

Humanitarian law and refugees: Letter by HRWF Int. to British PM Tony Blair on China's defiance of its international commitments

Dear Prime Minister,

In view of the upcoming E.U.-China Summit to be held on September 5 in Beijing, I would like to alert you to the concerns of *Human Rights Without Frontiers Int.* as regards the continued lack of protection for North Korean asylum seekers in China and the violation of their fundamental human rights while seeking refuge in this country.

At the Fifty-fourth Session of the Executive Committee of the UN High Commissioner's Programme on Refugees in 2003, it has been stated for the first time that "North Korean defectors may well be considered refugees" as a group of "concern to the UNHCR" in view of their protection needs. Moreover, it has been emphasised that "the principle of non-refoulement must be respected". The same concerns have been reiterated at the Fifty-fifth session of the Executive Committee of the UN High Commissioner's Programme on Refugees in October 2004.

Despite the importance of these statements, the People's Republic of China continues to act in defiance of its international commitments in the field of humanitarian law and refugees. For several years already, Chinese authorities deny the UNHCR access to North Korean refugees on its territory in breach of the Agreement signed between China and the UNHCR on December 1, 1995 whereby "UNHCR personnel may at all times have unimpeded access to refugees".

China is signatory to the 1951 Convention on the Status of Refugees and the 1967 Protocol. In breach of its international commitments and in particular, the non-expulsion principle under Article 33 of the Convention and Article 1, para. 1 of the 1967 Protocol, China conducts a systematic campaign of arrests and repatriation of North Korean asylum seekers.

Article 1 (b) of the Resolution of the United Nations Commission on Human Rights in Democratic People's Republic of Korea, adopted on April 15, 2004, expressed deep concern about "sanctions on citizens of DPKR who have been repatriated from abroad, such as treating their departure as treason leading to punishments of internment, torture, inhuman or degrading treatment or the death penalty, and infanticide in prison and labour camps".

There is enough evidence that North Korean asylum-seekers are in urgent need of protection. Their arrests and repatriation by Chinese authorities constitute a serious violation of customary international law and indicate a disturbing disrespect for humanity.

Therefore, we strongly urge the E.U. to press the Chinese government to:

- cease the campaign of arrests and repatriation of North Korean refugees;
- allow the UNHCR a direct and unhindered access to the areas with North Korean refugees;

- create conditions for the UNHCR to set up the necessary status determination procedure and to make a formal assessment of the refugee situation;
- guarantee the safety of North Korean refugees;
- abide by international principles and standards in the field of humanitarian law and refugees.

The international community should be in a position to extend assistance to North Korean refugees and to ensure their physical safety and security, despite sensitivities that come to the fore when dealing with the People's Republic of China.

We hope that this issue will be given due consideration.

Sincerely,

Willy Fautré
Director

cc Mr Jack Straw, Foreign Secretary