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Report of the Hungarian Embassy in Pyongyang to the foreign minister

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I. Korea

Until now public opinion has paid little attention to issues of justice in the PDRK. During the war and the period right afterwards, all attention was concentrated on more important, crucial tasks. Recently, however, the situation has changed to a certain extent. When laying the foundations for socialism, questions like economy and the intensified protection of state and community property were moved to the foreground.

At the April plenary meeting of the Labour Party, Comrade Pak Chan Ok discussed these questions in detail in his report. He stressed that reconstruction and development were being gravely hindered by the spreading wastefulness, fraud, damage caused to state property and speculation. In his speech, he pointed out that successful fight against this would involve educational work on the one hand: voluntary admission, which meant that sinning workers would report themselves and tell about mistakes committed by them in the past. No harm

would befall these people. On the other hand, organs of justice would have to take severe measures against criminals who did not report themselves and did not change their behaviour.

After the plenary meeting of April, public opinion and the press devoted much attention to these questions and the organisation of justice. Thus, for instance, on experiencing serious difficulties in supplies in spring, the government took rigorous retaliatory measures. It was during this time that two wicked criminals, who had caused extensive and serious damage to public supplies, were publicly executed on Moranbon Hill, which event had been earlier announced to the public.

At the same time, the party and the trade union attempted to mobilise workers for the intensified protection of state property and to join the movement of voluntary admissions. According to our information received from the trade union, this has been successfully conducted in several factories /e.g. in the textile and tobacco factories of Phenyan/. Despite all this, the situation does not seem to have improved considerably. This is suggested by the situation of the Sarivon hospital, for example, where, in spite of all the efforts, the misappropriation of bandages, etc. still continues and burglary and theft are common.

It goes without saying that, under the present circumstances, when, in spite of development, the living standard of workers is rather low, the purchasing value of the money component of wages is rather small and the almost free supply in kind received in return for the voucher is worth a lot more, educational work becomes very hard and the temptation to misappropriate state property is extremely strong.

This has also been noticed by Korean organs. This is proved, among others, by the fact that these questions have been discussed in several articles recently and organs of justice have been called to take severe measures.

Under the given circumstances, we considered it right to give a short outline of the PDRK's organization of justice, specially as the protection of state property and related matters constitute a principal question in Hungary as well.

During the Japanese occupation there used to function only one Japanese fascist-militarist organ of "justice", the sole aim of which was to promote the oppression and exploitation of the Koreans.

After the liberation and the formation of the PDRK's government, an organization of justice corresponding to the people's democratic form was also set up.

Structure: The two summit organs of justice are the Ministry of Justice and the Supreme Prosecutor's Office, which are independent of each other.

Court organs: Supreme Court, territorial, district and town courts. Special courts: military /on the front and during war a separate court martial/, internal affairs and railway courts.

Separate Supreme Court divisions are devoted to the special courts. In theory, the work of courts is directed by the Ministry of Justice.

Until the war there existed a justice department within the territorial popular committees, which was concerned with the territorial organs and questions of justice. This system, however, did not come up to expectations and these departments were abolished, thus, the Korean system of justice is completely centralised and controlled solely by central organs. Here also, courts are usually organized based on the council principle, they consist of one professionally qualified appointed judge and two other members elected for two or three years by popular committees at the prescribed level. Special courts consist of appointed judges only.

There is a Faculty of Law at Kim Ir Sen University, where lawyers are trained. The work of the head of the faculty was complemented by a Soviet advisor as well.

After the liberation, owing to a lack of qualified lawyers, politically trained and reliable workers were appointed court members, who, afterwards, took two or three year evening or correspondence courses as further training. The majority of these people proved suitable and have held their positions since. There is still a considerable lack of qualified judges.

The organization of the Prosecution is similar: it is divided into the Supreme Prosecutor's Office, territorial, district and town prosecutor's offices. Apart from these, there are special prosecutor's offices: military, internal affairs and railway prosecutions. The Supreme Prosecutor's Office is independent of the Ministry of Justice, its head is elected by the Supreme National Assembly. The situation of training and cadres in prosecutor's offices is similar to that in courts, at present there are very few qualified prosecutors.

Prosecution does not play so extensive a role as in Hungary. The question of legality and its protection has not come up yet owing to the war and the state of emergency. The most important task is the intensified protection of social property. Offices are instructed to proceed severely in such cases. At the same time, they have to cope with a lot of difficulties including the lack of cadres, the overload resulting from this, overcrowded conditions, therefore, they have not managed to achieve the desired results and there has been no crucial turning point in this field yet.

The essence of legal defence is the same as in Hungary. Legal defence is provided by defence lawyers. A defence lawyer may be hired by the accused or also appointed by the court. The accused is notified 72 hours before the trial, at this moment he is entitled to hire a lawyer and conduct talks with him. In court the accused has the last say. An appeal may be submitted personally or by the defence lawyer within 10 days of the sentence. Trials are usually open to the public.

Defence lawyers form a union. The duty solicitor is paid by the state in forma pauperis, otherwise he is paid by the accused, who is ordered to cover legal costs. There are a lot of problems with defence lawyers, there are very few of them and part of them are unreliable, who took their legal training during the Japanese rule.

Criminal Code:

In 1945, Japanese laws were repealed and there existed temporary criminal laws, which were drafted with the help of Soviet advisors, as the Koreans had no experience whatsoever at that

time. The final Criminal Code was elaborated by a committee. They studied Soviet experience, practice and theory, Korean traditions and particulars, thus working out the new code. The finished Criminal Code was debated by professional, scientific and political organs. The Criminal Code was passed by the Third Session of the National Assembly on 3 March 1950. The Criminal Code is concrete and simple, understood by everybody. It consists of 24 chapters and 301 articles altogether. It functioned well during and after the war, so no amendments are being contemplated for the time being.

Forms of punishment:

Principal punishments: death penalty /only over the age of 18/, imprisonment, community service and fine.

Auxiliary: forfeiture of the right to vote, confiscation of property, forfeiture of parental rights, forfeiture of industrial /trading/ rights, disqualification from employment.

There were numerous death sentences in the past justified by war times. The upper limit to imprisonment is 20 years, there is no life imprisonment.

The upper limit to community service is one year. Those on community service usually live in camps. They are paid by their performance, 20% of this amount is deducted for their upkeep. Good workers and those showing signs of moral improvement are released earlier.

There is no official mention of internment camps, but, according to our information, there are several big internment camps in the country /information of Comrade Cho Cho Hva/, where mainly politically unreliable tramps are kept. They include many people of Southern origin. Internment is for an indefinite period.

Juvenile delinquents

Under 14, no punishment may be imposed, between the ages of 14 and 18 there is re-educational penalty. There is no death penalty under the age of 18. Criminals under the age of 14 may be placed under the care of a guardian.

According to them, juvenile delinquency does not constitute a real problem, the main reason for this being that the party and the government provided extensive protection and support to war orphans, thus preventing them from becoming tramps. This does apply, but still one may observe quite a few young tramps, beggars and thieves of the age between 8 and 14 in cities. These people are not war orphans.

Prostitution:

One of the most disgusting features of Japanese rule was widespread prostitution. The popular government took measures against prostitution soon and brothels were closed officially a few years ago, prostitutes were given employment.

Despite all this, the war and the grave economic situation has contributed to the further existence of the remnants of prostitution, even if it is considered illegal. In large cities there are numerous part-time or full-time prostitutes and they have real centres in infamous restaurants and night-haunts. The increasing employment, self-consciousness of women and the rising life-standard will undoubtedly eliminate them step-by-step.

In the final analysis, we may conclude that PDRK justice is built on the right theoretical principles. Despite all hardships /the gravest being the lack of qualified cadres/, it managed to represent the interests of the working people during the hard years of the war and also afterwards.

The materials included in this report are based partly on the meeting of 5 December 1955 with the leaders of the Ministry of Justice and those of the Supreme Prosecutor's Office, partly on personal experiences and the press.

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