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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Promoting accountability in the Democratic People's Republic of Korea*

Report of the United Nations High Commissioner for Human Rights

Summary

In the present report, the Office of the United Nations High Commissioner for Human Rights describes the progress made in the implementation of the recommendations made by the Human Rights Council in its resolution 34/24 on promoting accountability for human rights violations in the Democratic People's Republic of Korea, in particular with regard to the setting up of, and work done by, a dedicated accountability team of the Office of the High Commissioner.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. The Office of the United Nations High Commissioner for Human Rights (OHCHR) submits to the Human Rights Council pursuant to its resolution 34/24 on the situation of human rights in the Democratic People's Republic of Korea. In the report, OHCHR describes the activities it has carried out to implement resolution 34/24, in particular with regard to the setting up of, and work done by, a dedicated accountability team, highlighting the main progress made and the challenges encountered.
2. The High Commissioner recommends that the Human Rights Council consider extending the mandate granted in resolution 34/24 and allocate the resources necessary for OHCHR to comprehensively implement its mandate.

II. Council resolution 34/24

3. Various United Nations human rights mechanisms, including the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and the commission of inquiry on human rights in the Democratic People's Republic of Korea (see A/HRC/25/63), have made repeated calls and recommendations for accountability for human rights violations committed in the country. Such calls for accountability have also been echoed by both the General Assembly, in its resolution 73/180, and the Secretary-General (see A/70/393, para. 58).

<p>4. In its report, the commission of inquiry, based on its findings that there were reasonable grounds to believe that crimes against humanity had been committed and continued to be committed in the Democratic People's Republic of Korea, made recommendations on pursuing accountability, including by calling upon the Security Council to refer the situation to the International Criminal Court or to establish an ad hoc international tribunal.</p>
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5. Pursuant to the recommendations of the commission of inquiry, the Human Rights Council, in its resolution 25/25, requested OHCHR to establish a field-based structure to strengthen the monitoring and documentation of human rights violations in the Democratic People's Republic of Korea, including with a view to ensuring accountability for international crimes, including crimes against humanity. The Council subsequently requested, in its resolution 31/18, the High Commissioner to appoint a group of independent experts to explore appropriate approaches for seeking accountability for human rights violations in the Democratic People's Republic of Korea, in particular where such violations amounted to crimes against humanity, and to recommend practical mechanisms of accountability to ensure truth and justice for victims of such crimes.
6. In its report to the Human Rights Council (A/HRC/34/66/Add.1), the group of independent experts recommended the adoption of a multi-pronged and comprehensive approach to accountability, including measures towards the realization of victims' right to truth, justice, reparations, and guarantees of non-recurrence. Its recommendations included the referral of the situation to the International Criminal Court, the creation of an ad hoc tribunal for the Democratic People's Republic of Korea and the prosecution of crimes by Member States through the principle of universal jurisdiction.
7. In its report, the group of independent experts also recommended that the international community enhance its efforts towards preparatory work for future criminal trials. This included the strengthening of monitoring and documentation efforts by OHCHR and its capacity to receive, preserve and consolidate information and evidence through the creation of a central and independent repository as well as supporting the assessment from a criminal law perspective by international criminal justice experts, of all material available in order to identify gaps and develop possible investigation and prosecution strategies as well as blueprints for suitable international or internationally assisted court models. The group of independent experts further recommended that the capacity of OHCHR be strengthened to undertake and support sensitization of victims groups on international norms and standards pertaining to accountability for human rights violations, and to organize, in collaboration

with stakeholders, coordinated consultations of victims and affected communities to seek their views on avenues for accountability.

8. Pursuant to the recommendations made by the group of independent experts, the Human Rights Council adopted resolution 34/24.

A. Mandate and methods of work

9. In its resolution 34/24, the Human Rights Council decided to strengthen the capacity of OHCHR for two years, including its field-based structure in Seoul, to implement the recommendations of the group of independent experts pertaining to criminal accountability.

10. Specifically, the Human Rights Council mandated OHCHR to strengthen its monitoring and documentation efforts; establish a central information and evidence repository; and have experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process.

11. During the period under review, OHCHR undertook specific activities to implement its mandate.

12. Firstly, OHCHR strengthened its capacities to implement the relevant recommendations made by the group of independent experts on accountability by recruiting staff with expertise in international criminal law.

13. Secondly, the Office focused on strengthening its monitoring and documentation efforts and conducted interviews with persons who had escaped from the Democratic People's Republic of Korea, with the objective of gathering information pertaining to alleged crimes against humanity. It also engaged closely with civil society organizations, relevant entities of the Government of the Republic of Korea, and other stakeholders that had been involved in the documentation of human rights violations in the Democratic People's Republic of Korea.

14. Thirdly, OHCHR began to design and set up a secure central information and evidence repository.

15. Lastly, and in parallel with the above steps, the newly recruited experts in international criminal law began an analysis, in accordance with criminal evidentiary standards, of the interviews that OHCHR had previously conducted, the information collected by the commission of inquiry, and publicly available information gathered by civil society organizations, with a view to incorporating such evidence and information – where requisite standards were met – into its central information and evidence repository.¹

B. Establishment of a dedicated accountability team

16. OHCHR submitted a proposal to the Advisory Committee on Administrative and Budgetary Questions outlining a minimum required staffing profile to effectively implement the mandate given by the Human Rights Council in its resolution 34/24. This comprised one Legal Officer (P-4) and one Information Management Officer (P-3) in Geneva; one Legal Officer (P-4), one National Legal Officer and a Legal Translator in Seoul; and a home-based high level consultant (D-1). Two posts comprising these minimal resource requirements were not approved by the General Assembly in its budgetary decisions of December 2017, resulting in a reduced staffing basis for the mandate.

17. In recruiting the members of the accountability team, OHCHR encountered some logistic and budgetary obstacles that had a negative impact on the planned implementation of the mandate. Despite these difficulties, OHCHR recruited the high-level consultant (with expertise in international criminal law) in April 2018, while the international and national

¹ The results of the analysis will be assessed from an accountability perspective and included in a separate confidential report to be submitted by a high-level consultant to OHCHR, as originally set out in the concept of operations prepared by the Office following the adoption of resolution 34/24.

legal officers were appointed in July and August 2018. There were challenges associated with the identification and recruitment of a suitably qualified and experienced Information Management Officer. Work on the design and set-up of the central archive and database began at the beginning of October 2018.

18. In implementing the mandate given by the Human Rights Council, the high-level consultant led and managed the legal aspects of criminal accountability activities, the implementation of which was overseen in Seoul by the international legal officer, with the assistance of a national counterpart. The team also conducted interviews with alleged victims and other witnesses, analysed information, created an electronic database, organized and conducted training sessions for civil society organizations, and identified key areas where cooperation with other stakeholders should be strengthened. The team also identified several areas where, with the appropriate resources, work on accountability could be materially advanced in the future.

III. Implementation of Human Rights Council resolution 34/24

A. Strengthening monitoring and documentation efforts

1. Interviews with victims and witnesses

19. The accountability team contributed to and enhanced the work already being undertaken by the OHCHR field-based structure in Seoul. In particular, it ensured that interviews with persons who had fled the Democratic People's Republic of Korea included specific questions to identify elements of crimes and of modes of liability, in addition to the documentation of human rights violations. The purpose was to strengthen the admissibility and probative value of the information and evidence collected by OHCHR for possible future criminal proceedings. The selection of interviewees was also adapted to achieve this objective on the basis of information gathered through questionnaires administered by OHCHR to prospective interviewees.

20. Since the opening of its field-based structure in Seoul in June 2015, OHCHR has conducted approximately 300 interviews with alleged victims and witnesses of human rights violations perpetrated in the Democratic People's Republic of Korea. Each month, OHCHR was granted access to up to six escapees held in resettlement centres run by the Government of the Republic of Korea, where they are provided with training and support upon their arrival to the Republic of Korea. Each interview was conducted within the confines of the resettlement centres, for a maximum time of two hours. In some cases, such arrangements were insufficient to gather thorough and detailed information from each individual interviewed, including for the purposes of accountability.

21. Given the large number of suspected violations, OHCHR and the Government of the Republic of Korea are engaged in an ongoing dialogue on these issues, also in view of the importance of interviewing individuals as soon as possible upon their arrival in the Republic of Korea to increase the reliability and accuracy of the information provided.

22. Given that the probative value of testimonies received in neutral environments is frequently enhanced, OHCHR also conducted interviews with persons from the Democratic People's Republic of Korea outside official facilities in the Republic of Korea. Identifying and locating these persons, and arranging interviews with them while taking into account security concerns require dedicated research and are labour-intensive. With the resources available to OHCHR, only limited time and staff could be devoted to this activity.

2. Collection and analysis of documentary evidence

23. Given the difficulties in collecting information from within the Democratic People's Republic of Korea, OHCHR has been pursuing alternative avenues of documentation. It has, in particular, sought to establish linkages between alleged crimes and the identification of the individuals responsible, both those who carried out the acts in question and commanders and superiors responsible for formulating relevant policies, issuing orders or failing to exercise proper control over their subordinates.

24. OHCHR reviewed open source and other materials in order to identify those holding positions of responsibility in the Democratic People's Republic of Korea who may have had direct knowledge of the chain of command and the decision-making processes involved.

25. In the Republic of Korea, both the Ministry of Unification and the Ministry of Justice have human rights documentation centres focusing on the situation in the Democratic People's Republic of Korea. The Center for North Korean Human Rights Records, established under the Ministry of Unification pursuant to the North Korean Human Rights Act of 2016, conducts interviews with persons recently arrived in the Republic of Korea from the Democratic People's Republic of Korea. The North Korea Human Rights Documentation Office, established under the Ministry of Justice, collects, archives and analyses the information gathered by the Center with a view to future prosecutions.

26. OHCHR held several meetings with representatives of the above-mentioned institutions to explain the nature of its work, including pursuant to Human Rights Council resolution 34/24, its independent mandates and the importance of cooperation in the pursuit of accountability. These meetings provided for exchanges of experience and lessons learned in documentation efforts. OHCHR has requested copies of records of both institutions for analysis and eventual inclusion in the central electronic repository, where relevant and appropriate, and looks forward to continuing cooperation with these institutions.

27. Many civil society organizations have conducted interviews and collected information on suspected crimes against humanity committed in the Democratic People's Republic of Korea. Many such organizations have a long history, and have collected a large body of information and accumulated invaluable expertise. To date, much access of OHCHR to that information has been limited to publicly available summaries or extracts of interviews.

28. For a comprehensive analysis conducted in accordance with international criminal law standards, and for the creation of a reliable repository of evidence and information as mandated by the Human Rights Council in its resolution 34/24, OHCHR must have broad access to a maximum of the data accumulated. OHCHR has continued to liaise with those responsible for these organizations on possibilities of gaining access to the original and full records of information gathered by them, including, where possible, the contact details of the sources of information. Progress made on this front is encouraging, and OHCHR is optimistic that access to these files will be possible. As OHCHR acquires these original records, it will incorporate them into the repository, which will in turn greatly assist in the compilation of files for accountability processes.

29. A lack of coordination between organizations and the use of differing methodologies of documentation and information collection can have a detrimental impact on the evidentiary value of information collected. In an effort to maximize the usability and probative value of such information, OHCHR has begun to provide technical advice to stakeholders in order to strengthen their skills in the collection and documentation of information on suspected violations that meets required legal standards, for accountability purposes. In August 2018, for example, OHCHR conducted a training session on the documentation of crimes under international law, which comprised a theoretical session on interviewing techniques, crimes under international law and modes of liability, and a practical exercise. A total of 24 representatives from 13 organizations took part in the training. OHCHR also held a short training session for investigators of the Government of the Republic of Korea on issues regarding the documentation of crimes against humanity.

B. Establishment of a central information and evidence repository

30. While in the immediate term there may be little prospect that those responsible for gross human rights violations and crimes under international law in the Democratic People's Republic of Korea will be held to account, a critical function of the accountability team is to establish a central electronic repository of all information and evidence collected for future national and international justice mechanisms (A/HRC/25/63, para. 94 (c)). The establishment of a repository would also facilitate the analysis of information and evidence collected, the identification of gaps, strengths and weaknesses from an accountability standpoint, and strengthen documentation efforts (A/HRC/34/66/Add.1, para. 86).

31. Setting up a central information and evidence repository is a complex task. As a first step, OHCHR has created an electronic database in which it is in the process of storing information that OHCHR and the commission of inquiry have gathered, and information published and/or made otherwise available by other stakeholders. In entering such data, the accountability team carries out, where possible, a preliminary reliability and credibility assessment and triangulates such information with other assessed sources.

32. Besides functioning as a central archive for information and evidence, the electronic database will facilitate the identification of elements of crimes, modes of liability and possible perpetrators, thus paving the way to the opening of specific case files and the building of criminal cases.

33. The database has been specifically designed to ensure that information is handled in accordance with the consent of the provider and to protect confidentiality and the security of witnesses and victims. The server is physically located in Geneva so as to guarantee the highest level of cybersecurity and the protection of sources and information contained in it. Access to the database will be provided only to future accountability mechanisms with the consent of the provider, and after any protection and operational concerns are duly considered and addressed (A/HRC/25/63, para. 94 (c)).

34. As more information is collected and additional analysis performed, the architecture of the database will require updates and adjustments in order to ensure that it remains an effective tool for any future accountability efforts and/or mechanisms.

C. Information analysis and assessment

35. In its resolution 34/24, the Human Rights Council mandated OHCHR to have experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process. Accordingly, the preliminary phase of the assessment conducted by OHCHR focused on the collection and classification of information with the aim of identifying locations, dates, crimes and the involvement of security agencies and other State actors in possible criminal conduct. A significant portion of the analysed information is confidential. In conducting this analysis, OHCHR is including and giving due consideration to information that may have exculpatory value.

36. This exercise has proved essential for further in-depth analysis, as it has facilitated cross-checking of information, corroboration and the identification of gaps, strengths and patterns in evidence. It also has allowed OHCHR to conduct more focused and efficient documentation efforts and to identify sources of information who could possibly be re-interviewed to obtain additional details.

IV. Key findings

37. The interviews and initial analysis of information undertaken by OHCHR since the establishment of its field-based structure in Seoul have supported the conclusion of the commission of inquiry, namely, that there were reasonable grounds establishing that crimes against humanity had been committed (A/HRC/25/63, para. 74), especially with regard to the crimes against humanity of imprisonment and other detention-related crimes, such as torture, other inhuman acts, enslavement and murder.

38. Nearly all individuals interviewed by OHCHR had irregularly crossed the border into China. Many had sought to escape more than once before they eventually succeeded, and some described having been forcibly repatriated to the Democratic People's Republic of Korea. Upon being transferred to officials of the Ministry of State Security of the Democratic People's Republic of Korea (formerly known as State Security Department) at the border, they were detained and interrogated about their activities in China. If the interrogators were satisfied that they had only engaged in trade or other work activities, they would be labelled as ordinary criminals and transferred to detention facilities of the Ministry of People's Security. There they would be interrogated again, sometimes for months, and then sentenced.

Depending on the assessed gravity of their conduct, sentences ranged from months to years in either prison camps (*kyohwaso*) or labour training camps (*rodongdanryondae*). Individuals thought to have engaged in activities that the authorities classified as political offences (by, for example, contacting Christian organizations or citizens of the Republic of Korea), would remain in the custody of the Ministry of State Security and, in some cases, would reportedly be sent to political prison camps (*kwanliso*).

39. There are reasonable grounds to believe that the majority of these arrests amount to imprisonment as a crime against humanity, given what appears to be the systematic commission of such acts against the civilian population. While the Democratic People's Republic of Korea has to some extent amended its criminal procedure laws in the past 15 years by introducing elements of fair trial guarantees, the interviewees consistently reported to OHCHR that they were not afforded those rights. Fair trial rights, including the right to be informed about charges, access to a lawyer, and the right to be presented before a judge were either denied altogether or offered as a mere gesture. People interviewed by OHCHR credibly described routine imprisonment for months or years on the sole basis of having exercised their right, protected under international law, to leave their country of origin.² The information reviewed by OHCHR indicates that, far from being isolated, such detentions appear to have been part of a policy implemented in a widespread and systematic manner against civilians attempting to flee the Democratic People's Republic of Korea.

40. There are also reasonable grounds to believe that the crimes against humanity of murder, sexual violence, enslavement, torture and other inhumane acts were committed against some persons while they were detained. Former detainees interviewed by OHCHR consistently described harsh conditions of detention, in particular widespread malnourishment causing severe health problems among prisoners, and physical and psychological violence, including during interrogations by officers of the Ministry of State Security and the Ministry of People's Security. Several interviewees reported cases of prisoners who had died in detention centres from malnutrition, overwork or untreated diseases, or a combination of these factors. Some women reported having been sexually assaulted by guards while in detention. The accounts given by former detainees suggests a total lack of judicial oversight of detention centres and no system for inmates to report abuse.

41. The Democratic People's Republic of Korea still prosecutes political crimes labelled as "crimes against the State" or "crimes against the nation". These encompass extremely broad, vague and indeterminate categories of conduct that effectively make the criminal justice system subservient to political objectives, including the preservation of the State's ideology.³

42. In its report, the commission of inquiry, and other sources of evidence, described prison camps for political detainees as the harshest in the Democratic People's Republic of Korea. The commission cited estimates of the Korean Institute for National Unification, according to which, in 2012, these camps hosted between 80,000 and 120,000 detainees (A/HRC/25/63, para. 61).⁴ There is almost complete secrecy around these camps. The authorities of the Democratic People's Republic of Korea have repeatedly denied their existence, and the camps operate outside any known legal framework. OHCHR has limited access to first-hand accounts from former political prisoners. Scarcity of information concerning the camps probably stems from the fact that, unlike former regular prisoners routinely interviewed by OHCHR, political prisoners are rarely released. OHCHR interviewed individuals who claimed that some of their relatives had been imprisoned in

² International Covenant on Civil and Political Rights, art. 12 (2). The Democratic People's Republic of Korea ratified the Covenant on 14 September 1981, and it entered into force on 14 December the same year. On 25 August 1997, the State notified the Secretary-General that it was withdrawing from the Covenant. The Secretary-General nonetheless still considers the Democratic People's Republic of Korea a State party to the Covenant, given that it does not allow for withdrawal (which would be possible only if all other States parties agreed to it).

³ Such as articles 60 to 70 of the Criminal Law of the Democratic People's Republic of Korea (2015), amended by Decree No. 578 of the Presidium of the Supreme People's Assembly on 22 July 2015. See Kim, Soo-am, *The North Korean Penal Code, Criminal Procedures, and their Actual Applications* (Seoul, Korean Institute for National Unification, 2006), pp. 8–9.

⁴ See also A/HRC/25/CRP.1, para. 741.

political prison camps as recently as 2014. Considering the alarming findings of the commission of inquiry on the allegation of widespread commission of crimes against humanity in political prison camps, OHCHR views it as critical that it continue to pursue all possible documentation avenues to ensure the availability of updated and reliable information on these detention facilities.⁵

43. Information, including recent accounts by persons interviewed by OHCHR, alleging arrests and arbitrary detention of people repatriated from China and elsewhere is abundant and consistent with both the records held by OHCHR and with those published by civil society organizations. Within the context of accountability processes, this information constitutes possible evidence of alleged underlying criminal acts. The alleged systematic perpetration of crimes in detention centres under the direct authority of the Ministry of State Security and the Ministry of People's Security also supports the inference that such crimes may be committed pursuant to policies formulated at higher levels and implemented by local political and administrative authorities. At this stage, more substantive and specific evidence is necessary to particularize, at all levels, those who may have been responsible for these alleged criminal acts.

44. In this regard, a comprehensive understanding of the decision-making processes that have led to the commission of crimes, and of the array of State actors and individuals involved therein, is of crucial importance in establishing liability, including through forms of co-perpetration and joint criminal enterprise, particularly in cases involving persons responsible for the commission of crimes other than the primary perpetrator (for instance, political or military officers who ordered the commission of crimes or who played a role in their planning).⁶ Similarly, understanding the chain of command, operational structures and reporting lines in military and civilian organizations is essential to assess the possible responsibility of superiors for failing to prevent or punish the crimes committed by their subordinates.⁷

45. Gaining access to evidentiary material that sheds light on the above-mentioned issues is particularly challenging in the context of the Democratic People's Republic of Korea. Nonetheless, OHCHR will continue to use all resources available to explore ways to identify, collect and analyse relevant information, including through cooperation with experts, scholars and stakeholders. This will be also essential for the identification of individuals who, while acting remotely from the physical perpetration of alleged crimes, may be among those most responsible for their commission.⁸

V. Conclusions

46. **The analysis by OHCHR of information currently available confirms there are reasonable grounds to believe that numerous crimes against humanity have been committed in the Democratic People's Republic of Korea, and may be ongoing. As recommended by the commission of inquiry and the group of independent experts, the**

⁵ See also War Crimes Committee of the International Bar Association, *Report: Inquiry on Crimes against Humanity in North Korean Prison Camps*, International Bar Association, December 2017.

⁶ See International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991, *Prosecutor v. Radoslav Brđanin*, Case No. IT-99-36-A, Judgement, 3 April 2007, paras. 410–432. See also Manuel J. Ventura, "The Application of Joint Criminal Enterprise to Complex Top Political Leadership Cases Upheld: The Krajišnik Appeal Judgment", *Annotated Leading Cases of International Criminal Tribunals*, vol. 48, 1 November 2015.

⁷ See Rome Statute of the International Criminal Court, art. 28.

⁸ International criminal justice focuses on those considered most responsible for the crimes falling under the jurisdiction of an international or hybrid court. See for example article 1 of the Law establishing the Extraordinary Chambers in the Courts of Cambodia, 27 October 2004. With regard to the International Tribunals for Rwanda and the former Yugoslavia, see Security Council resolution 1534 (2004), para. 5. For the International Criminal Court, see the statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the alleged crimes committed by ISIS, 8 April 2015. The commission of inquiry and the group of independent experts recommended such a focus for the Democratic People's Republic of Korea; see A/HRC/34/66/Add.1, paras. 8 and 75.

prosecution of crimes committed in the Democratic People's Republic of Korea through the creation of an ad hoc tribunal or referral to the International Criminal Court should remain a priority in the long term. While the conditions may not yet be in place for either option to materialize, it is imperative to ensure that information is collected and stored for criminal accountability purposes.

47. While OHCHR has made some progress in advancing efforts to achieve accountability for alleged crimes committed in the Democratic People's Republic of Korea, significant work remains to be done to fully meet the objectives set by the Human Rights Council in its resolution 34/24, and to contribute to the eventual realization of justice for victims.

48. During the period under review, OHCHR explored various avenues for accountability and began to develop tailored strategies to that end. A large amount of documentation collected for the purposes of monitoring the situation of human rights however, still needs to be reviewed and analysed from an international criminal law perspective. This task is complicated by the lengthy timescale over which such widespread crimes have taken place, and the fact that they have been committed throughout the country. The highly complex command structures of the Democratic People's Republic of Korea are an additional complicating factor.

49. Should the Human Rights Council extend the mandate of the accountability team, OHCHR proposes to strengthen – resources permitting – the specialized team and consolidate it within its field-based structure in Seoul, which will be headed by a permanent senior official member with extensive experience in international criminal law. The team would ideally include expertise in a variety of fields and disciplines. Additional staff with expertise in international criminal law would strengthen the Office's capacity to review and analyse documentation collected, oversee and conduct accountability-focused interviews, carry out factual and legal analysis, and devise documentation and investigation strategies. Additional Korean-speaking human rights officers, legal interpreters and legal officers would be required to increase the Office's interviewing capacity and its ability to analyse relevant laws and commentaries of the Democratic People's Republic of Korea, the vast majority of which are not available in English or French. Furthermore, a large number of the original records of interviews generated by civil society organizations that will have to be included in the electronic repository once received are in Korean, requiring Korean-speaking staff to undertake analysis and translation. Lastly, additional resources would also allow OHCHR to broaden its outreach activities, which is critical to increasing potential sources of information and to strengthen cooperation among the many stakeholders whose work is relevant to the accountability project.

50. The accountability team would also require a fully dedicated information management officer, in addition to a legal officer tasked with overseeing the preservation and consolidation of information and evidence in accordance with international standards, and with responding to any requests for assistance lodged by future accountability mechanisms. A software developer would also be required to update, maintain and modify the architecture and analytical features of the central electronic database and repository. These modifications and updates will likely become necessary as the volume of information increases. Lastly, a media officer would be valuable to undertake future outreach activities aimed at keeping Korean and international audiences informed about the work of the accountability team.

51. The experience gained during the period under review shows that, at the present stage, owing to the continued lack of access to the Democratic People's Republic of Korea, the majority of the work on accountability must be carried out in the Republic of Korea. While staff working on criminal accountability must therefore be based in Seoul, a small team is required in Geneva, including a dedicated international legal officer and an information management officer. For security reasons, archives and the repository of testimonies and documents gathered by OHCHR should be maintained and serviced in Geneva. Moreover, regular interaction with Member States in Geneva will remain critical in continuing to advocate for and advance future strategies on accountability.

52. These additional resources would allow OHCHR to continue to work both on documenting and storing information on suspected crimes against humanity, and on the development of accountability strategies for future international and/or nationally owned accountability processes.

53. In the meantime, in the absence of any commitment to accountability at the national level, OHCHR continues to recommend that the Security Council refer the situation in the Democratic People's Republic of Korea to the International Criminal Court or that an ad hoc international tribunal be established, to make full use of the information and evidence being collected by OHCHR and to ensure that those most responsible for gross human rights violations that may amount to crimes against humanity are held to account. This would represent an essential step towards accountability for crimes against humanity in the Democratic People's Republic of Korea and may deter the commission of such acts in the future.

VI. Recommendations

54. On the basis of the activities it has conducted to date pursuant to Human Rights Council resolution 34/24, OHCHR recommends that the Government of the Democratic People's Republic of Korea:

- (a) Acknowledge the existence of serious human rights violations, which may amount to crimes against humanity, take immediate steps to end such violations, and ensure that independent, impartial investigations are conducted into allegations of such violations;
- (b) Give international humanitarian organizations and human rights monitors immediate access to the country, including to all detention facilities;
- (c) Grant OHCHR access to the country, including to conduct interviews and documentation activities pursuant to Council resolution 34/24;
- (d) Initiate reform of criminal justice legislation and rule of law institutions, including the judiciary and law enforcement and corrections systems, in accordance with international human rights norms and standards;
- (e) Ensure that victims of crimes against humanity and their families are provided with adequate, prompt and effective reparation and remedies, including public acknowledgment of the truth of the violations suffered;
- (f) Hold to account all perpetrators of international crimes in national courts through fair and impartial trials held in accordance with international standards;
- (g) Ratify the Rome Statute of the International Criminal Court.

55. OHCHR recommends that the Government of the Republic of Korea continue to facilitate the work conducted by OHCHR pursuant to Human Rights Council resolution 34/24, including with regard to access to individuals who have fled the Democratic People's Republic of Korea, and to the collection and analysis of relevant testimony, documentation and information.

56. OHCHR also recommends that the Human Rights Council and the General Assembly consider extending the mandate of the dedicated OHCHR accountability team for an additional period of two years to pursue implementation of Council resolution 34/24, namely the strengthening of OHCHR monitoring and documentation efforts; and consider providing additional resources for OHCHR to continue such work as described in the present report.

57. OHCHR calls upon Member States:

- (a) To undertake, where possible, the investigation and prosecution of persons suspected of committing international crimes in the Democratic People's Republic of Korea;

(b) To consider means by which further relevant information under Human Rights Council resolution 34/24 could be appropriately conveyed to OHCHR;

(c) To take further steps to ensure accountability for those responsible for serious human rights violations in the Democratic People's Republic of Korea at the regional or international levels, including through the referral by the Security Council of the situation to the International Criminal Court or the creation of an ad hoc international tribunal.

58. OHCHR calls upon all stakeholders to continue to cooperate with OHCHR in the collection, documentation and preservation of information relating to alleged human rights violations and crimes against humanity.
