



Human Rights Without Frontiers Int.

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Information and Press Service

28 June 2004

NORTH KOREAN REFUGEES

Japanese humanitarian aid worker jailed in China for helping North Korean refugees

Japanese humanitarian aid worker to be released on 9 August

LFNKR (28.06.2004) / HRWF (28.06.2004) - Email: info@hrwf.net - Website: <http://www.hrwf.net> --The sentencing of Takayuki Noguchi, a member of the Japanese NGO Life Funds for North Korean Refugees (LFNKR), was held at 10 AM June 28, 2004 at Chong Zuo Intermediate People's Court in Nanning, Guangxi in China.

Noguchi was charged with one count of illegally transporting people with the intent of crossing the border (Article 321 of the Chinese Domestic Criminal Code) and an additional count of attempting to assist in illegally crossing the border (Article 61). He was sentenced to 8 months in prison and fined 20,000 RMB (about US\$2,778). All his personal goods, including 340,000 yen in cash (about US\$3,148), a video camera, and a cellular phone were also confiscated.

As LFNKR has repeatedly pointed out, Noguchi was arrested on 10 Dec. 2003 while attempting to help the two Japan-born North Koreans, who are obviously qualified as refugees according to international law (UN Convention on Refugees).

Both North Koreans would surely face severe punishment, including possible death, if repatriated to North Korea. China is signatory to the UN Convention on Refugees, an international law which takes precedence over national laws, and China, as a member of the United Nations, and signatory to the Convention, is obliged to observe this international law. However, China still continues to hunt down North Koreans and send them back to their homeland, knowing they will face harsh punishment, including imprisonment in labor camps. This repatriation must be halted immediately in the interests of humanitarianism and human rights.

The Japanese government has consistently focused on the "intent" of the Chinese

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government, refusing to shift from its position that Noguchi violated Chinese domestic laws and that we must plead with the Chinese government for generous humanitarian treatment of Noguchi.

The Japanese government has never raised the issue of international laws with the Chinese government, including those related to the 1951 Refugees Convention and the 1967 Protocol, which China has officially ratified.

It is obvious that this blindness by the Japanese government toward human rights and humanitarianism has only prolonged the detention of Takayuki Noguchi.

Furthermore, the fact that Noguchi has been punished in this way by the Chinese government while Japan's chief government spokesman and Japan's Minister of Foreign Affairs officially referred to the detention of Noguchi at press conferences indicates China's total lack of respect for the Japanese government.

It is extremely unfortunate that Noguchi has had to endure this arrest, detention and trial for an obviously humanitarian act.

LFNKR proposes that the international community continue its efforts to improve the awareness of human rights worldwide and to take direct action for that purpose.

Japanese man jailed in China for helping North Korean refugees

Japan Today (28.06.2004) / HRWF (28.06.2004) - Email: info@hrwf.net - Website: <http://www.hrwf.net> -- A Chinese court on Monday sentenced a Japanese man to eight months in prison for helping North Koreans who entered China to go to a third country, but said his prison term will end Aug 9 to take account of time spent in custody.

The Intermediate People's Court in Chongzuo, said Takayuki Noguchi, 32, will be deported after the prison term ends. It also fined Noguchi 20,000 yuan (260,000 yen). Noguchi has been detained since he was arrested on Dec 10 near the Vietnamese border in the Guangxi Zhuang Autonomous Region, when he was with two North Koreans who were previously residents of Japan. (Kyodo News)



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A Japanese citizen helping North Korean defectors sentenced to eight months in prison and to deportation in August

Sankei Shimbun (28.06.2004) / HRWF Int. (28.06.2004) -- On 28 June 2004, Mr. Takayuki Noguchi, who helped North Korean defectors go to a third country via China, was found guilty of attempting to assist in illegally crossing the border by Chong Zuo Intermediate People's Court in Nanning, Guangxi in China. He was sentenced to eight-month imprisonment and fined 20,000 yuan (260,000 yen).

This is the first case where a Japanese citizen was prosecuted and sentenced to actual imprisonment for aiding North Korean defectors. China has been increasingly intolerant towards non-governmental organisations (NGOs) aiding North Korean defectors, taking into account the accusations against such NGOs by North Korea. By today's judgment, China affirmed its severe stance against those who aid the defectors.

According to the judgment, Mr. Noguchi will be released on 9 August 2004 given that he has already been detained for over six months. Mr. Noguchi will be deported from China after his release. Unless Mr. Noguchi appeals, he is expected to return to Japan in August.

The maximum sentence for the crime he was convicted of is five-year imprisonment. If aggravating factors are found to exist, the maximum sentence increases to ten-year imprisonment.

Mr. Noguchi is a member of an NGO called "Life Funds for North Korean Refugees." In December 2003, the Chinese authority arrested him with two North Korean defectors who are former residents of Japan in the Guangxi Zhuang Autonomous Region, near the Vietnamese border. Mr. Noguchi was prosecuted in April. It appears that on 9 May 2004, the opening day of the trial, the court also examined Mr. Noguchi's past aiding activities in China for North Korean defectors.

Translation Japanese-English by HRWF Int. correspondent Yohei Suda