

AMNESTY INTERNATIONAL

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South Korea: End secrecy surrounding North Korean restaurant workers

The South Korean authorities need to lift the veil of secrecy surrounding the North Korean restaurant workers. There has been much speculation, claims and counter-claims as to the group's plight, but what is missing from this story are the voices of the 13 workers.

For months they have been denied contact with their families or lawyers of their choosing, raising questions as to whether their basic rights are being respected.

Amnesty International has urged the South Korean authorities to promptly grant the individuals reasonable facilities to communicate with their families and legal counsel of their own choosing. Amnesty International has written to both the governments of South Korea and North Korea seeking information about the 12 women and their manager who were previously working in a North Korean-owned restaurant in Ningbo, China. Unfortunately to date, we have not received a reply from either government.

According to information provided publically by the South Korean authorities, we know the 13 individuals arrived in South Korea in early April 2016, and are currently under investigation in a facility operated by the National Intelligence Service (NIS) of the country.

As far as Amnesty International has been able to confirm, the individuals have not been allowed to contact their families in North Korea, nor others outside the facility beyond those approved by the NIS, such as the government-appointed lawyers and the very few government-approved domestic NGOs.

In our letters, we noted that the accounts given by the two governments concerning how the 13 individuals came to depart China and arrive in South Korea are very different, and since the individuals' own explanations remain unknown, it is very difficult to determine the nature of their travel and whether or not all of them travelled to South Korea voluntarily.

Amnesty International reiterates that all governments must respect the freedom of movement of these individuals which includes the right to freely depart from any country, including their own, and to return to their country.

In a TV interview on 20 April 2016 a co-worker of the 13, who had returned to Pyongyang, said that the workers themselves were not in control of their passports while working at the restaurant in China. If true, this would put these individuals at risk of having their right to liberty of movement restricted. Amnesty International asked the North Korean government for further information about this and about the other conditions of their employment. Likewise all governments must respect the right to liberty and security of person and protection from arbitrary arrest and detention.

These rights apply to everyone, including refugees, asylum-seekers and migrants, regardless of their nationality and legal status. In addition, the prohibition of arbitrary detention is a rule of customary international law, and is applicable to all states, even during war. Any individuals deprived of their liberty are entitled to have that detention reviewed by an independent and impartial judicial power to determine if it is lawful.

Everyone in detention has the right to communicate with the outside world, subject only to reasonable conditions and restrictions that are proportionate to a legitimate aim. By denying this communication to those in the settlement support process, the South Korean government may be failing to protect and ensure the rights of these individuals, including the right to be free from unlawful and arbitrary detention and their access to remedies.

In our report, *Connection Denied*, released earlier this year, on the restrictions on freedom of expression and freedom of information in North Korea, we emphasized the right of every person to communicate freely with family members, regardless of national boundaries.

In the case of the 13 restaurant workers, we urged the governments of the two Koreas to work constructively and collaboratively to facilitate communication between family members, as this is nothing short of a basic right of the individuals and their family members.