

House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing on

**Civil and Political Rights in the Republic of Korea:  
Implications for Human Rights on the Peninsula**

April 15, 2021 at 10:00 a.m. EDT

O'Neill House Office Building

**Statement of Su-mi JEON**

**South Korean human rights lawyer,**

**Chair of the Conciliation and Peace Society (CPS)**

Thank you very much for giving me the opportunity to speak about civil and political rights in the Republic of Korea. I appreciate Co-Chair James P. McGovern and Co-chair Christopher H. Smith for inviting me to today's hearing. My name is Su-mi JEON and I am a human rights lawyer based in South Korea.

My passion for helping North Korean victims of sexual assault began after experiencing the death of one of my closest friends at the age of 20. While working for victims of sexual assault in India and East Asia, I met a colleague from another country who said, "Korean people appear to be interested in taking part in noted international organizations but not in serving for their fellow Koreans in the North." I felt as if I had been struck by a hammer on my head. After that, I joined an NGO dedicated to the promotion of the human rights of North Koreans and have been defending their basic rights, especially women's rights, ever since.

I have engaged in human rights issues related to North Koreans over the decades as an attorney and advocate for North Korean defectors. I defend North Korean defectors who are sexually assaulted and those who are indicted for violating the National Security Act while trying to extricate their family members still in the North. I provide this legal work pro bono. While working for an NGO in my 20s, I floated propaganda leaflets near the inter-Korean border and brought North Korean defectors staying in China to the South.

What led me to become an attorney for North Korean women defectors? Once, a group of women defectors approached me for help. They were in a dire situation, requiring immediate action. However, other the attorneys volunteer in my organization were unavailable, so I began working with them. The task took on a personal significance after I was sexually assaulted by a North Korean defector. I started to support North Korean women as a lawyer.

Male defectors usually come for help regarding alledged violations of the National Security Act, and women for sexual assault. Under the dictatorial governments in the past, South Koreans were indicted for the violation of the National Security Act under false accusations.

Today, many North Korean defectors become victims of this overly broad law. North Korean intelligence operatives call defectors in the South and threatens them to “come to China with money and the contact information of other defectors if they want to save their family in the North.” In response to this pressure, North Korean defectors meet with secret agents from the North in China and are subsequently indicted for espionage or for the violating South Korea’s National Security Act. In the court, the nuance of every spoken word is very important.

North Korean defectors often lose cases because they fail to capture this nuance. For sexual assault cases, the victim’s testimony is often the sole evidence. However, female North Korean victims are likely to misunderstand the judge’s questions and give irrelevant answers in the court. The judge, meanwhile, believes the victim has a full understanding of the situation. This is why I concentrate on playing the role of “interpreter” between the judge and the victim, in addition to providing legal assistance during investigations by the police, prosecution, and in court proceedings.

Sexual violence against female North Korean defectors is a serious problem. However, less than ten out of every 100 victims with whom I consult end up taking actual legal action for fear of retaliation. Forced into silence, some opt for an extreme decision, while others complain that it would be better to defect back to the North.

Female North Korean defectors sexual assault by male North Korean defectors and South Korean authority figures, such as police officers and military officers. Those South Korean military personnel are approaching native North Korean women to collect military intelligence. These police officers, who are usually appointed by the local police station, have access to North Korean defectors’ addresses and other personal information that could be used against North Korea.

The reason why sexual crimes against North Korean defectors continue to occur is the existence of a North Korean society in South Korea as well. Due to this reason, women from North Korea are suffering under authoritarian and patriarchal characteristics of North Korean culture with the fear of being accused.

Currently, 76% of all 34,000 North Korean defectors are women. However, American

policymakers and the international media tend to listen to a small group North Korean defectors who are public figures in South Korea, even though they account for less than 1% of all defectors. The North Korean women living inside South Korea are not represented in these debates.

If the United States wants to improve human rights for North Koreans, this, more than sending leaflets, should be high priority.

\*\*\*

As a human rights advocate, I floated propaganda leaflets to the North in my 20s. The leaflets were floated along with dollar bills and USBs. I was caught by the police several times and released with warnings. There are other who send leaflets from China to North Korea. Other are part of religious organizations that send supplies into the North based on their religious convictions. USBs with South Korean TV dramas and movies are being sent in to provide outside information and bring change little by little. Outside information is infiltrating the North through various routes.

Propaganda leaflets have no discernible effect in improving human rights of North Koreans. They cause complications and endanger the recipients' lives. As North Korean residents mostly source their necessities through *jangmadang* (farmers' markets and black markets), the North Korean authorities routinely turn a blind eye to the trading of South Korean TV dramas and movies in informal marketplaces.

My contact North Korean defector said "The groups that fly the leaflets would say they have great impact, but I disagree. I don't think any of them actually make it into the hands of North Korean residents. Even if they somehow do, being caught with leaflet in possession could put a person's life in danger." The other defector said, "People who fly leaflets into North Korea say they are protecting North Koreans' right to know, but it's highly likely that the only a few people who receive them are residents near the border. Also, just the act of looking the leaflet is banned in the North, and the food they send is unlikely to be eaten."

However, with the sending of propaganda leaflets emerging as a controversy last year, North Korea designated them as 'hostile materials.' and increased the state's control and surveillance on North Koreans. They leaflet lead to increased state control and surveillance on North Koreans. It also lead extra guard duty to be imposed and threatens the safety of North Koreans living in border towns.

The North Korean authorities also conducted an extensive investigation to track down citizens who had defected. When their family members defect, North Koreans report them as dead or missing. The authorities monitor these missing individuals, and check to, if any funds have been transferred under their names to the South or, suspicious calls made. These investigations put defector's family in the North in grave risk. Stricter controls and surveillance by the state in

response to the propaganda leaflets create more anxiety and harm the families of defectors left behind.

I often get calls defectors crying, saying that their family members in the North are in danger because of the leaflet. The propaganda leaflets have aggravated the suffering of North Koreans instead of advancing their human rights. I could not help but agonize over this fact and finally testified to the problems of the propaganda leaflets in public last year.

And South Korea had an incident in 2014 when a balloon was shot down by anti-aircraft artillery by the North Koreans and the South Korean military felt compelled to shoot back. It was an extremely tense moment in an already militarized and fortified part of the world. So in a highly militarily tense area, where anything can get wrong, it can lead to even bigger clashes. So, there have been a dozen legislative initiatives over the years since 2008.

Residents living near the border said “When North Korea did ‘fire aimed shots’ at the location of leaflet, our residents were forced to shiver in fear and horror, lived on bread and beverages in an underground bunker where the civil air defense shelter was located, suffered significant losses as we missed time for farming, which our main source of income, and could not buy essential times for living as the Unification Bridge over Imjin River that one must cross to enter the village was closed.” They have for years asked that these activities stop.

One of the questions I get asked often is how non-political defectors view the propaganda leaflets. Defectors who speak publicly in the media account for less than 1% of the entire North Korean defector community, so what they say does not represent the majority or even plurality. It is also the case that their media commentaries sometimes inflicts damage on other defectors. In fact, last year’s the propaganda leaflet controversy tarnished the image of North Korean defectors, leading some employers to rescind job offers from North Korean jobseekers.

It is important to remember what messages these leaflets generally convey. They typically contain hyper-aggressive language about subverting the Kim Jong-un regime. I once asked those who received leaflets inside North Korea what they thought about them, and they said that it was jarring and discomfoting. First, what is printed on the leaflets is quite different from what they have learned since childhood. Secondly, while it may be acceptable to speak ill of their own leader, South Koreans trying to slander him is unacceptable. My contact also said that, the anti-North Korea leaflets are hard to locate due to of North Korea’s tight control.

The fake dollar bills sent in the leaflets also rub some people the wrong way. In *jangmadang*, a fake dollar bill is worth half of its face value. Thus, a one-dollar bill is worth fifty cents. They often complain, “Since they are sending fake money, why not send fake one hundred dollar bills worth 50 dollars, rather than dollar bills?”

Such propaganda leaflets used to influence North Korean residents before, but now everyone has access to South Korean TV dramas and movies saved on tiny USBs and easily distributed through *jangmadang*. Propaganda leaflets are no longer their main source of outside information.

I also get asked why some North Korean defectors keep floating leaflets despite their dubious value. By floating the leaflets with reporters gathered around, they can promote an image as aggressive human rights defenders for North Koreans and receive fundings for their work. As noted earlier, North Koreans already have access to various information about the outside world, and can even acquire information real-time in border towns. Given this reality, send leaflets do not strike me as an effective tool to promote human rights inside North Korea.

I find it deeply problematic that the work of advancing human rights are used by some to collect more funds for their work, rather than truly helping those in need. By insisting on this problematic tactic, leaflet groups taint the achievements of those who promote human rights of North Koreans purely based on humanity. Propaganda leaflets are the product of the Cold War and a tool of information warfare. The two Koreas are technically still at war. A tool of warfare should not be flown freely unless South Korea is willing to absorb the risk of conflict arising from such tactics.

I worry that, American human rights activists and administration officials only listen to one side of this story. They do not take into account those on the other side of human rights promotion, such as myself and the residents of the inter-Korean border areas, because it challenges their understanding of the situation. Yet the issue is serious enough that a balanced debate seems warranted. They only listen to what they want to hear and believe it is the truth. I hope people from the U.S. will remain open to communicating with diverse groups of North Korean defectors.

Defectors family members in the North are already placed in considerable danger. They do not need more danger from leaflets. The problem is that the voices of North Korean people inside the country are missing from these conversations. They have no say in what type of activities the U.S. government will fund, or what NGOs will send over the border. Rather than privilege the opinions of a handful of defectors that constitutes less than 1% of the defector population. I urge the U.S. seek out those without political motivations or media profiles.

The United States also must recognize that not all defectors are alike, and there are generational differences in their viewpoints. Most of the people who defected from the North in the 1990s or early 2000s experienced conditions that were far worse than now. Many seem to try to emphasize and fixate on the image of the North as a rogue country and refuse to see it for what it is today.

Every defector's story is valid, yet some voices are amplified more than others. Indeed, receiving funds from the U.S. government is a major source of power in the defector community in the South. It means that this person has been recognized by the United States and entrusted to spend their money. Often, other North Korean defectors flock to this person such people. Some monetize this hierarchy. As one person told me.

What problems are there specifically? Famous, influential defectors approach female North Korean defectors who have just arrived in the South and say, "I introduced that person to an English teacher to improve his pronunciation, and he gave a speech at the U.S. Congress. I made him a celebrity. Don't you want to be a celebrity, too?"

Such public figures are then placed on a pedestal and deemed untouchable, even if they sexually exploit or assault female defectors.

Former U.S. President Donald Trump took many photos with North Korean defectors during their visits to the United States. In the North, those who have taken photos with Kim Jong-un are considered invincible. Likewise, the North Korean defector community regards those who have taken photos with an American President or member of a Congress as invincible because they believe "the CIA will come and retaliate if someone messes with them." Victims hardly disclose their wrongdoings in fear that the U.S. government might come after them. In short, the same hierarchical culture of the North is practiced and enforced the defector community, including through sexual assault.

In short, some North Korean defectors use their connections to the United States to prey on more vulnerable members of the community, with little accountability.

These stories are rarely discussed publicly because they are considered to be dirty laundry, not worth drawing attention to. But as a sexual assault survivor and advocate for North Korean human rights, I feel that it is my duty to speak truth to power. As experts of sexual assault know, it is very hard to speak up. Victims are often ostracized and accused of damaging the image of the entire community. Yet these issues should get aired if we are truly committed to advancing the rights of North Korean defectors in the South.

\*\*\*

Members of the U.S. Congress are free to talk about any situation in Korea in terms of the International Covenant on Civil and Political Rights (ICCPR) to enjoy freedom of expression. The most famous law in South Korea that restricts freedom of expression because the South and the North are hostile to a state of truce is the National Security Law. The National Security Act infringes on fundamental rights, including freedom of expression as well as freedom of thought and freedom of conscience. which has been maintained for more than 70 years.

People who come from North Korea to South Korea should be investigated by the NIS upon their first arrival in South Korea just by the fact that they were born in the North, and sometimes they are accused of espionage.

Today, many North Korean defectors become victims of National Security Act. North Korean intelligence operatives call defectors in the South and threatens them to “come to China with money and the contact information of other defectors if they want to save their family in the North.” In response to this pressure, North Korean defectors meet with secret agents from the North in China and are subsequently indicted for espionage or for the violating South Korea’s National Security Act.

I would like to take it as an argument to get rid of the National Security Act when U.S. lawmakers suggest South Korea to abide by international rules that guarantee freedom of expression.

And, as a lawyer, I fully support freedom of expression. But people on the Korean Peninsula—in the north and south—lived in a constant state of fear, and the possibility of war resuming more than 70 years after the Korean War began. According to the commander of the U.S. Forces in Korea, the Korean Peninsula was on the verge of war as recently as in 2017 during the previous administration. I hope that the Biden administration and the U.S. Congress will play an active role in replacing the current armistice with permanent peace on the Korean peninsula so that security concerns will no longer infringe on the right of individuals to freedom of expression.