

## **Kim Young-hwan, China, Democratization of North Korea and the Improvement of Human Rights**

**Son Gi-Woong**

Director, KINU Center for North Korean Human Rights Studies

Online Series CO 12-34

After 114 days of arrest and detention, North Korean human rights activist, Kim Young-hwan, was released and deported back to South Korea. China's arrest of 4 individuals, including Kim Young-hwan, under the charges of espionage and subversion; imprisonment for crimes against national security, which carry a possible death sentence; their detailed activities; and the arrests in regards to the connection between China and North Korea, among other issues have been raised. Above all, however, the claim that Kim Young-hwan had been tortured by the Chinese authorities during his time in custody has drawn critical attention.

The Chinese authorities arrested the human rights activists who strive to improve North Korea's miserable human rights conditions, which is an undeniable fact that every country has knowledge of. If it is proven as a fact that the Chinese authorities limited interviews conducted by lawyers and tortured the activists, then their misconception of human rights issues in North Korea and their rude behavior toward our citizens are simply unacceptable. In hopes that North Korea will not only adopt standards that comply with the international community's ethical code and become an active member of the global community, we also request an extension on the reform and opening of North Korea as well as a reevaluation of China's contention on this issue.

There have been various discussions regarding Kim Young-hwan's objectives and activities during his visit to China. A variety of speculations regarding the rather unique account of his life exist due to his

transformation from a *Jusapa* theorist to a more involved activist for the democratization of North Korea by assisting the indigenous development of democratic forces within North Korea. For instance, this includes contact with anti-regime dissidents, anti-regime activities through the covert reentry of defectors, planned defection of key North Korean leaders and similar activities. In addition to these actions, rumors surrounding their connections to the government institutions have been widely discussed.

To an extent, the above stories appear credible considering the links among Kim Young-hwan's convictions in the struggle for democratization in North Korea, but he has flatly dismissed the links between the planned defections and the South Korean government. Since the situation does not allow for his activities to be clearly disclosed, it is reprehensible to dispute or hastily make assumptions. If his actions conflicted with national law or international law, then an objective investigation and judicial verdict must be conducted.

In this situation, we must pay significant attention to the human rights violations against the individual Kim Young-hwan along with the potential impact of his fervent desire to pursue a democratic movement in North Korea and improve the human rights of the North Korean citizens. If Kim Young-hwan's activities in China conflicted with Chinese national law, then it is within China's rights to conduct an investigation. However, the Chinese authorities do not have the right to investigate by means of torture because it is a clear violation of basic human rights. Above all, this is an incident that should have never occurred when considering the friendly relations between South Korea and China. The Chinese authorities should clarify the background as to why Kim Young-hwan was not prosecuted but simply deported, and why he was arrested for crimes against national security. If the Chinese authorities did torture him, then they should offer a well-deserved apology and compensation as well as an assurance to prevent the recurrence of this incident.

It is important to note the linkages between China and North Korea in regards to the occurrence of this incident and the progress of development. China arrested and detained Kim Young-hwan on the sixth day of his arrival for crimes against national security, while his companions were arrested in Dalian and transported to Dandong, a city near the North Korean-Chinese border, where they were forcibly investigated. Furthermore, the North Korean National Security Agency strengthened its movements in the North Korean-Chinese border area and has been arresting defectors in China for espionage immediately following Kim Young-hwan's deportation.

In reality, China is the only place in which the primary movement for the democratization and improvement of human rights in North Korea can occur, so China's attitude and policy will have a significant impact on the activists' efforts. Given the cooperation between North Korea and China, the activists will be intimidated for a while, and we can expect the arrest and detention of a second or third individual following this case. However, the human rights abuse against Kim Young-hwan is already a diplomatic issue, and this problem cannot simply be overlooked. Beyond Kim Young-hwan on a personal level, this will affect China-based activists who strive for the democratization and alleviation of human rights in North Korea.

However, the direction of handling the North Korean democratic movement that is unfolding in China can have a startling impact. Consequently, cautious and adept diplomacy between South Korea and China is required in approaching the human rights violations of Kim Young-hwan. We must take Kim Young-hwan's human rights issue, democracy in North Korea and the improvement of North Korean human rights into consideration as we progress our efforts to resolve all of these problems.

According to the South Korean perspective, its national growth requires China's resources, market and capital. In addition, we should take into account South Korea's diplomatic challenges and its need to lure China's balanced diplomacy onto the Korean peninsula. Furthermore, the unnecessary friction could have an adverse effect. China must play an important role in the democratization, improvement of human rights and the reform and opening of North Korea, and we should not overlook the reality of the underlying depth of the South Korea-China cooperation. Ultimately, problem solving between South Korea and China should employ diverse methods, including tough and moderate or public and private means, in order to achieve the desired and effective results.

On the other hand, this situation delivers a significant message to our society. A fair assessment on efforts to improve the universally recognized value of democracy and human rights should be conducted in our own society. Therefore, we should neither deny nor disparage the determination of those who support such efforts for the improvement of human rights and democratization on behalf of the North Koreans suffering from devastating human rights conditions. We must provide support in order for these efforts to gain the support of the international community and a little more practical capacity. In addition, the South Korean government should protect the activists for the democratization of North Korea and human rights activists whom the North Korean authorities have publicly acknowledged as targets for their punishment, which even include death threats. © KINU 2012

※ The views expressed in this paper are entirely that of the author and are not to be construed as representing those of the Korea Institute for National Unification (KINU).