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Critical Analysis of the Violation of Human Rights in North Korea, to Cause Dire Consequences in the 2020 Pandemic

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ABSTRACT

For decades, the Democratic People's Republic of Korea - more commonly known as North Korea - has been one of the world's most controversial countries when we talk about human rights. This research paper focuses on a critical analysis of the past, present and prospective stand of human rights in Democratic People's Republic of Korea aka North Korea. The approach followed during the research is mainly qualitative and expository in nature, it consults area studies, social science, law and journalism, while it observes recent past and current North Korean human right violations and their responses.

When we talk about human rights, we usually think of social and political freedoms such as the freedom of speech, freedom of access to electronic media and freedom of political participation. But human rights primarily refer to 'the right to live as the common owner of one's society.' There is no human right more important than the right to life. Above all else, a human being must be guaranteed the basic conditions to feed, clothe, house and support oneself in order to survive. Thus, the value of the paper lies in its explanation of why and how the use of human right is violated and abused by the government of a democratic country such as North Korea and how the violation pf such rights lead to a situation of chaos and consequential threat in the current pandemic.

I. NORTH KOREA – THE BIRTH OF A DIVERGENT NATION

Until the 19th century Korea was at tranquil and lived in satisfaction with its contemporary conditions, it was at the end of the world war II that Korea faced the reign of terror and chaos caused by the Japanese occupation. The first half of the 20th century was racked by two world wars, both begun by Germany and Korea just like other nations was caught in the crossfire between two tyrant nations, both equally ruthless and powerful³.

It is true that the only the dead have seen the end of a war, in the case for Korea it was the death of a nation that gave rise to two cleaved nations. By the end of World War II, Americans were

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³ Richard W. Chadwick ; *A Short History of Contemporary North Korea and International Politics*

generally disgusted with war but happy to have defeated Germany and Japan. So, by 1947, Korea was no longer occupied by the Japanese or under Chinese influence, but by two western superpowers, Russia and the USA, one wanting to prevent the other from gaining a land base on the Asian continent, the other wanting that base to help its ally. By 1947, it had become clear to Americans, that Russia was going to pose a threat to peace in Europe, a threat to which they could not respond effectively given the disarmament, without a long delay that could prove catastrophic to Europe and in time to them. Thus that year saw the passage of the National Security Act. Never before had this country had a large, permanent intelligence agency, and what amounted to a war council. The next year, the USA along with the UK and other allies, brought the state of Israel into existence as well as South Korea. Thus only three years after World War II, the USA was fully into a new war, a new kind of war, a war not in name or with the loss of American life, but a war nonetheless, a war involving a billion people in dozens of countries, a war costing hundreds of billions of dollars in the end, and which would eventually result in the death of millions--the "Cold War."⁴

This cold war gave birth to the existence of North Korea and South Korea, After the creation of the two Koreas in 1948, with Russian help North Korea immediately began a military buildup and economic infrastructure that was suited to capitalizing on its natural resources--the mining of coal, metals and other minerals, refinement using coal and hydroelectric power. It is evident today that North Korea's emergence from the Cold War is a vital step towards containing if not eliminating global terrorism. North Korea has been the, one might say, "traditional" training ground for terrorists, and it itself has used terrorism in its efforts to rid itself of South Korea. The history of North Korea is more if not equally colorful as its future, but it can only be termed as the beginning, to the beginning of the end.

II. IS NORTH KOREA REALLY UNITED WITH THE UNITED NATIONS?

The United Nation, an association framed just after the subsequent world war for keeping up world harmony, welfare and security and thus enable it from keeping the nations from making the world a combat area for the third time. This association was created with a grave purpose to grow amicable relations among the countries, such that it would accomplish participation from all at a global level and be a facilitator for blending the activities of the countries.

Established in 1945 the harmony keeping association started working after fifty nations and thus, drafted the UN Charter. It was the commendable work of this charter that established the

⁴ Library of Congress, North Korea: a Country Study

real errand for the United Nation, when it came through during the war of Korea over the 38th equal, separating them into the Republic of Korea (famously known as South Korea) and Democratic People's Republic of Korea (known as North Korea). Both the South and the North of Korea turned into an individual with the help from the United Nation in 1991 and thus, from that point onward have marked different arrangements drafted by the United Nation Security Council and United Nation Human Rights Council for the upkeep of wellbeing and security at worldwide level, with grave efforts of keeping the sacredness of the human life through the grant of the essential rights.

Throughout the long term it tends to be seen that the two nations which got the UN participation simultaneously have acted and promoted their improvement in the contrary ways. South Korea being a harmony cherishing country with all appropriate basic liberties and essential thing rights being given to all the residents with no segregation. South Korea has persistently demonstrated on numerous occasions through its approaches and presents that it expects to stay as a harmony keeping country. Additionally on the worldwide front they has demonstrated the equivalent with starting arrangements and harmony converses with North Korea.

On the other side of the 38th Parallel, In 2013 the United Nation Human Rights Council has set up a Commission of Inquiry (COI) to explore precise, far and wide and grave infringement of basic freedoms in the Democratic People's Republic of Korea. The goal enabled the body to examine so as to make full responsibility towards the gross infringement adding up to unspeakable atrocity. A portion of the revealed infringement to be taken into contemplations were Right to Food, Right to Life, Freedom of articulation, Freedom of Trade alongside kidnappings of nationals of different states. The commission needed to introduce the report of the discoveries at the twenty-fifth meeting in 2014. After the discoveries were made to see the light of the day the truth stunned the individuals and different nationals however not long after the report North Korea denied all the claims and said it to be "false and baseless" and it further expressed that they are an honest state and they have never disregarded the settlements marked by them in regard of common liberties. Further they offered the expressions in setting of holding far off nationals expressing that they were gatecrashers and they were rebuffed by the law written in their constitution and no infringement of common liberties were made.

After the report of the commission was distributed and North Korea denied all the charges they have still been on the conversation plan almost in each meeting from that point. It is so as the infringement of essential Human Rights motivations' extraordinary treachery and isn't adequate by any country either on public or global front.

As of late in 2018 the United Nations again led a multilateral talk between the United States, South Korea and North Korea. The exchanges were to be made for denuclearization on the Korean promontory alongside North Korea's denial of basic freedoms. In spite of the fact that the discussions have been slowed down for quite a long time because of different disparities between the two with regards to the common freedoms. Additionally, there has been a little crackdown of South Korea after North Korea crushed its true consulate with the South however it is accepted by the United Nations Office Seoul that discussions may continue soon. Once continued the conversation about the Human rights infringement will likewise be given similar significance as other discretionary relations and the voice of sixty-two escapees in view of which the discussions were started won't be unheard. Due significance will be given to all the issues which were recorded in the start of the discussions.

III. NORTH KOREA- A COMPARISON OF HUMAN RIGHTS HERE AND WORLDWIDE

We present to you a brief comparison of the rights of people in North Korea as compared to its counterparts that is the other developing nations.

Human Rights Violation in economic life:

The economic life of an individual is defined by the accessibility of food, shelter, water, etc. Nearly all the developing countries provide this basic human right to its citizen. Even the mandate provided by the Office of High Commissioner of Human Rights provides for the basic economic rights to all. But the government of North Korea does not give any such rights to its citizen.⁵

- As per the Article 20 of the North Korean Constitution it is clearly stated that the means of production shall be owned by the state and social- cooperative organization.
- An individual from the horticultural agreeable has nothing to do with the utilization of the land. The main individual who is permitted to deal with the land is the secretary of the region party. So at last, all the land oversight by the rural helpful has a place for the Leader of the State.
- Where private responsibility for the land is recognized, individuals can go hungry if cataclysmic event or human carelessness prompts a helpless reaper. So it's a given that in a nation where all manufacturing plants and homesteads are possessed by the state and the head of state hoards all state influence and riches, the top chief is completely liable

⁵ Roberta Cohen, *Human Rights and Humanitarian Planning for Crisis in North Korea*, 19 INT'L J. KOREAN UNIFICATION STUDIES 1, 3 (2015).

for the awfulness of a great amount of individuals starving to death. The state violates the right to food and work.⁶

- The North Korean rulers are liable for taking care of the individuals, yet in the event that gets unimaginable, they ought not to obstruct the individuals from looking for approaches to endure. Also the important thing is that in a circumstance where they are accumulating all the riches and not in any event giving the individuals enough to eat, the North Korean Government or the State Ruler reserves no option to request dedication of the individuals. Be that as it may, the North Korean rulers deny the individuals from looking for approaches to fight for themselves, and keep on exposing the destitute masses to constrained work. In layman's term the government violates their right to survive in case of a pandemic situation.

Human rights Violation in Political Life:

Political life of an adult involves social and political freedoms such as the freedom of speech and freedom of political participation. Freedom in this regard is much needed as it is these freedoms which differentiates between monarchy and democracy. For democracy to sustain it is important that the political classes are diverse and consist of all without any prejudice. In most of the countries it is seen that there are reservations for the backward classes, woman, etc. it is provided for the upliftment of the weaker sections. Clearly it is not the case in North Korea as

- At the point when we talk about 'party tyranny,' individuals assume that the individuals from the gathering partake in the fascism and offer in its benefits, however this isn't valid for all gathering individuals or the members of the party. The advantaged minority are the 'full-time party laborers i.e. those people whose job is to work at the party. The each committee or the gathering at all the levels is a guidance agency, not an executive arm. The guidance agency encompasses not just the full-time party workers but all the party members. Be that as it may, the genuine movers and shakers of the state and its decision are the full time members.⁷ The other members who are forced to join are treated as mere helpers as it is believed that they are not as committed as the full time workers.

⁶ Walter C. Clemens Jr., *North Korea And The World: Human Rights, Arms Control, And Strategies For Negotiation* 116 (2016)

⁷ *North Korea 2015/2016*, AMNESTY INT'L, <https://www.amnesty.org/en/countries/asia-and-the-pacific/north-korea/report-korea-democratic-peoplesrepublic-of>

- Other important political right is the freedom to form an association and gather as and when the nationals want. They should also have freedom to profess any religion as and when they wish to. But in North Korea it is believed that the land everyone lives on is belonged to the State and thus people should abide by their rules if they wish to live there. It could be inferred that citizens don't have the basic fundamental right also that is right to life.
- Another violation of human right is freedom from discrimination. It can be seen that there is a big concept of discrimination according to the class and guilt by association. No matter how bright a student is but if they belong to a certain class they will become the dictator's target and are subjected to their tyranny.⁸ Needless to say they cannot enroll in a university no matter how talented they are or work as party officials, and are subject to the worst kind of discrimination.

We present to you a brief comparison of the rights of people in North Korea as compared to its counterparts that is the other developing nations.

Human Rights violation in Cultural Rights:

The human rights consist of both economic and political right but it remains incomplete without the cultural rights. It is because the human dignity cannot be guaranteed by meeting physical needs alone. This includes the rights related to art and culture in other words it mean granting access to communities and different cultures to all the individuals of the state. These rights are incorporated under the Constitutions of various countries. They are in the form of rights for the minorities. It is important for the democratic countries to have these rights as it is the foundation stone of democracy that is inclusive of all and exclusive of non. But when it comes to North Korea the situation is not the same as others.⁹

- The North Korean rulers deny the individuals of their entitlement to decide their own philosophy and power them to receive just one decision belief system. A person who can't autonomously pick his own philosophy can never be a free person. The most significant component that decides an individual's activities and conduct is his 'philosophy.' Dominating an individual's contemplations is equivalent to completely overwhelming the individual. By ruling the individuals' musings, the North Korean

⁸ Sarah E. Kirsch, *North Korea as a Signatory to the International Covenant on Civil and Political Rights*.

⁹ Mikyoung Kim, *Securitization Of Human Rights: North Korean Refugees In East Asia*, 21 (2012).

rulers are transforming the individuals into captives of philosophy which is a gross violation of human right.

- Cultural domination by the rulers leads to an impactful decrease in the concept of morality and belongingness. The freedom of art and expressing are also equally important but North Korea curbs the talent of an individual just because they belong to a certain class and thus freedom of expression is also given to only those who don't fall under that class and support the State and its decisions blindly.

Human Right Violation of Media Rights:

The freedom of media is the stepping stone for a free country. It is the basic human right that a national must and should deserve. One cannot imagine to live in such a fast developing world without a connection to the internet. With surroundings evolving so rapidly it becomes a point of concern if we lost the "connection". Internet or free media has opened another world for some individuals around the globe. Numerous open doors are accessible here. It is an indication of endless advancement and imagination. It realizes no limit except for that it gets tremendous monetary possibilities for individuals of each nation. It permits individuals to improve an amazing nature. It opens admittance to the beforehand blocked off things. With just about three a huge number of clients, internet has been developing as one of the most significant apparatuses of correspondence.

North Korea has "The Kwangmyong" is the main device of web control it is a "walled garden" intranet administration, it comprises of somewhere in the range of 1,000 and 5,000 locales covering public legislative issues, financial aspects, culture and science which are all firmly constrained by the state. The organization additionally offers email, informing and web-based media, however all exercises are carefully observed. "The Kwangmyong" is accessible nonstop by means of a dial-up association, however barely any North Koreans approach it in their homes. As it is most North Koreans' essential type of electronic correspondence, it viably fills in as a channel which screens contradict and keeps residents from getting to news from autonomous or global sources.

It allows only limited access of the connection or the internet to only the top officials of the government, the schools and universities are also not allowed to access without the prior permissions from the state. Even if they manage to get the permission they are allowed with remotely monitored connections. Nationals face excess troubles contacting their family members and friends abroad. If they wish to do so they need to wait for months before they could actually establish the contact. It has been seen that individuals have to travel miles to the

borders to make an international phone call that too using illegal Chinese phones. The adversity faced by a family member is unimaginable and unthinkable when one is not able to know as to whether their family members and loved ones are alive or dead.

Restrictions on the internet in North Korea is essential for a bigger program of limiting admittance to the rest of the world and setting up a clique of character around the nation's Supreme Leader. The administration keeps up a dictator authority over all media. News in the nation is delivered solely through the Korean Central News Agency, and a lot of it is conspicuously propagandistic. Columnists are more likened to political activists pushing for the Party, and are dependent upon philosophical testing and progressing observing. It is a result of this that North Korea is on the watch list of all the global harmony keeping and common liberties associations.

The significance or the estimation of the web has been understood the most during this Pandemic when the world had halted and everybody had to remain between the four dividers of their home. In such a circumstance the web was utilized for every last piece, regardless of whether it was for purchasing goods or going to classes or conferences each way the individual was upheld through the web. For the individuals who were away from home it was the main way they could remain associated with their loved ones. In addition the working of the administration was likewise done through the web. It became and will keep on being of most extreme significance till the world returns to being typical. While enduring the pandemic with web was so hard for us all we can't start to envision how the individuals of North Korea defeat all the difficulties with no data of the world by any stretch of the imagination. Thus the violation of human right also includes the unfree policy of internet and the media.

IV. PANDEMIC TURNING NORTH KOREA INTO A FASCIST?

In current times of the pandemic North Korea has shut the country's borders to the exception for some limited trade, in order to contain the spread of COVID-19. its normally tight border control and limited interaction with the outside world gives it a fair advantage when it comes to imposing anti-COVID-19 measures, such as the system's firm social control and strict suppression of the freedom of movement of the population.

However, the consequences of the country's taking up of such COVID-19 measures pose a major challenge to the regime, and any significant outbreak could be extremely challenging for the government to handle given the poor state of the country's healthcare system.

Even if the country does successfully avoid an outbreak of substantial proportion. The country's already tedious economy would not be able to handle the impact of such anti-virus

measures in addition to the already crippling sanctions that are devastatingly harming the economy.

Currently the north Korean government continues to claim that no cases of COVID-19 exist in the country, such claims by their government does in in any way liberate them from the issues that will befall the country in time with the pandemic in place.

Its lack of capacity in both testing and diagnosis of the covid-19 virus will adhere to a disastrous consequence for the regime, its economy and its citizens.

How different aspects of the north Korean regime effect the covid-19 situation can be understood clearly by individually analysing each of such factors:

- A Rigid System of Social Control- may be a blessing in disguise?

For many other countries, simply closing the border like North Korea did in late January this year would be almost impossible. North Korea, however, has practiced isolation for so long that the anti-COVID-19 measures essentially entail strengthening already existing frameworks and rules rather than, as in other countries, creating new ones.

Much illegal border crossing, whether for smuggling or other purposes, is possible for anyone who can pay border guards to look the other way. A significant proportion of the economy is even sustained by illegal and semi-legal cross-border trade. The current regulations, however, have likely made the danger and cost of violating them prohibitively high for most¹⁰.

North Korea also limits and controls domestic freedom of movement for its citizens, perhaps more than any other country in the world today. In theory, every citizen belongs to an administrative People's Unit (inminban) made up of a number of households, usually between ten and twenty, monitored by one person in charge (inminbanjang), who stays in regular contact with state and public security agencies. Should a person want to travel overnight to another city, they need to ask their People's Unit head and apply for permission from the local authorities to travel. If they get such permission, they need to report to the People's Unit head at their destination. People's Unit heads are regularly tasked with inspecting the homes of their People's Unit members to make sure that no unauthorized visitors are sleeping over. All of this is ostensibly done for the purpose of national security, although an equally important purpose is to control the population enough to contain any signs of domestic dissent or political disobedience.

In other words, the North Korean state has a fairly robust system already set up to limit the

¹⁰ Gordon H. Hanson, 2007; *The Economic Logic of Illegal Immigration*

freedom of movement of the population. In normal times, it fills the function of monitoring the citizens to keep any socially or politically threatening tendencies at bay, but in times like these, it may come to prove very useful should the government need to contain a major outbreak¹¹.

- A Crumbled Medical System

While the country's medical system has some advantages that may make it well-equipped to handle a COVID-19 outbreak, its overall quality and level of resources are extremely low. North Korea has a high proportion of educated medical doctors, although not with the same general level of education as those in middle- or high-income countries, but still with enough skills to treat the most common diseases and health problems. Tracking patients, moreover, could be done relatively easily given the rigid system for social control.

Nonetheless, for actual cases of COVID-19, the prognosis looks grim. No information is publicly available, but the country most likely has extremely few or no ventilators available for the general public. North Korea has dedicated significant attention to medical equipment manufacturing over the past few years, but little that would be meaningful during a COVID-19 crisis. In mid-April, and in context, this may be a measure to prepare for a growing need for the use of ventilators. Still, even if the measure is related to COVID-19 containment, the country still lacks the necessary treatment equipment.

Most healthcare facilities only have the most basic equipment. According to UNICEF, for example, an estimated half of all healthcare facilities lack even basic water and sanitation facilities. In reality, the figure may well be significantly higher. Theoretically, all North Koreans have a right to free basic healthcare. In practice, members of the general public have to privately pay doctors hefty fees for appointments, and then purchase their medication themselves either from the country's markets or China. The Pyongyang General Hospital currently under rapid construction most likely will not be open for patients from any geographical location or socio-economic class, but mainly will be reserved for the elites. China has offered support to North Korea to help fight COVID-19, but so far, nothing is publicly known about precisely what support has been given.

- Economic Impacts: From Bad to Worse

North Korea's foreign trade flows are very small even in normal years, almost all of it with China. Nonetheless, what little trade it has is crucial, imports perhaps more so than exports,

¹¹ . Daniel L. Byman and Jennifer Lind; *Pyongyang's Survival Strategy: Tools of Authoritarian Control in North Korea*

since it needs to import items, such as spare parts, for its industries.¹² North Korea's trade with China was already heavily decimated from sanctions. Due to the anti-COVID-19-measures, things have gone from bad to worse. Officially, reported trade dropped from already abysmal levels in January and February, compared to the year before. Moreover, in mid-April, the government issued a general ban against all non-essential imports, as a further anti-COVID-19 preventative measure. Trade is already very difficult because of the extra scrutiny and disinfection measures imposed, leading to a backlog of reportedly thousands of containers by the border and in ports as a result, prices have risen, and at least in Pyongyang, citizens have reportedly been hoarding imported products. The restriction of import and difficulties in conducting trade will likely leave North Korea at an even greater shortage of fertilizers and other essential agricultural products than usual during the upcoming planting season, this could further possibly lead to a food shortage. There are strong signs that the regime faces an increasingly serious shortage of foreign currency. The shortage may lead to more severe oppressive economic policies, as the regime pressures the population for cash through measures, such as forcing "loyalty contributions" or mandating entrepreneurs to purchase the recently issued government bonds.

What happens when, over the course of a longer period of time, things not only cease to improve, but become markedly more difficult? The general public may heed the state's call to get ready for some difficult times ahead for a while, but in the longer run, it may lead to widespread discontent. What that will mean for the North Korean regime, which has already survived challenges that seemed impossible, only time will tell, but one thing is for certain that the current conditions of the measures taken by North Korea would only to complications for the country post this pandemic.

V. CONCLUSION

North Korea is as of now is a society where regard for basic freedoms still can't seem to exist. Common liberties can't coincide with absolutism of the Leader. Just the Leader has the outright basic freedoms; all others are essentially his vassals. A person's destiny and basic liberties have a place not with the individual however to the Great Leader. By what method can the option to contradict the absolutism of the Great Leader exist in a general public where the most noteworthy virtue is committing one's body and soul to the Leader. Regardless of how much the Leader and his specialists encroach on the individuals' basic freedoms, it is viewed as

¹² Stephan Haggard and Marcus Noland; *The political economy of North Korea: implications for denuclearization and proliferation*.

demonstrations of irreproachable ethical quality. In a democratic nation, a president needs to reply to the people of the State for their bad behaviors and wrongdoings, however in North Korea, nobody can scrutinize the Great Leader's conduct or his specialists' encroachment of basic liberties.

After dealing with all the above aspects we bring forward the conclusion. It can be inferred by the above-mentioned comparison of the violation of rights, that North Korea has constantly been involved in the acts of gross violation of the Human Rights which were either the basic in nature for the purpose of one's survival or the ones as prescribed by the United Nations for the nationals of all State. The result of such violations by the regime leads to attempts towards the isolation of the North Korean people from the outside world. We can look at these attempts of isolation in two different aspects of state for by analyzing each one these particular areas individually:

1. Physical Isolation

According to an article by Charlotte Alfred, HuffPost US; North Korea is recognized to be one of the most isolated countries in the world and this is not in terms of the geographical features of the country but the ideological features of the country.

North Koreans rarely have a chance to talk with foreigners who travel to North Korea, and even then, there is normally a minder present, who controls the portrayal of the individual's views and thoughts with regards to the country and its current state of living conditions.

It is considered illegal for North Koreans to leave their country without the government's permission. For the North Koreans who do attempt to leave the country illegally, if or when caught face severe consequences such as torture, forced labor, and life-imprisonment in a political prison camp.

Among those who are allowed to travel abroad such as diplomats, elite students, recruited workers, and athletes have no absolute right to freedom from the ideology of their country and its absurd rules and therefore, are monitored closely along with the mandatory attendance to a special ideological debrief that they must adhere to once they return to North Korea. Such measures are taken in order to prevent the individuals sway of trust in their ideology and beliefs by the alleged capitalism they see in the outside world or the specifically denied interaction with the citizens of south korea.

2. Digital Isolation

The people of the Democratic People's Republic of Korea aka North Korea, have a range of

minimal to no interaction with the world outside their state. Most essential rudiments of today's world such as foreign media, interaction with tourists and the accessibility to internet are said to be forbidden in this totalitarian state. "North Korean people are so cut off and disconnected from the outside world that they don't even know what the word 'internet' means" – says Kim Min Hyuk, who escaped North Korea in 2006. Such quotes by the escapees of North Korea determine the graveness of the dreadful situation of the people of North Korea.

The country in order to further continue isolating the people of North Korea has adopted technological advances such as development of smart phones that are specially designed and programmed to suit the regimes purpose to digitally isolate and control the country's access to the digital world at large. Such smart phones are not able to access the internet but rather are connected to the country's intranet which is severely restricted and controlled.
