

**Statement on the UPR Pre-session on the Democratic People's Republic of Korea (DPRK)
of Transitional Justice Working Group (TJWG)**

28 August 2024, Geneva

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This statement is delivered on behalf of Seoul-based human rights documentation NGO Transitional Justice Working Group (TJWG).

The DPRK did not organize national consultations in preparation of the National Report.

The submission focuses on the death penalty, enforced disappearances and torture, and the United Nations Commission of Inquiry (COI) on human rights in the DPRK.

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ISSUE 1: Death penalty

In the Third-Cycle UPR, the DPRK received 13 recommendations to abolish the death penalty, introduce a moratorium on executions and disclose relevant information.

The DPRK noted these recommendations and has not taken any actions to implement them.

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The range of offenses in North Korea that prescribe the death penalty remains broad.

Since 2020, the DPRK has made it a capital crime to distribute movies, music and books of “hostile countries”.¹

There have also been reports of secret executions of detainees for “homosexuality” and prostitution.²

The strict secrecy makes it impossible to assess the true extent of the use of the death penalty.³

¹ 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

² 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

³ *Death sentences and executions 2022*, Amnesty International (2023), 24, <https://www.amnesty.org/en/documents/act50/6548/2023/en>

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Therefore, we recommended that the DPRK:

1. Establish a moratorium on executions with a view to abolishing the death penalty
2. Limit the death penalty to intentional killing of persons
3. 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

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ISSUE 2: Enforced disappearances

In the Third-Cycle UPR, the DPRK received recommendations to resolve the issues of abductees and POWs, including the immediate release of Mr. Hwang Won and others abducted during the hijacking of a South Korean civil airliner in 1969.

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The DPRK also received recommendations to end torture, including forced genital searches, forced abortions and other sexual violence on repatriated North Korean women.

The DPRK noted these recommendations and has not taken any actions to implement them.

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There are continued reports of enforced disappearances and torture perpetrated against North Koreans, especially for political crimes.

The DPRK also refuses to clarify the fate and whereabouts of disappeared foreigners, including South Koreans abducted during the Korean War and three missionaries Kim Jung-wook, Kim Kook-kie and Choi Chun-gil, detained in the past decade as well as 93,340 ethnic Koreans who “returned” to the DPRK from Japan in 1959-1984.

We have with us in the audience now Ms. Lee Song-eui who has been waiting 73 years for any news about her father, Mr. Lee Jong-yong, was taken by the DPRK forces in 1950 and will be happy to talk with you separately during the break.

The forcible repatriation of North Korean refugees from China, halted by the COVID-era border lockdown resumed last year, notably with China’s mass deportation of hundreds of North Korean detainees in October 2023.

We have with us in the audience Ms. Kim Kyu-li, whose younger sister Ms. Kim Cheol-ok was one

those deported and disappeared in North Korea in October 2023.

The pregnant women repatriated from China are at risk of forced abortions or infanticides for “contaminating a pure Korean race” by having babies with Chinese men.

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Therefore, we recommend that the DPRK:

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

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ISSUE 3: Commission of Inquiry (COI) report

Lastly, as we mark the 10th anniversary of the landmark report by the United Nations commission of inquiry on human rights in the DPRK which concluded that crimes against humanity have been perpetrated in North Korea, it is worth recalling that the DPRK noted all the recommendations in the Third-Cycle UPR to implement the COI’s recommendations and has not taken any action to implement them.

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In April, the Human Rights Council requested the High Commissioner to submit a comprehensive report containing an update on the situation of human rights in DPRK since 2014, when the COI report was published, and taking stock of the implementation of the commission’s recommendations

We therefore recommend that the DPRK:

1. Implement the recommendations in the COI report
2. Ratify the Rome Statute or to accept the ICC’s exercise of jurisdiction in accordance with article 12 (3) of the Rome Statute