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June 24, 2017

President Xi Jinping  
General Secretary Office  
Central Committee of the Communist Party of China  
Zhongnanhai Ximen, Fuyou Street  
Xicheng District, Beijing 100017  
People's Republic of China

#### Re: Detention of Five North Korean refugees

Dear President Xi,

Human Rights Watch is an international nongovernmental organization that investigates and reports on human rights abuses in over 90 countries, including China, North Korea, South Korea and the United States among others. We work on a wide range of human rights issues worldwide, including protection of refugees and stopping refoulement, ending the use of torture, and combatting restrictions on basic rights, like the freedom of movement to leave one's home country.

We write to request you urgently stop the forced return of a group of five North Korean refugees back to the Democratic People's Republic of Korea (DPRK) who were apprehended by police last week in Shengyang city of Liaoning province. They are currently believed to be detained near Yanji city in Jilin province. Human Rights Watch calls on you to permit these five persons who were last seen in your government's custody to travel safely to a third country.

If these five persons are returned to North Korea, they will likely face harsh abuses, including possible torture, imprisonment in prison camps, forced labor, and based on past incidents, sexual violence and potentially execution. This information is based on Human Rights Watch's research as well as and the conclusions of a UN Human Rights Council Commission of Inquiry on human rights in North Korea that produced a comprehensive report [in 2014](#).



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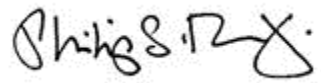
This matter is quite urgent because the most recent information we have received is that these persons are to be imminently sent to Helong city, 70 kilometers southwest of Yanji, near the Chinese-North Korean border. Once they are in Helong, a forced return could happen at any time. Please find additional information in [this press release](#).

Your government has labeled North Koreans in China as illegal “economic migrants” and routinely repatriates them to North Korea based on arrangements established by a 1986 border protocol. But Human Rights Watch’s research has found that North Koreans who leave the country without permission face certain and harsh punishment upon repatriation. Because of this, international law requires that they should be considered as *refugees sur place* – people who become refugees as a result of fleeing their country or due to circumstances arising after their flight. In 2010, North Korea’s Ministry of People’s Security adopted a decree making defection a crime of “treachery against the nation,” punishable by death. North Koreans who have fled the country since 2013, or who are residing outside the country but can surreptitiously talk with contacts inside North Korea, have told Human Rights Watch that North Koreans who are repatriated from China face incarceration, torture, inhumane treatment, enslavement, and sexual violence upon their forced return.

As party to the 1951 Refugee Convention and its 1967 Protocol, China should uphold its commitments and not send North Koreans – who have a well-founded fear of persecution - back to North Korea, where their life or freedom will be threatened because they left the country without permission.

We noted that in November 2015, the United Nations Committee Against Torture raised serious concerns about China’s actions to forcibly return fleeing North Koreans caught in China to North Korea. We strongly urge the Chinese government to reveal the current whereabouts of the group of five North Koreans, and abide by China’s international obligations under the Refugee Convention to protect refugees and under no circumstances force them back to a place where they could face persecution.

Sincerely,

A handwritten signature in black ink that reads "Phil Robertson". The signature is written in a cursive style with a large, stylized initial "P" and a long, sweeping underline.

Phil Robertson  
Deputy Asia Director

A handwritten signature in black ink that reads "Sophie Richardson". The signature is written in a cursive style with a large, stylized initial "S" and a long, sweeping underline.

Sophie Richardson  
China Director