

PRE UPR SESSION DPRK (NORTH KOREA)

ISSUE I: DEATH PENALTY

ISSUE II: ENFORCED DISAPPEARANCES & TORTURE

ISSUE III: UN COMMISSION OF INQUIRY (COI) DPRK



TRANSITIONAL
J U S T I C E
WORKING GROUP

TRANSITIONAL JUSTICE WORKING GROUP (TJWG)

AUGUST 28, 2024

ISSUE I : DEATH PENALTY SITUATION

Implementation of previous recommendations

- 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)
- Take steps aimed at restricting executions, establish a moratorium on the death penalty or abolish it altogether (Namibia)
- 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)
- Implement a moratorium on the death penalty (Timor-Leste)

ISSUE I : DEATH PENALTY RECOMMENDATIONS

New developments

- Death penalty for 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.
- New draconian laws prescribe death sentences for distributing movies, video recordings, compilations, and books of “hostile countries”.
- Secret executions of a male detainee for “homosexuality” and a female detainee for prostitution
- Information about the death penalty kept secret

ISSUE I : DEATH PENALTY RECOMMENDATIONS

We recommend that the DPRK:

- Establish a moratorium on executions with a view to abolishing the death penalty
- Limit the death penalty to intentional killing of persons
- 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 and sentencing authority

ISSUE II : ENFORCED DISAPPEARANCES AND TORTURE SITUATION

Implementation of previous recommendations

- Take concrete action towards the early resolution of the abductions issue, including the immediate return of all abductees (Japan)
- Address the issues of abductees and prisoners of war (Republic of Korea)
- Immediately release the remaining crew and passengers, including Hwang Won, abducted in 1969 during the hijacking of Korean Air Lines flight YS-11 (Iceland)
- ... respond to ... the requests of the Working Group on Enforced or Involuntary Disappearances with regard to the persons abducted from the Korean Air flight in 1969 (Uruguay)

ISSUE II : ENFORCED DISAPPEARANCES AND TORTURE SITUATION

Implementation of previous recommendations

- Intensify the fight against violence against women by: ... (c) prohibiting forced genital searches on repatriated women (France);
- Bring an end to serious human rights violations, particularly arbitrary detentions, forced labour, torture and other forms of inhuman, cruel or degrading treatment, as well as enforced disappearance (Argentina)
- 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)

ISSUE II : ENFORCED DISAPPEARANCES AND TORTURE SITUATION

New developments

- Enforced disappearances and torture perpetrated against North Koreans, especially for political crimes, throughout the entire penal system
- Continued enforced disappearance of South Koreans abducted in 1950 during the Korean War, such as Mr. Lee Jong-yong, the father of Ms. Lee Song-eui, and three South Korean missionaries, Mr. Kim Jung-wook Mr. Kim Kook-kie and Mr. Choi Chun-gil, detained for 10 years as well as 93,340 “returnees” from Japan
- Enforced disappearance of North Korean refugees repatriated from China post-COVID, including Ms. Kim Cheol-ok, the sister of Ms. Kim Kyu-li.
- Repatriated DPRK women at risk of forced abortions or infanticides for “contaminating a pure Korean race” with Chinese blood

ISSUE II : ENFORCED DISAPPEARANCES AND TORTURE RECOMMENDATIONS

We recommend that the DPRK:

- Clarify the fate and whereabouts of detained missionaries Kim Jeong-wook, Kim Kook-kie and Choi-Chun-gil
- Immediately return all abductees, detainees and unrepatriated POWs, including from the Korean War and the 1969 hijacking of Korean Air Lines flight YS-11
- Clarify the fate and whereabouts of repatriated North Korean refugees from China, including Kim Cheol-ok
- End forced abortion and infanticide against repatriated mothers and their children based on gender and racial grounds

ISSUE III : UN COMMISSION OF INQUIRY (COI) DPRK SITUATION

Implementation of previous recommendations

- Accept the findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, and take action to implement all its recommendations, including those on the denial of due process, arbitrary detention, torture and mistreatment of prisoners, the repatriation of abductees, and the death penalty (Australia)
- Implement the recommendations in the report of the United Nations commission of inquiry on human rights in the Democratic People's Republic of Korea (Slovenia)

ISSUE III : UN COMMISSION OF INQUIRY (COI) DPRK RECOMMENDATIONS

HRC resolution 55/21 of 4 April 2004

- Requested “the High Commissioner to submit a comprehensive report containing an update on the situation of human rights in the Democratic People’s Republic of Korea since 2004, when the report of the commission of inquiry was published, and taking stock of the implementation of the commission’s recommendations”

We recommend that the DPRK:

- Implement the recommendations in the report of the United Nations commission of inquiry on human rights in the Democratic People’s Republic of Korea
- Ratify the Rome Statute of the International Criminal Court or accept the exercise of jurisdiction of the International Criminal Court, in accordance with article 12 (3) of the Rome Statute