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# DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA/ RUSSIAN FEDERATION

## Pursuit, Intimidation and Abuse of North Korean Refugees and Workers

### 1. INTRODUCTION

In the Russian Federation (Russia), the Democratic People's Republic of Korea (North Korea) continues to operate logging sites and other work sites, where several thousands of North Koreans work. This report describes violations of the rights of these workers, as well as of those who have fled from their work sites and are seeking asylum in Russia or elsewhere. Concerns about violations of the human rights of these North Koreans include allegations of executions, ill-treatment, pursuit of refugees by the North Korean authorities and forcible return by the Russian authorities.

Relations between the Soviet Union (USSR) and North Korea date back to the very foundation of the latter state in 1948. Although relations between the two countries were strained for some time during the 1960s, friendly relations between the Soviet Union (and, after its collapse in 1991, Russia) and North Korea have continued until today.

An agreement on a number of North Korea-run logging sites in the Russian Far East was inherited from the Soviet Union by the Russian authorities. Despite internal and external pressure to close the logging sites because of the serious human rights violations that occurred there, the agreement was renewed in February 1995. According to the new agreement, the North Korean authorities have to observe Russian law in the treatment of their workers. Chapter Two of this report discusses changes at the logging sites in recent years and Amnesty International's concerns with respect to them.

A number of North Korean workers have left the logging sites (and other work sites in Russia where North Koreans are employed) and sought asylum rather than returning to their country of origin. These North Koreans have been subjected to human rights violations by both the North Korean and Russian authorities, including forcible return. North Koreans who are forcibly returned to North Korea may face imprisonment or even the death penalty. In two concrete cases, Amnesty International has received allegations that North Koreans who were forcibly returned by the Russian authorities were

#### Human Rights Violations in North Korea

The North Korean Government seems to have almost completely monopolized information on human rights issues. As a result of this, the human rights situation in North Korea largely remains a blind spot in a world where human rights play an ever more important role and human rights violations are generally well documented.

However, information Amnesty International has been able to gather through independent sources, shows a pattern of serious human rights violations. In previous reports Amnesty International published the cases and names of over 50 possible political prisoners or prisoners of conscience. The real number of political prisoners is believed to be much higher. The organization has also received information on executions, including public ones, in North Korea, ill-treatment in prisons and other human rights violations.

executed. Information on the fate of North Koreans returned to their country of origin is almost impossible to obtain because of the North Korean authorities' tight restrictions on the flow of information and on the lack of international scrutiny of the human rights situation. Chapter Three of this report discusses these issues.

In the same chapter it is argued that the central Russian authorities do not fulfil all their obligations under international law concerning refugees. Local administrations have mostly not changed significantly since the 1980s in terms of personnel, which has resulted in local officials refusing to carry out new policies of the central authorities and instead remaining loyal to old Soviet practices. This often also applies to Russian law-enforcement officials.

This report also argues that the North Korean authorities go to great lengths to prevent North Korean refugees from "defecting". Workers are threatened (or at least perceive themselves to be threatened) with repercussions against their relatives in case they "defect". Refugees are pursued on Russian territory and people who are helping these refugees are intimidated by the North Korean Public Security Service (PSS). These policies seem to be part of the pattern described by Amnesty International in its report *North Korea: Human Rights Violations behind Closed Doors*.<sup>1</sup> In that report it was argued that the North Korean authorities try to monopolize all information to avoid international scrutiny of the human rights situation.

This report contains a number of recommendations to both the Russian and North Korean governments and to the international community. The information used in this report has been gathered by Amnesty International from independent sources, including during several visits to various locations in Russia.

## **2. CONCERNS ABOUT WORK SITES**

### **2.1 Background on logging sites, mines, construction sites**

As far as Amnesty International is aware North Koreans have been working in the former Soviet Union since the establishment of a series of logging sites in the Russian Far East in 1967. They are selected by the North Korean authorities and are usually sent out for periods of three years. Apart from the lumber industry, North Koreans are also employed in construction work and mines in Russia.

The logging sites in the Khabarovsk and Amur regions in the Russian Far East were established in 1967 on the basis of an agreement between the then Secretary General of the Soviet Union Leonid Brezhnev and President Kim Il Sung of North Korea. North Korea brought in the manpower and ran

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<sup>1</sup> AI Index: ASA 24/12/95, which was published in December 1995.

the logging sites, while the Soviets provided the natural resources. The profit, reportedly many millions of dollars over the years, was split between the two countries. The number of North Korean loggers seems to have originally been around 20,000 but their number is currently between 2,500 and 6,000. North Koreans are also working in mines near the city of Novosibirsk in Siberia. Amnesty International has been told that there are also North Koreans working at various construction sites in a range of cities in Russia, such as Khabarovsk (Russian Far East) and Tver (near Moscow).<sup>2</sup>

Although life at the logging sites and at other work sites is harsh, there seems to be fierce competition among North Koreans to be sent to Russia to work. Wages are said to be much higher in Russia than in North Korea. According to refugees, a worker can for instance save enough money in three years at the logging sites to buy a refrigerator or a TV, something that would be impossible for most North Korean in a working life. During their stay in Russia the workers are given a visa only for their places of work and residence. For all personal and business travel special permits are required, which are issued by the local Russian authorities<sup>3</sup>.

Official enrolment procedures for work in Russia are reportedly very strict. Only people with “clean” family backgrounds who are trusted by the North Korean authorities can be sent to Russia. An application must be approved by a number of officials. It seems, however, that most North Koreans receive permission to go to Russia after bribing the relevant officials.<sup>4</sup>

At the logging sites food is provided by the North Korean authorities. Many former workers from the logging sites have said that the food situation is very bad. According to one North Korean, a number of tins of foodstuff that he had never seen before appeared on the shelves when a Russian parliamentary delegation visited a logging site to inspect it. Reports also claim that North Korean workers all over Russia are generally dressed in rags, look unhealthy and often have no facilities for washing.

North Korean workers in Russia told Amnesty International that they are required to attend one to three “re-education” sessions a week. Refugees have said that these sessions at the work sites are more or less an extension of the practice in North Korea itself. Sessions are apparently meant to teach people how to “live as a family in a socialist society”. According to one refugee, one of the aims of the

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<sup>2</sup>One refugee estimated that some 3,000 North Koreans work at the mines near Novosibirsk. It is not known how many North Koreans work at the construction sites in Khabarovsk and Tver.

<sup>3</sup>See art. 14-5 of the new agreement. It is not clear if the old agreement had exactly the same provision but it is expected to have done so.

<sup>4</sup>North Koreans have told Amnesty International that they gave items such as watches, alcohol and money to officials. One North Korean even said he promised to bring back a refrigerator for an official.

sessions is “recognizing one’s own weaknesses and pointing out the weaknesses in others”. The focus of criticism at the sessions should be “bad work, bad attitude and bad thought”.

North Koreans also face “re-education” and other measures when they return from abroad. One former worker said that he had been back in North Korea twice for holidays during his seven years at the logging sites. During these holidays he did not have the right to leave a two-and-a-half mile zone around his house without special authorization. Another North Korean, who had been a student abroad, said that every time he returned to North Korea in the summer for a few months he was “re-educated” for about a month. During the “re-education” sessions students had to watch all propaganda movies they had missed over the year, went on trips into the countryside, visited factories and had one-to-one meetings with officials. It seems that during these one-to-one meetings students were tested for any deviations from “Kimilsungism”. The student claimed that all North Koreans who studied abroad were gathered at these sessions.

One refugee from the logging sites said that North Korean workers who go back to North Korea cannot tell their neighbours what they saw in Russia. He claimed that these returned workers tell everybody that they did not see anything but woods in Russia and had been required to work so hard that there never was time for contact with Russians.

## **2.2 Human Rights Violations at the work sites**

The logging sites attracted considerable attention in the early 1990s when Russian journalists publicized the existence of a prison at the North Korean logging sites and reported about the active pursuit of escaped North Korean loggers by the North Korean PSS with the cooperation of Soviet law enforcement officials.<sup>5</sup>

According to the allegations, the logging site in the town of Chegdomyn contained a prison which was run by the North Korean authorities. A North Korean refugee was quoted as saying that workers were imprisoned for various reasons. Those who are caught while “doing business” (trading) were usually detained for just a few days, while workers who were “troublemakers” were apparently detained for longer periods and are also ill-treated. The refugee also claimed that there was a little room in the far corner of the prison which was used for prisoners under death penalty. The guards were all reported to be working for the North Korean PSS.

After articles about these prisons appeared, a Russian delegation headed by Sergey Kovalyov, the Parliamentary human rights commissioner for Russia, visited the logging site where the prison was

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<sup>5</sup>See Chapter Three of this report for cooperation between the Russian and North Korean authorities in apprehending North Korean “escapees”.

supposed to be located. A former worker from this logging site told Amnesty International that the delegation did indeed find the prison. According to him, the prison was abandoned after the delegation left and workers who committed offences were now sent to prisons at other logging sites or back to North Korea.

Former workers insist that prisons exist at every logging site. Apart from the prison in Chegdomyn, there is evidence of the existence of at least one more prison, in the village of Elkhilkan, some 400 kilometres from Chegdomyn.

Amnesty International was told that two types of prisons exist: one for common criminals and one for political offenders. Political offences apparently include: criticizing the North Korean system, quarrelling with superiors, possession of weapons, and so on. Several refugees said that they had been detained in a prison for common offenders on numerous occasions; none of them had been ill-treated. One refugee said that political offenders were held in the political prison for two weeks awaiting deportation to North Korea for further punishment.

Amnesty International received numerous allegations about ill-treatment at the logging and other work sites. Several methods of ill-treatment were mentioned by refugees. According to former workers at the logging sites, wooden logs were sometimes placed between the knees of offenders, after which they were forced to sit down, causing excruciating pain. Other methods used included placing plaster casts on the legs of people for the full length of the legs and shackling people with iron constructions that cover the legs fully (see Section 3.3.3).

Several sources have also told Amnesty International that the North Korean authorities execute offenders at the logging sites but the organization has not been able to confirm these reports.

Very little is known about the human rights situation at the above-mentioned mines and construction sites (see Section 2.1). Amnesty International has not received any allegations about the existence of prisons at these sites. One refugee from the mines near Novosibirsk said that “those who are accused of having committed a crime are sent back to North Korea”. He also mentioned that these people get metal constructions put on their legs to render them immobile.

### **Developments and new concerns**

The way North Korean workers were treated at the logging sites in the Russian Far East remained largely unknown until the early 1990s. This was partly due to the remoteness of the locations but also to the almost full authority which was accorded by the Soviet authorities to the North Koreans; even Soviet officials apparently had to seek permission to visit the logging sites. As a result of this, the North Korean authorities had almost unlimited scope to treat workers with impunity. The scale of the changes initiated under Mikhail Gorbachov’s “perestroika” reform process, especially openness and freedom

of press, allowed journalists to expose violations of the rights of North Korean workers at the logging sites, as North Korea failed to change its treatment of workers.

One result<sup>6</sup> of the exposure of human right violations at the logging sites was that the North Korean authorities (which have grown increasingly sensitive to international criticism) appear to have changed their policies on the treatment of workers at the logging sites. While in the 1980s the remoteness of the logging sites constituted a good cover for the situation there, violations at the logging sites now risk a greater degree of exposure to local and international scrutiny. Taking that fact into consideration, it seems that the North Korean authorities have become more careful about the treatment of workers at the logging sites and seem to have abandoned at least some of the prisons there.

Several North Korean refugees told Amnesty International that the North Korean authorities are now sending political offenders back to North Korea for punishment, instead of punishing them at the logging sites. Amnesty International is concerned that, although treatment of political offenders may have improved at the logging sites, they still face punishment, which is now out of sight of international human rights monitors. Amnesty International is concerned that this change in procedure is yet another example of the North Korean Government's attempts to shirk international scrutiny with respect to the human rights situation of North Korean citizens.<sup>7</sup>

### **3. REFUGEES**

#### **3.1 Background information on refugees**

##### **General refugee situation in Russia**

The human rights problems of North Korean refugees in Russia are part of the general situation concerning refugees in that country. It is therefore necessary to give a short description of the situation of refugees in Russia.

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<sup>6</sup>Another result of the above-mentioned disclosures was that North Korea and the Russian Federation faced severe criticism. Under pressure from Russian human rights activists, the Russian Government had to reconsider the renewal of the agreement on the logging camps after it expired in December 1993 and push for the inclusion of a number of human rights provisions. A new agreement was signed in February 1995 after lengthy discussions and initial refusal by the North Koreans to include human and labour rights provisions in the agreement.

<sup>7</sup>Amnesty International documented and criticized this policy of the North Korean authorities in detail in its report *North Korea: Human Rights Violations behind Closed Doors* (AI Index: ASA 24/12/95), issued in December 1995.

After the changes of the late 1980s, Russia acceded to a number of international human rights instruments, including the 1951 Convention relating to the Status of Refugees (February 1993). A comprehensive refugee law was adopted by the Russian Duma (Parliament) in March 1993 and Russia gave the United Nations High Commissioner for Refugees (UNHCR) permission to establish an office in Moscow. A Federal Migration Service was established to implement the refugee law.

After this promising start, however, there was little significant change in the actual situation for asylum-seekers and refugees in Russia. Functioning Migration Service offices were not established for some time after the adoption of the Law On Refugees, and those which were established were reluctant to initiate determination of status procedures. Asylum-seekers complain that they have great difficulty in submitting claims for asylum.

As far as Amnesty International is aware, until recently<sup>8</sup> no asylum-seekers from outside the former Soviet Union received refugee status, while refugees from the “near-abroad”<sup>9</sup> are sporadically granted asylum.

A new refugee law has recently been discussed in the Duma. This new law would limit the scope of the right to asylum significantly and reduce material assistance rendered to refugees and asylum-seekers to a minimum and may not be consistent with international refugee standards. This law has not yet been adopted.

Asylum-seekers and other foreigners, as well as Russian citizens of non-Russian ethnicity (especially those of Asian and Middle-Eastern descent) often become the victims of police brutality and discrimination. Amnesty International has regularly expressed its concern about such incidents in letters to the Russian authorities. A Human Rights Watch report, published in September 1995, also documents racist police brutality in Moscow.<sup>10</sup>

## **Introduction to the North Korean refugee situation<sup>11</sup>**

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<sup>8</sup>Apparently, several Afghan families were recognized as refugees in March 1996.

<sup>9</sup>This term is used in Russia for the countries that formerly were a part of the Soviet Union.

<sup>10</sup>Human Rights Watch/Helsinki, “*Crime or simply punishment?: Racist attacks by Moscow law enforcement*”, published in September 1995.

<sup>11</sup>All North Koreans who do not wish to return to North Korea are referred to in this report as refugees. The United Nations High Commissioner for Refugees also recognizes all North Korean asylum-seekers as refugees. See for a further explanation Section 3.3.1.



North Korean refugees in Russia can roughly be divided into two groups. The first group includes those who were selected by the North Korean Government to work in Russia and who, after initially working in that country, left their places of work after deciding not to return to North Korea. The second group includes other North Korean refugees who have illegally made their way into Russia, either straight from North Korea or via the People's Republic of China, often without proper documentation.

Amnesty International has not been able to establish the total number of refugees and estimates of their number vary enormously. One source told Amnesty International that the police computer in Khabarovsk has a list of 70 missing North Korean loggers (from the timber felling sites in the Russian Far East). There is, however, reason to believe that the real figure is considerably higher.<sup>12</sup> No figures or estimates are available on the number of North Korean workers who have left other work sites, such as the mining area near Novosibirsk and a construction site in Tver.

Since North Korea started employing its citizens in the lumber industry in the Russian Far East (and at other work sites in the former Soviet Union), North Korean workers have escaped from the logging sites because they did not want to go back to their country of origin.<sup>13</sup> Initially escaping from the logging sites was very difficult. Not only did the North Korean PSS control all exits very tightly, the Soviet police arrested and handed back any North Koreans who had escaped from the logging sites. This was done on the basis of a "secret protocol", which sanctioned operations by the North Korean PSS on Soviet territory and cooperation between the Soviet and North Korean security services. This cooperation was formally ended when the "secret protocol" to the logging agreement between the Soviet Union and North Korea was declared illegal in 1993 by Sergey Kovalyov, the then parliamentary human rights commissioner of Russia.<sup>14</sup>

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<sup>12</sup> Following the expiration of the previous agreement between Russia and North Korea, the two sides discussed the contents of a new agreement for over a year (see also Chapter Two). During this period the logging sites did not operate and the North Korean authorities apparently did not pay or feed their workers. Part of the work force was transported back to North Korea, but some 2,500 workers are estimated to have remained in Russia. These workers had to feed themselves and many therefore left the logging sites for the larger cities in the area to find jobs. It is very unlikely that these workers have been registered by the North Korean authorities with the Russian police as missing. It is also unclear how many of these workers have decided not to return to North Korea.

<sup>13</sup> The logging sites in the Russian Far East receive more attention in this report than other work sites where North Korean workers are employed because there is more information available on the logging sites. There is no reason to believe that the situation with respect to "defection" by North Korean workers from other work sites is significantly different from the logging camps.

<sup>14</sup> In reality the operations on Russian territory by the North Korean PSS still continue, as does the cooperation by the Russian law enforcement officials in certain cases (see also Section 3.3.3).

After the opening up of the Soviet Union the number of North Korean workers leaving their work site with the intention not to return to North Korea increased. One of the reasons for this increase appears to be the loosening of control by both the Russian and North Korean authorities over the whereabouts of the North Korean workers. For instance, currently many North Korean workers are involved in doing business in the Russian Far East. The combination of this newly gained freedom of movement for North Korean workers and the arrival of foreigners in Far Eastern Russia has led to an increase in contacts with the rest of the world. A significant factor seems to be the contact of North Korean workers with the Republic of Korea (South Korea).<sup>15</sup> In most cases the reasons for deciding not to return to North Korea are of an economic nature. There are however also cases where political considerations were the decisive factor.<sup>16</sup>

### **The situation of North Korean refugees**

Most of the North Korean refugees in Russia do not seem to be aware of the rights they should enjoy under international law. This means that they do not know they have a right to protection as refugees and therefore they do not automatically claim this protection. In Moscow, the presence of international organizations and non-governmental human rights organizations (NGOs) has partially resolved this problem. Several organizations have been involved in helping North Korean refugees be recognized as such in Russia or resettled in a third country. In Moscow an organization of North Korean refugees was set up in 1995 (see statement above and Appendix 1 for the English translation).

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<sup>15</sup>The Russian Far East has been inundated with South Korean products, business people and other South Koreans. North Koreans, who in North Korea are told that South Korea is an oppressive and poor country, suddenly become acquainted with the products of a modern industrialized country and realize that their image of the country is not accurate. Some North Korean refugees told Amnesty International that they listened to the South Korean radio when they were in Russia and were impressed by what they heard.

<sup>16</sup>Amnesty International has received information about at least two cases of North Korean refugees whose relatives had reportedly been subjected to human rights violations in North Korea. These refugees feared they would face the same fate when arriving back in North Korea. Another North Korean mentioned as the reason for his "escape" that he did not see a future for the political structure of North Korea.

In the Russian Far East, however, North Korean refugees are scarcely made aware of their rights. There are very few local human rights groups there and none appear to have taken an interest in the problems of North Korean refugees. Many local Russian officials are not interested in trying to solve the problems of the North Koreans and prefer to secure good relations with the North Korean authorities. The North Korean refugees are consequently very reluctant to contact the Russian authorities, even if they are aware of international legal provisions concerning the rights of refugees.

A complicating problem for refugees who worked at the logging sites is the fact that departure from the work site without obtaining prior permission is rendered unlawful by the new agreement on these sites. The agreement also obliges "Korean competent organs" to assist Russian law enforcement agencies in ensuring that North Korean workers respect Russian laws and regulations with respect to the legal status of foreigners. This may well be interpreted as allowing the North Korean authorities to track down and arrest North Koreans, who have left their work site without

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#### South Korea and North Korean refugees

South Korea has a long-standing policy of accepting North Korean refugees. However, as the number of North Korean refugees increased, procedures for acceptance became longer and the package offered by South Korea to new refugees was reduced. Recently several court rulings were issued which determined that every North Korean was, according to the South Korean constitution also a South Korean. It is not clear yet how these court rulings will influence asylum procedures. North Korean refugees who have been accepted by South Korea appear to have considerable difficulties adjusting to South Korean society.

Statement by North Korean refugees

North Korean refugees Amnesty International spoke to in Russia generally fear that the Russian authorities or the North Korean PSS may forcibly return them to North Korea if they are

<sup>17</sup> See for these provisions Article 14(5)/(12) of the Agreement on the logging sites, signed on 24 February 1995. Article 14 (5) states: "...These identity cards...are only valid at the place of work and the place of temporary residence...". Article 14(12) states: "Competent organs of the Korean side offer assistance to the Russian competent organs in solving matters of respect by Korean citizens for legislation on the legal status of foreign citizens and for rules regulating residence of foreign citizens in the Russian Federation."

apprehended. Many of them therefore stay in hiding in Russia for prolonged periods of time, often two years or more. These refugees often do not want to stay in Russia, because they believe the Russian authorities will not grant them asylum and as illegal aliens they cannot lead a normal life in Russia. Many North Korean refugees see departure for South Korea as the only possibility of leaving Russia and resuming a normal life.

On the other hand, a number of refugees have told Amnesty International that they would prefer not to go to South Korea because they are afraid that this will cause harm to their relatives in North Korea. These refugees believe repercussions will be milder for relatives if they stay in Russia. Some refugees are said to have chosen to stay in Russia illegally and not to seek asylum in South Korea for this reason.

An additional problem for the refugees is related to identification. The passports of North Korean workers in Russia are generally taken away from them at the North Korea-Russian border by North Korean officials. Although officials at the Russian passport and visa registration office (OVIR) told Amnesty International that the office provides all North Koreans with identification cards, some of the North Korean refugees claimed they never received any such cards.

All North Korean refugees Amnesty International spoke to said that they disposed of their identification cards when they decided to leave their work sites, believing that the Russian police would immediately return them to their work site if they were found. Many refugees apparently prefer to become “nameless” persons as they believe this may protect their relatives in North Korea and therefore use adopted names. The fact that North Korean refugees do not have identification papers causes problems. For instance, Russian officials refused to register the marriage of Choi Gyong Ho and Tatyana Dokuchaeva because he had no such papers.<sup>18</sup> The OVIR office in Khabarovsk even went so far as to tell Amnesty International that if a self-proclaimed North Korean does not have the identification card that is supposedly provided by OVIR, they were not North Koreans, but probably Russian Koreans who pretend to be North Koreans in order to be able to leave for South Korea.

Amnesty International was informed of desperate acts committed by some North Korean refugees to avoid being returned to North Korea. One North Korean, Kim Sun Ho, reportedly committed suicide while being transported back to North Korea in 1988. He is said to have flung himself in front of a train in Belogorsk, a city in the Russian Far East. Another North Korean refugee reportedly cut open his stomach, trying to commit suicide after having been apprehended by the North Korean PSS.

Amnesty International was also informed of a number of North Korean refugees who decided to commit crimes in order to be sentenced to a prison term in the former Soviet Union, because they

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<sup>18</sup> See also Section 3.3.2.

considered Soviet (and later Russian) jails to be the only place where they would be safe from the North Korean PSS. These North Koreans are said to commit new crimes every time they have almost served their full sentence, because they fear being returned to North Korea by the Russian authorities upon release. According to one source they sometimes even commit murder. Amnesty International believes that some of these North Koreans have or may still be serving their sentences in a rehabilitation institution for foreigners in Mordovia. One such North Korean was forcibly returned to North Korea by the Russian authorities in 1995 in violation of international refugee law.<sup>19</sup>

### **3.2 Russian and North Korean policies on North Korean refugees**

#### **Position of the Russian authorities**

The central Russian authorities have adopted a policy of tolerating North Korean refugees on the territory of Russia. The authorities are, however, not willing to grant these North Koreans refugee status or residence permits. Refugees are, in fact, encouraged to leave Russia and resettle elsewhere. This “policy of tolerance” is not in line with the 1951 Convention relating to the Status of Refugees under which the Russian authorities have the obligation to identify and protect those asylum seekers in need of protection. The Russian authorities also do not grant North Korean refugees appropriate protection of their rights (see for further details Section 3.3.2).

Although North Korean refugees should, as a result of the “policy of tolerance”, be reasonably safe in Russia (there should not be an acute danger of deportation by the central Russian authorities), this is not always the case. The central authorities do not always abide by the “policy of tolerance”, as was for instance the case in September 1995 when the Procurator General of Russia sanctioned the deportation of a North Korean refugee called Lee Yen Sen to North Korea, before his request for asylum had been considered by the Russian authorities.

A further serious problem is that the central authorities of Russia do not seem to exercise full control over the practices of local authorities with respect to refugees. Local authorities often adopt their own policies or even refuse to acknowledge that a problem exists with respect to North Korean refugees.<sup>20</sup> This problem was clearly demonstrated to an Amnesty International delegation, which wanted to discuss the issue of North Korean refugees, in Khabarovsk in the summer of 1995. The

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<sup>19</sup> See also *Russian Federation/ Democratic People's Republic of Korea: Refoulement of Lee Yen Sen/ Fear for Safety in North Korea* (AI Index:EUR 46/06/96), issued in February 1996.

<sup>20</sup> It must be noted however that there are a few exceptions. Some officials in the Russian Far East have been involved in serious work to solve the problem with respect to North Korean refugees in the area. The efforts by these officials are however limited to the policies of the central authorities and do not extend to granting refugee status to North Korean refugees in Russia.

authorities in Khabarovsk showed an almost complete unwillingness to help North Korean refugees and often refused to acknowledge the problem. The Internal Affairs office in Khabarovsk refused to meet the Amnesty International delegation, claiming that Amnesty International's activities "only bring damage to Russia". The Migration Service in Khabarovsk claimed it had never seen any North Korean refugee and referred the delegation to the office of Foreign Affairs. The Foreign Affairs office claimed that the North Koreans do not fall under its jurisdiction. An article which was published in mid-1995 in the local newspaper *Tikhookeanskaya zvezda* severely criticized people who assist North Korean refugees. According to local journalists, the article represents the opinion of the local office of the Federal Security Service. Several officials openly declared that they support the deportation of North Korean refugees.

### **Position of the North Korean authorities**

North Korea does not allow its citizens to leave the country to resettle in another country. This is clearly shown by the text of Article 47 of the North Korean Criminal Code in its 1987 edition, which went so far as to render "defection" a criminal offence. A recent amendment of the article may have reduced the penalty imposed for leaving the country, but it does not appear to have decriminalized it.<sup>21</sup>

One North Korean national claimed that the North Korean authorities made him sign a "statement of loyalty" in the late 1980s, before he was sent to the former Soviet Union to work as a logger. The authorities reportedly told him: "If you violate any point of the signed promise, not only you, but also all your relatives at home will be punished". Other refugees said they had to write down the reasons why they wanted to go to Russia. It was understood that you had to indicate your intention was to fulfil the wishes of Kim Il Sung (then President of North Korea) and work for the good of the motherland.

The North Korean authorities also try to prevent "defections" by using diplomatic channels to influence the Russian authorities and international organizations. In a number of cases the North Korean authorities told the Russian authorities that a particular North Korean who had applied for asylum in Russia or elsewhere, was a criminal offender in North Korea. An extradition treaty signed by both nations in 1957 requires that "defectors" with criminal records are returned. In the case of Kim Myung Se, for example, the North Korean authorities charged that he was guilty of being a swindler, of stealing gold in the embassy and murder.<sup>22</sup>

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<sup>21</sup>See also at 3.3.1

<sup>22</sup>Kim Myung Se had been a student in Russia for a number of years and the charges were only mentioned by the North Korean authorities after he had disappeared from his student flat and it became clear that he did not want to return to North Korea. He was granted asylum in Russia in 1992.

In the past the UNHCR offices in Moscow and in Geneva have been contacted by the North Korean authorities. The North Koreans told the UNHCR that the North Korean refugees who the press reported had left Russia for South Korea were criminal offenders, had stolen money and other property, and should be brought to justice in North Korea.

### **3.3 Violations of the rights of North Korean refugees**

#### **3.3.1 Amnesty International's position on North Korean refugees**

Article 33(1) of the 1951 Convention relating to the Status of Refugees, to which Russia is a party, states that:

“No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers or territories where his life or freedom would be threatened on account of his race, religion, nationality of a particular social group or political opinion.”

North Koreans who have decided not to return to North Korea are believed to face punishment if forcibly returned to North Korea. The text of Article 47 of the Criminal Code of North Korea of 1987 states that:

“A citizen of the Republic who defects to a foreign country or to the enemy in betrayal of the country and the people ... shall be committed to a reform institution for not less than seven years. In cases where the person commits an extremely grave offence, he or she shall be given the death penalty...”

The North Korean Government informed Amnesty International in February 1996 that Article 47 of the Criminal Code was amended in 1995. According to the authorities the article now “stipulates that a citizen who commits acts against the country like defecting to a foreign country with a view to overthrowing the Republic is to be given penalties” (emphasis added by Amnesty International). In spite of repeated requests, however, Amnesty International has yet to receive the exact text of the new Article 47, including the specific penalties it now carries.

Amnesty International is concerned that under this article, possibly even after the purported amendment, North Koreans forcibly returned to North Korea may face prison terms and even the death penalty, solely on account of their decision not to return to their country of origin. A person who is detained solely for expressing the wish to leave (or not to return to) their country of origin is

considered a prisoner of conscience by Amnesty International. Amnesty International also opposes the use of the death penalty in all cases.<sup>23</sup>

Amnesty International is also deeply concerned about reports that the North Korean authorities apparently summarily execute forcibly returned North Koreans (see Section 3.3.3).

Amnesty International opposes the forcible return of any asylum-seeker who may be at risk of serious human rights violations on return. In this respect, Amnesty International reminds the Russian authorities of its obligations under the fundamental principle of *non-refoulement* as outlined in Article 33 of the 1951 Convention relating to the Status of Refugees. The UNHCR recognizes all North Korean asylum-seekers who do not wish to return to North Korea as refugees.

### **3.3.2 Violations by the Russian authorities**

#### **Ethnically motivated violations**

Amnesty International was told of numerous incidents of ethnically motivated human rights violations against North Korean refugees. These violations are part of a pattern of such violations, as mentioned above (see Section 3.1).

North Korean refugees in Moscow are often stopped on the streets by Russian law enforcement officials for identity checks. If they fail to produce proof of identity, they are usually fined. In this respect it must be mentioned that Russian police officers generally do not recognize the identification cards provided by the UNHCR to refugees. Amnesty International was told of several instances where Russian police officials ripped up UNHCR documents. During identity checks police officers usually search the North Koreans for money and often set fines at precisely the amount of money the refugee has on him. One refugee told Amnesty International that he had been picked up by the police five times and had paid a total of about 200 US dollars in fines in two years. Another refugee told Amnesty International that he had been detained on several occasions for a short time after being stopped by the police during an identity check.

Amnesty International was also informed of several incidents in which North Korean refugees were reportedly beaten by the police because they did not have identification the police officers deemed proper, or had any money on them. Mr “Kim”<sup>24</sup> who was living in Moscow in mid-1995 was reportedly beaten about the face and the eyes.

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<sup>23</sup>For further details on the fate of forcibly returned North Koreans, see also *North Korea: Human Rights Violations behind Closed Doors* (AI Index: ASA 24/12/95), issues in December 1995.

<sup>24</sup> All names in quotation marks are pseudonyms for reasons of personal safety of the refugees.



## Refusal to grant refugee status

The Russian authorities generally refuse to recognize North Korean asylum-seekers as refugees and to grant them residence permits. As has been mentioned in Section 3.1, this fits the pattern of the treatment of refugees from outside the former USSR in Russia.

A number of North Korean refugees are known to have applied for asylum in Russia. As far as Amnesty International is aware, only one North Korean has ever been granted refugee status. This happened in 1992 by presidential decree after intense domestic and international pressure. Two other North Koreans apparently have received residence permits from a local administration in the Russian Far East. In both cases, the refugees had Russian partners who sought support from local journalists and made use of personal acquaintances in the local administration.

In all other cases about which Amnesty International has been informed, refugee status or a residence permit in Russia have not been granted, or have been granted and later rescinded without apparent reason. A variety of excuses are used to justify refusal of refugee status and residence permits to North Korean refugees.

One North Korean, who wrote to President Yeltsin with a request for asylum in 1991, was apparently given a temporary residence permit and was told that he could receive Russian citizenship in about two years. When he turned to the Commission on Citizenship<sup>25</sup> after two years, he was told that he would not be granted Russian citizenship because “he did not have a *propiska*”.<sup>26</sup> He was told to leave Russia as soon as possible. He was given asylum in South Korea in 1995.

In a number of cases lack of identification documents has been used by the Russian authorities as an excuse not to grant asylum to North Koreans. One North Korean, Choi Gyong Ho, married a Russian woman in 1993. The marriage was, however, not recognized by the Russian authorities because Choi Gyong Ho did not have any identification papers. All Choi Gyong Ho's attempts to obtain permission to stay in Russia were fruitless. In a response to his letter to the Presidential administration, he was referred to the local administration. When he went to an office of the local administration he was arrested and handed over to the North Korean authorities a few weeks later.

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<sup>25</sup>The Commission on Citizenship is the organ of the Presidential administration which deals with matters of asylum and citizenship.

<sup>26</sup>The *propiska* system was used as a way of controlling and guiding places of residence of citizens in the USSR. The system was officially abolished by the 1993 Constitution which granted full freedom of movement, but the system is still widely practised, especially in the cities Moscow and St. Petersburg.

Russia exhibits a general unwillingness to grant asylum to North Korean refugees and indeed, to any asylum-seeker from outside the former Soviet Union. A number of North Korean refugees have been forcibly returned to North Korea by the Russian authorities. This treatment has resulted in an enormous reluctance on the part of North Korean refugees to contact the Russian authorities with requests for asylum. The Migration Service in Khabarovsk told Amnesty International that no North Korean asylum-seeker had ever filed a request for asylum with them and that therefore, in their view, problems with respect to North Korean refugees do not exist. Amnesty International believes that it is unacceptable that the Russian authorities, whether intentionally or not, in effect deter asylum-seekers and potential refugees from applying for refugee status.

### **Forcible Return**

Amnesty International documented the cases of a number of North Koreans who were forcibly returned to North Korea by the Russian authorities in its report *Human Rights Violations behind Closed Doors*.<sup>27</sup> This report included the case of Choi Gyong Ho (see above).

The case of Song Chang Keun was also discussed in the report. Song Chang Keun was arrested in Khabarovsk in late March 1995 in connection with a murder. When the Russian authorities had to release Song Chang Keun because of a lack of evidence, he was handed over to the North Korean authorities. Song Chang Keun had already applied for asylum in South Korea and was awaiting a decision on his request (for further information see also below, Section 3.3.3).

Another recent case of *refoulement* is that of Lee Yen Sen, a former victim of human rights violations in North Korea who last applied for asylum in Russia in 1994. Lee Yen Sen was forcibly returned to North Korea by the Russian authorities with apparently no assurances as to his safety sought or received and without his request for refugee status being given proper consideration.<sup>28</sup>

In December 1995 three North Korean men were arrested at Vladivostok airport. The Russian authorities apparently decided to return them to North Korea. When the first North Korean was shot dead on the spot by North Korean officials, the Russian authorities decided not to turn the remaining two over to the North Koreans on humanitarian grounds, and brought them back to a Vladivostok prison.<sup>29</sup> Amnesty International believes that the decision to return these North Korean men was a violation of the fundamental principle of customary international law that no one shall be returned to a

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<sup>27</sup> AI Index: ASA 24/12/95, issued in December 1995

<sup>28</sup> For further information on this case, see also: *Refoulement of Lee Yen Sen/ Fear for Safety in North Korea* (AI Index: EUR 46/06/96), issued in February 1996.

<sup>29</sup> For further information on this case, see also at 3.3.3 under 'Allegations of executions of forcibly returned North Korean refugees'

country where his or her freedom or life might be endangered and calls on the Russian authorities to grant the two remaining men asylum in Russia, if they wish, or allow them to seek asylum in another country of their choice.

Amnesty International is concerned that the above-mentioned North Koreans as well as other North Koreans who were forcibly returned to North Korea may under North Korean criminal law face imprisonment as prisoners of conscience, solely on the account of their decision not to return to North Korea, and may also face the death penalty. Amnesty International is also concerned that, in some cases, forcibly returned North Koreans are reported to have been summarily executed by the North Korean authorities. Amnesty International believes that the forcible return of these and other North Korean refugees is clearly in violation of Article 33 of the 1951 Convention relating to the Status of Refugees, to which Russia is a party, as has been argued in Section 3.3.1 of this report.

### **3.3.3 Violations by the North Korean authorities**

#### **Pursuit and intimidation**

Amnesty International is concerned about allegations that North Korean workers in Russia who have left their work sites or have expressed their wish not to return to North Korea continue to be pursued and in some cases apprehended by persons believed to be linked to the North Korean PSS. According to reports people who are helping North Korean refugees are also being harassed by the North Korean PSS.<sup>30</sup> In a number of cases, Russian law enforcement officials have assisted the North Korean PSS in pursuing the refugees.

Amnesty International has received information that in a number of cases houses where North Korean refugees were residing have been put under 24-hour surveillance, as have the houses of people who are involved in hiding North Korean refugees. “Mr Ivanov” from the Russian Far East told Amnesty International that he could see North Korean agents from his window at all times of the day for a prolonged period of time in the early 1990s. Even during the winter the men stood outside the building, jumping up and down to stay warm. Several sources in the Russian Far East told Amnesty International that they were followed around town and even when going out of town, because the North Korean PSS believed they were involved in hiding North Korean refugees.

Amnesty International also received allegations from a number of sources in the Russian Far East and Moscow that the North Korean PSS searched the houses of people they suspected were hiding North Korea refugees. These searches are reportedly often conducted in the presence of Russian

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<sup>30</sup>In some cases, the North Korean PSS appears to have hired individuals on an ad hoc basis to carry out certain jobs. This report makes no separate mention of these people.

law enforcement officials. On 29 June 1995, for instance, the apartment of “Mr Kwon” and another North Korean refugee in Moscow was visited by a North Korean and three Russian policemen. One North Korean refugee was arrested at the apartment. On the way to the police station, the car stopped at a market place and the refugee managed to escape and make his way to the safety of a new hiding place.

During the search (without a warrant) in the mid-1990s of the house of a person in Khabarovsk who was believed to be involved in hiding North Korean refugees, bedding was reportedly slashed and closets were checked. In the Ukraine in the late 1980s, the apartment of a North Korean refugee was said to have been ransacked while he was in hospital after having been beaten by the North Korean PSS. Amnesty International has also received reports claiming that student dormitories in Moscow were thoroughly searched after a North Korean student had gone into hiding in Russia.

Several sources have alleged to Amnesty International that the North Korean PSS bribes Russian law enforcement officials to cooperate in the conduct of such searches.

Amnesty International has received several reports claiming that the North Korean PSS uses verbal and physical intimidation toward both North Korean refugees and people who are believed to be involved in hiding these refugees. One North Korean refugee claims to have been beaten up by people he believed to be related to the North Korean PSS. Another refugee claimed the North Korean PSS threatened him saying that “you will be free when we have killed you”. Similar threats were issued to people who are involved in helping North Korean refugees.

In another case, the North Korean PSS reportedly used an already apprehended North Korean to lure a North Korean in hiding into opening the door of his apartment, after which they tried to arrest him.

Amnesty International was told that North Korean PSS officials are also watching the places where they believe North Korean refugees might go. One of these places is believed to be the South Korean Embassy. Routes for illegal escape from Russia are also said to be watched.

Amnesty International strongly condemns the practice of pursuit and intimidation of North Korean refugees by the North Korean authorities. This practice is in contravention of Article 12(2) of the International Covenant on Civil and Political Rights.

### **Allegations of repercussions against relatives of North Korean “defectors”**

Amnesty International is deeply concerned at reports that the North Korean authorities subject relatives of “defectors” to repercussions. A number of North Korean refugees told the organization that they had directly been threatened with such repercussions before they left North Korea, while others said they

perceived such a threat. Amnesty International has received information of a few cases in which relatives of a political offender or “defector” were taken away from their homes to unknown destinations. Amnesty International strongly condemns the punishment of relatives of “defectors” and would consider all those imprisoned solely on account of being related to a political offender or “defector” to be prisoners of conscience.

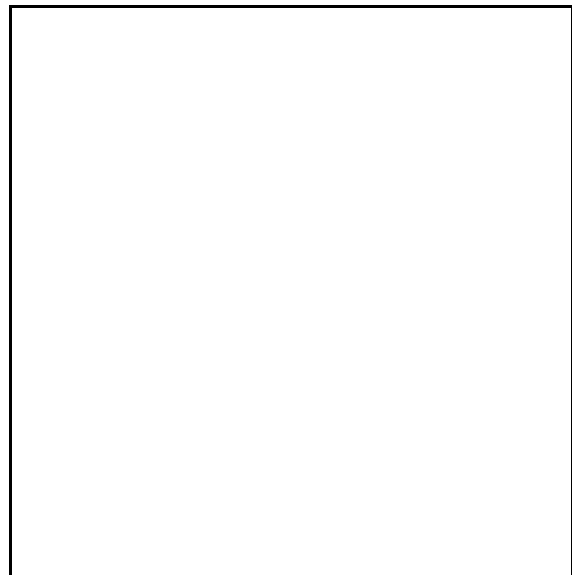
### **Ill-treatment of apprehended refugees**

Amnesty International is aware of allegations that apprehended refugees are ill-treated by the North Korean authorities. “Mr Park”, a North Korean, was reportedly saved by the Russian authorities in 1989 after he had been apprehended by the North Korean authorities. He was reported to have been beaten “beyond recognition”. Several methods of ill-treatment were described to Amnesty International by refugees. Loggers who are about to be transported back to North Korea after having committed an offence, have a plaster cast placed around the full length of their legs, rendering them immobile. Mr “Choi”, who was residing in Moscow at the time of the interview with Amnesty International, and other refugees, mentioned iron shackles being placed around the full length of the legs of “offenders”, also with the objective of rendering them immobile. One refugee told Amnesty International that a North Korean who had managed to escape several times had an iron needle put through his nose with a rope attached to it so that he could not escape. Amnesty International condemns such treatment as cruel, inhuman and degrading.

### **Allegations of executions of forcibly returned North Korean refugees**

Amnesty International has received numerous allegations that forcibly returned or apprehended North Korean refugees are executed by the North Korean authorities. Although for most of these allegations no evidence of specific cases was provided, a recent incident at the Russian-North Korean border provides some disturbing corroboration.

In June 1996 the governor of the Maritime Territory (Primorsky Kray) in Russia reportedly told a news conference that a North Korean who was forcibly returned to North Korea by the Russian authorities was shot at the border in the presence of Russian border troops. The governor said that three men were arrested in December



Song Chang Keun

1995 at Vladivostok airport on suspicion of trying to leave for South Korea with forged South Korean passports. During an investigation into the identities of the men, it was established that they were North Korean nationals. The Russian authorities apparently decided to return them to North Korea, but when the first man was shot dead by North Korean officials on the spot, the Russian authorities decided not to turn the remaining two over to the North Koreans on humanitarian grounds, and brought them back to a Vladivostok prison.

Another case is that of Song Chang Keun, who was handed over to the North Korean authorities in August 1995. A reliable source in Russia informed Amnesty International that Song Chang Keun was executed on Russian territory after being handed over to the North Korean authorities at the logging sites. The North Korean authorities denied this allegation and, in early 1996, they provided Amnesty International with a picture of Song Chang Keun, which they claimed was taken after his return to North Korea. Amnesty International has, however, not been able to confirm that the picture was taken after Song Chang Keun's return to North Korea and remains deeply concerned about his fate.

#### **4. RECOMMENDATIONS**

##### **4.1. To the central and local authorities of the Russian Federation**

With respect to the North Korean work sites, Amnesty International calls on the Russian authorities to take all measures necessary to exercise strict control over the situation at these sites. The Russian authorities should especially make sure that:

- , No North Koreans are imprisoned in Russia for the peaceful expression of their opinion;
- , No North Koreans in Russia are subjected to ill-treatment at their work sites or during transportation to or from North Korea, such as placing of iron shackles and casts around their legs and of wooden logs between their legs;
- , No North Korean workers, who are at risk of human rights violations, such as imprisonment solely for the peaceful expression of their opinion, the death penalty and ill-treatment in North Korea, are forcibly returned to North Korea. In this respect the reasons for return to North Korea of any worker who has not yet served his minimum term or the full length of his contract<sup>31</sup>, should be examined carefully, before allowing the return;

With respect to the North Korean refugees in the Russian Federation, the Russian authorities should:

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<sup>31</sup> Article 3 of the 1995 Agreement on the logging sites provides for a minimum work term of three years for North Korean loggers in the Russian Federation.

- , Ensure that the rights of all refugees and asylum-seekers in Russia are respected. This should particularly include measures to ensure that asylum-seekers are never returned to their country of origin before they have had access to a fair refugee status determination procedure and a final decision on their request has been reached (that is, before their applications for asylum have been considered by the Migration Service and they have had the right to appeal against the decision to another, independent body. The appeal must have suspensive effect.);
- , Respect the fundamental principle of customary international law that no one shall be returned to a country where his or her freedom or life may be in danger, that is, to ensure that no North Koreans are forcibly returned to North Korea, as they may face (summary) execution or imprisonment;
- , Ensure that North Korean (and other) refugees enjoy full protection of their rights as refugees in Russia. This should particularly include protection from agents of the North Korean PSS and from ethnically motivated violations by Russian law enforcement officials. Those who are guilty of violating the rights of these refugees should be brought to justice;
- , Take all measures necessary to bring to an immediate stop to all operations by the North Korean PSS in pursuit of refugees on the territory of Russia;
- , Seek amendments of Article 14 of the 1995 Agreement on the logging sites in order to specifically exclude the possibility of North Korean officials pursuing North Koreans who do not want to return to their country of origin.

#### **4.2 To the North Korean authorities**

Amnesty International calls on the North Korean authorities to respect the human rights of North Korean workers in the Russian Federation. This should specifically include:

- , No North Korean workers should be imprisoned on the territory of Russia solely for the peaceful expression of their opinion. Any North Korean worker who is currently detained on that account should be released immediately and unconditionally;
- , The use of iron shackles and casts around the legs of North Koreans to render them immobile, the practice of placing wooden logs between the legs of North Korean workers and all other forms of cruel, inhuman and degrading treatment should be ended immediately;
- , North Korean workers who are sent back to North Korea for allegedly violating regulations by the peaceful expression of their opinion should not face imprisonment or any other form of

punishment in North Korea. Those who have already been imprisoned for the peaceful expression of their opinion should be released immediately and unconditionally.

With respect to North Koreans who wish to leave their country of origin, Amnesty International calls on the North Korean authorities to undertake the following steps:

- , Start a full investigation into the summary execution of a North Korean at the North Korean-Russian border in 1996, which was reported by the Russian authorities and bring those responsible for the execution to justice;
- , Immediately adapt policies concerning “defection” to bring them into accordance with international obligations under Article 12(2) of the International Covenant on Civil and Political Rights, which stipulates that “Everyone shall be free to leave any country, including his own” and to allow North Korean citizens to leave North Korea uninhibited exit and entry;
- , Take immediate steps to stop all operations aimed at apprehending and intimidating North Korean refugees and those who are helping them in Russia or any other country. This should include an immediate stop to the practice of threatening North Koreans with repercussions against relatives;
- , Provide Amnesty International with full clarification and documentary evidence of the whereabouts and legal status of all North Koreans who were forcibly returned to North Korea mentioned in the report *Human Rights Violations behind Closed Doors and Refoulement of Lee Yen Sen/ Fear for Safety in North Korea*, including Choi Gyong Ho, Lee Yen Sen, Song Chang Keun, Choi Yen Dan and Lee Sung Nam;
- , Ensure that no forcibly returned North Koreans are held in detention as prisoners of conscience solely for their wish not to return to North Korea or are subjected to the death penalty on that account;
- , Ensure that no North Koreans refugees or workers are ill-treated in any way while being transported back to North Korea or at any other time;
- , Ratify the 1987 Convention against Torture and Other Cruel, Inhuman and Degrading Punishment or Treatment (CAT).

#### **4.3 To the international community and UNHCR**



Amnesty International is calling on the international community to press the North Korean and the Russian authorities to fulfil the above-mentioned recommendations. The organization calls in particular on the UNHCR to put pressure on the Russian authorities to fulfil all obligations under the 1951 Convention relating to the Status of Refugees, including granting North Korean refugees asylum in Russia and affording them full protection. It also calls on the UNHCR to provide training for local officials in the Russian Federation with respect to the protection of refugees.

## **APPENDIX 1 - Statement by North Korean refugees in Moscow**

The statement below was issued by an association of North Korean refugees in Moscow. The views expressed in the statement do not necessarily represent Amnesty International's views.

### **STATEMENT BY REFUGEES WHO HAVE ESCAPED FROM NORTH KOREA**

*We are refugees who have escaped from North Korea. We seek freedom. We reject political oppression by hereditary dictatorship, and unparalleled trampling of human rights.*

*We hope for the unification of our country. As long as we live abroad we are confronted with problems of personal safety and mutual maintenance. To meet these problems here and abroad we make the following appeal.*

*1. Recently the North Korean authorities have persistently claimed that refugees have been kidnapped by South Korea. The facts, however, are that on a large scale escapees from the North have been kidnapped by North Korean agents and forcefully returned to North Korea. We stand firmly together for our own protection and strongly denounce this inhuman and unreasonable distortion of the truth.*

*2. We obey the laws and the order of the nation in which we live; and we work to achieve the protection of legal, personal and human rights in both domestic and international law.*

*3. Until we get permission to obtain refuge in South Korea or until we receive permission to reside in Russia, we covenant together to support our basic livelihoods.*

*4. We appeal for encouragement and support from the United Nations, the International Red Cross, the Church and Human Rights Organizations.*

*5. We seek to develop our association as a strong, advanced guard for the reunification of our homeland.*

30 December 1994

**NORTH KOREAN ESCAPEES ASSOCIATION OF REFUGEES**