

# DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (NORTH KOREA)

## Public Executions: Converging Testimonies

### 1. INTRODUCTION

Converging testimonies from a variety of unconnected witnesses indicate that public executions have been carried out in the Democratic People's Republic of Korea (North Korea) for many years, that they have continued into the 1990s, and that the death penalty is much more frequently used than North Korean officials have admitted to Amnesty International. On the basis of this information, Amnesty International is concerned that public executions may still take place in North Korea.

Public executions have been reported in recent years in only a few countries.<sup>1</sup> In North Korea, according to people who have witnessed them, public executions have been carried out in front of large crowds, often including young children. In some cases, executions were carried out for offences not involving the use of lethal violence, such as theft, although in most cases the death penalty seems to be imposed for lethal crimes.

The North Korean Government denies that public executions take place and claims that the death penalty in general is only rarely used. However Amnesty International was able to gather detailed eyewitness accounts of a number of public executions in several locations in North Korea, carried out between the 1970s and the early 1990s. This convergent pattern of testimonies leads Amnesty International to fear that, despite official denials, public executions may still take place.

Section Two of this report discusses North Korea's official stance on the death penalty, as expressed to Amnesty International in correspondence and during meetings with government officials. Section Three gives an overview of legal provisions regulating capital punishment. Section Four contains the descriptions of public executions mentioned above. The final sections outline Amnesty International's concerns about the use of the death penalty in North Korea and a number of recommendations.

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<sup>1</sup> The countries in which public executions have been reported in the last 10 years are Afghanistan, Albania, Chad, Equatorial Guinea, Iran, Nigeria, Pakistan, Saudi Arabia, Somalia and Syria. In Lybia, hangings have been shown on television after being carried out.

## **Preliminary Remarks**

**This Amnesty International document on North Korea concerns only human rights issues. Amnesty International does not support or oppose any political system or government. Amnesty International regrets the selective use of its documents by governments.**

All information on public executions presented in Section Four of this report was gathered by Amnesty International in interviews with witnesses to the executions. None of the research was done on South Korean soil and no use has been made of information from governmental or other non-impartial sources, other than from the North Korean Government.

This document deals with reports of public executions. Several North Koreans interviewed by Amnesty International mentioned that they believe secret executions also take place but were not able to provide further details.

## **2.POSITION OF THE NORTH KOREAN GOVERNMENT ON THE DEATH PENALTY**

In their dialogue with Amnesty International, the North Korean authorities have always insisted that the death penalty is rarely imposed, only in extremely serious cases, and that it is not applied in political cases. According to the authorities, the last execution took place in 1992. During a visit to North Korea in April/May 1995 Amnesty International was told that the main purpose of retaining the death penalty is its deterrent effect. The authorities repeatedly stressed that there is very little crime in North Korea because “under the socialist system people lead happy lives”.

Public executions are, according to the authorities, explicitly prohibited by a regulation of the Ministry of Public Security. Amnesty International has not been provided with a copy of this regulation, despite its requests to the North Korean authorities. The head of the provincial court of Kangwon Province told Amnesty International that there are no special execution grounds in his province and that the place for execution is chosen by the authorities and remains unknown to the public.

During Amnesty International’s visit to North Korea it was stated that the Central People’s Committee has records of all approved death sentences. Various officials, who said that they had consulted these and other records on the death penalty, told Amnesty International that the number of death penalty cases had been very low over the last ten years; one said there were one or two executions. The chairman of the Bar Association told the delegation that there had been 10 amnesties or pardons since the end of the war and that an amnesty was planned in 1995 for the 50th anniversary of the founding of the Korean Workers’ Party and the end of the one year’s mourning period for the late President Kim Il Sung. It was not clear whether anyone sentenced to death was going to be covered by the amnesty.

Amnesty International received a letter from the North Korean authorities in 1993 which acknowledged the public execution of one person in 1992. The letter said that a man called Chu Su Man, 30 years old, was publicly executed “at the request of the crowd” in November 1992 in Hamhung City. Chu Su Man was referred to as a “habitual violent offender” who had killed 84

year-old Chu Jong Un and 72 year-old Choi Ryon Ok “ruthlessly”. It was stated that he was sentenced to death under Article 141 of the Criminal Code and that all procedural safeguards were respected. During Amnesty International’s 1995 visit to North Korea, the authorities denied that the execution of Chu Su Man had been public and claimed that “a mistake in translation” must have occurred. However the officials did not, despite a question by Amnesty International representatives, clarify the meaning of the letter where it said that the execution of Chu Su Man had taken place “at the request of the crowd”.<sup>2</sup>

### 3. NORTH KOREAN CRIMINAL LAW ON THE DEATH PENALTY

The death penalty has always been available in North Korea’s legal system but a commentary on the North Korean Criminal Law<sup>3</sup>, published by the North Korean authorities in 1957, suggests that the death penalty will eventually be abolished in North Korea and is presently utilized as a last resort.

Under the 1950 Criminal Code capital punishment was listed as one of four basic measures of punishment and could be imposed on anyone 18 years or older, except for pregnant women. Article 27 which stated that “punishment shall not have the purpose of causing physical suffering or lowering of human dignity...” seemed to prohibit public executions. A large number of offences carried the death penalty: grave crimes against the very existence or essential interests of the state and of the socialist cause, such as state crimes, military crimes, crimes against the state administration and homicide.

The revised Criminal Code of 1987 mentions the death penalty as one of two kinds of “basic penalties” to be imposed on criminal offenders.<sup>4</sup> The minimum age for imposition was lowered from 18 to 17<sup>5</sup> and the prohibition against the lowering of human dignity was scrapped. On the other hand, the range of articles carrying the death penalty was limited to five.

Under the 1987 Criminal Code, the death penalty is mandatory for activities “in collusion with imperialists” aimed at “suppressing the national-liberation struggle” and the “revolutionary struggle for reunification and independence” or for “acts of betraying the Nation to imperialists”

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<sup>2</sup> During Amnesty International’s 1995 visit to North Korea, the authorities mentioned another execution, in 1987 in Kangwon Province. The head of the provincial court said that this was the last execution in his province. A “youth” was executed for raping and killing a young girl. It was added that the youth did not appeal his death sentence and was consequently executed. No mention was made of the method of execution.

<sup>3</sup>Shim Hyon Sang, Choson Hyongpop Haesol, *A Commentary on the Korean Criminal Law (General Part)*, published in 1957 by the State Publishing House in Pyongyang.

<sup>4</sup>See Article 22. The other basic penalty is “reform through labour”. Other forms of punishment are mentioned as being “deprivation of the right to vote”, “confiscation of property” and “deprivation or suspension of a licence” (Article 21 Criminal Code).

<sup>5</sup>Article 23 of the Criminal Code.

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(Article 52). It is provided as an optional punishment for the following offences: “extreme cases” of betrayal of the country and defection, espionage or helping the enemy (Article 47); “instigating”, “masterminding” or being a “principal participant” in a plot to overthrow the Republic” or “in a revolt” (Article 44); “acts of terrorism” against “[Party and government] cadres and patriotic people”, “with a view to opposing the Republic” (Article 45); and “particularly serious cases” of murder and other offences (Article 141).

The North Korean authorities informed visiting Amnesty International delegates in April/May 1995 that the Criminal Law was amended on 15 March 1995 to raise the minimum age for imposing the death penalty from 17 to 18. The authorities also mentioned that a number of provisions concerning anti-state crimes, which Amnesty International argued were vaguely worded and could make punishable certain forms of peaceful expression of political views<sup>6</sup>, were amended to limit their scope to violent activities. Despite repeated requests for the full text of these articles, the North Korean authorities have not provided Amnesty International with any of the appropriate articles or a list of amended articles.

Amnesty International was informed that Article 47 of the Criminal Code (which provides for terms of imprisonment and, in extreme cases, the death penalty for a citizen who “defects to a foreign country or the enemy in betrayal of the country and the people”, “engages in espionage”, “helps the enemy or commits other acts against the country”) was amended. According to the North Korean 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”. Once again, the full text of the article was not provided.

All trials are open, according to Article 16 of the Criminal Procedures Law of 1992, except in special circumstances. A “court of the province” will deal with cases of “treason against the nation” or “crimes which are punishable with death or a maximum of 15 years’ reform through labour, according to the provisions of the criminal law” in the first instance and also in the second instance in the case of an appeal by the defendant or by the public prosecutor (Article 181). Special Railway (Article 183) and Military Courts (Article 182) exist for specific crimes, such as crimes committed by “men and women of the Korean People’s Army” or “rail transport employees”. In case of an appeal by a defendant or the prosecution following a trial by these special courts, the Central Court deals with the case (Article 184).

According to Article 251 of the Criminal Procedures Law, “the accused, defence counsel and claimant to damages may appeal to a higher court, and a public prosecutor may submit a protest.”

The Criminal Procedure Laws of 1950 and the revised version of 1992 provide that the application of the death penalty must in all cases be approved by respectively the Presidium of the Supreme People’s Assembly and the Central People’s Committee, a committee under the state

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<sup>6</sup> See *Summary of Amnesty International’s Concerns* (ASA 24/03/93), issued in October 1993.

president.<sup>7</sup> Article 296 (2) of the 1992 Criminal Procedure Law states that the death penalty must be carried out in the presence of the public prosecutor.

No reference is made in North Korea's criminal laws to a method of execution. An article in the Journal of The Law Association for Asia and the Western Pacific suggests that methods of execution are chosen depending upon political necessities and may be carried out in public.<sup>8</sup> The article argues that this conclusion is supported by the fact that a political decree of 1951 provided that criminals who have committed certain state crimes were to be executed by public hanging.<sup>9</sup> There also do not appear to be amnesty procedures under North Korean criminal law.

#### **4. DESCRIPTIONS OF PUBLIC EXECUTIONS FROM INDEPENDENT SOURCES**

This section contains the descriptions of a number of public executions that were carried out in North Korea mainly during the 1980s and early 1990s.<sup>10</sup> It must be stressed that the information presented by Amnesty International in this document on the use of public executions is, without doubt, only a partial picture. North Korean laws and government controls on the flow of information are such that information on human right violations is generally difficult to obtain, as has been described in earlier Amnesty International publications.<sup>11</sup>

Reports are usually isolated and incidental. However the credibility of reports that public executions have occurred in the recent past is enhanced by the convergence in the eyewitness accounts of several independent and unconnected sources.

The reports about public executions were obtained by Amnesty International from North Korean citizens outside North Korea. These sources wished to remain anonymous because they feared that publicizing their names may harm their relatives in North Korea.

Although it is difficult to make a reliable estimate of the number of public executions carried out in North Korea, the fact that almost all North Korean people Amnesty International has spoken to had witnessed public executions, and all of them knew of public executions, seems to indicate that public executions were carried out regularly. On the other hand, several North Koreans said that in their city public executions had not occurred, or occurred very rarely, in recent years. Sources told Amnesty International that the number of executions in the years 1982/83 and the early 1990s were exceptional in Hamhung City due to an anti-crime campaign.

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<sup>7</sup>Articles 275(4) and 297 of respectively the 1950 and the 1992 Criminal Procedure Law.

<sup>8</sup>Lawasia, *An analytical study of criminal law in North Korea*, Volume 4, Number 2, December 1973

<sup>9</sup>Political Decree of April 17, 1951, issued by the Presidium of the People's Supreme Assembly.

<sup>10</sup>See appendix 1

<sup>11</sup> See "*Human Rights Violations behind Closed Doors*" (ASA 24/12/95), issued in December 1995.

The most recent public execution reported to Amnesty International by witnesses took place in the early 1990s (it may have been the 1992 execution of Chu Su Man referred to by the authorities). Information about human rights violations in North Korea is usually received by Amnesty International with a certain delay due to the fact that the organization does not have access to North Korea for independent research and has to resort to other, slower channels for gathering its information.

## **Trials**

Very little is known about the trials that precede public executions. According to one North Korean, public trials used to be the rule until the 1970s. He said that trials could take place either immediately preceding the execution (see below under “The Executions”) or about six weeks before it. It is unclear, however, whether the public proceedings were actual trials, or were formal sentencing meetings held after the trial proper.

“Mr Kwon”<sup>12</sup> from Chongjin described the course of a public “trial” in the 1970s to Amnesty International. He said that the prosecutor announced the offence committed by the defendant and asked him if he had anything to say. According to “Mr Kwon”, most defendants would plead guilty and ask for a second chance. The judge would then say that “it is not a matter of forgiveness of an individual, it is a crime against the Constitution and the Law of the Land and he therefore has to die.” After the verdict is announced, the prisoner is taken behind a screen and is prepared for the execution. “Mr Kwon” mentioned that 14 bandits were tried in this way in 1974 or 1975 in Chongjin. He said that the two leaders of the group were executed, while the others received other punishments.

According to other sources, in most cases a Public Security or police official announced the crime the prisoner had committed and his punishment. The official was usually relatively senior. In one case, the prisoner was asked if he had a last word to say, and said he did not. In all other cases there was no opportunity for a last word.

## **Announcement and Attendance**

Public executions have been announced in several different ways in North Korea. In most cases it appears to have been done through signs that are hung at the place of execution, on walls and billboards. One North Korean mentioned that posters were also put up at work places. These posters usually mention the time and place of execution, the name of the offender, his date and place of birth, the school he graduated from and the crime he committed.

In some cases, other methods of announcement were used. One North Korean said that he had heard about an execution at his work and that it was also announced over the radio. “Mr Choi”, who witnessed an execution in Pyongyang, which took place around 1980, told Amnesty

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<sup>12</sup>All eye-witnesses Amnesty International spoke to requested to remain anonymous. All names in quotation marks are therefore pseudonyms.

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International that he was informed about the execution by someone from the “neighbourhood committee”<sup>13</sup> who informed people in the neighbourhood about the execution.

The reasons for these different forms of announcement are not clear. The announcements of public executions were apparently made a few days to two weeks before the event.

Most sources told Amnesty International that they were not under an obligation to attend the execution they had witnessed, although one source added that members of the public “had a duty” to attend. Another North Korean believed that local government officials had to attend. According to some witnesses, people who lived in the same area and worked at the same organization or firm as the convicted were invited but, as another North Korean put it: “Everyone is welcome to attend”.

Estimates concerning the number of people attending public executions differ greatly. Some sources claimed tens of thousands of people had attended the execution(s) they witnessed, while others named more moderate figures such as six hundred to one thousand. One North Korean could not estimate how many people were present at the execution he saw but added that “the place was full”. Several sources said they had witnessed executions as children. “Mr Kim”, who witnessed several executions in Hamhung, told Amnesty International that he saw his first public execution while in fourth grade (around 10 years old). “Mr Choi” from Pyongyang stated that generally public executions were attended by large numbers of children, who “came because of curiosity”.

### **Places of Execution**

All accounts agree that public executions took place at “an open spot where a lot of people can gather”. These places were often located just outside the town, such as in Hamhung in the case of two executions in the early 1990s; in Sinuiju (one execution in 1988) and Chongjin (several executions in the 1970s). The executions in the last two cities were reported to have taken place on the bank of a river. Executions in Wonsan (around 1970, 1986 and 1987) all took place on athletics fields. Other executions were also said to have taken place in a sports stadium. An execution that was carried out in Pyongyang around 1980 was said to have taken place in O Bong San, an area on the southern outskirts of the city, while another execution in Pyongyang, carried out in 1988, took place in Sama Dong, an area inside the city. No information is available about the nature of these places.

### **The Convicted and their Crimes**

In the cases of most public executions described to Amnesty International, the convicted people were male but in at least one case a woman was executed. According to witnesses, the accusations ranged from stealing rice to aggravated murder in combination with rape. No accounts of executions for political reasons were given.

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<sup>13</sup> The exact role of neighbourhood committees is unclear, but they appear to carry out administrative tasks and to disseminate government and party policies.

Executions appeared to be most frequently applied to persons who were charged with murder. Several sources believed that public executions were standard procedure for aggravated murder. Many of the public executions described to Amnesty International also concerned rapists. One man was reportedly executed for having raped a woman and stolen rice in Hamhung in 1982/83. Around 1980 in Pyongyang two men, aged about 25 to 26, were said to have been executed for assaulting and raping several young women.

One man was reportedly executed for attempted murder in 1988. According to the North Korean who had witnessed the public trial, the man, a 45-year-old coalminer, had tried to rob a woman who was selling goods on the train and then attempted to throw the woman off the train while it was crossing a bridge. The woman fell off after the train had passed the bridge and reportedly survived, although she was seriously injured.

Several men were said to have been executed for non-lethal crimes. One man received the ultimate punishment in 1975/76 for having beaten and crippled his wife because she could not bear a child. Two other men were apparently executed in 1974/75 for repeated thefts and for having intimidated, harassed and threatened people.

A number of reports have also mentioned the imposition of the death penalty for economic crimes. In 1982 or 1983 two brothers were apparently executed in Hamhung for having stolen rice from a train. The source added that there were more executions in these years as part of a campaign against rising crime. According to another source, a female manager of a restaurant, was apparently executed in 1988 in the city of Sinuiju for having stolen money from the company.

### **The Execution**

Executions have reportedly been carried out by shooting and hanging. According to some sources, the latter method has more or less replaced the former since the 1970s. Some of the descriptions of executions in the 1990s, however, concerned executions by shooting.

In all cases, prisoners were blindfolded before the execution and their arms, legs and body (in some cases up to the neck) were tied up with ropes. In some cases, the prisoner's mouth was also covered with tape. Some prisoners were reported to have stood on a makeshift stage while others stood on the ground or on the back of a lorry. Other prisoners had their hands tied around a pole. "Mr Choi" said that two men who were executed around 1980 in O Bong San, Pyongyang, were "dragged" to the place of execution in front of the crowd. He also claimed that the men were half unconscious. "Mr Lee", who said he witnessed an execution around 1985 in Pyongan South Province, mentioned that the public shouted: "Kill the murderers". Some other prisoners were reported to show signs of beatings. One North Korean said he could not remember seeing signs of beatings but added that the prisoners did look numb and worn out.

Executions by shooting were usually carried out by a group of four to six policemen. One source mentioned that policemen from a different town were brought in to carry out the execution. In most cases, the executioners all had a designated spot on the body that they should aim at, such as the head or the chest. In one case, a witness described that the prisoner was held up by a rope and



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one of the executioners had to shoot at the rope so the dead body would fall into a cart. One source mentioned that the distance between the executioners and the prisoner was about ten metres.

In the case of executions by hanging, one source mentioned that bodies were sometimes left for a few days as a deterrent. However, in most executions described to Amnesty International, no mention was made of such a practice. The bodies of prisoners were in most cases thrown into carts and taken away after the execution. It is not clear what happened to the bodies and whether or not the families were allowed to bury them or to retrieve personal effects.

## 5. AMNESTY INTERNATIONAL'S CONCERNS

Amnesty International is concerned that despite reassurances from the North Korean Government that the death penalty is only rarely used, reports strongly suggest that public executions have taken place in recent years. The North Korean government's claim, that only "one or two" executions have been carried out over the last ten years, appears to be inconsistent with the testimonies obtained by Amnesty International from several eyewitnesses. The assertion by the North Korean authorities that public executions are explicitly prohibited is contradicted by the accounts given by eyewitnesses to public executions.

Amnesty International is concerned that the public executions described by North Korean witnesses may constitute only a part of the total number of executions carried out in North Korea. This concern is based on the fact that almost every one of the North Koreans interviewed by Amnesty International had witnessed one public execution or more. In the absence of any information to the contrary, Amnesty International is concerned that this pattern may continue today. Amnesty International is also concerned at reports that some prisoners reportedly showed signs of beatings, which may indicate that prisoners sentenced to death were ill-treated or tortured during their detention.

### **Amnesty International and the death penalty**

Amnesty International unconditionally opposes the death penalty in all cases. The death penalty violates the right to life and the prohibition of cruel, inhuman and degrading punishment, as proclaimed by Articles 3 and 5 of the Universal Declaration of Human Rights which say: "Everyone has the right to life, liberty and security of person" and "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Amnesty International works for the worldwide abolition of the death penalty.

Amnesty International believes that public executions are in contradiction to Safeguard 9 of the United Nations Economic and Social Council (ECOSOC) Safeguards Guaranteeing Protection of the Rights of those facing the Death Penalty, which states that "where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering".

Amnesty International also believes that several public executions described to the organization were carried out in violation of ECOSOC Safeguard 1, which states: “in countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes, with lethal or other extremely grave consequences”. The executions of a 45-year-old man in Oh San Gun for attempted murder and a female manager of a restaurant in Pyongyang in 1988 also appear to have been carried out in contravention of this Safeguard and the North Korean Criminal Law of 1987.

The North Korean Government, at least by 1987, had not implemented Safeguard 6, to the effect that “anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory”. The North Korean authorities told Amnesty International in 1995 that a person who had been sentenced to death was executed in 1987 after having failed to appeal to his sentence. The right to seek pardon or commutation of death sentences (Safeguard 7) does not appear to be formally provided for in the North Korean legal system.

## **6. RECOMMENDATIONS**

Amnesty International calls on the North Korean authorities to undertake the following steps:

- ◆ The North Korean Government should make public a complete list of all death sentences and executions carried out since 1970, stating the name of the prisoner, the charges, the location of the trial, indicating whether a public trial or sentencing meeting was held, the place and method of execution, and specifying who witnessed the execution.
- ◆ The government should make public all laws, regulations and ministerial decrees concerning the use of the death penalty, as well as any resolutions and documents on the death penalty issued by the Korean Workers’ Party since the 1950s.
- ◆ The death penalty should be abolished in law for all offences. Article 22 of the Criminal Code and all articles carrying the death penalty (Articles 44, 45, 47, 52 and 141) should be amended to remove the death penalty as a punishment.
- ◆ Pending abolition, all executions should cease immediately, no further death sentences should be imposed and all existing death sentences should be commuted.
- ◆ Pending the commutation of all death sentences, the North Korean authorities should ensure that the treatment of prisoners sentenced to death conforms to international human rights standards, such as the Economic and Social Council (ECOSOC) Safeguards guaranteeing protection of the rights of those facing the death penalty, and does not exacerbate the already cruel, inhuman and degrading experience of being sentenced to death.

- ◆The North Korean authorities should ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the worldwide abolition of the death penalty.
  
- ◆The North Korean authorities should sign and ratify the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

**APPENDIX 1 - Public Executions Described To Amnesty International**

<b>Year</b>	<b>Place</b>	<b>Number of Executed</b>	<b>Charges</b>	<b>Method of Execution</b>
1970	Wonsan	1 man	Murder/Rape (?)	Shooting
1970	Chongjin City	2 men	Banditry	Shooting
1974/75	Chongjin City	2 men	Banditry	Shooting
1975/76	?	1 man	Beating and crippling wife	Shooting
around 1980	Pyongyang, O Bong San	2 men (age 25 and 26)	Assault and rape of several young women	Shooting
early 1980s	Chongjin City	2 men	?	Hanging
1982/3	Hamhung City	2 brothers	Stealing rice from a train	?
1982/3	Hamhung City	1 or 2 men	Rape and theft	?
1985 (?)	Pyongan South Province (exact place unknown)	3 men	Murder	Shooting
1986	Wonsan	1 man	Murder/Rape (?)	Shooting
1987*	Wonsan	1 man	Murder/Rape (?)	Shooting
1988	Hamgyong North Province, Oh San Gun	1 man (age 45)	Attempted murder	Hanging
1988	Pyongyang, Sama Dong	1 woman	Embezzlement	Hanging
August 1988	Sinuiju City	Ju Song Il	Murder	Shooting
early 1990s	Hamhung City	1 man	Murder and rape	Shooting
early 1990s (1992?)*	Hamhung City	1 man	Murder	Shooting

\* These executions may be the same as those mentioned by the North Korean authorities, see Chapter 2.

**Map of the Democratic People's Republic of Korea**