

# **North Korea's Human Rights Policy: Formulation and Implementation**

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## **Abstract**

The Kim Family Regime's approach to human rights has always been one of formal policy versus real policy. Formal policy on human rights is based on state documents, starting with the constitution and followed by formal laws such as the Criminal Procedures Act, all drafted and ratified by the Supreme People's Assembly. Real policy, however, is conducted by Party and state agencies at the direction of the Korean Workers' Party to protect the regime from enemies within. The primary differences between the two is that the formal policy has no agency that implements the rights codified by the state, while the real policy is implemented in some aspect, large or small, by every party, state, economic, and social organization in North Korea. From the Kim Regime perspective, the right to protect is applied to the regime, not the people. The human rights of the people involve support of the revolution and the benefit of the masses, not the individual. The recent Commission of Inquiry on human rights abuses in North Korea did an impressive job of identifying these issues, and its recommendations are well warranted. History suggests solidly that the Kim Regime, not the Democratic People's Republic of Korea, determines whether North Korea will recognize the authority of the World Court, the International Criminal Court, or any other special international tribunal of justice.

**Keywords:** human rights denial, North Korean ideology, Ten Great Principles of Monolithic Ideology, Criminal Procedures Act.

## **Introduction**

The North Korea that the Kim Regime wants the world to see is far different from the reality that actually exists. We know this through the testimony of 25,000 defectors from North to South Korea, both

politically elite and non-elite individuals. Their stories tell us not of mere complaints against an authoritarian system but of systematic terror at every level of society carried out by those who seek permanency in their management of power. In his new book *Duty*, Robert Gates observes that in 2008 in a meeting between President Bush and U.S. Ambassador Ryan Crocker that discussed whether success was possible in Iraq, the latter made the observation that “the Iraqi people had been reduced to their fears.”<sup>1</sup> Nowhere is the concept of being “reduced to their fears” more true than in the Democratic People’s Republic of Korea, and it has been that way for more than 60 years.

The recent release of the Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea (COI) finally provided a United Nations’ evaluation of the country’s nearly unprecedented level of denial of human rights to its own people.<sup>2</sup> And on March 28 of this year, just before the United Nations Human Rights Council was to vote on demanding justice for “Nazi-style atrocities,” Democratic People’s Republic of Korea (DPRK) Ambassador So Se Pyong told the council to “mind its own business.”<sup>3</sup> The vote is highly welcomed. The North Korean ambassador’s comment is a solid indicator of North Korea’s two-faced human rights policy, whereby the nation’s constitution and civil laws “talk the talk” of advocating legal provisions for safeguarding human rights, but do not “walk the walk” of human rights observance, as the denial of human rights is standard practice at every level of North Korean society.

The details of the COI are horrific but not unknown to the many non-governmental organizations that have publicized North Korean human rights abuses for decade, the existence of such widespread abuses being common knowledge to North Koreans. What is missing from the report is discussion of how North Korea’s Kim Regime formulates human rights policy, although the report did an excellent job of explaining components of what should be interpreted as human rights policy. The reason for this is that North Korean human rights policy as an overarching concept exists only in documents designed to influence foreign audiences, not in the values or practices of domestic implementers of human rights. That is because there are no human rights implementers in North Korea.

The COI identified, as many other reports and human rights organizations have, the specific human rights that are violated by the Kim Regime. I will not identify them because, if one can think of a

human right, North Korea has violated it repeatedly for decades, oppressing tens of millions of people.

Consequently, because human rights implementers ignore rubber-stamped laws and instead operate according to domestic political mandates, North Korea's human rights policy is essentially a policy of human rights denial. North Korea's human rights denial incorporates the concepts of political suppression and terrorization, personal surveillance, individual professional and political evaluation, awards for denial, social classification, and politically-oriented jurisprudence. This policy had its beginnings after the fall of Japanese colonial rule in 1945 and the occupation of North Korea by the Soviet military and Korean communist revolutionaries. Human rights denial in North Korea gained momentum and sophistication with the elimination of Kim Il-sung's political rivals in 1956-58. It is modified and strengthened periodically, based on both external events that are assessed as having an undue influence on the North Korean populace and internal events that are assessed to be existential threats to North Korea's supreme leader.

The Kim Family Regime's approach to human rights has always been one of formal policy versus real policy. Formal policy on human rights is based on state documents, starting with the constitution and followed by formal laws such as the Criminal Act and the Criminal Procedures Act, all drafted and ratified by the Supreme People's Assembly. Real policy, however, is conducted by Party and state agencies at the direction of the Korean Workers' Party to protect the regime from enemies within. The primary difference between the two is that the formal policy has no agency that implements the rights codified by the state, while real policy is implemented in some aspect, large or small, by every party, state, economic, and social organization in North Korea, at every level from the capitol in Pyongyang to the smallest village.

From communist revolutionary theory, to Juche, to the Monolithic Ideology System and the Monolithic Leadership System, to the law and legal decrees, the Kim Regime leadership has shaped the formulation and implementation of human rights to center on the supreme leader, national sovereignty, collective rights, and the denial of individual rights. All of these ideological and legal efforts target perceived domestic anti-revolutionary reactionaries and anti-state enemies, and politically categorize not only the North Korean population but the political and legal recourses of the regime in its address of human rights. At the top of

this doctrinal pyramid is the concept of loyalty to the supreme leader. Demanded and institutionalized by the Party and the state, this loyalty is the foundation for justifying human rights denial in North Korea. All political doctrines, philosophies, and charters adhere to this principle.

In an attempt to explain this principle and its components, this article will address how North Korea's human rights policy and rights denial are formulated and implemented and, at various points throughout the article, it will address why they are formulated as they are through discussion of doctrine and loyalty to the supreme leader. It is important to note that there are two key aspects to North Korea's human rights denial policy: overarching doctrines that serve as national ideology and set North Korean society's behavioral norms, and foundational documents that serve as guidelines for policy implementation. Through these we can see several components of North Korean human rights policy and practice: initial implementation of communist revolutionary theory under Soviet occupation; policy formulation; overarching doctrine; foundation documents; policy implementation; policy leadership; individual perspective of North Koreans; and legal fronting.

### Communist Revolutionary Theory under Soviet Occupation

Human rights policy formulation in North Korea began under the supervision of the Soviet Union and its 25<sup>th</sup> Army, which occupied Korea north of the 38<sup>th</sup> parallel beginning in August of 1945. From the moment Korean revolutionaries entered North Korea under the lead of the Soviets, they began to shape North Korean society under the concept of communist collectivism and its associated principles concerning human rights within the context of communist revolution. This included healthy doses of anti-capitalism, anti-religion, and anti-imperialism, the lattermost focused on Japan at the time. The traditional enemies of communism and Korea – landlords, capitalists, religious personnel, and the Japanese – were immediately excluded from the political and social process, had their assets confiscated, and either fled to South Korea, were banished to the mountainous northeast, or were imprisoned or executed. These were the first casualties of North Korea's human rights policy, before any communist party charter, state constitution, or decreed laws existed. It should be noted that the locations in the mountainous Northern provinces to which these people were sent were the predecessors of today's political prison camps. In other words, the denial of every human right to specific classes of people began with the

onset of the revolution. The practice of such complete denial of human rights has not changed – it has just become more formalized within the context of state-building or, stated more accurately, Kim Family Regime-building.

### Policy Formulation

Based on state agency expertise and modified by application of political doctrine, all policy formulation begins with debate on any given issue in the Korean Workers' Party (KWP) Politburo. Details of policy recommendations are presented by the Organization and Guidance Department (OGD), which serves as the staff for the Politburo. The current Politburo was elected at the 4<sup>th</sup> Party Delegates conference in April 2012, but has seen some changes, particularly with the execution of Jang Sung-thaek. Currently comprised of 30 full members and candidate members, the Politburo represents the Kim Regime's elite of the elite. The Politburo Standing Committee is comprised of the supreme leader, Kim Jong-un, the Chairman of the Supreme People's Assembly's Standing Committee, Kim Jong-nam, and the former Director of the military's General Political Bureau and newly promoted KWP Secretary, Choi Ryong-hae. Each member is fully vested in the interests of the Kim Regime and must fully support the implementation of all current policies, including the human rights denial policy. Once the Politburo decides on the direction of a policy, the OGD works on the details of implementation and conveys supreme leader directives through the Party organization at every level of every organization in North Korean society.

In the latter half of the 1950's, as Kim Il-sung went through the process of eliminating his political enemies from various contending factions within the new North Korean political spectrum, he also began the process of shaping all of North Korean society, including via his concept of human rights policy and, in particular, denial of these rights. The Kim Regime insists that Asian values differ from those in the West and that therefore the foundation for human rights is different as well. Collective rights are considered superior to individual rights. The regime's emphasis is not on civil and political rights, as that would be contrary to the foundations of "Suryong-ism" (supreme leader-ism) and the Monolithic Leadership System, which is designed to ensure there are no challenges to Kim Family rule. Collectivism complements the centralization of authority, which is the prime enabler of Suryong-ism,

which emphasizes singular leadership of the collective by the supreme leader. All decisions and directives by the supreme leader are final and unchallengeable. Under the Monolithic Ideology System, the supreme leader is all-knowing and all-wise. Challenges to this concept are deemed unpatriotic and treasonous.

Instead, the emphasis is on North Korea's version of economic, social, and cultural rights, which are interpreted within the concept of the collective, which serves the Suryong. This interpretation runs counter to the intent of the United Nations' International Covenant on Economic, Social and Cultural Rights, which the Democratic People's Republic of Korea acceded to on September 14, 1981. The Kim Regime views "our own style socialism" and the "Juche ideology" as putting collective duties before individual rights, emphasizing that obligation to society is the role of the individual. From that perspective, rights for the individual are related to service to the Korean Workers' Party.

A key objective of Suryong-ism and the Monolithic Leadership System is the prevention of dissent. Therefore, a fundamental component of the Kim Regime's human rights strategy is to ensure there is no freedom of assembly or speech, despite what the constitution states, thereby severely limiting the ability to express opposition. Such actions are viewed as being contrary to the very essence of supreme leader decision-making. Citizens thus become subject to the whims of the power elite, who prey on the people for their own gain. Bribes and broader corruption become a key link between the power elite and the masses. A recent evaluation by the Washington, DC-based Heritage Foundation found North Korea to be rated the least economically free country in the world – 178<sup>th</sup> out of 178 countries – with corruption being cited as the primary cause.<sup>4</sup>

All policy formulation under Kim Il-sung took place within the context of the Korean Worker's Party Politburo. Membership in the Politburo was dominated by Kim Il-sung's fellow anti-Japanese partisans, and so they saw enemies, both foreign and domestic, in the same light. After he was appointed as the Director of the Organization and Guidance Department (OGD) and, simultaneously, as the Director of the Propaganda and Agitation Department, Kim Jong-il began developing and reinforcing the OGD into a policy and personnel control element. The purpose was to expand the personality cult of Kim Il-sung and to secure the generational succession system for Kim Jong-il. The OGD (discussed below) quickly became the most influential political

institution in the country and reshaped human rights policy through the expansion of doctrine, intensification of family and personal political performance background investigations, and protection of the interests of the Kim Family. Their actions were approved by the Politburo, which under Kim Jong-il rubber-stamped all supreme leader decisions. Under Kim Jong-un, the Politburo has increased in significance, most likely because the younger Kim needs the forum to build others' confidence in his own leadership. Two strong indicators were a recent Politburo meeting where "system security" was the main discussion theme and the public arrest, purge, and execution of Kim Jong-un's uncle and presumed regent, Jang Sung-taek.<sup>5</sup>

It should be mentioned that although North Korea has signed the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, these have no more impact on the lives of North Koreans than the rights stipulated in the DPRK constitution. What does have an impact on the people is the Ten Great Principles of the Establishment of the Monolithic Ideology System, as I shall discuss below.

### Overarching Doctrine

North Korea is a country of behavioral norms vice rule of law. Although laws addressing human rights do indeed exist, these laws disregarded in practice, in combination with a stringent political doctrine that stresses loyalty to the supreme leader and collectivism. Furthermore, North Korea's human rights policy is not a separate and distinct policy that is supported through a balance of political power that regulates human rights processes, institutions, and support groups. Rather, human rights denial is an integral component of the regime's ideology and internal security strategy.

The Kim Regime's political doctrines provide the overarching framework and political justification for North Korean human rights policy as actually practiced. Foremost among these doctrines are the Ten Principles for the Establishment of a Monolithic Ideological System, the supporting Monolithic Ideology System (MIS), which focuses on inculcation methodology, and the Monolithic Leadership System (MLS) which is designed to ensure loyalty by all to the supreme leader. These are complemented by the national political doctrines of Juche, Military-First Politics, and the Korean Workers' Party's mass line and class line. The priority of each of these doctrines is the supremacy of the supreme

leader/Suryong over every individual North Korean and that of the Party over society.

The ultimate doctrine in denying human rights is the Ten Principles for the Establishment of a Monolithic Ideological System. These principles establish behavioral norms for every North Korean, from which there is no tolerated deviation. There is no other law, creed, or directive that has more impact on the everyday lives of North Koreans. The intent is to focus each North Korean individual on loyalty to the supreme leader, now Kim Jong-un, and to sacrifice all to that effect. Violation of these principles is considered a political crime and thus categorizes the violator as a class enemy. The North Korean legal system is designed deliberately by Party doctrine and legal practice to treat class enemies more harshly than other criminals, with different procedures and far stiffer penalties and sentences.

North Korea's political dictionary defines the Ten Principles as "*The ideological system by which the whole party and people is firmly armed with the revolutionary ideology of the Suryong [supreme leader] and united solidly around him, carrying out the revolutionary battle and construction battle under the sole leadership of the Suryong.*"<sup>6</sup>

Kim Il-sung's younger brother, Kim Yong-ju, originally began developing these ten principles in 1967, when he was assumed to be his brother's successor. However, once Kim Il-sung's son, Kim Jong-il, was unofficially designated as the successor and officially designated Director of the Organization and Guidance Department and the Propaganda and Agitation Department in 1973, Kim the younger took over the development and institutionalization of these ten principles through his new positions. Kim Jong-il did the same for the supporting MIS and the MLS. Kim Jong-il's institutionalization of these principles served not only to shape the attitude of every North Korean to accept Kim Family leadership of the land, but to accept hereditary succession for Kim Jong-il as well.

The ten principles were changed somewhat in 2013 to include loyalty by name to Kim Jong-il as well as Kim Il-sung and to remove the word communism. The number of sub-chapters was reduced from 65 to 60 and emphasis was placed on loyalty to the "Paektu Line," referring to the Kim Family, thus justifying Kim Jong-un's claim to power. Interestingly, the preamble now includes reference to North Korea's nuclear weapons, which purportedly protect the country.<sup>7</sup> It should be noted that all North Koreans are required to memorize the ten principles,



and these new changes will be the focus of mandatory political study sessions, to include study of the role of nuclear weapons. That memorization includes the concept that all North Koreans are now required to state that North Koreans must be nuclear-armed for the sake of the country. That will make any hope for changes in heart on the nuclear issue by Pyongyang much darker.

The MLS emphasizes there is no other leader in Korea, North or South, who can lead the Korean nation as a whole to independence and security, other than the supreme leader. The MLS compels complete loyalty to supreme leader decisions and directives and each person is judged by their ability to do so. The MIS reinforces the MLS.

MLS and MIS are complemented by Juche ideology by focusing on North Korean independence, thus justifying “our style socialism” and the extremes of Kim Regime policies. Military-first politics complement MLS and MIS through devoting the military to faithfully defending the supreme leader by every soldier “becoming a bomb to protect the suryong.” This dedication results in the military obtaining the lion’s share of resources at the expense of the people, particularly when it comes to food. The KWP’s mass line justifies the collective vice individual approach to societal policies, and the class line justifies classifying large portions of the population as class enemies and therefore automatically excludes them from enjoying all types of rights and privileges.

### Foundation Documents

A unique aspect to North Korean authority is the fact that the 2009 Constitution, civil law, or the Korean Workers’ Party Charter are not the highest authority in the country. Within the North Korean political structure, the words of Kim Il-sung and Kim Jong-il, whether given by directives, speeches, or on-the-spot guidance, are considered the highest authority and these are dutifully recorded in the Works of Kim Il-sung and the Works of Kim Jong-il. (We should assume such words are being collected and collated for Kim Jong-un as well.) This seems odd to those outside North Korea, but if a speech can be referenced by one of those two, it is considered the highest law that trumps all other doctrines, documents, and directives. Thus law is superseded by politics. Obviously, the directives of Kim Il-sung and Kim Jong-il have a significant impact on the use of law in developing human rights policy. For instance, Kim Il-sung stated “Laws of our country are important

weapons for the realization of national policy. Laws are the expressions of politics, hence subservient to politics, from which they can never be separated.”<sup>8</sup> Kim Il-sung also stated “We are not discouraging arguments on fine points of the law. We are simply asking not to distort the basic spirit of the laws by interpreting them independently of political imperatives.”<sup>9</sup> Kim Jong-il added that “The socialist laws are weapons for the proletariat dictatorship, which is the will of the working class and working masses. Therefore, they should be interpreted and applied from the viewpoint of the Party and the working class.”<sup>10</sup> These types of supreme leader directives guide court decisions and shape sentencing.

In the North Korean legal system, distinction is made between political crimes and ordinary crimes. Political crimes are interpreted in North Korea as threats to overturn the socialist system and cause the reestablishment of exploitation. This is double-speak for preventing the return of capitalism, subservience to foreign concepts, and harm to the revolution. From this perspective, observing the rights of the individual is forsaken to preserve the state and the supreme leader, the latter being viewed in all political aspects as the embodiment of the state. Further research on this is difficult, as not all documents related to the North’s human rights denial policies are available for scrutiny due to the Kim Regime’s position that all Party and government documents are secret. Even the COI had to rely on a very heavy dose of witness accounts and research articles based on additional witness accounts. The below list of human rights policy foundation documents is therefore not all inclusive and is at best limited.

DPRK Cabinet Decree 149. This decree ordered the large-scale banishment of individuals determined to be politically unreliable from border areas, the demilitarized zone, coastal regions, or near Pyongyang. Decree 149 established “special districts for the objects of the dictatorship” which were established in the late 1950s in the mountainous regions of the Northern provinces. The intent was to deny any and all rights to specific groups within the population who were judged to be politically incompatible with the goals of the revolution. These districts became known early on as Decree 149 districts.<sup>11</sup> These were the forerunners of the North’s eventual development of the political gulags or political prison camps. Decree 149 was the first document to suggest social stratification for the entire North Korean populace, thus solidifying the communist concept of class enemies and anti-

revolutionary elements within the Kim Regime political lexicon.

Korean Workers' Party Politburo May 30, 1957 Decree. Entitled "On the Transformation of the Struggle with Counterrevolutionary Elements into an All-People All-Party Movement," this decree established the policy and programs for conducting North Korean society's first large-scale purges.<sup>12</sup> The intent was to initiate a pan-Party, pan-people movement to struggle against anti-revolutionary elements. From this time until 1960, every citizen was classified by *songbun*, or family background. Based on this classification, 300,000 North Koreans were relocated, imprisoned, or executed. This population purification process – a political cleansing, if you will – led to fear throughout the society. In March 1961, the Politburo decided to redo portions of this political cleansing process. However, this received significant resistance from the far left, which had suffered severely under Japanese colonialism and during the Korean War. So at the 8<sup>th</sup> Session of the 4<sup>th</sup> Party Congress in February 1964, the Politburo decided to "strengthen the tasks of each class and each mass." The result was that every citizen was reinvestigated during 1964-1967 and classified into one of 51 classes of perceived loyalty or disloyalty and issued an identification card indicating as such.<sup>13</sup> In Kim Il-sung's consolidation of power, it was essential from the KWP's perspective to target the North Korean population as a whole. It set the precedent of investigating the background of the entire population for the purpose of identifying friends or foes based on occupation, social-economic background, and political affiliation. This practice remains in place today and is periodically updated with new investigations (see below).

Social Classification Investigation Orders. Initially referred to in the late 1950's as the KWP Intensive Guidance Project, these investigation orders evolved into standard operating procedures for the Ministry of People's Security and were associated with resident registration and state identification cards. The names of these investigation projects changed through a series of various titles, but they all had the same general purpose of classifying North Koreans into classes that directly influenced human rights denial. The investigations were the Resident Registration Project of 1966-7, the Classification Project for Division of Populace of 1967-70, the Resident Investigation Project of 1972-4, the Citizen Identification Card Inspection Project of 1980, the Repatriated Koreans

and Defectors from South Korea Project of 1980, the Repatriated Koreans from Japan Project of 1981, the Citizen Identification Card Renewal Project of 1983-4, the Resident Reinvestigation Project of 1989, the Adoption of the Citizen Registration Law of 1997, the Renewing Citizenship Cards of 1998, and the Citizenship Card Exchange of 2004.

Each of these investigations built on the findings and investigative lessons learned from the previous investigation(s). As one defector from the State Security Department told this writer, “we will investigate anybody for anything.” As these investigations gradually created greater stratification within North Korean society, privileges granted by the regime replaced rights as the social expectation of North Koreans. Those with investigative findings of good backgrounds judged by Kim Regime standards began receiving more and more privilege, particularly in the regime’s seat of power in Pyongyang. For those found to possess unfavorable backgrounds, neither rights nor privileges could be expected.

Citizen Registration Reference Manual. This manual provides instruction on the specifics of the Resident Registration Program and all investigations related to the program. Dated 1993, the manual emphasizes at the beginning of each chapter that the objective of each investigation is the protection of the supreme leader. The manual standardizes all citizen background investigations, a key component of which is perhaps the greatest human rights policy practice of the regime – socially classifying each North Korean citizen at the age of 17 as friend or foe of the regime, or something in between. According to the manual, a person’s background (songbun) is based on the economic conditions at the time of one’s birth and influenced by one’s family class foundation.

The investigations are conducted by a local policeman and approved by the local party secretary, not a state representative. The manual specifically states the guiding principles of the Resident Registration Program are:

- Investigations must guarantee the personal security and the long life of the Kim Family;
- Everybody must be investigated – no exceptions;
- Investigations should cover in detail one’s past and present;
- Investigations must guarantee the objectivity and scientific base of the investigation;

- Investigations must investigate every person based on the principles of the Party;
- Investigations must be in line with the Party's class doctrine and mass doctrine.<sup>14</sup>

The manual specifically states that the purpose of the investigations is "to protect Kim Jong-il." One should assume this is now applied to the protection of Kim Jong-un. A stated objective of the investigations, which must "sort out the hostile class without exception", is to "intensify class struggle." This specifically directs investigators to deprive each citizen of their individual rights, through the consequent social classification of the individual and the follow-on deprivation of rights by every Party and state agency that deals directly with that individual.

This manual mentions two other critical manuals that have a direct impact on human rights denial: the Task Guide Manual on Each Class and Stratum of the Masses, and the Songbun Classification Guide. Both of these documents are promulgated by the KWP Central Committee.<sup>15</sup>

DPRK Criminal Code.<sup>16</sup> Article 1 of this code specifically states that the interests of the state supersede all other considerations. Also referred to as the North Korean Penal Code, the Criminal Code's terminology is periodically updated, partially in response to international pressure, but primarily due to changing internal socioeconomic conditions. Some of these changes have to do with prosecutors' duties, sentencing, courts, and attorneys. But this has little impact on actual implementation of human rights protections, which essentially do not exist in practice. There are no studies or open records of legal proceedings in North Korea to provide legal analysts with a sufficient basis to determine whether law violators are processed according to regulations.<sup>17</sup> Furthermore, the Criminal Code is designed to punish according to class distinctions and to inculcate animosity toward class enemies.<sup>18</sup>

DPRK Criminal Procedure Law. Article 1 states that this law "shall safeguard national sovereignty and the socialist system and guarantee self-reliant and creative life of the people through struggle against crime."<sup>19</sup> In the North Korean political system, protecting national sovereignty and the socialist system equates to protecting the supreme leader. Therefore, any criticism, direct or indirect, implied or otherwise, is considered a political crime. Here is where Party policy impacts the

legal system. Article 5 of North Korea's Criminal Procedure Law states that, "The state shall thoroughly protect human rights in handling criminal cases."<sup>20</sup> However, in a format that is consistent throughout North Korean law, the Act also stipulates that the state will "identify enemies and subdue the minority."<sup>21</sup> In fact, it is the Party that identifies friend versus foe within the North Korean population. The Criminal Procedure Law justifies different procedures for a defendant based on whether he or she was classified as a friend or a foe.

DPRK Constitution, 2009.<sup>22</sup> Unlike other constitutions in the world, North Korea's focuses on following the precepts of Kim Il-sung, not the interests of the country as a whole. "The DPRK Socialist Constitution is the Kim Il Sung constitution" is the base description within the constitution's preamble and serves as the basis of elevating political doctrine over law. Focus on the collective and the Juche state provide an overarching framework for the interpretation of individual rights for the North Korean citizenry.

Article 10 states that the DPRK "shall turn the whole of society into a single collective." This means that rights are addressed from the collective standpoint rather than from that of an individual. This is based in the North's revolutionary ideology. But most importantly, Article 11 states, "The DPRK shall carry out all its activities under the leadership of the Korean Workers' Party." In essence, the North Korean Constitution abrogates itself in terms of authority.

### Policy Implementation

The evolution of human rights denial under the Kim Family Regime shows a parallel development of power consolidation and human rights denial evolution. Table 1 below demonstrates this parallel development through a timeline, and shows its impact on North Korean human rights in general.

**Table 1: Evolution of North Korea's Human Rights Denial**

Event	Year	Context	Impact
Korean Liberation, Kim Il-sung becomes leader of North Korea	1945	Communist revolution	Pro-Japanese, landowners, religious leaders, businessmen banished, executed; beginning of political prison camps
May 30 Decree	1957	1st major human rights denial policy; established programs for conducting North Korean society's first large-scale purges	Family background determines each person as friend/foe
August Purges of Other Political Factions	1956-8	Yenan, Russian, Domestic Factions Eliminated	No challenges remain to Kim's policies, including those concerning human rights
Monolithic Ideology System Initiated	1967	First of numerous background investigations on every NK citizen	Songbun becomes predominate social-political qualifier, base policy of human rights denial; political prisons formalized
Kim Jong-il Becomes Party Secretary For Organization and Agitation	1973	Ten Principles of Monolithic Ideology promulgated	Discussion of individual rights regarded as anti-revolutionary; legal system uses Ten Principles as judgment criteria
Kim Jong-il Succeeds Kim Il-sung	1994	Great Famine's "Arduous March" begins	North Koreans outside Pyongyang deprioritized for food, products, and services
Kim Jong-un Consolidating Power	2013	Ten Principles of Monolithic Ideology rewritten	Kim Jong-un confirms policy of human rights denial to continue

Throughout the history of the North Korean party-state, policy implementation has been the responsibility of a number of agencies

within both the Party apparatus and the government. As Kim Il-sung consolidated his power over the entire party-state, his policies rapidly transformed North Korean society into a relationship between the leader on the one hand, and all North Koreans on the other. In doing so he eliminated political challenges and defined all North Koreans as friends or foes of the regime and ultimately of him.

The challenge of understanding the thoroughness of North Korea's human rights denial is appreciating the degree of centralization of political and administrative control that the party-state maintains over the population. The KWP, the police, and the secret police drive down to each individual person, each household. But more than that, there are more specific lines of human rights denial.

The first line of human rights denial is Party policy, as has already been mentioned. The second line of denial is social classification, which impacts a North Korean even before birth. Everyone is classified according to their family background as being a friend, foe, or something in between. The third line of denial is the *inminban* system of neighborhood housing unit control. The *inminbanjang*, or neighborhood unit supervisor, is assigned by the party-state to monitor and organize a group between 15 and 40 homes. This representative reports administratively to the *dong samuso*, or village office. However, the *inminbanjang* is tasked by the local Party, police, and secret police to oversee political meetings and to collect information on household residents under the *inminbanjang*'s jurisdiction. That person also manages village projects, propaganda delivery, and political meetings. More importantly, the *inminbanjang* reports to the police about any suspicious activity and anti-regime activity or sentiment by neighborhood residents. There is an *inminbanjang* at every village and in every apartment building in Pyongyang.

The fourth line of denial is education. All levels of school include curriculum on learning loyalty to the supreme leader. The fifth line of denial is the beat cop of the Ministry of Public Security, and the sixth line is the secret police of the State Security Department and the Military Security Department. The seventh line of denial is assignment to profession which expands to assignment of housing. There is no freedom of employment. The eighth line is the *chonghwa* system of self-criticism. The ninth line is the court system, and the tenth line is the prison system. All of this is controlled by the Party. Consequently, every aspect of an individual North Korean's life is dominated by some



aspect of party policy and supervision, and the concept of individual freedom in North Korea runs counter to Party policy.

### Policy Implementers

Supervision of North Korea's human rights policy is not a formally designated mission, nor is it discussed publicly. It is the default responsibility the KWP OGD and is carried out by every level of the Party, the internal security apparatus, the military, and the legal system. Every other organization within North Korea must comply with the directives on this issue from those organizations. Failure to do so results in individual loss of privilege and position and likely leads to re-education (hard labor on a farm, factory, or mine) or prison time. Officials in senior positions see themselves as being best served by the current system. Softness on human rights results in negative professional consequences for those leaders and the institutions in which they serve.

KWP Organization and Guidance Department. The KWP OGD is the most influential and politically powerful organization in North Korea. Not only does it serve as the staff for the Politburo, it also serves as the staff of the KWP Central Military Committee, the KWP Inspection Committee, and the KWP Central Committee – the who's who of North Korea. It oversees the efficacy of the internal security agencies listed below and evaluates all organizations on their furthering of the goal of regime security. No person or agency outside of the supreme leader can call the OGD to task. Those agencies that demonstrate poor performance on regime security are quickly punished according to OGD recommendations. Jang Sung-thaek's execution and the elimination of the KWP Administration Department set the standard, but not the precedent, for this type of ruthless effectiveness.

Monitoring the effectiveness of human rights denial is the role of the KWP OGD. At every level of the KWP organization down to the county, village, and enterprise levels, the organization's secretary of the local Party chapter is responsible for monitoring and assessing implementation procedures and institutions at the local level, including local police, secret police, and local courts. Political commissars do the same in the military, down to the battalion level. Regular reports are forwarded up the chain to the OGD of the KWP Secretariat, where they are collated and analyzed. The reports detail what has happened of significance locally, who did it, and what local actions were taken. The

reports focus on events relative to political crimes. Discrepancies and problem areas are addressed through inspections by mobile inspection teams from the OGD Inspection Division.

KWP Propaganda and Agitation Department (PAD). The PAD's mission is to inculcate the population on the aforementioned ten principles as well as the MIS and MLS. It also is responsible for promoting and disseminating current and new supreme leader and Party directives and positions. In doing so, the PAD promotes adherence to collectivist values as outlined by the KWP. But most of all, it promotes individual loyalty to the suryong at the expense of individual rights. The PAD maintains representatives at every level of the Party, government, and military. North Koreans first encounter a PAD representative and their messages at school at the age of seven. They encounter such a representative for the rest of their lives unless they are in prison.<sup>23</sup> (For testimony on how effective this inculcation process is, see the video mentioned in endnote 23.)

State Security Department (SSD).<sup>24</sup> Known in the international community as North Korea's "secret police," the SSD performs a wide variety of internal security and foreign intelligence missions. The crimes of the so-called "secret police" of any authoritarian state generally consist of gross human rights violations against citizens of their own country. Members of the secret police conduct their activities "in secret," or both inside and outside of the law, and they are unencumbered by international legal and human rights treaties. The SSD normally acts without constraints imposed by the state's judicial system or, in many cases, with the full support of a duplicitous judiciary system. Most importantly, the SSD pursues political objectives based on supreme leader directives.

The SSD is best known for, and focuses most of its energies on, investigations of political crimes that are regarded as threats against the supreme leader and violations of the Ten Principles for the Establishment of a Monolithic Ideological System. With a country-wide force of about 50,000, SSD officers are located in every community and in every major enterprise. Its violations of human rights are legion, as demonstrated in literally thousands of first-hand accounts from North Korean refugees who have settled in the Republic of Korea or in the West.<sup>25</sup>

SSD officers are motivated by on-the-job successes, just as anyone else is. The more arrests they make, the more successful they are or at least appear to be to their superiors. Obtaining confessions, making arrests, conducting successful interrogations, and establishing informant networks are all measures of success. For SSD officers, those measures are designed to target class enemies and perceived enemies of the Kim Regime. Ignoring the slightest off-hand remark is denying the police officer the opportunity for advancement of himself and his family. For the police and legal systems, death sentences literally equate to the elimination of enemies of the state. In that vein, the policeman's efforts are patriotic in the eyes of the regime leadership.

Korean People's Army (KPA). Every level of the KPA is monitored by three separate but interrelated political control and surveillance structures: the KPA Party Committee, which is integral to every level of the military; the General Political Bureau, which stations a political commissar and his staff at the side of every commander from KPA General Staff down to the battalion level; and the Military Security Command, which serves as a counterintelligence and anti-crime agency within the military.

KPA Party Committee. The KWP maintains a Party committee at every level of the KPA down to the company level. The mission of the KWP Party Committee is to ensure there is Party control of the military and that the military adheres to all Party policies. This latter mission includes inculcating all leaders to ensure that they and their men comply with the Ten Great Principles of Monolithic Leadership.

KPA General Political Bureau (GPB). Article 49 of the KWP charter states that the GPB has the same authority as the KWP Central Committee.<sup>26</sup> This means that every political commissar speaks for the central Party on every issue, regardless of whether the issue is operational or not. The GPB handles all personnel matters within each unit.<sup>27</sup> This committee also ensures that the treatment of soldiers is conducted according to their family background, a method of social class discrimination. The GPB trains all officers to adhere to the teachings and guiding principles of Kim Il-sung and Kim Jong-il.<sup>28</sup>

Military Security Command (MSC). The MSC parallels the duties of the SSD within the military sphere, including military industries and WMD programs. A recent conference for MSC leaders led by Kim Jong-un prominently displayed the priorities of the MSC: “Protect the Suryong,” “Protect Policy,” “Protect the System,” and “Protect the Ranks.”<sup>29</sup> It should be noted that, historically, members of the military have fewer rights than those of ordinary citizens in most countries, including democracies. However, the MSC’s treatment of individual soldiers is similar to that of the SSD. They have their own courts and their own prosecutors, and they treat soldiers in the same manner the SSD treats civilians. There is an MSC officer at every level of the military down to battalion level, and they are located at every military industry factory or enterprise.

Ministry of People’s Security (MPS). Like the SSD, the MPS violations of human rights are extremely well-documented through defectors’ testimony.<sup>30</sup> As the national police force, the MPS’ primary stated mission is to promote law and order. However, the MPS focuses on the security of the Kim Regime above all else. It maintains a force of 300,000 that includes investigators, administrative personnel, the Pre-Trial Examination Agency, and beat cops at the housing area level from the village up through the county, city, and provincial levels. The MPS runs hundreds of prisons outside the political prison camp system and, although these prisons do not rival the deprivations of those political prison camps, they are well known for their brutality, including their use of torture and starvation. It is the MPS that provides the base presence to respond to perceived individual threats to the regime, and it does so without regard for the individual, as testified to countless times by those that escaped to the South.

Legal System. The North Korean legal system is arguably the most politically driven legal system in the world. True to the North Korean constitution, the legal system conducts its tasks under the supervision of the Party first, and laws second. Kim Jong-il stated that all investigations, court proceedings, and surveillance activities must be in accordance with Party policies as well as legal requirements.<sup>31</sup> This is a directive from the supreme leader, and any investigator, judge, prosecutor, or policeman who does not take into account political directives within the legal context will be subject to prosecution

themselves.

Supreme People's Assembly (SPA). A false understanding of the SPA is that one of its functions is to determine policy. Such has never been the case; the North Korean constitution explains in Article 11 that the state will carry out all activities under the leadership of the Party.<sup>32</sup> The SPA is a body that serves as a rubber-stamp for Party policies. Consequently, the 687-member SPA passes whatever legislation to support policy that the Party deems fit. A manifestation of this powerlessness is the SPA Legislation Committee, which has no supporting organization for enforcing legislation. There is no structure below the committee and police enforcement agencies, and courts respond to political directives rather than the law, as stated above.

Courts. According to Article 168 of its 2009 constitution, North Korea's court system is led by the Central Court, which is subordinate to the Supreme People's Assembly. North Korean courts do not operate independent of political authority, which is contrary to the International Covenant of Civil and Political Rights, which North Korea signed on to in 1981 but withdrew from in 1997.<sup>33</sup> The court system consists of the Central Court, twelve Provincial/City courts, and approximately 100 People's courts. These courts are responsible for protecting the state, not the rights of the accused.

Pre-Trial Examination Agency (PEA). The PEA is not a separate entity from the Ministry of People's Security but its functions of pre-trial investigations and confinement make it a separate functioning organ of the legal system. The PEA's duties and procedures are spelled out in the Criminal Procedure Act and their attitude toward suspects' rights is also spelled out in the same document. However, based on testimony from numerous defectors, the PEA observes the rights of suspects no more than does any other agency in North Korea, particularly in cases that entail political considerations. The PEA is notorious for the worst kinds of torture and rights deprivations.<sup>34</sup>

Prosecutor's Office. As explained in the 2008 Korea Bar Association's White Article on Human Rights in North Korea, prosecutors are more concerned with obtaining confessions than arriving at the truth. As directed by Kim Jong-il, all North Korean courts come under the

supervision of the prosecution. This means that no matter who the defendant is, the accused is subject first to the authority of the prosecutor's office, not that of the judge or of the court.<sup>35</sup> Since all court activities must comply with Party policies, the denial of defendants' rights must be assumed.

Defense Lawyers. According to North Korean legal review, a defense lawyer in the DPRK must assist people in understanding the legitimacy of the judicial system. They are not advocates for the defendant, but are instead servants of the state.<sup>36</sup> The lawyer "must strive to safeguard KWP policies; and, as proponents of Party policies, they have the duty to enlighten the people and justify the various policies of the Party in the process of court deliberations and trials."<sup>37</sup> Consequently, the likelihood of a fair defense and observance of individual rights is minimized, if not absent, from legal proceedings.

Local Party officials. These officials serve at the provincial, county, and smaller city levels, as well as at all enterprises and throughout the military. Officials at the lower end of the political spectrum are expected to carry out Party expectations to the letter. Though that is unrealistic, the Organization Department at these lower levels measures and reports to the OGD on the effectiveness of these local officials in denial of human rights when applied to the interests of the regime or the collective. The chief of the Organization Department at the provincial committee level and below is referred to as the organizational secretary, which is a different person than the responsible secretary, also referred to as the provincial (county, enterprise, etc.) Party chairman. The vast majority of North Korean defectors identify the Party chairman or the organizational secretary as the most fearsome individual in their community.<sup>38</sup>

Socialist Law-Abiding Life Guidance Committees. Founded in 1977, these committees are formed in all provincial, city, and county-level Central People's Committees. These extra-judicial organizations meet at least monthly and are led by the respective head of the people's committee. These committees embody public authority and are able to exercise state power when addressing issues that are short of crimes.<sup>39</sup>

Another level of surveillance are the informant networks employed by SSD and MPS agents to report on other North Koreans. This is

successful because, in a country where restrictions are harsh and living conditions are even harsher, small rewards given by police are highly prized. According to the testimony of one former MPS officer, investigation officers of the State Security Department and the Ministry of People's Security monitor approximately 200 citizens each, with 30 of that number being informants reporting on the others. That equates to 15% percent of the population performing surveillance on the rest of the population.<sup>40</sup>

### Policy Leadership

All of those involved in maintaining the integrity of the regime are perpetrators and supporters of human rights denial. They are rewarded for such service with privilege, position, and power. The higher the rank of the official, the more patronage required. The more support an individual contributes to policy formulation and implementation, the more privilege they receive.

North Korean leaders are not judged on their performance in upholding the law. They are instead judged by how well they enforce loyalty to the supreme leader and support Party ideology – and punish those who do not. Leniency is a tricky business for local leaders, in as much as receiving bribes for looking the other way when somebody is caught committing a crime or social behavior violation is a means of supporting one's family. However, officials caught in the act of not demonstrating loyalty to the supreme leader are quickly reprimanded and are liable to lose everything, including their family's freedom.

Kim Jong-un: The Korean Workers' Party 1<sup>st</sup> Secretary is responsible for all policy formulation and implementation. His father, Kim Jong-il, established a system where "policy begins with the secretary's word and ends with the secretary's word."<sup>41</sup> The KWP Organization and Guidance Department serves Kim Jong-un to this end, serving as his eyes and ears regarding the faithfulness of every senior official within North Korean society, regardless of the type of organization to which they belong. The supreme leader position brings such fear to everyone in North Korea that each person must maintain eye contact with Kim when they are in the same room.<sup>42</sup>

KWP Organization and Guidance Department First Vice-Directors. These men serve at the top of North Korea's political food chain. Historically, there have been four OGD first vice-directors, operating in

the following areas: Party headquarters, regional parties, inspection, and military. These are the most influential positions in North Korea below that of the supreme leader. Though technically outranked by other officials in the KWP Secretariat and Central Committee, those officials bow personally to these four men due to their unprecedented access to, and ability to influence, the supreme leader. They are assisted by ten vice-directors and 30 section chiefs. As of the date of this writing, there are three first vice-directors because the first vice-director for military affairs, General Hwang Byong-so, was promoted to vice marshal and appointed Director of the KPA General Political Bureau. The other three are:

KWP OGD 1st Vice-Director Cho Yon-jun: He works within the KWP Organization and Guidance Department. As the acting “commandant of the KWP headquarters”, Cho is responsible for overseeing the background investigation of everyone in North Korea except the supreme leader. He has the authority to demote, hire, and transfer all high-ranking personnel except those whom Kim Jong-un must approve. Cho is responsible for managing the careers of all leadership personnel formulating and/or implementing human rights policy and its denial in all sectors of North Korean society.<sup>43</sup> It is Cho who led the purge of Jang Song-thaek at the Politburo meeting where Jang was arrested, according to most international media outlets. Cho also led 2012 the purge of the former secret police leader, Ryu Kyong.

KWP OGD 1st Vice-Director General Kim Kyong-ok: He is not a military professional but is instead a longtime political commissar-type with the General Political Bureau. He formerly oversaw all OGD reporting concerning the military but now focuses on regional parties. Along with Cho Yon-jun, he is one of the two most powerful men within the OGD.

KWP OGD 1st Vice-Director Min Byong-chol: Min serves as the OGD’s Inspection Division Director, a very powerful position which conducts investigations of all discrepancies within the Party that do not conform to supreme leader guidance and expectations.<sup>44</sup> Min has the reputation within the Party as the



“angel of death” for his record of political inspections and purges. We should assume that Min’s political inspection teams played a role during the inspection and investigation of Jang Song-thaek’s crimes because the OGD has primacy in the investigations of all Party members.

KWP Party Secretaries. KWP secretaries serve in the KWP Secretariat, “whose role is defined by section 26 of Chapter 3 of the KWP Charter: *The Secretariat of the party Central Committee periodically discusses and decides on the problems of cadres, internal problems of the party, and other tasks of the party, and supervises the execution of party decisions.*”<sup>45</sup>

Each Party secretary impacts socio-political issues and their personnel to a maximum degree. The current Party secretaries are Kim Ki-nam, Director of the KWP Propaganda and Agitation Department; Choe Tae-pok, Director of the KWP International Department; Hong Sok-syong, Director of the KWP Finance and Planning Department; Mun Kyong-dok, Secretary for Pyongyang Affairs; Pak To-chun, Director of the KWP Machine Industries Department; Kim Yong-il, Director of the KWP International Affairs; Kim Yang-kon, Secretary for South Korean Affairs and Director of the KWP United Front Department; Kim Pyong-hae, Director of the KWP Cadre Department; Thae Chong-su, Secretary for KWP General Affairs; and Choe Ryong-hae, newly appointed Secretary for Military Affairs, recently reassigned from the position of Director of the Korean People’s Army General Political Bureau.<sup>46</sup> Party secretaries are the senior most Party members and are second in influence only to the supreme leader and Organization and Guidance Department first vice-directors.

Vice Marshal Hwang Byong-so. Recently promoted to vice marshal and appointed to replace Choe Ryong-hae as the Director of the Korean People’s Army General Political Bureau, Hwang serves as the military’s senior political commissar. He is responsible for not only the security of the regime and the performance of every soldier in accomplishing this mission, but is also responsible for upholding all Party doctrine and security regulations. He is, therefore, one of the most senior violators of human rights in the Kim Regime.

Kim Yong-nam. As the Chairman of the Supreme People's Assembly Standing Committee, Kim represents the highest government position in the land outside the Chairman of the National Defense Commission. He is nominally responsible for supervision of the courts, including the judges, prosecutors, and lawyers, all of whom are evaluated by the Party. Consequently, the responsibility for the courts' non-existent performance in protecting individual rights falls squarely on Kim. Reportedly, Kim is about to retire due to age.<sup>47</sup>

General Kim Won-hong. As the Director of the State Security Department, General Kim is responsible for leading North Korea's "secret police," an agency that is the top violator of human rights in North Korea. He is a member of the KWP Politburo, the KWP Central Military Committee, and the KWP Central Committee. He was formerly the Commander of the Military Security Command and Deputy Director of the General Political Bureau. His role as a central figure in the Kim Regime, as demonstrated in all of these appointments, indicates his full support of the regime's human rights denial policy.

Colonel General Cho Kyong-chol. Colonel General Cho commands the Military Security Command and is directly responsible for human rights observance – and denial – within the military sector. He served the majority of his career within the political commissar field. His last assignment was as an Air Force political officer.

General Choe Pu Il. General Choe is Minister of the People's Security and is therefore North Korea's senior policeman. As an alternate member of the KWP Political Bureau, and as a full member of the KWP Central Military Commission, KWP Central Committee, and the state's National Defense Commission, General Choe has demonstrated complete loyalty and dedication to the denial of human rights in support of the supreme leader and the doctrines that make the supreme leader's position paramount.

Chang Pyong-kyu. Chang is the Director of the State Prosecutor's Office. As such, he is the Kim Regime's lead prosecutor in prosecuting those suspected of crimes against the state and, in particular, political crimes against the regime. His duties, and the duties of all of the state prosecutors down to the county level, including those of his seven vice-

directors, are spelled out in the Criminal Procedures Act and the Prosecutor Supervision Law. His performance is subject to review by the Supreme People's Assembly (SPA) and, in particular, by the SPA Standing Committee, which makes that committee chairman, Kim Yong-nam, Chang's direct supervisor. Chang is also the Chairman of the SPA Legislation Committee. Chang's deputy is First Deputy Prosecutor Choi Kun-young.<sup>48</sup> North Korean prosecutors' role in denying the rights of the accused is legion, thus making Chang one of worst offenders of those rights.

Kang Sok-ju. This is not the Kang Sok-ju who is a Kim Family relative and Vice Minister of Foreign Affairs. He is the Deputy Chief Justice of North Korea's Central Court. The Chief Justice was General Kim Pyong-ryul, who died in 2013 and is yet to be replaced. Kang serves in Kim's stead. The most important consideration of selection for the Chief Justice position (and likely for Deputy Chief Justice) is Party loyalty.

#### North Korean Citizen's View of Human Rights

When asked, most North Korean defectors cannot even explain the Kim Regime's position on human rights or cite those rights according to Party or state documents.<sup>49</sup> It should be noted that the North Korean education system does not explain or teach those rights as we in the West conceive of them through civil government classes in middle school or high school. Instead, they are instructed on the importance of the supreme leader through the devotion of significant percentages of teaching curriculum across three areas from kindergarten through graduate school: the history of Kim Il-sung, the history of Kim Jong-il, the history of the Korean Workers' Party and its policies, and communist morals.<sup>50</sup> The lattermost focuses on the Monolithic Ideology System, class ideology, and revolutionary traditions.<sup>51</sup> These lesson plans comprise a larger percentage of overall curriculum as one progresses through school grades, before constituting more than 20% of all lesson plans in college. There are no lesson plans in the North Korean education system focused on individual rights. Studying the North Korean Constitution is not a lesson plan. However, it should be noted that this does not preclude North Koreans from innately understanding what is right and what is wrong in social conduct. From the average North Korean's perspective, however, power is the most important prerequisite to achieving happiness. They believe that power brings about opportunities to make money and gather wealth.<sup>52</sup>

## Legal Fronting

Signing international treaties and conventions related to rights has been a tactic of North Korea to avoid criticism from the international community. That apparently changed with Ambassador So's comment, virtually telling the United Nations Human Rights Council to get lost. Many of the changes in criminal law focused on changing the terminology from anti-revolutionary to anti-state in nature, which parallels the terminology used in democracies. The language may be more similar into international standards, but in a country run by a political party rather than a representative government, it does not change the denial element of North Korean human rights policy.

Constitutional dictates are deliberately unsupported by political realities within the regime's ideological and institutional framework. Constitutional law is therefore a screening mechanism for policy interface with the outside world, not a foundational document for observing the rights of the individual by regime institutions.

## **Notes:**

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<sup>1</sup> Robert Gates, *Duty: Memoirs of A Secretary At War* (Knopf: New York, 2014), p. 217.

<sup>2</sup> Human Rights Council, "Report of the Detailed Findings of the Commission Of Inquiry On Human Rights in the Democratic People's Republic of Korea," United Nations, February 7, 2014, available at: <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>.

<sup>3</sup> Stephanie Nebehay and Tom Miles, "Mind Your Own Business', North Korea says of U.N. Demand for Justice," March 28, 2014, available at: <http://www.reuters.com/article/2014/03/28/us-korea-north-un-crimes-idUSBREA2R0YZ20140328>.

<sup>4</sup> The Heritage Foundation rated North Korea 178<sup>th</sup> out of 178 countries, citing extremely high levels of corruption as being primarily to blame. See Oliver Hotham, "DPRK Least Economically Free Country In World, Says Think Tank," *NK News*, January 15, 2014, available at: <http://www.nknews.org/2014/01/dprk-least-economically-free-country-in-world-says-think-tank/>.

<sup>5</sup> Lee Sung-hyon, "北, 당 정치국회의 개최...기구보강 문제 등 토의 (In North Korea, Party Politburo Opens Conference...System Security Issue Is

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<sup>7</sup> “N. Korea revises leadership ideology to legitimize rule of Kim Jong-un,” *Global Post*, citing *Yonhap News*, August 12, 2013, available at:  
<http://www.globalpost.com/dispatch/news/yonhap-news-agency/130812/n-korea-revises-leadership-ideology-legitimize-rule-kim-jong>.

<sup>8</sup> Kim Il-sung, “In order to Carry Out Our Party’s Judicial Policies,” *Collected Works of Kim Il-sung* (Pyongyang: The Workers Party of Korea Publishing House, Vol. 12, 1981), p. 221. Presented in a April 28, 1958 speech before the National Conference of Judicial Workers, as quoted in Kim Soo-am, *The North Korean Penal Code, Criminal Procedures, and their Actual Applications* (Seoul: Korea Institute for National Unification, March 2006), available at:  
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<sup>9</sup> *Ibid.*

<sup>10</sup> Kim Jong-il, “On Strengthening the Socialist Lawful Living,” *The Kim Jong-il Collections*, Vol.7 (Pyongyang: Korean Workers’ Party Publishing House, 1996), p.342.

<sup>11</sup> *Ibid.*

<sup>12</sup> Andrei Lankov, “The Repressive System and the Political Control in North Korea,” *Fortunecity.com*, 1995, available at:  
[http://www.fortunecity.com/meltingpot/champion/65/control\\_lankov.htm](http://www.fortunecity.com/meltingpot/champion/65/control_lankov.htm).

<sup>13</sup> Hyun Seong-il, *북한의 국가전략과 파워 엘리트: 간부정책을 중심으로* (*North Korea’s National Security Strategy and Power Elite: Focus on Cadre Policy*) (Seoul: Sonin Publishing, 2007).

<sup>14</sup> Kim Sang-son and Ri Song-hi (ed. by Ri Pang-sun), “Resident Registration Project Reference Manual,” (Social Safety Department Publishing House, 1993). Social Safety Department (Sahoe Anjeonbu) is the former designation of North Korea’s Ministry of Public Safety.

<sup>15</sup> *Ibid*; p.121.

<sup>16</sup> View a copy of this law at:  
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- <sup>18</sup> *Ibid*, p.7.
- <sup>19</sup> *Ibid*, p.8.
- <sup>20</sup> The Citizens' Alliance for North Korean Human Rights, "North Korea: Republic of Torture, 2007, available at: <http://eng.nkhumanrights.or.kr/info/01.htm>.
- <sup>21</sup> Korea Bar Association (KBA). *2008 White Article on Human Rights in North Korea* (Seoul: 2009), p. 194.
- <sup>22</sup> See copy at <http://asiamatters.blogspot.com/2009/10/north-korean-constitution-april-2009.html>.
- <sup>23</sup> Adam Whitnall, "North Korean Defector Says She Believed Kim Jong-Il Was A God Who Could Read Her Mind," *The Independent*, April 10, 2014, available at: <http://www.independent.co.uk/news/north-korean-defector-says-she-believed-kim-jongil-was-a-god-who-could-read-her-mind-9251983.html>.
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- <sup>28</sup> "N. Korean Leader Urges Company Commanders, Commissars To Rally Around Party," *Yonhap News*, October 24, 2013, available at: <http://www.globalpost.com/dispatch/news/yonhap-news-agency/131024/n-korean-leader-urges-company-commanders-commissars-rally-ar>.
- <sup>29</sup> Lee Sung-hyon, "김정은 제1위원장, 제2차 보위일꾼대회 지도 (First Chairman, Kim Jong-un, Leads Second Assembly of Security Workers)," *Tongil*

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<sup>32</sup> See North Korean constitution at  
<http://asiamatters.blogspot.com/2009/10/north-korean-constitution-april-2009.html>.

<sup>33</sup> Sarah Kirsch, “North Korea as a Signatory to the International Covenant on Civil and Political Rights,” Academia.edu, undated, accessed April 1, 2014, available at:  
[http://www.academia.edu/1203872/North\\_Korea\\_as\\_a\\_Signatory\\_to\\_the\\_International\\_Covenant\\_on\\_Civil\\_and\\_Political\\_Rights](http://www.academia.edu/1203872/North_Korea_as_a_Signatory_to_the_International_Covenant_on_Civil_and_Political_Rights).

<sup>34</sup> Author interviews.

<sup>35</sup> Kim Jong-il, *Sabeop Geomchal Sa-eop-eul Gaeson Ganghwa Haldae Daehayeo (On Improving Legal Prosecution Tasks)*, ” Kim Jong-il Collected Works, Vol.7 (Pyongyang: Korean Workers’ Party Publishing House, 1996) p. 321.

<sup>36</sup> Lee Jae-do, *Criminal Procedure Laws* (Pyongyang: Kim Il-sung University Press, 1987), as quoted in Korea Bar Association, *2008 White Article on Human Rights in North Korea* (Seoul: Korea Bar Association, 2008), p. 223.

<sup>37</sup> Lee Jae-do, *Criminal Procedure Laws* (Pyongyang: Kim Il-sung University Press, 1987), as quoted in Kim Soo-am, *The North Korean Penal Code, Criminal Procedures, and their Actual Applications* (Seoul: Korea Institute for National Unification, March 2006), p. 18, available at:  
[http://www.kinu.or.kr/eng/pub/pub\\_02\\_01.jsp?page=1&num=12&mode=view&field=&text=&order=&dir=&bid=DATA05&ses=&category=2676](http://www.kinu.or.kr/eng/pub/pub_02_01.jsp?page=1&num=12&mode=view&field=&text=&order=&dir=&bid=DATA05&ses=&category=2676).

<sup>38</sup> The author asked this question in more than 100 interviews.

<sup>39</sup> “NORTH KOREA - A Country Study,” available at: <http://www.country-data.com/cgi-bin/query/r-9648.html>.

<sup>40</sup> Kim Young-Cheol, “North Korea’s Control over its People and the People’s Safety Agency: Testimony of a Former Officer of the People’s Safety Agency,” Citizens’ Alliance for North Korean Human Rights, June 29, 2012, available at:  
[https://eng.nkhumanrights.or.kr:444/board/bbs\\_view.php?no=162&board\\_table=bbs\\_evidence&page=1&word=&searchItem=&cate\\_id=](https://eng.nkhumanrights.or.kr:444/board/bbs_view.php?no=162&board_table=bbs_evidence&page=1&word=&searchItem=&cate_id=)

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<sup>41</sup> Young Tae Jeung, et al, *Comprehensive Analysis of the State of North Korea's Organizations by Sector and Changes in Organizational Culture: Focusing on the Condition of KWP Agencies within Party/Government/Military and Economic/Social Organizations* (Seoul: Korea Institute for National Unification, KINU Research Abstract 11-04, November 2011), p.42.

<sup>42</sup> Emily Tess Katz, "Vin Baker Talks Meeting Kim Jong-Un On North Korea Trip With Dennis Rodman," *Huffington Post*, April 4, 2014, available at: [http://www.huffingtonpost.com/2014/04/04/vin-baker-north-korea\\_n\\_5092850.html](http://www.huffingtonpost.com/2014/04/04/vin-baker-north-korea_n_5092850.html).

<sup>43</sup> According to ROK government sources, Chun possesses the classic background of North Korean elite with graduation from Kim Il-sung University College of Politics and Economics and service as a OGD officer during the majority of his professional career. He also served as the Party secretary for Hamgyong South Province. He is responsible for the background investigation of everyone in North Korea except the supreme leader and thus possesses the capability to demote, hire, and transfer all high-ranking personnel except those whom Kim Jong-un must approve. Even then, Chun is presenting the case for or against such a person. It is Chun who led the purge of Jang Song-thaek at the Politburo meeting where Jang was arrested. Chun also led the purge of former SSD lead-man, Ryu Kyong in 2012.

<sup>44</sup> Min is known within the Party as the "angel of death" for his record of political inspections and purges. Min was responsible for purging Chu Sang-song, former Minister of People's Security in 2012. We should assume that Min's political inspection teams played a role during the inspection and investigation of Jang Song-thaek's crimes because the OGD has primacy in the investigations of all Party members.

<sup>45</sup> Citation from Michael Madden, North Korea Watch, available at: <http://nkleadershipwatch.wordpress.com/the-party/secretariat-of-the-central-committee-kwp/>.

<sup>46</sup> Sarah Kim, "North Air Show Quells Speculation Of Choe Purge," *Joongang Daily*, May 12, 2014, available at: <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2988996&clcc=rss%7Cnews%7Cjoongangdaily>.

<sup>47</sup> "Will N.Korea's Ceremonial Head of State Finally Retire?," *Chosun Daily*, April 8, 2014, available at: [http://english.chosun.com/site/data/html\\_dir/2014/04/08/2014040801689.html](http://english.chosun.com/site/data/html_dir/2014/04/08/2014040801689.html).

<sup>48</sup> Korea Bar Association, *2008 White Article on Human Rights in North Korea* (Seoul: Korea Bar Association, 2008), pp. 230-66.



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<sup>49</sup> *Ibid*; p. 69.

<sup>50</sup> This lattermost term of “communist morals” has likely already been changed to “socialist morals” or an equivalent title, as the Kim Regime has been eliminating the term “communism” from all of its official documents.

<sup>51</sup> Hyung-chan Kim and Dong-kyu Kim, *Human Remolding in North Korea* (Lanham, Maryland: University Press of America, 2005), pp. 191-217.

<sup>52</sup> Kim Soo-am, et al, *The Quality of Life of North Korean: Current Status and Understanding* (Korea Institute for National Unification, 2012), p. 41.