

North Korea's Harsher Surveillance and Punishment of Defectors and Our Response

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At approximately 3:20 AM on October 30th, 21 North Koreans aboard a wooden boat were discovered south of the demarcation line in the West Sea by a South Korean naval vessel. It was the sixth defection attempt by sea this year. Also last month, photos captured a scene on October 25th as a male defector crossed the Yalu River in the vicinity of Hyesan in Yanggang Province, was shot on the Chinese side by what appear to be North Korean border guards, and collapsed. The photos appeared in the South Korean media on November 8th, causing a stir.

〈North Korean Defections via the East and West Seas in 2011〉

Feb. 5	31 civilians (11 men, 20 women) on a fishing boat crossed into the South near Yeonpyeong Island in the West Sea; 4 defected, the other 27 were repatriated after 50 days
June 11	9 civilians aboard a fishing boat defected through the waters near Udo in the West Sea
June 26	3 civilians discovered afloat near Baekryeong Island expressed their intention to defect

Sept. 13	9 civilians defected via the East Sea in a fishing boat, drifted into Japanese waters, and were sent to South Korea on October 4th
Oct. 4	3 civilians aboard a 2-ton wooden vessel defected via the East Sea
Oct 30	21 civilians aboard a 5-ton wooden vessel were discovered by the South Korean navy west of Daecheong Island; all expressed their intention to defect

These incidents are occurring against the backdrop of the North Korean constitutional revision of April 2009 and the Kim Jong Eun succession. As this author has mentioned before, in April 2009 North Korea broadly revised its Constitution, adopting measures to provide a stronger legal foundation for the *songun* political system. Examined altogether, the main features of the revised 2009 Constitution are new provisions related to regime maintenance and harsher punishments. In particular, harsher punishments for defections have been put in place.¹⁾ According to the North Korean media, as soon as Kim Jong Eun emerged as the official successor the regime began cracking down more harshly on defectors. On November 18th 2010 Kim Jong Eun gave the order to “sound the alarm once to set an example,” and consequently inspection teams were formed consisting of officials from the State Security Agency, the Defense Security Command, and the Central Party. These teams were reportedly dispatched to the border regions to work with the relevant officials from the local SSA and People’s Safety Agencies to boost security along the border, and since then they have been working assiduously to prevent illegal crossings and track down defectors. By Kim Jong Eun’s order, the existing 5-person surveillance team system was changed to a 3-person system in order to tighten surveillance over the populations in the border regions.²⁾ On January 3rd 2011 Kim Jong Eun issued an order to the State Security Agency to “capture all defectors in China without exception.” Through this order Kim Jong Eun declared “Defectors in China are the ones who are destroying the sincerity of our political ideology,” emphasizing the capture of defectors in China as an urgent task.³⁾ Then in April, the North reportedly began working with China to lay landmines

1) Lee Kyu Chang, “The Kim Jong Eun Succession Structure and North Korean Human Rights: Focusing on the Readjustment of Human Rights-Related Laws,” OnlineSeriesco11-11(Seoul:KINU,2011.04).

2) DailyNK (www.dailynk.com), “Kim Jong Eun: Change 5-Person System to 3-Person System” (in Korean - online article accessed 2011.5.2).

3) Open Radio for North Korea (www.nkradio.org), “Kim Jong Eun’s order since early this year: “Capture all defectors in China without exception,” (in Korean - online article accessed 2011.5.3).

along the border in order to cut off defections at the source.⁴⁾ On May 3rd a directive was passed down in Kim Jong Eun's name calling for harsher crackdowns on defectors.⁵⁾ The successor appears to be taking quite an interest in the defection problem and is reportedly mobilizing massive efforts to crack down on defections in order to produce a significant achievement for the North's security organizations, i.e. the People's Safety and State Security Agencies.⁶⁾ In light of this, the increase in defection attempts by sea from the beginning of this year can be interpreted as a side effect of tighter control of the North Korea–China border.

Kim Jong Eun's order to tighten control of defections has brought several new aspects to the system of crackdowns and punishments. First, the effort to track down defectors and control their families has extended to the interior of North Korea. The phenomenon of tracking and monitoring defectors in the interior has not been seen before.⁷⁾ Second, the shooting of defectors on Chinese territory is also unusual. North Korea has previously given border guards authority to shoot to kill citizens attempting to defect, but until recently none had actually fired at defectors who had already reached the Chinese side. However a recent directive was passed down stating that even defectors going to China are to be considered state traitors headed for South Korea and summarily shot. It has been reported that soldiers who shoot defectors receive distinction for meritorious service and commendations.⁸⁾

As North Korea's designated successor, Kim Jong Eun appears to be attempting to strengthen internal control in order to stabilize the succession system. As North Korea is promoting the continuation of the *songun* political system and construction of a "strong and prosperous nation," it appears likely that internal controls and punishments will grow progressively more severe. But no power can suppress the North Korean people's desire for freedom. To save the lives of North Koreans attempting defection by sea, it is essential that we improve our lookout and rescue operations in the East and West Seas.

4) Open Radio for North Korea (www.nkradio.org), "North Korea Burying Mines in China Border Areas to Prevent Defections" (in Korean - online article accessed 2011.5.2).

5) DailyNK (www.dailynk.com), "Kim Jong Eun Orders 'Harsh Punishment of Illegal Border Crossers,'" (in Korean - online article accessed 2011.5.3).

6) Yonhap News (www.yonhapnews.co.kr), "Successor's Special Order: 'All-In' Crackdown on North Korean Defectors," (in Korean - online article accessed 2011.5.3).

7) Open Radio for North Korea (www.nkradio.org), "Crackdown of Defectors and Surveillance of Families Extends inland as far as South Pyeongan" (in Korean - online article accessed 2011.5.3).

8) Donga Ilbo, Nov. 7, 2011, p. A1.

There are several things we must do in response to the increased crackdown and surveillance of North Korean defectors. First, we must ramp up our human rights diplomacy toward China. The shooting of North Koreans who have already stepped onto Chinese soil would be impossible without cooperation between the two countries. We can infer that North Korea and China have reached some sort of agreement on shooting defectors.

Second, we must strengthen cooperation with international society, beginning at the UN. Even if the North Korean Penal Code defines defection as an act of treason against the state, summarily shooting defectors on the spot without trial not only violates the right to life but also goes against North Korea's own laws providing for due process via the judicial system. It also violates the right to trial enshrined in the International Covenant on Civil and Political Rights (also known as International Human Rights Covenant B or the Liberty Rights Covenant) to which North Korea is a signatory. This covenant declares that all persons have the full and equal right to be tried in person to determine their guilt or innocence (Article 14 Item 3). The international community must work together to continuously raise the issue of North Korea's behavior and fight for the improvement of its Penal Code.

Third, the defection issue is ultimately linked to improving North Korea's human rights. When outside information begins flowing into the country the regime will not be able to stop it, no matter how fiercely they try to tighten internal controls. Outside information can awaken the North Korean people's consciousness and lead them to demand their human rights. In connection with this, the North Korean Human Rights Law that our government is now pursuing must be adopted. Already there is little over a month remaining of 2011. The existing law, currently tied up in the National Assembly, is incomplete. It would be nice to completely prepare the law before implementing it, but it is also necessary to begin implementation and make improvements as problems emerge. The more we hesitate, the greater the North Korean people's suffering will become. According to our Constitution the North Korean people are also citizens of the Republic of Korea. We must not forget that they have the right to live as human beings, enjoying all the same constitutionally guaranteed happiness that we do.