



THE COMMITTEE FOR  
HUMAN RIGHTS IN NORTH KOREA  
북한인권위원회



February 27, 2019

Tomás Ojea Quintana

U.N. Special Rapporteur on the situation of human rights in the DPRK

**Via email**

Dear Mr. Tomás Ojea Quintana,

In October 2018, Joy Park, legal counsel on Asia at the Human Rights Foundation (HRF); Michelle Gulino, legal and policy fellow at HRF; and Greg Scarlatoiu, executive director of the Committee for Human Rights in North Korea (HRNK), participated in a meeting with you at the Jacob Blaustein Institute in New York. We would like to first express our gratitude for your dedicated efforts to engage civil society and to advance human rights in North Korea. In the October meeting, you welcomed Ms. Park's offer to send information about the intimidation of North Korean defectors in South Korea, and we are writing to share the results of our research into this disturbing trend, based on a series of interviews we conducted with North Korean human rights activists and subject matter experts.

North Korean defectors and other North Korean human rights activists working in South Korea have faced increasing pressure to stay silent and cease their advocacy efforts as the country reinvests in appeasing the Democratic People's Republic of Korea. President Moon Jae-in's North Korea policy has led his administration to reopen a dialogue with the North Korean government in order to establish peaceful relations, neutralize the North's nuclear threat, and pave the way for family reunification, along with other estimable goals. Along with U.S. President Donald Trump, President Moon has employed a diplomatic strategy that involves downplaying human rights concerns during talks and summits. Notably, neither the Panmunjom Declaration nor the Joint Statement issued after the Trump-Kim summit in Singapore make any mention of the North's egregious human rights abuses.

After President Moon took office in May 2017, it quickly became clear that his North Korea policy would also involve actively discouraging activism and critical speech that he believes conflicts with his foreign policy objectives. In the weeks before President Moon met North Korean leader Kim Jong-un in Panmunjom, HRF and HRNK began receiving reports that North Korean defectors-activists were being prevented from carrying out their activism. They shared information on instances where they were silenced or otherwise prevented from carrying out their advocacy work. HRF and HRNK came to view these incidents as representative of a trend that endangers South Koreans' rights to free expression and impedes efforts to advance human rights in North Korea.

HRF expressed our fears directly in a press release and open letter to President Moon Jae-in on April 23, 2018 — five days before the Panmunjom photo op — in which we highlighted two cases from activists within our community. In the first, National Intelligence Service agents blocked a camera to prevent Channel A from filming a speech by defector and activist Mr. Thae Yong-ho at a human rights conference, and then rushed him out of the room to prevent him from answering questions from press. Conference organizers told Channel A that the South Korean government had warned them to avoid “sensitive” topics, such as the upcoming inter-Korean summit. In the second incident, a dozen policemen stopped North Korean defector-activist Mr. Lee Min-bok from launching balloons carrying educational leaflets into North Korea. Mr. Lee has been sending balloons across the DMZ border since 2003 without South Korean government interference.

Sadly, HRF and HRNK have continued to receive reports of government interference in activism despite mounting evidence and intermittent media coverage. The reports include:

1. Interference with media coverage and public speaking opportunities:

- [REDACTED], a nonprofit organization [REDACTED], recently informed HRF that the South Korean government is pressuring public broadcasting television networks such as KBS, which is fully funded by the government, to avoid sensitive topics that would upset the North Korean regime. As a result, the time allotted to North Korean human rights activists is shrinking. One activist was a frequent commentator on North Korean policy issues before the peace talks began, and would speak publicly at speaking engagements and in interviews with press about 10 times per month. Now, these opportunities have all but disappeared.
- In another instance of direct interference with the media, Mr. Kim Myong Song, a defector and reporter for *Chosun Ilbo*, one of the most prominent newspapers in South Korea, was barred from covering a high-level meeting of North-South officials in October 2018. While South Korean officials did not provide a reason, Mr. Kim speculated that officials were concerned that having a defector-reporter in the room would offend North Korean officials.
- The government itself is now limiting the number of speaking opportunities it offers to defectors. Under previous administrations, the South Korean government sponsored defectors as speakers to tour around the country and speak to the military and government departments about their experiences with human rights abuses in North Korea. However, after the Inter-Korea Summit, the South Korean government ended this sponsorship. One defector-activist, Mr. Ji Seong-ho, who founded Now Action & Unity for Human Rights (NAUH) and was recently honored at the U.S. State of the Union, cited multiple speaking cancellations of North Korea-related seminars organized by governmental

organizations. In general, the defectors interviewed for this letter view these cancellations as a sign that the government aims to exclude them from future collaborations and meetings as part of a broader policy shift.

2. Interference with activist activities:

- Mr. Park Sang-hak, a defector-activist who has survived assassination attempts by the North Korean regime, states that the South Korean government has stopped him from sending flyers into the North.
- Ms. Suzanne Scholte, president of the Defense Forum Foundation and chair of the North Korea Freedom Coalition, stated that the Moon administration prevented her organization from launching balloons with leaflets of information and money into North Korea during North Korea Freedom Week in 2018. Previous balloon launches organized during the annual North Korea Freedom Week were completed with the support and protection of previous South Korean administrations. A detailed statement from Ms. Scholte is attached to this letter.
- Mr. Jung Gwang-II, a defector-activist who survived North Korea's prison camps, stated that he was harassed by police officers who followed him without cause multiple times when he traveled to the border to send information into North Korea via flying balloons and floating rice bottles, activities that were supported by the South Korean government previously. South Korean police later conceded that he was followed without proper cause, but only stopped following Mr. Jung after he spoke to media about these incidents.
- On a separate occasion, a meeting organized by HRNK, PSCore, Mr. Jung's organization No Chain, North Korea Freedom Coalition and other NGOs was cancelled at the last minute by staff at the U.N. headquarters in New York, who said the event could not go forward because the NGO coalition intended to criticize a U.N. member state, namely North Korea. After Mr. Scarlatoiu from HRNK and the U.S. delegation to the U.N. spoke to the venue staff, the NGO coalition was ultimately allowed to proceed with the event.
- South Korean lawmakers considered legislation to outright penalize sending flyers and leaflets into North Korea without approval from the unification ministry. The law aims to "prevent deterioration" of inter-Korean relations, stating that doing so violates the Panmunjom Declaration. Meanwhile, South Korea has stopped its own "anti-regime" efforts at the border; in April 2018, just before the first summit, the South Korean government turned off the loudspeakers that broadcast music, stories, and news across the DMZ as a gesture of goodwill.

3. Decrease in government funding and chilling effect on other sources of support:

- Many defectors testified to HRF that their funding from the government has been cut off. One defector-activist estimated that moves like this threaten 60% of his organization's funding, without which his organization may not be able to operate. Funding dedicated to North Korean human rights has been reduced by 92% under the Moon administration.
- As a specific example, at a 2018 meeting with the Ministry of Unification, the ministry directly asked Mr. Jung to refrain from conducting activities publicizing human rights abuses in North Korea in consideration of the Inter-Korea Summits. Mr. Jung refused to stay silent, and in response, his funding from the ministry has gradually dwindled. The majority of funding for his organization now comes from overseas.
- The North Korea Human Rights Act, passed in 2016 in South Korea, called for the establishment of a government-run North Korean Human Rights Foundation that would fund nonprofits working to advance human rights in North Korea. Unfortunately, under President Moon's administration, all efforts to establish this funding have stopped. The South Korean government has also failed to follow through on other provisions of the NKHRA, including formal closure of the North Korean Human Rights Foundation's office on June 18th, 2018 and failure to nominate a North Korean human rights ambassador.
- Even when funds are technically available, according to ██████, the South Korean government is now placing hurdles in front of activists attempting to apply for support. As an example, ██████ staff pointed to an arbitrary tightening of the auditing procedure. The South Korean officials have reportedly started asking for old documentation from five to 10 years ago for re-auditing. If organizations are unable to produce these documents, they are barred from applying for funding, even if they have been in good standing in previous years.
- Mr. Ji stated that corporations that used to be open to donating funds to NAUH are now afraid that doing so will result in government reprisals, reflecting a chilling effect of the Moon administration's policies. NAUH now receives only 20-30% of the corporate funding it used to receive.

The incidents above expose a pattern of behavior by the Moon administration that is increasingly excluding North Korean human rights defectors from public discourse and threatening their ability to continue their work. Though most of this pressure seems to come through indirect channels, several of the instances above constitute direct violations of defectors' right of freedom of expression under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as the South Korean constitution.

South Korea has historically been a safe haven for those escaping from human rights abuses in North Korea, and it is unconscionable that defector-activists like Mr. Park Sang Hak and Mr. Jung Gwang-il are facing limitations to their free speech and assembly yet again, this time in a country that many see as a shining example of democracy in Asia.

Today, President Trump and Kim Jong-un will meet in Vietnam for a second summit to address denuclearization and inter-Korean peace. The negotiations represent an opportunity to make progress on North Korean human rights — and defector-activists play a crucial role in pressuring these world leaders to make human rights a priority. As special rapporteur, your voice on this topic could go a long way in convincing South Korean authorities to respect activists' freedoms of expression and association. We have seen that when this topic is brought to international attention, the South Korean government responds by retreating from its attempts to control public discourse.

We respectfully urge you to take note of these developments in South Korea, and to engage the South Korean government in a conversation to address these concerns. If you seek further information, or if you would like to authenticate these stories yourself, we would be happy to connect you to relevant witnesses in the defector community.

Sincerely,



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Human Rights Foundation



Greg Scarlatou  
Executive Director  
Committee for Human Rights in North Korea



Suzanne Scholte  
Chair  
North Korea Freedom Coalition