

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300; 917-591-3452

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HUMAN
RIGHTS
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President Joseph Biden
The White House
Washington, DC

May 6, 2022

HRW.org

Cc: Secretary of State Antony Blinken
Deputy Secretary of State Wendy Sherman

Re: Human Rights and the US-ASEAN Special Summit

Dear Mr. President,

The US-ASEAN Special Summit on May 12, 2022 should feature robust discussion about human rights, democracy, and rule of law, both in the region and in the United States, and include clear acknowledgment about the bloc's [failure](#) to achieve progress in addressing the human rights and humanitarian crisis in Myanmar.

We know your administration is concerned about China's growing economic and security influence in Southeast Asia. We also understand that your administration is seeking to strengthen US engagement with ASEAN, shore up alliances with its members, and help ASEAN build a more functional problem-solving regional architecture.

But if your administration holds this summit and does not publicly raise human rights concerns with ASEAN members, it will send a message that human rights violations will now largely be tolerated in the name of forging alliances to counter China.

The summit's goals will not be achievable without directly addressing the region's worsening human rights environment and democratic backsliding—not just the 2021 coup in Myanmar but also the deterioration of democratic institutions in Thailand, Malaysia, Indonesia, Singapore and the Philippines, and the fact that Vietnam, Laos, Brunei, and Cambodia are not democratic at all.

A marked increase in serious human rights abuses has occurred in ASEAN in recent years, including mass atrocities against Rohingya Muslims by the Myanmar military, thousands of extrajudicial executions in Philippine President Rodrigo Duterte's "war on drugs," and a worsening crackdown in Vietnam, which has imprisoned over 150 dissidents. Cambodia is now conducting mass trials, many *in absentia*, of opposition political figures.

These worsening trends and serious abuses threaten to corrode US efforts to strengthen ties to Southeast Asia, a project that should be animated not just by shared security interests but by shared commitments to the protection and promotion of human rights.

We urge that you speak openly, forthrightly, and publicly about specific concerns and cases and ensure that issues are publicly and prominently raised in bilateral meetings with ASEAN members and addressed in statements to the media about the summit. This can be done credibly and effectively by focusing on the factual situation in each country while honestly acknowledging the [many deficiencies](#) in the [US record](#) and the US government's [efforts](#) and challenges in taking [corrective actions](#).

Specific country issues that will be important to raise include:

[Vietnam's](#) one-party authoritarian state has [imprisoned more than 150 people](#) for exercising their rights to free speech and peaceful assembly. The country's penal code criminalizes criticism of the government. [Cambodia's](#) Hun Sen, who has used threats, violence and corruption to ensure victory in every election since 1993, has now largely eliminated the political opposition, open civil society, and the independent media. There are now over 50 political prisoners held on fabricated criminal charges, and over 100 more political activists and others are being harassed or prosecuted.

During the summit, your administration should publicly call for the release of political prisoners in Vietnam and Cambodia and criticize their governments' use of overbroad and vague laws to target dissidents.

The [Philippines](#), holding its election on May 9, will have a new president-elect during the summit and will likely only be represented by its foreign ministry. A key question is whether the new administration will repudiate Rodrigo Duterte's murderous "war on drugs" and other widespread human rights violations and reverse his abusive attacks on democratic institutions, including the [baseless prosecution of outspoken Senator Leila De Lima](#).

Your administration should make clear that improvement in US-Philippines ties will depend on the new administration's willingness to investigate and prosecute officials involved in "drug war" atrocities and cooperate with the ongoing investigation into grave international crimes by the International Criminal Court. You should call on the new government to drop all charges against Senator De Lima.

The authorities in [Thailand](#) in recent years have arbitrarily arrested democracy activists and critics of the monarchy, dissolved a major opposition party, and suppressed – often violently -- youth-led democracy protests. There have been [numerous cases](#) of [torture and enforced disappearances](#). The government is currently considering passage of a new law on nongovernmental organizations that threatens the existence of the country's vibrant civil society.

Your administration should urge that the Thai government take all necessary measures to end arbitrary arrests and prosecutions of critics of the government and monarchy and shelve its draft nongovernmental organization law.

Under [Singapore's repressive government](#), citizens face severe restrictions on the rights to free expression, association, and peaceful assembly through overly broad criminal laws and regulations, including overbroad and aggressive internet content laws.

Your administration should call for the Singapore government to revoke or reform laws used to harass or prosecute critics of the government, journalists, writers, and human rights defenders.

[Indonesia](#) and [Malaysia](#), ASEAN's standout democracies, are increasingly repressing women, religious minorities, and LGBT people, and using overbroad criminal defamation, sedition, and other laws to prosecute critics.

Your administration should express concerns about worsening rights trends in Indonesia and Malaysia, notably the persecution of vulnerable social and religious minority groups, human rights defenders, and other critics of the government.

In [Laos](#), the single-party authoritarian government systematically denies basic civil and political rights, including freedom of expression, association, and peaceful assembly, and has engaged in enforced disappearances of critics, notably the rural development leader, [Sombath Somphone](#).

Your administration should condemn rights abuses in Laos and call upon the government to reveal the fate or whereabouts of Sombath Somphone.

The government of [Brunei Darussalam](#) adopted a Sharia penal code, which went into effect in 2019, that discriminates against LGBT people, women, and religious minorities and specifies draconian punishments that would amount to torture, including stoning and whipping offenders.

Your administration should call for Brunei to revoke these provisions of the penal code.

With respect to [Myanmar](#), which will not be attending the summit, the military junta is continuing to engage in a broad crackdown, carrying out atrocities against peaceful pro-democracy protesters and committing war crimes against ethnic minority populations.

Your administration should press ASEAN members to abandon their failed “[five point consensus](#)” approach to Myanmar’s crisis. Like-minded ASEAN members, including [Malaysia](#), [Indonesia](#), and [Singapore](#), should be encouraged to join a coordinated international effort to steer the junta toward reform, including increasing [restrictions on its foreign currency revenues](#) and weapons purchases. The US and like-minded ASEAN countries should develop a clear, timebound approach to pressure the junta to end its

abuses, including signaling support for additional sanctions on oil and gas revenues and a Security Council resolution instituting a global arms embargo.

These pressing human rights concerns impact the human rights of hundreds of millions of people across Southeast Asia. By speaking out clearly and honestly about human rights in the region, your administration will not be undermining the US-ASEAN alliance, but helping grow and develop more coherent, longer-term attention to human rights in the regional body. This is critical not only for the sake of the people of the region, but also as a bulwark against sustained assaults by the Chinese government on the international human rights system.

Thank you for your attention.

Sincerely,

/s/

Elaine Pearson
Asia Director (Acting)
Human Rights Watch