

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE
JUDICIARY COMMITTEE

SUBJECT: EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH
KOREA

CHAired BY: SENATOR EDWARD M. KENNEDY (D-MA)

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Body

SEN. EDWARD M. KENNEDY (D-MA): We'll come to order. I'm pleased to hold this hearing on the plight of North Korean **refugees**. And I thank my colleague, Sam Brownback, for his leadership on this important issue, he has really been out in front on this matter and all of us are grateful for all the good work that he has been doing.

Recent press reports have highlighted the seriousness of the situation facing North Korean **refugees**, many of whom have fled their native lands seeking safe haven only to be forcefully returned to face torture and execution. The significant number of North Korean **refugees** is due in a large part to the severe political and religious persecution in that country. The U.S. State Department estimates that in 2001 150,000 to 200,000 North Koreans were held as political prisoners in maximum security camps. The situation has been exacerbated by the severe famine that has plagued the country since the mid 1990s, resulting in up to two million deaths from starvation or famine related diseases since 1994.

Those who have gotten out of North Korea, most have gone to neighboring China. It's estimated that in 2001 hundreds of thousands of North Korean **refugees** fled to China each month, amounting to somewhere between 10,000 to 500,000 **refugees** total for the year. China's reaction to North Korean **refugees** has been inconsistent. Although China maintains an agreement with North Korea to return North Korean migrants, Beijing has often looked the other way as these individuals try to begin new lives in a safer land. However, in a number of high profile cases recently China has intervened, aggressively rounding up and forcibly returning **refugees** to North Korea, even

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

storming sovereign foreign diplomatic missions to do so. And the Chinese Foreign Ministry has demanded that foreign diplomatic missions hand over to the Chinese police those who have sought refuge on their grounds.

Beijing officials consider the North Koreans as economic migrants instead of political refugees, and as such has hindered the ability of the United Nations High Commission on Refugees and international non- governmental organizations to comprehensively assess the gravity of the situation and set up refugee camps. I look forward to the testimony of our witnesses as they will be able to shed greater light on this critical situation.

This week the Senate passed a measure sponsored by Senator Brownback, which I was privileged to co-sponsor, encouraging North Korea, China and the United States to work towards the favorable resolution of the dire situation. Clearly the United States must play a significant role in addressing the needs of these vulnerable individuals. The severity of the situation, our tradition of commitment to refugees require it. While focus today is on the plight of the North Korean refugees, we must remember the number of refugees around the world has increased steadily in recent years and our commitment to all these individuals is more necessary than ever.

I look forward to the testimony of our distinguished witnesses, working with our colleagues to effectively address the situation in North Korea and other parts around the world, where far too many refugees languish in need of our assistance.

Senator Brownback.

SEN. SAM BROWNBAC (R-KS): Thank you very much, Mr. Chairman, and thank you very much for your leadership and for hosting this very important hearing.

The purpose of this hearing should be clear and its message should be direct. The North Korean refugee crisis has been neglected for too long, partly because many, including the Chinese government and others, wish it would just go away. As the graphic reports of North Korean asylum bids at foreign embassies show, this problem will only continue to escalate.

As you know, Mr. Chairman, a resolution on North Korea unanimously passed the Senate this week. That resolution expresses four key points that should serve as guiding principles for us in this hearing. First, forced repatriation of the North Korean refugees constitutes a violation of international law. Therefore the Chinese government should immediately stop the forced repatriation of North Korean refugees. Second, the Chinese government should allow the international community to provide open and direct assistance, such as medical aid and proper facilities, to these North Korean refugees. Third, the United Nations, with the cooperation of the Chinese government, should immediately conduct an investigation of the conditions of the North Korean refugees as soon as possible. And fourth, North Korean refugees should be given legal refugee status in accordance with international law.

Regarding that last point, I'm reviewing various legislative options, including one that parallels a law from the early 1990s that helped thousands of Soviet Jews and others persecuted for their ethnic or religious backgrounds caught in the break-up of the Soviet Union. I'm grateful to the many in the refugee advocacy community who have offered their support in helping us craft a bill or an initiative that may similarly help North Korean refugees. These organizations, many of which were involved with the legislation back in the 1990s, include the Hebrew Immigrant Aid Society, the Lawyers' Committee for Human Rights, the South East Asian Resource Action Center, the National Association of Korean Americans, the U.S. Committee on Refugees, and others.

Let me also add that my office received word last night that a number of leading refugee advocacy groups are ready to immediately assess assistance needs and relief programs if and when a North Korean refugee processing initiative is started in China. They're ready to go now. These groups include: Doctors Without Borders, which I understand withdrew from North Korea a few years ago; the Citizens Alliance for North Korean Human Rights, one of the leading groups involved with North Korean refugees; Life Funds, for North Korean refugees based in Japan; the Korean Peninsula Peace Project and others.

They're ready to go and to help now.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

North Korea is today's killing fields, where millions of people considered as politically hostile or agitators, or just being innocent children, starve to death, while those in power enjoy luxurious lifestyles, spending billions of dollars on weapons and actively engaged in the proliferation of weapons of mass destruction. Former president Ronald Reagan stated our nation's tradition best when he said this, "A hungry child knows no politics." Well every famine is complicated by politics. The North Korean famine is the most complicated, politically, that many of us have seen in a long time. Politics is killing people, literally. How the U.S. and the world community can most effectively express its sympathy and concern for the North Korean people and help the North Korean people, including refugees currently in China, which the chairman stated we believe is somewhere in the neighborhood of 150,000 to 200,000, is the issue before us today.

If I may, I'd also like to warmly welcome our distinguished witnesses. The panels that we're going to have present, particularly two, Mrs. Soon Ok Lee, a North Korean prison camp survivor. Her book, which my wife and I read two weekends ago, is a chilling, chilling report about what's taken place in North Korean prison camps, "Eyes of the Tailless Animals." It is an incredible account. And Dr. Norbert Vollertsen, activist on behalf of North Korean refugees. He's traveled here from -- both of them have traveled here from Seoul, South Korea. I'd also like to welcome Ms. Helie Lee, who has recently published memoirs about her successful effort to bring our uncle out of North Korea, highlights the largely hidden and painful secret among many Korean-Americans who still have family members trapped in North Korea and China. I understand as many as one in four Korean-American families have family members still trapped in North Korea.

I look forward to working with you, Mr. Chairman, on some legislative vehicles to help North Korean refugees and I thank you for holding this hearing.

SEN. KENNEDY: Thank you.

We're privileged to welcome back Gene Dewey, who has already appeared before this committee once this year. He's been a distinguished leader at the Department of State, serves as Assistant Secretary of the Bureau of Population, Refugees and Migration. In that role he's responsible overseeing U.S. government policies regarding population, refugees, international migration issues, and managing refugee protection resettlement and humanitarian assistance.

He previously served five years as the deputy assistant secretary for the Bureau for Refugee Programs, and he was named a United Nations assistant secretary general, served four years in Geneva as the United Nations' deputy High Commissioner for Refugees. I'm honored he's come back to testify and look forward to his testimony on this critical issue.

Pleasure to have Lorne Craner, our assistant secretary of State, Bureau of Democracy, Human Rights and Labor, responsible for coordinating U.S. policy and programs that promote and protect human rights and democracy round the world, goals which he pursued throughout a distinguished career. Previously he's served as president of the International Republican Institute which works to promote democracy, free markets, rule of law throughout the world. He also served as director of Asian Affairs at the National Security Council, deputy assistant secretary of State for legislative affairs, we're delighted to have him here today.

And I'm privileged to introduce James Kelly, assistant secretary of State for East Asian and Pacific affairs. He's had a long and distinguished career in international affairs. Before assuming his current position he was president of the Pacific Forum of the Center for Strategic and International Studies in Honolulu. Before that he served as special assistant for the National Security Affairs to President Ronald Reagan, as the senior director for Asian affairs in the National Security Council, and as deputy assistant secretary of Defense for international security affairs at the Pentagon. I'm honored to welcome him today.

We have Senator Allen here, which has a keen interest in this subject matter. I'm delighted to welcome him --

SEN. GEORGE ALLEN (R-VA): Thank you, Mr. Chairman.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

SEN. KENNEDY: -- to our panel.

Mr. Dewey, Secretary Dewey, we'd be glad to hear from you.

MR. ARTHUR DEWEY: Thank you, Mr. Chairman. And thanks to you and your committee for the opportunity to discuss the plight of the North Korean asylum seekers in China.

We don't have a lot of information about what goes on in North Korea and we have little information also about the situation on the border with China, but we certainly have enough to realize that this is -- this would rank in anyone's short list of the greatest man-made disasters in the world, and it is a horrific humanitarian tragedy. Under North Korean law, for example, the very act of an unauthorized departure from North Korea for China or for anywhere is grounds for persecution -- prosecution, which amounts to persecution.

President Bush said during his February visit to Seoul of this year, "North Korean children should never starve while a massive army is fed. No nation should be a prisoner for its own people." Thousands of people have fled into China in search of food and work and to flee persecution. We place a particular priority, as has been mentioned, on the U.N. High Commissioner for Refugees getting access to the border region in order to set up a process to sort out who these people are and to identify those that have a legitimate claim to asylum. That is not possible now, as has been stated.

And a second role that makes it important for a presence there for the High Commissioner for Refugees is to be a watchdog against push backs, against refoulement to North Korea. In recent days we have witnessed desperate measures taken by individual North Koreans to avoid push backs and to gain asylum. North Koreans have run the gauntlet, they have sought refuge in foreign embassies and consulates in Shenyang and Beijing. Onward settlement to South Korea has been negotiated for most of them, but 20 still remain in the South Korean embassy in Beijing and two in the Canadian embassy. One person was forcibly removed in an intrusion into the South Korean embassy and remains in Chinese hands.

This transgression of diplomatic premises strikes at the very heart of the conduct of international diplomatic relations, so that it represents a serious violation of the Vienna Convention, and of course we're concerned about the violations of the Geneva Convention and the protocol to that convention of 1967 which China has signed, with the evidence that we do have of persons who have been pushed back to persecution and perhaps even death in North Korea.

In a normal setting, which this is not, a person seeking resettlement in a third country would contact the U.N. High Commissioner for Refugees requesting referral for resettlement. But in this situation and for security reasons, North Korea is one of the countries where there is a requirement for U.S. officials in the field to get State Department and INS approval to accept referrals for asylum in the United States. Now, to discuss briefly what we are doing now in response to this situation, the UNHCR is pressing for a high level meeting in Beijing to deal with this matter. They've had meetings in Geneva to try to set this up and this is in train and of course we're strongly supporting that.

We have repeatedly pressed China to adhere to the '67 protocol which they have signed to allow UNHCR access to the border region and to asylum seekers. The Department of State is also in the middle of a policy review on North Korea and on North Koreans in China. This is not 'diplomatese', Mr. Chairman, for simply studying the problem or reviewing the problem or keeping a watching brief on the problem, this is a serious effort to work the problem and to find solutions that will work.

Let me also say that with respect overall to admissions to the United States, that despite the security restrictions which were mandated by the events of September 11th of last year, this administration is committed to keeping the door open to refugees. The fact that any have been brought in represents somewhat of a miracle, given the hurdles that we have -- that have been agreed by the Congress and the inter-agency community in Washington to secure the -- to make sure the security of American citizens is maintained.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

I welcome the opportunity in this setting to explore any ideas you may have concerning our admissions program, either here today or in our annual admissions consultations with Secretary Powell next Tuesday. I would like to submit my full statement for the record and look forward to working with you on this important problem of North Koreans in China. Thank you, Mr. Chairman.

SEN. KENNEDY: Thank you very much, Secretary. Let me ask you -- it appears that the Chinese are hardening its stance toward refugee -- we'll do 10 minutes rounds if that's okay -- hardening its stance towards refugees, while in the past they often looked the other way or agreed on humanitarian grounds to allow certain refugees to travel to other countries. The Chinese foreign minister recently sent a note to all diplomatic missions demanding they cooperate with the Public Security Bureau, the Chinese police, and hand over any North Korean. They argue that foreign missions have no right to grant asylum on Chinese territory.

Now, I understand that at least two countries, Canada and South Korea have rejected the note. Can you tell us what the State Department's position is on that diplomatic note?

MR. DEWEY: The State Department is clear that -- although we haven't formally rejected, to my knowledge, we have made it clear to the Chinese that there has to be a process, that process has to be respected. They've signed the '67 protocol, which if they do not agree to a process whereby the U.N. High Commissioner for Refugees plays its role in this process, they are making of that protocol a little more than a perishable piece of paper. And we've made that very clear and we'll continue to make that clear to the government of China.

SEN. KENNEDY: Well, what does that mean? Does that mean you accept it or do you reject the note? I mean, how long are you going to have to go through the process before you reject it or -- I don't understand. You said our position is clear and then you said they have to go through a process and we're going to continue the process, but I don't quite understand what that answer means. Are you rejecting their position, or are you accepting their position for a period of time? Or what is exactly the status? Are you going to give them a time for the United Nations and then if they don't do it are you prepared to say that you're going to reject it or what is the position?

MR. DEWEY: It's a de facto rejection.

SEN. KENNEDY: Flat out rejection?

MR. DEWEY: It's -- we're not handing them over.

SEN. KENNEDY: The fact that China considers the North Korean refugees to be economic migrants has allowed them obviously to keep many foreign NGOs and U.N. High Commissioner out of the region. Recent press reports indicate there are some aid workers on the ground who have been arrested. There've been crackdowns on anyone aiding North Korean refugees on the Chinese side. Can you confirm that the reports are true? Can you detail incidences of humanitarian aid workers being arrested in China and North Korea?

MR. DEWEY: I'd like to refer to Assistant Secretary Kelly perhaps on that, he may have more recent information.

MR. JAMES KELLY: Mr. Chairman, I don't have specific information on that, but I have seen the same reports that you have. I'm not aware of relief workers in North Korea, because they are very few in number, of having been interfered with or arrested. But I have heard the reports, and consider them highly credible, of interference with relief workers in the North Eastern part of China.

SEN. KENNEDY: Well, we would appreciate anything you can -- any material that you can provide for us.

MR. KELLY: I will certainly do that, Mr. Chairman.

SEN. KENNEDY: We know that North Korea, one of the most oppressive governments in the world, many fleeing persecution by the regime, would be able to establish the well-founded fear of persecution to qualify. So the problem we face is how to access this population in China where most have fled. Under the circumstance China is unlikely to let U.N. High Commissioner operate independently inside it.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

One option is to organize a multi-national effort to establish temporary resettlement camps in China that would serve as way stations to permanent resettlement in third countries. To make the option work the U.S. would have to play a leading role, underwriting this effort and accepting North Korean refugees for resettlement. We have done this in other places -- we've done this in Thailand, for example. Is the administration willing to consider that? Or is it under consideration?

MR. DEWEY: Yes, Mr. Chairman, the administration would consider that as an option, a role for international organizations other than UNHCR, organizations that move people, organizations that you're familiar with that have been very helpful in the past, International Organization for Migration, for example, that can help us get around certain sensitivities of continuing to use the word refugee. If we could get agreement on -- by the government of China that those people could be moved to places for settlement, this would be one agency that could help.

SEN. KENNEDY: Could we ask if -- is this something that you have tried to suggest to the Chinese yet, or will you try, or what should we assume?

MR. DEWEY: What you can assume is --

SEN. KENNEDY: What do you think is a good idea?

MR. DEWEY: It is a good idea, it has to be part of a negotiating package --

SEN. KENNEDY: I agree.

MR. DEWEY: -- that would need to be dealt with, the Chinese --

SEN. KENNEDY: But it has to get on the agenda to get a part of a negotiating package.

MR. DEWEY: And it has to be on the agenda for South Korea as well.

SEN. KENNEDY: Good. Well, what are you telling us, that you're going to put it on the agenda?

MR. DEWEY: We will make that part of the agenda, part of the package.

SEN. KENNEDY: Good. And you'll keep us abreast to how that's going -- we want to be helpful to you, we'd like to be helpful to you.

MR. DEWEY: We'd like to work to solve --

SEN. KENNEDY: We want to try to work with you to try to indicate the kind of support. If we have it I think there is that sense in it. Finally, let me ask you, would the State Department be willing to designate North Korean refugees as a priority category to facilitate their resettlement in the U.S.?

MR. DEWEY: I think it is too early to give you a yes or no response on the willingness. We -- it certainly would be a question that we would take into account if that would appear to be useful. Right now, of course, as you know the offer -- the law of South Korea does provide -- makes it automatic citizenship for persons who were born on the peninsula of a Korean father that they have citizenship rights in South Korea. So that should be taken into account first.

SEN. KENNEDY: Well, this is -- you know, we're, Senator Brownback and I will be talking to the department just generally on the numbers, because we've got very restricted numbers in any event, but it would appear that these refugees certainly should have the consideration, special consideration, if we're able to set up a process. And I think if I was even considering in the Chinese, one of the things I'd ask if we set up this process is the United States prepared to and willing to be the principal responsible nation in terms of the resettlement.

I think we've got to have an answer to that, otherwise if we say, 'Well, we're not quite sure about that, but we still want to settle it up,' I think you'd have a difficult time in convincing them. So I think this is something that we will be

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

glad to work with you on in terms of trying to indicate that we are prepared to play a full role in being responsive to these very, very special and important and significant national needs.

Senator Brownback.

SEN. BROWNBACK: Thank you very much, Mr. Chairman and Mr. Dewey, members of the administration, I appreciate you being here.

I've got several questions I'd like to ask, they're somewhat follow-ups, in some cases, of Senator Kennedy's. If we could go right on this issue of the special refugee category, the P2 category, Secretary Dewey. Under that existing P2 category we admit refugees only from a very small number of countries, such as Iran, former states of the Soviet Union. And as I've said, North Korea strikes me as an excellent candidate for P2 classification. Can you elaborate some on what the administration is discussing in granting this P2 category for North Korean refugees? This seemed to me to be custom- made for this type of situation we're seeing today.

MR. DEWEY: It's too early, senator, to say that that's actively under discussion. As I say, the situation for South Korea really has to be addressed in this context first. But, as you also know, in our efforts to bring it as close to the ceiling as possible this year, our missions, that we're looking at every possible P2 category in the world. So you're right, there may be a point where North Koreans would join this category.

SEN. BROWNBACK: What's the hesitancy here? I mean, you've got a high level of persecution taking place in North Korea, you have starvation, you have the world community feeding a third to a half of the North Korean population, you have people fleeing just to remain alive. If you stay for the next panel or two you're going to hear some eyewitness accounts of horrific situations, and I would think there wouldn't be any hesitancy here.

MR. DEWEY: I don't think there's any hesitancy in the United States taking a leadership role in solving this problem or working this problem and working toward a solution. And the leadership role is going to require going through several steps of a process. It's going to require the UNHCR getting the access to determine who these people are, which ones do have a legitimate claim to asylum and resettlement. That has to be worked in sequence. That's what we're taking our leadership role on, getting the Chinese to permit this access by the U.N. High Commissioner for Refugees. I think step by step, yes, we'll come to the P2 category points, but it should be done in an orderly sequence with our leadership.

SEN. BROWNBACK: Well, as we go in an orderly sequence there are people dying in this process. Can you give us any timeframe that we could expect some decisions to be made in a thing like this P2 category?

MR. DEWEY: I can't give you a timeframe except that we're attaching the utmost urgency to this, to getting these steps that would lead up to that accomplished.

SEN. BROWNBACK: I hope you can stay to listen, or at least watch the video of some of the next panels that we're going to have. I've talked with these people ahead of time and their stories won't let you sleep at night. If you're in a position to be able to help some of these people get out, and we are, and you are, I would think we really need to move with some speed and some urgency here.

MR. KELLY: Senator Brownback, I think it's important to keep in mind that all of these people can now be resettled in the Republic of Korea in South Korea, which has an elaborate procedure and facility set up to receive and resettle these people who are, after all, Koreans. Now, those individuals who have relatives in the U.S. and other claims for U.S. citizenship should certainly come here. But the first trick, sir, is we've got to get them out of China. And when we get them out of China I would argue that the presumption should probably be -- the first destination should be the Republic of Korea, and if there is some reason, and I'm not aware of any reason, that these people would be left adrift or be left to the insensibilities within China, then we ought to take them.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

But at the moment, and I've had assurances on this from the Republic of Korea even this week, they are in the process of expanding their facilities and they are ready, willing and able to receive and fund in a rather generous fashion what they claim to be an unlimited number of such people.

SEN. BROWNBACK: Let me ask you on a couple of other issues. At what level of contact have we made with the Chinese officials about letting people that get from North Korea into China pass on through to a third country? Have we made that at the secretary of State level to urge the Chinese to -- has this been a communiqu  at that level?

MR. DEWEY: If I could, Senator Brownback, I think Secretary Kelly --

MR. KELLY: There have been many contacts. This is not a new issue, Senator Brownback, and it's been brought up in the 14 months since I've been assistant secretary. I've been present for a number of discussions. We threw together hastily a list which I'd be happy to provide for the record, of some 15 contacts. To the best of my knowledge, this is not one of the issues that has been raised by Secretary of State Powell with the Chinese leadership. It has been raised by me and by numerous other American officials, including our ambassador to Beijing and various people of our respected staff.

SEN. BROWNBACK: I appreciate that you've raised it but I do hope we can press it on up as well to the higher level. As Senator Kennedy says, we've got to get it on the agenda is a key thing. And China is critical in this issue to either allowing some refugee processing or allow them to pass on through to a third country that would be involved. As the U.S. government looks to perhaps have discussions with North Korea and has been pressed to put forward an agenda in its discussions with North Korea, is the issue of refugees and allowing their resettlement on that discussion list?

MR. KELLY: I have responsibility for that, Senator Brownback, and it absolutely is on our agenda for the talks with North Korea. As you may have noted from the press, our special envoy, Ambassador Pritchard met with the North Korean mission in New York a week ago today to offer our beginning of talks, and we expect direct talks with North Korea to begin in a matter of weeks and not months, and human rights is an important part of the agenda and these refugee issues are an important part of that agenda.

SEN. BROWNBACK: It will be on the agenda in discussions with --

MR. KELLY: Definitely will be raised, Senator Brownback.

SEN. BROWNBACK: That's excellent. I'm very pleased to here that that is the situation and that's going to be pressing forward.

Mr. Dewey, we're going to be talking with the secretary of State next week about the number of refugees that the United States is allowing in, and I saw a press report about a week or so ago that said we'd only allowed in 17,000 to date this past year, and that was about two weeks ago. What is -- how many have we actually allowed into the United States the current year that we're in?

MR. DEWEY: It's actually about 16,000.

SEN. BROWNBACK: Sixteen thousand. And what's the level that we've set at the top end of this for this year?

MR. DEWEY: The top end ceiling is 70,000.

SEN. BROWNBACK: Okay, and that's for the remainder of the year, is that a fiscal year, is that a calendar year?

MR. DEWEY: That's for the Fiscal Year, September --

SEN. BROWNBACK: Fiscal Year ending the end of September. Is there anywhere we're going to anywhere close to that top number then?

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

MR. DEWEY: Senator, we're going to get as close as is humanly possible to get to that number. It appears now if we project from current expectations it will fall somewhat short. But any falling short is not due to any lack of commitment by the administration or worse, on the part of my bureau and Jim Ziglar at INS to make this happen.

As you know, you had the commitment from both of us at our initial hearing on this subject that we were going to fast track, we were going to streamline, we were going to work these security restrictions to the maximum extent.

Jim Ziglar and I set up a joint task force which meets every week. We've gone into a crisis mode to deal with this. I have assigned one of my deputies, Mike McKinley, as the battle captain for this crisis action team that is working it with INS and with the FBI and with the NSC. We have this team that meets every week, we go problem by problem, we work out solutions to these problems. And so any failure to come up to 70,000 is not going to be due to lack of commitment, lack of effort, lack of force and energy.

What we're also seeing as we overcome -- as we deal with these problems and overcome these problems, we are building an infrastructure and we're salvaging and repairing a very broken and in many ways sick admission system to the United States. But this rebuilding process is going to serve us very well in 2003 and the years beyond because of the infrastructure we're putting in place, the work we're doing with referral agencies such as the High Commissioner for Refugees, the increased money we'll be putting into UNHCR to increase their infrastructure for referrals of such categories as the P-2 categories that you mentioned.

SEN. BROWNBACK: And as we look to the next year and our meeting next week, I think we should have North Korea well in our view as possibilities. With the plight that's taking place, these are obviously very desperate people, a number are starving, they're rushing the embassies. This is happening on a weekly if not daily basis in China now. It strikes me that this is just the front end of this and you probably are doing some extensive planning, or I hope you would be, for more that would be coming. If boats start arriving in the U.S. with North Korean refugees, are we going to be prepared for that situation if that were to occur?

MR. DEWEY: I would hope, Senator Brownback, that anyone advocating pushing, encouraging North Koreans to run this dangerous gauntlet, would face up to the fact that this administration is seriously working the problem and seriously committed to getting a solution to this problem, and that they would take into account the risks that they may be putting these persons in by encouraging this kind of action. We've seen this done with other groups of people in the past in other parts of the world and we know the tragic consequences of it.

Part of it may be lack of communication, they don't trust the government to really be working on problem solving, believe me, they can trust this government. We are working this problem just as we've worked our problems in the past that I referred to the chairman about. We've used creative tools and methods and have used the influence in our leadership of the United States to solve it. This is what we are doing and this is what we will do with this problem.

SEN. BROWNBACK: I would just urge you to get the process in place of how we're going to deal with this and this issue of P2 categories, get that in place. Because if not, I'm afraid then that's going to push desperate people to be doing more desperate things if they don't see a clear process, if they don't see clear things happening in a fairly short time from. Because by our numbers, large numbers are starving. By our numbers, we're feeding much of the North Korean population today. By our numbers there are 150 to 200,000 of these refugees in China.

And it just -- it looks like to me this is just -- this is something clearly building, and we've seen this happen before. So I would really hope we would have this in place and announcing it soon of what our actions are going to be, and be very -- I would think, fairly public about here's what -- here's where the U.S. is and we stand to help the North Korean people.

MR. DEWEY: I certainly hear what you're saying, senator, and I want you to know that we appreciate -- since we have the same objectives, we appreciate your support in this as we go along, and I would like to be able to consult closely with you and the members of this committee for your input, your advice, and to keep you up to speed on what we're doing.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

SEN. BROWNBACK: Thank you, Mr. Chairman.

SEN. KENNEDY: Senator Allen, glad to welcome you.

SEN. ALLEN: Thank you, Mr. Chairman, and thank you for holding this hearing. And I appreciate your leadership as well as that of Senator Brownback on this issue, which I think that more and more of the American people and others around the world will see the plight of the North Koreans will naturally and instinctively want to help those who are seeking to live lives of greater freedom and opportunity for themselves and their young people.

I'm on the Foreign Relations Committee and first became aware of this when people, a family called the Kim Han-Mee(ph) family had been fortunately somehow got out of North Korea and I appealed in early May to the ambassador from China to let the Kim Han-Mee family of various ages go to South Korea. And while there's going to be some concerns expressed by me and others about China, I think as a matter of courtesy and diplomacy it should be recognized they responded favorably and that family is in South Korea now and safe. So I thank the Chinese government for following rules and orders and conventions and so forth in that regard.

Being from Virginia, naturally I love and it's part of the lineage of the spirit espoused by George Mason and Thomas Jefferson and I think those principles still endure, not just in this country, but for all people here on earth. And when looking at this situation, and if I could, I have a statement that I'd put into the record, but I want to ask you some questions and try to get a perspective of this.

And while in the case of Kim Han-Mee and that family they were released. Last Thursday trying to refuse to return back to South Korea a North Korean asylum seeker who was removed, forcibly removed from the South Korean consulate in China despite the objections of South Korean officials. Three weeks ago China demanded for the first time that China turn over to Chinese authorities four asylum seekers who have made it into the South Korean Consulate.

When listening to your remarks and the questioning of chairman, Senator Kennedy, it is clear that the United Nations High Commissioner for Refugees is to have to access to refugees residing in China to evaluate their status and their claims and facilitate the resettlement of those refugees that are in China currently to other countries. Now, they have been halting -- what we want to do is halt these forced repatriations of North Koreans back to North Korea. I think -- whether you know it, I'm sure you have these stories, we'll hear more today from very brave witnesses in several panels that clearly repatriating or sending these people back to North Korea is a death sentence or a sentence of torture and persecution even worse than what they were enduring prior to their escape to China.

In your comments and your comments, actually Mr. Kelly's, about the logical -- and I agree -- the logical presumption not to be that people who have escaped from North Korea ought to be in Korea, most likely that's where their family members or kin bloodlines are, although they may not have seen them for 50 years because of the North Korean government's repressive approaches where there's not any communication whatsoever. Now we understand that the People's Republic of China has a historic affinity for North Korea versus South Korea, it's been borne out by wars and similarities in some regards of course in their forms of government. I'm not going to say the People's Republic of China's government is exactly like North Korea's, thank goodness they're better than that. But nevertheless, they have been allies.

Is it possible if you can -- and if our experts could say that part of the problem with China, the People's Republic of China not living up to the conventions and agreements as far as inviolability of consulates, the refugee protocols of all countries, at least China certainly has agreed to. Is some of that because of their affinity for North Korea, and the fact that most of these people who have left and are seeking asylum would go to South Korea, is that something that is giving them pause? Is that a reason for it as opposed to if they were wanting to go to Vietnam, or if they were wanting to go to Singapore or Malaysia or some other country? Do you all feel that that's one of the reasons why they are hesitant to live up to the obligations?

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

MR. KELLY: Senator Allen, I'll be glad to offer an opinion, and the answer is yes, I think that that's one of the reasons. There is a long standing of course relationship of People's Republic of China and North Korea and the DPRK as it's called, which of course reached its high point in late in 1950 when a million Chinese soldiers came across the border to fight with Americans.

In recent years, since the opening of diplomatic relations with South Korea, there has actually been a very warm, many would say warmer, relationship between Beijing and Seoul than there has been with Pyongyang, that appears to be being dented at the moment with this contretemps that Mr. Dewey mentioned of the people who are in the South Korean consulate. There probably are other reasons too -- there are three or four million Chinese who have been in China who are of Korean descent, considered minorities within the Chinese system. And it's fairly obvious that most, if not all, of the 21 million ordinary people -- 21 million to 23 million ordinary people in North Korea would rapidly go somewhere else if they could do so. And the Chinese probably are less concerned over 100,000 or 200,000 than they are of having that whole, or much larger, refugee flow. I think that's a part of it.

So -- but these are just characterizations, we don't really know, the important thing is, as we have represented, that China have to honor their obligations under the refugee conventions in this case and they need to involve the U.N. High Commissioner and they need to be registering these people and preparing them for resettlement either in China or elsewhere.

SEN. ALLEN: I think we need to recognize the right of any country to protect its borders, and China has the right to do that. To the extent that they are, for relationship reasons, upset that most of these, if not all -- or maybe not every single one, but most would want to resettle in the Republic of Korea or South Korea, I think that the United States can take a lead role, and obviously there are many people of Korean descent who are now Korean Americans, U.S. citizens and all walks of life in this country. And it maybe for the sensibilities of the People's Republic of China, that the United States ought to step up to the plate and have them be repatriated or sent as asylum under the asylum laws to this country, and then possibly back to South Korea. I don't know if that would be any way of making it easier as far as that relationship with North Korea that the People's Republic of China has. And I think that what Senator Brownback and myself and Senator Kennedy are all talking about is what can we do to help ease that burden on people.

And really, we can't wait forever, because if they are getting repatriated or sent back to Korea for sentencing and to persecution at best and death at worst. And I understand protocols and procedures and timetables and agendas and that's all very important. This needs to be really one of the very top most pressing issues that we need to go forward, and I think you'll find action and strong support, Mr. Secretary, from -- on a bipartisan basis here in the Senate, to make sure that folks can lead the lives they ought to be leading, with human rights.

And if the United States has to set up a separate amount of folks, a separate number of asylum seekers that are from this situation, from North Korea, North Koreans that actually have been able to escape from that repressive regime, then I think there's going to be many that are in favor of doing so, and we'd like to be able to work with you on that.

I would also hope that the ambassador from China, who is here who has responded favorably at least to that one request for a family from me, would also be able to report back to that country. I think that as soon as the floodgates open though, if they ever do open out of North Korea, people if they have any opportunity are naturally going to leave out of hunger if not political persecution. And regimes like that cannot stand the light of -- the enlightenment of freedom and opportunity. And so it's the North Korean repressive government that has so many people wanting to leave. And I understand People's Republic of China leaders not wanting to assimilate millions, it's one thing to have hundreds of thousands.

But we need to work out ways, whether they are refugee camps, as Senator Brownback set up to assist in China, or in other ways allow them to get to South Korea which I know, just knowing people from the Republic of Korea, that would very much want to have families reunited. It's one of their quests and probably one of the greatest striving missions of that country, regardless of the different political persuasions of folks in the Republic of China.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

SEN. BROWNBACK: Yeah, blood runs thicker than governments

SEN. ALLEN: Absolutely, absolutely. So thank you for your -- Mr. Dewey, I thank you and I thank your panel. Just I would commit to your reading, if you could, today's Financial Times out of London. There's a story in there about living skeletons fleeing North Korea. First paragraph is, "Oh Youn-sil, a 55-year-old housekeeper and mother of two, for her the realization she was not living in a paradise dawned as the piles of emaciated corpses grew around her. She watched her husband starve to death, her sons grow up into living skeletons, and her township governor fade into death, still uttering paeans to North Korea's glorious leader, Kim Jong-il, son of Kim Il-sung, whose master plan all this is."

That's today's Financial Times, first paragraph of that story. I think you're going to see a lot more like this. And we do look forward to working with you on this issue soon. Hope we can meet next week.

Thank you very much.

SEN. KENNEDY: Thank you very much, senator.

Now I'm honored to introduce our second panel of witnesses, each of whom has a harrowing story to relate about his or her own personal experiences in North Korea or those of family members. I'm hopeful that their accounts will help shed light on the problems facing North Koreans, and I thank them for sharing their experiences with us.

Soon Ok Lee grew up in North Korea as a proud member of the communist party. She fell victim to a legal system without due process, she spent six years in prison on false charges, forced to endure brutal treatment. She managed to escape from North Korea in 1995 and has written a book, Eyes of the Tailless Animals, on her ordeal. She now lives in South Korea with her family, and I noted earlier that my wife and I read this book two weekends ago and just found it harrowing, incredibly harrowing.

If these witnesses would care to come forward to the table as I read this, all could move forward. This panel please come on up to the table.

Next will be Helie Lee. She's an acclaimed writer who was born in South Korea and grew up in Los Angeles where she currently lives with her family. Her most recent book, In the Absence of the Sun, details her successful, life-risking efforts to sneak her uncle and his family out of North Korea. I'm hopeful that her testimony will provide insight into the difficult situation faced in approximately 500,000, half a million Korean-Americans who have relatives in North Korea who they're unable to see.

Dr. Norbert Vollertsen has worked on humanitarian issues in North Korea since 1999 when he went there to provide needed humanitarian medical assistance. Over the course of his 18 months there, he found a system wrought with corruption which ordinary people were forced to forego critical medical supplies while the government stockpiled those supplies for the use by a small minority. He was later expelled from the country for his efforts to expose these abuses, and he continues to speak out against the humanitarian situation that's occurring in North Korea.

I thank all of our panelists here today for their courage and their bravery and their willingness to speak out about a corrupt and incredibly difficult situation for the people in North Korea.

So, Ms. Lee, I believe we will start with Ms. Soon Ok Lee, with your testimony, and I believe we'll have a simultaneous translation taking place. We are delighted to have you here, and having read your book I'm surprised you're alive and I'm amazed at how good you look. Ms. Lee.

(ALL OF MS. SOON OK LEE'S COMMENTS ARE MADE THROUGH A TRANSLATOR)

MS. SOON OK LEE: I'd like to first thank you for this opportunity for me tell about the situation in North Korea. Whenever I have a chance to talk about these kinds of things I first thank God. With assistance of a lot of people that I have received, I am totally thankful to have this kind of opportunity to tell about people in North Korea who go die, which I have witnessed.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

Along with my son, I was able to seek freedom and succeeded in that search and I settled in the Republic of Korea. I'd like first to describe what the real human rights situation is in North Korea comprehensively.

SEN. KENNEDY: Do you want to pull the microphone a little closer? There, thank you very much, that will be good to hear.

MS. SOON OK LEE: Of course there is no minimum level of human rights by any standards in the world and there's no such thing in North Korea.

Of course 23 billion people who live in North Korea are led to believe they are living on a paradise on earth. I amaze myself, having lived 50 years in North Korea, believed North Korea was the country where human rights were maximally and best guaranteed on earth.

In North Korea, life of the people is that -- is such that anybody can either live or die for the sake of a person by the name of Kim Jong-il, because North Korea is a dictatorial country where father and son, that is Kim Il-sung and his son, Kim Jong-il been ruling for the past half a century. North Korea is a country where people cannot freely speak without thinking about Kim Jong-il or Kim Il-sung. They cannot even move freely. North Korea is a country where people have no concept or idea what human rights is.

I served seven years in prison for the first charges, which I never committed. And the judiciary system in North Korea has no rights or authority of its own apart from the leadership of Kim Jong-il or the party, so anyone easily can become political prisoner or political criminal once he does not -- the person does not follow the instructions or the orders of Kim Jong-il or the party. I just told you that I served the seven years in prison in North Korea. My charges was that I failed in my job, which was to see to it that supplies are properly distributed to candidate members of the party. In North Korea there is torture experts who do nothing but torturing people. Due to the severity of the torture of many just who confess whatever charges they are accused of, they say they did it because they could not just sustain or survive the torture they were suffering.

I, myself, suffered 14 months of torture, almost every day. During the course of the torture that I had to go through, the torturers trampled on my head and I still have the scars and injuries on my head and I just don't have my normal, the normal function of my head and face because of that reason. There are many different types of torture, including water torture. The type of torture that I went through was water torture. An aftermath of that, I still to this date cannot eat food well.

Then they also have what they refer to as the torture by freezing, or freezing fish. They literally make people freeze like frozen fish and they do this because they believe that then people will listen to them. It gets very cold in winter in North Korea, it goes down to 30 degrees below Celsius. They strip people, have people sit on the frozen ground up to an hour exposing themselves to the cold. As a result of that type of torture that I received I got frostbite on almost all toenails from ten feet toes. It wasn't just to me, but I know 40 other people who were sentenced to this, or going through that type of torture. Eventually they all died as aftermath of the freezing torture.

Because without understanding what charges and why I was sent to jail, but nevertheless I was sentenced to 14 years to serve in prison. When North Korea sent people to jail or prison, whether political crimes or general crimes or whatever, they always make up the charges themselves what is regardless what the people have actually done or didn't do.

And in the prison North Koreans maintain the huge manufacturing plants where they produce products that are unknown to people outside, that's sort of a confidential secret the products. The prison where I was put into was in Kaechon Chongjin province and there were about 6,000 men and women prisoners. Among them were about 2,000 housewives. Among them many of them were pregnant, which they conceived before they came to the prison. Because they applied the charges not because of your own fault or anything you have done yourself, but if any of your relatives, or your parents, or your brothers, or your sons committed a crime then you are responsible for that crime as well. And that is the ground for punishment by North Korea.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

And once mother was in prison for whatever charge they accuse her of and if she's conceived, she's pregnant, the baby has no right to arrive. They all kill unborn babies by inserting salts and salt liquids into the wombs. I have witnessed hundreds of North Korean women right up to they give birth to babies kill their own babies. Even though they kill babies with the chemicals, but nevertheless there are sometimes when babies are still born alive. When that happened prison guards would come and would trample with their boots onto the babies still moving. You can imagine what kind of pain it would be for a mother to see her baby being killed. If she cries then that cry would be interpreted as protest against the leadership of Kim Jong-il, then she be thrown outside and to be shot. The body of the woman been shot then is taken to poacher and they bury the body underneath the fruit trees.

I didn't know until I was in prison that some fruits are grown from the trees under which they bury bodies. I think women are the most tragic, tragic victims of the North Korean system of Kim Jong-il. These women are innocent, they are not guilty. Only sins or crimes they have committed is because of a shortage of food -- non-existence of food, they will have to seek for food. And that's their crime.

To move from one area to another in North Korea you require and you need a travel pass, without it you cannot simply move. Any women who travels without this travel authorization, paper document, travel document, subject to punishment by serving prison terms. In the prison I saw a lot of Christians and their crime was believing in God. In North Korea, Kim Jong-il, along with his father Kim Il-sung, is God. Most heinous of the crimes in North Korea would be not to trust or believe in the leadership of the party and the leader, Kim Jong-il. The Christians are punished not on their generation but next two posterities, the following generations. Their sons and their grandchildren will also be subject to punishment because of their grandparent's belief in Christianity.

In prison no one is allowed to look up to the skies but they have to keep their heads down all the time, only looking at the ground. Because of this posture, they have to maintain years -- year after year. By that I mean prisoners will have to -- even when they walk, they have to keep their heads down looking at the ground. Result was their neck bent and became stiff and fixed and then their spines go out of normal and it causes some medical problems as well. Prisoners are forced to work 16 to 18 hours a day. Their diet of course is controlled by the prison authorities and each prisoner gets 100 grams of cornbread a day, along with this much of salt water.

When they sleep, they have to go into the same room in a group of 80 to 90 people. They all sleep in the same room. And space allowed for each prisoner to use when they go to bed would be about 16 feet long. Correct, 19 feet long and 16 feet wide.

SEN. BROWNBAC: For how many people, that size of space?

MS. SOON OK LEE: In that space they put 80 to 90 people, so when they sleep the feet of another person will come onto the head of another person and then so forth. They do not lie same way but both way -- every other person so they can make better utility for use of space. So a prisoner whenever he or she sleeps will have someone else's feet on his or her face.

SEN. BROWNBAC: You have 80 to 90 people in a room 16 by 19 feet, is that correct?

MS. SOON OK LEE: Yes.

SEN. BROWNBAC: Ms. Lee, if we could wrap up then because we have some other witnesses, and then we'll go on and ask questions if we can. So if we could get your testimony wrapped up.

MS. SOON OK LEE: The prison I served I knew they were -- North Koreans were also testing biological systems, biological weapons systems. I'm inclined to think it is the suitable responsibility of the International Committee to see and find out what's going on in North Korea, especially on top of biological experiments they are conducting in prisons. Many refugees are of course escaping to China, and I believe these people escaped from North Korea because they do not like the political system they have and dictatorship they have lived under. I believe the regime of Kim Jong-il ought to fall down as soon as possible.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

Chinese government is stopping and blocking the refugees from getting into their country because of their diplomatic arrangements with North Korea. I personally hope that the United States, along with the international community to see to it that refugees from North Korea are regarded, accepted as political asylum seekers. In my view, for North Korea to collapse we need more refugees leave North Korea, this way we can prevent war.

In conclusion, I'd like to ask each member of this committee to pay attention to refugees from North Korea and grant them political refugee status, and I'd like to thank you very much for the opportunity for me to appear before your committee.

Thank you very much.

SEN. KENNEDY: Thank you very much, Ms. Soon Ok Lee, and it was a very powerful, a very courageous testimony of what you just put forward, and I look forward to further dialogue with you as well. And thank you for being willing to come here and to state this to the rest of the world.

Ms. Helie Lee, thank you for joining us.

MS. HELIE LEE: Thank you. First of all I'd like to say I'm honored to be here. I'm especially grateful to you senators for bringing us all here today. I'd like to say that I am not a scholar, a politician, an expert, a journalist, I am a writer. I am a Korean- American, but most of all I am an American. And the reason I am here today is to testify and be witness to the countless and thousands, hundreds and thousands of North Korean refugees hiding out in China, Russia, Mongolia, in absolute fear of being repatriated back to North Korea. But I'd like to take it to a more personal level, it is the story of my grandmother, my grandmother who passed away three weeks ago. In her memory, I am here to honor her memory.

My grandmother had lost her son during the Korean War. He was the first born and her first born son, in 1953. He was the only one who did not make it out of North Korea in 1958. For years she had tried to search for him. After the armistice agreement was signed between the two Koreas in 1953 she wrote to politicians, ambassadors, missionaries, looking for the son. And when nothing happened she had finally lost hope. But something amazing happened, and this is where I believe faith comes into play. Forty-one years later, in 1991, we discovered that her son is alive in North Korea.

All of a sudden this ghost is resurrected and this missing son is now alive. Finally we know, but it's so bitter sweet because we know that he's alive, but however, the bitterness is not being able to go to him, because as you know, in 1991 when we found my uncle, North Korea was then, and still is, the most closed off, isolated and repressive country in the world. My grandmother, for six years after discovering that he was alive, tried to go through all the official channels, the American ambassadors, writing to North Korea, writing to Kim Il-sung, the dictator to no success. We could not get a visa, we cannot reunite mother and son after 47 years of separation.

But then the most amazing thing happened in 1997. We get a phone call from China from this Chinese Korean man, he calls us collect, I'd like to say. He calls us collect from China and he says, "I know this gentleman, he lives in North Korea, he says he has a mother in America, this is somewhat treasonous, but if you would like, I would arrange a meeting between mother and son in China." After talking to him quite extensively and realizing that he -- this could possibly be true, my father and I immediately escorted my 85-year-old grandmother from LAX to Yanji, China, which is in North Eastern China. It is the closest airport to the border between China and North Korea. When we get there the flight is so long and so grueling on my grandmother we had to leave her behind in that city.

My father and I decided to go ahead to the border. Our plan was to go to the border, make contact with my uncle through this person's assistance, smuggle him across the river, change him, feed him, clothe him, take him in the car, drive him back 11 hours through mountainous icy trails to my grandmother, have a few hours of precious reunion after 47 years, and then take him back to North Korea before the North Korean police discover he is missing, because if that happened, as Ms. Lee has said, not only would my uncle be punished, but his entire family, including babies and elderly. So it was very imperative that we got him back.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

My father and I drove to the river and when I saw the border of North Korea and China, you know, you're hearing about it, but I'd like to describe it to you. I had imagined the border between China and North Korea. It's a watery border, it's the Yalu River. I had imagined it to be miles wide and treacherous, having seen the 38th parallel that divides North Korea and South Korea in half, I imagined barbed wires, guard posts,, you know, loud speakers shouting out propaganda. What I saw was a river, it was waist deep, it was barely 50 yards wide. But instead of barbed wires, there was a tall rock fence on the other side. The rock fence was about seven, eight feet tall. I believe it was put there not to keep the people from escaping, but to keep us, the outside world, from seeing behind the wall, which was all decay and disrepair of homes.

But what was the most scariest was posted on the river bank every 10 to 15 yards were armed soldiers. But even the soldiers are hungry in North Korea. So if you feed them a piece of rice cake, give them a cigarette or a little, you know, promise of liquor, they will allow you to talk to the North Koreans. Otherwise they will beat the North Koreans for speaking to the people on the China side.

So that day at the river, in April of 1997, I saw my uncle for the first time. And my father was with me that day, and I heard my father cry for the first time. Not because this was my uncle, because I've never seen such abuse of power. My uncle was the same age as my father, 62, he looked older than my grandmother. He was gaunt and his eyes and cheeks were hollowed in. And he was wearing the old Mao -- you know, the green suit with the high Mandarin collar and the Lenin cap with the red star, and the clothes look like they're 20 years too old, and they were much too thin for the freezing weather. All I wanted to do was give my uncle my jacket but the soldiers, trained to shoot, froze my feet that day.

Our plan was to wait until sunset to get my uncle to cross the river under the protection of night. My uncle never made it across the river that day, because of the famine he was so gaunt and emaciated and the shock of seeing us, his American relatives who have come so far to bring him a care package of long underwear and beef jerky and Tylenol, this -- Tylenol and Jesus Christ, it's my grandmother's balm for everything. Having this care package we had come this far, unfortunately my uncle could not cross the river, he was too frail. And we had come so close to reuniting mother and son after 47 years of forced political separation and we had failed.

And when my father and I had to return to the States we were so guilt ridden by what we had witnessed over there. We were so guilt ridden for the privileged lives that we as Americans live here. It was difficult to continue on in our lives, even though I drove a Toyota I felt wrong to drive this Toyota, you know, I felt wrong to go to my parties and write for a living. We had to go back to North Korea, so we did.

We planned this risky rescue mission, which I called the 007 mission, being a Hollywood freak myself. I've seen a lot of movies, so I called this the 007 mission. My father and I went back. With the assistance of a lot of very brave South Koreans and Chinese Korean individuals who acted as our guides, our translators, our drivers, people with safe houses we were able to plan this mission. What we originally thought was going to take two to four weeks took seven long months of flying to China many, many times, even with my 85-year-old grandmother. Believe it or not we planned everything, you have to plan everything to the minute detail. How many people are going to cross the river, at what time, two, three, four, where you are going to go. We planned everything out. But, you know, you can't predict how full the moon is going to be, you can't predict how high the water's going to be, you can't predict how many soldiers are going to be on the river.

But believe it or not, getting them across the river into China, defecting to China, was much easier, it was the easy part of the journey. Four hundred measly American dollars bought us nine lives, \$400 -- \$400, you can't even buy a purse in America sometimes. But for \$400 we get them to China. This is where the difficulty of the journey starts, this is where the danger starts. Because in China, North Korean refugees are not popular. They are not welcome, they are not embraced by the embassy. Embassies in 1997 and prior to -- embassies are, you know, somewhat opening their doors these days, but back then were turning refugees away, turning their backs on them. Sometimes repatriating them, knowing they will go back and face execution for this grievous, treasonous act.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

So we knew getting them to an embassy in China was absolutely out of the question because there was a 50/50 chance. So we moved them -- hid them for weeks in China. Finally we planned a boat, fell through. Finally we decided to get them out of China via Mongolia, via the South Korean embassy in Hanoi, Vietnam. It was a very dangerous and treacherous journey, we had to separate the family because of things that we could not predict like propaganda. My relatives, half of them are so brainwashed that it's very difficult to get them to defect, and so half of them came out in the early summer, the other half came out towards the end.

When we got them to the embassies, that was not a guarantee that they were going to be able to go to South Korea. I, in fact, came to Washington, our great capital, spoke to an ambassador, and he told me to write to my congressman and senator.

My relatives unfortunately didn't have that kind of time for me to be sitting on my computer composing a letter, so we -- but what we did do was we had leverage to buy their lives, which means my uncle's family were not politicians and diplomats who had top secret military information to barter for their lives, they were the lowest of the low society.

My uncle's family prior to the war were rich land owners and also had converted to Christianity, therefore he was punished for his family's apparent mishaps prior to the war. So my uncle was the lowest of the low class. And so we knew that the embassies of the world weren't going to take them easily. So being a savvy American woman and also having worked in the entertainment business in Hollywood, I knew the power of the media. We captured everything on videotape, and I believe it is this videotape and also the publication of my first book the year before in the United States that convinced the South Korean CIA to take my family as political refugees. And they are so lucky, they are the lucky few that made it to South Korea.

The BBC, when we looked on the Internet and shot movies off this yesterday, said about 1,600 North Korean refugees are living in South Korea. How shamelessly low is that? The Korean Journal, which is an English-Korean, Korean-English magazine here said 1,800. Still that's a better number but it's still very little. America, our greatest country in the world, I believe, having traveled many places as a woman, as an Asian woman, this is the best place in the world to be. America, being so generous, has only received two refugees since 1950, as quoted in Newsweek 1997. Those two refugees since the Korean War were accepted into the United States. They were diplomats, North Korean diplomats to the Middle East. Obviously they had important secrets to barter for their lives.

So I am here today in the memory of my grandmother who got to see her son. After 47 years she got to see him in South Korea. We made it happen for her. But you would think I'd be so happy with that and be satisfied with that, but every day I'm filled with guilt, hearing about the refugees storming the embassies. Because, you know, they do that in a last ditch effort for freedom. And I'm hoping by sharing my family's story with you today that you realize these are not faceless, nameless people, they are people in need, they are my relatives. They are mother and son, you know, and they have relatives who are Korean- American. And again, like Senator Brownback said, one in four Korean- Americans have a connection or have relatives in North Korea.

So thank you for listening. (Korean)

SEN. BROWNBACK: Thank you very much, very powerful testimony. Thank you for your heart in doing that. That's an incredible experience and an incredible story. And I hope we can --

MS. HELIE LEE: Thank you for letting me go over, I was worried about the buzzer.

SEN. BROWNBACK: Dr. Vollertsen, thank you for being here.

DR. NORBERT VOLLERTSEN: Mr. Chairman, ladies and gentlemen, thank you for the invitation.

I'm a German emergency doctor who lived in North Korea for one and a half years and took care for 10 different hospitals, several orphanages and several hundreds of kindergarten. I traveled to North Korea about 70,000 kilometers mainly because I'm a medical doctor. I'm also a drug dealer in this way. I became very close to the North

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

Korean elite and they are very keen for north -- for German medicine, special Viagra and all that kind of stuff. So I became very close with -- quite convenient to be a doctor sometimes -- and I got a special experience there because one of my patients, he suffered from a serious skin burn and the North Koreans do not have any medicine, no bandage material. North Korean hospitals is looking like -- and lean, there is no electricity, no running water, no medicine at all and no food. The people are starving and dying in those hospitals. I saw them virtually dying every day.

So what the North Koreans are doing there, they are donating their own blood, their own skin, their own bones when there is an emergency case. We were so excited about this, so moved by this experience, so my colleague and I, we also donated our own skin, and for this brave act we got the so-called friendship medal of the North Korean people, the first Westerners ever who got this high honor of the North Korean people. There was a huge propaganda show in the North Korean media afterwards and we were awarded this so-called friendship medal, passport and a private driving license.

And I was allowed to go round on my own without any translator, coordinator, minder or surveillance, whatever, and I abused this possibility. I traveled 70,000 kilometers, I took around 2,500 pictures, videotape out of the condition of these normal children's hospitals, and I realized what's going on in North Korea. This is the lifestyle of the elite in North Korea, they are enjoying diplomatic shops, nightclubs, a casino in Pyongyang. In the showcase city, Pyongyang, nice skyscrapers. The military elite is not suffering, they are not starving, they are getting the food. I was an eyewitness when the food supply of our German emergency organization was going to those in the elite, to the military. The medicine was going to the diplomatic shops but not to the starving people in the countryside. And this is the reality of the starving people, especially the children in the countryside.

And those children are not only looking like children in German concentration camps, they were behaving like those children. There's no more emotional reaction in these children. They can't laugh any more, they can't cry any more. They are fed up, they are depressed. And that was my main medical diagnosis in North Korea. They suffer from depression, they are full of fear, they are afraid to speak out because of this concentration camp. North Korea at whole is a concentration camp.

I do not ever visited one of these concentration camps, I was not allowed to go there, no foreigner is allowed to go there, but I got a lot of rumors, a lot of knowledge. And you know about German history where we're accused that we stood silent when there was some rumors about German concentration camps, some stories, no evidence. So I do not have any photo out of a North Korean concentration camp. Sorry, I do not have any video out of North Korean concentration camps but I heard about those people. And I realized when I talked to my patients how afraid they are. They are so full of fear. That's my main diagnosis, fear and depression.

Most of the people are alcoholics, they are addicted to alcohol. That's the only thing what you can get in North Korea. No food, no medicine, but alcohol in order to calm them down, like Soma in Aldous Huxley's "Brave New World." And then I found this, the criminal law of North Korea and there in Article 47 it was written, "The citizen of the Republic who defects to a foreign country and who commits an extremely grave offense, he or she shall be given the death penalty and the death -- and the penalty of the confiscation of all his property. And a person who commits acts of terrorism or any anti- state criminal acts shall be committed to a reform institution and there he shall be reformed through labor."

Labor camps, reform institutions, it's written here. It's published in Pyongyang in 1992 and it's still alive, it's still the current law, and I wondered when this is the situation in a normal children's hospital, how might it look like in those reform institutions. So I criticized the government. I also simply believe in the power of information and the power of media and journalism, so I guided around many, many American journalists together with my driving license. I was able to carry them around in the capital city and the countryside and I was finally expelled. Even my friendship medal couldn't help me any more, I was expelled in December 2000 after 18 months in North Korea. And I fulfilled a promise. Instead of going home doing business like usual in a German country hospital, I went straight to Seoul and I spoke to all the international journalists.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

I want to create awareness about this country, about the destiny of these North Korean refugees. And then I want to get the real image, because when I stayed in North Korea, despite my access, despite all my documents and whatever, I'm still an idiot, I do not know nothing about North Korea. They are so sophisticated to hide all their dirty secrets. They're an upgraded version of Milosevic's Yugoslavia, Hitler's Nazi Germany, Stalin's Russia. They're an upgraded version of all these dictatorships. They are world champions, so sophisticated to hide those secrets.

There is no travel access, no freedom of travel for diplomats, for journalists, for NGOs. So I went to the Chinese North Korean border and there I met all those refugees, and all those stories came true. All those rumors about mass execution, about rape, about biological experiments, where Christian believers are used like human guinea pigs in North Korea.

I talked to nearly 200 North Korean refugees and then I met those South Korean NGOs, mainly Christian missionaries who are doing this brave and sometimes very dangerous job there at the Chinese North Korean border in order to get those refugees out in a greater number.

And then we have this idea -- I'm a German citizen, and I do not only know about the guilt of our history, about German concentration camps, but I know also about '89, about reunification of Germany, how it all started -- with several dozen of refugees in the West Germany embassy in Prague. And then we had the idea, "Oh, let's repeat history. Why not go to the West German embassy in Beijing with some North Korean refugees and enter this embassy and start what finally will lead to the collapse of North Korea and reunification?" Maybe a little bit naive, maybe a little bit simplistic.

I'm also not a politician, not a diplomat, I'm simply a German emergency doctor who has to take care in an emergency case because these children are dying and starving. So instead of choosing the German embassy, there was too much security, we chose the Spanish embassy. Twenty-five people managed to go into this embassy. And because of the media protection, because of the media coverage they went out, because China's very much afraid about their reputation, host of the Olympics, member of the WTO, so they are very much afraid about media coverage. And we finally succeeded to get these people out.

Today, in the morning, the actual amount of people in the South Korean embassy is 21, one woman more yesterday entered the South Korean consulate in Beijing. So this will go on for the next weeks. We are hoping for some mass escape, like in former East Germany and in Prague, and we hope to repeat history, what will finally lead to the collapse of North Korea, and I think this is the only solution, also for China and for all the people there. And there are many, many people afraid about this collapse, but I think we have to look into these eyes, we have to think about those children. Look into these eyes and then try not to care. I think it's worth to do anything what we can do.

And as a German I have to believe in this history of reunification and of refugees. I think this is the only thing what can lead to a collapse of North Korea. And finally there are so many are afraid about weapons of mass destructions who are developed in North Korea, and maybe this is the easiest way, without any war, without any bloodshed, without any civil war, to get rid of this dictatorship. Thank you very much.

SEN. KENNEDY: Thank you, thank you. All three of you, very powerful testimony that you put forward. I'm reminded of a little brochure that I read about the German war situation and a number of the Jews being moved to concentration camps. And happening on Sunday morning they'd go by this one church in particular and they could hear the cries in the church coming from the rail cars. And regrettably the people at that time, instead of looking out and trying to do something, they just said, "Well, let's sing a little louder," so that they wouldn't hear the cries that were coming. And when you get in a situation like this where you're seeing so much suffering taking place, what I appreciate that you do is put a light on it, so that people can see what's taking place and we don't just sing a little louder so we don't hear what's taking place and let the people suffer. Incredible testimony for each of you. We'll ask ten minutes of questioning each, and we do have another panel after this.

Dr. Vollertsen, Ms. Lee, what should the United States government be doing to try to help as many people as we can to survive the situation in North Korea and afford to change?

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

MS. HELIE LEE: My opinion is, you know, Kim Dae-jung, the South Korean president, and his sunshine policy, I think we should continue to support him and support any means to see North Koreans. However, the situation is desperate. There are, you know, I think the numbers are staggering, anywhere from 100,000 to 500,000 North Korean refugees hiding out in China and other neighboring countries. I believe what is necessary at this point is a safe house where these people can go. And to me, all my research and all the people that I have spoken to, it seems like Mongolia is the most friendly country. Not China inner Mongolia, but Mongolia.

What do you think, Dr. Vollertsen?

DR. VOLLERTSEN: Absolutely. That's our next step. We want to get an official refugee camp in Mongolia near the Chinese border, and when there's some financial support the Mongolian government is willing to do this, when there's some financial support, maybe from the U.S. government and some negotiation, some official negotiation.

And I still believe, or I think about the East German solution when Hungary opened their border and it was nearly the final step in this development, and I think the South Koreans are having a real hardship in their negotiations strategy with China now. Those 21 refugees are still in the embassy, and instead of the American consulate or American embassy, the Spanish embassy, where China guaranteed a third country and then allowed them to go to Seoul. Here in the South Korean embassy they are still in, because South Korea is not in the position to maybe to talk a little bit more tough, and therefore I urge you for support of the U.S. government.

That means maybe support in a financial way, or try to talk Chinese authorities that they are not -- they are so afraid to pay for all those North Korean refugees, for sure, you're right, they are afraid about this flood. But when they will know that there's some support in any way, financial support or in Mongolia, that they can maybe save their face and get rid of this problem, and so then I think save facing way with China, there are some possibilities. And I can see that there are some changes in the Chinese policy. When we met those Chinese policemen they are quite open and I know so many Chinese businessmen who are trying so hard to get the change in the Chinese policy, in China, in Beijing, they want to do business with Pyongyang, they want to do business with South Korea. So I think with a little bit more pressure on China, save facing pressure, then they are willing to do something and helpful.

MS. HELIE LEE: But from there, then where? You know, South Korea has thus far taken most of the refugees. However, as the panel before said, they have a generous program to re-educate and re-assimilate these North Korean refugees in South Korean society to understand capitalism in the 21st Century. However, that program which my uncle's family, and a total of nine people had undergone, that program years ago when refugees were very few and far between, used to be about a year program. They would take these refugees to a walking tour through South Korea, literally taking them to department stores that are larger than their entire towns, showing them what an elevator is, what an ATM machine, all the modern things that we have today. However, this program, when my uncle got to South Korea in 1997, it was reduced because of the economic crisis that had occurred that year and the year before. It was reduced from one year to barely two, three months. And they were -- the government also provides these refugees housing, job training, sometimes allowance to live off.

But I really believe it's a tremendous burden on South Korea and that's why the numbers are very, very shamefully low. As Korean-Americans, I think it would be great for us to take responsibility for a lot of those family members, and I say family members. We are all connected, just look at our last names, Lees, Parks, Kims, we're all connected.

SEN. BROWNBACK: And I noted you were saying about two refugees being accepted in the United States from North Korea since the 50's, that is shameful.

MS. HELIE LEE: Being an American I'm very ashamed of that.

SEN. BROWNBACK: Yes, and to -- Ms. Lee, you write in your book a story of a particular incident that occurred where you saw a number of people just killed for their faith. I think one situation you write in here of people if they did not renounce their faith they were killed on the spot. Did you see that take place frequently and could you describe what you saw?

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

MS. SOON OK LEE: Of course I personally believed there is a only living god who was the leader of the country, and I thought we just have to believe in him, otherwise we will be punished. But I realized it is not a crime to believe in Christ when I saw a number of prisoners who believed in God. The prison guards treated them as mentally sick people because they did not believe in their leader. And these Christian prisoners were forced to work in a furnace where they had iron work. Some of them were serving the prison more than 10 years.

Because their body all changed because they had to work about 18 hours every day and their backs would not support the kind of work they were doing and they all looked sick.

In the prison they are not allowed to talk to each other or even sing. But they were murmuring plenty, they were singing without singing, but they were singing in their mouths that I couldn't tell. And prison guards said they were singing Christian hymns. The person who sang of course was punished cruelly by the prison guard who tramped on the whole face. I've seen many scenes of Christians being punished because they would not change their belief, they would not say, okay, I will not believe in Christ any more, and that's what the prison guards wanted to hear.

I seen one -- eight women were dragged out for -- and being punished because they didn't say -- or they did not say they would not believe in Christ any more, and these women were burned.

SEN. BROWNBAC: Burned to death.

MS. SOON OK LEE: Yes. When I first went to the prison back in 1987 I believe there were about 250 Christian criminals, but by the time I left the prison I do not recall any survivors of the people I first saw. But in the year 1993, when I left the prison, I saw more, the greater number of prisoners who are taken there because of their belief in Christ. And I heard by mouth, word of mouth, that that was a result of Kim Jong-il's instruction, and his instruction was Imperialists are sending advanced aggressors in the name of the missionaries to North Korea to invade our country. And I also heard that Christianity came into North Korea in lieu of China by missionaries.

In the 1990s, more Christians were arrested and sent to prison. During the seven years I served in the prison, there must have been thousands of Christians who died as a result of punishment. They were treated less than beasts, sub-human beings, being kicked by the boots of the prison guards and last by leather lashes, and I seen these people still had to do work. Because the prison guard was telling these prisoners to say we will not believe in God but we will believe in our leader, Kim Jong-il. So many people died because they didn't say they would not believe in God.

SEN. BROWNBAC: Thank you very all much.

Senator Allen.

SEN. ALLEN: Thanks, Senator Brownback.

I thank each of you, (Korean) for your -- not just your testimony but your bravery in all cases.

Dr. Vollertsen, not happy with the results of the soccer game in Korea this morning --

(Laughter.)

-- but let me just as a matter of fair play, congratulate the Germans in their 1-0 victory on the Korean peninsula. On your testimony, and I kind of alluded to it in my opening questioning of our officials, I remember in 1983 going from - - into Berlin through East Germany and to the wall, and then actually going over and seeing East Berlin, obviously also driving through East Germany to get there. But I remember the long lines of people getting in line for just some pathetic looking few vegetables. And no one was impatient, they were resigned, they accepted it. It's a similar situation that you're describing. You saw how most people were -- they had the stores for the tourists, you know, and they had all sorts of nice porcelain and appliances. Of course, no one who is in East Berlin or East Germany could afford them.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

If they had those pathetic motor vehicles, cars, that was one thing, but then you saw the goose stepping folks at the tomb there were Cubans as well as East German. Military folks were coming in, they're driving in Volvos and Saabs, and so forth, that same sort of disparity in these supposedly egalitarian societies where the rulers live like kings, in fact, not maybe kings there, maybe kings in North Korea, and the rest living that way.

And the way it fell, I was wondering how could you ever be able to overthrow this repressive government, where their only technological advances are repression, it's the only place where they're advanced. How they used the designs of modern advancements to keep people from leaving, or keep them under control, and I just thought there's no way that people don't have guns, you can't have an uprising. The way it fell is that the Iron Curtain fell in Czechoslovakia and the Iron Curtain fell in Hungary, and then everyone was coming out of East Germany into Germany, generally going back to the other part to Germany, and they just could not keep it. And that would be the hope.

Although, from listening to this testimony and studying it, North Korea is much, much more repressive than East Germany was, or Hungary, or Czechoslovakia, Romania, any of those countries. At least you could go in there, I could observe the people in those lines. And they'd have the conversions, you know, the mark and all that sort of thing, and North Korea is one of only seven countries recently once again listed as a terrorist state by our State Department, along with Iraq and Iran, and Cuba, Syria, Sudan and Libya. And we look at terrorist states as listed as terrorist states because these terrorist states are a threat to our countries. It is obvious from your testimony, though, that they also terrorize citizens in their own country.

And when you look at what needs to be done, let us not blame America. I'm not ashamed of Americans, so let's not say we're ashamed of America or the Republic of Korea or South Korea. The people who should be ashamed are these repressive tyrants and dictators leading and persecuting the people of North Korea. We are proud of our country, we want to export our values. We need to figure out a way to use your evidence, your concern that we all share, in a positive, good way.

Now, you mentioned Mongolia as possibly a place that is willing to have assistance. I would think that it's very logical that it not just be the United States, but also logical that the United Nations would get involved in assisting as well. And I would also think that as we determine where the people from North Korea who can escape should go, it is again logical that one would go to South Korea, just like the East Germans went to West Germany. The assimilation because of their economy may be more difficult, but the language is the same. And in fact, the language of Korean, and I'm wearing a tie from Gyeong Gi, we set up a sister state relationship with Gyeong Gi-do. The governor's name was Governor Ree(ph), or Lee, at the time, and the point is that there's such a proud heritage of the Korean language that no matter who was oppressing the Korean people they kept that language alive, no matter whether it was -- whoever the foreign invaders were who were subjugating the Korean people.

So it would be, to me, very logical because of history, heritage and of course language, that South Korea ought to be the place for first settlement. And then on top of it, whenever, and the sooner the better, the tyranny falls in North Korea, you know, as the South Koreans coming up to the border of the 38th Parallel, they have these big roads all built for the day when they're reunified, they're going to be needed to get that country built, or rebuilt, in a proper way.

So I think that we need to work -- my view is that we ought to work primarily for repatriation in South Korea, however, I am very supportive, and we've been talking, Senator Brownback and myself, and you alluded to it, to would the asylum quotas or numbers, there's certainly enough in there to allocate more than what we have to come to this country where there are relatives as well. But I think ultimately the number -- the primary place of relocation should be a place where you first of all assimilate most easily if you can communicate with one another in the same language.

So I'd like to hear your views as to where do you think the United Nations can be of assistance in Mongolia and preferences as to how we can make it easier for North Koreans who have escaped the persecution and have legitimately sought asylum to locate in South Korea.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

If I could ask Ms. Lee and Dr. Vollertsen.

MS. HELIE LEE: I agree with you, my relatives going to South Korea was the best thing for them. Though the language -- Koreans are very proud people and the language between North Korea and South Korea are still one after 50 years. However, it's slightly different, the Lee's and Ree's are a little different.

But those who cannot get there, and who do have Korean-American relatives living in America, I do believe this is an option. And it is possible. Because in the '60s when -- after Mao had instigated the Great Leap Forward in 1952 and there was a famine sweeping across China, 250,000 Chinese crossed border into Hong Kong when the Chinese had opened up the border for three months. That's quite a bit, I agree. And Hong Kong appealed for international help.

Then President John F. Kennedy issued an emergency executive order allowing immediately immigration of 5,000 immigrants from Hong Kong to the United States. So it is possible and we do have that leeway of that number of refugees per fiscal year, so -- but I agree with you, South Korea is the best place. But the situation is desperate now.

SEN. BROWNBAC: Do we know if the Canadians -- you know, as far as Hong Kong was concerned, many went to Vancouver, of all places.

MS. LEE: A place to go.

SEN. BROWNBAC: A place to go. It's closest, in many respects. Do you know of other countries that share the interests of the United States? Obviously South Korea does, you say that Mongolia?

DR. VOLLERTSEN: There are some European countries, Belgium, the Belgian government is very much involved in the human right issue, they're supposed to do something for North Korean refugees. And you know about the South Vietnamese boat people, that's also what we are talking about now, some North Korean boat people, and then, because of the pressure of the media, the German government in '79 was forced to accept up to 9,200 of those South Vietnamese boat people because it was a huge media story about those desperate South Vietnamese refugees who didn't get shelter anywhere on earth and then the West German government at that time decided to give asylum. So that's another possibility, and we are in also negotiations with some European governments, and especially the Belgians, and maybe the Germans.

MS. LEE: There are Koreans all over this world.

SEN. BROWNBAC: Right.

MS. LEE: You know, there's many Korean adoptees in Scandinavia, many Korean-Canadians, many Korean-Germans. You know, I think we need to figure out where the populations are, where the families are, and get those people involved as well. It's not just an American issue, it's the entire global issue.

SEN. BROWNBAC: Right, and that's why I think the United Nations, all countries involved in the United Nations, need to pitch in. And again, I thank you all. My time's up, and again, thank you for your bravery. But thank you most importantly for advocating what I like to call Jeffersonian principles and (Korean.)

MS. HELIE LEE: (Korean.)

SEN. KENNEDY: And I thank you for advocating for those who are referred to sometimes as tailless animals in North Korean prison camps, for those who don't have faces, but we need to give them to them, and names. Thank you very much.

We'll have a final panel that I'll call forward, and if you could come up I'll introduce the entire panel as we go, introduce them at the outset. First witness is Felice D. Gaer, chair-elect of the Commission on International Religious Freedom and director of the Jacob Blaustein Institute for the Advancement of Human Rights of the

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

American Jewish Committee. She's appointed as a public members of nine U.S. delegations to the U.N. human rights negotiation between 1993 and 1999.

Second witness is Mr. Jack Rendler, the U.S. Committee for Human Rights, North Korea. Now, at the last minute he could not be here so Ms. Debra Liang-Fenton, that organization's executive director will offer his testimony. He's worked with organizations including UNICEF and Amnesty International, been a human rights activist for more than 25 years. Third witness is Jana Mason, she's a policy analyst and a congressional liaison for the U.S. Committee on Refugees. Before that she served with the IRSA.

And the final witness is Elisa Massimino, who is the director of the Lawyers Committee for Human Rights, based in Washington DC, graduated University of Michigan Law School and a masters degree in philosophy from Johns Hopkins. Worked with the Lawyers Committee on a national advocacy program with a special focus on refugees.

So I am delighted that all four of you are here with us today. Because of the press of time I think we'll run the clock at seven minutes and get each of you, if you could, to summarize your testimony. We have your written testimony, that will be part of the record, but if we could do this in a seven minute time period each I think that would help move us on along.

Ms. Gaer.

FELICE D. GAER: Thank you, senator. I am -- I wanted to thank you also for your leadership in holding this hearing, in bringing about this Senate resolution and inviting the commission to testify today on the conditions of religious freedom and associated human rights.

SEN. BROWNBAC: Get that microphone, if you would, a little closer to you. I think that will -- doesn't pick up all that well.

MS. GAER: How about now?

SEN. BROWNBAC: Much better.

MS. GAER: The Commission on International Religious Freedom, as you know, was created by the Congress as an independent government agency, specifically to monitor religious freedom violations around the world, to review U.S. policies in response to violations of religious freedom, and to provide policy recommendations to the president, the secretary of the State and Congress.

We are very glad that these hearings have been able to amplify the harrowing testimony that was presented by many of the witnesses here today. Indeed the plight of the North Korean refugees is closely tied to the deplorable human rights and economic conditions in that country.

Mr. Chairman, the people of North Korea are perhaps the least free people on earth. Religious freedom does not exist, and what little religious activity the government permits is reportedly staged for foreign visitors. Thus in an August 2001 letter to Secretary Powell, the Commission on International Religious Freedom recommended that North Korea be named a country of particular concern. Now, in October of that year, Secretary Powell followed the commission's recommendation and listed North Korea as a country of particular concern, or CPC. Now, that means that there are systematic, ongoing and egregious severe violations of religious freedom, including torture, disappearances, loss of life, et cetera.

Specific U.S. action should follow from that designation as a CPC, and we await information as to what measures the U.S. government will take because of that characterization. In our recently issued annual report, we regretted to find that no action has been taken with regard to any country designated CPC that has been specifically identified as having flowed from that designation, whether for North Korea or other countries.

Now, religion has played an important role throughout the history of North Korea. Buddhism was introduced there around the 4th century. Prior to 1953, the capital of North -- what is now North Korea, Pyongyang, was the center of

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

Christianity on the Korean Peninsula. Yet after the Korean War, the North Korean government harshly repressed religious practice and large numbers of religiously active persons were killed or sent to concentration camps. At the same time the government suppressed religion itself, and it has since instituted the state ideology of Juche, which emphasizes, among other things, the worship of Kim Il-sung, the country's founder.

Today the North Korean state continues its practice of severely suppressing public and private religious activities, including arresting and imprisoning and in some cases torturing and executing persons engaged in such activities. The State Department reports that in recent years the regime has paid particular attention in its crackdown to those religious persons with ties overseas -- ties to overseas evangelical groups operating across the border in China. We, in our report, indicated, as has the State Department and the witnesses, some of whom who were here today who we have been in touch with, that prisoners held because of their religious beliefs in North Korea are treated worse than other inmates.

Religious prisoners, including in particular Christians, are reportedly given the most dangerous tasks while in prison. They're subject to constant abuse from prison officials in an effort to force them to renounce their faith, as we heard today. And when they refuse, these prisoners are often beaten and sometimes tortured to death. Simply put, there is no freedom of religion belief, practice, or the right to profess one's faith. The lack of access to religious or humanitarian non-governmental organizations as well as the United Nations' High Commissioner for Refugees further exacerbates this crisis.

The situation is so bad that tens of thousands of North Koreans have fled into China for relief, as we have heard. Some refugees return home. Anyone suspected of having had contact with Christian organizations while abroad are detained, many of these disappear and are never heard from again. The commission urges the United States government to take advantage of any talks that may pursue in the bilateral dialog to raise U.S. concerns about human rights and the humanitarian situation in North Korea.

Our commission has, as you know, senator, focused considerable attention on the situation in North Korea. We held a public hearing with many of the witnesses you saw today. We have had extensive consultations with U.S. experts on Korean-U.S. and U.S.-China policy. In addition, our chair, Michael Young, has made visits to both South Korea and Japan and had interviewed those with firsthand conditions of -- with firsthand knowledge of conditions inside North Korea, including many refugees. In April of this year, we released our report and recommendations on North Korea. They have three main areas of concern. First of all, pursuing an international initiative against human rights violations in North Korea. Secondly, protecting North Korean refugees. And third, advancing human rights through bilateral contacts.

I will briefly refer to those, although our full testimony presents those items. We have recommended that the United States launch a major initiative to expose human rights abuses within North Korea and to educate the international community about what is occurring there. The collection and presentation of information is key to this effort. Silence is not an answer. We recommend also that the United States government should utilize the Trilateral Coordination and Oversight Group, the TCOG, which held its most recent meeting in San Francisco early this week to press Japan and South Korea to raise human rights in their discussions with Pyongyang. We don't know, and unfortunately the assistant secretary is no longer here, whether in fact they did that.

We also believe objective information about the outside world must be provided to the people of North Korea. As far as refugee relief is concerned, the commission recommends that the United States press the Chinese government to recognize as refugees those North Koreans who have fled from the DPRK. The key issue here is that the Chinese government does not allow the UNHCR to operate in the border region between China and North Korea, thereby preventing that organization from interviewing those crossing the border or assessing their status as refugees.

The Chinese government's refusal to recognize North Koreans who have fled to China as refugees has forced them to remain in hiding, and many have been exploited and abused as a result. The documentation on this is chilling. Russia can also be a dangerous place for North Korean refugees. We heard something about that from

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

one of the witnesses today, it should not be ignored. There are North Korean workers in Russia who are forcibly returned. There are North Korean refugees who have sought asylum. The issue of the refugees who have sought asylum in the diplomatic compounds in China is also one that we have discussed here today. The commission wishes to make it clear that the North Koreans who have fled to China and elsewhere have a well founded fear of persecution if they return to the DPRK.

SEN. BROWNBAC: Ms. Gaer, if we could just summarize here, I think it would be helpful if you can do that possibly. We do have your written testimony.

MS. GAER: Well, I would be happy just to say that as we heard this morning, there are hundreds of thousands of Korean-Americans, and people of Korean ancestry in the United States. The North Korean government agreed to resume inter-Korean family reunions. The North Korean government should also allow those Americans with family ties in North Korea to reunite with their parents, siblings, children and other relatives who are still living in that country, that they should do as a matter of right. And this Congress and this government should be pressing for that as a matter of right.

Mr. Chairman, that concludes my testimony, and I ask that the prepared remarks as well as the commission's report on the DPRK be included in the record, thank you.

SEN. BROWNBAC: Without objection, and thank you very much. And sorry about the truncated time, but we've run long on the hearing.

Ms. Liang-Fenton.

MS. DEBRA LIANG-FENTON: Thank you, senator. Thank you for the leadership you've shown on this pressing issue, and I'm also grateful for the opportunity to speak with you today on behalf of the U.S. Committee for Human Rights in North Korea. I'm presenting testimony submitted by Jack Rendler, vice chair of the committee, who sends his apologies and regrets for being unable to be with us today. Before I begin I also want to thank you, senator, personally for helping to support the showing, the exhibit of the Gil-suh family illustrations in the Russell Rotunda. The committee is in possession of 58 of the original illustrations drawn by the children of the Gil-Suh family who sought asylum in the UNHCR office in Beijing last year.

SEN. BROWNBAC: Hold up some of those. I mean, this was one where he's eating a rat.

MS. LIANG-FENTON: Yes, this is actually John Gil-Suh himself, the main illustrator, who is eating a rat and snakes, which is a condition for many desperate people in North Korea who don't have enough to eat.

As you know, the Kim Hun-Mee family, the five who sought asylum in Shenyang are the five remaining Gil-Suh family members, who are now also in Seoul. This is John Gil-Suh being forced to confess. And there are many others, but we're hoping to get this in the Russell Rotunda so that ordinary American citizens and others visiting the U.S. capital can get a glimpse of what the harsh reality of life is like for ordinary citizens in North Korea. One last one. Escaping across the Tumen River. These are two of the brothers of the Gil-Suh family.

And it may be of interest to you that this committee is the U.S. manifestation of the International Campaign for Human Rights in North Korea. There are similar committee structures in Canada, France, Germany and Japan, as well as networks and individuals actors throughout Europe and Asia. The campaign began in December of 1999 at a conference held in Seoul by the Citizens' Alliance for Human Rights in North Korea. In its written submission, the U.S. committee has provided the subcommittee with the following. A summary of what is known or can be reliably surmised about human rights in the Democratic People's Republic of Korea, a set of detailed recommendations for policy and practice, the founding declaration for the U.S. Committee for Human Rights in North Korea, and Suzanne Scholte, one of our board members, has requested that we submit officially her testimony.

SEN. BROWNBAC: It'll be in the record without objection.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

MS. LIANG-FENTON: Thank you. Today with the mission and purview of the subcommittee in mind I would like to highlight some of the more disturbing aspects of human rights in North Korea and the impact of those abuses on North Korean refugees in China. For over 50 years the people of the Democratic People's Republic of Korea have been denied even the most basic of their human rights, denied any contact with the rest of the world, and isolated from each other. Human rights violations and abuses affect a large majority of the 23 million North Korean people. There's precious little specific information available about human rights in North Korea since the government refuses entry to international human rights groups. This in itself is cause for profound concern.

It is estimated that the DPRK is holding over 200,000 political prisoners. The government detains and imprisons people at will. Political prisoners in North Korea may be held in any one of a variety of facilities, detention centers, labor rehabilitation centers, juvenile centers, maximum security prisons, relocation areas and sanatoriums. Reeducation means forced labor, usually logging or mining under brutal conditions.

Entire families, including children, are detained because of supposed political deviation by one relative. Judicial review does not exist and the criminal justice system operates up at the behest of the government.

On 10 July 2002 the New York Times carried a report on one of the grimmer aspects of imprisonment in North Korea, forced abortions and infanticide committed regularly and routinely by prison officials. The Times recounted instances of pregnant women tortured or medically induced to provoke miscarriage. If a baby is born it is left to die or smothered with a plastic sheet or bag. Other female prisoners are forced to assist with abortions and killings. The most savage treatment is apparently reserved for women refugees pregnant with children fathered in China who have been forcibly returned to North Korea.

The population is subjected to a constant barrage of propaganda by government controlled media, the only source of information. The opinions of North Koreans are monitored by government security organizations through electronic surveillance, neighborhood and workplace committees, and information extracted from acquaintances. Children are encouraged to inform on their parents. Independent public gatherings are not allowed, and all organizations are created and controlled by the government. The government forcibly resettles politically suspect families. Private property does not exist. North Korean citizens do not have the right to propose or effect a change of government.

Religious freedom does not exist. The religious activity that is allowed appears to have one of two purposes: to deify the founder of the DPRK, Kim Il Sung, and by extension, his son, the current leader, Kim Jong-Il, or to demonstrate to faith based aid groups that some traditional religious activity is tolerated. Alternatively, classes to study Kim Il Sung's revolutionary ideology are held throughout the country.

Just skipping ahead here to save on time. I want to talk a little bit about the North Korean refugees in China. Leaving the DPRK is considered treason, punishable by long prison terms or execution. Yet the Voice of America estimates that as many as 300,000 North Koreans have fled to China. With the onset of famine in the early 1990s, tens of thousands of North Koreans, the majority under-nourished women and children, crossed into China's north eastern provinces. There are an estimated 140,000 to 150,000 North Korean refugees currently in China living in fear of arrest, many women forced into prostitution or abusive marriages. Refugees are pursued by agents of the North Korean Public Security Service, and many are reported that the Chinese government has been offering rewards, or that -- sorry, excuse me.

The South China Morning Post has reported that the Chinese government has been offering rewards to those delivering North Korean refugees to police. China claims that it considers these refugees to be purely economic migrants, while hunger may be one motive for their movement, there are other realities. It is the nature of the political system in North Korea, with its discriminatory distribution of resources, that makes feeding a family impossible in some areas. Being hungry does not necessarily prevent these people from also feeling oppressed. The criminal, political and social persecution that accompanies forcible return to North Korea surely makes these people political refugees once they are in China. China is a party to the 1951 U.N. convention relating to the status

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

of refugees under which it has agreed not to expel refugees to a country where their life or freedom would be threatened.

To save time I'd like to skip to some action recommendations that the committee would like to put forward for consideration. One, make lifting the siege of the North Korean people by its own government a human rights priority of U.S. policy. As he did on his last trip to South Korea, President Bush should take every opportunity to express his concern for the plight of the North Korean people and his commitment to assisting in the restoration of their rights and well-being. Two, the protections offered by U.S. law and policy to refugee populations in danger should be extended to North Korean refugees in China. Three, urge the U.N. High Commissioner for Refugees to take immediate action to press the PRC to fulfill its obligations under the 1951 convention relating to the status of refugees and end its practice of cooperation in the forced repatriation of North Koreans.

Four, find new ways to provide information to the people of North Korea. Develop multiple channels of exchange and contact. An undetermined number of radios in North Korea can receive foreign broadcasts at certain times. Use television broadcasts, where possible, to reach leadership elite. Establish exchange programs beginning with university students and healthcare professionals. Call for the formation of an informal Congressional caucus on the model of what has been done in Burma to participate in a multinational parliamentary network on human rights in North Korea. Such structures have recently been formed within the British parliament and the Japanese diet. Human rights in North Korea should be a constant and prominent item on the agenda of the ROK-U.S.-Japan Trilateral Coordination and Oversight Group. Provide humanitarian aid to North Korea while pressing the government of Pyongyang to ensure that distribution of such aid is monitored by independent international relief organizations and concrete progress is made on human rights performance. Encourage corporations planning to do business in North Korea to develop a code of conduct similar to the Sullivan principles. Provide support for new research and a comprehensive new report.

We must begin by acknowledging the lack of reliable information on any aspect of human freedom in North Korea. We know that large numbers of people are imprisoned for their belief, but we don't know how many, who they are, where they are held, how long their sentences are. We know that imprisonment involves harsh conditions, including forced labor, poor food and healthcare and torture, but we don't know just how bad it is for which kinds of prisoners at which kinds of prisons.

We know that the government divides the population into segments according to perceived levels of loyalty to the regime, and we know that the distribution of good and services benefits those perceived to be most loyal and fails to serve others, but we don't know exactly what the consequences are for which people. Such reporting will need to be done by an entity with the experience and the capacity to get it right, and the independence and reputation necessary to be heard in Pyongyang. This is work that the U.S. Committee for Human Rights in North Korea is currently undertaking.

The time has come to expose this repression, and by so doing, to make clear that the norms of human rights as defined by the United Nations applies as much to the people of North Korea as to the people of other countries. Significantly, North Korea has ratified the international covenant on civil and political rights and the international covenant on economic, social and cultural rights. It therefore owes its own citizens and the world community a commitment to comply with the provisions of these documents, and it must be held accountable for policies and actions that violate these norms.

Thank you, senators.

SEN. BROWNBACK: Thank you very much.

Ms. Mason.

MS. JANA MASON: Thank you, Senator Brownback. I'd like to thank you and Senator Kennedy for holding this hearing. Senator Allen, for your interest and for attending.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

Obviously this issue, North Korean refugees, particularly North Korean refugees in China, raises a lot of political sensitivities. We've heard those discussed today. As you're aware, refugees themselves create political concerns all over the world, but those concerns should outweigh our human rights obligations, so I'm very happy that this hearing is being held. I'm going to focus, since witnesses today have covered most of the details, I'm going to focus on just a few of the nitty-gritty aspects of international refugee protection, some policies, procedures and legalities.

And the reason I think these are important is because these legalities are things that the Chinese government, the international community, and even our own government, State Department and the INS, can look at as a rationale for not doing all that we can for North Korean refugees. So I just want to make sure that we're very clear on where we are on these.

SEN. BROWNBACK: If you can make sure to focus on what actions you think we should be taking that's really what we need to hone in on as much as we can.

MS. MASON: Yes, I will do that as I discuss each one. The first is the question of whether North Koreans are refugees.

After all we've heard discussed today, we would think that it would be a given that any North Korean who manages to escape the country would be considered a refugee under international refugee law. But I can tell you that when the INS starts interviewing, if and when that happens, there may be cases where they say because of this reason or because of that reason the person doesn't qualify under the convention. China of course already labels everybody food migrant who comes out. So we need to be clear if we're going to push the international community, China and our own government to accept refugee status for these people, we need to be clear why they're refugees.

First, as we've heard from many witnesses, North Korea is a high authoritarian regime with an abysmal human rights record. Even without the famine that has wracked North Korea since the mid-1990s, it's likely that most, if not all, North Koreans who managed to escape would have strong claims to refugee status, but the famine itself has added to the means by which the government can persecute its opponents. Despite tremendous reliance on international food aid, the North Korean government fails to operate a transparent food distribution system and often denies NGOs access to the country's most vulnerable people. That's one of the reasons so many NGOs have pulled out in recent years.

The government categorizes its population based on perceived loyalty and usefulness to the regime, and it channels food aid accordingly. The government has also blocked aid to parts of the country that have seen antigovernment rebellions in recent years. Now, a government's denial of food aid for political reasons can give rise to a valid claim of refugee status in addition to any other forms of persecution the individual might claim, religious persecution, some others that we've heard about today. But the story doesn't end there. As we've heard on this panel and others, under North Korean law, defection or attempted defection is a capital crime.

The criminal code states that a defector who is returned shall be committed to a reform institution for not less than seven years. And as was mentioned, in cases where the person commits, quote, "an extremely grave concern," unquote, he or she shall be given the death penalty. North Korean authorities are apparently most concerned with defectors who, while they were in China, had contact with South Koreans, Christians or foreigners. This could be one of those grave concerns that earns them the death penalty. The government subjects these people if not to execution, then certainly to harsh treatment and torture, placement in work camps and other forms of persecution.

So therefore, the use of food as a weapon, religious persecution, and the fact that they would fear execution or very harsh treatment upon return, clearly makes these people refugees, even with little concrete knowledge about what else they may be going under.

Now, the second issue is China's response to the North Korean refugees. As I think was mentioned, China has a treaty with North Korea that says that it will return all defectors. Notwithstanding that, for a number of years China informally tolerated the presence of a lot of North Koreans, and even to some extent provided assistance. This situation changed in 1999. That year China began forcibly returning large numbers of North Koreans, and since

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

then they've accelerated every year, most recently with what's known as the strike hard campaign against crime, directed very largely at North Koreans. According to some aid groups, China arrested some 6,000 North Koreans in two months of 2001 alone, and that's just a snapshot, the overall numbers are very unclear.

China's treatment of North Koreans in its territory is clearly a violation of the refugee convention that's been discussed. It's a violation of Article 33, known as non-refoulement. You can't return a refugee to any place where they could fear persecution. China has no domestic law on refugee protection despite the fact that it's signed on to the convention. It has no system for determining refugee status. If it did, it could interview them one by one, and if it decided they weren't refugees then legally it could send them back. Of course we'd have to decide if we thought their system was valid.

But not only does it have no system of its own, but even though UNHCR operates an office in Beijing and asylum seekers from other countries can come there and apply for refugee status and China, you know, cooperates with that, it doesn't allow UNHCR a role with respect to the North Koreans. Other than that one highly publicized case last year, the Jung case, North Koreans rarely can make it all the way to Beijing or get into the UNHCR office. The Chinese government has not allowed UNHCR a role with North Koreans on the border since 1999.

That year UNHCR did a mission to the border and they actually did some interviews and determined that some North Koreans were refugees. As a result, China reprimanded UNHCR for this action and since then has denied them permission even to travel to the border area. This is also a violation of the refugee convention that says that countries have to cooperate with UNHCR in carrying out UNHCR's role, which is to supervise the convention. So China's basically attempting to just define these people out of the convention.

Obviously the main recommendation we have is the international community should pressure China to maintain its obligations under the convention, not return North Koreans to North Korea, and allow international aid in China. It's very dangerous for any aid worker working on the border area, assisting them. Now, in terms of refoulement, forced return, I also want to mention based on the discussion this morning that the U.S. Committee for Refugees does believe that any embassy or consulate that handed over North Koreans to the Chinese government would also be committing refoulement.

This is a fuzzier area. The refugee convention says you can't return or expel any refugee to a place where they would be suffering persecution. Well, return or expel them from where? We've already determined embassies aren't technically the soil of the country that they represent. But also, because of the special status of embassies, they're protected against interference by the host country. So I think because of this unique status it could be argued that if you allowed North Koreans to be taken out by Chinese guards, that you would be expelling them or returning them to a place where they could face persecution, because China would then return them to North Korea.

So you'd be subjecting them to return to persecution, an argument that's been used to refugee advocates. So I think clearly, even though others may argue otherwise, the U.S. or any government whose embassy or consulate allowed the Chinese guards to take these people out of the embassy would also be violating the convention and committing refoulement.

The third point I want to make has to do with South Korea's response. We've heard a lot of people say the answer is just send them all the South Korea, that's where they want to go anyway. No argument, but for the most part, North Koreans from China or elsewhere do want to go to South Korea, cultural ties, family ties. And South Korea has been extremely generous in their response to the North Korean refugees in giving them status. But I also think we need to mention that there have been cases where the South Korean government has been known to harshly interrogate North Koreans who it suspects of spying, and in some cases has turned away asylum seekers who don't have any valuable intelligence information to share.

So even though I have no doubt that South Korea is able and willing to do even more than they're doing now, accepting 500 and some people a year is a far cry from giving automatic status to tens of thousands, maybe even hundreds of thousands of people. So I think if and when we're able to get the Chinese government to open up more and allow passage for the North Koreans, I don't think that they can all just flood into South Korea at once. I think

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

the international community will have to help them absorb more North Koreans, and also be willing to do our part to take them in.

And that goes to the last thing that I want to say, which is, as Secretary Dewey stated this morning, there are procedures to admit people as refugees, but there are some glitches. Secretary Dewey kept saying we have to get UNHCR a role there, once we get a role for UNHCR then we can -- maybe we can resettle some of these people. We need to make clear, yes, a UNHCR role if China were willing to allow that, but certainly facilitate third country resettlement, whether in South Korea or elsewhere. But the U.S., under its own law, doesn't need UNHCR to bring refugees in. We can bring in priority one cases through embassy identification only. The embassy, U.S. embassy in any country, yes North Korea's on that short list Secretary Dewey mentioned, where they need permission of Washington. But they could get permission for an embassy, U.S. embassy in any country, including China, to refer to the U.S. resettlement program a North Korean who was vulnerable and who needed protection.

Second, since we discussed the P2 mechanism this morning. The U.S., the State Department, can set up a priority to refugee processing system.

Theoretically they could do it for North Koreans out of China -- again, you'd need China's permission. And they could bring in significant numbers of North Koreans without any role whatsoever for UNHCR. So we shouldn't make the mistake once again of using UNHCR as a gatekeeper to prevent us to do something that we have the mechanism to do by ourselves.

So obviously we need to pressure China to recognize these people as refugees, not send them back to refugees, allow aid in, allow safe passage to where they want to go, we need help South Korea absorb large numbers. But the U.S. and the international community need to be prepared to resettle, through whatever mechanism they have in their domestic laws, North Koreans who have family ties here, or for whom there's some other reason that this is the best place for them to go. Thank you.

SEN. BROWNBACK: That's an excellent statement, very thoughtful, very well reasoned. I've met with some Chinese officials and asked them if they -- how many numbers do they think of North Korean refugees are in China, and the official said, "Well, there are none." And I said, "Well, what would you do if there were any?" "Well, there aren't any." "Well, what would you do, would you make them go back to North Korea?" "Well, it'd be on an individual case by case basis." They were being pretty disingenuous to me giving the facts, the numbers not up front, I'm hopeful that official is catching some of the summary of this hearing. Very good statement.

Ms. Massimino.

MS. ELISE MASSIMINO: Thank you. Thank you so much for inviting the Lawyers' Committee here today to provide our views and recommendations on this important issue. You know, yesterday celebrating World Refugee Day, it was a great opportunity for us to celebrate the contributions of refugees to our society, but it was also a time for reflection about those refugees who, like the North Koreans, have been driven out of their homes by their own government, persecuted by so called host governments like China, and then failed by the international system that has been designed to be their safety net. So I really am grateful to you, we all are, for this opportunity to talk about what we can do. I'd like to focus my remarks on exactly that. There is, thanks to you and to other members of Congress and the courage of humanitarian workers and those courageous refugees who have been able to get out and speak about their experiences, the challenge we now face is not one of lack of interest in this issue.

It's easy to condemn North Korea, what could be easier? But to help North Korean refugees is going to cost the United States something. It's going to cost some money, and it's going to cost some diplomatic capital. And the question is, what is the United States willing to do to alleviate this suffering and ensure protection for North Korean refugees. First, the administration has to make clear to all concerned countries, in particular China and South Korea, that resettlement of North Korean refugees in the United States is a serious option that we are immediately prepared to pursue. While it's certainly true that China should be granting North Korean refugees asylum, and South Korea should be more aggressively offering to take North Korean refugees in, that's just not the current reality. There are so many times that we've seen the prolonged failure of the United States to make an offer of

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

resettlement a real option for those for whom no other solution is possible is used by other countries involved in a refugee crisis as an excuse for inaction. It's way past time for the United States to step up and make really clear that we are willing to open our doors to these refugees if others won't.

Second, the United States has to bring more pressure on China to abide by its obligations clearly under the convention and the protocol. If it's not willing to grant asylum to North Korean refugees then it must, first and foremost, refrain from sending them back to face persecution and death. The Chinese government is obligated under the convention in the protocol to facilitate protection for North Korean and for all refugees in its territory. If it's not willing to grant that protection itself the administration should strongly urge China to permit UNHCR to operate in the border region between China and North Korea so that it can interview those crossing the border and assess their status as refugees. And the administration should strongly urge China to permit North Korean refugees to leave China and either be resettled or be free to seek asylum in other countries.

Third, the administration has to ensure that it's not sending China mixed signals about its international obligations towards refugees. When questioned last week about the administration's view of this diplomatic communication from the Chinese government that was sent to embassies in Beijing that purportedly demanded that asylum seekers be turned over to Chinese authority, I was astonished to read the exchange at the press briefing at the State Department where spokesman Richard Baucher seemed to go to great lengths to avoid saying that the United States would not comply with such demands. The United States needs to make very clear to the Chinese government that it has no intention of handing asylum seekers over to a government whose stated policy is in clear violation of international obligations.

Fourth, the administration must make absolutely sure that the United States is in no way complicit in the Chinese government's violations of international human rights law being perpetrated against the North Korean refugees. The United States provides a substantial amount of financial assistance as well as training to the Chinese to assist them in combating alien smuggling and illegal migration. How sure are we that this assistance is not being used by or enabling the Chinese government to combat the plight of North Korean refugees seeking to escape from oppression and persecution. I would urge the Senate to diligently monitor the uses to which U.S. anti-smuggling assistance to China is put. North Koreans who fled China have been doubly victimized. I urge you to do all you can to ensure that the United States is not an unwitting accomplice to that abuse.

Finally, in order to continue to lead effectively on this and other refugee protection issues the administration has got to make sure that our own house is in order. The situation of the North Korean people is extremely dire and deserves the urgent attention that we're giving it today. But we need not look halfway around the world to see injustice being done to refugees. Yesterday, in his statement commemorating World Refugee Day, the president promised that, quote, "America will always stand firm for the non-negotiable demands of human dignity and the rule of law." But as we sit here today asylum seekers who came to America seeking protection and freedom sit in U.S. jails, or worse are being turned away unjustly without the chance to even ask for protection.

A little over a year ago many of us sat in this room transfixed by the testimony of refugees from Tibet, Cameroon and Afghanistan who came here seeking freedom and found, to our great shame, handcuffs and a prison uniform. Those present were deeply moved, as we have been today, by their courage, their love of freedom, and of this, their new home, Despite the injustices that they suffered under our misguided immigration system. Thankfully, following that hearing, which was chaired by you, Senator Brownback, a bipartisan group of senators and representatives, which you led, introduced a Bill that would restore American values to our asylum system called the Refugee Protection Act.

The National Association of Evangelicals, in its second statement of conscious released last month, focused specifically on the human rights crisis in North Korea and Sudan. The statement concludes, and I quote, "In the case of both countries we will, in particular, work for enactment of the Refugee Protection Act, legislation profoundly consistent with American traditions of opening our doors to genuine refugees of religious and political persecution. The U.S. must lead the way to safety for North Korean refugees. It must pass the Refugee Protection

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

Act. I can think of no more fitting way to put the president's eloquent words of yesterday into practical effect. Thank you.

SEN. BROWNBACK: Thank you very much, and thank you for the added plug on the Refugee Protection Act, that's languished too long. We need to get that moving forward and move with the issue. This has been an excellent panel, it's been a very thoughtful panel, it's been a lot more than the nuts and bolts of what we need to press forward with here. I look forward to working with you and with your organizations as we push this issue on forward. Some of you had -- maybe all of you were here for Secretary Dewey's statement, and I think we have some work to do to press this on forward.

But I'm hopeful that with the visibility that some of this is gaining, some of the interest, some of the focus that's taking place we're going to be able to have a better dialogue to get something resolved soon. This is happening now, this is honest now. I don't think it's one of those things that we can say, "We're going to study this for six months, we're going to do this or that," I think it's one of those things we really need to press on at this point in time because people's lives are in the balance at this time. And the longer we wait, the longer we dawdle, the more people suffer, the more people die in the process. So I hope we can work together and team up on pressing -- on the legal grounds. I mean, I think there's very clear and very convincing legal grounds for us to press forward in China, and with the Chinese, in the United States, and what we would do for helping these refugees resettle there, here, various places as long as this regime is in place that chooses to so abuse power, I thought that was a very well put phrase by Ms. Lee. So abuse power to treat it's people so poorly. So I want to thank the panel for being here.

Senator?

SEN. ALLEN: Thank you, Senator Brownback.

Thank you all for your eloquent remarks and a lot of them were based on principles. Ms. Gaer, Felice Gaer, my middle name is Felix after my grandfather, whose birthday is today. He is no longer alive but he had been imprisoned by the Nazis during World War II because of pathetic French resistance, he's from Tunisia, French Tunisian. In listening to you all, several of you three visitors, Ms. Gaer, Ms. Liang-Fenton and Ms. Mason -- must be related to George Mason somehow -- and all of this, three of you brought up the food aid, the food assistance there, and a concern about making sure that the food is getting to the people. We heard from our friend from Germany, the doctor, earlier about who is getting the food.

Do you have any way that we -- obviously it's not going to be simple. The principle's right, how as a practical matter could be concretely, quickly make sure that the food aid, the humanitarian food aid is actually getting to the people who are starving? Is there any strong, clear guidance you can give us or to others who are helping out with this food aid, to make sure that's being done?

MS. LIANG-FENTON: Well, it's -- I think it's quite simple. Pyongyang could allow for humanitarian aid groups to distribute and monitor their food packages and to keep records -- to get records from the North Koreans on where the food is going. I don't think that's too much to ask.

SEN. ALLEN: Would the North Korean government allow that?

MS. LIANG-FENTON: No.

SEN. ALLEN: What would they say? They would say no. So then we're in the dilemma of since they say no, will there be an understanding and recognition that because of their non-acquiesce, not acquiescing to non-governmental organizations distributing the food that we are doing all that we can, because otherwise all we would be doing is helping prop up and feed the tyrants, as opposed to the people.

MS. LIANG-FENTON: It's a very controversial issue, it's an important issue. It's been reported that North Korea can produce enough food to feed its own military. If that is the case, and if they are getting, you know, they're getting a

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

lot of food from the World Food Program and others, although that is diminishing, I suppose that what you can say is that if some of the food is getting to some of the most vulnerable in that society, meaning the under-six crowd, that it's worth continuing humanitarian aid. But, by the same token, we really need to be pushing for them to be responsible for their own people and for where their food is going. These are coming from donor countries, I think that behooves North Korea to let the donor countries in to see where the food is going.

SEN. ALLEN: Well, it makes sense. Let me ask another question that was brought up. You all made so many good points and I don't have -- such a short time to ask you all questions. I do agree with you, that whether it's the issue that the non-refoulement obligations, which is a bedrock principle, that China must follow the protocols, the conventions, and maybe they have conflicting laws because of their arrangements with North Korea. Nevertheless, they are bedrock principles that apply, just like the statute of religious freedom, as a national concept, I look at it as born obviously in Virginia. But regardless, there was, of course it did take seven years to get it passed.

Regardless, you get to this issue Ms. Massimino brought up. You didn't number your pages, but you're talking about the United States providing a substantial amount of financial assistance to the Chinese, as well as training to the Chinese to assist them in combating alien smuggling and illegal migration. Now, why are we providing -- I don't -- what is the problem in China with illegal migration and alien smuggling that the United States would be providing any tax payer dollars for that?

MS. MASSIMINO: That, Senator, was initiated and stepped up after situations like the golden venture boat that brought more than 300, I think, Chinese to New York harbor, and many of them fleeing of course the family planning policies of the PRC and --

SEN. ALLEN: Otherwise known as forced abortion for having more than one child.

MS. MASSIMINO: Exactly, exactly, and forced sterilization. And the Clinton administration launched a program of training of Chinese law enforcement and assistance to help the Chinese prevent people from leaving in boats to come to the United States, to be blunt. And I have not been able to get the kind of assurances I would want from our government that that aid be monitored closely enough to make sure -- I mean, this category, alien smuggling and illegal migrants, from the Chinese perspective as we've heard today, the Chinese would view that as applicable to North Korean refugees coming across the border. So I'm as concerned and I would hope that's not happening, and I would want to make sure that we're monitoring that aid and that all parts of our government are kind of talking together about that to make sure that that's not happening. Because I can see how it might easily happen.

SEN. ALLEN: Thank you for bringing that to my attention. That's something I was completely unaware of until you brought it up. I think that whole program ought to be reviewed period, and then also, if it is going to continue, properly monitored. I thank you all and I especially want to thank Senator Brownback for his great leadership on this. We're going to work together, and we both do serve on the Foreign Relations Committee as well, so from various angles we want to work to make sure the people of North Korea hopefully someday soon will enjoy basic human rights, but most importantly move as expeditiously as possible to alleviate the suffering and have people settled hopefully in South Korea, maybe in Mongolia, some in the United States. We all need to do our part. And I thank you all for your commitment to these wonderful principles. And you have two senators here, and I believe also Senator Kennedy as well, who held this hearing, to make sure the American people know what is going on in North Korea. We'll be advocates alongside of you. Thank you all so much.

SEN. BROWNBACK: Excellent. Thank you, Senator Allen, that's an excellent panel. I was reading in Isaiah the other day and the prophet was noting the people's prayers were not being answered, and they were fasting and they were not being answered and the prophet responded, "Is this not the fast that I have chosen to loose the bonds of wickedness, to undo the heavy burdens, to let the oppressed go free, and that you break every yolk? Is it not to share your bread with the hungry, and that you bring to your house the poor who are cast out." If you want to have your prayers answered, that's the fast that I want, is that you would do those things. I think that's pretty good advice to us as well.

HEARING OF THE IMMIGRATION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE SUBJECT:
EXAMINING THE PLIGHT OF REFUGEES: THE CASE OF NORTH KOREA CHAIRED BY: SENATOR....

I want to thank the panelists for being here. I think it's been an excellent, illuminating hearing, certainly for me. I note a couple of things will be made part of the record. The first is Ms. Jung-eun Kim, producer of *Shadows and Whispers*, a documentary on North Korean refugees living in China that was shown on ABC News Nightline as a three-part series a few weeks back. She has a statement for the record. Second is a statement for the record from the UNHCR. Third is from Susan Scholte, president of Defense Foreign Foundation. And finally I'd like to ask that a letter from World Relief, subsidiary of the National Association of Evangelicals be made a part of the record. This letter notes World Relief's willingness to assist with resettling refugees from North Korea. The record will remain open the requisite number of days for additional comments.

Hearing is adjourned.

(Adjourn)

END

Classification

Language: ENGLISH

Subject: REFUGEES (90%); LEGISLATIVE BODIES (89%); FOREIGN RELATIONS (88%); STATE DEPARTMENTS & FOREIGN SERVICES (88%); TESTIMONY (78%); WITNESSES (78%); DIPLOMATIC SERVICES (77%); NONGOVERNMENTAL ORGANIZATIONS (77%); STARVATION (77%); REFUGEE & RELIEF CAMPS (77%); FAMINE (77%); TORTURE (75%); RELIGIOUS DISCRIMINATION (72%); POLITICAL DETAINEES (72%); UNITED NATIONS (72%); INTERNATIONAL RELATIONS (69%); AGREEMENTS (69%); UNITED NATIONS INSTITUTIONS (68%); LEGISLATION (60%); RELIGION (54%)

Company: VETROTEX INTERNATIONAL (74%); VETROTEX INTERNATIONAL (74%); US DEPARTMENT OF STATE (56%); US DEPARTMENT OF STATE (56%)

Organization: US DEPARTMENT OF STATE (56%); US DEPARTMENT OF STATE (56%)

Industry: FAMINE (77%)

Person: SAMUEL BROWNBACK (58%); TED KENNEDY (58%)

Geographic: BEIJING, CHINA (70%); NORTH CENTRAL CHINA (90%); KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF (99%); CHINA (97%); UNITED STATES (93%)

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