

URGENT ACTION

THAILAND: CHINESE REFUGEES AT RISK OF REFOULEMENT

Chinese human rights defenders YANG Chong and WU Yuhua, UNHCR-recognized refugees, have been charged with immigration offences in Thailand. They could be deported to China, where they would face risks of unfair trial and torture.

The married couple **WU Yuhua** (吴玉华), better known as **Ai Wu** (哎乌), and **YANG Chong** (杨崇) were first detained in Bangkok on 29 August 2018. On that day, they had tried to help another Chinese activist submit a petition for refugee protection to the New Zealand embassy and subsequently accompanied that activist to a local police station. There, police found that the couple had no valid travel documents and charged Wu with “illegal entry” and “illegal stay” and Yang with “overstay”. Wu was released on bail on 21 September due to her poor health condition, but Yang remains in detention. The couple are at risk of forcible return to China or else detention for an unknown amount of time in Thailand before deportation or resettlement in a third country.

Before the couple left China for Thailand in 2015, Yang was arbitrarily detained and tortured by the Chinese authorities for his peaceful activism in southern China to promote human rights. Wu is also a human rights defender who has worked on behalf of other human rights defenders. The couple were recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR) in September 2016. While in Thailand, they continued their activism on China’s human rights. On account of their activism on China’s human rights situation it is highly likely that, if returned to China, they would face criminal charges, detention and real risks of unfair trials and torture and other ill-treatment. Amnesty International has documented cases in which Chinese activists who were deported to China by the Thai government, upon request by the Chinese government, were subsequently held incommunicado in pre-trial detention for years and eventually imprisoned for their peaceful exercise of human rights.

Please write immediately in Thai, English or your own language urging the authorities to:

- Immediately and unconditionally release Yang Chong, and lift all restrictions and drop all charges against him and Wu Yuhua.
- Not return Yang Chong and Wu Yuhua to China or another country where they would be at real risk of persecution, torture or other serious human rights violations or abuses.
- Accede to the UN Convention relating to the Status of Refugees and its 1967 Protocol.

PLEASE SEND APPEALS BEFORE 8 NOVEMBER 2018 TO:

Prime Minister of Thailand
Prayuth Chan-o-cha
Government House
Pitsanulok Road, Dusit
Bangkok 10300
Thailand
Fax: +66 2 288 4323
Email: spmwebsite@thaigov.go.th
Salutation: Dear Prime Minister

Minister of Interior
Gen. Anupong Paojinda
Atsadang Road
Pra Nakorn
Bangkok 10200
Thailand
Fax: +66 2 221 0823
Salutation: Dear Minister

And copies to:
Minister of Foreign Affairs
Don Pramudwinai
Sri Ayudhaya Road
Bangkok 10400
Thailand
Email: minister@mfa.go.th

Also send copies to diplomatic representatives accredited to your country. His Excellency MR PISANU SUVANAJATA, Royal Thai Embassy, 29-30 Queen’s Gate SW7 5JB, tel 020 7225 5500 or 020 789 2944, Fax 020 7823 9695, email rtelondon@thaiembassyuk.org.uk and csinfo@thaiembassyuk.org.uk www.thaiembassyuk.org.uk, Salutation: Your Excellency

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Yang Chong has been targeted by the Chinese authorities for his peaceful activism in southern China to promote human rights. In 2011, Chinese authorities repeatedly summoned and detained him for his participation in the Guangdong “Southern Street Movement”, which consisted of street banner protests for political reform and rights advocacy. In 2012, he was sentenced to one year in prison after staging a protest demanding political reform and calling on government officials to disclose personal assets. After release from prison in 2013, Yang continued to engage in rights advocacy and was repeatedly summoned, arbitrarily detained and beaten by the authorities. In 2014, a group of unknown persons seized him as he was on the way to support a land rights activist and took him, with head hooded, mouth and nose covered by tape and limbs bundled, to an unknown location. Amnesty International also documented Yang’s detention in 2012, ahead of meetings of the National People’s Congress and the Chinese People’s Political Consultative Conference, and in 2014, ahead of the 25th anniversary of the Tiananmen Square crackdown. Both detentions appear to have been aimed at preventing him from human rights defence work in those politically sensitive periods. Wu Yuhua is also a human rights defender and has worked on behalf of many human rights defenders since 2011, such as leading Chinese human rights campaigner Guo Feixiong and missing human rights lawyer Gao Zhisheng.

In 2015, the authorities repeatedly detained and relocated the couple from the city of Guangzhou when they were preparing for their wedding banquet. To flee the authorities’ harassment and persecution, the couple arrived in Thailand later that year to seek asylum.

Thailand has not ratified the UN Refugee Convention and has no formal legal framework for asylum. Without a nationally recognized legal status, refugees and asylum-seekers are vulnerable to arrest, arbitrary indefinite detention in poor conditions and possible *refoulement*.

Southeast Asian countries are increasingly violating the *non-refoulement* principle due to pressure from the Chinese government. This principle prohibits the transfer of people to any country or jurisdiction where they would be at real risk of serious human rights violations or abuses. Even though the Thai government has not ratified the 1951 Refugee Convention, it is still obligated under international law to comply with this principle, which is part of customary international law and binding on all states, as well as with the prohibitions of arbitrary detention and of torture and other forms of cruel, inhuman and degrading treatment.

On 13 November 2015, the Thai government forcibly returned Dong Guangping and Jiang Yefei to China, even though the two activists had been recognized as refugees by the UNHCR, accepted for rapid resettlement in a third country and scheduled to depart on 18 November. Following their forced return from Thailand, Dong and Jiang were held in pre-trial detention for nearly three years before being imprisoned in July 2018. According to Chinese state media, Dong Guangping was convicted of “crossing the national border illegally” and “inciting subversion” for attending two gatherings in Thailand in 2015 that the government considered aimed at “subverting state power” and “overthrowing the socialist system”. Dong’s family and lawyers have received no notification about the trial or sentencing. Held incommunicado since being forced to return to China, Dong Guangping is at risk of torture and other ill-treatment.

Name: Yang Chong, Wu Yuhua
Gender m/f: m, f

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