



**Citizens' Alliance for North Korean
Human Rights (NKHR)**



Korean Bar Association (KBA)

**Democratic People's Republic of Korea
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Joint Submission by the Citizens' Alliance for North Korean Human Rights (NKHR) and the Korean Bar Association (KBA) to the United Nations Human Rights Council Universal Periodic Review (UPR) pertaining to the situation of human rights in the Democratic People's Republic of Korea¹

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[Executive Summary]

In the DPRK, the policy of social classification with 3 strata and 51 categories has resulted in the institutionalization of inequalities, which presently persists in the country in the name of "Seongbun" and has an impact on the enjoyment of civil and socio-economic rights. The continuing infringements of human rights in the DPRK represent "a consistent pattern of gross and reliably attested violations of human rights." Accordingly the DPRK government has to apply social policy to correct the result of *Seongbun* caste system. All of the political prison camps must be dismantled, and the detainees must be released immediately.

Keywords: Right to Food, Food Entitlement, Food Distribution, Chronic Food Shortage, *Seongbun*(social background), *Bowibu*(secret police), Political Prison Camps, Arbitrary Detention, Torture, Infanticide, Sexual Abuse, Slavery Labor

¹ Except for several personal names, the system of romanizing the Korean alphabet is consistent with the July 7, 2000 Notice of the Ministry of Culture and Tourism of the Republic of Korea. Korean names in this submission are all written with the family name first, followed by the given name.

Any attempt to monitor the human rights situation in the DPRK is extremely difficult. The only way to bypass that difficulty is to gather testimonies from North Korean refugees who fled the country and succeeded in resettling in a third country. The Korean Bar Association (KBA) conducted two times of interviews with 100 North Korean refugees in 2006 and 2008. The present submission has been elaborated on the basis of these interviews and written sources.

Among the diverse human rights abuses in the DPRK, this submission focuses on the systematic violations of right to food according to a discriminative social class policy and political prison camps. These two issues are closely related to the question of North Korean defectors and refugees as push effects and the aftermath of these situations.

- I. The Right to Food
- II. Political Prison Camps

I. The Right to Food

The Right to Food indicates the right of all people to access food in order to manage a healthy, active, nutritious and culture-filled life. It means the right to access safe and nutritious food, the right to secure sufficient food and the right to be free from hunger, which was reconfirmed at the World Food Summit Conference held in Rome in 1996.

It is hard to predict when the ten-year chronic food crisis in the DPRK will be ameliorated. Even now, with a slightly eased food shortage in the DPRK, in terms of 'food entitlement' the famine in the DPRK remains a fundamentally grave and still worsening problem. The right to food for the DPRK people is completely controlled by the authorities and the Right to Life of six million vulnerable people with insufficient ability to survive is threatened in this critical situation. Furthermore, soaring food prices are causing an enormous conflict between the DPRK government, which tightens its grip on food for social control, and North Korean residents, who are left behind on a dead-end road. The socially powerful groups usually have food rations and accumulate wealth through earning foreign currency and embezzling foreign aid.

The famine in the DPRK is not a temporary issue caused by natural disaster or a withdrawal of food aid from external sources. It must be understood as a result of a process that happened over a long period of time. The reasons for the DPRK authorities failing to adequately provide food are closely related to the deprivation of social and political rights of the DPRK people.

1. Difference in Food Distribution Based on Class

When asked, "Was there any difference in food distribution between people with power and general residents?" in the interview with 100 North Korean defectors conducted by the KBA in 2008, defectors said powerful agencies, such as the Workers' Party of Korea (WPK), the prosecution, the *Bowibu* (secret police), high ranking officials, managers, military supplies production units and other agencies such as grain mill factories and the organizations earning foreign currency normally receive food ration. In addition, the ratio of grain that the people in authority receive was mostly rice, while general residents receive corn. Furthermore, the

amount and frequency of food distributed to the ordinary people was not fixed. Sometimes there was no food distribution at all. Even when there was the frequent food distribution, on average people receive food ration from two to seven days per a month.

ID023 (for the North Korean defector's privacy and safety, ID with numbers was given instead of his or her real name) testified that his or her family received a month's ration once a month, even during the time of mass starvation, since his or her father worked for the *Bowibu*. ID011 testified that he or she received the food distributed four to five times a year and the food provided was extremely insufficient to live on.

ID019 testified that he or she could receive potatoes and corn for ten days every month because the pharmaceutical factory where he or she worked at was well run. In food distribution, the food aided by foreign countries was provided for at least two to three days and at most seven days, and the food produced in the DPRK is hardly supplied for the distribution (Interview with ID019 on May 10, 2008).

The right to access to food in the DPRK is determined by the hierarchy of power. Although humanitarian assistance to the DPRK has continued for over 10 years, the aid program has not been up to international standards because the food distribution system is based on the hierarchical class system. Currently, the loyal hierarchical strata claim the right to decide the distribution of food and receive the distributed food exclusively and steadily. According to a person's political status, food distribution in the DPRK has become a system which favors individuals with vested rights over ordinary residents. The party, the military, and government high-ranking officials are normally provided with food through a separate distribution channel. In practice, the distribution system mainly for workers has been nearly paralyzed.

After the 'July 1st Economic Management Improvement Measure' in 2002, key agencies of power, including the WPK, the *Bowibu*, the Ministry of People's Armed Forces, the Public Security Agency, and high ranking officials and strategically important military factories have their own food distribution system and manage a stable life, which is incomparable to that of ordinary people. They exercise control over the lives of ordinary workers and farmers who constitute 80% or more of the population to maintain current ruling system. Therefore, there has been criticism that aid from the international society only benefits the key ruling strata of the DPRK such as the WPK, the government, and the military.

The smallest number of people required to maintain the DPRK's ruling system, an estimated 6.5 million, belong to the first to third rank of the country's distribution system. Authorities of the DPRK require a minimum of 1.2 million tons if one needs 500g a day, or up to 1.7 million tons if one needs 700g a day. No matter how famine happens in the DPRK, the amount of food required can be produced in the country, which indicates the amount of food produced within the country is sufficient for the maintenance of its own system without any external support.

From the facts above, authorities of the DPRK seem to ignore criticism on their intentional negligence of the food supply to ordinary people, believing that society of the DPRK would not be affected as long as they manage the core loyal class in good faith.

2. Regional Imbalances in Food Distribution

In spite of the chronic food shortage over 10 years, Pyongyang, the “Capital of the Revolution”, has been the preferential area in food distribution over the other areas.

In the interviews conducted by the KBA regarding the difference in food supply between Pyongyang and the other local regions, 20 out of 60 North Korean defectors testified that there was food distribution in Pyongyang but not in other local areas. The other 40 defectors testified that they heard from relatives in Pyongyang that there might well be food distribution in Pyongyang, the center of the country.

ID023 testified that food is distributed first to the People's Army all over the country. The next order of preference is Pyongyang city and the neighboring militaries, with rural areas at the lowest priority. Only after supplies are distributed to strategically important areas and Pyongyang, the leftovers have been supplied to local regions.

Conditions in Pyongyang are relatively better than other areas since Pyongyang is adjacent to Pyong-an Province and Hwanghae Province, which together produce 80% of the total food output of the DPRK. About 43.5% (Heungnam 13.5%, Cheongjin 9.5%, Wonsan 9.5%) of the total quantity of rice aid was carried through Nampo Harbor from 2003 to 2006. Fertilizer aid was transported mainly to Nampo Harbor (50%), and secondly to Haeju Harbor. The other harbors, Heungnam, Cheongjin(Chŏngjin) and Wonsan, are all about equal, with less than 10% respectively.

According to the data submitted to the National Assembly of the Republic of Korea by the Ministry of Unification in 2005, 16.92% of ships laden with rice for the DPRK docked in Nampo Harbor, adjacent to Pyongyang. On the other hand, a little less was distributed through Ryanggang Province (4.57%) and Gangwon Province (5.76%), where food is relatively insufficient.

Considering deaths due to the shortage of food in the eastern area, provinces of South and North Hamkyeong(Hamgyŏng), Gangwon and Yanggang, it is not just due to regional imbalance but a deeply rooted discrimination policy based on background and class by the DPRK authorities.

II. Political Prison Camps

There are various kinds of detention camps in the DPRK, including facilities for detaining the increased number of homeless and vagrants resulting from the famine during the late 1990s; 6 large colonies for political detainees, and prisons, called “Labor Correction Centers (*Nodong gyoyangso*)” or “Edification Centers (*Gyohwaso*)”, Detention Center (*Jipgyeolso*) for temporary confinement, Labor-Training Camps (*Rodong-danryeondae*) for short term penal labor of 3 to 4 months under the pretext of edification.

Among these detention camps, the most serious human rights abuses occur in the political prison camps (more exactly, political penal-labor colonies). Their official name is “Management Center Number OO (*OO Ho Gwalliso*)”.² The North Koreans call them

² Generally, local government offices in the DPRK are called *Gwallisos* (management centers) and include a reference to their location and/or function. Yet, in political prison camps, such offices only

“Districts under Special Dictatorship (*Teukbyeol dokje daesang guyeok*)”, “Concentration Camps for Political Prisoners (*Jeongchibeom jipdan suyongso*)”, “The Land of Exile (*Yubaeso*)”, “Caves for Factionalists (*Jongpagul*)”, “Districts for Removed Residents (*Ijuguyeok*)” etc.

It is assumed that political prison camps in the DPRK have undergone several phases since the 1950s. Mr. KANG Cheol-hwan, a North Korean refugee who was a detainee at the Yodeok (Yodök or Yoduk) Prison Camp (*Gwalliso* No.15), stated that a colony of prison camps had been partially built at Yodeok-gun (county), South Hamgyeong Province, before 1959. From 1959 to 1964, the inhabitants of the Yodeok-gun were forcibly removed to separate them from individuals that had been expelled there from other provinces. This policy was assumed to be related to the “Intensive Guidance of the Party (*Jung-angdang jipjung jidosaeop*)”, which operated for two years from the end of 1958. In other words, the DPRK authorities classified their population based on “3 strata with 51 categories” after investigating their thought and social background (*Seongbun*); a significant portion of the “enemy stratum” was sent to prison camps. As such, the Yodeok Prison Camp was seemingly built for this purpose.

In 1968, KIM Il Sung gave instructions that “if enemies of the class create riots in the *Gwallisos*, they must be stopped forever by deploying the army”, thus the present style of prison camp was likely formed around 1968 based on the deployment of the army as prison guards.

The DPRK political prison camps are located at the counties of Yodeok, Dancheon, and Deokseong in South Hamgyeong Province, plus two colonies of camps at Onseong, Hoeryeong, and Hwaseong Buryeong-gun in North Hamgyeong Province, Gaecheon, Bukchang-gun in South Pyeong-an Province, Cheonma-gun in North Pyeong-an Province, and Dongsin-gun in Jakang Province. These camps include “Districts under Special Dictatorship”, in other words “Absolutely Controlled Districts (*Wanjeon tongje guyeok*)”, and “Districts under Edification for Revolution (*Hyeokmyeonghwa daesang guyeok*)”. The detainees in the former type of camp are deprived of their citizenship and can never be released, even after their death, whereas the detainees in the latter can be released, and their citizenship is sustained.

Basic rights taken for granted in a normal state such as civil and political rights and the freedom of religion, opinion, and expressions are considered to be deviations when attempted to be enjoyed by North Korean civilians. This is for the security of the regime and the maintenance of the system on part of the DPRK’s authorities. Therefore, the suspects of such ‘deviation’, such as dissents of the regime or the system, people with religions, escapees or border crossers, and repatriates arrested in China and returned to the DPRK, are known to not even undergo due process of arrest or preliminary hearing in the process of detaining them and also to put them under extreme forms of torture and various forms of inhumane treatment.

1. Arbitrary Detention

have numbers, e.g. *Gwalliso* No. 14, seemingly to hide their location and real function.

In the 2006 interview on 100 North Korean defectors by the KBA, 90% of respondents said "No" when they were asked if the investigation agency follows due legal procedure in the DPRK. When asked if due procedure is observed when people are put into a detention facility, 71.1% of the interviewees said the DPRK authorities kept investigating for more than two months without any warrants. However, Article 11 of the Criminal Procedure Act, as enacted in 1999, which should have been applied to these people, says that "A person shall not be arrested or kept in custody, if the case is not specified by law or the legal procedure is not followed. When a person is arrested, his family or the organization the arrestee belongs to must be notified of the date and reason of arrest within 48 hours of arrest. If the prosecutor finds a person is illegally detained, the prosecutor should set the arrestee free."

We see evidence of non-compliance with due procedure in arrest or detention as designated by the Criminal Procedure Act from the answers to the question "Please, elaborate on procedures taken when you were arrested or put into custody." Examples of testimonials to non-compliance with due procedure, follow:

[ID001] There is no specific procedure. The responsible officer at the police stand tells the arrestee to write a statement and refers the arrestee to his secretary.

[ID009] I am not sure about procedure. I had a visit from the *Bowibu* and also from the Provincial *Bowibu*. I also had to visit the City *Bowibu* at its request.

[ID035] A *Bowibu* agent arrested my father without any explanation when he was at home.

[ID040] They just came and arrested my mother.

[ID049] I was notified to come to the *Bowibu* at a designated time and day, and did so.

[ID051] When repatriated to the DPRK from China, I was taken to the *Bowibu* and Hyesan Detention Center right away.

[ID054] I was caught by a *Bowibu* agent and handed over to the Hoeryeong authorities.

[ID076] There was no procedure. I was strolling around in the early morning when two cars stopped in front of me. A *Bowibu* agent and a spy came together. The spy was shackled. The agent put me into a car and took me away.

[ID084] I was caught by Chinese soldiers on the borderline when I was attempting to go to Mongolia from Manzhouli of inner Mongolia, China. I was handed over to the Onseong(Onsǒng) *Bowibu* within ten days and then put under detention at the Agency.

Lacking defectors who experienced arrest after 2004, it is difficult to verify how the detention procedure has changed since the two recent revisions to the Criminal Procedure Act. However, when we interviewed the defectors who were subject to the 1999 Criminal Procedure Act, whether "legal procedure was duly observed, for example, were you well informed of your arrest or presented an arrest warrant," they said they were not well informed about their arrest or presented with any warrant. In a 2006 interview, only four out of 100 respondents said, "the authorities checked their identification, explained verbally their arrest, handcuffed, and arrested them. The other respondents said there was no explanation. Four

testified that mostly the authorities checked for identification, and bound people with handcuffs, straw rope, shoestrings, or white rope, saying that they have something to check. In some cases, they would shackle a person and take him away.

But, when asked in a 2008 interview about how long they were detained after arrest before they stood trial, some people testified that they were detained in the *Bowibu* for two to three days to a maximum of two years and 11 months without any trial (ID076). Since the exact time of their experience cannot be identified, it is hard to gauge how things have progressed. We can see a sign of change to some extent, though from several responses that the period of detention reduced to days from the previous weeks.

Regarding the trial and detention procedures, Mr. YOON Dae-il, who is the former member of the *Bowibu* and defected from the DPRK in September 1998, said that the authorities follow formalities to some extent even though there is no attorney or audience, while two sons and a niece of Ms. SHIN Jeong-ae stood their trial and were sentenced to ten years and five years of “reeducation” (i.e. imprisonment) respectively. However, Ms. SHIN Jeong-ae, without going through any court procedure, was detained for one year in the “revolutionary district” of Yodeok Prison Camps. In case of three torture victims interviewed by the KBA in 2006, the respondent was detained in Yodeok Prison Camps for three years without any trial. Judging from these cases, the degree of punishment varies depending on the degree of “crime”.

However, things do not seem to have progressed much since the Criminal Procedure Act was revised in 2004 and 2005. It is because, according to Mr. YOON Dae-il, the *Bowibu* takes care of all cases under the Criminal Procedure Act, but concerning "Case No. 8 or No. 9 (in charge of Office No. 10)" related to gossiping about the "Kim (KIM Il Sung and KIM Jong Il) family", or spreading rumors, the Agency does not observe due procedures as the case is not specified by the Criminal Procedure Act. Therefore, a person is secretly executed without any trial if convicted of undermining the authority of the Kims, father and son. Even though the Criminal Procedure Act was revised afterwards, there are no relevant provisions and it does not help improve such situations.

As such, in the DPRK, the procedures of arresting and detaining political criminals are against "the principle of *nulla poena sine lege*," and they still have a time-old and non-humanitarian prosecuting system, such as a family association system. There are special detention facilities inside the military besides the known facilities in the six political prison camps. In other words, there are closed underground labor facilities to put a person that has committed a mistake in the military for good. There is also a closed place called, "*Ttukseom*," where only anti-government military officers are detained. As these facilities are outside the law, arrestees cannot be protected by law in the arrest and detention.

The two-rounds of interviews by the KBA revealed that the arrest and detention procedures of the DPRK are against its domestic laws, such as Criminal Law and the Criminal Procedure Act, and also against the "International Covenant on Civil and Political Rights" that the DPRK has ratified. Even though the number of victims has recently decreased by means of divorce, however, an association system, property confiscation, withdrawal of a Citizen's registration card that are applicable to lineal family members are in violation of each relevant provision of the Universal Declaration of Human Rights.

2. Infringements of Human Rights in the Prison Camps

The purpose of imprisonment, detention process, and treatment after detention of the DPRK regime on its civilians in political prison camps, without exception, fall under the provisions of Article 7 of the Rome Statute of the International Criminal Court.

1) The Ten Laws and Regulations of Prison Camps

The ‘Ten Laws and Regulations’ that Mr. SHIN Dong-hyuk remembers was applied within *Gwalliso* 14 (Prison Camps at Gaecheon) until January 2005 when he had escaped. Therefore, they can be evidences to which international human rights norms can be applied. According to the ‘Ten Laws and Regulations’ of the prison camp, even trivial violations of any regulations end in execution by firing squad.

‘Prisoner will be immediately executed by firing squad when he or she commits the following crimes; fleeing, and having witnessed but not reporting an attempt of fleeing (Article 1, Clause 1, 2); arbitrary movement to another region without the approval of a Bowibu agent, and trespassing of the Bowibu agents’ area or destruction of property (Article 2, Clause 1, 2); theft or possession of any weaponry, overlooking over colluding the theft or possession of any weaponry, theft or concealment of all food within *Gwalliso*, and intentional damage or theft of all facilities within *Gwalliso* (Article 3, Clause 1, 2, 3, and 4); having discontent against or physically abusing protection guard in charge, and dishonesty or disobedience to the orders of protection guard in charge (Article 4, Clause 1, 2); concealment or protection of an outsider, and possession, concealment, collusion, or non-reporting of goods from outside (Article 5, Clause 1, 2); negligence or nonobservance of tasks given (Article 7, Clause 1); unapproved physical contact between a male and a female (Article 8, Clause 1); not acknowledging, disobeying, or having opinions over one’s wrongdoings (Article 9, Clause 1).’

Such provisions are intended to thoroughly isolate the detainees from the outside, oppress their freedom of expression and opinion, and deprive of their minimum physical freedom so as to adapt them to slave labor. The above provisions all fall under ‘murder,’ ‘extermination,’ and ‘slavery’ of Article 7 of the Rome Statute.

2) Excessive Labor and Undernourishment

Although there are a few differences between the prison camps and some variety in the work, all detainees have a tight daily work schedule. They get up at 5:00 AM (4:00 AM in the Yodeok Camp), take breakfast until 6:00 AM, form into ranks at 6:30 AM, then leave for their workplace at 7:00 AM. After arriving at the workplace, the detainees are searched for any explosives before being allowed to enter the mines. Work in the mines lasts from 8:00 AM to 8:00 PM with 30 minutes for lunch from midday. In the *Gwalliso* No.15, Yodeok Camp, the detainees are allowed to take a rest during the afternoon, except for those in *Gwalliso* No.14.

According to the Mr. KIM Yong’s witness account, the detainees in *Gwalliso* No.14 were also forced to work on Saturdays and Sundays. Their only day of rest was January first, even though the birthdays of KIM Il Sung and KIM Jong Il were prescribed as holidays in the rules of the Camp. Since the productivity of *Gwalliso* No.14 was so low, they had no production

plan. In contrast, *Gwalliso* No.18 had a serious production plan, and if the targets were not achieved based on a 12-hour work day, the detainees had to work 15 hours a day.

Mr. KIM Yong gave a testimony that the detainees in Camp No.14 only received 20 to 30 grains of corn and a bowl of soup cooked with just cabbage and salt. As such, the detainees took 15 minutes to move 100 meters and became dizzy with any digging. These detainees were mostly attacked by pellagra, a disease related to protein deficiency disease, and/or various epidemics originating from undernourishment, and even mental disease.

To appease their hunger, the detainees often stole pig fodder, used the wastewater from cleaning fish storage tanks as soup, caught worms, hunted rats, and ate the bark off trees and grass. Yet, if such activities were caught by the Camp guards, a heavy punishment was imposed, sometimes leading to death.

3) Punishments in the Prison Camps

There are two kinds of punishment facility (*Guryujang*) for political detainees. The first is for preliminary examination, referred to as '*Maram Chodaeso* (Maram Guesthouse)', while the second is located within the prison camp. The detainees undergo severe physical and mental torture in both facilities; however, most of the detainees sent to the latter do not survive.

If a detainee is sent to the punishment facility inside the camp, they are tonsured without consideration of their sex, then beaten until near death. The detainees are then forced to sit on their knees with a four-angled rule under their legs preventing the blood circulation. If they move or disobey, they are severely beaten. Food is also withdrawn as another form of punishment for disobedience. As such, the detainees are forced to endure relentless pain in their legs, which then start to rot and decay, eventually leading to death within about five months. For this reason, being sent to the punishment facility is equivalent to a death sentence.

Mr. KIM Yong witnessed 15 summary executions during his two years of detention at *Gwalliso* No.14, and about 30 summary executions during his three years of detention at *Gwalliso* No.18. At *Gwalliso* No.14, secret executions were preferred over public executions, as the latter were no longer found to be a deterrent to the detainees. According to Mr. An Myeong-cheol, a former truck driver and guard at *Gwallisos* Nos. 11, 13, and 22, guards often shot innocent detainees, as special citations were given for catching an escapee.

Many testimonies have been recorded on infanticides in various contexts. The infanticides that occur in the political prison camps are the direct result of KIM Il Sung's dictates: "Factionalists or enemies of class, whoever they are, their seed must be eliminated through three generations." Except for political detainees held as a family, pregnancy and childbirth are considered as crimes and those involved are cruelly punished and executed along with their babies.

Concluding Recommendations

The DPRK government, since its entry into the International Covenant on Economic, Social, and Cultural Rights on 14 September 1981, continues to maintain that the North Korean people have complete enjoyment of economic, social, and cultural rights. However, there are still substantial discrepancies between institutional (or legal) stipulations and their practice, whereby discriminative social class policies and strong socio-political control continue to infringe on basic rights.

The DPRK authorities deny the existence of any such classification. However, North Korean refugees have repeatedly confirmed both the existence of this system and its continued use. Accordingly, the DPRK government has to apply social policy to correct the result of *Seongbun* cast system.

As the DPRK government denies the existence of any political prison camp, it has to allow UN agents and international NGOs to visit the places as follow:

Gwalliso No. 14 Kaecheon (39.579 N, 126.068 E), *Gwalliso* No. 15 Yodeok (39.727 N, 126.845 E), *Gwalliso* No. 16 Hwaseong (41.3 N, 129.2 E), *Gwalliso* No. 18 Bukchang (39.554 N, 126.065 E), *Gwalliso* No. 22 Haengyong (42.536 N, 129.935 E), and *Gwalliso* No. 25 Cheongjin (41.9 N, 129.7 E).

All of the political prison camps must be dismantled, and the detainees must be released immediately.

Bearing in mind that the biggest obstacle to improve human rights situation in the DPRK is the lack of awareness in human rights within the DPRK society, the implementation and the spread of human rights education in the country will have to be positioned as the utmost priority. Nevertheless, there have not been any human rights education programs developed to be implemented in the DPRK and there are no plans to share human rights textbooks developed in the Republic of Korea. Therefore, the international community will need to concentrate on this matter strategically with the help of the ROK government and NGOs.

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