

The North Korea Case: Why a Commission of Inquiry Works

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When the UN established a Commission of Inquiry on North Korea in 2013, many were skeptical about the value of such an effort. The commission's methods quickly changed that. It held public hearings at which victims of the North Korean regime described their horrific experiences. The international media started to follow the investigation and the shocking picture of a country committing atrocities that challenge the founding ideals of the United Nations started to emerge.

By the time the report was debated in the Human Rights Council, 35 countries were calling for international criminal prosecutions against those responsible for the crimes against the people of North Korea, in contrast to zero just one year earlier.

Rarely has the Human Rights Council, which deals with many forms of human rights violations in countries around the world, been confronted with a report like this one. The inquiry's report describes a government that has relentlessly abused the rights of its citizens and foreign nationals in the most extreme and cruel way for over 50 years, affecting generations of North Koreans.

In his address to the Human Rights Council, Michael Kirby, the commission's chairman, said that nothing in the commissioners' past lives could have prepared them for what they heard during their investigation. He likened the abuses committed in North Korea to the Nazi era concentrations camps, to South Africa's segregationist regime and the killing fields of the Khmer Rouge.

The commission found that the body of testimony and information it received provided reasonable grounds to believe that crimes against humanity had been committed over several decades in North Korea, under policies established at the highest level of the government. The list of crimes the commission identified is devastating. It includes extermination, murder, enslavement, torture, and imprisonment; rape, forced abortions and other sexual violence; persecution on political, religious, racial and gender grounds; the forcible transfer of populations; enforced disappearances, and knowingly causing prolonged starvation.

The Human Rights Council's reaction to the report has been unequivocal. In a resolution adopted by 30 yes votes to 6 no and 11 abstentions the Council called for steps to bring those responsible for the horrors in North Korea to justice. The Council focused on the need for the Security Council to refer North Korea "to the appropriate international criminal justice

mechanism,” which could include the International Criminal Court in the Hague or an ad hoc international tribunal. The Council also suggested considering sanctions against North Korea's worst abusers and asked the Office of the High Commissioner for Human Rights to create a field-based structure to continue to document and raise awareness about the egregious abuses committed in the DPRK.

The Commission of Inquiry's report on North Korea is a game changer. The Security Council can no longer act as if the nuclear threat were the only issue it needs to deal with in North Korea. The UN has a responsibility to respond and to protect the population in North Korea from further abuse.

In 2014 all eyes will be on the Security Council and its members to respond to the commission's report. Pressure will build up around China to stop providing cover to such an egregious abuser. As Kirby noted in his address to the Council, 'Contending with the scourges of Nazism, apartheid, the Khmer Rouge and other affronts required courage by great nations and ordinary human beings alike'. It is now time for the Security Council members to respond – they should not avoid this historic challenge.

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