

What crimes against humanity may be occurring in the DPRK?

In 2013, the UN Human Rights Council established a Commission of Inquiry (COI) on the situation of human rights in the Democratic People's Republic of Korea (DPRK) to investigate the systematic, widespread and grave violations of human rights in the DPRK, in particular where these violations may amount to crimes against humanity. The COI investigated the situation and produced a comprehensive report in 2014 examining grave and systematic human rights violations throughout the history of the DPRK. The COI concluded that there were reasonable grounds to believe that crimes against humanity had been committed and continued to be committed in the DPRK. It highlighted that "the gravity, scale and nature of those violations revealed a State that did not have any parallel in the contemporary world."¹ The COI recommended that those most responsible for crimes against humanity committed in the DPRK be held accountable, including through a referral of the situation to the International Criminal Court (ICC) by the UN Security Council or by the establishment of an ad hoc tribunal.

The crimes against humanity listed by the COI included extermination, murder, enslavement, torture, imprisonment, rape, forced abortion and other forms of sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, enforced disappearance and the inhumane act of knowingly causing prolonged starvation. To define crimes against humanity, the COI used the definitions of crimes in the Rome Statute of the ICC. Even though the DPRK is not a party to the Rome Statute, the statute provides the most current and most widely agreed definitions of crimes.

Under the Rome Statute, for an act to constitute a crime against humanity, it must be committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack. The COI found that crimes against humanity have been committed in the DPRK, pursuant to policies established at the highest level, and were ongoing.² Specifically, persons detained in political prison camps (kwanliso) and other prison camps, those who try to flee the country, adherents to the Christian religion and others considered to introduce subversive influences are subjected to crimes against humanity.³ In addition, crimes against humanity have been committed against starving populations due to decisions and policies violating the universal human right to food.⁴

The High Commissioner for Human Rights presented a report on promoting accountability in the DPRK to the Human Rights Council in March 2021. The report noted that "OHCHR continues to collect and analyse information relating to all possible crimes against humanity identified by the commission of inquiry, including in political prison camps (kwanliso) run by the Ministry of State Security and in the ordinary prison system run by the Ministry of State Security and the Ministry of People's Security. The ordinary prison system includes short-term labour camps (rodongdanryondae), pretrial detention centres (kuryujang), holding centres (jipkyulso) and ordinary prisons (kyohwaso)."⁵ The interviews that OHCHR conducts with people who

¹ Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, 7 February 2014, A/HRC/25/CRP.1, para. 1211

² Ibid., para. 1160

³ Ibid., para. 1161

⁴ Ibid., para. 1162

⁵ Promoting accountability in the Democratic People's Republic of Korea, Report of the United Nations High Commissioner for Human Rights, 11 January 2021, A/HRC/46/52, para. 42

have escaped from the DPRK continue to provide reasonable grounds to believe that the crimes against humanity of torture, imprisonment, and enslavement are ongoing within the ordinary prison system.