



February 18, 2021

Ms. Henrietta Levin
Director for Southeast Asia and ASEAN Affairs
National Security Council
White House

Re: Amnesty International's Human Rights Priorities for Southeast Asia

Dear Ms. Levin:

On behalf of Amnesty International and our 10 million members, activists, and supporters worldwide, we urge the Biden administration to implement the following human rights policy recommendations:

Myanmar coup: On February 1 the Myanmar military imposed a [state of emergency](#) under the authority of the Commander-in-Chief, [Senior General Min Aung Hlaing](#), and detained scores of elected civilian officials including State Counsellor Aung San Suu Kyi, President U Win Myint, other senior political figures, activists, and human rights defenders (“HRDs”). Reports are that Suu Kyi has been [charged](#) with importing walkie-talkies without the proper paperwork, and that U Win Myint has been charged with violating coronavirus restrictions during the campaign last year. Both charges carry potential three-year sentences. Since the coup, police have been cracking down violently on peaceful protesters, including with [live ammunition](#), and caused serious injuries.

Rohingya in Bangladesh and Myanmar: Since August 2017 nearly 750,000 [Rohingya](#) have fled violence and attacks in Myanmar to seek refuge in neighboring Bangladesh. The [conditions](#) in Myanmar, where [crimes against humanity](#) continue to be committed with impunity, are not conducive for safe, dignified, voluntary, and sustainable returns of the Rohingya refugees in Bangladesh.

In June 2019 Myanmar authorities imposed prolonged [internet shutdowns](#) in Rakhine and Chin States, which lasted until August 2020. During the internet shutdowns it became impossible to get information about the ongoing armed conflict between the Myanmar military and the Arakan Army (a Rakhine ethnic armed group) or the [COVID-19 pandemic](#).

Recommendations: The U.S. government should:

1. Call on Myanmar authorities to drop all trumped-up charges against Suu Kyi, U Win Myint, and the others arbitrarily detained since the coup and immediately release them.

2. Press the Myanmar military to guarantee that the rights of those arrested are fully respected, including against ill-treatment, and that they have access to lawyers of their own choice and to their family. The military must confirm their whereabouts and grant them access to medical care.
3. Urge the UN Security Council (“UNSC”) to impose targeted financial sanctions against Commander-in-Chief Senior General Min Aung Hlaing and other military leaders and senior officials responsible for atrocity crimes against the Rohingya and ethnic minorities.
4. Support a UNSC referral of the situation in Myanmar to the International Criminal Court to bring those most responsible for atrocity crimes to justice.
5. Call for the UNSC to impose targeted sanctions against senior military officials responsible for the atrocities against the Rohingya community and other ethnic minorities in Myanmar.
6. Increase support for humanitarian assistance—including access to education—for refugees in Bangladesh and internally displaced persons in Myanmar, and demand full and unfettered humanitarian access to at-risk populations.
7. Ensure that any international aid, development projects or financial assistance in Rakhine State are contingent on non-discrimination, non-segregation, and equality, and that Myanmar take [immediate action](#) to cease ongoing violations against the Rohingya community and prevent the destruction of evidence of those violations.

Viet Nam: In a December 2020 [report](#) Amnesty International documented the systematic repression of peaceful online expression in Viet Nam, including the widespread “geo-blocking” of content deemed critical of the authorities, all while groups affiliated with the government deploy sophisticated campaigns on these platforms to harass everyday users into silence and fear. Amnesty documented how tech giants [Facebook and YouTube](#) are complicit in censorship and repression on an industrial scale, becoming tools of the Vietnamese authorities’ [censorship and harassment](#) of its population by complying with a whopping 95 percent of the government’s censorship demands. I [testified](#) about Big Tech’s complicity in censorship in Viet Nam at a Dec. 9 House Foreign Affairs Subcommittee hearing on *International Human Rights and the Closing Civic Space*.

Vietnamese authorities have been actively suppressing online speech amid the [COVID-19 pandemic](#) and have brought serious criminal charges against multiple internet users for their government-critical comments. Viet Nam is currently jailing 170 prisoners of conscience, of whom 69 are behind bars solely for their social media activity.

Recommendations: The U.S. government should:

1. Call on Vietnamese authorities to stop weaponizing online platforms and punishing people simply for exercising their right to freedom of expression.
2. Press Big Tech to push back against censorship demands by the Vietnamese government and further adopt new content moderation and community standards policies that are grounded in international human rights standards, particularly the UN Guiding Principles on Business and Human Rights.

Cambodia: Cambodian officials have been weaponizing the widely criticized Law on Associations and Non-Governmental Organizations (“LANGO”) to repress independent civil society and grassroots activism. Activists working to expose rampant illegal logging in the Prey Lang rainforest have faced a barrage of attacks, including arbitrary detention and physical assaults, by both state authorities and corporate actors. The Cambodian authorities’ harassment and intimidation of [environmental human rights defenders](#) amounts to a wholesale assault against grassroots activism and Indigenous peoples’ rights and undercuts the global efforts to address climate change.

Recommendations:

1. The State Department (“DOS”) should call on Cambodian authorities to repeal or substantially amend the LANGO without delay to ensure it is brought in line with international human rights law, and to guarantee a safe and enabling environment for environmental human rights defenders to conduct their work without fear of reprisals.
2. As the main partner of the Cambodian Ministry of Environment in its efforts to protect Prey Lang, USAID and DOS should take a firm stance against illegal logging in the rainforest, and strongly oppose the Cambodian government’s plans to construct a 300 km power transmission line through the heart of the forest.
3. DOS should call on Cambodia to conduct a thorough and impartial investigation into all credible allegations of arbitrary detention, torture, and illegal logging by agribusiness companies operating in Prey Lang.

Indonesia: Indonesian authorities have used baseless “treason” charges to prosecute peaceful pro-independence political activists over the last decade. Serious human rights violations against Indigenous Papuans, including [extra-judicial executions by security forces](#), continue to be committed with impunity. Investigations into reports of unlawful killings by security forces in Papua are rare, and there is no independent mechanism to address misconduct by security forces.

Recommendations: The U.S. government should:

1. Urge the Indonesian government to release all [prisoners of conscience](#), including 57 from Papua, who have been jailed for simply exercising their rights to freedom of expression and peaceful assembly. This is particularly urgent given the threat of COVID-19 in Indonesia’s severely overcrowded prisons.
2. Press Indonesian authorities to ensure that all unlawful killings alleged to have been committed by Indonesian security forces are investigated promptly, independently, impartially, and effectively, and where sufficient admissible evidence is found, that suspects are prosecuted in fair trials.
3. Urge the Indonesian government to conduct a thorough review of security forces’ use of force and firearms to ensure it conforms with international standards, and

create a police oversight mechanism for independent, effective, and impartial review of complaints about [police misconduct](#).

4. Guarantee that no military aid to Indonesia is used to commit human rights violations.

Philippines: HRDs critical of President Rodrigo Duterte’s government are increasingly harassed, vilified and attacked. The prevailing climate of impunity has fueled an increase in the [killings of activists](#) for their political views. [Extrajudicial executions](#) have become rampant since President Duterte launched his “war on drugs” in 2016. In July 2020 President Duterte signed the “[Anti-Terrorism Act of 2020](#),” which puts HRDs, civil society organizations and members of the political opposition at greater risk under the government’s continuing crackdown against political dissent.

Recommendations: The U.S. government should:

1. Press the Philippine government to take measures to stop attacks against HRDs critical of President Duterte and seek accountability for those responsible for harassing, attacking, and killing HRDs.
2. Demand an end to the extrajudicial executions and link future assistance to clear progress in reforming the Philippine National Police and ending the impunity of police officers who commit or oversee unlawful killings.
3. Call on the Philippine government to reject the Anti-Terrorism Act which contains broad and dangerous provisions that risk further undermining human rights.

Malaysia: On January 11 King Al-Sultan Abdullah granted Prime Minister Muhyiddin Yassin’s request to declare a state of emergency to combat the COVID-19 pandemic. Amnesty International has concerns regarding the overly broad nature of the declaration, including a lack of opportunity for scrutiny in the form of periodic reviews regarding necessity.

The government’s recent actions against human rights defenders and peaceful critics suggests a declining respect for freedom of expression in the country and the risk of a [return to a climate of fear](#). [Censorship](#) is on the rise, while efforts to reform laws that unduly restrict the right to freedom of expression have stalled.

Throughout 2020, Malaysian authorities placed hundreds of migrants in [overcrowded detention centers](#), violating the rights of migrants and making it impossible to socially distance. As many civil society organizations had forewarned, COVID-19 spread rapidly in these centers, leading to a preventable uptick in migrant deaths. The United Nations High Commissioner for Refugees (“UNHCR”) has not been allowed access to immigration facilities since August 2019.

Recommendations: The U.S. government should:

1. Urge the Malaysian government to revise the current state of emergency and bring it into line with international human rights law and standards.
2. Urge the Malaysian government to repeal laws infringing on the right to freedom of expression, namely the Sedition Act, Section 233 of the Communications and Multimedia Act (“CMA”), the Film Censorship Act, and the Printing Presses and Publications Act.
3. Urge the Malaysian government to investigate all migrant deaths in detention centers and make the findings public. Malaysian authorities should allow UNHCR to determine refugee status for the detained migrants and work with the High Commissioner for durable solutions to protect refugees.

Our experts stand ready to provide briefings on any issues outlined above. Should you have any questions, please do not hesitate to contact me at 202/281-0017 and jlin@aiusa.org.

Sincerely,



Joanne Lin
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Advocacy and Government Affairs
Amnesty International USA