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## **About the "defection" of twelve North Korean waitresses from a restaurant in China: South Korea's version of the facts lacks credibility**

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By Willy Fautré, *Human Rights Without Frontiers Int'l*

HRWF (26.05.2016) - On 7<sup>th</sup> April, 12 North Korean waitresses of the Ryugyong North Korean restaurant in the Chinese coastal city of Ningbo and their male manager arrived in Seoul, South Korea's capital, in circumstances that were then described as mysterious. Two days before, the women had shopped for backpacks at a local store where they paid, relatively expensive, full prices, an unheard-of and impossible practice among North Korean overseas workers. They were obviously preparing a trip, but did they know their destination?

North Korea accused South Korea of kidnapping its citizens and demanded their repatriation. It said the South's intelligence agents "lured and abducted" the 12 young North Koreans by using "all sorts of appeasement, deception and gimmicks". Pyongyang threatened Seoul with "unimaginable serious consequences and severe punishment."

The 12 waitresses are daughters of North Korean party and administration elites, according to Daily North Korea, a website based in Seoul, which quoted sources within the North.

### ***Is a mass defection of North Korean overseas workers possible?***

Up to now, cases of defection of individual North Korean overseas workers have been very rare, and there have not been any cases of collective defection. The reasons are simple.

Overseas workers are supposed to watch and report on each other, and a North Korean "security member" is in charge of the overall surveillance.

For these and other reasons, it is difficult to believe South Korea's official version of a voluntary, spontaneous and simultaneous defection of the twelve young North Korean waitresses from the Chinese restaurant in Ningbo in early April. Although the women were not family members and came from different backgrounds, they would have all needed to agree together on the operation without any conflict or internal denunciation despite the high risks of reprisals against each of their families. Such a proposition is highly improbable.

### ***The itinerary of the twelve North Korean waitresses and their manager***

The waitresses left their restaurant in Ningbo on 5<sup>th</sup> April, went to Shanghai by land, and arrived in Malaysia in the morning of 6<sup>th</sup> April. On 7<sup>th</sup> April, it was announced in Seoul they had arrived in Incheon Airport. Some media outlets also reported that they were accompanied by the Chinese manager of the restaurant, who had taken 1.2 million yuan with him.

For such young North Korean women who lack any international travel experience, traveling through three countries in forty-eight hours would have been impossible without any external intervention. Assistance was certainly not provided by human traffickers as the women could not have paid them. Human rights activists in South Korea previously involved in the exfiltration of North Korean defectors were consulted by *Human Rights Without Frontiers Int'l*. They all deny any involvement in this operation, do not believe in a voluntary defection as such, and hold the South Korean authorities responsible for a "planned defection" of the North Korean waitresses without their consent. It is also noteworthy that after international media coverage of the incident and the furious reaction of Pyongyang, the Chinese authorities confirmed that the women had left China with valid documents. Therefore, it can be legitimately concluded that the North Korean waitresses travelled to their final destination, South Korea, without their knowledge or consent.

### ***From the contextualization of the South Korean narrative to...***

In the last few years, Seoul has particularly campaigned on the exploitation of the North Korean overseas workers by their own state and suspects that the financial benefit (around two billion USD per year) of this slavery-like activity is used for Pyongyang's military nuclear program.

In short,

- North Korea's labor export is organized, managed, and overseen as a matter of state policy;
- Workers are not paid directly by their foreign employers but receive their wage - between 120-150 dollars a month - from the North Korean state which gets much higher amounts from the employers;
- Earnings are not sent back as remittances, but appropriated by the state and transferred back to the country in the form of bulk cash, in clear violation of UN sanctions;
- Work hours range between twelve and sixteen hours a day, sometimes as much as twenty hours, and laborers are only provided one or two days of rest a month;
- Workers are not allowed to return to North Korea until their contract expires, which usually lasts three years.

It is estimated that sixteen countries are currently hosting North Korean laborers, including some EU member states, such as Poland and Malta.

The circumstances of the incident and the publicizing of it rightfully raise a lot of suspicions all the more as it coincided with the legislative elections campaign in South Korea.

While defections do not usually enjoy a lot of publicity, the South Korean government hurriedly announced the defection this time, and it can reasonably be inferred that by raising a "North Korean issue" the ruling party expected some positive impact on the outcome of the election. This was finally not the case as on 13<sup>th</sup> April the conservative Saenuri Party was defeated by ... one seat.

### ***to a possible alternative scenario***

A possible alternative scenario to the official narrative involves the deep involvement of the South Korean National Security Services (NIS) in a meticulously prepared operation with the help of the restaurant manager as part of a political strategy. Indeed, only the manager could handle the complex logistics of such a "defection" and had the moral authority to convince the waitresses to accompany him.

The manager may have been identified by the NIS as a vulnerable target to be bought or blackmailed for that spectacular operation. He could defect with a large amount of money coming from his restaurant and NIS promise of a special treatment and financial benefits in South Korea. A period must have been chosen when the North Korean security member was not around. The manager must have given back the North Korean women their passports – an unusual practice –, and told them that they were going to another restaurant in Malaysia and there that would be a stopover. The final destination after the stopover was, however, to be in... South Korea.

Noteworthy is the fact that the twelve women failed to appear in public or make statements confirming their voluntary defection. According to some sources, this is not unusual as the South Korean authorities habitually keep defectors away from the public, in a specific location, to organize their adaptation to their new life, but also to keep their identity secret and, thereby, protect their families in North Korea safe from reprisals. However, due to the exceptional circumstances of the case and the uproar made by Pyongyang on the international scene, Seoul should have released some evidence that the waitresses, whose identity is known by the North Korean authorities, were in South Korea on their own will. This was not the case. They will probably use the transition and adaptation period to try to convince each of them to stay 'on their own will' in South Korea. This is a challenging and risky bet with an uncertain outcome.

Some South Korean lawyers have started a procedure to force the South Korean authorities to clarify the situation.

### ***Seoul owes the truth to its public opinion and to the international community***

*Human Rights Without Frontiers Int'l* urges

the South Korean authorities

- to allow lawyers to get access to the North Korean waitresses and to interview them;
- to grant the waitresses legal assistance if they request it;
- to clarify publicly the circumstances of the arrival of the twelve waitresses in their country;

UN Secretary General Ban Ki-moon

- to use its power in order to establish the facts;
- to check the legality of the situation of the North Korean waitresses.

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## **The long arm of Chinese censorship reaches South Korea**

### ***A performance in Seoul is cancelled after threats from Beijing.***

By Sarah Cook

The Diplomat (09.05.2016) - <http://bit.ly/1WlpUxr> - In recent months, incidents of Communist Party restrictions on free expression extending beyond China's borders have

occurred across Asia. Now South Korea, a leading democracy in the region, has joined this disturbing trend.

On May 4, a court in Seoul issued a last-minute ruling canceling a series of classical Chinese dance and music shows by Shen Yun Performing Arts, scheduled to take place at KBS Hall over the weekend. The ruling explicitly cites threats by the Chinese embassy aimed at the theater owner, including implicit references to financial reprisals if the shows go on as planned.

The mission of the New York-based performance group is to revive China's five-millennia-old traditional culture, which has been largely destroyed under decades of Communist rule. Shen Yun's performers practice Falun Gong, a meditation and spiritual discipline whose practitioners are persecuted in China today; some company members have themselves fled religious persecution or have family members imprisoned in China still.

Alongside dances portraying scenes from imperial dynasties and literary classics, some of the show's pieces also depict the story of what Falun Gong practitioners face in China today or attacks on Buddhist temples during the Cultural Revolution. An overarching theme throughout the Shen Yun performance is the traditional Chinese concept of a connection between Heaven, Earth, and humankind.

The performance has been widely acclaimed and drawn millions of audience members, including celebrities, around the world. But it is these perspectives on Chinese history, culture, and spirituality that have put Shen Yun on the Chinese Communist Party's target list.

Since its inception a decade ago, Chinese officials have employed a wide variety of direct and indirect tactics to try to sabotage the show and prevent its messages from reaching a global audience. Over 60 incidents—ranging from intimidating theaters and elected officials to online hacking and tire slashing—have been documented. Most of the sabotage attempts in Europe, North America, and Australia have been futile, but South Korea has been susceptible to them. Indeed, they have led to cancellations and near-cancellations in South Korea in the past.

Nevertheless, this week's incident stands out for two reasons.

First, the court that issued this decision is the very same one that had ruled two weeks earlier in favor of the Shen Yun performance, despite already hearing arguments drawn from Chinese embassy communications. The last-minute "flip flop" raises the question of what changed in the interim and who intervened to alter the final ruling. Whether it was higher-level input from Chinese diplomats or from South Korea's own executive branch, such pressures infringe on judicial independence and ultimately hurt South Korean democracy and rule of law.

Second, the court ruling provides unusually explicit insight into the financial leverage that may have been employed by the Chinese embassy to incentivize this obstruction of a performing arts event outside China.

A translated copy of the court decision refers to the financial losses that the Korea Broadcasting System—the owner of KBS Hall—could incur if the shows were allowed to go forward, ostensibly because of Chinese government retaliation against the firm's Korean television dramas, which are popular among viewers in China. The judicial decision states that if KBS "cannot export its broadcasting contents to China, there are possibilities that it may face huge losses, which cannot be compared with the income from ticket selling." It then calculates that if the content exported to China were obstructed, it would result in 10 billion KW (\$8.5 million) in losses for KBS each year. By

contrast, the court says, the several thousand tickets that Shen Yun had already sold and would be forced to forfeit amounted to only 18 million KW (\$15,000), so that even if KBS has to reimburse these losses, it would be worth the relatively minor expense.

Using such calculations, based on the potential earnings from selling or broadcasting content inside mainland China, in order to justify restrictions on free expression outside China is disturbing, but not new. When conducting research for a 2013 report, *The Long Shadow of Chinese Censorship*, Freedom House investigators found that this was precisely what was happening in other television markets in Asia. In those instances, the financial rationale was often downplayed and kept behind closed doors for fear of public censure.

But in this week's South Korean case, it is effectively being legitimized by the court of a democratic country, and by a public broadcaster funded by the South Korean government. That sets a dangerous precedent.

The case also highlights the growing risk of cross-ownership in the media, telecommunications, and entertainment sectors. The case studies covered in *The Long Shadow of Chinese Censorship* and incidents like this one illustrate that when the same company owns businesses that seek to profit from commercial activity inside China alongside businesses that disseminate or create media content for audiences outside China, it is extremely susceptible to Chinese government demands to restrict information reaching external audiences.

But this need not be the case. We can continue to hope that the values of freedom and democracy will outweigh the Communist Party's economic leverage. Media regulators, democratic governments, and free expression advocates would also be wise to consider new legislative and other means to ensure that businesses—and judges—have the necessary incentives to uphold these values.

Otherwise, audiences outside China will be prevented from seeing more compelling art exhibits, independent films, or dance performances—and they may never know what they are missing.

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