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THAILAND/CHINA: Shameful collusion between China and Thailand in targeting freedom of expression and ignoring refugee rights must end

As the governments of China and Thailand attend the 27th ASEAN summit and associated meetings in Malaysia, Amnesty International condemns the Thai authorities' shameful decision to forcibly return refugees to China in contravention of its international obligations.

On 14-15 November the Thai government forcibly returned two Chinese activists to China who had been recognized as refugees by the UNHCR. A third individual, a Swedish national who went missing in Thailand on 17 October might also have been removed to China, according to media reports and activists. On 8 July the Thai government had forcibly returned some 100 individuals, most of them ethnic Uighur of Chinese citizenship at China's demand.

Amnesty International said the Thai authorities are callously disregarding their international obligations under human rights law and international refugee protection, by lending support to the Chinese authorities' crackdown on peaceful critics at home and abroad.

Amnesty International urges governments attending the ASEAN summit and related meeting to call on Thai and Chinese authorities to stop denying the freedom of expression and refugee rights, and ensure no state violates its human rights obligations in order to accommodate requests from the Chinese government.

Dong Guangping and Jiang Yefei, two Chinese activists recognized as refugees by the Office of the United Nations High Commissioner for Refugees (UNHCR), were returned to China on the weekend of 14/15 November, and are now at grave risk of torture and other ill-treatment, as well as unfair trials in China. Their families have not received official notice of their deportation.

Both Thailand and China must further answer open questions about the whereabouts and legal status of Gui Minhai, a Swedish national of Chinese origin who runs publishing companies in Hong Kong that specialize in books on Chinese political and social issues, who went missing in Thailand on 17 October. Three of Gui Minhai's associates went

missing in late October. One of these was last heard from in Hong Kong, while the two others are believed to have gone missing while in Guangdong province in southern China, according to credible Hong Kong media reports.

Amnesty International urgently calls on:

Thailand:

The Thai authorities must immediately end the practice of returning individuals who are at real risk of torture and other human rights violations to other countries, and explain why it allowed the transfer of recognized refugees to China on the weekend.

The Thai authorities must investigate the whereabouts of Gui Minhai; if he is in Thai detention, they must immediately disclose his whereabouts and why he has been detained.

If he has been removed to China, Thailand must explain why it allowed the transfer of a Swedish national to a third country.

China:

The Chinese authorities must disclose the whereabouts and legal status of Jiang Yefei and Dong Guangping, and, the case be, Gui Minhai; refrain from prosecuting them solely for their peaceful exercise of the right to freedom of expression, and allow them free passage out of China should they so wish.

The Chinese authorities should release them immediately and unconditionally unless they are formally charged with an internationally recognizable criminal offence.

Pending their release, the Chinese authorities should provide immediate guarantees for their safety and ensure that they are not subjected to torture or other ill-treatment in detention; and ensure without delay that they have regular, unrestricted access to their families and lawyers.

Background

Although Thailand is not part of the UN Refugee Convention, it is bound by the principle of *non-refoulement*, which prohibits the transfer of people to any country or jurisdiction where they would be at real risk of serious human rights violations or abuses. This principle is enshrined in numerous international instruments, and has achieved the status of customary international law, binding on all states regardless of whether they have ratified the relevant treaties.

The forcible return of people to a country where there is a real risk that they could face torture and other ill-treatment also violates the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Thailand is a state party.

Activists Dong Guangping and Jiang Yefei have been previously detained by Chinese authorities on account of their respective activities to commemorate the victims of the 1989 Tiananmen Square crackdown, and challenge the official response to the 2008 Sichuan earthquake. Jiang Yefei has published satirical cartoons on social media during his exile in Thailand.

The whereabouts of Gui Minhai remain unknown after an unidentified individual led him away from his apartment in Pattaya in southeast Thailand on 17 October 2015.