

ISSUE BRIEF

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U.S. Should Augment Sanctions After North Korean Crimes Against Humanity

Bruce Klingner

A United Nations Commission of Inquiry issued a damning condemnation of the North Korea government for “systemic, widespread, and gross violations of human rights.” The commission concluded that the human rights abuses were of such a monumental scale as to constitute crimes against humanity. The panel recommended referral to the International Criminal Court (ICC) for those responsible, including North Korean leader Kim Jong-un, to be held accountable.

While no one expects Kim Jong-un to be standing in the dock of justice anytime soon—particularly since China has characteristically already announced it will block such action—the U.N. report could have several indirect impacts. With a legal foundation for prosecution formally laid, North Korea could find it more difficult to gain business partners and humanitarian assistance. The United States and South Korea should be spurred to impose additional sanctions on the regime.

A Catalogue of Death. Wrapping up a year of investigation, the Commission of Inquiry’s report and appendix provides a chilling litany of horrors that the North Korean government has imposed on its subjects. The report catalogues crimes against human-

ity including “extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation.”

Witnesses interviewed by the commission described a mother forced to drown her own baby in a bucket. Of prisoners scavenging through excrement for morsels of food. Of children born into political prison camps and never knowing of the world beyond. Of inmates forced to live on rodents, grasshoppers, lizards, and grass. Of an inmate watching the public execution of his mother and brother.

The commission concluded that the “gravity, scale and nature of these violations reveal a State that does not have any parallel in the contemporary world.” Commission chairman Michael Kirby likened the regime’s crimes to those of Nazi Germany. Given the extent of the barbarity of Pyongyang’s gulag system and the “all-encompassing indoctrination machine that takes root from childhood [with the] almost complete denial of the right to freedom of thought,” it is a fitting analogy

Who Is Responsible? The commission left no doubt that guilt for the human rights abuses lies with the institutions and officials of the North Korean government, including Kim Jong-un himself. The commission specified the State Security Department, the Ministry of People’s Security, the Korean People’s Army, the Office of the Public Prosecutor, the judiciary (which is acting under the effective control of the central organs of the Workers’ Party of Korea), the National Defense Commission,

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The Heritage Foundation
214 Massachusetts Avenue, NE
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(202) 546-4400 | heritage.org

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and the Supreme Leader of the Democratic People's Republic of Korea.

The commission recommended the U.N. Security Council refer the situation to the ICC for action and prosecution or the establishment of an ad hoc U.N. tribunal such as those convened to investigate crimes in the Balkans and Rwanda. The commission also advocated adopting targeted sanctions against those most responsible for these crimes against humanity.

China, by virtue of its veto in the Security Council, can block the establishment of an ad hoc international criminal tribunal (as was done for Rwanda and the former Yugoslavia) by the Security Council. It can similarly veto any Security Council resolution referring North Korea's crimes to the ICC, which would be required to activate the ICC's jurisdiction, since North Korea is neither a party to the Rome Statute nor likely to accept the ICC's jurisdiction. China's foreign ministry spokeswoman Hua Chunying responded to the commission's report, telling reporters, "Submitting this report to the ICC will not help resolve the human rights situation in the relevant country."

The Shame of Inaction. North Korea's human rights violations are well known. Although there have been episodic gasps of shock when books describing the horror are published, it has not led to a meaningful international response.

One wonders where is the outrage of Hollywood actors who so frequently and earnestly protest wrongdoing? Celebrities constantly protest against far less oppressive ills but almost never against the massive abuses of North Korea or the Chinese leadership, which forcibly repatriates North Korean refugees back to imprisonment, torture, and death in the North Korean gulag.

The commission underscored how North Korea's decades-long perpetration of "crimes that shock the conscience of humanity raises questions about the inadequacy of the response of the international community. The international community must accept its responsibility to protect the people of the Democratic People's Republic of Korea from crimes against humanity."

Kirby told reporters of his hope that "the international community will be moved by the detail, the amount, the long duration, the great suffering and the many tears that have existed in North Korea to act on the crimes against humanity."

What Should Be Done

- The U.S. Congress should examine existing human rights legislation to ensure that penalties imposed on North Korea are consistent with those enacted against other human rights violators.
- Even absent U.N. action, the U.S. should levy targeted financial measures against all North Korean entities—and their leadership—identified by the commission and then call upon other nations to take commensurate action.
- The U.S. should urge South Korea to pass its first North Korean Human Rights Act, which would provide funding for human rights groups and impose conditions on engagement with Pyongyang. Since its first introduction in 2005, the progressive South Korean Democratic Party has resisted approving legislation or even criticizing North Korean human rights violations.

Time for Complacency Has Passed. Kirby eloquently implored, "Now is a time for action. We can't say we didn't know. The suffering and tears of the people of North Korea demand action."

There should be widespread international outrage against the horrors systemically perpetuated on the North Korean people by their leaders. North Korea's killing fields must disappear. Time is running out for the North Korean people, but too many have already perished as the world turned its back.

—*Bruce Klingner is Senior Research Fellow for Northeast Asia in the Asian Studies Center at The Heritage Foundation.*