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NORTH KOREA | CSW Welcomes UN Report, Urges International Criminal Court Referral

Christian Solidarity Worldwide (CSW) welcomes this week's report by the UN Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea (DPRK), and calls on the UN General Assembly to adopt a resolution recommending that the Security Council refer North Korea to the International Criminal Court (ICC).

In his report to the General Assembly, UN Special Rapporteur Marzuki Darusman notes that the UN Commission of Inquiry into human rights in North Korea, established by the Human Rights Council in 2013 and which published its report in February 2014, concluded that "a number of long-standing and ongoing patterns of systematic and widespread violations in [North Korea] met the high threshold required for crimes against humanity in international law" and that these crimes "clearly merit a criminal investigation." He said the Commission of Inquiry, on which he served, found that "grave human rights violations and crimes against humanity are ingrained in the institutional framework" of North Korea.

The Special Rapporteur "strongly urges that those responsible for crimes against humanity in [North Korea] be prosecuted before a competent organ of justice with a mandate provided by the international community." He also noted that "the principle of command and superior responsibility under international criminal law" mean that "military commanders and civilian superiors can incur personal criminal responsibility for failing to prevent and repress crimes against humanity." This means that "Supreme Leader Kim Jong-un and many of his aides may therefore be held accountable for crimes against humanity."

Darusman calls on the UN General Assembly to "send an unequivocal signal that the international community is determined to follow up on the findings and recommendations of the commission," by referring the report of the Commission of Inquiry to the Security Council for consideration and action, "including a referral of the situation to the International Criminal Court." He also recommends the issue of human rights in North Korea be added to the Security Council's agenda for regular briefings and discussion.

In addition, Darusman's report calls on the international community to invoke the principle of Responsibility to Protect, adopted by the 2005 World Summit of Heads of States and Governments: "The international community, through the United Nations, bears the responsibility to protect the population of the Democratic People's Republic of Korea from such crimes."

CSW's East Asia Team Leader Benedict Rogers said, "We warmly welcome the Special Rapporteur's report, and the proposed draft resolution on North Korea currently before the

General Assembly. We urge the General Assembly to adopt the Special Rapporteur's recommendations. The case for action is now overwhelmingly clear and long overdue. The need is urgent. It is time to end impunity, hold those responsible for crimes against humanity to account, and to exercise international responsibility to protect the people of North Korea.”