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HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

Letter dated 30 January 2008 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva, addressed to the President of the Human Rights Council

I present my compliments to you and, in connection with planned review of the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (hereinafter referred to as "Special Rapporteur") at the upcoming seventh session of the Human Rights Council, to be held from 3 to 28 March, I have the honour to reiterate clearly the principled position of the Democratic People's Republic of Korea.

As well known, the Democratic People's Republic of Korea resolutely opposes and rejects the "Special Rapporteur".

It is in this perspective that I wish to draw your attention and, through you, the attention of the members and observers of the Human Rights Council, to the following facts.

1. First, the "Special Rapporteur" is a product of political confrontation.

The "Special Rapporteur" originated and is existing still as a result of the "resolutions" enforced against the Democratic People's Republic of Korea.

However, attention needs to be given to the fact that these were generated by motives having no relevance to human rights.

In 2003 alone, when the "resolution" on the Democratic People's Republic of Korea was first adopted, the United States of America and its Western allies put all sorts of pressure upon the Democratic People's Republic of Korea over its withdrawal from the Nuclear Non-Proliferation Treaty (NPT) and went so far as to initiate and forcibly enforce the adoption of the "resolution" on the country at the fifty-ninth session of the Commission on Human Rights.

At that time, bilateral human rights dialogue and cooperation between the Democratic People's Republic of Korea and the European Union, which had started for the first time in the history of the country, was at an excellent phase while the Democratic People's Republic of Korea had been maintaining a high level of cooperation with international human rights mechanisms.

Under these circumstances, there was no reason whatsoever for them to opt for such confrontational means as a "resolution".

The real purpose behind this "resolution", as pursued in conspiracy by the United States, Japan and the European Union, was aimed at abusing human rights as one of the means in their endeavour to eliminate the State and social system of the Democratic People's Republic of Korea.

Just to take an example, the so-called "Operation Plan 5027", once devised and pushed forward by the United States for the purpose of stifling the Democratic People's Republic of Korea militarily, envisaged unleashing an all-out war through the mounting of a pre-emptive strike at the country, following the imposition of sanctions over the nuclear issue and human rights problems.

The "Special Rapporteur" is only a showy mask that serves as a guide for those hostile forces, representing them in the achievement of their objectives against the Democratic People's Republic of Korea.

In the light of the motive for the creation of the "Special Rapporteur", his confrontation-driven words and deeds, while wandering here and there on the pretext of collecting information and the resultant reports full of distortions and fabrications, it will be more than enough for anyone to realize in whose favour and for what purposes the "Special Rapporteur" exists.

If one is to find examples of how the august human rights mechanism of the United Nations is being turned into a ground for political abuse, there could be no more vivid example than that of the "Special Rapporteur".

2. Second, the existence of the "Special Rapporteur" has been consistent with unjust manipulations.

All "resolutions" against the Democratic People's Republic of Korea, including the one that created the "Special Rapporteur", were treated as top secret at all stages of the drafting, and were tabled in the form of a surprise raid shortly before the voting.

This happened as a common practice, and the traditional international practice of "prior notice to and consultation with the party concerned" was completely disregarded. Meanwhile there was persistent and prevalent behind-the-scenes lobbying by the United States, Japan and the European Union to coerce individual countries into following their course of action against the Democratic People's Republic of Korea. This is not all.

In the process of liquidating old legacies of the Commission on Human Rights following the establishment of the Human Rights Council, they have made a series of undisguised attempts to maintain the mandate of the “Special Rapporteur” by all means.

Even before actual review of the mandate of the “Special Rapporteur”, they stirred up public opinion in such a way as to deliberately treat the maintenance of his mandate as a *fait accompli*, by planning in advance his activities so that would take place after the review. This is in breach of the established rules and regulations. Not satisfied with this, they even misled the international community by introducing into relevant United Nations documents certain clauses that prejudge the outcome of the review of the “Special Rapporteur” in their favour.

Consequently, the renewal of the mandate of the “Special Rapporteur” was enforced at the fifth session of the Human Rights Council without any review at all. In August 2007, an abnormal timetable was circulated suggesting that the review of the mandate of the “Special Rapporteur” be held at the seventh session of the Council, in March 2008, followed by the discussion of his report at the eighth session in June.

Is there any need for the United States, Japan and the European Union to stubbornly resort to trickery aimed only at the Democratic People’s Republic of Korea if they are genuinely impartial, as they often claim, and have no ulterior motives against the country?

3. Third, elimination of the “Special Rapporteur” really conforms to the current trend against politicization of human rights.

Following the demise of the Commission on Human Rights, politicized country-specific procedures such as the “Special Rapporteur” that contributed to its dissolution should have disappeared accordingly.

Over the 60 years of the Commission on Human Rights, country-specific procedures were applied only to developing countries. No single mandate-holder has ever been appointed to monitor human rights situations in Western countries.

Western countries describe country-specific procedures as a “driving force” for dialogue and cooperation in the area of human rights.

However, the reality suggests otherwise.

As clearly evidenced by the “Special Rapporteur”, the country-specific procedure is completely wrong from the beginning, as it is initiated on the basis of political motivations. And this inevitably leads to confrontation, which is incompatible with dialogue and cooperation.

In the course of the institution-building of the Human Rights Council over the last one and a half years, a majority of countries have referred to the need to eradicate country-specific procedures since they constitute the main source of politicization, selectivity and double standards.

Unfortunately, however, this anachronistic legacy continues today.

The very fact that country-specific procedures still exist in parallel with the universal periodic review (UPR) mechanism, which treats all countries on an equal footing based on objectivity, impartiality and universality, gives rise to grave concern.

More grave is the fact that attempts are being made with the aim of singling out only the “Special Rapporteur” for continuation. This is a typical example of selectivity and double standards and cannot be justified under any circumstances.

If the Human Rights Council is to function as a mechanism for genuine dialogue and cooperation, rejecting distrust and confrontation among States, if it is to avoid repeating the same mistakes as its predecessor, the Commission on Human Rights, and if it is indeed to faithfully fulfil its tasks entrusted by humanity, politicized country-specific procedures must be terminated in the Council.

Only then is it possible for the Human Rights Council to bring hope to humanity, which opposes politicization and aspires to genuine improvement in the worldwide promotion and protection of human rights in the twenty-first century.

With this in mind, we believe that action-oriented measures should be taken towards termination of this politicized country-specific procedure at the seventh session of the Human Rights Council.

I would be grateful if you could circulate this letter as official document of the seventh session of the Council under the relevant agenda item.

(Signed): R.I. Tcheul
Ambassador and Permanent Representative
