

Reference: B1731

Madam Yang Yanyi

Ambassador Extraordinary and Plenipotentiary
Head of Mission of People's Republic of China
to the European Union

Boulevard de la Woluwé 100
1200 Brussels

19 January 2016

Dear Ambassador Yang Yanyi,

REQUEST FOR INFORMATION ON ACTIVISTS TRANSFERRED FROM THAILAND TO CHINA

I am writing to seek information about the current whereabouts and legal status of Jiang Yefei and Dong Guangping, two Chinese activists recognised as refugees by the UN High Commissioner for Refugees (UNHCR) who were transferred from Thailand to China on 13 November 2015. Their families have not received official notice of their removal nor information about their whereabouts after they were forcibly returned to China.

Both Jiang Yefei and Dong Guangping had previously been detained in China for their peaceful activism. Jiang Yefei was detained and tortured in May and August of 2008 after criticising the official response to the 2008 earthquake in Sichuan province. He fled to Thailand with his wife shortly afterward and in April 2015 was granted refugee status by the UNHCR. Dong Guangping was detained by authorities from May 2014 to February 2015 after participating in an event commemorating the victims of the 1989 Tiananmen Square crackdown. He arrived in Thailand with his wife and daughter in September 2015. At the time of his arrest in October 2015, he had a pending request for refugee status with UNHCR. This has since been approved. Jiang Yefei and Dong Guangping had been accepted for rapid resettlement by Canada and were to depart on 18 November.

Both men were arrested by Thai authorities on 28 October 2015 for not possessing valid visas. According to their families, Jiang Yefei and Dong Guangping were supposed to be held in a Bangkok prison until 20 November and 25 November respectively, for violating immigration laws and failing to pay fines related to these violations, during which time the UNHCR could handle their resettlement to a third country that would ensure their protection. However, on 6 November unidentified individuals not known to either of the men or their families made unsolicited payments of the fines. This led to the men being transferred immediately to the immigration detention centre and their forcible return to China on 13 November.

The whereabouts and legal status of the two men have remained unknown since their removal but they were seen on 26 November on state media news agency CCTV "confessing" to human-trafficking offences and "admitting" that Jiang Yefei had assisted Dong Guangping to cross the border "illegally" into Thailand. When watching the footage, their families found the men's facial expression and tone of voice to be suspiciously different from usual, showing signs of pains and stress, and raised the allegation that the men had been tortured to "confess".

We urge your government to release Jiang Yefei and Dong Guangping immediately and unconditionally unless they are formally charged with an internationally recognisable criminal offence, and, pending their release, provide immediate

guarantees for their safety and to ensure that they are not subjected to torture or other ill-treatment in detention, and to ensure without delay that they have regular, unrestricted access to their families and lawyers.

We are further concerned about China's request to the Thai authorities to cooperate in the transfer of these two activists, in clear breach of the international law principle of *non-refoulement* which forbids the transfer of anyone to a place where they would be at real risk of torture. The UNHCR and the Office of the UN High Commissioner for Human Rights (OHCHR) have voiced strong concern about the deportation of the two activists and their risk of torture and other ill-treatment.¹ We urge the Chinese authorities to cease requesting other countries to forcibly return individuals in violation of international law, and to adhere to international law and standards in the treatment of all detainees.

We likewise urge your counterparts in the European institutions to remain in pro-active dialogue with you about these individuals, in line with the European Union's (EU) and China's shared international human rights commitments.

I look forward to hearing from you about the whereabouts and legal status of Jiang Yefei and Dong Guangping at your earliest convenience.

Yours sincerely,



Ivorna McGowan
Director

Cc :

Igor Driesmans, Member of Cabinet, High Representative on Foreign Policy and Vice President of the Commission (HR/VP)

Fabrizia Panzetti, Member of Cabinet, HR/VP

Ugo Astuto, Acting Managing Director, Asia and the Pacific, European External Action Service (EEAS)

Joelle Hivonnet, Senior Policy Officer, China, EEAS

Stavros Lambrinidis, EU Special Representative for Human Rights

Jo Leinen, Member of European Parliament, Chair of Delegation for Relations with the People's Republic of China Council Working Groups on Asia (COASI) and Human Rights (COHOM)

¹UNHCR, "UNHCR deeply concerned over refugee deportation from Thailand", 16 November 2015; UN News Centre, "UN rights office 'deeply concerned' about Thailand's deportation of Chinese activists", 20 November 2015, <http://www.un.org/apps/news/story.asp?NewsID=52622> accessed 11 December 2015.