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China/North Korea: Asylum seekers must be protected

The North Korean family of seven seeking asylum at the United Nations High Commissioner for Refugees (UNHCR) office in Beijing would be at serious risk of human rights violations if they were returned to North Korea, Amnesty International said today. North Korean law states that leaving the country without permission is a criminal act and punishment can be anything from seven years in a reform institution to execution.

"As a signatory to the Refugee Convention, the Chinese authorities should guarantee the safety of the Gil-suh family while they have access to a fair refugee determination procedure. They should not be returned to North Korea," the organization said. "The family are not economic migrants but political refugees. Drawings depicting repression and famine in North Korea by a 17-year-old member of the Gil-suh family means the family would likely be subjected to harsh punishment if returned."

Five among the group of 17 who arrived in China with the Gil-Suh family in 1999 have been forcibly returned to North Korea without access to any refugee determination procedure. Amnesty International fears for their safety and is calling on the North Korean government to publicly disclose their whereabouts. They were reportedly arrested and tortured in North Korea for having had contact with foreigners.

Amnesty International further urges the Chinese government to allow the UNHCR and other independent observers free and unconditional access to the detention centres in border areas with North Korea.

Background

It is estimated that hundreds, possibly thousands, of North Koreans have fled to China in search of food since 1994. In China their situation is very precarious -- they face intimidation and imprisonment at the hands of Chinese security forces. Those forcibly returned to North Korea face serious human rights violations, including imprisonment in harsh conditions, torture and the death penalty.

The North Korean authorities should ensure that no one is persecuted if forcibly returned, and amend provisions in the criminal code in accordance with international human rights standards so that people are free to leave the country.

Amnesty International is urging the international community to raise these concerns with both the Chinese and the North Korean authorities.

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