



Open Letter to UN Member States Calling for the Adoption of the UN General Assembly Draft Resolution on North Korea

New York, 10 November 2014

Excellencies,

We are nongovernmental organizations with a longstanding interest in improving the serious human rights situation in the Democratic People’s Republic of Korea (DPRK, North Korea). We write to encourage you to support the adoption of the draft UN General Assembly resolution put forward by the European Union and Japan on the human rights situation in North Korea. Adopting this resolution will send the message that the international community is ready to take meaningful action to follow up on the 2014 report of the UN Commission of Inquiry on the DPRK.

The Commission of Inquiry studied the North Korean human rights situation for a year and produced a 400-page report, which concludes that the gravity, scale and nature of the ongoing human rights violations in North Korea are “without parallel in the contemporary world.” The widespread violations documented by the Commission include “deliberate starvation, forced labor, executions, torture, rape and the denial of reproductive rights enforced through punishment, forced abortion and infanticide.” These are committed in particular against the up to 120,000 men, women and children that the Commission found are likely still detained incommunicado in North Korea’s political prison camp system whose existence the government continues to deny.ⁱ North Koreans who are not imprisoned also experience serious rights violations: the Commission found that they face “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,”ⁱⁱ and that “the police and security forces of the DPRK systematically employ violence and punishments that amount to gross human rights violations in order to create a climate of fear” in which “[t]he institutions and officials involved are not held accountable” and “impunity reigns.”ⁱⁱⁱ

As the UN Special Rapporteur on the situation of human rights in the DPRK, Marzuki Darusman, recently observed, Member States presently stand at a crossroads in their approach to the human rights situation in North Korea. They must consider how the General Assembly should react to the Commission of Inquiry’s sobering conclusions.

Special Rapporteur Darusman has proposed that Member States take a “two track” approach: on the one hand, taking steps to ensure accountability for those responsible for the ongoing “systematic, widespread and gross human rights violations” in North Korea documented by the Commission of Inquiry, on which he served; and on the other hand, encouraging the government to cooperate with independent human rights mechanisms in the future.

The draft resolution tabled by the European Union and Japan does exactly this. Its language on accountability reflects the Commission of Inquiry’s conclusion that many crimes against humanity have been committed in North Korea, pursuant to policies set at the “the highest levels of the State.” The draft resolution would act on this finding by submitting the Commission’s report to the UN Security Council and encouraging the Council to consider its findings and recommendations. It further encourages the Security Council to consider taking appropriate action to ensure accountability for these crimes, including

through referral to the International Criminal Court. In our view, accountability is an essential element given the gravity and scale of abuses documented by the Commission of Inquiry.

At the same time, the draft resolution invites future cooperation by the DPRK. In response to the tabling of the draft resolution, North Korean officials suggested that they might consider extending an invitation to the Special Rapporteur to visit the country for the first time since his mandate was created. The draft resolution strongly urges the government to extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the country.

Like the Special Rapporteur, we strongly encourage North Korea to enhance its cooperation with the UN human rights system, as well as its compliance with its human rights obligations. We particularly encourage North Korea to engage in meaningful consultations with Special Rapporteur Darusman aimed at allowing him to undertake one or more visits to the country in accordance with the terms of reference applicable to and adopted by all special procedures.^{iv} These terms of reference include freedom of movement in the country, access to all prisons and detention centers, unsupervised contact with witnesses, and assurances that they will not be threatened or punished. Such consultations usually take time; indeed, UN human rights officials and governments often engage in discussions for several months in order to come to proper agreement on the terms of human rights fact-finding visits.

We therefore urge Member States to support the text of the draft resolution tabled by the European Union and Japan, now co-sponsored by some 50 States. Support from all regions for the resolution will be essential to show that the world stands with the people of North Korea who have suffered the abuses documented in the Commission of Inquiry report, and continue to suffer today. At the same time, the resolution will urge North Korea to cooperate with the United Nations system and pursue engagement with Special Rapporteur Darusman in the near future.

This approach is the best way for the international community to encourage North Korea to make genuine progress in its respect for human rights, while sending an unequivocal signal that it is prepared to act on the Commission of Inquiry's conclusions and to stand with the victims of the staggering abuses the Commission has documented.

Sincerely,

Amnesty International
Christian Solidarity Worldwide
Citizens' Alliance for North Korean Human Rights (NKHR)
Committee for Human Rights in North Korea (HRNK)
Human Rights Watch
International Coalition to Stop Crimes Against Humanity in North Korea (ICNK)
International Federation for Human Rights (FIDH)
Jacob Blaustein Institute for the Advancement of Human Rights

ⁱ See, e.g., Report of the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (COI report), UN Doc. A/HRC/25/63 (7 February 2014) paras. 59-61. See also Situation of human rights in the Democratic People's Republic of Korea, UN Doc. A/69/548 (24 October 2014) para. 51 (in which the Special Rapporteur notes North Korea's continued denial of the widespread, grave and systematic violations and crimes against humanity reported by the Commission of Inquiry, and the need for fundamental change).

ⁱⁱ COI report, para 26.

ⁱⁱⁱ Ibid., para 56.

^{iv} Terms of Reference for Fact-Finding Missions by Special Rapporteurs/Representatives of the Commission on Human Rights, UN Doc. E/CN.4/1998/45 (20 November 1997).