



HISTORIC \$330 MILLION JUDGMENT AGAINST NORTH KOREA FOR FAMILY OF KIDNAPPED KOREAN PRIEST



(WASHINGTON, DC) Shurat HaDin – Israel Law Center, a Tel-Aviv based civil rights organization that has pioneered the use of legal actions against terrorist organizations and regimes that support them, has won a historic legal victory on behalf of the family of Reverend Kim Dong-Shik, a Christian missionary and social activist who was abducted by North Korean agents inside China in January 2000. The United States District Court for the District of Columbia awarded the family \$330 million against the government of North Korea (DPRK). This included \$15 million dollars each to Kim’s son and brother, as well as \$300 million in punitive damages.

Reverend Kim was tortured to death in a prison camp in North Korea by agents of the DPRK’s intelligence service. The lawsuit was brought in 2009 against the DPRK and its intelligence service by Reverend Kim’s family. Shurat HaDin represents Reverend Kim’s son and brother who are American citizens.

Kim a key activist in the North Korean “underground railroad” was working to assist those seeking to leave this oppressive regime. The civil action, brought in 2008, alleged that the DPRK brutally kidnapped the priest and then tortured and starved him to death in a North Korean political prison camp. Pyongyang has never admitted its involvement in Reverend Kim’s abduction nor provided the family with any information concerning his death.

The court decision marks the first time that an American court has concluded that a foreign regime which abducts an individual who is then never heard from again, has the burden of proving that he has not been murdered.

The family was represented by attorneys Nitsana Darshan-Leitner of Tel-Aviv, Robert Tolchin of New York and Meir Katz of Maryland. An appeal was successfully drafted and argued by attorney Asher Perlin of Florida.

When refugees of North Korea managed, at the risk of certain death if caught, to escape to China, they would find shelter in secret safe houses religious humanitarian groups had established. In response, the DPRK dispatched intelligence agents to China to abduct the defectors as well as the humanitarian workers who assisted them. Reverend Kim served as a missionary providing humanitarian and religious services to the families of North Koreans seeking asylum in China. In April 2005, a DPRK intelligence agent was arrested by a South Korean court for planning and carrying out the abductions of civilians from China, and forcibly bringing them to North Korea following the instruction of senior DPRK officials. The agent confessed that he last saw Reverend Kim in the custody of North Korean intelligence agents after he handed them over to them. Reverend Kim was murdered in a North Korean prison camp following many months of torture.

Initially, the federal court refused to find North Korea liable, insisting that the plaintiffs provide actual proof of Reverend Kim’s torture and subsequent murder. Because he was never seen again after his abduction to North Korea was impossible for the family to establish. Plaintiffs attorneys argued, however, that given all the documented reports of the torture and extra-judicial killing being carried out by the DPRK, there could be no doubt concerning Reverend Kim’s fate.

The court wrote in its decision that it was awarding both Kim’s son and his brother a million dollars in compensatory damages for each year of the 15 years that he has been missing. The family is now investigating all the possible avenues to collect the judgment against North Korean assets including seizing bank accounts, real property and shares in foreign companies in the United States and abroad.”

Nitsana Darshan-Leitner, director of Shurat Hadin, stated: “This is an important human rights decision that will be utilized in all political abduction cases going forward. We are grateful that the court has found that once we proved the kidnapping of Rev. Kim by North Korean intelligence and brought human rights experts to testify about the horrific conditions in the political detention camps, the burden must be on Pyongyang to show he was still alive after so many years. **Virtually no one has ever returned from the camps and been able to testify about the fate of individual Korean prisoners.** We are proud that an Israeli NGO was able to assist this family of a Korean priest living in the US and help to bring them a measure of closure.

“This is an unprecedented case and it comes at a vital time when the US is being urged to deliver Kim Jong-un a long overdue sanction. There was no reason to take this human rights abusing government off the State Department’s watch list and we urge the US to put Pyongyang back.”

