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Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 June 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The human rights situation in the Democratic People's Republic of Korea (DPRK)**

The Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), seeks to draw the Human Rights Council's attention to the domestic human rights situation in the Democratic People's Republic of Korea (DPRK).

The DPRK, otherwise known as North Korea, has undoubtedly one of the worst human rights records in the world. North Korea is widely regarded as the world's most closed nation, ruled by a dictatorship that is both dynastic and deified. Following the death of Kim Jong Il in December 2011, the leadership of the country was inherited by his son Kim Jong Un and the transition period has been marked by a significant crackdown on North Korea's borders in an attempt to prevent defections. Kim Jong Un, the new leader, expressed his intention to "annihilate" up to three generations of the families of those who try to leave North Korea during the 100-day mourning period. In March 2012, at least 41 North Korean refugees were forcibly repatriated by the People's Republic of China (PRC) to the DPRK where there are fears they may well face long prison terms, severe torture and possible execution in line with the December decree by Kim Jong Un.

The DPRK has ratified a number of core international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on Economic, Social and Cultural Rights (ICESCR) and yet its domestic human rights record stands in stark contrast to their obligations under these covenants. Many thousands of North Koreans have been arbitrarily deprived of their liberty; torture and forced labour are widespread; political offenders are executed in public and there is no independent judiciary which severely impedes the right to a fair trial. In addition to this many North Koreans face starvation as a direct result of the government's food policy which discriminates against ordinary people in favour of the military and political elite.

The United Nations Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, Mr Marzuki Darusman, has noted "a significant deterioration in the human rights situation in the country". The previous Special Rapporteur, Mr Vitit Muntarbhorn, who completed his mandate in 2010, has repeatedly described the situation as "extremely grave" and "harrowing and horrific". Presenting his final report to the UN Human Rights Council on 15 March 2010 the outgoing Special Rapporteur said that "from witnessing the human rights situation in the country for the past six years, one finding is glaring: the abuses against the general population, for which authorities should be responsible, are both egregious and endemic."¹

The former Special Rapporteur asked the UN to consider "*whether the issue of violations in [the DPRK] will be taken up at some stage at the pinnacle of the system, within the totality of the United Nations framework*"², and has recommended that the international community must "*mobilise the totality of the United Nations to promote and protect human rights in*

** Christian Solidarity Worldwide, an NGO without consultative status, also shares the views expressed in this statement.

¹ Human rights situation in DPR Korea is bleak, independent UN expert says, UN News Centre, 15 March 2010, <http://www.un.org/apps/news/story.asp?NewsID=34087&Cr=dprk&Cr1>.

² Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, submitted to the UN Human Rights Council, UN Doc. A/HRC/7/20, 15 February 2008, para.45.

*the country; support processes which concretise responsibility and accountability for human rights violations, and an end to impunity”.*³

Christian Solidarity Worldwide (CSW) believes that there is a *prima facie* case of crimes against humanity committed by the DPRK regime. CSW’s report, *North Korea – A Case to Answer, A Call to Act*⁴, written in association with REDRESS, presents a legal analysis and recommends that the UN establish a commission of inquiry to investigate these crimes against humanity, namely murder, extermination, enslavement/forced labour, forcible transfer of population, arbitrary imprisonment, torture, persecution, enforced disappearances of persons, other inhumane acts and rape and sexual violence. The strict hierarchical nature of the regime in the DPRK, and information available about decision making in the government, suggests that the senior political leadership, including the new leader Kim Jong Un, has responsibility for perpetrating such crimes. The former Special Rapporteur Vitit Muntabhorn has also suggested “*the possibility of the UN Security Council taking up the issue directly and of establishing a Commission of Inquiry on crimes against humanity.*”⁵

At the heart of the system of repression in North Korea are the brutal prison camps, known as *kwan-li-so* and sometimes referred to as “gulags”, where it is estimated that over 200,000 prisoners are held in dire conditions, subjected to systematic and severe torture, deprived of adequate food and subjected to a harsh system of forced labour, in violation of international law, including mining, logging and intensive factory labour on minimal rations, causing extreme fatigue and sickness and lead, in many cases, eventually to death. The total number of victims of these political prison camps, according to various assessments, may be as high as one million, and death rates are reported to be very high. Some political prisoners are detained without trial, simply if the authorities perceive them as hostile to the government. Guilt by association is applied to detainees’ families, so that up to three generations can be punished. In such cases, the prisoner is removed, investigated and declared guilty by the State Security Protection Agency, and transferred to a political prison camp.

The Jubilee Campaign and CSW, through their membership of the International Coalition to Stop Crimes against Humanity in North Korea (ICNK), a network of over 40 prominent human rights organisations and activists, recently submitted a petition to the Special Procedures of the Human Rights Council to shut down the *kwan-li-so* and other detention facilities, and to conduct a proper investigation into the extent of these camps. The government of the DPRK has consistently denied any wrongdoing and continues to deny the existence of these camps, despite widespread evidence and testimony of their existence collected by a vast array of international organisations.

Recommendations

The Jubilee Campaign and CSW recommend that the Human Rights Council should:

- Use the full range of special procedures to investigate the situation of those in detention inside North Korea;
- Initiate an investigation and demand access to the *kwan-li-so* and other detention facilities;

³ Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea, submitted to the UN General Assembly, UN Doc. A/62/264, 15 August 2007, para.59.

⁴ Available at <http://dynamic.csw.org.uk/article.asp?t=report&id=35>.

⁵ “Human rights situation in DPR Korea is bleak, independent UN expert says”, UN News Centre, 15 March 2010, <http://www.un.org/apps/news/story.asp?NewsID=34087&Cr=dprk&Cr1>.

- Outline the size and scope of the *kwan-li-so* system;
 - Render a conclusion on whether the *kwan-li-so* system constitutes a crime against humanity;
 - Work with the North Korean government to initiate a process that holds perpetrators accountable and provides appropriate reparations to victims and their families;
 - Urge the government of North Korea to allow access for the World Food Programme and international humanitarian NGOs to vulnerable groups;
 - Encourage the government of North Korea to improve their cooperation with the HRC and its mechanisms.
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