

NORTH KOREA

The Democratic People's Republic of Korea (DPRK or North Korea) is a Communist state that has been governed by a single ruling family since its foundation in 1948. The country was founded by Kim Il-sung following the division of the Korean peninsula after the Japanese withdrawal at the end of the Second World War. He was succeeded by his son Kim Jong-il and grandson Kim Jong-un. The Korean War was started with the North's invasion of the South (Republic of Korea or South Korea) in 1950. It was fought between North Korean and Chinese communist troops on the one side and UN (led by the United States) and South Korean troops on the other. After a ceasefire was signed in 1953, the peninsula was split along the 38th parallel, dividing North Korea from South Korea. Since then, the DPRK has been one of the most insular countries on the planet.¹

Continuing through the Korean War and until 1958, the government undertook specific policies aimed at the mass suppression of religion, which had previously consisted of significant populations of Cheondokyo followers, Buddhists, Protestants, and Catholics. These policies included forced relocations, evictions, and the destruction of religious buildings. Between 1967 and 1970, with the resident registration programme also known as *Songbun* was implemented which categorised all North Korean citizens into fifty-one groups.

Small religious minorities including shamans were classified as Category 29, Cheondoists as Category 32, Protestants as Category 37, Buddhists as Category 38, and Catholics as Category 39. These were all regarded as subversive elements. Experts have identified this classification as the point at which most religions were wiped out in North Korea.²

Today, the country's twenty-five million people are largely ethnically homogenous, with only small pockets of Chinese and Japanese residents.³ Religiously, only state-sponsored and controlled groups exist, and only to provide the illusion of religious freedom. Individual religious freedom does not exist in practice. Organised religious practice of any kind is seen as a threat to the national communist ideology (Juche) and the personality worship of the ruling Kim family. This is particularly true of Christianity, which is officially viewed in the country as being an artifact of American imperialism. As such, practitioners caught by the government are usually sent to political prison camps.⁴

¹ Mark B. Suh. "Korea (Democratic People's Republic/ North Korea)".

² Robert Collins. "Marked for Life: Songbun North Korea's Social Classification System".

³ Central Intelligence Agency. "World Factbook: North Korea".

⁴ US Commission for International Religious Freedom. "2016 Annual Report".

Protestants in Prison

Proselytization to religion, and to Christianity in particular, is seen as conversion from the cult of personality of the Kim dynasty and ideology of the state Communist Party. Those caught or accused of missionary work, which may even include accidentally leaving a Bible in one's hotel room, are punished very harshly.

Pastor Hyeon Soo Lim

Soon after arriving in North Korea in late January 2015, Pastor Hyeon Soo Lim, a Canadian of Korean background from a congregation near Toronto, was arrested on charges of

*Harming the dignity of the supreme leadership, trying to use religion to destroy the North Korean system, disseminating negative propaganda about the North to the overseas Koreans, and helping U.S. and South Korean authorities lure and abduct North Korean citizens, along with aiding their programs to assist defectors from the North.*⁵

He was sentenced under these charges to a life sentence of hard labour in one of North Korea's notorious prison camps. These charges were accompanied by a full confession made under duress at his trial in which Mr. Lim admitted to attempting to overthrow the North Korean government and put the Communist Party and its leaders into disrepute. Mr. Lim is joined by fellow **Pastor Kim Kuk-gi** and **Pastor Choe Chun-gil**, both South Koreans, arrested for spreading ideas critical of North Korea⁶ and Baptist missionary Kim Jung-wook.⁷

The government of North Korea has been known to use the often arbitrary arrest of foreign nationals in order to obtain political gestures from those nations. The most notable of these were directed towards the United States. In 2010, the North Korean government released American school teacher Aijalon Gomes as a result of a visit by former president Jimmy Carter.⁸ In 2014, Americans Kenneth Bae and Matthew Miller were released after a visit by top intelligence official James Clapper.⁹ Recently, the current Western detainees were threatened following the outspoken remarks by Kenneth Bae on his time in detention.¹⁰ In this way, the government uses political and religious justifications for imprisonment in order to gain international recognition from states' attempts to recover these nationals.

The full list of documented cases of FoRB prisoners is available on the USB key attached to

⁵ Rob Gillies. "North Korea Sentences Canadian Pastor To Life In Prison".

⁶ Ibid.

⁷ Anugrah Kumar. "North Korea Sentences South Korean Missionary, Kim Jung-wook, to Life in Prison".

⁸ Justin McCurry. "North Korea releases US prisoner after talks with Jimmy Carter".

⁹ Martin Pengelly. "North Korea releases US citizens Bae and Miller after James Clapper visit".

¹⁰ James Pearson. "North Korea says not to free U.S. citizens until former detainee stops 'babbling'".

this report and on our website: <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list/>.

Laws Used to Criminalize Religious Activities

The North Korean legal system is based on the principle of ‘law of the socialist society’ which looks to the leadership of the Communist Party to apply justice in an egalitarian and socialist manner. This differs from ‘law’ which they see as the product of capitalist and classist elites codifying existing structures to reinforce their own power and influence at the expense of the regular people (proletariat).¹¹ This Party-granted direction is provided by making the court system answerable to the Supreme People’s Assembly (SPA), which is in turn administered by the leaders of the Party with current leader Kim Jong-un as its head.¹²

Constitution of the Democratic People's Republic of Korea:¹³

Article 11

The DPRK shall conduct all activities under the leadership of the Workers' Party of Korea.

Article 68

(2) No one may use religion as a pretext for drawing in foreign forces or for harming the State and social order.

Article 81

Citizens shall firmly safeguard the political and ideological unity and solidarity of the people.

Article 11 of the North Korean Constitution codifies the ability of top officials within the North Korean government or military to summarily change policy by decree or order rather than more formal legislative methods. This makes tracking the use of specific laws used to criminalise activity difficult. There is no need for such laws to exist in order for there to be a legal basis for such detentions.

The Criminal Law of the Democratic People's Republic of Korea, 2009:¹⁴

Article 59

(Conspiracy to Subvert the State)

¹¹ Han Myung Sub. “North Korean Human Rights Laws and their Application”.

¹² Patricia Goedde. “UPDATE: Overview of the North Korean Legal System and Legal Research”.

¹³ Supreme People’s Assembly. “Constitution of the Democratic People's Republic of Korea: December 27, 1972 (as Amended to September 5, 1998)”.

¹⁴ Supreme People’s Assembly. “The Criminal Law of the Democratic People's Republic of Korea (2009)”.

A person who, with anti-state purposes, participates in a coup d'état, riot, demonstration or assault, or takes part in a conspiracy shall be punished by reform through labour for more than five years.

In cases where the person commits a grave offence, he or she shall be punished by life-term of reform through labour, or the death penalty and confiscation of property.

Article 61

(Anti-State Propaganda and Agitation)

A person who, with anti-state purposes, launches propaganda and agitation shall be punished by reform through labour for less than five years. In cases where the person commits a grave offence, he or she shall be punished by reform through labour for more than five years and less than ten years.

Article 62

(Treason against the Fatherland)

A citizen of the Republic who commits treason against the Fatherland by defection, surrender, betrayal; or disclosure of secrets shall be punished by reform through labour for more than five years. In cases where the person commits a grave offence, he or she shall be punished by reform through labour for more than five years and less than ten years.

Article 63

(Espionage)

A non-citizen of the Republic who detects, collects or transmits secrets with the intention of espionage against the Republic shall be punished by reform through labour for more than five years and less than ten years. In cases where the person commits a grave offence, he or she shall be punished by reform through labour for more than ten years.

Due to the fact that religious proselytization is considered to be a political offense against the state and the state ideology referred to as Juche, all of these Articles are used against religious persons and foreign missionaries. In particular, pastors Kim Kuk-gi and Choe Chun-gil were sentenced under Article 63 for espionage.¹⁵ Similarly, due to the fact that all of these offenses are political in nature, their sentences involve detainment in North Korea's political labour camps. This connection between religion and politics is justified through Article 68 of the Constitution, which prohibits the use of religion as a means of disrupting the political or social order.

¹⁵ HRWF North Korea Prisoners' List, 2016.

National Standards for Detention Conditions

Article 11 of the North Korean Constitution, explained earlier, provides the basis for much of the functioning of the administrative legal system and regulation. Due to the fact that much of the legal system is based on orders or decrees, the administration of specific prisons or labour camps is determined by specific agendas provided to those facilities in isolation. This is because while there is a large and well-organised penal system, it is subject to political will, and, therefore, standards set in the DPRK Code of Criminal Procedure, while providing the nominal legal protection of detainees, utterly fail to do so in practice.

The Criminal Law of the Democratic People's Republic of Korea, 2009:¹⁶

Article 253

(Exaggeration and Falsification of Case)

A legal-sector worker who interrogates a person in an illegal way or exaggerates or falsifies a case shall be punished by reform through labour for less than five years. In case where the foregoing act causes such other person to die, sustain serious injuries, or become falsely convicted of a crime, the punishment shall be reform through labour for more than five years and less than ten years. In cases where the person commits a grave offence, he or she shall be punished by reform through labour for more than ten years.

The DPRK's Code of Criminal Procedure Article 167 stipulates that any evidence obtained through the use of torture is prohibited, punishable, and everyone under detention is to be protected.¹⁷

International Reports on Prison Conditions in North Korea

In March 2013, the United Nations Human Rights Council established a committee to investigate allegations of gross and systematic human rights abuses in North Korea and the position that the country is guilty of crimes against humanity in perpetuating these issues. The report, filed in February 2014, provides the most detailed description of the conditions within the country, which is infamously insular and sequestered.¹⁸

¹⁶ Supreme People's Assembly. "The Criminal Law of the Democratic People's Republic of Korea (2009)".

¹⁷ Human Rights Council. "Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea".

¹⁸ Ibid.

Report of the detailed findings of the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea:¹⁹

Paragraph 703

Even suspects of minor political wrongs often end up spending months in preliminary detention before their final punishment is determined, because they are often moved between security agencies. In many cases, a suspect will be interrogated at length by the State Security Department or the KPA Military Security Command. If the suspect is found to have engaged only in minor wrongs, he or she is handed over to the MPS, where the interrogation process is recommenced.

Paragraph 704

During the interrogation phase, suspects are systematically degraded, intimidated and tortured, in an effort to subdue them and to extract a full confession. The physical set-up of the interrogation detention centre is often already designed to degrade and intimidate.

Paragraph 707

Torture is an established feature of the interrogation process. The same means and methods of torture have been employed in different provinces and at different times. Officials often regard it as entirely normal to beat suspects until they confess. Some interrogation facilities have been specially outfitted to conduct more sophisticated methods of torture. In some cases, higher-ranking officials even instructed junior officials on efficient torture techniques.

Paragraph 710

The treatment of suspects is particularly brutal and inhumane in the interrogation detention centres of the SSD, the primary agency tasked with suppressing “anti-state and anti-people crimes”. Suspects held by the SSD are also typically held incommunicado, a condition that increases their vulnerability.

Paragraph 711

Inhumane conditions of detention exert additional pressure on detainees to confess quickly to secure their survival. During the interrogation phase, suspects receive rations designed to cause hunger and starvation.

¹⁹ Ibid.

Paragraph 712

In some interrogation detention centres, inmates have also been subjected to forced labour in farming and construction. This violates international standards which prohibit the imposition of forced labour on persons not duly convicted.

Paragraph 713

Inmates, who are not undergoing interrogations or who are not at work, are forced to sit or kneel the entire day in a fixed posture in often severely overcrowded cells. They are not allowed to speak, move, or look around without permission. Failure to obey these rules is punished with beatings, food ration cuts or forced physical exercise. Punishment is often also imposed collectively on all cellmates.

On the 23rd of June 2015, the United Nations opened an office in Seoul dedicated to monitoring human rights in North Korea.²⁰ This was largely a result of the findings of the report quoted above. Torture and mistreatment are rife and systematised throughout North Korea, particularly in reference to political prisoners, a category that includes religious prisoners. The report concluded by stating that based on the evidence collected, North Korea was committing crimes against humanity in their conduct in restricting human rights including freedom of thought, conscience, and religion as well as their treatment of detainees of their political labour camps.²¹

Conclusions

The human rights situation in North Korea is exasperated by the fact that the government is highly secretive and severely limits foreign visitors. Civil society is practically non-existent in the country, and there is no discourse within North Korea on human rights. Many within the regime view human rights and international obligations as Western cultural imperialism.

The practice of religion is not tolerated in North Korea. "Countless numbers of persons in North Korea who attempt to practice their religious beliefs have been severely punished, even unto death," according to the 400-page report of the UN Commission of Inquiry (COI) into Human rights in the Democratic People's Republic of North Korea (DPRK).

Religious groups that do exist were created and are strictly controlled by the government to give the illusion of religious freedom.

²⁰ Wendy Zeldin. "North Korea; United Nations: Human Rights Office Dedicated to Monitoring North Korea Opened".

²¹ Human Rights Council. "Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea".

North Korea represents a formidable challenge to the entire free world. It is clearly a gulag of astounding proportions. There are many religious prisoners in the country, although the vast majority is not known to the international community. Should the regime become open enough to be subjected to inspection by the United Nations, as it has been urged to do on several occasions, the fuller and deeply tragic story would be known concerning the treatment of prisoners with regards to unfair trials, prison conditions, and torture.