Thank you very much, Mr. Chairman. I want to

thank my good friend from Iowa, Chairman Jim Leach, for cochairing

today’s hearing, and for his groundbreaking work in authoring

the North Korean Human Rights Act of 2004.

I was proud to work with him on that legislation and I share his

resolve to see that the new law results in real improvements in the

lives of the men and women of North Korea. It is particularly fitting

that we are meeting today on the first anniversary of the

North Korean Freedom Day Rally, which took place on the National

Mall.

Mr. Chairman, just over a decade ago I convened the inaugural

hearing of the House Subcommittee on International Operations

and Human Rights. The hearing was a review of the State Department’s

*Country Reports on Human Rights Practices of 1994*, with

particular focus on North Korea, and we were joined then by Assistant

Secretary John Shattuck.

At that meeting I raised the issue of North Korea, and noted that

there were then little-known reports of North Korean abductions of

foreign citizens and of a North Korean gulag that contained an estimated

150,000 political prisoners. Sadly, in many ways the issue

has not changed except that we know far more about the conditions

inside of North Korea than we did then, and the reality has turned

out to be worse than what we had imagined at the time.

In this very room we heard and received tearful testimony from

eye witnesses to some of the most barbaric abuses imaginable. We

have heard of North Korean Christians who were tortured to death

because they refused to renounce their faith. We have heard from

survivors of the vast North Korean gulag where slave labor, torture,

and perpetual starvation are the daily lot of some 200,000 political

prisoners and family members.

We have heard about lethal chemical experimentation on camp

inmates. We have heard about how pregnant prisoners are routinely

subjected to forced abortion because the regime also have

used their children as political criminals.

According to one eye witness, and I quote:

‘‘If the mom would cry for help to save her child, it was an expression

of dissatisfaction against the party, so such a woman

would be dragged out of the building and put to public execution

by firing squad.’’

One cannot hear these things and remain silent in good conscious,

and thankfully many nations have heard that cry and have

joined their voices to protest this gross inhumanity, most recently

at the 61st session of the U.N. Commission on Human Rights in

Geneva led so ably by Rudy Boschwitz, the former Senator from

Minnesota.

Sadly, the sufferings of Koreans in the North do not end at their

own borders. Tens and hundreds of thousands of North Koreans

seeking food and freedom have fled into China where they have

been hunted and exploited. Women and girls fall prey to traffickers

and are forced into prostitution or sold into so-called marriages

that are frequently abuses. Some escape only to be captured and

resold multiple times.

Contrary to the People’s Republic of China’s obligations as a signatory

to the U.N. Refugee Convention, it hunts down North Koreans

and forcibly returns them into the hands of North Korean authorities.

Of those returnees, most are imprisoned, many are tortured

and some are executed.

We have heard from former refugees who carry poison during

their time in China because they would have preferred suicide to

the conditions that they would have faced upon repatriation to

North Korea.

I recite these details because I am not convinced that the Executive

Branch fully understands the depth of congressional resolve

behind the act, particularly with regard to refugee assistance and

protection. The United States has by far the largest refugee resettlement

in the world. It is also home to the largest Korean population

in the world outside of Korean.

Many members of the highly successful Korean-American community

came from the North around the time of the Korean War.

Large networks of vibrant North Korean churches have expressed

a desire to help their brothers and sisters who are seeing refugee.

In light of these facts, it is an utter travesty that, as reported

by the State Department, and I quote:

‘‘No North Koreans were resettled by the U.S. refugee admissions

program during the past 5 years.’’

As this Committee has stated in its official report on the act, the

status quo is unacceptable. While the Congress understand the

challenges posed in screening off Korean refugee applicants, those

challenges should be regarded as just that, challenges to be addressed

rather than reasons for inaction.

I look forward to the testimony from our distinguished witnesses,

and yield back the balance of my time.

Thank you very much, Mr. Chairman, and let me just

follow up on that if I could, Secretary Dewey.

I did read the report, ‘‘The Status of North Korean Asylum Seekers

and U.S. Government Policy Towards Them,’’ issued on March

11th, and it did, as my friend and colleague, the Chairman of the

Asia Committee pointed out, the survey of United States diplomatic

posts gave preliminary indications that at this time the governments

hosting North Korean refugees would strongly oppose direct

U.S. Government-funded assistance for North Korean refugees on

their territories.

It goes on to say that the survey of regional U.S. diplomatic posts

gave preliminary indications. If you could now and perhaps for the

record elaborate on how extensive those contacts were. Did our Ambassadors

talk to their foreign ministries? Was it an all-out effort?

What countries were included? Was it China, Russia, Mongolia,

South Korea, the Philippines, Vietnam, Thailand, Cambodia, Laos

and Malaysia? And was a uniform methodology employed?

Because it seems to me when you have so many people across the

border, particularly in China, who the UNHCR is denied access to,

cannot make referrals for, we have a situation where they are

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hated in North Korea. If they go back, they go back to a very, very

dubious life; that is to say they are on their way to a gulag, and

yet they are not wanted by the countries in which they have now

fled to; namely and most importantly, China. That seems to be an

irreconcilable situation where they are unwanted in both places.

Why not facilitate a third party positioning for those people like

here in the United States? And it does raise the question of whether

or not a designation of those individuals by the U.S. might help

facilitate their coming to the United States, and I wonder if you

might speak to that as well.

When Secretary Rice visited China, did she discuss the refugee

policy with the leadership of the PRC? Because I think that is extremely

important as well.

Then in terms of the—Ms. Birkle, if you could—I was at the U.N.

Human Rights Commission for 3 days, and I think our U.S. delegation

did a magnificent job. They worked the issues very hard from

Darfur to Belarus to Cuba to North Korea, and I want to commend

them and the Department for its outstanding work.

I know that the rapporteur now getting reappointed is likely to

be denied again, and I think that is one of the flaws in the

rapporteur system. The host country can just put up a stop sign,

whether it be the rapporteur on torture or any other.

What is being done to try to say, ‘‘Okay, the U.N. has passed—

the Commission has passed this resolution, we are more serious or

we are going to get more serious about access of the rapporteur to

North Korea?’’ It seems to me their ability to obstruct that renders

all of our efforts not meaningless, but certainly undermines them

severely.

I have other questions but I will yield to Secretary Dewey now.

Just one quick followup. Is there any consideration

being given to a Priority Two status for those individuals, the

North Koreans?

Priority Two status, people of special concern. Is

there any consideration being given by the Department to provide

that generalized grant to them so that they can find their way

here, like we have done with the Southeast Asians in both Russia

as well as South Vietnam, in Vietnam?

One final question, Mr. Ambassador. In your view,

does South Korea’s unwillingness, for example, at the U.N. Commission

on Human Rights they abstained on the North Korea resolution.

Does that lack of engagement on the human rights issue, at

least in a public way, hurt the ability to galvanize support around

human rights atrocities in North Korea?

Can they be more forthcoming?

Okay, thank you.

Thank you very much, Mr. Chairman.

Let me just, Secretary Dewey, ask you: To your knowledge, has

the U.N. High Commission for Refugees recognized any North Koreans

inside China as refugees? And does the UNHCR conduct status

determinations of North Koreans seeking protection in third

countries other than China?

And secondly, as I said in my opening, you know, no North Koreans

were resettled by United States refugee programs for the past

5 years. Is it your understanding that under U.S. immigration law,

a UNHCR refugee status determination is strictly necessary before

someone can be considered for a U.S. refugee program?

And as it is a matter of United States law, could not the U.S.

State Department do its own screening of intended North Korean

refugees at our overseas posts?

And Mr. DeTrani, if I could ask you very briefly, the whole concept

of juche and the obsessive self-reliance, xenophobic view really

that has been promoted by Kim Jong-il and now Kim Jong-il and

his son, is that—do you see any weakening?

I mean, you are with the interlocutors from North Korea perhaps

more than anybody else in this country. I mean, it seems to me

that, and I have looked at that for years and find that to be something

that is misunderstood by many of us in terms of just how

powerful that almost religion really is for the North Koreans. Do

you see any weakening of that in terms of its hold on those who

practice it or live it?

Secretary Dewey first, if you would.

But is it a matter of political will or is a referral necessary?

Because I would agree, I mean, I am a great supporter of

UNHCR, I think it does magnificent work, but if we had other tools

in the toolbox, including, you know, our own adjudicators processing

those requests, I think we might find some people who otherwise

might be either sent back right to North Korea or wallow

in some no man’s land for God knows how long.

Mr. DeTrani.

Thank you very much.

Will my friend yield?

I appreciate my distinguished Chairman for yielding.

I think it should be pointed out, though, that part of the focus

of the Olympics 2008 is China’s own egregious human rights

abuses, whether it be the torture or death of Falun Gong, leaders,

Catholics, underground patriotic church, or I should say the Evangelical

Church, or even Buddhists and others, that this is—Wei

Jingsheng was led out of China in the early 1990s in part to try

to get Olympics 2000, which then evaded them.

So there is a larger issue as my friend and colleague knows. It

is not just the refugee issue that we are concerned about.

I would also point out that just like the rapporteur for North

Korea is being denied access, the People’s Republic of China is denying

access to the torture. There is an invitation that has been

extended, as it was last year, to Manfred Nowak who is the

rapporteur on torture. But I am very suspect, and I suspect he is

as well, that he will get the terms of reference that he needs, unfettered

access, no retaliation against those who he does speak to, and

will have another one of those flimflam games being exercised by

the Chinese of saying they are over here and when it comes time

to implement it is not there.

So there is a concern about their own human rights abuses, and

I thank my friend for yielding.

Thank you very much, Mr. Chairman.

Let me ask our friend from the Jubilee Campaign, Ms.

Buwalda—you mention on page 7, in talking about the Christian

aid worker, wheelchair-bound Reverend Kim Dong-Shik, that he

had been abducted by North Korean agents. My question really is:

How many abductions are we talking about? There is a footnote regarding

40 that were abducted from 1990 to 2001.

You also point out that a petition had been filed with the U.N.

Working Group on Enforced Involuntary Disappearances on behalf

of Reverend Kim, and I was wondering, What did that trigger?

What is the status of that? Do you have any hope or any expectations

that will be available?

Thank you. Let me ask you and any of our witnesses

who might want to respond: In the State Department’s report of

March 11, they point out that China denies North Korean’s access

to UNHCR personnel. North Koreans cannot easily access

UNHCR’s office in China, and Secretary Dewey pointed out earlier

that he could not even find it. That is how difficult it is, and obviously

there is no—the UNHCR staff have not been able to travel

to northeastern China.

They also point out—that is to say the State Department—that

several articles of the Refugee Convention are violated, including

article 31–2, article 33, article 32, article 35, and there seems to

be—I mean, these articles can be violated with impunity and there

is no accountability. You know, there may be an admonishment

somewhere by some diplomat, and that seems to be one of the

weaknesses of many U.N. conventions and treaties.

But do any of you have any suggestions how the Chinese Government

can be held accountable? They make the blatant statement

that these are just simply illegal economic migrants, and we have

heard that one before in other venues as well. So if you could.

I appreciate that. I think we need—I raised the issue

myself when I was in Geneva with UNHCR officials. I think we

need to do that collectively as a Congress, so I think your point is

very well taken.

When you surrender up front preemptively you guarantee that

you lose, and you know, what is the harm of the UNHCR mounting

a full court press or at least a press to try to get the Chinese Government

to live up to its treaty obligations? So I think your point

is very well taken.

All of our witnesses, thank you so much for your testimonies.

Thank you very much.

Mr. Choi, if I could just ask you a couple of questions. One, since

my understanding is you escaped North Korea approximately a

decade ago via China. In your view, has the situation gotten worse

with respect to the Chinese Government on would-be refugees?

And secondly, since you worked as a prison guard as part of your

compulsory military service, could you describe perhaps, were you

in a political prison? Were you in a prison of people who committed

what we consider to be real crimes? If there are any insights you

can give us having been someone on the inside, and whether or not

you think that has gotten worse?

And finally, on the whole issue of juche, and I mean, last year

I read a book that was published by Richard Wurmbrand’s organization

which did yeoman’s work in Romania. Pastor Wurmbrand

wrote a book called *Tortured for Christ*, but he founded an organization

that speaks out for persecuted Christians all over the world.

And this book talked about how Kim Jong-il and Kim Il June were

deified in the minds of the North Koreans, and that this obsessive

self-reliance is something that we, as Westerners, and really even

people in Asia do not fully appreciate and understand, if we do not

understand it, we do not come to the right conclusions as to why

the Government and the people behave the way they do.

As a person who grew up with that doctrine drilled into you,

could you shed some light on that, and whether or not that is abating

at all either, or is it just as bad as it used to be?