

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

Ref.: UA CHN 11/2024
(Please use this reference in your reply)

23 May 2024

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 52/28.

With regards to the allegation letter JAL CHN 9/2023 dated 18 July 2023, I would like to express my appreciation for your Excellency's Government's reply received on 13 September 2023. In this connection, I would like to bring to the attention of your Excellency's Government additional information on one individual.

I am concerned about the information that [REDACTED] is facing the risk of forcible repatriation in violation of the principle of *non-refoulement*.

According to the information received:

1. [REDACTED] (female, born on [REDACTED]) from the Democratic People's Republic of Korea was captured in [REDACTED] China in 2005, sentenced to twenty years of imprisonment for an unknown crime and had been imprisoned in [REDACTED] [REDACTED] province since 2006. She completed her sentence and released on 12 May 2024.
2. A prison guard informed her daughter that she would be transferred to [REDACTED] control on 13 May and will be repatriated to the Democratic People's Republic of Korea shortly.

While I do not wish to prejudice the accuracy of these allegations, I wish to express serious concern about the reported arrest and detention of the abovementioned individual.

I also wish to express concern over the possible human rights implications of any decision by your Excellency's Government to repatriate the abovementioned individual to the Democratic People's Republic of Korea, taking into consideration that the individual would be at threat of human rights violations, including torture, ill treatment sexual violence, upon detention, committed against repatriated individuals of that country for the legitimate exercise of their rights to leave the country and to seek asylum, which thus would render arrest arbitrary.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, I 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 my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I 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 the legal grounds for the arrest and detention of abovementioned individual and the charges brought against her.
3. Please provide updated information on the current legal status of the abovementioned detainee.
4. Please explain what measure are in place to ensure the human rights of the detainees are upheld and that an individual assessment is conducted to ensure the principle of *non-refoulement*.

While awaiting a reply, I urge that all necessary interim measures be taken to halt repatriations and that consultations are made with the United Nations, including human rights mechanisms, the Office of the High Commissioner for Human Rights and the Office of the High Commissioner for Refugees to prevent their re-occurrence. I also request that access be granted to these detainees for our mandates and these United Nations bodies, including in coordination with third parties such as the International Committee of the Red Cross.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). 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.

Elizabeth Salmón
Special Rapporteur on the situation of human rights in the Democratic People's
Republic of Korea