

AMNESTY INTERNATIONAL

Media Advisory

AI Index: ASA 24/002/2005 (Public)
News Service No: 203
28 July 2005

North Korea: Briefing on present situation

Six-party nuclear talks began in Beijing on 25 July 2005 to resolve the North Korean nuclear crisis. North and South Korea, USA, China, Russia and Japan came together after a break of 13 months. Recent discussions were stalled after North Korea withdrew, blaming US aggression. There is little expectation of a breakthrough at the talks, but negotiators say this time they will be more flexible and will discuss the problems in more detail. After the failure of the first three rounds, negotiators fear a further stalemate could derail hopes for a diplomatic resolution. In the 13 months since the last round of talks, North Korea has declared itself a nuclear power.

CRISIS TIMELINE:

Oct 2002: US says North Korea is enriching uranium in violation of agreements.

Dec 2002: North Korea removes UN seals and surveillance equipment - the "eyes and ears" of UN's International Atomic Energy Agency (IAEA) from Yongbyon nuclear reactor, expels IAEA inspectors

Jan 2003: North Korea announces it will withdraw from the Nuclear Non-Proliferation Treaty.

Feb 2003: North Korea says it has reactivated its nuclear facilities and their operations are now going ahead "on a normal footing". IAEA states that North Korea is in breach of nuclear safeguards and refers North Korea to UN Security Council.

April 2003: The United Nations Security Council expresses concern about North Korea's nuclear programme, but stops short of criticising North Korea for pulling out of the Nuclear Non-proliferation Treaty. China hosts US-North Korea talks. Talks end amid mutual recriminations, after the US claims that North Korea had made its first admission that it possessed nuclear weapons.

May 2003: North Korea states that it is scrapping North Korea's last remaining international agreement on nuclear non-proliferation - a 1992 agreement with South Korea to keep the Korean peninsula free from nuclear weapons.

Aug 2003: Six-party talks begin in Beijing - countries include North and South Korea, the USA, Japan, Russia and hosts China.

Dec 2003: North Korea offers to "freeze" its nuclear programme in return for a list of concessions from the US. It says that unless the US agrees, it will not take part in further talks. The US rejects North Korea's offer. US President Bush says North Korea must dismantle the programme altogether.

Feb 2004: Second round of six-party talks are held in Beijing which end without much progress. The US calls on North Korea to commit to Complete Verifiable Irreversible Disarmament (CVID) and begin tangible dismantlement before the US will outline its roadmap of reciprocal commitments to provide security and development assistance to North Korea.

June 2004: Third round of six-party talks held in Beijing, with the US making a new offer to allow North Korea fuel aid if it freezes and then dismantles its nuclear programmes.

July 2004: Then US Secretary of State Colin Powell meets the North Korean Foreign Minister, Paek

Nam-sun, in the highest-level talks between the two countries since the nuclear crisis erupted. North Korea rejects US suggestions that it follow Libya's lead and give up its nuclear ambitions.

Sept 2004: North Korea Vice Foreign Minister Choe Su-hon, speaking at the UN General Assembly, states that North Korea has turned plutonium from 8,000 spent fuel rods into nuclear weapons justifying this action by saying that the weapons were needed for "self-defence" against "US nuclear threat".

Jan 2005: Condoleezza Rice, then US President Bush's nominee as secretary of state, identifies North Korea as one of six "outposts of tyranny" where the US must help bring freedom.

Feb 2005: North Korea says it is suspending its participation in the talks over its nuclear programme for an "indefinite period", blaming its decision on the US government's intention to "antagonise, isolate and stifle it at any cost". The statement also includes North Korea's assertion to have built nuclear weapons for self-defence.

Apr 2005: South Korea sources suggest that North Korea has shut down its Yongbyon reactor, a move which could allow North Korea to extract more fuel for nuclear weapons.

May 2005: North Korea fires a short-range missile into the Sea of Japan, on the eve of a meeting of members of the Nuclear Non-Proliferation Treaty.

North Korea states that it has completed extraction of spent fuel rods from Yongbyon, as part of plans to "increase its nuclear arsenal".

July 2005: North Korea says it will rejoin nuclear talks, as US Secretary of State Condoleezza Rice begins a tour of the region.

South Korea makes a generous offer to supply North Korea massive amounts of electricity as an incentive to end its nuclear weapons programme.

Fourth-round of the six-party talks begin in Beijing after a break of 13 months.

1. What is the present situation vis a vis human rights in North Korea?

Denial of access

Information and access to the country remain tightly restricted. Despite repeated requests, the government continues to deny access to the UN Special Rapporteur on the human rights situation in North Korea and the UN Special Rapporteur on the right to food. It also denies Amnesty International and other independent human rights monitors. This denial of access to AI and other independent human rights observers, hampering the investigation of the human rights situation. However, reports suggest a serious pattern of violations, including executions, torture, detention of political prisoners and inhumane prison conditions.

In October 2004, the UN World Food Program (WFP) announced that its staff in North Korea was not permitted free access to monitor aid distribution for "security reasons". According to WFP and NGO officials, operating conditions worsened in late 2004 and early 2005. The North Koreans closed off several counties, asked the WFP to reduce its expatriate monitoring officials from 15 to 10 officials and began to deny monitoring visits. This continued obstruction by the government and denial of access to monitors undermined accurate assessment of the population's need for food assistance. However, since February-March 2005, North Korea has begun to relax some of these restrictions; the WFP was allowed to re-enter most of the counties that had been closed off and approvals to monitoring visits have improved though not to the level of improvement seen in mid-2004.

Executions

Amnesty International has received reports of public executions carried out at places where large crowds gather, with advance notice given to schools, enterprises and farms, many of whom were accused of economic crimes (such as stealing more than five cows). Some prisoners were reportedly executed in front of their families. Executions were by hanging or firing-squad. In March 2003 the government announced that it would refrain from executing criminals in public. However, there were reports of public executions in March 2005 in the northeastern cities of Hwanyong and Yuson. There have been unconfirmed reports of public executions of some 70 North Koreans in January after they were forcibly returned from China. Those accused of proselytising/practising in underground churches have also been reportedly executed.

Freedom of expression

Opposition of any kind is not tolerated. According to reports, any person who expresses an opinion contrary to the position of the ruling Korean Workers' Party faces severe punishment, and so do their family in many cases.

The domestic news media is strictly censored and access to international media broadcasts is restricted. According to reports, at least 40 journalists since the mid-1990s have been "re-educated" for errors such as misspelling a senior official's name. Radio and television sets were tuned to receive only state broadcasts and those who listened to foreign radio stations risked being punished.

Any unauthorized assembly or association is regarded as a "collective disturbance", liable to punishment. Religious freedom, although guaranteed by the constitution, is in practice sharply curtailed. There are reports of severe repression of people involved in public and private religious activities, through imprisonment, torture and executions. Many Christians are reportedly being held in labour camps, where conditions were reported to be extremely harsh.

Torture and ill-treatment

Unconfirmed reports suggest that torture and ill-treatment are widespread in detention centres, prisons and labour. Conditions are apparently very harsh. North Koreans forcibly repatriated from China were detained and interrogated in detention centres or police stations operated by the National Security Agency or the People's Safety Agency.

Beatings were reportedly common during interrogation. If prisoners were caught communicating, they were beaten with wooden sticks or iron bars. After the beating, cold water was reportedly poured over the prisoners' bodies, even in the middle of winter. Some prisoners were reportedly subjected to "water torture", where they were tied up and forced to drink large quantities of water.

Conditions in detention centres and prisons (which were severely overcrowded) worsened since the onset of the famine and food crisis in the early 1990s. Food shortages also reportedly resulted in deaths from malnutrition in political penal labour colonies or "control and management places". Prisoners charged with breaking prison rules had their food cut even further.

In June 2004, the UN Committee on the Rights of the Child expressed concern at reports of institutional violence against juveniles, especially in detention and in social institutions.

Refugees

Hundreds of North Koreans tried to enter foreign diplomatic missions and foreign-run schools in Beijing. Hundreds were reportedly in diplomatic missions, waiting for permission to leave China. In October 2004, the Chinese government claimed that the diplomatic missions involved were too tolerant. Thousands of North Koreans were reportedly apprehended in north east China in 2004 and the first half of 2005 and forcibly returned to North Korea. Little is known about what happened to them after their return, but a number of sources reported that they often faced long interrogation sessions and torture and some were reportedly executed.

In July 2004, at least 468 North Koreans flew from Viet Nam to South Korea, becoming the biggest single group of North Korean asylum-seekers to arrive there since the division of the peninsula. At the end of 2004, more than 5,000 North Koreans had reached South Korea and been granted South Korean nationality.

The UN Committee on the Rights of the Child expressed concern at reports of North Korean street children in Chinese border towns. It was also deeply concerned at reports that children (and their families) returning or deported back to North Korea were considered not as victims, but as perpetrators of a crime.

Food shortages

Millions of North Koreans continued to suffer hunger and chronic malnutrition. Continued government

restrictions on freedom of movement and information, lack of transparency and hampering of independent monitoring meant that food aid may not always have reached those most in need.

According to WFP estimates, nearly half of North Korea's 23.7 million do not have enough to eat and more than a third of the population (nearly 6.5 million North Koreans) is chronically malnourished. Rations from the Public Distribution System - the primary source of staple food for more than 70 per cent of the population - have reportedly declined from the already insufficient 319g per person per day in 2003 to 250g in March 2005. Urban families reportedly spent up to 85 per cent of their incomes on food. Such households were heavily dependent on inflation-prone private markets, where staples cost 10 to 15 times more than in the government-run system.

Malnutrition rates among children in the Democratic People's Republic of Korea have declined in the past two years but remain relatively high, according to a new survey. UN agencies announcing the findings today said that substantial, well-targeted international assistance must be sustained to build on the gains.

In October 2004, a large-scale, random sample survey which covered both child and maternal nutrition was carried out by the North Korean government's Central Bureau of Statistics and Institute of Child Nutrition, in collaboration with UNICEF and the World Food Programme. The survey assessed 4,800 children under six years of age and 2,109 mothers with children under two across seven of the North Korea's nine provinces and in the capital, Pyongyang. It found that:

- The proportion of young children chronically malnourished, or stunted (height-for-age), has fallen from 42 percent (in 2002 when the last survey was held) to 37 percent;
- Acute malnutrition, or wasting (weight-for-height), has declined from 9 percent (in 2002) to 7 percent;
- The proportion of children under six found to be underweight (weight-for-age) increased from 21 percent to 23 percent, the rate among 1-2 year olds - the most nutritionally vulnerable group - fell from 25 percent to 21 percent.

Approximately one third of North Korean mothers are malnourished and anaemic.

Childhood malnutrition rates varied significantly by region, with the highest levels recorded in the more food-insecure northern provinces, and the lowest in the relatively fertile and better-off south, especially Pyongyang.

Much of the population was afflicted by critical dietary deficiencies, consuming very little protein, fat or micro-nutrients. The UN Committee on the Rights of the Child expressed concern about increasing infant and child mortality rates, high rates of malnourishment and stunting in children, and alarming increases in maternal mortality rates. It also expressed serious concern about lack of access to clean drinking water and poor sanitation.

The acute food shortages forced thousands to cross "illegally" to China's north-eastern provinces. Those repatriated faced detention, interrogation and imprisonment in poor conditions.

2. What action would Amnesty International like to see taken against human rights violations in North Korea?

Amnesty International calls on the North Korean government to take measures without delay to increase respect for human rights in North Korea, including to:

- abide by the principles laid out in the international human rights treaties it has ratified (such as the International Covenant on Civil and Political Rights) and incorporate these principles into domestic law;
- abolish the death penalty;
- release all people detained or imprisoned for the peaceful exercise of fundamental human rights;
- guarantee freedom of expression and freedom of movement for all North Koreans;
- review existing legislation to ensure it conforms with international human rights standards and

introduce safeguards to provide citizens with protections and remedies against human rights violations;
invite the UN human rights mechanisms to visit North Korea;
grant free access to independent human rights monitors.

Amnesty International also calls on the international community, including donor governments and the UN, to urge the North Korean government to implement the above recommendations such as those outlined particularly with regard to the questions of access, accountability and compliance with international standards to which the North Korean government is state party.

3. What is Amnesty International's position on the growing number of North Korea refugees?

Refugees have the right to protection in another country when their life or liberty is at risk, and all governments have an obligation to provide this protection even if they are not a party to the Refugee Convention and its protocol.

The most basic principle of refugee protection is non-refoulement, which is binding on all States as a matter of customary international law and prohibits the forcible return of any person to a country or territory where s/he would be at risk of serious human rights violations, including torture or other ill-treatment.

Asylum seekers should be granted access to a fair and independent refugee determination procedure. They should not be sent to a country where their human rights are at risk.

4. Has Amnesty International ever been granted access to North Korea?

Yes, twice, in 1991 and also in 1995. Since then Amnesty International has been denied access to the country. The organization hopes that the government of North Korea will recognize our genuine concerns and will enter into dialogue with international human rights monitors including ourselves regarding human rights issues. We still hope North Korea will grant us unimpeded access to their country soon.

5. What is Amnesty International's position on nuclear weapons and the development of a nuclear programme?

Amnesty International opposes the use, possession, production and transfer of nuclear weapons, given their indiscriminate nature.

Amnesty International also stresses that the use of chemical and biological weapons in armed conflicts is prohibited by international law (Biological Weapon Convention 1972, Chemical Weapons Convention 1992).

6. Given the human rights record of the North Korean government, surely Amnesty International must support a regime change in the country?

Amnesty International does not support any particular political system or system of government. It addresses human rights violations wherever they occur, whatever the nature of the political system in the countries in question.

Amnesty International is gravely concerned with situations in the countries where massive human rights violations are committed by respective governments and calls for these violations to be addressed first through domestic means (by reference to international standards) and also through the relevant international human rights mechanisms.

7. What is Amnesty International's position on the long dispute about access for weapons inspectors in North Korea?

Amnesty International does not deal with the issue of weapon inspections; therefore it has no view on what access UN inspectors should be given. It notes however, that it is widely accepted by UN member states that weapons inspections are a useful part of the UN strategy of dealing with the potential threat of use of weapons of mass destruction.

8. Would Amnesty International be opposed to possible military action against North Korea?

Amnesty International takes no position on whether or in what circumstances it would be legitimate to

resort to military action as a means to achieve political ends. When military action is undertaken, however, Amnesty International monitors the conduct of all sides to ensure that armed force is used in accordance with International Humanitarian Law. The aim of International Humanitarian Law is to limit the effects of armed conflict; it protects people, who are not taking part in the hostilities, and regulates and restricts the means and methods of warfare.

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