

## **North Korea: The World's Principle Violator of the "Responsibility to Protect"**

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At the 2005 UN World Summit, the largest gathering of heads of state in history made a landmark commitment to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and pledged to intervene when a given state manifestly failed to protect its population from mass atrocity or was the actual perpetrator of these crimes. It is unequivocal that the DPRK has violated this international norm known as the Responsibility to Protect (R2P). With hundreds of thousands of North Korean refugees outside of the country, evidence of crimes against humanity and genocide taking place in North Korea is overwhelming. The DPRK is actively targeting for destruction every group which is protected under the UN Genocide Convention through its policy of killing the half-Chinese children of North Korean women forcibly repatriated by China (genocide on national, ethnical, and racial grounds) and through its systematic annihilation of its indigenous religious population and their families (genocide on religious grounds). The North Korean state is perpetrating crimes against humanity as defined by the Rome Statute of the International Criminal Court through its treatment of political prisoners and its exploitative and discriminatory food policy which has been the primary cause of millions of deaths.

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At the 2005 UN World Summit, the largest gathering of heads of state in history made a landmark commitment to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, now referred to as the "Responsibility to Protect" (R2P). [1] This paper argues that North Korea has violated this international norm to the degree that intervention is warranted.

The UN Convention on the Prevention and Punishment of the Crime of Genocide [2] and Article 6 of the Rome Statute of the International Criminal Court [3] define genocide as five specific actions committed with "intent to destroy, in whole or in part, a national, ethnical, racial or religious group."

It is indisputable that North Korea has employed each of the five acts characterized as genocidal through (a) executions and state-sanctioned murders, (b) the systematic use of torture, (c) state-induced mass starvation in political prison camps, and arguably elsewhere, (d) forcible abortions and infanticide, and (e) the forcible transfer and enslavement of children. [4] It is also clear that North Korea has directed these attacks

against specific groups protected under the Genocide Convention and Article 6 of the Rome Statute.

### Genocide on Religious Grounds

In 2007, Christian Solidarity Worldwide (CSW) published a report based on seven years of research and written by international lawyers concluding that there are indicators of genocide taking place against religious groups in North Korea, specifically against Christians. [5] Christian watchdogs such as Open Doors and Release International rate North Korea as the world's most egregious violator of religious rights. [6] But North Korea's policy toward its indigenous religious population extends far beyond "persecution"—religious believers and generations of their family members, including non-religious relatives and unborn children, are being exterminated.

Before the installation of the Kim Il Sung regime by the Soviets in 1945, the north was considered to be the center of Christianity in East Asia; 25 to 30 percent of Pyongyang's population was Christian. [7] Today, all traces of this once-flourishing religious community and culture have been obliterated. Recognizing the inherent threat posed by faith to totalitarian rule and the Kim cult of personality, the DPRK regime has since its inception committed genocide against religious believers and their families.

There are many indications of the specific intent to destroy religious groups in North Korea. Former North Korean police and security agents tasked with identifying and "eliminating" Christian groups have testified that the DPRK regime considers religion, and particularly Christianity, to be a primary threat to national security. Accordingly, harsh punishments are meted out to repatriated North Korean refugees who have had contact with missionaries and churches in China. When refugees are forcibly returned to the DPRK, they are brutally tortured and interrogated. [8] Refugees who are suspected of having had contact with missionaries or of converting to Christianity are either killed or banished to concentration camps for life along with three generations of their families. Open Doors estimates between 50,000 to 70,000 Christians are imprisoned in North Korea's concentration camps today. [9]

Other Christian human rights organizations believe that North Korean Christians who have not been publicly executed or killed by beating or starvation in prison camps have been used as guinea pigs in chemical and biological weapon experiments. [10] North Korean refugees, including former prison-camp guards who played a role in these atrocities, have been speaking out for over a decade in an attempt to get the international community to pay attention, but have been unsuccessful. [11]

In 2004, Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Jerusalem, made an urgent appeal to then UN Secretary-General Kofi Annan to act upon reports of "political genocide" in North Korea, but their call went unheeded. [12]

This entreaty came in the immediate aftermath of a BBC report that included interviews with two prison-camp survivors and with Kwon Hyok, a former North Korean army intelligence officer and a chief guard at Prison Camp 22. [13]

Camp 22 is a gargantuan lifetime-imprisonment camp, located on the northeastern tip of North Korea about twenty kilometers from the city of Hoeryong, from which no one has ever escaped. [14] Hyok spoke to journalist Olenka Frenkiel and provided precise details about North Korean gas chambers and chemical- and biological-weapon experiments performed on political prisoners, including children, in camp divisions known as wan-jeon-tong-je-kyuk (total-control zones). [15]

Here is a brief excerpt from his eyewitness account:

“I watched a whole family being tested on suffocating gas and dying in the gas chamber: Parents, one son and a daughter. The parents were vomiting and dying but until the very last moment they tried to save their kids by doing mouth-to-mouth breathing. For the first time it hit me that even prisoners are capable of powerful human affection.”

When asked by the interviewer if Hyok believed the children deserved to die such a death, Hyok frankly replied: “It would be a total lie to say I felt sympathy for the children dying such a painful death. In the society and the regime I was under, I just felt they were enemies. So I felt no sympathy or pity for them at all.” [16] The BBC report, which corroborated accounts from prison camp escapees dating back to the late 1990s, [17] has never been discredited. On the contrary, fresh accounts and studies conducted with North Korean refugees, over ten thousand of whom have made it to South Korea in the past eight years, confirms many of the report’s details. [18]

### Genocide on National, Ethnic and Racial Grounds

Genocide is also taking place on national, ethnic and racial grounds: it is North Korea policy to kill the half-Chinese children of refugees when they are repatriated by China.

Hundreds of thousands of North Koreans have been forced to flee to China in order to survive famine and oppression. [19] The majority of these refugees are women, 80 percent of whom have become victims of sex trafficking or have been sold into forced marriages. [20] Even if a North Korean woman is married to a Chinese citizen, Chinese authorities will repatriate her because of a 1961 treaty and a subsequent 1986 border protocol negotiated with the DPRK [21] (in flagrant contravention of China’s obligations under the UN Convention Relating to the Status of Refugees and its 1967 Protocol). [22] When forcibly returned, refugees suffer torture, imprisonment in camps and even execution. [23]

China repatriates over 5,000 North Korean refugees a year, [24] many of whom are North Korean women impregnated by rape, and they are subjected to senseless and unrestrained brutality at the hands of DPRK officials for the crime of “carrying foreign sperm.” [25] Some refugees have stated that while in China they would always have a razor blade or arsenic on them in case they were caught by Chinese police. [26] North Koreans would understandably rather commit suicide than face the cruelties of the DPRK after repatriation.

North Korea systematically and brutally exterminates the children of North Korean women believed to be fathered by foreigners, usually Chinese or Chinese-Koreans, through infanticide and forced abortions. According to the U.S. State Department, “The reason given for this policy was to prevent the birth of half-Chinese children.” [27] The Office of the UN High Commissioner for Human Rights has officially acknowledged North Korea’s “continued violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for prostitution or forced marriage, ethnically motivated forced abortions, including by labour inducing injection or natural delivery, as well as infanticide of children of repatriated mothers, including in police detention centres and labour training camps.” [28]

Multiple reports over the last ten years have indicated that in North Korea’s prisons, infanticide and forced abortions on ethnic grounds occur systematically. This practice, which also constitutes “ethnic cleansing,” corresponds with the DPRK’s obsession with racial purity; its intent to destroy racially “mixed” babies on ethnic grounds is clear and incontestable. [29]

### Crimes against Humanity in North Korea

Several legal reports, such as “Concentrations of Inhumanity” published by Freedom House in 2007 [30] and “Failure to Protect: A Call for the UN Security Council to Act in North Korea” published by DLA Piper in 2006, [31] have presented clear evidence that North Korea is actively committing crimes against humanity as defined in Article 7 of the Rome Statute of the International Criminal Court [32] through its treatment of political prisoners and its exploitative and discriminatory food policy, which has been the cause of millions of deaths.

With the possible exception of apartheid, the DPRK is committing every act defined as a crime against humanity in a systematic way in its political prison camps. [33] In May 2011, Amnesty International released a report and satellite images showing that the camps have grown dramatically over the past ten years, warning that “as North Korea seems to be moving towards a new leader in Kim Jong Un and a period of political instability . . . the prison camps appear to be growing in size.” [34]

## Conclusion

Following the death of Kim Jong Il, the DPRK regime under Kim Jong Un has vowed to continue the late Kim's genocidal policies. It has declared that it will carry out "immediate executions when people are caught trying to cross the borders" and will hunt down, imprison and kill three generations of family members left behind by North Koreans who attempt to flee the country, whether they are successful or not. A South Korean official told the JoongAng Ilbo that "there was nothing like the eradication of three generations in the Kim Jong Il era, but now it's happening under Kim Jong Un." [35]

"Consolidating power" for a criminal and genocidal state such as the DPRK can only mean mass purges, arbitrary arrests and terrorizing the population into absolute submission. It happened under Kim Jong Il and it is happening now under Kim Jong Un. [36] We must never forget that immediately after Kim Jong Il came to power in 1994, the "arduous march," a North Korean famine of Holodomor proportion, followed. [37] Despite one of the largest international aid efforts in modern history, more innocent people died in the North Korean famine-genocide from 1994 to 1998 than in the Rwandan and Darfur genocides combined. [38] Fifteen years later, a devastating manmade famine rages on that cannot be stopped, save by the intervention of the international community. North Korea has systematically starved political prisoners in its prison camps since its inception in 1945; the DPRK authorities are unrivalled masters at leveraging access to food as a means to their political end, keeping the North Korean population enslaved.

According to the Responsibility-to-Protect norm, the international community has an obligation to intervene when a state manifestly fails to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, or is the actual perpetrator of these crimes; first by "appropriate diplomatic, humanitarian, and other peaceful means" and then by force, if necessary. [39]

Genocide Watch, a respected NGO that exists "to predict, prevent, stop, and punish genocide" and whose board of advisors includes admirable anti-genocide activists such as Lt. Gen. Romeo Dallaire and Samantha Power, published a report on 19 December 2011 which found conclusively that North Korea has indeed committed genocide as defined in Raphael Lemkin's 1948 Convention, stating that there is "ample proof that genocide has been committed and mass killing is still underway in North Korea." [40] North Korea, a genocidaire of the first order, falls incontrovertibly into the category of state perpetrator and is manifestly demonstrating a "failure to protect" its own people. It is high time for the international community to respond with the means necessary to stop the crimes being committed against the people of North Korea.

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