



WITNESS ACCOUNT

The Punishment of Allegiance ①

It was only three years ago that I arrived in South Korea and realized that, “This is truly the type of world in which humans should live.” Until then, I had only lived under a socialist system and was taught that it was the best and most advanced type of government, while democratic governments like that in the United States were inferior. I will explain how my beliefs have changed; I will also explain how I came to the Republic of Korea, and how I started my life as a proud South Korean citizen.

North Korea after Liberation from Japan

I was born in the 1940s shortly after World War II had ended and the “Big Three” had begun to divide up territory at the Yalta Conference. The Korean peninsula was divided along the 38th parallel, with the Soviet Union taking control of the North and the United States, the South. I was born as the division of Korean

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Escaped from North
Korea 2008
Entered South Korea
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- Inter-American Convention on Forced Disappearance of Person, OAS Treaty Series No. 68, 33 ILM 1429 (1994).
- International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A(XII), 21 U.N. GAOR Supp. (No. 16), U.N. Doc. A/6316 (196), 999 U.N.T.S. 171 (Mar. 23, 1976).
- International Convention for the Protection of All Persons from Enforced Disappearance, G.A. Res. A/RES/61/177, U.N. Doc. A/HRC/RES/2006/1 (Dec. 20, 2006).
- Preamble of Declaration on Declaration on the Protection of all Persons from Enforced Disappearance, 18 December 1992; European Convention on Human Rights, 4 November 1950.
- Preamble of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 26 June 1987.
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, Dec. 12, 1977, U.N. Doc. A/32/144. Annex I, II (1977), reprinted in 16 I. L.M. 1391 (1977).
- Relative to the Protection of Civilian Persons in Time of War (Convention IV), Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts. (Protocol II).
- Resolution 1/1 on International Convention for the Protection of All Persons from Enforced disappearance, Human Rights Council, 29 June 2006; Also See, General Assembly, Resolution 61/177, UN Doc. A/RES/61/177 (Jan. 12, 2007).
- Restatement (Third) of the Foreign Relations Law of the United States (1987), §702 (c).
- Rome statute of the International Criminal Court, UN Doc. A/CONF. 183/9; 37 ILM 1002 (1998).
- Universal Declaration of Human Rights, GA res. 217A(III), UN Doc A/810 (1948).

CASES

- Blake v. Guatemala (1996), Petition No. 11.219/1993.
- Bleier v. Uruguay (1982), Human Rights Committee (HRC), Communication No. 30/1978.
- Cyprus v. Turkey (2001), Application No. 25781/94.
- El-Megreisi v. Libya, Report of the Human Rights Committee, Vol.II, GAOR, 49th Sess., Supplement No. 40 (1994), Annex IX T.
- Ex Parte Pinochet, [1992] 2 All ER 97, [1999] 2 WLR 827 (House of Lords, 24 March 1999).
- International Military Tribunal (Nuremberg), Judgment and Sentences, Oct. 1, 1946, reprinted in 41
- Am.J.Int'l L. 172, 248-49 (1947).
- Kaya v. Turkey (2000), Application No. 22535/93.
- Kurt v. Turkey (1998), Application No. 24276/94.
- Laureano v. Peru (1996), HRC, Communication No. 540/1996.
- Mojica v. Dominican Republic (1994), Human Rights Committee, Communication No. 449/1991.
- Monaco and Vicario v. Argentina (1995), Human Rights Committee, Communication No. 400/1990.
- The Prosecutor v. Jean-Paul Akayesu (June 1, 2001), International Criminal Court for Rwanda (June 1, 2001).
- Quinteros Almeida v. Uruguay (1983), Human Rights Committee, Communication No. 107/1981.
- Sanjuan Arevalo v. Colombia (1989), HRC, Communication No. 181/1984.
- Tas v. Turkey (2000), Application No. 24396/94.
- Velasquez v. Guatemala (2000), Petition No. 11.129/1993.



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territory was taking place.

Stalin, in order to keep North Korea under a socialist government, sent Kim Il-sung who was a battalion commander of the Red Army, to head the state. He also dispatched Soviet educated, high-ranking officials of Korean descent to help Kim Il-sung. At the time in North Korea, there were many young, anti-Japanese North Korean partisans who had a great deal of combat experience. The problem was, however, that these individuals lacked the ability to create an economic plan for the country. So the Soviet Union-dispatched Korean officials were charged with educating North Koreans in the Soviet style of government and constructing a socialist system to fit the North Korean state.

Meanwhile, Kim Il-sung sent young North Koreans to study abroad in the Soviet Union. This was for the purpose of training officials of the state. Kim Il-sung followed Stalin's orders, constructing a government based on the Soviet Union. Further to this, Kim Il-sung initiated the Korean War in an attempt to convert the South into a socialist state. As a result of this war, the Korean peninsula fell into ruins and millions of people were killed.

Until I came to South Korea, I was taught, and believed, that the Korean War was initiated by Syngman Rhee and the United States. It was only after I attended the War Memorial of Korea and read wartime correspondence between Stalin and Kim Il-sung that I realized it was actually the North which had started the conflict.

The 1950s was a time of acute class struggle in North Korea. After Stalin died in 1953, Khrushchev became the head of the Soviet

Union and disclosed the truth of Stalin's dictatorship to the world. Kim Il-sung turned against Khrushchev for criticizing Stalin, who had been his mentor and guardian. At this point, Kim Il-sung started diverging from the set path of the Soviet Union. The Soviet Union tried to get rid of Kim Il-sung by plotting a coup d'état in August 1956, this attempt, however, was a failure. As a result of the incident, Kim Il-sung purged the Soviets from the North Korean leadership and, to fill the void, ordered anti-Japanese North Korean partisans to assume key leadership roles.

Affluent Childhood Years

Due to the fact my father held a high-ranking position and received Kim Il-sung's favor, I spent my childhood years with few concerns, enjoying relative affluence. At this time I attended the 4th People's School, later known as Namsan Higher Middle School.¹⁾ This was a school for the children of generals, admirals, and high-ranking officials. Not only did I attend school with Kim Jong-il, Kim Kyung-hee, and Kim Pyung-il, but I also interacted with them and was even invited by Kim Jong-il to visit Kim Il-sung's residence on several occasions. Kim Jong-il gave us delicious snacks, played the piano for us, and showed us films on his projector (from a young age, Kim Jong-il excelled in music and had a passion for films and automobiles).

Up until the first or second grade at the People's School, Soviet teachers would instruct the children. I learned Russian as my foreign language and learned Russian dances and songs. However as soon as Kim Il-sung started to criticize the Soviet Union, Kim Jong-il

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1) Namsan Higher Middle School: Established in 1954, the school educated children of North Korean elites. Nowadays, it is called Pyongyang high school no 1.



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dismissed all Soviet instructors from Namsan Higher Middle School and prohibited all Russian cultural displays. In addition, he set fire to all Russian books (literature on politics, the economy, science etc., including notes from students who studied abroad in the Soviet Union).

Even though I attended a school for children of the elites, the knowledge I attained was very limited. I was not even taught common knowledge. For instance, I did not know notable people in the field of politics, economics, science, culture, music, etc., nor was I aware of Tchaikovsky and Chopin. Currently in North Korea, students are taught from kindergarten about Kim Il-sung, Kim Jong-il, and the fabricated history of how Kim Il-sung defeated a large Japanese force of millions and freed the Korean peninsula.

After Kim Jong-il took over the regime, study abroad was prohibited. Currently, a small number of gifted children and children of the elite attend a special school and North Korean diplomats living abroad are allowed to bring one child with them to educate at their own expense. But I've had a foreigner say to me directly that "College students from North Korea studying abroad have less common knowledge than that of a middle school student".

Bribery and the 'Military first' Policy

North Korea was enjoying a fairly good economic situation after liberation from Japan. During this period, the socialist bloc provided a large amount of economic assistance to North Korea. Japanese factories in North Korea were still operating and this in turn

supplied enough products to maintain and even improve the situation of the people.

Furthermore, the agricultural situation in North Korea was fairly comfortable, producing plenty of rice. Although much of North Korea's social infrastructure was destroyed during the Korean War (as it was in South Korea), North Korea was able to reconstruct its country in a shorter period of time thanks to the assistance provided by the Council for Mutual Economic Assistance (COMECON).²⁾ Such a trend of improvement continued until the mid 1960's.

However, as Kim started disobeying the orders coming from the Moscow, Khrushchev declared that he would no longer provide any economic assistance to North Korea if it did not join the COMECON³⁾. Kim Il-sung propagated that if North Korea joined the COMECON, it would have to depend heavily on other countries and accept the Soviet style revisionism that, he believed, could lead to the failure of the revolution. He predicted that, as a consequence, North Korea would be occupied by South Koreans and Americans. In the end, North Korea did not join COMECON, but instead developed the so-called "Our Style of Socialism" together with slogans like "anti-Japanese revolutionary thoughts", and the "indomitable revolutionary spirit of self-reliance." From this moment on, North Korea became internationally isolated and witnessed the downward turn of its politics, economics, science, and culture.

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2) North Korea still uses documents from this time to claim that South Korea is financially less affluent than the North.
3) (C Ө B)/COMECON (Council for Mutual Economic Assistance): Founded in 1949 mainly by countries in the Eastern bloc under the Soviet Union as an organization for mutual economic cooperation.



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clothing. Thus, he prioritized the development of heavy industry over light industry. He decided that an economy based on heavy industry would in turn stimulate the arms industry required for North Korea to protect itself from imperial powers like the U.S and South Korea. He concentrated all national resources on heavy industry and the arms industry. As a result, North Koreans began to face hunger and poverty on a daily basis, living their lives as beggars.

In addition, as anti-Japanese partisans occupied the party and cabinet, the corruption in society pervaded. Members of the partisans began to fill their own pockets by taking government money, stating it was “funds for supporting the party and revolution.” As a result, party members spent tax money for their own benefits, making the people their slaves. When Kim Jong-il established “Juche Ideology,” the situation was exacerbated. All of Kim’s relatives were placed in prominent government positions; perhaps no country can compete with North Korea in terms of corruption.

When Kim Jong-il came to power, the situation become even more dire. Kim Jong-il mobilized all his efforts and resources to strengthen his personal power. He achieved this by idolizing Kim-Il sung, his father, as the everlasting “Great leader” and the “Shining Sun of the People”.

With the collapse of the socialist bloc, including the Soviet Union in 1991, Kim deleted the word “communism” from every document, while strengthening the Party’s unitary ideology and sole leadership, and establishing the “Military-first policy.” By pursuing such a policy, he concentrated all national resources on the arms industry, in

particular, developing nuclear weapons was given a high priority; this too, contributed to the severe decline in the economy, most notably the light industry. As it is widely known to the world, North Korea’s factories are not operating anymore due to the shortage of resources, electric power, and oil. Only arms factories are continue production.

Let me give you an example of the bribery in North Korea. When North Korean workers wish to go abroad to earn foreign currency, he or she must bribe the officers from the central party, the cabinet, ministry of foreign affairs, ministry of foreign trade, national security agency; other relevant organizations, as well as officers who are in charge this matter. If one does not provide any bribe, the government officers will use every effort to stop him/her from going abroad. Many people would just give up on their plans.

Bribery also takes place when one attempts to send his/her children to college. Kim Il-sung University, one of the best schools in North Korea, is also known as the top school for receiving bribes. Following Kim Il-sung University, Kim Cheak Polytechnic Institute, Pyongyang Foreign Language School, Pyongyang medical school, Pyongyang teacher’s school and Pyungsung college of Natural Science are also well known as institutions that exist due to corruption. The types of bribe that the schools receive from students vary. In 2007, at the end of the college entrance examination, Kim Jong-il read a report on the corruption level of the top universities, focusing on that of Kim Il-sung University. He dismissed the whole security agency of Kim Il-sung University, and took measures to fire and expel - to rural areas - security agents, including the head of the agency,

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My friend at that time, who was earning foreign currency by trade, also bribed the school to send his son to Kim Il-sung University. He bribed the school with 10,000m of elevator wire which he bought from China, and as a result, his son was able to enter the university without taking the entrance exam. There were so many of these cases it is impossible to even attempt to list them all.

As such, North Korea is the kind of country where one can get away with any crime if he/she has money. Even law and power can be bought and sold. An ethnic Korean in Japan said that if one has enough foreign currency, North Korea could be the best country to live. The living cost in North Korea is very low. He said that he could travel around any part of North Korea from Pyongyang to Sinuiju, Wonsan, and Hamheung without carrying either 'passing permits' or 'long distance driving permits.' The only thing that is required is one pack of the world's finest cigarettes. This is why in North Korea, those without money and power suffer while those who have it can travel anywhere they please.

Most of the North Korean defectors who come to South Korea are those who bribed the border guards with money and went to China. In short, if you have money you can cross the border; if not, the border guards will interrogate you and sell you to the Chinese.

Deterioration of the North Korean Economy : Fisheries, Agriculture, Power

Kim Il-sung and Kim Jong-il continuously emphasized the fact that if we follow what our great leader says, for example, "Juche", North

Korea's "Spirit to construct a socialist state" and "Revolutionary spirit to protect the Great leader" we will live forever in happiness. However, 60 years have passed since the liberation of North Korea from Japan, and if one listens to what the old generation says, North Korea now faces a more precarious situation than during the Japanese colonial period. There are endless examples of such cases, I will mention only a few:

1. Fisheries

90% of the fishing ships on North Korean waters are Chinese ships. The Bureau of Marine earns foreign currency by allowing Chinese ships enter North Korean waters, calling it an annual "Joint fisheries." North Korean ships have to go through a complicated procedure in order to gain permission to go out to sea, but what's worse is that there is not enough oil to run the ships, nor can fisherman repair the broken-down parts. For this reason, North Korean ships can't effectively make good catches, therefore, the fish markets in big cities, such as Pyongyang, began closing down. When I defected to North Korea in 2008, marine products were sold at high prices only at fish markets.

Furthermore, although the costal line of the East and West sea of North Korea is quite long, one can't even collect sea weed and other marine products on the coast. This is because the government has constructed barb-wired fences, as well as 2-3m of guard wire around the coastline, to protect the country from South Korea and the U.S. As a result, no one other than guards can even go near the ocean.

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2. Water and Fire power

Immediately following liberation from Japan, Kim Il-sung started to build water and power stations by quoting what Lenin had once said, “Communism is all about (electric) power.” These power plants, however, were built in a non-professional way and could not effectively produce enough power. Furthermore, wind and water power stations on the Amok River are being operated with investment from China. Thus, most of the power generated by these stations is taken by China.

Pyongyang and Bukchang fire power stations were constructed after the 50’s Soviet methods; they are, therefore, extremely antiquated. Although the government still uses the stations, they have not been renovated and modernized for a long time, if ever, and so operate at a very low capacity. When you look at the satellite photos of North Korea taken at night, it is just a black hole. Today, even the diplomatic district in Pyongyang suffers from power shortages.

3. Agriculture and food distribution

Kim Il-sung exhorted slogans such as “Socialism is all about rice” and “All party, military, and people should be mobilized for achieving agricultural revolution.” But due to “Juche” farming methods rice paddies became desolated, leading to the failure of the agricultural industry.

State food distribution, which has been operating since North Korea’s liberation from Japan, still exists today. However, the food

distribution system collapsed when Kim Jong-il came to power, and in turn, resulted in the deaths of millions of people. Even in Pyongyang, one household has to live off only 10-15 days food ration.

One thing I would like to mention about the public distribution system (PDS) is that, when I came to South Korea I saw South Koreans feeding pigs, cows, chickens, and other livestock. Since I received food rations from the government for more than 60 years, I now feel like I was treated like an animal. Only when I came to South Korea did I feel as if I were being treated as a human being. This is indescribably wrong. Furthermore, knowing that my family, relatives and friends are still being treated like animals makes me want to liberate them as soon as possible.

Once, I met Park Nam-ki when he was secretary of the central committee of the party in North Korea. I asked him why the party can’t provide enough food to its people. He replied by saying, “If we feed too much food to a dog, then it will disobey the master. The dog will sleep all the time, and will not protect us. On the other hand, if we starve the dog and be tough on it, then it will obey its master.” In addition, he said, “A great amount of foreign currency is needed in order to protect the country from South Korea and the U.S., because we have to strengthen the arms industry and nuclear weapons. This funding is earned by selling rice. This is the Great Leader’s unchangeable strategy. Even if only 1% of military funding is spent for the people, then the public distribution system can still work.”

After listening to this story, I suddenly remembered seeing sacks of rice that had been sent by other countries stocked at the harbor

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when I was at Nampo for a business trip. However, a few days later, these sacks of rice were transferred to North Korean trade ship, and were heading for an African country. I couldn't understand why the government was exporting rice which other countries had sent us, while our own people were starving; some were even dying for want of food. Now that I think about it, since Kim Jong-il considered his people as dogs, it made sense that he wasn't bothered about feeding them. In the meantime, he was enjoying a comfortable life, importing his favorite foods from all over the world- expensive wine and cognac from France, salmon eggs from Russia.

Of course, many problems do exist within capitalist societies, but at least in South Korea people can live as human beings. Communist societies only present fancy slogans, but in reality, they do nothing on behalf of their people. After coming to South Korea I realized that in North Korean society all the good things go to the Great Comrade and other leaders, but not to its people. If I look back on my life as a communist, I realize that communism was all about illusion.*

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The second part of the Punishment for Allegiance will be published in the next volume of the Journal

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DOCUMENT

The Criminal Law of the Democratic People's Republic of Korea(2009)* ①

Editor's note : The continuous criticisms from the UN and the international community on the human rights situation in North Korea brought about the amendment of North Korean criminal law in 2004. The criminal law of North Korea has been revised in a more human-rights friendly way. However, it is still questionable whether the law is implemented in reality.

In 2009, North Korea undertook another amendment of its criminal law. Yet, the law still includes articles emphasizing class division, and punishing anti-revolutionary crimes as well as anti nationalistic acts. In particular, the law has increased the number of offences that fall under "anti-state and anti national" crimes, and toughened the degree of punishments. In addition, North Korea punishes the "Acts that endanger socialist culture" or "disturb the national security order" to maintain its regime.

This year, the journal will publish the 2009 Amended Criminal law of North Korea. We will divide the body of laws into 4 parts and will include them in the spring, summer, fall, and winter volumes. We sincerely hope that this document is useful for those who study North Korean human rights.

Amended and supplemented by decision of the Standing Committee of Supreme People's Assembly on December 19, 1974
 Adopted by Decision No.2 of the Standing Committee of the Supreme People's Assembly on February 5, 1987
 Amended and supplemented by Decision No.6 of the Standing Committee of the Supreme People's Assembly on December 15, 1990
 Amended and supplemented by Decision No. 54 of the Standing Committee of the Supreme People's Assembly on March 15, 1995
 Amended by Decree No. 953 of the Presidium of the Supreme People's Assembly on August 11, 1999
 Amended and supplemented by Decree No.432 of the Presidium of the Supreme People's Assembly on April 29, 2004
 Amended and supplemented by Decree No.1084 of the Presidium of the Supreme People's Assembly on April 19, 2005
 Amended and supplemented by Decree No.1225 of the Presidium of the Supreme People's Assembly on July 26, 2005
 Amended and supplemented by Decree No.1673 of the Presidium of the Supreme People's Assembly on April 4, 2006
 Amended and supplemented by Decree No.2035 of the Presidium of the Supreme People's Assembly on October 18, 2006
 Amended and supplemented by Decree No.2280 of the Presidium of the Supreme People's Assembly on June 26, 2007
 Amended and supplemented by Decree No.2403 of the Presidium of the Supreme People's Assembly on October 16, 2007
 Amended on an unknown date after April 2009

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This is a revised translation of North Korean criminal law following its amendment which took place in 2009. The original English translation of North Korean Criminal law (1999) is included in the 'Interpretation of Newly Amended North Korean Criminal Law, published by the Ministry of Justice, 2002. 40-75.