

## Urgent Action Requested regarding the deportation of two North Korean Refugees

*12 November 2019*

Mr. Filippo Grandi

United Nations High Commissioner for Refugees

Case Postale 2500

CH-1211 Genève 2 Dépôt

Suisse.

To the High Commissioner:

We identify ourselves as a group of religiously and ethnically diverse individuals and organizations that share a common goal to ensure the procurement and advancement of religious freedom on a global scale. Some of us have had to flee from the DPRK because Kim Jung-un's regime did not recognise our freedom of expression, speech, faith, opportunity, dignity and the security of life and food. Others of us stand behind those who have fled, and together are writing to urge you to raise the status of North Korean refugees to South Korea following their extradition of two men who sought asylum in South Korea. This has exceptionally negative implications for the 34,000 North Korean refugees in the Republic of Korea.

We stand behind those who have fled from the DPRK because Kim Jung-un's regime did not recognise their freedom of expression, speech, faith, opportunity, dignity and the security of life and food. Their lives were in the hands of the communist dictatorial regime and endured imprisonment, torture, execution, persecution, arbitrary detention, enforced disappearance, forced abortion, rape, and starvation, information blockade in the DPRK, as well as enslavement and human trafficking in the People's Republic of China.

These two deported men were asking for asylum in South Korea, but have now been extradited which will potentially lead to their execution or life imprisonment in a prison camp in North Korea. After their boat was seized by the South Korean Navy on Saturday, 2nd November, the two fishermen reportedly requested resettlement in South Korea. After a limited investigation which lasted for only three days, the government of South Korea sent the two back to North Korea, saying that its investigators had determined that the men had killed 16 of their crewmates prior to escaping. Ministry of Unification spokesman Lee Sang-min stated that the two fishermen were "heinous criminals" who did not deserve recognition as refugees under applicable international law.

There is no substantial evidence that these fishermen committed the crimes they are accused of. We are yet to see any evidence that legal procedures took place prior to their deportation. This is in direct conflict with the rule of law and possibly conflictual with the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A convention South Korea is a signatory of (9 January 1995).

The former United Nations High Commissioner for Refugees, Secretary-General António Guterres expressed grave concern over the safety and security of North Koreans refugees in the custody of the Chinese government because they would be at risk of refoulement. He stated then, that, “UNHCR is deeply concerned about the safety and fundamental human rights of these individuals.” This concern should extend to the North Koreans who were forcibly extradited by South Korea on 7 November. Article 3 of CAT stipulates that, *No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.* Given Secretary-General Guterres’ statement, the UN Security Council Resolution A/C.3/74/L.26 para. 2 which also recognises the North Korean refugees and asylum seekers who are returned to the Democratic Republic of Korea as being in danger of torture. Moreover, many NGOs recognize North Korean defectors as refugees *sur place*.

The deportation of the two North Korean fishermen therefore should have not happened. It raises major security concerns for all North Korean refugees living in South Korea. If this case lays the basis for a future extradition agreement between North and South Korea, all North Korean refugees would be vulnerable to repatriation. The North Korean regime regards all North Korean escapees as ‘human scum’ and ‘betrayers of a socialist nation’, and thereby criminals. Any forced extradition, regardless of sex, age, gender and supposed crimes will be met with the same inhumane treatment. This is a dangerous precedent with dire consequences for North Korean refugees in South Korea.

We respectfully ask that you, High Commissioner:

- Urgently raise this matter at the United Nations and with President Mr. Moon Jae-in and other foreign government officials of the Republic of Korea.
- Release a press statement in support of the North Korean refugees in the Republic of Korea, sharing your concern with regards to the recent forcible deportation and how it contradicts with the *jus cogens* norm of *non-refoulement* and the right to due process.
- Urge the Republic of Korea to give assurances that this kind of deportation will not happen again and that they release the facts of the case of the fishermen to the public for accountability.

We look forward to your response and thank you for your support.

Yours sincerely,

**Original signatories:**

British-North Korean Community

<https://bit.ly/2pkwr2Y>

**Supporting Individuals:**

Lord Alton of Liverpool, Independent Crossbench Peer in the UK

David Campanale, Parliamentary Candidate for Liberal Democrats Party in the UK

Benedict Rogers, East Asia Team Leader at CSW and Deputy Chair of the UK Conservative Party Human Rights Commission

Ann Buwalda, Executive Director, Jubilee Campaign USA Inc

Hon. David Kilgour, Canadian Secretary of State for Asia-Pacific 2002-3

Becky James, Bristol Against Forced Organ Harvesting (BAFOH) UK

Aileen Calverley, Hong Kong Watch Trustee, UK

Suzanne Scholte, Seoul Peace Prize Laureate, USA

Scott Morgan, President, Red Eagle Enterprises, USA

Faith J.H. McDonnell, Director, International Religious Liberty Program, Institute on Religion and Democracy, USA

Matthew Behum, Ministry Director, Trinitarian International Solidarity (S,I,T) USA

Dr. Jianli Yang, President, Citizen Power Initiatives for China

Rev. Joseph K. Grieboski, Director of Ecumenical, Interfaith and Global Engagement.

Dr. William Devlin, CEO, REDEEM!

Satoshi Nishihata, Washington Bureau Chief, Happy Science USA.

## Supporting Organizations

1969 KAL Abductees' Families Association | 1969년 KAL기 납치피해가족회, South Korea

Boat People SOS, USA

Center for Pluralism, Washington, DC, USA

China Aid, USA

Christian Freedom International, USA

Church of Scientology National Affairs Office

Citizen Power Initiatives for China, USA

Citizens' Alliance for North Korean Human Rights (NKHR) | 북한인권시민연합, South Korea

Committee for Human Rights in North Korea (HRNK) | 북한인권위원회(미국), USA

Committee for Religious Freedom in Vietnam, USA

Democratic Leadership Institute (DLI) UK

Happy Science USA

Improving North Korean Human Rights Center (INKHR) | 북한인권증진센터, South Korea

Institute on Religion and Democracy, Washington, DC, USA

International Christian Concern, USA

International Coalition for Religious Freedom of North Korea

International Religious Freedom Roundtable, Seoul Korea

Justice For North Korea (JFNK) | 북한정의연대, South Korea

Jubilee Campaign, USA

Korean War Abductees' Family Union (KWAFU) | 6.25전쟁납북인사가족협의회, South Korea

Lawyers for Human Rights and Unification of Korea | 한반도 인권과 통일을 위한 변호사모임, South Korea

Network for North Korean Human Rights and Democracy (NKnet) | 북한민주화네트워크, South Korea

NK Watch |엔케이워치, South Korea

No Chain for North Korea | 노체인, South Korea

North Korea Freedom Coalition, USA

North Korea Strategy Center (NKSC) | 북한전략센터, South Korea

Now Action & Unity for Human Rights (NAUH) | 나,우South Korea

Open North Korea (ONK) | 열린북한, South Korea

People for Successful Corean Reunification (PSCORE) | 성공적인 통일을 만들어가는 사람들,  
South Korea

Promising a Better Society, USA

REDEEM!, USA

South and North Development (SAND) | 샌드연구소, South Korea

Stepping Stones UK

ST. Lawrence Martyr Catholic Church, Hanover, MD USA

Transitional Justice Working Group (TJWG) 전환기정의워킹그룹 South Korea

Unification Academy | 통일아카데미, South Korea

Unification Media Group (UMG) | 국민통일방송, South Korea

Unification Strategy Institution | (USI)통일전략연구소, South Korea

Vietnamese Women for Human Rights (VNWHR), Vietnam