



March 19, 2021

Mr. Curtis Ried
Senior Director for Multilateral Affairs
National Security Council
White House

Re: Amnesty International's Multilateral Human Rights Priorities

Dear Mr. Ried:

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.

I. Immediately sign a new, updated FY21 Presidential Determination on Refugee Admissions of 62,500

Amnesty International USA [welcomes](#) President Biden's executive actions to revoke the Muslim and African bans and his proposal to increase the refugee admissions goal to 62,500 for FY21, an increase from the historic low of 15,000 set for FY21 by the Trump administration. However, more than a month since the administration notified Congress of the refugee increases, the President has yet to sign a new, revised Presidential Determination ("PD") on refugee admissions.

More than 115,000 refugees are in various stages of the resettlement process. Of those, more than 33,000 refugees are already approved by U.S. Citizenship and Immigration Services ("USCIS") for resettlement, and more than 3,000 have been approved for travel to the U.S. Yet the [President's delay in the signing of the PD](#) has led to over [700 canceled flights](#) for refugees approved for travel and an indefinite suspension of travel for hundreds of additional refugees. This is devastating to the refugees who are at risk of seeing their security checks expire and facing prolonged family separation. Refugee families are anxious to be reunified, and many host communities have secured housing and set up welcome teams for refugee arrivals that were booked for travel to the U.S. under the premise that there would be a revised refugee ceiling in early 2021.

We urge the President to immediately issue the Emergency Presidential Determination on Refugee Admissions of 62,500 refugees, as was proposed to Congress in February. By doing so, the administration can demonstrate its commitment to deploying all tools at its disposal to meet the challenge and support countries hosting large numbers of refugees.

II. Reverse International Criminal Court sanctions and reaffirm U.S. signature of the Rome Statute

The Trump administration waged a reckless campaign of intimidation against the [International Criminal Court](#) (“ICC”), attempting to thwart the court’s investigation into war crimes by U.S. nationals in Afghanistan. In Sept. 2020 the Trump administration [levied sanctions](#) against ICC Prosecutor Fatou Bensouda and ICC Head of Jurisdiction, Complementary, and Cooperation Division Phakiso Mochochoko. The U.S. Treasury Department [listed](#) Bensouda and Mochochoko on the Specially Designated Nationals (“SDN”) list, usually reserved for individuals accused of narcotics trafficking.

The ICC prosecutes individuals accused of the most serious crimes under international law—genocide, war crimes, crimes against humanity, and the crime of aggression—when domestic courts are unable or unwilling to do so. The ICC is a court of last resort, designed to complement domestic courts. Attacks against the ICC send a dangerous signal that the U.S. government is hostile to accountability for the world’s worst crimes and to justice for the victims of those crimes. The Biden administration should immediately revoke sanctions against ICC staff, remove them from the SDN list, and rescind Exec. Order 13928 blocking their assets. The Biden administration should once and for all reaffirm the U.S. signature of the Rome Statute establishing the ICC, and support—not impede—its investigations.

III. Recommit the U.S. to the International Arms Trade Treaty

As the world’s largest exporter of arms, the U.S. has an outsized responsibility to ensure that weapons transfers are not used to violate human rights and commit war crimes. The International [Arms Trade Treaty \(ATT\)](#), which imposes strict rules to regulate international arms transfers, has been in force since 2014. Yet unregulated arms trading is still on the rise and continues to fuel human rights abuses, because some of the largest arms exporters, including the U.S., have not ratified the treaty. While the ATT can be strengthened, it is a critical, multilateral effort that should be built on with the engagement of the U.S. government. The Biden administration should recommit the U.S. to the International Arms Trade Treaty at the earliest possible opportunity.

IV. Support UN Security Council referral of the situation in Myanmar to the ICC

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. In 2018 Amnesty International named Min Aung Hlaing among those who should be investigated for committing a widespread and systematic attack against the Rohingya population in northern Rakhine State, amounting to crimes against humanity.

Since the coup, the Myanmar military has escalated their assault on civilians, using [increasingly lethal tactics](#) and weapons normally seen on the battlefield against peaceful protesters and bystanders across the country. Tear gas, rubber bullets and live ammunition are being used against peaceful protesters, resulting in at least [61 deaths](#). Perceived critics and opponents are being arbitrarily detained and forcibly disappeared, with credible reports of torture. As of March 7, nearly 1800 individuals are [reported](#) to have been arrested, charged, or sentenced since the coup. Night raids on homes are being used to stoke fear, and the military continues to ramp up efforts to limit and monitor communication, shutting down the internet and blocking access to certain websites and platforms.

Recommendations - The U.S. government should:

1. Support the UN Security Council in referring the situation in Myanmar to the ICC, and impose, without further delay, a comprehensive global arms embargo and targeted financial sanctions on senior military officials credibly accused of atrocity crimes.
2. Express support for the [resolution](#) on Myanmar under consideration at the 46th session of the UN Human Rights Council (February 22-March 23).
3. Call on Myanmar authorities to drop all trumped-up charges against State Counsellor Aung San Suu Kyi, President U Win Myint, and the others arbitrarily detained since the coup and immediately release them.
4. Urge 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.

V. Support a U.N. tribunal to investigate war crimes in Syria

Amnesty International has [documented and publicly reported](#) on the [Syrian government's](#) systematic use of arbitrary detention, torture, other ill-treatment, and enforced disappearance for decades. Throughout the Syrian conflict, Amnesty has documented [bombing of medical facilities](#), which has become part of a pattern by the Syrian authorities to systematically attack the civilian population. These practices, committed in a widespread and systematic manner, amount to crimes against humanity, as well as war crimes.

To date, [universal jurisdiction](#) has been the only means for Syrians hoping to see justice for war crimes and crimes against humanity. The Biden administration should call on the U.N. to establish a tribunal to investigate the atrocities committed in Syria to ensure justice, truth, and reparation for millions of victims of the war.

Amnesty International looks forward to working with you and other NSC officials to ensure the protection of human rights worldwide. Our experts stand ready to provide briefings on any issues outlined above. Please do not hesitate to contact me at 202/281-0017 and jlin@aiusa.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne Lin". The signature is fluid and cursive, with the first name "Joanne" and the last name "Lin" clearly distinguishable.

Joanne Lin
National Director, Advocacy and Government Affairs
Amnesty International USA