

PUBLIC

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UA 240/05

"Disappearance"/fear of torture/fear of death penalty

NORTH KOREA

Kang Gun, (m), aged 36

Kang Gun fled North Korea in 2000 and became a South Korean citizen. He is now believed to have been abducted by North Korean agents in China in March 2005, and taken to North Korea. He is now believed to be held in a National Security Agency (NSA) prison in the capital, Pyongyang, where he is at grave risk of torture, or of being executed.

Kang Gun was helping North Koreans who had fled to China as a result of the food crisis in North Korea to travel on to South Korea when he was abducted. The Chinese authorities have forcibly returned hundreds of North Koreans, who have then faced detention, interrogation, torture and ill-treatment, and then sentenced to up to three years in prison, where conditions are appalling. Kang Gun had gone into the city of Longjing, in Jilin province, apparently after a tip-off from one of his close North Korean contacts. There it appears he was seized by North Korean security agents: he was taken to North Korea, and moved to Pyongyang in around May.

In February 2004 Kang had passed on secretly filmed footage of life inside Yodok *kwalliso* (labour camp for political prisoners), in South Hamkyung province, to a Japanese TV company, which broadcast it. This is suspected to be part of the reason the North Korean agents abducted him.

Kang had apparently been a mid-level officer in the NSA, and will have faced particularly harsh treatment because of this, after he was returned to North Korea.

BACKGROUND INFORMATION

Acute food shortages in North Korea have forced tens of thousands of people to flee across the border into China's north-eastern provinces, including Jilin, where Kang Gun was abducted, and many remain "illegally" in border areas living in appalling conditions: they receive no support or protection from the state and are vulnerable to physical, emotional and sexual exploitation. North Koreans who "illegally" cross or help others in crossing the North Korean border face heavy penalties such as torture and ill-treatment during long hours of interrogation.

Besides Kang Gun, at least five South Korean nationals of North Korean origin have reportedly been abducted by North Korean agents in China. The total is suspected to be larger, as a number of other people are believed to have been abducted from China and other countries by North Korean secret agents. The Chinese government does not officially recognise these abductions by the NSA. Instead it reports them as "voluntary return" or "abduction on North Korean territory."

Under North Korean law, anyone who illegally crosses "a frontier of the Republic" faces up to three years in a *kwalliso*. This law is in clear breach of Article 12 (2) of the International Covenant on Civil and Political Rights, to which North Korea is a state party, which states that "Everyone shall be free to leave any country, including his own".

North Korean national Park Yong-chol was found to have been forcibly returned, in secret, from China in October 2004. There has been no news of him since, and he is at grave risk of being tortured and possibly executed (for details see UA 343/04, ASA 24/007/2004, 23 December 2004). Three members of a North Korean family who had been forcibly returned from China in August 2003 were tortured and later sentenced

to *kwalliso* terms ranging from five to 10 years. There has been no news of them since October 2004. (For details see UA 311/04, ASA 24/002/2004, 19 November 2004)

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the North Korean authorities to make public information concerning the whereabouts of Kang Gun;
- urging them to ensure that Kang Gun is not imprisoned or ill-treated solely for leaving North Korea;
- if he is detained, calling for him to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence;
- calling on the authorities to guarantee that he will not be tortured or ill-treated;
- urging them to ensure that all detainees are humanely treated, and to investigate all allegations of torture and other human rights abuses promptly and impartially and bring those responsible to justice.

APPEALS TO:

Chairman Kim Jong-il
National Defence Commission
Pyongyang
Democratic People's Republic of Korea
Salutation: Dear Chairman

COPIES TO:

Ambassador Park Gil-yeon
Office of the Permanent Mission of North Korea (DPRK) to UN
820 Second Avenue, 13th Floor
New York, N.Y. 10017, USA
Fax: + 1 212 972 3154
Salutation Dear Ambassador

Mr CHUNG Dong-young
Minister of Unification
Ministry of Unification
Central Government Complex
77-6 Sejong-no 1-ga, Jongno-gu
Seoul 110-760, Republic of Korea
Fax: + 82 2 720 2432
Email: www.unikorea.go.kr
Salutation: Dear Minister

and to diplomatic representatives of North Korea accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 October 2005.