Dear Siria,

During the statement on the Korean Peninsula on Tuesday 5 September, you asked why the United Nations Security Council had not yet referred the DPRK regime to the International Criminal Court (ICC), despite the UN Human Rights Council (HRC) Commission of Inquiry finding that DPRK is a “state without parallel.” I am sorry that I was unable to respond to you at the time and I promised to write to you.

In principle, the ICC could be an appropriate forum to hold North Korea to account for its behaviour. However, the ICC can only take action when a war crime or crime against humanity is suspected to have been committed in or by a country which is party to the Rome Statute, or when a situation is referred to them by the UN Security Council. North Korea is not a party to the Rome Statute. As we have seen in the case of Syria, it can be difficult to achieve such a referral in the case of a non-signatory and when there is no consensus in the UN Security Council.

The UK is fully committed to the principle that there must be no impunity for the most serious international crimes, such as those documented by the Commission of Inquiry as taking place in North Korea.

In that regard, we welcome the HRC resolution in March 2017, which establishes a mechanism to document human rights violations. The HRC is scheduled to present its findings in March 2019.

I hope you find this letter helpful. I will also place a copy in the House library.

Yours sincerely,

Baroness Goldie

Lord Alton of Liverpool
House of Lords