

21 November 2017

President Xi Jinping 習進平主席
General Secretary Office 秘書長辦公室
Central Committee of the Communist Party of China 中國共黨中央委員會
Zhongnanhai Ximen, Fuyou Street 福友街, 西門中南海
Xicheng District, Beijing 100017 北京市西城區,
People's Republic of China 中華人民共和國

Re: APPRN East Asia Working Group Calls upon China to immediately stop the forcible repatriation of 10 North Korean refugees

「亞太難民權利網絡」東亞小組呼籲中國立即停止強制遣返十名北韓難民

Dear President Xi Jinping,

親愛的習進平主席,

We write to you in our capacity as the Chair and Deputy Chair of the East Asia Working Group of the Asia Pacific Refugee Rights Network (APRRN), a network of more than 320 civil society organisations and individuals from 28 countries committed to advancing the rights of refugees across the Asia Pacific region.

我們是以「亞太難民權利網絡」東亞工作組的主席及副主席的身份寫信給您。「亞太難民權利網絡」是一個來自 28 個國家, 超過 320 個致力於促進亞太地區難民權利的公民團體及個人所組成的網絡。

The East Asia Working Group is concerned that 10 nationals from the Democratic People's Republic of Korea (DPRK), including a four year old child, are currently detained in the People's Republic of China (PRC) and appear to be facing imminent repatriation. They were arrested in a raid on a safe house in Shenyang, Liaoning province, on 4 November 2017. If repatriated, they face an extreme risk of torture, imprisonment, and possibly even execution.

東亞工作組關切十位來自北韓的國民, 其中包括一位四口的小孩, 目前都被中國關押收容, 且即將面臨遣返。他們在今年十一月四日, 在遼寧省瀋陽的一個安全住所, 被突襲及逮捕。若遣返, 他們極可能面臨酷刑, 監禁, 甚至是死刑執行。

The DPRK restricts its citizens from leaving the country and severely punishes those who attempt to escape. The 2014 report of the United Nations Commission of Inquiry on Human Rights in the DPRK found that refugees forcibly repatriated are commonly subjected to torture, arbitrary detention, summary execution, forced abortions, and other sexual violence.

北韓限制他們的公民離開國家, 且嚴格懲罰那些試圖逃離的人們。2014 年聯合國針對北韓的人權調查委員會所完成的報告發現, 被遣返的難民往往被施以酷刑, 任意逮捕, 任意處死, 強迫墮胎或其他性暴力。

Given these well-documented human rights violations, China's forcible repatriation would violate its international law obligations, including the Convention against Torture and the Convention relating to the Status of Refugees. The Committee against Torture's concluding observations on the fifth periodic report of China said, with reference to nationals of the DPRK, that:

根據這些被充分證明的人權侵害，中國的強制遣返將違反它本身的國際法義務，包括「反酷刑公約」及「國際難民地位公約」。反酷刑公約委員會在第五次針對中國的定期審查，提出了關於遣返北韓人民的「結論性意見」：

"... under no circumstance should the State party expel, return or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture"

「在任何情況下，如果締約國有充分的理由相信他或她將面臨遭受酷刑的危險，締約國不應將其遣返，遣返或引渡到另一國。」

Additionally, the Committee called upon China to:

此外，委員會呼籲中國政府：

"Immediately cease forcible repatriation of undocumented migrants and victims of trafficking to the Democratic People's Republic of Korea, and allow UNHCR personnel unimpeded access to nationals of the Democratic People's Republic of Korea who have crossed the border, in order to determine if they qualify for refugee status."

「立刻停止遣返來自北韓的無證移民及人口販運受害者，並允許聯合國難民署人員可以暢通無阻地接觸到這些跨越邊境來自北韓的國民，以便確認他們是否符合難民資格。」

The East Asia Working Group respectfully calls upon you to halt the repatriation of the 10 DPRK nationals, allow them to meet with United Nations High Commissioner for Refugees personnel to determine their status and guarantee their personal safety, including passage to a third country where required.

東亞工作組懇請您停止遣返這十名北韓國民，允許他們會見聯合國難民事務高級專員，確定他們的地位，保證他們的人身安全，包括必要時前往第三國。

Sincerely,

Il Lee

Chair, East Asia Working Group 主席，東亞工作組
Advocates for Public Interest Law, South Korea 南韓公益法倡議組織

Piya Muqit

Deputy Chair, East Asia Working Group 副主席，東亞工作組
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