

**REMARKS BEFORE THE
CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

April 19, 2004

Kim Sang Hun

Activist on Behalf of North Korean Refugees

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 UN'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 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 seven 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 UN 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 2," 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 7 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 UN members, including China, regarding the universal respect of human rights and fundamental freedoms described in the UN 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

Your Excellency, Mr. Jiang Zemin

President,

People's Republic of China

Beijing China

23 December, 1998

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 (汪清)

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 (和龍)

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 (龍井)

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 UN Commission on Human Rights. The UN 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 7 years for defecting to another country or to an enemy in betrayal of the father-land 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 4 to 6 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 3 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 six 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% 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 UN resolution.

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

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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?