

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Could you provide me with up to date information on the treatment of North Koreans in South Korea?
2. In particular, are they subject to harm in South Korea by agents from North Korea?

RESPONSE

1. Could you provide me with up to date information on the treatment of North Koreans in South Korea?

North Koreans arriving in South Korea are granted residence and in almost all cases, citizenship and financial assistance (see RRT Country Research 2004, *Research Response KOR16434*, 16 January – Attachment 1 and RRT Country Research 2004, *Research Response KOR16465*, 9 February – Attachment 2). More recent information indicates this is still the case:

The 2005 *Human Rights Watch World Report* states that:

In the fall of 2004, hundreds of North Korean refugees were flown from Southeast Asia to Seoul via Vietnam. North Korea demanded that they be repatriated back to North Korea, accusing South Korea of kidnapping the refugees, and stopped all government-level talks. South Korea accepts thousands of North Korean refugees for resettlement every year, far more than any other country that legally admits North Korean refugees (Human Rights Watch 2005, 'North Korea' *Human Rights Watch World Report 2005*, 14 January - Attachment 3).

In November 2004, DFAT produced a substantial report on the situation of North Korean refugees in South Korea. This report states:

The legislation providing protection to North Koreans who seek it is being implemented in practice. Exceptions for people suspected of illegal or terrorist behaviour have not been used. The government provides economic support to almost all refugees and citizenship to all except those with a third nationality. However, opinions differ about the amount of assistance offered to the refugees, and the government has scaled down some programs.

...

The cost of assimilating North Korean refugees has been a topic of considerable debate in South Korea. Some civic groups and refugees have complained about the economic difficulties faced by North Koreans unaccustomed to the stiff competition of the South Korean job market and the society in general. In fact, according to press reports, around 80% of North Koreans in the ROK live below the poverty line. Human rights groups also claim that North Koreans need more psychological support in order to adapt and to overcome some of the hardships they have endured. However, some South Koreans are dissatisfied with the level of welfare directed towards this group.

There has been a change in the method of payment of the lump-sum payment to refugees on arrival (of between US\$25 000-30 000). Some of the refugees had reportedly spent the money quickly and ended up with nothing. In an attempt to ameliorate this problem, the amount will now be paid in instalments over five years (DIMIA Country Information Service 2004, Country Information Report No.04/78 'North Korean Refugees Update' (sourced from DFAT advice of 10 November 2004), 10 December – Attachment 4).

The US Committee 2004, *Refugees World Survey 2004*: 'South Korea', states:

Under its constitution, South Korea deems all North Korean defectors South Korean citizens. ... The government gives refugees the right to work, as well as national health insurance. During the year it started a limited public assistance program for refugees and asylum seekers (US Committee 2004, *Refugees World Survey 2004*: 'South Korea', May - Attachment 5).

A number of reports indicate that North Korean refugees, who are often called 'defectors', living in South Korea experience financial difficulties and cultural difficulties adapting to the way of life in capitalist South Korea. The November 2004 DFAT report quoted above gives details of this (DIMIA Country Information Service 2004, Country Information Report No.04/78 'North Korean Refugees Update' (sourced from DFAT advice of 10 November 2004), 10 December – Attachment 4).

In December 2004 the International Crisis Group noted the existence of:

difficulties encountered by refugees adjusting to life in South Korea. Despite training and financial assistance from the government, very few North Korean defectors have succeeded. The difficulty in assimilating even a trickle of North Koreans has led to worries about how Seoul could absorb a flood. The total of defectors is fewer than 6,000, more than half of whom now want to leave, according to a survey by the Ministry of Unification. Kim Sung-jae, a professor at Hanshin University and former Minister of Culture and Tourism, notes, "There are two kinds of thinking about refugees. One is that they've been suffering so we need to help them. The other is that if too many of them come, it will cause South Korean society to collapse. Even conservatives are afraid of this" (International Crisis Group 2004, *Korea Backgrounder: How The South Views Its Brother From Another Planet*, 14 December, p.19 – Attachment 6).

A December 2004 report from *The Christian Science Monitor* notes that financial aid to refugees will be slashed from January 2005:

South Korea has passed controversial new measures intended to slow the flow of asylum seekers. The regulations, which take effect next month, tighten defector screening processes and slash the amount of money given to each refugee from \$28,000 to \$10,000. South Korean officials say the new rules are intended to prevent ethnic Koreans living in China from entering the South, as well as stop North Koreans with criminal records from gaining entry (Kirk, Don 2004, 'N. Korean defectors face new challenges on journey South', *The Christian Science Monitor*, 29 December <http://www.csmonitor.com/2004/1229/p07s01-woap.html> – Attachment 7).

It also notes prejudice against North Koreans:

"People are scared of North Koreans," says Kim Hye Suu, a graduate student at Yonsei University. "People don't want to mix with them," she says, reflecting both regional and social prejudices and the widespread sense here that North Korean refugees are a distant problem (Kirk, Don 2004, 'N. Korean defectors face new challenges on journey South', *The Christian Science Monitor*, 29 December <http://www.csmonitor.com/2004/1229/p07s01-woap.html> – Attachment 7).

Refugees International gave this account of the problems of North Koreans in the south in December 2003:

Despite this generous financial support, North Koreans face tremendous challenges adapting and integrating into South Korean society. North Korean society is a cradle-to-grave welfare state, albeit at a level of absolute poverty and deprivation for all but the elite, in which the omniscient North Korean Workers Party intrudes in every aspect of its citizens' lives. According to South Korean NGO workers with extensive experience working with North Koreans in the South, the refugees can feel totally lost and without support in the atomized modern culture of South Korea. This feeling of isolation is compounded by the fact that despite public expressions of intra-ethnic solidarity, South Koreans have little empathy for their Northern brethren, considering them unsophisticated visitors from a hostile country.

...

South Korean religious groups are actively involved in trying to develop alternative programs to ease the transition for North Korean refugees. RI visited the Exalting Freedom School, run by a pastor and his wife, which provides supplementary education to 45 refugees, mainly young adults trying to make their way through Korean universities. .. These programs are small, however, and are meeting only a fraction of the real needs of transitional support for North Korean refugees (Refugees International 2003, 'Welcome to the 21st Century: North Korean Refugees in South Korea', 16 December – <http://www.refintl.org/content/article/detail/925/> – Accessed 24 January 2005 – Attachment 8).

Other recent reports also illustrate the situation:

- Limb Jae-un 2005, 'Defectors learn the South's ways', Joins.com, 6 January - Attachment 9.
- Joo Sang-Min 2005, 'North Korean defector's New Year wish', *The Korea Herald*, 1 January - Attachment 10.

- Salmon, Andrew 2004, 'Defections to South Korea rose Amid rising numbers, a shrinking welcome', *International Herald Tribune*, 31 December - Attachment 11.
- 'NK Defectors to Meet Civilian Helpers', 2005, *Korea Times*, 7 January - Attachment 12.

A 2002 BBC report which gives an overview of problems faced by North Koreans in the south can be found in Attachment 13 (Gluck, Caroline 2002 'Korean defectors learn basics: North Koreans arriving in Seoul still face a rough ride', BBC News Online, 27 May – <http://news.bbc.co.uk/2/hi/asia-pacific/2006411.stm> – Accessed 24 January 2005 – Attachment 13).

2. In particular, are they subject to harm in South Korea by agents from North Korea?

Only one report was found, in the sources consulted, of an attack or kidnapping by agents from North Korea of a North Korean defector in South Korea, although the South Korean government appears to recognise that such attacks are a risk and gives defectors some protection after they arrive.

A US government report on North Korean provocations from 1950 to 2003 by an analyst at the Foreign Affairs, Defense, and Trade Division of Congressional Research Service (CRS) of the Library of Congress lists only the following attack on a high profile North Korean defector in South Korea, in February 1997:

In Seoul, Lee Han-yong was shot by two hit men believed to be North Korean agents. Nephew of North Korean leader Kim Jong Il's former wife, Song Hye-rim, Lee had defected to the South in 1982. The shooting took place three days after Hwang Jang-yop, a high ranking North Korean party official, walked into the South Korean consulate in Beijing for defection to the South. After being in coma, Lee died 10 days later in a Seoul hospital. The shooting was believed to be a warning to Hwang and other would-be defectors to the South. (21) (p.14)

[Footnote 21] A member of a North Korean spy ring uncovered by South Korean authorities in November 1997 reportedly confirmed the fact that Lee was assassinated by a three-man North Korean terrorist ring. *Korea Times* (Internet version) in English, November 23, 1997 (Nanto, Dick K. 2003, *North Korea: Chronology of Provocations, 1950 – 2000*, CRS Report for Congress, Updated 18 March – <http://fpc.state.gov/documents/organization/19435.pdf> - Accessed 24 January 2005 – Attachment 14).

The following attachments are news reports on the special circumstances surrounding the 1997 killing of Lee Han-Yong (Pollack, Andrew 1997, 'Korean Shooting Is Casting Cloud On Signs Of Thaw', *The New York Times*, 17 February – Attachment 15; Burton, John, 1997, 'Attack On Defector Was 'Revenge'', *Financial Times*, 17 February – Attachment 16).

The Nanto report also indicates that agents from North Korea have been very active in South Korea and the rest of the world. It shows that:

- a number of South Koreans have been killed in South Korea by agents from North Korea (in 1978, 1984 and 1986);
- a number of South Korean have been kidnapped, killed or subject to attempted kidnapping outside South Korea by agents from North Korea (including in 1977, 1978, 1979, 1987, 1994, 1995, 1996, 1999 and 2000);

- a number of agents from North Korea have been captured in South Korea (including a ring of 400 agents in 1992 and others in 1995 and 1997);
- a number of agents from North Korea have been killed trying to infiltrate South Korea (between 1968 and 2002) (Nanto, Dick K. 2003, *North Korea: Chronology of Provocations, 1950 – 2000*, CRS Report for Congress, Updated 18 March – <http://fpc.state.gov/documents/organization/19435.pdf> -Accessed 24 January 2005 – Attachment 14).

The report also notes, in a report on the kidnapping of a South Korean churchman in China in January 2000 that:

According to a tape-recorded testimony of a former North Korean agent now in hiding in Jilin, China, “a substantial number” of North Korean refugees in China are actually North Korea’s undercover agents disguised as refugees assigned to abduct North Korean escapees/defectors (Nanto, Dick K. 2003, *North Korea: Chronology of Provocations, 1950 – 2000*, CRS Report for Congress, Updated 18 March, p.20 – <http://fpc.state.gov/documents/organization/19435.pdf> -Accessed 24 January 2005 – Attachment 14).

A 2002 BBC report gives the following information:

Nestled in the South Korean countryside, about three hours from the capital, Seoul, is the government resettlement centre for North Korean defectors, Hanawon. There is tight security here: barbed wire, security guards and cameras are the most obvious signs. There is a good reason for this – **the threat of kidnap, or personal attacks against individual North Koreans, is ever-present, despite improved ties between the two nations.** Even when they leave the centre, defectors are placed under special protection for five years. Usually, a district police officer visits the defector or a family on a regular basis (Gluck, Caroline 2002’ Korean defectors learn basics: North Koreans arriving in Seoul still face a rough ride’, BBC News Online, 27 May – <http://news.bbc.co.uk/2/hi/asia-pacific/2006411.stm> – accessed 24 January 2005 – Attachment 13).

A recent report on the kidnapping of North Korean defectors in China provides information on the North Korean government methods (‘Korean-Chinese indicted in Seoul for handing kidnapped pastor to North’, 2005, BBC Monitoring Asia Pacific (Source: South Korean news agency Yonhap), 19 January (Attachment 17).

No definitive account of the number of North Korean agents in South Korea was found, though there are thought to be many. The South Korean intelligence agency gave an estimate of 40,000 in the early 1990s, but according to the *Washington Times*, there was much scepticism about this figure (Breen, Michael 1992, ‘Seoul misses top N. Korean agent but smashes one of largest rings’, *The Washington Times*, 8 October – Attachment 18). In 1997 a high profile defector, Hwang Jang-Yop, claimed there were 50,000 North Korean spies in South Korea (Moon Ihlwan 1997, ‘Defector’s comments stir fears in S.Korea’, Reuters, 14 February – Attachment 19; Burton, John, 1997, ‘Attack On Defector Was ‘Revenge’’, *Financial Times*, 17 February – Attachment 16). An unnamed government official, speaking to *The New York Times* in 1997, stated:

Some government officials estimate that there are 40,000 or so North Korean agents in South Korea. But this official said that most of them are sympathizers, mainly students, rather than true spies. He said that monitored radio transmissions to and

from North Korea indicate that there are several hundred active North Korean agents here. Even among the sympathizers, only a few thousand, or less than 1 percent of all college students in South Korea, are true militants willing to resort to violence to further their cause, he said (Pollack, Andrew 1997, 'S. Korean law to aid spy-catching raises fear of political repression', *The New York Times*, 2 March – Attachment 20).

A 2004 news report states that “Despite a secret pact to stop subversive activities directed against each other, North Korean agents in South Korea are apparently busier than ever” (‘South Korea – North Korea Boosts Espionage Activity’ 2004, *Periscope Daily Defense News Capsules*, 19 October – Attachment 21).

No other reports on this subject were found in the sources consulted.

List of Sources Consulted

Internet Sources:

Google search engine

UNHCR *REFWORLD* UNHCR Refugee Information Online

Databases:

Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

List of Attachments

1. RRT Country Research 2004, *Research Response KOR16434*, 16 January.
2. RRT Country Research 2004, *Research Response KOR16465*, 9 February.
3. Human Rights Watch 2005, ‘North Korea’ *Human Rights Watch World Report 2005*, 14 January.
4. DIMIA Country Information Service 2004, Country Information Report No.04/78 ‘North Korean Refugees Update’, (sourced from DFAT advice of 10 November 2004), 10 December. (CISNET South Korea CX59593).
5. US Committee 2004, *Refugees World Survey 2004: ‘South Korea’*, May. (CX95924)
6. International Crisis Group 2004, *Korea Backgrounder: How The South Views Its Brother From Another Planet*, 14 December.
7. Kirk, Don 2004, ‘N. Korean defectors face new challenges on journey South’, *The Christian Science Monitor*, 29 December <http://www.csmonitor.com/2004/1229/p07s01-woap.html>.

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9. Limb Jae-un 2005, 'Defectors learn the South's ways', Joins.com, 6 January. (Factiva)
10. Joo Sang-min 2005, 'North Korean defector's New Year wish', The Korea Herald, 1 January. (Factiva)
11. Salmon, Andrew 2004, 'Defections to South Korea rose Amid rising numbers, a shrinking welcome', *International Herald Tribune*, 31 December. (Factiva)
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13. Gluck, Caroline 2002 'Korean defectors learn basics: North Koreans arriving in Seoul still face a rough ride', BBC News Online, 27 May <http://news.bbc.co.uk/2/hi/asia-pacific/2006411.stm> – Accessed 24 January 2005
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15. Pollack, Andrew 1997, 'Korean Shooting Is Casting Cloud On Signs Of Thaw', *The New York Times*, 17 February. (Factiva)
16. Burton, John, 1997, 'Attack On Defector Was 'Revenge'', *Financial Times*, 17 February. (Factiva)
17. 'Korean-Chinese indicted in Seoul for handing kidnapped pastor to North', 2005, *BBC Monitoring Asia Pacific*, source: South Korean news agency *Yonhap*), 19 January. (Factiva).
18. Breen, Michael 1992, 'Seoul misses top N. Korean agent But smashes one of largest rings', *The Washington Times*, 8 October. (Factiva)
19. Moon Ihlwan 1997, 'Defector's comments stir fears in S.Korea', *Reuters*, 14 February. (Factiva)
20. Pollack, Andrew 1997, 'S. Korean law to aid spy-catching raises fear of political repression', *The New York Times*, 2 March. (Factiva)
21. 'South Korea – North Korea Boosts Espionage Activity' 2004, *Periscope Daily Defence News Capsules*, 19 October. (Factiva)