

THE PLIGHT OF NORTH KOREANS IN CHINA: A CURRENT ASSESSMENT

ROUNDTABLE

BEFORE THE

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

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THE PLIGHT OF NORTH KOREANS IN CHINA: A CURRENT ASSESSMENT

MONDAY, APRIL 19, 2004

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The roundtable was convened, pursuant to notice, at 2 p.m., in room 2200, Rayburn House Office building, John Foarde (staff director) presiding.

Also present: Karin Finkler, Office of Congressman Joe Pitts; Rana Siu, Office of Lorne Craner, Assistant Secretary of State for Democracy, Human Rights, and Labor; Christian Whiton, Office of Paula Dobriansky, Under Secretary of State for Global Affairs; Susan Roosevelt Weld, general counsel; Chris Billing, communications director; and Carl Minzner, senior counsel.

Mr. FOARDE. Good afternoon. On behalf of Chairman Jim Leach and Co-chairman Chuck Hagel of the Congressional-Executive Commission on China, and all 23 of our Commissioners, let me welcome you to this issues roundtable.

We are pleased that so many of you managed to get the room change notice and come to the proper room, particularly our panelists. We are joined today by a number of personal staff to our Commissioners, which is a tribute to the importance of this issue.

We come together this afternoon to talk about North Korean migrants in China. An estimated 300,000 North Korean migrants now live in northeast China on the Chinese side of the border between North Korea and China. By all accounts, their numbers are growing. Many have evidently fled the North Korean Government's political persecution and the severe food shortages there.

But Chinese authorities have declined to grant these North Korea migrants the status that they deserve as refugees. The Chinese Government evidently fears that doing so would encourage a greater flood of migrants across the border. Beijing terms these migrants as economic migrants and does not permit them to seek the help of the U.N. High Commissioner for Refugees [UNHCR].

Those that do get across the border face discrimination and exploitation, but their principal fear is that the Chinese Government will invoke a longstanding treaty provision with North Korea and repatriate them forcibly to the DPRK, where they would face near-certain punishment.

Despite the distress of these migrants, the Chinese Government has not been willing to allow international aid groups into the border area to provide aid. There are several documented cases of South Korean aid workers and a South Korean photojournalist who

was just released who have been detained by Chinese authorities for activities that can only be described fairly as helping these North Korean migrants in China.

But the tide is turning, I think, and the pressure is ratcheting up. In Washington this spring, the U.S. Congress is now considering H.R. 4011, the North Korea Human Rights Act of 2004, which seeks to promote human rights and freedom in North Korea.

We wanted to spend a few minutes this afternoon examining the current situation of North Koreans in China and looking at the near-term prospects for any signs of positive change for the migrants.

To help us with this discussion, we have three experienced and distinguished panelists. Joel Charny is vice president for policy at Refugees International. Refugees International has been one of the premier NGOs dealing with refugee and asylum matters worldwide for a number of years. Suzanne Scholte joins us. She is president of the Defense Forum Foundation and the U.S. partner of the Citizens Alliance for North Korea Human Rights. She will say more about her work, as I am sure Joel will about his. And we are particularly pleased to have with us from South Korea Mr. Kim Sang Hun, an activist on behalf of North Korea refugees, with much experience and a very interesting statement to share with us.

As we have told our panelists, our procedure here is to let each panelist speak for 10 minutes to make an opening statement. After about 8 minutes, I will tell you you have 2 minutes remaining.

When each of the three have spoken, then we will open it up to questions and answers by the staff panel here. We will go as many rounds as we have time for before about 3:30, unless we run out of questions. And I have the sense that we probably will not, because the issues are interesting and profound.

So, without further ado, let me recognize Joel Charny, vice president for policy at Refugees International. Joel, thank you.

**STATEMENT OF JOEL R. CHARNY, VICE PRESIDENT FOR
POLICY, REFUGEES INTERNATIONAL, WASHINGTON, DC**

Mr. CHARNY. I would first like to thank you and the staff of the Congressional-Executive Commission on China for the opportunity to present testimony on the situation for North Korean refugees.

North Koreans in China are extremely vulnerable to arbitrary arrest and deportation back to North Korea, where they endure sentences ranging from several months in labor training centers, to long-term imprisonment, to execution, with the severest penalties reserved for those known to be Christian activists or known to have been in contact with South Koreans about the possibility of reaching the South.

While the long-term solution lies in improving conditions inside North Korea, short-term solutions to protect North Korean refugees must involve changing their treatment by the Chinese. That is why I am really pleased that we can have this dialog, because over the long term, the problem is clearly the North, but in the short term, the crux of the problem is in China.

I will be honest with you. Refugees International [RI] and other advocates have really struggled with how to move China on this issue. At this point, I do not see much movement. So if we can

strategize together on how to raise this issue to the level that the Chinese actually have to do something, I would be very open to that discussion and dialog and thinking about strategies.

I want to put this in the context of the Human Rights Act, or the North Korea Freedom Act in the Senate. As good as those provisions are, without change from China it is basically symbolic politics. We can say we will take 50,000 North Koreans into the United States, but until the Chinese allow us access to North Koreans in China, it is a moot point. It is a statement. It has no practical value. The idea of providing large-scale assistance to refugees in China is similar. Again, the Chinese would block those measures, so how do we move China?

I will present a brief summary of my written testimony. I assume this is like a regular hearing, where the full written testimony will be entered into the record. My testimony is based on one week in Jilin Province in China in June 2003, interviewing 38 North Korean refugees ranging in age from 13 to 51. That is a very limited experience, but it was a very powerful experience to talk to people, especially those who had crossed recently, and hear stories of the shattering experience that people had had inside, often having to abandon relatives or watch the death of relatives and then decide to leave.

Then they cross into China, and what they see in China is staggering. They have been told their whole lives that North Korea is paradise, that China is kind of a deviant from communism. You, as a North Korean, live in the most perfect place on the planet. Obviously, they know that they do not, or they would not be leaving.

But when they get to China and see, in the same ecological zone, in the same place, people eating rice three times a day, it is completely shattering. The first person we interviewed, when we asked him, "What is your reaction to China"—he had crossed three days before—he started crying. He was crying because his whole life had been devoted to trying to survive in a place where survival is practically impossible. Then he crosses a river that is 50 yards wide and it is as if he is on another planet. That contrast between North Korea and China is shocking to people and one that all North Koreans have to deal with when they first cross.

I want to stress that the primary motivation of North Korean refugees to cross the border is survival. You are not crossing so you can get a good job at a factory. So I would prefer to look at the flow of people across the border in terms of survival, not in terms of access to economic opportunity.

Now, there is a bit of dispute on the numbers. I will say, we incline to the lower estimate based on our experience in China and discussion with other groups. I think the numbers are more like 60,000 to 100,000 in China at the moment, not 300,000 that you see reported.

The reason for that gets to another point I want to make, which is that the border is a lifeline. A lot of North Koreans cross—not to live in China or to go to South Korea or to come to the United States—they cross to make contact with groups that are assisting North Koreans in China and then they carry medicine and food back into North Korea to help themselves and to help their families. So a lot of the movement is back and forth across the border.

I think that is part of the policy challenge, because anything that you try to do for North Koreans needs to keep in mind that that border is a lifeline, and if the border is shut down, that is problematic for the survival of North Koreans.

Fifty percent of the refugees that I interviewed had been arrested and deported at least once. The treatment of the refugees upon being deported was consistent: Two months of captivity in a "labor training center." If you read David Hawk's report issued by the U.S. Committee on Human Rights in North Korea, you will find there the Korean term for labor training center. In those training centers, they endure harsh labor and starvation rations. This treatment, coupled with the political manipulation of food rations and employment opportunities inside North Korea, constitutes the case for considering the North Koreans in China as deserving of refugee status.

Trafficking of women is a serious problem, but based on my visit I am unable to give a precise estimate of its scope. Korean women often cross with the idea of marrying a Korean-Chinese man as a survival strategy. Indeed, the two happiest people that we met during the course of our visit to China were two North Korean women who were in stable relationships with Korean-Chinese men. The problem is that they have no legal status in China. Their children have no citizenship. They could still be picked up in the market and sent back to North Korea, even though they are married to a Chinese man. They are also extremely vulnerable to being captured and sold to Chinese husbands rather than Korean-Chinese, or to bar and brothel owners well outside the border region. I think one thing that we all need to get a handle on is the extent of the trafficking problem.

Now I will turn to strategies for protection and recommendations. I already said that the border with China is a lifeline, so we need to provide real protection while avoiding counterproductive provocations of the Chinese Government. How you do that is the challenge. China should stop arresting and deporting law-abiding North Korean refugees. We believe they could do that quietly, without making a big announcement, in a way that would not encourage the flood of people that they fear. China should clearly allow the office of the U.N. High Commissioner for Refugees access to the border region. China is not only a signatory of the Refugee Convention, it sits on the UNHCR Executive Committee. I wish the United States would do more within the framework of the HCR Executive Committee to challenge the Chinese on this issue. I think that is a possible forum in which to have a debate on this matter.

The United States should engage with China on these issues and ensure that they are an important part of our ongoing human rights dialog with the Chinese Government. Resettlement is a possible protection strategy, but again, the Chinese would have to be convinced to make this a legal process. You have the added problem that the South Koreans are reluctant to take more North Korean refugees. The United States will have to engage with both South Korea and China if meaningful numbers of North Koreans are to be resettled. Now, RI has struggled with the issue of who exactly can be an effective interlocutor with the Chinese on the changes they need to make to protect North Koreans in China.

I think anyone who has worked on human rights in China knows that confrontational tactics tend to backfire, and indeed, arrests and deportations along the border clearly spike in response to embarrassing public incidents such as embassy take-overs.

On the other hand, quiet diplomacy has utterly failed. I do not see much evidence that the Bush administration is applying any meaningful pressure, quiet or otherwise, on this issue. RI urges Members of Congress, especially from the Republican side of the aisle, to try to identify senior retired officials who have credibility with the Chinese to commit to taking up this issue with their Chinese friends. I am thinking of people with the stature as high as former President Bush himself, former Secretary of State Henry Kissinger, of retired Ambassadors. Someone whom the Chinese respect needs to be taking up this issue. If the Chinese authorities hear consistent messages of concern about the plight of North Koreans in China from people whom they trust, perhaps the government will be moved to adopt at least the minimalist protection strategy of quietly halting arrests and deportations.

Thank you.

[The prepared statement of Mr. Charny appears in the appendix.]

Mr. FOARDE. Thank you, Joel, both for a profound and provocative presentation, but also for your discipline for keeping within the time. We will be able to pick up, I am sure, some of the topics that you did not get to raise during the question and answer session.

Let me go on and recognize Suzanne Scholte, please.

Suzanne.

STATEMENT OF SUZANNE SCHOLTE, PRESIDENT, DEFENSE FORUM FOUNDATION, AND U.S. PARTNER OF THE CITIZENS ALLIANCE FOR NORTH KOREAN HUMAN RIGHTS, FALLS CHURCH, VA

Ms. SCHOLTE. Just by quick way of introduction, most of my testimony is based on is my experience in working with North Korean defectors since 1996. Thank you to Chris Billing and the Congressional-Executive Commission on China for arranging this panel discussion. I am honored to participate with these distinguished guests, Sang Hun Kim and Joel Charny, to discuss the plight of North Korean refugees in China.

One of the most avoidable and despicable tragedies of our time is occurring today in China as hundreds of thousands of starving North Korean men, women, and children have fled their homeland and crossed the border into China to try to survive. The famine which began in the mid-1990s has led to the deaths of over three million North Koreans.

The estimate of the number of North Korean refugees in China ranges between 50,000 to 350,000. Part of the problem in getting a more precise number, is that the People's Republic of China will not allow access to the region, and even denies access to the U.N. High Commissioner for Refugees, in clear violation of the international treaties China has signed. Hence, information about the situation must come from those who risk being jailed by China to help these refugees, mostly people of deep religious conviction, including Christian and Buddhist organizations.

The policy of the PRC is inhumane and should be condemned by all nations. In essence, we have a situation where a government is terrorizing starving, helpless refugees, but also terrorizing humanitarian workers who are simply in China to feed and shelter these refugees.

Please understand, I fully acknowledge China's right to protect its borders and its concern about the flood of refugees. But you have a wealth of humanitarian organizations that wish to alleviate this problem. In fact, two years ago, we got letters of commitment from 12 humanitarian organizations that wished to help establish a refugee camp to help relieve China of any burden for these refugees. There are many organizations such as Action Against Hunger and Doctors Without Borders that have left North Korea in protest of the government's diversion of their humanitarian aid that would be more than willing to assist North Koreans wherever they are.

There have been instances where the Chinese authorities did allow North Koreans to leave. Two families we were working with, the Han Mee family in 2002, and a more recent family, the Zheng family in March 2004, were allowed safe passage to South Korea via a third country. However, these are the very rare exceptions. Every week, between 100 and 200 North Koreans are repatriated. Now China defends the repatriations by claiming that the refugees are economic migrants. Yet, as soon as a North Korean crosses the border he or she immediately fit the definition of a political asylum seeker, because it is a crime against the State for a North Korean to leave the country.

I would like to submit a paper written by Tarik Radwan, an attorney with Jubilee Campaign, which outlines the violations China is committing against North Korean refugees. We know from eyewitness testimony that when North Koreans are repatriated, they are subjected to harsh sentences. In some cases, they are executed, especially if they have converted to Christianity. Since many Christians are willing to risk themselves to help these refugees, it is very common to hear of North Korean defectors converting to Christianity. Some, in fact, go back to North Korea to preach the gospel, which, as you well know, is another crime against the State in North Korea because Kim Jong-il considers Christianity to be the biggest threat to his absolute rule.

We know that pregnant women who are repatriated are forced to undergo abortions. If the babies are born alive, they are suffocated, murdered on the spot. The crime that the baby committed is two-fold: he may have been the child of a Chinese man, and he shares his mother's guilt for the crime she committed of leaving the country.

In addition to repatriating North Koreans, China penalizes its citizens for trying to help North Korean refugees and rewards them for turning them in, a double incentive. It also works aggressively with North Korean agents to catch and jail humanitarian workers. In fact, the North Korean Government offered an incentive to catch Hiroshi Kato of Life Funds for North Korean Refugees: 440,000 yen and a brand-new Mercedes Benz. Kato was in fact caught in November 2002, and jailed, but fortunately the Japanese Government stood up for him and he was released after less than a week in detention. However, today there are at least 10 humanitarian

workers in Chinese jails, 10 that we know of. Since they must work clandestinely to try to save people's lives, there may be many others.

Just to give you an example of these "lawbreakers" that China has in jail, let me just describe two of them: Reverend Dong Shik Kim, who disappeared on January 16, 2000, and Takayuki Noguchi, who was seized on December 10, 2003.

Reverend Kim is a devout Christian who felt a special compassion for the handicapped, poor, and oppressed because he had himself been handicapped after a car accident in 1986. Working in China since 1988, he became well aware of the suffering of the North Korean people and organized five shipments of humanitarian aid to North Korea. He and his wife helped North Korean athletes go to compete in the 1996 Olympics. He was helping shelter refugees in China when, on January 16, 2000, he was visited by three men who told him they wanted him to see a North Korean refugee couple who needed help. He served the three men lunch, and then the three men took Reverend Kim away and he has not been seen since.

Noguchi, of Life Funds for North Korean Refugees, was seized on December 10 with two Japanese-born refugees. Noguchi is a 32-year-old humanitarian worker whose devotion to helping others led him to become involved in trying to rescue North Korean refugees. At the time he was caught, he was trying to help two Japanese-born refugees return to Japan. Noguchi is in jail today, being held by Chinese authorities, for the crime of illegally transporting people across the border.

Regarding the repatriations, we know of incidents where North Korean defectors have been murdered by Chinese border guards and North Korean agents. On May 28, 2002, North Korean agents beat to death Sohn In Kuk, a 40-year-old refugee who had fled North Korea after his entire family had starved. His crime was crossing the border too many times. Last week, according to Durihana Missionary Foundation, a Chinese border guard shot a North Korean defector who was with a group of at least 17 who were trying to make it to Mongolia. This is the policy of China, which regards itself as a world leader, yet is committing one of the most despicable crimes against humanity in the world today.

Over the years, field surveys conducted by human rights organizations document that over 50 percent of North Korean women have been subjected to human trafficking, sold as wives to Chinese farmers, sold as sex slaves to brothels, and sexually exploited. These statistics are now believed to be much higher, because now it is not just Chinese that are selling North Korean women and young girls, but even desperate North Koreans are selling their own citizens.

Tim Peters of Helping Hands Korea believes that at least 70 percent, and possibly 90 percent, of North Korean refugee females have been victimized by trafficking. He described one such victim, Kim Mi-Soon. Kim's parents died and she was left to fend for herself, until a woman from a nearby town offered to take Kim to China to live with her relatives. She went gratefully. It was not until she reached China that she discovered the deception. The woman sold her to a Chinese man. She was sexually abused, beaten, and treated like a piece of property. Despite the abuse, Kim

considers herself very fortunate, because she will tell you, "I was only sold once. Most of the teenaged girls from my home town, 15- and 16-year-olds, have been sold three and four times as sex slaves." Many of these young women are terrified to come forward to tell their stories because of the stigma that they have to live with for the abuse they endured.

Hae Nam Ji is another example. She decided to flee North Korea after she served time in a political prison camp for the crime of singing a South Korean song. She describes the several times she was sold. In one case, the man who bought her was afraid she would try to escape while he was at work, so he took her to the factory, where she was treated like an animal in a zoo, stared at and sexually molested by the man's co-workers.

Despite these horror stories, North Koreans keep fleeing to China. Time and time again, we hear the same story from them: "We would rather die than go back to North Korea." Recently, over 100 North Korean defectors went on a hunger strike at the Tumen facility in China to protest their pending repatriation. Tumen is considered the last stop for North Koreans about to be repatriated.

Having worked on this issue for some time, and despite these horror stories, I am becoming encouraged by developments as more and more people and organizations raise their voices on this issue. As you know, the U.N. Commission on Human Rights passed a resolution last week regarding the horrible human rights situation in North Korea, and called for the appointment of a Special Rapporteur. Furthermore, Senators Sam Brownback and Evan Bayh, and Congressmen Jim Leach and Eni Faleomavaega have introduced the North Korea Freedom and the North Korea Human Rights Acts in the U.S. Congress. Next week, the North Korea Freedom Coalition will host North Korea Freedom Day, which includes a major rally on Capitol Hill and a day-long series of events to promote North Korean human rights and freedom.

In conclusion, I feel we must apply worldwide pressure on China to stop the repatriations of North Korean refugees and allow the UNHCR and humanitarian organizations access to these refugees, and the ability to set up refugee camps. We should also pressure the Olympic Committee to change the venue for the 2008 Olympics unless China stops its inhumane policy. It would be an enormously tragic farce to have the Olympic Games, which celebrate goodwill among neighbors, to be held in a country which is murdering and terrorizing its neighbors for the crime of coming to them for help. Our country should also use its economic leverage with China to stop these atrocities. We know that we cannot appeal to China on moral grounds, but they do seem to respond to economic pressure. If our governments are not willing to help, then as individuals we should consider our own economic boycott of Chinese products.

I conclude with a plea to: "Rescue those being led away to death; hold back those staggering toward slaughter. If you say, we knew nothing about this, does not he who weighs the heart perceive it? Does not he who guards your life know it? Will he not repay each person according to what he has done?"

Thank you.

[The prepared statement of Ms. Scholte appears in the appendix.]

Mr. FOARDE. Suzanne, thank you very much for another profound presentation.

I would like to move on, please, to Mr. Kim Sang Hun. Please go ahead.

**STATEMENT OF KIM SANG HUN, ACTIVIST ON BEHALF OF
NORTH KOREAN REFUGEES**

Mr. KIM. Thank you very much, Mr. Foarde, ladies and gentlemen. I wish to take this opportunity to express my deep appreciation and respect to the great American people, who are the hope and leaders for the world today for democracy and human dignity.

I am now in a rather comfortable situation because much of the text I have prepared for this occasion was picked up by other speakers and your opening statement. So, I can reduce my speech considerably.

The problems we are discussing today have been well-defined and expressed. Now, what I would like to draw your attention to is that the problems we describe here are not a simple case of a difference of opinion or interpretation. To me, this is clearly a case of Chinese arrogance and open defiance of the international community. How long are we going to tolerate China's arrogance and defiance? I am concerned that to continue to turn a blind eye to the Chinese Government's open contempt for humanitarianism today can only serve to incubate the aspiring Hitlers, Stalins, and Kim Jong-ils of tomorrow.

With your permission, I wish also to draw your attention to a separate humanitarian disaster, again, related to North Korean refugees, and equally great as those which other speakers have made reference to. On December 12, 2001, at the ministerial meeting in Geneva of states party to the 1951 Geneva Refugee Convention, Mr. Wang Guangya, then Vice Foreign Minister of the People's Republic of China, heralded the Geneva Convention and declared that the Convention "serves as a guide to action to people who are engaged in humanitarian work of protecting and assisting refugees. . ." In reality, however, as others have indicated, the Chinese authorities have been arresting and indefinitely detaining humanitarian aid workers for simply "protecting" and "assisting" refugees. It goes without saying that this is typical Chinese hypocrisy.

Reverend Choi Bong-il, Assistant Reverend Kim Hee-tae, South Korean missionary Choi Yong-hun, Mr. O Yong-pi, and Japanese aid worker Noguchi Takayoshi. Today, there are at least five humanitarian aid workers, including one Japanese, held in Chinese prisons for assisting North Korean refugees. I can only speculate, as a South Korea citizen, as to why my countrymen's government has sold out their compatriots. Blame ignorance, political agendas, or a general desire to avoid all matters North Korean; whatever the reason, it is no excuse. In the meantime, our friends and colleagues remain languishing behind bars.

Today, I am making a very special appeal to the American people for help, the only hope for us now. For me, this happens to be a very personal matter, for my friend and colleague Kim Hee-tae has been arbitrarily locked up in a Chinese prison for almost two years. Imagine, if you will, a young man, an idealist, whose only crime is his sense of responsibility to help other people in need. Kim Hee-

tae is such a person. It is only in China where assisting refugees constitutes a crime.

Reverend Choi Bong-il has been detained in a Chinese prison for over two years now, Kim Hee-tae, almost two years, without a court verdict. The Chinese Government has proven itself deaf to appeals for humanitarian consideration or pleas for mercy. Perhaps we have made mistakes in the past in dealing with the Chinese Government. This is one observation I would like to make today, and would like to share with you.

First, we seem to have failed to understand the mechanism of the Chinese bureaucracy. The Chinese bureaucrats are there to carry out the instructions from above, not to initiate anything, not to make any proposals or anything like that. Therefore, often it may happen that the appeals from abroad on behalf of North Korean refugees or humanitarian aid workers may have been left on the table, unattended by the decisionmakers. When it reaches your attention in weeks, perhaps even months, the result by that time has proved that no response was the best policy because appeals were made to the Chinese Government, but little follow-up took place. So by the time the appeals reach the attention of the decisionmaker, it appears that the case has been forgotten by almost everybody. This could have given the Chinese authorities the wrong message, that the international community is not serious with their appeals. They may think that the appeals from the international community were more or less lip service, so nobody takes it seriously.

Second, the Chinese traditionally follow the pattern of being submissive to the stronger, but showing no mercy to the weaker. This is where I may contradict one of the earlier speakers. For example, North Korean defectors who gain entrance to foreign embassies in Beijing are permitted to leave China. Foreigners are strong. The same North Korean refugees, if they are caught on the streets, are arrested and treated like cattle. North Korean refugees themselves are weak. The lesson to be learned here is that China responds only to a strong show of force.

What should we do about it? I wish to urge that appeals for humanitarian considerations or quiet diplomacy be discontinued in favor of open protest in the strongest possible terms, with determination and persistence in dealing with the Chinese. Before closing, I would like to make my observation on UNHCR, which has been mandated to protect refugees. They should be leading the charge on behalf of these refugees. In reality, it appears instead that they kowtow to the Chinese Government and not make waves. I wish to take this opportunity to ask UNHCR why it has failed to carry out the mandate and protect the refugees from being forcibly repatriated by the Chinese, when it could, by initiating the binding arbitration clause in the agreement between the UNHCR and the Chinese Government.

In closing, I am baffled as to why China chooses to be on the wrong side of history by supporting such a regime, a North Korean version of the Shanghai Gang of Four that wreaked havoc during the Cultural Revolution in China. I simply cannot understand why China is making itself an accomplice to North Korean crimes against humanity, especially when China must know that these

crimes will soon be exposed for the world to see. And just for your information, before coming here, I have come up with a drawing to show the Chinese that they are acting as an accomplice to North Korean crimes against humanity.

Thank you.

[The prepared statement of Mr. Kim appears in the appendix.]

Mr. FOARDE. Mr. Kim, thank you very much for your presentation. Thanks to all three panelists for your passionate and articulate presentations this afternoon.

We will go on now to the question and answer session. I will recognize individual staff colleagues. Each will have five minutes to ask a question and hear the answer.

I am going to begin the questioning myself this afternoon, and on behalf of my Senate counterpart, Dave Dorman, who works for Senator Chuck Hagel. Dave is traveling in China. In fact, today he is in Lhasa, along with our colleague Steve Marshall. So, he is a little bit far away to ask questions, but he did want me to ask a few things on his behalf.

I think I will start with Joel Charny, picking up on your trip to Jilin a couple of years back now. I am interested in how you went. Did you just go as a tourist and get up into Jilin and go around, or were you sponsored by the Chinese Government?

Mr. CHARNY. I am not going to get into the operational details, for obvious reasons.

Mr. FOARDE. All right.

Mr. CHARNY. But I went as a tourist.

Mr. FOARDE. So you did not have official sponsorship or anything else.

Mr. CHARNY. No. If we had tried to get official sponsorship we would not have been able to go, or after waiting for six months if we had been able to go, it would not have been a very substantive visit.

Mr. FOARDE. So just to clarify that, you were completely unhindered by any official—

Mr. CHARNY. Completely. The visit was in June 2003, and we were completely unhindered as we did the interviewing.

Mr. FOARDE. So presumably you got straight answers.

Mr. CHARNY. Oh, absolutely. I think I already cautioned you that we only spoke to 38 people. The other caution is that, especially for the people who crossed recently who were not really acclimated to China, their mind-set would be a hindrance. They are told by people that they trust that there are a couple of foreigners who want to speak to them, and then they are confronted with two Americans who are asking them probing questions about their experiences, both in North Korea and in China.

I mean, there is some limitation. I am not saying people maybe could not be completely forthcoming. Certainly for all the awful things they have been told about Americans, there might have been a tendency to be cautious or not to trust us. But if you accept those limitations, the discussions themselves were completely unfettered.

Mr. FOARDE. Really useful. This is something that any of the panelists could answer. There, of course, are a great number of ethnic Koreans in northeast China separate from whatever the numbers are of North Korean refugees that have come over. Are they orga-

nized as an ethnic group? Do they have clan associations or social organizations, or organizations that have been, or could pick up some of the work of relief for the refugees?

Mr. KIM. Other than those Christian groups, underground Christian groups, I do not think that they are organized. The whole area is a Korean autonomous area, so they have the Civil Affairs Department for organization. Other than that, no. As far as I know, they are not in any group.

Mr. FOARDE. Please, Suzanne, go ahead.

Ms. SCHOLTE. I was just going to add that one of the things that is going on now by the Chinese is that a lot of the officials in those border regions are ethnic Korean-Chinese, and they are trying to replace those officials with Han Chinese because, obviously, the Korean-Chinese are more sympathetic.

Mr. CHARNY. I was just going to make the point that there is definitely inter-ethnic solidarity, there is no question about it. The orders to arrest come from the center. There is not a big motivation for local officials to arrest people. The order comes from the center. And, as Suzanne already testified, they are offered incentives. I mean, you are offered a reward. When these orders come down, local officials are offered a reward. If you capture X many numbers of North Koreans and deport them, you get Y amount of money for each individual that you are able to arrest.

Mr. FOARDE. I think I have time for one more question here on my list. Are North Korean refugees going elsewhere, to Japan, for example, or is just to China? There was an attempt to Mongolia that one of you discussed in your testimony.

Mr. CHARNY. Well, there is this amazing underground railroad that has been set up to try and get North Koreans into Southeast Asia, where they can present themselves at a South Korean Embassy or consulate.

And, as you probably know, North Koreans are considered automatic South Korean citizens if they seek entry to the South. So if you make it to an embassy in Bangkok, or in Rangoon, or in Hanoi, you are going to be taken as a citizen by the South Koreans. Now, the numbers at present are small because of the logistical difficulties involved in the journey, but increasing numbers are making that incredible trip.

Mr. KIM. More or less similar situations with Mongolia, except during the wintertime we cannot cross people over there. They have just begun, as you have already been informed, so there will be some opportunities there. But as Joel Charny mentioned, many southeast Asian countries, we do find them coming along.

Mr. FOARDE. Suzanne? Please.

Ms. SCHOLTE. I was going to add, real quickly. There was a high-profile case of the seven that got to Russia. They were actually granted refugee status, but they were still sent back. We do not know where they are. We also know there is a population in Vietnam. There is a group in Europe that is finding that there are some that actually made it into Europe. But China is the route to get out.

Mr. FOARDE. Thank you.

Mr. KIM. When they cross to China, they find ethnic Koreans so there is no problem of communication.

Mr. FOARDE. Right.

Mr. KIM. But the moment they set their foot on the territory of Russia, they have communication problems. That is why we do not see so many of them crossing over to Russia.

Mr. FOARDE. Thanks very much.

I am going to pass the questioning on now to our friend and colleague, Karin Finkler, who represents Congressman Joe Pitts, one of our Commissioners. Karin, good to see you. Please.

Ms. FINKLER. Thank you for your testimony.

I think I would like to start with Ms. Scholte. If you could clarify further what the UNHCR position is on its dealings with the Chinese Government, that would be helpful. I do not know if that position has changed since the resolution was passed last week regarding a Special Rapporteur being designated to deal with North Korean refugees, but if you could clarify what that situation is, that would be helpful.

Mr. CHARNY. I do not think that they are doing anything. I think they are completely failing to fulfill their mandate. What I hear is that they are worried that if they really confront the Chinese on this, that the Chinese will kick them out of China.

Mr. KIM. Yes. They say, "Yes, we are trying," but China is operating—for quite a long time, we thought that was the case until—Mr. Radwan brought it to their attention and finding an arbitration clause. We were very surprised. We thought that the UNHCR wanted to do the right thing, but they did not have bullets. Now we are told that they did have bullets and did not fight, and they did not want to fight. We do not feel quite comfortable with the UNHCR. So, we in the field used to consider the UNHCR as outsiders.

Mr. CHARNY. I am going to play devil's advocate and defend UNHCR, to a degree. First, UNHCR did declare, at the October 2003 session of the Executive Committee, that all North Koreans in China are "persons of concern." What does that mean? That means that UNHCR has reason to believe that most North Koreans in China would have a claim for refugee status if UNHCR were able to examine their situation. Now, you can say, "So what?" UNHCR does not literally have bullets. They just have the means of working within international humanitarian law. For them to go out on a limb and declare all North Koreans in China "persons of concern," it does not sound like much, but by UNHCR standards, that is bold.

The second thing is, this arbitration thing I really think is a red herring. What UNHCR is saying is that they have agreements related to the technicalities of their representation in every country that they work in. They do not want to take that agreement to binding arbitration because it sets a precedent that any time they have a disagreement with a government, they are going to have to go to arbitration based on this narrow legal document. The bottom line for me and for UNHCR is this: China is violating the Refugee Convention.

That is where you want to start, not around this agreement with the government of China. In the Refugee Convention, there is a provision to take a country that is violating the convention to the International Court of Justice. That is the avenue that should be

pursued. Now, am I naive enough to think that UNHCR is going to take China to the International Court of Justice? No way. But they could if they had the political backing of the United States, of the European Union, and of other major countries that believe in the Refugee Convention.

So look at the Haitian refugee situation. I mean, UNHCR was protesting to the Bush administration every day about the Bush administration's treatment of Haitian refugees. It did not make a bit of difference. UNHCR has very little power compared to a government like that of China, so we need the United States and other powerful countries to get behind this issue, but focused on the Refugee Convention, not on this agreement.

Ms. FINKLER. In some of the testimony, the issue of trafficking in persons was mentioned. Obviously, there is some information that is filtering out. There was a recent article in the Washington Post detailing some of these issues as well. Do you know of any thorough investigative reports that are being done by organizations that deal with trafficking that are focused exclusively on the issue of trafficking in North Koreans? That question is for anybody to answer.

Ms. SCHOLTE. It is really, really difficult. Part of the problem, just to give you an example, we had a woman that was going to testify next week, and she backed out. There is such a stigma attached to it. The North Korean women, some of them do not want people to know. It is horrible. What I based my comments on are the groups that are on the ground, like Helping Hands Korea, like Tim Peters and some of the groups that he works with that are working with refugees and helping them to get resettled. But it is very difficult. I do not know of any group that is actually focused on that, but there have been reports.

Good Friends and Citizens Alliance did a survey several years ago and that is where they came up with the figure of 50 percent or more. But some of the workers that are working there think it is as high as 70 to 90 percent. But I can get those reports for you.

Ms. FINKLER. Thank you. Yes. That would be helpful.

Ms. SCHOLTE. Also, one thing I would like to mention, I would like to submit as well the list of the humanitarian workers and the refugees that we know that have been seized.

Mr. FOARDE. Please do.

Ms. SCHOLTE. This is a list that we started several years ago and have had to add to, unfortunately.

Mr. FOARDE. Yes. Please do, for the record.

Ms. SCHOLTE. It was reviewed by seven NGOs.

[The information appears in the appendix.]

Mr. KIM. Again, this is an area where no survey could be officially made, so it is up to everybody's educated estimate to educate. But inside North Korea, there is a widespread kind of rumor that women have a chance of survival if she goes to China, which is an indication that they know that, yes, you will be a victim of human trafficking, or whatever. But if you are in North Korea, you are doomed to death. Once you are in China, however disgraceful it might be, you have a good chance of survival.

So as other speakers indicated earlier, yes, many women come to China expecting that kind of arrangement to be made. And as

other speakers noted, I have seen many happy cases of men and women happily married, but a much larger percentage have been very unfortunate situations. For example, one of the women I interviewed was with a group of some 15 young girls. They were put in a Chinese van. They were crowded inside a van and they were visiting, village by village. When they reached a village, they are told to line up in front of the van. Then all the villagers come out and negotiations go on, and one or two girls were picked up by some Chinese farmers in one village. Eventually, the number became smaller. This was in 1999. So until that time, it could have been partly open. Now, I do not think they can do it, but that was the practice at one time. All kinds of things are going on, but unfortunately we are not in a position to study or to carry out any research. In fact, we have been hearing much more pathetic and tragic stories involving North Korean prostitutes in the larger cities.

Mr. FOARDE. Thank you. I would now like to pass the questioning on to a colleague from the U.S. Department of State, Christian Whiton, who represents Under Secretary of State for Global Affairs Paula Dobriansky.

Christian, Please.

Mr. WHITON. Thank you, John. I appreciate that. My first question is to Mr. Charny. You talked about, with China, starting a dialog here today about how to push them toward recognizing that it is in their interests to be more cooperative and to stop sending people back to North Korea. Mr. Kim actually made a suggestion as far as a switch in diplomatic tactics, and I was wondering if you had any reaction to that.

Mr. CHARNY. I really think you need to do both, there is no doubt. My concern on the embassy seizure or embassy invasion, as a strategy, is basically when high-profile strategies like that are used, the word comes down to arrest and deport more people in the region. So, you are basically making a tradeoff. You are saying that 50 people are safe, but X number more people are going to be arrested and deported. Is that a tradeoff that you are willing to make?

I could argue both sides of that issue because the embassy seizures have absolutely raised the profile of this issue to the point where we are having a hearing like this and it is an issue that has garnered worldwide attention. From a humanitarian perspective, though, if you face up to the reality of the impact of those tactics on families along the border, it becomes a much more difficult issue to weigh. I am not an expert on moving China on human rights issues. I feel like we are kind of grasping at straws. That is why I was throwing out the retired eminent person strategy. I think you need public, high-profile pressure. But you also need quiet, back-channel communication, in essence, to say, "Come on, you can do this. You can be humane without jeopardizing your interests." If that message is delivered quietly by people whom China respects—I am not talking about UNHCR now, I am talking about people that they have dealt with on real political issues for 30 years. If someone like Henry Kissinger tells the Chinese that they really need to do something about this issue, it is embarrassing them or lowering the respect for them in the U.S. political context, maybe they would listen.

Mr. WHITON. All right. Thank you.

Ms. Scholte, you talked about the operations of North Korean intelligence personnel in China. Is your assessment mainly that this is sort of a liaison-type relationship or do you think there is a significant presence of actual North Korean intelligence operatives in China?

Ms. SCHOLTE. Well, we have actually hosted a defector last year, and one of his tasks was to go into China and track down high-profile refugees. So, they have worked closely. The Chinese allow these North Korean agents to go in and try to track down defectors. We know in the case of Mr. Sohn, and I know you knew him, the Chinese caught him and they let the North Korean agents beat him to death right in front of them.

Mr. WHITON. And that took place in China?

Ms. SCHOLTE. Yes. You might want to comment some more on that.

Mr. KIM. Yes. I might be in a better position to answer this question. When she made reference to Mr. Kato, in fact, Mr. Kato and I were the same target of the North Korean agents. We heard from different sources that there was an offer of a money and a car for his head and my head from different sources. That is why we are absolutely convinced. The amount of the bounty, money, was 300,000 Chinese yuan, about \$35,000 U.S. dollars, or something. That amount is not for the North Korean agents to keep. This amount is for the North Korean to use for Chinese law enforcement officers so that they can help them in catching us.

There were three attempts by the North Korean authorities to kidnap Mr. Kato and me. The first one, it was a group of eight. The second time, it was a group of seven. The third time, it was a group of six from the North Korean Embassy in Laos. At that time, we were operating in the southern part of China. So they knew that, and they thought they could lay hands on us. At that time, the Chinese intelligence people told us about this, and that is how we are so certain about the activities of the North Korean agents in China.

Mr. WHITON. I understand. All right. I understand. Thank you. Do I have time for just one more?

Mr. FOARDE. We will come back.

Mr. WHITON. All right. Thanks.

Mr. FOARDE. Let me go on and recognize the other representative of the U.S. State Department who is here today. Rana Siu works for Assistant Secretary of State for Democracy, Human Rights and Labor Lorne Craner.

Rana, welcome.

Ms. SIU. I would, first, like to thank the three panelists for your testimony. I very much appreciated hearing from you. I think we all share the same goal on this issue.

My question is mainly addressed to Mr. Charny, although any of the panelists are welcome to answer. I very much appreciate your idea that we should use more creative, quiet diplomacy efforts, including enlisting the senior retired U.S. officials. Thinking outside the box, are there any other things that we can do, and should be doing?

Mr. CHARNY. Well, I have met with people both at State and in your bureau as well. Our plea is that this issue be placed on the

list at a higher level than it appears to be right now. In other words, there are so many issues that we have with human rights with China, it is hard to move anything closer to the top because the agenda is so vast.

But our plea is that this make it in the top five, that this be a subject for discussion. When the Vice President goes to China, or when the Premier of China comes to the United States, I would like to think that this could be an issue that is on the agenda.

My impression is that it is not. We are very good friends with Assistant Secretary Dewey. We have periodic meetings with him. He was headed to China. I forget the exact date of the trip; I think it was in August of last year. We pleaded with him to put this on the agenda. But his number-one agenda was the whole Chinese population policy and forced abortion, and so on. So you pick your priorities, you make your choices as to what you are going to come up with at any given time. But certainly our plea would be that this rise to the level of an issue that is part of our ongoing human rights dialog in a serious way.

Mr. FOARDE. All right. Another question? Or if you have a comment, please go ahead.

Mr. KIM. Yes. I think that this is a very clear, straightforward, and obvious case. It is not a legal argument or a controversy at all, so I wish the American Government can take a stronger position on this issue. Being diplomatic, appealing, is seen as a sign of weakness by Koreans or the Chinese.

If I may, I wish to draw your attention to a great modern Chinese writer, Lu Xun. He is considered to be the father of modern Chinese literature. One of his classical, typical short stories is entitled, "The True Story of Ah Q."

That short story was considered by everybody, both the Chinese and western scholars, a classic description, and a very precise one, of the Chinese characteristics, being merciless to somebody weaker and unconditionally submissive to somebody stronger than he is.

The South Korea Government has made mistakes for the past 10 years without learning any lessons. They always beg the Chinese authorities for mercy and it never works. When Mr. Kato was arrested, the Japanese Government was entirely different and that made the difference between seven days and two years. So, this is the lesson I wish we could learn. So, less diplomatic, and be straightforward. Speak to the Chinese directly and say, look, this is where you are making a mistake.

Mr. CHARNY. Just very quickly. This is not a government initiative, but I think Suzanne's idea of a citizen boycott is very interesting. I think to start to organize and mobilize something like that could be a way to raise the visibility of this issue. That is out of the box, but it is not government out of the box.

Ms. SIU. Ms. Scholte, in your testimony you mentioned the very troubling report that came from the Durihan Missionary Foundation. I saw that report, too, and was quite concerned. Is it your sense that this is a regular occurrence? I am talking about the North Koreans who were shot at, and one was indeed shot by Chinese border security, on their way to Mongolia.

Ms. SCHOLTE. I am going to let you answer that, too, Mr. Kim. But my understanding is, they are still repatriating between 100

and 200 a week. I think that we do get enough information out to know when the killings actually occur. So, I do think that is happening regularly. But we know in cases like this one, where we have had people on the ground that saw it, we also know that when they get sent back into North Korea, there is no way to know how many have been executed in North Korea. We had gotten plausible information that they were actually killing children who had crossed the border if they had crossed the border three times. You referred to that earlier, that there is some fluidity. That is why it is hard to get the exact number of the refugees. They are also moving in-country more, too, but that is not a controversy. But you want to answer that?

Mr. KIM. We have the names of the total number of refugees involved this time. We have been trying to find out who was killed, and we have not been able to confirm by the time I was leaving for Washington. Six of them, we believe, went to Mongolia, and we still do not know which of the six are safe and who were the people who were arrested there. But it was the spokesman of the South Korean Government who announced that Chinese authorities admitted that one refugee was shot to death during the physical scuffle.

Now, according to the South Korean Government announcement, the Chinese have said that they know one of the North Korean defectors tried to get the gun from one of the guards, and in doing so, by mistake, the bullets hit the North Korean refugees, which I find rather absurd to believe under such circumstances. Anybody trying to get a gun out of the Chinese guard's hands, outnumbering them, I think that is not likely. But the part of the whole announcement, is that the Chinese would have sent the surviving refugees back to South Korea. In the past, there were such a wishful observations, yes, Chinese have agreed, so they will be sent to Korea, but it never took place. I hope this time they mean what they said, but we will have to wait and see.

Mr. FOARDE. Thank you very much. Let me recognize our friend and colleague, Susan Roosevelt Weld, who is the general counsel of the Commission staff.

Susan.

Ms. WELD. Thanks a lot, John.

This is a very quick first question. I notice in the paper there were reports that the North Korean leader had made a quiet trip to Beijing. I assume Beijing would have other matters to discuss with the North Korean leader. Is there any chance that this kind of thing would be discussed?

Mr. KIM. Well, we are humanitarian aid workers. Normally, we stay away from politics.

Ms. WELD. All right. Could I hurry on to the next question, which is, when the humanitarian workers are arrested by the Chinese, what charges are being filed against them?

Mr. KIM. It is rather strange. The charges they brought against Mr. Kato were absolutely irrelevant. The charge brought against Mr. Kato was that he spoke to a large numbers of Chinese to agitate them into some kind of actions against the government, or something. But Criminal Code Article 318 is related to organizing illegal border crossings. Now, in the case of Kim Hee-tae, he was never involved in partaking or otherwise assisting North Korean

defectors into China or out of China. He assisted a group of refugees from a location inside China to another location inside China. No border was involved. Nevertheless, he was charged with the same article.

It appears that the Chinese take these types of cases very seriously. For example, their law says that nobody can be detained for more than 2 months and 15 days without a trial, but under certain conditions, it can be extended up to six months. In the case of Reverend Choi Bong-il and Kim Hee-tae, they were tried after over 10 months. Now, Chinese law says that the final verdict must be served within 15 days of the trial. Now, it is almost over 1 year after what they called a trial, and there is no verdict, and they are being detained. So, we just do not know what kind of situation this is. They do not seem to care about the legal provisions. They only care who is strong.

Ms. WELD. Do either Suzanne or Joel have more information about these trials?

Ms. SCHOLTE. Yes. As far as the crime, crossing persons across the border illegally, that is what they held Pastor Chung for as well. I believe they held him for nine months.

Ms. WELD. That is what it has been in all the cases.

Ms. SCHOLTE. Yes. That is in the ones I am familiar with.

Mr. KIM. Yes. He was detained for over seven months, and at that time he was trying to send 11 refugees over to Mongolia. So, yes, illegal border crossing is involved.

Ms. WELD. In that case.

Mr. KIM. Yes. But with the resolutions passed by both the House and the Senate, he was released. Otherwise, we would still have him there.

Ms. WELD. Do you have any information from the people you talked to?

Mr. CHARNY. In all honesty, the issue really did not come up on our visit. The impression I had is that the networks assisting North Koreans are under tremendous pressure, but there have not been any recent arrests. Indeed, we spoke to people who had actually been in contact with North Korean officials who were seeking assistance from their varied networks to help them improve the humanitarian situation inside North Korea, stressing once again just the fluidity of the situation. It is not a border that is like the Berlin Wall. It is a border that is fluid.

North Koreans are desperate, including local officials. They are in touch with some of the very networks that are helping refugees. I am not trying to portray the North Koreans as humanitarians. I am simply saying that, again, everyone is trying to survive and there is a fair amount of contact between local officials on both sides of the border.

Mr. FOARDE. I would like to go on now and recognize the colleague who helped organize this afternoon's roundtable, Chris Billing. Chris is the director of communications of the Commission staff.

Over to you for questions.

Mr. BILLING. Thanks, John. Thanks, all of you, for coming.

Joel, in your testimony, you said that severe penalties are reserved for those known to be Christian activists in the border area.

Why is that? I was wondering if you could all give me an answer as to how widespread the Christian activity is in the border region.

Mr. CHARNY. Well, as Suzanne, I believe, mentioned, the issue is that most of the networks that are assisting North Koreans who cross are motivated by Christian commitment, and when the North Koreans come in contact with them, some of them choose to convert, some do not. But the point is that the atmosphere is very much an atmosphere where Christians are laying their lives on the line to assist people.

Now, some North Koreans who cross make the choice that they are going to convert, and even decide that they are going to go back and engage in Christian or evangelical activity inside North Korea. If those people are known to be Christians, known to have converted, and especially known to have an evangelical agenda upon return, they are the ones who are especially vulnerable. That is my understanding of the situation.

Ms. SCHOLTE. The history of that, basically, is that the Kim Il-sung regime tried to wipe out Christianity. They consider Christians to be a threat to the regime, because Kim Il-sung is God, and they have this twisted perversion of the Holy Trinity. Kim Il-sung is God, Kim Jong-il would be the Christ figure, and the Juche ideology is the Holy Spirit. This has been stated repeatedly by this regime: that they want to wipe out all elements of Christianity. So what has happened is, because of the border crossings and people finding out that China was like a paradise, you had this constant flow back and forth and people were bringing back information, and people were being exposed to Christianity. So, this had become a real threat. They had the Black Book Campaign under Kim Il-sung, where they gave rewards for people that turned in the Bible when they were trying to wipe out Christianity.

But now, even in the camps, there are believers in the camps, and we have had witnesses testify, defectors who survived the prisoner camps, about how the camps were horrible for everyone. These are death camps. But the Christians are particularly cited for persecution. So now, because of this exposure to Christianity, there are all these underground churches that are developing in North Korea, despite the repression. But the Kim Jong-il regime considers this a major threat.

Mr. KIM. In the past, when North Korean defectors were sent back to North Korea, the interrogators' first question was, "Are you Christians," or "Were you in contact with South Korean agents?" Now the first questions include, "Have you been to church? Have you been to South Korean missionaries?" These have become the first questions. They now really feel a threat and they seem to be feeling that they are besieged by Christians.

Mr. FOARDE. I would like to recognize our friend and colleague Carl Minzner, who is a senior counsel on the Commission staff.

Carl.

Mr. MINZNER. Thank you very much. I think I will just continue to follow up on the quite interesting exchange you just had. We were talking about the activities of the Christians in Korea itself. I also wanted to ask a little bit about the activities of the Koreans on the Chinese side.

I had two questions with respect to that. First, can you describe in a little bit more detail about what sorts of activities the Korean-Chinese Christian community engages in to support Koreans who have made it across the border? The second is could you tell me a little bit more about the activities of foreign NGOs that are sending individuals into the Chinese border area to assist the refugees, particularly the churches that are sending people there? Do they distinguish between humanitarian and missionary activities or are they linked together?

Certainly, in many other places in China you have foreign Christian groups who go to China and then are engaged in providing social services, but then are also perhaps involved in sort of quiet missionary activity. Is that the same situation in the border area here? And any one of the three of you can respond.

Mr. KIM. The situation there is rather complex in the sense that everybody is doing some kind of work underground, without letting others know. They may be drinking tea together, but they do not know what the other guys are doing. Yes, many South Korean missionaries are out there in many small groups. How many of them, nobody knows. Some groups are basically interested in providing humanitarian assistance. Those people are normally, for example, getting sacks of rice and food. There are underground churches along the border. They stack food bags, pack them up, hide them up in the church and leave the lights on, and they leave it there, nobody watching the place, hoping that the bags will disappear during the night. In fact, they are hoping that North Koreans will come and pick them up and go back. This is quite a large operation which has not been very much reported on or received media attention, but this is one of the widespread types of operations.

The other one is that they are more interested in converting lost North Koreans to Christianity, but in order to do so, when you see them just across the border, they are somewhere between animals and human beings. So what you need to do, is immediately get something to drink, to eat, new clothes, socks, shoes, everything. So, you do provide them. Of course, they need shelter, which they provide. Once these things are provided, you cannot kick them out of the shelter, because then they will be arrested. You keep them inside, indoors somewhere. What are you going to do with them? Often, there they have prayer meetings and Bible class. There, some people from South Korea also come and meet them and teach the Bible, discuss Christianity, and those types of things. Some of them are so moved by their new faith that they volunteer, that they want to risk their life to bring this happy, good message to the North Korean people.

The NGOs from outside, normally they are not actually involved with doing something themselves. They have to count on Korean Chinese, ethnic Chinese operations. So ethnic Chinese are normally not in a position to help others in terms of support and finance. They are very poor people. They need somebody's help to continue their work. Humanitarian aid workers and NGOs that work from the outside are supplying their assistance to these Korean-Chinese so that they can continue with their work.

Mr. CHARNY. That was really a brilliant description. The only thing I would add, is just to stress that there are virtually no inter-

national humanitarian organizations that are operating in this part of China. There are ones like Doctors Without Borders, "Medicins Sans Frontieres," that ordinarily you would expect to be there, or the International Rescue Committee, but either they absolutely cannot operate, or have chosen not to operate because of the difficult conditions there.

Ms. SCHOLTE. I was going to make a comment, too. Some of the people who are most effective, you will never hear about them. But if you want to meet them sometime, let me know. It is amazing, the things that are going on. They have to be really creative. But sometimes the NGOs that are involved have to make an assessment on whether it is safer to keep them in China or try to get them out, and that is something you have to weigh all the time. The family I referred to earlier, the Zhang family, that was quiet diplomacy in trying to get them out. We did not go public with their case. The father had been in the military. The reason why he left North Korea, is because his troops were starving and he had crossed the border into China to get them food so they could feed their families, so the regime put him in a political prisoner camp. When he got out of the camp, he told his family: "We have got to get out of here." They were from Pyongyang, so they were part of the elite. His wife was the daughter of a colonel, and they had converted to Christianity. They had been on the run for, like, five years, being hidden in safe houses by Christians. The determination was that we had to get them out because of their high-profile status, but for five years they were on the run. They did finally get out, but it was really hard.

Mr. FOARDE. Thank you, all. I want to come back to Christian Whiton, who had an extra question. Please, go ahead.

Mr. WHITON. Thanks, John. I just had one quick one.

Mr. Kim, if I could direct this to you, but any of you could comment, though. It is a little more aggregate in nature and it is on the situation within North Korea with the exodus of people, if you can call it that. I think it was mentioned—I do not know if it is a consensus—that the numbers of people seeking to leave are increasing.

As that increases, what effect does that have on the ground in North Korea, and particularly in relation to, say, political pressure on people with power in North Korea to change? Do you perceive any of that, and is there sort of fluidity in that regard in North Korea?

Mr. KIM. The numbers are increasing. I am not quite sure, but one of the South Korean professors has an underground investigation ongoing about the situation and he said that the numbers are increasing. And we did not believe his observation because, in 1997, 1998, the early part of 1990, if you would go to the market in China, or even at the airport, you see North Korean pick-up boys coming to you for help. They are easily spotted, in the market, wherever. They are easily spotted. You do not see them there any more.

Now, this professor's report was that, in the early days, North Koreans came to China without any knowledge about geography, the locations of villages, who is in which village. Now the information about the location of good-hearted, helpful people from villages

and roads are there, check-points, and those things. When they now come to China, they are well prepared for where to go, unlike in previous days when they had to wander around. That is why they are not as easily spotted as they used to be. But the number is increasing, and a greater number of them are there. I am not quite sure if the number is increasing, but again, the number keeps going up and down.

What was the other part of your question?

Mr. WHITON. The other part was the effect it was having in North Korea.

Mr. KIM. Yes.

Mr. WHITON. Is this creating any pressure on the local side?

Mr. KIM. Once I was in contact with a North Korean official in China at midnight. He was really worried about the problem of North Korean defectors being sent back to North Korea. There are problems in North Korea. After they passed the rule—persecution—routine interrogation process, they are sent back to their village or their previous location, or whatever. They do not keep their mouths shut. They begin to speak to relatives, friends, and neighbors about what they saw in China. Once they are in China, a large percentage of them are exposed to South Korean TV broadcasts, which they find amazing. So, it is very difficult to keep yourself quiet. It sounds very amazing. You want to tell everybody. This has become viewed as a threat and menace to the regime in North Korea, and they were very serious about it. At one time, according to him, they were seriously thinking of not accepting those Korean refugees because they are a source of new problems. So, this is the situation.

The other thing is the information which used to be restricted is now less restricted. Now the knowledge and information about China, South Korea, and the outside world has become so widespread inside North Korea. So, yesterday and today are quite different. More and more North Koreans are aware of outside world. So, I hope this answers your questions.

Mr. WHITON. Thank you.

Mr. FOARDE. Does anybody else have a quick reaction?

Ms. SCHOLTE. The defectors who have worked on the border have told us that it is impossible for that regime to close off that border. They have tried to do it, but cannot.

Mr. FOARDE. Interesting. Let me go to Karin Finkler for a question. Karin.

Ms. FINKLER. Yes. Mr. Kim, you mentioned that you and others that you know have been the target of attacks by North Korean intelligence agents. I know there are defectors in South Korea who have suffered the same thing. This question is for all of you. With people who have come to the United States and been resettled here, do you know if they are also targets of attacks by North Korean agents?

Mr. KIM. I did not follow the last part. I missed the last part.

Ms. FINKLER. With people who come to the United States, whether they are resettled as refugees or high-profile defectors, have they been targets of the North Korean intelligence agents while in the United States?

Mr. KIM. I do not think so, unless you had very special status, such as a high-ranking army officer or Party members, or professors, or something. No. There are too many for them to pay attention.

Ms. FINKLER. Because I know there have been reports of the Chinese Government trying to target local populations in the United States with various campaigns for information and that kind of thing, but I do not know if that is happening now.

Ms. SCHOLTE. You bring up an interesting point. How many North Koreans are there in the United States, and why are there not more? I can tell you some real horror stories about teenagers who went to the British Embassy on July 4 last year, wanting to come to the United States, being turned away. It is happening all the time and we are not doing anything to help these people.

Mr. FOARDE. To clarify, they were in the British Embassy or in the U.S. Embassy?

Ms. SCHOLTE. They got to the British consulate office.

Mr. FOARDE. In Beijing.

Ms. SCHOLTE. And they asked for political asylum in the United States.

Mr. FOARDE. But where, in Beijing? In Shenyang?

Ms. SCHOLTE. In Shanghai.

Mr. FOARDE. Shanghai?

Ms. SCHOLTE. Shenyang? It was Shanghai. Sorry. There are so many.

Mr. FOARDE. Yes, please go on.

Ms. SCHOLTE. But the Kim Han Mee family wanted to come here as well, and there were the two gentlemen who had surfed the Internet that also defected in May 2002, who wanted to come here and they went on a hunger strike in the American consulate office, wanting to come here. They were tricked and they ended up going to South Korea.

Anyway, I just wish we were doing more. One of the things in the North Korea Freedom Act—the excuse that we use is that they automatically get South Korean citizenship, so go to South Korea. There was legislation introduced last year to say that, for purposes of political asylum, they would not be considered citizens of South Korea. But it is also in the North Korea Freedom Act. I believe our government should be doing more to accept these refugees.

Mr. FOARDE. Karin, another?

Ms. FINKLER. Thank you, no.

Mr. FOARDE. We are getting very close to the witching hour, but I would like to recognize Rana Siu for the final questions of this afternoon.

Rana.

Ms. SIU. Thanks, John.

One of the solutions that people have talked about, is that China could allow the UNHCR quiet access to the border area and allow them to quietly process refugees. Do you think this is really possible? Do you think it is really possible to do this quietly?

Mr. CHARNY. No. I mean, because of the fluidity that we have been referring to, and because it would just go through the underground information channels immediately, there is no way to quietly process. So, for better or for worse, it would have to be public. It should be public, but there is no way to do it quietly.

Mr. KIM. If I could make a clarification of what Joel Charny said earlier, which is a quite popular misunderstanding in this situation. In 2001, seven North Koreans went inside the UNHCR. That was the first time they ever did it. At that time, the NGOs and humanitarian aid workers denounced them, saying, seven of them. We saved seven of them. As a result of it, so many other refugees are suffering because of the seven.

At that time, we were very concerned about that possibility. Kim Hee-tae, who is now in a Chinese prison, made a special trip to China to make an investigation to see whether these allegations were true or not. After three months, he came back with a report saying no. That incident did not have anything to do with the repercussion on the North Korean refugees.

In 2001, that was the year in China for the elimination of evil elements, or whatever. In March of that year, they executed the mayor of Shenyang because of his involvement with corruption, and the deputy mayor was also sentenced, but he was sick and died before execution. There were many other things like that, so that had nothing to do with this incident.

Now, in March 2002, 25 North Korean defectors went to the Spanish Embassy, and people again thought, because of these 25 people, many other people are suffering as a result. So it is a kind of tradeoff. My observation was entirely different. I was operating in China from 1996. At that time already, I tracked down refugees. Many refugees were arrested and sent back to North Korea. I was in a hotel one night and I was searched. They came and searched everybody. We found new check-points here and there. So there have always been ups and downs in the crackdown on North Korean refugees. So there have always been all these changes anyway, regardless of North Korean refugees who entered foreign embassies.

People never paid attention to the usual crackdown that had been going on for many years. North Korean refugees entering UNHCR buildings or foreign embassies noticed the crackdown on the North Korean refugees had been going on for many years. Then they immediately concluded that the crackdowns are not as a result of this incident involving foreign embassies. For example, in the case of China's Spanish Embassy, at that time, it was Women's Day in China.

Along the border, the Chinese villagers were assembling at the larger villages for dancing, music, and celebration, leaving many of their farmhouses empty and vacant. Then North Korean guards from the other side of the river in false uniforms crossed over the river and looted all the Chinese farms. The Chinese strengthened border security as a result. But some news media said it was because North Korean refugees entered the Spanish Embassy.

More or less at the same time, there was an unsuccessful attempt by a North Korean couple to hijack a Chinese domestic airplane from Dalian to Harbin. But it did not work out. Naturally, the Chinese authorities strengthened their security measures.

So, all these things came together, but some people concluded that North Korean refugees are arrested because some refugees entered the Spanish Embassy. Some people even believed that the

North Korean refugees were happy and quiet in China, until a few of them began to create problems by entering foreign embassies.

Mr. FOARDE. I can tell that we have a serious disagreement of fact about how to interpret these different events, and whether causality is causation, or what have you.

Ms. SCHOLTE. Yes. I would like to comment on it.

Mr. FOARDE. Let me give you the final comment then.

Ms. SCHOLTE. That is, that people have been trying to get into embassies for years. The only difference is now, is they are smart enough to call the media ahead of time so that they at least get their face out there. I can rattle off the names of some defectors that got into embassies before this, and who knows how many tried and are dead now. But the reason why it seems like there has been some kind of a spike, is because they know, get the media involved.

We were directly involved with the Han Mee family. We told them, do not tell anybody what you are going to do, but get the media. Thank goodness, they showed that footage of them trying to get into the Japanese consulate office or they would probably be dead.

The other thing is the Chinese Foreign Ministry. There is a perfect example of seven people who were doing the proper thing. They are in this catch-22. The Chinese say, "If you want political asylum, you have got to go to the Chinese Foreign Ministry to get your application to go to the UNHCR." So what happens? They go to the Chinese Foreign Ministry, and where are they?

Mr. FOARDE. On that note, I regret that we have to bring this afternoon's conversation to a close. As Suzanne pointed out, and a couple of the other presentations also alluded, this is the beginning of a number of activities over the next week or 10 days relating to North Korean refugees and North Korea Freedom Day. I encourage all of you to attend as many of those events as you possibly can and lend your support to them.

For this particular event, though, on behalf of Chairman Jim Leach and Senator Chuck Hagel, our co-chairman, and all of the members of the CECC, many thanks to Joel Charny, Suzanne Scholte, and Kim Sang Hun for joining us this afternoon and sharing your expertise and your passion for this issue with us.

With that, let me bring this one to a close. Thank you very much.
[Whereupon, at 3:40 p.m. the roundtable was concluded.]

APPENDIX

PREPARED STATEMENTS

PREPARED STATEMENT OF JOEL R. CHARNY

APRIL 19, 2004

I would first like to thank the staff of the Congressional-Executive Commission on China for the opportunity to present testimony on the situation for North Korean refugees in China. North Koreans in China are extremely vulnerable to arbitrary arrest and deportation back to North Korea, where they endure sentences ranging from several months in labor training centers to long-term imprisonment to execution, with the severest penalties reserved for those known to be Christian activists or to have been in contact with South Koreans about the possibility of reaching the South. While the long-term solution lies in improving conditions inside North Korea, short-term solutions to protect North Korean refugees must involve changing their treatment by the Chinese. I am hoping that by presenting testimony and sharing ideas that we can come up with approaches to this problem that will result in real, immediate solutions to the terrible plight of North Koreans in China. Right now, Chinese policy and actions are part of the problem. Is there any feasible way to get China to be a part of the solution?

BACKGROUND

In June I spent one week with a colleague in Jilin province in China interviewing North Korean refugees. They live a precarious and clandestine existence as illegal migrants in Jilin, which is the home of some one million Chinese of Korean ethnicity. Through contacts with networks of non-governmental organizations, largely affiliated with local pastors supported by donations from Christian communities in South Korea and the United States, the Refugees International (RI) team conducted interviews of 38 North Koreans, ranging in age from 13 to 51. This experience, as limited as it was, constitutes, to our knowledge, the most extensive interviewing of North Korean refugees in China by an American organization in 2003.

The estimates of the number of North Koreans in China vary widely—from under 100,000 to as high as 300,000. Based on our June visit and discussions with individuals involved in assisting the refugees, RI inclines toward the lower estimate, and believes that there are approximately 60–100,000 North Koreans presently in northeast China.

The primary motivation of the North Koreans crossing into China is either to find a better life in China or to access food and other basic supplies to bring back to their families in North Korea. Among the 38 people that RI interviewed, no one had experienced direct persecution for her or his political beliefs or religious affiliation prior to crossing the border for the first time. The Chinese government argues, therefore, that the Koreans are economic migrants rather than refugees, and should be treated the same way that the United States treats illegal migrants from Haiti or Mexico.

From a refugee rights perspective, China's reasoning is flawed. The fundamental problem is that North Koreans are subject to special persecution upon being deported from China, with the minimum period of detention in "labor training centers," which are tantamount to prisons, being two months. Second, everyone in North Korea is divided into political classes, with less privileged people, who constitute the majority with suspect revolutionary credentials, receiving lower rations and less access to full employment. The deprivation that North Koreans are fleeing cannot be isolated from the system of political oppression that epitomizes the North Korean regime. These factors taken together give North Koreans a strong case for being considered refugees in their country of first asylum.

THE CURRENT SITUATION FOR NORTH KOREAN REFUGEES IN CHINA

The experience of conducting 38 interviews of North Korean refugees over the space of a week was harrowing. While the demeanor of the refugees ranged from a matter-of-fact passivity to emotional fragility to defiance, the stories that they told were consistent in their grim portrayal of life in North Korea and the losses that they had suffered, especially during the famine period, but in some cases more recently. Most of the refugees that RI interviewed were originally from areas in the far north and east of the country, regions that had been denied international food aid during the famine as described in USAID Administrator Andrew Natsios' book, *The Great North Korea Famine*. Approximately half of the refugees had lost at least

one relative to starvation or disease and an equal portion had been arrested in China and deported at least once. The following account illustrates what North Korean refugees go through:

We first came to China in 1997. We have been arrested and deported a total of three times. In April 2002 my husband, my son, and I were arrested. My daughter happened to be out at the time. We were taken to the border crossing point at Tumen and handed to the North Korean security guards. We first went to the county labor training center, then to the local one in our home town. We worked on construction and road building projects, and were provided only with bad corn and corn porridge for food.

In June 2002 my husband and I returned to China. My son was delivered to the border by another person. We returned to where we were staying in China and found our daughter.

We were arrested again in September 2002. This time it was the whole family. In October my daughter and I returned to China, but my husband and son stayed in North Korea. In February they tried to come, but they were arrested in North Korea. My son was sent to an orphanage this time, and my husband to a labor training center. He got sick there, was released, and died three days after his release. My son tried three times to escape from the orphanage and return to China, but each time he was caught and returned. Finally, he was able to escape and re-join us in China in March.

In April my daughter and I were arrested again and deported. On this return I learned that my husband had died. My son had not known. We were again put in the local labor training center. I wanted to see the grave of my husband, so the guards allowed me and my daughter to leave. We then escaped again and returned to China.

The testimony of recent arrivals, nine of whom had come to China before June 2003 and three of whom had crossed into China within a week of our meeting, belied the reports that the North Korean economy has been improving in response to the limited economic reforms initiated in July 2002. In separate interviews, the recent arrivals, who were largely from North Hamgyung, reputedly one of the poorest provinces in North Korea, consistently stated that the public distribution system, which prior to 1994 assured the availability of basic food for the population, had completely collapsed. The economic reform program has resulted in rampant inflation. The price of rice and other basic commodities has skyrocketed, while wages—for coal miners, for example—have not kept pace. Children receive no food distributions at school, and many schools have stopped functioning while teachers and students search for means to survive.

What is especially shattering for North Koreans is the contrast between their life of misery and the life lived by Chinese of Korean ethnicity across the narrow border. The Tumen River, which marks the northernmost part of the border between North Korea and China, is no wider than 100 yards and shallow enough to walk across in certain spots in summer. Yet it marks an Amazonian divide in living standards and economic freedom. When RI asked a 35-year-old North Korean man who had arrived in China just three days earlier his initial impression of China, his eyes welled up. He bowed his head and he began sobbing. The stunning contrast between his life of fear and deprivation in North Korea and the relative wealth he found on the other bank of the Tumen River was shattering. Even refugees who had been in China longer could not help expressing their gratitude and amazement that in China they ate rice three times a day.

The constant threat of arrest and deportation, however, means that China is far from a paradise for North Koreans. Men have a difficult time finding sanctuary in China because staying at home is not an option and moving around Yanji city or rural areas to find day labor exposes them to police searches. The few long-staying male refugees who RI interviewed were established in a safe house deep in the countryside with access to agricultural plots in the surrounding forest. Otherwise, men tend to cross the border, hook up quickly with the refugee support organizations, access food and other supplies, and then return to their homes in North Korea. RI's impression based on very limited data is that this back and forth movement, when the motivation is clearly to obtain emergency rations, is tolerated by the North Korean and Chinese border guards.

One protection strategy available to women is trying to find a Korean-Chinese husband. The problem is that these women are vulnerable to unscrupulous traffickers who pose as honest brokers for Chinese men. RI was unable to define the scope of this problem, but anecdotal evidence suggests that the trafficking of North Korean women is widespread. Women, some of whom have a husband and children in North Korea, willingly offer themselves to gangs along the border who sell them

to Chinese men. These women see this as their only option for survival. RI interviewed several women who, knowing that they were going to be sold, escaped from the traffickers once in China. Other North Korean women are successful in finding a Korean-Chinese husband and achieve a measure of stability in their lives. Probably the two happiest refugees that we spoke to during our week in China were two women who were part of stable marriages. These women, however, like all North Koreans, are unable to obtain legal residency in China. If the couple has children born in China, the children are stateless. North Korean children in China are not able to get a formal education.

The accounts of the treatment of refugees upon arrest and deportation were remarkably consistent across the range of individuals that RI interviewed. Refugees arrested in Yanji and surrounding areas in Yangbian were handed to the North Korean authorities at the border crossing point at Tumen. They were then transported to "labor training centers" in their village or town of origin in North Korea. The length of detention in these centers was consistently two months. Conditions in the centers were terrible. The deported refugees experienced hard labor on construction projects or in the fields, with very limited rations. A thin porridge made from the remnants of milled corn was the most common food. Medical care was completely unavailable. Indeed, RI was struck by several accounts indicating that severely ill detainees were released rather than cared for, presumably so they would die outside the center, freeing the guards from any responsibility for burial.

The North Koreans consider meeting with foreigners, especially with South Koreans to arrange emigration to South Korea, and adopting Christianity with the intention of propagating the faith inside North Korea to be serious crimes. According to several refugees, the punishment for deported refugees suspected of either act is life imprisonment in a maximum security prison camp or execution. For obvious reasons, RI was not able to interview anyone who had been arrested for these "crimes."

STRATEGIES FOR PROTECTING NORTH KOREAN REFUGEES

Refugees International recognizes that horrendous oppression and economic mismanagement inside North Korea are responsible for the flow of people seeking assistance and protection in China and elsewhere in Asia. In this sense, only fundamental change inside North Korea will staunch the flow of refugees and bring freedom and economic security to the North Korean population. Analyzing ways to bring about the necessary changes with the least possible suffering, however, lies outside the scope of RI's expertise. I will therefore limit my remarks to near-term protection strategies in the context of the current political situation.

The border with China is the lifeline for North Koreans in desperate condition, and therein lies the dilemma for those seeking to provide sustenance and protection for them. Any strategy for protecting North Korean refugees must be carried out in such a way that the approach does not result in steps that restrict access to supplies and security, or that lead to further arrests and crackdowns. Providing real protection while avoiding counterproductive provocations of the Chinese government is a difficult challenge.

Despite this challenge, and the proven difficulties of changing the approach of the People's Republic of China on any human right issue, Refugees International believes that a practical, near-term protection strategy must first and foremost seek to establish greater security for North Koreans in Jilin province in China. The refugees that RI interviewed either expressed an intention to return to their families in North Korea after recuperating and obtaining basic supplies or to stay and try to make their way in China. The Chinese government has designated Yangbian as a Korean autonomous region; in consequence government officials are of Korean ethnicity and Korean is the official language of government affairs and commerce, along with Mandarin. Thus, North Korean refugees have cultural and linguistic affinity with Chinese in this region. Local officials try to avoid harassing the refugees and the periodic waves of arrests and deportations, according to local sources, are the consequence of orders from the national authorities in Beijing. The economy in the border area is vibrant, due in part to South Korean investment, but living in the regional capital, Yanji, or in smaller towns does not pose the immense problems of cultural adaptation that North Koreans have faced in the South.

RI believes that the first step toward providing protection for North Korean refugees in China is for the Chinese government to stop arresting and deporting law abiding North Koreans who have found a home across the border. Given the factors favoring assimilation, and the healthy economy in Yangbian, this step should pose no immediate security or other threat to China. The U.N. High Commissioner for Refugees, Ruud Lubbers, claimed in June 2003 that Chinese officials had informed him that they would stop arresting and deporting North Koreans. China imme-

diately denied any change in policy and reports in 2004 suggest that indeed China has not stopped these actions and that as a result, attempts to cross the border into China have dropped, precisely the results that the Chinese government is seeking.

Nonetheless, quiet implementation of a policy that halts the arrests and deportations would provide greater security to North Koreans while keeping the border open to the back and forth movement of people and goods that is a lifeline for poor people in the border provinces of North Korea. Given the available options, this best combines care for North Korean refugees with respect for the legitimate political and economic security needs of the Chinese government.

Merely stopping the arrest and deportation of North Koreans, however, falls well short of China's obligations under the 1951 Convention and 1967 Protocol Related to the Status of Refugees, to which it is a signatory. Further, China is on the Executive Committee of the Office of the U.N. High Commissioner for Refugees (UNHCR). Yet China not only refuses to grant refugee status to worthy North Korean asylum seekers, but prevents the Beijing-based staff of UNHCR from traveling to Yangbian to assess the situation.

RI has called for UNHCR to engage proactively with the Chinese government to seek permission to visit Yangbian and eventually to establish an office in the region to monitor the status of North Koreans in China and to provide protection and assistance as needed. UNHCR's profile on this issue has been too low, considering the numbers of North Koreans in China and China's importance to UNHCR and the international community. The one positive step that UNHCR took in 2003 was to declare all North Koreans in China "persons of concern." While this has had no immediate practical effect from a protection standpoint, at least UNHCR signaled to the Chinese government that it categorically rejects their argument that North Koreans in China are economic migrants.

RI recognizes that UNHCR's real leverage with the Chinese government on this issue is minimal. Only wider political support and engagement, especially at the level of the UNHCR Executive Committee and bilateral discussions between China and interested governments, will lead to meaningful change in the Chinese position.

RI has urged the United States government to make the status of North Korean refugees in China a priority issue in its on-going human rights dialog with the Chinese government. We have raised this issue directly with officials of the State Department Bureaus of Population, Refugees, and Migration and Democracy, Human Rights, and Labor; they have assured us that this issue is indeed an important part of bilateral discussions with the Chinese. While RI accepts these assurances, we hope that the members affiliated with the Congressional-Executive Commission on China will continue to impress upon the Administration the importance of Chinese action to facilitate UNHCR's access to North Korean refugees.

A second possible approach to protecting North Korean refugees is third country resettlement. Resettlement faces equally determined opposition from China. The Chinese authorities have actively tried to prevent North Koreans from reaching the embassies of potential resettlement countries and refuse to allow diplomatic missions to establish facilities to assess eligibility for resettlement in Yangbian itself. What little resettlement there has been has resulted from high-level defectors and other individuals reaching South Korea by boat or via underground railroad from China and the storming of embassy compounds in Beijing. The numbers are small. South Korea accepted a little more than 1,000 North Koreans for resettlement in 2003 even though their right to settle in the South is recognized in national law.

For resettlement to be a meaningful protection strategy, both China and South Korea will have to change their policies. China will have to allow potential resettlement countries open and unrestricted access to North Korean refugees. This step would be a logical follow on to a decision to allow UNHCR access to Yangbian, but neither action appears politically feasible at this point. As for South Korea, its low admission numbers reflect more than the difficulty of North Koreans reaching South Korea. As I learned on a two visits to Seoul in 2003, South Korean citizens and the South Korean government have a remarkable ambivalence about the suffering of North Koreans. Citizens fear economic turmoil if North Koreans are admitted in large numbers, while their solidarity is limited by disdain for the poverty and lack of sophistication of North Koreans. As for the government, commitment to the Sunshine Policy and reconciliation more broadly locates the fundamental solution of humanitarian issues in gradual political change in North Korea that will result from engagement, rather than in large-scale acceptance of refugees, an act that would anger the leaders of the North Korean government. The result is a marked lack of commitment by South Korea to offer resettlement to North Koreans.

RI believes that in the near term resettlement is unlikely to be an option for more than a few thousand North Koreans. The U.S. role should be to engage with China to see if resettlement, at least on a modest scale, can become a legal option for

North Koreans in China. The Administration should also be talking to the South Koreans about increasing their economic and political commitment to resettlement. The United States itself could be a resettlement destination. The U.S. experience with resettling previously isolated and difficult to assimilate populations, such as the Hmong from Laos, might be usefully applied to North Koreans, both by accepting them here and by providing technical training and support to South Korean government agencies and NGOs involved in resettlement. Finally, North Koreans, through the underground railway, have managed to reach countries as far away as Thailand and Cambodia. American embassy staff in Southeast Asian countries should be on the lookout for North Korean asylum seekers and be prepared to consider them for possible resettlement in the United States.

RI has struggled with the issue of who exactly can be an effective interlocutor with the Chinese on the changes they need to make to protect North Koreans in China. Anyone who has worked on human rights in China knows that confrontational tactics tend to backfire, and, indeed, arrests and deportations clearly spike in response to embarrassing public incidents such as embassy takeovers. But quiet diplomacy by UNHCR has utterly failed, and there is no evidence that the Bush Administration is applying any meaningful pressure, quiet or otherwise, on this issue.

RI urges Members of Congress, especially from the Republican side of the aisle, to try to identify senior retired officials who have credibility with the Chinese to commit to taking up this issue with their Chinese friends. I am thinking of people with the stature of Secretary of State Henry Kissinger or retired Ambassadors. If the Chinese authorities hear consistent messages of concern about the plight of North Koreans in China from people they trust, perhaps the government will be moved to adopt at least the minimalist protection strategy of quietly halting arrests and deportations.

PREPARED STATEMENT OF SUZANNE SCHOLTE¹

APRIL 19, 2004

Thank you to Chris Billing and the Congressional-Executive Commission on China for arranging this panel discussion. I am honored to participate with these distinguished guests, Sang Hun Kim and Joel Charny, to discuss the plight of North Korean refugees in China.

One of the most avoidable and despicable tragedies of our time is occurring today in China as hundreds of thousands of starving North Korean men, women, and children have fled their homeland and crossed the border into China to try to survive. The famine which began in the mid-1990s has led to the deaths of over 3 million North Koreans.

The estimate of the number of North Korean refugees in China ranges between 50,000 to 350,000. Part of the problem in getting a more precise number is that the People's Republic of China will not allow access to this region, and even denies access to the U.N. High Commissioner for Refugees in clear violation of the international treaties it has signed. Hence, information about the situation must come from those who risk being jailed by China to help these refugees, mostly people of deep religious conviction including Christian and Buddhist organizations.

The policy of the PRC is inhumane and should be condemned by all nations. In essence, we have a situation where a government is terrorizing starving, helpless refugees but also terrorizing humanitarian workers who are simply in China to feed and shelter these refugees.

Please understand that I fully acknowledge China's right to protect its borders and concern about the flood of refugees, but you have a wealth of humanitarian organizations who wish to alleviate this problem. In fact, two years ago we got letters of commitment from 12 humanitarian organizations who wished to help establish a refugee camp to help relieve China of any burden for these refugees. There are many organizations like Action Against Hunger and Doctors Without Borders that have left North Korea in protest of the government's diversion of their humanitarian

¹Suzanne Scholte is President of the Defense Forum Foundation and Chairman of North Korea Freedom Day being sponsored by the North Korea Freedom Coalition. She is also a Founding Board Member of the U.S. Committee for Human Rights in North Korea and a Founding Member and Advisor of the North Korea Freedom Coalition. DFF is the U.S. partner of the Citizens Alliance for North Korean Human Rights and the Society to Help Returnees to North Korea. In addition to raising awareness of the human rights issues in North Korea, DFF has also established the Sin U Nam Fund in which 100 percent of the donations are used to rescue refugees and provide support to NGOs sheltering refugees.

aid, that would be more than willing to assist these North Koreans wherever they are.

There have been instances where the Chinese authorities did allow North Koreans to leave. Two families we were trying to help, the Han Mee Family in 2002 and a more recent example, the Zheng family in March, 2004, were allowed safe passage to South Korea via a third country. However, these are the rare exceptions, and every week between 100 to 200 North Koreans are repatriated.²

China defends the repatriations by claiming that the refugees are “economic migrants” yet as soon as a North Korean crosses the border they immediately fit the definition of a political asylum seeker because it is a crime against the State for a North Korean to leave the country. I submit this paper written by Tarik Radwan, an attorney with Jubilee Campaign, which outlines the violations China is committing against North Korean refugees.

We know from eyewitness testimony that when North Koreans are repatriated they are subjected to harsh sentences, in some cases they are executed, especially if they have converted to Christianity. Since many Christians are willing to risk themselves to help these refugees, it is very common to hear of North Korean defectors converting to Christianity. Some, in fact, go back to North Korea to preach the gospel, which as you well know, is another crime against the state in North Korea, because Kim Jong-il considers Christianity to be the biggest threat to his God-head.

We know pregnant women who are repatriated are forced to undergo abortions. If the babies are born alive, they are suffocated, murdered on the spot. The crime that the baby committed is two-fold: he may have been the child of a Chinese man and he shares his mother’s guilt for the crime she committed of leaving the country.³

Now, in addition to repatriating North Koreans, China penalizes its citizens for trying to help North Korean refugees, and rewards them for turning them in—a double incentive. It also works aggressively with North Korean agents to catch and jail humanitarian workers. In fact, the North Korean government offered an incentive to catch Hiroshi Kato of Life Funds for North Korean Refugees: 440,000 yen and a brand new Mercedes Benz. Kato was in fact caught in November 2002, and jailed, but fortunately the Japanese government stood up for him and he was released after less than a week in detention.

However, today there are at least 10 humanitarian workers in Chinese jails—10 that we know of. Since they must work clandestinely to try to save people’s lives, there may be many others.

Just to give you an example of these “lawbreakers” that China has in jail, let me describe just two of them—Rev. Dong Shik Kim who disappeared on January 16, 2000, and Takayuki Noguchi who was seized on December 10, 2003.

Rev. Kim is a devout Christian who felt a special compassion for the handicapped, poor and oppressed because he had himself been handicapped after a car accident in 1986. Working in China since 1988, he became well aware of the suffering of the North Korean people and organized five shipments of humanitarian aid to North Korea. He and his wife helped North Korean athletes go to compete in the 1996 Olympic Games. He was helping shelter refugees in China when on January 16, 2000, he was visited by three men who told them they wanted to take him to see a North Korean refugee couple who needed help. He served the three men lunch, and then the three men took Rev. Kim away and he has not been seen since.

Noguchi of Life Funds for North Korean Refugees was seized on December 10 with two Japanese born North Korean refugees. Noguchi is a 32-year-old humanitarian worker whose devotion to helping others led him to become involved in trying to rescue North Korean refugees. At the time he was caught, he was trying to help two Japanese born refugees return to Japan.⁴ Noguchi is in jail today being held by Chinese authorities for the crime of “illegally transporting people to cross the border.”

Regarding the repatriations, we know of incidences where North Korean defectors have been murdered by Chinese border guards and North Korean agents. On May 28, 2002, North Korean agents beat to death Sohn In Kuk, a 40-year-old refugee who had fled North Korea after his entire family had starved to death. His crime was “crossing the border” too many times. Last week, according to Durihana Missionary Foundation, a Chinese border guard shot a North Korean defector who was with a group of at least 17 who were trying to make it to Mongolia.

²The Commission to Help North Korean Refugees and Helping Hands Korea.

³In North Korea, three generations of one’s family is jailed if a family is accused of a so-called crime.

⁴They had been part of the 93,000 Japanese born North Koreans who were lured back to North Korea during the years 1959–1984 to help build the great socialist paradise of North Korea.

This is the policy of China, which regards itself as a world leader, yet is committing one of the most despicable crimes against humanity in the world today.

Over the years, field surveys conducted by human rights organizations⁵ documented that over 50 percent of North Korean women have been subjected to human trafficking, sold as wives to Chinese farmers, sold as sex slaves to brothels, and sexually exploited. These statistics are now believed to be much higher, because now it is not just Chinese that are selling North Korean women and young girls but even desperate North Koreans are selling their own citizens.

Tim Peters of Helping Hands Korea believes that at least 70 percent and possibly 90 percent of North Korean refugee females have been victimized by trafficking. He described one such victim, Kim Mi-Soon. Kim's parents died and she was left to fend for herself until a woman from a nearby town offered to take Kim to China to live with her relatives. She went gratefully. It was not until she reached China that she discovered the deception: the woman sold her to a Chinese man. She was sexually abused, beaten and treated like a piece of property.

Despite the abuse, Kim considers herself very fortunate, because she will tell you: "I was only sold once. Most of the teenage girls from my home town, 15 and 16 year olds have been sold three and four times as sex slaves." Many of these young women are terrified to come forward to tell their stories because of the stigma that they have to live with for the abuse they endured.

Hae Nam Ji is another example. She decided to flee North Korea after she served time in a political prison camp for the "crime" of singing a South Korean song. Ji describes the several times she was sold. In one case the man who bought her was afraid she would try to escape while he was at work, so he took her to the factory where she was treated like an animal in a zoo, stared at and sexually molested by the man's co-workers.

Despite these horror stories, North Koreans keep fleeing to China. Time and time again, we hear the same story from them: "we would rather die than go back to North Korea."

Recently, over hundred North Korean defectors went on a hunger strike at the Tumen Facility in China to protest their pending repatriation. Tumen is considered the last stop for North Koreans about to be repatriated.

Having worked on this issue for some time and despite these horror stories, I am becoming encouraged by developments as more and more people and organizations raise their voices on this issue. As you know, the UN Commission on Human Rights passed a resolution last week regarding the horrible human rights situation in North Korea that called for the appointment of a Special Rapporteur.

Furthermore, Senators Sam Brownback and Evan Bayh, and Congressmen Jim Leach and Eni Faleomavaega have introduced the North Korea Freedom and the North Korea Human Rights Act in the U.S. Congress. Next week, the North Korea Freedom Coalition will host North Korea Freedom Day which includes a major rally on Capitol Hill and a day long series of events to promote North Korean human rights and freedom.

In conclusion, I feel we must apply worldwide pressure on China to stop the repatriations of North Korean refugees and allow the UNHCR and humanitarian organizations access to these refugees and the ability to set up refugee camps.

We should also pressure the Olympic Committee to change their venue for the 2008 Olympics unless China stop's its inhumane policy. It would be an enormously tragic farce to have the Olympic Games, which celebrate good will among neighbors, to be held in a country which is murdering and terrorizing its neighbors for their crime of coming to them for help.

Our country should also use its economic leverage with China to stop these atrocities. We know that we cannot appeal to China on morale grounds, but they do seem to respond to economic pressure. If our governments are not willing to help, than as individuals we should consider our own economic boycott of Chinese products.

I conclude with a plea to: "Rescue those being led away to death; hold back those staggering toward slaughter. If you say, we knew nothing about this, does not he who weighs the heart perceive it? Does not he who guards your life know it? Will he not repay each person according to what he has done."⁶ Thank you.

⁵ Good Friends and the Citizens Alliance for North Korean Human Rights.

⁶ Proverbs 24: 11-12.

PREPARED STATEMENT OF KIM SANG HUN

APRIL 19, 2004

Chairperson, Ladies and Gentlemen:

I am deeply honored with this opportunity to speak to you today about a matter that involves the plight not just of North Korean refugees, but of the aid workers, like some of us here in this room, that commit their lives to helping them.

At the same time I wish to take this opportunity to express my deep appreciation and respect to the great American people, who are the hope and leaders of the world today for democracy and human dignity.

In the past 10 years, many North Koreans naturally have defected from North Korea to China in search of food and freedom. By every measure, they are unquestionably eligible for refugee status under the U.N.'s 1951 Geneva Convention Relating to the Status of Refugees (attachment No. 1).

Until 1998, Chinese authorities stated untruthfully that they had not been arresting and forcibly repatriating North Korean refugees. When shown evidence of such arrests and repatriations (attachment No. 2), the Chinese authorities then confessed, but in December 1999 falsely assured the world that North Korean defectors would not be punished when they are returned to North Korea. When shown ample evidence and testimonies to the contrary (attachment No. 3), the Chinese authorities again constructed a new "party line" that North Korean refugees are "economic migrants" (please refer to attachment No. 4) or "illegal immigrants" (please refer to the attached questions) and, therefore, are not refugees. What is more grave by far is the Chinese Government's continued callousness in systematically returning the refugees to North Korea and to a fate of detention, discrimination and even summary execution.

Over the years human rights NGOs, international organizations and foreign governments have lodged a number of formal appeals and posed legal questions to the Chinese Government of China on the issue of North Korean refugees in China.

Despite such repeated expressions of grave concern, China has, in effect, employed a strategy of silence that simply ignores such appeals, thus often choosing not even to respond. By its years of stony silence and uninterrupted flouting of human rights treaties, China has been successful in conveying the message: "Who do you think you are, you insignificant NGOs? I said 'No' and that means 'No!' Keep your mouths shut!" At this arrogance by the Chinese government, the world community has remained powerless.

This is clearly a case of Chinese arrogance and defiance of the international community's accepted rule of law and of the principles of humanitarianism, not a simple case of a difference of opinion. My question today is "How long will the international community tolerate such defiance?" I am of the deep conviction that we must challenge Chinese arrogance once and for all. The continued turning of a blind eye by the international community to China's contempt for humanitarianism today can only serve to incubate the aspiring Hitlers, Stalins and Kim Jong-ils of tomorrow.

With your permission, I wish also to draw your attention to a separate humanitarian disaster, again related to North Korean refugees, and equally as grave.

On 12 December 2001 at the ministerial meeting in Geneva of states parties to the 1951 Geneva Convention, Mr. Wang Guangya, then Vice Foreign Minister of the People's Republic of China, heralded the Geneva Convention and declared that the Convention "serves as a guide to action to people who are engaged in humanitarian work of protecting and assisting refugees . . ." In reality, however, the Chinese authorities have been arresting and indefinitely detaining humanitarian aid workers for simply "protecting" and "assisting" refugees. It goes without saying that this is typical Chinese hypocrisy.

For me, this happens to be a very personal matter, for my friend and colleague, Kim Hee-tae, has been arbitrarily locked up in a Chinese prison for almost two years without court verdict.

Imagine, if you will, a young man, an idealist whose only crime is his sense of responsibility to help people in need. Kim Hee-tae is such a person.

Notwithstanding my personal interest in his plight, Kim Hee-tae's situation provides an illustrative case study from which we can all learn.

Kim Hee-tae's detention is illegal first and foremost because he didn't commit the crime for which he was charged: "organizing an illegal border crossing" (Chinese criminal code Article 318). He did not partake in organizing or otherwise assisting any North Korean refugees in crossing the border into or out of China (unless you consider foreign embassies to be a border). Kim Hee-tae merely "assisted" North Korean refugees inside China. It is only in China where assisting refugees constitutes a crime.

Japanese aid workers, Mr. H. Kato and Professor F. Yamada, were also once arrested in China for the exactly same charge levied against the South Korean humanitarian aid workers. For Japanese aid workers, it was 7 days or 21 days. For South Korean aid workers, it has been over two years in case of Rev. Choi Bong-il and almost two years in case of Mr. Kim Hee-tae without court verdicts. While the people and government of South Korea are shamefully allowing their countrymen to rot in jail, the Japanese government and citizens, their NGO and numerous colleagues came to their rescue and took a firm stance in dealing with China. Mr. Takayoshi Noguchi, the Japanese humanitarian aid worker now imprisoned in China for over three months, is waging a solitary and heroic struggle in Chinese prison to resist release in his bid for demanding non-refoulement of the two North Korean refugees he was helping.

Rev. Choi Bong-il! Mr. Kim Hee-tae! Mr. Choi Yong-hun! Mr. O Yong-pi! and Mr. Noguchi Takayoshi!

Today, there are at least five humanitarian workers, including one Japanese, held in Chinese prisons for assisting North Korean refugees. I can only speculate as to why my countrymen and government have sold-out their compatriots. Blame ignorance, political agendas or a general desire to avoid all matters North Korean; whatever the reason, it's no excuse. In the meantime, our friends and colleagues remain languishing behind bars. Today, I am making a special appeal to the American leaders for help.

The Chinese Government has proven itself deaf to appeals for humanitarian consideration or pleas for mercy. Traditionally, China follows the pattern of being submissive to the stronger, but showing no mercy to the weaker. For example, North Korean defectors who gain entrance to foreign embassies are permitted to leave China—foreigners are strong. The same defectors are arrested if found on the streets—North Korean refugees are weak.

The lesson to be learned here is that China responds only to a strong show of force. It is urged that appeals for humanitarian considerations or quiet diplomacy be discontinued in favor of protest in the strongest possible terms, with determination and persistence, in dealing with the Chinese government. It is recommended, as a first step, that the government of China is urged, not appealed, to answer the attached questions; questions that have been put before them for years and that they have bluntly ignored. I am afraid I do not have time to read the list of questions now, but I wish to leave them in the record (attachment No. 5).

Furthermore, UNHCR, which should be leading the charge on behalf of these refugees, prefers instead to kowtow to the Chinese Government and not make waves. I wish to take this opportunity to ask UNHCR why it has failed to protect the refugees from being forcibly repatriated by the Chinese, when it could by initiating the binding arbitration clause in the agreement between it and the Chinese Government.

In closing, I am baffled as to why China chooses to be on the wrong side of history by supporting such a regime, a North Korean version of the Shanghai Gang of Four that wreaked havoc during Cultural Revolution in China. I simply cannot understand why China is making itself an accomplice to North Korean crimes against humanity, especially when China must know that these crimes will soon be exposed for the world to see.

Thank you.

ATTACHMENT NO. 1

NORTH KOREAN DEFECTORS ARE REFUGEES

The question of refugee status is unquestionably an international and global issue to be governed by relevant international laws (1951 Convention Relating to the Status of Refugees and 1967 Protocol thereto) and therefore not to be defined by any particular national laws or political consideration. The above 1951 Convention was heralded by China as “. . . Magna Carta of International Refugee Law . . . The Convention is candle light of hope in the dark to the helpless refugees . . . serves as a guide to action to people who are engaged in humanitarian work of protecting and assisting refugees.” (Mr. Wang Guangya, Vice Foreign Minister of the PRC, at the Ministerial Meeting of States Parties to the 1951 Convention Relating to the Status of Refugees in Geneva on 12 December 2001).

Furthermore, international instruments prevail in the event of conflict between the obligations of the Members of the United Nations under the UN Charter and their obligations under any other international agreement (UN Charter, Article 103) or any national law (1951 Convention, Article 8 and Article 40,1).

Indeed, the Government of China has accepted that “an international human rights agreement . . . is binding under Chinese law and China must honour the corresponding obligations. . . . In the event of discrepancies between domestic law and an international human rights agreement . . . the international agreement will take precedence . . . (Report of China—HRI/CORE/1/Add.21/Rev.2, 11 June 2001).

It is further noted that Mr. QIAO Zonghuai, a member of the delegation of China, stated at the 24th CAT session in Geneva on Friday, 5 May 2000, “China adhered to the principle of *pacta sunt servanda*. Under the Chinese legal system, the international instruments . . . were considered part of Chinese law and legally binding. In the event of conflict between an international instrument and a domestic law, the provisions of the international instrument took precedence. . . .” (CAT/C/SR 419, 12 May 2000).

The Chinese government indisputably contradicts itself when it arbitrarily applies its national law to a clearly international issue in cases where the government has carried out severe crackdowns on both North Korean refugees and aid workers that assist them. The Chinese government is clearly obliged to justify its decision against the granting of refugee status to North Koreans by its declaration of Chinese national law as justification for the repatriation of North Korean defectors.

Under the circumstances, we strongly feel that the government of China must be condemned for its violation of international law and continuing defiance of the international community by continuing the severe crackdowns on North Korean defectors and those aid workers assisting them.

We believe that North Korean defectors in hiding in China today are eligible to the refugee status under customary international laws for the following reasons:

I. The definition of a “refugee” is universal and has been agreed upon by a majority of U.N. members through international instruments.

A. The 1951 Convention Relating to the Status of Refugees, Article 1, Paragraph 1 (a), and the 1967 Protocol Relating to the Status of Refugees, Article 1, Paragraph define a refugee to be someone:

- (a) With “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinions” and,
- (b) “Unable or unwilling to avail himself of the protection of that country” or “outside the country of his former habitual residence and unable or unwilling to return to it.”

B. 137 nations have acceded to both the 1951 Convention and the 1967 Protocol.

II. North Korean defectors in China satisfy the requirements of the universal definition and should be eligible for refugee status.

A. North Koreans defect to China in pursuit of food and freedom and in defiance of the political authorities of North Korea. In other words, they are staking a claim to the fundamental and inalienable rights of life and liberty.

B. North Korean defectors in China are not “economic migrants.” A migrant enjoys the protection of his or her home government; a refugee does not. When they defect to China, they are outside of North Korea and do not expect to avail themselves of its protection.

C. Under the North Korean Criminal Code, Article 47th, defectors are considered political prisoners and punishable by capital punishment or a minimum prison term of seven years. Therefore, the defectors, when arrested and unconditionally repatriated to North Korea by the Chinese authorities, have a “well-founded fear of being persecuted,” often very severely.

III. China’s treatment of North Koreans in China is a defiance of International agreements and a dereliction of its obligations as a UN member.

A. The People’s Republic of China acceded to both the 1951 Convention and the 1967 Protocol on September 24, 1982.

B. The Chinese authorities are clearly violating the non-expulsion (*refoulement*) principle of the 1951 Convention, Article 33 (Article 1, Paragraph 1, of the 1967 Protocol) when they expel or return (“*refouler*”) the North Korean defectors in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened.

C. Any provisions in Chinese national law or any extradition treaty between China and North Korea allowing North Korean defectors to be arrested and repatriated is in direct conflict with the 1951 Convention and the obligations assumed by all U.N. members, including China, regarding the universal respect of human rights and fundamental freedoms described in the U.N. Charter, Articles 2 (Paragraph 2), 55 (Paragraph c), 56, and 103; 1951 Convention Article 8 and Article 40, 1).

D. By repatriating defectors back to North Korea, the government of China is making itself a party to North Korean crimes against humanity.

IV. It is in China's best interest to uphold its international obligations and treat North Korean defectors in China as refugees.

A. By allowing international organizations to help the defectors on humanitarian grounds, China will help prevent human suffering and persecution on a massive scale.

B. With a growing international focus on China due to trade and business issues, China must be cautious to present itself in the best light. By upholding its international obligations to being not only a conscientious participant in the world community but also a proactive leader.

C. By allowing international organizations to help the defectors, China can reduce its own burden and costs associated with the North Korean defector population (e.g., welfare, police, security, repatriation, etc.)

ATTACHMENT NO. 2

23 December 1998.

YOUR EXCELLENCY, MR. JIANG ZEMIN,
President, People's Republic of China,
Beijing, China

Your Excellency,

We are a group of Japanese citizens who, on humanitarian grounds, have been trying to help North Korean defectors hiding in China. We are non-governmental and are not affiliated with any political parties or religion.

I wish to most respectfully bring to your kind attention that a total of 230 North Korean defectors hiding in three cities in the Jilin Province in China were arrested and forcibly repatriated to North Korea by the Chinese authorities in defiance of international law as follows:

Wangching City—Police searches began in the evening of July 17, 1998 and lasted until the dawn of July 18th. A total of 76 North Korean defectors were arrested. They were boarded on a truck and repatriated in the morning of July 18, 1998.

Huhryong City—Police searches began in the evening of July 19, 1998 and lasted until dawn of the next morning. A total of 87 North Korean defectors were arrested. They were placed in two buses and repatriated to North Korea in the evening of July 20, 1998.

Ryugjin City—A total of 67 North Korean defectors were arrested, placed in a truck and forcibly repatriated to North Korea in the early August, 1998.

As indicated in the above, a large number of North Korean defectors are hiding in China in constant fear of arrest and hunger. The situation over the years has developed to such intensity that your Government can no longer feign ignorance of the reality of human suffering that is taking place in Northeast China on a massive scale.

In this context, we wish to indicate to your Excellency that:

1. The North Korean defectors risked their lives when they fled North Korea for food and freedom, a "political opinion," in their rightful exercise of fundamental freedoms, and are "outside the country of their nationality." Normally, they are not aware of their rights as a refugee; and, therefore, they State that they defected from North Korea in search of food when they are arrested. They State this in an effort to mitigate the severity of punishment awaiting them. Clearly, they did not come to China for better employment or economic activities. They come to China to save their lives from hunger and political repression in North Korea.

2. They are charged with treason under the North Korean Criminal Law, Article 47, and most brutally persecuted and often murdered on their return to North Korea for harboring reactionary "political views." Thus they have a clear and "well founded fear of being persecuted." In recent years, the persecution was somewhat mitigated and the defectors are now often released after detention in cells for about a week of investigation. But, they are still blacklisted and sent to their hometown for surveillance. Policemen, soldiers, high ranking government officials and others continue to be severely persecuted when they are repatriated. Furthermore, there have been indications that the North Korean government has recently resumed its traditional severe persecution as the number of defectors have increased.

3. They are not to be confused with the large number of border traffickers between China and North Korea who are not persecuted. We do not refer to the traders. Instead, Mr. President, we appeal on behalf of very ordinary people.

4. If the repatriated North Koreans are criminals, as your government alleges, we respectfully demand that your government and the Chinese people disclose the names and the criminal records of those North Koreans who have been repatriated over the years. This will facilitate an international search to be organized to trace the whereabouts and fate of the repatriated North Koreans.

In this context, we wish to bring to your attention the resolutions adopted in 1997 and 1998 by a sub-commission of the U.N. Commission on Human Rights. The U.N. resolutions, in recognition of the situations involving North Korean defectors, urgently calls on North Korea to ensure full respect for the right of everyone to leave any country.

Under the circumstances, we believe that these ordinary people in search of food and freedom clearly meet the conditions of refugee eligibility under Article 1, Para. 1 (a), "Convention Relating to the Status of Refugees." Therefore, we believe that it is incumbent upon the People's Republic of China to provide international protection to them and find durable solutions to their problems.

We wish to indicate that many lives are at stake, dangling helplessly between life and death even at this moment. Please consider the plight of so many people and urgently take the necessary steps to help them in China.

Sincerely yours,

NAKADAHIRA KENKICHI,
REPRESENTATIVE, LIFE FUNDS FOR NORTH KOREAN REFUGEES
Tokyo, Japan.

ATTACHMENT No. 3

THE FOLLOWING STATEMENT IS BASED ON INTERVIEWS WITH OVER 200 NORTH KOREAN DEFECTORS DURING THE PERIOD 1996–2002 BY AN INTERNATIONAL GROUP OF HUMAN RIGHTS VOLUNTEERS OF 7 NATIONALITIES. ACCORDINGLY, THE CREDIBILITY OF THE STATEMENT HAS NEVER BEEN CHALLENGED TO THIS DATE.

"WELL-FOUNDED FEAR OF PERSECUTION FOR REASON OF POLITICAL OPINIONS"

North Korean Criminal Code, Article 47: "A citizen of the Republic shall be charged with treason and sentenced to hard labor in prison for a minimum term of seven years for defecting to another country or to an enemy in betrayal of the fatherland and the Korean people such as spying or assisting the enemy. He shall be sentenced to death and all his property confiscated if the case is serious."

The 1951 Convention Relating to the Status of Refugees, Article 1, A. (2): ". . . with well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinions, . . ."

INTRODUCTION

Many North Koreans have risked their lives fleeing to China for freedom from starvation or destitution. Nevertheless, they are arrested in China and forcibly sent back to North Korea where they face severe persecution. It must be underlined that the defectors, in reality, commit themselves to the political opinion for "freedom" and "right to life" when they defy the North Korean authorities by defecting to China.

STATE SECURITY AGENCY (SSA)

Upon arrival in North Korea, SSA first interrogates the defectors. Such intervention by the SSA is an indication that defectors are perceived and treated as potential political prisoners. The defectors repatriated from China are almost always strip-searched by North Korean officials for hidden money, an extremely humiliating process. The SSA officers put fingers into anus and also into vagina in case of woman, sometimes by men. Often, they are forced to repeat "sit and up" motion many times until hidden money falls from anus or vagina.

During interrogations and detention, the prisoners are invariably subjected to very brutal treatment. Beatings with large sticks or iron bars, kicking and punching are routine and the level of atrocity varies according to the number of prisoners to be interrogated at any given time. For example, prisoner beatings were reported to be very severe and the period of detention was between four to six months between 1994–7 when the number of repatriated defectors was comparatively small. Degrading treatment somewhat diminished in intensity between 1998–9 and the period of detention was also comparatively shorter, for example, one week to three months when the number of detainees increased. Particularly atrocious beatings were reinstated during 1999–2000. Many defectors reported fewer beatings in North Korean

detention facilities in 2001. Some defectors now allege that severe beatings have once again revived in recent months.

Thus, the length of detention at SSA varies from a minimum of a week to many months depending on the number of prisoners waiting for questioning. The actual interrogation is greatly feared, as defectors are subjected to repeated and insistent SSA accusations that they have met South Koreans or have been to churches while they were in China. Interrogations are, almost without exception, accompanied by severe beatings and various forms of cruel treatment. For example, one such form of cruel treatment is being handcuffed behind the back, then being hung by the arms from an iron bar overhead, often resulting in an excruciating dislocation of the shoulders or breaking of the arms. Some prisoners, who finally submit to SSA accusations and confess under torture or are found to be guilty of other "political" crimes, simply disappear. Fellow prisoners believe that the "guilty" are secretly executed or sent to concentration camps to serve out life sentences in prison.

PROVINCIAL POLICE DETENTION CAMP

If a defector is deemed not to be guilty of serious political crime, the North Korean criminal systems require the prisoner to be returned to their hometown or district for police interrogation that leads to a final decision regarding the need for surveillance following release. They are first sent to a detention camp run by the provincial police to await policemen from their respective hometown to claim them. The very poor state of transportation in North Korea combined with meager budgetary provisions make travel to the provincial police detention camp by local police extremely difficult. Prisoners are usually detained for many months, often more than 6 months, before being picked up by the police from their hometowns. The detention at the provincial police camp is characterized by the provision of little food, severe discipline and hard work. Again beatings with large sticks or iron bars, kicking and punching are routine. Mortality rate during the detention is very high, estimated at a minimum of 10 percent even though some allegations claim up to 30 to 50 percent.

HOMETOWN POLICE STATION

At the hometown police station, prisoners endure the same severe round of interrogations before release. It is not uncommon for prisoners to be punished and sent to a labor camp for a period of from a few weeks to several months, depending on the number of prisoners to be handled. Incredibly hard work, poor meals, extremely poor sanitary conditions and degrading treatment result in a high mortality rate.

GENERAL CONDITIONS OF DETENTION CAMPS

The physical conditions of detention camps at all levels are such that imprisonment itself is torturous. The facilities are almost always dilapidated and run down (with the exception of the Shinuiju SSA detention camp which was newly constructed in 2000) and are typically infested with a variety of insects which bothers prisoners day and night. Degrading treatment and extremely poor sanitation conditions produce such misery that prisoners do their best never to recall these experiences.

For example, the North Pyongan Provincial Police Detention Camp, situated on the outskirts of Sinuiju, is believed by many prisoners to have been used by the Chinese as an army ammunition depot during the Korean War, 1950 to 1953. Later, it was used as a training kennel for military dogs. The well located at the center of the North Hamkyong Provincial Police Detention Camp, situated in Chongjin, is so severely contaminated that virtually every thirsty prisoner attempting to quench his/her thirst there contracts severe diarrhea coupled with burnt and swollen lips.

CONCLUSION

The total length of detention at all levels varies from the minimum of one month to over a year if one is found without serious political crimes. Many defectors, formerly senior party members, army officers, intellectuals and students, simply disappear during the process. Many North Koreans who endured such a nightmare often express that they prefer death to repeating the ordeal. The frequent reports of suicide committed by North Koreans during the repatriation process supports the description of shocking and hideous persecution they must suffer before release, for the fortunate ones. The entire detention process, from arrival in North Korea to final release in the prisoner's hometown, normally stretches from one month to over a year. There are commonly reported cases of trials and resulting prison terms of 10 to 15 years.

Therefore, all North Koreans who are arrested by Chinese security officials and repatriated to North Korea have an undeniable and confirmed “fear of persecution.”

ATTACHMENT NO. 4

ECONOMIC MIGRANTS ARE ALSO REFUGEES!

North Korean defectors in China have risked their lives fleeing from their homes to escape starvation, destitution and political oppression in pursuit of food and freedom. Obviously, the very act of defection itself is a dramatic expression of their political views, an angry defiance of the political authorities of North Korea who systematically starve them. Nevertheless, they State that they have fled to China for food. They declare plainly their need to beg for food and sympathy, but of equal importance, as a means of mitigating their punishment in the event of forced repatriation to North Korea. The government of China takes advantage of North Koreans’ beggary and cynically denies them refugee status under the pretext that they are “economic migrants.”

The Agreement between China and UNHCR signed at Geneva on 1 December 1995, Article III, reads: “Cooperation between the government and UNHCR in the field of international protection of and humanitarian assistance to refugees shall be carried out on the basis of the Statute of UNHCR, other relevant decisions and resolutions adopted by United Nations, Article 35 of the Convention Relating to the Status of Refugees of 1951 and Article 2 of the Protocol Relating to the Status of Refugees of 1987.”

In this context, it must be noted that the Sub-Commission on the Promotion and Protection of Human Rights adopted a resolution at its 22nd Meeting on 14 August, 2002, which reads in part, “. . . persons who have risked their lives fleeing from their homes to escape persecution and by other factors such as starvation or destitution . . . should be protected in accordance with . . . the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Therefore, China’s denial of refugee status to North Koreans on the pretext of economic migrancy can, in no way, be justified on the basis of the above agreement and U.N. resolution.

Copies of the Agreement and the U.N. resolution will be made available upon request.

Prepared by: Sang Hun Kim, International Human Rights Voluntary Worker—guygeo@softgram.com

ATTACHMENT NO. 5

OUR QUESTIONS

We demand that the Chinese Government explain and clarify the following questions that are crucially relevant to its international obligations:

Is the status of North Korean defectors in China subject to international law or national law?

The question of refugee status is an international issue and therefore should be governed by relevant international laws (i.e., the 1951 Geneva Convention Relating to the Status of Refugees and the 1967 Protocol thereto) and not to be determined by Chinese national law or any political or economic considerations.

Furthermore, the Chinese Government has accepted that “an international human rights agreement . . . is binding under Chinese law and China must honour the corresponding obligations. . . . In the event of discrepancies between domestic law and an international human rights agreement . . . the international agreement will take precedence” (Report of China—HRI/CORE/1/Add.21/Rev.2, 11 June 2001).

Please explain on what basis the defectors are denied the right even to substantiate their claims as refugees.

Very regrettably, the Chinese Government is applying national law to an international issue that should be governed by customary international law. Accordingly, if the Chinese Government punishes the defectors under its national law, it must first explain why the defectors are not eligible for refugee status under customary international law. Arresting defectors without this explanation and without granting them the benefit of fair and efficient asylum procedures makes the Chinese Government’s decision appear highly arbitrary, and defiant of human rights principles and international justice. In the name of fundamental human rights and humanity, the international community has the right to know that the Chinese Government first

publicly articulate why the defectors in question have not been found eligible for refugee status.

Can the Chinese Government justifiably charge the defectors with "Illegal Entry?"

Without fair and efficient asylum procedures, the Chinese authorities arbitrarily charge all the defectors with "illegal entry" for their presence in China. It must be recognized that this is in violation of the 1951 Convention, Article 31, which prohibits the Contracting States from imposing "penalties, on account of their illegal entry or presence, on refugees." Illegal entry, therefore, does not preclude defectors from being the refugees they claim to be. All individuals who commit desperate acts, such as illegal entry, should be granted the opportunity to substantiate their claims in accordance with the international refugee laws that were established to protect them. (Technically, the defectors in question are "illegal border crossers" at the very outset. In essence, no concept of "refugee" could exist anywhere in the world and no refugee laws could be in place if defectors were unconditionally arrested solely based on their illegal entry or presence, as it is in China.)

How does the Chinese Government justify punishing aid workers who help "illegal immigrants" when they act on humanitarian grounds?

All governments have the sovereign right to deal with illegal immigrants. The Chinese Government punishes not only those it labels "illegal immigrants," however, but also anyone helping them based on humanitarian grounds. Such ill-advised actions are inconsistent with the prevailing norm of behavior consistent with international community membership. By so doing, isn't the Chinese Government forcing innocent citizens and international aid-workers to deny fundamental human rights to people in distress? Isn't the Chinese interpretation of humanity at odds with that of the rest of the world?

Are the defectors economic migrants or refugees?

Based on the abundance of information documented and available to us, none of the North Korean defectors was in China with the intent to pursue business or seek gainful employment. A migrant enjoys the protection of his or her home government; a North Korean defector does not.

Moreover, many defectors have been arrested while attempting to leave China for a third country. Thus, if the defectors are indeed economic migrants pursuing business and/or seeking gainful employment in China, why then would they attempt to leave China at the first opportunity for a third country that provides far less economic opportunity than China (e.g., Mongolia, Myanmar, Laos or Vietnam)? Attempts to leave China undermine the Chinese Government's "economic migrants" allegation and clearly demonstrate the real purpose seeking freedom.

One case in point: On January 18, 2003, 48 North Koreans, including a group of children, were about to leave China by sea and seek asylum either in South Korea or Japan. They were arrested, however, by the Chinese security services in Yantai City, Shandong Province. If they were indeed economic migrants, why would they attempt to leave China in the first place?

Are Chinese laws not the same for everyone?

North Korean defectors are given humanitarian considerations and are allowed to leave China by the Chinese Government if they were in the compound of any foreign embassies in China. The same North Koreans are brutally treated and returned to North Korea against their will if they were found outside foreign embassies. What kind of law enforcement is this?

South Korean humanitarian aid workers have been arbitrarily detained, some for more than a year, without a court verdict. Japanese aid workers, by comparison, have been held on the same charges, but have been released in anywhere from 7-21 days. Are Chinese laws different by nationality?

SUBMISSION FOR THE RECORD

LIST OF NORTH KOREAN REFUGEES AND HUMANITARIAN WORKERS SEIZED BY THE
CHINESE AUTHORITIES

The following represents a list that the Defense Forum Foundation began compiling in 2002 of the names of North Korean refugees and humanitarian workers who are known to have been seized by the Chinese authorities. There are, of course, thousands and thousands of others whose names are unknown to us. This list was compiled in cooperation with seven NGOs working to rescue North Korean refugees and was reviewed for accuracy by the Seoul-based Citizens Coalition for Human Rights of Abductees and the Japan-based Life Funds for North Korean Refugees. The list has been periodically submitted to the People's Republic of China along with letters requesting release of the individuals still in their custody and information about the whereabouts of those who have disappeared. It has been read aloud at two protest rallies in front of the PRC Embassy in Washington, DC, and at a protest rally organized by the Citizens Alliance for North Korean Human Rights at the PRC Embassy in Prague, the Czech Republic. The humanitarian workers and journalists are listed with an asterisk.

SEIZED ON DECEMBER 13, 2003 IN GUANGXI PROVINCE

Takayuki Noguchi,* male, 32, humanitarian worker with Life Funds for North Korean Refugees seized by Chinese police along with two Japanese-born North Korean refugees, a woman in her 40s (born in Tokai Region Japan) and a man in his 50s born in West Japan.

SEIZED ON DECEMBER 5, 2003 IN NANNING CITY, GUANGXI PROVINCE

Chinese authorities seized 36 North Korean refugees hiding in Nanning City, Guangxi Province.

SEIZED IN EARLY SEPTEMBER, 2003 IN YUNNAN PROVINCE

Yun Jong-Ok, female 37
 Yun Kwang-chol, male 34
 Park (first name not known), female 31
 Lee So-bong, female 54
 Ko Kum-suk, female 34
 Ko Hye-suk, female 32
 Ko I-song, female, 27
 Ko Song-hi, female, 24
 O In-sun, female 20
 Ko Jong-hi, female 40
 O In-chol, male 15
 O Jong-hwa, female 34
 Kim So-hi, female 27
 Sohn Mi-hyang female, 8
 Chung Hye yong, female 26
 Kwak Hyon-chol male, 21
 Kim Kwang-il male 18
 Park, Kum-song, male 18
 Ye, Song-jin, male 20
 Chang Chol, male 19
 Dong Chong-shil male, 19
 Kim Mi-na, female, 16
 Kim Un-hye female 17
 Yu Song, female, 15

SEIZED ON SEPTEMBER 5, 2003 IN GUANGZHOU, GUANGDONG PROVINCE

Woo, Dr. Ri-Chae, a North Korean biological weapons expert was seized while trying to enter the Australian consulate general office in Guangzhou. His wife and children fled when Dr. Woo was seized.

SEIZED ON JULY 27, 2003 IN BEIJING, CHINA

These four were arrested outside a restaurant in Beijing. On the day of their arrest, they had arrived from the city of Yanji by the Tumen-Beijing express train.

Mr. Lee Kil-wun (64, from the Onsong district, North Korea, coal-mine administrator)

Mrs. Han Sun-bok (60, wife of Mr. Lee Kil-wun, former high school teacher, from the same district)

Mr. Lee Song-min (31, son of Mr. Lee and Mrs. Han, worker, from the same district)

Ms. Kang Myong-ok (35, from the city of Chongjin, North Korea.)

SEIZED ON JULY 27, 2003 IN QINGDAO, CHINA

Eight North Korean refugees including four children

SEIZED ON JANUARY 18, 2003 IN YANTAI CITY, SHANDONG PROVINCE

Ko Chong Mi (Female, born September 23, 1960 in Japan Osaka Ikonoku Tennoji)

Lee Yu Son (Female, born September 21, 1982 in DPRK Pyon an Puk Do)

Kim Son Hee (Female born September 1, 1961 in DPRK Han Gyong Puk Do Kil Ju Gun Yong Buk Ku)

Pee Okk Ju (Female born February 11, 1988 in DPRK Han Gyong Puk Do)

Kim Myong Chol (Male born January 28, 1965 in DPRK Han Gyong Puk Do Rajing Jang Pyong Dong)

Chu Hun Kuk (Male born December 29, 1956 in DPRK Han Gyong Puk Do Kil Ju Gun Yong Buk Ku)

Kim Yong Ho (Male born December 17, 1969 in DPRK Han Gyong Puk Do Fe Ryong CityYok Chon Dong)

Kim Kum Ok (Female born March 28, 1960 in DPRK Han Gyong Nam Do Ham Hung Song Chon)

Sin Younghee (Female born July 14, 1986 in Han Gyong Puk Do Seppyor Gun An Won Li 39)

Choun Hyang Hwa (Female born July 10, 1983 in DPRK Han Gyong Nam Do Ham Hung Song Chon Kang Yok John Dong 15)

Kim Un Kum (Female born June 25, 1931 in DPRK Han Gyong Puk Do Myon Chon Kun)

Be Kwang Myong (Male born January 1, 1986 in DPRK Han Gyong Puk Do Chong Jin Chong am 1-3)

Park Ran Hee (Female born January 17, 1964 in DPRK Han Gyong Nam Do Ham Hung Yong Song Gu Yoku)

Lee Kyong Su (Male born Feb. 18, 1968 in DPRK Yang Kang Do He San city)

Lee Chol Ho (Male born Aug. 28, 1967 in DPRK Han Gyong Puk Do Chong Jin City Chong Jin)

Lee Chol Nam (Male born Apr. 26, 1969 in DPRK Han Gyong Puk Do Chong Jin City Chong Jin)

YangYong Ho (Male born March 30, 1961 in DPRK Han Gyong Puk Do mu san gun)

Yang Gum Soon (Female born Dec. 2, 1987 in DPRK Han Gyong Puk Do mu san gun)

JangYong Chol (Male born Apr. 20, 1955 in DPRK Han Gyong Puk Do Chong Jin City Chong Jin)

Kim Young Kwang (Male, 20 years old born in DPRK)

Choi Yong-hun* (South Korean humanitarian aid worker; sentenced to 5-year imprisonment and a fine of 30,000 RMB on May 22, 2003)

Park Yong-chol* (NK national; sentenced to 2-year imprisonment and a fine of 5,000 RMB on May 22, 2003)

Park Yong-ho* (Chinese version of "Piao LONGGAO;" Korean Chinese national; sentenced to 3-year imprisonment and a fine of 10,000 RMB on May 22, 2003)

Kim Song-man* (Chinese version of "Jin CHENGWAN;" Korean Chinese national; sentenced to 1-year imprisonment and a fine of 1,000 RMB)

SEIZED ON NOVEMBER 13, 2002 AT THE VIETNAM/CHINA BORDER

These 17 refugees were seized by Vietnamese border guards and turned over to Chinese authorities. After their arrest they were held in Pingshang, Nanning City, Guangxi Province, China.

Kim, Ok-ryun (female, 38)

Kim, Myung-hee (female, 33)
 Choi, Kil-sook (female, 62)
 Kim, Kum-dan (female, 67)
 Hwa Jung (28)
 Lee, Sung-yeol (male, 20)
 Kim, Chul-ho (male, 44)
 Lee, Hwa-jun (male, 35)
 Park, Yoon-sang (male, 54)
 Cho, Kyung-sook (female, 29)
 Cho, Sung-sook (26)
 Kwak, Myung-neo (male, 35)
 Yoon, Seo-young (female, 24)
 Chun, Chang-sup (male, 42)
 Hwang, Tae-Wook (male, 9)
 Oh, Song-Wol (4-year-old child)
 Lee, Dae-ho (7-month-old baby)

SEIZED ON OCTOBER 31, 2002 AT THE GERMAN SCHOOL IN BEIJING, CHINA

Joo, Seung-hee (female, 41, Hamkyung Bukdo)
 Han, Mee Kyung (female, 17, daughter of Joo Seung-hee)
 Lee, Sun-hee (female, 39, Hamkyung Bukdo)
 Kim, Ok-byul (female, 14, daughter of Lee Sun-hee)
 Kim, Kwang-soo (male, 16, son of Lee Sun-hee)

SEIZED ON OCTOBER 30, 2002 IN DALIAN

Kim, Gun Nam (male)

SEIZED ON SEPTEMBER 2, 2002 AT THE ECUADORIAN EMBASSY IN BEIJING, CHINA

Han, Song-hwa (female, 45)
 Cho, Seong-hee (female, 16, daughter of Han Song-hwa)
 Cho, Hyun-hee (female, 12, daughter of Han Song-hwa)
 Kim, Yeon-hee (female, 31)
 Cho, Il-hyun (female, 10 months, daughter of Kim Yeon-hee)
 Choi, Jin-hee (female, 28)
 Chung, Kwon (male, 28)
 Cho, Young-ho (male, 20)

SEIZED ON AUGUST 31, 2002 IN CHANGCHUN IN NORTHEAST CHINA

Kim, Hee-tae,* humanitarian worker, was seized along with eight North Korean refugees, who were attempting to leave China. Sentenced to 7 years imprisonment.

SEIZED ON AUGUST 31, 2002 NEAR THE MONGOLIAN BORDER

Yun Kim Shil (female)

SEIZED ON AUGUST 26, 2002 AT THE CHINESE FOREIGN MINISTRY IN BEIJING

These seven refugees attempted to apply for asylum at the Chinese Foreign Ministry.

Kim, Jae-gon (male, 60)
 Kim, Jong-nam (male, 36)
 Kim, Mi-young (female, 37)
 Jo Song-hye (female, 27)
 An, Choi-su (male, 40)
 Ko, Dae-chang (male, 56)
 Kim, Hong (female, 29)

SEIZED BETWEEN MAY 24–26, 2002, IN YUNNAN PROVINCE NEAR THE LAOS/BURMAN/
 CHINA BORDERS

Six North Korean defectors of which three names are known to us:
 Lee, Song-yong (boy, 3) (note his mother, Park Sun, hi (female, 31), defected successfully to South Korea in 2000)
 Lee, Hong-gang (male, 48)
 Kim, Mi-hwa (female, 30)

SEIZED ON MAY 10, 2002 WHILE ATTEMPTING TO REACH THAILAND

Kim, Chul Soo (male, 63)
 Kim's wife (female, 60)
 Kim's daughter (female, 30)
 Choi, Soon Kum (female, 59)
 Kim, Myung-Wol (female, 45)
 Park, Nam Gil (male, 18)
 Park, Myung-Chul (male, 45)
 Han, Young-Ae (female, 45)
 Han's husband (male, 47)
 Eun, Shim (female, 10)
 Eun Shim's brother (male, 14)

SEIZED ON MAY 9, 2002 IN YANBIAN

Rev. John Daniel Choi,* American citizen who had set up an orphanage to care for North Korean refugee children. Fourteen refugees he was helping were seized on the same day Choi was taken by Chinese authorities.

SEIZED ON APRIL 12, 2002 IN YENJI, CHINA

Rev. Choi, Bong-il* (54), humanitarian worker, sentenced to 9 years imprisonment
 Shin Chul (24) (refugee being helped by Rev. Choi)
 Choi, Sung-gil (23) (refugee being helped by Rev. Choi)

SEIZED BETWEEN DECEMBER 29-30, 2001 NEAR THE MONGOLIA BORDER

Seized near the border town of Dongchi in northeastern Inner Mongolia trying to cross the China/Mongolia border on December 29/early December 30, 2001. These refugees were seized when Pastor Chun Ki Won was arrested. Pastor Chun served 9 months in a Chinese prison for trying to help these refugees. Two refugees in this group who had U.S. relatives were allowed to go to Seoul. After their arrest, these refugees were held at Manchu-Ri Prison in China:
 Roh, Myung-ok (female, 38, wife of a SK citizen, Chung, Jae-song)
 Chung (Jung), Yoon (Eun)-mee (female, 10, daughter of No Myung-ok)
 Chung (Jung), Yoon(Eun)-chul (male, 8, son of No Myung-ok)
 Kim, Kwang-il (male, 32)
 Kim, Chul-nam (male, son of Kim Kwang-il)
 Kim, Ji-sung (male)
 Nam, Choon-mee (female, wife of Kim Ji-sung)

SEIZED ON SEPTEMBER 16, 2000 AT THEIR "SAFE-HOUSE" WITH THEIR SON IN DALIAN BY CHINESE POLICE

Han, Won-chae (male, 60)
 Shin, Keum-hyun (female, 58)
 Their son, Han, Sin-hyuk, successfully defected to South Korea.

SEIZED ON JANUARY 17, 2000 BY NORTH KOREAN SECURITY AGENTS IN CHINA

Rev. Kim, Dong-sik* (Rev. Kim is a citizen of South Korea but also has a green card from the USA); he is believed to have been abducted to North Korea

SEIZED ON AUGUST 6, 1997 BY CHINESE POLICE IN JIAN, LIAONING PROVINCE

Li, Song-Nam (51)

SEIZED ON FEBRUARY 4, 1997 AT THE SHANGHAI INTERNATIONAL AIRPORT

Kim, Eun-Chol (male, 35); His parents (Jae-Won Kim and his wife live in South Korea and it is believed he was sent back to North Korea)

