NORTH KOREAN HUMAN RIGHTS

THE ROAD AHEAD

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Victor Cha
Marie DuMond

A Conference Report of the CSIS Korea Chair

CSIS | CENTER FOR STRATEGIC & INTERNATIONAL STUDIES

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Acknowledgments

This volume is a report of the results and findings from the international conference "North Korean Human Rights: The Road Ahead; Commemorating the One-Year Anniversary of the UN Commission of Inquiry Report" held on February 17, 2015, at the Center for Strategic and International Studies (CSIS) in Washington, D.C. The conference was organized by CSIS, the Committee for Human Rights in North Korea (HRNK), the George W. Bush Institute, and the Yonsei Center for Human Liberty. This report is made possible by the generous support of the Yonsei Center for Human Liberty. The editors would like to thank Korea Chair intern Mia Gregory for her research assistance on this project.

Executive Summary

Victor Cha, Senior Adviser and Korean Chair, CSIS; and Director of Asian Studies, Georgetown University

North Korean Human Rights: The Road Ahead

It was about the worst possible day that one could have thought to hold a conference. Washington, D.C. was challenged by one of the worst snowstorms in recent memory. Schools were shut down. The federal government was shut down. Even CSIS, the venue for our conference, was shut down. The organizers of the conference, however, thought this gathering of people from all over the world to commemorate the day was too important to let slip.

On February 17, CSIS, the George W. Bush Institute, the Yonsei Center for Human Liberty, and the Committee for Human Rights in North Korea (HRNK) held a public meeting, "North Korean Human Rights: The Road Ahead." The purpose of the conference was to take stock, on the one-year anniversary of the UN Commission of Inquiry Report (COI), of the progress on improving the human condition in North Korea over the past year, as well as to bring all the major stakeholders together to discuss what would be the next steps in the campaign in 2015.

In part, we thought it was important to hold the conference to keep the public eye on the human rights issue. After an unprecedented year of progress in 2014 with the UN General Assembly Resolution on North Korean human rights abuses and the start of UN Security Council discussions on the issue, there was a desire among stakeholders not to see the momentum wane in 2015. In particular, the danger foreseen was that the resumption of nuclear negotiations, progress in North-South relations, or fanfare surrounding a possible trip by the North Korean leader to Moscow in May 2015 would divert attention from the human rights issues on the part of governments and the media. This evaporation of attention might then allow policy to fall into that traditional trap of trading off progress on high-politics issues (e.g., denuclearization) for low-politics ones like human rights. The consensus at the conference was that while no one is against nuclear diplomacy with North Korea and would encourage negotiations that could reduce tensions in the region, there should no longer be a zero-sum trade-off that shortchanges the human rights issue. On the contrary, diplomacy on denuclearization is not believable unless it is accompanied by metrics for human rights reform that would demonstrate a strategic decision by the North to comply with international norms and with the UN Charter on the prohibitions against slave labor, prison camps, and civil rights.

The conference was attended by the UN COI members Michael Kirby, Sonja Biserko, and Marzuki Darusman. Also present were Robert King, U.S. Envoy for North Korean Human Rights; Jung-Hoon Lee, ROK Ambassador for Human Rights and Director of the Yonsei Center for Human Liberty; Kurt Campbell, Chairman and CEO of The Asia Group and former U.S. Assistant Secretary of State for East Asian and Pacific Affairs; and other world experts. These experts all noted the importance of charting the road ahead on human rights in 2015 and beyond.

Panel One: UN COI Report in Perspective

Chaired by Dr. Victor Cha

Participants: Michael Kirby (UN COI member), Sonja Biserko (UN COI member), Robert King (U.S. Envoy for North Korean Human Rights), and Jung-Hoon Lee (ROK Ambassador for Human Rights and Director of the Yonsei Center for Human Liberty)

This panel discussed what had been accomplished since the release of the UN Commission of Inquiry's report and took a look forward at the tasks and challenges ahead in implementing the recommendations. Questions covered in this session included: What have been the successes and failures of the COI recommendations in terms of implementation? How have recent revelations about the credibility of defector testimony affected the COI? How has the COI impacted views in Europe about the North Korean issue? What has been the Obama administration's response to the COI? What has been South Korea's response? How have the North Koreans responded?

Panel Two: What Is the Road Ahead?

Chaired by Mr. Greg Scarlatoiu

Participants: Jung-hyun Cho (Korea National Diplomatic Academy), John Sifton (Asia Advocacy Director, Human Rights Watch), Roberta Cohen (Committee for Human Rights in North Korea), and Lindsay Lloyd (Freedom Collection, George W. Bush Institute)

This panel focused on the future rather than a retrospective—in particular, what policies are necessary for governments, international institutions, and the NGO community to maintain the momentum on human rights and to effectively implement the COI recommendations. Question included: With the General Assembly resolution last year, what is next for the UN and Security Council? What does the NGO community need to do to maintain focus on the issue in 2015? How can the United States, the ROK, and other governments in Asia be more proactive?

Lunch Presentations

Keynote speeches were delivered by Governor Moon Soo Kim of South Korea and Carl Gershman of the National Endowment for Democracy.

Service Awards were presented by Roberta Cohen of HRNK to the three members of the UN Commission of Inquiry: Michael Kirby, Sonja Biserko, and Marzuki Darusman.

A short film on North Korean human rights, produced by the Yonsei Center for Human Liberty, was screened (available on the CSIS Korea Chair website at http://csis.org/event/north-korean-human-rights-road-ahead).

Testimonies Panel: DPRK Human Rights Violations in Focus

Chaired by Ms. Melanie Kirkpatrick

Participants: Gwang Il Jung (Association of North Korean Political Victims and their Families), Soon Shil Lee (Honorary Ambassador, the World Peace Freedom United Foundation), Joseph Bermudez Jr. (AllSource Analysis), Blaine Harden (Journalist and Author), David Hawk (Author), and Ki Hong Han (NKnet).

This panel began with short testimonies from two refugees, followed by a discussion with the panelists and the audience about defector testimony, new information on the prison camps, and slave labor. Questions covered included: Do we have access to new information about violations inside of North Korea? What other tools are available to us? How important and reliable is defector testimony? How critical is defector testimony to the human rights movement on North Korea?

Panel Four: The Politics of North Korean Human Rights

Chaired by Dr. Victor Cha

Participants: Tae Hyo Kim (Sungkyunkwan University), Gap-je Cho (*Monthly Chosun*), Michael Green (CSIS), and John Sifton (Human Rights Watch)

This panel looked at policy issues related to North Korea human rights for the United States, the ROK, and the international community. What is the domestic context? How does the issue fit within a broader strategy? What has the media's coverage of the issue been like?

Private Session

The morning following the conference, a private seminar was held at CSIS that reflected on the previous day's discussions; provided an opportunity for stakeholders to explain what their organizations are doing in 2015 to advance the human rights agenda; and located areas where organizations could pool efforts.

The meeting concluded with final thoughts from Robert King, Jung-Hoon Lee, Michael Kirby, Sonja Biserko, and Marzuki Darusman.

Key Conference Takeaways

Through two days of rich discussion that covered the entire spectrum of policy issues related to the human rights agenda, some key points emerged as we contemplate the road ahead on North Korean human rights. These are summarized below.

- *Reject Trade-offs*. Diplomacy that reduces the nuclear threats from North Korea and enhances regional peace should not come at the expense of human rights. Often this trade-off is accepted by policymakers because the denuclearization issue is seen to take priority. However, the issues of human rights and nonproliferation are linked. Practices that exploit labor in DPRK generate hard currency that is used for proliferation financing. Moreover, another denuclearization deal with the regime, given the record of past broken agreements, would not be credible unless it was accompanied by evidence of human rights reform in addition to the standard verification protocols. Such evidence of human rights reform might indeed be the most important indicator of whether the regime has made a "strategic decision" to comply with international norms.
- *Document Crimes*. With the creation of a new field office in South Korea under the UN's Office of the High Commissioner for Human Rights, a priority must be placed on ensuring that the office remains an independent entity with a primary mission of focusing on archival documentation of all information on human rights abuses for future use in accountability deliberations. In this regard, no piece of information is too trivial because it may prove of value in establishing accountability.
- *Engage China*. Outreach to China on North Korean human rights must continue. One of the biggest disappointments regarding the implementation of the COI's recommendations over the past year has been the lack of any cooperation forthcoming from Beijing. As a member of the 1967 Protocol Relating to the Status of Refugees (also referred to as the New York Protocol), Beijing is obliged to allow access by the UN High Commissioner for Refugees to the border areas. In addition, China must cease the practice of refoulement.
- *Form a Contact Group*. A Security Council resolution to refer North Korea to the International Criminal Court is not likely in the near term given threats of veto by

China (and Russia), as well as the turnover of Council members. Discussion of the issue by the Council continues to be warranted. In addition, a "contact group" that includes key Security Council members but also Southeast Asian, African, and other states should continue to meet on the issue, led perhaps by Secretary Kerry and his counterparts, on the sidelines of multilateral gatherings such as APEC, G20, and the East Asia Summit.

- *Convey Information*. Relevant entities must continue to dedicate funding to the information campaign for North Korea. The growth of a civil society in the country organized around markets and the introduction of cell phones and the Internet has created a demand for information about the outside world from within the country. This demand could be met through novel means such as balloon launches and even drones. However, a staple for information conveyance remains short- and medium-wave radio broadcasting, which reaches as much as 70 percent of the population.
- *Make it a Universal Issue*. It is critical that the human rights issue on North Korea not be seen as a "first world" campaign against the regime. The protection of human dignity is a universal right. Therefore, garnering the support of other Asian countries and the developing South is important.
- *Internalize the Issue*. The commitment to improving the human condition in North Korea by governments could be made through passage of domestic legislation along the model of the United States' North Korea Human Rights Act. South Korea currently is deliberating over legislation. Countries like Japan, Australia, Great Britain, and others could do the same. Such legislation could institute reporting requirements of their governments regarding what measures each has undertaken to implement the recommendations of the COI.
- *Welcome Direct Engagement with the DPRK*. There should be direct engagement with the DPRK on human rights issues. A Human Rights Dialogue with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea might be the appropriate bureaucratic solution, but the effectiveness of such a dialogue will be low. There are additional areas of engagement.
    - *Helping the People*. Engagement could be aimed at finding areas of overlap between humanitarian needs and human rights in DPRK. This would be assistance that would not prop up the regime but help vulnerable populations, such as the physically challenged, orphans, and doctors.
    - *Conveying Accountability*. Engagement could also be aimed at midlevel rungs of leadership to convey that actors inside the DPRK will be held accountable to some form of transitional justice at some point in the future. Those who were not involved in human rights abuses are not threatened, but aiding and abetting those who commit such abuses will be found. In this regard, information provided about human rights–abusers would be welcomed.

    - *Education*. Conveying knowledge about the basic rights that should be accorded to people based on the Universal Declaration of Human Rights is a foundational element of education that is needed in the DPRK. In addition to this, basic education about postwar history would also help to erode the decades of indoctrination.

- *Find Champions*. Though 2014 was an important year for putting the human rights issue on the radar screen, much work still needs to be done in terms of raising general awareness and encouraging commitment to the issue. Surveys by groups participating in the conference found that a relatively small percentage of the American public had heard of the COI report; however, when told of the abuses in North Korea, respondents felt strongly that something needed to be done to help the people. In Korea, the North Korean human rights issue reverberates in a domestic-political context that complicates support for what should not be a complex issue. One of the ways to break through these barriers is to find a champion for the cause. Hollywood remains unnecessarily timid on the issue for fear of counteractions by the Chinese government that might dim their star power in the lucrative Chinese market. What is misunderstood is that the Chinese public, when enlightened to the stories of human rights abuses in North Korea, feel no less empathy than Americans or Koreans.

1 Opening Ceremony

Greetings

VICTOR CHA, SENIOR ADVISER AND KOREA CHAIR, CSIS; AND DIRECTOR OF ASIAN STUDIES, GEORGETOWN UNIVERSITY

Welcome to CSIS and our conference on North Korean Human Rights: The Road Ahead. Ladies and gentlemen, improving the human condition in North Korea is one of the most important, yet understudied, problems in international relations today. After a great year for the issue of human rights in 2014, we did not want to see the focus blur in 2015 with talks of visits to Russia, inter-Korean dialogue, and efforts to restart nuclear diplomacy. We sought to bring together what is an incredible group of experts and stakeholders, both to look back at the Commission of Inquiry report, as well as to look forward in terms of the road ahead on human rights in North Korea.

Welcoming Remarks

JUNG-HOON LEE, AMBASSADOR FOR HUMAN RIGHTS, REPUBLIC OF KOREA; AND DIRECTOR, YONSEI CENTER FOR HUMAN LIBERTY

Today the government is actually closed, the schools are closed, and even this CSIS building is closed. Yet we have a great turnout and it seems that nothing can hold us back; not the snow and not even the North Korean press conference. A year ago today, a UN finding known as the COI report took the world by storm, ushering in a sea change in how the world views and deals with the unrelenting deprivation of human rights in North Korea. Today we are here not only to celebrate the one-year anniversary of this momentous UN report, but also to send a clear message to the Pyongyang regime: If you do not relent, we will not either. Our concerted effort represents a beacon of hope for those North Koreans desperately yearning for freedom.

AMANDA SCHNETZER, DIRECTOR, HUMAN FREEDOM, GEORGE W. BUSH INSTITUTE

When President and Mrs. Bush left the White House and returned to Texas, they dedicated a portion of the institute's work to helping advance individual freedom and democracy in the world. We do that in a variety of ways, including in the focus and the attention that we have been giving to the North Korea issue and the human condition in North Korea over the last year.

Our approach is fairly simple: to use the unique assets of a former president of the United States and first lady to try and add value to the important work that all of you are already doing. I think it is that human dimension that inspired President Bush to invite the first North Korean escapees to the White House, and now we continue to do that in Dallas. I think it is the human dimension that drives all of us here today.

I want to quote briefly from the words of one still relatively recent North Korean escapee: North Korean exiles are living testaments that there does exist a difference between freedom and tyranny. Their stories are not merely a vehicle to evoke pity. They cry for justice on behalf of all of those who have died without a voice. Their insistent voices are the triumph of humanity having survived a brutal struggle with a despot.

On this anniversary of the groundbreaking Commission of Inquiry report, we remember the brave men and women who have escaped and now give witness to the truth. We also remember those North Koreans who remain trapped behind the iron curtain in Pyongyang. In their name, we gather today to begin to map that road ahead.

On behalf of the Bush Institute, let me just extend my thanks to our friends and partners here at CSIS, at the Committee for Human Rights in North Korea, and at the Yonsei Center for Human Liberty.

GREG SCARLATOIU, EXECUTIVE DIRECTOR, COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

Distinguished participants, as the only U.S.-based bipartisan human rights organization tasked exclusively to research and publish on the North Korean human rights situation, HRNK has faced numerous challenges since its establishment 13 years ago. Perhaps the greatest of these challenges has been human rights being the perennial underdog, always outcompeted by North Korea's nuclear weapons, long-range ballistic missiles, asymmetric military provocations, and somehow, misguided former athletes in search of a long-lost sense of purpose.

Perhaps one of the greatest challenges we faced was the perception that North Korea was a remnant, a relic of the Cold War—a bizarre regime that had somehow managed to survive former allied despotic regimes in Eastern Europe by a quarter century, accomplishing two hereditary transmissions of power in the process, from grandfather Kim Il-sung to son Kim Jong-il and to grandson Kim Jong-un.

The 400-page UN COI report has changed that perception dramatically based on its thorough investigation and based on interviews with over 300 North Korean witnesses. Due to the work of the UN COI and the commissioners, we now know that the systematic, widespread, and grave human rights violations in North Korea have entailed, in many instances, crimes against humanity based on state policies.

Building on the work of the UN COI and the report published exactly a year ago, the UN Human Rights Council in the spring of last year and the UN General Assembly in the fall

passed strong resolutions on North Korean human rights, including strong language on crimes against humanity and accountability. As we all know, in December human rights was finally included in the agenda of the UN Security Council.

It is a true honor to be part of this historic conference today. We are here to commemorate the UN COI report and also to map the road ahead. As representatives of human rights, NGOs, UN agencies, authors, and witnesses gathered here today, we will remember the findings and recommendations of the UN COI; in addition to seeking ways to protect countless victims and call their tormentors to account, these findings and recommendations also provide a road map to positive change and reform in North Korea, to bringing that country into the twenty-first-century community of nations.

2 Introductory Remarks

Kurt Campbell, Chairman and CEO, The Asia Group; and former U.S. Assistant Secretary of State for East Asian and Pacific Affairs

I am very cognizant of how important this session is. I would like to talk to you at a personal level about my own personal consciousness-raising on this issue. In fact, when the issue of North Korea comes up, many in the foreign policy community primarily focus on the intricate role it plays within the six-party dynamics. What nuance could be applied in terms of nuclear negotiations? How can you engage China more effectively to get impact in North Korea? What about secret negotiations that take place with the various parties? These are the issues that primarily animate the foreign policy and national security community when it comes to North Korea.

My own personal experiences, as I began in the Obama administration, were a series of interactions that struck me. It caused me to rethink my own biases, my own areas of focus, more generally. I will say that the conversations actually began with my friend Robert King, who came one day in a very humble way to say: "Look, Kurt, I would like to talk to you more about the plight of the people of North Korea as you contemplate the challenges of the diplomatic engagement. This is a group of people that do not have a voice. They do not have representation on the international stage. Unlike almost any place globally—in Africa or the Middle East—where a whole population is subjected to unbelievable hardship, they do not have the representation or the acknowledgement that they deserve."

I remember that conversation stuck with me for years. When you are in government and you focus on North Korea, you invariably look at what might be described as overhead maps because you are always looking to find a secret facility or some disputed area that we have to discuss. I remember having one of our teams coming over from the intelligence agencies to describe certain facilities in North Korea.

I remember stopping at one point and saying, "What are these large areas? What are these areas scattered around North Korea?" Our excellent interlocutor said, "Well, those are prison camps. There are many of them. They are a very intricate system, with very large groups of people."

At that time, we were still speculating on the numbers, but it was absolutely striking to me that we spent so much time focusing on one or two areas that might have been a disputed site, but not enough time focusing on these vast areas where huge swaths of North Korean humanity were subjected to live.

A third conversation was with a former very senior friend in the South Korean government and a close adviser of the president, Kim Tae-Ho. I remember I was a lowly State Department official. He was at the Blue House. He preferred to deal with the White House, but occasionally he would find a few minutes to deal with someone visiting from another agency. We had a wonderful session in which we talked at a very strategic level about North Korea. At some point he said, "In both of our countries this issue of the tragedy of the North Korean people has not received enough attention. It has not received the focus that it deserves. As we go forward and we seek to raise the consciousness of our people, we need to focus on this issue more." I was very struck by it, as it was a very powerful, very emotional plea. It was a correct plea and one that has stayed with me since.

I would like to give you my own perspective about how to take this issue forward. I agree with Victor that I think 2014 was a very powerful year, in achievements and accomplishments that I think even people that were deeply involved in this matter did not believe were possible. The key here is now how to build on it going forward.

Our best area of support comes from North Korean interlocutors. Their response yesterday suggests that this is an issue that concerns them. It is an issue that they are worried about. We need to make clear to the key interlocutors that we deal with in New York, in South Korea, or elsewhere that this is an issue that is being watched. In many places precedents have been set for accountability and a recognition that people bear responsibility going forward.

As you think about this issue today, there are several key features of what a successful campaign going forward looks like. The plight of North Koreans is extremely important and raising public awareness has been partially achieved. There is no reason that this issue cannot be a bipartisan issue. There are many people of conscience that are both Republicans and Democrats in the United States who are animated by this issue. I would be doing everything possible to try to build on that coalition of people who care about and understand the significance of this issue going forward.

Second, although a bipartisan coalition is important, it is not enough. Much more needs to be done. There is a tendency to relegate this issue to a group of people that are not as directly involved in foreign policy and national security. I want to make sure that when discussions of the strategic dimensions of Northeast Asia are discussed, this matter is discussed with it. The issue of human rights in North Korea is intrinsic to a discussion about Northeast Asian futures.

Third is a recognition that we on the outside have to be thinking about every opportunity to make demonstrations of this issue as an important matter in North Korea. That

means when there are meetings that are taking place about strategic matters in North Korea, we have a moment of silence, or we make sure that people recognize this matter as they discuss the intricacies of the next turn of the screw with respect to North Korean nuclear diplomacy.

We also have to recognize, ladies and gentlemen, that ultimately this is about resources. Our South Korean friends have done an admirable job with respect to applying the kinds of resources necessary, with respect to education and the like with regard to people who have fled North Korea. The United States could do much more in this way. We have stepped up very slightly the amount of support that we have given for defectors and those that are seeking educational opportunities in the United States, but more could be done there.

We also have done some minor things with regard to making sure certain information gets into North Korea. We can be more creative and more innovative about that matter going forward. There is a lot of discussion about what is going on in China right now with regard to North Korea. There is a greater degree of reflection on this matter than ever before.

Clearly the issue that concerns China's friends the most is that North Korea continues to take steps that are antithetical to their national security and foreign policy interests. One of the great successes of Asia in the recent period is the improving relations between South Korea and China. Most in Asia, and clearly the United States, believe this is a positive development.

There is a dawning recognition in China that they have the wrong Korea as a friend and they are rethinking those issues. What is animating China right now are the strategic dimensions. If presented correctly that there is a human dimension to this that, frankly, is both inescapable and potentially quite powerful for our Chinese friends as we go forward.

I just wanted to come today to offer my support to this effort. I had the good opportunity of working with the Bush and CSIS teams as they got this started last year. What they have accomplished in a very short time with the passion and commitment of President Bush is remarkable. If you see the crowd here today in a city that is basically vacated because of snow, it is a recognition that this is an issue whose time has come.

It must be part of the foreign policy, national security, and political discourse of Asia going forward. I am confident with such an able team that that can be accomplished. Let us build on our successes of 2014 and let us have a powerful, passionate, committed discourse on this matter going forward in 2015.

3 Keynote Address

Marzuki Darusman, UN Special Rapporteur on the Situation of Human Rights in the DPRK; and Member, United Nations Commission of Inquiry on Human Rights in North Korea

It is really encouraging that we are now moving from the broad way forward to the more focused road ahead.

It is a genuine pleasure for me to take part in this important event, which marks the one-year anniversary of the launch of the report of this Commission of Inquiry on the situation in the Democratic People's Republic of Korea, DPRK. This conference represents a great opportunity to take stock of what has since been achieved by the international community on addressing the human rights situation in the DPRK, and what lies ahead in the coming months and years.

On February 17, 2014, the Commission of Inquiry on Human Rights in the DPRK launched its report and submitted it to the Human Rights Council in Geneva. The commission, mandated by the highest intergovernmental body within the United Nations system responsible for human rights, documented and concluded that a number of long-standing and ongoing patterns of systematic and widespread violations in the DPRK met the high threshold required for crimes against humanity in international law.

In March, the Human Rights Council adopted Resolution 25/25 on the situation of human rights in the DPRK, calling upon all parties concerned, including United Nations bodies, to consider the implementation of the recommendations made by the Commission of Inquiry in its report. No member state speaking at the Human Rights Council, with the exception of the DPRK, denied that the dire human rights situation had to be addressed.

In May, the DPRK participated in its second cycle of the Universal Periodic Review, accepting a few months later 113 recommendations out of 268 made, and also updating its position on a number of recommendations from the previous review. Most of the recommendations accepted pertain to the fulfillment of economic and social rights; rights to food, water, and sanitation; health and education; and the rights of vulnerable groups—women, children, and people with disabilities.

In October of last year, for the first time since the establishment of my mandate in 2004, and at my request, I met a delegation of senior DPRK officials on the margins of the 69th session of the General Assembly in New York. They invited me to undertake a full-fledged country visit in the near future, and under conditions which were subsequently not met.

In December the General Assembly adopted a landmark resolution on the situation of human rights in the DPRK, paving the way for consideration of the situation in the DPRK by the Security Council, including a possible referral to the International Criminal Court. This is the single most important way the international community could signal its determination and resolve to pursue this issue at the level it belongs, in international criminal law, thereby sustaining further pressure for accountability and change.

Later in December, the Security Council met to discuss such a situation, with considerable focus on the issue of abductions. While no specific outcome was intended at this stage, the situation in the DPRK is now firmly placed on the council's agenda.

2014 has been a critically important year for the international community's collective engagement on human rights in the DPRK, and our efforts to bring relief and justice to its long-suffering people. No doubt these promising developments were triggered by the intense focus that has been brought to bear by the Commission of Inquiry.

Fundamentally, these developments were made possible thanks to the sustained efforts over the years by the Republic of Korea, Japan, the United States, and other member states, but also civil society as a whole to make the international community aware of the grave human rights violations committed by the government of the DPRK.

We presently stand at a key juncture where we have reasons to be optimistic. However, we need to remain cautious, as the situation requires a long-term perspective with continuous efforts from all of us. In March 2015, the Human Rights Council will consider the adoption of a new resolution to the human rights situation in the DPRK. This will be another opportunity for the international community to express its dismay about the situation and reiterate its resolve to put an end to the ongoing violations in the DPRK and bring the perpetrators to justice.

In the context of this forthcoming council session, as recommended by the Commission of Inquiry, I present the main elements of a multitrack strategy aimed at solving the issue of international abductions and enforced disappearances committed by the government of the DPRK. I hope to be able to count on the support of all stakeholders in the region and beyond in the implementation of this strategy.

I want to take this opportunity to stress the key role civil society actors should continue playing in seeking truth and justice for the human rights violations committed by the DPRK. They should actively join forces in a common effort, both domestically and internationally, to decisively bring closure to the ongoing tragedy. Governments should seek to empower such actors and amplify their voice in all fora. Civil society organizations are

always critical players that governments should consistently endeavor to be involved in confronting human rights challenges.

The United Nations system as a whole has a key role to play in alleviating the plight of the people of the DPRK. I wish to reiterate my hope that all parts of the United Nations system will rise to the challenge to work and deliver in a coordinated and unified manner a rights-up-front approach.

I look forward to collaborating with a future OHCHR field-based structure in Seoul, Republic of Korea, tasked by the Human Rights Council with following up with the work of the Commission of Inquiry. This office will start operating as of next month. During my recent visits to the Republic of Korea and Japan, I was pleased that all interlocutors with whom I met expressed their readiness to collaborate with this office. It is crucial that all stakeholders support its future important work.

In this anniversary year, there will be a renewed focus on the prospects for reunification of the two Koreas into one single nation. I welcome the recent announcements made by the leaders of the Republic of the Korea and DPRK to hold inter-Korean dialogue to discuss issues of mutual interest. This is an encouraging development, as dialogue between both countries is of utmost importance to allow people of both Koreas to relate to each other in a positive manner.

In particular, I hope meaningful talks will resume on the issue of separated families in the interest of those families. In connection, one important recommendation of the Commission of Inquiry that merits greater attention relates to the possible organization of a high-level political conference involving the United Nations and the states that were parties to the Korean War, with a view to reaching a final peaceful settlement of the war that commits all parties to the principles of the charter of the United Nations, including respect for human rights and fundamental freedoms.

The experience of the international community in this context has been that an eventual resolution of a protracted conflict that leads to reconciliation can diminish the importance of accountability in the interests of peace and stability. As we seek to move forward on the accountability track, let us be alert to this, and endeavor to continue to ensure that the issue of accountability is appropriately addressed and the groundwork is laid for the transitional justice process that will be needed. It is imperative to involve a broad-based constituency of stakeholders, including civil society organizations, in this endeavor.

It is more than ever essential at this key juncture that we redouble our efforts to effect meaningful changes in the DPRK in addressing the grave human rights situation in that country. We owe it to all the victims and their relatives, who have endured enough suffering, and to the people of both Koreas and their hopes for a peaceful future.

4 | UN COI Report in Perspective

CHAIR: VICTOR CHA, SENIOR ADVISER AND KOREA CHAIR, CSIS; AND DIRECTOR OF ASIAN STUDIES, GEORGETOWN UNIVERSITY

The focus of this panel is to look in retrospect at what has been accomplished since the release of the UN Commission of Inquiry's report, as well as to look forward at the tasks and challenges ahead to maintain momentum and implement the recommendations.

Justice Kirby, it has been quite a year for the Commission of Inquiry report. What has it been like for yourself in terms of the report? Are there any comments you would like to make about the recent revelations in the news about the questions regarding defector testimony?

OVERVIEW: MICHAEL KIRBY, CHAIR, UNITED NATIONS COMMISSION OF INQUIRY ON HUMAN RIGHTS IN NORTH KOREA; AND FORMER JUSTICE OF THE AUSTRALIAN HIGH COURT

Life is a journey. The journey can be full of joy and full of sorrow. The last year has been full of successes, but also a number of failures. If you ask me to reflect upon the last year since we delivered our report in Geneva, I would say that there are some things that we can certainly count as important successes.

The first was the creation of the COI in the first place. These things did not have to happen, but it was done. It was done with a very large part from civil society. They appointed three people who happened to be from different parts of the world and from different cultures. We got on well and we worked hard together. We delivered our report and it came in within time, within budget, and was unanimous. I think it has stood the test of time of the last year.

We had an outstanding secretariat. It is important to say that because the UN comes in for quite a lot of criticism, some of it quite justified. We had an outstanding, hardworking, diligent, honorable, professional secretariat.

We adopted a methodology which was unusual for the United Nations. Fundamentally, it was an Anglo-American methodology of public hearings. In retrospect it was extremely wise. It has been made wise by the revelations of Mr. Shin Dong-hyuk concerning parts of his testimony. The answer to those who lay too much store on Mr. Shin's testimony is to say,

"Sit down and watch hour after hour after hour of the testimony of the witnesses." As a person who was a judge in my own country for 34 years, it is important to tell you that hearing testimony over a long time makes you very cautious about the evidence of anybody. You do not believe anybody's testimony just because they say it.

The members of the COI will tell you that we were comfortable and sure of the recommendations and conclusions we put before the international community and the UN because the testimony was far more than the testimony of Mr. Shin. American media might build Mr. Shin up to be a big celebrity. That is not how an inquiry of the United Nations works. You look at all the testimony and you judge it on its merits.

The report was readable. Now, that is a very unusual thing in a UN report. It is readable because we took pains to weigh every word to make it comfortable in the English language, and I hope in the translations, especially into the Korean language, that it is a readable report.

There were very strong votes at the United Nations. In the Human Rights Council, 30 members of the council supported the strong resolution that followed. That is a very big vote in the Human Rights Council. The General Assembly voted 116 states against 20. In the Security Council, 11 of the 15 states supported the resolution to put this matter of human rights in North Korea on the agenda, a very powerful voice—a procedural motion, and therefore not susceptible to the veto. A field office is being created, as we have heard from Mr. Darusman, the mandate holder. That will be created in March in Seoul.

The DPRK is clearly stung by what the Commission of Inquiry put forward. They took part for the first time in the Universal Periodic Review and accepted 113 of the recommendations, but none of them on the political and civil rights, only in the areas which they thought they could live with.

The accountability principle is nonnegotiable. We found on a reasonable-grounds basis that crimes against humanity had been committed. That is a very serious finding. It imposes on the international community an obligation to make those who are responsible, accountable. We wrote a letter to the supreme leader warning him that the officials of his government, and possibly he himself might be accountable. These are clear statements and they stand before the international community as a challenge for action.

A very important thing that is very rarely mentioned is, we gave the victims, those who came before us, the dignity of a voice. We gave them the opportunity to express to the highest level of the United Nations and the leaders of the world what they had been through. That is a very important thing in itself. Even if we achieve nothing else, that is something new and strong and brave. So all of those are things that we are justifiably pleased about.

So what are the failures? There was no engagement with the DPRK. We tried in every possible way. I believe they had a press conference today saying they should be down here.

I would be quite happy if they were down here; this is a public session. We have reached out to them. I, the members of the COI, and the special rapporteur, will go anywhere to engage with them. But they won't engage with us, except on very limited terms favorable to them.

There has been no real cooperation from China. They were polite and courteous. They saw us. The bottom line was they would not let us go to the borderlands. They would not even let us go to speak to the academies and the officials in Beijing.

The definition of genocide came up in our report. A disappointment was that it is a very narrow definition. It is a 1948 definition. It was not wide enough for us to find genocide, and we did not. If we were ever in doubt on this report, we did not make a finding. This is a prudent, conservative, cautious report, but there was plenty of material on which to make strong findings.

One of the things that struck us all in the commission was why the international media did not pick up on the issue of religion. Have we come to that point in our societies that it does not matter so much that people of religion, at least if they are people of some religions, are mocked, put down, and suffer discrimination, violence, death? Does that not matter enough that that is happening in North Korea?

Similarly, women are great victims in North Korea. We made a lot of points and findings on this. It also did not get much attention.

Human Rights up Front, a big policy, was announced with fanfare. There is a lot yet to be done to carry that forward in the United Nations. The responsibility to protect—all the leaders of the governments of the world came together and committed themselves to it. The responsibility to protect still meant that very important nations who claim to be great democracies, and appear to be great democracies, did not give support to the recommendations and proposals of the commission.

We made a specific recommendation that was supported by the General Assembly and the Human Rights Council: that the Security Council should refer the case of North Korea to the International Criminal Court. That was not done. I can understand why they would hold back. They would know that if they press forward prematurely there might be a veto. Eventually, the way the charter is intended to operate with the veto is those who cast the veto must take the opprobrium of the international community for stopping just and proper resolutions from being accepted. I hope that we will see the resolution for the referral to the ICC come before the Security Council under its procedural mandate so that if it is passed, those who are guilty can be rendered accountable, and if it is not passed, those who stop accountability can answer before the bar of the international community.

Finally, nuclear weapons is a human rights issue, too. Uncontrolled nuclear weapons outside the Nuclear Nonproliferation Treaty is a very serious and dangerous thing for the

people of North Korea and for the people of South Korea, Japan, and others in the region. That is a human rights question as well.

One thing our colleague Marzuki Darusman always insisted: The bottom line is we must make a difference for the people on the ground in North Korea. If we do not do that, then we have not succeeded. The bottom line is we have not an assurance that what we have done in our report has even gotten to the people of North Korea. How do we get it to them? How do we get change on the ground? That is what we should be concentrating on for the road ahead.

My teacher of international law, when I was at law school, was Professor Julius Stone. He would often remind us of what the Talmud scholars would teach. They taught: It is not given to any generation to achieve the righting of all the wrongs of this world. But it is not our privilege to fail to try. We must try to right the wrongs. The wrongs of North Korea demand our attention, and they have to be changed. We know it. They know it. The obligation of us today is to chart the road ahead.

DR. CHA

Sonja Biserko, as we think about the one-year anniversary of this very important report, what have been the reactions that you have seen in Europe among the European Union and other communities to the report?

SONJA BISERKO, PRESIDENT, HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA; AND MEMBER, UNITED NATIONS COMMISSION OF INQUIRY ON HUMAN RIGHTS IN NORTH KOREA

I think Michael has covered most of the activities that have been going on through UN bodies in the system. I was more focused, and will be more focused, on what is the perception of North Korea and how they accepted or how they apparently reacted to the report.

First, to say a few words about Europe, I think the European Union is one of the addresses that North Korea would like gladly to cooperate with, especially the United Kingdom. I think this potential should be very much exploited to open up this channel for dialogue and cooperation, for more engagement on all levels—economic, social, diplomatic, and so on.

I would like to make one short comment about societies like North Korea. Coming from a country which is still struggling with changes, I can say that toppling the leader is only one first, small step. My country, after 15 years of changes, still struggles with some of the very essential things. Therefore, we cannot expect much in a short time to happen in North Korea. As Zbigniew Brzezinski mentioned 20 years ago when talking about Arab countries, democratization in such countries requires historical patience and cultural sensitivity. I think North Korea comes into the same group of the countries.

What we can see from different sources is that there was impetus for change in North Korean leadership, first of all in the economic sphere, limited as it was. There is more information coming in the country and there are more diplomatic relations being established. Therefore, there is an opening-up, which at this moment may not guarantee true changes. Still, I think in the long term society will learn to reflect better, and in more serious ways, about the character of the regime.

At this moment, I think it is very important to engage with this regime, or at least with parts of the current elite, because the leader of this country is not so deeply in the crime as his predecessors. I think this opportunity should be taken up as an opportunity to communicate with this young leader, who is probably not in charge of everything that is going on in the country.

I also think there is lot of opportunity to deal with some segments of the society, like women and young people, as true agents of change, like in many countries in the Middle East or in our region as well. I think that maybe there should be more contacts with the North Koreans who are abroad, especially young people who are studying in China and some other countries.

I would like also to touch upon the ICC referral, which has been one of the major successes of the commission. Much attention was given to it in the United Nations. The fact that it was in the Security Council is really a great achievement. I think now it is necessary, maybe emotionally very difficult, for activists and perhaps for the commission itself, to balance the hopes of millions for what the ICC might achieve against the real damage that a veto by Russia or China in the Security Council would undoubtedly do.

That does not mean that this does not call for more actions. North Koreans should be held responsible in all UN bodies for resolutions and other means, but there should also be an opportunity to establish other mechanisms, such as informal tribunals to formal tribunals established by democratic states that can call witnesses, with a view to keeping evidence up to date. Such tribunals in the long term may be a very important way of dealing with the legacy of the Kim regime.

Coming from a country where the ICTY and ICJ had enormous work to do, I can tell you that the attitudes of the societies did not change much after 20 years of ICTY. There is very little change in society's attitudes to the responsibility of my country. Political and cultural elites did not accept open dialogue in the society to deal with all this evidence that was put forward in the ICTY. This is a lesson to be learned from this exercise and the experience we had. It means that the North Korean society has to be prepared for the changes to come in order to enable them to help civil society and the other segments of the society to come up with serious work in the meantime in order to be able to open dialogue long term—maybe a commission of truth would be a mechanism to deal with the North Korean legacy. However, I think that we should all be more open to cooperation with the North Korean not only leadership, but with society in general.

DR. CHA

Robert King, could you tell us how the U.S. administration has responded over the past year to the COI and what you see as the challenges going forward from a U.S. foreign policy standpoint?

ROBERT KING, SPECIAL ENVOY FOR NORTH KOREAN HUMAN RIGHTS ISSUES, U.S. DEPARTMENT OF STATE

Let me say one thing right up front. The Commission of Inquiry was outstanding. There is no question in my mind that the appointment of this particular Commission of Inquiry, these three individuals, the way they conducted their responsibility, held hearings, and produced their report, and the way they have continued to talk about the results of their inquiry has set the gold standard for what a UN Commission of Inquiry ought to do. I think there is probably no commission that has had the impact that this report from this commission has had. I think we owe a great debt of gratitude to these three people for the time, effort, and energy they put into that.

I want to reinforce what Michael Kirby said about the important role of the civil society groups, the nongovernmental organizations that played a role in terms of creating pressure for the creation of this Commission of Inquiry. It has been very important in terms of the follow-up that they have continued to be vested in what came out of the commission's report.

A second comment that I would like to make is that there is a growing acknowledgement that North Korea is not dealing with its human rights problem. There are few countries that defend North Korea. It is interesting, when you sit through the sessions in Geneva at the Human Rights Council and in New York at the General Assembly and Security Council sessions that have been held on this subject, to see who defends North Korea. When you look at the votes, the vote is very heavy and strong in favor. But when you look at the countries that speak up on behalf of North Korea, I would be embarrassed if those were the countries that were speaking on my behalf.

Furthermore, they do not defend North Korea. They simply say we should not single out individual countries. The result is very clear that North Korea has very little support internationally for its human rights policies. When you look at the lists various groups have put together ranking human rights records, North Korea consistently comes out at the very bottom of the list. I think that is recognized and what is happening in the UN has been a full acknowledgement of that fact.

The other thing I see that is encouraging is that the North Koreans increasingly feel compelled to respond to what is happening. Up until eight months ago, North Korea said very little, if anything, about the human rights situation. Beginning in the summer and particularly September with the opening of the General Assembly sessions, the North Koreans have become increasingly assertive about human rights. It has not done them a lot of good, but they felt the need and requirement to do so.

It was interesting that the North Koreans were much more engaged in the Universal Periodic Review process that they went through last year. They have signed the universal Declaration on Rights of People with Disabilities, though they have not yet ratified it. They have recognized they have a responsibility and have acknowledged human rights are a legitimate issue for international discourse. I think that is a particularly important element.

The one thing that North Korea faces more than anything else is a question of its own legitimacy. There are two Korean governments. There are two Koreas that claim to be the legitimate government of the entire Korean people—North Korea and South Korea. When you look at North Korea and what it has done economically, the gross domestic product of South Korea is 40 times the gross domestic product of North Korea. There is a question about the legitimacy of the North Korean government's ability to provide for its people, to establish an economy that is successful. When you look at the number of cell phones in North Korea, there is probably one cell phone for 10 people; South Korea has 1.3 cell phones per person. When you look at these issues, there is a question as to whether North Korea has legitimacy in claiming to represent the Korean people. I think increasingly the question of human rights over this last year has become part of that question. When you look at North Korea, what it has done, and at the lack of support that it has in the international community, there is no question that it does not have the legitimacy that it seeks and that it is claiming.

Let me say that the activity and the work of the Human Rights Commission has been exemplary in terms of what needs to be done. The recommendations they have made are certainly the key to moving forward. The establishment of the office in Seoul is an important step forward and will be helpful. I hope during the course of this conference that we will be able to discuss other things that we can do to continue to push forward on human rights and putting pressure on North Korea to make progress in terms of dealing with its human rights. I think that is the key to the process.

DR. CHA

Ambassador Lee, the Republic of Korea's view is obviously quite complex and unique in many ways compared with the rest of the world, because of its close proximity and relationship with the regime in the North. Could you give us a sense of what the perspective is in Seoul over the past year in response to the COI findings and all that has happened in the UN?

JUNG-HOON LEE, AMBASSADOR FOR HUMAN RIGHTS, REPUBLIC OF KOREA; AND DIRECTOR, YONSEI CENTER FOR HUMAN LIBERTY

It is indeed a complex matter and a complex question. We do have the issue of continuing to improve inter-Korean relations and reduce the risk of security threats from North Korea. So there is, on the one hand, the continued effort from some quarters of the government to engage in dialogue and to officially bring about negotiations on nuclear issues and otherwise.

Having said that, I think it is very clear that the South Korean government has been, from day one, in full support of the COI reports. We have been instrumental at the foreign ministry, while working out of the representative office in New York, in helping to bring about the passage of the resolution at the General Assembly, which of course is based on the COI report and the recommendation. We are very happy that it also got adopted at the Security Council as an official agenda.

When Justice Kirby was in Korea last April he had the audience of President Park Geun-hye, and had a very nice meeting. Our president, of course, was in New York at the General Assembly in September of last year and gave a speech, within which she had a very strong emphasis on the importance of the North Korean human rights issue. So it is a dual approach. They are not mutually exclusive. We, on the one hand, tried to continue with the inter-Korean dialogue, but with a very resolute stance on the importance of supporting the UN and the international community's efforts on North Korean human rights.

In the past year since the advent of the COI, there has been tremendous development in the international community. Civil society, many of whom are represented here at this conference, was instrumental in helping to bring about the Commission of Inquiry and has continued. So I think the momentum has increased with the advent of the COI.

In London there is a major law firm called Hogan Lovells, which did pro bono work to look into the North Korean human rights issue; they gave their legal opinion that there is more to what is happening in North Korea than just crimes against humanity. Justice Kirby mentioned the COI's take on the genocide, but some lawyers at Hogan Lovells were of the opinion that there is evidence to suggest that genocide could be applied in the case of North Korea. There have been multiple hearings. I was in Washington, D.C., last June for hearings in Congress. In Canada, the North Korean Human Rights Act is being pursued and hopefully it will be concluded by the end of this year.

A lot of things are continuing to develop. The most important thing to come out of the COI report is the fact that starting a year ago, whenever you deal with North Korea, you are dealing with a government that commits crimes against humanity. That is a very powerful deterrent in whatever you do with that state until some major changes take place in North Korea. It is not just one small organization, but the United Nations through a full year of inquiry and investigation that has concluded that in North Korea crimes against humanity—which is one of the worst crimes in international law—are being conducted. Therefore, whenever you are dealing with the North Korean government, you are dealing with a government and the people that are committing those crimes against humanity. That is one of the most important legacies of the COI.

5 What Is the Road Ahead?

CHAIR: GREG SCARLATOIU, EXECUTIVE DIRECTOR, COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

The mission of this panel is to look forward to the future, rather than provide a retrospective. The focus of the panel will be on the United Nations, but the conversation will also cover the international community's responses and obligations.

Professor Cho, would you lay out the areas where, based on the findings and recommendations of the UN COI, we may be presented with an opportunity to map the road ahead and to proceed with the next steps?

JUNG-HYUN CHO, ASSISTANT PROFESSOR, KOREA NATIONAL DIPLOMATIC ACADEMY

I am not representing my country, my government, or my institute. The opinions from now on are purely my own. I am teaching international law at my academy, so I would like to mention some international legal implications of the UN COI report and then try to connect those implications to what to do in the future.

I believe the key words of the UN COI report are "crimes against humanity." In this vein, we can see the main international legal focus was moved from international human rights law to international criminal law. The COI report's conclusion that many gross human rights violations in North Korea could amount to crimes against humanity is legally important in the following three respects.

First, crimes against humanity are one of the four international crimes under the jurisdiction of the International Criminal Court. Although North Korea is not a party state to the ICC statute, the UN Security Council does not easily adopt a resolution to refer the situation to the ICC. It needs to be stressed that no statute of limitations is generally applicable to these kinds of international criminal cases, which means that there will be no time limit to pursue criminal prosecution, though it will probably be somewhat delayed. The venue could be either the ICC, domestic, or hybrid tribunal or criminal courts.

Second, crimes against humanity are one of the four related international crimes of the responsibility to protect—the so-called R2P. As you know, the R2P principle is made up of three pillars. The first pillar is the territorial state's primary responsibility to protect

its own populations from international crimes. The second pillar is the international community's responsibility to assist the territorial state. This is just a secondary responsibility, not overcoming the primary one.

On the other hand, the third pillar of the R2P principle denotes that when the state concerned is manifestly failing to do its primary responsibility, the international community may instead take that responsibility, even using some coercive measures, such as the referral to the ICC and imposing some targeted sanctions, and even more, as you can see from the case of Libya.

The COI report clearly pointed out that the North Korean regime has failed in its primary responsibility. The international community, probably represented by the United Nations, should fulfill its third-pillar responsibility now. However, at the same time, the report pointed out that still various second-pillar cooperative measures should be pursued.

In this context, we need to find out how to balance between third-pillar and second-pillar measures, how to balance between coercive and cooperative measures, and how to balance between activities at the UN Security Council and General Assembly in New York City and the UN Human Rights Council at OHCHR in general. I believe, while pursuing criminal punishment through the Security Council, we should also take this momentum as an opportunity for more cooperative mechanisms, such as human rights dialogues, technical cooperation, and even humanitarian assistance.

The third and last implication relating to crimes against humanity is transitional justice. Korean people need to prepare for not only physical or political unification, but also substantial integration after reunification. Even if we pursue more reconciliation measures than criminal punishment with regards to past wrongdoings, some kind of blanket amnesty will not be allowed in terms of international obligations. At least key perpetuators of crimes against humanity must be punished according to relevant international obligations.

In this context, how to get more reliable sources and how to build a more effective human rights violation database is another very important task ahead of us. I hope the newly established OHCHR field office in Seoul could play an important role in this respect as well.

MR. SCARLATOIU

Could you suggest areas that could probably benefit from enhanced attention, such as freedom of religion?

PROFESSOR CHO

There are many human rights violation issues in North Korea, not only civil and political rights, but economic, social, and cultural rights as well. There are many other issues, in addition to political prison camps, included in the crimes against humanity case. I believe that more attention should go to abduction and forced disappearances issues.

Very recently we have seen reports about some North Korean overseas workers. It may have some delicate issues included in it, but from now on we need to carefully consider that issue and more detailed research on it will be necessary.

I also believe that the religious persecution could amount to another kind of international crime, such as genocide. Although the COI report did not mention it, it is another crime. The possibility of genocide is another agenda for us in the future.

MR. SCARLATOIU

John Sifton, the UN General Assembly resolution on North Korean human rights was passed last year. This issue of human rights has been included in the UN Security Council agenda, where it stands next to nuclear weapons and missiles. Where do we go from here at the UN and at the Security Council?

JOHN SIFTON, ASIA ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH

Human Rights Watch was only one of many groups pushing to get to where we are today at the UN Security Council. I think it is important, while it is cliché to say, that successes have a thousand fathers; in this case success actually did have a thousand fathers. There were groups from ICNK, Seoul, Japan, Jacob Blaustein Institute, to HRNK, pushing on this for a long period of time, getting over obstacle after obstacle to establish the COI—then to get the most extraordinary result imaginable, a debate in the Security Council within mere months of the COI. For anyone who is unfamiliar with the UN Security Council, that is an extraordinary achievement given that time frame. It is not common to be able to achieve a debate so quickly.

Where do we go from here? The looming issue in the background is, of course, the potential for any kind of veto by Russia or China over any resolution that might be introduced to UN Security Council to refer North Korea to the International Criminal Court. That is a geopolitical reality which, of course, cannot be ignored.

It is also important to understand that all who have been working to get us there have never thought that a member state would immediately table a resolution to refer North Korea to the ICC, that a vote would be taken, and that China would decide to abstain. None of us are that naïve.

It is important to understand that the debate itself is good. The debate itself in the UN Security Council has an impact. It has had an impact in North Korea. Their reaching out has been a direct result of the UN Security Council debating the North Korean human rights situation.

The debate also serves an important purpose, which is preserving the momentum that has been achieved. When an idea is on the table, it is that much easier for it to be accepted when a moment presents itself where it is possible to make something happen. If the idea of

a referral to the ICC sits on the table and is preserved, then when the opportunity does present itself, it will actually happen. If it is not even sitting there on the table as an idea, then it makes it that much more impossible when the opportunity presents itself.

What is the opportunity that might present itself for a UN Security Council resolution referring North Korea to the International Criminal Court? I have no idea. It could be anything. It could be a regime collapse. It could be atrocious videos or satellite overflight pictures showing mass atrocities in progress. The idea is to keep the issue alive so that when an opportunity presents itself where China and Russia would be geopolitically unable to veto, the opportunity can be grasped.

In addition to the debate, there are the implications in considerations for nuclear proliferation issues. It is now the case that UN Security Council members are debating the human rights situation not only in the Security Council as human rights issues, but the human rights situation is now being brought up in the context of the regularly scheduled discussions on nonproliferation issues. These nonproliferation discussions happen every 90 days in the UN Security Council. This is another opportunity for this issue to be kept alive.

A third thing to be mindful of is that the continuing debates in the UN Security Council provide an opportunity for the UN, either through the special rapporteur, the commission of inquiry members, or the UN High Commissioner for Human Rights himself, to brief the Security Council on the activities of the office in Seoul that is continuing to gather information about the human rights situation inside North Korea. That office in Seoul, the special rapporteur's mandate, and the UN system as a whole have a very important role to play in gathering evidence to preserve it for the day when it might be utilized for accountability. That information has a dual use. It can also be used to brief the Security Council and keep the discussion going with respect to the need for accountability.

With that said, I do want to remind everyone in the room that the special rapporteur and the office in Seoul have an extraordinary mandate, which is somewhat unusual compared to the special procedures that the UN usually uses. In this case, the office in Seoul and the special rapporteur need to not only collect information about the general human rights situation inside of North Korea, but they need to catalogue and file the information for possible use as evidence in a tribunal or other accountability mechanism at a later date. This is an important key point that often gets overlooked. The fact that this office is gathering information is a very important logistical point that needs to be remembered.

The road ahead involves keeping this momentum going. That sounds like it is not much to hope for if you want a more concrete road map. However, the fact of the matter is we have come so far that just the notion that we can continue to keep the idea of a referral on the Security Council mandate is an extraordinary achievement.

Will there come a time when the General Assembly will have to explore alternative methodologies for accountability, some kind of ad hoc tribunal set up by willing member

states? Yes, possibly. Maybe next year, or the year after, the General Assembly will have to start thinking about that. There are models and analogies for that discussion. However, right now, I think the key issue is to keep the momentum in the Security Council going.

All of us who want North Korean human rights issues to be kept alive need to explore the Russia-DPRK dynamic, with its growing and changing relationship, as well as the China-DPRK relationship, to see what can be done to tailor our work to circumvent it, if that is possible.

There are other things that need to be done. I think that a lot of attention needs to be paid to the Seoul office and what it is doing. There are procedural issues which need to be worked through with respect to whether the special rapporteur can brief the Security Council directly, which is somewhat unusual in UN procedure but conceivable, or whether the high commissioner should do it via the special rapporteur. These are discussions that need to be worked through, but they are procedural discussions. The big picture is to keep this on the agenda.

Finally, the debate at the UN Security Council is probably the only opportunity for the UN system as a whole, and the international community as a whole, to speak directly to the North Korean government about its human rights situation and to possibly have what it says heard. It should be grasped in a full throated manner, in the sense that you are not merely speaking to the absolute leadership of the North Korean regime, you are speaking to the jail wardens, prison guards, and security force officials, telling them they have a choice to make. If they continue to take part in this regime and be complicit in crimes against humanity, they may be held accountable in a tribunal or a court.

However, if they start to show small acts of mercy towards the North Korean people, to the little extent they can, then we will have achieved more than anything we have achieved so far. The UN Security Council has probably the only opportunity to speak directly to those people and have it be coming straight from the international community. It should be grasped full-throatily.

MR. SCARLATOIU

What advice would you give to NGOs that are willing to support the activity of the field-based structure in Seoul?

MR. SIFTON

At the outset, the key issue is to remember that it is a complex office, not your typical UN office. They have a role both in keeping attention on North Korea, but also in the mundane task of collecting information that may one day be used for prosecution. Even if it is the most seemingly mundane thing—like the birth date of a prison guard or warden who is complicit in abuses—such little pieces of information are of immense value when you are compiling a database that may be used by a prosecutor one day. Any group that is

conducting research should give everything they can to this field-based structure. You never know what a prosecutor may find useful one day.

On the advocacy point, I think there is a lot that is going to need to be done to preserve the momentum we have had so far. I think the Bush Institute has done this great work with recommendations for increasing attention on this issue within the United States. However, the UN Security Council has many rotating members. They have new members since the last debate happened. Educating not just the elite diplomats at the UN mission in New York, but the people of those countries, is an important task.

For example, Malaysia is on the UN Security Council this year. It also happens to be hosting the East Asia Summit and ASEAN summit later this year. While its leader is quite embattled right now, the fact of the matter is this is a country which is on the world stage this year and will be on the Security Council for the next few years. It is very important that they are in favor of these debates. A certain amount of education of the Malaysian people or politicians in Kuala Lumpur is important.

Spain and New Zealand are on the Security Council now. We lost Australia, which was a huge champion on these issues last year. It would be great if New Zealand could somehow be shamed into matching its neighbor's zeal for this issue. Angola is now on. That is a problematic situation. Angola's human rights situation is quite bad. Its diplomats can perhaps be brought along. Jordan is still there. All these countries on the Security Council need to be convinced. It is important for advocacy groups that are doing work on this, whether it is in Seoul or in Geneva, to remember these other member states as well.

I have also noticed that drawing the connections between human rights abuses and proliferation issues tends to interest diplomats at the highest levels. There are conceptual linkages, like the fact that no functioning democratic state would invest so much effort into building nuclear weapons, and the totalitarianism of North Korea goes hand-in-glove with its regime's pursuit of nuclear weapons. However, the actual logistical linkages also need to be drawn. If intelligence communities in any country have information about these linkages, about the use of forced labor to build rockets or centrifuges, that type of information will be extraordinarily useful in convincing UN member states who might be sitting on the fence of the need to take this seriously as an issue of international peace and security.

I think another thing that groups need to talk about is the threat of atrocities in the event of a regime breakdown or partial breakdown. It is difficult to talk about something which you have to theorize about, but the discussion is important to remind people that this is not just a human rights situation on a domestic level. North Korea poses a threat to international peace and security.

MR. SCARLATOIU

Roberta Cohen, are there opportunities for broader coordination within the UN system and amongst other agencies? How could such coordination contribute to implementing the recommendations of the UN Commission of Inquiry?

ROBERTA COHEN, COCHAIR OF THE BOARD, COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

Let me try to tap into the whole UN system and talk about it in terms of advancing human rights in North Korea. In addition to the Office of the High Commissioner of Human Rights, the Seoul office, and the special rapporteur on human rights in North Korea, what about all the other specialized agencies, offices, funds, and programs? There are many at the UN, and some of their work directly involves North Korea.

Even though the human rights part of the UN has found a wide array of crimes against humanity in North Korea—described as a country whose human rights record has no parallel in the contemporary world—other parts of the UN do not necessarily take these human rights findings into account in their programs, agendas, and frameworks, even though these findings have a relationship to food, healthcare, and development, with which many of these agencies are involved.

What is needed? In 2013, the UN secretary-general announced a rights-up-front approach. It was meant for situations where there are severe human rights violations. It intended to coordinate and bring together all UN agencies as one with a coordinated strategy that would take into account, and focus on, the human rights element and try to prevent, promote, and protect.

The commission of inquiry has asked for the application of this rights-up-front strategy to North Korea. The special rapporteur on North Korea, Marzuki Darusman, in his report to the General Assembly called on the whole system to rise to the challenge. He called for a UN system-wide strategy of coordination and information sharing, and said that the United Nations Secretary-General Ban Ki-moon has expressed support for this application to North Korea.

Let me give you a few examples of what this might mean in terms of different agencies. Firstly, consider health problems. The World Health Organization has a Health in Prisons program that they apply in other countries. North Korea has acknowledged this past year that reeducation through labor centers exists. Those are not the prison camps we generally talk about, but they are detention centers. What if a health organization begins strategizing how they could introduce health-in-prison programs to reeducation labor centers? What about raising the question of tuberculosis? North Korea has a very high rate of tuberculosis and one can assume that the camps are breeding grounds. Why does a health organization not try to get into the camps to look at tuberculosis? This can affect their programs in other parts of the country. This is a way of seeing health programs in a human rights lens as well.

We can say the same thing with regard to children. UNICEF is doing very fine work with regard to orphanages and stunted children. If they are really trying to reach all vulnerable groups and they read the COI report, what about the children in the camps and detention centers? They are probably the most vulnerable children in North Korea. There is a certain blinder when it comes to a lot of these agencies in terms of seeing beyond what they do on the ground.

What about food programs? North Korea has agreed to certain recommendations in what is called the Universal Periodic Review. This is a review of the human rights of all countries in the world, including North Korea. In the session on North Korea, they agreed with the recommendation of free and unimpeded access to vulnerable populations and access to food distribution that would be nondiscriminatory. Here is something for a food agency, such as the World Food Program, to look at. Maybe this gives them an entry point in discussions about what happens with the distribution of food. Is it prioritized to certain areas of the country? Are certain groups favored? These are findings in the COI report. To what extent are the food agencies relating it to the activities they have on the ground? There are tremendously high rates of death in detention in North Korea, much from deliberate starvation of prisoners, but also from the terrible health problems that arise. It would be the right thing to do for these agencies to begin to look at the findings of the COI report and begin to see how this relates to what they are doing on the ground.

This morning Michael Kirby said the North Koreans have the right to know. The United Nations Educational, Scientific and Cultural Organization does human rights education and training. What about with North Korea? Is it not time to think about dissemination within North Korea of very basic human rights documents, like the Universal Declaration of Human Rights, and the particular human rights treaties North Korea has ratified? Should not this be a UN responsibility to make sure these documents get into the country?

The UN Economic and Social Commission for Asia and the Pacific holds training programs for North Koreans on business management. In these programs, is there any discussion of transparency, freedom of information, or worker's rights? Should not all these UN agencies be thinking more broadly about how to relate human rights, a core pillar of the United Nations, to their programs and activities?

I would just make a brief reference to the UN High Commissioner for Refugees. In some countries, UNHCR is actually able to follow those that return or are forcibly returned to the country and what happens to them. Why is there not a lot of effort to try to mobilize UNHCR as having an entry point into North Korea to look at those refugees who are returned or forcibly returned by China?

One area where I hope very much humanitarian organizations could come together to share information, strategize, and look to the future is on how political prisoners would be protected if there were a closing of the prisons—which has been called for—if there is a collapse in North Korea. There should be some plan in place for people who are starved

and traumatized. This is the kind of discussion that should take place among UN humanitarian organizations.

NGOs are needed tremendously to prod the United Nations and to prod these organizations to begin to take steps, strategize, and act. There will be a good deal of resistance because many of these organizations have their own method of operation. They fear expulsion or that their access will be jeopardized. These are legitimate fears, but there have been creative ways of bringing together the main human rights pillar together with all their programs, goals, and activities. Their diverse mandates have to come together.

I think that a lot of good thinking is needed by many people in this room on how to do that. My concluding remark on this is that in the rights-up-front strategy demands courage and confidence to support the values in the UN charter. I think that reinforcing the spine and the orientation of a lot of different parts of the UN will be needed and nongovernmental organizations can play a very important role here.

MR. SCARLATOIU

Would you have any comments pertaining to protecting North Korean refugees?

MS. COHEN

The refugee issue is one that needs more attention. The COI report was extraordinarily bold and honest in looking at where refugees are being forcibly repatriated from. That is China. The report actually warns China in a letter that its officials could be possibly seen as aiding and abetting crimes against humanity by forcing North Koreans back to a situation where they are punished severely and persecuted. China's role in this, for political reasons, is never mentioned in any UN resolutions; only the issue of non-refoulement comes up in the resolution. It is generally referring to all states or occasionally neighboring countries.

I believe there should be more of a political push to try to engage China in conversations on the refugee issue so that it can be worked out as a multilateral issue—not just an issue between China and North Korea, but one that is worked out with other countries, where there can be proposals to actually bring in some of these refugees to other countries and to try to allay some of the Chinese fears, but also to try to deal with the fact that they are violating international law and the refugee convention. This whole process often gets lost in the discussions on the COI report.

MR. SCARLATOIU

Lindsay Lloyd, you conducted a very thoroughly researched, interesting, and most helpful study based on extensive surveys. One of the goals of this exercise was to assess and to improve awareness of North Korean human rights as a critical step toward maintaining this momentum. Could you please share a few of your findings and recommendations with us?

LINDSAY LLOYD, PROGRAM DIRECTOR, FREEDOM COLLECTION, GEORGE W. BUSH INSTITUTE

We conducted an opinion poll in October 2014 of the American public which showed that only 13 percent had heard of the COI report. That is the bad news. The good news is that there is sympathy for this issue. If people hear and learn about it, they are prepared to become more active on this issue.

From a basic standpoint, over 90 percent of those we talked to agreed that every human being, regardless of where they live, is entitled to the same freedoms. That is a good base to start from. Almost 70 percent said the international community has a responsibility to act on behalf of those whose human rights are being violated. Seventy percent agreed North Korea does not respect the basic human rights of its people. That is also a good base to start from.

We asked people which country had the worst human rights record in the world. North Korea was the leading answer. Roughly a third of those named North Korea has having the worst record in the world, ahead of places like Russia, China, Syria, and others with rather dismal human rights records.

A little bit over half claimed they had heard of the prison camps in North Korea. They may not know about the issue in depth, but at least there is an awareness there that we can build on.

I think this is where civil society's role becomes so important. If you look at past issues similar to this—the antiapartheid campaign against South Africa, the movement of the American Jewish community to highlight the refuseniks in the Soviet Union—you had civil society becoming the voice of those who had no voice. I think it is here where civil society can do the same thing for the North Koreans that are living in such dire circumstances.

The report that we put together looked at five general areas where civil society can play an important role. Some of this is happening already. First of all, in raising awareness through traditional media, social media, technology, and so forth to raise awareness. We saw how viral the Kony campaign went a few years ago, where young people wanted to get involved in some way to speak out. Here is an area where civil society can make a real difference and where groups like Liberty in North Korea are already doing that. They are putting out materials and campaigns that appeal to the interests and the ways that young people communicate.

The second way that civil society can really become engaged is by helping to find champions. There is no one face or spokesperson that is really associated with this cause. I think it behooves all of us to see: Are there celebrities from the entertainment or sports worlds or the refugees themselves becoming advocates, becoming better known, putting a face with what is essentially a very abstract issue and a difficult issue to comprehend?

A third area is spotlighting the role of women. If you look at the story of North Korean refugees, it is really the story of women. The majority of refugees that have made it to this

country are women. The people I think who are really leading change in terms of the markets and new ways of doing business in North Korea are women. So civil society can really help to emphasize and highlight their role.

The fourth way is getting information inside North Korea. This is already happening with private radio groups, NGOs, balloon campaigns, and technology campaigns. There is no one method that is going to be the solution to this, but there are a lot of different ways that we can be getting more information inside.

Lastly, aiding the refugees themselves. There is a small population of about 170 here in the United States. By and large, they are doing very well, but they need help. They need human services like language and job training to help them make the adjustment here. We need to expose the fact that there is actually a pathway for refugees to come to the United States. If someone makes it to China, Vietnam, or another third country, they need to know that that pathway is there and there are resources in place to help them make that transition. Then also in helping them to find their voice and becoming more effective ambassadors or advocates for this cause. Who better than to hear from than someone who has lived the horrors of North Korea?

6 Luncheon Keynote Address

Carl Gershman, President, National Endowment for Democracy; and Board Member, Committee for Human Rights in North Korea

I want to thank the three commissioners for their historic report, which brought the issue of human rights in North Korea to the attention of the entire world. Michael Kirby led the commission with judiciousness and wisdom. His immense dedication is evident in the way he is now trying to mobilize support for the commission's recommendations, which constitute a comprehensive agenda for action by the international community in the period ahead.

Marzuki Darusman, in his capacity as the UN Special Rapporteur for Human Rights in North Korea, played an essential role leading to the creation of the commission and brought extremely valuable expertise to the inquiry on the workings of the North Korean system. Of course, he remains the special rapporteur, and his role will be enormously important in implementing the recommendations.

Sonja Biserko is a very old friend of mine who was a founding member in 1991 of the Center for Anti-War Action in Belgrade, the first and the most important peace initiative in Serbia that opposed Milosevic's nationalist agenda. She has been a frequent target of threats and even physical attacks, but she has never backed down, as when she testified in 2013 to the International Court of Justice in support of Croatia's charge of genocide against Serbia. She is a woman of courage and valor, and a tremendous asset for the cause of human rights in North Korea.

It is something of an understatement to say that the commission's recommendations, which open with a call upon the DPRK to "undertake profound political and institutional reforms without delay," are ambitious. It is good to set the bar high, but we all know how difficult any transition in North Korea will be.

I just finished reviewing Blaine Harden's new book, *The Great Leader and the Fighter Pilot*, that uses portraits of two figures: Kim Il-sung and No Kum Sok, the young lieutenant who flew his MiG to freedom shortly after the end of the Korean War. He uses these stories to explain how the monstrous political system of North Korea, with all the grotesque features described in the commission's report, came into being. Nothing has really

changed in the system that Kim built in the aftermath of the devastation he brought on his country and it is possible to conclude that nothing can change.

However, I do not think that is true, for three reasons. The stunning success of South Korea is an existential rebuke to the North, and it shows that its system has no future. The isolation of the society and the control system in the North are beginning to break down. Informed by the commission's report, satellite photos of the camps, and many other reports, books, and films, the world is now more aware than ever before of the terrible abuses taking place, leading to new pressures for change that will only grow in the future.

The commission's report has many recommendations, and I want to take a few minutes to focus on three of them.

The first is the recommendation to form a contact group of donors and other countries with friendly ties to North Korea who would raise human rights concerns in their ongoing bilateral relations. Scandinavian and other Western countries are obvious candidates for such a group, and they are already doing it. The main idea with the contact group is to involve countries from the global South—Africa, South and Southeast Asia, and Latin America—to show that human rights is not just the concern of the advanced democracies of the West.

One place to begin would be to encourage global democracy networks like the non-governmental World Movement for Democracy and the intergovernmental Community of Democracies to raise the issue of North Korean human rights with their members and participants. Countries like Indonesia and Mongolia are natural candidates for such a group, but there are many other countries that could be involved. The growing interest of the UN on the issue will help. The contact group might start by focusing on less politically sensitive issues, like better access to educational opportunities for young North Koreans, access to immunization and better health care, and adequate nutrition for pregnant women and for children.

The second recommendation I want to focus on is for states in the region to initiate something like a Helsinki Process. The idea of developing a collective security system for Northeast Asia that, like Helsinki, would include broad provisions for cooperation in humanitarian and other fields as well as freer movement of people and information, has been around for some time. Had the Six-Party Talks succeeded, such a process might have evolved out of one of its working groups.

South Korea has now proposed the Northeast Asia Peace and Cooperation Initiative, or NAPCI, which is a framework for multilateral security cooperation. It is still in its very early stages, and a realistic next step might be trilateral consultations among South Korea, Japan, and the U.S., involving both government officials and policy specialists, to consider the feasibility of a collective security system that would have a basket three human rights dimension. It is useful to remember that the initial agenda for the Helsinki Process began with discussions within NATO over three years.

Such a process might also offer a way to make progress on other recommendations of the commission, such as getting China to respect the principle of non-refoulement by stopping the forcible repatriation of North Korean refugees and fostering both inter-Korean dialogue and people-to-people dialogue between North Korea and other countries.

Finally, the third recommendation I want to note is the recommendation to establish a structure to ensure that those most responsible for crimes against humanity are held accountable for their actions. Transitional justice is a central issue in every transition. It consists of measures both judicial and nonjudicial, including criminal prosecutions and truth commissions, to address the legacy of massive human rights abuses, to punish those most guilty, to give a truthful and comprehensive accounting of the abuses, and to recognize the rights of the victims. The hope is that, by striving for accountability and truth, a society can find a way to rebuild civic trust and the rule of law. Inevitably, there will be punishment for crimes committed, but retribution is not enough. There must also be reconciliation.

The abuses in North Korea have been so massive that it is hard to imagine what a process of transitional justice would look like. That, of course, is for the future. For now, there are two immediate tasks. First, because the North Korean regime is aware of the growing international concern about the crimes it has committed and may seek to destroy the evidence, it is necessary to collect as much evidence and document as many crimes as possible.

Second, I think it is important for those involved in the cause of human rights in North Korea to begin studying the issue of transitional justice and to examine how it has been dealt with, both in post-communist countries and in other countries that have experienced transitions over the past three decades. There are also countries like Burma and Sri Lanka that are grappling with this issue today.

I cannot think of two better people to provide guidance on how to undertake such an examination than Marzuki Darusman and Sonja Biserko, each of whom has played a pivotal role in dealing with issues of transitional justice in their own respective countries. Such an examination will help people concerned about a better future for North Korea to start thinking through a very complex issue that will have to be addressed in the future if there is an opening. It would also be useful to find a way to communicate a nuanced and informed understanding of transitional justice to elites in North Korea, among whom there must be people who realize that the current system is doomed but who cannot imagine how they could survive a process of transition.

One way or another, such a transition is coming. The commission has made that more likely by putting the well-being of the people of North Korea on the agenda of the international community, something that has never happened before. With its recommendations, it has also provided us with a road map for moving forward and helping the people of North Korea achieve freedom. That is something that we now need to do, as we in the United States once said of racial segregation, with all deliberate speed.

7 Luncheon Keynote Address

Moon Soo Kim, Chairman of the Saenuri Party's Political Reform Committee; and former Governor of Gyeonggi Province

Our love and compassion for the North Korean people has brought us together today. On behalf of politicians of the Republic of Korea, I would like to offer my deepest respect and gratitude for your noble efforts to improve North Korean human rights. I will speak in Korean and the remainder of my remarks will be made through an interpreter.

Improving North Korea's human rights is critical in addressing the North's nuclear problem, bringing peace in Northeast Asia, and achieving reunification on the Korean Peninsula. Improving North Korea's human rights should be a priority pursued in inter-Korean relations. In this regard, over the years the international community, including NGOs, has made efforts to improve North Korea's human rights record. For this I am deeply grateful.

Every Tuesday I attend rallies taking place in front of Korea's National Assembly to request the establishment of a North Korea Human Rights Act. I also meet with lawmakers from the ruling and opposition parties, appealing to them that turning a blind eye to North Korean human rights abuses would be a sin.

In 2004, the U.S. Congress passed a North Korean Human Rights Act. I was ashamed because what we needed to do was done by the U.S. Congress first. At the time, there was a rush of North Korean defectors who exposed in great detail horrendous human rights conditions and the situations of POWs and abductees in North Korea. However, the then-Roh Moo-hyun government, in fear of annoying the North Korean regime, abstained or did not participate in UN votes on North Korean human rights. Thus, I submitted a North Korean human rights bill to the National Assembly on August 11, 2005.

For the establishment of the North Korean Human Rights Act, I visited the U.S. Congress and human rights groups to find out the status of North Korean human rights and the background behind the establishment of the U.S. North Korean Human Rights Act. I also visited places where North Korean defectors are known to have gone. I called for the investigation into the abduction of a Korean pastor and the situation of North Korean defectors

in China by holding a press conference. China's security agents disrupted the proceedings and confronted us for 11 hours. I called for the prohibition of forced repatriation of North Korean defectors and also the return of South Korean POWs by proposing four resolutions to the National Assembly. I also put together an exhibition about North Korea as a holocaust.

When I planned to resign as a lawmaker to run for the office of Gyeonggi provincial governor, North Korean human rights activists, including Suzanne Scholte, were against it because they were concerned that my absence would be a setback in efforts to pass the North Korean Human Rights Act. I did not think there would be a setback. However, after serving as governor for eight years and coming back to national politics, the North Korean Human Rights Act that I had presented 10 years ago still was not passed.

Human rights are so noble and sacred that they should not be violated, even during war. The Korean people should not dismiss the human rights of North Korean people.

As for myself, I cannot understand the argument that talking about North Korean human rights would undermine inter-Korean reconciliation and peace. I wonder, reconciliation for what and peace for whom?

In the shortest period of time on Earth, Korea was able to achieve industrialization and democracy at the same time. This was possible thanks to the interest and support from countries which upheld freedom, human rights, and democracy. When Korea was under military dictatorship in the 1970s and 80s, the very existence of human rights groups overseas was a great encouragement for democratic-movement activists like myself. Based on my past experiences in an authoritarian state, it is quite difficult to expect human rights to be improved only by those in the state. In this regard, what is important is your role, the roles of the international community in Korea and the North Korean Human Rights Act.

The UN and the international community, by way of various laws and resolutions, are working to strengthen North Korean human rights. Such movements are echoing in Korea as well. To date, 16 local governments of Korea have sent in their proposals to the National Assembly requesting that a North Korean Human Rights Act be established.

Under the military dictatorship in 1970, I was a college student and became actively involved in pro-democracy movements. I was expelled twice from college, and it took 25 years for me to finally graduate from university. When I was expelled from school, I devoted myself to labor movements. Due to my involvement in labor movements, I was incarcerated and tortured. I spent two and a half years in prison. When I was in the dark prison, it was a great comfort for me to know that someone out there was thinking of and praying for me. Those who are with us today are the very hope going forward for desperate North Koreans.

I entered the political circle in 1994 and served as a three-term lawmaker and Gyeonggi provincial governor. At present, I serve as chairman of the Saenuri Party's Political Reform

Committee. For eight years, until last year, I served as governor of Gyeonggi Province, which was divided when Korea was divided into South and North Koreas. The Imjin River and the northern part of Gyeonggi Province are so close you could see the soul of North Korean people within the reach of a hand. Whenever I saw North Korea with bare mountains and pitch darkness at night, I felt heavy in my heart thinking of the sufferings the North Korean people faced.

In 2008, for the first time in South Korea, I hired North Korean defectors as government officials. Today there are more than 40 North Korean defectors working in the Gyeonggi provincial office.

In my young days, I fought for freedom, human rights, and democracy against the authoritarian state. Now I think about what I have to do to achieve democracy in North Korea and reunification. About 100,000 North Koreans are incarcerated in political prison camps and 24 million North Koreans are suffering from starvation and hardship. In order to solve these problems, we have to achieve democracy in North Korea and unification on the Korean peninsula. History shows us that regimes abusing human rights will collapse without fail. I believe that if the North Korean regime insists on disregarding human rights issues, it will end up endangering itself.

We have to make efforts to reform and free North Korea. Let us work together on a long journey to free and liberate North Korea.

8 Award Presentation and Congratulatory Remarks

Roberta Cohen, Cochair of the Board, Committee for Human Rights in North Korea

It is my pleasure, on behalf of the Committee for Human Rights in North Korea, which I cochair with Andrew Natsios, to present the very first Human Rights Award to the United Nations Commission of Inquiry on Human Rights in the DPRK.

Sometimes a person, or a few individuals, comes along at a particular time in history and revolutionizes an issue and a movement. In this room today are three such people: the remarkable chair of the COI, Justice Michael Kirby, and Commissioners Sonja Biserko and Marzuki Darusman.

Their 400-page, fully documented report has had extraordinary impact worldwide. It laid out the legal and factual foundation should a case be brought in the future against the Kim regime. One might call it an international bombshell. It minced no words. It found a wide array of crimes against humanity and recommended accountability for those most responsible, beginning with Kim Jong-un. It made recommendations going beyond criminal justice, involving governments, international organizations, nongovernmental groups, and civil society foundations that interact with North Korea.

The report has been, and will be, facing pushback from the Kim regime and its supporters, whether governments or individuals, all of whom imagined North Korea could continue to effectively hide behind its inaccessibility. North Korea has not been able to continue to hide. The spotlight of the COI report has been too bright, and the calls upon North Korea to open up its country, open up its prison camps, and join the world outside have been too compelling.

The COI's voice has changed how the North Korean regime is perceived and treated internationally. In time, its findings will resonate within North Korea and become an important historical landmark on its road to freedom.

At the Kennedy Center the other evening, there was a standing ovation for an orchestra whose performance uplifted everyone. This human rights trio merits no less. On each

award is inscribed, “In honor of the extraordinary and inspiring work you have done in support of human rights and freedom for the people of North Korea.” Please join me in a standing ovation for the Commission of Inquiry.

Award Acceptance Remarks

MICHAEL KIRBY, CHAIR, UNITED NATIONS COMMISSION OF INQUIRY ON HUMAN RIGHTS IN NORTH KOREA; AND FORMER JUSTICE OF THE AUSTRALIAN HIGH COURT

I wish that there were members of our Secretariat here today. I know that the United Nations is often criticized, but this was one occasion when everything that should have been done was done, and the Secretariat was wonderful. Giuseppe Calandruccio, who had a lot of experience in COIs, was dedicated. We had more women than men in the Secretariat, and that is a sign that women can do everything men can do. It was a marvelous team.

I want to thank Carl for his remarks this afternoon, for his reminder of the importance of transitional justice. When I was in Thailand about three weeks ago, I met the government of Thailand, and they sought to explain to me why during the UN process they had voted for the Cuban amendment to the resolution that would have postponed any more serious action. They said they were anxious that North Korea should not be painted into a corner where they might do risky and dangerous things. However, when the amendment was defeated, they then voted for the motion because they thought that on its merits, the motion and the COI report should be adopted. That was a very logical position to take. They were at pains to indicate that they wanted to reach out to North Korea, and it is going to be important to get the nations that wish to do that.

Governor Kim, I thank you for your statement. When I was a judge in Australia, I heard that the great democrat, Kim Dae-jung, was coming to Australia. I knew his story; that he had twice been walked to his execution and twice he came back, survived, and became the president of a democratic country. I take great encouragement that in your life you have learned through experience that in a democracy everybody must find a place, and a voice must be there for everyone. This is a wonderful lesson for all.

In this week’s *Economist* is the obituary of Richard von Weizsäcker, the president of Germany at the time of its reunification. I recommend that you read that obituary. We can all learn a lot from Germany because, before the Berlin Wall fell, there were steps towards dialogue—person-to-person contacts. At the end of the obituary is a very dramatic statement. When he heard that the wall was falling, von Weizsäcker rushed from central Germany to Berlin and he rushed to the wall. Through the wall came jumping the police from the DDR, the German Democratic Republic. They rushed through the wall toward him. One of them, seeing him there, stopped, saluted, and said “Nichts ungewöhnlich, Herr Präsident”—“Nothing unusual, Mr. President”—because he wanted to emphasize that this was Germany joining together. I think all of us must hope and pray for the peaceful reunification of the Koreas.

This does not necessarily require regime change; something transitional may be found. It is important that you should understand the UN Commission could not posit regime change. They are a member of the United Nations. We are servants of the UN. I hope that I will live to see the same situation as I read this week of Richard von Weizsäcker. I hope that the dream that all Koreans, North and South, have of peaceful reunification under terms of acknowledgement of great wrongs, punishment for those whom are accountable for crimes against humanity, and person-to-person contacts across the borders, will be something we will all live to see. I am very optimistic that with the help of this excellent conference that these things shall be.

MARZUKI DARUSMAN, UN SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN THE DPRK; AND MEMBER, UNITED NATIONS COMMISSION OF INQUIRY ON HUMAN RIGHTS IN NORTH KOREA

I would like to take this moment to speak out of the UN context, and relate this to a personal experience [I had] a couple of months ago in New York. The North Korean Permanent Mission there sought to meet with the rapporteur in the wake of the resolution being tabled at the Third Committee. We met at the sidelines of the session in the UN lounge. I remember the human rights ambassador from North Korea, Ambassador Ri, saying to us that the rapporteur would be invited to go to North Korea on the condition that two clauses be taken out of the text. One relates to the culpability of the supreme leader and the second was the referral to the ICC.

That, of course, did not work out. However, a singular remark that came from the conversation was a request to consider what can be done, because if we diplomats cannot take care of the issue, the military in North Korea will take over. It was a very interesting remark, which brings out this aspect that there will be a tipping point where people in charge of the government that are tasked to oversee external relations will come to a conflicted relationship with people tasked to look into domestic issues. What we see is a beginning of a debate, and of a reform process, within the country.

I am aware that this issue may not be easily taken into account by the ongoing debate regarding North Korea at this moment within the UN. Therefore, I am putting this out to the conference as a new dimension to be looked into as perhaps an incremental process of change taking place within the regime that may lead up to bigger changes in the future.

Having said that, the apprehension is that we get carried away by looking at signs of reforms, and therefore put aside the accountability process that is so much needed. The task ahead is to build up the case against North Korea in anticipation that, one day, the judicial process will have to take place in that country. We are now embarked on a new leaf in this process, and it will be a very challenging stage. We in the commission are collectively hopeful that that point will be reached sooner rather than later.

SONJA BISERKO, PRESIDENT, HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA; AND MEMBER, UNITED NATIONS COMMISSION OF INQUIRY ON HUMAN RIGHTS IN NORTH KOREA

I believe that all these efforts were not in vain. This commission will be just the starting point. We live in very turbulent times, which I think at this moment need more wisdom, more leadership, more courage. I think it will provide a new framework for approaching North Korea in a different way. When I say in a different way, starting from this commission report, I mean in a way that engages more in social and economic aspects. This is one dimension of human rights which I think the North Korean people are, at this moment, concerned about.

I think it is important to find leaders who will be able to start the process of transitional justice in North Korean society, such as religious leaders and intellectuals, many of whom are abroad. I have seen the booklet here with names of North Koreans writers who live in exile who can be very useful to reflect on the approach to the transitional justice in North Korea. I think North Korean people lived in apartheid experience themselves. Africa could be a good example of a good way to proceed.

9 Testimonies: DPRK Human Rights Violations in Focus

CHAIR: MELANIE KIRKPATRICK, SENIOR FELLOW, HUDSON INSTITUTE; AND AUTHOR OF *ESCAPE FROM NORTH KOREA: THE UNTOLD STORY OF ASIA'S UNDERGROUND RAILROAD*

Two of the most important people here today are on this panel. They are two remarkable and courageous individuals who escaped from North Korea. Mr. Gwang Il Jung was a political prisoner at Camp 15. Since he escaped, he is now living in South Korea, and he has done a great deal to help get information back into North Korea.

Ms. Soon Shil Lee was a nurse in the North Korean military. She escaped a remarkable 10 times from North Korea until finally being able to make it all the way to South Korea. She was repatriated nine times by China and spent time in detention centers, where she was tortured.

Testimonies

GWANG IL JUNG, REPRESENTATIVE, ASSOCIATION OF NORTH KOREAN POLITICAL VICTIMS AND THEIR FAMILIES

(Note: Mr. Jung's remarks are made through an interpreter.)

I was the head of a trading company in North Korea, and then I was engaged in trading businesses between North Korea and China. In 1999, I was arrested by the North Korean Security Department. When I was arrested, I did not know why I was arrested.

From the day I was taken to a prison, I was ruthlessly beaten with wooden clubs. All my bottom teeth fell out because of those beatings. I was subjected to torture for three months, and then they forced me to confess that I was a spy. While I was engaged in trading business in China, I directly met with South Korean merchants. That was the problem. They told me that I needed to make a confession that I was a spy sent from the South Korean National Security Agency.

When I was taken and arrested by the North Korean State Security Department, I was tortured in many ways. The most horrendous one was pigeon torture, in which I was tied and I could not sit down or stand up. Because my arms were crossed behind my back, I

could not sit down and could not stand up, and I was hung like this for about a week. I had to defecate and urinate in my pants. Living itself was torture for me.

After I was subjected to such torture for 10 months, I gave up. I falsely confessed that I was a spy from South Korea. After making a false confession, I was taken somewhere else. That place was, I learned, the Yodok Camp, number 15. It was known as a camp, but in North Korea it was known as a *kwan-li-so*. There were a lot of people detained in that *kwan-li-so*.

I was in China and I had some interactions with South Koreans, which was recognized as a crime in North Korea. However, when I went to that prison camp, I found out that there were a lot of people who were falsely charged for nothing. At the time, North Korea suffered from famine, and a lot of people were taken to the prison camp for criticizing the North Korean regime. They were called "tongue reactionaries" and were arrested and taken to the prison.

Once you are taken to the prison, you are subject to horrendous torture compared to ordinary criminals. I was sentenced for 10 years, but that was the shortest period. Other people were sentenced for a longer period of time, so more than half of the people ended up dead in that prison. There was one person who died one week after he was taken to prison. That shows how horrendous the torture was in the prison camp.

There were a lot of horrendous and horrifying human rights abuses in the prison camp. During the summer, we engaged in corn farming. There was a work quota that we had to fulfill. If you completed your work quota, then you would be given meals. If you could not fulfill the work quota, then you would not be given food. A lot of people suffered from starvation because they could not fulfill their quota.

The prisoners were treated as subhuman. In the summer, during corn farming, prisoners were so hungry that they would steal the corn grains while they were being planted in the ground. They were given human feces and then the corn grains would be mixed with human feces because of stealing. Prisoners were so hungry, they picked the grains out of the human feces. Once they ate those grains out of the human feces, they would fall sick, and sometimes they would die of colitis. Sometimes, in order to give us some nutrition, they would give us some food mixed with human feces.

There were no buckets available in the prison. The security agents would use bowls of rice to carry or fetch the human feces. During the daytime, we would use that bowl to hold human feces and use it as a fertilizer for corn farming, and we used the exact same bowl to eat our meal.

During the winter, our work focused on carrying lumber. Last night it snowed here, and I was watching the snow falling down. A lot of memories crossed my mind last night. There were a lot of projects and tasks given to work prisoners, and every day we were obligated to carry timber and logs which were four meters long. We had to cut down those

tall trees. Then, while working on cutting those trees, sometimes a lot of prisoners got in accidents, and would die from those accidents.

If you died in the winter, you would not be buried under the ground because the ground was frozen, and it was impossible to dig up the ground. Even though people tried to dig up the ground, it required at least five or six people to dig up the ground to bury the people. That is why it was not allowed to dig up the ground to bury people.

But there were also people who got injured while laboring in the winter, and those injured people would be taken to a place called the "collection place of injured people." They were not dead yet. They survived. However, they would suffer from excruciating pain from their injuries. The security agents would wait until the end of March or April, and the people who were gathered in the room would be left to die or killed. The bodies would be loaded in a cart and then they would be thrown away in the field.

What is taking place is beyond our imagination, it is so horrifying and terrifying.

I was released in April 2004. I went to the revolutionizing zone of the Yodok Camp and I spent three years in the camp, and I was released in April 2004 and defected to South Korea afterwards. After I came to South Korea, I engaged in activities to defend North Korean human rights. When I looked at the COI report, I thought a lot of things. It did not draw a lot of attention until last year. However, now the North Korean regime completely denies what is contained in the report.

When the North Korean regime denied all the findings indicated in the COI report, many people, including myself, were stunned. Some people are questioning the credibility of North Korean defectors. North Korean defectors, including myself, would like to raise an issue to the North Korean regime directly. If they are criticizing our accounts as false, then they should conduct their own investigation and ask us questions. Then we would, without any hesitation, answer the questions posed by the North Korean regime. We are prepared to do so. We are going to make an official request to the UN Council, and I am prepared to talk about this in an official setting.

SOON SHIL LEE, HONORARY AMBASSADOR, THE WORLD PEACE FREEDOM UNITED FOUNDATION

(Note: Ms. Lee's remarks are made through an interpreter.)

It has been eight years since I came to South Korea, and before I came to South Korea I was a volleyball player for the North Korean military volleyball team and I also served in the military in Kaesong. In 1993, I also was part of the Arduous March.

I was in the North Korean military. I was not aware when I was in the North Korean military how dire the situation was in society. When I became a part of the regular North Korean society, I was a beggar, as was everybody else. I was repatriated to North Korea. On the ninth attempt, I was successful in defecting.

I was in Yongsan prison camp. I am not really aware of the political prison camp, but I experienced the regular prison camp.

There are 27,000 defectors in South Korea. You cannot silence the 27,000. As one of the 27,000 defectors, I am here representing them.

Let me talk about the Kaesong state security department. It is a cave of evil people because I was starved. Although I was retired from the North Korean military and I was a party member, it was unbelievable that I was a beggar and I was a displaced person. I do not think anybody would have believed that I, who was once a North Korean military member, became a beggar. I was a beggar for 10 years, wandering around homeless. *Kotjebi* is what you call a homeless person. I did not even have any underwear and I was a beggar.

That is why I went to China. Within an hour I was captured and I was sent back to the Kaesong state security department. When we arrived there, we had to take off our clothes. We could have been their mothers or their sisters, but these officials had sticks, and they would threaten to break our legs and break our bodies. They would search all over, even our uteruses, because they thought we were hiding money there. Somebody like me, homeless and a beggar, and trying to escape to China, would be unable to hide money. We were so humiliated and we were so shamed.

When we traveled to state security, we walked until we were like corpses. Some pregnant women, when they arrived at the state security department, were forced to have abortions. When I was in New York there was a human rights meeting. I brought forward this testimony of my fellow defector because she asked me to share her story as we were in the same ward. She was nine months pregnant and was forced to have an abortion. Miraculously, the baby was aborted but did not die. The baby kept crying. She cried for 20 to 30 minutes in a cold room. After the baby died, they threw away the body in the bathroom. When the mother went to the bathroom, she could see the baby that she gave birth to in the toilet. She took the baby and tried to cover the baby with ash, but this angered the security officials. They said that the baby was from the seed of a Chinese man and we had to show the others. Just because she, the mother, tried to cover the dead baby with ash, they beat her.

She, the defector, now lives in Incheon. She had a mental breakdown and she is still suffering from the experience. Recently, she was able to bring the baby's father from China and she is living with the baby's father. So she is living a more or less normal life right now in South Korea.

When I went to China, as I said, the ninth time, I had a two-year-old daughter. She was sold for 3,000 yuan, in China. I still do not know what happened to my daughter. I do not even know how old she is. In my memory, she is still a two-year-old. I still do not have a photo of my daughter. I hope that one day I will meet my daughter.

Why do we keep on defecting? It is because we are hungry because we were born in North Korea, and because the only thing we did was pledge allegiance to North Korea and Kim Jong-il, Kim Il-sung, and Kim Jong-un, and they prosecute and oppress these people who did nothing wrong. When you keep on stepping on people who are good people, they will change into tigers. Now we are changing information in our testimony; because we want to protect somebody who still lives in North Korea, we may change a little bit of information. We are not lying, but we want to protect those who are still in North Korea.

North Korea is a socialist country. The people are starving and their stomachs are sticking to their backs because of starvation. North Korea is the only country in the world that lets their people suffer to that extent. Three million people died of starvation. Twenty-seven thousand people defected from North Korea. These are the witnesses. These are the people who can provide testimonies. We have 27,000 people who can testify to what is going on in North Korea. Please listen to the voices of these 27,000 defectors.

DPRK Human Rights Violations in Focus

JOSEPH BERMUDEZ JR., COFOUNDER AND CHIEF ANALYTICS OFFICER, ALLSOURCE ANALYSIS; AND SENIOR ADVISER, COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

About 35 years ago I was persuaded to study North Korean defense and intelligence affairs. Since that time, I have met a large number of defectors and spoken with them at length, mostly about defense issues. While I knew about the camps and had a relatively good understanding of what happened, the priorities were not in that area. In fact, in two of my books the camps only received passing mention. It was not until about five years ago, when Greg came to HRNK, that I dedicated time to helping HRNK produce reports using satellite imagery to understand what was happening in the camps.

It is interesting when you look from space at something. You can see things that are happening, but you cannot necessarily tell why they are happening. I can see a building being built. I can see a building being torn down. I cannot tell you why, normally. This is important to understand about satellite imagery. People find it very seductive: I am going to look at this and I can see something in a country I cannot otherwise. The challenge is seeing enough of the imagery and seeing it on a more frequent basis than the average person.

This gives you a basic understanding of satellite imagery. It is important to remember satellite imagery is just a tool. It is a tool that others can use to help explain something that happened.

It is also a tool for those who have left North Korea, so they can tell us where they were at any specific time. This, in turn, is important to understanding and building an evidentiary case against those who have possibly committed crimes. If someone says they were tortured in a certain building and you understand when they were tortured, you go back

to look if the building was there. It is used to both confirm and negate information. It is also used to cue you about new developments.

What I have here is a small selection of imagery and a few comments about satellite imagery. We always talk about resolution, the size of each pixel and what it represents on the ground. That is what you call resolution or ground-sensor distance (GSD).

During the next five years, the number of satellites in orbit over the Earth is going to increase dramatically. Most of these satellites that I mention here pass over between 10:30 and noon because that is the best time of the day for sunlight. Anything that happens before or after that you will not see. This is critical in understanding the prison system in North Korea.

The best commercial satellite imagery is 30 centimeters, where each pixel represents 30 centimeters. At that resolution, I can start seeing people and detail that is unprecedented at the unclassified level.

Resolution, or GSD, is not perfect. Google Earth is a phenomenal tool, yet Google has to face certain production constraints. They have to process thousands of images and have to try to make them all look the same. They also have to buy costly satellite imagery, which results in the application of generic processing.

The other thing is the way you look at imagery. Google is always rotated so north is up. As an analyst, I always rotate my image so I am looking at an object the way the satellite was looking at it because it is arguably more intuitive for the brain to interpret and understand.

For example, consider a small section of Camp 15. One image is from Google Earth and the other, which was taken three weeks or four weeks later, I processed myself. If you look in the riverbed right above the dam, which is that horizontal line across the river at the bottom of the image, you will see rock piles. You do not see that in the Google Earth image. These details are important when you are trying to identify fence lines or what is happening to a building. This ties into what defectors tell us. They say there was a fire here at a certain time. We now have the ability to actually confirm or deny that.

How can satellite imagery help? It can either negate or verify something that we are being told. The North Koreans have not allowed us in. We have an ability to look in that is objective and evidentiary. I can show a judge that there was a building there on this date but there is no building there that date. This is important. If someone claims they were not at a camp, nothing was happening, or the mine was not working when he was a guard at the camp, we can now verify or negate that statement to some degree.

It is a slice in time. This is what happened today. This is what happened two months from now and this is happening a year ago. Each image by itself is a tiny slice of time. However, when you put them together you can tell a story that is important in bringing

people who have committed crimes against humanity to justice. These images are repeatable and timely. Google Earth is not that timely.

Consider imagery that was taken over North Korea by one company in seven days. Each red box represents a satellite image that was taken and almost all those images are 25-centimeter GSD (each pixel represents 50 centimeters). This is what it looks like over 30 days. You can see how some of the camps are being very nicely covered.

Camp 15 is quite large, although it is not the largest camp in North Korea. You could fit two Washington, D.C.s inside that polygon. This shows a little time sequence of an area that would be east of the little village of Sosong-ni and it shows mining activity in Camp 15. In 2011, the white dot in the center-top is the mine head. The white splotch all the way to the left is a retention pond. You can also see some blue-roofed buildings where the ore is processed. The remains go into the retention pond. All of a sudden in 2013, that pond has almost doubled in size, indicating an active mine site. People are in there mining and processing. Can I tell you if those are prisoners? I can make that supposition because I see the camp as a whole, but I cannot tell you how they are being treated. That is where interviews of defectors provide additional information. Together we can build a complete picture.

In 2013, there is a line bisecting that retention pond. That is how they get the slurry out there to dump it. By December, that pipeline is no longer in the retention pond and you can only see scarring from where it was. The blue-roofed processing buildings are no longer there. This is no longer an active mining site. This can help confirm or refute a story by a defector.

Camp 25 is right above Chongjin. It is different than all the other *kwan-li-so*; it looks more like a traditional provincial prison. In 2003, there are 20 guard posts. You can see the light blue outline representing fences and walls. In 2006, there were two more guard posts and the perimeter has expanded. In 2010, there were 38 guard posts and the perimeter has extended even more. Images that are taken high off-nadir, in other words taken at a real angle, and in panchromatic (black and white) allow you to see the towers, the shadow of the tower, and even the barbed wire shadow on top of the fence. We actually shoot panchromatic far more than we do natural-color imagery because the grain is finer and we can get a better resolution.

Here we can start telling the story. Why did this happen? This can be filled in by reports and other information we gather.

This is the Ch'oma-bong Restricted Area, which was identified when looking at one of the other camps. We saw this activity around Ch'oma Mountain in this little valley. It was not very big. All of a sudden, several years later there are 20 guard posts enclosing 14 square kilometers. All of a sudden, they have an improved road, a fence, and a guard shack. There is a traditional guard facility with entrance-controlled access and a fence

around it. Here is a rounded-roof guard post on the hill above the Ch'oma-bong area, almost identical to the one in Camp 25.

One of the things we are always asked is, how many people are in there? It is almost impossible to tell unless you have more information. There are housing units that are two-family units. If we use the analogy of the North Korean army, they use bunk beds. If you could fit 10 people normally, suppose they all have bunk beds, then you now have 20 people. If they use three-tier bunks, that further increases the number of people. You can, therefore, see the challenge that you face when you try to predict population strictly by footprints of buildings. Furthermore, some buildings are used for administrative purposes or storage. Even though they might have the same footprint, it is difficult to tell if it is most likely an administrative-type building as opposed to housing.

MS. KIRKPATRICK

Do you have any indication that North Korea is manipulating images for their benefit?

MR. BERMUDEZ

Yes, we do. It is not that they are manipulating the image; they are manipulating what we see. They are expecting our satellites to come over at a certain point of time because they always do. At those times they would stop work on something. However, using high off-nadir imagery—in other words, the satellite was not directly over North Korea at the time but it was far off over Japan—images were taken. In one case it was 1,200 kilometers away and it took an image. We saw a great deal of activity when they were not expecting us to be looking.

They also practice what we call CCD: camouflage, concealment, and deception. It is a practice that is used throughout the military and security services to attempt to camouflage something or deceive us into believing that the activity we are looking at is something else. It is bred in their doctrine and it has been since the time of the Korean War.

MS. KIRKPATRICK

Blaine Harden, could you comment on Shin Dong-hyuk's recent recantation of details that he previously told you? Will this have an impact on the larger issue of defector testimony overall?

BLAINE HARDEN, JOURNALIST; AND AUTHOR OF *ESCAPE FROM CAMP 14: ONE MAN'S REMARKABLE ODYSSEY FROM NORTH KOREA TO FREEDOM IN THE WEST*

It has an impact. Part of it is his notoriety. He became arguably the most famous defector from North Korea, in part because of my book, but also in part because he testified all over the world and spoke to the equivalent of *60 Minutes* in every developed country in the world. His story was out there. He told it consistently and he told it well. He told it for a long

time. What is the most interesting thing to realize about Shin is he told almost exactly the same story, changing almost no detail, for nearly nine years.

When I found out on January 16 that he decided to change his story, I called him and I asked him what the new details were. I then wrote that in the *Washington Post* as quickly as I could. Then I went out to try to find out how his story had changed. He told me that when he was still in China he heard that when he arrived in South Korea he would be interrogated by South Korean intelligence. He said this frightened him and he decided there were some things he was going to conceal and change.

He said that he wrote a streamlined script in his mind. When he arrived in South Korea in 2006 and had long rounds of interviews with the South Korean and U.S. Army intelligence, he stuck to that script. When he was finished, within about a year he went to North Korea Database, a South Korean NGO, and wrote down his version of what happened.

Once he wrote it down, he stuck to that script, almost without a single change. The one significant change in his script that I am aware of occurred in interviews with me. We did 20 or 30 interviews over two years in South Korea and the United States. In one of our last interviews in the summer of 2010, he changed the script. He told me that he was responsible in large measure for the death of his mother and brother because he betrayed them to a guard. When he told me that, I panicked and said, "What else do you want to change?" He said, "That is it. That is the one thing that I could not say."

In a sense, that made me feel that he was telling me the truth. I asked him about that two weeks ago and he said at that point, in a Southern California hotel room in August of 2010, he was on the brink of spilling the whole story, but he could not do it. He was motivated by the video sight of his father the North Korean government released and realized that he could not keep his story hidden anymore. He has since come out.

To summarize what he said that is different—he said that he was born in Camp 14. There is some significant evidence that he was born in the camp and that the borders of the camp shifted after his birth. He spent most of his youth and teenage years in Camp 18, a camp that over the years became increasingly less restrictive. He said that he escaped from that camp twice. The second time he made it all the way to China and was there for four months before he was caught and repatriated, as so many other defectors have been. Then he was brought back to Camp 18. He was taken to Camp 14 for punishment for having been a two-time escapee. That is when he was tortured.

The evidence of torture on his body is obviously there. The evidence of trauma that he has experienced is there from people who have interviewed him at multiple stages since he has come to South Korea. I talked to the U.S. Army interrogator who spoke to him just a few weeks after he landed in Incheon, coming from China. They said that he was uniquely traumatized at that point.

What I have learned in recent weeks, and what I learned before, always had made me skeptical of Shin's story, and I wrote that into the book. I think that one of the larger issues his changed story should tell all of us interested in North Korean human rights is that there is a tension between the power of testimony and the capacity of traumatized people to tell a linear truth of the sort that journalists and judges like.

The more traumatized a person is, particularly if they suffer from repeated and extended bouts of torture, the more their relationship to the truth is different than a non-traumatized person. This has been well established by psychologists who have treated traumatized people from all over the world. They tend to hide things they are embarrassed or ashamed about. They tend to bend their story so they can present an acceptable version of themselves to the world.

How they determine what an acceptable version is depends on what their experience was in North Korea, in the camps with torturers. Shin was tortured as much, if not more, than any camp survivor, according to one of the people who used to work for the Bowibu, the political police. Consequently, his relationship to the truth as journalists and judges like to hear it is going to be different.

What made Shin such a persuasive witness, but also made it difficult to see that he may not be telling the truth, was that he told a consistent story for almost a decade.

MS. KIRKPATRICK

David Hawk, you have interviewed hundreds of North Koreans over your career. One of the triggers for Shin to change his testimony was seeing a video North Korea made public of his father. Every North Korean I have ever interviewed is terrified that their family is going to suffer because of their speaking to a journalist or to somebody else. How does that resonate with what your experience is and what we are going to learn from defectors going forward?

DAVID HAWK, AUTHOR OF *THE HIDDEN GULAG*; AND SENIOR ADVISER, COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

That is one of two concerns I have about researching and documenting human rights violations going forward. As a part of their response to the COI, the North Korean authorities have decided to undertake relentless campaigns against the refugees who provide testimony to the international community. I fear that that is likely to continue.

Most of the biographies that are available in English now, the three major ones, are about men. I am aware of three biographies about North Korean women that are forthcoming. That is very important testimony because of the gender dimensions of the human rights situation in North Korea. Two of those refugees are very young women. I worry that the intelligence services and the security services of the regime will pull their parents, relatives, neighbors and put them on North Korean TV denouncing the family member who

is now in South Korea providing the testimony and take their campaign against these refugees to the General Assembly of the UN in an attempt to discredit the testimony of the refugee.

I hope that those of us who are NGO or government officials can find some way to back up and provide some way to stand in solidarity and support with the refugees who provide testimony, who I fear will be coming under very harsh criticism at the hands of the North Korean government.

Another concern I have is the growing paucity of new information. We are expected to be able to provide a kind of timeline on violations, whether it is getting better, whether it is getting worse. For that, we need new sources of information. When I first started doing research for the committee in 2002 and 2003, there were 3,000 North Korean refugees or defectors in South Korea. In the subsequent decade, the refugees were coming from North Korea by the thousands every year, so now there are 27,000.

It is conceivable that all the North Koreans who want to go to China or South Korea have already gone. However, we know for a fact that the North Koreans have tightened up the border a great deal in response to a couple of shooting incidents by defecting army soldiers. It is now much more difficult for North Koreans to get from North Korea into China and make their way to South Korea, where they can provide us new sources of information.

That also applies to increasing difficulty in getting information out of North Korea from the kind of news services that Ki Hong and others organized in Seoul. It is tougher to get phone messages out of North Korea than it was several years ago.

MS. KIRKPATRICK

Ki Hong Han, you have developed over the years a new source of information from North Korea; that is North Koreans who are willing to report to you and to others about what is happening there. Has that source of information expanded or is it decreasing? What is happening there?

KI HONG HAN, PRESIDENT, NKNET

(Note: Mr. Han's remarks are made through an interpreter.)

Before I answer that question I would like to comment on the remark made by Blaine Harden. I thought about it a lot during the past week. If I was not involved in the North Korean human rights issue for 17 years, I do not think I would be in a position to be criticized for providing testimony. I have read David Hawk's *The Hidden Gulag,* and Blaine Harden's *Escape from Camp 14*. Mr. Shin's recant of his testimony is perhaps based on the trauma that he suffered. We really need to think seriously about that. The changed story is after he was six years old when he transferred from Camp 14 to Camp 18. Somebody asked, is that a more severe camp or less severe camp? How does the truth of that statement influence the importance of the human rights issues?

Whether he is saying something that he experienced himself or he is reiterating something that he heard from other people, we need to actually separate the two. Yesterday Mr. Shin Dong-hyuk said he is going to resume his activist position for North Korean human rights. I think Mr. Shin should resume his activities because he came to the free world and he experienced the value and the preciousness of freedom. He wants to play a part in helping the North Korean people experience what he experienced. He knows how superior democracy and freedom is.

There should be a precondition to that. When we stand in front of the truth, we feel uncomfortable because you have to be brave to tell the truth. If Mr. Shin can be brave with the truth, with himself, and also be able to differentiate between something he experienced himself or he heard from other people, then that should be clarified with his activities.

To go back to the question, we wanted to establish an alternative source. About 20 activists in China participated. We also have a lot of sources in North Korea who provide information. We have a network in China and North Korea. China has an intelligence agency and many of our sources have been detained by Chinese intelligence, which has weakened our network.

Also, we were able to provide a firsthand source from North Korea, but we are seeing a weakening of these North Korean sources. After Kim Jong-un took power, the border between China and North Korea was strengthened. We do not have any new sources in North Korea. The importance of the first-person source actually has weakened based on our experience.

However, we are utilizing technology and science. We are looking at various satellite photos and pictures, which will supplement the testimonies. This is not new. In 1996, when Kang Chol-hwan was interviewed by the Korean NSA, they were able to see Yodok Prison Camp. The CIA or the intelligence agency of South Korea may need to support the civil groups that deal with North Korean human rights issues. If there is no collaboration between the two, it will be very difficult to come up with new sources.

Our attention to North Korean human rights is stronger than ever before. We should use this opportunity, and we really have to look into ourselves to determine the truth we are telling. It is not because we are being criticized by North Korea. It is also because we want to be ethical and we want to recognize the importance of our testimony.

10 The Politics of North Korean Human Rights

CHAIR: VICTOR CHA, SENIOR ADVISER AND KOREA CHAIR, CSIS; AND DIRECTOR OF ASIAN STUDIES, GEORGETOWN UNIVERSITY

I would like to start by asking my colleague, Michael Green, to say a little bit about the policy context of North Korean human rights. You served in the White House in the first and the second Bush administrations. In your own mind, how do you see the human rights issue? How was it back then? How has it been now? In what ways is it different? What do you see as the policy challenges, particularly when we look at the other priority for the United States, the North Korean nuclear issue?

MICHAEL GREEN, SENIOR VICE PRESIDENT FOR ASIA AND JAPAN CHAIR, CSIS; AND ASSOCIATE PROFESSOR, GEORGETOWN UNIVERSITY

First of all, I think this conference itself will be viewed by experts on this issue and historians as a real turning point, because frankly I do not think you would have had such a high-level gathering around this issue five or 10 years ago.

The Commission of Inquiry report represents, for the international community, the strongest consensus we have ever had on this issue. The Obama administration deserves some credit for putting out some pretty strong and consistent statements on North Korean human rights over the past few years. We have really hit, as hard as this issue is, the strongest international and domestic consensus we have had on it.

However, for most of the time I have been working on North Korea, the human rights issue has frequently been posed as being in contradiction with diplomacy. Raising the issue of human rights was often considered something that would undercut efforts to establish confidence and to get progress on the nuclear issue with North Korea. This has been true in every administration over the last 20 years or so, including the Bush administration. Even though, as you and Amanda know, President Bush felt pretty strongly about this issue.

For example, I remember in the late 1990s when I was responsible for running the North Korea task force, which included about two dozen of the leading Asia experts in town, at the Council on Foreign Relations. The task force was convened to come up with a bipartisan consensus on North Korea policy. We did not take a single look at the human

rights issue. It was all about the tactics and diplomacy of the nuclear issue, missiles, et cetera. We did not take a single look at this issue until Katie Oh brought in some defectors to describe what life was like in the camps. It was a moment that sort of shook everyone.

I remember arriving at the NSC in 2001 and receiving the draft human rights report from the Bureau of Democracy, Human Rights, and Labor. There was no North Korea section. When I called to ask why, they said, "Well, the previous standing instructions from the seventh floor were to not 'name and blame' North Korea as long as sensitive diplomacy was going on about a possible presidential visit and so forth."

The Japanese abductees, which are also a human rights issue, were also largely ignored by the Japanese and U.S. governments in the 1990s. Then, in 2008, sanctions were lifted on North Korea in spite of public promises this would not happen until there was progress on determining the fate of the abductees from Japan.

We are in a place right now where the diplomacy with North Korea is largely frozen, where the administration talks about "strategic patience," and where there is more room to be vocal about these issues. I worry a little bit that, if diplomacy gets back on track, there will be an instinct on some parts of our government and other governments to start shelving this issue.

One thing to think about from this history is, "What are the principles that the U.S. government, the ROK government, Japan, and Europe would follow to make sure there is consistent application of our national sources of leverage on this, as hard as they are?" As much as we have achieved, and as much as you hear in this conference, frankly the default position for governments often is to view this issue as an inconvenience. We need to think about how to make sure human rights stays on the front burner.

DR. CHA

Gap-je Cho, you have seen many of these from the Korean perspective as a senior journalist and you have seen this issue develop over the years in South Korea. Could you give us your perspective?

GAP-JE CHO, AUTHOR; AND FORMER EDITOR IN CHIEF, *MONTHLY CHOSUN*

December 18, 2014, was a great day for me when I heard the news that the UN General Assembly passed a resolution on the North Korean human rights issues. It was the day a dream came true for me because I belong to the first generation of reporters who began to have influence in North Korean human rights issues.

In 1989, I first interviewed Kim Hyon-Hui, the infamous female terrorist who bombed Korean Airline 105, killing 115 people. I was shocked at the testimony about her life in North Korea because her testimony was almost the same with what our government said. I was always suspicious of government information about North Korea, but what she said was worse than the government-provided intelligence. I began to meet North Korean escapees.

The North Korean escapees appeared on the scene in South Korea in the early 1990s, when the Eastern Bloc collapsed. They brought truth and information about North Korea and we conveyed their information to the South Korean public. In 1992, when two people who were in the Yodok Concentration Camp came over to South Korea, we began to focus on the concentration camp.

In 1994, Ahn Myong Chol, a former guard at Camp Number 22 who escaped, gave a very detailed description of his role in the concentration camp. At that time, I was a chief editor of *Monthly Chosun* and we translated his description into English. Then, in early November 1995, I went to Israel to do an interview with Prime Minister Rabin. On that Saturday afternoon, I went to his office in Tel Aviv for a one-hour interview. At the end of the interview, I gave Mr. Rabin the English version of the concentration camp testimony, urging him to pay attention to the issue of the concentration camps. Mr. Rabin became angry with me. He said, "Never compare this to the Holocaust. The Holocaust is a unique thing and it is not comparable to anything." I left my pamphlet on his desk and I returned via Frankfurt to Gimpo Airport. There, a taxi driver told me that Rabin had been assassinated. I was the last reporter who interviewed Mr. Rabin.

In 2003, David Hawk visited my office to investigate the concentration camps and he wrote a great report, *The Hidden Gulag*. My magazine, *Monthly Chosun*, made a great scoop on the escape of Ahn Myong Chol. We knew he would make an escape. We waited until he took action—not in Japan, as planned, but in China. I also witnessed the agony of the late Han Dong-yul during our leftist administrations that covered the 10 years from the Kim Dae-jung to the Roh Moo-hyun government. The Kim Dae-jung government put Hwang Jang-Yop under surveillance. The most important information that Hwang Jang-Yop brought to us was information about the workings of the inner circle in the first half of the 1980s during Kim Il-sung's regime and second half of 1980s during Kim Jong-il's regime.

I still remember the joy I felt on the 18th of December last year, because that joy was doubled by our Constitutional Court's verdict regarding the United Progressive Party. Our Constitutional Court dissolved that party on the grounds that they were pursuing the same goal as the North Korean Labor Party. Their goal was to make South Korea a communist state which would be eventually absorbed into North Korea. Two very important legal documents appeared on the same day. International law said that the North Korean regime committed crimes against humanity on the same level as Hitler or Stalin. Our constitutional law came to a verdict on the North Korean followers indicating, "You are enemies of freedom. We cannot allow freedom to a party who vows to destroy freedom itself." These two documents had a very important relationship.

To summarize, according to the UN General Assembly resolution, the North Korean regime is the same kind of totalitarian regime as Hitler's and Stalin's regimes. In South Korea, there are very strong pro–North Korea factions and North Korea followers. They are defending North Korea and have been blocking our National Assembly from passing a Human Rights Act for decades.

I think the most underreported or ignored thing in South Korean politics is the presence of a very strong pro–North Korea influence. I would explain that this is evidenced by their success in blocking the passing of a North Korean Human Rights Act. They were successful in blocking the sending of balloons to North Korea. They were also successful in blocking the Roh Moo-hyun government from joining the Proliferation Security Initiative (PSI). However, later, the Lee Myung-bak administration did join the PSI. This means they are blocking the mobilization of national resources and the national will to confront the nuclear issue as well as the human rights issue.

This phenomenon began in the 1980s with the Gwangju Uprising. The Gwangju Uprising was a crucial event in the shaping of the student movement and North Korea used the Gwangju incident to influence the democratization movement. The movement was infiltrated by North Korean nationalism propaganda. Its focus was to influence the South Korean public to sympathize with the North and to see America as a bully state. These students who embraced this leftist viewpoint in the 1980s moved into politics, media, academia, law, and NGOs. They became assemblymen, journalists, teachers, professors, judges, and activists. The Kim Dae-jung and Roh Moo-hyun governments were successfully elected with full support from these leftist elements.

I can calculate the structure of public opinion in Korea now as three or four groups. Ten percent, I think, are pro–North Korea, 20 percent are sympathizers with the pro–North Korea element, and 30 percent are core conservatives. The remaining 40 percent are a centrist group. The minority left is young, while the majority is old and disorganized. Why has this happened? South Korea is too dependent on the United States for its national security, and this has made the South Korean people less responsible. This public attitude has also made irresponsible politicians and a vicious circle ensues.

I would like to highlight three interesting statistics about how the leftist rule has had an impact in South Korean politics. The New Politics Alliance for Democracy, the number-one opposition party, has 130 members out of a total of 300 members in the National Assembly. Among them, 21 members from the New Politics Party have a record of being convicted of violating national security law and anticommunist law. Almost all of them were convicted after 1988, which means that they violated the law after democratically elected governments began to respect lawful policies.

A second statistic is, during the Roh Moo-hyun administration, 26 assemblymen openly criticized the passing of the North Korean Human Rights Act of 2004 by the U.S. Congress. All of them were ruling party members. Nine of them are serving as assemblymen in the opposition party now. According to a captured North Korean spy called Kim Dong-sik, in the 1990s the North Korean operational bureau instructed North Korean followers in South Korea as follows: “You can criticize North Korea if necessary, except for these five areas. You should never criticize these five points: North Korean leadership, leadership inheritance, the North Korean political system, Kim Il-sung’s policy of self-reliance (*Juche*), and human rights.” I think the pro–North Korea faction follows these guidelines loyally even now.

DR. CHA

Tae Hyo Kim, could you also discuss the issue of human rights and the nuclear threat, both how you dealt with it in your administration and, particularly, looking forward? If you were still in the Blue House how would you deal with this? There is momentum now on the human right issue, and depending on which way the wind blows there is always a chance that nuclear talks could restart again. How would you bring those two things together and close that circle? Or is there a zero-sum trade-off there?

TAE HYO KIM, FORMER SENIOR SECRETARY TO THE PRESIDENT FOR NATIONAL SECURITY; AND PROFESSOR OF INTERNATIONAL RELATIONS, SUNGKYUNKWAN UNIVERSITY

To be included in the last session is not a good thing normally, because session after session, you normally lose the audiences. But today is very strange, as the last session is more crowded and has more important people. So I feel lucky today.

I was impressed by the various elements of today's audiences, particularly because there are lawmakers, administrators, journalists, international organization staff, and NGO activists. This very diverse membership promises an in-depth and dynamic discussion.

I have also found diverse methodology here today and I have learned a lot. There were comparative case studies, narratives, interviews, and video displays. This mixture of different methodologies makes social science more mature and diverse. I also enjoyed today's interdisciplinary approach. There were ethics, political science, cognitive psychology, and also international law. These approaches make me more excited to approach this same human rights issue in terms of policies and academic positions.

First of all, let me just mention three dimensions of North Korean human rights issues. The first aspect is the threat to North Korean people's thoughts on freedom and ability to pursue a better life in a new open society. The other dimension is the tens of thousands of North Korean core elite members. They are also victims because they are captured by Kim Jong-un's reign of terror. They say what they have to say, but they do not necessarily believe. This is a problem. The third dimension is the South Korean people. We are also victims, because we have to pay higher political, military, economic, and psychological costs because of a divided peninsula and these human rights conditions.

There are some international challenges for the ROK government. The first challenge is our coordination with the U.S. government on balancing sticks and carrots toward the DPRK. If we reward the Kim Jong-un regime, it will aggravate the North Korean human rights condition. If we punish them, they will try to send more laborers to the international society and it will also aggravate the North Korean human rights condition. However, a good thing about this is that you reduce the power of the distribution system by the Kim Jong-un regime. The consequence is, whether you intended it or not, markets for information and materials will flourish on the black market in North Korean society, simply because of the weakened central control over local society and their economy.

The second challenge is South Korea separating security cooperation from historic conflicts with Japan. South Korea and Japan have trouble in their bilateral relationship. As a result, we do not have as efficient and dynamic trilateral security cooperation as we did 10 or 15 years ago. This is a huge challenge not only for Japan, but also for the South Korean government.

The third international challenge for South Korea is handling China's reluctance to encourage North Korean change while initiating discussions on a unified Korea. We have a free-trade agreement with China. More and more, we talk about a future unified Korea relationship with China. However, China still focuses more on peaceful and agreed unification rather than a South Korean–initiated peace, and an open, democratic society. Therefore, there are a lot of challenges and tasks that are still left in terms of our engagement with China.

There are also ROK domestic challenges. Professor and Honorable Cho Gap-je already explained Korean domestic histories and our dilemmas better than anyone else. Let me point out just three domestic challenges. One challenge is ideological division on North Korea policy. We are divided between left and right. Both sides are competing for more support from the mass media and public. The public does not have exact information. Sometimes, when they witness summit meetings between the North and South, they believe dialogue is better than anything else. But some try to argue to the public that markets are more important. However, the human rights issue is of utmost importance. We have to limit our strategic assistance. What is the central government's position? What kind of network and power could be utilized by the president in order to provide accurate information and lead the public to support their North Korea policy?

Another domestic challenge is that Korea is a vulnerable democracy into which North Korea has deeply penetrated.

A third domestic challenge is our preparation for unification—particularly, unification plans associated with each field of North Korean society including education, welfare policy, military, economics, jobs, and training. Regardless of any normal peacetime North Korea policy, we have to separately focus more on our own independent unification plan.

My final point is about policy prescription. We have to focus more on the present and immediate human rights violations in North Korea. As Michael Green already mentioned, diplomacy and engagement policy toward North Korea cannot be, and should not be, conflicted by our focus on humanitarian concerns. It is a problem of balancing, and you can wisely uphold and pursue these two things, depending upon your strategy.

My second policy prescription is to ensure that ROK-U.S. policy toward North Korea is consistent and well-coordinated. In particular, essential military and political measures that can be adopted without negotiation with North Korean leaders should be our top priority. We do not have enough time to wait until North Korean leaders might change.

For now, what we can do, and what we should do, is to find more creative and effective solutions that can change North Korean local societies, that can change the North Korean elite, and that can change North Korean people's minds through our own independent, creative measures. In this way, the alliance and like-minded countries, with active and proactive approaches, can still make meaningful, tangible results without strong agreement from North Korean leaders.

Finally, we should strengthen strategic dialogue with the Chinese government on the issues of North Korean refugees, limiting the flow of strategic materials into North Korea, and possible cooperation during and after North Korean contingencies.

DR. CHA

John Sifton, what challenges do you see going forward for the NGO community, now that momentum has built over 2014? As we look to the future, what sort of things do you see NGOs having to do to try to move government policy in the directions that you would like to see?

JOHN SIFTON, ASIA ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH

First of all, I will say I share Michael Green's anxiety about the trade-off that will happen if diplomacy is revived in a meaningful sense. I do not think we should kid ourselves. We need to be very honest that if there was a well-coordinated effort of outreach by the North Korean government to the international community on the nuclear proliferation issue, or just on general issues of proliferation and human rights, it would immediately impact the capacity to keep the human rights issue on the table at the Security Council.

Simply their extension of an invitation to the special rapporteur caused us huge amounts of anxiety and heartache as we lobbied in the General Assembly on votes for the General Assembly resolution. Many fence-sitting countries said, "Well, they have invited the special rapporteur. Should we, perhaps, consider easing up on the language?" It would be a terrible bargain to trade off a single special rapporteur visit for operative language in a historic General Assembly resolution. We have to keep the ball rolling. Thankfully the trade-off did not go forward, in part due to the DPRK's own lack of honesty in extending that offer.

I raise all that because I share your anxiety. I really think this is a concern down the line. We can try to balance, and I think we should try to balance, these issues. However, at the end of the day, diplomacy's gain will be the human rights movement's loss. We will suffer as we try to push this forward.

What could be done to try to mitigate that or offset that problem? There are a couple ideas. One, if you create institutions and processes, whether in the United Nations context or any other, which cannot be traded away in diplomacy very easily, then they cannot be traded away in diplomacy very easily. If you create a Seoul office of the UN High Commissioner for Human Rights, which is actively investigating and carrying out research, and it is set up and

funded in a way that cannot be easily or procedurally unwound, then it cannot be traded away in the diplomatic realm. That is good because it should keep doing its work.

If you have certain things going on in the context of the other special procedures of the UN Human Rights Council, such as the special rapporteurs and working groups that are actively pursuing efforts which are paying dividends, then you have created a process that is moving along that cannot be traded away because the nonproliferation diplomats cannot just turn off the UN system. The UN system is its own thing and it cannot be controlled by the U.S. National Security Council or the ROK government.

The other solution is in the domestic law of the ROK and the United States: passing the legislative regimes which create new sanctions and listings for the Treasury Department here in Washington to restrict financial relationships with individuals in North Korea and banks in China which do business with them. If you start these regimes, they cannot be unwound easily if diplomacy revives.

I am not against diplomacy and I am not trying to sabotage diplomacy. However, I think there are some hedges that can be taken so that negotiators cannot simply trade away legitimate, meaningful, and important human rights efforts. The lessons of Burma, again, rear their head here. The sanctions regime played a huge role in convincing the military junta in Burma to turn away. The sanctions in Burma, in Human Rights Watch's view, were relaxed a little bit too quickly and the leverage was lost a little bit too quickly. It is the sense that you will trade things away if North Korea engages in real, legitimate diplomacy down the line, but let us try to keep it to a minimum and not relax those sanctions too well.

I think it is right not to make too much of a big deal about the politicization issue. It is true that in the ROK the domestic situation toward North Korea's human rights situation has been highly politicized. However, let us remember that in Korea it is becoming less so, in Japan it is much less so, and here in Washington it is very much not politicized.

President Bush met abductees from Japan and other victims. President Obama met abductees when he went to Tokyo last year. We have Senator Rubio and Senator Barbara Boxer, two very different people, very interested in the North Korea situation. Representative Royce and Representative Engle are cosponsoring efforts on legislation in the House. This is not about communism. It is not about free markets. It is not about Republican or Democratic ideologies. It is about human rights. That is an important thing to remember as we go forward.

DR. CHA

Those are a great set of comments. In particular, this point that policymakers have to internalize that what is happening here and what has been happening with the COI over the past year are truly meaningful things. They are not simply actions that just happen because there is nothing else happening with North Korea. They really do have meaning for everyone.

11 Concluding Remarks and Adjournment

Victor Cha, Senior Adviser and Korea Chair, CSIS; and Director of Asian Studies, Georgetown University

I want to thank Ambassador Kirby, Commissioner Darusman, Commissioner Biserko, Ambassador King, Ambassador Lee, Kurt Campbell, Carl Gershman, and Governor Moon Soo Kim for joining us today.

I want to thank my co-organizers: Amanda Schnetzer, Lindsay Lloyd from the Bush Institute, as well as Greg from HRNK and Lee Jung-Hoon from the Yonsei Center for Human Liberty. I also want to thank all of our staff.

In the time I was at the White House one conversation I will never forget was with a North Korean defector who we invited in to see the president. Afterward, as we were walking out, he looked back at the White House compound and pointed to the West Wing. "Is this the White House?" he said. "No," we said. "That is the West Wing. The big building is the White House. That is where the President and Mrs. Bush live." He just looked at us and said: "Thank you. Thank you just because if you did not care then nobody would care."

As the video said earlier today, "Why do we all work so hard on this issue?" It is because we care.

Today we had all the elements against us. We had snow. We had late-arriving food. We had protests from the DPRK in New York. In spite of all this, all of you are still here at the end of a very long day. It is a testament to the fact that we are celebrating the commission's work. However, there is still a lot more work to do. We are all here because that is what we are going to do.

Appendix 1: Conference Agenda

North Korean Human Rights: The Road Ahead

Commemorating the One-Year Anniversary of the UN Commission of Inquiry Report

Organized by the Center for Strategic and International Studies, the Committee for Human Rights in North Korea (HRNK), the George W. Bush Institute, and Yonsei Center for Human Liberty

February 17, 2015

Center for Strategic and International Studies

8:00–8:30 AM	Registration and Check-In
8:30–9:30 AM	Opening Ceremony
	Greetings
	Victor Cha, *Senior Adviser and Korea Chair, Center for Strategic and International Studies; and Director of Asian Studies, Georgetown University*
	Introductory Remarks
	Kurt Campbell, *Chairman and CEO, The Asia Group; and former U.S. Assistant Secretary of State for East Asia and Pacific Affairs*
	Welcoming Remarks
	Jung-Hoon Lee, *Ambassador for Human Rights, Republic of Korea; and Director, Yonsei Center for Human Liberty*
	Amanda Schnetzer, *Director, Human Freedom, George W. Bush Institute*
	Greg Scarlatoiu, *Executive Director, Committee for Human Rights in North Korea*
	Keynote Address
	Marzuki Darusman, *UN Special Rapporteur on the Situation of Human Rights in the DPRK; and Member, United Nations Commission of Inquiry on Human Rights in North Korea*
9:30–10:30 AM	Panel One: UN COI Report in Perspective
	Chair: Victor Cha, *Senior Adviser and Korea Chair, Center for Strategic and International Studies; and Director of Asian Studies, Georgetown University*

	Overview
	Michael Kirby, *Chair, United Nations Commission of Inquiry on Human Rights in North Korea; and former Justice of the Australian High Court*
	Panelists
	Sonja Biserko, *President, Helsinki Committee for Human Rights in Serbia; and Member, United Nations Commission of Inquiry on Human Rights in North Korea*
	Robert King, *Special Envoy for North Korean Human Rights Issues, U.S. Department of State*
	Jung-Hoon Lee, *Ambassador for Human Rights, Republic of Korea; and Director, Yonsei Center for Human Liberty*
10:30–10:45 AM	Coffee Break
10:45–11:45 AM	Panel Two: What is the Road Ahead?
	Chair: Greg Scarlatoiu, *Executive Director, Committee for Human Rights in North Korea*
	Panelists
	Roberta Cohen, *Cochair of the Board, Committee for Human Rights in North Korea*
	Jung-hyun Cho, *Assistant Professor, Korea National Diplomatic Academy*
	Lindsay Lloyd, *Program Director, Freedom Collection, George W. Bush Institute*
	John Sifton, *Asia Advocacy Director, Human Rights Watch*
11:45–12:15 PM	Luncheon
12:15–1:30 PM	Luncheon Remarks and Presentations
	Video Presentation by Yonsei Center for Human Liberty
	Because of You
	Luncheon Keynote Address
	Carl Gershman, *President, National Endowment for Democracy; and Board Member, Committee for Human Rights in North Korea*
	Moon Soo Kim, *Chairman of the Saenuri Party's Political Reform Committee; and former Governor of Gyeonggi Province*
	Award Presentation by HRNK
	Presentation by: Roberta Cohen, *Cochair of the Board, Committee for Human Rights in North Korea*
1:30–2:40 PM	Testimonies: DPRK Human Rights Violation in Focus
	Chair: Melanie Kirkpatrick, *Senior Fellow, Hudson Institute; and Author of* Escape from North Korea: The Untold Story of Asia's Underground Railroad

	Testimonies
	Gwang Il Jung, *Representative, Association of North Korean Political Victims and their Families*
	Soon Shil Lee, *Honorary Ambassador, the World Peace Freedom United Foundation*
	Discussants
	Ki Hong Han, *President, NKnet*
	David Hawk, *Author of* The Hidden Gulag*; and Senior Adviser, Committee for Human Rights in North Korea*
	Blaine Harden, *Journalist; and Author of* Escape from Camp 14: One Man's Remarkable Odyssey from North Korea to Freedom in the West
	Joseph Bermudez Jr., *Cofounder and Chief Analytics Officer, AllSource Analysis; and Senior Adviser, Committee for Human Rights in North Korea*
2:40–2:55 PM	Coffee Break
2:55–3:55 PM	Panel Three: The Politics of North Korean Human Rights
	Chair: Victor Cha, *Senior Adviser and Korea Chair, Center for Strategic and International Studies; and Director of Asian Studies, Georgetown University*
	Panelists
	Michael Green, *Senior Vice President for Asia and Japan Chair, Center for Strategic and International Studies; and Associate Professor, Georgetown University*
	Gap-je Cho, *Author; and former Editor in Chief of* Monthly Chosun
	Tae Hyo Kim, *former Senior Secretary to the President for National Security; and Professor of International Relations at Sungkyunkwan University*
	John Sifton, *Asia Advocacy Director, Human Rights Watch*
3:55–4:00 PM	Concluding Remarks and Adjournment

Appendix 2: Participant Biographies

Joseph Bermudez Jr. is the chief analytics officer and cofounder of AllSource Analysis, Inc. He is an internationally recognized analyst, award-winning author, and lecturer on North Korean defense and intelligence affairs and ballistic missile development in the Third World. He has served as senior all-source analyst for DigitalGlobe's Analysis Center; senior analyst, editor, and author for IHS Jane's (formerly the Jane's Information Group); and is the publisher and editor of *KPA Journal*.

Sonja Biserko is the founder and president of the Helsinki Committee for Human Rights in Serbia and a member of the United Nations Commission of Inquiry on Human Rights in North Korea. She has written extensively on the wars of the former Yugoslavia and war crimes including the Srebrenica genocide, the fall of Vukovar, and accounts of the trials of Slobodan Milosevic and Vojislav Seselj. Ms. Biserko is a founding member of a European movement in Yugoslavia and the Centre for Anti-War Action in the Belgrade Forum for International Relations, and was senior fellow at the United States Institute of Peace from 2000 to 2001. She received the Human Rights Award of the Lawyers Committee for Human Rights in New York in 1994, the Human Rights Prize of the City of Weimar (Germany) jointly with Jestina Mukoko in 2009, and the Human Rights Award of the University of Oslo in 2010. She holds a degree from the University of Belgrade faculty of economics.

Kurt Campbell is chairman and CEO of The Asia Group and chairman of the Center for a New American Security (CNAS). From 2009 to 2013 he served as the assistant secretary of state for East Asian and Pacific Affairs. Previously, he was the CEO and cofounder of CNAS and concurrently served as the director of the Aspen Strategy Group and chairman of the Editorial Board of the *Washington Quarterly*. He was the founder and chairman of StratAsia from 2004 to 2009. He was the senior vice president, director of the International Security Program, and Henry A. Kissinger Chair at the Center for Strategic and International Studies. He was also associate professor of public policy and international relations at the John F. Kennedy School of Government and assistant director of the Center for Science and International Affairs at Harvard University. He received his B.A. from the University of California, San Diego; a certificate in music and political philosophy from the University of Erevan in Soviet Armenia; and his Ph.D in international relations from Brasenose College at Oxford University, where he was a Distinguished Marshall Scholar.

Victor Cha joined the Center for Strategic and International Studies in May 2009 as senior adviser and the inaugural holder of the Korea Chair. He is also director of Asian Studies and holds the D. S. Song-KF Chair in the Department of Government and School of Foreign Service at Georgetown University. From 2004 to 2007 he served as director for Asian Affairs at the White House on the National Security Council (NSC), where he was responsible primarily for Japan, the Korean peninsula, Australia/New Zealand, and Pacific Island nation affairs. Dr. Cha was also the deputy head of delegation for the United States at the Six-Party Talks in Beijing and received two Outstanding Service Commendations during his tenure at the NSC. Dr. Cha holds a B.A., an M.I.A., and a Ph.D. from Columbia University, as well as an M.A. from Oxford University.

Gap-je Cho is the former chief editor and president of *Monthly Chosun*. He has authored several books including *Spit on My Grave*, a biography of the former president Park Chung-hee, which was originally published in *Monthly Chosun*. He is the recipient of the Kwan Hoon Club Journalist Award (1994), the 4th Asia-Pacific Special Award (1991), Magazine Writer Award (1990), and 7th Korean Journalist Award (1974), which he won for his work on "Traces of Heavy Metal Pollution." He was a fellow of the Nieman Foundation at Harvard University in 1997.

Jung-hyun Cho currently serves as an assistant professor at the Korea National Diplomatic Academy (KNDA) and is a research fellow at the Korea Institute for National Unification (KINU). Previously, he was a visiting professor at the Institute of Foreign Affairs and National Security (IFANS) from 2009 to 2011. Dr. Cho is the coauthor of "North Korean Contingency and Resolving Conflicts among Regional States" (*North Korean Review*) and *White Paper on Human Rights in North Korea 2013* (KINU). He holds a B.A. in German Studies from Korea University (1998), LL.Ms from Korea University (2000) and American University Washington College of Law (2001), and a Ph.D. from the University of Edinburgh School of Law (2008).

Roberta Cohen is cochair of the Committee for Human Rights in North Korea. She is also a nonresident senior fellow in the Foreign Policy Program at the Brookings Institution. She is a specialist in human rights and humanitarian and refugee issues, and a leading expert on the subject of internally displaced persons and on human rights conditions in North Korea. During the Carter administration, she served as a deputy assistant secretary for human rights at the Department of State and as a senior adviser to the U.S. delegation to the UN General Assembly and Commission on Human Rights. She served as senior adviser to the representative of the United Nations secretary-general on internally displaced persons (1994–2010). She is also a senior fellow at Georgetown University's Institute for the Study of International Migration and serves on the administrative council of the Jacob Blaustein Institute for the Advancement of Human Rights and on the Committee on Conscience (U.S. Holocaust Memorial Museum). Ms. Cohen received an honorary doctorate of law from the University of Bern in 2006, has an M.A. with distinction from the Johns Hopkins School of Advanced International Studies, and a B.A. from Barnard College, which awarded her its distinguished alumna award in 2005.

Marzuki Darusman is the United Nations special rapporteur on the situation of human rights in the DPRK since August 2010, and a member of the International Independent Group of Eminent Persons for Sri Lanka. In May 2013, he was appointed as a member of the United Nations Commission of Inquiry on Human Rights in North Korea. In 2010, he was assigned as chair of the UN Secretary General's Panel of Experts on Sri Lanka, and in 2009 he was appointed by Secretary General Ban Ki-moon to a three-member UN Commission of Inquiry to investigate the assassination of former Pakistani prime minister Benazir Bhutto. He has served as chair of the Indonesian National Human Rights Commission as well as attorney general of the Republic of Indonesia from 1999 to 2001. He was a member of Indonesia's House of Representatives for 20 years representing the Golkar Party. He is a law graduate from the Catholic University of Parahyangan Bandung, Indonesia, and has received an honorary doctorate in law from the same university.

Carl Gershman is the president of the National Endowment for Democracy. Prior to that, he was a senior counselor to the United States representative to the United Nations, a lead consultant to the National Bipartisan Commission on Central America, and alternate representative of the U.S. to the UN Security Council. Before that, he was a resident scholar at Freedom House, and the executive director of Social Democrats USA. He is a member of Phi Beta Kappa and the Council on Foreign Relations. He received a B.A. from Yale University, magna cum laude, in 1965 and an M.Ed. from Harvard Graduate School of Education in 1968.

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Ki Hong Han is the president and one of the founders of the Network for North Korean Democracy and Human Rights (NKnet). He was involved in the student and labor movements in the 1980s and early 1990s, but came to support liberal democracy and the market economy. He has worked in the North Korean human rights movement since the late 1990s. After he entered Yonsei University in 1980, he became a leader of the Yonsei University student movement, and was imprisoned by the military dictatorship led by President Chun Doo Hwan. After he left Yonsei, he became involved in the labor movement and served as a

union leader of workers in the Seoul metropolitan subway system. In the mid-1990s, the wave of North Korean defectors arriving in South Korea and their subsequent testimonies led Han to change his views on North Korea and he created NKnet together with a group of former student movement leaders.

Blaine Harden is an American author and journalist. His 2012 book, *Escape From Camp 14*, is an international best seller translated into 27 languages; it won the 2012 Grand Prix de la Biographie Politique, a French literary award. For 28 years, Blaine worked for the *Washington Post* as a correspondent in Africa, Eastern Europe, and Asia, as well as in New York and Seattle. For four years, he was a local and national correspondent for the *New York Times* and a writer for the *Times Magazine*. He has also reported for PBS *Frontline*, *The Economist*, *Foreign Policy*, *National Geographic*, and the *Guardian*. His journalism awards include the Ernie Pyle Award for coverage of the siege of Sarajevo during the Bosnian War, the American Society of Newspaper Editors Award for Nondeadline Writing (stories about Africa), and the Livingston Award for International Reporting (stories about Africa). His newest book, *The Great Leader and the Fighter Pilot*, will be out in March 2015.

David Hawk is the author of *The Hidden Gulag* and a prominent human rights researcher and advocate. From 2011 to 2012, he was a visiting scholar at Columbia University's Institute for the Study of Human Rights and an adjunct lecturer at Hunter College, City University of New York. Since 2002, he has focused on human rights conditions in North Korea and researched and authored the first systematic and comprehensive documentation and analysis of the political prison camp system in North Korea. Previously he directed the Cambodia Office of the UN High Commissioner for Human Rights from 1996 to 1998, at the time the largest UN human rights field office. In the early 1980s, Hawk did groundbreaking original photographic and archival documentation of the human rights atrocities in Cambodia under Khmer Rouge rule. He is a former executive director of Amnesty International USA. He received his B.A. from Cornell University and has completed graduate studies at Columbia University's School of International and Public Affairs and at Magdalen College, Oxford University.

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Moon Soo Kim is the chairman of the Saenuri Party's Political Reform Committee. He previously served as the 32nd and 33rd Governor of Gyeonggi Province in South Korea. A former labor activist, he began his career in politics when he participated in the foundation of the People's Party in 1990. He was elected to the 15th National Assembly at Sosa-gu, Bucheon, as a candidate for the Grand National Party and also won seats in the 16th and the 17th National Assemblies. He became the 4th Governor of Gyeonggi Province to be elected by popular vote in 2006. In 1990, he participated in the foundation of the People's Party, and

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