

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Working Group on Enforced or Involuntary Disappearances.**

REFERENCE: AL G/SO 218/2 G/SO 217/1 G/SO 214 (33-27) G/SO 214 (53-24)  
PRK 1/2012

3 October 2012

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances pursuant to Human Rights Council resolutions 15/18, 19/13, 17/5, 16/23 and 16/16.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **alleged use of labour camps, also known as *kwan-li-so*, for political prisoners.**

This issue was addressed in a previous communication sent by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on 5 July 2004, to which a response was received on 15 July 2004. Although we note that your Excellency's Government denied the accuracy of the allegations in that letter, we have received updated information from various sources regarding worrying allegations concerning political prisoner labour camps and a pattern of human rights violations committed therein, for which we wish to seek clarification.

A number of United Nations bodies and mechanisms have previously expressed similar concerns. For instance in its latest resolution 19/13 regarding the situation in the Democratic People's Republic of Korea, the Human Rights Council "deplor[ed] the grave, widespread and systematic human rights abuses ..., in particular the use of torture

and labour camps against political prisoners and repatriated citizens of the Democratic People's Republic of Korea.”

According to the information received:

Labour camps for political prisoners have allegedly been in operation since the 1950s in the Democratic People's Republic of Korea. The prison system comprises at least six camps, each one covering 400 square miles or more, in which an estimated number of at least 150,000 prisoners are currently detained. The six camps of which we have been informed are: Kaechon, South Pyongan Province, also known as Camp No. 14; Yodok, South Hamgyong Province, also known as Camp No. 15; Hwasong, North Hamgyong Province, also known as Camp No. 16; Bukchang, South Pyongan Province, also known as Camp No. 18; Hoeryong, North Hamgyong Province, also known as Camp No. 22; and Chongjin, North Hamgyong Province, also known as Camp No. 25.

It is reported that individuals who have committed or are perceived to have committed a political crime are detained in relation to a wide range of activities. These include expressing anti-socialist sentiment, having unsound ideology, criticizing the Government, reading a foreign newspaper, expressing exasperation with the living conditions in the country, and engaging in religious practices inconsistent with the State-authorized *juche* ideology.

If perceived to have been engaged in activities such as those listed above, an individual is allegedly arrested without being informed of the respective charges. The individual is then involuntarily or forcibly taken to an interrogation facility, detained, and typically subjected to torture until a confession is obtained. It is reported that, after being declared guilty by the State Security Protection Agency, the detainee is either executed immediately or transferred to a prison camp.

Family members of detainees have allegedly been arrested in the same conditions and brought to prison camps, often without being told the reasons for their arrest or whether they will ever be released. Indeed, in a number of cases, the detention is justified solely on the basis of the guilt-by-association practice based on “collective responsibility” or *yeonjwa je*. In accordance with this practice, up to three generations of family members may be imprisoned in relation to offences prescribed in articles 44 to 55 of the Penal Code of the Democratic People's Republic of Korea.

It is further reported that throughout their detention, prisoners are not given a trial and are held incommunicado without notice of the charges against them, nor information on the length or place of detention. Furthermore, no information regarding prisoners' whereabouts is provided to friends, neighbours, co-workers or more distant family relatives not sent to the camps who inquire about them.

According to reports, detainees have been held in harsh conditions. Prisoners including children have been subjected to forced labour, such as mining, logging, farming and manufacturing labour. Prisoners are commonly required to work seven days a week for twelve or more hours a day, with only one day of rest a month and on the three national holidays, and sometimes in dangerous conditions. Highly demanding daily production quotas are reportedly imposed on detainees, who are severely punished if they do not meet these requirements. Some prisoners have reportedly developed physical deformities from years of labour in such conditions, such as hunched backs. Prisoners have also allegedly lost toes and fingers due to frostbite, and hands, arms or legs from work-related accidents. Additionally, prisoners have been provided with very limited food rations, commonly about twenty grains of corn a day per inmate, which results in them being kept perpetually on the verge of starvation. They reportedly have no access to healthcare. It is reported that many prisoners die every year as a result of prison labour.

It is further alleged that torture and public executions are common within the camps. Torture is reported to be the primary means of sanctioning prisoners for infractions of camp rules, such as eating unauthorized food, repeated failure to meet production quotas, losing or damaging tools or equipment, suspected sabotage of camp facilities, reported complaints about camp life, or unauthorized sexual conduct between prisoners.

Individuals who are known to be Christians are reportedly targeted most severely and subjected to particularly brutal treatment in the camps. Prisoners may also be subjected to “motionless sitting”, whereby they are forced to squat without moving for hours. Those who move are allegedly punished by being made to put their hands through the bars of a door, where the guards beat or stamp on them until they bleed and their skin is shredded. It is reported that another form of punishment is solitary confinement into a tiny underground or partially underground cell for months, accompanied by reduced food portions and severe beatings. Inmates who have come back from such cells have reportedly died shortly thereafter.

According to reports, escape attempts are punished by executions, which are most frequently carried out by firing squad and also by hanging. Prisoners have frequently been required to observe executions at close range. In some cases, they have been compelled to strike or throw stones at dead bodies. In one case, information suggests that following an attempt to escape from a prison camp, a detainee was publicly dragged along the ground by a car until he died. In other instances, prisoners have allegedly been taken away and never returned.

Reports also suggest that women have been subjected to sexual exploitation, rapes, killings and forced abortions. Pregnancies among the female prison population which may result from sexual exploitation, in return for food or less

dangerous work assignments or rape by prison guards, have been sanctioned with forced abortion or killing.

In at least four camps, the majority of prisoners reportedly remain in custody until their deaths. Over the past few decades, an estimated number of at least 400,000 prisoners have reportedly perished in the camps.

We have been informed of at least three specific cases of arbitrary detention: Ms. Kang Mi-ho and her son Mr. Kim Jeong-nam who are allegedly held in Yodok, South Hamkyung Province, also known as Camp No. 15 as well as Mr. Shin Kyung-seop and his family held in Gaechon, South Pyongan Province, also known as Camp No. 14. The specific allegations on these cases have already been conveyed to your Excellency's Government in the communication of the Working Group on Arbitrary Detention (WGAD) dated 6 July 2012, to which a response from your Excellency's Government was received on 3 September 2012

Moreover, in its Opinion No. 4/2012, adopted on 2 May 2012, the WGAD considered the cases of Mmes. Shin Sook Ja, Oh Hae Won and Oh Kyu Won in Yodok, detained in camp No. 15, South Hamgyong Province. Having taken into account the response provided by your Excellency's Government dated 27 April 2012, the WGAD held that "[t]he continued detention of Shin Sook Ja, Oh Hae Won and Oh Kyu Won, being in contravention of articles 8, 9, 10 and 11 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights is arbitrary. The detention falls within categories I and III of the categories applicable to the cases submitted for consideration to the Working Group" (A/HRC/WGAD/2012/4, para. 27). In light of the foregoing, the WGAD requested your Excellency's Government "to take the necessary steps to remedy the situation, which, in its view, include immediate release from detention and an enforceable right to compensation, in accordance with article 9, paragraph 5, of the International Covenant on Civil and Political Rights" (*Ibid.*, para. 28).

We are seriously concerned about the forementioned allegations which have been brought to our attention by various sources.

At this stage, we do not wish to express an opinion on the facts of the individual cases of Ms. Kang Mi-ho, Mr. Kim Jeong-nam, Mr. Shin Kyung-seop and his family, alongside thousands of other prisoners reportedly detained in camps under similar circumstances. However, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), which the Democratic People's Republic of Korea acceded to on 14 September 1981.

With regards to the alleged extrajudicial executions, we wish to underline that the right to life is a fundamental right and that your Excellency's Government must ensure that no individual on its territory or submitted to its jurisdiction is arbitrarily deprived of his or her life in accordance with its obligations under article 6(1) of the ICCPR.

Deprivation of life by the authorities of the State is a matter of the utmost gravity. It has been widely recognized that when the State detains an individual, it is held to a heightened level of diligence in protecting that individual's rights. In the event that an individual dies as a consequence of injuries sustained while in State custody, there is a presumption of State responsibility. In this respect we would like to draw your attention the Human Rights Committee communication no. 84/1981, *Dermit Barbato et. al. v. Uruguay*, para. 9(2).

In all suspected cases of extrajudicial, arbitrary or summary executions, there must be a "thorough, prompt and impartial investigation, ... including cases where complaints by relatives or other reliable reports suggest unnatural death" in line with principle 9 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65 of 24 May 1989).

In relation to the allegations of torture, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

We would also like to draw the attention of your Excellency's Government to paragraph 8b of Human Rights Council Resolution 16/23, which reminds States that "Prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person and to ensure that secret places of detention and interrogation are abolished."

Furthermore, we would like to draw the attention of your Excellency's Government to article 15 of the Convention against Torture that provides that, "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made." We also recall that paragraph 7c of Human Rights Council Resolution 16/23 urges States "to ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing

that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment."

In relation to the allegations according to which no information regarding prisoners' whereabouts is provided to friends, neighbours, co-workers or more distant family relatives not sent to the camps who inquire about them, we would like to bring to your Excellency's Government's attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which sets out necessary protection by the State, and in particular:

- article 2 (no State shall practice, permit or tolerate enforced disappearances);
- article 3 (each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction); and
- article 10 (right to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest).

It is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Please provide information on the accuracy or inaccuracy of the facts alleged in the summary including on the questions that follow.
2. Please provide detailed information on the labour camps for political prisoners, location, the names and number of the persons detained, their gender, age, and the charges brought against them.
3. Please provide figures on the number of deaths in custody within these camps over the past five decades.
4. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to these allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While awaiting a response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of men, women and children in detention, as well as the rights of their relatives and friends, are respected. In the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible for the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

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

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

El Hadji Malick Sow  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment

Olivier de Frouville  
Chair-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances