

UA 105/00

Forcible Return / Fear for Safety

4 May 2000

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (North Korea)/
PEOPLE'S REPUBLIC OF CHINA (China)
Asylum-seekers from North Korea

Some 50 North Korean nationals were reportedly forcibly returned to North Korea by the Chinese authorities on 19 April. Those forcibly returned are at risk of serious human rights violations in North Korea, and Amnesty International fears for their safety.

According to reports received by Amnesty International, the forcible returns took place following serious disturbances on 18 April involving some 80 inmates at Tumen Detention Centre in the northeast province of Jilin. The Centre, believed to be used to detain North Koreans who have entered China illegally, was apparently the scene of protests against poor treatment and return to North Korea. North Koreans are not given an opportunity to lodge asylum claims even though China is a party to the 1951 UN Refugee Convention.

The forcible repatriations appear to be part of an operation by the Chinese authorities which began in March this year to stem the tide of asylum-seekers and illegal migrants from neighbouring North Korea, fleeing severe food shortages and even famine. Unconfirmed reports state that about 5,000 North Koreans were forcibly returned in March alone. North Korean asylum-seekers in China are reportedly pursued by the North Korean Public Security Service and sometimes apprehended and forcibly returned to their country where they may face imprisonment and even the death penalty under the North Korean Criminal Law.

The Chinese government continue to deny the UNHCR and other monitors access to the border areas with North Korea in order to assess the situation of North Koreans who are fleeing their country and the conditions inside the detention centres.

BACKGROUND INFORMATION

Dramatic food shortages in North Korea, reaching famine levels in several regions, have reportedly killed hundreds of thousands of people in the last five years. The famine has also led many more people to leave the country "illegally", often through the long land border with China. North Koreans who reach China illegally are in a highly precarious situation. Some reports say that North Koreans who try to cross the border into China have been ill-treated by police officials as they are taken back to North Korea. While Amnesty International is not in a position to confirm these and other reported human rights violations, the organisation is concerned that in the current desperate situation, human rights violations are likely to occur.

In January this year, seven North Korean refugees, including a 13-year-old boy, were forcibly returned to North Korea by China. All seven were granted refugee status by the UNHCR in Russia but the Russian government forcibly returned them to China. Amnesty International has appealed to the North Korean authorities for information on the whereabouts and legal status of the returnees, but has received no reply.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

APPEALS TO CHINESE AUTHORITIES:

- noting that, as a signatory to the 1951 Convention on the Status of Refugees, the Chinese government is bound by the internationally-recognised principle of *non-refoulement*, which prohibits states from returning refugees against their will to countries where they risk serious human rights violations;
- calling on the Chinese authorities to seek assurances from the North Korean government that the returnees will not be subjected to human rights violations in North Korea;
- urging the Chinese authorities to halt the forcible return of North Koreans and give them access to a fair and satisfactory asylum determination procedure;
- urging them to allow the UNHCR and other independent observers full and unhindered access to the border areas with North Korea and detention centres there.

Premier of the People's Republic of China

ZHU Rongji Zongli

9 Xihuangchenggenbeijie

Beijingshi 100032 - People's Republic of China

Telexes: 210070 FMPC CN or 22478 MFERT CN

Telegram: Premier Zhu Rongji, Beijing, China

Salutation: Your Excellency

Governor of the Jilin Provincial People's Government

HONG Hu Shengzhang

Jilinsheng Renmin Zhengfu

11 Xinfu Lu

Changchunshi 130051, Jilinsheng - People's Republic of China

Telegram: Governor, Changchun, Jilin Province, China

Salutation: Dear Governor

APPEALS TO NORTH KOREAN AUTHORITIES:

- appealing to the North Korean government to publicly disclose the identity, whereabouts and legal status of all those who were returned from China on 19 April;
- urging them to take immediate steps to ensure that none of the returnees are at risk of human rights violations, including detention and ill-treatment as prisoners of conscience, or sentenced to death solely for their wish not to return to North Korea;
- calling for greater openness and accountability on human rights by allowing independent access to international human rights monitors.

Mr Paek Nam Sun

Minister of Foreign Affairs

Pyongyang, Democratic People's Republic of Korea

Salutation: Your Excellency

Mr Paek Hak Rim

Minister of Public Security

Pyongyang, Democratic People's Republic of Korea

Salutation: Your Excellency

COPIES TO:

Mr Kim Song Chul
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salutation: Dear Counsellor Kim

and to diplomatic representatives of the Democratic People's Republic of
Korea and of the People's Republic of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 15 June 2000.