

Final Report of the Joint Fact Finding Committee of the International Association of Democratic Lawyers and the Confederation of Lawyers for Asia and the Pacific on the case of 12 Young Women Restaurant Employees, Citizens of the Democratic Peoples Republic of Korea ,working at the Ryukyeong Korean Restaurant at Ningbo, in China; taken on 5th April from China via Malaysia to Seoul; referred to as the “Waitresses Case”.

I.The International Association of Democratic Lawyers and the Confederation of Lawyers for Asia and the Pacific resolved at their Executive Committee meeting held at Bali in 2018, to investigate the case of the 12 young women restaurant employees , citizens of the Peoples Democratic Republic of Korea (North Korea) working at the Ryukyeong Korean Restaurant at Ningbo, in the Zhejiang province of China , who were taken on April 5 , 2016, via Malaysia to Seoul ,where they arrived on April 7 , 2016, and were initially detained at the detention centre at Seoul established in the Republic of Korea (South Korea) under the North Korean Refugees Protection and Support Act, run by the National Intelligence Service of the Republic of Korea , referred to under the Act as the ‘ Protection Centre.’

This incident adversely impacted relations between North and South Korea. The Democratic Peoples Republic of Korea’s official spokesman protested , stating that the 12 young women restaurant employees had not voluntarily gone to

Seoul, and were abducted/kidnapped by deception ; whereas the Government of the Republic of Korea (South Korea) claimed that that the 12 young women along with their Manager, also a citizen of the Democratic People’s Republic of Korea(North Korea), had collectively “*politically defected*” to the Republic of Korea .

II. Investigation at Seoul

A preparatory Committee comprising veteran French Lawyer Roland Weyl, First Vice President of the International Association of Democratic Lawyers , Jun Sasamoto , General Secretary of the Confederation of Lawyers for Asia and Pacific, and Micol Savia , Representative of the International Association of Democratic Lawyers to the United Nations in Geneva, visited Seoul from May 24 – 27, 2019, to interact with the Task Force of the Minbyun Lawyers for a Democratic Society, at Seoul , to prepare for the Joint Fact Finding Mission .

From August 25 to August 30, 2019, the Joint Fact Finding Committee of the International Association of Democratic lawyers and the Confederation of Lawyers consisting of three Lawyers, Jun Sasamoto, General Secretary of the Confederation of Lawyers for Asia and the Pacific, Micol Savia , representative of the International Association of Democratic Lawyers at the United Nations in Geneva , and Niloufer Bhagwat , Vice President of the Confederation of Lawyers of Asia and the Pacific ,visited Seoul for the investigation .

A. The Task Force of the Minbyun lawyers for a Democratic Society at Seoul working on the case from April 2016 , submitted to the Joint Investigation Committee, the relevant documents and informed the Committee that investigations prior to their filing Petitions and Appeals in the Courts in Korea , and to the Working Group on Arbitrary Detention of the UN Human Rights Council and to the Human Rights Committee of the International Covenant on Civil and Political Rights, revealed that the 12 young women who were working at the Ryukyeong Restaurant located at Ningbo ,in China , left China on April 5 , 2016 , and arrived at Seoul on April 7 , 2016, via Malaysia. In Malaysia they had been taken straight to the South Korean embassy where they were immediately issued travel documents , brought to Seoul on April 7, 2016 , and thereafter detained by the National Intelligence Service of the Republic of Korea in the detention centre, established under the North Korean Refugee Protection and Support Act which the National Intelligence Agency refers to as a ‘Protection Centre’. Immediately on the next day of their arrival, on April 8 , 2016, the Ministry of Unification of the Republic of Korea (South Korea) issued a statement, that the 12 young women along with their Manager, all citizens of the Democratic People’s Republic of Korea, had collectively “*politically defected*” to the Republic of Korea (South of Korea).

In the file of public documents of the case , submitted to the Joint Fact Finding Committee at Seoul , are the official replies of the Government of the Republic of Korea, to the communications and petitions filed by the concerned group of the Task Force of Minbyun Lawyers, to the Working Group on Arbitrary Detention of the UN Human Rights Council and to the Human Rights Committee ,which the Committee has perused. In the official replies of the Government of the Republic of Korea filed before the Working Group on Arbitrary Detention of the UN Human Rights Council, the aforesaid facts are not disputed. The government of the Republic of Korea in the reply, stated that the 12 young women were detained at the “ Protection Centre” for North Korean defectors , in order to conduct an investigation as to whether the 12 young women were eligible for protection under the North Korean Refugees Protection Settlement and Support Act.

The government of the Democratic People’s Republic of Korea immediately lodged a diplomatic protest with the Republic of Korea, asserting that the 12 young women were kidnapped by the Manager in collusion with the South Korean National Intelligence Service (NIS). Thereafter the Red Cross Society of the DPRK communicated with the Red Cross Society of the Republic of Korea (South Korea), requesting that the families of the 12 young women should be permitted to immediately see them .On April 18 , 2016 , the families of the 12 young women from the Democratic People’s Republic of Korea

addressed communications , petitioning the Working Group on Arbitrary Detention of the UN Human Rights Council and the UN High Commissioner for Human Rights, asserting that the 12 young women were kidnapped as and by way of deception , and had not voluntarily gone to Seoul and should be repatriated to the DPRK .

The documents of the case which are included in the records of the Joint Fact Finding Committee , include communications filed by Attorney Jang Kyung -uk, Team leader of the Minbyun Task Force to the Working Group on Arbitrary Detention of the UN Human Rights Council and to the Human Rights Committee of the International Convention on Civil and Political Rights, duly authorized by the families of the 12 young women and the replies filed on behalf of the Government of the Republic of Korea , and the rejoinders to the replies ; the Habeas Corpus Petition filed on May 24, 2016, in the Seoul Central District Court ,(Case No.2016In2) , by the Task Force of the Minbyun lawyers on behalf of the families for the release of the 12 young women ; disclose that the Task Force of the Minbyun Lawyers who filed the aforesaid Petitions, were denied interviews with the 12 young women who were in the detention centre , by the National Security Intelligence Service of the Republic of Korea (South Korea) , despite repeated applications made from 12 May 2016 onwards, and the letters of the lawyers who had filed the Habeas Corpus Petition instructed by the families and written to the 12 young women

regarding the Habeas Court proceedings , were not delivered to the 12 young women, and rejected by the National Intelligence Service of South Korea .

The documentary record of the Habeas Court Petition filed on May 24, 2016, at the Central District Court at Seoul disclose that the Judge at the Central District Court , Seoul passed an order dated 10 June,2016 , summoning and directing the victims, the 12 young women to remain present at the Seoul District Court . The Court subsequently did not enforce its own order, accepting the statement of the legal Counsel of the National Intelligence Service that the victims did not want to remain present before the Court. This statement was never judicially verified by the Seoul District Court by directing production of the victims.

The Task Force of the Minbyun Lawyers submitted in detailed communications filed to the Working Group on Arbitrary Detention of the UN Human Rights Council and to the Human Rights Committee of the International Covenant on Civil and Political Rights, that the Seoul District Central Court did not follow the mandated procedure under Article 10 (3) of the Habeas Corpus Act which requires the Judge to summon detainees for questioning ; that the Seoul Central District Court in violation of procedure , conducted part of the subsequent proceedings in camera, even though the victims were not present in Court, consequently there was no question of protection them from public exposure by holding proceedings in camera ; that

at no stage were the 12 young women who were illegally detained permitted to meet independent legal counsel after their arrival at Seoul, other than the National Intelligence Service of South Korea 's appointed Human Rights Protection officer ; and that the Habeas Corpus Petition filed on behalf of the families of the 12 young women, was subsequently dismissed by the Judge Young-jea Lee of the Central District Court at Seoul, on the following grounds that: (1) there was insufficient evidence to prove the family relations between the Petitioners on whose behalf the Habeas Corpus Petition was filed and the victims and (2) that since the victims were released from the detention center in or about August 2016 even though the litigation was still pending in the Court , the Habeas Corpus Petition was no longer maintainable .

In the Appeal filed before the Appeals Court from this decision , the Appeals Court, while rejecting the contention of the Central District Court at Seoul that there was insufficient evidence to prove the family relations between the Petitioners and the victims (except in two cases where ID of the families not been submitted); dismissed the Appeal filed on behalf of the families of the 12 young women , on the ground that the victims had been released after the Petition was filed in two separate batches in August 2016, by the National Intelligence Service . In the Appeal Court, as in the Central District Court at Seoul, the 12 young women were not produced and neither the District Central Court at Seoul nor the Appeals Court judicially ascertained from the 12 young

women, the circumstances in which they had come to Seoul. The Supreme Court of the Republic of Korea (South Korea) upheld the decision by the Appeals Court, on the ground that the 12 young women had been released by the NIS in August 2016.

The documents on record indicate that on August 12, 2016, the Task Force of the Minbyun lawyers filed another proceeding in the Seoul Administrative Court against the Director of the National Intelligence Service of the Republic of Korea and two others, on the illegality of their refusal to allow the lawyers to interview the 12 young women. The Administrative Court held, that since the women had checked out of the detention centre, access to the women could no longer be granted to the Lawyers.

B. Members of the Joint Fact Finding Committee were informed at Seoul on the evening of 25th August 2019, by a lady from North Korea, Kim Ryen Hui, that she too had been deceived into coming to South Korea from China, which she was visiting from the DPRK, by a broker or intermediary, though in different circumstances; on arrival at Seoul she was detained at the Center controlled by the National Intelligence Service of South Korea, where propaganda is conducted against the DPRK; subsequently she tried to return to her husband and daughter in the DPRK, making several unsuccessful attempts to escape. The National Police Agency of South Korea and the National Intelligence Service kept surveillance over her and other North Koreans, even

after they left the detention centre. Kim Ryon Hui informed the Committee, that citizens of North Korea were encouraged to appear on TV programs in South Korea, to distort conditions of life in the DPRK, giving exaggerated and distorted versions of conditions, for which they were paid, and that there were foreign organizations funding this activity; the more outrageous the statements, the better the monetary returns. Twice she attempted suicide; however she was saved by the National Police Agency of South Korea, keeping surveillance over her, who rushed her to the hospital.

C. In view of the documents on record submitted to the Joint Finding Committee, with details of the acts of commission and omission committed by the National Intelligence Service of the Republic of Korea, the National Police Agency and the Ministry of Unification in this case, it was necessary for the Fact Finding Committee to request these agencies and the Ministry of Unification in written communications, for interviews, to give these institutions an opportunity to clarify their role in the events connected with this case, and the circumstances in which the 12 young women had arrived at Seoul. The Committee in addition, made written requests to the National Police Agency, to forward the letters of the Committee to the 12 young women, as the Committee was informed by organizations in Seoul, that the National Police Agency was still monitoring the 12 young women and were aware of their

whereabouts. It was necessary for the Committee to inquire directly from the 12 young women, the circumstances in which the 12 young women arrived at Seoul; their living conditions and psychological state; as their families had received no communications from them for three years and four months from April 5, 2016, until August 2019.

The Committee regrets to record that despite written communications dated August 14, 2019, addressed to these three institutions even before the Joint Fact Finding Committee arrived at Seoul and a reminder addressed on August 29, 2019 to all three agencies, after the Committee commenced its investigations at Seoul, the Committee did not receive any cooperation or a positive response from these institutions; neither were the letters of the Joint Fact Finding Committee delivered to the 12 young women.

D. The entire issue had become public in South Korea and internationally on May 10, 2018, as the DPRK Manager of the Korean Restaurant in Ningbo, China, from where the 12 young women were brought to Seoul, and four of the young women, representative of the group of 12 young women all citizens of the DPRK, were interviewed by Lee Kyu-yeon, the anchor of the Spotlight program of the JTBC Corporation's TV Channel, after Bong Ji-wook, a reporter from South Korea had conducted a thorough investigation of the case. In their interviews the four young women stated that they were working with

the rest of the team of women restaurant employees in the Korean restaurant at Ningbo , China, under the supervision of the Manager , and had been deceived by the Manager, who had their DPRK passports in his custody into coming to Seoul ,as the Manager who was their superior authority, and whom they were trained to obey, informed them that the entire team would be going from China to Malaysia to open a Korean restaurant, in accordance with directives of the concerned higher authorities in the DPRK . In these circumstances they left Ningbo in China on April 5, 2016. On arrival at Malaysia , they were taken directly to the South Korean embassy, and it was only on seeing the flag of the Republic of Korea(South Korea), that they realized that the Manager had deceived them and that they were actually being taken to South Korea .The DPRK passports of all 12 young women were with the Manager . It was in these circumstances that they arrived at Seoul on April 7 , 2016, with travel documents issued by the South Korean embassy at Malaysia.

The Manager Heo Kang –il himself confessed in this interview on JTBC Television , that he had colluded with the South Korean National Intelligence Agency for mercenary reasons and other promises which they had made, which the NIS had failed to keep; therefore disillusioned by the NIS , he wanted to expose them and regretted what he had done . Heo Kang –il disclosed that he had brought these 12 young women to Seoul by deceiving them as directed by

the National Intelligence Service of South Korea with whom he was in touch with in China, working for them, and it is they who directed him to bring the 12 young women restaurant employees just before the parliamentary elections in South Korea. Clips of this interview which were broadcast on JTBC television were circulated to the International media and reported on by the International press. One of the young women is reported stating in the interview *“I want to go home, because living like this is not the life I wanted. ... I want to see my parents.”* The Manager Mr. Heo Kang-il stated in the interview reported on by the International media, that that the National Intelligence Service of the Republic of Korea timed the defection to rally conservative votes in the parliamentary elections when President Park Geun-hye was in office, admitting in the television interview *“It was luring and kidnapping, and I know because I took the lead.”*

E. The Committee during interactions at Seoul, were informed that on July 4, 2018, the UN Special Rapporteur of Human Rights in North Korea, Mr. Tomas Ojea Quintana visited Seoul and met the Manager and two young women out of the group of 12 brought to South Korea, at the office of the OHCHR, on their request. In the documents handed over to the Committee at Seoul, there is a summary of this meeting by the Task Force of the Minbyun Lawyers, who were present at this meeting, who recorded that this meeting

was held at the Office of the High Commissioner of Human Rights at Seoul, and lasted for an hour and ten minutes. The record of the meeting discloses that the two young women informed the Special Rapporteur, Mr. Quintana, that they were brought to South Korea against their will by deception, that the plan was initiated by the National Intelligence Service of South Korea in conspiracy with their Manager, as the alleged defection was used just before the national election and a statement was made by the spokesman of the government of the Republic of Korea immediately after their arrival that they had politically defected. As per the summary of the meeting held, the two young women demanded a thorough investigation of the manner in which they had been brought to Seoul. The two young women explained to the Special UN Rapporteur that they were being compelled to live in South Korea, forcibly separated from their families, being made to conceal their identities to avoid discrimination in South Korean society, and that the matter should be investigated and the plot exposed and those involved punished. The Special Rapporteur, according to the record of the meeting maintained by the Task Force of the Minbyun lawyers, inquired from the two young women whether they were ready for immediate repatriation to North Korea; the reply of the young women to this question was:” *if the South Korean government carries out the thorough investigation and admits their responsibility it will work out fine.*” The young women as per the record, made the following appeal to the

Special Rapporteur: *“think of us as daughters and family when you approach the issue “.* When asked by Mr. Quintana about the opinion of the other ten women they stated that: *” If the truth is revealed the other restaurant employees will have a press interview and or a meeting with the UN officials and have courage with us.”*

This interview of the two young women and the Manager Heo Jang –il with the Special Rapporteur, was reported on in the media in South Korea and by the International media, including the New York Times. The Committee has the press reports of this interview in its records of the case.

F. The New York Times report of the case is similar to the JTBC Television interview of the Manager and the four young women, and to the summary of the record of the interview with Mr. Quintana by the Task Force of Minbyun lawyers. In the report in the New York Times, the UN Special Rapporteur Mr. Quintana has referred to the young women as *“victims”*, stating that they had been subjected to *“deceit”*. Mr. Quintana as per this report stated: *“when I say victims. ...I am referring to some kind of deceit in regard to where they were going “.....“that if they were taken against their will from China, that may be considered a crime.”* Mr. Quintana it is reported stressed, that *“It was the duty and responsibility of the South Korean government to investigate these claims.”*

G. The Joint Fact Finding Committee requested for an interview with the National Human Rights Commission of the Republic of Korea, as it was essential for the Committee to investigate whether the National Human Rights Commission had drawn up a report. The documents on record indicated that the National Human Rights Commission had been first apprised of the case on July 11, 2016, when the Task Force of the Minbyun Lawyers of South Korea urged a proper investigation by the Human Rights Commission of the Republic of Korea, on the denial of their request by the National Intelligence Service to interview the victims and to ascertain from them reasons for their detention and the conditions under which they were kept at the detention centre. The Task Force reported to the National Human Rights Commission, that the 12 young women were not permitted to meet independent legal Counsel,

Thereafter to the knowledge of the National Human Rights Commission of the Republic of Korea, the JTBC Corporation's TV Channel in May 2018 interviewed the Manager and four young women, representative of the group of 12, giving details of the conspiracy. This was followed by the Manager and two young women meeting the UN Special Rapporteur for Human Rights in North Korea. The UN Special Rapporteur stated during a press interview at Seoul: *“it is the duty and responsibility of the government to conduct an investigation and report the true facts of the case.”*

The Secretary General of the National Human Rights Commission of South Korea , Young –Sun Cho, promptly granted an interview to the Joint Fact Finding Committee on 26th August 2019 .The interaction was cordial and the meeting held for an hour at the office of the National Human Rights Commission. Members of the Joint Fact Finding Committee addressed several questions to the Secretary General of the National Human Rights Commission and to Yongguk Kim, head of the Investigation Bureau of the National Human Rights Commission, who was also present at the meeting along with an interpreter.

The National Human Rights Commission of the Republic of Korea (South Korea), did not deny that the report of the National Human Rights Commission on the impugned issue, a matter of public and national concern, had been delayed, as the incident took place in 2016 and there was no report as of August 2016 , on the date the Committee interacted with National Human Rights Commission .The Secretary General further stated that the report was ready, but not published, and that it would be published in the near future. The Joint Fact Finding Committee other than the reference to the delay in the report and the reply of the Secretary General on this aspect, is not disclosing other questions addressed and a few answers given by the National Human Rights Commission of South Korea and the head of the Investigation Bureau, as the Secretary General requested the members of the Joint Fact Finding Committee

to maintain confidentiality. The joint fact finding committee has only disclosed in this report that the Secretary General of the National Human Rights Commission conceded that the report was delayed , as this was already widely known in South Korea, and is not a matter of any confidentiality or secrecy .

H. It was necessary for the Joint Fact Finding Committee to confirm with Lee Kyu-Yeon , anchor of the JTBC Corporation Television, the interview of the Manager, Heo Gang -il and four young women restaurant employees on the ‘Spotlight’ program ; and to record the statement of Bong Ji-wook , the courageous Reporter, who had investigated and unraveled the detailed facts of the case , on the basis of which the anchor interviewed the Manager and four young women restaurant employees. The meeting took place on August, 27, 2019, at the office of the JTBC Corporation. The Committee questioned the anchor and reporter separately.

The anchor of the Spotlight program of the JTBC Corporation confirmed that in view of the national importance of the case, the Manager and four of the young women out of the group of 12 were interviewed by the JTBC Corporation on May 10 2018, after the Reporter Bong Ji-wook had thoroughly investigated the case. The anchor of the Spotlight program of the JTBC highlighted, that the young women who were brought to Seoul had been permitted no communication or contact with their families; that it was a human

rights issue, though for partisan political purposes it was sought to be projected as a North Korea Versus South Korea issue. The government of the Republic of Korea (South Korea) had failed to address the wider issues, namely that the 12 young women had been brought to Seoul by deceiving them and the NIS and Manager were involved; that the 12 young women has been cut off from all contact and interaction with their families . Organizations at Seoul had led candle light processions among other demonstration, and urged the government of the Republic of Korea (South Korea) to repatriate the young women to North Korea to reunite them with their families. The joint fact finding committee was informed by Lee Kyu –Yeon, anchor of the Spotlight program , that the government of the Republic of Korea’s position on the case was ambiguous for political reasons , despite the truth being known ; as it was the government’s perception , that the right wing parties would use it as a political tool against the liberal government of President Moon Jae-in , despite the facts of the case and the truth as disclosed in the ‘Spotlight’ program .

The Joint Fact Finding Committee after recording the statement of the anchor of the ‘Spotlight’ program of JTBC, questioned Reporter Bong Ji-wook who had painstakingly investigated the case, at the JTBC headquarters. The reporter disclosed that he was first alerted about this case by an official of the government of the Republic of Korea, three months after the arrival of the 12 young women at Seoul, and confidentially informed that there was

something more behind the facts of this case; that is other than the official version of the Ministry of Unification, and that the 12 young women had not come voluntarily to Seoul. It took some time for the Reporter to locate the Manager, Heo Gang-il, to begin the investigations. It was necessary to wait patiently for the Manager to co-operate. The reason the Manager was finally willing to reveal the truth, was because of the failure of the National Intelligence Service of the Republic of Korea, to keep its promises of payment and other assurances given to the Manager, in consideration for the Manager cooperating with them in abducting the 12 young women restaurant employees and bringing them to Seoul, as directed by the NIS, to make political use of them before the parliamentary elections. After the parliamentary elections and the formation of a new government, and after the impeachment of President Park Gyeon-hye, and the imprisonment of two previous heads of the National Intelligence Services of the Republic of Korea including one who had functioned as Secretary to President Park Geun-hye (on a charge of defalcation of National Intelligence Funds unrelated to this case); the Manager began co-operating with the Reporter and revealed the real facts behind the 12 young women being brought to Seoul, disclosing that the Manager was ordered by officials of the National Intelligence Service of South Korea with whom he had started co-operating in China, to bring all the young women restaurant employees to Seoul by deceiving them, before the

national elections. Obeying this diktat , the Manager brought the 12 young women restaurant employees from China to Malaysia, and then to Seoul , by giving the young women restaurant employees working at the Ryekyeong Korean restaurant at Ningbo , China , the explanation that the team was required to set up a new Korean restaurant at Malaysia, on the instructions of the concerned higher authorities in the DPRK. In view of the hierarchical relations between the restaurant employees and the Manager, organized in a team as per the practice in North Korea, and because the Manager held their passports , the young women restaurant employees believed the Manager; and it was in these circumstances the Manager and the 12 young women left Ningbo, on April 5 , 2016 and arrived at Seoul on April 7, 2016 , via the South Korean embassy at Malaysia, who were in the loop and immediately issued the 12 young women and the Manager travel documents for onward travel to Seoul, on their arrival at the South Korean embassy at Malaysia . It took two days for the group to arrive at Seoul. The Ministry of Unification was already ready with the official statement on April 8, 2016, falsely stating that the 12 young women restaurant employees had collectively “ *politically defected*” from North to South Korea .

The Reporter informed the Joint Fact Finding Committee that a secure place and time had to be arranged for interviewing the four young women , who were ready to give the interview as they desperately desired to return to

their families; at the same time they were worried about their families, as they were made apprehensive of repercussions on their family by agencies in South Korea controlling and attempting to influence them in the detention centre and thereafter when they were being monitored by the National Intelligence Service and the National Police Agency continuously. The four young women representative of the group of 12 who were interviewed spoke the truth about the deception practiced on them; they were clearly victims, apprehensive about their situation; fearful that they would be suddenly imprisoned because they had given the interview or face reprisals from South Korean authorities; they cried remembering their families and were willing to be repatriated to the DPRK (North Korea), stating that it was difficult for them to live in the Republic of Korea (South Korea) where they faced social discrimination and were unable to adjust to living conditions, and said that life in Pyongyang was better. Some of the 12 young women were issued passports after this interview was broadcast, to deflect public criticism; however the Reporter stated that these passports were of no use to the 12 young women as they were given no assistance to reunite with their families in the DPRK.

The anchor and reporter informed the Joint Fact Finding Committee, that the interview with the Manager and four young women took place a few months earlier in February 2018, prior to the broadcast; however the JTBC broadcast was delayed till May 11, 2018, at the request of the government of

the Republic of Korea , at the highest level, as the government did not want the negotiations with the Democratic People's Republic of Korea on wider issues and at Summit levels, to be adversely affected by the details given in the interview by the Manager and the four young women of the role of the National Intelligence Service of Korea , the Unification Ministry and other institutions, officials and agencies. .

The Joint Fact Finding Committee was impressed by the seriousness and the dedication of the JTBC ' Spotlight' anchor, and the Reporter's deep concern regarding the future and welfare of the young women whom he had interacted with and interviewed; apart from the political and criminal aspects of the case, as he emphasized to the Committee , that the young women are suffering from a feeling of acute isolation and abandonment by society, retreating into apathy and a psychological condition of extreme hopelessness, as despite all efforts made by them to reveal the truth in public interviews ,braving the possibility of repercussions and reprisals in South Korea society; their efforts to meet the UN Special Rapporteur on Human Rights, Mr. Quintana, and to go public with the real facts ; no official or agency of the government of the Republic of Korea (South Korea) and no United Nations agency on Human Rights, has come to their rescue or initiated any steps to reunite them with their families .The journalist expressed serious concern about the psychological state of the young women and urged that

steps should be taken urgently to reunite them with their families; that this was the only way forward and that the delay in the report of National Human Rights Commission of the Republic of Korea “ is in itself a violation of the Human Rights of the 12 young women” who are the victims ; as by merely passing time , preventing the young women from any contact with their families in the DPRK, isolating them and keeping them in South Korea by delaying publishing the truth, the authorities in South Korea hoped that the 12 young women would adjust to life in South Korea; fall back on the assistance of their captors , and be absorbed in South Korean society ; without the officials and institutions involved having to reveal the truth of the serious nature of the crime committed by the National Intelligence Service and other officials and agencies .

I. The Joint Finding Committee being aware that there was an Office of the United Nations Commissioner for Human Rights at Seoul , sought an interview to ascertain whether this Human Rights Mission had interacted with the 12 young women or even with a few of them in an attempt to resolve the issue arising from this case . Two representatives of the OHCHR , Signe Paulson assisted by Imesh Pokherel, interacted with the Joint Fact Finding Committee at the office of the OHCHR at the Global Center, Seoul, on August 28 , 2019. .Representatives of the OHCHR stated that they had heard of

the case, but did not meet the young women as their mandate from the United Nations High Commissioner for Human Rights, was only to investigate violations of Human Rights in the Democratic People's Republic of Korea (North Korea) and they had no mandate to investigate violations of human rights in the Republic of Korea (South Korea).

The Joint Fact Finding Committee queried representatives of the OHCHR at Seoul in the context of this case , as to whether a country specific mandate only to investigate any alleged violations of human rights committed by the Democratic People's Republic of Korea (North Korea) , and not to investigate violation of human rights such as in this case, was not prima facie discriminatory inter se between the two countries; that in view of the existing global reality , that in practically every country of the world there are human right violations, it would be more appropriate to have regional missions rather than a country specific mission; as in some cases singling out of some countries , as violators of human rights as in the case of Libya; led to the unjustified bombing ,invasion and destruction of Libby ; whereas insufficient or no cognizance was being taken of serious violations of human rights by some other countries, namely major powers, who were treated in a more privileged manner by the OHCHR. Representatives of the mission expressed their inability to answer this question, stating that they did their work on the authorization of Office of the United Nations Commissioner for Human Rights.

When questioned about whether they were aware of the meeting of the Manager and the two young women with the UN Special Rapporteur for Human Rights, Mr. Quintana, when the Special Rapporteur had come to Seoul, reported by the media; representatives of the OHCHR at Seoul, informed the Joint Fact Finding Committee that they were not concerned with this meeting as the UN Special Rapporteur met these persons under his own authority

J. The Joint Fact Finding Committee interacted with representatives of several organizations on the evening of August 28. These organizations are members of the “ *Pan Citizens Alliance for Countermeasures to Solve the Case of the North Korean Women Restaurant Employees*”, a National Alliance of several organizations in the Republic of Korea focusing attention on and working to resolve the issue. The Pan Citizens Alliance presented a memorandum to the Joint Fact Finding Committee which briefly explained why the 12 young women are not ‘*political defectors*’, and referred in this memorandum specifically to the involvement of the National Intelligence Service of the Republic of Korea, as per the self –confessed interview of the Manager Heo Gang –il and the four young women restaurant employees on JTBC Television, also aired by CNN, with Heo Gang –il disclosing: “ *I have brought the workers upon the request of the NIS ahead of the general election.*” These organizations emphasized that it was necessary to resolve the issue in the

interests of *“the reunification and unity of the Korean nation “*. The memorandum called for the investigation and prosecution of the former Chief of the National Intelligence Service, Lee Byung-ho, and the former Unification Minister Hong Young-pyo.

K .On 30th August on completion of investigations at Seoul, the Joint Fact Finding Committee held a press conference and gave press interviews on the preliminary findings on their investigations at Seoul. On August 30 ,2019 Members of the Joint Fact Finding Committee, Jun Sasomoto and Niloufer Bhagwat left for Pyongyang . The third member Micol Savia, earlier a member of the three member preparatory committee visiting Seoul from May 24 – 27, 2019, due to urgent professional work was unable to accompany the Committee to Pyongyang.

III. Investigations at Pyongyang

The Joint Fact Finding Committee arrived at Pyongyang , Democratic People’s Republic of Korea on 31st August and held a meeting with Bang Gum Chan, Secretary General of the Democratic Lawyers Association of the Democratic People’s Republic of Korea and with Hong Kwang Hyon, head of the National Reconciliation Council and member of Korean Emergency Measures Committee for Abducted Persons , on the necessity for the Joint Investigation Committee to record oral depositions and statements of witnesses

who had personally witnessed the episode at Ningbo, China ; namely the evidence of 7 women colleagues of the 12 young women restaurant employees who were taken away to Seoul , as these 7 young women who were left behind , were also employed at the same Korean restaurant and were part of the team of 19 women restaurant employees at Ningbo , China on 5th April 2016. The Team originally consisted of 20 women restaurant employees and one Manager , recruited in the DPRK who come together in a team of 21 to China, to run Korean restaurants; however one out of the team of 20 women restaurant employees left for the DPRK prior to April 5, 2016 due to personal reasons.

It was necessary for the Committee to question the 7 young women restaurant employees to ascertain the circumstances in which 12 young women restaurant employees were taken away to Seoul, while 7 others remained behind. It was also important for the Committee to hear the account and reactions of at least one member from each of the families of the 12 young women, and to interview representatives of concerned organizations at Pyongyang.

On the request of the Joint Fact Finding Committee the Secretary General of the Democratic Lawyers Association of the DPRK and Hong Kwang Hyon, representative of the Korean Emergency Measures Committee for Abducted Persons , arranged for the Joint Fact Finding Committee to record the

statements of the 7 women witnesses , the concerned families, and representatives and officials from three Committees.

A. On 2nd September the Joint Fact Finding Committee separately recorded the statement of each of the seven young women restaurant employees who had remained behind at Ningbo, China, on the events which took place at Ryukyeong Korean restaurant, at Ningbo, in China, preceding the April 5, 2016, and on the April 5. 2016, leading to the 12 young women restaurant employees being taken to Seoul. These seven young women were a part of the team of 21 sent to China to run the Korean restaurant, consisting of 20 women restaurant employees and one Manager. The restaurant was to be run by a DPRK Manager in a joint enterprise with a Chinese entrepreneur.

The following is the list of seven young women employees who were employed at the Ryukyeong Korean restaurant at Ningbo, China along with the other 12 young women who left for Seoul on April 5, 2016, who gave detailed statements to the Joint Fact Finding Committee and were questioned, each separately:

<u>Name</u>	<u>Date of Birth</u>
1. Ri So Hyon	1992 .1. 13
2. Choe Rye Yong	1988.11.14
3. Jang Su Ryon	1992.6. 15
4. Han Yun Hui	1988 .10.25

- 5. Ri Mi Song 1998 .1..1**
- 6. Sin Song Ah 1992 .1. 21**
- 7. Kim Yun Hui 1992 .8. 2**

Despite being emotional on being separated from their close colleagues in these strange circumstances, each of the seven women gave clear and forthright oral testimony of what had happened. Their statements are a part of the records of the Joint Fact Finding Committee. It is necessary to summarize the evidence of these seven witnesses as it is vital for the report

The 7 young women stated that all 19 young women restaurant employees were present on April 5, 2016, at the Ryekyeong Korean restaurant at Ningbo, China; apart from being restaurant employees they were taught music and were accompanied by a music teacher also included in the team of 20 women restaurant employees which included the music teacher, and their DPRK Manager Heo Gang-il, who had recruited the entire team in the DPRK. The total team consisted of 21 people. Only one woman restaurant employees was not present on April 5, 2016, as she left for the DPRK earlier due to personal reasons. The entire team of 21 went to China in 2013, on a three year contract to work at Korean restaurants in China, which were run jointly by a DPRK Manager and a Chinese entrepreneur, with the Manager supplying the employees and the staff and managing the restaurant. Until September 2015

the entire team worked at the Jindallae Korean Friendship Restaurant, at Yanji , in the Jilin province of China; and in September 2015 the entire team shifted to the Ryekyeong Korean restaurant, at Ningbo in the Zhejiang province of China , near Shanghai ; where they worked in the restaurant and gave musical performances .

A few of the seven women who gave statements and were questioned by the Committee stated that their Manager Heo Gang-il, was fond of wearing luxury and expensive branded apparel and they learnt that the Manager had taken loans from locals; the Chinese employees at the restaurant told them that the Manager had even been threatened and attacked by his creditors. The women employees stated that the Manger constantly appeared agitated and in a disturbed state of mind, sometime after they arrived in China; the women restaurant employees attributed this to business matters. The Manager often told the women restaurant employees, that if people telephoned or asked for him, the women restaurant employees should tell them that the Manager was not on the premises. They did not doubt the Manager, as he was always declaring his patriotism and loyalty for his country.

In the middle of March 2016, the Manager Heo Gang –il who was their superior authority and kept all their passports, called all the 19 women employees to a meeting (one of the women restaurant employees had already returned to the DPRK for personal reasons out of the team of 21 which

included the Manager); and informed them that he had received directives from the concerned authorities in the DPRK that the entire team was to go to Malaysia, to open a new restaurant in South East Asia. Since the team had already shifted from the Jindallae restaurant at Yanji, in the Jilin province of China to the Ryekyeong restaurant at Ningbo, in the Zhejiang province, the 19 young women employees genuinely believed that it was on the directions of authorities of the DPRK that the Manager was making the statement, and no one questioned it .All the women restaurant employees after this meeting were psychologically ready to move to Malaysia.

In or about the April 1, 2016 , the Manager informed the women employees that they should pack their baggage and keep it ready in the three apartments that all the women restaurant employees were residing in an apartment building , informing the women restaurant employees that their baggage was to be transported earlier, as it was not convenient to move with so much baggage; accordingly all 19 women employees packed their extra baggage in two days and the baggage was dispatched in advance by their Manager Heo Gang-il .

It was the practice of the young women employees after the afternoon shift was over at or about 1 pm, to relax in the separate rest rooms on the 1st and 2nd floors of the same building where the restaurant was situated on the ground floor. This building had high ceilings. On the 1st floor there were three to four rooms, on the 2nd floor there were five rooms. After the afternoon shift the

women employees scattered to different rooms for some rest ; some learning Chinese , others playing music and others just resting before beginning their work once again for the evening shift . On April 5, 2016 the Manager Heo Gang-il informed the Team leader of the women restaurant employees , Choe Rye Yong(the Second Witness in the list of witnesses) in the middle of lunch time, that “ *we have to move today* “ . Since the luggage was already dispatched everyone was in a state of readiness to leave. The bus arrived some time after lunch was over. At that time the Team leader of the women restaurant employees , Choe Rye Yong (the Second Witness) noticed from the landing on the first floor, that the Manager was respectfully addressing the gentleman who had brought the bus , as though he was a superior authority addressing him in Korean, in the South Korean style as “ *Team Jang*”, which means “ *boss of the group*” . This witness, the Team Leader, clarified that “*that this is not a form for address used for any authority in the DPRK*”. The Team leader Choe Rye Yong further stated , that she was familiar with the South Korean language and style of address , as South Koreans also visited their restaurant in China, and that from the manner in which the Manager was communicating with the person who had brought the bus, which was extremely deferential , and as though the person was a higher and superior authority with control over the Manager, made her extremely suspicious that “*the person who had come with the bus probably represented the Guk Jong*

Won (*the National Intelligence Service of South Korea*)”; so she rushed from the landing on the first floor, to alert the women employees, running first to the Second floor where some of them were in groups of twos and threes ..She met the group of three girls(Han Yun Hui , the Deputy Team leader, Witness No. 4, Jang Su Ryon,Witness No. 3 , and Ri So Hyon Witness, No.1) who were in one group in a room on the 2nd floor, shouting at them that they should” *run away*” as they were in extreme danger, as “ *the Manager is going to take you away to South Korea* “ , there was no time to give them detailed reasons ; she saw two women restaurant employees (Ri Mi Song and Sin Song Ah , witnesses Nos. 5 and 6) on the landing between the second and first floor, whom she also alerted saying that they should run away as they were “*in danger of being taken away* “ ; as a consequence of the alert by the Team leader , five restaurant employees ran out of the restaurant in two separate groups of three and two in different directions from the side door and back door, separately . In the meanwhile the Team leader Choe Rye Yong rushed down to warn the 12 other women employees who were in the rooms on the first floor ; however by then they had got into the bus , which swiftly sped away with 12 women employees . In this chaos one more woman employee (Kim Yun Hui, Witness No. 7) who was fast asleep on the 2nd floor in another room, remained behind in the Restaurant. Immediately thereafter the Chinese businessman jointly running the restaurant, came there, saw the Manager who

was still there and inquired where everyone was; the Manager immediately stated that he was just stepping out to take a telephone call and immediately disappeared in the presence of the Team leader Choe Rye Yong (Witness No.2) and Kim Yun Hui (Witness No.7) who had been sleeping in separate room on the second floor and had immediately thereafter come down to the ground floor ; these two were the only ones left on the premises of the restaurant with the Chinese businessman, who informed them that they had to remain there, till the entire matter was resolved .

In the meanwhile three women out of the seven women employees left behind , which included the Deputy Team Leader (Han Yun Hui , Witness No.4), who had run away together from the side door , on being alerted by the Team Leader, when the three of them were in a room together on the second floor; decided to take a taxi and contact the Manager and the team of a DPRK Korean restaurant in Hangzhou . The Manager at the joint DPRK-Chinese run Korean restaurant, in Hangzhou, immediately on being informed by the group of three about what had happened, that they were alerted by the Team leader to run as they were in all probability being taken to South Korea, in turn informed the DPRK embassy .Diplomats from the DPRK immediately arrived there , however they did not believe the three young women, when they informed the diplomats that the Manager had in all probability taken the 12 young women away to South Korea. The DPRK diplomats accompanied the

three young women back to the Ryekyeong restaurant at Ningbo. It is only when the DPRK diplomats and the group of three women restaurant employees returned to Ningbo, found the restaurant deserted, and the Chinese owner in the restaurant complained that everyone had left, except the Team leader Cho Rye Young and one more woman restaurant employee, Kim Hun Yi, the one who remained behind as she had been sleeping in a separate room on the Second floor; that the DPRK diplomats realized that the three young women which included the Deputy Leader of the Team of women restaurant employees who had come in a group of three, together to Hangzhou, were speaking the truth. The diplomats thereafter took the three women employees who had come to Hangzhou, the team leader, and the one young woman employee who had remained in the restaurant, back to their apartments(the young women restaurant employees shared three apartments), where they found the two other young women who had escaped on being alerted on the landing by the Team Leader, in a group of two, and had been wandering the whole day at Ningbo, afraid to return, as they had only heard the team leader calling them to "run away" to safety, and had run in a different direction from the group of three that went Hangzhou. Finally the details of the days events were disclosed and discussed by all present with the diplomats, and news from Seoul a few days later, confirmed that the worst fears of the Team Leader, Choe Ryong Young, was true. A few days thereafter these 7

young women who had escaped and had not left for Malaysia, returned to Pyongyang to their families.

The statements of the 7 young women were highly emotional; they claimed to have had strong bonds to the 12 young women who were their close friends and colleagues, with whom they were one team, having worked together from 2013, since everyone was living away from their families in the DPRK, they had all bonded together. Every one of these 7 young women emphasized that all their 12 colleagues were deeply attached to their families, and were looking forward to their three year contract being over, and returning to Pyongyang. None of their 12 women colleagues had any idea that they were being transported to Seoul, as everyone was told by their Manager that they were leaving to set up a restaurant in Malaysia as per directions from the concerned higher authorities in the DPRK. These young women expressed deep distress at the conditions the 12 young women were probably facing in South Korea; isolated from their families and friends in the DPRK , saying that whereas all seven of them had married and some had children already, they were filled with anxiety at the fate of their colleagues facing an uncertain future at Seoul, and filled with sorrow whenever they thought of them or visited the families of their 12 colleagues, and saw the enormous anguish and suffering of their families who had not heard from their 12 colleagues for three years and four months (till August 2019). The Committee was informed that one of the 12

young women suffered from stomach ulcers and needed medical treatment, and they wondered how she was managing without her family and friends.

One of the young women, the fourth witness in the list, Han Yun Hui informed the Joint Fact Finding Committee that she had a cell phone as she was the Deputy Leader of the women restaurant employees ; that the Manager Heo Gang -il had borrowed her cell phone for a week in or about February 2016 . When the Manager returned her cell phone, she was surprised to find that a three minute outgoing call had been made to South Korea. Since there were no communications between the DPRK and the ROK citizens normally, she wondered as to who could have made the call to South Korea. On the April 5 , 2016 ,when the Team leader Choe Rye Yong , the second witness in the list of 7 , rushed to alert those who were on the Second floor , saying that the Manager was taking them to South Korea , that she realized that it was the Manager who had made the call and that he was obviously in touch with someone in South Korea . This witness informed the Committee that she had handed over her cell phone to the authorities in the DPRK for purposes of investigation.

B. On 3rd April the Joint Fact Finding Committee heard the anguished accounts of the mothers and fathers of the 12 young women who were taken away to Seoul, whom they had neither met nor heard from for three years and

four months (until August 2019), and the strange and murky circumstances in which they had been taken away from their families and country.

This was the most difficult part of the investigation of the Joint Fact Finding Committee; as 10 mothers and two fathers representing the 12 families were present (the Fathers came, as their wives were in poor medical and psychological condition and not in a position to meet the Joint Fact Finding Committee). The Committee noticed the frail psychological condition of the mothers and fathers who found it difficult to conceal their tears, some unshed and their anguish and anger.

The following is the detailed list of the parents of the 12 young women one from each family who gave statements to the Committee:-

<u>Name of parent</u>	<u>Date of birth</u>	<u>Name of daughter.</u>
1.. Kim Jong Hui	1958 .8.5	Han Hyaeng Bok's mother
2. Kim Jong Sil	1964 .10.7	Ji Jong Hwa's mother
3. Kang Gum Suk	1964.4.9	Kim Hye Song's mother
4. Ri Choi Min	1947.4.15	Ri Un Kyong's father
5. Kim Hae Sun	1964.10.11	Ri Bom's mother
6. Ri Kum Ran	1966 .9.30	Ryu Song Ryong's mother
7. Ji Chun Ae	1956.7.28	Ri Ji Ye's mother
8. Yu ok Son	1956.1.16	Ri Son Mi's mother
9. Kim Hwa Song	1967 .9.21	Jon Ok Hyang's mother

- | | | |
|-------------------------|-------------------|-------------------------------|
| 10. Pak Choi | 1960.3.26 | Pak Ok Byol's father |
| 11. Ri Kum Suk | 1970 .10.3 | So Kyong A's mother |
| 12. Cha Sun Yong | 1969.9.15 | Kim Sol Kyong's mother |

All twelve parents gave a detailed account of the lives of their daughters from childhood to youth, their love for their parents , their human qualities , their love of other family members , their talents and special attachments These were heart rending accounts , of family lives pushed into abyss, by the sudden disappearance of their young daughters; the lives were engulfed by fear of the unknown, not knowing what had happened to their sheltered and protected young daughters ; what conditions were they facing . Every statement was an impassioned one, straight from the heart calling for accountability ; questioning legal and international systems, in which self confessed conspiracies go unpunished, and there is no redress by the Courts and the Judicial system for criminally abducting young women collectively from one country to another.

Each parent had their own special story. While one referred to a daughter's special love for her mother; another parent talked about her daughter's longing to see her little nephew whom she had not seen as she was on a contract to work in China ; yet another parent described her daughter's smile and her love for music .Another parent said that she did not leave the door open in the day or night as she felt her daughter would return any

moment and should find the door open to come home .As one parent described it , that for them “*every day*” of the last three years and four months had “*been like a year* “. All of them had lost their joy of living and were in a visible state of psychological shock, and though not old, every parent had aged prematurely. A father had died of anguish awaiting the return of his daughter; another parent a mother was suffering from cancer which had deteriorated and was in a terminal stage, brought about by severe grief at not knowing the conditions in which her young daughter was living.

A mother kept celebrating every occasion making her daughter’s favorite dishes in the hope that she might just return. Each parent quoted from a letter or conversation, recalling again and yet again the love of these 12 young women for family and their country. Individual photographs and collective photographs of the entire team of 20 young women were shown to the Joint Fact Finding Committee; the photograph showed 20 young women, beautiful and accomplished whom any parent, society and country would cherish and be proud of; all the 12 in their conversations and letters had informed their parents that there three year contract would be over soon and they were eagerly counting the days for their return home to Pyongyang.

Each parent expressed anger, despair and the futility of having signed several documents and petitions and appeals to various Courts at Seoul and to the Working Group on Arbitrary Detention of the UN Human Rights Council

and the Committee on Human Rights of the International Covenant on Civil and Political Rights (ICCPR), without any justice forthcoming; not a single Court or organization had responded to their pleas even in Habeas Corpus Petitions; their daughters had not been produced before any Court to have their say, on the conditions in which they were taken away to Seoul and illegally detained there and not assisted to return to the DPRK .

The parents informed the Joint Fact Finding Committee that in some cases they had not even received acknowledgments of their Petitions. from UN Human Rights Organizations .They were at a loss to understand why they could not meet their daughters who were being deliberately kept in isolation from them in South Korea ; and why there was no move to repatriate them to their families with whom they belonged , when a confession had admittedly been made on television in full view of Governmental and Judicial Authorities in the Republic of Korea (South Korea) by the Manager Heo Gang -il that he had been ordered by the National Intelligence Service of the Republic of Korea to abduct the young women and bring them to Seoul before the national elections ; and four young women representative of their 12 daughters, had themselves been interviewed on the same television program and given a detailed account of the circumstances in which they were brought to Seoul .

Every parent demanded that the perpetrators of this crime be brought to justice , that the young women should not give up on their struggle to return,

and that the Joint Fact Finding Committee should reveal the truth of what had happened as the families, as they had received no response from the Working Group on Arbitrary Detention of the UN Human Rights Council and the Human Rights Committee of the ICCPR to the plight of their daughters, illegally detained, and to the manner in which their families were forcibly and illegally torn apart

The parents stated that the DPRK government had given them complete support from the outset; and they would not give up their struggle to meet their daughters and bring them home.

C. On 4th September, the Joint Fact Finding Committee met representatives of the following concerned organizations in the DPRK:-

1. The National Reconciliation Council.
2. Korean National Peace Committee.
3. The Committee for the Peaceful Re-unification of Korea.

All the above three organizations are also members of the Korean Emergency Measures Committee for Abducted Persons.

Representatives of the three Committees, Hong Kwang Hyon, O Ryong IL and Ri Jun gave statements to the Joint Fact Finding Committee.

The Committee was informed by Hong Kwang Hyon, representative of the DPRK Emergency Measures Committee for Abducted Persons and the head of

the National Reconciliation Council; that the Emergency Measures Committee for Abducted Persons in the DPRK, was constituted in May 2016 immediately after the abduction of the 12 young women by the National Intelligence Service of South Korea. The Committee has the full support of the government, and consists of both civic organizations and government representatives of the DPRK; the objectives of this Committee is to defend its citizens, and voice their outrage in the Korean Peninsula and abroad , on the situation the abducted citizens of the DPRK find themselves in South Korea and to give complete support to their grieving families .That though the initiative was taken after the abduction of the 12 young women , the Committee had resolved to probe not only the case of the 12 young women, which was priority; however the Committee had decided probe all other cases as well; of all those who had suffered, including in the past, from this strategy of luring victims from the DPRK through various strategies and deceptions by South Korean agencies and passing them off as “ *political defections*” . That the Korean Emergency Committee for Abducted Persons Committee has commenced the task of compiling detailed information on each case , and assisting their families in the DPRK to demand that justice be done and their abducted family members and citizens of the DPRK be repatriated from South Korea to the DPRK .

O Ryong Il , representing the Korean National Peace Committee informed the Joint Fact Finding Committee, that the National Reconciliation Council from

the outset , made relentless efforts to co-operate in the legal and other procedures filed in South Korea for the return of the 12 young women to their country ,and provided logistic and moral support to their families who are also victims along with the 12 young women, and seriously disturbed psychologically and emotionally from the impact of the sudden disappearance of their young daughters from Ningbo in China and the circumstances in which they were kidnapped and taken away to Seoul .

From April 5, 2016, after the detailed facts were revealed to the DPRK government, the entire episode was categorized both by the government of the DPRK, and all mass organizations in the DPRK including women's organizations , as a case of collective kidnapping of the 12 young women .All organizations including youth and student organizations in the DPRK had condemned the role of Mr. Heo Jang-il the Manager and the National Intelligence Service of South Korea and demanded the immediate repatriation of the young women.

Representatives of these organizations stated that the government of South Korea , was complicit with the events of 2016 , as President Park Geun-hye's had publicly through its Ministry of Unification"issued statements that this was a case of “ *mass political defection* ,despite the fact that in South Korea itself the media had revealed the truth of the case and Mr. Heo Jang -il was interviewed along with the four young women and the interviews were aired on

JTBC television , revealing the truth of the abduction . Since then both the National press in the DPRK and in South Korea had reported on the details of the abduction and so had the International Press. The Manager and two of the young women, representative of all 12, met the Special Rapporteur on Human Rights, Mr. Quintana at Seoul who informed the media, that the young women were “victims”. Dozens of Petitions, representations, communications and letters had been sent to various organizations, including to the Working Group on Arbitrary Detention of the UN Human Rights Council and the Human Rights Committee.

Representatives of these organizations informed the Joint Fact Finding Committee that they had heard various reports that the 12 young women at Seoul , were being coerced and threatened, and false statements were being made to them in South Korea by the NIS that their families in North Korea were facing reprisals in the DPRK, which was baseless ; as the 12 young women were victims of deceit and have not committed any offence against their families and country; that everyone in the DPRK has a duty to them and their families ; that the Committees were looking after their families and assisting them in their days and months of crisis .

Representatives of all three organizations also urged that since one of the major culprits, the Manager Mr. Heo Jang-il, who conspired with the National Intelligence Service, has confessed to his crime, the logical consequences of

this public confession and the disclosures made on JTBC Television in South Korea by four young women representing all 12, is that the 12 young women should be immediately repatriated. What was the legal foundation for keeping the 12 young women isolated in South Korea and denying them access to their families.

Mr. Ri Jun representative of the Committee for the Peaceful Reunification of Korea, informed the Joint Fact Finding Committee that immediately after the abduction, their Committee demanded punishment for those involved and demanded repatriation of the 12 young women .On April 23 2016, the Red Cross Society of the DPRK sent a note to the President of the Red Cross Society of South Korea and volunteered to send the families of the 12 young women to Seoul. However there was no response to the frequent communications of the DPRK government and organizations on the issue , even though representatives of the Korean Emergency Measures Committee for Abducted Persons sent a letter of protest to President Park Geun-hye (presently in jail on corruption charges) demanding repatriation of the abducted girls.

The Joint Fact Finding Committee was informed that apart from the diplomatic protest lodged by the government of the DPRK with the government of South Korea; the Ministry of Foreign Affairs immediately forwarded communications and memorandum on the incident from the families to the

Chairman of the UN Human Rights Council and to the United Nations High Commissioner for Human Rights. Diplomats of the Ministry of Foreign Affairs have been raising the issue annually at the UN Human Rights Council meetings; ironically the focus of these meetings is only on the alleged violation of Human Rights in the DPRK, ignoring what was happening in South Korea.

In February 2017 the families once again sent Petitions and letters to the United Nations Secretary General and to the Committees of the UN Human Rights Council requesting action; the concerned Committees of the DPRK were informed that the Petitions and letters were received; however there is no response.

These organizations emphasized that families , organizations and the government of the DPRK are outraged at what is happening from the inception of this case till now , with no relief for the 12 young women and their families in a prima facie case kidnapping, with the involvement of the National Intelligence Service of South Korea .

Representative of these Committees informed the Joint Fact Finding Committee that they were outraged by the decision of the Courts in South Korea in the Habeas Corpus Petition filed in May 2016 on behalf of the families of the 12 young women. Till date not a single Court in South Korea has interviewed the 12 young women despite Petitions and Appeals, and at no stage were they allowed independent legal Counsel. Independent Legal Counsel

representing the families of the 12 young women were prevented from meeting them when they were in detention in the custody of the National Intelligence Service of South Korea . They urged that in view of the facts and circumstance of the case and the criminal acts committed the 12 young women should be repatriated immediately and reunited with their families ; and the perpetrators of the crime be punished, as the entire strategy behind the

kidnapping of the 12 young women, illegally detaining them, separating them from their families and country, isolating them; was part of the cold war propaganda strategy of the National Intelligence Service of South Korea, to engineer and manipulate so called “*political defections*” by abducting innocent young women and others and hoping that due to lapse of time these abducted young women among others, would be abandoned.

D. On 4th September on conclusion of the investigations at Pyongyang, the Joint Fact Finding Committee at a Press Conference attended by the media in the DPRK and the International media; released its preliminary findings and announced that the Final report of the Joint Fact Finding Committee would be released at the end of September 2019.

IV. Findings of the Joint Fact Finding Committee:

- i) The oral evidence recorded at Pyongyang , of the seven young women restaurant employees , out of the total team of 19 restaurant employees

working on April 5 , 2016, at the Ryekyeong restaurant at Ningbo , China, who escaped, as they were alerted by their team leader Choe Rye Yong that they should run away as the Manager was taking them away to South Korea ; and the evidence of Choe Rye Yong herself, the second witness and the Team leader of the women restaurant employees , that the person who brought the bus in which the 12 young women restaurant employees were sped away, by the deferential manner in which he was addressed by the Manager as "*Team Jang*" that is "*Boss of the group*" ,as though the Manager was addressing a superior authority who had control over him ; and since this manner of address is not used in the DPRK but is a form of address used in South Korea , made her suspicious that this person was a representative of the "*Guk Jang Won*", that is '*the South Korea National Intelligence Service*'.The Committee finds that the evidence of these eyewitnesses is truthful evidence of the events preceding and that took place on April 5 2016 and proves beyond doubt that the 12 young women were not "*political defectors*" as claimed by the Ministry of Unification in the Republic of Korea, and that the 12 young women restaurant employees were abducted and taken to Seoul by deceiving them , in a conspiracy by the Manager Heo Gang il and the National Intelligence Service of South Korea .The evidence of these seven women restaurant employees, is corroborated in material particulars , by the interview conducted by the anchor of JTBC television of Heo Gang- il

and four women waitresses which was broadcast in South Korea. The anchor of JTBC television who conducted the interview and the reporter who unraveled the case, have given statements to the Committee .No one has denied or questioned that this interview was given to JTBC television by Heo Gang il the Manager and four women restaurant employees of the involvement of the National Intelligence Service of the Republic of Korea and broadcast in May 2016.

ii)The oral evidence of the 12 parents , on behalf of the 12 families of the 12 young women, who gave their statements separately to the committee, stated that the every one of the 12 young women had informed their families that they were looking forward to coming home on completion of their three year contract , when they had last heard from them from Ningbo, China ; their evidence also proves that the 12 young women had no intention of politically defecting .

iii) The statement given to the Committee at Seoul, of the interview on JTBC Television conducted by the anchor , Lee Kyu-Yeon of the ‘Spotlight program’, and broadcast in May 2018 , of the Manager Heo Gang-il and four young women restaurant employees , representative of the entire group of 12 ; the statement to the Committee of Bong Ji-wook , the Reporter who had

investigated this case before the TV broadcast ; the statements of the UN Special Rapporteur for Human Rights Mr. Ojea Quintana to the media , after meeting the Manager and two young women restaurant employees at Seoul, that the young women were ‘*victims*’ of a ‘*deception*’ ; corroborate the evidence recorded by the Committee at Pyongyang of the seven women restaurant employees and the 12 parents of the 12 young women , and conclusively prove beyond doubt , that the 12 young women restaurant employees, citizens of the DPRK were abducted/kidnapped on April 5, 2016 by the Manager, Heo Gang-il , who deceived them in conspiracy with the National Intelligence Service of the Republic of Korea (South Korea) for political use, and the 12 young women were abducted and taken via Malaysia to Seoul on April 7, 2016, with travel documents issued by the South Korean embassy in Malaysia, before the parliamentary elections were to be held in South Korea , during the regime of President Park Geun-hye, to influence the parliamentary elections; and detained initially from April 7 until August 2016 , at the detention centre for North Koreans of the South Korean National Intelligence Service, established under the North Korean Refugees Protection and Support Act, and referred to by the National Intelligence Centre as a “ Protection Centre”.

iv). The Joint Fact Finding Committee from the evidence on record that

that it took only two days for the 12 young women to be brought from Ningbo in China, to Seoul; with new travel documents issued to the 12 young women and the Manager, immediately on their arrival at the South Korean embassy at Malaysia, for onward travel to Seoul , as the 12 young women and the Manager earlier held DPRK passports ; and the evidence on record that immediately on the arrival of the 12 young women at Seoul on April 7, the 12 young women were detained at the detention centre of the National Intelligence Service at Seoul , and that on the very next day, that is on April 8, 2016, even before there could be any investigation of the facts and circumstances in which the 12 young women arrived at Seoul; the Ministry of Unification of the Government of the Republic of Korea , announced to the media in a press statement , that the 12 young women had collectively “*politically defected*” from North Korea to South Korea ; establishes that the government of President Park Geun Hye was complicit in the conspiracy to abduct the 12 young women and pass it off as a “*political defection .*”

v) On the basis of documentary and oral evidence and Petitions and Appeals filed in various Courts in Seoul, including before the Supreme Court ; the Joint Fact Finding Committee concludes that the 12 young women were illegally detained at the detention centre run by the South Korean Intelligence Service at Seoul from April 7, 2016 until August 2016, and only technically released

thereafter; as they were still illegally detained at Seoul in the Republic of Korea , and not returned to their country ; and they continued to be monitored and controlled by the National Intelligence Service and the National Police Agency even after their technical release from the detention centre in August 2016, when the Habeas Court Petition was still pending in the Seoul Central District Court ; the release was only technical to defeat any order that may have been passed by the Seoul Central District Court to produce the 12 young women before the Court, to verify the facts and circumstances in which they were being held by the NIS ;

vi) The Honorable Judge of the Seoul District Central Court judicially erred in being guided by the Counsel of the National Intelligence Service and not independently implementing his own earlier order directing the production of the 12 young women in Court; erroneously altered his own order at the instance of the Legal Counsel for the National Intelligence Service , instead of enforcing the law and strict procedure mandated for cases in which Habeas Court Petitions are filed, which is to produce the victims or detainees before the Court. This is a basic and fundamental procedure in Habeas Corpus Petitions in all legal systems. The Seoul District Central Court failed in its legal duty to the citizens of the Republic of Korea , uphold the law and procedure under article 10 (3) of the Habeas Corpus Act of the Republic of Korea ;

resulting in serious miscarriage of justice for the 12 young women , thereby continuing their separation and isolation from their families in the DPRK and their illegal surveillance by the National Intelligence Service and the National Police Agency of the Republic of Korea .

vii) The delay by the National Human Rights Commission of South Korea in not giving a report on time was in itself a violation of the human rights of the 12 young women and their families who were separated in circumstances where a crime had been committed. This delay was not denied by the National Human Rights Commission of the Republic of Korea ..The Joint Fact Finding Committee regrets to state that the delay has prevented justice from being immediately done, and has allowed the passage of time , during which the 12 young women who were victims of the crime of abduction, were kept isolated from their parents, their society and country .This delay in fact assisted the perpetrators of the crime and those who hoped that the movement for repatriation would be defeated by delay in revealing the truth, and that the 12 young women with the lapse of time would adjust to social and economic conditions in South Korea ;

viii) The Committee finds that the Working Group on Arbitrary Detention of the UN Human Rights Council filed their report on the case , without taking

any action or making any recommendation on the basis of a technicality that the 12 young women detained from April 7 had been released in August 2016, from the detention center of the NIS; overlooking that this was a crime of abduction of 12 young women from their work place in another country, and that the National Intelligence Service of South Korea was complicit, as they had detained the 12 young women immediately on arrival; the UN Working Group on Arbitrary Detention erred in not taking cognizance of the fact that the 12 young women had never been produced before any Court or Judicial authority and the Seoul District Central Court had without implementing its own order, altered the order on instructions of the Counsel of the National Intelligence Service stating to the Court through their legal Counsel that the 12 young women did not want to remain present. The Working Group on Arbitrary Detention ought to have taken necessary measures and made observations and given directives, as all these facts were submitted in the detailed Petition filed by the Task Force of the Minbyun Lawyers on behalf of the concerned families of the 12 young women to the Working Group on Arbitrary Detention of the UN Human Rights Council and to the Human Rights Committee; that the 12 young women had been arbitrarily detained by the NIS in the detention centre and in South Korea, and they had been denied Independent Counsel of their own choice. It is regrettable that no observations were made by the Working Group on Arbitrary Detention of the UN Human

Rights Council and the Committee on Human Rights of the ICCPR on the circumstances in which the 12 young women were abducted and brought to Seoul; detained for months ,subjected to interrogation , denied interviews with independent legal Counsel ; not permitted representation in Court by independent legal Counsel ; not produced before the Courts in South Korea ;and that their release in August 2016 was not genuine but ‘technical’ to influence the orders of the District , Appellate and Supreme Court; and that the 12 young women were being monitored even thereafter by the NIS and the National Police Agency and not assisted in going back to their country ; that is they were illegally detained in the Republic of Korea (South Korea) by Intelligence , Police and other government agencies , despite knowledge of their abduction by all government officials and agencies .

ix) The Joint Fact Finding Committee concludes that being detained in another country with the victims or detainees denied facilities for returning to countries of origin from where they have been kidnapped; is detention of the worst kind which the Working Group on Arbitrary Detention of the UN Human Rights Council and the Human Rights Committee has not made any observations or recommendations on ; the entire operation was legally camouflaged by denial of interviews in the detention centre to Legal Counsel

representing their families and even thereafter; and their not being allowed independent Counsel by the National Intelligence Service .

x) The oral and documentary evidence on record conclusively establishes that there has been a serious violation of the human rights of the 12 young women and their families as under Article 16 (3) of the Universal Declaration of Human Rights (1948) and under Article 23 (1) of the International Covenant on Civil and Political Rights “*The Family is the natural and fundamental group unit of society and is entitled to protection* “. Under the facts and circumstances of this case the Committee finds that the 12 young women were forcibly separated from their families by the National Intelligence Service of South Korea and its officials and other agencies.

xi) The Joint Fact Finding Committee deplors the fact that though the crime was committed by the National Intelligence Service of the Republic of Korea in abducting and kidnapping the 12 young women and the government of President Park Geun-hye was complicit in the crime and in separating the young women from their families by deception , detention and force ; no assistance whatsoever has been given so far by the successor government, despite knowledge of the crime and the violation of the Universal Declaration of Human Rights and the International Covenant for Civil and Political Rights , in

assisting the reunion of 12 young women with their families and their immediate repatriation to the DPRK. The Committee is of the view that political expediency has prevailed over the rule of law and justice to victims of crimes, and the human rights of the 12 young women and their families have been violated with impunity. The Committee finds no justification whatsoever for the delay in the broadcast of the TV interview of Mr. Heo Gang-il and four waitresses, which was delayed as per the statements made to the Committee by the anchor of the JTBC 'Spotlight' program and by the Reporter, disclosing that the interviews held in February 2018, could only be broadcast in May, 2018, on instructions at the highest level of the government of the Republic of Korea, due to impending Summit level meetings of the heads of leaders of the DPRK and ROK; a timely broadcast would have assisted the reunion of the families with the 12 young women, and would have not only met the ends of justice, but guaranteed the success of future negotiations in the interests of unity of the Korean Peninsula.

xii) Despite all efforts made by the Joint Fact Finding Committee to interact with the National Intelligence Services, the Unification Ministry and the National Police Agency, and to give them an opportunity to clarify their role in the abduction, detention and monitoring of the 12 young women; and despite the written requests by the Committee and reminders to all three institutions

dated August 14, 2019 and August 29, 2019 , which are on record; the Unification Ministry, National Intelligence Service , and the National Police Agency did not agree to a meeting with the Joint Fact Finding Committee, and no clarifications were given to the Committee of the role of these organizations and institutions in the abduction , illegal detention and illegal surveillance of the victims and the failure of the NIS to permit the 12 young women independent legal counsel and interviews with independent legal counsel, and their conditions in detention of solitary confinement and interrogation ;

xiii) The Joint Fact Finding Committee is constrained to observe that in this case the political leaders and Intelligence officials involved have operated under a climate of impunity with no one tried and held accountable by the prosecuting agencies for the collective kidnapping of 12 young women from another country , endangering their lives and safety ;exposing them to insecure conditions in another society, with complete and absolute disregard for the psychological and physical well being of young women , merely to use them for purposes of partisan political propaganda ; though they are the daughters of the Korean Peninsula entitled to be protected by Korean society as a whole whether in the North or South .

xiv) The Joint Fact Finding Committee has no other alternative but to draw an adverse inference from the fact that despite requests to the National Police Agency that their communications be delivered to the 12 young women whom the Committee desired to meet, these communications were not delivered and the Committee was prevented from meeting the 12 young women who have continuously from the date of their abduction , been intimidated , made apprehensive for their own security and that of their families by interrogation and propaganda against the DPRK conducted at the detention centre, and systematically isolated from their families , country and society , while being kept under the continuous surveillance of the National Intelligence Service and the National Police Agency of the Republic of Korea . Despite all efforts made by them to make public the circumstances in which they were abducted, there has been no assistance forthcoming to reunite them with their families. The Committee was informed at Seoul that immediately after the interviews of the four young women to JTBC Television, some of them were issued passports, which was another camouflage to establish that they were not in detention. However passports without assistance in returning to their families and country is not helpful in their situation, where they are in continuous fear of their environment, where they face social discrimination which the Committee was informed is a fact of life in upper social circles and institutions in South Korea against North Koreans .

xv) The Committee finds that the specious plea of “*privacy*” for victims advanced by institutions and agencies in the Republic of Korea, as an excuse to grant impunity to those responsible for a crime, is not legal, just, or acceptable; under criminal laws and jurisprudence of any civilized society, the crime of kidnapping is a serious and heinous crime; Criminal law including in the Republic of Korea mandates prosecution for such a crime and repatriation of the victims to their homes and families; in the facts and circumstance of this case 12 young women have been criminally collectively kidnapped and taken away from another country, and brought to Seoul to the Republic of Korea, and not returned to their country of origin till date.

V .Recommendations

The Joint Fact Finding Committee recommends that :

a)The Government of the Republic of Korea (South Korea), the concerned ministries , officials and agencies shall take immediate measures to reunite the 12 abducted young women with their families and to expeditiously repatriate them to Pyongyang ;

b) The Government of the Republic of Korea (South Korea), the concerned ministries , prosecution agencies and other concerned officials and

institutions must place on trial , every official of the National Intelligence Service of the Republic of Korea , any other agency, political leader or representative and individual including Heo Gang il , who participated in the conspiracy to collectively abduct the 12 young women restaurant employees from Ningbo ,China and transport them to Seoul via Malaysia and for their illegal detention and other illegal acts committed and related to this case ;

c)The Government of the Republic of Korea (South Korea) under the facts and circumstances of this case is required to pay reparation and financially compensate the 12 young women and their families , for the crime committed ; the trauma , fear and anguish caused by their abduction and their unjustified separation from their families , society and country; and for the complete disruption of their lives and denial of gainful and honest livelihood ;

d) The Republic of Korea must adhere to its obligations in the context of the substance and spirit of the Panmunjom Declaration for Peace, Prosperity and the Unification of the Korean Peninsula of April 27, 2018 and the Pyongyang Declaration of September 19, 2018 of the two heads of States of the two governments. By the Declarations both governments have committed themselves to “strengthen humanitarian cooperation to fundamentally resolve

the issue of separated families “. This case merits priority in view of the serious nature of the crime committed.

d) In the eventuality of any of the young women desiring to return for personal or educational reasons to the Republic of Korea(South Korea) after reuniting with the family ; this decision be permitted by both governments cooperating , only after the young women have been first reunited with their families at Pyongyang ; to enable the young women to take an independent and objective decision after normalcy is restored in their lives .This personal decision of any of the 12 young women should not be construed as a “ *political decision* “ or “ *political defection*” by either government and used for purposes of propaganda in the media ; these young women are the victims of their circumstances and were living and working at Ningbo in China , to assist their families and societies, when they were abducted, brought to the Republic of Korea (South Korea) and compelled to survive for a period of over three and half years in fear, and under constant surveillance without the protection of their families and country, due to no fault of their own. Their confidence in human nature and in the ability of institutions and governments to protect them , have to be restored .

V.Conclusion.

The Joint Fact Finding Committee condemns the act of the collective kidnapping of the 12 young women restaurant employees and the ruthless and calculated manner in which it was carried out, with base political motives.

It is the political , social and psychological impact of the brutal Korean War(1950 -1953), sometimes referred to internationally as the “*Forgotten war* “,with no peace treaty signed till date ,only an Armistice agreement ; a war in which the United States of America led coalition, misusing the UN flag for the military operations of its own coalition, brutally bombed Korea,with the extent and scale of bombing operations, including with the use of Napalm, exceeding the entire US bombing operations in the Pacific sector of the Second World War ; obliterating many of the cities of Korea , killing and maiming millions, with the 38th Parallel imposed as an artificial divide and the US military base ; which still dictate the fate of the people of the Korean Peninsula and have had far reaching consequences , inciting an arms race on the Korean Peninsula; and unjustified sanctions imposed on children, and men and women of the Democratic People’s Republic of Korea,. continuing the outdated mentality of the “Cold War” on the Korean Peninsula ; which is responsible for what these innocent 12 young hard working and earnest young women have suffered.

The Committee deplores the political and ideological justifications advanced for criminal acts of Intelligence Agencies, attempting to demonize alternative political systems , misusing National Intelligence budgets, not subjected to

auditing and screening by independent and parliamentary committees, to prevent corruption, abuse of power and false flag operations ; possibly even to incite war. This observation would be equally applicable to Intelligence Agencies of some other countries.

The Committee expresses its appreciation of the assistance and co-operation the Committee received from individuals, organizations and institutions at Seoul, in the Republic of Korea; from the Secretary General of the Human Rights Committee of the Republic of Korea, the Pan National Alliance for Countermeasures to Solve the Case of the Women Restaurant Employees and from the Representatives of the Office of the UN Human Rights Commissioner at Seoul. The Committee acknowledges the contribution of Reporter Bong Ji-Wook who investigated the case and the anchor of the JTBC ‘Spotlight’ TV program, Lee Kyu-Yeon, and their assistance to the Committee.

The Committee is grateful to the 12 families of the young women at Pyongyang , who co-operated with the Joint Fact Finding Committee despite their acute personal grief , related also to the fact that they have been relentlessly filing Petitions and Appeals to various Courts in the Republic of Korea and to the Working Group on Arbitrary Detention of the UN Human Rights Council and to the Special Committee of the ICPPR without any results ; yet they agreed to meet our Committee .The Committee also appreciates the co-operation of seven women colleagues of the 12 abducted

young women, who came forward to give detailed evidence; and for the assistance given by Hong Kwang Hyon , head of the National Reconciliation Council of the DPRK ; O Rong il of the Korean National Peace Committee , and Ri Jun of the Committee for the Peaceful Reunification of Korea ; who are also members of the Korean Emergency Measures Committee for Abducted Persons .

Without the co-operation and the painstaking legal work on this case of Jang Kyung uk and the Task Force of the Minbyun Lawyers for a Democratic Society at Seoul, in the Republic of Korea ; and the efficient and able co-operation of Bang Gum Chang ,Secretary General of the Korean Democratic Lawyers Association at Pyongyang , in the Democratic People's Republic of Korea, the efficiency with which the work proceeded was not possible .

Without the excellent interpretation of RI Chung Il of the Democratic People's Republic of Korea and of interpreters Ye Young Kim and Seunghun Baek of the Republic of Korea, enabling carefully recording of evidence , interactions , interviews and statements , the Committee would not have been able to expeditiously complete its mission .

A bridge of understanding has been built on the Korean Peninsula, in the North and South, during the investigations of this case and between people in different countries, calling for justice for the 12 young women and their

families . The task of implementation and monitoring of the recommendations of the Committee remains.

September 30, 2019

Jun Sasomoto

Secretary General of the Confederation of Lawyers for Asia and the Pacific.

Micol Savia

IADL representative to the United Nations in Geneva

(Present as part of the preparatory delegation in May 24- 27, 2019 and for investigation at Seoul between August 26 - August 30, 2019)

Niloufer Bhagwat

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