

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2015/11/21/china-dont-return-nine-north-korean-refugees>

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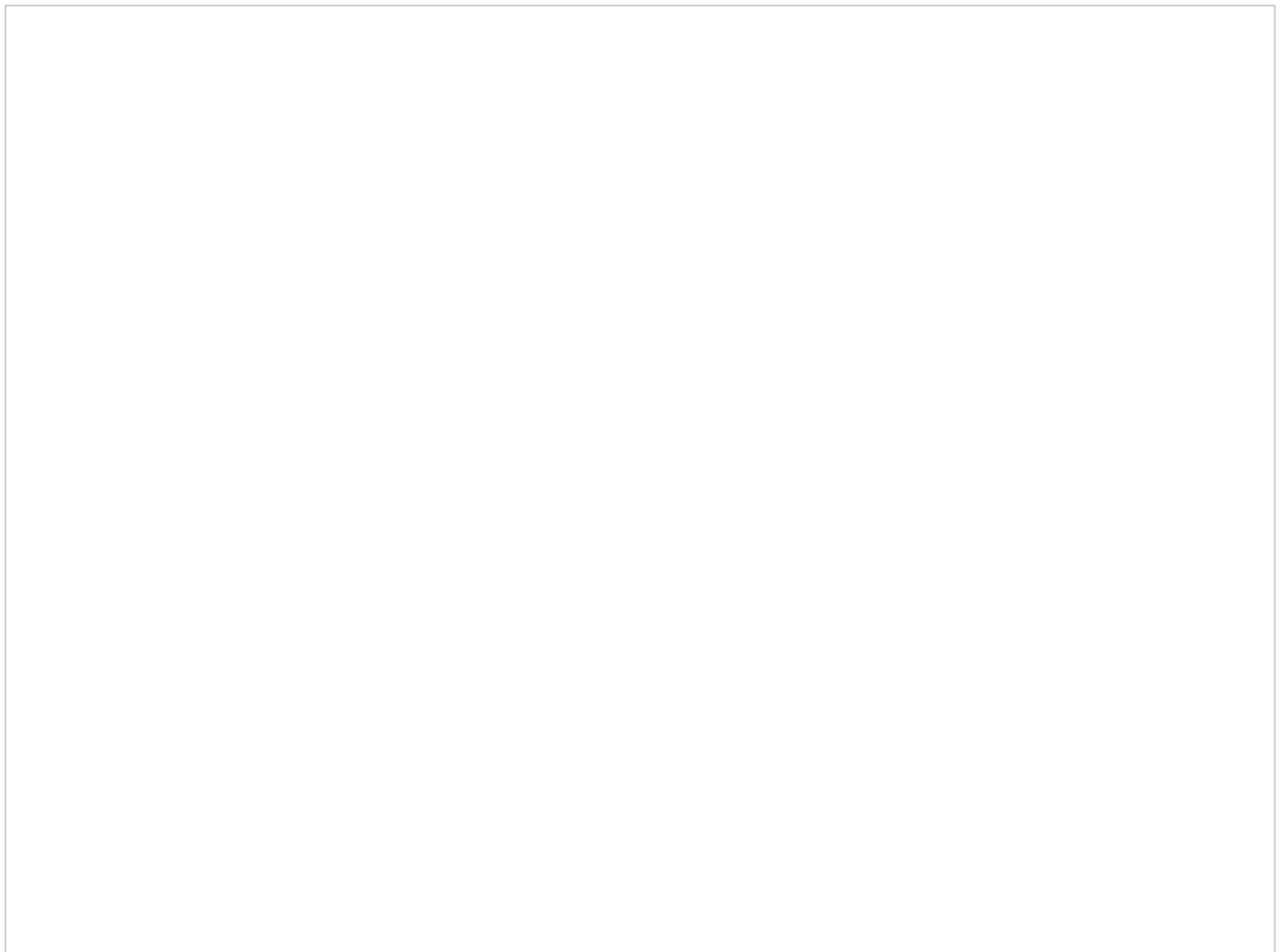
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(Seoul) China should ensure that nine North Korean refugees are not returned to [North Korea](#), where they would be at grave risk, Human Rights Watch said today.

The refugees, including an 11-month-old baby, who were transferred to [China](#) from [Vietnam](#), should be allowed to go to a safe third country, such as South Korea. China should reveal their whereabouts immediately.



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A barbed-wire fence separating North Korea from China is seen in this photo taken from the Chinese border city of

North Korea subjects its citizens who are forcibly returned to incredibly harsh abuses, including incarceration in prison camps, torture, and execution, said [Phil Robertson](#), deputy [Asia](#) director at Human Rights Watch. Beijing should abide by its international obligations and allow the nine refugees to resettle in a safe third country.

The group left Northeastern China on October 16, 2015, and traveled to Vietnam, family members told Human Rights Watch. Vietnamese police apprehended them on October 22, during a random check on a bus in Mong Cai, in northeastern Vietnam near the China border. There is no indication the nine were given the opportunity in Vietnam to lodge asylum claims.

Family members learned that on October 24, the Vietnamese authorities handed over the group to Chinese police in Dongxing, in China's southern Guangxi province. They said that on November 16, Chinese authorities sent the group to Shenyang, in the northeastern province of Liaoning, and from there, to a military garrison in the town of Tumen, in Jilin province, near the North Korean border.

Because North Koreans who leave the country without permission face certain harsh punishment upon repatriation, they are *refugees sur place* people who become refugees as a result of fleeing their country or due to circumstances arising after their flight. In 2010, North Korea's Ministry of Peoples Security adopted a decree making defection a crime of treachery against the nation, punishable by death. North Koreans who have fled the country since 2013 and contacts inside the country have told Human Rights Watch that people who are caught and repatriated from China face incarceration and mistreatment in political prison camps (*kwanliso*), which are operated by the State Security Ministry.

These camps are characterized by systematic abuses and often deadly conditions, including meager rations that lead to near-starvation, virtually no medical care, lack of proper housing and clothes, regular mistreatment including sexual assault and torture by guards, and executions. Death rates in these camps are reportedly extremely high.

The Commission of Inquiry on Human Rights in the Democratic Peoples Republic of Korea (DPRK) [report](#) issued in 2014 found that persons who flee the DPRK are targeted as part of the DPRK's systematic and widespread attack against populations considered to pose a threat to the political system and leadership of the DPRK, because the system of isolation, information control, and indoctrination imposed by the DPRK stands and falls with its ability to isolate the population from contact with the outside world.

The commission also found that almost all of the repatriated people are subjected to inhumane acts. The torture, sexual violence and inhumane conditions of detention that victims endure during the search and initial interrogation phase appear to be based on standard procedures.

There is little doubt that if these nine refugees are forced back to North Korea, they will disappear into a camp system characterized by torture, violence, and severe deprivation from which few emerge, Robertson said. If China sends them back to North Korea, they could well be sending them to their deaths.

China labels all North Koreans in China as illegal economic migrants and routinely repatriates them. However, as a party to the 1951 Refugee Convention and its 1967 Protocol, China is prohibited from returning refugees people who have left their countries and have a well-founded fear of persecution to a place where their life or freedom would be threatened.

The Convention Against Torture states that no government shall expel, return (refouler) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

On November 17, 2015, the United Nations Committee Against Torture raised concerns with China about returning North Koreans to North Korea. China should apply its 2012 [Entry-Exit Law](#), which provides legal status for those in China who have a registered claim for refugee status.

The Vietnamese government, by sending the North Korean refugees to China where they faced foreseeable repatriation would also be responsible for any harm suffered by the group. While Vietnam has not ratified the Refugee Convention, the government is bound by the Convention against Torture and customary international law, which prohibits the forced return of refugees to persecution.

On November 19, a UN General Assembly committee voted on a resolution on the DPRK's human rights situation and 112 states condemned the horrific abuses in North Korea. The resolution reminded member states of their obligation to comply with the refugee convention.

China and Vietnam should stop all forced repatriation of North Koreans and allow them to safely go to third countries where they would not be at risk, Human Rights Watch said. China should allow the group access to the UN refugee agency, which can assist in facilitating their resettlement.

After [being rebuked](#) by the UN Committee Against Torture, China has its first opportunity to show that it is willing to combat torture by letting these nine North Koreans resettle somewhere safe, Robertson said.

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