

Committee for Human Rights in North Korea

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December 29, 2023

Her Excellency Dr. Elizabeth Salmón

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

Submission to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea on the progress in accountability measures for human rights violations in the DPRK

Dear Dr. Salmón,

Thank you for your invitation to answer three questions on progress in accountability for human rights violations in the DPRK, aimed at informing your upcoming report to the 55th session of the Human Rights Council.

The Washington, D.C.-based Committee for Human Rights in North Korea (HRNK) is a leading non-partisan, non-governmental organization in the field of North Korean human rights research and advocacy. Since our inception in 2001, we have sought to raise international awareness of the human rights situation in the DPRK through the publication of well-documented reports and outreach activities in support of the recommendations made in those publications. We have published 62 reports so far, investigating the DPRK's vast system of unlawful imprisonment, the Kim regime's policy of human rights denial, and vulnerable groups, especially women, children, and people in detention. HRNK received UN ECOSOC consultative status in April 2018. Ever since, we have been proactively representing civil society at the UN. By participating in the Universal Periodic Review and organizing online and in-person international conferences, seminars and meetings with Permanent Missions, UN agencies, and other offices in Geneva, New York City, Brussels, and Seoul, HRNK continues to disseminate the findings and recommendations put forth in our reports.

All HRNK reports and report summaries are available on our website:

<https://www.hrnk.org/publications/hrnk-publications.php>.

We are honored to share our views relating to the three questions you posed to stakeholders.

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1. What concrete measures have you (as an individual, an organization or a State) taken to advance accountability for serious human rights violations, including crimes against humanity, in the Democratic People's Republic of Korea?

As a non-governmental organization working on research and advocacy to promote human rights in the DPRK, HRNK has been collecting evidence and information on human rights violations to advance accountability for perpetrators of serious human rights violations, including crimes against humanity.

On the 4th of March 2022, HRNK held an accountability Hearing in Washington, D.C. in cooperation with the International Bar Association (IBA) as part of a two-year long Inquiry into the culpability of perpetrators for crimes against humanity at short-term detention facilities in the DPRK based on the Rome Statute, ranging from actors at the highest level of the regime to low-level guards who carry out many of the worst human rights abuses. The Hearing provided a platform to gather testimony, evidence, and expert opinions, bringing attention to the extent and severity of abuses and fostering the implementation of accountability measures by international organizations and governments.¹

This Inquiry was overseen by four renowned international jurists: Judges Navi Pillay (*Chair*), Dame Silvia Cartwright, Silvia Fernández, and Wolfgang Schomburg.² The Inquiry's final report was released on the 27th of June 2022 in Washington, D.C.³ The report found that:

[T]here are reasonable grounds to conclude that the following ten of the eleven crimes against humanity listed in the Rome Statute of the International Criminal Court... have been, and continued to be, committed [in detention centers of the Democratic People's Republic of Korea]: (1) murder, (2) extermination, (3) enslavement, (4) forcible transfer, (5) imprisonment or severe deprivation of physical liberty, (6) torture, (7) sexual violence, (8) persecution, (9) enforced disappearance, and (10) other inhumane acts.⁴

The report added that, in particular,

¹ Video footage of the hearing can be viewed at https://youtu.be/NmJ_mgToGY4.

² The final report from the Inquiry, published by HRNK and the International Bar Association (IBA) with the pro bono counsel of Debevoise & Plimpton, LLP, *Report: Inquiry on Crimes Against Humanity in North Korean Detention Centers*, can be found at:

<https://www.hrnk.org/uploads/pdfs/Report%20Findings%20Inquiry%20on%20Crimes%20Against%20Humanity.pdf>.

³ Video footage of the report rollout can be viewed at <https://youtu.be/JXRMnt2kdMI>.

⁴ *Report: Inquiry on Crimes Against Humanity in North Korean Detention Centers*, 1.

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Based on the evidence presented and reviewed...there are reasonable grounds to conclude that the following classes of individuals may be subject to prosecution for some or all of the above referenced crimes, including:

- Kim Jong-un in his capacity as Head of State;
- Members of the Organization and Guidance Department (“**OGD**”);
- Members of the State Affairs Commission (“**SAC**”);
- Members of the Ministry of Social Security (“**MPS**,” formerly known as the Ministry of People’s Security); and
- Members of the Ministry of State Security (“**MSS**”).⁵

Consequently, the report “calls on the DPRK and the international community to urgently take all necessary actions to ensure the cessation of crimes against humanity in the detention centers and to ensure compliance with the obligations contained in human rights treaties to which [the] DPRK is a party.”⁶

In addition, increasing attention has been centered on the control of information and the processes of political indoctrination that allow and justify the legitimization and perpetration of human rights abuses. Several of HRNK’s recently published reports analyze the chain of command and control responsible for the indoctrination of the Korean People’s Army (KPA) and North Korean citizens.⁷

In the DPRK, political indoctrination and propaganda play a central role in sustaining the regime’s totalitarian rule, significantly contributing to widespread human rights violations. Focusing on the role of the Propaganda and Agitation Department (PAD) of the ruling Korean Workers’ Party (KWP), Robert Collins observes that “[t]he KWP, through the PAD, designs and structures every North Korean life to be lived for the benefit of the regime.”⁸ Collins further notes that the PAD’s activities violate human rights that are stipulated in the International Covenant on Civil and Political Rights (ICCPR), the International

⁵ Ibid.

⁶ Ibid.

⁷ These include Robert Collins (2023), *Propaganda and Agitation Department: Kim Jong-un Regime’s Sword of Indoctrination*, https://www.hrnk.org/uploads/pdfs/PAD_web.pdf; George Hutchinson (2022), *Army of the Indoctrinated. The Suryong, the Soldier, and Information in the KPA*, https://www.hrnk.org/uploads/pdfs/Hutchinson_KPA_web_0426.pdf; and Martyn Williams (2019), *Digital Trenches. North Korea’s Information Counter-Offensive* https://www.hrnk.org/uploads/pdfs/Williams_Digital_Trenches_Web_FINAL.pdf.

⁸ Robert Collins, *Propaganda and Agitation Department*, 95.

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Covenant on Economic, Social, and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC), all of which the DPRK is a party to. The relevant provisions include:

- The right to freedom of thought, conscience, and religion (ICCPR, Art. 18; CRC, Art. 14);
- The right to take part in cultural life (ICESCR, Art. 15);
- The right to freedom of information (CRC, Art. 17).⁹

The regime enforces an elaborate system of indoctrination that begins from an early age, permeating all segments of individuals' lives. Citizens are subjected to a carefully crafted narrative that glorifies the rule of the Kim family, fosters a cult of personality, and demonizes the United States and other perceived enemies. This extensive indoctrination serves to suppress dissent, control information, and create an environment of constant fear and surveillance. In turn, this contributes to the survival of the regime, as the DPRK political system could not exist without the constant use of terror and violence against its population. The regime's pervasive use of propaganda further distorts reality, portraying the DPRK as a legitimate government under perpetual siege, fighting a foreign enemy for the protection of its people, while the population continues to suffer harsh socioeconomic realities and egregious human rights violations.

These indoctrination and propaganda efforts, which emphasize absolute loyalty to the leadership, contribute to a climate where citizens are discouraged from questioning authority, making it easier for the government to perpetrate and conceal systemic abuses, including arbitrary detention, forced labor, and restrictions on freedom of expression and movement. The lack of independent scrutiny and accountability mechanisms exacerbates the human rights crisis in the DPRK as dissenting voices are silenced. The international community continues to face significant challenges in uncovering the extent of the abuses as direct monitoring in the country is not allowed.

Furthermore, the crackdown on foreign information continues to increase as it remains a fundamental aspect for ensuring the regime's control over its citizens. With the spread of new technologies and tools for information transmission, including USBs and currently micro-SD cards, North Koreans have been increasingly exposed to foreign information and media, including South Korean content. As a result, the DPRK regime has been attempting to increase its surveillance and block the transmission of foreign media. In December 2020, the Supreme People's Assembly of the DPRK enacted the "Reactionary Ideology and

⁹ Ibid., 83.

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Culture Rejection Act of the Democratic People’s Republic of Korea,”¹⁰ otherwise known as the “anti-reactionary thought law.” This law criminalizes a wide range of acts such as consuming, importing, and distributing foreign radio broadcasts, recordings, videos, books, or other published materials unapproved by the regime, with particular emphasis on South Korean content.¹¹

The use of new technologies for the repression of human rights in the DPRK is a serious concern. In particular, Martyn Williams writes that “networked appliances could work against information freedom and eventually lead to the creation of an even more oppressive Orwellian society” built on tracking and surveillance software.¹² Through recent interviews with North Korean escapees, HRNK has obtained information on broader concerns about surveillance, censorship, and information control. Access to knowledge of the outside world has the potential to destabilize the regime. Strict control over information and the continuous indoctrination stifle dissent and maintain the legitimacy of the regime’s narrative.

The research HRNK has conducted on political indoctrination, propaganda, and new information technologies in the DPRK advances accountability, as it sheds light on the mechanisms employed by the regime to control its population and perpetrate human rights abuses. These reports also identify the individuals, entities, and state organs involved in these efforts. *The North Korean regime has attempted to counter the information coming in from the outside world through three sets of means: new propaganda content, crafted for both domestic and international audiences; new technologies, aimed to repel the media storage and transmission vehicles that bring information into North Korea; and new laws, as well as judicial and extra-judicial punishment, applied to those attempting to disseminate or access information from the outside world.*

HRNK’s reports provide insights into the extent and nature of indoctrination practices, revealing how they foster a climate of fear, suppress dissent, and distort reality, in turn ensuring the survival of the regime. This research serves as a crucial foundation for international organizations, human rights advocates, and policymakers seeking to hold the DPRK accountable for its actions.

HRNK continues to share and disseminate its findings with legislators, diplomats, government officials, and UN institutions and Member States to advance human rights and accountability in the DPRK. In 2022

¹⁰ The unofficial English translation of the act is available at: https://www.dailynk.com/english/wp-content/uploads/sites/2/2023/03/PDF-반동사상문화배격법_영한본.pdf.

¹¹ Seulkee Jang, “A deep dive into N. Korea’s new “anti-reactionary thought” law,” *Daily NK*, December 15, 2020, <https://www.dailynk.com/english/deep-dive-north-korea-new-anti-reactionary-thought-law/>.

¹² Martyn Williams, *Digital Trenches*, 44.

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and 2023 respectively, HRNK conducted events on the sidelines of the UN General Assembly in New York City and on the sidelines of the Human Rights Council session in Geneva on accountability and lines of responsibility for human rights violations in detention facilities inside the DPRK. These events represent a part of the efforts initiated by HRNK to promote accountability and justice for human rights violations in the DPRK.

2. What steps are you (as an individual, an organization or a State) intending to take to further advance the accountability measures for serious human rights violations in the Democratic People’s Republic of Korea?

As an organization committed to advancing accountability measures for serious human rights violations in the DPRK, HRNK continues to employ a multifaceted approach through research, investigation, and international outreach.

First and foremost, HRNK engages in ongoing research and documentation of human rights abuses within the DPRK, collaborating with experts, organizations, and North Korean escapees to gather comprehensive and reliable information. We utilize this data to produce reports and publications to raise awareness about the gravity and scope of human rights violations in the DPRK. HRNK also continues to investigate the status of political prison camps and other detention facilities in the country through satellite imagery analysis, as part of a long-standing research project. Moreover, HRNK continues to expand its partnership and cooperation with governments and international bodies through diplomatic engagement to advocate for the implementation of accountability measures and the pursuit of redress for the victims and justice for the perpetrators. HRNK participates in and organizes conferences and public events to disseminate its findings, mobilize public support, and encourage governments and international institutions to prioritize accountability and human rights when dealing with the DPRK. Through these efforts, HRNK aims to catalyze international action, foster dialogue, disseminate detailed information, and contribute to the realization of accountability for serious human rights violations in the DPRK.

On accountability and other areas relevant to North Korean human rights, HRNK is a strong proponent of a “human rights up front approach.” HRNK’s interpretation of the human rights up front approach goes beyond its original meaning within the context of the UN, which recommended close coordination between the human rights, humanitarian, and political arms of the UN. The broader application of a “human rights up front approach,” promoted by HRNK, encourages the elevation of the importance of North Korean human rights, next to other critical issues, including political, military, and security challenges. This proposed approach currently permeates all aspects of our organization’s work, including

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research, advocacy, capacity building, and engagement with stakeholders. The proposed human rights up front approach is particularly relevant to achieve the complete, verifiable, and irreversible denuclearization (CVID) of the DPRK through the fulfillment of the human rights of the DPRK citizens.¹³

There is an inextricable link between the DPRK's nuclear and missile programs and its human rights violations. In order to procure the resources it needs to develop nuclear weapons, missiles, and other weapons of mass destruction, to maintain its military and to keep the core elite content, the DPRK regime oppresses and exploits its people at home and abroad. Moreover, achieving CVID is not possible for as long as the DPRK denies the existence of its *kwan-li-so* political prison camps and restricts access to these facilities, where equipment or parts critical to the nuclear program could be concealed and off-limits to international inspectors.

As part of our effort to emphasize the connection between the nuclear program and North Korea's human rights violations, HRNK conducted satellite imagery analysis of a switchback leading from Political Prison Camp No. 16 to the Punggye-ri nuclear testing facility.¹⁴ Camp 16 is only 1.5 km away from North Korea's only known nuclear testing complex, and it has an estimated prisoner population of at least 20,000.¹⁵ Due to the mountainous terrain, if one uses the area's established road network, the journey from Camp 16 to the nuclear test facility would amount to 80 km.¹⁶ However, the dirt or gravel switchback captured by satellite imagery runs for only 5.2 km from the Camp 16 perimeter to one of the testing tunnels at Punggye-ri.¹⁷

HRNK identified four plausible explanations for the existence of this switchback. These explanations are not mutually exclusive:

1. The road may be used to transport prisoners from Camp 16 to the nuclear test facility for forced labor;

¹³ Details about the human rights up front approach, which drives our organization's current activities, can be found in the following publication: "National Strategy for Countering North Korea" by the National Institute of Public Policy, written by HRNK Executive Director Greg Scarlatoiu, HRNK Board members, and outside experts. The publication is available at: <https://www.hrnk.org/uploads/pdfs/IS-545.pdf>.

¹⁴ Jacob Bogle, Greg Scarlatoiu, and Raymond Ha, "Switchback: Evidence of a Connection between Kwan-li-so No. 16 and the Punggye-ri Nuclear Test Facility?," *Committee for Human Rights in North Korea*, October 17, 2023. https://www.hrnk.org/uploads/pdfs/punggyeri_FINAL.pdf.

¹⁵ *Ibid.*, 4.

¹⁶ *Ibid.*, 6.

¹⁷ *Ibid.*, 2.

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2. The road may be used to provide access along the mountainside to place monitoring equipment to gauge the effects of underground nuclear tests;
3. The road may have been used during the initial planning and construction stages by authorities to assess the suitability of the area's geology for conducting underground nuclear tests and for the construction of Tunnel No. 1;
4. The road may be used by Punggye-ri security personnel to access the facility's northeast boundaries for conducting security patrols and surveillance of the area.¹⁸

To date, there is no first-hand testimony about Camp (*kwan-li-so*) 16 from former detainees. Further investigation and monitoring is needed to determine the nature of the connection between Camp 16 and the Punggye-ri nuclear test facility.

Reinforced by witness testimony corroborated with satellite imagery analysis, the proposed human right up front approach requires HRNK to be guided by a strong commitment to respecting, protecting, and fulfilling all human rights for all individuals. In terms of research, the human rights up front approach influences our rigorous and objective research on North Korean human rights issues, with a focus on identifying and addressing root causes of human rights violations and by centering activities around the victims' experiences. Adopting this approach involves engaging with affected communities and individuals to ensure that their voices and perspectives are integrated into the research process. In the area of advocacy, the human rights up front approach allows us to emphasize the need to further promote and defend human rights through targeted advocacy campaigns and initiatives. This involves engaging with government officials, the private sector, and other stakeholders to raise awareness about human rights issues, advocate for the adoption of human rights-friendly policies and practices and hold duty-bearers accountable for their human rights obligations.

This approach ensures that HRNK prioritizes capacity building and empowerment of individuals and communities, in particular North Korean escapee communities, to advocate for their own rights through designed programs and projects. Additionally, the human rights up front approach requires the organization to engage in meaningful partnerships and collaborations with various stakeholders, including governments, international organizations, civil society groups, and grassroots movements, and to place North Koreans' experiences as the guiding voice for achieving meaningful change. By working together with other actors who share a commitment to human rights, HRNK seeks to amplify its impact and foster positive change in the human rights situation in the DPRK.

¹⁸ Ibid., 4.

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- 3. If some of the actions you (as an individual, an organization or a State) have been taking are guided by the recommendations made by the UN Commission of Inquiry (COI) on human rights in the Democratic People's Republic of Korea issued in February 2014, please specify which recommendations and explain how they have influenced your work.**

HRNK acknowledges the recommendations made by the UN Commission of Inquiry (COI) on human rights in the DPRK as fundamental guidelines. We conduct our work in accordance with the COI's recommendations, as noted below.

*Under Recommendation in para 89:*¹⁹

- Recommendation (b) which acknowledges the existence of prison camps and calls for the dismantling of such facilities drives HRNK's extensive and rigorous satellite imagery analysis and influences in-depth research and publications.
- Recommendation (c) which speaks to the legal structure of the DPRK, in particular the Criminal Code and other laws, while mentioning the imperative to reform the prison camps, guides HRNK's initiatives on satellite imagery and witness-driven research. Both recommendations have further encouraged HRNK to carefully investigate ongoing activities at various detention facility sites, to better understand the extent of the crimes against humanity and other egregious human rights violations committed within the DPRK's vast system of unlawful imprisonment. The recommendations also encourage HRNK to focus on the disastrous humanitarian situation affecting the daily lives of prisoners.
- Recommendation (e) refers to independent newspapers and other media, access to the internet, social media, and international communications. HRNK's 2019 report *Digital Trenches: North Korea's Information Counter-Offensive*²⁰ discusses the comprehensive methods of total surveillance and control of information in the country. Moreover, as part of our outreach activities, HRNK continues to advocate for the power of information in informing the North Korean people

¹⁹ United Nations Human Rights Council, *Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea*, UN Doc. A/HRC/25/63, February 7, 2014. <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/25/63&Lang=E>.

²⁰ The report is available at: https://www.hrnk.org/uploads/pdfs/Williams_Digital_Trenches_Web_FINAL.pdf.

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about their human rights, about the corruption of the DPRK authorities, and what is happening in the outside world.²¹

- Recommendation (g) urges the DPRK to acknowledge freedom of religion. This is a recurring theme in HRNK’s research and publications. HRNK is primarily focused on advocating for the human rights of North Koreans, in particular, individual rights such as freedom of religion.
- Recommendation (i) advocates for gender equality and the rights of women. This recommendation influences the research and development of projects focusing on sexual and gender-based violence within the DPRK and of North Korean women outside of the DPRK, i.e. in China. HRNK has written submissions which focus on the plight of women and girls who are generally victimized in and outside of the DPRK without recourse.²²
- Recommendation (m), which speaks about the restrictions on cross-border movement, including the refoulement of North Koreans from China to the DPRK, and recommendation in para 90 (a) speaking to the principle of non-refoulement have largely influenced our research and publications. Moreover, in recent years, HRNK’s outreach activities to the European Union have been strongly addressing several concerns related to North Korean human rights with a specific focus on the forced repatriation of refugees from China by engaging with Members of the European Parliament and EU’s diplomatic missions. Our efforts resulted in the condemnation by the European Parliament of the forced repatriation of North Korean escapees from China to the DPRK in the recent report on EU-China relations, adopted by the European Parliament on the 13th of December 2023.²³
- Recommendation (n) which highlights the issue of North Korean abductees. HRNK has written and published the report *Taken!* (2011) which addresses the issue of the abduction of foreign nationals, and has continued to work with families of abductees from Japan and South Korea and NGOs established by such family members.²⁴
- Recommendation (p) addresses accountability measures. This recommendation has been a guiding light for HRNK’s work, especially for our recent activities. It continues to impact our research and

²¹ Greg Scarlatoiu, “The Power of Information: Telling Three Stories to the North Korean People,” *HRNK Insider*, August 2022. <https://www.hrnkinsider.org/2022/08/the-power-of-information-telling-three.html>.

²²This includes, for instance, the Written Statement for the Congressional Executive Commission on China (2023), found at: <https://www.hrnk.org/uploads/pdfs/Scarlatoiu--CECC-Response-HRNK-FINAL-.pdf>.

²³ The European Parliament report P9_TA(2023)0469 can be found at: https://www.europarl.europa.eu/doceo/document/TA-9-2023-0469_EN.pdf. Concerns about North Korean escapees forced repatriation by China are addressed under recommendation 1, para x (p. 11).

²⁴ The report can be found at: https://www.hrnk.org/uploads/pdfs/Taken_LQ.pdf.

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publications as well as the development, planning, and execution of outreach projects, seminars, and forums.

We thank you for your consideration and we remain available for any further requests for additional information or clarification.

Respectfully submitted,



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