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July 26, 2019

Foreign Minister Taro Kono  
Ministry of Foreign Affairs  
2-2-1 Kasumigaseki  
Chiyoda-ku  
Tokyo 100-8919  
Japan

**Re: Your upcoming visit to Bangladesh and Myanmar**

Dear Foreign Minister Kono,

We are writing to urge you to raise critical human rights concerns during your visit to Bangladesh and Myanmar from July 29-July 31, 2019, affirming that concrete improvements to Bangladesh's and Myanmar's human rights records are key to strengthening Japan's bilateral relations with both countries.

Human Rights Watch is an independent non-governmental organization that monitors and reports on compliance with international human rights law in more than 90 countries around the world.

Bangladeshi Prime Minister Sheikh Hasina claimed victory in the December 30, 2018 elections after a campaign marred by violence, mass arrests of the opposition, crackdowns on free speech, and serious allegations of voter fraud.<sup>1</sup> Now, six months into her third consecutive term, her government has only reinforced its repression of civil society.

Through arrests under draconian digital security laws and a wave of unprecedented online censorship, the government is stifling peaceful criticism and dissent. Authorities have arrested people for actions as trivial as "liking" a Facebook post. Journalists are under immense pressure to self-censor or risk arrest.

The government is yet to take steps to investigate serious allegations of enforced disappearances and extrajudicial killings by security forces,



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<sup>1</sup> "Creating Panic": Bangladesh Election Crackdown on Political Opponents and Critics," Human Rights Watch, December 22, 2018, <https://www.hrw.org/report/2018/12/22/creating-panic/bangladesh-election-crackdown-political-opponents-and-critics>.

particularly by the Rapid Action Battalion (RAB) and the Detective Branch of the police.<sup>2</sup>

In Myanmar, as you are aware, since August 2017, Myanmar's security forces have waged a campaign of ethnic cleansing and carried out numerous crimes against humanity including killings, sexual violence, and deportation against the ethnic Rohingya population in Rakhine State. As a result, more than 730,000 Rohingya have fled to Bangladesh in the past two years.

The Myanmar government under Aung San Suu Kyi, despite international condemnation, continues to block access to Rakhine State for many international humanitarian organizations, human rights groups, independent media, and even a United Nations fact-finding mission. Her government has not brought Myanmar army and police personnel who committed serious crimes to justice, while journalists and activists who have uncovered the abuses have been prosecuted. Deemed critics of the government are increasingly being persecuted.

Escalating fighting between the Myanmar army and the insurgent Arakan Army has displaced up to 55,000 people since January. A government internet blackout begun on June 21 in Rakhine State and neighboring Chin State has kept aid agencies from communicating and exchanging critical information on the looming humanitarian crisis threatening the population.

Bangladesh is now host to nearly one million Rohingya refugees who fled atrocities in Myanmar. This generosity comes at an immense cost, and the Bangladesh government has been seeking to organize the return of refugees to Myanmar. It is critical that any repatriation be safe, dignified, and voluntary – the UN High Commissioner for Refugees has determined that conditions in Rakhine State are not yet conducive to the return of Rohingya refugees. Meanwhile, the Bangladesh government is also pursuing plans to relocate refugees to Bhasan Char, a remote silt island in the Bay of Bengal. However, the authorities have not provided assurances that the island is habitable and safe.<sup>3</sup>

We urge that you encourage the government of Bangladesh to:

- Drop politically motivated charges against critics of the government and members of the political opposition;
- Amend the Digital Security Act to ensure the right to freedom of expression, in particular by revising overly broad and vague terms for activities criminalized under the law that are misused to target people who are publicly critical of the government, the prime minister, or her family. The law should be narrowed to criminalize only

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<sup>2</sup> “We Don’t Have Him’: Secret Detentions and Enforced Disappearances in Bangladesh,” Human Rights Watch, July 6, 2017, <https://www.hrw.org/report/2017/07/06/we-dont-have-him/secret-detentions-and-enforced-disappearances-bangladesh>.

<sup>3</sup> “Bangladesh Is Not My Country’: The Plight of Rohingya Refugees from Myanmar,” Human Rights Watch, August 5, 2018, <https://www.hrw.org/report/2018/08/05/bangladesh-not-my-country/plight-rohingya-refugees-myanmar>.

speech that is intended and likely to incite imminent violence against an individual or a clearly defined group of persons;

- Investigate allegations of enforced disappearances and release all those held illegally in secret detention;
- Ensure that any repatriation or relocation of Rohingya is voluntary and in accordance with international human rights and refugee law. Ensure proper access to education for all children inside the camps;
- Allow sturdy structures inside the camps to protect all refugees from serious harm due to flooding and landslides during the monsoon season;
- Engage constructively in the upcoming UN Committee against Torture review of Bangladesh. Invite the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Bangladesh to monitor the situation and make recommendations.

We urge that you encourage the government of Myanmar to:

- Permit humanitarian organizations full and unfettered access to provide assistance to internally displaced persons and other at-risk populations in conflict-affected areas in Rakhine, Kachin, and northern Shan States and elsewhere in the country;
- Eliminate statelessness and the systematic and institutionalized discrimination against the Rohingya and other ethnic and religious minorities, by amending the 1982 Citizenship Law, which facilitated gross human rights violations;
- Adopt all necessary measures in Rakhine State to permit the safe, dignified, and voluntary return of Rohingya refugees under international supervision to their places of origin; and ensure equal access to citizenship, freedom of movement, nondiscrimination in access to services, and access to livelihoods for returning refugees;
- Fully cooperate with international fact-finding and justice mechanisms to bring to justice all those responsible for serious violations of international human rights and humanitarian law;
- Engage with the UN Special Rapporteur on the human rights situation in Myanmar and permit her to visit the country; and fully cooperate with the Independent Investigative Mechanism for Myanmar (IIMM), the successor to the UN Fact-Finding Mission on Myanmar;

- Become a party to the Rome Statute of the International Criminal Court (ICC), or accept the exercise of the court's jurisdiction in accordance with Rome Statute, article 12(3);
- End arbitrary arrest, detention, and prosecution of critics of the government, particularly those who report on government abuses. Drop charges and release all those wrongfully detained. Amend repressive laws that violate the rights to freedom of religion or belief, expression, association and peaceful assembly. Ensure that civil society groups, human rights defenders, journalists, media workers, lawyers, and environmental and land rights activists are able to exercise their fundamental rights;
- Proceed with the reform of the Media Law and review, repeal, or reform legislation, including the Official Secrets Act, the Unlawful Associations Act, the Peaceful Assembly and Peaceful Procession Law, Telecommunications Act articles 66(d) and 80(c), and Penal Code articles 500 and 505(a) and (b) to bring them in line with international human rights standards;
- Take all necessary measures to end conflict-related sexual violence by state security forces. Strengthen service delivery and access to survivors of sexual and gender-based violence.

Thank you for your consideration of these important matters. We would appreciate learning about the steps you took regarding these issues during your trip.

Sincerely,

Brad Adams  
Asia Director  
Human Rights Watch

Kanae Doi  
Japan Director  
Human Rights Watch