



November 2, 2017

The Honorable Donald J. Trump
President
United States of America
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Human rights priorities to raise with Asian leaders

Dear President Trump:

On behalf of Amnesty International (“AI”) and our more than seven million members and supporters worldwide, I am writing to urge you to raise the following human rights issues during your trip to Asia. AI’s top concerns relate to: (1) Myanmar military’s ethnic cleansing campaign which has resulted the expulsion of more than 604,000 Rohingya in two months; (2) thousands of extrajudicial killings executed by the Philippines National Police (“PNP”) in the name of President Duterte’s “war on drugs”; and (3) escalating detention and imprisonment of human rights defenders (“HRDs”) in several Asian countries.

I. Rohingya: AI calls on the U.S. government, in concert with the international community, to impose a comprehensive arms embargo and targeted financial sanctions against senior Myanmar military officials responsible for crimes against humanity.

Since late August the world has watched as over 604,000 Rohingya have fled the Myanmar military and poured into Bangladesh. For a sense of scale, that is comparable to the entire population of Washington, D.C. fleeing for their lives.

Rohingya children, women and men are fleeing unspeakable atrocities -- mass shootings, rape, scorching of whole villages resulting in people burned alive inside their homes. Those who manage to survive are fleeing into

Bangladesh with gunshot wounds, lost limbs due to landmine explosions, and untold invisible scars due to rape and other atrocities.

On October 18, AI published a major [report](#) detailing the Myanmar military's ethnic cleansing campaign against the Rohingya. The report summarizes the assessments of AI crisis response researchers on the ground in the Myanmar-Bangladesh border region who interviewed over 120 Rohingya refugees and over 30 medical staff, humanitarian aid workers and Bangladeshi officials. The refugee accounts have been corroborated by high-resolution satellite imagery, aerial photography and videos taken inside northern Rakhine State.

The systematic human rights abuses being committed by the Myanmar military demand a strong response from the U.S. government and the international community. Myanmar is a member state of ASEAN and the Rohingya exodus will be top-of-mind among heads of state attending the ASEAN summit. The U.S. has a prime opportunity to make clear that we will not tolerate these atrocities and that the international community must take swift action to halt the expulsion of the Rohingya and to hold accountable senior military officials responsible for crimes against humanity. [AI](#) is urging the U.S. government to:

- a) Work with the U.N. Security Council to impose a comprehensive arms embargo as well as targeted financial sanctions against senior Myanmar military officials responsible for crimes against humanity. Witnesses interviewed by AI repeatedly implicated the army's Western Command, the 33rd Light Infantry Division, and the Border Guard Police in the most heinous human rights abuses. The military's commander-in-chief, Senior General Min Aung Hlaing, bears principal responsibility for the military's abuses.
- b) Pressure the Myanmar authorities to provide immediate unfettered access to northern Rakhine State for the U.N. fact-finding mission. The mission's work is essential to investigate the human rights violations committed by all sides.

- c) Demand that Myanmar halt the severe restrictions imposed on international and local aid organizations. These restrictions have deprived Rohingya of food, thereby compounding their suffering. There is mounting evidence that Rohingya are now pouring into Bangladesh due to the threat of starvation.

- d) Increase humanitarian aid for the Rohingya refugees in Bangladesh as well as those internally displaced in Myanmar. While AI welcomes the U.S. government's recent contribution of \$32 million in humanitarian aid for the Rohingya, given the enormity of the humanitarian crisis that will continue for the foreseeable future, the U.S. should significantly increase aid to provide food, medical care, water, sanitation, and shelter for the Rohingya.

- e) Pressure the Myanmar civilian government to end the longstanding systemic discrimination against the Rohingya, who are denied citizenship under Myanmar law despite having lived in Myanmar for decades.

II. Philippines: President Duterte must halt extrajudicial killings being executed in name of “war on drugs.” Since taking office in June 2016, Duterte has waged a lethal “war on drugs” which has exacted a devastating human rights toll. Between July 1, 2016 and January 21, 2017, there were more than 7,000 drug-related killings — an average of 34 per day — exceeding 1,000 people per month. Under the guise of a national campaign to eradicate drugs, the Philippines National Police (“PNP”) has committed at least 2,500 drug-related killings.

Acting on instructions from the Duterte administration, the PNP has killed and paid others to kill thousands of alleged drug offenders, often on the flimsiest of evidence. The PNP have not only committed extrajudicial killings

but have also profited from the killings through an elaborate economy of murder. In our February 2017 report, *If You Are Poor, You Are Killed: Extrajudicial Executions in the Philippines' "War on Drugs,"* AI detailed how the PNP operates like criminal syndicates: killing people on a nightly basis, receiving under-the-table payments for kills, colluding with funeral parlors to profit from these deaths, stealing victims' possessions, planting evidence and evading any meaningful accountability for even the most blatant abuses. President Duterte has gone as far as [promising to pardon](#) PNP officers if they are convicted for killings linked to the "drug war."

Recognizing the severity and scale of these human rights abuses, the U.S. Congress' [Tom Lantos Human Rights Commission](#) held a July 2017 hearing on the "Human Rights Consequences of the War on Drugs in the Philippines."

Now is the time for the U.S. to make clear to President Duterte that he must end the extrajudicial executions, impunity for police abuses and attacks on human rights defenders. The U.S. has considerable leverage over the Philippines, a longtime close ally. The U.S. is [treaty-bound](#) to defend the Philippines and is the Philippines' [third largest trading partner](#). The Philippines is also the largest recipient of U.S. assistance in East Asia, which includes counterterrorism and counternarcotics support to the PNP.

AI urges the U.S. to use its leverage and influence to pressure the Philippines to reorient their drug policies towards [a model based on the protection of human rights](#), rather than a punitive approach that aims to kill the problem away.

- a) President Duterte must halt the extrajudicial executions and prosecute those responsible for committing the killings, including the PNP.
- b) The U.S. should carefully review and restrict the 32 million dollars in assistance going to the PNP. The U.S. must make clear that any

future security force assistance will be linked to clear progress in reforming the PNP and ending the impunity of police officers who commit or oversee unlawful killings.

III. Human Rights Defenders (“HRDs”): AI is greatly concerned about the escalating number of death threats, defamation campaigns, imprisonment and attacks against HRDs in Asia, in particular in China, Vietnam, and the Philippines. We know from accounts by many former political detainees that they were released because of interventions by U.S. Presidents and their diplomatic staff. AI urges you to raise these HRD cases in the meetings with the heads of state. AI is calling for all the HRDs (named below) to be immediately and unconditionally released. In addition, authorities should drop all politically-motivated criminal charges and halt the violence and harassment against the HRDs.

a) China: HRDs have faced increased intimidation, harassment, arbitrary arrest, and violence. The government enacted a series of *new national security laws* that present serious threats to the protection of human rights and human rights defenders. Police have detained increasing numbers of HRDs outside of formal detention facilities, sometimes denying them access to a lawyer for long periods of time and exposing them to the risk of torture and other ill treatment. Starting in 2015, authorities have *cracked down on human rights lawyers* and other activists; at least 248 lawyers and activists have been interrogated or detained by state security agents. Authorities have also subjected family members of detainees to surveillance, harassment, and restrictions of freedom of movement.

In addition, the number of *carefully choreographed, televised “confessions”* has increased. These include interviews of detained HRDs conducted by state media and by pro-Beijing media outlets in

Hong Kong. Those shown “confessing” on television include lawyers Zhou Shifeng and Wang Yu, activist Zhai Yanmin, Hong Kong bookseller Gui Minhai, and Swedish NGO worker Peter Dahlin who was detained and later deported. Zhao Wei (a legal assistant who defended the rights of religious minorities) and her lawyer Ren Quanniu (who has defended Christians from persecution) posted confessions on their social media after they were reportedly released on bail.

- *Ni Yulan*: a housing rights activist who has been harassed, severely beaten, and forced to sleep in the streets solely because of her work standing up for the rights of those evicted from their homes.
- *Liu Xia*: the wife of Nobel Peace Prize Laureate Liu Xiaobo, who died earlier this year, is still under house arrest.
- *Jiang Tianyong*: a human rights attorney who fearlessly defended the rights of Christians and other minorities for years, went missing in November 2016. His family was notified in December 2016 that he had been placed under “residential surveillance in a designated location” under suspicion of “inciting subversion of state power.” He “confessed” and pled guilty to the subversion charge in August 2017; however, his wife and many observers believe that his “confession” was forced.
- *Liu Feiyue and Huang Qi*: online journalists and founders of websites dedicated to human rights, they were detained in November 2016 and accused of “inciting subversion” and “leaking state secrets,” respectively. Liu and Huang were formally arrested in December 2016 and have been detained indefinitely since then. Authorities have furnished no information available about when

they will be tried. Huang's health is said to be failing and it is feared that he may die if does not receive adequate medical treatment soon.

- *Li Xin*: a journalist who revealed in media interviews that state security officials had put him under intense pressure to act as an informant against his colleagues and friends before he fled China in 2015. He went missing in Thailand in January 2016, the fourth such disappearance from Thailand.

b) Vietnam: Catholic Blogger Nguyễn Ngọc Như Quỳnh is being detained and criminally prosecuted for peacefully promoting and defending human rights online. The authorities accused her of “causing detriment to national security and social safety and order” for her critical Facebook postings criticizing the environmental pollution of Vietnam's central provinces. She was sentenced to 10 years of imprisonment under Article 88 of the Penal Code for “conducting propaganda” against the state.

c) Philippines: Senator Leila de Lima has been imprisoned by authorities since February 2017 because of her criticism of the extrajudicial killings committed under the guise of President Duterte's “war on drugs.” She is being jailed at police headquarters in Manila.

VI. Remaining human rights problems (by country)

a) Japan – military sexual slavery: The Japanese government continues to assert its legal position that any obligation to provide reparation for military sexual slavery was settled at the state level in the 1951 San Francisco Peace Treaty and other bilateral peace treaties and arrangements. The Japanese government's position is untenable, as those treaties and agreements did not cover acts of

sexual slavery nor did they preclude individuals from seeking full reparation.

In December 2015, Japan and South Korea reached an agreement to resolve the issue of Japan's military sexual slavery system before and during World War II. In line with this agreement, the South Korean government launched the Japanese government-funded "Reconciliation and Healing Foundation" in July 2016. The Japanese government emphasized that the funds were not for reparations, in line with its stance that all such claims were already settled. The agreement has not been welcomed by the majority of survivors of the sexual slavery system (euphemistically referred to as "comfort women") and the organizations that support them because they see it as an ambiguous apology, absent of acceptance of legal responsibility and lacking a victim-centered approach.

Senior Japanese government officials and public figures continue to deny the existence of the military sexual slavery system, even after the agreement was reached in 2015. The continued attempt to deny state responsibility for the mass human rights violations committed, including systematic war crimes and crimes against humanity against "comfort women," prolongs the humiliation and suffering of the survivors and fails to restore their dignity. The agreement between Japan and South Korea, which includes a provision that the South Korean government will never again raise the issue and that a peace monument in Seoul commemorating the survivors of the military sexual slavery system be removed, is considered by Amnesty International to run counter to efforts to achieve transparency, truth and reconciliation. In addition, although women from across the Asia-Pacific region were affected, Japan has not started negotiations with any other countries as of February 2017.

The Japanese government should accept full responsibility for crimes committed against women condemned to sexual slavery by their Japanese captors before and during World War II. Japan should

provide full and effective reparation to any individual who has suffered harm as the direct result of the military sexual slavery system.

b) South Korea:

1) Freedom of assembly: Farmer-activist Baek Nam-gi was injured and later died when the police used water cannons during a large anti-government protest in November 2015. South Korean authorities must ensure that law enforcement officials and superior officers responsible for excessive use of force, including the use of the water cannon leading to Baek Nam-gi's death, are brought to justice without delay.

2) Arbitrary arrests and detentions: Thirteen North Korean restaurant workers who had been working in Ningbo, China, were detained for four months in a facility run by the National Intelligence Service after their arrival from China in April 2016. Relatives said in media interviews facilitated by the North Korean government that the workers had been involuntarily taken to South Korea. The individuals were neither allowed to contact their families, or lawyers of their choosing, nor allowed to talk to anybody outside the facility about their reasons for travelling to South Korea. This undermined a review of the lawfulness of their detention by an independent and impartial judicial power and raised questions about the government's enforced settlement support process for arrivals from North Korea.

South Korean authorities should initiate an overhaul of the resettlement support process for arrivals from North Korea, and ensure that such individuals are detained for the shortest possible period. Their detention must be in line with international law and standards, in particular by giving them prompt access to their

family and friends, legal counsel and civil society organizations of their choice during the entire length of their detention and during interrogations.

3) Conscientious objectors: The refusal of military service is illegal and carries a criminal penalty of up to three years' imprisonment. As of February 2017, at least 400 conscientious objectors to military service remain in prison solely for exercising their right to freedom of thought, conscience, religion or belief (e.g. Jehovah's Witnesses who believe that military service is against God's word); their imprisonment also constitutes a form of arbitrary detention under international law. Those who had completed their jail terms for refusing to perform military service in the absence of any alternatives continued to face economic and social disadvantages due to these criminal records. South Korea is out of step with the growing number of countries that have legislated to provide a non-punitive national service of a genuine civilian character as an alternative to military service.

South Korean authorities should comply with obligations under international law to respect and protect the right to freedom of thought, conscience and religion by immediately and unconditionally releasing all individuals imprisoned solely for exercising their right to refuse to perform military service. Their criminal records should be cleared and they should be provided adequate compensation. South Korea should bring national legislation into line with international standards by ensuring that it provides for the recognition of conscientious objection and that people have the option to perform an appropriate alternative service of a genuinely civilian character.

c) China:

1) Freedom of expression: In March 2016, police reportedly detained at least 20 people in connection with the publication of an open letter criticizing President Xi and calling for his resignation. Those detained included 16 people working for *Wujie News*, the website which published the letter.

Six journalists from Sichuan-based website *64 Tianwang* were detained for covering protests in relation to the G20 Summit in Hangzhou. Qin Chao remains in detention.

In April 2016, the government issued guidelines to increase law enforcement of cultural matters in a bid to “safeguard the ‘national cultural and ideological security.’” The guidelines would increase regulation of many “illegal” and unauthorized activities, including publishing, film and TV distribution, foreign satellite TV broadcasting, artistic performances and imports and exports of cultural products.

China made further efforts to reinforce its already oppressive internet censorship architecture. Thousands of websites and social media services remain blocked, including Facebook, Instagram and Twitter, and internet service and content providers were required to maintain extensive censorship on their platforms.

2) Freedom of religion and belief: The government continues to violate the right to freedom of religion, and crack down on all unauthorized religious gatherings.

Christians: The campaign to demolish churches and remove Christian crosses from buildings in Zhejiang province has intensified in recent years. According to international media, more than 1,700 crosses had been removed by the end of 2016, prompting a series of protests.

Tibetans continue to face discrimination and restrictions on their rights to freedom of religion and belief, expression, association and peaceful assembly. Media reported that Lobsang Drakpa, a Tibetan monk who was detained by police in 2015 while staging a protest was sentenced to three years' imprisonment in a closed trial.

Tibetans continue to set themselves on fire in Tibetan-populated areas in protest against repressive policies by the authorities. The number of known self-immolations since February 2009 has risen to 150.

3) Hong Kong Special Administrative Region: Five booksellers who went missing in Thailand, mainland China and Hong Kong in 2015 reappeared on television in mainland China in 2016. Gui Minhai, Lui Por, Cheung Chi-ping, Lee Po and Lam Wing-kee worked for *Mighty Current Media*, a Hong Kong company known for its books on Chinese leaders and political scandals. Lam Wing-kee was arbitrarily detained, ill-treated in detention and forced to "confess."

Student leaders Joshua Wong, Alex Chow and Nathan Law were criminally prosecuted for participating in the pro-democracy Umbrella Movement. They were found guilty of "taking part in an unlawful assembly" and Nathan Law was found guilty of "inciting others to take part in an unlawful assembly," vague provisions in Hong Kong's Public Order Ordinance. They were given jail terms of between six to eight months. Scores of other protesters, who were arrested for their involvement in the overwhelmingly peaceful demonstration, remain in legal limbo, uncertain whether they will face charges.

d) Vietnam: will be hosting the APEC Economic Leaders meeting in November 2017, which will be attended by high-level government officials from the Asia Pacific region and beyond. The U.S. should use

this opportunity to press the following human rights abuses with Vietnam leaders.

The rights to freedom of expression, of association and of peaceful assembly are severely restricted in Vietnam. Prisoners of conscience are serving long sentences after being convicted on vaguely worded national security charges in trials that do not meet international standards of fair trial. They are held in harsh conditions and subjected to torture and other ill-treatment. Physical attacks against HRDs by police and/or unidentified individuals are common, and prominent activists are subjected to daily surveillance and harassment. Demonstrations are routinely repressed with participants and organizers arrested and tortured. Dissidents are subject to restrictions on movement in Vietnam and are prevented from travelling overseas. Vietnam ranks among the top five executioners globally, with 15 crimes, including economic offences, punishable by death.

Torture and other ill-treatment of prisoners of conscience: AI documented torture and other ill-treatment of prisoners of conscience in the 2016 report, [Prisons Within Prisons: Torture and ill-treatment of prisoners of conscience in Vietnam](#). As a matter of routine, Vietnam authorities subject prisoners of conscience to incommunicado detention, prolonged solitary confinement, beatings, withholding of medical treatment and punitive transfers between facilities, often distant from their families and without notification. In some cases, individuals may be held up to two years for investigation before being tried.

For example, human rights lawyer Nguyễn Văn Đài has been held incommunicado since 2015. He founded the dissident Committee for Human Rights in Vietnam in 2006 – now called the Vietnam Human Rights Centre – and was one of the original signatories to Bloc 8406, an online pro-democracy petition.

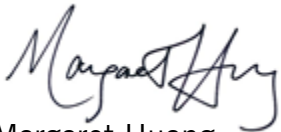
The U.S. should press Vietnam to take immediate steps to end the practice of torture and other ill-treatment of prisoners of conscience.

e) Philippines: AI has continued to receive reports of torture and ill-treatment by people held in criminal custody. Between 2010 and 2014, AI documented at least 50 cases of torture and other ill-treatment by police officers, in direct violation of the Convention Against Torture (CAT). AI found that police subjected detainees to electric shocks, systemic beating, punching and kicking, burning with cigarettes, waterboarding and various forms of “sexualized” torture.

Eight years after its promulgation, the implementation of the Anti-Torture Act of 2009 remains weak, with the first and only conviction of a police officer taking place in 2016. The Philippines has yet to establish a National Preventive Mechanism for torture, as required under the Optional Protocol to CAT.

Thank you for your consideration of these critical pressing human rights issues. For more information, please contact Joanne Lin, National Director of Advocacy and Government Affairs, at 202-509-8151 or jlin@aiusa.org.

Sincerely,



Margaret Huang
Executive Director
Amnesty International USA

Cc: Secretary of State Rex Tillerson