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The plight of North Korean asylum-seekers in China:
Detention, denial of access to refugee procedures and forcible return

Your Excellency,

a combination of famine, worsening economic conditions and political repression over the last few years have meant that thousands of North Korean asylum-seekers have fled across the border into China. Here they live in fear of arrest or possible repatriation, with Chinese authorities branding them as 'illegal immigrants'.

International Human Rights Organisations are concerned at continuing reports about the detention, denial of access to refugee determination procedures and forcible return of North Korean asylum-seekers in the People's Republic China.

Of even greater concern is that it is a crime under North Korean law to leave the country without authorization. Asylum-seekers who are forcibly returned may consequently face imprisonment and possible death.

Recent diplomatic incidents in embassies and consulates in China as a result of Chinese authorities' crackdown on North Korean asylum-seekers have brought their plight into sharp focus. Seeking protection in other countries through embassies and consulates in China is a last resort for these people.

Since April 2002, over 900 North Koreans have been rounded up in northeast China, and forcibly repatriated, without the opportunity to make a claim for asylum. This is in spite of the fact that China is a signatory to the 1951 Refugee Convention.

The Chinese Government must protect asylum-seekers

On 18 January 2003, Chinese security officers detained almost 40 North Korean refugees and asylum-seekers, including a number of children. According to reports, these asylum-seekers were attempting to leave China and seek asylum in either Japan or South Korea. It is understood that these North Koreans have been given no access to a refugee determination procedure, and some have already been repatriated to North Korea.

This is not an isolated event by any means. In addition to the 900 North Koreans rounded up in Jilin Province as mentioned earlier, it is reported that some 500 North Koreans were similarly repatriated from Tumen in May 2002. In fact, witnesses in Tumen have observed seeing people transported in open trucks over the border every 2 or 3 days.

Following from the incidents involving the North Koreans seeking refuge from foreign diplomatic facilities in China, it has been reported that a notice was issued in June last year to all foreign embassies in Beijing requesting them to hand over any North Korean 'trespassers', and labelling the incidents in the embassies and consulates as 'a provocation of Chinese law'.

China, as a signatory to the Refugee Convention, is obliged to refrain from forcibly returning refugees to their country of origin where they may face persecution, torture and even death. It is also required, by signing this Convention, to provide an effective and fair procedure for the determination of their refugee status.

Yours respectfully,

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