

PUBLIC

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7 June 2000

Further information on UA 105/00 (ASA 17/21/00) - Forcible Return / Fear for Safety

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

More evidence has come to light that the Chinese government has been contravening the internationally recognised principle of *non-refoulement* by forcibly returning scores of North Korean asylum-seekers to their country. The latest crack-down on North Korean asylum seekers and illegal immigrants has been stepped up since March this year when thousands of North Korean nationals are reported to have been forcibly returned to their country. Amnesty International is concerned that those forcibly returned are at risk of severe human rights violations in North Korea where they may face prison terms, or even the death penalty under the North Korean Criminal Code. According to some reports, many are subject to torture and ill-treatment while in prison camps and receive grossly insufficient food.

Amnesty International is further concerned at reports claiming that the North Korean Public Security Service (PPS) together with the Chinese police are issuing threats to people who are involved in helping North Korean asylum seekers including Chinese of Korean descent and local churches. North Koreans are not given an opportunity to lodge asylum claims even though China is party to the 1951 UN Refugee Convention.

Some sources have alleged that North Korea has notified China that it will completely close their common border between 1 and 25 June, apparently in preparation for the first ever inter-Korean summit to be held in Pyongyang between 12 and 14 June.

Since 1995, the famine in North Korean is believed to have caused the death of hundreds of thousands of people and has triggered a flood of starving asylum seekers into China. Amnesty International has not been able to establish the total number of North Korean asylum seekers and illegal immigrants currently in China and estimates of their number may be between 50,000 and 300,000.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or in your own language:

APPEALS TO CHINESE AUTHORITIES:

- noting that, as a party to the 1951 UN Refugee Convention, 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 (this would include closing of borders to prevent people seeking asylum);
- noting that as a member of the UNHCR Executive Committee, China should cooperate with other states to share the responsibilities of protecting refugees;
- calling on the Chinese authorities to seek assurances from the North Korean government that the returnees will not be subjected to human rights violations in North Korea;
- urging them to lift the restrictions on access to the border areas with North Korea for the UNHCR and other independent human rights monitors;

- urging them to take immediate steps to stop all operations aimed at apprehending and intimidating North Korean asylum seekers and those who are helping them in China.

Premier of the People's Republic of China

ZHU Rongji Zongli

9 Xihuangchenggenbeijie

Beijingshi 100032 - People's Republic of China

Telexes: 210070 FMPC CN or 22478 MFERT CN

Telegram: Premier Zhu Rongji, Beijing, China

Salutation: Your Excellency

Governor of the Jilin Provincial People's Government

HONG Hu Shengzhang

Jilinsheng Renmin Zhengfu

11 Xinfu Lu

Changchunshi 130051, Jilinsheng - People's Republic of China

Telegram: Governor, Changchun, Jilin Province, China

Salutation: Dear Governor

APPEALS TO NORTH KOREAN AUTHORITIES:

- urging them to take immediate steps to ensure that none of the returnees are at risk of human rights violations including arbitrary detention and ill-treatment, or subject to the death penalty solely for their wish not to return to North Korea;

- calling for greater openness and accountability on human rights by allowing independent access to international human rights monitors;

- urging them to take immediate steps to stop all operations aimed at apprehending and intimidating North Korean asylum seekers and those who are helping them in China or any other country;

- immediately adapt policies concerning "defection" to bring them into line with international obligations under Article 12(2) of the International Covenant on Civil and Political Rights which stipulates that "Everyone shall be free to leave any country, including his own" and to allow North Korean citizens uninhibited exit and entry to North Korea;

- provide Amnesty International with full clarification and documentary evidence of the whereabouts and legal status of all North Koreans who were forcibly returned to North Korea;

- Ratify the 1987 Convention against Torture and Other Cruel, Inhuman and Degrading Punishment or Treatment.

Mr Paek Nam Sun

Minister of Foreign Affairs

Pyongyang - Democratic People's Republic of Korea

Salutation: Your Excellency

Mr Paek Hak Rim

Minister of Public Security

Pyongyang - Democratic People's Republic of Korea

Salutation: your Excellency

APPEALS TO THE UNHCR:

- calling on the UNHCR to put pressure on the Chinese authorities to fulfill all obligations under the 1951 UN Refugee Convention, including granting North Korean refugees asylum in China and affording them full protection.

COPIES TO: diplomatic representatives of Democratic People's Republic of Korea and the 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 19 July 2000.