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### **China: Fear of refoulement of human rights defender Dong Guangping from Viet Nam**

Chinese human rights defender **Dong Guangping** has been incommunicado since he was taken away by Vietnamese police officers in Hanoi on 24 August 2022. He had previously been deported from Thailand to China in 2015 despite obtaining refugee status and he has been hiding in Viet Nam since early 2020. Despite non-public efforts to clarify his fate or whereabouts with the Vietnamese government, the latter has so far failed to provide any information on this matter, prompting the human rights defender's family in Canada to issue a public [urgent plea](#) on 10 November 2022. It is feared that he has been sent back or is at risk of being sent back to China, in violation of Viet Nam's obligation to respect the principle of non-refoulement.

[Dong Guangping](#) (董广平) is a human rights defender originally from Zhengzhou, Henan province. He was a former political prisoner who was sentenced to prison terms from 2001 to 2004 and from 2016 to 2019 in retaliation against his pro-democracy and human rights activism. In July 2014, he was detained and held incommunicado for over eight months following his participation in an event calling for justice and accountability for the victims of the government crackdown on Tiananmen Square protests in 1989.

In September 2015, he fled to Thailand with his family to seek asylum with the UN's refugee agency in Bangkok. A month later, the Thai authorities arrested Dong Guangping along with [Jiang Yefei](#), another Chinese human rights defender seeking asylum. While in immigration detention, Dong Guangping received formal recognition as refugee by the UN and was accepted by Canada for resettlement. However, the Thai authorities unlawfully allowed both defenders to be taken back to China at the request of the Chinese government. Once back in China, the defenders were detained, faced ill-treatment in detention, forced to confess on State TV, and subsequently sentenced to prison terms by a court in Chongqing. Dong Guangping left prison after completing his sentence in August 2019. Dong Guangping's family were able to resettle in Canada in 2015 where they now live.

Due to continued surveillance and harassment by local authorities in China after completing his sentence, Dong Guangping fled to Viet Nam in January 2020 and were waiting to travel to Canada to reunite with his family. His family and acquaintances have been unable to contact him since 24 August 2022. They learned subsequently that Vietnamese police took him into custody.

As a State party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT), Viet Nam has legal obligations not to return or send individuals to places where there are substantial grounds for believing they would be subject to serious human rights violations. In the UN Committee Against Torture 2018 [review](#) of Viet Nam's compliance with CAT, the Committee raised concerns about the lack of clear legal protection of asylum-seekers and refugees and recommended the government to ensure "the proper assessment of persons before proceeding with their criminal or administrative expulsion or deportation in order to prevent them from returning to countries where they may risk being subjected to torture".

Furthermore, the arrest, detention or abduction by State agents, followed by the State refusing to acknowledge the detention or concealing the fate or whereabouts of the disappeared person, constitutes enforced disappearance, which is a serious international crime.

Front Line Defenders is deeply concerned about the apparent enforced disappearance of Dong Guangping in Viet Nam, and fears that he may have been sent back to China, where he faces high risk of arbitrary detention, unfair trial, and ill-treatment. Dong Guangping's situation adds to a growing list of cases of refoulement of human rights defenders from one country to another in Asia.

**Front Line Defenders calls on the relevant authorities in Viet Nam to:**

1. Promptly provide accurate information about Dong Guangping's whereabouts and well-being, as well as the basis for his detention if Dong Guangping is or was in their custody;
2. If Dong Guangping is still in their custody, not to send him back to China, immediately release him, and cooperate with the Canadian government to facilitate his onward travel to Canada as soon as possible;
3. If Dong Guangping was sent to another jurisdiction, promptly provide accurate information about the country of return and what concrete steps they had taken to properly assess his deportation case before it took place, including the overall situation with regard to human rights violations in the country of return, and the outcome of that assessment.

**If Dong Guangping has been sent back to China, Front Line Defenders calls on the relevant authorities in China to:**

1. Promptly provide accurate information about Dong Guangping's whereabouts and well-being, as well as the basis of his detention if Dong Guangping is in their custody;
2. If Dong Guangping is in their custody, immediately and unconditionally release him, drop any charges against him and refrain from further reprisals against him, and guarantee his fundamental freedoms, including his right to freely communicate with others and to freely travel to Canada to reunite with his family.