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Criminology on Crimes Against Humanity: A North Korean Case Study

Megan Alyssa Novak
University of South Carolina - Columbia

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CRIMINOLOGY ON CRIMES AGAINST HUMANITY: A NORTH KOREAN CASE
STUDY

by

Megan Alyssa Novak

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Accepted by:

Eric L. Sevigny, Director of Thesis

Tia Stevens Andersen, Reader

Lacy Ford, Vice Provost and Dean of Graduate Studies

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DEDICATION

This thesis is dedicated to my son, Liam, who has taught me that the future of this world is worth fighting for.

ABSTRACT

In the last century, modern technology has significantly increased human interaction across the globe. The growing globalization of our society has created new areas of interest for many academics. This thesis explores the topic of international crime—specifically, state perpetrated crimes against humanity. Criminologists have become increasingly interested in large-scale atrocities and several theories on the topic have been perpetuated in the last few decades. Through a case study, this research determined that current theories are capable of explaining crimes against humanity in North Korea. Additionally, the findings suggest that international institutions should create programs that utilize restorative justice techniques.

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LIST OF ABBREVIATIONS

ADS..Atrocities Documentation Survey

CAH ....Crimes Against Humanity

COI... Commission of Inquiry

ICC..International Criminal Court

ICT .... International Criminal Tribunal

ICTY ....International Criminal Tribunal of Yugoslavia

KINU... Korean Institute for National Unification

KWP... Korean Worker's Party

NK... North Korea

TRC...Truth and Reconciliation Committee

UN... United Nations

USSR.. Union of Soviet Socialist Republics

CHAPTER 1

INTRODUCTION

During the 20th century, state-sponsored crimes were responsible for more deaths than all other crimes combined (Brannigan & Hardwick, 2003; Hagan & Rymond-Richmond, 2009; Maier-Katkin, Mears, & Bernard, 2009). Accordingly, research in political science, sociology, criminology, international relations, and psychology has drawn increasing attention to crimes against humanity and other large-scale atrocities involving war crimes and genocide. Crimes against humanity gained international attention following the atrocities of World War II and were initially outlined by the Nuremburg trials to include "atrocities and offences, including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape, and other inhumane acts committed against any civilian population" (Allied Control Council, 1945 as cited by Maier-Katkin et al., 2009). Following Nuremburg, however, scholarly examination of state crime steadily declined as the Cold War took the spotlight.

The 1990s brought the study of state criminality back into the limelight, as a slew of atrocities unfolded in Rwanda and Yugoslavia. In Rwanda, widespread killings began with a power shift between two racial groups, the Tutsis and the Hutus. In Yugoslavia, a series of wars lead to the dissolution of the country. During these conflicts, several high ranking officials committed crimes against humanity by engaging in ethnic cleansing—the extermination of groups of people based on their racial background or religious beliefs. In response, the international community established criminal tribunals in both countries.

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These tribunals are responsible for reshaping international laws surrounding crimes against humanity (CAH) over the last several decades. Additional examples of CAH violations within the last several decades include the apartheid enforced by the South African government, the genocide in Darfur ordered by Sudanese President Omar al-Bashir, and the killings in Cambodia under the Pol Pot regime (Williams, Ulbrick, & Worboys, 2012).

International laws that address state crime are relatively new, especially in comparison to the domestic criminal laws that criminologists traditionally study, some of which can be traced back to common law. With the jurisprudence surrounding these laws in its infancy, there is a need to investigate international crimes and international responses in order to promote fair procedures and inform the enforcement of such procedures. Criminology offers a unique perspective capable of lessening the gap between international laws and international justice, as criminologists are already familiar with accomplishing this at the "street" and national levels. Moreover, criminological theory can inform our understanding of the etiology of state crime and international responses through the identification of both macro- and micro-level risk factors that can help identify conditions favorable to the commission of CAH (Harff, 2014; Maier-Katkin et al., 2009; Olusanya, 2013; Rothe & Friedrichs, 2006).

In March 2013, the UN established a commission of inquiry (COI) on human rights in Democratic People's Republic of Korea (North Korea) to determine whether and to what extent CAH violations are being committed. Its members consisted of Chairman Michael Kirby (Australia), Sonja Biserko (Serbia), and Marzuki Darusman (Indonesia) (UNGA, 2014). On February 17, 2014 the United Nations acknowledged that CAH violations had occurred and are occurring in North Korea. According to the COI, North Korean CAH

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violations include murder, torture, enslavement, rape, forced abortions, imprisonment, knowingly causing starvation, extermination, and persecution of people based on politics, religion, and gender.

This thesis utilizes criminological theory to frame the understanding of state crimes; in particular, it examines the applicability of several recent theories that attempt to explain crimes against humanity (Brannigan & Hardwick, 2003; Maier-Katkin et al., 2009). Substantively, I use Democratic People's Republic of Korea (North Korea) as a case study, with attention to the etiology of the North Korean government's transformation into a perpetrator of CAH, social conditions that may prevent or promote such crimes, and current international responses to these crimes.

1.1 RESEARCH QUESTIONS

This thesis will address the precursors and conditions leading to violations of international law by the government of North Korea (NK), the kinds of crimes the North Korean government has been accused of committing, how the international community has responded to law violations in NK, and how international institutions might strengthen their response in order to prevent future commission of crimes against humanity by the North Korean regime. This research will be guided by recent theories of CAH articulated by Brannigan & Hardwick (2003) and Maier Katkin et al. (2009). The findings will identify key turning points, some of which have been articulated in the aforementioned theories, that help to explain the conditions under which CAH have occurred in NK. This understanding, informed by conventional criminological theory, can then advise potential ways in which social institutions might aid in the control and mitigation of CAH by improving and reinforcing the international response to large-scale atrocities.

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1.2 AIM OF THE RESEARCH

Through a case study of NK, I will identify CAH violations and examine the conditions that are conducive to such crimes. For example, several scholars have suggested that intense societal strain is a precursor to CAH. This thesis will determine if conditions like widespread strain are present in the North Korean case, as well as examine contributing conditions like social isolation which is apparent in the case of NK. This study will focus on distinguishing conditions that denote a high risk of large-scale criminal activity, using both general criminological theories and more focused theories concerning CAH. A criminological assessment of CAH violations will also aid in the establishment of better informed international policies. Furthermore, this research will promote the understanding of explanatory concepts put forth by other disciplines and encourage interdisciplinary exploration of state crime.

1.3 SIGNIFIGANCE OF THE RESEARCH

Many scholars have noted the importance of criminological theory for understanding state-sponsored CAH and have called upon criminologists to study the issue (Chambliss, 1988; Hagan, Rymond-Richmond, & Parker, 2005; Maier-Katkin et al., 2009; Turk, 1964). Unfortunately, many of these calls have gone unanswered, with just a few criminological-oriented articles written on the subject. Several different reasons have been suggested as to why criminologists have not become more engaged in the study of state crimes, including a lack of research funding, difficulty obtaining "official" data, lack of interdisciplinary knowledge, a disconnect between research findings and policy implementation, mainstream emphasis on quantitative work, the infancy of the

international criminal justice system, and conceptualization and measurement issues (Hagan & Rymond-Richmond, 2009; Maier-Katkin et al., 2009; Matsueda, 2009; Rothe & Friedrichs, 2006; Smeulers & Hola, 2009).

This current study will build upon the existing body of work that applies criminological theory and methods to the study of state-sponsored CAH. State criminality is an ever-growing concern in today's global society because it threatens international security and peace. It is therefore incumbent upon politicians and world leaders to better understand and develop appropriate responses to such large-scale crime, especially when these crimes are driven by state actors with a multitude of resources at their disposal. The theories and methods of criminological inquiry provide a valuable perspective for gaining an understanding of these crimes and identifying potentially effective methods of dealing with the perpetrators of CAH. Furthermore, a criminological perspective will provide a check on the fairness and efficacy of laws formulated in our evolving international criminal justice system. For example, could international justice issues and policy benefit from the influence of restorative justice ideology? Furthermore, this thesis contributes to the emerging criminological research on the study of large-scale crime.

1.4 BRIEF INTRODUCTION: CRIMES AGAINST HUMANITY IN NK

From 1910-1945, Japanese imperialism engulfed the country of Korea. However, following World War II, the international community penalized Japan with the loss of its Korean territory, among other sanctions (Rudolph, 1959). NK's relationship with the USSR began after World War II in 1945 when the USSR was assigned trusteeship of the northern half of Korea. During the trusteeship period, the USSR greatly influenced NK's

form of government, international relations tactics, and government policies. The USSR educated Soviet-born Koreans in the ideologies, policies, and values of communism and used these "Soviet-Koreans" to disperse communist values into North Korean society (Eugene Kim, 1985; Gills, 1992; A. Kim, 1970). The trusteeship established by the UN-approved agreement between the US and the USSR bestowed informal control of North Korea to the Soviets. Over the next several years, Soviet strategy aimed to solidify their control over North Korea. Furthermore, some scholars also note that as an added measure of control, the Soviet-Koreans were covertly overseen by Soviet police to ensure the smooth implementation of communist ideologies. Communism spread throughout Asia, creating a "brotherhood" of nations (Eugene Kim, 1985; A. Kim, 1970; Y.-S. Kim, 1971). Additionally, the division of Korea in 1945, separated many families. Korean support for reunification was overwhelming and as such, reunification was the main goal of North and South Korea during this period (Gills, 1992; Millett, 2001). The Korean push for reunification in combination with several other factors resulted in the Korean War which lasted from 1950-1953.

The end of the Korean War resulted in a political shift away from USSR policies and an emphasis on Korean nationalism. During this period, Kim Il-Sung emerged as the Korean leader. Kim had been a household name prior to the Korean War for his efforts fighting Japanese imperialism. Following the war, North Koreans' faith in the Soviets dissolved and Kim became a trusted symbol of national sovereignty (Lankov, 1960; Millett, 2001; Yang, 1980). With Kim Il-Sung as its leader, NK began to implement a series of plans intended to rebuild the NK economy and increase domestic industry. By the time

NK achieved autonomy in 1959, the people had experienced a series of taxing events including Japanese imperialism, several failed reunification attempts, and war.

Since the end of the Korean War, North Korea has been under autocratic rule by three generations of the Kim family. Upon securing his role as the "Supreme Leader" of NK, Kim Il-Sung was able to maintain power until his death in 1994. Following his death, Kim Il-Sung passed his kingdom and his power to his son Kim Jong-Il, who has also since died. In April 2012, Kim Jong-Un became the third member of the Kim family to reign over North Korea as its Supreme Leader. As such, the Kim family has reigned supreme over North Korean government and policies for 55 years—43 years longer than Hitler's rule over Germany. The success of the Kim regime can be partly attributed to the isolationist policies implemented by Kim Il-Sung, many of which remain in place today (Gills, 1992; Lankov, 1960).

Only recently has the international community expressed increased interest in the governing tactics of the North Korean Supreme Leader and his followers. On February 17, 2014 the COI released a detailed findings report which formally acknowledged evidence of North Korean crimes against humanity violations, noting that the "gravity, scale, and nature of these violations reveal a State that does not have any parallel in the contemporary world" (UNGA, 2014, p. 15). Additionally, the COI report notes that in many examples "the violations found entail crimes against humanity based on State policies" (UNGA, 2014, p. 6).

1.5 OUTLINE OF THE CHAPTERS

This thesis is divided into five chapters. Chapter 2 will present a review of pertinent literature and outline existing theories of crimes against humanity. Chapter 3 will describe the research methods including data collection, the case study approach, strategies used to increase the validity and reliability of the study, and potential limitations to case study methods. In Chapter 4, informed by criminological theories presented in Chapter 2, a case study of North Korea is presented. Finally, Chapter 5 concludes with a discussion of theoretical and policy implications.

CHAPTER 2

LITERATURE REVIEW

Over the last several decades, criminologists have maintained an irregular relationship with the study of large-scale criminal activity. Criminologists have intermittently called for the expansion of disciplinary attention to this growing problem, oftentimes during periods of emerging international crisis (Aviram, 2009; Barak, 1991; Green & Ward, 2000; Hagan & Rymond-Richmond, 2009; Hoffman, 2009; Maier-Katkin et al., 2009; Matsueda, 2009; Savelsberg, 2009; Smeulers & Hola, 2009). During the last decade, criminologists have shown increasing interest in theoretical explanations of CAH (Brannigan & Hardwick, 2003; Hagan & Kaiser, 2011; Maier-Katkin et al., 2009; Olusanya, 2013). Moreover, several notable criminologists, including two former presidents of the American Society of Criminology, William Chambliss and John Hagan, have increased the discipline's attention to CAH while calling for the further criminological exploration of these large-scale crimes.

2.1 LEGAL FORMULATION OF CRIMES AGAINST HUMANITY

The early formation of an international law concerning CAH rests partially on the notion that natural laws—necessary rules determined by inherent human reason—are superior to laws codified by the state (Dubler, 2008). Within the field of international law, Hugo Grotius is credited with laying the groundwork for the codification of CAH when he proclaimed that certain acts could "enormously violate the laws of nature and nations"

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(Grotius, 1925, as cited by Dubler, 2008). Grotius's idea that certain crimes are unacceptable is reflected in international law through the concept of *jus cogens*, which dictates that certain obligations must be fulfilled by all states (Köchler, 2003). Adapted from the legal concept of *jus cogens*, "universal jurisdiction" allows any recognized international entity to hold criminal dominion over any accused person. A crime is considered universal because the nature and gravity of the act would not be condoned by any national government claiming legitimacy. As Dubler (2008) denotes, this precept led to state intervention in the affairs of other states several times throughout history, but only in extreme cases.[1] Intervention in another state's affairs based on natural laws suggested that a majority of nations view these acts as unlawful, thus suggesting that the laws of nature have maintained an influence on contemporary international law embedded in the concept of *jus cogens*. Moreover, in 1966 the United Nations International Covenant on Civil and Political Rights recognized "the inherent dignity… and inalienable rights of all members of the human family" (U.N.T.S., 1976, p. 172). Furthermore, Article 15(2) of the covenant alludes to a "general principle of law recognized by the community of nations" (U.N.T.S., 1976, p. 177). Although the Covenant was ratified by just 35 nations, this article was later utilized as the foundation for prosecuting CAH in the Nuremburg trials.

This connection between international law and natural law is important because it suggests that international violations of state sovereignty should ultimately serve to uphold the ideals of natural law. Criminology may offer a fresh perspective on international jurisprudence considering the discipline's theoretical engagement with natural law

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[1] Some examples include the trial of Charles I in 1649, in which the Solicitor General John Cooke argued that the king must still submit to the law and God, and Vietnam's utilization of force to overthrow Pol Pot (Dubler, 2008; Williams et al., 2012).

principles and English common law. Still, the notion of CAH continues to evolve beyond its original natural law influence.

Eventually, the positivist school of thought influenced the formation of international law, further contributing to the jurisprudence of crimes against humanity. One of positivism's central tenets is that laws are valid because they are derived from logical decisions made by authority. As such, authority will enact laws that preserve and protect the society that legitimizes its power. From this logic, the biggest contribution of positivism was the belief that civil interactions between countries is necessary for the maintenance of peace. From this influence, the Nuremburg trials determined that under international law, a crime against humanity must: (1) be considered a "universal crime," that is— an act that "shocks the conscience of humanity" and (2) must threaten international tranquility (Dubler, 2008; Maier-Katkin et al., 2009; Williams et al., 2012). The Nuremburg trials were responsible for a broad expansion in the understanding of CAH, as well as the concept's codification.

The original definition of CAH was formulated during the Nuremburg Trials and has since been modified by countless statutes, councils, charters, covenants, and tribunals. However, as previously discussed, these crimes were not initially codified. Therefore, it was important that laws and procedures were officially established to ensure the fairness of the Nuremburg trials. As a result, the Nuremburg Charter of the International Military Tribunal (1945) decreed that the Axis Powers could be tried for three specific crimes— crimes against peace, war crimes, and crimes against humanity. Article 6(c) defined CAH as:

…murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the International Tribunal (Nuremburg, 1945).

Moreover, the Charter states that all losing countries could be tried even if the crimes committed were not considered a violation of law within their own country. The clear conceptualization and codification of CAH offered by the Nuremburg Charter was a pivotal moment that provided recognition of these crimes, as well as a building block for the formation of international institutions suitable to deal with such crimes. The general study of this phenomenon stalled after the completion of the Nuremburg trials, due to the fact that there "was a shortage of dictators accused of committing atrocities" (Dubler, 2008, p. 96).

The end of the Nuremburg trials left the legal formulation of crimes against humanity in a state of gridlock. The definition of these crimes had been expanded further than ever before, but Nuremburg also set a precedent that these crimes were only committed during times of war. This meant that only crimes committed before and during war could be prosecuted, which limited the ability of nations to respond to atrocities based on natural law or human rights arguments. Instead, the Nuremburg definition demanded that the main goal of prosecuting these crimes should be the maintenance of international peace through nonintervention (Dubler, 2008; UNGA, 1946). Still, the clarification offered by the Nuremburg Trials was short-lived since the international community lacked an accepted definition of "war." Consequently, the grounds for prosecution of CAH perpetrators narrowed and the study of these crimes experienced a lull until a resurgence in the 1990s.

International Institutions. The United Nations (UN) was commissioned by President Franklin D. Roosevelt with its goal being to promote international peace and cooperation. The UN Charter went into effect on October 24, 1945. Chapter VII of the Charter dictates that the UN may take action in the presence of "any threat to the peace, breach of the peace, or act of aggression," and that the Security Council—a group of five permanent member states with veto power and ten rotating member states, elected by all member states for a two-year tenure—will determine whether or not to respond with military action. Nonmilitary responses to international threats include "complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations" (U.N., 1945, p. 9). However, as discussed above, a period of non-violence occurred following World War II and as such, the UN would not become involved in international matters immediately.

Dubler (2008) notes that between 1992 and 1993, the UN evoked its Chapter VII power in several conflicts including Angola, Haiti, Liberia, and Somalia. This sudden upsurge of international conflict caused the UN Security Council to firmly respond to accusations of ethnic cleansing in Yugoslavia with the creation of the International Criminal Tribunal of Yugoslavia (ICTY) — one of several entities established with the "power to prosecute" those responsible for mass atrocities (U.N., 1945; U.N.S.C., 1993, p. 5). For the most part, the ICTY statutes defining CAH relied greatly on Article 6(c) of the Nuremburg Charter that was outlined above. Therefore, CAH had to be linked to war in order for the international community to interfere in another state's sovereignty. This presented a problem for the international community because no war had been officially declared. Later developments would remove these restraints on nonintervention without a

declaration of war. However, simply establishing the ITCY was not enough to quell the state sponsored violence. As a result, the magnitude of the violence in Yugoslavia continued to not only imperiled the nation's internal security, but also the peace of adjacent countries. Hagan and his colleagues expand on the ineffectiveness of the ICTY:

…The Tribunal began in 1993 with little more than a U.N. Security Council resolution and a handful of employees, with no sustaining budget, no building, no policing mechanism, or personnel, and most notably, no detainees to place on trial (Hagan, Levi, & Ferrales, 2014, p. 589).

The UN has since established other international bodies capable of prosecuting perpetrators of crimes against humanity. The entities have been successful in drawing attention to crimes against humanity and the perpetrators of such crimes.

In 1998, the Rome Conference established the International Criminal Court (ICC), a permanent international criminal tribunal intended to be used as a last resort for the prosecution of international crimes. The Conference consisted of 236 nongovernmental organizations, 160 states, and 33 international organizations. Most notably, Article 7 of the ICC statute redefined crimes against humanity (Mullins & Rothe, 2004). Rather than being limited to acts committed only before and during war, the definition of crimes against humanity was expanded to include all "attacks directed against any civilian population" (UNGA, 1998, p.11). This definition expanded the study of CAH beyond the limited purview of "war crimes." The ICC statute declares that these attacks should be in accordance with state or organizational policy and, in doing so, acknowledges that the state and its actors can be held responsible for committing crimes against humanity.

While the definition has continued to evolve over time, the main sentiment has remained the same—crimes against humanity are "particularly odious offenses in that they

constitute a serious attack on human dignity or grave humiliation or a degradation of human beings" (Horton, 2005, p. 201). Although this thesis examines the North Korean regime as a state perpetrator of crimes against humanity, it is important to understand that not all crimes against humanity are committed by the state or state-sponsored actors. Throughout history, these atrocities have also been executed by political and religious radical groups (Dubler, 2008).

Over the years, as state crime has increasingly become the subject of criminological inquiry, research has focused on global financial crimes, genocide, and CAH (Friedrichs & Friedrichs, 2002; Friedrichs, 2009; Hagan & Kaiser, 2011; Hagan & Rymond-Richmond, 2009; Hoffman, 2009; Maier-Katkin et al., 2009; Matsueda, 2009). However, considerably less attention has been given to crimes against humanity. Traditionally, genocide and crimes against humanity have been treated as separate legal concepts, although recognition of this distinction is not universal (Harff, Marshall, & Gurr, 2005; Harff, 1995). Murder as a crime against humanity, involves the "widespread and systematic" killing of a significant number of individuals. On the other hand, murder as genocide seeks the complete eradication of a specific cultural or ethnic group (Dubler, 2008; Hagan & Rymond-Richmond, 2009; Williams et al., 2012). While the motives behind these crimes may differ, they find common ground in their systematic, large-scale nature. Therefore, this thesis conceptualizes "crimes against humanity" as large-scale crimes, including genocide, which are "wide-spread and systematic."

2.2 CRIMINOLOGY AND STATE CRIME

Can "the state" commit a crime? In 1964, Austin Turk challenged scholars to widen their scope of study and to push the boundaries of the definition of crime. He encouraged the "conceptualization of criminology as a scientific instead of an 'applied' discipline" (Turk, 1964, p. 454). Additionally, in a Presidential Address to the American Society of Criminology, William Chambliss called upon criminologists to specifically explore state-sponsored crime (Chambliss, 1988). Chambliss suggested that criminologist must agree on a definition of crime that allows for the maintenance and growth of the discipline, sparking a debate over whether or not criminology has a place in the discussion of state crime. The conceptualization and definitional issues raised by Chambliss continue to be debated in recent scholarship (Cohen, 1990; Green & Ward, 2000; Rothe & Friedrichs, 2006).

The very notion of examining state-sponsored CAH through a criminological lens is controversial in and of itself. Opponents of criminological assessments of state crime hinge their arguments on the notion that a "state" is incapable of committing crime. These scholars argue that criminal law does not apply to the state, as the state is the entity that enforces and legitimizes the law (Cohen, 1990; Green & Ward, 2000). However, Rothe and Friedrichs (2006) address this claim using Schwendinger and Schwendinger's (1970) suggestion that crime could also be measured by society using the concept of human rights whereby any violation of human rights is considered criminal. This rebuttal is pertinent considering criminology's familiarity with human rights. However, more simplistic explanations exist. As Hagan notes, the Nuremburg trials established a precedent in international law which has been utilized to bring claims of CAH violations against multiple people and countries (Hagan et al., 2005; Maier-Katkin et al., 2009). As outlined

above, the UN has introduced several new bodies capable of prosecuting perpetrators of CAH, most notably the International Criminal Court. The establishment of international courts has provided a legitimate means of holding "the state" culpable for CAH.

In 2005, Kramer and Michalowski proposed a synthesized definition:

State crime is any action that violates public international law, international criminal law, or domestic law when these actions are committed by individuals acting in official or covert capacity as agents of the state pursuant to expressed or implied orders of the state, or resulting from state failure to exercise due diligence over the actions of its agents. (p. 2)

This definition links the international laws regarding CAH and the criminological concept of state crime by regarding such crime as a violation of "public international law, international criminal law, or domestic law." Thus, "state crime" is defined to include crimes against humanity committed by the state or state actors in pursuance of state policies. The next section reviews relevant empirical scholarship on state-sponsored crimes against humanity.

2.3 CRIMINOLOGY OF CRIMES AGAINST HUMANITY

To date, scholars concerned with the criminology of state-sponsored CAH have centered their analyses on specific crimes defined by international law. International law recognizes state-perpetrated war crimes, genocides, and crimes against humanity as separate concepts differentiated by intent. Although the impetus behind these state-sponsored crimes may differ, their means and ends are very much the same. This thesis, therefore, adopts a broad definition of state-sponsored crimes against humanity, of which war crimes and crimes of genocide are considered special cases. In other words, this thesis will consider state-sponsored crimes against humanity to include any perpetration of

"widespread and systematic" crime that "shocks the conscience of humanity" in adherence to or as a result of state policies.

This approach is consistent with Brannigan and Hardwick (2003) as they note how the UN definitions that influence international laws are oftentimes "developed in a highly politicized context" and, as such, they consider all instances of large-scale mass murders of innocent noncombatants in their scope of inquiry. According to their analysis, generalizing international laws regarding state-sponsored crimes will allow criminologists to study the concept of state crime without the "limitations of *actus reus*" (i.e., a guilty act) given that the crime is considered universal (Brannigan & Hardwick, 2003, p. 110). Criminologists' circumscribed approach to state crimes might first be expanded through the application of existing theories. A deeper understanding of "widespread and systematic" crime not only has theoretical implications, but has practical applications for improving the functioning and operation of the international criminal justice system.

Furthermore, Brannigan and Hardwick (2003), influenced by Gottfredson and Hirschi's *A General Theory of Crime* (1990), advocate utilizing a "broad or general scope" when analyzing CAH. Thus, they outline seven "hard facts" about genocide and CAH: (1) there is a pre-existing group conflict, (2) perpetrators are ordinary people working as a group towards some perceived higher purpose, (3) perpetrators utilize techniques of neutralization, (4) the state perpetuates group conflict, (5) the victims are defenseless, (6) deaths must be "considerable," and (7) genocide can be deterred. Brannigan and Hardwick illustrate these hard facts using examples found in the genocides of Bosnia and Rwanda. Some scholars view these "hard facts" as irrelevant or unrelated to Gottfredson and Hirschi's general theory (Maier-Katkin et al., 2009). However, Brannigan and Hardwick

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note that they use the term "general theory" in a much broader sense than was ever intended by Gottfredson and Hirschi. Instead of challenging the ideas of Gottfredson and Hirschi, they wish for their theory to be considered separate from, although largely influenced by, self-control theory.

The individual-level analysis proposed by Brannigan and Hardwick poses no problem for the explanation of group action. As they point out, Gottfresdson and Hirschi (1990) have already addressed this issue, arguing that at the heart of collective action is the action of multiple individuals (Brannigan & Hardwick, 2003). Although they explore genocide through the lens of an individual-level theory, their conclusion suggests that the state is capable of encouraging genocide through similar mechanisms traditionally linked to low self-control (e.g., ineffective parenting techniques). These common threads propose that state crimes such as genocide could be the product of inculcated ideologies— suggesting the utility of exploring state-sponsored crimes against humanity from a life course perspective that emphasizes self-control and social bonds (Elder & Rockwell, 1979).

Maier-Katkin and his colleagues offer a comprehensive criminological theory in their article "Towards a Criminology of Crimes Against Humanity" (Maier-Katkin et al., 2009). The six contentions delineated by Maier-Katkin et al. are contingent upon one another and lay the groundwork for a theory of CAH. Proposition 1 contends that as a "pre-condition" to the occurrence of these crimes, a society experiences intense and widespread strain. Further, they hold that the deeper and more prevalent strain is within a society, the more likely CAH will occur. Proposition 2 holds that in the presence of societal strain, individual-level fears increase, causing individuals to form into identifiable groups.

Proposition 3 states that these individuals then begin to internalize the norms of their groups in order to combat the feelings of fear experienced by the breakdown of society. They refer to this phenomenon as group socialization. Next, Proposition 4 notes that group socialization contributes to the structure of a group, increasing its ability to function successfully. Proposition 5 states that CAH are more likely to occur in groups whose dynamics are grounded in dehumanization, violence, and self-interest. Finally, Proposition 6 holds that as per Propositions 1-5, violent acts will likely ensue against non-threatening groups, especially in cases where the true source of strain is not susceptible to attack.

From these six propositions, the authors draw several generalizations concerning why individuals participate in crimes against humanity. First, they concede that the occurrence of CAH is the result of a multitude of events occurring simultaneously, including "societal, local community, group level, and individual level factors" (Maier-Katkin et al., 2009, p. 248). Next, they highlight the important role self-interest plays in the occurrence of CAH. They contend that groups take violent actions in order to protect themselves from becoming the target of such actions. Finally, they acknowledge that their theory is preliminary and subject to revision.

Maier-Katkin et al. (2009) provide a case study of Jedwabne, Poland as a backdrop for theoretical exposition. For example, shortly after the Nazi's gained control of Poland, Polish civilians began to turn on their Jewish neighbors resulting in a slaughter of Jewish people living in the town. Local Polish civilians even traveled to town to witness the killings. Based on their examination of the Jedwabne killings, Maier-Katkin et al (2009) suggest that the causes of criminal activity derive from two sets of factors: individual characteristics (micro) and social conditions (macro). Next, they argue that individual-level

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theories cannot fully explain crimes against humanity because these theories tend to ignore social context and, as we have learned, social context is critical to understanding human behavior. This sentiment has been exposited during several other discussions of criminality (Browning, 1993; Hirschi & Gottfredson, 1983; Olusanya, 2013; Zimbardo, 2007; Zimbardo et al., 1971). Maier-Katkin and colleagues thus eschew solely individual-based explanations because they do not account for the important role that social context plays in state crime. Maier-Katkin et al. (2009) offers an important insight into the contributing social factors of CAH, as well as the overall understanding of state-sponsored crimes. Although they largely criticize Brannigan and Hardwick (2003) for exploring these crimes through individual-level theory, the propositions outlined by Maier-Kaktin and colleagues' group-level analysis are strikingly similar to Brannigan and Hardwick's "seven hard facts," providing some support for Gottfredson and Hirschi's (1990) claim that, in the end, collective action is comprised of individual actions.

Many scholars have considered the notion that perpetrators of CAH to be normal people who were simply following orders or striving to achieve their own personal goals. For example, Browning (1993) explores this popular theory in his book *Ordinary Men*, which examines how an average group of middle-aged policemen initiated one of the largest recognized genocides in history—the holocaust. Browning writes that:

> Within virtually every social collective, the peer group exerts tremendous pressures on behavior and sets moral norms. If the men of Reserve Police Battalion 101 could become killers under such circumstances, what group of men cannot? (p. 189).

This concept has been studied in the field of criminology for some time, best exemplified by Phillip Zimbardo's classic prison experiment on power and social control, which placed undergraduate volunteers in the roles of guards and inmates. Ultimately, the experiment

had to be stopped after ordinary college students transformed into "perpetrators of evil" (Zimbardo, 2007; Zimbardo et al., 1971). Zimbardo concluded that this was due to the internalization of the roles that had been assigned. For example, although the roles of guard and prisoner were assigned at random, the guards did not allow prisoners to empty their sanitation buckets, which served as their restroom; in other cases, guards would place inmates in a dark closet as a form of solitary confinement (Zimbardo et al., 1971, p. 7). Both Browning's and Zimbardo's work suggests that human behavior is highly dependent on context—a theme that is present in many criminological theories (e.g., social disorganization, institutional anomie, broken windows, social learning, self-control). Moreover, these concepts are also present in the analysis of CAH provided by Brannigan and Hardwick (2003) and Maier-Katkin et al (2009). Figure 2.1 provides a synthesized outline of the major points presented by both theories. Overall, Maier-Katkin's (2009) organizational structure is utilized, while Brannigan & Hardwick's (italicized) (2003) contentions are used to clarify and expand on the theoretical propositions outlined by Maier-Katkin.

Many theorists continue to recognize the influential role of social context. Additionally, some criminologists have acknowledged the importance of examining CAH on the micro- and macro-levels and continue to develop new approaches to explaining large-scale criminality. For example, John Hagan has conducted a criminological exploration of genocide that appeals to mainstream criminologists through his quantitative studies of genocide in Darfur (Hoffman, 2009; Matsueda, 2009). Hagan's (2008) book on *Darfur and the Crime of Genocide* has garnered considerable attention in criminology.

INTENSE, WIDESPREAD STRAIN occurs on a social and individual level as a precursor to CAH. Intensity and prevalence of strain will determine the likelyhood that CAH will ensue. Strain produces high levels of fear. *Certain events are easily identifiable as strain (i.e. war, famine, economic depression), because these events threaten personal security and demarcates indidviduals.*

Widespread fear results in the deterioriation of conventional social bonds leading to the formation of **NEW PRIMARY GROUP AFFILIATIONS** built around an "us versus them" mentality. *This mentality encourages individuals to form groups with people who share similar beliefs.* **PRIMARY GROUP SOCIALIZATION** legitimizes group actions, *which clouds culpability-- this is espcially true for structured groups that value obedience.*

The **GROUP STRUCTURE AND DYNAMICS** of the new primary group structure are influenced by the intensity and prevalence of strain as well as the diffusion of socialization into social roles. Group structure determines authority and law systems. Authority and law systems influence the availability of social roles. *CAH are more likely to occur when "ordinary" individuals subscribe to the new social roles assigned to them by the authority system.* Following the formation of new primary group structures, normal group processes of socialization and conformity ensue.

CAH are more likley to occur in groups whose **BELIEF SYSTEMS** encourage values often associated with immediate self-interest, dehumanization and violence. These beliefs are legitimized through group action. *Moreover, authority and law systems will play a role in the dispersion and socialization of primary group beliefs.*

This process will likely result in the **DISPLACEMENT OF AGGRESSION**. Primary group structure, group action, group dynamics, and group beliefs will encourge the use of violence, *which will oftentimes be directed at unguarded targets.*
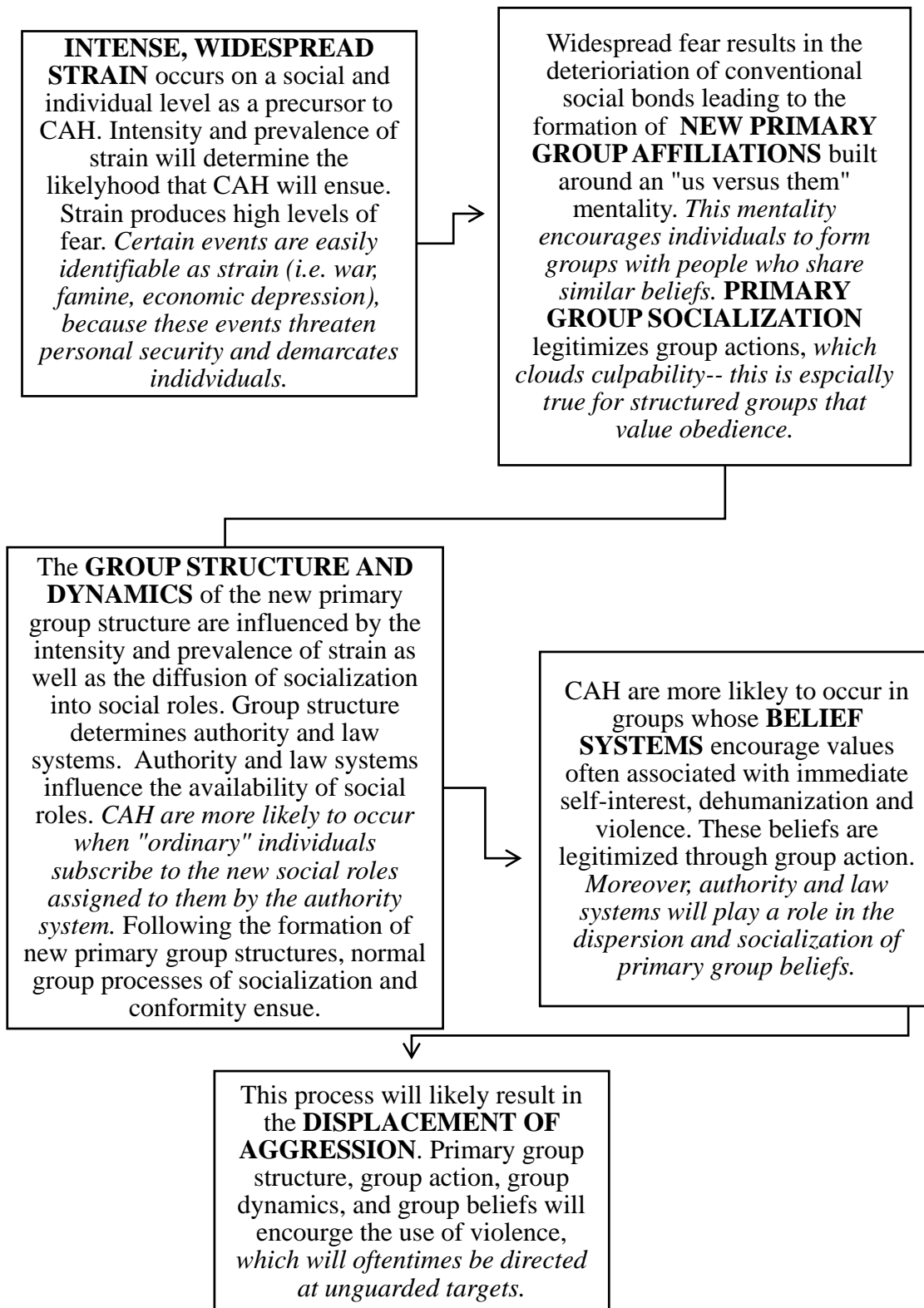
Figure 2.1 Synthesized Theoretical Outline

Using the same methodological approach implemented in his 2005 *Criminology* article, Hagan's book utilizes data from the 2004 Atrocities Documentation Survey (ADS) which was conducted by the U.S. State Department (Hagan et al., 2005). The ADS surveyed 1136 Darfur refugees that had been placed in United Nations Displacement Camps.

Hagan's work takes a case study approach to the exploration of genocide by recording individual accounts of state violations of international law in Darfur, highlighting the importance of gathering the accounts of multiple witnesses when studying crimes on such a large-scale level (Moon, 2011). Recall that Turk also asserted the importance of individual perceptions of crimes (Turk, 1964). Hagan's work has been extended with colleagues in several articles on the genocide in Darfur during the last decade. He has examined the inadequate response of the United States to the Rwandan genocide, the effect of this failure on current responses to the genocide in Darfur, the link between the US war on terror and the genocide in Darfur, a quantitative approach to proving genocidal intent, the efficiency and sustainability of the ICC, the social construction of administrative entities like the ITCY, and the unique ways in which international law is formed through the networking of these organizations (Hagan & Kaiser, 2011; Hagan et al., 2014, 2005; Hagan & Rymond-Richmond, 2009). His work is responsible for engendering wider criminological attention into state crimes of genocide.

His book alone produced four reviews from scholars published in *Theoretical Criminology* in 2009, as well as a reply from Hagan and Wenona Rymond-Richmond (Aviram, 2009; Hagan & Rymond-Richmond, 2009; Hoffman, 2009; Matsueda, 2009; Savelsberg, 2009). Hagan's book further explores his utilization of the ADS data to prove the genocidal intent of state-led Arabs Muslims against their African Muslims neighbors.

Additionally, Hagan's work draws attention to international criminal tribunals (ICT) and the ICC. Specifically, in his most recent work he teams up with Ron Levi and Gabrielle Ferrales to examine the ICT established in Darfur (Hagan et al., 2014). They emphasize that the legal formulation of state crimes was heavily influenced by the decisions and actions of these international institutions, rather than legislative bodies. They further explore the increasing politicization of the international criminal justice system, noting the relevant connections to conflict theory—emphasizing the extreme political nature of the international criminal justice system (Hagan et al., 2014). This is a logical connection considering that the codification of crimes like genocide were the result of the World War II victors influence on international legal concepts. The politicization of the international justice system further supports the argument that social context affects the likelihood that CAH will occur. Hagan's work stands as an important contribution to the field, especially when considering the policy implications of CAH research.

The effectiveness of intervention relies heavily on the ability of these international institutions to hold perpetrators accountable; however, more study is needed on conditions that lead to the emergence of ICTs in order to strengthen their responses (Hagan & Kaiser, 2011; Hagan et al., 2014; Hola, Bijleveld, & Smeulers, 2011). Many scholars encourage the study of these international organizations in hopes that improving their functioning will lead to a permanent place for them in the international criminal justice system (Hagan et al., 2014; Hola, Bijleveld, & Smeulers, 2011; Moon, 2011). In an attempt to achieve this, Hagan and his colleagues explore the recent push to make institutions like the International Criminal Court permanent. Much like the American criminal justice system, the international system is divided on many critical issues. Debate on this issue has

underscored the influence of international political agendas on ICTs, specifically their definitions and enforcement of state crimes (Fouzder, 2011; Hagan et al., 2014).

Hagan's examination of genocide in Darfur has clearly highlighted the importance of understanding the origins of these criminal regimes, which can help to inform ICTs of the potential warning signs of large-scale, systematic crime and determine the most effective way to hold perpetrators accountable for CAH. This thesis seeks to expand the application of general criminological theories to the study of state crime and promote a more thorough understanding of the origins of these types of crimes. Due to the extreme nature of CAH cases, a broader understanding of this phenomenon has the potential to improve the functionality of the international criminal justice system.

As discussed above, there has been some debate in criminology as to whether or not individual-level explanations of crime can aid the exploration of state crime. Examination of the relevant literature on state crime suggests that a combination of individual and group-level theories would aid our understanding of state crime (Brannigan & Hardwick, 2003; Hagan et al., 2014; Maier-Katkin et al., 2009; Olusanya, 2013). In part, this is largely due to the complex nature of international relations. Despite this complexity, initial examinations of CAH have produced similar theoretical propositions. Both Brannigan & Hardwick (2003) and Maier-Katkin et al (2009) present their theories as a set of sequential events that must occur in order for CAH violations to ensue, whereas Hagan and colleagues highlight the volatile nature of the current international justice system and suggest that social context will largely influence the effectiveness of CAH policies and punishment. Therefore, this case study will apply these theoretical orientations to an

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investigation of the individual and social conditions that influence the perpetration of crimes against humanity in North Korea.

CHAPTER 3

METHODS

3.1 CASE STUDY METHOD

Methodologically, this thesis relies on case study methods in order to determine the extent to which current theories explain CAH violations in NK. This method relies on the systematic collection and analysis of multiple data sources. Beyond the use of multiple data sources, Yin (2014) identifies several other key factors that maintain the validity and reliability of case study findings: (1) establish a chain of evidence, (2) build upon existing explanations, (3) address rival explanations, (4) use logic models to match empirical observations to theoretical predictions, (5) use theory in single case studies, and (6) develop a case study database. These strategies have been implemented throughout the research design, data collection, and data analysis stages of this thesis.

3.2 CASE STUDY METHOD FOR CRIMES AGAINST HUMANITY

Taking a qualitative approach to state crime requires the application of a structured research method. Case study methods have been utilized in this research to highlight patterns, emphasize relationships between variables, draw comparisons, and to encourage conceptual/theoretical consistency through the construction of a logical chain of evidence. Specifically, these methods have shaped the design of this study by supplying a stable framework to analyze CAH committed in NK. A holistic, single-case study method was chosen because this type of examination can add to the knowledge base of state crime by

"contributing, challenging, or extending theory" and can help organize information to identify related subunits for future research designs (Yin, 2014, p. 51). Therefore, this method is extremely useful for exploring new phenomena.

With recent evidence increasingly confirming that North Korean government officials are responsible for long-running CAH violations against the civilian population (UNGA, 2014), NK provides the unique opportunity to examine a case of CAH. The UN Commission of Inquiry (COI) on human rights in NK has labeled these violations "unspeakable" (UNGA, 2014). Therefore, NK provides an extreme platform for exploring the generality of CAH theories.

3.3 SOURCE OF DATA

The study of NK presents a particularly difficult challenge because access to the country is strictly controlled by the government and oversight by outside monitors is very limited. Consequently, secondary data is the primary source of evidence for this study. To reduce threats to validity, the study's data were obtained from multiple sources, including existing historical literature, UN Commission reports, and the COI interviews of eyewitnesses and victims (Yin, 2014). Supplementary data sources include video of the interviews conducted by the UN and government records. Specific examples of documents used in this research are listed in Table 3.1 below. Yin (2014) argues that the triangulation of multiple data sources should be utilized to increase validity. These data sources were analyzed for points of convergence to assess the nature and extent of CAH violations in NK, how these crimes continue to occur despite international pressure, and how the international community can improve the efficacy of its response. The qualitative analysis

Table 3.1 Data Sources

Data Type	Examples
Interviews	Conducted by the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea Interviews record the eye witness testimony of 80 people including former prison camp guards and prisoners, and previous supporters of the Kim regime
Historical Information	Scholarly publications from historians specializing in Korean and Asian affairs
Government Records	USSR records concerning the Korean War and Korean relations US records on the Korean War
United Nations Commission Reports	Question and answer sessions regarding the conditions of North Korea with the commissioner, Mr. Michael Kirby
Video	Footage of the interviews conducted by the UN Commission

program Dedoose was used as the analytic platform for conducting this study. Dedoose helped to organize a "case study database" in which text is coded for the purpose of developing and connecting common themes across multiple sources.

3.4 JUSTIFICATION FOR METHODS

Case study research has long been associated with the study of state crimes (Browning, 1993; Fouzder, 2011; Friedrichs & Friedrichs, 2002; Hagan & Kaiser, 2011; Hagan et al., 2005; Maier-Katkin et al., 2009). Case study research is best utilized to convey an understanding of a complex subject. Additionally, these methods can expand knowledge and evaluate what has already been theorized in previous research. The international criminal justice system is relatively new, and while the ICTs and the ICC have established definitions for crimes like genocide, war crimes, and crimes against humanity, we still

require comprehensive understanding of the etiology and course of these crimes. The detailed examination of specific examples of these types of violations will allow us to uncover "analytical generalizations" that will facilitate the study of state crimes (Yin, 2014).

3.5 CODING

This case study examines the historical and political developments of North Korea and aims to outline the impact of these developments on North Korean civilian and government involvement in CAH. Furthermore, this case study facilitates the examination of specific examples of CAH violations in NK through the lens of existing theories of CAH articulated by Brannigan and Hardwick (2003) and Maier-Katkin et al. (2009). Even more, this thesis aims to distinguish specific factors that facilitate the increase of crimes against humanity in North Korea and will explore these concepts from both macro- and micro-levels. Sources from multiple decades were analyzed using Dedoose in order to identify policies and patterns throughout North Korean history.

A review of the existing literature has suggested that strain, self-control, and social bonds will be helpful in guiding my analysis of crimes against humanity (Brannigan & Hardwick, 2003; Browning, 1993; Hagan & Kaiser, 2011; Maier-Katkin et al., 2009; Mullins & Rothe, 2004; Sampson, 2005). As such, codes for each theory were created. The codes include: intense, widespread strain, new primary group affiliations, primary group socialization, group structure, group dynamics, system beliefs, and displacement of aggression.

CHAPTER 4

A CASE STUDY: NORTH KOREA

Testimonies recorded by the UN's COI suggest that some CAH violations have been occurring in NK starting as early as 1958. However, the commission has only recently investigated claims of violations. Information about the type of crimes facilitated by the North Korean government is limited. One explanation for this is offered by former political prisoner, Kim Young-Soon. She discusses how it took many years for the Korean people to become dissatisfied with the policies of the Kim family and even more time before they were willing to speak out against them, stating that "We [North Koreans] speak what is written in the script, that's the North Korean society" (Kirby, Biserko, & Darusman, 2013, p. 17). This is one possible reason that it has taken so long for the international community to acknowledge these atrocities. Only recently has the UN's COI has been able to retrieve more information on the current human rights situation in North Korea.

In February 2014 the COI officially concluded that crimes against humanity violations are occurring in NK. The COI was able to draw this conclusion based on the testimony of over 80 first-hand accounts of CAH in NK as well as expert testimony. Interviews were conducted by all members of the Commission in a transparent public setting. By the end of its investigation the COI had conducted more than 240 interviews consisting of eye-witness and expert testimony. North Korea officials have maintained that the testimony heard by the Commission is false testimony provided by "fugitives" and

"terrorists" adding that the COI's report is "steeped in selectivity and double standard by gathering one-sided materials devoid of scientific accuracy and objectivity in content" ("Report of the DPRK Association for Human Rights Studies," 2014, pp. 12–13). However, the UN contends that there is no incentive for false testimony against NK. Many witnesses, although living outside of the borders of NK, continued to fear reprisal (Kirby, Biserko, & Darusman, 2013e, 2013k, 2013m). Some witnesses chose not to participate based on this fear, which even the assurance of confidentiality could not overcome (UNGA, 2014). Additionally, satellite imagery was utilized to corroborate testimony given by interviewees in regards to prison camp locations and the triangulation of sources was used to increase the validity and reliability of the Commission's report. Between 2013 and 2014 the COI conducted interviews in Seoul, Tokyo, London, and Washington, DC. The COI invited NK to send a representative to each of the proceedings, however NK did not respond to this offer. The CAH theories articulated by Brannigan & Hardwick (2003) and Maier-Katkin et al (2009) were summarized above in Figure 2.1. Can these theories help explain the manifestation of crimes against humanity in North Korea?

4.1 INTENSE, WIDESPREAD STRAIN

Agnew's (1992) general strain theory has long held that criminal behavior is more likely in environments that contain multiple sources of intense, widespread strain. Following Agnew's logic, both Brannigan & Hardwick (2003) and Maier-Katkin et al. (2009) highlight the critical role of strain in CAH—contending that pre-existing widespread strain is a catalyst for large-scale criminality. Strain can arise from many sources such as racial tension, religious intolerance, political differences, and economic crisis to name a few. Maier-Katkin et al (2009) acknowledge that strain is dynamic and,

furthermore, strain itself is not sufficient to produce CAH. However, intense strain is the first identifiable precursor to CAH violations. As Brannigan & Hardwick (2003) suggest, certain situations produce intense strain on a large-scale (i.e. colonization, war, economic depression). Examples of strain in the case of NK can be categorized on two levels—macro (social) and micro (individual). In the case of North Korea, large-scale societal strain encouraged widespread individual strain.

North Korea's history contains several clear instances of long-running, social strain. The conclusion of World War II brought the end of Japanese imperialism in Korea. Burdened by seven decades of Japanese rule, the Korean people had long been hopeful for a free Korea (Armstrong, 2005; A. Kim, 1970). This sentiment has recently been reinforced in a report issued by North Korea's Association for Human Rights Studies, in which life under Japanese rule was branded as "miserable," adding that,

Each and every law instituted by Japan for governance of Korea in the past was unprecedentedly evil, anti-human rights laws aimed at depriving the Korean people of all their political freedom and rights and forcing colonial slavery upon them ("Report of the DPRK Association for Human Rights Studies," 2014, p. 14)

In addition, towards the end of Japanese imperialism, the socioeconomic conditions in Korea were extremely unstable. As such, in 1945 the people of North Korea welcomed Soviet forces into their country and believed that the USSR would be able to help NK hold elections in order to secure sovereignty (G.-D. Kim, 1990).

Scholars believe that a consequence of Japanese imperialism in Korea was a population "ripe for radicalization" (Gills, 1992, p. 108). The interpretation that intense, widespread strain would be subsequently followed by the deterioration of Japanese-influenced group structures, allowing for the emergence and acceptance of USSR-

influenced group structures is consistent with ideas propositioned by Maier-Katkin et al (2009). Furthermore, CAH violations are more likely to occur when new primary group affiliations are premised on non-conventional belief systems (Brannigan & Hardwick, 2003; Maier-Katkin et al., 2009). Although intense, widespread strain had been experienced by the Korean people for years prior to 1945, no known CAH violations were committed. One explanation might be that CAH under Japanese imperialism were never recorded or reported. This is probable considering that CAH were not even defined until after World War II.

Following World War II, international tensions remained high with the emergence of the Cold War. In an attempt to avoid providing either the USSR or the US with complete influence over Korea, the country was divided. Charged with overseeing Korean elections, President Roosevelt and Russian President Joseph Stalin agreed upon a trusteeship[2] plan for Korea (G.-D. Kim, 1990). Korea was divided geographically at the 38th parallel, forming North and South Korea. North Korea was heavily influenced by the USSR and China, while South Korea was influenced by the US and the UN (Lankov, 1960; Millett, 2001; Rudolph, 1959). As a result, in the coming years these new nations would be further divided by ideology. On another level, the division of Korea was a deep source of strain for many individuals across the nation. Many families were physically separated by the division and Cold War tensions impeded travel and communication across the 38th parallel (Foley, 2003; Paik, 1995).

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[2] The International Trusteeship System was established in Chapter XII of the UN Charter. The program was used as a mechanism to provide supervision for territories that were detached from "enemy states" as a result of World War II (U.N., 1945, p. 15)

The nature of the Cold War exaggerated the value of international influence. Therefore, following the establishment of trusteeship, North and South Korea became pawns in the Cold War between the US and the USSR (A. Kim, 1970; Millett, 2001; Rudolph, 1959; Yang, 1980). The Soviets hoped to maintain and spread Communism further throughout Asia while the US hoped to gain Asian allies in order to contain Communism. Although despite their place in the middle of the Cold War, between 1945 and 1950, NK experienced a period of political and economic stability. However, North Korea's stability was dependent upon Soviet aid. In fact, Soviet support would play a crucial role in the economic stability of North Korea for many years (Chung, 1983; Eugene Kim, 1985; Lankov, 1960; Paik, 1995). As scholar Alexander Kim reports, "The total value of Soviet economic assistance to North Korea from the beginning of 1946 to the end of 1950 is estimated at $546,000,000" (1970, p.241). By 1959, Soviet aid was responsible for the majority of North Korean industrial production (Armstrong, 2005). Further, the Library of Congress estimates that North Korea accepted close to US$4.75 billion in foreign aid between 1946 and 1986—with almost 46% of this coming from the USSR (As cited by Cumings et al, 1993). Soviet assistance facilitated the vast improvement of NK's socioeconomic situation between 1945 and 1950. In addition, the USSR guided the political structure of the North Korean government. Mirroring Soviet political structure, the majority of political power in 1950s NK was derived from the controlling political party.

While the trusteeship solution assisted the social reconstruction of NK in many ways, it also set the stage for civil unrest in Korea by dividing the country between the two philosophies of Communism and Capitalism. The competing ideologies of the USSR and

the US made it difficult for the nations to come to any form of agreement concerning Korean elections. The failure of the USSR and the US to host Korean elections squashed hopes for the reunification of Korea. Moreover, the economic crutch provided by the USSR was not enough to quell North Korea's dissolution of political and social bonds formed with the USSR. Thus, on the social level, the blocked goal of reunification on the Korean peninsula had important implications for the future of Korean politics.

Additionally, social level strain created by the numerous blocked reunification attempts encouraged the reorganization of primary group affiliations by emphasizing the ideological differences between the Soviet objectives and those of the Korean people (A. Kim, 1970). This divergence can be illustrated by the political shift experienced in NK during the late 1950s. As the Soviet-North Korean bond began to deteriorate, two distinct groups emerged among North Korean government officials—one in favor of the USSR's political control in NK and the other in favor of asserting more Korean control in politics (Eugene Kim, 1985; Lankov, 1960; Yang, 1980). The Soviets implemented several strategies aimed at maintaining control of North Korea. Kim (1970) notes that in an attempt to preserve control over the country, the USSR implemented several tactics: (1) they placed Soviet-born Koreans (who were also members of the Soviet Communist Party) in key positions of the government and military, (2) they ensured that Kim Il-Sung and his followers relied on support from these Soviet Koreans to maintain his influence, and (3) they ensured that North Korea was dependent on the USSR for economic and military assistance. These three core tactics have been recognized by many historians as integral to the maintenance of Soviet control in North Korea's early years (Armstrong, 2005; Eugene Kim, 1985; Gills, 1992; Koh, 1970; Suh, 1973). Despite the use of these tactics, Kim Il-

Sung began to emerge as an independent political favorite (Eugene Kim, 1985; A. Kim, 1970; Suh, 1973). Kim was already well-known in Korea for his participation in anti-Japan guerilla assaults in Manchuria, China during the 1930s, and Kim utilized this political popularity to encourage the invasion of South Korea for purposes of reunification (Yang, 1980).

The Korean War (1950-1953). The Korean War began in 1950 when North Korea (with Soviet support) attempted to invade and overtake South Korea with the goal of reunification. The Korean War affected NK's political situation as well as its citizens directly. Brannigan & Hardwick recognize war as an easily identifiable conductor of strain because of the obvious effects of death and destruction. War also begins the process of dividing individuals into groups based on their beliefs. The War took place on the Korean home front. Therefore, from 1950-1953, Korean civilians experienced the death and destruction of war. American air raids during the War succeeded in demolishing NK's infrastructure (Millett, 2001). Furthermore, the War failed to unite Korea again. By the end of the War some Korean families had been separated for more than seven years.

The Korean War represents the first time in which the interests of the USSR considerably differed from the interests of North Korea. As such, the Korean War might be considered the catalyst by which the majority of North Koreans began to form new primary group affiliations. This sentiment is expressed by Japanese scholar, Kato Hiroshi, during his testimony to the Commission. He said:

The greatest issue from my opinion is that between 1950 and 1953 during the Korean War, the North Korean capital was reduced to ashes and the war had killed a total of 3 to 4 million people and also caused 10 million families to split up. I think that is the true root cause and the starting point (Hiroshi as cited in Kirby et al., 2013d, p. 2).

The Korean War was extremely violent. At one point during the NK occupation of the South Korean capital Seoul, around 93,000 South Koreans and 7,000 Japanese were abducted and "returned" to North Korea (Hiroshi as cited in Kirby et al., 2013d, p. 2). For the USSR and the US, the War no longer made sense economically. An armistice agreement between the USSR and the US ended the Korean War in 1953. By the end of the War, the socioeconomic situation in NK was severely unstable (Armstrong, 2005; Mercer, 2013; Millett, 2001). The USSR's agreement with the US also ended North Korea's push for reunification. Kim Il-Sung and many of his supporters disagreed with the USSR's decision to abruptly end the Korean War without victory (Gills, 1992; Lankov, 1960). The abrupt end to the War encouraged a power shift in favor of Kim Il-Sung and, as such, remains a major turning point in the history of North Korea.

By the end of the Korean War in 1953, the international community had just begun to consider the development of an international justice system. As a result, there was no ICT or any other special court established to investigate the post-War situation in NK. A civil war occurring in any country should have been enough to garner international attention. Civil war especially exacerbates the likelihood of crimes against humanity violations because the parties involved are often within close range of each other allowing for more opportunity to commit crime and providing more suitable targets for crime (Brannigan & Hardwick, 2003; Maier-Katkin et al., 2009). However, the international criminal justice system was ill-equipped at the time to handle Korea's situation.

This analysis indicates that intense, widespread strain was experienced in NK for many years prior to the takeover of the Kim Il-Sung regime. Examples of social strain discussed include imperialism, political instability, economic dependence, blocked

reunification efforts, and the destruction of war. Additionally the Korean War produced individual strain, such as the separation of family members during the Korean division and the emotional impact of the war. After decades of intense strain, any entity that challenged the North Korean goals of reunification and independence became an opponent to the State.

Thus far, the case of North Korea is consistent with the analyses of Brannigan & Hardwick (2003) and Maier-Katkin et al (2009). Prior to an outbreak of CAH violations, NK experienced a series of events that produced intense, widespread strain which "demarcate[d] the opponents and put them into a state of preexisting conflict and/or animosity" (Brannigan & Hardwick, 2003, p. 118). North Korea would eventually respond to this strain with the formation of new primary group affiliations, structures, and beliefs instituted by Kim Il-Sung and his followers. Kim's new group structure and beliefs gained popularity, uniting North Koreans under the common ideology of Korean Nationalism and the common goal of a unified Korea. The unique strain experienced by individuals in NK in combination with the influence of communism resulted in a population whose values coincided with the values of their authority system.

4.2 PRIMARY GROUP AFFILIATIONS AND SOCIALIZATION

Primary Group Affiliations. According to the theoretical outline established in Figure 2.1, periods of intense, widespread strain will be subsequently followed by the deterioration of old social bonds and the emergence of new primary group affiliations. Maier-Katkin et al. explicitly states that fear and self-interest are the driving forces behind the formation of new primary group affiliations. Moreover, these new group structures often rely on an "us versus them" mentality (Maier-Katkin et al., 2009, p. 241).

The Korean War wreaked havoc on socioeconomic conditions in North Korea, and many prominent North Korean's blamed post-war conditions on the USSR (Yang, 1980). Consequently, the USSR was now viewed as an opponent to North Korean goals creating an "us versus them" mentality. This mentality encouraged Kim's rise to power. Evidence for this can be seen in the 1956 restructuring of NK's leading political party, the Korean Worker's Party (KWP). Kim successfully purged the Party of Soviet supporters and secured his internal power base (A. Kim, 1970; Lankov, 1960). Kim began to sever ties with Soviet political policies and began to support North Korean "self-reliance" as a means of strengthening local industries and assuring access to everyday necessities for the North Korean people (Armstrong, 2005). Foreign economic support nevertheless continued to play a significant role in the reconstruction of NK. The communist countries of Eastern Europe, along with the USSR and China, united to aid in the reconstruction of North Korea as a sign of "international socialist solidarity" (Armstrong, 2005, p. 162). North Korea's economic situation improved rapidly as a result of this collective foreign aid. However, Kim aimed to wean North Korea from all foreign dependence as soon as the economy stabilized. He did so by utilizing Soviet strategy and seizing control over the government, the military, and obtaining economic independence (A. Kim, 1970; Suh, 1973). By the end of 1956, Kim Il-Sung was named leader.

By 1957, Kim's position in the Party had been solidified. Kim and his supporters had successfully completed the collectivization of 98 percent of North Korea's farm land (A. Kim, 1970; Rudolph, 1959). This meant that the KWP had majority control over political and territorial decisions. The members of these collectives were also educated on the ideals and values of communism. Kim recognized the importance of educating all North

Korean people on communist ideals and often acknowledge the threat posed by remaining support for Japanese imperialist and capitalist philosophies (Yang, 1980). Much of North Korea's foreign policy between 1956 and 1960 promoted independence. This is most apparent in the policy of *juche* (self-reliance) adopted by Kim. In the mid-1960s, "self-reliance" became the official policy of the North Korean government (Armstrong, 2005; Yang, 1980).

The situations highlighted above are important turning points in the history of North Korea. The realignment of political power within the government represents the clear formation of new primary group affiliations. Additionally, the collectivization of farmland served to broaden the scope of the new group affiliations beyond a political reformation. The collectivization of farmland increased the size of the group. The theoretical outline notes that periods of intense strain will result in the assembly of people with similar beliefs. In the case of NK, the collectivization of farmland illustrates this process.

Primary Group Socialization. Maier-Katkin et al. (2009) defines primary group socialization as the normal process by which individuals assimilate into groups. Drawing from self-control theory, Brannigan and Hardwick (2003) suggest that the creation of new primary groups allows for individuals to affiliate with "persons of similar dispositions" thus, encouraging the socialization process. Moreover, the fear caused by intense, widespread strain encourages the socialization of newly formed groups. Additionally, in the North Korean case, this fear was exacerbated and encouraged by the "us versus them" mentality established by the nationalism and "self-reliance" policies of Kim Il-Sung. The Kim Il-Sung regime utilized the philosophies of nationalism and "self-reliance" in order to facilitate the dispersion of fear. Evidence for this is seen in the communist education

program that took place during the collectivization of farmland. Fear played a significant

role in the mobilization and dispersion of non-conventional values in NK—with no other

legitimate political entity to turn to, individuals were more likely to conform in order to

protect themselves from violence and dehumanization at the hands of the state. For

example, as Yoo Young Bok recalls of his time as a prisoner of war in 1953:

> …There was a lot of peer pressure. And those who stood up against the North
> Koreans were publicly executed and were secretly transported. I learned later that they
> were taken to the political prison camps. So most of us decided to keep quiet, because we
> knew, if we complained, that we would only be victimized further (Kirby, Biserko, &
> Darusman, 2013h, p. 4).

Other interviewees express similar sentiments. Former prisoner Mr. Kim Hyuk recalls:

> At that time in North Korea, we couldn't say all the things that we wanted to say
> because everyone knew we couldn't talk about Kim Il-sung…whenever you say the name
> of Kim Il-sung or Kim Jong-Il, you would have to say it in a very honorific way. So you
> just couldn't complain; you just could not, you know, resist (Kirby, Biserko, & Darusman,
> 2013f, pp. 53–54)

> Brannigan and Hardwick (2003) argue that when the state becomes associated with

the use of violence and dehumanization, its role as a provider of individual security

diminishes. Maier-Katkin (2009) asserts that after the establishment of new primary group

affiliations, "the normal group processes socialization and conformity… will be the

principal mechanisms by which individuals are brought to participate in crimes against

humanity" (p.239). However in North Korea, fear, driven by the philosophies of

nationalism and "self-reliance" expedited the process of conformity. More than

conformity, these concepts required obedience because if an individual disagreed with the

authority system, they were subjected to severe persecution. The theoretical outlines

dictates that structured groups who value obedience legitimize actions taken by the group,

clouding culpability.

In some cases, as illustrated by the testimony of Bok and Hyuk, interviewees expressed a perceived inability to disagree with the ruling authority in NK. In other cases, individuals decided on conformity in order to protect their own quality of life. For instance, North Korean soldier's basic needs such as food, shelter, and clothing, were provided by the government. In order to maintain these basic necessities many soldiers did what they were told. Former North Korean military informant, Mr. Choi Joong Hwa reports:

It's not that I wanted to become an informant, it's just that when that was suggested, if I had refused I would not have been able to survive in North Korea. You could not refuse what they, what you were asked (Kirby, Biserko, & Darusman, 2013a, p. 7).

Due to its unique social context, the process of socialization is so closely tied to primary group beliefs that this concept will be discussed further in the next section.

4.3 PRIMARY GROUP STRUCTURE AND DYNAMICS

Maier-Katkin acknowledges that the propositions proposed in their article are sequential, meaning that a "sequence of events must unfold" in order to produce crimes against humanity. However, the case of NK differs slightly from the outline in Figure 2.1. One explanation for this may be the influence of communism. Kim Il-Sung structured the NK government in a manner that reflected Joseph Stalin's vision of communism (Suh, 1973; Yang, 1980). The communist system encourages individual ideology to follow and adhere to the ideology of the state—the concept of nationalism is commonly used to encourage adherence to newly established primary group structures (Scalapino, 1977).

By 1958, Kim Il-Sung became a household name and the most powerful individual in NK (Rudolph, 1959). Kim Il-Sung's beliefs had spread throughout the KWP and were infused into the North Korean society. Former North Korean citizen Kim Young Soon says:

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…In North Korea, there are 10 principles and we are not to damage the reputation and we are only to live in loyalty to Kim Il-sung and his family. That is the principle 1. And we only had loyalty for these great leaders, and the Labor Party. And only the great leader would be responsible for the life of the people of North Korea. That is why I had such allegiance and loyalty to the Kim family (Kirby et al., 2013d, p. 4).

She also explains that many North Korean citizens were "brainwashed to live happy under the regime" (Kim Young Soon as cited by Kirby et al., 2013a, p. 13). The ideals of *juche*, communism, and nationalism were used to justify and encourage obedience to the Kim family and the KWP. Political prisoner Mr. Kang Chol Hwan explains:

> My grandmother was a hard-core communist… But when her husband was taken away to the political camp and when all of us, her kids, were sent to the political camp, that's when she began to have regrets. The communism that she believed in, and the reality of the communism, there was a huge gap in the ideal communism. Everybody fared well, whereas in North Korea, in the communist North, everything was about upholding and protecting the Kim Il-Sung family and Kim Il-Sung. That was not a communist society; it was a pseudo-communist society. So my grandmother thought that she had made the wrong choice and because of that, she felt that she had put the family into this ordeal (Kirby, Biserko, & Darusman, 2013j, p. 61)

These quotes illustrate the influence of group structure on individual's group affiliations in NK, in some cases giving them no choice or "brainwashing" them to subscribe to the primary group affiliations preferred by the authority. In fact, Kim Hwan testified that many high ranking officials have been to the "revolutionary" zone Yodok where re-education is said to take place. Additionally, several former North Korean soldiers testified that they also received ideology training. While few former soldiers were interviewed, each echoed the same sentiment concerning ideology education. For example, Kim Joo-Il recounts his training as a soldier, stating:

> Starting from nine o'clock for about two hours the soldiers were given education about idolizing Kim Il-Sung and Kim Jong-Il. And then they were given education about political awareness as well. This was part of the military training but those soldiers who were stationed near the DMZ (De-Militarization Zone) area… the problem was that they would - the soldiers would find balloons that had been planted or that had been dropped by the South Korean government and in those they would find radios, rice or some candy.

Then the North Korean government will brainwash the soldiers saying if you eat any of these goods that the South Korean's dropped in their balloons, your flesh will start to rot. And that's what's contained in the indoctrination training - that kind of brainwashing (Kirby, Biserko, & Darusman, 2013b, p. 9).

This ideological training also occurred in other conventional institutions across NK like school and work. One witness, referred to as Mrs. L, testifies about her experience as a college student in NK. She notes that in her sophomore year of college she was forced to spend the majority of her study time practicing a dance that was to be performed in front of Kim Jong-Il. The purpose of this dance was understood as a test and show of loyalty to the Kim family and the Party. She recalls:

Most people didn't want to participate, so they reluctantly participated, but to the supervisors, we could not say we were reluctant. We could not say no, but they would be talking among themselves saying that they are not that willing to do it. It was a hard practice for about a year, so during hot summer days as well as cold days. Of course, nobody would really want to do that (Kirby et al., 2013l, p. 36).

This dance performance is similar to the event held each year known as the Mass Games. Although Mrs. L never participated in the Games she did attest to knowledge of the Games, specifically, the well-known story of an 8 year old boy who died because he continued to practice the dance although he had appendicitis. Mrs. L explains that this story was celebrated in NK; the little boy became a hero because he "dedicate[d] his life to this event" (Kirby et al., 2013l, p. 38). This memory illustrates exactly how far the *juche* ideology had been absorbed by the "ordinary" members of society. In NK, the death of this 8 year-old boy incited feelings of nationalism and further encouraged acceptance of Kim Il-Sung's philosophies. Moreover, allegiance to the Kim family and the KWP, as well as *juche* ideology was so interwoven into NK society that several of the NK interviewees reported that they did not even know of the concept "human rights" until they escaped the country (Kirby, Biserko, & Darusman, 2013a; Kirby et al., 2013e).

Another interviewee, Jihyun Park, also testifies that schooling was commonly interrupted in order to perform other tasks that honored the Kim family and demonstrated solidarity for the Party. Park explains,

In the schools we don't just study. In addition to studying we were supposed to clean the school over the breaks we would clean the school again and after the school we used to provide our [labours] to the farms nearby (Kirby, Biserko, & Darusman, 2013b, pp. 3–4).

Obedience to Kim and to the Party was valued above education and in some cases the lives of individuals. Maier-Katkin's theoretical organization suggests that group structure will determine authority and law systems; however, in the case of NK this process appears reversed. That is, the authority and legal system required specific group structures and social roles. Thus, the type of group structure developed under the influence of the authority provides a false sense of legitimacy to any actions taken by the group. In order to preserve their quality of life many individuals either willingly or under pressure into adopted values of violence and dehumanization. As previously discussed, this concept has been noted in other contexts, most notably Zimbardo's Prison Experiment (1971). Mrs. L explains that North Korean people do not riot or revolt because they fear that their entire family will be punished (Kirby et al., 2013e). Kang Chol-Hwan explained this describing how in NK, "you are guilty, there is guilt by association. So, if your father does something wrong, the sons, as well as the grandchildren, are punished as well" (Kirby et al., 2013j, p. 60). This fear is perpetuated by the structure as well as the dynamics of the group and are further encouraged by the belief system.

4.4 PRIMARY GROUP BELIEF SYSTEMS

The socialization of primary group beliefs in NK can be attributed to several factors: (1) forced ideology training in conventional institutions, "revolutionary districts,"

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and prison camps, (2) the degree of obedience required by the group structure/dynamics, and (3) the control and limitation of information by Kim and the KWP. These tactics artificially united the North Korean leaders and people against outside forces and encouraged the values of nationalism and "self-reliance" at all costs.

In the North Korean case, primary group affiliations rooted heavily in communist ideals required a specific group structure in which the majority of power belonged to Kim Il-Sung and other high ranking party officials. As such, the socialization and conformity process was largely driven by Party policies and the guiding philosophies of Kim Il-Sung. Kim's nationalism and *juche* philosophies engulfed NK in the 1950s and remain an integral part of the guiding belief system in the country today. Several interviewees from different decades illustrate the strategies by which these philosophies were infused into North Korean politics and everyday social life.

Forced Relocations. Multiple COI witnesses addressed the forcible transfer of a large population of Japanese-Koreans. Japanese journalist Ishidaka Kenji testified that during the Korean War, the North Korean government coerced or forced approximately 93,000 South Koreans and 7,000 Japanese Koreans to return to NK (Kirby, Biserko, & Darusman, 2013k). Korean ethnics living in Japan were encouraged to bring their wealth back to NK so that they could contribute to NK society. In some cases, "they [the NK authority] forced the families to abduct other people so that they can [guarantee] the safety of their family in North Korea" (Ishidaka Kenji as cited by Kirby, Biserko, & Darusman, 2013i, p. 4).

In other cases, propaganda was used to coerce the return of Koreans and others living abroad. For example, Saito Hiroko, the Japanese wife of an ethnic Korean man, relocated with her husband to NK with the understanding that NK would be like a paradise. However, Mrs. Hiroko attests that NK was more like "hell on earth" (Kirby et al., 2013m, p. 12). She described NK using a metaphor, comparing the country to the apartments of the capital, Pyongyang, which she saw upon her arrival:

There is a frontal side and back side in the reality of North Korea. Frontal view of the apartment; you may think that this apartment is beautiful, beautifully decorated by tiles and so forth, and that is the building in Pyongyang, but if you go back to the back of that apartment, then you can see dark and dirty apartment (Kirby et al., 2013m, p. 12).

In order to maintain the "paradise on earth" image, North Korean authorities also monitored communication to and from Japan. Still, some Japanese "returnees" found creative ways to communicate with their families in Japan. Figure 4.1 shows an encoded message written on the back of a stamp. Interviewees testify that letters sent to Japan were reviewed before they were mailed, however, this secret message was able to go undetected

Figure 4.1 Secret Message[3]

and warned of the situation in NK. The message reads: "We cannot leave the village. Older brother do not come. Mother says she wishes to see you. Tell our sister in Toyama also not to come. What Bunto's father said is correct" (UNGA, 2014, pp. 293–294).

After the forced migrants served their purpose to NK, they were cast aside, many of them treated as criminals (Kirby et al., 2013m). One interviewee, Professor Yamada Fumiaki talks about a period called Magyabi, which occurred during the 1970s and 1980s. During this time, many people disappeared, even if they had not necessarily committed a crime. Also during this time, the use of Japanese language was deemed illegal in NK. Even outsiders who had once served a purpose in NK were no longer welcome and deemed a threat to the *juche* philosophy (Kirby et al., 2013m).

Forced Ideology Training. In NK, because the group structure demands obedience, prisoners are viewed as traitors to the Kim family and the Party and as such, they are "re-educated" to perform the social roles expected of them. As discussed above, many former interviewees noted that they were subjected to re-education and forced ideology training in conventional settings. However some cases occurred in specialized re-education prisons known as "revolutionary districts" (Kang Chol Hwan as cited in Kirby, Biserko, & Darusman, 2013c, p. 54). Revolutionary zones are considered NK's ordinary prison camps (Kyo-Hwa-So) where prisoners with shorter sentences are held with the main goal of rehabilitation. On the other hand, political prison camps were institutions with retributive goals that served as punishment centers for serious offenders with longer sentences.

According to Ms. Kim Young Soon, after the War, citizens who openly opposed the Kim regime were sent to prison camps. Her testimony discloses that during her time in the prison camp she witnessed a wide range of prisoners enter the camp—from high level supervisors to soccer players to eye doctors. However, it has been difficult to pinpoint the exact time in which these camps were formed—from the transcripts released by the UN the earliest reported use of NK prison camps comes from the testimony of Ms. Soon who was imprisoned in Yodok camp in 1970 (Kirby et al., 2013a).

The interviewees' responses indicate that both prisoners of the "revolutionary districts" and of the political prisons (Kwan-Li-So) were subjected to ideology training sessions. In the prison camps, they are taught that the Kim family is the brain of NK and the nationalists who support him make up the arms, hands, and legs of the body (Kirby et al., 2013d). In the early 1950s, Yamada Fumiaki spent several years in NK against his will as a member of the 7,000 Japanese "returned" to North Korea. He explains the concept of *juche*, noting that in NK, "…the brain is Kim Il-Sung and you must work for him, you must follow his idea" (Kirby, Biserko, & Darusman, 2013l, p. 10). Hence, *juche* dictates that all productive members of NK society must work to achieve the ideas of Kim Il-Sung. In North Korea, if one person is not fulfilling their social role then the whole system suffers; therefore it is in the best interest of all group members to ensure full participation in and acceptance of Kim Il-Sung and the Party's values.

Violence is utilized to reinforce the values of obedience and nationalism. Kang Chol-Hwan was taken to Yodok revolutionary camp when he was 9 years old because his father was found to be a traitor. Mr. Hwan testifies that labor in these camps is less intense and prisoners enjoy a less controlled environment. However, "when it came to the torture…

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and when it came to the executions, it was almost the same" (Kang Chol-Hwan as cited in Kirby et al., 2013c, p. 56). The use of torture in State run prison camps highlights the priorities of the North Korean belief system, sending the message that the use of violence is an acceptable means of achieving obedience. While the use of violence within the prison camps was known by North Korea's citizens, sanctioned acts of violence rarely occurred outside the walls of the prison camps. Instead, the threat of imprisonment was used to encourage obedience and dispersion of Party beliefs to North Korean citizens. For example, a former follower of the "self-reliance" philosophy, Kim Young Hwan recalls, "…With just a slip of [the] tongue, you could be sent to a political prison camp (Kwan-Li-So)" (Kirby et al., 2013j, p. 4). One reason that physical violence is limited to the prison camps may be in order to maintain legitimacy of the authority and law systems.

Also, the limitation of information is commonly utilized by the NK government as a way to maintain primary group beliefs. Kim and the Party control many social institutions in NK responsible for the distribution of information and as such are able to control what information is dispersed. Moreover, since gaining autonomy in 1959, the leaders of NK have been slowly implementing several measures aimed at isolating NK from the rest of the world. For example, in the early 1960s NK criminalized the ownership of tunable radios—only fixed-station radios were available for purchase in NK (Lankov, 1960). Additionally, NK's law limits individuals' freedom of movement, which prevents them from leaving the country and even monitors their movement within the country. Dr. Cho Jung Hyun of the Korea Institute of National Unification (KINU), a South Korean policy institute, says, "They [North Korea] have adopted the travel permit system, which means that you need a special permit to leave your neighbourhood and go to another place" (Hyun

as cited by Kirby et al., 2013d, p. 42). This isolation may have contributed to individual level acceptance of group beliefs. Another explanation for the acceptance of these group beliefs may be that there have been or are few legitimate alternatives. In some case, freedom of movement limitations triggered resistance among North Korean citizens. However, individuals who broke these laws were oftentimes arrested. As a result, many North Korean citizens respected these limitations in order to serve their own self-interests of stay out of prison.

Maier-Katkin et al. conclude that in environments "dominated by strain, physiological arousal, and fear" belief systems will be easily influenced by an individual's self-interest. There is evidence for this proposition in the NK case. The decades of strain instilled widespread personal insecurity and fear among North Koreans. As a result, new primary group affiliations were created and structured around the ideals of communism and the philosophies of Kim Il-Sung. Once he was in control of the Party, Kim Il-Sung used his position of power to implement policies that terrorized the population and limited the dispersion of information, leaving many citizens with one viable option—to accept the group's beliefs and accept their social roles as assigned by the authority.

4.4 DISPLACEMENT OF AGGRESSION

Brannigan & Hardwick (2003) explain the important role that group structure and authority play in mobilizing and creating opportunities for perpetrators of CAH. My review of the North Korean belief system shows strong evidence that policies and philosophies of the NK authority created several opportunities for individuals to displace their aggression. As reviewed above, several interviewees have referred to the prison camps of North Korea

and described the violence that occurs within these prisons. The testimonies suggest that the Kim family and the KWP utilize these political prison camps as a means of encouraging obedience. The testimony given to the UN suggests that prison camps are central places where violence is perpetuated.

All of the interviewees who had experienced the prison camps firsthand reported being forcibly taken to special housing by Bowibu, the NK National Security Agency. It was only after they reached the Bowibu investigation facility that the use of violence occurred. In some cases, the Bowibu would hold and torture prisoners for as long as 6 months in order to coerce a confession (Kim Eun Cheol as cited by Kirby et al., 2013c). However, torture was not limited to the Bowibu facilities, as torture continued within the political prisons themselves. Although the existence of prison camps are widely denied by the NK government, the presence of political prison camps is well known by the general population of NK (UNGA, 2014). A map created by the UN shown in Figure 4.2 illustrates the approximate location of "revolutionary districts" and political prison camps. The map was drawn based on the testimony received by the UN's Commission of Inquiry.

Formerly a homeless child in NK, Mr. Kim Hyuk was sentenced to 3 years in one of NK's "revolutionary districts" for the crime of leaving the country in search of food. His testimony reveals that prison camps are well known to the general population of NK and the North Korean government uses these camps as a deterrent (Kirby et al., 2013f). According to Mr. Hyuk, it is well known in North Korean society that survival was unlikely upon relocation to political prison camps. Violence was most prevalent in controlled environments like the prisons and Bowibu investigation facilities. One reason, discussed above, might be that authority and law system remain legitimate when violence occurs in

controlled environments. Another reason may be that violence is only used against those who are a perceived or confirmed threat to the goals of the primary group— individuals who are concentrated within prison camps in North Korea.

Several interviewees reported being tortured during investigation by the Bowibu. For example, Mr. Kim Eun Cheol recalls the torture he endured while detained in one of NK's Bowibu investigation facilities:

Bowibu, once you get caught, you are treated like a dog. I was interrogated and was investigated for about 6 months. I was tortured. I was beaten… I was beaten so badly, that 6 of my teeth, my upper teeth and lower teeth, were broken. And they had me kneeled, so my knees are all scratched and hurt (Kirby et al., 2013d, p. 23).

Another former prisoner Mr. Jeong Kwang-Il recalls his arrest and experience with the Bowibu:

I think it was July 1999, I think it was 9oclock at night. I was sleeping at a friend's house and I was arrested at night. And I was arrested and taken…As soon as I was in the room they started beating me…And they said that I should acknowledge, that I should confess that I am a spy. But I told them I'm not a spy but they kept beating me. For two weeks, I was beaten with clubs and they had what's called "pigeon of torture" where they would hang me upside-down. I kept saying that I'm not a spy…I received pigeon torture for ten months. And I was about 75kg before the arrest, but after ten months, I was down to 36kg. I could not endure this anymore so I confessed that I was given a spy's job from South Korea. I had given up (Kirby et al., 2013d, pp. 34–35).

It is reported that torture techniques are taught to members of the Bowibu. Former prison guard Mr. Ahn Myong Chul dictates:

I mean there is no instruction book. They simply use the torture tools around, and they are taught by their seniors or superiors how to do the torture… Their superiors would tell them or the seniors would tell them which spot would hurt the most. Bowibu would be responsible for the torture (Kirby et al., 2013e, p. 22).

Once a prisoner has been relocated to the prison, their interaction with the Bowibu decreases. Although the Bowibu are still responsible for making decisions about public

**Location of political prison camps (kwanliso)
and ordinary prison camps (kyohwaso) in the
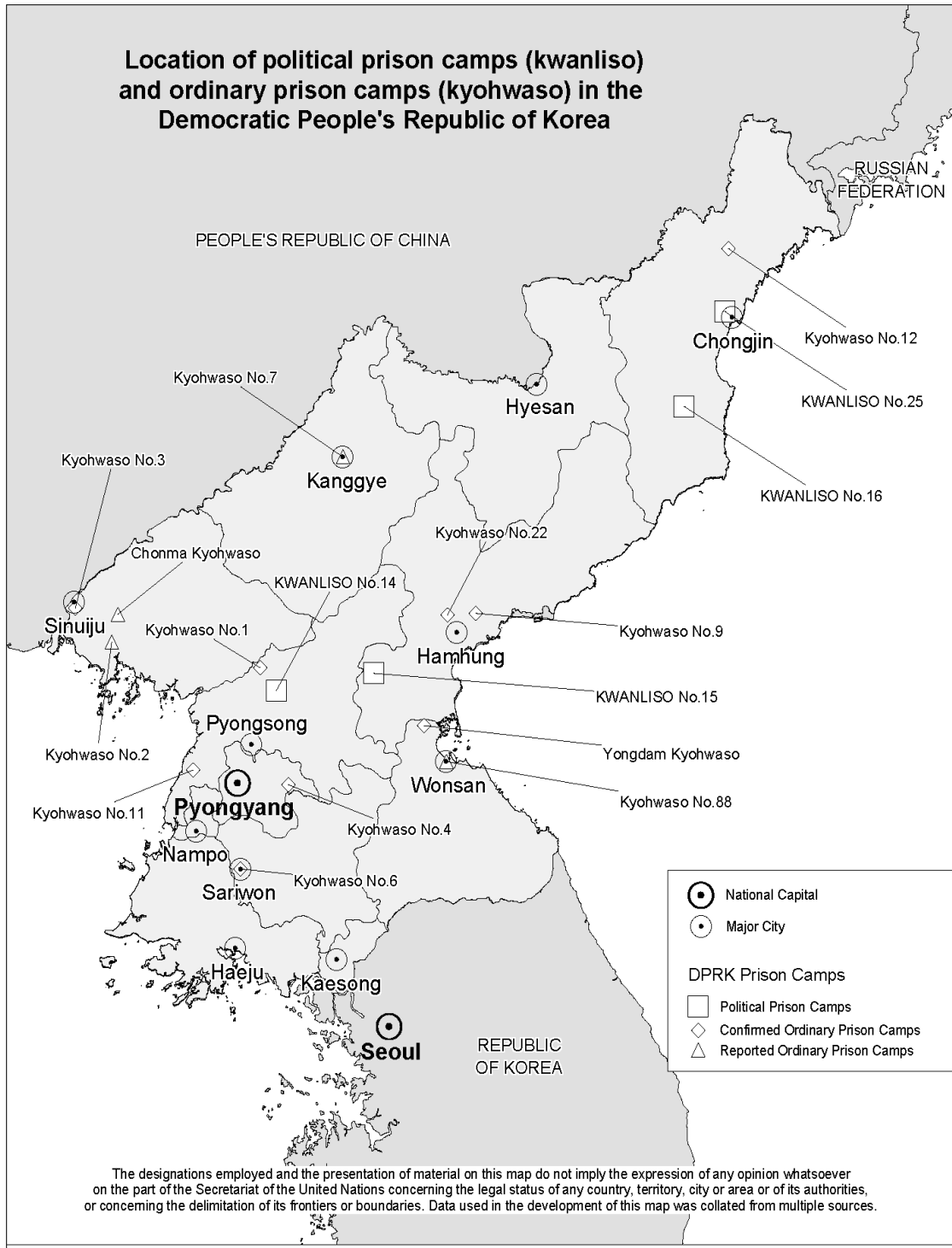Democratic People's Republic of Korea**

Figure 4.2 United Nations Map of Prison Camps[4]

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[4]Map produced by the United Nations Commission of Inquiry, January 28, 2014.

executions and torture, day to day interaction with the Bowibu is limited within the confines of the prison. Prison guards were responsible for the oversight of prison labor and punishment. Although prison guards are considered part of the military, their training is different. Mr. Chul informed the COI about his guard training experience:

Well, the political prison guards... the kind of training that we received the most is related to ideology, so we are trained and educated about the allegiance and loyalty to Kim Il-Sung. We actually receive two hours more than the military. About 60 percent of the training was about the ideology, and the rest was about physical training and about how to oppress the riots. So, we had very intensive ideology training for six months, and that training is to… I guess invoke hostility against the inmates and to imprint in our minds that the inmates are enemies… So they would have like a lecture material. The training material is confidential, so we have different ideology training than the ordinary military, so we would write down. We would memorize the instructions, the orders from Kim Il-Sung and Kim Jung-Il (Kirby et al., 2013e, p. 19).

The political prison camps are used by the NK government to house a wide array of offenders. Some were imprisoned for knowing too much about the Kim family and its relatives, while other were sent to these camps as punishment for crimes like theft of food, attempting to escape NK, and interaction with South Koreans (Kim Young Soon, Kim Eun Cheol, and Jeong Kwang-Il as cited by Kirby et al., 2013e). This was a red flag for the COI. All of the interviewees reported their reasons for being taken to these political prison camps, however, many of these transgressions were not recognized by the international community as a justifiable means for imprisonment (UNGA, 2014). Additionally, a certain level of due process is expected. Former prisoner Mr. Kim Kwang-Il talks about the lack of due process in NK:

Well, in North Korea, by law, you are supposed to be given an arrest warrant but you are never given an arrest warrant in North Korea. They just arrest you. And by the law of North Korea, they need to have a case in order to be able to detain you and you need a time period of investigation to find out whether you have actually violated the law or not. But, without all of this due diligence I was arrested, without due process of law I was

arrested. There was no legal process taken to verify whether I had actually violated any law or not. I was detained right away (Kirby, Biserko, & Darusman, 2013i, p. 5).

It appears that despite North Korean laws put in place to protect its citizen's right to due process, violations of individual rights occur on a widespread basis. Oftentimes, political prisoners in NK are held for excessive periods of time without ever being informed of the reason for their detention. Former North Korean guard Mr. Ahn Myong Chul testifies that many people were imprisoned without warning, cause, or even trial. He states:

> Ninety percent of people there (Kaechon prison) had no idea why they were in the camps. They all told me that one night when they were in bed, suddenly Bowibu people came to their house and they got arrested, and sometimes they told [me] that they were being punished for a crime that [was] committed by someone they knew (Kirby et al., 2013d, p. 11).

Mr. Shin Dong Hyuk was born inside of one of NK's prisons, the reason his mother had been arrested was unknown to him:

> I don't know exact details as to why my Mom came to be in the camp…it may not be 100% accurate, but from what I understand my father's relatives…I think the older brother (father's brother) went to South Korea, so that's what I understand, that's what I heard when I was younger. And, that's not 100% accurate but that's what I know (Kirby, Biserko, & Darusman, 2013c, p. 6).

One explanation for this may be NK's "guilt by association" policy which encourages the punishment of the alleged criminal as well as three generations of his family. The UN views this policy as a state sponsored policy endorsing extermination of possible political opponents. This is evidence of a national policy put in place to encourage the individual level displacement of aggression.

Furthermore, Mr. Shin Dong Hyuk's experience highlights that pregnant women and infants are not shown sympathy and are not pardoned from abuse in NK's prison

camps. Other interviewees also testified to violence against pregnant women and children. Mr. Chul recalls:

> The leader of my platoon or my team battalion was Han Dae Chul. He raped one of the inmates and the woman actually got pregnant and gave birth to a baby in the field. The baby and the woman they were taken to detention houses. And they were trying to find out who the father was. The inmate said that she was raped by one of the soldiers, [then] the baby was put into a pot where the meal was made for military dogs (Kirby et al., 2013e, p. 8).

The treatment of pregnant women and infants was also addressed by anonymous interviewees. Ms. P. testified, "Three pregnant women were hit in the stomach. Newborns who were born there starved to death" (Kirby et al., 2013e, p. 29). Prison guard's indiscriminate use of violence suggests that prisoners were viewed as less than human. Further, this level of violence against all prisoners suggests that North Korea's political prison camps are used as a means to control and exterminate large numbers of people.

Extermination can be achieved through several tactics that include "withholding of necessities of life" and "the imposition of living arrangements that would knowingly lead to mass deaths" (UNGA, 2014, p. 324). Basically, the living conditions of the prison camps were intended to result in the death of the majority of the prison population. This is best illustrated through the testimony of former prison guard of Kaechon, Mr. Ahn Myong Chul. His statements highlighted above have shed light on the inner workings of North Korea's prison camps as well as the training and ideology of the prison guards. Additionally, he testifies that prison guards are taught that prisoners are not supposed to survive camp. Explaining the ideology, he says guards are taught to believe that they should be violent with prisoners. He elaborates, "We should attack them. We really don't care if we are going to kill them or let them live" (Kirby, Biserko, & Darusman, 2013f, p. 6).

Figure 4.3 illustrates some types of torture utilized by prison guards in NK. The first two drawings known as "pigeon and motorcycle" torture, were created based on the experiences of former prisoners. The third drawing depicts "coffin" torture and was drawn while the torture was occurring. Prisoner Jeong Kwang-Il testified to being a victim of pigeon torture. He describes this torture for the COI:

This pigeon torture, so you are hand-cuffed behind your back and then they hang you so that you would not be able to stand or sit and you would look like pigeon, the pigeon with their chest pushed out; you would sort of look like a pigeon. I saw this book about torture and I understand that torture was conducted during the colonial times and in North Korea, the criminals are kept at the detention houses and the detention houses are in North Korea are copied after the detention houses that were built during the Japanese colonial rule (Kirby et al., 2013d, p. 34).

Other prisoners also report being punished with these types of specialized torture. Mr. Kim Kwang-Il describes the "motorcycle" torture he endured:

At the detention center, we are on our knees and there is a glass and we are supposed to be in the same position until the glass is filled. We are supposed to think there's an imaginary motorcycle and we are supposed to be in this position as if we are riding the motorcycle. And for this, we pose as if we are airplanes ourselves. We are flying. And if we stand like this there's no way that you can hold that position for a long time. You are bound to fall forward. Everybody in the detention center goes through this kind of this torture (Kirby et al., 2013i, p. 11).

The final drawing depicting "coffin" torture is also described by Mr. Kim Kwang-Il. Guards would force prisoners into coffin-like confinement sometimes for days (Kirby et al., 2013i). However, abuse in the prison camps is not limited to physical torture. What's more, in his testimony Korean scholar Dr. Lee Geum Soon acknowledges that many inmates commit CAH against other inmates in order to survive or simply out of fear (Kirby et al., 2013e). Emotional abuse is also prevalent within the camps. All of the interviewees that had experienced prison life acknowledged that they witnessed executions during their time in camp. Additionally, these executions are conducted for a broad range of crimes.
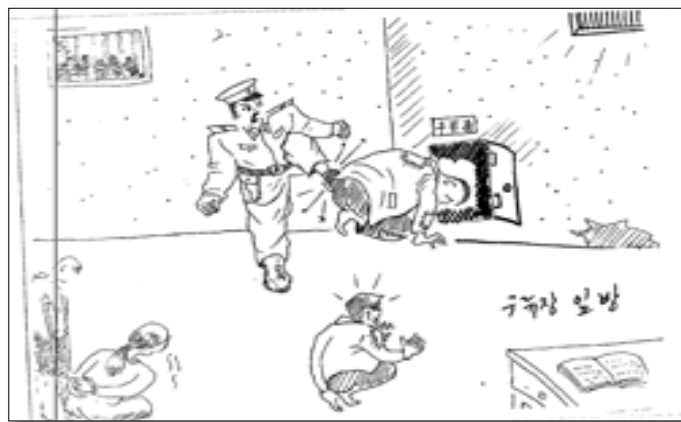
Figure 4.3 Torture Drawings[5]

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[5] Drawings by Kwon Hyo Jin, presented to the United Nations Commission of Inquiry by Kim Kwang-Il on August 28, 2013.

For example, former Yodok prisoner, Mr. Kim Eun Cheol witnessed two executions during his year at the camp between 2002 and 2003. According to Mr. Cheol, both inmates were executed for stealing food (Kirby et al., 2013d, pp. 29–30). As part of the execution process, these inmates were sent to solitary confinement. Recalling the executions that he witnessed Mr. Cheol states that when prisoners were transferred to the execution sites, "You could see that they were already on the verge of dying" (Kirby et al., 2013d, p. 30). Moreover, Mr. Cheol attests that his brother was executed for attempting to escape to South Korea, acknowledging that the execution for this offense was commonplace. Additionally, these executions were performed in front of prisoners of all ages, for example, Mr. Kim Hyuk witnessed his first execution at age 9 (Kirby et al., 2013d).

However, not all executions were sanction by NK policies. While public executions were used in some cases, it was more common for the prisoners to die as a result of the conditions of the prison. Moreover, some deaths were caused by overzealous guards. Mr. Ahn Myong Chul addresses this issue during his testimony recalling that fellow guard, Kang Young Chul, engaged in the killing of prisoners for "no reason." Furthermore, he mentions that officials were made aware of these killings, but no punishment was assigned to Kang Young Chul because he "killed out of allegiance to the Bowibu" (Kirby et al., 2013e, p. 4). The concept of "ordinary" people becoming perpetrators of CAH is discussed by both Brannigan & Hardwick (2003) and Maier-Katkin (2009). In environments like NK's prison camps, strain, group affiliations, and group structure has influenced the values and beliefs accepted by large populations. In the case of NK, people who were once everyday citizens now value obedience and use violence against a dehumanized population

in order to achieve it. As such, the guards do not feel as if they are acting "overzealously"—instead they are abiding by the laws of their society, albeit a non-conventional society.

While torture and violence account for many deaths within the North Korean prison camps, many deaths can also be attributed to inadequate access to food, forced labor, and diseased living conditions in North Korean prison camps. Although most prisoners interviewed did report that they were fed three meals a day, all former prisoners agree that the rations provided were not enough to survive comfortably. For example, anonymous interviewee Ms. P reported that:

> We were given corn rice, corn based food, just enough to keep us alive. Young male inmates for example, it was very insufficient, so male inmates would find worms or snakes in the field when they were working there. They would eat them alive to feel that feeling in the stomach. The food was never enough, and that's how they got by (Kirby et al., 2013e, p. 30).

While there are certainly many instances of systematic violence equivalent to CAH being committed within North Korea's prison camps, the COI concluded that the deplorable conditions of the prison camps themselves constitute a "widespread and systematic" attack pursuant to State policies. Furthermore, these prisons provide a secure place for guards to commit violent acts against North Korean citizens. The COI noted that "in some cases, the Commission was able to trace orders to cause the disappearance of individuals to the camps to the level of the Supreme Leader" (UNGA, 2014, p. 330).

The testimony of NK defectors has provided evidence of violent crimes committed against the prison population and the general population of North Korea. International laws established by the Nuremburg trials deem these violations as crimes against humanity. Interviews conducted by the UN's COI provide important insights as to the intent of policies encouraged by the Kim family and the Party, and first-hand accounts of the quality

of life in NK. Interviewees were able to identify violent and dehumanizing values propagated by the Kim family and the KWP. A few examples include the use of prison camps, the limitation of movement and information, the use of forceful abductions to gain labor skills and increase the wealth of NK, forced ideology education, and the exacerbation of the starvation epidemic. The actual perpetrators of crime in North Korea are often "ordinary" citizens who have accepted the role of "prison guard" or "Bowibu" assigned to them by the Kim family regime and the KWP. The Kim family regime and the KWP have created a primary group system in which obedience is valued above all else. Prison camps in North Korea offer an avenue in which anger can be directed towards unguarded targets and further provides individuals with a sense of legitimacy regarding their actions.

4.6 A TURNING OF THE TIDE?

During the mid-1980s, the North Korean leadership made an effort to establish ties with the outside world. This was, in part, due to the transfer of power from Kim Il-Sung to his son, Kim Jung-Il (Shinn, 1983). However, continued setbacks in Korean reunification occurred as a result of a violent outbreak known as the Rangoon Bombing that killed 17 South Korean officials in 1983. Unfortunately, North Korea's involvement in this incident also led to the severance of diplomatic relations with Burma, Comora, Costa Rica, Japan, and Western Samoa (Kihl, 1985). Additionally, during this coming out period, North Korea attempted to establish relations with the United States, even going so far as to invite US congressmen to visit the country (Kihl, 1985; Mercer, 2013). It remains possible that the extension of this olive brank to the US was propaganda although other scenarios suggest that the North Korean commitment to rebuilding its image was existent. This was most apparent in their humanitarian aid efforts following a devastating flood in South Korea—

the North Korean Red Cross Society provided aid in the form of cement, rice, and textiles (Kihl, 1985). However, these humanitarian efforts were halted during the 1990s when famine struck North Korea.

Famine in the 1990s. During the 1990s famine struck NK. These problems were exacerbated by NK officials who hoarded food for themselves and for the troops (Aaltola, 1999). The famine stemmed from a variety of factors, all of which cannot be attributed to the NK government or its policies. For North Korea, the 1990s brought about the withdrawal of Soviet economic support, a series of floods and droughts, as well as the transfer of power in NK from Kim Il-Sung to his son Kim Jong-Il (H. Kim, 2003). Nonetheless, the famine illustrated the inability and unwillingness of the North Korean government to handle large scale disaster in NK.

UN foreign aid was provided to NK in the form of food; however, the North Korean government used the food as leverage to encourage obedience amongst citizens and soldiers (Jiro a cited by Kirby, Biserko, & Darusman, 2013). As a result, the NK people were able to retake some power from the authority with the creation of stable market systems. Additionally, Mr. Ishamiru Jiro contends that the problem in NK is the population's access to food as opposed to a food shortage. As a result, the famine encouraged the growth of black markets for the sale of food. These black markets were not contested by the North Korean government because they simply did not have the ability to provide for all citizens. Jiro says, "…From what I observed, 70-80% of people now gain food by buying food using their cash in these kinds of market, so they don't rely on the food ration from the government" (Kirby, Biserko, & Darusman, 2013, p. 24). Although the army accounted for 5% of the population with about 1.2 million soldiers registered, the

NK authority was unable to supply food to all of its soldiers (H. Kim, 2003). Moreover, NK soldiers had limited access to the newly established black markets because the government provides "food in exchange for obedience" (Jiro as cited by Kirby et al., 2013, p. 27). Although 0.7 million tons of foreign food aid has been donated to NK, even from the United States, starvation continues to be a problem in NK (Aaltola, 1999). However, Jiro notes that since the transfer of power from Kim Jong-Il to his son, Kim Jong-Un, policies have encouraged the confiscation of crops from rural farmlands in order to maintain healthy troops, consistent with NK's "military first" policy. This has drastically affected the rural populations in NK and as such, Jiro reports that many of these citizens maintain a strong desire for change (Kirby et al., 2013j).

While North Korea has made some attempts at reconnecting with conventional society and conventional institutions like the UN, some policies that value violence and dehumanization remain in place today, especially in the prison camps of North Korea. However, under the son of Kim Jong-Il and current Supreme Leader, Kim Jong-Un, North Korea has shown signs of cooperation. Dr. Lee Geum Soon testifies that the number of public executions has dropped since 2009 when the transfer of power to Kim Jong-Un began (Kirby et al., 2013e, p. 38). Although, quantifiable evidence of a decrease in public executions remains unavailable, KINU scholars remain confident that a causal link between the decrease and succession of power to Kim Jong-Un exists (Cho et al., 2013). Moreover, on October 4, 2014, North Korea agreed to reopen unification talks with South Korea. This new openness might signal the dissolution of the Kim family's control after 60 years and two successions of power. One thing is clear, since the 1980s, the philosophies established by Kim Il-Sung and perpetuated by his lineage have been slowly losing their

influence in North Korea. While certain government sponsored policies continue to utilize violent and dehumanizing techniques, the overwhelming number of witnesses willing to speak out against the Supreme Leader and the Party demonstrates a definite backlash is occurring against philosophies of the Kim family regime.

CHAPTER 5

CONCLUSION AND DISCUSSION

5.1 CONCLUSION

State sponsored crimes against humanity account for a significant number of deaths each year. The magnitude of such crime demands attention. To date, there are few entities capable of addressing these crimes. While the last several decades have garnered responsiveness to international crimes, the laws regarding these crimes remain difficult to enforce. The increasing globalization of our society requires that an effective means of dealing with CAH perpetrators be established. Theories aid social scientists in the understanding of new phenomena and as such, several theories of CAH have been posited in recent years. This thesis has discussed and analyzed the theories of Brannigan and Hardwick (2003) as well as Maier-Katkin et al (2009) in order to determine how well these theories describe and explain CAH in the case of North Korea. This examination was able to identify key turning points specific to the North Korean case that help to explain how and why CAH occurred.

Informed by historical analysis and existing theory, this thesis utilized information provided by the United Nation's Commission of Inquiry to determine the progression and severity of state perpetrated crimes against humanity in North Korea. On February 17, 2014 the UN's COI released a detailed report acknowledging evidence of CAH in North Korea. The COI, also released all supporting evidence and documentation including the transcripts

of eye-witnesses and expert testimonies. This evidence was analyzed using the case study methods outline by Robert K. Yin (Yin, 2014).

There are many advantages to utilizing case study methods, especially in social science fields. Case study methods enable researchers to explore contemporary phenomena that lack theoretical grounding. Furthermore, case study research helps organize qualitative concepts prevalent in complex social situations which facilitates the development of causal explanations. Nonetheless, case study work has been criticized for being subjective and prone to bias. Additionally, scholars have questioned the validity of generalizations made from case study research. Yin rebuts this contention by noting that case studies are generalizable to the theory or theories in which they are studying (Yin, 2014, p. 21). Furthermore, arguments have been made that these generalizations are just one way of gaining knowledge on a subject. Specific limitations of this method in the North Korean case include incomplete official record keeping, limited access to the country, and limited interviewees willing to testify. However, if any information is gained in the process of examining a phenomenon, the research has been a success (Flyvbjerg, 2006; Smeulers & Hola, 2009).

Results. Brannigan & Hardwick and Maier-Katkin et al. have proffered theories capable of explaining most aspects of CAH in North Korea. The precursors and conditions leading to violations of CAH in NK largely followed the theoretical propositions articulated by both perspectives. The theoretical outline dictates that as a precursor to CAH violations, intense and widespread strain occurs at the social and individual levels. Evidence for this proposition is apparent in the case of NK. Social indicators of strain in North Korea include Japanese imperialism, political instability, economic dependence on

the USSR, blocked re-unification attempts, and war. Many of these social stressors contributed to individual level strain. For example, the political instability of Korea following the end of Japanese imperialism resulted in the division of the country, forming North and South Korea. Consequently, many families were separated as a result of the division, causing individual-level strain. Additionally, the Korean War destroyed much of NK's infrastructure, producing strain as well as fear among the civilian population.

Following periods of intense, widespread strain in NK, rising levels of fear caused individuals to form new primary group affiliations. Evidence for this proposition is mainly seen in North Korea's political shift beginning in 1956. The end of the Korean War loosened the bonds between USSR officials and North Korean officials. In 1956, the North Korean government formed new group identities and affiliations. Many North Korean officials and ordinary citizens blamed the USSR for prematurely ending the Korean War and failing to reunite North and South Korea. Thus, an "us versus them" mentality drove Kim Il-Sung's rise to power within the political system and rise to popularity amongst the citizens of NK. Kim's policies of nationalism and *juche* fueled this mentality and in turn, created widespread fear—including most poignantly the fear of being sent to prison camps. Additionally, this fear propelled the notion that anyone who opposed Kim also opposed the nation. In the case of NK, fear promoted conformity and socialization. At this point the case of North Korea begins to diverge from the theoretical outlines of Brannigan & Hardwick and Maier-Katkin et al.

The new group affiliations in North Korea were driven by a political shift. As such, one cannot ignore the influence of communism on the group structure and dynamics of North Korea. Communist ideology dictates that individual ideology mirror that of the state.

Therefore, the political shift in 1956 created new group affiliations and ideology demanded socialization and conformity. Furthermore, communist ideology requires a group structure in which the government and its leaders are providers. In order to provide for its citizens, the government is allocated an immense amount of power. The power allotted to the controlling political party of NK enabled Kim Il-Sung and the KWP to create authority and legal systems. Moreover, the group structure required by the authority system limited the types of social roles available to citizens and, further, required individuals to subscribe to those roles or risk being viewed as enemies of the nation. For example, several interviewees testified that loyalty to Kim Il-Sung and the KWP was the primary rule in NK (Bok, Hyuk, and Soon as cited in Kirby et al., 2013d, 2013f, 2013h). Brannigan & Hardwick acknowledge that the authority system will play a role in the dispersion and socialization of primary group beliefs, however this case study of North Korea finds that the authority system influenced group socialization as well as group structure and dynamics. This analysis suggests that political ideology determines the extent to which authority and legal systems influence these transitions.

As Maier-Katkin et al. notes, CAH are more likely to occur in societies whose belief systems value self-interest, dehumanization, and violence. The level of control implemented by the North Korean government perpetuated fear among citizens that encouraged the dispersion of a belief system that valued the policies of nationalism and *juche* established by Kim Il-Sung and the KWP. Additionally, the power allotted to the government of NK allowed Kim Il-Sung and the KWP to implement policies aimed at isolating the population from the international community. On a social level, these policies encouraged laws that served the interests of North Korea (i.e. reunification, self-

sufficiency, and independence). On the individual level, these policies encouraged obedience. The limitations placed on communication and movement served to maintain the beliefs perpetuated by the authority and law systems. Anyone who opposed the interests of the state was deemed a criminal and accordingly viewed as disobedient and a threat to reunification, self-sufficiency, and independence. Consequently, North Korea's prison system became a controlled environment under which the displacement of aggression occurred.

Despite theoretical inconsistencies in how the progression of CAH evolved in the case of NK as delineated by Brannigan & Hardwick and Maier-Katkin et al., the end result was the same: displaced aggression. In NK, ideology and fear facilitated the widespread acceptance of Kim Il-Sung's policies and values. Citizens who expressed resistance to these policies and values were subjected to arrest and relocated to revolutionary districts or prison camps depending on the nature of the offense. Conversely, citizens who exhibited strong ideology were assigned to high ranking government roles, Bowibu police, and prison guard roles. Individuals who accepted NK's forced social roles were viewed as productive members of society, whereas individuals who challenged these assigned social roles were viewed as traitors and sent to prison, creating sharp divisions among North Korean citizens. Those considered "productive" individuals then used this schism to justify any and all action against nonconformists—creating conditions for CAH to occur. In accordance with the theoretical outline, this societal divide fostered the displacement of aggression.

5.2 DISCUSSION

The case study indicates that CAH in NK occurred as a result of several factors including intense, widespread strain, primary group affiliations and socialization, group structure and dynamics, belief systems, and the displacement of aggression. Additionally, the case study has highlighted how this theoretical outline might be improved. Specifically, isolation and political ideology appear to have contributed to CAH in the case of North Korea. In order to illustrate the theoretical implications of the North Korean case study, a revised theoretical outline is proposed in Figure 5.1. Understanding how and why CAH occurred in NK is essential to the development of effective policies aimed at eliminating ongoing violations and preventing future violations. This thesis has explored the phenomena of CAH and has also expanded the explanation of how and why such crimes occur. In addition, this thesis has also challenged the characterizations of CAH as defined by international law.

Future research should continue to explore the development of the international justice system and accordingly challenge the systems that have been and are being established. Furthermore, criminologist should work with academics from other disciplines to create more surveys like the Atrocities Documentation Survey in order to further the understanding of the magnitude of CAH violations. Considering the North Korean case, research should continue to challenge the definitions of CAH within international law. For example, should the coercion of a large population be considered a crime against humanity? Finally, future research should continue to study previous CAH violations in effort to identify additional precursors to CAH. This will aid international institutions in the creation of international monitoring and intervention agencies.
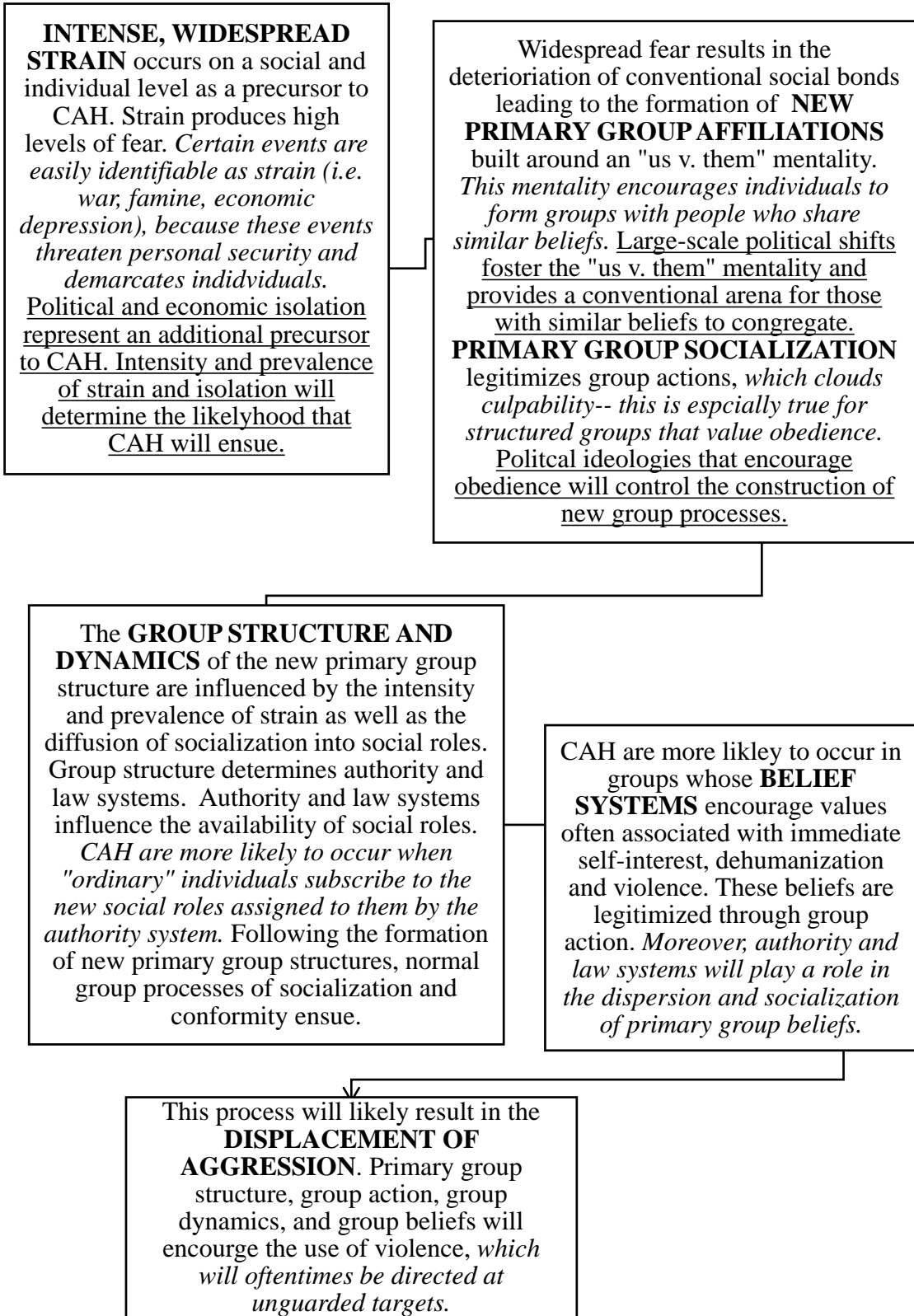
INTENSE, WIDESPREAD STRAIN occurs on a social and individual level as a precursor to CAH. Strain produces high levels of fear. *Certain events are easily identifiable as strain (i.e. war, famine, economic depression), because these events threaten personal security and demarcates indidviduals.* Political and economic isolation represent an additional precursor to CAH. Intensity and prevalence of strain and isolation will determine the likelyhood that CAH will ensue.

Widespread fear results in the deterioriation of conventional social bonds leading to the formation of **NEW PRIMARY GROUP AFFILIATIONS** built around an "us v. them" mentality. *This mentality encourages individuals to form groups with people who share similar beliefs.* Large-scale political shifts foster the "us v. them" mentality and provides a conventional arena for those with similar beliefs to congregate. **PRIMARY GROUP SOCIALIZATION** legitimizes group actions, *which clouds culpability-- this is espcially true for structured groups that value obedience.* Politcal ideologies that encourage obedience will control the construction of new group processes.

The **GROUP STRUCTURE AND DYNAMICS** of the new primary group structure are influenced by the intensity and prevalence of strain as well as the diffusion of socialization into social roles. Group structure determines authority and law systems. Authority and law systems influence the availability of social roles. *CAH are more likely to occur when "ordinary" individuals subscribe to the new social roles assigned to them by the authority system.* Following the formation of new primary group structures, normal group processes of socialization and conformity ensue.

CAH are more likley to occur in groups whose **BELIEF SYSTEMS** encourage values often associated with immediate self-interest, dehumanization and violence. These beliefs are legitimized through group action. *Moreover, authority and law systems will play a role in the dispersion and socialization of primary group beliefs.*

This process will likely result in the **DISPLACEMENT OF AGGRESSION**. Primary group structure, group action, group dynamics, and group beliefs will encourge the use of violence, *which will oftentimes be directed at unguarded targets.*

Figure 5.1 Revised Theoretical Outline

Existing theories identify precursors of CAH, which this study has generally supported. Thus, the possibility that CAH will ensue is identifiable prior to international law violation. Additionally, following Agnew's logic, strain as a precursor to CAH can even be minimized. This reasoning suggests that intervention programs aimed at minimizing intense, widespread strain may be beneficial to quelling potential CAH violations. Since the Nuremburg Trials the international community has focused its attention on the creation of an international criminal justice system. However, existing theories of CAH as well as the analysis reported in this thesis recommends that additional international efforts to intervene in high risk CAH situations should be the focus of future policies. Additionally, the case study highlights the complicated nature of CAH in that many factors must occur, either sequentially or simultaneously, in order for CAH to commence. For crimes in which culpability is hard to determine, programs based on restorative justice may be more effective at quelling the emergence and continuation of CAH. Specifically, the North Korean case study demonstrates that CAH violations occurred for several decades with little acknowledgement from the international community. In these cases in which time clouds culpability, restorative justice programs may contribute more to the reconstruction process. Generally, Restorative Justice is considered, "a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future" (Marshall as cited by Gade, 2013, p. 17).

Criminology recognizes that a multitude of factors affect criminality within a society. Specifically, the case study of NK demonstrates the multifaceted nature of CAH. Consequently, in order for international laws to be viewed as legitimate, they must be

written in such a manner that holds responsible parties culpable. Again, the North Korean case study demonstrates how it may be difficult to identify culpable parties in an ever-changing environment like the international community. In addition, it can be challenging to hold responsible parties culpable when atrocities have been occurring for decades. Therefore international laws should focus less on retribution and more on restoring conventional bonds.

The case study of NK has provided numerous examples of how the international community has responded to North Korean law violations. However, reactions from international community have been limited. For example, the complexity of the Korean War diverted an international response. Though the USSR and the US came to an agreement that ended the War, punishment was deemed unnecessary—no nation was held accountable for the devastation of the War even though Kim Il-Sung played an integral role in the onset of the conflict. As a result, North Korea has successfully isolated itself for the last 55 years. However, similarly situated cases within the international community have resulted in the establishment of ICTs and despite their relative ineffectiveness, the establishment of ICTs does draw attention to CAH violations. Accordingly, the analysis presented in this thesis proposes that either an ICT or a reconciliation committee be established to intervene, monitor, and prosecute CAH violations in NK. ICTs have been established in many cases of possible CAH violations however, reconciliation committees have not been as relied upon by the international community. The most renowned reconciliation committee was established in South Africa at the end of apartheid.

In 1995, the Truth and Reconciliation Committee (TRC) was established through South African legislative measures. Between 1948 and 1994, South Africa experienced a

period of state-sponsored racial segregation known as apartheid. The TRC was South Africa's attempt at reuniting their nation. The TRC was comprised of three committees: the human rights violation committee, the reparation and rehabilitation committee, and the amnesty committee (Gade, 2013). The human rights committee was charged with investigating violations during apartheid. The reparation and rehabilitation committee was responsible for the creation of proposals aimed at rebuilding and strengthening the community. The amnesty committee reviewed applications for exoneration utilizing a three prong test. The crimes must have been: (1) politically motivated, (2) proportionate, and (3) perpetrators must fully disclose the nature of their crimes (Gade, 2013). The international community might use this structure in the creation of an international reconciliation institution or in the formation of international reconciliation committees.

Criminologist have much to offer in the debate on how the international community should handle North Korean relations. The overarching international goal is to encourage North Korean desistance from CAH and in general, international desistance from CAH. The willingness to testify demonstrated by COI interviewees suggests that the North Korean authority's political capacity may be diminishing. This could provide the international community an opportunity to reach out to NK and effect its future policies. The globalization of crime requires that criminologists delve into the study of such crimes and contribute to the development of theories surrounding large-scale crimes like crimes against humanity.

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