

PUBLIC

AI Index: ASA 24/007/2004

23 December 2004

UA 343/04

Fear of torture/fear of death penalty

DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA (NORTH KOREA)

PARK Yong-chol (m)

North Korean national Park Yong-chol was recently found to have been forcibly returned, in secret, from China in October 2004. There has been no news of him since he was returned, and he is at grave risk of being tortured and possibly executed.

He had been serving a two-year prison sentence for his part in organising the January 2003 "Yantai boat incident", in which a group of 30 North Koreans attempted to travel on from China to South Korea by sea. He was held at Weifeng prison, in Shandong province, and was expected to be released in January 2005. He was one of five people arrested for organising the escape attempt, of whom three have already been released and one, a South Korean national, is still in prison.

The 30 North Koreans were arrested in Yantai city, Shandong province, and most have since been forcibly returned to North Korea. They are likely to be held in harsh conditions, and there are unconfirmed reports that several are now serving long sentences in *kwalliso* (labour camps for political prisoners). Amnesty International is monitoring their situation.

In North Korea, Park is likely to be detained in very poor conditions, and subjected to lengthy interrogations, during which he is at risk of torture. He risks being sentenced to a long period in a *kwalliso*, or even sentenced to death. He was apparently very worried about facing the death penalty.

BACKGROUND INFORMATION

Under North Korean law, anyone who illegally crosses "a frontier of the Republic" faces up to three years in a *kwalliso*. This law is in clear breach of Article 12 (2) of the International Covenant on Civil and Political Rights, to which North Korea is a state party, which states that "Everyone shall be free to leave any country, including his own."

There are unconfirmed reports that at least one North Korean forcibly returned by China was executed earlier this year. Three members of a North Korean family were forcibly returned from China in August 2003, and were tortured and later sentenced to prison terms ranging from five to ten years in *kwalliso*. There has been no news of them since October 2004. (For details see UA 311/04, ASA 24/002/2004, 19 November 2004)

Acute food shortages in North Korea have forced tens of thousands of people to flee across the border into China's north-eastern provinces. Many remain in border areas living in appalling conditions: they do not speak Chinese, receive no support or protection from the state and suffer rape and other forms of abuse and exploitation.

Thousands have been forcibly repatriated by the Chinese authorities, who in October 2004 stated that they had adopted a "zero tolerance" approach to North Koreans in China, after arresting at least 62 in Beijing. (For further information, see *Persecuting the Starving: The Plight of North Koreans Fleeing to China*, AI Index: ASA 24/003/2004.)

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the North Korean authorities to make public information concerning the whereabouts of Park Yong-chol;
- urging them to ensure that Park Yong-chol is not imprisoned or ill-treated solely for attempting to leave North Korea;
- if he is detained, calling for him to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence;
- calling on the authorities to guarantee that he will not be tortured or ill-treated;
- urging them to ensure that all detainees are humanely treated, and to investigate all allegations of torture and other human rights abuses promptly and impartially, and bring those responsible to justice.

APPEALS TO:

Chairman Kim Jong-il
National Defence Commission
Pyongyang
Democratic People's Republic of Korea
Salutation: Dear Chairman

Ambassador Ri Tcheul
Permanent Representative of North Korea (DPRK) Mission in Geneva
Permanent Mission of the DPRK to UN
Chemin de Plonjon 1
1207 Geneva
Switzerland
Fax: + 41 22 786 0662
Salutation: Dear Ambassador

Ambassador Park Gil-yeon
Office of the Permanent Mission of North Korea (DPRK) to UN
820 Second Avenue, 13th Floor
New York, N.Y. 10017, USA
Fax: + 1 212 972 3154
Salutation: Dear Ambassador

COPIES TO:

Minister Paek Nam-sun
Ministry of Foreign Affairs
Pyongyang
Democratic People's Republic of Korea

and to diplomatic representatives of North Korea accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 February 2005.