

# Repression, Punishment, and Genocide: An Examination of Human Rights Violations in North Korea

Sloane Thor

*Sloane Thor is a senior at Wittenberg University, majoring in East Asian Studies with minors in Chinese Language and Literature, Political Science, and International Studies. She speaks three foreign languages: Mandarin Chinese, Korean, and French. After graduation, she intends to pursue a career in North Korean diplomacy and human rights.*

## Introduction

As Robert Park once wrote, “never in the post-Holocaust era, in fact, has an on-going genocide been treated with such negligence and insouciance.”<sup>1</sup>

Everyday hundreds of thousands of North Korean citizens suffer unrestrained violence and brutality at the hands of the Kim regime through the usage of Stalinist gulag systems. In these camps inmates are “forced to perform slave labor and are routinely subjected to systematic torture and rape, brutal forced abortions and infanticide, biological and chemical weapons experiments, and summary executions.”<sup>2</sup> Fewer than one in ten North Koreans who attempt to flee succeed, and the conditions they find themselves in outside of North Korea are not much better. Each year, tens of thousands of North Korean women become victims of human trafficking in China. In South Korea defectors face economic hardship and immense discrimination. This paper aims to explore the Korean political prison camp system, the hardships faced by defectors, and address the humanitarian situation in North Korea along with the violations of international law.

## The North Korean Caste System: *Songbun* (성분)

One of the essential elements of the Kim regime’s ability to control their citizens is *songbun* (성분). This system was created during

1 Park, Robert. “THE FORGOTTEN GENOCIDE: North Korea’s Prison State.” *World Affairs* 176, no. 2 (2013): 64–71. <http://www.jstor.org/stable/43554782>, 68.

2 Park, Robert. “THE FORGOTTEN GENOCIDE: North Korea’s Prison State.” *World Affairs* 176, no. 2 (2013): 64–71. <http://www.jstor.org/stable/43554782>, 68.

the beginning of the North Korean regime, due to “a motivation to protect the Kim regime by isolating and controlling perceived internal political threats.”<sup>3</sup> North Korean citizens are categorized into three categories: *haeksim* (핵심), *dongyo* (동요), and *choktae* (적대), along with being sorted into 51 sub-categories. Each of these major categories corresponds to how loyal or politically risky a citizen may be to the regime. *haeksim* (핵심) is known as the “core” class. These are the citizens that the regime considers most loyal. This population mainly consists of descendants of “war heroes” who died fighting or working for North Korea in the war. *dongyo* (동요) is known as the “wavering” class. This group contains the citizens who are considered to have questionable loyalty to the regime. These citizens previously lived in South Korea or China, have relatives in South Korea, or are family members of intellectuals. Finally, *choktae* (적대) is known as the “hostile” class. These are citizens not loyal to the regime or considered the riskiest for uprisings or defection. This group consists of citizens who are descendants of landlords, capitalists, religious people, political prisoners, descendants of people who aided South Korea in the Korean War, and those who are otherwise anti-government or associated with foreign powers.

For each citizen, *songbun* (성분) is based on two factors: ancestral socio-economic background and ancestral socio-political affiliation. Based on this, *songbun* (성분) is assigned at birth and it is nearly impossible to move up into a higher “class”. A citizen’s *songbun* (성분) will determine their entire life, from the type of job they get, to their ability to gain an adequate education, and, most notably, their access to food or healthcare. Since North Korea is situated in a mountainous area where very few crops grow, food scarcity is very prominent, with most of their food coming from foreign aid, especially after the Great Famine in the 1990s. During these times of food insecurity, “the distribution of food and resources has been concentrated to the higher *songbun* levels... the regime stopped providing food to the politically undesirable northeast regions, so the famine hit those regions the hardest.”<sup>4</sup> Those of inferior *songbun* (성분) were a lower priority for receiving food aid and, due to this, they were the main concentration of people who perished due to the famine. They were also the largest population to defect from North Korea and escape to other neighboring countries such as China and South Korea in order to survive.

3 “SONGBUN | Social Class in a Socialist Paradise,” Liberty in North Korea, accessed April 7, 2024, <https://libertyinnorthkorea.org/blog/songbun>.

4 “SONGBUN | Social Class in a Socialist Paradise,” Liberty in North Korea, accessed April 7, 2024, <https://libertyinnorthkorea.org/blog/songbun>.

## Structure and Sentencing of North Korean Prison Camps

There are two main types of North Korean prison camps: *kwan-li-so* (관리소) and *kyo-hwa-so* (교화소). They are often likened to concentration camps from World War II in Nazi Germany. These camps are generally located in “the valleys between high mountains, mostly, in the northern provinces of North Korea.”<sup>5</sup>

In 1972, Kim Il-sung stated, “Factionalists or enemies of class, whoever they are, their seed must be eliminated through three generations”.<sup>6</sup> *Kwan-li-so* (관리소) North Korean prison camps are known for implementing what is known as *yeon-jwa-je* (연좌제), an example of the “guilt by association” principle. This refers to the practice of three-generation punishment, “whereby the mother and father, sisters and brothers, children and sometimes grandchildren of the offending political prisoner are imprisoned in a three-generation practice.”<sup>7</sup> Prisoners in these camps serve life sentences, including their family, without any sort of due process. *kwan-li-so* (관리소) are known as “political penal-labor colonies”. There are four known *kwan-li-so* (관리소) North Korea, the most infamous being *kwan-li-so* (관리소) Number 14, also known as *kaechon* (개천) and *kwan-li-so* (관리소) Number 15, also known as also known as *yodok* (요덕). They are run by the North Korean National Security Agency (Bureau 7) and contain prisoners whose infractions include serious political and ideological crimes. *kwan-li-so* (관리소) are Nazi-esque: typically enclosed by barbed-wire fences, patrolled by heavily armed guards, and protected by guard towers. With the exception of *kwan-li-so* (관리소) Number 18, prisoners have “no correspondence or contact with the world outside...except for news provided by newly arriving prisoners.”<sup>8</sup> The existence of these camps is continually denied by the North Korean government, despite an abundance of satellite imagery and witness testimonies to corroborate it.

*Kyo-hwa-so* (교화소) are known as “long-term prison labor

5 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 24.

6 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 24.

7 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 24.

8 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 24.

facilities". These camps are run by the People's Security Agency and contain prisoners who have committed criminal felonies or committed crimes injurious to national defense, socialist economy, socialist culture, administration, or other crimes harmful to socialist collective life.<sup>9</sup> These camps are acknowledged by the North Korean government and prisoners are subjected to trial and court sentencing, either receiving a "limited" sentence of 1-15 years or an "unlimited" sentence of more than 15 years. Some prisoners interviewed for a report admitted that "they had committed crimes for which they would be punished in a normal society."<sup>10</sup>

Citizens of any *songbun* (성분) can be sent to these camps. Two notable former members of the elite class in North Korea, *haeksim* (핵심), were detained in these camps. Kim Young-soon, who was sent to a *kyo-hwa-so* (교화소), was a friend of Sung Hye-rim, primary mistress of Kim Jong-il and mother of Kim Jong-il's first born son, Kim Jong-nam. After Sung Hye-rim caught the eye of Kim Jong-il, and his father, Kim Il-sung, disapproved of their relationship, due to it being illegitimate. Kim Jong-il ended up marrying a woman arranged for him, causing Sung to fall into a depression. Sung Hye-rim ended up leaving for the Soviet Union in 1974, having her final contact with Kim Young-soon shortly beforehand. One report states, "Since the most important thing Kim Jong-il avoided was exposing his private life to the outside world, he sent a person who knew about his mistress to a political prison camp, a facility totally isolated from society."<sup>11</sup> The report goes on to discuss the counter-intelligence agency using fear to keep Kim Young-soon quiet after her release. Kim Young-soon says the agent told her "Sung Hye-rim is not Kim Jong-il's wife and she didn't have his son. That is a groundless rumor. If you expose this anywhere ever again you will not be forgiven."<sup>12</sup>

Lee Young-kuk was a former bodyguard to Kim Jong-il. Due to his privileged military status he was allowed a radio that was capable of receiving broadcasts from South Korea, causing him to become "disillusioned with the political indoctrination he had been taught at the

9 Haggard, Stephan, and Marcus Noland. "Repression and punishment in North Korea: survey evidence of prison camp experiences." *Human Rights & Human Welfare* 9, no. 1 (2009): 77, 33.

10 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 42.

11 Lee, Jin Seo. *North Korean Political Prison Camps*. Washington: Radio Free Asia, 2016. url: <https://www.rfa.org/english/bookshelf/9781632180230.pdf>, 8.

12 Lee, Jin Seo. *North Korean Political Prison Camps*. Washington: Radio Free Asia, 2016. url: <https://www.rfa.org/english/bookshelf/9781632180230.pdf>, 8.

Military College”<sup>13</sup> and “he came to believe that South Korea had become a real democracy with real freedom.”<sup>14</sup> He eventually fled to China where he was caught by a taskforce of North Korean security agents sent by Kim Jong-il to find him, since his personal knowledge of the “Dear Leader” made him dangerous. He was bound, drugged, and put on a plane to Pyongyang where he was sent to a section of the *yodok* (요덕) *kwan-li-so* (관리소) camp to complete his sentence. He was released from *yodok* (요덕) in 1999 where he believes that his release was “on Kim Jong-il’s personal intervention.”<sup>15</sup> That same year he fled back to China and in 2000 successfully made it to South Korea.

Technology has been vital in exposing and keeping record of these camps; “satellite imagery, including images secured through providers such as DigitalGlobe and Google Earth, have permitted a precise mapping of the country’s gulag.”<sup>16</sup> However, at the core of the international community’s understanding of North Korea is testimonies and information provided by refugees (prisoners, guards, and citizens) who have managed to escape. It is wise to note that due to trauma, among other factors, testimonies from these defectors are not always accurate. Defectors will sometimes change their story to obscure the true nature of what happened as it may have been too difficult to recount or because they see the need to fit it into a certain narrative to pursue economic gains. Overall, by comparing the testimonies among different defectors and comparing them to satellite imagery, the international community is able to grasp a general idea of the camps and the atrocities that take place there.

## **Forced Labor, Torture, Starvation, and Infanticide**

The atrocities that take place at these prison camps are only comparable to that of the concentration camps in Nazi Germany. Numerous crimes against humanity, violations of international law and

13 David Hawk, *The Hidden Gulag: Exposing North Korea’s Prison Camps: Prisoners’ Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 33.

14 David Hawk, *The Hidden Gulag: Exposing North Korea’s Prison Camps: Prisoners’ Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 33.

15 David Hawk, *The Hidden Gulag: Exposing North Korea’s Prison Camps: Prisoners’ Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 33.

16 Haggard, Stephan, and Marcus Noland. "Repression and punishment in North Korea: survey evidence of prison camp experiences." *Human Rights & Human Welfare* 9, no. 1 (2009): 77, 1.

conventions, and war crimes are present. These include: forced starvation, rampant diseases and the denial of medical attention, torture, summary executions, infanticide, and forced abortion.

Prisoners in these camps are “forced to do hard, often heavy, and often dangerous labor while being provided food rations insufficient to sustain even sedentary life.”<sup>17</sup> According to reports, prisoners are “provided only enough food to be kept perpetually on the verge of starvation.”<sup>18</sup> There is no meat or other important nutritional elements in their rations. They are compelled by hunger to catch and eat raw rats, snakes and frogs that may be in the area close by to compensate for the lack of protein. Some prisoners also steal food from the farm animals they are raising for labor and even eat grass and other small plants nearby. Some may even risk punishment and eat from the crops they are being forced to harvest. According to a former prison guard (Ahn Myong-chol), it is estimated that “1,500 to 2,000 prisoners at Kwan-li-so No. 22, mostly children, die[d] from malnutrition yearly.”<sup>19</sup>

Lack of heat, lack of food, lack of proper hygiene, and deplorable conditions all lead to medical problems such as pellagra, frostbite, lice, and tuberculosis. There are no doctors or medical staff at the camps and prisoners, when they are no longer able to work, are simply moved to isolation where they wait to die. One report states, “The combination of hard labor and below-subsistence-level food provisions results in rapid weight loss, industrial or mining work accidents, malnutrition-related diseases, and death. The largely doctor-less and medicine-less prison ‘hospitals’ or ‘clinics’ are essentially places where the sick and injured who can no longer work are sent to await death.”<sup>20</sup>

Malnutrition and heavy labor can also lead to work accidents. In camps where inmates are forced to work in logging, there are various accidents that occur. One defector, Kim Young-soon describes that “Lumberman can break their limbs while cutting trees and die. They

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17 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 42.

18 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 25.

19 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 39.

20 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 42.

can be knocked down or take a wrong step and die.”<sup>21</sup> In a review of the documentary, *Beyond Utopia*, the author describes that “we hear one defector tell of being forced to cut trees 130 feet tall and 13 feet in width, their felling maiming men who are left to die on a mountainside with broken limbs and exposed entrails.”<sup>22</sup> Similar labor accidents can occur in other industries such as mining, textiles, and farming. These prisoners who suffer from injuries, especially in cases of serious injuries, are merely left to die. Kim Young-soon tells the media that “dead bodies cover up the road in the wretched Yodok prison camp.”<sup>23</sup>

In these camps the use of torture is customary to punish inmates. Punishment ranges from water torture to sleep-deprivation, to being hung from their wrists by handcuffs without their feet touching the floor. While it is common for guards to beat the prisoners, often to death, it is also common for prisoners to beat each other. The incentive can be to obtain more food, to escape a guard-beating, or it could be from the practice of “collective punishment” where if one prisoner makes a mistake as part of a “group”, it can cause everyone in that group to be punished. This can provoke prisoners to beat up their fellow inmate, sometimes to death, for retaliation. There are also reports of children who are brought into the camp via *yeon-jwa-je* (연좌제) who beat or kill their parent(s). One defector, Kang Chul-hwan, notes “Many children have it all wrong. They think that they are suffering because someone committed a huge crime.... In some cases, a guilty person comes into a camp with his/her family. In such families, the children often cornered their fathers and most of those fathers died.”<sup>24</sup> Motionless-kneeling, motionless-sitting, and “undersized punishment boxes” are also standard forms of punishment. Motionless-kneeling and motionless-sitting entails prisoners sitting or kneeling without movement for hours or days on end until guards decide otherwise, or until the inmate dies. “Undersized punishment boxes” are incredibly small sized cells where prisoners “were held for fifteen

21 Lee, Jin Seo. North Korean Political Prison Camps. Washington: Radio Free Asia, 2016. url: <https://www.rfa.org/english/bookshelf/9781632180230.pdf>, 3.

22 Laura Clifford and Robin Clifford, “Beyond Utopia,” web log, *Reelingreviews.com* (blog) (Reeling Reviews), accessed April 7, 2024, <https://www.reelingreviews.com/reviews/beyond-utopia/>.

23 Lee, Jin Seo. North Korean Political Prison Camps. Washington: Radio Free Asia, 2016. url: <https://www.rfa.org/english/bookshelf/9781632180230.pdf>, 3.

24 Lee, Jin Seo. North Korean Political Prison Camps. Washington: Radio Free Asia, 2016. url: <https://www.rfa.org/english/bookshelf/9781632180230.pdf>, 5.

days, unable to stand-up or lie down.”<sup>25</sup> Many of these torture methods continue for hours or even days, often resulting in the death of the inmate being punished.

Public executions are also extremely commonplace. In order to make a public example of inmates who break the rules or try to escape, the prisoners are rounded up and forced to watch the execution of their fellow inmate/inmates, either by firing squad or hanging. Everyone in the camp, the adults, the elderly, and the children, are forced to watch these executions. At political prison camps, “assemblies of more than two inmates were forbidden, except for executions. Everyone had to attend them. The labor camp used a public killing – and the fear it generated – as a teachable moment.”<sup>26</sup> These killings are used to exert control over the inmates and maintain order, deterring inmates from escaping or rising up against the guards.

There are scattered reports from North Korean defectors of forced abortions, the murder of pregnant women, and infanticide. Female defectors can be impregnated by Chinese men when they escape to China, before they are returned to North Korea through forced repatriation. In the camps, imprisoned women become pregnant either by another prisoner (except for a few privileged couples, sex and relations between prisoners of the opposite sex is strictly prohibited) or by rape or coercion into sex by prison guards. Most often these atrocities are committed against women who have had sex with Chinese men. One witness reported that she “helped deliver seven babies who were killed soon after birth by being buried alive. A doctor explained to her that ‘since North Korea was short on food, the country should not have to feed the children of foreign fathers’.”<sup>27</sup>

## **Human Trafficking, Forced Repatriation, and the Defector Experience in China**

In order to escape the atrocities that take place in North Korea and the overall deplorable conditions of the country, defectors flee to

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25 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 70.

26 Blaine Harden, *Escape from Camp 14: One Man's Remarkable Odyssey from North Korea to Freedom in the West* (London: Pan Books, 2015), xxx.

27 Charny, Joel R. "North Koreans in China: a human rights analysis." *International Journal of Korean Unification Studies* 13, no. 2 (2004): 75-97., 91.

South Korea and China. Due to the number of mines (estimated at around 1 million still buried in the area) and the danger of the DMZ that separates the two Koreas from each other, it is nearly impossible for defectors to escape straight into South Korea. This means the majority of them escape into China first. Most of the North Koreans who flee into China do so by crossing the Tumen River into Yanbian Korean Autonomous Prefecture, an area on the border of China that is home to over 800,000 ethnic Koreans with Chinese citizenship.<sup>28</sup> The paramount reason these people defect to China is for a chance at survival. According to interviews by RI (Refugees International), almost all the defectors interviewed faced extreme circumstances that led to their defection, such as: food deprivation, loss of employment, death of family members due to famine which collapsed support networks, or the need to help find treatment, or money for treatment, for a sick family member, or their own health problems.<sup>29</sup> These defectors face dire circumstances in their home country and fit the criteria to be considered a refugee as defined by the United Nations' 1951 Refugee Convention. However, as opposed to considering North Korean defectors refugees, the "Chinese policy towards North Korean asylum seekers is predicated on the assumption that all North Koreans crossing the border do so for economic reasons. They are treated as illegal migrants and subject to arrest and deportation."<sup>30</sup> Due to this policy, defectors who escape live in China under constant fear of deportation and arrest. They have no realistic options to "live freely" or meet basic needs, especially for men since traditionally they need to support themselves and their family outside of the home. Moving around outside their home in order to find labor or try to earn money can leave them extremely vulnerable to police searches and arrest.

North Korean children are also very susceptible to being arrested due to their lack of Chinese language skills. If they venture outside the home to play or receive an education, they risk detection. There are incredibly few opportunities for them to learn Chinese from home, which would offer some freedom to move about undetected. This makes the situation for young North Koreans incredibly bleak as they must stay

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28 Charny, Joel R. "North Koreans in China: a human rights analysis." *International Journal of Korean Unification Studies* 13, no. 2 (2004): 75-97., 77.

29 Charny, Joel R. "North Koreans in China: a human rights analysis." *International Journal of Korean Unification Studies* 13, no. 2 (2004): 75-97., 80.

30 Charny, Joel R. "North Koreans in China: a human rights analysis." *International Journal of Korean Unification Studies* 13, no. 2 (2004): 75-97., 81.

home all day to avoid being discovered. According to on RI interview, one teenage boy said, “The situation here does not allow me to dream about my future.”<sup>31</sup>

Young North Korean female defectors are often taken advantage of. In China there is an incredibly high demand for young “marriage material” women. From 1980–2016 the government implemented what was known as the “One-child policy” as a way to curb the rapid growth of the country’s population which the government considered “out of control”. During the time the one-child policy was active, Chinese families often preferred “to have a male child to carry on the family’s name and inheritance.”<sup>32</sup> Many pregnancies were aborted due to this, and many female newborns were killed, abandoned, or adopted by citizens of foreign countries, causing the country to end up having a ratio of around 120 boys for every 100 girls (in some areas the ratio is as extreme as 14 men for every 1 woman). This gave China over 40 million “surplus” boys.<sup>33</sup> This crisis of the lack of potential wives for Chinese men created a demand for young, marriageable, and sexually exploitable women, opening up a new market for “black-market brides”. The overwhelming majority of North Korean women who flee to China either decide to stay or are forced to stay as they are unable to go to any other country. These women end up establishing relationships with Chinese men as a survival strategy. These relationships are either formed through brokers or directly between the couple. While some North Korean women are lucky enough to find compatible spouses and develop genuine and loving relationships, it is estimated that 70% – 90% fall victim to human trafficking. The United Nations defines human trafficking as “the recruitment, transportation, transfer, harboring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit.”<sup>34</sup> According to Korean NGOs, it is estimated that North Korean women trafficked in China are sold for “between 6,000 and 30,000 yuan (\$890 to \$4,500), depending on their

31 Charny, Joel R. "North Koreans in China: a human rights analysis." *International Journal of Korean Unification Studies* 13, no. 2 (2004): 75-97., 86.

32 Kathleen Davis, "Brides, Bruises and the Border: The Trafficking of North Korean Women into China," *SAIS Review of International Affairs* 26, no. 1 (Winter-Spring 2006): 131-141, 133.

33 Lisa Cameron, Dan-dan Zhang, and Xin Meng, “China’s One-Child Policy: Effects on the Sex Ratio and Crime,” web log, *Ifstudies.Org* (blog) (Institute for Family Studies, December 19, 2018), <https://ifstudies.org/blog/chinas-one-child-policy-effects-on-the-sex-ratio-and-crime>.

34 “Human-Trafficking,” United Nations : Office on Drugs and Crime, accessed April 7, 2024, <https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html>.

age and beauty.”<sup>35</sup> These women are often sold to men who are poor, disabled, or abusive, many times a combination of those factors. Many of these women who are trafficked to become brides end up being re-trafficked after their husbands have “tired of them”. The trafficking of North Korean women is so widespread “there have even been reports of other North Korean defectors and priests selling women as brides.”<sup>36</sup> There have also been reports recently of Chinese border guards and police officials arresting women under the false pretense of illegal migration, who end up selling them to traffickers or directly to buyers.

While some are sold as brides to Chinese famers (since rural areas tend to have a significant lack of eligible brides) or are sold to the owners of brothels and karaoke bars, recently, due to the rapid development of technology, most trafficked North Korean women are sold into cybersexual slavery. These women are trapped in small apartments, often locked from the outside, and forced to perform sexual acts online for paying clientele. The majority of clients in these chatrooms tend to be from South Korea, where pornography and prostitution are illegal which has led to an increase in the popularity of these sites and services over the years. One victim estimated she made about 60 million won (\$51,000) from her cybersex activities for her captor.<sup>37</sup> These women will often never see a cent of the money they earn through this work, with all the profits going to their captors. Living in these apartments they have little chance of escape, often having to rely on the slim chance a stranger in one of the chat rooms will help them.

Of the North Korean women trafficked, over 60% - 70% experience physical and psychological violence, often taking the form of being locked up, physically abused, repeatedly raped, and emotionally manipulated. These tactics carried out by the traffickers help break the spirits of the women and “essentially mold them into complacent sex servants.”<sup>38</sup> This type of violence also extends to their homelife where they

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35 Julie Zaugg, “These North Korean Defectors Were Sold into China as Cybersex Slaves. Then They Escaped,” *Cnn.Com*, June 10, 2019, <https://www.cnn.com/2019/06/09/asia/north-korea-defectors-intl-hnk/index.html>.

36 Kathleen Davis, “Brides, Bruises and the Border: The Trafficking of North Korean Women into China,” *SAIS Review of International Affairs* 26, no. 1 (Winter-Spring 2006): 131-141, 133.

37 Julie Zaugg, “These North Korean Defectors Were Sold into China as Cybersex Slaves. Then They Escaped,” *Cnn.Com*, June 10, 2019, <https://www.cnn.com/2019/06/09/asia/north-korea-defectors-intl-hnk/index.html>.

38 Kathleen Davis, “Brides, Bruises and the Border: The Trafficking of North Korean Women into China,” *SAIS Review of International Affairs* 26, no. 1 (Winter-Spring 2006): 131-141, 134.

often experience domestic violence at the hands of their husbands. Due to their status as illegal migrants, brokers and buyers can easily control their movement and force them into subordination through the use of threats of exposing them to the police. One victim noted, “it is better to find a man, any man, than to starve to death in North Korea.”<sup>39</sup>

Even with the abuses and challenges North Korean people face in China, many choose to stay there. They indicate that they wish to stay due to “cultural compatibility and proximity to their homes in North Korea in case they wished to return to see their relatives, to respond to a family emergency, or to return in the event of a fundamental political change.”<sup>40</sup>

### **Discrimination and the Refugee Experience in South Korea**

For many defectors, their journey to freedom does not end in China. Instead, they often desire to travel to South Korea where they will be granted automatic citizenship and be able to receive aid from human rights workers. Since the DMZ makes it practically impossible for North Korean defectors to cross directly into South Korea, many escape through China and must make the journey to reach South Korea. Some defectors are able to find passage through brokers in China and reach South Korea by hiding in fishing boats or other vessels and travel directly there. Other defectors must travel all the way to Thailand in order to reach safety. This journey often starts in China and goes through Vietnam and Laos and is incredibly dangerous since Vietnam, Laos, and China will forcibly repatriate defectors to North Korea due to their strong ties with the regime.<sup>41</sup> This means that defectors are not safe and must be incredibly careful until they reach Thailand. Defectors will usually journey with the aid of brokers they have paid to help them cross through countries and across borders, often travelling during the night. The conditions are extremely hazardous as they must trek through jungle terrain and avoid the detection of border guards, who often are accompanied by military dogs. During the journey, brokers may take the defectors in circles, demanding more money to put them back on the right path.<sup>42</sup>

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39 Kathleen Davis, "Brides, Bruises and the Border: The Trafficking of North Korean Women into China," *SAIS Review of International Affairs* 26, no. 1 (Winter-Spring 2006): 131-141, 133.

40 Charny, Joel R. "North Koreans in China: a human rights analysis." *International Journal of Korean Unification Studies* 13, no. 2 (2004): 75-97., 97.

41 *Beyond Utopia*, DVD (United States: Roadside Attractions, 2023).

42 *Beyond Utopia*, DVD (United States: Roadside Attractions, 2023).

Even if defectors survive this journey and make it to South Korea, the conditions that await them there, while relatively safer, are not always favorable. When they arrive in South Korea, they are met “with a month-long Cold War—style interrogation by military personnel to evaluate their backgrounds and security risk.”<sup>43</sup> After this they face a two to three month compulsory orientation on South Korean culture. During this time, the South Korean government attempts to undo the “brainwashing” that was put into effect by the North Korean regime. North Korean defectors are taught about the “norms” and values of South Korean society and are encouraged to become “cultural citizens”. The South Korean version of history is often heavily emphasized along with learning the South Korean dialect, especially since many of the words on signs and commonly used today have western origins.<sup>44</sup>

After the completion of these initial protocols, North Korean defectors still struggle to fit into society. One issue they face is the extreme cultural difference between living in a communist society and capitalist one. In South Korea, there is a cultural obsession with appearance. This can all be seen through keeping up with fashion trends, an explosive and expensive cosmetics industry, the consumption of commodities, and an innate need to possess expensive goods. This can lead North Korean defectors to become incredibly self-conscious and to spend significant amounts of money on “purchasing the commercialized symbols of cultural capital they feel are necessary to survive in a discriminatory class society.”<sup>45</sup> One report states that “many North Koreans become self-conscious about their height, which is, on the average, significantly shorter than that of South Koreans. Many youths take medicines and exercise to try to restimulate their stunted growth.”<sup>46</sup> This can cause them to spend most or even all of their settlement money.

While many people may argue that North Koreans have high rates of unemployment due to prejudice and discrimination (an unemployment rate of about 30%), this is not completely true. When

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43 Chung, Byung-Ho. "Between defector and migrant: Identities and strategies of North Koreans in South Korea." *Korean studies* (2008): 1-27, 15.

44 Chung, Byung-Ho. "Between defector and migrant: Identities and strategies of North Koreans in South Korea." *Korean studies* (2008): 1-27, 16.

45 Chung, Byung-Ho. "Between defector and migrant: Identities and strategies of North Koreans in South Korea." *Korean studies* (2008): 1-27, 19.

46 Chung, Byung-Ho. "Between defector and migrant: Identities and strategies of North Koreans in South Korea." *Korean studies* (2008): 1-27, 18.

North Korean defectors arrive in South Korea, they are incredibly reluctant to take lower-class job positions that the government sets aside for new migrants, instead they expect and feel entitled to more.<sup>47</sup> They have an instilled belief in the class system, instilled in them by the usage of *songbun* (성분) that they grew up with in North Korea. This can leave many North Koreans “unwilling to accept the job that they feel will marginalize them into the lower class.”<sup>48</sup> Even defectors with professional jobs can have a hard time finding work due to the differences in standards and licensing. While some may try to reeducate themselves in order to meet these standards, many do not possess the resources or finances in order to achieve this. Recently, however, many defectors have become more open to the idea of taking “menial” jobs since this provides them an opportunity to help support their family back home in North Korea.

Around 88% of defectors who arrive in South Korea are Christian.<sup>49</sup> Even though everyone in North Korea is brought up with atheist ideologies, due to the influence and support from Christian missionaries that serve to assist the defectors during their escape and relocation to South Korea, many convert. It is also through the missionaries that North Korean defectors experience South Korea for the first time, therefore tying the cultural identity of South Korea to Christianity.

## Violations of International Law and Conventions

Many of the tactics that the North Korean regime uses to control their citizens are direct violations of important governing documents and international laws. North Korea became a permanent member of the United Nations in 1991 and as such is expected to adhere to and follow the rules and conventions set forth by the U.N. However, North Korea has been operating as a “rogue state” by not adhering to the norms of the international community and consistently breaking international law and conventions. Arguably the most important violations they have committed are against the Genocide Convention and the Universal Declaration of Human Rights.

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47 Chung, Byung-Ho. "Between defector and migrant: Identities and strategies of North Koreans in South Korea." *Korean studies* (2008): 1-27, 19.

48 Chung, Byung-Ho. "Between defector and migrant: Identities and strategies of North Koreans in South Korea." *Korean studies* (2008): 1-27, 19.

49 Chung, Byung-Ho. "Between defector and migrant: Identities and strategies of North Koreans in South Korea." *Korean studies* (2008): 1-27, 21.

In the Genocide Convention, North Korea violates many articles, most importantly Articles II and III. Article II states that “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group.”<sup>50</sup> North Korea violates this by imprisoning and killing members of lower *songbun* (성분) and political adversaries. By imposing *yeon-jwa-je* (연좌제), they further their genocidal conquest by eradicating three generations of “offenders”. Article III states that acts of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, and complicity in genocide are punishable offenses.<sup>51</sup> North Korea’s genocide of its people is state-sponsored and not only the Kim family but also higher-up members of the government are responsible for the implementation and execution of this.

North Korea violates most, if not all of the articles in the Universal Declaration of Human Rights set forth by the United Nations. Most notably, North Korea violates Article 4, Article 5, Article 9, and Article 13. Article 4 states that “No one shall be held in slavery or servitude.”<sup>52</sup> In North Korean prison camps, inmates are forced to work 16-hour days doing forced labor, often for life sentences with the only way-out being death. Article 5 states that “No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment.”<sup>53</sup> Many citizens who are detained in North Korea suffer from torture during interrogations and while they are prisoners in the camps, being subjected to sleep deprivation, beatings, motionless sitting or kneeling, or “undersized punishment boxes”. Article 9 states that “No one shall be subjected to arbitrary arrest, detention or exile.”<sup>54</sup> Many prisoners in North Korean prison camps are not informed as to why they have been detained, unaware of what crime they have been accused of committing as there is no judicial process for those sent to *kwan-li-so* (관리소) camps. Article 13 states that “Everyone has the right to leave any country,

50 United Nations, the Convention on the Prevention and Punishment of the Crime of Genocide, 1.

51 United Nations, the Convention on the Prevention and Punishment of the Crime of Genocide, 1.

52 United Nations. General Assembly. Universal declaration of human rights. Vol. 3381. Department of State, United States of America, 1949, 2.

53 United Nations. General Assembly. Universal declaration of human rights. Vol. 3381. Department of State, United States of America, 1949, 2.

54 United Nations. General Assembly. Universal declaration of human rights. Vol. 3381. Department of State, United States of America, 1949, 3.

including his own, and to return to his country.”<sup>55</sup> It is against North Korean law to leave the country, with the punishment for doing so being incredibly severe, including torture and even execution.

## Humanitarian Solutions and Planning for the Fall of the Regime

Contingency plans exist for nearly any scenario that might include or befall North Korea, from potential peaceful reunification with the south, to the collapse of the Kim regime, to the potential invasion from foreign countries such as Russia or China.<sup>56</sup> However, these plans contain little to no input from human rights groups, meaning there is no humanitarian plan to protect the citizens of North Korea. Any scenario that might befall the North requires “the provision of adequate food, medicine, potable water and sanitation”<sup>57</sup> in order to prevent immense disruption or turmoil in North Korea. In a case of mass migration to nearby areas such as China or South Korea, protection and assistance will be essential for refugees and IDPs (internally displaced persons).

This type of planning is incredibly tricky for two reasons. The first being that there is “no established forum to bring human rights and humanitarian groups together, and there has been no effort to create one.”<sup>58</sup> This means that without a governing body for the humanitarian and human rights groups, there will be multitudes of plans and potentially conflicting ones, causing possible chaos and added conflict. Second, discussing change in North Korea violates their *modus operandi* of neutrality and cooperation with the regime. They fear that any planning for a situation could create an appearance of “regime change” and cause them to lose the ability to operate in the country. The main humanitarian concerns in the event of a change in North Korea are: protecting and finding solutions for North Korea’s political prison population, identifying who should be held accountable for the Kim regime’s crimes and human

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55 United Nations. General Assembly. Universal declaration of human rights. Vol. 3381. Department of State, United States of America, 1949, 4.

56 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 1.

57 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 1.

58 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 2.

rights abuses along with effective judicial arrangements, and effectively managing refugee flows and internal displacement.<sup>59</sup>

The first item on the agenda will be freeing the political prisoners hidden in North Korea's four main political prison camps. There are an estimated 80,000 to 120,000 prisoners incarcerated in these camps in the mountainous areas of North Korea. The North Korean government continues to deny the existence of these camps and in the event of an armed conflict or revolution camp authorities "have received orders to kill all prisoners" and "eliminate any evidence about the existence of the camps," according to a former prison guard.<sup>60</sup> "Drills" have also been held at these camps to teach guards and soldiers "how to kill large numbers of prisoners in a short period of time."<sup>61</sup> In Camp 16, escapees have reported the existence of elevated guard posts, "equipped with machine guns meant to massacre prisoners in emergency situations."<sup>62</sup> Rescuing prisoners should be given the highest priority as their testimonies about their experience in the camps will be of utmost importance to attesting how the Kim regime maintained their power through human rights abuses and brutality. In addition, the severe conditions in terms of diseases, hunger, and injuries that the prisoners suffer from in these facilities should put the prisoners at the highest priority for rescue, as immediate medical assistance is essential. At the end of World War II, Nazis attempted to hide evidence of their atrocities and murder inmates at their camps. The testimonies of the survivors of the Nazi concentration camps became crucial to hold the Third Reich accountable for their numerous crimes against humanity and to help develop the concepts of war crimes and crimes against humanity along with how to hold accountable and punish those responsible. Drawing a parallel between these two regimes and their treatment of their citizens, failing to rescue the prisoners "would be a shameful legacy for the international community."<sup>63</sup> The rescue and liberation of prisoners from concentration camps from World War II and the Soviet gulags provides insight into "how best to

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59 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 2.

60 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 4.

61 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 4.

62 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 6.

63 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 5.

support and rehabilitate those treated so brutally.”<sup>64</sup>

One area that will require particular attention are the female prisoners. Many of these prisoners have been subjected to brutal treatment in the past and will need extra protection against “potential sexual assaults by other prisoners, guards, or the local population”<sup>65</sup> during the chaos that will ensue if the regime falls. “During the end of World War II, Red Army troops were known to have engaged in rampant sexual assault in the camp of Ravensbruck, a Nazi concentration camp that held women prisoners, resulting in the rapes of countless inmates.”<sup>66</sup> Troops liberating these camps will need to be sensitized and take extra care with the rescue of these prisoners.

After human rights and humanitarian emergencies, it is important not only to focus on reconciliation and peace but also to pursue justice for those who have suffered. Whom to hold responsible for the crimes against humanity in North Korea should be determined carefully. It should begin with those who gave the orders, such as Kim Jong-un and his top lieutenants. Determining others who are responsible should begin now with the dividing of elites based on possible criminal responsibility.<sup>67</sup> Some may propose special or *ad hoc* tribunals as an alternative solution for accountability. However, given the past track record of such tribunals (the former Yugoslavia and Rwanda), it may not be a very viable form of accountability. Instead, a more effective arrangement might be a “hybrid court”, a domestic court that is set up with an international component that is associated with the United Nations.<sup>68</sup> This could tailor the court to the needs of the Korean situation and could work alongside the U.N. General Assembly, in which the U.S. along with other countries could participate as well.

In the creation of such a court and in the process of holding those in power accountable for their crimes, it is important to consider the role of The People’s Republic of China. Due to the close ties between North

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64 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 7.

65 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 5.

66 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 5.

67 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 9.

68 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 10.

Korea and China, there is a distinct possibility that China will attempt to interfere with these trials in order to not be held liable for collaborating with North Korea in terms of crimes against humanity due to the forcible repatriation of North Koreans back to conditions of extreme danger. There is also a possibility that China will need to be persuaded to “turn over North Korean leaders wanted by a Korean or international tribunal for crimes against humanity if they flee to China.”<sup>69</sup> In the case of Cambodia (where the U.N. set up a tribunal to prosecute the Khmer Rouge), China dropped its objections to the trials when “it became clear that its relationship with the Khmer Rouge would not be highlighted.”<sup>70</sup> By potentially reaching a similar deal with China, it may be easier to have these tribunals function well and with little opposition.

Protecting refugees and IDPs (internally displaced persons) will be the biggest concern and challenge given change or turmoil in North Korea. Many experts predict that “China and South Korea will be overrun by refugees.”<sup>71</sup> One major concern with this is that China appears to have plans to seal its borders to block the mass entry of North Koreans. Over the past few decades, China has forcibly repatriated and punished tens of thousands of North Koreans seeking entry, “erecting restrictive barriers at its borders and stationing troops to keep North Koreans out.”<sup>72</sup> Also, according to leaked contingency plans, China intends to set up special zones or camps inside North Korea to forestall the entry of refugees into China.<sup>73</sup> On the other hand, South Korea will “not want to jeopardize the economic progress and stability of its country by quickly accepting large numbers of North Koreans it cannot easily absorb.”<sup>74</sup> If the unmanageable emergency overflow of refugees does occur, South Korea would likely set up camps along the border. Neither country appears to be prepared to integrate North Koreans. A more humanitarian plan is to restore order in

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69 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 11.

70 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 11.

71 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 11.

72 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 12.

73 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 12.

74 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 14.

the North via international troops utilizing a multi-national plan agreed upon by the United Nations. With access to food and medicine readily available, most North Korean citizens may not need to, or desire to, flee. In emergency situations, “most people prefer to remain displaced in their own country rather than cross borders.”<sup>75</sup> This can be due to strong attachments to the country, limited resources, old age or illness, or fear of the challenge of adapting to new languages and cultures in neighboring regions. By providing stability, and playing into these narratives, it is possible not only to keep North Korean citizens in their country, but also incentivize them to help contribute to the building and transformation of their own country.

While many North Koreans may want to stay in their country, stability will not prevent certain groups from attempting to cross the borders to the north and south. These groups include: the Kim family and top Kim regime officials, the top 1% - 5% favored elite class in Pyongyang, ethnic Koreans from South Korea or Japan, abducted foreigners (from Japan most notably), South Korean prisoners of war, and North Koreans who desire to reunite with families who are already living in other countries.<sup>76</sup> It will be important to work with foreign countries and incentivize them to turn over members of the Kim family and the top regime officials, especially countries such as China or Russia which have close ties to the Kim regime and are likely to provide asylum for them. It will also be vital to help those who would like to return home or be reunited with family do so safely and quickly.

## **Recommendations**

Many human rights groups and the U.N. have come up with recommendations to remedy the situation in North Korea. The Committee for Human Rights in North Korea recommends the following in terms of instructions for the Democratic People’s Republic of Korea, the People’s Republic of China, and other members of the international community. In terms of recommendations for the Democratic People’s

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75 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 12.

76 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015), 13.

Republic of Korea, author David Hawk<sup>77</sup> recommends that North Korea decriminalize the right to leave the country, release all prisoners held in arbitrary detention in prison camps and permanently close those camps with the help of the U.N., and work with the U.N. to promote human rights and create a judicial system for human rights abuses that have occurred. For the People's Republic of China, author David Hawk<sup>78</sup> recommends that China stop forcibly repatriating North Koreans and grant them the status of refugees along with working with the U.N. to address the human trafficking that is widespread throughout their country. For other member states of the international community, author David Hawk<sup>79</sup> encourages them to keep an open dialogue about the human rights situation in North Korea and prohibit the use of slave, forced or prison labor, along with advocating for the abolition of the prison camps and release of the prisoners held there.

## Conclusion

The atrocities the citizens of North Korea suffer are direct violations of the Genocide Convention and the Universal Declaration of Human Rights, and the Kim regime must be held accountable for these flagrant infractions. In the event of a major political change in North Korea, the international community, due to the lack of a humanitarian plan, will have to scramble to address the top humanitarian concerns, those being: protecting and finding solutions for North Korea's political prison population, identifying who should be held accountable for the Kim regime's crimes and human rights abuses along with effective judicial arrangements, and effectively managing refugee flows and internal displacement.<sup>80</sup> Ultimately, it is up to the international community, North Korea, and China, to adopt the recommendations set forth by Human Rights organizations and the United Nations in order to ascertain human rights for the citizens of North Korea.

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77 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 74-75.

78 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 73.

79 David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: Prisoners' Testimonies and Satellite Photographs* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003), 73-74.

80 Cohen, Roberta. "Human Rights and Humanitarian Planning for Crisis in North Korea." *International Journal of Korean Studies* 19, no. 3 (2015).

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