**Speakers:**

Mr. ANH Myong Chul (political prison camps and related violations)

“Ms. P” (Right to food and forcible repatriation to the DPRK)

Korea Institute of National Unification (KINU)

**Mr. Michael Kirby:**

[0:00:00] I reconvene the meeting of the Commission of Inquiry on human rights violations in the Democratic People’s Republic of Korea. And I note the presence at the inquiry of the Deputy Minister of the foreign affair’s Republic of Korea, Mr. Shin Dong Ik. And also his Excellency, Mr. Young Hoon Lee, an Ambassador of the Republic of Korea for human rights. They are very welcome here with other officials of the Ministry of Foreign Affairs. Within the independence of the Commission of the Inquiry, the Ministry of Foreign Affairs has given support in kind bythe provision of interpreters and alike. And I express the appreciation of the Commission of Inquiry for that assistance. [0:01:00]

***Mr. AHN Myong Chul (political prison camps and related violations)***

**Mr. Michael Kirby:**

We will now begin the afternoon session with the evidence of Mr. Ahn Myong Chul. Could you bring Mr. Ahn?

Mr. Ahn, thank you very much for coming to assist the Commission of Inquiry. The members of Secretariat have discussed with you. I think the issue of whether you should adopt anonymity or some other way of disguising your identity, but I understand that you have no protection concerns and you are content that your name should be madepublic. [0:02:00] Is that correct?

**Mr. AHN Myong Chul:**

Yes, I agreed. That is correct. I agreed.

**Mr. Michael Kirby:**

Do you declare that the testimony that you are about to give to the Commission of Inquiry will be the truth?

**Mr. AHN Myong Chul:**

Yes, I do.

**Mr. Michael Kirby:**

I think you were originally from North Korea. Would you tell us a little about your life and how you grew up and what position of responsibility you secured in your life in the DPRK.

**Mr. AHN Myong Chul:**

When I was in North Korea, I was in one of the core military units. I was born in Hong-won-gun [ph] (3:00), South Han Kyung Province. [0:03:00] My father worked in this office disputedrations. So we were in a privileged class, we were relatively well off compared to other families, so ever since I was young, I was instructed that the Kim family was akin to God. I graduated from labor school and graduated from Agriculture University in 1987. I was admitted to the detention centre defence, but before I went there, I had no idea that we had detention center in North Korea. The first post that I was assigned to was the eleventh political camp in North Han Kyung Province. [0:04:00] I was given the training for newcomers. And my post was later assigned to four different detention camps within North Korea. The background of my comrades who worked with me were mostly from privileged families. In 1987, I was the only one who was summoned from Hong**-**eun [ph] (4:33) area. The ranks of comrades who worked with me belonged to the family of descendants of those who fought against Japanese colonial rule, who were loyal to the regime. My rank was relatively lowest among comrades. [0:05:00] The guards for training camps were trained in one place. When I was admitted in this army, there were in total of twelve political camps. About four hundred newcomers were trained and were assigned to posts in these twelve political camps. So my first post was in North Han Kyung Number 14 political camp.

Well, North Korea denial about political camp because at the time, we did not call this camp Su-yong-so. We did not have that word. The official term was Nong-jang-ji-do-guk [ph] (5:57). [0:06:00] The office that governed the farmers that was under the Bo-e-bu. Number 14, Number 15, These numbers that we gave to the camps were not used. Instead, we used numbers that refer to specific troops. Number 22 camp had its own number. And so, we put together this number and the name off the army to refer to a specific political camp. And there was also another term that we added to refer to a specific political camp. We sometimes would add specific vegetables or fruits that came from that region to the end of the number [0:07:00] to the name referred to the political camp. So that we have to furnish the expressions to that refer to these political camps, so if you say, Su-yong-so, in North Korea we called them Gwan-ri-so, but in South Korea they call it Su-yong-so, which could be confusing, so Gwan-ri-so Number 14, 15 Gwan-ri-so can be mistaken for the management office for an apartment complex. We don’t use the term Su Yong So in North Korea. I think that is what caused confusion. [0:08:00]

**Mr. Michael Kirby:**

I don’t understand Gwan-ri-so to me. What is the precise meaning?

**Mr. AHN Myong Chul:**

So you ask North Korea about the Su-yong-so, they will not admit to it. If you want to talk about these camps, you need to use the terms Gwan-ri-so Number 14 or 15. That would be the right way to communicate with North Korea about these political camps, and these Gwan-ri-so’s are governed under Bo-e-bu and belongs to the exact term that governs this office is the farm Gwan-ri-bu [ph] (8:55), the farm management division. [0:09:00] During the first service in the army, the military restructured all of the political camps in Korea, so from the twelve political camps they reduced the number to sixth. So they had to relocate people who were in the previous twelve political camps. So in six political camps, we had about 120,000 people imprisoned. I also worked in the Su-yong-so Number 16 and my last post was in the Su-yong-so Number 22. Most of the training was about defining who the inmate was. [0:10:00] They told us that they were treasonous and we were told not to listen to their requests or sympathize with them. We were allowed to shoot the inmates who tried to escape. And our reward would be to get a higher education. When I was in the Su Yong So, my post was to guard the electric fence. I believed truly that the inmates were bad people, and when we were engaged in our martial arts training, sometimes the instructors would summon theinmates who were working in the field, they were summoned so that we could practice our skills on them. [0:11:00] The reason for actually practicing our skills with these inmates was to show them… make these inmates stay on alert and to instruct that those are our enemies. I am ashamed to admit that I also practiced my skills on one of them. Unfortunately, one of the men collapsed. I thought he was dead, but fortunately, he wasn’t.

**Mr. Michael Kirby:**

Practiced your skills. What exactly did you do? What act or step?

**Mr. AHN Myong Chul:**

When we were North Korean soldiers, [0:12:00] we were trained for martial arts. Military instructed Tae Kwon Do and other martial arts. We didn’t have people to practice on, so they summoned the inmates so that we could practice our kicks and hits to them. For example, one of our comrades he didn’t like working in the military and sometimes he would summon… he would call one of the inmates who was working in the field and kill… and shoot him, and falsely report that he had murdered… killed an inmate who was attempting to run away.

**Mr. Michael Kirby:**

Who didthat? Do you remember the name? [0:13:00]

**Mr. AHN Myong Chul:**

Yes, his name is Kang Young Chul.

**Mr. Michael Kirby:**

Would you be able to remember his face?

**Mr. AHN Myong Chul:**

Yes I can. He was my direct manager.

**Mr. Michael Kirby:**

Did he admit to killing persons who had no reason to kill in more than one case or only one case?

**Mr. AHN Myong Chul:**

At the time, he killed five inmates. [0:14:00] We carried out an investigation. In fact, it’s not possible to run away from the camp. The Bo-e-bu carried out the investigation, and they found out that they had these inmates did not have the intention to run away. So, he did out of allegiance to the Bo-e-bu, but in order to maintain high spirits within the camps, he was not punished severely.

**Mr. Michael Kirby:**

Do you mean to say that there was any inquiry into his conduct?

Because the management over him was suspicious that he was killing people without good reason. [0:15:00]

**Mr. AHN Myong Chul:**

No, we didn’t in Gwan-ri-so camp. If the inmate attempted to run away, it’s a huge issue. Five people trying to attempt to run away is going to be scandalous, so if the words got out, the Bo-e-bu would have to carry out an investigation and publicize the result, but if the word got out, we turned out our eyes away to maintain the high spirit of other soldiers who were in the Gwan-ri-so. So the results of the investigation did not get out. [0:16:00]

**Mr. Michael Kirby:**

What is the actual meaning of Bo-E-Bu?

**Mr. AHN Myong Chul:**

The meaning of Bo-e-bu is… before I give an explanation…. inmates in the Su-yong-so are not treated like human beings. They are never meant to be released from Su-yong-so. There are two kinds of Su-yong-so in North Korea. One type is under complete confinement, and the other type is to revolutionize the inmates in 2~3 years, and the other type is the Su-yong-so, where one can never ever get out. North Korean defectors who have come to South Korea… who have managed to come to South Korea are from Yeo-dok. [0:17:00] The only person who got out re-revolutinizing camp was Shin Young Chul. He was very lucky. Shin Dong Ryuk was the only person. I was able to come to South Korea because I was a member of the guard. And those imprisoned in the complete confinement area, their record is permanently erased. They are supposed to die in the camp from hard labour. We were trained to think that those inmates are enemies and that we have suppress them so we didn’t perceived them as human beings. And the role of the guard was in each camp, every guard received the same training. They receive… Newcomers are training at the same place. [0:18:00] They are assigned to different camps. The role of the guard is to set up electric fences to prevent any runaways, and in case of a revolt, we are supposed to suppress it and shoot them in case of a war breaks out in order to eliminate any evidence, we were supposed to wipe them out so that there is no evidence of inmates. In each political camp, Su-yong-so, there are tunnels. The tunnels were dug. When Iran and Iraq War broke out in 1992, [0:19:00] they tried to emulate the bunker buster of the United States, and so those tunnels were dug so that we can eliminate inmates in case we had to erase any evidence of their existence and in case of possible revolt or runaways or should a war break out, the guards are supposed to arrive in the area that they are in charge of and shoot everybody who is under their supervision. If you have served for 10 years in this guard, as a guard, 90 percent… if you have at least served for 8 years, 90 percent of the guards would be granted admission to the Kim Il-Sung University [0:20:00] in upon graduation they would come back to serve in these political camps, so once you are associated with these political camps, you one day are fated to come back, and so that’s one of the benefits that you get from working as a guard, and these guards are a potential pool for Bo-e-bu agents.

**Mr. Michael Kirby:**

What was your training? What were you actually trained to do as a guard? What instruction were you given about the use of deadly force in relation to the prisoners? Was it to be the last resort? [0:21:00]

**Mr. AHN Myong Chul:**

No, not really. We should attack them. We really don’t care if we are going to kill them or let them live. As once we start beating, some people would just die at first attack or first shot. There are two types of Tae Kwon Do. Here, in North Korea, we call North Korean Tae Kwon Do called Gyeok-sul [ph] (21:40). Here, we only attack the weak points, the vulnerable points on people’s body, so from head to the foot. We know we have these weak points. We were taught where these weak points are, and we were trained to hit these points. And the guards [0:22:00]we were quite independent in the camps, but we have to be able to protect ourselves. If we are on guard at night, the inmates attack us with an axe or whatever, then we should be able to defend ourselves at the time. We were trained for such situations.

**Mr. Michael Kirby:**

And I think you witness the number of executions in the camp. Is that correct?

**Mr. AHN Myong Chul:**

Yes, I did.

**Mr. Michael Kirby:**

How many would you estimate that you saw?

**Mr. AHN Myong Chul:**

When I was at the camp…, Well, after I’ve been there for 3 years, I became a driver. As I was working as a driver [0:23:00] you know what I did was this, if they were deciding on the public execution, I was responsible for driving the soldiers back and forth, so I think I have to tell you the structure of the camp. So, some place called Bo-e-gwa [ph] (23:20) and Gwan-ri-gwa [ph] (23:22), Hu-bang-gwa [ph] (23:25) and Gwan-ri-gwa. They are in detention houses. People that have violated rules and the people that are to be executed would be in the Bo-e-gwa. And the Gwan-ri-gwa, where the management division is, where everything that is produced is managed. And also, there is Hu-bang-gwa, that’s where the produced product would be distributed. And then we had Kyeong-bi-gwa [ph] (23:51) for the guards. So, it’s the Bo-e-gwa or the Bo-E-Bu that decided who is going to be executed. [0:24:00] Once the Bo-e-gwa decides that there’s going to be execution, then they would tell Kyeong-bi-gwa, the guards division, to bring or to drive the soldiers. So the whole military would be mobilized including myself, so the guards would be armed. We would have 128 bullets in our guns, and we would have military dogs and we would be guarding around the execution site. There were shooters. Sometimes shooters are from the guard division, or sometimes are from Bo-E division. So they would choose three. Their ranks are quite high, not officers, but they would have at least [0:25:00] so the shooters… in order to prevent any sort of attack or… We have the shooters with the same rank, at least we have seen as if it’s the shooters have the same ranks. And we are all prepared for also potential riot at the site of execution. [0:26:00] Sometimes, we had as many as 20 executions a year, sometimes we did not have any executions in a year. We would do executions when things are out of control or they are having attempts for escape or they are having some destruction of the property of the camp or somebody killed a cow. We would kill or would execute one person… one inmate to set an example for the rest of the inmates. And there were years when we only executed 2 or 3 people a year, so the number differed year by year.

**Mr. Michael Kirby:**

Was thereany judicial process involved in these executions? Was there a visiting judgeor magistrate who had to approve them? Or was there a system of appeal against death penalty?

**Mr. AHN Myong Chul:**

No we didn’t have that. For those people in the revolutionary district, they are only there for the short term. These inmates are there to be trained, re-trained, or re-educate inrevolutionary thoughts but the people who are in other district, they don’t have registry. [0:27:00] So the people from Ho-be [ph] (27:08), which is read the list of scenes of crime. For instance, the person killed the cow, then this person was not looking after the cow. So, to set the example, if you do not take care of cow well then you will be killed. They will simply read the list of crimes. At the end, we say we will be executing you in the name of the people and then there would be a commander that would call forth 3 shooters, and 3 shooters would be shooting to kill.

**Mr. Michael Kirby:**

Were they volunteers or were they required to do it?

**Mr. AHN Myong Chul:**

They were not voluntary, they were chosen. There were criteria. They have to be in the military for three years, and they have to be good with guns, and they have the strong ideology. [0:28:00] And in case of the Camp 20, there were 50000 inmates and 1000 guards. And Bo-e-bu and military numbered about 2000, and the director or superintendent of the camp has one star, so he would be a general. So, he would be quite high in terms of his position.

Excuse me, I lost my train of thoughts. I forgot your questions.

**Mr. Michael Kirby:**

I think you saw some abortions performed in the prison. [0:29:00] Is that correct? On female prisoners to terminate a pregnancy.

**Mr. AHN Myong Chul:**

So I think it’s my second year since I joinedthe guard. The leader of my platoon or my team battalion was Han Dae Chul. He raped one of the inmates, and the woman actually got pregnant and gave birth to a baby in the field. The baby and the woman they were taken to detention houses. And they were trying to find out who the father was. The inmate said that she was raped by one of the soldiers, and the baby was put into a pot [0:30:00] where the meal was made for military dogs. I think the woman was sent away. This was a big issue. This soldier who raped her also had his ring taken away.

In the camp, marriage is not allowed. Marriage is only allowed… because inmates are there forever… in order to give them rewards…. Of course, it’s up to the guard… it’s up to a person in the management division, so they would allow them to get married. Except for marriage as a reward, nothing is allowed. If a woman gives a birth, then that’s a really big problem in the camp because the camp was established at the instruction at the order of Kim Il Sung since 1958. [0:31:00] According to Kim Il Sung’s instructions, since that, three generations of the inmate should be annihilated. And Kim Jung Ill had said that all the escaping political prisoners should all be caught. So, the camp is there in order to make sure that there are no future generations of the political prisoners. So, in order to motivate the workers, we allow the marriage, but the woman who is not married gives birth, then it’s a different issue. And then if the father is an inmate, the guy would be shot to death and the woman will be sent to the harshest coal mines to work. [0:32:00] However, if the father is from Bo-e-bu, Bo-e-bu are said to have stronger ideology than the guards and they have longer work experience, so sometimes they do allow that. If they have the relationship with a woman, but if they have a woman that has given birth, even the Bo-e-bu has to retire from their jobs. I think it was Gwan-ri-sa Number 13 or 19, he had committed the suicide. And if the guard rapes or has sexual intercourse with an inmate, and the woman gives birth, then the political prisoner will be sent to a really harsh place. If she gives the birth, then she will be secretly executed. If she was just raped, [0:33:00] she would be sent to the harshest workplace like mines. Her husband or the guy who raped her would be sent out back to the society because he would be deemed as having not sufficient allegiance or loyalty, and he would be stigmatized. He will not be able to get a good job in the military.

When I was in Camp 22, I had a superior by the name of Yang Sung Chul. He raped a woman, an inmate called Han Jin Duk, and even among the inmates there were spies. Because inmates are to move in groups of 3 or 5, so they can have surveillance on each other. The fact was discovered, so the woman was tortured in the detention house. [0:34:00] She was tortured with fire and then she was sent to a mine. My superior, Yang Sung Chul, One day, there was an emergency gathering of battalion, and the head of battalion called out his name Yang Sung Chul. That’s where his rank was taken away because he had a relationship with the enemy. He was forcefully and dishonourably discharged from the army.

**Mr. Michael Kirby:**

I think, in addition to the formal executions, you saw some prisoners who were killed as result of beating. Is that correct? And if so, describe what you saw.

**Mr. AHN Myong Chul:**

I was working as a driver, and I saw so many people that have died as a result of beating. There are so many that I can’t remember. I think there was one inmate that had moved from one camp to another camp, and so, I came to Camp 22, I was not given a car to drive. I was working as an assistant. I had a superior whose name was Ju Sung Chul. I was just following him around, and then there was a mine, and there was a factory that makes bricks, and then there was a political prisoner who was about forty years old. He was not moving well, and he must have been quite sick, but he was not working well, since he was not working well, [0:36:00] Ju Sung Chul said ‘why aren’t you working well?’ and then kicked him and then there was something to ignite, that was used to hit him, and he was hit in the head and he died right away. That was reported to Bo-e-bu. Bo-e-bu officer came down to do the investigation and said that we hit him because he was not working well and as a result of that he died. That’s what we reported. The only of the foreman of the inmates was scolded. Ju Sung Chul who hit him didn’t get any kind of sanctions. He actually was rewarded to go to university. So, if you kill inmates, you are not punished at all. [0:37:00]

When I was in Camp 13, one of things that really surprised me was this. We have these military dogs. So, these military dogs are used to catch inmates when they run away. There was a school for the political prisoners, so three children were killed by military dogs, and it’s a result of the manager, the trainer of the dogs. Three kids died, so we had another emergency gathering. We went there and saw that the children were mauled by the dogs. [0:38:00] If the dogs have mauled and killed the children, then the military dogs should have been shot to put to death. At the time, our leader of battalion yelled at the name of this dog trainer, and…. However, the next time when they gathered all everyone, he actually praised him because the dogs have mauled and killed the political prisoners. So, the dog trainer was actually praised later.

**Mr. Michael Kirby:**

Was there any kind acts or kind guards you saw during your time in this service?

**Mr. AHN Myong Chul:**

[0:39:00] Well, the guards of the camp… They have been in the military for a long time. And the guards compared to the agents of Bo-e-bu are not really that strict in terms of ideology, and the camps are deep in the mountains. It’s quite difficult to see other people. The only things that we see are birds and the inmates. At first, we were disgusted with them, but as we’ve been living with them for a long time, we become sort of relaxed, so some of my comrades felt bad about some inmates. I also felt bad about some inmates, but I cannot express it because if I do express my sympathy, I would be punished. However, when we have conversations I was able to get the hints that some comrades were feeling bad or were feeling sad for some of the inmates.

**Mr. Michael Kirby:**

[0:40:00] Did you ever feel ashamed because of what you are doing?

**Mr. AHN Myong Chul:**

At the time, I believed that the inmates were truly bad. But when I became the driver, I met other political prisoners and sometimes I met people who are really good workers, and when I had a free time, when I got bored, sometimes I would strike up a conversations, I would ask where their hometowns were and why they were there. 90% of people there had no idea why they were in the camps. They all told me that one night when they were in bed, [0:41:00] suddenly Bo-e-bu people came to their house and they got arrested, and sometimes they told that they were being punished for a crime that they have been committed by someone they knew. So, in the past, I was instructed that these were bad people, but these people that I found out had no idea why they were there. I always had suspicions and doubted how come they don’t even know why they were there. They were criminals. When my father passed out, I was allowed to go home. When I got home, my father passed out and my mother wasn’t there. I asked why there was a serious food shortage problem, and so there was stricter control over nations. [0:42:00] My father was in the top position of the distribution center, so he often had an occasion to meet people in the higher position at dinner meetings, and he made a mistake of saying to these higher ranking officials that the reason for the foot shortage was because the people on the top were not doing their job right, and that is considered as a betrayal of the party. My father was drunk at the time, and next day, he regretted saying that. He knew that he made a mistake, so he committed suicide, and committing suicide is also a crime in North Korea. That’s why my mother was arrested and she was being investigated in the Su-yong-so. [0:43:00] My younger sister, she was an elementary student. She was the only one left in the house. I am the eldest of my family. My younger brother is also serving in the Bo E Bu. I heard that my younger brother was also arrested from the army and both my younger brother and sister were later sent to the Su-yong-so, and I found out that they had also put someone to tail me, so that’s how I learned how the inmates were ended up in this political camp and having realized that I could not stay in North Korea. I am the eldest, so I would have tried to find and gone to where my family was, but I couldn’t, so that’s why I decided to defect. [0:44:00]

**Mr. Michael Kirby:**

What time and date was that?... that you decided to take that step.

**Mr. AHN Myong Chul:**

When I came back to the military, it was June 20th. I came back to the army on June 20th, I met my…. It was 1994.

**Mr. Michael Kirby:**

Yes, go on.

**Mr. AHN Myong Chul:**

There was someone following me. They had put a tail on me. [0:45:00] My friend came to me one day and said, and he asked me about what had happened to my family. I said nothing happened, but my friend asked why people on the top decided put a tail on me, and that’s when I realized that I was soon going to be arrested. Once a guard, you are almost forever a guard, and it’s very selective group of people, so the documentation is very complicated to be a guard or to arrest someone who is part of this guard. You have got the permission of the Bo-e-bu, but in the course of preparing to arrest me, Kim Jung Ill died, and the administrative staff stopped, so I had the time. I earned the time, [0:46:00] and I was trying to…. And I was asked to write a letter to swear about my allegiance in front of the statue of Kim Il-Sung. I was selected as a driver because I was good at Tae Kwon Do. And because I had a strong loyalty, only one person from a battalion is picked to be a driver. I belonged to that selective group of soldiers. My loyalty was proven and I had other credentials, but because of my father, I think my friend told me that they were a little bit generous towards me, and the surveillance became a little bit relaxed and that’s how I was able to defect. [0:47:00]

**Mr. Michael Kirby:**

Where did you go?

**Mr. AHN Myong Chul:**

When I decided to defect, I took two political prisoners with me. They were brothers. I met them at Camp 20. They were imprisoned at ages of 2 and 4, but I met them when they were 24 and 26, so they had been in the prison for 20 years. I met these brothers when I was working as a driver. When I was transferring coals, I had taken sympathy on them because what could have these young people done to deserve this living in the camp, and so I took a shotgun with me, [0:48:00] and I brought these two brothers. I put them in my car and I told them that we might be engaged in fire shot. I told them that I would give each of them pistols and I told them to shoot when I give an order. They were scared and they decided to run away in the middle, so they never got away from the camp. I was the only one who did. I drove the truck out of the Su-yong-so. Because I was the driver, I had freedom to drive around the area. I drove all the way to Du Man River. I left the car there, and I went to China. Because of the strong waves, I had to abandon or throw away the weapons. [0:49:00] I went to China to Yanji, and I met an ethnic Korean living in China on a train to Harbin. I asked him for help and I told him that I was from North Korea and that I wanted to go to South Korea but I had no idea how. This old man gave me money, and there was heavy crackdown by the Bo-e-bu on the North Korean defectors, so I met this old man who helped me to come and make it to South Korea.

**Mr. Michael Kirby:**

I think you have some images that you can show us of the camps in which you worked. Is that correct?

**Mr. AHN Myong Chul:**

Yes, I do.

**Mr. Michael Kirby:**

[0:50:00] Please show them to us now.

**Mr. AHN Myong Chul:**

Yes, this is the map of North Korea. These are the remaining Su-yong-so. When I was working, there were 12 of them. At the time, these camps were far away from the 38 degree line. They were in the border area. When Russia collapsed, the socialist country disintegrated. The camps were integrated. Camp Number 14 is in Gye Chun, Pyeong An Nam Do [ph] (50:53). The official name for this camp is Military Station Number 2914. [0:51:00] You are looking at the images of camps governed by the Bo-e-bu. Division Number 7 Yeo-dok is the only place that has the revolutionized area and the restricted area. Camp Number 16 is the Ha Sung Su-yong-so. In Ha-Sung Su-yong-so [ph] (51:40), it’s where the nuclear test was carried out.

**Mr. Michael Kirby:**

Does it show where that was on the map of Korea?

**Mr. AHN Myong Chul:**

[0:52:00] This is the place, Ha Sung. Ha Sung camp.

Yes, it is the northeast part. This is the map. Specifically, I will show you the images of the camps.

**Mr. Michael Kirby:**

Where did you get these images from first?

**Mr. AHN Myong Chul:**

There is an organization set up by people who are working to dismantle these political prisoner camps. Members of this organization had help from other North Korean defectors and other North Koreans to collect these images. This is Camp Number 14 where Shin Dong Yuk was imprisoned, and the official number was Chosun Guard Troop Number 2914. [0:53:00] In North Korea, we call it the Ge-chun Gwan-ri-so [ph] (53:13).

You will be seeing the next image.

This camp is the Camp Number 16 Ha-sung [ph] (53:34), where the nuclear test was carried out. No one has ever been released from this camp. Their primary production was Dong-bal-mok [ph] (53:46), which is a wood that is used to for mining.

**Mr. Michael Kirby:**

Are they mineral, are they from the ground? [0:54:00] In ha-sung?

**Mr. AHN Myong Chul:**

In order to dig a tunnel, you need this wood buttress. This camp is on top of a mountain, and they cut down trees. This is the picture of Yeo-dok [ph] (54:50) Camp. [0:55:00] This is the picture of Number 22 Hae-ryung [ph] (55:07) Camp. Where I am pointing right now is where I was, and next to it, you see the Gu-ryu-jang [ph] (55:17), the detention centre, the solitary cell that you have heard in other testimonies. Where the mouse is pointing is where the Bo-e-bu agents and the guards lived. It’s the residential area, and this is the neighbourhood of political criminals. We have electric fences to prevent the political criminals from crossing over. The village, the neighbourhood of Bo-e-bu agents is a heaven and those inhabited by the inmates is hell.

**Mr. Michael Kirby:**

Do you have any other images that you wish to show us? [0:56:00]

**Mr. AHN Myong Chul:**

The rest of the images are about tortures carried out inside the camp.

**Mr. Michael Kirby:**

Are these photographs or are these are sketches of the way in which tortures were performed?

**Mr. AHN Myong Chul:**

Yes, these pictures… the sketches were produced as the tortures that was actually carried out. And the pigeon torture [0:57:00] and the motorcycle tortures were sketches produced relying on the memories and the testimonies of those who have been tortured.

This is the sketch of a pigeon torture. These tortures took place in prisons. Inside the camps, we had detention centers, Gu-ryu-jang [ph] (57:32), where these tortures were carried out, so there were specific facilities for tortures inside the camp.

**Mr. Michael Kirby:**

Do you believe that those facilities would be there today?

**Mr. AHN Myong Chul:**

Yes, they are. Yes. The structure of the Su-yong-so is like this. After certain period of investigation prior to going into the Su-yong-so, you are instructed 10 rules to abide by. [0:58:00] If you disobey these rules, you are sent to this Gu-ryu-jang detention center, and that’s where they decide whether they are going to save your life or execute you.

**Mr. Michael Kirby:**

Is there any form of appeal or review of that decision by an independent person or is it all decided by the Bo-e-bu?

Is there any judge who supervises such decisions of life and death?

**Mr. AHN Myong Chul:**

In the restricted area, the inmates are no longer registered citizens, so you don’t need a law to decide the sentences, [0:59:00] and the Bo-e-bu agent is the person who decides whether you are saved or you are executed. There are no other criteria other than his words. They are already eliminated from the society. Those who are in the revolutionizing area, I haven’t heard of any due process. I have heard of some documents being shown, but I think we don’t have any judge’s trials. It’s the word of the Bo-e-bu agent that decides everything. Before execution is done, the Bo-e-bu agent reads what type of crime has been committed and orders the execution. [1:00:00]

**Mr. Michael Kirby:**

Do you have any other images that you want to show us today?

**Mr. AHN Myong Chul:**

Yes, I do. The sketches are exhibited already. There are a lot of…

**Mr. Michael Kirby:**

The sketches around the meeting room of this Commission of Inquiry. Is that correct?

**Mr. AHN Myong Chul:**

Yes, yes. These are the sketches.

**Mr. Michael Kirby:**

And are you willing to leave those original sketches with the commission of inquiry so that they are available to us as we consider what we do?

**Mr. AHN Myong Chul:**

Yes, yes. I have files in the USB. I will give them to you.

**Mr. Michael Kirby:**

I will mark the USB with the files when the originals are eventually given to us from Mr. Ahn Myong Chul as S5. [1:01:00] Is there anything else you wish to say?

**Mr. AHN Myong Chul:**

Yes, I do. When I ran away from the camp, I had no idea about the reality of North Korea. I learned about the reality after I went to join the army, and I talked about North Korea in South Korea through the media, but I don’t think people get the seriousness of this situation but although it’s long overdue, the COI was established. I believe and I have high expectations about the work that you are doing. You are hope for North Korean defectors. You are the only hope, the only way that we can survive. [1:02:00] NGOs, however, they endeavour to dismantle the political camps in North Korea but there is a limit to what they can achieve. I think you should carry out an investigation in every political camp in North Korea. That is the last means that the inmates can save themselves and you are our last hope. And everybody imprisoned right now including my family. You are the last and the only way that we can those people, so I hope you really feel your mandate to carry out your work.

**Mr. Michael Kirby:**

You can be assured that when we feel our mandate, [1:03:00] and we will carry out the best of our ability. We have not been given access to North Korea to this stage, but if there is a denial of existence of the camps that you have described. Do you believe that you could describe accurately where those camps are so that independent body could, if given permission, find those camps and inspect the facilities to see whether what you have seen is true?

**Mr. AHN Myong Chul:**

Yes, I can. Already in 2002, through the digital bloc in US, [1:04:00] I have given the coordinates for Camp Number 22, and the locations of other camps are in the file that I will be handing over to you. I don’t know, upon the permission of North Korea, who will be going into North Korea investigating, but I will give my assistance to you. I think the reason why North Korea is denial is because of the difference in how they refer to these political camps. In Korea, there is no word that refers to political prison camp. It’s the name is Camp Number something. I think that’s why North Korea is in denial. If you change the term and change the expression, change the way you communicate, I think North Korea has no choice but to admit the existence of these camps. [1:05:00] If you do go into North Korea and carry out the investigations, I will give testimony and give the location of these camps.

**Mr. Michael Kirby:**

Thank you very much, Mr. Ahn. Why are you giving this testimony now? Before us, why did you decide to give testimony?

**Mr. AHN Myong Chul:**

Well, it’s been 19 years since I came to South Korea. There are about 25,000 North Korean defectors that are living in Korea, and we have been talking about the circumstances in North Korea through media and other means. But it seems that North Korea is not accepting what we are saying, and also there is the problem in terms of the relationship between South and North Korea. And we feel that the only way to deal with the problem that we face is through the United Nations. [1:06:00] We have submitted a petition to the United Nations, and I think the avenue like this is the only way for us to talk about what has happened in North Korea and this is the only place where we can have hope of saving our families and also our friends back in North Korea.

**Mr. Marzuki Darusman:**

Mr. Ahn, Thank you very much for the report. Just wanted to go back to the beginning when you were trained as a guard. You said that it took six months to train you and the 300 other guards to become guards. [1:07:00] This was very regulated training, orderly training for six months in Camp 11?

**Mr. AHN Myong Chul:**

Well, the political prison camp eleven was actually disintegrated in 1989, so the camp where I was trained. Right now, training for the guards is done in a new camp called Number 26. The new guards are trained there, and it usually, well, in minimum… in the new guard training, [1:08:00] you receive three months of training, and then you are allocated to your own post, and then you receive three months of additional training, so you do receive six months of training. What we are taught and trained the most is how to suppress the riot and we also receive the mind training to make us understand that these inmates are enemies.

**Mr. Marzuki Darusman:**

You were trained for six months. What was the most long training?... A guard is a very straightforward task. It’s simple. You oversee the inmates but it took six months to train one guard. [1:09:00] What took so long?

**Mr. AHN Myong Chul:**

Well, the political prison guards,... the kind of training that we received the most is related to ideology, so we are trained and educated about the allegiance and loyalty to Kim Il-Sung. We actually receive two hours more than the military. About 60 percent of the training was hadto about the ideology, and the rest was about physical training and about how to oppress the riots. So, we had very intensive ideology training for six months, and that training is to… I guess invoke hostility against the inmates and to imprint in our minds that the inmates are enemies. Also, camp guards, we can become a member of Bo-be agents. [1:10:00] We actually… Being a guard is becoming a candidate to become in a Bo-e-bu agent later on after going into colleges and training all that.

**Mr. Marzuki Darusman:**

You had the textbooks. You had the material for the training. Do you remember you had documents, and you had to write down, and you had to listen to lecture... was that the kind of training?

**Mr. AHN Myong Chul:**

Yes, we did that. So they would have like a lecture material. The training material is confidential, so we have different ideology training than the ordinary military, so we would write down. We would memorize the instructions, the orders from Kim Il-Sung and Kim Jung-Il. And we were also trained on the inmates; [1:11:00] so there is actually an instruction book or the textbooks, and the ideology training were on top of it… On the cover of the book would say confidential. Also, Tae Kwon Do and other training… well, we used the same textbooks as other parts of military, but we also have the tactical training. In the military, I don’t know how they do it, but in our guard’s schools, that tactical training is about arresting an inmate when they escape. The tactical training is about how to surround a village and to suppress the riot in the shortest possible time. And also every camp has artillery. This is the artillery to shoot down the planes. The original purpose of the artillery is that, [1:12:00] but we use those artilleries to annihilate any evidence or the evidences, should there be any attack or should there be any war breaking out on Korean peninsula.

**Mr. Marzuki Darusman:**

Would you be able to write down, by memory, the texts and instructions? Or do you have any documents that you took along with you? But you would be able to through recollection, write down whatever you used to remember about these texts and instruction books. [1:13:00]

**Mr. AHN Myong Chul:**

Well, maybe I could…. I was not able to bring out any textbooks, but I think I do have some recollections of what was in the books, the instructions, the orders from Kim Il-Sung, and also if you want I can also write down the instructions that we received and things that we were taught on the most.

**Mr. Marzuki Darusman:**

If you would do that, would you be willing to reproduce these texts so far as the come as close to what you remember?

**Mr. AHN Myong Chul:**

Yes, I can do that for you.

**Mr. Marzuki Darusman:**

You were instructed to treat the inmates as enemies, and to extend that they were not quite human beings. Is that the sense that I get?

**Mr. AHN Myong Chul:**

Yes, that’s true. So, Kim Il-Sung and Kim Jung-Il they have instructions for us. I remember them. [1:14:00] Before you leave Korea, I will try to remember those instructions as much as possible and write them down and try to provide those instructions to you before you leave Korea.

**Mr. Marzuki Darusman:**

Just quickly, how many deaths per year would you remember having taken place in the camp? And how many new inmates were coming into the camps?

**Mr. AHN Myong Chul:**

Well, if you look at the camps in North Korea, we don’t have any consistency. [1:15:00] If there is an incident in North Korean society, then we would have a lot of people coming into the camps. I think it was 1992, that’s when the Soviet bloc collapsed. That’s when we have a lot of people coming into, new recruits in the camps. You know the trains where the animals are carried, so we had this train. I think there were like 6 rolling stocks that were filled with people. And that train came to the camps for 6 days consecutively, so thousands came in, in the span of 6 days. And about how many people have died, Well, because the political prisoners were hungry, they would catch a mouse and eat them, so in camps, there are two kinds of mice. [1:16:00] One is that you can catch and one is that you cannot catch, but in October, there are some field rats that look like squirrels with their tails. They have germs. I think it cause contagious diseases. It’s a contagious infectious disease. I think it was 1991 in one camp alone, about 200 prisoners died and about 2 guards have died. Also there was measles, so that’s when also people have died. After winter, in spring, not yet spring, it’s between winter and spring, that’s when a lot of people died, [1:17:00] so I don’t have exact numbers, but there were times when we have new prisoners and there were times when many inmates died.

**Mr. Marzuki Darusman:**

When people died, where are they buried? Is there the mass of graves near the camps?

**Mr. AHN Myong Chul:**

Each camp, I was at four different camps. There is no designated burial spot for the inmates. The inmates died quite often in mines, and so they would simply bury them in surrounding mountains and hills. When political prisoners died, it’s quite different. If people die in the society, you have, you know, typical Korean tomb, that kind of tomb is made, [1:18:00] but if the political prisoners died, the burial spot would be quite different. Because if they have died early without finishing their sentences, that is also a crime. They would just be buried in flat spots. If you go around the mine, you would see the ground that is dug in site, so they were sometime buried bodies over the bodies. As we are digging the ground and we sometimes found the bones, and so if there is like a mine, then surrounding hills, and mountains would be like a cemetery. There is no cemetery just for political prisoners, so the surrounding area could be burial sites for political prisoners. [1:19:00]

**Mr. Marzuki Darusman:**

Next question, You said that there is no escape for those in restricted area, except for Mr. Shin. We have heard from other witnesses that releases do happen. And they are not authorized by Bo-e-bu, but authorized by higher authority. Is that true?

**Mr. AHN Myong Chul:**

Well, sometimes. They are such cases, and those are purged people but their crimes are not clear, or afterwards, Kim Jung-Il or Kim Jung-Eun, the top leaders looking for them and decide to let them leave. [1:20:00] Then the people in the restricted district could be released. When I was working at Camp 13, there was a plant, the factory, and one of the people that was working in the factory used to be quite high up in the political party, and when he came to the camp, he was released back into the society because there were specific instructions from outside, so there are cases like this sometimes.

**Mr. Marzuki Darusman:**

You mentioned that the torture facilities were separated in the camps, and these were where the torture took place. The perpetrators or the torturers, were they in the special unit? Or did anyone or did any guards, for example, take part in the tortures? [1:21:00]

**Mr. AHN Myong Chul:**

There is something called Bo-e-gwa [ph] (42:38). One of the roles, Bo-e-gwahas detention houses, so that is the department that is responsible for the torture. The guard, after serving 10 years in the military, and then they can be relocated to Bo-e-gwa, and if you are young and if you have strong ideology, then you would be given the mission or the work of torture. I mean there is no instruction book. They simply use the torture tools around, and they are taught by their seniors or superiors how to do the torture. So, usually, the skills, their superiors would tell [1:22:00] them or the seniors would tell them which spot would hurt the most. Bo-e-gwa would be responsible for the torture.

**Mr. Marzuki Darusman:**

What were the practices? Did you hear from colleagues or any other way?

**Mr. AHN Myong Chul:**

So, the camp is almost like one department in a way. They may have different roles but we are in the same space, so the information is shared. And the detention houses, we stand guards for the detention houses. At night, I would stand guard. [1:23:00] Sometimes, we stand guards in surrounding detention houses, which is learned naturally, and about once a week, so we would be able to see the inmates. Within the camp, it’s not 100 percent sharing of information, but after you have been there for some time, you just naturally learn some things.

**Mr. Marzuki Darusman:**

Did you take part in the torture?

**Mr. AHN Myong Chul:**

Well, my department, I belong to guards, the guarding divisions, so I never participated in the torture. [1:24:00]

**Mr. Michael Kirby:**

Thank you very much, Mr. Ahn, and when we receive the attempted reproduction of the instructions that you received in the camp as a guard, we will mark that as exhibit S5, I am sorry, S6. S5 will be the sketches, the USB with the sketches and other documents.… S6 will be the reproduction of your memory of the instructions you received as the guard in the camp. That will be part of our record. If you could make an arrangement with the Secretariat, we will be grateful and if they could be made available today, that would be a great help to us. Thank you for coming today and you are excused. [1:25:00]

**Mr. AHN Myong Chul:**

Thank you very much.

**Mr. Michael Kirby:**

We will take a short break, but we will try to take this witness thru her testimony first and then the last witness of the afternoon will speak for the Korean Institute of National Unification (KINU).

***“Ms. P” (Right to food and forcible repatriation to the DPRK)***

**Mr. Michael Kirby:**

Good afternoon, Ms. P. Thank you for coming along to help us. I think you have decided that you will anonymise your name, and we will call you Ms. P, not otherwise, identify your name or where you come from in North Korea. That is your wish, I think. [1:26:00] Is that correct?

**Ms. P:**

Yes, that is correct.

**Mr. Michael Kirby:**

Are you happy to declare the evidence that you are going to give it to us will be truthful evidence?

**Ms. P:**

Yes, I do declare.

**Mr. Michael Kirby:**

I am going to start to take your evidence, and then my colleague, Commissioner Sonja Biserko will take over and ask you some questions. Is that an agreeable procedure for you?

**Ms. P:**

Yes, that is ok.

**Mr. Michael Kirby:**

You worked until the 1990’s famine. [1:27:00] It was that time you started to do business in the free market in North Korea.

**Ms. P:**

Yes, that is correct.

**Mr. Michael Kirby:**

Could you just describe what it was like when the famine hit North Korea when it started?

**Ms. P:**

Beginning in 1994, it was the era of terrible suffering. There was a food problem. We had nothing to eat, so we had to sell something. We walked 2 to 3 hours. We sold something in the market, got enough money to eat for the day. [1:28:00] We had to live on 1kg of corn for several weeks.

**Mr. Michael Kirby:**

What sort of the things did you sell in the market?

**Ms. P:**

We made sticky candy, sticky rice. We also sold corn. We bought the corn again to make that sticky rice and sell that in the market.

**Mr. Michael Kirby:**

Were you left the alone by authority or did they start causing trouble for you and other colleagues if they were doing the same thing?

**Ms. P:**

When I was selling in the market, [1:29:00] sometimes there was control, but sometimes we remained very low profile when we were selling, so it was different each time.

**Mr. Michael Kirby:**

Were you making enough to survive in the hardship of that time? Or did you ultimately decide to do something to get away from the hardship?

**Ms. P:**

No, we could not get enough. We had to get grass from the field, and we had to make corn powder. We fix the grass with the corn powder, and we ate that. [1:30:00]

**Mr. Michael Kirby:**

Did you ever see any parcels or packets of the United Nations’ food aid or some assistance from overseas for the famine?

**Ms. P:**

No, I have not.

**Mr. Michael Kirby:**

So, what did you decide to do?

**Ms. P:**

When we didn’t have enough to eat, some households that had something to sell in their house like properties, dishes. They had to sell whatever they had to buy corn and resell the corn in the market. [1:31:00] Or sometime we would have to make something from the scratch to buy corn. And we had to sometimes mix the corn with the grass that we got from the field to eat.

**Mr. Michael Kirby:**

So, eventually I think you decided to go and try to go to China?

**Ms. P:**

Yes, I decided to go to China.

**Mr. Michael Kirby:**

Did you do that with other members of your family or alone?

**Ms. P:**

I decided to leave just myself.

**Mr. Michael Kirby:**

Was that an easy thing to do, to cross the border at that time?

**Ms. P:**

No, crossing the border was not an easy [1:32:00] thing to do at the time, but at least, it’s better than just having nothing to do and just dying in North Korea. At least, if I went to China, I thought I would have the least means to survive. For example, get, at least earn some money, but things didn’t turn out the way that I expected.

**Mr. Michael Kirby:**

What did happen?

**Ms. P:**

We were sold to China, so it happened in North Korea. We were sold to China. We lived there for several years. We were arrested after several years, and we were returned to North Korea.

**Mr. Michael Kirby:**

Who is ‘we’? Who were there other people who were sold in this way? [1:33:00]

**Ms. P:**

When I was sold from North Korea, I was alone. But in China, there were others. I don’t know where the others went. I don’t know about their whereabouts.

**Mr. Michael Kirby:**

I think, at that stage, you heard something about your father, mother and sister. What was that?

**Ms. P:**

My father had passed away when I was in North Korea. My mother and my older sister had been separated. I don’t know where they went. They were separated. They went their own way to earn money. I was left alone. I was sold to China. I was arrested in China [1:34:00] and went back to North Korea. By then, my parents had already passed away. My older brother and my older sister, my older brother was executed. My older sister said that my mother passed away from starvation but there was no way to check that out.

**Mr. Michael Kirby:**

Why was your older brother executed?

**Ms. P:**

My older brother was in and out of the country. He traveled frequently to China. My older brother was imprisoned, and one of the inmates that was with him said that he died of disease, [1:35:00] and I heard that my sister was executed because she was engaged in sending people out of the country.

**Mr. Michael Kirby:**

So, it was your sister who was executed. Is that correct? Not your brother.

**Ms. P:**

It was my sister who was executed.

**Mr. Michael Kirby:**

I will ask a commission of Sonja Biserko to ask the further questions of this witness.

**Ms. Sonja Biserko:**

Thank you, Mr. Kirby. I am going to continue with questions. I would like you to tell us how your entire family and neighbourhood were affected by the starvation at that time. What people had to do and how many people died in your surrounding?

**Ms. P:**

[1:36:00] [1:37:00] When I was with my family during the great suffering era, we had nothing to eat, so my father had difficult time eating anything. It was tough time for us. If he were here, he would have still been alive, but we didn’t have anything to do, so he passed away.

[1:38:00] So, I was barely making ends meet, and there was always a shortage of food. If we got sick, there was no way to treat us, and we had to have money to buy medicine, but we didn’t have the money to buy the medicine. I think that’s why my father passed away. After my father passed away, my mother and my sister, she got married. Because of the food shortage, we all had to be separated because we were looking for food. [1:39:00] I was little. I was not able to go out to make money. All I could do was making candies and sell them outside. Even if I sold them, that was just not enough for one single meal.

**Ms. Sonja Biserko:**

[Unclear] (1:39:35)**…** example around you against the, such a behaviour of the regime for not being able to provide food for the population throughout this, or any kind of reactions?

**Ms. P:**

Life was tough in North Korea, and we didn’t have anything to eat, [1:40:00] but at least in China, you can make ends meet. But in North Korea, even if you work hard, you don’t get enough food to eat, and a lot of people suffered including children.

**Ms. Sonja Biserko:**

When you were in China, sold to whom? Or what did you do during this time when being sold to whomever?

**Ms. P:**

I didn’t know that I was being sold. People just handed over me to other people. I guess that’s what happened. [1:41:00] I was sold to ethnic Korean living in China. I was sent to a rural area, farming and I also sold things. I sold syringes and later I was repatriated back when I was arrested.

**Ms. Sonja Biserko:**

How long did you stay in China imprisoned? How did they treat you during that time?

**Ms. P:**

I was in prison in China for 15 days, [1:42:00] but there was no beating in the prison in China. They fed us. They arrested North Koreans because they had to transfer these North Korean defectors to Yanji [ph] (1:42:31). They had to wait until there were enough people to transfer, but even after 15 days, there were not enough people that they had to transfer, so I was the only one who got transferred to Yanji after 15 days in prison in China.

**Ms. Sonja Biserko:**

So, when were transferred, what happened then after this?

**Ms. P:**

When I went to Yanji, there was a prison where they put North Korean defectors. There were people who had been there already for [1:43:00] 3 months to 6 months. They told me that they were arrested on their way to South Korea. Some of the people were repatriated back, and they told me that, upon repatriation, people were killed. Because North Korean defectors were killed back in North Korea, some people were left remaining in China.

**Ms. Sonja Biserko:**

When you were repatriated, what happened to you then? How were you treated?

**Ms. P:**

After being repatriated, I was under the supervision of Eun-sung Bo-e-bu [ph] (1:44:02). They beat me up. They stripped us naked, the women, and made a squad, and stand up 100 times. [1:44:00] And a lot of the women had to be searched for money or any clothes, makeup with South Korean brands. If there was a South Korean brand tag attached to our clothes, they beat us and they imprisoned us. They gave us soup without any salt to eat.

**Ms. Sonja Biserko:**

After this interrogation period, you were sent to a labour camp if I understand correctly a labour training camp?

**Ms. P:**

[1:45:00] At Eun-sung Bo-e-bu, there were pregnant inmates. Three pregnant women were hit in the stomach. Newborns who were born there starved to death. And some North Korean defectors arrested on their way to South Korea were shot and they were executed. I was at Eun-sung [ph] (1:45:42) labour training camp for about 15 days, and then I was sent to An-jeon-bu [ph] (1:45:54). I was beaten so much that they broke my back and both of my legs.

**Ms. Sonja Biserko:**

Were there any differences in treating men and women in those camps? Or was it equal [1:46:00] treatment for both?

**Ms. P:**

Whether men and women, they were treated equally. They were given the same treatment.

**Ms. Sonja Biserko:**

Were there any gender considerations, women being the weaker gender and so on?

**Ms. P:**

No. No special treatment for women. Whether it was a man or woman, we did the same work. They did not consider that women were weaker. We were given the equal treatment.

**Ms. Sonja Biserko:**

So, the working hours were same for men and women?

**Ms. P:**

Yes.

**Ms. Sonja Biserko:**

[1:47:00] The food that you received in the camp was enough? What did you do to compensate for the lack of food?

**Ms. P:**

We were given corn rice, corn based food, just enough to keep us alive. Young male inmates for exmaple, it was very insufficient, so male inmates would find worms or snakes in the field when they were working there. They would eat them alive to feel that feeling in the stomach. The food was never enough, and that’s how they got by.

**Ms. Sonja Biserko:**

What kind of work did you carry on in the camp? [1:48:00]

**Ms. P:**

I cut trees, logs. We carried 9 metre logs and had to drag 2 metre logs. We built houses. We carried anything and everything we could.

**Ms. Sonja Biserko:**

Was there any special treatment for pregnant women in the camp?

**Ms. P:**

No. nothing like that. Pregnant inmates were treated the same. If they were pregnant by a Chinese man, for example, they were given harsher treatment. [1:49:00] They were kicked in their stomachs.

**Ms. Sonja Biserko:**

And under what conditions did you manage to escape the camp?

**Ms. P:**

I was supposed to be there for 6 months, but I figured that I would probably end up dead in the camp, and when carrying the logs, I hurt my leg. So for 2 days, I couldn’t get out of the bed. When I managed to go to work, with 8 other women, I worked in the field cutting wheat. I stayed behind these women. [1:50:00] While these women were working in the field, I ran away. I left at 8:30 in the morning, and the next day at 2 in the morning, [1:50:00] I managed to get to the Tu-man [ph] (1:50:35) river, cross the river, and arrived in China.

**Ms. Sonja Biserko:**

In how many days did you take to get to reach China?

**Ms. P:**

China is not so far away from Tu-man river, so it took me one day to get to the Tu-man river. It didn’t take long to get to China.

**Ms. Sonja Biserko:**

How was it crossing the border, [1:51:00] how did it take place?

**Ms. P:**

When I was crossing the border, I gave some money to the border guards. That’s how I cross the border. I bribed the border guard.

**Ms. Sonja Biserko:**

Who gave you the money to bribe the guard?

**Ms. P:**

My husband was in China, and there was a broker who came from China to Yenji [ph] (1:52:00). And the broker had already bribed the guard, and this man brought me to cross the border.

**Ms. Sonja Biserko:**

How did your husband know that you are going to leave for China?

**Ms. P:**

When I reached the Tu-man river, I knew somebody who was living in the area. We had made promise and these people called my husband in China, and told my husband to get to a certain location with the money. I was able to call him at the Tu-man river.

**Ms. Sonja Biserko:**

Did you have to pay these people who call your husband as well?

**Ms. P:**

Yes, I had to.

**Ms. Sonja Biserko:**

So, how long did you stay in China, then? [1:53:00]

**Ms. P:**

I lived for 7 years in China.

**Ms. Sonja Biserko:**

And you met your husband there I suppose?

**Ms. P:**

Yes, when I was sold in China, I was sold to this man, and he became my husband. When I came to South Korea, no before that, I lived in China with my husband, the father of my child before I came to South Korea, but I’ve been living alone for 7 to 8 years now.

**Ms. Sonja Biserko:**

So, you just left on your own to South Korea?

**Ms. P:**

Yes. [1:54:00]

**Ms. Sonja Biserko:**

Who helped you to come here?

**Ms. P:**

I knew this Chinese person. He worked in South Korea. This person called me. This person proposed that I come to South Korea like other defectors. Life was too harsh in China. This Chinese person introduced me to this broker. This person gave me the number of this broker. The broker called me, and so I agreed to come to South Korea, and that’s how I came.

**Ms. Sonja Biserko:**

So, when you arrived to South Korea, how quickly did you accommodate to this new reality and new conditions? [1:55:00]

**Ms. P:**

No. Adjusting was not too tough because I had already experienced being sold in China. I had suffered enough. I paid my dues in China, so relatively speaking, it never really crossed my mind that the adjustment in South Korea was difficult. As long as I worked hard, it was ok.

**Ms. Sonja Biserko:**

Thank you. Maybe I lost my colleague if they have any more questions? Well I thank you very much for this testimony. I think you were very helpful in revealing some of facts that were very much needed for our report. Thank you. [1:56:00] Do you have to say any that maybe I didn’t ask or missed to ask?

**Ms. P:**

No, I don’t have anything further to say.

**Mr. Michael Kirby:**

Thank you. Coming forward before us is very painful thing for you to do. Remembering those events is taking your mind back to very tough times. What do you hope will come out of your giving the testimony before the Commission of Inquiry? [1:57:00]

**Ms. P:**

I left my child in China, so if I wanted to go back to China and see my child. That was my only child, so coming forward is not an easy decision to make. But when I was forcefully repatriated back to North Korea, the beating was so tough that it was harsher, I thought, than the Japanese. I was terrified. It was horrible. Beating made me terrified. My eyes were swollen. Both of my legs were broken. My mental [state] fell apart, so the North Korean police is cruel. [1:58:00] So, by me being here, I thought that, maybe in some ways, I could help alleviate the pain or do something about the reality of North Korea. That is why I made decision to come forward.

**Mr. Michael Kirby:**

Thank you very much, Ms. P. We will do what we can to make your decision justifiable.

**Ms. P:**

Thank you very much.

**Mr. Michael Kirby:**

And the Commission of Inquiry will break now for 5 minutes, and then we will resume with the testimony of Korea Institute of National Unification (KINU).

***Korea Institute of National Unification (KINU)***

**Mr. Michael Kirby:**

I convene this final session today [1:59:00] of the Commission of Inquiry established by the Human Rights Council of the United Nations to investigate alleged human rights violations in the Democratic People’s Republic of Korea. And I welcome the members of the Korea Institute of National Unification (KINU), and the members of COI earlier this week had the privilege of a meeting with the board of KINU, and we express thanks for the general briefing we then received on the nature of the work of KINU. Now, we are going to have testimony in relation to the work as relevant to our mandate. I would ask the representative of KINU to introduce the participants, and in the case of all people coming before the commission, [2:00:00] I ask if they are agreeable to declare that the evidence that they will give to the commission of inquiry shall be the truth.

Well, Dr. Lee, will you introduce the members of the KINU team?

**Dr. LEE Geum Soon:**

So, we have, including myself, we have the human rights investigation team here with me, so we are PhD holders, and we were so do have researchers with Masters degrees. And we are here to talk to you about the human rights circumstances in North Korea.

This is Dr. Kyu Chang Lee, and this is Dr. Cho Jung Hyun, and my name is Lee Geum Soon. [2:01:00] This is Dr. Kim Soo Am, and this is Dr. Han Dong Ho.

We are a publishing team that is for the white paper on North Korean human rights. We have conducted in depth of interviews of the defectors, and we have also done some surveys. And based on interviews and surveys, we have identified several aspects of North Korean human rights. And based on that, we have published a white paper as well as a special report.

And last year, we have published a special report on political prisoner camps. It’s quite long, so for the COI, we have created a movie both in Korean and in English, [2:02:00] and we have provided English narration for this short video that we have produced, so we do have Korean video or movie, and we are going to upload that onto our homepage, so if you are interested, please visit our homepage.

Before we talk about the human rights circumstances and trends, before you’ve been listening to many long testimonies, why don’t we watch the video first. The video is about 8 minutes long. After you watched the video, we will give you our explanations.

**Mr. Michael Kirby:**

I would like to identify that the white paper on human rights in North Korea of KINU, which was given to us earlier will be the exhibit S7, and the video film, which we are about to see will be the exhibit S8. Yes play the video film for us.

**Dr. LEE Geum Soon:**

Ok.

**Mr. Michael Kirby:**

Yes, play the video film, please. [2:03:00]

**[Video is playing] (02:03:30 – 02:11:45)**

**Dr. LEE Geum Soon:**

That was a rushed job of a video clip, so there are some mistakes. So, those mistakes will be rectified. For instance, the subtitles, we will fix them.

So, let us make a presentation on the circumstances and the trends of North Korean human rights. [2:12:00] I will give you some explanation about the regime in North Korea, and my colleagues will talk about the public executions, about the freedom of movement, and the physical freedom, and the rights of equality, as well as the movement freedom. We have been publishing white paper on the human rights circumstances in North Korea since 1996. And every time that we were publishing the white paper, we were always getting this question about the changes that have occurred in terms of human rights in North Korea. But the regime has not changed in North Korea. The circumstances have not changed in North Korea, so the systematic human rights violation in North Korea has not really changed, so there has been no big change, but we are trying to identify any changes or any improvements by trying to pick out these changes by talking to the defectors and the refugees from North Korea. [2:13:00] And there is systematic violation of the human rights because of the monolithic regime and continuing economy difficulties. Maybe the main reasons for the continued violations of the human rights as you know the power is centered with one person or a small group of people, and also they have planned economy, and the land, and the facilities are all state owned. And this planned economic system, well parts of it have collapsed because of the economic difficulties. However, there is no new economic system that could replace the collapsed planned economy, so that is why the human rights situation has worsened in North Korea.

And also, in the economy culture, [2:14:00] everything is managed in North Korea as a part of the national security, and so, simple crimes could be punished severely for they think that has anything to do with the national security, so they have this structure where the basic human rights are bound to be violated. And also, individual’s freedom and rights are limited because of the collective security threats, and also, in order to ensure the security of the group, they are developing nuclear weapons as well as missiles, and they are explaining the finances that have to be put in into developing the weapons because they need to increase the armament. They have to increase the military. [2:15:00] There has been distorted resource allocation after the collapse of socialism. Well, they used to provide free education and free healthcare, but they are not provided anymore. And so, some of the benefits that North Korea used to provide as a socialist country is no longer the case. After Kim Jung Eun became the leader, they have increasing the tension on Korean peninsula. And Kim Jung Eun emphasized rule of law, but it’s different from western rule of law. They are using law in order to govern the people. But it’s different from the rule of law that we know, so they are coming down on the escapees even more. They are also having more oppressive restrictions. [2:16:00] And there is an also continued human rights violation because of the economic difficulties. North Korea is trying to control expansion of the market activities. They have revived the rationing system, but right now, they are just not able to maintain the rationing system in the way that they used to in the past. In 2012 and 2013, we have conducted interviews with defectors. Hye-ryung [ph] (02:16:45) or some towns that they were many defectors have started a partial rationing, so they are providing rations in order to control defecting. In 2009, they have conducted the currency reform. And after the currency reform, the situations have become even more difficult for the residents in North Korea. There is a high inflation because the exchange rates have shot up. [2:17:00] The circumstances have become even more difficult for those in the vulnerable groups. One thing that I would like to emphasize is this. Against the difficult circumstances, the residents in North Korea have no idea about the rights that they have. In the international community talked about the universal values. We talk about the human rights, but North Koreans do not know about these rights. North Koreans don’t know what to ask for the rights in their own constitution. Because when they have such a strong control in the society, rather than asking for the rights in the constitution, the North Koreans are trying to bribe the people so that they would not be punished. And the people who are not able to provide the bribery would be once caught, [2:18:00] they would get even more severe punishment than those who are able to provide the bribery, so within North Korea, depending on how much you have, even you have committed the same crime, you would receive different punishments. So, that’s something that I wanted to emphasize.

So, with continued the economic difficulties, the political regime, and the fact that North Koreans are not aware of the rights. So, these are 3 reasons, I think, that there continues to be serious violations of human rights. And I am going to ask Dr. Lee Kyu Chang to talk about the public execution and the right to life.

**Dr. LEE Kyu Chang:**

We will talk about the right to life and public execution, and the freedom and the safety of physical bodies. [2:19:00]

There is a criminal code in North Korea that is closely related to the right to life and public execution. North Korea amended its criminal code in 2004. When they made amendment, they received positive responsive feedback. However, after that, they revised the constitution twice, but the changes were not actually the improvements. There was a change for the worst, and in 2009, they have actually added one more crime that was received death penalty. In 2007, they have this special law. They have created very special law that cannot be seen here in South Korea. If people have been involved in smuggling, there are like 16 different clauses [2:20:00] related to smuggling, then death penalty could be imposed. They have this phrase called especially in a case of severe crimes or very severe crimes, it’s very abstract. So these could be arbitrarily imposed. Also, in North Korea, they have something on instructions of Kim Il-Sung or the words of Kim Jung-Il or the guidance from Kim Jung-Eun, so these words are from the Kim family are above the law. So, the North Korean criminal code says that only criminal accountability would be asked for the activities that had defined end and in the law as crimes. Through the words of the Kim family, some activities, the death penalty can be imposed. [2:21:00] Public execution is held in order to put a fear in the people of North Korea. In the international community, when they conduct death penalty, they still try to respect the dignity of an individual, but here in North Korea, they use a firing squad to do public execution, so there is no regard for the dignity of a person. When there is a trial, there should be judges, lawyers, and a jury. However, in North Korea, whenever they have this open trial. The defendant is not given any rights, and also there is no right to appeal in case of this open trial. This is the trend of open or public execution. In 2005, 2006, 2007, 2008, and 2009, if you look at 2009, the number of public execution is peaked. I think this is because of criminal code amendment [2:22:00] as well as creation of new criminal code and also the succession power to Kim Jung-Eun. After that, the number of public executions dropped. I think one of the reasons could be the open criticism from international community. And they do this open execution, the public execution, to put the fear of life in the people, but the people are not attending the public execution, so they are no longer able to use public execution to frighten the residents. If you have done trafficking, murder, rape, or theft, and if you have done drug trafficking, and then you would be sentenced to death, and also in 2011, there were a lot of public executions for those criminals that have been involved in drug trafficking. [2:23:00] There have been also public executions for those who have killed, murdered the police as well as the national security agent that is the Bo-e-bu. After the currency reform, the economic difficulties got worse in North Korea, so people ate the flesh of other people, and they were stealing animals from other people. Those who have done that were publicly executed.

I would like to talk about the bodily freedom and security. The political prison camps are where there is the most violation of the physical bodies of the North Koreans. They have what it’s called edification centre, the Gyo-hwa-so and also No-dong-dan-ryun-de. They are located in cities [2:24:00] and it is for thieves. In North Korea, you could receive a trial related to labour training, and then be sent to the labour training center. There are those who were sent to the labour training center without any trial. There are also the detention centers, and there is also gathering facility for suspects. Sometimes, it’s called detention houses. There are two different types of such detention houses. These are official of facilities, and it’s the police that decide whether the person will be imprisoned in labour training center or not. As I said, [2:25:00] people could be arrested and imprisoned in labour training center without a trial. So, there are many different types of human rights. In the 2004 criminal code of North Korea, they are to respect the human rights. According to criminal procedure law, they are not supposed to arrest people arbitrarily, but they are arbitrarily arresting and torturing people in North Korea. And there is also enforced labour, and this is to edify, so called edifying North Koreans by applying a lot of physical pressure over a very short period time to North Koreans. In some detention facilities, there is some forced labour for the repatriated North Koreans as well as repatriated North Koreans from Korea as well as from China. [2:26:00] And there is serious torture going on in such the detention houses as well as centers. And the hygiene and nutrition circumstances are quite severe, so there are torture, abuse, and hygiene problems and they have let to the number of death of inmates.

And North Korean women defectors who are pregnant are forced to get an abortion, and there are a lot of sexual abuses, rapes, going on. When the Kim Jung-Eun regime came into power, control over the residents became stricter in different ways. They are adding more addenda to criminal code. [2:27:00] In 2011, they reform the administrative penalty law, some of them are very peculiar, and one of the laws actually support the institution of military first ideology. Control over residents is done in two ways primarily. They enforce the public security, and they are focusing their efforts on controlling the information that goes into North Korea. Kim Jung-Eun uses the word Bub-jung-chi [ph] (02:27:57), the rule of law. This is different from the western concept of rule of law. It is the rule by law. So, Kim Jung-Eun’s Bub-jung-chi rule of law is actually the rule by law. This is the end of my presentation. Thank you very much.

**Dr. KIM Soo Am:**

[2:28:00] I would like to give briefing on equal rights and right to food. I will be talking about equal rights and the right to food very briefly. As you may very well know, the world declaration of human rights, the other conventions, and covenants guarantee equal rights. And the non-discrimination principle comprises the fundamental of human rights. The United Nations also emphasizes non-discrimination based on any differences, and if there are intentions to give different treatment based on different factors, it’s considered as decimation. [2:29:00] But discriminating factors are used to treat North Korean residents differently. Family background is used politically to classify North Korean residents into different classes, and they put in different policy for different classes of people. Family background is used to distinguish people to the core, the elites, and those who politically dissent against the regime. This kind of categorization is very problematic in two ways. [2:30:00] If the guilt or crime committed by the predecessors or parents are passed down and the subsequent generations are punished for what have been done committed by their former generations, so this is one primary discrimination done to North Korean residents. The elites of North Korea, those who are in charge of controlling the residents, the members of Bo-an-bu [ph] (02:30:52), the Bo-e-bu have complete control. People who do not belong to the elite group, they never have the chance to become a part of the Bo-e-bu or the Bo-an-bu. So, discrimination based on the family background is still very serious. I will go on further [2:31:00] when I talk about the right to food. Family background is also a core factor in between discriminating people, allowing different levels of access to the right of food. The core elites who live in Pyongyang or other major cities still receive benefits in terms of medicine, and those who live in the Rhee [ph] [2:31:50], the level of residents, they have very limited access to medical facilities, so the rights to enjoy healthy life is also discriminated and not guaranteed, [2:32:00] and even if it’s not pervasive, crimes committed by the privileged class are often less punished than those committed by people of non-privileged class. 67% of respondents to our survey said that discrimination based on family backgrounds was very serious. Because of the economic downturn, the North Korean regime still thinks that family background is important, but because of the economic difficulties, they have somehow relaxed their control over treating people differently according to family backgrounds. [2:33:00] As for North Korea, a larger market system also meant that privileged classes were getting limited access to rations, and that led to corruption. Transparency International published their Corruption Index, and their survey of North Korean situation came out to be very serious. We did research on corruption and rations. We found out that corruption was a critical factor in the right to food. Bribing determined [2:34:00] whether one could be punished for discrimination, and in 2003, North Korea reformed the law to protect people with disabilities, and we saw some positive changes in laws related to people with disabilities, but there is still a high level of discrimination against people with disabilities. In regions where they get a lot of foreign visitors, they limit the residence of people with disabilities. COI has also taken a great interest in the right to food. The right to food, the most important point in the right of food, [2:35:00] as we have understood from the documents of the United Nations is all right that has to be guaranteed and protected by the government. But the North Korean regime has not sufficiently carried out their accountability and responsibility to guarantee the right to food of their people. Food shortage is a chronic problem within North Korea is proof of inefficiency of food production, and discrimination based on family background has worked to make people get ripped of their right to food, and it has led to polarization of the society. [2:36:00] The regime is still giving rations to the privileged class, but the general residents need to find their own ways or own means to acquire food using the quasi-market system, so the general resident have very limited access to the right to food and to get their means through the market, and so polarization is very serious. For farmers, they are relatively safe from the problems of rations, but recent studies found that, in regions where they produce grains in North Korea, output has dramatically dropped and currency reformation has also contributed to deteriorate [2:37:00] the right to food in North Korea. Resulting in increasing numbers of street children, this phenomenon has alleviated little bit recently. But, after the currency reform, the situation associated with the right to food has improved a little bit. In 2010, WHO report says that children under the age of 5 suffer from chronic malnutrition and chronic underweight problems.

**Dr. CHO Jung Hyun:**

I would like to continue and talk about the freedom of movement and about North Korean defectors. About the freedom of movement, North Korea has signed the ICCPR, the UDHR, [2:38:00] and stipulates the freedom of movement in its own constitution.

But in reality, there is serious restriction in the freedom of movement. Specifically, moving around inside North Korea is restricted. They have adopted the travel permit system, which means that you need a special permit to leave your neighbourhood and go to another place. Recently, there has been a change in the situation because of the systematic corruption. People were able to get permits to move through bribery, and even if you are caught without a permit, they were able to bribe their way and get impunity. We have heard of cases like this. [2:39:00] And passenger cars are very rare in North Korea. The some report said that the elites use a government or institutional cars for personal use. Recently, North Koreans are leaving the country to earn foreign currency, and some North Koreans do travel to other countries, but getting passport to travel overseas for North Korean residents is very, very rare. It’s almost impossible. Even if you belonged to the privileged class, you need to bribe your way to get a passport. In some border or regions facing China, they adopted the program that gives you Do-gam-jeung [ph] (02:40:00) [2:40:00] to allow one to move around the country. Relocating within North Korea is restricted or prohibited by law. But, recently, after the economic downturn in the 1990s, there have been reported cases of underground trading of houses or properties. North Korea has used exile as an instrument to expel people who are antithetical to the regime or who are political dissidents to get rid of them out of the country. In 2000, families of North Korean defectors had been exiled [2:41:00] into the remote places inside North Korea, not outside Korea. If you circulated outside information like CD-ROMs, they were forcefully relocated. In 2010, prostitution and trafficking of drugs were punished with exile. Recently, we have received testimonies that the punishment had been relaxed. Sometimes, they were stricter, but in case of exiles, the people who are applied in these cases found every means to leave North Korea, but in some ways, they find themselves on their way back to North Korea.

I would like to briefly talk about North Korean defectors. As you may very well know, [2:42:00] for misdemeanours, the usual punishment was labour training up to 6 months. But if you met foreigners or have contacted with Christians or tried to come to South Korea, you were punished by being sent to labour correctional camps or political camps. Political prison camps did not give fair trials opportunities, but to talk about the recent trend here, the border controls have become stronger after the Kim Jung-Eun regime came into power. We did not get specific cases, but in regards to border control, anybody who attempted to defect, [2:43:00] their families would be punished up to 3 generations. They would be shot to death on site, and electric barbed wires were set up to monitor, for surveillance of any use of hand-phones, and they also replaced border guards in order to achieve stricter border control.

Last, but not least, I would like to talk about more recent developments. We have mentioned very briefly about this. They have used carrots and sticks to prevent defection. They have provided some rations to families that have no access to rations before to prevent defection. But the stricter border control led to higher cost to defect, [2:44:00] that led to more bribery and more cost to brokers. Consequently, the number of North Korean defectors who made it to South Korea dramatically decreased. Those who came in 2012 were half the number of those who made to South Korea the year before. And, the trend shows that the number is dropping. One peculiar thing about the number of North Korean defectors in China, we did comparison of 2012 and 2009, we found the number is also dropping. Last year, we searched the result that the number of children born to [2:45:00] North Korean defectors married to Chinese men, increased by 20,000 to 30,000 compared to the data from 2009, so children born to North Korean defectors has risen as a new issue in China. That’s all I had to say. Thank you very much.

**Dr. LEE Geum Soon:**

We had to shorten our presentation. About the political prison related videos that you saw, we have more specific witnesses, and those witnessed statements are available in our publications. We have this PowerPoint presentation that we have made. It’s in Korean, but we are going to translate the PowerPoint presentation into English [2:46:00] and provide them to you at a later date.

**Mr. Michael Kirby:**

Thank you very much, Professor Lee! Thank you to your colleagues for a very intensive but very detailed and helpful briefing for the COI.

There is a lot of material to absorb and a lot of issues to cover, but I have number of questions. If I may, I would like to put them to you. Maybe, I can give you one or two, and then we can go to the next series of questions, so that we can get the answers whilst they are fresh in mind. I would invite those who have particular knowledge on the issue to give their answers as I put them to you.

The first question is the general one. Given the KINU is the body which receives [2:47:00] funding from the government of Republic of Korea, could it be said that KINU is lacking independence, or has hostility to the regime in North Korea, and that its submission are coloured by a prejudice against the North? Or what systems do you have in place to guarantee an independence of outlook and an empirical base for the conclusions that you have reached and put before the commission of inquiry?

**Dr. LEE Geum Soon:**

Yes, we do receive support and funds from Korean government, but we are civilians, and we are researchers [2:48:00] specialized on the human rights of North Koreans. So, we do have objectivity. We are working to ensure objectivity and independence. I joined the institute in 1994 and have been working on the white papers since 1996. For the collection of data, we have data on all the North Korean defectors here in Korea, and then based on the selection criteria; we would choose some defectors to conduct in-depth interviews. We have NKA chart of database, so that database is basis for our analysis. We are not just looking into the human rights circumstances in North Korea. We also look at human rights circumstances in other parts of the world. [2:49:00] Because we are looking into human rights circumstances in other countries, we are able to maintain some objectivity. And because we receive funds, that does not mean that we receive any sort of pressure from the Korean government, and we are not influenced by the policies of the Korean government. I mean, you could doubt or ask, but we’ve been working on the white paper since 1996, we, of course, provide policy recommendations to the government, but by publishing the white paper, we are publicising the circumstances of North Korea into international world or into international community. We are working to ensure objectivity and independence. I believe personally that you have been quite good at maintaining independence [2:50:00] and objectivity for the work that we do. We do have our selection criteria according to which we choose defectors, and then, once we choose these defectors, we do the interviews. And we do those interviews by ourselves. Because we are researchers that study human rights, we are not government officials, so because of that we are quite free from governmental interference.

**Dr. KIM Soo Am:**

As Dr. Lee Geum Soon has said, the investigation system that we have is quite autonomous, and we do the research when we maintain the data. The white paper that we have been publishing since 1996, both in English and Korean, there has been no intervention from the Korean government. [2:51:00] We published the white paper based on our own research and our own study. When we create the white paper, we do so from the basis from the international covenants and international treaties on human rights. There is no control or no interference from the government. I would like to say to you that we have 100% independence and autonomy when doing the study or the research.

**Mr. Michael Kirby:**

You have had a number of changes [2:52:00] of government administration in Korea, and different presidents who became allied to different parties have taken office. You have seen that you have not had interference. That applies to governments of different political color in Republic of Korea. Is that right? And have you conducted human rights studies of the human rights situation in the Republic of Korea as well as overseas countries? Or do you not study the human rights situation in Korea?

**Dr. LEE Geum Soon:**

Yes, for each case, for different cases, when you worked on publication of white paper on human rights, we worked together with NGOs working in Korea and outside Korea. We had meetings and did our due diligence to get a good grip of situations. North Korea human rights issue is highly politicized in South Korea. [2:53:00] For impartiality, we had to make an extra effort to get the right picture. In order to break through of the politicization of North Korean human right, we had to learn about cases in other regions and other countries, so for each right, for example, for human rights of North Korean women defectors, there are a lot of cases about human trafficking, so we have to learn about human trafficking that occurs all around the world. We had to identify the similarities and differences between what happened to North Korea women defectors and those that took place in other countries. In addition to that, in regards to human rights in South Korea, there are a lot of NGOs working in these issues; those who [2:54:00] specifically look into human rights in North Korea are sometimes less focused on human rights situations in South Korea. Those who are engaged in human rights situations in South Korea tend to be less interested in human rights situations in North Korea. So, in order to get the interest of different NGOs, we had to consider how the human rights situation is affected by security or defense law in South Korea. We had also done a research in perception or the view of international community. When we do the interviews of people whose human rights have been violated, that is pertinent to the [2:55:00] North Korean defectors to residents from North Korea. So, compared to other institutions, our activities went big human rights regime, maybe less than other organizations, but we do focus on North Korea detention matters and being detained in correctional camps, and human rights violation that occurred in this correctional camps, and abuses done to the people in these camp, some forced labour, malnourishment that lead to high rates of death. Human rights situation in the correctional camps was our focus in order to come up with structured survey, we paid a visit to camps in South Korea, [2:56:00] and we are also contemplating how we can effectively apply what we have learned so far in studying North Korean human rights violation issue. We have tried and we endeavour to maintain our objectivity.

**Dr. CHO Jung Hyun:**

Because of the inception backgrounds of the institution, it is not true that we focus on human rights in North Korea. As an academic and researcher in human rights, it is very natural that we address human rights cases all around the country, [2:57:00] but because of the inception background of institution, we do focus on human rights violation cases in North Korea. It doesn’t mean that we don’t care about other violation case that takes place outside North Korea.

**Mr. Michael Kirby:**

How would you explain to a foreign person giving all good will to differences that exists between the democratically elected parties in the Republic of Korea, the broad contours to differences that exist in Republic of Korea about how to handle the issues in North Korea. You said it was very sensitive in the Republic of Korea. Without in any way asking to embarrass you so that you get into a political matter, but how would you explain to a foreigner, the line of demarcation between the political views in Republic of Korea. [2:58:00] Can you do that without an embarrassment to yourself?

**Dr. LEE Geum Soon:**

When attending this meeting where we are having discussion about North Korea, I think that the international community is having difficulties in understanding some of the positions that is put forth by North Koreans. And people including myself, we know that some of the comments and statements that are made by North Koreans are preposterous. I am one of the persons who are watching human rights [2:59:00] circumstances in North Korea with concern. But we are divided. We are 2 divided countries on the Korean peninsula, and because of the division on the Korean peninsula, the seriousness of human rights violations in North Korea, because of the political tilt or political orientation by some people, the human rights circumstances in North Korea are not properly understood or appraised. As Dr. Darusman has said yesterday, has asked about dealing with human rights issues in North Korea in the process of reunification. It’s not just me but also the researchers have been thinking about that. [3:00:00] We’ve been looking at North Korea human rights issues with that thought in mind, as we move towards reunification, we have been thinking about the ways to improve human rights in the North and how we are going to reflect human rights issues in the inter-Korean relations, so we have been thinking about this and we have been making recommendations to the government, so that our views could be included in the policies. Even if we try to look at North Korea human rights circumstances in a very objective way, there will be still limitations because we are a divided country. This is my personal opinion. I think we need to listen to opinions of colleagues separately.

**Mr. Michael Kirby:**

[3:01:00] We can discuss such matters privately because I don’t wish to, without a notice, embarrass you by a question, which ask to describe internal politics of democratic country. In every country, democratic of a nature you have strongly healed differences and opinions, so maybe we will leave that one there. We have found at least witnesses who have come before us so far, when we use the word ‘defector’, that is somewhat value loaded word in English language. In fact, many but not all of you have spoken so far, had one thing on their mind and then one thing only, food. They are not so keen to [3:02:00] challenge political order, they kept thinking of a good meal. Therefore, the talk of defectors may be in at least some cases, certainly most of it we have heard so far, not to focus on what is really motivating them to flee. They were subsequently on their evidence appeared to embrace a strong ideological objection when they get to know other options that exist in the world for political organization, but their main propellant to leave North Korea is the desperate food situation, or the way that they have been treated in prison camps and punished for simply wanting to escape from the food situation. [3:03:00] Does that ring a bell with or do you think that I’ve misunderstood the motivation forces? Is the ‘defector’ really the correct word?

**Dr. LEE Geum Soon:**

Let me try to answer this question. How to call these North Koreans, that have escaped or defected, so we have such terms as North Korean defectors or North Korean refugees. Well, personally I prefer North Korean escapees, but when you look at these North Koreans that have come to South Korea, well, the South Korean government looks at North Koreans as Korean citizens in accordance with its constitution, but from the point of view in North Korean government, these people have left North Korea to [3:04:00] a hostile country that is South Korea. And the people whose family members have gone to South Korea are punished, and because of the punishment that are imposed on the remaining family members, that is why we do call North Koreans, North Korean defectors. As for the motivations, of course, many of them have left because of lack of food. They are living in China if they are discovered that they repatriated back to North Korea. So, because of that, they have no other choice, but to come to South Korea, so they did not escape with political goals, but they have chosen South Korea for political reasons. I think that it can be deemed as political choice, so I think, at least for those who are in South Korea, [3:05:00] it’s okay to call them North Korean defectors.

**Dr. CHO Jung Hyun:**

I do agree with what Dr. Lee has just said. In many cases, people leave North Korea because of economic difficulties or food shortage. Some people may have said that ‘defector’ or ‘refugee’ is not be appropriate words. According to refugee law, the access to food is discriminated, so there is systematic discrimination when it comes to access to food in North Korea, so when you say food, it’s simply an economic problem, [3:06:00] but I think that, given the characteristics of North Korean regime, there is political aspect when it comes to discrimination in terms of access to food whether they have left North Korea because of political reasons or economic reasons. But if they are forcefully repatriated to North Korea, then they will be assumed as having committed treason against the country, so they will be persecuted. [3:07:00]

**Mr. Michael Kirby:**

There is another question from me and that is I am surprised you didn’t mention media. Freedom of the media, freedom of the press, freedom of television variety, and access in hand-phones, which apparently the present leader has praised hand-phones to the internet. Have you been studying that issue at all? What is the state of freedom of media in North Korea?

**Dr. LEE Geum Soon:**

We tried to give you a briefing within the limit of the time, but in the white paper, we have covered the freedom of media. We have specific information about the freedom of media. In order to block any information in flow, [3:08:00] the North Korean government punished those who had viewed information or images from outside the country or those who sold. Using hand-phones even on the border regions facing China is also severely punished. Using the hand-phones to communicate with family members in South Korea is also penalized. And, access to the internet is permitted to a very small number of the elite class. The freedom of media is severely restricted in North Korea. We have also researched that aspect. However, in order to cover everything within the limited time period, we had to leave that part out and that’s why you didn’t hear about it. [3:09:00]

**Mr. Michael Kirby:**

I will ask my colleague, the Commissioner Darusman, if he has some questions.

**Mr. Marzuki Darusman:**

Thank you, Mr. Chairman, and thank you for the presentation and the video. This is the first time I’ve seen it, it’s quite powerful. I’d like to just look at this discussion we are having today as continuation of our earlier meetings. Therefore, develop some of the issues we have been discussing. Just to go out from very elementary point, we’ve been given to understand that by Ministry for Unification but also by KINU that the number of escapes or people living the North, [3:10:00] and also some of the presentations have reached on 25,000. Is that the baseline number that’s being used? Do you have a breakdown of these 25,000? Because it’s known that some of these escapes may have opted to go to other countries, not to South Korea. We are now looking at the total number of people going out. Do you have the actual number of people going out from escaping or leaving from North Korea? Of the 25,000 that are under your management or overview, is it a breakdown of these numbers? [3:11:00] What is the percentage of economic, as Justice Kirby has just mentioned? What is the percentage of, let’s say, asylum seekers? But then again, what is the percentage of perpetrators? Before we go on with next questions, could we get a sense of your views on this?

**Dr. LEE Geum Soon:**

The total number of people arriving in South Korea, we have numbers on them, but those who have gone to third party without coming to [3:12:00] South Korea first is collected by UNHCR. Within that number, we understand that there are ethnic Koreans living in China who post for North Koreans, and it is also important to get a grip of number of North Koreans living in China in 2012 and this year. We did sampling of the region in China to get those numbers. We are expecting to get those numbers by end of this year. As of the motivation for defection, we do ask about that for different categories, for examples, [3:13:00] for economic difficulty or for political reasons or to reconnect with their families who have settled first in South Korea. We ask specific questions about the motivation for defection, but sometimes they are combined. They were economically difficult, and they wanted to reconnect with their family, so sometimes, it’s combined but we also asked core motivation and we have data on responses, but I don’t have the numbers right now with me. But, a new development that we observed recently is that families that have settled first in South Korea invite families left behind in North Korea. They go through brokers to get the families left in North Korea, and they are able to make it into South Korea within a very quick period of time. [3:14:00] We don’t have statistics right now. We can give that to you separately, but I think the number is increasing, so we are trying to make our own effort to break down this number, 25, 000 people, by different motivations.

**Dr. CHO Jung Hyun:**

The number of defectors in the third country, we doesn’t have the exact number, but the statistics is always interrupted when North Korean defectors gain citizenship in Canada, Germany, or the UK. Recently a lot of them, like hundreds of them, settled in the third country like in Canada, but even if you add those numbers, the number is quite low compared to the number of defectors who settled in South Korea. As we have mentioned, so far to the best of our knowledge, [3:15:00] Canada and Germany, these countries are trying to close their door to North Korean defectors because some of North Korean defectors who have already acquired citizenship in South Korea tried to conceal this fact, and they tried to seek asylum or register with the third country. So, this is the reason for the third country to close their door to North Korean defectors.

**Dr. LEE Geum Soon:**

And about the information on perpetrators, when we receive defectors, there are some that we do not have to accept. For instance, people who have committed inhumane human or criminal or a crime, and those who have committed non-political crimes, such as murder, [3:16:00] so those who are not protected by international refugee laws, we do not have to accept them into Korea. However, we are not able to apply these rules strictly because we regard North Koreans as Korean citizens in accordance with our constitution. So, as we conduct our investigations, we sometimes find North Koreans who used to work in Bo-e-bu, the national security agency, or who used to work for the police. In North Korea, the inmates are forced to violate human rights of each other. For instance, inmates could have been a foreman or foreperson and could have violated human rights of other inmates. We do have some partial information but unless they tell us themselves, it’s quite difficult for us to get the full information. [3:17:00] And, we do have some information in our database, but mostly the people do not talk about in their own cases where they have violated human rights. They only talk about the cases where they have been the victims. And, we do have some information on the victims, but we do not have information on perpetrators. For instance, the name or other information about the Bo-e-bu or Bo-an-bu, that is the NSA agent and the police persons. I believe that, in the future COI activities, I hope that we will collect, I am sure you have some limitations in terms of collecting information on the perpetrators.

**Mr. Marzuki Darusman:**

Thank you for the information. Our task is to ultimately look at accountability aspects. [3:18:00] I think this has been clear to you. And, based on just the normal division and perpetrators, nowadays, they are not called victims but survivors and the perpetrators. The question that I have is, what is the analytical mission of KINU in terms of the unification? It’s related to, of course, human rights as you mentioned. Do we get a sense that the research undertaken by KINU is direct to accountabilities, rather than just epistemologically positivist orientation of collected data describing or correlating, compiling? [3:19:00] What is anticipated by KINU in terms of unification process? What is the view accountability? The fifty pages as I recall of questions. Are there any questions that go to the objective of getting out information whether or not interviewee is a functionary of the system or a victim of system, so that we may consider how we tap into this source of KINU to do our work. This is the test of the commission how far we can get mileage into accountability dimensions. [3:20:00] We had one witness today who was a prison guard who laid out the whole system, but finally when we ask questions, ‘was he involved in torture?’, no, he was not involved in torture, but he was familiar with all the techniques with the system with the higher authority. Those are the things that we may need assistance from KINU so that we get to the essence of this inquiry.

**Dr. LEE Geum Soon:**

The basic information about North Korean defectors residing in South Korea is included in our data. [3:21:00] In the data collected from our in depth interview, we also do a detailed survey of their jobs or roles back in North Korea. So, as we have mentioned, for example, those who have suffered for long time in correctional camps, we have testimonies from perpetrators. They do collect them in the 40 page long in-depth interview packet or report. We do include names of perpetrators. If we don’t have names, we do include gender and other specific details. We do our utmost [3:22:00] and best to collect specific data, and we try to integrate this information so that we can have a clear picture of the correctional camps. So, in terms of accountability, we assure you that our information can be used as basic information and as data for the government to use. As researchers, we do everything at the basic level that we can do. And, whether our information is accountable, I think that can be verified.

**Mr. Marzuki Darusman:**

Could we have the list of people that you interviewed and that have been classified or categorized [3:23:00] as perpetrators?

**Dr. LEE Geum Soon:**

The number is very limited, but in our database system, you can use our database system to search the information. We will use the database system to give you the information that you might need, but we do need to get the consent of the people, our basic position is that not share this information with outside researchers. For example, when we do disclose information in our white paper, we use ID numbers instead of real names. Information on perpetrators, I would like to say, [3:24:00] we do have some of it, but the number is very limited. So, how to categorize and how to break down that information, we need to discuss that internally.

**Dr. CHO Jung Hyun:**

For example, if we have the names of perpetrators, the rank would be very low in North Korea. And, the crime committed by this person would not be so fit to be brought to the ICC. To best of our knowledge, we understand that the names of the head of Bo-e-bu and An-jeon-bu, the South Korean government has information on this, but this specific foreman who worked perpetrator and were perpetrators would be very low in the rank. We have comprehensive evidence that can support the policy of South Korean government. So, in relation to preparation of our information is very limited.

**Dr. LEE Kyu Chang:**

And, I am not sure where the person who came forward. The guard was from. But, sometimes, the violation is often done to other inmates by other inmates, so it’s going to be very difficult to define who the real perpetrator is. To get impunity, [3:26:00] it’s called Ge-go-won [ph] (03:26:28), the guard orders or picks an inmate and makes him the foreman, makes him the head of inmates, to abuse other inmates.

**Mr. Michael Kirby:**

Is North Korea party to the Rome treaty setting up the ICC?

**Dr. CHO Jung Hyun:**

We have our own national…

**Mr. Marzuki Darusman:**

What is the bottom rank? Can we use the names and data? Whatever you have is fine, even it’s one or two, because it’s inconceivable that, of 25,000, only one has escaped who happened to be a guard of four prison camps. It’s inconceivable. I do not accept that. [3:27:00]

**Dr. LEE Geum Soon:**

Well, some of defectors used to be guards. We do not have systematic information, but we will try to compile this information and see if we can provide them to you.

**Ms. Sonja Biserko:**

Having in mind, that you have conducted so many interviews with all kinds of people from North Korea? Can you make an assessment or do you have a feeling whether they would, at one point, happen some kind of disobedience, civilian disobedience or do you expect to rebellion within the structures? What is your feeling according to sentiments of people that you have interviewed so far? [3:28:00]

**Dr. KIM Soo Am:**

In North Korean regime, they have other strong control over residents, so, explicitly, people cannot talk about the complaints about the regime. So, when we do in-depth interview, we are trying to find out what is underneath or below what they are saying. But, those who have escaped from North Korea, they do have some discontent, and many have left North Korea because of the daily difficulties. But, in recent days, we have seen some North Koreans who have left North Korea looking for freedom. So, from that prospective… yes.. [3:29:00] I think there are some people who have left North Korea because of their discontent with North Korean regime.

**Dr. LEE Geum Soon:**

But this internal discontent they cannot show in North Korea.

**Ms. Sonja Biserko:**

I am asking for, because everybody is talking about possible scenarios. I just wanted to hear your own feeling because you have so many encounters with people from North Korea. This is not something exact. It’s really more kind of evaluation. Thank you.

**Mr. Marzuki Darusman:**

Just one last question, Mr. Chairman. Would you be also able to provide us the names of defectors or escapes that related to religious discriminations or religious minority that have been prosecuted? [3:30:00] And if you do have the percentage of these 25,000, that will be great. In any cases, two categories; one, perpetrators, two, persecuted religious minorities. Thank you.

**Mr. Michael Kirby:**

Just one very last question. Under the law of constitution of Republic of Korea, any Korean in the North is entitled with citizenship of the South because South claims that all Koreans are citizens of the Republic of Korea. Is there an exception allowed either under the constitution or by judicial decision that permits Republic of Korea to withhold giving a passport to a perpetrator from the North who has been shown [3:31:00] to be guilty of serious grave international crime or crimes against humanity or other very serious crimes? You may not know the answer to that, but maybe you can supply that later.

**Dr. LEE Geum Soon:**

Well, North Korean defector protection is described in the constitution as well as the law or the provision to provide support to North Korean defectors. But there are some exceptions, such as people who committed crimes against humanity and those who have committed a felony, such as drug smuggling or hijacking of plane, [3:32:00] or they have conducted non-political crimes, and as for those who may impose potential threats to South Korea, then they are not protected by Korean laws. What that means is that when they ask for protection in other countries we do provide… it’s about the protection. But, we do provide them with citizenship, even if they are perpetrators. They just do not receive any sort of support for settlement. But, if they are Korean citizens and if they have committed these crimes, that have mentioned above, then they will be punished in accordance with the Korean law. I don’t know. We do have some legal scholars. Maybe I could ask them, but this is according to my understanding. [3:33:00]

**Dr. LEE Kyu Chang:**

What Dr. Lee has said is correct. Subsiding settlement in Korea and giving a passport is a different story. Anybody born in North Korea, as per the constitution of the Republic of Korea, they are given the citizenship of South Korea, but they must make it to South Korea. They don’t go through a separate process, we call it Ho-juk. We registered them as a citizen. Just because they are North Korean defectors, we cannot take away their citizenship from them. [3:34:00]

**Mr. Michael Kirby:**

I think we had very long day. You have been very patient with us. You have answered our questions very faithfully, and we are very grateful to you all for coming and assisting us. We are also gratefully for members of the public and others who have stayed the course and remained with us. We are grateful to secretaries and, above all, we are grateful for wonderful interpreters. I’ve done many international meetings in all parts of the world, but I have never had a better day of interpretation than I had today, and I think all of us, Koreans and non-Koreans, should give the interpreters big round applause, not only for their interpretation but for staying on and helping us in our work.

This meeting of Commission of Inquiry is done until tomorrow. Thursday, 22nd of August at 9am.