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EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA

FRIDAY, JUNE 21, 2002

UNITED STATES SENATE,
SUBCOMMITTEE ON IMMIGRATION,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in Room SD–226, Dirksen Senate Office Building, Hon. Edward M. Kennedy, presiding.

Present: Senators Kennedy, Brownback, and Allen (ex officio).

OPENING STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Chairman KENNEDY. We will come to order. I am pleased to hold this hearing on the plight of North Korean refugees and I thank my colleague, Sam Brownback, for his leadership on this important issue. He has really been out in front on this matter and all of us are grateful for all the good work that he has been doing.

Recent press reports have highlighted the seriousness of the situation facing North Korean refugees, many of whom have fled their native land seeking safe haven, only to be forcibly returned to face torture and execution.

The significant number of North Korean refugees is due in large part to the severe political and religious persecution in that country. The U.S. State Department estimates that in 2001, 150,000 to 200,000 North Koreans were held as political prisoners at maximum security camps. The situation has been exacerbated by the severe famine that has plagued the country since the mid–1990s, resulting in up to two million deaths from starvation or famine-related diseases since 1994.

Those who have gotten out of North Korea, most have gone to neighboring China. It is estimated that in 2001, hundreds of thousands of North Korean refugees fled to China each month, amounting to somewhere between 10,000 to 500,000 refugees total for the year.

China's reaction to North Korean refugees has been inconsistent. Although China maintains an agreement with North Korea to return North Korean migrants, Beijing has often looked the other way as these individuals try to begin new lives in a safer land. However, in a number of high-profile cases recently, China has intervened, aggressively rounding up and forcibly returning refugees to North Korea, even storming sovereign foreign diplomatic missions to do so. And the Chinese Foreign Ministry has demanded

that foreign diplomatic missions hand over to the Chinese police those who have sought refuge on their grounds.

Beijing officials consider the North Koreans as economic migrants instead of political refugees, and as such, has hindered the ability of the United Nations High Commission on Refugees and international nongovernmental organizations to comprehensively assess the gravity of the situation and set up refugee camps. I look forward to the testimony of our witnesses as they will be able to shed greater light on this critical situation.

This week, the Senate passed a measure sponsored by Senator Brownback, which I was privileged to cosponsor, encouraging North Korea, China, and United States to work toward the favorable resolution of this dire situation. Clearly, the United States must play a significant role in addressing the needs of these vulnerable individuals. The severity of the situation and our tradition of commitment to refugees require it.

While the focus today is on the plight of the North Korean refugees, we must remember that the number of refugees around the world has increased steadily in recent years and our commitment to all these individuals is more necessary than ever.

I look forward to the testimony of our distinguished witnesses and to working with our colleagues to effectively address the situation in North Korea and other parts around the world, where far too many refugees languish in need of our assistance.

Senator Brownback?

STATEMENT OF HON. SAM BROWNBACK, A U.S. SENATOR FROM THE STATE OF KANSAS

Senator BROWNBACK. Thank you very much, Mr. Chairman, and thank you very much for your leadership and for hosting this very important hearing.

The purpose of this hearing should be clear and its message should be direct. The North Korean refugee crisis has been neglected for too long, partly because many, including the Chinese government and others, wish it would just go away. As the graphic reports of North Korean asylum bids at foreign embassies show, this problem will only continue to escalate.

As you know, Mr. Chairman, our resolution on North Korea unanimously passed the Senate this week. That resolution expresses four key points which should serve as guiding principles for us in this hearing. First, forced repatriation of the North Korean refugees constitutes a violation of international law. Therefore, the Chinese government should immediately stop the forced repatriation of North Korean refugees.

Second, the Chinese government should allow the international community to provide open and direct assistance, such as medical aid and proper facilities, to these North Korean refugees.

Third, the United Nations, with the cooperation of the Chinese government, should immediately conduct an investigation of the conditions of the North Korean refugees as soon as possible.

And fourth, North Korean refugees should be given legal refugee status in accordance with international law.

Regarding that last point, I am reviewing various legislative options, including one that parallels a law from the early 1990s that

helped thousands of Soviet Jews and others persecuted for their ethnic or religious backgrounds caught in the breakup of the Soviet Union. I am grateful to the many in the refugee advocacy community who have offered their support in helping us craft a bill or an initiative that may similarly help North Korean refugees. These organizations, many of which were involved with the legislation back in the 1990s, include the Hebrew Immigrant Aid Society, the Lawyers' Committee for Human Rights, the Southeast Asian Resource Action Center, the National Association of Korean Americans, the U.S. Committee on Refugees, and others.

Let me also add that my office received word last night that a number of leading refugee advocacy groups are ready to immediately assess assistance needs and relief programs if and when the North Korean refugee processing initiative is started in China. They are ready to go now. These groups include Doctors Without Borders, which I understand withdrew from North Korea a few years ago, the Citizens Alliance for North Korean Human Rights, one of the leading groups involved with North Korean refugees, Life Funds for North Korean Refugees based in Japan, the Korean Peninsula Peace Project, and others. They are ready to go and to help now.

North Korea is today's killing field where millions of people, considered as politically hostile or agitators or just being innocent children, starve to death while those in power enjoy luxurious lifestyles, spending billions of dollars on weapons and actively engaged in the proliferation of weapons of mass destruction.

Former President Ronald Reagan stated our nation's tradition best when he said this. "A hungry child knows no politics." Well, every famine is complicated by politics. The North Korean famine is the most complicated politically that many of us have seen in a long time. Politics is killing people, literally.

How the U.S. and the world community can most effectively express its sympathy and concern for the North Korean people and help the North Korean people, including refugees currently in China, which the chairman stated that we believe is somewhere in the neighborhood of 150,000 to 200,000, is the issue before us today.

If I may, I would also like to warmly welcome our distinguished witnesses on the panels that we are going to have who are present, particularly two. Ms. Soon Ok Lee is a North Korean prison camp survivor. Her book, which my wife and I read two weekends ago, is a chilling, chilling report of what is taking place in North Korea in the prison camps, *Eyes of the Tail-less Animals*. It is an incredible account. I also welcome Dr. Norbert Vollertsen, an activist on behalf of North Korean refugees. Both of them have traveled here from Seoul, South Korea.

I would also like to welcome Ms. Helie Lee, who has recently published memoirs about her successful effort to bring her uncle out of North Korea. It highlights the largely hidden and painful secret among many Korean Americans who still have family members trapped in North Korea and China. I understand as many as one in four Korean American families have family members still trapped in North Korea.

I look forward to working with you, Mr. Chairman, on some legislative vehicles to help North Korean refugees and I thank you for holding this hearing.

Chairman KENNEDY. It is a privilege to welcome back Gene Dewey, who has already appeared before this committee once this year. He has been a distinguished leader at the Department of State. He serves as Assistant Secretary of the Bureau of Population, Refugees, and Migration. In that role, he is responsible for overseeing U.S. Government policies regarding population, refugees, international migration issues, and managing refugee protection, resettlement, and humanitarian assistance. Previously, he served five years as the Deputy Assistant Secretary of the Bureau for Refugee Programs and he was named a United Nations Assistant Secretary General. He served four years in Geneva as the United Nations Deputy High Commissioner for Refugees.

I am honored he has come back to testify and look forward to his testimony on this critical issue.

It is a pleasure to have Lorne Craner, our Assistant Secretary of State, Bureau of Democracy, Human Rights, and Labor, responsible for coordinating U.S. policies and programs that promote and protect human rights and democracy around the world, goals which he pursued throughout a distinguished career. Previously, he served as President of the International Republican Institute, which works to promote democracy, free markets, rule of law throughout the world. He also served as Director of Asian Affairs at the National Security Council, Deputy Assistant Secretary of State for Legislative Affairs. We are delighted to have him here.

And I am privileged to introduce James Kelly, Assistant Secretary of State for East Asian and Pacific Affairs. He has had a long and distinguished career in international affairs. Before assuming his current position, he was President of the Pacific Forum of the Center for Strategic and International Studies in Honolulu. Before that, he served as Special Assistant for National Security Affairs for President Ronald Reagan, as the Senior Director for Asian Affairs in the National Security Council, and as Deputy Assistant Secretary of Defense for National Security Affairs at the Pentagon. I am honored to welcome him.

We have Senator Allen here, who has a key interest in the subject matter. We are delighted to welcome him to our panel.

Senator ALLEN. Thank you, Mr. Chairman.

Chairman KENNEDY. Mr. Dewey, Secretary Dewey, we will be glad to hear from you.

STATEMENT OF ARTHUR E. DEWEY, ASSISTANT SECRETARY OF STATE, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, DEPARTMENT OF STATE, WASHINGTON, D.C.; ACCOMPANIED BY LORNE CRANER, ASSISTANT SECRETARY OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, DEPARTMENT OF STATE, WASHINGTON, D.C.; AND JAMES KELLY, ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, D.C.

Mr. DEWEY. Thank you, Mr. Chairman, and thanks to you and your committee for the opportunity to discuss the plight of the North Korean asylum seekers in China.

We do not have a lot of information about what goes on in North Korea and we have little information also about the situation on the border with China, but we certainly have enough to realize that this would rank on anyone's short list of the greatest manmade disasters in the world. It is a horrific humanitarian tragedy.

Under North Korean law, for example, the very act of an unauthorized departure from North Korea for China or for anywhere is grounds for prosecution, which amounts to persecution.

President Bush said during his February visit to Seoul this year, "North Korean children should never starve while a massive army is fed. No nation should be a prison for its own people."

Thousands of people have fled into China in search of food and work and to flee persecution. We place a particular priority, as has been mentioned, on the U.N. High Commissioner for Refugees getting access to the border region in order to set up a process to sort out who these people are and to identify those that have a legitimate claim to asylum. That is not possible now, as has been stated. A second role that makes it importance for a presence there of the High Commissioner for Refugees is to be a watchdog against push-backs against refoulement to North Korea.

In recent days, we have witnessed desperate measures taken by individual North Koreans to avoid push-backs and to gain asylum. North Koreans have run the gauntlet. They have sought refuge in foreign embassies and consulates in Shenyang and Beijing. Onward settlement to South Korea has been negotiated for most of them, but 20 still remain in the South Korean embassy in Beijing and two in the Canadian embassy. One person was forcibly removed in an intrusion into the South Korean embassy and remains in Chinese hands.

This transgression of diplomatic premises strikes at the very heart of the conduct of international diplomatic relations. It represents a serious violation of the Vienna Convention, and, of course, we are concerned about the violations of the Geneva Convention and the protocol to that convention in 1967, which China has signed, with the evidence that we do have of persons that have been pushed back to persecution and perhaps even death in North Korea.

In a normal setting, which this is not, a person seeking resettlement in a third country would contact the U.N. High Commissioner for Refugees, requesting a referral for resettlement. But in this situation and for security reasons, North Korea is one of the countries where there is a requirement for U.S. officials in the field to get

State Department and INS approval to accept referrals for asylum in the United States.

To discuss briefly what we are doing now in response to this situation, the UNHCR is pressing for a high-level meeting in Beijing to deal with this matter. They have had meetings in Geneva to try to set this up and this is in train and, of course, we are strongly supporting it. We have repeatedly pressed China to adhere to the 1967 Protocol, which they have signed, to allow UNHCR access to the border region and to asylum seekers.

The Department of State is also in the middle of a policy review on North Koreans in China. This is not diplomatese, Mr. Chairman, for simply studying the problem or reviewing the problem or keeping a watching brief on the problem. This is a serious effort to work the problem and to find solutions that will work.

Let me also say that with respect overall to admissions to the United States that despite the security restrictions which were mandated by the events of September 11 of last year, this administration is committed to keeping the door open to refugees. The fact that any have been brought in represents somewhat of a miracle, given the hurdles that have been agreed by the Congress and the interagency community in Washington to make sure the security of American citizens is maintained.

But I welcome the opportunity in this setting to explore any ideas you may have concerning our admissions program, either here today or in our annual admissions consultations with Secretary Powell next Tuesday.

I would like to submit my full statement for the record and look forward to working with you on this important problem of North Koreans in China. Thank you, Mr. Chairman.

Chairman KENNEDY. Thank you very much, Secretary.

[The prepared statement of Mr. Dewey appears as a submission for the record.]

Chairman KENNEDY. We will do ten-minute rounds, if that is all right.

It appears that the Chinese are hardening their stance towards refugees. While in the past they often looked the other way or agreed on humanitarian grounds to allow certain refugees to travel to other countries, the Chinese Foreign Minister recently sent a note to all diplomatic missions demanding they cooperate with the Public Security Bureau, the Chinese police, and hand over any North Korean. They argue that foreign missions have no right to grant asylum on Chinese territory.

Now, I understand that at least two countries, Canada and South Korea, have rejected the note. Can you tell us what the State Department's position is on that diplomatic note?

Mr. DEWEY. The State Department position is clear, that although we have not formally rejected, to my knowledge, we have made it clear to the Chinese that there has to be a process. That process has to be respected. They have signed the 1967 Protocol, which if they do not agree to a process whereby the U.N. High Commissioner for Refugees plays its role in this process, they are making of that protocol little more than a perishable piece of paper. We have made that very clear and we will continue to make that clear to the government of China.

Chairman KENNEDY. Well, what does that mean? Does that mean you accept it or do you reject the note? How long are you going to have to go through the process before you reject it? I do not understand. You said, "Our position is clear," and then you said, "They have to go through a process and we are going to continue the process." I do not quite understand what that answer means. Are you rejecting their position? Are you accepting their position for a period of time? What is exactly the status?

Mr. DEWEY. It is a de facto rejection.

Chairman KENNEDY. Flat out rejection?

Mr. DEWEY. We are not handing them over.

Chairman KENNEDY. The fact that China considers the North Korean refugees economic migrants has allowed them, obviously, to keep any foreign NGOs and the U.N. High Commissioner out of the region. Recent press reports indicate there are some aid workers on the ground who have been arrested. There have been crackdowns on 180 North Korean refugees on the Chinese side. Can you confirm that the reports are true? Can you detail incidents of humanitarian aid workers being arrested in China and North Korea?

Mr. DEWEY. I would like to refer to Secretary Kelly, perhaps, on that. He may have more recent information.

Mr. KELLY. Mr. Chairman, I do not have specific information on that, but I have seen the same reports that you have. I am not aware of relief workers in North Korea, because they are very few in number, of having been interfered with or arrested, but I have heard the reports, and consider them highly credible, of interference with relief workers in the Northeastern part of China.

Chairman KENNEDY. We would appreciate any material that you can provide for us.

Mr. KELLY. I will certainly do that, Mr. Chairman.

Chairman KENNEDY. We know that North Korea is one of the most oppressive governments in the world. Many flee in persecution by the regime and would be able to establish the well-founded fear of persecution to qualify. So the problem we face is how to access this population in China, where most have fled. Under the circumstance, China is unlikely to let the U.N. High Commissioner operate independently inside its borders. One option is to organize a multinational effort to establish temporary resettlement camps in China that would serve as way stations for permanent resettlement in third countries.

To make the option work, the U.S. would have to play a leading role in underwriting this effort and accepting North Korean refugees for resettlement. We have done this in other places. We have done this in Thailand, for example. Is the administration willing to consider that, or is it under consideration?

Mr. DEWEY. Yes, Mr. Chairman. The administration would consider that as an option, a role for international organizations other than UNHCR, organizations that move people, organizations that you are familiar with that have been very helpful in the past, the International Organization for Migration, for example. That can help us get around certain sensitivities of continuing to use the word "refugee." If we could get agreement by the government of China that those people could be moved to places for settlement, this would be one agency that could help.

Chairman KENNEDY. Is this something that you have tried to suggest to the Chinese yet? Will you try? What should we assume? You think it is a good idea?

Mr. DEWEY. What you can assume is it is a good idea. It has to be part of a negotiating package—

Chairman KENNEDY. I agree.

Mr. DEWEY. —that needs to be dealt with the Chinese—

Chairman KENNEDY. But it has to get on the agenda to become part of a negotiating package.

Mr. DEWEY. And it has to be on the agenda for South Korea, as well.

Chairman KENNEDY. What are you telling us? Are going to put it on the agenda?

Mr. DEWEY. We will make that part of the agenda, part of the package.

Chairman KENNEDY. Good. Please keep us abreast of how that is going. We would like to be helpful to you.

Mr. DEWEY. We would like to work this—

Chairman KENNEDY. We want to work with you to try and indicate our of support.

Finally, let me ask you, would the State Department be willing to designate North Korean refugees as a priority category to facilitate their resettlement in the U.S.?

Mr. DEWEY. I think it is too early to give you a yes or no response on the willingness. It certainly would be a question that we would take into account if that would appear to be useful.

Right now, of course, as you know, the offer, or the law of South Korea does provide, makes it automatic citizenship for persons who were born on the peninsula of a Korean father, that they have citizenship rights in South Korea, so that should be taken into account first.

Chairman KENNEDY. Senator Brownback and I will be talking to the Department on numbers, because we have very restricted numbers in any event, but it would appear that these refugees certainly should have special consideration if we are able to set up a process. Even taking into account the Chinese response, I would ask if the United States is prepared and willing to be the principal responsible nation in terms of the resettlement if we set up this process?

I think we have got to have an answer to that. Otherwise, if we say we are not quite sure about that but we still want to settle it up, I think you would have a difficult time in convincing them. So I think this is something that we would be glad to work with you on in terms of trying to indicate that we are prepared to play a full role and be responsive to these very, very special and important and significant national needs.

Senator Brownback?

Senator BROWNBACK. Thank you very much, Mr. Chairman, and Mr. Dewey, members of the administration, I appreciate you being here. I have got several questions I would like to ask. They are somewhat follow-ups to, in some cases, Senator Kennedy's.

If you go right on this issue of the special refugee category, the P–2 category, Secretary Dewey, under that existing P–2 category, we admit refugees only from a very small number of countries, such as Iran, former states of the Soviet Union. As I have said,

North Korea strikes me as an excellent candidate for P–2 classification. Can you elaborate some on what the administration is discussing in granting this P–2 category for North Korean refugees? This, it seems to me, would be custom made for this type of situation we are seeing today.

Mr. DEWEY. It is too early, Senator, to say that that is actively under discussion, as I say, the situation for South Korea really has to be addressed in this context first. But, as you also know, in our efforts to bring in as close to the ceiling as possible this year, admissions, that we are looking at every possible P–2 category in the world. So you are right. There may be a point where North Koreans would join this category.

Senator BROWNBACK. What is the hesitancy here? I mean, you have got a high level of persecution taking place in North Korea. You have starvation. You have the world community feeding a third to a half of the North Korean population. You have people fleeing just to remain alive. If you stay for the next panel or two, you are going to hear some eyewitness accounts of horrific situations. I would think there would not be any hesitancy here.

Mr. DEWEY. I do not think there is any hesitancy in the United States taking a leadership role in solving this problem, of working this problem and working toward a solution, and the leadership role is going to require going through several steps of a process. It is going to require the UNHCR getting the access to determine who these people are, which ones do have a legitimate claim to asylum and resettlement. That has to be worked in sequence. That is what we are taking a leadership role on, getting the Chinese to permit this access by the U.N. High Commissioner for Refugees.

I think, step by step, yes, we will come to the P–2 category point. But it should be done in an orderly sequence with our leadership.

Senator BROWNBACK. As we go in an orderly sequence here, people are dying in this process. Can you give us any time frame that we could expect some decisions to be made in a thing like this P–2 category?

Mr. DEWEY. I cannot give you a time frame except that we are attaching the utmost urgency to this, to getting the steps that would lead up to that accomplished.

Senator BROWNBACK. I hope you can stay to listen or at least watch the video of some of the next panels that we are going to have. I have talked with these people ahead of time and their stories will not let you sleep at night. If you are in a position to be able to help some of these people get out, and we are and you are, I would think we really need to move with some speed and some urgency here.

Mr. KELLY. Senator Brownback, I think it is important to keep in mind that all of these people can now be resettled in the Republic of Korea, in South Korea, which has an elaborate procedure and facilities set up to receive and resettle these people who are, after all, Korean. Now, those individuals who have relatives in the U.S. and other claims for U.S. citizenship should certainly come here.

But the first trick, sir, is we have got to get them out of China, and when we get them out of China, I would argue that the presumption probably should be the first destination should be the Republic of Korea, and if there is some reason, and I am not aware

of any reason that these people would be left adrift or be left to the insensibilities within China, then we ought to take them.

But at the moment, and I have had assurances on this from the Republic of Korea even this week, they are in the process of expanding their facilities and they are ready, willing, and able to receive and fund in a rather generous fashion what they claim to be an unlimited number of such people.

Senator BROWNBACK. Let me ask you about a couple of other issues. What level of contact have we made with the Chinese officials about letting people that get from North Korea into China to pass on through to a third country? Have we made that at the Secretary of State level, to urge the Chinese? Has this been a communique at that level?

Mr. DEWEY. If I could, Senator Brownback, I think that since Secretary Kelly—

Mr. KELLY. There have been many contacts. This is not a new issue, Senator Brownback, and it has been brought up in the 14 months since I have been Assistant Secretary. I have been present for a number of discussions. We threw together hastily a list, which I would be happy to provide for the record, of some 15 contacts. To the best of my knowledge, this is not one of the issues that has been raised by Secretary of State Powell with the Chinese leadership. It has been raised by me and by numerous other American officials, including our Ambassador to Beijing and various people of our respective staffs.

Senator BROWNBACK. I appreciate that you have raised it, but I do hope we can press it on up, as well. At the higher levels, as Senator Kennedy says, we have got to get it on the agenda. That is a key thing, and China is critical in this issue, to either allowing some refugee processing or allow them to pass on through to a third country that would be involved.

As the U.S. Government looks to perhaps have discussions with North Korea and has been pressed to put forward an agenda in its discussions with North Korea, is the issue of refugees and allowing their resettlement on that discussion list?

Mr. DEWEY. I have responsibility for that, Senator Brownback, and it absolutely is on our agenda for the talks with North Korea. As you may have noted from the press, our Special Envoy, Ambassador Pritchard, met with the North Korean mission in New York a week ago today to offer our beginning of talks. We expect direct talks with North Korea to begin in a matter of weeks and not months, and human rights is an important part of the agenda and these refugee issues are an important part of that agenda.

Senator BROWNBACK. It will be on the agenda and discussions with—

Mr. DEWEY. It definitely will be raised, Senator Brownback.

Senator BROWNBACK. That is excellent. I am very pleased to hear that that is the situation and that is going to be pressing forward.

Mr. Dewey, we are going to be talking with the Secretary of State next week about the number of refugees that the United States is allowing in. I saw a press report about a week or so ago that said we had only allowed in 17,000 to date this past year, and that was about two weeks ago. How many have we actually allowed into the United States, the current year that we are in?

Mr. DEWEY. It is actually about 16,000.

Senator BROWNBACK. Sixteen thousand? And what is the level that we have set at the top end of this for this year?

Mr. DEWEY. The top end ceiling is 70,000.

Senator BROWNBACK. Okay, and that is for the remainder of the year? Is that a fiscal year? Is that a calendar year?

Mr. DEWEY. That is for the fiscal year.

Senator BROWNBACK. So the fiscal year ending the end of September. Is there any way we are going to get anywhere close to that top number, then?

Mr. DEWEY. Senator, we are going to get as close as is humanly possible to get to that number. It appears now, if we project from current expectations, it will fall somewhat short. But any falling short is not due to any lack of commitment by the administration or work on the part of my Bureau and Jim Ziglar at INS to make this happen. As you know, you had the commitment from both of us at our initial hearing on this subject that we were going to fast track, we were going to streamline, we were going to work these security restrictions to the maximum extent.

Jim Ziglar and I set up a joint task force which meets every week. We have gone into a crisis mode to deal with this. I have assigned one of my deputies, Mike McKinley, as the battle captain for this crisis action team that is working it with INS and with the FBI and with the NSC. We have this team that meets every week. We go problem by problem. We work out solutions to these problems. And so any failure to come up to 70,000 is not going to be due to lack of commitment, lack of effort, lack of force and energy.

What we are also seeing as we deal with these problems and overcome these problems, we are building an infrastructure and we are salvaging and repairing a very broken and, in many ways, sick admissions system to the United States. This rebuilding process is going to serve us very well in 2003 and years beyond because of the infrastructure we are putting in place, the work we are doing with referral agencies, such as the High Commissioner for Refugees, the increased money we will be putting into UNHCR to increase their infrastructure for referrals of such categories as the P–2 categories that you mentioned.

Senator BROWNBACK. As we look to the next year and our meeting next week, I think we should have North Korea well in our view as possibilities.

With the plight that is taking place, these are obviously very desperate people. A number are starving. They are rushing the embassies. This is happening on a weekly, if not daily, basis in China now. It strikes me that this is just the front end of this and that you probably are doing some extensive planning, or I hope you would be, for more that would be coming. If boats start arriving in the U.S. with North Korean refugees, are we going to be prepared for that situation if that were to occur?

Mr. DEWEY. I would hope, Senator Brownback, that anyone advocating pushing, encouraging North Koreans to run this dangerous gauntlet would face up to the fact that this administration is seriously working the problem and seriously committed to getting a solution to this problem and that they would take into account the

risk that they may be putting these persons in by encouraging this kind of action.

We have seen this done with other groups of people in the past in other parts of the world and we know the tragic consequences of it. Part of it may be lack of communication—they do not trust the government to really be working on problem solving. Believe me, they can trust this government. We are working this problem, just as we worked our problems in the past that I referred to the chairman about. We have used creative tools and methods and have used the influence and leadership of the United States to solve it. This is what we are doing and this is what we will do with this problem.

Senator BROWNBACK. I would just urge you to get the process in place of how we are going to deal with this and this issue of P–2 categories, get that in place because if not, I am afraid then that is going to push desperate people to be doing more desperate things, if they do not see a clear process, if they do not see clear things happening in a fairly short time frame, because by our numbers, large numbers are starving. By our numbers, we are feeding much of the North Korean population today. By our numbers, there are 150,000 to 200,000 of these refugees in China.

It looks like to me this is something clearly building, and we have seen this happen before. I really hope we would have this in place and announcing it soon of what our actions are going to be and be very, I would think, fairly public about here is where the U.S. is and we stand to help the North Korean people.

Mr. DEWEY. I certainly hear what you are saying, Senator, and I want you to know that we appreciate, since we have the same objectives, we appreciate your support in this as we go along, and I would like to be able to consult closely with you and the members of the committee for your input, your advice, and to keep you up to speed on what we are doing.

Senator BROWNBACK. Thank you, Mr. Chairman.

Chairman KENNEDY. Senator Allen, we are glad to welcome you.

STATEMENT OF HON. GEORGE ALLEN, A U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator ALLEN. Thank you, Mr. Chairman, and thank you for holding this hearing. I appreciate your leadership as well as that of Senator Brownback on this issue. The more and more that Americans and others around the world see the plight of the North Koreans, they will naturally and instinctively want to help those who are seeking to create lives of greater freedom and opportunity for themselves and their young people.

I am on the Foreign Relations Committee and first became aware of this when a family called me. The Kim Han Mee family, fortunately, got out of North Korea. I appealed in early May to the Ambassador of China to let the Kim Han Mee family go to South Korea. While there is going to be some concern expressed by me and others about China, I think as a matter of courtesy and diplomacy, it should be recognized they responded favorably and that family is safe now in South Korea. I thank the Chinese government for following rules and orders and conventions in that regard.

Being from Virginia, naturally, I love freedom and liberty. As part of the lineage of the spirit espoused by George Mason and Thomas Jefferson, I think those principles still endure, not just in this country, but for all people here on earth. I have a statement that I would put into the record. I want to ask you some questions and try to get a perspective of this.

[The prepared statement of Senator Allen appears as a submissions for the record.]

While Kim Han Mee and his family were released, just last Thursday, China refused to return back to South Korea a North Korean asylum seeker who was forcibly removed from the South Korean consulate in China despite the objections of South Korean officials. Three weeks ago, China demanded for the first time that South Korea turn over to Chinese authorities four asylum seekers who had made it into the South Korean consulate.

When listening to your remarks and the question of Chairman Kennedy, it is clear that the United Nations High Commissioner for Refugees needs to have access to refugees residing in China to evaluate their status and their claims and facilitate the resettlement of those refugees that are in China to other countries. Now, what we want to do is halt these forced repatriations of North Koreans back to North Korea. I think you know, and I am sure you hear more today from very brave witnesses in the several panels, that clearly, repatriating or sending these people back to North Korea is a death sentence or a sentence of torture and persecution, even worse than what they were enduring prior to their escape to China.

In your comments, Mr. Kelly, the logical presumption ought to be that people who have escaped from North Korea ought to be in Korea. Most likely, that is where their family members are, although they may not have seen them for 50 years because of the North Korean government's repressive approaches where there is not any communication whatsoever.

We understand that the People's Republic of China has a historic affinity for North Korea versus South Korea. This has been borne out by wars and similarities in some regards, in their forms of government. I am not going to say the People's Republic of China's government is exactly like North Korea's. Thank goodness, they are better than that. But nevertheless, they have been allies.

Is it possible that part of the problem with the People's Republic of China not living up to the conventions and agreements as far as inviolability of consulates and the refugee protocols that many countries, including China, have agreed to, is because of their affinity for North Korea and the fact that most of these people who have left and are seeking asylum would go to South Korea? Is that something that is giving them pause? Is that a reason for it, as opposed to if they were wanting to go to Vietnam, Singapore or Malaysia or some other country? Do you all feel that that is one of the reasons why they are hesitant to live up to their obligations?

Mr. KELLY. Senator Allen, I will be glad to offer an opinion, and the answer is yes. I think that is one of the reasons. There is a longstanding, of course, relationship of the People's Republic of China and North Korea, or the DPRK, as it is called, which, of

course, reached its high point late in 1950 when a million Chinese soldiers came across the border to fight with Americans.

In recent years, since the opening of diplomatic relations with South Korea, there has actually been a very warm, many would say warmer, relationship between Beijing and Seoul than there has been with Pyongyang. That appears to be being dented at the moment with this contretemps that Mr. Dewey mentioned of the people who are in the South Korean consulate.

There probably are other reasons, too. There are three or four million Chinese who have been in China who are of Korean descent, considered minorities within the Chinese system, and it is fairly obvious that most, if not all, of the 21 million ordinary people, 21 to 23 million ordinary people in North Korea would rapidly go somewhere else if they could do so. The Chinese probably are less concerned over 100,000 or 200,000 than they are of having that whole, or much larger refugee flow and I think that is a part of it.

But these are just characterizations. We do not really know. The important thing is as we have represented, that China has to honor their obligations under the refugee conventions in this case and they need to involve the U.N. High Commissioner and they need to be registering these people and preparing them for resettlement either in North Korea or elsewhere.

Senator ALLEN. We need to recognize the right of any country to protect its borders and China has the right to do that. To the extent that they are upset that many would want to resettle in the Republic of Korea or South Korea, I think that the United States can take a lead role. Obviously, there are many people of Korean descent who are now Korean-Americans—U.S. citizens in all walks of life in this country. The United States ought to step up to the plate and have them be repatriated or sent under the asylum laws to this country and then possibly back to South Korea. I do not know if that would be any way of making it easier as far as the relationship that North Korea and the People's Republic of China have.

I think that what Senator Brownback and myself and Senator Kennedy are all talking about is what we can do to help ease that burden on people. Really, we cannot wait forever, because if they are getting or sent back to Korea, we are sentencing them to persecution at best and death at worst. I understand protocols and procedures and timetables and agendas and that is all very important.

This needs to be one of the very most pressing issues that we need to go forward with and I think you will find strong support, Mr. Secretary, on a bipartisan basis here in the Senate to make sure that folks can lead the lives they ought to be leading with human rights. The United States has to set up a separate number of asylum seekers from this situation from North Korea, North Koreans that actually have been able to escape from that repressive regime. I think there are going to be many that are in favor of doing so and we would like to be able to work with you on that.

I would also hope that the Ambassador from China who responded favorably at least to that one request for a family for me, would also be able to report back to that country. As soon as the floodgates open, though, if they ever do open out of North Korea, North Koreans are naturally going to leave, out of hunger if not the

political persecution. Regimes like that cannot stand the enlightenment of freedom and opportunity. It is the North Koreans' repressive government that has so many people wanting to leave.

I understand People's Republic of China leaders not wanting to assimilate millions. It is one thing to have hundreds of thousands, but we need to work out ways, whether they are refugee camps such as Senator Brownback set up to assist in China, or other ways to allow them to get to South Korea, which I know many people from the Republic of Korea would very much want to have families reunited. It is one of their quests and probably one of the greatest driving missions of that country, regardless of the different political persuasions of folks in the Republic of China.

Senator BROWNBACK. Blood runs thicker than governments.

Senator ALLEN. Absolutely, so thank you.

Senator BROWNBACK. [Presiding.] Mr. Dewey, I thank you and I thank the panel. I just would commit to your reading, if you could, today's Financial Times out of London. There is a story in there about living skeletons fleeing North Korea. The first paragraph is, "Oh Yong Sil, a 55-year-old housekeeper and mother of two, for her, the realization that she was not living in a paradise dawned as the piled of emaciated corpses grew around her. She watched her husband starve to death, her sons grow up into living skeletons, and her township governor fade into death still uttering paeans to North Korean's glorious leader Kim Jong Il, son of Kim Il Sung, whose master plan all this is." That is today's Financial Times, the first paragraph of that story. I think you are going to see a lot more like this.

We do look forward to working with you on this issue soon. I hope we can meet next week. Thank you very much.

Mr. DEWEY. Thank you very much.

Senator BROWNBACK. I am honored to introduce our second panel of witnesses, each of whom has a harrowing story to relay about his or her own personal experiences in North Korea or those of family members. I am hopeful that their accounts will help shed light on the problems facing North Koreans and I thank them for sharing their experiences with us.

Soon Ok Lee grew up in North Korea as a proud member of the Communist Party. She fell victim to a legal system without due process. She spent six years in prison on false charges, forced to endure brutal treatment. She managed to escape from North Korea in 1995 and has written a book, *Eyes of the Tail-less Animals*, on her ordeal. She now lives in South Korea with her family, and I noted earlier that my wife and I read this book two weekends ago and just found it harrowing, incredibly harrowing.

If these witnesses would care to come forward to the table as I read this off, we will move forward. Would the panel please come on up to the table?

Next will be Helie Lee. She is an acclaimed writer who was born in South Korea and grew up in Los Angeles, where she currently lives with her family. Her most recent book, *In the Absence of the Sun*, details her successful life-risking efforts to sneak her uncle and his family out of North Korea. I am hopeful that her testimony will provide insight into the difficult situation facing approximately

500,000, half-a-million, Korean Americans who have relatives in North Korea who they are unable to see.

Dr. Norbert Vollertsen has worked on humanitarian issues in North Korea since 1999, when he went there to provide needed humanitarian medical assistance. Over the course of his 18 months there, he found a system worth with corruption in which ordinary people were forced to forego critical medical supplies while the government stockpiled those supplies for use by a small minority. He was later expelled from the country for his efforts to expose these abuses and he continues to speak out against the humanitarian situation that is occurring in North Korea.

I thank all of our panelists here today for their courage and their bravery and their willingness to speak out about a corrupt and incredibly difficult situation for the people in North Korea.

Ms. Lee, we will start with your testimony, and I believe we will have a simultaneous translation taking place. We are delighted to have you here, and having read your book, I am surprised you are alive and I am amazed at how good you look. Ms. Lee?

STATEMENT OF SUN-OK LEE, NORTH KOREAN PRISON CAMP SURVIVOR, SEOUL, SOUTH KOREA

Ms. S. LEE [through interpreter]. I would like to first thank you for this opportunity for me to tell about the situation in North Korea. Whenever I have a chance to talk about these kinds of things, I first thank God.

With the assistance of a lot of people that I have received, I am totally thankful to have this kind of opportunity to tell about people in North Korea who go dying, which I have witnessed. Along with my son, I was able to seek freedom and succeed in that search and I settled in the Republic of Korea.

I would like to first describe what the real human rights situation is in North Korea comprehensively. Of course, there is no minimum level of human rights by any standards in the world and there is no such thing in North Korea. Of course, 23 million people who live in North Korea are led to believe they are living on a paradise on earth. Myself, having lived 50 years in North Korea, believed North Korea was the country where human rights were maximally and best guaranteed on earth.

In North Korea, life of the people is such that anybody can either live or die for the sake of a person by the name of Kim Jong Il. Of course, North Korea is a dictatorial country where father and son, that is Kim Il Sung and his son Kim Jong Il, have been ruling for the past half-a-century. North Korea is a country where people cannot truly speak without thinking about Kim Jong Il or Kim Il Sung. They cannot even move freely. North Korea is a country where people have no concept or idea what human rights is.

I served seven years in prison for the first charges which I never committed. And the judiciary system of North Korea has no rights or authorities of its own, apart from the leadership of Kim Jong Il or the party. So anyone can become a political prisoner or a political criminal once the person does not follow the instructions or the orders of Kim Jong Il or the party.

I just told you that I served seven years in prison in North Korea. My charges were that I failed in my job, which was to see

to it that supplies are properly distributed to cadre members of the party. In North Korea, there are torture experts who do nothing but torturing people. Due to the severity of the torture, many just confess whatever charges they are accused of. They say they did it because they could not just sustain or survive the torture they were suffering.

I, myself, suffered 14 months of torture almost every day. During the course of the torture that I had to go through, the torturers trampled on my head and I still have the scars and injuries on my head and I do not have the normal function of my head and face because of that reason.

There are many different types of torture, including water torture. The type of torture that I went through was water torture, and aftermath of that, I still to this day cannot eat food well.

Then they also have what they refer to as the torture by freezing, or freezing fish. They literally make people freeze like the frozen fish and they do this because they believe then people will listen to them. It gets very cold in the winter in North Korea. It goes down to 30 degrees below Celsius. They strip people, have people sit on the frozen ground up to an hour, exposing themselves to cold. As a result of that type of torture that I received, I got frostbite and I lost all toenails from ten toes. It was not just to me, but I know 40 other people who were sentenced to this, or going through that type of torture. Eventually, they all died as an aftermath of the freezing torture.

Without understanding what charges and why I was sent to jail, nevertheless, I was sentenced to 14 years to serve in prison. When North Korea sends people to jail or prison, whether political crimes or general crimes or whatever, they always make up the charges themselves regardless of what the people have actually done or did not do.

In the prison, North Korea maintains huge manufacturing plants where they produce products that are unknown to people outside. It is sort of a confidential secret, the products.

The prison where I was put into was in Kachan, Pyongyang Province, and there were about 6,000 men and women prisoners. Among them were about 2,000 housewives. Among them, many of them were pregnant, which they conceived before they came to the prison, because they applied the charges not because of your own faults or anything you have done yourself, but if any of the relatives or your parents or your fathers or sons committed a crime, then you are responsible for that crime, as well, and that is the ground for punishment by North Korea.

And once the mother was in prison for whatever charges they accused her of, and if she has conceived, she is pregnant, the baby has no right to arrive. They all killed unborn babies by inserting the salts and salt liquids into the womb. I have witnessed hundreds of North Korean women right after they give birth to babies kill their own babies. Even though they kill babies with chemicals, but nevertheless there are some times when babies are still born alive. When that happens, prison guards will come and will trample with their boots onto the babies still moving.

You can imagine what kind of pain it would be for a mother to see her baby being killed. If she cries, then that cry would be inter-

preted as protest against the leadership of Kim Jong Il. Then she will be thrown outside and to be shot. The body of the woman who has been shot then is taken to the orchard and they bury the body underneath the fruit trees. I did not know until I was in prison that some foods are grown from the trees under which they bury bodies.

I think women are the most tragic victims of the North Korean system of Kim Jong Il. These women are innocent. They are not guilty. The only sins or crime they have committed is because of a shortage of food, non-existence of food, they will have to seek for food, and that is their crime.

To move from one area to another in North Korea, you require and you need a travel pass. Without it, you cannot simply move. Any woman who travels without this travel authorization, paper document, a travel document, is subject to the punishment by serving prison terms.

In the prison, I saw a lot of Christians and their crime was believing in God. In North Korea, Kim Jong Il, along with his father Kim Il Sung, is god. The most heinous crime in North Korea would be not to trust or believe in the leadership of the party and the leader, Kim Jong Il. The Christians are punished not on their generation but the next two posterity, the following generations. The sons and their grandchildren will also be subject to punishment because their grandparents believe in Christianity.

In prison, no one is allowed to look up to the skies but they have to keep their heads down all the time, only looking at the ground. Because of this posture they have to maintain year after year, by that, I mean prisoners will have to, even when they walk, they have to keep their heads down looking at the ground, the result was their neck bends and becomes stiff and fixed and then their spines go out of normal and it causes some medical problems, as well.

Prisoners are forced to work 16 to 18 hours a day. Their diet, of course, is controlled by the prison authorities and each prisoner gets 100 grams of cornbread a day, along with this much of saltwater. When they sleep, they have to go into the same room in a group of 80 to 90 people. They all sleep in the same room. The space allowed for each prisoner to use when they go to bed would be about 16 feet long—correction, 19 feet long and 16 feet wide.

Senator BROWNBACK. For how many people, that size of space?

Ms. S. LEE [through interpreter]. In that space, they put 80 to 90 people, so when they sleep, the feet of another person will come onto the head of another person and so forth. They do not lie the same way, but the reverse way, every other person, so that they can make better utility or use of the space. So a prisoner, whenever he or she sleeps, will have someone else's feet on his or her face.

Senator BROWNBACK. You have 80 to 90 people in a room, then, 16 by 19 feet, is that correct?

Ms. S. LEE [through interpreter]. Yes.

Senator BROWNBACK. Ms. Lee, if we could wrap up, because we have some other witnesses, and then we will have some questions, if we can, so if we could get the testimony wrapped up.

Ms. S. LEE [through interpreter]. The prison I served, I knew they were, North Koreans were also testing biological systems, bio-

logical weapons systems. I am inclined to think it is the sort of responsibility of the international community to see and find out what is going on in North Korea, especially on top of biological experiments that they are conducting in prisons.

Many refugees are, of course, escaping to China, and I believe these people escaped from North Korea because they do not like the political system they have and the dictatorship they have lived under. I believe the regime of Kim Jung Il ought to fall down as soon as possible. The Chinese government is stopping and blocking the refugees from getting into their country because of their diplomatic arrangements with North Korea.

I personally hope that the United States, along with the international community, to see to it that refugees from North Korea are regarded, accepted as political asylum seekers. In my view, for North Korea to collapse, we need more refugees to leave North Korea. This way, we can prevent war.

In conclusion, I would like to ask each member of this committee to pay attention to refugees from North Korea and grant them political refugee status. I would like to thank you very much for the opportunity for me to appear before your committee. Thank you very much.

Senator BROWNBACK. Thank you very much, Ms. Soon Ok Lee. It was a very powerful, very courageous testimony, what you just put forward, and I look forward to further dialogue with you, as well. And thank you for being willing to come here and to state this to the rest of the world.

[The prepared statement of Ms. S. Lee appears as a submission for the record.]

Ms. Helie Lee, thank you for joining us.

STATEMENT OF HELIE LEE, WEST HOLLYWOOD, CALIFORNIA

Ms. H. LEE. Thank you. First of all, I would like to say I am honored to be here. I am especially grateful to you Senators for bringing us all here today.

I would like to say that I am not a scholar, a politician, an expert, a journalist. I am a writer. I am a Korean American, but most of all, I am an American, and the reason I am here today is to testify and be witness to the countless and thousands, hundreds of thousands of North Korean refugees hiding out in China, Russia, Mongolia, in absolute fear of being repatriated back to North Korea.

But I would like to take it to a more personal level. It is the story of my grandmother, my grandmother who passed away three weeks ago. In her memory, I am here to honor her memory.

My grandmother had lost her son during the Korean War—he was her firstborn and her firstborn son—in 1953. He was the only one who did not make it out of North Korea in 1950. For years, she had tried to search for him. After the armistice agreement was signed between the two Koreas in 1953, she wrote to politicians and ambassadors, missionaries, looking for this son, and when nothing happened, she had finally lost hope.

But something amazing happened, and this is where I believe faith comes into play. Forty-one years later, in 1991, we discovered that her son is alive in North Korea. All of a sudden, this ghost

is resurrected and this missing son is now alive. Finally, we know. But it is so bittersweet, because we know that he is alive, but however, the bitterness is not being able to go to him, because as you know, in 1991 when we found my uncle, North Korea was then and still is the most closed-off, isolated, and repressive country in the world.

My grandmother, for six years after discovering that he was alive, tried to go through all the official channels, the American Ambassadors, writing to North Korea, writing to Kim Il Sung, the dictator, to no success. We could not get a visa. We could not reunite mother and son after 47 years of separation.

But then the most amazing thing happened in 1997. We get a phone call from China, from this Chinese Korean man. He calls us collect, I would like to say. He calls us collect from China and he says, I know this gentleman. He lives in North Korea. He says he has a mother in America. This is somewhat treasonous, but if you would like, I would arrange a meeting between mother and son in China.

After talking to him quite extensively and realizing that this could possibly be true, my father and I immediately escorted my 85-year-old grandmother from LAX to Yanji, China, which is in Northeastern China. It is the closest airport to the border between China and North Korea. When we get there, the flight is so long and so grueling on my grandmother, we had to leave her behind in that city.

My father and I decided to go ahead to the border. Our plan was to go to the border, make contact with my uncle through this person's assistance, smuggle him across the river, change and feed him, clothe him, take him in the car, drive him back 11 hours through mountainous icy trails to my grandmother, have a few hours of precious reunion after 47 years, and then take him back to North Korea before the North Korean police discover he is missing, because if that happens, as Ms. Lee has said, not only would my uncle be punished, but his entire family, including babies and elderly. So it is very imperative that we got him back.

My father and I drove to the river and when I saw the border of North Korea and China—you know, you are hearing about it, but I would like to describe it to you. I had imagined the border between China and North Korea. It is a watery border. It is the Yalu River. I had imagined it to be miles wide and treacherous. Having seen the 38th Parallel that divides North Korea and South Korea in half, I imagined barbed wires, guard posts, you know, loudspeakers shouting out propaganda.

What I saw was a river. It was waist-deep. It was barely 50 yards wide. But instead of barbed wires, there was a tall rock fence on the other side. The rock fence was about seven, eight feet tall. I believe it was put there not to keep the people from escaping, but to keep us, the outside world, from seeing behind the wall, which was all decay and disrepair of homes. But what was most scary was posted on the riverbank every ten to 15 yards were armed soldiers.

But even the soldiers are hungry in North Korea, so if you feed them a piece of rice cake, give them a cigarette or promise them liquor, they will allow you to talk to the North Koreans. Otherwise,

they will beat the North Koreans for speaking to the people on the China side.

So that day at the river in April of 1997, I saw my uncle for the first time, and my father was with me that day and I heard my father cry for the first time, not because this was my uncle, because I have never seen such abuse of power. My uncle was the same age as my father, 62. He looked older than my grandmother. He was gaunt, and his eyes and cheeks were hollowed in. He was wearing the old Mao, you know, the green suit with the high Mandarin collar and the Lenin cap with this red star, and the clothes looked like they were 20 years too old and they were much too thin for the freezing weather. All I wanted to do was give my uncle my jacket, but the soldiers, trained to shoot, froze my feet that day.

Our plan was to wait until sunset to get my uncle to cross the river under the protection of night. My uncle never made it across the river that day because of the famine. He was so gaunt and emaciated. The shock of seeing us, his American relatives who have come so far to bring him a care package of long underwear and beef jerky and Tylenol. Tylenol and Jesus Christ is my grandmother's balm for everything.

[Laughter.]

Ms. H. LEE. Having this care package, we had come this far. Unfortunately, my uncle could not cross the river, he was too frail, and we had come so close to reuniting mother and son after 47 years of forced political separation, but we had failed. And when my father and I had to return to the States, we were so guilt-ridden by what we had witnessed over there. We were so guilt-ridden for the privileged life that we as Americans live here. It was difficult to continue on in our lives. Even though I drove a Toyota, I felt wrong to drive this Toyota. I felt wrong to go to my parties and write for a living.

We had to go back to North Korea, so we did. We planned this risky rescue mission, which I call the 007 Mission, being the Hollywood freak myself, watching a lot of movies, so I called it the 007 Mission. My father and I went back. With the assistance of a lot of very brave South Korean and Chinese Korean individuals who acted as our guides, our translators, our drivers, people with safe houses, we were able to plan this mission. What we originally thought was going to take two to four weeks took seven long months of flying to China many, many times, even with my 85-year-old grandmother.

Believe it or not, we planned everything—you have to plan everything to the minute detail, how many people are going to cross the river, at what time, two, three, four, where you are going to go. We planned everything out. But, you know, you cannot predict how full the moon is going to be. You cannot predict how high the water is going to be. You cannot predict how many soldiers are going to be on the river.

But, believe it or not, getting them across the river into China, defecting to China, was much easier—was the easy part of the journey. Four-hundred measly American dollars bought us nine lives, $400. For $400, you cannot even buy a purse in America sometimes. But for $400, we get them to China.

This is where the difficulty of the journey starts. This is where the danger starts, because in China, North Korean refugees are not popular. They are not welcome. They are not embraced by the embassies. Embassies in 1997 and prior to—embassies are somewhat opening their doors these days, but back then were turning refugees away, turning their backs on them, sometimes repatriating them, knowing they will go back and face execution for this grievous, treasonous act. So we knew getting them to an embassy in China was absolutely out of the question because there was a 50–50 chance.

So we hid them for weeks in China. Finally, we planned a boat, fell through. Finally, we decided to get them out of China via Mongolia, via this South Korean embassy in Hanoi, Vietnam. It was a very dangerous and treacherous journey. We had to separate the family because of things that we could not predict, like propaganda of my relatives. Half of them are so brainwashed that it was very difficult to get them to defect, and so half of them came out in the early, the other half came out towards the end.

When we got them to the embassies, that was not a guarantee that they were going to be able to go to South Korea. I, in fact, came to Washington, our great capital, spoke to an ambassador, and he told me to write to my Congressman and Senator. My relatives, unfortunately, did not have that kind of time for me to be sitting on my computer composing a letter.

But what we did do was we had leverage to buy their lives, which means my uncle's family were not politicians and diplomats who had top secret, military information to barter for their lives. They were the lowest of the low society. My uncle's family, prior to the war, were rich landowners, but also had converted to Christianity. Therefore, he was punished for his family's, his parents' mishaps prior to the war, so my uncle was the lowest of the low class and so we knew that the embassies of the world were not going to take them easily.

So being a savvy American woman and also having worked in the entertainment business in Hollywood, I knew the power of the media. We captured everything on videotape, and I believe it is this videotape and also the publication of my first book the year before in the United States that convinced the South Korean CIA to take my family as political refugees, and they are so lucky. They are the lucky few that made it to South Korea.

The BBC, when we looked on the Internet yesterday, said about 1,600 North Korean refugees are living in South Korea. How shamelessly low is that? The KoreAm Journal, which is a Korean–English magazine here, said 1,800. Still, that is a better number, but it is still very little. America, our greatest country in the world, I believe, having traveled many places as a woman, as an Asian woman, this is the best place in the world to be. America, being so generous, has only received two refugees since 1950 as quoted in Newsweek 1997. Those two refugees since the Korean War were accepted into the United States. They were diplomats, North Korean diplomats to the Middle East. Obviously, they had important secrets to barter for their lives.

So I am here today in the memory of my grandmother, who got to see her son after 47 years. She got to see him in South Korea.

We made it happen for her. But you would think I would be so happy with that and be satisfied with that, but every day, I am filled with guilt, hearing about the refugees storming the embassies, because you know they do that in a last-ditch effort for freedom.

I am hoping that sharing my family's story with you today, that you realize these are not faceless, nameless people. They are people in need. They are my relatives. They are mother and sons and they have relatives who are Korean American. Again, like Senator Brownback said, one in four Korean Americans have a connection or have relatives in North Korea. So thank you for listening.

Senator BROWNBACK. Thank you very much for that very powerful testimony. Thank you for your heart in doing that. That is an incredible experience, an incredible story.

Ms. H. LEE. Thank you for letting me go over. I was worried about the buzzer.

[The prepared statement of Ms. H. Lee appears as a submission for the record.]

Senator BROWNBACK. Dr. Vollertsen, thank you for being here.

STATEMENT OF NORBERT VOLLERTSEN, M.D., SEOUL, SOUTH KOREA

Dr. VOLLERTSEN. Mr. Chairman, ladies and gentlemen, thank you for the invitation. I am a German emergency doctor who lived in North Korea for one-and-a-half years and I took care for ten different hospitals, several orphanages, and several hundred kindergartens.

I traveled in North Korea about 70,000 kilometers, mainly because I am a medical doctor. I am also a drug dealer in this way. I became very close to the North Korean elite and they are very keen for German medicine, especially Viagra and all that kind of stuff, so I became very close with them.

It is convenient to be a doctor sometimes. I got special experience there because one of my patients, he suffered from a serious skin burn and the North Koreans do not have any medicine, no bandage material. North Koreans hospitals are looking like—there is no electricity, no running water, no medicine at all, and no food. The people are starving and dying in those hospitals. I saw them literally dying every day.

So what the North Koreans are doing now, they are donating their own blood, their own skin, their own bones when there is an emergency case. We were so excited about this, so moved by this experience, so my colleague and I, we also donated our own skin and for this brave act we got the so-called Friendship Medal of the North Korean people, the first Westerners ever who got this high honor of the North Korean people.

There was a huge propaganda show in the North Korean media afterwards and we were awarded this so-called Friendship Medal, passport, and a private driving license and I was allowed to go around on my own without any translator, coordinator, minder or surveillance, whatever, and I have used this possibility. I traveled 70,000 kilometers. I took around 2,500 pictures, videotape out of the condition of these normal children's hospitals and I realized what is going on in North Korea.

This is the lifestyle of the elite in North Korea. They are enjoying diplomatic shops, nightclubs, a casino in Pyongyang, in the showcase city Pyongyang, nice skyscrapers. The military elite is not suffering. They are not starving. They are getting the food. I was an eyewitness when the food supply of our German emergency organization was going to those in the elite, to the military. The medicine was going to the diplomatic shops, but not to the starving people in the countryside.

And this is the reality of the starving people, especially the children in the countryside, and those children are not only looking like children in German concentration camps, they were behaving like those children. There is no more emotional reaction and they cannot laugh anymore, they cannot cry anymore. They are fed up. They are depressed.

That was my main medical diagnosis in North Korea. They suffer from depression. They are full of fear. They are afraid to speak out because of this concentration camp. North Korea at whole is a concentration camp.

I did not ever visit one of these concentration camps. I was not allowed to go there. No foreigners are allowed to go there. But I got a lot of rumors, a lot of knowledge, and you know about German history where we are accused that we stood silent when there were some rumors about German concentration camps, some stories, no evidence. So I do not have any photo out of a North Korean concentration camp. Sorry, I do not have any video out of the North Korean concentration camps.

But I heard about those people and I realized when I talked to my patients how afraid they are. They are so full of fear. That is my main diagnosis, fear and depression. Most of the people are alcoholics. They are addicted to alcohol. That is the only thing what you can get in North Korea, no food, no medicine, but alcohol in order to calm them down, like Aldous Huxley's *Brave New World*.

And then I found this. The criminal law of North Korea, and there in Article 47 it was written, a citizen of the republic who defects to a foreign country and who commits an extremely grave offense, he or she shall be given the death penalty and the penalty of the confiscation of all his property, and a person who commits acts of terrorism or any anti-state criminal act shall be committed a reform institution and there he shall be reformed through labor. Labor camps, reform institution—it is written here. It is published in Pyongyang in 1992 and it is still alive. It is still the law.

I wondered, when this is the situation in a normal children's hospital, how might it look like in those reform institutions? So I criticized the government. I also simply believe in the power of information and the power of media and journalism, so I guided around many, many American journalists. Together with my driving license, I was able to carry them around in the capital city and the countryside and I was finally expelled. Even my Friendship Medal could not help me anymore.

I was expelled in December 2000 after 18 months in North Korea and I fulfilled the promise. Instead of going home, doing business like usual in a German country hospital, I went straight to Seoul and I spoke to all the international journalists. I want to create

awareness about this country, about the destiny of these North Korean refugees.

And then I went to get the real image, because when I stayed in North Korea, despite my access, despite all my documents and whatever, I am still an idiot. I do not know anything about North Korea. They are so sophisticated to hide all of their dirty secrets. They are an upgraded version of Milosevich's Yugoslavia, Hitler's Nazi Germany, Stalin's Russia. They are an upgraded version of all these dictatorships. They are world champions, so sophisticated to hide those secrets. There is no travel access, no freedom of travel for diplomats, for journalists, for NGOs.

So I went to the Chinese North Korean border and there I met all those refugees and all those stories came true. All those rumors about mass execution, about rape, about biological experiments. Their Christian believers are used like human guinea pigs in North Korea.

I talked to nearly 200 North Korean refugees and then I met those South Korean NGOs, mainly Christian missionaries who are doing this brave and sometimes very dangerous job there at the Chinese–North Korean border in order to get those refugees out in a greater number.

And then we have this idea. I am a German citizen and I do not only know about the guilt of our history about German concentration camps, but I know also about 1989, about reunification in Germany, how it all started, with several dozen refugees in the West German embassy in Prague, and then we had the idea, oh, let us repeat history. Why not go to the West German embassy in Beijing with some North Korean refugees and enter this embassy and start what will finally lead to the collapse of North Korea and reunification. Maybe a little bit naive, maybe a little bit simplistic. I am also not a politician, not a diplomat, I am simply a German emergency doctor who has to take care in an emergency case, because these children are dying and starving.

So instead of choosing the German embassy, there was too much security, we chose the Spanish embassy. Twenty-five people managed to go into this embassy, and because of the media protection, because of the media coverage, they went out, because China is very much afraid about their reputation, host of the Olympics, member of the WTO, so they are very much afraid about media coverage and we finally succeeded to get these people out.

Today, in the morning, the actual amount of people in the South Korean embassy is 21. One woman more yesterday entered the South Korean consulate in Beijing, so this will go on for the next weeks. We are hoping for some mass escape, like in former East German and then Prague, and we hope to repeat history, what will finally lead to the collapse of North Korea and I think this is the only solution, also for China and for the people that—and there are many, many people afraid about this collapse, but I think we have to look into these eyes.

We have to think about those children, look into these eyes and then try not to care. I think it is worth to do anything, what we can do. As a German, I have to believe in this history of reunification and of refugees. I think this is the only thing that can lead to a collapse of North Korea.

And finally, there are so many people afraid about weapons of mass destruction that are developed in North Korea and maybe this is the easiest way without any war, without any bloodshed, without any civil war, to get rid of this dictatorship. Thank you very much.

Senator BROWNBACK. Thank you.

[The prepared statement of Dr. Vollertsen appears as a submissions for the record.]

Senator BROWNBACK. That is, from all three of you, very powerful testimony that you have put forward. I am reminded of a little brochure that I read about the German war situation and a number of the Jews being moved to concentration camps and it happening on Sunday morning. They would go by this one church in particular, and they could hear the cries in the church coming from the rail cars. Regrettably, people at that time, instead of looking out and trying to do something, they just said, well, let us sing a little louder so that they would not hear the cries that were coming.

When you get into a situation like this where you have seen so much suffering taking place, what I appreciate that you do is put a light on it so that people can see what is taking place and we do not just sing a little louder so we do not hear what is taking place and let the people suffer.

That is incredible testimony from each of you. We will ask ten minutes of questions each, because we do have another panel after this.

Dr. Vollertsen and Ms. Lee, what should the United States Government be doing to try to help as many people as we can to survive the situation in North Korea and for it to change?

Ms. H. LEE. My opinion is, Kim Jong, the North Korean President, in his sunshine policy, I think we should continue to support him and support any means to feed North Koreans. However, the situation is desperate. I think the numbers are staggering, anywhere from 100,000 to 500,000 North Korean refugees hiding out in China and other neighboring countries.

I believe what is necessary at this point is a safe house where these people can go, and to me, all my research and all the people that I have spoken to, it seems like Mongolia is the most friendly country, not Inner Mongolia, but Mongolia. What do you think, Dr. Vollertsen?

Dr. VOLLERTSEN. Absolutely. That is our next step. We want to get an official refugee camp in Mongolia near the Chinese border and when there is some financial support, the Mongolian government is willing to do this, when there is some financial support maybe from the U.S. Government and some negotiations, some official negotiation.

And I still believe, or I think about the East German solution when Hungary opens their border. That was really the final step in this development, and I think the South Koreans are having a real hardship in their negotiations with China now. Those 21 refugees are still in the embassy and instead of the American consulate or American embassy, the Spanish embassy where China guaranteed a third country and then allowed them to go to Seoul, here in

the South Korean embassy, they are still in because South Korea is not in the position to maybe talk a little bit more tough.

Therefore, I urge you for support of the U.S. Government. That means maybe support in a financial way or try to talk to China's authorities, that they are so afraid to pay for all those North Korean refugees. For sure, you are right, they are afraid about this flood. But when they will know that there is some support in any way, financial support or Mongolia, that they can maybe save their face and get rid of this problem, then I think a face-saving way, with China, there are some possibilities.

I can see that there are some changes in the Chinese policy. When we met those Chinese policemen, they are quite open, and I know so many Chinese businessmen who are trying so hard to get a change in the Chinese policy in China, in Beijing. They want to do business with Pyongyang. They want to do business with South Korea. So I think with a little bit more pressure on China, face-saving pressure, then they are willing to do something and be helpful.

Ms. H. LEE. But from there, then where? South Korea has thus far taken most of the refugees. However, as the panel before us said, they have a generous program to reeducate and reassimilate these North Korean refugees in South Korean society to understand capitalism and the 21st century.

However, that program, which my uncle's family and a total of nine people had undergone, that program years ago, when refugees were very few and far in between, used to be about a year program. They would take these refugees to a walking tour through South Korea, literally taking them to department stores that are larger than their entire towns, showing them what an elevator is, what an ATM machine, all the modern things that we have today.

However, this program, when my uncle got to South Korea in 1997, was reduced because of the economic crisis that had occurred that year and the year before. It was reduced from one year to barely two, three months. The government also provides these refugees housing, job training, sometimes allowance to live off. But I really believe it is a tremendous burden on South Korea and that is why the numbers are very, very shamefully low.

As Korean Americans, I think it would be great for us to take responsibility for a lot of those family members, and I say family members. We are all connected. Just look at our last names, Lees, Parks, Kims. We are all connected.

Senator BROWNBACK. And I noted you saying about two refugees being accepted in the United States from North Korea since—

Ms. H. LEE. Being an American, I am very ashamed of that.

Senator BROWNBACK. Yes. I am, too.

Ms. Lee, you write in your book a story of a particular incident that occurred where you saw a number of people just killed for their faith. I think one situation you write in here of people, if they did not renounce their faith, they were killed on the spot. Did you see that take place frequently and could you describe what you saw?

Ms. S. LEE [through interpreter]. I personally believed there is only living god who was the leader of the country and I thought we just have to believe in him. Otherwise, we will be punished. But

I realize it is not a crime to believe in Christ when I saw a number of prisoners who believed in God. The prison guards treated them as mentally sick people because they did not believe in their leader.

These Christian prisoners were forced to work in a furnace where there is iron work. Some of them were serving the prison more than ten years because their body all changed, because they had to work about 18 hours every day and their backs would not support the kind of work they were doing and they all looked sick.

In the prison, they are not allowed to talk to each other or even sing. But they were mumbling. Apparently, they were singing without singing, but they were singing in their mouths that I could tell. Prison guards said they were singing Christian hymns. The person who sang, of course, was punished cruelly by the prison guard, who trampled on her face.

I have seen many scenes of Christians being punished because they would not change their belief. They would not say, okay, I will not believe in Christ anymore, and that is what the prison guards wanted to hear. I have seen eight women who were dragged out and being punished because they did not say or they did not say they would not believe in Christ anymore. These women were burned.

Senator BROWNBACK. Burned to death?

Ms. S. LEE [through interpreter]. Yes. When I first went to the prison back in 1987, I believe that there were about 250 Christian criminals. But by the time I left the prison, I could not recall any survivor of the people I first saw.

But in the year 1993 when I left the prison, I saw more, the greater number of prisoners who were taken there because they believe in Christ, and I heard by word of mouth that was a result of Kim Jong Il's instruction. His instruction was, imperialists are sending advanced aggressors in the name of missionaries to North Korea to invade our country. I also heard that Christianity came into North Korea in lieu of China by missionaries.

In the 1990s, more Christians were arrested and sent to prison. During the seven years I served in the prison, there must have been thousands of Christians who died as a result of punishment. They were treated less then beasts, sub-human beings, being kicked by the boots of prison guards and lashed by leather lashes, and I saw these people still had to work. The prison guard was telling these prisoners to say, we will not believe in God but we will believe in our leader, Kim Jong Il. So many people died because they did not say, we do not believe in God.

Senator BROWNBACK. Thank you very much.

Senator Allen?

Senator ALLEN. Thanks, Senator Brownback.

I thank each of you for not just your testimony, but also your bravery.

Dr. Vollertsen, I am not happy with the results of the soccer game in Korea this morning—

[Laughter.]

Senator ALLEN. —but let me, as a matter of fair play, congratulate the Germans in their one-to-nothing victory on the Korean peninsula.

I remember in 1983 going into Berlin through East Germany and to the Wall and then actually going over and seeing East Berlin, obviously driving through East Germany to get there. I remember the long lines of people getting in line for just a few pathetic-looking vegetables and no one was impatient. They were resigned. They accepted it. It is a similar situation that you are describing.

East Germany had the stores for the tourists and they had all sorts of nice porcelain and appliances. Of course, no one who was in East Berlin or East Germany could afford them. If they had those pathetic motor vehicles, cars, that was one thing, but then you saw the goose-stepping folks at the tomb there where Cubans as well as East German military folks were coming in, and they were driving in Volvos and Saabs and so forth. That same sort of disparity exists in these supposedly egalitarian societies where the rulers live like kings—in fact, they may be kings in North Korea—and the rest living that way.

I was wondering, how could you ever be able to overthrow this repressive government, where their only technological advances are repression? The only place where they are advanced, is how they use the designs of modern advancements to keep people from leaving or keep them under control. I just thought, there is no way. The people do not have guns. You cannot have an uprising. The way it fell is the Iron Curtain fell in Czechoslovakia and the Iron Curtain fell in Hungary. Everyone was coming out of East Germany into Germany, generally, going back to the other part, to Germany, and they just could not keep it.

That would be the hope for North Korea, although from listening to this testimony and studying it, North Korea is much, much more repressive than East Germany was or Hungary or Czechoslovakia or Romania. At least you could go in there. I could observe the people in those lines.

North Korea is only one of seven countries recently, once again, listed as a terrorist state by our State Department, along with Iraq and Iran and Cuba, Syria, Sudan, and Libya. These terrorist states are a threat to our countries.

It is obvious from your testimony, though, that they also terrorize citizens in their own country. When you look at what needs to be done, let us not blame America. I am not ashamed of Americans, so let us not say we are ashamed of America or the Republic of Korea or South Korea. The people who should be ashamed are these repressive tyrants and dictators persecuting the people of North Korea. We are proud of our country. We want to export our values. We need to figure out a way to use your evidence, and your concern that we all share, in a positive, good way.

Now, you mentioned Mongolia as possibly a place that is willing to have assistance. It is very logical that it not just be the United States, but also logical that the United Nations would get involved in assisting, as well. As we determine where the people from North Korea who can escape should go, it is again logical that one would go to South Korea, just like the East Germans went to West Germany. The assimilation, because of their economy, may be more difficult, but the language is the same.

And I am wearing a tie from Kyonji. I have set up a sister state relationship with Kyonji-Dong. The governor's name was Governor

Rhee or Lee at the time. The point is there is such a proud heritage of the Korean language that no matter who was oppressing the Korean people, they kept that language alive.

So it would be, very logical because of history, heritage, and, of course, language, that South Korea ought to be the place for first settlement. Whenever the tyranny falls in North Korea, as the South Koreans are coming up to the border of the 38th Parallel, they have these big roads all built for the day when they are reunified. They are going to be needed to get that country built, or rebuilt, in the proper way. We ought to work primarily for repatriation in South Korea.

However, I have been talking to Senator Brownback about asylum quotas or numbers. There is certainly enough in there to allocate more than what we have to come to this country where there are relatives, as well. But I think, ultimately, the primary place of relocation should be a country where you, first of all, assimilate most easily if you can communicate with one another in the same language.

So I would like to hear your views. Do you think the United Nations can be of assistance in Mongolia and preferences as to how we can make it easier for North Koreans who have escaped the persecution and have legitimately sought asylum to locate in South Korea? I ask Ms. Lee and Dr. Vollertsen.

Ms. H. LEE. I agree with you. My relatives going to South Korea was the best thing for them. Koreans are very proud people and the language between North Korea and South Korea are still one after 50 years. However, it is slightly different, the Lees and the "e" are a little different.

But those who cannot get there and who do have Korean American relatives living in America, I do believe this is an option, and it is possible, because in the 1960s, after Mao had instigated the great leap forward in 1952 and there was a famine sweeping across China, 250,000 Chinese crossed the border into Hong Kong when the Chinese had opened up the border for three months. That is quite a bit, I agree. And Hong Kong appealed for international help. Then President John F. Kennedy issued an emergency Executive Order allowing immediate immigration of 5,000 immigrants from Hong Kong to the United States. So it is possible, and we do have that leeway of that number of refugees per fiscal year.

But I agree with you. South Korea is the best place, but the situation is desperate now.

Senator ALLEN. What about Canada? As far as Hong Kong was concerned, many went to Vancouver.

Ms. H. LEE. A good place to go.

Senator ALLEN. It is closest, in many respects. Do you know of other countries that share the interests of the United States? Obviously, South Korea does.

Dr. VOLLERTSEN. There are some European countries, Belgium. The Belgian government is very much involved in these human rights issues. They are supposed to do something for North Korean refugees, and you know about the South Vietnamese boat people. That is also what we are talking about now, some North Korean boat people, and then because of the pressure of the media, the German government in 1979 was forced to accept up to 9,200 of

those South Vietnamese boat people because there was a huge media story about those desperate South Vietnamese refugees who did not get shelter anywhere on earth, and then the West German government at that time decided to give asylum, so that is another possibility. We are also in negotiations with some European governments, especially the Belgians and maybe the Germans.

Ms. H. LEE. There are Koreans all over this world. There are many Korean adoptees in Scandinavia, many Korean Canadians, many Korean Germans. I think we need to figure out where the populations are, where the families are, and get those people involved, as well. It is not just an American issue, it is the entire global issue.

Senator ALLEN. Right, and that is why I think all countries involved in the United Nations, need to pitch in. Again, I thank you all. My time is up. Again, thank you for your bravery, but thank you most importantly for advocating what I like to call Jeffersonian principles.

Senator BROWNBACK. I thank you for advocating for those who are referred to sometimes as tail-less animals in North Korean prison camps, for those who do not have faces, but we need to give them to them, and names. Thank you very much.

Senator BROWNBACK. We have a final panel that I will call forward, and if you could come up, I will introduce the entire panel as we go, introduce them at the outset.

The first witness is Felice D. Gaer, Chair–Elect of the Commission on International Religious Freedom and Director of the Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee. She was appointed as a public member of nine U.S. delegations to the U.N. human rights negotiations between 1993 and 1999.

The second witness is Mr. Jack Rendler of the U.S. Committee for Human Rights in North Korea. Now, at the last minute, he could not be here, so Ms. Debra Liang–Fenton, that organization's Executive Director, will offer his testimony. He has worked with organizations including UNICEF to Amnesty International and been a human rights activist for more than 25 years.

The third witness is Jana Mason, who is a policy analyst and Congressional liaison for the U.S. Committee on Refugees. Before that, she served with the IRSA.

The final witness is Elisa Massimino, who is the Director of the Lawyers Committee for Human Rights based in Washington, D.C. She graduated from the University of Michigan Law School and has a master's degree in philosophy from Johns Hopkins. She worked with the Lawyers Committee on National Advocacy Program with a special focus on refugees.

I am delighted that all four of you are here with us today. Because of the press of time, I think we will run the clock at seven minutes and get each of you, if you could, to summarize your testimony. We have your written testimony and that will be part of the record. But if we could do this in a seven-minute time period each, I think that would help move us along.

Ms. Gaer?

STATEMENT OF FELICE D. GAER, COMMISSIONER, UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, WASHINGTON, D.C.

Ms. GAER. Thank you, Senator. I wanted to thank you also for your leadership in holding this hearing, in bringing about this Senate resolution, and inviting the Commission to testify today on the conditions of religious freedom and associated human rights.

The Commission on International Religious Freedom, as you know, was created by the Congress as an independent government agency specifically to monitor religious freedom violations around the world, to review U.S. Government policies in response to violations of religious freedom, and to provide policy recommendations to the President, the Secretary of State, and Congress.

We are very glad that these hearings have been able to amplify the harrowing testimony that was presented by many of the witnesses here today. Indeed, the plight of the North Korean refugees is closely tied to the deplorable human rights and economic conditions in that country.

Mr. Chairman, the people of North Korea are perhaps the least-free people on earth. Religious freedom does not exist, and what little religious activity the government permits is reportedly staged for foreign visitors. Thus, in an August 2001 letter to Secretary Powell, the Commission on International Religious Freedom recommended that North Korea be named a country of particular concern.

Now, in October of that year, Secretary Powell followed the Commission's recommendation and listed North Korea as a country of particular concern, or CPC. Now, that means that there are systematic ongoing and egregious severe violations of religious freedom, including torture, disappearances, loss of life, et cetera.

Specific U.S. action should follow from that designation as a CPC and we await information as to what measures the U.S. Government will take because of that characterization. In our recently-issued annual report, we regretted to find that no action has been taken with regard to any country designated CPC that has been specifically identified as having flowed from that designation, whether for North Korea or other countries.

Religion has played an important role throughout the history of North Korea. Buddhism was introduced there around the fourth century. Prior to 1953, the capital of what is now North Korea, Pyongyang, was the center of Christianity on the Korean peninsula. Yet after the Korean War, the North Korean government harshly repressed religious practice and large numbers of religiously active persons were killed or sent to concentration camps. At the same time, the government suppressed religion itself and it has since instituted the state ideology of Juche, which emphasizes, among other things, the worship of Kim Il Sung, the country's founder.

Today, the North Korean state continues its practice of severely repressing public and private religious activities, including arresting and imprisoning and in some cases torturing and executing persons engaged in such activities. The State Department reports that in recent years, the regime has paid particular attention in its

crackdown to those religious persons with ties to overseas evangelical groups operating across the border in China.

We, in our report, indicated, as has the State Department and the witnesses, some of whom were here today, who we have been in touch with, that prisoners held because of their religious beliefs in North Korea are treated worse than other inmates. Religious prisoners, including, in particular, Christians, are reportedly given the most dangerous tasks while in prison. They are subject to constant abuse from prison officials in an effort to force them to renounce their faith, as we heard today, and when they refuse, these prisoners are often beaten and sometimes tortured to death.

Simply put, there is no freedom of religion, of belief, of practice, or the right to profess one's faith. The lack of access to religious or humanitarian nongovernmental organizations, as well as the United Nations High Commissioner for Refugees, further exacerbates this crisis.

The situation is so bad that tens of thousands of North Koreans have fled into China for relief, as we have heard. Some refugees return home. Anyone suspected of having had contact with Christian organizations while abroad are detained. Many of these disappear and are never heard from again.

The Commission urges the United States Government to take advantage of any talks that may pursue in the bilateral dialogue to raise U.S. concerns about human rights and the humanitarian situation in North Korea.

Our Commission has, as you know, Senator, focused considerable attention on the situation in North Korea. We held a public hearing with many of the witnesses you saw today. We have had extensive consultations with U.S. experts on Korean–U.S. and U.S.–China policy. In addition, our Chair, Michael Young, has made visits to both South Korea and Japan and interviewed those with firsthand knowledge of conditions inside North Korea, including many refugees.

In April of this year, we released our report and recommendations on North Korea. They have three main areas of concern: First of all, pursuing an international initiative against human rights violations in North Korea; secondly, protecting North Korean refugees; and third, advancing human rights through bilateral contacts. I will briefly refer to those, although our full testimony presents those items.

We have recommended that the United States launch a major initiative to expose human rights abuses within North Korea and to educate the international community about what is occurring there. The collection and presentation of information is key to this effort. Silence is not an answer.

We recommend also that the United States Government should utilize the Trilateral Coordination Oversight Group, the TCOG, which held its most recent meeting in San Francisco early this week, to press Japan and South Korea to raise human rights in their discussions with Pyongyang. We do not know, and unfortunately, the Assistant Secretary is no longer here, whether, in fact, they did that.

We also believe objective information about the outside world must be provided to the people of North Korea.

As far as refugee relief is concerned, the Commission recommends that the United States press the Chinese government to recognize as refugees those North Koreans who have fled from the DPRK. The key issue here is that the Chinese government does not allow the UNHCR to operate in the border region between China and North Korea, thereby preventing that organization from interviewing those crossing the border or assessing their status as refugees.

The Chinese government's refusal to recognize North Koreans who have fled to China as refugees has forced them to remain in hiding and many have been exploited and abused as a result. The documentation on this is chilling.

Russia can also be a dangerous place for North Korean refugees. We heard something about that from one of the witnesses today. It should not be ignored. There are North Korean workers in Russia who are forcibly returned. There are North Korean refugees who have sought asylum.

The issue of the refugees who have sought asylum in the diplomatic compounds in China is also one that we have discussed here today. The Commission wishes to make it clear that the North Koreans who fled to China and elsewhere have a well-founded fear of persecution if they return to the DPRK.

Senator BROWNBACK. Ms. Gaer, if we could summarize here, I think it would be helpful if you could do that. We do have your written testimony.

Ms. GAER. I would be happy just to say that, as we heard this morning, there are hundreds of thousands of Korean Americans and people of Korean ancestry in the United States. The North Korean government agreed to resume Korean family reunions. The North Korean government should also allow those Americans with family ties in North Korea to reunite with their parents, siblings, children, and other relatives who are still living in that country. That, they should do as a matter of right, and this Congress and this government should be pressing for that as a matter of right.

Mr. Chairman, that concludes my testimony and I ask that the prepared remarks as well as the Commission's report on the DPRK be included in the record. Thank you.

Senator BROWNBACK. Without objection, and thank you very much. Sorry for the truncated time, but we have run long on the hearing.

[The prepared statement of Ms. Gaer appears as a submission for the record.]

Senator BROWNBACK. Ms. Liang–Fenton?

STATEMENT OF DEBRA LIANG–FENTON, VICE CHAIRMAN, U.S. COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA, MINNEAPOLIS, MINNESOTA

Ms. LIANG-FENTON. Thank you, Senator. Thank you for the leadership you have shown on this pressing issue, and I am also grateful for the opportunity to speak with you today on behalf of the U.S. Committee for Human Rights in North Korea.

I am presenting testimony submitted by Jack Rendler, Vice Chair of the Committee, who sends his apologies and regrets for being unable to be with us today.

Before I begin, I also want to thank you, Senator, personally for helping to support the showing of the exhibit of the Gil Su family illustrations in the Russell Rotunda. The Committee is in possession of 58 of the original illustrations drawn by the children of the Gil Su family, who sought asylum in the UNHCR office in Beijing last year.

Senator BROWNBACK. Hold up some of those. This is one where he is eating a rat?

Ms. LIANG-FENTON. Yes. This is actually John Gil Su himself, the main illustrator, who is eating a rat and snakes, which is a condition for many desperate people in North Korea who do not have enough to eat.

As you know, the Kim Han Mee family, the five who sought asylum in Shenyang, are the five remaining Gil Su family members, who are now also in Seoul.

This is John Gil Su being forced to confess, and there are many others. But we are hoping to get this in the Russell Rotunda so that ordinary American citizens and others visiting the U.S. Capitol can get a glimpse of what the harsh reality of life is like for ordinary citizens in North Korea.

One last one, escaping across the Tumen River. These are two of the brothers of the Gil Su family.

It may be of interest to you that this Committee is the U.S. manifestation of the International Campaign for Human Rights in North Korea. There are similar committee structures in Canada, France, Germany, and Japan, as well as networks and individual actors throughout Europe and Asia.

The campaign began in December of 1999 at a conference held in Seoul by the Citizens Alliance for Human Rights in North Korea. In its written submission, the U.S. Committee has provided the subcommittee with the following: A summary of what is known or can be reliably surmised about human rights in the Democratic People's Republic of Korea, a set of detailed recommendations for policy and practice, the founding declaration for the U.S. Committee for Human Rights in North Korea, and Suzanne Scholte, one of our board members, has requested that we submit officially her testimony.

Senator BROWNBACK. It will be in the record, without objection.

Ms. LIANG-FENTON. Thank you.

[The prepared statement of Ms. Scholte appears as a submission for the record.]

Ms. LIANG-FENTON. Today, with the mission and purview of the subcommittee in mind, I would like to highlight some of the more disturbing aspects of human rights in North Korea and the impact of those abuses on North Korean refugees in China.

For over 50 years, the people of the Democratic People's Republic of Korea have been denied even the most basic of their human rights, denied any contact with the rest of the world, and isolated from each other. Human rights violations and abuses affect a large majority of the 23 million North Korean people. There is precious little specific information available about human rights in North Korea since the government refuses entry to international human rights groups. This in itself is cause for profound concern.

It is estimated that the DPRK is holding over 200,000 political prisoners. The government detains and imprisons people at will. Political prisoners in North Korea may be held in any one of a variety of facilities—detention centers, labor rehabilitation centers, juvenile centers, maximum security prisons, relocation areas, and sanitoriums. Reeducation means forced labor, usually logging or mining under brutal conditions. Entire families, including children, are detained because of supposed political deviation by one relative. Judicial review does not exist, and the criminal justice system operates at the behest of the government.

On July 10, 2002 [sic], the New York Times carried a report on one of the grimmer aspects of imprisonment in North Korea, forced abortions and infanticide committed regularly and routinely by prison officials. The Times recounted instances of pregnant women tortured or medically induced to provoke miscarriage. If a baby is born, it is left to die or smothered with a plastic sheet or bag. Other female prisoners are forced to assist with abortions and killings. The most savage treatment is apparently reserved for refugees pregnant with children fathered in China, who have been forcibly returned to North Korea.

The population is subjected to a constant barrage of propaganda by government-controlled media, the only source of information. The opinions of North Koreans are monitored by government security organizations through electronic surveillance, neighborhood and workplace committees, and information extracted from acquaintances. Children are encouraged to inform on their parents. Independent public gatherings are not allowed, and all organizations are created and controlled by the government.

The government forcibly resettles political suspect families. Private property does not exist. North Korean citizens do not have the right to propose or effect a change of government.

Religious freedom does not exist. The religious activity that is allowed appears to have one of two purposes, to deify the founder of the DPRK, Kim Il Sung, and by extension his son, the current leader, Kim Jung Il, or to demonstrate to faith-based aid groups that some traditional religious activity is tolerated. Alternatively, classes to study Kim Il Sung's revolutionary ideology are held throughout the country.

I am just skipping ahead here to save on time. I want to talk a little bit about the North Korean refugees in China. Leaving the DPRK is considered treason, punishable by long prison terms or execution. Yet, the Voice of America estimates that as many as 300,000 North Koreans have fled to China. With the onset of famine in the early 1990s, tens of thousands of North Koreans, the majority under-nourished women and children, crossed into China's Northeastern provinces. There are an estimated 140,000 to 150,000 North Korean refugees currently in China living in fear of arrest, many women forced into prostitution or abusive marriages.

Refugees are pursued by agents of the North Korean Public Security Service and many have reported that the Chinese government has been offering awards—sorry. Excuse me. The South China Morning Post has reported that the Chinese government has been offering rewards to those delivering North Korean refugees to police.

China claims that it considers these refugees to be purely economic migrants. While hunger may be one motive for their movement, there are other realities. It is the nature of the political system in North Korea, with its discriminatory distribution of resources, that makes feeding a family impossible in some areas. Being hungry does not necessarily prevent these people from also feeling oppressed. The criminal, political, and social persecution that accompanies forcible return to North Korea surely makes these people political refugees once they are in China.

China is a party to the 1951 U.S. Convention Relating to the Status of Refugees, under which it has agreed not to expel refugees to a country where their life or freedom would be threatened.

To save time, I would like to skip to some action recommendations that the Committee would like to put forward for consideration.

One, make lifting the seige of the North Korean people by its own government a human rights priority of U.S. policy. As he did on his last trip to South Korea, President Bush should take every opportunity to express his concern for the plight of the North Korean people and his commitment to assisting in the restoration of their rights and well-being.

Two, the protections offered by U.S. law and policy to refugee populations in danger should be extended to North Korean refugees in China.

Three, urge the U.N. High Commissioner for Refugees to take immediate action to press the PRC to fulfill its obligations under the 1951 Convention Relating to the Status of Refugees and end its practice of cooperating in the forced repatriation of North Koreans.

Four, find new ways to provide information to the people of North Korea. Develop multiple channels of exchange and contact. An undetermined number of radios in North Korea can receive foreign broadcasts at certain times. Use television broadcasts where possible to reach leadership elite. Establish exchange programs, beginning with university students and health care professionals.

Call for the formation of an informal Congressional caucus on the model of what has been done on Burma, to participate in a multinational parliamentary network on human rights in North Korea. Such structures have recently been formed within the British Parliament and the Japanese Diet.

Human rights in North Korea should be a constant and prominent item on the agenda of the ROK U.S.–Japan Trilateral Coordination and Oversight Group.

Provide humanitarian aid to North Korea while pressing the government of Pyongyang to ensure that distribution of such aid is monitored by independent international relief organizations and concrete progress is made on human rights performance.

Encourage corporations planning to do business in North Korea to develop a code of conduct similar to the Sullivan Principles applied in South Africa.

Provide support for new research and a comprehensive new report. We must begin by acknowledging the lack of reliable information on any aspect of human freedom in North Korea. We know that large numbers of people are imprisoned for their beliefs, but we do not know how many, who they are, where they are held, how

long their sentences are. We know that imprisonment involves harsh conditions, including forced labor, poor food and health care, and torture, but we do not know just how bad it is for which kinds of prisoners at which kinds of prisons.

We know that the government divides the population into segments according to perceived levels of loyalty to the regime and we know that the distribution of goods and services benefits those perceived to be most loyal and fails to serve others, but we do not know exactly what the consequences are for which people.

Such reporting will need to be done by an entity with the experience and the capacity to get it right and the independence and reputation necessary to be heard in Pyongyang. This is work that the U.S. Committee for Human Rights in North Korea is currently undertaking.

The time has come to expose this repression, and by so doing to make clear that the norms of human rights as defined by the United Nations apply as much to the people of North Korea as to the people of other countries. Significantly, North Korea has ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. It, therefore, owes its own citizens and the world community a commitment to comply with the provisions of these documents and it must be held accountable for policies and actions that violate these norms. Thank you, Senators.

Senator BROWNBACK. Thank you very much.

Ms. Mason?

STATEMENT OF JANA MASON, ASIA POLICY ANALYST, U.S. COMMITTEE ON REFUGEES, WASHINGTON, D.C.

Ms. MASON. Thank you, Senator Brownback. I would like to thank you and Senator Kennedy for holding this hearing, Senator Allen, for your interest and for attending.

Obviously, this issue, North Korean refugees, particularly North Korean refugees in China, raises a lot of political sensitivities. We have heard those discussed today. As you are aware, refugees themselves create political concerns all over the world, but those concerns should not outweigh our human rights obligations, so I am very happy that this hearing is being held.

I am going to focus, since witnesses today have covered most of the details, I am going to focus on just a few of the nitty-gritty aspects of international refugee protection, some policies, procedures, and legalities, and the reason I think these are important is because these legalities are things that the Chinese government, the international community, and even our own government, the State Department and the INS, can look to as a rationale for not doing all that we can for North Korean refugees. So I just want to make sure that we are very clear on where we are on these.

Senator BROWNBACK. If you could make sure to focus on what actions you think we should be taking—

Ms. MASON. Yes.

Senator BROWNBACK. —that is really what we need to hone in on as much as we can.

Ms. MASON. Yes, I will do that as I discuss each one.

The first is the question of whether North Koreans are refugees. After all we have heard discussed today, we would think that it would be a given that any North Korean who manages to escape the country would be considered a refugee under international refugee law. But I can tell you that when the INS starts interviewing, if and when that happens, there may be cases where they say because of this reason or because of that reason, the person does not qualify under the Convention. China, of course, already labels everybody "food migrant" who comes out. So we need to be clear if we are going to push the international community, China, and our own government to accept refugee status for these people, we need to be clear why they are refugees.

First, as we have heard from many witnesses, North Korea is a highly authoritarian regime with an abysmal human rights record. Even without the famine that has racked North Korea since the mid–1990s, it is likely that most, if not all, North Koreans who manage to escape would have strong claims to refugee status. But the famine itself has added to the means by which the government can persecute its opponents. Despite tremendous reliance on international food aid, the North Korean government fails to operate a transparent food distribution system and often denies NGOs access to the country's most vulnerable people. That is one of the reasons so many NGOs have pulled out in recent years.

The government categorizes its population based on perceived loyalty and usefulness to the regime and it channels food aid accordingly. The government has also blocked aid to parts of the country that have seen anti-government rebellions in recent years.

Now, a government's denial of food aid for political reasons can give rise to a valid claim of refugee status, in addition to any other forms of persecution the individual might claim—religious persecution, some others that we have heard about today. But the story does not end there.

As we have heard on this panel and others, under North Korean law, defection or attempted defection is a capital crime. The criminal code states that a defector who is returned shall be committed to a reform institution for not less than seven years. As was mentioned, in cases where the person commits "an extremely grave concern," he or she shall be given the death penalty. North Korean authorities are apparently most concerned with defectors who, while they were in China, had contact with South Koreans, Christians, or foreigners. This could be one of those grave concerns that ends them the death penalty. The government subjects these people, if not to execution, then certainly to harsh treatment and torture, placement in work camps, and other forms of persecution.

So, therefore, the use of food as a weapon, religious persecution, and the fact that they would fear execution or very harsh treatment upon return clearly makes these people refugees, even with little concrete knowledge about what else they may be going under.

Now, the second issue is China's response to the North Korean refugees. As I think was mentioned, China has a treaty with North Korea that says that it will return all defectors. Notwithstanding that, for a number of years, China informally tolerated the presence of a lot of North Koreans, and even to some extent provided assistance.

This situation changed in 1999. That year, China began forcibly returning large numbers of North Koreans, and since then, they have accelerated every year. Most recently, we have what is known as the Strike Hard campaign against crime, directed very largely at North Koreans. According to some aid groups, China arrested some 6,000 North Koreans in two months of 2001 alone, and that is just a snapshot. The overall numbers are very unclear.

China's treatment of North Koreans in its territory is clearly a violation of the Refugee Convention that has been discussed. It is a violation of Article 33, known as nonrefoulement. You cannot return a refugee to any place where they could fear persecution.

China has no domestic law on refugee protection, despite the fact that it has signed on to the Convention. It has no system for determining refugee status. If it did, it could interview them one by one, and if it decided they were not refugees, then legally it could send them back. Of course, we would have to decide if we thought their system was valid.

But not only does it have no system of its own, but even though UNHCR operates an office in Beijing and asylum seekers from other countries can come there and apply for refugee status and China cooperates with that, it does not allow UNHCR a role with respect to the North Koreans. Other than that one highly publicized case last year, the Jung case, North Koreans rarely can make it all the way to Beijing or get into the UNHCR office.

The Chinese government has not allowed UNHCR a role with North Koreans on the border since 1999. That year, UNHCR did a mission to the border and they actually did some interviews and determined that some North Koreans were refugees. As a result, China reprimanded UNHCR for this action and since then has denied them permission even to travel to the border area. This is also a violation of the Refugee Convention that says that countries have to cooperate with UNHCR in carrying out UNHCR's role, which is to supervise the Convention. So China is basically attempting to just define these people out of the Convention.

Obviously, the main recommendation we have is the international community should pressure China to maintain its obligations under the Convention, not return North Koreans to North Korea, and allow international aid in China. It is very dangerous for any aid worker working in the border area assisting them.

Now, in terms of refoulement, forced return, I also want to mention, based on the discussion this morning, that the U.S. Committee for Refugees does believe that any embassy or consulate that handed over North Koreans to the Chinese government would also be committing refoulement. This is a fuzzier area. The Refugee Convention says you cannot return or expel any refugee to a place where they would be suffering persecution. Well, return or expel them from where? We have already determined embassies are not technically the soil of the country that they represent, but also because of the special status of embassies, they are protected against interference by the host country.

So I think because of this unique status, it could be argued that if you allowed North Koreans to be taken out by Chinese guards, that you would be expelling them or returning them to a place where they could face persecution because China would then return

them to North Korea. So you would be subjecting them to return to persecution, an argument that has been used by refugee advocates. So I think, clearly, even though others may argue otherwise, the U.S. or any government whose embassy or consulate allowed the Chinese guards to take these people out of the embassy would also be violating the Convention and committing refoulement.

The third point I want to make has to do with South Korea's response. We have heard a lot of people say the answer is just send them all to South Korea. That is where they want to go anyway. No argument that, for the most part, North Koreans from China or elsewhere do want to go to South Korea, cultural ties, family ties, and South Korea has been extremely generous in their response to North Korean refugees and giving them status.

But I also think we need to mention that there have been cases where the South Korean government has been known to harshly interrogate North Koreans who it suspects of spying, and in some cases has turned away asylum seekers who do not have any valuable intelligence information to share. So even though I have no doubt that South Korea is able and willing to do even more than they are doing now, accepting 500-and-some people a year is a far cry from giving automatic status to tens of thousands, maybe even hundreds of thousands of people.

So I think if and when we are able to get the Chinese government to open up more and allow passage for the North Koreans, I do not think that they can all just flood into South Korea at once. I think the international community will have to help them absorb more North Koreans and also be willing to do our part to take them in.

And that goes to the last thing that I want to say, which is, as Secretary Dewey stated this morning, there are procedures to admit people as refugees, but there are some glitches. Secretary Dewey kept saying we have to get UNHCR a role there. Once we get a role for UNHCR, then we can resettle some of these people.

We need to make clear, yes, a UNHCR role, if China were willing to allow that, would certainly facilitate third country resettlement, whether in South Korea or elsewhere. But the U.S. under its own law does not need UNHCR to bring refugees in. We can bring in Priority One cases through embassy identification only. The U.S. embassy in any country—yes, North Korea is on that short list Secretary Dewey mentioned where they would need permission of Washington, but they could get permission for a U.S. embassy in any country, including China, to refer to the U.S. resettlement program a North Korean who was vulnerable and who needed protection.

Second, since we discussed the P–2 mechanism this morning, the U.S., the State Department can set up a Priority Two refugee processing system. Theoretically, they could do it for North Koreans out of China. Again, you would need China's permission. And they could bring in significant numbers of North Koreans without any role whatsoever for UNHCR. So we should not make a mistake, once again, of using UNHCR as a gatekeeper to prevent us to do something that we have the mechanism to do by ourselves.

So, obviously, we need to pressure China to recognize these people as refugees, not send them back to North Korea, allow aid in,

allow safe passage to where they want to go. We need to help South Korea absorb large numbers that the U.S. and the international community need to be prepared to resettle through whatever mechanism they have in their domestic laws, North Koreans who have family ties here or for whom there is some other reason that this is the best place for them to go. Thank you.

Senator BROWNBACK. That is an excellent statement, very thoughtful, very well reasoned.

I met with some Chinese officials and asked them, how many numbers do they think of North Korean refugees are in China, and the official said, "Well, there are none." I said, well, what would you do if there were any? "Well, there are not any." Well, what would you do? Would you make them go back to North Korea? "Well, it would be on an individual case-by-case basis." They are being pretty disingenuous to me, given the facts and the numbers that are in front of us. I am hopeful that official is catching some of the summary of this hearing. Thank you for a very good statement.

Senator BROWNBACK. Ms. Massimino?

STATEMENT OF ELISA MASSIMINO, LAWYERS COMMITTEE FOR HUMAN RIGHTS, WASHINGTON, D.C.

Ms. MASSIMINO. Thank you. Thank you so much for inviting the Lawyers Committee here today to provide our views and recommendations on this important issue.

I note yesterday, celebrating World Refugee Day, it was a great opportunity for us to celebrate the contributions of refugees to our own society, but it was also a time for reflection about those refugees who, like the North Koreans, have been driven out of their homes by their own governments, persecuted by so-called host governments like China, and then failed by the international system that has been designed to be their safety net. So I really am grateful to you—we all are—for this opportunity to talk about what we can do.

I would like to focus my remarks on exactly that. There is, thanks to you and to other members of Congress and the courage of humanitarian workers and those courageous refugees who have been able to get out and speak about their experiences, the challenge we now face is not one of lack of interest in this issue. It is easy to condemn North Korea. What could be easier? But to help North Korean refugees is going to cost the United States something. It is going to cost some money and it is going to cost some diplomatic capital and the question is, what is the United States willing to do to alleviate this suffering and ensure protection for North Korean refugees?

First, the administration has to make clear to all concerned countries, in particular China and South Korea, that resettlement of North Korean refugees in the United States is a serious option that we are immediately prepared to pursue. While it is certainly true that China should be granting North Korean refugees asylum and South Korea should be more aggressively offering to take North Korean refugees in, that is just not the current reality.

There are so many times that we have seen the prolonged failure of the United States to make an offer of resettlement a real option

for those for whom no other solution is possible is used by other countries involved in the refugee crisis as an excuse for inaction. It is way past time for the United States to step up and make really clear that we are willing to open our doors to these refugees if others will not.

Second, the United States has to bring more pressure on China to abide by its obligations, clearly under the Convention and protocol. If it is not willing to grant asylum to North Korean refugees, then it must, first and foremost, refrain from sending them back to face persecution and death. The Chinese government is obligated under the Convention and the protocol to facilitate convention for North Korean and for all refugees in its territory if it is not willing to grant that protection itself.

The administration should strongly urge China to permit UNHCR to operate in the border region between China and North Korea so that it can interview those crossing the border and assess their status as refugees, and the administration should strongly urge China to permit North Korean refugees to leave China and either be resettled or be free to seek asylum in other countries.

Third, the administration has to ensure that it is not sending China mixed signals about its international obligations towards refugees. When questioned last week about the administration's view of this diplomatic communication from the Chinese government that was sent to embassies in Beijing that purportedly demanded that asylum seekers be turned over to Chinese authority, I was astonished to read the exchange at the press briefing at the State Department where spokesman Richard Boucher seemed to go to great lengths to avoid saying that the United States would not comply with such demands. The United States needs to make very clear to the Chinese government that it has no intention of handing asylum seekers over to a government whose stated policy is in clear violation of international obligations.

Fourth, the administration must make absolutely sure that the United States is in no way complicit in the Chinese government's violations of international human rights law being perpetrated against the North Korean refugees. The United States provides a substantial amount of financial assistance, as well as training, to the Chinese to assist them in combatting alien smuggling and illegal migration. How sure are we that this assistance is not being used by or enabling the Chinese government to combat the flight of North Korean refugees seeking to escape from oppression and persecution?

I would urge the Senate to diligently monitor the uses to which U.S. anti-smuggling assistance to China is put. North Koreans who have fled China have been doubly victimized. I urge you to do all you can to ensure that the United States is not an unwitting accomplice to that abuse.

Finally, in order to continue to lead effectively on this and other refugee protection issues, the administration has got to make sure that our own house is in order. The situation of the North Korean people is extremely dire and deserves the urgent attention that we are giving it today. But we need not look halfway around the world to see injustice being done to refugees.

Yesterday, in his statement commemorating World Refugee Day, the President promised that, "America will always stand firm for the non-negotiable demands of human dignity and the rule of law." But as we sit here today, asylum seekers who came to America seeking protection and freedom sit in U.S. jails, or worse, are being turned away unjustly without the chance to even ask for protection.

A little over a year ago, many of us sat in this room transfixed by the testimony of refugees from Tibet, Cameroon, and Afghanistan who came here seeking freedom and found, to our shame, handcuffs and a prison uniform. Those present were deeply moved, as we have been today, by their courage, their love of freedom, and of this, their new home, despite the injustices that they suffered under our misguided immigration system. Thankfully, following that hearing, which was chaired by you, Senator Brownback, a bipartisan group of Senators and Representatives, which you led, introduced a bill that would restore American values to our asylum system called the Refugee Protection Act.

The National Association of Evangelicals, in its Second Statement of Conscience released last month, focused specifically on the human rights crises in North Korea and Sudan. The statement concludes, and I quote, "In the case of both countries, we will, in particular, work for enactment of the Refugee Protection Act, legislation profoundly consistent with American traditions of opening our doors to genuine refugees of religious and political persecution."

The U.S. must lead the way to safety for North Korean refugees. It must pass the Refugee Protection Act. I can think of no more fitting way to put the President's eloquent words of yesterday into practical effect. Thank you.

Senator BROWNBACK. Thank you very much, and thank you for the added plug on the Refugee Protection Act. That is language that we need to get moving forward and move with the issue.

[The prepared statement of Ms. Massimino appears as a submission for the record.]

Senator BROWNBACK. This has been an excellent panel. It has been a very thoughtful panel and it has been a lot more, I think, than the nuts and bolts of what we need to press forward with here. I look forward to working with you and with your organizations as we push this issue on forward.

Some of you were here, I think maybe all of you were here for Secretary Dewey's statement and I think we have some work to do to press this on forward. But I am hopeful that with the visibility that some of this is gaining, some of the interest, some of the focus that is taking place, we are going to be able to have a better dialogue to get something resolved soon.

This is happening now. This is on us now. I do not think it is one of those things that we can say, we are going to study this for six months or this or that. I think it is one of the things that we really need to press on at this point in time, because people's lives are in the balance at this time. The longer we wait, the longer we dawdle, the more people suffer and the more people die in the process.

So I hope we can work together and team up on pressing on the legal grounds. I think there is very clear and very convincing legal

grounds for us to press forward in China and with the Chinese in the United States, and what we would do for helping these refugees resettle there, here, various places, as long as this regime is in place that chooses to so abuse power. I thought that was a very well put phrase by Ms. Lee, to so abuse power to treat its people so poorly. So I want to thank the panel for being here.

Senator Allen?

Senator ALLEN. Thank you, Senator Brownback.

Thank you all for your eloquent remarks. Ms. Gaer, Felice Gaer, my middle name is Felix after my grandfather, whose birthday is today. He is no longer alive, but he had been imprisoned by the Nazis during World War II because of pathetic French resistance. He is from Tunisia, French Tunisian.

The three of you brought up the food aid, the food assistance there and a concern about making sure that the food is getting to the people. We heard from our friend from Germany, the doctor, earlier about who is getting the food. Do you have any way of tracking this aid? Obviously, it is not going to be simple. The principle is right. How, as a practical matter, could we concretely make sure that the humanitarian food aid, is actually getting to the people who are starving? Is there any strong, clear guidance you can give us or to others who are helping out with this food aid to make sure that is being done?

Ms. LIANG-FENTON. I think it is quite simple.

Senator ALLEN. All right, good.

Ms. LIANG-FENTON. Pyongyang could allow for the humanitarian aid groups to distribute and monitor their food packages and to keep records, to get records from the North Koreans on where the food is going. I do not think that is too much to ask.

Senator ALLEN. Would the North Korean government allow that?

Ms. LIANG-FENTON. No.

Senator ALLEN. What would they say? They would say no. So then we are in the dilemma of, since they say no, will there be an understanding and recognition that because of their not acquiescing to nongovernmental organizations distributing the food, that we are doing all that we can, because otherwise all we would be doing is helping prop up and feed the tyrants as opposed to the people.

Ms. LIANG-FENTON. It is a very controversial issue. It is an important issue. It has been reported that North Korea can produce enough food to feed its own military. If that is the case, and if they are getting—they are getting a lot of food from the World Food Programme and others, although that is diminishing, I suppose that what you could say is that if some of the food is getting to some of the most vulnerable in that society, meaning the under-six crowd, that it is worth continuing humanitarian aid. But by the same token, we really need to be pushing for them to be responsible for their own people and for where this food is going. These are coming from donor countries. I think that it behooves North Korea to let the donor countries in to see where the food is going.

Senator ALLEN. That makes sense. Let me ask another question that was brought up. You all made so many good points, and I have such a short time to ask you all questions. I do agree with you that whether it is the issue of the nonrefoulement obligations,

which is a bedrock principle that China must follow. Maybe they have conflicting laws because of their arrangements with North Korea. Nevertheless, there are bedrock principles that apply, just like the Statute of Religious Freedom as a national concept.

Regardless, you get to this issue that Ms. Massimino brought up. You did not number your pages, but you are talking about the United States providing a substantial amount of financial assistance to the Chinese as well as training to the Chinese to assist them in combatting alien smuggling and illegal migration. Now, why are we providing that? What is the problem in China with illegal migration and alien smuggling that the United States would be providing any taxpayer dollars for that?

Ms. MASSIMINO. That, Senator, was initiated and stepped up after situations like the Golden Venture boat that brought more than 300, I think, Chinese to New York Harbor, and many of them fleeing, of course, family planning policies of the PRC.

Senator ALLEN. Otherwise known as forced abortion for having more than one child.

Ms. MASSIMINO. Exactly, enforced sterilization. The Clinton administration launched a program of training of Chinese law enforcement and assistance to help the Chinese prevent people from leaving in boats to come to the United States, to be blunt. I have not been able to get the kind of assurances I would want from our government that that aid is being monitored closely enough to make sure—I mean, this category, alien smuggling and illegal migrants, from the Chinese perspective, as we have heard today, the Chinese would view that as applicable to North Korean refugees coming across the border.

So I am just concerned, and I would hope that is not happening and I would want to make sure that we are monitoring that aid and that all parts of our government are kind of talking together about that to make sure that that is not happening.

Senator ALLEN. Thank you for bringing that to my attention. It was something I was completely unaware of until you brought it up. I think that whole program ought to be reviewed, period. If it is going to continue, we need to properly monitor it.

I thank you all, and I especially want to thank Senator Brownback for his great leadership on this. We are going to work together. We both do serve on the Foreign Relations Committee, as well, so from various angles, we want to work to make sure that people of North Korea hopefully some day soon will enjoy basic human rights. Most importantly, we need to move as expeditiously as possible to alleviate the suffering and have people settled, hopefully in South Korea, maybe Mongolia, and some in the United States. We all need to do our part, and I thank you all for your commitment to these wonderful principles.

You have two Senators here, and I believe also Senator Kennedy, as well, to make sure the American people know what is going on in North Korea. We will be advocates alongside of you. Thank you all so much.

Senator BROWNBACK. That is excellent. Thank you, Senator Allen. This is an excellent panel.

I was reading in Isaiah the other day and the prophet was noting that people's prayers were not being answered, and they were fast-

ing and they were not being answered, and the prophet responded, "Is this not the fast that I have chosen to loose the bonds of wickedness, to undo the heavy burdens, to let the oppressed go free, and that you break every yoke. Is it not to share your bread with the hungry and that you bring to your house the poor who are cast out. If you want to have your prayers answered, that is the fast that I want, is that you would do those things." I think that is pretty good advice to us, as well.

I want to thank the panelists for being here. I think it has been an excellent, illuminating hearing, certainly for me.

I want to note a couple of things will be made a part of the record. The first is Ms. Jung Yoon Kim, producer of "Shadows and Whispers," a documentary on North Korean refugees living in China that was shown on ABC News "Nightline" as a three-part series a few weeks back, she has a statement for the record.

Senator BROWNBACK. The second is a statement for the record from UNHCR.

Finally, I would like to ask that a letter from World Relief, a subsidiary of the National Association of Evangelicals, be made a part of the record. This letter notes World Relief's willingness to assist with resettling refugees from North Korea.

The record will remain open the requisite number of days for additional comments.

The hearing is adjourned.

[Whereupon, at 1:08 p.m., the subcommittee was adjourned.]

[Submissions for the record follow.]

SUBMISSIONS FOR THE RECORD

Statement of Senator George Allen (VA)
Judiciary Committee
Subcommittee on Immigration
"Examining the Plight of Refugees: The Case of North Korea"
June 21, 2002, 10:00am, SD 226

- Thank you Mr. Chairman and Mr. Ranking Member for allowing me to be part of this today's hearing.

- I have a deep concern for the events occurring in North Korea and to North Korean refugees, and I look forward to hearing from today's distinguished witnesses.

    - I welcome all of you and thank you for being here today.

- Today's panels offer a diverse perspective on the plight of refugees.

    - We will hear from those dealing with this issue at a personal level because you have experienced first-hand the oppressive North Korean regime and those speaking on behalf of organizations seeking to aid North Korean refugees.

    - Your testimony will help us gain a much better understanding of the issues at hand and what steps the U.S. can take.

- North Korea is a sad, but accurate illustration of an oppressive government that does not value democracy, human rights or freedom.

Prepared By: Kristin Elder

- As you all know, the conditions in North Korea are difficult: outside food sources that actually make it into the country are often seized by the government resulting in widespread hunger, the economy has faltered severely, and there is persecution by the government of individuals expressing differing political or religious views.

    - All of these conditions have led to many North Koreans seeking asylum in other countries.

- It is estimated that over 300,000 North Koreans have attempted to seek refuge in China.

- Since March of this year, China has allowed 38 North Koreans who made it into diplomatic facilities in China to seek refuge in South Korea, and for this, we are grateful.

- There is a steady steam of North Koreans attempting to seek asylum in other countries, China in particular.

- Just last month we had the case of five North Korean family members detained by Chinese authorities after attempting to seek asylum at the Japanese Consulate in Shenyang, China and three North Korean refugees attempting to seek asylum in the South Korean Embassy in Beijing.

- But cases such as the ones I just mentioned happen regularly.

- Just last Thursday China refused to return a North Korean asylum-seeker who was removed from a South Korean Consulate in China despite the objections of South Korean officials.

- Three weeks ago, China demanded for the first time that South Korea turn over to Chinese authority four asylum-seekers who had made it into the South Korean Consulate.

- North Korean refugees returned back to North Korea face certain detention in prison camps or even death.

- North Korea is a highly-centralized Communist State with which the United States does not maintain diplomatic or consular relations.

- I believe in giving people the freedom to choose the type of government they want to represent them, especially when their government is oppressive or tyrannical.

- As Thomas Jefferson said, "The preeminence of representative government is maintained by showing that its foundations are laid in reason, in right, and in general good" [Thomas Jefferson to William Duane, 1810]

    - North Korea's government is most certainly not rooted in reason and the presence of the terrible conditions from which so many refugees are fleeing proves that this government is neither right nor good.

- If North Korea is looking for a road map to freedom and prosperity for the North Korean people, it need look no further than the words and principles of freedom written by George Mason in the Virginia Declaration of Rights.

    - "Article 3: The government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration. And that, when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefensible right to reform, alter, or abolish it, in such a manner as shall be judged most conducive to the public weal."

- Again, I look forward to hearing from today's witnesses, and I thank the Chairman and Ranking Member for allowing me to be part of today's hearing.

Prepared By: Kristin Elder

Statement of Senator Brownback
Immigration Subcommittee
June 21, 2002

Thank you Mr. Chairman. In the interest of time, I would like to ask that my full statement be made a part of the record.

The purpose of this hearing should be clear and its message direct. The North Korean refugee crisis has been neglected for too long, partly because many – including the Chinese government and others – wish it would just go away. As the graphic reports of North Korean asylum bids at foreign embassies show, this problem will only continue to escalate.

As you know, Mr. Chairman, our resolution on North Korea unanimously passed the Senate this week. That resolution expresses four key points that should serve as guiding principles for us in this

hearing:

First, forced repatriation of the North Korean refugees constitutes a violation of international law. Therefore, the Chinese government should immediately stop the forced repatriation of North Korean refugees.

Second, the Chinese government should allow the international community to provide open and direct assistance such as medical aid and proper facilities to these North Korean refugees.

Third, the United Nations, with the cooperation of the Chinese Government, should immediately conduct an investigation of the conditions of the North Korean refugees as soon as possible.

And fourth, North Korean refugees should be given legal refugee status in accordance with international law.

Regarding that last point, I am reviewing various legislative options, including one that parallels a law from the early 1990s that helped thousands of Soviet Jews and other persecuted ethnic and religious refugees caught in the breakup of the Soviet Union. I am grateful to many in the refugee advocacy community who have offered their support in helping us craft a bill or an initiative that may similarly help North Korean refugees. These organizations, many of which were involved with the legislation back in 1990, include the Hebrew Immigrants Aid Society, the Lawyers Committee for Human Rights, the South East Asian Resource Action Center, the National Association of Korean Americans, the U.S. Committee on Refugees, and the Project for International Religious Liberty of the Hudson Institute, among others.

Let me also add that my office received word last night that a number of leading refugee advocacy groups are ready to immediately assess assistance needs and relief programs if and when a North Korean refugee processing initiative is started in China. These groups include Doctors Without Borders, which I understand withdrew from North Korea a few years ago, the Citizens' Alliance for North Korean Human Rights, one of the leading groups involved with North Korean refugees, Life Funds for North Korean Refugees based in Japan, the Korean Peninsula Peace Project, and others.

North Korea is today's "killing field" where millions of people considered as politically hostile or agitators – or just being innocent children – starve to death while those in power enjoy luxurious

lifestyles, spending billions of dollars on weapons and actively engaging in the proliferation of weapons of mass destruction.

Former President Ronald Reagan stated our nation's tradition best when he said: "A hungry child knows no politics." While every famine is complicated by politics, the North Korean famine is the most complicated politically that many of us have seen in a long time. Politics is killing people. Literally.

How the U.S. and the world community can most effectively express its sympathy and concern for the North Korean people, including refugees in China, is the issue before us today.

If I may, I would also like to warmly welcome our distinguished witnesses, two of whom, Ms. Soon Ok Lee, a North Korean prison camp survivor, and Dr. Norbert Vollertsen, an

activist on behalf of North Korean refugees, traveled here from Seoul, South Korea. I would also like to welcome Ms. Helie Lee ("Hay-Lee Lee"), whose recently published memoir about her successful effort to bring her uncle out of North Korea highlights the largely hidden and painful secret among many Korean Americans who still have family members trapped in North Korea and China. I look forward to working with you Mr. Chairman on some legislative vehicle to help the North Korean refugees.

Again, thank you Mr. Chairman, and I look forward to hearing from the panelists.

Ambassador J. William Middendorf, II
Chairman

Suzanne Scholte
President

Subcommittee on Immigration, Senate Judiciary Committee
June 21, 2002

Testimony Submitted by Suzanne Scholte

President of the Defense Forum Foundation, the U.S. partner of the Citizens Alliance for North Korean Human Rights (Seoul) and the Society to Help Returnees to North Korea (Tokyo), and Secretary of the U.S. Committee for Human Rights in North Korea.

Thank you for the opportunity to submit this testimony regarding the situation facing the North Korean refugees in China. I want to express my deep gratitude to Senators Ted Kennedy and Sam Brownback and others who are responding to the most under-reported human rights tragedy the world faces today. I will address the situation facing North Korean refugees and then, highlight three immediate priorities and three long-term priorities to address this situation while exposing the weaknesses in arguments being put forward by some individuals in various governments against the actions that should be taken.

Because of the famine in North Korea, North Koreans have fled their own country in droves seeking food. Because China will not allow the UN High Commissioner for Refugees to visit the North Korea/China border, the estimates vary widely as to the number of refugees with conservative estimates at 50,000 but some NGOs reporting the number as high as 300,000.

How does China treat these starving, malnourished, terrified men, women and children who flee to their country as a last desperate hope for survival? It puts a price on their heads, and it penalizes its own citizens if any one of them offers food or shelter while rewarding people for turning them in.

The North Koreans must hide in caves, in holes in the ground, in safe houses in utter terror. Some are constantly on the move going from town to town trying to stay ahead of the Chinese police. Orphan children scavenge in the streets begging for food and sleep on roofs and in alleys at night.

China knows that to return these defectors to North Korea is to guarantee their imprisonment, torture, and possible death, but it continues to repatriate them in violation of the international documents that it has signed. China calls them "economic migrants," but as Seung-yong Lee, of the humanitarian organization Good Friends, has stated: "Their flight to China is their last resort for survival not a means to accumulate wealth. The simple crossing of the river makes them political offenders regardless of their initial motivation."

Because it is a crime in North Korea to leave the country without permission or to complain about the food situation, these North Koreans are automatically guilty of a crime against the state for their simple desire to survive.

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According to field surveys conducted by the Citizens Alliance and Good Friends on these refugees:

-- over 50 percent of the women have been subjected to some form of human trafficking, sold as wives to Chinese farmers, sold as sex slaves to brothels, sexually exploited and subjected to hard labor;

-- of the refugee children, 22% are orphans, 26% have parents suffering from serious disease, and 38% had single parents incapable of caring for them

It is a monstrous tragedy that those who seek to help these refugees must work in secret, must work in fear of being jailed for trying to feed the starving and give refuge to the orphan.

You have on the one hand a refugee population in desperate need of assistance and on the other hand a humanitarian community willing to provide that assistance at great personal sacrifice and risk. Yet, the policy of the government of China is to persecute both groups.

Now, some would say that we should keep quiet, that we should not speak out about this situation because it is forcing the government of China to increase its repression. That is simply not factually incorrect. The repatriations have been occurring for years. One group of seven North Korean refugees was actually granted refugee status by the UNHCR in December, 1999, yet China forcibly returned them to North Korea in January 2000.

I know that there are heroes, who must remain nameless, in the Chinese government and among the Chinese and North Korean border patrol who purposely look the other way to avoid having to imprison North Korean refugees, but this is the exception. The norm is repression: on-going and systematic. It is not a new policy. It is the government of China's policy, and the situation is getting more and more desperate. Again and again, we hear the same cry from the North Korean refugees: "We will kill ourselves if you make us go back to North Korea."

First, to respond to this human tragedy, we must call on the governments of the United States, Korea, and Japan to honor requests for all North Korean asylum seekers. You would think that this was an obvious solution, but you would be shocked and appalled to hear the horror stories of North Korean refugees like Soon Ok Lee and Chul Hwan Kang. Lee tried to defect in 1995, and Kang tried to defect in 1992, via the South Korean embassy, and both were turned away.

These individuals were two of only seven survivors of North Korea's political prisoner camps. Yet, when they tried to defect to South Korea, the South Korean embassy turned them away knowing that they would be executed if they were returned to North Korea.

Knowing that the one country that understands their language may not help them has led North Koreans to further desperation, forcing them to seek asylum in German, Spanish, Japanese, Canadian and American embassy and consulate offices.

Regarding the Kim Han Mee family's attempted defection to the Japanese consulate office in Shenyang last month, the outcry by the Japanese government and the Japanese people demanding their return saved their

lives. This case was unprecedented because it was the first time the Chinese had North Korean refugees in their custody and allowed them to go to a third country.

Second, to respond to the immediate humanitarian crisis, the U.S. Congress needs to earmark funding specifically for a refugee camp for North Korean refugees. We need to unite the starving and desperate with those willing to feed and comfort them. I am submitting letters from organizations based in South Korea, Japan, Europe and the United States expressing a willingness to support such an effort and back the U.S. Congress for earmarking funding for a refugee camp.

A few excerpts from these letters:

From Benjamin Yoon of the Citizens Alliance for North Korean Human Rights based in Seoul: "Your proposal to set up a North Korean refugee camp with the support of the US Congress casts a light of hope for all of us...You have our most heartfelt assurance and commitment that we will put all our efforts and render both our human and financial resources to the project."

From Kenkichi Nakadaira of Life Funds for the North Korean Refugees based in Tokyo: "If you can take the initiative and pave the way to arranging the financing, we as a Japanese humanitarian group are quite willing to join the resulting program...We, the Life Fund for North Korean Refugees commit ourselves to providing full support of the plan for opening a refugee camp and will actively engage in helping to maintain, manage and support the camp once it is opened. In addition we will be appealing to the Japanese government and Japanese people to join us in our efforts."

From Sophie Delaunay of Doctors Without Borders based in Paris: "Whenever a resettlement camp will be officially agreed upon for the North Koreans, Medecins Sans Frontiers will be ready to assess the needs for assistance and consider a relief program that would both help the needs of North Korean asylum seekers and MSF qualifications and humanitarian principles."

I am submitting six letters from well-respected humanitarian organizations that have been involved in helping the North Korean refugees for many years. Each letter endorses the refugee camp idea and each organization pledges support for the North Korean refugee camp. Because of the great stature of the individuals listed here and the respect held for each of these groups, each is capable of bringing in many other organizations.

Aegis Foundation from President Dr. Jae Nam (based in USA)
Coalition for Human Rights of the Kidnapped and Defectors from North Korea, Pastor Lee Seo (based in Seoul)
Citizens Alliance for North Korean Human Rights, Reverend Benjamin Yoon (based in Seoul)
Korean Peninsula Peace Project, Pastor Douglas Shin (based in Los Angeles)
Life Funds for the North Korean Refugees, Representative Kenkichi Nakadaira (based in Tokyo)
Medecins Sans Frontiers (Doctors without Borders) Seoul representative Sophie Delaunay

A refugee camp is vitally needed to respond to the immediate humanitarian crisis. Some in government will oppose this because they want to maintain the status quo. They fear it will lead to a flood of refugees and

the possible collapse of the North Korean regime. Each day the North Korean regime commits murder against its own citizens. Today, by extremely conservative estimates, 42 people will die in the North Korean political prisoner camps and another 391 people will die from starvation from a famine caused by government policies. Do we really want to maintain this status quo?

Third, we must demand that China stop all repatriations of North Korean refugees, and we must demand that China allow the UNHCR access to the country. It is in China's economic interest to comply with this request. China must choose between access to the Free World's markets or propping up an evil, corrupt, totalitarian hell.

If the United States government is not willing to use economic leverage to make China comply with the international treaties it has signed, then all free people in the world should call for an international boycott of every single product made in China.

Now, for long term solutions. Some in our government, some in Japan, Korea, and China fear a regime collapse. Instead, we should prepare for it. The North Korean regime cannot sustain itself. It has only been able to maintain power through the misuse of humanitarian aid from countries like ours who with deep concern over starving children, provide food that feeds their military and their elite.

First, we should end all aid to North Korea unless we are there to see it consumed. It is interesting to note that North Korea will not allow volunteers who speak Korean to serve as aid workers with the World Food Program. This condition speaks volumes about this regime's desire to control and divert humanitarian aid. It is also interesting to note that 100% of the North Korean refugees in China tell us that they never saw a single bit of our humanitarian aid. We have heard it from well-respected humanitarian organizations, we have heard it from every North Korean defector, whether a former Army Colonel or a former government worker: the aid is being used to maintain Kim Jong-il's regime.

I support humanitarian aid, but it should not be provided unless we are allowed to see it consumed. Otherwise, we simply become a party to the subjugation and repression of the North Korean people.

Second, we should support and expand Radio Free Asia. And call for free elections in North Korea. North Koreans will not understand what this means. But utilizing and supporting Radio Free Asia, we should employ North Korean defectors to help with the existing RFA programs broadcasting into North Korea about the free world.

RFA has been tremendously successful in spreading the truth. We know that while defectors tell us they never saw any humanitarian aid, fifty percent said they listened to Radio Free Asia.

Third, we should continue to raise the human rights issues every time we talk about North Korea. Defectors will tell you that even the regime of Kim Jong-ill is not immune from the outcries of the international community about the repression of its own people.

I am deeply grateful for your allowing me to submit this testimony and the accompanying letters. Thank you for what you are doing to save the lives of the North Korean people.

AEGIS Foundation

3531 Laurel Leaf Ln. Fairfax, VA 22031 703-855-4571(v), 703-204-1479 (f)

June 18, 2002

Ms. Suzanne Scholte
President
Defense Forum Foundation
3014 Castle Road
Falls Church, VA 22042

Dear Ms. Scholte;

As you are aware, there are at least 100,000 North Korean refugees in China whose lives are in jeopardy. They have escaped from North Korea for political and religious freedom, as well as freedom from hunger. They are currently suffering from extreme poverty and uncertainty, and are being repatriated to North Korea for harsh treatment.

Since they have not been able to find the safety in China they are looking for, the refugees have bombarded foreign embassies and consulates in order to seek asylum status to go to other countries (including South Korea). As we all know from current media coverage, China has been handling these North Korean refugees case by case, allowing a few to go to third countries while most of the refugees are being repatriated to North Korea and eventually to labor camps, where living conditions are unimaginably inhumane.

Setting up refugee camps in third countries are widely considered to be the best solutions to this situation. Many NGOs around the world are working hard to make this happen. I, as the president of the AEGIS Foundation, would like to express our intentions to be involved, wishes to contribute our efforts, and even our willingness to take a leading role in setting up refugee camps in coordination with other NGOs from around the world.

Also, I would like to thank you for the hard work that the Defense Forum Foundation has done to help North Korean refugees through all of these years.

Sincerely
Dr. Jae J. Nam

President
AEGIS Foundation

Dear Suzanne,

Pastor Seo from C.H.N.K.(Coalition for Human Rights of the Kidnapped and Defectors from North Korea) faxed me a supporting letter for the establishment of Refugee Camp.

1. explaining their activities and functions in the past such as public announcement to the South Korea Government, North Korea government, China and U.N. and performed variety activities such as rescuing arrested NK refugees and Aid helpers/ provide underground railroads etc.

2. CHNK give more than welcome for the idea of setting up a refugee camp in China or in Third Country and also they are willing to participate financially and also will provide human resources.

Signed by Lee Seo
President

2002-06-20 12:05 FROM: TO:00817038213212 P:1

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Suzanne Scholte
Defense Forum Foundation
3014 Castle Road, Falls Church
Virgina 22044, USA

June 20, 2002

Dear Suzanne Scholte,

Citizens' Alliance for North Korean Human Rights (NKHR) has been vigorously promoting various activities both domestically and internationally since its foundation in 1996 to improve the human rights conditions in North Korea and to provide assistance to the North Korean refugees who have fled to the neighboring countries in desperate search of food or/and freedom.

NKHR, along with our devoted international partners, has been endeavoring to create a more favorable environment internationally for the North Korean refugees, calling upon the support and help from the international community to stop the forcible repatriation of those North Korean refugees and to direct more attention and assistance of the international humanitarian groups to the North Korean refugees in their plight, especially the children and women.

Thanks to the concerted efforts by many NGOs and individual advocates sympathetic to the issue, the North Korean refugees are finally drawing keen attention from a wide range of the international community for the first time. But, still there are not many policy options available encountered by various obstacles.

In this light, your proposal to set up a North Korean refugee camp with the support of the U.S. Congress casts a light of hope for all of us. I don't have to mention how much we have appreciated your enthusiastic support and dedication in the cause of protecting North Korean people as our U.S. partner over the past couple of years. Now, you have our most heartfelt assurance and commitment that we will put all our efforts and render both our human and financial resources to the project.

Yours sincerely,

Benjamin H. Yoon
Representative, Citizens' Alliance for North Korean Human Rights (NKHR)

Korean Peninsula Peace Project
3130 Wilshire Blvd. Suite 300, Los Angeles, CA 90010
(213) 381-7172, (562) 458-5744, (562) 402-8111

Suzanne Scholte, President
Defense Forum Foundation
3014 Castle Road
Falls Church, Virginia 22044

June 20, 2002

Dear Ms. Scholte:

I am at once unbearably excited and rejoicing to hear the good news about the US Congress being able to provide fund for the refugee camp for my brethren North Koreans in plight.

As you know and the attached one-page brochure explains, I myself, through a network called Exodus 21, and my NGO, Korean Peninsula Peace Project, a California non-profit corporation, have been pursuing similar goals. If your project materializes, I will do my best to bring all necessary help for successful operation of such a refugee camp, preferably in Mongolia, through following contacts which I have personally developed and so far have showed unwavering support for our common cause:

1. Medical assistance through Yonsei University College of Medicine in Seoul;
2. Manpower assistance through numerous Mongolian NGOs and individuals sharing sympathy with the North Korean refugees; and
3. Financial support through fundraising campaigns in the US and in South Korea.

Thank you for your dedication to the cause and may God bless your endeavor.

In Christ,

Douglas E. Shin, pastor
Exodus 21
Korean Peninsula Peace Project

Korean Peninsula Peace Project
3130 Wilshire Blvd. Suite 300, Los Angeles, CA 90010
(213) 381-7172, (562) 458-5744, (562) 402-8111

The Korean Peninsula Peace Project (K.P.P.P.) strives to promote peace and prevent war on the Korean Peninsula by minimizing confrontation, maximizing peaceable resolution of conflicts, and actively engaging in ways to enhance human rights and spiritual welfare of the North Korean people all over the world.

한반도 평화 프로젝트(K.P.P.P.)는 한반도에서의 전쟁을 예방하고 평화를 증진하고자 하는 취지에서, 대립을 최소한으로 줄이고, 갈등의 평화적 해결을 최대한으로 모색하며, 전세계 북한인들의 인권과 정신적복리 증진을 위한 일에 적극적으로 개입하기 위해 설립된 비영리 법인입니다.

The Korean Peninsula Peace Project (K.P.P.P.) plans to engage in the following activities during the immediate future:

- Educate public general and create desirable public opinion regarding the current issues involving Korean Peninsula by hosting seminars, classes, press conferences, and other public events;
- Help North Korean defectors/escapees in various parts of the world with obtaining refugee status, resettlement in the country of their choice, and survival in dire situations;
- Set up, operate, and help UNHCR and NGOs with setting up and operating, shelters, refugee camps, and other communities for the North Korean defectors/escapees;
- Train, send, and support Christian missionaries and humanitarian workers for the North Korean people in and out of Democratic People's Republic of Korea; and
- Network with other NGOs and UN agencies in order to pursue the common goal of aiding North Korean people in and out of Democratic People's Republic of Korea.

한반도 평화 프로젝트(K.P.P.P.)는 올해 다음과 같은 사업들을 계획하고 있습니다:

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- 세계 곳곳의 탈북자들을 도와 그들이 난민자위를 얻고, 원하는 나라에 정착하며, 절박한 상황에서 살아남을 수 있도록 돕는 일;
- 탈북자들을 도와 피난처, 난민촌, 기타 공동체를 세우고 운영하며, UNHCR과 NGO들로 하여금 그와 같은 시설을 세우거나 운영하도록 돕는 일;
- 북한내외에 있는 북한인들을 돕고자 하는 선교사나 인도주의 일꾼들을 훈련시키고, 파송하며, 지원하는 일; 그리고
- 북한내외에 있는 북한인들을 돕고자 하는 공동의 목표를 추구하기 위해 다른 NGO들이나 UN기구들과의 네트워킹

한반도 평화 프로젝트(K.P.P.P.)는 4월 9일부터 6월 25일까지 매주 화요일 오후 7시에 시작해서 10시에 끝나는 제 2기 북한선교 학교의 등록을 받고 있습니다. 수강료는 $150 입니다.

한반도 평화 프로젝트(K.P.P.P.)는 또한 몽골에 탈북자 난민촌을 세우는 일에 헌신하고자 하는 사람들을 Exodus 21 이라는 이름 아래 모으고 있습니다.

June 20, 2002
Ms. Suzanne Scholte
President
Defense Forum Foundation

Dear Ms. Suzanne Scholte,

We, the Japanese NGO, Life Funds for North Korean Refugees (LFNKR), acting to help North Korean refugees at the North Korea-China border, deeply appreciate your activity for appealing to the US Congress to set up a Refugee Camp for North Koreans. The involvement of you and the US Congress in solving the human rights problem of North Korean refugees is deeply appreciated. We of course are committed to providing the fullest possible support once the camp has been set up. For more than four years we have been engaged in the rescue of North Korean defectors and attempting the UNHCR to certify them as real refugees. The idea of the refugee camp for the North Koreans means a great step toward solution of the problem.

We understand that candidate locations for the camp include China, Mongolia, and Russia. Our own experience suggests that Mongolia would be good for this, because in 1999 we once proposed this idea to the UNHCR Office in Beijing and to Mr. D. GEREL, Counselor of the Mongolian Embassy in Tokyo. Both of these concerned bodies showed interest. However, we received no positive response from either of them at that time.

If the Mongolian government accepts the idea, there are still good disused abandoned military barracks and officers' apartment facilities in that country, which the Russian Army left following the withdrawal of the Soviet Armed Forces of Russia. Our impression was that there would be sufficient numbers for accommodating North Korean refugees. Expenses for the facilities for North Korean refugees will only involve partial repairs, as it will not be necessary to construct new buildings. In addition, Mongolia can expect an economic advantage from providing food, water and energy.

Furthermore, Mongolia, if that country agrees to accept North Korean refugees, will gain positive international

attention for making this humanitarian decision and for respecting human rights.

Ms. Scholte, if you can take the initiative and pave the way to arranging the financing, we as a Japanese humanitarian group are quite willing to join the resulting program. We are ready to commit to help, every inch of the way, to bring a solution of the North Korean refugee problem, drawing upon our own several years of experience and know-how. For your reference, if we decide that we need extra help in the future, we will definitely be able to receive great help from Korean missionaries studying in Japan, who are willing to help those North Korean refugees.

In Japan, since the recent incident when the North Korean refugees dashed into the Japanese Consulate in Shenyang, we are witnessing a great peak of interest among Japanese citizens with respect to the North Korean refugee issue. Actually, we have been meeting with Diet members and journalists in efforts to help them expedite improvements in the situation of North Korean refugees. Again, we, the Life Funds for North Korean Refugees, commit ourselves to providing full support of the plan for opening a refugee camp, and will actively engage in helping to maintain, manage, and support the camp once it has been opened. In addition, we will be appealing to the Japanese government and Japanese people to join us in our efforts.

I appreciate your efforts and expect a positive outcome.

Best Regards,
Kenkichi Nakadaira
Representative
Life Funds for North Korean Refugees
A-101 Nishikata Bunkyo-Ku Tokyo
113-0024 Japan
Tel/Fax 03-3815-8127
E-mail nkkikin@hotmail.com
http://www.northkoreanrefugees.com/

MEDECINS SANS FRONTIERES
국경없는 의사회

Seoul, June 17th, 2002

Dear Suzanne,

Thank you for your kind letter. I was recently briefed by your partner on this resettlement camp. From what I understand, discussions are hold at high level to allow North Korean asylum seekers to set up in a third country. There they would either apply for refugee status with UNHCR or would choose to set up in the country itself where they would be granted temporary residence. It is still not clear for us how they will be able to reach this place safely, and what kind of status they may benefit from once they reach this "sanctuary", but I am sure that you are working on it and I hope we can share information on this aspect. We are very happy to see that some actions are taken to ensure protection of the North Korean people who decide to leave their country. Whenever a resettlement camp will be officially agreed for the North Koreans, Médecins Sans Frontières will be ready to assess the needs for assistance and consider a relief programme that would both meet the needs of North Korean asylum seekers and MSF qualifications and humanitarian principles.

From what we know, ACF (Action Against Hunger) is still exploring ways of assistance to the North Koreans. It might thus be interested in hearing about this scheme. The contact person on the subject is Jean-Fabrice Pietri in Paris.

Dear Suzanne, I wish you lots of success for this challenging project. Looking forward to hearing from you.

Kind regards

Sophie Delaunay
Médecins Sans Frontières in Seoul

MEDECINS SANS FRONTIERES M.S.F.

Statement of Assistant Secretary Arthur E. Dewey,
Bureau of Population, Refugees, and Migration
Senate Judiciary Subcommittee on Immigration
Examining the Plight of Refugees:
The Case of the North Koreans

June 21, 2002

Mr. Chairman and Members of the Committee, thank you for the opportunity to appear before you today to express my concern for the people of North Korea and testify on refugee admissions policy to the United States, specifically highlighting the plight of North Korean asylum seekers in the People's Republic of China.

As you know, the Democratic People's Republic of Korea (DPRK) is among the most repressive regimes in the world. The closed nature of the North Korean regime makes it difficult to obtain information on the conditions inside the country. But the few reports that make it out of this closed country paint a shocking, often horrifying, picture of brutality, oppression, injustice and deprivation. In North Korea, individual rights are subordinated to the State and Party. The regime cites the "threatening environment" to justify its repression of individuals, stressing the need for a strong central state and military to defend against "imperialist" enemies. In the regime's interpretation, the State and the will of the people are manifested in the person of the supreme leader. There is no tolerance for criticism of the State or its leader and accordingly no freedom of expression, assembly or belief. The regime uses repression and a pervasive surveillance network to intimidate and control the population.

As President Bush said during his February 2002 visit to Seoul, "North Korean children should never starve while a massive army is fed. No nation should be a prison for its own people." The DPRK leadership appears willing to accept large amounts of food aid while it pursues its dangerous course of military build-up and the production of weapons of mass destruction.

Accordingly, we remain extremely concerned about the thousands of North Koreans who have crossed into China in search of food and work or to flee persecution. We are aware that China has historically allowed the presence of North Koreans in China and recognize that many seek only temporary shelter in China and then return voluntarily to North Korea. That said, we are also aware that all unauthorized border crossing are crimes that leave returnees vulnerable to persecution Because of this, we are troubled by China's refusal to grant the UN High Commissioner for Refugees (UNHCR) access to the region to determine who among the DPRK migrants may require protection as refugees. We are

particularly concerned by continuing reports that North Korean are being forced back from China to North Korea where they may face harsh punishment and according to some reports, execution.

In recent days, we, as well as other nations, are also faced with a new phenomenon where North Koreans have begun taking desperate measures, including scaling walls of embassies and consulates in Beijing and Shenyang, seeking refuge. Given the heightened security situation throughout the world, you can see how these desperate measures further exacerbate an already distressing and dangerous situation. But I feel it's important to reiterate that there are no guarantees for North Koreans who seek refuge in third country diplomatic compounds and they are putting themselves at great risk. In a post 9-11 world, no diplomatic compound will tolerate unidentified persons breaking through security for any reason. Moreover, it's also important to note that U.S. diplomatic personnel are not authorized to grant asylum to asylum seekers entering a U.S. compound. Under U.S. law, asylum in the United States can be requested only by an applicant who is physically present in the United States or at a U.S. border. It cannot be requested on an individual's behalf, or by a third party. The U.S. does not grant "diplomatic asylum," which the United States does not recognize as a rule of international law.

That said, we are pleased that most cases involving North Koreans have been resolved through bilateral negotiations with the Government of China for onward resettlement to South Korea, where they are entitled to citizenship. Nonetheless, 20 still remain in the South Korean Embassy awaiting safe passage to South Korea and 2 remain in the Canadian Embassy. One person forcibly removed from the South Korean Embassy remains in Chinese hands.

We are also extremely concerned that Chinese police entered uninvited onto the premises of the South Korean Embassy in Beijing. We regard the inviolability of diplomatic and consular premises as a bedrock principle that is essential to the conduct of international relations, and we expect all nations to abide absolutely by their solemn legal obligations regarding such inviolability under the Vienna conventions.

Under normal circumstances where the host government has made it possible for people to claim asylum in-country, and/or allowed UNHCR access to persons of concern to conduct refugee status determinations, a person seeking resettlement in a third country should contact UNHCR, the lead UN organization that handles refugee protection. In most situations, the host government and/or UNHCR are able to address asylum requests, grant refugee status (if warranted), and ensure protection is provided to asylum seekers until their claims have been adjudicated. If

third country resettlement is needed, in most cases U.S. policy is to accept from UNHCR referrals of cases which are then adjudicated by the U.S. Immigration and Naturalization Service (INS) to determine if the person is a refugee and admissible under our law. For security reasons, however, U.S. officials in the field will not consider UNHCR resettlement referrals of North Koreans without prior Department of State and INS approval. This policy has been in effect since the mid-1990s.

The Office of the High Commissioner in Beijing has the mandate to determine what protection or assistance these people may need while in the PRC. We are continuing to urge China to adhere to their international obligations set in the 1967 Protocol relating to the status of refugees and to cooperate with the UNHCR to ensure protection for those DPRK migrants that may qualify for refugee status. The Department is also currently in the midst of a policy review on North Koreans in China.

As far as our refugee admissions program is concerned, I believe you are aware that it was hard hit in the aftermath of September 11, as we made the difficult adjustments to assure its integrity and to ensure our security as a nation. Nonetheless, even in the context of the current war, this Administration remains committed to keeping the door open to refugees.

We currently face a tremendous endeavor - to bring in as many authorized refugees as we can. The challenge will continue into FY 2003 as we maintain our efforts to implement the enhanced security requirements, to protect the integrity of the program, and to improve the quality of refugee reception and placement services in the United States. At the same time, critical life sustaining refugee assistance needs must be met.

Early next week, the Secretary will meet with Members of this Committee for consultation on our refugee admissions program. I certainly welcome the opportunity to explore any ideas you may have, that are not voiced today, in that forum.

In closing, I would like to thank you for the opportunity to testify today. I look forward to working with you now and in the future on this extremely important issue.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Testimony by Felice Gaer, Commissioner
United States Commission on International Religious Freedom

Before the Subcommittee on Immigration
Committee on the Judiciary
of the United States Senate

June 21, 2002

Introduction

Thank you, Mr. Chairman and members of the Subcommittee. My name is Felice Gaer and I serve as a Commissioner of the U.S. Commission on International Religious Freedom. The Commission was created by Congress as an independent government agency through the passage of the International Religious Freedom Act of 1998 (Public Law 105-292). This Act mandates the Commission to monitor religious freedom violations around the world, to review U.S. government policies in response to violations of religious freedom, and to provide "policy recommendations to the President, the Secretary of State, and Congress with respect to matters involving international religious freedom." (IRFA, Title II, Section 202) The President of the United States and leaders of both the Senate and the House of Representatives appoint the members of the Commission.

I wish to thank the Subcommittee for holding this hearing and for inviting the Commission to testify today on the conditions of religious freedom and associated human rights for the North Korean people, including refugees. Indeed, the plight of the North Korean refugees is closely tied to the deplorable human rights and economic conditions in that country. In this regard, I would also like to commend you, Mr. Chairman, and Senator Brownback for your efforts in the Senate's passage of a resolution on North Korean refugees.

Mr. Chairman, the people of North Korea are perhaps the least free people on earth, barely surviving under a totalitarian regime that denies basic human rights and dignity and lets them starve while pursuing military might and weapons of mass destruction. By all accounts, there are no protections for human rights or personal freedoms of any kind in North Korea. Religious freedom does not exist, and what little religious activity the government permits is reportedly staged for foreign visitors. Thus, in a August 2001 letter to Secretary Powell, the Commission recommended that North Korea be named a "Country of Particular Concern" (CPC). In October 2001, Secretary Powell followed the Commission's recommendation and listed North Korea as a CPC.

Michael K. Young, Chair • Felice D. Gaer • Firuz Kazemzadeh • Richard Land • Bishop William F. Murphy • Leila Nadya Sadat • Nina Shea • The Hon. Charles R. Stith • The Hon. Shirin R. Tahir-Kheli • Ambassador at Large John Hanford III
Tad Stahnke, Acting Executive Director

Religion has played an important role throughout the history of North Korea. Buddhism was introduced to Korea around the fourth century, A.D. Before 1953, Pyongyang was the center of Christianity on the Korean Peninsula. Yet, after the Korean War, the North Korean government harshly repressed religious practice, and large numbers of religiously active persons were killed or sent to concentration camps.[1] Since the founding of the Democratic People's Republic of Korea (DPRK), 2,000 churches have reportedly been confiscated by the government.[2] The government also co-opted the already weakened Buddhist faith and has maintained some of its temples as "national treasures."[3] At the same time that the government suppressed religions, it instituted the state ideology of *Juché*, which emphasizes, among other things, the worship of Kim Il-Sung, the country's founder.[4]

Today, the North Korean state continues its practice of severely repressing public and private religious activities, including arresting and imprisoning – and in some cases torturing and executing – persons engaged in such activities.[5] The Commission has received reports that North Koreans who engage in religious proselytizing or other unauthorized religious activities have been arrested and imprisoned, despite the DPRK government's claims that its citizens have the right to "have or refused to have religious ceremonies individually or collectively in an open or closed way" and "to teach religion."[6] In addition, the State Department reports that in recent years, the regime has paid particular attention in its crackdown to those religious persons with ties to overseas evangelical groups operating across the border in China.[7]

According to one press report, an estimated 6,000 Christians are incarcerated in "Prison No. 15" located in the northern part of the country.[8] The State Department, as well as eyewitnesses who have testified before Congress and the Commission, report that prisoners held because of their religious beliefs are treated worse than other inmates.[9] For example, religious prisoners, especially Christians, are reportedly given the most dangerous tasks while in prison. In addition, they are subject to constant abuse from prison officials in an effort to force them to renounce their faith.[10] When they refuse, these religious prisoners are often beaten and sometimes tortured to death.

North Korea is also a humanitarian disaster of unimaginable proportions. Failed economic policies and natural disasters have reportedly left at least 1 million or more North Koreans dead from starvation and disease in the last 10 years, and there may be countless millions more, particularly children, who are stunted in both their mental and physical growth. As awful as the physical toll has been, the deprivation of the human spirit is even greater. Simply put, there is no freedom of religion, of belief, of practice, or of the right to profess one's faith. The lack of access to religious and humanitarian non-governmental organizations, as well as the United Nations High Commissioner for Refugees further exacerbates this crisis.

The situation is so bad that tens of thousands of North Koreans have fled into China for relief. There they are often met by Western relief organizations and Christian groups from South Korea. Some refugees return home to North Korea after obtaining food or money as illegal laborers; anyone suspected of having contact with Christian organizations is detained. Many disappear and are never heard from again.

Notwithstanding the efforts of many who are devoted to helping North Koreans, the international community – governments and human rights groups –until now has paid woefully little attention to the desperate plight of the North Korean people. This lack of attention has effectively given a "pass" to the ruling regime as it flagrantly violates human rights and brutalizes its population.

Because U.S. relations with North Korea are so limited at the present time, there are very few channels for discussion of any of these issues with the North Korean government. Nevertheless, the U.S. government should not wait for discussions to resume before it takes actions to address the terrible conditions facing the North Korean people. It must bring international awareness to conditions inside North Korea and alleviate the plight of North Koreans, including refugees. At such time when dialogue with North Korea resumes, the United States must press for improvements in the delivery and monitoring of humanitarian aid, as well as for monitoring of human rights abuses.

Such an opportunity could become available soon. In early April 2002, North Korean officials reportedly indicated their willingness to resume talks with the United States. Since then, the State Department has reportedly been negotiating with the North Korean diplomats in New York for a visit to Pyongyang by Ambassador Jack Pritchard, the U.S. Special Envoy for Negotiations with the Democratic People's Republic of Korea. The Commission urges the U.S. government to take advantage of any talks to raise U.S. concerns about human rights and the humanitarian situation in North Korea.

The Commission has focused considerable attention on the situation in North Korea. In January 2002, the Commission held a public hearing in Washington and heard harrowing testimony on the situation in North Korea from witnesses on human rights conditions in the DPRK, experts on U.S.-North Korean relations, and human rights advocates. The Commission has also had extensive consultations with experts on U.S. policy, including current and former senior U.S. officials. In addition, Commission Chair Michael Young and Commission staff have made visits to both South Korea and Japan and interviewed those with first-hand knowledge of conditions inside North Korea, including North Korean refugees.

As mandated by law, each year, the Commission issues a report to the President and the Congress on its findings and recommendations. In April 2002, the Commission released its report and recommendations on North Korea. The main recommendations of this report fall under three general headings: pursuing an international initiative against human rights violations, protecting North Korean refugees, and advancing human rights through bilateral contacts. I will describe them, with particular focus on the Commission's findings and recommendations regarding the situation facing the North Korean refugees.

Commission Recommendations

I. International initiative.

In light of the dire human rights conditions in North Korea, the United States should launch a major initiative to expose human rights abuses within North Korea and to

educate the international community about what is occurring there. As the collection and presentation of information is key to this effort, Congress should make funds available for independent experts to conduct an objective, comprehensive study of the human rights conditions in North Korea. At the same time, the State Department should expand its capability to collect information and monitor conditions on human rights in North Korea.

Congress should expand its support for non-governmental organizations (NGOs) that are committed to documenting and exposing the deplorable conditions of human rights in that country and for activities to raise international awareness about the human rights abuses in North Korea. The U.S. government must also use multilateral diplomacy to advance the protection of human rights in North Korea. The United States should utilize the Trilateral Coordination and Oversight Group (TCOG), which held its most recent meeting in San Francisco early this week, to press Japan and South Korea to raise human rights in their discussions with Pyongyang. The U.S. government should also press the European Union to do the same in its ongoing discussions with North Korea. Moreover, the United States should raise human rights violations in the DPRK in international fora such as the United Nations.

Objective information about the outside world must also be provided to the people of North Korea. This won't be easy. However, the U.S. government should increase its efforts to get such information to North Koreans, including information about democracy, human rights, and the United States. Getting information into the country is critical to helping North Koreans see themselves and the regime that controls their lives in the context of the wider world, which will help increase awareness of the existence and importance of religious freedom and other human rights. To pursue these goals, the Commission recommends expanding or developing radio broadcasts and people-to-people exchanges through programs by the private sector and countries that currently have diplomatic relations with North Korea.

To ensure that the human rights conditions in the DPRK receive more consistent international scrutiny and attention, the President should continue to raise the matter publicly and take the lead in describing the conditions under which North Koreans live.

In addition, Congress should establish a caucus that could coordinate Congressional efforts, spearheading initiatives to effect important changes in North Korea. Several Congressional members have already expressed their interest in establishing such a caucus. The caucus should be modeled after successful Congressional caucuses. A North Korean caucus could hold hearings spotlighting the conditions in North Korea, regularly examine U.S. policy options to promote human rights in the DPRK, propose legislation, and explore how the United States can cooperate with other governments to advance human rights in North Korea. Our Commission stands ready to work closely with Congress to formulate and execute such policies.

II. Refugee relief.

Although the Commission is mandated by IRFA to advise the President, the Secretary of State, and the Congress on matters pertaining to religious freedom in U.S. foreign policy, it has found that when addressing the issue of human rights in North Korea, it cannot ignore the plight of the tens of thousands of North Koreans who have risked their lives to flee their homeland in search of freedom and food. The Commission recommends the United States press the Chinese government to recognize as refugees those North Koreans who have fled the DPRK.

Refugees experience numerous difficulties after arriving in China, particularly from that government's current crackdown on their presence. The Chinese government does not allow the United Nations High Commission on Refugees (UNHCR) to operate in the border region between China and North Korea, thereby preventing that organization from interviewing those crossing the border and assessing their status as refugees. Nonetheless, in the last three years, the UNHCR was able to conduct at least some interviews and found that many of these border-crossers met the criteria as refugees under international conventions.[11]

The Chinese government's refusal to recognize North Koreans who have fled to China as refugees has forced them to remain in hiding and many have been exploited and abused as a result. For example, many North Korean refugees employed in local Chinese factories are reportedly paid only a fraction of the salary of ordinary Chinese workers, while others are compensated only with accommodation and food.[12] Young North Korean female refugees are often the victims of human trafficking, forced prostitution, and rape.[13] Many North Korean children who fled to China unaccompanied by adults have reportedly been wandering in the three Chinese provinces adjacent to North Korea (Jilin, Heilongjiang, and Liaoning) without shelter and vulnerable to disease and physical violence.[14]

Russia can also be a dangerous place for North Korean refugees. Like China, Russia is party to both the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. However, there are disturbing reports that Russian authorities have forcibly repatriated North Korean refugees. In 1999, for example, seven North Korean refugees entered Russia from China in an apparent attempt to seek eventual resettlement in South Korea. They had reportedly left China because they were concerned about their safety if they remained there. However, despite the fact that the refugees had indicated that they were North Koreans and expressed profound fear of retaliation if they were repatriated, Russian authorities handed the refugees over to Chinese authorities, who subsequently repatriated them to North Korea. The whereabouts of at least one of these refugees remains unknown.[15]

North Korean refugees who are either forcibly repatriated or captured after having voluntarily returned to the DPRK are accused of treason or the abandonment of their country and countrymen in the midst of hardship.[16] Some reports indicate that North Korean officials routinely question repatriated (forcibly and voluntarily) North Koreans whether they had contact with either South Koreans or Christian missionaries while outside the country. Those who are found to have had such contacts are subjected to

severe punishment, including the death penalty.[17] It has been reported that 6,000 North Korean refugees were forcibly repatriated from China to the DPRK in 2000.

Despite these challenges, North Koreans continue to risk their lives in search of economic and political freedoms. Since March 2002, over 60 North Korean refugees have sought political asylum at foreign embassies in Beijing and foreign consulates in Shenyang; more are expected in the near future. Approximately 20 of the refugees remain in these diplomatic compounds awaiting safe passage out of China. Meanwhile, Chinese police, have entered foreign embassies and detained North Korean refugees. Moreover, Chinese officials have intensified their crackdown against both North Korean refugees and those international NGOs and South Korean Christian groups who are providing much needed services to the refugees in the border provinces of China.

Some observers contend that if the Chinese are pushed too hard on the issue of North Korean refugees, they may close their border altogether and/or expel all North Koreans. Nonetheless, the current situation is unconscionable. Furthermore, it is clear that the North Koreans who fled to China and elsewhere have a well-founded fear of persecution if they return to the DPRK. Although the UNHCR has stated that "[u]nder no circumstances should [the North Korean refugees] be sent back [to the DPRK]," the Chinese government has done just that. In light of the increasing flow of North Korean refugees seeking resettlement outside China, it is now more important than ever for the United States to press the Chinese government to recognize those North Koreans who have fled the DPRK as the refugees they clearly are.

III. Bilateral contacts.

The United States currently has no diplomatic relations with the DPRK. Moreover, there is no regular high-level official dialogue between the two countries, although there are reports that talks may resume very soon as Ambassador Jack Pritchard is reportedly making preparations to visit Pyongyang. The U.S. government should use what contacts it does have with the North Korean government to advance an agenda that includes the protection of religious freedom and other human rights. In addition, the United States should work with the international community to urge the DPRK to permit foreign diplomats, journalists, humanitarian workers, and human rights monitors, including relevant UN rapporteurs, adequate freedom of movement to assess the status of religious freedom and other human rights, including the right to food.

The North Korean government should also be urged to address the concerns and implement the recommendations of the UN Human Rights Committee that resulted from that body's review of the DPRK's compliance with its international human rights treaty obligations.

Continuing and expanding humanitarian assistance to North Korea is key to advancing an agenda to protect religious freedom and other human rights in that country. The U.S. government should urge the North Korean government to allow considerable

expansion of both the amount of assistance and the number of aid providers, which should include NGOs.

The United States should also work to ensure that the delivery of such aid is adequately monitored. The Commission is troubled by many reports that the aid has not reached its intended recipients and has been diverted for use by North Korean elites and the military. The Commission urges the U.S. government to ensure that the continued delivery of food aid is conditioned upon adequate monitoring and that the source of the aid is accurately identified. Furthermore, there should be no discrimination in the provision of that aid, with regard either to the recipients or the deliverers of the assistance.

Finally, there are hundreds of thousands of Korean Americans and people of Korean ancestry in the United States. Recently, the North Korean government agreed to resume inter-Korean family reunions. The North Korean government should also allow those Americans with family ties in North Korea to reunite with their parents, siblings, children, and other relatives who are still living in that country. The United States should press this concern in any resumption of bilateral dialogue.

Conclusion

The government of the United States is right to seek to preserve peace on the Korean Peninsula and remove the threat from weapons of mass destruction. But it must also address the terrible repression foisted on the North Korean people daily, including North Korean refugees. The potential positive impact on world peace by societies that respect human rights cannot be underestimated. As the late Nobel laureate Andrei Sakharov asserted: "I am convinced that international confidence, mutual understanding, disarmament, and international security are inconceivable without an open society with freedom of information [and] freedom of conscience...." The North Korean government doesn't care about the rights and freedoms of its citizens – or even their lives. Somebody has to.

This concludes my testimony. I ask that the Commission's prepared remarks, as well as the Commission's full report on North Korea, be submitted for the record.

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[1] U.S. Department of State, *Annual Report on International Religious Freedom 2001*, "Democratic People's Republic of Korea," p. 168.

[2] Commission interview with South Korean Protestant church leader, February 9, 2002, Tokyo, Japan.

[3] Library of Congress, "The Role of Religion," *Country Studies: North Korea* (Internet).

[4] Stephen Linton, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002.

[5] Sang-Chul Kim, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002. See also State Department's *2001 International Religious Freedom Report*, p. 169.

[6] UN Human Rights Committee, *Second Periodic Report of the Democratic People's Republic of Korea on its Implementation of the International Covenant on Civil and Political Rights*, UN Doc. CCPR/C/PRK/2000/2, May 4, 2000, ¶111.

[7] U.S. Department of State, *Country Reports on Human Rights Practices 2001*, "Korea, Democratic People's Republic of" (*http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8330.htm*, accessed April 2, 2002).

[8] Doug Struck, "Keeping the Faith, Underground," *Washington Post*, April 10, 2001.

[9] 2001 *Report on International Religious Freedom*, p. 169.

[10] Soon-Ok Lee, U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002, p. 27.

[11] Elizabeth Rosenthal, "U.N. Group Backs North Korean Asylum Seekers in China," *New York Times*, March 15, 2002.

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[15] Video presentation, *Third Annual International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 –10, 2002.

[16] Interview with Mr. Seung-yong Lee, Director for Research of the Good Friends, February 6, 2002, Seoul, Republic of Korea.

[17] "China Urged to Grant Refugee Status to DPRK Defectors," *Korea Herald*, May 9, 2001. Interview with Mr. Sang-Chul Kim, November 2001, Seoul, Republic of Korea.

Read North Korea

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

A. Introduction

The people of the Democratic People's Republic of Korea (North Korea or DPRK) are perhaps the least free on earth, barely surviving under a totalitarian regime that denies basic human dignity and lets them starve while pursuing military might and weapons of mass destruction. By all accounts, there are no personal freedoms of any kind in North Korea, and no protection for human rights. Religious freedom does not exist, and what little religious activity that is permitted by the government is apparently staged for foreign visitors.

North Korea is also a humanitarian disaster of unimaginable proportions. Failed economic policies and natural disasters have reportedly left 1 million or more North Koreans dead from starvation and disease in the last 10 years, and there may be countless millions more, particularly children, who are stunted in both their mental and physical growth. As awful as the physical toll has been, the deprivation of the human spirit must be even greater. Just how bad the situation is in North Korea is not known, as the ruling regime maintains strict control over communication media and the flow of information into and out of the country.

Notwithstanding the efforts of many who are devoted to helping North Koreans, the international community, including the United States, has paid insufficient attention to the plight of the North Korean people. This lack of attention has effectively given a "pass" to the ruling regime as it flagrantly violates human rights and brutalizes its population. U.S. interests with respect to North Korea extend beyond the human rights and humanitarian situation, and include concerns about the development of nuclear capability and weapons of mass destruction, proliferation of missile technology, and the large DPRK military. Because relations with North Korea are so limited at the moment, there are very few channels for discussion of any of these issues with the North Korean government. Nevertheless, the U.S. government should not wait for discussions to resume before it takes actions to address the terrible conditions facing the North Korean people. It should do all it can now to bring international awareness to conditions inside North Korea and to try to alleviate the plight of North Koreans, including refugees. At such time when dialogue with North Korea resumes, the United States should press for improvements in the delivery and monitoring of humanitarian aid, as well as for monitoring human rights abuses.

The Commission has focused considerable attention on the situation in North Korea. In January 2002, the Commission held a public hearing in Washington and heard testimony on the situation in North Korea and U.S. policy from witnesses of the human rights conditions in the DPRK, experts on the general state of affairs in North Korea, and advocates for human rights in that country. The Commission has also had extensive consultations with experts on U.S. policy, including former senior U.S. officials. The Commission's Chair and staff have traveled to both South Korea and Japan and interviewed those with first-hand knowledge of conditions inside North Korea, including North Korean refugees. The Commission made several policy recommendations to President Clinton in December 2000, and this report updates and expands on those recommendations in light of the significant changes in U.S.-North Korean relations that have taken place since that time.

B. Human Rights Conditions

Reports by refugees and foreigners who have visited North Korea have described the DPRK as having perhaps the most repressive regime in the world. Its totalitarian nature requires citizens to conform to comprehensive government dictates. By all accounts, there are no personal freedoms of any kind in North Korea, and no protection for human rights. As stated by one human rights advocate: "For over 40 years the people of the Democratic People's Republic of Korea have been denied even the most basic of their human rights.... Human rights violations and abuses affect a large majority of the 23 million North Korean people."[1]

The Korean Workers' Party (KWP), under the leadership of Kim Jong Il, continues to exercise absolute rule over the DPRK. This is in accordance with Article 11 of North Korea's revised 1998 Constitution, which states: "The DPRK shall conduct all activities under the leadership of the Workers' Party of Korea."[2] The North Korean Constitution also requires citizens to recognize and accept the notion that the collective good of society should take precedence over individual political or civil liberties.[3] Citizens of all age groups and occupations are subject to intensive political and ideological indoctrination, and the cult of personality surrounding the deceased former North Korean leader Kim Il Sung and his son Kim Jong Il, as well as the glorification of the official *Juché* ideology (see below), remains omnipresent.[4] The government prohibits any public meetings without authorization and, according to the State Department, there are no known organizations other than those created by the government.[5] Not surprisingly, as the UN Human Rights Committee notes, there is no domestic organization that monitors human rights conditions in the country.[6]

The government attempts to control all dissemination of information. Domestic media censorship is strictly enforced; only the political elite is permitted access to foreign media broadcasts.[7] Government control of access to outside information is so extensive that even private telephone lines operate on an internal system that prevents one from making and receiving calls from outside the country and Internet access in the country is limited to government officials.[8] Visits by foreign journalists are carefully managed and, as the State Department reports: "North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions there."[9]

Similarly, the State Department also reports that foreign aid workers are frequently denied access to sites where international food aid is distributed, "and thus are unable to verify consistently that the aid reaches its intended recipients."[10] However, many South Korean and some U.S. humanitarian assistance groups contend that the level of access allowed by the North Korean authorities has improved over the years.[11]

It is clear that the government does not tolerate dissent. Individuals have reportedly been imprisoned and executed for making statements (even in the "privacy" of their homes) that were critical of the regime.[12] The State Department reports that between 150,000 and 200,000 persons are detained by the DPRK regime for political reasons and on many occasions, their family members are forcibly detained or imprisoned with them in maximum-security camps in remote areas.[13] The North Korean criminal code also provides that a citizen who returns (forcibly or voluntarily) after defecting "to a foreign country or to the enemy in betrayal of the country and

the people" shall be "committed to a reform institution for not less than seven years."[14] In some cases, the death penalty is applied. Family members of defectors and refugees have also reportedly been subject to official retaliation. According to Human Rights Without Frontiers, a Belgian human rights monitoring organization, even babies born to repatriated women imprisoned in the camps have been put to death because their mothers were deemed enemies of the North Korean state.[15] In addition, according to North Korean refugees, prison officials subject detainees and prisoners to egregious abuses, as government officials manage the prison camps through the use of forced labor, beatings, torture, and even public executions. Many other prisoners have reportedly died from disease, starvation, or exposure while in prison.

The government's practice of arbitrary arrest and detention of persons has sometimes extended even to South Korean and other foreign citizens operating outside North Korea, particularly in the Chinese territories bordering the DPRK. According to the State Department, North Korean agents reportedly abducted Rev. Dongshik Kim, a South Korean citizen, in China and took him to North Korea in January 2000.[16] Rev. Seung-woon An, a South Korean missionary, was apparently also abducted by North Korean agents in China in 1995.[17]

C. Humanitarian Situation and Refugees in China

In addition to the deplorable human rights conditions in the DPRK, the economic crisis in the country has shown little sign of abating. It is estimated that between several hundred thousand and 2 million people have died from starvation and related diseases since 1995. The economic and political conditions have caused thousands of North Koreans to flee their homes.[18] Most of these people have fled to China, leaving as many as 300,000 North Korean refugees along the Chinese border.

The refugees experience numerous difficulties after arriving in China, particularly from that government's current crackdown on their presence. The Chinese government's reaction has forced the refugees to remain in hiding and many have been exploited and abused as a result. For example, many North Korean refugees employed in local Chinese factories are reportedly paid only a fraction of the salary of ordinary Chinese workers, while others are compensated only with accommodation and food.[19] Young North Korean female refugees are often the victims of human trafficking, forced prostitution, and rape.[20] Many North Korean children who fled to China unaccompanied by adults have reportedly been wandering in the three Chinese provinces adjacent to North Korea (Jilin, Heilongjiang, and Liaoning) without shelter and vulnerable to disease and physical violence.[21]

The current Chinese crackdown on North Korean refugees began in June 2001 as part of the latest round of the nationwide anti-crime "Strike Hard" campaign. Some also suspect that the crackdown is associated with the increased international media coverage about the plight of the North Korean refugees in China.[22] According to a researcher who has conducted surveys of North Korean refugees along the Chinese border, those who are found to have assisted North Korean refugees are fined by Chinese officials, while those who turn in refugees receive monetary rewards. In January 2002, a group of North Korean refugees who were able to reach the China-Vietnam border reportedly paid $10,000 to Chinese border guards so that they could enter Vietnam.[23]

As mentioned above, North Korean refugees who are either forcibly repatriated or captured after having voluntarily returned to the DPRK are accused of treason or the abandonment of their country and countrymen in the midst of hardship.[24] Some reports indicate that North Korean officials routinely question (forcibly and voluntarily) repatriated North Koreans whether they had contact with either South Koreans or Christian missionaries while outside the country. Those who are found to have had such contacts are subjected to severe punishment, including the death penalty.[25] According to the U.S. Committee for Refugees, 6,000 North Korean refugees were forcibly repatriated from China to the DPRK in 2000.[26]

D. Religious-Freedom Conditions

Buddhism was introduced to Korea around the fourth century, A.D. However, for several centuries thereafter, the state adopted Confucianism as its official ideology and religion.[27] As a result, religions and beliefs that came into conflict with Confucianism encountered official opposition and their followers experienced persecution. The first Christian missionary, a Roman Catholic, arrived in Korea in the late 18th century. The Korean government prohibited the propagation of the Christian religion, however, and in the mid-19th century, harshly persecuted Christians until the country was opened to the western world in the 1880s.[28] Arriving in Korea at this time were American Protestant missionaries who generally experienced less persecution, as the U.S. government had established diplomatic relations with Korea before their arrival.[29] By 1948, one-sixth of the 300,000 Koreans in Pyongyang were Christian, a remarkably large percentage for an Asian country at that time, particularly one that had not been colonized by a western power. Pyongyang was the center of Christianity on the Korean Peninsula. The rituals of ancestor veneration linked to Confucianism remained a very important form of religious life.[30]

Between 1945, when what is now North Korea was occupied by Soviet forces, and 1953, the year of the Armistice ending the Korean War, many Christians fled to South Korea to escape the anti-religious policies of the North Korean government. After the war, religious practice as such was harshly repressed by the North Korean government, and large numbers of religiously active persons were killed or sent to concentration camps.[31] Buddhism, which had weakened over the centuries, was co-opted by the government and some of its temples maintained as "national treasures."[32] At the same time that the government suppressed religions, it instituted the state ideology of *Juché* in the 1950s. Playing a paramount role in North Korean political life, the *Juché* ideology emphasizes, among other things, an extreme form of self-reliance of the North Korean people – bordering on isolationist – and the worship of Kim Il-Sung, the country's founder.[33] Another of its central tenets is a stridently hostile view of the outside world.

In recent years, the North Korean state has formed several religious organizations that it uses to restrict severely religious activities, although the government contends that they are proof of religious freedom in the country. For example, the Korean Buddhist Federation prohibits Buddhist monks from worshiping at North Korean temples, and the Korean Christian Federation restricts Christian activities. The native Korean religion or philosophy of *Chondogyo* is represented in the DPRK as an "independent" political party that is loyal to the state.[34] The DPRK government continues to view Christianity as a foreign religion and is extremely concerned about the growing Christian community in North Korea. There are no currently ordained Catholic priests in the country. In addition, Buddhists have no functioning clergy and their buildings are now deemed to be "cultural relics."

The North Korean government has a policy of actively discriminating against religious adherents. Since the late 1950s, the regime has divided the North Korean people into three main categories, which are further divided into 51 subcategories based on perceived loyalty to the ruling party and the leadership.[35] Security "ratings" are assigned to each individual and these ratings determine a person's access to employment, higher education, a place of residence, medical facilities, and certain stores. Religious adherents are by definition relegated to a lower security category, and as a result receive fewer privileges and opportunities than others. For example, there are reports that persons in lower categories have been denied international food aid.

Since the founding of the DPRK, 2,000 churches have reportedly been confiscated by the government. Of the 1,500 churches not formally confiscated, it is not clear whether any of them actually house religious activities.[36] Most outside observers agree that the two Protestant churches and the one Catholic Church currently in Pyongyang were built as showpieces to foreign visitors, although some North Koreans who attend services at these churches might be genuine believers. The DPRK government also claims that there are 500 "authorized house churches" in the country.[37] Moreover, though the State Department reports that there are 300 Buddhist temples throughout North Korea, other reports indicate that only 60 temples remain standing, as most have been destroyed since the Korean War. At the same time, the state has confiscated many temples and converted them for secular use.

The North Korean state severely represses public and private religious activities, including arresting and imprisoning – and in some cases torturing and executing – persons engaged in such activities.[38] The Commission has also received reports that North Koreans who engage in religious proselytizing or other unauthorized religious activities have been arrested and imprisoned, despite the DPRK government's claims that its citizens have the right to "have or refuse to have religious ceremonies individually or collectively in an open or closed way" and "to teach religion."[39] In addition, the State Department reports that in recent years, the regime has paid particular attention in its crackdown to those religious persons with ties to overseas evangelical groups operating across the border in China.[40]

According to a press report, an estimated 6,000 Christians are incarcerated in "Prison No. 15" located in the northern part of the country.[41] The State Department, as well as eyewitnesses who have testified before Congress and the Commission, report that prisoners held because of their religious beliefs are treated worse than other inmates.[42] For example, religious prisoners, especially Christians, are reportedly given the most dangerous tasks while in prison. In addition, they are subject to constant abuse from prison officials in an effort to force them to renounce their faith.[43] When they refuse, these religious prisoners are often beaten and sometimes tortured to death.

In spite of these conditions, some observers indicate that religious adherence not only continues among the North Korean people but is expanding, especially adherence to Christianity.[44] The number of religious believers is unknown; the State Department reports the official government figures that out of a population of 21 million, there are approximately 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics in the DPRK.[45] However, some South Korean church leaders claim that there may be as many as 300,000 Christians in North Korea, many of whom became Christians after interacting directly with Christian representatives of non-

governmental organizations (NGOs) along the Chinese border or through interactions with those who have been to the border.[46] There are also confirmed reports that some older North Koreans who were religious believers prior to the division of the Korean Peninsula have retained their faith in secrecy over the years.[47] In addition, there is also apparently a functioning underground church network in North Korea.[48] The actual number of active Buddhists or followers of Confucianism is not known.

E. Commission Recommendations

In recent years, an increasing number of foreign government officials, journalists, and representatives of NGOs have visited the DPRK and presented their observations about conditions in that country. At the same time, thousands of North Korean refugees have left the country and carried with them valuable personal accounts. However, the highly totalitarian state in North Korea still maintains such tight control over all aspects of state and society that garnering verifiable information about conditions in that country, as well as how the regime operates, remains very difficult. This problem greatly complicates the process of determining specific problem areas and, consequently, the kind of well-calibrated solutions that are needed.

In light of the current situation, the U.S. government should employ all possible means to obtain verifiable information about conditions in North Korea and make that information publicly known. In addition, everything possible should be done to establish contact with the North Korean people and to provide them with access to information about the outside world.

Unfortunately, the current state of U.S.-North Korean relations provides few opportunities for influence. Moreover, the DPRK government's state ideology (which emphasizes self-reliance), its entrenched methods of repression, and the official willingness to let their people suffer also leave the international community with little leverage to encourage necessary changes by the regime. Thus, any opening at all to the outside world by the North Korean government might help to bring about some improvement.

The U.S. should also make every effort to encourage the DPRK government to maintain its currently limited contacts with the outside world and to open the country to individuals, organizations, and governments concerned about the plight of the North Korean people and who want to help. At the same time, the U.S. government should, in its dialogue with the DPRK on any issues of concern, also press the North Korean government to allow foreign human rights monitors and humanitarian agencies access to all parts of the country.

I. International Initiative Against Human Rights Abuses in North Korea

The U.S. government should launch a major international initiative to expose and raise awareness of human rights abuses and humanitarian conditions in North Korea. The U.S. government can and should do more to bring to the attention of the international community the conditions of human rights in North Korea. Although the North Korean government tries to maintain absolute control over information about conditions in that country, over time, a picture of repression has begun to emerge such that it is unconscionable to remain silent. The U.S. government should take every opportunity to engage the world community on the state of human

rights and humanitarian conditions in North Korea. Such an initiative should include the following:

1. The U.S. Congress should fund an objective and comprehensive study of human rights conditions in North Korea by a non-governmental source.

Though still limited, an increasing amount of information about conditions in North Korea has become available in recent years. Today, there are numerous foreign governments, NGOs, and individual researchers conducting research on the political, economic, and social conditions in that country. Yet, there has not been an effort to consolidate these findings and present them in a comprehensive form. While some governments, including the U.S. and South Korean governments, have produced annual reports on the human rights conditions in North Korea, these studies, due in part to their statutory mandates and established guidelines, are either not sufficiently comprehensive to address the fundamental problems underlying the human rights conditions or are hampered in their objectivity by the political considerations of the respective authors. The Commission is fully aware of these difficulties, as it too has made extensive efforts to obtain information on conditions for religious freedom in North Korea.

In light of reports about the deteriorating human rights and humanitarian conditions in the DPRK, it is vital that a comprehensive study of human rights conditions in North Korea be conducted now. The potential scale of the study would require adequate funding and the U.S. Congress should take the lead in this effort. To ensure the objective nature of the study, an individual or a team of researchers not affiliated with any government but with expertise in North Korean affairs and international human rights standards should be commissioned to undertake the project. Such a study should make extensive use of, among others, interviews with North Korean refugees as important sources of information.

2. The State Department should expand both its capability to obtain information and reporting on human rights violations in North Korea.

In addition to the non-governmental study recommended above, the State Department should expand its capability to collect information and monitor conditions on human rights in North Korea. Moreover, the Department should undertake a systematic effort to review a wide variety of sources of information on North Korea, including North Koreans who have fled their country and are now residing either in the border region in China or elsewhere. The State Department should also explore other potential sources of information, including officials from countries that have a diplomatic presence in North Korea as well as organizations or individuals who either possess first-hand knowledge or are working on the Chinese side of the Sino-DPRK border but are reluctant to speak out publicly about what they have observed.

The Commission is aware of the difficulties in gathering and especially verifying information on North Korea. However, a concentrated effort, including on the part of the U.S. government, can overcome at least some of these difficulties. As a critical part of the endeavor to collect such information, the U.S. government should expand its effort to verify information from sources with questionable political motives. After having gathered, analyzed, and verified the information, the U.S. government should ensure that its findings are made known to the international community. It should also make a special effort to raise international awareness of

the plight of the North Korean people through such international events as the Soccer World Cup in South Korea and Japan in June 2002.

3. The President should continue to speak out personally on the humanitarian situation in North Korea and the lack of freedom and protection of human rights there.

The President has spoken out on the situation in North Korea, and his remarks have attracted public attention and led to greater awareness about conditions in that country. The President should continue to raise the matter and take the lead on behalf of the U.S. government in raising public awareness and focusing international attention on the conditions under which North Koreans live. As the head of the U.S. government, the President is in a unique position to speak out forcefully about this issue. Moreover, the media attention that his statements bring can continue to keep North Korea under public scrutiny, bolstering U.S. and international efforts to address the appalling conditions in that country. In any remarks made about North Korea, the President should be sure to mention the humanitarian and human rights situation there. He should also use every available opportunity to raise the subject, including, for example, in his address to the UN General Assembly.

4. The U.S. Congress should establish a congressional caucus to focus on human rights in North Korea.

The serious nature of the human rights conditions in the DPRK warrants more consistent scrutiny and attention. The formation of a congressional caucus focusing on North Korean human rights would be a major step toward fulfilling this objective. The caucus should be modeled after existing congressional caucuses, such as the Congressional Bangladesh Caucus and the Congressional Caucus on Nigeria. However, the caucus on North Korea should also be connected with like-minded parliamentarians around the world, such as the existing multinational parliamentary network on human rights in Burma under the auspices of the Inter-Parliamentary Union.[49]

Efforts to raise public awareness of human rights conditions in North Korea are critically needed. Congressional public hearings and legislation play a significant role in educating the public, highlighting problems, and holding government leaders accountable. However, the establishment of a congressional caucus focused on North Korea would expand existing congressional endeavors. The caucus could coordinate congressional efforts, spearheading initiatives to effect important changes in North Korea. For example, the caucus could:

1. hold hearings spotlighting the conditions in North Korea (this commission has benefited in its study of North Korea from witnesses who have first-hand knowledge such as Dr. Norbert Vollertsen and Mrs. Soon-Ok Lee[50]);

2. examine regularly U.S. policy options to promote human rights in the DPRK;

3. monitor congressional legislation on North Korea and propose additional legislation to advance human rights in the DPRK, including by pressing the North Korean government to undertake substantial improvements in protecting human rights;

4. explore how the U.S. can cooperate with other governments in advancing the protection of human rights in the DPRK; and

5. work with the Commission in formulating and executing policies to promote human rights in North Korea, including support for much-needed comprehensive studies on such human rights-related issues in North Korea as the DPRK legal system, the North Korean prison system, and the DPRK government's control over religious belief and practice.

5. The U.S. Congress should expand its funding for (a) organizations advocating the protection of human rights in North Korea and (b) activities that raise the awareness of human rights conditions in that country.

The U.S. Congress should seek opportunities to expand its support for appropriate organizations promoting human rights in North Korea, as well as activities that raise international awareness and provide opportunities for consultation and coordination among those who are concerned about the issue. For example, the U.S. government – through the National Endowment for Democracy (NED) – has for the last several years provided funding to NGOs in South Korea attempting to document human rights abuses in North Korea. The NED has also sponsored annual international conferences on human rights in North Korea and on the problems for North Korean refugees.

As noted above, collecting and verifying information on human rights abuses in North Korea is difficult, and resources need to be devoted to developing ways to accomplish this. The involvement of NGOs is important to raising awareness in international human rights fora, among their governments, and among civil society groups in the region and internationally. Given the importance of maintaining the independence of these organizations, groups should be carefully selected and U.S. government support should be carried out in a way that ensures that these groups are not tied to any government, particularly intelligence services.

6. The U.S. government should develop and support ways to provide information to the people of North Korea, particularly on religious freedom and other human rights issues. This includes expanding or developing:

-- broadcasts that target a North Korean audience by the Voice of America and Radio Free Asia; and

-- channels of people-to-people exchange and other forms of contact with North Koreans.

Getting objective information to the North Korean people is very difficult and requires both ingenuity and a sustained investment of time and resources. The results, at least in the short term, may be uncertain. Nevertheless, probably no people on earth have been left more in the dark by their government. The U.S. government should increase its efforts to get information to North Koreans about the outside world, including about the United States, democracy, and human rights. Getting information into the country is critical to helping North Koreans see themselves and the regime that controls their lives in the context of the wider world, which will help increase awareness of the existence and importance of religious freedom and other human rights. How many North Koreans, for instance, know that their government has undertaken

international obligations to protect and ensure basic human rights under the International Covenant on Civil and Political Rights, or what the nature and scope of those rights are and how they are protected in other countries?

One concrete way to do this is to increase broadcasting to North Koreans by the Voice of America (VOA) and Radio Free Asia (RFA) and make technical efforts to overcome the jamming of those broadcasts. The U.S. government should expand broadcasts to North Koreans, focusing on programs that would provide information on the political, economic, and social conditions in the U.S. and North Korea, including on religious liberty and other human rights issues.[51]

Moreover, the U.S. government should, wherever possible, encourage or develop channels of exchange and contact with North Koreans. Although opportunities for official exchange programs for North Koreans might be limited by the current state of U.S.-North Korean relations, the U.S. government should seek opportunities to encourage exchanges and other forms of contact by the private sector, or through programs by other countries that do currently have diplomatic relations with North Korea. In accordance with provisions in the International Religious Freedom Act of 1998, government officials who are "responsible for or directly carried out" particularly severe violations of religious freedom should not be eligible to participate in these exchange programs.[52]

7. The U.S. government should use multilateral diplomacy to advance the protection of human rights in North Korea. This should include:

7.a. raising human rights violations in North Korea in appropriate international fora, and encouraging others to do so as well. The United States should sponsor a resolution at the United Nations condemning religious-freedom and other related human rights violations in North Korea, and calling for the appointment of a UN special rapporteur to investigate the situation in North Korea.

Given the lack of substantive official interactions between the U.S. and North Korean governments reflecting the state of their bilateral relationship, it is important for the U.S. government to coordinate its efforts with other countries to advance the protection of human rights in North Korea. In conjunction with the use of multilateral diplomacy, the U.S. government should also raise human rights violations in the DPRK in international fora such as the United Nations. There have been no UN Security Council resolutions on the DPRK in the last 10 years. The U.S. government should sponsor a resolution at the United Nations censuring the North Korean government for violating religious freedom and other related human rights. The same resolution should also provide for the appointment of a special rapporteur to investigate conditions of human rights in North Korea.

7.b. urging the Republic of Korea and Japan, as part of the trilateral coordination among the United States and those two countries, to press for improvements on religious freedom and other human rights in their talks with the DPRK.

The Trilateral Coordination and Oversight Group (TCOG) was created in April 1999 to facilitate greater policy coordination between the United States, Japan, and South Korea on North Korea policy. After the Trilateral Foreign Ministers' Meeting that followed her visit to Pyongyang in October 2000, former Secretary of State Madeleine Albright remarked that it was essential that the three countries carry on the discussions with North Korea "in parallel, and that we reinforce each other in terms of making sure that each country's special concerns are met."[53] Regular TCOG meetings have continued under the Bush administration, although direct dialogue with North Korea has been very limited. One special concern with respect to North Korea for the trilateral group is the "abductee" issue (i.e. Japanese claims that between the late 1970s and early 1980s, North Korean agents abducted as many as 20 civilians from Japan). Former Secretary Albright stated that she raised this issue with DPRK officials during her October 2000 visit. Likewise, the United States should urge the Republic of Korea and Japan, as part of their trilateral coordination, to raise concerns about religious freedom and other human rights and to press for improvements in these areas as part of their talks with the DPRK.

7.c. urging the European Union (EU) to include religious freedom concerns as part of its human rights discussions with the North Korean government.

Several European countries have normalized relations and established a diplomatic presence in Pyongyang since June 2000. Since 1998, the EU has held four rounds of political dialogue with the DPRK at the level of senior officials. EU officials have said that they raised human rights issues with the North Koreans in these talks. The EU is also discussing the establishment of a specific human rights dialogue, although little progress appears to have been made so far. The U.S. government should provide information on the conditions of religious freedom and other human rights in North Korea to the Europeans and should urge them to raise religious-freedom concerns as part of their human rights discussions with the DPRK.

II. Protecting North Korean Refugees and Advancing Human Rights

8. The U.S. government should urge China, Russia, and other members of the international community to grant refugee status to North Koreans.

China is a party to both the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol to that convention. Under these treaties, China has agreed not to expel or return refugees to a country where their life or freedom would be threatened on account of their religion or other status. The 1967 Protocol calls on China to cooperate with the UN High Commissioner for Refugees (UNHCR).

Between 30,000 and 300,000 North Koreans are now in China. Most have fled to escape the dire economic and political conditions in North Korea, including the denial of religious freedom and all other basic human rights in that country. Since 2000, however, many North Koreans who fled to China have been forcibly repatriated by the Chinese government.[54] As mentioned above, there are several reports indicating that those who returned to North Korea, voluntarily or otherwise, have been subjected to harsh and sometimes lethal treatment upon capture by North Korean authorities. Even those who fled for economic reasons are reportedly subject to serious punishment for political crimes upon their return. The Chinese government

does not grant refugee status to fleeing North Koreans, even though most, if not all, meet the international criteria for that status.

In addition, the Chinese government does not allow the UNHCR to operate in the border region between China and North Korea, thereby preventing that organization from interviewing those crossing the border and assessing their status as refugees. However, in the last three years, the UNHCR was able to conduct at least some interviews and found that many of these border-crossers met the criteria as refugees under international conventions.[55] If a refugee makes it to their office, he or she can be helped (which does happen on occasion). The UNHCR is also trying to work with the NGOs operating in the border region. In March 2002, after 25 North Korean refugees entered the Spanish Embassy seeking asylum, a UNHCR spokesman stated, "Under no circumstances should these people be sent back."[56] The South Korean government, as an indication of its willingness to assist DPRK refugees, has also announced officially that it would accept all North Koreans who wish to settle in South Korea.[57]

Some North Korean refugees have also made their way into Russia. Like China, Russia is also a party to both the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol also. However, there are disturbing reports that Russian authorities have forcibly repatriated North Korean refugees. For example, in 1999, seven North Korean refugees entered Russia from China in an apparent attempt to seek eventual resettlement in South Korea. They had apparently left China because they were concerned about their safety if they remained there. However, despite the fact that the refugees had indicated that they were North Koreans and expressed profound fear of retaliation if they were repatriated, Russian authorities handed the refugees over to Chinese authorities, who subsequently repatriated them to North Korea. The whereabouts of at least one of these refugees remains unknown.[58]

Some observers contend that if the Chinese are pushed too hard on the issue of North Korean refugees, they may close their border altogether and/or expel all North Koreans. Nonetheless, the current situation is unconscionable. The U.S. government should urge the Chinese and Russian governments, in accordance with their international commitments, to recognize as refugees those North Koreans who have fled the DPRK. The United States should also urge these governments not to continue their policy of forcibly repatriating North Korean refugees. In addition, the U.S. government should strongly urge the Chinese government to cooperate fully with the UNHCR.

9. The U.S. government should urge the Chinese government to allow South Korean and international NGOs greater access to northern China and greater capacity to serve the needs of North Korean refugees.

The Commission has met with the representatives of many South Korean and international NGOs that have a presence in northeastern China along the Sino-DPRK border. Many of these NGOs are providing much-needed humanitarian assistance to North Koreans who have fled the DPRK and have chosen to reside secretly in China under the constant fear of repatriation. These NGOs are providing important services to the refugees, many of whom are unfamiliar with the Chinese language and customs. The U.S. government, in concert with other governments, should urge the Chinese government to allow international NGOs, especially

South Korean groups, greater access to this part of China and more capacity to serve the acute needs of the refugees there.

III. Advancing Human Rights Through Official Contacts

The United States currently has no diplomatic relations with the DPRK. Moreover, there is no official dialogue between the United States and North Korea (though at the beginning of April 2002, the North Korean government indicated a desire to resume discussions on its nuclear program[59]). This severely limits the ability of the U.S. government to engage the North Korean government on concerns about protecting human rights, including religious freedom.

10. Although the U.S. government has very limited contacts with the North Korean government at the present time, it should use what contacts it does have to advance an agenda that includes the provision of humanitarian assistance, the protection of human rights, including the freedom of religion and belief, and the reuniting of Korean Americans with their family members in the DPRK.

10.a. In any discussions regarding humanitarian assistance, the U.S. government should urge the North Korean government to allow considerable expansion of both the amount of assistance and the number of providers, which should include non-governmental organizations.

10.b. With all humanitarian assistance to North Korea, the U.S. government should work to ensure that the delivery of such aid is adequately monitored. Monitors should be able to read, speak, and understand the Korean language. The United States should ensure that delivery of U.S. and other foreign aid is not misrepresented by the North Korean government through false claims that the aid is being provided by that government.

According to the State Department, between 1996 and 2001 the U.S. government contributed an estimated $500 million in humanitarian food assistance to North Korea, making it the largest recipient of U.S. aid in Asia. During his February 2002 visit to South Korea, President Bush stated that the U.S. government, on an annual basis, has provided an average of 300,000 tons of food aid to the DPRK. Much of that aid has been channeled through the United Nations World Food Program (WFP).

The Commission has received many troubling reports that the aid has not reached its intended recipients and has been diverted for use by North Korean elites and the military. In addition, the WFP has apparently agreed to conditions of delivery that prevent monitoring by people who understand the Korean language. Although many NGO representatives maintain that a great majority of the aid has reached the intended recipients and that the WFP has done an adequate job of monitoring the distribution, the Commission urges the U.S. government to ensure that the continued delivery of food aid is conditioned upon adequate monitoring and that

the source of the aid be allowed to be accurately identified. Moreover, there should be no discrimination in the provision of aid (with regard either to the recipients or the deliverers of aid).

11. The U.S. government should work with the international community to urge the North Korean government to permit monitoring of human rights conditions by UN human rights mechanisms, and to lift restrictions on the freedom of movement by foreign diplomats, independent journalists, and others.

As discussed above, the North Korean government maintains extensive control over the flow of information out of North Korea. The State Department notes that the DPRK government "does not allow representatives of foreign governments, journalists, or other invited visitors the freedom of movement that would enable them to fully assess human rights conditions there."[60] Moreover, the government has not responded to a request by the UN Special Rapporteur on Religious Intolerance for an official invitation to visit the country. The U.S. government should press North Korea to permit visits by relevant UN rapporteurs (for example, those on torture, arbitrary detentions, disappearances, extrajudicial executions, the right to food, and the right to education) and to grant freedom of movement to foreign diplomats and independent journalists. The United States should also encourage the North Korean government to invite the Ambassador-at-Large for International Religious Freedom and the Commission to conduct fact-finding missions, and to allow entrance and sufficient freedom of movement by humanitarian and other appropriate NGOs.

12. The U.S. government should work with the international community to urge the North Korean government to address the concerns and implement the recommendations of the UN Human Rights Committee as a result of the Committee's recent review of North Korea's compliance with the International Covenant on Civil and Political Rights (ICCPR).

The DPRK acceded to the ICCPR in 1981. In August 1997, however, the North Korean government indicated its intention to withdraw from the treaty in protest against a resolution of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities that criticized the government's human rights performance. Despite this threat, North Korea submitted its report to the Human Rights Committee – the UN treaty body that monitors compliance with the ICCPR – in 2000 and participated in the Committee's review of that report in June 2001. The Human Rights Committee, in its concluding observations to the second periodic report, expressed its concerns on a number of issues pertaining to the human rights conditions in North Korea, including the questionable independence of the judiciary, the lack of access to that country by international human rights organizations, the broadly-defined political offenses that carry the death penalty, and the reported human rights violations by prison officials, as well as the deplorable conditions in reform institutions, prisons, and prison camps.[61] On religious freedom, the committee requested that the North Korean government provide updated information about the number of North Korean people who belong to religious communities as well as the number of places of worship in the country. Moreover, the committee requested information on "practical measures" that the North Korean government has taken to guarantee religious freedom.[62]

The government of North Korea should be strongly urged to address and implement these concerns and recommendations of this UN body.

13. The U.S. government should ensure that any permanent peace treaty between the parties to the Korean War includes provisions on religious freedom and non-discrimination in the treatment of religious minorities.

The 1953 Armistice Agreement is an interim cease-fire agreement signed by the military commanders of the North Korean People's Army, the Chinese People's Volunteers, and the United Nations Command, which was represented by the commander-in-chief of the U.S. forces. The so-called "Four-Party Talks" (comprising the United States, China, the DPRK, and South Korea) have as one of its goals the conclusion of a "permanent peace treaty" that would formally end the Korean War.

There has been no significant movement on a peace treaty in the last year. The U.S. government should strongly advocate the inclusion of provisions safeguarding religious freedom and non-discrimination in the treatment of religious minorities in any permanent peace treaty. Such provisions are included, for example, in various peace treaties concluded at the end of the First and Second World Wars.

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[1] Jack Rendler, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002.

[2] Socialist Constitution of the Democratic People's Republic of Korea, Article 11, September 1998 (*http://www.korea-np.co.jp/pk/*, accessed January 7, 2002).

[3] DPRK Constitution, Article 63.

[4] U.S. Department of State, *Country Reports on Human Rights Practices 2001*, "Korea, Democratic People's Republic of" (*http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8330.htm*, accessed April 2, 2002).

[5] Ibid.

[6] UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: Democratic People's Republic of Korea*, UN Doc. CCPR/CO/72/PRK, August 27, 2001.

[7] *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

[8] Ibid.

[9] Ibid.

[10] Ibid.

[11] According to Mr. Thomas Shortley, U.S. Congressional Liaison Officer and Resources Officer at the World Food Program.

[12] *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

[13] Ibid.

[14] *The Criminal Law of the Democratic People's Republic of Korea*, Foreign Languages Publishing House, Pyongyang, Korea (1992) Article 47.

[15] Willy Fautré, "Baby-killings, a Standard Practice in North Korean Concentration Camps," *Third International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 –10, 2002.

[16] *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

[17] Sang-youb An, *Third International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 – 10, 2002. Commission staff interview with Sang-youb An, Tokyo, Japan, February 10, 2002.

[18] *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

[19] Seung-yong Lee, "Working Towards the Resolution for North Korean Refugees in China," *Third Annual International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 – 10, 2002.

[20] Young-hwa Lee, "Stepped Up Oppression on North Korean Refugees," *Third Annual International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 – 10, 2002.

[21] Ibid.

[22] In June 2001, a North Korean family requested political asylum at the Beijing office of the UNHCR. According to the UNHCR, the family sought asylum after a book that criticized the North Korean regime, which was written by a family member, was published in South Korea in 2000. The family was eventually resettled in South Korea. See Editorial, "Escape from a Prison-State," *Washington Post*, July 3, 2001. On March 14, 2002, a group of 25 North Korean refugees "stormed" through the gates of the Spanish Embassy in Beijing and demanded asylum. In addition, they reportedly threatened to commit suicide if they were repatriated to North Korea. On March 15, the Chinese government permitted the group to leave China for Manila, the Philippines. The 25 refugees were eventually resettled in South Korea. Elizabeth Rosenthal, "North Korean Storm Embassy Seeking Refuge," *New York Times*, March 14, 2002. John Pomfret, "North Koreans End Protest at Embassy," *Washington Post*, March 15, 2002.

[23] February 8, 2002 interview with a South Korean academic who is also affiliated with an NGO that works with North Korean refugees. He asked that his name not be disclosed.

[24] Interview with Mr. Seung-yong Lee, Director for Research of the Good Friends, February 6, 2002, Seoul, Republic of Korea.

[25] "China Urged to Grant Refugee Status to DPRK Defectors," *Korea Herald*, May 9, 2001. Interview with Mr. Sang-Chul Kim, November 2001, Seoul, Republic of Korea.

[26] U.S. Committee for Refugees, "Country Report: North Korea," Worldwide Refugees Information (http://www.refugees.org/world/countryrpt/easia_pacific/north_korea.htm, accessed April 1, 2002).

[27] Stephen Linton, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002.

[28] Library of Congress, "The Role of Religion," *Country Studies: North Korea (http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+kp0049*, accessed April 4, 2002).

[29] USCIRF, *Hearing on North Korea* (Linton written testimony).

[30] Library of Congress, "The Role of Religion," *Country Studies: North Korea* (Internet).

[31] U.S. Department of State, *Annual Report on International Religious Freedom* 2001, "Democratic People's Republic of Korea," 168.

[32] Library of Congress, "The Role of Religion," *Country Studies: North Korea* (Internet).

[33] USCIRF, *Hearing on Promoting Religious Freedom in North Korea* (Linton written testimony). See also Thomas J. Belke, *Juche: A Christian Study of North Korea's State Religion* (1999).

[34] According to the Library of Congress study on North Korea, *Chondogyo* is a "syncretic religion...that contains elements of shamanism, Buddhism, Daoism, Confucianism, and Catholicism." Library of Congress, "The Role of Religion," *Country Studies: North Korea* (Internet).

[35] *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet). Jaejean Suh, Euichul Choi, et. al., eds. *White Paper on Human Rights in North Korea*, Korea Institute for National Unification, (Seoul, Korea: 2001).

[36] According to a reliable South Korean source, 3,500 churches existed before the division of the Korean Peninsula. Commission interview with South Korean Protestant church leader who asked that his name not be disclosed, February 9, 2002, Tokyo, Japan.

[37] *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

[38] Sang-Chul Kim, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002. See also *2001 Report on International Religious Freedom*, 169.

[39] UN Human Rights Committee, *Second Periodic Report of the Democratic People's Republic of Korea on its Implementation of the International Covenant on Civil and Political Rights*, UN Doc. CCPR/C/PRK/2000/2, May 4, 2000, ¶111.

[40] *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

[41] Doug Struck, "Keeping the Faith, Underground," *Washington Post*, April 10, 2001.

[42] 2001 *Report on International Religious Freedom*, 169; Soon-Ok Lee, Subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee, *Hearing on Human Rights in North Korea*, April 19, 1999.

[43] Soon-Ok Lee, U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002, 27.

[44] USCIRF, *Hearing on North Korea* (Lee testimony) 34-36.

[45] 2001 *Report on International Religious Freedom*, 168.

[46] USCIRF, *Hearing on North Korea* (Kim testimony) 22; Commission staff interviews with South Korean Protestant church leaders, February, 2002.

[47] Interview with South Korean academic (see note 23).

[48] 2001 *Report on International Religious Freedom*, 169. According to the Executive Secretary of the Christian Council of Korea, Dr. Young-Ryul Park, who was interviewed by Commission staff in Seoul in February 2002, the existence of the underground church network is denied by the North Korean government.

[49] National Coalition Government of the Union of Burma, "Declaration of Members of Parliaments Throughout the World in Solidarity with the Democratically Elected Members of the Parliament of Burma," December 2001 (*http://www.ncgub.net/campaign/International%20MP%20Declaration.htm*, accessed March 13, 2002).

[50] Norbert Vollertsen is a doctor who worked with the German medical group Cap Anamur in North Korea; Soon-Ok Lee is a former North Korean official who fled the country.

[51] VOA currently broadcasts one and a half hours each day in both short wave and AM for a North Korean audience, focusing on world and U.S. news. RFA broadcasts two hours each day in short wave, also focusing on news. According to RFA officials, the broadcasting company

would like to expand its broadcasts to four hours each day, and believes that switching broadcasts from short wave to AM frequency could reach more North Koreans.

[52] The International Religious Freedom Act of 1998 (IRFA) requires the identification of parties responsible for particularly severe violations of religious freedom in countries of particular concern. (IRFA, § 402(b)(2) (22 U.S.C. 6442(b)(2)). Section 604 of IRFA provides that government officials who are "responsible for or directly carried out" particularly severe violations of religious freedom are ineligible for visas or entry to the United States (including spouses and children of the said officials).

[53] Renee Montagne and Eric Weiner, "Madeleine Albright Briefs South Korean and Japanese Officials on Her Visit to North Korea," *National Public Radio*, October 25, 2000.

[54] Amnesty International, "China: Hundreds of North Koreans Forced Back Across Border," August 14, 2001.

[55] Elizabeth Rosenthal, "U.N Group Backs North Korean Asylum Seekers in China," *New York Times*, March 15, 2002.

[56] Ibid.

[57] Paul Shin, "25 North Korean asylum seekers arrive in Seoul," *Associated Press*, March 18, 2002. Shin Yong-bae, "Foreign minister promises gov't will accept N.K. defectors in China," *Korea Herald*, January 19, 2000. The South Korean government's position on the refugees is also based on Article 2 of the South Korean Constitution, which implies that all North Koreans are citizens of the Republic of Korea. Article 2 states: "The territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands." (*http://www.assembly.go.kr/english/laws/constitution/index.html*, accessed April 2, 2002).

[58] Video presentation, *Third Annual International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 –10, 2002.

[59] Howard W. French, "North Korea: Public Enemy No. 1," *New York Times*, April 5, 2002.

[60] *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

[61] UN Human Rights Committee, *Concluding Observations*, August 27, 2001.

[62] Ibid.

Testimony:
United States Senate Committee on the Judiciary
The North Korean Refugee Crisis in N.E. China.
June 21, 2002

:
Documentary Journalist.

Introduction:

I would like to thank the committee for giving me this opportunity to voice my humble opinion on one of the most tragic violations of human rights of our time that has been kept under the veil of silence, until recently.

My name is Jung-Eun Kim. I am a freelance journalist and work as a producer of documentary films and international current affairs programs for television. I have covered a wide range of topics over the years including politics, economics and human affairs for various major news organizations around the world such as the BBC, SBS-Australia, SV-TV, Sweden and ABC. I have also consulted for print media: Newsweek, Dallas Morning News and USA Today. I first became interested in the North Korean famine back in the mid 1990s when the information about the famine was just starting to seep out. As everyone knows, it is extremely difficult to travel to North Korea, especially as a journalist. I knew there was an exodus of starving North Koreans crossing the river looking for food into neighboring China. I thought the next best thing to actually going to North Korea, which is next impossible, was to go and get the testimonies of these refugees who have risked their lives to simply stay alive.

My first trip to the border area between North Korea and China back in early 1999 was shocking, to say the least. I made the trip wanting to find out more about the North Korean famine refugees who have risked their lives and have crossed the Tumen River separating the two countries, simply in search of food and any other sustenance they could find. Unbeknownst to me at that time, this marked the first of many more trips I would make to the area. The situation I found there was far worse than I had ever imagined. The refugees I met lived in appalling, and in many cases sub-human conditions. Children, most of them stunted from years of malnutrition, were begging for food in the streets, sleeping outdoors in sub-freezing temperatures in winter months without proper clothing, barely getting by with one or two meals a day if they were lucky. Still, even that was better than the lives they had left behind in North Korea, according to virtually everyone I interviewed, both children and adults. But worst of all was the fear they have to live with of being caught by the Chinese authority to be repatriated. If they are caught and repatriated, they face political persecution back home, imprisonment in a labor camp, torture and in some cases death. I thought the situation these refugees face has gone beyond politics and should be dealt with from a humanitarian point of view.

Most of us discussing this issue are so accustomed to the basic human rights we enjoy

that we virtually take them for granted. We don't appreciate what those rights are until we are forced to contemplate -- or to witness -- what it is like to live, or exist, without them. That is the situation in which I found myself on my trips to China, hearing the horrific personal accounts of North Korean refugees. One of the most basic rights we have is the freedom of movement, to travel to another city, or state, or even another country -- so basic for most of us that we never question or even think about it. But North Koreans, living in one of the most oppressive regimes on the earth today, have no such right.

The testimonies I've heard were consistent in nature: they fled the famine, not their country and yet even when they do choose to go back of their own accord, still face persecution by the NK government for having left.

I have interviewed hundreds of refugees in the last three and a half years, and all of them told me essentially the same thing. They had two choices: Either die slowly and silently from starvation in North Korea, or try everything possible to survive. It seems starvation can focus one's priorities and motivations in a way that most of us who grew up amid comfort and security cannot fathom.

The Chinese government refuses to grant "refugee" status to those who have made the dangerous journey into China in search of food, still categorizing them as "economic migrants." The international definition of "refugee" requires proof that one has been persecuted as a qualification for asylum. The North Koreans who have fled to China simply to find food do face political persecution if they are sent back -- a fact known to everyone involved. They are innocent victims who are entangled in international politics, forced into desperate and often tragic lives, and having no voice of their own. The United States has traditionally been the champion of human rights around the world, and should not turn the blind eye to one of the most tragic human rights tragedies of our time. It is urgent for the U.S. to shine the light of humanitarian advocacy on what has been hidden in darkness for far too long. The international community should be outraged at the plight of these refugees. The U.S. should take the lead in championing their cause, and giving voice to the hopes of the North Korean refugees in China. There must be a way to put a higher priority on these human lives, to draw these innocent victims of brutal regimes and failed policies out of their hiding places and into a new world, with hope for some measure of normalcy and a future free of fear and famine.

The famine still continues today in North Korea. It is estimated over two million people have died from famine related causes in North Korea since 1995. Hundreds of thousands have fled the famine to bordering areas in China. Many have returned with whatever supplies they could acquire but many have also chosen to take their chances and remain, despite the harsh conditions they face there. Many international aid organizations have pulled out of North Korea because of political reasons in most cases, in the last several years. United Nations has warned that we can expect reemergence of famine in the second half of this year in North Korea if the food aid to starving North Koreans discontinues. And most certainly this would worsen the refugee situation in China.

Political games aside, the US should continue to give food aid to North Korea purely on a humanitarian basis. It would be a crime that if the US and other international communities ignore the plight of a starving people dying in masses, it's something we have to answer to and be responsible for as humanitarians.

The conclusion I've drawn from my experience of making the documentary, "Shadows and Whispers: The Struggle of North Korean Refugees in China" is that this is a humanitarian issue, not that of ideology. They are not the "axis of evil", they are ordinary people in extraordinary circumstances who happen to be the citizens of one of the poorest and most oppressive countries in the world today, forced to suffer more than humans should have to endure – hunger, loss of loved ones, and loss even of hope for a resolution of their fate.

It is my hope that telling their story to a larger audience will inspire politicians and human rights advocates to take the critical steps urgently needed to address the predicament of these countless, voiceless refugees. Often it is those who have no voice of their own who pay the harshest price in the maelstrom of international politics. My purpose in initiating this whole project was to focus attention on these forgotten victims, and encourage the outside world to take up their cause. If that happens, there might be real hope for the countless separated families, their children, and all the others who, like them, must live in shadows and whispers.

Testimony submitted by Helie Lee, author,
Senate Subcommittee on Immigration
April 21, 2002

I am honored to be here today. I am especially grateful to Senator Kennedy and Senator Brownback for all of us being here today.

I, as a daughter, a granddaughter, a Korean American, an American, standing here being a witness for the three hundred thousand plus North Korean refugees hiding out in China in absolute fear of being repatriated back to North Korea and suffer severe punishment, even execution, this is the most important thing I have ever done in my life.

First, I must tell you that I am not an expert or scholar or journalist. I am a writer, who has written a book about my family's daring mission to rescue nine relatives from North Korea in 1997. By sharing my family's story with you, it is my hope that the unfamiliar becomes familiar, that the nameless, faceless North Korean refugees will not seem so foreign, that you will see they are no different from me, from us –we the people who desire life, liberty and happiness.

Now for a moment, I would like you to imagine that you have a child, a son. You do not know whether he is a live or dead. Then, after forty-one years of wondering, you discover he is alive. This happened to my halmoni, which is Korean for grandmother.

My grandmother last saw her son, Yong Woon, during the outbreak of the Korean War in 1950. He was the only one that didn't make it out of the Soviet-backed North Korea to the U.N.-backed South. He was only sixteen.

For years after the Armistice agreement was signed in 1953, that stalled the bloody civil war, my grandmother searched for Yong Woon. When she had almost lost hope, a letter arrived from North Korea in 1991, resurrecting this missing son's ghost. The letter was bittersweet. Sweet, because finally we knew what had become of Yong Woon. Bitter, because she could not rush to him. North Korea was then and still is the most closed off and repressive regime in the world. Nevertheless, we tried desperately to go through official channels, but all doors were closed to us.

Then in 1997, our one-in-a-million chance appeared. A Korean Chinese man called my parents in Los Angeles from China, collect. This man had befriended Yong Woon during one of his business trips to North Korea. He was a smuggler by trade. As a result of the devastating famine sweeping across North Korea, reported to be worse than the Ethiopian famine that claimed over one million lives during the eighties, this smuggler was allowed to take across the border bags of rice, underwear and socks, and trade them on the black market for antiques.

In April of 1997, my father and I escorted my eighty-five-year-old grandmother to Northeastern China, to a remote city called Yanji. It was the nearest airport to the China/North Korea border. The long flight from Los Angeles to Seoul to Beijing to Yanji was too much for my grandmother. We had to leave her behind in Yanji. We decided that my father and I and the smuggler would go to the watery border alone. Our plan was to make contact with my uncle with the smugglers assistance. Once we made contact, we would sneak Yong Woon across the border into China, then drive him back to Grandmother. Mother and son could meet for a few precious hours, then we would sneak him back before the North Korean police discovered he was gone –a treasonous crime. If this happened, we feared that not only would Yong Woon be punished, but also his entire family including young children and the elderly.

Our trek to the border town of Changbai City was a grueling eleven hour journey along an unpaved icy mountainous road. Finally, when we arrived at the watery border, I was stunned by what I saw. I had envisioned the Yalu River, the natural division between China and North Korea, to be miles wide and treacherous. I had imaged barb wire fencing and guard posts similar to the Demilitarized Zone that divided the Korean peninsula in half near the 38th parallel. Instead, the river was absolutely still and only waist deep in this area. However, there was a tall stone wall erected on the North Korean side, just beyond the rocky riverbank. I suspected the wall wasn't built to keep the people from escaping. It was there to keep us, the outside world from seeing all the decay and disrepair just behind it. But anyone who did try to escape, the armed soldiers, posted every ten to fifteen yards, would shoot them down.

Standing at the riverbank, I saw Yong Woon, my uncle for the first time. Suddenly seeing him spoke volumes of the harshness of North Korean life and the famine became real. My uncle's age was the same age as my father's, sixty-two, but he looked as old as my grandmother. His face was gaunt, his eyes and checks were hollowed. He was wearing a green Mao jacket with the high Mandarin collar and a Lenin cap with the red star. His clothes were much too thin for the freezing weather and they looked as though they should have been tossed in the garbage years ago. But what was worse than the starvation was the hopelessness: no food, no clothes, no reason to live. I wanted so badly to give my uncle my protective jacket, but the soldiers ready to shoot stilled my feet. All I could offer my uncle was a message from his mother. In order to communicate with him, we had to bribe the North Korean soldiers. A pack of cigarettes, a piece of rice cake, these were enough to buy us protection to speak to our relatives, because even the soldiers were starving.

In my American-accented Korean, I called out, "Halmoni has never stopped searching for you. She's never forgotten you!"

He couldn't, wouldn't respond.

My uncle never made it across the river. The shock of seeing us and being so starved, he fell unconscious. We were so close, and yet we had failed. I had failed to keep my promise to my grandmother that she would be able to embrace her son one last time before she passed away.

The guilt consumed my father and me when we returned home to America. Also, we were haunted by all that we had seen and the people we had left behind. The images polluted our privileged lives back in America. We knew we had to go back. There was no other option for us.

With the assistance of many brave individual, who acted as our guides, drivers, translators, we planned a risky secret mission. Naively, we thought the mission would take two to four weeks to execute. It turned out to be a seven month long odyssey which involved many trips to China. Eventually, we got Yong Woon and eight members of his family –the youngest a month old infant– across the watery border and into China. As hard as it is to believe, getting my relatives out of North Korea was the easy part. A mere bribe, equivalent to four-hundred American dollars, paid for nine lives to cross the border. Getting them out of China was the difficult and dangerous leg of our mission. North Korean refugees were not embraced. Embassies regularly turned them away fearful of upsetting China, their host country, and the unpredictable North Korean regime. And China, a long time ally of North Korea, had an agreement to repatriate any and all refugees, many times hunting them down, knowing they would face harsh punishment.

After weeks of hiding out in safe houses, always on the run, always fearful of capture, we eventually got half of my family to Mongolia and the other half to the South Korean Consulate in Vietnam. Even then, there was no guarantee of asylum. Fortunately, we did have leverage. Being a savvy American and having worked in the entertainment business, I knew the power of the media. With the help of a small South Korean television crew, we videotaped everything. It was our intention to use the footage of the escape to issue a plea to the world to pry government doors open. I believe it was this video and the publication of a book on my grandmother's loss the year before in America that won my relatives their freedom. Just after Christmas 1997, my grandmother and her son were finally reunited in South Korea after forty-seven years of forced separation.

My relatives were very lucky. They had us to guide and support them. We were willing to risk our own lives to save theirs. But everyday I am filled with guilt remembering the three-hundred-thousand plus refugees. I am filled with guilt every time I read about desperate refugees storming foreign embassies in China in a last ditch effort for life. Those lucky few who receive media attention were able to make it to South Korea. Presently, there are only 1800 North Korean defecters living in South Korea according to KoreAm Journal (April 2002). This is a shamefully low number considering how many refugees have been reported. However, our America, a great generous nation, a leader of human rights, has thus far received only two North Korean families since the Korean War as reported by Newsweek (September 8, 1991). Ambassador, Jang Sung Gil, a diplomat in the Middle East, and his brother, a fellow diplomat, and their families were supposedly courted by the American CIA.

What about the regular people, people like my uncle Yong Woon, who were at the bottom rung of society, branded as a traitor because his family had converted to Christianity and were land owners before the war? What about people like him, who are slowly starving to death, but do not

possess important military secrets to barter for their lives? Who will save them?

As you consider policy options Mr. Chairman and Senator Brownback, I would like you to remember my grandmother's life. Her life is a testimony to the fact that the impossible can become possible if you have the courage and faith to go after it. As far as countries goes, I believe, America is the bravest and most compassionate of all nations in regards to the poor and hungry who seek a better life. In the sixties, when China was suffering from a massive famine after Mao instituted the Great Leap Forward (1952), two-hundred-and-fifty-thousand Chinese escaped to Hong Kong. Hong Kong appealed for international help. Then President John F. Kennedy enacted an emergency executive order allowing the immediate immigration of five-thousand people from Hong Kong to the United States. My friend, Ann Lau, and her family, were one of those fortunate families who immigrated to the U.S. in 1963. Today, she is a human rights activist who works tirelessly. She is what makes America so proud and so beautiful

When you save one life you save the world.

Testimony of Sun-ok Lee
former female prisoner of Kaechon political prison
Presented to the Senate Judiciary Committee
Subcommittee on Immigration
Hearing on "Examining the Plight of Refugees: The Case of North Korea"
June 21, 2002

I was a normal gullible North Korean citizen, loyal to Leader and Party, and believed that North Korea was a people's paradise. I was the Director of the Government Supply Office for party cadres for 14 years when I was arrested in 1984 under the false charge of embezzlement of state property. I was subjected to severe torture during a 14-month preliminary investigation until I was forced to admit to the false charges against her. Eventually, I received a term of 13 years in prison at a kangaroo court. I had served 5 years and two months in prison when I was released in 1992 under a surprise amnesty.

During the first six months in the prison, I had worked briefly at all of the factories in the prison before I was finally assigned accounting work due to my background as an accountant. My routine responsibilities included updating prisoners' list by deleting the dead from it and adding new arrivals to it, allocation of meals and work quotas, updating work accomplished, collecting daily work reports, carrying new work instructions to all work sites, and so on.

Thus, I had access to records of numbers of inmates and production plans, etc., and was privileged to daily visit all factories in the prison in both men's and women's sectors. I survived her over five years of ordeal because of the opportunity to walk to all the work sites every day which other prisoners could not and because I had relatively easy work in an office as an accountant with the prison officials.

I surrendered to South Korea in December 1995 with my son Dong-chul Choi. I published a book, The Bright Eyes of the Tailless Beasts in Seoul in December 1996 to inform the world of these crimes against humanity by the North Korean government. With the help of a volunteer art student, I has produced the following illustrations to show the world the reality of the North Korean crimes against humanity.

In addition to the detention settlements for political prisoners, there are two or three secret political prisons. Prisoners accused of violating policies of the party are imprisoned here through kangaroo court. I was a prisoner at one of these political prisons.

I recollect life in the North Korean prison:

"A prisoner has no right to talk, laugh, sing or look in a mirror. Prisoners must kneel down on the ground and keep their heads down deeply whenever called by a guard, they can say nothing except to answer questions asked. Women prisoners' babies are killed on delivery. Prisoners have to work as slaves for 18 hours daily. Repeated failure to meet the work quotas means a week's time in a punishment cell. A prisoner must give up her human worth. When I was released, some 6,000 prisoners, both men and women, were crying and pleading with me in their hearts to let the outside world know of their suffering. How can I ever forget their eyes, the eyes of the tailless beasts?"

After release, I could have lived peacefully in North Korea and enjoyed my previous status as a senior party member because people all knew that I was innocent. However, I decided to risk my own life to inform the world of the Kim Jung Il's crimes against humanity. I testifies that most of the 6,000 prisoners who were there when I arrived in 1987 had quietly perished under the harsh prison conditions by the time I was released in 1992. This shows that about 1,000 prisoners died each year and a fresh supply of new prisoners was obtained each year in order to meet the production quotas! I recalls that I was the only prisoner released during the term of my imprisonment. The only exception I can recall is a group of some 250 prisoners, Koreans from Japan. They had arrived there from Yodok detention settlement, I was told, several months before my arrival. On the day of the 30th anniversary of the signing of agreement between North Korea and Japan for returning Korean residents from Japan to North Korea (shortly after her arrival at the prison), they were sent to an unknown location.

North Korean Kangaroo Court

The preliminary trial was for 10:00 am at my former office, where I worked for 17 years as a loyal party member. I asked for my husband before entering the court. "Your husband is not here. Don't ever try to meet anybody else, understand?" was the reply. Don't I even get to see my husband on the day of my trial?

I met my lawyer for the first time in the courtroom. The court consisted of a judge, prosecutor, lawyer and a two-member "jury." My interrogator was there also. The judge made a few remarks about the charges against me and asked me if I accepted the charge.

I had promised the interrogators earlier that I would accept the charge, but I simply could not control myself at that

moment. "Your Honor, I have neither embezzled government property nor violated any of the party policy. Never, never! I am innocent. Please allow me a fair investigation." The two guards at my sides shouted, "You must be crazy!" and started to kick me in the knees. At that moment, the judge declared the preliminary trial closed. The trial lasted less than 15 minutes!

It was very cold on November 9, 1987, my trial day. In the morning, the interrogators repeated their warning, "You better be careful what you say in court or your husband and son will be in serious trouble. Remember that!" (I did not know that my husband, in fact, had already been exiled internally!) However, I was firmly determined to do what I could to prove my innocence to the party officials and my husband. I was still so naive and excited by the idea of meeting my husband and telling him loudly, in the court room, all about my sufferings.

After the preliminary trial which lasted less than 15 minutes, I was detained at the police cell for the formal trial until five o'clock in the afternoon. I was given no water and food. The interrogators persistently harassed me with the same threat, "What about your husband and son? If you accept the charge in court, they will be safe. Otherwise, you know what's going to happen to them."

At court in the afternoon, I had to say yes when the judge asked me, "Do you accept the charges against you?" There was no evidence produced nor any witnesses against me. The judge made no reference to the absence of evidence and witnesses and committed me to a 13-year imprisonment in violation of the government commercial policy and state property embezzlement. The lawyer remained silent throughout the entire court proceeding. The mere formality to send me to prison was thus over under the pretext of a trial.

Underground Emergency Execution Chamber

Near the prison gate, there is a huge iron gate that leads to the underground tunnels. Guards often remind the prisoners that their lives are considered disposable and that they can be collectively annihilated at any time in the underground tunnels. The tunnels, of course, can be blasted at any time, leaving no traces of massacre. It is said that the underground space is so large that it can accommodate several thousand prisoners at one time. The male prisoners' sector has a huge underground factory for the production of ammunition and weapons. I have never been to the underground weapon factory myself but I have frequently heard prison officials talking about it. I do not know whether the underground tunnels in the women's sector are connected to the men's underground factory.

I often saw fumes coming from a distant chimney atop a nearby hill. I was told that the chimney is one of the ventilators of the underground tunnels.

Meals for Prisoners

Salt soup
100 grams of broken corn, full meal
80 grams of broken corn, reduced for punishment
60 grams of broken corn, reduced for punishment

Prisoners' Sleeping Conditions

Some eighty to ninety prisoners sleep in a flea-infested chamber about six meters long by five meters wide (about 19 feet by 16 feet). Some eighty percent of the prisoners are housewives. The prison chamber is so congested that sleeping there is itself a torture. Prisoners sleep on the floor, squeezed together, head and feet alternating. So, prisoners sleep with the stinking feet of other prisoners right under their nose. They roll up their clothes for pillows. During the winter, prisoners share body heat against the cold wind coming under the floor. However, during the summer, it is so stuffy with the sweat and stink of the prisoners that they prefer sleeping at the work site even though it means more work.

Two prisoners must stand on night duty for one-hour shifts. The following morning, prisoners on night duty must report to the prison authorities all the details of their duty including the sleep talking of other prisoners. They get their duty hour extended if caught sleeping.

Evening Roll Call

The prisoners are divided into units and teams and must always act collectively by group under the slogan, "All Actions by Unit and Team!" Prisoners get up, line up for roll call, proceed to work, take meals, go to the toilet, finish work and go to bed collectively and at the mercy of the prison authorities.

At the end of the day's grueling work, the prisoners are so tired and exhausted that many of them experience physical problems returning to the prison chamber promptly. This means that the other prisoners in the same unit have to wait and sleep less. Every night, it is a hellish experience that lasts for an hour or even longer: the calling of prisoners for others, or repeated roll calls, and prisoners desperate to go to sleep as soon as possible.

The Kaechon Women's Prison comprises the following eleven work units: miscellaneous factory, export factory, shoe-making factory, leather/rubber factory, clothing factory, fabric-cutting factory, work preparation unit,

maintenance unit, drop-out punishment unit, farm unit and kitchen unit.
The prisoners must always keep their heads down at work and avoid other movement unnecessary for work. More than half of the female prisoners have lumps on their head or shoulders and are hunchbacks or crippled. Most female prisoners working in the shoe factory are baldheaded.
The entire unit is responsible for the mistakes of any one prisoner in the team. As a result, newcomers are not welcome because the entire unit will have to work more and go to bed later because of the newcomer's failure to move and work fast enough.

Prisoners and Prison Guards

At all the factories, there are glass boxes for prison guards to sit in while supervising prisoners at work. The glass walls enable them to watch the prisoners at work while avoiding their terrible stench. In addition, the prison guards always wear masks and keep some distance from the prisoners because of the bad smell.
As standard practice, a prisoner must run to the official and sit down on her knees with her head down whenever she is called. The prisoner can only answer the questions asked and cannot say anything else. Prisoners are very often kicked in the face or breast for slow answers or movement. The prisoners are severely punished for raising their heads or stretching their bodies.

Punishment Cells, Chambers of Death

The punishment cell is one of the most dreaded punishments for all prisoners. The cells are usually 60 cm wide and 110 cm high. Therefore, the prisoners have no room to stand up, stretch their legs or lie down. They cannot even lean against the walls because they are too jagged. There are twenty such cells for female prisoners and 58 cells for male prisoners. They are usually detained for seven to ten days as punishment for certain offenses, such as leaving an oily mark on clothes, failing to memorize the president's New Year message or repeated failure to meet work quotas.
When the prisoners are released from the cells, their legs are badly bent, with frostbite in the winter, and so they can hardly walk. Many victims are permanently crippled from the lack of adequate exercise and eventually died as a result of the work resumed immediately after the release. The prisoners call the punishment cell "Chilsong Chamber," meaning a black angel's chamber of death.
In November 1989, I was detained in the punishment cell for a week for attempting to cover-up a faulty piece of shirt made by a 20 yearold girl. The young girl was sent to the torture chamber and never seen again. Among other things, the freezing cold wind from the toilet hole made the experience extremely painful. During the summer, the prisoners struggle to brush thousands of maggots back into the toilet hole.
After being released, I had problems walking for 15 days but I was able to recover because my job gave me the needed opportunity to walk to all corners of the prison with work instructions.
They say it is a day of great fortune if a prisoner finds a rat creeping up from the bottom of the toilet hole. The prisoners catch it with their bare hands and devour it raw, as rats are the only source of meat in the prison. They say the wonderful taste of a raw rat is unforgettable. If they are caught eating a rat, however, the punishment is extended. So they have to be very careful when catching and eating a rat.

Prisoners Can Use Communal Toilets Only Twice a Day

There is one collective toilet, one meter wide and two meters long, for every 300 prisoners. Five or six prisoners use the toilet together at the same time. The first group leaves work for the toilet with a wooden pass. Then, they return to work with the pass. The next group is then allowed to visit the toilet collectively with the pass. In this way, the prisoners use the toilet only twice a day in group shifts, not when they need to. The prisoners squat on a slope and evacuate onto a sloped floor. There is only one hole at the end of the toilet.
Please note the toilet duty prisoner holding a wooden pass in the above drawing. The prisoner on toilet duty must stay inside the toilet for 17-18 hours a day. They are normally old and crippled women who are not fit to work. They look horrible with faces swollen and yellow from the stench. Some prisoners prefer the job because of the guarantee of a full ration meal, but they normally die within a year.

Prisoners Die After Spending Time in Punishment Cell

Hun-sik Kim was the principal of Pyongyang Light Engineering College. She was sentenced to a 5-year imprisonment for suggesting to the City Education Board that her students' labor responsibility be reduced so that they could spend more time studying.
In prison, she was assigned the work of measuring fabric to produce jackets, which were to be given as gifts to workers outside by the President on his birthday. One time, she miscalculated the imported nylon fabric but immediately corrected the error and no fabric was wasted. However, she was detained in the punishment cell for ten days for "attempting sabotage." She was crippled and partly paralyzed when she was released from the punishment

cell. On a very hot summer day in August, the camp doctors burned her bottom with heated stones to see if she could feel pain. Just before she died a few weeks later, she whispered to me, with a twittered tongue and tears in her eyes, "I want to see the blue sky. You know my children are waiting for me."

When she was released from the punishment cell, she needed two prisoners to help her walk to the work site and back. The camp officials claimed that she was feigning injury, and yelled,

"You bitch! Who do you think you are fooling?"

She was kicked around like a soccer ball by the guards but withstood the insults and beatings for about a month. She suffered injuries all over her body while pulling herself up. The sores began to badly suppurate from the infections. She often fainted. She was sent to the sick room but she had to continue her work in the sick room. I was in the same room because I was a paratyphoid patient. One day in August, the camp doctors burned her with heated stones to see if she could feel pain. I could smell flesh burning, and felt like vomiting and fainting. I remembered what the camp official told me when I first arrived at the camp, "You must give up all your rights as a human!" She never felt any pain when her flesh was burning.

From that day on, she could not control urination and evacuation. I was suffering from a high fever myself but tried my best to caress her burnt wounds with the dirty cloth the doctors gave me. She said to me, with a twittered tongue and tears in her eyes,

"I want to see the blue sky. You know my children are waiting for me."

The next few days, I felt very sick and was unconscious myself, so nobody looked after her as she kept moaning. A few days later, I came to myself, crawled to her and removed the cloth from her wound. I was shocked to see the wound full of maggots! She died that night. I shouted to a guard through the small door hole,

"Sir, somebody died here."

The reply was,

"So what? You bitch! Don't panic. Wait until morning!"

I found the floor full of maggots the following morning. I had to brush the floor with my bare hands and pick up the maggots into a vinyl bag. I told myself, "You must not die like this. You must survive and tell the whole world about it."

Patients Left to Die under Quarantine

I was sequestered in a patient room and left there to die twice, in 1989 and 1992. Paratyphoid spread among the prisoners in May 1989. Many prisoners complained of pain in the abdomen and high fever before fainting. The prison doctor ordered them quarantined in a small room. Some fifty patients were put into a tiny room, so small that patients were placed on top of one another. Those who were conscious reached out their hands for help; those who were unconscious simply remained underneath and died.

Yong-hi, a 19 year-old girl, was brought to the prison with her mother. She called her mom in a feeble voice for an apple and a little water before she died under the other patients. Her mother was working at the miscellaneous factory and did not know that her daughter perished there.

One day, I woke up to hear the voice of Shin-ok Kim, the prisoner/nurse. "How is it that you are still alive? Everybody else died. Get out from there." I was among the few lucky patients who survived the ordeal. When I somehow recovered from the disease, I was sent to report to the medical room. On this occasion, I witnessed the killing of babies in the medical room.

So Much Punishment and Loss of Life to Meet Export Deadline

To meet the deadlines for export, the prisoners often worked until one o'clock in the morning or, for many months, the prisoners slept two to four hours at the work site. They ate, worked and slept in the same place. The standard export items all year around were clothing and different kinds of brushes. They were for markets in Europe, Japan and Hong Kong.

On an ad hoc basis, prisoners produced rose decorations of various colors, each prisoner producing 60 pieces an hour or 1,000 pieces a day, for export to France (September 1990 to February, 1991). They produced some 900,000 pieces of brassieres for export to Russia for $2 a piece (May to November 1988), and countless pieces of sweaters to Japan (February to August, 1991).

There were big water pans for the prisoners to wash their hands clean frequently. Each prisoner was given a piece of white cloth to cover their dirty laps and keep the products clean. The finished products were beautifully packed and shipped for export.

The prisoners often fall asleep while working and wake up when their fingers are injured by the sewing machine. They apply sewing machine oil on the wound and continue to work. They have to hide their bleeding fingers for fear of punishment for sleeping. So much punishment and loss of life for the sake of meeting the export deadline! I was

informed that the foreign exchange earned was spent to supply imported television sets and refrigerators for the security and police officers.

Dead Prisoners Buried under Fruit trees

Many prisoners died from hard work, poor treatment, and beatings. The dead bodies were often buried under the fruit trees in the prison orchard. The fruits (apples, pears, peaches, and plums) from the Kaechon orchard have earned a reputation for their large size and sweet taste. They are reserved for senior party and police officials.

On one occasion, 150 corpses were rolled up in straw mats and buried under the fruit trees. The families were never informed and the bodies can no longer be identified.

I remember some of the victims who disappeared under the trees. Kwang-ok Cho, a 62-year old housewife from Shinuiju city, who was arrested for trying to obtain a blanket in the black market for her daughter's wedding gift; In-suk Kim, a middle-aged housewife whose husband died in a mine accident and who often cried out in her dreams the names of her three children left behind at home; Dok-sun Kim, a middle-aged housewife from Chongjin city who was terribly worried about her old parents; Sa-won Kim, a housewife from Kosong-kun, whose handicapped husband badly needed her; Jong-shim Lee, a 19 year-old girl. Once, a group of dead prisoners were buried collectively at a location near the chestnut forest outside the prison.

Freezing Torture

One winter night in 1987 when I was under investigation at the Chongjin Police Station, the interrogator yelled, "Bitch! You've been spoiled by the warmth in the interrogation room. I'm gonna teach you a lesson!" He made me sit outside wearing my underclothes only. It was freezing cold outside. I was showered with a bucket of cold water and left on my knees for an hour. It was here where I saw other prisoners for the first time. There were some ten prisoners on their knees before me on the ground looking like grotesque boulders. The freezing torture was repeated every night throughout the winter. Six prisoners died from this torture.

There were some ten prisoners on their knees before me on the ground. I was told to sit in the front. I walked through the other prisoners to the front. It was so cold that the guard went right back into the office. I heard a low voice, "Hey, Comrade Soon-ok, it's me here!" It was Younghwan Choi, the Supply Manager of Hweryung District! Soon, I was able to recognize the familiar faces of five former colleagues. They had all been arrested under the same false charges that I was. They all realized that if they died from the torture, they would be perishing under false charges. So they all displayed strong will power to overcome the torture and survive.

However, I witnessed a total of 6 prisoners die from this freezing torture during the winter. The cold was very painful on my hands, legs and ears for the first 20 to 30 minutes. But after that, I felt nothing at all. When we were told after one hour to get up, we were literally frozen and could not stand up. We all fell several times before we somehow managed to rise and stumble back into our cold cells.

Soon, I had large swollen ears. My feet were so swollen that I could not put on my shoes. Water was running from the sores in my swollen legs. When I finally left the interrogation center and arrived at the prison, a prison official told me to apply pine resin from the shoe-making factory. The resin melted all my flesh and I could see some of the bones in my feet. However, because of the resin, fresh flesh began to cover the bones and, after six months, I had normal feet again. I cannot remember when my swollen ears recovered.

Water Torture

One day in early March 1997, I was taken into a torture chamber that I had never been in before. I saw a big kettle on a small table and a low wooden table with straps, about 20 centimeters high. By surprise, one of the two interrogators tripped me with his leg. They strapped me on to the table and forced the kettle spout into my mouth. The spout was made so that it forced my throat wide open and I could not control the water running into my body. Close to suffocation, I had to breathe through my nose. My mouth was full of water and it overflowed from my nose. As I began to faint from the pain and suffocation, I could not see anything but felt sort of afloat in the air. I had been through all kinds of torture, such as whippings, beatings with rubber bands or hard sticks, or hand twisting with wooden sticks between my ten fingers, but this was worse.

I do not remember how long it lasted but when I woke up I felt two interrogators jumping on a board which was laid on my swollen stomach to force water back out of my body. I suddenly vomited and kept vomiting with terrible pain.

I had no idea how much water ran into my body but I felt like the cells in my body were full of water and water was running out of my body through my mouth, nose, anus and vagina.

I faintly heard somebody saying, "Why doesn't this bitch wake up. Did she die?" I could not get up so I was dragged to my cell that day. From that day on, I suffered from high fever and often fainted. My whole body was so swollen that I could not open my eyes. I could only urinate a few drops of milk-like liquid with blood and felt a severe pain

in my bladder. I was able to get up and walk again in about two week's time.
I can not explain how I could have survived such an ordeal. I would have died if that had happened to me in my ordinary life. I must have developed a mysterious super power to sustain myself under an emergency situation.

School Principal, a Torture Victim

In 1987, a school principal in Chongjin city found two female teachers murdered the previous night in the night duty chamber of the school. He immediately reported the murders to the police. When the police made little progress in the investigation, they arrested him for murder. He was subject to all kinds of severe torture for two years and forced into confessing the murder.
When I saw him in the police jail, both his ears were gone with only ear holes in their place. I have no idea how it happened but his fingers were cut short and clustered together. He was badly crippled, one leg shorter than the other, and unable to walk. His mouth was slanted and he could not control his lips, which made it very difficult to understand what he said. He was a tall and handsome person before he was arrested but became as short as a ten year-old boy in the two years in the police jail.
He was the principal of Subok Girls' high school in Chongjin City, North Hamkyong Province. He devoted his entire life to education as a career teacher.
He pleaded innocent throughout the severe tortures. Two years later, two criminals were arrested for robbery and confessed that they had snuck into the school to steal an organ, found two women teachers, and murdered them after an unsuccessful attempt at rape.
Nobody was punished or held responsible for arresting the wrong person. There was no apology. Rather, the provincial police forced him to sign a statement that he would never disclose that he had been tortured. He was completely disabled and received no compensation. He died shortly after his release.
This incident shows how incompetent the normal North Korean police investigators are and, as a result, how they commonly torture innocent victims to extract false confessions.

Prisoners Beaten Cruelly

One common form of torture was to tie a prisoner against iron bars, spread-eagle by hands and legs and beat him all over the body with a rubber or cow skin whip. Just the pain from hanging by your body weight makes the ordeal unbearable. From the beatings, the skin becomes torn all over, blood splashes and the prisoners begin to feel that their skin isn't human any more. When a prisoner is released from the iron bar, his whole body is so swollen that he cannot bend his back or knees. The prisoner must evacuate and urinate standing.
In the Nongpo Police Detention Center, there were three torture chambers and all kinds of torture were routinely practiced on inmates. I was 39 years old at that time. They subjected me to all kinds of torture there.
Once I resisted when they tried to undress me. One of the torturers punched me in my face so hard that I fainted to the floor. Sometime later, I woke up to find my mouth full of something. They were my broken teeth. Obviously, I bled terribly because the floor was full of my blood. My face was so badly swollen that I could hardly open my eyes. I spit out the broken teeth only after holding up my lips with my fingers. Four teeth from the upper jaw were gone. I began to feel terrible pain in my other teeth. Usually, I was taken to the torture chamber at five o'clock in the morning and remained there until midnight.

Tearing Off the Ears of a Prisoner

The Comptroller of the Seamen's Club of Chongjin City was an old man, 60 years old. He could no longer withstand the tortures that continued daily. When the investigators tore off one of his ears and began tearing off the other, he decided to please the investigators by claiming to be a big thief -- the bigger the better. So, he told them that he stole a locomotive from the city railway station. He acquired the nickname, "locomotive head" from the police investigators and officers.

Prisoners Used for Martial Art Practice

A prisoner in the police jails becomes a different person, skin and bone, from starvation and torture. Male prisoners appear to become undernourished and confused sooner than female prisoners. The jail guards commonly use inmates as martial arts target. They punch and kick prisoners during martial arts practice. The prisoners fall bleeding at the first blow and remain motionless for a while on the cement floor until they are kicked back into the cells.
The guards often bring fish and grill it on their stove, sending a wonderful aroma to the prisoners. This is as painful as any form of torture could be for the starving inmates.

Christians Killed for Refusing to Convert

The cast-iron factory was considered the most difficult place to work in the entire prison. Christians were usually sent there to work. One Christian working at the cast-iron factory was killed by hanging in a public execution in December 1988 for hiding a friend at his house before he was arrested.

In the spring of 1990, I was carrying a work order to the cast-iron factory in the male prison. Five or six elderly Christians were lined up and forced to deny their Christianity and accept the Juche Ideology of the State. The selected prisoners all remained silent at the repeated command for conversion. The security officers became furious by this and killed them by pouring molten iron on them one by one.

A North Korean Miner's Wife

Jong-ok Kim, about 45, wife of a minor, Hweryong district, was arrested for stealing some 20 liters of corn from a nearby cooperative farm when her children were starving at home in the spring of 1987. During the trial, the judge scolded her for stealing. There was a microphone in front of her but she did not know what it was. She murmured in a very low voice, "Of course, I know stealing is bad. Why would I steal if food ration had continued? How awful this country is." Her complaint reached the judge through the microphone. He was furious and committed her to 15year hard labor in prison for "criticizing the party policy." She died in the autumn of 1992 of undernourishment and diarrhea, after five years in prison.

She was detained at the cell next to me during the police investigation but we did not see each other at that time because the movement of prisoners was always so strictly controlled that prisoners do not meet each other. The guards in the jails, however, always felt bored when on duty for hours and they would normally ask inmates for all kinds of questions, "Hey you! What's your name? Where are you from? What's the Charge? etc." I overheard their conversations with other inmates and knew about them and, in the same way, the other inmates knew about me even though we did not meet.

One day in prison in 1988, I was carrying work instructions as usual when a prisoner suddenly stopped me by pulling my clothes and whispered to me, "Aren't you the Supply Manager from Onsong District?" Speaking each other was against the prison regulation. I was scared and I moved off without a word. The next day, when there was no prison guard around, I asked her, "How did you know about me?" This is how we met in the prison.

She worked at the leather factory in prison. She had been in prison for about 5 years when, one day in the autumn of 1992, she became too weak to meet her work quota. She received reduced meal for punishment and began to be weaker with less food. She also had serious loose bowels and felt so thirsty but there was no water for prisoners. She was so desperate that she drank the dirty water from the bucket where floor mops had been washed several times. The next day, she dropped to the floor while trying to make a leather bag. She did not move when prison guards kicked her hard. She was dead. They had her dead body wrapped in a straw mat and carried away.

One day in 1994, while I was hiding in China waiting for an opportunity to come to Seoul, I was listening to a mid-night radio broadcast from Seoul which announced arrival in Seoul of two young brothers from North Korea. Their names rang my ears. When I was undergoing intelligence clearance in South Korea, I was able to confirm that the two brothers were indeed the sons of Sung-Ok Choi.

When I was expecting to see her sons in Seoul, the intelligence officers advised me not to tell them about their mother's death because the boys are in a very fragile condition emotionally. So, I did not tell them about their mother's death when I first met them. One day in April, 1998, they visited me and told me that they had heard from their relatives in China that their mother had died. Then, I had to confirm the information. They are in South Korea now and visit me regularly.

Typical Scene of Prisoners at Work

Officially, the purpose of the prison is to reform the ideology of the prisoners. In reality, however, the purpose of the prison is to exploit slave labor. The prisoners work 1618 hours every day without wages. Cow leather whips are always ready on the walls and women are whipped, kicked, or punched daily for no reason. The prisoners are not allowed to talk, laugh or take a rest. In addition, the prisoners must always keep their heads down and only repeat the same motion for work. As a result, more than half of the women have lumps on their heads or shoulders, are hunchbacks, or are crippled. The camp officers and guards always wear masks because they cannot tolerate the prisoners' stench! The prisoners often urinate or defecate while working because they cannot wait.

The prisoners are allowed to take showers only twice a year. Therefore, all the prisoners naturally stink. The entire prison is full of the awful smell of sweat and the stench of the prisoners enters your lungs the moment you are inside the prison.

The prison officials and guards are there by life appointment. North Korean authorities never transfer them to other posts for fear that their crimes may leak to the outside world.

Have You Heard About the Human Motor?

The power supply in North Korea was erratic and almost every other day prisoners worked without electricity during the daytime. However, the prison rule was that the daily quota had to be met whether there was electric power or not. So, female prisoners were whipped to keep the motor running manually for the power se wing

machines.
There were about 100 sewing machines in the sewing factory, operated by one electric motor. The women were forced, ten in each team, to pull the belt on their shoulders and operate 100 sewing machines, for one hour each. The hardship of the prisoners was beyond description. The production officers mercilessly whipped the prisoners to maintain their productivity.
The female prisoners must meet their work quota to get the standard meal of 100 grams. Each shoe manufactured requires a countless number of small nails to be hammered and so each prisoner has to hammer so many nails every day.
Their fingers are all bent and deformed with hard skin. Three hundred prisoners produce 1,000 pairs of boots daily, working 1618 hours daily to meet the work quota. Often they are forced to work until morning to meet the quota, under collective punishment for the failure of other prisoners to meet the quota.
Myong-suk Kim was a very competent and skillful worker and produced the best quality boots for senior officers. The machines were German, but they were imported in the sixties and started to give problems as they aged. One day, she could not meet the quota due to equipment failure. The guards kicked her and shouted,
"You swine, you better fix your machine quickly."
When it became clear one day that she could not meet the quota, she drank hydrochloric acid that was kept there for repairing the machine and killed herself. That was in January, 1992.
The prison authorities conducted ideology classes for all prisoners, everyday, to prevent this "ideological corruption" from recurring. It was very tiring to stop work for one hour everyday and stand listening to a nonsense speech before going to bed an hour late.

Women Prisoners Carrying Dung

The prisoners who are old, slow at work or caught looking at their reflections in a window glass are sent to the "drop-out team" for 3 months, 6 months or one year for punishment. Their main job is to collect dung from the prison toilet tanks and dump it into a large dung pool everyday for supply to the farming teams working at the prison farm outside the wall. Teams of five prisoners must pull a metal tank weighing 800 kilograms.
Two women wade knee-deep at the bottom of the toilet arid fill a 20-liter rubber bucket with dung using their bare hands. Three other women pull up the rubber bucket from above and then pour the contents into a transport tank. Sometimes, the prisoners pulling up the bucket are so weak, they fall into the toilet tank because of the weight of the bucket. When the heavy tank is full, they haul it up to a very large and deep dung pool on the hill.
One rainy day in 1991, a housewife from Pyongyang name Ok-tan Lee had been carrying dung all day long and was ready to transfer the dung to the huge pool. However, the lid of the tank on the wheel somehow got stuck and would not open. When she climbed on the tank to push the door open, she slipped from the rain-wet surface and plunged into the ground dung pool. It was so deep that she disappeared into the dung. A guard some distance away (they always keep their distance because of the stink from the prisoners) shouted, "Stop it! Let her die there unless you want to die the same way yourself!" She was left to drown there in the dung.

Female Prisoners at a Rubber Factory

The prison rubber factory was one of the most dangerous and difficult places for women to work. They had to mix used rubber scraps with granular rubber, carry the resulting rubber substance, mix it with rubber glue that came from a big tank which produced poisonous fumes, and knead it in a big round tank. I remember one female prisoner whose head got covered by the rubber glue while she was cleaning the tall rubber glue tank. She suffocated.
Because air creates foam in the rubber, the whole factory is tightly sealed all year round. In addition, the factory is always full of hot steam for molding shoe soles. Therefore, it's always stuffy and suffocating! The sticky mixture in the tank often overflows and women must push it back into the tank. This was very difficult work for hungry and weak women, and so the sticky mixtures often dragged women into the tank and killed them. So many female prisoners were killed and injured that the prison authorities finally ordered the factory to be operated only by male prisoners in 1989, two years after my arrival at the prison.

Babies Born and Killed

When I miraculously survived paratyphoid in 1989, I was sent to the medical room to report. When I arrived at the medical room, I noticed six pregnant women awaiting delivery. I was told to wait for my supervisor to come and take me over. While I was there, three women delivered babies on the cement floor without any blankets. It was horrible to watch the prison doctor kicking the pregnant women with his boots. When a baby was born, the doctor shouted, "Kill it quickly. How can a criminal in the prison expect to have a baby? Kill it." The women covered their faces with their hands and wept. Even though the deliveries were forced by injection, the babies were still alive when born. The prisoner/nurses, with trembling hands, squeezed the babies' necks to kill them. The babies, when

killed, were wrapped in a dirty cloth, put into a bucket and taken outside through a backdoor. I was so shocked with that scene that I still see the mothers weeping for their babies in my nightmares. I saw the baby-killing twice while I was in the prison.

When I went back to the medical room for routine duty a few days later, Shin-Ok Kim and Mi-Ok Cho, the prisoner/nurses working in the medical room, were sobbing and one of them told me, "Accountant, we are devils worse than beasts. They say that the dead babies are used to make new medicine for experiments." I was so afraid that I closed her mouth with my finger and said, "I never heard you say this." I hurried to leave from their presence.

I was sent to the same medical room once again when I recovered from pleurisy in 1992. This time, there were some ten pregnant women in the small medical room. They were all injected to induce forced delivery and suffering from pain for many hours. A woman, so undernourished and weak, could not endure the delivery and died during labor. The prisoner/nurse there whispered to me that it is more difficult to deliver a dead baby than a living baby.

The other pregnant women looked so pale from the pain, and they had sweat on their faces. If they groanned from the pain, the doctor mercilessly kicked their belly hard and shouted, "Shut up! Don't feign pain!" I was waiting for my supervisor to take charge of me from the doctor at the corridor outside. I heard the crying voice of Byung-Ok Kim, 32 years old, and peeped into the room through the half-open door. She had just delivered a baby and cried, "Sir, please save the baby. My parents-in-law are anxiously waiting for the baby. Please, please save the baby." She was out of her mind with sorrow. All the other women remained quiet and she was the only woman crying and begging loudly. The doctor was taken momentarily by surprise. But soon, he regained himself and shouted, "You want to die, eh? Kill the baby!" He kicked her hard.

Then, the Chief Medical Officer came in and said, "Who was it yelling like that? Put her in the punishment cell!" The Chief Medical Officer kicked her hard several times and had her dragged to the punishment cell because she could not hold herself up. This is one of the scenes that I will never forget. She died shortly after she was released from the cell.

Public Execution in Prison

Public executions are standard practice in and outside prisons in North Korea. In 1988, seven men and one woman were publicly executed in the Kaechon prison without trial. At each public execution, all the prisoners, some six thousand (1,8002,000 women and 4,000 men), are crammed into the prison square to watch.

The victims are always gagged so they cannot protest. They are tied to a pole in three parts; chest, sides and knees. Six guards fire three bullets each into the chest for a total of 18 bullets. With the top ropes having been cut by the bullets, the upper part of the body hangs down bleeding, like a rotten log broken in half, still tied to the pole by the lower ropes. Then, all the prisoners are forced to march around the dead body and watch.

Prisoners Go Insane from Watching Public Executions

The execution victims include those who pleaded for death during torture, stole food, or simply wept over the fate of two small children left home alone. The charge was lack of confidence in the mother party. Also included are those who are branded as "anti-party elements" or "reactionaries."

The public execution ground is so crammed with prisoners that the women in the front watch the killing from a distance of only a meter or so and often get blood splashed on them. Some women prisoners are so shocked that they vomit, faint, or develop mental illness (e.g., sudden singing or laughing hysterically). They are sent to punishment cells for being "weak in ideology" and "showing sympathy to the people's enemy." Those who become completely insane simply disappear and nobody knows what happens to them.

Hi-suk Choi and Young-ok Choi, housewives from Kimchaek City, were punished for singing at the site and later died of shock during electric torture. The Kaechon Prison has twenty punishment cells that are always full of "ideologically weak" prisoners on the days of public executions.

Prisoners Killed in Temperature-regulated Compression Chamber

There are executioners in the Interrogation Department of the Provincial Security Headquarters. Here, they execute the prisoners that they are embarrassed to execute publicly. They always execute prisoners at midnight without trial and bury the corpses in a nearby valley.

There is also a temperature-regulated compression chamber used for torturing or killing. The chamber is 60 square centimeters and the height is adjustable according to the prisoner's height. A prisoner is pushed into a rice straw bag first, and then into the chamber with his head pushed down between his knees. These acts usually occur between one and two o'clock in the morning. Freezing temperatures are used in the winter and hot temperatures in the summer.

A 17 year-old boy, the son of a welder in Kimchaek Steel Factory, was brought here sometime in October 1987. He was arrested for organizing gang fighting in school. Gang fighting is considered a very serious crime leading to

subversion in North Korea. He was killed in the chamber by freezing in the midnight. I heard this from Yong-ho, a guard, who proudly told us, "You bitches better obey unless you want to be killed like the boy, frozen and compressed." In fact, other guards repeated similar threats.

A young man became lunatic as a result of continuing torture. He complained one day, "Great Leader? What has he done for me?" He was frozen to death in the chamber that night.

The chamber was next to my cell at the end of the corridor. The cries of a prisoner resisting and angry voices of guards trying to push him into a rice straw bag and into the chamber always woke me up. I always found executioners in uniform and with a star on their shoulders on such occasions. During the 14 months I was there, I remember five or six killings in the chamber.

Male Prisoners Shot to Death for Attempting to Get "Edible Clay" from Women Prisoners

At the end of February 1990, we were carrying edible clay in bags. Some male prisoners on the other side of the river must have seen us eating the clay. They looked like skeletons with skulls and bright eyes. They gestured to us begging for some clay. None of us responded for fear of punishment. Desperately, three of them came to our side of the river to get some clay.

Suddenly, we heard shooting. It was a horrible scene when the shooting ended. We were all so scared. The intestines of one of the male prisoners were protruding. But he was still alive because we heard his feeble voice whispering, "Help!" The second prisoner had his leg broken and bleeding. The third prisoner was dead instantly. Soon a truck arrived and an officer said, "Put them all onto the truck, dead or alive." We were told to resume our work. That night, some twenty women complained of pain and died as a result of having eaten too much clay.

At the end of February 1990, we were bringing fresh soil from a nearby mountain to the prison farm. It was very tiring to climb up the mountain to bring fresh soil all the way down to the farm. Because it was February and still cold, we could not find any plants to eat in the mountain, no matter how desperately we looked. It was too early in the season.

One day, I saw some prisoners eating clay. As always, we were exhausted, hungry and thirsty. One of them said to me, "Accountant, you want some? This is good and tasty. Try it." I wasted no time and ate it. It was clay and, indeed, starchy and tasted good. I ate half the size of my fist that day and I felt somewhat full and even felt some strength, too. Our unit moved our burrow to a riverside location when the killing of three male prisoners took place.

Prisoners Shot to Death for Falling on a Steep Slope

In February, 1988, while carrying a 20 kilogram bag of top soil from a mountain to the prison farm, an exhausted female prisoner slipped and fell on the slope, causing two other prisoners also to fall from the path. Although they could have been helped up to rejoin the line, they were immediately shot and killed. The prison guards shouted at the rest of the women, "Did you see what happened? This will happen to you if you fall!"

Every February, all the prisoners are mobilized to carry top-soil from Kaechon Mountain to the prison farm. The mountain is outside the prison, 600 meters high, very rugged and slippery when climbing up and down the steep slope.

Each female prisoner must carry a 20-kg bag of topsoil on her back all the way down to the farmland. Prisoners are kicked and beaten for any bag that weighs less than 20 kilograms. 300 prison guards and 350 policemen line up on the path with rifles pointing at the prisoners. The prisoners are ordered to make three trips in the morning and three more trips in the afternoon. Climbing up and down a 600-meter mountain six times a day is like torture. The prisoners were warned that if they strayed from the path by even a step they would be shot to death instantly.

Prisoners Killed for Eating Pig Slops

There is no wasted food in the prison kitchen. The kitchen prisoners always give the leftover food from outside to the pigs. So, the pigs are always well-fed and fat for the security officers. The prisoners envy the pigs for the good food and leisure. The dung carrying team is also responsible for cleaning the pigsty. The prisoners carrying dung are always so hungry that many of them risk their lives to steal the pig slops as they pass by. When caught eating the pigs' feed, they are shot and killed.

The prisoners on the dung-carrying team look forward to cleaning the pigsty because they can eat the leftovers from the slops with their hands still filthy with dung. The prisoners on the pig-raising team supply pig slops when the prisoners come to clean the pigsties so that the cleaning prisoners can enjoy the chance to have a "good meal" with the pigs.

Kum-bok Kim was from Kanggye town, Jagang Province. She was pretty and a very kind-hearted woman. Once, she was caught giving the pigs their feed when other prisoners were around cleaning. She was badly beaten by a prison official and kicked until she fainted. She was forced to confess her crime in writing and was sent for further investigation. She died under torture during the investigation.

Prisoners Shot for Stealing Corn

All prisoners are mobilized once a year for harvest work in the prison farm. Some 400 guards watch while the prisoners work outside the prison. In September 1990, five male prisoners could not resist the temptation of eating raw corn during work and so they stole some ears and hurried to eat them. I was delivering a work order to a unit nearby at that time. The five prisoners were shot instantly by the guards without warning. In the prison, few trials or investigations were ever held for punishing or killing prisoners. Punishing and killing prisoners without trial or investigation were within the power of the prison superintendent.

Guards Killing Prisoners for Fun

A couple of times, I saw guards stop a group of male prisoners for fun. "Hey, you and you, come here. If you cross the barbed wire, I will let you go home." With these words, the prison guards tempted prisoners to cross the electrified barbed wire. The prisoners were so desperate and confused that, without hesitation, they jumped to their death with the faint hope of going home. This shows how prisoners are considered disposable and easily replaced. This is not an isolated incident. I have heard about it several times and have myself seen it happen twice during the five years I was in prison.

Prisoners Killed During the Testing of a New Chemical Poison

One day in February, 1990, I was doing routine paper work at the staff operation office at around 10:00 0' clock in the morning when, to my surprise, the prison superintendent, vice-superintendent, intelligence chief and three other unidentified officials walked into the room. One of them pointed to something outside my window. I was very terrified at their unusual appearance. Then, I overheard them saying, "Look! How powerful. What a great scientist Dr. Sung-ki Lee is, indeed! Well, from now on, its chemical warfare." Shortly afterwards, as I was walking to the other side of the room to deliver some papers to my guard, I saw them seriously watching something outside the window. On my way back to my desk, I took a quick glance outside. I saw many prisoners lying on the slope of a hill, bleeding from their mouths and motionless, enveloped by strange fumes and surrounded by scores of guards in the gas masks I delivered to the Chief Guard earlier in the morning.

In February, 1990, I was asked by the Chief Guard to follow him to an administration warehouse at 05:30 in the morning. He ordered me to check out six bundles (five pairs in each bundle) of gas masks with rubber gowns, which looked like a sea diver's kit. When I returned to my prison chamber, a total of 150 prisoners, several from each unit, were selected and separated from the other prisoners. The selected prisoners were mostly crippled and weak women who had less labor value.

I had to issue instructions for lunch with the same usual number for the male prisoners but 150 meals less for women. The prisoners started to exchange nervous looks with each other when the 150 prisoners did not return to work. An air of unusual tension and fear spread among the prisoners.

Normally, when a prisoner is sent to a punishment cell, an announcement is always made about why the prisoner is being punished to warn others. But that night, so many prisoners were sent to punishment cells for whispering, looking around nervously and exchanging signs of tension without the usual announcement. That night, the punishment cells were all full with a long list of prisoners awaiting the punishment. Obviously, the prison authorities attempted to cover up the killings.

Around October, 1990, an engineer supervisor was sent here from the defense chemistry factory in Hamhung. He was responsible for an explosion in the factory there and was secretly executed at an underground cell in about a month. At that time, I was told to reduce the number of meals by one in the kitchen. Later, I was confidentially informed about the killing by a prisoner/nurse who was involved in getting rid of the corpse.

At that time, 500 female prisoners were sent from here to the Hwachon area for some kind of expansion work of a chemical factory. The prisoners returned in about a month's time. One of the prisoners told me that there was a special chemical research institute in Hwsachon.

Prisoners Killed During a Biological Test

One day in May 1988, I had been in the prison for only six months and I was still trying to get accustomed to the prison conditions. I was working on the second floor of the export factory moving half-finished products from one table to another for assembly. Dung lunch time, I saw a pile of fresh cabbages at the kitchen entrance through the windows. This was the only time I saw cabbages in such good shape at the prison. I was so hungry that I began to wonder who would be the lucky people to eat them.

A little later when I came back to the same spot, I saw some fifty women prisoners eating the cabbage from a bowl with their fingers. The cabbages appeared somehow steamed. Soon, I saw the prisoners vomiting, bleeding from their mouths and moaning on the ground. I could not stay to watch more.

However, when I came back to the same spot again after a little while, I saw camp guards loading the dead prisoners

onto a truck.

There were several strangers in white gowns around the dying prisoners. This was very strange because the political prison was under such strict control that no strangers were allowed inside. Then, I remembered that some fifty women had been told to come outside earlier, a few from each work unit.

Later, it was announced that they died from food poisoning. The prisoners knew what happened and they started to inform each other through their eyes. The prison officials were very nervous trying to keep the prisoners quiet. Why were the prison officials so nervous over the food poisoning when its mention was not a subject for punishment on other occasions? Unusually, many prisoners were sent to punishment cells that night for whispering or looking nervous.

Testimony

PROTECTION OF NORTH KOREAN REFUGEES

Presented at the hearing before the

SENATE JUDICIARY COMMITTEE
SUBCOMMITTEE ON IMMIGRATION

by

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PROTECTION OF NORTH KOREAN REFUGEES

I. Introduction

Thank you, Mr. Chairman, for the opportunity to testify on the protection needs of North Korean refugees and the response of the international community, including the United States. This testimony represents the views of the U.S. Committee for Refugees (USCR), a nonprofit, nongovernmental organization that defends the rights of refugees, asylum seekers, and displaced persons in this country and throughout the world.

This hearing comes at a time of much publicity surrounding the plight of North Korean refugees, particularly those who have in recent weeks sought protection at foreign embassies in China. We welcome this publicity and we commend you and the subcommittee for having this hearing. For years, North Koreans have represented one of the most overlooked refugee groups in the world. Given their numbers—perhaps in the hundreds of thousands—this is seemingly difficult to understand. However, given the circumstances of their plight, particularly the politics surrounding China and the Korean peninsula, the reluctance of the international community to engage on the protection of North Koreans is somewhat clear, even if unfortunate.

USCR is mindful of the international sensitivity of this issue and the fact that media attention to this population may pose risks for the refugees themselves and the agencies and individuals who seek to assist them. However, it is nevertheless long overdue that policymakers and refugee advocates take serious steps to advance international protection and assistance for this vulnerable group. While refugees engender political concerns in many parts of the world, those concerns should not outweigh our human rights obligations.

This testimony will only briefly address the background issues: the situation in North Korea that causes people to flee; China's response to North Korean refugees; and the role of South Korea. However, attached to this testimony are country-specific reports on these three countries, taken from USCR's recently published *World Refugee Survey*, our annual assessment of refugees and other uprooted people throughout the world. As these reports contain more detail on the North Korean refugee situation, we request that they be considered part of the testimony and entered into the record of this hearing.

II. North Korea

North Korea is a highly authoritarian regime with an abysmal human rights record. Even without the famine that has wracked North Korea since the mid-1990s, it is likely that many North Koreans who managed to escape the country would have strong claims to refugee status. Yet, the famine has added to the means by which the government can persecute its opponents. Despite tremendous reliance on international food aid, the North Korean government fails to operate a transparent food distribution system and often denies nongovernmental organizations (NGOs) access to the country's most vulnerable

people—a situation that has led many NGOs to cease operations in North Korea in recent years. According to aid groups, the government categorizes its population based on perceived loyalty and usefulness to the regime, and channels food aid accordingly. The government has also reportedly blocked aid to parts of the country that have seen anti-government rebellions in recent years.

A government's denial of food aid for political reasons could certainly give rise to a valid claim of refugee status—in addition to any other forms of persecution the individual may claim. However, the story does not end there. Under North Korean law, defection or attempted defection is a capital crime. The country's criminal code states that a defector who is returned to North Korea "shall be committed to a reform institution for not less than seven years. In cases where the person commits an extremely grave concern, he or she shall be given the death penalty." North Korean authorities are reportedly most concerned with defectors who, while in China, had contact with South Koreans, Christians, or foreigners. The government subjects these and other forced returnees to brutal treatment, including torture, placement in work camps, and, in some cases, execution.

For this reason, even with little concrete knowledge of the persecution that North Koreans may suffer prior to fleeing, USCR believes that North Koreans who flee their country have *prima facie* claims to refugee status, based on the likelihood of being persecuted for having exercised the right—recognized in international human rights law—to leave their country.

III. China's Response to North Korean Refugees

In recent months, dozens of North Koreans have sought protection at various foreign embassies and consulates in China or, in one highly publicized case last year, in the Beijing office of the UN High Commissioner for Refugees (UNHCR). In many cases, the Chinese government has eventually permitted the asylum seekers to travel to South Korea, which has welcomed the "defectors." Very recently, however, China has taken a harder line on these incidents and has taken various steps to prevent them, including stepping up patrols along the North Korean border, increasing security outside embassies, and publicly demanding that all diplomatic missions in Beijing hand over North Koreans.

However, the spate of embassy incidents hardly indicates the emergence of a new refugee population. Rather, it simply indicates a new boldness on the part of some North Koreans and those who assist them, and creates a new challenge for the international community. As a UNHCR spokesperson noted last year, the North Koreans seeking protection at its offices and at diplomatic missions represent only "the tip of the iceberg."

The actual number of North Koreans in China is unknown. Estimates vary from 10,000 to half a million. Most NGOs give 300,000 as the upper estimate, with one highly respected NGO, Medecins Sans Frontieres (MSF), estimating 200,000.

The number of North Koreans in China who are refugees is likewise difficult to determine. Under international refugee law (the 1951 Refugee Convention and its 1967 protocol), a refugee is someone with a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Although China officially considers all North Korean nationals in China to be "food migrants," North Korea's treatment of defectors, as discussed above, makes it likely that most if not all North Koreans in China would qualify as refugees under the UN Refugee Convention.

Based on the conservative estimate of an NGO with knowledge of the region, USCR estimates that at least 50,000 North Koreans were refugees in China at the end of 2001. The actual number, however, could be much higher.

China's response to these North Koreans is the next issue driving the refugee crisis. China has since 1986 had a treaty with North Korea in which China promises to return "defectors." China's Jilin Province, which borders North Korea, also has a law that requires the return of North Koreans who enter illegally.

For a number of years, China informally tolerated the presence of North Koreans, and even provided them some assistance. The situation changed in 1999. That year, China began forcibly returning large numbers of North Koreans. The practice accelerated in 2000 and again in the spring of 2001, when China launched its "Strike Hard" campaign against crime, largely directed at North Korean defectors. Tactics include house to house searches, road checks, random questioning on street corners, arrests of local aid workers, inspections of churches and factories, and searches in remote villages and farms. China fines citizens who harbor North Koreans and rewards those who turn them in. According to NGOs working in the border area, China arrested some 6,000 North Koreans in two months of 2001 alone.

In recent weeks, China has once again intensified its campaign against North Koreans. The number of arrests and forcible returns, however, remains unknown.

China's treatment of North Koreans in its territory is a violation of its obligations under the UN Refugee Convention, to which China is a party. The Convention prohibits states from returning any refugee—as defined above—to a place where his life or freedom would be threatened. This obligation is known as *nonrefoulement*. In the case of the North Koreans, China claims that the Convention does not apply to them because they are purely economic migrants. However, China is not in a position to make this claim without some method of determining the North Koreans' status.

China has no domestic law on refugee protection and no system for determining refugee status. China allows UNHCR to conduct refugee status determinations for the relatively few asylum seekers who approach UNHCR's office in Beijing. However, until June of last year—with the highly publicized case of the Jung family—no North Koreans had approached that office.

The Chinese government has not allowed UNHCR any involvement with the North Koreans since 1999, when UNHCR conducted a mission to the border area and determined that some North Koreans were refugees. China reprimanded UNHCR for this action and has since denied them permission to travel to the border area. This is also in violation of the Refugee Convention, which requires parties to cooperate with UNHCR in its duty of supervising the application of the Convention.

China is attempting to simply define the North Koreans out of the Convention. Yet, in the absence of either a national procedure to determine refugee status, or cooperation with UNHCR in doing so, China must give the North Koreans the benefit of the doubt and treat them as asylum seekers who may be entitled to refugee protection.

China must comply with the Refugee Convention's prohibition against returning refugees to a country where they fear persecution. This *nonrefoulement* obligation is the bedrock principle of international refugee law. The international community, including the United States, should first and foremost insist that China uphold this obligation by not returning North Koreans to North Korea.

Even if such protection in China is assured, the longer-term solution for the North Koreans must still be determined. Although voluntary return to one's home country is the ideal solution, this could not be accomplished in the absence of significant change in North Korea, which is not likely in the foreseeable future. Therefore, unless China is willing to offer long-term protection and local integration into Chinese society, the most realistic solution is resettlement in other countries.

IV. South Korea's Response to North Korean Refugees

In the case of the Jung family who sought protection at the UNHCR office in Beijing last year, as well as most North Koreans who have entered diplomatic compounds in China recently, the solution has been provided by South Korea. Under South Korean law, North Korean defectors are automatically entitled to South Korean citizenship. Last year, 583 North Koreans entered South Korea—almost double the number in the previous year.

This is not to say, however, that South Korea's welcome of North Korean refugees is unconditional or that South Korea would be willing to admit much larger numbers of North Koreans. The South Korean government has been known to harshly interrogate North Koreans it suspects of spying, and it has turned away some asylum seekers who could provide no valuable intelligence information. In recent years, its burgeoning relationship with North Korea has caused it to be even less inclined towards a generous asylum policy.

Thus, while the majority of North Koreans in China are likely hoping to relocate to South Korea—both for family reunion purposes and for purposes of culture and language—large-scale relocation to South Korea should not be viewed as the only solution. In addition, even if both China and South Korea are willing to greatly increase the number

of North Koreans relocated to the South, there will be individuals for whom another solution is more appropriate—including persons with relatives in another country.

While the international community should support and encourage a generous response by South Korea toward North Koreans, and should urge China to permit the relocation of North Koreans to South Korea, it should also explore other prospects for third-country resettlement.

V. U.S. Resettlement of North Korean Refugees

A few weeks ago, following attempts by North Koreans to seek protection at the U.S. consulate in Shenyang, a State Department spokesperson said that foreign nationals could not seek asylum at U.S. diplomatic missions because, contrary to widespread belief, those missions do not constitute U.S. soil. Though technically accurate, such a response merely confuses the issue. While persons may not apply for or be granted *asylum* at U.S. embassies or consulates overseas, they may nevertheless be approved for admission to the U.S. as refugees, through the overseas refugee admissions program. The U.S. asylum and refugee admissions programs both use the same definition of a refugee—the definition found in the UN Refugee Convention and incorporated into U.S. law, with slight modifications.

As the State Department spokesperson also noted, in various parts of the world the U.S. receives refugee referrals from UNHCR. The fact that UNHCR does not currently refer North Koreans in China to the U.S. resettlement program does not mean that it could not do so, if the will and the cooperation of all parties—UNHCR, the Chinese government, and the U.S. government—were secured. As noted above, China does not currently allow UNHCR a formal role with respect to the North Koreans. Also, the U.S. has not yet indicated to UNHCR or to China a desire to consider the North Koreans for U.S. resettlement.

Second, the U.S. does not need to rely on UNHCR for refugee referrals. Under existing State Department policy, U.S. embassies are permitted, on their own, to identify compelling candidates for resettlement. As with UNHCR-referred cases, such embassy-identified cases are part of the first priority ("Priority One" or P-1) within the U.S. Refugee Processing Priorities adopted by the State Department. The U.S. would simply need to arrange for interviews of such candidates by the Immigration and Naturalization Service (INS)—which would also be required for UNHCR-referred cases. The State Department could also contract with an overseas processing entity to prepare cases for INS consideration under the second processing priority ("Priority Two," or P-2), for groups of special concern to the United States. Therefore, as it does in Vietnam and several other parts of the world, the U.S. could operate a refugee admissions program overseas without any referral by, or direct involvement of, UNHCR.

It is not a lack of mechanism that prevents the United States from admitting as refugees North Koreans in China. Rather, it is the lack of political will. The U.S. needs to decide if it is willing to engage the Chinese government on this issue.

Given the lack of protection for North Koreans in China, and the limitations of South Korea's ability to offer protection for all North Korean refugees even if China's cooperation is obtained, the United States should explore prospects for resettling North Korean refugees from China. The U.S. should engage the Chinese government, UNHCR, and the international community in this discussion and should encourage all parties to facilitate a solution for the plight of North Korean refugees.

The political sensitivities of this issue will require sustained discussions and the will to find a solution. However, continuing to ignore the realities of this vulnerable refugee group means allowing thousands, possibly tens of thousands, of North Korean refugees to be sent back to harsh punishment and even death.

Thank you, Mr. Chairman and members of the Subcommittee, for your consideration of the views of the U.S. Committee for Refugees.

U.S. COMMITTEE FOR REFUGEES

REPRINT

North Korea

An estimated 50,000 North Korean refugees were in China at the end of 2001. As many as 100,000 North Koreans were displaced inside North Korea. An unknown number of North Koreans who might be refugees were in Russia and elsewhere, while 583 North Korean refugees fled to South Korea during the year.

The North Korean famine that began in the mid-1990s continued during 2001. In November, the World Food Program (WFP) reported that North Korea desperately needed more international food aid, despite the best harvest in 10 years. WFP officials urged immediate food shipments to help North Koreans survive the winter. Up to 2 million North Koreans, or nearly 10 percent of the population, have died from hunger or famine-related disease since 1994. Some mortality estimates range as high as 3.5 million.

Several major international nongovernmental organizations (NGOs) have suspended operations in North Korea in recent years, citing the government's failure to provide a transparent food distribution system and to grant access to the country's most vulnerable people. Aid groups say the government categorizes its population based on perceived loyalty and usefulness to the regime, and channels food aid accordingly. The government has also reportedly blocked aid to parts of the country—such as the northeastern coastal provinces—that have seen anti-government rebellions and protests in recent years.

In June, North Korea and the UN High Commissioner for Refugees (UNHCR) agreed in an exchange of letters that UNHCR would provide a small amount of material assistance to hospitals and other health facilities in South Pyongan Province, to aid victims of typhoons and floods.

North Korean Refugees The food crisis—compounded by political turmoil, repression, and mismanagement—led an unknown number of North Koreans to make the dangerous trek across the border to China in 2001, with hundreds to thousands entering monthly.

The number of North Koreans living in China at the end of the year remained unknown. Estimates range from 10,000 to 500,000, though most NGOs give 300,000 as the upper estimate. Médecins Sans Frontières believes the figure is about 200,000.

North Korea subjects citizens who are caught and forcibly repatriated to brutal treatment, including torture, placement in work camps, and even execution. The North Korean criminal code lists defection or attempted defection as a capital crime, stating that a defector who is returned to North Korea "shall be committed to a reform institution for not less than seven years. In cases where the person commits an extremely grave concern, he or she shall be given the death penalty." According to press reports, North Korean authorities are particularly concerned with defectors who, while in China, had contact with South Koreans, Christians, or foreigners.

Although little is known about persecution that North Korean "defectors" may suffer prior to fleeing, the U.S. Committee for Refugees (USCR) believes that

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North Koreans who flee their country without government permission have *prime facie* claims to refugee status, based on the likelihood of being persecuted for having exercised the right to leave their country. Based on the conservative estimate of an NGO with knowledge of the region, USCR estimates that at least 50,000 North Koreans were refugees in China at the end of 2001.

The number of forcible repatriations by Chinese border guards has reportedly increased since 1999, although no comprehensive figures are available. In the spring of 2001, China once again intensified its crackdown on North Korean asylum seekers. According to NGOs working in the border area, China arrested some 6,000 North Koreans in June and July alone. China forcibly returned an unknown number—possibly thousands—of North Koreans during 2001.

According to London's *Daily Telegraph*, foreign NGOs have formed an "underground railroad" of guides and safe houses to help move North Koreans from China to South Korea via countries such as Mongolia, Burma, Vietnam, and Thailand. Some North Koreans also agree to work as laborers in Russia's harsh logging camps (a system by which North Korea repays its loans to Russia), in the hope of escaping to South Korea.

In June, in an incident that received international attention, seven members of a North Korean family entered the UNHCR office in the Chinese capital of Beijing and demanded sanctuary. After three days of tense negotiations and international pressure, the Chinese government permitted the family to fly to South Korea.

The following month, in a response to a questionnaire from the UN Human Rights Committee, North Korea revealed the names and locations of six of seven North Koreans apprehended by Russian border guards in late 1999. Although the UNHCR office in Russia granted the North Koreans refugee status, Russia returned them to China, and China returned them to North Korea in early 2000. North Korean authorities told the UN committee that two of the returnees were serving nine- and five-year terms at a rehabilitation center, while the other four had returned to their normal lives. Although North Korea did not discuss the whereabouts of the seventh "defector" (insisting that only six had been returned, despite verification of the seven by China and UNHCR), the seventh had reportedly fled again and had arrived in South Korea. He claimed that he had been severely tortured following his forced return from China.

Internal Displacement The number of internally displaced North Koreans was unknown, although one NGO estimated 100,000.

Because of the difficulty in gaining information from inside North Korea, most information on internal displacement came from interviews with North Koreans in China. They reported that the displaced were generally mobile, moving from one place to another despite the government's policy of strictly controlling internal migration.

The North Korean government also forcibly relocates people for political reasons. The U.S. State Department reported that an estimated 150,000 to 200,000 North Koreans were political prisoners in maximum-security camps in remote areas in 2001.

U.S. COMMITTEE FOR REFUGEES

REPRINT

China (Including Tibet)

China hosted more than 345,000 refugees and asylum seekers at the end of 2001. The vast majority (295,000, of whom 1,000 were in Hong Kong) were from Vietnam (mostly ethnic Chinese), while at least 50,000 were from North Korea. An unknown number—perhaps hundreds of thousands—of Kachin refugees from Burma were in China's Yunnan Province.

China is a signatory to the UN Refugee Convention but has no domestic law on refugee protection. The government generally allows the UN High Commissioner for Refugees (UNHCR) to conduct refugee status determinations for the relatively few asylum seekers who approach UNHCR's office in the capital of Beijing. China considers the residence of UNHCR-approved refugees to be temporary and does not permit them to work.

Approximately 50 UNHCR-approved refugees—from countries such as Somalia, Burundi, and Iraq—resided in urban areas of mainland China at year's end. No asylum seekers with cases pending before UNHCR were in mainland China, although some 400 persons with pending claims were in Hong Kong. UNHCR reported an increase in asylum seekers to Hong Kong in recent months.

Refugees from Vietnam An estimated 294,000 refugees from Vietnam—the great majority of them ethnic Chinese—remained in China. They resided in the six southern provinces of Guangxi, Guangdong, Yunnan, Hainan, Fujian, and Jiangxi. Most arrived in 1979, at the time of the China-Vietnam border war. UNHCR recognized all those who arrived before 1989 as *prima facie* refugees. According to UNHCR, China has allowed the refugees most of the same rights as nationals, including access to employment, education, housing, and health care. However, China still has not granted the refugees citizenship, and Chinese officials occasionally discussed repatriating some. UNHCR still considered all 294,000 to be refugees. Although the agency regarded most of the refugees as self-sufficient, UNHCR continued to provide limited assistance—in the form of micro-credits—to about ten percent, who fell below the provincial poverty line.

In 2000, Hong Kong closed the last remaining camp for Vietnamese refugees and approved permanent integration for the approximately 1,000 Vietnamese (both ethnic Chinese and ethnic Vietnamese) who UNHCR still considered to be refugees, as well as for a few hundred non-refugees. After applying for Hong Kong identification cards, the Vietnamese are eligible for full citizenship after seven years. In 2001, 54 Vietnamese applied for and received the cards. UNHCR and the U.S. Committee for Refugees (USCR) consider their status as non permanent, and therefore still consider them to be refugees, for the seven-year period. .

North Koreans Defecting from North Korea is a capital offense. North Korean officials reportedly beat many returnees, place them in labor camps or orphanages, or execute them. Because the right to leave one's country is an internationally guaranteed human right, and because of the likelihood that returnees will be persecuted for having left North Korea without permission, USCR considers upwards of 50,000 North Koreans in China—based on the estimate of a nongovernmental organization (NGO) with knowledge of the region—to be refugees.

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The actual number of North Koreans in China in 2001 remained unknown. Estimates ranged from 10,000 to 500,000, though most NGOs gave 300,000 as the upper estimate. Medecins Sans Frontieres (MSF) estimated 200,000.

Although a signatory to the UN Refugee Convention, China has had a treaty with North Korea since 1986 in which China pledges to return "defectors." China's Jilin Province also has a law that requires the return of North Koreans who enter illegally. For several years, China informally tolerated the presence of North Koreans, and even provided them assistance. The situation changed in 1999, when China began returning large numbers of North Koreans, claiming they were not refugees but "food migrants." The practice accelerated in 2000 and again in the spring of 2001, when China launched its "Strike Hard" campaign—which one news report called China's "fiercest campaign in years" against North Korean refugees.

Chinese security authorities posing as census takers went house to house, looking for "illegal" North Koreans. Other steps included random questioning on street corners, arrests of local aid workers, inspections of churches and factories, and searches in remote villages and farms. In addition, while the search for North Koreans was previously limited to China's three northeastern provinces, authorities in 2001 initiated road checks throughout the country. China imposed fines on citizens who harbored North Koreans, and financially rewarded those who turned them in.

According to NGOs working in the border area, China arrested some 6,000 North Koreans in June and July alone. MSF sought permission from local Chinese authorities to aid the North Korean refugees, but authorities said the assistance was not needed because the number of North Koreans refugees was small.

The Chinese government has not allowed UNHCR any involvement with the North Koreans since 1999, when UNHCR conducted a mission to the border and determined that some North Koreans were refugees. China reprimanded UNHCR for this action and has since denied them permission to travel to the border area.

According to London's *Daily Telegraph*, foreign NGOs have established an "underground railroad" of guides and safe houses to help move North Koreans from China to South Korea through countries such as Burma, Vietnam, Thailand and, more recently, Mongolia. NGOs and individuals have also established secret feeding stations and orphanages for the North Koreans, and have tried to help them find work.

China forcibly repatriated an unknown number—possibly thousands—of North Koreans during the year. One aid worker said that following the initiation of the "Strike Hard" campaign, forced returns from one particular border town increased from 20 a week to 50 every two days. Upon apprehending the North Koreans, Chinese authorities place them in jail before handing them over to North Korean border guards. In some cases, Chinese police allow North Korean authorities to enter China and seize refugees.

In June, in an incident that received international attention, seven members of a North Korean family, the Jungs, entered the UNHCR office in Beijing and asked for sanctuary. Although this was the first time that North Koreans had come to UNHCR's Beijing office to request asylum, a UNHCR spokesperson said the family represented "the tip of an iceberg." The family included a teenage artist whose drawings of life in North Korea—published in South Korea—could "subject the family to punishment" if returned, UNHCR officials said.

After three days of tense negotiations, the Chinese government permitted the Jungs to fly to South Korea by way of Singapore and the Philippines.

The Jung case prompted the *Washington Post* to editorialize that UNHCR "has done little to help one of the world's biggest communities of refugees" and that the United States should begin "a serious campaign to give the UNHCR access to the thousands of families left behind."

Refugees from Tibet The Chinese government continued its human rights abuses in Tibet in 2001, including crackdowns on religious activity and harsh treatment of political dissidents. The government's actions led 1,381 Tibetans to flee into Nepal in 2001. UNHCR helped the refugees to continue on to India, where a majority of Tibetan refugees live. Viewing Chinese occupation of Tibet as a "liberation," the Chinese government denies that Tibetans flee as refugees, and in 2001 continued its practice of settling ethnic Chinese in Tibet.

Asylum Seekers from China In recent years, an unknown number of Chinese asylum seekers, mostly from coastal Fujian Province, have fled by boat to various countries, including Canada, Australia, Japan, and the United States. Many of the asylum seekers have paid organized smugglers to transport them, often aboard unseaworthy boats. Although many receiving countries generally view them as economic migrants, most of the asylum seekers have claimed persecution based on "coercive population control" (China's one-child policy) or, more recently, on membership in the banned Falun Gong spiritual group.

During fiscal year 2001, the U.S. Immigration and Naturalization Service (INS) granted asylum to 4,092 Chinese (cases, not individuals) and denied or referred to immigration judges 2,307 cases, an approval rate of 64 percent.

U.S. immigration judges granted asylum in 2,624 Chinese cases and denied 3,339, an approval rate of 43.5 percent.

During the year, the Chinese government's increased crackdown on Uighurs—Muslims from the western province of Xingiang—led an unknown number of Uighurs to flee to Kyrgyzstan and Kazakhstan, both of which reportedly returned some of the refugees to China. Following the September 11 terrorist attacks in the United States, China publicly labeled the Uighur independence movement a terrorist threat.

U.S. COMMITTEE FOR REFUGEES

REPRINT

South Korea

South Korea hosted approximately 650 refugees and asylum seekers at the end of 2001. The majority (583) were North Koreans who entered South Korea during the year. The remainder included 64 asylum seekers from various countries whose claims were pending with the South Korean government at year's end, three refugees recognized under the mandate of the UN High Commissioner for Refugees (UNHCR), and one refugee (from Ethiopia) recognized by South Korea—the first government-recognized refugee since the country became a party to the UN Refugee Convention in 1992.

According to media reports, the "defections" (as South Korea termed them) of 583 North Koreans to South Korea was almost double the number of defections in 2000. Under South Korean law, North Korean defectors are automatically entitled to South Korean citizenship.

Because the border separating the two Koreas—still technically at war with each other, despite a recent thaw in relations—remained tightly sealed, many North Koreans transited through China, and then through other countries such as Thailand or Burma (or, more recently, Mongolia), before traveling to South Korea.

In May, South Korean lawmakers and activists submitted a petition to the UN calling for international protection of North Korean refugees in China. Some 11.8 million people, about one-third of South Korea's adult population, signed the petition.

In June, in an incident that received international attention, seven members of a North Korean family, the Jungs, entered the UNHCR office in the Chinese capital of Beijing and demanded sanctuary. South Korea asked China not to return the family to North Korea and said the issue should be settled on humanitarian grounds. After three days of tense negotiations, the Chinese government permitted the Jungs to fly to South Korea via Singapore and the Philippines. A South Korean diplomat noted that while South Korean embassies elsewhere in the world could help North Korean refugees directly, such assistance was not possible in China.

That same month, UNHCR opened a liaison office in South Korea (having previously handled South Korean issues through its Japan office). The South Korean government said it hoped to strengthen ties with UNHCR on such issues as assistance to North Koreans.

Despite its laws and official statements of welcome, the reality of South Korea's treatment of North Koreans is often different. The government harshly interrogates North Koreans it suspects of spying, and turns away many asylum seekers who can provide no valuable intelligence information. In recent years, South Korea's burgeoning relations with North Korea have caused it to be even less inclined towards a generous asylum policy.

Near the end of 2001, South Korea's national assembly adopted a resolution calling on the government to increase diplomatic efforts on behalf of North Korean defectors and to promote a new concept of "refugee" that would include North Koreans. The resolution urged "those

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countries to which [the North Koreans] have fled, to shelter them as refugees under the terms of that wider definition" and called on UNHCR to redouble its efforts with respect to the refugees.

South Korea is even more ambivalent toward asylum seekers from other parts of the world. The government received 29 new asylum applications during 2001. It rejected four and approved one, with 64 cases pending at year's end. (The government does not require North Koreans to apply for asylum.)

In its first-ever grant of refugee status, the government provided an Ethiopian with a one-year residency permit that includes work authorization, as well as a travel document. However, the refugee receives no health or welfare benefits and no employment assistance.

During the year, South Korea amended its deadline for applying for asylum from 60 days after arrival in South Korea to one year. The law will become effective in 2002.

In the weeks following the September 11 terrorist attacks in the United States, South Korean officials questioned all asylum seekers of Arab or Central Asian origin. The government detained those who were in even minor violation of immigration laws, and, according to UNHCR, forcibly returned two persons with active asylum claims. One was returned before UNHCR was aware of his detention, and the other was returned on the day UNHCR was meeting with immigration officials to discuss the fate of the detained asylum seekers. One of the two was returned to Iran, the other to an undisclosed Central Asian country. The government eventually released the other detainees (some after nearly two months), but only after receiving guarantees from Korean sponsors.

South Korea's detention policies for asylum seekers were vague and at times arbitrary, UNHCR reported. Asylum seekers did not have access to competent or independent interpreters. While the government allowed detainees to contact UNHCR and to receive visitors, the asylum seekers often lived in facilities that lacked heating or other necessities. Detention conditions were not subject to independent review by either judicial or administrative bodies—a minimum requirement of UNHCR Executive Committee conclusions.

According to UNHCR, South Korea continued to rank lowest among industrialized member states (members of the Organization for Economic Cooperation and Development that are also parties to the UN Refugee Convention) in overall performance toward refugees—recognition rate (low), amount of social assistance for refugees and asylum seekers (none), and integrity of the adjudication process (limited).

TESTIMONY OF

ELISA MASSIMINO

DIRECTOR, WASHINGTON OFFICE
LAWYERS COMMITTEE FOR HUMAN RIGHTS

HEARING ON

"EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA"

BEFORE THE

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION

JUNE 21, 2002

I. Introduction

Chairman Kennedy, Senator Brownback, and members of the Immigration Subcommittee, thank you for inviting me to testify today to provide you with the views and recommendations of the Lawyers Committee for Human Rights on the plight of North Korean refugees. We are deeply grateful for your leadership on this and on so many other refugee protection challenges. The celebration of World Refugee Day yesterday was an opportunity to be thankful for the many ways in which refugees have enriched our society. But it is also a time for reflection on those countless refugees who have been driven from their homes, persecuted by "host" countries, and failed by the international system designed to be their safety net. This hearing is an important opportunity for us to discuss what our government can do to protect those fleeing from the human rights disaster area that is North Korea.

The Lawyers Committee for Human Rights has worked to protect refugees and promote their human rights for nearly a quarter century. Our work is impartial, holding all governments, including our own, accountable to the standards of the 1951 United Nations Convention relating to the Status of Refugees and related international instruments. In the belief that we have a special obligation as a US-based human rights organization to assist those refugees who seek asylum here in our country, the Lawyers Committee operates the largest and most successful pro bono asylum representation program in the United States. Over the years, we have helped thousands of indigent refugees from every corner of the globe secure the legal protection they need to start a new life in a land of freedom. Every day in our offices, we see those who were forced to flee their homes because of who they are or what they believe. Our work to promote

vigorous refugee protection policies here and around the world is grounded not only in international law, but in this daily experience with refugees themselves.

II. The International Legal Framework

As defined in international law, a refugee is someone who is outside his or her country of nationality or habitual residence and is unwilling to return because of a well-founded fear of being persecuted on account of race, religion, nationality, membership of a particular social group or political opinion. Governments are responsible for protecting the human rights of their own citizens, but in cases where a government is no longer willing or able to secure the fundamental human rights of its citizens, and those citizens are forced to flee across an international boundary, it becomes the responsibility of the international community to ensure that their human rights are protected.

The international legal framework for refugee protection is set out in two international treaties: the 1951 Convention relating to the Status of Refugees and its associated 1967 Protocol. Together, they form a Bill of Rights for refugees. The UN *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees* is available as a guide to treaty parties on the interpretation of treaty language and how to implement their obligations.

Of particular interest in the case of North Korean refugees, the Handbook explains that an individual can become a refugee after having left her country of nationality because of treatment she would receive if she were returned.

(b) Refugees "sur place"

> 94. The requirement that a person must be outside his country to be a refugee does not mean that he must necessarily have left that country illegally, or even that he must have left it on account of well-founded fear. He may have decided to ask for recognition of his refugee status after having already been abroad for some time. A person who was not a refugee when he left his country, but who becomes a refugee at a later date, is called a refugee "sur place".
> 95. A person becomes a refugee "sur place" due to circumstances arising in his country of origin during his absence. Diplomats and other officials serving abroad, prisoners of war, students, migrant workers and others have applied for refugee status during their residence abroad and have been recognized as refugees.
> 96. A person may become a refugee "sur place" as a result of his own actions, such as associating with refugees already recognized, or expressing his political views in his country of residence. Whether such actions are sufficient to justify a well-founded fear of persecution must be determined by a careful examination of the circumstances. Regard should be had in particular to whether such actions may have come to the notice of the authorities of the person's country of origin and how they are likely to be viewed by those authorities.

With regard to fear of prosecution, as opposed to persecution, the Handbook is also instructive:

> 57. The above distinction may, however, occasionally be obscured. In the first place, a person guilty of a common law offence may be liable to excessive punishment, which may amount to persecution within the meaning of the definition. Moreover, penal prosecution for a reason mentioned in the definition (for example, in respect of "illegal" religious instruction given to a child) may in itself amount to persecution.

And finally, the Handbook also explains that only if an individual is motivated exclusively by economic considerations is he an economic migrant, as opposed to a refugee.

It seems clear that most, if not all, North Korean refugees who have fled into China would meet the international criteria for refugee status. The Department of State Country Reports on Human Rights Practices released this year states that "[a]ccording to the [North Korean] Penal Code, defection and attempted defection (including the attempt to gain entry to a

foreign embassy for the purpose of seeking political asylum) are capital crimes...Some migrants have reported that DPRK border guards have received orders to shoot-to-kill persons attempting to cross the border into China."

III. China's Obligations Under the 1951 Convention and 1967 Protocol

China ratified both the 1951 Convention and the 1967 Protocol in 1982. China, as a party to these treaties, has declared itself part of that community which shares responsibility to protect North Korean refugees. In particular, China is bound by Article 33 of the Convention to refrain from returning any refugee "to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." If there is one central, inalienable human right of refugees, it is the right not to be returned to the country of persecution. No amount of diplomatic awkwardness, no contravening bilateral agreement can ever excuse violation of this prohibition.

Yet, as we have heard, this is precisely what China has done and seems increasingly set on doing. It argues that it is bound by an agreement with North Korea, which itself contravenes international human rights law, to return "economic migrants" who escape into Chinese territory. As the desperation of the North Korean people escalates and more are driven to make a run to the safety of foreign embassies, China has barricaded streets, stepped up security, and even entered foreign embassy buildings in violation of diplomatic laws to forcibly retrieve refugees in order to repatriate them.

IV. What Should the United States Be Doing?

Thanks to the leadership of concerned Members of Congress and the courage of humanitarian workers and those few refugees who have managed to escape and speak about their experiences, the challenge we now face is not lack of interest in this refugee crisis. The question is: what can the United States do to alleviate this suffering and ensure protection for North Korean refugees?

- First, the Administration should make clear to all concerned countries, in particular China and South Korea, that resettlement of North Korean refugees in the United States is a serious option that we are prepared immediately to make available. While it is certainly true that China should be granting North Korean refugees asylum and South Korea should be more aggressively offering to take in more refugees, that is not the current reality. So many times we have seen that the prolonged failure of the United States to make an offer of resettlement of those for whom no other solution is available is used by other countries as an excuse for inaction. It is past time for the United States to speak up and say that it will take in those who qualify for refugee protection.
- Second, the Administration must bring more pressure to bear on China to abide by its obligations under the 1951 Convention and 1967 Protocol. If it is unwilling to grant asylum to North Korean refugees, it must, first and foremost, refrain from sending them back to persecution and death. China is obligated to facilitate protection for North Korean (and all) refugees in its territory, if it is not willing to grant such protection itself. The Administration

should strongly urge China to permit UNHCR to operate in the border region between China and North Korea so that it can interview those crossing the border and assess their status as refugees. And the Administration should strongly urge China to permit North Korean refugees to leave China and either be resettled or be free to seek asylum in other countries.

- Third, the Administration must ensure that it is not sending China mixed signals about its international obligations towards refugees. When questioned last week about the Administration's view of a recent diplomatic communication from the Chinese government sent to embassies in Beijing which demanded that asylum seekers be turned over to Chinese authorities, State Department Spokesman Richard Boucher seemed to go to great lengths to avoid saying that the United States would not comply with such demands. The United States should make very clear to the Chinese government that it has no intention of handing asylum seekers over to a government whose stated policy is in clear violation of international obligations.
- Fourth, the Administration must make absolutely sure that the United States is in no way complicit in the Chinese government's violations of international human rights law being perpetrated against the North Korean refugees. The United States provides a substantial amount of financial assistance, as well as training, to the Chinese to assist them in combating "alien smuggling" and "illegal migration." How sure are we that this assistance is not being used by or enabling the Chinese government to "combat" the flight of North Korean refugees seeking to escape from oppression and persecution? I would urge the

Senate to diligently monitor the uses to which US anti-smuggling assistance is put. North Koreans who have fled to China have been doubly victimized. I urge you to do all you can to ensure that the United States is not an unwitting accomplice to this abuse.

- Finally, in order to continue to lead effectively on this and other refugee protection issues, the Administration should make sure that our own house is in order. The situation of the North Korean people is extremely dire and deserves our urgent attention. But we need not look halfway around the world to see injustice being done to refugees. Yesterday, in his statement commemorating World Refugee Day, the President promised that "America will always stand firm for the nonnegotiable demands of human dignity and the rule of law." But as we sit here today, asylum seekers who came to America seeking protection and freedom sit in US jails or, worse, are being turned away unjustly without the chance to even ask for protection. A little over a year ago, many of us sat in this room transfixed by the testimony of refugees from Tibet, Cameroon, and Afghanistan who came here seeking freedom and found, to our great shame, handcuffs and a prison uniform. Those present were deeply moved by their courage, their love of freedom and of this, their new home, despite the injustices they suffered under our misguided immigration system. Thankfully, following that hearing, which was chaired by Senator Brownback, a bi-partisan group of Senators and Representatives introduced a bill that would restore American values to our asylum system: the Refugee Protection Act. The National Association of

Evangelicals, in its 2nd Statement of Conscience released last month, focused specifically on the human rights crises in North Korea and Sudan. The Statement concludes "[i]n the case of both countries we will, in particular, work for enactment of the Refugee Protection Act ..., legislation profoundly consistent with American traditions of opening our doors to genuine refugees of religious and political persecution." I can think of no more fitting way to put the President's eloquent words of yesterday into practical effect than to pass this important piece of legislation.

V. Conclusion

Thank you for your interest in the Lawyers Committee's views on this important subject. We look forward to working with all of you to enhance the protection of refugees from North Korea and around the world.

U.S. SENATE JUDICIARY COMMITTEE
IMMIGRATION SUBCOMMITTEE

Testimony submitted by Jack Rendler, Vice Chair,
US Committee for Human Rights in North Korea
June 21, 2002

I am submitting this testimony in my capacity as Vice-chair of the US Committee for Human Rights in North Korea. It may be of interest to you that this Committee is the US manifestation of the International Campaign for Human Rights in North Korea. There are similar committee structures in Canada, France, Germany and Japan, as well as networks and individual actors throughout Europe and Asia. The campaign began in December of 1999, at a conference held in Seoul by the Citizens Alliance for Human Rights in North Korea.

In my written submission, I have provided the Subcommittee with the following:

1. A summary of what is known or can be reliably surmised about human rights in the Democratic People's Republic of Korea (DPRK).

2. A set of detailed recommendations for policy and practice.

3. The founding declaration for the US Committee for Human Rights in North Korea.

Today, with the mission and purview of the Subcommittee in mind, I would like to highlight some of the more disturbing aspects of human rights in North Korea, and the impact of those abuses on North Korean refugees in China.

I. Human Rights in North Korea

For over 50 years the people of the Democratic People's Republic of Korea (North Korea), have been denied even the most basic of their human rights, denied any contact with the rest of the world, and isolated from each other. Human rights violations and abuses affect a large majority of the 23 million North Korean people. There is precious little specific information available about human rights in North Korea, since the government refuses entry to international human rights groups. This in itself is cause for profound concern.

A. Political prisoners, prisons and labor camps (Kwalliso).

It is estimated that the DPRK is holding over 200,000 political prisoners. The government detains and imprisons people at will. Political prisoners in North Korea may be held in any one of a variety of facilities: detention centers, 'labor

rehabilitation' centers, juvenile centers, maximum-security prisons, relocation areas, and sanatoriums. 'Reeducation' means forced labor, usually logging or mining, under brutal conditions. Entire families, including children, are detained because of supposed political deviation by one relative. Judicial review does not exist and the criminal justice system operates at the behest of the government.

B. Torture, ill-treatment and executions.
On June 10, 2002, The New York Times carried a report on one of the grimmer aspects of imprisonment in North Korea: forced abortions and infanticide committed regularly and routinely by prison officials. The Times recounted instances of pregnant women tortured or medically induced to provoke miscarriage. If a baby is born, it is left to die or smothered with a plastic sheet or bag. Other female prisoners are forced to assist with abortions and killings. The most savage treatment is apparently reserved for women refugees, pregnant with children fathered in China, who have been forcibly returned to North Korea.

DPRK laws do not prohibit torture and it appears to be used routinely on political prisoners. Methods of torture include: whipping; humiliations such as public nakedness; severe beatings; electric shock; prolonged periods standing on ice outside in winter. 'Punishment cells,' constructed so that a prisoner cannot stand up or lie down, are used as a consequence for breaking prison rules. It is estimated that about 400,000 prisoners have died in the camps since they were established by Kim Il-sung in 1972. There are more than 47 provisions in the Penal Code which call for the death penalty, including 'crimes against state sovereignty,' and 'crimes against the state administration.' Prisoners are executed in public, sometimes for offenses as trivial as petty theft, occasionally in front of large crowds which include young children.

C. Social and religious control.
The population is subjected to a constant barrage of propaganda by government-controlled media--the only source of information. The opinions of North Koreans are monitored by government security organizations through electronic surveillance, neighborhood and work-place committees, and information extracted from acquaintances; children are encouraged to inform on their parents. Independent public gatherings are not allowed, and all organizations are created and controlled by the government. The government forcibly resettles politically suspect families. Private property does not exist. North Korean citizens do not have the right to propose or affect a change of government.
Religious freedom does not exist. The 'religious' activity that is allowed appears to have one of two purposes: to deify the founder of the DPRK, Kim Il Sung, and by extension his son the current leader, Kim Jong Il; or to demonstrate to faith-based aid groups that some traditional religious activity is tolerated.
Alternatively, 'Classes to study Kim Il Sung's Revolutionary Ideology' are held throughout the country. There are tens of thousands of statues of Kim, and thousands of 'towers of eternal life' are dedicated to him. Kim Il Sung badges are meant to be worn by everyone, and his picture to be hung in every home. To

mark the 100-day memorial service for Kim Il Sung, an enormous sculpture was erected on a hill in Pyongyang called 'The Figure of the Sun.' At the end of a three-year period of mourning in 1997, the DPRK decided to move from an A.D. calendar to a 'Juche' calendar, with the year of Kim's birth as the 'first year of Juche,' and the day of his birth as the 'Day of the Sun.'

D. Access to food and health care.

The government of the DPRK divides the entire society into three classes: 'core,' 'wavering,' and 'hostile;' there are further subdivisions based on an assessment of loyalty to the regime. As a result, as many as 18 million people may be denied equal access to decent education, employment, housing, medical care and food. Children are denied adequate education and are punished because of the loyalty classification of members of their families.

Between 1995 and 1998, North Korea lost at least one million of its 24 million people to famine, food shortages, and related disease; several thousand children died each month. The DPRK has refused to allow humanitarian aid organizations to assess the full extent of the crisis; reports persist that food is being distributed on the basis of loyalty to the state, effectively leaving out those most in need.

E. North Korean refugees in China

Leaving the DPRK is considered treason, punishable by long prison terms or execution. Yet the Voice of America estimates that as many as 300,000 North Koreans have fled to China. With the onset of famine in the early 1990's, tens of thousands of North Koreans—the majority undernourished women and children—crossed into China's northeastern provinces. There are an estimated 140,000 to 150,000 North Korean refugees currently in China, living in fear of arrest, many women forced into prostitution or abusive marriages. Refugees are pursued by agents of the North Korean Public Security Service, and many are forcibly returned to the DPRK. On June 8, 2002, the South China Morning Post reported that the Chinese government has been offering rewards to those delivering North Korean refugees to police.

China claims that it considers these refugees to be purely economic migrants. While hunger may be one motive for their movement, there are other realities:

1. It is the nature of the political system in North Korea, with its discriminatory distribution of resources, that makes feeding a family impossible in some areas.

2. Being hungry does not necessarily prevent these people from also feeling oppressed.

3. The criminal, political and social persecution that accompanies forcible return to North Korea surely makes these people 'political' refugees once they are in China.

China is a party to the 1951 UN Convention Relating to the Status of Refugees, under which it has agreed not to expel refugees to a country where their life or freedom would be threatened. It has also signed the 1967 Protocol to the

Convention, promising cooperation with the UN High Commissioner for Refugees. And the PRC is a party to the 1984 Convention Against Torture, which says that no state can return a refugee to a country where there are substantial grounds for believing that he or she will be tortured.

II. Action Recommendations

Here are some concrete steps that I would recommend to achieve the policy objective of improving the human rights of North Korean residents and refugees.

A. Make lifting the siege of the North Korean people by their own government a human rights priority of US policy. As he did on his last trip to South Korea, President Bush should take every opportunity to express his concern for the plight of the North Korean people and his commitment to assisting in the restoration of their rights and wellbeing.

B. The protections offered by US law and policy to refugee populations in danger should be extended to North Korean refugees in China.

C. Urge the UN High Commissioner for Refugees to take immediate action to press the PRC to fulfill its obligations under the 1951 Convention Relating to the Status of Refugees, and end its practice of cooperating in the forced repatriation of North Koreans.

D. Find new ways to provide **information to the people of North Korea.** Develop multiple channels of exchange and contact. An undetermined number of radios in North Korea can receive foreign broadcasts at certain times. Use television broadcasts where possible to reach leadership elite. Establish exchange programs, beginning with university students and health-care professionals.

E. Call for the formation of an **informal Congressional caucus,** on the model of what has been done on Burma, to participate in a multi-national parliamentary network on human rights in North Korea. Such structures have recently been formed within the British Parliament and the Japanese Diet.

F. Human rights in North Korea should be a constant and prominent item on the agenda of the **ROK-US-Japan Trilateral Coordination and Oversight Group (TCOG)**

G. Provide as much **humanitarian aid** as North Korea can absorb, on condition that:

1. distribution of such aid is monitored by independent international relief organizations;
2. concrete progress is made on human rights performance.

H. Encourage **corporations** planning to do business in North Korea to develop a code of conduct similar to the Sullivan principles applied in South Africa.

I. Provide support for **new research and a comprehensive new report.** We must begin by acknowledging the lack of reliable information on any aspect of human freedom in North Korea. We know that large numbers of people are imprisoned for their beliefs, but we don't know how many, who they are, where they are held, how long their sentences are. We know that imprisonment involves harsh conditions, including forced labor, poor food and health care, and torture; but we don't know just how bad it is for which kinds of prisoners at which kinds of prisons. We know that the government divides the population into segments according to perceived levels of loyalty to the regime, and we know that the distribution of goods and services benefits those perceived to be most loyal and fails to serve others. But we don't know exactly what the consequences are for which people. Such reporting will need to be done by an entity with the experience and the capacity to get it right, and the independence and reputation necessary to be heard in Pyongyang.

IV. Conclusion

The time has come to expose this repression and, by so doing, to make clear that the norms of human rights, as defined by the United Nations, apply as much to the people of North Korea as to the people of all other countries. Significantly, North Korea has ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. It therefore owes its own citizens and the world community a commitment to comply with the provisions of these documents, and it must be held accountable for policies and actions that violate these norms.

It is altogether too easy to ignore North Korea, to wait until "something happens" and then respond. The North Korean people deserve better than that. They have been oppressed, frightened and enslaved for long enough. They deserve the best we can do to return to them their basic human rights.

U.S. COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA
1101 15th Street, Suite 800, Washington, DC 20005

Founding Declaration

The denial of human rights in North Korea is a terrible injustice that can no longer be ignored. For decades, the people of North Korea have lived under a totalitarian system so closed and rigidly controlled that virtually nothing about their circumstances was known to the outside world. Human rights organizations and the international media both lacked access to the country. The bitter conflict between the two Koreas, divided from each other by an impenetrable wall of ideology and hair-trigger defenses, reinforced the isolation of the North and the silence of the international community, which concerned itself exclusively with the sensitive security issues that dominated the politics of the Korean peninsula.

Since 1995, more than one million North Koreans may have perished from famine and related disease, while hundreds of thousands more have fled across the border into China. Along with this human catastrophe have come the first cracks in the wall of silence that has separated North Korea from the world. Humanitarian relief workers, though restricted in their movements, have become witnesses to repressive practices in the North, while the testimony of refugees has painted a consistent picture of appalling human rights abuses. In addition, the government in Pyongyang, desperately seeking economic and food aid, has normalized diplomatic relations with many democratic countries, including Canada, Australia, and most members of the European Union. As the cracks in the wall grow wider, the North Korean regime is no longer able to conceal its system of repression but must increasingly submit to the scrutiny of human rights organizations and democratic governments.

The time has come, therefore, to speak out against this repression and to insist that the norms of human rights, as defined by the United Nations, apply as much to the people of North Korea as to the people of any other country. Significantly, North Korea has ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. It therefore owes its own citizens and the world community a commitment to complying with the provisions of these documents and must be held accountable for policies and actions that violate these norms. North Korea has consistently violated international agreements, but must no longer be permitted to flout its fundamental obligations to its citizens.

The information available about human rights in North Korea, though incomplete, is more than adequate to raise the most serious concerns. North Korea is a totalitarian state, arguably the most closed and oppressive system in the world. The denial of fundamental human rights in North Korea is not limited to particular individuals or groups but affects the entire population. The government detains and imprisons people at will, taking them from their homes and sending them directly to prison. Judicial review does not exist and the criminal justice system operates at the behest of the government. The population is subjected to a barrage of propaganda by government-controlled media, whose only purpose is to glorify the leadership. Radios available to most North Koreans receive only government broadcasts; loudspeakers in gathering places broadcast government programs. Indoctrination is supported by neighborhood associations and schools at all levels. The opinions of all North Koreans are monitored by government security organizations, and electronic surveillance is used in many private homes. Children are encouraged to inform on their parents. Independent public gatherings are not allowed, and all organizations are created and controlled by the government. The General Federation of Trade Unions is used to monitor the opinions of workers and enforce work requirements and rules. There is no religious freedom, and all art must promote the myth of the former and present rulers, Kim Il-sung and Kim Jong-il, respectively.

We wish to call special attention to three broad areas where fundamental rights are being systematically violated:

1) **The system of political prisons and labor camps**: North Korea maintains a system of political prisons and labor camps that holds an estimated 200,000 people at any one time. Often entire families are detained, including children, because of the supposed political deviation of one member. Prisoners are subjected to forced

labor under brutal conditions, and torture is common. Many prisoners have died from starvation and disease, and many others have been executed, often in public in front of large crowds, which include young children. It is estimated that some 400,000 prisoners have died in these camps over the last three decades.

2) **The problem of hunger and the denial of equal access to food and other basic necessities**: The terrible toll that the famine in North Korea has taken in human life has not affected all segments of society equally. The North Korean government classifies the population according to loyalty, and the suffering has been most acute among those classified as "hostile" or "wavering" – categories that comprise nearly three quarters of the population. People in these unfavored categories, including children, are denied equal access not just to food but also to housing, medical care, employment, and education. This explains the complaint of humanitarian relief organizations that food is being distributed on the basis of loyalty to the state, not according to need. Some relief organizations have actually withdrawn from North Korea in protest against government interference in the distribution of food (and the possible diversion of food aid to the North Korean military) and the denial to their physicians of access to children and others in need of medical attention.

3) **The plight of refugees fleeing to China**: With the onset of the famine in the early1990s, tens of thousands of North Koreans – many of them under-nourished women, elderly people, and children – have fled their country, most crossing the border into China's northeastern provinces of Jilin and Liaoning. Leaving the country without permission is considered a crime in North Korea, punishable by a minimum of seven years in "a reform institution," the euphemism for a prison camp, or even by death. China, though a party to the 1951 Refugee Convention, refuses to grant refugee status to these escapees. On the contrary, it has imposed fines equal to a year's income on people found harboring or helping North Koreans, and it has joined with officials of the North Korean Ministry of People's Security in apprehending escapees and returning them to North Korea. According to a recent report of Amnesty International, 5,000 North Koreans were forcibly returned across the Tumen Bridge in Jilin Province in just one month (March 2000), with similar numbers being sent back at other crossings. According to the same report, anywhere from 50,000 to 300,000 refugees remain in China (with smaller numbers having fled to Russia and Mongolia), all of them living in fear, with many women forced into prostitution in order to survive.

Though the information available about conditions inside North Korea is still incomplete, we know enough to conclude that human rights are being violated there to a degree that is perhaps unequaled in any other country in the world. A critical first step in responding to this tragedy is to break the information blockade so that the true picture of conditions in North Korea can be revealed to the world. Toward that end, human rights and humanitarian relief organizations must be given the access to the country that they need in order to assess the full extent of the crisis. Other steps must also be taken, including:

- Pressuring North Korea to allow independent assistance organizations to provide famine relief to the people most in need and to verify that this relief is reaching those whom it is intended to help;
- Demanding that other economic assistance to North Korea be conditioned on meaningful improvements in addressing the three critical problems of human rights, refugee protection, and famine relief;
- Pressuring the government in Pyongyang to cease criminalizing the act of leaving the country without permission and severely punishing those who are forcibly repatriated; and also insisting that China recognize the escapees as political refugees who must not be forcibly returned;
- Finding new ways to provide information to the people of North Korea, thus ending their enforced isolation;
- Developing multiple channels of exchange and contact with the North Korean people; and

- Encouraging companies investing in North Korea to develop a code of conduct, similar to the Sullivan principles that were applied in South Africa to protect workers and other citizens.

Until now, concerns having to do with peace and nuclear disarmament have taken precedence over the defense of human rights in dealing with North Korea. These concerns are still central. But they cannot be satisfactorily addressed as long as North Korea remains a totalitarian country, isolated from the world and at war with its own people. An opportunity now exists to promote human rights in North Korea and to encourage its gradual opening to its neighbors and the world. Toward this end we have come together and pledge our common effort.

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Testimony of Norbert Vollertsen
German Emergency Medical Doctor
Presented to the Senate Judiciary Committee
Subcommittee on Immigration
Hearing on "Examining the Plight of Refugees: The Case of North Korea"
June 21, 2002

I was a member of a German medical group, Cap Anamur, and entered North Korea in July 1999 to carry out humanitarian medical assistance. I remained in North Korea for 18 month until I was expelled on Dec. 30, 2000 for publicly denouncing the regime for abusing basic human rights and for its failure to distribute the massive foreign food aid to the people who needed it most. Early on during my stay I was summoned to treat a workman who had been badly burned by molten iron. My colleague at that time and I volunteered our own skin to be grafted onto this patient in order to show our friendship with the ordinary North Korean citizens. For this action we were nationally acclaimed by the media and awarded with the Friendship medal, the only two western foreigners ever to receive this high honor.

Together with this medal I was issued a somewhat VIP-passport and a driver`s license, which allowed me to travel to many areas inaccessible to foreigners and to ordinary North Koreans citizens. I even secretly photographed my patients and their decrepit surroundings. While acting as an Emergency doctor and looking for the victims of many accidents I also visited a number of other hospitals in other provinces beside the official ten hospitals and three orphanages I was assigned to. In order to deliver clothes to the North Korean children I also visited several dozens kindergartens all over the country side.

In every hospital I visited I found unbelievable deprivation and I was shocked to see patients and orphans in these places. There were no bandages, no scalpels, no antibiotics, no operation facilities - only broken wooden beds supporting starving children waiting to die. In the hospitals the doctors were constantly using empty beer bottles as vessels for dripping, and safety razors as scalpels - there was even an appendectomy without any anaesthesia. They insisted on the serious shortage of medical products and equipment while I found throughout my "investigations" that there was a large stock of bandages and other medical goods in governmental storehouses and in diplomatic shops.

There are two worlds in North Korea. The world for the senior military, the members of the workers party and the country`s elite where they are enjoying a nice lifestyle with fancy restaurants, diplomatic shops with European food, nightclubs and even an casino and the world for the ordinary people.

In the world for these ordinary people in a hospital one can see young children, all of them too small for their age, with hollow eyes and skin stretched tight across their faces, wearing blue-and-white-striped pajamas like the children in Auschwitz and Dachau in Hitler`s Nazi Germany.

Most of the patients in the hospitals suffer from psychosomatic illnesses, worn out by compulsory drills, the innumerable parades, the assemblies from 6:00 in the morning and the droning propaganda. They are tired and at the end of their tether. Clinical depression is rampant. Alcoholism is common because of mind numbing rigidities and hopelessness of life.

The patients in the North Korean hospitals are looking exhausted and fed up. The condition of the children was deplorable, emaciated, stunted, mute, emotionally depleted. Young adults have no hope, no future and anxiety is everywhere. One can only wonder why there are so many orphans.

Constraints and difficulties of operating in North Korea effect any accountable humanitarian aid assistance. There is no effective monitoring because there is no freedom of movement for the international humanitarian aid agencies. Nobody really knows where the food is going to.

Before Cap Anamur came to North Korea other humanitarian agencies like MSF, OXFAM, ACF and CARE pulled out of North Korea, because they were not allowed to distribute the aid directly to the people. They had to turn it over to the government for the authorities to carry out the distribution and it is not possible to proof if a substantial portion of the foreign aid is going to the army or to those with status or sold to other countries. I myself did not witness any improvement in the availability of food and medicine or in the general living conditions during my whole staying.

Knowledge about the overall humanitarian situation in North Korea is also not available for the normal foreign visitor, aid worker or diplomat. Protection of the humanitarian interests of the population is not possible. General social and political rights, as basic rights grants to human beings in freedom of speech, the press, assembly, demonstration, ideology, religion and association are
restricted in North Korea.

There is no activity in any of the churches in Pyongyang. It is a showcase for all the foreign visitors. When we were shown around the "priest" was only talking about the money-investment for the church, Kim Jong-IL and his goodwill towards the Christian community but there was no word about religion. And - what surprised us the most - when the priest talked about the open service in the church every sunday morning we found all the seats in the church full of dust - never used in the last months, maybe years.... Also whenever I passed the church on a sunday morning there was actually no activity - not even one of the 300 or 400 Christians the priest was talking about.

In North Korea the life of the workers has reached its limit, the life of the peasants is in a desperate condition too. The deprivation of the basic right to exist is obvious. The ordinary people are starving and dying. Violation of the freedom of personal inviolability and conscience by unwarranted arrest and detention is common and one can only imagine what the conditions are like in the so-called "reform institutions", where entire families are imprisoned when any member does or says something that offends the regime. These camps are closed to all foreigners, even the International Federation of the Red Cross has been denied access.

In the last Stalinist country on earth sexual violence against women, used like modern "comfort women", forced labor and torture is an important mean for maintaining the suppression of any opposition. A repressive apparatus is acting whenever there is any criticism and the constriction of human rights by intelligence surveillance, shadowing, wiretapping and mail interception is enormous. The oppressive nature of the police forces is evident and obvious at every street corner.

If the main medical diagnosis in North Korea is fear and depression because of man-made policy and not because of "natural disasters" one has to think about the right therapy and to speak out publicly about repression and human right abuses.

I realized that the only way to rescue people in North Korea in poverty and difficulty is to let the world know the real state of this country. So according to my extended possibilities with the friendship medal I guided around Pyongyang a group of journalists accompanying Mrs Albright, the then U.S. Secretary of State who visited North Korea in the autumn of 2000. Additionally, I spoke to every diplomat and after I found an obviously tortured soldier I handed over a statement of humanitarian principles to the North Korean government. My so-called coordinator and minder at that time who was made responsible for not preventing my activities was exchanged. I never saw him and his family again.

My behavior offended the leaders of the workers party and I was forbidden to go to the hospitals anymore, my car was sabotaged and finally I was forced to leave the country. As promised to the North Korean authorities I went directly to Seoul instead of going home to Germany and spoke to the international journalists there. In the following months I also interviewed several hundreds North Korean defectors in Seoul, at the Chinese-North Korean border and in several other places where they are hiding themselves in order to learn more about the cruel reality in their home country.

All the former prisoners of the concentration-camps were talking about mass-execution, torture, rape, murder, baby-killing and other crimes against humanity because they were punished for any "antistate criminal acts".

Working closely with the media the international community has to put pressure on the North Korean regime to open up toward the outside world and save the ordinary citizens lives. To improve human rights in North Korea the world has to speak out against the current regime.

The regime of Kim Jong-IL is committing crimes against humanity, they are using food as a weapon against their own people. Kim Jong-IL is responsible for genocide, North Korea is a real terror state with terror against his own people and therefore the leadership of this country has to face the International Criminal Court in The Hague.

As a German born after the war I know too well the guilt of my grandparents` generation for remaining silent while the Nazis where committing indescribable crimes. I felt it my duty as a human being, particularly as a German to expose the crimes and tyranny of the North Korean regime.

And as a German I know about the impact of refugees who are fleeing the country. Like in former East Germany where it started with several dozen refugees in the West German Embassy in Prague it will lead to the final collapse of the system.

After visiting the United States, Japan and Europe I will subsequently continue all over the world for the express purpose of exposing the tyranny and criminality of this secret state, with the hope that international pressure will be applied by the world community to bring about a reformation of this depraved "mad place".