

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹ Human Liberty report, p. 37.

² Human Liberty report, p. 43.

³ Human Liberty report, p. 43.

⁴ Human Liberty report, pp. 44-45.

⁵ Human Liberty report, p. 47.

⁶ <http://www.melaniekirkpatrick.com/the-bible-in-the-birds-nest/>

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

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

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

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

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

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

⁸ Human Liberty report, p. 50.

⁹ Such acts include:

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

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

¹¹ Human Liberty report, pp. 51-52.

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

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

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

The gravity, scale, duration and nature of the unspeakable atrocities committed in the country reveal a totalitarian State that does not have any parallel in the contemporary world.

These are the ongoing crimes against humanity happening in the Democratic People's Republic of Korea, which our generation must tackle urgently and collectively. The rest of the world has ignored the evidence for too long. Now there is no excuse, because now we know.

The world is now better informed about [North] Korea. It is watching. It will judge us by our response. This Commission's recommendations should not sit on the shelf. . . . It is now your duty to address the scourge of human rights violations and crimes against humanity in the Democratic People's Republic of Korea.

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

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

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

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

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

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