**Speakers:**

Mr. KIM Hyuk (Children’s rights, freedom of movement and torture)

Mr. JI Seong Ho (Persons with disabilities)

Korean Bar Association (DPRK laws)

***Mr. KIM Hyuk (Children’s rights, freedom of movement and torture)***

**Mr. Michael Kirby:**

Good morning ladies and gentleman, and good morning to our wonderful interpreters. The session of the Commission of Inquiry for violations of human rights in the Democratic People’s Republic of Korea for the 22nd of August 2013 will now commence. I would ask that the first witness of the day be brought forward.

[0:01:00] [0:02:00] Good morning, I think that you are happy that we use your name that you have adopted and you have been advised [0:03:00] about the needs for security to protect the members of family and so on, but you are happy for us to use your name, is that correct?

**Mr. KIM Hyuk:**

Yes, that is correct.

**Mr. Michael Kirby:**

Yes, and are you prepared to declare that the evidence that you are going to put before the Commission of Inquiry will be the truth?

**Mr. KIM Hyuk:**

Yes, I do.

**Mr. Michael Kirby:**

So, you are Kim Hyuk. And you are [0:04:00] now age 32 years and I think you have been in the Republic of Korea since December 2000.

**Mr. KIM Hyuk:**

My name is Kim Hyuk but the date that I arrived in South Korea is 4th of September 2001. On December 24, 2000 that day was when I crossed the Tumen River. So, I came to Korea on the 4th of September 2001 and I crossed the Tumen River on December 24, 2000.

**Mr. Michael Kirby:**

Thank you for correcting what I said to you. And tell us a little about your upbringing in DPRK. [0:05:00]

**Mr. KIM Hyuk:**

In Chong-jin, I was born in Chong-jin January 1982. Chong-jin is located in the North Hamgyong Buk-do. My mother passed away when I was four and my father passed away in 1996. When I turned seven 1989, I became a flower swallow, I became a street child. When I turned thirteen, I was admitted to an orphanage in North Korea. I was released from the orphanage in 1998 [0:06:00] and for a while I had a job, which was to work in the forestry. I worked as a logger and in the end of 1989 in November, I was arrested by the NSA intelligence agency.

At that time, the North Korean police, I was handed over to the North Korean police, and I was sentenced to three years in prison and I was in prison in the correctional camp number twelve. [0:07:00] My offence was that in 1998, I crossed the border to China out of hunger so I had violated article 117, which was that I illegally crossed the border and I also was allegedly, I was suspected of stealing food. My parents had passed away and I didn’t have a place to live and in consequence, I had no choice but to cross the Tumen River to survive. I had to make a decision to stay alive and that’s why I had decided to come to South Korea. In retrospect, I would like to look over my life and talk briefly about my life. As an orphan, [0:08:00] in the early 1997 or1996, economic down turn became very wide-spread. And the living conditions in the orphanage became worse. In the summer of 1997, the orphans were so hungry that they had to run away from the orphanage and only seventy-five were left behind. Twenty-two…

[Multiple speakers] (8:38)

No, I could not run away from the orphanage, but I stole food from outside the orphanage and I stayed in the orphanage at the time.

**Mr. Michael Kirby:**

Yes, go on.

**Mr. KIM Hyuk:**

[0:09:00] Twenty four out of seventy five orphans passed away of starvation and they reported that children died of diseases, but the children aged of seven and onwards died of malnourishment. These children were not able to walk because they were too weak. The bodies of the children were buried in the backyard of the orphanage.

**Mr. Michael Kirby:**

Were the children buried in separate graves?

**Mr. KIM Hyuk:**

Yes, they were buried in separate graves. There were a lot of diseases; fever, pneumonia, and these reasons for these diseases were because they could not eat. [0:10:00] It was in the summer of 1997 that this happened. I also suffered from those diseases too, but I suffered from fever, because I could not have enough food.

**Mr. Michael Kirby:**

Keep going, finish the sentence.

**Mr. KIM Hyuk:**

I was one of the oldest kids so that’s why I could at least pick up food that had fallen to the ground. Those who were very young, they had no idea how to beg or steal food from other houses, that’s why they ended up dead. In the summer of 1998 from spring to summer…

**Mr. Michael Kirby:**

I have to ask, can it be said that the conditions that you have just described occurred because of the great famine [0:11:00] that had struck North Korea in the mid 1990s? And that it was therefore, something that was something outside of the immediate control of the government.

**Mr. KIM Hyuk:**

I think it’s all combined. The North Korean government did not do anything at the time. They did not provide food assistance. I don’t know if there was international assistance, but internally, there were no food subsidies to the orphanages, so what we ate at the time was the remaining of the corn. We dried, and we grind it and turned it in to a powder. That’s what we got, but it does not contain any nutrition [0:12:00] and because of that, we got constipation. We were dehydrated and because of that, some children ended up dead.

**Mr. Michael Kirby:**

And was diarrhea also another condition?

**Mr. KIM Hyuk:**

Yes, yes, wide spread of diarrhea. But in case of diarrhea, the nutrition would go out very rapidly in the short period of time amount of time among children. They wouldn’t die right way, some did, but most survived diarrhea. As soon as they had something to eat they would be able to overcome diarrhea.

**Mr. Michael Kirby:**

Did the conditions so far as food was concerned improve [0:13:00] in the orphanage and cause you to remain there and rather than to see if you could survive better on the streets?

**Mr. KIM Hyuk:**

No, no, there was nothing to eat in the orphanage. In 1996 and 1997, the orphanages tried to release as many children as possible. Because they didn’t have anything to do to give the kids so they thought kids were better off begging in the streets. It would be better than starving to death sitting in the orphanage. It was better to beg in the streets.

**Mr. Michael Kirby:**

Did the staff in the orphanage get enough foods for themselves and their families or were they in the same position as the infants? [0:14:00]

**Mr. KIM Hyuk:**

The head of the orphanage was very well off. I haven’t been to his house, but the officials, the managers, or the person in charge of the field, the foreman, if you went to their houses you would see that they did not have a lot of property, but they had enough food to go around so some of the orphans would go to their houses, work for them in return for food, and that’s what I did too.

**Mr. Michael Kirby:**

What was the name of the head of the orphanage, do you remember?

**Mr. KIM Hyuk:**

No, I don’t remember the name, but not long ago, [0:15:00] I saw a picture of the head of the orphanage. I found it online while I was trying to get enough information for one of my lectures; the photograph of this head of the orphanage is on the Internet.

**Mr. Michael Kirby**:

Do you blame the head of the orphanage or do you think the head of the orphanage was just the victim of the Great Famine?

**Mr. KIM Hyuk:**

The head of this orphanage is actually not the victim, but I do not blame this person either. This is what I feel at the time. A lot of children in these orphanages, they died. When they were dying, some officials in the orphanages or [0:16:00] some of the doctors in the orphanages tried to bring food from their houses to feed the kids in the orphanages, but some officials were living a very good life. They had enough food to eat, I was very angry at these officials at the time. I wanted express my anger and say something, but I just had to put it away and move on.

**Mr. Michael Kirby**:

Why was that? What did you not protest?

**Mr. KIM Hyuk:**

At the time, I don’t think, in retrospect, I don’t think there was anything that the head of the orphanage could do because nothing was coming out of the government, but using the position as the head of the orphanage, this person made the children work and tried to accumulate personal wealth. [0:17:00] But, however, I think the bigger problem resided with the officials in the higher position. There were so many kids who died in the orphanages. There was a Korean American who tried to provide assistance to these children and the proposal was to build a factory in the orphanage, and to provide ramen to the orphanages after learning that the children were dying in the orphanage. This was the type of assistance that this Korean American tried to give. Because we were so starving so much we did not have any enough fat in our stomach so even the slightest food we tried to eat it would make us vomit. [0:18:00] The bread factory that was going to be set up in the orphanage I looked up the picture of this after I left the orphanage after 2000. That’s when the bread factory was set up. But, even with this bread factory set up, don’t think that it was a way to give food to the children in the orphanage. I am not sure exactly what happened afterwards, but from people who came out of Onsong, I heard that the number of children in these orphanages had dramatically reduced, and they are still feeding these children, but the only thing they are still feeding these children but they only thing they are feeding them is the corn soup.

**Mr. Michael Kirby:**

And did you then decide to [0:19:00] once again to leave North Korea, despite your knowledge about article 117 of the penal code and the punishment you would suffer if you were caught?

**Mr. KIM Hyuk:**

Yes, I decided to leave North Korea inside the prison I don’t think I would have been able to survive after three years in this prison because so many people died inside that prison. There were twelve inmates with me who entered that camp. There were twenty-four of us in addition to other inmates. The twenty-four of us entered the jail on the same day but only two survived [0:20:00] when we were finally released inside the correctional camp I thought what I could do when I was finally released from the camp. My parents had already passed away and I didn’t have a place to stay, nobody was going to feed me, so all of these conditions made me decide to leave North Korea and come to South Korea. But I survived and in order to act upon my plan, I had to recover; I had to be fit again. On August 12, I crossed the Tumen River for the first time and I met the people I knew on the other side of the Tumen River. They learned about [0:21:00] the state of my condition and I got help. And from there, I was able to formulate this plan, step by step, to come to South Korea.

**Mr. Michael Kirby:**

And what happened when you arrived in South Korea, which took you several months?

**Mr. KIM Hyuk:**

When I arrived in South Korea, I thought I came to heaven because of three reasons. South Korea, the first thing I saw was the Incheon International Airport, something beyond imagination it’s internationally known and the facility is magnificent. When I saw it oh gosh, [0:22:00] this was what South Korea is. The international airport was my first impression of South Korea and I saw the happy faces of South Koreans. It is something that we cannot imagine in North Korea. North Koreans have to report on each other. We have to be alert about each other. But when I first set my first step, in South Korea at the airport, I could not feel any of this and when I was lost in the streets there were people helping me. So all of these reasons made me think that South Korea was heaven, people were friendly, there were magnificent buildings, and so that’s why I thought South Korea was a heaven on earth. In South Korea, I was assisted by a lot of South Koreans, [0:23:00] and so the image, the first impression, of South Korea was heaven.

**Mr. Michael Kirby:**

And what have you done since your first arrival in South Korea?

**Mr. KIM Hyuk:**

Well, when I first came to Korea, I actually, I took a risk. The South Korean government provided me with money and finances and I travelled around for three months. Unlike others with that money, I travelled around South Korea because I thought this was a paradise. So, I actually spent ten million Korean Won in around for three months. So I looked around South Korea and I was able to learn about Korea. So that is the first thing I did when I first arrived in South Korea.

**Michael Kirby:**

How old were you when you first arrived?

**Mr. KIM Hyuk:**

[0:24:00] I was nineteen.

**Mr. Michael Kirby:**

Your evidence before us is to help us on three matters in particular, the treatment of street children in North Korea and starvation of orphanage and the torture and detention when you were imprisoned in North Korea and the difficulty of finding food. Are they the three matters that you want to help us with particularly?

**Mr. KIM Hyuk:**

Yes, that’s true.

**Mr. Michael Kirby:**

And you want to say something about the difference between living in North Korea and living in South Korea.

**Mr. KIM Hyuk:**

Yes, that’s true.

**Mr. Michael Kirby:**

You have written a book, which is not yet available in the English language, but is available in Korean. [0:25:00]

**Mr. KIM Hyuk:**

Yes, I do have a book.

**Mr. Michael Kirby:**

You are quite well known for the experiences that you have recounted and your life in the book?

**Mr. KIM Hyuk:**

Yes, that’s true.

**Mr. Michael Kirby:**

Just go back, therefore, to street children. You’ve told us something about your life in that condition. How old were you when you started and how old were you when you finished? And about how many street children did you get to know in that time?

**Mr. KIM Hyuk:**

When I first became a street child was 1989. I was seven at that time. [0:26:00] When I was a street child that was before the famine in North Korea. People were rather open to children like me. I had an older brother and we went outside. We were sleeping at night at the Chong-Jin train station. We were picking up food around the train station and when we were begging, people were more than willing to give us food. So, when there are no people around the train station, in the Chong-Jin city, there are houses for the officials. And if you go around the official’s housing or apartments, they have food that they have thrown away so that kind of food we could eat. [0:27:00] So that’s how I lived as “Ggotjaebi” [ph] (27:02) or street children. It didn’t last long because I was caught by police as I have to go back house and I had to run away again. That lasted until 1994. In 1995, I became a street child again, and then I had to go to the orphanage.

**Mr. Michael Kirby:**

Was your becoming a street child because of difficulty of getting food at home or because your father had remarried following the death of your mother when you were only four and didn’t get along so well with your new step mother?

Was that the real reason you became a street child?

**Mr. KIM Hyuk:**

Yes, that’s true. The biggest reason was that the mother that I knew was a stepmother. [0:28:00] Well, the stepmother was not really close to me so my older brother ran away first, and then I followed my brother and I ran away. At that time I was seven years old.

**Mr. Michael Kirby:**

I think that the government didn’t really approve of street children. They had a particular squad dealing with anti-socialist behaviours and they rounded you up and sent you back home.

**Mr. KIM Hyuk:**

Yes, that’s true. I guess it was after end of 1980. They had a special squad. Not socialist group or non-socialist we call it non-socialist group. [0:29:00] This is a group that was established, took a crackdown on people that committed antisocial activities. And one of the things they did was to round up these street children because they were thinking that these street children were beggars and there were quite a lot of these children. I mean, these children began to appear at the end of 1980s, but there were street children even before the end of the 1980s because I met some of these children you know who have been street children for quite a long time. These street children were there for a long time. I guess I became a street child because of my step mom and I’ve met many street children and I’ve met about seven other street children after I got separated from my older brother. These children they would sleep together at night [0:30:00] and in winter times, it go down below 20, 25 degrees at night and some people would get freezing, some would freeze to death, some would have to cut off their legs.

**Mr. Michael Kirby**:

So you had that experience. And did the government give you support in order that you could turn away from your life as a street child or did they simply round you up when they found you and sent you home to your father?

**Mr. KIM Hyuk:**

This group, this squad their role was to round up these children and send them back home. They would put us in a jail near the station [0:31:00] and when the parents came they would send the children with their parents’ home. In 1997, there was a special organization that was established. Some street children don’t have parents. Their whole family is disintegrated so these children had no place to go and these children were sent to shelters, we called them Gu-Jae-So in Korean [ph] (00:31:37). So they had no place these street children to send. So they sent these children to these shelters but the shelters had no food to give. So many children starved to death, even at these shelters. And the police said if you go to the shelters, the children die, but the children, if they are allow to be street children, they survived; that’s what the police said. [0:32:00]

**Mr. Michael Kirby:**

Ultimately you were sent to the orphanage and you stayed there for several years

**Mr. KIM Hyuk:**

I was in the orphanage from 1995 until 1998.

**Mr. Michael Kirby**:

That was during the Great Famine in the North.

**Mr. KIM Hyuk:**

Yes, yes.

**Mr. Michael Kirby**:

You have already told us the very meager rations that you’ve received. Did you know some children who starved to death in the orphanage?

**Mr. KIM Hyuk:**

Yes, not many, but it’s quite difficult. I mean, I think the orphans died [0:33:00] mainly because of starvation. They would ground the corncob and then make and eat them like soup. But they would only eat this ground corn cob, and they would get malnutrition and they would die. So older kids would not eat it because they knew when they eat that soup that their malnourishment situation would be accelerated and they would die. So, the older kids actually refused.

**Mr. Michael Kirby:**

So you’ve told us that that’s what made you on your first attempt to escape via China, and to your recapture and deportation to North Korea and your committal to regular prison number twelve in Gong-Go-ri. [Ph] (00:33:58)

**Mr. KIM Hyuk:**

[0:34:00] I wasn’t caught in China. I was actually caught in North Korea. Because somebody told the authority that I had been to China so I was sent to Gyo-Hwa So [ph] (34:20) twelve, and I have officially so-called “graduated” from the orphanage. We were supposed to graduate in August and enter in September, but it had changed to March because I had started orphanage early and but, I was able to get early graduation; so-called graduation. And when I worked, I was called under age worker. And when I was in jail because I was under age, I was sentenced to three years in the courts. Of course it wasn’t a formal trial. It was an unofficial trial in the police station [0:35:00] because I was young and also because I was an orphan.

**Mr. Michael Kirby:**

Who participated in the conduct of the tribunal, were they judges, or lawyers, or were they members of the police force who decided what your punishment should be?

**Mr. KIM Hyuk:**

There was the head of the tribunal. There was a judge, there was a prosecutor and there was an attorney. So there were four people. It was in a small room and the prosecutor, I think it was a prosecutor, would talk about my offences, and then the trial judge would ask the attorney to make the last statement. The lawyer said that he is young and that he is an orphan. Those two things need to be taken into consideration and ask for a leniency. [0:36:00] He only said that one last thing. I think that was one sentence he said at the end and I was given three years.

**Mr. Michael Kirby:**

Was that a lenient sentence in the circumstances in the circumstances or a harsh sentence your view?

**Mr. KIM Hyuk:**

I think it was formal. For the sake of formality; because at that time anybody who illegally crossed the border was given three years. Because I was young, because I was an orphan, did not really play any factor in determining my sentence. I wasn’t sure how I was going to survive. Because I knew a lot of people died in prison, because everyone in the North Korean society knew his.

**Mr. Michael Kirby:**

How did you survive in prison when others died? [0:37:00]

**Mr. KIM Hyuk:**

Unlike others, I’m very small, I’m tiny. And I have actually grown since I’ve come to South Korea. And that time I left Gyo-Hwa So, I think it was 2000. I was only thirty-five kilograms and I was 149 centimeters, so I’ve grown quite a bit after that. Because I was small because I could eat smaller portion and still survive. Many people died in prison mainly because people could come and visit them from outside. But in case of me, there was nobody who could come visit me. So, I’ve given up everything from the very beginning. Because I knew I had to survive on my own. [0:38:00] So I would eat anything, and I ate lizards, snakes, rats, whether it was reptiles, whatever. I mean reptiles were the only meat that I could eat. Also, in the springtime, I would eat grass, but if you eat the wrong grass, then you would get poisoned and you would get all the swelling and bloated. I would eat different types of grass and the roots.

**Mr. Michael Kirby:**

What was the portion of rice that you received from the prison authorities, and was it enough?

**Mr. KIM Hyuk:**

Of course not, it wasn’t …the portion they gave me…you know this paper cup here? About the size of this paper cup here. We call the Ga-Da-Bap [ph] (39:09). So with this cup, [0:39:00] this cup is used as a mold in a molder. So they would put in some corns as well as the cup and there would have some beans, or the peas. You don’t survive because of the rice; you survive because of the beans that are inside the rice. Because the beans have fat or oil in it that helps you to survive. And there were forty-seven of us, except for the four or five people, everyone was in severe malnourishment. So, the food was really bad and besides that rice they didn’t give us anything else to eat.

**Mr. Michael Kirby:**

[0:40:00] Did you complain about the lack of proper food?

**Mr. KIM Hyuk:**

If you complain, then that would be a cause for another crime. I mean that is you are resisting government’s or the party’s policies. So I was given three years. But if I complained, I would have been sent to a political prisoner camp or there would have been a longer sentence given to me.

**Mr. Michael Kirby**

How did you know that would happen?

**Mr. KIM Hyuk:**

At that time in North Korea, we couldn’t say all the things that we wanted to say because everyone knew we couldn’t talk about Kim Il-sung. And if somebody [0:41:00] said you know neighbor said something in China about North Korea and somebody heard that and that he came back to North Korea, and then that was known, then he would be taken away. So, whenever you say the name of Kim Il-sung or Kim Jong-il, you would have to say it in a very honorific way. So you just couldn’t complain; you just could not, you know, resist.

**Mr. Michael Kirby:**

[Unclear] (00:41:37) matter to you to Kim Il-sung and Kim Jong-il, did you love them and respect them?

**Mr. KIM Hyuk:**

I was a street child, so my respect for them was gone. But, I didn’t have any expectations either. Well, [0:42:00] but I never really respected them or never really thought I really hated them either. And we are not able to eat or not able to live well because in the middle in bureaucrats, were corrupt, that’s what we thought. As I was working as a street kid, I was able to enjoy freedom. And I was able to go to school. Because I hated school and I hated organization, and in that process, I guess my affection has long gone for the Kim family.

**Mr. Michael Kirby:**

And after you came to South Korea, you became a special instructor in schools here to teach about national reunification and the situation that exists in the North, [0:43:00] is that correct? How did you get in to that activity?

**Mr. KIM Hyuk:**

I came to South Korea because I was hungry, so my expectation was as long as I could have something to eat, I would be happy in South Korea, but as time passed, I thought that the real situation of North Korea was not made aware in South Korea. So I felt a sense of accountability, a mandate to talk and let people know about what was happening in North Korea and that’s why I took on that job. That mandate, a sense of mandate. My father, when he passed away in 1996, I could not see his body but I knew that he starved to death. I learned about his death through someone that I knew. At least I survived everything that happened in North Korea, and I contemplated about what I could do, the least I could do here, [0:44:00] and that was educating people about the reality of North Korea and about unification.

**Mr. Michael Kirby:**

And do you feel that you are making headway, in the instruction you give to South Korean school children because we have read that younger people in the Republic of Korea are not really very interested in the situation in the North. Is that a true assessment or do you think that is a wrong assessment?

**Mr. KIM Hyuk:**

I don’t think, They are curious. I don’t think they are not interested. The South Korean society is based on competition. [0:45:00] Everybody is competing against each other and so that’s why it is very hard to take an interest on something that is not related to them directly. But after I give lectures about North Korea, I can feel that change that relates to the changes in the level of awareness about North Korea. I have actually accumulated and collected data on what people on people’s perception after attending a single lecture, I could see that level of interest rises and I think they begin to take an interest on why we need to reunify.

**Mr. Michael Kirby:**

Would you like to go back to North Korea at the moment, or do you hope one day to go back to the places where you were young?

**Mr. KIM Hyuk:**

If the two Koreas reunite, that is the assumption, yes, if reunification happens, I would like to go back because [0:46:00] leaving your hometown is not easy. You have reminiscence, you have memories of your childhood, you have memories of your friends, and we miss them, but the fundamental reason would be because of that natural instinct that of attachment to hometown but also another motivation would be to help people of my own town, and if democracy is achieved in North Korea, yes definitely, I would return.

**Mr. Michael Kirby:**

What would happen to you, do you believe, if you went back now?

**Mr. KIM Hyuk:**

I think it’s very easy to think [0:47:00] they could use me as a political propaganda. But if I am no longer valuable, they will kill me or they can put me in a political prison camp or just execute me.

**Mr. Michael Kirby:**

Thank you, Mr. Kim. I’ll ask my colleagues if they have some questions.

**Mr. Marzuki Darusman:**

Thank you, Mr. Chairman. So Mr. Kim, thank you for the testimony and may I express sympathy for your plight. I have a few questions; just to start with the beginning, do you have relatives there in North Korea? [0:48:00]

**Mr. KIM Hyuk:**

Yes, I do. I have an aunt. She’s the only living relative, kindred, and the rest have died because of starvation.

**Mr. Marzuki Darusman:**

Did everyone died?

**Mr. KIM Hyuk:**

Most have died because of famine, but some of my cousins have come to South Korea as well.

**Mr. Marzuki Darusman:**

The reason I ask is because when your parents died, you were alone and became a street child, whereas you could’ve asked to be brought to your relatives. Was that the case?

**Mr. KIM Hyuk:**

[0:49:00] Well, it’s not that I didn’t look for my relatives, but even if I did look for my relatives, I think they would not be in the condition, in the position to take me in because they were living a tough life as well, so the best that they could do is to put me up with them for a day or two.

**Mr. Marzuki Darusman:**

Okay, let’s move on. Did you or your friends come to know about the existence of prison camps?

**Mr. Kim Hyuk:**

Yes, we all knew about these prison camps. We had not experienced these prison camps, but we knew that there were educational training camps or Gwan-Li-So, [0:50:00] as we call them in North Korea. There are the correctional camps and the Gwan-Li-So. Everybody knows about these two camps.

**Mr. Marzuki Darusman:**

Everybody knows about these two camps?

**Mr. KIM Hyuk:**

Yes, everybody knows. What happens inside those camps and the kind of life the inmates would live are not known specifically, but the public, the residents, know the existence of these correctional camps and political prison camps.

**Mr. Marzuki Darusman:**

What was talked about these camps? What do they speak of or discuss about these camps?

**Mr. KIM Hyuk:**

Well, we know that once you are in, there’s no way out. Everybody knew about that. [0:51:00] And that we knew that there is no due process to enter the Gwan-Li-So and also that a family can disappear overnight and then people would get the hint that the family had been sent to these Gwan-Li-So or Gyo-Hwa-So. If suddenly a family disappeared, then that would mean the entire family was taken away to Gwan-Li-So or Gyo-Hwa-So. As for Gyo-Hwa-So, they told us that we need a Myun-Sik [pH] (51:45) to survive in these Gyo-Hwa-So.

**Mr. Marzuki Darusman:**

What? We needed what to survive?

**Mr. KIM Hyuk:**

Myun-Sik is food that family members bring to inmates in the Gyo-Hwa-So. So when family members visit [0:52:00] their family member in the Gyo-Hwa-So, they bring food. So if you get this Myun-Sik, then you can survive in the Gyo-Hwa-So, but sometimes family members would not be able to bring those Myun-Sik, food to those prison, and if that happens, then there is no hope for you. For me, I could not expect to get any Myun-Sik. There was no hope for me. But sometimes, even family members missed; some inmates waited and waited for their family members to bring Myun-sik, but these family members were never able to return, so then they would die.

**Mr. Marzuki Darusman:**

At what age did you first learn about these prison camps? How young were you?

**Mr. KIM Hyuk:**

[0:53:00] I witnessed a public execution at nine. When the execution took place, there’s a political prison camp in Chong-Jin, and the officials of this political prison camp carried out the execution, and I remember them saying the official name of this political prison camp. Two were executed and I witnessed that when I was nine years old. And I saw bullet that were stuck in the trees. We played with those bullets.

**Mr. Marzuki Darusman:**

Now a general question, [0:54:00] you said that the North Korea citizens are required to report on each other. How do you know that?

**Mr. KIM Hyuk:**

Ever since we are young, we are put in an institution. We go to school, and we learn to live with each other, So-Nyun-Gwan [ph] (54:40). The boys or girls scouts, we are trained in those groups and the purpose of being put in this social organization is to attend a session, twice every week. What we do is to criticize our friends and comrades so the entire class would be in one room. We would criticize each other and ask for rectification. [0:55:00] Among students, we have to remember what other comrades did wrong; if we did not have any information about other people, we would not have anything to say in those sessions. Social integration, social life, group activities, were set up so that we can find what other people did wrong, the wrong doings of other people, and have an opportunity to talk about them.

**Mr. Marzuki Darusman:**

Now you said at the end that you would be willing to go back there and help your fellow citizens. How do you know that they would want to leave North Korea? Is there a sense that everybody wants to leave North Korea?

**Mr. KIM Hyuk:**

[0:46:00] Those who have never experienced leaving their hometown behind don’t know what it’s like to leave their hometown. Being uprooted, it’s not an easy experience; that’s why people try to stay in their hometown until one day, they have nothing to eat but to starve to death. On the other hand, there are people who think that it’s better off to at least go to China and get something to eat than dying sitting in your hometown. So there are changes in people’s mindset, I think, that make them want to leave their hometown to survive.

**Mr. Marzuki Darusman:**

But why do some people leave and some don’t leave?

**Mr. KIM Hyuk:**

[0:57:00] I think there are two levels. The first level is people like me. When you don’t have anybody related to you in your hometown, you take off. You try to make it on your own. At the second level, there are people who care, who put their family first. During the famine, in order for an entire family to stay alive, you need a certain amount of food. But in order to get that food, some people leave so that they can lessen the burden that falls on the family, and some leave their families behind to earn some food and get that food back to their family. That’s why they go to China to make money and get food to go back to their families left in North Korea. [0:58:00] But once they are in China, you are confronted with arrest and you realize that it’s really not an environment where you can stay for a long time, so that’s why they choose ultimately to come to South Korea to make money and send that money back to their families back in North Korea.

**Mr. Marzuki Darusman:**

So when you say that you want to help your fellow citizens, is that because you were taught by the system or was it because your upbringing in your family?

**Mr. KIM Hyuk:**

It’s because I care for the hometown. Apart from the type of political regime, it’s my hometown that I care [0:59:00] and the friends that I spent the childhood with. I want to help these people and that’s why I said that I would like to go back and help these people.

**Mr. Marzuki Darusman:**

Allright finally, you wrote a book and by writing the book, did you come to acquire an understanding of the system or the whole system? Did you do research about the system? Did you look into and compare the system to other countries? What did you do to get an understanding of the North Korean State?

**Mr. KIM Hyuk:**

There are so many ways to describe the North Korea regime, but basically it’s a controlled society, it’s a collective society, I think that’s the basic way to put it [1:00:00] and this collectivism requires the sacrifice of individuals’ human rights, the rights of individuals, and the freedom of movement, the freedom of expression are destroyed in the name of collectivism. So individuals, it’s very difficult to live for the individuals. It’s very important that we talk about this to other people and we need to really take a look into the deeper side of the society of North Korea. Unless we do that, we are not going to get a clear picture of North Korean Society. So overall, the North Korean society is a controlled society, which means that everybody is looking at what other people are doing, and in order to maintain control, they take extreme measures, such as public execution. [1:01:00] These are the means to maintain that control to society. For these reasons, I have been motivated to talk about what‘s really happening in North Korea, based on my experiences.

**Mr. Marzuki Darusman:**

Thank you very much, Mr. Kim.

**Ms. Sonja Biserko:**

In your presentation, you mentioned that many children died in the orphanage. Where were they buried and how many altogether were dying at that time, especially during the famine?

**Mr. KIM Hyuk:**

At that time, I don’t think I was in the position to have the exact number, but at Chong-Jin, we had a lot of people, residents in Chong-Jin, but we saw in 1995 and 1996, the number of street children skyrocketed, [1:02:00] there were two, three million Ggot-Jae-Bis, street children in Chong-Jin, which means that there are a high number of broken families. Before the early 1990s, the city…Chong-Jin city, was a vibrant. There was a vibrant life going on in Chung-Jin city, but in mid 1990s, life became very difficult and one-by-one they left their homes in search for food and that’s when the city became clouded. It was like a dead, a ghost city. The windows were broken, and you can see shadows, the city overshadowed by darkness and a lot of people starved to death. [1:03:00] And I think you can verify this through with this satellite images. If you search the mountains around Chung-Jin city, you can find graves, the graves dug in these mountains. I searched for this information to prove how many people died at the time. The Chong-Jin city is surrounded by graves. It wasn’t like that in the past. That means a lot of people died off. I think this is strong evidence.

**Ms. Sonja Biserko:**

But you say that the Korean society is a collective society; it means that there should be a high degree of solidarity. How do you explain the fact that so many children were in orphanage and left not only by families, but also by the society and the state?

**Mr. KIM Hyuk:**

[1:04:00] Structure-wise, it is a collective society. In North Korea, we have the saying, “the organization for one; one is for the organization”, which means that paradoxically, the entire people have to give up their benefits and rights for one single individual. But, I think there is a double interpretation, which means that a single individual must sacrifice oneself in order to sustain the collective group of people, and that’s why I used collectivism to describe the North Korean society. This collective society was okay before the economic downturn, and the strength [1:05:00] of this collectivism has become weaker, but the structure is still there. And currently, it’s a formality; collectivism is just a formality.

*[The question in English failed to be recorded]*

**Mr. KIM Hyuk:**

Yes, that’s true. I was received [1:06:00] this question if there is going to be another food aid, is that possible for the North Korea society to become a collective society again. But, I think that’s not going to happen. Because of the food crisis, so many people have experienced so many different things. People have experienced doing business. As they were doing business, they have experienced freedom. Now, if you look at other free democratic society, the freedom is different from the freedom that you experience in democratic society. The freedom I’m talking about in North Korea is to be able to move around, to be able to produce things so that’s the basic freedom that people were able to enjoy as a result of the food crisis. So the people experience this freedom as a result of economic difficulties. Even if there’s a resumption of food aid and the people were given food, I think that the collectivism, or the people’s [1:07:00] adhesion to the collectivism, is not going to be as strong as it used to be in the past.

**Ms. Sonja Biserko:**

If it is so wide spread that this moment, how do you explain that there is not any kind of civilian disobedience at that point? If they experience this freedom that you are referring of, how come there’s not a single, at least that we heard of, rebel within the society against this tough regime measures?

**Mr. KIM Hyuk:**

I think there have been some, because in mid-1990s in north Hamgyong province, there was an incident; it was a famous event or an incident, even the residents knew about this. There was a military, I think it was a division, and there were like four people, [1:08:00] four generals. I think they’ve decided to attack the city of Pyongyang. So that is, the military leaders were going to attack, and the North Korean government knew about this and disintegrated this squad. So there are some cases. However, about the resistance from the residents, I think the reason is that people just don’t have any experience of standing up against the authority. They don’t have any experience protesting. They don’t have any experience rising up against the authority and they have been trained, educated about the revolutionary ideology. I think instinct in a way, of for a resistance, has been repressed because they have been [1:09:00] under surveillance, because they have been under guard, and they have been punished. So because of all of this, they just can’t even think about resisting or being defiant.

**Ms. Sonja Biserko:**

These people live in very dire situation. They fight for their survival on daily basis. So it is not really about being organized in a way that we hear now about others or other situations. It is just a mere struggle for life. So how come that not more people raise their voices or rebel in order to protect their own lives and the lives of their families? How do you explain that?

**Mr. KIM Hyuk:**

I think maybe it’s because of the [1:10:00] punishment but also at the same time, you have to think about all the long time training and education that has been conducted in North Korea. This famine or the starvation, they are saying that this is a result of external sanctions, especially the sanctions by the United States. That’s what I heard when I was younger. And there was these story when I was younger. It was said that United States putting us in an economic embargo, because of that we are experiencing economic crises, that’s what I heard. At the end of the 1990s, because of the economic crisis lasted for such a long time, there had been some complaints and discontentment among the residents. And so because of that the government allowed in a market place, if they closed that market place, this discontent would have been larger. [1:11:00] In order to deal with this discontentment of the residence, the government allowed or turned a blind eye, to establishing market places and the people thought, ah so generous, our great leaders allowing us to live by setting up this market place.

**Ms. Sonja Biserko:**

Let’s imagine a situation that everybody forgets about North Korea. What would the regime do then? Would they be able to invent enemies who’d be responsible for the dire situation in the country or what do you think they would do then and whether people would be able then to organize themselves for something more serious?

**Mr. KIM Hyuk:**

I don’t know about that. [1:12:00] We have always had enemies, whether they would dream up an enemy. But there was this very interesting thing. The US was criticized so many times, and we were taught that the embargo by the United States brought about the economic crisis and the food crisis, that’s what we were taught. And then in 1994 and 1995, it paradoxically at Chong-Jin port, we saw the food from the US. It was on the ship and I think it was wheat. I remember going to the port to steal the wheat from the US and I was confused, I mean the US was putting us on this embargo and then there was this wheat, bags of wheat, from the US. I mean, I could see the USA stamped on these bags. [1:13:00]

**Ms. Sonja Biserko:**

Thank You

**Mr. KIM Hyuk:**

Yes, thank you.

**Mr. Michael Kirby:**

Thank you, Mr. Kim, for your clear for your very intelligent and helpful submissions and good fortune to you and your communication with school children in the Republic of Korea. You are now excused, thank you.

**Mr. KIM Hyuk:**

Yes, thank you.

***Mr. JI Seong Ho***

**Mr. Michael Kirby:**

Next witness?

Good morning. Thank you for coming to assist the Commission of Inquiry of the United Nations. I believe that you don’t have a problem [1:14:00] with the use of your name, because you don’t have any protection concerns, is that correct?

**Mr. JI Seong Ho:**

Yes, that is correct.

**Mr. Michael Kirby:**

You were born in North Korea and you left North Korea in 2006 and came eventually to South Korea.

**Mr. JI Seong Ho:**

Yes, that is correct

**Mr. Michael Kirby:**

I think before that happened, a decade before, you suffered a serious injury to your body in a train accident, is that correct?

**Mr. JI Seong Ho:**

Yes, that is correct

**Mr. Michael Kirby:**

[1:15:00] Your disability is by no means the whole of you, so start by telling us about your life before that incident and what it was like growing up as a young boy, young man in North Korea.

**Mr. JI Seong Ho:**

Yes, I will do. Well, first of all, I was born in North Hamgyong, Hoeryoung. In Hoeryoung, I was born in 1982. The North Korean residents most of them, most of the residents were [1:16:00] people who were exiled from other regions. The environment of my childhood what I remember is that, because I lived near a coal mine. In North Korea, I was the eldest of two brothers and one sister. My grandmother lived with us, and there were six of us in my family. When I was young, I was sent to elementary and middle school and in North Korea, when the food crisis hit, in the mid-1990s [1:17:00] I could not continue my education because I had to earn food by helping my parents and I had to do everything to stay alive.

**Mr. Michael Kirby:**

Where did that take you in an attempt to stay alive during the great famine in the mid 1990s?

**Mr. JI Seong Ho:**

In the mid 1990s, I was still a student. I was around 13 and 14 when I started to help my parents to get food. In addition, I would go over to my relative’s house to ask for food. [1:18:00] Or I would go out about with my parents to sell things to continue with our lives. Yes, I think that was it.

**Mr. Michael Kirby:**

And explain how the accident happened in March 1996.

**Mr. JI Seong Ho:**

Well, I was born in a mine area. A lot of people starved to death at the time. For livelihood, there wasn’t much we can do to stay alive. We were surrounded by mountains. So we had to dig roots and the skins of trees and grass. So we also sold coal [1:19:00] to feed ourselves. Electricity shortage, power shortages, and the economic downturn brought an end to the coal production. Without electricity, we could not pump out the water inside the mind so production was stopped. Next to our region where we lived was the political camp number 22 where they were still producing coal. Daily production amounted to1,200 tons estimated. So every day, 60 tons of trains, cargo trains carried this coal to Chong-Jin. Bu even if we wanted to sell coal, where I lived, [1:20:00] it took about 1 hour by train or 1.5 hour by train to Hoeryoung. The coal that was produced from the camp number 22 carried to Hoeryoung by cargo train and that was the coal we could sell, but that was not easy either. Because that coal, in the course of transferring it, there was a lot of lost coal and that’s why armed soldiers were ordered to transfer these coal to Hoeryoung. In 1996, March 7th when the accident took place, what happened was that [1:21:00] I was on that train and I was spotted by these soldiers and beaten up. In order to avoid that, I would sneak into the train early in the morning to get on that train and to get my hands on some of the coal. On that day, because we had nothing, absolutely nothing to eat. I had stopped one day and I was holding on to the train that was speeding up to Hoeryoung. When we were very close to Hoeryoung, entering Hoeryoung, I lost consciousness. I lost consciousness; when I opened my eyes, the train had run over my body and my left leg was cut and blood was spouting like a fountain from my leg. [1:22:00] It was so painful and I panicked; I was in shock, I was screaming and I tried to stop the bleeding. I put my hand over my leg and I realized that my left wrist, parts of my left wrist, was ran over by the train and there was blood also coming out from my left wrist. When a person is in complete shock, I never knew, that was the first realized, how loud I could scream. People told me that the sound of my scream could reach as far as China. But I wasn’t the only one holding on to that train. But a lot of people were holding on to that train to get some coal to sell it. But, even if I was screaming for help, [1:23:00] people, nobody came to help me. They were so concentrating on getting coal for themselves. There were hundreds of people on the train, but nobody came to my rescue. As far as I could remember, after twenty minutes or half an hour passed by, there was somebody related to the station. He helped me to stop the bleeding and I was moved, transferred to the hospital to get the surgery. In retrospect, it was a horrible experience and I don’t want to think about it twice, but let me get this straight so that you can picture this properly. I was sent to the hospital; I had to get in to the surgery immediately. [1:24:00] Because I was on the train trying to get coal, there was coal and blood all over my body. It was very messy. I was in a very terrible situation. I had to get the surgery but it was about three in the morning. I was admitted to the hospital and they did not have any, they had to inject me with morphine, but they did not have morphine at the hospital. So I had to get anesthesia but I’m not sure about this. I got local anesthesia, so I felt the pain of the surgery [1:25:00] so I still have a very clear memory of what happened on the operation table, and what happened after the surgery.

**Mr. Michael Kirby:**

Where did you have the operations, were they both on your left hand or arm and your leg?

**Mr. JI Seong Ho:**

Yes, both my left hand and my left leg.

The operation took place in Hoeryong number one people’s hospital. Before the surgery started, my leg was disconnected, but the skin was still attached. So that was where I got the surgery and… [1:26:00]

**Mr. Michael Kirby:**

Do you have any complaint, apart from the lack of the anesthesia, about the treatment you received in the emergency care at the hospital?

**Mr. JI Seong Ho:**

Well, at the site of the accident, there was no time any complaints. I was just grateful that somebody finally came to help.

**Mr. Michael Kirby:**

But now, do you think more should have been done for you except to give you pain killing anesthesia or morphine? It sounds as though they responded pretty quickly to the predicament, [1:27:00] even though you would have been brought in at 3 or 4 o’clock in the morning.

**Mr. JI Seong Ho:**

Yes, obviously the hospital should have very responded quickly. But in North Korea, unlike in South Korea, I think the surgery did not take place as quick as enough. I am not sure how many hours it took before I was able to get the surgery, but I just [1:28:00] remembered that I was taken to the surgery room and the surgery did not happen right away. I had to wait until the surgery was given.

**Mr. Michael Kirby:**

Show us by reference to your left arm where the where the stump is where you lost the left arm. You don’t have to show it, just show us where it happened.

**Mr. JI Seong Ho:**

The train ran over my wrist and except for the second and my thumb, [1:29:00] the fingers were cut. They gave treatment to my wrist, and they had sewed it up. Currently, what you see right now, is the result of treatment that I received in South Korea.

**Mr. Michael Kirby:**

Prosthesis, it has a very natural color and appearance. Did you have a good prosthesis?

**Mr. JI Seong Ho:**

[1:30:00] The prosthesis that you are seeing now was given in South Korea. In North Korea, this is the result of the surgery that I received in North Korea. And I had to rely on crutches to live in North Korea. This is what I looked like when I first arrived in South Korea. This prosthesis was given by the South Korean government. I think technology has come a long way, and my friends now would tell me that it looks very natural.

**Mr. Michael Kirby:**

It does look very natural, but you had no prosthesis at all in North Korea?

**Mr. JI Seong Ho:**

[1:31:00] In North Korea, they can’t do it. In South Hamgyong province in Hamhung city, there is a hospital that gives prosthetics. I think the hospital was functioning in the past, but in 1990s, the hospital was not in proper operation so that’s why we were not in a situation to get prosthetics. Feeding ourselves was our first and foremost priority, and if I wanted to get the prosthesis, I would have to stay in line and pay for it. But to do all of that, it would take as long as six to one year and staying alive just to get the prosthesis would have been a cost me a lot. So I could not dare, think of getting prosthesis. And so in the course of my defection, I did not have prosthesis. [1:32:00] I had to rely on crutches.

**Mr. Michael Kirby:**

Now I think you want to talk to us about discrimination against people with disabilities in North Korea. And also about the conditions about your detention and the difficulty of food supply and the treatment you suffered after the death of your father. Are they the four main subjects you want to talk about?

**Mr. JI Seong Ho:**

Yes, that is correct. Those are the four subjects that I agreed to talk about.

**Mr. Michael Kirby:**

Tell us about the issue of discrimination against people with disabilities in North Korea that you have experienced.

**Mr. JI Seong Ho:**

[1:33:00] In North Korea, living as a person with disabilities, is very, very challenging, as you may very well know. In North Korea, even people who don’t have disabilities have a hard time living and even healthy people starve to death. So in that situation if you have disabilities, it just adds the burden. Within your family members, if anybody starts to lose faith in you then people with disability would have no choice but to starve to death. In the place I lived, there were about 10,000-20,000 residents, and there were people with disabilities who lived near me, the mentally challenged or people who were physically challenged like myself. [1:34:00] There were different kinds of people with disabilities who lived near my place. In the 1990s, when the food crisis seemed to be alleviated a little bit, we realized that we were no longer seeing people who were there, meaning that they must have died. So when you don’t have enough food rations to go around to healthy people, there’s no chance that people with disabilities would get rations. The atmosphere in North Korean society is that no special benefits are given to people with disabilities. I was surprised how the society in South Korea really embraced the elderly, [1:35:00] the vulnerable people, including people with disabilities. Prosthesis hospital is the best that we have in North Korea, and the government does not take any accountability to take care of people with disabilities, and there’s also a very strong prejudice intact against people with disabilities.

**Mr. Michael Kirby:**

And how would you explain the prejudice against people with disabilities amongst fellow workers, and neighbors and even friends?

**Mr. JI Seong Ho:**

I think close friends, at least, tried to understand you and embrace you but the society has a different perception. [1:36:00] In North Korea, we call people with disabilities, the crippled, or people with a lot shortcomings or they use a derogative term to refer to the specific part of their body that is disabled. For example, if you don’t have a hand, or missing a wrist like me, then they would refer to it as a gravel hand. They have derogative terms for blind people, for people who have hearing disabilities. And even instead of names, even to refer to my family, they refer to my family as the family of the gravel hand. So that’s kind of the prejudice that we encountered.

**Mr. Michael Kirby:**

Do you think that you yourself were guilty [1:37:00] of that prejudice before you experienced your accident?

**Mr. JI Seong Ho:**

Yes, of course. Yes. I have to admit that I did. I was in my teens, I was young. I used to make fun of the adults who had disabilities. I followed them around with my friends. We made fun of them.

**Mr. Michael Kirby:**

But because of your experience, has it given you a greater insight into the position of people with all sorts of different disabilities?

**Mr. JI Seong Ho:**

Yes, yes. Because of my personal experience, I came to understand more about people with disabilities, [1:38:00] and so did my parents and my siblings.

**Mr. Michael Kirby:**

Do you know that recently the government of North Korea has ratified the disabilities convention of the United Nations? Did you know that?

**Mr. JI Seong Ho:**

Yes, I am aware of that.

**Mr. Michael Kirby:**

And that does seem to be a good step in the right direction of addressing this issue in their population.

**Mr. JI Seong Ho:**

No, not really, because the benefits or the human rights of the people with disabilities in North Korea, [1:39:00] in order to improve them, I think before addressing those issues, you need to address the issues that are encountered by people who don’t have disabilities. I don’t trust what the government has done.

**Mr. Michael Kirby:**

You don’t feel that they can improve by taking part in the world effort to address the problems of disability with knowledge and kindness?

**Mr. JI Seong Ho:**

No, I don’t trust what the North Korean regime is doing. At first glance, I think North Korea [1:40:00] does not admit human rights issues right now. This is what they are saying to the international community, but you have to see what’s under the veil, what’s really happening inside. Only people who are there can know the control over the media, the restricted freedom. Nobody is aware of what’s happening inside unless people like me get out of North Korea and really talk about them. That’s why I am not in the position to give creditability to what the North Korean government is doing.

**Mr. Michael Kirby:**

And tell us about the issue of detention, which followed your attempt to leave North Korea by way of China. What happened and what was that experience like?

**Mr. JI Seong Ho:**

[1:41:00] The first time I went to China was in 2000. Many people around me were dying of starvation. I saw my family members die of hunger. And so we made attempts to survive.

**Mr. Michael Kirby:**

So members of your family died of hunger?

**Mr. JI Seong Ho:**

Well, I think it was 1995, my grandmother, she died of hunger. That was before I had my accident. We almost starved to death. We came very close to dying, because of starvation ourselves. [1:42:00] It was really difficult at that time because North Korean residents were surviving on rations, and out of the blue, suddenly that ration has stopped, and there was no way for us to make a living. We started selling stuff in our house, and we… I think we lasted about a month, and then afterwards, there was just no way for us to make the ends meet and the people around us had nothing to eat so we couldn’t actually get loans or get something to borrow, to eat. I think it was in the winter of 1990. There was no grass on the field. There was nothing for us to eat. We would eat tree bark, and we would get the roots of the cabbage [1:43:00] under the ground, but that was just not enough. As time passed, as days passed, our grandmother and other weak people were just not able to move at all.

**Mr. Michael Kirby:**

When did you first go to China?

**Mr. JI Seong Ho:**

The first time I went to China was in the year 2000.

**Mr. Michael Kirby:**

Why did you not stay in China, or seek to go elsewhere at that time?

**Mr. JI Seong Ho:**

In North Korea, there was a rumor that the ration would resume and everything would get better and the political people were telling us to wait, and so we were waiting, but as people were dying, [1:44:00] that’s why I’ve decided to go to China. And once I went to China in the year 2000, I wasn’t going to China to come to South Korea. I just wanted to get some food in China and come back to North Korea and to feed my family members. That’s why I went to China the first time.

**Mr. Michael Kirby:**

Was there any difference in the way your disability was treated in China or was it much the same?

**Mr. JI Seong Ho:**

Well, when I went to China, I don’t think there was any discrimination because I had disability. [1:45:00] They took sympathy, they took pity of me that this young person has disability, and is in difficult circumstances and is here to beg for food. So as they listened to my stories, I think they despised the political system in North Korea. I don’t think the Chinese people that I met had any real discrimination or prejudice against disabled people.

**Mr. Michael Kirby:**

You returned home, from that time, and that time and soon after that, I think that you were arrested, is that correct?

**Mr. JI Seong Ho:**

After I came back to North Korea from China, I got home safely. It’s about 4km from the border to my house, [1:46:00] and I was arrested by the police at home because I was found on site, on the spot that I have come back from China. And after I was arrested, the things that I brought back from China, I took that with me to the police station. And I received questioning, and the first question they asked me was that whether I listened to South Korean radio, or whether I have come into contact with the South Korean media, or whether I have met with the Christians from South Korea in China, and also whether I have come in contact South Koreans in China. So those were the first line of questions that they asked me. [1:47:00] And they also asked me, I mean, I told them I’ve never come in contact with South Korean people or the religious people whatever, and afterwards, but they kept asking me why you know, and of course in the process I got beaten. And, what was more difficult was that as a person with disability, the word that he used was that you are a cripple, I mean, you look like hell, and you are a cripple, and then you beg for food in China. [1:48:00] You are defaming North Korea; you are putting shame on the North Korean, on the regime, because if the foreign press saw you, the cripple looking the way you do, then you would have brought shame to the North Korea regime, that’s what they said to me.

**Mr. Michael Kirby:**

What did you say to that?

**Mr. JI Seong Ho:**

I didn’t know what to do because personally, I thought this is not fair. I became a disabled person because of the North Korean government. I wasn’t born with a disability. I got disabled [1:49:00] and I got these disabilities because of North Korea and they were torturing me because of that. I was really angry, but I could not complain at that spot because I knew nothing good was going to come out of it if I complained or if I say something, they would torture me even more and I was scared of that so I just kept silent.

**Mr. Michael Kirby:**

This is your dominant hand, are you right handed or left handed?

**Mr. JI Seong Ho:**

My dominant hand is right hand.

**Mr. Michael Kirby:**

That you still have unaffected by the accident.

**Mr. JI Seong Ho:**

The train just ran over my left hand. So my right hand and my right leg, they are fine.

**Mr. Michael Kirby:**

[1:50:00] Does that affect your ability to work as a normal person to work in factories and industry?

**Mr. JI Seong Ho:**

Well, because I have this prosthesis, I can’t work. In North Korea, they thought me as a person who just could not be used for production so I did not work for any sort of a company in North Korea.

**Mr. Michael Kirby:**

Did they send you to a prison as a result of your being arrested and detained and held for a time and beaten, or did they let you go back to your home?

**Mr. JI Seong Ho:**

[1:51:00] I wasn’t sent to jail because physically, I wasn’t going to survive in prison and also I promised that I would not go to China again. I wrote this statement, a pledge that I would not go to China. I begged with them to let me live.

**Mr. Michael Kirby:**

And so you returned to your home, but I think you did go back to China later, is that correct?

**Mr. JI Seong Ho:**

Well, I went to China one more time. I think that was in 2002. I went there secretly but North Korea government did not know about that so I didn’t get into trouble. [1:52:00] And then in 2006, that’s when I escaped from North Korea.

**Mr. Michael Kirby:**

Before that, your father was caught trying to escape to China. Was that before or after your second trip?

**Mr. JI Seong Ho:**

That was in 2006, I came to South Korea. That was when my father tried to escape. And he was arrested by Bowibu, the National Security Agency and then he was tortured.

**Mr. Michael Kirby:**

Why did your father get caught and you were not?

**Mr. JI Seong Ho:**

Well in 2006, when I escaped from North Korea, my dad was still in North Korea. So I was in South Korea and if South Korea was a good place to live, I told my father that I would bring him to South Korea, and [1:53:00] I wasn’t going to bring him to South Korea unless I checked with my own eyes. So I thought it would be enough to arrive in South Korea in about three or four months’ time, that’s what I heard, that’s what I knew, but that escape process was longer than I thought. Once I came to Korea, we had to be trained; we had to be assimilated into the Korean society so it took me much longer than I thought before I was able to contact my dad. So I called my dad and my father was at that time had already passed [1:54:00] away as a consequence of torture by Bowibu, the National Security Agency.

**Mr. Michael Kirby:**

How did you hear of that, did you have a mobile phone contact or some other means of contacting him or did you hear it in some other way?

**Mr. JI Seong Ho:**

There was a, I used a mobile phone to call somebody I knew in North Korea. And that acquaintance told me that my father was waiting for us and had decided to cross the border and was caught by the border guard and was sent to Bowibu, and at the Bowibu, [1:55:00] he was questioned and he was interrogated to, you know, and asked to tell the location of us, but my father didn’t know and he was tortured and he was put into a very risky situation. When he was almost dead, they carted him off to our house. So our neighbor, one day, went outside and saw my dad dead. He had passed away so the neighbours had actually had a funeral for my dad.

**Mr. Michael Kirby:**

So your father was wheeled back to his home in some fashion, is that correct, [1:56:00] in a cart?

**Mr. JI Seong Ho:**

Yes, he was wheeled off, carted off.

**Mr. Michael Kirby:**

And your father was found by neighbors who reached the impression that he had severely beaten?

**Mr. JI Seong Ho:**

Yes, the neighbor was able to recognize that.

**Michael Kirby:**

And this neighour told you of this when you had spoken to him by mobile phone?

**Mr. JI Seong Ho:**

Yes, yes.

**Mr. Michael Kirby:**

And your father was dead by the time they saw him, was that correct?

**Mr. JI Seong Ho:**

Yes, he had already passed away. Just for your information, [1:57:00] I think four or five years later, a friend of mine from my hometown had defected to South Korea. I finally was able to meet with him because I was in North Korea at the time of my father’s passing the friend told me again about how my father passed away. So I knew for a certain how he had died.

**Mr. Michael Kirby:**

Is there anything else that you want to tell us on the matters that you have come forward to talk about today? Are you doing anything in the Republic of Korea to stand up for the rights of disabled people? [1:58:00]

**Mr. JI Seong Ho:**

Well in terms of my explanation to you, it seems that the memories are coming back. I’m a bit emotional. I haven’t been able to give you very objective, haven’t been able to talk more neutrally about what I have gone through. There were so many things that I have gone through and there were so many hardships that I had to endure. When I came to South Korea, now I am a citizen of South Korea, [1:59:00] I felt that I had to live by a citizen, but I felt guilty because one of my acquaintances, there was a friend, there was a person called Robert Park. I think I met him in, I worked with him, I met with him, and I have talked to him about what’s happening; we’ve been talking about the human rights circumstances in North Korea. And as I was talking to him, I realized that I needed to something about human rights in North Korea. So I established an organization for the human rights in North Korea. So I’ve been doing a lot of activities. The thing that we are putting the most emphasis on is to ensure right to know, [2:00:00] because there’s such a controlled press, controlled media. North Koreans, they don’t know anything about outside. They don’t know how well off South Korea is. So through the radio broadcasting, we are trying to let North Koreans know what’s happening, and we are trying to help the North Korean defector women in China, to come to South Korea. So through this public hearing, I hope that there would be more information, more accurate information made available to a lot more people. And I hope that this would accelerate democratization in North Korea.

**Mr. Michael Kirby:**

There is jamming equipment that stops broadcasts by radio, television, [2:01:00] or the internet into Korea in the North, what can be done in your opinion to bring the message of the truth of the world to the citizens in North Korea?

**Mr. JI Seong Ho:**

I’m working with RFA. We are doing the broadcasting together with RFA. Of course the North Korea government is trying to jam any sort of broadcasting but I understand that in North Korea, there’s shortage of electricity so North Korean government is no longer able to do jamming as effectively as they would like. There are many broadcasting channels [2:02:00] that have been made available, and I understand that North Korea residents have more opportunity to listen to see these channels, and I had that experience myself and the people that I know are listening to South Korean broadcasts.

**Mr. Michael Kirby:**

Are people able to get the broadcasts or do they need to get DVDs, which record the broadcast, or can they receive the broadcast directly in some circumstances?

**Mr. JI Seong Ho:**

I think that it’s not the television, but I think that they can get a radio frequency and are able to listen to radio broadcast, and I understand that North Koreans listen to the radio broadcast at night. So they would turn to different channels, and they would be able to get some sounds. They would listen to different languages [2:03:00] and so they would turn to channels, and there would be foreign languages, and then if they hear the Korean language, they would start listening. In the beginning they wouldn’t know it’s a South Korean channel but they would keep listening and I understand that this is quite influential. As for the visual channel in Beijing, China, I understand that the North Korean defectors in China are bringing in Korean videotapes, Korean DVDs to North Korea, and a lot of North Koreans are watching that and I understand that has been quite impactful as well. I think that, I understand that all over North Korea, people are actually watching South Korean dramas.

**Mr. Michael Kirby:**

[2:04:00] Do you work now, with the NGO that you have described, or do you have another job as well?

**Mr. JI Seong Ho:**

I work with the NGOs, but I am also a student in university. I am studying law right now.

**Mr. Michael Kirby:**

Well, as one lawyer to another, I wish you good luck in the law.

**Mr. JI Seong Ho:**

Thank you very much.

**Mr. Michael Kirby:**

Is there anything else you would like to tell us that I have not covered by my questions? Of course, you cannot tell the whole story of your life, but are there any other important matters that you have not had the chance to tell us about relevant to your life and experience?

**Mr. JI Seong Ho:**

[2:00:00] When I was living in North Korea, I lived a very tough life. In North Korea, we thought that social society, our supreme leader, was everything and was the best. But in our everyday lives, we encountered experiences that took away that belief, that trust. The international community and other countries, whether they communicate, they attempted to communicate with the North Korean regime, but the North Korea residents doesn’t believe that anybody would take an interest in themselves to try to address the everyday hardships that they encounter. The North Korea residents now believe that there’s nothing that they can do or anybody can do to change the structure. [2:06:00] It was in about in 2002, 2004, I heard something very shocking.

Public execution was widespread. I have witnessed many cases of public execution. Some people who didn’t deserve to be executed were killed, and in my heart, in my clear conscience, I knew that this was wrong. There was a point in time where the execution became no longer public. But in the early 2000, mid 2000s, the number of public execution seemed to have dropped. We are not sure why, but those who have crossed the border to China, those who have listened to the ratio, and have information in South Korea, [2:07:00] they say that the international community has learned, and taken interest in the serious human rights violation situation in North Korea. So should a public execution take place in North Korea, the international community has told the North Korean government that they would put economic sanctions and that’s why the government has in some ways reduced the number of public execution, but I think that was very shocking.

We had no access to the outside world. We had never seen a foreigner. So we had no idea what was happening in the outside world. But for us, the residents, we encountered the painful experiences, the thought that somebody had finally taken the slightest interest in what we were going through. We felt very grateful; we felt that we were not alone anymore. That was also my personal feeling. [2:08:00] So the international community and those who are involved in working for the human rights issues in North Korea, with their assistance, I think we can achieve more and I’m grateful for their in endeavors, and I think one day we can see improvements in North Korea, hopefully. I would also like to add, share the following about North Korea. How should I say this? We don’t treat people with dignity in North Korea. We treat them like instruments. We treat people in some cases, sub-human, less than animals. When I was arrested [2:09:00] once again by Bowibu, I remember it was in 2002. For over a week, I was imprisoned in a cell, and I received very harsh treatment. The event is over now, but they continued to inquire investigate about an event that was long over.

**Mr. Michael Kirby:**

Thank you very much Mr. Ji, thank you for coming along, [2:10:00] and telling us the experiences of your life. Are there any questions by my colleagues?

**Mr. Marzuki Darusman:**

Yes, thank you Mr. Chairman. Mr. Ji, thank you very much for the statement you’ve made, and allow me to express our sympathy again to your situation and pay respect for your resolve in getting out of that situation, and wish you all the best. Now, you have given us a very important description of life in North Korea. From a perspective [2:11:00] of a person who is doubly disadvantaged, apart from the general conditions that all of North Koreans citizens endure, you went through an accident and this mishap has added a burden to your situation. Now, from that perspective, I think you can just tell us the way people are quite disadvantaged in North Korea, from the point of view of family ties, [2:12:00] are relatives and families expected to take care of their relatives even if they would have to share the same conditions of deprivation, poverty and lack of food? How are the family ties in North Korea generally?

**Mr. JI Seong Ho:**

In terms of family ties, I don’t think relatives feel the accountability to take care, but I think family ties is a very unique, very special in North Korea. [2:13:00] My parents would be all about saving each other, but it was a very difficult situation for us. There were three children, my dad had three children. If he wanted to save me he would have to sacrifice the lives of my younger siblings, but then it would put him in a very difficult position to choose the other way too. So, if he had to go out and find drugs for me, then he would have to sacrifice the wellbeing of the younger siblings. I am very grateful that my father didn’t give up on me, and that he went out to seek treatment for me. When I was lying in the hospital, my younger brother came to visit me. In retrospect, [2:14:00] because there wasn’t enough food, my brother had not developed well for his age, and his face was swollen because he had been starving. So I gave him the porridge that was given in the hospital, but he refused, he had told me he had eaten something. I remember lying in that hospital bed. I thought my younger brother was going to die before I did. My father bought antibiotics and he went out to get drugs and syringes. It became more painful at night, [2:15:00] and because of the antibiotics, my hand healed within a week, but it took ten months for my leg to heal, and there was also inflammation, and it started to smell. I was in a lot of pain, so I screamed to just end this pain by killing me, and I said a lot of things that I did not mean to my parents at the time. I asked them to just end my life because I was in so much pain. But my father and my mother did not give up on me. They saved my life so I am very grateful for them, especially my father.

**Mr. Marzuki Darusman:**

Just one further question, are you aware of this term, [2:16:00] antisocialism?

**Mr. JI Seong Ho:**

Yes, I am aware of the word.

**Mr. Marzuki Darusman:**

What is considered as antisocialist?

**Mr. JI Seong Ho:**

Antisocialist means anybody who is antithetical to socialism, who behaves against socialism, who thinks opposite of antisocialism. Until the mid 1990s, antisocialist in North Korea would be anybody engaged in market activities like selling things in the market, we would consider them an antisocialist. But after people came out to engage in the market activities, as people left North Korea to cross border, [2:17:00] the word anti-socialist began to take the meaning of anybody who had complaints about the North Korea regime and who had intention to commit treason against the state.

**Mr. Marzuki Darusman:**

Furthermore, do you know about the prison camps and do you know whether people know about prison camps?

**Mr. JI Seong Ho:**

I was aware of the existence of the prison camps, the Kwan-Li-So. Where I lived, my village was very near to the fence that surrounded the Kwan-Li-So. So that’s how I learned about the existence of these Kwan-Li-So. [2:18:00] When I was very young, at the number twenty-two camp, corn and coal was produced from this camp in the past. They transferred coal from these camps by cars. Later, this transportation was replaced by train, when the railroads were built in 1991. I remember seeing about ten young inmates what I witnessed was, building the railroad under the supervision the guards. [2:19:00] I was at the time about ten years old and my father, I remember saying that, those inmates were antithetical to the regime and that they deserved to die, I remember my father saying that. I think it’s because of the result of the propaganda. Their average height, the height of the inmates was about ten centimeters shorter than the average man. Their faces were very round, and this group of inmates were wearing a brown inmate uniform. Around these fences were the fields where I worked. We had a field on top of the hill, and from the hill you could see parts of the village [2:20:00] where these inmates lived. You could guess that some of them residential buildings and there were makeshift places. I was able to see them from the hill, and also I think it was a site for maybe execution. The twenty-two camp is divided into five ri’s: Haengyong ri, Naksaeng-ri, Sawul-ri, and I don’t remember the name of the other one, but there was this ri different ri’s and I remember that area was wider. In 1989, or I am not sure when, but this place was opened. It became public and I was able to go there because I had a friend over there. [2:21:00] Their residence where the agents of Bowibu lived was quite nice but the places where I guessed where the inmates lived was very shabby. It was even worse than the houses that the average that we used to live that the average North Koreans lived. So I guessed that’s where the inmates were put.

**Mr. Marzuki Darusman:**

My question, would you know that other people knew about these prison camps? Do others in North Korea would sense that they knew about these prison camps?

**Mr. JI Seong Ho:**

Most of the people are aware of the existence of these political camps. What sustains the North Korean regime is I think is the existence of these camps; it fosters fear and it makes the people alert so that even if they don’t feel that they deserve certain punishments, they fear, [2:22:00] they are afraid of telling about this to other people.

**Mr. Marzuki Darusman:**

One last question, you said that North Korean citizens survive on rations. Did you go through the experience of food shortage sometime in July, August; normally that’s when the crisis in North Korea, a famine. Did you go through that? [2:23:00]

**Mr. JI Seong Ho:**

Of course I experienced food shortage; I was beyond starving. Where I lived, we did not get rations beginning February, beginning January 1995. After this time period, we did not receive any rations, so people, they had relied on rations, but when the rations stopped, people began to starve and people had no idea how to survive because they depended on the rations. So at the time, a lot of people died of starvation.

**Mr. Marzuki Darusman:**

The rations were given out by the public distribution system, was it? [2:24:00]

**Mr. JI Seong Ho:**

Yes, yes, we had the system. Those who worked in the factory would receive a certain amount, a certain [number of] grams. Clerks, students, and youth, they received different [number of] grams of rations and so in one month, they received rations twice.

**Mr. Marzuki Darusman:**

Now related to this, would you be aware that when the rations stops, through the public distribution system, the international community, there was food that was brought in into North Korea through a program called the world food program, who were operating also in North Korea down to the villages. Did you know about that?

**Mr. JI Seong Ho:**

[2:25:00] Sometimes I saw, we saw, food packets from international assistants, but I don’t think they actually reached people like us. People, officials, in the Bowibu, or in the party, for example, we understand that those food assistance were for the people but these officials stopped these packets in the warehouse for 6 months or a year and they had it to themselves. I don’t think it reached the general public. I heard in North Korea that, the international society, community, decided to provide assistance [2:26:00] because Kim Jong-il did a very good job ruling the state that the assistance, aid, was a reward to the regime and that it was a compensation for doing a good job in running the state. That is what the people in the party told the general public.

**Mr. Marzuki Darusman:**

Thank you.

**Ms. Sonja Biserko:**

First of all, I would like to thank you for sharing with us your hardships and it must be very disturbing to go back to it. I would like to come to both to come up with one question about mentally disabled people. Are they kept in special institutions are at [2:27:00] home and are they at all seen publically? Do you have any idea about any information how they are treated in the society and by the regime?

In the past, there was a ward, number 49, which was exclusively for mentally disabled people. According to their classification, some people were confined in that ward but some got by. For instance, there were about one or two people with mental disabilities living outside this facility in my village. I think that was the situation; so not everybody was confined in that facility. [2:28:00] Depending on the level of their disability, but ultimately, I think they died of starvation. And when the food crisis restarted, all of the facilities, the special facilities for mentally disabled patients went out of operation and these patients were sent home. So I think that they may have died of starvation at the end.

**Ms. Sonja Biserko:**

So you think that the famine was really the cause for their [having been], let’s say, neglected by the regime because they could see them as less valuable for society or less worth for a society? [2:29:00]

**Mr. JI Seong Ho:**

Yes, I’d say the famine was the reason. From how I see it, the government did not take of the, not only the average residents, but they were neglectful of the mentally challenged. I cannot say for sure, but people with disabilities were no longer granted special benefits or care.

**Ms. Sonja Biserko:**

So you think they were deliberately left out just to die on their own because they are neglected and not having access to food or any other care? [2:30:00]

**Mr. JI Seong Ho:**

Yes, yes, it was deliberate. I do think it was deliberate.

**Mr. Michael Kirby:**

Thank you very much Mr. Ji; you’ve given us very clear evidence and like my colleagues, I’ve found it very helpful and I congratulate you on the way you have turned your life and misfortunes into a service for others. So thank you for coming today and you can stand down now.

**Mr. JI Seong Ho:**

Thank you very much

***Korean Bar Association***

**Mr. Michael Kirby:**

The next witnesses in this meeting of the Commission of Inquiry will be from the Korean Bar Association. Is anybody here present from the Korean Bar Association already? [2:31:00]

Is it convenient to wait for until say, five to twelve? We’ll start at five to twelve. We just have a very short break now and we’ll come back at about 5 minutes to 12 and take the testimony of the Korean Bar Association. We’ll adjourn temporarily.

**Mr. Michael Kirby:**

Thank you very much Mr. Lee, Mr. Kim, and Mr. Min, for coming today to speak to us for the Korean Bar Association and it is usual for us to start by asking if the persons who are coming before us to give testimony will affirm that the testimony they give us will be the truth. May I ask if you are prepared to affirm that what you will say today is the best of your knowledge, [2:32:00] the truth of the matter is that you will talk of.

**Korean Bar Association:**

Yes, we can do that.

**Mr. Michael Kirby:**

May I congratulate the Korean Bar Association on the depth of the analysis that exists in White Paper of 2012, titled White Paper of Human Rights in North Korea, which was published by the KBA and the human rights foundation and I have one copy of that document and I will mark that one copy of the White Paper 2012 of Korean Bar Association Exhibit 9 (S9) in the proceedings here in Seoul. Can I ask you to take whatever causes most convenient [2:33:00] to you and if you wish to make a statement and then the members of the COI will ask questions and a record is being kept of the transcript, so it will be available both for the purpose of the United Nations and later as part of the archive of the Korean nation.

**Mr. KIM:**

Yes, thank you very much.

If that’s the case, let me talk for about 20 to30 minutes about the topic at hand. KBA, has been publishing the White paper on humans in North Korea since 2006. We have been publishing the white paper every 2 years. And personally, [2:34:00] I was involved in the publication of the white paper in 2008, 2010, and 2012. And, today, I would like to focus on the contents of the White Paper that was published in 2012. The white paper in 2012, was, established based on the interviews or the surveys of North Korean defectors of 101 that have left North Korea since the 1st of January 2009. Out of 101 people, 84 people said that they or their families, have received investigation and 37 out of 101 said that they or their family members have experience of receiving criminal trial. And of those 37 people, [2:35:00] out of 6 have received criminal trial before 2000 and about 4 people from 2004-2003, and about 5 people in 2004, and 1 person in 2005, 4 persons in 2006, and 6 persons in 2007, 5 person in 2008, and 6 person in 2009.

And from now on, based on the data that we have, I would like to talk about the contents of the penal code of North Korea and the problems or the weakness of the criminal law or the penal code of NK and about their application. The legal system in North Korea is not the classic rule of law [2:36:00] but rather, it’s the rule by law. And one more thing, what’s more important than law is the words of the leaders: Kim Il-sung, Kim Jong-il, and Kim Jong-un. Their words, or their instructions, supersede the laws and then they have the ten principles. And then followed by the rules of the Labour Party. So, in North Korea, the constitution, which is the highest law in the democratic society, ranks in number 4 in terms of importance or priority in the legal system in North Korea. [2:37:00]

So the legal system that I am going to talk about today should be understood in this hierarchy of different laws and rules and constitutions. Now I would like to talk about the criminal law of North Korea. The North Korean criminal law was established in 3rd of March 1950 and it was enacted on the 1st of April of the same year. When the criminal code was first made, it was modeled after the Stalin penal code and it allowed analogical interpretation as well as retroactive application and attempted crime was dealt with in the same way as the actual crime. And there weren’t many revisions of the constitution and in 2004 there was the 6th amendment, or the revision, of the penal code. And according to article 6 of the penal code, the state is only [2:38:00] to ask for the criminal responsibility only for the activities that are defined as crimes as defined in the penal code so North Korea has very close to the principle of legality. And so the analogical clause had been deleted so in a way, it could be said that the North Korean government has made attempts in order to have a more classic penal codes.

However there are still problems of criminal laws in North Korea, there are several problems. And if you look at the compositions of the penal code of North Korea, they are very abstract, very comprehensive, very broad. And also they have terminologies that can be interpreted in many different ways. So, they have declared the principle of legality, but there is that attitude [2:39:00] whether the actual application of principle of legality can be applied. There are 6 crimes for which people can be sentenced to death; they have subversion, article 59 and terror and article 64 is conspiracy. If you look at these 3 articles of the penal code, to say that anything that goes against the state, it could be interpreted in many different ways. If the crime is especially heavy, so what is especially heavy? So it’s very abstract, it’s not very clear and if you look at article 62, there is law of treason and then there is also intentional homicide. They say that the crime is especially heavy or severe. And also they have treason against the people and this is article 67 it says that if the crime is especially heavy. [2:40:00] So this is a typical example but, the death sentence, the articles that talk about the death sentence can be interpreted in many different ways and are very abstract. That is the first problem. And, about the death sentence, it’s been expanding continuously, this death penalty, that is. And in the revised penal code of North Korea in 2004, there were 5 crimes for which people could receive death penalty. However in December of 2007, they have come up with the supplementary laws. They have created new articles, 16 new articles, based on which, the death penalty could be applied. And if a person is [2:41:00] likely not to repent or has committed multiple crimes and are heavy crimes, then they could be put to death. And so, although the person has committed a crime that is not defined in the penal code, but if they have committed multiple crimes and they think they are heavy, the person could be put to death. So this is an example of broadening the scope of death and also, this is before attempt, that is, a planned conspiracy. So if people just plan but they have not carried it out, but they can still be punished. Of course the sentencing could be shorter, but if you just plan, if you just prepare, you could be punished. And also, somebody does not report a crime, [2:42:00] then that person also is punished. It’s not a serious crime; just a misdemeanor. If you do not report that, you would be punished. That is according to the penal code of North Korea. And as we have written in our White Paper, they have strengthened the punishment for the crimes that may weaken the maintenance of the political system.

Now I would like to talk about the criminal procedure law. The characteristic is that, it was established as I said, in March of 1954, just like the criminal law, they have gone through the revision in 2004. They have taken proactive, in a way, measures, to enhance the human rights but if you look at article 4 of the criminal procedural law, it says that they are to ensure human rights. [2:43:00] However, if you look at article 2, they talk about the principle of maintaining the classes. And, it says that the state is to clarify, to distinguish between the enemy and non-enemy, so that, they are to impose the legal punishment. Also they talk about the article number 3. In article 3, it talks about using the power and the wisdom of the mass in handling the criminal cases. And also one of characteristics of the criminal procedural law [2:44:00] of North Korea is related to the investigation procedure.

They have a pre-trial board and they have an investigation process. So before the trial, they have an investigation and they have pre-trial investigation. They have two different types of investigation. They have two levels of trials; they have trial and they have an appeal. And so if I may go into details, let’s talk about the investigation procedure first; according to the criminal procedure law article 134, the purpose of the investigation is to identify the criminal and to transfer that to the pre-trial investigation stage. So the investigator, according to criminal procedure law, can be several people. [2:45:00] But the people who are not defined as the investigator in the criminal procedural law are participating in the investigation. And they have what is called the “non-socialist group”; so if you are arrested or there have been some people I have met that have been investigated and questioned by the people from the non-socialist organization. And about the people who have been detained, that is, the suspect that has been detained, have to get approval from prosecutor 48 days after the arrest and after the arrest, they have to transfer to the pre-trial investigation within 10 days. And if they have not been able to get approval from the prosecutor and if they have been arrested within 10 days, they should be released immediately [2:46:00] and this is according to article 144. So, the investigator is arresting a suspect at the approval of the prosecutor; they are not getting the approval from the judges, but they are getting the approval from the prosecutors. And that, I think, is a weakness in terms of ensuring human rights.

And also when people are arrested or detained, they don’t have an arraignment, that is, they do not. And if somebody is arrested unfairly, they have no way of seeking compensation and this is against ICCPR. And the application is even more concerning; that is, we have a study of 101 people in our survey, [2:47:00] and 84 people have said that they themselves, or their family members, have received the investigation from Bowibu, Bo-an-bu, and prosecutor and other investigation. And about 98.8% have said that they have been arrested, that is that when they are questioned or investigated, they are arrested. And also, even if they arrest a suspect without the approval of the prosecutor, if they do not get the approval from the prosecutor within the 48 hours, they should release the suspect immediately, but the people that we talked about, 84.5% of them, did not know of this fact. And so, after the arrest, about 56% of the people that we talked to had been arrested and detained more than 48 hours without the approval of the prosecutor. [2:48:00] And there are many rules or regulations.

Another problem is related to the pre-trial investigation. And according to the criminal procedural law, in order to detain and arrest a suspect, they have to ask the identification and also the warrant for the arrest has to be shown to the suspects. However in the investigation stage, that is not a necessary step and I think this is a big loophole. And also in the pretrial stage, in accordance 183 of the criminal procedure law, this sort of information should be provided immediately, within the 48 hours of the arrest. The time and the location must be notified [2:49:00] to the family members as well as the relevant organization. However in the investigation stage, no such regulation is mentioned, only for the pretrial investigation, not the investigation itself. And in the investigation should transfer the suspect to the pre-trial board within the ten days after the arrest with the approval of the prosecutor. What we have found is that about out of 84 people who have received investigation, about 13% of people did not know whether they had been transferred to the pre-trial within the ten days of the arrest and 28.6% said that they were investigated, they were arrested and investigated for [2:50:00] 15 days, about 58.3% about a month, and 58.3% between a month and 24 months.

And if you look at article 43, article 45, article 52, article 145 of the criminal procedural law, even if the suspects are arrested, if they have a mental disorder and if they have severe illness, their arrest should be stopped and they should receive medical attention, but we have found that about 34.5% of respondents said that these people continued to receive investigation. And of that the right to an attorney. The constitution of North Korea, that is the clause 1 of article 164 of the North Korean Constitution says that the trial should be held in public [2:51:00] and the defendant has the right to have an attorney. So in the investigation stage in pretrial stage, people do not have the right to an attorney. That is according to the North Korean Constitution. But if you look at the criminal procedure law, the person who is at the pre-trial board stage and the person that has completed pre-trial board is in trial, these two people, they have the right, they do have some rights. [2:52:00] They have the right to have an attorney. And, so the pre-trial board member does the investigation. And then, they decide that they are going to ask for criminal accountability. When that is done, they have the right to call an attorney, that is, the suspects or the defendants have the right to ask for an attorney. So According to North Korean law, the people in North Korea do not have the right to receive the assistance of an attorney from the beginning of the investigation.

The obligation of preliminary investigation is to get the accurate details of the entire crime and [2:53:00] to define that in indeed, the accused, the suspect, is to be prosecuted. In general, in our society, we refer to investigation as preliminary protocol. In North Korea, these two procedures are blurred but all in all, the preliminary protocol is to actually make sure that the accused is to be prosecuted. The person in charge of the preliminary investigation needs to carry out whether the investigation will take place or not within 48 hours of being handed over the suspect. But only 13.7% of the 73 responded and said that they were aware of this protocol and in fact only 45.2% responded that they did not receive the preliminary investigation within 48 hours. Also when there is enough evidence, [2:54:00] within 48 hours, preliminary investigators must notify the suspect that they will be criminally charged and that this decision must be notified to the judge within 48 hours but 87.7% of the respondents said that they did not receive such notification.

Suspects, in order to arrest them and detain them, you need the permission of the prosecutor. As with the investigation protocol, you need the prosecutor’s permission and not the judge’s permission and this is problematic; this is a loophole in the judicial system and with the prosecutor’s permission, in order to arrest the suspect, you need to ask for the ID and [2:55:00] give the arrest warrant. But we found that, at the time of arrest, the suspects were not asked to give personal ID, only two people out of thirty were asked to give ID and were shown the arrest warrant. While in detention, the family visits are not stipulated, not guaranteed, in the criminal procedure law but in common sense, we believe that family visits should be allowed and we found that only 40% of respondents said that they got family visits. And unjust treatments in forced confessions were sometimes carried out. [2:56:00] According to article 167, enforced confessions, alluring confession should not happen and during preliminary investigation the person to be prosecuted, the suspect has to be read their rights. But in reality, from investigation to preliminary investigation, throughout this course, enforced confessions happened and tortures happened and negotiation for plea bargains occurred 25 out of 30 respondents and said that all of these happened; therefore, the rules written in the criminal procedure law are not followed. [2:00:57:00]

Next I would like talk about the right to attorney in the preliminary procedure. The right to attorney goes into effect after the decision is made to charge the criminal sentence. When you are in trial, institutionally, the right to attorney is not guaranteed, even after the decision is made to criminally charge you, the law, article 159 of the criminal procedure law says that the person must be notified of the right to attorney, but 97.3% of respondents answered that they I did not hear about this law. [2:58:00] Therefore from this we can say that the right to attorney was not guaranteed. And in fact in the preliminary stage, 76.7% of our respondents said that they were not visited by their attorneys. Even if the attorneys were there, they did not have a separate office for the interview and that there were other people sitting next to them to monitor the visits by attorneys and whether the right to attorney was effective or not, most said that it was not helpful.

Bribery and taking away property, some of these illegal behaviors will be discussed. The investigators are not allowed to negotiate, [2:59:00] bargain, ask for money or property, for plea bargaining, but when this happened or not, 17 out of 30, which means 56.7% said that in the preliminary stage, there was a lot of corruption, misbehaviors carried out by the investigations. After the preliminary investigation, the prosecutor prosecutes the suspect.

Now I would like to talk about the trial. The court in North Korea, according to the court law, there are three classes, the highest court, at the do [ph] (3:00:17) level at the shi-gun level and at the people’s level. [3:00:00] And the highest court in North Korea can carry out preliminary trial for limited number of times and you are not to appeal for the sentence that has been given at the preliminary trial, which is a violation of the ICCPR which stipulates that you are allowed to appeal the sentence given at the preliminary sentence and in North Korea, we have talked about how the judiciary in North Korea is not independent in the white paper. And trials are carried out, widespread, that those who did not have the jurisdiction and those that do not have judicial power. These are indicated also in the White Paper. [3:01:00] Non-judiciary institutions can carry out trials and sentence; those who have committed crimes for what they have or may not have done.

Next I would like to talk about open trials. According to the criminal code and criminal procedure law, 20 out of 37 of our respondents said that they received open trial and whether their sentence was disclosed or not, only 19 said yes, 18 said that the sentence was not disclosed. High government officials, when they were tried, 20 out of 101 respondents said that their sentences [3:02:00] of these high officials were not disclosed; and their trials are not made known to the public. I would also like to talk about the arraignment.

Because of the time limitation, I would like to be brief. By law, they are supposed to collect enough evidence and they cannot use force in the process. Here’s a rule is not applied in North Korea. And about arraignment, they have specific provisions. However, from what we have found, only 7 out of 37 respondents said that they were given the right, they were allowed the right to ask for witnesses, eyewitnesses. [3:03:00] And about the impartiality of the legal procedures, 17 out of 37 responded that the process was not fair and about the right to attorney, in North Korea, the right to attorney is not guaranteed. There is a limit to when you can appoint an attorney and from what we have found out, the right to be visited by attorneys is not guaranteed. And 7 out of 37 respondents to our survey said that they received visits by their attorneys. So from this we can say that in North Korea, in the course of investigation, preliminary investigational and trial, the right to a fair trial is very limitedly applied [3:04:00] and the judiciary has failed to give a fair trial.

I would like to skip the rest, because of the time limit; I would like to talk about the onsite open trial. In North Korea, open trial is very common. From our studies we found that the criminal procedure law allows open trial and 78 out of 101 respondents said that they saw with their own eyes, open trials being carried out. But 58 said that they could not appeal, said that there was no appeal allowed and that the open trial ended in one trial and that in most cases, these open trials [3:05:00] ended with sentencing the suspect, the prosecuted, with a public execution. I would like to reiterate that the prosecuted are not given the right to appeal. And we have only heard of hearsays about public execution, but recently we have heard directly from North Korean defectors, said that at Gyo-hwa-so number 12, from 1998onwards, about 200 inmates have been secretly executed. I would like to end my presentation here. Thank you very much.

**Mr. Michael Kirby:**

Thank you very much Mr. Kim. Do either of your colleagues wish to add to that or will we ask questions now or are there further presentations. [3:06:00] Mr. Min, you wish to make a statement?

**Mr. MIN:**

Yes, before you ask questions, I would like to add a few things. I am a human rights lawyer at the Korean Bar Association. There are about 50,000 lawyers around Korea, they are required to register with us. In Korea, we have the human rights council in our association. We have 8 subgroups in KBA working on human rights and our division is part of those subgroups. North Korea human rights and criminal code issues are even among us, even among legal enforcements, is open to various interpretations; there is no one position, [3:07:00] one perception on how to interpret the North Korean criminal code. The gentlemen sitting next to us are also involved in North Korean human rights law issues. Our legal official position is that legal expert, legal personnel must collect enough evidence to try a person who is suspected of committing an offense. You need impartial, credible evidence. Therefore a few years ago in our North Korean human rights subgroup, [3:08:00] we submitted the UPR, and this was seen, we decided not to submit the UPR because it seemed to lack to impartiality. The UPR that was written this time was written based on the testimonies of only two North Korean defectors and one of them gave testimonies back in 1998 and 1999 so their testimonies were not giving enough credibility because they are deemed to be outdated and that it was felt that were was not enough evidence to back up their testimony and in regards to secret public executions, the information we received was only based on the testimonies [3:09:00] that came out of a debate. Therefore, because of lack of impartiality and evidence, the Korean Bar Association officially announced that we should express our position after we have gathered enough evidence and enough impartiality and for this reason we are not going to submit this UPR at this period of time. We would you to consider this point.

**Mr. Michael Kirby:**

Thank you. Yes, Mr. Lee.

**Mr. LEE:**

Thank you very much for inviting us to be here and to talk about, to testify, the North Korean criminal code. [3:10:00] In particular, by investing the human rights violations in North Korea, we are grateful for the endeavors you are making in this area. However, the perception of South Korean society, beside North Korea, we have a lot of different positions, diversity in our opinions. Therefore, we do publish the White Paper on North Korean human rights every two years and as Mr. Min has said, the credibility of the testimonies in this white paper, our association is making the efforts to collect as much impartial evidence as much as possible. I would to talk about three things. [3:11:00] North Korea is a socialist state; we are ideologically and our regimes are different. North Korea has its own constitution and has its own criminal code and criminal procedure law. This is a fact; they have their own law and legal system. Yes.

In order to sustain their socialist regime, they have modeled their constitution after the Stalinist model and later, recently, they have overhauled their legal system. The reason is because the disintegration of eastern European communism, and also because there has been a lot of recommendation and pressure from the international community about the human rights [3:12:00] situation in North Korea. Therefore, based on this, the Korean bar association would like to say that here is limitations in the North Korea but we recognize their continuous endeavors to improve their codes. Specifically, in their enforcement and application of the law, I would like to say that we have to admit there are limitations in their legal system, as we have said in our white paper. As Mr. Min said, as we are short of budget, I would like to say that, because of the limitation of our budget, we have very limited access to those who have personally experienced the reality of the criminal code in North Korea. [3:15:00] And therefore, we have limitations in selecting people with enough credibility to include in our studies. Therefore I would like to say that in order to improve the human rights and legal rights of North Koreans, in terms of legal application and enforcement, North Korea has a lot of limitations and that limitation has been experienced in reality. In South Korea, for many, many decades, we have also fought and fought for the guarantees of our rights in Korea. During the military rule, there were cases [3:14:00] of human rights violations in Korea. Paradoxically, this is very similar to what is happening in North Korea right now. Citizens of the Republic of Korea post 1980s, in order to improve human rights, we had to sacrifice a lot of people’s endeavors and because of that, we are able to enjoy the rights that we deserve. If we are to reunify with North Korea, as long as North Korea is not hostile to our system, we perceive there are people perceiving North Korea as our partners. So we hope that the international committee continues to (unclear 3:15:13) recommendations to North Korea in terms of improving their legal system and to achieve transparency and impartiality I their system. [3:15:00] We would like the COI to take these into consideration, and that you can contribute positively to the reunification of both Koreas.

**Mr. Michael Kirby:**

Thank you Mr. Lee and thank you also to Mr. Min and Mr. Kim. a very helpful resume, and it reinforces the material in the white paper, which is going to be of great help to us. I just have a few questions, because we only have a small time now, but I and at least one of the other members of the COI will be meeting the president of the Bar Association later in the week. But my questions are these: first of all, is there a Bar Association in North Korea? [3:16:00] Has there been any contact, either formal or informal with that association? Do they ever attend international meetings in Law Asia or the International Bar, or the Union International des Advocats, is there any common stage on which ROK and DPRK lawyers can find a common way of speaking to each other about common problems which will certainly exist in both parts of Korea.

**Mr. LEE/Mr. MIN:**

As for your first question, they do have a Bar Association in North Korea. It is called North Korean Lawyers Bar Association. [3:17:00] As we have laws on the attorneys. North Korea also has laws on attorneys, they also have Bar Association. And they are also have, they also belong to international organization. However, because of the political regime that exists in North Korea, the Labor Party, or the Worker’s Parties, do have control over the Bar Association. So the attorney’s activities in North Korea would not be as independent or objective as the case other democratic countries. So if the Korean Bar Association and North Korean bar association have not had any sort of relationship or any sort of agreement, [3:18:00] that’s as far as I know.

**Mr. Michael Kirby:**

I understand that the penal code of North Korea is based on the Stalinist model. My recollection is that that in turn, was based on the German code or perhaps the Swiss penal code. Are there sufficient similarities that a lawyer from South Korea would recognize the procedures and the basic structures, even though not always carried out? What the basis of your penal code? And are there commonalities that are shared between the two penal codes in the different parts of the Korean peninsula?

**Mr. KIM/Mr. LEE:**

[3:19:00] Well the penal code in North Korea is modeled after the Soviet Union’s penal code. In particular, Stalin’s penal code. And the Stalin’s penal code, I don’t know this quite well myself, but I heard that this is modified law, or the legal system, of Germany. That is as far as I know. And if I may add, this Stalin penal code, after the Social Revolution or the Socialist Revolution, to sustain one party political system, they had to have a different legal system. And about the anti-system law, or the clause, [3:20:00] I think that kind of clause is modeled after the Stalin penal code. And as for the Korean, South Korean penal code, because we have a democratic system, we have looked at German laws; we have looked at the legal, the penal legal systems, of the democratic countries. So there are some differences. However unfortunately, the anti-state or anti-people, anti-laws, we have a similar law in Korea; we have, that is in South Korea. On the Korean peninsula, because of the ideological conflicts that is going on, so when it comes to national security and the national security laws, there is some similarities between the two Koreas

**Mr. Michael Kirby:**

My understanding is that some amendments were introduced to the Stalinist’s code, [3:21:00] which didn’t exist originally in the German code and may not, I believe, do not exist in the Republic of Korea. For example, laws against homosexual conduct is not a law in South Korea, though there are social prejudices and attitudes, but it is not part of the actual penal code. Do you know if that is part of the penal code of North Korea as it was part of the Stalinist penal code, or not? There’s no mention in your book about that minority.

**Mr. KIM:**

Unfortunately we are not so sure about that, about the homosexuals. I don’t know if they have a penal code or penal clause that prohibits or punishes [3:22:00] homosexuality in North Korea; I do not know about that. But we do have the penal code in North Korea so maybe we can look at into this and see if there is a clause within the North Korea penal code that deals with homosexuality and we can tell you that.

**Mr. Michael Kirby:**

[Unclear] (3:22:52) and the getting the authority of the prosecutor under the civil law system, the prosecutor tends to have a much greater power and respectability than under the common law system, where the persecutor is equal to the accused, the prosecutor in the civil law tradition is halfway between the accused and a judge. [3:23:00] Is it so shocking that the prosecutor has to give some authorizations because the prosecutor, in the theory of the law, would have to do that in an impartial and independent manner? Does the prosecutor have any such authorities in the Republic of Korea?

**Mr. KIM/Mr. MIN:**

It’s very different in North Korea and South Korean in terms of the authority of the prosecutors. What I am pointing out is that the prosecutors do not have the right to political neutrality. If you look at the North Korean penal code, they have the head of the highest court, they have the judges of the high courts. [3:24:00] When these judges are selected or elected and they are held accountable. However prosecutors, except for the head of the prosecutor, the head of prosecutor is appointed by the assembly but other prosecutors are just appointed by the prosecutor’s office. So in accordance with the constitution, the prosecutors in North Korea do not have the guarantee in terms of, they are not guaranteed to political neutrality or independence. So compared to South Korean prosecutors, they have wide variety of authorities in terms of investigation, in terms of the pre-trial, that is the preliminary stage and also during the trial, [3:25:00] they have a very different authority.

I would like to talk about the prosecutors here in Korea; I don’t know about the prosecutors in North Korea. Many criminal law, scholars say that South Korea prosecutors have a lot of authority compared to prosecutors in other countries; they say that Korean prosecutors are more powerful that most prosecutors than in other countries and it is true that there are prosecutors that make decision based on their own politics so in Korea, we have what is called politically tuned, politically motivated prosecutors in Korea

**Mr. Michael Kirby:**

Thank you Mr. Lee. I found a most fascinating jewel in your report, which was on page 247 [3:26:00] where you say that 72.3% of the refuges interviewed in 2012 thought that Juche ideology was a more wonderful idea than any of the other ideologies. That’s three-quarters of the people who had come to the Republic of Korea still thought that Juche was most wonderful system and although there has been some evidence of a shift from that, it does seem that there is a lot of feeling of adherence to that basic philosophy. What do you think is the explanation of that?

**Mr. KIM:**

I think that it is the power of instruction, the training, the mind training. As early as they can remember, North Koreans lived in a house with the portraits of the Kim family in their walls. [3:27:00] They uphold, they follow Kim Jong-il and Kim Il-sung like their parents; the words of Kim Jong-il and Kim Il-sung. The Juche ideology is taught to be the highest form of ideology so even if they have defected from North Korea I think they are still caught up in this ideology. That would be my explanation. So childhood mind training is very powerful.

**Mr. Michael Kirby:**

I’ll ask my colleagues if they have any questions of their own.

**Mr. Marzuki Darusman:**

Thank you Mr. Chairman and thank you gentlemen from the Korean Bar Association. [3:28:00] There has been quite enlightening and I might just want to start with a minor point which may not be as minor as that, and this concerns the intention of the Bar Association of not submitting, submissions, to the UPR process with regard to certain aspects of North Korean-UN situation. I merely want to flag this with you that the Commission of Inquiry was set up precisely to look up into issues related to the totality of human rights in North Korea. And we did base the findings on all relevant UN documents, including North Korean UPR, [3:29:00] and therefore, we would certainly encourage that with regard to the position of the North Korean government on their UPR and commendations, this state is the only state that has rejected all these recommendations so far, and therefore, it would be very useful and constructive to have these submissions forwarded to the UN.

Now having said that, I would perhaps like to get further clarification on the position of the Korean Bar association. I understand fully, I think we all understand fully, the explanation that was given by Mr. Kim [3:30:00] earlier in the opening remarks, with regard to the criminal law of North Korea, instituted in 1950 on the basis of a Stalinist perspective. We understand that that is known to be a criminal law that is based on what is popularly termed as “socialist legality”. Now you have detailed some of the features of North Korean criminal law and it will seem that it focused on at least 3 matters here: the death penalty, capital punishment, class, and mass. [3:31:00] On a quick take of this system, this is death penalty- centered criminal law. It is death penalty focused criminal law. And therefore in terms of its legal policy aspects, it is totally removed from any affinity with elementary notions and also substantive materiality of human rights as known to the civilized world. And therefore my question is that, I would not like to debate on the finer technicalities, on the finer points of your analysis of the North Korean criminal law but for lack of a term to describe this system, [3:32:00] I am tempted to go with a terminology that has been set aside for a while, because of its specific connotation and it is evil. My question is, confronted with such an enormity of a system, does normal notions of legal categories do justice to what is happening in North Korea? And therefore, I would venture to say that we are, at least myself, I find myself in a totally opposite position from the [3:33:00] views that were tabled this morning. And perhaps, somewhat disturbed by the position of the Korean Bar Association with regard to the human rights situation in North Korea. But that is another debate; my question here is, is there really any space for improvement in the legal system, short of a complete dismantlement if there is going to be any human rights in that country? [3:34:00] Thank you.

**Mr. KIM/Mr. MIN/Mr. LEE:**

First of all, what I would like to say is that the criminal code and the criminal procedure law in North Korea were made known to the public beginning in 2006. It was published only in 2006, so before that, the general public in North Korea had no idea, they had no access to the criminal code and the criminal procedure law. In 2006, it was published only in 2006, and that is how we were able to get a hold of it. But even today, it is not very easy [3:35:00] to get a copy of this code but today these two laws in terms of their function, have their shortcomings in terms of notifying the people of their rights and to guarantee the basic rights that are stipulated. You have asked questions about sexual minorities, we can verify that in the North Korean criminal code, they do not stipulate any provision in relation to the punishment of sexual minorities. Capital punishment is given to 6 offences in North Korea. [3:36:00] In 2007, they added addenda and 16 offenses are stipulated as crimes for the application of capital punishment. A lot of these provisions have a lot of room for different interpretations and they are very abstract so in effect, more offenses can be charged with capital punishment. So the content itself of the criminal code is problematic and even the enforcement of the human rights protection provisions in the North Korean law is not really effective.

The Korean Bar Association did not give an overall evaluation of the North Korean criminal code [3:37:00] and the criminal procedure law. We decided not to submit the UPR, which was written up by Mr. Kim Tae Un [ph] (03.37.38). The right to life, especially the public execution and secret execution part, we, this part we focused on, but in order for someone in the legal area, we need enough evidence and impartiality to draw conclusions, but the reports were drawn up based on two testimonies given 14 to 15 years ago and after the year 2000, we did not have enough evidence to back up some of the changes that might have taken place, additional testimony that talked about the secret public execution. We do not feel bad we have enough evidence to back that up, and that is why we finally decided [3:38:00] to submit the UPR. We have not, because there are many different voices within our association, we do not find that this timing is right to announce our official position, but we just want to let you know that we do not have impartial evidence to back up.

I would like to add a few remarks; you asked, you said that the North Korean legal system is on the verge of collapse, and that you feel that you are not at ease with our position, well basically,

**Mr. Michael Kirby:**

We didn’t say that it’s on the edge of collapse, but that was there any solution to the injustices that were outlined, other than, a complete rewriting of the penal code. [3:39:00]

**Mr. LEE:**

We will carry out our interests in the North Korean human rights situation and the South Korean people, I personally support the ongoing efforts to improve the situation in North Korea, but to improve human rights in North Korea, I think there are differences in opinions on how to achieve that. Basically, if for example, if human rights is to move forward, I think that partially we [3:40:00] believe that sometimes the endeavors are not transparent. South Korea, we perceive North Korea as our partner for our reunification and that we believe that the North Korean people deserve to enjoy human rights.

**Mr. Marzuki Darusman:**

I rest my case, thank you.

**Mr. Michael Kirby:**

Thank you all for coming and we look forward, at least two of us, to meeting you later in the week. Would it be too much to ask for two more copies of the report for the purposes of the COI, if you had two more copies of the 2012 report? [3:41:00]

**Korean Bar Association:**

Yes, yes, we can provide that to you.

**Mr. Michael Kirby:**

Thank you very much and this meeting of the Commission of Inquiry will now adjourn for lunch and will resume at 2 o’clock this afternoon.

**Korean Bar Association:**

Yes, thank you.