

**Mandates of the Working Group on Enforced or Involuntary Disappearances; 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 the promotion of truth, justice, reparation and guarantees of non-recurrence and the Working Group on discrimination against women and girls**

Ref.: AL PRK 1/2025  
(Please use this reference in your reply)

20 February 2025

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; 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 the promotion of truth, justice, reparation and guarantees of non-recurrence and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 54/14, 55/21, 53/4, 54/8 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged recurring patterns of transnational repression, including the abduction often followed by the enforced disappearance, of Japanese nationals by the Democratic People's Republic of Korea since 1950.**

Special Procedures mandate-holders have previously communicated similar concerns to your Excellency's Government ([PRK 3/2024](#), [PRK 2/2024](#), [PRK 2/2020](#), [PRK 1/2020](#), [PRK 2/2019](#), and [PRK 1/2012](#)). We continue to regret that we have neither received a substantive reply to these communications nor to the numerous cases transmitted by the Working Group on Enforced or Involuntary Disappearances. We recall the grave concern repeatedly stressed by the Human Rights Council in [resolution 55/21](#) of 4 April 2024 regarding the issue of international abductions of Japanese nationals by the Democratic People's Republic of Korea (DPRK), and we further reiterate the previous calls by Special Procedures mandate-holders on the Security Council to refer the situation in the DPRK to the International Criminal Court ([A/HRC/WGEID/118/1](#), para. 46, [A/HRC/27/49](#), para. 72, and [A/HRC/39/46](#) para. 90 respectively).

According to the information received:

The DPRK has engaged in systematic acts of transnational repression, including the abduction, in many cases followed by the enforced disappearance, of foreign nationals since 1950 as a matter of State policy. Although most abductions and enforced disappearances attributed to the DPRK concerned nationals of the Republic of Korea – allegedly ranging between 80,000 and 100,000 – there were also numerous instances where the possibility of abduction of Japanese nationals by DPRK cannot be ruled out for during the same period – reportedly ranging from 700 to 900 persons.

Many of the men and women abducted were allegedly forced to undergo ideological indoctrination, spy training, or were sent to technical or occupational schools before being allocated to work in a specific industry. It is reported that the abductions occurred for a variety of reasons, including forced marriage or to meet specific objectives to gain labour and skill sets by central-level institutions of the DPRK or to fill labour shortages. Categories of personnel such as engineers, pharmacists, doctors, and young men and women with practical capabilities were allegedly specifically targeted.

Most abductees were forcibly transferred to remote mining areas such as the Aoji Coal Mine, and many reportedly disappeared into labour camps or political prisons. According to the information received, the abductees were denied the freedom to leave the DPRK and the right to communicate with their families in the Republic of Korea or Japan.

#### *Disappearances of Japanese fishermen at sea*

During the period of the Cold War, hundreds of Japanese fishermen were reportedly abducted at sea by DPRK agents after departing the Republic of Korea or Japan for fishing expeditions. While some of the abducted fishermen were allegedly executed during the interception, many others were believed to have been taken to the DPRK.

On 24 September 1955, Mr. **Masaji Nakano** was allegedly abducted near Jeju Island, Republic of Korea, by DPRK State agents. Mr. Nakano was aboard the 12<sup>th</sup> Tamaei Maru, alongside 11 other crewmembers, and departed from the Imari Port, Saga Prefecture, Japan. The vessel and the crewmembers became lost in waters 30 miles south of Jeju Island at approximately 4.30 a.m. A crew member ship went to search the area but could not find them. The vessel was later captured in the Republic of Korea in the same waters.

On 11 May 1963, at dawn, three brothers Mr. **Shoji Terakoshi**, Mr. **Sotoo Terakoshi** and Mr. **Takeshi Terakoshi** departed from Takahama fishing port in Japan aboard the Shoji Terakoshi's vessel. On 13 December 1963, the vessel was declared missing and was later found drifting 7 kilometres offshore. The vessel showed signs of a collision and markings of a paint that was not used in Japan. In 1987, Mr. Sotoo Terakoshi reportedly contacted a relative and stated that he was living in Pyongyang. It is reported that the elder brother Mr. Shoji Terakoshi was executed with a pistol and his body discarded at sea while his two brothers were taken to the DPRK. Mr. Takeshi Terakoshi reportedly lived in the DPRK and worked as a member of the Korean Workers' Party.

On 7 November 1967, at around 6 a.m., Mr. **Keigoro Kamiya** and his three sons, Mr. **Keigo Kamiya**, Mr. **Norihito Kamiya**, and Mr. **Hayami Kamiya**, were allegedly abducted by agents of the DPRK after having departed from the north shore port of Motoinepu, Japan. According to witness testimonies, Mr. Kamiya's ship was surrounded by three vessels. The vessel's hull was later located on the seabed.

On 28 October 1982, Mr. **Fukumi Noda** led a fleet of 10 boats who departed from Mihonoseki, Shimane Prefecture, Japan, fishing for squid around Rebun Island, Hokkaido, Japan. Mr. Noda was in radio communication with his colleagues until approximately 10.30 p.m. when he went missing; his boat was found unmanned with the lights on and operational the following morning.

On 2 August 1988, Mr. **Tomiyasu Yakura**, allegedly disappeared while fishing on the surface of the ocean of Tottori Prefecture, Japan. Mr. Yakura's fishing boat was found with a seized engine and traces of a collision with another boat on the port forward side.

#### *Disappearances of former members of the Ground Self-Defence Force*

Several Japanese nationals were allegedly targeted by DPRK agents in Japan due to their perceived membership to the former Ground Self-Defence Force. Among these individuals are Mr. **Masanobu Tamura**, reported as missing in Japan in May 1960, Mr. **Kimio Sakashita**, reported as missing in Japan in late 1963, Mr. **Taichi Takahashi**, reported as missing in Japan in June 1963, and Mr. **Tsuguhiro Nakazato** reported as missing in Japan in May 1977.

#### *Abducted Japanese nationals seen in the DPRK*

Numerous sightings of Japanese nationals have been reported in the DPRK after having allegedly been abducted from Japan. On 7 February 1976, Mr. **Susumu Fujita**, was reportedly detained by a member of the Overseas Intelligence Division of the Worker's Party of Korea at Nishiarai Hospital, Japan, before being abducted and taken to the DPRK. In 2004, a photograph of a Japanese man teaching the Japanese language at a military intelligence training centre in the DPRK was presented to an individual associated with Mr. Fujita by an individual from the DPRK. A forensic examination of historical photographs of Mr. Fujita and the photograph produced was reportedly conducted by an expert who concluded that Mr. Fujita was the individual in both photographs. In 2004, an escapee from the DPRK also allegedly testified to having seen Mr. Fujita at the Kim Jong Il Political Military University in Pyongyang.

Numerous other Japanese nationals who disappeared in Japan were cited by escapees from the DPRK. On 27 February 1960, Ms. **Kaoru Kimura**, was allegedly abducted near her residence in Akita City by DPRK State agents. Ms. Kimura was a 21-year-old nursing student, Ms. Kimura reportedly left her dormitory at around 5.30 p.m., carrying her didactic book "Nursing Essentials", and saying that she was going out for a while and never returned. According to multiple eyewitness accounts from the DPRK, she was seen working as a Japanese language teacher who studied at Pyongyang University of Foreign Languages.

Ms. **Takako Ikushima** was also said to be living in the DPRK, after a University professor who escaped from the DPRK reportedly testified having been taught Japanese by a woman resembling Ms. Ikushima in an apartment in Pyongyang in 1983. Ms. Ikushima disappeared on 1 November 1972 in Shibuya Ward, Tokyo.

Around 1978-79 and 1990-92, two escapees from the DPRK provided eyewitness testimonies that Mr. **Hiroshi Saito** was living in the DPRK. Mr. Saito, a high-school student and a part-time worker at a pachinko parlour, was allegedly abducted on 1 December 1968 Wakkanai City, Hokkaido. He was taken as he went to visit a friend's house 4 kilometres away from his home.

Around 1996-1999, Mr. **Yoichiro Tokunaga** was said to have been living in the DPRK by an escapee, and that his "camp papers" stated that he had gone to Korea from Japan in 1954-1955. Mr. Tokunaga was allegedly last seen on 7 October 1953 in Nagasaki and reportedly lured to the DPRK by State agents. Mr. Tokunaga worked as a "delivery boy" at a dye shop but suddenly disappeared after being offered another job opportunity.

In 1997, Mr. **Masayuki Oyashiki**, was reported to have lived in the DPRK for three months alongside with an escapee from the DPRK, after having gone missing in Numazu city, Japan, on 27 July 1969. In 1976, an escapee from the DPRK and former DPRK agent testified to having seen Mr. **Yoshihiko Hagimoto**, who went missing in Takasago City, Japan, on 4 April 1975. Similarly, Ms. **Tomiko Kunihiro**, who went missing on 2 August 1976 in Ube city, Japan, was reported by an escapee from the DPRK to resemble a woman in attendance at a party at the home of a central party official in Pyongyang. Mr. **Yasuo Miyazawa**, missing in Tokyo since 21 September 1960, is also reported to have been seen by several eyewitnesses in the DPRK.

In 2006, an escapee from the DPRK allegedly testified meeting a person resembling Mr. **Nobuo Hidaka** in a hospital in Pyongyang. Mr. Hidaka was allegedly abducted around September 1967 in Taito Ward, Tokyo. He had changed jobs and disappeared as he ended his employment in a printing company in Tokyo. Similarly, on 16 June 1963, Ms. **Setsuko Nakatsuka** was also reported missing after leaving her job at a printing company in Bunkyo Ward, Tokyo. She had been living for nearly two months near the company and dormitory of Mr. Hidaka. On the day of her disappearance, she went out of the dormitory with a colleague six years older than her, wearing sandals and carrying small change. She never returned.

Many families also reported receiving anonymous phone calls said to be from their disappeared loved ones. For about four years, relatives of Ms. **Miho Yamamoto**, who disappeared on 4 June 1984 in Kashiwazaki City, Niigata Prefecture, reported silent phone calls to her home. Prior to her disappearance, Ms. Yamamoto had left her home on a motorcycle which was later found near the south exit of Kofu Station. Her bag was also later reported to have been found on the Arahama beach in Kashiwazaki City. Around 1993, an escapee from the DPRK testified seeing her several times in Unit 5454 of the State Security Department (now the Ministry of State Security).

Relatives of Mr. **Tsuguhiko Nakazato**, who disappeared in May 1977 in Kantō region, Japan, also received phone calls in 2002 with anonymous information that he was in the DPRK, and later, a second time by a person claiming to be an escapee from the DPRK.

The family of Ms. **Eriko Kunii** also reported silent phone calls after Ms. Kunii disappeared in Abashiri City, Hokkaido Prefecture, on 12 December 1968. A high-school student, Ms. Kunii had told her loved ones that she had to go to school early because she had exams. A forensic scientist examined a photograph provided by an escapee from the DPRK and judged it to be "consistent with the person in question".

Similarly, for a year or two, the family of Mr. **Mitsuo Hidaka** reported receiving silent phone calls regularly and around midnight to 1 a.m., a tutting sound could be heard along with background sound resembling TV noise. Mr. Hidaka disappeared on 23 February 1989 after he rented a small fishing boat and went trolling alone offshore of Suwase Island, Kagoshima Prefecture. His boat was later found offshore, but the fishing line was still hanging down, the boat had run out of fuel and was drifting.

#### *Abductions of Japanese nationals acknowledged by the DPRK*

In September 2002, Kim Jong-Il, then Supreme Leader of the DPRK, admitted to the then Japanese Prime Minister, Koizumi Junichiro, that DPRK agents had abducted 13 Japanese nationals (seven women and six men) between 1978 and 1983. Prior to the admission, all allegations of abductions and enforced disappearances carried out by the DPRK against Japanese nationals had been denied. Five of the Japanese nationals abducted were permitted by the DPRK to visit Japan and have not returned to the DPRK. The DPRK has stated that the eight remaining abducted Japanese nationals, listed below, have subsequently died.

Ms. **Keiko Arimoto** was abducted while studying English in London on 1 June 1983. The DPRK reportedly stated that Ms. Arimoto accepted an offer of residence in the DPRK and was engaged to teach Japanese in the Special Service Organization. The DPRK claims that Ms. Arimoto died by carbon monoxide poisoning and that her remains were washed away by torrential rain before being discovered and subsequently cremated on 30 August 2002.

Mr. **Toru Ishioka** and Mr. **Kaoru Matsuki** were abducted in May 1980 while in Europe. Eyewitnesses have identified Mr. Ishioka in the DPRK, and a letter sent to his home address in Japan stating that he was living in Pyongyang alongside other Japanese nationals, including Mr. Matsuki and Ms. Arimoto, who were reportedly abducted. The DPRK claims that Mr. Ishioka died by gas poisoning and that Mr. Matsuki died in a traffic accident in 1988.

Ms. **Yaeko Taguchi** was abducted by the DPRK from Tokyo in June 1978. Former DPRK agent, who was convicted of bombing a Korean Air flight convicted in November 1987, is believed to have been instructed by Ms. Taguchi on how to pass herself off as Japanese. The DPRK claims that Ms. Taguchi died in a traffic accident.

Ms. **Megumi Yokota** was abducted on her way home from school at 13 years of age on 5 November 1977 in the coastal area of Niigata prefecture, Japan. The

DPRK claimed that Ms. Yokota committed suicide in 1993 while being treated for depression.

Mr. **Tadaaki Hara** was abducted on 17 June 1980 from the Aoshima coast in Miyazaki prefecture, Japan. It is reported that Mr. Hara's identity was used by DPRK agents as a disguise in Japan and the Republic of Korea, and that a former secret agent who was arrested in Seoul in April 1985 confessed his involvement in abduction of Mr. Hara. The DPRK claims that Mr. Hara died of cirrhosis of the liver.

Mr. **Shuichi Ichikawa** and Ms. **Sumiko Masumoto** were abducted on 12 August 1978 in Japan after having left Kagoshima City by car. Their car was located with their belongings inside in a parking lot of the Fukiagehama campsite. A former agent and defector from the DPRK testified to having spoken with the couple at Kim Jong Il Political-Military University, and it is reported that Mr. Ichikawa taught Japanese in the reconnaissance command course at Madongsun University from 1990 to 1992. The DPRK claims that Ms. Masumoto and Mr. Ichikawa died of a heart attack while swimming in the ocean.

In September 2002, the DPRK presented the investigation team of the Government of Japan with "death certificates" of the eight abductees. The Government of Japan identified that the certificates were issued at the same hospital and with identical stamps despite the variation in the locations and date of each purported death. The DPRK admitted during the Six-party Talks negotiations in 2004 that the "death certificates" included errors and were produced hastily in 2002. The DPRK stated that the "bodies" of seven of the abductees were buried in three different burial-grounds in the DPRK, all of which were washed away by torrential rain in 1995 and 2000. The DPRK has purported to present the Government of Japan with the remains of Mr. Matsuki, which were reportedly found during rebuilding efforts in the aftermath of the rain, and Ms. Yokota, whose remains were reportedly in the possession of her ex-husband. However, DNA analysis in Japan conducted according to the relevant procedures under criminal law detected the DNA of persons other than Mr. Matsuki and Ms. Yokota. There have also been several reported sightings of Ms. Yokota after she was declared dead.

*Abduction of Japanese nationals acknowledged by Japan and denied by the DPRK*

The Government of Japan has identified four additional Japanese nationals it considers to be victims of abductions, but the DPRK denies that they have entered its territory. The fate and whereabouts of these nationals – Ms. **Miyoshi Soga**, disappeared in Japan on 12 August 1978, Mr. **Yutaka Kume**, disappeared in Japan on 19 August 1977, Ms. **Kyoko Matsumoto**, disappeared in Japan on 21 October 1977, and Mr. **Minoru Tanaka**, disappeared in Austria on 6 June 1978 – remain unknown. In regard to Ms. **Miyoshi Soga**, the DPRK has acknowledged that her daughter, Ms. **Hitomi Soga**, was abducted and returned to Japan in October 2002.

*Enforced disappearances in the context of the “Paradise on Earth” displacement operation*

It is further reported that thousands of Japanese nationals also forcibly disappeared after being lured to the DPRK. In 1945, the DPRK established the General Association of Korean Residents in Japan (also known as *Chongryon*). *Chongryon* offered alternative education and employment prospects for Korean residents in Japan, and many Koreans living in Japan elected to be registered as DPRK nationals residing in Japan. *Chongryon* directed propaganda towards the ethnic Korean minority in Japan which was reinforced through Japanese media sources and represented the DPRK, referred to as “Paradise on Earth”, as an opportunity to work and receive services, such as free education and medical care. The movement was represented as a humanitarian service and administered between the Japanese Red Cross and the Red Cross of the DPRK. The resettlement of ethnic Koreans from Japan to the DPRK was planned by the DPRK and implemented by *Chongryon* until 1984. It is estimated that approximately 93,340 Korean residents living in Japan, their Japanese spouses and their children moved to the DPRK under this programme.

While we do not wish to prejudge the accuracy of the information received, we express serious concern that the abduction of Japanese nationals and the denial of their fundamental human rights, was carried out by the DPRK on a large scale and as a matter of State policy since 1950. We are also seriously concerned by the alleged execution of individuals during abductions, the apparent absence of investigations in line with international standards into the reported deaths of abductees as well as the failure to return remains to family members. We are appalled by the traumatic impact that these allegations had on their families, who continue to bear the brunt of the lack of information on the fate and whereabouts of their relatives and loved ones. Many families and individuals provided testimony of having suffered irreparable damage due to the disruption their social and cultural life, notably women and children who endured the disintegration of their family structures, and their social exclusion.

The prohibition of enforced disappearance, including through the form of international abductions and transfers, is a peremptory norm established under international law. We further recall the findings of the Commission of Inquiry on the Democratic People’s Republic of Korea in its 2014 report that the testimonies and the information gathered provided reasonable grounds to believe that crimes against humanity have been committed in the DPRK pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership ([A/HRC/25/63](#) paras. 74-79). In reaching this conclusion, the Commission of Inquiry also found that the DPRK “acted with the intent to deprive their victims of the protection of the law for a prolonged period of time. The refusal to acknowledge the deprivation of freedom effectively serves to deny the victims any opportunity to benefit from the protection that their home countries are entitled to extend under international law. It also denies them the protection that can be extended by United Nations human rights mechanisms in line with their mandates under international law” ([A/HRC/25/CRP.1](#) para. 1146). In this regard, the right of the families of abductees to truth, family life, and to practice cultural customs relating to death have been denied. Enforced disappearance constitutes a continuous crime which will only come to an end when the fate and whereabouts of the victim has been fully

disclosed.

We note that, due to lack of information, many cases of Japanese nationals that were reported to have disappeared in Japan and in other countries, especially during the period of the Cold War, could only be reported as cases of missing persons. However, we stress that their disappearance cannot be ruled out as cases of enforced disappearance by the DPRK.

We reiterate that the concealment of the fate or whereabouts of the disappeared person or the failure to acknowledge a deprivation of liberty constitute enforced disappearance. In this context, all victims of enforced disappearances, including the families of the victims and anyone who has suffered harm as a direct result of an enforced disappearance, have the right to know the truth, to receive reparations for the harm suffered, and to exercise their rights without undue restrictions. We reiterate that the right to truth requires States to establish mechanisms and procedures that allow to seek and obtain accurate information, establish the facts and effectively reveal the truth about what happened to their loved ones, thereby contributing to the fight against impunity, the strengthening of the rule of law and, ultimately, to reconciliation.

We further highlight that the right to life is a peremptory norm. An important element of the protection afforded to the right to life is the obligation to investigate all potentially unlawful deprivations of life in accordance with relevant international standards, including the [Minnesota Protocol on the Investigation of Potentially Unlawful Death](#) (2016). We underline that families should be involved through the investigations and have specific rights in relation to human remains.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on any measures taken to effectively, independently, impartially, and thoroughly investigate any allegations of extrajudicial executions, abductions, enforced disappearance and torture and ill-treatment of Japanese nationals, and, if proven to be correct, to prosecute those responsible.
3. Please provide information on any measures undertaken to unveil the fate and whereabouts of missing and forcibly disappeared persons and inform their families accordingly.
4. Please provide information on any measures which have been taken, or which are foreseen, for the purpose of ensuring that the families of the victims obtain redress for the harm inflicted on them by acts or omissions

occurring in or from the jurisdiction of DPRK.

5. Please provide information on the measures taken to ensure the adequate identification of Japanese nationals who reportedly died in the DPRK, in line with international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), and that exhumations are carried out with dignity, and the remains are returned to their families. Please also indicate how the measures taken correspond to the [Guiding Principles for the search for disappeared persons](#), in particular principles 1, 3, 5, 6, 7, 9, 13 et 15.
6. Please provide information on the fate and whereabouts of the persons who were displaced or resettled as a result of the “*Paradise on Earth*” displacement operation.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

The cases referred to in the allegations concerning Mr. Masaji Nakano, Mr. Shoji Terakoshi, Mr. Sotoo Terakoshi, and Mr. Takeshi Terakoshi were already transmitted to your Excellency’s Government under the humanitarian procedure of the Working Group on Enforced or Involuntary Disappearances. This communication is without prejudice to the consideration of these cases under this procedure. The Government is requested to respond separately to the present communication and the regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to life and personal integrity of the persons referred to in the present communication, to halt the alleged violations and prevent their re-occurrence and, in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that a copy of this letter has been sent to Japan and the Republic of Korea.

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

Gabriella Citroni  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Elizabeth Salmón  
Special Rapporteur on the situation of human rights in the Democratic People’s  
Republic of Korea

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Bernard Duhaime  
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of  
non-recurrence

Laura Nyirinkindi  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), acceded to by the DPRK on 14 September 1981.

In this regard, we would like to refer to articles 3, 6, 7, 9, 10, 14, 16, 19, 21 and 22 of the ICCPR, read alone or in conjunction with article 2.3, which guarantee the right to life; the prohibition of torture and other cruel, inhuman or degrading treatment or punishment; the right to liberty and security of person; the right to be recognized as a person before the law; the right to a trial within a reasonable time, to challenge the legality of the detention before the courts, to be released subject to guarantees to appear for trial, to a fair and public trial before an independent and impartial tribunal without undue delay and with legal assistance of their choosing; the right to be treated with humanity and with respect for the inherent dignity of the human person; the right to freedom of opinion and expression; and the rights to peaceful assembly and of association; and the right to an effective remedy.

We would like to highlight that an important element of the protection afforded to the right to life is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents. Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death. Investigations into allegations of violations of article 6 must always be independent impartial, prompt, thorough, effective, credible and transparent. States parties 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 ([CCPR/C/GC/36](#)).

Furthermore, the participation of the family members or other close relatives of a deceased or disappeared person is an important element of an effective investigation. The State must enable all close relatives to participate effectively in the investigation, though without compromising its integrity. The relatives of a deceased person must be sought and informed of the investigation... Family members have specific rights in relation to human remains. When the identity of a deceased person has been determined, family members should be informed immediately and thereafter a notification of death posted in an easily accessible way. To the extent possible, family members should also be consulted prior to an autopsy. They should be entitled to have a representative present during the autopsy. Upon completion of the necessary investigative procedures, human remains should be returned to family members, allowing them to dispose of the deceased according to their beliefs (the Minnesota Protocol, paras. 35 and 37).

Torture and cruel, inhuman or degrading treatment or punishment are prohibited under article 7 of the ICCPR. We wish to reiterate that the absolute and non-derogable

prohibition of torture and other cruel, inhuman or degrading treatment or punishment is an *erga omnes* and *jus cogens* norm, as expressed as a principle of customary international law.

We would like to remind your Excellency's Government that article 9 of the ICCPR establishes that no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. Moreover, article 10 stresses that all persons deprived of their liberty should be treated with humanity and with respect for the inherent dignity of the human person.

We would like to refer to article 19 of the ICCPR, which guarantees the right to freedom of expression. While certain restrictions may be placed on freedom of expression, for the protection of national security or of public order, or of public health or morals, they may not be arbitrarily imposed on those sharing legitimate concerns, observations or opinions on health or Government policy. We would also like to refer to article 21 and 22 of the ICCPR, which guarantees the right to freedom of association and assembly.

In this regard, as indicated by the Human Rights Committee, attacks against individuals for exercising their right to freedom of expression, including through arbitrary detention, torture, inhuman or degrading treatment or punishment, and enforced disappearance is incompatible with the ICCPR. We would like to further remind your Excellency's Government that the right to challenge the lawfulness of detention before a court, protected under article 9 of the ICCPR, is a self-standing human right and a peremptory norm of international law, which applies to all forms of arbitrary deprivation of liberty.

We would also like to reiterate to your Excellency's Government the obligations of the DPRK through its accession on 27 February 2001 of the International Convention on the Elimination of Discrimination against Women (CEDAW), which calls on States to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions act in conformity with this obligation. Article 2 of the Convention also calls on States parties to take all appropriate measures to eliminate discrimination against women. The Working Group on Enforced or Involuntary Disappearances has stated that women disproportionately bear serious economic hardships of victims of enforced disappearances and their relatives, as they are most often at the forefront of the struggle to search for their disappeared family members exposing them to the risks of intimidation, persecution and reprisals as well as gender-based discrimination and violence. The Working Group further stated that when women are direct victims of disappearance, they become particularly vulnerable to sexual and other forms of gender-based violence. Similarly, in its General Comment on women and enforced Disappearances, the Working Group also noted that States have an obligation to recognize the particular types of harm women suffer based on their gender and the resulting psychological damage and social stigma as well as the disruption of family structures ([A/HRC/WGEID/98/2](#)).

In addition, the CEDAW Committee general recommendation No. 19 (1992) on violence against women defines gender-based violence as "violence that is directed against a woman because she is a woman or that affects women disproportionately, [including] acts that inflict physical, mental, or sexual harm or suffering, threats of such

acts, coercion and other deprivations of liberty.” Furthermore, in general recommendation No. 35 (2017) on gender-based violence against women updating the general recommendation No. 19 (1992), the CEDAW Committee clarifies that the due diligence obligation underpins the Convention as a whole and that States parties will be held responsible, should they fail to take all appropriate measures to prevent, as well as to investigate, prosecute, punish and provide reparations for, acts or omissions by non-State actors that result in gender-based violence against women ([CEDAW/C/GC/35](#)).

Article 1 of the United Nations Declaration on the Elimination of Violence against Women adopted by the General Assembly [resolution 48/104](#) of 20 December 1993 provides that the term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering of women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Article 4 of the Declaration further stipulates that States should implement policies that eliminate violence against women by all appropriate means and without delay.

We further wish to draw your attention to the report of the Working Group on discrimination against women and girls, which highlights the devastating consequences deprivation of liberty can have on women’s lives and the heightened risk of human rights violations women face in detention ([A/HRC/41/33](#)). The Working Group noted that “deprivation of liberty ... puts [women] at risk of torture, violence and abuse, unsafe and unsanitary conditions, lack of access to health services and further marginalization,” and “cuts women off from educational and economic opportunities, from their families and friends, and from the possibility of making their own choices and directing the course of their lives as they see fit” (para. 74). The Working Group also recognized that “State authorities ... detain and confine women in the service of their own cause,” such as combatting terrorism and promoting national security, and it has recommended States to refrain from “instrumentaliz[ing] women’s deprivation of liberty for the purposes of pursuing government aims” (para. 82(b)).

Notably, the prohibition of enforced disappearance has attained the status of jus cogens. In this regard, we wish to recall that the [United Nations Declaration on the Protection of All Persons from Enforced Disappearances](#) establishes that “all acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness (article 4), no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance (article 6). Furthermore, no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7).

Additionally, the Working Group on Enforced or Involuntary Disappearances has noted the increasing practice of forced returns by States in violation of article 8 of the Declaration. It further underlined the importance of preventing human rights violations by ensuring procedural safeguards upon detention and during the first hours of deprivation of liberty, including immediate registration, judicial oversight of the detention, prompt notification of family members, and the availability of a defence lawyer of one’s choice. The Working Group observes that transnational transfers embody a denial of justice insofar as individuals are deprived of liberty in the form of secret detention and are removed from the protection of the law. They are, as such,

deprived of the rights to an effective remedy and fair trial, in denial of the presumption of innocence. In addition, the individuals concerned are unable to challenge the lawfulness of their detention, denied access to legal representation, and often induced to forced confession of guilt under duress. The Working Group recalls that such practices can also facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment under certain circumstances ([A/HRC/48/57](#)).

Moreover, articles 9 to 12 of the Declaration further spell out the rights of detained persons to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty. Access by competent national authorities to all places of detention must be ensured and any deprivation of liberty be held in officially recognized places of detention. Detainees have the right to be released also in a manner permitting verification of whether their human rights have been fully ensured. Article 13 further stipulates 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.

The Declaration also establishes that States should take any lawful and appropriate action to bring to justice persons presumed to be responsible for acts of enforced disappearance (article 14), and that the persons responsible for these acts shall be tried only by ordinary courts and not by other special tribunal, notably military courts (article 16); not benefit from any amnesty law (article 18); and the victims or family relatives have the right to obtain redress, including adequate compensation (article 19).

We also wish to recall that the [Guiding Principles for the Search for the Disappeared](#) of the United Nations Committee on Enforced Disappearances establish that the search for the disappeared should be undertaken without delay (principle 2); respect the right to participation of the family of the disappeared (principle 5); be considered a continuing obligation (principle 7); and be interrelated with the criminal investigation (principle 13).

In its General Comment on the right to recognition as a person before the law in the context of enforced disappearance, the Working Group noted that when a person deprived of liberty is not acknowledged by the State, the legal rights of this person are placed in a legal limbo, a situation of total defenselessness. The crime of enforced disappearance puts the detainee outside of the protection of the law, denies the person of legal existence and prevents the enjoyment of their rights, including due process rights and judicial safeguards, and other fundamental rights and freedoms ([A/HRC/19/58/Rev.1](#)).

In its report on standards and public policies for an effective investigation of enforced disappearances, the Working Group on Enforced or Involuntary Disappearances recommended that States define enforced disappearance as an autonomous crime in national legislation and establish different modes of criminal liability, including abetting, instigating, acquiescing and actively covering up an enforced disappearance, as well as criminal liability for command or superior responsibility; and create mechanisms that can promptly receive and process complaints of enforced disappearances, under the responsibility of authorities who are

independent of the institutions to which the alleged perpetrators belong or may be linked. These mechanisms should be empowered to trigger prompt investigations of the complaints received ([A/HRC/45/13/Add.3](#)).

Additionally, in the study on enforced disappearances and economic, social and cultural rights, the Working Group observed that the enforced disappearance of journalists, religious leaders or persons actively promoting the enjoyment of economic, social and cultural rights, are used as a repressive tool to deter the legitimate exercise, defence or promotion of the enjoyment of these rights. Due to their collective character, such measures also violate their economic, social and cultural rights, the rights of others engaged in related activities, and of the larger community of people who relied on the disappeared person to represent and fight for their rights ([A/HRC/30/38/Add.5](#)).