

Introduction

1. This submission concerns capital punishment, extrajudicial killings, the lack of notification to family members, the clandestine body disposal, and the secrecy surrounding the (extra-)judicial procedure and administrative units responsible for executions, arbitrary or otherwise, in the Democratic People's Republic of Korea (DPRK).
2. The data informing this submission comes from two projects run by the Transitional Justice Working Group (TJWG): Mapping Crimes Against Humanity in North Korea (described in paragraph 3), and a consortium project in collaboration with the Citizens' Alliance for North Korean Human Rights (NKHR), the Korean War Abductees' Family Union (KWAFU), and NK Watch to create a central repository for data on victims of enforced disappearance by the DPRK, including foreign abductees.
3. At the time of this submission, TJWG has interviewed a total of 540 North Korean escapees who have re-settled in the Republic of Korea (ROK) to map clandestine mass burials in the DPRK and to collect witness accounts of executions carried out by the state authorities. TJWG released its first report in July 2017, based on interviews with 375 escapees. Charts 1-4 in the Annex show relevant demographic information about the interviewees whose testimony is reflected in our 2017 report.

Recommendations on Capital Punishment Made in Preceding Reviews

4. During the first cycle of the Universal Periodic Review (UPR) (2008-2011), the DPRK received 167 recommendations in December 2009, of which 50 were rejected and 117 were to be examined by the DPRK for responses to be provided in time for their inclusion in the outcome report to be adopted by the Human Rights Council at its 13th session (1-26 March 2010).¹ However, the DPRK belatedly submitted its responses to the first cycle recommendations only days before its second UPR, in the annex to its second cycle report.² Of the 117 recommendations that it examined, the DPRK accepted 81 that "are implemented or currently under implementation", partially accepted six, "some parts of which are accepted and currently under implementation", noted 15 that "are difficult to accept under present circumstances, however [sic], are reserved for consideration in the future", and rejected 15.
5. In response to the 12 recommendations made regarding capital punishment, the DPRK rejected outright all but one recommendation by Hungary that called for the ratification of *inter alia* the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP 2), aimed at the abolition of the death penalty, as shown in Table 1 in the Annex.
6. The DPRK categorically rejected all eight recommendations on the moratorium and/or abolition of capital punishment (91.14, 91.15, 91.16, 91.17, 91.18, 91.19, 91.20 and 91.21): Five of these recommendations were moratorium/abolition recommendations, from Italy, Spain, New Zealand, France and Israel citing public executions (91.16, 91.17, 91.19, 91.21), extrajudicial executions (91.16) and respect for minimum international standards, including the right to a fair trial, the limitation of the death penalty to the most serious crimes, as well as the non-application of the death penalty to minors, pregnant women and persons suffering from mental diseases (91.20). However, the DPRK also rejected three further recommendations calling for a moratorium and/or abolition by Brazil and Chile, which referred only to generic executions

(91.14 and 91.15), as well as Lithuania's recommendation that took note of the reduction in capital crimes (91.18).

7. During the interactive discussion of the UPR in December 2009, France asked for the number of death sentences and executions over the past three years, while the Netherlands expressed concerns regarding reports on public executions and the death penalty for political and religious reasons.³ The DPRK stated that, "in some very exceptional cases, there are public executions for those criminals who committed very brutal violent crimes. These requests are often made by the families and relatives of the victims."⁴

8. During the second cycle of the UPR (2012-2016), the participating countries made a total of 268 recommendations to the DPRK in May 2014, of which 83 were rejected and 185 were to be examined by the DPRK for a response no later than September 2014.⁵ In its response, of the 185 recommendations, the DPRK stated that it would accept 113. It partially accepted four, took note of 58, and rejected 10.⁶

9. In response to 25 recommendations made regarding capital punishment, the DPRK rejected only four of them, two during the interactive dialogue in May 2014 and two in its response of September 2014. It took note of the remaining 16, in a marked departure from its near complete lack of engagement in the first cycle, (see Annex Table 2).

10. The DPRK's rejection of recommendations by Australia and Iceland to implement the UN Commission of Inquiry (COI)'s suggestions on capital punishment (125.15 and 125.25) was in line with its categorical rejection of all recommendations related to the COI report.

11. With its rejection of recommendations by Chile, Greece and Spain, which made reference to arbitrary and public executions (124.93 and 125.44) and "institutionalized policy of executions and disappearances described in the reports of the Special Rapporteur" (125.45), the DPRK appears to deny their occurrence, despite consistent reports provided by North Korean escapees.

12. However, the DPRK has "taken note of" recommendations by Sierra Leone, Turkey, Costa Rica, Lithuania and Germany to end public executions (124.82, 124.83, 124.87 and 124.92), collective punishments (124.86) and extrajudicial executions (124.87). TJWG interprets this mixed signal as tacit admission.

13. TJWG notes that the DPRK "took note of" all three recommendations by Portugal, Latvia and Uruguay for the ratification of the Second Optional Protocol to the ICCPR, aimed at the abolition of the death penalty (124.12, 124.13 and 124.14) and 15 recommendations for moratorium of the death penalty and even its eventual abolition (124.77, 124.78, 124.79, 124.80, 124.81, 124.82, 124.83, 124.84, 124.85, 124.86, 124.87, 124.88, 124.89, 124.90 and 124.92).⁷

14. It is noteworthy that the DPRK "took note of" recommendations by France and Hungary to publish detailed statistics on death sentences and executions (124.88 and 124.89). However it rejected Italy's recommendation to disclose, in addition to detailed data, "the modalities of the executions" (124.91). This highlights the DPRK's reluctance to reveal information that would support concrete steps to improve its human rights record.

15. The DPRK also "took note of" the Belgian recommendation for it to respect the minimum standards set out in ECOSOC resolution 1984/50, articles 6 and 14 of the ICCPR, and article 37 of the Convention on the Rights of the Child (124.94). Together with its willingness to

engage with the idea of a moratorium and long-term abolition of the death penalty, this may signal the DPRK's general tolerance for technical discussions to rationalise its procedure for capital punishment, provided that they concern non-political offenses and avoid open criticism of its grave record on this practice.

16. During the interactive dialogue, Hungary asked about the criminal acts that could result in the imposition of the death sentence and the number of executions, while Slovakia and Italy expressed their concerns about the death penalty.⁸ The DPRK stated that executions were not open to the public in principle, but added that public executions may occur only in exceptional cases, where the crime committed was extremely grave.⁹

17. There is no straightforward way to assess the reasons for the DPRK's sudden engagement during the second cycle. It is widely agreed that the DPRK's engagement with the UPR process was prompted by the COI's call for criminal and legal accountability for the DPRK's leadership and the subsequent resolutions by the Human Rights Council¹⁰ and the General Assembly¹¹ endorsing calls for UN Security Council's referral of the situation in the DPRK to the International Criminal Court (ICC).

18. The DPRK appears to respond to robust, visible measures, such as the appointment of a COI. Therefore, the logical course of action would be to renew international efforts for the referral of the human rights situation in the DPRK to the ICC. Some of the alleged crimes against humanity perpetrated by the DPRK, such as the abduction and forced disappearance of foreign nationals, may be construed as on-going offenses that commenced in the territory of the Republic of Korea (ROK) and Japan, which are parties to the Rome Statute.¹²

The DPRK's International Obligations

19. The DPRK is a party to the ICCPR, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the CRC and the Convention on the Rights of Persons with Disabilities.¹³ The DPRK also acceded to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity on 8 November 1984¹⁴ and to the Convention on the Prevention and Punishment of the Crime of Genocide on 31 January 1989,¹⁵ as well as to the Vienna Convention on Consular Relations on 8 August 1984¹⁶, without reservations.

20. According to article 6 (2) of the ICCPR, in countries which have not abolished the death penalty, the sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the ICCPR and the Genocide Convention. This penalty can only be carried out pursuant to a final judgment rendered by a competent court. The term "the most serious crimes" must be read restrictively and pertain only to crimes of extreme gravity, involving intentional killing. Crimes not resulting directly and intentionally in death, such as drug offences, attempted murder, corruption and other economic and political crimes, armed robbery, piracy, abduction, and sexual offences, although serious in nature, can never justify, within the framework of article 6, the imposition of the death penalty.¹⁷

21. With respect to the prohibition of cruel, inhuman or degrading treatment or punishment under article 7 of the ICCPR, the Human Rights Committee stated in its General Comment No.

20 that when the death penalty is applied by a State party for the most serious crimes, it must not only be strictly limited in accordance with article 6 but it must be carried out in such a way as to cause the least possible physical and mental suffering.¹⁸

22. The consortium further notes that the Member States of the UN, including the DPRK, unanimously backed General Assembly resolution 47/133 of 18 December 1992 adopting the Declaration on the Protection of All Persons from Enforced Disappearance, and General Assembly resolution 60/147 of 16 December 2005 adopting the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. The provisions of the 1992 Declaration and the 2005 Basic Principles and Guidelines are binding upon the DPRK as they have become a part of customary international law.

Domestic Law and Relevant Domestic Developments since the Previous UPR Cycle

23. The criminal justice system of the DPRK remains secretive. The DPRK does not publish its legislation for public dissemination. This secrecy undermines the rule of law, and court judgments, including for the trial of capital crimes, are not reported publicly. The consortium regrets that it has to rely on the admittedly incomplete research compiled by foreign experts and governments for information about the DPRK legal system.¹⁹

24. The Socialist Constitution of the DPRK, adopted in 1972 and revised most recently in 2016, makes no mention of the right to life in Chapter V (Basic Rights and Responsibilities of Citizens). Nor does it restrict the imposition of the death penalty. However, the prosecutor's office and the court have duties to "Protect the sovereignty of the DPRK, the socialist system, the property of the state and social cooperative organizations, and the constitutional rights, lives, and property of the people" through their respective prosecutorial and judicial activities under article 156(3) and article 162(1).

25. The DPRK's approach to international law shows instances of meaningful application of international standards in domestic legislation.²⁰ For example, according to article 17 of the Treaty Act, adopted in 1998 and revised in 2009 and 2012, government institutions that conclude treaties must implement the obligations set forth therein without exception. Similarly, article 7 of the Anti-Money Laundering Act provides that international treaties approved by the DPRK concerning anti-money laundering and combating the financing of terrorism have the same force as the said Act. Article 9 of the Civil Aviation Act likewise gives the same force to international conventions approved by the DPRK concerning civil aviation as the said Act. It is possible for the DPRK to insert a clause in its criminal law to automatically incorporate international norms.

26. The Penal Code of the DPRK, adopted in 1990 and last revised in 2015, contains no provisions regarding genocide, crimes against humanity or war crimes although, as stated above, the DPRK is a party to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the Convention on the Prevention and Punishment of the Crime of Genocide.

27. According to article 29 of the Penal Code, the death sentence is the most severe punishment; it cannot be imposed on persons who were below eighteen years old when the crime was committed and it cannot be carried out on pregnant women. The latter provision, at least on

paper, almost verbatim adopts the language of article 6 (5) of the ICCPR which stipulates that the sentence of death shall not be imposed for crimes committed by persons below eighteen years and shall not be carried out on pregnant women.

28. The current Penal Code provides the death penalty for eight crimes, as shown in Table 3 in the Annex.²¹ The 2013 revision of the Penal Code added the death penalty for illegal cultivation of opium and manufacturing of narcotics (Article 206). The eight capital crimes have been retained despite at least three revisions of the Penal Code between 2014 and 2015. The first five (articles 60, 61, 63, 65 and 68) are essentially political offenses that are defined so broadly as to permit arbitrary and subjective imposition of the death penalty.

29. The “supplementary provisions” to the Penal Code, adopted in 2007 and revised in 2010, as shown in Table 4 in the Annex, are even more problematic as they provide for widespread and rigid imposition of death sentences based on subjective aggravating factors.²²

30. The 2010 revision is an improvement in the sense that it replaced the possibility of death sentences for crimes listed in Table 5 in the Annex.

31. Furthermore, the 2010 revised “supplementary provisions” replaced the mandatory death sentence for offences (listed in Annex Table 6) with more flexible penal options, such as corrective labour for life, to give the prosecutors and judges greater discretion in making individualised determination of penalties on a case-by-case basis.

32. However, even the 2010 revised “supplementary provisions” provide for several vaguely-defined offenses that may nevertheless result in death sentences. The consortium also observes that they fail to meet international standards as they allow capital punishment for crimes not resulting directly and intentionally in death.

33. The consortium also expresses concern about articles 45-57 of the Criminal Procedure Code, adopted in 1992 and last revised in 2012, and article 3 of the Court Organic Act, adopted in 1976 and last revised in 2011, which provide for special investigative bodies and special courts such as military courts, “rail courts” and “munitions courts”. Their jurisdiction is vaguely defined as pertaining to matters concerning the military, rail or munitions sectors, and the applicable substantive or procedural laws are unclear. The consortium has identified unverified reports that Jang Sung-Taek, executed early in the rule of his nephew, Kim Jong-Un, had been tried and convicted by a military or munitions court.

34. The consortium cannot rule out the possibility that there are provisions in the unpublished DPRK laws that prescribe the death sentence. For instance, as stated above, the substantive laws applied by special courts have not been revealed.

35. The consortium adds that the DPRK has never provided information about the detailed rules or specific institutions that govern the execution of capital punishment, the disposal of bodies of executed persons, and the notification of the cause and manner of death to family members.

36. Article 241 of the Penal Code criminalises unlawful arrest, detention and subpoena, body or house search, and seizure or confiscation of property, while article 242 of the Penal Code penalises unlawful interrogation and the exaggeration and fabrication of cases with aggravated punishment for conspiring to commit such deeds, causing heavy injuries or death, or creating

unjust criminal liability. However, none of the provisions outlaw torture or ill-treatment in detention. The interrogators may abuse their power since they cannot be punished unless their victims can prove their innocence or physical injury. The situation does not satisfy the prohibition of torture and other cruel, inhuman or degrading treatment or punishment under customary international law.

Findings and Issues of Concern

37. In political prison camps (*gwalliso*) and correctional prisons (*gyohwaso*) executions are reportedly used as a means to deter potential escapees. In the *gwalliso*, executions have been described by North Korean escapees in their interviews with TJWG as taking two forms: either informal (undertaken in secret away from the view of other inmates), or formal (other inmates are required to watch the proceedings).

38. Outside the prison system, interviewees testified that public executions take place near river banks, in river beds, near bridges, in public sports stadiums, in local marketplaces, on school grounds, or on mountainsides. According to these testimonies, the common offences for executions have included: theft; transporting and selling copper components from factory machinery and electric cables; stealing livestock (especially cows, which are state property); stealing farm produce such as corn and rice; murder and manslaughter; human trafficking (including brokering defection and selling women for marriage in China); distributing South Korean media; organised prostitution; sexual assault; drug smuggling; and gang fighting.

39. Many interviewees said the final decision for a public execution was often influenced by the low social classification of the accused, their inability to pay bribes or leverage influential personal connections, in addition to their alleged crime. Interviewees said that executions often take place upon the issuance of a new decree from the central government to set an example for certain officially prohibited behaviors.

40. In the case of executions of government officials, frequent charges included embezzlement, espionage, and procuring funds and/or goods for personal gain/enjoyment (luxury goods). For such executions, officials of similar rank from other provinces and counties were required by superior authorities to watch the killings. Three interviewees independently testified witnessing mass executions of 10-15 individuals, in North Hamgyong, North Hwanghae and Ryanggang provinces. Executions in Ryanggang and North Hwanghae were said to have been carried out by the Defense Security Command (*bowi saryeongbu* or *bowiguk*).

41. One former official stated that public officials accused of espionage were beaten to death in secret after digging their own burial pit in a discreet location during the *yeshim* (preliminary examination) period that comes after the investigation stage but before the prosecution and trial stages in the DPRK criminal justice system. The preliminary examination, often undertaken by the infamous Ministry of State Security (*gukga bowiseong*) without judicial oversight, entails harsh interrogation, torture, prolonged detention and forced confession, in violation of rights to due process.²³ The testimonies obtained by TJWG corroborate the reported practice of extrajudicial, summary and arbitrary executions in the DPRK.

42. The suspected mass burials identified in the TJWG interviews are thought to contain the bodies of those who have been executed in public or in secret, those who died during, or as a result of torture and ill-treatment during interrogation by the Ministry of People's Security (*inmin boanseong* or *anjeonbu*; the equivalent of the police) or the Ministry of State Security

(*gukga bowiseong* or *bowibu*; the North Korean political intelligence), and those who died while being held in temporary detention facilities (*jipgyelso*) or larger correctional prisons (*gyohwaso*) and political prison camps (*gwalliso*), from malnutrition, diseases, medical complications, beatings, torture or forced labour.²⁴ Maltreatment in detention extends to cases of overseas nationals detained in North Korean facilities for varying periods.

43. The interviewees identified burials occurring by a range of means. The burial sites for prisons (*gwalliso* and *gyohwaso*) were identified by some former inmates and prison officers. These sites tend to be in unpopulated or sparsely populated areas near prisons, to avoid the attention of local villagers. However, in some instances, dead prisoners were described as being “dumped” on the mountainsides, where numerous small burial mounds were visible near frequently-used walking tracks, according to the testimony of a former prison guard. Two participants acknowledged burial sites containing 10-15 bodies together in a single pit. Logging is a common task for prison camp inmates, and a number of interviewees described having come across dead bodies in the mountains near prison camps during such work.

44. Some interviewees described cremation sites used by prison camps to dispose of human remains. Three former prisoners from the same facility independently described the frequent disposal of multiple bodies from the prison. One former inmate spoke of weekly disposal of remains at a cremation site, from where the stench of burning bodies could be regularly detected. During the summer or during the outbreaks of diseases such as typhoid, the bodies would require quick disposal. Another testimony recounted how the crematorium at a prison facility ceased operation in the early 1990s due to the lack of fuel, after which the bodies were dumped and left “like rubbish”. In other instances, bodies were piled upon each other and not fully cremated.

45. According to testimonies received by TJWG, the bodies of executed persons or individuals who died in police custody following torture or illnesses are often swiftly transported to areas away from cities to avoid notice by the public. If there is a mountain near the police station or state security office building, the bodies may be buried there; if not, the bodies have to be taken some distance away from the police station to the nearest mountainous area. In general, the mountains around police and state security buildings are secure areas where the public are prohibited from entering, and a number of interviewees indicated their belief that this was because these areas contained burial sites. However, the patterns of burials vary between different cities and administrative areas.

46. Other than those who are executed or killed in prison, the mass burials involve two types of victims: those who died from starvation and those who died from torture during interrogation or accidents, disease or acute malnutrition while in police custody. During the famine of the 1990s, dead bodies in the streets were collected and transported by trucks to burial pits containing 5-10 bodies each. The local police were responsible for disposing the unidentified bodies of starvation victims from other regions upon reports from the local residents.

47. The DPRK law on cremation, adopted in 1998 and last revised in 2006, requires the cremation of the dead. However, the continuing fuel shortage over the past decades has prevented the practice of cremation from taking root. More recent reports indicate that the remaining family members defy the regulations for cremation by postponing funerals or clandestinely burying the remains at night to avoid detection by the authorities. The cremation law is reportedly a part of the Party mandate on reforestation, designed to address the “myriad

tombstones and burial mounds peppering the mountainsides”, which are visible from the roads below and deemed a “national disgrace”.²⁵

Human Rights Consequences and the Lack of Accountability Mechanisms

48. The lack of clear, publicly available, written rules and guidance for the practice of capital punishment, setting out the procedure and government organs responsible for capital punishment may violate: the right to life; the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment; the right to security of person; the right to be treated with humanity and with respect for the inherent dignity of the human person while deprived of liberty; the right to enjoyment of the highest attainable standard of physical and mental health; and the right to access due process and fair trial, by permitting arbitrary deprivation of life without due process and inflicting unnecessary physical and mental suffering on the executed persons and their families.

49. The alleged disposal of bodies of persons who have been executed or have died in detention and disposed of in secret burial sites in mountainous areas or by cremation, without notification of the cause and manner of death to their family, violates: the right not to be subjected to cruel, inhuman or degrading treatment; the right to security of person; the right to be treated with humanity and with respect for the inherent dignity of the human person while deprived of liberty; the right not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, or to unlawful attacks on their honor and reputation; the right to enjoyment of the highest attainable standard of physical and mental health. These rights are violated by denying traditional burial for the executed persons and disposing of them in a manner that degrades their personality in perpetuity, while causing unnecessary distress to both the executed persons who are aware prior to death that they will not be properly mourned, and to the family members who are deprived of their chance to properly mourn the death of their loved ones.

50. The apparent lack of laws and regulations governing record-keeping for executions and deaths in detention, and of public morgue and autopsy procedures, makes it difficult to collect evidence of torture or other cruel, inhuman or degrading treatment or punishment. The body of evidence disappears with the secret burials or cremations.

51. In the case of secret executions, the deprivation of liberty until the death sentences, which lack the legal basis or fail to meet the international standards for the due process and fair trial rights, are carried out may be considered arbitrary; the refusal to disclose the fate or whereabouts of the executed persons following their removal to sites that place them outside the protection of the law is, by definition, enforced disappearance under international law. The consortium notes that the Working Group on Arbitrary Detention (WGAD) and the Working Group on Enforced and Involuntary Disappearances (WGEID), both special procedures of the UN Human Rights Council, not only reported on disturbing cases of arbitrary detention and enforced disappearance in the DPRK (see Annex Tables 5 and 6), but made explicit reference to crimes against humanity.²⁶ When committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, such secret executions would qualify as crimes against humanity for the purpose of article 7 of the Rome Statute.

52. The facts and concerns alleged above may hinder the future realization of the right to full and effective reparation, which, as set out in principles 18 and 22, includes the satisfaction of the 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law:

- (a) Effective measures aimed at the cessation of continuing violations;
- (b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- (c) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
- (d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- (e) Public apology, including acknowledgement of the facts and acceptance of responsibility;
- (f) Judicial and administrative sanctions against persons liable for the violations;
- (g) Commemorations and tributes to the victims;
- (h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.

Recommendations

53. Regularly translate and publish the DPRK laws and regulations, especially those concerning deprivation of life, liberty and property and criminal investigation, trial and punishment, including the substantive norms applied by and the procedural rules governing its special courts, for public dissemination at home and abroad.

54. Publish and report the court judgments, especially for the trials of capital crimes, to further legal precision, clarity, accessibility and foreseeability.

55. Publish detailed statistics on death sentences and executions including:

- (1) the number of death sentences by courts (supreme, provincial/metropolitan, city/district, country; military, rail, munition);
- (2) the number of death sentences/executions/commutations by year, province/city/county, and offence; and

- (3) the number of persons sentenced to death/executed/commuted by gender, age, and occupation/profession.
56. Disclose the detailed rules and procedures for executions including:
- (1) the written rules of procedure and/or manuals for carrying out executions;
 - (2) the site of executions;
 - (3) the training and qualifications for executioners;
 - (4) the notification of the executed persons' families;
 - (5) the required or permitted witnesses at the scene of executions (prosecutors, judges, victims' families, executed persons' families, others);
 - (6) the methods of executions (firing squad, hanging, electrocution, gas chamber, lethal injection, etc.);
 - (7) the methods of disposal of the remains; and
 - (8) the maintenance of records.
57. Publish detailed statistics on deaths in detention including:
- (1) the number of persons who died in police custody by year, province/city/county, offence, gender, age, and occupation/profession; and
 - (2) the number of persons who died while serving criminal sentences by year, province/city/county, offence, gender, age, and occupation/profession.
58. Amend the constitution to include the right to life, prohibition of torture or ill-treatment to bolster domestic and international respect for the rule of law in the bill of rights.
59. Remove the death penalty for crimes that do not involve intentional killing of human being(s).
60. Adopt methods of execution that cause the least physical and mental suffering to the executed persons and their families.
61. Incorporate into the management of the DPRK's detention and penal system the 1985 UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the 1988 UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the 2010 UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the 2015 UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).
62. Codify the provisions of article 36 of the 1963 Vienna Convention on Consular Relations, to which the DPRK is already a party, in the domestic law to provide greater assurances of security and liberty of person to foreigners visiting the DPRK.
63. Extend invitation for country visits to the Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the Special Rapporteur on the Independence of Judges and Lawyers.

64. Establish working relations and pursue institutional cooperation with technical agencies such as the UN Interregional Crime and Justice Research Institute (UNICRI) or international expert groups such as the Penal Reform International (PRI) to improve the professional training of judges, prosecutors and defense attorneys, and to update the legal framework and practice of the penal system in the DPRK.

65. Ratify the CAT and provide explicit punishment for torture and ill-treatment per se in the Penal code to eliminate arbitrary behavior taken by officials against persons in their custody.

66. Ratify the ICERD with a view to guaranteeing the right of everyone, without distinction as to national origin, to equality before the law, notably in the enjoyment of the right to equal treatment before tribunals and all other organs administering justice and the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.

67. If the DPRK hopes to realise its commitment to the Strategic Framework for Cooperation between the UN and the DPRK 2017-2021, which includes the Sustainable Development Goals, it should mainstream human rights in every aspect of its international engagement and economic cooperation. This is necessary for its stated efforts to improve economic construction and people's living standards, as it indicated in its second cycle of the UPR.²⁷ This should occur alongside fundamental reforms to its judicial and security apparatus to protect citizens.

68. The DPRK should respond to individual communications submitted to UN bodies and procedures regarding abductions and enforced disappearances (see Annex Tables 7 and 8).

¹ Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea, UN Doc. A/HRC/13/13, 4 January 2010, paras. 90 and 91, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/13/13

² Position of the DPRK on the recommendations received during its first cycle UPR, UN Doc. A/HRC/WG.6/19/PRK/1, Annex 1 (undated), http://lib.ohchr.org/HRBodies/UPR/Documents/Session19/KP/A_HRC_WG.6_19_PRK_1_DemocraticPeoplesRepublic_of_Korea_Annex_E.doc

³ Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea, UN Doc. A/HRC/13/13, 4 January 2010, paras. 32 and 63, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/13/13

⁴ Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea, UN Doc. A/HRC/13/13, 4 January 2010, para. 88, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/13/13

⁵ Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea, UN Doc. A/HRC/27/10, 2 July 2014, paras. 124 and 125, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/27/10

⁶ Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea: Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 12 September 2014, UN Doc. A/HRC/27/10/Add.1, paras. 5-8,
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/27/10/Add.1

⁷ Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea: Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 12 September 2014, UN Doc. A/HRC/27/10/Add.1, para. 7,
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/27/10/Add.1

⁸ Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea, UN Doc. A/HRC/27/10, 2 July 2014, paras. 65, 71, 102,
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