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HUMAN RIGHTS ABUSES AND CRIMES AGAINST HUMANITY IN NORTH KOREA

MEETING AND HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

OF THE

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CONTENTS

Page

BRIEFER

The Honorable Lee Jong Hoon, Ambassador-at-Large for Human Rights, Republic of Korea 4

WITNESSES

The Honorable Andrew Natsios, co-chair, The Committee for Human Rights in North Korea 29
Shin Chang Hoon, Ph.D, director, Center for Global Governance, Asan Institute for Policy Studies 43
Mr. Shin Dong Hyuk, survivor of North Korean prison camp 56

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

The Honorable Lee Jong Hoon: Prepared statement 7
The Honorable Andrew Natsios: Prepared statement 33
Shin Chang Hoon, Ph.D: Prepared statement 45
Mr. Shin Dong Hyuk: Prepared statement 59

APPENDIX

Hearing notice 74
Hearing minutes 75
The Honorable Lee Jong Hoon: Crimes against humanity report 76
The Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey, and chairman, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations: Statement from the U.S. Commission on International Religious Freedom 80

HUMAN RIGHTS ABUSES AND CRIMES AGAINST HUMANITY IN NORTH KOREA

WEDNESDAY, JUNE 18, 2014

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 o'clock p.m., in room 2200 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. Good afternoon.

Today's briefing, which will then become a hearing and it is just due to technical regulations proscribed by the committee and by the House, hearing from an Ambassador cannot be done in a hearing setting but it is a briefing. It is really a distinction without a difference.

So today's hearing and briefing deserve to turn the world's attention to the systematic abuse of human rights in North Korea, which amount to crimes against humanity by perhaps the world's most repressive totalitarian regime.

And so very correctly, as stated in the United Nations Commission on Inquiry report on North Korea, such a regime is a state that does not content itself with ensuring the authoritarian rule of a small group of people but seeks to dominate every aspect of its citizens' lives and terrorizes them from within. So by definition this is not an authoritarian regime, it is an absolute dictatorship and totalitarian regime. For in the Democratic People's Republic of Korea we see a state that seeks to control all aspects of the lives of its citizens, not only their political lives but also that innermost sanctuary that we call conscience as well.

The term "hermit kingdom" is applied to any nation that wilfully cuts itself off from the rest of the world either metaphorically or physically. This term was applied to Korea as long ago as the late 19th century, but it continues to be applicable to North Korea today.

This is why the terrible human rights violations in North Korea are little noticed outside of foreign policy circles. We must see that the crimes of the North Korean regime are far more widely known, combated, and raised, and pushed against than they currently are now.

The first step toward that, one, is what we are trying to do here today, to call in experts to present testimony on the horrific situa-

tion in North Korea where political prisoners serve as virtual slaves, where starvation is used as a political weapon, and where religious believers, Christians in particular, are imprisoned, tortured and killed with such ferocity that some say it amounts to genocide.

In the past, and this is probably I think the sixth or seventh hearing that I have had on human rights in North Korea or the lack of them, we have heard from people, especially women who have been trafficked, who had made their way into China and then were sent back, involuntarily repatriated by the Chinese Government, only to be sent to a gulag where they were tortured and in many cases executed for leaving the country.

So seeking to gain some liberty they ended up first being sex trafficked and then secondly exterminated and killed by a barbaric regime. Unfortunately, today's world's attention is distracted by manifold crises which seem almost to overwhelm us, and we will enumerate just a few.

The breathtaking collapse in progress of the Maliki regime in Iraq, which we had supported at the cost of so much American blood and treasure, various humanitarian catastrophes in Africa, most notably the Central African Republic and South Sudan, which was the subject of a resolution passed just a few minutes ago, but also the presence of violent Islamist movements such as Boko Haram. I was just in Nigeria and saw the devastating impacts again of what that terrorist organization does to innocent people. And, of course, al-Shabaab in the major nation of Kenya where they have been hitting most recently.

The ongoing tensions in Ukraine, as a restive Russia seeks to reassert the imperial hegemony over neighboring states and clashes in the South China Sea as an increasingly bellicose China makes a gambit to become a maritime power and fill a perceived vacuum.

We have always lived in a wounded world, but today the tourniquets required to stop all the bleeding the world over would tax even the most compassionate of souls.

Yet it is precisely this exhaustion of compassion that we must fight against. Compassion fatigue is not a luxury that we can afford and we must summon the necessary conviction to address the sufferings of the beleaguered people of North Korea.

We will have testifying today an eyewitness to the barbarity of North Korea's cruel regime, a defector from North Korea who was born in a total control zone—political prison camp and he will give us an unsettling firsthand account of exactly what he experienced.

The torture he endured and not simply physical torture, as horrific as that was, but was a psychological barbarity and such ruthlessness that once you have heard what he underwent your imaginations will forever be affected.

Members of this subcommittee are no strangers to the brutality of starvation in many parts of the world, particularly in Africa. But today they will hear stories of starvation by design, how the denial of food is used as an instrument of wide scale torture.

We will also hear about a North Korean nuclear program that goes beyond the headlines. Yet we do know that North Korea, in its quest for nuclear weapons, threatens to destabilize the world. But what many of us did not know and what we will hear today

is the extent to which the North Korea nuclear program is built upon the cadavers of its own people.

The United Nations Commission of Inquiry report, as important as it was, never explored the full extent to which workers in uranium mines are exposed to high levels of radiation and how even the most basic concern for the safety needs of workers are routinely ignored.

Finally, I want to call attention to H.R. 1771, the North Korea Sanctions Enforcement Act. It is my hope that Congress, both House and Senate, will take to heart the testimony that is presented today and with a renewed focus on North Korea's human rights record pass this important legislation which takes a step for holding this rogue regime accountable for the sins committed against its own people.

I, finally, just note parenthetically that we did invite Special Envoy Bob King. He is traveling. We will have him here as our Special Envoy for North Korean Human Rights Issues.

His position was created as part of the North Korean Human Rights Act and we look forward to his testimony because he has worked very, very hard and I will just also remind my colleagues who were here he used to be the staff director for the Democratic side of the aisle for the Foreign Affairs Committee under Tom Lantos.

So I yield to Ms. Bass.

Ms. BASS. Okay. Chairman Smith, thank you for holding this hearing today. I would also like to thank our distinguished witnesses and I look forward to hearing your perspectives on the ongoing challenges to human rights in North Korea.

I am also interested in hearing your perspective on what is ultimately at stake if efforts to address North Korea's human rights abuses are not sufficiently managed.

As we prepare to hear from today's witnesses, I hope we can learn critical lessons from their experiences and use them to increase awareness and support for the improved protection of human rights in North Korea and across the globe.

I am committed to working toward this end and look forward to working with my colleagues to find the most effective and sustainable solutions.

Thank you very much and I yield back my time.

Mr. SMITH. Thank you very much. Mr. Marino.

Mr. MARINO. I have no——

Mr. SMITH. I would like to now welcome to the table Ambassador-at-Large for Human Rights of the Republic of Korea, Ambassador Lee. Lee Jong Hoon is the Republic of Korea's Ambassador-at-Large for Human Rights.

He is also a member of the faculty of at Yonsei University where he directs its Centers on Korean and American studies. Ambassador Lee hosted a weekly television program on current affairs for 5 years and his writings and commentaries appear frequently in Korean and international media.

He has written widely on East Asian affairs with special reference to foreign policy and security issues. In the last Korean Presidential election he advised President Park on foreign and security affairs.

He also serves as co-chair of Save NK, a nongovernmental organization dealing primarily with North Korean human rights issues.

Mr. Ambassador, welcome to the committee and please provide us with your statement.

STATEMENT OF THE HONORABLE LEE JONG HOON, AMBASSADOR-AT-LARGE FOR HUMAN RIGHTS, REPUBLIC OF KOREA

Ambassador LEE. Good afternoon and thank you, Mr. Chairman, Ranking Member Bass and members of the subcommittee for giving me this opportunity to address you today. Before I begin I would ask that my written remarks be made part of the record.

Mr. SMITH. Without objection, so ordered.

Ambassador LEE. Thank you. I would also like to thank your staff as well as the staff and volunteers at Human Liberty, without whose hard work and dedication today's briefing and hearing would not have taken place.

In 1945, the sense of revulsion at what had taken place at Auschwitz, Treblinka, and other concentration camps was manifest not only in the Nuremberg trials but also in the adoption of the Universal Declaration of Human Rights.

Together, these two events ushered in a sea of change in thinking about human rights. Subsequently, the community of nations has drafted and adopted a number of additional human rights instruments.

Whether through sanctions or armed interventions, steps were taken against regimes that have blatantly violated the Universal Declaration's ideals. The Khmer Rouge in Cambodia, apartheid in South Africa, and the genocide in Rwanda are cases in point.

One country that has largely escaped the world's notice, however, is North Korea, a country that is arguably the world's worst violator of human rights.

Mr. Chairman, members of the subcommittee, we are all gathered here today because we share a common goal as well as a concern. The concern, of course, is the unrelenting deprivation of fundamental human rights in North Korea.

Our shared goal is to raise international awareness, to extend hope for those languishing under the near 7-decade-long tyranny of the Kim Dynasty. We wonder how long must this suffering go on.

What will it take for the international community finally to say no more to the North Korean regime? Why can't there be a red line for human rights as there is for weapons of mass destruction? In a normal state, national security is pursued to ensure human security.

In North Korea, however, national security ensures only regime security. The state takes no responsibility to protect its own people. It is no wonder why North Koreans en masse resort to taking refuge across the border.

Why? Because there is no hope in a country ruled by political prisons, torture, hunger, and public execution, completely void of the fundamental rights to an adequate standard of living, not to mention life. The question remains how to get at the main sole source of all problems—the Pyongyang regime itself.

In March this year, the Commission of Inquiry on North Korea unveiled its final report at the UNHRC. The report represents a significant milestone in how the world views and deals with the human rights crisis in North Korea.

The COI report characterizes North Korea as a totalitarian state that has committed serious human rights violations amounting to crimes against humanity. Since the release of the report, the international community has come together as never before on this issue.

One outcome worth noting is the work of Human Liberty that actively seeks to create a coalition of partners and volunteers to sustain this momentum.

Of particular significance is the commissioning of Hogan Lovells, an international law firm based in London, to conduct an independent evaluation of COI's work pro bono.

I would ask, Mr. Chairman, that the full crimes against humanity report be made part of the record.

Mr. SMITH. Without objection, your request will be honored. Yes.

Ambassador LEE. Thank you. I am here to make public for the very first time the commissioned work by Hogan Lovells, which unequivocally endorses the findings and recommendations of the COI. But Hogan Lovells goes a step further to charge that the North Korean regime may be guilty of the crime of genocide.

How so? Because the North Korean regime has, with full intent, been involved in the extermination, at least in part, first, of the so-called hostile class; second, those who are adherents of religion, Christians in particular; and third, those who are not ethnically North Korean.

With respect to the hostile class, North Korea has imposed what it calls the Songbun system—essentially, a caste system where the hostile class with suspect state loyalty is placed at the very bottom of the society.

As such, a legitimate argument can be made that North Korea has effectively created a group with a separate cultural identity within the society and as such it constitutes a distinct ethnicity.

On that basis, the extreme discrimination to which this class is subjected, especially the deprivation of food, constitutes a form of genocide. In this case, it will be genocide by attrition or starvation.

Now, on religion, Christians are viewed by the North Korean regime as a political threat because the state does not allow any belief system other than its official state ideology called Juche, or self-reliance.

Just recently, the regime arrested an American tourist by name of Jeffrey Fowle, who reportedly left his Bible in a hotel room. Last September, there were reports that 33 North Koreans associated with South Korean Baptist missionary Kim Jeung Uk were sentenced to death for helping to establish underground churches in North Korea.

They were executed by firing squad on November 3rd of last year when coordinated public executions reportedly took place in seven cities across the country in front of thousands of spectators including children, who were forced to watch. If that is not genocide, I don't know what is.

The third category that are victims of genocide in North Korea are the non-Koreans. To the regime, any interracial marriage corrupts the purity of the society.

As a result, the government brutally enforces a policy of forced abortion and even infanticide against mixed-race children, especially those with Chinese fathers.

The Human Liberty report contends that an argument for genocide could be made on the basis that these mixed-race children who are victims of infanticide will qualify as a protected group under international law on racial and ethnic grounds.

Considering the strict and narrow defines of the term genocide, the COI report was hesitant in charging the North Korean regime of genocide, suggesting instead that perhaps the term political genocide might be more applicable.

The Human Liberty report prepared by Hogan Lovells, however, finds enough evidences to conclude that in North Korea genocide is taking place.

During his presentation of the COI report, Chairman Michael Kirby said, "These are the ongoing crimes against humanity happening in the DPRK which our generation must tackle urgently and collectively. The rest of the world has ignored the evidence for too long. Now there is no excuse because now we know."

So the question remains, Mr. Chairman, now that we know what do we do? How can we provide the beacon of hope for those North Koreans desperately yearning for freedom?

To bring about a real change, it takes courage and the political will to confront the Pyongyang regime. What is required is worldwide mobilization.

Ending the human rights abuses in North Korea will require a global campaign reminiscent of the international anti-apartheid movement. U.S. House subcommittee hearings such as today's can only boost such a global campaign.

It matters, and I am deeply grateful, and that is why I flew 12,000 kilometers today just to give this briefing, however short it may be. It is my way of thanking you and also letting you know that we are in this together.

Thank you and God bless, and with that, Mr. Chairman and subcommittee, I will be pleased to answer any questions that you might have.

[The prepared statement of Ambassador Lee follows:]

BRIEFING BY THE HONORABLE LEE JUNG-HOON
Ambassador for Human Rights
Republic of Korea

Good afternoon and thank you Mr. Chairman, Ranking Member Bass, and Members of the Subcommittee, for giving me this opportunity to address you today. Before I begin, I would ask that my written remarks be made part of the record.

I would also like to thank your staff as well as the staff and volunteers at Human Liberty, without whose hard work and dedication, today's briefing and hearing would not have taken place.

In 1945, after the Allies defeated Hitler's army and liberated Europe, the world recoiled in horror at what had taken place at Auschwitz, Treblinka, and the other concentration camps. Knowledge of the Holocaust had a traumatic effect the world over. The initial response was, "If we had only known. . . ," betraying a sense of collective guilt for the lack of awareness of what was occurring in the camps. Soon after, though, world opinion moved from a focus on the recent past to a focus on the future and concluded that never again can humanity allow such unspeakable crimes to occur.

This sense of revulsion was manifest not only in the Nuremburg trials, but also in the adoption of the Universal Declaration of Human Rights. Together, these two events ushered in a sea change in thinking about human rights – a paradigm shift such that certain human rights have thereafter been regarded as fundamental and universal – intrinsic to the dignity of each individual. What's more the international community recognized that individuals and states have obligations incumbent upon them to act to prevent atrocities that are in violation of those rights.

Subsequently, the community of nations has drafted and adopted a number of additional human rights instruments that are the direct offspring of the Universal Declaration. Whether through sanctions or armed intervention, steps were taken against regimes that have blatantly violated the Universal Declaration's ideals, such as Stalin's Soviet Union, the Khmer Rouge in Cambodia, Apartheid South Africa, those responsible for the genocide in Rwanda, and others. Various international tribunals have also been established to try violators of these human rights.

One country that has largely escaped the world's notice in this regard, though, is North Korea. Among those who concern themselves with such things, it is currently regarded as the world's worst violator of human rights.

Members of the Subcommittee, we're all gathered here today because we share a common concern and a goal. The concern of course is the unrelenting deprivation of fundamental human rights in North Korea. Our shared goal is to raise international awareness to

extend hope for those languishing under the near seven decade-long tyranny of the 'Kim Dynasty'. We wonder, how long must the suffering go on? What will it take for the international community finally to say "no more" to the North Korean regime? Why can't there be a "red line" for human rights violations as there are for weapons of mass destruction?

In a normal state, national security is pursued to ensure human security. In North Korea, however, national security ensures only regime security. The state takes no responsibility to protect its own people. It's no wonder why North Koreans *en masse* resort to taking refuge across the border. Why? Because there's no hope in a country ruled by political prisons, torture, hunger, and public execution, completely void of the fundamental right to adequate standard of living, not to mention life.

The question remains how to get at the main source of all problems – the Pyongyang regime itself. In March this year, the Commission of Enquiry (COI) on North Korea, mandated to look at an extensive list of possible violations, unveiled its final Report at the UNHRC in Geneva. The Report represents a significant milestone in how the world views and deals with the human rights crisis in North Korea. Needless to say, all efforts now must be consolidated and funneled to implement the recommendations so thoughtfully crafted by Michael Kirby, Marzuki Darusman, Sonja Biserko, and all the other dedicated members of the COI."

The COI Report characterizes North Korea as a "totalitarian state" that has committed serious human rights violations amounting to crimes against humanity - extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation.

Since the release of the Report, the international community, both private and public, has come together as never before on this issue. One outcome worth noting is the work of Human Liberty that actively seeks to create coalition of partners and volunteers to sustain the momentum. Of particular significance is the commissioning of Hogan Lovells, an international law firm based in London, to conduct an independent evaluation of the COI's work *pro bono*. I would ask, Mr. Chairman, that the full Crimes Against Humanity report be made part of the record.

The commissioned work by Hogan Lovells unequivocally endorses the findings and recommendations of the COI. Hogan Lovells went beyond reviewing the COI's work and considered whether the North Korean regime might be guilty of the crime of genocide – particularly against those the North Korean regime considers to be part of a "hostile class," those

who are adherents of a religion, and those who are not ethnically North Korean.[1] Let me briefly take each of these in turn. With respect to the "hostile class," North Korea has imposed what it calls the *Songbun* system.[2] Essentially, the government has imposed on the society what is effectively a caste system with three overarching categories. The elites or those in the "core" class are considered loyal to the regime and benefit by virtue of their status. The "waivering" class consists of those whom the elites consider of questionable loyalty, but who can nevertheless demonstrate their loyalty to the party through their economic and political contributions. The third class is the "hostile" class – those judged to be disloyal. A subset of this third class includes those who are religious. Members of this third class are discriminated against in virtually every aspect of their lives, to include employment, military service, education, food, housing, medical care and opportunity.[3]

Because of the stratification of the society in this way and the difficulty of moving from one class to another, the Human Liberty report's drafters suggest that a legitimate argument can be made that North Korea has effectively created a group with a separate cultural identity within the society, and as such, it constitutes a distinct ethnicity.[4] On that basis, the extreme discrimination to which the third class is subjected, especially the depravation of food, constitutes a form of *genocide*. In this case it would be genocide by attrition or starvation.[5] Because the North Korean regime's policies are so skewed away from what any responsible government would do and are so biased against the lowest caste that the only reasonable conclusion is that the regime is intentionally depriving its third class citizens of food and is intentionally working them to death.

Moving now to religious adherents, we know the North Korean regime is hostile toward people of faith, and especially Christians. Any religious belief is viewed by the North Korean regime as a political threat because the state does not allow any belief system other than its official state ideology, known as *Juche*. Just recently the regime arrested an American tourist there named Jeffrey Fowle who reportedly left his Bible in a hotel room. Last September there were reports that 33 North Koreans associated with South Korean Baptist Missionary Kim Jeong-uk were sentenced to death for helping to establish as many as 500 underground churches in North Korea. They were executed by firing squad on November 3 of last year when coordinated public executions reportedly took place in seven cities across the country in front of thousands of spectators, including children, who were forced to watch.[6] Mr. Kim, the Baptist missionary, was himself sentenced to life imprisonment just last month, reportedly escaping the

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[1] Human Liberty report, p. 37.
[2] Human Liberty report, p. 43.
[3] Human Liberty report, p. 43.
[4] Human Liberty report, pp. 44-45.
[5] Human Liberty report, p. 47.
[6] http://www.melaniekirkpatrick.com/the-bible-in-the-birds-nest/

death sentence because he "repented his crimes."[7] There's also a testimony of refugees who told of the North Korean family that had been hiding a Bible in a bird nest outside their home. When a neighbor cut down a branch of the tree, the Bible fell out. The neighbor reported this and the family was arrested and never heard from again.[8]

These stories are not just anecdotes; there are far too many of them. In accordance with the International Religious Freedom Act (IRF Act), which you helped guide through Congress 16 years ago, Mr. Chairman, the State Department has placed North Korea on the list of "Countries of Particular Concern" every year since 2001 for "particularly severe violations of religious freedom," which the IRF Act defines as "systematic, ongoing, egregious" violations of religious freedom.[9]

On the issue of non-Koreans, the North Korean regime views the "other" with both deep suspicion and contempt. Witness the regime's scurrilous, racist slurs against President Obama, for example.[10] I will not dignify the hate-filled rhetoric by repeating the statements here today. In their minds, any interracial marriage corrupts the purity of the Korean race, in the North anyway. As a result, the government brutally enforces a policy of forced abortion and even infanticide against mixed-race children, especially those with Chinese fathers.[11] Unfortunately, the children who are killed in utero are not yet recognized as persons under international law, and therefore they do not qualify as victims of genocide. The Human Liberty report contends that an argument for genocide could be made on the basis that these mixed-race children who are victims of infanticide would qualify as a "protected group" under international law on racial or ethnic grounds.

Considering the strict and narrow defines of the term "genocide," the COI report was hesitant in charging the North Korean regime of genocide, suggesting instead that perhaps the term "political genocide" might be more applicable. *The Human Liberty report prepared by Hogan Lovells, however, finds enough evidences to conclude that in North Korea genocide is taking place.*

Now, I understand that this subcommittee has a focus on the issue of the link between

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[7] http://www.cnn.com/2014/06/02/world/asia/north-korea-labor-sentence/index.html

[8] Human Liberty report, p. 50.

[9] Such acts include:
a.) Torture or cruel, inhuman, or degrading treatment or punishment;
b.) Prolonged detention without charges;
c.) Causing the disappearance of persons by the abduction or clandestine detention of those persons; or
d.) Other flagrant denials of the right to life, liberty, or the security of persons.

[10] http://www.washingtonpost.com/world/asia_pacific/north-korean-screed-against-obama-illustrates-race-based-worldview/2014/05/08/9bc7a68f-7b71-4110-b4f1-85ae05c92777_story.html?hpid=z3

[11] Human Liberty report, pp. 51-52.

North Korea's nuclear program and its human rights abuses. This is one area not investigated by the COI. While the world has focused most of its attention on the former and little on the latter, there is an important link between the two. North Korea violates the Right to Food under Article 2(1) and Article 11(2) of the International Covenant on Economic, Social and Cultural Rights, to which North Korea is a state party. By maintaining such a large military force and by pursuing its nuclear program, North Korea is engaging in systematic, widespread, and grave violations of the right to food, and the regime's decisions, actions, and omissions have caused hundreds if not thousands of its own people to die from starvation.

Moreover, the workers at North Korea's nuclear sites are subjected to very unsafe working conditions including exposure to nuclear radiation without appropriate protective measures such as dust masks or protective suits. They are also forced to use water contaminated with radiation for drinking, bathing, and washing clothes. In fact, there are indications that the more important you are to the nuclear program the more protections from radiation you are provided, and vice versa – the more expendable you are, the more deprived you are.

During his presentation of the COI Report to the UNHRC last March, Chairman Michael Kirby had a number of pointed comments that I believe bear repeating. He said,[12]

> The gravity, scale, duration and nature of the unspeakable atrocities committed in the country reveal a totalitarian State that does not have any parallel in the contemporary world.
>
> These are the ongoing crimes against humanity happening in the Democratic People's Republic of Korea, which our generation must tackle urgently and collectively. The rest of the world has ignored the evidence for too long. Now there is no excuse, because now we know.
>
> The world is now better informed about [North] Korea. It is watching. It will judge us by our response. This Commission's recommendations should not sit on the shelf. . . . It is now your duty to address the scourge of human rights violations and crimes against humanity in the Democratic People's Republic of Korea.

So the question remains, Mr. Chairman, what is our duty as referred to by Justice Kirby? Now that we know, what do we do? How can we provide the beacon of hope for those North Koreans desperately yearning for freedom?

To bring about a real change it takes courage and the political will to confront the Pyongyang regime. What is required for action against these heinous violations of human rights is worldwide mobilization. There must be a global education campaign and global public opinion must be brought to bear to get the international community to act collectively to compel North

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[12] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14385&LangID=E

Korea to change course. Ending the human rights abuses in North Korea will require a global campaign reminiscent of the anti-Apartheid movement. Both public and private sectors must remain vigilant.

Subcommittee hearings such as today's can only add to this global campaign. Just the fact that the U.S. House of Representative mechanism is taking interest on this issue matters. I deeply appreciate the effort. And that's why I've travelled 12,000km just to give this briefing, however short it may be. It is my way of thanking you and also letting you know that we're in this together. Thank you.

And with that, Mr. Chairman, I would be pleased to answer any questions you may have.

Mr. SMITH. Ambassador Lee, thank you so very much for your extraordinary statement, your call for a global mobilization. You are absolutely right. I mean, this committee would concur with you. If this isn't genocide, what is?

You know, whole or in part this is almost whole, because of the numbers of people who are systematically exterminated. I regret that we have one vote on the floor of the House so we are going to have to take a very brief recess and then we will come back and I know we all have a number of questions that we would like.

But thank you again for making your way here from the Republic of Korea, flying all night, and but above all thank you for your commitment to the people who are suffering unbearable and unspeakable agony in North Korea. We will stand in brief recess.

[Recess.]

Mr. SMITH. We will resume and Ambassador Lee, thank you again for your testimony. Just a few opening questions, if I could.

First of all, on a note that is very near and dear to my heart I want to thank you for the work that you have done in your country on combating human trafficking.

You know, as the author of the Trafficking Victims Protection Act, and I have worked with many of your lawmakers and have been to Seoul on trafficking missions, your laws are extraordinarily effective and, frankly, I think we are working side by side, not only there and here, but also around the world, to combat that modern-day slavery. So thank you for that leadership because it is very real.

Now, on the issue of North Korea, I wonder if you could just answer a couple of questions. You know, you have called for a mobilization. I wonder if you can suggest to us what you think might be the best leverage.

I know the U.N. General Assembly frequently takes up the case as does the Human Rights Council. I don't think that United Nations Genocide Convention's panel of experts has done it.

It seems to me, as you pointed out, this is genocide. That would be a very appropriate place to at least take this up whether or not they are signatories or not but certainly the Human Rights Council needs to do something more than what it does, which is like an obligatory denunciation and it doesn't seem to go further than that.

Everyone says okay, North Korea is bad, doing horrible things to its people, slaughtering. But I think your idea of a mobilization where more people, parliamentarians, congresses, the European Union, everyone starts really focusing.

It has been frustrating for me and members of our panel that even in the Six-Party Talks human rights always get thrown to the back, if they are there at all, and it seems to me, and I have said this so many times, there needs to be integration of the human rights issue with the nuclear issue so that every time one is spoken about the other is raised equally because if you can't treat your own people with dignity and respect how can we trust and verify, particularly since on-site inspections are very difficult to accomplish in a nuclear agreement.

Human rights are integral to everything, in my opinion, so your point about the mobilization, the red line, thank you for that, that is a very important statement that you made.

Let me just ask you as well just to explain maybe for all of us about Juche. I read a book on Juche years ago and it was written by a Christian who said you Westerners really don't understand that whole principle and how it is integrated with this morphed communist ideology of the Kims.

Could you maybe elaborate for us more on the genocide, what leverage we might have and what haven't we done, what else can be done. I think integration into the Six-Party Talks when they do occur ought to be a part of this. But Juche, if you could also speak to that as well.

Ambassador LEE. Well, thank you for those questions, Mr. Chairman. I really think the COI report really opened up a new chapter in dealing with the North Korean human rights crisis situation. Maybe 3 or 4 years ago we would not have imagined putting in a single sentence Kim Jong Il, well, now, of course, his son, Kim Jong Un, the leader of North Korea, the International Criminal Court, or prosecution.

I mean, and yet we are liberally and more often than not, talking about these things. So that is a huge leap forward, I believe. Of course, with the prosecutory mechanisms at the U.N., it is not going to happen overnight.

It is a long drawn-out process. It is complicated. It is costly. I understand that. But just the fact that we are now talking about these things is a very positive development in dealing with North Korean human rights issues.

Now, with regards to the genocide that you are asking about, of course, Chairman Kirby in the COI report, as I mentioned in my briefing, felt that, well, crimes against humanity is sufficient for their mandated purpose.

There is probably evidence for political genocide but as you know genocide in international law has a very narrow scope, definition that you just have to fit things into.

But as I was explaining, Hogan Lovells, a major law firm in London, these are lawyers and they have given it a very careful study and felt that there is enough evidence to warrant genocide.

Now, that is crimes against humanity plus genocide. These are the two worst possible crimes in international law that there can be.

So I think it is significant that we start to delve into this issue of genocide as well, on top of crimes against humanity, because we are just only beginning, and when I speak of an international campaign and movement it is about the international public opinion. In order for there to be international public opinion there has to be a much more increased awareness of what is going on so that the United Nations, particularly the Security Council, understands that there is this demand in the international public opinion that something needs to be done in North Korea. Let there be pressure on China and Russia. Let them think twice before they veto anything down.

Mr. SMITH. Is it a referral to the ICC that you contemplate as well or have you thought about maybe a specialized court like we had for Sierra Leone, Rwanda and the court in Yugoslavia?

Ambassador LEE. Well, I mean, yes. I mean, these are all things that is, of course, recommended by the COI, by Justice Kirby and

his team, that it should be referred because, of course, as you know, North Korea is not a party to the Rome Statute.

It should be the Security Council that is making the referral. If not, the ad hoc tribunal as we know of the former Yugoslavia. It could be a joint tribunal, as in the case of Cambodia.

But that is probably highly unlikely because the North Korean regime will not agree to such a thing. But, you know, as I said, it is going to be difficult journey but we are now talking about it. Let us increase the awareness.

Let us increase the education of the young people so that more people go to SMS, Twitter and talk about these issues, maybe even in China.

I think there are a growing number of netizens in China who are saying what is our government doing with this rogue state? Why are we doing this at the embarrassment of our people? Why are we being patron to this country that is an embarrassment to the world?

So I think the international awareness for education, publicity is very, very important. So that is what I am basically talking about when I am saying that we should increase the campaign and mobilize the international campaign.

Juche is the is about, well, literally self-reliance. They don't need anyone; they are self-sufficient, that this is a paradise that they have created. Far from it, of course. North Korea basically has two tools for regime survival and make no mistake, their only interest is regime survival.

To deal with the outside world, weapons of mass destruction, nuclear weapons. They need to hold on to this and make it because with the nuclear weapons basically they are saying nobody touch us and we can do whatever we want and we are not going to have the United States or, you know, United Kingdom or whoever, South Korea or even the United Nations, telling us what to do or what not to do. Internally, it is the human rights violations.

That is their tool to subdue any sort of anti-government thoughts or any movement to challenge the regime. So these are two most useful tools for the regime: Nuclear weapons and human rights violations.

One for external, one for internal, and it is not going to change and therefore the pressure has to be very, very firm. We can't just pat them on the back and hope that things will change. It will never change.

It hasn't changed for nearly seven decades and therefore this sort of hearing and while we talk about putting it into action is so important and in Korea, I might just add, the fact that the U.N.'s field office structure will be established in Korea is another very significant development in my country's dealings with the North Korean human rights issue.

Mr. SMITH. Ms. Bass.

Ms. BASS. Well, first of all, let me thank you again for traveling all the way from Korea to provide your testimony today. I wanted to understand because I am aware of the man that is in prison now because he left a Bible in his hotel room and I just wanted to know if you could talk to me a little bit about tourism. I don't quite understand tourism in North Korea. Who goes?

What do they do when they are there? I mean, what kind of tourism is there? Because you hear about it. I mean, I think the last person that was in prison had been there. Wasn't he getting ready to leave and they pulled him off a bus or something?

Ambassador LEE. Yes. Yes.

Ms. BASS. That was the one with the Bible. So who is going and what are they doing there?

Ambassador LEE. I don't think there are a whole lot of tourists. I don't have the statistics but the most active tourist activity was the tourism of Kun-Dong Mountain, which was part of South Korea's effort to enhance inter-Korean relations hoping that things like that, Kun-Dong Mountain tourism as well as building the Kaesong Industrial Park would somehow——

Ms. BASS. Right. That is right on the border, right?

Ambassador LEE. That is right. But, of course, you know that one of the South Korean tourists, a woman in her 50s, was taking a stroll early in the morning and she was shot down——

Ms. BASS. Right.

Ambassador LEE [continuing]. Because apparently they are claiming that she actually crossed beyond the beachfront where she wasn't supposed to be. I mean, this is a tourist and thereafter it shut down. So——

Ms. BASS. Okay.

Ambassador LEE [continuing]. I mean, if you are asking a question as to, you know, who goes there I wouldn't, that is for sure.

Ms. BASS. No, I mean, but, you know, you hear about that and that is when you hear about these folks being stopped. I have been there to the—right to the border, you know, to the DMZ and so that was a few years ago, maybe 3 years ago, and I know it was shut down then. Are you saying that it still hasn't been opened up?

Ambassador LEE. No.

Ms. BASS. The industrial area has not been opened up?

Ambassador LEE. No. No. Kaesong Industrial Park, of course, continues but Kun-Dong Mountain tourism has not reopened.

Ms. BASS. I see. I see. And then the ideology that you described I just want to make sure that I—the self-reliance. I don't know how it is said in Korean. Could you elaborate a little more on that?

I understand the basic premise. It is, you know, the Korean people are supposed to be independent and not rely on anybody else, how the regime survives when folks are starving and are obviously not self-reliant and then—so I wanted to know if you could expand a little bit more on that ideology and how it plays out.

And then also are there any internal underground struggles that are happening? You hear of people escaping but I don't know if there is any underground movements that are happening within North Korea.

Ambassador LEE. Yes. I mean, you know, it is the most closed society in the world so information, intelligence, is very hard to come by.

We do time to time hear about explosions where the Kim family train might have passed through. But I think the frequency is very, very small and North Korea is one of the highly monitored societies.

Even those North Koreans—I mean, you go out abroad, you go to New York, the U.N., or other parts where North Korean diplomats are that you will able to meet or restaurants that they run, they are never alone.

They are always in twosomes or threesomes because everyone is watching over his or her shoulders and therefore even within North Korea the monitoring mechanism is so severe and intense that it is probably very, very difficult to anticipate the kind of Jasmine Revolution that we have seen in other parts of the world.

But nothing is impossible. I am sure that deep inside the people of North Korea have this desire and that is why, you know, what I am saying is let us find ways. Let us find ways to somehow help these people to expand on their desire whether it is by sending USBs. I don't know——

Ms. BASS. US what?

Ambassador LEE. USBs about the outside world—the information. Chairman Kirby was recently in Korea to visit and he was asking the Korean Government people about how to get the translated version of the COI report so that North Koreans can read it, how we get it to North Korea.

So sending information to North Korea I think will be a very, very important task going forward so that people know that more people understand what their situation is in light of the outside world.

Ms. BASS. Yes. It is just hard to see how the regime falls considering it has been seven decades. You know what I mean? Short of a massive invasion somewhere because they are blocked off from the rest of the world.

We know starvation is going on but yet they continue. What is your guesstimate as to the number of people that are in labor camps?

Ambassador LEE. I think, you know, anywhere between 120,000 to as many as 200,000. But, again, you know, when we are talking about these political prison camps it is not like prisons where you might have 200 or 500 people.

I am sure you will get a much better testimony from Mr. Shin. But we are talking about, like, 50,000 people—people who are born into these prison camps and dying. These are towns. It is a different world that they have created—a world of hell.

Now, and it is important that you mentioned this point about when it falls. It has been there despite all the talks about economic difficulties that it has been—the regime has survived for seven decades.

Well, I believe that in particular China's role is very, very important. North Korea, despite its resilience in a bad way, is very much dependent on China in terms of energy, in terms of food. So if, I believe, China made the decision to, for example, really cut off all financial transactions, if it really used its energy and food leverage on North Korea, it will change.

I am not saying that it will collapse. It could. But certainly it will change because the regime cannot survive. So I think that is where the focus ought to be.

Mr. SMITH. Thank you very much, Ms. Bass. Mr. Marino.

Mr. MARINO. Thank you, Chairman. Good afternoon, Ambassador.

Ambassador LEE. Good afternoon.

Mr. MARINO. I want to talk to you for a moment about the United States' role in the world and particularly in the United Nations.

Everybody comes to the—when there is an issue, even if they are not favorable to the United States, they call on the United States for assistance whether it is natural disasters or manmade, and that is what we do in the United States. We help people around the world and we try to resolve problems.

But I am not seeing very much or hearing very much out of the United Nations, particularly the Secretary-General who, by the way, is Korean, and he assumed the Secretary-General position I think it was about 2007. He was reelected in 2011 until 2016.

He was Minister of Foreign Affairs and Trade for and other high-ranking positions for almost 37 years. His wife, Madam Yoo, is devoted to women's and children's health issues, autism, violence against women, et cetera.

But yet when I hear the Secretary-General, Ban Ki Moon, speak, the last issue I heard concerning Korea was in April 2013 and he was on a CNN interview and he had a couple of sentences where he scolded the leader of North Korea.

In August 2013, he had a press conference and most of it was on Syria, nothing about North Korea, and if you look on his bio and his major initiatives and any other statements that he makes pursuant to speaking to the media he starts out with things like climate change. They are calling it climate change now.

It used to be global warming and then since we had a couple of harsh winters they figured that global warming thing isn't working so now we will go to climate change.

Next week who knows what it will be. Economic upheaval, food, energy, water and strengthening the U.N. Give me your assessment of what the Secretary-General is doing or, more importantly, what he is not doing concerning North Korea.

Ambassador LEE. Well, that is a tough question.

Mr. MARINO. You are darn right it is.

Ambassador LEE. Yes. It really is a tough question and I think he really has to walk a fine line because if you—if he in fact focus too much on the Korean Peninsula issues he may get criticism from the outside world that he is putting the national identity above and beyond his sort of U.N. status.

So there is sort of a trap, if you will. Now, having said that, on the other side of the spectrum, as you have pointed out, maybe he is not doing enough.

I cannot pass judgment on that issue but he does have to—it is a world government, in a way. I mean, he does have to handle so many different issues so—yes.

Mr. MARINO. I understand and I appreciate your position. But I can pass judgment, given the fact that United States is the largest financial contributor to the U.N.

The Secretary-General rarely comes to an agreement with the United States and I don't think it shows favoritism. When people ask me why did I make a particular vote here in Congress that was

a hard vote, that is why I came here, to make the hard votes and to try and improve the quality of life for all Americans.

I think the Secretary-General falls in that category as well and I can't think of anyplace else on Earth other than in one or two countries on the continent of Africa where such travesties are taking place and I think that he should be speaking out more about this.

I think he should put together a task force. They are always putting together some kind of a committee or task force at the U.N.

I don't know what they do but they have task forces. We never hear from them once the committee is put together, and I think it is due time that South Korea and other countries put the pressure on the Secretary-General to address what it taking place in North Korea.

I do it all the time. My chairman does it all the time. Many members of the House and the Senate do it all the time.

But we don't seem to get the support and the cooperation from the U.N. and I think that is a place where we can have a tremendous impact on what is taking place in North Korea.

China is an entirely different issue. They are funding North Korea. There is no question about that. Without the funds coming from China, North Korea would collapse.

I think that is a political move that the Chinese decided to take because they know that North Korea is a thorn not only in the side of the United States but around the world and to keep controversy going.

But it is about time that more world leaders step up to the plate with the United States and I think the U.N. should lead that concerning North Korea as well, particularly given the fact that the Secretary-General is Korean.

Ambassador LEE. I will take that as a comment, not a question.

Mr. MARINO. I yield back.

Mr. SMITH. Thank you very much. I yield to the chairman of the Subcommittee on the Constitution and Civil Justice on the Judiciary Committee but also the chairman of the International Religious Freedom Caucus here in the House, Trent Franks from Arizona.

Mr. FRANKS. Well, thank you, Mr. Chairman, and thank you, Mr. Ambassador, for being here with us. You know those of us that have a deep concern about religious freedom often try to, I think, accurately build a construct of where there is no religious freedom then totalitarianism and a lot of human rights violations soon follow.

Where you have religious freedom it seems like there is much greater embrace of human rights in general as well. I guess the first thing that I would ask you if you would just comment on that general concept—do you find that to be a general pattern that where you have religious freedom you often times also have other human rights protections?

Ambassador LEE. I am not quite sure if I understand your question. In North Korea?

Mr. FRANKS. In North Korea or anywhere else in the world. I mean, you don't have religious freedom in North Korea, do you?

Ambassador LEE. No, of course not.

Mr. FRANKS. But and you don't have human rights. North Korea fits the matrix I am talking about. But generally is it not your belief that where religious freedom is restricted then oftentimes other human rights abuses follow?

Ambassador LEE. Absolutely. The causal linkage is quite manifest.

Mr. FRANKS. Yes. I didn't mean to ask the obvious question but it always seems to be important to get that on the record because religious freedom seems to portend almost all other freedoms. It seems to be the cornerstone of freedom in general, certainly here in America and I think across the world.

I serve on the Armed Services Committee as well and one of the great concerns that some of us on that committee have, of course, is North Korea's nuclear weapons capability and you are, in my judgment, correct that they find themselves almost impervious to diplomatic pressure because of this checkmate capability that they have.

But we have sanctioned them for 50 years to starvation and they have tested three times and I think that calls into question the efficacy of sanctioning countries to reduce their nuclear weapons pursuit in the first place. That is another hearing.

But do you believe that there is anything that you would suggest that we could do to somehow take this terrible capability they have out of their hands so that there wouldn't be this impossible effort to try to convince them to restore human rights and other fundamental freedoms?

Ambassador LEE. The nuclear capability of North Korea is obviously a serious, serious challenge not only to the peninsula but Northeast Asian security environment and also to the nonproliferation regime.

But the simple answer to your question really comes back down to China—the role of China. Yes, you are right. We do now have four U.N. Security Council resolutions with sanctions—economic sanctions on North Korea—three for the nuclear tests and one for the long-range missile.

I have no doubt that North Korea is probably, with its nuclear weapons and the delivery capability, is probably targeting some of your forward bases in Guam, maybe in Japan, and elsewhere.

Mr. FRANKS. And they are moving toward missile capability to put in their range the entire United States so I think that for us to suggest that North Korea represents no national security threat to the United States is ludicrous, at least within the short term and I know that is not what you are suggesting.

Ambassador LEE. Yes. Well, I don't know about the mainland but certainly, as I said, you know, your forward bases in the Asia Pacific anyways. But yes, for the past 50 years, as you were saying, North Korea, irrespective of the sanctions, it has continued with the development.

But one has to ask the question of if those sanctions really been effective, meaning have we had everyone on board in effectively applying those sanctions and the answer, of course, is no.

And even my government has, I think, to be taking blame for some of that as well because as we tried to improve the inter-Ko-

rean relations there is cash going into North Korea at some junctures.

China even today, despite its seeming commitment to the new sanctions, I believe the economic activities continue to go on. So if we really, as I said, have the political will to make a change I cannot say for sure that we can actually convince North Korea to give up its nuclear.

That is going to be really tough. But in order to at least get to that stage where they might contemplate it seriously, I think one has to, particularly your government, has to find a way to deal with the Beijing government as to what will it take for Beijing to really not just going to the extent of oh, we will hold these Six-Party Talks and resume the Six-Party Talks and try to resolve this peacefully.

Well, what have we had over the years? The first nuclear test, second, third. This year it seemed in the spring that North Korea as poised for the fourth nuclear test.

I think we will have that. I have no doubt. It is just a question of timing. So unless China comes on board and somebody convinces China to do so, it is going to be a really, really difficult task. So I think the focus has to be China.

Mr. FRANKS. And, you know, given the fact that China probably is not broken-hearted over the fact that North Korea represents sort of a stumbling block to the United States and to the world, it is probably unlikely that they are going to have some major epiphany in that regard.

If you had one other factor besides China that the United States should pursue, and incidentally I am convinced that, you know, when we were in a position to have prevented North Korea from gaining nuclear weapons capabilities, we paid the ransom but we didn't secure the hostage under the Clinton years, and consequently now that they have the nuclear weapons capabilities very, very difficult to get them to give it up.

And I think that we should consider that in the instance of Iran because we may have another rogue state in the world. Well, we do now, but another nuclear-armed rogue state which really puts a different pall on it completely.

But if we had one other factor besides China, and I agree with you completely that China is the key, but I am not sure that we should hold our breath until they change their mind.

If we had one other area of pursuit which do you think would be our most efficacious line of either diplomacy or pressure to bring North Korea in line with human rights considerations and maybe someday hopefully see them disinvited from the nuclear arms community?

Ambassador LEE. Well, I remember back in the 1980s the anti-apartheid campaigns very strong throughout the world on campuses of your country. On U.S. American college campuses there were movements to boycott some of the businesses, companies like, I believe, like Nestle not to buy their products—those companies that is doing business or have invested in South Africa. Now, of course, North Korea is no South Africa.

There is not a whole lot of businesses that they have invested in. But still there are, I believe, some commercial entities, probably

Chinese and elsewhere, who do business with North Korea could be targeted, I believe.

So that is not a, you know, government to government thing but I am talking about commercial activities—banking activities, financial areas. I think there has to be greater focus on these activities because, I mean, there is no other way. We have tried engagement.

I mean, I am not here trying to be overly firm in dealing with North Korea. If we hadn't tried before to engage North Korea and to provide goodwill and provide all sorts of financial and economic packages we have done that. We called that the Sunshine Policy back in the '90s.

It hasn't worked. Despite all that, despite billions of dollars going into North Korea, they put on the front as if they are going to maybe give up nuclear weapons.

Mr. FRANKS. Yes.

Ambassador LEE. They go through the motion of Six-Party Talks and all that. But behind the back, of course, what they are doing is building it up. So it doesn't work. So unfortunately this is the only way to really, really focus on where it hurts the most on North Korea and we have to find that.

Mr. FRANKS. Well, I think it says a great deal about South Korea the way you have had a sense of stability in the region, and I have been to South Korea and the DMZ and observed your growing capacity and it is really—it has been an honor to see you here and I echo your thoughts just here finally that, you know, whenever we appease despotism it almost always backfires.

I mean, what the little verse says—what is it, no one gains when freedom fails, the best of men rot in filthy jails and those who cried "Appease, appease" are shot by those they tried to please. It always seems to work out that way, doesn't it?

So thank you, Mr. Ambassador, and thank you, Mr. Chairman.

Mr. SMITH. Let me just ask you a few final questions and then yield to my friend, Mr. Marino, for some additional questions. Has it gotten worse since Kim Jong Il's death and Kim Jong Un has come in? Has it deteriorated in North Korea?

Secondly, as Andrew Natsios points out in his testimony, April 17th was the first discussion of the DPRK's human rights issues among Security Council members, informal as it was the first.

Is that a result of the COI? Is it a reaction to it and do you see that as, you know, the beginning of an embrace there and, again, the hope would be that some referral would be made to the ICC.

Ambassador LEE. April 17? Which one are we talking about?

Mr. SMITH. Yes. That would be the Security Council. When Security Council members spoke——

Ambassador LEE. Yes.

Mr. SMITH [continuing]. And discussed——

Ambassador LEE. The Arria?

Mr. SMITH. Yes, the Arria. Third would be on refugees. I have met with Antonio Gutierrez many times on the rapprochement issue of forcing North Koreans back from China, and as a signatory to the refugee convention China has serious obligations that they are breaching with impunity by forcibly sending people back.

As you know, if a woman is pregnant and I—we heard from a German physician here—I held a hearing a number of years ago—

who was honored first by Pyongyang and then went and came out and told the world what was going on. He told stories and brought pictures.

They were—they were representations of what they do to women in prisons including putting boards on their abdomen, on pregnant women, and guards standing, jumping up and down to kill their unborn children, another hideous form of forced abortion and, of course, it very often kills the woman as well—a horrible torture.

And yet he said these kinds of things go on as well as other abject cruelty that the world needs to know about. Your thoughts on the forced repatriation issue? Why doesn't China, why doesn't UNHCR?

There are actionable mechanisms that they have that they could employ to try to ensure that they live up to their obligations, they being the People's Republic of China.

On the issue of South Korean media, on one trip to Seoul I was told by a number of parliamentarians that the South Korean media does not focus the way we would have thought they would on the atrocities committed by Pyongyang.

Is that changing? Does the COI change that at all in terms of a new and fresh look, that a lot of the young people don't even have a clue in the Republic of Korea about what is going on north?

And let me also just ask you about freedom broadcasting. Free North Korea Radio, VOA Korean Service, Radio Free Asia are broadcasting. Is it getting through? Is it heavily jammed or jammed at all? If you might speak to that and that would be it.

Ambassador LEE. Those are a lot of questions to——

Mr. SMITH. Thank you.

Ambassador LEE. Yes. The April 17th Arria meeting I think is very significant, and Justice Kirby was there, and of the 15 Security Council members, 13 were present.

Of course, the two obvious absences were from Russia and China, and of the 13, nine voted favorably to the Security Council referral to the ICC. That doesn't mean the remaining four were against.

They just didn't vote in favor. So I think the mood is changing, and this is something that Mr. Marino was earlier talking about, the role of the U.N., the U.N. is very slow to move but at the same time it is moving and after all COI is a U.N. endeavor and finding.

So slowly but surely it is moving toward a direction that we would like. The forced repatriation is a very, very serious issue and this is something that, again, COI points out.

I think it is very bold that the COI—and I was there in Geneva on March 17th when Chairman Kirby was addressing the U.N. Human Rights Council and the Chinese delegation was just there and he made it very clear.

I mean, at the U.N. it seems that, you know, that China is of such a stature—has such a stature—enjoys such a stature that they are very diplomatic, I believe overly diplomatic. And yet, Justice Kirby was very direct in pointing to the Chinese that, as you know, that the—repatriating North Korean defectors back to North Korea, knowing fully well that they will be subjected to some kind of penalty—political prison camp, torture, maybe even execution—is aiding and abetting crimes against humanity and that is a very serious charge.

You were earlier mentioning human trafficking and as you know a significant number of the North Korean defectors are women and children, and one of the women that we have interviewed is of the opinion that maybe as many as eight out of 10 are subjected to—I mean, they are vulnerable—they are subjected to rape and all sorts of unthinkable doings—damages to them.

So why is China doing that? Probably it feels that if it were more lenient on this matter that there will be a mass exodus that they could not possibly handle, number one.

Maybe it will lead to a situation like East Germany just before the unification, that this will really be a politically damaging thing for the North Korean regime.

What that means—what that suggests is that for some reason Beijing still holds firm to the political calculus that propping up North Korea is still more advantageous to China than not. So that balance has to tip at some point and I believe that it will, but it hasn't as of yet.

So unfortunately China may be still captured in this, you know, Cold War calculus of how North Korea may still play this buffer role—buffer zone and that it serves a useful purpose and that is why it is turning a blind eye to this issue of human rights violations.

But I think increasingly with time this is going to be a huge burden on China because China is a G2. It wants to play, you know, a global leadership role.

It wants to compete with the United States. How can you have that moral leadership in the global context being a patron to a country that commits crimes against humanity, genocide? It cannot sustain. So I think we are getting to the point where balance might tip.

So I think we have to keep pushing so that that balance could be tipped. I don't know what else. Freedom broadcasts—yes, there are jams. There are restrictions on. The Far East—it is a Christian broadcast—Far East Broadcasting does get into North Korea but I think that is another area that we really have to look into to open more.

Mr. SMITH. If I could just add one thing. If you would consider this in your calculus. The Chinese Government is missing as many as 100 million girls—women because of their forced abortion policy, the one-child-per-couple policy and the emphasis on sex-selection abortion.

I have been arguing with our own TIP office for 10 years and they finally did it last year, and matter of fact they did it in their narrative in the Trafficking in Persons Report about China, that the magnet as to why so many bride sellers "traffickers"—sex traffickers are bringing women across the border or when they make it across the border on their own volition seeking relative freedom, relative with a capital R, they are trafficked because of the dearth of girls.

They simply have been exterminated one by one so the one-child-per-couple policy is the largest magnet ever on the face of the earth and that goes equally for those areas that are adjacent to North Korea. And I have had three hearings where we have had women who have been trafficked who told that story.

These were the lucky ones, obviously, who made their way to safety and out of China as well and, you know, they were sold as brides, each and every one of them that testified. I think your other calculus is right on point as well. But I think that needs to be in there as well. Mr. Marino.

Mr. MARINO. I thank the chairman.

Ambassador, the U.S.' relationship with the Republic of Korea is very important to us. You are a very true ally, a very good friend and I can only see that relationship between the United States and the Republic of Korea becoming even more strong and we look forward to that.

But what do you think that together the United States and the Republic of Korea can do concerning China? You know, China has quite a few human rights violations. Just look when they build the Three Gorges Dam they displaced at least 1½ million people.

It is probably—you know, it is about 10 percent of their population. The environmental effects, the ecological impacts of the dam that the built has to be tested yet, it is not trending well.

As my chairman spoke about, what is taking place with unborn females. There is a great deal here concerning human rights and the environment but what do we do together, the U.S. and the Republic of Korea, to have a positive impact on China concerning North Korea?

Ambassador LEE. Well, first of all, I believe the ROK–U.S. relations today are very healthy. Your President visited, very recently, Korea. Although it was a very short visit, it was a very successful visit.

The press conference that President Obama and President Park Geun Hye had together was extremely constructive and visionary. They for the first time actually in the press conference talked about human rights in North Korea, which is a positive.

They also decided to renegotiate the timetable for the transfer of operational control, thereby delaying the abolition of the Combined Forces Command which is also a very positive development because why would you want to, you know, do away with a system that has been very effective as a deterrent at a time of maximum threat, which is now. So that is a big developments.

They have also talked about the possibility of somehow making the missile defense system interoperable. So a lot of things were discussed which were very, very positive so those are good developments.

Now, with China I don't think that South Korea and the United States have any interest in somehow ganging up on China. China is a very important partner for both the United States and South Korea.

Our trade with China is larger than our trade with Japan and the United States put together. We have huge foreign direct investments in China. It is a very important partner.

So I think what we can do together is somehow continue to try to convince Beijing that, and this is something that President Park Guen Hye has very often referred to the importance of reunification. She talks about the reunification bonanza.

She talks about reunification in Dresden. So reunification is very, very important and I think it falls on South Korea in par-

ticular. But if we can do that with the United States so much the better.

Trying to convince China that reunification—peaceful and free reunification is beneficial to China—that with reunification China's long-held hope for the successful economic development of the northeast region for three provinces is possible with the reunification of Korea and that, you know, it really—China stands to gain by a reunified Korea under South Korea's leadership, economically, and if that is something that we can convince China together with—between these two countries I think that is where our focus ought to lie.

Mr. MARINO. I visited the Republic of Korea about a year ago for several days. Had a wonderful time. The Korean people treated us like royalty.

But I think also together with what you said concerning what we need to do with China I think the Republic of Korea and the United States need to put some type of pressure on the United Nations to become more vocal and more involved in this. So thank you, sir.

Mr. SMITH. Thank you so much. Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman, and thank you for coming to testify. I think, you know, I am going to be brief with my questions. My apologies for just getting in. We had another hearing on the Taliban release and so I just came from there.

But from a human rights perspective, how do we—as Members of Congress how to we best at times put forth the carrot to address those issues and at times maybe the stick on addressing those issues? And hearings like this—do they really matter?

I guess the question is the chairman has been very deliberate and tenacious in his willingness to address this issue. I have supported him wholeheartedly, continue to do so, and yet there are times where we wonder, you know, are people listening—are we really making the efforts or where are we missing the boat and should we use more carrot or more stick?

And I don't know if that makes sense or not but I would like you to comment on that.

Ambassador LEE. Well, earlier I have made a comment on the carrot part and how we have actually tried a very large carrot in dealing with North Korea. Unfortunately, it has not worked.

All it has led to was more nuclear tests and continuing violations of human rights, and things stand at that.

Mr. MEADOWS. And why do you think—and why do you think that is? I mean, is it that they don't know how good the carrot tastes or they just don't see? I mean, is it hard to get the hope or where they realize how wonderful the potential benefit could be, that there is a lack of believability? I mean, what is your perspective on that?

Ambassador LEE. Well, under the normal case——

Mr. MEADOWS. I don't think that is the case but I do——

Ambassador LEE [continuing]. Under normal circumstances, under normal leadership what you suggest might apply but this is not a normal state.

Mr. MEADOWS. Right.

Ambassador LEE. This is not normal leadership. Their goal is not to see to the welfare of the people. Otherwise, it would not have lasted nearly seven decades as such.

Mr. MEADOWS. Right.

Ambassador LEE. Right. Their interest, their single sole purpose is national policies for regime survival and they have done that and they are happy with that and they are not going to change and they are going to use the two most effective tools, as I was mentioning earlier, to continue to sustain this. One, of course, is the nuclear weapons to deal with the outside world, your country in particular.

Mr. MEADOWS. Right.

Ambassador LEE. Two, internally, I mean, North Koreans are tough people, right, so for decades to suppress them as such they have to rely on a very, very harsh suppressive and oppressive policy and violation of human rights starts with that and it ends with that.

So unfortunately, you know, what we think conventionally this is what is best for North Korea. I mean, wouldn't they want to really improve the society so that people won't starve to death and all that. Well, that is what we think. That is not the way of thinking of the North Korean regime.

They are quite happy with the way things are as long as the regime is intact. In the mid-1990s as many as a staggering 2 million to 3 million people died from starvation and they were okay with that as long as the regime survives.

So that is why we have to take into account. They understand what is at stake in terms of carrots and sticks and we have tried, you know, billions of dollars of, you know, support and supply and assistance to North Korea from South Korea. Unfortunately, it hasn't worked.

Mr. MEADOWS. So, Mr. Ambassador, would you—would you say then, I guess, as we start to look at this dynamic that their belief is that a more prosperous citizenship in North Korea is a real threat to their regime and if so why do they think that?

Because generally if you look throughout all the other uprisings it is—it is the lack of funds or the lack of jobs that is creating the threat to regimes and yet what you are saying here is it is exactly the opposite. They want to keep it suppressed both human rights-wise, economically, et cetera, to keep the regime in place. And so do they see that prosperity would be a threat to their rule?

Ambassador LEE. Well, theories on revolution and how revolutions occur suggest that it is not when people are in abject poverty that revolutions occur.

Revolutions are more likely to be caused when people get a taste of better life and then they want more. That is when revolutions occur. I think North Korean regime understands that very well and therefore doesn't want the society to get to that level.

So I think it is direct intentional policy to keep the people in abject poverty and despair because if they wanted to improve the situation they certainly can. We have South Korea.

We have the whole world, international organizations, willing to help out, if only. But it is not bending because it doesn't want that world. That is what we are dealing with here.

Mr. MEADOWS. All right. Thank you. Mr. Chairman, I yield back.

Mr. SMITH. Thank you very much. Ambassador Lee, thank you for your very, very keen insights. I would associate myself with the remarks of my distinguished colleagues and Mr. Marino has talked about Ban Ki Moon stepping up and doing more we would all hope that he will; that is a position of strategic leverage and power and I think he would be highly applauded and regarded for that because he knows the situation, as we all know, given, you know, his prior work in the Republic of Korea.

So I would hope that that would be taken seriously by him. But thank you so much.

Ambassador LEE. Thank you for the opportunity. Thank you.

Mr. SMITH. Your words very insightful for us——

Ambassador LEE. Thank you.

Mr. SMITH [continuing]. And for those who will read this record and that will be many.

The briefing now comes to an end I call pursuant to notice the hearing on North Korea human rights and crimes against humanity in North Korea, and we welcome to the witness table our three very distinguished witnesses beginning with Ambassador Andrew Natsios, who is the co-chair of the Committee for Human Rights in North Korea.

He is also executive professor and director of the Scowcroft Institute of International Affairs at Texas A&M University. Ambassador Natsios was most recently a distinguished professor in the practice of diplomacy at Georgetown University and before that former Administrator of USAID.

As USAID administrator from 2001 to 2006, Ambassador Natsios managed a huge portfolio of humanitarian and democracy assistance programs. He also oversaw reconstruction programs in Afghanistan, Iraq, and Sudan. He served as the U.S. Special Envoy to Sudan from 2006 to 2007.

He is a veteran of the Gulf War, from 1993 to 1998, was vice president of World Vision U.S., the largest faith-based nongovernmental organization in the world. He is the author of three books including "The Great North Korean Famine" and he also was director of the Office of Disaster Assistance. So every hat imaginable of helping people, that is Ambassador Andrew Natsios.

We will then hear from Mr. Shin Chang Hoon, who is a research fellow and director of the Center for Global Governance at the Asan Institute of Policy Studies. Previously he taught public international law, international space law, and the Law of the Sea at the School of Law and International Organizations and the graduate school of international studies at Seoul National University.

His research focuses on international dispute settlement mechanisms, the Law of the Sea, international environmental law, humanitarian law and the study of WMD nonproliferation regimes.

And then we will hear from Mr. Shin Dong Hyuk, who is a North Korean defector and human rights activist who is the only person known to have successfully escaped from a total control zone political prison camp in North Korea.

He is agreed to be the only person who has been born into a North Korean political prison camp to escape from North Korea. He is the subject of a best selling biography published in 2012, "Escape

from Camp 14: One Man's Remarkable Odyssey from North Korea to Freedom in the West."

He has given talks to audiences around the world about his life in Camp 14 and has been described as the world's single strongest voice on the atrocities inside North Korean camps.

Ambassador Natsios, the floor is yours.

STATEMENT OF THE HONORABLE ANDREW NATSIOS, CO-CHAIR, THE COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

Ambassador NATSIOS. Thank you, Mr. Chairman, and thank you for inviting me. It is good to be back in the Congress. I have formal remarks which are much lengthier that I would like to submit for the record.

Mr. SMITH. Without objection, so ordered.

Ambassador NATSIOS. I would also like to say, while I am co-chairman of the Committee on Human Rights in North Korea, we didn't take my 10-page testimony and get it approved by the board so I don't want you to take everything I say as the voted position of the committee.

I usually say some egregious indiscretion in all of these hearings, Congressman, as you are aware of, over the years. So I don't want to blame the committee for that—I am not representing Texas A&M or the Bush School of Government where I teach.

While the committee asked me to focus my remarks on U.S. Government policy on human rights in North Korea, I would like to begin with a description of the cause of those abuses.

The fundamentally totalitarian nature of the North Korean state, its economy, and political culture is the reason that there is no protection for virtually any human right even at the most minimal level.

North Korea has no rule of law, no independent court system, no civil society, no private institutionalized religion. It has no independent news media, no independent political parties other than the Workers Party—the Communist Party—no freedom of expression in any way, no choice of competing candidates on the ballot for any public or party office, and without these checks and balances we know that means there is no constraint on the power of the state to abuse their own citizens.

The North Korean state—and I have been to more than 100 countries in the world—I have seen—I was in the Rwandan genocide, I saw the atrocities in Bosnia, in Darfur unfold as I was Special Envoy.

I have seen terrible things over the years. But the North Korean state remains the most oppressive, the most brutal and most severe violator institutionally of human rights in the world.

While most observers and scholars understand the totalitarian nature of the North Korean state, detailed evidence of these abuses remain very limited in the past because of the insular nature of the country.

That changed over the last decade and a half and now we have abundant evidence of those crimes. The cataloguing of this evidence has been made possible by the most cataclysmic event in North Korean history, which I wrote a book about, since the Korean War

and that was the Great North Korean Famine between 1993 and 1998 which I estimate killed 2.5 million people.

And by the way, the third ranking member of the politburo estimated that actually it was 3.5 million when he defected to South Korea. The system of control which insulated the country from the outside world collapsed during the chaos of the famine and has opened up to researchers new sources of information about conditions inside the country.

I myself travelled to the North Korean border to write my book and I interviewed dozens of refugees escaping North Korea. I did it under cover with a Buddhist NGO from South Korea that I am associated with.

One of the most credible sources of details of this abuse is the Committee on Human Rights in North Korea, which I serve as co-chairman of with Roberta Cohen, which undertakes in-depth research conducted by recognized experts and publishes carefully documented reports on human rights in North Korea.

The committee is a nonpartisan human rights research center which has produced 20 research reports since we were founded in October 2001. I might add the first institution I am aware of in the world that proposed that this issue be brought before the Security Council was our committee and I believe that the first institution advocating for the Commission of Inquiry was the Committee on Human Rights in North Korea.

U.S. Government policy on North Korean human rights has evolved over the past two decades. The policy focus of the past three Presidential administrations has been to use diplomatic negotiations to prevent the North Korean Government from developing nuclear weapons and the means to deliver them.

This policy has been an abject failure. It has been repeated several times. We have had three nuclear tests. The fourth one is being prepared now and they are developing missiles to deliver those weapons. All of this is about regime survival. Several people before us said that. That is absolutely correct.

We can talk about precisely how their behavior is connected to this obsession with regime survival. I researched this for the book that I wrote and came up with some interesting conclusions.

The willingness of the U.S. Government to raise the North Korean human rights issue has increased as the failure of U.S. policy in the nuclear issue has been more apparent even to its strongest advocates, and my view right now is the main reason that we are—the U.S. Government is pursuing this is because we don't have any nuclear negotiations.

If we start doing that again you watch, the nuclear issue will overshadow the human rights issue very quickly. The nuclear talks have been effectively abandoned but the Chinese Government is attempting to revive them.

Despite this reluctance to engage in the human rights issues, both the Obama and the Bush administrations have made public statements about human rights abuses in North Korea. Both President Bush on April 30, 2008, and President Obama in March 26, 2012, made very strong statements on the human rights issue in North Korea.

The U.S. Government has consistently voted for every U.N. General Assembly resolution on human rights in North Korea since 2005. Without going into depth of what the resolutions say, they are moderately worded but as the Commission of Inquiry moved through the process, more and more countries are becoming more aggressive in the language they use.

I have to say when I did the research on the North Korean famine for my book, I found one report on human rights done by the Minnesota Lawyers International Human Rights Committee. I could not find any copies of the report.

Finally, I found one in the Widener Library at Harvard and basically what happened is the committee went around—they deny doing this but the committee went around that wrote the report and they destroyed all the copies because they were convinced by some pro-North Korean expatriates that the report was engineered—all the information in the report—by South Korean intelligence.

It was all fictional. It was complete nonsense. If you read the report it goes back. It is 20 years old. Everything in that report has now been proven. It is in the Commission of Inquiry but they successfully suppressed that report.

Even the people that wrote it became convinced or at least had enough questions that they suppressed the report 20 years ago. How long—how far they have gone attempting to stop this from getting out and now it is out and the North Koreans can't stop it.

I would also add that Ambassador King has endorsed the U.N. Commission of Inquiry in a statement March 17, 2014. He testified before the or spoke before the Human Rights Council on the matter.

The Commission of Inquiry accused the North Korean Government of crimes against humanity, a very strong term, which has not been used in any of the U.S. Government documents to this date. In fact, the Commission of Inquiry report, from my experience with the U.N. over the last 25 years is a historic document and it uses stark uncompromising and undiplomatic language unlike most other U.N. documents.

The U.S. Congress has been at the forefront of pressing the case for a more aggressive U.S. policy. There was an act passed 2004—H.R. 4011, the North Korea Human Rights Act. It was reauthorized in 2008, signed into law by President Bush in 2008, and now there is a bill before the Congress on—I think it is H.R. 1771, the North Korea Sanctions Enforcement Act, which adds human rights into the existing sanctions law. The existing sanctions law focuses exclusively on the nuclear issue and other national security issues.

The act outlines specific measures to impose critical sanctions on the DPRK because of its violations of human rights against its own people. It has been reported, I believe, out of committee.

The act will for the first time add some teeth to these public statements because until now it has only been rhetoric. Not that rhetoric isn't important but we need to take some action as well.

Let me conclude by saying that the North Korean—and I have more evidence in my testimony—that the North Korean totalitarian edifice is eroding because of the long-term consequences of the famine, the collapse of the Soviet economic system of subsidies

to its satellite states which North Korea was certainly one, and Pyongyang's absolute refusal to initiate any serious economic or political reform.

The spread of information technology has opened a window to the outside world which is changing public attitudes, increasing public hostility within North Korea toward the government.

U.S. policy ought to be to encourage these changes now at work in North Korea and certainly do nothing to impede the acceleration of these trends and to press North Korea to end its crimes against its own people.

The U.S. Government should continue to press China to stop repatriating people who escape from North Korea into China. This is a clear violation of international humanitarian law because we know what happens to them when they go back. They either are executed or they are sent to the prison camps, which Mr. Shin is going to talk about very shortly.

We need to raise the human rights abuse issue with the regime in every forum available and any direct talks with North Korea. We should support all Security Council efforts to take action against the North Korean Government based on the Commission of Inquiry report.

We should press for a shutdown of the political prison camps and the release of prisoners, and failing that, regular inspections of the camps by the International Committee of the Red Cross or other international bodies.

Thank you, Mr. Chairman.

[The prepared statement of Ambassador Natsios follows:]

Testimony of Andrew Natsios

Co-Chairman of the Committee on Human Rights in North Korea

(Executive Professor and Director of the Scowcroft Institute for International Affairs, George H.W. Bush School of Government and Public Service, Texas A&M University)

House Committee on Foreign Affairs

Subcommittee on Africa, Global Health, Global Human Rights,

and International Organizations

Hearing on Human Rights in North Korea

June 18, 2014

While the Committee asked me to focus my remarks on US government policy on human rights abuses in North Korea, I should begin with a description of those abuses and the totalitarian nature of the Pyongyang regime. (My views described here are my own and do not necessarily represent the views of Texas A&M or of the Bush School or of the Committee on Human Rights in North Korea). North Korea remains one of the few surviving Communist states in the world, and the only one of these which continues to resist any serious political or economic reform. Cuba, Vietnam, China, and Laos have all taken steps to privatize sectors of their economy, and given individual citizens small amounts of choice in their private lives, even if they remain authoritarian states. North Korea is thus in a unique category of its own, a single totalitarian dinosaur remaining of an otherwise virtually extinct species.

The fundamentally totalitarian nature of the North Korean state, economy, and political culture is the reason that there is no protection for virtually any human right even at the most minimal level. North Korea has no rule of law, no independent court system, no civil society, and no private institutionalized religion. It has no independent news media as a break on the abuses of the state, no independent political parties (other than the single legal party, the Workers or Communist Party), no freedom of expression, and no choice of competing candidates on the ballot for public or party office. Without these check and balances, there is no restraint on the abuses of the state against its own citizens.

North Korea is the most repressive, most brutal, and most severe violator of human rights in the world. While most observers and scholars understand the totalitarian nature of the North Korea state, detailed evidence of these human rights abuses in the country did remain limited in the past because of the closed and insular nature of the country. That changed over the past decade and now we have abundant evidence of the crimes of the North Korean regime against its own people. The cataloguing of this evidence has been made possible by the most cataclysmic event in North Korean history since the Korean War, and that was the Great North Korean Famine between 1993 and 1998 which I estimate killed 2.5 million people.

The systems of control which insulated the country from the outside world collapsed during the chaos of the famine, and have opened up to researchers new sources of information about conditions inside the country. I visited North Korea in 1997 at the peak of the famine, while I

served as vice president of World Vision, the faith-based non-governmental organization. Our North Korean minders tried to hide the devastation of the famine from us during the visit, but evidence of what are called pre-famine indicators were in plain sight everywhere. A year later when I was a fellow at the US Institute of Peace writing a book about the famine, I traveled to the Chinese border with North Korea along the Tumen River and conducted in-depth interviews with refugees escaping starvation. In these interviews I learned first-hand about the North Korean government's treatment of its own citizens, and unimpeachable evidence of the devastation of the famine. One North Korean refugee in China interviewed by the Korean Buddhist Sharing Movement (KBSM) said that his entire country was one giant prison. Other organizations have used these new sources of research to document the crimes against humanity of the North Korean government.

Founded just as the Great Famine was ending, the Committee on Human Rights in North Korea (which I serve as co-chairman of with Roberta Cohen) undertakes in-depth research conducted by recognized experts and publishes carefully documented reports on human rights inside North Korea. The Committee is a non-partisan human rights research center which has produced twenty research reports since its founding in 1998 and launched in October 2001. We noticed a major increase in media and public interest in North Korean human rights when the Committee unveiled at a conference in Washington DC on April 12, 2012 its second report on the political prison camps entitled ***Hidden Gulag: Second Edition, The Lives and Voices of "Those Who are Sent to the Mountains"*** researched and written by David Hawk for the Committee. This coincided with the publication of the book ***Escape from Camp 14*** by Blaine Hardin about the life of Shin Dong-hyuk in one of these political prisons. Mr. Shin, who was born in Camp 14, sits beside me at this hearing. The story of his life in the prison, combined with the 20 reports of the Committee on Human Rights in North Korea, has done more to spread the message to the general informed public about the crimes against humanity of North Korean regime.

These crimes include summary, extra-judicial executions for: attempting to leave the country without permission, being returned by Chinese authorities after having escaped, stealing food, cannibalism, eating of draft animals such as oxen, disrespect for photographs of the Kim dynastic leaders, owning a Bible, or attempting to escape the prison camps, among many offenses carrying the death penalty. Torture is widespread in the political prison camps; forced abortions, rape of women prisoners by the guards, and severe beatings even of school children are common. Offenses in North Korea in general are punished differentially by rank within the Songbun caste system; the higher the rank the less likely any punishment will take place. There is evidence (presented in my book, ***The Great North Korean Famine,*** published in January 2001) that the regime triaged the three Northeast provinces from receiving food aid or any food from the agricultural system outside the region, because the region was regarded as politically dispensable. Such a policy is an egregious violation of human rights as it a slow death sentence for those people who had no way of commanding food, and thus this region of North Korea had much higher death rates than other provinces of the country.

The evolution of US Government policy

The US government's policy on North Korean human rights has evolved over the past two decades. The policy focus of the past three Presidential Administrations has been to use diplomatic negotiations to prevent the North Korean government from developing nuclear weapons and the means to deliver them. This policy has been an abject failure. North Korean has

conducted three nuclear tests (and maybe preparing for a fourth), the latest of which took place in 2013, and is developing missile capability to deliver the weapons to its neighbors. The willingness of the US government to raise North Korean human rights as an issue has increased as the failure of US policy on the nuclear issue has become more apparent even to its strongest advocates. The nuclear talks have now effectively been abandoned, though there are some efforts by the Chinese government to revive them. Despite this reluctance to engage on the human rights issue, both Bush and Obama Administration officials have made public statements about human rights abuses in North Korea.

President George W. Bush spoke out on the human rights issue on North Korea Freedom Week on April 30, 2008:

> "I am deeply concerned about the grave human rights conditions in North Korea, especially the denial of universal freedoms of speech, press, religion, assembly, and association, and restrictions on freedom of movement and workers' rights… I am deeply concerned by the stories of divided families, harsh conditions, and suffering. The United States stands with the North Korean people in their call for freedom. We believe it is every person's basic right to live in freedom and dignity. We will continue to support the North Korean people as they strive to achieve the rights and freedoms to which they are entitled as human beings. We look forward to the moment when we can celebrate the blessings of liberty with the North Korean people."

President Obama spoke out on the human rights issue on March 26, 2012.

> "The United States remains deeply concerned about the well-being of the North Korean people, the human rights situation in the DPRK and the plight of North Korean refugees…The United States has led efforts around the globe to call attention to the human rights situation in North Korea. Improving human rights conditions is a top US priority in our North Korea policy and it will have a significant impact on the prospect for closer US-DPRK ties. In the last year, the United States Special Envoy for North Korean Human Rights Issues, Ambassador Robert King, traveled to Pyongyang and for the first time engaged directly with the North Korean government on human rights issues. We emphasized our concerns about North Korean human rights in all three of our recent bilateral meetings with the DPRK."

The US government has consistently voted for every UN General Assembly Resolution on Human Rights in North Korea since 2005 (except for the ones that were adopted unanimously without a vote in 2012 and 2013).

These annual resolutions consistently:

- express serious concern at various human rights abuses including operation of political prisoner camps, torture, lack of freedom to move freely within the country, freedom of opinion and religion…
- "underscores its very serious concern at unresolved questions of international concern relating to abductions in the form of enforced disappearance…"

- "expresses its very deep concern at the precarious humanitarian situation in the country" including food issues…
- "commends the Special Rapporteur and the commission of inquiry for the activities…despite the denial of access;"
- "strongly urges the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms…"
- "decides to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-ninth session…"

US Government policy on DPRK Human Rights

While US policy (from informal conversations with State Department) on the UN Commission of Inquiry (COI) on Human Rights in North Korea was initially lukewarm, while later Ambassador Bob King fully endorsed the effort in a statement in March 2013. On March 17, 2014, Ambassador Robert King expressed his and the Obama Administration's support during a meeting of the Human Rights Council.

> "The United States commends the Commission of Inquiry's excellent and comprehensive report to the Council, which documents the "systematic, widespread, and gross human rights violations" in the DPRK… We strongly support the Commission's calls for accountability and urge the Office of the High Commissioner to establish a field-based mechanism for continued monitoring and documenting human rights abuses in the DPRK, which will carry on the investigative work of the Commission and support the work of the Special Rapporteur…We urge the DPRK to address the ongoing human rights violations and accept the recommendations that the Commission directed to the government. We urge the DPRK to engage directly with the UN Office of the High Commissioner for Human Rights and thematic special rapporteurs on how to implement its international human rights obligations and commitments…We welcome the Commission's thoughts on steps the DPRK might take to begin a process of human rights reform, in particular first steps for dismantling the political prison camps."

Ambassador King has on numerous occasions subsequently endorsed the findings of the Commission of Inquiry.

The UN Commission of Inquiry accused the North Korean government of "crimes against humanity", a term not used in US government documents (as of the preparation of this testimony). In fact the UN Commission of Inquiry report is a historic document as it uses stark, uncompromising, and undiplomatic language, unlike most other UN documents which must use consensus to get approved, to describe the crimes of the North Korean government against its own people.

While President Obama's does not appear to have made a direct statement on the establishment of the Commission, the Obama Administration's support for the Commission is clearly indicated by the statements of Stephen Pomper, Senior Director for Multilateral Affairs and Human Rights on the National Security Council, who advises the President on human rights issues and global engagement with allies. He assesses the COI's extensive investigation of the human rights issues in North Korea and affirms that "as the United States and the international

community consider these recommendations, we will also continue efforts to focus attention on the horrific human rights situation in the DPRK..."

Pomper also stated that "the US government will continue to work with our partners—including at the U.N. Human Rights Council, where the report will be presented next month—to help ensure the ongoing engagement of the international community." He concludes his statement that commends and supports the COI: "...we applaud the work of the U.N. Commission for giving survivors of North Korean abuses the opportunity to publicly tell their stories, and for shining a clear, bright light on human rights violations perpetrated by the North Korean regime."

While the US administration proposed and discussed imposing sanctions and other forms of pressure on the North Korean regime on the UN Security Council level, they were measures taken in response to North Korea's aggressions and nuclear weapons program, unrelated to human rights issues.

On April 17, 2014, the Arria-formula meeting for the members of the Security Council took place on April 17 on human rights situation in North Korea. It marked the first discussion on the DPRK's human rights issues among Security Council members. The meeting was co-sponsored by the United States, France and Australia. US Permanent Representative to the UN, Samantha Powers, and Ambassador King were present at the meeting. In addition to the informal meeting among Security Council members, Ambassador King met civil society groups including Association of the Family of Victims Kidnapped by North Korea.

The guidelines dictate that "any member of the Security Council convening an 'Arria-formula' meeting is encouraged to carefully organize the meeting, so as to maintain its informal character." In other words, actual effects of Arria-formula meetings are minimal as they are strictly informal. Yet the fact that discussion of North Korean human rights was held among Security Council members is a significant accomplishment that raises awareness of the DPRK regime's human rights abuses.

Roberta Cohen, a HRNK Co-Chair, noted that the COI report was discussed at the Arria-formula meeting and assessed that the report has "...thereby become a Security Council document, and governments have begun to raise COI findings in Council consultations on North Korea's nuclear situation."

US government food aid and North Korean Human Rights

Food aid issues affect human rights especially during a famine if governments receiving food aid use it as a means of political control. In keeping with its own history the DPRK government attempted to use international food aid as a tool to control population movements and reward those who were important to the survival of the state. The only way to avoid the regime using food as a political tool is for donors and aid agencies to insist on rigorous international standards of accountability. (See Note* below). And thus it fell to the UN and donor government to attempt to resist the misuse of food aid by the North Korea regime. USAID has been at the forefront of providing humanitarian assistance to North Korean since 1997. The program has not

been without controversy as State Department negotiators in 1997 and again in 2011 attempted to use food aid as an incentive to get the North Koreans to the negotiating table on the nuclear issue. This limited the ability of USAID and the UN to insist on high standards of accountability, because the North Koreans saw food aid as a reward for participating in the nuclear talks and thus could use it as it wished.

Since the debate over the use of food aid as a diplomatic tool in 2007, the World Food Program of the United Nations and USAID's Food for Peace Office succeeded in improving the accountability of its food aid programs in North Korea. When USAID shipped food to North Korea it was done on a monthly basis and told Pyongyang that if it violated any of the transparency and accountability agreements the next food aid shipment would be terminated. USAID did stop shipments in 2008 and 2009 because of serious breaches by the North Korean in the accountability systems in place. In March 2009 the North Korean regime ended the food aid program in protest over the US government's aggressive enforcement of the accountability standards Pyongyang had agreed to.

The Role of the US Congress

The U.S. Congress has been at the forefront of pressing the case for more aggressive U.S. government action on human rights.

The North Korea Human Rights Act of 2004 (H.R. 4011) passed the Senate floor in September 2004 and the House of Representatives in October. The act made North Koreans eligible for political asylum in the United States. More importantly, the NKHRA established the office of the Special Envoy to specialize in improving human rights in North Korea.

The Congress extended the initial act by passing North Korea Human Rights Reauthorization Act of 2008 (H.R. 5834), which was signed by the President in October 2008. The authorization elevated the post of the US Special Envoy on North Korean Human Rights to a full ambassador status.

The act was reauthorized again in August 2012 upon President Obama's signing as the North Korea Human Rights Act of 2012 (H.R. 4240), which will be valid until 2017. Revisions of the act include statements urging China to stop repatriating North Koreans back to their country, where they are executed or imprisoned in the political prisoner camps. The Congress observed that the number North Korean refugees resettling in the US has increased since the adoption of the act and the extension of the act would further stabilize the refugee admission process.

Despite minor changes through reauthorizations, the act has consistently regarded the following factors as principle values to focus on when it comes to US government North Korea policy: 1) human rights, 2) humanitarian assistance, and 3) providing support to refugees.

The act of 2012 reports that the US "has resettled 128 North Koreans since passage of the 2004 Act, including 23 North Koreans in fiscal year 2011." Ambassador King has been proactive

in implementing key parts of the act. For example, Ambassador King has helped mobilize radio broadcast system.

In addition, the Congress is in the process of enacting the North Korea Sanctions Enforcement Act of 2013 (H.R. 1771). The act outlines specific measures to impose critical sanctions on the DPRK because of its violation of human rights against its own people, while ensuring that the measure would not harm the North Korean people by reducing humanitarian assistance programs. The act was introduced on April 26, 2013 and recently reported out favorably by committee on May 29, 2014. This act will be the first time the US government actually took action to impose sanctions for human rights violations in the DPRK; as until now the US government has not gone beyond the public condemnation of North Korea's crimes against its own people.

Cracks in totalitarian control in North Korea

Despite the totalitarian nature of the North Korean regime and its resistance to any serious reform, the average North Korean now has more information on the outside world and more choices in their lives than at any time since the founding of the North Korean state by Kim Il Sung in the late 1940's. This is principally because of the rise of markets and cross border trade with China. The old order and organized system of repression is eroding beneath the feet of the Kim dynasty, party elite, secret police and military leadership: no matter how aggressive the old system attempts to reassert the authority of the state most of the changes are irreversible. This process of erosion began with the Great Famine of the 1990s and continues to this day. Five changes have taken place during and since that deadly famine.

- ***Pyongyang's Propaganda Machine is less effective***. Famines almost universally cause mass population movements as starving people leave their villages in search of food. This happened on a massive scale in North Korea between 1995 and 1998. Hundreds of thousands of North Koreans escaped into China during the famine and its aftermath and then returned to their homes with a radically changed world-view as they realized their government had been lying to them about conditions in the outside world, according to surveys of 1600 refugees conducted by the Korean Buddhist Sharing Movement in the late 1990's. Many told me they returned to their villages in North Korea and told their neighbors of the truth about South Korea and China—that they were well fed and prosperous, not starving and poverty-stricken which North Korean propaganda had claimed.

- ***The truth about the outside world is spreading:*** The widespread use of cell phones, radio broadcasts in Korean from South Korea and the United States, and most surprisingly, South Korean soap operas which are very popular in North Korea and, despite being illegal, widely available. These soap operas indirectly describe middle class life in South Korea which is in stark contrast to the oppressive, impoverished lives lived by most North Koreans.

- ***The North Korean public is more willing to protest and get away with it than ever before.*** On November 30 and December 28, 2009 the central government announced

radical economic measures to eliminate most private savings in banks by devaluing the North Korean currency, prohibiting the holding of foreign currency, and shutting down of private farmers markets that 50% of the population was dependent on to eat. This wiped out people's life-saving, livelihood, and food supply in a matter of a few days, savings they were keeping as a hedge against another food crisis or famine. The demonstrations and violence against government offices around the country amounted to an uprising against the announced reforms. This was the first time since the founding of the DPRK the public had ever reacted with such fury to a policy of the central government. So much so that Pyongyang by January publically apologized for the policy changes, announced the changes were being rescinded—though too late, to restore people's savings, and had the senior official in the Finance Ministry supposed responsible for the fiasco, publically executed.

- ***The Public Distribution System (PDS) for food distribution has effectively collapsed for all but the capital city, communist party elite, key industries, and secret police apparatus.*** For a variety of reasons the public distribution system effectively collapsed, except for the groups described above, during the famine, and efforts to restore it as the principal means through which the populations eats, have failed. The regime had historically used the PDS as both a means of controlling of the population and as mechanism for rewarding the elite populations who received a much higher ration than the common people in industrial or mining jobs. Food rations could only be collected in a person's hometown or neighborhood, effectively limiting population movements around the country. If you moved, you did not eat.

- ***Expanding private markets across North Korea has meant there are alternative private market jobs so the average person is no longer entirely dependent on the state for their family livelihoods, food supply, and jobs.*** The farmers markets had existed before the famine, but never on the scale or with the range, volume, and variety of products they had during and since the famine occurred. The markets have provided an alternative source of jobs, of family income, of food supply, and merchandise for the average citizen which is why the central government has been so hostile to them and sees them as a threat to their complete control of the society. These markets have created a nascent class of middle class traders and the transportation infrastructure to support them, all of which means the state is no longer the sole source of food supply or employment. People traveling around the country can now depend on markets to procure food. Repeated attempts by the central authorities to shut down the private markets have been a failure; they continue to thrive and have eroded the monopoly control the state held over economic decisions in each person's lives. With markets the level of bribery and corruption by government officials has become widespread, a practice which earlier in North Korean history was much more constrained.

While the source of much of the new data on North Korea is from refugees escaping the country or those defecting to South Korea, trends over the past three years has reduced that flow of people out of the country. Between 2011 and 2012 there was a 50% drop in the number of defectors arriving in South Korea from 2800 to about 1500. The trend continued in 2013 with about 1500 defecting to South Korea. Following Kim Jong-il's death in December 2011, his son

and new head of state, Kim Jong-un's, began a relentless crackdown along the China-North Korea border on refugees and defectors trying to escape. This has sharply decreased the overall number of North Korean defectors and refugees since then. The South Korean government acknowledged that "tighter border controls since the death of Kim Jong Il have shrunken the flow of defectors arriving in the South." Even though not all North Korean refugees resettle in South Korea, decline of those who do due to the Kim regime's strict China-North Korean border controls indicate that they would have similar effects on other refugees who leave for China or Southeast Asian countries.

Conclusion

The North Korean totalitarian state is not on the edge of collapse, but its totalitarian edifice is slowly eroding because of the long term consequences of the Great Famine, the collapse of the Soviet economic system of subsides to its satellite states (such as North Korea), Pyongyang's refusal to initiate any serious economic or political reform, and the spread of information technology has opened window into the outside world which is changing public attitudes and increased public hostility to the Kim dynasty. US policy ought to be to encourage these changes now at work in North Korea, and certainly do nothing to impede the acceleration of these trends, and to press North Korea to end its crimes against its own people.

The United States government should continue to press China to stop repatriating people escaping North Korea which is a violation of international humanitarian law, raise the human rights abuses of the regime in every forum available and in any direct talks with the North Korean government, support UN Security Council efforts to take action against the North Korean government based on the Commission of Inquiry report, press for the shutdown of the political prison camps and the release of prisoners, and failing that regular inspection of the camps by the International Committee of the Red Cross, or other international body.

***Note:**

Listed below are ten policies which would reduce the diversion or manipulation by North Korea of food aid for their own political purposes (taken from Chapter Six, page 136-137, which I wrote in ***North Korea's Troubled Transition***, edited by Choe Sang-Hun, Gi-Wook Shin, and David Straub).

- Under no circumstances should food aid be distributed through the public distribution system, a corrupt, politicized tool of state control and repression.
- Under no circumstances should the food most preferred by the North Koreans—rice—be distributed, because it invites diversion by the elites. Maize and bulgar wheat should be distributed instead because their recipients are self-selecting. The poor eat maize now, and we know they will eat bulgur wheat if there are no other options.
- No food aid should be delivered to west coast ports, as the western part of the country is the most food secure. Instead, food aid should be delivered in small amounts to the eastern ports, to as many smaller ports as possible, where it is likely to remain due to the continued paralysis of the transportation system.

- Food aid ought not to be connected to any negotiations over any extraneous issues such as talks over the nuclear or any other issue, as rigorous monitoring will be the first thing the North Koreans insist be abandoned, which the ROK or US government might be tempted to accede to.
- All food aid shipments should be made on a monthly basis, so that should the North Koreans violate the agreed upon aid protocols, future shipments can be cancelled.
- Regular random nutritional surveys must be performed in sentinel surveillance sites to observe malnutrition rates, a drop in which would be one indication that food was actually getting to the poorest and most vulnerable people. If surveys showed no improvement in nutritional conditions, it would show that the food aid program was compromised and in my view should be shut down.
- Food price monitors should be stationed at major markets around the country to report on any spikes in prices that could increase food insecurity. Should these price increases take place, food aid should be auctioned off at the port facilities to moderate the price increases.
- Food should be targeted at unemployed factory workers and miners and their families who are destitute, or to any group the nutritional surveys show is food insecure and malnourished.
- To the extent possible in schools, food should be cooked by NGO workers and distributed in school for children to eat. Food, once cooked, is not marketable and must be eaten quickly or it will spoil.
- Finally, any aid protocol must insist on unlimited, unannounced, and random access and monitoring by international food experts who are Korean speakers. The aid community ought to insist that no limit be placed on the number of these monitors.

Mr. SMITH. Ambassador, thank you very much for your testimony and for your leadership.

Dr. Shin.

STATEMENT OF SHIN CHANG HOON, PH.D, DIRECTOR, CENTER FOR GLOBAL GOVERNANCE, ASAN INSTITUTE FOR POLICY STUDIES

Mr. C. SHIN. Chairman Smith and the distinguished members of this subcommittee, first of all, on behalf of the Asan Institute for Policy Studies based in Seoul, Republic of Korea, I would like to thank you for inviting me to testify about human rights aspects in North Korea's nuclear program.

I already submitted a 10-page written statement. Am I allowed to summarize the statement?

Mr. SMITH. Yes, and, you know, while there are limitations please be extensive.

Mr. C. SHIN. Okay. Thank you very much. The story I am going to tell you is about human rights abuses which occurred at two nuclear facilities in North Korea.

One is Pyongsan uranium mine, a resource for the front end fuel cycle in North Korea's nuclear program, and the other is the radio chemical laboratory reprocessing facility located at Yongbyon, a significant resource for the back end fuel cycle.

In the Pyongsan uranium mine, the workers were placed under miserable and inhumane work conditions comparable to those in the conventional mines where the political prisoners and the ordinary prisoners in the prison camps worked, as detailed in the United Nations Commission of Inquiry report.

High-quality food was well distributed to the workers of the uranium mine, unlike the workers in the mines of the ordinary prison camps because the nuclear program was always placed as the top priority in North Korea.

However, like the workers in the mines of ordinary prison camps they were also forced to work for 7 hours almost every day of the week and have only 1 day off in a month. They were subject to inhumane treatments including beatings.

They were conducted mainly inside underground mines with the supervisors' intentional oversight and they were beaten by metallic tools inside the mine, which horrendously terrified the workers much more than outside the mine.

Moreover, I heard clear statements from the interviewed defector that little consideration was given to work safety. For instance, the interviewee recalled that he never witnessed any ventilation system that diluted the concentration of radon and radio nuclides from the uranium ore and he also said that the quality of the anti-dust masks distributed to the workers was so bad and it was so hard to breathe with a mask that the workers inside the underground mine did not even carry them.

Since the inhalation of uranium ore dust, which consists of radon, is known as a major cause of lung cancer, no anti-dust mask during working hours means that they were directly exposed to occupational diseases.

Working for 7 hours a day may be considered not so bad but the work was extremely stressful and intense because of the increase

in number of sick workers, particularly with the skin diseases in his unit.

During certain periods of time he witnessed that only half of the unit members were available for work. The lack of available workers created a heavier and more intense workload because of the onerous allocation of daily work quotas.

We interviewed another defector who worked at the Yongbyon radio chemical laboratory that was concluded during inspections by the international agency IAEA to be a reprocessing facility. He was an analyst of the concentration of high levels of radioactive chemicals.

As he and his colleagues dealt with high levels of radiological substances and waste, they carried film badges, which are called dosimeters, which gauged the radiation doses in the workplace.

However, the badges were monitored only once every 3 months and the workers were never informed of the results of these monitoring tests unless severe symptoms of radiation sickness were present and visibly apparent.

Interestingly, he had a group of colleagues whose work duties included helping other workers shake off their fatigue and sleepiness during working hours. In addition, according to his testimony, the fertility of women laborers was very low. For instance, in his department 60 percent out of a total of 50 workers were women but most of the women who got married could not conceive children while working at the factory.

The interviewee witnessed many workers who suffered from nausea, vomiting, fatigue, and fevers at the workplaces, even a sloughing of skins. To make matters worse, North Korea, as a rigid totalitarian regime, controlled the flow of any sensitive information, especially between the workers in the nuclear facilities.

This hampers the voluntary and bottom-up development of safety and security culture among the workers in the nuclear facilities. In addition, since North Korea left the NPT regime and the IAEA in the early 1990s, the workers could not update internationally-accepted safety standards and work conditions for over the past 20 years.

Human factors really matter in ultra hazardous activities like nuclear program. North Korea's nuclear program is known as having developed with the sacrifice of the North Korean population.

However, we should not ignore the sacrifice of workers in North Korea's nuclear facilities as well. If Six-Party Talks resume, this kind of human rights violations in nuclear facilities must be negotiated.

I hope that you find this testimony to be useful to further discussions on North Korea's human rights abuses and crimes against humanity at this committee.

Thank you very much for your attention.

[The prepared statement of Mr. C. Shin follows:]

Beyond the Findings of the UN COI Report: Human Rights Violations in North Korea's Nuclear Program

Testimony before the

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

House of Representatives

"Subcommittee Briefing and Hearing:

Human Rights Abuses and Crimes Against Humanity in North Korea"

June 18, 2014

Chang-Hoon Shin

Director of the Center for Global Governance

The Asan Institute for Policy Studies

My name is Chang-Hoon Shin, Director of the Center for Global Governance at the Asan Institute for Policy Studies, an independent and private think-tank based in Seoul, South Korea. First, I would like to thank the subcommittee for the opportunity to appear today and to give testimony on North Korea's human rights abuses and crimes against humanity. The views I express in this congressional hearing reflect my own personal observations and do not represent any official position of the Asan Institute or the government of the Republic of Korea. My observations are based upon personal interviews conducted with North Korean defectors who worked inside North Korea's nuclear facilities such as the reprocessing facility located at Yongbyon[1] and the uranium mine in Pyongsan.[2]

Key Findings and Recommendations of the United Nations Commission of Inquiry Report

1. The United Nations Commission of Inquiry on human rights in the Democratic People's Republic of Korea (DPRK) recently completed its mandate and submitted a final report to the UN Human Rights Council in March.[3] The Commission findings have stated that the North Korean human rights abuses are exceptional and unprecedented and the situation "does not have any parallel in the contemporary world."[4] This is due to the fact that human rights violations have occurred and are currently being perpetrated during peacetime, not in the course of an armed conflict.

2. Amongst the various findings of the Commission, the comprehensive and detailed report outlines the following three key points that embody the seriousness and extreme gravity of the human rights situation in North Korea.

(1) The Report characterizes North Korea as a totalitarian State, "a state that does not content itself with ensuring the authoritarian rule of a small group of people, but seeks to dominate every aspect of its citizens' lives and terrorizes them from within."[5]

(2) North Korea has committed "crimes against humanity" and other grave, widespread and systematic human rights violations as a matter of "State Policy". In accordance with international criminal law and the Rome Statute of the International Criminal Court, two elements must be present in order to constitute "crimes against humanity": (a) Individuals must commit inhumane acts with the

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[1] The Radiochemical Laboratory (Reprocessing Plant) was one of the five facilities that the IAEA began to monitor during the freeze in November 1994. The other four facilities are the 5MW(e) Experimental Nuclear Power Plant, the Nuclear Fuel Rod Fabrication Plant, the 50 MW(e) Nuclear Power Plant and the 200 MW(e) Nuclear Power Plant. See IAEA, Application of Safeguards in the Democratic People's Republic of Korea, GOV/2011/53-GC(55)/24 (2 September 2011), p. 4, para. 16. When North Korea submitted its initial report to the IAEA in May 1992, it stated that the laboratory was for training nuclear specialists in separating plutonium and handling nuclear waste. However, during inspections later the same month, the IAEA concluded it to be a reprocessing facility. http://www.nti.org/facilities/750/.

[2] Pyongsan Uranium Mine was included in an appendix to North Korea's initial report submitted to the IAEA in May 1992. *Ibid.*, p. 7, para. 28.

[3] UN Human Rights Council, Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, A/HRC/25/CRP.1 (7 February 2014) (hereinafter UN COI Report).

[4] *Ibid.*, p. 365. para. 1211.

[5] *Ibid.*

requisite criminal intent; and (b) These inhumane acts must form part of a widespread or systematic attack directed against a civilian population. The Rome Statute also requires that the attack be pursuant to, or in furtherance of, a state or organizational policy.[6] Various crimes against humanity committed by North Korea were documented in the report. However, North Korea has been unwilling to implement its domestic and international obligations to bring the perpetrators to justice, because those perpetrators have acted in accordance with State policy.[7]

(3) These crimes center around Kim Jong-un, the Supreme Leader of North Korea, because he has effective control and command of all organs and branches of the government. He receives direct and daily reports on the specific actions, policies, and decisions of all governmental bodies. This means that he has requisite knowledge of the ongoing human rights abuses. The Commission concluded from the evidence it gathered that officials from the State Security Department, the Ministry of People's Security, the Korean People's Army, the Office of the Public Prosecutor, the Special Military Court, as well as other courts and the Workers' Party of Korea have in the past committed and are presently committing crimes against humanity. The Commission further found that these officials are acting under the effective control of the central organs of the Workers' Party of Korea, the National Defence Commission and, ultimately, the Supreme Leader.[8] The Commission made Supreme Leader Kim Jung-un aware of its findings in a formal written letter given to the North Korean government.

3. The UN COI makes comprehensive recommendations with regard to: 1) the North Korean Government, 2) China and other States, 3) the Korean People, 4) States and civil society organizations, 5) States, foundations, and engaged business enterprises, and 6) the international community and the United Nations. Amongst them, particular attention deserves to be paid to the recommendations on the responsibility to protect (R2P).

4. The three pillars of the R2P principle are:

(1) Each individual State has the primary responsibility to protect its populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement (Pillar one – The protection responsibilities of the State);

(2) The international community has a responsibility to encourage and assist States in fulfilling this responsibility (Pillar two – International assistance and capacity-building);

(3) If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations (Pillar three – Timely and decisive response).[9]

The recommendations of the UN Commission with regard to R2P include all aspects of these three pillars.

As for pillar one, the UN COI recommends to the North Korean government that it implement many changes including profound political and institutional reforms to introduce genuine checks and

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[6] UN COI Report, p. 320, para. 1027.

[7] UN COI Report, p. 366, para. 1216.

[8] UN COI Report, p. 360, para. 1198.

[9] See Outcome Document of the 2005 United Nations World Summit (A/RES/60/1, paras. 138-140); and UN Secretary-General's 2009 Report (A/63/677) on Implementing the Responsibility to Protect.

balances upon the powers of the Supreme Leader and the Workers' Party of Korea.[10]

As for pillar two, the UN COI recommends that States and civil society organizations work together to foster greater opportunities for people-to-people exchanges such as dialogue and contact in order to provide North Korean citizens with opportunities to share information and be exposed to experiences outside their home country.[11] In addition, it recommends that States, foundations, and engaged business enterprises provide more support to civil society organizations that are working to improve the human rights situation in North Korea, including efforts to document human rights violations and to broadcast accessible information into each country.[12]

With regard to options for pillar three, the UN COI recommends that the United Nations Security Council refer the human rights situation in North Korea to the International Criminal Court (ICC) as well as enact and implement targeted sanctions against those who appear to be most responsible for carrying out crimes against humanity.[13] Interestingly, the UN COI does not explain what would constitute these targeted sanctions. Instead it clearly states that it does not support wholesale unilateral or multilateral sanctions that are targeted against the population or the economy. However, the 2009 Report of the UN Secretary-General on "Implementing the Responsibility to Protect" categorizes targeted sanctions as those restrictions imposed on travel, financial transfers, luxury goods and arms transactions.[14] This report urges member states to pay particular attention to restrictions on the flow of arms or police equipment, which could be misused by repressive regimes.[15] In regards to individuals and entities that are engaged in the nuclear development program in North Korea, sanctions on travel, financial transfers, luxury goods and arms transactions have already been imposed.[16] Additional sanctions must be imposed to block the sale or transfer of police equipment to those who are responsible for crimes against humanity.

Beyond the findings of the Report: Human Rights Aspects in North Korea's Nuclear Program

5. The UN COI report also contains information on the North Korean nuclear program, but does not explain what implications the nuclear program has for the human rights situation in North Korea. The High Commissioner for Human Rights, Navi Pillay's statement that concerns about North Korea's

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[10] UN COI Report, p. 366, para. 1226 (a).

[11] UN COI Report, p. 370, para. 1223.

[12] UN COI Report, p. 370, para. 1224.

[13] UN COI Report, p. 370, para. 1225 (a).

[14] UN Secretary-General's 2009 Report (A/63/677) on Implementing the Responsibility to Protect, p. 25, para. 57.

[15] UN Secretary-General's 2009 Report (A/63/677) on Implementing the Responsibility to Protect, p. 25, para. 58.

[16] See, for example, UNSC resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013). The measures of these resolutions include arms embargos, WMD programs-related embargos, a ban on the export of luxury goods, individual targeted sanctions such as a travel ban and/or an assets freeze, and a ban on the provision of financial services or the transfer of financial or other assets. For the details, visit the 1718 Committee website. http://www.un.org/sc/committees/1718/.

nuclear weapons program should not overshadow the deplorable human rights situation in North Korea,[17] well represents why the work conditions and environment in North Korea's nuclear facilities have not been investigated within the context of systematic, widespread and grave violations of human rights. Moreover, the mandate of the COI was confined to the nine substantive areas: 1) violations of the right to food, 2) the full range of violations associated with prison camps, 3) torture and inhuman treatment, 4) arbitrary arrest and detention, 5) discrimination, in particular in the systemic denial and violation of basic human rights and fundamental freedoms, 6) violations of the freedom of expression, 7) violations of the right to life, 8) violations of the freedom of individual movement, and 9) enforced disappearances, including in the form of abductions of nationals of other states. Therefore, the investigations of the COI could not focus on the work conditions and working environment of the laborers in North Korea's nuclear facilities.

6. Article 23 of the Universal Declaration of Human Rights (UDHR) stipulates:

(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 25 of the UDHR stipulates that everyone has the right to rest and leisure, including a reasonable limitation on working hours and periodic holidays with pay.

7. Articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which North Korea has ratified, contains similar guaranteed rights. In accordance with Article 7(b) of the ICESCR, the States Parties to the present Covenant must ensure, in particular, safe and healthy working conditions.

8. The International Labour Organization (ILO) has also played a significant role in galvanizing the protection of workers from ionizing radiation. The Convention concerning the Protection of Workers against Ionizing Radiation, known as ILO Convention No. 115, was adopted under the auspices of the ILO in June 1960 and entered into force in June 1962. The ILO has also cooperated with other international organizations on these issues. For instance, the International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources (BSS) was jointly developed by six international organizations such as the Food and Agriculture Organization (FAO), IAEA, ILO, the Nuclear Energy Agency of the Organization for Economic Co-operation and Development (OECD/NEA), the Pan American Health Organization (PAHO), the World Health Organization (WHO). The BSS establishes basic requirements to protect against the risks associated with exposure to ionizing radiation and ensure the safety of workers from in their working

[17] UN COI Report, p. 6, para. 8.

environment.[18] It supplements the object and purpose of the 1960 ILO Convention No. 115. The ILO has also maintained good relations with international scientific communities, for example, with the International Commission on Radiological Protection (ICRP), whose work has been the primary basis for the development of international standards on radiation.

Interviews conducted by the Asan Institute for Policy Studies

9. This year the Asan Institute for Policy Studies organized a task-force team in order to increase public awareness about the crimes against humanity and other gross human rights abuses occurring in North Korea, immediately after the release of the UN COI Report in February. The team has tried to identify laborers with work experience in North Korea's nuclear facilities and conducted interviews with them. The purpose of these interviews was not to gain further information on the development of its nuclear program, but to obtain findings on the working conditions, environment, and the situation of workers' safety and health in the North Korea's nuclear facilities. The team prepared questions based upon the international instruments described above and conducted interviews with those defectors who had worked in North Korea's nuclear facilities.

10. The international community has viewed the North Korea's nuclear program as one of the greatest challenges to the global non-proliferation regime. The North Korean problem has always been criticized and examined primarily through the lens of non-proliferation. It is only recently that the international community has become interested in the safety of North Korea's nuclear facilities as well as the security of nuclear materials contained in North Korea. However, no observations have been released with regard to the working conditions, environmental factors, and workers' safety and health concerns such as occupational illness that have a significant impact on human rights in the country. Therefore, these observations may provide the international community with additional evidence of the dangers of North Korea's nuclear program and make it possible to link the issue of North Korea's nuclear program with the issue of its severe human rights violations.

11. As noted above, the interviews were conducted with North Korean defectors who had worked inside North Korean nuclear facilities such as the reprocessing facility at Yongbyon and the uranium mine in Pyongsan. All of the interviews were conducted and recorded with the consent of the defectors.

Interview with a defector who had worked at the uranium mine in Pyongsan

12. The mining of uranium ores generates ore dust, which disperses into the air inside the mine and gives rise to an inhalation hazard.[19] Recently, it has been known that the radiological hazards in uranium mines are mainly due to the airborne radionuclides which consist of radon and its related products. They occur in other types of mines as well and in some instances cause severe occupational illnesses, including lung cancer. However, considerable attention to these problems has only become a recent phenomenon, as the demand for nuclear fuel rapidly increases. External radiation hazards in

[18] Shengli Niu, The role and activities of the ILO concerning the radiation protection of workers (Ionizing radiation), p. 3.

[19] United Nations Scientific Committee on the Effects of Atomic Radiation, Sources and Effects of Ionizing Radiation (2010), p. 292, para. 520.

uranium mines are generally low and do not pose significant problems, but inside the mines where the ore grade is relatively high external radiation poses a significant hazard. Because of recent debates that have presented epidemiological evidence of lung cancer caused by inhalation of radon and its daughter products, safety measures such as mechanical dilution ventilation, confinement or suspension of radiation sources, and personal protection and job rotation have been implemented. These have developed into important precautionary measures that are now implemented for the purpose of maintaining a safe work environment in uranium mines and mills.[20] Bearing these radiological hazards and protective measures in mind, the research team at the Asan Institute was able to obtain some interesting observations by interviewing the defectors using the information checklist below.

- General description of the workplace
- Ventilation mechanism/effluent control system
- Work hours and rotation schedules
- Distribution of work suits and other protective equipment such as anti-dust masks, hat and boots
- Lunch time and location of food consumption
- Experience with and/or being a direct witness of illness
- Distribution of dosimeters (film badges) to the workers in mines for monitoring their dose limits
- Education on occupational safety hazards and work environment
- Health examination
- Distance of the civilian residences, farms, and schools from the mining facility
- Any witness of environmental pollution or accidents

13. The UN COI report refers to work conditions and the safety of laborers on two occasions. The first reference describes the inhumane conditions of detention in Ordinary prison camps (*kyohwaso*).[21] The other refers to the testimony of a prisoner of war who had been forced to work in mines.[22] The working conditions of North Korean laborers in conventional mines as illustrated in the report are

[20] For details on the radiological safety in uranium mines, see J.U. Ahmed, "Occupational radiological safety in uranium mines and mills", IAEA Bulletin, Vol. 23, No. 2, pp. 29-32.

[21] "This finding is reinforced by the fact that work conditions are so inhumane that the work cannot be said to serve any legitimate, rehabilitative purpose. Surviving on starvation food rations, the prisoners are forced to work without pay for 9-12 hours every day of the week. Work that was normally be undertaken by machines or beasts of burden (e.g. ploughing or coal extraction) must be carried out manually in the DPRK's prisons, using rudimentary tools. If prisoners fail to fulfil their onerous daily work quotas or accidentally damage prison property, they are subject to torture and inhuman punishment, including beatings, solitary confinement and cuts to their already meagre food rations. Deadly work accidents are very frequent because little consideration is given to work safety." UN COI Report, pp. 250-1, para. 802.

[22] "The conditions in the mines were treacherous, and work conditions severe. Many workers enslaved in the mines died from accidents or diseases contracted in the mines caused by the dust." UN COI Report, p. 277, para. 873.

extremely harsh and miserable. According to the testimony of the interviewed defectors, the working conditions in Pyongsan uranium mine are better in some regards and worse in other aspects than the conditions that exist in conventional mines. However, despite some differences it is evident that on the whole, the work and safety conditions in the uranium mine are just as miserable and inhumane as the conditions in conventional mines. One may conclude from the defectors' testimony that there have been systematic, widespread and grave human rights abuses in the mine. The following is a brief summary of the information gathered from defectors' testimony.

14. One defector interviewed entered the Korean People's Army in August 1995 when he was under the age of 18 and worked at an assigned mine location from August 1995 to June 1996. He maintained that he and his colleagues were recruited for work at a gold mine in Pyongyang, but they were dispatched to the Pyongsan uranium mine instead. They belonged to the 131st army unit (*Jidoguk*) controlled by the Atomic Department (*Wonjaryok Chong-guk*) in the Central Workers' Party. The mission of the unit was to build rails to allow access to the mine, to dig an underground mine, and to repair rails and mining structures. The mine site consists of underground mines, related mills, and the Pyongsan Chemical factory. The army units engaged only in the work of digging an underground mine. Civilian workers mined the uranium ore inside an underground mine dug by the army. Most of them were retired soldiers. Each underground mine had an air compressor that provided the underground mine with air ventilation and a rest area where the workers could have lunch. The civilian miners continued to use the air compressor and the rest area after the army unit left to dig another underground mine. However, the interviewee recalled that he never witnessed any ventilation system that diluted the concentration of Radon, an essential protective measure that is essential for ensuring more safe and healthy work conditions. To make matters worse, he stated that the quality of the anti-dust mask distributed to the workers was so bad that the workers working inside the underground mine did not carry the anti-dust mask with them. As a result, the workers regularly engaged in this work without taking adequate safety precautions or measures.

15. The interviewee worked for eight hours a day broken up into three different time shifts. Since he was novice laborer, he worked only from 8:00am to 4:00pm. The workers were permitted to have lunch from 12:00 to 1:00 pm, so this made a total of seven work hours in one day. Considering the fact that the prisoners in ordinary prison camps were forced to work for 9-12 hours every day of the week, the working conditions at the mine could be considered far better. Additionally, the interviewee stated that the workers were well-fed with special foods that were not distributed to ordinary citizens in North Korea. However, the workers were forced to labor almost every day of the week like prisoners in ordinary prison camps. The interviewee recalled that he had a rest day once a month. Accordingly, the workers in mines were not permitted an adequate right to rest and leisure, including a reasonable limitation on working hours and periodic holidays with pay as mentioned earlier in my statement.

16. The defector also related the fact that education on safety standards was conducted for a month as part of the initial work training. In the educational program, the workers were notified of the hazards of uranium ore. The work suits, boots and anti-dust masks were also distributed to the workers, but no dosimeter (film badge) was given out to the workers. The dosimeter is of the utmost importance for controlling the exposure of workers to external radiation, the related daughter products of radon, and ore dust. A regular health examination was conducted on all laborers, but the doctors had never informed the individual workers of the results of their health examinations.

17. The interviewed defector stated that working for seven hours a day was not so bad, but the work was extremely stressful and intense because of the increasing number of patients (sick workers) in his

unit. During certain periods of time, he witnessed that only half of the unit members were available for work. The lack of available workers created a heavier and more intense workload, because of the onerous allocation of daily work quotas.

18. The workers sometimes were also exposed to inhuman treatments when they worked inside an underground mine. They were beaten by superiors using the digging tools inside the mines. The chief supervisor intentionally did not come inside the mine in order to overlook or ignore the inhuman treatment that was occurring. If a bad relationship formed between the lower-ranked workers and the higher-ranked ones in the army barracks, the former retaliated by beating or abusing the latter inside a mine.

Interview with a defector who had worked at the reprocessing facility in Yongbyon

19. Another defector interviewed worked at the Radiochemical Laboratory in the Yongbyon nuclear facility as an analyst of radioactive chemicals from April 1988 to December 1994. He belonged to the so-called December Enterprise where about 1,000 scientists and laborers worked. The workplace was located about 4km distance from a village where the families of the workers from the Yongbyon nuclear facility resided. The population of the village was around 50,000.

20. The interviewee's work was to analyze the concentration of high levels of radioactive chemicals in an ample by using colorimeter. Since he dealt with high-level radioactive chemicals, the information checklist our team prepared for this interview was different from that of the defector who had worked at the Pyongsan uranium mine. The information checklist for this interview was as follows:

- General description of the workplace
- Providing appropriate information of security and safety, education and training
- Personal protective equipment and safety standards
- Witness of radiation injury and/or direct experience with illness
- Distribution of dosimeters (film badges) to the workers for monitoring their dose limits
- Education on occupational safety hazards and work environment
- Health examination
- Distance of civilian residences, farms, and schools from the nuclear facility
- Any witness of environmental pollution or accidents

21. The interviewee recalled that he was trained for about a year, but had never heard of or had no knowledge of what kind of chemicals he was required to analyze. No one in the factory gave him this information. He majored in mechanical engineering at the university undergraduate level, so he did not know the identity of the chemicals. His job only involved work to let the scientists know what colors showed up on the colorimeter. The ample that contained the chemicals was delivered through pipelines connected to his workplace. After their delivery, he placed the ample into a transparent box with 60cm thickness and manipulated the ample with the robot arms.

22. For the sake of preventing information leaks, even during his training period, he had not been informed of any security or safety matters in his workplace. However, personal protective equipment

of good quality such as a work suit, gloves and boots was distributed, but the washing of the equipment was done individually by the workers. The workers brought the suit, gloves and boots to their homes to wash them.

23. According to the defector's testimony, he had a group of colleagues whose work duties included helping other workers shake off their fatigue and sleepiness during working hours. He stated that the group was very effective. Most of his colleagues had suffered from severe fatigue during working hours.

24. All workers also carried film badges, but the badges were monitored only once every three months. The workers were never informed of the results of these monitoring tests, unless severe symptoms of radiation sickness were present and visibly apparent.

25. The interviewee stated that since food was well distributed to the workers in this nuclear facility, those from poorer families and those with less social status wanted to get married with the workers. However, the fertility of the women laborers was very low. In his department, 60% out of a total of fifty workers were women, but most of the women who got married could not conceive children while working at the factory. The interviewee witnessed many workers who suffered from nausea, vomiting, fatigue, and fevers at the workplace.

Findings and Recommendations: Human Rights approach to North Korea's nuclear program

26. North Korea is an extremely closed and rigid totalitarian regime which controls the flow of any sensitive information especially between the workers in its nuclear facilities. However, this harms the health of the workers and hampers the development of safety and security culture in the nuclear and uranium mining facilities.

27. There has been no provision of information on occupational safety standards to the workers. This deprives the workers of opportunities to develop their code of conducts with regard to occupational hazards and safety.

28. The fact that North Korean government distributed food of good quality to the workers at the nuclear facilities, but did not take any responsibility for enhancing work conditions, safety and health of the workers is evidence that supports the observation that North Korea is more interested in how to enhance workers' productivity than how to improve workers' human rights situation.

29. The workers' rights have been seriously violated as a matter of State policy particularly at nuclear facilities. This will not support the morality and legitimacy of North Korea's nuclear program in the long run.

30. North Korea's possession of nuclear weapons can be achieved with the sacrifice of North Korean populations as well as the violations of the workers' rights at the nuclear facilities.

31. The abandonment of nuclear program under these circumstances may create serious problems with redirection of workers in North Korea's nuclear facilities as well as with any costly cooperative threat reduction program.

32. If the level of safety culture and safety standards in the 1990s has sustained, even peaceful nuclear program under the "Dual Policy of Economic Construction and Nuclear Arsenal Expansion" announced in 2013 may result in a radiological accident, because of human failure. Therefore, the

improvement of the safety culture and compliance with international safety standards in order to prevent human failures are urgently in need.

32. Based upon these findings, the States concerned should devise how to apply human rights approach to the North Korea's nuclear program in the dialogues and negotiations with North Korea. The States concerned should make every effort to encourage direct and open dialogues between the workers of the States and those of North Korea to discuss how to improve the safety and security culture at North Korea's nuclear facilities. Methods to provide information on work conditions and occupational safety to the North Korean workers should be devised. In addition, there must be discussions on how to bring justice to the individuals who are responsible for the deprivation of workers' rights particularly in nuclear facilities. The North Korean government should allow the foreign experts on safety culture and safety standards to contact directly nuclear workers, paying attention to the fact that North Korea could not receive any technical assistance on safety from foreign experts since it withdrew the NPT and the IAEA statute.

33. In this context, we support H.R. 1771, the North Korea Sanctions Enforcement Act that includes promotion of human rights, but with some considerations of human rights situations particularly at the North Korea's nuclear facilities.

Mr. SMITH. Dr. Shin, thank you very much. It is more than useful. Thank you.

Mr. Shin.

STATEMENT OF MR. SHIN DONG HYUK, SURVIVOR OF NORTH KOREAN PRISON CAMP

[The following testimony was delivered through an interpreter.]

Mr. D. SHIN. Thank you for making this time available in the midst of your busy schedule for allowing me to speak before you regarding the human rights situation in North Korea.

And before I begin my testimony, I want to share something that causes me to feel a bit sad and disappointed before I begin my testimony. I escaped North Korea in 2005 and came to South Korea in 2006 so it has been almost 8 years since I have come out of North Korea.

And the sad thing that I want to share is that during those 8 years I have never once shared or given testimony in the South Korean National Assembly in South Korea.

The fact is that the United States and EU and other countries have passed legislation regarding North Korean human rights yet South Korea has yet to pass a single legislation regarding the human rights of North Korea in South Korean National Assembly.

And I know that when I say this the South Korean media that is present will perhaps edit and not fully carry what I said here just now—my statement—and this could be my first—this is my first or maybe my last opportunity to share and speak at such a place like this.

So I want to again express my gratitude for giving an opportunity to speak about the reality of what is going on in North Korea right now.

I am from North Korea. My hometown is North Korea. However, my situation is one where I cannot go back to my hometown, and the place where I was born is the political prison camp in North Korea.

I was born in the prison camp and my existence in the political prison camp as well as the ones who are still remaining there is an existence not fit for human beings and even worse than those of animals.

And the first thing I remember seeing with my eyes were of the prison guards carrying rifles and of political prisoners wearing prison uniforms. These were the only things that I remember seeing for the first time the world of the North Korean political prison camp.

And my father and mother who gave birth to me were political prisoners also and the moment I was born I too became a political prisoner as well and everyone else around me except for the guards and prison officials who carried out punishments and made our lives miserable and made us suffer we were all political prisoners as well.

And the prison guards who carried rifles drove into the heads of us young children inmates, the young and immature and ones who really didn't know anything, the following. They said to us, you are all prisoners and your parents are prisoners as well. In order to repay the fact that you are alive you must all work hard.

You must work hard until you literally die and only then can you pay for your crimes. We were all young but somehow we knew and understood what the prison guards were telling us.

And even though I was so young I understood what the prison guards were telling me. For us in the political prison camp, there was nothing the prisoners could do. We could only eat the food given to us, we could only wear the clothes given to us and we could only do the work given to us by the prison officials.

And when I was 14 years old, just like I learned from the rules and regulations of the prison camp, I overheard my mother and older brother talking about escaping. When I overhead this I then reported this to the prison officials.

And I, who had reported my mother and older brother for talking about escaping, I was rewarded with terrible indescribably cruel and painful torture, and the prison guards tied my feet in metal shackles and hung me upside down and also tortured me over—I don't know if you would understand this but they would torture me through the fire torture over a burning fire pit.

And finally my mother and my older brother were publicly executed in front of all the prisoners in the camp, and this scene of my mother and brother being executed I had to see this with my own eyes.

And I did not cry when I saw my mother and brother being executed. I believed this was so because in my opinion in the prison camp, looking back now, we did not learn growing up being in the prison camp that if our mother or brother were killed or executed that we were supposed to feel sadness or shed tears. This was not something that I learned or had come to experience in the prison camp.

And the torture I went through at that time, the scars from that terrible time, are ones I still bear clearly on my body—the scars from the metal shackles on my ankles, the burn scars on my back from the torture of being burned alive over a fire pit, the scars that formed all over my body from the beatings I endured.

These vestiges of my suffering will never go away until the day I die. The prison guards in the prison camps think of the human prisoners inmates as worth less than that of animals.

The cruelest and most excruciating method of treating the prisoners, punishing the prisoners, is by denying them food and starving them. And if a prisoner does not work well or fails to meet a work quota they are punished by the prison guards.

However, before the punishment is carried out the prisoners are given a choice by the prison guards either by getting beaten or having our meal or food taken away, denied from us.

And in my case, going hungry and being denied food was a suffering and pain beyond my imagination so thus I chose the punishment of getting beaten. And the reason why I say this today is that even now as I speak before you in this chamber there are still babies being born like I was born in the prison camp.

There are still people who are getting killed by public executions in the camp and are dying from starvation and beatings in the prison camps right this moment.

I am not here in the U.S. right now to go on sightseeing tours or to visit tourist spots and I am not here to visit or take a tour of the U.S. Capitol either.

I am here today to testify and to tell all of you, the distinguished and esteemed members of the U.S. Congress sitting here before me, to help and safe the political prisoners in the North Korean political prison camps who are dying and suffering right now.

I am here to exhort all of you to save my brothers and sisters who are suffering and dying, to save them so that they might live, that they will not die but survive and live and come out of the prison camps, that they too can see and enjoy the bright and beautiful world that all of us take for granted and accept as normal and commonplace.

And if this issue of the political prison camp of North Korea is not solved through our concerted efforts and actions and that of the U.S. Congress or even international organizations such as the U.N., then all the inmates in the prison camps created by the North Korean dictatorship they will all die. And furthermore, also the citizens of North Korea who are suffering under this dictatorship will die as well.

In closing, I want to share now for me the word that I love and the word that I cherish and that word to me is the word freedom.

I believe that if the North Korean dictator himself enjoys freedom so should the people of North Korea enjoy and live in freedom as well.

No one has the right to deny or take away freedom, which is the DNA of humanity, from anyone else and I am powerless, and therefore I plead and exhort all of you here today with your power and influence you can save my helpless brothers and sisters who are waiting for death in North Korea and you have the choice to save the people in the prison camps in North Korea.

Once again, I would like to thank you for giving me the opportunity to speak before you today.

[The prepared statement of Mr. D. Shin follows:]

Testimony of **Shin Donghyuk**, Founder & Executive Director, Inside NK

House Committee on Foreign Affairs, Subcommittee on Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

June 18th, "Subcommittee Briefing and Hearing: Human Rights Abuses and Crimes Against Humanity in North Korea"

Translator for written testimony: Henry Song (US Director, Inside NK)
Interpreter to be used at hearing: Henry Song (US Director, Inside NK)

Good afternoon, Congressman Ed Royce, Congressman Chris Smith, distinguished members of the House Foreign Affairs Committee, and the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, and guests. Thank you for this invitation and for the honor of allowing me to testify today.

I want to express my gratitude for giving me an opportunity to speak about the reality of what is going in North Korea right now. This may be the first and last time that I will be able to share and speak at such a place like this.

My name is Shin Donghyuk, and I am from North Korea. My hometown is North Korea. However, I cannot go back to my hometown, because my hometown is the political prison camp. I was born in the political prison camp. My existence in the political prison camp in North Korea was an existence not fit for human beings or even animals.

The first thing I remember seeing with my eyes, were of the prison guards carrying rifles, and of political prisoners wearing prison uniforms; these were the only things that I remember seeing for the first time in the world of the North Korean political prison camp.

My father and mother who gave birth to me were political prisoners also, and the moment I was born, I too became a political prisoner as well. And everyone else around me, except for the guards and prison officials who carried out punishments and made our lives miserable and made us suffer, were all political prisoners as well.

The prison guards who carried rifles drilled into the heads of us young children inmates, the young and immature and ones who really didn't know anything, the following: "You are all prisoners. And your parents are prisoners as well. In order to repay the fact that you are alive, you must all work hard. You must work hard until you literally die, only then can you pay for your crimes." We were all young, but somehow we knew and understood what the prison guards were telling us.

In the political prison camp, there was nothing the prisoners could do. We could only eat the food given to us, we could only wear the clothes given to us, and we could only do the work given to us.

When I was 14 years old, just like I learned from the rules and regulations of the political prison camp, when I overheard my mother and older brother talking about escaping, I then reported this to the prison officials. I myself was also dragged to the prison cell within the camp. I, who had reported my mother and older brother for talking about escaping, was rewarded with terrible, indescribably cruel and painful torture.

The prison guards tied my feet in metal shackles and hung me upside down and also tortured me over a burning fire pit.

Finally, my mother and older brother were publicly executed in front of all the prisoners in the camp, including myself. My father and I had to see them executed right before our eyes. I did not cry when I saw my mother and brother being executed. In the prison camp, we did not learn that if our mother and brother were killed, we were supposed to feel sadness and shed tears.

The torture I went through at that time – the scars from that terrible time, are ones I still bear clearly on my body; the scars from the metal shackles on my ankles; the burn scars on my back from the torture of being burned alive over a fire pit; the scars that formed all over my body from the beatings I endured – these vestiges of my suffering will never go away.

The prison guards of the North Korean political prison camps think of the human political prison camp inmates as less worthy than that of animals. The cruelest and most excruciating method of treating the prisoners is by denying them food and starving them. If a prisoner does not work well or fails to meet a work quota, they are punished by the prison guards; however, before punishment is carried out, the prisoners are given a choice of being punished by having a meal denied to them and thus going hungry, or getting punished by getting beaten by the prison guards.

In my case, going hungry – being denied food – was a suffering and pain beyond my imagination, so thus I chose the punishment of getting beaten. The reason why I say this today is that even now, as I speak before you in this chamber, there are still babies being born like I was born, and there are still people who are getting killed by public executions and dying from starvation and beatings.

I am not here in the US right now to go on sightseeing tours, or to visit tourist spots. I am not here to go on a tour of the US Capitol either. I am here today to testify and to tell all of you, the distinguished and esteemed members of the US Congress, sitting here before me – to help and save the political prisoners in the North Korean political prison camps who are dying and suffering right now. I am here to exhort you to save my brothers and sisters who are suffering and dying, to save them so that they might live, that they will not die but survive and live and come out of the prison camps so that they too can see and enjoy the bright and beautiful world that all of us take for granted and accept as normal and commonplace.

If this issue of the political prison camp inmates in North Korea is not solved through our concerted efforts and actions, and of that of the US Congress and international

organizations like the UN, then all the inmates in the prison camps created by the North Korean dictatorship, will die. And also, the citizens of North Korea who are suffering under this dictatorship will die.

In closing, I would like to make a request: All of you here, please open your eyes and look around you. And look for anyone among us who looks evil. In my eyes, there is no one here who looks evil. However, the heart of a human being can be so evil. Naïve and innocent looking people created the Nazi concentration camps such as Auschwitz, and committed the genocide of over 6 million people. It has been over sixty years since the political prison camps were formed in North Korea, and in these camps hundreds of thousands of political prisoners are awaiting their deaths.

My favorite word now is the word, "FREEDOM". If the North Korean dictator enjoys freedom, so should the people of North Korea enjoy and live in freedom. No one has the right to deny or take away freedom, which is in the DNA of humanity, from anyone else. I am powerless. Therefore I plead and exhort all of you here today. With your power and influence, you can save my helpless brothers and sisters who are waiting for death in North Korea.

The last, best hope for my suffering brothers and sisters in the political prison camps of North Korea is the international community, and, all of you sitting here before me.

Thank you.

Shin Donghyuk

Mr. SMITH. Mr. Shin, thank you for your powerful testimony, which has to not only mobilize but shock us into further action. You know, Ambassador Natsios talked about the abject failure with regard to the nuclear issue and I would say even though we have tried we have failed.

The proof is in the lack of positive consequences, the inability so far to get countries that might have influence including Russia and China, and I think Ambassador Lee's point earlier about a global mobilization there needs to be a pivot point.

The COI plays at least part of that role to say enough is enough. We need to do far more and that means a sustained effort. While we don't have the leverage we had with South Africa, and I was one of those who supported sanctions during the early 1980s and did so strongly, there was economic leverage there. But there are other points of contact that have not been utilized. So I, again, all of you I thank you for your very strong testimonies.

Dr. Shin, you mentioned, and you footnote, how the U.N. COI report points out that many workers have been enslaved and died from accidents and disease from the mines caused by the dust. Is there any estimation as to how many workers have died?

And you also pointed out the paradox of giving healthy food to increase productivity while simultaneously exposing them to occupational hazards that almost ensure cancer and early death. Could you elaborate on that and perhaps and then how many we are talking about?

Mr. C. SHIN. Mr. Chairman, the numbers of the interviewees were really limited in numbers so——

Mr. SMITH. You talked about the numbers of potential workers that were sick or died.

Mr. C. SHIN. I didn't talk about the specific numbers. But in case of the counts on uranium ore they didn't notice any death of the workers. This is because the witness was not involved in the mining itself this kind of—I mean, digging underground mines.

Mr. SMITH. Let me ask you, you know, the referral to the ICC if it does indeed occur the International Criminal Court, as we all know, while it has some very positive aspects to it has had only one conviction of a person of the Democratic Republic of the Congo, people like Bashir from Sudan, as Ambassador Natsios knows so well, have been indicted but still remains at large and ruling a country.

The real convictions have happened at another level, regional courts. I have been pushing for a court for Syria since at least September and we had David Crane, who ran the Sierra Leone court and did so as the chief prosecutor, talked about the efficacy of those regional courts and I am wondering if any consideration is being given to a regional court, perhaps based in the Republic of Korea, that would begin gathering testimonies and information for the purpose of prosecution.

You know, evil doesn't have to be forever and there will come a time when the Kims, including the current Kim, will be held to account and all those who were complicit.

Has there been any thought given to a regional court that might be housed, like I said, with sanction from the international commu-

nity? It might be hard to get acquiescence by China and Russia but even if it doesn't, I think the effort should be made.

What are your thoughts on that? Because, again, the ICC has gone on that parallel track but they have not been effective. They have had 18 indictments in a dozen years, one conviction and, you know, but a regional court could begin really gathering in a very effective way, I think, testimony.

Ambassador NATSIOS. This is a very odd situation but South Korean politics is unusual. The conservatives in South Korea are the ones that press the human rights issue.

The Korean left, left of center, do not. They believe it compromises the ability of the South Korean Government to negotiate with the North Korean Government. So they don't raise those issues.

Human rights in North Korea is a highly political issue in South Korean politics. Here, you have bipartisan support among Republicans and Democrats on many human rights issues. That is not the case in South Korea with respect to North Korea. It is changing among younger people.

There is a shift of opinion I noticed when I was there a couple of years ago. But right now there is not going to be any court, I have to tell you. There is a reason Mr. Shin just told us that the South Korean Parliament has not had any hearings on this issue.

There is no legislation that has gone through. The Ministry of Reunification does have a small unit that deals with North Korea human rights issues. However, because of the divisiveness of this issue in South Korean politics it is not at the forefront. President Park did make a very strong statement but, again, that is not usual.

Am I—is it unfair to say that?

Mr. C. SHIN. I don't know.

Ambassador NATSIOS. I don't want to embarrass you because—and I know this is a sensitive issue.

Mr. C. SHIN. Well, I would like to go back to your questions on the regional—I mean the possibility of regional international criminal tribunals. Actually, in order to establish a certain jurisdiction—criminal jurisdiction in terms of individual criminal accountability there must be collection of the data—I mean, perpetrators and the activities, the atrocities committed by the perpetrators.

In that sense, I mean, field work, field structure, which will be established in South Korea, will be conducive to this kind of collection of the data.

However, well, as I already said criminal jurisdiction of the international tribunals can be established by the consent of the states concerned. So if there is no consent from the North Korea—from North Korea it is very unfortunate. It will be really difficult to establish regional international criminal tribunals.

Mr. SMITH. I would just respectfully and I understand, Ambassador Natsios, because I have had those conversations in Seoul myself, but it seems to me that when Mr. Shin says that his story is largely unknown and certainly how much of the media does pick up on the human rights situation from a day to day basis in the Republic of Korea and, again, that you have not testified before the Assembly—I hope that they would invite you—I mean, there is al-

ways a game changer and it seems to me that when people hear truth left or right they should be moved with compassion and empathy to embrace those who are suffering abuse the likes of which I can't even imagine.

I wrote the Torture Victims Relief Act, Mr. Shin, to deal with post-traumatic stress and other problems and when I heard from witnesses what they go through, and it is a law that provides PTSD—post-traumatic stress disorder assistance and we heard from people with nightmares—I am sure you have dealt with nightmares and flashbacks that none of us could imagine, an agony.

You sit there absolutely poised and strong and determined but there has to be—how can anyone go through what you go through without carrying agonizing scars, and I think the people of the Republic of Korea left and right need to hear that more now than ever, especially since the COI is now finally embracing and, as you said, Ambassador Natsios, with the nuclear in—you know, the paradox and human rights concerns rising this is an opportune moment.

And, again, getting back to Ambassador Lee, the red line idea and I think that is a really strong—you know, a real red line on human rights coupled with, again, this global mobilization so that, you know, the information will be so compelling that the left will not be able to resist any longer and stop, perhaps unwittingly, but to stop the enabling.

You know, when we have an NBA player, Dennis Rodman, going over there woefully uninformed about these abuses, we are going to send him a copy and the other NBA players who went to Pyongyang to read what you have said in the hopes that they will raise it in some way now or in the future if they ever have further contact with Mr. Kim.

So this is a defining moment and I think your testimonies and Ambassador Lee's statement are extremely important in that process. So thank you. If you would like to respond and then I will yield to my friend.

Mr. D. SHIN. I have come to realize and I have seen with my own eyes the international society and many international organizations coming together and dealing with this issue of human rights in North Korea.

Earlier this year in March in Geneva when I spoke at the U.N. Human Rights Council, in the table or seat before me in front of me there were diplomats from the DPRK, North Korean diplomats who were watching me and monitoring me as I spoke and as I was participating in the meeting, and I also had the opportunity to speak in New York on April 17 for the Arria function for the meeting at the U.N. in New York.

And I have also come to know that many scholars and many organizations and groups they have stated that many North Koreans have come into contact with South Korean media, South Korean drama, South Korean movies through USB sticks, through access to computers, through the exchange of information on the black markets in North Korea, and it is true that the people in North Korea through viewing South Korean dramas and watching South Korean movies and being active in the black market and listening to foreign broadcasts through radio all these things, they are hap-

pening in North Korea right now and I believe that these things are needed by the North Korean people.

However, what I want to say is that these things are things that happened many decades ago as well and I tend to have somewhat of a negative outlook regarding how many more decades, how many more years it will take of North Korean people watching South Korean dramas or South Korean movies for change or for things to happen in the country.

And there is a reason why I have to say things like this in this manner and what I want to say is that a person dying is not something that happens over many years or many decades.

A person can end his life in a second or a couple of seconds. More than 60 years ago when 6 million Jews were murdered by the Nazis, it took less than 4 or 5 years for that genocide to happen, for that large number of people to be killed, and almost 40 years ago when almost 2 million people were killed in the killing fields of Cambodia that took about 5 or 6 years as well.

And all of you know that 20 years ago when the Rwanda genocide happened 800,000 people getting killed, that took only about 90 days. And I say this because for North Korea the same thing and the same future can happen in North Korea as well.

And what I want to say is that the dictatorship in North Korea is without comparison compared to the other dictatorships throughout history more evil, more terrible than any other dictatorships in history is what we see in North Korea right now.

And my thought is that yes, radios, DVDs and exposure to foreign media those are good and those are needed for the North Korean people. But what I want to say is that the international community coming together and forcefully warning and talking and telling the North Korean regime, the dictatorship, of what is going on, that is what is needed is what I want to tell all of you here today.

Mr. SMITH. I would like to yield to the former U.S. attorney from Pennsylvania, a prosecutor of great distinction, Mr. Marino.

Mr. MARINO. Thank you, Chairman. Ambassador and Doctor, I don't know if you recall—please acknowledge if you do, if not I will repeat it—my questions to our—to the Ambassador concerning what role the U.N. can play in this. Would you—either of you or both of you care to respond to my question/statement, Ambassador?

Ambassador NATSIOS. I know there are Americans who are critical of the United Nations. I have worked with the United Nations for 25 years now. They can play a very useful role but we should not exaggerate their effectiveness.

There were 32 resolutions on the atrocities in Darfur. It didn't restrain Omar al-Bashir's government in terms of just the resolutions. But that combined with media coverage, human rights reports, U.S. sanctions, it is part of a larger picture.

So you create a wave that gets bigger and bigger and eventually it does affect behavior and even in a totalitarian regime like North Korea. No dictatorship likes having their crimes put out there in public in front of everyone else.

So the U.N. can be very useful. I think the COI report, frankly, is going to be one of the most powerful instruments we have because when people say they don't like the United States and that

this is an American obsession, there is no truth to any of that, I mean, there was no Americans on the commission.

It was the Chief Justice of the Australian Supreme Court and the Attorney General of Indonesia and a leader of civil society in Serbia who were on that commission. No Americans. So when you have that kind of a body making these statements in great detail and then using the term crimes against humanity it can be used as an instrument to constantly repeat.

There is a lot of anti-Americanism in Europe now. I get upset with it but it is there. That is the reality. So but Shin's book is being read all over Europe now. I mean, his book has sold hundreds of thousands of copies and it is a bestseller. There is no other way of putting it.

Who is reading it? It is not just Americans. So I think the more international this effort becomes, we have Latin American and African countries voting with us on this on the U.N. Security Council—it is a very powerful thing. It is a very powerful thing.

So I think we should simply be unrelenting in keeping the pressure up on the prison camp but also these larger issues as well. I mean, people don't even go to the camps. They just get executed in the villages.

The people I interviewed, I think it was 30, I don't remember exact number of people, but I did 2- or 3-hour interviews and they saw people executed in their own villages summarily. There were no courts.

One of them was caught killing an oxen during the famine. It was a capital offense. Ripping up a photograph of Kim Jong Il or graffiti attacking the royal family. When that happens you can be executed on the spot. They don't even bother sending you to the camps.

Mr. C. SHIN. Okay. Yes. Thank you very much. Human rights is a universal value, which needs. Multilateral approaches and crimes against humanity is also an international matter, not a domestic matter in which the concept of responsibility to protect can be involved in.

You mentioned the role of the United Nations. The United Nations is the right forum to deal with those kinds of multilateral issues. When it comes to the role of the Secretary-General in the United Nations, well, actually the Secretary-General is an international servant who does not represent any national identity.

But it is really difficult to handle the issues which he cares about—and the states related to his nationality. So when considering the conflict of interest, for instance, well, the former United Nations Secretary-General, Boutros Boutros-Ghali and other former United Nations Secretary-Generals, have dealt with their regional issues not directly but by other representatives and other Under-Secretary-Generals of the United Nations.

So we can apply this kind of role of the Under-Secretary-Generals of the United Nations with regard to the human rights issues in North Korea as well.

Mr. MARINO. We also need to get countries on the continent of Africa voting more with the United States on issues like this. Mr. Shin, I just have to ask how did you escape?

Mr. D. SHIN. I had no specific plan or thoughts of escaping when I did escape.

Mr. MARINO. Let me stop you there. I just thought of something. I don't want you to reveal something that would let the North Koreans know how people could escape. Okay. That is fine. Go ahead, sir.

Mr. D. SHIN. So for the first 24 years of my life, I did not know anything about the outside world but through meeting somebody who had been in the outside world who had been sent to the prison camp and meeting this person and knowing and hearing about the outside world and the food that people outside the camps ate I began to have curiosity and interest regarding the food and what people ate outside the prison camp.

And simply put, my plan when I decided to escape was that I would escape and just for one meal—at least for one meal and I would eat until I was very full and if I was caught and publicly executed then I would die satisfied, having eaten a full meal.

So the person that told me about the outside world who had been sent to the prison camp he and I attempted to escape together from the prison camp by crossing the electrified fence. And, of course, the prison camp system in North Korea is not one that is easy for the prisoners to escape from.

So my colleague—the inmate who was escaping with me, he was caught in the electrified fence and he unfortunately did not make it out and I myself—my legs were caught in the electrified fence and I was injured on my way out from the prison camp crossing through the electrified fence.

So many inmates in the prison camps in North Korea do not know about what is going on in the outside world. They cannot access information from the outside world.

So for me when I heard about what was going on in the world outside the prison camp for me the biggest interest that I had was in the food, the meals that the people ate in the world outside the prison camp.

Mr. MARINO. Thank you. I am going to have to read the book. The chairman pushed my button when he raised Dennis Rodman's name and I am going to make it perfectly clear that Dennis Rodman does not represent the United States, any part of it, when it comes to North Korea.

He is an embarrassment to the United States and the only way that he can redeem himself is to publicly, here in the United States, condemn Kim Jong Un and his criminal thugs and not visit North Korea again until he persuades his sidekick over there to step down and stop killing people.

But we know that that is probably not going to happen. I am a little bit of a history buff and a very amateur presidential historian, and Ambassador or Dr. Shin, can you answer this question for me? If Truman would have listened to MacArthur, would we be where we are at today and would China have entered into the war to cause a full-fledged third world war?

Ambassador NATSIOS. That is a very good question. I understand why President acted as he did—and I am a fan of President Truman. I think he is one of our great Presidents. He created the post-

World War II international order and I think MacArthur is one of our greatest military leaders in the 20th century.

But he was insubordinate and that is unacceptable, in my view, for any military commander to be insubordinate to the President of the United States. However, on the matter of whether his plan was right, I think he was right and I don't think we would be dealing with this horror that the North Korean people have had to endure all these years if President Truman had taken a—but a lot of Americans had already died, a lot of Koreans had already died. I understand why he did it but I think he was wrong.

Mr. MARINO. China had already crossed into North Korea.

Ambassador NATSIOS. They drove us back and then we drove them back.

Mr. MARINO. Do you have a theory as to how much more China would have been involved in expanding their troops into North Korea?

Ambassador NATSIOS. I think we now know from histories that have been written what Mao's motivation was and it was Stalin actually who precipitated this whole thing because he wanted to take pressure off him in Europe.

He wanted us to move troops from the European theater to Korea and that is what he succeeded in doing. The Soviet archives were open. They are not open anymore. But in the 1990s we knew a lot more.

Mr. MARINO. So much for democracy, huh?

Ambassador NATSIOS. Pardon me?

Mr. MARINO. So much for democracy.

Ambassador NATSIOS. So much for democracy. We know, for example—this is the most embarrassing thing that has happened to the North Korean Government—is the Russian archives show that Kim Il Sung was simply a tool of Stalin. He was put in power by Stalin.

He was ordered by Stalin to do what he did and the notion that he was some independent guerilla is a complete fabrication of North Korean propaganda. He was a puppet of the Soviet leadership for their own purposes.

Mr. MARINO. I agree. Doctor.

Mr. C. SHIN. Well, I would like to say it like this. The Korean War is kind of the unsung victory of the alliance between the Republic of Korea and the United States. It is a total contrast when we compare the current situation of human rights in both Koreas. This would be an answer to your questions.

Mr. MARINO. Thank you, gentlemen.

Mr. SMITH. Just one final concluding question, if I could. I have lots but the hour is late. What is next for this U.N. Security Council, in your view?

As you, Dr. Shin, point out and as we all know the U.N. COI recommends that the U.N. Security Council refer the human rights situation in North Korea to the ICC as well as enact and implement targeted sanctions against those who appear to be responsible for carrying out crimes against humanity, and as you point out in your testimony it is not the people of North Korea that are targeted.

It is individuals and that has been the move increasingly in legislation here as well, whether it be the Belarus Democracy Act or the Magnitsky Act or any of these others, targeting the people who are doing their horrific crimes.

But when do you think the U.N. Security Council will take any of this up? You know, are we talking about weeks? Months? God forbid, years? Not years. Okay. When do you think?

Ambassador NATSIOS. Do you have any sense?

Mr. C. SHIN. No.

Ambassador NATSIOS. Trying to predict what the United Nations is going to do is a difficult thing. I think it is a matter of months.

Mr. SMITH. There is a Human Rights Council coming up in——

Ambassador NATSIOS. Yes, there is.

Mr. SMITH. The ICC.

Ambassador NATSIOS. So there are many forums in which these issues can be raised and I am hoping the United States will continue to raise them with other countries and I actually think the more books are sold—Mr. Shin's—actually the more pressure that there will be for other countries, not only in the Council but in other forums within the United Nations to press for action, and I think this relentless pressure on every front is what is going to change things.

They don't want to be isolated. They are already isolated. But there is another factor I just want to say that is going on that we are not getting at this hearing, that is not understanding in the United States and there are many people in South Korea in denial.

The Chinese are taking over the North Korean economy. They believe that they are a huge security risk. They don't want them to have nuclear weapons or the missiles because it is threatening the stability of the peninsula and South Korea is a major trading partner, as you said, with China.

They don't want threats to South Korea either and the Chinese are upset with the North Korean leadership. So what they have done are two things that are fascinating. Since 2011 there has been a massive increase in trade, billions of dollars. It is in extractive industry, it is coal, it is minerals, some rare earth metals, gold, and the Chinese are bringing technology in and there is not many—they are not manufacturing anything in North Korea that they want but North Korean—the Chinese industrial output needs these metals and coal.

And it is in the billions of dollars and that money is flowing into North Korea now. The second thing the Chinese are doing——

Mr. SMITH. And at fair value? Because what they are doing in Africa is that——

Ambassador NATSIOS. It is not fair value.

Mr. SMITH [continuing]. Pennies on the dollar.

Ambassador NATSIOS. Because they are the only trading partner—serious trading partner of North Korea——

Mr. SMITH. So they are fleecing North Korea.

Ambassador NATSIOS. Yes, and Chinese merchants are the only ones doing business with North Korea now. The other thing that is happening in the North is that the Chinese are building a massive industrial complex in China along the border with the Tumen River and the reason they are doing that is the way the Chinese

economy—I don't know if you know this—but because of what has happened in Hong Kong under the British when they went to a free market economy there was this massive economic growth.

Chinese workers from China were going every day to work in the factories in Hong Kong. They were coming back with their money, buying TV sets. They were better fed than anyone else in China was, and some Beijing party bureaucrats went down saying how come everybody is better fed—how come people are better dressed—how come they have television sets in their houses and no one else in China does, and they told the story.

These workers are all in Hong Kong. So they went and looked at what Hong Kong had done and they made a policy decision to experiment. This was under Deng Xiaoping. And they decided to do what Hong Kong did in the provinces around Hong Kong. It worked. They extended it to the rest of the country.

I believe what the Chinese are doing now with this massive industrial—there are some articles that have been written on it in some depth. They are building an industrial infrastructure and investing billions of dollars in China hoping the North Koreans will go across the border, work there, bring the money back and that will begin to change the North Korean economy the same way that the Chinese economy was changed through Hong Kong.

I believe that is what their plan is. Whether it will work is a different matter. But the North Koreans privately are very nervous that the Chinese in fact are economically taking over their country, and they are. You know the currency that is used other than dollars and the South Korean currency in the markets? They don't use North Korean currency. They are useless. They use Chinese currency. So they don't even have control over their own monetary policy.

Mr. MARINO. Chairman, if I may—if I may. I am a student of China and you bring up a good topic and, you know, China—people think China wants to rule the world militarily. That is not true.

They are doing—they are trying to do it financially and they will do it financially. Look at the investments China is making on the east coast of the continent of Africa—their refineries, the oil, the gas.

Look at the investments that they are making in Afghanistan for precious metals, rare earths because of the technology age that we need these materials to run our iPads and our phones and who knows what is coming up in the near future.

They are very smart when it comes to that and the fact that they undervalue their currency, the yuan, and overvalue our currency, U.S. dollar, we better watch out because it is going to come to a point where China is going to step forward.

If we are downgraded again in this country financially China will step forward and say to the world, take a look at us. They will let their yuan rise to its real level of value, our dollar will plummet, inflation will skyrocket.

China is buying gold by the boatloads and they are going to say look, we have virtually no debt. We have most of the outside debt from the United States and we can back it with gold.

So we better get our act together here and in Europe and around the rest of the rest of the world when it comes to finances concerning China.

Mr. SMITH. Dr. Shin, did you want to speak to——

Mr. C. SHIN. Yes.

Mr. SMITH [continuing]. What's next in the U.N. Security Council?

Mr. C. SHIN. When it comes to the Chinese position on international criminal justice I think we are not talking about the normal violation of human rights.

We are talking about widespread, systematic and gross violations of human rights which amount to crimes against humanity that the International Criminal Court has jurisdiction over.

So we have to persuade China not to exercise, I mean, political power such as veto powers in the United Nations Security Council when it comes to—when dealing with these kinds of crimes against humanity—I mean, jus cogens peremptory norms that deal with prevention of crimes against humanity and genocide.

Mr. SMITH. Thank you.

Ambassador NATSIOS. Let me make one last statement about the food issue with respect to China. China has been giving food to North Korea for some time but they just give it to them. We know what the North Koreans do with it. They give it to the military.

They give it to the capital city, to the Communist Party, to the Secret Police who get even a higher ration than military officers do. The Secret Police are critically important to the regime's survival.

I have tried to tell the Chinese it is not in their interest to simply turn the food over. Who is escaping into China? The elites? Of course not. It is poor people who are hungry. That is the principal reason they leave.

That is why Mr. Shin tried to escape from prison. It wasn't because of freedom—he didn't know what freedom meant. He said it in his book. He said it today. He was hungry, okay. If the Chinese Government wants to stop, create a positive incentive for stopping the mass population movements across the border, which they have cut down anyway—there has been a 50-percent drop in defections in the last couple of years and I put that in my testimony—what the Chinese need to do is to work with the United Nations and the United States.

If they are going to do a food program, insist on international conventions that can prevent the food from being diverted by the elite. Why?

If you feed the poor there is going to be less motivation for crossing the border. It is in the Chinese interest, frankly, to follow international conventions on these issues because if you create the positive incentive the incentive won't be there for them to leave.

Mr. SMITH. Are there any plans afoot for the World Food Programme or USAID? Because that—the diversion issue was always big, I know.

Ambassador NATSIOS. There was a time——

Mr. SMITH. So the Chinese would be the ones we need to have that conversation——

Ambassador NATSIOS. There was talk about a food aid program but after they did the last nuclear test that shut down everything.

Even I, and you know how strong I have been on this issue, I said I am fed up with them.

Mr. SMITH. The thought of the International Committee of the Red Cross—are any monitors getting into the prisons? Is that——

Ambassador NATSIOS. We have raised it.

Mr. SMITH. I know you have and you raised it again in your testimony.

Ambassador NATSIOS. I don't think they are going to let them in there.

Mr. SMITH. Okay.

Mr. D. SHIN. There is one last thing that I would like to say to you, and what I would say is that when we see the young dictator, Kim Jong Un of North Korea, living in luxury, drinking expensive wine and smoking expensive cigars and Dennis Rodman going over there and spending time in luxury with Kim Jong Un, the American people saw this and saw that Dennis Rodman was helping Kim Jong Un in this sort of lifestyle that he was leading.

And also that almost more than half of the tourists that go to North Korea are U.S. citizens. Americans are going to North Korea and that despite the economic sanctions and the decrees from the State Department telling American citizens not to travel to North Korea, American citizens on their free will are travelling to North Korea and they are spending money on their own and the money that they spend is allowing Kim Jong Un to continue to live in luxury, to drink the fine wine and to smoke the fancy cigars and footing the luxurious lifestyle of Kim Jong Un.

And as a victim of the North Korean dictatorship, when I see American citizens going to North Korea as tourists, spending money, that is something that I oppose and something that breaks my heart when I see that. And it is very unfortunate for me to see American citizens going there as tourists and spending their money that is supporting the dictatorship.

When I see that happening, that is very disappointing for me to realize what is going on.

Mr. SMITH. Ambassador Natsios, Dr. Shin, Mr. Shin, thank you so very much for your powerful testimony and I can assure you we will widely disseminate this and will help not only me but members of this committee to be more informed and absolutely more motivated.

And Ambassador Lee, thank you for your statement and your call for a global mobilization and that red line. I think that is something we really need to stress.

Without objection, a testimony submitted by the United States Commission on International Religious Freedom will be made part of the record. Anything further?

Mr. MARINO. I agree with Mr. Shin concerning travel. That is another failure on the part of the Obama administration and that he could very easily put a stop to that.

Mr. SMITH. The hearing is adjourned and thank you very much.

[Whereupon, at 4:51 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Record

SUBCOMMITTEE HEARING & BRIEFING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-NJ), Chairman

June 11, 2014

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN briefing and hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2200 of the Rayburn House Office Building (and available live on the Committee website at www.foreignaffairs.house.gov):

DATE: Wednesday, June 18, 2014

TIME: 2:00 p.m.

SUBJECT: Human Rights Abuses and Crimes Against Humanity in North Korea

BRIEFER: The Honorable Lee Jong Hoon
Ambassador-at-Large for Human Rights
Republic of Korea

WITNESSES: The Honorable Andrew Natsios
Co-Chair
The Committee for Human Rights in North Korea

Shin Chang Hoon, Ph.D
Director
Center for Global Governance
Asan Institute for Policy Studies

Mr. Shin Dong Hyuk
Survivor of North Korean prison camp

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Africa, Global Health, Global Human Rights, and International Organizations* HEARING

Day *Wednesday* **Date** *June 18, 2014* **Room** *2200 Rayburn HOB*

Starting Time *2:01 p.m.* **Ending Time** *4:51 p.m.*

Recesses [1] (*2:20* to *2:40*) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Human Rights Abuses and Crimes Against Humanity in North Korea

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Karen Bass, Rep. Tom Marino, Rep. Mark Meadows

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

Rep. Trent Franks*

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Crimes against humanity report, submitted by Ambassador Lee
Statement from the U.S. Commission on International Religious Freedom, submitted by Rep. Chris Smith

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *4:51 p.m.*

Gregory B. Simpkins
Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE LEE JONG HOON, AMBASSADOR-AT-LARGE FOR HUMAN RIGHTS, REPUBLIC OF KOREA

Hogan Lovells

Crimes against humanity

An independent legal opinion on the findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea

May 2014

A report commissioned by Human Liberty

INTRODUCTION AND SUMMARY

This document has been prepared by Hogan Lovells, a global law firm with significant human rights and international law capabilities, on behalf of Human Liberty. Human Liberty is a network of non-profit organisations that work to protect human liberty and fundamental freedom, with a specific focus on the DPRK. Further information on Human Liberty can be found at www.humanliberty.org.

Human Liberty instructed Hogan Lovells to produce this document as an independent and impartial legal opinion on the methodology, conclusions and recommendations of the COI Report, which was first published on 17 February 2014 and then formally presented to the UNHRC in Geneva on 17 March 2014.[1]

In producing this opinion, we have reviewed the COI Report and the Summary of Findings, as well as the materials listed in the Bibliography. We have also reviewed a number of testimonies taken from DPRK refugees by the Government of the ROK, which have been translated for us by TransPerfect Legal Solutions, an independent translation service. Although we do not know enough about the conditions under which this evidence was collected to be able to satisfy ourselves that it meets the same standards as the evidence taken by the COI, these further testimonies do appear to corroborate the findings of the COI and highlight the continuing need to make a record of the events that are occurring in the DPRK.

We have also noted (and have addressed in this opinion) the specific criticisms of the COI Report that were set out in the DPRK's response to the report which is annexed to this opinion at Annex 1. Those criticisms include the following:

(a) that the setting up of the COI was based on the desire of the US, the EU and Japan (among others) to eliminate socialism under the pretext of human rights;

(b) that the COI was controlled by the US and other nations who are hostile to the DPRK;

(c) that the COI Report has fabricated evidence and concocted findings of human rights violations in the DPRK; and

(d) that any interference by other countries in the internal affairs of the DPRK would offend the principle of the sovereignty of nation States.

This legal opinion starts, in section 1, by setting out the background to the COI, in particular concentrating on the reports and resolutions of various UN bodies since 2003 in respect of the human rights situation in the DPRK. It then goes on to examine the establishment of the COI itself, before summarising the progress that has been made since the COI formally presented its report to the UNHRC on 17 March 2014.

In accordance with our instructions from Human Liberty, we have conducted a careful assessment of the COI's methodology, in particular as regards evidence gathering and evaluation. That assessment is set out in section 2. Careful analysis of the COI's methodology was a particularly important part of our review, as we recognize that the validity of the COI's findings significantly depends on its approach to gathering and assessing evidence. Evidence-gathering was made difficult for the COI as a result of its inability to gain access to the DPRK itself. However, the COI held extensive public hearings, gathering over 320 first-hand witness and expert testimonies about life in the DPRK. The COI then considered whether that evidence gave rise to reasonable grounds to suspect that human rights violations and crimes against humanity had been committed such that further investigation was justified. As we explain in section 2, our view is that the COI adopted a rigorous approach to gathering

[1] Both the COI Report and the Summary of Findings are available at: http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx.

and analysing evidence, and also an appropriate standard of proof. On that basis, we can find no reason to doubt the adequacy or suitability of the COI's methodology.

Section 3 summarizes the findings of fact by the COI in relation to human rights violations. In terms of legal analysis, we agree that the evidence before the COI compellingly suggests that the DPRK has committed – and continues to commit – severe human rights violations. Section 3 also considers whether there may be further violations of the right to safe and healthy working conditions under the ICESCR, on the basis of the additional testimonies that we have received from the ROK Government in relation to the treatment of those DPRK citizens who work in nuclear plants and facilities.

The COI Report includes findings that DPRK officials have committed serious human rights violations amounting to crimes against humanity, entailing:

> *extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation.*[2]

Section 4 sets out our analysis of the COI's findings in relation to crimes against humanity. On the basis of that analysis, we agree with the COI that crimes against humanity have been committed and are still being committed across the DPRK as a matter of State policy, and that compliance with such policies appears to be ingrained at the highest levels of government.

In addition to those crimes against humanity identified by the COI, section 4 considers whether a further crime against humanity may be established on the basis of the DPRK's policy of sending labourers abroad to earn foreign currency. This is an important question, given the potential implications for the jurisdiction of the ICC, which we explore in section 7. We consider there to be strong indications that the DPRK's treatment of its citizens who are forced to work abroad may amount to enslavement and imprisonment, both of which amount to crimes against humanity, and in our view this warrants further investigation.

Section 5 considers genocide. The COI Report touches on this topic, but the COI ultimately concluded that it had not seen sufficient evidence to make findings on genocide. In any case, the COI did not consider it necessary to investigate allegations of genocide, in light of the extensive evidence of crimes against humanity and of the seriousness and gravity of such crimes. While we understand this approach, we also consider that there may be a case for arguing that the DPRK has committed, and continues to commit, genocide, particularly in respect of the regime's targeting of civilians classified as "hostile" by the DPRK authorities, persons practicing Christianity, and children of Chinese descent. Again, we consider that this warrants further investigation.

Section 6 considers the question of accountability, in particular at institutional and individual level.

Section 7 addresses the COI's recommendations. In addition, we have considered whether there are any further practical recommendations that might be added to those published in the COI Report. In doing so, we have focused on the possible mechanisms that might be used to bolster the sanctions against the DPRK in an appropriately targeted way and on the possibility of an investigation and prosecution by the ICC.

In section 8, we set out a summary of our conclusions and possible next steps. Those conclusions include a full endorsement of the findings of the COI as well as an expression of our unreserved support for the COI's recommendations.

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[2] Summary of Findings, para. 76.

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Finally, it is important to note that, while this opinion summarises some of the COI's analysis and conclusions, it does not cover or refer to the entire contents of the COI Report. For that reason, it is clearly no substitute for reading the COI Report and the Summary of Findings themselves (both of which are available at: www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx), as well as the public witness testimonies that were given to the COI (which are available at: www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/PublicHearings.aspx).

The complete report can be accessed at

http://humanliberty.org/wp-content/uploads/2014/06/20140612-DPRK-Report.pdf

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

STATEMENT FOR THE RECORD

FROM THE

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

FOR THE HEARING ON

HUMAN RIGHTS ABUSE IN NORTH KOREA

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

OF THE

HOUSE COMMITTEE ON FOREIGN AFFAIRS

JUNE 18, 2014

Given the June 18, 2014 hearing on *Human Rights Abuse in North Korea*, The U.S. Commission on International Religious Freedom (USCIRF) is pleased to submit for the record the chapter on North Korea from USCIRF's 2014 Annual Report.

NORTH KOREA

Key Findings

The government of North Korea tightly controls all religious activity and perpetuates an extreme cult of personality venerating the Kim family as a pseudo-religion. Individuals engaged in clandestine religious activity are arrested, tortured, imprisoned, and sometimes executed. Thousands of religious believers and their families are imprisoned in penal labor camps, including refugees repatriated from China. Based on these systematic, ongoing, egregious violations, USCIRF again recommends that North Korea be designated a "country of particular concern," or CPC. The State Department has designated North Korea a CPC since 2001.

Background

The Democratic People's Republic of North Korea (DPRK or North Korea) remains one of the world's most repressive regimes, with a deplorable human rights record. The DPRK has long operated an all-encompassing personality cult requiring absolute obedience to the Kim family. Improvements in human rights or religious freedom are unlikely as long as the personality cult continues. Information from North Korea is difficult to gather and verify, though North Korea asylum-seekers and organizations providing humanitarian assistance to North Koreans continue to report severe religious freedom abuses. In March 2013, the UN Human Rights Council established the Commission of Inquiry on Human Rights in the

Democratic People's Republic of Korea to "investigate the systematic, widespread and grave violations of human rights . . . with a view to ensuring full accountability, in particular for violations, which may amount to crimes against humanity." The findings released in February 2014 found "an almost complete denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression, information and association."

All unapproved religious activity is prohibited. Approved activity, primarily in Pyongyang or at important Buddhist sites, is small in scope, tightly controlled, and managed for either tourism or international consumption. North Korea maintains a *songbun* system, which classifies families according to their loyalty to the Kim family; religious believers have the lowest *songbun* rating. Spreading Christianity is a political crime. Many religious believers are incarcerated in infamous penal labor camps (*kwan-li-so*). It is estimated that there are 150,000 to 200,000 prisoners currently in these camps, with as many as 15,000 incarcerated for religious activity. Religious prisoners reportedly are treated worse than other inmates and subject to constant abuse to force them to renounce their faith.

The government reportedly interrogates North Korean asylum-seekers repatriated from China about their religious belief and affiliations, and mistreats, imprisons, and sometimes executes those suspected of distributing religious literature or having connections with South Korean religious groups. Defectors from police and intelligence agencies have reported that security officials train border guards about the dangers of religion and infiltrate Protestant churches in China to catch worshippers.

Religious Freedom Conditions 2013–2014

Government Control of Buddhism

The state-controlled press reports that Buddhist ceremonies are carried out in various locations, although this is impossible to verify independently. According to former North Korean refugees, Buddhist temples and shrines are maintained as cultural heritage sites and do not function as places of worship or pilgrimage.

Government Control and Repression of Christianity

Pyongyang contains one Catholic church, two Protestant churches, and a Russian Orthodox church. The government claims that there are 500 officially-approved "house churches" in the country. South Korean academics report that participants in these gatherings are those whose families were Christians before 1950 and as such, may gather for worship without leaders or religious materials. The Database Center for North Korean Human Rights (NKHR) reports that anyone caught possessing religious materials, holding unapproved religious gatherings, or being in contact with overseas religious groups is subject to severe punishments. Recently-published refugee testimony indicates that the wife of a Chinese military officer was publicly executed in 2009 for possessing a Bible; 23 Christians were arrested in 2010 for belonging to an underground church in Kuwol-dong, Pyongsong City, South Pyongan Province; and a family of three was taken to a political prison camp in 2011 for conducting worship services in Sambong-gu, Onseong-gun, North Hamgyeong Province. According to South Korea press reports, as many as 80 people were executed in the past year for watching South Korean entertainment videos or possessing Bibles. In April 2013, U.S. citizen Kenneth Bae was sentenced to 15 years of imprisonment for national security crimes based on his work for the evangelical organization Youth With A Mission.

North Korean Refugees in China

Reports continue to surface that individuals forcibly repatriated from China are systematically interrogated about any contacts with churches and missionaries from South Korea or the United States, and those suspected of becoming Christian, distributing religious materials, or having ongoing contact with foreign groups are harshly treated. The government reportedly offers rewards to its citizens for

providing information leading to arrests for cross-border missionary activities or the distribution of religious literature.

Recommendations for U.S. Policy

Despite the difficulty of achieving improvements in human rights and religious freedom in North Korea, U.S. officials should continue to raise these issues in their limited engagement with the North Korean government and seek to make progress where possible, including in areas such as prisoner releases. In addition to recommending that the U.S. government continue to designate North Korea as a CPC, USCIRF recommends that the U.S. government should:

- Coordinate efforts with regional allies, particularly Japan and South Korea, to raise human rights and humanitarian concerns and press for improvements, including closure of the infamous penal labor camps;

- Encourage Chinese support for addressing the most egregious human rights violations in North Korea, and raise regularly with the government of China the need to uphold its international obligations to protect North Korean asylum seekers in China, including by allowing the UN High Commissioner for Refugees (UNHCR) and international humanitarian organizations to assist them and ensuring

- that any repatriations to North Korea do not violate the 1951 Refugee Convention, its 1967 Protocol, or the Convention Against Torture; and

- Implement fully the provisions of the North Korean Human Rights Act of 2012, and use authorized funds to increase access to information and news media inside North Korea, increase the capacity of NGOs to promote democracy and human rights, protect and resettle refugees, and monitor deliveries of humanitarian aid.

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