

THE TORTURE VICTIMS RELIEF ACT OF 2005; SUPPORTING THE
GOALS AND IDEALS OF A NATIONAL WEEKEND OF PRAYER
AND REFLECTION FOR DARFUR, SUDAN; AND CONDEMNING
THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR AB-
DUCTIONS AND CONTINUED CAPTIVITY OF CITIZENS OF THE
REPUBLIC OF KOREA AND JAPAN AS ACTS OF TERRORISM
AND GROSS VIOLATIONS

MARKUP

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN
RIGHTS AND INTERNATIONAL OPERATIONS

OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

ON

H.R. 2017, H. Res. 333 and H. Con. Res. 168

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JUNE 23, 2005
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**THE TORTURE VICTIMS RELIEF ACT OF 2005; SUPPORTING
THE GOALS AND IDEALS OF A NATIONAL WEEKEND OF
PRAYER AND REFLECTION FOR DARFUR, SUDAN; AND
CONDEMNING THE DEMOCRATIC PEOPLE'S REPUBLIC OF
KOREA FOR ABDUCTIONS AND CONTINUED CAPTIVITY OF
CITIZENS OF THE REPUBLIC OF KOREA AND JAPAN AS
ACTS OF TERRORISM AND GROSS VIOLATIONS**

THURSDAY, JUNE 23, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 4:05 p.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) presiding.

Mr. SMITH. Pursuant to notice, I call up the bill, H.R. 2017, The Torture Victims Relief Act of 2005, for purposes of markup and move its recommendation to the Full Committee.

Without objection, the bill will be considered as read and open for amendment at any point.

[H.R. 2017 follows:]

109TH CONGRESS
1ST SESSION

H. R. 2017

To amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2005

Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. WOLF, Mr. CARDIN, Mr. BURTON of Indiana, Mr. BERMAN, Mr. PITTS, Ms. KAPTUR, Mr. RAMSTAD, Mr. OBERSTAR, Mr. SHAYS, Ms. SLAUGHTER, Mr. KIRK, Mr. ACKERMAN, Ms. MCCOLLUM of Minnesota, Mr. WAXMAN, Mr. PALLONE, Mr. LEVIN, Mr. ENGEL, Mr. TERRY, Mr. SABO, Mr. EVANS, Mr. OLVER, Mr. McDERMOTT, Mr. FRANK of Massachusetts, Mr. HINCHEY, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. FALCOMA, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. ALLEN, Mr. McNULTY, Mr. GUTIERREZ, Mr. BECERRA, Mr. BROWN of Ohio, Mr. DEFazio, Mr. FILNER, Mr. VAN HOLLEN, Mr. SNYDER, Mr. MCGOVERN, Mr. CUMMINGS, Ms. LEE, Mr. KUCINICH, Mr. MICHAUD, Mr. GRIJALVA, and Mr. KENNEDY of Minnesota) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Torture Victims Relief
5 Reauthorization Act of 2005”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It is the policy of the United States—

8 (1) to ensure that, in its support abroad for
9 programs and centers for the treatment of victims of
10 torture, particular incentives and support should be
11 given to establishing and supporting such programs
12 and centers in emerging democracies, in post-conflict
13 environments, and, with a view to providing services
14 to refugees and internally displaced persons, in areas
15 as close to ongoing conflict as safely as possible; and

16 (2) to ensure that, in its support for domestic
17 programs and centers for the treatment of victims of
18 torture, particular attention should be given to re-
19 gions with significant immigrant or refugee popu-
20 lations.

21 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR DOMES-**
22 **TIC TREATMENT CENTERS FOR VICTIMS OF**
23 **TORTURE.**

24 Section 5(b)(1) of the Torture Victims Relief Act of
25 1998 (22 U.S.C. 2152 note) is amended to read as follows:

1 “(1) AUTHORIZATION OF APPROPRIATIONS.—Of
2 the amounts authorized to be appropriated for the
3 Department of Health and Human Services for fis-
4 cal years 2006 and 2007, there are authorized to be
5 appropriated to carry out subsection (a)
6 \$25,000,000 for each of the fiscal years 2006 and
7 2007.”.

8 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR FOR-**
9 **EIGN TREATMENT CENTERS FOR VICTIMS OF**
10 **TORTURE.**

11 Section 4(b)(1) of the Torture Victims Relief Act of
12 1998 (22 U.S.C. 2152 note) is amended to read as follows:

13 “(1) AUTHORIZATION OF APPROPRIATIONS.—Of
14 the amounts authorized to be appropriated for fiscal
15 years 2006 and 2007 pursuant to chapter 1 of part
16 I of the Foreign Assistance Act of 1961, there are
17 authorized to be appropriated to the President to
18 carry out section 130 of such Act \$12,000,000 for
19 fiscal year 2006 and \$13,000,000 for fiscal year
20 2007.”.

Mr. SMITH. I do have a rather lengthy statement which I will dispense with, other than to ask unanimous consent that it be made a part of the record.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

In 1998, Congress took an historic step toward repairing the broken lives of thousands of men and women. Now we have to go even further both to help the victims of torture and to reach out to those who still have no place to turn in their suffering. I hope my colleagues here today will join me in supporting H.R. 2017, the Torture Victims Relief Reauthorization Act.

Nationwide, there are an estimated 400,000 torture survivors, most of whom came to the United States as refugees. Worldwide, it is impossible to count the numbers. While we redouble our efforts to prevent and punish the perpetrators of torture, we must continue to seek to heal its victims.

Section 2 of H.R. 2017 is a statement of policy designed to ensure that, domestically, particular attention is given to regions with significant immigrant and refugee populations and, abroad, particular attention is given to supporting treatment centers and programs in emerging democracies and in post-conflict environments.

Section 4 of the new bill authorizes \$12 million for FY 2006 and \$13 million for FY 2007 for centers and programs administered through USAID's Victims of Torture Fund. Non-governmental organizations that receive this funding provide direct services to survivors, their families, and communities. They also strengthen institutions on the ground and the indigenous capacity of these institutions to deliver services to survivors. In addition to providing treatment, many of these programs advocate for the elimination of torture in their countries.

Section 5 authorizes \$7 million for FY 2006 and \$ 8 million for FY 2007 for the UN Voluntary Fund for the Victims of Torture. In 2001—in that year alone—the UN Fund assisted 77,928 victims of torture.

As our witnesses have testified, the impact of torture can be felt throughout society for years: lives are broken and lost; often political activists as well as their families and communities are frightened and become disengaged from public life; trust in public institutions is destroyed; political apathy is a lesson learned and lived out every day. Unless we find ways to understand and to heal the legacy of torture, our efforts to build democratic institutions around the globe will fail.

You can't help but be proud of the help this country has given to torture victims around the globe. But when you start looking at the numbers and at the scope of the problem, you see that the need far outstrips the services available. We should not turn our backs on that suffering.

Mr. SMITH. I am mindful of my good friends' and colleagues' time constraints. But this legislation does provide a number of important sections dealing with authorization for funding. And again, I think Members are very aware of what the bill is. Most on this Committee are cosponsors.

Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, in light of the testimony that we received in the hearing and the fact that you are going to be having discussions with ORR, is it your intention, if we need to strengthen language, to bring forward a manager's amendment or an amendment at the next—

Mr. SMITH. We would be more than happy to talk with the gentlewoman. Every bill that I have ever worked on is always a work in progress. We do have a good, strong consensus for the language, but if there is something you would like to work with us on, we would be more than happy to meet with the gentlelady and perhaps do a manager's amendment or an amendment you would like to offer at the time.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. SMITH. We'll gladly work with you.

Mr. Payne.

Mr. PAYNE. I support the amendment as read and urge its adoption.

Mr. SMITH. Okay. The question occurs on the motion, if the gentlewoman makes the motion, to report the bill, H.R. 2017, The Torture Victims Relief Authorization Act of 2005. All those in favor, say aye. All those opposed, no. The motion is approved. The bill is reported favorably. The staff is directed to make any technical and conforming amendments.

And now I would like to call up our second resolution. Pursuant to notice, I call up the resolution, H. Res. 333, Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan, for purposes of markup and move its recommendation to the Full Committee. Without objection, the bill will be considered as read and open for amendment at any point.

[H. Res. 333 follows.]

109TH CONGRESS
1ST SESSION

H. RES. 333

Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2005

Mr. PAYNE (for himself, Mr. TANCREDO, Mr. WEXLER, Mr. WOLF, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. RANGEL, Mr. CONYERS, and Ms. LEE) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan.

Whereas, on July 22, 2004, Congress declared that genocide was taking place in Darfur, Sudan;

Whereas, on September 9, 2004, Secretary of State Colin L. Powell testified to the Senate Committee on Foreign Relations that “genocide has been committed in Darfur”;

Whereas, on September 21, 2004, President George W. Bush stated to the United Nations General Assembly that “the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide”;

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, states that “[t]he Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish”;

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas the United Nations Security Council, in Security Council Resolution 1591, condemned the “continued violations of the N’djamená Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts”;

Whereas scholars estimate that as many as 400,000 have died from violence, hunger, and disease since the outbreak of conflict in Darfur began in 2003, and that as many as 10,000 may be dying each month;

Whereas it is estimated that more than 2,000,000 people have been displaced from their homes and remain in camps in Darfur and Chad;

Whereas religious leaders, genocide survivors, and world leaders have expressed grave concern over the continuing atrocities taking place in Darfur; and

Whereas it is appropriate that the people of the United States, leaders and citizens alike, unite in prayer for the

people of Darfur and reflect upon the situation in Darfur: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) supports the goals and ideals of a National
3 Weekend of Prayer and Reflection for Darfur,
4 Sudan;

5 (2) encourages the people of the United States
6 to observe that weekend by praying for an end to the
7 genocide and crimes against humanity and for last-
8 ing peace in Darfur, Sudan; and

9 (3) urges all churches, synagogues, mosques,
10 and religious institutions in the United States to
11 consider the issue of Darfur in their activities and
12 to observe the National Weekend of Prayer and Re-
13 flection with appropriate activities and services.

○

Mr. SMITH. At this point, I would like to yield to my friend and colleague, the prime sponsor of the resolution, Mr. Payne.

Mr. PAYNE. Thank you very much, Mr. Chairman. I appreciate your bringing up the legislation, Supporting the Goals and Ideas of the National Weekend of Prayer and Reflection for Darfur, Sudan. The Senate has rules that are different than the House. In the Senate, Senator Corzine from New Jersey and Senator Brownback from Kansas have introduced a resolution that calls for the weekend of July 14 and 15 to be the National Weekend of Prayer and Reflection for Darfur, Sudan. The purpose of this is really to encourage communities to have discussions, church groups to have civic groups, United Nations groups, school groups to have on their agenda so that we could heighten the awareness of what is happening as the genocide continues in Sudan and to also let us know that we are not satisfied with the recent overtures of the Government of Sudan.

In the House, though, the rules are restrictive. It is not in order to name dates, and therefore, with legislative counsel, we had to remove the specific date. We are urging that we support the National Weekend of Prayer, and, as I indicated, it is specific in the Senate legislation, but we will then try to inform people as to when the weekend is and join in with the Senate's bill, since it is specific. But this is an accompanying bill. And I would urge that it resolves that we support the goals and ideas of a National Weekend of Prayer and Reflection for Darfur, Sudan; encourages the people of the United States to observe that weekend by praying for an end to the genocide and crimes against humanity and for lasting peace in Darfur, Sudan; and urges all churches, synagogues, mosques and religious institutions in the United States to consider the issue of Darfur in their activities and to observe the National Weekend of Prayer and Reflection with appropriate activities and services.

And so we did it quickly. It came to us real quick. We just found out what the Senate was doing. They asked us to immediately have a companion bill. But as I indicated, the restrictions in the House made it impossible. So I would urge my colleagues to support the act. Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much.

Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman.

Let me thank you, Congressman Payne, for your continued leadership on the issue of Darfur, and also to our Chairman for helping to make sure that the issues of genocide and our response to them and our ability to tackle them as Members of Congress are conducted in a bipartisan way.

This resolution, I think, is very important. Oftentimes, however, we forget that, and I know there is a passage in the Scripture about prayer and works, faith and deeds. We have to make sure that we, as we bring our religious leaders together, that we reflect upon these atrocities and the genocide that is taking place and the displacement of families and children, that we also recommit ourselves to work, to end this genocide. And so I believe that this is a very important message to send to the rest of the world that we understand the power of prayer, and we also understand that following our prayers and following these national days of reflection,

that we have a lot of work to do if we, in fact, want our prayers to be answered. Thank you very much.

Mr. SMITH. I thank the gentlelady for her statement. I want to thank Mr. Payne for authoring this resolution. I, too, as one of the cosponsors, absolutely concur. In the book of James, we are told that faith without works is dead. We are trying as a country to do works. Obviously, yesterday's hearing was tangible evidence that Congress, in a bipartisan way, is trying to provide funding; trying to empower the African Union Peace Initiative with the peacekeepers on the ground. All of that is fine. But it needs to be undergirded and inspired by prayer.

It was Abraham Lincoln who began the first day of prayer and fasting to try to heal our broken country after the savagery of the Civil War and that horrific institution known as slavery. It was only through prayer and fasting that some of that healing was able to take place. So I think this cause is very, very worthwhile and very, very timely. The people of Darfur have suffered enough. We need tangible deeds coupled with faith. I thank the gentlelady and the gentleman.

Would any other Member like to be heard? If not, are there any amendments to the resolution? If not, the question occurs on the motion to report the resolution, H. Res. 333, favorably. All those in favor, say aye. All those opposed, no. The ayes have it. The motion is approved. Staff is directed to make any technical and conforming amendments to the resolution just passed.

Pursuant to notice, I call up the resolution, H. Con. Res. 168, Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights, for purposes of markup and move its recommendations to the Full Committee. Without objection, the resolution will be considered as read and open for amendment at any point.

[H. Con. Res. 168 follows:]

109TH CONGRESS
1ST SESSION

H. CON. RES. 168

Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Mr. HYDE (for himself, Mr. CHABOT, Mr. SHIMKUS, Mr. ROHRBACHER, Mr. PITTS, Mr. LYNCH, and Mr. FRANK of Massachusetts) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights.

Whereas since the end of the Korean War, the Government of the Democratic People's Republic of Korea has kidnapped thousands of South Korean citizens and as many as a hundred Japanese citizens, including Rumiko Masumoto, Megumi Yokota, and Reverend Kim Dongshik;

Whereas the forced detention and frequent murder of those individuals abducted by North Korea have caused untold grief and suffering to their families;

Whereas on September 17, 2002, after considerable pressure from the Government of Japan, North Korean leader Kim Jong-il admitted that agents of his government had abducted thirteen Japanese citizens in the 1970s and 1980s and assured Japanese Prime Minister Junichiro Koizumi that this would never happen again;

Whereas despite assurances to the contrary, North Korea continues to order and carry out abductions, and, as recently as August 8, 2004, North Korean agents operating along the Chinese border kidnapped Ms. Jin Kyung-sook, a former North Korean refugee and South Korean passport-holder;

Whereas the abduction policy of North Korea has been integral to its espionage and terrorist activities, and abductees have been kidnapped to work as spies, to train North Korean agents in language, accents, and culture, and to steal identities, as in the case of Mr. Tadaaki Hara;

Whereas the Pyongyang regime used abductee Ms. Yaeko Taguchi as the Japanese language instructor for North Korean terrorist Kim Hyon-hee, who was caught carrying a Japanese passport after planting a bomb on Korean Air Lines flight 858 that killed 115 people in 1987;

Whereas many victims of North Korean abduction have been seized during terrorist attacks, as in the hijacking of South Korean planes in 1958 and 1969, and, decades later, Pyongyang continues to hold twelve passengers of a hijacked Korean Air flight, including passenger Mr. Chang Ji-young and flight attendant Ms. Song Kyong-hi, who has since been allowed a brief visit by her South Korean family;

Whereas North Korean agents have hijacked numerous South Korean ships and kidnapped the seamen and fishermen aboard the vessels, such as Choi Jong-suk, Kim Soon-keun, and ten other crewmen of the Dongjin 27, a ship that was seized in 1987, and Seoul estimates that hundreds of these abductees are still alive in North Korea;

Whereas boat hijackings and the kidnapping of fishermen have devastated South Korean fishing communities, such as Nongso village on the southern island of Geoje, a community of 210 people that lost 14 sons, husbands, and fathers when North Korea seized three ships in 1971 and 1972;

Whereas the North Korean authorities conspired with members of the Japanese Red Army, a group designated as a terrorist organization by the United States Department of State, to kidnap Keiko Arimoto, a young Japanese woman studying abroad;

Whereas according to the records of the Unification Ministry of the Republic of Korea, 486 South Korean abductees are still alive and being held in North Korea, and among these individuals are fishermen, seamen, airline passengers, teachers, students, and pastors;

Whereas North Korean agents have abducted children, causing unimaginable anguish to parents who live decades with the uncertainty of what has happened to their child, as in the cases of Takeshi Terakoshi, a thirteen-year-old boy kidnapped from a fishing boat with his two uncles, and Lee Min-gyo and Choi Seung-min, two seventeen-year-old friends abducted off a beach in South Korea;

Whereas North Korean agents kidnapped thirteen-year-old Megumi Yokota, as she was walking home from school,

and subsequently reported that she married and had a daughter in North Korea before committing suicide in 1993, and that Megumi's daughter remains there separated from her family in Japan;

Whereas the Pyongyang regime has abducted a number of South Korean ministers who were bravely working to rescue North Koreans escaping on the underground railroad through China, including Reverend Ahn Seung-woon and Reverend Kim Dong-shik, the latter of whose welfare is of particular importance to representatives of the State of Illinois;

Whereas on April 21, 2005, the Seoul Central District Court convicted Chinese citizen Ryu Young-hwa of assisting North Korean agents in the abduction of Reverend Kim and, further, that a Chinese court convicted a North Korean citizen of masterminding the abduction of Reverend Ahn, and deported the agent to North Korea in July 1997 following a two-year prison term;

Whereas some of the abductees have risked their lives in trying to escape North Korea, as in the case of South Korean fisherman Im Kuk-jae, who has twice attempted to escape since his kidnapping in 1987, and is now believed to be imprisoned in one of North Korea's notorious labor camps;

Whereas the North Korean regime continues to deceive the international community regarding its ongoing abductions and has furnished false information concerning eight Japanese abductees, including suspicious accounts of their supposed premature deaths;

Whereas the Government of North Korea has never convincingly accounted for Ms. Rumiko Masumoto and Mr.

Shuichi Ichikawa, kidnapped by Pyongyang agents from a beach in Japan on August 12, 1978, and claims that Mr. Ichikawa drowned in the sea, despite his dislike of swimming, and that the formerly healthy Ms. Masumoto died of a heart attack at the age of 27;

Whereas North Korea claims abductees Mr. Toru Ishioka and Ms. Keiko Arimoto, who were kidnapped separately in Europe and later married, supposedly died together with their small daughter of gas poisoning in 1988, two months after they were successful in getting a letter out of North Korea to family members in Japan;

Whereas although the Pyongyang regime claimed to return the alleged cremated remains of Mr. Kaoru Matsuki and Ms. Megumi Yokota to Japanese officials, both remains appear not to be authentic, and, according to Pyongyang, the bodies of the six remaining Japanese abductees have conveniently been washed away during flooding and cannot be recovered to verify the causes of their untimely deaths;

Whereas despite the efforts of the Japanese Government, the Pyongyang regime continues to deny any knowledge of the abductions of Mr. Yutaka Kume, Mr. Minoru Tanaka, and Ms. Miyoshi Soga, the mother of another acknowledged abductee, despite overwhelming evidence of North Korean collusion in their disappearances;

Whereas North Korean abductions have not been limited to northeast Asia and many documented abductees have been kidnapped while abroad, such as Mr. Lee Chae-hwan, a young MIT graduate student traveling in Austria, and Mr. Ko Sang-moon, a South Korean teacher kidnapped in Norway, making the issue of serious concern to the international community;

Whereas there have been credible reports that North Korea may have abducted citizens from many other countries in addition to South Korea and Japan, including persons from China, Europe, and the Middle East;

Whereas for more than fifty years, North Korea has held South Korean prisoners-of-war captured during the Korean War, in clear violation of Article III of the Korean War Armistice Agreement signed on July 27, 1953, and the South Korean Ministry of National Defense estimates that 542 captives are still alive in North Korea, according to testimony given before the National Assembly in February 2005;

Whereas according to the testimony of prisoners-of-war who have successfully escaped from North Korea, South Korean prisoners-of-war have been forced to perform hard labor for decades, often in mines, and are harshly treated by the Pyongyang regime;

Whereas after being forcibly held in North Korea for fifty-one years, South Korean prisoner-of-war Han Man-taek, age 72, escaped to China, was detained by Chinese police and forcibly repatriated to North Korea earlier this year, where he inevitably faced punitive measures and possible execution; and

Whereas these South Korean prisoners-of-war served under the United Nations Command, fighting alongside their American and Allied fellow soldiers, and therefore are the direct concern of the Allied nations who contributed forces during the Korean War: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That Congress—

1 (1) condemns the Government of the Demo-
2 cratic People's Republic of Korea for the abduction
3 and continued captivity of citizens of the Republic of
4 Korea and Japan as acts of terrorism and gross vio-
5 lations of human rights;

6 (2) calls upon the North Korean Government to
7 immediately cease and desist from carrying out ab-
8 ductions, release all victims of kidnapping and pris-
9 oners-of-war still alive in North Korea, and provide
10 a full and verifiable accounting of all other cases;

11 (3) recognizes that resolution of the nuclear
12 issue with North Korea is of critical importance,
13 however, this should not preclude United States
14 Government officials from raising abduction cases
15 and other critical human rights concerns in any fu-
16 ture negotiations with the North Korean regime;

17 (4) calls upon the United States Government
18 not to remove the Democratic People's Republic of
19 Korea from the Department of State's list of State
20 Sponsors of Terrorism until such time that North
21 Korea renounces state-sponsored kidnapping and
22 provides a full accounting of all abduction cases; and

23 (5) admonishes the Government of the People's
24 Republic of China for the forced repatriation to
25 North Korea of Han Man-taek, a South Korean

1 prisoner-of-war and comrade-in-arms of the United
2 States, and for its failure to exercise sovereign con-
3 trol over teams of North Korean agents operating
4 freely within its borders.

○

Mr. SMITH. I would like to make an opening statement to explain this resolution. During the past 50 years, the North Korean Government has kidnapped thousands of innocent South Korean and Japanese citizens.

These horrific crimes finally received international attention 2 years ago when North Korean leader, Kim Jong-il, admitted that agents of his government abducted 13 Japanese citizens in the 1970s and 1980s. However, the 13 acknowledged cases are only the tip of the iceberg. For decades, Pyongyang has routinely abducted fishermen working out at sea, young couples strolling on deserted beaches, students studying abroad in Europe, pastors assisting North Korean refugees in China and even teenagers attending summer camp. While many of these abductees have been murdered at the hands of Pyongyang, hundreds of these kidnapping victims are still alive in North Korea.

The North Korean Abduction Program is inextricably linked to its espionage and terrorist activities. Many abductees have been seized in conjunction with North Korean terrorist acts, such as plane and ship hijackings. The regime has then used abductees to steal identities for North Korean agents, work as spies for Pyongyang and train North Korean agents in language and culture. In one instance, North Korea abducted Ms. Taguchi as the Japanese language instructor for North Korean terrorist, Kim Hyon-hee. Kim was caught carrying a Japanese passport after planting a bomb on Korean Airlines Flight 858 that killed 115 people in 1987.

In addition to its kidnappings, North Korea also continues to hold hundreds of South Korean prisoners of war in violation of the Korean War Armistice Agreement of 1953. These men, who served under the United Nations Command and fought side-by-side with American troops, have been held captive for more than 50 years, largely forgotten by their countrymen and allies. The POWs have been forced to perform decades of hard labor, many of them slaving in dangerous underground mines until their deaths. Over the last decade, a handful of these elderly veterans have successfully escaped North Korea by traveling through China and eventually have made their way home to South Korea. Others have been less fortunate. Last December, POW Han Man-taek, age 72, was picked up by Chinese authorities while trying to reach relatives in South Korea. The Chinese forcibly repatriated Han to North Korea. While the fate of this brave man is unknown, he inevitably faced brutal punishment and was probably executed.

H. Con. Res. 168, authored by Chairman Henry Hyde, condemns North Korea for its abductions and demands Pyongyang's release of all kidnapping victims and prisoners of war. The resolution calls on the U.S. Government not to remove North Korea from the Department of State's list of State Sponsors of Terrorism until North Korea renounces state-sponsored kidnapping and provides a full accounting of all abduction cases. The resolution also admonishes the People's Republic of China for the forced repatriation of Han Man-taek. I would like to urge my colleagues to support this important resolution that seeks to aid so many of the forgotten victims of the North Korean regime.

Would any other Member like to be heard on the resolution?

Mr. Payne.

Mr. PAYNE. Just very quickly, Mr. Chairman. I certainly support your resolution. I think that we have to really insist that all governments, you know, deal with the rule of law. Governments have different ideologies. We think that our form of government is the best, and we know that, at the end of the day, countries that have governments that are totalitarian and socialist, Communist countries will find perhaps that, by and by, that system will change. But, regardless, whatever form of government that government has—whether it is imposed on them, whether it is the will of the people—that those governments must work in the family of nations, and that they should not be allowed to be pariah governments that do not adhere to the rule of law. So I support your House Con. Res. 168 and urge its passage.

Mr. SMITH. Ms. McCollum.

Ms. MCCOLLUM. Thank you. I have a point. It is more of a clarification. I am assuming, having read this, that we are working with the Governments of Japan and South Korea in some ways in order to have their official accounting of those who have been kidnapped. Am I correct in that assumption?

Mr. SMITH. The gentlelady is correct.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. SMITH. I have an amendment at the desk which, without objection, will be considered as read.

[The amendment referred to follows:]

AMENDMENT TO H. CON. RES. 168
OFFERED BY MR. SMITH OF NEW JERSEY

Amend the 11th clause of the preamble to read as follows:

Whereas the Unification Ministry of the Republic of Korea has confirmed that 486 abduction cases involving South Korean citizens remain unresolved, and that these cases include fishermen, seamen, airline passengers, teachers, students, and pastors, many of whom are still alive and being held in North Korea;

After the 13th clause of the preamble, insert the following new clause:

Whereas on April 5, 1971, North Korean agents abducted Yu Song-gun, a South Korean diplomat stationed at the Embassy of the Republic of Korea in West Germany, his wife, and two young daughters, ages 7 and 1, while the family was believed to be in Berlin;

After the 24th clause of the preamble (as redesignated), insert the following new clauses:

Whereas North Korea routinely engaged in the kidnapping of South Korean citizens during the Korean War from 1950 to 1953, and, according to a 1956 survey conducted by the Korean National Red Cross, 7,034 South Korean civilians were abducted during the conflict;

Whereas Pyongyang has refused to allow the release of a single wartime abductee despite a provision allowing civilian abductees to return home in Article III of the Korean War Armistice Agreement, a document signed by representatives from the United States, North Korea, and China;

Mr. SMITH. I recognize myself just for a moment or 2 to explain it. The amendment to H. Con. Res. 168, Chairman Hyde's resolution, focuses on the abduction of South Korean and Japanese citizens after the Korean War. However, the North Korean regime began carrying out the abductions long before the signing of the Korean War Armistice Agreement. According to the Korean National Red Cross, 7,034 South Korean civilians were abducted during the course of the war. Although Pyongyang agreed to release these kidnapped civilians when it signed the armistice, not a single wartime abductee has been allowed to return home. The amendment seeks to include these wartime victims in the Hyde resolution.

The amendment also raises the 1971 abduction of South Korean diplomat Yu Song-gun, his wife and two children in Berlin. The diplomatic status of Yu and the young age of his daughters, ages 7 and 1, merits special attention. I would ask favorable consideration by the Members for that.

Would anyone like to be heard on this amendment or the underlying resolution? The question then occurs on the amendment. All those in favor, say aye. Those opposed, say no. The ayes have it. The amendment is agreed to.

The question now occurs on the motion to report the resolution, H. Con. Res. 168, Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights, as amended. All those in favor, say aye. All those opposed, no. The ayes have it. The motion is approved, and the resolution is reported favorably.

Without objection, the resolution will be reported favorably to the Full Committee in the form of a single amendment in the nature of a substitute incorporating the amendment adopted here today.

Without objection, the staff is directed to make any technical and conforming amendments.

The Chair recognizes Mr. Payne.

Mr. PAYNE. Just for a point of personal privilege. As we indicated, House resolutions cannot indicate dates. I did indicate that it was the 14th and 15th. The actual Senate date for the weekend of prayer is the 15th to the 17th. That is Friday to Sunday, covering Islamic, synagogues and Christian churches, so the 15th to the 17th.

Thank you, Mr. Chairman.

Mr. SMITH. Would anybody else like to be heard before we adjourn? Without objection, the markup is adjourned. Thank you very much.

[Whereupon, at 4:20 p.m., the Subcommittee was adjourned.]

