

GOVERNMENT OF JAPAN

DPRK HUMAN RIGHTS VIOLATIONS AWARENESS WEEK

TOKYO, JAPAN, 10-15 DECEMBER 2015

ADHERING TO TRUTH, PRINCIPLE AND  
INTERNATIONAL LAW

The Hon. Michael Kirby AC CMG  
Former Chair of the United Nations Commission of Inquiry on the  
Democratic People's Republic of Korea

Remarks in a video recorded statement for the Conference in Tokyo  
14 December 2015

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I'm Michael Kirby and I had the honor to be the Chair of the Human Rights Council's Commission of Inquiry on Human Rights Violations in the Democratic People's Republic of Korea (North Korea). This is the report of the Commission of Inquiry [Indicates report].

In this report, a section, a large section, an important section was devoted to the terrible abductions, which were imposed by agents of North Korea upon peaceful citizens – nationals of Japan. They have, in their turn, to be seen in the context of similar abductions which were performed to nationals of other countries. Countries far away from the Korean Peninsula and from Japan. However Japan was a special target

of the agents of North Korea. They entered its peaceful territory, they seized Japanese citizens, they took them to North Korea for their use, and that use was often simply apparently the whim of a leader or for using instruction in the Japanese language – modern idiom. It was a form of modern piracy and it is a great affront to international law.

It's also a crime against humanity because it shocks the conscience of human beings everywhere to hear of such barbarous conduct. Since the report was written and was delivered to the Human Rights Council, it has in turn been delivered to the General Assembly of the United Nations and also to the Security Council of the United Nations. Presenting the report to the Security Council was itself a most exceptional thing. It is very rare for the Security Council to adopt as it did in the case of this report on North Korea in December 2014 – a resolution placing the report and human rights in North Korea on the table of the Security Council.

Some people say at conferences on North Korea's human rights record, "Speak softly, speaking loud will only cause difficulty in securing results. Well, I have come to the reluctant conclusion that that may not be the correct approach. We have been speaking softly and in the language of reason, civilization and persuasion ever since this report was delivered to the United Nations. I want to thank Japan for its endeavours to support our report and not only on the cases concerning North Korea's seizure of Japanese nationals.

On the 30<sup>th</sup> of October 2015, a resolution was adopted by an overwhelming vote of the General Assembly of the United Nations. This is the resolution, and it repeated the call for accountability and action including in the Security Council of the United Nations [Indicates resolution].

Some people say if we put this insistence on North Korea, we will only upset them and we will set the cause of action backwards. I'm afraid I don't agree with that. Speaking softly and endeavouring to apply logic and reason has got us nowhere.

So the question is what can we do in the situation we now find ourselves in? What action can be taken?

At least two things can be done. First, ensuring that the Security Council brings this matter forward and considers it and acts upon the recommendation of the Commission of Inquiry that the issues of human rights in North Korea should be referred to a prosecutor of the International Criminal Court or to some other tribunal, which can bring those who are responsible to accountability and justice.

And secondly, it's important that the recommendation of the Commission of Inquiry for follow-up with sharply-targeted sanctions upon those who are responsible in international law for the failure to act and for the great wrongs that have been done will be pursued.

Other action should be considered and I hope that the conference in Tokyo will be action-oriented. It should be also action that reaches out to the people of North Korea and brings them into the fold of the international civilized community. So I extend my respects to the Government and to the people of Japan and all of you present at this conference, and I hope that the call will go out, "Do not forget the report of the Commission of Inquiry. Do not forget a single page of it. Translate it into the languages of the world and bring it before the world because its pages will cause alarm, shock and distress, and will cause demand to be heard everywhere that it be followed up and acted upon."