

The Factual Evidences of Human Rights Violations Committed by the North Korean Regime (Democratic People's Republic of Korea or DPRK) on Korean War POW

1. Introduction

1.1 North Korea (DPRK) is suspected to have held thousands of South Korean POWs long after the Korean War ended

Tens of thousands of South Korean soldiers were unaccounted for during the Korean War. South Korea has charged that North Korea continued to detain many South Korean prisoners of war (POWs) even after combat had ended in 1953. For years, North Korea has denied such charges and claimed that any South Korean POW who stayed in North Korea did so voluntarily. [OH, YOON and HUR 2008, p. 41]. The controversy continues to this day, even though the POWs would be in their 70's and 80's. Today, more than 500 of those POWs may still survive in North Korea. [OH, YOON and HUR 2008, pp. 15-16].

1.2 Prolonged Detention of South Korean POWs is a War Crime and violates the 1953 Korean War Armistice, and the Geneva Conventions

The prolonged detention of POWs after hostilities have ceased is a war crime. It violates the Geneva Conventions regarding the treatment of POWs and the Rome Statute of the International Criminal Court. [GENEVA 1949, Art. 130; ROME 1998, Art. 8(2)]. In the case of South Korean POWs captured during the Korean War, prolonged detention would also violate terms of the 1953 Armistice, where the combatants had agreed to specific procedures for accounting and repatriating all POWs who wished to return home. [KOREAN ARMISTICE AGREEMENT 1953, Art. III; Annex Paragraph II.]

1.3 Testimonies from escaped POWs and declassified Soviet-era documents provide new evidence that contradicts North Korean claims

The North Korean and Chinese Communist forces never disclosed the exact number of South Korean POWs they claimed had volunteered to stay in North Korea. Nevertheless, they denied that any South Koreans were detained against their own will.

However, since 1994, 87 former South Korean POWs have escaped from North Korea. The testimonies from these men contradict North Korean claims. According to their testimony, North Koreans coerced South Korean POWs to incorporate into their armed forces as well as to perform dangerous and hard labor during and after the war. The North Koreans never gave the POWs an opportunity to return home.

These testimonies are corroborated by declassified Soviet-era documents that indicate North Korean leaders never intended to allow the POWs to return home. Statements in these documents indicate that North Korean leaders intentionally kept South Korean POWs from escaping or making contact with international officials monitoring the exchange of prisoners after the war.

The escaped POWs have also testified that they were restricted in their work, residence and travel throughout their lives in North Korea. Furthermore, North Korea's State Security Ministry kept them under strict surveillance which continues to this day, even though the POWs are now in their 70's and 80's. The discrimination and surveillance also continues against their children.

The testimonies indicate that the North Korean authorities purposely and methodically maintained control over the POWs. North Korean authorities also have detailed records of the whereabouts of all South Korean POWs and their families.

1.4 The International Korean War Memorial Foundation advocates on behalf of South Korean POWs and their families

The International Korean War Memorial is a non-governmental organization based in Los Angeles. The Foundation's Korean POW Affairs Committee seeks to establish contact with all POWs and their families in North Korea, and secure the release of all who wish to leave. The Foundation believes that the new evidence from testimonies of escaped POWs and newly publicized documents provides a legal case and hopes to mobilize the international humanitarian community on behalf of the POWs and their families who have suffered for over 50 years.

2. History of the South Korean POWs detained in North Korea

2.1 Korean War casualties number in the millions

The Korean War was a bloody conflict between North and South Korea from 1950 to 1953. A multinational force from 16 nations led by the United States aided the South Koreans. South Korea and its allies fought under the United Nations (UN) Command, which had been established by a UN Security Council Resolution days after North Korea

invaded the South on June 25 1950. The Communist North Koreans had been armed and trained by the Soviet Union, which continued to provide supplies throughout the war. In November of 1950, hundreds of thousands of soldiers from the Chinese Communist People's Volunteer Army came to North Korea's aid.

Out of a combined population of only 30 million in North and South Korea, at least 2.5 million people (including at least 1.6 million civilians from both sides) were killed. [KOREAN WAR 2010; STOKESBURY 1988, p. 21]. In spite of all those deaths, the war ended inconclusively in a stalemate and ceasefire along the current Demilitarized Zone (DMZ) between North and South Korea. [KOREAN WAR 2010].

2.2 The Communist forces never disclosed the exact number of South Korean POWs they had captured

The Korean War Veterans Memorial in Washington DC states that 92,070 UN soldiers were captured by Communist forces. [KOREAN WAR VETERANS MEMORIAL 1995]. However, only 13,444 POWs, including 8,321 South Koreans and 3,746 Americans, were returned at the end of the fighting. [HERMES 1992, Appendix B]. Out of the 79,626 UN POWs who were not repatriated, only 349 were accounted for by the Communists. These were the 347 UN POWs (325 South Koreans, 21 Americans, and 1 British) who had verified to the neutral nations representatives and the Red Cross their intent to stay with their Communist captors, and the 2 South Korean POWs who had sought asylum in India. None of the other unrepatriated UN POWs were heard from for decades after the ceasefire. Almost all the unaccounted POWs, that exceeded 79,000, were South Koreans.

The UN Command suspected that large numbers of South Korean POWs had been coerced into joining the North Korean forces. Incorporation of POWs into a captor's military is a "grave violation" of the Geneva Conventions. [GENEVA 1949, Art. 130]. Communist negotiators denied they had violated the Geneva Conventions and claimed the large discrepancy between the number of UN POWs they had captured and the number they was because they had "released" tens of thousands of South Korean prisoners who had "recognized their crimes" at the front during combat [HEO 2002, pp. 145; HERMES 1992a]. The Communists also claimed that any former South Korean POW who stayed with them had done so voluntarily after being released. [HERMES 1992a].

For decades, North Korea continued to deny that any South Korean prisoners were held against their will. [OH, YOON and HUR 2008, p. 41]. However, neither the North Koreans nor the Chinese forces ever disclosed the number of South Koreans they claimed had joined their side.

2.3 South Korean POWs performed difficult and dangerous work in North Korea during the war

Aside from the legal and political controversy, we now know that South Korean POWs who were kept in North Korea lead extremely difficult lives. Some POWs were assigned to North Korean frontline combat units. Many more were assigned to labor brigades that repaired airfields and railroads. The airfields and railroads were bombed heavily by the UN air forces. Many POWs perished while clearing unexploded bombs that had been dropped on those targets. [HEO 2002, p. 150]. Later, the POW labor brigades were sent to perform hard labor, mining for coal and other minerals. The mines were usually located in the Northeastern areas of North Korea, near the Chinese border. [HEO 2002, p. 150; OH, YOON and HUR 2008, p. 39].

2.4 Discrimination and strict surveillance of the POWs by the State Security agents continued after the war

On June 25, 1956, almost three years after the Armistice was signed, the North Korean Cabinet issued "Order 143." Order 143 officially demobilized the POW labor brigades. The POWs were also issued North Korean citizenship and allowed to marry and start families. However, their work was largely restricted to the same hard labor occupations in the same mines they had worked in before. Many suffered physical injuries over the decades of hard labor [OH, YOON and HUR 2008, p. 95-102].

In addition to physical hardship, the POWs also suffered from discrimination and strict surveillance from police and State Security agents. Although they were nominally North Korean citizens, they were classified as "number 43" members and part of the "hostile stratum" (Jeok-dae Kye-cheung) by the North Korean state. The number 43 designation meant that no matter how hard they worked, their advancement was limited. They were punished more harshly than other citizens. POWs were given prison sentences and even executed for minor mistakes they had made on their jobs [OH, YOON and HUR 2008, p. 103-113].

POWs were under tighter surveillance by police and State Security agents compared to other citizens as well. The POWs had to regularly report to State Security agents the details of their lives, including visits to friends and family. The POWs also knew that many of their co-workers and neighbors were assigned to secretly inform on them. Because the POWs were under stricter surveillance, their neighbors avoided befriending them because the neighbors feared that they themselves would also be subject to surveillance. Therefore, they suffered social isolation. [OH, YOON and HUR 2008, p.114-121].

2.5 The discrimination extends to the POWs' children

The hostile stratum designation passed on to the POW's children and discrimination extends to the children of POWs. POW children were restricted from attending University, even if they received good grades. They were also restricted from serving in the North Korean military. Restricting college entrance and military service meant that