

Joint Open Letter to the UN Security Council Member States¹

December 5, 2022

Re: Open Discussion of North Korean Human Rights in the Official Agenda of the UN Security Council

Dear Ambassador,

We are writing to urge the UN Security Council to resume a formal session, open to the public and media, on the situation in the Democratic People's Republic of Korea (DPRK), as soon as possible.

Next year marks the 10th anniversary of the creation of the UN Human Rights Council-mandated Commission of Inquiry (COI) on human rights in the DPRK. The COI concluded that “the long-standing and ongoing patterns of systematic and widespread violations” of human rights in the DPRK “meet the high threshold for proof of crimes against humanity.” The COI found that the nature, scale, and gravity of these abuses “reveal a state that does not have any parallel in the contemporary world.”¹

The COI further concluded that the DPRK's ongoing “open defiance of the United Nations makes this a case where decisive, yet carefully targeted action should be taken by the Security Council in support of the ongoing efforts of the remainder of the United Nations system.”² The COI urged the UN Security Council to refer the situation in the DPRK to the International Criminal Court (ICC) and to adopt targeted sanctions against those who appear to be most responsible for crimes against humanity.³

In line with the COI's recommendation which has been repeatedly endorsed by the UN Human Rights Council and General Assembly, the UN Security Council added the situation in the DPRK to its official agenda and held open discussions during which the Office of the United Nations High Commissioner for Human Rights was invited to give a briefing each year from 2014 to 2017.

Unfortunately, the UN Security Council failed to continue these annual meetings in 2018 and 2019 and held closed consultations under “any other business” (AOB) in 2020 and 2021. The absence of

¹ Report of the detailed findings of the Commission of Inquiry on human rights in the Democratic People's Republic of Korea, A/HRC/25/CRP.1 (7 February 2014) (Commission of Inquiry report), paras 1211-1217. The crimes 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.” Report of the Commission of Inquiry on human rights in the Democratic People's Republic of Korea, A/HRC/25/63 (Commission of Inquiry main findings), para. 76.

² Commission of Inquiry report, para. 1208.

³ Commission of Inquiry main findings, para. 94(a).

the open and public meetings on the DPRK's human rights situation for the past four years has precisely sent the wrong message to Pyongyang, that the government can continue committing grave violations against the North Korean people with impunity.

Indeed, the DPRK government has used the COVID-19 pandemic to further isolate the country and increase repression at the expense of the Korean's people's right to movement, freedom of information, right to access to food, medicine, and basic necessities. In August 2020, the Ministry of Social Security issued a shoot-on-sight order for those who make unauthorized entry into a 1 to 2 km wide buffer zone along the country's northern border, mostly with China.⁴ The Reactionary Thought and Culture Denunciation Law, issued by the Supreme People's Assembly in December 2020, prescribes the death penalty for import or distribution of movies, dramas and books from South Korea, the United States and Japan and maximum 15 years imprisonment for simply watching them.⁵

The DPRK has shown no signs of repealing these draconian laws and measures despite the concerns jointly expressed by the Special Rapporteur on the situation of human rights in the DPRK, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.⁶

The UN General Assembly, in a resolution adopted by consensus, at its Third Committee on 16 November 2022, encouraged the UN Security Council to "take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of further sanctions in order to target effectively those who appear to be most responsible for human rights violations" and to "immediately resume discussion on the situation in the Democratic People's Republic of Korea and invite the Office of the United Nations High Commissioner for Human Rights to give a briefing to the Council."⁷

As the 10th anniversary of the creation of the COI begins, the UN Security Council must show its resolve to address the grave human rights situation in the DPRK that threatens international peace and security by resuming open and public meetings on the DPRK's human rights situation with a focus on accountability in December 2022. Even if the UN Security Council decides to hold North Korea human rights discussion under AOB, it is crucial that the member states keep in mind that such

⁴ Ha Yoon Ah, "N. Korea sets up "strict security zones" on Sino-North Korean border", *Daily NK*, September 7, 2020, <https://www.dailynk.com/english/north-korea-sets-up-strict-security-zones-sino-north-korean-border> (accessed December 2022).

⁵ Seulkee Jang, "Exclusive: Daily NK obtains materials explaining specifics of new "anti-reactionary thought" law", *Daily NK*, 19 January 2021, <https://www.dailynk.com/english/exclusive-daily-nk-obtains-materials-explaining-specifics-new-anti-reactionary-thought-law> (accessed December 2, 2022).

⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26593>

⁷ UN General Assembly 77th session, Third Committee, Resolution on the situation of human rights in the DPRK, A/C.3/77/L.32, <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/C.3/77/L.32&Lang=E> (accessed December 2, 2022).

discussion under AOB is not sufficient, and that it should not be used as a substitute or an excuse for not scheduling an open and public meeting in the Council's official agenda in January 2023.

We also call on the UN Security Council member states to mainstream human rights into any debate related to North Korea, especially given in referring to security and weapons development in North Korea, where human rights violations such as exploitation and forced labor go in tandem.

Sincerely,

Signature organizations and individuals (as of December 5, 2022)

Individuals – international

David Alton, Independent Crossbench Member of the House of Lords / UK

Sonja Biserko, Former Commission of Inquiry (COI) member on the situation of human rights in the DPRK & current chair at the Helsinki Human Rights Committee in Serbia / Serbia

Marzuki Darusman, Former UN Special Rapporteur/COI member on the situation of human rights in the DPRK / Indonesia

Jung-Hoon Lee, Former Ambassador-at-large on North Korean Human Rights, Republic of Korea / South Korea

Tomás Ojea Quintana, Former UN Special Rapporteur on the situation of human rights in North Korea / Argentina

Organizations & Japanese individuals

1969 KAL Abductees' Families Association / South Korea

Abductees' Family Union / South Korea

ARAKI Kazuhiro, Professor, Takushoku University / Japan

ALTSEAN-BURMA / Burma

Association for the Rescue of North Korea Abductees (ARNKA) / Thailand

Beyond the Boundary / South Korea

Centro para la Apertura y el Desarrollo de América Latina (CADAL) / Argentina

Christian Solidarity Worldwide (CSW) / UK

Citizens' Alliance for North Korean Human Rights (NKHR) / South Korea

Citizens' Association for Proper North Korean Human Right Act (Alinmo) / South Korea

Committee for Human Rights in North Korea (HRNK) / USA

Database Center for North Korean Human Rights (NKDB)

HanVoice / Canada

Human Asia / South Korea

Human Rights in Asia / Japan

Human Rights Without Frontiers (HRWF) / Belgium

Improving North Korean Human Rights Center (INKHR) / South Korea

Institute for Transitional Justice and Integration (ITJI) / South Korea

Investigation Commission on Missing Japanese Probably Related to North Korea (COMJAN) / Japan

International Coalition to Stop Crimes against Humanity in North Korea (ICNK)

Jubilee Campaign / USA

Justice For North Korea / South Korea

Kanagawa Association for the Rescue of Japanese Kidnapped by North Korea / Japan

Korean War POW Family Association / South Korea

Lawyers for Human Rights and Unification of Korea / South Korea

Liberty in North Korea (LiNK)

Life Funds for North Korean Refugees / Japan

Modumoiija / Japan

Mulmangcho / South Korea

Network for North Korean Democracy and Human Rights (NKnet) / South Korea

NK Watch / South Korea

No Chain / South Korea

No Fence / Japan

North Korea Human Rights Network / Japan

North Korea Reform Radio / South Korea

North Korea Strategy Center (NKSC) / South Korea

North Korean Human Rights Corporation (NKHRC) / South Korea

People for Successful Corean Reunification (PSCORE) / South Korea

Save North Korea / South Korea

Society to Help Returnees to North Korea / Japan

Stepping Stone / UK

Transitional Justice Working Group (TJWG) / South Korea

Unification Academy / South Korea

Unification Media Group (UMG) / South Korea

Woorion / South Korea

World Without Genocide / USA