

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
THE STATE OF CIVIL AND POLITICAL RIGHTS IN THE REPUBLIC OF KOREA:
IMPLICATIONS FOR HUMAN RIGHTS ON THE PENINSULA

April 15, 2021 – 10:00 a.m.
Virtual, via WebEx

Statement of Suzanne Scholte
Seoul Peace Prize Laureate
Chair, North Korea Freedom Coalition

Thank you to Congressmen Chris Smith and James McGovern and the Tom Lantos Human Rights Commission for addressing this critical topic. I will focus my remarks specifically on how the current state of civil and political rights in the Republic of Korea has impacted North Koreans trying to escape, North Koreans working for the freedom and human rights of their homeland, and North Koreans currently in power in the Democratic People's Republic of Korea.

We have reached a time in history where there is no dispute that crimes against humanity and gross violations of human rights have been committed and are being committed by the regime of Kim Jong Un that have no parallel. The government that should be taking the lead on this tragedy and upholding the human rights of the Korean people has instead gone silent, and much worse seems more concerned with helping the Kim regime, rather than the people who live under its tyranny.

No one on this Earth has a greater moral and constitutional responsibility than the president of the Republic of Korea, Moon Jae-in, to uphold the rights of the Korean people whether born North or South of the DMZ. So, what has Moon's actions done to the people born north of the DMZ:

For Those Trying to Escape – the Refugees: Every single President of the Republic of Korea has facilitated the safe resettlement of refugees even during the presidencies of Kim Dae Jung and Roh Moo-Hyun during the period known as the "Sunshine Policy". The Republic of Korea has done a remarkable job in successfully resettling over 33,000 refugees. This has been no easy undertaking because most defectors suffer from post-traumatic stress disorder and they have faced deprivations unheard of in the civilized world. So, the Republic of Korea deserves great respect for what it has done in the past to help North Koreans.

In fact, President Moon's predecessor, Park Guen-hye openly called upon North Koreans to escape and come to South Korea, so they could follow their dreams, but that attitude of brotherly

and sisterly love has been nonexistent in the Moon government which is much more interested in helping Kim Jong un fulfill his dreams. We must never lose sight of the fact that what the Kim regime wants is unification under the Kim Baektu Dynasty, not South Korea's liberal democracy. So, it is appropriate for any democracy, especially a democracy that sacrificed over 33,000 of its sons and daughters to preserve South Korea's republic, to raise the alarm when those freedoms are being curtailed.

In November 2019, the North Korean defector community, as well as the international human rights community, was shocked when South Korean authorities forcibly repatriated two young North Korea fishermen back to North Korea. The circumstances behind this incident are murky as the South Korean authorities claimed the two young men in their 20s had killed their fellow fishermen, but there is a lot of doubt about what truly happened on that boat. We do know something not in dispute: they were asking for asylum in South Korea, but the Moon administration blindfolded them, tied them up with ropes, and handed them back to North Korea. These actions violated South Korea's constitution and international treaty obligations. South Korean lawmaker WonYoo Chul stated: *"Forcibly repatriating them was an act against humanity that violated international law. Their repatriation constitutes a murder through willful negligence because South Korea sent them to the North, fully aware that they would be executed there."*

Obviously, there has been a dramatic drop in North Koreans escaping because of COVID, but since September we have been appealing on behalf of a group who escaped from North Korea on January 21, 2020, that sheltered in place during the pandemic, and then in September made their move to try to get to the Republic of Korea. In this group were a family of three, all Christians, who have family in South Korea and two young Christian women who were trying to escape the men who bought and abused them. They were sisters and victims of human trafficking, something that 90% of North Korea females face in China. All North Korean refugees forcefully repatriated to North Korea face certain torture, certain imprisonment, and sometimes even execution. Those who face execution are those who were discovered to have become Christians or who were trying to get to South Korea.

For the North Korean refugees in detention today, we have been appealing to President Moon to ask for China as a humanitarian gesture to release them to South Korean officials. This is in fact a golden opportunity for the Moon government: because of COVID, the Democratic People's Republic of Korea (DPRK) has refused China's request to forcefully repatriate these refugees back to North Korea. We saw on full display how terrified the DPRK is of COVID with the brutal execution of a South Korean maritime official last fall, who was shot and burned near the DPRK maritime border. So, all Moon has to do is offer to help China decongest their detention facilities and have South Korea accept these refugees for resettlement. China has done this frequently in the past.

But because Moon has failed to act so far, China released the two sisters back to the Chinese men who bought them. Basically, they were released back to their abusers because Moon failed to act for over 6 months. One had been helping other defectors and both desperately wanted to get to South Korea.

(PHOTOS)

Now, what will happen to the remaining defectors? I fervently hope that because of this Congressional hearing that the Moon government will do the right thing and rescue those facing death by asking for them to be released to South Korea and not repatriated to North Korea. There is plenty of room at Hanawon for these refugees to shelter in place as the facility only has a handful of refugees but can accommodate hundreds.

I wish that President Moon would consider that if it had not been for American servicemen rescuing North Korean refugees including Moon's mother from Hungnam in 1950, Moon himself would have been born in North Korea.

For Those Who Made It to South Korea: What about the fate of those over 33,752 who made it to South Korea for resettlement? The callousness of the Moon administration and indifference to the North Koreans under his administration was dramatically illustrated with the death of a 42 year old mother, Han Seong-ok, and her 6 year old son, Kim Dong-jin in the summer of 2019. These two starved to death in their apartment as Han was refused any help because she could not prove divorce from her abusive Chinese husband.

(PHOTOS)

The Moon administration has slashed the budgets of organizations helping defectors and cut off support for the defector organizations. For example, once again, even during the administrations of DJ Kim and Roh Moo hyun, the oldest defector organization founded by Hwang Jang Yop, the Committee for the Democratization of North Korea, received support and funding, but it has seen its support completely ended for the first time.

The very groups that were doing the most important outreach to people in North Korea have not only seen all their resources ended, but those who would try to help are threatened with audits and harassment.

Here's how Huh Kwang-il, head of the Committee for the Democratization of North Korea describes it: *South Korea is no longer a safe haven for North Korea defectors. To North Korean defectors, South Korea is more dangerous than North Korea. North Korean defectors desperately need a new administration in South Korea. The current administration is pro-North Korea, thus, it is very hostile toward North Korean defectors. North Korea human rights organizations in South Korea are currently going through dire financial distress.*

Here's how Kim Seong Min of Free North Korea Radio describes it: *The Moon administration is working with the Kim regime and is suppressing all the North Korean defector organizations' activities in South Korea. The police that were once there to protect the high ranking North Korea defectors are now there simply for surveillance, to stop us and our efforts to reach our brothers and sisters in North Korea.*

The greatest resource we have for getting information in and out of North Korea are those who have escaped, the brave eyewitnesses who have relived their own tragic stories to educate us about the reality of North Korea. North Koreans know best how the regime functions and that keeping the North Korean people in the dark and cutting them off from the outside world is critical for the regime's survival. Most importantly, defectors are the greatest resources we have to bring about peaceful change in North Korea. There is nothing more powerful than North Korean living in freedom in South Korea reaching out to North Korean living under the enslavement of the Kim regime.

That is why Kim Jong Un and his sister Kim Yo Jong have demanded the end of any information flow to North Korea whether balloon launches, rice bottle launches, or broadcasting at the border. As the defectors repeatedly tell us: *the truth will set them free.* Kim Jong Un knows that and the greatest threat he faces is not South Korea or the United States, it is North Koreans, his own people.

For the Moon administration and the Korean Assembly to enact legislation to cut off the ability of North Koreans living in freedom in South Korea to reach their loved ones living in enslavement in North Korea is not only tragic its unconstitutional. As former Korean National Assemblyman Kim Moon Soo (1996-2006), who served as Governor of Gyeonggi Province from 2006-2014, the area where many of these balloon launches are launched, wrote to the U.S. Congress, *"I believe this law violates the Constitution of the Republic of Korea, contravenes the U.N. Universal Declaration of Human Rights, violates the International Covenant on Civil and Political Rights as signed by both South Korea and North Korea, and defies the U.N. Resolution on North Korean Human Rights."*

He also strongly disagreed with the current Governor of Gyeonggi Province, LEE Jae-myeong, who asserted that the leaflets presented a military risk and could lead to war *"as a falsehood and exaggeration without basis in either truth or reality."*

Many people are not aware that there is a shrine that the defectors have set up to honor those who risked their lives to get information in and out of North Korea, but were killed by the regime. The North Korean men and women who are involved with this work to get information in and out of North Korea and rescues others could choose to live quiet lives in South Korea, as they are all extremely talented. So, what drives them to sacrifice their own financial security, their reputations, and to face the false attacks from Pro DPRK actors in South Korea and the death threats by the Kim regime? It is simple: they could not forget those they left behind.

For Those Who Live in the Democratic Peoples' Republic of North Korea: In conclusion, I want to address what Moon's actions have meant to the people in the DPRK. If you are an elite in North Korea you wake up every morning with only two choices: devotion to Kim Jong Un or seeing your family members executed in front of you, just before you are also executed. North Koreans, whether elites in power or average citizens, need to know that the source of their misery is Kim Jong Un because he only makes decisions based on his own survival, never for the well being of the North Korean people. North Koreans need to understand THAT reality and the fact that what South Koreans and Americans -- and so many others -- want for them is to simply have the same freedoms we enjoy.

For Moon and his administration to ignore their suffering makes him complicit in the crimes that are being committed against the people of North Korea whose only misfortune was to be born North of the DMZ, and not South of the DMZ. He gives no hope or inspiration to those elites in power who want to see a way forward where they have another option besides devotion to Kim Jong Un or death. They do exist – they are defecting or being executed *all the time*. The actions of Moon's administration have favored the dictatorship and prolonged the suffering of North Koreans – North Koreans in South Korea, in China, and in North Korea.

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