

AI Index: PRE 01/111/2012
29 February 2012

Fears for nine forcibly returned from China to North Korea

The Chinese authorities should not forcibly return any more North Korean border-crossers caught en route to South Korea, after it emerged that nine people were sent back, Amnesty International said.

At least 40 North Koreans are said to be currently held in detention facilities near the China-North Korea border in North East China after being caught in transit. If sent back to North Korea, they would be at serious risk of torture and other ill-treatment, forced labour, imprisonment in political prison camps and execution.

In January the North Korean authorities reportedly condemned border-crossers and threatened them with severe punishments on their return.

"The reported denouncement of border-crossers by North Korea's new government during a time of leadership transition could signal that those returned may be subjected to even harsher punishment than usual," said Rajiv Narayan, Amnesty International's Korea expert.

"The North Korean authorities must ensure that no one is detained or prosecuted for going to China, nor subjected to gross violations of their human rights on return there."

"The Chinese authorities must also stop breaking international law and cease forcibly returning people to a country where they face persecution, torture and death."

North Korea is undergoing a leadership transition after the death of Kim Jong-il and the succession of his son Kim Jong-un in December 2011.

Some of those forcibly returned to North Korea face detention in one of the country's network of political prison camps such as the notorious Yodok facility, where inmates are forced into hard labour for up to 12 hours a day.

In 2011 former detainees at Yodok told Amnesty International that prisoners are forced to work in conditions approaching slavery and are frequently subjected to torture and other cruel, inhuman, or degrading treatment. All those interviewed had witnessed public executions.

North Koreans are not allowed to travel abroad without state permission, making it virtually impossible to leave.

However, despite significant risks, thousands of North Koreans illegally cross the border into China every year.

China considers all undocumented North Koreans to be economic migrants and forcibly returns them to North Korea if they are caught.

Although China is a state party to the UN Refugee Convention, it has prevented UNHCR, the UN refugee agency, from gaining access to North Koreans in the country.

International law prohibits the forcible return, either directly or indirectly, of any individuals to a country where they are at risk of persecution, torture or other ill-treatment, or death.

The North Korean authorities refuse to recognize or grant access to international human rights monitors, including Amnesty International and the UN Special Rapporteur on the situation of human rights in North Korea.

Background

14 February 2011, China urged to avoid forced repatriation of 21 North Koreans

<http://www.amnesty.org/en/news/china-urged-avoid-forced-repatriation-21-north-koreans-2012-02-14>

19 December 2012, Kim Jong-il's death could be opportunity for human rights

<http://www.amnesty.org/en/for-media/press-releases/north-korea-kim-jong-il-s-death-could-be-opportunity-human-rights-2011-12-1>