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Human Rights Now

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For Immediate release

HRN calls for action from the international community to implement the recommendations in the Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea

1. The Commission of Inquiry (CoI) was launched following resolution 22/13 adopted on 21st March 2013.¹ Its mandate was to investigate human rights violations inside the Democratic People's Republic of Korea (DPRK) with a view to ensuring its government was held to account. On 17th February 2014, the CoI, with Mr. Michael Kirby as Chair, published its report on human rights in the DPRK.² In the report, the CoI declared that “systematic, widespread and gross human rights violations have been and are being committed by the Democratic People's Republic of Korea”, and that many of those violations “entailed crimes against humanity based on State policies”. The report addresses nine specific subject areas: (1) Violations of the right to food; (2) All rights violations associated with prison camps; (3) Torture and inhuman treatment; (4) Arbitrary arrest and detention; (5) Discrimination, in particular entailing systemic denial and violation of basic human rights and fundamental freedoms; (6) Violations of the right to freedom of expression; (7) Violations of the right to life; (8) Violations of the right to freedom of movement; (9) Abductions and disappearances, including the abduction of nationals of other States.

2. Chapter IV of the report³ addresses crimes against humanity. The CoI emphasises that both the starvation during the 1990s and abductions of nationals of countries like Japan and the Republic of Korea would be included in the examples of crimes against humanity. Additionally the populations of prison camps have been significantly diminished through “deliberate starvation, forced labour, executions, torture, rape and

¹ A/HRC/RES/22/13

² A/HRC/25/CRP.1

³ A/HRC/25/63

the denial of reproductive rights enforced through punishment, forced abortion and infanticide” for over 50 years. Reportedly between 80,000 and 120,000 political prisoners are currently detained in four prison camps. Satellite pictures have identified the camps' locations and illustrations drawn by former prisoners depicting inhumane treatment have also entered the public domain.⁴

Due to the lack of access to the DPRK itself, the CoI conducted its investigation by interviewing victims of various human rights violations and through video-recorded public hearings held in Seoul, Tokyo, London, and Washington.⁵ Over 80 witnesses testified in public and more than 240 victims participated in confidential interviews. The witnesses reportedly included former officials and defectors from the DPRK. Moreover, the CoI has received 80 submissions from relevant stakeholders containing satellite imagery, internal documents from the DPRK, video sources and other information. The CoI's report is based only on sources which satisfied the CoI as to their reliability.⁶ The CoI claims that “the body of testimony and other information gathered by established reasonable grounds that crimes against humanity have been committed so as to merit a criminal investigation by a competent national or international organ of justice.”⁷

3. As the CoI noted, it is itself not authorised to determine individual responsibility for crimes against humanity. It instead presented its finding that there were reasonable grounds to believe that such crimes had occurred. Human Rights Now (HRN), a Tokyo-based international human rights organisation, acknowledges the circumscribed role of the CoI but approves its investigatory methodology to reach its findings. Having received the CoI's report concerning grave human rights violations, the international community must engage with its findings and take steps to ensure that the perpetrators are held accountable and that the human rights situation in the DPRK is improved.

4. The report's key recommendations include;

- For the United Nations Security Council to
 - 1) “refer the situation in the Democratic People’s Republic of Korea to the International Criminal Court”⁸
 - 2) “adopt targeted sanctions against those who appear to be most responsible for

⁴ <http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIDPRK/Report/drawings-by-former-prisoner/coi-dprk-drawings-by-former-prisoner-kim-kwang-il.pdf>

⁵ <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/PublicHearings.aspx>

⁶ <http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIDPRK/Report/coi-dprk-q-and-a.pdf>

⁷ Ibid.

⁸ A/HRC/25/63

crimes against humanity”⁹

- For “the United Nations High Commissioner for Human Rights, with full support from the Human Rights Council and the General Assembly, establish a structure to help to ensure accountability for human rights violations in the Democratic People’s Republic of Korea”

If the United Nations aspires towards the effective protection of human rights, its most crucial tasks include the investigation of human rights abuses, the identification and punishment/prosecution of those responsible, and the compensation of victims.

HRN endorses the report's recommendations, particularly its call for an investigation in accordance with international criminal judicial procedure by means of referring the issue to the ICC. We further call on the Human Rights Council, the General Assembly and the Security Council to honour the CoI's recommendations and take appropriate action to implement them, thereby ensuring the DPRK government's accountability for its human rights violations and effecting an improvement in the human rights situation in the DPRK.

In March this year, the Human Rights Council will discuss the human rights situation in the DPRK in light of the CoI's Report. To ensure that the DPRK is held accountable for its conduct with respect to human rights, HRN calls on all States to adopt a resolution supporting the Report's recommendations, including that of a referral to the ICC.

Human Rights Now ~Protecting Human Rights for All~

Human Rights Now is a Tokyo based international human rights NGO comprising a body of experienced legal professionals dedicated to protecting and promoting human rights around the world, with a special focus on Asia. The activity includes monitoring/ fact-finding of human rights, human rights education and advocacy work. Human Rights Now has special consultative status with the Economic and Social Council since August 2012.

⁹ Ibid.