

INDONESIA

THE DAMAGING DEBATE ON RAPES OF ETHNIC CHINESE WOMEN

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I. Introduction

Reports that ethnic Chinese women were raped during riots in Jakarta in mid-May have generated an outpouring of rage from around the world and a furious debate inside Indonesia. Legislators in Taiwan and Hong Kong have threatened cut-offs of aid and expulsions of Indonesian migrant workers. Officials in Beijing have abandoned their stance that human rights questions are a domestic concern and have publicly and repeatedly condemned the rapes. U.S. Secretary of State Madeleine Albright raised the issue with the Indonesian finance minister in July.¹ Numerous websites have sprung up on the Internet to campaign against the rapes and demand international action.

Within Indonesia, the issue has pitted top military officers, who challenge the validity of the rape accounts, against Indonesian rights advocates and leading members of the ethnic Chinese community, who claim the assaults on women in mid-May were widespread, systematic, and organized. The fact that as of late August, not a single witness to a rape in mid-May could be persuaded to come forward and give testimony to a government fact-finding panel where anonymity was guaranteed has only fueled the debate. One side points to the lack of witnesses or reports to police as evidence of "fabrication" while the other maintains that the rape victims have either fled Jakarta or remain too terrified to testify, particularly when they or their families believe security forces were involved. In fact, there are many reasons that ethnic Chinese women might hesitate to file charges of rape, including the fact that ethnic Chinese in general in Indonesia have been routinely subjected to extortion by police.

Human Rights Watch believes that the more the debate focuses on the issue of whether or not rapes occurred, the less likely it is that serious investigations will be pursued to establish the extent of, and reasons behind, attacks on ethnic Chinese. In particular, concerns of victims of sexual violence that they will not be believed may have intensified because of the official denials that rape took place. There may well be problems with some of the data initially collected, and rights advocates probably need to exercise more than usual caution in ensuring the credibility of their sources. Rape and sexual violence against women in general can be difficult to document, even for experienced human rights investigators. But the government is not helping matters by alleging "fabrication." Instead it should be working to ensure a climate that is as sympathetic as possible; to develop a witness protection mechanism in which victims can feel wholly confident; and to work out a strategy for following up every lead to determine how and why any kind of violence against the ethnic Chinese took place.

Before examining the claims and counterclaims regarding the rapes, it is important to note that the focus on rape has obscured several issues that need to be kept in view:

- The violence of May 13-15 in Jakarta and some other cities such as Solo, Central Java, and Palembang, South Sumatra, was almost certainly orchestrated, with anti-Chinese sentiment manipulated by mob leaders. The majority of the more than 1,200 who died may not have been Chinese (many of the victims were residents of poor neighborhoods who joined in the looting and died while trapped in burning shopping centers) but it is clear that Chinese-owned shops and homes were targeted, and hundreds of Chinese were physically attacked. It may prove easier to address the question of sexual violence if the perpetrators of other forms of violence can be identified and prosecuted.
- The viciousness of the violence led to a mass exodus of ethnic Chinese from Indonesia and a desire of many more to emigrate. No previous episode of anti-Chinese violence has so convinced this important part of Indonesia's population that they will never be accepted as equal citizens and never be physically safe in the country that has been home for generations.
- The campaign to end deeply entrenched discrimination against ethnic Chinese seems to have lost steam, deflected by the debate on the rapes.

¹ "AS Desak Indonesia Kutuk Persoalan Mei," *Suara Pembaruan*, July 13, 1998.

- Rape was not the only form of sexual violence that took place during the May riots, and ethnic Chinese women were not the only victims. If witnesses to actual rape have been difficult to produce, witnesses to the public stripping of women have not, and the degrading, humiliating, terrifying nature of this act and the fear it has engendered among the women and their families need far more attention.
- The debate at home and the campaign abroad seem to have generated a backlash in Indonesia, spawning a host of overtly racist organizations that in Indonesia's newly open political climate can flourish without fear of closure. Anonymous flyers have circulated in several Indonesian cities, threatening rapes of Chinese women and castration of Chinese men in the crudest possible terms. Isolated but well-documented rapes of and sexual assaults on ethnic Chinese women have taken place in June, July, and August. It is unclear whether the incidence is higher than the norm or whether heightened attention to the problem has led to better reporting; it is also unclear whether these rapes are a continuation of the May pattern or whether the anti-Chinese backlash is a factor here as well. But it is clear that the belief of many people that widespread rape occurred in May, and is continuing, is being exploited by those who are eager to see the ethnic Chinese leave Indonesia forever. This is another reason why the government must create a climate in which a serious investigation, free of accusations and recriminations, can take place.
- The men and women trying to document the rape cases have been subjected to a barrage of threats and intimidation, ranging from telephone threats against their children to placement of a grenade outside the Jakarta Social Institute, the office where the group that has done more than any other to document the rapes, the Volunteer Team for Humanity, is based.
- Anti-Chinese violence continues to erupt as the economic situation continues to decline, with the most recent episodes being four days of rioting in the Central Javanese town of Cilacap on August 28-31 and a riot in Lhokseumawe, Aceh, on September 1. That violence may have been spontaneous, like much of the anti-Chinese violence that spread across the country in January and February 1998. But the failure of the government to address the roots of the violence makes it all the easier for unscrupulous groups to mobilize anti-Chinese feeling for their own purposes.

These developments need to be kept front and center. Regardless of how many rapes took place or how many witnesses can be found, the fact that unprecedented violence, including sexual assaults, against ethnic Chinese took place in May in which soldiers and police were involved is not disputed. A serious, competent fact-finding team appointed by the government that includes well-known human rights defenders as well as military personnel is investigating that violence now. How such violence can be prevented in the future, and how the social fabric of Indonesia can be restored so that persons of all ethnicities feel secure, should be the top priorities for all concerned.

II. The Violence

The horrific violence in Jakarta on May 13-15 appeared at the time to have been sparked by the shooting of four Trisakti University students by police snipers the day before. President Soeharto was out of the country, attending a conference in Cairo. Eyewitness accounts of groups of young men arriving in ethnic Chinese neighborhoods by the truckload and setting fire to shops—and admissions by some that they were paid to take part in the burning and looting in some Jakarta neighborhoods—indicate that at least some of the violence was organized. It is not clear, however, who exactly the organizers were or what their motivation was. One widespread belief is that those in the military close to Soeharto were worried about the increasing force of student protests and wanted to provoke violence so that martial law would be declared and the protests quelled. An alternative but much less frequently heard speculation is that the anti-Soeharto forces themselves sparked violence in the belief that it would help topple the president. Whatever the reason, the ringleaders used anti-Chinese sentiment to mobilize mobs of looters to devastating effect.² The best estimate of the

² That sentiment is based on resentment by *pribumi*, or indigenous Indonesians, of perceived control over

human and property toll is 1,198 dead, including twenty-seven deaths from gunfire; untold numbers injured; widespread rape, of which more below; 4,083 shops and 1,026 private homes burned, and forty shopping malls destroyed, all within a period of less than two days.³

The figures on numbers of dead and wounded and property damage cannot adequately convey the terror that many ethnic Chinese experienced. Human Rights Watch met with one young woman who jumped from the fourth floor of a building to escape a mob; both her feet were smashed, and one heel is permanently damaged. Another man had his hands torn up when he climbed over a barbed wire fence holding his three-month-old daughter to escape rampaging youths yelling anti-Chinese chants.

The government seems to have accepted that the terror was deliberate. On June 2, the National Commission on Human Rights issued a statement condemning the violence and suggesting it had been organized. A Joint Fact-Finding Team (*Tim Gabungan Pencari Fakta* or TGPF) was appointed by the government on July 23 to examine allegations that the violence was planned; the team includes members of the armed forces, various government agencies, and rights advocates and is chaired by the widely respected deputy chairman of the National Human Rights Commission, Marzuki Darusman. On August 3, General Wiranto, commander of the armed forces, publicly apologized for the armed forces' failure to prevent violence, and in a speech on August 21, he acknowledged that soldiers were involved in the violence itself, without going into any detail.⁴ On August 13, the Jakarta metropolitan police announced that sixteen people under arrest were suspected agitators of the May violence, "based on the testimony of 1,919 looters netted during and after the riots."⁵ In conversations with Human Rights Watch, however, activists expressed doubts that any of the sixteen were the actual organizers.

If any part of the military is found to have organized the violence or to even to have deliberately let it get out of control, the May riots can no longer be seen as simply another episode of anti-Chinese sentiment erupting on the streets. One observer wrote that a distinction had to be made between "racially motivated riots," which these were not, and "racialized state terrorism," which it was.⁶

The impact of the May terror has been incalculable. Tens of thousands of ethnic Chinese have left Indonesia for Singapore, Australia, Hong Kong, and elsewhere. Those who have stayed have in some cases sent their children abroad; Malaysian schools in Sarawak reported a major increase in Indonesian Chinese students. They have also tried to barricade themselves against future outbreaks, leading some neighborhoods in Jakarta to look like armed camps. Both President Habibie, immediately after the riots, and the Jakarta governor, Sutiyoso, have encouraged ethnic Chinese to form vigilante squads and arm themselves as a deterrent to future attacks. "Use any weapon — clubs, spears, sabers, scissors, anything — to defend yourself because those who might come to plunder in your neighborhood will certainly not come with bare hands," Sutiyoso told a group of Chinese on August 14. He reminded them that if they chose to purchase firearms, air rifles, or stun guns, the weapons would have to be licensed by police.⁷

III. The Rapes

the economy by ethnic Chinese and a sense that the loyalties of ethnic Chinese lie more with China and the overseas Chinese community than to the Indonesian nation See Human Rights Watch, "Indonesia Alert: Economic Crisis Leads to Scapegoating of Ethnic Chinese," February, 1998.

³ Statement of the Indonesian National Human Rights Commission, June 2, 1998.

⁴ "Semua bukan karena dwifungsi," *Republika*, August 22, 1998.

⁵ "16 people named as 'agitators,'" *Jakarta Post*, August 14, 1998.

⁶ Ariel Heryanto, "Flaws of riot media coverage," *Jakarta Post*, July 15, 1998

⁷ "Sutiyoso tells Jakartans to protect themselves," *Jakarta Post*, August 15, 1998.

No one has questioned the figures used for deaths or property damage because it is presumably possible to count bodies and buildings. Even so, it is not clear whether the estimates of deaths during the May riots are accurate; the point is that they generated no debate. The statistics on rape are much more difficult to collect, because in some cases, those attacked and their families do not want to come forward and in others, the women involved have fled the country. But many in Indonesia, including the country's top intelligence officer and journalists associated with the newspaper *Republika*, are questioning whether any rapes in fact took place in mid-May, because no victims have come forward. The skepticism was heightened by revelations, published in the *Asian Wall Street Journal* on August 20, that photographs that began circulating on the Internet in early July, allegedly of ethnic Chinese rape victims, had in fact been taken from reports on East Timor and even from pornographic websites. Such exploitation serves no one's interests, least of all the women involved, and only helps those who wish to dismiss the entire issue of rape as propaganda. It also serves to weaken the credibility of any individual testimonies that emerge.⁸

The chronology of the rape debate is as follows. Immediately after the riots, word went out over the Internet that Indonesian Chinese arriving in Singapore were reporting witnessing rape. In early June, human rights groups began reporting that they were receiving reports of rape from victims and their families, often by telephone. A number of organizations had opened hotlines, and a steady stream of calls came in, some reliable, some not. In some cases, the reports were impossible to check; the callers were terrified of reprisals by security forces or had moved away. Human rights groups reported that many women were seeking psychiatric treatment after assaults, and a Catholic-run shelter for unmarried mothers was reportedly housing rape victims.

On July 13, 1998, the Volunteer Team for Humanity, led by a well-known priest, Father Sandyawan, published a report on sexual violence against ethnic Chinese women. The report listed a total of 168 cases, of which rapes, as opposed to other forms of sexual abuse, reported from Jakarta between May 13 and 15 alone totaled 130 cases. At the time the report was issued, accounts were coming in from many different sources, often by telephone, with several NGOs compiling their own data and providing it to the Volunteer Team for Humanity. There was so much horror over initial reports and concern about protecting the victims that the documentation process was somewhat chaotic, with key details missing or the source not clarified or follow-up questioning lacking as to how precisely the person providing the information had come by her or his facts. In some cases, it was clear a rape had occurred but not clear that it was connected to the May riots; in others, it was clear that a passerby had seen a woman crying uncontrollably but not at all clear that the woman in question had been raped.

As those working with the team began to realize the extent of the confusion, they began a process of checking and cross-checking, and, as of late August, were beginning to produce credible, verifiable cases. The number of verifiable cases from mid-May was expected to drop below the 130 originally reported, perhaps even substantially below, but questions will always remain as to how many cases went unreported, how many victims fled abroad, and how much a campaign of intimidation and harassment discouraged women from speaking out. It is instructive that women who were raped during military operations in 1990-91 in the province of Aceh, on the northern tip of Sumatra, are only now, more than seven years later, beginning to come forward. The statements of Indonesian officials that local groups had faked their reports may only have heightened the unwillingness of witnesses to testify.

⁸ See Dorothy Q. Thomas and Regan E. Ralph, "Rape in War: Challenging the Tradition of Impunity," *SAIS Review*, Winter-Spring 1994, p.93. The authors note the damage done by exaggerated reports of rape in Bosnia in early 1993. Initial claims that up to 60,000 women had been assaulted were far too high; a U.N. Commission of Experts collected documentation on 3,000 cases, only 800 of which could be identified by name.

Information that some of the victims had become pregnant was also difficult to substantiate. A report that appeared in *Kompas* on July 12 from a "Dr. Wid" who spoke of a sixteen-year-old patient being pregnant from one of the May rapes was taken by the journalist from the Internet; it may well be true, but given the *Asian Wall Street Journal* revelations about the faked photographs, it cannot be taken as hard evidence until someone can talk with that doctor directly.⁹ On the other hand, a Catholic nun in Jakarta told Human Rights Watch that a student approached her about her twelve-year-old sister made pregnant after a rape in mid-May, but after the nun, a gynecologist, offered to provide medical assistance, the student said that the family preferred not to have any visitors.

IV. Government Statements: From Condemnation to "Fabrication"

The statements from Indonesian government officials on the rapes have evolved from tentative criticism to condemnation as international anger increased to skepticism to outright denial that any rapes occurred.

On June 24, the new metropolitan Jakarta police commander, Lt. Col. Edward Aritonang, urged rape victims to report to the nearest police station where police officers would guarantee the confidentiality of their testimony. The next day, the governor of Jakarta met with leading members of the ethnic Chinese community and urged them to help clarify the rape issue as there was still contradictory information. On June 29, armed forces commander General Wiranto gave a press conference and stated that the military had gone to twenty hospitals that had treated victims of the May riots. Of 630 victims, twelve had died, eighty-seven had been kept in for treatment, and the rest were able to go home, but there was not a single case of rape.

As domestic and international pressure rose, the tone of government statements changed. On July 3, Tutty Alawiyah, the minister for women's affairs, acknowledged that rapes had taken place, condemned them, and said that making the victims feel secure was more important than raising issues of evidence.¹⁰ On July 7, a spokesman for the National Commission on Human Rights said, "We can say without any doubt whatsoever that on those dates [May 13-15] mass rape of ethnic Chinese women occurred that was widespread, systematic, and sadistic."¹¹ On July 8, Minister Alawiyah announced the formation of a "Special Team on Violence Against Women" and said that while she could not cite a figure for the number of victims, she knew from information gathered from twenty hospitals that violence against women had in fact occurred. She also announced the establishment of two telephone hotlines for information on sexual violence.¹²

The next day, the National Commission on Human Rights issued a "Statement on Sexual Violence, Including Rape, Perpetrated on Ethnic Chinese Women and Other Indonesian Citizens." The statement called on the government to apologize for failing to provide protection to its citizens and delaying too long its response to the rapes. Marzuki Darusman, deputy chair of the commission, said the absence of witnesses was understandable, given the psychological trauma experienced by those concerned.

⁹ Jeremy Wagstaff, "Indonesia Rape Photos on Internet are Fakes," *Asian Wall Street Journal*, August 20, 1998. The story of Dr. Wid appeared in an article titled "Trauma Perkosaan" by Leila Ch. Budiman, in *Kompas*, July 12, 1998.

¹⁰ "Menperta: Pemerintah Kutuk Tindakan Perkosaan," *Kompas*, July 4, 1998.

¹¹ "Diyakini Terjadi Perkosaan Tersistematikasi," *Kompas*, July 8, 1998.

¹² "Pemerintah Bentuk Tim Atasi Pelecehan Wanita," *Jawa Pos*, July 9, 1998.

On July 15, President Habibie, at the behest of twenty-seven powerful women, issued a statement, saying that he had listened to the report from women representing a group called "People Opposed to Violence Against Women," containing "clear and authentic proof" of violence that had occurred in mid-May, and that he deeply regretted this violence which was "not in accordance with the cultural values of the Indonesian people" and condemned it in the name of the government and all Indonesians.¹³ (It is a sign of how far respect for the office of the president has fallen that his statements have had virtually no bearing on the debate.)

By the end of July, however, a major counteroffensive was underway. On July 29, a "social observer" named Eddy Noor made a statement in Jakarta that reports of mass rape were groundless and only an effort by disgruntled groups, implying the ethnic Chinese, to blacken the image of Indonesia as a way of taking revenge for the losses they suffered in the May riots.¹⁴

A policewoman, First Lieutenant Yenni Setyo Winindyati, stated in an interview with a major Jakarta daily on August 2 that she had tried to work with members of the Volunteer Team and the National Commission of Human Rights in good faith but got no cooperation, and she now did not believe that any rapes took place.¹⁵ The same day, an article appeared in another daily, *Republika*, again quoting Eddy Noor, chiding the press for simply reprinting data from the Volunteer Team without checking its accuracy and saying the rape story was a deliberate attempt to destroy Indonesia's international image and bring down the government.¹⁶

By August 17, the national police commander, General Roesmanhadi, was threatening to prosecute the organizations that had been most vocal in publicizing the rape issue on charges of spreading false rumors.¹⁷ On August 24, Lt. Gen. Moetojib, chief of state intelligence, emerged from a meeting with President Habibie to say that there was no evidence that rapes had occurred and reports of sexual abuse may have been fabricated. "I have come to the conclusion that the rumors were spread for political purposes to defame Indonesia in the international arena and to cause the disintegration of national unity," he said.¹⁸ Finally, General Wiranto himself told the Cabinet on August 26 that the police, after investigating 103 reports of rape, found no evidence to substantiate the claim that rape had occurred. The police went to one apartment building in Pluit, North Jakarta, where four rapes had allegedly taken place. There, Wiranto told the press, "All the police investigation has uncovered is that the alleged victims were evacuated to Singkawang, Manado, and Minahasa by Father Sandyawan, and it is doubtful if any rapes actually took place."¹⁹

Women's rights advocates, in the meantime, were beginning to persuade a handful of witnesses to come forward, but they said their efforts were set back by the government's skepticism.

V. Ending Discrimination

With the controversy over the rapes, the momentum to end discrimination toward ethnic Chinese and prevent future

¹³"Pernyataan Presiden Republik Indonesia," July 15, 1998, signed B.J. Habibie.

¹⁴"Laporan Perkosaan Massal Dengan Ratusan Korban Tidak Logis," *Waspada*, July 30, 1998.

¹⁵"Lettu Yenni Meragukan Data Perkosaan Tim Relawan," *Media Indonesia*, August 2, 1998.

¹⁶"Is it True That Mass Rapes Took Place?" *Republika*, August 2, 1998.

¹⁷"Kapolri akan Seret LSM ke Pengadilan," *Media Indonesia*, August 18, 1998.

¹⁸Reuter, August 24, 1998.

¹⁹"No evidence of rapes found: Govt," *Jakarta Post*, August 27, 1998.

violence seems to have almost disappeared. More than twenty discriminatory laws and regulations are still in force, some of them dating from the Dutch colonial administration, many of them from the early years of Soeharto's New Order government. They include laws prohibiting the use of Chinese characters and banning Chinese-language

publications to a regulation obliging all ethnic Chinese to take "Indonesian" names. Some of the others include the following:

- "Policy for Resolving the Chinese Issue," Cabinet Presidium Instruction No.37/U/IN/6/1967, which states, among other things, that no further residency or work permits will be issued to new Chinese immigrants, their wives, or children; any capital raised by "foreigners" in Indonesia cannot be transferred abroad; no "foreign" schools will be permitted except for the use of the diplomatic corps and their families; in any national school, the number of Indonesian pupils must exceed that of "foreigners"; and that implementation of the "Chinese issue" will henceforth be the responsibility of the minister for political affairs.
- "Presidential Instruction No.14/1967 on Chinese Religion, Beliefs, and Traditions," which states that manifestations of Chinese religion and belief can have an "undesirable psychological, mental and moral influence on Indonesian citizens as well as obstruct the process of assimilation." It bans celebration of Chinese religious festivals in public and states that religious practice and observation of Chinese traditions must be kept indoors or within the household. The minister of religion and the attorney general are charged with enforcing the act.
- "Home Affairs Ministry No.455.2-360/1988 on Regulation of Temples" forbids any land from being acquired for the construction of Chinese temples, building any new temples, expanding or renovating existing temples, or using any other building as a temple.
- "Circular of the Director General for Press and Graphics Guidance in the Ministry of Information No.02/SE/Ditjen-PPGK/1988 on Banning the Publication and Printing of Writings and Advertisements in Chinese Characters or the Chinese Language" restricts any use of Chinese to a single newspaper called *Harian Indonesia* on the ground that dissemination of materials in Chinese or Chinese characters will obstruct the goal of national unity and the process of assimilation of ethnic Chinese. As a result, any use of Chinese in books, calendars, almanacs, food labels, medicines, greeting cards, clothing, decorations, or other logos and signs is banned.
- "Instruction of the Ministry of Home Affairs No. X01/1977 on Implementing Instructions for Population Registration" and the confidential instructions No.3.462/1.755.6 of the Jakarta government dated January 28, 1980 both authorize special codes to be put on identification cards indicating ethnic Chinese origin.
- "Cabinet Presidium Circular SE-06/Pres-Kab/6/1967 on Changing the Term China and Chinese" obliges Indonesians to drop the use of the term "*Tionghoa*" (as ethnic Chinese refer to themselves) and replace it with the term "*Cina*" (then a derogatory term). One of the consequences of the May 1998 violence is that ethnic Chinese are demanding that they be referred to as "*Tionghoa*" akin to "Javanese" or any other ethnicity as opposed to the more common "Indonesian citizens of foreign descent" often just abbreviated "descent" (*keturunan*) or simply as "*Cina*."

Frans Winarta, an ethnic Chinese lawyer, scholar, and human rights activist in Jakarta, has done more than anyone to compile and publicize these regulations and edicts, and while his articles have been widely printed in the Indonesian media, few concrete steps have been taken thus far to repeal the discriminatory decrees.²⁰

²⁰ See, for example, Frans Tan Winarta, "RI racist laws need to be revoked," *Jakarta Post*, August 13, 1998.

VI. Ending Violence Against the Ethnic Chinese

The debate over the rapes has been damaging on a number of fronts but most importantly in diverting attention from the need to uncover and punish the organizers of the May violence more generally and to prevent any further violence against ethnic Chinese and their homes and shops. The latter effort is a mammoth one. It involves undoing decades, indeed centuries, of discriminatory policies going back to the Dutch colonial administration. It will need a long-term public education program to point to contributions that ethnic Chinese have made to the society. It will need an examination and abolition of the corrupt system that has existed for years in Medan, Jakarta, and most other cities and towns whereby ethnic Chinese shopkeepers and business people paid local police protection money as a way of ensuring their own security; that system should be replaced not by vigilantism but by a policy that opens the police force up to ethnic Chinese applicants and a system of municipal policing that is non-discriminatory. It will also require an effort to publicize and replicate initiatives taken by ethnic Chinese themselves in some areas to reach out to their non-Chinese neighbors to build a sense of community.

The immediate priority, however, must be investigation and prosecution of the organizers of the May violence. Once the perpetrators of that violence have been brought to trial, it may be easier to probe the extent of violence against women. In the meantime, it is imperative that all accusations and threats by government officials against rights advocates not only cease but be actively censured by President Habibie. They do not help create a climate where the targets of violence, sexual or otherwise, would feel comfortable in coming forward to testify.

Human Rights Watch Asia Division

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