

### Mandates of the Working Group on Arbitrary Detention

REFERENCE:  
UA CHN 11/2016

9 November 2016

Excellency,

I have the honour to address you in my capacity as Working Group on Arbitrary Detention, pursuant to Human Rights Council resolutions 24/7.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **18 individuals from the Democratic People's Republic of Korea, including three minors, who were recently arrested in China and face imminent repatriation where they are likely to be subjected to severe human rights violations.**

According to the information received:

On 6 September 2016, in Qingdao, Shandong province in China, five (5) individuals from the Democratic People's Republic of Korea were arrested: [REDACTED] (female, born on [REDACTED]); [REDACTED] (female, born on [REDACTED]); [REDACTED] (male, born on [REDACTED]); [REDACTED] (male, born on [REDACTED]) and [REDACTED] (male, born on [REDACTED]). They were taken into custody by Chinese authorities.

On 12 September 2016, in Fangchenggang, Guangxi province in China, four (4) individuals from the Democratic People's Republic of Korea were arrested: [REDACTED] (female, born in [REDACTED]); [REDACTED] (female, born in [REDACTED]); [REDACTED] (female, born in [REDACTED]); and [REDACTED] (female, born in [REDACTED]). Ms. [REDACTED] was accompanied by a 2-year-old toddler, Ms. [REDACTED] was with a 4-year-old child and Ms. [REDACTED] was with a 2-year-old toddler. They were taken into custody by the Chinese authorities.

On 17 September 2016, in Hun Jiang district, Changbai county, Jilin province, three (3) individuals from the Democratic People's Republic of Korea were arrested: [REDACTED] (male, born on [REDACTED]); [REDACTED] (female, born on [REDACTED]); and [REDACTED] (female, born on [REDACTED]). They were reportedly taken into custody by the Hun Jian district police.

On 28 September, three (3) individuals from the Democratic People's Republic of Korea were arrested and reportedly detained at Mengla County Prison, Mengla county, Yunnan province, in China: [REDACTED] (female, born on [REDACTED]);

██████████ (female, born on ██████████) and ██████████ (female, born on ██████████). On or around 29 September, the three individuals were reportedly transferred to an unknown location.

It is alleged that all the above mentioned individuals have been detained without arrest warrants, have not been presented before a judge nor have they been granted access to a legal counsel. It is further alleged that the abovementioned individuals are currently held in unknown locations and face imminent repatriation where they are likely to be subjected to severe human rights violations.

While I do not wish to prejudge the accuracy of these allegations, I would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of the abovementioned individuals not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9, 10 and 11 of the Universal Declaration of Human Rights (UDHR).

In addition, I would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals — which are of a purely humanitarian nature — in no way prejudge any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of the abovementioned individuals and explain how the arrest and detention of the aforementioned persons is compatible with the

principles and norms contained in articles 9 and 10 of the Universal Declaration of Human Rights.

While awaiting a reply, I urge that all necessary interim measures be taken to safeguard the rights of abovementioned individuals in compliance with the above international instruments.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

José Guevara  
Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention