



15 October 2014

Ref: B1621

Dear President Van Rompuy,

EU MUST KEEP HUMAN RIGHTS AT THE CENTRE OF THE REGIONS' PARTNERSHIP AT ASIA-EUROPE MEETING

At the forthcoming Asia-Europe Meeting (ASEM) on 16-17 October 2014, Amnesty International calls on the European Union (EU) and its member states, in particular the Italian Presidency, to ensure that human rights remain at the centre of all bilateral and multilateral dialogue between Asia and the EU. In line with EU and member state commitments, the promotion and protection of human rights must be at the core of all EU external action and of all issues addressed at the ASEM, including trade, energy, security and development policies.

Building on the relationship between the two regions, in a spirit of mutual respect and equal partnership, will require joint commitments to human rights in both regions and frank, open exchanges on human rights defenders and individuals at risk of human rights violations as well as on shared human rights concerns, in particular torture and ill-treatment, in view of this year's 30th anniversary of the United Nations Convention Against Torture (UNCAT).

In this framework, Amnesty International wishes to raise a number of human rights concerns and cases relating to specific countries, noting that these do not represent an overall assessment of the human rights situation in the region.

This 10th ASEM marks almost two years since the **disappearance of Sombath Somphone in Laos** on 15 December 2012, shortly after organising a civil society event on development around the ASEM, work that may have made him a target of enforced disappearance. Amnesty International urges EU leaders to use the opportunity at the ASEM to call for his safe return. Leaders at the ASEM should also work to ensure all present ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance.

In the same spirit, Amnesty International urges EU leaders present at the ASEM to engage on behalf of **individuals in China such as prisoner of conscience Ilham Tohti, lawyer Gao Zhisheng and human rights defender Liu Xiabo and his wife**. The EU recently spoke out about the life sentence handed down by a Chinese court to prominent Uighur academic Ilham Tohti, calling for his "immediate and unconditional" release and pointing to the need for "respect [for] rights of all persons belonging to minorities and their right to freedom of expression."¹ Amnesty International considers Ilham Tohti a prisoner of conscience and calls for his immediate release. Despite his release from prison in mid-August, Gao Zhisheng still continues to be subjected to nearly constant police monitoring and cannot travel without permission. Amnesty International calls for all restrictions on his freedom of movement and expression to be lifted, and for him to be allowed proper dental and medical care, as well as the possibility to reunite with his family in the USA. 8 October marked the fourth anniversary of the awarding of the Nobel Peace Prize to the imprisoned Chinese human rights defender Liu Xiabo as well as the imposition of illegal house arrest on his wife Liu Xia. Prisoners of conscience both, they should be released immediately.

¹ "Statement by the Spokesperson on the sentencing of respected Uighur academic Ilham Tohti," 23 September 2014. http://www.eeas.europa.eu/statements/docs/2014/140923_01_en.pdf

As the protests advocating universal suffrage in Hong Kong continue, the authorities in mainland China have embarked on a new crackdown on people who have shown support for the protests. In policing the protests, on 28 September and 15 October police resorted to unlawful and indiscriminate use of force, and failed in their duty to protect hundreds of peaceful pro-democracy protesters from attacks by counter-demonstrators on 3 October. Amnesty International urges EU leaders to call for the **right to freedom of peaceful assembly to be upheld in Hong Kong** and for an investigation into police conduct in policing these protests. Over 50 people have been detained throughout the country, censorship has increased on social media, and the authorities have banned the books of nine prominent intellectuals who have shown support for the protests. In line with the EU Guidelines on Freedom of Expression, we urge EU leaders to monitor these developments closely, and ensure that nobody is detained or punished simply for their political views shared online.

Despite some unofficial indications that China might further reduce the number of crimes punishable by death, **courts in China continue to impose the death penalty** and execute people in large numbers. Amnesty International urges EU leaders to call upon their Chinese counterparts to introduce an immediate moratorium on executions, as a decisive step towards its abolition.

Violations of Thailand's international human rights obligations, which intensified following the declaration of martial law in May 2014, continue. Peaceful exercise of the rights to freedom of expression and assembly remain restricted under martial law and other legislation – often leading to charges and convictions, including in unfair trials in military courts without the right to appeal. Passports have been revoked and individuals held to conditions of release restricting their freedom of movement and engagement in political activities. To Amnesty International's knowledge, there have been no effective investigations or accountability for ongoing credible reports of torture and enforced disappearances, including of detainees held under martial law provisions with no detention safeguards. The protection of human rights has been weakened by martial law and constitutional changes.

While authorities continue to provide assurances of a return to normalcy, they have not indicated when restrictions under martial law will be lifted. At the ASEM, EU leaders should raise these issues and call authorities to expunge convictions, drop charges and immediately and unconditionally release all individuals penalised for the peaceful exercise of the right to freedom and expression. They should also call on authorities to lift restrictions under martial law, ensure civilians are tried in civilian courts with the right of appeal and restore human rights protections.

Worldwide, torture remains rife despite international commitments. Amnesty International has launched a global campaign to stop torture 30 years after the UN Convention against Torture came into force. In the spirit of the EU Guidelines on Torture, the EU and its member states should join forces with Asian partners to prevent and respond to torture worldwide, including in the context of the ASEM.

Despite being prohibited in law, **torture persists in the Philippines**. Most reports of torture cite police officers as the perpetrators, although an overwhelming majority of those suffering torture or ill-treatment do not report their experiences or file any complaint. Most of those subjected to torture are children (suspected juvenile offenders), repeat offenders and criminal suspects whose alleged victims have a personal connection to police officers. Informal police auxiliaries (locally known as “assets”) who have fallen out of favour with local officers are similarly at risk, as are suspected members or sympathisers of armed groups and political activists. Almost all torture victims are from poor or disadvantaged backgrounds.

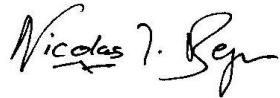
Five years after the Philippines' Anti-Torture Act was passed, not one person has been convicted of torture. Despite the Philippines' international commitments, an extensive legislative framework to stop torture, and government pledges to increase efforts toward implementation of these laws, a culture of impunity persists. Failings in the justice system prevent torture cases from being thoroughly investigated or effectively prosecuted. There is a widespread lack of confidence that the perpetrators of torture will be brought to justice.

Action to prevent and respond to torture and ill treatment should include: ensuring legal safeguards are in place and implemented; investigating all complaints of torture; prosecuting perpetrators; providing full reparations to people who are tortured; strengthening non-governmental organisations that exist to

fight torture; and increasing the effectiveness of independent accountability mechanisms for torture and other human rights violations. EU and member state engagement on torture at the ASEM should be matched by intensified action on torture and ill treatment under the EU Guidelines worldwide.

We welcome your commitment to ensure that dialogue and action on human rights remain at the heart of relations between the EU and Asia, at the ASEM and beyond.

Yours sincerely,

A handwritten signature in black ink, reading "Nicolas J. Beger". The signature is written in a cursive style with a large initial 'N' and a long, sweeping underline.

Dr. Nicolas J. Beger
Director
Amnesty International European Institutions Office