I was too hungry, but that from then on I will do anything to show my loyalty to the country. As a result of that confession an initial sentence of three years of labour was reduced to two years and two months. I was sent to a *kyohwaso* in March 2013.”²⁶⁹

“At the Court, a lawyer was assigned to my case. He met me on the trial day only. He introduced himself as my lawyer. He was not defending the case. He did not ask me any questions or information. We did not discuss the case. I did not know that he was my lawyer. I met him for the first time at the Court.”²⁷⁰ (2013, MPS *kuryujang*)

“The judge asked me if I had anything to say... The lawyer who was supposed to defend me didn’t, but instead he told the judge that I was a lady who’d shamed North Korea and should be sent to a *kyohwaso*.”²⁷¹ (2012, MPS *kuryujang*)

“During my time here I didn’t see a judge or a lawyer.”²⁷² (2011, MSS *jipkyulso*)

“I was there for 20 days, with the investigation lasting for 10 days. I was not provided with any lawyer during this time.”²⁷³ (2011, MSS *kuryujang*)

²⁶⁴ KOR/19/0004

²⁶⁵ KOR/19/0001

²⁶⁶ KOR/18/0060

²⁶⁷ KOR/18/0078

²⁶⁸ KOR/18/0058

²⁶⁹ KOR/17/0123

²⁷⁰ KOR/19/0044

²⁷¹ KOR/18/0031

²⁷² KOR/18/0077

²⁷³ KOR/19/0042

“During this whole process I never saw any lawyer, but I doubt it would have made any difference even if I had.”²⁷⁴ (2009)

“My daughter in North Korea inquired several times about the whereabouts of my son with the ***** provincial MSS, but they did not give her any information. She knows who was the officer in charge for my son’s case. The MSS officer said he did not know what sentence my son had received or where he had been sent to. He did, however, confirm that my son was being detained.”²⁷⁵

XVIII. Payment of bribes and other corruption to avoid/lessen prison sentence, improve treatment/conditions

“The Officer who arrested me said he would let me go if I could pay him 2,000 Chinese yuan, but I didn’t have any money left on me to pay after the 20,000 Chinese yuan I’d had to pay to the broker.”²⁷⁶ (2017, DPRK Border Guards)

“If I hadn’t had the means to pay, I would no doubt have been sent to a political prison camp on account of me attempting to go to South Korea. The bribe was paid when the officer visited my family during my detention.”²⁷⁷ (2017, MPS *kuryujang*)

“I would have been sent to the MPS in my home county and to an ordinary prison, but because my uncle was an MPS officer he came and talked to the head of the facility and he gave some cigarettes, and then my friend and I were released.”²⁷⁸ (2017, MPS *jipkyulso*)

“There were seven cells in the holding centre. Since I had connection with party cadres in ***** , I did not have to go through violence... Both my family and the man’s family paid 1,500 Chinese yuan and 3,000 Chinese yuan in total to the party cadres. We were released on ***** on public education.”²⁷⁹ (2016, MSS *jipkyulso*)

“Although I was sentenced to 20 days in the short-term labour training camp, I was released only a week later. The second cousin once removed was out only a day later. The early release was thanks to a bribe. My father sent money and the bribe was paid via relatives.”²⁸⁰ (2016, *rodongdanryondae*)

“My husband paid the MSS officers 5,000 yuan. It was more expensive to get me released this time because what I did was considered an act of betrayal of the State. This was also the average price for people caught trying to escape. It’s a common practice to pay 5,000-10,000 yuan to get released. A person who is caught for using a mobile phone pays on average 3,000 yuan.”²⁸¹ (2016, MSS *kuryujang*)

[Male] “I was eventually released because I paid a bribe.”²⁸² (2016, MSS *kuryujang*)

²⁷⁴ KOR/19/0015

²⁷⁵ KOR/19/0030

²⁷⁶ KOR/18/0050

²⁷⁷ KOR/18/0050

²⁷⁸ KOR/18/0053

²⁷⁹ KOR/19/0008

²⁸⁰ KOR/19/0003

²⁸¹ KOR/18/0004

²⁸² KOR/19/0049

“In order to get food from my mother, prison officers with the rank of staff sergeant should be bribed with cigarettes and ruled notes. My mother bribed.”²⁸³ (2015, MPS *kuryujang*)

“It was MPS practice that I had to be interrogated by the MPS of my province and had to be picked up by them. While waiting in ***** province before the trip to ***** I bribed an MPS officer to release me on the way to ***** and he agreed.”²⁸⁴ (2015, MPS *jipkyulso*)

“Visits were allowed; but only when a bribe was paid.”²⁸⁵ (2014, *rodongdanryondae*)

“The treatment became humane from the fifth day because my family had bribed the officer.”²⁸⁶ (2014, MSS *jipkyulso*)

“I was supposed to then be transferred to the city-level detention facility of the MPS to be interrogated for three months, but my mother paid a bribe and I was sent to a labour training camp in ***** instead.”²⁸⁷ (2013, MPS *jipkyulso*)

“Visiting can also be costly because family members are asked to bring office items or are asked to buy those items in shops just outside the *kyohwaso*. The shops outside the *kyohwaso* are five to six times more expensive than normal shops. Families are asked to provide small tables, tobacco, paper, books, paint and other items that might be necessary for the prison and also available in the *kyohwaso* shops. If the families do not comply with the request, they could be denied the visit. Moreover, families also are afraid that their relatives inside the detention centre could be mistreated, if they do not comply with the authorities’ request.”²⁸⁸ (2013, MPS *kyohwaso*)

“I was told by my guidance officer that I had to behave well by providing them with tobacco or a bribe. The manager of the camp also told us to bring in tobacco, but I was unable to. I was threatened by the manager and beaten while inside of the camp; he hit me on the head [breaks down crying and doesn’t want to talk about this incident further].”²⁸⁹ (2013, *rodongdanryondae*)

“Working in the canteen was seen as a more comfortable position, so to secure this the detainee would need to provide a favour, such as providing food to the guidance officers that had previously been received from family visits.”²⁹⁰ (2013, *rodongdanryondae*)

“I was sentenced to five years’ imprisonment. However, my uncle paid a bribe, either to the preliminary investigation officer or the judge, and my sentence was lowered to three years’ imprisonment.”²⁹¹ (2012)

“They would give us three inmates proper meals, ones that civilians would have, every two or three days, and then order us to make calls [to China to get money transferred].”²⁹² (2012, MPS *jipkyulso*)

“After the first month when I was sent to different sites to perform hard labour, my family went to the head of the labour camp to bribe officials and I was subsequently transferred to work as the person who handed out the

²⁸³ KOR/19/0004

²⁸⁴ KOR/19/0001

²⁸⁵ KOR/18/0035

²⁸⁶ KOR/19/0046

²⁸⁷ KOR/18/0058

²⁸⁸ KOR/19/0032

²⁸⁹ KOR/19/0036

²⁹⁰ KOR/19/0036

²⁹¹ KOR/18/0032

²⁹² KOR/18/0031

food. If you're in charge of this you get to eat a bit more."²⁹³ (2012, *rodongdanryonda*)

"I travelled between China and North Korea many times. I was first caught in 2011. I was able to get away with it by paying money to the border security guards of the Tumen River."²⁹⁴ (2011)

"After 10 days in the labour camp I went back home, and then paid 100,000 NKW to the camp to be released for good."²⁹⁵ (2011, *rodongdanryonda*)

"I should have been sentenced to reform through labour, had my citizenship taken away and had my head shaven and been sentenced to a few years but ***** had some connections and bribed officials to secure my release."²⁹⁶ (2011, MPS station)

XIX. Recreation time/fresh air

"During the 18 days in detention I was allowed to leave the cell to get some sunlight in a small exercise area on only three occasions, and this was only because I had not had any sunlight in the 100 days in Chinese detention and consequently became pale-faced."²⁹⁷ (2017, MSS *kuryujang*)

[Male] "I never got any fresh air during my time here."²⁹⁸ (2017, MPS *kuryujang*)

"We got no access to fresh air."²⁹⁹ (2016, MSS *kuryujang*)

"We had no access to fresh air or daylight. I only saw daylight when I went to the hospital."³⁰⁰ (2015, MPS *kuryujang*)

XX. Absence of complaint mechanism

[Male] "[T]here was a case of a North Korean man taken by the MSS and beaten, causing significant injuries to his genitalia. His parents raised the issue with the MSS and the Officer who had carried out the beating was fired. However, there's a danger with complaining. Let's say I was beaten by an MPS officer in a *kuryujang* and raised it at the county level party committee. The MPS officer could be criticized, but instead of behaving better I would be tortured and beaten even more. Families of detainees can file complaints at the complaints division of the county level party committee, and complaints can also be made within the detention centre from time to time when prosecutors from the Prosecutor's Office visit and have discussions with detainees about whether they have suffered any human rights violations. However, if we share our experiences with them, we suffer

²⁹³ KOR/19/0043

²⁹⁴ KOR/18/0081

²⁹⁵ KOR/19/0037

²⁹⁶ KOR/19/0042

²⁹⁷ KOR/19/0002

²⁹⁸ KOR/18/0050

²⁹⁹ KOR/19/0010

³⁰⁰ KOR/19/0011

even more.”³⁰¹

“It wasn’t possible to launch complaints against the prison guards. If we did complain, then they would seek revenge.”³⁰² (2015, MPS *kuryujang*)

“They came with clubs. There was a head of the detainees in my cell. The head was asked, and answered... I was not allowed to talk back. I would be beaten either way for not talking back or talking back. I was slapped in my face. I was kicked. I was kicked all over my body for not standing up in the right away. All detainees in the cell were beaten that day. From the following day, I was unable to breath well. I shared my situation. My complaint was disregarded.”³⁰³ (2014, MPS *jipkyulso*)

“The person filed a complaint to the Pyongyang authorities that the detainees were beaten for nothing. An investigation was initiated by the Pyongyang authorities for violating human rights. However, we were unable to speak up... The head of the holding centre... told us that we should think hard who in the end would help us. It was meant to silence us. A person came from Pyongyang for inspection. The person from Pyongyang explained to us that we should be allowed to speak and share as we were not on trial and accordingly not criminals; and that was it. We detainees were unable to speak. The person who beat us—at the level of a platoon head—was hidden away by the head of the holding centre. Later the person who beat us returned to work. The head of the holding centre kept the platoon head arguing that the platoon head had contributed much. The platoon head was subject to disciplinary action, but maintained the status as a soldier. The person was withdrawn from the position of platoon head, and no longer in charge of us.”³⁰⁴ (2014, MPS *jipkyulso*)

[Male] “I didn’t complain about the beatings I suffered during my 10 days at the MSS ***** *kuryujang*, because there would be no benefit in doing so.”³⁰⁵ (2017, MSS *kuryujang*)

³⁰¹ KOR/19/0050

³⁰² KOR/19/0011

³⁰³ KOR/19/0004

³⁰⁴ KOR/19/0004

³⁰⁵ KOR/19/0050



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