



THE SECRETARY-GENERAL

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HCHR

19 November 2008

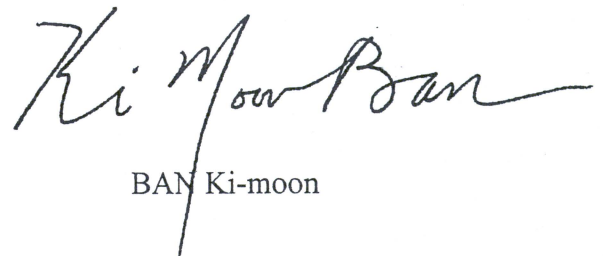
Dear Mr. Solarz,

I wish to thank you for your letter bringing to my attention the views and concerns of the Committee for Human Rights in North Korea. As you may know, I recently submitted a report to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, which outlines the status of the Government's engagement and cooperation with international human rights mechanisms and with United Nations entities. In that report, I called on the international community to continue to support humanitarian efforts and facilitate a conducive environment to generate greater engagement with the Democratic People's Republic of Korea. I also renewed my call on the Government to engage with the High Commissioner for Human Rights in a substantive dialogue and to positively consider the High Commissioner's offer of technical assistance.

The situation in the Democratic People's Republic of Korea merits serious attention and I continue to hold the view that through gradual cooperation and incremental confidence-building measures, the United Nations will be able to take on a greater role in helping to promote and protect human rights in the country.

A similar letter was sent to Mr. Richard V. Allen.

Yours sincerely,



BAN Ki-moon

Mr. Stephen J. Solarz
Co-Chair
Committee for Human Rights in North Korea
Washington, D.C.

28-09713 / 28-13454



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Yours sincerely,

A handwritten signature in black ink that reads "Ki-moon Ban". The signature is fluid and cursive, with a long horizontal stroke at the end.

BAN Ki-moon

Mr. Richard V. Allen
Co-Chair
Committee for Human Rights in North Korea
Washington, D.C.

Note to the Chef de Cabinet

**Letter of the Committee for Human Rights in North Korea concerning the situation
in the Democratic People's Republic of Korea**

Please find attached a draft response to the Committee for Human Rights in North Korea concerning the human rights situation in North Korea, for consideration and signature by the Secretary-General.

The draft response has been prepared by the Office of the High Commissioner for Human Rights (OHCHR) and received at the end of last week. The original letter, enclosed for your reference, was forwarded to OHCHR at the time of receipt.



Robert Orr
18 November 2008

COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

1025 F Street, NW • Suite 800 • Washington, DC 20004 • (202) 378-9579 www.hrnk.org

August 11, 2008

The Honorable Ban Ki Moon
Secretary-General
The United Nations
New York, NY 10017

Dear Mr. Secretary-General:

The Committee on Human Rights in North Korea was encouraged to read your remarks on July 4th in Seoul.

You are reported to have called upon the Democratic People's Republic of Korea to "take the necessary steps to improve their human rights situation..." and said, "There are still many areas where human rights are not properly protected and even abused. This is an unacceptable situation."

We agree, and trust your singling out this situation, which long has merited greater attention by the Secretary-General and the United Nations, will mark the beginning of a sustained effort to hold the government of North Korea accountable for its serious human rights transgressions.

Our Committee is a non-governmental organization headquartered in Washington, DC whose primary purpose is to document the human rights situation in North Korea and focus world attention on it.

We have published five major reports (Appendix A, below) demonstrating serious human rights abuses on a massive scale are being perpetrated in North Korea. Indeed, some of the abuses documented can be said to constitute crimes against humanity under international law, especially our report on the penal labor camp system in North Korea--in which some 200,000 people, including up to three generations of innocent family members of accused prisoners, have been confined in brutal conditions on political grounds. The capture and abduction of foreign citizens and their transport to North Korea, where their freedoms are denied, would also constitute an international crime.

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28-09713

Gary Ackerman, Mark Kirk, Helie Lee, Joseph Pitts, Samantha Power, John Shattuck

Two other reports shed light on the precarious plight of thousands of North Koreans who have fled the country for political and economic reasons and who are harshly punished if returned to North Korea; and on the inequitable way in which food is distributed and hunger addressed (one to two million reportedly perished in the last famine from starvation and related diseases). The UN Special Rapporteur on Human Rights in North Korea has often cited the Committee's reports and they have been widely quoted internationally. Put together with great care, they are based on satellite photographs, extensive interviews with survivors, field visits to the area, and intense academic study. Two reports deal with the United Nations system itself and its response to systematic human rights violations in North Korea. These also provide detailed guidance on how to bring human rights issues before United Nations fora. A Board Chair personally presented you with copies of our very first report, in Seoul several years ago.

Many of the Committee's Board members (Appendix B, below) are internationally recognized experts on North Korea and East Asia and have considerable expertise in human rights, humanitarian and democracy issues. Several are acquainted with you, Mr. Secretary-General. They understand that extraordinary diplomatic efforts will be needed to influence the Kim Jong Il government to improve human rights and humanitarian conditions. They are aware that a variety of United Nations bodies have spoken out on North Korea.

The Human Rights Council and its predecessor, the Commission on Human Rights, and the General Assembly have adopted strong resolutions on human rights conditions in North Korea. In addition, UN treaty bodies, like the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of the Child, have expressed concerns about different aspects of the situation.

But to have impact, these resolutions and concluding observations must be brought together within the framework of a coherent strategic plan. Now, they are all disparate acts, with little or no follow up to ensure their implementation. In fact, the government of North Korea continues to deny entry to the UN Special Rapporteur on Human Rights in North Korea and to other UN human rights mechanisms, to the International Committee of the Red Cross to visit prison camps and foreign citizens who have been abducted to North Korea, and to most international human rights NGOs. Nor has it established a dialogue with representatives of the Office of the High Commissioner for Human Rights, despite the entreaties of UN resolutions, or taken steps to implement the recommendations made by the different UN bodies.

We therefore believe it is time for the Office of the Secretary-General to extend your welcome initial declaration, your good offices, and the weight of your office to promoting the implementation of UN resolutions on North Korea. Such efforts should include sustained and strenuous private diplomacy, public statements when appropriate, such as the one delivered in Seoul, and collaborative efforts with governments that have influence with North Korea. When led by the Secretary-General, a strategic plan with a series of clear objectives might succeed in influencing North Korea's behavior and also gain credibility for the UN's efforts on North Korea.

Needless to say, we are aware that any such strategic plan must take into account the six-party talks and the importance of reaching agreement on nuclear proliferation. But human rights goals

must also be strongly pursued in accordance with international human rights standards and the resolutions and recommendations put forward by UN bodies.

To assist in such an effort, our Committee has put together a list of concerns that we call upon your office to raise directly with senior North Korean officials and with governments that have influence with North Korea:

Human rights access. Priority must be given to gaining access to North Korea for UN human rights bodies, which unlike humanitarian organizations, have been barred from entry. The influence of your Office should be used to press for and secure entry for the newly appointed High Commissioner for Human Rights so that she may establish a dialogue with the North Korean authorities on human rights issues and introduce human rights technical assistance and capacity building programs, as repeatedly called for by UN resolutions. Access should also be requested for the UN Special Rapporteur on Human Rights in North Korea, who has tried for nearly four years to gain entry. Individual or joint visits should further be arranged for the UN Working Group on Arbitrary Detention, the Special Rapporteur on Torture, and other relevant UN human rights mechanisms. In addition, access must be supported for international human rights NGOs, in particular the International Committee of the Red Cross which should be permitted to visit the penal labor camps. Finally, we urge your Office to lend support to a visit to North Korea of an international delegation of human rights professionals, which our Committee would be prepared to organize.

Humanitarian access. There has been some improvement in this area although the UN World Food Program, which supplies a substantial portion of the food aid that goes to North Korea, is still barred from delivering its food to some 70 counties (to its credit it has managed to reach 128). Full access to *all* North Koreans on the basis of need and the right to monitor food distribution in accordance with international humanitarian standards must be insisted upon. And there must be verification of the assurances given by the government so that women, children, especially disabled and orphaned children, and the elderly are not sidelined in aid deliveries. Now that famine is again stalking North Korea with millions reported by the WFP to be experiencing hunger, it is important that your Office seek to ensure that there will be no needless deaths or severe malnutrition because of inequitable distributions of UN food. If effective monitoring fails to be carried out, there will be charges later, as has already been the case, that international food aid was diverted to the purposes of the regime. It would be valuable for the UN Special Rapporteur on the Right to Food to gain entry so that he may report on the overall access of North Koreans to international food aid.

The UN could also play an important role in seeking to *resolve* the North Korean hunger problem by helping with structural reform, in particular the development of a functioning economy that generates sufficient foreign exchange earnings to purchase food and agricultural supplies (such as seeds) on a commercial basis. Our Committee's report on this subject, prepared by leading economists, could be a discussion point with UN bodies and officials concerned with preventing massive deaths and stunted growth from malnutrition in North Korea.

Political/Penal Labor Camps. As many as 200,000 persons and their extended families have been abducted by police authorities and detained in the *kwan-li-so*, without any judicial process, in many cases for lifetime sentences of extremely hard labor in mining, timber-cutting, or farming enterprises. They live under brutal conditions in permanent situations of deliberately

contrived semi-starvation for what the regime itself terms political ‘wrong thinking,’ ‘wrong knowledge’ and ‘wrong-doing.’

Surely, UN officials must begin a dialogue with the North Korean government about these camps, the brutal conditions reported in them and the lack of due process that resulted in these prisoners’ harsh and lengthy incarcerations. Indeed, the dismantlement of North Korea’s labor camps should become a high priority goal of the Secretary-General’s Office. It may even require, as our Committee’s report suggested, “an orderly departure program and some form of third-country resettlement of those whose treatment or condition is such as to preclude re-integration into North Korean society.”

But first access must be sought for UN human rights and humanitarian bodies, in particular the High Commissioner for Human Rights, the Special Rapporteur on Human Rights in North Korea and the International Committee of the Red Cross. Access for the WFP and NGOs should also be requested to bring food and medicines to prisoners (who should be deemed a ‘vulnerable group’), and the International Labor Organization should be brought in to review standards of work at the camps where reports of forced and slave labor and below-subsistence food rations have been producing large numbers of deaths in detention.

A second step, and perhaps more readily achievable, should be to seek the liberation of family members from these camps. The practice of *yeon-jwa-je* or ‘guilt by association’ has resulted in the imprisonment of spouses, mothers, fathers, sisters, brothers, children and sometimes grandchildren of the political prisoner. Their incarceration is contrary to the most basic principles of human rights, which the Secretary-General’s Office must strongly and publicly uphold. As long as North Korea remains a member of the United Nations, the Secretary-General’s Office must champion the release of these purely innocent family members. Their freedom, it can be pointed out, can pose no arguable danger to North Korea.

If this cannot be achieved, it should be understood that the Security Council has among its options the approval of a Chapter VII resolution referring the matter of the camps in North Korea to the International Criminal Court for investigation and prosecution, as has been recommended by one leading international jurist. Our Committee has also advocated that the Security Council apply the ‘responsibility to protect’ (R2P) doctrine to the human rights situation in North Korea, since the prison system and other practices can be shown to constitute crimes against humanity.

Freedom of movement. For more than a decade, North Koreans have been fleeing their country because of economic deprivation and political persecution. But when they voluntarily return (to bring money and supplies to their destitute families) or are hunted down and forcibly repatriated, they are subjected to detention, punishment, imprisonment, or execution in North Korea. That is because their government refuses to acknowledge the fundamental right of people to leave their country and return to it. The persecution North Koreans face upon return has led to their being called, when outside their countries, ‘*refugees sur place*’ or ‘people of concern.’

The United Nations High Commissioner for Refugees is severely restricted in its access to North Koreans in China even though it has often requested to meet with North Koreans in the border areas in order to determine their status. Only a very small number of North Koreans, ~~the few~~ who reach Beijing, are able to contact UNHCR. The Office of the Secretary-General should therefore lend its support to UNHCR’s appeals in order to make sure that refugee law is upheld and the

work of this important UN agency is enhanced rather than undermined. A report of our Committee has suggested that “temporary refugee resettlement camps” be established in China’s border areas “together with third-country commitments to accept the refugees for permanent resettlement.” Clearly, it is not acceptable to leave the situation as it is. The UN system should be addressing this issue by means of creative proposals that it works to carry out.

Moreover, North Koreans who attempt to move about *inside* their own country in search of food, medicine and jobs have often been arrested and detained. While internal controls at times have been less severely enforced, as during widespread famine, internal displacement in North Korea, unlike in most other countries of the world, is treated as a criminal offense. UNHCR, which increasingly has become involved with internally displaced populations worldwide, presently can play no effective role here.

Trafficking in women and girls. Our Committee is currently finalizing a report on the trafficking of North Korean women and girls over the border into China. Many thousands are forced or tricked into ‘arranged marriages’ or outright sexual slavery. Those in *de facto* marriages with Chinese men usually have no assured legal residence for themselves or their children and remain vulnerable to arrest and forced repatriation. What faces them when they return to North Korea is difficult to verify since no international agency like UNHCR has been able to accompany them back to North Korea. We have heard shocking reports, in particular that repatriated pregnant North Korean women are subject to forced abortion or their babies are immediately killed after birth. Surely the Office of the Secretary-General can lend support to entry for the UN Special Rapporteurs on Trafficking in Persons and Violence against Women so that they may look into this egregious situation.

The Secretary-General’s Office can also raise concerns in direct discussions with Chinese authorities and encourage policies that ensure that North Korean women married to Chinese men are granted formal permission to reside within China. Last year, officials of a district in northeast China granted some North Korean women formal permission to reside within the district, but the policy has not been adopted uniformly.

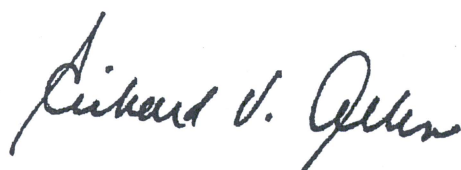
Mr. Secretary-General, by developing a strategic plan, beginning a high-level dialogue and working with governments that can exert positive influence on North Korea, your Office can make a great difference in the lives of countless North Koreans. Your efforts can also contribute to achieving more permanent peace and security on the Korean peninsula by making international human rights standards the foundation for a regional peace and security framework for northeast Asia. Such a framework, if it included human rights, humanitarian and human security issues, would work to reinforce the political and security agreements currently being negotiated.

We certainly are well aware of the pressures of your schedule, but in light of the unacceptable North Korean human rights situation, which you yourself have acknowledged, we would respectfully request a meeting with you personally and with your Office to discuss the proposals we have put forward and identify how best our Committee can lend support to your efforts. We know that you have limited time, and we will therefore be succinct. With the hope that you will consent to a meeting with members of our Board (among whom are several of your friends), our

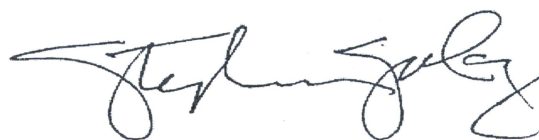
colleague and Executive Director, Mr. Chuck Downs, will be in contact with your Executive Secretariat.

With our continuing high esteem and good wishes,

Sincerely,

Handwritten signature of Richard V. Allen in cursive script.

Richard V. Allen, Co-Chair

Handwritten signature of Stephen J. Solarz in cursive script.

Stephen J. Solarz, Co-Chair

APPENDIX A

REPORTS OF THE COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

The Hidden Gulag: Exposing North Korea's Prison Camps – Prisoner's Testimonies and Satellite Photographs, David Hawk, 2003

Hunger and Human Rights: The Politics of Famine in North Korea, Stephan Haggard & Marcus Noland, 2005

The North Korean Refugee Crisis: Human Rights and International Response, ed. Stephan Haggard & Marcus Noland, 2006

Failure to Protect: a Call for the UN Security Council to Act in North Korea (jointly published with DLA Piper), October 30, 2006

Legal Strategies for Protecting Human Rights in North Korea, (jointly published with Skadden, Arps, Slate, Meagher & Florn LLP & Affiliates), November 28, 2007

The Treatment of North Korean Women in China, Lee Hae-Young et al., late 2008 (forthcoming)