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COMMISSION OF INQUIRY ON HUMAN RIGHTS IN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

North Korea: UN Commission documents wide-ranging and ongoing crimes against humanity, urges referral to ICC

GENEVA (17 February 2014) – A wide array of crimes against humanity, arising from “policies established at the highest level of State,” have been committed and continue to take place in the Democratic People’s Republic of Korea, according to a UN report released Monday, which also calls for urgent action by the international community to address the human rights situation in the country, including referral to the International Criminal Court.

In a 400-page set of linked reports and supporting documents, based on first-hand testimony from victims and witnesses, the UN Commission of Inquiry on human rights in the DPRK has documented in great detail the “unspeakable atrocities” committed in the country.

“The gravity, scale and nature of these violations reveal a State that does not have any parallel in the contemporary world,” the Commission -- established by the Human Rights Council in March 2013 -- says in a report that is unprecedented in scope.

“These crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation,” the report says, adding that “Crimes against humanity are ongoing in the Democratic People’s Republic of Korea because the policies, institutions and patterns of impunity that lie at their heart remain in place.”

The second more detailed section of the report cites evidence provided by individual victims and witnesses, including the harrowing treatment meted out to political prisoners, some of whom said they would catch snakes and mice to feed malnourished babies. Others told of watching family members being murdered in prison camps, and of defenceless inmates being used for martial arts practice.

“The fact that the Democratic People’s Republic of Korea...has for decades pursued policies involving crimes that shock the conscience of humanity raises questions about the inadequacy of the response of the international community,” the report stated. “The international community must accept its responsibility to protect the people of the Democratic People’s Republic of Korea from crimes against humanity, because the Government of the DPRK has manifestly failed to do so.”

The Commission found that the DPRK “displays many attributes of a totalitarian State.”

“There is an almost complete denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression, information and association,” the report says, adding that propaganda is used by the State to manufacture absolute obedience to the Supreme Leader and to incite nationalistic hatred towards some other States and their nationals.

State surveillance permeates private lives and virtually no expression critical of the political system goes undetected – or unpunished.

“The key to the political system is the vast political and security apparatus that strategically uses surveillance, coercion, fear and punishment to preclude the expression of any dissent. Public executions and enforced disappearance to political prison camps serve as the ultimate means to terrorise the population into submission,” the report states.

“The unspeakable atrocities that are being committed against inmates of the *kwanliso* political prison camps resemble the horrors of camps that totalitarian States established during the twentieth century. The institutions and officials involved are not held accountable. Impunity reigns.”

It is estimated that between 80,000 and 120,000 political prisoners are currently detained in four large political prison camps, where deliberate starvation has been used as a means of control and punishment. Gross violations are also being committed in the ordinary prison system, according to the Commission’s findings.

The report noted that the DPRK consists of a rigidly stratified society with entrenched patterns of discrimination. Discrimination is rooted in the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, and determines where they live, work, study and even whom they may marry.

Violations of the freedom of movement and residence are also heavily driven by discrimination based on *songbun*. Those considered politically loyal to the leadership can live and work in favourable locations, such as Pyongyang. Others are relegated to a lower status. For example, the distribution of food has prioritised those deemed useful to the survival of the current political system at the expense of others who are “expendable.”

“Confiscation and dispossession of food from those in need, and the provision of food to other groups, follow this logic,” the report notes, adding that “the State has consistently failed in its obligation to use the maximum of its available resources to feed those who are hungry.”

Military spending – predominantly on hardware and the development of weapons systems and the nuclear programme – has always been prioritised, even during periods of mass starvation, the report says. The State also maintains a system of inefficient economic production and discriminatory resource allocation that inevitably produces more avoidable starvation among its citizens.

Violations of the rights to food and to freedom of movement have resulted in women and girls becoming vulnerable to trafficking and forced sex work outside the DPRK. Many take the risk of fleeing, mainly to China, despite the high chance that they will be apprehended and forcibly repatriated, then subjected to persecution, torture, prolonged arbitrary detention and, in some cases sexual violence. “Repatriated women who are pregnant are regularly subjected to forced abortions, and babies born to repatriated women are often killed,” the report states.

The Commission urged all States to respect the principle of *non-refoulement* (i.e. not to forcibly return refugees to their home country) and to adopt a victim-centric and human rights-based approach to trafficking, including by providing victims with the right to stay in the country and access to legal protection and basic services.

“Crimes against humanity have been, and are being, committed against starving populations. These crimes are sourced in decisions and policies violating the universal human right to food. They were taken for purposes of sustaining the present political system, in full awareness that they would exacerbate starvation and contribute to related deaths.”

The Commission also found that, since 1950, the “State’s violence has been externalized through State-sponsored abductions and enforced disappearances of people from other nations. These international enforced disappearances are unique in their intensity, scale and nature.”

While the Government did not respond to the Commission’s requests for access to DPRK and for information, the Commission obtained first-hand testimony through public hearings with about 80 witnesses in Seoul, Tokyo, London and Washington D.C., and more than 240 confidential interviews with victims and other witnesses, including in Bangkok. Eighty formal submissions were also received from different entities.

The report includes a letter sent by the Commissioners to the Supreme Leader, Kim Jong-un, containing a summary of their most serious findings, in particular the fact that “in many instances” the systematic, widespread and gross human rights violations “entail crimes against humanity,” and drawing attention to the principles of command and superior responsibility under international criminal law according to which military commanders and civilian superiors can incur personal criminal responsibility for failing to prevent and repress crimes against humanity committed by persons under their effective control.

In the letter to Kim Jong-un, the Commissioners stated that it would recommend referral of the situation in the DPRK to the International Criminal Court “to render accountable all those, including possibly yourself, who may be responsible for the crimes against humanity referred to in this letter and in the Commission’s report.”

Among wide-ranging recommendations to the DPRK, to China and other States, and to the international community, the Commission calls on the Security Council to adopt targeted sanctions against those who appear to be most responsible for crimes against humanity, stressing that sanctions should not be targeted against the population or the economy as a whole.

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* A press conference with members of the Commission of Inquiry will be webcast live from Geneva at 14h00 CET time at <http://webtv.un.org/>.

* The full report, with detailed testimony from victims and witnesses, will be available at 14h00 CET on <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>

* The full video recording of the public hearings can be found at <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/PublicHearings.aspx>

* The Commission of Inquiry was set up by HRC resolution 22/13 with a mandate to investigate the systematic, widespread and grave violations of human rights in the State, with a view to ensuring full accountability, in particular, for violations that may amount to crimes against humanity.

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