

ASIA OVERVIEW

Human rights fared poorly in Asia during the year, and nowhere as badly as in East Timor. No outside country and no institution, regional or global, put the necessary pressure on Indonesia to stop the deadly violence of its proxy militias until a scorched earth campaign in September left the soon-to-be-independent country a smoking ruin and virtually its entire population uprooted. The principle of accountability for crimes against humanity was strengthened by United Nations Secretary-General Kofi Annan's establishment in September of an international commission of inquiry on East Timor. The principle was undermined, however, by Cambodian Premier Hun Sen's refusal for months to work with the U.N. to bring senior Khmer Rouge leaders to justice, although by late October, it appeared that his position might change.

Nationalist sentiment, inflamed by different factors in different countries, produced an anti-Western backlash across the region that had negative repercussions for human rights.

The fundamental civil rights of expression, assembly, and association suffered severe setbacks during the year in Pakistan, China, Burma, Malaysia, Singapore, and Cambodia, and judicial independence took a battering in Hong Kong and Malaysia. Religious persecution was a major issue in China, India, and Vietnam as well as elsewhere in the region.

Government action and inaction fueled communal and caste conflict in India, while communal violence, exacerbated by if not initiated by government action, flared as well in Indonesia. Internal armed conflicts in Sri Lanka, Afghanistan, Indonesia, and Burma produced human rights violations by all parties involved and led to serious problems of protection for refugees and internally displaced persons.

Governments in Pakistan and Afghanistan failed spectacularly to uphold women's rights, and violence against women was a pervasive problem in the region. The Indonesian government made no effort to further investigate the rapes of ethnic Chinese women in May 1998, and trafficking of women continued into or out of most of the countries of the region.

Corruption remained a major obstacle to respect for human rights, with cronyism of past or present leaders a national political concern in Malaysia, Indonesia, the Philippines, China, and Pakistan.

On the positive side, economic recovery and democratization made steady progress. The more open countries in the region, Thailand and South Korea, recovered most rapidly from the effects of the 1997-98 economic collapse, although key structural reforms were not implemented at year's end. In June, Indonesia successfully held its first free national election in forty-four years, but the triumph was marred by the continuing role of the army in political life, the persistence of "money politics" or influence-buying, and the failure of any politician to address the country's political and economic difficulties.

Regional governmental organizations played no role in human rights protection during the year. The Association of Southeast Asia Nations (ASEAN) seemed powerless and rudderless, in part because of the political and economic uncertainties in Indonesia, its largest member. The Asia-Pacific Economic Cooperation (APEC) summit in New Zealand in September ended up being a useful forum for discussion of East Timor but was otherwise seen by participants as lacking purpose or direction.

Human Rights Developments

The crisis in East Timor underscored the failure of "preventive diplomacy" and the unwillingness of the international community to take steps early on, such as exerting economic pressure or suspending military cooperation, that might have persuaded the Indonesian army to sever links with local militias, rendering international military intervention unnecessary (see Indonesia/East Timor chapter). The crisis highlighted the inability of key countries, such as the U.S. and members of the European Union, to focus on more than one crisis at a time, since East Timor was unfolding at a time when Kosovo had the near-exclusive attention of senior policy-makers in those countries. (Among Asian human rights activists, the attention to Kosovo left the impression that human rights disasters in Europe would always generate more attention than catastrophes farther afield.) The East Timor crisis also underscored Japan's unwillingness to link aid to human rights.

Once the scale of the post-referendum violence became apparent, the U.N. moved relatively quickly to force Indonesia to accept an international force, with full support from governments in the region, including China. But Asian support

FOR AND PARTICIPATION IN THE INTERNATIONAL FORCES IN EAST TIMOR (INTERFET) WAS ONE THING; SUPPORT FOR THE NOTION OF UNIVERSAL JURISDICTION OR INTERNATIONAL ACCOUNTABILITY FOR CRIMES AGAINST HUMANITY WAS QUITE ANOTHER. ON SEPTEMBER 27 IN GENEVA, IN A SPECIAL SESSION OF THE U.N. COMMISSION ON HUMAN RIGHTS, ASIAN DELEGATES AS A BLOC REJECTED OR ABSTAINED FROM VOTING ON A RESOLUTION CALLING ON THE U.N. SECRETARY-GENERAL TO ESTABLISH AN INTERNATIONAL COMMISSION OF INQUIRY FOR EAST TIMOR. THEY INSTEAD SUPPORTED INDONESIA'S CONTENTION THAT IT COULD DO ITS OWN INVESTIGATION WITHOUT "FOREIGN INTERVENTION," THROUGH THE INDONESIAN NATIONAL COMMISSION ON HUMAN RIGHTS. THE ARGUMENT WAS SIMILAR TO THAT USED BY HUN SEN IN REJECTING AN INTERNATIONAL TRIBUNAL FOR KHMER ROUGE LEADERS, INSISTING THAT CAMBODIAN COURTS COULD DO THE JOB.

THE ASIAN GOVERNMENTS' VOTE MAY HAVE BEEN LINKED IN PART TO THEIR UNHAPPINESS WITH HOW THE SPECIAL SESSION WAS CONVENED. BUT OTHER FACTORS MAY HAVE BEEN JUST AS IMPORTANT. OF THE GOVERNMENTS CONCERNED, SRI LANKA, JAPAN, KOREA, PAKISTAN, AND CHINA ARE ALL COUNTRIES THAT HAVE UNANSWERED QUESTIONS OF ACCOUNTABILITY FOR PAST ABUSES. SRI LANKA, INDIA, AND THE PHILIPPINES, ALL OF WHOM VOTED WITH INDONESIA, ALSO HAVE NATIONAL HUMAN RIGHTS COMMISSIONS THAT ARE SEEN BY THEIR RESPECTIVE GOVERNMENTS AS SUFFICIENT TO ADDRESS ONGOING ABUSES, WITHOUT INTERFERENCE FROM ABROAD.

A FINAL FACTOR IN THE VOTE MAY ALSO HAVE BEEN RISING NATIONALISM. NATIONALIST ANGER AGAINST OUTSIDE INTERVENTION ON RIGHTS ISSUES WAS EVIDENT IN MALAYSIA, IN RESPONSE TO THE NOVEMBER 1998 REMARKS IN KUALA LUMPUR BY U.S. VICE PRESIDENT AL GORE IN SUPPORT OF THE POLITICAL OPPOSITION; IN CHINA, IN REACTION TO THE MAY 7 BOMBING OF THE CHINESE EMBASSY IN BELGRADE; IN INDIA AND PAKISTAN, IN RESPONSE TO A FLARE-UP OF THE KASHMIR CONFLICT FROM MAY TO JULY; IN INDONESIA, IN RESPONSE TO THE U.N. ROLE IN EAST TIMOR BEGINNING IN JUNE; AND THROUGHOUT THE REGION IN RESPONSE TO NATO INTERVENTION IN KOSOVO.

THE FREEDOMS OF EXPRESSION, ASSOCIATION, AND ASSEMBLY WERE UNDER PARTICULAR ASSAULT IN PAKISTAN, CHINA, MALAYSIA, AND BURMA DURING THE YEAR BUT SUFFERED ELSEWHERE AS WELL. BURMA'S RULING STATE PEACE AND DEVELOPMENT COUNCIL CONTINUED TO ARREST SUPPORTERS OF THE OPPOSITION NATIONAL LEAGUE FOR DEMOCRACY. THE GOVERNMENT OF NAWAZ SHARIF IN PAKISTAN LAUNCHED A FRONTAL ATTACK ON NONGOVERNMENTAL ORGANIZATIONS (NGOS) IN MAY, DEPRIVING THOUSANDS OF LEGAL STATUS, AND THEN SHARIF HIMSELF WAS OVERTHROWN IN A MILITARY COUP IN OCTOBER THAT LED TO THE IMPOSITION OF MARTIAL LAW. IN CHINA A SERIES OF SENSITIVE ANNIVERSARIES—OF THE TIBETAN UPRISING ON MARCH 10, 1959, THE TIANANMEN SQUARE CRACKDOWN ON JUNE 4, 1989, AND THE FOUNDING OF THE PEOPLE'S REPUBLIC ON OCTOBER 1, 1949—LED AUTHORITIES TO TIGHTEN CONTROLS AND INCREASED INTOLERANCE OF INDEPENDENT POLITICAL ACTIVITY. SINGAPOREAN AUTHORITIES CONTINUED TO BAN OUTDOOR SPEECHES AND RALLIES, ARRESTING OPPOSITION POLITICIAN CHEE SOON JUAN IN JANUARY FOR MAKING A LUNCH-HOUR ADDRESS TO A CROWD OF BUSINESSMEN, AND IMPRISONING HIM FOR TWELVE DAYS IN FEBRUARY AFTER HE REFUSED TO PAY THE CRIMINAL FINE LEVIED AGAINST HIM FOR THE JANUARY SPEECH. THE OTHER VETERAN OPPOSITION LEADER IN SINGAPORE, JOSHUA JEYARETNAM, FACED THE PROSPECT OF BANKRUPTCY AS A RESULT OF PUNITIVE DAMAGES, AWARDS, AND COSTS ASSESSED IN DEFAMATION ACTIONS BROUGHT BY PRIME MINISTER GOH AND OTHERS. THE ACTIONS RELATED TO STATEMENTS MADE BY JEYARETNAM IN AN ELECTION EVE POLITICAL RALLY IN 1997. IN MALAYSIA, DEPUTY PRIME MINISTER ANWAR IBRAHIM'S FIRST TRIAL ENDED IN APRIL WITH A SIX-YEAR SENTENCE ON CORRUPTION CHARGES; A SECOND TRIAL BEGAN IN JUNE. BOTH TRIALS SEEMED DESIGNED TO END ANWAR'S POLITICAL CAREER AND THE THREAT HE POSED TO HIS FORMER MENTOR, PRIME MINISTER MAHATHIR, AS WELL AS TO STIFLE CALLS FOR REFORM.

THE INTEGRITY AND INDEPENDENCE OF COURTS WERE AT ISSUE IN MANY COUNTRIES OF THE REGION DURING THE YEAR. IN MALAYSIA, *FAR EASTERN ECONOMIC REVIEW* JOURNALIST MURRAY HIEBERT WAS JAILED IN SEPTEMBER ON CHARGES OF "SCANDALIZING THE COURT," FOR AN ARTICLE HE WROTE IN 1997 NOTING THE SPEED WITH WHICH A LAWSUIT INVOLVING THE SON OF A PROMINENT JUDGE MOVED THROUGH THE COURT SYSTEM. HE WAS RELEASED ON OCTOBER 11. IT WAS THE FIRST TIME ANY JOURNALIST IN MALAYSIA HAD BEEN DETAINED SINCE 1957. IN CAMBODIA, PRESSURE FROM THE U.N. AND MAJOR DONOR GOVERNMENTS ON HUN SEN TO ALLOW AN INTERNATIONAL TRIBUNAL TO TRY SENIOR KHMER ROUGE LEADERS WAS PREMISED ON THE ASSUMPTION THAT CAMBODIAN COURTS WERE STILL TOO WEAK AND POLITICIZED TO DO THE JOB PROPERLY. IN CHINA, LEGAL REFORM CONTINUED TO MAKE SLOW HEADWAY, BUT "VERDICT FIRST, TRIAL SECOND" REMAINED THE OPERATIVE RULE FOR POLITICAL CASES. IN THE SPECIAL ADMINISTRATIVE REGION (SAR) OF HONG KONG, THE TRADITIONAL INDEPENDENCE OF THE COURT SYSTEM WAS PLACED IN JEOPARDY IN MAY AFTER SAR CHIEF EXECUTIVE TUNG CHEE-HWA ASKED BEIJING TO INTERVENE TO OVERRULE A DECISION BY HONG KONG'S COURT OF FINAL APPEAL THAT HE OPPOSED. IN PAKISTAN, THE GOVERNMENT SET UP NEW MILITARY COURTS IN LATE 1998 TO TRY SUSPECTED "TERRORISTS" AND WHEN THESE WERE CHALLENGED, SIMPLY REPLACED THEM IN MAY WITH ANTI-TERRORIST COURTS, WHICH STILL ELIMINATED MOST BASIC PROTECTIONS FOR DEFENDANTS.

CASTE, COMMUNAL, AND ETHNIC VIOLENCE CONTINUED TO PLAGUE THE REGION. IN INDIA, PRIVATE ARMIES SUPPORTED BY UPPER-CASTE LANDLORDS ATTACKED MEMBERS OF THE DALIT OR "UNTOUCHABLE" COMMUNITY WITH IMPUNITY; A SERIES OF PARTICULARLY VICIOUS ATTACKS TOOK PLACE IN BIHAR IN FROM JANUARY TO APRIL, PART OF AN ONGOING CYCLE OF RETALIATORY VIOLENCE BETWEEN THESE ARMIES AND

MAOIST GUERRILLAS. THE COMING TO POWER OF A HINDU NATIONALIST GOVERNMENT ALSO ENCOURAGED MANY RIGHT WING HINDU GROUPS TO ATTACK RELIGIOUS MINORITIES, OFTEN WITH LOCAL POLICE FAILING TO INTERVENE.

A SERIES OF COMMUNAL RIOTS THROUGHOUT INDONESIA IN LATE NOVEMBER AND DECEMBER 1998 AND JANUARY 1999 WERE WIDELY BELIEVED TO HAVE BEEN INSTIGATED BY ARMY-LINKED PROVOCATEURS. WHETHER THE RIOTS WERE PROVOKED OR NOT, GOVERNMENT INTERVENTION INEVITABLY MADE THINGS WORSE. CONFLICT BETWEEN MUSLIMS AND CHRISTIANS, ROOTED IN POLITICAL AND ECONOMIC CAUSES, RAGED UNCHECKED IN THE CENTRAL AND SOUTHEASTERN MOLUCCAN ISLANDS AT THE END OF THE YEAR. MANY OF THE DEATHS WERE CAUSED BY SECURITY FORCES OPENING FIRE TO STOP COMMUNAL FIGHTING, BUT LOCAL PEOPLE ALLEGED THAT DIFFERENT BRANCHES OF THE ARMED FORCES TOOK ONE SIDE OR THE OTHER, RATHER THAN REMAINING NEUTRAL. NO PROGRESS WAS MADE DURING THE YEAR IN INVESTIGATING THE DEADLY MAY 1998 RIOTS IN JAKARTA THAT WERE DIRECTED AGAINST ETHNIC CHINESE. IN KASHMIR, THE CONFLICT TOOK ON A COMMUNAL ASPECT AS IT SPREAD BEYOND THE KASHMIR VALLEY, WITH THE INDIAN GOVERNMENT DEPLOYING FORMER ARMY SERVICEMEN, LARGELY HINDU, TO ASSIST THE ARMY IN COUNTERINSURGENCY OPERATIONS IN THE JAMMU REGION. THESE VILLAGE DEFENSE FORCES WERE RESPONSIBLE FOR ABUSES AGAINST LOCAL MUSLIM VILLAGERS.

INTERNAL ARMED CONFLICT PRODUCED GRAVE HUMAN RIGHTS VIOLATIONS ACROSS THE REGION, WITH ABUSES AGAINST CIVILIANS OFTEN BEING CARRIED OUT BY PARAMILITARY GROUPS WORKING IN UNOFFICIAL COLLABORATION WITH GOVERNMENT ARMED FORCES. REBEL GROUPS WERE ALSO RESPONSIBLE FOR ABUSES. IN KASHMIR, THE INCURSION INTO INDIAN-HELD KASHMIR BY PAKISTANI-BACKED MILITANTS IN MAY AND THE RESULTANT FIGHTING BETWEEN INDIA AND PAKISTAN DIVERTED ATTENTION FROM A PATTERN OF SYSTEMATIC ABUSE IN KASHMIR BY INDIAN SECURITY FORCES AND FORMER MILITANTS WORKING WITH THEM CALLED "RENEGADES," BUT THOSE ABUSES CONTINUED. MILITIAS ORGANIZED, TRAINED, AND EQUIPPED BY THE INDONESIAN ARMY WERE THE PRIMARY AGENTS OF VIOLENCE AGAINST SUSPECTED SUPPORTERS OF INDEPENDENCE IN EAST TIMOR; ATTACKS BY PRO-INDEPENDENCE GROUPS ON NON-TIMORESE CIVILIANS TOOK PLACE IN LATE 1998 AND EARLY 1999, BUT FROM FEBRUARY ONWARDS, THE VIOLENCE WAS ALMOST ALL ON THE OTHER SIDE. IN SRI LANKA, SEVERAL PARAMILITARY TAMIL GROUPS WORKED WITH THE SRI LANKAN ARMY TO TRY AND CRUSH THE INSURGENCY LED BY THE LIBERATION TIGERS OF TAMIL EELAM (LTTE) IN THE NORTH AND EAST OF THE COUNTRY; THE LTTE WAS ALSO RESPONSIBLE FOR GRAVE ABUSES, INCLUDING RECRUITMENT OF CHILD SOLDIERS. IN BURMA, THE ONGOING CAMPAIGN BY THE BURMESE ARMY OR TATMADAW TO PACIFY AREAS HELD BY ETHNIC INSURGENT ARMIES RESULTED IN LARGE-SCALE FORCED POPULATION REMOVALS AND OTHER ABUSES; THERE WERE ALSO SOME REPORTS OF EXECUTIONS BY THE INSURGENTS, INCLUDING THE KAREN NATIONAL UNION, DURING THE YEAR. IN AFGHANISTAN, BOTH THE TALIBAN FORCES AND THE UNITED FRONT WERE RESPONSIBLE FOR INDISCRIMINATE BOMBINGS OF CIVILIAN AREAS. THE TALIBAN ALSO FORCIBLY RELOCATED THOUSANDS OF CIVILIANS AND DETAINED AN UNKNOWN NUMBER DURING A MID-YEAR OFFENSIVE.

THE VARIOUS CONFLICTS IN THE REGION PRODUCED HUGE OUTFLOWS OF REFUGEES AND INTERNALLY DISPLACED PERSONS, WITH CRITICAL PROTECTION PROBLEMS EMERGING AS A RESULT. IN EAST TIMOR, ONE ISSUE WAS HOW TO SAFELY REPATRIATE EAST TIMORESE WHO HAD BEEN FORCIBLY EXPELLED INTO INDONESIAN WEST TIMOR AND WHO REMAINED UNDER THE CONTROL OF THE MILITIAS WHO HAD FORCED THEM OUT (SEE CHAPTER ON REFUGEES).

IN THAILAND AND MALAYSIA, THE GOVERNMENTS' FAILURE TO ACCORD REFUGEE STATUS TO BURMESE AND INDONESIANS RESPECTIVELY LED TO AN EVER PRESENT DANGER THAT PEOPLE WITH A GENUINE FEAR OF PERSECUTION COULD BE REPATRIATED AGAINST THEIR WILL AND IN VIOLATION OF INTERNATIONAL LAW. THE MALAYSIAN GOVERNMENT CONTINUED TO DENY UNHCR PERMISSION TO VISIT IMMIGRATION DETENTION CAMPS WHERE SOME REFUGEES WERE BELIEVED DETAINED. IN BANGLADESH, THE GOVERNMENT WAS EAGER TO SEE THE REPATRIATION OF SOME 21,000 REMAINING ETHNIC ROHINGYA REFUGEES ORIGINALLY FROM ARAKAN, IN WESTERN BURMA, BUT NOT ALL WISHED TO RETURN. FOR THOSE WHO DID, THE BURMESE GOVERNMENT CONTINUED TO PLACE OBSTACLES IN THE WAY OF REPATRIATION. TENS OF THOUSANDS OF INDONESIANS WERE DISPLACED BY POLITICAL OR COMMUNAL CONFLICTS IN ACEH, WEST KALIMANTAN, AND THE MOLUCCAS; THE INDONESIAN GOVERNMENT RESTRICTED ACCESS BY INTERNATIONAL HUMANITARIAN AGENCIES TO THE CAMPS, FEARING THAT THEIR PRESENCE WOULD BE EXPLOITED FOR POLITICAL REASONS BY PARTIES TO THE CONFLICT. THE SRI LANKAN GOVERNMENT BLOCKED DELIVERY OF HUMANITARIAN RELIEF SUPPLIES TO INTERNALLY DISPLACED PERSONS IN NORTHERN SRI LANKA IN JUNE AND JULY, LEADING TO INTERNATIONAL PROTESTS. IN OCTOBER 1998, UNHCR ESTABLISHED A PRESENCE IN THAILAND ALONG THE THAI-BURMESE BORDER WHERE CAMPS HOUSED SOME ONE HUNDRED THOUSAND REFUGEES. THE PROCEDURES BY WHICH NEW ARRIVALS FROM BURMA WOULD BE SCREENED FOR ADMISSION TO THE CAMPS REMAINED UNCLEAR; LOCAL GROUPS WERE CONCERNED THAT UNTIL THOSE PROCEDURES WERE CLARIFIED, THERE WAS A POSSIBILITY THAT GENUINE REFUGEES COULD BE SENT BACK. UNHCR SOUGHT TO CEASE INTERNATIONAL PROTECTION FOR CAMBODIAN REFUGEES REMAINING IN THAILAND AND SEND THEM BACK TO CAMBODIA, BASED ON WHAT IT VIEWED AS AN IMPROVED POLITICAL SITUATION. AFTER PROTESTS BY HUMAN RIGHTS GROUPS, UNHCR SAID THE STATUS OF CAMBODIANS WOULD BE FURTHER REVIEWED. IN THE BEGINNING OF THE YEAR, THE THAI GOVERNMENT SAID IT WOULD CONSIDER SIGNING THE U.N. REFUGEE CONVENTION, BUT AS OF THIS WRITING, IT HAD TAKEN NO ACTION.

CORRUPTION REMAINED A HUGE ISSUE. IN INDONESIA, A MAJOR BANK SIPHONED OFF U.S.\$70 MILLION TO OFFICIALS OF THE GOLKAR RULING PARTY, INCLUDING PEOPLE CLOSELY LINKED TO PRESIDENT HABIBIE. IN FEBRUARY, A TAPED CONVERSATION BETWEEN PRESIDENT HABIBIE AND ATTORNEY GENERAL ANDI GHALIB REVEALED THAT A GOVERNMENT INVESTIGATION INTO FORMER PRESIDENT SOEHARTO'S WEALTH WAS A SHAM; GHALIB HIMSELF BECAME THE TARGET OF A BRIBERY INQUIRY AND WAS FORCED TO STEP DOWN ON JUNE 14 PENDING INVESTIGATION. THE INVESTIGATION INTO THE SOEHARTO WEALTH WAS CALLED OFF IN OCTOBER. IN APRIL FORMER PAKISTANI PRIME MINISTER BENAZIR BHUTTO WAS CONVICTED IN ABSENTIA OF TAKING BRIBES; HER HUSBAND REMAINED IN A PAKISTANI JAIL ON CORRUPTION CHARGES. IN MALAYSIA ANWAR IBRAHIM WAS TRIED ON CORRUPTION CHARGES, BUT IT WAS HE WHO IN 1998 HAD RAISED CONCERNS ABOUT CORRUPTION AND CRONYISM IN MAHATHIR'S INNER CIRCLE. NEWSPAPER ARTICLES ACCUSING HIGH-RANKING OFFICIALS OF CORRUPTION LED TO SYSTEMATIC HARASSMENT OF JOURNALISTS AND PUBLISHERS IN PAKISTAN. IN AUGUST, NEWSPAPERS IN THE PHILIPPINES ALSO COMPLAINED OF GOVERNMENT PRESSURE AFTER REPORTING ON CORRUPTION AND CRONYISM IN THE ADMINISTRATION OF PRESIDENT JOSEPH ESTRADA. IN CAMBODIA, THE CAMBODIAN MINE ACTION CENTER (CMAC), A NATIONAL INSTITUTION, LOST FUNDING AFTER NEWS BROKE THAT CMAC OFFICERS HAD MISAPPROPRIATED HUNDREDS OF THOUSANDS OF DOLLARS. IN VIETNAM CORRUPTION CONTINUED LARGELY UNABATED, DESPITE THE HIGH-PROFILE TRIAL IN AUGUST OF SEVENTY-SEVEN PEOPLE IN WHAT BECAME KNOWN AS THE MINH PHUNG EPCO CASE. CORRUPTION OF POLICE AND IMMIGRATION OFFICIALS FACILITATED TRAFFICKING OF WOMEN AND ILLEGAL MIGRATION ACROSS THE REGION.

Defending Human Rights

WHERE THEY WERE ALLOWED TO EXIST AND IN SOME CASES, EVEN WHERE THEY WERE NOT, ASIAN NGOS VIGOROUSLY DEFENDED HUMAN RIGHTS. HUMAN RIGHTS NGOS IN THAILAND AND MALAYSIA WORKED WITH THEIR INDONESIAN COUNTERPARTS TO PROTEST ABUSES IN ACEH. THE ASIA MONITOR RESOURCE CENTER, A HONG KONG-BASED NGO, DOCUMENTED ABUSES OF WORKER RIGHTS IN VIETNAM AND CHINA. ADVOCACY ON BEHALF OF MIGRANT WORKERS CONTINUED TO BE A PRIORITY FOR NGOS IN THE REGION. A PROJECT TO BETTER ENFORCE THE FUNDAMENTAL FREEDOMS OF EXPRESSION, ASSEMBLY, AND ASSOCIATION IN ASIA INVOLVED HUMAN RIGHTS ORGANIZATIONS FROM HONG KONG, SRI LANKA, INDONESIA, THE PHILIPPINES, THAILAND, AND CAMBODIA. HUMAN RIGHTS IN BURMA AND EAST TIMOR CONTINUED TO BE OF MAJOR CONCERN TO NGOS ACROSS SOUTHEAST ASIA; THEY OFTEN WORKED COLLABORATIVELY TO DOCUMENT ABUSES AND RAISE CONCERNS WITH ASEAN GOVERNMENTS. WHEN MALAYSIAN HUMAN RIGHTS ACTIVISTS WERE ARRESTED IN SEPTEMBER, ORGANIZATIONS ACROSS ASIA RALLIED TO THEIR SUPPORT. EXTENSIVE ACCESS TO THE INTERNET BY ASIAN NGOS FACILITATED NOT ONLY REGIONAL CAMPAIGNS OF THIS KIND BUT ALSO INTERNATIONAL ADVOCACY EFFORTS ON ASIAN ISSUES. WHEN FALUN GONG WAS BANNED, ITS MEMBERS IN CHINA BOMBARDED WESTERN HUMAN RIGHTS GROUPS AND GOVERNMENTS WITH E-MAIL MESSAGES PLEADING FOR HELP.

HUMAN RIGHTS MONITORING CONTINUED TO BE A RISKY JOB, HOWEVER. NEELAN TIRUCHELVAM, A SRI LANKAN RECOGNIZED INTERNATIONALLY AS A LEADER OF THE HUMAN RIGHTS MOVEMENT, WAS ASSASSINATED IN COLOMBO IN JULY BY A SUICIDE BOMBER BELIEVED TO BE LINKED TO THE LTTE. TWO STAFF MEMBERS OF THE CAMBODIAN HUMAN RIGHTS ORGANIZATION CAMBODIAN LEAGUE FOR THE PROMOTION AND DEFENSE OF HUMAN RIGHTS (LICADHO) WERE ARRESTED IN DECEMBER 1998 AND ACCUSED OF INCITING A DEMONSTRATION AGAINST TOXIC WASTE DUMPING IN THE PORT CITY OF SIHANOUKVILLE. THE TWO LICADHO STAFF WERE DETAINED FOR ONE MONTH, RELEASED PENDING TRIAL, THEN PUT ON TRIAL IN JULY. THEY WERE EVENTUALLY ACQUITTED OF ALL CHARGES. THE OFFICE OF THE LEADING EAST TIMORESE HUMAN RIGHTS ORGANIZATION, YAYASAN HAK, WAS ATTACKED BY MILITIAS ON SEPTEMBER 5. THE STAFF WERE EVACUATED, AND THEN THE BUILDING WAS TORCHED, DESTROYING VALUABLE EVIDENCE THAT MIGHT HAVE BEEN USED IN PROSECUTIONS OF INDONESIAN OFFICERS.

IN SEVERAL COUNTRIES INCLUDING INDONESIA, SRI LANKA, THE PHILIPPINES, AND INDIA, NATIONAL HUMAN RIGHTS COMMISSIONS FUNCTIONED REASONABLY INDEPENDENTLY AND WERE HELPFUL IN GETTING CERTAIN HUMAN RIGHTS ISSUES ONTO THE NATIONAL AGENDA. THE INDIAN COMMISSION SUCCEEDED IN GETTING COMPENSATION PAID TO VICTIMS OF POLICE TORTURE. BUT IN INDONESIA, THE GOVERNMENT USED THE NATIONAL COMMISSION AS A WAY TO DEFLECT INTERNATIONAL SCRUTINY OF ITS ROLE IN EAST TIMOR. MALAYSIA AND THAILAND BOTH PASSED LEGISLATION DURING THE YEAR MANDATING THE ESTABLISHMENT OF NATIONAL HUMAN RIGHTS COMMISSIONS, AND KOREA WAS ALSO PLANNING TO CREATE ONE.

NO HUMAN RIGHTS ORGANIZATIONS WERE PERMITTED TO FUNCTION IN NORTH KOREA, VIETNAM, BURMA, OR SINGAPORE. IN CHINA, LEGAL AID ORGANIZATIONS AND A HOTLINE FOR WOMEN OPERATED FREELY, BUT ANY ORGANIZED ADVOCACY EFFORT ON BEHALF OF DISSIDENTS, RELIGIOUS ACTIVISTS, TIBETAN NATIONALISTS, OR WORKERS WAS CRUSHED.

The Role of the International Community

The international community was moved by conflicting impulses during the year. On East Timor, the impulse to stop the destruction was restrained by a concern voiced by several U.N. Security Council members that too much pressure on Indonesia could undercut Indonesia's fragile democratization process. (Indonesian pro-democracy activists argued the opposite, that only accountability for senior officers could help reduce the role of the military.) The terror in East Timor did, however, prompt an unusual mobilization of military and material resources, with Japan covering almost half the costs of an international force led by Australia, and Malaysia, Thailand, Singapore, the Philippines, Korea, Bangladesh, China, and New Zealand among the countries of the region contributing personnel.

Despite a crackdown that steadily increased in China during the year, the G-7 countries gave up trying to pressure the government to make improvements and put all their effort into human rights dialogues and seminars on the rule of law which, while harmless, produced few, if any, tangible results.

In South Asia, Western countries put concern over human rights aside as they worried about how to halt the escalation of conflict between India and Pakistan over Kashmir, not recognizing the role that human rights abuse by Indian security forces and separatist militants had played in fueling the conflict to begin with.

The region's economic recovery was a top priority for all donors, but there was a noticeable increase in attention toward governance and support of civil society.

International Financial Institutions

The World Bank engaged in more consultation with local groups than ever before in countries that had active NGO networks. Where freedom of association was tightly restricted, as in China, "consultation" tended to be a much more pro forma process. The Bank launched a "comprehensive development framework" initiative to enhance the input of civil society in development activities, but its only pilot project in the region was in Vietnam, where the emphasis was on poverty reduction. The World Bank shied away from giving explicit support to NGOs in China trying to expose corruption. But it energetically protested the crackdown on NGOs and journalists in Pakistan, convening a special meeting of ambassadors in Pakistan with NGO participation, putting off a planned consultative group donor meeting, and appealing for the release of Najam Sethi, a jailed journalist who campaigned against corruption.

In Indonesia, the World Bank consulted with a wide range of NGOs and political opposition leaders as it decided how to handle disbursement of loans in the pre- and post-June election period. In September, it held up loans to the Habibie government because of a major corruption scandal. The International Monetary Fund (IMF) and the World Bank also linked the delay in disbursements to the violence in East Timor and Indonesia's failure to meet its commitments under the May 5, 1999 agreement (see Indonesia/East Timor chapter).

The World Bank's inspection panel was charged with doing an independent assessment of a highly controversial \$40 million resettlement project in a traditionally Tibetan ethnic area of China, and for the first time, its assessment was a precondition for disbursement of project funds. Its report was due to be delivered to the World Bank's board in late November or early December.

Under congressional mandate, the U.S. Treasury Department established an outside advisory committee to examine the impact of IMF programs, including social safety net funding, greater transparency in IMF operations, and the impact of the IMF on core labor rights standards. The committee's initial meetings in early September focused on procedural matters: it included representatives from the human rights and environmental communities as well as business and labor groups.

United Nations

The United Nations made useful contributions to human rights in East Timor, Cambodia, Indonesia, Vietnam, and Afghanistan.

Despite controversy over whether the U.N. could have done more to protect the people of East Timor from the terror unleashed by militias in September, there is no question that the U.N. Mission in East Timor (UNAMET) acted with professionalism and integrity as it organized a referendum in record time under abominable conditions and ensured the safe evacuation of the more than one thousand displaced people who had taken shelter in its compound. The protection failure lay more with member states who failed to exert the pressure on Indonesia that they could have earlier in the year. In September the Security Council authorized the sending of an Australian-led international force to East Timor to halt Indonesian army-backed violence, restore order, and provide humanitarian aid to hundreds of thousands of displaced people. A

SPECIAL SESSION OF THE U.N. COMMISSION ON HUMAN RIGHTS ALSO MET IN SEPTEMBER AND PASSED A RESOLUTION CALLING ON THE SECRETARY-GENERAL TO SET UP AN INTERNATIONAL COMMISSION OF INQUIRY INTO VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN EAST TIMOR. THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS OPENED A SMALL OFFICE IN JAKARTA.

THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN VISITED JAKARTA AND EAST TIMOR IN NOVEMBER 1999; SHE WAS FOLLOWED IN FEBRUARY BY THE U.N. WORKING GROUP ON ARBITRARY DETENTION. IN NEITHER CASE WERE THE VISITORS ALLOWED TO VISIT ACEH OR IRIAN JAYA.

FOLLOWING UP ON A NOVEMBER 1998 MISSION, THE U.N. SENT A SECOND GROUP OF EXPERTS TO CAMBODIA IN AUGUST 1999 TO ASSESS OPTIONS FOR BRINGING THE KHMER ROUGE LEADERSHIP TO JUSTICE THROUGH A TRIBUNAL THAT MET INTERNATIONAL STANDARDS. THE U.N. WAS INITIALLY REBUFFED BY PREMIER HUN SEN, HOWEVER. THE PHNOM PENH FIELD OFFICE OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS HAD ITS MANDATE EXTENDED FOR ANOTHER YEAR, BUT IN SEPTEMBER HUN SEN CALLED FOR THE CLOSURE OF THE OFFICE OF THE PERSONAL REPRESENTATIVE OF THE SECRETARY-GENERAL IN CAMBODIA AT THE END OF ITS MANDATE IN JANUARY 2000.

A HARD-HITTING REPORT ON VIETNAM RELEASED IN MARCH BY ABDELFAH AMOR, THE SPECIAL RAPPORTEUR ON RELIGIOUS INTOLERANCE PROMPTED AN ANGRY RESPONSE FROM THE VIETNAMESE GOVERNMENT.

A RESOLUTION BY THE U.N. COMMISSION ON HUMAN RIGHTS AND STATEMENTS BY THE U.N. SECRETARY-GENERAL IN APRIL AND AUGUST, RESPECTIVELY, CONDEMNED WIDESPREAD VIOLATIONS OF HUMAN RIGHTS AND HUMANITARIAN LAW IN AFGHANISTAN. BURMA, ALSO THE SUBJECT OF A UNCHR RESOLUTION CRITICAL OF ITS RIGHTS PRACTICES, CONTINUED TO BLOCK ACCESS BY U.N. SPECIAL RAPPORTEUR RAJSOOMER LALLAH.

U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON'S VISIT TO CHINA AND TIBET IN SEPTEMBER 1999 LED TO NO NEW INITIATIVES, AND EVEN AN ASSESSMENT MISSION IN 1999 DESIGNED TO PRESS FOR RATIFICATION OF THE TWO U.N. COVENANTS CHINA HAD SIGNED WAS NOT PRODUCTIVE.

THE U.N. HIGH COMMISSION FOR REFUGEES (UNHCR) EXPANDED ITS ROLE IN SOME AREAS, INCLUDING ALONG THE THAI-BURMA BORDER. IT CONTINUED TO BE INVOLVED IN SOME OF THE REGION'S PROTRACTED REFUGEE SITUATIONS, SUCH AS IN NEPAL, BUT WAS SOMETIMES INSUFFICIENTLY PROACTIVE IN IDENTIFYING POSSIBLE SOLUTIONS THAT RESPECTED REFUGEE RIGHTS AND WISHES. UNHCR CONTINUED TO WORK WITH URBAN REFUGEES IN INDIA, THAILAND, AND MALAYSIA. DETENTION OF REFUGEES ON CHARGES OF ILLEGAL ENTRY REMAINED A PROBLEM IN MANY COUNTRIES AS GOVERNMENTS MADE NO DISTINCTION BETWEEN REFUGEES AND UNDOCUMENTED MIGRANTS. UNHCR OFTEN HAD NO ACCESS TO THESE DETAINEES; MALAYSIA WAS A CASE IN POINT.

United States

UNITED STATES POLICY IN THE REGION WAS ONCE AGAIN PULLED IN DIFFERENT DIRECTIONS BY POLITICAL AND ECONOMIC IMPERATIVES. POLITICAL INTERESTS THEMSELVES LED TO CONTRADICTORY INITIATIVES, WITH SECURITY CONCERNS SOMETIMES AT ODDS WITH THE DESIRE TO STRENGTHEN CIVIL SOCIETY AND BOLSTER DEMOCRATIZATION EFFORTS. WITH THE EXCEPTION OF THE INDIA-PAKISTAN CONFLICT AND THE EAST TIMOR CRISIS, ASIA LOST OUT TO THE BALKANS IN THE ADMINISTRATION'S LIST OF PRIORITIES.

THE WHITE HOUSE WAS OUTSPOKEN IN OPPOSING THE CRACKDOWN ON NGOS AND JOURNALISTS IN PAKISTAN, AND THIS COINCIDED WITH ITS POLICY OF INCREASED PRESSURE ON THE SHARIF GOVERNMENT, DRIVEN LARGELY BY NONPROLIFERATION AND ANTI-TERRORISM CONCERNS; IT CONDEMNED, HOWEVER, THE COUP AGAINST SHARIF IN OCTOBER. THE WHITE HOUSE, STATE DEPARTMENT, AND PENTAGON ALSO USED PUBLIC AND PRIVATE DIPLOMACY THROUGHOUT THE EAST TIMOR CRISIS. UNFORTUNATELY, ALL THREE DREW THE LINE AT CONDITIONING ECONOMIC AND MILITARY ASSISTANCE ON AN END TO MILITIA VIOLENCE UNTIL THE SCORCHED EARTH CAMPAIGN BEGAN, BY WHICH TIME MERE THREATS WERE NO LONGER USEFUL.

THERE WAS NO CHANGE IN THE ADMINISTRATION'S TOUGH POLICY ON BURMA, AND A JULY REPORT BY THE U.S. EMBASSY IN RANGOON DOCUMENTED FOR THE FIRST TIME THAT U.S. SANCTIONS WERE HAVING A SIGNIFICANT IMPACT ON FOREIGN INVESTMENT AND THE OVERALL ECONOMY EVEN IF THEY WERE NOT PRODUCING THE DESIRED POLITICAL OBJECTIVES.

THE ADMINISTRATION TOOK THE LEAD IN CARVING OUT BENCHMARKS FOR A U.N.-SUPPORTED "MIXED TRIBUNAL" FOR KHMER ROUGE LEADERS AND PRESSED FOR THE RELEASE OF TWO STAFF MEMBERS OF THE HUMAN RIGHTS ORGANIZATION LICADHO AS A KEY TEST OF THE CAMBODIAN GOVERNMENT'S ATTITUDE TOWARDS CIVIL SOCIETY. IN VIETNAM, BOTH THE EMBASSY AND THE STATE DEPARTMENT GAVE TOP PRIORITY TO FINALIZING A TRADE AGREEMENT, ALTHOUGH RELIGIOUS FREEDOM ISSUES WERE HIGH ON THE AGENDA.

CHINA REPRESENTED THE ADMINISTRATION'S MOST SIGNIFICANT POLICY FAILURE. THE ADMINISTRATION BADLY HANDLED OPPORTUNITIES TO EXERT SERIOUS PRESSURE ON BEIJING, INCLUDING DURING THE U.N. COMMISSION ON HUMAN RIGHTS IN GENEVA, PREMIER ZHU'S VISIT TO THE U.S. IN APRIL, AND PRESIDENT CLINTON'S CONTACTS WITH JIANG ZEMIN THROUGHOUT THE YEAR. CHINA'S DEFT MANIPULATION OF THE

crisis in U.S.-China relations following the bombing of the Belgrade embassy in May put the administration at a disadvantage and left its dialogue strategy in shambles. Talks on China's World Trade Organization (WTO) entry were making little progress towards the end of October.

European Union

While the European Union (E.U.) expressed concern about human rights violations in Afghanistan, Burma, India, Malaysia, Pakistan, and Sri Lanka, it took a less active stance with respect to China. Former Hong Kong Governor Chris Patten, the European Commission's foreign affairs commissioner, however, stressed the importance of taking human rights concerns into consideration in E.U. relations with China, including in the establishment of trade and economic ties. Similarly, the European Parliament linked expansion of the E.U.-India relationship to India's nuclear disarmament, while urging India to ratify the convention against torture, place a moratorium on executions and step up efforts to abolish the death penalty, foster religious tolerance, and protect religious freedom. The E.U. continued to criticize the Burmese government while attempting, albeit unsuccessfully, to involve the government in a dialogue about human rights. On October 11, the E.U. extended sanctions against Burma for another six months, citing human rights abuses.

In October, the European Council expressed concern about the humanitarian situation in East and West Timor and banned for four months the supply to Indonesia of equipment that might be used for internal repression or terrorism. The E.U. also pressed for peaceful settlements to the conflicts in Kashmir and Afghanistan and advocated the establishment of an international tribunal for Cambodia.

Japan

The Japanese government was noticeably more active at the U.N. Commission on Human Rights than in previous years, taking the initiative, for example, to sponsor a Cambodia resolution, and working to develop a consensus on Burma. On China, Japan caved in to pressure from the Chinese foreign minister not to cosponsor the U.S. resolution, though it opposed a no-action procedural motion by China. In general, with the exception of China's WTO entry, which Japan strongly supported, Japan's relations with China remained tense, and Beijing put on hold the bilateral human rights dialogue with Japan that had begun in 1997.

Japanese diplomacy was highly visible in Southeast Asia. Japan sent observers to Indonesia for the June elections and donated computer equipment to tally the results. Japanese leaders lobbied President Habibie and other officials to end militia violence in East Timor, but stopped short of using Tokyo's huge bilateral Official Development Assistance (ODA) as leverage. Through 1997 Indonesia had received a cumulative total of more than \$13 billion in ODA loans and other assistance.

In Vietnam, Japan continued to focus on economic reform, and did not link any of its ODA to human rights improvements, although Japanese officials did raise some human rights cases. Once again, Japan was Vietnam's largest donor.

Japan also maintained its high level of interest in Cambodia, hosting in February the World Bank's first donor conference since the 1997 coup, and trying to defuse the Khmer Rouge tribunal issue by supporting both U.N. and domestic remedies without providing concrete assistance for either.

Behind the scenes, the Japanese government used its ties to the Burmese government to press for International Committee of the Red Cross access to prisons, implementation of the International Labor Organization's recommendations on forced labor, and the visit by U.N. envoy Alvaro De Soto in mid-October. It took no action to restore suspended ODA to Burma.

Japan continued its assistance to economies suffering from the Asian currency crisis, providing emergency aid in yen loans and grants to Indonesia, Thailand, the Philippines, and South Korea under the so-called "Miyazawa" initiative, named after the former prime minister who formulated Japan's response to the crisis. Together with loans provided as part of the IMF's package of financial aid, Japan gave a total of \$43 billion, the largest contribution of any single donor.

Otherwise, whether in Kashmir, India, and Pakistan, or Malaysia, where Japan had particularly close ties, human rights concerns were low on the Japanese government's agenda. The October coup in Pakistan, however, did spark a strong diplomatic response: Prime Minister Obuchi publicly urged the military to "promptly" return to democratic and constitutional rule.

The Work of Human Rights Watch

Enhancing collaboration with Asian NGOs, finding new ways to get international attention to long-standing issues and neglected areas, and responding to the East Timor crisis occupied much of the division's time during the year. The international financial institutions were more a focus of advocacy efforts than ever before.

In India, we continued our partnership with local organizations working on the rights of Dalits ("untouchables"), assisting in their campaign to end caste violence. The launch in April of a Human Rights Watch report on abuses against Dalits gave a major boost to the campaign, and by year's end, Dalit activists in South Africa, the United States, the United Kingdom, and the Netherlands had joined the effort. At this writing, the report was being translated into eight regional languages in India. In Cambodia, we produced two reports in close collaboration with local human rights defenders. One of them, on official impunity in Cambodia, was released simultaneously in Khmer and English and served as the starting point for a campaign to bring officials responsible for unlawful deaths to justice.

Much of the Asia division's work focused on bringing attention to serious human rights violations in the region that were out of the public eye. Abuses in the area known as "eastern Tibet"—ethnic Tibetan regions of the Chinese provinces of Gansu, Sichuan, Yunnan, and Qinghai—were highlighted in a report in September, and human rights violations associated with communal violence in Ambon and Aceh, Indonesia were addressed in March and May.

The Asia division reached out to regional media in advocacy work, with op-eds appearing in the *Asahi Evening News*, on Japan's policy toward Indonesia and East Timor, and in the English-language *Phnom Penh Post*, as well as the leading Khmer language daily on accountability for the Khmer Rouge. Our reports on caste violence in India and on impunity in Cambodia, as well as our advocacy work on East Timor were extensively reported in the media in India, Cambodia, and Indonesia respectively. The work of the Washington, London, and Brussels offices as well as that of the U.N. representative were critical to the division's efforts during the year. In Washington, our work focused on Congress, the executive branch, the World Bank, and foreign embassies. Asia division staff testified or submitted written statements to Congressional hearings: once each on Cambodia and Hong Kong, twice on China, and three times on Indonesia and East Timor. In addition to briefing Congressional staff and arranging for them to meet NGOs from the region, Human Rights Watch facilitated Congressional letters to foreign leaders on key human rights issues in Cambodia, Hong Kong, East Timor, Pakistan, India, and China. We also briefed new U.S. ambassadors to Indonesia and Cambodia, the charge d'affaires to Burma (the highest ranking U.S. official posted there), and the newly appointed U.S. ambassador for religious freedom.

Asia division staff had ongoing contact during the year with the World Bank on human rights concerns across the region, particularly in response to concerns in China, Burma, Cambodia, Indonesia, East Timor, Pakistan, and elsewhere in the region.

Japan was a major focus of advocacy, with a mission to Tokyo and extensive interaction with Japanese embassy officials in Washington throughout the year, as well as contacts with Japanese NGOs, academics, and business people.

The Washington office hosted four Burma roundtables during the year on a range of issues including humanitarian assistance in Burma and the impact of selective purchasing legislation in certain U.S. states.

AFGHANISTAN

Fighting continued in contested areas of Afghanistan, intensifying in midyear as both the Taliban and the United Front launched new offensives in the north. The fighting drove thousands of displaced civilians into Kabul. There was no improvement in the status of women in the parts of the country controlled by the Taliban. After months of negotiations over security for United Nations staff, some expatriate U.N. staff began to return to the country in March. Attacks on Afghan political figures opposed to the Taliban continued in Pakistan.

Human Rights Developments

Fighting continued for control of the central part of the country which had fallen to the Taliban in 1998. On April 21, United Front faction Hizb-i Wahdat took control of Bamayan city, only to relinquish it after heavy fighting in early May.

Following the Hizb-i Wahdat victory, relief workers reported that Hizb-i Wahdat forces had beaten and detained residents suspected of supporting the Taliban, and burned their houses. When Taliban forces retook the city, they reportedly took reprisals by shooting suspected Hizb-i Wahdat supporters, primarily ethnic Shi'a Hazaras, burning hundreds of homes and deporting men to unknown locations.

In late July, at peace talks held in Tashkent, the Taliban and the United Front agreed to the "Tashkent declaration," which called on all parties to resolve the conflict through "peaceful political negotiation." Almost immediately afterwards, both the Taliban and the United Front resumed fighting, with the Taliban focusing its efforts on United Front Commander Ahmad Shah Massoud's territory north of Kabul. As they pushed north, the Taliban forced civilians from their homes and then set fire to houses and crops, and destroyed irrigation canals and wells, ostensibly to rout opposition sympathizers but effectively preventing the residents' return. In the Shomali region, men believed to be loyal to Massoud were arrested or shot, and women and children were taken by truck to Pakistan or made to walk to Kabul. Some one thousand ethnic Tajik men were reportedly separated from their families during the exodus and held by the Taliban. Over four days in August the U. N. estimated that over twenty thousand people fled to Kabul, bringing the total to close to forty thousand in a two-week period.

The influx of displaced people into Kabul further strained relief efforts in the city. Some 950 families took refuge in the abandoned Soviet diplomatic compound. A further one hundred thousand displaced were thought to have taken refuge in the Massoud-held Panjshir valley, fifteen thousand of them without shelter. In September, officials with the U.N. World Food Programme stated that 145,000 people were at risk of malnutrition in the coming winter.

For much of the year, both the Taliban and the United Front launched mortar and rocket attacks on cities, killing hundreds of civilians. In September Taliban fighter planes bombed Taloqan, the capital of northern Takhar province. Earlier in the year, Massoud's forces fired rockets into Kabul, killing scores of civilians.

Taliban officials continued to beat women on the streets of Kabul for dress code violations and for venturing outside the home without the company of a close male relative. In Kabul, girls were not permitted to attend school, although primary schools for girls were permitted in other parts of the country. Women's employment remained severely restricted and was generally limited to health care. To ensure that religious practices were strictly enforced, Taliban police continued to arrest men for having beards that were too short, for not attending prayers, and for having shops open during scheduled prayer times.

As in previous years, the Taliban enforced its laws according to its interpretation of Islamic Sharia, with weekly public executions, floggings, and amputations in Kabul stadium and other cities under its control. Several men accused of sodomy were punished by having walls pushed on them by a tank. In one case, a man who survived the ordeal after being left under the rubble for two hours was reportedly allowed to go free.

In September, the Taliban issued new decrees aimed at non-Muslims that forbade them from building places of worship but allowed them to worship at existing holy sites, banned non-Muslims from criticizing Muslims, ordered non-Muslims to identify their houses by placing a yellow cloth on their rooftops, forbade non-Muslims from living in the same residence as Muslims, and required that non-Muslim women wear a yellow dress with a special mark so that Muslims could keep their distance.

Defending Human Rights

No human rights organizations operated inside Afghanistan, but several nongovernmental organizations (NGOs) based in Pakistan documented abuses in Taliban-controlled areas. Other humanitarian groups also reported on human rights abuses. A number of women associated with these groups received threats from Taliban soldiers in Pakistan; in some cases, the women were compelled to cease their work and seek asylum outside Pakistan.

The Role of the International Community

Peace talks sponsored by the Group of Six-Plus-Two, comprised of Afghanistan's neighbors (Pakistan, China, Tajikistan, Turkmenistan, Iran, and Uzbekistan) plus the United States and Russia, held in February and March, produced cease-fire agreements but had little effect. The March talks resulted in an agreement by all parties to a shared government, but a meeting to work out the details scheduled for the following month never took place, after the announcement by the Taliban

that it would not share power with opposition elements. Talks in July resulted in both sides agreeing to allow humanitarian aid into areas under their control. Most neighboring countries as well as some of the Gulf states continued to provide financial and military support to one or more of the Afghan factions.

Twenty NGOs returned to Kabul in January, after a six-month absence stemming from the Taliban's edict that all aid organizations and employees be housed in a single dilapidated building. The returning groups included Medair, CARE, and Médecins sans Frontières, who agreed to the move on the condition that the facility be rehabilitated.

The International Committee of the Red Cross (ICRC), which had remained in Kabul throughout the controversy, continued to provide food and assistance to the civilian population. In June, ten ICRC workers were attacked, beaten, and robbed in Taliban-controlled Bamiyan province, despite having permission to travel and safety assurances from Taliban authorities. ICRC staff was reduced for approximately one week until further safety guarantees were obtained from the Taliban.

United Nations

The United Nations Afghanistan seat remained in the control of the government of Jamaat-i Islami leader Burhanuddin Rabbani, who was ousted from Kabul by the Taliban militia in 1996.

U.N. staff began a gradual return to the country in March and April. A team was also sent to the northern city of Mazar-i Sharif to reopen a U.N. office in the city, the first since September 1997, when U.N. offices were raided there during heavy fighting.

The special rapporteur on Afghanistan, Dr. Kamal Hossain, visited the country in March. In April, the United Nations Commission on Human Rights passed a resolution condemning human rights violations by all parties in Afghanistan, citing in particular the mass killings that accompanied the Taliban's taking of Mazar-i Sharif in August 1998 and the continuing violations of women's rights. It also denounced both sides in the conflict for continuing the civil war and urged other nations to refrain from supplying military support to any of the factions. The commission also specifically condemned the Taliban for violations of women's and girls' human rights. The mandate of the special rapporteur on Afghanistan was extended for another year.

Shortly after the start of the Taliban's July offensive, the U.N. Security Council called for an immediate stop to hostilities. Once again, countries were urged not to aid any of the factions militarily. U.N. Secretary-General Kofi Annan implored the Afghan factions to stop their "senseless self-destruction." He criticized all the parties for committing "criminal acts" and then relying on "the U.N. and the international community...to help save their own people from disasters provoked by those who claim to be their country's leaders." He also denounced the use of child soldiers in the conflict.

In August, the U.N. Subcommission on Human Rights adopted a resolution condemning the Taliban for violations of the most fundamental rights of women and girls, stating that Afghan women were "cheated of their rights to health, employment, freedom of movement and security."

In September, U.N. Special Rapporteur for Violence against Women Radhika Coomaraswamy visited Afghanistan. She condemned the Taliban militia for its "widespread systematic violation of the human rights of women." She stated that public beatings of women continued and she urged the Taliban authorities to respect international conventions on human rights and dismantle the Ministry for Promotion of Virtue and Prevention of Vice, the religious police responsible for the beatings.

In January, UNICEF reported that 90 percent of the girls in Afghanistan and 75 percent of the boys were not attending school in Taliban-controlled areas, a drop from previous statistics. In a July UNICEF report on children at risk, Afghanistan ranked behind only Angola and Sierra Leone. The study analyzed environmental conditions, mortality rates, nutrition, primary education, security, and health.

Afghanistan remained one of the most densely mined countries in the world, with approximately six million mines, most of them remnants of the war with the Soviet Union from 1979-1992. In 1999 it was estimated that there were ten to twelve victims of landmines per day in the country, 30 percent of them children and 50 percent of them fatalities due to inadequate or nonexistent medical facilities. In July and August, the U.N. reported that the United Front was laying mines north of Kabul to repulse the Taliban offensive.

The U.N. High Commissioner for Refugees (UNHCR) reported in February that the 2.6 million refugees from Afghanistan living in Pakistan and Iran remained the largest group of refugees in the world. Over two million remained internally

DISPLACED DUE TO FIGHTING AND FORCED EVICTIONS AND RELOCATIONS. ALTHOUGH SOME FIFTEEN THOUSAND REFUGEES RETURNED FROM IRAN, AND FIFTY-ONE THOUSAND FROM PAKISTAN DURING THE FIRST HALF OF THE YEAR, RENEWED FIGHTING DEFERRED MANY FROM GOING BACK.

United States

DUE TO THEIR HARBORING OF SUSPECTED TERRORIST OSAMA BIN LADEN, THE TALIBAN'S RELATIONS WITH THE U.S. REMAINED STRAINED. TENSIONS INCREASED IN JUNE WHEN THE U.S. PUT BIN LADEN ON THE FBI'S TEN MOST WANTED LIST AND OFFERED A \$5 MILLION REWARD FOR HIS CAPTURE. TO EXERT FURTHER PRESSURE, THE U.S. IMPOSED ECONOMIC SANCTIONS IN JULY, INCLUDING A FREEZE ON ALL PROPERTY AND TRADE CONTROLLED BY THE TALIBAN IN THE U.S. THIS WAS EXTENDED IN AUGUST TO INCLUDE THE FREEZING OF APPROXIMATELY \$500,000 IN ASSETS OF ARIANA AIRLINES, THE ONLY AIRLINE OPERATING IN AFGHANISTAN, ON THE PRESUMPTION THAT IT COULD BE SUPPLYING THE TALIBAN WITH EXPORT GOODS.

IN A STATEMENT TO THE SENATE FOREIGN RELATIONS COMMITTEE IN APRIL, ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS KARL INDERFURTH STATED THAT U.S. REPRESENTATIVES HAD BEEN MEETING WITH RUSSIAN REPRESENTATIVES AS WELL AS WITH AFGHAN KING ZAHIR SHAH TO DISCUSS MEANS OF REACHING PEACEFUL SETTLEMENT IN AFGHANISTAN, BUT THAT PROSPECTS FOR PEACE WERE DIM. LISTING THE AREAS OF CONCERN TO THE U.S., HE CITED THE THREAT OF TERRORISM, ONGOING NARCOTICS CULTIVATION AND EXPORT, HUMAN RIGHTS ABUSES, TREATMENT OF WOMEN AND GIRLS, AND REGIONAL INSTABILITY. INDERFURTH REITERATED THE U.S. GOAL OF A "BROAD-BASED, MULTI-ETHNIC, REPRESENTATIVE GOVERNMENT" BUT EXPRESSED DOUBT THAT THE TALIBAN WOULD ACCEPT SUCH A FORMULA AND PREDICTED FURTHER HOSTILITIES.

IN AUGUST, THE STATE DEPARTMENT ANNOUNCED THAT IT WAS DOUBLING ITS RESETTLEMENT QUOTA OF SOUTH ASIAN REFUGEES FOR THE YEAR 2000 FROM FOUR THOUSAND TO EIGHT THOUSAND, SPECIFICALLY TO ALLOW MORE AFGHAN WOMEN INTO THE COUNTRY. IN THE ANNOUNCEMENT THE DEPARTMENT REPRESENTATIVE SAID, "WE HAVE SEEN A SIZEABLE INCREASE IN THE NUMBERS OF AFGHAN WOMEN AT RISK. AS PRESIDENT CLINTON HAS MADE CLEAR, WE ARE DEEPLY OPPOSED TO THE TALIBAN REGIME'S REPRESSIVE POLICIES TOWARD WOMEN AND WE ARE COMMITTED TO ENSURING THAT AFGHAN WOMEN IN VULNERABLE CIRCUMSTANCES OBTAIN THE PROTECTION THEY DESERVE." IN SEPTEMBER THE U.S. ISSUED A REPORT ON RELIGIOUS FREEDOM WORLDWIDE IN WHICH IT ACCUSED THE TALIBAN OF PERSECUTING AND KILLING MINORITY SHI'AS.

Relevant Human Rights Watch Report:

AFGHANISTAN: MASSACRE AT MAZAR-I SHARIF, 11/99

BURMA

THE RULING STATE PEACE AND DEVELOPMENT COUNCIL (SPDC) OFFERED NO SIGNS DURING THE YEAR THAT FUNDAMENTAL CHANGE WAS ON THE HORIZON. THE SPDC'S STANDOFF WITH THE OPPOSITION NATIONAL LEAGUE FOR DEMOCRACY (NLD) CONTINUED. NO PROGRESS WAS MADE ON ENDING FORCED LABOR. COUNTERINSURGENCY OPERATIONS BY THE BURMESE MILITARY IN SEVERAL ETHNIC MINORITY AREAS, ACCOMPANIED BY EXTRAJUDICIAL EXECUTIONS, FORCED RELOCATION, AND OTHER ABUSES, LED TO THE DISPLACEMENT OF THOUSANDS INSIDE BURMA AND THE FLIGHT OF YET MORE REFUGEES ACROSS THE BORDER INTO THAILAND. IN ONE OF THE FEW POSITIVE DEVELOPMENTS DURING THE YEAR, THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) REOPENED ITS OFFICE IN RANGOON IN MAY AND WAS ABLE TO VISIT BURMESE PRISONS ON A REGULAR BASIS.

BILATERAL AND MULTILATERAL POLICIES TOWARDS BURMA REMAINED LARGELY UNCHANGED DURING THE YEAR, WITH SANCTIONS IN PLACE FROM MUCH OF THE INDUSTRIALIZED WORLD. VARIOUS GOVERNMENTS TRIED COMBINATIONS OF DIPLOMATIC CARROTS AND ECONOMIC STICKS TO IMPROVE HUMAN RIGHTS AND ENCOURAGE NEGOTIATIONS BETWEEN THE SPDC AND THE OPPOSITION, BUT NONE HAD SUCCEEDED BY LATE OCTOBER.

Human Rights Developments

ARRESTS AND INTIMIDATION OF SUPPORTERS OF THE NLD CONTINUED, PART OF A CAMPAIGN THAT BEGAN IN AUGUST 1999 AFTER THE NLD ANNOUNCED ITS INTENTION TO CONVENE A PARLIAMENT IN LINE WITH THE 1990 ELECTION RESULT. THIS WAS FOILED BY MASS ARRESTS,

and the NLD subsequently established a ten-member Committee Representing People's Parliament (CRPP), a kind of parallel parliamentary authority whose creation was seen as a direct challenge to the government. Some sixty parliamentarians remained under detention while thousands of NLD registered voters were forced to resign their party membership.

Divisions appeared within the NLD itself in early May, as a group of twenty-five MPs interested in promoting dialogue with the SPDC criticized NLD leader Aung San Suu Kyi over the establishment of the CRPP. The NLD central leadership later accused the group of attempting to sow disunity within the party. In June Suu Kyi said that she would accept lower level contact with the government, but the Burmese Foreign Minister Win Aung responded that before this could happen the NLD should dissolve the CRPP. The NLD refused.

Detention of other political opponents continued. On January 13, a special court gave lengthy sentences averaging seven to ten years to 270 students who had demonstrated in support of the CRPP in November and December 1998. Of this group, a student named The Win Aung reportedly received a sentence of fifty-two years, and Myon Min Zaw, thirty-eight. Also in January, Mon National Democratic Front chairman Nai Htun Thein was detained without trial, following the sentencing of three other MNDF party members in December. Each received a sentence of seven years.

The Burmese government released three high-profile prisoners during the year in response to international pressure. Eighty-one-year-old Ohn Myint was released in January following the visit of United States Congressman Tony Hall. Dr. Ma Thida, a medical doctor and close colleague of Aung San Suu Kyi, was released from prison on February 11 on "humanitarian grounds" during a period of diplomatic differences between the European Union and the Association of South East Asian Nations (ASEAN). Ma Thida had received a twenty-year sentence in October 1993 for distributing anti-government materials. The E.U. called the release an "interesting gesture." A few days later, Burmese writer, Nyi Pu Lay, who was serving a ten-year sentence, was also released. Any hopes that these releases constituted increased tolerance by the SPDC were dashed by the arrest in late February of fifty-one-year-old U Yaw Hsi, elected to parliament in 1990 as an NLD representative. He was arrested for possession of a cloth soaked in opium oil, a common medicinal item in Burma.

On May 6 the International Committee of the Red Cross (ICRC) reopened its office in Rangoon and was allowed to have confidential visits with prisoners in Insein Prison, the facility near Rangoon where most well-known political prisoners are housed. An agreement reached between ICRC and the Burmese government allowed the ICRC to visit all of Burma's prisons. By September 1999 it reported having registered some eighteen thousand prisoners and visited nine places of detention.

Eviled dissidents spearheaded a campaign beginning early in the year for a mass uprising on September 9, 1999 (9-9-99).

The uprising was intended to replicate the mass pro-democracy protests on August 8, 1988 (8-8-88) that have come to symbolize the high point in Burma's short "Democracy Summer" and were met with violence by the security forces. Dissident groups claimed the government arrested some five hundred persons in connection with the campaign, but diplomats put the number at about one hundred. The SPDC admitted arresting forty. Two British activists were also arrested when they entered the country in late August to protest against the government. The first, James Mawdsley, who had been arrested and deported twice previously, was given a seventeen-year sentence in a closed trial. The Burmese court in Rangoon sentenced Rachel Goldwyn to seven years of hard labor on charges of sedition. September 9 itself passed quietly with little protest.

Academic freedom remained tightly restricted, despite one small breakthrough. On January 5, 1999, the government announced that it was reopening four medical institutes. Classes there resumed in May. Thousands of other students spent yet another year with no access to college education. Since 1996, all universities have been closed in Burma, except for some post-graduate and other specialist courses.

Burma's ethnic minority areas were the sites of continuing violence and gross violations of human rights and humanitarian law. The military's forced relocation of villagers as a counterinsurgency measure continued in different parts of the Shan, Kayah (Karenni) and Karen state and Tenasserim Division, especially in areas where armed opposition groups were known to be active. After relocation, soldiers frequently burned homes, uprooted crops, and looted belongings that villagers left behind. At the relocation sites, villagers had to contribute up to fifteen days a month of forced labor on infrastructure projects, portering, night watch, and the physical maintenance of army camps. One new development of particular concern was the arrival of Burmese army "short pants" units to Karen State. Since December 1998, these out of

UNIFORM SOLDIERS OPERATING IN UNITS AVERAGING SIX PERSONS HAVE "DISAPPEARED," BEATEN, AND THREATENED VILLAGERS PRIMARILY IN MYAUNGLEBIN TOWNSHIP IN AN EFFORT TO WEED OUT FROM THE RURAL COMMUNITIES ANY SUPPORTERS OF THE KAREN NATIONAL UNION (KNU).

VIOLATIONS BY THE ETHNIC INSURGENT ARMIES WERE ALSO REPORTED IN 1999. IN MARCH FOR EXAMPLE, THE KNU CAPTURED AND EXECUTED ELEVEN BURMESE IMMIGRATION OFFICERS ALONG THE ROAD BETWEEN THREE PAGODAS PASS AND THANBYUZAYAT. ON JULY 31, ELEMENTS OF THE KARENNI NATIONAL PROGRESSIVE PARTY REPORTEDLY KILLED DAW PHRAEMOE AND HLA DIN, TWO LOCAL KARENNI COMMUNITY LEADERS WHO HAD ACTED AS GO-BETWEENS IN CEASE-FIRE TALKS BETWEEN THE GOVERNMENT AND ETHNIC KARENNI GUERRILLAS.

IN NOVEMBER 1998 THE REPATRIATION OF ROHINGYA REFUGEES FROM BANGLADESH TO BURMA RESUMED. NEVERTHELESS, THE BURMESE GOVERNMENT OBSTRUCTED THE REFUGEES' RIGHT TO RETURN BY REQUIRING THE RE-VERIFICATION BY BURMESE AUTHORITIES OF THOSE REFUGEES PREVIOUSLY CLEARED TO RETURN. BECAUSE OF THESE OBSTRUCTIONS, THE MAXIMUM QUOTA FOR RETURNING REFUGEES OF FIFTY PERSONS PER WEEK SET BY THE BURMESE GOVERNMENT ITSELF HAS NEVER BEEN FILLED. IN RAKHINE (ARAKAN) STATE, THE BURMESE GOVERNMENT CONTINUED TO DENY THE ROHINGYA FULL CITIZENSHIP.

Defending Human Rights

THE BURMESE GOVERNMENT'S SUFFOCATING GRIP ON ALL ASPECTS OF SOCIETY HAS PROHIBITED THE DEVELOPMENT OF ANY INDIGENOUS HUMAN RIGHTS INSTITUTIONS. RESTRICTIONS PERSISTED ON ACCESS TO THE COUNTRY BY FOREIGN HUMAN RIGHTS MONITORS. IN WHAT HAS BECOME A YEARLY RITUAL, THE GOVERNMENT DENIED U.N. SPECIAL RAPPORTEUR ON BURMA RAJSOOMER LALLAH ACCESS TO THE COUNTRY, BUT HE NEVERTHELESS PRESENTED A SCATHING REPORT ON CONDITIONS IN BURMA TO THE U.N. HUMAN RIGHTS COMMISSION. THE GOVERNMENT CONTINUED TO EXERCISE STRICT CONTROL OVER THE FLOW OF INFORMATION INTO AND OUT OF THE COUNTRY BY MONITORING TELECOMMUNICATIONS.

The Role of the International Community

THE INTERNATIONAL COMMUNITY CONTINUED TO DIFFER OVER HOW TO EASE REPRESSION IN BURMA. SANCTIONS IMPOSED BY MOST OF THE WORLD'S LEADING DONOR GOVERNMENTS REMAINED IN PLACE.

AUSTRALIA AND JAPAN CONTINUED TO REFRAIN FROM GIVING AID BUT TRIED TO MAINTAIN A POLITICAL DIALOGUE WITH THE SPDC: AUSTRALIA SENT A MISSION TO EXPLORE CREATION OF AN INDEPENDENT HUMAN RIGHTS COMMISSION IN BURMA, AND TOKYO INVITED AN SPDC MILITARY OFFICIAL TO VISIT JAPAN. THE E.U. SENT A MISSION TO RANGOON TO TRY TO BREAK THE SPDC-NLD DEADLOCK. ITS EFFORTS TO KEEP BURMA AT A DIPLOMATIC DISTANCE WHILE TRYING TO MAINTAIN CORDIAL RELATIONS WITH ASEAN, OF WHICH BURMA IS A MEMBER, LED TO STRAINS NOT ONLY BETWEEN THE E.U. AND ASEAN BUT ALSO WITHIN THE E.U. ITSELF.

United Nations

ON FEBRUARY 25 AND APRIL 23 RESPECTIVELY, THE GENERAL ASSEMBLY AND THE HUMAN RIGHTS COMMISSION ADOPTED RESOLUTIONS CRITICIZING THE GOVERNMENT FOR A WIDE RANGE OF VIOLATIONS AND CALLING ON THE SPDC TO TAKE THE NECESSARY STEPS TO RESTORE DEMOCRACY, BRING AN END TO FORCED LABOR, AND CEASE THE ABUSE OF CIVILIANS IN ZONES OF CONFLICT. THE HUMAN RIGHTS COMMISSION DECIDED TO EXTEND BY ONE YEAR THE MANDATE OF THE SPECIAL RAPPORTEUR. THE GOVERNMENT POSTPONED AT THE LAST MINUTE THE SLATED SEPTEMBER 11 VISIT OF U.N. DEPUTY SECRETARY-GENERAL ALVARO DE SOTO. DE SOTO AND A WORLD BANK OFFICIAL VISITED RANGOON FROM OCTOBER 14 TO 19 TO DISCUSS AN INCREMENTAL PLAN TO RESTORE AID IN RETURN FOR PROGRESS ON HUMAN RIGHTS AND DIALOGUE WITH THE NLD.

THE CONCERN OF THE INTERNATIONAL LABOUR ORGANIZATION (ILO) ABOUT THE BURMESE GOVERNMENT'S USE OF FORCED LABOR IN VIOLATION OF THE FORCED LABOUR CONVENTION RESULTED IN BURMA'S EFFECTIVE EXPULSION FROM THE ORGANIZATION. IN JULY 1998 THE ILO HAD PUBLISHED THE RESULTS OF A COMMISSION OF INQUIRY INTO THE USE OF FORCED LABOR IN BURMA, WHICH INCORPORATED A SET OF RECOMMENDATIONS TO BE IMPLEMENTED BY THE SPDC IF IT WISHED TO REMAIN AN ILO MEMBER IN GOOD STANDING. NEARLY A YEAR LATER, WITH NO PERCEIVED PROGRESS, THE ILO, IN AN UNPRECEDENTED MOVE AT ITS ANNUAL CONFERENCE, PROHIBITED ANY FURTHER BURMESE PARTICIPATION IN ITS ACTIVITIES AND BANNED RECEIPT OF ILO TECHNICAL ASSISTANCE. THE BAN WAS TO BE LIFTED ONLY UPON THE CESSATION OF THE USE OF

FORCED LABOR AND IMPLEMENTATION OF THE RECOMMENDATIONS.

Asia and the Pacific

Japan continued to engage the SPDC this year while keeping most of its Official Development Assistance (ODA) suspended. In a move seen as an effort to cultivate dialogue with the government, Tokyo hosted the January 20-28 visit of Brigadier General Kyaw Win, deputy director of the Office of Strategic Studies, an influential institution within the Burmese intelligence apparatus. Brig. Gen. Kyaw Win was the first high-ranking Burmese government official to receive an invitation from the Japanese government since 1998. During a meeting with parliamentarians, Kyaw Win was informed that no more aid would be forthcoming without substantial political and human rights reforms. Japan proposed but did not co-sponsor the Burma resolution at the U.N. Commission on Human Rights and privately urged the SPDC to agree to ICRC prison visits, prior to the actual opening of the ICRC office.

In a controversial move, Australia sent Human Rights Commissioner Chris Sidoti to discuss the potential for the Burmese government's establishing its own independent national human rights commission. This initiative was modeled after Australian support for similar bodies in Indonesia and Vietnam. SPDC authorities were reported to have expressed interest in the idea of a commission and in other types of human rights exchange with Australia while Aung San Suu Kyi voiced strong reservations, questioning whether the commission could be truly independent.

Fellow ASEAN members continued to have problems with Burma despite the formal policy of engagement. Burmese membership in ASEAN hindered the organization's meeting with the E.U. (see below). Thailand continued to host some one hundred thousand refugees in camps along the border while human rights conditions displaced others into the Thai labor market. The October 1 seizure of the Burmese embassy in Bangkok by five Burmese calling themselves the Vigorous Burmese Student Warriors threatened to lead to increased restrictions by the Thai government on student refugees. The trafficking of women to Thailand and abroad persisted, with the Burmese authorities failing to formulate a policy to address the issue. Two of Burma's top leaders, Senior General Than Shwe and Lieutenant General Khin Nyunt, visited Thai Prime Minister Chuan Leekpai in March. Human rights issues were not mentioned.

European Union

The European Union (E.U.) this year continued to criticize the Burmese government while searching for opportunities to initiate a dialogue between the generals and the NLD. The possible participation of Burmese officials in talks between senior officials of the E.U. and ASEAN scuttled a slated meeting of the two regional bodies in late January. In the last week of January, Germany advocated Burmese participation in ASEAN-E.U. foreign ministers' talks in Berlin in March, providing Burma was willing to include human rights issues in the agenda. This meeting was also canceled when several other E.U. member states insisted that Burma not be allowed to participate. ASEAN and E.U. representatives did meet in Thailand on May 24-27, after the Burmese government agreed to limit its participation to silent observation. In an effort to end the political stalemate in Burma, the European Union sent a four-person exploratory mission to Rangoon in July to discuss human rights and democratization. The mission, which the E.U. kept secret until the last minute, met with both the government and Aung San Suu Kyi but returned with no immediate results. On October 11, the E.U. extended sanctions for another six months.

United States and Canada

On May 19, President Bill Clinton extended sanctions against Burma for another year. Secretary of State Madeleine Albright delivered a strong condemnation of the Burmese regime at the ASEAN ministerial meeting in Singapore in July. Congressman Tony Hall made a visit to Rangoon from January 11 to 14 to assess humanitarian needs in the country. He returned to the US advocating the increase of assistance to Burma, particularly in the sectors of water, sanitation, food, security and public health.

During an official visit to Thailand in late July, Canadian Foreign Minister Lloyd Axworthy announced a shift in Canada's policy, when he expressed a willingness to engage the SPDC on the prospect of cooperation in narcotics suppression. Since 1998, Canadian policy had been to prohibit military and non-humanitarian exports to Burma and to limit official contact. However with Burma the world's largest producer of illicit opium and heroin, much of the international community was concerned about how to engage effectively on this issue.

CAMBODIA

With the defection or arrest of the remaining Khmer Rouge forces and the launching of a new coalition government following tumultuous 1999 national elections, political tensions eased in Cambodia and for the first time in thirty years the country was not at war.

Impunity for human rights abusers, however, continued largely unabated. By October, none of the surviving Khmer Rouge leadership had been brought to justice, and throughout the year many civilian and military authorities continued to commit crimes with impunity. Human rights monitoring continued to be a risky profession, with the unsolved killing of an activist member of the Cambodian Human Rights and Development Association (ADHOC) and the arrest and trial of two workers from the Cambodian League for the Promotion and Defense of Human Rights (known by its acronym LICADHO), on spurious charges of having incited a demonstration against toxic waste. The two were later acquitted. Torture by police of detainees, undue use of lethal force by police in apprehending suspects, complicity of military and police in trafficking of women and children for sexual exploitation, and excessive pretrial detention periods were endemic problems, as was confiscation of land by military personnel and local officials. The judiciary was far from independent, and numerous court decisions were influenced by corruption or political dictates.

Human Rights Developments

A key issue during the year was whether or not senior Khmer Rouge officials would be brought to justice. By midyear, all surviving members of the top Khmer Rouge leadership—Khieu Samphan, Nuon Chea, Ieng Sary, Ieng Thirith, Chhit Choeun (Ta Mok), Ke Pauk, and Kaing Guek Iev (Duch)—had either defected to or been taken into custody by the government. As of October, however, none had been brought to trial. When former Khmer Rouge Standing Committee members Khieu Samphan and Nuon Chea defected in December 1999, the two men were given VIP treatment by Hun Sen before being allowed to retire in the town of Pailin. In February, Ke Pauk, former chief of the Khmer Rouge's northern zone and allegedly responsible for the massacre of thousands of people in eastern Cambodia, was made a one-star general in the Royal Cambodian Armed Forces (RCAF). Ieng Sary, former Khmer Rouge foreign minister who defected in 1996, continued to operate freely in Pailin, with former Khmer Rouge commanders issuing periodic threats that if Sary were brought before a tribunal it could lead to a resumption of civil war.

On March 6, government forces arrested former Khmer Rouge Standing Committee member Ta Mok, followed by the arrest in May of Duch, the former head of Tuol Sleng prison, a notorious torture center. The military court detained both men in the military prosecutor's prison in Phnom Penh and charged them first with violating the 1994 Law Outlawing the Democratic Kampuchea Group. They were then charged with genocide under a 1979 law. (Pol Pot and Ieng Sary were tried in absentia in 1979 in a "revolutionary tribunal" established by that same law.) Human rights organizations questioned the legality of both men being charged by the military court, since neither has served in the Royal Cambodian Armed Forces. They also questioned whether the 1979 law met international standards of justice.

In an effort to buy more time as the six-month pretrial detention period for Ta Mok neared in August, the National Assembly and Senate passed a law extending the pretrial detention period from six months to a maximum of three years for people charged with genocide, war crimes, and crimes against humanity. The law penalizes those who have not yet been proven guilty in court, and some Cambodians feared it could be used against members of the political opposition.

In 1997 the two then co-premiers of Cambodia had requested U.N. assistance to help bring the Khmer Rouge to justice and the U.N. Secretary-General appointed a legal team known as the Group of Experts. The team's report was released in early March 1999 to the Secretary-General and the Cambodian government. It concluded that domestic trials organized under Cambodian law were not feasible and proposed that an ad hoc international tribunal be held outside of Cambodia for crimes against humanity and genocide committed from 1975 to 1979. The experts found that Cambodia's court system lacked the essential elements of fairness: a trained cadre of judges, lawyers, and investigators; adequate infrastructure; and a culture of judicial impartiality. U.N. Secretary-General Kofi Annan concurred.

Premier Hun Sen rejected the U.N.'s recommendations, announcing in March that Cambodia was considering a Truth and Reconciliation Commission and then declaring that Cambodian courts were competent to conduct their own trials. In April, Hun Sen stated that foreign judges and prosecutors could participate in trials conducted in Cambodia and welcomed U.N. assistance to draft legislation to that effect. On June 30, a second U.N. team of experts recommended to the Security Council that trials take place in Cambodia, with indictments prepared by international prosecutors and approved by a predominantly non-Cambodian panel of judges appointed by the Secretary-General. Hun Sen rejected this formulation. Having a minority of Cambodian judges, he argued, constituted a violation of national sovereignty. In August, the Cambodian government presented its own draft tribunal law to the U.N., which firmly placed any tribunal within the Cambodian national court system. Foreign judges and prosecutors would be allowed to participate, but only in a minority. When Hun Sen met with U.N. Secretary-General Kofi Annan in September he proposed that either the Cambodian government organize its own tribunal with limited international participation; that the U.N. not participate in a tribunal at all but only provide legal advice; or that the U.N. bow out of the process completely. However, in October Hun Sen appeared to welcome an initiative by the U.S. to forge a compromise, although nothing had been resolved by the end of the month.

In addition to stalling on the question of past abuses, the government also failed to prosecute civilian and military authorities responsible for more recent crimes and human rights abuses. Research conducted by ADHOC and LICADHO found that police, military, gendarmerie, militia members, or local officials allegedly killed at least 263 people during a twenty-two month period from January 1997 through October 1999. While many of these murders appeared to have been deliberate executions, few of the perpetrators had been brought to justice by the end of 1999. In addition, an estimated 130 crimes with political connotations, including assassinations and disappearances, were documented by the Cambodia Office of the High Commissioner for Human Rights (COHCHR) between August 1997 and October 1999. Most of these crimes have never been investigated or brought to trial.

In June, the Ministry of Interior authorized the establishment of local civilian militia groups—unarmed other than clubs, knives, or hoes—ostensibly to reduce crime and take the place of armed militia that have answered to commune (sub-district) officials in the past. Human rights advocates expressed concerns that the civilian security patrols would contribute to an increase in vigilante executions of alleged robbers and also be used to intimidate potential opposition candidates in upcoming commune elections.

The problem of impunity was compounded by the lack of neutrality and independence in the judicial and law enforcement systems, as well as a low level of professionalism in those bodies. Key institutions such as the Supreme Council of Magistracy and the Constitutional Council remained largely inactive and lacked credibility, effectively leaving the country with no institutions to discipline judges or rule on the constitutionality of legislation.

A law that effectively institutionalized impunity, article 51 of the Common Statutes on Civil Servants, was amended in August by the National Assembly and Senate. Previously article 51 provided protection to government employees who commit crimes by requiring the permission of the perpetrator's ministry prior to arrest. In its amended form, article 51 requires the prosecutor to inform the head of the concerned institution within seventy-two hours before charging a suspect who is a civil servant. However, ambiguities in the article (such as whether prosecutors should continue to warn a perpetrator's ministry before charging or arresting a perpetrator) continued to provide a degree of protection to civil servants who commit crimes.

Excessive use of lethal force and misuse of weapons by law enforcement officials continued to be a problem during the year, with the instant reaction to an apparent crime often being to kill the alleged perpetrator, rather than waiting for a case to work its way through the politicized, weak, and often corrupt court system.

Decades of war have left Cambodia awash with weapons and landmines. A campaign to impound unlicensed weapons, authorized by subdecree number 62 in April, met with limited success. Thousands of weapons were seized and many destroyed in public ceremonies, although Deputy Prime Minister Sar Kheng admitted in August that many of the confiscated weapons were subsequently sold on the black market. In May, the National Assembly approved the 1997 Ottawa treaty banning the use, production, and storage of antipersonnel landmines. However, the country's national demining agency, the Cambodian Mine Action Center (CMAC) suffered a huge setback and loss of donor confidence after press accounts emerged of corruption and mismanagement by CMAC officials, who were found to have engaged in "contract de-mining," where land is de-mined to benefit commercial interests rather than ordinary Cambodians.

CITIZENS WHO CHOSE TO DEMONSTRATE DURING THE YEAR WERE LARGELY ALLOWED TO DO SO, DESPITE THE CHILLING EFFECT OF THE ARREST OF THE LICADHO WORKERS IN DECEMBER 1998. FARMERS GATHERED AT THE NATIONAL ASSEMBLY TO PROTEST EVICTIONS, TEACHERS RALLIED TO DEMAND HIGHER WAGES, AND STUDENTS MARCHED TO THAI AND VIETNAMESE EMBASSIES TO PROTEST ALLEGED BORDER INCURSIONS. IN GENERAL, THE DEMONSTRATIONS PASSED WITHOUT INCIDENT, ALTHOUGH PERMISSION WAS DENIED FOR SEVERAL DEMONSTRATIONS, SUCH AS AN ANTI-KHMER ROUGE RALLY PLANNED IN FEBRUARY JUST BEFORE A MEETING OF CAMBODIA'S DONORS IN TOKYO, AND A MAY 1 WORKERS' DEMONSTRATION. IN AUGUST, THREE MEMBERS OF THE OPPOSITION SAM RAINSY PARTY (SRP) WERE TEMPORARILY DETAINED BY POLICE, WHO CONFISCATED LEAFLETS THEY WERE DISTRIBUTING ANNOUNCING A MARCH IN SUPPORT OF AN INTERNATIONAL TRIBUNAL.

THE GOVERNMENT SOUGHT TO RESTRICT FREEDOM OF EXPRESSION, ALTHOUGH THERE WERE FAR FEWER ATTACKS ON JOURNALISTS THAN IN PREVIOUS YEARS. FROM MARCH THROUGH SEPTEMBER, THE MINISTRY OF INFORMATION SUSPENDED THE ISSUANCE OF NEW PRESS LICENSES, STATING THAT TOO MANY LICENSES HAD ALREADY BEEN ISSUED AND THE MINISTRY NEEDED TO DEVELOP NEW REQUIREMENTS FOR POTENTIAL NEWSPAPER OWNERS. IN FEBRUARY, THE MINISTRY SENT WARNING LETTERS TO *SMARDEI KHMER* (KHMER SPIRIT) AND *NEAK SRE* (FARMER) NEWSPAPERS FOR PUBLISHING ARTICLES CRITICAL OF KING SIHANOUK. IN MARCH, THE MINISTRY ISSUED WARNINGS TO *SAMLENG YUVACHUN KHMER* (VOICE OF KHMER YOUTH) AND *SMARDEI KHMER* NEWSPAPERS, ALLEGING THAT THEY HAD VIOLATED THE CONSTITUTION AND PRESS CODE FOR ATTACKING THE KING AND HUN SEN. IN SEPTEMBER, *SAMLENG YUVACHUN KHMER* WAS AGAIN ISSUED A WARNING BY THE MINISTRY FOR AN ARTICLE THAT CRITICIZED PRINCE RANARIDDH, AND *SATHEARANAK* NEWSPAPER WAS SUSPENDED FOR THIRTY DAYS FOR ALLEGEDLY INSULTING THE KING. ALSO IN SEPTEMBER, *MONTEKSEKAR KHMER* (KHMER CONSCIENCE) WAS SUMMONED TO COURT FOR DEFAMATION FOR CHARGING THAT HUN SEN HAD ATTEMPTED TO ASSASSINATE SAM RAINSY AND SUGGESTING THAT MILITARY INTELLIGENCE CHIEF MOL ROEUP WAS BRIBING SRP MEMBERS IN ORDER TO INFILTRATE AND DESTROY THE OPPOSITION PARTY.

THE CAMBODIAN PEOPLE'S PARTY (CPP) OF HUN SEN CONTINUED TO DOMINATE RADIO AND TELEVISION AIRWAVES. HOWEVER, IN MARCH THE OPPOSITION SAMBOK KHUM (BEEHIVE) RADIO STATION WAS ALLOWED TO RESUME BROADCASTING, AFTER BEING CLOSED BY THE GOVERNMENT IN SEPTEMBER 1998. IN AUGUST, PRINCE RANARIDDH'S FUNCINPEC PARTY WAS ALLOWED TO BUY BACK ITS RADIO STATION FROM A PRO-CPP COMPANY THAT HAD BEEN RUNNING THE STATION SINCE IT WAS CONFISCATED BY THE CPP DURING THE 1997 COUP.

WITHOUT AN ELECTION CAMPAIGN TO RAISE POLITICAL TENSIONS, 1999 SAW A DECREASE IN POLITICAL VIOLENCE. NEVERTHELESS, ONE MEMBER OF THE OPPOSITION SRP, CHHUM DOEUN, WAS KILLED BY A GROUP OF MEN IN MILITARY UNIFORMS ON MARCH 25 AT HIS HOME IN KANDAL PROVINCE. THE MOTIVE IS THOUGHT TO HAVE BEEN POLITICAL; DOEUN HAD BEEN ACTIVE IN THE 1998 CAMPAIGN AND POST-ELECTION DEMONSTRATIONS, WHEN HE CRITICIZED ALLEGED ELECTION IRREGULARITIES, AND HE WAS A PROSPECTIVE CANDIDATE IN UPCOMING COMMUNE ELECTIONS.

THE SRP CAME UNDER FURTHER PRESSURE IN SEPTEMBER, WHEN MILITARY POLICE ARRESTED MEMBER MONG DAVUTH IN SIEM REAP AND BATTAMBANG MEMBER KONG BUN HEAN IN PHNOM PENH IN CONNECTION WITH A ROCKET ATTACK IN SEPTEMBER 1998 ON A MOTORCADE CARRYING HUN SEN. BOTH MEN WERE SENT TO THE MILITARY PROSECUTOR'S PRISON IN PHNOM PENH. DURING THE SAME TIME, SEVERAL SRP OFFICIALS IN BATTAMBANG HAD THEIR HOUSES SURROUNDED AND SEARCHED BY CIVILIANS SUPPORTED BY MILITARY POLICE. IN ADDITION, SEVERAL SRP MEMBERS COMPLAINED OF BEING HARASSED BY POLICE DURING THE YEAR.

ON OCTOBER 6, SRP MEMBER OF PARLIAMENT LON PHON, WHO REPRESENTS BATTAMBANG, WAS ABDUCTED FROM HIS HOUSE IN PHNOM PENH BY FOUR ARMED MEN DRESSED IN MILITARY UNIFORMS. AFTER PAYMENT OF A RANSOM HE WAS RELEASED ON OCTOBER 9. GOVERNMENT DENIALS OF ANY LINK TO THE ABDUCTION WERE GREETED WITH SKEPTICISM IN PHNOM PENH, GIVEN THE PATTERN OF STATE HARASSMENT OF THE OPPOSITION. IN SEPTEMBER, FIVE SENIOR ARMY GENERALS ALIGNED WITH THE FUNCINPEC PARTY WERE SUMMONED TO ANSWER QUESTIONS BY ARMY INTELLIGENCE CHIEF MOL ROEUP ABOUT THEIR ALLEGED INVOLVEMENT IN THE SIEM REAP ROCKET ATTACK. IN ADDITION, THE HOME OF NHEK BUN CHHAY, A FORMER SENIOR FUNCINPEC GENERAL WHO HAD BECOME A MEMBER OF CAMBODIA'S SENATE, WAS RAIDED BY A GROUP OF ARMED MEN IN MILITARY UNIFORMS ON SEPTEMBER 13.

ON JULY 31, A MEMBER OF A VIETNAMESE ORGANIZATION OPPOSED TO THE COMMUNIST REGIME IN HANOI WAS ARRESTED BY CAMBODIAN AUTHORITIES IN PAULIN. POLICE ARRESTED VU DUC BINH AND TRANSPORTED HIM TO PHNOM PENH. SINCE THEN HIS WHEREABOUTS HAVE BEEN UNKNOWN, AND THE CAMBODIAN MINISTRY OF INTERIOR DENIED ANY KNOWLEDGE OF THE INCIDENT.

PRISON CONDITIONS REMAINED POOR IN 1999, WITH MANY LONG-TERM PRISONERS SUFFERING FROM MALNUTRITION AND APPROXIMATELY ONE-QUARTER OF THE PRISONS LACKING ACCESS TO MEDICAL CARE. IN JUNE, TWO ESCAPED PRISONERS WERE ALLEGEDLY KILLED EXECUTION-STYLE WITH SHOTS TO THE HEAD BY PRISON GUARDS AT THE SIHANOUKVILLE PRISON UPON RECAPTURE. A LOCAL HUMAN RIGHTS GROUP REPORTED THAT APPROXIMATELY 25 PERCENT OF CAMBODIA'S PRISON INMATES CLAIM TO HAVE BEEN MISTREATED WHILE IN POLICE CUSTODY AFTER ARREST. THE SAME NGO REPORTED 286 CASES OF TORTURE IN POLICE CUSTODY AND THIRTY CASES IN PRISON BETWEEN

JANUARY AND AUGUST 1999. AT THE YOUTH REHABILITATION CENTER IN PHNOM PENH, THIRTEEN OUT OF FORTY-EIGHT DETAINEES CLAIMED THEY WERE MISTREATED OR TORTURED BY POLICE.

THROUGHOUT 1999 HUMAN RIGHTS AND LEGAL AID ORGANIZATIONS REPORTED A SUBSTANTIAL INCREASE IN THE NUMBER OF LAND-RELATED COMPLAINTS RECEIVED. A STUDY CONDUCTED BY OXFAM SHOWED THAT LAW ENFORCEMENT AND MILITARY AUTHORITIES WERE INVOLVED IN MOST LAND CONFLICTS. FOR EXAMPLE, IN MAY IN RATONAKIRI PROVINCE, DISTRICT AUTHORITIES ACCOMPANIED BY ARMED POLICE AND GENDARMERIE COERCED REPRESENTATIVES OF SEVERAL ETHNIC MINORITY VILLAGES INTO ALLOWING A TAIWANESE COMPANY TO LOG IN AREAS CONSIDERED SACRED AND ON WHICH THE ETHNIC MINORITIES DEPENDED FOR HUNTING AND COLLECTION OF FOREST PRODUCTS. THROUGHOUT 1999, A COALITION OF LOCAL AND INTERNATIONAL NGOS WORKED ON AMENDING THE 1992 LAND LAW IN ORDER TO ADDRESS ISSUES OF TRANSPARENCY AND CONTROL OVER CONCESSIONAIRES, STATE CONFISCATION OF LAND, AND THE RIGHTS OF INDIGENOUS PEOPLES TO OBTAIN COMMUNAL LAND TITLE.

IN MARCH, IN ONE EXAMPLE OF A TYPICAL LAND CONFLICT, GENDARMERIE IN PREY VENG OPENED FIRE ON VILLAGERS PROTESTING LAND CONFISCATION, SHOOTING AND INJURING TWO AND BEATING NUMEROUS OTHERS WITH BAMBOO POLES AND RIFLE BUTTS. ONE VILLAGER WAS HIT ON THE HEAD WITH A MACHETE BY ANOTHER CIVILIAN IN THE PRESENCE OF GENDARMERIE, WHO THEN TIED HIM TO A TRUCK FOR THREE DAYS. FIFTY-THREE OTHER VILLAGERS WERE TIED UP AND TAKEN ON A TWELVE-HOUR FORCED WALK, BOAT, AND TRUCK JOURNEY, WITHOUT FOOD AND WATER, TO THE PROVINCIAL TOWN. AS OF OCTOBER, NONE OF THE PERPETRATORS HAD BEEN BROUGHT TO JUSTICE.

Defending Human Rights

DOMESTIC AND INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS WERE ALLOWED TO OPERATE IN CAMBODIA, BUT THEIR WORK WAS NOT WITHOUT RISK. THE DECEMBER 1999 KILLING OF AN ADHOC ACTIVIST IN KANDAL PROVINCE WHO HAD BEEN HELPING FAMILIES RESIST EVICTION REMAINED UNSOLVED AS OF OCTOBER 1999. IN JANUARY, PROVINCIAL REPRESENTATIVES OF DOMESTIC HUMAN RIGHTS ORGANIZATIONS IN SEVEN PROVINCES WERE INTIMIDATED BY GOVERNMENT AUTHORITIES, AND ONE NGO WORKER WAS THREATENED WITH ARREST DURING A CAMPAIGN TO GATHER SIGNATURES FROM CAMBODIANS REQUESTING THE U.N. TO ESTABLISH AN INTERNATIONAL TRIBUNAL FOR THE KHMER ROUGE.

HUMAN RIGHTS DEFENDERS SUFFERED A FURTHER SETBACK WITH THE ARREST, ONE-MONTH DETENTION, AND TRIAL OF TWO LICADHO EMPLOYEES AFTER THEY MONITORED DEMONSTRATIONS AGAINST TOXIC DUMPING IN SIHANOUKVILLE THAT TURNED VIOLENT. THE TWO WORKERS WERE ACQUITTED IN JULY AFTER A THREE-DAY TRIAL THAT U.N. AND INTERNATIONAL OBSERVERS SAID SHOULD NEVER HAVE OCCURRED IN THE FIRST PLACE BECAUSE OF LACK OF EVIDENCE AND PROCEDURAL ERRORS.

ALSO IN JULY, WORKERS FROM ADHOC AND LICADHO CAME UNDER THREAT OF ARREST IN KOH KONG PROVINCE AFTER ASSISTING IN A HUMAN RIGHTS CASE; THIS WAS RESOLVED ONLY AFTER STRONG INTERVENTION FROM THE CAMBODIA OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (COHCHR) AND THE CAMBODIAN HUMAN RIGHTS ACTION COMMITTEE, A COALITION OF LOCAL HUMAN RIGHTS GROUPS.

IN AUGUST THE COHCHR EXTENDED ITS MEMORANDUM OF UNDERSTANDING WITH THE GOVERNMENT, ENABLING IT TO OPERATE UNTIL MARCH 2002. IN SEPTEMBER, HOWEVER, HUN SEN CALLED FOR THE CLOSURE OF THE OFFICE OF THE SECRETARY-GENERAL'S PERSONAL REPRESENTATIVE IN CAMBODIA AT THE END OF ITS MANDATE IN JANUARY 2000. THE OFFICE HAD BEEN ACTIVE IN MONITORING POLITICAL VIOLENCE DURING THE 1998 ELECTION CAMPAIGN. AS OF OCTOBER, THE NATIONAL ASSEMBLY HAD NOT ACTED ON A MUCH CRITICIZED NEW LAW THAT WOULD PLACE RESTRICTIONS ON NGOS.

The Role of the International Community

United Nations

IN DECEMBER 1999, CAMBODIA REGAINED ITS SEAT AT THE U.N. GENERAL ASSEMBLY, VACANT SINCE THE 1997 COUP. THE U.N. SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON THE SITUATION OF HUMAN RIGHTS IN CAMBODIA, THOMAS HAMMARBERG, MADE NUMEROUS TRIPS TO CAMBODIA DURING THE YEAR, FOCUSING ON IMPUNITY, LAND RIGHTS, INDIGENOUS MINORITIES, AND BRINGING THE KHMER ROUGE TO JUSTICE. IN JULY, THE U.N. HUMAN RIGHTS COMMITTEE EVALUATED CAMBODIA'S COMPLIANCE WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. THE CONCLUDING OBSERVATIONS OF THE HUMAN RIGHTS COMMITTEE INCLUDED CONCERNS ABOUT WEAKNESSES IN THE JUDICIAL SYSTEM, IMPUNITY, KILLINGS BY SECURITY FORCES, DEATHS IN CUSTODY, TORTURE, TRAFFICKING FOR LABOR AND SEXUAL EXPLOITATION, AND THE FACT THAT KHMER ROUGE LEADERS HAD NOT BEEN BROUGHT TO TRIAL.

Donor Countries

IN FEBRUARY, THE CONSULTATIVE GROUP (CG) OF CAMBODIA'S INTERNATIONAL DONORS, CONVENED BY THE WORLD BANK, MET IN TOKYO FOR THE FIRST TIME SINCE THE 1997 COUP. DONORS PLEDGED U.S. \$470 MILLION, CONDITIONED ON THE GOVERNMENT'S IMPLEMENTATION OF POLITICAL, ECONOMIC, AND SOCIAL REFORMS. IN JUNE, AT THE FIRST QUARTERLY DONOR MEETING TO EVALUATE CAMBODIA'S PROGRESS, DONORS DID NOT EVALUATE IN ANY DEPTH THE COUNTRY'S PROGRESS IN ADDRESSING HUMAN RIGHTS VIOLATIONS, ALTHOUGH DONORS EXPRESSED SATISFACTION WITH THE COUNTRY'S STEPS TO REFORM FISCAL AND PUBLIC ADMINISTRATION, MILITARY DEMOBILIZATION, AND FORESTRY PRACTICES.

Association of Southeast Asian Nations (ASEAN)

ON APRIL 30, CAMBODIA BECAME A MEMBER OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN). JAPAN, WHICH WAS CAMBODIA'S TOP DONOR AND HOST OF THE DONOR MEETING, FOCUSED PRIMARILY ON RESTORING STABILITY IN CAMBODIA AND DID NOT LINK ANY OF ITS AID TO HUMAN RIGHTS IMPROVEMENTS. ON THE OTHER HAND, WHEN THE JAPANESE FOREIGN MINISTER MET WITH HUN SEN IN FEBRUARY, HE VOICED CONCERN ABOUT ABUSES COMMITTED IN CONNECTION WITH THE 1997 COUP AND ALSO URGED THAT CRIMINALS RESPONSIBLE FOR GENOCIDE BE BROUGHT TO JUSTICE. IN JUNE, JAPAN EXPRESSED ITS SUPPORT FOR A DOMESTIC TRIBUNAL TO TRY THE KHMER ROUGE, AS LONG AS IT MET INTERNATIONAL STANDARDS AND DUE PROCESS, BUT DID NOT OFFER TO PROVIDE ASSISTANCE. JAPAN PLEDGED \$100 MILLION AT THE DONOR MEETING, INCLUDING \$3.9 MILLION FOR LANDMINE REMOVAL.

China

IN MARCH, CHINA EXPRESSED STRONG OPPOSITION TO AN INTERNATIONALLY-SPONSORED TRIBUNAL TO TRY THE KHMER ROUGE, STATING THAT THIS WAS THE IMPOSITION OF THE INTERNATIONAL COMMUNITY'S AGENDA ON CAMBODIA. IN JUNE, CHINESE FOREIGN MINISTER TANG JIAVUAN LOBBIED CAMBODIAN PARLIAMENTARIANS TO REJECT FOREIGN INVOLVEMENT IN ANY TRIBUNAL, CHARGING THAT SUCH A PROCESS WOULD INTERFERE WITH CAMBODIA'S SOVEREIGNTY.

European Union

THE EUROPEAN PARLIAMENT PASSED A RESOLUTION IN APRIL CONDEMNING ATTEMPTS BY THE CAMBODIAN GOVERNMENT TO PREVENT THE CREATION OF AN INTERNATIONAL TRIBUNAL BY THE U.N. AND CALLING ON ALL EUROPEAN UNION (E.U.) MEMBER STATES AND THE EUROPEAN COUNCIL TO FULLY COOPERATE WITH THE CREATION OF SUCH A TRIBUNAL. THE EUROPEAN COMMISSION PROVIDED 1 MILLION EURO (U.S. \$1,078,400) IN MARCH TO SUPPORT REFUGEE REPATRIATION, FOLLOWED BY A PLEDGE IN JULY BY THE E.U. OF U.S. \$5.7 MILLION TO FUND NGOs WORKING ON HEALTH CARE, REFUGEES, AND DEMINING. IN JULY, THE E.U.'S COUNCIL OF MINISTERS ADOPTED KEY AGREEMENTS OFFERING PREFERENTIAL MARKET ACCESS FOR TEXTILE IMPORTS FROM CAMBODIA.

United States

THE UNITED STATES CONTINUED TO TAKE A STRONG STANCE ON HUMAN RIGHTS ISSUES, WITH SECRETARY OF STATE MADELEINE ALBRIGHT PUSHING FOR AN INTERNATIONAL TRIBUNAL WHEN SHE VISITED THAILAND IN MARCH. SEVERAL U.S. CONGRESSMEN VISITED CAMBODIA DURING THE YEAR AND RAISED THE ISSUE OF BRINGING THE KHMER ROUGE TO JUSTICE. IN JUNE, THE CONGRESSIONAL HUMAN RIGHTS CAUCUS, A BIPARTISAN GROUP OF MORE THAN 180 MEMBERS OF CONGRESS, WROTE TO HUN SEN TO CALL FOR THE DISMISSAL OF CHARGES AGAINST THE TWO LICADHO WORKERS. A SENIOR STATE DEPARTMENT OFFICIAL VISITED CAMBODIA IN JULY AND URGED DISMISSAL OF THE LICADHO CASE AS WELL AS AN END TO OFFICIAL IMPUNITY. IN JULY, THE U.S. ANNOUNCED AN AID PACKAGE OF \$3.4 MILLION TO CAMBODIAN HUMAN RIGHTS NGOs. THE FOREIGN AID BILL FOR FISCAL YEAR 2000 CONDITIONED ANY RESUMPTION OF ASSISTANCE TO THE CAMBODIAN GOVERNMENT ON STEPS TO END IMPUNITY AND COOPERATION WITH AN INTERNATIONAL TRIBUNAL FOR THE KHMER ROUGE.

CHINA AND TIBET

CONTROLS ON BASIC FREEDOMS WERE TIGHTENED DURING THE YEAR, IN PART BECAUSE OF CHINESE AUTHORITIES' DESIRE TO ENSURE STABILITY ON SEVERAL SENSITIVE DATES. THESE INCLUDED THE FORTIETH ANNIVERSARY OF THE MARCH 10, 1959, TIBETAN UPRISING, THE

TENTH ANNIVERSARY OF THE CRACKDOWN IN TIANANMEN SQUARE ON JUNE 4, 1999, AND THE FIFTIETH ANNIVERSARY OF THE FOUNDING OF THE PEOPLE'S REPUBLIC OF CHINA (PRC) ON OCTOBER 1, 1949.

TRIALS OF DISSIDENTS—AND THERE WERE MANY—WERE NEITHER FAIR NOR OPEN. GAO YU, A PROMINENT JOURNALIST ACCUSED OF LEAKING STATE SECRETS, WAS RELEASED FROM PRISON EARLY, BUT LIKE MANY OTHER RELEASED PRISONERS, CONTINUED TO FACE A VARIETY OF RESTRICTIONS.

A PROLONGED ECONOMIC SLUMP COUPLED WITH ILLEGAL AND EXCESSIVE FEES AND TAXES FUELED UNREST AND HEIGHTENED THE GOVERNMENT'S CONCERNS WITH STABILITY. ON THE POLITICAL FRONT, PRESIDENT JIANG ZEMIN'S DETERMINATION TO BOLSTER THE CHINESE COMMUNIST PARTY, TO PLACATE HARDLINERS, AND TO SECURE HIS OWN PLACE IN HISTORY CONTRIBUTED TO HEIGHTENED INTOLERANCE OF ANY ORGANIZATION OPENLY CRITICAL OF THE PARTY'S PLATFORM OR ATTEMPTING TO FUNCTION OUTSIDE PARTY CONTROL. INDIVIDUALS AND GROUPS SUSPECTED OF TIES TO "HOSTILE" FOREIGN ORGANIZATIONS AND THOSE DISSEMINATING SENSITIVE POLITICAL INFORMATION OVERSEAS WERE PARTICULARLY TARGETED.

STATE CONTROL OF RELIGIOUS AFFAIRS IN TIBET INTENSIFIED. DOZENS OF JUDICIAL EXECUTIONS WERE REPORTED FROM XINJIANG, WHERE SOME ETHNIC UIGHUR GROUPS WERE ADVOCATING A SEPARATE STATE; OTHER ALLEGED "SPLITTISTS" WERE SENTENCED TO LONG PRISON TERMS. JUDICIAL INDEPENDENCE AND THE RULE OF LAW IN THE SPECIAL ADMINISTRATIVE REGION (SAR) OF HONG KONG WERE SERIOUSLY UNDERMINED WHEN THE SAR GOVERNMENT ASKED BEIJING TO INTERPRET A RULING BY THE SAR'S HIGHEST COURT.

THE TWO KEY HUMAN RIGHTS TREATIES SIGNED BY CHINA IN 1997 AND 1998 REMAINED UNRATIFIED. FOR THE MOST PART, THE WEST AND JAPAN CONTINUED TO USE BILATERAL DIALOGUES RATHER THAN PRESSURE AS THEIR METHOD OF CHOICE IN ADDRESSING HUMAN RIGHTS ISSUES. THE U.S. HUMAN RIGHTS DIALOGUE WAS SUSPENDED IN THE AFTERMATH OF THE NATO BOMBING OF THE CHINESE EMBASSY IN BELGRADE IN MAY.

ON THE POSITIVE SIDE, LEGAL REFORM EFFORTS CONTINUED, ALTHOUGH THE LEGAL SYSTEM REMAINED HIGHLY POLITICIZED. SUPREME COURT PRESIDENT YIAO YANG ANNOUNCED IN MARCH THAT IN THE INTERESTS OF TRANSPARENCY, TRIALS WOULD BE OPEN AND VERDICTS QUICKLY MADE PUBLIC, EXCEPT FOR CASES INVOLVING STATE SECRETS. IN APRIL, HE ANNOUNCED PLANS TO CURB GOVERNMENT INTERFERENCE WITH THE LEGAL PROCESS. CHINESE JUDICIAL AND LEGAL EXPERTS CONTINUED TO MEET WITH THEIR COUNTERPARTS IN MANY COUNTRIES IN AN EFFORT TO FURTHER THE REFORM PROCESS.

Human Rights Developments

ON NOVEMBER 23, 1998, FORMER PREMIER LI PENG ANNOUNCED THAT CHINA WOULD NOT TOLERATE ANY POLITICAL SYSTEM THAT WOULD "NEGATE THE LEADERSHIP OF THE COMMUNIST PARTY." A MONTH LATER, THREE ORGANIZERS OF THE OPPOSITION CHINA DEMOCRACY PARTY (CDP) RECEIVED HEAVY SENTENCES. VETERAN DISSIDENT XU WENLI IN BEIJING, QIN YONGMIN IN HUBEI PROVINCE, AND WANG YOUCAI IN ZHEJIANG WERE SENTENCED TO THIRTEEN, TWELVE, AND ELEVEN YEARS IN PRISON RESPECTIVELY ON CHARGES OF SUBVERSION. OTHER CDP MEMBERS WERE ALSO TRIED. DURING THE FIRST WEEK OF AUGUST ALONE, ZHA JIANGUO AND GAO HONGMING RECEIVED NINE- AND EIGHT-YEAR TERMS IN BEIJING, AND SHE WANBAO AND LIU XIANBIN RECEIVED TWELVE AND THIRTEEN YEARS RESPECTIVELY FROM COURTS IN SICHUAN. THE FOLLOWING WEEK, TWO SHANGHAI CDP MEMBERS, CAI GUIHUA AND HAN LIFA, INSTEAD OF BEING RELEASED ON SCHEDULE, HAD THEIR TERMS EXTENDED. SOME THIRTY CDP MEMBERS WERE STILL IN CUSTODY AS OF MID-OCTOBER, AND THE CRACKDOWN ON THE CDP HAD EXTENDED TO SOME TWENTY PROVINCES, AUTONOMOUS REGIONS, AND MUNICIPALITIES.

LEGAL AUTHORITIES ALSO SQUASHED THE CHINA DEVELOPMENT UNION (CDU), A NONGOVERNMENTAL ORGANIZATION COMMITTED TO ENVIRONMENTAL AND POLITICAL REFORM. IN FEBRUARY, ITS LEADER, PENG MING, WAS DETAINED FOR FIFTEEN DAYS ON A CHARGE OF SOLICITING PROSTITUTION. INSTEAD OF BEING RELEASED, HE WAS THEN ADMINISTRATIVELY SENTENCED TO AN ADDITIONAL TERM OF EIGHTEEN MONTHS.

LABOR AND PEASANT ACTIVISTS ALSO RECEIVED LONG SENTENCES. UNREST IN HUNAN PROVINCE RESULTED IN SENTENCES OF UP TO SIX YEARS FOR NINE PEASANTS WHO PROTESTED THE IMPOSITION OF EXORBITANT TAXES; THE ARREST OF LIAO SHIHUA FOR ORGANIZING WORKERS TO DEMAND AN END TO PERVERSIVE CORRUPTION IN THE PROVINCE; AND TWO-YEAR TERMS FOR SIX FARMERS WHO ALLEGED THAT LOCAL ELECTIONS HAD BEEN RIGGED.

THROUGHOUT THE YEAR, CHINA REPEATEDLY DEMONSTRATED ITS DETERMINATION TO PREVENT CONTACTS BETWEEN MAINLAND AND OVERSEAS DISSIDENTS AND TO OBSTRUCT INFORMATION FLOWS. ON JANUARY 20, THE SHANGHAI NO.1 INTERMEDIATE COURT ANNOUNCED A TWO-YEAR SENTENCE FOR COMPUTER ENTREPRENEUR LIN HAI FOR PASSING SOME 30,000 E-MAIL ADDRESSES TO *VIP REFERENCE*, AN OVERSEAS DISSIDENT PUBLICATION. FANG JUE, A FORMER ECONOMIC PLANNING OFFICIAL IN FUJIAN PROVINCE, WHOSE ESSAY ON DEMOCRATIC REFORM WAS PUBLISHED ABROAD IN 1998, WAS SENTENCED TO A FOUR-YEAR PRISON TERM IN JUNE 1999 ON WHAT APPEARED TO BE SPURIOUS FRAUD

CHARGES. IN MARCH, A DISTRICT COURT SENTENCED GAO SHAO-KUN, A RETIRED POLICE OFFICER, TO A TWO-YEAR TERM AFTER HE INFORMED THE FOREIGN PRESS ABOUT A PEASANT PROTEST. ON MAY 11 A BEIJING COURT SENTENCED LIU XIANLI TO A FOUR-YEAR TERM FOR HIS ATTEMPTS TO PUBLISH A WORK ABOUT WELL-KNOWN CHINESE DISSIDENTS. SONG YONGYI, A DICKINSON COLLEGE (PENNSYLVANIA) RESEARCHER, WAS DETAINED IN AUGUST WHEN HE RETURNED TO CHINA ON A CHINESE PASSPORT TO CONTINUE HIS RESEARCH ON THE CULTURAL REVOLUTION.

CHINESE AUTHORITIES WERE CLEARLY CONCERNED ABOUT INCREASING USE OF THE INTERNET. NEW REGULATIONS IN JANUARY REQUIRED BARS AND CAFES WITH INTERNET ACCESS TO REGISTER AND INFORM THE POLICE ABOUT THEIR BUSINESS OPERATIONS AND CUSTOMERS. IN MAY THE MINISTRY OF STATE SECURITY INSTALLED MONITORING DEVICES ON INTERNET SERVICE PROVIDERS CAPABLE OF TRACKING INDIVIDUAL E-MAIL ACCOUNTS. SPECIAL COMPUTER TASK FORCES BEGAN ROUND-THE-CLOCK CHECKS ON BULLETIN BOARDS. IN JANUARY ONE OF THOSE BULLETIN BOARDS, "EVERYTHING UNDER THE SUN," WAS ORDERED CLOSED FOR POSTING MESSAGES CRITICAL OF THE GOVERNMENT. IN FEBRUARY CHINESE AUTHORITIES SHUT DOWN THE "NEW WAVE NETWORK," A POPULAR BULLETIN BOARD THAT FEATURED POLITICAL DISCUSSION. IN SEPTEMBER POLICE DETAINED QI YANCHEN, A FORMER CHINA DEVELOPMENT UNION MEMBER AND A MEMBER OF THE CHINA DEMOCRACY PARTY, WHOSE ELECTRONIC MAGAZINE *CONSULTATIONS* PUSHED THE CDU AGENDA. IN EARLY SEPTEMBER, AFTER OVERSEAS DISSIDENTS HACKED INTO THE WEBSITE OF THE OFFICIAL NEWSPAPER, *PEOPLE'S DAILY*, A POLICE CIRCULAR CALLED FOR A CRACKDOWN ON ALL ANTI-PARTY AND GOVERNMENT ARTICLES ON THE INTERNET.

THE GOVERNMENT ALSO TIGHTENED CONTROLS ON PUBLISHING AND THE PRINT MEDIA. ON JANUARY 1, NEW REGULATIONS REQUIRED SHIPPERS OF PRINTED MATERIAL TO OBTAIN GOVERNMENT PERMITS. PRESIDENT JIANG ZEMIN PERSONALLY ORDERED SENIOR OFFICIALS TO PREVENT THE MEDIA FROM UNDERMINING THE FIFTIETH ANNIVERSARY CELEBRATION. HIS COMPLAINTS ABOUT THE NUMBER OF PUBLICATIONS IN CIRCULATION RESULTED IN A DECISION TO STOP ISSUING ANY PUBLICATION PERMITS AT LEAST THROUGH JUNE. IN SEPTEMBER THE GOVERNMENT DECREED THAT LOCAL NEWSPAPERS AND MAGAZINES HAD TO BE PLACED UNDER PARTY MANAGEMENT BY OCTOBER 30 OR FACE CLOSURE, AND IT WAS ESTIMATED THAT SOME 20,000 PUBLICATIONS WOULD BE CLOSED.

IN SEPTEMBER, CHINESE AUTHORITIES BANNED NEWSSTAND SALES OF SPECIAL EDITIONS OF *TIME*, *ASIANWEEK*, AND *NEWSWEEK* COVERING FIFTY YEARS OF COMMUNIST PARTY RULE. CENSORSHIP EVEN AFFECTED COMPUTER GAMES AND SURVEY RESEARCH, WITH AUTHORITIES CONFISCATING SOME 10,000 GAMES THAT FEATURED TAIWAN REPELLING A MAINLAND INVASION.

RESTRAINTS ON RELIGION AND BELIEF INCREASED SIGNIFICANTLY DURING THE YEAR. ON APRIL 25, TEN THOUSAND MEMBERS OF FALUN GONG (ALSO KNOWN AS FALUN DAFU), SURROUNDED ZHONGNANHAI, THE BEIJING COMPOUND HOUSING CHINA'S TOP LEADERS. THE PEACEFUL, SILENT DEMONSTRATION WAS TO PROTEST A NEWSPAPER ARTICLE DISPARAGING FALUN GONG, A QUASI-RELIGIOUS MEDITATION SOCIETY WHOSE BELIEFS WERE LOOSELY BASED ON BUDDHIST AND DAOIST TRADITION. THE SIZE OF THE DEMONSTRATION CLEARLY SHOCKED THE GOVERNMENT, AND WHILE AUTHORITIES TOOK NO IMMEDIATE ACTION, THEY BEGAN A SYSTEMATIC CRACKDOWN THREE MONTHS LATER. ON JULY 22, THE MINISTRY OF CIVIL AFFAIRS LABELED FALUN GONG AN ILLEGAL ORGANIZATION AND ACCUSED IT OF SPREADING "SUPERSTITION" AND "ENDANGERING SOCIAL STABILITY." IT BANNED PUBLIC AND PRIVATE PRACTICE AND DISTRIBUTION OF THE ORGANIZATION'S LITERATURE. POLICE DETAINED THOUSANDS OF PRACTITIONERS FOR REEDUCATION AND BEGAN TO CONFISCATE AND DESTROY OVER ONE MILLION BOOKS. A WEEK LATER, THE GOVERNMENT ISSUED AN ARREST WARRANT FOR LI HONGZHI, THE GROUP'S LEADER, WHO HAD BEEN LIVING IN THE U.S. THE GOVERNMENT PUT THE NUMBER OF PRACTITIONERS AT TWO MILLION; OTHER ESTIMATES RUN AS HIGH AS SEVENTY MILLION. ALARMED AT THE NUMBER OF PARTY MEMBERS INVOLVED, THE PARTY LEADERSHIP MOUNTED A FULL-SCALE INTERNAL "RECTIFICATION," USING THE OPPORTUNITY TO EMPHASIZE THE VALUE OF MARXISM AND REINVIGORATE PRESIDENT JIANG'S "THREE STRESSES" CAMPAIGN TO STRENGTHEN THEORETICAL STUDY, POLITICAL AWARENESS, AND GOOD CONDUCT AMONG PARTY MEMBERS. AS OF MID-OCTOBER, THE FIRST SET OF TRIALS OF FALUN GONG LEADERS WAS UNDER WAY IN SOUTHERN CHINA.

POLICE DETAINED MEMBERS OF AT LEAST THREE OTHER SECTS, THE MEN TU HUI OR DISCIPLES, DONGFANG SHANDIAN OR EASTERN LIGHTNING, AND A GROUP KNOWN AS GOD'S RELIGION. THE GOVERNMENT CONTINUED ITS LONG-STANDING CAMPAIGN TO FORCE CATHOLIC CONGREGATIONS TO REGISTER WITH THE BUREAU OF RELIGIOUS AFFAIRS. THE CAMPAIGN, CENTERED IN PARTS OF ZHEJIANG AND HEBEI PROVINCES WITH LARGE CATHOLIC POPULATIONS, WAS MARKED BY DETENTIONS, DISAPPEARANCES, ILL-TREATMENT, FINES, AND HARASSMENT. A SERIES OF ARRESTS IN WENZHOU, ZHEJIANG, THAT CONTINUED INTO SEPTEMBER, FORCED SOME CLERGY INTO HIDING. IN ONE STILL UNEXPLAINED INCIDENT, FATHER YAN WEIPING, FROM HEBEI, WAS FOUND DEAD ON A BEIJING STREET ON MAY 13. HE HAD BEEN DETAINED THAT SAME DAY WHILE SAYING MASS. IN A CRACKDOWN IN SOUTHERN HENAN PROVINCE, SEVERAL PROMINENT HOUSE CHURCH LEADERS WERE BRIEFLY DETAINED. THE RAID FOLLOWED AN EARLIER ONE IN CENTRAL HENAN ON JANUARY 24 WHEN PASTOR CHU CHANG'EN AND FORTY-FIVE OTHERS WERE DETAINED. IN MAY, THREE STUDENTS IN CHINA'S MOST PRESTIGIOUS PROTESTANT SEMINARY WERE EXPELLED AFTER PROTESTING THE GOVERNMENT'S CONTROL OF RELIGIOUS AFFAIRS.

Free assembly fared poorly during the year. Police in several cities prevented those wishing to publicly commemorate the tenth anniversary of the June 4 crackdown from laying wreaths or visiting cemeteries. Jiang Qisheng, a student leader in 1989, was formally arrested for calling on people to remember the crackdown with a candlelight vigil.

In a move to ensure order before the October 1 celebration, the Beijing city government banned all public gatherings after July 1. Police detained or expelled those without papers, legal residence permits, or permanent incomes. They targeted migrants, beggars, hawkers, food vendors, the homeless, the unemployed, the mentally ill, prostitutes, and other "undesirables." On September 6, the Public Security Bureau notified hostels, hotels, boarding houses, and private citizens that they would be penalized for housing illegal migrants. Dissidents were under heavy surveillance, their movements restricted, and their phone lines cut. Any non-resident wishing to enter Beijing needed a detailed letter of introduction.

The death penalty continued to be in use, and mass executions were common. On September 27, the Guangdong Supreme People's Court declared it would hold fifty-seven public rallies to announce 919 sentences. Two hundred and thirty-eight prisoners were scheduled to be executed before October 1. Executions also took place in Changsha, Hunan province and Chongqing, a city formerly part of Sichuan province.

Tibet

At the beginning of the year, authorities announced a three-year campaign to free rural Tibetans from the "negative influence of religion," and to work against the Dalai Lama's "splittist" struggle. They continued to deny access to Gendun Choekyi Nyima, the ten-year-old boy recognized by the Dalai Lama as the reincarnation of the Panchen Lama, the second most important figure in Tibetan Buddhism. No one has seen the child or members of his family since 1995 when the Chinese government recognized another boy, Gyaltzen Norbu, as the reincarnation. On June 17, that boy arrived in Tibet for the first time.

In response to a World Bank proposal to resettle some 59,000 Han Chinese and Hui Muslims in a predominately Tibetan and Mongolian area in Qinghai province, an Australian, Gabriel Lafitte, an American, Daja Meston, and their Tibetan translator, Tsering Dorje, traveled to the area to assess for themselves the feelings of residents in the resettlement region. State security forces detained all three on August 15 but released them within two weeks. Lafitte and Meston, who was severely injured in an escape attempt, were permitted to leave after confessing to wrongdoing.

During the year, security forces detained Tibetans who openly advocated independence. On March 10, the fortieth anniversary of an abortive uprising against China, two Tibetan monks, Phuntsok Legmon and Namdol, demonstrated in Barkor Square in Lhasa. On July 9, they reportedly received three- and four-year sentences respectively, a report that Tibetan officials have denied. In a preemptive move, some eighty people were detained before March 10. Monks from major monasteries could not enter the city, and the Jokhang, the most religious site in Tibet, was closed for "cleaning."

Prison conditions in Tibet remained substandard. In February the official Chinese news agency acknowledged that "quasi-military" training for staff and prisoners had been carried out in Drapchi prison "to improve police officers' managerial abilities and enhance prisoners' discipline and awareness of the law." The use of torture continued, sometimes resulting in death. Legshe Tsoglam, a Nalanda monk who resisted reeducation, died in April, several days after his release from Gutsa Detention Center. A Ganden monk, Ngawang Jinpa, died two months after serving his full four-year term, and Norbu, also from Nalanda, died almost three years after severe prison beatings damaged his kidneys. All three were in their early twenties. Several monks, arrested in 1998 for putting photos of the Dalai Lama on the main altar in Kirti monastery in Sichuan province, were sentenced in July and August 1999. Ngawang Sangdrol, a twenty-three-year-old nun, severely beaten after a protest in Drapchi prison in May 1998, had her original three-year sentence extended for the third time for a total of twenty-one years.

Xinjiang

Local authorities, claiming that "splittist" elements in the region were using terrorist tactics, ordered intensified efforts to maintain stability in the run-up to the October 1 anniversary celebrations. Executions of so-called "splittists" were commonplace, as were long prison sentences and public sentencing rallies. In January, a court official in Ili prefecture, the scene of massive demonstrations and rioting in 1997, confirmed that twenty-nine people, all but two of them ethnic Uighurs, had been given the death penalty. In July a court in Nonshishi sentenced another eighteen men to terms

RANGING FROM TEN TO FIFTEEN YEARS FOR, AMONG OTHER THINGS, ALLEGEDLY DESTROYING THE PARTY'S RELIGIOUS POLICY. IN AN APPARENT ATTEMPT TO DECREASE THE FLOW OF INFORMATION OVERSEAS, PUBLIC SECURITY OFFICERS IN URUMQI, THE CAPITAL, SEIZED REBIYA KADEER, A PROMINENT UIGHUR BUSINESSWOMAN, ON AUGUST 11 AS SHE WAS ON HER WAY TO MEET A VISITING AMERICAN. SHE WAS LATER CHARGED WITH TRYING TO TRANSMIT INFORMATION ACROSS BORDERS. REBIYA KADEER'S HUSBAND, A U.S. RESIDENT, PUBLICLY ADVOCATES INDEPENDENCE AND APPEARS REGULARLY ON RADIO FREE ASIA AND THE VOICE OF AMERICA. REBIYA, HER SON, ABLIKIM ABDYIRIM, AND HER SECRETARY, KAHRIMAN ABDUKIRIM, REMAINED IN PRISON AS OF OCTOBER.

Hong Kong

THIS YEAR CHINA TOOK SEVERAL STEPS TO CURTAIL HONG KONG'S AUTONOMY AND THE RULE OF LAW. THE INDEPENDENCE OF THE COURTS IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION (SAR) WAS PLACED IN JEOPARDY AFTER CHIEF EXECUTIVE TUNG CHEE-HWA INVITED BEIJING TO INTERVENE IN A DECISION OF THE HIGHEST COURT IN HONG KONG, THE COURT OF FINAL APPEAL. TUNG CAMPAIGNED AGAINST THE COURT'S DECISION ON RIGHT OF ABODE IN HONG KONG THAT WOULD HAVE ALLOWED MANY MORE MAINLAND CHINESE TO RESIDE IN THE SAR. (HOW MANY MORE WAS A MATTER OF INTENSE DEBATE.) FEARING A FLOOD OF CHINESE IMMIGRANTS, ON MAY 18 TUNG INVITED THE STANDING COMMITTEE OF CHINA'S PEOPLE'S NATIONAL CONGRESS, AS THE ULTIMATE AUTHORITY UNDER HONG KONG'S CONSTITUTION, THE BASIC LAW, TO OVERTURN THE RULING. LEADING JUDGES AND LAWYERS QUESTIONED THE POLITICAL DECISION OF THE CHIEF EXECUTIVE TO INVITE BEIJING TO INTERVENE. THE STANDING COMMITTEE EFFECTIVELY REVERSED THE COURT OF FINAL APPEAL'S DECISION.

MUNICIPAL COUNCILS, THE MIDDLE TIER OF ELECTED OFFICE IN HONG KONG, WERE ABOLISHED BY TUNG THIS YEAR, IN A TRANSPARENT EFFORT TO WEAKEN THE INFLUENCE OF PRO-DEMOCRACY POLITICAL PARTIES IN HONG KONG.

CHINESE OFFICIALS BARRED ENTRY TO PRO-DEMOCRACY HONG KONG LAWMAKERS. ON SEPTEMBER 12, MARGARET NG WAS PREVENTED FROM ATTENDING A SEMINAR ON CHINA'S CONSTITUTION. CHINA ALSO INTERFERED WITH REQUESTS FOR TRAVEL TO HONG KONG, REFUSING TO CONSIDER A PAPAL VISIT BECAUSE THE VATICAN AND TAIWAN MAINTAIN DIPLOMATIC RELATIONS. A SENIOR OFFICIAL FROM TAIWAN WAS PREVENTED FROM ATTENDING AN ACADEMIC CONFERENCE AT THE UNIVERSITY OF HONG KONG.

Defending Human Rights

PUBLIC DEFENSE OF POLITICAL AND CIVIL RIGHTS WAS VIRTUALLY IMPOSSIBLE, AND SOCIAL ORGANIZATIONS CONCERNED WITH ASPECTS OF WORKER RIGHTS OR BASIC FREEDOMS FOUND THEMSELVES UNABLE TO REGISTER WITH THE GOVERNMENT OR, IN SOME CASES, THEY WERE BANNED ALTOGETHER.

The Role of the International Community

HUMAN RIGHTS CONCERNS DROPPED EVEN LOWER ON THE AGENDA OF CHINA'S MAJOR TRADING PARTNERS IN 1999 AS BEIJING USED THE BELGRADE EMBASSY BOMBING TO CREATE A CRISIS IN ITS OVERSEAS RELATIONS. THE CHINESE GOVERNMENT SUSPENDED A BILATERAL HUMAN RIGHTS DIALOGUE WITH THE U.S., PUT OFF A PLANNED VISIT BY THE GERMAN CHANCELLOR UNTIL LATER IN THE YEAR, AND DELAYED TALKS ON CHINA'S ENTRY INTO THE WORLD TRADE ORGANIZATION (WTO). INTERNATIONAL PROTESTS AGAINST THE BANNING OF FALUN GONG AND THE CRACKDOWN ON ACTIVISTS PRIOR TO THE JUNE 4 AND OCTOBER 1 ANNIVERSARIES WERE MILD OR NONEXISTENT. AT THE U.N. COMMISSION ON HUMAN RIGHTS IN APRIL, CHINA SUSTAINED ITS SUCCESSFUL CAMPAIGN TO PREVENT A DEBATE ON ITS HUMAN RIGHTS RECORD, PERSUADING THE EUROPEAN UNION (E.U.) AND OTHER GOVERNMENTS TO REFRAIN FROM BACKING A LAST-MINUTE RESOLUTION BY THE U.S., DOOMING IT TO FAILURE. MEANWHILE, THE E.U., AUSTRALIA, AND CANADA CONTINUED HUMAN RIGHTS DIALOGUES AND RULE OF LAW SEMINARS; THE EXCHANGES WERE SOMETIMES USEFUL, BUT THEY APPEARED TO HAVE LITTLE DIRECT IMPACT ON THE HUMAN RIGHTS SITUATION. JIANG ZEMIN VISITED AUSTRALIA IN SEPTEMBER AND EUROPEAN CAPITALS IN OCTOBER. EXCEPT FOR A BRIEF VISIT TO THE U.S. BY THE CHINESE LABOR MINISTER IN MARCH AND A CANADIAN-LED SEMINAR IN JULY, CONCERNS ABOUT VIOLATIONS OF WORKER RIGHTS WERE LARGELY ABSENT FROM THE AGENDA.

United Nations

A SPLIT BETWEEN THE U.S. AND THE E.U., TRADITIONAL COSPONSORS OF RESOLUTIONS ON CHINA AT THE U.N. COMMISSION ON HUMAN RIGHTS, ENABLED CHINA TO ONCE AGAIN ESCAPE U.N. SCRUTINY DURING THE COMMISSION'S ANNUAL MEETING IN APRIL. UNDER INTENSE DOMESTIC PRESSURE, THE CLINTON ADMINISTRATION TABLED A LAST MINUTE RESOLUTION WHICH WAS BLOCKED BY A CHINESE NO-ACTION MOTION. THAT MOTION WAS ADOPTED BY A VOTE OF TWENTY-TWO TO SEVENTEEN, WITH FOURTEEN ABSTENTIONS. THE E.U. AND INDIVIDUAL MEMBER STATES REFUSED TO COSPONSOR THE MEASURE; POLAND AGREED TO SERVE AS A COSPONSOR.

China made no progress in ratifying the International Covenant on Economic Social and Cultural Rights or the International Covenant on Civil and Political Rights. Both were under review by the Standing Committee of the National People's Congress.

U.N. High Commissioner for Human Rights Mary Robinson sent a technical mission to China in March to follow up her visit to China in September 1998. The results of the mission were inconclusive. The High Commissioner was publicly silent about the crackdown on the Falun Gong movement in July, despite appeals to intervene, although she did raise concerns privately with Chinese authorities.

The U.N. Committee reviewing China's compliance with the Convention to Eliminate Discrimination Against Women issued a report in February and recommended that China invite the Special Rapporteur on Violence Against Women to visit China. It listed among its concerns domestic violence and custodial abuse, sexual harassment in the workplace, and various aspects of the implementation of China's population policy.

European Union

Germany, in the presidency of the E.U. in the first half of 1999, made no effort to overcome E.U. opposition to sponsorship of the resolution on China at the U.N. Commission on Human Rights meeting in Geneva. At the E.U. General Affairs Council meeting on March 22, the foreign ministers decided that maintaining unity within the E.U. was a higher priority than criticizing China. It also prevented individual E.U. states from cosponsoring any measure put forward by the U.S. (The E.U. did oppose China's no-action motion.)

On February 7-8, Germany hosted an E.U.-China dialogue in Berlin on human rights focused on China's relationship to various U.N. human rights mechanisms, the recent crackdown on political activists, and Tibet. NGOs were invited to attend part of the meeting, but most declined to participate. There was no public report on the results of the dialogue.

In March, an E.U. troika delegation (Germany, Austria, and Finland) visited Beijing to press for human rights progress but returned empty handed.

An E.U.-China summit planned for May was called off after the NATO bombing of the Chinese embassy in Belgrade. Instead German Chancellor Gerhard Schröder went to Beijing in an effort to apologize to China's leaders on behalf of NATO for the alliance's deadly mistake. Another E.U.-China summit was re-scheduled for November in Beijing. Schröder also planned to lead a delegation of company executives and members of parliament to China in early November.

Meanwhile, the E.U. continued with its policy of dialogue with China. Finland, the new E.U. president, chaired a seminar on ethnic minorities, discrimination against women, and other human rights concerns in early September. The next formal E.U.-China human rights dialogue meeting was scheduled to take place in Beijing in mid-October.

The E.U. issued a mild demarche in Beijing on the banning of Falun Gong, but made no public protests.

The E.U. strongly supported China's entry into the World Trade Organization, and this was expected to be the major focus of a visit by Jiang Zemin to London, Brussels, and other European capitals in October. Beijing reportedly voiced objections to the appointment of Chris Patten, former British Governor of Hong Kong, as the European Commission's new foreign affairs commissioner. In hearings before the European Parliament, Patten declared that trade and economic links with China should be not allowed to overshadow human rights concerns. He also said that development of E.U. relations with Beijing would depend, in part, on its human rights record.

United States

The Clinton Administration had no clear strategy to follow up the president's visit to China in June 1998, except to continue dialogue and to use the occasion of high-level contacts to protest abuses. Following the Belgrade bombing, the administration was preoccupied with getting bilateral relations back on track, largely putting human rights concerns on the back burner.

A dialogue with China took place in Washington, D.C. in mid-January, in which State Department officials pressed for an end to administrative detention, made a request (which was denied) for access to the Panchen Lama, and objected to arrests of political activists. Further meetings were suspended by China after the Belgrade bombing.

IN MID-FEBRUARY, SECRETARY OF STATE MADELEINE ALBRIGHT VISITED BEIJING; A PROMINENT JOURNALIST, GAO YU, WAS RELEASED JUST PRIOR TO HER VISIT. ALBRIGHT URGED HUMAN RIGHTS IMPROVEMENTS, BUT RECEIVED NO SPECIFIC PROMISES IN PREPARATION FOR PREMIER ZHU RONGJI'S FIRST OFFICIAL VISIT TO THE U.S. LATER IN THE SPRING.

THERE WAS LITTLE OR NO WHITE HOUSE SUPPORT FOR THE EFFORT TO SPONSOR A RESOLUTION ON CHINA AT THE U.N. COMMISSION ON HUMAN RIGHTS.

ZHU RONGJI'S VISIT IN APRIL WAS DOMINATED BY THE DEBATE ON CHINA'S BID TO JOIN THE WTO. HUMAN RIGHTS CONCERNS AND TIBET WERE RAISED IN HIS TALKS WITH PRESIDENT CLINTON BUT WITHOUT APPARENT RESULTS. CLINTON ALSO URGED ZHU TO PURSUE CHINA'S DIALOGUE WITH THE VATICAN. DESPITE MAJOR CONCESSIONS BY ZHU ON THE WTO, THE WHITE HOUSE TURNED DOWN A BILATERAL AGREEMENT. THE VISIT WAS CONSIDERED A FAILURE BY BOTH GOVERNMENTS, AND WTO TALKS WITH THE U.S. WERE CUT OFF AFTER THE BELGRADE BOMBING.

IN JUNE THE PRESIDENT EXTENDED NORMAL TRADE RELATIONS (NTR) STATUS, FORMERLY CALLED MOST FAVORED NATION, TO CHINA FOR ONE YEAR, TRIGGERING A CONGRESSIONAL DEBATE THAT FOCUSED MAINLY ON SECURITY CONCERNS. ON JULY 27, THE HOUSE OF REPRESENTATIVES VOTED 260-170 TO DEFEAT A BILL THAT WOULD HAVE OVERTURNED CLINTON'S DECISION. CLINTON ALSO PROMISED TO LOBBY CONGRESS FOR PERMANENT NTR STATUS (DOING AWAY WITH THE ANNUAL RENEWAL PROCESS) SHOULD CHINA BECOME A MEMBER OF THE WTO.

ALSO IN JUNE, UNDERSECRETARY OF STATE THOMAS PICKERING TRAVELED TO CHINA TO EXPLAIN THE NATO BOMBING OF THE BELGRADE EMBASSY. THE U.S. SUBSEQUENTLY AGREED TO PAY \$4.5 MILLION IN COMPENSATION FOR THE THREE PEOPLE KILLED AND TWENTY-SEVEN WOUNDED, OPENING THE WAY FOR THE RESTORATION OF HIGH-LEVEL CONTACTS.

THE STATE DEPARTMENT PROTESTED ARRESTS IN THE RUN UP TO THE JUNE 4 ANNIVERSARY, AND PUBLICLY APPEALED TO THE CHINESE GOVERNMENT TO MAKE A FULL ACCOUNTING OF THOSE KILLED IN 1989 AS WELL AS TO RELEASE ALL THOSE STILL SERVING SENTENCES FOR THEIR PEACEFUL PARTICIPATION IN THE DEMONSTRATIONS.

IN SEPTEMBER, CLINTON AND JIANG MET IN AUCKLAND, NEW ZEALAND IN THE MARGINS OF THE ASIA PACIFIC ECONOMIC COOPERATION (APEC) SUMMIT AND AGREED TO RESUME WTO TALKS. DISCUSSION OF RIGHTS CONCERNS WAS PERFUNCTORY; THE U.S. PROTESTED THE CRACKDOWN ON FALUN GONG AND OTHER ABUSES. NO HUMAN RIGHTS STEPS WERE ANNOUNCED, AND CHINA WOULD NOT AGREE TO RESUME THE BILATERAL HUMAN RIGHTS DIALOGUE.

ALSO UNDECIDED BY OCTOBER WERE PLANS FOR A VISIT TO CHINA BY U.S. LABOR SECRETARY ALEXIS HERMAN— THE FIRST SUCH VISIT BY A U.S. LABOR OFFICIAL— IN EXCHANGE FOR A VISIT TO WASHINGTON IN LATE MARCH BY HER CHINESE COUNTERPART.

Pacific Rim Countries

CANADA REJECTED APPEALS BY NGOS AND OTHERS TO COSPONSOR THE CHINA RESOLUTION IN GENEVA AND INSTEAD FOCUSED ON ITS DIALOGUE POLICY WITH CHINA. A FORUM ON HUMAN RIGHTS, JOINTLY SPONSORED BY CANADA AND NORWAY, TOOK PLACE IN QINGDAO IN LATE JULY. AMONG THE PARTICIPANTS WERE GOVERNMENT REPRESENTATIVES AND OFFICIALS FROM NATIONAL HUMAN RIGHTS COMMISSIONS IN THIRTEEN COUNTRIES FROM THE ASIA-PACIFIC REGION AND ACADEMICS, BUT NO NGOS. THE SESSION WAS MODELED AFTER A SIMILAR MEETING HELD IN VANCOUVER IN 1998 AND DEBATED ISSUES SUCH AS THE RIGHTS OF ETHNIC MINORITIES AND LABOR CONCERNS. CANADIAN OFFICIALS USED THE MEETING TO PROTEST THE VIOLATION OF FALUN GONG MEMBERS' RIGHTS TO FREE ASSOCIATION AND ASSEMBLY. NO PUBLIC REPORT WAS ISSUED ON THE RESULTS OF THE MEETING.

AUSTRALIA'S MAJOR FOCUS WAS ON A VISIT TO CANBERRA BY JIANG ZEMIN EN ROUTE TO THE APEC SUMMIT IN NEW ZEALAND IN SEPTEMBER, DURING WHICH HUMAN RIGHTS CONCERNS WERE RAISED. JUST PRIOR TO THE VISIT, THE THIRD ANNUAL AUSTRALIA-CHINA HUMAN RIGHTS FORUM TOOK PLACE IN BEIJING AND QINGHAI PROVINCE IN LATE AUGUST. A WIDE RANGE OF TOPICS, INCLUDING TIBET AND THE FALUN GONG CRACKDOWN, WERE ON THE AGENDA, AND AUSTRALIA LATER ANNOUNCED A JOINT PROGRAM OF COOPERATION FOR THE NEXT YEAR, INCLUDING EXCHANGES AND VISITS OF JUDGES, AND LEGAL AND PRISON EXPERTS. BUT THE SESSION WAS ECLIPSED BY THE DETENTION OF AN AUSTRALIAN CITIZEN VISITING A PLANNED WORLD BANK RESETTLEMENT PROJECT IN QINGHAI.

JAPAN'S PRIME MINISTER, KEIZO OBUCHI, VISITED CHINA IN JULY TO FOLLOW UP AN OFFICIAL VISIT TO TOKYO BY JIANG ZEMIN THE PREVIOUS NOVEMBER. DURING THE 1998 SUMMIT, JAPAN HAD ANNOUNCED THE NEXT ROUND OF OFFICIAL DEVELOPMENT ASSISTANCE (ODA) LOANS FOR CHINA FOR 1999-2000 TOTALING 390 BILLION YEN (US \$3.67 BILLION) FOR TWENTY-EIGHT PROJECTS. A JOINT DECLARATION NOTED THAT THE TWO COUNTRIES WOULD PURSUE HUMAN RIGHTS CONCERNS THROUGH MUTUAL EXCHANGES AND DIALOGUE "BASED ON EQUALITY AND MUTUAL RESPECT." IN APRIL JAPAN DECLINED TO COSPONSOR THE GENEVA RESOLUTION. JAPAN DID, HOWEVER, VOTE AGAINST CHINA'S NO ACTION MOTION IN GENEVA. BECAUSE OF THIS VOTE, DURING OBUCHI'S VISIT BEIJING REFUSED TO SCHEDULE THE NEXT SESSION OF ITS BILATERAL HUMAN RIGHTS DIALOGUE WITH JAPAN, TENTATIVELY SET FOR OCTOBER.

World Bank

China continued to be the World Bank's leading recipient in loans. For fiscal year 1999, the Bank approved over \$1.7 billion in loans to China, plus \$45 million in technical assistance. In June, the Bank's board decided to fund a \$160 million poverty reduction project in western China that included \$40 million for the voluntary resettlement of farmers to a traditionally Tibetan ethnic area. The project was approved over the objections of the U.S. and Germany, pending a visit to the project site by the Bank's inspection panel in early October and based on Beijing's agreement to allow open, unhindered access to the site for journalists, diplomats, and others. The detention in mid-August of an American and Australian visiting the site, together with their Chinese translator, triggered high level diplomatic activity to press for their release, and they were freed within two weeks. The Bank had made appeals in Beijing, along with the U.S. and Australian governments.

INDIA

Conflict with Pakistan over Kashmir and communal violence dominated human rights developments in India during the year. The Hindu nationalist Indian People's Party (Bharatiya Janata Party or BJP), which led India's coalition government during the year, appeared to condone the activities of right-wing Hindu groups responsible for attacks on religious minorities and people at the bottom of or outside India's caste system, including members of tribal groups. The attacks increased significantly in the months preceding national parliamentary elections in September and October. In Bihar, a series of caste clashes and massacres between January and April once again revealed the unwillingness of state authorities to protect the rights of those born into lower castes.

Human Rights Developments

In April the BJP government lost a motion of confidence in Parliament by one vote. Because opposition parties were unable to form a government, India was forced to hold national parliamentary elections for the third time in as many years.

In October the BJP-led National Democratic Alliance returned to power, a development that boded ill for communal relations.

Human rights violations by Indian security forces and by Islamic militants, many of them Pakistani-trained, continued to fuel tensions within Kashmir and between India and Pakistan. In February, Indian Prime Minister Atal Behari Vajpayee's bus trip across the Indo-Pakistan border to meet with Pakistani Prime Minister Nawaz Sharif seemed to signal the beginnings of a reconciliation and hopes for a resolution of the Kashmir conflict. However, those hopes were short-lived. In April India tested ballistic missiles and Pakistan followed suit. In May, after Islamic militants crossed from Pakistan into Indian Kashmir near the town of Kargil, India responded with military operations against the militants and their Pakistani backers.

Armed clashes between India and Pakistan continued for the next eight weeks, until Pakistan agreed to withdraw the militants, and both countries agreed on a process of "disengagement."

In the course of those clashes, over 1,200 people, many of them civilians, were killed by artillery fire. Civilians were also forced to flee the towns along the 720-kilometer border that divides Indian and Pakistani-controlled Kashmir. Communal violence between Hindu and Muslim groups escalated during the military confrontation, particularly in Jammu, the Hindu-majority area of the state of Jammu and Kashmir. For example, on June 30, Islamic militants gunned down twelve Hindu migrant laborers in southern Kashmir, reportedly in retaliation for the June 28 massacre of fifteen Muslim villagers, including women and children, by unidentified gunmen in Poonch district. Human rights activists reported that the gunmen were members of a militia backed by the army. Pakistan's agreement on July 4 to withdraw its fighters did not bring an end to the violence. On July 20 about twenty Hindus were killed by militants in Doda and Poonch districts. The victims included eight women and children.

Indian security forces in Jammu and Kashmir continued to violate human rights with impunity. The Jammu and Kashmir Disturbed Areas Act and the Armed Forces Special Powers Act, which authorize warrantless searches and arrests, remained in effect in the state. Military-led cordon-and-search operations in Muslim neighborhoods continued to result in violations of fundamental civil rights, including the detention, torture, and summary executions of suspected militants.

Caste violence assumed alarming dimensions early in the year, particularly in the state of Bihar, where clashes between the Ravidh Sema, an upper-caste landlord militia, and Naxalites, Maoist guerrillas agitating for higher wages and more equitable land distribution for lower-caste laborers, claimed many lives. Human rights activists charged the state administration with criminal negligence for failing to intervene effectively and prosecute those responsible for the killings. On January 25, about one hundred armed extremists from the Ravidh Sema killed at least twenty-two Dalit ("untouchable") men, women, and children in Bihar's Jehanabad district. On February 10, Sema members struck again in the same district killing eleven Dalits as they slept.

The massacres led the government in New Delhi to impose "President's rule" in Bihar, a legal regime whereby the central government takes over authority from the state. Despite that measure, which led to the increased presence of paramilitary forces in the state, twelve alleged supporters of the Ravidh Sema were reportedly gunned down on February 14 by Communist Party of India-Marxist Leninist (Liberation) activists in retaliation for the January killings. In early March the central government reinstated the state government led by Chief Minister Rabri Devi. On March 18, Naxalites killed another thirty-five upper-caste villagers in Senari village, Jehanabad district. On April 21, about a hundred armed activists from the Ravidh Sema killed twelve lower-caste villagers in neighboring villages in Gaya district. The victims included a sixty-five-year-old man, three women, and a nine-month old child. Police made little effort to prevent the killings, despite the fact that the Ravidh Sema often publicly announced its intentions days before each attack. They also failed to provide protection for villagers in the aftermath of such attacks.

Caste clashes also continued to plague the southern state of Tamil Nadu, and Dalit women were primary targets. On March 29, in the Ogalur-Villupuram region of Tamil Nadu, four upper-caste men sexually assaulted a female Dalit farm laborer. The attackers were then beaten by those responding to the laborer's cry for help. On April 3, in retaliation for the beatings, three upper-caste men set fire to a Dalit colony, injuring twenty people. On June 19 a gang of upper-caste Hindus looted and destroyed the houses in a Dalit settlement in Kodankipatti village, Madurai district, after Dalits there had demanded a share in the common property of the village. The Dalits were then chased out of their homes.

More incidents of violence against India's Christian community were recorded during the past two years than in all the years since independence. Attacks occurred primarily in the tribal regions of Gujarat, Madhya Pradesh, and Orissa, as well as the state of Maharashtra. Activists belonging to militant Hindu extremist groups, including the Bajrang Dal and the Vishwa Hindu Parishad (World Hindu Council, VHP) were often blamed for the violence. While the central government officially condemned the attacks, spokespersons for the BJP characterized the surge in violence as a reaction to a conversion campaign by Christian missionaries in the country.

Anti-Christian violence in the state of Gujarat reached its peak during Christmas week 1998 when a local extremist Hindu group obtained permission to hold a rally on December 25 in Ahwa town in the state's southeastern Dangs district. Over four thousand people participated in the rally, shouting anti-Christian slogans while the police stood by and watched. After the rally, Hindu groups began to attack Christian places of worship, schools run by missionaries, and shops owned by Christians and Muslims. Between December 25, 1998, and January 3, 1999, churches and prayer halls were damaged, attacked, or burned down in at least twenty-five different villages in the state. Scores of individuals were physically assaulted, and in some cases tied up, beaten and robbed of their belongings while angry mobs invaded and damaged their homes. Thousands of Christian tribals in the region were also forced to undergo conversions to Hinduism.

On January 23 in Keonjhar district, Orissa, a mob of Hindu extremists burned to death Australian missionary Graham Stewart Staines and his two sons as they slept in their car. Staines had worked for over thirty years in a leper colony in the state and was accused of conducting mass conversions to Christianity. In August a government-appointed judicial commission accused Bajrang Dal activist and BJP member Dara Singh of leading the charge in the killings. The commission's report also found that Staines had not been involved in any conversions, but it fell short of accusing the Bajrang Dal, insisting that Singh acted alone. Opposition parties labeled the report a "whitewash," while allies of the BJP by and large welcomed the findings.

THE SHIV SENA, A HINDU PARTY WHICH HEADS THE STATE GOVERNMENT OF MAHARASHTRA IN COALITION WITH THE BJP, ALSO ENGAGED IN DISRUPTIVE PRACTICES AND HATE CAMPAIGNS AGAINST MUSLIMS AND CHRISTIANS THROUGHOUT THE YEAR. IN DECEMBER 1998, THE AWARD-WINNING FILM *FIRE*, BY DIRECTOR DEEPA MEHTA, WAS RECALLED FROM THEATERS AFTER SHIV SENA ACTIVISTS VANDALIZED AT LEAST FIFTEEN CINEMAS WHERE IT WAS PLAYING. SENA MEMBERS OBJECTED TO THE FILM'S DEPICTION OF A LESBIAN RELATIONSHIP BETWEEN TWO HINDU SISTERS-IN-LAW, ADDING THAT HAD THE WOMEN BEEN MUSLIM THERE WOULD BE NO OBJECTION.

IN JANUARY 1999, WHEN PAKISTAN'S CRICKET TEAM WAS SET TO TRAVEL TO INDIA FOR A SERIES OF TEST MATCHES, MEMBERS OF THE SHIV SENA DUG UP THE PITCH AT A NEW DELHI STADIUM THAT WAS TO HOST THE FIRST MATCH AND RANSACKED THE HEADQUARTERS OF THE BOARD OF CONTROL FOR CRICKET IN BOMBAY. IN JUNE, THE SHIV SENA LAUNCHED A SERIES OF ATTACKS AGAINST CHRISTIAN MISSION-RUN KINDERGARTEN SCHOOLS ALLEGING THAT THEY WERE NOT ADMITTING THE CHILDREN OF SENA ACTIVISTS. ON JUNE 26 SUSPECTED SENA MEMBERS VANDALIZED THE SACRED HEART SCHOOL IN WORLI, BOMBAY.

ON AUGUST 26 STAINES' KILLER DARA SINGH STRUCK AGAIN, WHEN HE LED AN ANGRY MOB TO ATTACK THE GARMENT SHOP OF SHEIKH REHMAN, A MUSLIM TRADER IN ORISSA'S MAYURBHANJ DISTRICT. IN THE PRESENCE OF FOUR HUNDRED EYEWITNESSES AND IN BROAD DAYLIGHT, REHMAN'S ARMS WERE CHOPPED AND HIS BODY WAS SET ON FIRE. SINGH CONTINUED TO EVADE ARREST DESPITE HIS NUMEROUS TELEVISION APPEARANCES IN THE MONTHS FOLLOWING THE STAINES MURDER. ONE WEEK LATER, ON SEPTEMBER 2, THE REV. ARUL DOSS WAS KILLED BY A GANG OF FIFTEEN UNIDENTIFIED ASSAILANTS. VOTING IN ORISSA FOR THE STAGGERED GENERAL ELECTIONS WAS SCHEDULED FOR SEPTEMBER 25. ON SEPTEMBER 20, A CATHOLIC NUN IN BIHAR WAS ABDUCTED BY TWO MEN, STRIPPED, AND FORCED TO DRINK THEIR URINE. THE NUN WAS REPORTEDLY INTERROGATED ABOUT HER PROSELYTIZING ACTIVITIES.

VIOLENCE REMAINED A SALIENT FEATURE OF INDIA'S NATIONAL PARLIAMENTARY ELECTIONS. DURING FIVE STAGES OF POLLING IN SEPTEMBER AND OCTOBER 1999, REPOLLING WAS ORDERED FOR HUNDREDS OF POLL STATIONS AS A RESULT OF VIOLENCE AND THE DESTRUCTION OF BALLOT PAPERS AND BALLOT BOXES. WELL OVER ONE HUNDRED ELECTION-RELATED DEATHS WERE REPORTED THROUGHOUT THE COUNTRY, PREDOMINANTLY IN MAHARASHTRA, ANDHRA PRADESH, KASHMIR, BIHAR, AND THE NORTHEAST REGION OF ASSAM AND TRIPURA. MOST DEATHS RESULTED FROM CLASHES BETWEEN SUPPORTERS OF RIVAL PARTIES AND FROM ATTACKS BY SEPARATIST MILITANTS TRYING TO ENFORCE ELECTION BOYCOTTS. IN THE CHIDAMBARAM CONSTITUENCY OF TAMIL NADU, DALITS WERE NOT ALLOWED TO VOTE IN AS MANY AS TWENTY-THREE VILLAGES AS A RESULT OF ATTACKS BY POLITICAL PARTIES CONTESTING ELECTIONS IN WHICH THE DALIT PANTHERS OF INDIA WERE ALSO CANDIDATES. IN CLASHES THAT ENSUED, NEARLY TEN DALIT HAMLETS WERE TORCHED. WHILE OVER TWO HUNDRED DALITS WERE ARRESTED, POLICE REFUSED TO REGISTER CASES AGAINST CASTE HINDUS.

POLICE IN ANDHRA PRADESH CONTINUED TO SUMMARILY EXECUTE SUSPECTED NAXALITES IN SO-CALLED "ENCOUNTER KILLINGS." VIOLENCE IN THE NORTHEASTERN STATES, PARTICULARLY ASSAM, CONTINUED THROUGHOUT THE YEAR, CLAIMING MANY CIVILIAN CASUALTIES. MEMBERS OF THE UNITED LIBERATION FRONT OF ASSAM (ULFA), A MILITANT GROUP SEEKING ASSAM'S INDEPENDENCE FROM INDIA, REPEATEDLY CLASHED WITH THE POLICE AND WITH SURRENDERED ULFA MEMBERS, NOW WORKING WITH THE GOVERNMENT AND REFERRED TO AS "SULFA."

THE ARMED FORCES SPECIAL POWERS ACT REMAINED IN EFFECT IN THE NORTHEAST, BUT IT WAS NOT THE ONLY ABUSIVE LAW ON THE BOOKS. DUE TO THE SPURIOUS BACKDATING OF VIOLATIONS, DETENTIONS UNDER THE NOTORIOUS TERRORIST AND DISRUPTIVE PRACTICES (PREVENTION) ACT (TADA) CONTINUED FOR OFFENSES ALLEGEDLY COMMITTED BEFORE THE LAW LAPSED IN 1995. IN KARNATAKA, FOR EXAMPLE, FIFTY-TWO PEOPLE REMAINED IN PRE-TRIAL DETENTION IN MYSORE CENTRAL PRISON FOR PERIODS RANGING FROM FOUR TO SIX YEARS.

WOMEN, PARTICULARLY THOSE BELONGING TO THE LOWER CASTES, CONTINUED TO BE VICTIMS OF VIOLENCE AND SEXUAL ABUSE. IN A POSITIVE STEP TO PROMOTE GENDER EQUALITY, THE SUPREME COURT OF INDIA GAVE WOMEN THE SAME RIGHTS AS MEN TO ACT AS NATURAL GUARDIANS OF A MINOR. GITA HARIHARAN'S APPLICATION FOR FINANCIAL BONDS IN THE NAME OF HER MINOR CHILD HAD BEEN REJECTED BY THE RESERVE BANK OF INDIA ON THE BASIS OF THE HINDU MINORITY AND GUARDIANSHIP ACT OF 1956, WHICH REGARDS THE FATHER, AND ONLY AFTER HIM THE MOTHER, AS THE NATURAL GUARDIAN OF A MINOR. THE SUPREME COURT RULED THAT THE PROVISION "AFTER" HAD TO BE STRUCK DOWN FROM THE ACT AS IT VIOLATED GENDER EQUALITY.

Defending Human Rights

INDIA'S VIBRANT HUMAN RIGHTS MOVEMENT CONTINUED TO GROW DESPITE SOME SETBACKS. WHILE MOST ORGANIZATIONS WERE ALLOWED TO FUNCTION FREELY, SOCIAL ACTION GROUPS WORKING WITH MARGINALIZED COMMUNITIES FACED CONTINUOUS HARASSMENT AND INTIMIDATION. ON DECEMBER 10, 1998, THE NATIONAL CAMPAIGN ON DALIT HUMAN RIGHTS WAS OFFICIALLY LAUNCHED IN NEW DELHI. AMONG THE CAMPAIGN'S DEMANDS WERE THE ABOLITION OF UNTOUCHABILITY PRACTICES, THE EFFECTIVE IMPLEMENTATION OF THE 1999

SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) Act, and increased intervention by U.N. bodies and the international community against caste-based violence and discrimination.

On February 11, members of Parivartan, an NGO working with Dalits and landless agricultural laborers in Gujarat, were attacked in Padra village. Sixteen Dalit women, who had come to attend a tailoring course organized by Parivartan's women's co-operative, were among those physically assaulted by local strongmen. Police officials agreed to register a complaint only after the Home Ministry's intervention. In 1998, the Hindu group VHP had issued a press statement claiming that Parivartan was trying to convert Gujarat's entire tribal belt to Christianity—a charge that the NGO has denied. On June 11, four fishworkers were killed and thirteen were injured when police opened fire on an anti-shrimp culture protest organized by the NGO Chilika Matsyajibi Mahasangh in Orissa. Despite a Supreme Court ruling prohibiting shrimp farms within a thousand meters of the Chilika lake in Orissa, a number of shrimp farms had obtained support of local politicians and bureaucrats.

On July 23, police action against lower-caste laborers in Tirunelveli district, Tamil Nadu, resulted in the loss of seventeen lives. The victims, including two women and one child, were among those protesting working conditions at a local tea plantation and demanding the release of 652 workers arrested following a demonstration on June 8. Members of the police and reserve forces chased the victims into the Thamiraparani river where they drowned. In July, political parties in favor of the building of the Sardar Sarovar dam across the Narmada river in western India burned copies of the book, *The Greater Common Good* by novelist-activist Arundhati Roy. Roy, whose book discussed the social and environmental costs of the Narmada project, including large-scale population displacement, was part of a larger people's movement against India's big dam projects. Facing threats from the youth wings of the BJP and the Congress party, bookstores in Ahmedabad city, Gujarat, also began to pull the book from their shelves.

On September 27, the Ministry of Home Affairs sent a notice to several prominent NGOs asking them to justify their status as nonpolitical organizations under the Foreign Contribution (Regulation) Act. The notice was effectively a threat to cut off foreign funding. The NGOs, many of whom worked on women's rights, communal violence, and Dalit and tribal issues, had publicly criticized the policies of the BJP-led government and the anti-secular activities of the *sangh parivar*, a collective of rightwing Hindu organizations of which the BJP is a member.

The National Human Rights Commission (NHRC), a government-appointed body, tried to defend human rights in several areas, although it did not directly address the troubled regions of Kashmir and the northeast. In February the NHRC directed state governments to ensure regular medical examinations of all prison inmates and to submit monthly reports. Concerned over the rising number of custodial deaths and excesses committed by the police, the NHRC launched human rights cells in all state police headquarters. The commission also ordered the payment of compensation to the families of persons who had either died as a result of police violence or had been physically assaulted by the police, and recommended action against guilty police officials.

The Role of the International Community

Tensions between India and Pakistan dominated India's international relations during the year. Many countries welcomed the Indo-Pakistan summit in February, but while crediting India with showing "restraint" in its handling of the Kargil crisis, the international community failed to use the opportunity to press India to curb human rights abuses in the state.

United Nations

While Pakistan demanded U.N. mediation in the Kashmir dispute, the Indian prime minister rejected an offer by the U.N. secretary-general to send an envoy. In a report issued in January, the U.N. special rapporteur on torture commented on India's abysmal record on torture and detentions, especially in Jammu and Kashmir, and noted with regret the government's continued refusal to extend him an invitation to conduct investigations in the country. Also in January, the special rapporteur on contemporary forms of racism indicated that, with the permission of the Indian government, he might undertake a field mission to investigate the situation of "untouchables" in the country.

World Bank

IN APRIL THE WORLD BANK BOARD APPROVED A CONTROVERSIAL PLAN LIMITING THE POWERS OF THE INSPECTION PANEL, AN INTERNAL WATCHDOG BODY SET UP TO RECEIVE AND INVESTIGATE COMPLAINTS BY THOSE ADVERSELY AFFECTED BY BANK-FUNDED PROJECTS WORLDWIDE. FOLLOWING A VISIT IN JULY 1997, THE INSPECTION PANEL WAS BLOCKED FROM CONDUCTING A MORE THOROUGH INVESTIGATION IN SINGRAULI, INDIA'S "POWER CAPITAL," WHERE A WORLD BANK-FUNDED THERMAL POWER PROJECT RESULTED IN THE DISPLACEMENT OF THOUSANDS OF VILLAGERS AND SEVERE ENVIRONMENTAL DAMAGE. INDIA WAS PROMINENT AMONG WORLD BANK MEMBER COUNTRIES PUSHING FOR LIMITING INSPECTION PANEL INVESTIGATIONS.

European Union

THE EUROPEAN UNION (E.U.) JOINED THE INTERNATIONAL COMMUNITY IN EXPRESSING CONCERN OVER THE ESCALATION OF FIGHTING IN KASHMIR, AND ISSUED SEVERAL STATEMENTS PUBLICLY URGING INDIA AND PAKISTAN TO HOLD TALKS TO FIND A PEACEFUL SOLUTION TO THE CRISIS.

THE E.U. REMAINED INDIA'S LARGEST TRADING PARTNER, WITH AN ESTIMATED 26 PERCENT SHARE OF INDIA'S EXPORT AND 25 PERCENT OF THE COUNTRY'S IMPORTS. IN A FEBRUARY RESOLUTION THE EUROPEAN PARLIAMENT EXPRESSED DEEP SHOCK OVER THE PERSECUTION OF CHRISTIANS IN INDIA BY EXTREMIST GROUPS AND CALLED ON THE INDIAN GOVERNMENT TO PUT IN PLACE EFFECTIVE MEASURES FOR PROTECTION OF RELIGIOUS MINORITIES AND TO BRING TO JUSTICE THOSE RESPONSIBLE FOR THE KILLING OF AUSTRALIAN MISSIONARY GRAHAM STAINES. THE EUROPEAN PARLIAMENT ALSO CALLED ON THE E.U. AND THE EUROPEAN COMMISSION TO ENSURE THAT HUMAN RIGHTS CLAUSES IN TREATY AGREEMENTS WITH INDIA BE RIGOROUSLY IMPLEMENTED. A LEGALLY BINDING PARTNERSHIP AND DEVELOPMENT AGREEMENT BETWEEN INDIA AND THE E.U. CONCLUDED IN 1994 CONTAINS SUCH A HUMAN RIGHTS CONDITIONALITY CLAUSE.

IN MARCH, THE EUROPEAN PARLIAMENT EXPRESSED SUPPORT FOR THE EUROPEAN COMMISSION'S EFFORTS TO ENHANCE RELATIONS WITH INDIA BUT SAID IMPROVED RELATIONS SHOULD DEPEND IN PART ON INDIA'S NUCLEAR DISARMAMENT. THE EUROPEAN PARLIAMENT ALSO URGED INDIA TO FOSTER TOLERANCE AND PROTECT FREEDOM OF RELIGION; TO RATIFY THE TORTURE CONVENTION; AND TO IMPOSE A MORATORIUM ON EXECUTIONS AND STEP UP EFFORTS TO ABOLISH THE DEATH PENALTY.

Japan

IN RESPONSE TO INDIA'S NUCLEAR TESTS IN MAY 1998, JAPAN HALTED ALL NEW GRANT AID (WITH THE EXCEPTION OF EMERGENCY AND HUMANITARIAN AID AND GRANT ASSISTANCE FOR GRASSROOTS PROJECTS) AND ALL NEW YEN LOANS IN ACCORDANCE WITH JAPAN'S OVERSEAS DEVELOPMENT ASSISTANCE (ODA) CHARTER. THE SUSPENSION REMAINED IN EFFECT IN 1999.

United States

THE CLINTON ADMINISTRATION DROPPED ITS OBJECTIONS TO A U.S. \$150 MILLION WORLD BANK LOAN REQUEST BY INDIA FOR A POWER PROJECT. IN JUNE THE U.S. SENATE APPROVED A MEASURE LIFTING SANCTIONS ON THE SALE OF FARM COMMODITIES AND OTHER PRODUCTS TO INDIA AND PAKISTAN. THE SANCTIONS, WHICH HAD BEEN TRIGGERED BY INDIA'S MAY 1998 NUCLEAR TESTS, WERE TO REMAIN IN PLACE FOR MISSILE AND NUCLEAR TECHNOLOGY AND FOR MILITARY SALES. THE CLINTON ADMINISTRATION JOINED THE INTERNATIONAL COMMUNITY IN EXPRESSING CONCERN OVER INDIA AND PAKISTAN'S BALLISTIC MISSILE TESTS IN APRIL, AND OVER THE CONFLICT IN KARGIL. IN SEPTEMBER THE U.S. DEPARTMENT OF STATE RELEASED ITS FIRST ANNUAL REPORT UNDER THE 1998 INTERNATIONAL RELIGIOUS FREEDOM ACT, DETAILING ATTACKS ON RELIGIOUS MINORITIES THROUGHOUT INDIA. RESPONDING TO REPORTS THAT U.S. AMBASSADOR ROBERT SEIPLE WISHED TO VISIT THE COUNTRY TO DISCUSS RELIGIOUS RIGHTS, THE INDIAN GOVERNMENT DEFENDED ITS ABILITY TO GUARANTEE CONSTITUTIONALLY MANDATED RELIGIOUS FREEDOMS AND REJECTED ANY "INTRUSIVE EXERCISE" INTO ITS INTERNAL AFFAIRS.

INDONESIA AND EAST TIMOR

INDONESIA LURCHED HALTINGLY TOWARD A MORE DEMOCRATIC POLITICAL SYSTEM BUT REMAINED IN THRALL TO A POWERFUL MILITARY THAT OVERSAW THE DESTRUCTION OF EAST TIMOR IN SEPTEMBER.

GOVERNMENT LEADERS GAVE LITTLE ATTENTION TO RESOLVING NATIONALIST, ETHNIC, AND COMMUNAL CONFLICTS, PARTICULARLY IN ACEH, IN NORTHERN SUMATRA; AMBON, IN THE MOLUCCAN ISLANDS; WEST KALIMANTAN, ON THE ISLAND OF BORNEO; AND IRIAN JAYA, ON THE WESTERN HALF OF THE ISLAND OF NEW GUINEA. CORRUPTION REMAINED ENDEMIC. SO MUCH OF THE ANCIENT REGIME REMAINED ENTRENCHED THAT THE YEAR'S POLITICAL DEVELOPMENTS UNDERScoreD HOW HARD IT WAS GOING TO BE FOR INDONESIA TO EMERGE FROM THE LEGACY OF DISGRACED PRESIDENT SOEHARTO.

THREE KEY VOTES TOOK PLACE DURING THE YEAR. ON JUNE 7, INDONESIA HELD ITS FIRST FREE PARLIAMENTARY ELECTION IN FORTY-FOUR YEARS, WITH VOTERS DECISIVELY DEFEATING THE RULING PARTY, GOLKAR. ON AUGUST 30, IN A "POPULAR CONSULTATION" ORGANIZED BY THE UNITED NATIONS, CLOSE TO 90 PERCENT OF EAST TIMORESE VOTERS DECIDED TO REJECT AN AUTONOMY PACKAGE OFFERED BY INDONESIA AND MOVE TOWARD INDEPENDENCE. ON OCTOBER 20, THE NEWLY ELECTED PARLIAMENT IN JAKARTA AND 200 OTHER APPOINTED DELEGATES CHOSE ABDURRAHMAN WAHID AS THE COUNTRY'S FOURTH PRESIDENT IN A BALLOT THAT FOR THE FIRST TIME EVER DID NOT HAVE A PREDETERMINED OUTCOME. THE OPPOSITION LEADER MEGAWATI SOEKARNOPUTRI WAS ELECTED VICE-PRESIDENT THE NEXT DAY.

THE JUNE ELECTIONS WERE PRECEDED BY A BOISTEROUS BUT PEACEFUL CAMPAIGN THAT DEFIED EXPECTATIONS OF WIDESPREAD VIOLENCE. THE AUGUST BALLOT IN EAST TIMOR WAS PRECEDED BY SYSTEMATIC TERRORIZATION OF INDEPENDENCE SUPPORTERS BY INDONESIAN ARMY-BACKED MILITIA AND LOCAL POLICE AND MILITARY. THE INTERNATIONAL COMMUNITY WAS UNWILLING TO EXERT THE PRESSURE NEEDED TO STOP IT, INITIALLY IN THE BELIEF THAT THE MILITARY IN A DEMOCRATIZING INDONESIA MUST BE BETTER THAN IT WAS UNDER AUTHORITARIAN LEADERSHIP. EVEN WHEN THE ROLE OF THE JAKARTA MILITARY COMMAND IN THE EAST TIMOR VIOLENCE BECAME OBVIOUS, THOSE COUNTRIES WITH LEVERAGE OVER INDONESIA WERE RELUCTANT TO USE IT FOR FEAR OF SETTING BACK INDONESIA'S ECONOMIC RECOVERY AND POLITICAL STABILIZATION.

OFFICIALS IN JAKARTA EXPLOITED THAT CONCERN THROUGHOUT THE YEAR. EVEN IN LATE SEPTEMBER, AFTER A SCORCHED EARTH CAMPAIGN HAD LEFT EAST TIMOR A SMOKING RUIN, SOME OF INDONESIA'S MAJOR DONORS WERE RELUCTANT TO PRESS TOO HARD FOR AN INTERNATIONAL INVESTIGATION INTO POSSIBLE CRIMES AGAINST HUMANITY FOR FEAR THAT THE MILITARY WOULD MOUNT A COUP AGAINST A WEAK AND DISCREDITED CIVILIAN LEADERSHIP. ANGRY INDONESIAN DEMOCRACY ACTIVISTS SAID THE OPPOSITE WAS TRUE: IF MILITARY OFFICERS WERE NOT HELD ACCOUNTABLE FOR WHAT THEY HAD DONE IN EAST TIMOR, INDONESIA WOULD NEVER RID ITSELF OF MILITARY RULE AND GENUINELY DEMOCRATIZE.

Human Rights Developments

VIOLENCE IN AND AROUND JAKARTA IN NOVEMBER 1999 FORESHADOWED MANY OF THE POLITICAL CONFLICTS THAT WERE TO ERUPT ACROSS THE COUNTRY IN 1999. FROM NOVEMBER 10 TO NOVEMBER 13, A SPECIAL SESSION OF THE PEOPLE'S CONSULTATIVE ASSEMBLY (MAJELIS PERMUSYAWARATAN RAKYAT OR MPR) WAS HELD TO DRAFT THE LEGAL FRAMEWORK FOR REFORM OF THE POLITICAL SYSTEM. ON NOVEMBER 13, THE LAST DAY OF THE SESSION, SIXTEEN PEOPLE, MOSTLY STUDENTS, DIED IN THE SEMANGGI AREA OF THE CAPITAL AS SOLDIERS FIRED BULLETS AT ROCK-THROWING CROWDS CALLING FOR PRESIDENT HABIBIE'S RESIGNATION AND PROTESTING THE MILITARY'S ONGOING INVOLVEMENT IN POLITICS. THE VIOLENCE WAS EXACERBATED BY THOUSANDS OF CIVILIAN GUARDS ARMED WITH SHARPENED BAMBOO STAVES WHO HAD BEEN DEPLOYED AND PAID BY THE ARMY AS A SECURITY MEASURE TO PROTECT THE MPR SESSION, SOME OF THEM CHOSEN FOR THEIR OPPOSITION TO THE STUDENT PRO-DEMOCRACY MOVEMENT. THE ARMY'S INCREASED RELIANCE ON CIVILIAN AUXILIARIES DURING THE YEAR ONLY SERVED TO INTENSIFY EXISTING CONFLICTS.

IN THE MONTHS THAT FOLLOWED THE MPR SESSION, INDONESIA TOOK A NUMBER OF TENTATIVE STEPS TOWARD REFORM. THE PARLIAMENT PASSED A NEW AND EXCEEDINGLY COMPLEX ELECTION LAW THAT LAY THE GROUNDWORK FOR MULTIPARTY COMPETITION IN THE NATIONAL ELECTIONS IN JUNE.

IN MARCH, JUSTICE MINISTER MULADI STATED THAT SINCE TAKING OFFICE IN MAY 1999, THE HABIBIE ADMINISTRATION HAD FREED 202 OF 242 POLITICAL PRISONERS; BY YEAR'S END, TWELVE MORE HAD BEEN RELEASED. THOSE FREED IN 1999 INCLUDED FORTY-THREE ACEHNESE; TWENTY-SEVEN EAST TIMORESE, INCLUDING RESISTANCE LEADER XANANA GUSMAO, WHO WAS RELEASED ON SEPTEMBER 9; FIFTEEN MUSLIM ACTIVISTS FROM LAMPUNG, SUMATRA; TEN MEN ARRESTED IN CONNECTION WITH THE COUP ATTEMPT IN 1965-66; AND DITA INDAH SARI, A LABOR ACTIVIST FROM THE MILITANT PEOPLE'S DEMOCRATIC PARTY (PARTAI RAKYAT DEMOKRATIK OR PRD), WHO WAS AMNESTIED AND RELEASED ON JULY 7. BUDIMAN SUJATMIKO AND SIX OTHER PRD MEMBERS REFUSED A PRESIDENTIAL AMNESTY IN MARCH; BUDIMAN SAID HE WOULD STAY IN PRISON UNTIL GENERAL AMNESTY WAS EXTENDED TO ALL POLITICAL PRISONERS.

ON APRIL 1, IN A MOVE SEEN AS PRESAGING CIVILIAN CONTROL OVER THE SECURITY FORCES, THE POLICE WERE FORMALLY SEPARATED FROM THE MILITARY AND PLACED UNDER THE MINISTRY OF DEFENSE RATHER THAN THE COMMANDER OF THE ARMED FORCES. THE SEPARATION WAS MORE IN PRINCIPLE THAN IN PRACTICE, HOWEVER, SINCE THE MINISTER OF DEFENSE AND THE COMMANDER OF THE ARMED FORCES

WERE THE SAME PERSON, GENERAL WIRANTO. WIRANTO APPEARED TO BE MAKING AN EFFORT TO SEND POLICE RATHER THAN SOLDIERS TO SITUATIONS OF CIVIL UNREST DURING THE YEAR, BUT IN SOME CASES, AS IN EAST TIMOR, LOCAL OBSERVERS REPORTED THAT MANY OF THE "POLICE" WERE MERELY SOLDIERS WITH NEW UNIFORMS THAT THEY RECOGNIZED FROM EARLIER TOURS OF DUTY.

BY MARCH, AN ELECTION COMMISSION HAD APPROVED FORTY-EIGHT PARTIES TO COMPETE IN THE JUNE ELECTIONS, A WHOPPING INCREASE OVER THE THREE OFFICIALLY-APPROVED PARTIES ALLOWED BY THE SOEHARTO GOVERNMENT. DESPITE FEARS OF ETHNIC AND COMMUNAL VIOLENCE, THE CAMPAIGN WAS EXUBERANT AND PEACEFUL, IF FOCUSED MORE ON PERSONALITIES THAN ISSUES. OVER 90 PERCENT OF THE ELIGIBLE VOTERS TURNED OUT IN JUNE IN A PROCESS THAT AN ARMY OF INTERNATIONAL OBSERVERS SAID WAS LARGELY FREE AND FAIR. THE COUNTING WAS PAINFULLY SLOW, AND IT WAS NOT UNTIL SEPTEMBER 1 THAT THE FINAL TALLY WAS ANNOUNCED, WITH THE INDONESIAN DEMOCRATIC STRUGGLE PARTY (PDI-PERJUANGAN) OF MEGAWATI SOEKARNOPUTRI GARNERING THE MOST VOTES.

ON SEPTEMBER 23, STUDENTS IN JAKARTA PUT THE GOVERNMENT ON NOTICE THAT THEY WOULD TAKE TO THE STREETS IF IT TOOK DECISIONS THAT WENT COUNTER TO REFORM. THAT DAY, THE PARLIAMENT PASSED AN ARMY-BACKED BILL ON NATIONAL SECURITY THAT WOULD HAVE GIVEN THE ARMY SWEEPING POWERS TO DECLARE STATES OF EMERGENCY AT THE REGIONAL OR NATIONAL LEVEL. PRO-DEMOCRACY GROUPS AND STUDENT ORGANIZATIONS MOBILIZED THOUSANDS TO PROTEST, AND IN THE ENSUING CLASH WITH SECURITY FORCES, FOUR PEOPLE WERE KILLED, INCLUDING ONE POLICEMAN. ON SEPTEMBER 24, THE GOVERNMENT ANNOUNCED THAT IT WAS SUSPENDING IMPLEMENTATION OF THE LAW.

THE NATIONAL SECURITY BILL WENT TO THE HEART OF A KEY ISSUE IN INDONESIA'S DEMOCRATIZATION—WHETHER CIVILIANS WOULD HAVE CONTROL OVER THE MILITARY. IN APRIL, THE PARLIAMENT MADE GOOD ON THE HABIBIE GOVERNMENT'S PROMISE TO ABOLISH THE HATED 1963 ANTI-SUBVERSION LAW, WHICH HAD BEEN USED REPEATEDLY BY SOEHARTO TO DETAIN POLITICAL OPPONENTS. IN THE SAME SESSION, HOWEVER, LEGISLATORS REVISED THE INDONESIAN CRIMINAL CODE TO INCORPORATE MANY OF THE DEFUNCT BILL'S ARTICLES ON CRIMES AGAINST THE STATE. AND IN JULY, THE MINISTRY OF DEFENSE AND SECURITY UNDER GENERAL WIRANTO SUBMITTED A DRAFT OF A NEW INTERNAL SECURITY LAW WHICH ALLOWED THE PRESIDENT TO DECLARE MARTIAL LAW IN PARTS OF THE COUNTRY BESET BY SEPARATIST REBELLIONS, COMMUNAL VIOLENCE, OR "IDEOLOGICAL CHALLENGES."

GENERAL WIRANTO CLAIMED THE BILL WAS A NEEDED REFORM OF THE 1959 LAW IT REPLACED, BECAUSE IT PLACED A NUMBER OF CHECKS ON THE DECLARATION OF A STATE OF EMERGENCY. BUT TO MANY CONCERNED WITH CIVIL-MILITARY RELATIONS, THE LAW STILL GAVE TOO MUCH POWER TO THE MILITARY. THE PROTESTS AGAINST IT WERE THE MOST VIOLENT IN JAKARTA SINCE THE RIOTING THAT PRECEDED SOEHARTO'S FALL IN MAY 1998. THEY ALSO SERVED AS A REMINDER TO THE MPR DELEGATES WHO BEGAN MEETING ON OCTOBER 4 THAT RUBBER-STAMPING WAS NO LONGER ACCEPTABLE TO THOSE WHO WANTED CHANGE.

THE MPR SESSION HAD AS ITS MAJOR ITEM OF BUSINESS THE SELECTION OF A NEW PRESIDENT. THE THIRTY-EIGHT SEATS RESERVED FOR THE MILITARY IN THE 700-MEMBER MPR TOOK ON FAR MORE IMPORTANCE WITH FORTY-EIGHT PARTIES AS OPPOSED TO THREE, AND IT WAS LIKELY THAT ABDURRAHMAN WAHID'S ELECTION WAS MADE POSSIBLE IN PART BY MILITARY SUPPORT.

WHILE JAKARTA SEEMED TOTALLY PREOCCUPIED BY THE MANEUVERINGS OF ITS OWN ELITE, THE REST OF THE COUNTRY SEEMED TO BE DESCENDING INTO POLITICAL UNREST OF VARYING DEGREES OF VIOLENCE. ON NOVEMBER 22, 1998, THE FIRST IN A SERIES OF COMMUNAL RIOTS ERUPTED IN KETAPANG, A JAKARTA NEIGHBORHOOD, FOLLOWING A RUMOR THAT SECURITY GUARDS FOR A LOCAL CASINO—ALMOST ALL OF THEM AMBONESE CHRISTIANS—HAD BURNED DOWN A LOCAL MOSQUE. MUSLIM YOUTHS TRUCKED INTO THE AREA THEN LYNCHED SEVEN AMBONESE AND DESTROYED THIRTEEN CHURCHES, AS JAKARTA POLICE STOOD BY. THIRTEEN PEOPLE IN ALL WERE KILLED.

A WEEK LATER, ON NOVEMBER 30, CHRISTIAN YOUTHS IN KUPANG, WEST TIMOR, PROTESTING THE CHURCH-BURNINGS IN KETAPANG, ATTACKED MOSQUES, SHOPS AND HOMES BELONGING TO ETHNIC BUGIS, A MUSLIM IMMIGRANT GROUP FROM SOUTH SULAWESI. IN BOTH KETAPANG AND KUPANG, THERE WAS SOME EVIDENCE OF PROVOCATION BUT BY WHOM AND FOR WHAT REASON WAS NOT CLEAR.

ON DECEMBER 5, A CHURCH WAS BURNED IN USUNG PANDANG, SULAWESI, APPARENTLY IN RETALIATION FOR THE KUPANG RIOT. AND ON JANUARY 19, THE LAST DAY OF THE MUSLIM FASTING MONTH, A FIGHT BETWEEN A CHRISTIAN DRIVER AND A MUSLIM YOUTH IN THE CITY OF AMBON, CAPITAL OF THE MALUKU PROVINCE, SET OFF A CIVIL WAR THAT SPREAD TO ISLANDS FAR TO THE SOUTH AND WAS CONTINUING IN OCTOBER, WITH NO END IN SIGHT AND TENS OF THOUSANDS DISPLACED. WHILE THE INTERNATIONAL PRESS TENDED TO PORTRAY THE CHRISTIAN SIDE AS THE PRIMARY VICTIMS AND THE INDONESIAN PRESS EMPHASIZED ATTACKS ON MUSLIMS, BOTH SIDES WERE EQUALLY PERPETRATORS AND VICTIMS. BY THE SECOND MONTH OF THE CONFLICT, ALLEGATIONS THAT INDONESIAN SECURITY FORCES HAD STOOD BY AND DONE NOTHING TO PREVENT THE INITIAL CLASHES HAD SHIFTED TO ACCUSATIONS BY LOCAL LEADERS THAT THEY WERE PLAYING A PARTISAN ROLE, WITH THE ARMY ACCUSED OF SIDING WITH THE MUSLIMS AND POLICE WITH THE CHRISTIANS. BY SEPTEMBER, A RIGHTS GROUP IN JAKARTA PLACED THE DEATH TOLL SINCE JANUARY AT 1,349.

As in Ketapang and Kupang, allegations of provocation in Ambon were widespread, with several politicians charging that elements within the army linked to the Soeharto family were trying to stir up civil unrest to either disrupt the elections planned for June or pave the way for the return of the military to power. Evidence, however, was all circumstantial.

Communal violence also flared up again in West Kalimantan where indigenous Dayaks had attacked Madurese immigrants in 1997. This time the conflict started in January between Madurese and ethnic Malays but Dayaks and even ethnic Chinese joined forces with the Malays to attack Madurese, a much resented immigrant group. Some 200 were killed, mostly Madurese, and 30,000 Madurese were displaced.

Meanwhile, a non-violent pro-independence movement in Irian Jaya gathered strength in the post-Soeharto political climate. On February 26, in what was billed as a "national dialogue" on Irian Jaya's future political status, one hundred prominent public figures from Irian Jaya presented President Habibie with a statement expressing the aspirations of the people of Irian Jaya for independence. The government rejected any discussion of independence, and in April, after participants in the meeting tried to disseminate the results of the meeting to a larger public at home, the Irian Jaya chief of police banned any further discussion. In August, news leaked out that five prominent Irianese had been banned from leaving Indonesia as of June 28. The ban, initiated by the military and imposed by immigration officials, was justified on unspecified national security grounds. Those affected were Tom Beanal, a tribal leader and plaintiff in a lawsuit against the U.S. company Freeport McMoran; Dr. Benny Giay, a Protestant minister and professor; Willy Mandowen, a professor of linguistics at Cenderawasih University in Jayapura and founder of the Forum for Reconciliation of the People of Irian Jaya (FORERI); Octavianus Mote, Jayapura bureau chief of Jakarta's best-known newspaper, *Kompas*; and Herman Awom, assistant general secretary of the Evangelical Christian Church in Irian Jaya. All were associated with support for changing Irian Jaya's political status through peaceful means.

Separatist flag-raising in July and September in the districts of Sorong and Jayapura claimed three lives and resulted in at least nineteen new political prisoners. Also in September, residents of Manokwari, suspecting that arriving ships carried provocateurs from Ambon and East Timor, began checking identity cards of disembarking passengers. In clashes on September 24, one man died and police shot another in the chest as they blocked crowds from entering the port area. The next day, crowds threw rocks at police, who responded with gunfire, wounding two other men. The Manokwari police chief was replaced three weeks later.

And then there was Aceh, by far the most serious of the regional insurgencies. Calls for a referendum on Aceh's political status that began in January were fueled by bitter disappointment over the lack of accountability for atrocities committed by the Indonesian military during its operations there from May 1990 to September 1998. Students initiated the demand for a referendum in an Aceh-wide congress on January 28, 1999, but it was taken up by others including members of the local parliament and, on September 14, by influential religious leaders who comprise the Ulama Council of Aceh.

A long-simmering rebellion led by a guerrilla group called the Free Aceh Movement (*Gerakan Aceh Merdeka* or GAM) flared up again in late 1998, sparking the same kind of heavy-handed counterinsurgency operations that had led to so many abuses eight years earlier. On December 29, a pro-independence mob pulled seven soldiers off a bus in the town of Lhok Nibong and killed them; the next day, two army officers were kidnapped, apparently by GAM, near the city of Lhokseumawe. On January 3, in the course of military operations in Lhokseumawe, the army opened fire on villagers from the hamlet of Pusong, killing at least five. On January 5 and 9, it conducted search operations in the village of Kandang, just outside Lhokseumawe, where it believed GAM supporters and one GAM leader in particular were hiding. Dozens of young men captured during these operations were detained in a building belonging to the government youth association, KNPI, in Lhokseumawe. In the evening of January 9, a group of soldiers entered the building and started beating the detainees, four of whom later died of their injuries. In the speediest prosecution ever known in Indonesia, the Indonesian officer responsible for the assault, whose men had been killed in the bus incident in December, was tried and sentenced by a military court to six years in prison.

Further shootings by the army resulting in civilian deaths took place on February 2-3 in Idi Cut, East Aceh, in which at least seven were killed and seventy-four wounded; a visit by President Habibie to Aceh on March 26 sparked angry demonstrations and only served to exacerbate tensions. On May 3 in Kreung Geukueh, North Aceh, at least thirty-nine people were killed when the military opened fire on a crowd marching toward an army base; and on July 23, more than fifty were

BELIEVED KILLED WHEN THE ARMY OPENED FIRE ON A RELIGIOUS SCHOOL IN WEST ACEH. ARMY OFFICERS BELIEVED THE SCHOOL'S CHARISMATIC HEAD, TEUNGKU BANTARAH, WAS COLLECTING ARMS FOR GAM. FOUR GUNS WERE REPORTEDLY FOUND AT THE SITE.

BY YEAR'S END, MUCH OF THE DISTRICTS OF NORTH ACEH AND ACEH PIDIE WERE UNDER DIRECT CONTROL OF GAM, GOVERNMENT SERVICES WERE AT A STANDSTILL, AND INDONESIAN OFFICIALS IN JAKARTA HAD MADE NO MOVE TO PROSECUTE ANYONE FOR ABUSES COMMITTED IN THE 1990-98 PERIOD.

IN THE AFTERMATH OF THE MAY 1999 RIOTS IN JAKARTA THAT HAD BEEN DIRECTED AGAINST ETHNIC CHINESE, SEVERAL NEW GROUPS EMERGED IN 1999 TO PROMOTE BETTER RACE RELATIONS AND LOBBY FOR THE REPEAL OF DISCRIMINATORY LAWS. BUT ONLY SUPERFICIAL GAINS WERE MADE: A BAN ON GOVERNMENT USE OF THE WORD *pribumi*, OR "INDIGENOUS," A TERM USUALLY INVOKED TO DIFFERENTIATE ETHNIC CHINESE FROM OTHER INDONESIANS, AND THE REPEAL OF A BAN ON CHINESE SCHOOLS. MANY INDONESIANS OF CHINESE DESCENT STILL CARRIED SPECIAL IDENTIFYING NUMBERS ON THEIR NATIONAL IDENTITY CARDS, ALTHOUGH THE PRACTICE WAS SAID TO HAVE ENDED.

A NEW PRESS LAW PASSED ON SEPTEMBER 13 GUARANTEED PRESS FREEDOM AND NO LONGER REQUIRED PUBLISHERS TO OBTAIN A PUBLISHING LICENSE FROM THE GOVERNMENT. THE ROLE OF THE INFORMATION MINISTRY WAS EXPECTED TO BE SUBSTANTIALLY REDUCED AS THE NEW LAW TOOK EFFECT.

THROUGHOUT THE YEAR, INDONESIA CONTINUED TO BE HOBbled BY ECONOMIC WOES AND ENDEMIC CORRUPTION. SIGNS OF RECOVERY AT MID-YEAR WERE SWEEP ASIDE BY REVELATIONS THAT A MAJOR BANK, BANK BALI, HAD PAID SOME \$70 MILLION AS A COMMISSION FOR LOAN RECOVERIES TO A COMPANY CLOSELY LINKED TO THE RULING GOLKAR PARTY. AN INVESTIGATION INTO FORMER PRESIDENT SOEHARTO'S ILL-GOTTEN WEALTH GOT NOWHERE, IN PART BECAUSE ATTORNEY GENERAL ANDI GHALIB, WHO WAS SUPPOSED TO BE LEADING THE INVESTIGATION, WAS HIMSELF SUSPECTED OF CORRUPTION AND IN PART BECAUSE, AS AN INTERCEPTED CONVERSATION IN FEBRUARY BETWEEN PRESIDENT HABIBIE AND ANDI GHALIB REVEALED, THE GOVERNMENT WAS NOT SERIOUS ABOUT PURSUING IT ANYWAY. IT WAS FINALLY SUSPENDED IN OCTOBER.

East Timor

BY MID-SEPTEMBER, THE U.N. SECRETARY-GENERAL WAS SUGGESTING THAT THE INDONESIAN ARMY'S ACTIONS IN EAST TIMOR MIGHT CONSTITUTE CRIMES AGAINST HUMANITY. BEGINNING IN JANUARY, ITS USE OF LOCAL MILITIA TO INTIMIDATE, HARASS, AND SOMETIMES KILL EAST TIMORESE SUSPECTED OF SUPPORTING INDEPENDENCE SEEMED CLEARLY DESIGNED TO THWART MOVES TOWARD A REFERENDUM OR IF THAT FAILED, TO ENSURE THAT THE VOTE WENT IN FAVOR OF CONTINUING INTEGRATION WITH INDONESIA.

BUT THAT STRATEGY RAN DIRECTLY COUNTER TO THAT OF PRESIDENT HABIBIE, WHO ANNOUNCED ON JANUARY 27 THAT HIS GOVERNMENT HAD DECIDED TO GIVE EAST TIMORESE THE "SECOND OPTION" OF INDEPENDENCE IF THEY REJECTED THE FIRST OPTION, A PROPOSAL FOR FAR-REACHING AUTONOMY UNDER INDONESIAN SOVEREIGNTY. THAT PROPOSAL HAD FIRST BEEN BROACHED IN AUGUST 1998.

OFFICIALS FROM INDONESIA, PORTUGAL, AND THE U.N. PROCEEDED TO NEGOTIATE THE SUBSTANCE OF THE AUTONOMY PACKAGE AS WELL AS THE MEANS BY WHICH EAST TIMORESE WOULD BE ASKED TO ACCEPT OR REJECT IT. BUT AS THE DETAILS WERE BEING HAMMERED OUT IN LISBON, JAKARTA AND NEW YORK, THE INDONESIAN MILITARY WAS ORGANIZING, ARMING, AND TRAINING PRO-INDEPENDENCE MILITIA IN EACH OF EAST TIMOR'S THIRTEEN DISTRICTS. SOME OF THESE MILITIA HAD EXISTED SINCE THE LATE 1970S; OTHERS WERE NEWLY CREATED. BUT THE ARMY, APPARENTLY UNDER THE LEADERSHIP OF THE ARMY SPECIAL FORCES, KNOWN AS KOPASSUS, LINKED THEM INTO A CENTRALLY-COORDINATED NETWORK WITH A POLITICAL FRONT ORGANIZATION AS A WAY OF DEFENDING "AUTONOMY"—WHICH CAME TO MEAN NOT ENHANCED SELF-GOVERNMENT BUT THE STATUS QUO. A SYSTEMATIC PATTERN OF VIOLENCE BEGAN IN FEBRUARY AND CULMINATED IN APRIL WITH TWO MASSACRES IN THE CAPITAL, DILI, AND A TOWN TO THE WEST OF DILI CALLED LIQUICA. THE DEATH TOLL IN THE TWO ATTACKS WAS MORE THAN SIXTY, BUT INDONESIAN AUTHORITIES DID NOT ARREST ANY OF THE MILITIA MEMBERS RESPONSIBLE. EYEWITNESSES REPORTED DIRECT ARMY AND POLICE INVOLVEMENT.

ON MAY 5, INDONESIA AND PORTUGAL SIGNED AN AGREEMENT TO PUT THE AUTONOMY PROPOSAL TO THE EAST TIMORESE PEOPLE IN A DIRECT AND SECRET BALLOT THAT WOULD BE ADMINISTERED BY A U.N. MISSION IN EAST TIMOR THAT BECAME KNOWN AS UNAMET. SECURITY FOR THE BALLOT AND THE PREPARATIONS LEADING UP TO IT WOULD REMAIN THE RESPONSIBILITY OF THE INDONESIAN GOVERNMENT. U.N. OFFICIALS AND EAST TIMORESE LEADERS KNEW AT THE TIME THAT THIS PROVISION WAS A SERIOUS FLAW, BUT THEY BELIEVED THAT NO AGREEMENT WOULD BE POSSIBLE WITHOUT IT, AND THAT ANOTHER CHANCE FOR WHAT AMOUNTED TO A REFERENDUM ON INDEPENDENCE MIGHT NEVER OCCUR.

UNAMET STAFF BEGAN ARRIVING IN DILI IN LATE JUNE AND QUICKLY BECAME THE TARGET OF MILITIA ATTACKS, AS VIOLENCE AGAINST SUSPECTED INDEPENDENCE SUPPORTERS CONTINUED, OFTEN WITH INDONESIAN MILITARY BACKING OR DIRECT PARTICIPATION. U.N. SECRETARY-GENERAL KOFI ANNAN TWICE DELAYED THE DATE OF THE VOTE BECAUSE OF SECURITY CONCERNS. ON AUGUST 30, CLOSE TO 99

PERCENT OF ELIGIBLE VOTERS WENT TO THE POLLS, AND ON SEPTEMBER 4, ANNAN ANNOUNCED THAT 79.5 PERCENT HAD VOTED TO REJECT THE AUTONOMY PACKAGE AND SEPARATE FROM INDONESIA. MILITIA MEMBERS, AGAIN BACKED BY INDONESIAN SOLDIERS, THEN INITIATED THE SCORCHED EARTH CAMPAIGN THAT LED TO THE DESTRUCTION OF MOST TOWNS AND VILLAGES AND MUCH OF EAST TIMOR'S PHYSICAL INFRASTRUCTURE. OVER 200,000 EAST TIMORESE WERE PUSHED INTO WEST TIMOR, LONG PART OF THE INDONESIAN PROVINCE OF EAST NUSA TENGGARA. MANY OF THE REFUGEES WERE FORCIBLY EXPELLED AT GUNPOINT BY MILITIA MEMBERS WHO THEN REGROUPED TO TERRORIZE THEM IN WEST TIMOR. MOST OF THE REMAINING POPULATION FLED TO THE HILLS; OUT OF EAST TIMOR'S PRE-REFERENDUM POPULATION OF EIGHT HUNDRED THOUSAND, HUMANITARIAN AGENCIES WERE ESTIMATING THAT AT LEAST FIVE HUNDRED THOUSAND HAD BEEN DISPLACED BY MID-SEPTEMBER. AN UNKNOWN NUMBER OF PEOPLE WERE KILLED.

INTERNATIONAL PRESSURE, WHICH HAD BEEN NOTICEABLY ABSENT AS MILITIA VIOLENCE WAS ESCALATING IN APRIL, MAY, AND JUNE, EVENTUALLY FORCED PRESIDENT HABIBIE TO ACKNOWLEDGE THAT HE COULD NO LONGER CONTROL THE SITUATION, ALTHOUGH MANY SUSPECTED THAT ORDERS FOR THE SCORCHED EARTH CAMPAIGN HAD IN FACT COME FROM JAKARTA. ON SEPTEMBER 12 PRESIDENT HABIBIE REQUESTED THE ASSISTANCE OF A MULTINATIONAL FORCE LED BY AUSTRALIA. ON SEPTEMBER 15, THE SECURITY COUNCIL PASSED A RESOLUTION AUTHORIZING THE INTERNATIONAL FORCE IN EAST TIMOR, OR INTERFET, TO BE SENT, AND THE FIRST TROOPS BEGAN ARRIVING ON SEPTEMBER 20 TO A TOTALLY DEVASTATED AND BURNED OUT CITY.

ON SEPTEMBER 22 SANDER THOENES, A DUTCH JOURNALIST FOR THE *FINANCIAL TIMES* WHO HAD RETURNED TO DILI, WAS KILLED BY MEN IN INDONESIAN MILITARY UNIFORMS. CLASHES BETWEEN INTERFET FORCES AND MILITIA MEMBERS WERE CONTINUING TO TAKE PLACE THROUGH OCTOBER, AND SECURITY REMAINED A MAJOR CONCERN FOR THE HUNDREDS OF THOUSANDS OF EAST TIMORESE HIDING IN THE FOREST AND IN CHURCH SANCTUARIES.

ON SEPTEMBER 27 A SPECIAL SESSION OF THE U.N. COMMISSION ON HUMAN RIGHTS PASSED A RESOLUTION, OVER THE OBJECTIONS OF INDONESIA AND OTHER ASIAN COUNTRIES, CALLING ON THE SECRETARY-GENERAL TO ESTABLISH AN INTERNATIONAL COMMISSION OF INQUIRY TO LOOK INTO VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN EAST TIMOR. THE SECRETARY-GENERAL ENTRUSTED THE TASK TO U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON, AND FIVE COMMISSIONERS WERE DULY APPOINTED ON OCTOBER 15. BUT AT THE SAME TIME, THE INDONESIAN NATIONAL HUMAN RIGHTS COMMISSION SET UP ITS OWN INQUIRY TO AVOID, IN ITS CHAIRMAN'S WORDS, "FOREIGN INTERVENTION." IT WAS MANDATED TO INVESTIGATE GENOCIDE, EXTRAJUDICIAL EXECUTIONS, RAPE, TORTURE, AND ARSON, WITH ANYONE INDICTED TO BE TRIED BEFORE A NEW HUMAN RIGHTS TRIBUNAL. BOTH THE INDONESIAN COMMISSION AND THE INTERNATIONAL COMMISSION PLEDGED TO HAVE PRELIMINARY REPORTS READY BY DECEMBER 31.

IN THE MEANTIME, REFUGEES IN WEST TIMOR REMAINED UNDER THE CONTROL OF THE MILITIA, AND THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS WORKED TO ENSURE THEIR SPEEDY REPATRIATION. AN AIRLIFT OF REFUGEES BEGAN ON OCTOBER 9.

ON OCTOBER 19, THE INDONESIAN MPR VOTED TO RATIFY THE RESULTS OF THE AUGUST 30 REFERENDUM AND BEGIN THE PROCESS OF TURNING EAST TIMOR OVER TO A UNITED NATIONS TRANSITIONAL ADMINISTRATION IN EAST TIMOR (UNTAET).

Defending Human Rights

HUMAN RIGHTS ADVOCATES OPERATED OPENLY AND VIGOROUSLY IN BOTH INDONESIA AND EAST TIMOR, ALTHOUGH IN EAST TIMOR AND ACEH, THEY WERE UNDER CONSTANT THREAT. IN EAST TIMOR ON SEPTEMBER 5, MILITIA ATTACKED AND DESTROYED THE OFFICE OF THE PREMIER HUMAN RIGHTS ORGANIZATION THERE, YAYASAN HAK, AND THE ENTIRE STAFF WAS FORCED INTO HIDING. HUMAN RIGHTS ACTIVISTS IN IRIAN JAYA WERE ALSO SUBJECT TO GOVERNMENT HARASSMENT.

LITTLE PROGRESS WAS MADE, HOWEVER, IN HOLDING SENIOR OFFICIALS RESPONSIBLE FOR HUMAN RIGHTS VIOLATIONS. ON NOVEMBER 3, 1999, A GOVERNMENT-APPOINTED FACT-FINDING TEAM COMPOSED OF NGOs, COMMUNITY LEADERS, AND MEMBERS OF THE MILITARY, RELEASED A SUMMARY OF ITS FINDINGS ON THE THREE-DAY RIOT IN JAKARTA IN MAY 1999. THE REPORT CONFIRMED FIFTY-SIX CASES OF SEXUAL VIOLENCE, MOSTLY AGAINST ETHNIC CHINESE WOMEN. IT ALSO SUGGESTED SOME DEGREE OF STATE RESPONSIBILITY FOR THE WIDESPREAD LOOTING AND ARSON. BUT THE FULL VERSION OF THE REPORT WAS NEVER MADE PUBLIC AND BY OCTOBER 1999, NONE OF ITS RECOMMENDATIONS HAD BEEN IMPLEMENTED.

ONE POSITIVE OUTCOME OF THE RIOTS WAS THE FORMATION OF THE NATIONAL COMMISSION ON VIOLENCE AGAINST WOMEN, WHICH WAS ACTIVE DURING THE YEAR IN EAST TIMOR AND ACEH.

ON SEPTEMBER 9, A WIDE-RANGING NEW LAW ON HUMAN RIGHTS WAS PASSED, GIVING NEW POWERS TO THE NATIONAL COMMISSION ON HUMAN RIGHTS, INCLUDING SUBPOENA POWERS, AND ALLOWING THE ESTABLISHMENT OF HUMAN RIGHTS TRIBUNALS. THE LAW ALSO RECOGNIZED THE EQUAL RIGHTS AND RESPONSIBILITIES OF SPOUSES AND GUARANTEED THE RIGHT OF CHILDREN TO BE PROTECTED FROM

DANGEROUS AND EXPLOITATIVE WORK. UNFORTUNATELY, ARTICLE 119 OF THE NEW LAW ALSO STATED THAT NO HUMAN RIGHTS ABUSE REPORTED MORE THAN FIVE YEARS AFTER ITS OCCURRENCE COULD BE INVESTIGATED OR PROSECUTED.

ON APRIL 6, THE INDONESIAN PARLIAMENT RATIFIED THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION OF 1965. ON APRIL 23, IT RATIFIED THREE INTERNATIONAL LABOR ORGANIZATION (ILO) CONVENTIONS: NO. 105 ON THE ABOLISHMENT OF FORCED LABOR, NO. 111 ON EMPLOYMENT DISCRIMINATION, AND NO. 138 ON MINIMUM WORKING AGE.

The Role of the International Community

United Nations

THE U.N.'S ROLE IN EAST TIMOR THROUGH THE ARRIVAL OF THE INTERFET FORCES IS DESCRIBED ABOVE. ON OCTOBER 25, THE SECURITY COUNCIL PASSED A RESOLUTION ESTABLISHING THE UNITED NATIONS TRANSITIONAL ADMINISTRATION IN EAST TIMOR UNDER CHAPTER VIII OF THE U.N. CHARTER. IT WAS TO BE HEADED BY A SPECIAL REPRESENTATIVE WITH SWEEPING ADMINISTRATIVE POWERS, AND TO BE SUPPORTED BY U.N. PEACEKEEPERS WITH "ROBUST" RULES OF ENGAGEMENT.

IN ADDITION, THE OFFICE OF THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS APPOINTED A REPRESENTATIVE TO BE BASED IN JAKARTA, IN LINE WITH A 1998 "CHAIRMAN'S STATEMENT" OF THE U.N. COMMISSION ON HUMAN RIGHTS.

ACEH AND IRIAN JAYA REMAINED OFF LIMITS TO U.N. HUMAN RIGHTS VISITORS. IN NOVEMBER 1998 THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN VISITED JAKARTA AND EAST TIMOR BUT WAS NOT ALLOWED TO VISIT IRIAN JAYA OR ACEH. IN FEBRUARY 1999, THE U.N. WORKING GROUP ON ARBITRARY DETENTION VISITED JAKARTA AND EAST TIMOR BUT AGAIN WAS DENIED ACCESS TO IRIAN JAYA AND ACEH.

European Union

IN A DECLARATION ISSUED FEBRUARY 19, THE EUROPEAN UNION (E.U.) WELCOMED INDONESIA'S NEW POSITION ON HOLDING A POPULAR CONSULTATION IN EAST TIMOR, ENCOURAGED A REDUCTION OF INDONESIAN MILITARY PRESENCE THERE, AND EXPRESSED CONCERN ABOUT INCREASING VIOLENCE AND ARMING OF CIVILIAN MILITIA IN THE TERRITORY. CENTRAL AND EASTERN EUROPEAN COUNTRIES ASSOCIATED WITH THE E.U., CYPRUS, AND EUROPEAN FREE TRADE ASSOCIATION (EFTA) COUNTRIES ALIGNED THEMSELVES WITH THE STATEMENT.

ON SEPTEMBER 7, THE EUROPEAN PARLIAMENT CONDEMNED THE VIOLENCE IN EAST TIMOR AND SAID IT WOULD SUPPORT A RESOLUTION TO SEND IN PEACEKEEPING FORCES. ON SEPTEMBER 16, IT PASSED A RESOLUTION CALLING FOR IMMEDIATE RECOGNITION OF THE INDEPENDENT STATE OF TIMOR LORO SAE, THE PROVISION OF PEACEKEEPERS, HUMANITARIAN AID AND FINANCIAL SUPPORT, AND THE FORMATION OF AN INTERNATIONAL COURT TO TRY CRIMES PERPETRATED THERE.

ON SEPTEMBER 19, THE E.U. THREW ITS WEIGHT BEHIND INTERNATIONAL SUSPENSION OF ECONOMIC AID AND ARMS SALES TO INDONESIA. ITS BAN ON EXPORT OF ARMS, MUNITIONS, MILITARY EQUIPMENT AND BILATERAL MILITARY COOPERATION WITH INDONESIA HAD INITIAL APPLICABILITY OF FOUR MONTHS. SPEAKING FOR THE E.U. COUNCIL OF FOREIGN AFFAIRS MINISTERS, FINNISH FOREIGN AFFAIRS MINISTER TÄRJÄ HALONEN SAID THAT THE POST-REFERENDUM VIOLENCE HAD TAKEN EVERYONE BY SURPRISE.

ON SEPTEMBER 21, THE FINNISH E.U. PRESIDENCY, ISSUED A STATEMENT WELCOMING THE DEPLOYMENT OF INTERFET IN EAST TIMOR, AND PRESSING FOR COMPLETE, EARLY WITHDRAWAL OF INDONESIAN TROOPS, RAPID DISARMAMENT OF PARAMILITARY ELEMENTS, SAFE ACCESS FOR HUMANITARIAN ORGANIZATIONS TO EAST AND WEST TIMOR, AND THE ESTABLISHMENT OF THE INTERNATIONAL COMMISSION OF INQUIRY TO INVESTIGATE ALLEGED VIOLATIONS OF INTERNATIONAL LAW.

THE BRITISH GOVERNMENT WAS EMBARRASSED WHEN IT WAS REVEALED IN MID-SEPTEMBER THAT THREE BRITISH HAWK TRAINER JETS WERE AT THE BANGKOK AIRPORT AWAITING DELIVERY TO INDONESIA. BRITAIN SAID IT WAS POWERLESS TO STOP THE DELIVERY, BECAUSE THE PLANES WERE ALREADY THE LEGAL PROPERTY OF INDONESIA UNDER A BRITISH AEROSPACE CONTRACT.

United States

THE CLINTON ADMINISTRATION LINKED INDONESIA'S DEMOCRATIC TRANSITION TO THE GOVERNMENT'S HANDLING OF EAST TIMOR, AND PUT CONSIDERABLE RESOURCES INTO SUPPORTING ECONOMIC RECOVERY AND THE JUNE PARLIAMENTARY ELECTIONS. STANLEY ROTH, THE ASSISTANT SECRETARY OF STATE FOR EAST ASIA AND THE PACIFIC, PLAYED A KEY ROLE BOTH IN BILATERAL CONTACTS AND THROUGH EFFORTS TO MOBILIZE SUPPORT FOR THE ELECTIONS AMONG OTHER DONORS AND ASIAN GOVERNMENTS.

THROUGH THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID), THE UNITED STATES GAVE U.S. \$31 MILLION TO ASSIST WITH ELECTION PREPARATION, MAINLY FOR TRAINING, PUBLIC EDUCATION, AND VARIOUS ELECTION-MONITORING OPERATIONS UNDER THE AUSPICES OF INDONESIAN NGOS AND AMERICAN ORGANIZATIONS. NO FUNDING WAS GIVEN TO THE INDONESIAN GOVERNMENT. JUST PRIOR

to the vote, the U.S. provided, with input from Indonesian NGOs, a pilot crowd control training program for the Jakarta police, in anticipation of possible post-election violence. The Administration attempted, but failed, to get other governments to contribute to the training.

At the Consultative Group meeting in July, the U.S. praised the "disciplined and relatively peaceful" run up to the elections, and the open press coverage during the campaign. It called for a greater role for civil society in the transition and the release of remaining political prisoners, and urged the government to end attacks by civilian militia in East Timor, though this was not a condition for U.S. aid.

The Administration requested \$70 million from Congress in FY 2000 for economic development assistance to Indonesia. In addition, it pledged an initial \$10 million for the multinational force in East Timor, and provided \$20 million in humanitarian assistance for East Timor and refugee aid in West Timor.

As of late October, the U.S. had deployed helicopters and support personnel for the U.N. operation in East Timor, with approximately 1,900 U.S. personnel on ships offshore, 150 troops handling communications equipment in Dili, and 300 more in Darwin, Australia supplying logistical and intelligence support.

Congressional hearings focused on the elections and on East Timor during the year. In testimony, senior State Department officials urged Jakarta to ensure that each step in the political transition was "free, fair and transparent," called for an end to abuses in Aceh, and called on the Habibie administration to foster dialogue and negotiation in Irian Jaya. Secretary of State Albright raised many of these concerns when she met with her Indonesian counterpart in Singapore at the ASEAN conference in July, and at the U.N. in New York in September.

President Clinton was outspoken on the East Timor crisis, and at the Asia Pacific Economic Cooperation (APEC) forum in New Zealand in mid-September lobbied for pressure on Habibie to invite a multilateral force into East Timor. There was close White House coordination with the Australian government throughout the crisis. Clinton publicly condemned the violence and said it was clear that the Indonesian military was aiding and abetting the militia. On September 9, he announced a suspension of U.S. military sales, commercial transfers, and training programs.

Direct military aid and training in 1999 totaled \$476,000, mainly for Expanded International Military Education and Training (IMET); Congress had already sharply limited most training programs in 1992, after the 1991 Santa Cruz massacre in Dili, though some joint training with Kopassus troops continued until all such programs ceased in May 1998 in response to congressional pressure. Estimated commercial military sales approved in FY 1999 totaling \$16 million and licenses for export still pending approval were also suspended in September.

The role of the U.S. military was highly controversial—especially with regard to East Timor. The Pentagon argued that its high level contacts with General Wiranto and other senior officers provided a useful channel to send political messages on East Timor, the need for a stable electoral process, and democratic reform. U.S. Defense Secretary William Cohen met with Habibie and Wiranto in late September in Jakarta and also reportedly sent private letters urging the military to rein in the East Timor militia, as did General Henry Shelton, chairman of the Joint Chiefs of Staff.

But Congress was skeptical of the benefit of U.S. training programs and other forms of cooperation, and there was no clear evidence that more than forty years of such training had made a significant impact on the military's behavior.

In the Congress, bipartisan legislation required the U.S. to oppose non-humanitarian multilateral aid to Indonesia and to cut off all U.S. military ties and supplies until specific conditions were met, including the safe return of refugees and Indonesian civilian and military cooperation with the investigation and prosecution of abuses in East Timor. As of late October, similar provisions in a separate bill and in the foreign operations appropriations bill for FY 2000 were pending in both the House and Senate.

A House-Senate congressional delegation visited East Timor in late July, and the House passed a strongly-worded resolution on September 28 urging the MPR to ratify the August 30 vote and expressing support for U.S. participation in the multilateral force, although not with combat troops.

Two State Department delegations traveled to West Timor, Dili and Jakarta to press for access to East Timorese refugees by U.N. agencies and an end to militia violence in the camps. Julia Taft, Assistant Secretary of State for Refugees, went to the camps with diplomats from Sweden, Japan, the United Kingdom, Thailand and Australia in late September; Harold Koh, Assistant Secretary of State for Democracy, Human Rights, and Labor also visited in early October. He called for a rapid and voluntary repatriation of refugees under U.N. auspices.

THE U.S. STRONGLY SUPPORTED PASSAGE OF THE RESOLUTION BY THE SPECIAL SESSION OF THE U.N. COMMISSION ON HUMAN RIGHTS IN SEPTEMBER CALLING FOR AN INTERNATIONAL COMMISSION OF INQUIRY IN EAST TIMOR.

Australia

THE AUSTRALIAN GOVERNMENT, PERHAPS INADVERTENTLY, PLAYED AN IMPORTANT PART IN HABIBIE'S DECISION TO ALLOW EAST TIMORESE TO OPT FOR INDEPENDENCE. AUSTRALIA ALSO TOOK THE LEAD IN RESPONDING TO THE POST-REFERENDUM VIOLENCE, CAUSING RELATIONS BETWEEN THE TWO COUNTRIES TO PLUMMET.

IN A PRIVATE LETTER SENT TO HABIBIE IN DECEMBER, PRIME MINISTER JOHN HOWARD OUTLINED A PROPOSAL FOR AN EVENTUAL VOTE ON SELF-DETERMINATION IN EAST TIMOR FOLLOWING AN EXTENDED PERIOD OF AUTONOMY. AUSTRALIA HAD BEEN THE ONLY WESTERN COUNTRY TO RECOGNIZE INDONESIAN SOVEREIGNTY OVER THE TERRITORY, A STANCE IT ADOPTED IN 1978. THE HOWARD LETTER, SEEN BY INDONESIA AS A MAJOR POLICY SHIFT (ALTHOUGH IT APPARENTLY WAS NOT INTENDED AS SUCH BY SOME IN THE HOWARD GOVERNMENT), WAS A CRUCIAL FACTOR IN HABIBIE'S JANUARY 27 ANNOUNCEMENT THAT INDONESIA WOULD CONSIDER INDEPENDENCE FOR THE TERRITORY.

FROM THAT POINT ON, THE EAST TIMOR QUESTION SEEMED TO DRIVE AUSTRALIA'S POLICY TOWARD INDONESIA, ALTHOUGH THE AUSTRALIAN GOVERNMENT WAS ALSO EAGER TO SEE FREE AND FAIR ELECTIONS IN INDONESIA IN JUNE AND PROVIDED SIGNIFICANT FINANCIAL AND LOGISTICAL SUPPORT FOR THEM.

AFTER THE MAY 5 AGREEMENT BETWEEN INDONESIA AND PORTUGAL RESULTED IN THE ESTABLISHMENT OF THE UNITED NATIONS ASSISTANCE MISSION IN EAST TIMOR (UNAMET), AUSTRALIANS CAME TO CONSTITUTE UNAMET'S LARGEST COMPONENT. AMID CONTINUING VIOLENCE LEADING UP TO THE VOTE, AUSTRALIA LOBBIED FOR INCREASED NUMBERS OF INTERNATIONAL CIVILIAN POLICE AND MILITARY ADVISORS.

DARWIN BECAME AN INTERNATIONAL STAGING GROUND FOR RELIEF EFFORTS AND MILITARY DEPLOYMENTS AFTER AUGUST 30. AUSTRALIA ORGANIZED AND COMMANDED THE INTERNATIONAL FORCE FOR EAST TIMOR (INTERFET) THAT ENTERED EAST TIMOR ON SEPTEMBER 20; THE DEPLOYMENT OF FOUR THOUSAND FIVE HUNDRED SOLDIERS (OUT OF A TOTAL OF SEVEN THOUSAND) WAS AUSTRALIA'S GREATEST TROOP MOBILIZATION SINCE THE VIETNAM WAR.

INDONESIAN ANGER OVER THE REFERENDUM RESULTS AND THE ENTRY OF AUSTRALIAN TROOPS INTO EAST TIMOR SENT INDONESIA-AUSTRALIAN RELATIONS TO THEIR LOWEST POINT EVER, AND THE AUSTRALIAN EMBASSY IN JAKARTA AND CONSULATES ELSEWHERE BECAME THE TARGET OF INDONESIAN NATIONALIST PROTESTS.

FOLLOWING AN EXCHANGE OF FIRE IN EAST TIMOR THAT KILLED AN INDONESIAN POLICEMAN, INDONESIA SUSPENDED A 1995 SECURITY TREATY THAT HAD COMMITTED THE TWO COUNTRIES TO "MUTUAL CONSULTATION" ON "MATTERS AFFECTING THEIR COMMON SECURITY," AND JOINT NAVY PATROLS IN THE OIL-RICH TIMOR SEA. AUSTRALIA'S CAREFULLY-CULTIVATED RELATIONSHIP WITH THE INDONESIAN ARMED FORCES, THAT HAD LED TO EXTENSIVE TRAINING PROGRAMS AND JOINT EXERCISES, ALSO APPEARED TO BE DESTROYED.

World Bank

IN ONE OF THE YEAR'S MORE DRAMATIC DEVELOPMENTS, THE INTERNATIONAL MONETARY FUND (IMF) AND WORLD BANK, TOGETHER WITH THE ASIAN DEVELOPMENT BANK AND JAPANESE GOVERNMENT, HELD UP \$1.4 BILLION IN LOAN DISBURSEMENTS FROM A \$43 BILLION RESCUE PACKAGE TO INDONESIA AS OF SEPTEMBER 30, AND RAISED THE POSSIBILITY OF PUTTING BILLIONS MORE ON HOLD. ALTHOUGH A CORRUPTION SCANDAL INVOLVING A MAJOR BANK, BANK BALI, WAS A KEY REASON, THE IMF AND THE BANK ALSO LINKED THE AID SUSPENSION TO THE VIOLENCE IN EAST TIMOR AND INDONESIA'S COMMITMENTS UNDER THE MAY 5, 1999, AGREEMENT BETWEEN INDONESIA AND PORTUGAL. THIS UNPRECEDENTED USE OF MULTILATERAL AND BILATERAL AID LEVERAGE WAS A MAJOR FACTOR IN CONVINCING JAKARTA TO AGREE TO AN INTERNATIONAL FORCE IN EAST TIMOR.

MALAYSIA

HUMAN RIGHTS IN MALAYSIA CONTINUED TO DETERIORATE IN 1999. GOVERNMENT AUTHORITIES RESPONDED TO THE GROWING ASSERTIVENESS OF SOME CITIZENS GROUPS AND TO A NEW OPPOSITION COALITION WITH A SERIES OF REPRESSIVE MEASURES. FORMER DEPUTY PRIME MINISTER ANWAR IBRAHIM'S CONVICTION FOR CORRUPTION AND HIS ONGOING SODOMY TRIAL DWARFED ALL OTHER NEWS. THE ANWAR TRIALS, THE ARREST OF SEVERAL ANWAR SUPPORTERS AND ASSOCIATES, AND REPEATED GOVERNMENT CRACKDOWNS ON PRO-ANWAR

rallies demonstrated the fragility of political rights in Malaysia. Arbitrary limitations on basic rights were also evident in restrictions on campus life, arrests of activists, and use of criminal contempt laws against lawyers and journalists who questioned the independence of the judiciary. Although the Malaysian economy began to rebound, providing hope for economically vulnerable populations, the government continued to implement restrictive laws on refugees and migrant workers. Detainees at immigration centers protested harsh conditions and extended periods of confinement. The passage of legislation to establish a Malaysian Human Rights Commission held out the promise of more government attention to human rights, but the legislation was severely flawed and drew strong criticism from local NGOs for its failure to establish a truly independent commission and to implement international standards.

Human Rights Developments

The trial of Anwar Ibrahim on corruption charges continued into 1999. In April, Anwar was convicted on four counts of corruption and sentenced to six years in prison.

In June the joint trial of Anwar and Sukma Dermanan, Anwar's adopted brother, began on charges that they had sodomized Azizah Abu Bakar, Anwar's wife's former driver. Sukma was also charged with aiding and abetting Anwar. Although the judge lifted a gag order that he had previously issued preventing anyone involved in the trial from making public statements about the case, he warned journalists about violating contempt laws after the trial began. On September 10, Anwar was hospitalized following allegations that he had been poisoned with arsenic while in prison and the trial was temporarily suspended. Anwar was released from the hospital on October 4, and the sodomy trial resumed the following day. According to the hospital, tests on Anwar's urine, hair, and nails did not reveal impermissible levels of arsenic.

The use of the Internal Security Act (ISA) to arrest Anwar and some of the witnesses, the beating of Anwar in custody, and the repeated interference by the prosecution with the defense all combined to put the fairness of the proceedings in doubt. In January the Inspector-General of Police Abdul Rahim Noor resigned following the Malaysian attorney general's acknowledgment that the police had beaten Anwar. The government then set up an independent commission to further investigate the matter. In April, Abdul Rahim Noor was charged with "attempting to cause grievous hurt." He pled not guilty to the charge.

The primary witnesses against Anwar have recanted their confessions, alleging that they were coerced physically and psychologically by the police. In February, Mior Abdul Razak, who had been arrested in September 1998 and held for 107 days for alleged sexual offenses with Anwar, lodged a statutory declaration stating that the police had pressured him to confess and that he was never sodomized by Anwar. In April, perjury charges were brought against Mior Abdul Razak for his statement and were pending at the time of this writing. During Anwar's corruption trial in March, Azizah testified that "threats of the police...had been very brutal and forced me to make confessions implicating Anwar Ibrahim, without any basis." Perjury charges were then brought against Azizah for giving false evidence; these charges were dismissed in July.

Sukma and Dr. Munawar Anees, a Pakistani scholar and colleague of Anwar's, both pled guilty in September 1998 to being sodomized by Anwar; in 1999, both unsuccessfully appealed their convictions on the grounds that their confessions had been coerced. Sukma filed an affidavit to this effect and was consequently charged in April with perjury and two additional sexual offenses. Despite Sukma's testimony at the sodomy trial of physical and psychological abuse by the police, the court found his confession voluntary and allowed it to be introduced as evidence.

Subsequent to Anwar's arrest in September 1998, the Malaysian government repeatedly broke up peaceful opposition demonstrations and public meetings. Rallies in support of the "reformasi" (reform) movement and demonstrations protesting Anwar's detention and conviction were followed by mass arrests. Demonstrators were brought to trial under charges of violating the Police Act (illegal assembly), the Penal Code (rioting), or both. After lengthy legal proceedings, many protestors saw the charges against them dismissed; others were sentenced to imprisonment and a fine. Of more than 300 people arrested in October 1998, twenty-seven were found guilty after trials in February and March; the others were all acquitted. Other trials were still ongoing at the time of this writing.

On September 19 the largest protest since Anwar's arrest erupted over allegations that Anwar had been poisoned in prison. Approximately ten thousand people gathered at the National Mosque to demand that an independent investigatory commission be appointed. Police arrested activists and opposition figures, including Sivarasa Rasiah, one of the most

PROMINENT HUMAN RIGHTS LAWYERS IN MALAYSIA AND A FOUNDER OF THE NGO SUARA RAKYAT MALAYSIA (VOICE OF THE MALAYSIAN PEOPLE) (SUARAM), AND TIAN CHUA, VICE-PRESIDENT OF THE NATIONAL JUSTICE PARTY (PARTI Keadilan Nasional). This was the fourth time that Tian Chua had been arrested since September 1999 in connection with public demonstrations: Chua said that he was beaten by police while in custody in September 1999, April 1999, and September 1999. Others arrested following the September 19 demonstration included activist Hishamuddin Rais; Azmin Ali, Anwar's former private secretary; and Mohamad Ezam Nor, Anwar's former political secretary. Although some protestors reportedly had thrown stones and flower pots when the police moved in to drive back the crowd, there were no reports linking those arrested to the violence. Sivarasa, Chua, and at least twenty-seven others were subsequently charged with unlawful assembly or disobeying an order to disperse and were released on bail. If convicted, they face a fine and up to a year in prison.

STUDENTS FACED additional constraints from the Malaysian Universities and University College Act (UUCA) which forbids students from participating in any political organization or trade union, on campus or off. The law also restricts the participation of university staff in political activity. Following Anwar's arrest, a growing number of students were detained in reformasi demonstrations, and Education Minister Datuk Seri Najib Tun Razak threatened sanctions under the act, including fines, suspension, and expulsion. Educational institutions began issuing "show cause" letters, and students and teachers who were arrested faced disciplinary action. In April following demonstrations protesting Anwar's conviction, thirty-six students, teachers, and lecturers were arrested and subsequently faced disciplinary action. The Education Minister announced in May that two students, one from St. John's Institute and one from the Institut Teknologi Mara, had been expelled for participating in the rallies.

IN JUNE THE UNIVERSITI MALAYA, UNDER THE ORDERS OF "HIGH OFFICIALS," CANCELED A POLITICAL DEBATE ORGANIZED BY THE ISLAMIC STUDENTS SOCIETY. THE DEBATE WAS TO BE ENTITLED, "IS STUDENT POLITICKING RELEVANT?" AND WOULD HAVE INCLUDED SPEAKERS FROM OPPOSITION PARTIES. THE UNITED MALAYS NATIONAL ORGANIZATION (UMNO) YOUTH STUDENTS AND TRAINING COUNCIL CHIEF ZEIN ISMA PRAISED THE CANCELLATION, SAYING THAT THE DEBATE WAS FORBIDDEN UNDER THE UUCA AND WAS DESIGNED TO INSTIGATE HATRED AGAINST UMNO, THE RULING PARTY.

ILLEGAL ASSEMBLY LAWS WERE ALSO USED IN OTHER CONTEXTS TO PUNISH WELL-KNOWN ACTIVISTS EXERCISING THEIR RIGHT TO FREEDOM OF ASSEMBLY. IN JULY IRENE FERNANDEZ, HEAD OF THE KUALA LUMPUR-BASED ADVOCACY ORGANIZATION TENAGANITA (WOMEN'S FORCE); MOHAMAD NASIR, PRESIDENT OF THE MALAYSIAN SOCIALIST PARTY (PARTI Sosialis Malaysia) AND FOUR OTHERS WERE CHARGED WITH UNLAWFUL ASSEMBLY FOR THEIR PARTICIPATION IN A PEACEFUL GATHERING ON JUNE 28 AT KAMPUNG SUNGAI NIPAH. THE ACTIVISTS AND COMMUNITY MEMBERS WERE PROTESTING THE DEMOLITION OF THE URBAN SETTLEMENT AS WELL AS THE AUTHORITIES' FAILURE TO PROVIDE ALTERNATIVE HOUSING TO EIGHTY FAMILIES WHOSE HOMES WERE SCHEDULED FOR DEMOLITION. MANY OF THE FAMILIES HAD LIVED THERE FOR DECADES, AND THE PROTESTERS WERE AWAITING A STAY ORDER ON THE DEMOLITION FROM THE COURT OF APPEAL. POLICE REPORTEDLY SPRAYED MACE AND TEAR GAS AT SOME ONE HUNDRED MEN, WOMEN, AND CHILDREN WHO HAD FORMED A HUMAN BARRICADE AROUND THE SETTLEMENT, AND THEN USED WATER CANNON AND PHYSICAL FORCE TO DISPERSE THE CROWD. MORE THAN FIFTY PEOPLE WERE REPORTEDLY ARRESTED, WITH THE MAJORITY RELEASED SOON AFTER. ALTHOUGH OVER FOUR HUNDRED PEOPLE PARTICIPATED IN THE DEMONSTRATION, FIVE OF THE SIX PERSONS CHARGED WERE ACTIVISTS, SUGGESTING THAT THE LAW WAS BEING SELECTIVELY APPLIED.

THE MALAYSIAN GOVERNMENT CONTINUED TO USE ARBITRARY REGULATORY DECREES, BROADLY WORDED LEGISLATION, AND LENGTHY, EXPENSIVE COURT PROCEEDINGS TO PUNISH ITS CRITICS AND CONTROL FREE SPEECH. IN PREPARATION FOR THE UPCOMING GENERAL ELECTIONS, THE INFORMATION MINISTRY ANNOUNCED IN JULY THAT MALAYSIAN OPPOSITION PARTIES WOULD NOT BE ALLOWED TO APPEAR ON STATE-RUN TELEVISION STATIONS. AT THE SAME TIME, THE ENTREPRENEUR DEVELOPMENT MINISTER, WHO CONTROLS TAXI LICENSES, TOLD PARLIAMENT THAT TAXI DRIVERS WHO CRITICIZE THE GOVERNMENT, PLAY TAPE-RECORDINGS OF ANTI-GOVERNMENT SPEECHES, OR DISPLAY PICTURES OF OPPOSITION LEADERS IN THEIR VEHICLES COULD HAVE THEIR LICENSES REVOKED. IN SEPTEMBER DEPUTY CHIEF MINISTER DATUK SERI MOHAMAD SHARIFF OMAR STATED THAT MOSQUE OFFICIALS WHO ALLOWED OPPOSITION PARTIES TO HOLD ANTI-GOVERNMENT "CERAMAH" (POLITICAL FORUMS) IN THEIR MOSQUES WOULD BE REMOVED. CERTAIN MOSQUE OFFICIALS WHO CRITICIZED THE GOVERNMENT IN THEIR SERMONS REPORTEDLY WERE REMOVED.

THE TRIAL OF IRENE FERNANDEZ ENTERED ITS FOURTH YEAR, WITH FERNANDEZ FACING THE POSSIBILITY OF THREE YEARS OF IMPRISONMENT ON CHARGES OF MALICIOUS PUBLISHING. IN JULY 1995, FERNANDEZ HAD PUBLISHED A SHORT MEMORANDUM ON ABUSES IN IMMIGRATION DETENTION CENTERS BASED ON OVER 300 INTERVIEWS WITH FORMER DETAINEES. THE GOVERNMENT MAINTAINS THAT THE REPORT WAS INACCURATE.

ON AUGUST 26, FORMER SECRETARY GENERAL OF THE DEMOCRATIC ACTION PARTY (DAP) LIM GUAN ENG WAS RELEASED AFTER SERVING ONE YEAR OF HIS EIGHTEEN-MONTH SENTENCE FOR SEDITION AND MALICIOUS PUBLISHING OF FALSE NEWS. IN 1995 HE HAD ACCUSED THE ATTORNEY GENERAL OF MISHANDLING A CASE OF ALLEGED STATUTORY RAPE OF A SCHOOLGIRL BY THE CHIEF MINISTER OF MALACCA. BECAUSE OF HIS CONVICTION, GUAN ENG WAS DISQUALIFIED FROM BEING A MEMBER OF PARLIAMENT OR HOLDING ELECTIVE OFFICE, WAS PROHIBITED FROM HOLDING ANY POSITION IN A POLITICAL PARTY FOR FIVE YEARS, AND WAS BARRED FROM PURSUING HIS PROFESSION AS AN ACCOUNTANT.

IN APRIL THE INTERNATIONAL COURT OF JUSTICE HELD THAT THE MALAYSIAN COURTS MUST PROVIDE DATO' PARAM CUMARASWAMY, THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE INDEPENDENCE OF JUDGES AND LAWYERS, WITH IMMUNITY IN DEFAMATION SUITS BROUGHT BY TWO CORPORATIONS. THE SUITS WERE BASED ON A 1995 ARTICLE IN THE LONDON-BASED *INTERNATIONAL COMMERCIAL LITIGATION* IN WHICH CUMARASWAMY WAS QUOTED AS SAYING HE WOULD BE LOOKING INTO ALLEGATIONS OF CORPORATE INTERFERENCE IN THE MALAYSIAN JUDICIARY. ACCORDING TO THE WORLD COURT, CUMARASWAMY MADE THE ALLEGATIONS IN HIS CAPACITY AS SPECIAL RAPPORTEUR AND, THEREFORE, WAS CLEARLY ENTITLED TO IMMUNITY UNDER THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS. THE COURT FOUND THAT THE MALAYSIAN GOVERNMENT HAD VIOLATED ITS OBLIGATIONS UNDER THE CONVENTION WHEN IT FAILED TO INFORM THE MALAYSIAN COURTS OF THE U.N. SECRETARY-GENERAL'S FINDING THAT CUMARASWAMY WAS IMMUNE, AND DIRECTED THE GOVERNMENT TO COMMUNICATE THE COURT'S OPINION TO THE MALAYSIAN COURTS. ALTHOUGH PRIME MINISTER MAHATHIR STATED IN MARCH THAT HE HAD ACCEPTED THE COURT'S DECISION, IN OCTOBER THE MALAYSIAN HIGH COURT DENIED CUMARASWAMY'S MOTION TO DISMISS AND ASSESSED HIM COSTS, STATING THAT THE WORLD COURT'S DECISION WAS NOT A FINAL AND BINDING AUTHORITY. ACCORDING TO THE MALAYSIAN COURT, CUMARASWAMY IS NOT ABSOLUTELY IMMUNE, AND WHETHER HE IS ENTITLED TO ANY IMMUNITY SHOULD BE DECIDED AT TRIAL.

THE CASES BROUGHT AGAINST CUMARASWAMY WERE AMONG A SPATE OF LIBEL AND CRIMINAL CONTEMPT ACTIONS BROUGHT AGAINST LAWYERS WHO QUESTIONED THE INDEPENDENCE AND INTEGRITY OF THE MALAYSIAN JUDICIARY. OTHER TARGETS HAVE INCLUDED ZAINUR ZAKARIA, AN ATTORNEY FOR ANWAR WHO HAD FILED AN AFFIDAVIT ACCUSING THE PROSECUTION OF ATTEMPTING TO TAMPER WITH EVIDENCE, AND TOMMY THOMAS, AN ATTORNEY WHO HAD PUBLICLY CRITICIZED THE JUDICIARY AND WHO WAS THE TARGET OF SEVERAL LIBEL SUITS FOR COMMENTS ATTRIBUTED TO HIM IN THE SAME 1995 ARTICLE THAT LED TO THE SUITS AGAINST CUMARASWAMY. IN SEPARATE PROCEEDINGS IN NOVEMBER AND DECEMBER 1998, RESPECTIVELY, ZAKARIA AND THOMAS WERE CONVICTED OF CONTEMPT OF COURT UNDER A LOOSELY WORDED LAW THAT GIVES A PRESIDING JUDGE BROAD DISCRETION TO SANCTION ATTORNEYS AND OTHER PARTIES FOR STATEMENTS THEY MAKE IN CONNECTION WITH PENDING CASES. AT THE TIME OF THIS WRITING, ALTHOUGH THEIR CASES WERE ON APPEAL, BOTH WERE STILL FACING JAIL TIME.

THE IMPRISONMENT OF CANADIAN JOURNALIST MURRAY HIEBERT FOR CONTEMPT IN SEPTEMBER ATTRACTED INTERNATIONAL ATTENTION. IN 1997 HIEBERT HAD PUBLISHED AN ARTICLE DETAILING A CIVIL SUIT BROUGHT BY THE WIFE OF AN APPEAL COURT JUDGE AND NOTED ITS UNUSUALLY RAPID PROGRESS THROUGH THE JUDICIAL SYSTEM. AFTER A TWO-YEAR APPEAL OF HIS CONTEMPT CONVICTION DURING WHICH HIS PASSPORT WAS IMPOUNDED AND HE WAS UNABLE TO LEAVE THE COUNTRY, HIS SENTENCE WAS REDUCED FROM THREE MONTHS TO SIX WEEKS. HE DECIDED TO SERVE THE SENTENCE AND WAS RELEASED AFTER FOUR WEEKS FOR GOOD BEHAVIOR. LOCAL OPPOSITION LEADERS AND NGOs, INCLUDING SUARAM, CRITICIZED THE VERDICT AS A FURTHER ATTACK ON FREEDOM OF EXPRESSION IN MALAYSIA.

EXTENDED DETENTION OF UNDOCUMENTED IMMIGRANTS CONTINUED TO SPARK PROTESTS BY DETAINEES. ON JULY 27, DETAINEES AT THE LENGGENG DETENTION CENTER DEMONSTRATED AGAINST A THREE-DAY WATER CUT AND NUMEROUS HEALTH ISSUES, AND ALMOST TWO HUNDRED DETAINEES ESCAPED. ON SEPTEMBER 19, MORE THAN FOUR HUNDRED INDONESIAN DETAINEES AT THE LANGKAP DETENTION CENTER PROTESTED THEIR LENGTHY DETENTION.

ACCORDING TO MENTERI BESAR TAN SRI MOHAMAD ISA ABDUL SAMAD, 1,998 UNDOCUMENTED IMMIGRANTS WERE DETAINED AND DEPORTED FROM JANUARY TO AUGUST 20. ON SEPTEMBER 3 FOREIGN MINISTER DATUK SERI SYED HAMID ALBAR STATED, "WE DO NOT RECOGNIZE THE STATUS OF REFUGEES. . . . [W]E ONLY ALLOW FOREIGNERS TO STAY ON A TEMPORARY BASIS AFTER WHICH THEY HAVE TO GO BACK." ALTHOUGH MALAYSIA IS NOT A PARTY TO THE 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES, IT IS BOUND BOTH BY THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WHICH PROVIDES REFUGEES THE RIGHT TO SEEK AND ENJOY ASYLUM FROM PERSECUTION AND BY CUSTOMARY INTERNATIONAL LAW WHICH PROHIBITS GOVERNMENTS FROM RETURNING REFUGEES TO COUNTRIES WHERE THEIR LIFE OR FREEDOM WOULD BE THREATENED.

IN JULY PARLIAMENT PASSED A BILL TO ESTABLISH A MALAYSIAN HUMAN RIGHTS COMMISSION. UNDER THE BILL, THE COMMISSION WOULD ADVISE THE GOVERNMENT ON HUMAN RIGHTS ISSUES AND HAVE LIMITED POWER TO INVESTIGATE ALLEGATIONS OF INFRINGEMENTS ON HUMAN RIGHTS WITH SOME IMMUNITY FROM DEFAMATION ACTIONS. LOCAL NGOs OBJECTED TO THE COMMISSION'S JURISDICTION BEING RESTRICTED TO RIGHTS EMBODIED IN THE MALAYSIAN CONSTITUTION, WHICH HAS BEEN DEEMED COMPATIBLE WITH MALAYSIAN LAWS INCLUDING

the ISA, the Official Secrets Act, and other broadly worded laws which violate internationally established human rights. In addition, NGOs maintained that under the bill the commission would lack adequate resources and sufficient independence from the government.

Defending Human Rights

Malaysia's human rights groups continued monitoring and advocacy on a variety of issues. SUARAM responded quickly to arrests of Reformasi protestors, including those following the September 19 demonstration. Tenaganita continued to monitor immigrants in detention. The Malaysian Bar Council expressed concern about judicial independence, with its president raising the issue before the Commonwealth Law Conference in September. Local NGOs closely monitored legislation to establish a National Human Rights Commission, and thirty-four organizations and two political parties submitted a memorandum to the Ministry of Foreign Affairs raising the concerns about the bill noted above. In July Hakam, Era Consumer, and SUARAM held a forum on the commission and produced a statement critiquing the legislation and proposing amendments. The bill was later passed as drafted.

As documented by the Anwar proceedings, the four-year old case against Irene Fernandez, and the arrests of Sivarasa Rasiah and Tian Chua, Malaysian activists continued to pay a high price for their commitment to human rights.

The Role of the International Community

North America

The U.S. State Department on April 14 expressed great concern about Anwar's conviction and noted serious questions about the basic fairness of the judicial proceedings. The U.S. urged that Anwar be released on bail pending appeal. Both U.S. President Bill Clinton and Canadian Foreign Minister Lloyd Axworthy condemned Murray Hiebert's imprisonment.

Asia

Japanese Prime Minister Keizo Obuchi met with Prime Minister Mahathir during his seven-day visit to Japan which began on May 29. Obuchi urged due process in Anwar's trial, but did not protest the April verdict or sentence. The Japanese Foreign Ministry was concerned, however, about Anwar's mistreatment in custody and about long-term stability in Malaysia if unrest continued. Australian Minister for Foreign Affairs Alexander Downer also expressed concern about Anwar's conviction and the hope that issues concerning the trial's conduct and possible judicial bias in favor of the prosecution would be addressed on appeal.

European Union

In an urgent resolution in June, the European Parliament called on the Malaysian government to stop politically motivated crackdowns on supporters of the reform movement, opposition parties, and NGO activists; to stop the excessive use of force by police and to bring to justice those responsible for abuse; to revise the laws criminalizing homosexual acts between consenting adults; and to abolish or amend the ISA.

World Bank

In September World Bank President James Wolfensohn, who had issued a public statement protesting Anwar's arrest in September 1999, reiterated his concern about Anwar's detention. In May 1999, the Malaysian government officially informed the bank that it would confine its borrowing to the \$704 million that had already been approved and that it was not interested in participating in any other loan programs or technical studies with the bank.

PAKISTAN

AS 1999 DREW TO A CLOSE, THE GOVERNMENT OF PRIME MINISTER NAWAZ SHARIF CONFRONTED MOUNTING SECTARIAN VIOLENCE, A UNIFIED OPPOSITION DEMANDING NEW ELECTIONS, AND ESCALATING TENSION WITH THE MILITARY. THAT TENSION, CULMINATING IN SHARIF'S DISMISSAL OF ARMY CHIEF GENERAL PERVEZ MUSHARRAF, ULTIMATELY LED TO THE COUNTRY'S FOURTH MILITARY COUP ON OCTOBER 12.

BY SUPPRESSING OPPOSITION-LED DEMONSTRATIONS AND STRIKES, CURTAILING CIVIL LIBERTIES THROUGH REPRESSIVE ORDINANCES, AND PERSECUTING INDEPENDENT NGOs AND JOURNALISTS, SHARIF'S ADMINISTRATION LEFT CIVIL SOCIETY BATTERED. MEANWHILE, SHARIF ALIENATED IMPORTANT ELEMENTS IN THE ARMY WITH HIS ABRUPT WITHDRAWAL OF SUPPORT IN JULY FOR MUSLIM MILITANTS WHO HAD OCCUPIED STRATEGIC PEAKS OVERLOOKING KARGIL, IN THE INDIAN-HELD PORTION OF KASHMIR. THE SUBSEQUENT RETREAT OF THE MILITANTS, WHO HAD SEIZED THEIR POSITIONS WITH THE BACKING OF THE PAKISTANI MILITARY, REDUCED THE DANGER OF PAKISTAN'S DIPLOMATIC ISOLATION BUT ENGENDERED WIDESPREAD DOMESTIC CONDEMNATION AND PROVED TO BE THE FINAL CATALYST IN PROMPTING A MILITARY TAKEOVER.

Human Rights Developments

THE MOST DRAMATIC DEVELOPMENT DURING THE YEAR WAS THE BLOODLESS COUP ON OCTOBER 12. PRIME MINISTER SHARIF DISMISSED GENERAL PERVEZ MUSHARRAF AS ARMY CHIEF, THEN TRIED TO PREVENT THE GENERAL'S PLANE, EN ROUTE FROM SRI LANKA, FROM LANDING IN KARACHI. WITHIN HOURS, THE MILITARY LAUNCHED ITS COUNTERATTACK, AND BY THE END OF THE DAY, SHARIF WAS UNDER ARREST AND THE ENTIRE CABINET WAS UNDER GUARD.

WITHIN DAYS OF THE MILITARY TAKEOVER, THE GENERAL SUSPENDED THE CONSTITUTION, ABOLISHED THE NATIONAL ASSEMBLY AND ALL PROVINCIAL LEGISLATURES, ANNOUNCED THE FORMATION OF A SIX-MEMBER NATIONAL SECURITY COUNCIL TO GIVE "GUIDANCE" TO THE CABINET OF MINISTERS, AND BANNED THE SUPREME COURT FROM CHALLENGING HIS AUTHORITY. THE GENERAL ALSO PROMISED TO UPHOLD FREEDOM OF THE PRESS AND RELIGIOUS TOLERANCE, TO EXERCISE NUCLEAR RESTRAINT, WITHDRAW SOME MILITARY FORCES FROM THE INDIAN BORDER, AND TO REVIVE THE COUNTRY'S BATTERED ECONOMY WHILE ATTACKING HIGH-LEVEL CORRUPTION. HE SAID HIS WAS AN INTERIM GOVERNMENT BUT GAVE NO TIMETABLE FOR NEW ELECTIONS. REACTION TO THE COUP WITHIN THE COUNTRY WAS GENERALLY FAVORABLE.

THE OCTOBER COUP CAPPED A YEAR OF INCREASING DISCONTENT WITH THE SHARIF ADMINISTRATION STEMMING FROM ITS CRACKDOWN ON OPPOSITION POLITICAL ACTIVITY AND INCREASING ENCRoACHMENTS ON CIVIL LIBERTIES, WITH THE COURTS PROVIDING ONLY OCCASIONAL RELIEF. LEADERS OF PAKISTAN'S NORMALLY FRACTIOUS OPPOSITION ANNOUNCED ON SEPTEMBER 14 THE FORMATION OF THE GRAND DEMOCRATIC ALLIANCE (GDA), GROUPING TOGETHER NINETEEN POLITICAL PARTIES WITH THE AVOWED AIM OF DISLodGING SHARIF'S GOVERNMENT. THE GOVERNMENT RESPONDED WITH OVERT ATTEMPTS TO SUPPRESS OPPOSITION POLITICAL ACTIVITY. A GDA CALL FOR A PROTEST RALLY IN KARACHI LED TO THE ARREST FROM SEPTEMBER 24 TO 26 OF MORE THAN 1,000 OPPOSITION ACTIVISTS THROUGHOUT THE CITY, INCLUDING MUCH OF THE LEADERSHIP OF THE PAKISTAN'S PEOPLE'S PARTY, AS WELL AS SENIOR LEADERS OF THE MUTTAHIDA QAUMI MOVEMENT (MQM), THE AWAMI NATIONAL PARTY, AND THE PAKISTAN TEHRİK-E-INSAAF PARTY. MOST WERE RELEASED ON BAIL ON SEPTEMBER 28, ALTHOUGH MAGISTRATES REJECTED THE BAIL APPLICATIONS OF SOME SENIOR FIGURES, INCLUDING SENATORS NASREEN JALIL AND AFTAB SHEIKH OF THE MQM.

ON FEBRUARY 17, IN A LANDMARK RULING, THE SUPREME COURT DECLARED THAT THE MILITARY COURTS SET UP BY THE FEDERAL GOVERNMENT IN LATE 1998 TO TRY CIVILIANS FOR POLITICAL, SECTARIAN AND ETHNIC VIOLENCE WERE UNCONSTITUTIONAL, AND ORDERED THAT CASES PENDING IN MILITARY COURTS BE TRANSFERRED TO ANTI-TERRORISM COURTS OR OTHER COURTS ESTABLISHED WITHIN THE LAW. THE FEDERAL GOVERNMENT RESPONDED BY AMENDING THE 1997 ANTI-TERRORISM ACT SO AS TO GIVE ANTI-TERRORISM COURTS JURISDICTION OVER THE SAME CATEGORIES OF OFFENSES AS THE MILITARY COURTS. IN THE AMENDED ACT, THE DEFINITION OF TERRORISM WAS EXTENDED TO INCLUDE "ACTS OF CIVIL COMMOTION," A TERM THAT INCLUDED THE "COMMENCEMENT OR CONTINUATION OF ILLEGAL STRIKES" AS WELL AS "DISTRIBUTING, PUBLISHING OR PASTING OF A HANDBILL OR MAKING GRAFFITI OR WALL-CHALKING INTENDED TO CREATE UNREST OR FEAR."

SEVEN ANTI-TERRORISM COURTS WERE ESTABLISHED IN KARACHI IN EARLY MAY. ONE CASE WAS TRIED IN APPARENT VIOLATION OF PAKISTAN'S CONSTITUTIONAL GUARANTEE AGAINST DOUBLE JEOPARDY. MOHAMMAD SALEEM HAD BEEN ACQUITTED BY A MILITARY APPELLATE COURT ON JANUARY 6 OF INVOLVEMENT IN THE MURDER OF THREE POLICE OFFICERS, AFTER THE COURT FAILED TO ESTABLISH A MOTIVE OR FIND SUBSTANTIAL EVIDENCE LINKING HIM TO THE CRIME. HOWEVER, POLICE AGAIN ARRESTED SALEEM ON MAY 13 AND BROUGHT HIM BEFORE AN ANTI-TERRORISM COURT TO FACE A SECOND TRIAL ON THE SAME CHARGES. ON JUNE 11, SALEEM WAS CONVICTED AND SENTENCED TO DEATH. THE COURT REJECTED SALEEM'S CONTENTION THAT HE WAS BELOW THE AGE OF SIXTEEN—WHICH UNDER SINDH PROVINCIAL LAW WOULD HAVE PRECLUDED CAPITAL PUNISHMENT—AFTER A COURT-ORDERED MEDICAL EXAMINATION FOUND HIM TO BE BETWEEN THE AGES OF TWENTY AND TWENTY-ONE.

THE GOVERNMENT REPEATEDLY FAILED TO UPHOLD THE CIVIL LIBERTIES OF WOMEN OR TO PUNISH "HONOR KILLINGS." IN ONE PARTICULARLY EGREGIOUS CASE, SAMIA SARWAR WAS SHOT AND KILLED IN THE LAHORE OFFICE OF THE AGHS LEGAL AID CELL ON APRIL 6 BY A GUNMAN WHO HAD APPARENTLY BEEN HIRED BY HER FAMILY. A RESIDENT OF PESHAWAR IN THE NORTH-WEST FRONTIER PROVINCE (NWFP) AND THE DAUGHTER OF GHULAM SARWAR KHAN MOHMAND, PRESIDENT OF A LOCAL CHAMBER OF COMMERCE AND INDUSTRY, SARWAR HAD TRAVELED TO LAHORE THE PREVIOUS MONTH TO OBTAIN A DIVORCE, OVER HER PARENTS' OBJECTIONS. ALTHOUGH THE FIRST INFORMATION REPORT (FIR) INCLUDED THEM IN THE LIST OF THE ACCUSED, NEITHER SARWAR'S FATHER, MOTHER, OR UNCLE WAS ARRESTED. AND DESPITE STRONG AND CREDIBLE EVIDENCE LINKING THEM TO THE MURDER, THE INVESTIGATION REPORT SUBMITTED BY THE POLICE CONCLUDED THAT THERE WAS NO EVIDENCE OF INVOLVEMENT BY SARWAR'S FAMILY.

ON AUGUST 3, THE PAKISTANI SENATE VOTED TO BLOCK DEBATE OVER A DRAFT RESOLUTION CONDEMNING INCIDENTS OF VIOLENCE AGAINST WOMEN. ONLY FOUR MEMBERS OF THE SENATE VOTED IN FAVOR OF DISCUSSING THE DRAFT, ITSELF A SUBSTANTIAL DILUTION OF AN EARLIER TEXT THAT SPECIFICALLY CONDEMNED SARWAR'S MURDER.

THE GOVERNMENT'S INTIMIDATION OF THE NEWS MEDIA EMERGED AS AN ISSUE OF INTERNATIONAL CONCERN, AS AUTHORITIES TARGETED A LEADING INDEPENDENT NEWSPAPER GROUP AND SEVERAL JOURNALISTS WHO HAD COLLABORATED WITH A BBC TEAM PRODUCING A DOCUMENTARY ABOUT GOVERNMENT CORRUPTION IN PAKISTAN.

NAJAM SETHI, EDITOR OF THE *Friday Times*, WAS ARRESTED AT HIS HOME IN LAHORE ON MAY 9 AND HELD WITHOUT CHARGE FOR NEARLY A MONTH BY INTER-SERVICES INTELLIGENCE (ISI), A MILITARY INTELLIGENCE AGENCY. GOVERNMENT OFFICIALS STATED THAT SETHI WAS BEING HELD IN CONNECTION WITH A SPEECH HE HAD DELIVERED IN NEW DELHI IN APRIL. THE *Friday Times* CLAIMED THE REAL REASON FOR HIS ARREST WAS A SERIES OF EDITORIALS HE HAD WRITTEN ABOUT LOAN DEFAULTS BY SENIOR GOVERNMENT OFFICIALS AND AN INTERVIEW THAT HE GAVE THE BBC TEAM. THE LAHORE HIGH COURT DISMISSED A HABEAS CORPUS PETITION FILED BY SETHI'S WIFE, JUGNOO MOHSIN, RULING THAT IT DID NOT HAVE THE JURISDICTION TO "INTERFERE IN THE AFFAIRS OF THE ARMED FORCES."

THE GOVERNMENT FINALLY CHARGED SETHI ON JUNE 1 WITH SEDITION, PROMOTING COMMUNAL ENMITY, CONDEMNING THE CREATION OF PAKISTAN AND ADVOCATING THE ABOLITION OF ITS SOVEREIGNTY, AND VIOLATING THE PREVENTION OF ANTI-NATIONAL ACTIVITIES ACT. THE CHARGES WERE WITHDRAWN A DAY LATER, AFTER THE GOVERNMENT FAILED TO PRODUCE EVIDENCE BEFORE THE SUPREME COURT JUSTIFYING SETHI'S DETENTION AND FOLLOWING CONDEMNATION OF SETHI'S DETENTION BY THE INTERNATIONAL COMMUNITY. ALTHOUGH SETHI WAS RELEASED ON JUNE 2, AUTHORITIES SUBSEQUENTLY SEIZED HIS PASSPORT AND HIS WIFE'S BANK ACCOUNTS. ON JUNE 24, ZAFAR ALI SHAH, THE PARLIAMENTARY SECRETARY FOR PARLIAMENTARY AFFAIRS, FILED A PETITION WITH THE CHIEF ELECTION COMMISSIONER SEEKING AN INQUIRY INTO SETHI'S RELIGIOUS STATUS. SHAH SUGGESTED THAT IF SETHI WERE FOUND TO BE A NON-MUSLIM, HE SHOULD LOSE HIS RIGHT TO VOTE.

TWO OTHER JOURNALISTS WHO HAD COOPERATED WITH THE BBC TEAM WERE ALSO SUBJECTED TO OFFICIAL HARASSMENT AND INTIMIDATION. IN APRIL, M.A.K. LODHI, A JOURNALIST WITH THE *News International* WAS BRIEFLY ARRESTED AND QUESTIONED ABOUT THE NATURE AND EXTENT OF HIS COLLABORATION WITH THE BBC TEAM. ON MAY 4, HUSSAIN HAQQANI, AN OPPOSITION LEADER AND COLUMNIST FOR THE *Friday Times* AND THE URDU-LANGUAGE DAILY *Jang*, WAS ARRESTED BY PAKISTAN'S FEDERAL INVESTIGATION AGENCY UNDER A TWO-YEAR OLD CORRUPTION CHARGE ON WHICH HE HAD ALREADY BEEN EXONERATED. HOWEVER, HIS DETENTION WAS ALSO SUSPECTED TO HAVE BEEN RELATED TO INTERVIEWS HE GAVE TO THE BBC. HE WAS FINALLY RELEASED ON JULY 25, AFTER ALLEGEDLY BEING BRUTALLY TORTURED AND INTERROGATED.

DURING LATE 1998 AND EARLY 1999, THE GOVERNMENT PERSISTENTLY TRIED TO PREVENT THE JANG GROUP OF NEWSPAPERS FROM PUBLISHING. THE KARACHI-BASED GROUP INCLUDES *Jang*, PAKISTAN'S LARGEST CIRCULATION URDU NEWSPAPER, AND THE *News International*, THE COUNTRY'S SECOND-LARGEST ENGLISH-LANGUAGE NEWSPAPER. THE FEDERAL INVESTIGATION AGENCY RAIDED *Jang*'S RAWALPINDI BUREAU IN MID-DECEMBER 1998, THE DAY AFTER *Jang* PUBLISHED A STORY ON A FINANCIAL SCANDAL INVOLVING THE HTEFAQ GROUP OF COMPANIES OWNED BY PRIME MINISTER SHARIF'S FAMILY. PRIOR TO THE DECEMBER RAID, THE GOVERNMENT HAD FROZEN THE JANG GROUP'S BANK ACCOUNTS, PLACED DEADLINES UPON IT TO PAY LARGE TAXES, CEASED GOVERNMENT ADVERTISING, AND WITHHELD SUPPLIES OF GOVERNMENT-REGULATED NEWSPRINT. THE GOVERNMENT'S HARASSMENT OF JANG CONTINUED INTO EARLY FEBRUARY.

REPORTS OF TORTURE AND ILL-TREATMENT IN PRISONS CONTINUED TO SURFACE, INCLUDING A CASE OF SEXUAL ABUSE OF A JUVENILE THAT HIGHLIGHTED THE LACK OF IMPARTIAL GRIEVANCE MECHANISMS FOR PRISONERS. ON APRIL 11, A RIOT BROKE OUT IN THE JUVENILE WARD OF SAHIWAL CENTRAL PRISON IN PUNJAB, AFTER PRISON STAFF MEMBERS BEAT A THIRTEEN-YEAR-OLD INMATE FOR COMPLAINING OF SEXUAL ABUSE BY THE HEAD WARDER. SEVERAL OF THE JUVENILE PRISONERS BROKE THE WALL OF THEIR PRISON CELL AND SET FIRE TO GALLOWS AND PRISON FURNITURE. THE RIOT WAS EVENTUALLY SUPPRESSED BY THE FRONTIER CONSTABULARY, RESULTING IN INJURIES TO NEARLY TWENTY CHILDREN. A FEW DAYS EARLIER, THE PUNJAB PRISONS DEPARTMENT HAD AUTHORIZED A LOCAL LEGAL-AID LAWYER WHO HAD

BEEN INFORMED OF THE SEXUAL ABUSE, TO VISIT THE PRISON. HOWEVER, THE PRISON SUPERINTENDENT SUBSEQUENTLY PREVENTED THE LAWYER FROM MEETING ANY OF THE JUVENILES. IN THE IMMEDIATE AFTERMATH OF THE UPRISING, THE PROVINCIAL PRISON DEPARTMENT SUSPENDED THE PRISON'S ASSISTANT SUPERINTENDENT AND TWO OF THE WARDERS. CRIMINAL CASES WERE ALSO REGISTERED AGAINST TEN OF THE BOYS FOR RIOTING AND DAMAGING PRISON PROPERTY.

SECTARIAN VIOLENCE ESCALATED IN SCALE AND GEOGRAPHIC SCOPE, AS SHI'A MUSLIM LEADERS AND COMMUNITIES CAME UNDER ATTACK NOT ONLY IN PUNJAB, WHERE THE ATTACKS HAD PREVIOUSLY BEEN CONCENTRATED, BUT ALSO IN KARACHI. IN THE IMMEDIATE AFTERMATH OF AN ATTACK ON OCTOBER 1 AT A MOSQUE IN KARACHI THAT LEFT NINE WORSHIPERS DEAD, POLICE DETAINED MAULANA AZAM TARIQ, HEAD OF THE EXTREMIST SUNNI MUSLIM PARTY SIPAH-I-SAHABA PAKISTAN. THEY ALSO ARRESTED ABOUT TWO DOZEN LOCAL LEADERS AND ACTIVISTS OF VARIOUS RELIGIOUS PARTIES IN HYDERABAD.

Defending Human Rights

THE PUNJAB PROVINCIAL GOVERNMENT SHUT DOWN NEARLY 2,000 NGOS, IMPOSED RESTRICTIONS ON THE REGISTRATION OF NEW GROUPS, AND BEGAN DRAFTING A LAW THAT WOULD FACILITATE ITS ABILITY TO REGULATE THE PROVINCE'S REMAINING NGOS. A SIMILAR CRACKDOWN ON NGO ACTIVITIES, ALBEIT ON A SMALLER SCALE, WAS UNDERWAY IN SINDH. ALTHOUGH LOCAL NGO ACTIVISTS NOTED THAT MANY OF THE BANNED ORGANIZATIONS EXISTED IN NAME ONLY, THEY SAID THE MOVE ALSO TARGETED GROUPS THAT HAD DONE CRITICAL REPORTING ON HUMAN RIGHTS ISSUES.

PUNJAB SOCIAL WELFARE MINISTER PIR BINYAMIN RIZVI STATED AT A PRESS CONFERENCE ON DECEMBER 26, 1998 THAT ALL NGOS WORKING IN PUNJAB WOULD NEED CLEARANCE FROM PROVINCIAL AND FEDERAL INTELLIGENCE AGENCIES BEFORE THEY COULD BE REGISTERED WITH THE SOCIAL WELFARE DEPARTMENT. ALL NGOS, HE SAID, WOULD HAVE TO SUBMIT A WRITTEN PLEDGE TO THE DEPARTMENT THAT THEY WERE NOT INVOLVED IN ANTI-STATE, ANTI-GOVERNMENT, OR ANTI-RELIGION ACTIVITIES.

ON MAY 10, THE DEPARTMENT REVOKED THE REGISTRATION OF 1,941 NGOS, SHUTTING DOWN NEARLY ONE THIRD OF THE 5,967 NGOS REGISTERED IN THE PROVINCE. STATED REASONS FOR THE CLOSURES INCLUDED, IN SOME CASES, FAILURE TO NOTIFY THE GOVERNMENT OF AN ADDRESS CHANGE. RIZVI TOLD AGENCE FRANCE-PRESSE THAT ABOUT 3,000 REMAINING NGOS IN PUNJAB WERE "UNDER SCRUTINY," AND THAT THE GOVERNMENT SUSPECTED THAT SOME OF THEM HAD ENGAGED IN ANTI-STATE ACTIVITIES AS "AGENTS OF FOREIGN COUNTRIES." HE SAID THAT NGOS WOULD NOT BE PERMITTED TO RECEIVE DIRECT FOREIGN AID, AND THAT DONORS WOULD BE REQUIRED TO CHANNEL GRANTS THROUGH THE GOVERNMENT.

ALL OF THE DISBANDED ORGANIZATIONS WERE REGISTERED UNDER THE VOLUNTARY SOCIAL WELFARE AGENCIES (REGISTRATION AND CONTROL) ORDINANCE. HOWEVER, SEVERAL MAJOR NGOS, INCLUDING THE HUMAN RIGHTS COMMISSION OF PAKISTAN (HRCP), ARE REGISTERED UNDER THE SOCIETIES ACT AND ARE TECHNICALLY OUTSIDE THE JURISDICTION OF THE SOCIAL WELFARE DEPARTMENT. THE PUNJAB GOVERNMENT SUBSEQUENTLY ANNOUNCED ON MAY 19 THAT ALL NGOS IN THE PROVINCE WOULD HENCEFORTH BE REGISTERED UNDER THE SOCIAL WELFARE ORDINANCE. IT ALSO BEGAN DRAFTING A LAW THAT WOULD ENABLE IT TO DISSOLVE NGOS REGISTERED UNDER THE SOCIETIES ACT AND TO SEIZE THEIR ASSETS. AS OF OCTOBER, HOWEVER, GOVERNMENT REPRESENTATIVES AND AN NGO COMMITTEE WERE ENGAGED IN A DIALOGUE ABOUT THE NEED FOR SUCH A BILL AND ITS POSSIBLE CONTENT.

WOMEN'S NGOS EMERGED AS A SPECIAL TARGET OF HARASSMENT, AND SOCIAL WELFARE MINISTER RIZVI WAS QUOTED BY DAWN ACCUSING THE APPLIED SOCIO-ECONOMIC RESEARCH (ASR) INSTITUTE OF WOMEN'S STUDIES OF "BRAINWASHING YOUNG WOMEN AND MAKING THEM PURSUE A COURSE THAT CLASHED WITH GOVERNMENT POLICIES."

ALTHOUGH THE CRACKDOWN ON NGOS WAS CENTERED IN PUNJAB, SIMILAR CAMPAIGNS WERE INITIATED IN OTHER PROVINCES. ON MAY 17, FOR EXAMPLE, THE SINDH SOCIAL WELFARE DEPARTMENT ANNOUNCED THAT IT HAD CANCELED THE REGISTRATION OF 273 NGOS, OUT OF A TOTAL OF ABOUT 5,282 NGOS REGISTERED IN THE PROVINCE, BECAUSE OF THEIR ALLEGED INVOLVEMENT IN ANTI-STATE ACTIVITIES AND CORRUPTION. THE SAME MONTH, THE GOVERNMENT OF SINDH, ON THE DIRECTIVE OF THE FEDERAL GOVERNMENT, INITIATED AN INQUIRY INTO THE ALLEGED EMBETZLEMENT BY SHIRKAT GAH, A PROMINENT WOMEN'S RIGHTS NGO, OF RS. 80 MILLION (U.S. \$1,543,657) OF WORLD BANK FUNDS AND ITS ALLEGED INVOLVEMENT IN ANTI-STATE ACTIVITIES. THE WORLD BANK HAS DENIED FUNDING THE ORGANIZATION.

DESPITE THESE REPRESSIVE MEASURES BY THE GOVERNMENT, NGO ACTIVISM CONTINUED. GROUPS SUCH AS HRCP, AND OTHERS WORKING ON WOMEN'S, ENVIRONMENTAL, AND RURAL DEVELOPMENT ISSUES, OPENLY CONDEMNED THE DETENTION OF NAJAM SETHI, THE FAILURE OF PAKISTAN'S SENATE TO CONDEMN "HONOR KILLINGS" OF WOMEN FOLLOWING SAMIA SARWAR'S MURDER, AND THE EFFORTS BY PROVINCIAL GOVERNMENTS TO DEREGISTER AND OTHERWISE RESTRICT NGOS.

Role of the International Community

THERE WAS NEAR UNIVERSAL CONDEMNATION OF THE OCTOBER 12 COUP, AND MAJOR POWERS USED THE THREAT OF CONTINUING SANCTIONS TO BOLSTER THEIR DEMAND FOR A QUICK RETURN TO CIVILIAN RULE. THE BRITISH COMMONWEALTH SUSPENDED PAKISTAN'S MEMBERSHIP ON OCTOBER 18 BECAUSE OF THE COUP.

United Nations

IN APRIL, RADHIKA COOMARASWAMY, THE U.N. SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, EXPRESSED CONCERN OVER THE GROWING NUMBER OF "HONOR CRIMES" IN PAKISTAN, PARTICULARLY THE MURDER OF SAMIA SARWAR. COOMARASWAMY URGED THE GOVERNMENT OF PAKISTAN TO SERIOUSLY ADDRESS THE ISSUE OF HONOR KILLINGS AND SUPPORT CRISIS CENTERS AND SHELTERS FOR WOMEN VICTIMS, ADDING THAT "THE GOVERNMENT OF PAKISTAN SHOULD TAKE ALL NECESSARY STEPS TO PROTECT THE LIVES OF ASMA JEHangir AND HER COLLEAGUES." IN OCTOBER, U.N. SECRETARY-GENERAL KOFI ANNAN CONDEMNED THE OUSTER OF THE CIVILIAN GOVERNMENT AND URGED GENERAL MUSHARRAF TO TAKE EARLY STEPS TO "RESTORE CIVILIAN RULE AND THE CONSTITUTIONAL PROCESS."

United States

THE CLINTON ADMINISTRATION EXPRESSED CONCERN OVER THE BALLISTIC MISSILE TESTS BY INDIA AND PAKISTAN IN APRIL AND THE ESCALATION OF VIOLENCE IN KASHMIR DURING THE MONTHS OF MAY AND JUNE. IT ALSO CRITICIZED THE PAKISTANI GOVERNMENT FOR THE ARREST OF NAJAM SETHI, CALLING FOR HIS RELEASE AND STATING THAT THE CRACKDOWN AGAINST PAKISTANI JOURNALISTS WAS "UNACCEPTABLE." THE STATE DEPARTMENT CALLED FOR THE IMMEDIATE RELEASE OF SETHI AND OTHER JOURNALISTS WHO HAD BEEN DETAINED BY THE GOVERNMENT.

IN SEPTEMBER, DURING A MEETING BETWEEN SECRETARY OF STATE MADELEINE ALBRIGHT AND PAKISTANI FOREIGN MINISTER SARTAJ AZIZ, THE U.S. EXPRESSED CONCERN OVER THE ARRESTS OF OPPOSITION LEADERS AND ACTIVISTS IN KARACHI. IN THE AFTERMATH OF THE COUP, THE STATE DEPARTMENT ANNOUNCED THAT IT WOULD CUT OFF REMAINING ECONOMIC ASSISTANCE TO THE COUNTRY, AS REQUIRED BY U.S. LAW. PREVIOUS SANCTIONS DUE TO NUCLEAR TESTING IN 1998 HAD ALREADY REDUCED U.S. AID TO LESS THAN \$5 MILLION PER YEAR. FOLLOWING GENERAL MUSHARRAF'S ADDRESS TO THE NATION, THE U.S. SEEMED SOMEWHAT MORE OPTIMISTIC ABOUT ITS RELATIONS WITH PAKISTAN. IN PREPARED TESTIMONY BEFORE CONGRESS, ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS KARL Inderfurth PRAISED THE GENERAL'S ADDRESS TO THE NATION IN WHICH HE ANNOUNCED THE WITHDRAWAL OF TROOPS FROM THE INDIAN BORDER AND PROMISED TO RETURN PAKISTAN TO A "TRUE" DEMOCRACY, ALTHOUGH THE U.S. LATER EXPRESSED DISAPPOINTMENT AT THE LACK OF A TIMETABLE FOR THAT RETURN. ON OCTOBER 21, THE ADMINISTRATION SAID IT INTENDED TO MAINTAIN SANCTIONS IMPOSED FOLLOWING PAKISTAN'S NUCLEAR TESTS—THOUGH IT WAS LIFTING SOME SANCTIONS ON INDIA—SAYING "THERE WON'T BE BUSINESS AS USUAL WITH PAKISTAN UNTIL THERE IS A PROMPT RESTORATION OF CIVILIAN AND DEMOCRATIC RULE."

European Union

THE EUROPEAN UNION (E.U.) EXPRESSED CONCERN OVER THE ESCALATION OF FIGHTING IN KASHMIR, AND ISSUED A STATEMENT IN WHICH IT CALLED ON BOTH INDIA AND PAKISTAN TO SHOW MAXIMUM RESTRAINT AND RESPECT THE LINE OF CONTROL (LOC). IT DEMANDED THE WITHDRAWAL OF ARMED INFILTRATORS FROM KASHMIR, AND URGED INDIA AND PAKISTAN TO RESUME DIPLOMATIC TALKS TO RESOLVE THE DISPUTE. THE E.U. ALSO POSTPONED SIGNING A TRADE AND COOPERATION AGREEMENT WITH PAKISTAN FOUR TIMES: FIRST, BECAUSE OF PAKISTAN'S NUCLEAR TESTS; SECOND, BECAUSE OF THE ARREST OF NAJAM SETHI; THIRD, IN THE WAKE OF THE KARGIL CONFLICT; AND FINALLY, DUE TO THE OCTOBER COUP. THE E.U. STRONGLY CONDEMNED THE COUP AND EXPRESSED DEEP CONCERN ABOUT ITS IMPLICATIONS FOR THE SOUTH ASIAN REGION.

Japan

JAPAN SUSPENDED ALL NEW GRANT AID AND NEW YEN LOANS AFTER PAKISTAN CONDUCTED ITS FIRST UNDERGROUND NUCLEAR TESTS IN MAY 1998, FOLLOWING INDIA'S NUCLEAR TESTS EARLIER THAT MONTH. EXCEPTIONS WERE MADE FOR "AID OF AN EMERGENCY AND HUMANITARIAN CHARACTER AND GRANT ASSISTANCE FOR GRASSROOTS PROJECTS." JAPAN HAS URGED PAKISTAN TO SIGN THE NUCLEAR NON-PROLIFERATION TREATY AND THE COMPREHENSIVE TEST BAN TREATY, AND HAS SOUGHT GREATER TRANSPARENCY IN PAKISTAN'S NUCLEAR PROGRAMS. JAPANESE PRIME MINISTER KEIZO OBUCHI ALSO EXPRESSED GRAVE PUBLIC CONCERN OVER THE MILITARY TAKEOVER AND DID NOT RESPOND TO APPEALS FROM GENERAL MUSHARRAF TO JAPAN'S AMBASSADOR IN ISLAMABAD TO PROVIDE AID.

International Financial Institutions

Aid and trade sanctions imposed on Pakistan following the May 1998 nuclear tests sent the country into an economic tailspin, but the October coup virtually ensured the sanctions would stay in place. The International Monetary Fund had already delayed payment of a \$ 1.5 billion credit because of questions about Pakistan's economic policies, and following the coup suspended talks with the government. While ongoing World Bank projects continued and \$2.28 billion of a major loan program had already been disbursed, the bank said no new disbursements would be made and payment of another \$1.3 billion loan approved would likely be held up until democracy was restored. The Asian Development Bank, which did not extend new loans to Pakistan following the 1998 nuclear tests, stated that it would continue to monitor the situation to assess the impact of the coup on its operations in the country.

SRI LANKA

The sixteen-year conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) continued to produce human rights violations on both sides. On July 29, the international human rights movement lost one of its most respected and beloved leaders when a suspected LTTE suicide bomber assassinated Neelan Tiruchelvam, founder of both the International Centre for Ethnic Studies and the Law and Society Trust, a human rights research and advocacy organization. Tiruchelvam, a Tamil member of parliament, had angered the LTTE by proposing an alternative to a separate Tamil state, namely a plan for devolution of power to regional councils set up in part along ethnic lines.

Human Rights Developments

The war was increasingly complicated by paramilitary actors, often working alongside the army as auxiliary forces, but sometimes at odds with them and with each other. Armed clashes between rival groups claimed civilian lives. Impunity remained a critical problem, with few prosecutions for human rights violations, and torture prevalent both in the context of armed conflict and in day-to-day policing. Discrimination against Tamil civilians by members of the security forces attempting to root out the LTTE continued throughout the country and especially in the capital city of Colombo and in army-controlled areas of the north and east.

The war in the north continued to claim civilian lives and generated thousands of new internally displaced people and a smaller number of external refugees as people fled military shelling, clashes between the army and the LTTE, food shortages, and LTTE recruitment of children and adults for military service. On September 15 more than twenty civilians were reported killed and some forty injured in an air force bombing of the Puthukkudiyiruppu market in the northern district of Mullaitivu; houses and buildings nearby were also destroyed. Three days later a suspected LTTE attack on Sinhalese villagers in the east killed more than fifty.

The army redoubled its efforts during the year to control the strategically important A9 highway, linking the Jaffna Peninsula in the far north to Vavuniya town. In early December 1998 the army launched a new offensive and advanced northeastward into the area around Oddusuddan, displacing some 12,000 people, some forcibly. In March 1999, the army began the first phase of Operation Rana Gosa (Battle Cry), and fighting shifted to the southwestern Vanni region of northern Sri Lanka, where the army made substantial territorial gains: at times appearing to move in virtually uncontested. In April, the army overran Madhu camp, an open relief facility established by the U.N. High Commissioner for Refugees (UNHCR). The camp housed some 10,000 internally displaced persons (IDPs), some of whom had been there for almost a decade. Half of the camp's residents—those from areas under army control—were sent home; those from regions still under LTTE control were moved to welfare centers in other areas. International relief agencies criticized the eviction, saying that it led to overcrowding of existing welfare camps in the north.

Military operations were marked by repeated closures of access across the forward defense lines, resulting in the disruption of delivery of food, medicine and humanitarian relief to the civilian population of the Vanni. One closure that began on June 26 lasted for more than six weeks, until the LTTE and the army reached a mutually acceptable arrangement to

OPEN THE SUPPLY LINE. THE FUNCTIONING OF HUMANITARIAN ORGANIZATIONS WAS BADLY HAMPERED AND CONDITIONS FOR CIVILIANS, ESPECIALLY IDPS, DETERIORATED SHARPLY THROUGHOUT JULY.

ACCORDING TO U.N. ESTIMATES, ABOUT A DOZEN PEOPLE SUFFERED INJURIES FROM LANDMINES EACH MONTH ON THE JAFFNA PENINSULA. BOTH THE GOVERNMENT AND THE LTTE PROMISED THEY WOULD NOT REMINE AREAS CLEARED BY U.N. MINE CLEARANCE TEAMS. THE GOVERNMENT, HOWEVER, REFUSED TO SIGN THE OTTAWA TREATY BANNING LAND MINES, CITING SECURITY CONCERNS IMPOSED BY THE LTTE. CONFLICT-RELATED DEATHS AND INJURIES OF CIVILIANS WERE ALSO REPORTED IN EASTERN SRI LANKA.

THE SECURITY FORCES' USE OF HOME GUARDS AND ARMED EX-MILITANT TAMIL GROUPS AS AUXILIARY UNITS TO AID IN MILITARY OPERATIONS CONTINUED TO DRAW CRITICISM FROM HUMAN RIGHTS DEFENDERS. THESE GROUPS HAVE ENGAGED IN ILLEGAL DETENTION, MURDER, ABDUCTION, EXTORTION, ASSAULT, TORTURE, FORCED CONSCRIPTION, AND FORCED EVICTION. IN 1999, FIGHTING BETWEEN TWO OF THESE GROUPS, THE PEOPLE'S LIBERATION ORGANIZATION FOR TAMIL EELAM (PLOTE) AND TAMIL EELAM LIBERATION ORGANIZATION (TELO) ALSO CLAIMED CIVILIAN LIVES.

LARGE-SCALE ARBITRARY ARRESTS OF TAMILS BASED ALMOST SOLELY ON THEIR ETHNICITY CONTINUED IN MANY PARTS OF THE COUNTRY. IN THE NORTH AND EAST, RESIDENTS COMPLAINED OF DISCRIMINATION AT CHECKPOINTS, ROUTINE BEATINGS, TORTURE, PUBLIC HUMILIATION OF PERSONS DETAINED DURING SEARCHES, AND OF DETAINEES BEING USED FOR FORCED LABOR BY THE ARMY AND SPECIAL TASK FORCE.

THE LTTE WAS ALSO BLAMED FOR DEATHS OF CIVILIANS AND OTHER NONCOMBATANTS AND INTIMIDATION OF POLITICAL OPPONENTS. SEVERAL MEMBERS OF NEELAN TIRUCHELVAM'S PARTY, THE TAMIL UNITED LIBERATION FRONT (TULF), REPORTED RECEIVING THREATENING LETTERS OR TELEPHONE CALLS FROM THE LTTE OR LTTE FRONT ORGANIZATIONS. THE LTTE ALSO TARGETED MEMBERS OF ARMED TAMIL GROUPS: ON SEPTEMBER 2, 1999, MANIKKADASAN, PLOTE'S VICE PRESIDENT AND MILITARY WING LEADER, WAS KILLED ALONG WITH TWO OTHERS IN A CLAYMORE MINE BOMBING OF A PLOTE CAMP IN VAVUNIYA.

ON SEPTEMBER 19, APPARENTLY IN RETALIATION FOR THE DEATHS OF CIVILIANS KILLED IN AIR FORCE STRIKES ON PUTHUKUDIYIRUPPU THREE DAYS EARLIER, SUSPECTED LTTE MEMBERS HACKED TO DEATH SOME FORTY-EIGHT SINHALESE VILLAGERS AND SHOT SIX OTHERS IN ATTACKS ON THREE VILLAGES IN EASTERN SRI LANKA. THE KILLINGS SPARKED LARGE ANTI-LTTE DEMONSTRATIONS IN COLOMBO.

INCREASED RECRUITMENT OF CHILDREN WAS ALSO REPORTED FROM LTTE-CONTROLLED AREAS OF THE COUNTRY. SCHOOL BUILDINGS WERE THE SITE OF RECRUITMENT DRIVES AIMED AT TEENAGERS, AND IN APRIL THE LTTE BEGAN A PRACTICE OF ENLISTING ALL RESIDENTS IN SOME AREAS OF THE NORTH FOR MILITARY TRAINING AS A "CIVILIAN DEFENSE FORCE." OLDER RESIDENTS WERE REPORTEDLY DIRECTED TO ACT AS GUARDS FOR THEIR VILLAGES, WHILE YOUNGER MEMBERS WERE SENT TO THE FRONT LINES TO AID LTTE COMBAT UNITS. RESIDENTS ATTEMPTING TO FLEE THESE AREAS SAID THEY WERE LEAVING, AMONG OTHER THINGS, BECAUSE OF LTTE RECRUITMENT.

OFFICIAL EFFORTS CONTINUED TO ACCOUNT FOR THE TENS OF THOUSANDS OF PERSONS WHO "DISAPPEARED" AT THE HANDS OF THE SECURITY FORCES SINCE THE CONFLICT BEGAN. IN JANUARY, THE PRESIDENTIAL COMMISSION ON DISAPPEARANCES SUBMITTED AN INTERIM REPORT, BASED ON INVESTIGATIONS SINCE JUNE 1998. THE COMMISSION RECEIVED SOME 10,135 COMPLAINTS, MOSTLY FROM THE CENTRAL PROVINCE, AND 460 COMPLAINTS FROM JAFFNA DISTRICT. AT THE BEGINNING OF 1999, THERE WERE MORE THAN 7,500 COMPLAINTS AWAITING INQUIRY, AND THE TERM OF THE COMMISSION WAS EXTENDED.

THE REPORT PROVIDED DETAILS ON ABOUT ONE HUNDRED COURT CASES FILED AGAINST PERPETRATORS OF "DISAPPEARANCES." ACCORDING TO OFFICIALS OF THE RELIEF AND REHABILITATION AUTHORITY, MORE THAN 19,000 PEOPLE APPLIED FOR DEATH CERTIFICATES FOR "DISAPPEARED" RELATIVES: DEATH CERTIFICATES ARE A NECESSARY PREREQUISITE TO OBTAINING GOVERNMENT COMPENSATION.

ALMOST A YEAR AFTER A FORMER SOLDIER NAMED SOMARATNE RAJAPAKSE ALLEGED THAT THE ARMY HAD BURIED "DISAPPEARED" TAMIL CIVILIANS IN MASS GRAVES NEAR JAFFNA TOWN, EXHUMATION BEGAN IN JUNE ON THE FIRST SITE. RAJAPAKSE, SENTENCED TO DEATH IN JUNE 1998 ALONG WITH SIX OTHER SOLDIERS FOR THE 1996 RAPE AND MURDER OF A JAFFNA TEENAGER NAMED KRISHANTHY, TOLD A COLOMBO COURT AFTER HIS CONVICTION THAT HE KNEW THE WHEREABOUTS OF GRAVES OF HUNDREDS OF TAMIL YOUTHS KILLED BY THE ARMY AFTER IT TOOK JAFFNA IN 1996. THE FIRST GRAVE IDENTIFIED BY RAJAPAKSE CONTAINED TWO MALE SKELETONS. AN INVESTIGATING TEAM THAT INCLUDED SRI LANKAN AND FOREIGN FORENSIC EXPERTS AND HUMAN RIGHTS OBSERVERS SAID THE REMAINS SHOWED SIGNS OF PHYSICAL ASSAULT AND MURDER. THE VICTIMS, ONE WITH HIS HANDS TIED WITH ROPE AND THE OTHER BLIND-FOLDED, WERE IDENTIFIED AS TWO MEN IN THEIR TWENTIES WHO "DISAPPEARED" IN 1996.

IN AUGUST, RAJAPAKSE AND OTHER EX-SOLDIERS CONVICTED WITH HIM IDENTIFIED TWENTY-FOUR ADDITIONAL GRAVE SITES AROUND CHEMMANI VILLAGE NEAR JAFFNA TOWN WHICH THEY TOLD A JAFFNA DISTRICT COURT CONTAINED EIGHTY TO ONE HUNDRED BODIES OF PERSONS KILLED AND BURIED BY THE ARMY NEAR JAFFNA TOWN IN 1996 AND 1997. EXHUMATIONS RESUMED ON SEPTEMBER 6, AND WITHIN DAYS MORE BODIES HAD BEEN UNCOVERED.

Rajapakse complained in August that he and his family had received death threats, and that police investigators who questioned him about his allegations of mass graves failed to record the names of army officials who he said were involved.

Prosecutions of abuses by security forces remained rare, but several notable cases did reach the courts. On July 20 a Mannar court ordered the detention of two soldiers from Pallimunai army detachment accused of raping and murdering Ida Hamilitta, a twenty-one-year-old former LTTE member who had surrendered to the army two months before. A witness told the court he had tried to report the killing to the Pallimunai police, but that they had refused to record his statement and warned him to keep quiet. The Mannar medical officer, however, gave graphic testimony about the results of the woman's post-mortem, and a determined magistrate ensured the prosecution of those responsible.

No progress was made in reopening the notorious "Bolgoda Lake" case which implicated Special Task Force (STF) commandos in the 1995 murders of twenty-three Tamil youths whose bodies were found floating in bodies of water near Colombo.

But in another notorious case in which twenty-five people, including twenty-four students between the ages of fifteen and seventeen, "disappeared" from Sevana army camp, Embilipitiya, Ratnapura district between late 1989 and early 1990, there was some justice done. Six members of the Sri Lankan security forces and a high school principal were sentenced to ten years' imprisonment after having been found guilty of abduction with intent to murder and wrongful confinement. The court was unable to prove murder. The judgment was the first to address the enormous number of "disappearances" linked to the state's counterinsurgency campaigns against suspected supporters of the Janatha Vimukthi Peramuna (JVP), a Sinhalese nationalist insurgency, in the late 1980s.

Independent press coverage of the war remained difficult, and political reporting on topics other than the war often sparked threats and physical attacks. In mid-July, when police in Colombo fired rubber bullets, tear gas and water cannons to disperse a crowd of supporters of the United Nationalist Party, the main opposition party, unidentified men in plainclothes assaulted protestors, wounding at least thirty people, including ten journalists. The Free Media Movement denounced the assaults as "the worst attack on the media in recent history," and said that journalists had identified several attackers to be from the Presidential Security Division (PSD). The demonstrators were protesting the failure of the People's Alliance government to keep election promises including the abolition of the powerful executive presidency. On July 21 journalists held a second demonstration in Colombo to protest the assaults.

In late August, some two hundred people, including academics and students, journalists and local businessmen attended a demonstration organized by the North Sri Lanka Journalists' Association in Jaffna town protesting the August 21 grenade attack on the office of a local Tamil newspaper, *Uthayan*. The North Sri Lanka Journalists' Association, which sent a memorandum to President Kumaratunga, said the attack was an effort to discourage the press from exposing incidents of extortion and corruption. They appealed to the Sri Lankan government to carry out an impartial inquiry.

On September 7, Rohana Kumara, the editor of *Satana (Battle)*, a pro-UNP newspaper, was killed by unidentified gunmen in a Colombo suburb. He was shot on his way home in a taxi after receiving a call that his house was being attacked. Members of parliament for the UNP blamed the ruling party for the killing and demanded an immediate investigation.

Defending Human Rights

Human rights defenders continued to play a critical role in demanding accountability for human rights abuses and working for an end to political violence in Sri Lanka. But these activities did not come without substantial risks. The greatest blow to human rights advocacy was the killing of Neelan Tiruchelvam. Seven others were wounded in the attack, including five policemen. The three young Tamil men arrested in connection with Tiruchelvam's murder were reportedly severely tortured in police custody in Colombo.

In December 1998, a candlelight vigil organized by The Missing Persons Guardian Association (MPGA) in Jaffna, an organization of relatives of the "disappeared," was held opposite the Human Rights Commission office in Jaffna to protest "disappearances" in the area, and the slow pace of progress in investigating the allegations of mass graves near Chemmani.

Also in December, the Citizens Committee of the Vanni asked the International Committee of the Red Cross (ICRC) in Malawi to intervene with the army to prevent attacks on displaced civilians. It noted in particular a December 21, 1998 attack which killed five civilians who were traveling to their paddy fields in the area.

In January the Centre for Monitoring Election Violence, INFORM, and other human rights organizations protested reports of widespread violence, vote-rigging and voter intimidation during the Northwest Provincial Council Elections.

In March the Civil Rights Movement of Sri Lanka and other NGOs raised public concerns regarding an announcement that the government would no longer automatically commute death sentences when they came before the president, a move many feared would lead to a de facto reinstatement of the death penalty.

The Role of the International Community

International attention to Sri Lanka focused on continuing support for humanitarian efforts to mitigate the worst effects of the war and accountability for past abuses. The killing of Neelan Tiruchelvam sparked widespread international condemnation, including from United Nations Secretary-General Kofi Annan who denounced the murder as an "act of terrorism."

During an official visit to Jaffna in December 1998, Ilkka Uusitalo, head of the European Commission's Delegation to Sri Lanka, raised concerns with the members of the commission about arbitrary arrest of civilians by army and police on the peninsula and human rights violations by paramilitary Tamil groups operating alongside the army during a meeting with the Human Rights Commission in Jaffna. The Ambassador also inquired about the treatment of detainees by the security forces and the progress of investigations into allegations of mass graves at Chemmani.

A ten-member team of experts from the Zimbabwean mine defusing company Mine Tech operating under contract to the United Nations arrived in the Jaffna peninsula in early July to launch a two-and-a-half-year landmine clearing project assisted by the United Nations Development Program (UNDP). The project, partially funded by the Netherlands and Australia, was aimed at aiding the resettlement of thousands of displaced civilians. The U.N. also undertook a public mine awareness program.

In September, the United States government announced that it had donated U.S. \$1.3 million to the UNHCR to assist the agency's efforts on behalf of Sri Lanka's internally displaced population.

VIETNAM

The Vietnamese government continued to show little tolerance for political criticism of the government, despite the release of more than a dozen prominent political prisoners in amnesties in 1998 and early 1999. Political and religious dissidents faced repression and heavy surveillance, with several key dissidents remaining under house or pagoda arrest, and outspoken government critic Nguyen Thanh Giang was arrested in May for two months. Freedom of expression became even more strictly controlled with passage of a new press law. Legislation authorizing administrative detention remained in force and prison conditions continued to be substandard.

Human Rights Developments

In general, the government tried to isolate rather than imprison political and religious dissidents during the year, in order to avoid international condemnation. Key dissidents were placed under surveillance and regularly summoned for questioning by police or local officials. Their publishing rights were denied, friends and neighbors discouraged from meeting them, and communication with the outside world interrupted. Others were forced into retirement or lost their positions in the government.

Many of the political prisoners released in 1998, including Dr. Nguyen Dan Que, Thich Quang Do, Thich Tue Sy, and Thich Khong Tanh, were denied residence permits and were thus unable to travel freely. Dr. Que was unable to resume work as a medical doctor because the authorities withheld his license to practice. Thich Nhat Ban, released in October 1998, said that he had been released from a "small prison only to enter a larger one."

In January, the Vietnamese Communist Party expelled the country's highest-ranking dissident, retired Gen. Tran Do, who has criticized the Communist Party for corruption, lack of democracy, and disorganization. Afterwards, his phone was monitored and the connection often cut, his house was under surveillance by undercover security police, who followed him when he traveled, and the Ministry of Culture and Information rejected his request in July to publish a newspaper. In March, police arrested geologist Nguyen Thanh Giang, an outspoken intellectual who has openly advocated human rights, multiparty democracy, and peaceful reforms. He was charged under Article 205a of the Criminal Code for "abusing democratic rights." After widespread international protest Giang was released in May, but he was required regularly to report to police and prohibited from traveling outside of Hanoi without permission.

In August, three members of a U.S.-based anti-Communist organization, the Vietnamese People's Action Movement, were arrested in Can Tho province. In September, in a trial conducted quietly in An Giang province, twenty-four people, most of them members of another U.S.-based group, the People's Action Party (PAP), were sentenced to terms of up to twenty years for subversive activities. All of the PAP members had been detained without trial for more than two years.

Arbitrary detention under the 1997 Administrative Detention Decree 31/CP continued to be another way to isolate and silence critics. As of October, critics who remained under house arrest included biologist and writer Ha Si Phu, poet Bui Minh Quoc, writer Tieu Dao Bao Cu, and war veteran Nguyen Ho. All had been under house arrest for more than two years.

Equally worrisome was a new decree, 99/ND-CP, which authorized the establishment of provisional custody and pretrial detention centers around the country. Signed by Prime Minister Phan Van Khai in November 1999, this decree allows police units from the district level upward and military units from the division level upward to operate their own temporary detention camps and to arrest and detain people under provisional custody or pretrial detention. No information was available about what kinds of crimes could motivate arrests under Decree 99/ND-CP, nor how detention periods would be determined.

The Vietnamese Communist Party made several attempts to stifle dissent within the party, in addition to expelling Tran Do. In February, the party central committee issued a resolution supporting ideological freedom while at the same time stating that it would punish members who expressed opinions or distributed documents against the party. In May, Politburo Permanent Secretary Phan The Duet outlined more than a dozen activities outlawed for party members, including criticizing the party platform, and organizing or inciting people to lodge complaints or join demonstrations.

A report by Abdelfattah Amor, the U.N. Special Rapporteur on Religious Intolerance, released in March, underscored the need for Vietnam to implement reforms to safeguard religious freedoms. However, the government continued to require that all religious activities be registered by the state and to apply restrictions on travel by religious leaders and on the contents of their sermons and speeches.

In April the government issued a new decree on religion, No. 26/1999/ND-CP. While guaranteeing freedom of religion, the decree states that all religious organizations used to oppose the government, as well as undefined "superstitious activities," will be punished according to the law. The decree also bans religious organizations that conduct activities contrary to "structures authorized by the prime minister."

Religious leaders from the banned Unified Church of Vietnam (UCV) faced ongoing persecution during 1999. In September, one year after their release from prison in 1998, three UCV monks—Thich Quang Do, Thich Khong Tanh, and Thich Tue Sy—were again threatened with arrest. In March 1999, Thich Quang Do was summoned for questioning and ordered to return to Ho Chi Minh City after he traveled to central Vietnam to visit the Supreme Patriarch of the UBC, Thich Huyen Quang (who himself has been under pagoda arrest for sixteen years). On August 6, officials in Ho Chi Minh City called in Thich Quang Do for several hours of questioning and tried to force him to sign a confession that he had acted illegally after he wrote a letter to European Union ambassadors in Hanoi calling for human rights and religious freedoms. On August 13, a police squad came to his pagoda after midnight and demanded to see him, threatening to break down the door before they eventually left. In September, Quang Do was again summoned for questioning by police, as were Thich Khong Tanh and Thich Tue Sy. The monks were told that their rearrests were imminent, as warrants had already been prepared to arrest them for "subversive activities" pending further investigation.

Members of the Hoa Hao sect of Buddhism were subject to police surveillance and at least one member was thought to be in detention. The sect was granted official status in May, although government appointees dominated an eleven-member

Hoa Hao Buddhism Representative Committee established at that time. In July, in one of the first large public gatherings of the group since 1975, thousands of Hoa Hao members commemorated the founding of the church in An Giang province.

The government also made efforts to suppress Protestants, particularly as increasing numbers of ethnic minorities joined evangelical churches in the northern and central highlands. Reports were received of persecution and harassment of Hmong Protestants in Lai Chau, Lao Cai and Ha Giang provinces, M'Nong in Binh Phuoc province, Bahnar in Gia Lai province, and H're in Quang Ngai. In January the official law journal *Phap Luat* heavily criticized the conversion to Protestantism of Hmong in northern Ha Giang province. The provincial party chief was quoted as saying that a district task force had been established to "deal with illegal religious evangelism" by persuading people to sign commitments not to follow "bad people" or cults but to rebuild ancestor shrines. Two months earlier in Ha Giang, the provincial propaganda committee had issued a forty-two page pamphlet entitled "Propagandizing and Mobilizing Citizens not to Follow Religion Illegally." More than a dozen Hmong Christians were reportedly in detention in Lai Chau and Lai Cau provinces as of mid-1999.

On May 7, police raided an evangelical gathering of the Vietnam Assemblies of God Church in a Hanoi hotel, holding twenty people for several days. Police detained two of the group's leaders, Lo Van Hen (a member of the Black Thai minority group, who had been released from three years in prison in January 1999), and Rev. Tran Dinh (Paul) Ai, who had served two years in prison in the early 1990s for his religious activities and who met with U.N. Special Rapporteur Amor during his 1998 visit. Lo Van Hen was escorted back to his home in Dien Bien Phu, while Rev. Ai was detained under police guard for a month in the Hanoi hotel where the meeting had taken place before being released.

For Catholics, relations between Vietnam and the Vatican slightly warmed with the visit in March of a Vatican delegation and Vietnam's acceptance of the appointment of four new bishops by the Vatican. In addition, in September a group of bishops from the U.S. Catholic Conference made a historic visit to Vietnam, their first since 1975. As in 1998, tens of thousands of Catholics were able to attend an annual festival commemorating the sanctuary of the Notre Dame of La Vang in Quang Tri province. However, at least three members of the Catholic Congregation of the Mother Co-Redemptrix, arrested in 1997, were believed to remain in prison.

During 1999 there were scattered reports of civil unrest in the countryside. In January villagers and riot police clashed over a land dispute in Ba Ria, Vung Tau province near Ho Chi Minh City, despite an unsuccessful mediation attempt by the local Catholic church. In May, more than one hundred farmers from provinces around Hanoi gathered in front of the National Assembly to protest against corruption by officials. That same month the official *Thai Binh* newspaper reported that unrest continued in Thai Binh province, the site of peasant clashes with the government over corruption and land grabs in 1997.

The party and the government made several attempts during the year to attack corruption, starting with an official anticorruption drive in February and the party's launching of a two-year "self-criticism" campaign in May. The state Vietnamese News Agency reported in May that during the first four months of 1999, more than 1,000 officials in Thai Binh province had been suspended from their jobs for corruption. Also in May, the state press announced that a new criminal code had been drafted that would focus more on corruption issues and economic crimes, rather than on national security violations. It would also decrease the number of crimes punishable by death from forty-four to thirty. The National Assembly failed to pass the new code before adjourning in June but was expected to take it up again in its November session. The country's largest corruption trial, the Minh Phung-EPCO case, ended in August, with six people sentenced to death and six sentenced to life in prison. The continued use of the death penalty in Vietnam remained a concern.

Conditions within Vietnam's prison system continued to be very poor and did not meet the U.N.'s Standard Minimum Rules for the Treatment of Prisoners. Solitary confinement, pressure to sign confessions, forced labor, and inadequate food and medical care were commonplace.

In May, the National Assembly passed a new press law requiring journalists to pay compensation or publish retractions to persons hurt by their reports, even if the information is correct. A June edition of *Tap Chi Cong San*, the theoretical journal of the party central committee, instructed journalists to publish the conclusions of competent state agencies. If the press did not agree with such conclusions, the journal stated, it must publish them all the same but could file a complaint with the National Assembly. An earlier 1997 directive requires Vietnamese journalists to obtain approval from the Ministry of Culture and Information before passing any information on to foreign journalists.

Defending Human Rights

ON SEPTEMBER 6, DR. NGUYEN DAN QUE, VIETNAM'S LEADING HUMAN RIGHTS ACTIVIST, CALLED FOR THE ESTABLISHMENT OF AN INDEPENDENT HUMAN RIGHTS ORGANIZATION IN VIETNAM FROM HIS HOME IN HO CHI MINH CITY. INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS WERE NOT PERMITTED TO VISIT VIETNAM DURING THE YEAR, NOR WERE DOMESTIC HUMAN RIGHTS ORGANIZATIONS ALLOWED TO OPERATE. IN MARCH, FOLLOWING THE RELEASE OF A REPORT BY THE U.N. SPECIAL RAPPORTEUR ON RELIGIOUS INTOLERANCE, THE VIETNAMESE FOREIGN MINISTRY STATED THAT INDIVIDUALS OR ORGANIZATIONS COMING TO CONDUCT ACTIVITIES CONCERNING HUMAN RIGHTS OR RELIGION WOULD NOT BE ALLOWED IN VIETNAM. COMMUNIST PARTY SECRETARY LE KHA PHIEU REVEALED MUCH OF THE LEADERSHIP'S VIEW ON HUMAN RIGHTS AT A PARTY PLENUM IN AUGUST, WHEN HE STATED: "ANY IDEAS TO PROMOTE 'ABSOLUTE DEMOCRACY,' TO PUT HUMAN RIGHTS ABOVE SOVEREIGNTY, OR SUPPORT MULTIPARTY OR POLITICAL PLURALISM...ARE LIES AND CHEATING."

The Role of the International Community

Donor Countries

AT THE MEETING OF THE CONSULTATIVE GROUP OF DONORS TO VIETNAM HELD IN DECEMBER 1998 IN PARIS, DONORS PLEDGED U.S. \$2.2 BILLION IN AID TO VIETNAM. ONE OF THE LARGEST DONORS TO VIETNAM WAS THE EUROPEAN UNION (E.U.), WHICH PLEDGED \$1.7 BILLION. IN JUNE, PRIOR TO A MIDTERM REVIEW OF DONOR AID IN HAIPHONG, GERMANY'S AMBASSADOR TO VIETNAM, ON BEHALF OF THE E.U. PRESIDENCY, PUSHED FOR ECONOMIC AND SOCIAL REFORMS AND EXPRESSED CONCERNS ABOUT POLITICAL PRISONERS AND RESTRICTIONS ON PRESS AND RELIGIOUS GROUPS. DURING A SEPTEMBER VISIT BY VIETNAMESE PRIME MINISTER PHAN VAN KHAI TO FINLAND AFTER IT TOOK OVER THE E.U. PRESIDENCY, THE FINNISH PRIME MINISTER RAISED ISSUES OF HUMAN RIGHTS, JUDICIAL REFORM, AND TREATMENT OF DISSIDENTS. PHAN VAN KHAI VISITED TOKYO IN MARCH AND RECEIVED AID COMMITMENTS OF 600 BILLION YEN (U.S. \$5.6 BILLION) IN LOANS PLUS 600 BILLION YEN (U.S. \$5.6 BILLION) FOR INFRASTRUCTURE PROJECTS. THE JAPANESE FOREIGN MINISTRY EXPRESSED CONCERNS ABOUT THE DETENTION OF NGUYEN THANH GIANG BUT TOKYO DID NOT CONDITION ANY OF ITS AID ON HUMAN RIGHTS IMPROVEMENTS OR LEGAL REFORMS. IN AUGUST THE AUSTRALIAN SENATE PASSED A RESOLUTION ON HUMAN RIGHTS IN VIETNAM, IN WHICH IT MENTIONED THE ARREST OF NGUYEN THANH GIANG.

United States

THE UNITED STATES GOVERNMENT TOOK FAIRLY STRONG POSITIONS ON VIETNAM'S HUMAN RIGHTS RECORD DURING THE YEAR, CRITICIZING THE ARREST OF NGUYEN THANH GIANG IN MARCH, AND HANDING OVER A LIST OF POLITICAL PRISONERS IT WANTED RELEASED IN JULY DURING THE SEVENTH SESSION OF THE U.S. - VIETNAM BILATERAL HUMAN RIGHTS DIALOGUE IN HANOI. THESE INCIDENTS, AS WELL AS THE SEPTEMBER RELEASE OF A REPORT BY THE DEPARTMENT OF STATE ON RELIGIOUS PRACTICES IN VIETNAM, PROVOKED STRONG REACTIONS FROM HANOI, WHICH CRITICIZED THE UNITED STATES FOR INTERFERING IN ITS INTERNAL AFFAIRS. NONETHELESS, IN JULY THE U.S. AND VIETNAM SIGNED AN AGREEMENT IN PRINCIPLE ON A BILATERAL TRADE AGREEMENT, POTENTIALLY PAVING THE WAY FOR EVENTUAL GRANTING OF NORMAL TRADE RELATIONS STATUS FOR VIETNAM. HOWEVER, AS OF OCTOBER THE VIETNAMESE GOVERNMENT HAD NOT YET SIGNED THE FINAL AGREEMENT. EARLIER IN THE YEAR, THE U.S. HOUSE OF REPRESENTATIVES AFFIRMED PRESIDENT CLINTON'S 1998 DECISION TO GRANT THE JACKSON VANIK WAIVER OF FREEDOM OF EMIGRATION REQUIREMENTS OF THE 1974 TRADE ACT. TRADE, HUMAN RIGHTS, AND ACCOUNTING FOR U.S. PERSONNEL MISSING IN ACTION FROM THE VIETNAM WAR WERE THE MAIN AGENDA ITEMS DURING A VISIT TO VIETNAM IN SEPTEMBER BY SECRETARY OF STATE MADELEINE ALBRIGHT.

