

“THESE WOUNDS DO NOT HEAL”

Enforced disappearance and abductions
by the Democratic People’s Republic of Korea



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Photo: Kim Jeom-sun, 82, whose husband was abducted in 1972 by the Democratic People's Republic of Korea, sits as a picture of her and her husband hangs on a wall of her house in Busan. October 28, 2013. © REUTERS/Kim Hong-Ji

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I. Introduction

1. This report of the Office of the United Nations High Commissioner for Human Rights (OHCHR or the Office) highlights allegations of human rights violations that may constitute enforced disappearances committed in and by the Democratic People's Republic of Korea. This report is produced pursuant to the mandate of the High Commissioner, as provided by General Assembly resolution 48/141, and Human Rights Council resolution 25/25, establishing the OHCHR field-based structure in Seoul, Republic of Korea. Pursuant to the latter resolution, the field-based structure is mandated, *inter alia*, to strengthen monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea to ensure accountability, to enhance engagement and capacity building, and to maintain visibility of the situation of human rights in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives.
2. Allegations of enforced disappearance in and by the Democratic People's Republic of Korea, including through international abductions, are well-documented by United Nations human rights bodies. In 2014, the commission of inquiry on the situation of human rights in the Democratic People's Republic of Korea (COI) found that State-sponsored abductions and enforced disappearance of people from other nations were unique in their intensity, scale and nature.¹ The COI further concluded that the Democratic People's Republic of Korea was carrying out a systematic and widespread attack against populations that it considered to pose a threat to the political system and leadership of the Democratic People's Republic of Korea, especially inmates of political prison camps and persons who flee the country. In light of this systematic attack, the COI found that systematic abductions, denial of repatriation, and enforced disappearance of persons from other countries on a large scale as a matter of state policy constituted crimes against humanity.
3. This report examines the ongoing suffering of victims of enforced disappearance and abduction, including relatives of forcibly disappeared persons, as vividly illustrated in their own accounts to OHCHR, and reflects their perspectives on truth-seeking, justice mechanisms, and reparations. It also aims to highlight the social, economic, and cultural consequences of enforced disappearance, and their disparate impact on women and children.
4. The information presented in this report forms an integral part of the development by OHCHR of possible strategies for future accountability processes pursuant to Human Rights Council resolutions 34/24, 40/20, and 46/17.

¹ Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/63). See also Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/CRP.1) (Detailed COI Report).

II. Methodology

5. This report is based on various sources of information, including 80 in-depth interviews conducted by OHCHR from 2016 to 2022 with 38 male and 42 female victims of enforced disappearance, including relatives of forcibly disappeared persons, people from the Democratic People’s Republic of Korea who escaped the country, and nationals of other States who were abducted to the Democratic People’s Republic of Korea and eventually escaped. OHCHR has made efforts to gather and report information on a broad cross-section of victims and their experiences. However, these efforts are subject to difficulties obtaining interviews and the fact that many victims, including relatives of forcibly disappeared persons, have reached very advanced ages or passed away. Therefore, this report does not, and cannot, provide an exhaustive analysis of the full spectrum of violations that victims of enforced disappearance have suffered, nor can it fully reflect the opinions of all the victims.
6. Additionally, since the beginning of 2022, OHCHR has been carrying out a series of consultations with victims’ groups and civil society organizations (including some led by women) and has requested inputs for this report by means of a written questionnaire.² The consultations and questionnaire sought to seek views about the ongoing emotional, psychological, economic, social and cultural impact of enforced disappearances. It also aimed to gather information about stakeholders’ most urgent needs, their views on accountability, and challenges they faced in accessing legal accountability. OHCHR sent questionnaires to 19 victims’ groups and civil society organizations in Japan, the Republic of Korea, Romania and Thailand as well as to the Governments of Japan and the Republic of Korea. The Office also examined materials submitted by families and civil society organizations, and other publicly available information.
7. OHCHR conducted all interviews and consultations for this report in accordance with its standard practices and methodology, applying the “do no harm” principle and a “victim/survivor-centered approach” to monitoring and investigations. OHCHR employed gender-sensitive and age-appropriate approaches while conducting the interviews and ensured that the confidentiality of sources was maintained and all appropriate protection protocols were applied prior to, during, and after the interviews. OHCHR has obtained the informed consent of all interviewees quoted in this report to use their information in public reports.
8. The lack of access to the Democratic People’s Republic of Korea is a major impediment to the ability of OHCHR to corroborate information and testimonies received in relation to enforced disappearances and other human rights violations. However, OHCHR evaluated the reliability and credibility of the interviewees, the veracity of the information conveyed, and its coherence with information obtained from other sources.
9. OHCHR transmitted the report to the Government of the Democratic People’s Republic of Korea

² Human Rights Council resolution 46/17 requests the Office of the High Commissioner to organize a series of consultations and outreach activities with victims, affected communities and other relevant stakeholders with a view to including their views into avenues for accountability.

for factual comments prior to publication.³ It also transmitted relevant sections of the Report to the Governments of China, Japan and the Republic of Korea.⁴

³ The Government responded in the Note Verbale to OHCHR from the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office and other international organizations in Geneva, 6 February 2023.

⁴ The Governments responded in the Note Verbales to OHCHR from the Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other international organizations in Switzerland, 3 January 2023; the Permanent Mission of Japan to the United Nations Office and other international organizations in Geneva, 16 January 2023; the Permanent Mission of the Republic of Korea to the United Nations Office and other international organizations in Geneva, 16 January 2023.

III. Legal framework

10. The enforced disappearances documented in this report constitute a violation of the obligations of the Democratic People's Republic of Korea under international human rights law. The Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights (ICCPR).⁵ According to the Human Rights Committee, while the ICCPR does not explicitly use the term "enforced disappearance", it constitutes a unique and integrated series of acts and omissions representing a grave threat to life and a continuing violation of various rights recognized in the ICCPR. The deprivation of liberty, followed by a refusal to acknowledge that deprivation of liberty or by concealment of the fate of the disappeared person, in effect removes that person from the protection of the law and places his or her life at serious and constant risk, for which the State is accountable. Enforced disappearance thus results in a violation of ICCPR article 6 (right to life), article 7 (prohibition of torture or cruel, inhuman or degrading treatment or punishment), article 9 (liberty and security of person) and article 16 (right to recognition as a person before the law).⁶ The United Nations Working Group on Enforced or Involuntary Disappearances (WGEID)⁷ has noted that enforced disappearance occurs when persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of a Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law.⁸ The WGEID has also indicated that "enforced disappearance causes 'anguish and sorrow'... to the family, a suffering that reaches the threshold of torture", and that this torture is continuous upon the relatives.⁹ The latter raises a key point: that enforced disappearance is a "prototypical continuous act."¹⁰ In this sense, the crime of enforced disappearance continues "until the State acknowledges the detention or

⁵ The Democratic People's Republic of Korea acceded to the ICCPR on 14 September 1981. In August 1997, the Secretary-General of the United Nations received from the Government of the Democratic People's Republic of Korea a notification of withdrawal from the ICCPR. As the ICCPR does not contain a withdrawal provision, the Secretariat of the United Nations, following discussions with the Democratic People's Republic of Korea, forwarded an aide-mémoire with the legal position arising from this notification. As elaborated in the aide-mémoire, the Secretary-General was of the opinion that a withdrawal from the ICCPR "would not appear possible unless all States Parties to the Covenant agree with such a withdrawal."

⁶ Human Rights Committee, general comment No. 36, CCPR/C/GC/36, para. 58; CCPR/C/113/D/2000/2010, para. 11.3.

⁷ The Working Group on Enforced or Involuntary Disappearances is a panel of five independent experts mandated by the United Nations Human Rights Council to examine questions relevant to enforced or involuntary disappearances, including by assisting families in determining the fate or whereabouts of their family members who are reportedly disappeared. Because it was established prior to the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance in 2010, the Working Group continues to examine cases of disappearance which began before 2010 or in States that are not party to the Convention.

⁸ Declaration for the Protection of All Persons from Enforced Disappearances, adopted by General Assembly resolution 47/133 of 18 December 1992.

⁹ Report of the Working Group on Enforced or Involuntary Disappearances, general comment on the right to the truth in relation to enforced disappearances, para. 4, A/HRC/16/48, 26 January 2011.

¹⁰ Report of the Working Group on Enforced or Involuntary Disappearances, general comment on enforced disappearance as a continuous crime, para. 1, A/HRC/16/48, 26 January 2011.

releases information pertaining to the fate or whereabouts¹¹ of the disappeared person.

11. In accordance with their obligations under ICCPR, States must take adequate measures to prevent the enforced disappearance of individuals and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance.¹² The systematic practice of enforced disappearance constitutes a crime against humanity.¹³ Moreover, given the gravity of the crime, the prohibition of enforced disappearance of persons and the corresponding obligation to investigate and punish those responsible is considered to be a peremptory norm of international law.¹⁴
12. Applicable international humanitarian law, including the four Geneva Conventions of 1949 and other principles and customary rules, is relevant with respect to abductions of civilians during the Korean War and prisoners of war who were not repatriated after the war ended. At the end of the Korean War, neither the Democratic People's Republic of Korea nor the Republic of Korea had ratified the Geneva Conventions, although they had expressed their intention to respect the principles of the Conventions at the beginning of the war.
13. The Third and Fourth Geneva Conventions specify that grave breaches include acts committed against prisoners of war and civilians, respectively. With respect to civilians, the Fourth Geneva Convention adds as a grave breach "unlawful deportation or transfer or unlawful confinement of a protected person ... [and] taking of hostages."¹⁵ The Third Geneva Convention states that "[p]risoners of war shall be released and repatriated without delay after the cessation of active hostilities"¹⁶ and provides the details of how repatriation is to be carried out.¹⁷ The Third Geneva Convention requires parties to a conflict to share information about prisoners of war so that their Government and their families are aware of their status.¹⁸ The obligation in international humanitarian law to account for missing persons is a norm of customary international law.¹⁹

11 Ibid.

12 Human Rights Committee, general comment No. 36, CCPR/C/GC/36, para. 58

13 International Convention for the Protection of All Persons from Enforced Disappearance, entry into force 23 December 2010 (ICED), art. 5: "The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law". Rome Statute of the International Criminal Court, Article 7(1): "For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack"... Article 7(2)(i): "'Enforced disappearance of persons' means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time." The Republic of Korea and Japan acceded to the Rome Statute in November 2002 and July 2007 respectively.

14 See Inter-American Court of Human Rights, Case *Goiburú and others v. Paraguay*, 22 September 2006, para.84; ICED, art. 9; International Military Tribunal (Nuremberg), Judgment of 1 October 1946, The crime of enforced disappearance was recognized in the judgement of the International Military Tribunal at Nuremberg in 1946. The Tribunal ruled in its judgement, with reference to the *Nacht und Nebel* decree, that the secret detention of persons with the intent of creating terror among the population and the affected groups constituted both a crime against humanity and a war crime.

15 Geneva Convention IV, art. 147.

16 Geneva Convention III, art. 118.

17 Ibid., art. 119.

18 See *ibid.*, art. 121, regarding death; art. 122, regarding National Information Bureau; ICED, art. 24.3: "Each State Party shall take all appropriate measures to search for, locate and release disappeared persons and, in the event of death, to locate, respect and return their remains"; Guiding Principles for the Search for Disappeared Persons, CED/C/7, principle 2.4, "When necessary, and if family members so wish, States should cover the cost of transferring the body or remains to the place chosen by the family members for burial, even if the transfer is to or from another country."

19 Rules of International Humanitarian Law identified by the International Committee of the Red Cross as customary law, Rule 117, "Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate."

- 14.** International human rights instruments have recognized that victims of human rights violations have a right to remedy and redress. The ICCPR requires States to ensure that any person whose rights are violated has an effective remedy, even if the violation was committed by persons acting in their official capacity.²⁰ In addition, States must ensure that any person claiming such a remedy can have his or her claim determined by a competent court or other competent authority, and the authorities must enforce any remedies that are granted.²¹ Other human rights treaties have also specifically referred to the rights of victims.²²
- 15.** United Nations human rights mechanisms have held that the relatives of forcibly disappeared persons are victims of torture and therefore have the same rights as the forcibly disappeared persons.²³ Families of forcibly disappeared persons are also clearly victims under the International Convention for the Protection of All Persons from Enforced Disappearance (ICED), which states that “‘victim’ means the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.”²⁴
- 16.** The “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law” adopted by the United Nations General Assembly, represent a consensus on the rights of victims of gross violations of international human rights law and international humanitarian law.²⁵ The Basic Principles set out that all victims of gross violations of international human rights law and serious violations of international humanitarian law have the right to equal and effective access to justice, adequate, effective and prompt reparations and access to information concerning violations and reparations mechanisms.²⁶ Victims may have suffered “physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights.”²⁷ In addition to direct victims, their family members and dependents can also be victims, as well as persons who tried to intervene to help the victim.

Right to know

- 17.** The right to know the truth about gross violations of human rights and serious violations of

²⁰ ICCPR, art. 2(3)a.

²¹ *Ibid.*, art. 2(3)c.

²² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (Convention against Torture or CAT), entry into force 26 June 1987, art. 14: “[e]ach State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.” See also Universal Declaration of Human Rights, art. 8; International Convention on the Elimination of All Forms of Racial Discrimination, entry into force 21 December 1965, art. 6; and Convention on the Rights of the Child, entry into force 20 November 1989, art. 39. Relevant provisions of international humanitarian law include the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV), art. 3; the Protocol Additional to the Geneva Conventions of 12 August 1949, of and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, art. 91; and the Rome Statute of the International Criminal Court, arts. 68 and 75.

²³ CCPR/C/1113/D/2000/2010, para. 11.7; CCPR/C/119/D/2259/2013, para. 7.8.

²⁴ ICED, art. 24(1). Japan ratified the ICED on 23 July 2009. The Republic of Korea acceded to the ICED on 4 January 2023, and the Convention entered into force with respect to the Republic of Korea on 3 February 2023.

²⁵ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles), General Assembly resolution 60/147, 16 December 2005.

²⁶ *Ibid.*, art. 11.

²⁷ *Ibid.*, art. 8.

international humanitarian law is an inalienable right linked to the State's duty to protect human rights, conduct effective investigations, and guarantee effective remedies and reparation. This right is recognized under various provisions of international law.²⁸ This entails the right to know about the progress and results of an investigation, the fate of a forcibly disappeared person, the circumstances of the act of disappearance, and the identity of perpetrators.²⁹ States have an obligation to provide full access to information about the whereabouts of the forcibly disappeared person and the investigation procedure to any interested party, primarily to family and relatives.³⁰ With regard to States' obligations under article 6 of the ICCPR, the Human Rights Committee has noted that States parties need to take, among other things, appropriate measures to establish the truth relating to the events leading to the deprivation of life, including the reasons and legal basis for targeting certain individuals and the procedures employed by State forces before, during and after the time at which the deprivation occurred, and identify the bodies of individuals who have lost their lives.³¹ In cases of enforced disappearance, States should bring to justice the perpetrators of such acts and omissions and ensure that victims of enforced disappearance and their relatives are informed about the outcome of the investigation and are provided with full reparation.³² Likewise, the Working Group on Enforced or Involuntary Disappearances has made it clear that the obligation to investigate is closely linked to the continuing nature of the enforced disappearance and to the right of family members to the truth.³³

Access to justice

- 18.** Victims of human rights violations constituting enforced disappearance have the right to effective judicial remedies by competent courts without any form of discrimination. Effective remedies for such victims include a criminal investigation that brings to justice those responsible in proceedings observing fair trial and due process guarantees. A human rights violation must be investigated promptly, thoroughly, and impartially by the competent authorities, and appropriate action must be taken against those responsible. States should also disclose relevant details about the investigation to the victim's next of kin, allow the next of kin to present new evidence, afford the next of kin legal standing in the investigation, and make public information about the investigative steps taken and the findings, conclusions and recommendations emanating from the investigation, subject to absolutely necessary redactions justified by a compelling need to protect the public interest or the privacy and other legal rights of directly affected individuals. States must also take the necessary steps to protect witnesses, victims and their relatives and persons conducting the investigation from

²⁸ Additional Protocol I to the 1949 Geneva Conventions, art. 33. While Additional Protocol I applies to international armed conflicts, the International Committee of the Red Cross identified this right as customary law existing prior to the adoption of Additional Protocol I. This right includes the obligations to "take all feasible measures to account for persons reported missing as a result of armed conflict" and to "provide their family member with any information" [they] ha[ve] on their fate. In case of death, other rules of international humanitarian law require the recovery, identification and dignified management of remains. See ICED, art. 24(2); Principles for the protection and promotion of human rights through action to combat impunity [E/CN.4/2005/102/Add.1]; Working Group on Enforced or Involuntary Disappearances, general comment on the Right to the Truth in Relation to Enforced Disappearances; OHCHR, "Study on the right to the truth", E/CN.4/2006/91, 8 February 2006.

²⁹ E/CN.4/2006/91.

³⁰ Working Group on Enforced or Involuntary Disappearances, general comment on the right to the truth in relation to enforced disappearances, A/HRC/16/48, para. 39.

³¹ Human Rights Committee, general comment No. 36, CCPR/C/GC/36, para. 28.

³² *Ibid.*, para. 58.

³³ Report of the Working Group on Enforced or Involuntary Disappearances, general comment on enforced disappearance as a continuous crime, A/HRC/16/48, para. 39.

threats, attacks and any act of retaliation. An investigation into violations of the right to life should commence when appropriate on the initiative of the State.³⁴ Further, States should also ensure that the enforced disappearance of persons is punished with appropriate criminal sanctions, and introduce prompt and effective procedures for cases of disappearance to be investigated thoroughly by independent and impartial bodies that operate, as a rule, within the ordinary criminal justice system.³⁵

19. Given the limited prospect for judicial remedies in the Democratic People's Republic of Korea, the right to a judicial remedy is particularly important in other States, such as those where victims may reside. To ensure access to justice, States should disseminate relevant information about available remedies, take measures to protect victims and witnesses in accordance with international standards, allowing for effective participation within legal proceedings, and provide relevant assistance.
20. The Basic Principles state that statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law, such as enforced disappearance.³⁶ The ICED clarifies that States parties to that convention which apply a statute of limitations in respect of enforced disappearance should ensure that the term of limitation for enforced disappearance is of long duration and is proportionate to the "extreme seriousness of this offence,"³⁷ and that the term should commence "from the moment when the offence of enforced disappearance ceases, taking into account its continuous nature."³⁸ The Basic Principles reiterate that persons accused of human rights violations have the right to due process of law.

Reparations

21. Victims have the right to an "adequate, effective and prompt and appropriate reparation" for violations of their rights³⁹ that shall reflect the gravity of the harm suffered. Reparations can be individual or collective and can be made by States or responsible individuals. Reparations include material, financial and symbolic reparations such as apologies and recognition of the plights of victims through construction of memorials. The Basic Principles set out the actions States should take to help ensure reparations and establish the main forms of reparations: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.⁴⁰ Pursuant to article 2(3) of the ICCPR, States should make reparations to individuals whose rights under the ICCPR have been violated.⁴¹ The ICED, the Convention against Torture,⁴² and the Rome Statute establishing the International Criminal Court (ICC) also acknowledge reparations as entitlements of victims.⁴³

³⁴ Human Rights Committee, general comment No. 36, CCPR/C/GC/36, para. 28.

³⁵ *Ibid.*, para. 58.

³⁶ Basic Principles, art. 6.

³⁷ ICED, art. 8(1)(a).

³⁸ *Ibid.*, art. 8(1)(b).

³⁹ Basic Principles, art. 2(c).

⁴⁰ *Ibid.*, art. 18.

⁴¹ Human Rights Committee, general comment No. 31, CCPR/C/21/Rev.1/Add. 13, para. 16.

⁴² The Republic of Korea acceded to the Convention against Torture on 9 January 1995 and Japan acceded on 29 June 1999.

⁴³ ICED, art. 24(5); ICCPR, art. 9(5) and 14(6); CAT, art. 14(1); Rome Statute of the International Criminal Court, art. 75(1).

IV. Context

22. The information received by OHCHR indicates that enforced disappearance and abductions addressed in this report have two distinct patterns. The first category is enforced disappearance reportedly through the continued practice of arbitrary detention inside the Democratic People's Republic of Korea of its nationals, including following their forcible repatriation from neighbouring countries, and subsequent concealment of the fate and whereabouts of the forcibly disappeared person. The second category is the enforced disappearance of foreign nationals, mainly between 1950 and the mid-1980s. These include abductions of nationals of the Republic of Korea during and after the Korean War, non-repatriation of prisoners of war, and abductions of foreign nationals from Japan and other States. This report also addresses the "Paradise on Earth" campaign of the Government of the Democratic People's Republic of Korea from 1959 to 1984, which resulted in the movement of ethnic Koreans living in Japan (and some of their spouses who were Japanese nationals) to the Democratic People's Republic of Korea based on false promises of a better life.

A. Enforced disappearance in the Democratic People's Republic of Korea, including following repatriations

23. OHCHR remains deeply concerned about reports of an ongoing practice of arbitrary arrest and detention of nationals of the Democratic People's Republic of Korea which may constitute enforced disappearance.⁴⁴ Victims include persons accused of political crimes and held in political prison camps known as *kwanliso* as well as persons who attempt to leave the country and are forcibly repatriated and detained upon return. Such persons are reportedly subjected to unfair trials, incommunicado detention, and torture within political prison camps as well as the ordinary prison system. Some are reportedly summarily executed with no information provided to their families except that the person is dead. The families of the forcibly disappeared or of those that managed to escape are also themselves at risk of severe reprisals or enforced disappearance on the basis of guilt by association.⁴⁵

24. OHCHR continues to receive reliable information from former inmates about the ongoing existence of political prison camps. Some of these escapees requested anonymity due to fear of retaliation against their families who remain in the Democratic People's Republic of Korea. Some interviewees alleged that their relatives were arrested and imprisoned in political prison camps. Most interviewees indicated they were not notified of their relatives' detention, and that authorities refused to disclose the reasons for the detention and the fate or

⁴⁴ "I Still Feel The Pain": Human rights violations against women detained in the Democratic People's Republic of Korea, OHCHR, July 2020; Detailed COI Report, para.698; KOR/21/0039; KOR/21/0040; KOR/18/0033; KOR/21/0029; KOR/16/0082; KOR/16/0089. Citations beginning with "KOR/" indicate the filing system used for interviews conducted by OHCHR.

⁴⁵ Detailed COI Report, paras 745, 752-53, 1080.

whereabouts of the disappeared persons. One interviewee said that his family was informed that his wife and son were sent to different political prison camps but not told which camps. Other victims stated:

"My husband was repatriated in August 2000 ... The Government never officially informed my relatives that my husband was secretly executed. I learned about the secret execution a little over two years after it happened, and to my knowledge he was executed by the MSS [Ministry of State Security]." ⁴⁶

"I heard they [my wife and son] were sent separately to different political prison camps. My son, who was a minor back then, should have finished his prison term of four years, but I still have no idea about his whereabouts. That suggests either he [my son] is still in a political prison camp or died in detention." ⁴⁷

- 25.** Many interviewees said there was no means to receive information about their detained family members through official channels unless they paid bribes to the authorities. Ms. Lee HanByeol, an escapee, informed OHCHR that her brother Mr. Lee Se-il was arrested in China in 2009 and was repatriated to the Democratic People's Republic of Korea the same year. She said:

"After he crossed, he was arrested by the border security guard in China ... he was repatriated the next day. He was handed over to the MSS in Hyesan, Ryanggang Province. Later I heard that my brother was sent to ... suyongso, which was a kwanliso ... we tried to find out if he was dead or alive. His wife bribed an MSS person and heard that he was alive up until 2015, but we heard nothing after that." ⁴⁸

- 26.** Enforced disappearance also takes place in the ordinary prison system. Article 182 of the Democratic People's Republic of Korea Code of Criminal Procedure provides that the family of an arrested person must be notified of the reason for the arrest and the place of detention within 48 hours of the arrest. Several interviewees who had been detained in the ordinary prison system, or whose family members had been detained, maintained that this legal requirement was seldom observed. The refusal of authorities to disclose the fate and whereabouts of detainees or to acknowledge their detention, putting them outside the protection of the law, is a constitutive element of enforced disappearance.

B. Enforced disappearance and abductions of foreign nationals

Abductions during the Korean War

- 27.** During the Korean War, between 1950 and 1953, the armed forces of the Democratic People's Republic of Korea abducted and relocated civilians living in the Republic of Korea to the north (Korean War abductees). The abductees were mostly men, targeted for their skills and expertise which could be useful for the Democratic People's Republic of Korea. The number of civilians captured and forcibly taken from the Republic of Korea is not precisely

⁴⁶ KOR/21/0040

⁴⁷ KOR/16/0082

⁴⁸ KOR/21/0029

known but the estimate is approximately 100,000 people. According to the National Committee on Fact-Finding of Korean War Abductions and the Restoration of the Reputation of the Victims, approximately 95,456 nationals of the Republic of Korea were abducted during the Korean War.⁴⁹

- 28.** OHCHR met with close relatives of Korean War abductees. Most of them are of an advanced age but recalled vividly the disappearance of their fathers. Mr. Choi Kwang-Seok, at 89 years old, still clearly remembers the moment he saw his father Choi Jun for the last time. The father and son were detained together by forces of the Democratic People's Republic of Korea at the Dongdaemun Political Security Bureau in Seoul between 13 and 17 September 1950. Mr. Choi Kwang-Seok witnessed his father being subjected to torture.⁵⁰ Mr. Choi Kwang-Seok was released after five days of detention, but he was never able to find out what happened to his father. Mr. Choi Kwang-Seok told OHCHR:

*"I asked to see my father just once before I left, which was permitted. He was utterly worn out and was leaning [against something] because there wasn't enough space to lie down. This was the last time I said goodbye to my father. I said, 'Father, I'm going home,' at which he suddenly sat [or stood] up and said, 'Goodbye.' My grandmother was alive back then, and my father told me, 'Take care of your grandmother and mother and your four younger siblings, and have a good life.'"*⁵¹

- 29.** Due to the passage of time, it is assumed that Mr. Choi Jun and most Korean War abductees like him are no longer alive.

Non-repatriated prisoners of war

- 30.** At the end of the Korean War, tens of thousands of prisoners of war were held by the Democratic People's Republic of Korea or its allies.⁵² The Democratic People's Republic of Korea only returned 8,343 prisoners of war shortly after the armistice.⁵³ The Government of the Democratic People's Republic of Korea maintains that the issue of repatriating prisoners of war was settled at the time of the Armistice Agreement.⁵⁴ The COI estimated that at least 50,000 prisoners of war from the Republic of Korea had not been repatriated.⁵⁵ It is estimated that approximately 500 are still being held in the Democratic People's Republic of Korea.⁵⁶ Between 1994 and 2010, 80 former prisoners of war escaped the Democratic People's Republic of Korea and returned to the Republic of Korea. Six of these returnees

⁴⁹ Fact-finding Report on Abductions during the Korean War, 2017, p.110, https://www.abductions625.go.kr/resources/ad625/img/ebook/625_rpt_eng/index.html, The Committee was established by the Government of the Republic of Korea to investigate Korean War abductions and restore the reputations of abductees in accordance with the Act on Finding the Truth of the Damages from North Korea's Abduction during the Korean War and Restoring Honor of the Victims (2010).

⁵⁰ Mr. Choi Kwang-Seok said that on the night of 13 September 1950, North Korean forces took his father away from the cell.

⁵¹ KOR/21/0035

⁵² Detailed COI Report, para. 861.

⁵³ Republic of Korea Ministry of Unification, Unification White Paper, 2022, p.132.

⁵⁴ Detailed COI Report, para. 882; Republic of Korea Ministry of Unification, Unification White Paper, 2016, p. 127.

⁵⁵ Detailed COI Report, para 862.

⁵⁶ Ibid., para. 863, fn.1313. The estimate is as of 2010, according to the information provided by the Government of the Republic of Korea on 16 January 2023.

have passed away since 2021, leaving only 14 still alive.⁵⁷

- 31.** According to information received by OHCHR, prisoners of war were forced to work in coal mines in the northern parts of the Democratic People's Republic of Korea. They were subjected to discrimination and surveillance. Their children also faced discrimination in access to higher education and their sons were not allowed to serve in the military. Interviewees told OHCHR that daughters of prisoners of war could leave the mines if they married into another family, but sons had no options to move out. Ms. Son Myung Hwa, a daughter of a prisoner of war, remembers her father as a depressed person who was always drinking and crying alone. When she was a child, she did not know why he was always crying, but her father told her before he died that he was forcibly taken from the Republic of Korea. Other family members of prisoners of war shared similar stories. They told OHCHR:

*"Being children of prisoners of war, we were called 'puppet army bastards' or 'puppet army No. 43s.' We suffered mental blows just because we were the families of 'puppet army' soldiers. We grew up with the emotional and psychological shock and pain of being confined to a specific boundary and were always agonizing over how to break away from it."*⁵⁸

*"My father worked at a coal mine in the Democratic People's Republic of Korea, and due to the social 'guilt-by-association' policy, I had to work in a coal mine, too. That was the only life I knew growing up; I had no idea what the outside world was like."*⁵⁹

Abductions post-Korean war

- 32.** According to the Ministry of Unification of the Republic of Korea, a total of 3,835 people were abducted by the Democratic People's Republic of Korea shortly after the 1953 armistice (post-war abductees), of whom 3,310 were eventually returned.⁶⁰ The Government of the Republic of Korea officially recognizes 516 persons as post-war abductees. Since 2000, nine post-war abductees have escaped from the Democratic People's Republic of Korea and returned to the Republic of Korea. Most post-war abductees were fishermen captured by the Democratic People's Republic of Korea while fishing at sea. In 1969, an agent of the Democratic People's Republic of Korea hijacked a Korean Airlines aircraft from the Republic of Korea to the Democratic People's Republic of Korea. Among 46 passengers in the plane, 39 were released, but the Democratic People's Republic of Korea claimed that four crew members and seven passengers decided to remain in the country.⁶¹ In other incidents, five high school students were abducted from the seaside towns of Hongdo, South Jeolla province and Gunsan, North Jeolla province between 1977 and 1978. Thirty soldiers and police officers were abducted⁶² and twelve citizens of the Republic of Korea were abducted from other countries.⁶³ These abductions were mainly carried out between the mid-1950s

⁵⁷ Korea Institute for National Unification, White Paper on Human Rights in North Korea 2022 (Korean), pp.539-40.

⁵⁸ Consultation transcript with families of prisoners of war held on 6 September 2022. "No. 43" was a designation for families of prisoners of war. See Detailed COI Report, para 289.

⁵⁹ Consultation transcript with families of prisoners of war held on 6 September 2022.

⁶⁰ Republic of Korea Ministry of Unification, <https://reunion.unikorea.go.kr/>; Korea Institute for National Unification, White Paper on Human Rights in North Korea 2021, pp.618-19.

⁶¹ Korea Institute for National Unification, White Paper on Human Rights in North Korea 2021, p.625, fn.1228.

⁶² Republic of Korea Ministry of Unification, Unification White Paper, 2022, p.133.

⁶³ From Austria, China, Germany and Norway.

and 1970s but continued until 2016.⁶⁴

- 33.** Among post-war abductees, only a few were able to escape back to the Republic of Korea. Between 2000 and 2013, nine fishermen escaped the Democratic People's Republic of Korea and returned to the Republic of Korea. OHCHR interviewed five of them about the circumstances of their abductions and life in the Democratic People's Republic of Korea. They expressed emotional suffering, anger, loneliness, and helplessness after the traumatic abduction. While held in the Democratic People's Republic of Korea, they were not allowed to return home or communicate with their families in the Republic of Korea. Mr. Yun Neung San, a fisherman who was abducted to the Democratic People's Republic of Korea in 1968 and returned to the Republic of Korea 40 years later said:

*"When we were first abducted to North Korea, we all requested to be returned to South Korea. We even went on a hunger strike, but to no avail. It was impossible to describe my life being separated from my family. I did not eat and requested to be returned. However, I was not heard ... I thought to myself to take my own life several times."*⁶⁵

- 34.** Returnees said they had been trained on the official *Juche* ideology in the Democratic People's Republic of Korea, and some were even trained to become spies. Abductees were then relocated to different regions within the country and were under constant surveillance. They described living under inhumane conditions and being deprived of their freedom of movement. Their children were subjected to discrimination, including with respect to educational and work opportunities. At the same time, their families in the Republic of Korea were also under surveillance by their own Government.

*"North Korea took us not to make us work there, but to train us as spies and infiltrate South Korea. It was all planned at the order of Kim Il Sung. I also belonged to a liaison office. I was trained at Taedonggang 213 Training Station."*⁶⁶

*"I was tailed from the first day by the MSS, MPS,⁶⁷ the head of the Neighbourhood Watch Unit who was an avid supporter of the North Korean regime. I think our family was under surveillance 24/7. It was more excruciating to live under constant surveillance and control than living in hunger. This illustrates the human rights situation in North Korea. What I don't understand about North Korea is why the authorities took me and put me in suffering when I was not someone very special."*⁶⁸

- 35.** Returnees described some joyful reunifications with their families, but most continue to endure the agony of decades of separation. Mr. Yun Neung San, the fisherman, said:

"When I returned to South Korea, there was only my mother who was alive in my hometown ... She was already 100 years old when I came home. Two of my elder brothers had passed away ... My mother was not in good health. She had agonised for not being able to see her son for a long time. She could not hear or speak well. At first, she could not recognize me. It was only after about ten days that we spent time

⁶⁴ Detailed COI Report, paras. 884-906. The six nationals of the Republic of Korea have recently been detained or may have been forcibly disappeared in the Democratic People's Republic of Korea. See also Report of the United Nations Secretary-General on the situation of human rights in the DPRK to the General Assembly, A/70/393, para. 6.

⁶⁵ KOR/21/0033

⁶⁶ Ibid.

⁶⁷ MPS refers to the Ministry of People's Security.

⁶⁸ KOR/21/0033

*together at home; it seemed that she gradually recalled me.”*⁶⁹

36. In 2006, at the Republic of Korea-Democratic People’s Republic of Korea Red Cross meeting, both sides agreed to refer to the abductees and prisoners of war using the indirect term “people whose identities are not known during and after the war,” and agreed to work on verifying the fate of these persons along with the issue of separated families.⁷⁰ By 2018, the Government of the Republic of Korea requested life status verification of 400 abductees and prisoners of war on behalf of family members that had applied to attend separated family reunions.⁷¹ The Democratic People’s Republic of Korea confirmed the fate of only 133 people, and the remaining could not be verified.⁷² Since 2000, 60 families of abductees and prisoners of war participated in family reunion events and met their separated family members.⁷³ In some cases, the person who had remained in the Democratic People’s Republic of Korea had died, but their descendants met their relatives from the Republic of Korea for the first time.⁷⁴ The Government of the Republic of Korea has emphasized its commitment to resolve these issues and strengthen international solidarity to this end.⁷⁵

Abductions of Japanese nationals

37. Mainly in the 1970s and 1980s, a number of Japanese nationals were abducted by the Democratic People’s Republic of Korea. In 2002, Supreme Leader Kim Jong Il admitted to the abduction of 13 Japanese nationals when Japan’s then Prime Minister Koizumi Junichiro visited Pyongyang. The Democratic People’s Republic of Korea confirmed it would take appropriate measures and guarantee non-recurrence in a declaration that was signed by both parties and allowed five abductees to return to Japan.⁷⁶ The Democratic People’s Republic of Korea claimed that eight of the victims had died, but the Government of Japan did not consider the information received to be sufficient proof of this claim.⁷⁷ The Government of Japan officially identifies 17 Japanese nationals as abducted by the Democratic People’s Republic of Korea, including 4 Japanese nationals whom the Democratic People’s Republic of Korea denies entered its territory. Of these, 12 remain disappeared, except the five who were able to return. In addition, 871 cases of missing persons where the possibility of abduction by the Democratic People’s Republic of Korea cannot be ruled out are being

⁶⁹ Ibid.

⁷⁰ The Government of the Republic of Korea has raised the issues of prisoners of war and abductees on occasions of inter-Korean talks and Red Cross meetings from 2000. The Government of the Democratic People’s Republic of Korea confirmed the fate of one prisoner of war and two abductees for the first time in 2009. See Republic of Korea Ministry of Unification, Unification White Paper 2010, p.118-19; Republic of Korea Ministry of Unification, Efforts of the government, <https://reunion.unikorea.go.kr/abduct/html/effortRelations.html>

⁷¹ Information provided by the Republic of Korea Ministry of Unification on 20 October 2022.

⁷² Republic of Korea Ministry of Unification, Unification White Paper, 2019, p.224.

⁷³ Ibid.

⁷⁴ Information provided by the Republic of Korea Ministry of Unification on 20 October 2022.

⁷⁵ On 13 November 2022, Prime Minister Kishida Fumio of Japan, President Yoon Suk Yeol of the Republic of Korea, and President Joseph R. Biden, Jr. of the United States released the Phnom Penh Statement. The statement included reaffirmation of three leaders’ commitment to the immediate resolution of the abduction issue. <https://www.mofa.go.jp/files/100421322.pdf>

⁷⁶ Japan-DPRK Pyongyang Declaration, 17 September 2002, https://www.mofa.go.jp/region/asia-paci/n_korea/pmv0209/pyongyang.html

⁷⁷ The Headquarters for the Abduction Issue of the Government of Japan, Abductions of Japanese Citizens by North Korea Abductions of Japanese Citizens by North Korea For Their Immediate Return!, <http://www.rachi.go.jp/en/p-en2022.pdf>



Protest against abductions by the Democratic People's Republic of Korea, in Japan, June 2009
© EPA Yonhap News

investigated by the Government of Japan, as of January 1, 2023.⁷⁸

- 38.** The abductions of Japanese nationals are the only cases of enforced disappearance for which the Democratic People's Republic of Korea has officially admitted its responsibility and apologized. However, the Democratic People's Republic of Korea has not returned abductees beyond the five victims returned in 2002. Nor has it provided plausible information regarding the fate and whereabouts of the remaining victims. The Government of Japan continues to raise the abductions issue at multilateral and bilateral summit meetings with other States to seek support for the resolution of the abduction issue.⁷⁹ In the meantime, families of the abductees also continue their long-running efforts to raise awareness about their relatives' cases.
- 39.** Ms. Taguchi Yaeko was abducted to the Democratic People's Republic of Korea in 1978. The Democratic People's Republic of Korea claimed that Ms. Taguchi died at age of 30 but did not present any credible evidence of her death.⁸⁰ Mr. Iizuka Shigeo, a brother of Ms. Taguchi who passed away in 2021, informed the COI:

*"I really want to know the whereabouts of her and also whether she is healthy or she is sick. I really want to see her photos. I really wish to have her photo."*⁸¹

- 40.** Mr. Ishioka Toru was lured to the Democratic People's Republic of Korea from Europe in 1980. In 1983, Ms. Arimoto Keiko was also lured away from Europe, reportedly to be Mr. Ishioka's wife. In 2002, the Democratic People's Republic of Korea claimed Ms. Arimoto,

⁷⁸ Ibid., p.3. In addition, the Investigation Commission on Missing Japanese Probably Related to North Korea, a private citizens group, has information in relation to 470 cases of disappearance. Investigation Commission on Missing Japanese Probably Related to North Korea, <http://www.chosa-kai.jp>

⁷⁹ For example, on 23 May 2022, the families of persons abducted by the Democratic People's Republic of Korea attended a meeting with President Joseph R. Biden, Jr. of the United States, <https://www.rachi.go.jp/en/archives/2022/0523meeting.html>; On 27 May 2019, the families of persons abducted by the Democratic People's Republic of Korea attended a meeting with U.S. President Mr. Donald Trump https://www.mofa.go.jp/mofaj/na/na1/us/page4_005001.html, Information provided by the Government of Japan on 21 October 2022.

⁸⁰ Detailed COI Report, para. 936.

⁸¹ Commission of inquiry on the situation of human rights in the Democratic People's Republic of Korea, Public Hearings in Tokyo - morning session of 29 August 2013.

Mr. Ishioka, and their child had died without providing details.⁸² Ms. Arimoto Kayoko, the mother of Ms. Arimoto who passed away in 2020, told the COI:

“All the abductees should be returned by the Democratic People’s Republic of Korea. Not just the officially confirmed abductees, but also the missing persons who probably related to the North Korea abduction should be all returned.”⁸³

- 41.** OHCHR interviewed a former official of the Democratic People’s Republic of Korea who admitted his involvement in abductions. He confirmed that abductions of fishermen from Japan and the Republic of Korea were carried out by the Democratic People’s Republic of Korea from the early 1960s to the 1980s. Reportedly, several groups of soldiers from the Democratic People’s Republic of Korea were sent regularly on missions to carry out abductions. He told OHCHR:

“I was involved in an operation ... The location was near Aomori. Other colleagues went to Niigata. They did not go to the eastern side of Japan but stayed on the western side. Japanese fishermen were abducted from the areas near Hokkaido, such as Aomori and Niigata ... Fishermen are trained there for some years for ideological education, or other techniques to serve as spies.”⁸⁴

Abductions of other nationals

- 42.** Women nationals of China, France, Lebanon, Malaysia, Romania, Singapore and Thailand were also allegedly abducted by the Democratic People’s Republic of Korea. These include Ms. Anocha Panjoy from Thailand who was abducted from Macao, and Ms. Doina Bumbea of Romania who was reportedly lured from Italy to the Democratic People’s Republic of Korea. Both Ms. Panjoy and Ms. Bumbea were reportedly “given” as wives to deserters from the United States Army.⁸⁵ According to Mr. Charles Jenkins, a deserter from the United States Army who married a Japanese abduction victim in the Democratic People’s Republic of Korea, Ms. Soga Hitomi, and later returned to Japan, four Lebanese women were taken to the Democratic People’s Republic of Korea in 1978.⁸⁶ While two of them escaped, the other two were also “given” as wives.⁸⁷ Such abductions of women on the basis that they are women constitute acts of gender-based violence.
- 43.** The COI found it had reason to believe that the State Security Department (later known as the Ministry of State Security or MSS) of the Democratic People’s Republic of Korea abducted individuals from China from the 1990s to the time of the COI report in 2014.⁸⁸ Abductees included nationals of China and the Republic of Korea. Many of the abductees are believed to have held sensitive information about the Democratic People’s Republic of Korea, or were allegedly involved in helping citizens of the Democratic People’s Republic of Korea to escape

⁸² Detailed COI Report, paras. 953-956.

⁸³ Commission of inquiry on the situation of human rights in the Democratic People’s Republic of Korea, Public Hearings in Tokyo - morning session of 29 August 2013.

⁸⁴ KOR/00/0026

⁸⁵ Detailed COI Report, paras. 966 and 973.

⁸⁶ Ibid., paras. 963-75.

⁸⁷ Ibid., para. 1006.

⁸⁸ Ibid., paras. 976-982.

the country and/or flee to the Republic of Korea.⁸⁹

Enforced disappearances of ethnic Koreans and Japanese nationals related to the “Paradise on Earth” campaign

- 44.** Between 1959 and 1984, approximately 93,340 persons moved to the Democratic People’s Republic of Korea under the “Paradise on Earth” campaign.⁹⁰ Most of them were ethnic Koreans living in Japan, some of whom had Japanese spouses. Some were originally from areas that eventually became the Democratic People’s Republic of Korea in 1948, while others were from areas that became the Republic of Korea.⁹¹ The General Association of Korean Residents in Japan, *Chongryon* (also known as *Chosen Soren*), established by the Government of the Democratic People’s Republic of Korea,⁹² convinced Koreans to migrate based on promises of good living conditions and access to resources and opportunities. The Japanese Red Cross Society, the North Korean Red Cross, and the Government of the Democratic People’s Republic of Korea all played a role in organizing this mass migration.⁹³
- 45.** Victims interviewed by OHCHR stated that they were lured to relocate to the Democratic People’s Republic of Korea based on false promises. When they arrived, they realized they had been deceived and were shocked by the harsh reality of what would be their life in the Democratic People’s Republic of Korea. Victims were not allowed to return to Japan. They were subjected to surveillance and their communication was censored. The COI concluded that these persons may have potentially become victims of enforced disappearance.⁹⁴
- 46.** Among the victims of the Paradise on Earth campaign interviewed by OHCHR are Mr. Ishikawa Manabu and Mr. Lee Tae Kyung. They went to the Democratic People’s Republic of Korea at the ages of 14 and eight years old, respectively. They told OHCHR:

Mr. Ishikawa: “Chongryon told us we were returning to our ‘home country’ but when they talk about repatriation, I think the term is wrong because we were all deceived. It was on a par with forcibly taking us to the Democratic People’s Republic of Korea. It was one-way, with no option for return. They told us that we could come back every three years, but that never happened. There are people still being separated from their families.”⁹⁵

Mr. Lee: “After arriving in the Democratic People’s Republic of Korea, we were unable to express our desire to return to Japan ... My elder sister wrote a letter to her friend in Japan, saying, ‘Life is difficult here, don’t come’, but the letter was censored, and my father was summoned to receive education [kyoyang] as a result. These incidents taught

⁸⁹ Ibid.

⁹⁰ Ibid., para. 917. This number includes ethnic Koreans and 6,836 Japanese nationals who were married to Koreans or their children. Information provided by the Government of Japan on 7 March 2023.

⁹¹ Ibid. Researchers have estimated that a significant majority of ethnic Koreans living in Japan who moved to the Democratic People’s Republic of Korea were from below the 38th parallel.

⁹² According to the Republic of Korea’s National Institute for Unification Education, “the General Association of Korean Residents in Japan, formed in May 1955, is an organization composed of Koreans residing in Japan. It maintains a close relationship with the Democratic People’s Republic of Korea.” <https://www.uniedu.go.kr/uniedu/home/brd/bbsatcl/nknow/view.do?id=46315>

⁹³ Detailed COI Report, paras. 917-18.

⁹⁴ Ibid., paras. 1011-21.

⁹⁵ KOR/21/0010

*us that we should not engage in such behaviour in the Democratic People's Republic of Korea."*⁹⁶

- 47.** Victims interviewed by OHCHR stated that they suffered from harsh living conditions as most were designated as belonging to the "hostile" or "wavering" class under the *songbun* system, and subjected to discrimination.⁹⁷ Some were arbitrarily detained for criticizing the Government of the Democratic People's Republic of Korea and held at a *suyongso* political prison camp.⁹⁸
- 48.** Victims of the Paradise on Earth campaign interviewed by OHCHR argued that they have been neglected by the Republic of Korea and Japan, and are not being treated with the same attention as victims of abduction because they "voluntarily" returned, even though they had been deceived and were not allowed to return to Japan. One victim said:

*"We were deceived by propaganda. Deceived by catchphrases such as 'paradise on earth,' 'free education,' and 'free medical treatment' ... The Universal Declaration of Human Rights states that 'everyone has the right to leave any country, including his own, and to return to his country.'"*⁹⁹

⁹⁶ KOR/22/0001

⁹⁷ Detailed COI Report, para. 117 "[*Songbun*] is a system through which the state categorizes citizens of the DPRK into classes based on their perceived political allegiance to the regime, ascertained by reference to family background and particular actions taken by family members. Based on this assessment, citizens fall into three broad classes: core, wavering and hostile."

⁹⁸ KOR/16/0042

⁹⁹ KOR/22/0001

“After our two
brothers disappeared,
mother’s favourite song
became the song
with the lyrics,
‘Is this a prison
without bars,
there is no way for us
to meet.’
This was the only song
she sang.”

-Ms. Heo Gum Ja, sister of post-war abductees Mr. Heo Yong Ho and Mr. Heo Jeong Su.

V. Impact of enforced disappearance on victims

49. This part of the report examines the economic, social, and psychological hardship experienced by victims of enforced disappearance, including relatives of forcibly disappeared persons, and addresses the differential impact of enforced disappearance on men and boys and women and girls.

A. Psychological harm and emotional suffering

50. Persons of enforced disappearance and their families can suffer serious mental and physical harm. Long-lasting suffering affects their well-being, which may require psychological or medical care. One victim explained the impact of the enforced disappearance of his father:

“My life was completely turned over after my father was abducted. Our household was ruined, it was hard to come to my senses, and my life was turned upside down.”¹⁰⁰

51. Many relatives of forcibly disappeared persons interviewed by OHCHR described feelings of shock, fear, anger, and helplessness after the disappearance of their loved ones. The severe emotional trauma and distress has caused a range of physical and mental health conditions, including anxiety, loss of appetite, suicidal thoughts, and insomnia. Some families said these symptoms had continued for years and will remain for a lifetime. Numerous family members, including parents of the forcibly disappeared, have died without ever knowing the fate or whereabouts of their loved ones. Families of forcibly disappeared persons told OHCHR:

“When my brother was abducted, our mother was shocked and cried a lot, and our father lost his mind. He cried every day and drank [alcohol]. He lost his mind because of what happened to his child ... He stopped eating and just drank [alcohol]... He wanted to see his son before he died but his wish was not fulfilled.”¹⁰¹

“It is difficult to talk about my brothers, because it feels like I am pulling my skin out. You’d think I could forget, but every time the incident is mentioned, tears well up and my heart aches. My parents were in deep pain because we lost two of our brothers all at once. Growing up, we watched our parents suffer, so our hearts break when we think of them. It must have been so difficult for them, having lost their children. They say you bury your children in your heart. My parents had to lose two of their children, and they were in terrible physical condition because they suffered so much pain.”¹⁰²

¹⁰⁰ KOR/22/0002

¹⁰¹ KOR/21/0050

¹⁰² KOR/22/0026

- 52.** The WGEID explained that the State's obligation to provide redress and adequate compensation to victims of enforced disappearance and their families is not exclusively monetary, "but includes, inter alia, medical and psychological care and rehabilitation for any form of physical and mental damage. States are obligated to care for these needs."¹⁰³ Victims told OHCHR:

*"Ever since, my husband has continued to appear in my dreams ... I have not been in good health since he showed up in my dreams ... I have felt a heaviness in my chest and have had headaches on various sides ever since he showed up in my dreams ... The doctors say I do not have any particular illness, so I don't understand why I am sick all the time ... I have never received any support for my medical fees [from the Republic of Korea]."*¹⁰⁴

*"A long time has passed, but I would still like the Government [of the Republic of Korea] to provide us with ample assistance. I would like the Government to at least help us with our medical bills and provide us with financial assistance so we can sustain a living."*¹⁰⁵

- 53.** The enforced disappearance of a parent violates the rights of the child enshrined in the Convention on the Rights of the Child (CRC).¹⁰⁶ The Democratic People's Republic of Korea signed and ratified the CRC in 1990. OHCHR met victims who were children when their parents were forcibly disappeared. Many of these victims told OHCHR that they missed their abducted parent(s) and experienced acute suffering:

*"After my father was abducted, I became ill and was unable to manage even one meal a day. I was nauseated by the smell of food and gave up eating altogether. I couldn't eat pears, or bread, because of the smell. From when my father was abducted until I was in the sixth grade, I found it hard to eat one meal a day."*¹⁰⁷

*"Because my father disappeared suddenly, I went through a difficult time and strayed a bit... I studied hard and struggled a great deal. I cannot really put into words how difficult it was for me. I received no support at all. There is no other way to put it than that I managed to get by thanks to God's grace, and God became my father."*¹⁰⁸

- 54.** Escapees described experiencing "survivor's guilt" regarding their lives in the Republic of Korea as compared to their disappeared family members. Two interviewees who had lost contact with their family members after they were forcibly repatriated from China and believed to be taken to a political prison camp told OHCHR:

"My son who has gone missing ... I cannot stop thinking about him. It goes without saying that I think of him every day. I thought if I kept myself busy running a restaurant, I would think of him less. It turns out, however, it is not the case. When I see the leftover

¹⁰³ A/HRC/22/45, para. 53. Article 19 of the Declaration on the Protection of all Persons from Enforced Disappearance also provides that both the disappeared persons and their families shall obtain as complete rehabilitation as possible.

¹⁰⁴ KOR/21/0045

¹⁰⁵ Consultation transcript with families of post-war abduction victims, held on 18 August 2022.

¹⁰⁶ Convention on the Rights of the Child, entry into force 2 September 1990 (CRC). See, for example, art. 8 on the right to preserve family relations without unlawful interference, art. 9 on the right to not be separated from parents against the child's will, and art. 10 on the obligation of States to deal with requests for family reunification expeditiously.

¹⁰⁷ KOR/22/0002

¹⁰⁸ KOR/21/0055

*food being discarded, I think of him. How hungry he would be. How much suffering he experiences. How badly he is treated as he lives a life lesser than animals. As a mother, I am suffering [the pain of my son] at every moment of my life.”*¹⁰⁹

*“I suffered emotionally; I couldn’t sleep. When I think of him, I cry out loud. The better my life becomes here in the Republic of Korea, the more painful it is when I think about my brother.”*¹¹⁰

- 55.** International law recognizes the need of families of forcibly disappeared persons for psychosocial support, as well as the obligation for the competent authorities to support the search for the disappeared person.¹¹¹ A number of families reported to OHCHR that either no such services were available, or they did not know how to access them, leaving them feeling marginalized and ignored for many years.

*“When I heard nothing from my husband, it felt like a large rock was sitting inside the walls, blocking me. It felt like that for over six months; like a large rock was sitting in the master room. I managed to pick myself up after about eight months.”*¹¹²

*“My son has no memory of his father. He was young when my husband was abducted by the DPRK; he cannot remember his father from the few months after he was born. When my son was young, he asked me, ‘Other families have fathers; why isn’t father coming home?’ I told him his father had gone to earn money and was expected to return rich. Sometimes he would say, ‘Other families have fathers who earn money and bring home tasty food. Why isn’t father returning?’ I would tear up when he said that. My son learned about his father’s abduction when he was older, and no longer asked for his father since then.”*¹¹³

*“I cried so much for ten years, but now my tears have dried up.”*¹¹⁴

*“Her [my mother’s] yearning for her son was indescribable, and she expressed it a great deal.”*¹¹⁵

¹⁰⁹ KOR/18/0033

¹¹⁰ KOR/21/0029

¹¹¹ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, principle. 6(d) and 14, “Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation”, “Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means”; Guiding Principles for the Search for Disappeared Persons, principle. 6.1, “As soon as the competent authorities become aware, by any means, or have indications that a person has been subjected to disappearance, they should begin the search immediately and expeditiously ...”; Declaration on the Protection of All Persons from Enforced Disappearance, arts. 13.1 and 19, “Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation”, “The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependents shall also be entitled to compensation.”; ICED, art. 24(2), “Each victim has the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person. Each State Party shall take appropriate measures in this regard.”

¹¹² KOR/22/0024

¹¹³ KOR/21/0047

¹¹⁴ KOR/21/0040

¹¹⁵ Consultation transcript with families of post-war abduction victims held on 18 August 2022.

*"After my father was abducted, forcefully detained in the DPRK for absolutely no reason, and we were unable to confirm his fate, my previously happy family collapsed. The aftermath of our trauma swallowed up any hope we had for the future. My old grandmother, who had lost her son, did not close her eyes when she passed away because she missed her son and wished to see him one last time. My mother, who had lost a husband, became mentally ill and obsessed with the fear that all the misfortune in the world was going to happen to her. The children were left to grow up in these circumstances, and since then suffered from anxiety and psychological and material pain."*¹¹⁶

*"My mother-in-law suffered a great deal because of my husband. It must have been difficult for her, waiting for her son every day. Sometimes she suggested we go outside because she thought her son was coming home."*¹¹⁷

*"From the 1950s to this day, abductions by the DPRK have occurred and continued with no clue as to the reason for the abductions or the whereabouts of the abductees. This has created pain beyond words for all victims' families for decades, both emotionally and psychologically."*¹¹⁸

B. Impact on economic, social, and cultural rights

- 56.** Enforced disappearance also has a negative impact on the enjoyment of economic, social, and cultural rights of the families of the forcibly disappeared.¹¹⁹ In the Korean context, most forcibly disappeared persons are men.¹²⁰ Without the support of the traditional main income earner in the family, women have had to shoulder the entire burden of family life themselves, at a time when they were under surveillance and treated with great suspicion.¹²¹ Victims told OHCHR about the particular burden on women in these situations:

*"After my husband's abduction, we did not have enough money to feed ourselves. My children were young, and we starved because there was no opportunity for a woman to earn a living ... We could not afford to eat white rice; we used to boil yellow millet and drink that instead."*¹²²

*"My mother struggled after my father was abducted because he was the foundation of the household ... My mother suffered hardships, earning a living by needlework."*¹²³

- 57.** Enforced disappearance also has a severe negative impact on children.¹²⁴ Poverty and

¹¹⁶ Victims' groups and civil society organizations' replies to the OHCHR questionnaire.

¹¹⁷ KOR/21/0047

¹¹⁸ Victims' groups and civil society organizations' replies to the OHCHR questionnaire.

¹¹⁹ Report of the Working Group on Enforced or Involuntary Disappearances, study on enforced or involuntary disappearances and economic, social and cultural rights, A/HRC/30/38/Add.5.

¹²⁰ Detailed COI Report, para. 1004.

¹²¹ Ibid.

¹²² KOR/21/0045

¹²³ KOR/21/0036

¹²⁴ General comment on women affected by enforced disappearances, A/HRC/WGEID/98/2; General comment on children and enforced disappearances, A/HRC/WGEID/98/1/Corr.1.

discrimination experienced by victims' families jeopardise their well-being and education. Girls, particularly elder daughters, experienced greater pressure to give up their education and work to support the family. Interviewees told OHCHR:

*"I was the eldest daughter and was the head of the household since I was 15 years old. I quit school and became the breadwinner. I have two siblings; one younger brother and a younger sister."*¹²⁵

*"After my father's abduction, my siblings scattered here and there because we needed to make a living. None of my younger siblings finished school. I quit school after the fourth year of elementary school. The school provided meals of corn soup when my youngest brother was a student, so he managed to graduate elementary school."*¹²⁶

- 58.** Families of those forcibly disappeared by the Democratic People's Republic of Korea also experienced discrimination in the Republic of Korea. These family members told OHCHR that they were ostracized and stigmatized in the society of the Republic of Korea due to the suspicion that their family members had voluntarily gone to the Democratic People's Republic of Korea. Victims told OHCHR:

*"My children did not get jobs at respectable companies. They were unable to [get decent jobs] because of the background checks ... I tried getting a job at a restaurant, but they wouldn't hire me, saying I was the wife of a spy."*¹²⁷

*"[W]e suffered disadvantages through guilt by association and couldn't even get a proper job. My younger brother was unable to work on a boat headed overseas ... I was a public servant but had to quit because of the guilt-by-association system."*¹²⁸

Relatives living in the Republic of Korea

*"I had an extremely hard time when my husband was abducted, but after that, I became worried about my livelihood. All I could think about was how to put food on the table for my children and myself. My son was eight years old, in elementary school, and my daughter was 12 years old and attending middle school."*¹²⁹

*"My father's abduction meant we had lost the head of the household, so my grandfather and mother made a living by farming. My mother had the skills to make hanbok [traditional Korean clothes]; she farmed during the day and made hanbok at night. She bought and cut out fabric to repair hanbok, and also knitted to make a living."*¹³⁰

*"The rest of us suffered severely in terms of education and basic necessities, as the mainstay of the family had disappeared. Our parents suffered tremendously, which in turn was painful for us children, too. My mother said she was so deep in shock at the time that she didn't even shed any tears."*¹³¹

¹²⁵ KOR/22/0025

¹²⁶ KOR/21/0049

¹²⁷ KOR/21/0048

¹²⁸ KOR/21/0050

¹²⁹ KOR/22/0024

¹³⁰ KOR/22/0002

¹³¹ Consultation transcript with families of post-war abduction victims held on 18 August 2022.

“My mother was still young at the time, but she took on any work available to support us by herself in the absence of my father. Once she even stole some junk and sold it to a junkyard in exchange for one serving of noodles, which my family – the five of us – shared all day for our three meals. We lived off one sack of Mugunghwa flour provided by the Government. There was so little to eat. We lived in a room in Sokcho that cost 3000 Korean won per month. My siblings and I were unable to graduate from elementary school because we were so poor. In Seoul, I made a living working as a jajangmyeon [black bean noodles] delivery man, because the job came with meals and accommodation. I used to be ashamed of this, but not anymore.”¹³²

“After my father was abducted, our family had nothing to eat so my brothers and sisters sold tobacco, twisted doughnuts and ice cream, while my mother sold fruits and fish. All my siblings made money in this manner, running around on foot. I have experience selling newspapers and peanuts, shining shoes, and washing cars.”¹³³

“My younger siblings were selling gum and lighters at the bus terminal.”¹³⁴

“I was abducted by the DPRK just eight months after I had my son. My wife had to raise our son and three daughters by herself in the ROK. She undertook any work available, from pulling a handcart to selling fish. My family suffered a great deal of harm.”¹³⁵

“After my abduction, my family in the ROK struggled a great deal financially. My son refuses to eat noodles, even to this day. My wife took on every job available in the ROK, going door-to-door to sell the fish she carried around on her head, selling coal briquettes, making bricks at a brick factory, and so on. They had noodles all the time, which is why my son refuses to eat them anymore. Because the family struggled financially, the children only managed to finish high school and were unable to attend college.”¹³⁶

“My daughter could not attend school because we had no money after my husband was abducted by the North.”¹³⁷

“After that I passed the high school entrance exam but gave up on entering high school and worked instead, because my family was struggling financially. My mother sold bean sprouts at the market. She would earn 3000 Korean won after a full day of work. There is not a single job I haven’t tried. I did ice deliveries, and gas deliveries on a motorcycle, among others.”¹³⁸

Relatives formerly living in the Democratic People’s Republic of Korea

“We did not know what it meant to lead a humane life. Growing up, we had no voice in the activities of the Party or other organizations, and were restricted from expressing our views,

¹³² Ibid.

¹³³ KOR/21/0038

¹³⁴ KOR/21/0035

¹³⁵ Consultation transcript with families of post-war abduction victims held on 18 August 2022.

¹³⁶ KOR/22/0023

¹³⁷ KOR/21/0048

¹³⁸ Consultation transcript with families of post-war abduction victims held on 18 August 2022.

because father had served in the 'puppet army.'" ¹³⁹

"The psychological and physical pain I suffered in the DPRK is indescribable. Men had no freedom to choose their occupation when they graduated. They had no choice but to join their fathers in the tunnels [coal mines]. My father worked in a tunnel [coal mine] for 42 years without ever seeing any sunlight." ¹⁴⁰

"After graduating, I was unable to attend college or choose a job of my preference because I had a South Korean background. I ended up joining my father in the coal mines because I wasn't given any other choice. The daughters could escape the coal mines once they married into another family, but the sons had no way out." ¹⁴¹

"I worked with my father in the Hakpo Coal Mine in Hoeryong County, North Hamgyong Province. He worked in the coal mine for 42 years, while I worked there for 32 years after graduating at 17." ¹⁴²

C. Obstacles faced by relatives in the search of forcibly disappeared persons and in obtaining reparations

- 59.** In the Democratic People's Republic of Korea, searching for a disappeared person is reportedly dangerous because family members could be subjected to intimidation, reprisals, and disappearance due to their association with the disappeared person. Interviewees informed OHCHR that the wives of disappeared men are reportedly forced to divorce their husbands or risk being punished under "guilt by association."

"If they broke the law, the punishment would affect the entire family. For example, the child of a certain family would get caught watching an illegal movie. Then the father could be dismissed, or the family could be sent to a political prison camp ... There was never any clear information on where these families were sent ... The wife of the perpetrator might be able to save herself by divorce, and indeed, the divorce was somehow automatically granted in such cases, but the children would still be sent to the political prison camp." ¹⁴³

"My brother was forced to divorce his wife and abandon his family. North Korea usually sends the entire family to a kwanliso or forces a divorce and sends the offender only. His wife told me that officials went to their home and took all of his photos since childhood, to eliminate evidence that he ever existed." ¹⁴⁴

- 60.** Under previous Governments of the Republic of Korea, families of forcibly disappeared persons experienced surveillance, harassment, and in some cases arbitrary detention

¹³⁹ Consultation transcript with families of prisoners of war held on 6 September 2022.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ KOR/17/0022

¹⁴⁴ KOR/21/0029

by police and intelligence services. These practices continued until the late 1990s.¹⁴⁵ Interviewees said they were targeted because the Government of the Republic of Korea feared that the disappeared persons might return as spies and contact their families :

*"Our home was always under surveillance by the police. At night, the police roamed around near our house, and would eavesdrop on us from beneath the floors. They kept watching on who entered and exited our house. My relatives were also targets. When one family was branded as communist, the family's relatives were also treated as such."*¹⁴⁶

*"My eldest brother was the first to be taken away whenever there was a spy-related incident in the neighbourhood. He was questioned about whether he met with my younger brother [who, according to them, returned as a spy after being abducted], was beaten half to death, and then sent to prison ... The social atmosphere relaxed a little since the Roh Tae Woo administration, so we filed complaints, and there was a retrial. From the Kim Dae Jung administration onwards, compensation was handed out. Thanks to the retrial, I believe my eldest brother did receive compensation, albeit not so much, and his honour was also restored."*¹⁴⁷

- 61.** In 2007, the Act on Compensation and Assistance for Post-war Abductees after the Conclusion of the Military Armistice Agreement was enacted in the Republic of Korea. The Act recognized and compensated victims who were killed or wounded due to abuse of power (or their families) by the Government of the Republic of Korea.¹⁴⁸
- 62.** Although some of the abductions of Japanese nationals occurred between the 1970s and 1980s, it took decades for families to learn the whereabouts of their missing families. Ms. Yokota Sakie searched extensively for her daughter, Ms. Yokota Megumi, who disappeared in 1977. Ms. Yokota Sakie also sought support from the Japanese Government to get information about her daughter's fate. Ms. Yokota Sakie said at the COI public hearing:

*"[I]t was almost like smoke, she suddenly disappeared, and 20 years passed, it was a really long, long time we did not know at all about what happened to her ... But in 1997, for the first time, I learnt the whereabouts and then we felt so good that she is still surviving."*¹⁴⁹

- 63.** In addition to the families of the 17 victims officially recognized by the Government of Japan as abducted, many other families who believe their relatives were abducted continue to seek justice. The families of 871 cases of missing persons where the possibility of abduction by the Democratic People's Republic of Korea cannot be ruled out are making efforts to find the whereabouts of the victims and make public their disappearance cases, both domestically and internationally. Victims of the Paradise on Earth campaign emphasized to OHCHR they

¹⁴⁵ Detailed COI Report, paras. 907-8: "During the years of authoritarian rule in the ROK (1963-1988), relatives of persons abducted and forcibly disappeared by the DPRK were subjected to surveillance and prevented from entry into government education facilities and employment as they were considered to be connected to leftist deserters and therefore untrustworthy ... The ROK policy of monitoring the relatives of persons forcibly disappeared for national security reasons continued until the late 1990s."

¹⁴⁶ KOR/21/0046

¹⁴⁷ Ibid.

¹⁴⁸ Act on Compensation and Assistance for Post-war Abductees after the Conclusion of the Military Armistice Agreement (2007), art. 10.

¹⁴⁹ Commission of inquiry on the situation of human rights in the Democratic People's Republic of Korea, Public Hearings in Tokyo - morning session of 29 August 2013.



Participants at a rally held in Kobe holding photos of abductees and possible abductees by the Democratic People's Republic of Korea, Japan, March 2020

expect to receive a similar level of attention and support from the Government of Japan as the recognized abductees, to raise awareness at both the domestic and international level. One victim of the Paradise on Earth campaign who escaped the Democratic People's Republic of Korea in the 2000s told OHCHR:

“The Japanese Government has worked to rescue or remedy the abductees and take care of their families, but for the Japanese wives or the Zainichi who went to the Democratic People's Republic of Korea, the Government says it was voluntary, not an abduction, and does not do enough about it. But deception is not the same thing as going of our own free will. Those who were deceived did not want to be deceived, just like those who were abducted did not want to be abducted. The Japanese Government should pay more attention to Paradise on Earth [victims].”¹⁵⁰

D. Protracted, lasting and constant suffering and impact on the right to family life

64. Enforced disappearance, by its very nature, has a negative impact on the right to freedom from arbitrary or unlawful interference in one's family.¹⁵¹ Many of the victims, including relatives of forcibly disappeared persons, are very old, and many relatives of the disappeared have died without knowing the fate of their loved ones. This highlights the urgent need to clarify the fate of forcibly disappeared persons and provide a remedy to the families, including reunifications wherever possible. Interviewees told OHCHR:

“My husband is old now. He must be around 77 years old. It would be wonderful if he was alive, but since the Democratic People's Republic of Korea is in such a difficult situation, it may actually be painful for him to be alive. Many North Korean escapees come to the Republic of Korea, so sometimes I wish my husband would escape the

¹⁵⁰ KOR/21/0010

¹⁵¹ ICCPR, art. 17. In addition, the Universal Declaration of Human Rights, art. 16, states that “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” See also Working Group on Enforced or Involuntary Disappearances, general comment on women affected by enforced disappearances, A/HRC/WGEID/98/2, paras. 5, 12.



Families lay floral tributes beneath pictures of victims at the Korean War Abductees Remembrance Day event, Seoul, Republic of Korea, June 2012

*Democratic People's Republic of Korea too ... I go to sleep fantasising, dreaming, that one day I might wake up to the news that this happened."*¹⁵²

*"My husband was the fourth or fifth oldest of eight siblings. The youngest of them is 83 years old this year and is the only surviving sibling ... My husband would be 90 years old if he were still alive, but I don't believe he would still be surviving to this day ... I at least want to know if he is dead or alive. That is the utmost priority, more than anything else."*¹⁵³

65. In Japan, the victims of abductions and their families are of an advanced age. In 2020, Mr. Yokota Shigeru, the father of Ms. Yokota Megumi,¹⁵⁴ and Ms. Arimoto Kayoko, the mother of Ms. Arimoto Keiko,¹⁵⁵ passed away at the ages of 87 and 94 respectively.¹⁵⁶ They waited for decades, never knowing the fate of their abducted children. A Japanese victims' organization and a civil society organization said:

"It has been 20 years since the Democratic People's Republic of Korea and Japan held a summit in September 2002. While we continue our rescue operations, many of the elderly from the parents' generation have passed away without being reunited with family members abducted by the Democratic People's Republic of Korea. This injustice

¹⁵² KOR/21/0055

¹⁵³ KOR/21/0048

¹⁵⁴ Ms. Yokota Megumi was 13 years old at the time of her abduction on 15 November, 1977. She was abducted on her way home from school in Niigata City, Japan.

¹⁵⁵ Ms. Arimoto Keiko was 23 years old at the time of her disappearance in Europe in July 1983.

¹⁵⁶ Press conference on the passing of Ms. Arimoto Kayoko and the abductions issue, February 6, 2020, https://japan.kantei.go.jp/98_abe/actions/202002/_00011.html; Press Conference by the Prime Minister on the passing of Mr. Yokota Shigeru, June 5, 2020, https://japan.kantei.go.jp/98_abe/actions/202006/_00008.html

is unbearable.”¹⁵⁷

“Many of the victims themselves as well as the families they left behind are old, and in many cases the parents and siblings of the abductees have already passed away. The physical health of family members is strained as they continue to wait for the victims, and they suffer constant anxiety about who would replace them in the search for and rescue of the victims upon their death. The psychological pain is beyond reckoning.”¹⁵⁸

“The family members around my age are not in good health; many of them have passed away, and many are being hospitalized. We don’t hold as many gatherings as we used to. When the family members do get together, the participants are the daughters, sons-in-law, or nieces and nephews of the abductee victims. Immediate family members are all in bad health or have passed away.”¹⁵⁹

“Now that I am older, I miss my husband a lot when I am ill, and when life is difficult. I think I miss him all the more because I don’t know if he is dead or alive. My husband used to say that his only remaining wish was to be good to his wife and children.”¹⁶⁰

“My mother earnestly wished to meet my father up until she turned 70, but a very long time has passed and I’m not sure she would recognize his face now. My father was 42 years old when he was abducted.”¹⁶¹

¹⁵⁷ Victims’ groups and civil society organizations’ replies to the OHCHR questionnaire.

¹⁵⁸ Ibid.

¹⁵⁹ KOR/21/0048

¹⁶⁰ KOR/22/0024

¹⁶¹ KOR/21/0034

“I still wait for him,
and will continue
waiting for
him forever.”

- Mr. Choi Kwang-Seok, 89 years old, son of Korean War abductee Mr. Choi Jun.

VI. Victims' perspectives on truth, justice including accountability and reparations for violations suffered as a result of enforced disappearance

66. This section captures responses collected by OHCHR from victims, including relatives of forcibly disappeared persons, on their views and expectations about the realisation of their right to truth, justice including accountability and reparations. The aim is to emphasize a victim-centred approach to justice and accountability, and to bring attention to the needs and expectations of victims, who have long felt neglected. Whenever possible, OHCHR provided information to interviewees on judicial and non-judicial approaches. Most interviewees emphasized that all redress measures are important and meaningful, and their needs can be fulfilled only through collective efforts and a comprehensive approach.



Meeting of abductees' families with the UN OHCHR Seoul office, Republic of Korea, August 2022

A. Clarify the fate and whereabouts of the forcibly disappeared

67. Families of disappeared persons told OHCHR that disclosure of the truth about the fate and whereabouts of their loved ones is their priority. For example:

"If I could demand something from the Democratic People's Republic of Korea, the utmost priority would be the confirmation of my father's fate." ¹⁶²

"The most difficult part is that I have heard no news about my husband. I would like to hear word from him. It would have been so nice if I at least knew whether he is starving or having proper meals; just the slightest news. Just hearing some news would be comforting, but I've heard nothing at all." ¹⁶³

68. Many families of forcibly disappeared persons, especially families who lost someone half a century ago, have lost hope that their relatives are still alive in the Democratic People's Republic of Korea. Several of these victims told OHCHR that they at least want to know when their family members died, so that they can carry out culturally important death rituals for their relatives on the correct date of death. Several victims' organizations have held annual remembrance ceremonies to comfort each other and pray for the souls of their missing family members. Family members told OHCHR:

"I would like to know up until when he was alive. We perform ancestral rites honouring my father on 16 April, the day of the abduction. It has been quite a while since we've carried out the ancestral rites. We figured he would probably have passed away, and as his children we couldn't just ignore the situation." ¹⁶⁴

"It's important for me to know specifically when and where he passed away." ¹⁶⁵

Upon request for confirmation of the fate of post-war abductee Mr. Hong Geon Pyo and Mr. Lee Min Kyo ahead of the separated family reunions, the North Korean Red Cross stated in a notification that it was 'unable to confirm' their fate.

No.	본인과의 관계	이름	성별	나이	생사여부	비고
1	자녀	홍건표	남	46	확인불가능	

No.	본인과의 관계	이름	성별	나이	생사여부	비고
1	자녀	이민교	남	55	확인불가능	

162 KOR/22/0002
 163 KOR/21/0034
 164 KOR/21/0049
 165 KOR/17/0110

*"The only thing I would like to confirm is the whereabouts of my father, he must have passed away. As his son I want to know what happened to him."*¹⁶⁶

*"It has not been [officially] confirmed whether my husband is dead or alive. I just continue believing that 'he is probably alive.' There were no means through which I could confirm my husband's fate."*¹⁶⁷

*"The scars caused by the abductions can heal if my family's fate is confirmed."*¹⁶⁸

*"I am not sure what kind of life my husband led in the DPRK. All I know is that he is in the North; I do not even know if he is dead or alive."*¹⁶⁹

*"What I want most regarding my father is to confirm his fate. I am not sure if there is any record of him. The North always replies that there isn't. The priority would be the confirmation of his fate ... I made a grave for my father, but it's a grave without a body. There are no ashes in the charnel house; just an ancestral tablet."*¹⁷⁰

*"I was told that my younger brother is already dead, and I suspect the DPRK might have put him through a great deal of hard labour before he reached his end. I don't think he would have died at home simply from an illness or something like that. I wonder what kind of life he had, how he died, and what happened to his children. In fact, I am worried about his children."*¹⁷¹

*"I would like to know which year he died, and how he has been. I am determined to stay alive until the two Koreas are unified, so I can hear about my father."*¹⁷²

*"Since many people have family and relatives left behind in the DPRK, I believe the utmost priority would be to confirm the fate of those people. I also believe these issues will naturally be solved when people are free to come and go."*¹⁷³

B. Immediate return of forcibly disappeared persons, reunions and restoration of contacts

69. Families with whom OHCHR spoke emphasized the immediate and safe return of their forcibly disappeared relatives as their utmost priority and urgent need, in particular given the advanced age of most relatives. Some expressed the view that the only acceptable end to their suffering is the return of their loved one. They also expressed their desire to restore contacts with the forcibly disappeared person, in line with international human rights law and standards. They said:

¹⁶⁶ KOR/17/0109

¹⁶⁷ KOR/21/0055

¹⁶⁸ Victims' groups and civil society organizations' replies to the OHCHR questionnaire.

¹⁶⁹ KOR/21/0047

¹⁷⁰ KOR/21/0036

¹⁷¹ KOR/22/0022

¹⁷² KOR/21/0038

¹⁷³ Victims' groups and civil society organizations' replies to the OHCHR questionnaire.

"I request the North Korean authorities to facilitate their return as per the principles and procedures set out by the international community."¹⁷⁴

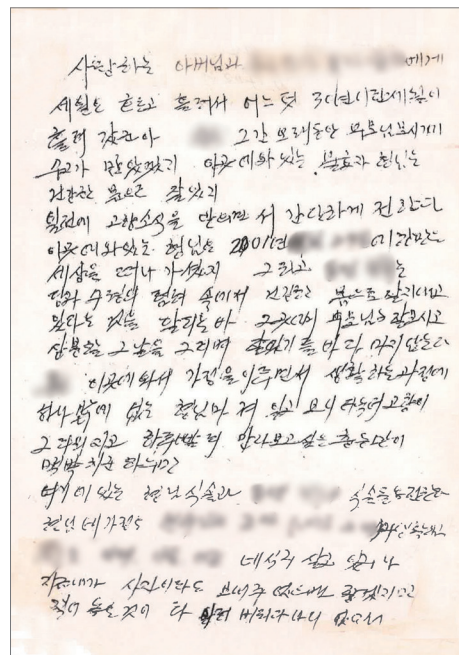
"It would be so nice if we could at least exchange letters with our brother."¹⁷⁵

70. Among the small number of families who have been able to participate in separated families' reunions, some expressed frustration that the reunion events were brief.¹⁷⁶ They also felt that their interactions were monitored, and that their relatives from the Democratic People's Republic of Korea could not speak freely. Many families have requested the Democratic People's Republic of Korea to confirm the fate of their disappeared relatives, but the Government of the Democratic People's Republic of Korea replied that it could not confirm whether they were dead or alive. Some families expressed the hope that peace processes would continue so that they might be able to meet their family members again. Others felt that only the reunification of the two Koreas could lead to reunification of their families. In this respect, they hoped for peace processes to continue in earnest. Members of separated families told OHCHR:

"When we applied for the reunions of separated families, the North said they were unable to confirm my father's fate."¹⁷⁷

"Time is going by, and the older people will pass away. It will be terribly unfair for the people who die without meeting [their family]. We should at least be able to talk on the phone, and if a train starts running, we could at least be aware of where the other lives, even if the two Koreas do not unite. It is not as if we are asking to go and live

Letter sent in secret by post-war abductee from the Democratic People's Republic of Korea to his family in the Republic of Korea



¹⁷⁴ Ibid.

¹⁷⁵ KOR/21/0050

¹⁷⁶ Since 2000, a total of 60 families from the Republic of Korea and the Democratic People's Republic of Korea participated in the separated family reunions. This includes 18 prisoners of war and 19 post-war abductees who were living in the Democratic People's Republic of Korea at the time of the reunion. Information provided by the Republic of Korea Ministry of Unification on 20 October 2022.

¹⁷⁷ KOR/21/0034

on the other side. It would be great if we could at least keep in touch ... I do hope the dialogues or reunions work out.”¹⁷⁸

“The most urgent problem to be resolved is the safe return of family members. Next would be the confirmation of facts about disappeared persons. If these two issues are settled, then the enforced disappearance problem is solved.”¹⁷⁹

“In order to receive some consolation about my brother’s abduction, I would like to be able to contact him, and also receive compensation for the psychological pain I suffered in the past.”¹⁸⁰

“We demand that all abductee victims and their families are safely and simultaneously returned to Japan, unbound by the policies of the North Korean authorities. The partial or gradual return of abductees in groups cannot be accepted.”¹⁸¹

“The utmost priority is the safe return of the families of the POWs.”¹⁸²

“I want for them to be able to move freely between Japan and North Korea, both the Paradise on Earth victims and the abductees ... my goal is freedom of movement, but broadly, I want reunification.”¹⁸³

“I don’t believe there is any way for my eldest son to come to the ROK, except for reunification to happen soon. I believe that’s the only way for me to meet him.”¹⁸⁴

C. Return of remains

71. Families of forcibly disappeared persons also emphasized to OHCHR that, in the case that these persons died in the Democratic People’s Republic of Korea, the remains should be returned to their families. Families stated:

“I would like to ask the Democratic People’s Republic of Korea to do everything possible to confirm the fate of my husband. If he is deceased, I should at least be able to bring his remains back.”¹⁸⁵

“My father has already passed away in the Democratic People’s Republic of Korea. I should at least be informed of when, where and how my father died, and where his remains are located. They should return his remains to me ... We must console the spirits of the dead. Only when my father’s remains are returned can I lay him beside my mother in her grave.”¹⁸⁶

¹⁷⁸ KOR/21/0046

¹⁷⁹ Victims’ groups and civil society organizations’ replies to the OHCHR questionnaire.

¹⁸⁰ KOR/21/0046

¹⁸¹ Victims’ groups and civil society organizations’ replies to the OHCHR questionnaire.

¹⁸² Ibid.

¹⁸³ KOR/21/0010

¹⁸⁴ KOR/21/0040

¹⁸⁵ KOR/21/0048

¹⁸⁶ Consultation transcript with families of post-war abduction victims held on 18 August 2022.

- 72.** Some victims emphasized that certain States and the international community, in their view, bear responsibility for the Korean War and therefore have an obligation to search for the missing and to establish exhumation programmes for prisoners of war.

*"It is encouraging that the UN is looking into the prisoners of war issue, but I believe the UN is also responsible for what happened. The UN, the Soviet Union, China and the Democratic People's Republic of Korea were the ones responsible for the Armistice Agreement ... I would like the UN and the Government of the Republic of Korea to make efforts to bring back the remains ... The remains are all located in the border regions. The only way to bring them back is to pay brokers."*¹⁸⁷

*"It is important to be able to bring back the remains. It will become a deep sorrow for families that were unable to do so."*¹⁸⁸

D. Apology, recognition, and memorialization

- 73.** Victims, including relatives of forcibly disappeared persons, expressed the wish for a sincere apology from the Democratic People's Republic of Korea for its role in enforced disappearances. Some victims living in the Republic of Korea said that a public apology by the Government of Republic of Korea explicitly recognizing their suffering would be meaningful. Victims of the Paradise on Earth campaign expressed the desire for an apology from those that they perceived as responsible for the Paradise on Earth campaign. Interviewees said that while an apology could not be a full solution for their suffering, a genuine and public apology could be the way to recognize their victimhood and destigmatise victims and their families.

*"Receiving an apology for the injustice they were subjected to would be a way to console them."*¹⁸⁹

*"I want an apology from the Government of the Republic of Korea for failing to fulfill its duty with regard to my family. Then the rest will follow."*¹⁹⁰

- 74.** Similarly, families interviewed by OHCHR expressed their frustration at a lack of recognition and a feeling of being forgotten. They explained that truth about disappearances should be established to restore the dignity of victims and to allow their protracted suffering to be recognized.

*"I do not want his name to be forgotten ... We would like our family and victims to be remembered as names, not as numbers."*¹⁹¹

"We aim to preserve, in tangible form, the lesson that such human rights violations by the Democratic People's Republic of Korea must not be repeated ... the willow tree street, the museum, and the monument, so that children can read about it in their

¹⁸⁷ Consultation transcript with families of prisoners of war held on 6 September 2022.

¹⁸⁸ Ibid.

¹⁸⁹ Victims' groups and civil society organizations' replies to the OHCHR questionnaire.

¹⁹⁰ Consultation transcript with families of post-war abduction victims held on 18 August 2022.

¹⁹¹ KOR/21/0029



Memorial service held for victims of the Paradise on Earth campaign, held at the Port of Niigata, Japan, December 2021

textbooks and also take school trips to the region when they study freedom, democracy and human rights, as part of efforts to revitalize Niigata.”¹⁹²

- 75.** In Japan, the Government raises awareness about the abduction issue by distributing pamphlets and posters, screening movies, dispatching personnel for workshops and other educational events, training for teachers, university students aspiring to become teachers and others, and the holding of essay contests for school students.¹⁹³ In the Republic of Korea, commemorative projects have been established relating to Korean War abductees, such as a fact-finding committee and the National Memorial for Abductees during the Korean War.¹⁹⁴

E. Guarantees of non-recurrence

- 76.** Victims, including relatives of forcibly disappeared persons, said that the tragedy of enforced disappearance must not be repeated. They felt that States should guarantee that no such crimes would occur in the future and they should take meaningful steps towards accountability:

“All I want is to know the truth and make sure this tragedy never happens again.”¹⁹⁵

“I believe that the guarantee of human rights on North Korean territory will be the answer to the truth-seeking of past human rights violations, and subsequent compensation, among other issues.”¹⁹⁶

¹⁹² Victims’ groups and civil society organizations’ replies to the OHCHR questionnaire.

¹⁹³ Information provided by the Government of Japan on 21 October 2022.

¹⁹⁴ Information provided by the Government of the Republic of Korea on 16 January 2023; Fact-finding Report on Abductions during the Korean War, 2017.

¹⁹⁵ KOR/17/0104

¹⁹⁶ Victims’ groups and civil society organizations’ replies to the OHCHR questionnaire.

"I hope there is no war on the Korean peninsula, because this single war tore my family apart and made me an orphan, this should not happen again. There were many victims like myself." ¹⁹⁷

"What I want most is to hear news about my father and to receive an apology [from the DPRK]." ¹⁹⁸

"What I want is for the authorities [of the DPRK, Chongryon] to acknowledge they were at fault and apologize, but I don't think this will happen." ¹⁹⁹

"For me, it [justice] means that the North Korean regime makes a sincere, public apology to victims of wartime abductees during the Korean War, promises to guarantee non-recurrence, discloses the plain truth about the fate of the victims since their abduction, and should they be dead, returns the remains to their families, and takes full legal responsibility for the harm suffered." ²⁰⁰

"Restoring dignity is the utmost priority, and only when this is settled can accountability follow as the next step." ²⁰¹

F. Criminal prosecution of those responsible

- 77.** Many victims, including relatives of forcibly disappeared persons, whom OHCHR spoke with stated that it is important to hold to account those responsible for enforced disappearances. They emphasized the deterrent and awareness-raising effect of criminal prosecutions and believed that those responsible in the Democratic People's Republic of Korea should be held accountable. For example:

"The people who are sent to kwanliso are sent by decisions of the leadership and the Military Security Command, which Kim Jong Un holds power over. Thus, Kim Jong Un and the leadership are perpetrators and must be punished. The people who tortured my brother should also be held accountable." ²⁰²

"The supreme leader of North Korea should be responsible for the human rights situation in North Korea, and for my family who has gone missing. The supreme leaders have maintained power for decades." ²⁰³

- 78.** Several victims and civil society organizations noted that there is no effort by the Democratic People's Republic of Korea to prosecute persons responsible for the crime of enforced disappearance. Some victims expressed doubt as to the feasibility of criminal prosecutions. Nevertheless, victims stated that it is important to preserve relevant

¹⁹⁷ KOR/17/0110

¹⁹⁸ KOR/21/0035

¹⁹⁹ KOR/21/0028

²⁰⁰ Victims' groups and civil society organizations' replies to the OHCHR questionnaire.

²⁰¹ Consultation transcript with families of post-war abduction victims held on 18 August 2022.

²⁰² KOR/21/0029

²⁰³ KOR/18/0033

information for future accountability measures and hoped that their stories can contribute to such measures. Victims also pointed to the lack of political will from other Member States to pursue prosecutions.

"I cannot think of North Korea making efforts on its own to do such things as criminal accountability, damage compensation or truth revealing. I am not even sure whether people like us or those who speak up in South Korea about the North Korean human rights issue could make such efforts, either ... It is meaningful though that preparations are made now for future accountability measures when North Korea collapses. Whether or not we are prepared in advance will make a big difference when the time comes to take accountability measures. An opportunity should be provided to speak up." ²⁰⁴

- 79.** Victims also noted a lack of targeted support for victims to be heard and participate in future legal actions. The majority of victims interviewed by OHCHR were not aware of their rights as victims or lacked relevant information concerning possible legal avenues for accountability and access to justice. In order to exercise their rights, victims need to be informed in detail of available legal avenues for redress. This includes legal assistance from experts, language translation assistance, and financial assistance for their advocacy. One victim told OHCHR:

"We are not legal practitioners, which means there are limitations to what we can do on a personal level." ²⁰⁵

"Legal measures are not an easy option for us since there are no jurists among the families. I want the government to take care of the legal matters. The abductions by the Democratic People's Republic of Korea are an important issue, and thus the matter requires assistance from experts. They should inform the families about the available options." ²⁰⁶

"I believe accountability for the forced repatriations will be a way to bring solace to our members and the families, who suffered emotional pain from the false propaganda and whose human rights were violated in a prison without bars." ²⁰⁷

"Justice and accountability are the minimum courtesy that can be extended to our members [former prisoners of war]. Their sacrifice enabled the protection of their families and the people of their homeland. The DPRK denied the existence of prisoners of war, yet put them through forced detainment and labour, while all along their families in the ROK have been unable to confirm whether they are alive or dead." ²⁰⁸

"We lack the necessary legal knowledge, so there should be a hearing of some sort to inform us of our options." ²⁰⁹

²⁰⁴ Ibid.

²⁰⁵ KOR/22/0025

²⁰⁶ Consultation transcript with families of post-war abduction victims held on 18 August 2022.

²⁰⁷ Victims' groups and civil society organizations' replies to the OHCHR questionnaire.

²⁰⁸ Ibid.

²⁰⁹ Consultation transcript with families of post-war abduction victims held on 18 August 2022.

G. Compensation

- 80.** Comprehensive reparation programmes, including adequate compensation, rehabilitation, restitution, and satisfaction are among the priorities of victims. Victims said that they suffered mentally and physically, but also suffered economically for a long time after their relatives' disappearances. Financial compensation and special social support could be one means of remedy, particularly to address the disparate impact enforced disappearance has on women and children. Victims said:

*"For the suffering, I should be compensated. I was forcefully taken to North Korea, which ruined my life. I was forcefully separated from my family and relatives. There were some who had passed away before I ever met them again. I don't know how and who should be held accountable for this. It is impossible to put this into words. Still, it would be good if the South Korean Government, on behalf of me, talked to its North Korean counterparts to seek accountability. That, at least, can be cathartic to me."*²¹⁰

*"I don't think any of the families of abductee victims would be well off. Households that have lost their breadwinner suffer many difficulties. This is why the government should be more aggressive in providing support. Some compensation should be offered, given that my mother is of old age and my younger sister also needs to survive. I may be talking too much about money, but this is the reality."*²¹¹

- 81.** Some victims said that their motivation to seek financial compensation (for example, through civil claims) is not about the amount of money, especially considering the unlikelihood of collecting compensation from the Democratic People's Republic of Korea. However, civil claims are a way to recognize their suffering and restore their dignity.

*"Recently, the Republic of Korea [Seoul] Central District Court delivered a verdict in favour of the families of persons abducted by the Democratic People's Republic of Korea ... I also believe [such trials] are necessary for the restoration of honour ... The size of the compensation is not important. What is important is to hold Kim Jong Un and the Democratic People's Republic of Korea responsible."*²¹²

*"If we ever get the chance to hold the Democratic People's Republic of Korea accountable, or if a truth and reconciliation committee is established in the future, we hope to receive compensation through a trial ... We know that money cannot be the answer to a situation where parents and siblings are separated from their family for decades, without being allowed to see one another. However, as of now the only option seems to be compensation."*²¹³

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

²¹⁰ KOR/21/0033

²¹¹ KOR/21/0034

²¹² KOR/21/0036

²¹³ KOR/21/0050

*“The Government of the Republic of Korea is also responsible. It handled the situation poorly after the abductions occurred. The Government did not protect its people, or our human rights ... The Government should repent for its wrongdoings against us and step forward on our behalf.”*²¹⁴

*“The State should step forward to work on restoring the dignity of victims. The Republic of Korea even said that my father was not abducted but in fact went to the Democratic People’s Republic of Korea on his own terms. This is a tragedy.”*²¹⁵

- 83.** Since 2000, families of post-war abductees and Korean War abductees have initiated judicial processes in the Republic of Korea, and the Government of the Republic of Korea carried out consultations with the families and relevant organizations to establish measures to provide redress for victims, including relatives of forcibly disappeared persons. These initiatives led to the enactment of laws to provide a range of support to victims.²¹⁶
- 84.** The Government of the Republic of Korea provided prisoners of war who were returned to the Republic of Korea an average compensation of 550 million Korean won pursuant to the Act on the Repatriation, Treatment of the Republic of Korea Armed Forces Prisoners of War.²¹⁷ Family members of prisoners of war who were originally from the Democratic People’s Republic of Korea but later escaped to the Republic of Korea received subsidies of 47.9 million Korean won per household under the same Act.²¹⁸ Under the Act on Finding the Truth of the Damages from North Korea’s Abduction during the Korean War and Restoring Honor of the Victims, the Government of the Republic of Korea provided financial support for an organization for the families of Korean War abductees and commemorative projects as a group compensation.²¹⁹
- 85.** In accordance with the Act on Compensation and Assistance for Post-war Abductees after the Conclusion of the Military Armistice Agreement, the Government of the Republic of Korea provided subsidies for resettlement and housing for those abducted by the Democratic People’s Republic of Korea for three or more years and returned to the Republic of Korea.²²⁰ The families of abductees who had been abducted for more than three years were provided with consolation money.²²¹ Compensation and medical subsidies were given in three cases where abductees or their family members were killed or injured due to the exercise of public power by the Government of the Republic of Korea.²²² A total of 15.2 billion Korean won was provided for 438 cases, comprising resettlement subsidies, consolation money, compensation and medical subsidies.²²³ In addition, retrials were conducted in the Republic of Korea in regard to those who were abducted by the Democratic People’s Republic of Korea and punished upon their return to the Republic of Korea for allegedly having

²¹⁴ KOR/22/0025

²¹⁵ Consultation transcript with families of post-war abduction victims held on 18 August 2022.

²¹⁶ Act on Compensation and Assistance for Post-war Abductees after the Conclusion of the Military Armistice Agreement (2007); Act on the Repatriation, Treatment of the Republic of Korea Armed Forces Prisoners of War (2007); Act on Finding the Truth of the Damages from North Korea’s Abduction during the Korean War and Restoring Honor of the Victims (2010).

²¹⁷ Information provided by the Government of the Republic of Korea on 16 January 2023.

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Ibid.

²²² Ibid.

²²³ Ibid.

violated the Anti-Communist Act²²⁴ in order to restore their reputation and provide them with compensation. As of 2022, 88 individuals were found not guilty in these retrials.²²⁵ Of these 88 people, 68 received criminal compensation, and 43 people received state compensation after litigation.²²⁶

- 86.** Despite limitations in the legal framework, families of victims expressed appreciation for the recognition of enforced disappearance victims by the Government of the Republic of Korea. However, the financial support provided to post-war abduction victims was referred to as “consolation money,” not compensation, and there was no individual payment of compensation to Korean War abduction victims.²²⁷ Victims expressed disappointment with the current support measures for victims provided under the legal framework. They felt that the amount of financial compensation was low compared to amounts paid to other victims of human rights violations. They view the range of reparations to victims as insufficient, and they noted there was a high threshold of proof to receive compensation because official records, or the testimony of State officials, is required to prove the violations. Some victims said:

*“We only received a small solatium ... The money was no help at all. It was in the form of a solatium, not a compensation, so it was no help.”*²²⁸

*“I think I would feel a little better if I was compensated fairly, in proportion to the other cases. However, I received no compensation at all.”*²²⁹

- 87.** The Government of Japan enacted the Act on Aid to Persons Abducted by North Korean Authorities and Other Relevant Persons in 2002. The Act commits the Government of Japan to make utmost efforts to confirm the whereabouts of abduction victims and provide financial support to victims who have returned to Japan and to their families.²³⁰

H. Efforts to seek accountability

- 88.** The COI emphasized that the international community should take steps to ensure that perpetrators of crimes against humanity are held accountable. It recommended either the referral of the situation in the Democratic People's Republic of Korea to the ICC or the establishment of an ad hoc tribunal.²³¹ Victims' groups and civil society organizations continue to pursue avenues for judicial accountability. Some civil society organizations in the Republic of Korea and Japan have submitted communications to the ICC on behalf of Korean War abductees, prisoners of war, and citizens of the Democratic People's Republic of Korea. In 2015 and 2019, communications submitted on behalf of Korean War abduction victims and citizens of the Democratic People's Republic of Korea were rejected by the ICC Office

²²⁴ Ibid. Anti-Communist Law (1961).

²²⁵ 73 cases were filed by individuals and 15 cases as requests on the initiative of the Prosecutor's Office. Information provided by the Republic of Korea the Ministry of Justice on 16 January 2023.

²²⁶ Information provided by the Republic of Korea the Ministry of Justice on 16 January 2023.

²²⁷ Act on the Compensation and Assistance for Post-war Abductees after the Conclusion of the Military Armistice Agreement (2007), art. 9; Act on Finding the Truth of the Damage from North Korea's Abduction During the Korean war and Restoring Honor of the Victims (2010).

²²⁸ KOR/21/0055

²²⁹ KOR/21/0045

²³⁰ The Act on Aid to Persons Abducted by North Korean Authorities and Other Relevant Persons (2002).

²³¹ Detailed COI Report, para. 1218.

of the Prosecutor as the matter “appears to fall outside of the jurisdiction of the Court.”²³² In 2018 and 2019, communications submitted to the ICC on behalf of 17 Japanese abductees and victims of the Paradise on Earth campaign were rejected on the same jurisdictional grounds.²³³

- 89.** Other accountability avenues have also been explored, including civil claims against the Government of the Democratic People’s Republic of Korea and non-judicial approaches to accountability. In the Republic of Korea, a number of civil claims have been filed against the Government of the Democratic People’s Republic of Korea by prisoners of war and Korean War abduction victims. In 2016, two former prisoners of war held by the Democratic People’s Republic of Korea and forced to work for 50 years filed a civil lawsuit at the Seoul Central District Court against the Government of the Democratic People’s Republic of Korea and President Kim Jong Un. In 2020, the Seoul Central District Court awarded damages equivalent to \$17,600 USD to each former prisoner of war.²³⁴ In September 2020, another five former prisoners of war filed a lawsuit on the same grounds. In 2020, the daughter of a Korean War abduction victim brought a civil lawsuit at the Seoul Central District Court against the Government of the Democratic People’s Republic of Korea and President Kim Jong Un, and in 2021, the Court awarded damages equivalent to \$42,000 USD.²³⁵ In 2020, two additional cases were filed by family members of Korean War abduction victims, and in 2022, the Court awarded damages in one case.²³⁶ Collecting compensation from the Democratic People’s Republic of Korea remains a fundamental challenge.
- 90.** In Japan, five victims of the Paradise on Earth campaign filed a civil lawsuit in 2018 against the Democratic People’s Republic of Korea. In March 2022, the Tokyo District Court found that it did not have jurisdiction over the claim due to the statute of limitations.²³⁷ However, in its decision, the Court acknowledged that the Democratic People’s Republic of Korea, either together with or through the General Association of Korean Residents in Japan (*Chongryon*), proactively promoted the resettlement programme. The Court also acknowledged that the plaintiffs decided to travel to the Democratic People’s Republic of Korea because they had misunderstood the situation of the country based on a false solicitation campaign conducted by *Chongryon*. Despite not moving forward, the case provided a valuable opportunity for plaintiffs to speak publicly about their experiences.²³⁸
- 91.** Victims’ groups in Japan also continue to pursue non-judicial approaches to accountability. In 2004 and 2012, family members of 24 possible abductees filed applications for human rights remedies to the Japan Federation of Bar Associations (JFBA), and the JFBA recommended that the Government of Japan take the necessary measures to resolve the abductions.²³⁹ In 2015, eleven victims of the Paradise on Earth campaign who escaped from the Democratic People’s Republic of Korea filed a petition to the Human Rights Protection

²³² Letters from the Office of the Prosecutor of the ICC dated 25 August 2015 and 22 July 2019.

²³³ Letters from the Office of the Prosecutor of the ICC dated 04 April 2018 and 06 February 2019.

²³⁴ Seoul Central District Court, 2016 Ga-Dan 5235506.

²³⁵ Seoul Central District Court, 2020 Ga-Dan 5306603.

²³⁶ Seoul Central District Court, 2020 Ga-Hap 2804. One case is still pending.

²³⁷ Tokyo District Court decision of 22 March 2022, (2018 (wa) No. 26750).

²³⁸ Victims’ groups and civil society organizations’ replies to the OHCHR questionnaire; Fukuda Kenji, Litigation on the North Korea Repatriation Program, presentation at OHCHR Workshop: Navigating Avenues for Accountability in the DPRK, 8 December 2021.

²³⁹ Communication submitted by Japanese families of forcibly disappeared persons to the Prosecutor of the ICC with regard to crimes against humanity committed by the officials of the Democratic People’s Republic of Korea, 24 January 2018, paras 4, 16, 17.

Committee of the JFBA against the Government of Democratic People's Republic of Korea, the Government of Japan, *Chongryon*, and the Japanese Red Cross Society.²⁴⁰

- 92.** In the United States of America, civil litigation against the Democratic People's Republic of Korea has provided a potential avenue for legal accountability. United States courts have awarded compensatory and punitive damages in civil cases to plaintiffs, including in 2008 and 2021 for the "1968 capture, imprisonment, and torture" of United States crewmen aboard the USS Pueblo²⁴¹ and in 2015 for the "abduction, and presumed torture and killing" of Reverend Kim Dong-Shik.²⁴²
- 93.** Civil society organizations and relatives of forcibly disappeared persons also continue to submit cases of enforced disappearance to the Special Procedures of the United Nations Human Rights Council, including the WGEID and the Working Group on Arbitrary Detention. According to victims' groups and civil society organizations:

*"Channels for filing petitions on enforced disappearances [through Special Procedures] in the Democratic People's Republic of Korea must be aggressively and continuously promoted. Many people still have no idea about how to approach this channel ... If their family still resides in the Democratic People's Republic of Korea, they fear revictimization. Thus, most give up on filing a petition once they are briefed on the procedures. If they have no family in the Democratic People's Republic of Korea and thus have no concern about revictimization, the information provider will be more eager to file the petition. In the latter case, most families say they found emotional comfort after giving their testimonies."*²⁴³

- 94.** As of May 2022, the WGEID has transmitted 362 cases of possible enforced disappearance, including the cases of 53 women, to the Democratic People's Republic of Korea for clarification. To date, the Democratic People's Republic of Korea has not provided the WGEID with detailed information on these cases. The WGEID has emphasized the importance of providing information to clarify the fate and whereabouts of the victims and expressed regret at the lack of cooperation from the Government of the Democratic People's Republic of Korea.²⁴⁴

²⁴⁰ While not a judicial body, the JFBA can investigate the claims and report its findings. Doi Kanae, *The Diplomat*, No 'Paradise on Earth': Why Japan Should Right a Historic Wrong, September 22, 2015. <https://thediplomat.com/2015/09/no-paradise-on-earth-why-japan-should-right-a-historic-wrong/>

²⁴¹ *Doe v. DPRK Ministry of Foreign Affairs* (D. District of Columbia, 2021) 414 F.Supp.3d 109 and *Massie v. Gov't of the DPRK* (D. District of Columbia, 2008) 592 F.Supp.2d 57.

²⁴² *Han Kim v. DPRK* (D. District of Columbia, 2015) 87 F. Supp 3d 286.

²⁴³ Victims' groups and civil society organizations' replies to the OHCHR questionnaire.

²⁴⁴ A/HRC/51/31, para. 53.

VII. Conclusion

95. This report further supports the conclusions of the 2014 commission of inquiry that the Democratic People's Republic of Korea has engaged in a state policy of enforced disappearance of persons since 1950. The victims of enforced disappearance, including relatives of forcibly disappeared persons, have endured continuous violations of their human rights over decades.
96. First and foremost, relatives of forcibly disappeared persons yearn to have their rights realized regarding the right to know the truth regarding the fate and whereabouts of their loved ones, the immediate physical return of their family members or the return of their remains, and access to remedies and redress, including through the establishment of procedures seeking to end the separation of families.
97. The seriousness of enforced disappearance and its diverse, severe, and continuing impacts on victims, including relatives, require a response from the Democratic People's Republic of Korea. The need to end enforced disappearance and resolve existing cases is urgent considering the advanced age of victims and their families and the continuous nature of the crime of enforced disappearance.
98. Despite the efforts of victims, civil society organizations, United Nations entities, and some States, the authorities of the Democratic People's Republic of Korea have not taken steps at the domestic or international level to respect, protect and fulfil the rights of victims and to comply with the State's international human rights law obligations. There is an urgent need for international cooperation to resolve the complex issue of enforced disappearance. Comprehensive strategies for criminal prosecution and holistic reparation programmes need to be implemented to guarantee victims' full exercise of their rights.
99. OHCHR will continue to monitor and support the initiatives of victims' groups and civil society organizations by exploring and promoting possible strategies for truth, justice including accountability and reparations. OHCHR will seek the meaningful participation of victims and encourage Member States to consider approaches, including within their domestic judicial systems if applicable, to realize the victims' rights.

VIII. Recommendations

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

Acknowledge the occurrence of enforced disappearances, including those described in this report, and take immediate steps to end such violations, including by immediately returning abduction victims and releasing people detained on political grounds;

Ensure full accountability for the crime of enforced disappearance by undertaking independent, impartial and thorough investigations into allegations of such violations and to hold those responsible to account;

Ensure that victims of human rights violations and their families are provided with adequate, prompt, effective and gender-sensitive reparation and remedies, including public acknowledgment of the truth of the violations suffered and adequate compensation and rehabilitation;

In cooperation with the Republic of Korea, Japan and other concerned States, initiate credible investigations into all alleged enforced disappearances by the Democratic People's Republic of Korea, determine the fate of forcibly disappeared persons, identify and return the remains of deceased persons reported as missing, and provide comprehensive compensation to victims and their families;

Publish a list of all foreign nationals currently detained in the Democratic People's Republic of Korea;

Provide detailed information about people in detention to family members, and allow them to inquire for information free from any intimidation or reprisals;

Remove undue restrictions on the free communication of detainees and victims of abduction with their families, through all available means, and provide access to safe and confidential avenues for detainees to report allegations of any violations of their rights;

Initiate reform of criminal justice legislation and rule of law institutions, including the judiciary and law enforcement and corrections systems, in accordance with international human rights norms and standards;

Strictly enforce the provisions in the Criminal Code and Criminal Procedure Code guaranteeing due process and the immediate notification of families of arrested persons of relevant details;

Ratify all relevant international treaties and human rights instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance;

Cooperate with the Office of the United Nations High Commissioner for Human Rights, including through technical cooperation and capacity-building programmes to support the implementation of recommendations from the COI, Universal Periodic Review, human rights treaty bodies, Special Procedures of the Human Rights Council and other human rights mechanisms; and

Ensure that family reunion events are held regularly and frequently, that they are available to a broad range of people selected on a non-discriminatory basis, that they take place without surveillance or intrusions of privacy, and that participants may remain in contact after the meeting through all available means of communication without interference, surveillance or censorship.

B. To Member States whose nationals are victims of enforced disappearances by the Democratic People's Republic of Korea, including relatives of forcibly disappeared persons:

Adopt a comprehensive approach in law and policy to provide full and adequate redress and reparations in consultation with all victims of enforced disappearance, including relatives of forcibly disappeared persons. Reparations should include compensation and satisfaction measures such as memorialization, assistance in searching for the whereabouts of the disappeared and in the recovery, identification and reburial of bodies in accordance with the expressed wishes of victims, restoration of dignity, and medical and psychological support. Reparations should also address the impact on economic, social, cultural rights and the distinct disadvantages suffered by men and women, boys and girls as a result of enforced disappearances;

Continue to take concrete actions to address the diverse, severe, and continuous suffering of victims including through further investigations into alleged discrimination, surveillance, harassment, and wrongful detention of relatives of forcibly disappeared persons;

Ensure that specific groups, such as relatives of abductees and in particular women, are not subjected to stigmatization and marginalization;

Provide regular and accurate information to the victims of enforced disappearance, including relatives of forcibly disappeared persons, on the status of negotiations with the Democratic People's Republic of Korea on the search for forcibly disappeared persons and reunions for separated families;

Initiate programs for sensitization and capacity-building relating to victims' rights, and provide support to civil society organizations; and

Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, if not already ratified.

C. To the international community:

Promote mediation by trusted third parties, including through the International Committee of the Red Cross, in channeling correspondence between the relevant States and confirming the fate of forcibly disappeared persons;

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, including based on accepted principles of extraterritorial jurisdiction;

Uphold the principle of non-refoulement by not forcibly returning individuals to the Democratic People's Republic of Korea who are at risk of serious human rights violations, such as torture, forced labour and enforced disappearance;

Take steps to ensure that efforts aimed at securing a lasting peace on the Korean Peninsula give due priority to the human rights of the people of the Democratic People's Republic of Korea, and to restoring the dignity of victims by respecting and upholding their rights to truth, justice, reparation and guarantees of non-recurrence.

Dream

“Father.....!”

Weeping in father’s arms

A dream

“Father, father.....!”

Weeping, holding on to father should he run

Another dream

“This must be a dream. Let’s get out of it.”

Pulling, with all my might, my father’s hand

Yet another dream

Fooled over and over

Now I see father in my dreams

Neither surprised

Nor glad

Poem: Composed by Mr. Choi Yung Jae, son of Korean War abductee
Mr. Choi Young Su; from *Our Last Family Photo*

List of civil society organizations that participated in the consultations

- 1969 KAL Abductees' Families Association
- Abductee's Family Union
- Association for the Rescue of North Korea Abductees
- Association of Families of Victims Kidnapped by North Korea
- Citizens' Alliance for North Korean Human Rights
- Database Center for North Korean Human Rights
- Dream Makers for North Korea (Mulgangcho)
- Improving North Korean Human Rights Center
- Investigation Commission on Missing Japanese Probably Related to North Korea
- Korea of All
- Korean POW Families Association
- Korean War Abductees' Family Union
- Lawyers for Human Rights and Unification of Korea
- National Association for the Rescue of Japanese Kidnapped by North Korea
- NK Watch
- Research Association of the Japanese Korean Repatriation
- The Family Union of the Vietnam-War Korean Prisoners of War & Abductees
- Transitional Justice Working Group



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