

Mandates of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and the Special Rapporteur on extrajudicial, summary or arbitrary executions

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(Please use this reference in your reply)

31 March 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 55/21 and 53/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received on new laws adopted in the Democratic People's Republic of Korea that include crimes punishable by the death penalty.

According to the information received:

Death Penalty Provisions in the Criminal Law

The Criminal Law of the Democratic People's Republic of Korea has been amended multiple times and expanded death penalty provisions, with the number of crimes punishable by the death penalty under the Criminal Law increasing from eight to sixteen.

The Criminal Law as amended in July 2015 showed that the Law allowed for the imposition of the death penalty for eight crimes: (1) plotting to overthrow the State (articles 60), (2) acts of terrorism (articles 61), (3) treason against the State (articles 63), (4) sabotage (articles 65), (5) treason against the nation (articles 68), (6) illegal harvesting of opium poppy (articles 206), (7) illegal manufacturing of narcotics (articles 208), and (8) smuggling or selling narcotic drugs (articles 266)¹.

It is reported that the Democratic People's Republic of Korea further amended its Criminal Law several times including in May 2022, which remained in force until December 2023 and provided for the imposition of the death penalty for eleven crimes: (1) plotting to overthrow the State (articles 61), (2) acts of terrorism (articles 62), (3) treason against the State (articles 63), (4) insulting the dignity of the Republic (articles 64), (5) sabotage (articles 65), (6) acts of hostility to a foreigner (articles 69), (7) treason against the nation (articles 70), (8) illegal harvesting of opium poppy (articles 234), (9) illegal manufacturing of narcotics (articles 235), (10) smuggling or selling narcotic drugs (articles 237) and (11) deliberate brutal murder (articles 305).

¹ Other offences punishable by the death penalty included "extreme grave forms of" destroying weapons or military installations (articles 1), robbery and malicious destruction of State property (arts. 2–4), currency counterfeiting (articles 5), smuggling precious metals (articles 6), taking flight (articles 7), kidnapping (articles 8), rape (articles 9), robbery of personal property (articles 10) and cases of individuals committing several grave criminal offences with no potential for rehabilitation (articles 11) under the addendum to the Criminal Law (as amended on 26 October 2010) *See A/79/27, para.29*

On 24 December 2023, the Democratic People’s Republic of Korea again amended its Criminal Law to allow the death penalty for five more offenses: (1) anti-state propaganda or agitation (articles 66), (2) illegal manufacturing of weapons or ammunition (articles 80), (3) illegal use of weapons or ammunition (articles 81), (4) illegal manufacturing or storage of explosives (articles 117), and (5) illegal use or transfer of explosives (articles 118).

In recent years, in addition to Criminal Law, the Democratic People’s Republic of Korea has enacted or amended six individual laws to allow the death penalty for certain crimes:

1. *Prevention of Drug Crimes Act (enacted in 2021)*

Articles 23, 24, 28 and 39 state that illegal harvesting, manufacturing, and smuggling/trading of narcotics as well as the illegal disposal of seized property related to narcotics crimes may be punished by the death penalty.

2. *The Law on Emergency Anti-epidemic Work (amended in 2021 and in 2022)*

Articles 69, 72 and 73 provide that grave cases of negligence in implementing orders related to emergency anti-epidemic work (articles 69), of negligence in duties related to the closure of borders (articles 72) and of disruption of emergency anti-epidemic work (articles 73) are punishable by the death penalty.

3. *The Law on Rejecting Reactionary Thought and Culture (amended in 2022)*

Article 28 states that the introduction or distribution of materials from hostile countries to a large number of people may be punished by the death penalty.

Article 29 states that the creation, introduction or distribution of a large amount of sexually explicit materials may be punished by the death penalty.

4. *Law on Disaster Prevention, Rescue and Recovery (amended in 2022)*

Articles 73 and 76 state that extremely serious cases of acts of disobeying orders, decrees, decisions, or instructions on disaster prevention, or extremely serious cases of acts of obstructing disaster rescue and recovery work may be punished by the death penalty.

5. *Law on Protecting Pyongyang Cultural Language (enacted in 2023)*

Article 58 states that serious cases of speaking or writing in puppet language, producing materials written in puppet language or puppet script may be punished by the death penalty.

Article 59 states that serious cases of teaching puppet speech or distributing materials written in puppet speech or puppet handwriting may be punished by the death penalty.

6. *Law on the Handling of Enemy Objects (enacted in 2023)*

Article 43 states that the introduction of enemy objects resulting in serious consequences may be punished by the death penalty.

While we do not wish to prejudge the accuracy of this information, we express our concern about the increased number of crimes punishable by the death penalty in the Democratic People's Republic of Korea in violation of international human rights obligations. The Human Rights Committee has clarified that States Parties may not transform into a capital offence any offence that, upon ratification of the International Covenant on Civil and Political Rights or at any time thereafter, did not entail the death penalty. Therefore, adding crimes that are punishable by death after the ratification of the Covenant is a violation of a State's international commitments.

In addition, most of the additional crimes punishable by the death penalty do not meet the criteria of "the most serious crimes" for which the death penalty may be applied under article 6(2) of the International Covenant on Civil and Political Rights. The term "the most serious crimes" must be read restrictively and applied only to crimes of extreme gravity, involving intentional killing. In this regard, the crimes listed above cannot be considered to meet the requisite threshold under international law, and any resulting execution would therefore be arbitrary and unlawful. There are also reports that executions have been carried out for death penalty cases applied under the new articles of the Criminal Law.

Additionally, "States parties are under an obligation to review their criminal laws so as to ensure that the death penalty is not imposed for crimes which do not qualify as the most serious crimes. They should also revoke death sentences issued for crimes not qualifying as the most serious crimes and pursue the necessary legal procedures to re-sentence those convicted for such crimes" (CCPR/C/GC.36, para. 35).

We wish to also recall that during the forty-seventh session of the universal periodic review held in November 2024, the Democratic People's Republic of Korea supported the following recommendations that directly address the death penalty:

- Reduce the number of crimes punishable by the death penalty.²
- Restrict the death penalty to crimes that meet the threshold of most serious crimes under international law.³

We wish to reiterate that state authorities are obliged to take all necessary measures to effectively protect the right to life and to prevent arbitrary deprivation of life. Accordingly, the imposition and execution of the death penalty, in a country where it has not yet been abolished it, must follow strict procedural and substantive standards.

² A/HRC/58/11/Add.1, ¶ 130.65 (Feb. 5, 2025), <https://docs.un.org/en/A/HRC/58/11/Add.1>.

³ A/HRC/58/11/Add.1, ¶ 130.66 (Feb. 5, 2025), <https://docs.un.org/en/A/HRC/58/11/Add.1>.

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 laws.
2. Please provide the legal grounds for the provisions allowing the imposition of the death penalty for offences other than crimes of extreme gravity, involving intentional killing, and how this is compliant with international human rights law.
3. Please provide information about the number of people upon which the death penalty has been imposed and executed in the past years.
4. Please provide detailed information on how the Democratic People's Republic of Korea has taken steps to and plans to take further steps to abolish the application of death penalty.
5. Please explain how the right to a fair trial and due process guarantees was ensured for individuals upon which the death penalty has been imposed and executed, including their access to a lawyer of their choice, the right to appeal, and the right to seek pardon.
6. Please provide information about how the Democratic People's Republic of Korea has taken steps to and plans to take further steps to implement the recommendations it has supported under the universal periodic review with regard to the death penalty.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

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