

UA 235/02

Fear of forcible return

25 July 2002

PEOPLE'S REPUBLIC OF CHINA / DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (NORTH KOREA)

Ryu Mi-hwa (f), aged 43
Han Sol-hee (f), aged 19
Roh Myung-ok (f), aged 38
Jeong Eun-mi (f), aged 10
Jeong Eun-chul (m), aged 8
Kim Chul-nam (m), aged 32
Kim Ji-sung (m)
Nam Chun-mi (f) and her new-born baby
And four others, names unknown

Amnesty International fears that 13 North Korean nationals currently detained in China are at risk of imminent forcible return to North Korea where they may face serious human rights violations, including arbitrary detention, torture or death in custody.

The group is reportedly detained in Manzhouli Prison in the Inner Mongolia Autonomous Region of China. They were arrested on 31 December 2001 in Hulunbeier City, Inner Mongolia, while being led through northeast China towards the neighbouring state of Mongolia by a South Korean pastor, Chun Ki-won, and his assistant, Jin Qilong, an ethnic Korean Chinese national, both of whom were also arrested. The group of North Koreans reportedly includes four children and one baby born in prison.

On 3 March, Chun Ki-won and Jin Qilong were charged with "organizing other people to illegally cross the national border". They were tried by the Hulunbeier Municipal People's Court in Inner Mongolia and were found guilty and sentenced to pay fines of 50,000 and 20,000 Yuan respectively (US\$6,000/US\$2,400). Chun Ki-won has been deported and is expected to arrive in South Korea in the next few days.

Diplomatic sources from South Korea have reportedly suggested that the 13 people named above are likely to be sent back to North Korea. Amnesty International believes that they could face serious human rights violations if returned to North Korea.

BACKGROUND INFORMATION

Ongoing political repression and serious food shortages in North Korea have forced hundreds of North Koreans across the border to China where many live in fear of arrest and possible repatriation. The Chinese authorities view such people as "economic migrants" and have refused to grant them access to refugee determination procedures through the Office of the United Nations High Commissioner for Refugees (UNCHR).

Since March, around 60 North Koreans have sought refuge in embassies and consulates in China resulting in several diplomatic incidents. In an apparent attempt to prevent such incidents in the future, the Chinese authorities have renewed their crackdown in northeast China by rounding up North Koreans and sending them back to North Korea.

According to reports, in Jilin Province, up to 900 North Koreans were forcibly returned from Longjing in April and up to 500 others from Tumen in May. In Tumen, witnesses have reported seeing groups of North Koreans being taken back across the border in open trucks every two or three days. Those sent back to North Korea meet an uncertain fate and are at risk of serious human rights violations.

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

- urging the authorities to ensure that the 13 people named above are not forcibly returned to North Korea;
- calling on the authorities to give them immediate access to the UNHCR so that their claims for protection can be independently and impartially assessed;
- calling on the authorities to immediately review the decision to detain the 13 and ensure that they have access to lawyers of their choice and medical treatment while they are in detention;
- urging the authorities to stop forcibly returning North Korean asylum seekers and to give all North Koreans in China access to fair and independent refugee determination procedures;
- noting that, as a signatory to the 1951 Convention on the Status of Refugees, the Chinese government is bound by the internationally-recognised principle of *non-refoulement*, which prohibits states from returning refugees against their will to countries where they risk serious human rights violations.

APPEALS TO:

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Salutation: Your Excellency

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Telegram: People's Government Chairman, Huhehaote, China
Salutation: Dear Chairman

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NOTE: Fax numbers may be difficult to obtain but please keep trying.

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and to diplomatic representatives of People's Republic of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 September 2002.