

**Mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea**

REFERENCE:  
UA CHN 20/2019

27 September 2019

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, pursuant to Human Rights Council resolution 40/20.

With reference to my previous communications concerning the arrest, detention and threat of repatriation of 15 citizens of the Democratic People's Republic of Korea (UA CHN 7/2019, UA CHN 10/2019, UA CHN 11/2019), I have received information that nine individuals were transferred from the detention centre in Anshan City, Liaoning province to somewhere else around 1.00 p.m. on 17 September 2019. In addition, three children who were hosted in another facility have been reportedly transferred as well.

While I do not wish to prejudge the accuracy of the information, I wish to express concern about this development since this might be an indication of the risk of repatriation of these 12 individuals given the past practice, according to the information I have received.

In your Government's replies to my letters (GJ/25/2019, GJ/30/2019, GJ 31/2019), I appreciate the explanations that the Government of China would protect the legitimate rights and interest of these individuals to the utmost extent and that it would handle these individuals in accordance with international law, domestic law and humanitarian principles.

As I stated in my previous letters, there are substantial grounds to believe that these individuals currently under your authorities' detention would be in danger of being subjected to torture or other serious human rights violations if repatriated to the Democratic People's Republic of Korea.

Therefore I urge your Excellency's Government not to repatriate these individuals including children in order to protect their human rights. I sincerely hope that the transfer of these 12 individuals has been made for the protection of their human rights.

Without entering into an argument whether they are qualified for the refugee status under the 1951 Conventions relating to the status of refugees or not, I would like to reiterate that international human rights law provides the principle of non-refoulement, which is explicitly included in the Convention against Torture and Other Cruel, Inhuman

or Degrading Treatment or Punishment (CAT) as well as the International Convention for the Protection of All Persons from En-forced Disappearance (ICPPED).

In view of the urgency of the matter, I would appreciate an update on the whereabouts of these 12 individuals.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Tomás Ojea Quintana  
Special Rapporteur on the situation of human rights in the Democratic People's Republic  
of Korea