



**The Democratic People's Republic of Korea
Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty**

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status

The World Coalition Against the Death Penalty

and

Transitional Justice Working Group

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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

Transitional Justice Working Group (TJWG) is a human rights documentation NGO established in Seoul in 2014 that aims to develop the best practice to address mass atrocities and to ensure victim-centered justice and accountability in societies that are making or are expected to make a democratic transition from the brutality of armed conflict or tyranny of a repressive regime.

EXECUTIVE SUMMARY

1. This report addresses the Democratic People’s Republic of Korea’s (hereinafter “North Korea”) compliance with its international human rights obligations with respect to the death penalty, arbitrary and unlawful arrests and detentions, conditions of detention, and the administration of justice and fair trial.
2. North Korea has not abolished the death penalty or implemented a moratorium on executions, nor has it limited the application of the death penalty to the “most serious” crimes. The people under sentence of death in North Korea also experience poor detention conditions, including verbal abuse, beatings, and torture that occur inside detention facilities run by North Korean law enforcement agencies, including the Ministry of State Security and the Ministry of Social Security in violation of the Nelson Mandela Rules and the Bangkok Rules.
3. This report examines the current state of the death penalty in North Korea and recommends North Korea abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). This report further recommends, in the meantime, that North Korea: (1) institute an official moratorium on executions, (2) limit the death penalty to the “most serious” crimes, as defined by international human rights standards, (3) prohibit imposition of the death penalty for anyone under the age of 18 at the time of the alleged crime, (4) ensure conditions of detention are in line with the Nelson Mandela Rules and Bangkok Rules, (5) ensure access to competent counsel for all capital defendants, (6) take measures to guarantee fair trial to defendants in capital cases, and (7) commute death sentences for all people who have been held in condemned cells.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A12 Acceptance of international norms

Status of Implementation: Partially Accepted, Not Implemented

4. In the Third-Cycle Universal Periodic Review (Third-Cycle UPR), North Korea received three recommendations to ratify the Second Optional Protocol to the ICCPR, which aims at the abolition of the death penalty.¹ Each of these recommendations was noted.² North Korea ratified the ICCPR in 1981 but has not ratified or acceded to either of the two Optional Protocols.
5. North Korea also received fifteen recommendations to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol.³ Two of these recommendations were accepted, the other thirteen were noted.⁴ To date, North Korea has not ratified or acceded to either the CAT or its Optional Protocol.

D23 Death penalty

Status of Implementation: Not Accepted, Not Implemented

6. In the Third-Cycle UPR, North Korea received 13 recommendations to abolish the death penalty, to introduce a moratorium on death penalty and executions, to reduce the offences punishable by death penalty, and to disclose figures and information on death sentences and executions.⁵ North Korea noted all of these recommendations,⁶ and the Government of North Korea has not taken any actions to implement these recommendations.
7. The range of offenses in North Korea that prescribe the death penalty remains broad and include crimes that do not meet the threshold of the “most serious” crimes within the meaning of the ICCPR Article 6, or crimes that include an intention to kill and resulting in the loss of life.
8. Under North Korea’s law, the crimes for which the death penalty can be prescribed not only include intentional murder⁷ but also include other crimes such as conspiracy to overthrow the government;⁸ terrorism;⁹ treason against the state;¹⁰ treason against the people;¹¹ sabotage;¹² illegal opium cultivation and manufacture of drugs;¹³ smuggling and trade of drugs;¹⁴ bringing in or distributing movies, video recordings, compilations, and books of hostile countries (including South Korea), or of sexually explicit or superstitious content;¹⁵ and using or propagating the “puppet language (South Korean language)”.¹⁶
9. There are two categories for which offenders are exempt from the death penalty: 1) those under 18 years of age at the time of committing the crime; and 2) pregnant women.¹⁷
10. It is possible that there are provisions in unpublished North Korean laws that also prescribe the death sentence. The substantive laws applied by special courts have not been revealed, and North Korea has never provided information about the rules or institutions that govern the execution of capital punishment.¹⁸
11. Since the Third-Cycle UPR, there have been several instances of reported executions based on a variety of offenses, including crimes that do not meet the threshold of the “most serious” crimes within the meaning of the ICCPR Article 6.
12. Since the Third-Cycle UPR, there was at least one instance which involved public execution of individuals under 18 years of age.¹⁹ In October 2022, Government officials sentenced and publicly executed by firing squad three teenagers estimated to be 16 or 17 years old. Courts convicted and sentenced two of the teenagers to death for “watching and distributing South Korean movies” and the third for murdering his stepmother.²⁰
13. On 25 September 2023, Government officials publicly executed by firing squad a man in his 40s, who was a manager at a North Korean pharmaceutical warehouse where the Civil Defense Department stored supplies, for stealing 20,000 doses of penicillin.²¹
14. On 30 August 2023, officials also executed nine people for running a beef smuggling ring. Officials also forced 25,000 people to watch the execution.²²
15. In January 2022, officials publicly executed a woman in her 20s, who was the daughter of a high-ranking cadre, and her boyfriend, for watching and distributing South Korean films, soap operas, and entertainment programs.²³

16. In April 2021, officials executed a man accused of “selling CDs and USB sticks of South Korean movies, music, and videos” in front of his family.²⁴
17. On 2 March 2021, officials publicly executed four people – three men and one woman – by firing squad on charges of distributing South Korean movies, entertainment, and music programs.²⁵
18. On 30 July 2020, the Government executed five of its officials after they spoke out against the North Korea regime’s economic policies.²⁶
19. In May 2020, officials arrested and executed the owner of mine shafts in a suburban area of Pyongyang who refused to buy government bonds. North Korea had begun requiring organizations that need state funds to purchase raw materials or supplies in the country to use bonds instead of cash from 20 April 2020. A sales department director reported the owner to a party committee, which further reported him to the Ministry of State Security. The security agency arrested the man for “verbal reactionism” and charged him with “criticizing party policy.” They executed him the same day as his arrest without trial or other due process.²⁷
20. In April 2020, officials executed the head of a local forest management office for “removing saplings from state-owned land and planting corn in their place. The man distributed the harvested corn to his colleagues and their families while the remaining corn stalks were given to the 22 cows owned by the office.”²⁸
21. Between March and April 2020, the Government executed without trial three high-ranking officials on charges of treason and “for allegedly stealing food from the country’s strategic supply and selling it on the open market.”²⁹
22. In March 2020, authorities executed a woman in her 40s for possession of a Bible.³⁰
23. In February 2020, the Ministry of State Security recalled a North Korean informant who had been living in China. Authorities accused her of selling state secrets and sentenced her to death and subsequently executed her.³¹
24. In 2020, the North Korean Government began charging people with treason – a death-eligible offense – for violating the COVID-19 quarantine.
25. In March 2020, authorities executed a smuggler “for hiding a possible COVID-19 infection” that he had picked up while in China. They had charged him with treason.³²
26. In February 2020, the Government executed three North Korean officials for violating the COVID-19 quarantine. Authorities executed one of the officials after he returned from China and went to a public bath. They executed the second official for making contact with a Chinese national during a smuggling operation. They executed the final official for getting into a fight with security personnel of a building where his friend was quarantined.³³
27. In December 2019, authorities executed two amateur facial surgeons “for performing illegal facial surgeries.”³⁴ Under Article 200 of North Korea’s Criminal Code, an unlicensed medical practitioner who performs a medical procedure and causes injury or death may be subject to a minimum of one year or a maximum of five years in a forced labor camp.³⁵ The amateur surgeons were executed in excess of the maximum five-year labor camp sentence stated in the penal code.

28. In December 2019, officials executed a man in Pyongyang for divulging Kim Jong Un's whereabouts.³⁶
29. There have also been reports of secret executions of a male detainee for "homosexuality" and a female detainee for prostitution in detention centers run by the Ministry of State Security.³⁷
30. North Korean officials keep much of the information and figures regarding the death penalty secret, which "makes it impossible to verify reports and assess the true extent of the use of the death penalty" in North Korea.³⁸ Amnesty International considers it "very likely" that "death sentences...[are] imposed at a sustained rate."³⁹

D26 Conditions of detention; A28 Cooperation with other international mechanisms and institutions

Status of Implementation: Not Accepted, Partially Implemented

31. In its Third-Cycle UPR, North Korea received and noted four recommendations on conditions of detention, including Norway's recommendation to "[e]stablish a system to prevent sexual violence against women in detention."⁴⁰ To date, North Korea has not implemented these recommendations.
32. In noting Thailand's recommendation to take concrete measures to improve conditions of detention, the Government of North Korea asserted that this recommendation is in line with the international trend for promotion and protection of human rights and some elements have been implemented through the national laws, and full implementation will be considered in the future.⁴¹
33. North Korea accepted Ireland's recommendation to "[g]rant immediate, free and unimpeded access to international humanitarian organizations to provide assistance to the most vulnerable groups, including prisoners."⁴² North Korea has failed to implement this recommendation.
34. North Korea stated that France's recommendation to prohibit forced genital searches on repatriated women⁴³ did not enjoy North Korea's support and noted New Zealand's recommendation to acknowledge the existence of human rights violations and end all State-sanctioned practices that breach fundamental human rights, including arbitrary detention, torture, forced abortion and other sexual violence.⁴⁴
35. North Korean laws are vague and do not include enumerated protections for the rights of people in the criminal justice system or deprived of their liberty in line with international human rights standards.⁴⁵
36. According to the testimonies of North Koreans who have defected, violence and cruel treatment continue to occur in prison camps, and many detainees die from such inhuman treatment. Although there are some testimonies stating that violence and cruel treatment in prison camps (kyohwaso) have substantially decreased compared to the past,⁴⁶ it continues to be reported that "verbal abuse, beatings, torture[,] and executions allegedly occurred inside detention facilities run by law enforcement agencies, including the Ministry of State Security and the Ministry of Social Security."⁴⁷ In particular, there are reports that officials

used “beatings, torture, and dietary restrictions” to force confessions or control people in detention.⁴⁸

37. Prison conditions are “harsh and life-threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care. The [G]overnment operate[s] several types of prisons, detention centers, and camps, including forced labor camps and camps for political prisoners. Sanitation...[is] poor, and former labor camp inmates reported they had no changes of clothing during their incarceration and were rarely able to bathe or wash their clothing.”⁴⁹
38. According to North Koreans who have defected, people in detention receive little to no food or medical care in some places of detention. In June 2022, a study by the International Bar Association/Human Rights in North Korea reported that prison officials deprived people in detention sufficient food as a “weapon of punishment and control” and a witness detained at the Hyesan Ministry of State Security testified that the food provided there was “mostly skin of corn or potatoes mixed in with stones and coal.”⁵⁰
39. In August 2022, Radio Free Asia reported that “at least 35 North Korean women serving time at prisons north of the capital Pyongyang died of malnutrition in July because their relatives could not visit them to deliver food due to COVID-19 restrictions”.⁵¹
40. In 2014, the United Nations Commission of Inquiry on Human Rights in the DPRK found that the forced abortions and infanticide carried out by North Korean officials against repatriated mothers and their children based on gender and racial grounds amount to torture as defined under article 7 of the ICCPR.⁵² Even in the years following the Commission’s findings, there have been multiple reports of such forced abortions and infanticide against repatriated mothers and their children in detention based on gender and racial grounds.⁵³

D33 Arbitrary arrest and detention

Status of Implementation: Not Accepted, Not Implemented

41. In its Third-Cycle UPR, North Korea received and noted nine recommendations related to preventing enforced disappearances,⁵⁴ closing political prison camps, and releasing prisoners of conscience.⁵⁵ To date, North Korea has not implemented any of these recommendations.
42. North Korea asserted that these recommendations were based on false information and were politically driven.⁵⁶ In addition, North Korea has repeatedly denied that they operate political prison camps.⁵⁷
43. Government officials carry out arbitrary or unlawful arrests and detentions, and the North Korean Criminal Procedure Law lacks provisions requiring law enforcement to inform an individual suspected of a crime of the reasons for their arrest or the alleged charges they are filing against them during the investigation stage.⁵⁸
44. People suspected of challenging State power remain vulnerable to prosecution for “political” crimes by the Ministry of State Security. Authorities arrest and hold individuals incommunicado for political crimes, which may result in enforced disappearance. Arrest and detention under the Administrative Penalty Law continue to operate outside of any judicial oversight.⁵⁹

45. The total population of political prison camps where people have been widely disappeared was reportedly 209,000 in March 2020; 232,400 in July 2021; 205,800 in June 2022; and 198,900 in June 2023.⁶⁰

D51 Administration of justice and fair trial

Status of Implementation: Not Accepted, Not Implemented

46. In its Third-Cycle review, North Korea received and noted two recommendations on the administration of justice and fair trial.⁶¹ These recommendations included calls to enhance guarantees of due process, such as building an independent judiciary and recognizing individuals' rights to a fair trial. Efforts to enhance guarantees of due process, such as availability of public defenders and judicial reform, also present avenues for reform. At the time of submission, the Government has taken no voluntary action to implement these recommendations.
47. Courts routinely subject people who allegedly have committed crimes, whether minor or serious, "to judicial processes that violated the most basic rights to a fair and public trial."⁶²
48. In North Korea, an individual charged with a crime has limited rights to legal representation. In a public prosecution process, individuals are routinely denied the right to legal counsel; if an individual is entitled to legal counsel, the representation comes from State-assigned criminal defense lawyers that belong to the Central Defense Attorney League – an organizational unit of the Worker's Party of Korea. The lawyers have a "duty to the [S]tate and to political reporting, rather than to defending" the individual charged with a crime.⁶³
49. Generally, the right to legal counsel is circumscribed, and an individual can only retain a lawyer if a preliminary examiner formally decides to pursue criminal liability. Lawyers in North Korea operate under the oversight of "party-controlled lawyers' committees" and thus lack independence.⁶⁴ The State and the Worker's Party of Korea require all lawyers to follow and execute State and party policies. In practice, this sort of representation often involves the lawyer persuading an individual charged with a crime to admit guilt, rather than providing them with legitimate or competent defense.⁶⁵
50. Despite guarantees of judicial independence in its law,⁶⁶ North Korea denies such independence in practice. North Korea's judicial institutions lack independence and function as delegated bodies of the Worker's Party of Korea and the Supreme People's Assembly. The principle of Party supremacy and centralism result in a judicial system under which the Worker's Party of Korea exercises control.⁶⁷
51. There are reports that trials in North Korea are perfunctory and an individual's guilt is predetermined.⁶⁸ Reports about the trial system in North Korea indicate that judges, prosecutors, defense counsel, and jurors often play an insignificant role or may not attend the trial at all.⁶⁹
52. Public trials ostensibly localize administration of justice but are largely a tool of political propaganda and to produce fear among the populace.⁷⁰ Public trials may be held in major public locations such as stadiums, or city or town squares.⁷¹ It is unclear what crimes and

circumstances entitle an individual to a public trial. Testimony suggests that public trials are reserved for cases that implicate policies issued by Supreme Leader Kim Jong Un.⁷²

II. RECOMMENDATIONS

53. The authors of this stakeholder report suggest the following recommendations for the Government of North Korea:

- Ratify the Second Optional Protocol to the ICCPR.
- Ratify the CAT and its Optional Protocol.
- Abolish the death penalty and replace it with a fair and proportionate sentence aligned with international human rights standards.
- In the meantime, institute an official moratorium on executions.
- Limit the death penalty to the “most serious” crimes, as specified under Article 6(2) of the ICCPR.
- Conduct a comprehensive review of all criminal laws and amend them to ensure that the death penalty is available as a penalty only for crimes in which the defendant committed an intentional killing.
- Uphold its exemption for the death penalty for people who were under the age of 18 at the time of the alleged crime, and immediately commute the death sentences of any person not proven to have been at least 18 years old at the time of the alleged offense.
- Establish procedures to prohibit all courts from sentencing any person to death for an offense committed when under the age of 18, and require the prosecution to prove beyond a reasonable doubt that a defendant was at least 18 years of age before seeking the death penalty.
- Commute the death sentence of any person sentenced to death for a crime that did not entail an intentional killing carried out by the person under sentence of death.
- On at least an annual basis, publish data about death sentences, executions, commutations, and people under sentence of death, disaggregated by nationality, sex, crime of conviction, date of arrest, date of sentencing, sentencing authority, relationship to any victim, relationship to any codefendant, current location, and status of any appeals or mercy proceedings.
- Ensure that all people at risk of being sentenced to death receive competent and independent legal assistance and representation, starting from the moment of arrest or charging, all the way through to appeals and other recourse procedures, including any potential clemency or mercy processes.
- Provide sufficient resources and funding for the appointment of competent, independent lawyers with experience and training in capital cases, for gathering evidence for the defense, and for retaining expert testimony for the defense, regardless of the region in which the case is tried.

- Ensure that national prison rules and policies are in line with the Nelson Mandela Rules and the Bangkok Rules.
- Prohibit forced genital searches on repatriated women.
- End the practice of forced abortions and infanticide carried out by North Korean officials against repatriated mothers and their children based on gender and racial grounds.
- End the use of torture and ill-treatment, including enforced disappearances, in compliance with international human rights law, and establish independent mechanisms to hold perpetrators accountable.
- Render inadmissible any evidence obtained through use of torture and ill-treatment, including enforced disappearances, except when used to prove that a person has engaged in torture or enforced disappearances.
- Implement and maintain credible record-keeping of all detained prisoners to aid proper investigation into claims of enforced disappearances.
- Conduct credible, independent, and impartial investigations into all allegations of torture, prioritizing allegations raised by persons who have been sentenced to death and by persons who are charged with crimes that are subject to the death penalty.
- Make public information about the qualifications for judges, prosecutors and lawyers and the number of licensed lawyers on at least an annual basis
- Inform anyone who is arrested, at the time of arrest, of the reasons for their arrest and promptly inform any charges against them, as required by article 9(2) of the ICCPR.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea* (June 25, 2019), U.N. Doc. A/HRC/42/10; ¶ 126.9 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as previously recommended (Latvia); ¶ 126.10 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal); ¶ 126.32 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Togo).

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea (Addendum)* (August 28, 2019), U.N. Doc. A/HRC/42/10/Add.1.

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea* (June 25, 2019), U.N. Doc. A/HRC/42/10; ¶ 126.5 Ratify all remaining main human rights instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Greece); ¶ 126.10 Ratify the following instruments: (a) the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; (b) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; (c) the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and (d) the International Convention for the Protection of All Persons from Enforced Disappearance (Portugal); ¶ 126.11 Ratify other international human rights instruments to which it is still not a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination (Republic of Korea); ¶ 126.15 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Togo); ¶ 126.16 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination (Burundi); ¶ 126.17 Intensify efforts for the ratification of

the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile); ¶ 126.18 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark) (Montenegro) (Senegal); ¶ 126.19 Put in place time-bound plans for accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Kingdom of Great Britain and Northern Ireland); ¶ 126.20 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Georgia); ¶ 126.21 Accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Uruguay); ¶ 126.22 Ratify the Convention against Torture and its Optional Protocol (Poland); ¶ 126.23 Consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Timor-Leste); ¶ 126.24 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance as well as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (France); ¶ 126.130 Prohibit the use of torture and other cruel, inhuman or degrading treatment, and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain).

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea (Addendum)* (August 28, 2019), U.N. Doc. A/HRC/42/10/Add.1.

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea*, (June 25, 2019), UN Doc. A/HRC/42/10, ¶126.115 Reduce the offences punishable by the death penalty and provide official figures regarding death sentences and executions, and consider introducing a moratorium on the death penalty (Italy); ¶126.116 Introduce a moratorium on executions as a first step towards the abolition of the death penalty (Belgium); ¶126.117 Disclose information on the use of the death penalty (Belgium); ¶126.118 Take progressive steps to abolish the death penalty (Ukraine); ¶126.119 Reduce the number of crimes punishable by the death penalty and put in place a moratorium with a view to abolishing it (France); ¶126.120 Introduce an official moratorium on executions as a first step towards the abolition of the death penalty (Georgia); ¶126.121 Take progressive steps to restrict and/or abolish the death penalty (Greece); ¶126.122 Abolish the death penalty (Iceland); ¶126.123 Reconsider abolishing the death penalty (Mozambique); ¶126.124 Take steps aimed at restricting executions, establish a moratorium on the death penalty or abolish it altogether (Namibia); ¶126.125 Abolish the death penalty in all cases and put an immediate halt to public executions (New Zealand); ¶126.126 Adopt an immediate moratorium on the application of the death penalty as a step towards its full abolition and publish data on recent executions as well as on the number of people on death row (Spain); ¶126.127 Implement a moratorium on the death penalty (Timor-Leste).

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea, Addendum* (August 28, 2019), UN Doc. A/HRC/42/10/Add.1, ¶6.

⁷ Hyeongbeob 2015 [Criminal Law of the Democratic People's Republic of Korea (2015)], Article 266, *translated in* Daye Gang, *Law and North Korea*, <https://www.lawandnorthkorea.com/>.

⁸ Hyeongbeob 2015 [Criminal Law of the Democratic People's Republic of Korea (2015)], Article 60, *translated in* Daye Gang, *Law and North Korea*, <https://www.lawandnorthkorea.com/>.

⁹ Hyeongbeob 2015 [Criminal Law of the Democratic People's Republic of Korea (2015)], Article 61, *translated in* Daye Gang, *Law and North Korea*, <https://www.lawandnorthkorea.com/>.

¹⁰ Hyeongbeob 2015 [Criminal Law of the Democratic People's Republic of Korea (2015)], Article 63, *translated in* Daye Gang, *Law and North Korea*, <https://www.lawandnorthkorea.com/>.

¹¹ Hyeongbeob 2015 [Criminal Law of the Democratic People's Republic of Korea (2015)], Article 68, *translated in* Daye Gang, *Law and North Korea*, <https://www.lawandnorthkorea.com/>.

¹² Hyeongbeob 2015 [Criminal Law of the Democratic People's Republic of Korea (2015)], Article 65, *translated in* Daye Gang, *Law and North Korea*, <https://www.lawandnorthkorea.com/>.

¹³ Hyeongbeob 2015 [Criminal Law of the Democratic People's Republic of Korea (2015)], Article 206, *translated in* Daye Gang, *Law and North Korea*, <https://www.lawandnorthkorea.com/>.

¹⁴ Hyeongbeob 2015 [Criminal Law of the Democratic People's Republic of Korea (2015)], Article 208, *translated in* Daye Gang, *Law and North Korea*, <https://www.lawandnorthkorea.com/>.

¹⁵ Reactionary Ideology and Culture Rejection Act of The Democratic People's Republic of Korea 2020, Article 29, *translated in* Daily NK, https://www.dailynk.com/english/wp-content/uploads/2023/03/PDF-%EB%B0%98%EB%8F%99%EC%82%AC%EC%83%81%EB%AC%B8%ED%99%94%EB%B0%B0%EA%B2%A9%EB%B2%95_%EC%98%81%ED%95%9C%EB%B3%B8.pdf.

¹⁶ The Pyongyang Cultural Language Protection Act of the Democratic People's Republic of Korea 2023, Articles 58 and 59, *translated in* Daily NK, <https://www.dailynk.com/english/wp->

content/uploads/sites/2/2023/03/Pyongyang-Cultural-Language-Protection-Act_English-and-Korean-Versions_Daily-NK.pdf

¹⁷ Hyeongeob 2015 [Criminal Law of the Democratic People's Republic of Korea (2015)], Article 29, *translated in* Daye Gang, *Law and North Korea*, <https://www.lawandnorthkorea.com/>.

¹⁸ Transitional Justice Working Group, Korean War Abductees' Family Union, and NK Watch, *Joint Submission to the Human Rights Council at the 33rd Session of the Universal Periodic Review (Joint Submission 3)* (October 4, 2018), ¶¶ 34-35.

¹⁹ Hyemin Son, *North Korea publicly executes 2 teenagers for distributing South Korea movies*, Radio Free Asia (Dec. 2, 2022), <https://www.rfa.org/english/news/korea/by-hyemin-son-for-rfa-korean-12022022204452.html>.

²⁰ Hyemin Son, *North Korea publicly executes 2 teenagers for distributing South Korea movies*, Radio Free Asia (Dec. 2, 2022), <https://www.rfa.org/english/news/korea/by-hyemin-son-for-rfa-korean-12022022204452.html>.

²¹ Kim Jieun, *North Korea executes warehouse manager for stealing penicillin*, Radio Free Asia (October 3, 2023), <https://www.rfa.org/english/news/korea/public-execution-10032023160014.html#:~:text=A%20manager%20at%20a%20pharmaceutical,stealing%20penicillin%20from%20the%20facility.&text=A%20manager%20at%20a%20North,sources%20inside%20the%20country%20said>.

²² Kim Jieun, *North Korea executes warehouse manager for stealing penicillin*, Radio Free Asia (October 3, 2023), <https://www.rfa.org/english/news/korea/public-execution-10032023160014.html#:~:text=A%20manager%20at%20a%20pharmaceutical,stealing%20penicillin%20from%20the%20facility.&text=A%20manager%20at%20a%20North,sources%20inside%20the%20country%20said>.

²³ Seulkee Jang, *Daughter of high-ranking N. Korean cadre executed for watching and distributing S. Korean videos*, Daily NK (March 1, 2022), <https://www.dailynk.com/english/daughter-of-high-ranking-n-korean-cadre-executed-for-watching-and-distributing-s-korean-videos/>.

²⁴ Jacob J, *Kim Jong-Un Executes Man; Wife, Son and Daughter Forced to Watch Death By Firing Squad*, International Business Times (May 30, 2021), <https://www.ibtimes.sg/kim-jong-un-executes-man-wife-son-daughter-forced-watch-death-by-firing-squad-57822>.

²⁵ Yuna Ha, *Four Publicly Execution in Pyongyang on Charges of Distributing "Illegal Video Materials,"* DailyNK (March 12, 2021), <https://www.dailynk.com/english/four-publicly-executed-pyongyang-charges-distributing-illegal-video-materials/>.

²⁶ Neil Murphy, *North Koreans executes for criticizing economic policies*, The Mirror (Sept. 11, 2020) <https://www.mirror.co.uk/news/world-news/five-north-koreans-executed-criticising-22668291>.

²⁷ Yuna Ha, *N. Korean businessman executed for refusing to buy gov't bonds*, DailyNK (May 12, 2020), <https://www.dailynk.com/english/north-korean-businessman-executed-refusing-buy-government-bonds/>.

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- ³⁷ Ministry of Unification Center for North Korean Human Rights Records, *2023 Report on North Korean human Rights*, 70, https://www.unikorea.go.kr/eng_unikorea/news/Publications/ronkhr
- ³⁸ *Death sentences and executions 2022*, Amnesty International (2023), 24, <https://www.amnesty.org/en/documents/act50/6548/2023/en/>.
- ³⁹ *Death sentences and executions 2022*, Amnesty International (2023), 24, <https://www.amnesty.org/en/documents/act50/6548/2023/en/>.
- ⁴⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea*, (June 25, 2019), U.N. Doc. A/HRC/42/10, ¶ 126.186 Establish a system to prevent sexual violence against women in detention (Norway); ¶ 127.26 Give international humanitarian organizations access to provide assistance to detainees in all penitentiary facilities, including labour training camps, prisons and political prison camps, allow family visits to all detainees, and establish rules regarding the treatment of detainees in accordance with international human rights standards (Germany); ¶ 127.32 Put an end to the practice of deprivation of liberty in political prison camps, promoting their closure and guaranteeing a fair trial as well as full respect for freedom of expression and procedural guarantees (Argentina); ¶ 126.131 Take concrete measures to improve conditions of detention by implementing the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (Thailand).
- ⁴¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea-Addendum-Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, (August 28, 2019), U.N. Doc. A/HRC/42/10/Add.1, ¶ 6.
- ⁴² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea*, (June 25, 2019), U.N. Doc. A/HRC/42/10, ¶ 126.58 Grant immediate, free and unimpeded access to international humanitarian organizations to provide assistance to the most vulnerable groups, including prisoners (Ireland).
- ⁴³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea*, (June 25, 2019), U.N. Doc. A/HRC/42/10, ¶ 126.182 Intensify the fight against violence against women by: (a) introducing in the penal code a definition of violence against women, including rape and trafficking; (b) putting in place training programmes for law enforcement officials, magistrates and civil servants to identify, prevent and punish violence against women; and (c) prohibiting forced genital searches on repatriated women (France).
- ⁴⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea*, (June 25, 2019), U.N. Doc. A/HRC/42/10, ¶ 127.52 Acknowledge the existence of human rights violations and end all State-sanctioned practices that breach fundamental human rights, including arbitrary detention, torture, forced abortion and other sexual violence (New Zealand).
- ⁴⁵ "Worth Less Than an Animal," *Abuses and Due Process Violations in Pretrial Detention in North Korea*, Human Rights Watch (October 19, 2020), <https://www.hrw.org/report/2020/10/19/worth-less-animal/abuses-and-due-process-violations-pretrial-detention-north>
- ⁴⁶ *White Paper on Human Rights in North Korea 2022*, Korea Institute for National Unification (April 2023), p.123, <https://repo.kinu.or.kr/bitstream/2015.oak/14302/1/White%20Paper%20on%20Human%20Rights%20in%20North%20Korea%202022.pdf>
- ⁴⁷ *The State of the World's Human Rights*, Amnesty International, (2023), <https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/north-korea/report-korea-democratic-peoples-republic-of/>.
- ⁴⁸ *The State of the World's Human Rights*, Amnesty International, (2023), <https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/north-korea/report-korea-democratic-peoples-republic-of/>.
- ⁴⁹ Confidential source on file with authors.
- ⁵⁰ *Report: Inquiry on Crimes Against Humanity in North Korean Detention Centers*, War Crimes Committee of the International Bar Association, The Committee for Human Rights in North Korea (June 2022), 22,

<https://www.ibanet.org/document?id=Inquiry-on-Crimes-Against-Humanity-in-North-Korean-Detention-Centers-2022>.

⁵¹ *At least 35 North Korean prisoners are said to have starved to death in July*, Radio Free Asia (Aug. 22, 2022), https://www.rfa.org/english/news/korea/prison_deaths-08222022184150.html

⁵² Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea (February 7, 2014), U.N. Doc. A/HRC/25/CRP.1, ¶ 434, <https://undocs.org/A/HRC/25/CRP.1>

⁵³ Ministry of Unification Center for North Korean Human Rights Records, *2023 Report on North Korean Human Rights*, pp.152-154, 481-482, https://www.unikorea.go.kr/eng_unikorea/news/Publications/ronkhr

⁵⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea*, (June 25, 2019), U.N. Doc. A/HRC/42/10, ¶ 127.24 Prevent cases of enforced disappearance and arbitrary execution and publish data on the application of the death penalty (Czechia).

⁵⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea*, (June 25, 2019), U.N. Doc. A/HRC/42/10, ¶ 127.33 Immediately close down all political prison camps and release all prisoners of conscience, including relatives being held on the basis of guilt by association (Austria); ¶ 127.34 Implement its obligations under the human rights instruments to which it is party, and cease the use of arbitrary detention, political prison camps and collective punishment (Canada); ¶ 127.36 Immediately dismantle all political prison camps, release all political prisoners, institute protections against arbitrary detention that guarantee due process and fair trial, and grant international observers, including United Nations special procedures, unimpeded and unrestricted access to the country and to all detention facilities (United States of America); ¶ 127.37 Immediately close political prisoner camps and unconditionally release all political prisoners (Luxembourg); ¶ 127.38 Take immediate steps to close political prison camps (New Zealand); ¶ 127.39 Close down all political prison camps and labour camps and unconditionally release all prisoners of conscience, including relatives that have been held on the basis of "guilt by association" (Slovenia); ¶ 127.40 Close all detention camps in which internees are arbitrarily deprived of liberty and subjected to inhumane conditions (Spain); ¶ 127.41 Immediately close all political prison camps and unconditionally release all prisoners of conscience, including relatives being held on the basis of "guilt by association" (Sweden).

⁵⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea, Addendum*, (August 28, 2019), U.N. Doc. A/HRC/42/10/Add.1, ¶ 3.

⁵⁷ Reuters, *UN expert urges North Korea to dismantle political prison camps*, (March 22, 2022). Also available online at: <https://www.reuters.com/world/asia-pacific/un-rights-expert-urges-north-korea-reopen-aid-food-2022-03-21/>

⁵⁸ *White Paper on Human Rights in North Korea 2022*, (April 2023), p.16, Korea Institute for National Unification, <https://repo.kinu.or.kr/bitstream/2015.oak/14302/1/White%20Paper%20on%20Human%20Rights%20in%20North%20Korea%202022.pdf>.

⁵⁹ Secretary-General, *Situation of human rights in the Democratic People's Republic of Korea*, (July 29, 2022), U.N. Doc. A/77/247, ¶ 12.

⁶⁰ Mun Dong Hui, *Kim Jong Un reopens political prison camp to house political enemies*, Daily NK (January 9, 2024), <https://www.dailynk.com/english/kim-jong-un-reopens-political-prison-camp-house-political-enemies>

⁶¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: People's Democratic Republic of North Korea* (Sept. 27, 2019) U.N. Doc. A/HRC/42/10 ¶127.49 Build an independent judiciary, and unconditionally release all political prisoners and those detained without a due process (Czechia); ¶127.50 Ensure the right to a fair trial by amending the provisions of the criminal code that are incompatible with respect for individual guarantees and ensuring the publicity of proceedings (France).

⁶² Human Rights Council, *Promoting accountability in the Democratic People's Republic of Korea - Report of the Office of the United Nations High Commissioner for Human Rights*, (January 11, 2021), U.N. Doc. A/HRC/46/52, ¶¶ 47-48.

⁶³ Hae Ju Kang, *A rare assessment of the penal system in North Korea*, PENAL REFORM INT'L (Apr. 20, 2022), <https://www.penalreform.org/blog/a-rare-assessment-of-the-penal-system-in/>.

⁶⁴ *"Worth Less Than an Animal" Abuses and Due Process Violations in Pretrial Detention in North Korea*, Human Rights Watch (Oct. 19, 2020), <https://www.hrw.org/report/2020/10/19/worth-less-animal/abuses-and-due-process-violations-pretrial-detention-north#2631>.

⁶⁵ Korea Institute for National Unification, *Right to a Fair Trial in*, WHITE PAPER ON HUMAN RIGHTS IN NORTH KOREA (2022),

<https://repo.kinu.or.kr/bitstream/2015.oak/14302/1/White%20Paper%20on%20Human%20Rights%20in%20North%20Korea%202022.pdf>.

⁶⁶ Socialist Constitution of The Democratic People's Republic of Korea, Article 166, *translated in Daye Gang, Law and North Korea*, <https://www.lawandnorthkorea.com/>; Criminal Procedure Law of the Democratic People's Republic of Korea, Article 271, *translated in Daye Gang, Law and North Korea*, <https://www.lawandnorthkorea.com/>.

⁶⁷ Korea Institute for National Unification, *Right to a Fair Trial in*, WHITE PAPER ON HUMAN RIGHTS IN NORTH KOREA (2022), <https://repo.kinu.or.kr/bitstream/2015.oak/14302/1/White%20Paper%20on%20Human%20Rights%20in%20North%20Korea%202022.pdf>.

⁶⁸ Korea Institute for National Unification, *Right to a Fair Trial in*, WHITE PAPER ON HUMAN RIGHTS IN NORTH KOREA (2022), <https://repo.kinu.or.kr/bitstream/2015.oak/14302/1/White%20Paper%20on%20Human%20Rights%20in%20North%20Korea%202022.pdf>.

⁶⁹ Korea Institute for National Unification, *Right to a Fair Trial in*, WHITE PAPER ON HUMAN RIGHTS IN NORTH KOREA (2022), <https://repo.kinu.or.kr/bitstream/2015.oak/14302/1/White%20Paper%20on%20Human%20Rights%20in%20North%20Korea%202022.pdf>.

⁷⁰ Korea Institute for National Unification, *Right to a Fair Trial in*, WHITE PAPER ON HUMAN RIGHTS IN NORTH KOREA (2022), <https://repo.kinu.or.kr/bitstream/2015.oak/14302/1/White%20Paper%20on%20Human%20Rights%20in%20North%20Korea%202022.pdf>.

⁷¹ Hae Ju Kang, *A rare assessment of the penal system in North Korea*, PENAL REFORM INT'L (Apr. 20, 2022), <https://www.penalreform.org/blog/a-rare-assessment-of-the-penal-system-in/>.

⁷² Korea Institute for National Unification, *Right to a Fair Trial in*, WHITE PAPER ON HUMAN RIGHTS IN NORTH KOREA (2022), <https://repo.kinu.or.kr/bitstream/2015.oak/14302/1/White%20Paper%20on%20Human%20Rights%20in%20North%20Korea%202022.pdf>.