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August 19, 2020

Foreign Minister Toshimitsu Motegi
Ministry of Foreign Affairs
2-2-1 Kasumigaseki, Chiyoda-ku
Tokyo 100-8919, Japan

Re: Your Upcoming Trip and Human Rights Concerns

Dear Foreign Minister Motegi,

I am writing to you on behalf of Human Rights Watch ahead of your August 20 to 25, 2020 trip to Papua New Guinea, Cambodia, Laos, and Myanmar to urge you to raise human rights issues in your meetings and to strongly convey that their improving human rights protections is crucial for improving relations with Japan.

Papua New Guinea

More than two-thirds of the women in Papua New Guinea are victims of domestic violence. Police Minister Bryan Kramer admitted that in Port Moresby in June 2020 alone, there were 647 cases of domestic violence reported. Weak enforcement of laws criminalizing violence against women and children fosters a culture of impunity for perpetrators. The almost total lack of services for victims requiring assistance compounds the problem. In August, the country declared a state of emergency and went into lockdown following a rise in Covid-19 cases. Human Rights Watch has found that crises – and lockdowns – can trigger a higher incidence of domestic violence due to breakdowns in community support mechanisms, and further limit women's options and ability to escape and access services, such as safe shelters.

Despite the establishment of a police task force in 2018 to investigate unlawful conduct by police officers in Port Moresby, police brutality regularly occurs in Papua New Guinea and police officers are rarely prosecuted or punished appropriately. In Port Moresby in November 2019, a video captured two police officers viciously beating three men with the butts of their guns while the men lay motionless on the ground. Police

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Minister Kramer claimed the officers have been identified, suspended, and criminally charged, but Human Rights Watch has been unable to verify whether the police officers were ever prosecuted and held to account for their actions.

Considering that Japan and Papua New Guinea have been “[enjoying friendly and cooperative relations about four decades](#),” and noting that Papua New Guinea is the largest recipient of Japan’s aid among Pacific Island countries, we believe Japan is in a reasonable position to raise human rights concerns during your meeting with government officials.

Specifically, we ask you to:

1. Urge the Papua New Guinea government to do more to protect the rights of women and children by ensuring that police, prosecutors and courts treat family violence as a crime. Urge the government to ensure critical services for survivors of domestic violence are accessible and properly staffed.
2. Raise concerns regarding the police’s lack of legal accountability for their alleged abuses.
3. Set concrete and measurable human rights benchmarks to help the government improve its rights record and ensure accountability as part of Japan’s assistance to the country.

Cambodia

Cambodia is facing a human rights crisis. The Cambodian government continues to target activists, independent media, and members of the arbitrarily disbanded opposition Cambodian National Rescue Party (CNRP) in an effort to totally silence critical and independent voices in the country. The government has adopted abusive laws – including three rounds of amendments to the Law on Political Parties, as well as the Law on Non-Governmental Organizations (LANGO), and the Law on Trade Unions – that severely suppress the rights to freedom of expression, peaceful assembly and association.

The government has used the Covid-19 pandemic to seek to justify passage of an unnecessary and draconian [state of emergency law](#) in April. Upon declaration of a state of emergency, the law provides the authorities with broad and unfettered powers to restrict the rights to privacy, freedom of expression, association and peaceful assembly. The government has sought additional powers and is now drafting a rights-abusing [Public Order law](#) that will target at-risk groups in society and further restrict free speech and peaceful assembly.

A wave of [arrests](#) between August and November 2019 saw at least 78 CNRP activists imprisoned on fabricated charges such as “conspiracy” and “incitement.” By November 2019, Cambodia had [jailed](#) nearly 90 people on politically motivated charges. While some were released on bail in December 2019, their charges are still pending and they are subject to re-arrest at any time. Almost [40 political prisoners](#) were in prison as of August 2020. CNRP party leader Kem Sokha’s criminal trial on wholly unsubstantiated treason charges has been marred by irregularities since it began in January 2020. Sokha remains banned from politics and faces up to 30 years in prison if convicted. Prime Minister Hun Sen announced that the trial could continue until 2021.

The economic impact of the Covid-19 crisis has hit Cambodia’s poor and low-wage workers the hardest. Covid-19 exacerbated an existing micro-loan debt crisis. The Cambodian government and micro-loan providers have so far failed to adequately respond to the crisis, leaving hundreds of thousands of indebted borrowers facing serious financial difficulties and potential loss of land and homes put up as collateral for loans. This failure by the government and micro-finance institutions to provide debt relief and loan restructuring is undermining Cambodians’ rights to an adequate standard of living, notably access to adequate housing.

The government has done little to stop unethical debt collection practices by Cambodia’s micro-loan providers that have resulted in coerced sales of land titles, which are commonly used as collateral for micro-loans. The government has ignored calls to suspend debt collection during the virus. Authorities instead chose to arbitrarily arrest protesters and threatened borrowers with confiscation of their property if they heeded the calls of exiled political opposition leaders to refuse repayment of their loans.

In response to Cambodia’s human rights crisis, we urge you to make the following recommendations to Cambodian officials during your visit:

1. Immediately and unconditionally release all political prisoners, including activists, human rights defenders, journalists, and members of the political opposition.
2. Cease harassment and intimidation, arbitrary arrests, and physical attacks against union leaders, land rights activists, human rights defenders, political opposition members, and journalists.
3. Immediately drop the baseless treason charges against CNRP leader Kem Sokha.
4. Conduct prompt, independent, impartial, and thorough investigations into killings and other assaults against critics of the government and hold those responsible to

- account. As a priority, the government should establish an independent commission of inquiry to investigate the extrajudicial killing of political commentator and human rights defender Dr. Kem Ley in July 2016.
5. Repeal the Law on the Management of the Nation in State of Emergency.
 6. Reverse the three rounds of amendments to the Law on Political Parties that permit the arbitrary dissolution of political parties and provide for making determinations (without due process) to ban party leaders from political activity.
 7. Repeal the Trade Union Law, or significantly amend it so it conforms to international labor rights standards set out by the International Labour Organization (ILO).
 8. Repeal the Law on Associations and Non-Governmental Organizations (LANGO), or significantly amend the law so that it complies with Cambodia's obligations under international human rights law.
 9. Cease the government's arbitrary interference and surveillance of online and offline media and use of repressive laws to censor and control the media.
 10. Restore the work of the Arbitration Council to hear all collective disputes of workers, irrespective of whether they are represented by a union, thereby guaranteeing unrestricted access to this dispute resolution system.
 11. Ensure prompt, fair and transparent resolution of all land conflicts by providing fair compensation to victims of land grabbing and introduce an effective and fair system of land titling, while ending the harassment of land activists and communities.
 12. Cooperate with the Office of the United Nations High Commissioner for Human Rights and UN Special Procedures to allow them to fulfill their mandates without interference.

Laos

The Lao government continues to harass, intimidate, arbitrarily arrest and prosecute [pro-democracy activists](#), in violation of the rights to freedom of opinion, expression, association, and peaceful assembly. The authorities repeatedly label as national security threats anyone who expresses dissenting views, criticizes the government, or simply calls for respect for human rights and democratic rule. Freedom of the press is non-existent in the country; Reporters Sans Frontières [ranked Laos as 172 out of 179](#) in their 2020 World Press Freedom Index survey.

A number of people publicly critical of the Lao government have been forcibly disappeared, defined as the detention of a person by state officials and a refusal to acknowledge the detention or to reveal the person's fate or whereabouts. Prominent civil

society leader Sombath Somphone, last seen in the custody of police at a checkpoint in Vientiane in December 2012, has not been heard from since. No less than five Thai political exiles who fled to Laos after the military coup in Bangkok in 2014 also disappeared; two of them were subsequently found dead, floating in the Mekong River.

Lao democracy activists and dissidents who fled political persecution in Laos have also been at grave risk in neighboring countries. Od Sayavong, a refugee from Laos and prominent critic of the Lao government who lived in Bangkok, has been [missing since August 2019](#). There has been no progress in the Thai police investigation of his disappearance, which has significantly heightened the climate of fear among Lao exiles in Thailand. In 2017, three Lao migrant workers – Lod Thammavong, Soukane Chaithad, and Somphone Phimmasone – were [sentenced](#) to 12 years, 18 years, and 20 years in prison, respectively, for criticizing the Lao government on social media while they were in Thailand.

During your meeting with Lao government officials, we urge you to:

1. Call on the government to publicly reveal all they know about the enforced disappearances of Sombath Somphone, Od Sayavong, Thai dissident exiles, and other such cases, and hold accountable those responsible for these disappearances.
2. Press the government to immediately release political activists, such as Lod Thammavong, Soukane Chaithad, and Somphone Phimmasone, who have been imprisoned for peacefully exercising their civil and political rights.
3. Call on the government to end censorship and state media control, and respect the right to freedom of expression and opinion by Lao people on social media and in their everyday lives.

Myanmar

You will be in Myanmar on August 25, which is the three-year anniversary of the Myanmar military's campaign of atrocities including mass killings, sexual violence, and widespread arson against the Rohingya ethnic minority in Rakhine State. Over 745,000 Rohingya fled abroad, primarily to Bangladesh, between August 25, 2017, and early 2018. The government has defied international calls for accountability, refused to cooperate or allow entry into the country by the UN-backed Independent International Fact-Finding Mission on Myanmar or the Independent Investigative Mechanism for Myanmar (IIMM), and severely limited access for international humanitarian agencies, media, and rights groups to the Rohingya remaining in Rakhine State.

Neither Myanmar's civilian government under de facto leader Aung San Suu Kyi nor the Myanmar military have been willing to address the root causes of the Rohingya crisis, including the systematic persecution and violence against the Rohingya. Other ethnic minorities such as the Rakhine, Chin, Shan, Karen, Karenni, and Kachin, remain targets of military abuses. Myanmar's discriminatory framework targeting the Rohingya, which underpins the continuing dismal conditions endured by the Rohingya locked down in what are effectively open-air detention camps in Rakhine State, raises considerable concern that Myanmar may be violating the International Court of Justice's provisional order to prevent genocide.

Fighting between the ethnic Arakan Army and the Myanmar military is estimated to have displaced a further 200,000 civilians in Rakhine and Chin States, the majority of them ethnic Rakhine. Government restrictions on the internet lasting more than a year in seven townships in Rakhine State and one township in Chin State make it difficult for humanitarian agencies to coordinate the provision of food, medicines and other essential aid amid the conflict between the Myanmar military and the Arakan Army. The internet blockage also means reports of human rights atrocities are not reaching the international community. The government continues to bar access for rights monitors and journalists to parts of Rakhine State where there are disturbing reports of reports of attacks on civilians and arbitrary detention, torture, and deaths in military custody.

Meanwhile, throughout Myanmar restrictions on free speech have grown, including prosecutions of journalists, activists, and social media users. The government also continues to crack down on peaceful public protests, with charges invariably being brought against any protest organizers. At the same time, events praising the government and the military proceed without official hindrance. Press freedom has steadily declined with a rise in prosecutions having a chilling effect on the country's media. Restrictions on freedom of the press and retaliation against reporters raise serious concerns about reporting on the country's national general elections scheduled for November 8.

Specifically, we urge you to call on the Myanmar government to:

1. Respect the rights of all Rohingya and Kaman Muslims in Rakhine State, and allow those in refugee camps in Bangladesh and elsewhere to return voluntarily to their place of origin in safety and dignity, or to a place they voluntarily choose, and to receive the return of all their properties or adequate restitution from the government.

2. Lift all arbitrary restrictions on freedom of movement for Rohingya, repeal discriminatory regulations and local orders, and cease all practices that restrict their movement and livelihoods.
3. Immediately halt the fundamentally flawed internally displaced persons (IDP) “camp closure” process in central Rakhine State, and work with Rohingya communities, the UN, and international agencies to develop a strategy that provides for durable solutions for residents of all camps, with clear timelines and procedures.
4. Immediately grant sustained and unfettered access to Rakhine State and other ethnic minority areas for UN agencies and humanitarian groups to provide assistance and support.
5. Repeal section 505(a) of the Penal Code, which penalizes making, publishing or circulating any so-called “statement, rumor or report” with “intent to cause, or which is likely to cause, any [military] officer... to mutiny or otherwise disregard or fail in his duty,” and end use of that provision against critics of the military.
6. Amend section 505(b) of the Penal Code, an overly broad provision easily open to abuse that penalizes “actions with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility.”
7. Repeal the Official Secrets Act, an overly broad and restrictive law that was used to entrap two Reuters journalists in violation of their free expression rights.
8. Amend section 66(d) of the Telecommunications Act, which imposes up to three years in prison for “extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening any person using a telecommunications network.” This provision has been regularly used to prosecute government critics for speaking out on social media or other online platforms.
9. Ensure that any amendments proposed to the Peaceful Assembly and Peaceful Procession Law specifically recognize the government’s obligation to facilitate peaceful assemblies even if prior notification has not been given. Provide an explicit exception to the notice requirements where giving such notice is impracticable due to the spontaneous nature of the assembly and eliminate criminal penalties for organizing or participating in a peaceful assembly.
10. Amend the broadly worded article 77 of the Telecommunications Act, which has been used to prosecute social media users, to bring it in line with international standards on freedom of expression.
11. Lift all internet restrictions in Rakhine and Chin States in line with international standards, and allow the civilian population and humanitarian agencies to communicate and share information amid a conflict and the Covid-19 pandemic.

In addition, Human Rights Watch urges the Japanese government to immediately cancel its planned aid of 100 million yen to the Myanmar police force, which has long been implicated in serious abuses with impunity.

As outlined above, each country you are scheduled to visit this month has human rights issues that require your attention. Japan should uphold its [2019 human rights pledge](#) and place the above rights concerns in the forefront of your discussions in Papua New Guinea, Cambodia, Laos, and Myanmar.

Thank you for your consideration and we look forward to discussing these matters further with your staff.

Sincerely,

Brad Adams
Asia Executive Director
Human Rights Watch