

LmunA 2022

# Research report

Forum: The Fourth General Assembly  
Issue: Examining the Crimes Against Humanity in North Korea  
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## Introduction

The Democratic People's Republic of Korea (DPRK), commonly referred to as North Korea, is an East-Asian nation of 25 million people located on the north half of the Korean Peninsula. The state was founded in 1948 after the post-World War II division of the Korean Peninsula by the Soviet Union (USSR) and the United States (U.S.). The country is one of the few countries that has instituted a Communist organisation of their economy and is highly secretive. North Korea is also one of the nine nuclear states with a secretive nuclear weapons programme that has become a great concern of Western nations since the late 20th century when it was discovered that the nation was in possession of nuclear arms.

North Korea has been accused by many nations and UN committees of committing crimes against humanity and various human rights violations. Its crimes range from violations of civil liberties to public executions of political prisoners and religious persecution of Christians and Buddhists. Various states have placed sanctions on North Korea, though largely as a punishment for its nuclear weapons programme, some nations such as the United States have imposed targeted economic sanctions and travel restrictions on North Korea for its human rights violations and crimes against humanity.

## Definitions of key terms

### Crimes Against Humanity

Crimes against humanity have been defined by the Rome Statute of the International Criminal Court (Article 7) as, “any of the following acts when committed as a part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder, extermination, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation... persecution against any identifiable group or collectively on political, racial, national, ethnic, cultural, religious, [and] gender... enforced disappearance of persons, the crime of apartheid, other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health.”

The statute outlines the three elements of the crime; the physical element (such as murder, imprisonment, or the crime of apartheid), a contextual element (“when committed as a part of a widespread or systemic attack directed against any civilian population,”), and a mental element (“with knowledge of the attack,”).

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### Human Rights Violation

A human rights violation is constituted as a direct or indirect breach of the United Nations Universal Declaration on Human Rights.

Examples of human rights violations include; torture, inhumane treatment, the jailing of political opponents for holding peaceful protests against their government, persecution of religious or ethnic minorities, or arbitrary killings or unjust executions.

### Defector

A person who leaves their country/political party, often to join an opposing party/group.

## General overview

### Civil Liberties

Founding Premier Kim Il-Sung believed that civil rights did not apply to those who opposed his regime. The modern state uses a consortium of informants to monitor whether citizens commit infractions with respect to civil rights.

North Korea is not a part of the International Labour Organisation (ILO), which binds nations to standards that aim to ensure accessible, productive, and sustainable work across the planet. Only one authorised labour organisation exists in the DPRK, the General Federation of Trade Unions of Korea, which is tightly controlled by the Korean Workers Party (the sole party in the DPRK). Human Rights Watch found that children as young as 11 are forced to work in North Korea, many on farms and construction sites under the government. Labour for these children is often intensive, especially for those kept at the country's detention camps.

Immigration is nearly nonexistent in North Korea, which is the world's most ethnically homogenous country. Freedom of movement is heavily restricted in the state even within the borders of the nation. Owning vehicles is a luxury prohibited by the government to any and all citizens who are not a part of the country's political elite and frequent shortages of fuels such as gasoline (due to sanctions from the United Nations and other nations) have caused the government to limit public access to such fuels.

Amnesty International, in a January 2004 report, found that North Korea has consistently failed to uphold the right to food and "remains dependent on food aid to feed its people, yet government policy still prevents the swift and equitable distribution of this aid, while the population is denied the right to freedom of movement, which would enable people to go and search for food." Famine is rampant in North Korea which has resulted in the deaths of hundreds of thousands. Poor management of the country's planned economy and natural disasters have been the primary cause of the major food shortage and famine in North Korea.

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### Religious Persecution

Freedom of religion is a liberty that is not found in North Korea. The atheist state whose constitution supposedly protects the freedom to practice religion views organised religious activities as a pretext for challenges to the nation's leadership and social order. The only forms of organised religion that are present in the state are organisations with strong links to the government under its supervision. Oftentimes, religion is practised in secret and met with harsh treatment by the state. Persecution against Christians is particularly harsh in North Korea, which is ranked as the worst country in the world for persecution against Christians by the organisation Aid to the Church in Need, which is an international Catholic aid group. Propagating religion, possessing religious items, praying, singing hymns, and having contact with religious persons are all considered punishable religious activities by the North Korean state, which is a strong violation of the UN Declaration of Human Rights.

The primary victims of religious persecution in North Korea are Christians and Buddhists. A study found that 80% of victims of religious persecution in North Korea have experienced imprisonment, execution, the closing of churches, and the banning of the Christian Bible. Open Doors in the United Kingdom and Ireland (a Christian organisation that works to reduce Christian persecution) estimated that by 2011, 50,000-70,000 Christians in North Korea were in North Korean prison camps. Public and private executions are still held and occur frequently for those who are in possession of Bibles. Under the rule of Kim Il-Sung, all domestic Catholic priests in North Korea were executed.

### Crimes Against Humanity

Much of what has previously been discussed in this research report can be constituted as crimes against humanity. The widespread deprivation of food and freedom to travel has crippled the working class in the nation and has been made worse by the poor working conditions. Religious persecution, especially in cases where murders on the basis of religion occurred, has also been one of the key crimes that the North Korean state has committed consistently against its citizens. It is imperative that religious freedom is restored in North Korea in order to put an end to these crimes. Furthermore, criminal justice in the DPRK is administered through a corrupt and brutal system that often sentences citizens to the death penalty for various political and common crimes. Despite not being a crime against humanity, it is important to know that the death penalty is a deplorable violation of human rights under the UN Human Rights Declaration (see Appendices) which is often administered in the DPRK without due process.

Various internment camps holding up to 50,000 political prisoners can be found in the DPRK which have incredibly poor treatment of prisoners. Prisoners are often subjected to slave labour in agricultural or mining tasks. The prisoners are given very small portions of food, often being starved, leading many former prisoners to die while in the internment camps. Guards often beat and torture prisoners for working too slowly or disobeying orders. Public executions additionally occur for prisoners caught attempting to escape or stealing food. It is estimated that up to 120,000 are held in these prisons today.

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**Major parties involved***The Democratic People's Republic of Korea (North Korea)*

The DPRK, under the current premier Kim Jong-Un, is the sole party responsible for the aforementioned crimes against humanity under examination by the Fourth General Assembly of the United Nations. The nation has taken no responsibility for any such crimes and has disavowed any allegations of crimes and many of the countries making such claims.

*The Republic of Korea (South Korea)*

The South Korean government enacted a crucial piece of legislation in 2016 that largely has underpinned their policy on North Korean human rights over the past six years known as the North Korean Human Rights Act. The policy of South Korea on this issue is to reduce human rights violations in the DPRK, record/collect data on human rights to support its decision-making process on the issue, and establish/promote plans within the international community that include expert opinions from both the public and private sectors. South Korea has supported the United States' human rights-related sanctions on the DPRK, though it has not placed any for this reason on the DPRK.

*The United States of America*

The United States of America, having passed an earlier 2004 act, The North Korean Human Rights Act, follows a similar policy to South Korea on North Korean human rights. The United States views North Korea as “a dictatorship under the absolute rule of Kim Jong-Un that continues to commit numerous, serious human rights violations.” The United States has placed numerous sanctions on the DPRK for its nuclear weapons programme but has also sanctioned the country's economy for human rights violations.

*The European Union*

The European Union has been a large provider of humanitarian assistance to the DPRK since the beginning of widespread famine in 1995. The EU has also been in direct dialogue with North Korea and regularly raises human rights concerns with the DPRK's government.

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### *China*

China is a nation that has condemned North Korea's nuclear weapons programme while maintaining its status as the DPRK's biggest trade partner and sharing a 1400-kilometre border with it. China's efforts to send North Korean refugees back to their home country have caused mass outrage among human rights groups who claim that returning North Korean refugees to an isolated nation could lead to torture or sexual abuse.

### **Timeline of Key Events**

**1948** Communist Kim Il Sung is installed as the first premier of the DPRK by the Soviet Union

**JUN 25, 1950** The Korean War begins with roughly 75,000 North Korean People's Army soldiers crossing the 38th parallel into South Korea

**SEP 8, 2011** The International Coalition to Stop Crimes Against Humanity in North Korea is formed between various Non-Governmental Organisations (NGOs) and human rights groups including Amnesty International and Human Rights Watch

**APR, 2012** Kim Jong-Un, son of Kim Jong-Un Il, takes power as the supreme leader of the Democratic People's Republic of Korea

**MAY 6, 2013** The United Nations launches the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea

### **Previous attempts to solve the issue**

#### **The United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea**

The United Nations launched this commission on May 6th, 2013 and appointed Micheal Kirby (of Australia), Sonja Biserko (of Serbia), and Marzuki Darusman (of Indonesia) as the members of the commission. The goal of the commission was to investigate the "systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea... including the violation of the right to food, the violations associated with prison camps, torture and inhumane treatment, arbitrary detention, discrimination, violations of freedom of expression, violations of the right to life, violations of freedom of movement, and enforced disappearances, including in the form of abductions of nationals of other States, with a view to ensuring full accountability, in particular where these violations may amount to crimes against humanity."

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The commission held testimonies from defectors and Japanese citizens who had previously been abducted by the North Korean government. The panel published a lengthy report in 2014 accusing the North Korean government of involvement in widespread, systematic, and gross human rights violations while comparing the actions of the North Korean government to the Nazis in the Holocaust.

The commission found that the human rights violations constituted crimes against humanity. Furthermore, the commission stated that the crimes were an essential part of the North Korean political system and ideals rather than an excess of the state.

### UN Resolutions

- Situation of Human Rights in the Democratic People's Republic of Korea, November 14 2014, A/RES/69/188
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- Situation of Human Rights in the Democratic People's Republic of Korea, October 31, 2016, A/C.371/L.23
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### **Possible solutions**

Delegates should consider a multifaceted approach to addressing crimes against humanity in North Korea that may include; accountability, humanitarian assistance, sanctions, negotiations, etc. Firstly, accountability for the perpetrators of the crimes committed is essential. Such institutions that would successfully be able to assist in accountability efforts may include the International Criminal Court (ICC) which would be able to target individuals responsible for said crimes, or the International Court of Justice (ICJ), which could be beneficial in order to determine the legality of certain actions of the North Korean state (which may include issues regarding religious persecution and/or civil liberties). Humanitarian assistance may be provided through monetary pledges and/or grants of asylum to refugees and defectors from North Korea.

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Further support programmes that may assist North Koreans in their efforts to safely exit the country may be considered.

Sanctions are a possibility that delegates should consider but not necessarily implement. It is important to keep in mind that a delegate's country policy must be followed and sanctions on North Korea have been introduced heavily, though mainly for the DPRK's highly secretive nuclear weapons programme. Delegates should consider diplomatic negotiations between their nations with the DPRK in order to find common ground on this issue and discover ways to reduce the crimes against humanity being committed. We also suggest the closure of North Korea's prison camps (Kwalliso) as a strong confidence-building measure in reducing ongoing crimes. Lastly, it is important for delegates to bear in mind the consistent economic mismanagement of the nation by its government and what measures may be taken to bolster the North Korean economy and support its citizens (such as lifting sanctions in return for agreements from the DPRK's government to halt its crimes against humanity).

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