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November 21, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama,

Over the course of your presidency, you have repeatedly articulated your commitment to promoting the human rights of people in the United States and abroad. Now, in the final weeks of your presidency, there are a number of human rights issues that need significant and ongoing attention, especially given how turbulent the world has become. Because of strong concerns that the incoming Trump administration will be less committed to human rights principles, the rule of law, and democratic accountability, there is a heightened need for you to take urgent steps to secure current protections and make them more difficult to dismantle.

We believe there are steps you can take between now and the end of your term that would make a concrete difference in the lives of many people. Accordingly, Human Rights Watch recommends that you do the following:

End Indefinite Detention. While we recognize the challenges involved in closing the Guantanamo Bay detention facility, we urge your administration to accelerate the transfer of all cleared detainees as well as the pace of the Periodic Review Board (PRB) hearings. All remaining detainees should either be charged and prosecuted in courts that comport with fair trial standards or released.

Improve Deterrence Against Torture. We urge you to disclose as much information as possible about the CIA's rendition, detention and interrogation program so that the public is better able to understand the harms caused by the use of torture. We acknowledge that dealing with redactions can be a lengthy process but we believe you should release as much as possible of the full Senate Select Committee on Intelligence study on the CIA program. At a minimum, you should disseminate the report, even if it remains in classified form, to all relevant agencies and instruct that it be read and its lessons incorporated into future policies. You should also disclose policies and practices related to renditions and the use of diplomatic assurances regarding the risk of torture so that they can be measured against future administration practice. You should also

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issue a public apology to victims of US torture, acknowledge the harm caused, and provide redress to as many detainees as possible.

Rein in Surveillance Powers. You have recognized the importance of safeguarding against “the risk of government overreach – the possibility that we lose some of our core liberties in pursuit of security.” Human Rights Watch is concerned that the US executive branch currently asserts surveillance powers that could be employed to undermine constitutional rights, including those of minorities and immigrants. For this reason, we recommend that your administration release the targeting procedures as well as the most recent version of the minimization procedures for surveillance under Section 702 and release Executive Order 12333 dissemination procedures that the General Counsel of the Office of the Director of National Intelligence described in May 2016 as “in the final stages of development and approval.” We also recommend that your administration work to fill vacancies on the Privacy and Civil Liberties Oversight Board (PCLOB) in a manner that reflects the bipartisan nature that the board has exhibited to date, at a minimum by making nominations and facilitating the PCLOB’s completion and publication of its planned report concerning Executive Order 12333.

Suspend weapons shipments to Saudi Arabia. According to the United Nations High Commissioner for Human Rights, more than 11,300 civilians have been killed or wounded in Yemen since March 2015, the majority by Saudi Arabia-led coalition airstrikes. Human Rights Watch has documented 58 apparently unlawful coalition airstrikes and 16 attacks involving internationally banned cluster munitions. The coalition used US-manufactured weapons in 21 of these attacks, potentially making the United States complicit if it continues to transfer arms to Saudi forces while they continue to show such disregard for civilian life. We believe you should immediately suspend arms sales and shipments to Saudi Arabia while also being transparent and forthcoming with the American public about whether the Pentagon has provided aerial refueling, tactical intelligence or other assistance to unlawful coalition attacks. We believe these questions need to be examined in the ongoing review announced on October 8, 2016, and that this review should be finished and released publicly before you leave office.

Secure US global leadership on refugee resettlement. The US has always been a leading resettlement country. However, the numbers have remained far lower than is needed, given that the world is facing the worst refugee crisis since World War II. As you know, your [pledge](#) to take in 110,000 refugees during fiscal year 2017 risks being significantly reduced under a Trump administration. We therefore hope you will move as swiftly as possible to resettle refugees who have already completed the necessary security screening, including Syrian refugees, and have been selected for resettlement in the United States. As you know, support for refugee resettlement tends to be bipartisan, but it has now become deeply politicized. You should personally urge President-elect Trump to uphold the 110,000 resettlement pledge and to show Americans that bigoted and inflammatory rhetoric from his campaign has been abandoned.

Do not veto any Security Council resolutions on illegal West Bank settlements. There is considerable anxiety that the incoming administration and 115th Congress intend to reverse longstanding US policy on settlements. In October, the State Department expressed concern that continued settlement expansion risked “cementing a one-state reality of perpetual occupation that is fundamentally inconsistent with Israel’s future as a Jewish and democratic state.” To push back against this trajectory, your administration should support a resolution that asserts the illegality of settlements under the Fourth Geneva Convention and reaffirm publicly that the US considers the settlements unlawful. This not only reflects the official US position, as expressed in a 1979 State Department legal opinion that found settlements “inconsistent with international law,” and the universal opinion of states and international bodies outside of Israel, but would also make an important statement as the world prepares to mark the 50th anniversary of the Israeli occupation.

Lead the UN Security Council in imposing an arms embargo and expanding individual sanctions in South Sudan. We welcome the US pledge on November 17 to introduce a Security Council resolution imposing an embargo on the flow of weapons to those committing serious rights abuses and war crimes, and expanding sanctions on individuals responsible for abuses. We urge the US to ensure that these measures are adopted by the Security Council. While suspending arms sales will not resolve the conflict, a well monitored embargo does have the potential to reduce the flow of weapons and equipment that could be used to commit further atrocities against civilians. That is all the more important in light of the recent warning from the UN Special Advisor on Genocide that there is a strong risk of violence escalating along ethnic lines and a potential for genocide.

Impose another round of targeted sanctions in the Democratic Republic of Congo. As you know, the Democratic Republic of Congo is at a critical juncture: if President Joseph Kabila stays in power beyond the end of his constitutionally mandated two-term limit on December 19, there is a real risk that further protests will erupt, security forces will respond with brutal violence, and the country could descend into violence, chaos, and instability, with potentially volatile repercussions across the region. The previously imposed targeted sanctions on several of the officials under Kabila who have been at the forefront of violence against protesters had a notable deterrent effect and rattled those implicated in the abuses. Another round would not only ratchet up the pressure on President Kabila and his inner circle, but would also help to encourage the European Union to expeditiously adopt similar measures.

Bolster women’s rights offices. Taking steps to strengthen the offices and positions working to promote women's and girls' rights would make it more difficult for them to be dismantled down the road. For example, USAID's Senior Coordinator for Gender Equality and Women’s Empowerment is a one-person position that plays a critical role but would be at risk of elimination or being left vacant. Adding or seconding for a multi-year period two staff to this office and ensuring there is a strong acting coordinator during the administration transition could help safeguard the existence of this office.

Support ICC referral for North Korea. At the December UN Security Council debate on human rights conditions in North Korea, the US ambassador to the UN should publicly state that the administration has concluded that there is sufficient information to warrant a UN Security Council resolution referring the human rights situation in North Korea to the International Criminal Court. The Treasury Department should also amend the Specially Designated Nationals list with additional names of North Korean government officials implicated in serious human rights abuses.

Cut arms to the Philippine police. Impose a formal moratorium on security assistance to the Philippine National Police because of their role in President Rodrigo Duterte’s abusive “war on drugs” and instruct the State Department and Commerce Department to cease approvals for licenses of private arms and equipment sales to the police or to any private arms dealers known to sell such arms or equipment to the police

We appreciate your attention to our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Roth', with a stylized flourish at the end.

Kenneth Roth
Executive Director