

URGENT ACTION

FAMILY FACE FORCIBLE RETURN TO NORTH KOREA

A family of five are at risk of forcible return to North Korea after being arrested by Chinese authorities. If returned to North Korea they are at serious risk of torture and other ill-treatment, forced labour and death.

The Chinese authorities are holding five North Koreans, **Kim Kwang-ho**, his wife **Kim Ok-shil**, their daughter, and two other relatives **Kim Song-il** and **Kim Son-hye** in a detention facility in the city of Yanji, Jilin province, north-eastern China. If returned to North Korea, illegal border-crossers typically face arbitrary detention, torture, and other ill-treatment, including forced labour. They would also be at risk of enforced disappearance in North Korea.

Kim Kwang-ho, Kim Ok-shil, and their daughter previously fled North Korea and settled in South Korea in August 2009. However, they left South Korea for China in December 2012. Kim Kwang-ho then returned to North Korea followed later by his wife and daughter. In January North Korean media interviewed Kim Kwang-ho, his wife and another North Korean who had returned from South Korea. In the interview they said that they had been lured to South Korea.

In their latest attempt to flee North Korea, Kim Kwang-ho and his family are reported to have left North Korea on 24 June. They were in China seeking means to return to South Korea when the shelter they were staying in was raided on 14 July by the Chinese police.

The circumstances behind their return to North Korea between December 2012 and early January remain unclear. There are concerns that their return may not have been voluntary, and that the media interview was used primarily as propaganda to deter others from trying to go to South Korea. This means that they are at heightened risk of punishment and risk to their lives including the death penalty if returned to North Korea.

Although China is a state party to the UN Refugee Convention it has prevented the UN refugee agency, the UNHCR, from having access to North Koreans in China. Amnesty International believes that all North Koreans in China are entitled to refugee status because of the risk of serious human rights violations if they are returned.

Please write immediately in English, Chinese or your own language:

- ✓ Call on the authorities not to forcibly repatriate Kim Kwang-ho, Kim Ok-shil, their daughter and their relatives, Kim Song-il and Kim Son-hye;
- ✓ Urge them to let Kim and his family travel to South Korea, or seek asylum in China and other countries,
- ✓ Call on them to provide Kim and his family access to the UNHCR

PLEASE SEND APPEALS BEFORE 30 AUGUST 2013 TO:

President

Xi Jinping Guojia Zhuxi
The State Council General Office
2 Fuyoujie
Xichengqu, Beijingshi 100017
People's Republic of China
Fax: +86 10 6238 1025
Email: gov@govonline.cn
Salutation: Your Excellency

Premier

Li Keqiang Guojia Zongli
The State Council General Office
2 Fuyoujie
Xichengqu, Beijingshi 100017
People's Republic of China
Fax: +86 10 65961109 (c/o Ministry of
Foreign Affairs)
Salutation: Your Excellency

And copies to:

Minister of Foreign Affairs
WANG Yi Buzhang, Waijiaobu
2 Chaoyangmen Nandajie
Chaoyang District, Beijingshi 100701
People's Republic of China
Fax: +86 10 65591516 or 65961109 or
65962660
Email: webmaster@mfa.gov.cn

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

North Koreans are not allowed to travel abroad without state permission however, facing significant risks, many do cross the border into China every year without permission. China considers all undocumented North Koreans to be economic migrants, rather than asylum-seekers, and returns them to North Korea if they are caught. However, 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.

Kim Jong-un who came to power after his father's death in December 2011 has increased border controls, condemned border crossers and threatened them with severe punishment, including death. On 19 June North Korean state news published a statement by the Ministry of People's Security vowing to "take substantial measures to physically remove despicable human scum" who leave the country without permission – an act the North Korean government views as treason. According to South Korean government figures, there has been a significant drop in the number of North Koreans reaching South Korea in 2012: 1,509 compared to 2,706 in 2011.

In March 2013, the UN Human Rights Council voted to establish a Commission of Inquiry (CoI) into human rights violations in North Korea. The CoI is tasked to investigate alleged violations of the right to food, freedom of expression, right to life and freedom of movement, and abuses in political prison camps, torture and other ill-treatment, arbitrary detention, discrimination, and enforced disappearances.

The North Korean government refuses 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. Ongoing restrictions on access for independent monitors, intergovernmental organizations and humanitarian organizations impede efforts to assess the human rights situation in the country.

Name: Kim Kwang-ho (male); Kim Ok-shil (female); their daughter (female); Kim Song-il (male); Kim Son-hye (female)
Gender m/f: both

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