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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED
TO ANY FORM OF DETENTION OR IMPRISONMENT

Decisions adopted by the Working Group on Arbitrary Detention*

The present document contains the decisions adopted by the Working Group on Arbitrary Detention at its eleventh session, held in November-December 1994 and at its twelfth session, held in May-June 1995, as well as several of the decisions adopted by it at its thirteenth session, held in September 1995. The statistical data concerning decisions Nos. 35/1994 to 48/1994 are included in the report submitted by the Working Group to the Commission on Human Rights at its fifty-first session (E/CN.4/1995/31, annex II). The statistical data concerning decisions adopted during 1995 are included in the report of the Working Group to the Commission on Human Rights at its fifty-second session (E/CN.4/1996/40, annex II).

* In view of its length, the present document is being issued in the original languages only, the Conference Services Division of the United Nations Office at Geneva having insufficient capacity to translate documents that greatly exceed the 32-page limit recommended by the General Assembly (see Commission resolution 1993/94, para. 1).

DECISION No. 29/1995 (DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA)

Communication addressed to the Government of the Democratic People's Republic of Korea on 7 February 1995.

Concerning Kang Jung Sok and Ko Sang Mun, on the one hand, and the Democratic People's Republic of Korea, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication, received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with appreciation the information forwarded by the Government concerned in respect of the cases in question within 90 days of the transmittal of the letter by the Working Group.
3. (Same text as para. 3 of Decision No. 35/1994.)
4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government of the Democratic People's Republic of Korea. The Working Group transmitted the reply provided by the Government to the source but, to date, the latter has not provided the Working Group with its comments. The Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, in the context of the allegations made and the response of the Government thereto.
5. The communication received from the source, a summary of which was transmitted to the Government, concerned the following persons:
 - (a) Mr. Kang Jung Sok, a citizen of the Republic of Korea, was reportedly being detained in Sungho (North Korea). It was reported that Mr. Kang had gone to the Federal Republic of Germany on 23 July 1971 to work as a miner. Since April 1972, his family had reportedly not received any news from him. It was alleged that he had been kidnapped from Germany by North Korean authorities because of his political conviction about liberal democracy.
 - (b) Mr. Ko Sang Mun, a South Korean teacher born in 1948, who was on vacation in Oslo, Norway, was presumed to have been arrested in the North Korean Embassy in Oslo on or around 16 April 1979. It was alleged that since 1979 he was being detained in North Korea. He was reportedly accused of spying and was believed to be held in the Sungho detention centre, near Pyongyang, since the end of 1990. The source reported that, according to the North Korean authorities, Mr. Ko Sang Mun had come to North Korea voluntarily. Recent interviews with Mr. Ko, in which he reportedly asserted that he had gone to North Korea of his own free will, were reportedly broadcast by the North Korean radio, but the source expressed doubts as to the authenticity of these interviews, and suggested that they may have been made under coercion. The source further alleged that the Sungho detention centre was a camp for political prisoners.

6. In its reply, the Government dismissed the allegation that either of the men were under detention. Mr. Kang Jung Sok arrived in North Korea voluntarily on 28 October 1971 after spending one year and three months working in a coal mine in the Federal Republic of Germany. The Government provided the Working Group with excerpts from the Rodong Sinmun newspaper of 29 October 1971 which purports to quote the statement made by Mr. Kang upon his arrival at Pyongyang airport. The Government further provided details about Mr. Kang's present address and profession. Nevertheless, the Government did not affirm specifically that Mr. Kang had never been detained for any period of time between 29 October 1971 and May 1995. As for Mr. Ko Sang Mun, the Government describes his "suffering in South Korea" and refers to his press conference on 15 August 1994 in which he explained his motives for coming to The Democratic People's Republic of Korea. The Government also attached a clipping from the People's Korea newspaper of 27 August 1994, giving excerpts from a testimony given by Mr. Ko. He reportedly pretended to accept working for the South Korean Central Intelligence Agency and was sent to Western Europe to "incite popular sentiments" and "build an organization" in North Korea. But in 1979 he went to a North Korean embassy in a European country and sought asylum in North Korea. The Government indicates that Mr. Ko works as a researcher at the Scientific Research Institute in Pyongyang, but his address is not given. In the case of Ko Sang Mun the Government did not specifically state that he had never been under detention.

7. The Working Group has before it two contradictory versions of events concerning Kang Jung Sok and Ko Sang Mun. The source, on the one hand, affirms that both men were being held in 1990 in the Sungho detention centre, where political prisoners are allegedly held; the Government, on the other, affirms that they are not being detained at present, but does not say that they have never been detained in the past. Furthermore, while the Government indicates the address of Mr. Kang Jung Sok's present residence, it fails to do the same regarding Mr. Ko Sang Mun.

8. In the light of the above, the Working Group decides to keep the case pending while awaiting further information under paragraph 14 (c) of its methods of work.

Adopted on 13 September 1995.