

# Human Rights Watch

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

<https://www.hrw.org/news/2015/11/24/letter-human-rights-watch-president-xi-jinping>

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Re: Refoulement of North Korean Refugees

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President Xi Jinping  
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#### Re: Detention of Nine North Korean refugees

Dear President Xi Jinping,

Human Rights Watch is an international nongovernmental organization that investigates and reports on human rights abuses in over 90 countries, including China, North and South Korea. We work on a wide range of human rights issues worldwide, including the risk of refoulement of refugees, use of torture and restrictions on basic rights, like freedom of movement to leave ones home country.

We write to request that you urgently stop the forced return of a group of nine North Korean refugees currently in Chinas custody, and allow them to travel and seek asylum in a safe third country. We are deeply concerned about the group, which includes an 11-month-old baby. If returned to North Korea, they will face harsh abuses, including incarceration in prison camps, forced labor, torture, and a high risk of execution or sexual violence. Additional information about this group is available here:

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

This matter is quite urgent because according to the latest information provided by family members, this group was last being held at Tumen, in Jilin province, at a military garrison near the China-North Korea border. A forced return could happen at any time.

Because North Koreans who leave the country without permission face certain harsh punishment upon repatriation, they should be considered *asrefugeessur place* people who become refugees as a result of fleeing their country or due to circumstances arising after their flight.

As I am sure you know, North Koreas Ministry of Peoples Security adopted a decree in 2010 making defection a crime of treachery against the nation, punishable by death. North Koreans who have fled the country since 2013, or who are residing outside the country but are able to surreptitiously communicate with contacts inside North Korea, 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.

Despite this well-documented reality, China continues to label 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, to which China is party, 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; Chinese officials failed to provide a credible reply.

We strongly urge the Chinese government to reveal the whereabouts of the group, abide by your international obligations to protect refugees, and under no circumstances force them back to a place where they could face persecution. Doing so will damage China's international reputation, and deepen concerns about its willingness to abide by established international law. The only reasonable, rights-respecting way for Beijing to proceed is to allow this group of nine North Koreans to move without hindrance or harassment to a country where they will feel safe.

Sincerely,

Sophie Richardson  
China Director, Asia Division  
Human Rights Watch

CC:

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