

REPORT

“One recognized refugee in nine years. Overview of the situation with refugees from the DPRK (North Korea) in Russia”

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Since 2011, the Russian Migration Service (FMS of Russia and General Administration for Migration Issues of the Ministry of Internal Affairs of Russian Federation) granted refugee status to only one citizen from the DPRK. In 2019, the lowest number of Koreans applied for refugee status and temporary asylum within the last nine years. Because of this, by the end of 2019 in Russia, there were only 49 citizens of the DPRK with temporary asylum and one Korean with refugee status. These unfortunate records were the result of the systematic destruction of the institution of asylum and cynical disregard by the Russian government for the massive and monstrous human rights violations in North Korea. At the same time, despite the extremely dangerous and unpredictable totalitarian regime, Russian courts regularly issue orders on the expulsion of its citizens to the DPRK.

It's no secret that the human rights situation in North Korea is more serious than in any other country. In this regard, the international community often expresses their concern. Several United Nations entities (UN) including the Human Rights Council, General Assembly, Security Council, have again and again returned to the discussion of the issue of human rights violations in the DPRK.

The latest large-scale and multi-faceted study of the human rights situation in DPRK held by the UN ended in 2014. The United Nations group, the Commission of Inquiry uncovered that North Korea was found to have systematic and massive human rights violations including: right to food, torture, inhuman treatment in prisons and camps, arbitrary arrest and detention, discrimination, violations of freedom of expression, violations of the right to life, unlawful restriction of freedom of movement, abduction. The Commission concluded: "Many cases of human rights violations identified by the commission constitute crimes against humanity. This is not just about some excesses on the part of the state; these acts are inalienable components of the political system", while the power of the DPRK "for decades has been pursuing a criminal policy that deeply shakes the mind humanity".

On the topic of migration, the Commission concluded that the citizens of the DPRK were "forced to return home from China, and were subjected to torture, arbitrary detentions, summary executions, forced abortion and other forms of sexual violence".

Among the Commission's recommendations that were addressed to other countries about the immigrants from North Korea and their asylum rights, the following two stand out:

"Provide those who have escaped from the Democratic People's Republic of Korea and those in need of international protection asylum and other means effective protection; ensure these people are fully integrated into society, and have protection against discrimination";

"Respect the principle of non-expulsion, and therefore refrain from forced expulsion of any person to the Democratic People's Republic of Korea, unless there is a significant improvement in the treatment of people, then this will be confirmed by international human rights monitoring system."

Based on the results from the Commission's study and continuing monitoring in June 2015, the Office of the United Nations High Commissioner for Human Rights in Seoul, South Korea, opened to study the human rights situation in the DPRK. This was done in Seoul, not Pyongyang because, despite repeated requests from the international community, the authorities in the DPRK denied visits to their country to the UN Special Rapporteur. In addition to the UN, the Korean Institute is conducting research on the situation in the DPRK. National Union (KINU), which has been publishing annually since 1996 'White Paper on Human Rights in North Korea'

reports based on various available statistics and in-depth interviews conducted with those who to escape from the DPRK as Koreans.

Unfortunately, there is no reason to believe that the human rights situation in North Korea has improved in the years since publication in 2014 Commission of the results of their research. The regime's continuing violation of DPRK's human rights framework is showed by the ongoing UN monitoring, Resolutions of the UN General Assembly (A/RES/71/202 from December 19, 2016, A/RES/72/188 from December 19, 2017, A/RES/73/180 from December 17, 2018, A/RES/74/166 from 18 December 2019), Resolutions of the UN Human Rights Council (A/HRC/RES/37/28 from March 23, 2018, A/HRC/RES/40/20 from March 22, 2019), annual issues of the “White Book” and conclusions of human rights organizations.

Legal regulation and punishment procedures for defectors used in the DPRK¹

In North Korea, defectors are punished on the basis of 1) criminal code, 2) the administrative code and on the so-called 3) “code of the people's security and law enforcement” (People's Security Enforcement Law).

The DPRK Penal Code provides punishment for defectors in two articles: “illegal border crossing” (Article 221) and “treason” (Article 63). Illegal border crossing may, depending on the circumstances, lead to punishment of forced labor up to one year in a labor camp or up to five years in correctional labor colonies (Article 221). Koreans who have committed what the DPRK authorities regard as treason, in particular escaping to other countries, may result in a sentence of imprisonment up to five years in correctional labor colonies. In cases assessed by the regime as more serious – up to an unlimited stay in colonies, or to capital punishment and confiscation of all property (Article 63).

The first procedure that one has to go through once the regime has announced a defector and forcibly deported them back to the DPRK is verification, which is conducted by the Ministry of State Security, whose branches are located in border areas. The employees are mainly interested in how many times the individual crossed the border, and also their activities after they crossed the border (was there any contacts with citizens from the Republic of Korea or Christians, whether they have traveled to South Korea, etc.). After this procedure, the individual is sent either to pre-trial detention centers or regional detention centers in border areas.

Thus, during the investigation and judicial procedures, repatriated people spend time in the following places: holding centers, detention centers, labor camps, and prison camps. In all these places the roughest human rights violations. According to the UN Commission and the White Paper, the level of violence and mistreatment of repatriated North Koreans in detention centers and pre-trial detention facilities in border regions extremely high. Repatriated people are often insulted there, and face beatings, torture, hunger, forced labor, etc. In addition, the individuals are often searched with strip search, including examination of the uterus, and pregnant female defectors are additionally subjected to forced abortion.

All these are gross violations of fundamental human rights (the right to humane relations, right to life, right to liberty and security of person, right not be tortured). The guarantee of human rights,

¹ For more information on the legal regulation and procedures for punishing defectors in North Korea, see: Korean Institute for National Unification, 2019, White Paper on Human Rights in North Korea 2019, pp. 390-414.

the International Covenant on Civil and Political Rights, which the DPRK member states ratified in 1981².

Unfortunately, while the situation with the rights of those whom the DPRK authorities refer to as defectors are not observed, on the contrary, it seems that it is getting worse. So, in the 2019 White Paper notes “border controls and harsh the persecution of defectors became even more brutal with Kim Jong-un’s rise to power, therefore, the concern about possible violation of human rights for those Koreans who were caught trying to escape from the DPRK and those who were forcibly repatriated.”

Despite the monstrous realities faced by those forcibly repatriated to the DPRK, the Russian authorities, unfortunately, do not always follow the recommendations given by the UN, and rudely and cynically violate them. This is evident both from the consideration of Russians by the migration authorities, by the courts of Koreans who do not want to return to the DPRK and those in need of asylum, and from a number of political decisions on Russia’s part.

The most representational act demonstrating the disregard of the Russian authorities for human rights in the DPRK and the protection of Korean refugees, became apparent in the 2016 re-admission agreements between the governments of the DPRK and the Russian Federation.

On the agreement between the governments of the Russian Federation and DPRK

Russia has a special responsibility for the North Korean refugees, as it one of the three countries (Russia, China and the Republic of Korea), with which the DPRK has land border. Another reason for Russia's special responsibility is that that the USSR participated in the creation of the DPRK, and then for a long time actively supported totalitarian system of the DPRK. Unfortunately, the Government of the Russian Federation does not demonstrate increased responsibility, and instead shows extreme irresponsibility in relation to refugees from the DPRK, who became hostages of the Russian government's relations with the North Korean regime.

So, on February 3, 2016, only two years after the publication of the UN report cited above, the Deputy Head of the Federal Migration Service (FMS) of Russia Nikolay Smorodin and Deputy Minister of Foreign Affairs of DPRK Pak Myung Guk signed the “Agreement on transmission and reception (readmission) of persons who have entered and illegally stayed in the territory of the Russian Federation and the Democratic People's Republic of Korea”, as well as the executive protocol on the implementation procedure attached to this agreement. In other words, despite the recommendations of the UN Commission, the Russian government legalized the forcible deportation to the DPRK of those Koreans. Several nuances of this shameful agreement should be noted:

- The agreement implies the possibility of transferring persons that left North Korea in violation of migration rules from third party countries to the DPRK. (Article 3);

In other words, a person who arrived from the DPRK to Russia, regardless of citizenship, is at risk of being expelled to North Korea, where torture and punishments may await.

² It should be noted that in 1997, the government of the DPRK sent a notification to the UN that withdraws themselves from the list of states parties to the International Covenant on Civil and Political Rights, but the UN still believes that this country is subject to the pact, since the withdrawal from the agreement requires the consent of all other member states, which was not given.

- The agreement implies the exchange of information between the government agencies of the Russian Federation and the DPRK as citizens of whom North Korea

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sends a request for extradition, and about third-country nationals who left from violation of migration rules (Articles 2 and 3);

It is not hard to see that sharing such information could endanger the safety of not only refugees from the DPRK, but also for citizens of other countries who's problems arose on the territory of the DPRK.

- The agreement does not make any guarantees that North Koreans and citizens of other countries that are transferred to the DPRK from Russia will not be tortured, or that other inhuman acts will happen to them. The only exception is for persons for whom transit to third countries is requested. As stated in the agreement, the corresponding Russian department "may refuse a transit person 'if' there is a threat that in the state of destination or in another state of transit, the third country citizen or stateless person is to be subjected to torture, inhuman or degrading treatment, punishment, death penalty or persecution on grounds of race, religion, or nationality, as well as belonging to a particular social group, or on the basis of political convictions", as well as if "in the state destination or in another state of transit, a citizen of a third state or a stateless person will be subject to criminal prosecution or punishment."

Two questions immediately arise here: 1) Why is it 'can' refuse, and not 'absolutely' will refuse? Does this mean that the Russian side can allow transit, even if they recognizes the likelihood of persecution, torture and reprisals against those whom the DPRK asks for send to some third country? 2) Why are no guarantees given in the refusal to transfer to North Korea, even though no one there is protected from torture and the threat of reprisals?

This last question is rhetorical, as if it were seriously considered in this agreement, then it would not have appeared. Moreover, as in the reports from human rights organizations and from the UN, the recommendations are unambiguous, and it is argued that no one who has left the DPRK wants to return, and should not be forced there

Statistical Data

According to statistics from the Federal Migration Service of Russia and the Ministry of Internal Affairs of the Russian Federation, since 2012 (earlier data is not available) and until the end of 2017, the number of North Korean citizens in Russia has fluctuated from around 30-40 thousand people.

In 2018, a massive exodus of Koreans from Russia began, which is directly related to the UN Security Council Resolutions (Resolution 2375 of September 11th 2017 and Resolution 2397 of December 22nd, 2017), according to which, countries are prohibited from giving work permits to labor migrants from the DPRK, and should also close all North Korean and joint commercial companies.

So, for example, according to the data received by the BBC Russian Service, for 2017 the Ministry of Labor of the Russian Federation has established a job quota for more than 44 thousand citizens of the DPRK, and at the beginning of 2018 there were about 300 North Korean companies and thirty more joint ventures with Russian companies. According to the information from the newspaper Kommersant, there were even more quotas (about 48 thousand), so in 2017 they were not all being used. At the same time, similar data for 2018 cannot be found successful.

In 2019, the number of DPRK citizens staying in Russia continued to sharply decrease, which was primarily due to the end of the existing labor visas, and the return of their holders to their homeland.

In February 2020, the Russian ambassador to the DPRK said that all North Korean worker had left Russia.



Diagram 1. The number of DPRK citizens (people) on the territory of Russia from the date (according to the FMS Russia and the Ministry of Internal Affairs of the Russian Federation)

According to the Federal Migration Service of Russia and the Ministry of Internal Affairs of the Russian Federation, over the past nine years, despite all difficulties and obstacles, 207 DPRK citizens submitted an application for refugee status, but only one of them the Russian Migration Service granted this status. This single case occurs in 2011.

The number of those who managed to apply for refugee status from 2016 to 2019 is falling and was the lowest value for the entire period for which we have data (2011-2019).

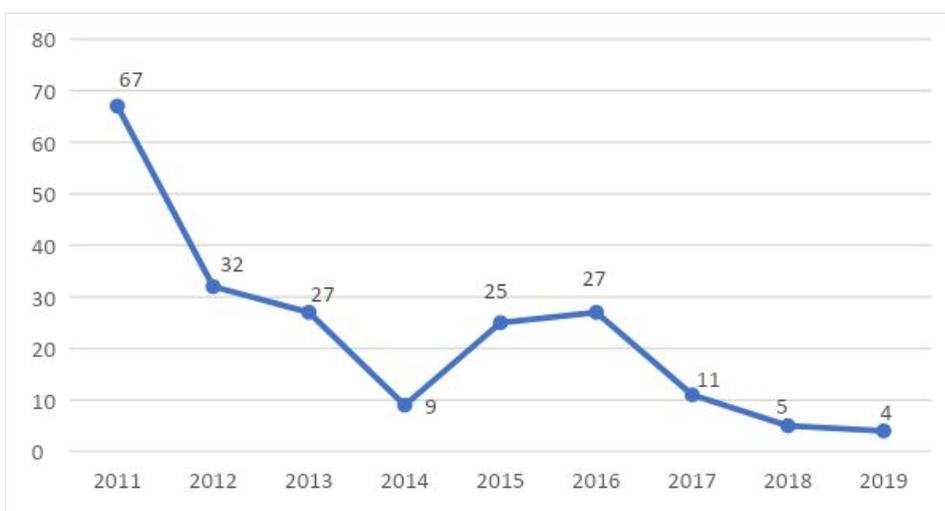


Diagram 2. The number of applications for refugee status that the citizens of the DPRK managed to submit (according to the statistics of the FMS of Russia and the Main Directorate of Internal Affairs of the Ministry of Internal Affairs of the Russian Federation for 2011-2019)

From 2011 to 2019, 305 DPRK citizens managed to apply for a temporary asylum and 213 received this status. But in the last three years, similarly to the end of 2016, the number of those who managed to apply for temporary asylum and the number of those to whom it was issued is steadily declining.

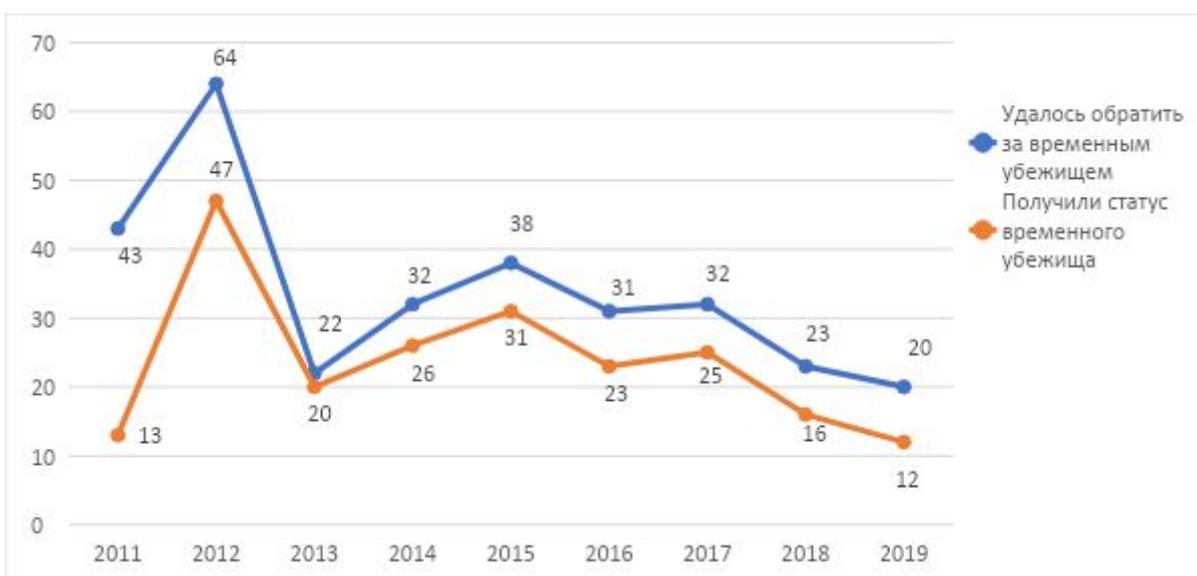


Diagram 3. Number of DPRK citizens who managed to apply for the status temporary asylum, as well as citizens of the DPRK who received this status in the Russian Federation from 2011 to 2019 (according to the data of the Federal Migration Service of Russia and the Ministry of Internal Affairs of the Russian Federation)

The number of DPRK citizens who had received temporary asylum at the beginning of the year had not reached a hundred people, but after 2016, the number of people with official status fell sharply.

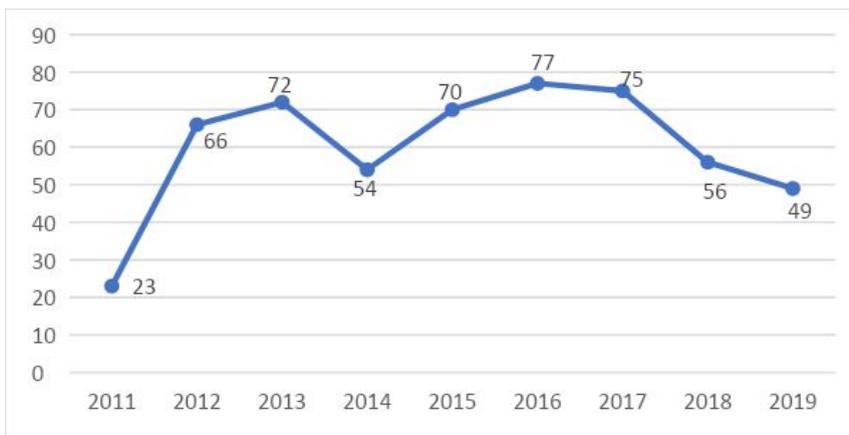


Chart 4. The number of DPRK citizens who had the status of temporary asylum in the Russian Federation from 2011 to 2019 (according to the data of the Federal Migration Service of Russia and the Ministry of Internal Affairs of the Russian Federation)

A sharp decline in the number of those who managed to apply for temporary asylum and holders of official status, indicates a further tightening and dehumanizing within the attitude of the Russian authorities towards asylum seekers, which was also the agreement described above, dated just in 2016.

This decline suggests that those Koreans who had temporary asylum, were either forced to leave Russia, or were left without a migration status.

Statistics indicate that the decline in the number of DPRK citizens who received asylum in Russia is not explained by the fact that they managed to obtain permission for a temporary residence permit (RVP), or a Russian citizenship. At the beginning of 2018, 75 DPRK citizens had temporary asylum and another 16 received it during the year, but at the end of the year, the number of those who had temporary asylum was 56, which means that 35 citizens from the DPRK had lost their status. At the same time, in 2018, according to statistics, only 1 North Korean received Russian citizenship, and six citizens of the DPRK were given a temporary residence permit. Even if one was to assume that these 7 people had temporary refuge status, there are still 26 citizens of the DPRK who either simply did not extend their status which would deprive them of the right to legally stay in Russia, or they were extradited to the DPRK, or they managed to leave for a different country. All this speaks of the ineffectiveness of the institution of asylum, and the prevailing inhumane attitude towards refugees on the part of the Russian authorities.

Administrative expulsion of DPRK citizens from Russia

In the vast majority of cases, judges decide on administrative expulsion of migrants from Russia on the basis of one of two articles of the Code of Administrative Offenses of the Russian Federation: Article 18.8 (Violation by a foreign citizen or a person without citizenship of the rules of entry into the Russian Federation or the regime of stay (residence) in the Russian Federation) and Article 18.10 (Unlawful exercise by a foreign citizen or a person without citizenship of labor activity in the Russian Federation). Share of expulsion decisions for these two articles in 2019 accounted for 97% of all decisions on expulsion from Russia. An important note is that the judge is provided with a choice: either 1) expel a foreign citizen recognized as a violation of migration rules, or 2) limit yourself to a fine.

Administrative expulsion, again is at the discretion of the judge, is of two types: 1) controlled independent departure, which is when a foreign citizen is obliged to leave the territory of Russia, 2) forced expulsion, when a foreign the citizen is first placed in a temporary detention center for foreign citizens, with the conditions of the detention center are similar to those in prison, and then after collection of the relevant papers, and the allocation of funds for their expulsion, are accompanied by security which goes to the country of their citizenship.

As demonstrated in the report of the Civic Assistance Committee, the judiciary in Russia does not enjoy independence in the matter of expulsions but is an attachment of the executive that led the judiciary almost to a total degradation. With this in mind, and in light of the topic of refugees from the DPRK, although it is still not only the fact of close cooperation and “exchange experience” between Russian and North Korean courts, but also revelations that the Chairman of the Supreme Court of the Russian Federation, V.M. Lebedev, who has praised the judicial system in Russia and the DPRK. One shudders at the words of Lebedev: “I think that everything is fine here (in the DPRK). Their court operates on the same basis as in the whole world, with the same principles.” Probably Lebedev had not read even a short descriptions of the “judicial system” of the DPRK, otherwise he would have known that even formally it is not independent, but controlled by the ruling party and its leaders (through the Supreme Assembly of the DPRK), not to mention the total dependence on the totalitarian and brutal power of those who play the role of judges.

If the Chairman of the Supreme Court of the Russian Federation makes such statements and authorizes programs for the exchange of knowledge with colleagues from the DPRK, then ordinary Russian judges will easily decide to expel North Koreans, ignoring recommendations of the UN and human rights organizations. They do not seem to know that those expelled to the DPRK may face torture, and even execution.

There is no publicly available data on how many Koreans were accepted within the court decisions on expulsion from Russia, and there is also no data on how much such decisions were enforced, with Koreans being sent back to the DPRK. But the analysis of the court decisions that available to us for review show that there are such cases, and they are not isolated.

The decisions we know about the expulsion of DPRK citizens are characterized by the fact that 1) judges ignore the decisions and recommendations of the UN, and do not raise the question of whether there is a threat to the life and health of those whom they expel, 2) the judges do not explain why they put some Koreans in the temporary detention center for foreign citizens, and some recommend to leave on their own, 3) decisions to expel DPRK citizens usually by the judges it is drawn up according to the template, without serious proceedings individual

circumstances of the case, 4) in fact, the judges act as a party accusations that Koreans have almost no chance of being justified before.

From our analysis of some court decisions from October 2018 to September 2019, we will briefly describe 16 examples (50 court decisions) of how Russian judges consider cases of administrative expulsion from Russia citizens of the DPRK.

1) On October 5, 2018, a judge of the Khasansky District Court of the Primorsky Territory (p. Slavyansk), I.S. Shvetsova, made a decision to expel two North Korean citizens for stay in Russia over the period established by their visas. Judging by the text decisions, any research on why the citizens of the DPRK did not return to their homeland on their own before the expiration of the visa validity period did not happen.

2) On October 12, 2018, the judge of the Soviet District Court of the city of Kazan, O. V. Melnikov, considered and made a decision on expulsion through an independently controlled departure for 9 DPRK citizens. Each of them was accused of the fact that “upon the expiration of the visa on the stay on the territory of the Russian Federation, this period was not extended, the individuals did not leave the Russian Federation, and are currently located on the territory of the Russian Federation (Republic of Tatarstan) in violation of their stay”. All court decisions were written in “carbon copy”, in none of them the judge puts the question of why the Koreans did not leave on their own. The only thing the judge noted from what was said by each of those involved in the administrative responsibility was: “He explained that he was guilty, and did not extend the visa, and did not leave the country.”

3) On October 24, 2018, the judge of the Industrial District Court of Khabarovsk, I.V. Chornovol, expelled five citizens of the DPRK for breaking the “rules of the regime of stay of foreign citizens on the territory of the Russian Federation, expressed from leaving the Russian Federation after a certain period of stay”. All five Koreans, without explanation, were placed in a local temporary detention center for foreign citizens.

4) On October 26, 2018, a judge of the same Industrial District Court Khabarovsk, S.V. Aleksandrov, decided to expel four more Koreans. The first group of them was placed in the local temporary detention center, and the rest were given the possibility of an independent controlled departure. Strange, but perhaps simple, it is cynical that the decision on the placement of the Koreans in the local temporary detention center notes: “The court recognizes mitigating circumstances, confession of guilt, remorse for the deed that they was for the first time brought to administrative responsibility”. In other words, on the severity of punishment by the “mitigating” circumstances recognized by the judge is in no way affected, although the judge had all legal grounds and authority to limit imposition of a fine for violation of the Administrative Code against this and other Koreans.

5) On November 21, 2018, the judge of the Zheleznodorozhny District Court of Khabarovsk, V.A. Zabelina, issued a decree on the expulsion of five DPRK citizens from Russia by placing them in local temporary detention center. No explanation as to why this particular path was chosen, as well as whether the judge was sure that the Koreans detained in Russia are not waiting at home. Judge Zabelina only indicates about each of Koreans that he “agreed with the imputed violation, he indicated his support that they would not leave the Russian Federation on time due to lack of funds.” This judge should have known that DPRK citizens almost never travel on their own, and do not buy tickets themselves, but do it under the supervision of the foremen and employees of the special services of their state.

6) On January 23, 2019, the judge of the Sovetskiy District Court of Kazan, R.S. Kashapov, made three identical decisions (only the personal information and date of entry into Russia) on the expulsion of DPRK citizens who, by in the judge's opinion, have violated the migration legislation after the end of the visa (July 2018) and did not leave Russia. The judge, as in all the above cases, does not ask why the Koreans decided to stay in Russia, and whether they are being threatened at home due to the fact that they did not return when their visas ran out. Moreover, the court decisions do not contain an indication of the presence of an interpreter during the trial, and also about the knowledge of the Russian language by the detainees.

7) On February 20, 2019, the judge of the Motovilikhinsky District Court of Perm, K.A. Istomin, issued two copied orders to expel two Koreans who had exceeded their stay in Russia, and had not extended their visas. One of citizens of the DPRK has been in Russia since 2014, which increases the risk for him to be interrogated at home, and judging by the text of the decision, Judge Istomin was not interested in this fact.

8) On March 20, 2019, a judge from the Khimki District Court (Moscow Region), L.V. Fedorchenko, expelled at least two citizens of the DPRK. No details, except that they allegedly applied to the migration service for processing of exit documents, since they had expired visas. There is no information in the decision on whether Fedorchenko investigated or wondered if the Koreans would be in danger upon returning to homeland.

9) On April 18, 2019, a judge from the Frunzensky District Court of Vladivostok, T.A. Mikhailova, expelled a North Korean for exceeding the validity of a visa, accompanied by perhaps the shortest decree, which, with all details, took about 400 words. His explanation only said: "At the hearing, he admitted guilt."

10) On April 18, 2019, the judge of the Central District Court of Krasnoyarsk, O.A. Shiverskaya, decided to require that at least nine citizens of the DPRK had to leave Russia, as they had exceeded the validity of the visa. The texts of the decrees on expulsion are almost identical. According to their case file, all nine Koreans came with the purpose to study, but there was no explanation of whether they studied or not, according to the text of the decrees. It is worth mentioning that the Koreans were detained at the same the same time and in the same place, namely "at the reception of the migration registration of foreign citizens by employees of the Department for migration affairs of the Ministry of Internal Affairs of Russia "Krasnoyarskoe". In other words, they themselves came to one of the departments migration service, although it remains unknown exactly why.

11) On April 20, 2019, a judge from the Kalininsky District Court of Ufa, D.I. Mustafina, made a decision to expel a citizen of the DPRK due to the fact that he had indicated the reason of being in Russia as to study (unclear on whether this means that he had a student visa, or perhaps it is only about the migration card, where an arbitrary mark could have been placed by a border guard), but according to the information from the officers of the Ministry of Internal Affairs of the Russian Federation who had detained him, the DPRK citizen had been working. The position of the Korean himself is hidden behind one solution proposal: "In court he pleaded not guilty, and he disagreed with expulsion." No details, no explanation. It should be noted that Koreans rarely express their disagreement with what the employees of the Ministry of Internal Affairs or the judge say, this should be very good reason to investigate further, but the judge didn't even question it.

12) In the same court and on the same day, another judge, E.N. Grafenkova, made (judging by the text of the resolution) a similar decision, but with two important differences: 1) the citizen of

the DPRK refused to sign the Police Administrative Offense Protocol, referring to Article 51- The Constitution of the Russian Federation; 2) asked the judge not to expel him. Grafenkova completely neglected the recommendations from the UN, and in general, the need for humane relations with people, did not inquire into the circumstances of the case, and the Korean was sent for forced expulsion, placing him in the temporary detention center for foreign citizens.

13) On May 15, 2019, in the Leninsky District Court of Tomsk, judge A.V. Karpov made a particularly outrageous decision. Karpov decided to forcibly expel a citizen of the DPRK who has been living in Russia since 1994 and has been in a temporary shelter for several years. The defense's argument was that if the Korean was to be expelled, it is very likely that the Korean would face criminal prosecution in the DPRK, and inhuman treatment. Karpov only considered "on the investigated evidence". What "evidence" Karpov investigated is unknown, but he clearly ignored the evidence and recommendations of the UN.

14) On August 20, 2019 in the Oktyabrsky District Court of the Primorsky territory, a decision was made to expel a citizen of the DPRK, who in April 2018 was caught, and then sent to a colony for illegally crossing the Russian border "with the purpose of catching aquatic biological resources". The decision has some suspicions because: 1) a citizen of the DPRK was detained immediately after being released from the colony (on the same day), 2) a citizen of the DPRK, being in colony, appealed to the migration authority "with a request to establish the identity of a foreign citizen or stateless person." Judge A.U. Izhko said that at the time of release and at the instant arrest the DPRK citizen did not receive the documents.

15) On August 27, 2019, a judge from the Zheleznodorozhny District Court of Khabarovsk, N.A. Taranushchenko, issued a resolution on the forced expulsion of three citizens from the DPRK who had lived in Russia for more than a year after the expiration of their visa documents. In explaining the reasons for living in the country without valid documents Taranushenko wrote that they did not leave because they did not have the money. But since the Koreans did not have a defender at the trial, one can only guess about the true reasons on why they didn't leave, as well as what they had waiting at home.

16) On September 4, 2019, in the Aviastroitelny District Court of Kazan, a decision was made in regards to a DPRK citizen who was engaged in translation activities, in which he had the relevant documents. By unidentified court reasons, this citizen did not renew the migration registration, for which he was faulted against under article 18.8 of the Administrative Code of the Russian Federation. It is noteworthy that the court recorded the willingness of the DPRK citizen to independently and at his own expense leave Russia, but without explaining the reasons, the judge ruled on compulsory expulsion.

To illustrate the unfortunate situation with the rights of DPRK citizens in Russia, we cited examples of deportation judgments handed down against 50 Koreans. It seems that the decisions on expulsion are made in courts throughout different regions of Russia, although, judging by the court decisions available to us for review, there are especially many Koreans that are being expelled from the Primorsky Territory bordering the DPRK and, in addition, from the Khabarovsk Territory and the Republic of Tatarstan. It should be noted that the examples above are only a small part of the known decisions on the expulsion of Koreans for approximately a period of one year. Only a small part of the total number of decisions are available to us, which means that the actual scale of the disaster and inhuman activities of Russian courts is unknown.

History of refugees from DPRK in Russia

There are a few publications in the Russian media about refugees from the DPRK and many of them start with information about their abductions. Sometimes this happens after Koreans apply to migration authorities for status refugee in Russia. In Soviet times, if the law enforcement agencies discovered a “fugitive” Korean, they would immediately report this to the DPRK special services, and would organize the return of the fugitive to North Korea, where they would await expected torture, and the death penalty as a ‘traitor to the motherland.’ Unfortunately, we know of cases today that continue in this tradition. Here are stories of six DPRK refugees who received help from the Migration and Law Network of the Memorial Human Rights Centre and members of the Civic Assistance Committee.

1). Jong Kum-Chon

This is one of the few stories that we know in full detail, and which reveals the methods of work about Koreans with the law enforcement agencies of the DPRK and Russia.

North Korean citizen Jong appealed to Svetlana Gannushkina, the chairman of the Civic Assistance Committee, in April 2007. By this time, he had already been living in Russia for 10 years. Jong came as part of a group of North Korean construction workers, but he did not want to work in a company that was corrupt and robbing workers of their benefits, so he found himself a refuge in a village near Yekaterinburg. Here he started a family, his civil wife Anya and son Antoshka who was three and a half years old in 2007. For the first six years they lived in the village. Thanks to Jong's ability to work 20 hours a day, and modesty with food and drink, Anya and Jong rebuilt themselves a nice house, bought a car and settled down quite happily. Like a jack of all trades, Jong was snapped up.

In 2007, they moved to the Moscow region, where Jong got a job. Here Jong began to have problems - for the first time, he was faced with questions about his legal status, and with someone's advice, he turned to the UNHCR, which is where he was sent to “Civic Assistance”. A lawyer at the Migration Law Network helped him to file an application for granting him refugee status at the office of migration service. The six-month period for consideration of the application ended in November 2007. And with this moment begins a detective story worthy of a movie called Eastern.

On November 2, 2007, Jong arrived at the Migration Office in the Moscow region at noon. With him, he had a certificate of examination application for refugee status, and a UNHCR certificate stating that he was registered there. He was asked to wait half an hour. He reported this to his wife on the phone, and then disappeared.

Gannushkina faxed a request to the Prosecutor General's Office. Anya took the statement to the FSB, where it was not taken for a long time. UNHCR appeals to the Foreign Ministry RF. In addition, a complaint was sent to the European Court about the kidnapping.

The ECHR immediately asked Russia about what happened to the DPRK citizen. There were publications in the media, but all to no avail.

Jong got in touch six days later, on November 8th. He called Anya from an unknown number to her number and said that he was in the Vladivostok area with people who gave him shelter, and allowed to use the phone.

He was very scared, and asked his wife to come and rescue him immediately. Anya reported this to Gannushkina, who helped her contact Vladimir Lukin, the Commissioner for Rights in the

Russian Federation. Lukin, in turn, asked for help from Sergey Zhekov, the Human Rights person in the Primorsky Territory and agreed with the director of the Federal Migration Service that Jong will be issued a new a certificate of examination for his asylum application.

On November 15, 2007, a group of four flew to Vladivostok: The Migration and Law Network's lawyer, two UNHCR staff, and Jong's wife Anya. In the Vladivostok airport, they were met by Zhekov's employees with two cars, and Valery Zaidulin, who is the head of the kind-hearted family that sheltered Jong. Valery informed the group that came to rescue Jong their address and went to prepare him for his return. At the request of Jong, until this moment, the address of the Zaidulins was not disclosed to anyone. Anya and her lawyer went to the migration authority to register Jong's New Asylum Review Certificate.

When Anya, the lawyer, and UNHCR staff arrived for Jong, there were two jeeps not far from the Zaidulin's home in which people (looking similar to Koreans) were sitting. As soon as Jong was taken out of the house and the cars of the commissioner started to move, the jeeps set off after them. A race began in which the staff of the Commissioner showed amazing skills in driving. They agreed among themselves on mobile communications, and the car with Jong passed ahead, and the second car, covering its tracks, began to take pursuers away in the wrong direction. The pursuers only lagged behind in the city, confirming that Jong was not in the car they were pursuing.

On November 16, 2007, Jong and his wife were taken to Moscow and settled in a safe place. After 4 months, Jong left Russia forever. And after three more months, he had already managed to earn enough money to pay for plane tickets for Anya and her son. The family was reunited. Spouses Valeria and Lyudmila Zaidulin were awarded medals from Lukin at the "Human Rights" group in the Russian Federation which read "Hurry to do good."

However, what happened to Jong from the moment of his disappearance until he called Anya on November 8th? He told about this already in Moscow.

After waiting half an hour at the migration service, the employee got up, took the finished document from the shelf, and handed it to Jong - this was a decision to refuse him refugee status. Jong was offered to sign a receipt document and was kicked out from the premises: it was a day before a holiday, and the institution was closing early.

On the street, a man in civilian clothes approached him and asked whether he received a denial of status. After that, militiamen jumped him. They put him in a car, and took him to a nearby police station. There he was interrogated by FSB officers, and was handed over to the North Korean special services, which took him and brought him to the DPRK embassy in Moscow.

At the embassy, Jong wisely began to aggressively convince his compatriots that he was happy meeting with them, that he was glad to return to his homeland, and is ready to obey them in everything. He said that he had no affection for his Russian wife and son and was ready to part with them forever. He explained his long stay in Russia was due to the fear of being punished, but this fear passed under the influence of the expectation of the joy in returning to their great homeland. Hearing the friendly rhetoric, the embassy staff believed him, and he was told that they would not break his leg, but only put a plaster cast on it. Specialists came in, and Jong's right leg was put in a cast so that he could hardly move.

He was issued a passport in a false name, taken to the Vnukovo airport and by plane taken to Vladivostok. There, Jong Kum-Chon was taken to the building of the company which had originally brought him to Russia. They took him to the fourth floor, took away his shoes and

locked him in a room with a window covered with bars. It was getting dark and the building was quiet. With incredible efforts, Jong managed to break down the window bars. With a plastered leg and barefoot, he jumped out of the fourth-floor window onto the roof of a neighboring barn and rolled to the ground. He spent the night in the weeds between the houses, and with difficulty broke the plaster which damaged his leg, these wounds did not heal for a long time. In the morning, Jong found someone's old shoes in the garbage, put them on, and limped off to seek refuge. On the way, he met some Koreans who were building someone's house. They refused to help him but promised only not to tell anyone about meeting him. As he wandered on, there were several more people who refused to help him. And finally, he met Lyudmila and Valery, who sheltered a frozen, wet, dirty Korean, and saved his life.

2. Lee (name has been changed)

Lee came to Russia in 1996 with a group of workers from North Korea. Right after crossing the border, their escorts took their passports, and sent them to logging in the Amur region. The Koreans worked at the Tyndales enterprise, where they were practically not paid, and poorly fed.

For a long time, Lee hesitated to seek protection from the Russian authorities for fear that that he would be handed over to representatives of the DPRK special services. Only in 2009 did he come to the UN Representative Office for Refugees in Russia, and with the support of the lawyer for the Migration and Law Network of the Memorial Human Rights Center submitted an application for the refugee status in the Federal Migration Service in the Amur Region. Together with him, several more citizens of North Korea asked for help.

At that time, Lee had already lived in Russia for 13 years, the last years in Blagoveshchensk. He was married to a Russian woman Elvira, their son is three years old. One of compatriots Lee, who spoke Russian well, helped him find a part-time job on the reconstruction of the building where the Continent cafe used to be.

On June 6, 2009, a white foreign car drove up to the building, in which four citizens of the DPRK were sitting. They told Lee that they were his friends and took him to the car. Lee suspected something was wrong and tried to run. They caught up with him, knocked him down, and began to beat him up. Li was then pushed into the car, and they drove away. Lee's colleague reported what happened to his acquaintances. The lawyer appealed to the departments of the Ministry of Internal Affairs and the FSB. Then the incident was reported to the UNHCR.

Four hours after the lawyer sounded the alarm, Li was brought back to the scene of the abduction - a frightened Korean was pushed out of a car near the building of a former cafe. His shirt was covered in blood. The face was swollen, and his eyes red from hemorrhages. Lee said that he was brought to the premises of one of the Annunciation firms. There, sticks were duck taped to his arms, legs, and body, and was beaten severely. The lawyer took Li to the emergency room. His beatings were documented.

Lee was granted asylum in a different country a few years later, and in 2012 he left Russia.

3). Su (name has been changed)

Su also worked for several years in harsh logging conditions in the Amurskaya area. In 2010, he, along with two others, decided to flee from the labor camp.

Su decided to take the official route of seeking asylum. He contacted the International Organization for Migration (IOM) and the consulates of Western countries in Vladivostok and asked them for help.

Su's first interview was scheduled for March 18, 2010 in a hotel in downtown Vladivostok. But the meeting did not take place. When Su arrived by taxi to the hotel, several people in civilian clothes approached him. According to eyewitnesses, they pulled Su from the car, handcuffed him, put him in the car, and took him to unknown location. Four days later, it became known that Su was being detained by officers of the Primorye Department of Internal Affairs, and he was in the Vladivostok's pre-trial detention center

It is not known what ended up happening with Su.

4). Tsoi Myung Bok

Tsoi is another fugitive from a Korean labor camp located on the territory of Russia.

Tsoi came to Russia back in 1999 together with other Koreans. The DPRK authorities sent them to cut wood in the Amur region. The team worked under a watchful eye, and without their documents (the escorts took them away immediately after crossing the border). The workers did not receive money for their work. They were fed extremely poorly - they were given rice and a packet of salt. The Koreans lived seven or eight people in collapsed trailers, their only option for water was waiting for the snow to melt.

For three years, Tsoi worked in the logging industry, and pondered an escape plan. Finally, in 2002 he realized what to do. First, he reached Rostov, and then moved to St. Petersburg. In the northern capital, Tsoi began working as a laborer and seller in the market. There, he met Elena, a Russian woman, and started a family with her. Soon the couple had two boys. But Tsoi did not have documents.

In 2015-2016, Choi tried several times unsuccessfully to apply for asylum in Russia, but the FMS refused to accept the application for refugee status, then, after liquidation of the Federal Migration Service, the UVM in St. Petersburg and the Leningrad region. It was from them that the authorities from the DPRK learned about the refugee from the Korean labor camp.

On January 31, 2017, Tsoi was summoned to the Ministry of Internal Affairs in the Vsevolozhsky district of the Leningrad area, presumably for him to sign papers for identification. After arriving at the police, he realized the call was a trap. He was accused of an administrative protocol on violation of migration legislation. Chairman of Vsevolozhsky, from the city court did not listen to his words about his wife and children in Russia, and the arguments regarding the inevitable death penalty for "treason", the judge did not analyze further. The court in its ruling separately indicated that Tsoi should be transferred to the DPRK authorities, and until that moment, send to the temporary detention center for foreign citizens.

The Tsoi case was handled by lawyers for the Migration and Law Network of the Memorial Human Rights Centre Olga Zeitlina and Yuri Serov. They realized that there was a high risk of extraditing a Korean to the law enforcement agencies of the DPRK even before the final decision would be made. The administrative case file included a letter from the DPRK embassy to the Russian Foreign Ministry with a request to arrange for the transfer of the fugitive to them. The lawyers urgently appealed to European Court of Human Rights (ECHR) with a request for Tsoi to have urgent protection measures. The European Court applied Rule 39 and prohibited Russia extradite or send Tsoi to North Korea.

On February 9, 2017, the lawyers were able to obtain the cancellation of Tsoi's expulsion. The court in the Leningradsky region not only overturned the original ruling of the court, but also completely terminated the proceedings in the case of an administrative offense. The next day,

Tsoi was released. But, despite the court's decision, the migration service again refused the Korean refugee status, and only in November 2017 granted him temporary asylum in Russia.

5) Ryu Yong Nam

The story of Ryu, a refugee from North Korea, ended tragically. From the DPRK he first fled to China, and from there tried to get to Russia. Fearlessly, the Korean crossed the border by swimming along the Amur River near the village of Ignashino in the Amur Region. But on the Russian side, the border guards were not at all inclined to provide him help, despite Ryu telling him that he needed help. He was detained and charged with illegal border crossing, although this contradicts article 31 of the Convention "On the Status of Refugees", to which Russia joined in 1992- if a refugee crossed the border illegally and applies for asylum, the authorities of this country should not punish them.

In October 2008, the court sentenced Ryu to 6 months in custody in the general regime colonies. His term of imprisonment expired in April 2009. After this, according to a mutual agreement between the Russian Federation and the DPRK on the extradition of defectors, deportation to his homeland and the death penalty for "betrayal" awaited him.

The Russian and European human rights activists asked the Russian authorities to defend the refugee from the DPRK, Ryu Yong Nam, and not extradite him to the DPRK for what was to be certain death. Lyubov Tatarets, a lawyer for the Migration and Law network of the Memorial Human Rights Center tried to prevent the extradition of Ryu to North Korea but did not manage to. The refugee was deported, and since then communication with him has ended.

A few years later, Lyubov Tatarets learned about Ryu's fate. According to an eyewitness, Ryu was handed over to the DPRK special services in the Russian city of Khasan. There was no formal review of the case. Ryu was tied to a train that was heading to North Korea. While he could, he had to run after this train. Nobody saw him alive after this.

6). Kim (name has been changed)

Kim's story is worthy of a heroic novel. This is the story of a struggle for your life and freedom, a story of courage and overcoming. Kim did not just flee North Korea once: he escaped from there twice.

Kim was born into a large family; he was the youngest of eight children. His father worked for a fishing boat, and his mother was a housewife. When Kim was 10 years old, his mother died of stomach cancer, and two years later his father was gone. The children were left orphans. At first, his older brothers and sisters managed to make ends meet, but at 14 years old, Kim was sent to another family. According to Kim, the only thing that he remembers from those times was a constant feeling of hunger. He lost touch with his relatives.

At the age of 16, his adoptive father sent Kim to study at a technical school, and told him to continue took care of himself. After a while, the school closed, and the students dismissed: the authorities could no longer provide them with food. There was famine in the country which killed many thousands of North Koreans. Kim ended up on the street without funds and any opportunity to earn money for food. "I had two options: either survive or die. And I decided to survive" Kim recalls. So, as a 17-year-old, Kim fled North Korea for the first time - in 1997 he crossed the border with China and lived there for about ten years.

Kim could not obtain refugee status in China: China did not join the 1951 UN Refugee Status Convention and does not have its own legislation on asylum. It was hard: Kim was constantly

threatened by the police, money was often taken away from him, and he had to move from place to place all the time. Kim heard somewhere that there was a refugee camp in Russia and decided to go there. But he mistakenly used a map of the USSR and tried to cross the border of China with Kazakhstan, and not with Russia. On the border, Kim was caught by Chinese border guards and deported to the DPRK.

Kim ended up in prison, where he was severely tortured, and then sent to labor camp for forced labor for an indefinite period. Prisoners in the camp were forced into heavy physical labor for 20 hours a day, with little to no food, and for the slightest mistake they were severely beaten. Many could not stand this existence and died.

One day, Kim and his comrades decided to run away. There were 30 of them. Kim later learned that most of the fugitives were soon caught and executed. But he and two more his comrades managed to hide with friends and wait out the period of active searches. Then Kim left for China and continued his way to the Russian border.

In the spring of 2013, Kim crossed the border with Russia in the Amur Region and applied for refuge status. Instead, Russian border guards arrested Kim for illegal crossing the border, as usual, in violation of Article 31 of the 1951 Convention "On refugee status". Kim was released from jail, thanks to the work of Lyubov Tatarets, a lawyer for the Migration and Law Network of the Memorial Human Rights Center, but staying in Blagoveshchensk was unsafe the Korean - the security forces reported his arrest to the diplomatic mission of the DPRK. Tatarets applied to the Civic Assistance Committee. The move of Kim to Moscow was organized, and he again applied for asylum.

The Migration Service of Moscow denied Kim a refugee status twice. The first was in 2014, Roza Magomedova, a lawyer for the Migration and Law Network of the Memorial Human Rights Center, and Elena Burtina, a Civic Assistance employee helped him to appeal this decision the in court, and the court declared the refusal illegal - an incredible victory. But when Kim applied for the status a second time, he was again refused. At the same time, he filed an application for temporary asylum for a period of one year, but he refused this in January 2016. The migration service motivated its refusal by the fact that the refugee could not prove that he could be killed in the DPRK: they did not mention the relevant Korean laws. This news caused a wave of publications in the Russian media, as well as public outrage. With this support, in May 2016, Kim received a certificate of temporary asylum. But in Moscow, Kim did not felt safe: in February of the same year, the governments of the Russian Federation and the DPRK signed a shocking agreement on the extradition of defectors. The threat of expulsion to the homeland, where he faced the death penalty, became real.

Fortunately, Kim was granted asylum by a different safe country, and in November 2016, he left Russia.

A lot has been written about the political regime of the DPRK, and about the horrible plight of the Koreans who have been brought to work in Russia. There is a documentary from VICE News about North Korean labor camps in Siberia. In 2015, film director Vitaly Mansky made an amazing film called “In the Rays of the Sun” about the life of citizens of the DPRK; this is a genuine documentary testifying to falsehood, cruelty and poverty reigning in this country.

It is hard to imagine that the heads of the migration authorities of Russia have not seen Mansky's film, and did not read the international documents, excerpts from which are given at the beginning of this report. Then why is it so hard for the fate of refugees from the DPRK in Russia? Why are there agreements between the DPRK and the Russian Federation that dispute the 1951 UN Convention on the refugees? Why is Russia not fulfilling the obligations it has undertaken by agreeing to this convention?

The answer is simple: there is no political setting, without which all agreements, conventions and even the Constitution of Russia do not work, and remain simply just as declarations.