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October 16, 2020

Prime Minister Yoshihide Suga
Cabinet Secretariat, Government of Japan
1-6-1 Nagata-cho, Chiyoda-ku
Tokyo 100-8968 Japan

Dear Prime Minister Suga,

We are writing to you on behalf of Human Rights Watch ahead of your October 18 to 21, 2020 trip to Vietnam and Indonesia to urge you to raise publicly as well as privately critical human rights issues in your meetings with Vietnamese President Nguyen Phu Trong and Indonesian President Joko Widodo. We believe Japan is in a reasonable position to urge both countries to improve human rights conditions considering its long democratic traditions and significant economic ties.

Vietnam

The Vietnamese government, under the one-party rule of the Communist Party of Vietnam, continues to violate basic civil and political rights by severely restricting freedom of expression, association, peaceful assembly, movement, and religion and belief. The recent arrest of prominent blogger, author and activist Pham Doan Trang is yet another example of that repression.

People who criticize the government or the ruling party are subjected to police intimidation, harassment, restricted movement, physical assault, arbitrary arrest and detention, and imprisonment. The police routinely detain political activists for months without access to legal counsel, while abusing them through harsh interrogation practices that sometimes involve torture.

For example, since November 2019, authorities have arrested bloggers Pham Chi Dung, Nguyen Tuong Thuy, and Le Huu Minh Tuan for being associated with the Independent Journalists Association of Vietnam. Between April and August 2020, police arrested blogger Pham Chi Thanh, land rights activists Nguyen Thi Tam, and former political prisoner Can Thi Theu, along with her sons Trinh Ba Phuong and Trinh Ba Tu. All of them were charged with “anti-state propaganda” under article 117 of the penal code, and none have been allowed access to legal counsel since their arrests.

In April, June and July 2020, the Vietnamese Communist Party-controlled courts put Phan Cong Hai, Nguyen Van Nghiem, Dinh Van Phu, and Nguyen Quoc Duc Vuong on trial, convicted and sentenced

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them to between five and eight years in prison for “making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam.”

Vietnam currently holds more than 130 political prisoners, among the highest number in Southeast Asia.

Authorities have shut down access to politically independent websites and social media pages, while pressuring social media and telecommunication companies to remove or restrict content that the government deems to be critical of the government or the Communist Party. Vietnamese law broadly bars content that “propagandizes, distorts or libels against the people’s administration” or “insults the nation, the national flag, the national seal, the national anthem, great people, prominent leaders, luminaries and national heroes.”

In April, the Vietnamese government demanded that Facebook remove pages controlled by dissidents. Facebook, bowing to pressure, agreed to restrict access to the pages within Vietnam. In early September, the Ministry of Information and Communications (MIC) claimed that “within the first six months of 2020, Facebook had removed 24 fake accounts or accounts that published untruthful information, and 411 articles with contents that smear and provide wrong information and oppose the Party and the State... Google also blocked more than 1,163 video clips and removed two channels that had poisonous content on the social platform YouTube.” The Vietnamese authorities praised Facebook and YouTube for their “positive change in collaborating with MIC to block information that violates Vietnam’s law.”

Independent labor unions and workers’ organizations are deemed as threats to the Communist Party and have been prohibited from forming or operating. Labor organizers trying to establish unions or workers’ groups face harassment, intimidation, and retaliation from both government officials and employers. The Vietnamese government requires approval for public gatherings and demonstrations, and systematically refuses permission for any meetings, marches, or public assemblies they deem to be critical of the government.

Considering that Japan is Vietnam’s largest source of international development aid and assistance, we believe you are in a very favorable position to raise these serious human rights concerns during your meeting with President and Communist Party Secretary Nguyen Phu Trong.

Specifically, we request that you urge Vietnam to:

- Release all political prisoners and detainees who have been imprisoned for exercising their basic rights to freedom of expression, association, peaceful assembly, or religion and belief.
- Amend the penal code and abolish rights-violating provisions including articles 109, 116, 117, and 331.

- Amend the criminal procedure code so that all detainees are provided with immediate, confidential access to legal counsel upon arrest.
- Revise the Law on Cyber security, and immediately act to remove filtering, surveillance, and other restrictions on internet usage; revise the law barring political content on social media and bring this into line with Vietnam's obligations as a party to the International Covenant on Civil and Political Rights; and permit without censorship the publication and broadcast of independent media.

Indonesia

Under President Joko “Jokowi” Widodo, the Indonesian government continues to violate fundamental human rights including but not limited to freedom of religion and belief, freedom of the press, rights to sexual orientation and gender identity, and Indigenous rights.

In 2020, Indonesian police arrested at least 38 individuals for blasphemy across 16 provinces. They included Doni Irawan, who was sentenced to three years in prison for tearing a Quran inside a mosque in Deli Serdang. In August, Bandung police arrested Apollinaris Darmawan, a Catholic pensioner, for writing a book and posting a video on YouTube questioning the teachings of Islam. A draft criminal code, expected to pass in 2021, includes a provision expanding the blasphemy law from one to six articles to include offenses such as “persuading someone to be a non-believer.”

Journalists are also under attack. Philip Jacobson, the American editor of the environmental news site Mongabay, was deported from Indonesia after spending 45 days in detention over an alleged visa violation that effectively ended his ability to report on the situation in Indonesia.

A court sentenced journalist Diananta Sumedi, who wrote articles about a land dispute between Dayak Indigenous people and the Jhonlin palm oil company, to three months in prison for criminal defamation.

Indonesian authorities also continued their assault on the rights to freedom of expression, association, and privacy of lesbian, gay, bisexual and transgender (LGBT) people. On August 29, police forcibly broke up a party at a hotel, arresting nine men and charging them with the crime of “facilitating obscene acts” and under the pornography law, which discriminates against LGBT people. A new draft criminal code being considered for adoption includes a provision that would punish extramarital sex by up to one year in jail, effectively criminalizing all forms of same-sex conduct.

The Indonesian government is also attacking the rights of Indigenous people in Indonesia. The authorities have since the 1960s restricted access by foreign journalists and rights monitors to Indonesia's easternmost provinces of Papua and West Papua.

On May 19 a court sentenced Bongku, a member of the Sakai Indigenous group in Riau, to a year in prison for cutting down 20 trees in a forest his tribe claimed in a longstanding dispute with the Asia Pulp & Paper Group.

On April 26, Hermanus, a Dayak Indigenous farmer, died in a Sampit hospital while facing trial for defending his land since 2003 against Best Agro palm oil plantation. On June 15, his colleagues, James Watt and Dilik, were sentenced respectively to 10 and 8 months in jail for “stealing” palm oil from the disputed land. The authorities did not take into consideration that the National Land Agency declared in 2011 that the land belonged to the village.

On October 5, parliament passed an omnibus law for job creation that dismantled environmental protections and reduced labor rights in Indonesia. It prompted protests nationwide.

We request that you urge Indonesia to:

- Review and revise discriminatory regulations, including the 1965 Blasphemy law and the 2006 Religious Harmony regulation, to bring them into compliance with international human rights treaties ratified by Indonesia.
- Ensure that the Job Creation law as well as the Criminal Code meet international human rights and environmental protection standards.
- Better protect from harassment and attack vulnerable populations, such as religious minorities, women, Indigenous groups, and LGBT individuals. Stop prosecuting members of these groups for exercising their basic rights, and ensure all criminal laws comply with international human rights standards.
- Have the Indonesian president keep his promise to open Papua and West Papua provinces to international journalists and monitors, including those from the United Nations Office of the High Commissioner for Human Rights.

As outlined above, both of these countries you are scheduled to visit this month have serious human rights issues that demand your urgent attention. Japan should uphold its 2019 human rights pledge, which states that “protecting human rights is the most fundamental responsibility of any nation,” and place the above-mentioned rights concerns in the forefront of your public and private discussions in Vietnam and Indonesia.

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

Sincerely,

Brad Adams, Asia Director

Kanae Doi, Japan Director