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HRW.org

February 20, 2017

Dear Colleague,

We are writing to urge you to support strong measures to advance accountability for gross and systematic human rights violations in the resolution on the Democratic People's Republic of Korea (DPRK) at the upcoming 34th session of the Human Rights Council (HRC).

Background

Last year, the HRC in resolution 31/18 created a group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea. Among its priorities, the group of experts was tasked with recommending "practical mechanisms of accountability to secure truth and justice for the victims of possible crimes against humanity" in North Korea.

In its report, the group of independent experts underscored that:

"The crimes described in the COI report are of a gravity rarely seen, involving systems of abuse that have been operating for decades. These crimes are of international concern and cannot go unpunished."
(A/HRC/34/66/Add.1, para. 76)

The experts further noted at para. 77 of their report that addressing these crimes "requires the international community to enhance efforts laying the ground for future criminal trials."

Key Recommendations

While the group of experts supported UN Security Council referral of the situation in the DPRK to the International Criminal Court, it also made concrete recommendations to the Human Rights Council, notably to

strengthen the OHCHR field office in Seoul with additional resources to increase its contribution towards accountability for human rights violations in North Korea (para. 95).

The group of experts noted that this would strengthen the Office's capacity to "receive, preserve and consolidate information and evidence pertaining to the human rights situation in the DPRK, through a central and independent repository, for use in any future accountability mechanism."

The group of experts also recommended that the strengthened Seoul Office support "an assessment by international criminal justice experts" of available information and evidence including on the crime-base, command structures, and linkages, to identify gaps and develop possible investigation and prosecution strategies as well as blueprints of suitable international or internationally-assisted court models.

Strengthening the Seoul Office

The Seoul office of the OHCHR regularly interviews newly arrived North Koreans and continues to compile important evidence about human rights abuses taking place. Yet the breadth of the office's [mandate](#)—which includes monitoring and documentation of the situation of human rights abuses in the country, engagement and capacity building, and outreach—and basic staffing and budget constraints mean there is limited capacity to analyze this information with a view to determining criminal accountability. The focus of the current mandate is on monitoring and documentation, rather than assessing evidence, or building case profiles.

Against this backdrop, we urge the Human Rights Council to strengthen the Seoul Office's ability to fulfill an accountability mandate through the inclusion on-site of at least two prosecution experts to analyze the information that exists about the crimes and those responsible, including information about the command structure as well as victim and witness testimony.

Further, we urge your government to support the appointment of one senior "international criminal justice expert" to oversee the process, assess the available information, and develop investigation and prosecution strategies.

Efforts to identify those responsible for violations would send an important message to those responsible for abuses within North Korea that there may be consequences for their actions, which could have an impact on modifying the behavior of potential perpetrators.

The Need for an Ongoing Focus on Accountability

We note that the presentation of the report to the UN Human Rights Council completes the mandate of the group of experts. The group of experts was tasked to identify options for accountability in the DPRK. A new mechanism is now required to implement those options. In our view, enhancing the capacity of the Seoul office along the lines discussed above offers a practical way to do so.

Further, the senior “international criminal justice expert” can assist in refining the overall accountability strategy to address crimes against humanity in North Korea. To this end, the senior expert could be tasked with reporting regularly on progress towards implementation of the group of experts’ recommendations, and additional steps required.

We look forward to your government’s continued support for accountability for North Korea’s countless victims.

Sincerely,

A handwritten signature in black ink that reads "John W. Fisher". The signature is written in a cursive style with a large initial "J" and "F".

John Fisher
Geneva Advocacy Director
Human Rights Watch