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1) What Concrete Measures have you taken to advance accountability for serious human rights violations, including crimes against humanity, in the Democratic People's Republic of Korea?

The Database Center for North Korean Human Rights (NKDB) has strategically pursued both judicial and non-judicial accountability for serious human rights violations. Advocating for victim-centered approaches within North Korea, NKDB focuses on recognizing suffering, pursuing justice, providing reparations, truth-telling, and ensuring victim inclusion in accountability pursuits.

Central to NKDB's approach is the documentation and dissemination of truth regarding human rights abuses in North Korea. NKDB acknowledges and highlights the profound suffering endured by victims through meticulous documentation. Their Unified Human Rights Database contains 85,958 cases of violations and information on 55,608 individuals related to these cases. This documentation forms the cornerstone of NKDB's accountability efforts. Through meticulous collection of evidence, testimonies, and documentation, NKDB aims to validate victims' experiences and lay a foundation for preventing future atrocities and fostering global awareness of the ongoing crisis.

NKDB prioritizes the inclusion and participation of victims in decision-making processes related to accountability. Ensuring victims have a voice in shaping policies and strategies for justice-seeking remains a cornerstone of NKDB's efforts, recognizing their invaluable lived experiences in charting the path toward accountability.

NKDB's persistent efforts toward a victim-centered approach to accountability in North Korea stand as a testament to the organization's commitment to recognizing and addressing the plight of victims of human rights abuses. Through multifaceted initiatives encompassing recognition, justice, reparations, truth-telling, and inclusion, NKDB continues to champion accountability, striving to restore dignity and justice for those scarred by unimaginable hardship within North Korea.

Advocating for accountability on national and international platforms, NKDB has harnessed legal

mechanisms to achieve justice for North Korean victims. Despite challenges within North Korea's closed society, NKDB advocates for legal redress and seeks global support to hold perpetrators accountable.

Recently, NKDB has planned activities centered on submitting claims against North Korea within South Korean courts. Empowering North Korean escapees with legal knowledge, NKDB conducts workshops, lectures, and discussions focused on redress and accountability pathways. The severity of violations influences participants' interest and motivation to seek accountability.

In pursuit of this mission, NKDB has planned activities centered around submitting claims against North Korea within the jurisdiction of South Korean courts. As a foundational step, NKDB has embarked on an outreach activity that empowers North Korean escapees with the knowledge of their entitlement to redress and illuminates legal avenues available to these individuals, encouraging them to actively engage in seeking justice for the violations they have endured in North Korea.

NKDB particularly, has targeted regional areas conducting a number of workshops on accountability to victims of human rights violations who have had fewer opportunities to obtain such information and resources. The workshops have been divided into two sessions in which NKDB has conducted lectures in the first session on the concepts of redress and the available accountability pathways. The latter part of the workshop consisted of a discussion session centered around the types of accountability mechanisms that the participants would prefer to pursue and the potential methods to facilitate greater participation of the victims in such process.

Notably, the workshops revealed varying perspectives among participants in their approach to seeking redress, a variance that was influenced by the severity and the types of violations each individual had experienced. Participants demonstrated that their level of interest and motivation to seek accountability and redress increased proportionally with the severity of crimes against humanity they had suffered. Those who had faced more egregious form of violations have exhibited a high level of interest in pursuing diverse avenues for redress, reflecting a recognition of the gravity of the offenses committed.

Within the subset of interested participants, a clear preference has emerged for pursuing legal actions, particularly within domestic courts. This inclination has been inspired by the successful civil suits related to the South Korean POWs. While participants understood the challenges and obstacles associated with implementing civil proceedings against North Korea in domestic courts, they have expressed strong willingness to participate in these proceedings when given the opportunity. This underscore the significance participants attribute to the official acknowledgment of their suffering from a judiciary entity, viewing it as a crucial element in achieving accountability and redress for the victims.

In terms of non-judicial accountability, NKDB operates an online museum known as the “Larchiveum of North Korean Human Rights” (nkhlarchiveum.org). In a significant milestone, NKDB unveiled the inaugural exhibition of the North Korean Human Rights Museum in November 2023. This exhibition placed a strong emphasis on 'freedom of expression'—a fundamental aspect highlighted as the primary finding in the COI report. The curation of the exhibition involved the participation of victims who shared personal experiences of how their freedom of expression was brutally violated in North Korea. Their testimonies were underscored as a poignant expression of their own freedom, signifying their courageous acts of speaking out despite severe constraints.

NKDB has also exemplified a victim-centered approach to accountability by consistently channeling the UN Voluntary Fund for Victims of Torture (UNVFVT) toward aiding victims of torture from North Korea. This victim-centered approach prioritizes the provision of specialized support programs, including professional psychological counseling, medical assistance, and cultural immersion activities, tailored to address the unique challenges faced by survivors. Upon arriving in South Korea, North Korean escapees often attain legal stability but encounter substantial psychological hurdles stemming from their experiences of torture and crimes against humanity in their homeland. NKDB's utilization of the UNVFVT since 2014 has been instrumental in providing essential resources to address these multifaceted challenges, aiding defectors in their journey toward healing and adaptation within their new societal context.

2) What steps are you intending to take to further advance the accountability measures for serious human rights violations in the Democratic People’s Republic of Korea?

In our unwavering commitment to advancing accountability measures, NKDB is resolute in its pursuit of legal recourse against perpetrators responsible for human rights violations within the DPRK, through the framework of South Korean courts. To achieve this, NKDB intends to actively engage with potential claimants, fostering collaboration with those expressing interest in legal actions. Alongside legal professionals, our aim is to jointly develop cases with their support and that of the claimants.

Our approach involves a two-fold strategy: individuals expressing interest in legal action during outreach workshops will be invited for in-depth interviews to thoroughly elucidate their cases. Simultaneously, we will systematically utilize cases already documented in the NKDB Unified Human Rights Database. Providers associated with this data will be approached to gauge their willingness to further develop these cases.

These additional interviews serve to fortify the foundation for constructing robust legal cases.

Delving deeper into each case aims to extract pertinent details that substantiate legal claims against North Korea. These interviews are integral in uncovering the intricacies and essential information vital to support the pursuit of justice.

All cases will undergo a meticulous review process overseen by lawyers, legal professionals, and experts in the field of North Korean human rights. This comprehensive process will ascertain whether the selected cases meet stringent criteria, including legal and evidentiary thresholds.

Initiating civil litigation in South Korea presents a practical avenue to seek justice for North Korean victims of human rights abuses. Leveraging the legal framework and judiciary in South Korea empowers victims to bring forth their grievances, seeking accountability and redress for the violations they endured.

Raising awareness among North Korean victims about their rights to seek justice is paramount. Many who have escaped the oppressive regime might be unaware of the available legal avenues in South Korea. NKDB will continue to carry out educational campaigns, outreach programs, and legal assistance initiatives which play a crucial role in informing victims, providing necessary support, and resources to pursue accountability for the abuses suffered in the DPRK.

While civil litigation is pivotal, attaining criminal accountability remains a significant hurdle. Achieving criminal accountability poses intricate challenges due to legal complexities, jurisdictional limitations, and the covert nature of human rights violations in the DPRK. Nevertheless, NKDB remains resolute in advocating for the pursuit of criminal accountability as a fundamental pillar of justice.

Transitioning from civil to criminal accountability requires collaborative efforts among legal experts, human rights organizations, international bodies, and governmental support to navigate the intricate legal landscape and pursue criminal cases against perpetrators of grave human rights abuses in the DPRK.

The pursuit of criminal accountability stands as an imperative in the holistic pursuit of justice. While civil litigation empowers victims and acknowledges their grievances, securing criminal accountability is pivotal to hold perpetrators accountable under the law and deter future violations. NKDB remains dedicated to surmounting the challenges associated with criminal accountability, recognizing its significance in ensuring justice for the victims of human rights abuses in the DPRK.

Moreover, establishing a dedicated North Korean Human Rights Museum in South Korea signifies a significant milestone in memorialization efforts and accountability. This institution will preserve the harrowing stories and experiences of victims while spotlighting the atrocities committed in the DPRK. Serving as a testament to the ongoing pursuit of justice, it will ensure the victims' plight is remembered by future generations.

Collaboration with stakeholders, including survivors, human rights organizations, government bodies, and international partners, will be pivotal in realizing this museum. Its exhibits, testimonials, and educational programs will not only honor the victims but also educate visitors worldwide, emphasizing the imperative of accountability for human rights abuses in the DPRK.

3) If some of the actions you have been taking are guided by the recommendation made by the UN commission of Inquiry(COI) on human rights in the Democratic People’s Republic of Korea issued in February 2014, please specify which recommendation and explain how they have influenced your work.

In 2014, the United Nations (UN) Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea (COI) concluded that the human rights violations occurring in North Korea amounted to “crimes against humanity”; and that such acts were ingrained within the institutional framework of the North Korean society. It emphasized the “institutional responsibility” of the Ministry of State Security and the Ministry of Social Security that are under the effective control of the Supreme Leader of North Korea. At the same time, the COI reaffirmed that perpetrators who commit crimes against humanity in North Korea are not immune from criminal responsibility on the basis that they have acted on superior orders, and that “individuals” are also held accountable based on international customary law.

At the moment, one of the major issues regarding individual accountability in North Korea is the matter of ‘who is responsible’ and ‘to what extent they can be held accountable.’ Legal precedents of the ICC specify that not only can direct perpetrators of crimes against humanity be held accountable, but also co-perpetrators and superiors, pursuant to Article 25(3) and Article 28 of the Rome Statute of the ICC.

In the same vein, Marzuki Darusman, former Special Rapporteur on the situation of human rights in the DPRK, has also spoken on the need for accountability to the UN General Assembly.¹ He spoke of the need to hold the supreme commander and the head of government criminally accountable for their failure to prevent human rights violations in North Korea which amount to crimes against humanity. He accordingly emphasized the importance of identifying the system of command between the perpetrators and analyzing the role of each North Korean governmental institution in order to ensure

¹ UN General Assembly, Situation of Human Rights in the Democratic People’s Republic of Korea, UN Doc. A/RES/70/362 (8, September, 2015), para. 54.

accountability for the crimes committed.²

Against this backdrop, NKDB published a report in November 2023, entitled ‘Behind Closed Doors: Mapping the System of Command in the Ministry of State Security and Social Security’ which aimed to identify the system of command of the key judicial institutions, particularly the Ministry of State Security and the Ministry of Social Security. Both Ministries have been created to protect the North Korean regime and as a result, they are responsible for managing those who jeopardise the regime. There have been numerous cases of human rights violations documented involving these institutions, including those amounting to crimes against humanity. As of May 2023, 18,627 cases of North Korean human rights violations in which the Ministry of State Security and the Ministry of Social Security were the perpetrators have been documented in the Database Center for North Korean Human Rights’ (NKDB) Unified Human Rights Database. Of these, 11,607 are cases of illegal detention; 3,751 are cases of torture and physical violence; 1,245 are cases of execution and murder; 340 are cases of disappearance; 145 are cases of sexual violence, and 117 are cases of forced abortion. This project aims to identify the organizational structure and the system of command of the Ministry of State Security and the Ministry of Social Security, examine the state of human rights violations occurring in respective institutions, and display how the perpetrators of human rights violations within the institutions are handled. Based on the findings above, the project analyses the relationship between the two Ministries and the Workers’ Party of Korea that exerts effective control over the institutions.

This project ultimately focusses on human rights violations amounting to crimes against humanity. It builds on the NKDB Unified Human Rights Database’s extensive documentation of cases which may amount to crimes against humanity and maps the organizational structure and system of command of the two Ministries and Workers’ Party with a view to laying the groundwork for legal analysis for superior responsibility and eventually other potential modes of liability under criminal law. NKDB notes that while this report focuses on human rights violations which may amount to crimes against humanity for the purpose of criminal responsibility, the underlying human rights violations also pertain to the failure by North Korean authorities to ensure the human rights of their citizens.

To this end, NKDB conducted an extensive literature review including documents formally issued by the North Korean authorities, such as the penal code of the DPRK and the Rules of the Workers’ Party of Korea. In addition, the testimonies from individuals who had previously worked for the Ministries or related institutions or who had suffered human rights violations in those institutions were collected and cross-analyzed with existing information.

This report sought to find out how the widespread and systematic human rights violations that are

² Ibid, para. 59.

being committed in North Korea have taken place, under whose instructions or with whose connivance as well as the identity of the direct perpetrators, and to provide pragmatic preliminary data in the process of seeking accountability in the future.

In concordance with a recommendation set forth by the Commission of Inquiry (COI), NKDB has diligently adhered to the imperative to continuously document and investigate human rights violations, specifically those that rise to the level of crimes against humanity. The key directive from the COI has influenced the trajectory of our investigative activities, with a central focus on the identification of individuals most responsible for the ‘crimes against humanity’ highlighted in the report.

In alignment with this principle, a central focus of our organizational efforts, particularly in preparation for legal proceedings, has been the active engagement with victims who have firsthand experience of the impact of crimes against humanity. In pursuit of this objective, NKDB has strategically directed its attention towards reaching out to victims falling within the four distinct categories delineated in the COI report. These classifications encompass individuals subjected to detention in political prison camps, those confined within various detention facilities, individuals with religious affiliation, and individuals who have attempted to escape North Korea.

The crimes delineated in the report has helped to set a comprehensive foundation for addressing a spectrum of human rights abuses. The classification has offered a starting place for coordinated efforts to investigate, document and seek accountability for these specific forms of misconduct. The shared understanding has helped foster a unified approach to addressing the egregious violation, establishing a common language and framework that guides subsequent actions and initiatives.