

EXTERNAL (for general distribution)

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**PLEASE DRAW THIS URGENT ACTION TO THE ATTENTION OF THE REFUGEE COORDINATOR  
IN YOUR SECTION**

UA 179/92 Fear of Forcible Return (Refoulement)

1 June 1992

LAOS: Huang Guisheng

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Huang Guisheng is a Chinese national who is currently detained in Vientiane, the capital of Laos, and is at imminent risk of being forcibly returned to China.

Huang Guisheng was actively involved in pro-democracy demonstrations in China in May and June 1989. Apparently due to this involvement, he was reportedly detained on a number of occasions in 1990 and 1991. He was released from detention in November 1991 and, with Luo Songyan, his fiancée, left the country without official permission and fled to Laos in January 1992. The Office of the United Nations High Commissioner for Refugees (UNHCR), in accordance with its mandate, determined both of them to be refugees in need of protection. It is understood that arrangements have been made for them to be resettled in a third country.

However, the Laotian authorities arrested them on 23 March 1992. The Laotian authorities have reportedly been in contact recently with the Chinese embassy in Laos about these cases. It is further reported that the Chinese authorities have alleged that Huang Guisheng fled China after embezzling funds and are seeking his return to China.

Amnesty International is concerned that the Laotian authorities' contacts with the Chinese embassy indicate that they intend to forcibly return Huang Guisheng to China in the very near future. If he is forcibly returned to China, Amnesty International believes that Huang Guisheng risks being imprisoned as a prisoner of conscience.

#### **BACKGROUND INFORMATION**

In China, thousands of people throughout the country were arrested following the June 1989 crackdown on pro-democracy protesters. The authorities have made public partial figures for releases and trials, and hundreds were known to be still detained or imprisoned in early 1992, but the fate of the majority remains unknown. Huang Guisheng was reportedly first arrested in May 1990, shortly after he had written an English language test which he believes was viewed by the authorities as an indication of his desire to leave the country.

He had already been questioned on at least one occasion by Communist Party officials at the institute where he worked. He was arrested again in August 1990 and held for two months, and in March 1991 he was arrested and held for eight months until November 1991. He was never formally charged. He was reportedly beaten and ill-treated while in detention.

The Lao People's Democratic Republic (LPDR) is governed by the Lao People's Revolutionary Party, and maintains close diplomatic and economic relations

with the People's Republic of China.

The principle of *non-refoulement*, as set out in Article 33 of the 1951 Convention relating to the Status of Refugees, prohibits states from forcibly returning any person to a country where they risk serious human rights violations. Although Laos is not a party to the 1951 Convention, the principle of *non-refoulement* itself is a customary norm of international law, binding on all states, whether or not they are party to the 1951 Convention.

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**RECOMMENDED ACTION: Please send telegrams/telexes/express and airmail letters:**

- urging the Laotian authorities not to forcibly return Huang Guisheng to China;
- reminding the Laotian authorities of their obligation under international law not to forcibly return anyone to a country where he or she risks serious human rights violations;
- seeking urgent assurances that the Laotian authorities will provide Huang Guisheng with effective and durable protection against forcible return to China or, if he is not to be allowed to remain in Laos, that he be allowed an effective opportunity to find another country to go to where he will be granted effective and durable protection against return to China;
- reminding the Laotian authorities also that international standards provide that the detention of asylum-seekers should normally be avoided; if, exceptionally, asylum-seekers are detained, these standards also demand that all persons who are detained have an opportunity to challenge the reasons for their detention before a judicial or similar authority.

**APPEALS TO:**

1. President  
Kaysone Phomvihane  
Office of the President  
Vientiane  
LAOS

**Telegrams: President Kaysone Phomvihane, Vientiane, Laos**  
**Telexes: 4317 MINAE LS; 4320 MINAE LS (both c/o Ministry of Foreign Affairs)**

**[Salutation: Dear President]**

2. Prime Minister  
General Khamtai Siphandon  
Office of the Council of Ministers  
Vientiane  
LAOS

**Telegrams: Prime Minister, General Khamtai Siphandon, Vientiane, LAOS**  
**Telexes: 4317 MINAE LS; 4320 MINAE LS (both c/o Ministry of Foreign Affairs)**

**[Salutation: Dear Prime Minister]**

**COPIES OF YOUR APPEALS TO:** to diplomatic representatives of Laos in your country

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 13 July 1992.