

An Open Letter to President Trump ahead of the ‘2019 US-DPRK Hanoi Summit’

- The principle of "Trust, but verify" must be observed

Dear Mr. President,

We ‘Hanbyun’, Lawyers for Human Rights and Unification of Korea, are a group of Korean lawyers with a focus on consistently endeavoring to protect and promote the human rights in the DPRK and to achieve ultimately peaceful unification of Korean peninsula.

We would like to start off by wishing you success at your upcoming 2019 United States-North Korea Summit with Kim Jong-un on 27th~28th in Hanoi, Vietnam. No one will ever disagree to the principle of securing permanent peace on the Korean peninsula by the dismantlement of nuclear forces in the DPRK. However, it is somewhat worrisome that a second summit is being held without any tangible results from numerous working-level negotiations following the 2018 Singapore Summit. Recent statements from US House Speaker Nancy Pelosi during the meeting with the ROK parliamentary delegation, claiming that “North Korea needs to put words into action” should not be taken lightly merely due to political reasons. Despite the hardship of its people, the DPRK has been consistently striving to develop long-range nuclear missiles throughout the last fifty years of hereditary succession over three generations from Kim Il-sung to Kim Jong-un. The DPRK rendered the two Geneva agreements and the September 19 joint statement useless, and audaciously pronounced themselves as an official nuclear state in their constitutional law in 2016. All heads of US intelligence agencies including regional military commanding officers of US have reached a consensus that ‘the DPRK will not permanently and completely dismantle its nuclear force’, and the UN Security Council Sanctions Committee on North Korea also reported that “there is evidence that the DPRK is dispersing its nuclear facilities in order to maintain the nuclear missile programs”. A dictator, whose “term in office” is only restricted by his death, has time on his side and tries to take advantage of the fact that you, Mr. President, must consider the implications for reelection.

The DPRK has never changed its aggressive nature. The DPRK still pursues its attempts to unify under communism and overturn ROK system of liberal democracy. Therefore, while the DPRK currently stands as a collaborative partner striving for the common goal of peaceful unification, it is at the same time an enemy state that has not given up on its efforts to overthrow the democracy of the Republic of Korea. The DPRK continues to maintain its policy of imposing communism in the South within their Labor Party Regulations, which has higher authority than its constitutional law. Besides the attack on the Cheonan warship by torpedo, the bombardment on Yeonpyeong Island and mine provocation on the Military Demarcation Line, the DPRK threatened to start an all-out war just a few years ago. All these events led us to charge Kim Jong-un with crimes against humanity as well as file a constitutional appeal regarding the ‘Agreement on the Implementation of the Historic Panmunjom Declaration in the Military Domain’ between Kim Jong-un and President Moon. Also, DPRK’s worst human rights issues remain unchanged. The resolution on the situation of Human Rights in DPRK, which was adopted last December at the 73rd Session of the United Nations General Assembly for the 14th consecutive year, strongly condemned the North Korean regime for diverting all their resources towards developing nuclear missiles while over ten million people are starving to death. A few days ago, Freedom House classified the DPRK as a “worst of the worst, non-free country” for the 46th year in its ‘Freedom in the World 2019’ report, which evaluates democracy and human rights in 195 countries all over the world. And who could forget the shock when Otto Warmbier,

a citizen of the United States, returned in a state of coma as an aftereffect of torture. We need to sincerely listen to the grave counsel of Michael Kerby, a former chairman of the United Nations Commission of Inquiry on Human Rights in the DPRK, saying that it is a pipe dream to hide human rights issues with peace and it is of the utmost importance that both the leader of the United States and the Republic of Korea put the DPRK human rights issues right on the table. If the DPRK human rights issues are not handled as an agenda during the upcoming summit, history will devalue this meeting as merely a political show that avoided the essential issues.

Our people of the Republic of Korea truly hope you will go down in history as an admired president who achieved the denuclearization of the DPRK. We are always sincerely appreciative for the consistent commitment of blood allies between the US and ROK for the security of Republic of Korea. However, if we start to lift sanctions, declare the end of the war or sign a peace treaty without addressing the numerous nuclear warheads, the thousands of short and medium-range missiles that threaten the security of our nation and just be satisfied with their giving up of ICBM and the report on the already-discarded nuclear facility, Yeongbyon nuclear complex, the Non-Proliferation Treaty (NPT) system will practically come to an end. A bad precedent will be made that if one state develops nuclear forces like DPRK did before, they will be compensated for its dismantlement and this will eliminate the obligation to conform to the NPT, eventually jeopardizing world peace. We must not repeat the failures of the Munich Peace Treaty of 1938 or the 1973 Paris Peace Accord, which eventually brought about the devastation of World War II and Vietnam's reunification under communism respectively. North Korea will secretly smile of satisfaction, recalling the case of the withdrawal of US troops from Taiwan after the nuclear armament of China.

Therefore, in order to ultimately protect the security of both the United States and your ally, the Republic of Korea, as well as strive for world peace, it is important to return to the initial standpoint of disposing the nuclear forces in North Korea by CVID or FFID. You must not accept the promise of dismantlement unless the hidden uranium enrichment facilities located elsewhere, other than Yongbyon, are reported and verified. It should be clearly stipulated to Kim Jong-un that it is impossible to withdraw the UN sanctions without firm verification. If it is not accepted, you should step out of the conference, and you would be praised for your courageous action. While seemingly paradoxical, such an act will be the best option for securing the safety of the world as well as the Republic of Korea and the United States. We sincerely hope that your wisdom will guide your actions to prudently deal with the heavy burden on your shoulders.

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