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THE UNITED NATIONS OFFICE AT GENEVA

## News & Media

### **HUMAN RIGHTS COUNCIL HOLDS INTERACTIVE DIALOGUE WITH THE COMMISSION OF INQUIRY ON HUMAN RIGHTS IN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**

Concludes Interactive Dialogue with the Commission of Inquiry on Syria

17 September 2013

The Human Rights Council this morning held an interactive dialogue with the Commission of Inquiry on human rights in the Democratic People's Republic of Korea. It also concluded its interactive dialogue with the Commission of Inquiry on Syria and the Special Rapporteur on the human rights of internally displaced persons.

Michael Kirby, Chairperson of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, said the Democratic People's Republic of Korea had so far not cooperated with the Commission and it was pursuing alternative avenues to obtain direct and first-hand information in a transparent, independent and impartial manner. In August, the Commission visited Seoul and Tokyo and held public hearings that provided hours of testimony from victims and experts, pointing to widespread and serious violations including torture, imprisonment, forcible repatriation, sexual violence, inhumane treatment, arbitrary detention, abductions, starvation, and guilt by association. The individual testimonies did not represent isolated cases. They were representative of large-scale patterns. If any of the testimony could be shown to be untrue, the Commission invited the Democratic People's Republic of Korea to produce evidence to that effect.

The Democratic People's Republic of Korea, speaking as the concerned country, totally rejected the oral update offered by the Commission of Inquiry, saying that it was fabricated by hostile forces aimed at sabotaging the socialist system of the Democratic People's Republic of Korea and defaming it. It had no relevance to the protection and promotion of human rights. People with sound reason could easily establish truth from falsehood. The Democratic People's Republic of Korea maintained that the human rights violations mentioned in the report did not exist in the country. These assertions were motivated by those hostile to the Democratic People's Republic of Korea and used human rights as cover for the European Union, Japan and the United States to make hostile moves against the country. It would resist any attempt at regime change from these forces.

In the interactive dialogue, many speakers spoke with deep concern about the picture painted by the Commission of Inquiry, in some cases underlining that words could hardly describe the litany of violations indicated. Many speakers urged the Democratic People's Republic of Korea to engage with the Commission of Inquiry. Other speakers cast doubt on the methodology of the Commission of Inquiry, rejecting country-specific mandates in principle as counterproductive and unlikely to produce a meaningful outcome. Furthermore, some countries claimed that the mandate of the Commission of Inquiry was a machination on the part of enemies of the Democratic People's Republic of Korea.

Speaking in the interactive dialogue were the European Union, Japan, Australia, Republic of Korea, Germany, Venezuela, Ireland, United States, Lao People's Democratic Republic, France, Belarus, Poland, Iran, Slovakia, Canada, Syria, Myanmar, China, Czech Republic, Switzerland, Thailand, Viet Nam, United Kingdom, Cuba, Sudan and New Zealand.

Also speaking were Jubilee Campaign, Human Rights Watch and United Nations Watch.

At the beginning of the meeting, the Council concluded its interactive dialogue with the Commission of Inquiry and the Special Rapporteur for internally displaced persons on their reports on Syria. Speakers underlined that war crimes committed by both sides could not go unpunished, and called for access to Syria for the Special Procedures of the Human Rights Council.

Paolo Pinheiro, Chairperson of the Commission of Inquiry, in concluding remarks, said that the Syrian Government should stop indiscriminate attacks in civilian areas and attacks on medical services should end. Recent developments could hopefully be a springboard for a wider dialogue on a path to a political settlement. Unfettered access for the entire Commission was requested, and it was important to continue to document the situation and safeguard evidence. Funds going to refugees and internally displaced persons should be directed towards the special needs of women and children.

Chaloka Beyani, Special Rapporteur on the human rights of internally displaced persons, reiterated that he was willing to visit Syria at any time and regretted that he had not been able to do so thus far. He stated that he would provide periodic reports to the General Assembly and the Human Rights Council on his engagement with the Syrian authorities concerning this issue.

Speaking in the interactive dialogue were Centre for Inquiry, CIVICUS, Cairo Institute for Human Rights Studies, International Commission of Jurists, Sudwind, Amnesty International, Syriac Universal Alliance and Badil Resource Centre for Palestinian Residency and Refugee Rights.

During its midday meeting, the Human Rights Council will hold a general debate on human rights situations requiring the attention of the Council. At 3 p.m., it will hold a panel discussion on human rights as a cross-cutting theme in the World Conference on Indigenous Peoples.

### **Interactive Dialogue with the Commission of Inquiry on Syria**

Centre for Inquiry said that both sides had been deeply implicated in acts of utter barbarity in Syria. Surely it must fall to the Organization for Islamic Cooperation States to play a key role in ending this conflict. Yet, the Organization remained deeply divided on how to move forward with Member States supplying arms to both sides.

CIVICUS was shocked by the abhorrent report of the Commission of Inquiry. Civicus quoted Mazen Darwish, Head of the Syrian Centre for Media and Freedom of Expression, speaking from his prison in Damascus, as saying there were no winners in war and everybody was a loser. There was nothing good in war except for its ending. The Council was urged to heed the recommendations of the Commission of Inquiry.

Cairo Institute for Human Rights Studies said tens of thousands of political prisoners were still routinely subjected to ill treatment and torture in Government facilities in Syria. Use of sexual violence as a weapon of war was one of the reasons for people fleeing the country. Achieving peace at the expense of justice would lead to further instability and violations in the region.

International Commission of Jurists called on the Human Rights Council to continue to give attention to the situation in Syria, including by requesting the Council to take effective measures aimed at halting the large-scale loss of life. Perpetrators had to be brought to justice and the situation should be referred to the International Criminal Court.

Verein Sudwind Entwicklungspolitik expressed its concern about the internal conflict and crisis in Syria that could possibly expand to a much larger area, including neighbouring countries and Iran. It was time for Iran

to stop providing any kind of support to the Assad regime, whether financial support, as mentioned by the report, or alleged Iranian military presence in Syria.

Amnesty International said that the removal of chemical weapons in Syria would be a positive step, but all perpetrators of atrocities must also be held accountable. Amnesty International called on the Security Council to refer the Syrian crisis to the International Criminal Court and to demand all parties to allow unfettered access to humanitarian actors.

Syriac Universal Alliance said that daily reports of targeted attacks of Christians by Islamists in Syria were being received. Two bishops had been abducted and were still missing. Was the Commission aware of the systematic violence against Christians committed by the opposition groups?

Badil Resource Centre for Palestinian Residency and Refugee Rights said that more than 75 per cent of Palestinian refugees in Syria had been displaced in the aftermath of the conflict. Thousands of Palestinian refugees were not recognized as refugees and did not receive the appropriate assistance and protection. Syria's neighbouring countries should open their borders to Palestinian refugees without discrimination.

### **Concluding Remarks**

PAULO PINHEIRO, Chairperson of the Commission of Inquiry on Syria, said with regard to the most urgent violations and recommendations, the Syrian Government should stop indiscriminate attacks in civilian areas. Torture continued to be widespread and systematic and independent monitoring of detention centres should be allowed. Attacks on medical services should end. On what tangible steps could be taken to curb the influence of extremists, he said that extremists groups and the influx of foreign fighters fed off the conflict itself. It was reiterated that arms transfers should not occur where there was belief that they would be used for the commission of crimes. Recent developments could hopefully be a springboard for a wider dialogue on a path to a political settlement. The upcoming Geneva II Conference should be the forum for this dialogue. Full and unfettered access for the entire Commission was requested. The conduct of armed groups in the eastern oil regions of Syria was being monitored. On accountability and justice, it was important to continue to document the situation and safeguard evidence. Concerning refugees and the humanitarian situation, it was clear that as the conflict continued the number of refugees and internally displaced would increase. It was critical that sieges that denied access to food, water and medical care were lifted immediately. Funds going to refugees and internally displaced persons should be directed towards the special needs of women and children. The Government should take steps to release children from detention and transfer them to a juvenile justice system. Some anti-government armed groups had attacked Christians and Christian places of worship and this would continue to be investigated.

CHALOKA BEYANI, Special Rapporteur on the Human Rights of Internally Displaced Persons, said that an important issue had been raised by the Syrian Arab Republic regarding the circumstances pertaining to why he had not visited the country. The Special Rapporteur said he had held a series of dialogues with the Syrian authorities since the beginning of the conflict. Several consultations were held to discuss a potential visit. By December last year, a letter of invitation was received. The week he was due to depart; the Special Rapporteur was informed by the Syrian authorities that the dates were not convenient anymore. At the proposed time in March 2013, the security conditions had worsened and did not allow for a visit. Mr. Beyani reiterated his willingness to visit Syria and stated that he would provide periodic reports to the General Assembly and Human Rights Council on his engagement with the Syrian authorities concerning this issue.

### **Presentation by the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea**

MICHAEL KIRBY, Chair of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, presenting an oral update, said that the Commissioners had met in Geneva in July and established

the terms of reference, programme work and methodology which emphasized transparency, due process, independence and impartiality. The Democratic People's Republic of Korea had so far not cooperated with the Commission. In reaction to the Commission's appointment, a letter was conveyed by the Democratic People's Republic of Korea to the President of the Council that totally and categorically rejected the Commission of Inquiry, a stance that remained unchanged despite all efforts. The Commission remained available to visit and engage in a dialogue with the Democratic People's Republic of Korea. Meanwhile, it had and would continue to pursue alternative avenues to obtain direct and first-hand information in a transparent, independent and impartial manner. From 19 to 31 August 2013, the Commission had visited Seoul and Tokyo and held public hearing in front of members of the public, the media and other observers. These hearings provided hour after hour of sobering testimony from dozens of victims as well as several expert witnesses. Witnesses appearing before it had provided information of great specificity, detail and relevance, which was deeply moving and had given a face and voice to great human suffering.

Testimony heard thus far pointed to widespread and serious violations in all areas that the Council asked the Commission to investigate. Ordinary people were heard from who faced torture and imprisonment for doing nothing more than watching foreign soap operas or holding a religious belief. Women and men who exercised their human right to leave the country and were forcibly repatriated spoke about their experiences of torture, sexual violence, inhumane treatment and arbitrary detention. Family members of persons abducted from the Republic of Korea and Japan described the agony they endured ever since the enforced disappearance of their beloved ones at the hands of agents of the Democratic People's Republic of Korea, a course of state conduct that was partly admitted by the former ruler of the country. The Commission listened to political prison camp survivors who suffered through childhoods of starvation and unspeakable atrocities, as a product of the guilt by association practice, punishing other generations for a family member's perceived political views or affiliation. The Commission had also heard of deliberate starvation and other serious abuses occurring in other types of detention facilities and the suffering of an entire population recurrently facing malnutrition.

The individual testimonies that had emerged from public hearings did not represent isolated cases. They were representative of large-scale patterns that may constitute systematic and gross human rights violations. The Commission had collected similar testimony through many additional confidential interviews conducted with victims who could not speak publicly out of fear of reprisals against family members who remained in the country. Victim testimonies were also entirely consistent with the large body of written documents and expert testimony gathered by the Commission. The Commission acknowledged that there had been some few instances in recent times that offered rays of hope of change, although such hopes had been dashed in the past. Steps taken however, whilst welcome, hardly diminished the overwhelming power of the extensive evidence already received by the Commission. If any of the testimony could be shown to be untrue, the Commission invited the Democratic People's Republic of Korea to produce evidence to that effect. The Commission again appealed for access to the many places of human rights violations described. Its final conclusions and recommendations had to await the end of the investigation.

### **Statement by the Concerned Country**

Democratic People's Republic of Korea, speaking as the concerned country, totally rejected the oral update offered by the Commission of Inquiry on the human rights situation in the Democratic People's Republic of Korea. It was fabricated by hostile forces aimed at sabotaging the socialist system of the Democratic People's Republic of Korea and defaming it. It had no relevance to the protection and promotion of human rights. People with sound reason could easily establish truth from falsehood. The Democratic People's Republic of Korea maintained that the human rights violations mentioned in the report did not exist in the country. These assertions were motivated by those hostile to the Democratic People's Republic of Korea and used human rights as cover for the European Union, Japan and the United States to make hostile moves against the country. It would resist any attempt at regime change from these forces. Under the wise leadership of Kim Jong Un, the Democratic People's Republic of Korea would continue to promote and protect the human rights of its people.

## **Interactive Dialogue with the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea**

European Union thanked the Commission of Inquiry for outlining the significant shortcomings of the Democratic People's Republic of Korea to its obligations under international humanitarian law. Hearing the voices of witnesses in order to raise awareness of the country was important. The Commission of Inquiry highlighted a broad range of violations, but there had been no sign of dialogue between the Democratic People's Republic of Korea and the international community or the Commission of Inquiry. How could the Council further support the mandate?

Japan said that it hoped the Commission of Inquiry would be allowed to continue its investigation following initial visits to Japan. Although the Commission of Inquiry commenced its activities as of July, Japan requested more details of its findings as of now in more detail. In addition, how did the Commission of Inquiry view the refusal of the Democratic People's Republic of Korea to cooperate? Japan was particularly grateful for the understanding and empathy shown by Mr. Kirby toward the issue of abductions.

Australia said that the Commission's establishment sent a signal of hope to victims everywhere that allegations of gross violations of human rights would be investigated. No government should consider that it was free to act, with impunity, against its own people. Australia urged the authorities in the Democratic People's Republic of Korea to allow the Commission to visit their country if they wished to counter the testimonies that the Commission had received regarding conditions of prisoners, abductees, torture, starvation and intergenerational punishment.

Republic of Korea said that the Government had welcomed the visit of the Commission and provided assistance, while fully respecting its independence and impartiality. One of the key activities during the Commission's visit was the public hearings; around 40 witnesses gave their testimonies. This would certainly further enhance international awareness of the hardship experienced by the people of the Democratic People's Republic of Korea. The Republic of Korea urged the Democratic People's Republic of Korea to acknowledge that its human rights situation was a great concern for the international community and to cooperate with the Commission and other human rights mechanisms.

Germany said it remained extremely concerned about the prevailing grave and systematic human rights violations of all kinds throughout the Democratic People's Republic of Korea. Germany encouraged the Democratic People's Republic of Korea to use its next Universal Periodic Review in 2014 as an opportunity to engage in a dialogue with the international community. Even though Germany and the Democratic People's Republic of Korea had agreed on establishing a bilateral human rights dialogue when opening diplomatic relations back in 2001, to date, all efforts to start it had constantly been rejected by the Democratic People's Republic of Korea.

Venezuela said that the report of the Commission confirmed the risk of politically motivated country mandates. The biased and interventionist nature of the mandate made clear the anachronistic means of selective procedures and double standards used against the sovereignty and self-determination of people. The Human Rights Council had to constructively involve the country concerned in order to improve the human rights situation on the ground.

Ireland said the creation of the Commission was significant, if long overdue. Ireland paid tribute to the witnesses who had shared their first hand experiences, as well as the testimony of families of nationals of other countries who were abducted and held against their will in the Democratic People's Republic of Korea. Concern was expressed about the expulsion of refugees from the Democratic People's Republic of Korea and Ireland called on all States to observe the principle of non-refoulement.

United States reiterated its strong support for the Commission's mandate and for the work it had

accomplished to date. It was regrettable that some Member States, including the Democratic People's Republic of Korea, had not been willing to provide access to the Commission so that it could more effectively and completely conduct its inquiry, and that it had not accepted the invitation of the Commission to participate in the inquiry. All States were urged to cooperate with the Commission.

Lao People's Democratic Republic urged the international community to engage with the Democratic People's Republic of Korea and shared the common position of the Non-Aligned Movement that a country-specific human rights resolution would not help address this human rights issue. The Human Rights Council and the Universal Periodic Review mechanism were the only appropriate forums in which to discuss the human rights situation in any country, including the Democratic People's Republic of Korea.

France said it was concerned about the systematic violation of human rights in the Democratic People's Republic of Korea. The list of grave violations in the report, including arbitrary detention, summary executions, torture, imprisonment of political prisoners and abductions, went on and on. France called on the Democratic People's Republic of Korea to allow access to the Commission of Inquiry to gather such information as was needed to assess the situation.

Belarus said it consistently opposed country-specific mandates which were formed by States or groups of States for political purposes. There was an overload of such mandates which were doomed if only because they were destined to recycle second-hand information. The practice of politicized finger-pointing was growing within the Human Rights Council. Therefore, Belarus opposed the mandate with regard to the Democratic People's Republic of Korea, and called, instead, for a constructive dialogue with the country in the spirit of mutual respect.

Poland said that the Democratic People's Republic of Korea did not want to cooperate with the Commission and recalled that its mandate had been adopted by consensus. Despite the non-cooperation of the Democratic People's Republic of Korea, the Commission had been able to work. The testimonies it had received during its visit in the Republic of Korea confirmed that many human rights violations were being committed, including abductions and enforced disappearances.

Iran took note of the oral report of the Commission. The Human Rights Council should be guided by the principle of genuine dialogue and cooperation. The Council, in its consideration of the human rights situation in the Democratic People's Republic of Korea, should engage the country concerned in a constructive manner and contribute to the improvement of the human rights situation on the ground, as well as peace and stability in the region.

Slovakia said that the Commission had to be allowed unhindered access to the country. The human rights situation in the Democratic People's Republic of Korea was appalling. Systematic and widespread grave violations of rights, including torture, enforced disappearances, arbitrary detentions and violation of the right to food were a matter of serious concern for Slovakia. Could the Commission identify the most pressing human rights issues that must be addressed as a matter of priority?

Canada thanked the Commission for its innovative methodology in reaching out to victims and other witnesses. The emerging portrait confirmed concerns about the systematic, widespread and serious violations of human rights in the Democratic People's Republic of Korea. Canada continued to appeal to the authorities of the Democratic People's Republic of Korea to meet the basic needs of its people rather than continuing to fund military and nuclear programmes. Were there further steps that could be taken by the international community to further assist the Commission?

Syria said the appointment of a Special Rapporteur and a Commission of Inquiry on the Democratic People's Republic of Korea was a demonstration of the politicization of the Council. They could not completely rely on any conclusions of the Commission, especially as it had not directly examined the situation. Syria reaffirmed that pressure would not bring any results. Cooperation and political dialogue on the basis of

international legitimacy with the Democratic People's Republic of Korea were the sole means.

Myanmar said country-specific mandates in the Human Rights Council could be counterproductive because they did not create a conducive environment for a genuine dialogue and effective cooperation between the mandate holders and the concerned countries. The promotion and protection of human rights could be achieved only through dialogue. The Universal Periodic Review was the most appropriate mechanism to address domestic human rights challenges of all countries through international cooperation.

China said it was aware of the human rights questions raised in relation to the Democratic People's Republic of Korea but rejected the existence of the county-specific mandate since it failed to result in constructive dialogue. Positive developments were being witnessed on the Korean Peninsula and a process of direct engagement through mechanisms such as the Universal Periodic Review were felt to be a more effective way forward.

Czech Republic welcomed the Commission of Inquiry's report into systematic, widespread and grave human rights violations in the Democratic People's Republic of Korea such as violations relating to prison camps, torture, denial of freedom of expression, arbitrary detention, abductions and disappearances. The Democratic People's Republic of Korea had to release all political prisoners unconditionally and allow access to the Commission of Inquiry.

Switzerland thanked the Commission of Inquiry for endeavouring in its mandate despite the restrictions placed on its work. Switzerland remained concerned about the grave violations that were simply unacceptable: how could people be imprisoned for watching foreign television? How could children be drowned because of the politics of their parents? If true, then such violations had to be exposed and the perpetrators brought to justice.

Thailand regretted that the Government of the Democratic People's Republic of Korea did not respond to the Commission's requests to fulfil its mandate and encouraged the Commission to continue its effort to engage with the country concerned and for the latter to extend its full cooperation. Thailand remained concerned about the human rights and humanitarian situation in the Democratic People's Republic of Korea.

Viet Nam urged the Council, the international community and all concerned parties to act towards the establishment of a constructive dialogue as guided by the United Nations Charter. Viet Nam reiterated that the Universal Periodic Review mechanism of the Human Rights Council was the appropriate forum to assess the human rights situation in a transparent, universal and objective manner.

United Kingdom remained seriously alarmed by the human rights situation in the Democratic People's Republic of Korea and called on the authorities to respect the rights of all citizens and to comply with its international obligations. The United Kingdom urged the authorities of the Democratic People's Republic of Korea to grant full access to the Commission. Regional neighbours should extend more meaningful cooperation to the Commission.

Cuba said that as a matter of principle it objected to selective resolutions and mandates, which were often based on political motivations and not related to a genuine concern with human rights situations. Cuba had opposed the creation of this Commission since it did not contribute to dialogue with the Government or peace in the region. Cuba also reiterated that cooperation mechanisms, such as the Universal Periodic Review, were ideal for addressing human rights situations in all countries, and could not accept impunity for the powerful and the imposition of double standards and politicization.

Sudan was convinced that mechanisms such as the Universal Periodic Review were right to address human rights concerns in an impartial and apolitical manner. The establishment of a Commission of Inquiry should be based on up to date developments, which had not been the case. Sudan called for dialogue and cooperation with the Democratic People's Republic of Korea to strengthen human rights, since the country

had opened to cooperation with human rights mechanisms as demonstrated during its Universal Periodic Review.

New Zealand welcomed the Commission, commended the Commissioners efforts to fulfil their mandate, and was concerned over the grave, systematic and widespread violations of human rights in the Democratic People's Republic of Korea. New Zealand noted the Commission's recent public hearings in Seoul which featured distressing testimonies and noted that the Government's response had been to characterise these testimonies as 'slander'. New Zealand urged the Government to cooperate with the Commission and to take immediate action to guarantee the rights of all its citizens.

Jubilee Campaign said it was hard to find the words to describe the human rights situation in the Democratic People's Republic of Korea. Evidence gathered over many years may amount to crimes against humanity. The nature of governance in the country suggested a direct personal responsibility on the part of the leadership of the Democratic People's Republic of Korea for these crimes.

Human Rights Watch said the testimony gathered by the Commission of Inquiry should jolt the international community into action. For too long the suffering of victims at the hands of the Democratic People's Republic of Korea had been drowned out by the security concerns of the international community.

United Nations Watch applauded Shin Dong-hyuk, an escapee from a prison camp in the Democratic People's Republic of Korea, who had given testimony on the state of human rights in the country. The Commission of Inquiry was urged to work and help refugees like him.

### **Concluding Remarks by the Special Rapporteur on Human Rights in the Democratic People's Republic of Korea**

MICHAEL KIRBY, Chairperson of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, thanked all delegations that spoke during the interactive dialogue. All comments would be shared with the Commission's members. It was a source of sadness that the first exchange with the Democratic People's Republic of Korea happened in the Council's room. Mr. Kirby mentioned his willingness to engage with the Democratic People's Republic of Korea's delegation if any kind of informal dialogue could be held. The testimonies were now accessible online and spoke for themselves. Without dialogue and interaction with the authorities of the Democratic People's Republic of Korea, their point of view would not be heard. Regime change was not part of the mandate of the Commission. The findings must not be made until the conclusion of the testimony. Therefore the final conclusions would be expressed in the report that would be submitted next year to the Council. Mr. Kirby's earlier work taught him that often in human rights dialogues, help could be provided through technical assistance. It could be a way forward in the case of the Democratic People's Republic of Korea. The Commission was currently investigating on the food production in the country. Speakers had noted that the Special Rapporteurs had failed to establish a dialogue in the past. One could not have a dialogue with oneself. There was a necessity of mutuality in dialogue, which required response. So far the response had not been available. The evidence was not taken from the Democratic People's Republic of Korea but it was primary evidence, as it came from direct witnesses. The participation of countries in the Universal Periodic Review was important, however the Democratic People's Republic of Korea was still the only United Nations Member State that had refused to accept a single recommendation put forward in the course of the Universal Periodic Review. Mr. Kirby highlighted the importance of humanitarian aid. The main challenge was non-cooperation. A dialogue was needed with the Democratic People's Republic of Korea authorities. Up-to-date information was available on the Commission's website, including the testimonies. The process in which the Commission was engaged was designed to improve the daily life of citizens.

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