

**Statement of Greg Scarlatoiu, Executive Director, Committee for Human Rights in North Korea (HRNK): “The Shocking Truth about North Korean Tyranny,”
Hearing of the U.S. House of Representatives Committee on Foreign Affairs,
Subcommittee on Asia and the Pacific**

On behalf of the Committee for Human Rights in North Korea (HRNK), I would like to express great appreciation to Chairman Steve Chabot for holding this hearing today to highlight the human rights situation in North Korea, and for inviting me to testify. The Committee for Human Rights in North Korea considers it essential to bring attention to the systematic, widespread crimes against humanity and egregious human rights violations perpetrated by the North Korean regime, to protect the victims, to bring justice to their tormentors, and, without further delay, to seek ways to improve the human rights situation in that country.

The Committee for Human Rights in North Korea (HRNK)

HRNK is a US-based, bipartisan organization, established in 2001, to conduct research, publish reports and carry out outreach activities to focus international attention on the human rights situation in North Korea. For more than a decade, the organization's well documented and well written studies have established its reputation and leading role in the international network of organizations committed to promoting human rights in North Korea and to designing solutions for improving the situation. Its report *The Hidden Gulag: Exposing North Korea’s Prison Camps* (2003, 2012 and 2013) was the first to fully put on the map the North Korean political prison camp system through interviews with former prisoners, guards, and government officials formerly in charge of running the camps as well as satellite images.

The North Korean Human Rights Situation

For more than 65 years, North Korea’s human rights record has been abysmal. A quarter century after the collapse of communism in the former Soviet Union and Eastern Europe, North Korea’s Kim regime has maintained its tyrannical grip on power, while accomplishing two hereditary transmissions of power: from Kim Il-sung to Kim Jong-il in July 1994, and from Kim Jong-il to Kim Jong-un in December 2011. The primary strategic objective of the Kim regime continues to be its own self-preservation, regardless of the toll imposed on the North Korean people’s fundamental human rights.

Although North Korea is bound, as a UN member state, by the *Universal Declaration of Human Rights*, and although it is a party to the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social, and Cultural Rights*, the *Convention on the Rights of the Child*, the *Genocide Convention*, and the *Convention on the Elimination of All Forms of Discrimination against Women*, each and every conceivable human right continues to be violated in that country. In the year 2014, 120,000 men, women, and children, continue to be brutally persecuted behind the barbed wire fences of North Korea’s political prison camps, subjected to unrelenting induced malnutrition, forced labor, torture, sexual violence as well as public and secret

executions. Those suspected of being disloyal to the regime, of being, from the regime's viewpoint, *wrong-thinkers*, *wrong-doers*, of possessing *wrong knowledge*, of having engaged in *wrong associations*, or of coming from the *wrong family background*, are subjected to extrajudicial arrest and detention, often together with members of three generations of their families. They are held in North Korea's *hidden gulag* indefinitely, in most cases without charge or hope for recourse.

In the year 2014, pursuant to *Songbun*—a system of social discrimination established in the 1950s—the people of North Korea continue to be divided into three social categories and 51 subcategories, based on their degree of loyalty to the regime, and on the perceived allegiance of their parents and grandparents. Their access to food, jobs, and any type of opportunity continues to depend on their social classification. In the mid to late 1990s, as up to 3 million North Koreans starved to death, the Kim regime continued to invest in the development of its ballistic missile and nuclear weapons programs, and purchased 30 MiG-29 fighters from Belarus and Russia, and 40 MiG-21 fighters from Kazakhstan.

Human Rights Trends under the Kim Jong-un Regime

The human rights situation has deteriorated under the Kim Jong-un regime. Three trends stand out in particular: an aggressive crackdown on attempted defections—the number of North Korean escapees arriving in South Korea declined by almost 50% from 2011 to 2012/2013); an aggressive purge—culminating in the execution of Jang Sung-taek, the leader's uncle, and his associates in December 2013; and the “restructuring” of North Korea's political prison camp system—facilities near the border with China have been closed, while other camps have been expanded.

The UN Commission of Inquiry (COI)

On March 21, 2013, the United Nations Human Rights Council—composed of 47 UN member states—adopted *by consensus* a resolution to establish a “Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (COI).” While NGOs such as HRNK, tasked to monitor, research and report on the North Korean human rights situation, had been aware of the extent of the North Korean human rights violations for many years, this was the first time that an investigative body was established by the United Nations to determine the extent and gravity of North Korea's human rights abuses.

After investigating “the systematic, widespread and grave violations of human rights” in North Korea, the COI released its draft report on February 17, one month ahead of the formal submission to the UN Human Rights Council on March 17. The report finds that “in many instances, the violations found entailed crimes against humanity based on State policies.”¹

¹ Human Rights Council, A/HRC.25.63, *Report of the commission of inquiry on human rights in the Democratic Republic of Korea*, February 17, 2014, <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>.

The COI's Findings

The COI has determined that systematic, widespread and gross human rights violations have been, and are being, committed by North Korea. These include:

- arbitrary detention, torture, executions and enforced disappearance to political prison camps;
- violations of the freedoms of thought, expression and religion;
- discrimination on the basis of State-assigned social class, gender, and disability
- violations of the freedom of movement and residence, including the right to leave one's own country;
- violations of the right to food and related aspects of the right to life ; and
- enforced disappearance of persons from other countries, including through international abductions.

In light of the gravity, scale and level of organization of these violations, the COI has concluded that crimes against humanity have been committed by officials of the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State. These crimes against humanity involve extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation. The COI has also established that crimes against humanity continue to be committed in North Korea because the policies, institutions and patterns of impunity that lie at their heart remain in place.

One of the most important determinations made by the COI is that North Korea can be characterized as a totalitarian state that does not content itself with ensuring the authoritarian rule of a small group of people, but seeks to dominate every aspect of its citizens' lives and terrorizes them from within. In other words, the COI has found that crimes against humanity and other abysmal human rights violations are at the very core of the North Korean regime's *modus operandi*. The COI has characterized North Korea as "a state that does not have any parallel in the contemporary world," due to the "gravity, scale, and nature of the violations committed" by the North Korean regime.

The Victims of North Korea's Crimes against Humanity

The COI determined that crimes against humanity target anyone viewed as a threat to the political system and leadership of North Korea, in particular:

- the estimated 80,000-120,000 inmates of the DPRK's political prison camps;
- inmates of other detention facilities, including political prisoners;
- persons who try to escape North Korea, in particular those forcibly repatriated by China to conditions of danger;
- religious believers, Christians in particular;

- people considered to introduce “subversive” influences into North Korea, such as those who smuggle South Korean video material into North Korea, or those who are suspected of having had contacts with South Koreans;
- the COI determined that crimes against humanity have been committed by deliberately starving selected segments of the North Korean population, in particular during the great famine of the 1990s. The purpose of *de facto* condemning targeted groups to death by starvation was the preservation of North Korea’s leadership and political system;
- the COI found that crimes against humanity have been, and are being committed against the citizens of the Republic of Korea, Japan, and other countries abducted by agents of the North Korean regime.

What Actions Should Be Taken by the United States and International Community to Hold North Korea Accountable?

The COI has emphasized that the international community has the responsibility to protect the population of North Korea from further crimes against humanity, as their own State distinctly fails to do so. The COI has recommended a multi-faceted approach to implement this responsibility to protect, by combining urgent accountability measures with a reinforced human rights dialogue. The COI pointed out that, since the government of North Korea is not willing to prosecute its own officials, the United Nations will have to ensure that those most responsible for crimes against humanity are held accountable. The COI further recommended that *the UN Security Council refer the North Korean situation to the International Criminal Court*. The European Union, together with Japan, Australia, and South Korea clearly stated their support for Security Council referral to the International Criminal Court on March 17, following the formal submission of the COI report to the UN Human Rights Council.

The COI further recommended that the UN High Commissioner for Human Rights establish a field-based presence in the region to document human rights violations in the DPRK, in particular where they amount to crimes against humanity, in order to continue to focus attention on the human rights situation in that country.

Due in particular to potential opposition by the People’s Republic of China, a permanent member of the UN Security Council, the referral of the North Korean case by the UN Security Council to the International Criminal Court is unlikely, at least over the short term. However, it can be argued that, by bringing the case to the UN Security Council and thus forcing a Chinese veto, the spotlight will be on China, which continues to unconditionally extend its support and protection to the Kim regime, and to refuse North Korean escapees access to the process leading to their acquiring political refugee status. In a letter dated December 16, 2013, the COI has already urged the Government of the People’s Republic of China to warn relevant officials that the forcible repatriation of North Korean refugees to conditions of extreme danger—Involving persecution, torture, prolonged arbitrary detention, sexual violence, forced abortions, and infanticide—could amount to the aiding and abetting of crimes against humanity.

For more than two decades, the United States and the international community have been concerned with the grave political security challenges posed by the North Korean regime. Concern for North Korea's egregious human rights violations hasn't been similarly reflected in either the sanctions regime imposed on North Korea or attempts to engage in bilateral or multilateral dialogue. The ***inclusion of North Korean human rights in the UN Security Council's permanent agenda*** would be a long overdue and feasible measure, since 9 out of 15 votes of permanent and non-permanent members of the Council would be needed, and such course of action could not be blocked by the veto of a permanent member.

In order to create an atmosphere conducive—at the very least—to the inclusion of North Korean human rights in the UN Security Council's permanent agenda, over the short term, considering ***the application of the Arria Formula*** could be an effective approach to be pursued by the United States and like-minded Council members. The Arria Formula is an informal arrangement ensuring that the Council has greater flexibility in its ability to be briefed on international peace and security issues. The formula also allows members of the Council to invite speakers other than UN officials, delegations or high-ranking officials of Council members.

While recognizing that the report by the COI is a critical and historic step by the United Nations, HRNK also urges the United States Government to ***support greater involvement by UN agencies in North Korea, beyond the human rights bodies.*** HRNK insists that UN agencies to which the United States Government is a significant contributor, agencies tasked with development or humanitarian assistance—including UNICEF, WHO, WFP and UNFPA—should be fully aware of the findings of the UN Commission of Inquiry and find ways to promote them.

HRNK urges the United States Government to ***extend its support to NGOs and other organizations tasked to monitor and report on North Korea's human rights violations.*** In particular, efforts to document crimes against humanity in North Korea and to identify those responsible will be critical to efforts to ensure accountability as well as preparations for a future effective transitional justice program in North Korea.

Should the COI Report Provoke Changes to the U.S. “Strategic Patience” Policy?

U.S. North Korea policy has been dominated by grave political security concerns, including North Korea's development of its ballistic missile and nuclear weapons program, and also serious military provocations, such as the sinking of the ROKS Cheonan in March 2010, or the shelling of South Korea's Yeonpyeong Island in November of the same year. The policy of “strategic patience”—implying that the United States can afford to wait for North Korea's decision to denuclearize, or for a set of circumstances conducive to North Korean denuclearization—appears to make sense within a context defined by the North Korean regime's established patterns of behavior, involving the alternation of provocations and “charm offensives.”

From the *Treaty on the Non-Proliferation of Nuclear Weapons (NPT)* and the *1994 Geneva Agreed Framework* and the *Six Party Talks* to the February 2012 *Leap Day Agreement*, the North Korean regime has rescinded each and every commitment it has made, in multilateral or bilateral talks. The North Korean regime’s utter lack of international credibility suggests that “strategic patience” is one of very few options left to the U.S. Government. Moreover, the historic record of the past two decades denotes that the assumption that North Korea continues to develop its nuclear and missile capabilities unless the United States initiates bilateral or multilateral dialogue is flawed. The North Korean regime continues such developments regardless of the status of bilateral or multilateral talks, with the ultimate goal of miniaturizing a nuclear warhead to the point where it can be mounted on a long-range ballistic missile capable of reaching the continental United States. From the viewpoint of the North Korean regime, such development is essential to its survival, and to North Korea’s maintaining international relevance.

Nonetheless, the COI report has confirmed what human rights NGOs and research organizations had known for years: crimes against humanity have been, and are being committed in North Korea. Under the regime of Kim Jong-un, as many as 23,000 political prisoners disappeared prior to the transfer of the prison population from Camp No. 22 in Hoeryong, North Hamgyeong Province, to other detention facilities.² As the horror of what author Mark Helprin termed a “slow-motion holocaust” continues, the people and government of the United States can unambiguously afford no “strategic patience” that would allow the Kim regime more time to abuse, starve, wrongfully imprison, maim, torture, and kill the innocent men, women, and children of North Korea.

Human rights are at the very core of the fundamental values that define us, values that Americans share with our friends, allies, and partners in the Asia-Pacific region and beyond, first and foremost with the Republic of Korea. Recent developments in the Middle East confirm that tyrants who violate the rights of their own citizens with impunity become threats to regional and international peace and security, especially if they are armed with weapons of mass destruction. Consequently, rather than applying “strategic patience” to the U.S. approach to the human rights crisis in North Korea, or postponing significant policy measures until the circumstances have changed, ***the United States must include human rights in the North Korea policy agenda.*** The next requisite steps should comprise ***the inclusion of human rights concerns in the agenda of future bilateral and multilateral talks and linking the international sanctions regime to the human rights situation in North Korea.***

How Could Effective and Targeted Sanctions against the North Korean Regime Improve Its Human Rights Situation?

The international sanctions regime against North Korea, established through UN Security Council Resolutions 825, 1540, 1695, 1718, 1874, 2087, and 2094, aims to prevent the development and proliferation of weapons of mass destruction and ballistic missile

² Hawk, David. *North Korea’s Hidden Gulag: Interpreting Reports of Changes in the Prison Camps*, page 22. Committee for Human Rights in North Korea, 2013.

technology by North Korea. The current international sanctions regime is not linked to North Korea's human rights situation. In order to achieve international momentum and a degree of effectiveness comparable to that applied to efforts to do away with South Africa's apartheid, ***the international sanctions regime must be expanded beyond counter-proliferation efforts, and be linked to North Korea's human rights situation.***

The COI has determined that the main perpetrators of human rights violations and crimes against humanity are officials of North Korea's State Security Department (SSD, the Ministry of People's Security (MSC), the Korean People's Army (KPA), the Office of the Public Prosecutor, the judiciary and the Korean Workers' Party (KWP). These officials have been acting under the effective control of the leadership organs of the KWP, the National Defense Commission (NDC) and the leader of North Korea. A sanctions regime effectively addressing the North Korean human rights situation must ***sever access to funds aimed to support, aid and abet the crimes against humanity and other human rights violations*** perpetrated by the North Korean regime, until the situation has been verifiably remedied (i.e. the political prison camps have been closed, full disclosure has been brought to the issue of abductions of foreign nationals etc.). Effective sanctions would also ***sever the access to luxury goods and foreign travel for those officials most responsible for North Korea's crimes against humanity.***

On more than one occasion, HRNK has called upon the international community to concern itself not only with security and nuclear issues, but with the persecution, starvation and political repression of the North Korean population. The COI recommended that the UN Security Council impose targeted individual sanctions against those most responsible for North Korea's systematic, widespread and gross human rights violations, and crimes against humanity. The COI further recommended that states should not use the provision of food and other essential humanitarian assistance to impose pressure on North Korea, and that humanitarian assistance should be provided in accordance with humanitarian and human rights principles, including the principle of non-discrimination, while the North Korean authorities should provide adequate conditions of humanitarian access and related monitoring.

Following the letter and spirit of the COI report, effective targeted sanctions aiming to improve the human rights situation in North Korea would ensure that adequately monitored humanitarian assistance reaches those who need it most, in particular the most vulnerable people of North Korea. While targeting the perpetrators of crimes against humanity, effective sanctions regimes must ensure that funds that would otherwise have been spent on ski lifts, luxury goods, and weapons be used to purchase food, medicine, and other humanitarian supplies for the people of North Korea.