

**Statements for the Record Submitted for the “Civil and Political Rights in the Republic of Korea: Implications for Human Rights on the Peninsula” to the Tom Lantos Human Rights Commission Hearing**

**By Park Jung Oh**

Honorable Co-Chairmen James P. McGovern and Christopher H. Smith, and distinguished Members of the Tom Lantos Human Rights Commission:

I would like to extend my appreciation to all of you for granting me the opportunity to submit my written testimony for this important hearing. I would also like to thank the One Korea Network (OKN), for all their help in making my participation in this hearing possible.

My name is Park Jung Oh, and I escaped from North Korea in 1998 and resettled in South Korea the following year. I am the Founder and Director of ‘Kuen Saem’ (*‘Big Spring’*).

Kuen Saem is an afterschool program created to meet the educational needs of North Korean defector school children and students from low-income families and multicultural homes by providing free afterschool and remedial education programs, along with free meals. This program began in 2012, and starting from April of 2016, I started a new project called the ‘Send Rice & Info Directly to the NK People’ project, whereby we use plastic water bottles to send rice and USBs (containing outside information such as South Korean and western films and TV shows, religious materials, and other resources), and other goods such as female hygiene products, anti-parasite medication, and until recently, facemasks. These plastic bottles filled with the rice and USBs and other goods are then launched from the west coast of South Korea, close to the North Korean border, using the tides and the ocean currents which take the bottles to North Korea. We have conducted over 100 ‘rice and USB bottle’ launches since the project’s inception.

After the June 4<sup>th</sup>, 2020 public statement by Kim Yo-jung (the sister of North Korea’s dictator) whereby she explicitly condemned the leaflet launches via balloons into North Korea, on June 10<sup>th</sup> the South Korean Ministry of Unification charged Kuen Saem, and Fighters for Free North Korea with violating the ‘South-North Inter-Korean Agreement’, and thus began the South Korean government’s investigation of myself and my organization (and other organizations).

On June 17<sup>th</sup>, 2020, to my great disappointment and shock, but something that was bound to happen, the Ministry of Unification (MoU) announced that it was considering measures to cancel the nonprofit registration and status for Kuen Saem, and that of my brother’s organization, Fighters for Free North Korea.

On June 29<sup>th</sup>, the South Korean National Assembly held a hearing regarding this issue of sending information into North Korea, and on July 17<sup>th</sup>, the MoU carried out the decision to cancel the nonprofit registration status of both Kuen Saem and Fighters for Free North Korea. Currently, my petition to have the decision to cancel the nonprofit registration status reversed and stopped is in litigation with the Seoul city administrative court system.

On June 26<sup>th</sup>, the ‘gong-an susahdae’, or the police unit tasked with investigating North Korean spies in South Korea, carried out a search and seizure raid of my office at the Kuen Saem school.

On June 30<sup>th</sup>, the first investigative interrogation occurred at the Seoul Metropolitan Police Agency.

On July 1<sup>st</sup>, the police confiscated my smartphone and computers for a forensic analysis (and no doubt downloading all my personal information and contents).

On July 16<sup>th</sup>, the second investigative interrogation occurred at the Seoul Metropolitan Police Agency.

On August 12<sup>th</sup>, the third investigative interrogation occurred at the Seoul Metropolitan Police Agency.

On November 4<sup>th</sup>, the case against me was forwarded from the Seoul Metropolitan Police Agency to the Seoul Central District Prosecutors' Office.

On December 9<sup>th</sup>, an investigative interrogation occurred at the Seoul Central District Prosecutors' Office.

On December 23<sup>rd</sup>, the Seoul Central District Court handed down an indictment and charged me with various 'crimes'.

As of March 16<sup>th</sup>, 2021, the case against me is still ongoing in the criminal court system.

The South Korean government also banned me from leaving South Korea and revoked my passport five times, starting from June 25<sup>th</sup> of 2020 to November 24<sup>th</sup>, 2020.

The reason for all this harassment? Because of the 'crime' of my firm belief and desire that the fundamental solution to the North Korean human rights situation is through the wakening of the North Korean people's desire for knowledge about human rights, and for the people inside North Korea to seek their human rights and freedom, aided by defectors like myself and activists who send in outside information into North Korea.

The International Covenant on Civil and Political Rights, to which even North Korea is a party, clearly states in Article 19 that:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The United Nations has also declared in its first session that "Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated."

Article 19 of the Universal Declaration of Human Rights states that, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

The Constitution of the Republic of Korea states in Article 21 that, "All citizens shall enjoy freedom of speech and the press, and freedom of assembly and association," and Article 10 also states that "All citizens shall be assured of human worth and dignity and have the right to pursuit of happiness. It shall be the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals." These rights are all basic rights that are recognized as belonging to citizens of democratic countries.

However, the North Korean regime has cut off its citizens from outside news and information, as a core component of their strategy in maintaining the regime system, and for many decades has built a societal system to monitor and surveil the population and thus completely and thoroughly blocked and cut off freedom of expression and access to information.

And now the National Assembly of South Korea, through the actions of the majority party in power, the Democratic Party (*Deobureominjudang*), has passed the ‘anti-leaflets bill’ officially titled, “A Partial Amendment to the Law on the Development of Inter-Korean Relations.”

A nation’s first and foremost duty and priority is to protect and guarantee its citizen’s life and liberty. A third country or an external entity that demands of the South Korean government to control and limit proper and legal activities of South Korean citizens, and if failing to do so and follow orders, threatens to shoot them, the proper response should be to protect the life and liberty of the South Korean citizens through resisting and holding accountable the external entity’s actions by taking strong measures. However, the ‘anti-leaflets bill’ is a surrender to the North Korean regime, an anti-South Korean, ‘Defending Kim Yo-jung’ piece of legislation that violates the Constitution of South Korea by oppressing the right to freedom of expression, and a bill that is unacceptable by the standards of international society and international laws and regulations – a truly evil law.

This action by the South Korean authorities is one that acquiesced to the demands of the principal foes of the Republic of Korea - Kim Jong-un and Kim Yo-jung, and an act of betrayal that goes against the basic order of a free democracy, and one that goes against and destroys the spirit of the Constitution. This is a traitorous, atrocious act that amounts to denying the freedoms of expression, assembly and association and taking the side of the principal foe and treating South Korean citizens as criminals.

The Kuen Saem afterschool program is one that is helping the young people with their education and schoolwork after they are done with school, providing a critical need for families who would otherwise have no way to afford private, afterschool learning centers. Kuean Saem also strives to teach its students how to better adjust to school life, in order for North Korean defectors to successfully assimilate into South Korea and realize their universal human rights and freedoms under South Korean democracy, and ultimately contribute to the peaceful unification of the Korean peninsula.

The Korea Hana Foundation, which operates under the auspices of the Ministry of Unification, cut off all funding for the Kuen Saem afterschool education program on July 16<sup>th</sup>, 2020. And as a result of requests for further investigations made by the Ministry of Unification, South Korean authorities through the Seoul Metropolitan Police Agency have harassed and interrogated the board members of Kuen Saem, in addition to the harassment of our donors and funders through heavy-handed pressure and investigations.

As a result, the Kuen Saem afterschool program has seen a drastic and dramatic decline in funding and support, leading to great difficulties in running the program and hurting and affecting the children it serves. In short, the South Korean government under President Moon Jae In, is targeting and hurting the North Korean defector children and students who have nothing to do with the ‘Send Rice & Info Directly to the NK People’ project that uses the ocean waves to send plastic bottles filled with rice, USBs containing outside information, and other humanitarian goods into North Korea.

In conclusion, Kuen Saem will continue to operate and help the North Korean defector students, despite the efforts of the South Korean officials to shut us down. And most importantly, we will not stop in our efforts to once again start sending information to the people of North Korea.

April 15, 2021

It is my sincere hope that through this hearing held by the Tom Lantos Human Rights Commission, this issue will be addressed, and the illegal law be reversed.

Thank you.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "park JS", is written over a red square seal. The seal contains Korean text in a traditional seal script.

**PARK Jung Oh**

Founder and Director, 'Kuen Saem'

Founder, 'Send Rice & Info Directly to the NK People' Project

*To view attachments (supporting documents) regarding notices to appear for investigative interrogations, notice of cancellation of non-profit status, notices from banks informing of release of financial records to law enforcement, and other official letters sent by South Korean government authorities, the exhibits are available upon request.*



Acknowledgements:

This testimony was originally written by Park Jung Oh, Founder and Director of Kuen Saem, and translated to English by Henry Song, North Korea human rights activist and OKN Advisor & Consultant, and further edited and revised by Grant Newsham, President of KCPAC.

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