

## **Presentation 2: An Interpretation of Jang Song Taek's Execution and Human Rights Abuses in North Korea from a Legalistic Human Rights Perspective**

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### **1. Jang Song Taek's Execution and its Aftermath**

#### *1) The Execution of Jang Song Taek*

On December 8, 2013, North Korea's former second-in-command Jang Song Taek, uncle of Kim Jong Un, the first chairman of the National Defense Commission of the Democratic People's Republic of Korea, and husband of Secretary of the Korean Workers' Party Kim Kyung Hee, was dismissed from his position for "anti-party, counter-revolutionary and factional acts." The former vice chairman of the National Defense Commission was subsequently executed for "plots to overthrow the state."

According to the Chosun Central News Agency (KCNA) on December 13, Jang was indicted and promptly sentenced to death the previous day at a special military tribunal set up by the National Security Agency (NSA) – an event that occurred a mere four days after he was accused of being an "anti-party and counter-revolutionary factionist" and dragged out of the Workers' Party Politburo Assembly. The state news agency said, "The Ministry of State Security of the Democratic People's Republic of Korea Special Military Tribunal was convened on December 12, 2013. Jang was handed down a sentence of death for violating Article 60 of the Republic's criminal code (committing subversive schemes to overthrow the state).

"The crime committed by Jang Song Taek had been fully corroborated at the tribunal and the accused conceded completely to his charges. Evidence put forth at the special military tribunal adequately demonstrated that the subversive acts committed by Jang Song Taek, which had been carried out with the intention to overthrow the popular sovereignty of the republic, were punishable by Article 60 of the Republic's criminal code," the state news agency added.

The Rodong Shinmun, the mouthpiece of North Korea's Korean Workers' Party (KWP), reported on the convening of the military tribunal and publicly circulated a photo of Jang Song Taek, who appeared handcuffed and tightly guarded by two security officials at the tribunal courtroom. The newspaper also unveiled a photo of Jang's undisclosed execution, which had been circulated inside China. Following the execution, however, speculations swirled that Jang's corpse had been set on fire. In addressing the harsh verdict given to Jang, the Rodong Sinmun said, "There is no room on this land for his burial even if he dies. This is because of his rebellion against the orders of the Supreme Commander." A South Korean intelligence source confirms that "Jang died after being randomly shot by machine guns and his execution serves to heighten terror within North Korea."

Prior to his execution, Jang Song Taek had garnered attention for being a prominent figure in the Kim Jong Il and Kim Jong Eun regimes. Jang came to wield considerable authority

in state leadership and in 2012 he was appointed the vice chairman of the National Defense Commission.

However, the execution of Jang was far from peculiarly brutal. Similar acts of viciousness had occurred in the past in North Korea. Observers contend that party officials associated with Jang are likely to suffer comparable harsh treatment such as torture and execution.

For example, the head of South Korea's National Intelligence Service, Nam Jae Joon, said on December 6, 2013, that "Several members of the Unhasu Orchestra, whose rumors implicated Kim Jong Eun and his wife, Ri Sol Ju, have been executed by a firing squad." The vice minister of the Ministry of the People's Armed Forces (MPAF), Kim Cheol, was executed by mortar in March 2012 for consuming alcohol during the mourning period for the late Kim Jong Il. Performers from the Unhasu Orchestra, who were embroiled in a rumored obscene video of Ri Sol Ju, too, were cruelly put to death by a firing squad and set on fire. According to a report, one of the executed performers was pregnant.

## *2) The Execution and Oppression of Jang's Associates*

Jang Song Taek's associates are currently subjected to harsh suppression. (Abstract from a press release)

Following Jang's execution, checkpoints, which are commonly called 'checkpoint no. 10s,' have been erected by the state security agency in local cities including the suburbs of Pyongyang, according to an inside source. North Koreans that pass through these checkpoints are subjected to vehicle inspections conducted by traffic security officers. The vehicle's license plate is instantly checked against the social background of the passengers. The vehicle's recorder and bags are also subject to thorough scrutiny.

"Lee Soo Yong, a vice minister of the KWP who has been managing overseas funds when Kim Jong Il was the chairman of the National Defense Commission, was implicated in Jang Song Taek's purge and executed," the Japanese newspaper Mainichi Shimbun said on the 11th, citing an inside source. The newspaper also revealed that five other high-ranking officials who had been associated with Jang had already been executed.

The following list of officials were identified as Jang Song Taek's close aides: Director of the Korean Workers' Party Workers' Organizations Department and Vice Chairman of the State Physical Culture and Sports Guidance Commission Ri Yong Su; Minister of the People's Security Choe Pu Il; Cabinet Deputy Prime Minister Roh Doo Cheol; Chief Secretary of Pyongyang City Party Moon Kyung Deok; Minister of Physical Culture and Sports Ri Jong Mu; and, Vice Chief of the Korean People's Army Oh Geum Cheol.

Ri Yong Su had long been linked with Jang. He was initially a party official at the Kim Il Sung Socialist Youth League and subsequently moved to work at the youth department of the Korean Workers' Party in the latter half of the 1980s. In the second half of the 2000s, Ri joined the Party administration department and closely assisted Jang.

Choe Pu Il emerged as a basketball athlete from the sports division of the army. His friendship with Jang first blossomed when he was appointed personal basketball coach to First Chairman of the National Defense Commission Kim Jong Eun. In February this year, Choe was

appointed the Minister of the National Security Agency and grew under the influence of Jang Song Taek, who was chief of the administrative department.

Roh Doo Cheol had been a prominent figure due to his leadership in the Chosun International Joint Venture Company and the Chosun Daepoong International Investment Group. For a considerable period of time, Roh had been acquainted with Jang, an economic bureaucrat who stressed economic reforms.

Mun Kyung Deok was a party official at the youth league when Jang was director of the Youth Work Department. In the latter half of the 2000s, Mun assisted Jang at the administrative department and in 2010, with Jang's help, he was promptly promoted to the Chief Secretary of the Pyongyang City Party.

Ri Jong Mu was the chairman of the Korean Football Association in 2011 and for a year he grew close to Jang, who was known for his fervent passion of football. In October 2012, Roh was appointed the Minister of Physical Culture and Sports. He was the successor of Park Myeong Cheol, one of Jang's closest aides.

Oh Geum Cheol was one year junior to Jang when they were studying at the Mangyondae Revolutionary School.

Jang Song Taek had been working in the KWP since his twenties. Therefore, the majority of party officials laboriously built up and maintained their ties with him.

Jang, however, built close ties not only with his closest aides but also with committee members of the National Physical Culture and Sports Guidance Commission such as Kim Ki Nam, Choe Tae Bok, Park Do Chun, Kim Yang Geon, Kim Yong Il, Kim Pyong Hae, and Secretary of Workers' Party Kwak Bom Gi, as well as First Vice Director of the Korean Workers' Party Organization Guidance Commission Jo Yeon Jun, Director of the Korean Workers' Party Machine-Building Industry Department Ju Gyu Chang, and Director of the Korean Workers' Party Finance and Accounting Department Han Gwang Sang.

Cabinet Premier Park Bong Ju, who is concurrently a member of the National Physical Culture and Sports Guidance Commission, was in the economic inspection team led by Jang and together they visited Seoul in October 2012. In the following year, with the active backing of Jang, Park was appointed cabinet premier.

In the Kim Jong Il era, Jang's brother, Jang Song U, was commander of the third army corps and Jang Song Gil was the division commander of the Ryugyeongsu Tank 105. As a result, the Jang brothers had established a wide network of personal contacts in the army. Kim Jong Eun's ascension to power, however, led to a thorough reshuffling and replacement of core personnel within the army and now there are very few "Jang's people" left in the military.

Some officials found "refuge" under the wings of Jang in the past but Kim Jong Eun's elevation of Director of the Korean People's Army General Political Department Choe Ryong Hae and Minister of State Security Kim Won Hong into key leadership positions became a counterbalance to Jang's overwhelming influence. .

Despite being four years younger and having revered Jang like an older brother, Choe Ryong Hae was officially promoted last April as a member of standing Politburo Committee, a position that was evidently more superior than Jang's and that marked the beginning of a competitive relationship with Jang.

Kim Won Hong, too, had previously sought to curry Jang's favor but was appointed chief of the National Security Agency last April. The promotion brought Kim into direct contact with First Chairman Kim Jong Eun while contriving a significant gap between him and Jang.

Choe and Kim, however, were not appointed to the National Physical Culture and Sports Guidance Commission, which Jang was involved in.

Various observers surmise that scores of people have been executed by North Korean authorities in the wake of Jang's purge. The affected numbers may reach 30,000. Moreover, family members of Jang's aides have been captured and taken as hostages to thwart their defection.

### *3) North Korea's Evaluation and Justification of Jang's Execution*

On the 14th, North Korean authorities have been circulating responses to Jang's execution through various mediums. (article cited below)

On the 14th, the Rodong Sinmun, the mouthpiece of the Korean Workers' Party, devoted more than three pages of extensive coverage detailing the responses that North Koreans and officials had after learning news of Jang Song Taek's death.

"The death sentence delivered (to Jang Song Taek) epitomizes popular sentiment. Both the army and the masses across the country are relieved to watch the last days of a traitor," Vice President of Pyongyang Construction University Kim Young Bae said, according to the newspaper.

Chief of Ministry of Construction and Building-Materials Industries Ri Hyo Bin said, "Those who had sucked up to Jang Song Taek in return for wealth and honor deserve to be trampled upon." A member of the Baekdusan Songgun Youth Bridage Kim Geum Song said, "It is a shame that Jang Song Taek could not be hurled like a dog to the construction site of the power plant and shoveled down the mixture of concrete."

At the same time, the newspaper advocated resolute allegiance to First Chairman of the National Defense Commission Kim Jong Eun's one-man rule.

Heo Gwang Chun, Director of the Biological Engineering Institution at the National Academy of Sciences, said, "We revere Comrade Kim Jong Eun alone and we shall testify to the founding of a strong and prosperous socialist nation on this land." Kim Ju Han, a war veteran who resides in the Taesong area of Pyongyang, emphasized, "Apart from Marshal Kim Jong Eun, whose bloodline descends from Baekdu, we know nobody else."

Both the KCNA and the Pyongyang Broadcasting Station highlighted that 'Jang Song Taek's execution was just' in the eyes of the masses. Ju Song Il, secretary of Korean Worker's Party in South Hamgyeong province, said in an interview with the KNCA that, "Jang Song Taek dared to taunt the heaven's sun because he clearly failed to understand us, the faithful and loyal masses, well. The unyielding disposal of the traitor is hence the demand of the revolutionaries, the masses and the patriotic martyrs."

Vice Chairman of Pyongyang City Youth League Ri Gwang Cheol, in an appearance made at the Pyongyang Broadcasting Station, said, "As soon as we got news that the filthy dog

Jang Song Taek was eradicated, the youth in our capital (Pyongyang) all shouted for joy. A traitor like him ought to be destroyed with radioactive and cruel currents of fire.”

After Jang Song Taek was purged at the Korean Workers’ Party Politburo Assembly on the 8th, condemnation of Jang persisted for several days.

In December of last year, First Chairman Kim Jong Eun castigated Jang Song Taek as “factional trash” and justified the execution as key to strengthen the party and empower the state’s revolutionary aspirations.

## **2. A normative analysis of Jang Song Taek’s execution**

▶ Brutal execution and cruel treatments against Jang Song Taek himself and related persons clearly represent severe, extensive and drastic violations of human rights that occur widely within North Korea.

These violations can be categorized as follows: 1) apprehension and the process of execution; 2) further executions and cruel treatment of related persons; 3) process of justifying the execution after the fact.

▶ Quick ruling and drastic verdict of conviction through military trial during a time of peace clearly shows the enforcement of law without legitimate trial - a basic structure of North Korea’s system of oppression. This means that all substantive and procedural principles forming the enforcement of law, including the right to an attorney, are totally ignored.

▶ The public nature and use of a flamethrower in Jang’s execution clearly shows the current state of human rights in North Korea. Torture and cruel treatment allegedly inflicted during the interrogation indicate a severe violation of human rights.

▶ people related to Jang Song Taek have also suffered cruel forms of execution or imprisonment in political criminal prison camps, and it can be assumed that cruel forms of execution and torture are happening as we speak.

▶ Jang’s execution and its aftereffects show one of the important features of human rights violations in North Korea: the occurrence of those violations on a regular basis. Jang’s case shows that it is quite reasonable to assume that normal North Koreans could be victims of harsh suppression at any time judging from the treatment of high ranking officials and influential political figures.

▶ Considering the points made above, it is highly necessary to highlight the accumulative effect of human rights abuses in analyses of the North Korean human rights situation.

In this context, executions, torture, cruel treatment and imprisonment of Jang Song Taek and his family, all of which constitute cases of murder and persecution due to political reasons, have a high possibility of being genocide or crimes against humanity. It is necessary to analyze Jang's case not just on its own merits, but by observing the seriousness of human rights abuses against political prisoners, religious people and ordinary people since the North Korean regime was established.

After Jang was executed, the North Korean government and media showed their support for that grave human rights violation. The authorities justified the execution as they commonly do by saying it was borne from so-called "acts of dissidence."

While the grave human rights violations of the North Korean state are serious, perhaps a problem of similar seriousness is that the North Korean regime actively defends and justifies its acts of crimes against humanity through its propaganda machine.

That the North Korean government does this demonstrates that the regime's basic perceptions toward human rights violations have not changed despite the fact that the international and human rights communities have raised the issue repeatedly.

North Korea not only enforces its own laws arbitrarily with ambiguous charges, but also commits serious human rights violations with an aim to protect its own totalitarian system of government. The international community must make changing this its highest priority. Jang's execution has provided yet another opportunity for international society to reconsider the North Korean regime's grave human rights violations.

Jang's execution violates both the international covenants on human rights North Korea has signed and all standards of human dignity which form the basis of norms concerning the basic protection of human rights.

### **3. Characteristics of Human Rights Violations in North Korea**

#### *1) A Perverse Communist Totalitarian State*

North Korea is still dominated by a totalitarianism system which has now largely vanished from the rest of the world. North Korea is a totalitarian state with deep roots in Asian feudalistic regimes of the past. Even today, North Korea has maintained the violent political system of imperial Japan alive.

The North Korean people did not have a chance to experience or know about enlightenment and revolutions of modern world. North Korean people have only had feudalistic rulers, imperialists and abnormal communists as political rulers thus far. In such a society, creative thinking and activities are labeled as the acts of dissidence and those guilty of such things are subject to cruel punishment.

The following indicates that the nature of North Korean regime itself is a representation of drastic human rights violations: restrictions on information acquisition and freedom of movement within North Korea; persistent brainwashing from childhood; persistent persecution, murder and oppression against opponents and influential political figures; and, managing prison camps.

►As a result, North Korea maintains a peculiar and abnormal social structure where most people suffer under the oppressive rule of the elite class, including the Kim family, distinguished members of society and the military.

### *2) Isolation and risk of North Korean regime*

North Korea has shown patterns of extreme isolation and risky behaviors aimed at preserving the regime. It prevents humanitarian organizations from meeting with recipients of aid and many times diverts such aid to development projects for nuclear weapons, missiles and weapons of mass destruction.

### *3) Extremeness of human rights violation*

As successive UN special human rights rapporteurs have pointed out, human rights violations in North Korea represent those of an extreme nature. Such human rights violations are seen extensively not only in prison camps but also in general administrative detention facilities. It is common for North Koreans to be imprisoned arbitrarily or that enforced disappearances occur. Furthermore, sexual exploitation against female prisoners, compulsory abortion and arbitrary execution are common. It is estimated that at least 400,000 prisoners have died in prison camps during the last several generations.

## **4. Future Considerations**

### *1) Confirmation of Crimes against Humanity and enforcement of International Criminal law*

We must confirm that human rights violation of North Korean regime is not just a violation of rules but are international crimes like genocide and crimes against humanity. This is the stated purpose of the UN COI on North Korea. Simultaneously, the international community needs to proactively explore the possibility of pressing North Korea on its crimes against humanity as it establishes policy to deal with the issue.

### *2) Closure of prison camps*

Prison camps are a major site of severe human rights violation in North Korea. Such human rights violations tends to be the model in which human rights abuses in other facilities occur. If the camps were to close, there would be a possibility of improving human rights status in North Korea and alleviating violation of human rights by judicial and administrative institutions.

### *3) International collaboration and cooperation*

Severe human rights violations in North Korea go against international aims and interests. The expansion of anti humanitarian behaviors such as frequent violence and terrorism in North Korea

violates international basic values. In this context, it is necessary alert the United Nations, European Union, and nations like China and Russia about the seriousness of the situation.

*4) Urgency of protecting human rights and consideration of rapidly changing situation*

One more thing to consider when thinking about Jang's execution is the urgency of the situation. It is reasonable to say that we should consider the rapidly changing situation when establishing prevention measures for human rights violations, along with the volatile political situation in North Korea and urgency of a human rights situation that becomes worse every day. For instance, it is necessary to prepare warnings and preventive measures simultaneously about genocide against political prisoners in volatile situations, merciless oppression against political or social activists and arbitrary and extensive violation of human rights by administrative powers in social chaos.