

In East and Southeast Asia, governments relied on Asian initiatives during the year to address economic, political, and human rights issues. Gone was the rhetoric of "Asian values" with its pre-financial crisis premise that economic development and protection of individuals' rights were incompatible. In its place was simply a determination, from democratic and authoritarian governments alike, to show that solutions to Asian problems were to be found within the region, despite the diversity of cultures and political interests involved. South Asia, as always, was a region apart, so divided by rivalries and security concerns that regional cooperation was all but impossible.

On the economic side, one example of East Asian regionalism was the movement toward developing the equivalent of an Asian Monetary Fund involving China, Japan, South Korea and the ten countries of the Association of Southeast Asian Nations (ASEAN). It had a political parallel with the all-Asian resistance in late 1999 to an international tribunal for East Timor, balanced by the prominent Asian participation in the U.N. Transitional Administration for East Timor (UNTAET) in which peacekeeping forces were headed first by a Filipino and then a Thai. In October 2000, South Korean President Kim Dae-Jung received the Nobel Peace Prize for his efforts to ease tensions with North Korea, a wholly homegrown initiative. At the governmental level, the "We'll do it our way" stance was partly a case of resistance to solutions imposed from outside but also one of perceived common interest in building regional strength across a variety of fields—including human rights.

Asian regionalism was helped by the fact that the influence of the international donor community was near an all-time low, although aid levels were never higher: witness the helpless outrage of donor countries during the year over the treatment of women in Afghanistan; the attacks on minorities in

India; the aftermath of the October 1999 coup in Pakistan; the continuing restrictions on Aung San Suu Kyi in Burma; Indonesia's failure to stop militia violence in West Timor; the obstructions placed by Cambodia in the way of a tribunal to try the Khmer Rouge; the arrests of political and religious activists in China; or the coup and hostage crisis in Fiji in May. In all these countries, domestic political imperatives far outweighed any fear of international reaction, and as it turned out, there was not much to fear from donors worried that pressure would inflict more damage on themselves than on the offending country.

Unlike the years immediately prior to the financial crisis when East and Southeast Asian governments steadfastly refrained from criticizing each other (South Asian governments felt no such hesitation), Asian regionalism in 2000 was more accommodating of different viewpoints. This may have reflected the impact of democratization in important countries in the region such as Thailand, whose foreign minister broke ranks with other ASEAN countries and openly criticized Burma's suppression of opposition political activities. It also reflected distrust between the big regional powers, China, India, and Japan, and suspicion within the less powerful countries about the long-term political and economic agendas of the big three.

The phenomenon of finding strength as a region without necessarily constituting a solid political bloc may also have reflected the many internal conflicts that strained bilateral relations. Kashmir remained a constant source of tension between India and Pakistan. Indonesia's inability to control the conflict in Aceh worried Malaysia, just across the Straits of Malacca. The raid into eastern Malaysia by guerrillas of the Abu Sayaf wing in the southern Philippines led to the deportation of thousands of Filipinos from Malaysia and strained that relationship. The ongoing ethnic insurgencies in Burma affected relations with India, Bangladesh, and Thailand, all of which had to shelter thousands of refugees from those conflicts.

Both governments and regional and local nongovernmental organizations (NGOs) were committed, where possible, to regional approaches to resolving regional human rights problems such as exploitation of migrant labor, human trafficking, and child prostitution. There was less support among governments for the international system for protecting human rights. Not only did China work harder than ever to escape censure at the U.N. Commission on Human Rights in Geneva, weakening that body as a result, but the Australian government in September bitterly rejected the actions of several U.N. bodies that had questioned its treatment of aborigines and refugees.

Asian NGOs as a group, however, remained an important voice for the expansion of the international system, pushing—as their governments, with few exceptions, did not—for ratification of the Rome Statute of the International Criminal Court, an end to the use of child soldiers, and implementation of human rights commitments made at the Beijing Women's Conference in 1995.

## Human Rights Developments

In general, a rising concern with justice for past abuses did not translate into effective measures to prevent new ones. Serious problems remained in terms of protecting civilians in areas of conflict; ensuring basic civil rights under authoritarian governments; and providing protection to refugees, migrants, and trafficking victims.

The Pinochet precedent was very much on the minds of governments and NGOs in the region during the year, as accountability for past abuses was an issue as never before. In South Korea, efforts were underway to hold the U.S. accountable for the No Gun Ri massacre in July 1950, during the Korean war, in which some 400 civilians may have died. Throughout the countries occupied by Japan during World War II, women forced into sexual slavery as "comfort women" were still campaigning for individual compensation from the Japanese government. Relatives of families of those killed or unaccounted for in the Thai army's May 1992 firing on unarmed demonstrators demanded and got release of classified government documents about the incident and continued to demand the prosecution of those responsible. Relatives of Tiananmen Square victims filed a civil complaint in a U.S. court in September against Li Peng, then Chinese premier, now head of the National People's Congress in Beijing. In Cambodia, international pressure forced the Hun Sen government to agree reluctantly to a tribunal over which it would not have complete control to try former Khmer Rouge leaders for crimes against humanity committed from 1975 to 1979. The final establishment of the tribunal, which would be based in Phnom Penh and have a majority of Cambodian over non-Cambodian judges, was still awaiting action by the Cambodian parliament by late October. A special panel of the Dili district court in East Timor was set up in June to try those responsible for crimes against humanity and serious crimes committed during the period January to October 1999.

In part because of a rising interest in accountability, the International Criminal Court attracted more attention in the region. By the end of the year, New Zealand and Fiji had ratified the Rome Statute while South Korea, Thailand, Bangladesh, Australia, the Solomon Islands, and the Marshall Islands had all signed. A conference of Asian NGOs, held in Bangkok in June, decided to make ratification of the statute a key priority for regional advocacy.

Even as moves to punish past abuses were gathering strength, serious human rights problems continued to plague the region. Some were linked to separatist or nationalist movements and governments' abuse of security laws to detain, torture, "disappear," or kill suspected opponents. Some were classic examples of the refusal of authoritarian governments to tolerate peaceful political opposition. Others were linked to communal violence, still others to the failure of governments in the region to protect refugees and migrants.

In all countries where armed rebellion against the central government was underway, all parties to the conflict were responsible for abuse. In Sri Lanka, civilians in the northeast of the country were caught in the middle between the Liberation Tigers of Tamil Eelam (LTTE) and government forces. In Kashmir, Indian security forces used draconian counterinsurgency measures, including arbitrary arrest, torture, and staged "encounter killings", against Muslim citizens who were suspected of supporting guerrilla activity, while armed Islamists were believed responsible for mass killings of Hindu civilians. In Nepal, an ongoing Maoist insurgency continued to spread from four midwestern hill districts to encompass nearly the entire nation. In Aceh, in Indonesia, the Gerakan Aceh Merdeka (GAM,

Free Aceh Movement) was reported to have killed suspected informers; government security forces were responsible for the torture and killing of suspected GAM supporters. Separatist conflicts were also underway in West Papua, Indonesia; northeast India; Xinjiang, in western China; and around all of Burma's borders. In Laos, armed insurgency from ethnic Hmong in the highlands and ethnic Lao rebels based in Thailand and Laos increased during the year, and in June, the government initiated a national security alert after a series of unclaimed bomb blasts were attributed to those Lao insurgents. Governments tended to deal harshly with any rebels arrested, sometimes judicially, sometimes extrajudicially, but their prosecutions of their own agents for human rights violations were rare. Several South Asian governments responded to internal armed conflicts by introducing or enhancing existing anti-terrorism legislation or emergency powers.

Fundamental rights to freedom of association, expression, and assembly were tightly restricted in North Korea, Burma, Vietnam, and Afghanistan. China, despite some liberalization, still banned any group or publication that it considered a threat to the Communist Party's hold on power.

But even in more open societies, like Malaysia, Singapore, Pakistan, and Cambodia, politics could be a risky occupation, as the trials of Anwar Ibrahim and Nawaz Sharif made clear. The use of draconian internal security legislation remained an issue in many of the region's democratic or democratizing countries. In Bangladesh, for example, the government signed the Public Security Act into law in January, affording sweeping powers to the police and circumventing guarantees of due process.

Where public advocacy was possible, human rights defenders were working toward legislative change. In South Korea, for example, President Kim Dae-Jung announced in August his willingness to repeal the harsh National Security Law, as recommended by the United Nations Human Rights Committee and demanded by a coalition of more than 200 local rights organizations; as of October, it was still on the books, but former prisoners who had been unfairly detained under it by previous administrations became legally eligible for rehabilitation and compensation. (In fact, a 1999 law made anyone who had suffered detention, job loss, or expulsion from universities as a result of involvement in pro-democracy activities eligible for "restoration of honor" and compensation.) In India, NGOs campaigned against the introduction of the Prevention of Terrorism Bill into parliament.

In much of the region, communal, ethnic, or caste tensions were caused or exacerbated by government actions. In India, Hindu nationalist policies of the ruling party encouraged attacks on Dalits ("untouchables"), Muslims, and Christians. In China, perception of organized meditation groups as a potential political threat led to widespread persecution of Falun Gong practitioners and members of other qigong groups. Ethnic tensions rooted in longstanding social and economic grievances and a perception on the part of indigenous elites of dispossession by "migrants," led to the coup in Fiji in May and the attempted coup in the Solomon Islands in June. In Fiji, many of the "migrants" were in fact third- and fourth-generation Fijians. In the Moluccas, in Indonesia, a bitter communal conflict with similar socioeconomic roots was fueled by the participation of security forces in the conflict, with the army largely siding with Muslims and the police with Christians. There was not a single ethnic or communal conflict in the region that was reducible to "ancient hatreds," and impartial government policies, had they been in effect, could have gone a long way to reducing the potential for violence.

Protecting refugees, migrants, and victims of trafficking was a huge issue across the region, made more complicated by the fact that it was, by definition, transnational. To combat trafficking of Thai women to Japan, for example, both the Thai and Japanese governments needed to reform legislation and crack down on corruption of police and immigration officials. To protect foreign migrant workers against abuse in Malaysia or South Korea, countries exporting labor needed to prosecute illegal labor recruiters while the receiving countries needed to step up investigations and prosecutions of abusive employers.

The Japanese Ministry of Foreign Affairs hosted the January 20 Asia-Pacific Symposium on the Trafficking in Persons, but the conference did not generate any concrete preventive measures. The governments of the United States and the Philippines organized a conference of the Asian Regional Initiative on Trafficking of Women and Children (ARIAT) from March 29-31 in Manila. That conference did produce an action plan for tackling human trafficking in the region.

Throughout the region, huge numbers of refugees and internally displaced people continued to need protection. On the eve of the fiftieth anniversary of the Office of the U.N. High Commissioner for Refugees (UNHCR) only five Asian countries were parties to the 1951 Convention relating to the Status of Refugees or to its 1967 Protocol. Serious issues of refugee protection arose even in some of those five during the year. In Australia, for example, a riot in August at an immigration detention center in Woomera, South Australia, drew international attention to the government's harsh treatment of undocumented migrants. In China, reports of forcible return of North Korean refugees were almost impossible to verify because UNHCR was allowed no access to the area concerned. In some countries, protection in the host country was the problem. Many refugees from East Timor were virtual hostages of militia leaders in Indonesian West Timor, for example. In others, the country from which refugees fled obstructed their efforts to return. Despite international pressure to secure the right to return for approximately 100,000 Bhutanese refugees living in camps in Nepal since late 1990 and 1991, Bhutan continued to resist proposals for their repatriation. The UNHCR pledged to continue its voluntary yearly repatriation of thousands of Afghan refugees from Pakistan and Iran; the refugees returned to face ongoing civil war and severe violations of human rights.

In many countries that offered little or no protection for refugees, desperate asylum-seekers tried to enter the workforce of the host country, blurring the line between refugees and migrants, and making deportation of undocumented migrants tantamount in many cases to refoulement. This was the case with three groups of Burmese refugees: ethnic Shan refugees in Thailand, ethnic Chin in India; and ethnic Rohingya in Malaysia.

Protection of the internally displaced remained weak in some countries and non-existent in others. Many of the estimated one million internally displaced in Sri Lanka faced restrictions on fundamental freedoms and discrimination at the hands of Sri Lankan security forces; there were even allegations that army and police used displaced villagers as forced labor north of Batticaloa in eastern Sri Lanka. The Indonesian government for much of the year obstructed efforts of international agencies to assist the more than 300,000 Indonesians displaced by the communal conflict in the Moluccas. By October, some aid was getting through. In Afghanistan, aid agencies faced an ethical dilemma of whether to continue to provide assistance in light of the ruling Taliban's policies on women when to halt all assistance could have a disastrous impact on the displaced population. A Taliban offensive in northeastern Afghanistan resulted in a massive exodus from Takhar province into neighboring Badkshan. Up to 90,000 were believed to be homeless, and a humanitarian crisis loomed as winter approached.

## Defending Human Rights

Human rights work continued to be a dangerous occupation in some parts of Asia. Human rights activists across the region condemned the murder of Acehnese human rights defender Jafar Siddiq Hamzah, whose body was found outside Medan, Indonesia, three weeks after he "disappeared" on August 5. He was believed to have been killed by military forces, although as of October, Indonesian police investigators reported no leads to the identity of his killers. In other countries, local defenders took risks in reporting government abuses. Several Cambodian human rights defenders came under attack in August for reporting on alleged extrajudicial executions in Kratie province; afterwards, the defense ministry threatened to sue the main Cambodian human rights coalition. Chinese activists who campaigned to organize a new association to uphold the rights outlined in the two international rights covenants that China had signed were detained, tried, and imprisoned.

In some countries, human rights defenders moved into new and unaccustomed roles. In Malaysia, several leading activists stood for parliament in the November 1999 elections as an expression of opposition to the government's treatment of former Deputy Prime Minister Anwar Ibrahim. In Indonesia, by contrast, some human rights organizations found themselves in the position of advising the democratically elected government of Abdurrahman Wahid on policy. ELSAM, a rights advocacy organization, drafted legislation for a proposed truth commission.

Increasingly, governments were finding it in their interests to establish national human rights institutions. Malaysia established a commission, known by the acronym SUHAKAM, in April, and began receiving complaints shortly thereafter, primarily of police abuse. Nepal established a national commission in May. The Thai parliament passed legislation setting up a human rights commission in 1999 but only began appointing members in October 2000. In September, South Korea's Ministry of Justice submitted a bill establishing a national human rights commission to Congress; NGOs had opposed it because they wanted the commission to be more than an advisory body and to be more independent of the government than the bill envisaged. Cambodia has three semi-official human rights commissions, which are largely seen as partisan and ineffective: the Senate Human Rights Commission, the National Assembly Human Rights Commission, and the government's Human Rights Committee. In July, NGO leaders and government representatives established an informal working group to discuss establishing an independent national human rights commission. The Cambodian working group is a member of a regional working group based in the Philippines that is working to set up an ASEAN Human Rights Commission. National human rights institutions were already operating in India, Indonesia, the Philippines, Sri Lanka, Australia, and New Zealand.

## The Role of the International Community

### United Nations

The UN had a high profile on human rights during the year, most prominently with respect to Afghanistan, Burma, East Timor and Cambodia. In the latter two countries, prosecutions of past abuses were high on the agenda. In East Timor, the Office of the High Commissioner for Human Rights (OHCHR) and the special rapporteurs on torture; extrajudicial, summary or arbitrary executions; and violence against women conducted inquiries into grave abuses associated with the 1999 scorched earth campaign; UNTAET was responsible for further investigations and prosecutions. In Cambodia, negotiations over an international tribunal were conducted by the UN's Office of Legal Affairs.

The OHCHR maintained field offices in Phnom Penh and Jakarta. While staff in the former included human rights monitoring in their brief, the Jakarta office was restricted to technical advisory services. High Commissioner Mary Robinson visited China, Indonesia, East Timor, and South Korea during the year; she was scheduled to return to China in November to work on a plan to give China technical assistance to bring its laws into conformity with international standards.

At the fifty-sixth session of the Commission on Human Rights in March, UN Special Rapporteur on Afghanistan Kamal Hossain and Special Rapporteur on Violence against Women Radhika Coomaraswamy submitted their reports based on research conducted in Afghanistan and Pakistan in 1999. Hossain found widespread violations of international humanitarian and human rights law by Taliban forces and commanders against ethnic Hazaras and Tajiks in central and northern Afghanistan. Eyewitness testimony included accounts of forced displacement of civilians, deliberate burning of houses and crops, summary executions of non-combatants, arbitrary detention and forced labor. In newly occupied areas of central and northern Afghanistan, the special rapporteur found that women and children were frequently separated from their families and transported by truck to other regions of the country or to Pakistan. There were also many accounts of young girls in these areas being forcibly married to Taliban commanders. Coomaraswamy's report drew attention to a rise in violence against Afghan women, including domestic violence, honor killings, and trafficking of Afghan refugee women in Pakistan.

Burma reached in a similar fashion to the report in October of the special rapporteur on Myanmar, Rajsoomer Lallah, who for the fifth consecutive year was not permitted to visit the country on which he was tasked to report.

Most of the regional reporting to the UN treaty bodies was fairly routine, but the highly critical conclusions by the Committee on the Elimination of Racial Discrimination to a report submitted by Australia helped provoke the Australian government's angry statement in September that it would not necessarily allow further visits by treaty bodies.

### United States

The Clinton Administration took a selective interest in Asia. Securing normal trading relations with China was a priority; so was preventing any escalation of the conflict in Kashmir. By the end of the year, developing a dialogue with North Korea, building on Kim Dae-jung's "sunshine policy," was also a high priority. A state visit to India drew Indo-U.S. relations closer than ever before; a state visit to Vietnam in November was expected to put relations on an important new, trade-focused footing. Indonesia was very much a center of attention, but it was clear that neither the U.S., nor any other major international actor, knew exactly how to respond to a democratically chosen government that was so manifestly weak in terms of strategic vision and capacity to govern. The U.S. took an active role in supporting the UNTAET in East Timor and in pressing Indonesia to take action against militias in West Timor.

In general, trade and economic relations and strategic interests in the region took precedence over human rights, yet many Asian governments believed that the U.S. continued to give far too much attention to rights. Without any other international support, for example, the U.S. tried and failed to get a resolution critical of China adopted at the UN Commission on Human Rights. The U.S. was the only donor at the World Bank-chaired Consultative Group on Indonesia meeting in October that suggested loans might be conditioned on Indonesia's progress toward resolving the refugee situation in West Timor.

The U.S. government's promotion of religious freedom—largely due to congressional pressure—drew a mixed response in Asia, appreciated by victims of persecution, seen by governments as meddling. The U.S. Commission on International Religious Freedom held hearings on abuses in China, India and Pakistan, and religious freedom was expected to be a priority of Clinton's trip to Vietnam in November. In general, the impact of U.S. appeals or interventions was marginal.

The office of the U.S. Ambassador-at-Large for War Crimes took a strong interest in justice issues relating to possible crimes against humanity in East Timor and Cambodia.

### Japan

Japanese diplomacy was at a post-Cold War peak this year, and human rights received attention as an important, if limited, component of Japanese policy in Asia. Japan hosted the G-8 summit in Okinawa (July 21-23), and continued to emphasize building economic and political relations with its neighbors in Southeast and South Asia: the prime minister toured South Asia for the first time in a decade. A pre-summit gathering of G-8 foreign ministers issued a statement endorsing "fundamental principles of democracy, the rule of law, human rights and an open economy" as "indispensable" in an era of globalization. But at the summit itself, the G-8 leaders side-stepped some of the most controversial issues.

Promoting reform and stability in Indonesia was a top priority for Japan, which hosted the annual donor meeting for Indonesia in October. It also provided major assistance for East Timor's reconstruction and urged a resolution of the crisis in West Timor. Japan maintained good relations with Burma, trying to nudge the military towards democratization but also helped to deflect criticism of Burma internationally. Japan continued its campaign to give full economic and political support to the Hun Sen government in Cambodia, while also urging its cooperation with the UN on a Khmer Rouge tribunal. Relations with China, despite a visit to Tokyo by Jiang Zemin late in the year, remained rocky, largely because of mutual wariness on security issues; human rights concerns were marginal to Japan's bilateral agenda with Beijing.

### European Union

The European Union was active in promoting peaceful resolution of the conflicts in Sri Lanka (backing Norway's mediation offer) and Kashmir. The first ever E.U.-India summit took place in June. Following the October 12, 1999 coup in Pakistan, the E.U. quickly distanced itself from the military government, and only restored political dialogue with Islamabad in September 2000.

Otherwise, the E.U. was concerned with expanding economic relations across the region, capped by the third Asia-Europe Meeting (ASEM) summit in Seoul in October, which brought together heads of state from fifteen European countries and ten Asian governments to discuss expanded economic cooperation.

The E.U. put a high priority on finalizing a trade agreement with China in the context of the WTO negotiations, while including human rights in its political dialogues and summit meetings. But the E.U.-China human rights dialogue received increased scrutiny during the year as it failed to deliver tangible results, and by year's end was under internal review.

During the year, the E.U. used its influence as a leading donor to support human rights and democratization in Vietnam, Cambodia, and Indonesia and East Timor. In the case of Burma, however, splits within the E.U. made it difficult to develop a stronger common position towards the ruling State Peace and Development Council (SPDC) following the SPDC's September crackdown. An E.U.-ASEAN meeting in Laos remained on the calendar for December.

## World Bank

Two of the World Bank's top five loan recipients this year were in Asia (India, U.S. \$1.8 billion and China, \$1.67 billion). The social and economic consequences of the Asian financial crisis were key factors in sparking further reforms within the World Bank. Those reforms included more engagement with civil society, strong attention to combating corruption, and an interest in examining the bank's potential role in supporting basic judicial reforms.

World Bank President James Wolfensohn's extraordinary appeal to Indonesian President Abdurrahman Wahid urging an end to the violence in West Timor had a major impact in Jakarta and helped frame an overall international agenda for dealing with the crisis.

The bank's emphasis on participation as an element of good governance led to consultations with civil society in advance of bank-convened donor meetings, with NGOs actually participating in some of the donor conferences, for example, on Indonesia and Cambodia. But in countries where NGOs were non-existent or tightly controlled, such as China and Vietnam, the bank effectively let the governments set the terms of any "consultation" with people likely to be affected by bank projects.

In East Timor, the bank was a key promoter of democratization efforts through a community empowerment project involving election of local councils to decide on development priorities.

A new World Bank report on Burma, leaked late in 1999, explicitly linked deteriorating economic and social conditions in Burma to the lack of progress on political reform and human rights. This set a useful precedent and example for the ongoing debate in Asia on the linkages between rights concerns and governance and development issues.

# BURMA

The Burmese government took no steps to improve its dire human rights record. The ruling State Peace and Development Council (SPDC) continued to pursue a strategy of marginalizing the democratic opposition through detention, intimidation, and restrictions on basic civil liberties. Despite international condemnation, the system of forced labor remained intact.

In the war-affected areas of eastern Burma, gross violations of international human rights and humanitarian law continued. There, the Shan State Army-South (SSA-S), Karenni National Progressive Party (KNPP), and Karen National Union (KNU), as well as some other smaller groups, continued their refusal to agree to a cease-fire with the government, as other insurgent forces had done, but they were no longer able to hold significant territory. Tens of thousands of villagers in the contested zones remained in forced relocation sites or internally displaced within the region.

## Human Rights Developments

The SPDC continued to deny its citizens freedom of expression, association, assembly, and movement. It intimidated members of the democratic opposition National League for Democracy (NLD) into resigning from the party and encouraged crowds to denounce NLD members elected to parliament in the May 1990 election but not permitted to take their seats. The SPDC rhetoric against the NLD and its leader, Aung San Suu Kyi, became increasingly extreme. On March 27, Senior Gen. Than Shwe, in his Armed Forces Day address, called for forces undermining stability to be eliminated. It was a thinly veiled threat against the NLD. On May 2, a commentary in the state-run *Kyemon* (Mirror) newspaper claimed there was evidence of contact between the NLD and dissident and insurgent groups, an offense punishable by death or life imprisonment. In a May 18 press conference, several Burmese officials pointed to what they said were linkages between the NLD and insurgents based along the Thai-Burma border, and on September 4 the official Myanmar Information Committee repeated this charge in a press release after Burmese security forces raided the NLD headquarters in Rangoon.

The SPDC released several high-profile political prisoners during the year, but continued to arrest individuals engaged in peaceful political activities. It extended clemency on medical grounds to NLD Youth member Tun Zaw Zaw, also known as Tun Tint Wai, on December 19 after his mother appealed for him to be released to seek treatment for an eye disease. He had served two years of a seven year prison term imposed on politically-motivated charges of forgery and cheating. Moe Thu (Sein Myint), former editor of the economics magazine *Danwa*, was released on January 3, 2000, following the death of his wife. He had been in prison since June 1996. On May 22, the government released Cho Nwe Oo, who had been in prison since 1995 for a protest at the funeral of the former prime minister, U Nu. The thirty-two-year old doctor had two years of his sentence still to serve at the time of release. The government released six elderly men, five of them reportedly NLD members, shortly after a request for the release of the men and other prisoners made by the U.N. Secretary-General's special envoy for Burma, Ratali Ismail, during his October 2000 visit to Burma. On October 20, the government released British activist James Mawdsley following strong protests earlier in the month by the British foreign ministry over reports that Mawdsley had been beaten in detention and a statement by the U.N. Working Group on Arbitrary Detention that he was being held unlawfully. He had served one year of a seventeen-year sentence for distributing pro-democracy leaflets in Burma.

There were also new arrests. On April 24, the SPDC detained a member of the Committee Representing the People's Parliament (CRPP), the shadow legislature established by the NLD. Aye Tha Aung, chairperson of the CRPP's Committee on Ethnic Nationalities Affairs, was reportedly sentenced to twenty-one years of imprisonment in June to be served at Insein Prison, where conditions were particularly harsh. In May, the authorities arrested Tint Wai, Kyaw Myo Min, and Ma Htay Htay for allegedly distributing the dissident newspaper *Nw/3*, and sentenced them to seven years in prison. Later the same month, the government arrested over one hundred NLD members in an apparent attempt to suppress political protests to mark the tenth anniversary of the 1990 election.

The International Committee of the Red Cross (ICRC) continued to monitor the conditions of thousands of prisoners, and was able to establish offices in Kengtung in Shan state, Pa-an in Karen state, and Moulmein in Mon state to begin to monitor the condition of civilians in eastern Burma.

On August 24, Burmese officials took action to prevent the freedom of movement of NLD General Secretary Aung San Suu Kyi, Deputy Chairman Tin Oo, and a dozen other party members, forcing their two vehicles off the main road in the town of Dala, on the outskirts of Rangoon. Government forces refused to allow the party to proceed to the NLD branch office at Kinyangon, thirty miles from the capital, and urged them to return to Rangoon because of "security concerns." The NLD officials refused to do so and, instead, camped in their cars, but on September 3, police forcibly returned them to Rangoon. Officials reportedly handcuffed Aung San Suu Kyi and Tin Oo. The day before, security forces had raided the NLD headquarters in Rangoon and confiscated numerous documents. The government claimed that the raid had uncovered damning evidence that NLD members were helping insurgent groups to smuggle explosives into Burma and confined nine NLD executive committee members to their homes pending completion of an investigation. The government's move sparked international condemnation. Foreign diplomats were permitted to visit the nine detainees on September 14 and the NLD members were then permitted to move about Rangoon.

On September 21, however, the government blocked a bid by Suu Kyi and other NLD members to travel by train to Mandalay. Suu Kyi and eight other NLD executive members were placed under effective house arrest. Deputy Chairman Tin Oo was held at an unknown location. The nine executive members were still being held as of October 2000.

The SPDC failed to put a stop to its use of forced labor for infrastructure development, the construction of Buddhist structures, maintenance of military camps, and portering for army patrols. A delegation from the International Labour Organization (ILO), visited Rangoon and other areas at the SPDC's invitation from May 23-27, shortly before the June annual conference of the ILO. In its report on the visit, the ILO again called for the SPDC to cease the use of forced labor, repeal or amend legal provisions for forced labor in the village and towns acts, monitor compliance, and penalize those who employed forced labor. Burmese Minister for Labour Maj. Gen. Tin Ngwe wrote a letter dated May 27 to the ILO's director-general, stating that the SPDC leaders "have taken and are taking the necessary measures to ensure that there are not instances of forced labor in Myanmar." The ILO conference, however, concluded that the SPDC had failed to end the practice and gave the SPDC until November 2000 to institute reforms or suffer possible sanctions. On October 19, an ILO delegation traveled to Rangoon to assess whether forced labor was still in use.

Tens of thousands of villagers in the conflict areas of central Shan state, Karenni state, Karen state, Mon state, and eastern Tenasserim division remained in forced relocation sites and faced curfews, looting, and restrictions on movement at the hands of the Burmese army. Shan refugees escaping to Thailand reported that strict curfews had been implemented in Burmese government relocation sites forbidding Shan villagers from leaving their homes between dusk and dawn and, in some instances, prohibiting speaking and imposing a strict lights-out policy. Tens of thousands of other villagers in eastern and southeastern Burma remained displaced in the forests or in areas contested by the army and insurgent groups.

In the west, the SPDC continued to deprive ethnic minority Muslim Rohingya of full citizenship rights. The Rohingya were subject to restrictions on their freedom of movement, arbitrary taxation, and extortion by local officials. Forced labor was also common. A direct consequence of ongoing abuses was the gradual movement of Rohingya refugees into the Bangladeshi labor market. Some 20,000 refugees remained in Nayapara and Kutabalong refugee camps in Bangladesh as of October 2000, but the camps remained officially closed to new arrivals.

On July 27, the SPDC reopened many of the country's universities, which had been closed since 1996. Many campuses, however, had been relocated to rural areas since the mid-90s and the doors of the University of Rangoon, a former hotbed of political activity, remained shut for all but final year students.

## Defending Human Rights

No human rights organizations were allowed to operate in Burma.

## The Role of the International Community

The international community was still far from developing a common approach to continued human rights abuses in Burma. In March, fourteen governments were represented at a meeting in South Korea convened by the United Nations to discuss how to advance Burma's political development. They included the U.S., Australia, Canada, and several EU and Southeast Asian states, as well as the U.N. secretariat and the World Bank, but no new and coherent strategy emerged.

## United Nations

In April, U.N. Secretary-General Kofi Annan appointed Malaysian diplomat Razali Ismail as his new special envoy for Myanmar, replacing Alvaro de Soto. Razali made his first visit to Rangoon from June 30 to July 3 when he met with SPDC officials, NLD leaders, and foreign diplomats. During his second visit on October 9-12, he met with Aung San Suu Kyi and Senior Gen. Than Shwe, the first time any special envoy had been able to do so.

The U.N. General Assembly and U.N. Commission on Human Rights passed consensus resolutions in November 1999 and April 2000, respectively, expressing concern over human rights abuses in Burma and the ongoing political stalemate. In reports in January and August, U.N. Special Rapporteur Rajsoumer Lallah focused on the lack of respect for civil and political rights, obstacles in Burma to the realization of economic, social, and cultural rights, and abuses faced by vulnerable groups. The SPDC refused to admit Lallah to Burma for the fifth year in a row.

## United States

The U.S. government position on Burma did not change. On May 19, President Clinton renewed sanctions on new private investment in Burma. On June 19, the U.S. Supreme Court unanimously rejected a Massachusetts state law, which would have penalized companies investing in Burma, ruling that Congress had preempted it by establishing a sanctions policy. In another case brought by fifteen Burmese villagers, a U.S. federal court ruled on September 1 that Unocal Corporation and its partners knew of and benefited from forced labor on the Yadana natural gas pipeline between Burma and Thailand, but that there was insufficient evidence that Unocal could control the abuses, and that the court therefore lacked jurisdiction over the case. The plaintiffs planned to appeal to the federal appeals court in San Francisco.

Two U.S. government reports sharply criticized the SPDC. In February, a Labor Department report concluded that forced labor, denial of the right to organize, and forced relocation remained pervasive, while abusive child labor was not uncommon. In September, the State Department announced that Burma was one of a number of countries that maintained serious restrictions on religious freedom.

On August 31, both Vice-President Al Gore and Secretary of State Madeleine Albright publicly condemned the SPDC for its treatment of Aung San Suu Kyi and other NLD members and called for the SPDC to guarantee their freedom of movement and other fundamental human rights. In his September 6 address to the U.N. Millennium Summit, President Clinton denounced the SPDC for confining Aung San Suu Kyi to her home. On September 11, the State Department released a joint statement signed by Albright and ten other women foreign ministers condemning the SPDC's violation of the basic human rights of NLD members.

## European Union

THE EUROPEAN UNION (E.U.) TIGHTENED SANCTIONS AGAINST BURMA'S LEADERS WHILE RENEWING ENGAGEMENT WITH THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN), OF WHICH BURMA IS A MEMBER. ON APRIL 10, THE E.U. STRENGTHENED ITS COMMON POSITION BY PROHIBITING THE SALE, SUPPLY, AND EXPORT TO BURMA OF EQUIPMENT WHICH COULD BE USED FOR INTERNAL REPRESSION OR TERRORISM, AND BY FREEZING THE FUNDS OF IMPORTANT GOVERNMENT FUNCTIONARIES AND PUBLISHING THEIR NAMES. ON SEPTEMBER 21, THE E.U. ISSUED A STATEMENT OF CONCERN ABOUT THE TREATMENT OF AUNG SAN SUU KYI AND CALLED FOR THE SPDC TO LIFT ALL RESTRICTIONS ON HER FREEDOM OF MOVEMENT. THE E.U. WENT AHEAD, HOWEVER, WITH PLANS FOR THE FIRST MEETING OF E.U. AND ASEAN FOREIGN MINISTERS SINCE BURMA JOINED ASEAN IN 1997, SCHEDULED AT THIS WRITING TO BE HELD IN DECEMBER IN VIENTIANE, LAOS. SWITZERLAND AND LIECHTENSTEIN IN OCTOBER PLACED SANCTIONS ON BURMA IN LINE WITH THE E.U. COMMON POSITION. ON OCTOBER 6, THE E.U. PRESIDENCY ISSUED A DECLARATION IN SUPPORT OF THE U.N. SPECIAL ENVOY'S MISSION.

## Japan

JAPAN CONTINUED ITS TWO-TRACK POLICY TOWARDS BURMA, URGING DEMOCRATIZATION AND RESPECT FOR HUMAN RIGHTS AND SUSPENDING ANY NEW AID UNTIL THERE WERE "VISIBLE SIGNS" OF PROGRESS, WHILE ALSO MAINTAINING POLITICAL TIES WITH RANGOON. ON NOVEMBER 29, 1999, PRIME MINISTER KEIZO OBUCHI MET WITH SENIOR GEN. THAN SHINE AT THE MANILA SUMMIT OF LEADERS FROM ASEAN, CHINA, SOUTH KOREA, AND JAPAN. HIS MEETING WAS FOLLOWED A FEW DAYS LATER BY A "PERSONAL" VISIT TO BURMA BY FORMER JAPANESE PREMIER RYUTARO HASHIMOTO. BOTH LEADERS TOLD THE SPDC THAT JAPAN WOULD NOT RESUME OFFICIAL DEVELOPMENT ASSISTANCE ABSENT VISIBLE POLITICAL AND ECONOMIC REFORM. HASHIMOTO ALSO RECOMMENDED THAT THE SPDC RE-OPEN ALL BURMESE UNIVERSITIES. IN LATE JUNE, JAPAN SPONSORED A TWO-DAY WORKSHOP ON ECONOMIC REFORM IN RANGOON, ORIGINALLY SCHEDULED WHEN OBUCHI AND SENIOR GEN. THAN SHINE MET IN MANILA IN NOVEMBER 1999. NO NEW OFFICIAL DEVELOPMENT ASSISTANCE (ODA) LOANS OR GRANTS WERE ANNOUNCED DURING THE WORKSHOP, THOUGH IT WAS WIDELY VIEWED AS A POSSIBLE STEP TOWARDS RESUMING BILATERAL AID. SOME JAPANESE COMPANIES—including a FERTILIZER MANUFACTURER AND TOYOTA CAR DEALER—PULLED OUT OF BURMA DURING THE YEAR DUE TO THE DIFFICULTIES THEY ENCOUNTERED OPERATING THERE. IN SEPTEMBER, THE JAPANESE GOVERNMENT PROTESTED THE VIRTUAL HOUSE ARREST OF THE NLD EXECUTIVE COMMITTEE.

IN MULTILATERAL FORUMS, JAPAN SOUGHT TO DILUTE OR DEFLECT ACTIONS CRITICAL OF THE SPDC. IT VOTED AGAINST THE RESOLUTION ON FORCED LABOR AT THE ILO AND DID NOT COSPONSOR THE BURMA RESOLUTION ADOPTED BY THE U.N. COMMISSION ON HUMAN RIGHTS.

## Australia

AUSTRALIA SOUGHT TO CULTIVATE GREATER RESPECT FOR HUMAN RIGHTS THROUGH A LONG-TERM STRATEGY OF ENGAGEMENT WITH BURMESE AUTHORITIES ON HUMAN RIGHTS. URGING THE CREATION OF A BURMESE NATIONAL HUMAN RIGHTS COMMISSION, THE AUSTRALIAN GOVERNMENT FINANCED TWO HUMAN RIGHTS WORKSHOPS IN JULY FOR MID-LEVEL BURMESE CIVIL SERVANTS AND A THIRD IN OCTOBER. ON AUGUST 10, AT MEETINGS OF THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS, THE SPDC REITERATED ITS INTENT TO ESTABLISH A COMMISSION. NOT EVERYONE WITHIN THE AUSTRALIAN GOVERNMENT HAD CONFIDENCE IN THE SPDC'S RHETORICAL COMMITMENT TO CHANGE, HOWEVER. IN A JULY 21 CABLE TO PRIME MINISTER JOHN HOWARD AND FOREIGN AFFAIRS MINISTER ALEXANDER DOWNER, AMBASSADOR TREVOR WILSON WROTE THAT THE SPDC WAS "DETERMINED TO REMAIN IN POWER AT ALL COST, ALLOWING ONLY MARGINAL REFORMS IN THE ECONOMY AND SOCIETY." THE AUSTRALIAN GOVERNMENT CRITICIZED RANGOON OVER THE TREATMENT OF THE NLD BUT DID NOT REASSESS ITS EXISTING POLICY.

## Association of South East Asian Nations

THAILAND BROKE WITH THE ASEAN POSITION OF NON-INTERFERENCE IN THE INTERNAL AFFAIRS OF MEMBER NATIONS BY ABSTAINING FROM THE VOTE ON THE ILO RESOLUTION CRITICIZING BURMA (ALL OTHER ASEAN MEMBERS VOTED AGAINST), AND, IN AUGUST, BY CRITICIZING THE SPDC'S TREATMENT OF SUU KYI AND THE NLD. FOREIGN MINISTER SURIN PITSUNAN SAID BURMA'S ACTIONS COULD SCUTTLE THE PLANNED DECEMBER MEETING OF ASEAN AND E.U. FOREIGN MINISTERS. IN SEPTEMBER, THE THAI GOVERNMENT CALLED FOR THE ASEAN TROÏKA—THE ASSOCIATION'S PRESENT AND IMMEDIATE PAST AND FUTURE CHAIRPERSONS—to ADDRESS THE SITUATION IN BURMA. VIETNAM, THE CURRENT CHAIR, REFUSED TO ACTIVATE THE TROÏKA, CLAIMING THE ISSUE WAS A BURMESE INTERNAL AFFAIR.

## World Bank

THE WORLD BANK IN A REPORT IN LATE 1999 LINKED BURMA'S POOR ECONOMIC PERFORMANCE TO POOR GOVERNANCE. THE BANK CONTINUED TO DENY LOANS TO BURMA AND REFUSED TO CONSIDER SENDING A HIGH LEVEL DELEGATION TO RANGOON UNLESS THE SPDC AFFIRMED IN WRITING ITS COMMITMENT TO CARRYING OUT SIGNIFICANT ECONOMIC REFORMS.

## Relevant Human Rights Watch Reports:

*LIVING IN LIMBO: BURMESE REFUGEES IN MALAYSIA, 9/00*

*BURMESE REFUGEES IN BANGLADESH: STILL NO DURABLE SOLUTION, 5/00*

# CAMBODIA

AFTER MORE THAN TWO YEARS OF NEGOTIATIONS, CAMBODIA AND THE UNITED NATIONS TENTATIVELY REACHED AGREEMENT IN JULY TO ESTABLISH A NATIONAL TRIBUNAL WITH INTERNATIONAL PARTICIPATION TO BRING FORMER KHMER ROUGE LEADERS TO JUSTICE FOR GENOCIDE, CRIMES AGAINST HUMANITY, AND WAR CRIMES COMMITTED BETWEEN APRIL 1975 AND JANUARY 1979. AS OF OCTOBER, HOWEVER, THE GOVERNMENT HAD YET TO SUBMIT REVISED LEGISLATION ESTABLISHING THE TRIBUNAL TO THE NATIONAL ASSEMBLY, CASTING DOUBT ON THE GOVERNMENT'S RESOLVE. ALTHOUGH THE HIGH LEVEL OF POLITICAL STRIFE THAT HAD PLAGUED CAMBODIA IN RECENT YEARS RECEDED, SERIOUS HUMAN RIGHTS VIOLATIONS CONTINUED, INCLUDING POLITICAL KILLINGS AND TORTURE, ATTACKS ON OPPOSITION LEADERS, HUMAN TRAFFICKING, SUBSTANDARD PRISON CONDITIONS, AND VIOLATIONS ASSOCIATED WITH LABOR AND LAND CONFLICTS.

## Human Rights Developments

CAMBODIA AND THE U.N. REACHED AGREEMENT ON THE KHMER ROUGE TRIBUNAL IN JULY, AFTER A SERIES OF NEGOTIATING SESSIONS IN PHNOM PENH, NEW YORK, AND HAVANA. AS A COMPROMISE TO A FULLY INTERNATIONAL TRIBUNAL, THE U.N. AGREED THAT THE TRIBUNAL WOULD BE LOCATED IN CAMBODIA, AS A THREE-TIERED SPECIAL CHAMBER WITHIN THE CAMBODIAN COURT SYSTEM, CONSISTING OF A MAJORITY OF CAMBODIAN JUDGES AND A MINORITY OF FOREIGN JUDGES. ALL JUDGES WERE TO BE APPOINTED BY THE CAMBODIAN SUPREME COUNCIL OF

Magistracy (SCM), which is dominated by the ruling Cambodian People's Party (CPP), although the UN Secretary-General was to put forward a list of foreign jurists as nominees for consideration by the SCM.

Previous stumbling blocks, such as who would control prosecutions, were resolved through a concession brokered by the United States, in which co-prosecutors—one Cambodian and one nominated by the UN—would issue indictments. Any differences between co-prosecutors would be resolved through a pretrial chamber composed of Cambodian and foreign judges, with decisions to block indictments requiring the consent of a majority of the judges plus at least one foreign judge. The plan was criticized by Cambodian and international human rights organizations. They said it set an international precedent by watering down standards of judicial independence and creating a politically charged indictment process.

Official impunity remained a major problem. Virtually none of the perpetrators of hundreds of politically-motivated extrajudicial killings, incidents of torture, and other abuses committed before and after the 1997 coup and 1998 elections were brought to justice during the year. According to the UN Special Representative for Human Rights in Cambodia, as of April 2000 the government had investigated only nine of these cases, leading to the trial and imprisonment of three culprits. An emerging trend was for victims of rape or physical assault committed by government agents to be pressured to settle cases out of court, with the encouragement of local officials, police and/or court staff.

Commune-level elections, which had been repeatedly postponed since the 1993 national elections, were not expected to be held until mid-2001 at the earliest. In order to reduce political violence, Cambodia's independent nongovernmental election monitoring coalitions advocated passage of a Commune Election Law requiring candidates to run on an individual basis and not as political party members. They also called for the dismantling of commune militia, which were reportedly used during previous elections to carry out violence and intimidation of opposition supporters.

Numerous incidents of violence took place against local commune leaders, mostly directed at members of the opposition Sam Rainsy Party (SRP). These included the February 10 slaying of SRP member Chhim Chhun in Kompong Cham, for which a commune militiaman was later arrested; the June 3 killing of Prak Chhien, commune candidate for the royalist Funcinpec party in Kampot, for which the incumbent commune chief was later arrested; and the August 17 murder of Khim Nhak, a SRP commune council member in Kompong Cham, for which the commune's deputy police chief was subsequently arrested. Other SRP commune candidates in Kompong Cham, Kampot, and Prey Veng were also threatened or attacked during the year. While rights workers concluded that most of these incidents were motivated at least in part by local political rivalries or the victims' role in publicizing local abuses of power, government officials insisted that the violence reflected nothing more than personal disputes. The effect, however, was clear: the attacks conveyed the message that involvement in politics could be life threatening.

Further harassment of the SRP occurred in May, when mobs attacked the SRP headquarters in Phnom Penh and destroyed a memorial erected by the party in front of the National Assembly. In March, two SRP members, Mong Davuth and Kong Bun Heang, who had been arrested in September 1999 for an alleged 1999 assassination attempt against Prime Minister Hun Sen, were released from prison for lack of evidence. The judge said that both men remained suspects in the case and could be re-arrested at any time. In December 1999, another SRP member, Sok Yoeun, who had fled the country after also being named as a suspect in the alleged assassination attempt, was arrested in Thailand. He was charged with illegal entry and sentenced to six months in prison there. Cambodia sought his extradition to face criminal charges but at this writing Sok Yoeun, having completed his sentence, was still in a Thai prison pending an extradition hearing.

In October, a uniformed soldier threatened to shoot SRP parliamentarian Cheam Channy during a standoff on a Phnom Penh street that lasted more than an hour. Police at the scene did not intervene, despite requests from UN human rights workers, who were eventually able to get the parliamentarian to safety.

Non-partisan organizations carrying out voter education were also harassed. In August, provincial authorities in Kampot threatened to arrest members of the Committee for Free and Fair Elections (Comfrel), an election monitoring group, for allegedly inciting civil unrest by advocating that candidates run as independents rather than as party members. After intervention by Comfrel's Phnom Penh office and the Ministry of Interior, the charges were dropped. In September, a district chief in Kampot ordered police officers to close a Comfrel meeting being held in a pagoda, allegedly because the organization lacked written permission from the governor to convene the meeting.

In August, rights workers received reports that alleged members of the Khmer Serey (Free Khmer Movement, or FKM), a group accused of plotting to overthrow the government, had been extrajudicially executed or "disappeared" by government forces. As many as thirty men were reportedly taken to a military base in Kratie province in April after having supposedly defected to the Royal Cambodian Armed Forces (RCAF). It was unclear how many of them were members of the FKM; some, apparently, were tricked into claiming to be members by promises that they would receive U.S. \$150 a month if they defected. Three of the leaders of the group were later executed. When their bodies were found, they were blindfolded and had their arms tied behind their backs. Others were reported missing and were believed "disappeared." RCAF Deputy Commander Meas Sophea stated that at least seven men were killed in a gun battle with government forces in Kratie in May but alleged that they were all bandits. On August 29, the Department of Defense announced that it would file a defamation suit against the Cambodian Human Rights Action Committee (CHRAC), which had publicly condemned the killings and "disappearances" and called for an official investigation.

Civilian mobs committed vigilante-style killings of suspected thieves, in some cases, with the apparent collusion of the police. On at least six occasions, suspects held in police custody were seized by, or handed over to, angry mobs and beaten to death. Between January and May, there were at least fourteen reported cases of mob violence against alleged criminals, in which ten people were killed. Law enforcement officers also made use of lethal force against criminal suspects. In one incident on August 3, police shot and killed a suspected motorcycle thief. The police said he was killed while trying to escape, but witnesses said he had been handcuffed and led down railway tracks by two men in plain clothes before he was shot.

Little progress was made in reforming Cambodia's judicial system, plagued by corruption and low-paid and poorly trained personnel. A Council for Judicial Reform, established in 1999 at the urging of Cambodia's international donors, was completely inactive during the year. A legal reform unit established by the Council of Ministers in 2000 with World Bank funding accomplished little apart from hiring consultants to conduct a number of studies. The Supreme Council of Magistracy (SCM)—responsible for overseeing and disciplining judges and commenting on draft laws—began to meet more regularly. During the second half of the year the SCM Disciplinary Council investigated a number of complaints against court officials and took disciplinary action against five judges and one prosecutor.

In December 1999, ostensibly in an effort to curb rampant corruption in the judiciary, Hun Sen issued a directive to suspend several judges in Phnom Penh and rearrest more than sixty individuals who allegedly had bribed their way out of prison. No warrants were produced for the arrests, however, nor were established legal mechanisms employed. As of October, at least thirty-four of those rearrested remained in jail, beyond legal pre-trial detention limits.

The acquittal of former Khmer Rouge commander Chhouk Rin in July underscored the weakness of the judicial system. Rin was tried on July 19 for armed robbery, terrorism, and destruction of public property in conjunction with the murder of three Western hostages in 1994. Rin, who defected to the RCAF in 1994, was acquitted on the basis of a 1994 law that granted an amnesty to Khmer Rouge who defected within six months of the law's promulgation, despite the fact that the kidnapping took place after the law was passed.

Prisoners continued to be subjected to excessive pre-trial detention, food and water shortages, lack of medical care, and shackling. 25 percent of prison inmates interviewed over a three-year period by the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), a local human rights group, stated that they had been tortured, threatened, or otherwise intimidated while in police custody after their arrests. As of August 2000, 369 inmates, some 25 percent of

PHNOM PENH'S PRISON POPULATION, HAD BEEN HELD AWAITING TRIAL LONGER THAN ALLOWED BY LAW. AT THIS WRITING, THE GOVERNMENT HAD NOT TAKEN ANY STEPS TO PUNISH THE EXECUTION-STYLE KILLING OF TWO ESCAPED PRISONERS UPON THEIR RECAPTURE BY GUARDS AT THE SIHANOUKVILLE PRISON IN JUNE 1999.

THE GOVERNMENT AND THE CPP CONTINUED TO DOMINATE THE AIRWAVES, BUT MORE THAN TWENTY PRIVATELY-OWNED NEWSPAPERS, SOME AFFILIATED WITH OPPOSITION PARTIES, WERE ABLE TO PUBLISH REGULARLY. THE MINISTRY OF INFORMATION ORDERED THE SUSPENSION OF SEVERAL NEWSPAPERS, HOWEVER, FOR ALLEGEDLY DEFAMING NATIONAL LEADERS AND ENDANGERING NATIONAL SECURITY. IN APRIL, THE MINISTRY ORDERED THE THIRTY-DAY SUSPENSION OF *PROTEBH POROMEAN KOMPUCHEA* (CAMBODIAN NEWS BULLETIN) FOR ALLEGEDLY INSULTING GOVERNMENT OFFICIALS. THE BULLETIN WAS SUSPENDED AGAIN IN JULY FOR REPRINTING A *SOUTH CHINA MORNING POST* ARTICLE THAT ALLEGEDLY DEFAMED THE KING. IN FEBRUARY, TWO OPPOSITION NEWSPAPERS, *SAMLENG YUVACHUN KIMER* (VOICE OF KHMER YOUTH) AND *MONKSEKOR KHMER* (KHMER CONSCIENCE), WERE THREATENED WITH CLOSURE BY THE MINISTRY BUT THEN GIVEN A REPRIEVE AFTER THEY PUBLISHED LETTERS OF APOLOGY FOR ALLEGEDLY INCITING RACIAL VIOLENCE AND INSULTING THE KING.

ETHNIC VIETNAMESE MINORITIES CONTINUED TO FACE REPRESSION. IN NOVEMBER 1999, PHNOM PENH MUNICIPAL AUTHORITIES EVICTED APPROXIMATELY 600 ETHNIC VIETNAMESE RESIDENTS FROM A FLOATING VILLAGE ON THE BASSAC RIVER, CHARGING THAT THEY WERE ILLEGAL IMMIGRANTS. A NUMBER OF THOSE EVICTED TOLD RIGHTS WORKERS THAT THEY WERE LONG-TIME CAMBODIAN CITIZENS AND THAT LOCAL AUTHORITIES CONFISCATED THEIR IDENTITY DOCUMENTS BEFORE THE EVICTION. THE VILLAGERS WERE FORCED TO FLOAT DOWNSTREAM TO A LOCATION NEAR THE VIETNAMESE BORDER, WHERE THEY REMAINED AS OF THIS WRITING. HARASSMENT AND ARRESTS OF SUSPECTED "FREE VIETNAM" MEMBERS IN CAMBODIA OPPOSED TO THE GOVERNMENT OF VIETNAM INCREASED. AS THE TWENTY-FIFTH ANNIVERSARY OF THE REUNIFICATION OF VIETNAM ON APRIL 30 NEARED, CAMBODIAN AND VIETNAMESE AUTHORITIES ANNOUNCED THAT THEY WERE CONDUCTING JOINT ACTIONS TO THWART SUSPECTED TERRORIST ATTACKS. IN FEBRUARY, TRUONG TAN HOANG AND VINH ANH TUNG, BOTH ALLEGED "FREE VIETNAM" MEMBERS, WERE ARRESTED IN DIFFERENT CITIES. IN MARCH, POLICE IN PHNOM PENH SURROUNDED AND ENTERED THE HOMES OF SEVERAL OTHER SUSPECTED MEMBERS, WHO ELUDED ARREST BY GOING INTO HIDING. SINCE 1996, MORE THAN TWENTY PEOPLE SUSPECTED OF BELONGING TO ANTI-HANOI ORGANIZATIONS HAVE BEEN ARRESTED IN CAMBODIA. THEY HAVE THEN EITHER "DISAPPEARED" OR BEEN DEPORTED TO VIETNAM, WHERE SOME HAVE BEEN TORTURED AND IMPRISONED. VIETNAMESE ASYLUM SEEKERS IN CAMBODIA APPEARED TO BE AT HIGHER RISK OF FORCIBLE RETURN THAN ASYLUM SEEKERS FROM OTHER COUNTRIES BECAUSE OF INCONSISTENT APPLICATION OF PROTECTION POLICIES BY THE PHNOM PENH OFFICE OF THE U.N. HIGH COMMISSIONER FOR REFUGEES.

EVICTIIONS AND FORCIBLE CONFISCATION OF LAND BY MILITARY AND CIVILIAN AUTHORITIES CONTINUED TO RANK AS ONE OF CAMBODIA'S MOST PERVERSIVE HUMAN RIGHTS PROBLEMS. ONE NGO, LEGAL AID OF CAMBODIA, ESTIMATED ITS LAND-RELATED CASELOAD AT AROUND 6,000 FAMILIES, WITH THE VAST MAJORITY OF THE CONFLICTS INVOLVING MILITARY COMMANDERS OR PROVINCIAL AND LOCAL OFFICIALS. PARTICULARLY VULNERABLE TO LAND CONFISCATION WERE CAMBODIA'S INDIGENOUS ETHNIC MINORITIES IN THE NORTHEAST, WHOSE LANDS WERE THREATENED BY LOGGING CONCESSIONS AND INDUSTRIAL PLANTATIONS. WITH ASSISTANCE FROM NGOS AND CONSULTANTS FROM THE ASIAN DEVELOPMENT BANK, A REVISED LAND LAW WAS DRAFTED AND SUBMITTED TO THE COUNCIL OF MINISTERS IN JULY. IN JUNE, BOTH KING SIHANOUK AND PRIME MINISTER HUN SEN EXPRESSED STRONG SUPPORT FOR THE REVISED LAW TO PROVIDE COMMUNAL LAND OWNERSHIP RIGHTS FOR INDIGENOUS MINORITIES.

LABOR VIOLATIONS INCLUDED ARBITRARY DISMISSAL, UNSAFE WORKING CONDITIONS, FAILURE TO PAY THE MINIMUM WAGE, AND DISCRIMINATION AND INTIMIDATION OF UNION AND WORKER ACTIVISTS. A LABOR CODE PASSED IN 1997 MET INTERNATIONAL STANDARDS, BUT ENFORCEMENT WAS POOR AND PROCEDURES FOR REGISTERING UNIONS REMAINED CUMBERSOME. IN MARCH, THE MINISTRY OF LABOR ISSUED A CIRCULAR BANNING STRIKES THAT DID NOT TAKE PLACE WITHIN THE PREMISE OF A FACTORY, ENTERPRISE OR ESTABLISHMENT AND REQUIRING AT LEAST SEVEN DAYS PRIOR NOTICE TO THE EMPLOYER AND THE MINISTRY IN ADVANCE OF A STRIKE. NEVERTHELESS, CAMBODIA'S LABOR MOVEMENT REMAINED STRONG THROUGH THE YEAR. IN JUNE, THOUSANDS OF GARMENT WORKERS WENT ON STRIKE IN PHNOM PENH TO PRESS FOR BETTER WORKING CONDITIONS AND AN INCREASE IN MONTHLY WAGES.

CAMBODIA CONTINUED TO BE PLAGUED BY TRAFFICKING OF PEOPLE FROM RURAL AREAS AND OTHER COUNTRIES FOR SEXUAL EXPLOITATION OR TO WORK IN SUBSTANDARD CONDITIONS IN PHNOM PENH SWEATSHOPS. POWERFUL FIGURES RUNNING TRAFFICKING NETWORKS, AND THEIR ACCOMPLICES—MANY OF THEM GOVERNMENT OFFICIALS, SOLDIERS, OR POLICE—WERE USUALLY IMMUNE FROM PROSECUTION. IN TWENTY CASES OF HUMAN TRAFFICKING RECORDED BY LICADHO FROM LATE 1999 TO EARLY 2000, FOR EXAMPLE, ONLY THREE PERPETRATORS HAD BEEN ARRESTED AND DETAINED AS OF MAY 2000.

IN ONE INCIDENT IN FEBRUARY, FIFTY-ONE TRAFFICKED WORKERS FROM VIETNAM AND CHINA WERE DETAINED AND FORCED TO WORK AT THE GT GARMENT FACTORY IN PHNOM PENH. WORKERS STATED THAT THEY HAD BEEN LURED TO CAMBODIA WITH PROMISES THAT THEY WOULD BE PAID U.S. \$100 A MONTH FOR EIGHT HOURS OF WORK A DAY. INSTEAD, DURING THEIR FIRST THREE MONTHS AT WORK THEY WERE PAID AROUND \$50 A MONTH AND PROHIBITED FROM LEAVING THE FACTORY. POLICE RAIDED THE FACTORY AND RELEASED THE WORKERS, BUT AFTERWARDS REPEATEDLY THREATENED TO ARREST THE WORKERS FOR LACKING PROPER DOCUMENTATION TO WORK IN CAMBODIA. NO PUNITIVE ACTION WAS TAKEN AGAINST THOSE WHO WERE RESPONSIBLE FOR SMUGGLING THE WORKERS INTO CAMBODIA AND DETAINING AND EXPLOITING THEM IN THE FACTORY.

IN ANOTHER CASE IN AUGUST, POLICE RAIDED THE BEST WESTERN HOTEL IN PHNOM PENH, WHERE SEVEN WOMEN RECRUITED FROM ROMANIA AND MOLDOVA HAD BEEN PROMISED JOBS AS DANCERS. INSTEAD, THEY HAD BEEN KEPT AGAINST THEIR WILL IN THE HOTEL OR ITS AFFILIATE, WHERE THEY WERE FORCED TO WORK AS PROSTITUTES. MANY OF THEIR CLIENTS WERE REPORTEDLY GOVERNMENT OFFICIALS. THE HOTEL OWNER, A CHINESE-CANADIAN WHO HAD TAKEN THE WOMEN'S PASSPORTS FROM THEM WHEN THEY ARRIVED IN PHNOM PENH, WAS RELEASED BY POLICE AFTER QUESTIONING, REPORTEDLY FOR LACK OF EVIDENCE. NO ARRESTS WERE MADE OF THOSE WHO RECRUITED THE WOMEN IN EUROPE AND FACILITATED THEIR ENTRY TO CAMBODIA.

IN SEPTEMBER, THE MINISTRY OF WOMEN'S AFFAIRS ANNOUNCED THAT IT WAS ESTABLISHING A BLACKLIST SYSTEM TO BANISH SUSPECTED FOREIGN SEX OFFENDERS FROM CAMBODIA, WHETHER OR NOT THEY HAD BEEN CONVICTED. WHEN SOME HUMAN RIGHTS WORKERS CRITICIZED THE BLACKLIST SYSTEM FOR CIRCUMVENTING DUE PROCESS AND THE PRESUMPTION OF INNOCENCE, THE MINISTRY DEFENDED THE MOVE BY ACKNOWLEDGING THAT CAMBODIAN COURTS COULD NOT BE DEPENDED UPON TO UPHOLD THE LAW.

### Defending Human Rights

SOME FORTY CAMBODIAN NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS WERE ACTIVE NATIONALLY IN HUMAN RIGHTS EDUCATION AND INVESTIGATING ABUSES. RIGHTS GROUPS THAT ENGAGED IN HIGH-PROFILE ADVOCACY AND INVESTIGATIONS, HOWEVER, WERE SUBJECT TO GOVERNMENT-SPONSORED ATTACKS IN THE CAMBODIAN PRESS AS WELL AS THREATS OF PROSECUTION OR PHYSICAL HARM. IN AUGUST, RIGHTS WORKERS INVESTIGATING EXTRAJUDICIAL EXECUTIONS IN KRAHIE WERE FOLLOWED BY SOLDIERS, WHO THEN MADE A LATE-NIGHT VISIT TO THE OFFICES OF ONE RIGHTS GROUP. . LOCAL AND NATIONAL AUTHORITIES, INCLUDING THE PRIME MINISTER, MADE THREATENING STATEMENTS AGAINST THE CAMBODIAN HUMAN RIGHTS ACTION COMMITTEE (CHRAC), A COALITION OF HUMAN RIGHTS ORGANIZATIONS, AFTER IT PUBLICLY CONDEMNED THE EXECUTIONS AND "DISAPPEARANCES." HE ACCUSED THE CHRAC OF "PROTECTING CRIMINALS WHO HAVE KILLED PEOPLE." ON AUGUST 29, IN WHAT APPEARED LIKELY TO BECOME THE STRONGEST MOVE AGAINST RIGHTS ORGANIZATIONS IN EIGHT YEARS, THE MINISTRY OF DEFENSE ANNOUNCED THAT IT WOULD FILE DEFAMATION CHARGES AGAINST THE CHRAC BECAUSE OF ITS PUBLIC STATEMENT. AS OF OCTOBER, NO CHARGES HAD ACTUALLY BEEN FILED.

IN MARCH, PHNOM PENH AUTHORITIES THREATENED TO ARREST LICADHO STAFF MEMBERS AFTER THE GROUP PROVIDED HUMANITARIAN ASSISTANCE TO ETHNIC VIETNAMESE LACKING PROPER WORK AUTHORIZATION. THE SAME MONTH, AUTHORITIES IN KOH KONG PROVINCE THREATENED TO ARREST WORKERS FROM THE CAMBODIAN HUMAN RIGHTS AND DEVELOPMENT ASSOCIATION (KNOWN BY ITS ACRONYM, ADHOC) IN CONNECTION WITH A TRAFFICKING CASE, WHEN A WOMAN WHO HAD SOLD HER DAUGHTER BROUGHT CHARGES OF PHYSICAL ASSAULT AGAINST ADHOC'S PROVINCIAL COORDINATOR. THE WOMAN LATER WITHDREW HER COMPLAINT AND ADMITTED THAT SHE HAD BEEN PRESSURED BY POLICE TO FILE THE COMPLAINT. IN OCTOBER 1999, THREE SUSPECTS WERE ARRESTED IN CONJUNCTION WITH THE DECEMBER 1999 KILLING OF POURNG TONG, AN ACTIVIST MEMBER OF ADHOC. IN MARCH 2000, HOWEVER, THE SUSPECTS WERE RELEASED. IN OCTOBER, A SOLDIER THREATENED TO SHOOT NOT ONLY SRP PARLIAMENTARIAN CHEAM CHANNY BUT ALSO U.N. HUMAN RIGHTS WORKERS WHO HAD INTERVENED ON CHANNY'S BEHALF.

### The Role of the International Community



In October 1999, U.N. Special Representative for Human Rights in Cambodia Thomas Hammarberg negotiated a two-year extension for the Cambodia office of the U.N. High Commissioner for Human Rights (COHCHR). In August 2000, Peter Leuprecht, former deputy secretary general of the Council of Europe, was named as replacement for Hammarberg, who had left the post in January.

In April, the U.N. Commission on Human Rights agreed to a resolution on Cambodia that welcomed the government's investigations into some cases of politically-motivated violence, its efforts to reduce the numbers of police and military, and the development of a five-year plan by the Ministry of Women's Affairs to improve the status of women. The resolution also expressed concerns, however, about continued political violence and intimidation, impunity, torture, extrajudicial killings, excessive pre-trial detention, illegal land confiscations, and the inadequacy of the courts. In May, the U.N. Committee on the Rights of the Child considered Cambodia's initial report on its implementation of the Convention on the Rights of the Child, which it ratified in 1992. Among the committee's recommendations were that Cambodia establish a juvenile justice system, expand education and child health services, and demobilize child soldiers.

## Major Donors

At the Consultative Group (C.G.) meeting of Cambodia's international donors, held in May in Paris, donors committed U.S. \$548 million in aid to Cambodia. Donors expressed concern about continued human rights abuses and impunity, and agreed on the need to establish a formal working group on governance to address judicial reform and corruption. In July, a good governance working group chaired by the World Bank was established. Its members included the United States, Japan, Australia, France, the European Union (E.U.), Germany, the United Kingdom, the U.N. Development Program, Asian Development Bank, and COHCHR.

Several countries contributed towards judicial reform programs: for example, part of a U.S. \$5.2 million grant from the E.U. was earmarked for judicial and administrative reform. In March, Japan committed up to U.S. \$20 million in aid to Cambodia, continuing its role as the country's largest donor. It also planned to send police experts to provide technical assistance, including education on human rights.

Other than the United States, the E.U., Japan, and Australia, donor interest in pushing for international standards for Khmer Rouge trials was low. During a visit to Cambodia in January, Japanese Prime Minister Obuchi urged Hun Sen to fully cooperate with the U.N. in establishing a tribunal and stated that Japan would not support any tribunal that was not endorsed by the U.N. Japanese officials raised the issue again when Hun Sen went to Tokyo in June for Obuchi's funeral. In February, the European Parliament adopted a resolution supporting the U.N.'s reservations about the Cambodian government's first draft tribunal law. On April 10, just before a meeting between Hun Sen and U.N. Secretary-General Kofi Annan, the E.U. issued a statement endorsing continued dialogue between Cambodia and the U.N. regarding the tribunal and called for the tribunal to conform to international standards. During a visit to Cambodia in May, Australian Foreign Minister Alexander Downer called for Cambodia to make progress on the tribunal and announced that a two-year \$428 million aid package would include funding for a criminal justice assistance project.

Advocacy in support of neutral and timely commune elections was largely conducted by domestic NGOs. At the CG meeting, the Dutch ambassador stated that the Netherlands would consider support for the commune elections only if the commune militia were dismantled, a more neutral national election commission was created, and election monitoring NGOs were allowed to be actively engaged in the process.

On labor rights, the United States sent customs investigators to Phnom Penh in March to check into reports that a garment factory was using forced labor and trafficked workers. In May, Cambodia and the E.U. signed a textile trade agreement in which Cambodian textiles could formally access the E.U. internal market quota-and duty-free. During a signing ceremony, European Commission official Michel Caillouet noted Cambodia's efforts to improve labor conditions in the textile industry.

# CHINA AND TIBET

Chinese authorities showed no signs of easing stringent curbs on basic freedoms. Their preoccupation with social stability, fueled by a rise in worker and farmer protests, severe urban unemployment, and separatist movements in Tibet and Xinjiang, led to tight political control. The leadership continued to see unauthorized religious practices as potentially subversive.

China reacted to perceived threats with repression, control of information, and ideological campaigns. It released a few dissidents before their prison terms expired, but it imprisoned many more for acting in support of their political or religious beliefs. The government attempted to cut off the free flow of information within China and between China and other countries. The Internet and its potential for free exchange of ideas generated particular alarm in official circles, but academics, journalists, publishers, and film makers all faced censorship. On the ideological side, President and Party Secretary Jiang Zemin initiated two campaigns, the "three stresses" and the "three represents," to reinforce unity within the Chinese Communist Party (CCP) and convince China's citizens of benefits of the CCP's rule.

On the positive side, Chinese authorities continued to reform the legal system, seeking international expertise to help design new legal structures, train judicial and legal personnel, and help disseminate information on the reforms to the public, the courts, and the police.

## Human Rights Developments

The government systematically suppressed independent political activities. From October 25, 1999 through July 2000, courts in four cities sentenced ten leaders of the dissident-led China Democracy Party (CDP) to heavy prison terms, primarily on subversion charges. Wu Yilong, who helped set up CDP provincial preparatory committees, received eleven years; Tong Shidong, who put together the only on-campus CDP branch, and Zhu Zhengming, who took part in drafting the CDP's founding documents, received ten-year terms. Other members received sentences ranging from five and a half to eight years.

In December 1999, Wang Yingzheng received a three-year sentence for advocating political reform to combat corruption. In February 2000, the Hangzhou Intermediate Court sentenced Wang Ce, chairman of the exile organization Alliance for a Democratic China, to a four-year term for "entering China illegally and endangering state security." An Jun, founder of the nongovernmental organization Corruption Watch, was sentenced to four years in prison on April 5 on charges of inciting the overthrow of the government.

Chinese authorities struggled to gain control of the Internet, with its estimated 16 million users. By the end of 1999, regulations had already banned web operators from linking to foreign news sites, and companies operating websites from hiring their own reporters. New regulations issued in March 2000 forbade China-based websites from reporting news from "independent news organizations," thus limiting them to state-controlled sources. In January 2000, the Ministry of State Security announced the closure of web sites, chat rooms, and Internet news groups posting undefined "state secrets," and expressly banned the use of e-mail in that context. The government also announced regulations limiting the use of encryption programs.

Starting in March, some twenty provinces set up special Internet police to expand the *sao huang* ("sweep away the pulp") campaign, ostensibly aimed at removing pornography from the Internet. In practice it was used to ban postings the government considered objectionable.

In May, authorities shut down the private-sector China Finance Information Network after it published a report on corruption. On September 19, a Hebei court sentenced Qi Yanchen, a founding member of the quasi-independent China Development Union, to a four-year prison term, in part for posting parts of his book, *The Collapse of China*, on the Internet. Huang Qi, who ran a website out of Sichuan province, was charged with subversion after he posted letters criticizing the 1989 massacre. Officials in Sichuan accused Jiang Shihua, a high school teacher and Internet cafe manager, with subversion for posting articles critical of communist authorities. In August, state security police in Shandong province shut down New Cultural Forum, a website set up by pro-democracy activists.

Stringent new regulations came into force on September 26, 2000 banning any materials judged subversive, supportive of so-called cults, damaging to reunification efforts with Taiwan, or harmful to China's reputation. Content and service providers were required to keep records of all users and content for 60 days and to hand over the information to police on demand.

Chinese authorities continued to target the print media and publishing industry. In April, after removing the publisher of two popular newspapers, *China Business* and *Jingping Consumer's Guide*, the CCP re-issued stern warnings that the media must "lead the ideology of the people through news propaganda." In June, the warnings were backed up by the announcement that a new internal directive required all media to uphold the CCP line. In July, editors in about a dozen publishing houses were replaced, demoted, or transferred for flouting the directive. In September, authorities in Taiwan, Shanxi province, confiscated over 60,000 copies of nine "illegal" newspapers and arrested an "illegal" editor-in-chief for setting up and distributing a newspaper without permission.

On August 12, the political unit of a local Public Affairs Bureau detained U.S.-based poet Bei Ling after his journal, *Qingyiang* (Tendency), was published for the first time in Beijing. The 400-page issue, all copies of which were confiscated, contained articles by well-known dissidents and a photograph of exiled student leader Wang Dan. After enormous international pressure, Bei Ling was deported on August 26, and his brother, Huang Feng, also detained, was released, but not until the family had paid part of a 200,000 renminbi (approximately U.S. \$25,000) fine.

In January 2000, several weeks after the Chinese Cultural Renaissance Movement published the first and only issue of its *Bulletin*, police took four members into custody. All were released except Wang Yiliang in Shanghai, who was serving a two-year administrative sentence on the trumped-up charge of disseminating pornography. In June, Beijing Publishing House canceled the release of *Waiting*, the award-winning novel by expatriate Ha Jin, after it was attacked by a Beijing University professor as a plot to show "China's backwardness." In August, customs officials impounded and held for a month some 16,000 copies of *The Clinton Years* by a former White House photographer. The book, published in the U.S., printed in Hong Kong, and shipped to China for binding, included a picture of U.S. President Clinton and the Dalai Lama.

Chinese authorities refused permission to include works by a Hong Kong writer in an international book fair in Beijing because of his views on Taiwan. Officials also banned actor-director Jiang Wen from film-making in China after his film that won the Grand Prix at the Cannes Film Festival, *Guizi Laile* (Devils on the Doorstep), was judged unpatriotic.

Social scientists also came under increased pressure. Song Yongyi, a librarian at Dickinson College in the U.S., was detained in China in August 1999 in connection with his research on the Cultural Revolution. He was released in January 2000. In June, a *Guangming Daily* editorial criticized four prominent academics, Fan Gang, Mao Yushi, Liu Junning, and Li Shenzhi, for teaching Western theoretical perspectives. Liu was fired from his professorship at the Political Science Research Institute of the Chinese Academy of Social Sciences. He Qinglian, an economist and author of the highly critical *Pitfalls of Modernization*, was dismissed as editor of the *Shenzhen Legal Daily* in July. Shenzhen media and publishing houses were warned not to publish her writings.

The government continued to be suspicious of unauthorized contacts with foreigners. It intensified efforts to prevent Bao Tong, former aide to deposed Chinese Communist Party secretary Zhao Ziyang, from meeting with other intellectuals or with the foreign press. Authorities prevented Ding Zilin, whose son was killed on June 4, 1989 and who has rallied relatives of the Tiananmen Square victims, from meeting Lois Snow, widow of renowned journalist Edgar Snow.

The government's campaign to crush the Falun Gong continued unabated and was extended to include other *qi gong*, or organized meditation groups, that authorities accused of spreading superstition. In October 1999, the government formally deemed Falun Gong a cult, banned under the Chinese Criminal Code, enabling authorities to impose harsh sentences on its members. Trials of at least eight Falun Gong leaders in November and December 1999 resulted in prison sentences ranging between two and eighteen years, and trials of other members continued well into 2000. In August, the director of the Religious Affairs Bureau admitted that 151 Falun Gong members had been convicted of leaking state secrets, creating chaos, or other crimes. Many detentions came as a result of silent, peaceful protests.

On National Day, October 1, and the days following, security forces beat and detained scores of protestors in Tiananmen Square in Beijing. By late October, Falun Gong practitioners were claiming that more than fifty members had died in detention or as a result of mistreatment.

Zhong Gong, a *qi gong* group claiming 38 million adherents, and several smaller groups were also targeted. Authorities closed down much of Zhong Gong's extensive business network, including its training centers, trading companies, clinics, and health spas, seized its assets, and detained several members. In September, the U.S. refused China's request to extradite Zhang Hongbao, the leader of Zhong Gong, whom Chinese authorities accused of rape. The Chinese government planned an appeal.

Despite the assertion by a Chinese delegation attending the August 2000 Millennium World Peace Summit in New York that "there is no religious persecution in China," Protestant house church members and Catholic "underground" believers came under increased pressure. A decree promulgated in late September by the State Administration of Religious Affairs imposed stringent new controls over the religious activities of foreigners. Also in September, a Communist Party official asserted that religious theology must be made compatible with the socialist system.

In Anhui province, new regulations that came into force in January led to an increase in detentions, particularly of Protestants: forty-seven members of the Full Circle Church were among those detained. The group's leader, Yu Yongzi, was released in May after serving a three-year sentence. Detentions and church closings occurred in other provinces as well, including an extensive crackdown in Guangdong in May. On August 23, police in Henan province detained some 130 members of the Fangcheng church, among them three U.S. missionaries who were released and deported within forty-eight hours. Eighty-five of the 130 were "reeducated," according to Chinese authorities, and returned home.

State interference in Catholic affairs was evident in January when the officially-sanctioned Chinese Catholic church, rather than the Pope, ordained five new bishops. As of October, at least seven Catholic bishops remained in detention in China, many of whom had been held for years. On September 14, sixty police officers took eighty-one-year-old Bishop Zeng Jingmu into custody, together with two priests.

Social unrest appeared to be growing. Local governments faced widespread demonstrations, riots, sit-ins, and other forms of protest. In November 1999, a court in Shaanxi province sentenced Ma Wenlin to a five-year prison term on charges of "disturbing the social order" for having brought farmers' complaints to the State Council in Beijing.

Legal reform moved forward, but judicial abuses were still common. In Hebei province, a high court on three occasions overturned murder convictions against four defendants, citing doctored evidence, torture, and threats. Local officials, however, decided to try the men again. In Guangzhou, in July 1999, a migrant woman who appeared upset and who failed to present identification to police, was gang raped after police took her to a psychiatric ward. Her decision to press for an

investigation led to destruction of evidence and allegations that she had fabricated the case. Only after the case had been publicized in November 1999 was one of the perpetrators charged with rape and eventually convicted, and three police reportedly dismissed.

Chinese courts continued to impose the death penalty for a wide variety of offenses, a list that grew as authorities stepped up their anti-corruption campaign. In October, China's highest court issued a judicial interpretation calling for more aggressive use of the death penalty against smugglers of arms, counterfeit currency, and endangered species, and against government officials who aided them. The executions of two high CCP officials were extensively publicized as warnings to other officials involved in bribe-taking: Cheng Keshi, former vice-chairman of the Standing Committee of the National People's Congress (China's legislature), executed on September 14, was the highest ranking official executed since the founding of the PRC in 1949; Hu Changqing, former governor of Jiangxi province and former deputy director of the Religious Affairs Bureau, was sentenced in February and executed March 9.

South Korean NGOs reported the forcible repatriation of North Korean refugees by Chinese authorities, but independent confirmation was not possible.

## Tibet

Chinese authorities continued to suppress suspected "splittist" activities in Tibet and exert control over religious institutions. Officials embarked simultaneously on campaigns to vilify the Dalai Lama and to convince the international community that Chinese policies in Tibet had ensured economic well-being and respect for human rights.

In December 1999, one of the most senior religious figures in Tibetan Buddhism, the then fourteen-year-old 17th Karmapa, fled Tibet for India. In the wake of his escape, authorities moved his parents out of Lhasa, capital of the Tibet Autonomous Region (TAR); detained several people at Tsurphu, the Karmapa's monastery; and replaced some monks. The same week as the escape, Chinese authorities announced their recognition of another high-ranking figure, the two-year-old 14th Peking Rinpoche, thereby once again asserting a government role in the selection and installation of Tibetan religious figures. In May, authorities detained eight Peking monks who protested the choice.

Between April, when officials of the TAR met in Chengdu, Sichuan province, and July, government controls over monasteries and religious rituals increased. A government circular severely curtailed celebrations of the Dalai Lama's birthday in July. Officials searched the homes of nongovernmental workers and non-CCP members for materials on the Dalai Lama or other evidence of religious activity. Vacationing students were warned to stay away from monasteries and temples on pain of expulsion, and, on July 4, the official *Tibet Daily* instructed parents and schools to enhance atheistic education to "help rid [the children] of the bad influence of religion." Later the same month, officials intensified their drive to reduce the numbers of monks and nuns.

Detentions of monks and nuns for their peaceful pro-independence activities continued. In March, authorities in Sog county detained eight Tibetans, five of them monks. Resistance to "patriotic reeducation" and involvement in independence activities resulted in one death and five arrests in Chamdo in May.

Starting in January, authorities again blocked broadcasts by the Oslo-based Voice of Tibet.

## Xinjiang

Political and religious repression was evident in Xinjiang, but the Chinese government also faced a genuine security threat from armed groups. Premier Zhu Rongji visited in September and called for an "iron fist" stance against splittists, religious fundamentalists, and terrorists. At least twenty-four alleged terrorists, most of them ethnic Uighur Muslims, were executed during the year.

Chinese authorities initiated a propaganda campaign in Xinjiang in May 2000. In villages surrounding Kashgar, close to the Pakistan border, thousands of cadres, making use of film clips, exhibitions, and a drama based on local alleged terrorist activities, went house to house warning residents against the separatist danger and reiterating China's claim to Xinjiang. In September, a banner stretched across the marketplace in Hotan read, "Severely smash the separatist backbone elements, the violent terrorist criminals and the religious extremists who lead them."

In December 1999, the Regional Press and Publications Bureau, the Urumqi City Bureau for Industry and Commerce, and the Public Security Bureau closed a facility for printing "illegal religious propaganda."

In March, Uighur businesswoman Rebiya Kadeer was sentenced to eight years in prison for "illegally passing intelligence outside China." The information in question consisted of underlined newspaper articles sent to her husband, a U.S.-based political refugee. She had been detained in August 1999 just before a meeting with several U.S. congressional staff. Her eldest son and her secretary were administratively sentenced to two- and three-year terms in November 1999.

Over one hundred Muslims were reportedly detained in Urumqi for advocating the implementation of Islamic law.

## Hong Kong

Human rights in the Special Administrative Region (SAR) of Hong Kong were generally respected but there were ominous signs of censorship and threats to academic freedom and judicial independence. On December 3, 1999, the Court of Final Appeal capitulated to Chinese government pressure and agreed to interpret more narrowly the right of residency in Hong Kong. (In May 1999, following an earlier Court of Final Appeal ruling which set wide eligibility parameters, Chief Executive Tung Chee-hwa had invited Beijing to review the decision. The U.N. Human Rights Committee's observations on the SAR's compliance with the International Covenant on Civil and Political Rights in November 1999 strongly criticized Tung's move.) In February 2000, Hong Kong officials agreed to consult Beijing before they began drafting laws on sedition, subversion, and treason.

In April, a senior official of the central government's Liaison Office warned Hong Kong journalists against advocating Taiwanese independence, saying they should report only what was in the interests of Beijing. The warning came after Taiwan's vice-president said on local television that Taiwan should be "a remote relative and close neighbor" of China. In June, an official representative of Beijing in Hong Kong told a meeting of SAR businessmen that choosing pro-independence Taiwanese partners could jeopardize their mainland business dealings. The Liaison Office also warned Hong Kong Catholics to keep celebrations "low key" over the canonization of 120 victims of the 1900 Boxer Rebellion in China. In September, the Chinese government warned Anson Chan, the head of the civil service in Hong Kong, that she and her entire staff must step up their support of the SAR's chief executive.

Controversy broke out in July when Dr. Chung Ting-yu, director of the Public Opinion Program of the University of Hong Kong, made public his suspicions that Tung Chee-hwa might be behind pressure to stop the university from conducting polls on Tung's declining popularity. On August 29, an independent panel decided that messages from university administrators to Dr. Chung were "calculated to inhibit his right to academic freedom." In September, the administrators in question resigned.

A 1997 Public Order Ordinance came under attack in September after police used it to arrest five university student leaders who had led protests against a projected increase in tuition. The charges were dropped after three colleges urged leniency. The ordinance gave police effective veto power over proposed demonstrations.

In September 2000, elections for the Legislative Council (Legco) were held for the second time since 1997. The pro-China Alliance for the Betterment of Hong Kong won eleven seats, while the Liberal Democratic Party did only slightly better, winning twelve. Turnout was low. Earlier in the year, leaders of all democratic parties had called for direct election of all Legco seats by 2008 in place of the existing partly elected, partly appointed system.

## Defending Human Rights

No human rights groups were allowed to function openly in mainland China or Tibet, although Hong Kong continued to have a dynamic group of activists working on the full spectrum of rights without obvious interference from the government.

## The Role of the International Community

China escaped virtually all pressure on human rights as governments focused on its prospective entry into the World Trade Organization (WTO). In September, the U.S. Congress voted to grant China permanent normal trade relations (PNTR) without any human rights conditions, thereby doing away with the annual review of its trade status.

The European Union (E.U.), Australia, Japan, Canada, and others carried out bilateral "dialogues" on human rights, although officials acknowledged a lack of tangible progress. The dialogue with the U.S., cut off by China after the NATO bombing of its embassy in Belgrade, remained suspended.

Cooperation with the U.N. was minimal. U.N. High Commissioner for Human Rights Mary Robinson held a regional workshop in Beijing in March and was expected to sign a technical cooperation agreement with China later in the year. But the failure of the U.N. Commission on Human Rights to even debate a resolution on China at its annual meeting in Geneva in April gave China little incentive to ratify two key U.N. human rights treaties that it had already signed.

High level visits by Chinese leaders to Europe, Japan, and the U.S., and an E.U.-China summit in Beijing in October included only routine references to human rights, which China easily dismissed.

Foreign Internet companies ignored or turned down appeals to intervene privately with Chinese officials on behalf of those in China arrested for using the Internet to protest rights abuses.

## United Nations

Once again, the U.N. Commission on Human Rights failed to hold China accountable. A "no action" motion by China, to keep the U.S.-sponsored resolution off the commission's agenda, was adopted on April 18 by a vote of 22 to 19, with twelve abstentions and one delegation (Romania) absent.

During a March visit to Beijing for an Asia-Pacific regional workshop on human rights, U.N. High Commissioner for Human Rights Mary Robinson held a press conference and strongly condemned the deterioration of human rights in China. She held talks with senior officials on a technical cooperation agreement aimed at helping China to bring its laws into conformity with treaty standards.

In May, the U.N.'s Committee Against Torture reviewed China's compliance with its obligations under the treaty. The committee acknowledged greater transparency in publishing information about claims of torture against Chinese police and security officials and limited efforts at prosecution. It emphasized, however, that early access to detainees and other safeguards were urgently needed to curb the widespread practice of torture.

The U.N.'s special rapporteur on torture continued to negotiate with the government on the terms of a mission to China, without success. Similarly, the International Committee of the Red Cross made no headway in its long-standing effort to gain access to Chinese prisons and detention facilities.

The International Labor Organization's Committee on Freedom of Association ruled in June that provisions of China's Trade Union Act were in violation of ILO principles of free association, called for the release of several detained trade union leaders, and urged China to accept an ILO "direct contact" mission. There was no response from Beijing.

The U.N. capitulated to Chinese pressure in August when it barred the Dalai Lama from attending the World Millennium Peace Summit.

## European Union

The E.U.'s relations with China, the E.U.'s third largest trading partner, focused heavily on expanding commercial relations, including completion of an agreement on China's entry into the WTO. Formal but unsubstantial discussions of human rights took place during the E.U.-China summit, held under the Portuguese E.U. Presidency's leadership on December 21, 1999 in Beijing. Another summit, led by French President Jacques Chirac, was scheduled for late October 2000, also in Beijing.

Despite pressure from the European Parliament and admissions by E.U. officials that its human rights dialogue with China since 1999 had failed to produce substantive results, the E.U. refused to cosponsor a resolution at the U.N. Commission on Human Rights in March. Its members opposed China's "no action" motion at the Commission, however, but failed to convince all E.U. association countries to do the same, and Romania was absent during the vote.

In late September, an E.U.-China human rights dialogue was held in Beijing, following much the same model as an earlier one in Lisbon.

In July, Premier Zhu Rongji paid the first visit ever by a Chinese leader to E.U. headquarters. He praised the E.U.'s decision not to take action in Geneva, and urged that differences on human rights be dealt with "through dialogue instead of confrontation." Human rights concerns were prominent on the agenda of talks in July between E.U. External Relations Commissioner Chris Patten and China's foreign minister.

The E.U. took the lead in strongly criticizing China's frequent use of the death penalty and calling for its abolition, and for a moratorium on executions to be established in one or more provinces as a first step.

## United States

U.S.-China relations were dominated by the issue of China's WTO entry and a promise by President Bill Clinton to give China PNTR.

In late March, the White House's top national security adviser, Sandy Berger, went to Beijing to explain to Chinese officials the U.S. decision to sponsor a resolution on China in the U.N. Commission on Human Rights. After the Geneva vote, the foreign ministry urged the U.S. to end the "anti-China force," linking restoration of a bilateral human rights dialogue to a U.S. pledge of no future action in Geneva.

Also in late March, the Clinton administration indicated to Congress that, while it rejected any attempts to condition PNTR on human rights improvements, it would accept the creation of a bilateral commission to monitor and promote human rights and labor rights. The commission would be a joint congressional-executive branch body that would report annually to Congress. The commission was included in the PNTR package enacted by the House of Representatives on May 24 by a larger-than-expected vote of 237 to 197. But the commission had no teeth, and attempts in the Senate to strengthen it by requiring an annual debate and vote on its findings were defeated. On September 19, the Senate voted 93 to 15 in favor of PNTR. Under the PNTR bill, Congress for the first time would also fund rule of law and labor law reform programs in China.

The State Department was outspoken in condemning the crackdown on Falun Gong, restrictions on religious freedom, and repression in Tibet. Reports issued by the government-created Commission on International Religious Freedom in May and by the State Department in September were sharply critical of abuses of religious freedom.

The U.S. successfully appealed for the release of Bei Ling, a Chinese poet and resident of the U.S., and his brother, both detained in early August. The detentions occurred just prior to a visit to the U.N. by President Jiang Zemin. Administration and congressional appeals for the release of the academic researcher Song Yongqi were also successful, while repeated appeals for the release of Rebiya Kadeer, an imprisoned businesswoman in Xinjiang, were not.

Admiral Joseph Prueher, who was posted to China as the U.S. ambassador in November 1999, made his first visit to Tibet in August. He pressed for access to the Panchen Lama and the release of Tibetan prisoners, including Ngawang Chöpel. China refused to allow either the State Department's special coordinator on Tibet, Julia Taft, or members of the Commission on International Religious Freedom, to visit China.

## Pacific Rim Countries

Canada again refused appeals from Canadian NGOs to cosponsor the Geneva resolution, concentrating instead on Canada's bilateral dialogue process. Dialogue meetings took place in Beijing in November 1999 and in Ottawa from October 10-13.

Australia also declined to take action in Geneva and held the fourth session in its dialogue talks with China in Australia from August 14-17. Its officials raised the repression of Falun Gong, Tibet, and political dissidents, and China in turn protested Australia's treatment of aboriginals. No concrete results from the dialogue were announced: an expanded joint program of human rights "cooperation" was unveiled that included plans for officials of China's Ministry of Public Security to visit Australia to design a training project for Chinese police.

Japan vigorously supported China's admission to the WTO and in its bilateral relations with Beijing focused on China's increased military spending. There was no linkage between aid and China's worsening human rights record. A third Sino-Japanese human rights dialogue took place in Tokyo on January 13 with another session was set for December in Beijing. The meetings had no concrete results. Japan refused to cosponsor the Geneva resolution.

In April, the Dalai Lama was given a visa to travel to Japan despite protests from Beijing. China was also angered by Japan's decision to oppose World Bank funding for the Qinghai poverty reduction project in Tibet. As of mid-October 2000, the South Korean government continued to indicate it would not permit a visit by the Dalai Lama in November because the timing was too close to a planned visit by the Chinese premier.

## World Bank

In fiscal year 2000, China received \$1.67 billion in loans from the World Bank, bringing cumulative lending to China to almost \$35 billion as of June 30, 2000. Intense debate continued through much of the year over a controversial \$160 million poverty reduction project in Qinghai. A part of the project, set to receive \$40 million in World Bank funds, involved the resettlement of some 59,000 predominantly non-Tibetan farmers into a traditionally Tibetan area. Though the project had been approved by the bank's board in 1999, a final decision was delayed pending receipt of an independent panel's report that proved highly critical. Attempts by World Bank managers to hold open the project for further reassessment and redesign failed in early July when key board members, including European governments, the U.S., and Japan, opposed China's request to go ahead with the loan. Beijing said it would implement the Qinghai project without World Bank funding.

The World Bank put a priority on fighting corruption but declined to intervene in the case of An Jun, head of an anti-corruption group convicted of subversion.

## Relevant Human Rights Watch

### Reports:

*Nipped in the Bud: The Suppression of the China Democracy Movement, 9/00*

*Tibet Since 1950: Silence Prison or Exile,*

*5/00*

# EAST TIMOR

East Timor's first year of freedom from Indonesia was largely devoted to recovery and reconstruction from the September 1999 violence that left the entire country a charred ruin. As they rebuilt, East Timorese and the U.N. Transitional Administration in East Timor (UNTAET) had to decide on how to handle past abuses, how to prevent new ones, and how to build basic institutions to ensure the protection of human rights. Progress was slow, particularly in bringing the perpetrators of the 1999 crimes to justice. By October, however, a new court system and police force were in place, two daily newspapers were circulating, NGOs were flourishing, and intense discussions on the country's future constitution were taking place.

The new East Timor was not free of human rights violations. Many East Timorese returning from West Timor were abused for alleged militia links by local officials of the National Council of East Timorese Resistance (CNRT), UNTAET's governing partner, and by members of the former guerrilla army, Falintil. Several returnees were killed. U.N. police lacked the capacity and often the will to prevent such abuse. Members of the country's Muslim, Protestant, and ethnic Chinese minorities found themselves persecuted because of suspected ties to the Indonesian power structure. CNRT leaders were not always tolerant of political organizations with viewpoints different from their own.

## Human Rights Developments

On October 19, the Indonesian People's Consultative Assembly voted to accept the results of the August 30 referendum in which close to 90 percent of East Timor's population had voted to separate from Indonesia. On October 22, Xanana Gusmão, for seven years a political prisoner in Jakarta, returned to Dili as president of the CNRT. UNTAET came into being through Security Council Resolution 1272 of October 25, 1999. East Timor became, for all intents and purposes, a U.N. protectorate governed by a special representative of the secretary-general with close to absolute powers. The first regulation adopted by the new administration noted that anyone holding public office or engaged in public duties in East Timor would be obliged to observe human rights standards embodied in a list of international treaties. (At its inception in 1999, the CNRT committed itself to upholding the same standards in its "Magna Carta of Freedoms, Rights and Duties for the People of East Timor.")

UNTAET had to create basic institutions from scratch. The first East Timorese judges, prosecutors, and public defenders were installed on January 7, 2000 but the court building, destroyed by the militias, was not ready until March. At one point, UNTAET's own police stopped making any arrests of suspected criminals, including those involved in the 1999 violence, because it had no place to put them: the one detention center in the entire country, a former Ministry of Tourism building, had long since exceeded capacity, and the main prison in the capital, Dili, was only rehabilitated in May. The police academy started training its first East Timorese recruits in late March.

As in many other peacekeeping missions, UNTAET's civilian police (civpol) were a major problem. Recruitment was agonizingly slow, and the overall quality of those recruited was low. Most civpols were recruited for three-month tours of duty, hardly enough time to understand the place or the people. Almost none spoke a language intelligible to the East Timorese, and interpreters were scarce, leading to a reliance on informal security forces set up by the CNRT, whose activities civpol had almost no capacity to monitor or control.

Because almost all of East Timor's lawyers had been trained in Indonesian universities, UNTAET decided in November 1999 that Indonesian law would be the applicable law except where it conflicted with international standards. It took until September, however, to come up with an acceptable provisional criminal procedure code. UNTAET police from close to fifty countries had little guidance in criminal procedure in the intervening months and often operated according to the procedures they knew from home.

The process of investigating crimes against humanity in East Timor was slowed by some of the same problems of lack of institutional infrastructure, untrained civpols, and bureaucratic divisions within UNTAET. As early as December 1999, UNTAET decided that an international panel of the Dili district court would be set up to investigate international crimes, such as crimes against humanity, and all serious offenses, such as murder and rape, that occurred from January 1, 1999 through October 25, 1999.

None of the civpol who were legally empowered to investigate the 1999 crimes, however, received any training in investigating crimes against humanity until late June. Most civpol treated each case as a routine homicide investigation, with no attention to the role of the Indonesian state or to the links among the different crimes. The short tours of duty meant that every new investigator coming in tended to start the questioning of witnesses from scratch.

Authority for investigations changed repeatedly. In late November 1999, a special five-member commission appointed by UN High Commissioner for Human Rights Mary Robinson arrived in Dili to hear testimony from over one hundred eyewitnesses to murder, rape, and arson. Known as the International Commission of Inquiry on East Timor (ICIEI), the group issued a report on January 31, 2000, recommending, among other things, that an international tribunal be set up to prosecute those responsible for the abuses. In his letter forwarding the report to the Security Council, Secretary-General Kofi Annan did not endorse the recommendation for a separate tribunal, stressing that full cooperation should be given to Indonesian efforts to investigate the crimes, but recommended that UNTAET capacity for coordinating investigations be strengthened.

From November to late March, civpol alone had full authority for investigations. Its investigation unit, however, was responsible not just for investigating the 1999 violence but for all ongoing crimes as well. As law and order concerns in East Timor increased, attention to the 1999 crimes was often diverted. On March 22, a war crimes/human rights investigations unit was set up within civpol to be headed by an investigator from the Office of Human Rights Affairs. The change was only on paper: the new unit had no investigators other than civpol. In early June, a prosecution service was set up under UNTAET's judicial affairs department, separate both from civpol and from the Office of Human Rights Affairs (OHRA). On July 20, 2000, UNTAET formally shifted from its original peacekeeping structure to a coalition government with the CNRT. Among the eight "ministries" created was a Ministry of Judicial Affairs to which the investigation unit was formally moved in August.

In the meantime, six different agencies concerned with accountability for the 1999 crimes—judicial affairs, human rights, political affairs, legal affairs, civpol, and the East Timorese courts—went ahead with their efforts, sometimes tripping over each other in the process. East Timorese witnesses to these crimes grew resentful over repeated questioning without any obvious progress in bringing the perpetrators to justice.

If investigations into killings were slow, they were close to non-existent in rape cases. Serious investigations into rape as an element of crimes against humanity only began in July; before then only two rape cases from 1999 were under active investigation. One factor was the lack of women investigators. Less than 4 percent of the civpol force overall was female, and of the handful of women investigators, only one had special training in investigating sexual crimes.

Throughout the year, the relationship with the Indonesian investigation into crimes in East Timor remained delicate. The Indonesian Commission of Inquiry into Human Rights Violations in East Timor (KPP-HAM) visited Dili in December and January; the defense team for Indonesian army officers considered possible suspects in the violence came to East Timor on January 20. On January 31, KPP-HAM issued a thorough and professional report timed to coincide with release of the ICIEI report.

The quality of the KPP-HAM report served to give the Indonesian effort more credibility than it otherwise might have had, but it also put pressure on the Indonesian Attorney General's Office to come up with indictments. To get those indictments, the attorney general needed UNTAET's help: his office had almost no evidence that would stand up in court. UNTAET, for its part, recognized that those most responsible for the 1999 violence were all in Indonesia. If UNTAET was fully cooperative with the Indonesian process, not only might the interests of justice be better served, but the Attorney General's Office also would have no excuse for not proceeding with prosecutions.

Accordingly, on April 6, UNTAET and the Indonesian government signed a Memorandum of Understanding that would facilitate the exchange of evidentiary materials and enable one country to request the other to question witnesses, make arrests, or "transfer" suspects as necessary. Indonesia made its first formal request under the M.O.U. on May 15 for assistance in five cases; it sent a team of seventeen investigators to pursue that request in July. As of August, UNTAET had made no requests of its own.

In mid-May, Xanana Gusmão, president of the CNRT, announced the establishment of a National Return and Reconciliation Commission. Plans for the commission were further developed in June, and by August, a coordinating committee led by UNTAET was considering a plan that would allow perpetrators of lesser offenses, such as arson or looting, to make a full confession of their misdeeds before the commission. Traditional justice mechanisms at the local level would then assign the perpetrator to some form of community service, but the misdeeds, the confession, and the "sentence" would be registered with the formal court system.

The focus on the 1999 violence tended to obscure ongoing violations. Violence against East Timorese returning from West Timor was a serious problem, although the vast majority of the more than 170,000 who had returned by September 2000 did so safely. Those linked, or suspected of having links, to militia groups or to the Indonesian army sometimes faced mob violence, particularly in late 1999 and early 2000 when the two major agencies involved in facilitating returns, the UN High Commissioner for Refugees (UNHCR) and the International Office on Migration (IOM), gave local communities little warning of planned returns.

In some cases, civpols working outside the capital ceded authority to CNRT or to the former guerrilla army, Falintil, to screen returnees and question them about past militia affiliations. In early February, a returning militia member was beaten and stabbed by members of an "investigation unit" of the CNRT in Liquiçá, a town near Dili. In the town of Tibar, even nearer to Dili, a suspected militia member was kicked to death in April after having been held for five days in an illegal detention facility. In the latter two cases, UNTAET civpols took the suspected perpetrators into custody, but the screening process was allowed to continue. In Aileu, the town in the interior chosen as the country's future capital by Xanana Gusmão, where Falintil guerrillas were stationed, Falintil ran detention and "reeducation" centers without serious interference from UNTAET.

LOCAL CNRT LEADERS WERE ALSO RESPONSIBLE FOR INTIMIDATION AND HARASSMENT OF MINORITIES. SOME 265 INDONESIAN MUSLIMS REMAINED VIRTUALLY UNDER SIEGE IN THE DILI MOSQUE TO WHICH THEY HAD FLED IN SEPTEMBER 1999. MOST HAD BEEN LONG-TERM RESIDENTS OF DILI. CONGREGATIONS OF THE ASSEMBLY OF GOD PROTESTANT CHURCH IN THE DISTRICTS OF ERMEBA AND AILEU CAME UNDER ATTACK, MOST SERIOUSLY ON JUNE 9 WHEN THREE CHURCHES WERE BURNED. THE PASTORS WERE ACCUSED OF HAVING LINKS IN 1999 TO AN AILEU-BASED MILITIA. INDONESIAN BUSINESSPEOPLE OF ETHNIC CHINESE BACKGROUND FACED THREATS AND EXTORTION FROM GANGS APPARENTLY UNDER THE CONTROL OF CNRT LEADERS. THE THREATS BECAME PARTICULARLY PRONOUNCED AFTER A RIOT IN THE DILI SPORTS STADIUM ON APRIL 30 IN WHICH TWO BUSINESSMEN WERE ACCUSED OF FINANCIALLY BACKING A GROUP SEEN AS OPPOSED TO THE CNRT. NO EVIDENCE TO THAT EFFECT WAS EVER PRODUCED. EAST TIMORESE ETHNIC CHINESE WERE ALSO FORCED TO PAY PROTECTION MONEY TO GANGS LINKED TO LOCAL LEADERS.

## Defending Human Rights

EAST TIMOR'S BELEAGUERED HUMAN RIGHTS COMMUNITY EXPANDED IN SIZE AND INFLUENCE DURING THE YEAR. ORGANIZATIONS SUCH AS YAYASAN HAK, A LEGAL AID AND HUMAN RIGHTS ORGANIZATION; THE SAHE INSTITUTE, AN INDEPENDENT THINK TANK; FOKUPERS, A WOMEN'S RIGHTS ORGANIZATION; AND THE STUDENT SOLIDARITY COUNCIL LED THE WAY IN HUMAN RIGHTS TRAINING, DISCUSSIONS ON CONSTITUTIONAL DEVELOPMENT, AND ADVOCACY OF GREATER PARTICIPATION IN UNTAET DECISION-MAKING. NEW PROFESSIONAL ASSOCIATIONS LIKE THE EAST TIMORESE JURISTS ASSOCIATION AND THE EAST TIMORESE JOURNALISTS ASSOCIATION HELPED GENERATE DISCUSSION ON HOW TO PROTECT AND PROMOTE HUMAN RIGHTS.

ON JULY 25, A WORKSHOP ON HUMAN RIGHTS SPONSORED BY UNTAET'S OFFICE OF HUMAN RIGHTS AFFAIRS TOGETHER WITH THE EAST TIMORESE JURISTS ASSOCIATION SECURED A COMMITMENT FROM DIFFERENT POLITICAL ORGANIZATIONS TO UPHOLD POLITICAL AND ECONOMIC RIGHTS IN EAST TIMOR AS THE COUNTRY MOVED TOWARD INDEPENDENCE. U.N. HIGH COMMISSIONER ON HUMAN RIGHTS MARY ROBINSON GAVE THE KEYNOTE ADDRESS AT THE WORKSHOP.

## The Role of the International Community

THE INTERNATIONAL COMMUNITY WHOLEHEARTEDLY SUPPORTED THE RECONSTRUCTION OF EAST TIMOR, WITH U.S. \$522 MILLION PLEDGED AT A DECEMBER 1999 DONOR CONFERENCE IN TOKYO, JOINTLY CHAIRED BY UNTAET AND THE WORLD BANK. JAPAN, THE EU, AUSTRALIA, PORTUGAL, AND THE U.S. ALL MADE SIGNIFICANT CONTRIBUTIONS. AT A FOLLOW-UP CONFERENCE IN LISBON IN JUNE 2000, DONORS AGREED TO COVER THE U.S. \$16 MILLION SHORTFALL BETWEEN EXPENSES AND REVENUE IN EAST TIMOR'S FIRST-EVER NATIONAL BUDGET. EAST TIMORESE LEADERS SAW THE AID LESS AS OVERWHELMING GENEROSITY THAN AS AN APPROPRIATE RESPONSE FROM THE COUNTRIES THAT HAD LONG SUPPORTED THE FORMER SOEHARTO GOVERNMENT IN INDONESIA. MANY BILATERAL AND MULTILATERAL DONORS SAW THE RECONSTRUCTION EFFORT AS AN OPPORTUNITY TO HELP LAY THE FOUNDATIONS FOR A DEMOCRATIC SOCIETY; THEY FUNDED NGOS AND LOCAL PROFESSIONAL ASSOCIATIONS AS WELL AS UNTAET. SOME DONORS EARMARKED FUNDS SPECIFICALLY FOR HUMAN RIGHTS AND JUSTICE PROJECTS: BRITAIN HELPED WITH FORENSIC EQUIPMENT, CANADA WITH FORENSIC INVESTIGATORS, THE U.S. WITH INITIAL EFFORTS TOWARD A TRUTH AND RECONCILIATION COMMISSION, NORWAY WITH CRIMINAL INVESTIGATIONS, AND SO ON. AUSTRALIA PLAYED A PARTICULARLY IMPORTANT ROLE AS THE NEW STATE'S NEAREST AND LARGEST NEIGHBOR.

THE KILLINGS OF TWO UNTAET SOLDIERS IN AUGUST AND OF THREE UNHCR WORKERS IN WEST TIMOR ON SEPTEMBER 6 SPARKED INTERNATIONAL OUTRAGE AND DEMANDS FOR DISARMING AND PROSECUTING THE MILITIAS.

## United Nations

U.N. SECRETARY-GENERAL KOFI ANNAN AND THE U.N. SECURITY COUNCIL WERE SUPPORTIVE OF UNTAET THROUGHOUT THE YEAR. ANNAN WAS WARMLY RECEIVED DURING HIS VISIT TO EAST TIMOR IN FEBRUARY, AND HE UNDERScoreD HIS COMMITMENT TO SEEKING JUSTICE FOR THE 1999 VIOLENCE. SECURITY COUNCIL RESOLUTION 1319, ADOPTED ON SEPTEMBER 9, CALLED THE KILLINGS OF AID WORKERS IN WEST TIMOR "OUTRAGEOUS AND CONTEMPTIBLE," DEMANDED THAT INDONESIA DISARM AND DISBAND THE MILITIAS, STRESSED THAT THOSE RESPONSIBLE SHOULD BE BROUGHT TO JUSTICE, AND CALLED ON UNTAET TO "RESPOND ROBUSTLY" TO THE MILITIA THREAT.

IN EARLY NOVEMBER 1999, THE SPECIAL RAPPORTEURS ON VIOLENCE AGAINST WOMEN; TORTURE; AND EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS VISITED EAST TIMOR. THEIR REPORT, RELEASED IN DECEMBER, LINKED GRAVE HUMAN RIGHTS ABUSES, INCLUDING MURDER AND RAPE, TO THE INDONESIAN ARMY AND THE MILITIAS IT CREATED. IN NOVEMBER, THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS COORDINATED THE VISIT OF THE FIVE ICET COMMISSIONERS.

THE UNICEF OFFICE IN DILI TOOK A LEAD ROLE IN ADDRESSING CHILDREN'S RIGHTS ISSUES. ITS MAIN CONCERN IN THIS REGARD WAS THE PROBLEM OF CHILDREN SEPARATED FROM THEIR PARENTS DURING THE CONFLICT; REPORTS OF HUNDREDS OF EAST TIMORESE CHILDREN TAKEN TO JAVA IN LATE 1999 WERE STILL BEING INVESTIGATED AS THIS REPORT WENT TO PRESS. UNICEF ALSO TOOK A STRONG INTEREST IN JUVENILE DETENTION AND WORKED FOR REGULATIONS ON ADOPTIONS BY FOREIGNERS OF EAST TIMORESE CHILDREN.

UNHCR HAD A LARGE OFFICE IN DILI AND TOGETHER WITH THE IOM HAD SUPERVISED THE RETURN OF MORE THAN 170,000 EAST TIMORESE BY SEPTEMBER 2000. WHILE HEAVILY CRITICIZED IN THE FIRST FEW MONTHS FOR FAILING TO TAKE ADEQUATE PRECAUTIONS TO PROTECT RETURNEES WHO MIGHT BE ACCUSED OF MILITIA CONNECTIONS, UNHCR'S PREPARATIONS IMPROVED AS THE YEAR PROGRESSED.

## International Financial Institutions

FROM ITS JOINT ASSESSMENT MISSION OF OCTOBER 1999 ONWARD, THE WORLD BANK PLAYED A CRITICAL AND POSITIVE ROLE IN EAST TIMOR. THE BANK WAS INSTRUMENTAL IN SECURING COMMITMENTS FROM DONORS AT THE TOKYO AND LISBON CONFERENCES AND WORKED INTENSIVELY WITH CNRT LEADERS TO HAMMER OUT A BUDGET THAT REFLECTED CNRT PRIORITIES. THE WORLD BANK BECAME THE UNLIKELY CHAMPION OF VILLAGE-LEVEL DEMOCRACY THROUGH ITS COMMUNITY EMPOWERMENT PROJECT IN WHICH LOCAL COUNCILS, EACH COMPOSED EQUALLY OF MEN AND WOMEN, WERE ELECTED TO DECIDE ON DISTRIBUTION OF DEVELOPMENT FUNDS AT THE VILLAGE, DISTRICT, AND SUBDISTRICT LEVELS.

## Australia

AUSTRALIA PLAYED A DECISIVE ROLE IN ASSISTING EAST TIMOR. AUSTRALIA ASSUMED A CRITICAL LEADERSHIP POSITION IN SEPTEMBER 1999 IN ASSEMBLING THE INTERNATIONAL FORCES FOR EAST TIMOR (INTERFET) UNDER GENERAL PETER COSGROVE, AND CONTINUED TO PLAY A LEADING PART WITHIN UNTAET PEACEKEEPING OPERATIONS. DARWIN, AUSTRALIA WAS PART OF THE MISSION AREA FOR UNTAET, AND FOR MANY MONTHS WAS THE ONLY DIRECT AIR LINK BETWEEN EAST TIMOR AND THE REST OF THE WORLD. IT WAS FROM DARWIN THAT MOST SUPPLIES WERE BROUGHT INTO EAST TIMOR, AND DARWIN PROVIDED TRAINING FACILITIES FOR CIVILIAN POLICE AND OTHER PARTS OF UNTAET. THE AUSTRALIAN GOVERNMENT SECONDED HUNDREDS OF PERSONNEL TO WORK IN VIRTUALLY EVERY FIELD OF DEVELOPMENT, INCLUDING DEMOCRATIZATION, AND ARRANGED FOR THE DESIGN AND CONSTRUCTION OF EAST TIMOR'S FIRST PARLIAMENT BUILDING.

THE GOVERNMENT TOOK A STRONG INTEREST IN THE INVESTIGATIONS INTO THE 1999 VIOLENCE. IN MID-2000, IT QUIETLY TURNED OVER TO THE INDONESIAN ATTORNEY GENERAL'S OFFICE ALL FILES ON INVESTIGATIONS CONDUCTED BY INTERFET INTO MILITIA CRIMES, WITH WITNESSES NAMES REMOVED.

## United States

THE KEY CONTRIBUTORS FOR THE U.S. ON EAST TIMOR WERE THE STATE DEPARTMENT, INCLUDING AMBASSADORS TO THE U.N. AND JAKARTA, CONGRESS, AND PRESIDENT CLINTON. IN NOVEMBER, U.N. SECRETARY RICHARD HOLBROOKE AND STANLEY ROTH, ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS, MADE A HIGHLY PUBLICIZED VISIT TO THE REFUGEE CAMPS IN WEST TIMOR AND PRESSED FOR AN AGREEMENT BETWEEN UNTAET AND INDONESIA ON THE REPATRIATION OF REFUGEES. HOLBROOKE THROUGHOUT THE YEAR RAISED THE NEED TO DISARM AND CONTROL THE MILITIAS AND END CROSS-BORDER INCURSIONS. HE WAS A MAJOR FORCE BEHIND SECURITY COUNCIL RESOLUTION 1319.

The State Department's Bureau of Democracy, Human Rights, and Labor, and Ambassador Robert Gelbard in Jakarta, provided strong support for investigations in Jakarta and Dili into the East Timor violence, securing funds from Congress to support the prosecution efforts in both capitals and to help with training of East Timorese police and the establishment of a criminal justice system.

In May, some members of Congress introduced language into the foreign aid bill for fiscal year 2001 forbidding direct U.S. military sales to or training programs for the Indonesian military until East Timorese were repatriated from West Timor and militia attacks against East Timor had ended. The bill was still pending in October. In September, a bill was introduced that would enable the U.S. to increase support for activities in East Timor as the country moved toward independence, including support for human rights, the rule of law, and reconciliation processes. Congress had not acted on it before adjourning in October.

## European Union

At the December 1999 international donors' meeting, the European Commission pledged 60 million euros over a three-year period for East Timor's reconstruction. Also in December, the European Parliament voted to extend the arms embargo against Indonesia imposed on September 16, 1999 after the post-referendum violence. On January 17, 2000, the embargo expired without debate. The United Kingdom quickly resumed sales of Hawk jet fighters to Indonesia. All member states, however, remained individually bound by the European Union's (E.U.) Code of Conduct regarding arms exports. The E.U., with Portugal holding the presidency from January 1 through June 30, 2000, followed closely the investigations into the 1999 violence and the situation of East Timorese refugees in West Timor. The E.U. repeatedly expressed concern about Indonesia's failure to disarm the militias, including in a Presidency statement on September 7, following the killing of humanitarian workers in West Timor.

## Southeast Asia

The Philippines and Thailand supplied successive commanders of the UNTAET peacekeeping forces, and Southeast Asian countries were well represented both in those forces and in the civilian police.

Indonesian President Abdurrahman Wahid was given an enthusiastic reception by a crowd of thousands when he visited Dili on February 29. He appeared generally committed to normalization of relations with East Timor, but many members of his administration, particularly Foreign Ministry officials who had served in previous administrations, were willing to make few concessions to the normalization process.

The Association of Southeast Asian Nations, ASEAN, invited Yanana Gusmao and Jose Ramos Horta to attend its annual summit meeting in Bangkok in July.

## Relevant Human Rights Watch Reports:

*FORCED EXPULSIONS TO WEST TIMOR AND THE REFUGEE CRISIS, 11/99*

# INDIA

The Hindu nationalist policies espoused by India's governing Bharatiya Janata Party (BJP) and its affiliate organizations undermined the country's historical commitment to secular democracy. Violence against Christian, Muslim, and Dalit, or "untouchable," populations was one result. Areas of separatist violence such as Kashmir and northeast India were marked by grave human rights abuses on the part of Indian security forces and armed rebel groups. Violence against women continued, from infanticide to dowry-related deaths to attacks on women whose male relatives were sought by the police. A major campaign on Dalit rights gathered strength, but some human rights defenders were targets of a state-sponsored backlash against their activism.

## Human Rights Developments

Abuses by all parties to the conflict were a critical factor behind the fighting in Kashmir. Emboldened by the successful hijacking of an Indian Airlines plane in December 1999 that secured the release of three jailed associates, pro-independence guerrillas or "militants" in the region stepped up their attacks on civilians, as well as on camps and barracks of government forces. The Indian army, operating under the Jammu and Kashmir Disturbed Areas Act and the Armed Forces (Jammu and Kashmir) Special Powers Act, continued to conduct cordon-and-search operations in Muslim neighborhoods and villages, detaining young men, assaulting other family members, and summarily executing suspected militants. Many Kashmiri civilians were killed or injured as a result of being caught in a crossfire between soldiers and militants, or in skirmishes and shelling between Indian and Pakistani troops across their countries' common border, known as the Line of Control.

In January, the Indian army, after its own investigation, announced that fifty-six of its personnel in Kashmir would be punished for committing human rights violations. The punishments ranged from discharge to denial of promotion. National and state human rights commissions, however, were barred from investigating army and paramilitary personnel.

On March 20, just before U.S. President Clinton's visit to South Asia, thirty-six Sikh men were shot dead in Chithisinghpura, Anantnag district, by unidentified gunmen reportedly dressed in army uniforms. In the weeks that followed, Sikh residents took to the streets demanding protection, while hundreds of Muslim villagers staged protests against Indian security forces. They alleged that in the aftermath of the Sikh massacre, blamed by the army on militants, many Muslim civilians had been "disappeared" or killed.

In early April, at least seven people were killed when police opened fire on Muslim protestors demanding the exhumation of the bodies of five men killed by members of the Indian army's Special Operations Group in Anantnag district. The protestors claimed that the men had been detained in the aftermath of the Chithisinghpura massacre and killed in a "staged" encounter. On April 6, the charred and disfigured bodies were exhumed. DNA tests were performed to confirm their identities, but as of this writing, the government had not released the results.

On June 26, the Jammu-Kashmir state assembly approved a controversial autonomy plan that was subsequently rejected by the Indian federal cabinet. On July 24, the Hizb-ul-Mujahideen, Kashmir's largest armed guerrilla group, declared a unilateral ceasefire and announced its willingness to enter into negotiations with Indian authorities. On July 29, India suspended its offensive against the group, but hopes of a peaceful resolution to the conflict were dashed by a series of massacres on August 1 and 2 that left ninety Hindu pilgrims dead in Pahalgam, in the Kashmir valley. The massacres were believed to have been carried out by militant factions opposed to the ceasefire, but reports suggested that some of the victims were killed by fire from Indian security forces. On August 9, Hizb-ul-



MUJAHIDEEN CALLED OFF THE CEASEFIRE, CITING THE INDIAN GOVERNMENT'S REFUSAL TO INCLUDE PAKISTAN IN THREE-WAY PEACE TALKS. INDIAN HOME MINISTER L.K. ADVANI ON AUGUST 22 REJECTED CALLS FOR AN IMMEDIATE JUDICIAL INQUIRY INTO THE PAHALGAM MASSACRE.

MILITANTS WERE BELIEVED RESPONSIBLE FOR SEVERAL ATTACKS AGAINST HINDUS, WHO FORM A MINORITY IN THE STATE. ON AUGUST 19, A GROUP OF MEN CARRYING ASSAULT RIFLES ENTERED TWO HOUSES IN THE VILLAGE OF IND, UDHAMPUR DISTRICT, AND OPENED FIRE ON THE OCCUPANTS, KILLING FOUR. TWO NIGHTS EARLIER, ANOTHER GROUP OF GUNMEN HAD RAIDED SEVERAL HINDU HOMES IN THE VILLAGE OF KOT DARA, KILLING SIX. SOME OF THOSE KILLED IN THE KOT DARA ATTACK WERE REPORTED TO HAVE BEEN MEMBERS OF THE LOCAL VILLAGE DEFENSE COMMITTEE (VDC), ESTABLISHED BY THE STATE GOVERNMENT IN THE HILL DISTRICTS OSTENSIBLY TO PROTECT ALL OF THE REGION'S INHABITANTS. THE VDCs RECRUITED THEIR MEMBERS ALMOST EXCLUSIVELY FROM LOCAL HINDU COMMUNITIES, HOWEVER, AND WERE SEEN BY MILITANTS AS ADJUNCTS OF THE INDIAN SECURITY FORCES.

CASTE VIOLENCE CONTINUED TO DIVIDE THE IMPOVERISHED STATE OF BIHAR. THERE, THE RANVIR SENA, A BANNED PRIVATE MILITIA OF UPPER-CASTE LANDLORDS THAT HAD BEEN OPERATING WITH IMPUNITY SINCE 1994, WAGED WAR ON VARIOUS MAOIST GUERRILLA FACTIONS, SUCH AS THE PEOPLE'S WAR GROUP (PWG). THESE GUERRILLA GROUPS ADVOCATED HIGHER WAGES AND MORE EQUITABLE LAND DISTRIBUTION FOR LOWER-CASTE LABORERS. THE CYCLE OF RETALIATORY ATTACKS CLAIMED MANY CIVILIAN LIVES.

ON APRIL 25, UPPER-CASTE RAJPUTS SHOT AND KILLED FOUR DALITS AND SERIOUSLY INJURED THREE IN ROHTAS DISTRICT, BIHAR. RAJPUTS SUBSEQUENTLY BURNED DOWN THE ENTIRE DALIT HAMLET, LEAVING ALL TWENTY-FIVE FAMILIES HOMELESS. THE ATTACK WAS REPORTEDLY IN RETALIATION FOR THE KILLING OF TWO RAJPUTS A FEW DAYS EARLIER BY MEMBERS OF THE OUTLAWED PWG. ON JUNE 16, IN MITAPUR VILLAGE IN BIHAR'S AURANGABAD DISTRICT, THE RANVIR SENA SLAUGHTERED THIRTY-FOUR LOWER-CASTE MEN, WOMEN, AND CHILDREN. SURVIVORS REPORTED THAT POLICE LEFT THE SCENE WHEN THE ATTACKING MOB ENTERED THE VILLAGE. THE MASSACRE WAS REPORTEDLY TO AVENGE THE KILLINGS BY MAOIST GUERRILLAS OF TWELVE UPPER-CASTE BHUMIHARS THE WEEK BEFORE, AND THIRTY-FOUR BHUMIHARS IN MARCH 1999. SOME RANVIR SENA MEMBERS WERE ARRESTED IN THE WEEKS THAT FOLLOWED, BUT THERE WAS NO PRECEDENT FOR SUCCESSFUL PROSECUTIONS IN SUCH CASES.

POLICE BLAMED THE JULY 13 KILLINGS OF FOUR UPPER-CASTE HINDUS IN GARHWAH DISTRICT ON THE PWG. ON SEPTEMBER 13 THE MAOIST COMMUNIST CENTRE, ANOTHER ARMED GROUP, SLIT NINE PEOPLE'S THROATS IN RANCHI DISTRICT. THE VICTIMS INCLUDED MUSLIMS AND TRIBESPEOPLE.

BIHAR WAS NOT THE ONLY STATE AFFECTED BY CASTE VIOLENCE. ON MARCH 12, SEVEN MEMBERS OF A DALIT FAMILY WERE BURNED ALIVE IN THEIR HOMES BY AN UPPER-CASTE MOB IN KOLAR DISTRICT, KARNATAKA STATE. THE ATTACK WAS PRECEDED BY THE STABBING OF AN UPPER-CASTE MAN IN A NEARBY VILLAGE. ALTHOUGH POLICE WERE AWARE OF ESCALATING TENSIONS IN THE AREA, THEY FAILED TO TAKE PREVENTIVE ACTION.

ATTACKS AGAINST CHRISTIANS, WHICH HAVE INCREASED SIGNIFICANTLY SINCE THE BJP CAME TO POWER IN MARCH 1999, CONTINUED. BY MID-YEAR OVER THIRTY-FIVE ANTI-CHRISTIAN ATTACKS HAD BEEN REPORTED THROUGHOUT THE COUNTRY, WITH THE STATES OF GUJARAT AND UTTAR PRADESH—BOTH BJP-LED—PARTICULARLY HARD HIT.

ACTIVISTS BELONGING TO MILITANT HINDU EXTREMIST GROUPS SUCH AS THE BAJRANG DAL AND THE VISHWA HINDU PARISHAD (WORLD HINDU COUNCIL, VHP) WERE OFTEN BLAMED FOR THE VIOLENCE. BOTH GROUPS ARE MEMBERS OF THE SANGH PARIVAR, AN UMBRELLA HINDU ORGANIZATION THAT BOOSTS THE RULING BJP AS ITS POLITICAL WING. THESE HINDU GROUPS BLAMED THE VIOLENCE ON POPULAR ANGER OVER CHRISTIAN EFFORTS TO CONVERT HINDUS. WHILE GOVERNMENT OFFICIALS AT THE STATE AND CENTRAL LEVEL CONDEMNED THE ATTACKS, THEY DID LITTLE TO PROSECUTE THOSE RESPONSIBLE.

ON JANUARY 31 A YEAR-LONG MANHUNT CAME TO AN END WITH THE ARREST IN ORISSA OF BAJRANG DAL ACTIVIST DARA SINGH. SINGH WAS WANTED IN CONNECTION WITH SEVERAL MURDERS, INCLUDING THOSE OF AUSTRALIAN MISSIONARY GRAHAM STUART STAINES AND HIS TWO SONS IN 1999. CHRISTIAN RELIEF AT THE ARREST WAS TEMPERED, HOWEVER, BY A STATE GOVERNMENT ORDER, BELIEVED TO BE AIMED AT LIMITING THE ACTIVITIES OF CHRISTIAN MISSIONARIES, REQUIRING A POLICE INQUIRY BEFORE ANYONE ADOPTED A NEW FAITH.

THE STATE GOVERNMENTS OF GUJARAT AND UTTAR PRADESH LIFTED A BAN AGAINST CIVIL SERVANTS JOINING THE RASHTRIYA SWAYAMSEVAK SANGH (NATIONAL VOLUNTEER CORPS, RSS), A SANGH PARIVAR MEMBER. IN GUJARAT, DELHI, AND ORISSA, DISTRICT ADMINISTRATIONS CONDUCTED SURVEYS TO ASSESS THE ACTIVITIES AND WHEREABOUTS OF MINORITY COMMUNITY MEMBERS AND LEADERS. MEANWHILE, THE BJP AND ITS ALLIES CONTINUED TO IMPLEMENT THEIR AGENDA FOR THE "HINDUIZATION" OF EDUCATION, MANDATING HINDU PRAYERS IN CERTAIN STATE-SPONSORED SCHOOLS AND REVISING HISTORY BOOKS TO INCLUDE WHAT AMOUNTED TO PROPAGANDA AGAINST ISLAMIC AND CHRISTIAN COMMUNITIES.

ON APRIL 11, THREE CHRISTIAN MISSIONARY SCHOOLS WERE RANSACKED AND SIX PEOPLE BEATEN IN RELATED ATTACKS BY THE BAJRANG DAL IN MATHURA, IN BJP-LED UTTAR PRADESH. THE GROUP SOUGHT TO JUSTIFY ITS ACTIONS BY CALLING THE SCHOOLS "MACHINES FOR CONVERSION." ON APRIL 21, A GROUP OF CHRISTIANS WAS ATTACKED NEAR THE CITY OF AGRA. THESE ATTACKS FOLLOWED THE BEATING TO DEATH OF TWO TRIBAL CHRISTIANS IN HAZARIBAGH, AND AN ATTACK ON TWO NUNS AND A PRIEST IN MATHURA.

ON JUNE 7, A CATHOLIC PRIEST WAS BATTERED TO DEATH WHILE SLEEPING OUTSIDE HIS SCHOOL IN UTTAR PRADESH. GOVERNMENT OFFICIALS WERE QUICK TO RULE OUT ANY RELIGIOUS MOTIVE, ATTRIBUTING IT TO BURGLARY. WITHIN DAYS THE SOLE WITNESS TO THE ATTACK, VIJAY EKKI, DIED IN POLICE CUSTODY. EKKI HAD TOLD PARISHIONERS WHO VISITED HIM IN DETENTION THAT HE WAS BEING TORTURED BY THE POLICE AND THAT HE FEARED FOR HIS LIFE. TWO POLICEMEN WERE ARRESTED AND A MAGISTERIAL PROBE WAS ORDERED AFTER A CHRISTIAN ORGANIZATION FILED A COMPLAINT.

IN MAY, THE NATIONAL COMMISSION FOR MINORITIES (NCM), A GOVERNMENT AGENCY, ISSUED A REPORT STATING THAT ATTACKS AGAINST CHRISTIANS WERE EITHER ACCIDENTAL OR THE UNRELATED ACTIONS OF PETTY CRIMINALS. OUTRAGED CHRISTIAN ACTIVISTS SAID THE REPORT SHOWED THAT THE GOVERNMENT CONDONED ATTACKS ON CHRISTIANS. EARLIER REPORTS BY THE NCM, ISSUED BEFORE IT WAS OVERHAULED BY THE CENTRAL GOVERNMENT IN JANUARY, HAD RECOMMENDED PROSECUTIONS FOR SUCH ATTACKS AND ACCUSED THE GOVERNMENT OF WILLFUL NEGLIGENCE AT ALL LEVELS.

IN JUNE, A SERIES OF BLASTS DAMAGED CHRISTIAN CHURCHES IN KARNATAKA, ANDHRA PRADESH, AND GOA. A MONTH LATER, CRUDE BOMBS WERE SET OFF IN TWO MORE CHURCHES IN KARNATAKA. IN AUGUST, POLICE CHARGED MEMBERS OF A MUSLIM SECT, ALLEGEDLY BASED IN PAKISTAN, WITH MASTERMINDING THE ATTACKS. HUMAN RIGHTS ACTIVISTS MAINTAINED THAT THE ARRESTS WERE MEANT TO DEFLECT ATTENTION FROM HINDU HARSHINERS' CAMPAIGN OF ANTI-CHRISTIAN VIOLENCE.

ON JULY 14, THE MAHARASHTRA STATE GOVERNMENT ANNOUNCED ITS INTENTION TO PROSECUTE BAL THACKERAY, LEADER OF THE RIGHT-WING HINDU ORGANIZATION SHIV SENA, FOR HIS ROLE IN INCITING BOMBAY'S 1992-1993 RIOTS IN WHICH OVER 700 PEOPLE, THE VAST MAJORITY OF THEM MUSLIMS, WERE KILLED. THE DECISION TO PROSECUTE CAME TWO YEARS AFTER A GOVERNMENT-APPOINTED JUDICIAL COMMISSION HAD NAMED THACKERAY AS ONE OF THOSE RESPONSIBLE FOR THE VIOLENCE. ON JULY 25, AMID RIOTING BY SHIV SENA SUPPORTERS, THACKERAY WAS ARRESTED ONLY TO BE RELEASED A FEW HOURS LATER AFTER A JUDGE ORDERED THE CASE CLOSED ON THE GROUNDS THAT THE STATUTE OF LIMITATIONS RELATING TO THE INCITEMENT CHARGES HAD EXPIRED.

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 WORKING WITH THE GOVERNMENT, KNOWN AS "SULFA." THE BODO LIBERATION TIGERS (BLT) FIGHTING FOR A SEPARATE HOMELAND FOR THE BODO TRIBAL PEOPLE EXTENDED THEIR CEASEFIRE BY ONE YEAR BEGINNING SEPTEMBER 15.

IN APRIL, THE LAW COMMISSION OF INDIA RECOMMENDED THE INTRODUCTION OF THE PREVENTION OF TERRORISM BILL INTO PARLIAMENT. IF ENACTED, THE BILL WOULD REINSTATE A MODIFIED VERSION OF THE NOTORIOUS TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT (TADA), REPEALED IN 1995. TADA HAD FACILITATED TENS OF THOUSANDS OF UNJUSTIFIED ARRESTS, TORTURE, AND OTHER VIOLATIONS AGAINST POLITICAL OPPONENTS, SOCIAL ACTIVISTS, AND HUMAN RIGHTS DEFENDERS. HUMAN RIGHTS ORGANIZATIONS PROTESTED AGAINST THE BILL ARGUING THAT, IF ENACTED, IT WOULD HAVE SIMILAR EFFECTS.

IN A POSITIVE MOVE, THE LAW COMMISSION ALSO CALLED FOR SWEEPING CHANGES TO THE COUNTRY'S RAPE LAWS FOLLOWING AN INCREASE IN THE INCIDENCE OF SEXUAL VIOLENCE. WOMEN'S RIGHTS ACTIVISTS WELCOMED THIS RECOMMENDATION. FEMALE INFANTICIDE PERSISTED AS THE FEMALE TO MALE RATIO CONTINUED TO DROP—A REFLECTION OF THE LOWER STATUS OF WOMEN AND GIRLS, WHO WERE MORE LIKELY TO BE DEPRIVED OF FOOD, EDUCATION, OR HEALTH SERVICES, OR TO BE SEEN AS AN ECONOMIC LIABILITY UNDER THE DOWRY SYSTEM.

Women whose relatives were sought by the police continued to be detained. In February, in Tamil Nadu, twelve women were illegally detained and tortured and repeatedly sexually assaulted in custody because of their ties to a suspected robber who had himself died in police custody. The National Human Rights Commission, a government-appointed body, also took particular note of alarming numbers of deaths in police custody.

Police brutality against Muslim students of the Jamia Millia Islamia, an institution of higher education in Delhi, made national headlines. On April 9, while searching for two criminal suspects, hundreds of police broke into one of the institution's dormitories and physically assaulted Muslim students, destroyed their property, and vandalized the campus mosque.

Two days earlier, members of the State Reserve Police beat and arrested up to forty-six demonstrators following a protest against the proposed Maroli-Umbergaon Port Project in Gujarat. While all were released on bail within forty-eight hours, six of the protesters were beaten in custody by police. One, Col. (retired) Pratap Save, suffered a brain hemorrhage, went into a coma, and died from his injuries on April 20.

In June, the Indian navy alerted Sri Lankan authorities to the presence of forty-seven Sri Lankan refugees who had become stranded on an island between the two countries while fleeing to India. A Sri Lankan naval vessel then picked them up and took them back to Sri Lanka. In August, Indian authorities in Mizoram state forcibly repatriated over one hundred ethnic minority Chin refugees who had fled from Burma.

## Defending Human Rights

Many human rights defenders were physically attacked, while others were labeled threats to national security. On December 9, 1999, six armed men entered the office of the Save the Narmada River Movement (Narmada Bachao Andolan, NBA) in Baroda, Gujarat, assaulted an activist, and vandalized the office. They warned the activist that the NBA, which had been campaigning against big dam projects along the Narmada river, would face dire consequences if it did not leave the state. When the NBA organized a march in Khargone district, Madhya Pradesh, in January, over 500 protesters were arrested for demonstrating in defiance of the local authorities' orders. Among them was prominent author and activist Arundhati Roy. All were released the following day. On October 19, in a major setback to the fifteen-year old anti-dam campaign, the Supreme Court ruled that construction on the controversial Sardar Sarovar dam along the Narmada river could continue. Large-scale protests followed the decision which activists criticized as sanctioning the continued displacement of hundreds of thousands of villagers.

On April 20, a mob of local residents and politicians raided the Almora and Jageswar offices of SAHAYOG, a NGO working primarily on women's health and empowerment in Uttar Pradesh. The attack was in response to a pamphlet SAHAYOG had published in September 1999 on HIV transmission, which made reference to a specific sexual practice of the area. By day's end eleven staff members and trainees had been arrested; some were physically assaulted by the police and protestors. Six were charged with the "production and distribution of obscene literature to under-age persons," and "inciting Army/Airforce to violence/mutiny." The remaining five were charged with disturbing the public peace. Five of the eleven were released within days and on April 24, after their offices had been closed and bank accounts frozen by order of the district magistrate, SAHAYOG was made to issue an unconditional public apology for hurting public sentiments with their study. On May 10, the National Security Act was invoked against four staff members, but later revoked after much public protest. On May 29, the remaining six detainees were released on bail after spending forty days in jail. As of this writing, the charges against SAHAYOG were still pending.

In July, the national convener of the United Christian Forum for Human Rights, John Doyal, asked for and ultimately received armed protection through the National Human Rights Commission after numerous threats to his life. He was publicly accused by a member of India's National Commission on Minorities of engaging in "anti-national activities," and threatened with treason charges by a spokesperson for the BJP.

On the eve of Human Rights Day 1999, the National Campaign for Dalit Human Rights presented Prime Minister A.B. Vajpayee with a petition bearing 2.5 million signatures. Collected from across the country, the petition demanded the abolition of untouchability and full implementation of national legislation criminalizing abuses against Dalits. On April 18 and 19, the campaign held a "national public hearing" in Chennai to "try" fifty-eight cases of atrocities against Dalits, selected from over a dozen states. A jury of three former high court judges and several senior lawyers issued a statement condemning India's caste system as "hidden apartheid."

## The Role of the International Community

Once again the conflict in Kashmir featured prominently in India's dealings with the international community. While many governments pushed for a peaceful resolution to the crisis, India maintained that no talks would be possible until Pakistan ended its support of militant groups in the region.

## United Nations

In January, during its review of India's initial report under the Convention on the Rights of the Child, the Committee on the Rights of the Child concluded that the caste system was an obstacle to children's human rights. The Committee also expressed concern about India's juvenile justice system, prison conditions, and the use of the death penalty against juvenile offenders.

The Committee on the Elimination of Discrimination against Women also raised concerns about the caste system during its February review of India's initial report under the Convention on the Elimination of All Forms of Discrimination against Women. The Committee expressed concern over extreme forms of physical and sexual violence against women belonging to particular castes or ethnic or religious groups, and over customary practices such as dowry, *sati*, and the *devadasi* system, all of which contribute to a higher incidence of gender-based violence in the country.

In March, Secretary-General Kofi Annan expressed his outrage over the Chithisinghpura massacre and urged both Pakistan and India to find an immediate "political solution to this long-standing dispute." On August 2, he reiterated this plea after the killings of over ninety Hindu pilgrims. In August, in response to a NGO briefing organized by the International Dalit Solidarity Network—of which Human Rights Watch is a member—the U.N. Sub-Commission on the Promotion and Protection of Human Rights passed without a vote a resolution on "discrimination on the basis of work and descent." The resolution was aimed at addressing the plight of Dalits. The Committee on the Elimination of Racial Discrimination considered the term "descent" to encompass caste.

## United States

Buoyed by President Clinton's visit to India in March, the first of a U.S. president in over twenty years, Indo-U.S. relations improved markedly. While the massacre of Sikhs on the eve of Clinton's visit forced Kashmir to the forefront of discussions, the trip was notable for its lack of attention to rights issues.

In September the U.S. Department of State released its second annual report under the 1998 International Religious Freedom Act detailing attacks on religious minorities throughout India and many other countries. The State Department indicated that India was close to earning the dubious distinction of "Country of Particular Concern" because of the many attacks on religious freedom during the year. Later that month, the U.S. Commission on International Religious Freedom held public hearings on religious persecution in India and Pakistan. The hearings were followed by a visit to India in November by members of the commission.

## Japan

During his South Asia tour in late August, Japanese Prime Minister Yoshiro Mori urged a resumption of talks on Kashmir and condemned violent attacks on civilians caught in the conflict. Despite Japan's suspension of all new grants and loans to both India and Pakistan following their successive nuclear tests in May 1999, Mori announced that U.S. \$176 million would be provided for two existing projects in India.

## European Union

The European Union (E.U.) condemned the violence in Kashmir and in various public statements called upon both India and Pakistan to resolve the conflict quickly and peacefully. A joint declaration resulting from the first ever E.U.-India summit in June emphasized the importance of coordinating efforts to promote and protect human rights. Both sides pledged to work towards the universal ratification and implementation of all major international human rights instruments. Echoing last year's initiatives, the European Parliament also pressed India to foster tolerance and protect freedom of religion; ratify the torture convention; and impose a moratorium on executions and step up efforts to abolish the death penalty.

# INDONESIA

Indonesia lurched further toward democracy during the year, but serious regional conflicts, a weak legal system, and delicate civil-military relations posed ongoing obstacles to the protection of human rights. While most of the country continued to benefit from increased civil and political liberties, three areas wracked by conflict—Papua, Aceh, and the Moluccas—continued to experience widespread violations. The government failed adequately to protect the hundreds of thousands of people displaced in Aceh and the Moluccas as well as East Timorese refugees in West Timor. Efforts of human rights defenders and some government officials to hold perpetrators of past serious abuses to account produced some results, but huge obstacles remained to bringing senior culpable leaders to justice.

## Human Rights Developments

For the first time in more than four decades, Indonesians had both a freely elected parliament and a democratically chosen president. On October 20, 1999, the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*, MPR) chose Abdurrahman Wahid as the country's fourth president in a cliffhanger vote. Megawati Soekarnoputri, head of the Indonesian Democratic Struggle Party (*Partai Demokrasi Indonesia – Perjuangan*, PDI-P) became vice-president. The jockeying for power among the most influential parties characterized domestic politics for much of the year, with Wahid struggling to outmaneuver the opposition. In August, unhappy parliamentarians forced him to issue Presidential Decree 121, turning over some of his administrative tasks to Megawati, but a cabinet reshuffle later the same month showed he was very much in charge. Throughout the year, Wahid proved strong on the symbolism of human rights and weaker on the implementation of safeguards.

From the outset, although he retained several senior military officers as ministers, Wahid began to assert civilian control over the military. He appointed a civilian as defense minister and, in February 2000, removed General Wiranto from his cabinet pending the outcome of investigations into Wiranto's role in the 1999 East Timor violence. On March 11, President Wahid formally disbanded the hated internal security organization, Bakorstanas. In April, commander-in-chief Admiral Widodo endorsed the concept of civilian supremacy and announced that the military no longer claimed a social and political role. In a number of highly publicized cases, generals who had previously enjoyed absolute impunity were questioned by investigators in connection with past military atrocities. Through its nationwide network of territorial commands, however, the military's dominant role in local government continued and, in August, the MPR approved a decree allowing the armed forces (*Tentara Nasional Indonesia*, TNI) to retain a bloc of appointed seats in that body through 2009.

Regional armed conflicts continued to pose a challenge to the democratic transition and undermine human rights. In Aceh, disaffection with the central government showed itself both in the form of a strong civil society-based movement for a referendum on Aceh's political status and in an armed rebel group, the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM). Indonesian security forces made little distinction between the two. While army, police, and GAM were all responsible for abuses, including extrajudicial executions of civilians, the violations were disproportionately on the government side. A special government-appointed commission of inquiry into past violations in Aceh produced five priority cases for trial, but not one of them from the worst period of abuses, 1989 to 1992. On May 17, 2000, twenty-four soldiers and one civilian were sentenced to between eight and a half and ten years in prison for the 1999 massacre of a Muslim teacher, Teungku Bantariyah, and fifty-six of his followers, but the commander who gave the orders went into hiding as investigations were underway and was not apprehended.

On May 12, the Wahid government, through the intervention of the Henri Dunant Institute in Geneva, signed a Memorandum of Understanding with GAM, agreeing to a three-month "humanitarian pause" in the conflict. The agreement was controversial inside Indonesia, as some saw it as the first step toward legitimizing the rebels. Abuses diminished with the agreement but did not stop. In September, it was extended until January 2001.

On August 5, one of Aceh's most prominent human rights defenders, Jafar Siddiq Hamzah, founder and director of the New York-based rights group International Forum for Aceh, vanished while on a visit to Indonesia's third largest city, Medan. His body, showing signs of torture, was found with four other corpses in an unmarked grave on September 3. Jafar was the third well-known Acehnese activist to have "disappeared" in Medan. On January 24, an Acehnese parliamentarian went missing from his home; his body was found several days later. On June 3, a former student activist and spokesman for GAM, Ismail Syahputra, vanished. No information about his whereabouts had emerged by mid-September. On September 16, Saifwan Idris, a prominent university rector in Banda Aceh who had supported a referendum, was shot and killed at his home. While the army was widely blamed in all of the above cases, there was no hard evidence as of October to indicate who was responsible.

A civilian pro-independence movement gathered strength during the year in Papua, formerly Irian Jaya. President Wahid offered the name change on January 1, 2000 to signal a change in policy toward the rebellious province. (The name change had not been approved by parliament by the end of the year.) A month earlier, tens of thousands of Papuans had celebrated the thirty-eighth anniversary of "West Papuan independence" in ceremonies throughout the province, the first time that such coordinated pro-independence demonstrations were permitted. In a compromise with authorities, both the Indonesian and West Papuan flags were raised in the December 1 ceremonies. When demonstrators in Timika, on Papua's south coast, refused to take down a West Papuan flag flying in a church courtyard the day after the ceremonies, however, security forces fired into an angry crowd, wounding sixteen. Tension and conflict over flag raisings continued throughout 2000. Major clashes between civilians and security forces claimed the lives of three pro-independence youths in Nabire in late February and early March. Three more independence supporters were killed by government forces in Sorong on August 22.

On June 3, in Jayapura, the Papuan capital, a national congress of leaders from throughout the province declared the desire of the Papuan people to separate from Indonesia. Papuan leaders repeatedly expressed their commitment to pursuing independence through peaceful means, but civilian defense "task forces" (*saifwan*

*lucags* or *sabags*) grew in size and importance throughout the year. Some such groups received Indonesian military support, leading many to draw parallels with the army-backed militias in East Timor in 1999; other groups were set up by pro-independence Papuans.

The conflict that produced the most civilian casualties, however, was not a rebellion against the center but rather a civil war in the Moluccan islands between Christians and Muslims. Exact figures on casualties were difficult to obtain, let alone verify, but estimates put the toll from October 1999 to September 2000 at over 5,000 dead. The conflict had erupted in 1999 in Ambon, the product of elite rivalries, a delicate communal balance upset by in-migration from other islands, and a changing socioeconomic structure. By 2000, the conflict had spread to the north Moluccan islands of Ternate, Tidore, and Halmahera, and continued to engulf Ambon, Ceram, Buru, Saparua and other islands of the central Moluccan archipelago.

In May, thousands of volunteers for "holy war forces," or *laskar jihad*, arrived in Ambon from elsewhere in Indonesia, primarily Java, to strengthen the Muslim side, and attacks on Christian villages increased. On June 27, President Wahid ordered a state of civil emergency imposed in the two provinces of Maluku (Ambon and surrounding islands) and Maluku Utara (the north Moluccas). By mid-September, the latter was fairly calm, but there was no end in sight to fighting around Ambon. Civilian and military authorities in Indonesia, sensitive to the loss of East Timor and the nationalist backlash it engendered from a wide range of politically powerful groups, rejected any notion of outside assistance in resolving the conflict. While it appealed for humanitarian aid for the hundreds of thousands of displaced people, it also obstructed delivery of that aid. Groups inside and outside Indonesia also faulted the government for failing to ensure the neutrality of troops sent to stop the fighting and for failing to stop the dispatch of *laskar jihad* forces, although the police argued that as they were not armed when they boarded passenger ships for Ambon, the government had no legal means of stopping them. Critics also pointed to the ineffective interdiction of weapons bound for Ambon and a failure to protect the rights of the displaced.

Treatment of internally displaced persons (IDPs) was a major issue during the year, with close to 400,000 displaced by the Moluccan conflict alone. The eruption in April of a separate Christian-Muslim conflict in Poso, Central Sulawesi, which had first emerged in a 1998 fight over a local political appointment, left at least 200 dead and an estimated 60,000 people temporarily displaced. In Aceh, the number of persons displaced by the conflict ebbed and flowed, but tens of thousands fled their homes over the course of the year, many in the face of violent police and military "sweeps" for suspected rebels. Thousands of non-Achinese immigrants fled the province, many after having been threatened by rebels.

More than 170,000 East Timorese returned home from West Timor during the year, but more than 100,000 remained, many having been forcibly expelled during the post-referendum violence in East Timor in September 1999. Many remained under the control of militia leaders whom Indonesian authorities chose not to disarm or in any way challenge. Militia control over the refugee camps of Tubukan and Noelbaki, outside Kupang, was particularly strong; these camps also housed East Timorese members of the police and army and their families. On August 13, after a series of militia incursions from West Timor into East Timor, the Indonesian government bowed to international pressure and announced that it would close the camps, offering the East Timorese there a choice between resettlement in Indonesia or return to East Timor. The decision was cautiously welcomed by the international community, but nothing happened. The level of militia intimidation in these and other camps was high, directed not just against refugees wishing to return but also against the staff of agencies such as the United Nations High Commissioner for Refugees (UNHCR).

From August 22 to 29, UNHCR temporarily closed down operations in West Timor after three of its staff were injured in an attack. Despite renewed promises from the Indonesian military that it would provide protection, three UNHCR workers were killed on September 6 in an attack by a mob that had gathered for the funeral of a notorious pro-Indonesia militia commander, Orlino Mendonca Moruk. International outrage prompted efforts at disarmament. Military and police organized searches in major camps and confiscated a few dozen firearms and hundreds of homemade guns. Even militia leaders acknowledged that they were retaining weapons, however, and, at this writing, there had been no new arrests on weapons charges or any evidence of a serious effort to identify the source of the large quantities of ammunition used by militias making incursions into East Timor.

Efforts to revamp Indonesia's corrupt and discredited judiciary made slow headway with the selection of sixteen new Supreme Court justices in September, but the administration failed to put forward a plan for systematic overhaul of the courts. Corruption proceedings against former President Soeharto held the spotlight for much of the year until the case was dismissed on September 29 on the grounds that Soeharto was unfit to stand trial. Public demands for justice for past army abuses in Aceh, Papua, Lampung, Tanjung Priok, and East Timor remained strong, but the government dithered in taking the necessary measures for prosecution. To get around the dysfunctional court system, plans were made for new human rights courts to hear cases involving gross abuses, but the enabling legislation was bogged down in parliament for much of the year and had not been passed as of October. In August, the MPR enacted a constitutional amendment, after heavy lobbying by generals, barring "retroactive" laws. As a result, many Indonesian legal scholars concluded that individuals responsible for orchestrating past atrocities could only be charged with ordinary criminal offenses and not with international crimes such as war crimes and crimes against humanity.

On September 1, Indonesian prosecutors formally named nineteen individuals, fifteen of them army and police officers, as suspects in the 1999 East Timor crimes. Although this was a long-overdue first step, advisors to the attorney general said that investigators had not even begun to unearth the kind of evidence needed for chain-of-command convictions. General Wiranto, commander-in-chief of the Indonesian armed forces at the time, was not on the list.

On a morning television show on March 14, President Wahid asked for forgiveness for the 1965-67 massacre of suspected members of the banned Indonesian Communist Party (Partai Komunis Indonesia, PKI), and for the role of his own organization, Nahdlatul Ulama, in the killings. He also called for repeal of a 1966 decree, TAP MPRS No. V/V, that instituted a pattern of discrimination against families of suspected PKI followers down to the third generation. The president's call, however, was greeted with noisy street protests from some Muslim groups and, in August, the MPR set aside the proposal, leaving the 1966 decree in effect.

## Defending Human Rights

Human rights groups continued to be at the center of legal reform and justice efforts. Independent human rights lawyers, including Munir of the Commission for Disappeared Persons and Victims of Violence, played a key role in strengthening and professionalizing the work of the investigative team for East Timor put together by the Indonesian National Human Rights Commission (Komnas). On January 31, the Komnas team issued a hard-hitting report on the 1999 violence. Other human rights lawyers, including Irfhal Kasim of the Institute for Research on Public Advocacy (ELSAM), were actively involved in drafting legislation on human rights courts and the first draft of a bill for a proposed "Truth and Reconciliation Commission." Still others were appointed to a team of experts advising the attorney general on the East Timor prosecutions.

Komnas also monitored the efforts of the attorney general and military courts on other leading human rights cases throughout the year. In June, Komnas was widely criticized for a weak report on 1994 army violence in Tanjung Priok, Jakarta, and for doing little to document ongoing abuses in Aceh and Papua. In October, Komnas issued new report on the Tanjung Priok case, naming twenty-three suspects, reportedly including high-ranking generals.

In Aceh, Papua, and the Moluccas, human rights defenders operated at great risk. The worst conditions were in Aceh, where assassinations were commonplace and perpetrators seldom identified. On January 31, Sukardi, a volunteer with the Bamboo Thicket Institute (Yayasan Rumpun Bambu Indonesia), a local environmental and human rights group based in Aceh, "disappeared"; his naked and bullet-riddled corpse was found on February 1. Dozens of other activists and local humanitarian aid workers were beaten and threatened, apparently because security forces suspected them of supporting the rebels.

THE MURDER OF JAFAR SIDDIQ HAMZAH, DESCRIBED ABOVE, AGAIN PUT A SPOTLIGHT ON THE DANGERS FACED BY HUMAN RIGHTS DEFENDERS.

## The Role of the International Community

IN GENERAL, THE INTERNATIONAL COMMUNITY WAS STRONGLY SUPPORTIVE OF THE WAHID ADMINISTRATION BUT DEEPLY CONCERNED ABOUT THE REGIONAL CONFLICTS, BOTH IN TERMS OF THE HUMAN COST AS WELL AS THE IMPACT ON INDONESIA'S DEMOCRATIZATION POLICIES AND LONG-TERM POLITICAL STABILITY.

### United Nations

IMPORTANT U.N. CONCERNS IN 2000 ALSO INCLUDED PROTECTION OF REFUGEES IN WEST TIMOR, JUSTICE FOR THE 1999 SCORCHED EARTH DESTRUCTION OF EAST TIMOR, AND EFFORTS TO MITIGATE THE IMPACT OF CONTINUING ECONOMIC CRISIS ON INDONESIA'S POOR.

ON JANUARY 31, 2000, A U.N. COMMISSION OF INQUIRY ISSUED A REPORT CONCLUDING THAT THE SYSTEMATIC AND LARGE-SCALE NATURE OF THE EAST TIMOR CRIMES WARRANTED THE ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL TRIBUNAL. THE U.N. SECURITY COUNCIL, HOWEVER, DECLINED TO ESTABLISH SUCH A COURT, DEFERRING INSTEAD TO THE INDONESIAN GOVERNMENT'S STATED INTENTION TO BRING THOSE RESPONSIBLE TO JUSTICE. IN A COVER LETTER ACCOMPANYING RELEASE OF THE INTERNATIONAL COMMISSION'S REPORT, SECRETARY-GENERAL KOFI ANNAN ANNOUNCED THAT HE WOULD "CLOSELY MONITOR PROGRESS" OF THE INDONESIAN EFFORT TO ENSURE THAT IT WAS A "CREDIBLE RESPONSE IN ACCORDANCE WITH INTERNATIONAL HUMAN RIGHTS PRINCIPLES." IN EARLY AUGUST, U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON MET WITH VICTIMS OF THE VIOLENCE IN EAST TIMOR AS WELL AS WITH INDONESIAN ATTORNEY GENERAL MARTUZI DARUSMAN, REITERATING THAT THE U.N. WOULD CALL FOR AN INTERNATIONAL WAR CRIMES TRIBUNAL IF JAKARTA FAILED TO BRING THE PERPETRATORS OF THE TIMOR VIOLENCE TO TRIAL.

THE SECURITY COUNCIL AND SECRETARY-GENERAL ALSO DENOUNCED CONTINUING VIOLENCE IN WEST TIMOR. IN A FEBRUARY VISIT TO INDONESIA, ANNAN COMPLAINED TO PRESIDENT WAHID ABOUT CONTINUING HARASSMENT BY MILITIAS IN THE REFUGEE CAMPS. AFTER A NEPALESE SOLDIER SERVING WITH U.N. PEACEKEEPERS WAS SHOT AND KILLED ON AUGUST 11 BY MILITIAS WHO HAD CROSSED THE BORDER INTO EAST TIMOR, THE SECOND PEACEKEEPER KILLED IN AS MANY MONTHS, ANNAN ISSUED A STATEMENT CALLING ON INDONESIA TO TAKE EFFECTIVE MEASURES TO CONTROL THE MILITIAS AND STOP THE INCURSIONS. IN A UNANIMOUS RESOLUTION ON SEPTEMBER 9, THE SECURITY COUNCIL CONDEMNED THE MURDER OF THE THREE U.N. REFUGEE WORKERS IN WEST TIMOR AND INSISTED THAT THE INDONESIAN GOVERNMENT TAKE IMMEDIATE STEPS TO DISARM AND DISBAND THE MILITIAS BELIEVED TO BE RESPONSIBLE.

### Asia-Pacific Region

RELATIONS BETWEEN INDONESIA AND CHINA WARMED FOLLOWING PRESIDENT WAHID'S DECEMBER 1999 VISIT TO BEIJING. DESPITE PRIOR VISITS TO OTHER COUNTRIES, WAHID CALLED THE DECEMBER TRIP HIS FIRST "FORMAL" STATE VISIT TO HIGHLIGHT THE IMPORTANCE OF THE RELATIONSHIP. WAHID SOUGHT AND OBTAINED CHINESE STATEMENTS IN SUPPORT OF THE TERRITORIAL INTEGRITY OF INDONESIA AND AGAINST SEPARATIST MOVEMENTS IN ACEH AND PAPUA. IN JULY, INDONESIA LIFTED ONEROUS VISA REQUIREMENTS TO MAKE IT EASIER AND CHEAPER FOR CHINESE CITIZENS TO VISIT INDONESIA. ALSO IN JULY, THE TWO COUNTRIES SIGNED A BILATERAL AGREEMENT PROMISING MUTUAL LEGAL ASSISTANCE IN FIGHTING TRANSNATIONAL CRIME.

INDONESIA LOBBIED SUCCESSFULLY TO KEEP ANY REFERENCE TO THE CONTINUED BLOODSHED IN THE MOLUCCAS OUT OF THE JOINT COMMUNIQUE ISSUED AT THE END OF THE ANNUAL ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) MINISTERIAL MEETING HELD IN BANGKOK IN JULY, ALTHOUGH INSTABILITY IN INDONESIA WAS DISCUSSED BY THE MINISTERS. UNDER THE LEADERSHIP OF PRESIDENT WAHID, WHO HAD REQUESTED A MEETING WITH AUNG SAN SUU KYI DURING A VISIT TO MYANMAR IN 1999, INDONESIA HAD BEEN EXPECTED TO MOVE A STEP CLOSER TOWARD AN ASEAN FOREIGN POLICY OF "FLEXIBLE ENGAGEMENT," AS RECOMMENDED BY THAILAND AND THE PHILIPPINES. INSTEAD, ITS ACTIONS HARDENED ASEAN'S EXISTING "NON-INTERVENTION" POLICY.

### Japan

IN ITS BILATERAL RELATIONS WITH INDONESIA, WHICH RECEIVED U.S. \$1.6 BILLION IN LOANS AND GRANTS IN 1999 (LATEST FIGURES PUBLISHED BY THE FOREIGN MINISTRY), JAPAN EMPHASIZED SUPPORT FOR PRESIDENT WAHID'S DEMOCRATIZATION EFFORTS AND FOR PRESERVING THE COUNTRY'S TERRITORIAL INTEGRITY AS IT ADDRESSED REGIONAL VIOLENCE. IN APRIL, JAPAN SAID IT WOULD RESCHEDULE \$5.8 BILLION IN INDONESIAN DEBT. PRIME MINISTER YOSHIRO MORI MET WITH WAHID WHEN HE CAME TO TOKYO IN APRIL AND AGAIN IN EARLY JUNE AT THE TIME OF FORMER PRIME MINISTER OBUCHI'S FUNERAL, AND URGED A CONSTRUCTIVE SOLUTION TO REGIONAL CONFLICTS. JAPAN WAS ALSO CONSIDERING PROVIDING POLICE TRAINING TO INDONESIA. BUT THE FOREIGN MINISTRY WAS RELUCTANT TO RAISE SPECIFIC HUMAN RIGHTS CONCERNS WITH JAKARTA, OR TO SEND OBSERVERS TO TRIALS IN ACEH, THOUGH IT DID PROVIDE ASSISTANCE FOR PEOPLE DISPLACED BY THE ACEH CONFLICT. ON OCTOBER 18-19, JAPAN WAS SCHEDULED TO CO-HOST WITH THE WORLD BANK THE ANNUAL DONOR CONSULTATIVE CONFERENCE FOR INDONESIA.

### Australia

RELATIONS WITH AUSTRALIA CONTINUED TO BE STRAINED BY INDONESIAN ANGER OVER AUSTRALIA'S ROLE IN EAST TIMOR AND PERCEIVED SLIGHTS TO JAKARTA IN 1999, NOTWITHSTANDING STRONG ECONOMIC TIES. AUSTRALIA ORGANIZED AND COMMANDED THE INTERNATIONAL FORCE FOR EAST TIMOR (INTERFET) THAT ENTERED EAST TIMOR ON SEPTEMBER 20, 1999 TO PUT AN END TO THE MILITIA VIOLENCE. AUSTRALIAN TROOPS WERE VILIFIED IN MUCH OF THE INDONESIAN PRESS. ALTHOUGH THERE WERE IMPROVEMENTS IN RELATIONS DURING THE YEAR, INCLUDING INCREASED MINISTERIAL CONTACTS INITIATED BY A JANUARY 24 MEETING IN JAKARTA OF AUSTRALIAN FOREIGN MINISTER ALEXANDER DOWNER AND PRESIDENT WAHID, EACH SETBACK IN WEST TIMOR REOPENED THE DIPLOMATIC RIFT. A LONG AWAITED VISIT BY PRESIDENT WAHID TO CANBERRA WAS POSTPONED IN OCTOBER WHEN LEADING INDONESIAN LEGISLATORS SPOKE OUT AGAINST THE TRIP.

### European Union

ON JANUARY 17, THE E.U., NOTING WITH APPROVAL THE DEMOCRATIC DEVELOPMENTS IN INDONESIA AND THE ELECTION OF PRESIDENT WAHID, DECIDED NOT TO RENEW THE SANCTIONS IMPOSED IN SEPTEMBER 1999 IN THE WAKE OF THE VIOLENCE IN EAST TIMOR, INCLUDING A BAN ON ARMS SHIPMENTS. THE UNITED KINGDOM QUICKLY RESUMED SALES OF HAWK JET FIGHTERS. THE E.U. INSISTED, HOWEVER, THAT ITS POLICY REGARDING ARMS EXPORTS WOULD BE GOVERNED BY "STRICT IMPLEMENTATION OF THE E.U. CODE OF CONDUCT" AND THAT THE E.U. WOULD CONTINUE TO MONITOR CLOSELY DEVELOPMENTS IN INDONESIA.

ON FEBRUARY 2, THE EUROPEAN COMMISSION ISSUED AN IMPORTANT POLICY PAPER, "DEVELOPING CLOSER RELATIONS BETWEEN INDONESIA AND THE EUROPEAN UNION." IT SIGNALLED THE IMPORTANCE OF HUMAN RIGHTS IN THOSE RELATIONS, CALLING PROMOTION OF THOSE RIGHTS A PREREQUISITE FOR DEMOCRACY AND SUSTAINABLE DEVELOPMENT. THE PAPER CALLED FOR BETTER DELIVERY OF JUSTICE, SUPPORT FOR THE ATTORNEY-GENERAL'S LEGAL REFORM EFFORTS, REGULAR CONTACTS WITH HUMAN RIGHTS ORGANIZATIONS, AND CLOSE COOPERATION WITH INDONESIA'S NATIONAL COMMISSION ON HUMAN RIGHTS. IT NOTED THE "SLOW PROGRESS" OF REFUGEE REPATRIATION FROM WEST TIMOR AND OF INDONESIA'S OWN INVESTIGATION INTO HUMAN RIGHTS VIOLATIONS IN EAST TIMOR. THE "ENHANCED" PARTNERSHIP WAS OFFICIALLY LAUNCHED ON JUNE 14 IN A MEETING BETWEEN INDONESIAN FOREIGN MINISTER ALWI SHIHAB AND E.U. FOREIGN MINISTERS. CHRIS PATTEN, EXTERNAL AFFAIRS COMMISSIONER, VISITED INDONESIA AT THE END OF MAY, RAISING CONCERNS ABOUT OBSTACLES TO DEMOCRATIZATION AND CIVILIAN SUPREMACY: EARLIER IN APRIL, A DELEGATION OF MEMBERS OF THE EUROPEAN PARLIAMENT WENT TO EAST TIMOR AND INDONESIA. THE EUROPEAN PARLIAMENT ADOPTED A STRONG

resolution on the Moluccas, urging Jakarta to permit international observers and allow NGOs free access. In September, the E.U. presidency issued a statement strongly condemning the deaths of UNHCR workers and continued insecurity in West Timor.

The E.U. consistently declared its support for Indonesian national integrity but urged dialogue as a means of resolving regional conflicts. It formally welcomed the May 12 M.O.U. ceasefire between the Indonesian government and the Free Aceh Movement, but distanced itself from the June 3 call of Papuan leaders for independence. On August 17, ECHO, the humanitarian aid office of the E.U., granted EUR \$2 million to be spent, among other things, aiding displaced persons in the Moluccas and West Timor.

The third biannual Asia-Europe Meeting (ASEM), held in Seoul October 20-21, was dominated by the issue of North Korea, with the United Kingdom and Germany announcing they would establish diplomatic ties with Pyongyang, while France said that progress on human rights and security issues must take place as a precondition for diplomatic relations. The final communique said ASEM III participants would "promote and protect all human rights...and fundamental freedoms," language that was adopted over China's objections.

Five ambassadors representing the E.U. visited Ambon and the north Moluccas in Indonesia from October 12-14 to assess the human rights and humanitarian situation.

## United States

U.S. officials repeatedly and publicly expressed support for President Wahid but also spoke out strongly against the failure of the Indonesian military to rein in militias in West Timor and resolve the refugee crisis.

Early in the year, Secretary of State Madeleine Albright identified Indonesia as one of four priority emerging democracies for U.S. foreign policy. President Clinton welcomed Indonesian President Wahid to the White House shortly after Wahid assumed the presidency, and numerous U.S. officials—including secretaries of treasury, defense, and state, as well as UN Ambassador Holbrooke—made high profile visits to the country. U.S. bilateral assistance to Indonesia was increased to U.S. \$125 million. Priorities included judicial reform and justice for past gross abuses, improving civil-military relations, police training, and professionalizing national and local parliaments. Even as the U.S. stepped up its efforts to assist democratization, leading officials spoke out forcefully on the need to disarm and disband militias in West Timor, and for accountability for past military atrocities, including the 1999 violence in East Timor.

The Clinton Administration in late August lifted an eleven-month ban on commercial military sales to Indonesia, approving the sale of spare parts for C-130 transport planes just one week before three UN refugee aid workers were killed in West Timor. The ban originally had been imposed in response to the 1999 East Timor violence. Congressional restrictions remained in place on military training and direct U.S. military sales. U.S. Defense Secretary Cohen visited Jakarta in mid-September. Prior to his visit, he confirmed that the Pentagon had decided to "re-engage" with the Indonesian military, inviting officers to conferences and participating in joint humanitarian exercise, but that the U.S. would stop short of directly selling arms. The State Department strongly condemned the abduction and murder of Jafar Siddiq Hamzah, urging at the highest levels a full investigation and prosecution, and supported the humanitarian pause in Aceh. Members of Congress expressed concern about the violence in the Moluccas: several House of Representatives members wrote to President Wahid in July urging him to invite international observers and humanitarian aid groups to the region and to prosecute members of the *Laskar Jihad* responsible for instigating new violence.

## International Financial Institutions

In advance of the World Bank-convened annual consultative group conference in Tokyo in October, the president of the World Bank took the extraordinary step of sending a personal letter to Wahid urging his intervention in West Timor and warning that donor commitments could be affected. The donors pledged a total of \$4.9 billion to support the Indonesian government's budget, plus an additional \$530 million for Indonesian NGOs. Several donors addressed the government's response to crises in West Timor, Maluku, Aceh, and West Papua. The U.S. said it would condition its aid on Indonesia's full compliance with the UN Security Council's resolution on West Timor.

In 2000, the World Bank had outstanding commitments of \$ 5.5 billion to Indonesia; of those funds, \$ 2.9 billion had yet to be disbursed as of mid-September. In fiscal year 1999, the World Bank had said it would provide another \$ 2.7 billion in future loans. Meanwhile, a new letter of intent was signed by the government with the International Monetary Fund (IMF) in September, opening the way for a package of U.S. \$400 million in loans. In June, the IMF had approved a \$372 million loan after it reviewed Indonesia's compliance with fiscal and structural reforms mandated by the IMF. Overall the IMF had offered \$5 billion in assistance to Indonesia, contingent on progress in its reform efforts.

## Relevant Human Rights Watch Reports:

*Forced Expulsions to West Timor and the Refugee Crisis, 11/99*

*Human Rights and Pro-Independence Actions in Papua, 1999-2000, 5/00*

# MALAYSIA

The trial of former Deputy Prime Minister Anwar Ibrahim, culminating in his conviction for sodomy in August, provided the backdrop for the Malaysian government's ongoing repression of perceived political opponents. While continuing to target liberal activists, the government stepped up its attacks on the fundamentalist Islamic party PAS (Parti Islam Se-Malaysia), following elections in November 1999. Human rights activists, lawyers, politicians, and publishers affiliated with the opposition were prosecuted under expansively-worded laws restricting freedom of expression. Police broke up peaceful rallies, arrested protestors, and beat some detainees in custody. Anwar's conviction cast further doubt on the independence of Malaysia's judicial system. Refugees and migrants faced harsh conditions in immigration detention camps, and Malaysia continued to return refugees to countries where they faced persecution. The appointment of a Human Rights Commission held out the promise of greater government attention to human rights, but the extent of its power and effectiveness remained in question.

## Human Rights Developments

The second trial of Anwar Ibrahim concluded in August. He was sentenced to nine years in prison on sodomy charges, to run consecutively with the six-year sentence for corruption imposed on him in 1999, which was confirmed by the Court of Appeal in April 2000. Anwar's adopted brother, Sukma Dermanwan, was also convicted and sentenced to six years in prison and to receive four lashes with a rattan cane.

Anwar's prosecution was widely viewed inside and outside Malaysia as a case of political revenge by Prime Minister Mahatir Mohamad against his most prominent critic. His two trials were marred by heavy-handed tactics and irregularities. Key witnesses recanted their confessions and alleged that they were extracted through police coercion and physical abuse. The judge admitted into evidence a contested confession that interrogators had obtained from co-defendant Sukma Dermawan while he was in incommunicado detention without access to counsel, and that he subsequently retracted. Prime Minister Mahatir repeatedly stated publicly that Anwar was guilty before the court delivered its verdict. Defense attorneys Zainur Zakaria and Karpal Singh were prosecuted for statements made in court in the course of Anwar's defense. Finally, the court permitted the prosecution to twice change the dates of the alleged crime.

In March, former Inspector-General of Police Abdul Rahim Noor was convicted of "causing hurt" to Anwar for beating him in custody after his arrest. The charge was much reduced from the original, and Noor was sentenced to a fine and two months in prison. At this writing, he remained free on bail pending the outcome of his appeal.

Following November 1999 elections, the government retaliated against its opponents by charging them under broadly worded laws. Although Malaysia's ruling coalition, dominated by the United Malay National Organization (UMNO), maintained its two-thirds majority in parliament, it lost significant ethnic Malay support as a result of Anwar's controversial prosecutions. PAS won control of the state governments of Kelantan and Terengganu, giving it leadership of two of Malaysia's fourteen states.

Anwar's principal counsel, Karpal Singh, was one of four individuals charged in January with violating the Sedition Act, a colonial-era law that criminalizes any speech deemed to have a "seditious tendency," regardless of the speaker's intent and the statement's veracity. Singh, the deputy chairman of the Democratic Action Party (DAP), was arrested on January 12, 2000 for telling the trial court in September 1999 that Anwar might have been poisoned in custody and that he suspected that "people in high places" were responsible. As of October, his trial had not begun. The charge against Singh ran counter to international standards and Malaysian common law, which grants lawyers absolute privilege for all statements made during legal proceedings. Marina Yusoff, former vice president of the National Justice Party (Parti Keadilan Nasional or Keadilan), also faced sedition charges for allegedly "provoking racial discord." In a speech on September 29, 1999, Yusoff allegedly told a mostly ethnic Chinese Malaysian audience not to vote for UMNO because it had started the massacres of ethnic Chinese during the race riots of May 13, 1969. Her trial was ongoing in October. Zulkifli Sulong, editor of the popular PAS newspaper *Harakah*, and Chia Lim Tite, who held the permit for the newspaper's printing company, were charged with sedition for publishing an article allegedly written by Chandra Muzaffar, Keadilan's deputy president. The article alleged a government conspiracy against Anwar. Chia pleaded guilty and received a fine in May. Zulkifli pleaded not guilty, and his trial was ongoing at the time of this writing.

The Home Ministry used the Printing Presses and Publications Act to intimidate the press and restrict media associated with the opposition. On December 24, 1999, the ministry accused *Harakah* of breaching the conditions of its license by selling the paper to non-PAS members. On March 1, it restricted *Harakah* to two issues per month, down from twice weekly, and banned it from newsstands. The minister for energy, communications, and multimedia also stated that *Harakah*'s online edition would be limited to two issues per month, although the ministry had repeatedly said that the government would not interfere with the Internet.

On March 27, the Home Ministry refused to renew the publishing permit of *Defek* magazine, a privately financed publication on domestic politics which criticized the government. Among other things, the government alleged that the magazine had failed to print the publisher's address and had not obtained the ministry's consent to the editor's appointment. The ministry also banned *Al Wasilah*, a monthly youth magazine affiliated with *Defek*, in August. In September, it suspended the weekly tabloid, *Eksklusif*, for "imbalanced [sic] reporting and non-compliance with publication rules and regulations.

Police continued to use force to break up peaceful opposition demonstrations. On March 11, around 200 people gathered at the National Mosque to protest the government's decision to reduce the frequency of *Harakah*'s publication. Seven people, including prominent human rights lawyer Sivarasa Rasiah, opposition supporters, and journalists, were arrested for illegal assembly. On March 25, the government banned public rallies in the capital for an indefinite period. The ban applied to all outdoor gatherings in Kuala Lumpur of more than four people. On April 9, police shut down Keadilan's first anniversary celebration on the grounds that it had no permit and called in Dr. Wan Azizah Wan Ismail, Anwar's wife and head of Keadilan, for questioning.

In advance of protests planned to mark the anniversary of Anwar's corruption conviction on April 14, police arrested three opposition leaders and ordered four others to turn themselves in. Despite the arrests, as well as police roadblocks around Kuala Lumpur and a heavy police presence, several hundred people gathered at the National Mosque and were met by tear gas, water cannons, and police in riot gear using batons, bamboo canes, and dogs. Forty-eight people were arrested for illegal assembly. A judge ordered forty-six to be held for over a week without charges. Several detainees reported being beaten in custody by police. Police also arrested Cheah Kah Peng, lawyer for Keadilan vice-president Tian Chua, one of those charged with illegal assembly, when he tried to gain access to his client at a local police station.

On August 4, the day originally scheduled for Anwar's sodomy trial verdict, several hundred people gathered outside the courthouse; seven were arrested for illegal assembly. When the verdict was finally announced on August 9, around 700 people demonstrated peacefully; approximately twelve, including Tian Chua, were arrested. Several reported being punched, kicked, and partially choked by police officers during arrest and at the police station. Since September 1999, police had consistently refused to grant opposition parties permits for public rallies.

Opposition supporters also faced retaliation from the ruling party at the state level. In March, the Malacca state government blacklisted doctors, lawyers, architects, contractors, and other professionals who were opposition party members. The government transferred civil servants supportive of the opposition out of the state or to other agencies, forbade its employees from visiting the two states controlled by PAS, and withdrew some state funds from two banks with employees who had campaigned for the opposition. The banks responded by promising to take action against those employees. One, Bank Islam, gave the government a list of employees who openly supported the opposition, promised disciplinary action against them, and dismissed those who had stood as opposition candidates in the November elections. Chief Minister Mohamed Ali Rustam explained that the measures were intended "to serve as a warning to opposition party supporters that they have no place in Malacca."

Thirteen members were appointed to a national Human Rights Commission (Suhakam) in April, with former Deputy Prime Minister Musa Hitam named as chair. The commission began receiving complaints in April, primarily of police abuse. It met with representatives of nongovernmental organizations (NGOs) in May and with members of the police in June. In late July, Musa Hitam acknowledged the public's right to peaceful assembly and stated that persons should be allowed to gather at the Kuala Lumpur High Court to hear the Anwar verdict. The Malaysian Home Ministry and the UMNO Youth deputy chief disagreed publicly with this statement. Wearing armbands, commission members observed the public gathering on August 9, the day of the Anwar verdict. Malaysian NGOs criticized the limited scope of rights falling under the commission's jurisdiction and its lack of powers.

In July the Malaysian High Court dismissed one of the four defamation suits brought by corporations against Param Cumaraswamy, the United Nations Special Rapporteur on the Independence of Judges and Lawyers. It ordered Cumaraswamy to bear the litigation costs, however, which were US \$110,000 at the time and rising. The three other cases were still pending at the time of this writing. The corporations were seeking over US \$100 million in damages for statements in Cumaraswamy's 1995 interview with *International Commercial Litigation* magazine in which he referred to allegations of corporate interference in the Malaysian

judiciary. Malaysian courts have long refused to recognize the immunity granted him in his capacity as U.N. Special Rapporteur. In April, the Malaysian government attempted unsuccessfully to block Kumaraswamy's reappointment at the annual meeting of the U.N. Human Rights Commission.

The trial of Irene Fernandez, head of the Kuala Lumpur-based advocacy organization Tenaganita (Women's Force), entered its fifth year, making it the longest trial in Malaysian history. Fernandez faces the possibility of three years in prison on charges of malicious publishing for her July 1995 memorandum on abuses in immigration detention camps. The government maintained that the report was inaccurate. Beginning in January, former detainees from Bangladesh, after initially being denied visas by the Malaysian government, testified in court that they had been severely beaten, subjected to gross sexual abuse, and kept in crowded, mosquito-infested rooms with foul toilets.

Malaysia continued its policy of detaining and expelling persons recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR), and continued to deny UNHCR permission to visit immigration detention camps where refugees were detained. In October 1999, Mohammed Sayed, a refugee from Burma, was arrested after he led a demonstration in front of the Burmese embassy in Kuala Lumpur. Scheduled for expulsion to Thailand several times, he was held in an immigration detention camp until June when, following domestic and international protest, he was resettled in Australia.

## Defending Human Rights

Malaysia's human rights groups continued to operate despite government pressure. In April, Anwar's daughter, Nurul Izzah, met with United Nations High Commissioner for Human Rights Mary Robinson about her father's imprisonment and addressed the 56th Session of the United Nations Human Rights Commission in Geneva. Three Malaysian human rights organizations, Voice of the Malaysian People (Suara Rakyat Malaysia, SUARAM), Aliran, and the National Human Rights Society (Hakam) met in May with the new Human Rights Commission and delivered a memorandum signed by thirty-one NGOs. On August 1, SUARAM organized a gathering of NGOs to protest the fortieth anniversary of the Internal Security Act (ISA).

The Malaysian Bar Council in March adopted a motion urging Malaysia's chief prosecutor to withdraw the charges against Karpal Singh and to respect the rights of an independent bar. In June, the High Court enjoined the Bar Council from convening a special meeting to discuss allegations of impropriety against the chief justice. In July, the Court of Appeal affirmed a November 1999 decision that if the Bar Council held a special meeting on the independence of the judiciary, it would contravene the Sedition Act, erode public confidence in the judiciary, and be in contempt of court. In both instances, the court ordered that the Bar Council meet the litigation costs.

## The Role of the International Community

Anwar's sodomy conviction evoked widespread condemnation.

## Asia and the Pacific

Singapore Senior Minister Lee Kuan Yew called Mahathir's handling of the Anwar case "an unmitigated disaster," referring to the use of the ISA to detain Anwar and Mahathir's weak response to Anwar's being beaten in custody. (Lee later denied that he intended to criticize Mahathir.) Australian Prime Minister John Howard questioned the independence of Malaysia's judiciary and stated that the sodomy conviction was politically motivated. New Zealand's Foreign Affairs and Trade Minister Phil Goff expressed concern about the fairness of the trial, including questionable evidentiary rulings, restrictions on the defense, and the judiciary's independence from the executive.

## United States and Canada

The U.S. in April criticized Malaysia's crackdown on freedom of speech and peaceful assembly and called on the government to respect its citizen's civil and political rights. In May, the U.S. expressed concern about the rejection of Anwar's appeal of his corruption convictions and urged the judicial system to address due process concerns. In August, the U.S. State Department stated that the U.S. was "outraged" by Anwar's conviction and that the cooperative relationship between the U.S. and Malaysia had been impeded by the latter's poor human rights record. Canada also strongly condemned the trial and the sentence, stating that they reflected poorly on the impartiality of Malaysia's judicial system.

## Europe

The European Parliament sent a five-member delegation to Malaysia in May. The delegation praised the creation of the National Human Rights Commission but expressed concern about the fairness of Anwar's trials and the independence of the judiciary and the press. Following Anwar's conviction in August, the European Union issued a statement of concern about the verdict and expressed serious doubts about the fairness of the trial.

## United Nations and the World Bank

On April 10, United Nations High Commissioner for Human Rights Mary Robinson voiced concern about a possible crackdown against opposition leaders in the run-up to the anniversary of Anwar's conviction on April 14, stated that her office would actively monitor the situation, and called on all parties to respect the right to peaceful expression. In August World Bank President James Wolfensohn expressed concern about Anwar's conviction.

## Relevant Human Rights Watch Reports:

*Living in Limbo: Burmese Refugees in Malaysia, 9/00*

# PAKISTAN

Respect for civil and political rights deteriorated significantly in the year following the bloodless military coup, on October 12, 1999, that deposed Prime Minister Nawaz Sharif in Pakistan. General Pervez Musharraf's administration began to address some longstanding justice issues—notably, through the adoption of Pakistan's first federal juvenile justice law and the establishment of a commission on the status of women—but it also greatly augmented executive powers and curtailed the independence of the judiciary. It moved to neutralize political parties through the application of broadly defined laws governing terrorism, sedition, and public order, and through the establishment of a powerful extra-constitutional "accountability" bureau. Opposition party members were subjected to prolonged



detention without charge; some were tortured in custody. Sectarian violence and attacks on religious minorities continued and, despite renewed attention to the issue, the government failed to provide meaningful recourse for women victims of domestic abuse and sexual violence.

## Human Rights Developments

Early in the year, the military government moved to strip the judiciary of much of its power. On January 26, General Musharraf issued an order requiring all Supreme and High Court judges to take an oath binding them to uphold his proclamation of a national emergency and to adhere to the Provisional Constitution Order (PCO). Many, including the chief justice of the Supreme Court, refused to take the oath. A total of fifteen judges were removed. The PCO, which remained in effect at this writing, had been announced by Musharraf just days after the October coup. It suspended the constitution and legislative bodies and prohibited the Supreme and High Courts from making any decision against the chief executive.

On May 12, a reconstituted Supreme Court issued a verdict rejecting petitions challenging the coup's legality. The court set a deadline of three years for the holding of national and provincial elections, but reserved authority to review the continuation of the Proclamation of Emergency, leaving the door open to future extensions of military rule.

Top officials of the deposed government were detained on the day of the coup; two of them, former Information Minister Mushahid Hussain and former Petroleum Minister Chaudhry Nisar Ali Khan continued to be held without charge as of this writing. Nawaz Sharif himself was tried and convicted of hijacking and terrorism—for refusing to allow General Musharraf's plane to land in the hours leading up to the coup—

under the Anti-Terrorism Act, and sentenced to life imprisonment on April 6 following a trial marred by procedural abuses.

In December 1999 the military government amended the Anti-Terrorism Act to add hijacking and conspiracy to the list of offenses falling within the Anti-Terrorism Court's jurisdiction. These offenses were then applied retroactively to Nawaz Sharif. Another amendment allowed the government to replace the judge originally assigned to hear the case, a Sharif appointee. In January, the new judge stepped down, publicly complaining of the presence of intelligence agents in his courtroom. In March, only days before the final arguments were to be presented in the trial, Sharif's lawyer, Iqbal Raad, and two of his colleagues were assassinated in their office. Other members of the defense team charged that the government had failed to provide them protection despite repeated warnings that they were being threatened. A month after Sharif's conviction by the Anti-Terrorism Court, he was shifted to Attock Fort—an army-occupied sixteenth century fortress west of Islamabad—to face trial on charges of concealing assets and evading taxes in connection with his acquisition of a helicopter. He was convicted on July 22, and sentenced to fourteen years in prison, with a fine of Rs. 20 million (U.S. \$380,000).

The new government's principal vehicle for detaining former officials and party leaders, however, was the National Accountability Ordinance, a law ostensibly created to bring corrupt officials to account. The ordinance confers sweeping powers of arrest, investigation, and prosecution in a single institution, the National Accountability Bureau (NAB), and permits detainees to be held for up to ninety days without being brought before a court. The law was later amended to facilitate conviction by shifting the burden of proof during trial from the prosecution to the defense.

There were persistent reports of ill treatment in NAB custody, particularly in the case of high profile detainees who were held early in the year in Attock Fort. Persons convicted under the ordinance were prohibited from holding public office for a period of twenty-one years. An amendment to the Political Parties Act in August also barred anyone with a court conviction from holding party office. The combined effect of these acts, as they were applied, was to eliminate the existing leadership of the major political parties. While administration officials said that parties would be allowed to participate in future elections to the Senate and national and provincial assemblies, local government elections, scheduled to be held in December, were to be conducted on a non-party basis.

The Musharraf government also suppressed political activity by conducting raids on party offices, preventing political rallies from being held, and lodging criminal cases against rally organizers under laws governing sedition and the Maintenance of Public Order (MPO) Ordinance. The sedition law, Section 124-A of the Pakistan Penal Code, criminalizes speech that "brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the central or provincial government established by law." Section 16 of the Maintenance of Public Order Ordinance prohibits speech that "causes or is likely to cause fear or alarm to the public" or any section thereof, or which "further or is likely to further any activity prejudicial to public safety or the maintenance of public order."

Rana Sanullah Khan, a member of the suspended Punjab Provincial Assembly from Sharif's Pakistan Muslim League (PML), was arrested in Faisalabad on November 28, 1999. The arrest came after he criticized the army at a meeting of former legislators and urged his colleagues to launch a protest movement against the military government. He was tortured while in custody, and criminal charges were registered against him under the sedition law and MPO.

On March 15, the government formally curtailed freedom of association and assembly with an order banning public rallies, demonstrations, and strikes. The order's enforcement against a procession from Lahore to Peshawar that Nawaz Sharif's wife, Kulsoom Nawaz, had planned to lead, resulted in the arrests of at least 165 PML leaders and activists. On September 21 the ban was also invoked against 250 members of the hardline Sunni Muslim group, Sipah-e-Sahaba, who had planned a march to celebrate a religious anniversary.

Other police and army operations targeted the two leading ethnically-based parties in Sindh, the Jeay Sindh Qaumi Mahaz (JSQM) and Muttahida Qaumi Movement (MQM). Paramilitary rangers and police in Sindh province launched a crackdown against activists and leaders of the JSQM and the MQM on February 19, 2000 after the two parties jointly called for a strike against the government's dismissal of 400 Pakistan Steel Mills workers. Paramilitary troops and rangers responded with search and siege operations in the cities and a search for JSQM activists in rural areas of Sindh, resulting in the arrest of about forty activists.

The JSQM and MQM called for further protests to be held on February 22 against the police violence of February 19, but withdrew their call after setting a deadline for the government to accept two demands: the release of jailed MQM leader Farooq Sattar and the reinstatement of laid-off Pakistan Steel Mills employees. On the night of February 21, police and paramilitary rangers rounded up and detained fifty-four JSQM and MQM activists. They were released the following day.

Many local observers maintained that a major consequence of curbs on political parties and activism was that the relative influence of mainstream religious parties—whose authority General Musharraf largely refrained from challenging—would grow. Indeed, that influence was apparent from the government's abrupt withdrawal—in the face of planned protests by religious groups—of plans to restrict application of Pakistan's much criticized blasphemy laws and to repeal laws providing for separate elections for members of religious minorities. These laws are seen by many minority group advocates as having contributed to their communities' political marginalization. In the absence of legal reform, the blasphemy laws, which set forth stringent penalties, including capital punishment, for offenses against Islam, continued to be used against Muslims and non-Muslims alike.

Following up on promises made during a government-sponsored national human rights convention in April, President Rafiq Tarar announced the promulgation of a juvenile justice ordinance in July that incorporated a number of recommendations made by local and international nongovernmental organizations and the official Pakistan Law Commission. The ordinance included a ban on the death penalty on persons for crimes committed while they were under the age of eighteen, provision of state-funded legal assistance for juveniles, the creation of juvenile courts with exclusive jurisdiction over juvenile cases, a prohibition on joint trials of adults and children, and a requirement that probation officers prepare reports on a child's circumstances prior to adjudication of his or her case.

On September 1, the government announced the establishment of the National Commission on the Status of Women, with a mandate to safeguard and promote women's interests but few powers to implement it. The first issue that the commission was directed to examine was violence against women. The government—empowered by the Supreme Court to amend the constitution and enforce new laws without parliament's approval—also reserved one third of the seats for women in local government elections that were scheduled to commence in December.

Thousands of women fell victim to domestic violence, so-called honor killings, and sexual assault, with virtually no access to the country's justice system. Women who attempted to register a police complaint of spousal or familial physical abuse were invariably turned away and sometimes pressured by the police to reconcile with their abusers. Women who reported rape or sexual assault by strangers fared marginally better, but they too faced harassment by officials at all levels and risked being prosecuted for illicit sex if they failed to "prove" rape under the 1979 Hudood Ordinances, which criminalize adultery and fornication.

According to a report released by the Human Rights Commission of Pakistan in March, a nongovernmental body, more than 1,000 women died in Pakistan in 1999 as victims of honor killings—the practice of punishing women said to have brought dishonor to their families. Most of the killings, the report added, were carried out by the victims' brothers or husbands. The same report concluded that at least 1,000 people had been killed in religious or ethnic violence each year since 1990. Sectarian violence between rival Sunni and Shi'a Muslim groups continued in 2000, reaching its peak during the holy month of Muharram. On April 12, gunmen attacked a Shi'a prayer meeting in Rawalpindi, killing nineteen.

Religious intolerance continued to generate new abuses. In December 1999, several hundred persons looted and burned property belonging to a local Ahmadi leader, Mohammad Nawaz, in Okara district, Punjab. Nawaz was accused of planning to build an Ahmadi house of worship. Police personnel did nothing to stop the crowd and instead registered a case of blasphemy against Nawaz and his two sons. In May 2000, a lower court in Sialkot district, Punjab, sentenced two Christian brothers to thirty-five years' imprisonment and Rs. 75,000 (US\$1,500) fine. They were convicted of desecrating the Koran and blaspheming against the Prophet Mohammed. Both cases were reportedly registered by an ice cream vendor who had fought with the brothers after insisting that his dishes were reserved for Muslim customers.

Though the government repeatedly stated that the Pakistani press enjoyed unconditional freedom, local human rights activists reported that self-censorship on political issues was increasingly common in the vernacular press, and there were indications that the English-language press was coming under official pressure as well. On September 27, an army monitoring team conducted an unannounced, four-hour inspection of the headquarters of Karachi's respected English-language daily *Dawn*. Although the ostensible purpose of the inspection was to check metering equipment for electricity billing fraud, the team demanded access to all floors of the publishing house, including the offices of the publishers, editors, and journalists. According to *Dawn*, the inspection was preceded by legal notices to the newspaper from the Information Ministry to restrict its coverage of a draft Freedom of Information Act, and by complaints from government officials about an article in *Dawn* stating that the administration was preparing new curbs on press freedom.

The UNHCR pledged to continued its yearly repatriation of 100,000 Afghan refugees from Pakistan, which is currently home to over two million refugees. Though the repatriation was voluntary, the refugees returned to face ongoing civil war and severe violations of women's human rights.

## Defending Human Rights

Despite numerous crackdowns on political activism, human rights organizations, for the most part, were permitted to function freely. Groups such as the Human Rights Commission of Pakistan openly condemned the military government's treatment of detained political figures, and its curtailing of judicial independence. According to a report in *Dawn*, following the shutdown of nearly 2,000 NGOs and the imposition of new registration requirements for NGOs by the Punjab provincial government last year—a move that was initiated under the Sharif administration—NGOs in the province continued to require clearance from the Intelligence Bureau in order to register with the government. While NGOs in Sindh province did not require such clearance, the Sindh Social Welfare Department began scrutinizing the workings of all NGOs functioning in the province, including their financial records and sources of funding.

## The Role of the International Community

In a bid to build international support, General Musharraf and other senior officials of the military government attempted to bolster diplomatic ties overseas. But the international community remained steadfast in its demands for a return to democratic governance and peaceful resolution of the conflict in Kashmir.

### United Nations

In a December 1999 report, the U.N. Working Group on Enforced or Involuntary Disappearances stated that it continued to receive reports that Pakistani authorities failed to adequately investigate and prosecute "disappearance" cases. In March, the U.N. Special Rapporteur on violence against women submitted a written report on her September 1999 visit to Pakistan and Afghanistan. Among her findings were a rise in violence against Afghan women, including domestic violence, honor killings, and trafficking of Afghan refugee women in Pakistan. She also found that individuals working on the plight of Afghans, including members of Afghan nongovernmental organizations, the majority of which had moved to Pakistan, continued to receive death threats, were subject to harassment, and often lacked protection from local authorities. The rapporteur also noted local NGO concern over what they termed the "Talibanization" of Pakistan, and its impact on Pakistani women.

### United States

During a brief stopover in Islamabad at the end of his South Asia tour in March, U.S. President Bill Clinton urged the military government to restore democracy, seek a peaceful resolution to the conflict in Kashmir, and pressure the Taliban in Afghanistan to both improve their treatment of women and cease sponsoring terrorist groups. Clinton took pains not to legitimize the military government by making a state visit.

In its second annual report on international religious freedom released in September, the U.S. Department of State noted that there was a "slight improvement" in the Pakistani government's treatment of religious minorities between July 1, 1999 and June 30, 2000. It cited General Musharraf's abandoning of his predecessor's proposal to impose Shari'a law through a constitutional amendment as a positive move, but asserted more generally that discriminatory legislation continued to fuel religious intolerance. Later that month, the U.S. Commission on International Religious Freedom held public hearings on religious persecution in India and Pakistan. At this writing, members of the commission were preparing for a visit to Pakistan in November following the government's invitation.

### European Union

Almost a year after its forceful condemnation of the coup in Pakistan, the E.U. initiated political contact with the military government in an effort to formalize a timetable for national elections. Following the April verdict in the trial of former Prime Minister Nawaz Sharif, the E.U. also voiced concerns over

the oath of loyalty to the PCO required of judges, retroactive application of amendments to the Anti-Terrorism Act, and the broader question of judicial independence, stating that the EU would closely follow Sharif's appeal.

## The Commonwealth of Nations

Commonwealth Secretary-General Don McKinnon visited Pakistan in August to convey the Commonwealth's concerns regarding the restoration of constitutional and democratic rule. Pakistan was suspended from the councils of the Commonwealth following the military coup. The visit was followed by a warning by Commonwealth foreign ministers—who met with Pakistani Foreign Minister Abdul Sattar during the U.N. Millennium Summit in September—that Pakistan would face full suspension from the Commonwealth if it did not provide a firm timetable for a return to democracy.

## Japan

As part of a South Asia tour in August, Japanese Prime Minister Yoshiro Mori used Japan's leverage as a top donor to call for a resumption of talks on Kashmir and condemned violent attacks on civilians. Mori urged Musharraf to restore civilian rule by 2002, and indicated that while most Japanese grants and loans would remain suspended following Pakistan's nuclear tests in May 1998, some funds might be released for development work in response to Pakistan's pledge to continue its freeze on nuclear tests. The Japanese government maintained, however, that Pakistan's refusal to sign the Comprehensive Test Ban Treaty was the main obstacle in the resumption of Japanese aid. Earlier in the year, Japan also provided small grants to NGOs carrying out Afghan refugee assistance in camps in Pakistan and inside Afghanistan.

## International Financial Institutions

At this writing, the World Bank had yet to schedule the donor conference on Pakistan that had been put on hold since the coup. Proposed loans that were in the pipeline, but not yet approved, amounted to more than U.S. \$800 million. In late September, the IMF and Pakistan were reported to have reached a preliminary agreement on a \$3.5 billion loan program, to be spread out over three years. IMF cash credits during the first year would be limited to \$700 million from the fund's Poverty Relief and Growth Facility (PRGF).

## Relevant Human Rights Watch

### Reports:

*Prison Bound, The Denial of Juvenile Justice in Pakistan, 10/99*

*Reform or Repression?: Post-Coup Abuses in Pakistan, 10/00*

# SRI LANKA

Renewed fighting between Sri Lankan government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) overshadowed other developments and generated serious abuses. Intensified battles for control of key territory in the northern part of the island claimed scores of civilian lives and displaced some 250,000 people, bringing the estimated number of internally displaced persons (IDPs) nationwide to more than one million. Emergency government powers, in place almost continuously since 1993 and enhanced from May to September by additional regulations, granted broad powers to security personnel to arrest and detain suspects, restricted freedom of association, and authorized media censorship. The LTTE was implicated in a series of suicide bombings that killed and injured hundreds of civilians. It continued to recruit and deploy child soldiers and to physically attack and intimidate critics in the Tamil community.

Although the government continued to press for constitutional changes aimed at a political resolution to the conflict, it failed to secure necessary parliamentary support. Political violence outside the war-zones increased in the run-up to parliamentary elections in October.

## Human Rights Developments

On November 2, 1999, the LTTE launched operation "Unceasing Waves" to reclaim northern territory lost to government forces over the preceding four years. On November 22, artillery shells hit a Catholic shrine in the northern Vanni region that had long sheltered IDPs, killing forty-two and injuring sixty more. Each side blamed the other for the attack.

Intensified fighting in April 2000 near Jaffna town trapped thousands of civilians in conflict zones for several tense weeks. The LTTE called on the civilians to move south into the Vanni or into other parts of the Jaffna peninsula that they controlled. The army said civilians should stay in government-controlled territory closer to the town, moving north if necessary. By the end of July, a lull in fighting allowed many civilians to move to safer areas, and permitted the delivery of badly-needed medical supplies into the Vanni. On July 22, the two sides allowed International Committee of the Red Cross (ICRC) workers to evacuate residents of the Kathady Elders' Home near Jaffna, where they had been trapped since May. Some thirty residents reportedly died during the two-month period, many as a result of shelling.

Civilian deaths and injuries on the Jaffna peninsula were reported in the hundreds, but casualty figures could not be confirmed because relief agencies and journalists were barred from the hardest hit areas. There and in eastern Sri Lanka, many conflict-related deaths were the result of errant shells and gunshots. On May 24, four adults and two children were killed in a village near Batticaloa when a shell fell on their house during a LTTE offensive against a nearby Sri Lankan army base. On August 10, army shelling injured three civilians, including a ten-year-old girl, near Muttur, in Trincomalee district. On September 12, mortar fire aimed at the LTTE damaged houses and injured four civilians in Kalkudah village, north of Batticaloa. Land mines and unexploded ordnance also continued to take a civilian toll. Four such injuries were treated by doctors in Mallavi in May; one victim was a ten-year-old child who lost both hands and eyes in the blast. Sri Lanka had still not signed the international treaty banning land mines due, the government said, to security concerns arising from the conflict with the LTTE.

Before the escalation in fighting in April, government-run welfare camps housed some 170,000 IDPs island-wide; some 600,000 other IDPs relied on friends or relatives for shelter. Although most received some government assistance, about 100,000 people in Sri Lanka's north and east were thought to be struggling for survival unassisted. By mid-September, another 250,000 people, almost all of them residents of Jaffna district, had reportedly been displaced.

Displaced persons and other Tamil civilians in the north and east also faced discrimination, restrictions on their freedom of movement, arbitrary arrest, and custodial abuse at the hands of government forces. Due to government restrictions, Tamil civilians were often unable to reach work sites to earn a living, attend schools, or seek urgent medical care. In eastern Sri Lanka, army and police units continued to impose forced labor, demanding that IDPs and other civilians work

without pay building sentry posts, cutting wood, and cleaning military camps. In mid-July, villagers north of Batticaloa were reportedly forced to construct a sand bulwark around an army camp; some were beaten for refusing to comply.

Mass arrests of Tamils occurred after violent incidents attributed to the LTTE and were often accompanied by reports of "disappearances" and torture in custody. In one two-week period in January, more than five thousand people were detained for questioning in search operations in Colombo neighborhoods. The Sri Lankan Human Rights Commission, a government-appointed agency, said in July that it had been unable to trace seventeen people detained by security forces in Vavuniya since the beginning of the year, while Amnesty International reported a rash of "disappearances" in Vavuniya in August. A Vavuniya district judge in September criticized local doctors for failing to report torture-related injuries, and threatened legal action against practitioners who submitted false reports denying custodial abuse by the army or police.

On October 25, a mob in Bandarawela stormed a government-run rehabilitation camp housing, among others, suspected LTTE supporters and former LTTE child soldiers, killing over twenty-five. According to initial reports, those killed ranged in age from fourteen to twenty-five. After the attack, police briefly detained more than 250 suspects from the majority Sinhalese community. At this writing, President Kumaratunga had called for two "high-level probes" into the incident, while Tamil community leaders alleged police complicity.

The LTTE committed numerous and gross abuses. Bombings of public places in the north and east, and suicide bombings in Colombo on December 19, 1999, January 5, 2000, March 10, June 7, September 15, and October 19 killed more than one hundred civilians and injured many more. Beginning in April, the LTTE engaged in increasingly aggressive recruitment drives in the Vanni, including recruitment of children as young as ten years old for combat. Schools and IDP camps were common targets for such drives. A July report by the Colombo-based University Teachers for Human Rights (Jaffna) provided information on fifteen children recruited since April 1999, nine of whom had been killed in the fighting within a year of their recruitment. The LTTE imposed restrictions on civilians wishing to leave areas it controlled and forced all villagers in some areas to join its civilian defense units. LTTE attacks and intimidation against what it referred to as "quislings" within the Tamil community had a chilling effect on dissent. Particularly at risk were members of Tamil political parties holding positions in local government. Between January and May, three members of local administrative councils in Jaffna were killed by unidentified gunmen. The LTTE held a number of political prisoners and prisoners of war, but access to detainees and details of confinement were unavailable. On February 29, the LTTE released four soldiers they had captured more than six years earlier.

Freedom of the press was also under attack by the government. Intensified press censorship and denial of independent access to conflict areas frustrated accurate war reporting and civilian access to vital security information. On May 3, as the LTTE pushed towards Jaffna, the government issued new emergency regulations banning live television and radio coverage of the war, requiring government approval before such news could be transmitted outside the country, and empowering the authorities to detain journalists, block the distribution of newspapers, seize property, and shut down printing presses. On June 5, the government relaxed restrictions on the foreign media, but those relating to the local press remained in place.

From May 13 to July 4, government censors closed Jaffna's only local Tamil daily newspaper, Uthayan, after it reported that five civilians had died in a May 12 air force raid and that President Kumaratunga had wept during a meeting with the head of the Indian air force. On May 22, police seized the Leader Publications printing plant, blocking the publication of the independent Sunday Leader and its Sinhala-language counterpart, Irida Peramuna, for publishing reports on the war that the chief censor said "would have benefitted the enemy." At the end of June, the Supreme Court struck down the ban on Leader Publications on procedural grounds. Days later, the president invoked new emergency regulations intended to correct those procedural problems. The move reimposed restrictions on all reporting deemed by the government to be detrimental to national security, preservation of public order, or the maintenance of essential services.

In September, the government suspended key emergency regulations banning public meetings and some of the broader censorship provisions, but restrictions on military-related news remained in place. At this writing, a ban remained in effect covering "any matter pertaining to military operations in the northern and eastern province . . . [and] any statement pertaining to the official conduct, morale, or the performance of the head or of any member of the armed forces or the police force."

Individual journalists also came under fire. In April, Nellai Nadesan, a senior columnist for the Tamil language newspaper Veerakkersari, narrowly escaped a grenade explosion at his home in Batticaloa. In June, journalists attending a media workshop in eastern Batticaloa received threats after the government-owned media accused them of links to the LTTE. In September, Sunday Leader editor Lasantha Wickrematunga received a two-year suspended sentence for an article he published in 1995 criticizing President Kumaratunga's performance during her first year in office. Jaffna-based journalist Mayilaganam Nimalarajan was shot and killed by a group of unidentified attackers on the night of October 19. The attack occurred at his home during curfew hours in a high security area of Jaffna, and may have been linked to his reporting on vote-rigging and intimidation during the October parliamentary elections.

With renewed fighting taking center stage, there was little progress in obtaining justice for past human rights abuses although the identities of many perpetrators were known. Examples included the stalled "Bolgoda Lake" case, in which Special Task Force commandos were believed responsible for the 1995 murder of twenty-three Tamil youths; an army massacre of more than 190 villagers near Batticaloa in September 1990; and the 1990s crackdown on members of the left-wing insurgent group Janatha Vimukthi Peramuna (JVP) which resulted in tens of thousands of people being extrajudicially executed or "disappeared" by the authorities. On July 19, 2000, however, a court ordered retired Major General Ananda Weerasekera and two subordinates to stand trial on charges of murder and abduction. This was the first time that a high-ranking military officer had been ordered to stand trial in connection with the JVP "disappearances."

The government continued to press for constitutional revisions that would devolve more power to regional councils, thus increasing the autonomy of the Tamil-dominated north and east. The proposed revisions also would have granted citizenship to some 96,000 Tamils of Indian origin and their children, officially categorized as "Indian Tamils," who had been stateless for some forty years. The proposal was rejected both by the LTTE, as insufficient to satisfy its separatist demands, and by Sinhala hardliners, as a dilution of the unitary state and too accommodating of Tamil interests. On August 9, further consideration of the amendments was indefinitely postponed when it became clear that other political parties, including the main opposition United National Party, would not support the bill.

Political violence escalated in the weeks leading up to parliamentary elections in October. By October 10, the nongovernmental Centre for Monitoring Election Violence (CMEV) had recorded seventy-one election-related murders, at least twenty-six attempted murders, and over one thousand injuries, assaults, acts of intimidation, and other abuses.

Prominent social critics faced particular dangers from non-state actors. On January 5, Tamil lawyer and politician G.G. Ponnambalam was killed in Colombo. An outspoken supporter of Tamil separatism, Ponnambalam had acted as legal counsel in many important Tamil human rights cases. A group calling itself the National Front Against Tigers claimed responsibility for his murder, warning that it should be seen as a lesson by all those who supported the LTTE.

## Defending Human Rights

Nongovernmental rights activists continued to play a critical role, sometimes in difficult and dangerous circumstances. In the lead-up to parliamentary elections, human rights defenders campaigned against political violence. Trade unions and media freedom groups joined them in opposing censorship and other emergency measures.

At the end of January, two hundred participants from around the world commemorated the life and work of NEELAN TIRUCHELVAM, a renowned Tamil human rights activist who was killed in a LTTE suicide bombing in 1999. The gathering launched the NEELAN TIRUCHELVAM Memorial Fund, dedicated to the promotion of human rights, minority rights, and the resolution of ethnic conflict. In late March, Sri Lankan human rights defenders welcomed the appointment of new commissioners to Sri Lanka's National Human Rights Commission, which had been criticized in its first three years of operation as lacking in leadership and resources.

Early on the morning of June 27, a grenade was thrown into the compound of the Save the Children Fund office in Colombo. A car parked at the premises was damaged but no one was injured in the attack.

In June, the Sri Lankan Press Council rejected a complaint filed by SHERMAN DE ROSE, founder of COMPANIONS ON A JOURNEY, a gay rights organization, against the *Island* newspaper for printing a letter that called for convicted rapists to be sent to attack lesbians. The council ruled that the letter was published in the "interest of the community," and that De Rose had no standing because he was male. The council maintained that "lesbianism itself is an act of sadism," and noted that homosexuality was an offense under Sri Lanka's penal code. De Rose was ordered to pay the newspaper 2,100 rupees (U.S. \$28) in costs.

In September, the Alliance for Democracy in Sri Lanka, composed of nearly seventy civic groups, trade unions, religious institutions of different faiths, and NGOs, launched a nationwide "yellow ribbon" campaign to support free and fair elections. The alliance sought to persuade one million Sri Lankans to wear yellow ribbons each day until the conclusion of the parliamentary elections in October to symbolize their support.

## The Role of the International Community

International attention to Sri Lanka focused on support for a political settlement to the conflict and humanitarian efforts to mitigate the worst effects of the war. Sri Lanka sought and received increased military assistance from key donors and cultivated relations with potential arms suppliers, including Israel, with which it renewed diplomatic ties in May after a break of thirty years. Norway, India, and the United States played major roles in as yet unsuccessful efforts to bring about negotiations between the warring parties. Intensification of fighting in April caused a postponement of the annual meeting of the Sri Lanka Aid Consortium, but as the war raged on many of Sri Lanka's donors released statements encouraging Norway's efforts as a facilitator for peace between the warring parties.

### Norway

In January, the Norwegian government announced that it would play an intermediary role in efforts to bring about an end to the seventeen-year war in Sri Lanka. Norwegian delegates met with government and LTTE representatives in separate meetings outside the country. Norway also sent senior officials to Colombo several times during the year for discussions on the escalation of fighting.

### India

On May 9, the Indian government indicated for the first time that it would be willing to mediate in the crisis if asked by both sides. On May 23, Indian officials rejected suggestions in the press that the government of India was considering military intervention in Sri Lanka, amidst reports of an increased Indian naval presence off the Kerala coast. Meanwhile, India continued to play host to more than 100,000 Sri Lankan refugees, including about 65,000 in government-run camps in Tamil Nadu. Small numbers of refugees continued to arrive in India by boat during the year, but the Indian navy intercepted many vessels, preventing would-be refugees from landing on Indian soil and seized Indian fishing boats used to transport refugees. India offered to increase humanitarian assistance.

### United States

The United States encouraged efforts by Norway and India to promote a negotiated settlement to the Sri Lankan conflict but continued to label the LTTE a "foreign terrorist organization," and increased anti-terrorism aid to the Sri Lankan government. On May 29, U.S. Undersecretary of State THOMAS PICKERING met with President Kumaratunga in Colombo. He expressed concern over the humanitarian crisis in northern Sri Lanka, urged the parties to press ahead with efforts to negotiate a political settlement short of secession, and encouraged the Sri Lankan government to lift press censorship and other restrictions on civil liberties. In June, President Clinton forwarded to the Senate for ratification a treaty signed in September 1999 that would facilitate extradition of LTTE members to Sri Lanka. Sri Lanka sought the treaty to prevent the LTTE from fund-raising or organizing political support in the U.S.

### Other Major Donors

The EU joined Japan and most of Sri Lanka's other major donors in urging the LTTE and the government to cooperate with the Norwegian government's efforts to facilitate talks. Many donors also criticized the emergency measures imposed in May. On May 15, the EU emphasized the need to reestablish civil liberties, noting the responsibility of both sides to ensure the safety of the civilian population in conflict zones, and calling for negotiations. The Japanese government issued a similar appeal and warned that the emergency measures and continued censorship of the media could violate Japan's Official Development Assistance human rights guidelines.

In July, following a fact-finding visit to Sri Lanka, two British members of the European Parliament criticized the government's human rights record stating that it had not done enough to protect civilians caught in the conflict and was using press censorship to cover-up abuses. They also urged the lifting of a military policy that banned even essential supplies, including food and medicine, from reaching areas controlled by the LTTE.

### United Nations

In October 1999, the U.N. Working Group on Enforced or Involuntary Disappearances visited Sri Lanka to follow-up on more than 12,000 cases. Its December 1999 report stated that Sri Lanka was still second only to Iraq in numbers of unresolved cases, and noted that there had been few prosecutions of alleged perpetrators within the security forces, some of whom remained on active duty or had even been promoted.

In mid-March, U.N. Special Rapporteur on Violence against Women RADHIKA COOMARASWAMY, who is herself Sri Lankan, emphasized the lack of government response to allegations of sexual violence by security personnel in Sri Lanka. She noted too, that, despite a presidential directive, little effort had been made to investigate the December 1999 gang-rape and murder by naval personnel of twenty-nine-year-old SARATHAMBAL SARAVANABANANTHAKURUKAL near Jaffna.

UNHCR played an important role in assisting many of Sri Lanka's internally displaced in northern Sri Lanka, though its efforts to assist some of the newest IDPs were hampered by conflict-related restrictions. The agency had no presence in most of eastern Sri Lanka, and only a limited mandate for protection. In the past, the Sri Lankan government's rejection of a protection role for the agency had forced it to focus largely on humanitarian relief. In 2000, a core component of UNHCR's Sri Lanka program was seeking "access to national protection" for IDPs.

Representatives of the United Nations Children's Fund (UNICEF) made several statements expressing concern for child victims of war and denouncing the LTTE's use of child soldiers. In July, UNICEF representatives in Colombo accused the LTTE of breaking its promise not to recruit children for combat.

## Nongovernmental Efforts

On May 6, the International Working Group on Sri Lanka, a coalition of aid agencies and human rights organizations, called on the international community to avert an impending humanitarian crisis in Sri Lanka. In mid-May, government and NGO delegates from thirty countries attending an Asia-Pacific conference on child soldiers appealed for a global ban on child soldiers. The delegates' "Kohimandu Declaration" noted that a growing number of children were being used in armed conflicts, particularly where insurgent groups were active, and said that Sri Lanka was among the worst offenders in the region.

# THAILAND

While the government began to look into serious abuses of the past, it made little progress in addressing police abuse, human trafficking, and protection of refugees, particularly those from Burma. Thailand took major steps, however, toward instituting a more accountable and transparent political system and became the first country in Southeast Asia to sign the Rome treaty establishing the International Criminal Court.

## Human Rights Developments

The Thai parliament took steps to increase the accountability of government officials and protect rights codified in the 1997 constitution by establishing three new institutions: a National Counter-Corruption Commission, a Parliamentary Ombudsman, and a Supreme Administrative Court. The government also moved forward in establishing a National Human Rights Commission, with Senate selection in October of nine of eleven slated commissioners. The remaining two members were to be chosen at the next Senate session in early 2001. On October 3, Thailand signed the Rome treaty.

In June, after pressure from democracy advocates, the media, and victims' families, the government released a 605-page Defense Ministry report on the army's May 1992 shooting of pro-democracy demonstrators in Bangkok. A summary had been made public in June 1999. The government censored about 10 percent of the report, however, and the May 92 Relatives Committee, an organization of families of thirty-eight people whose fate has still not been clarified, demanded that the remaining material be revealed. The committee also called for the release of two other official reports on the incident.

Abuses against refugees remained a serious problem. Two incidents had a major impact on Thai refugee policy. On October 1, 1999, five Burmese gunmen calling themselves the Vigorous Burmese Student Warriors (VBSW) seized the Burmese embassy in Bangkok and held it for a day. Thailand's deputy foreign minister negotiated the release of hostages and accompanied the gunmen to the Burmese border aboard a military helicopter. On January 24, the VBSW and armed Burmese from the ethnic minority Karen insurgent group called God's Army seized the Ratchaburi provincial hospital, holding over 500 people hostage. The men demanded that civilians from a God's Army base be allowed to cross the border into Thailand and that the Thai army immediately cease shelling the area. Early in the morning of January 25, Thai commandos stormed the hospital and freed the hostages. Witnesses reported to the press that some of the attackers surrendered and were led away to a separate section of the hospital compound. Shortly thereafter, the corpses of ten men were displayed on the sidewalk. Human Rights Watch joined numerous Thai and international human rights organizations in calling for an impartial, public investigation into the incident. The Thai government claimed to have initiated an internal investigation, but as of October, no findings had been released.

Following these two incidents, the Thai government instituted measures that increasingly placed Burmese refugees at risk. In November 1999, the government announced that by the end of 2000 it planned to close the Maneeloy Student Center, a refugee camp primarily housing Burmese dissident refugees, and pressed other countries to accept its residents for resettlement. Thai authorities said all Burmese refugees in Bangkok and other urban areas should move to the border; those who stayed would be considered illegal immigrants and be deported. On February 28, five Burmese, four of whom had applied for refugee status to the Office of the United Nations High Commissioner for Refugees (UNHCR), were deported to the Burmese town of Myawaddy, where they were detained by Burmese authorities. Several reportedly received seven-year sentences, and Burma's state-run Radio Myanmar reported on May 19 that one of the men, Saw Tin Oo, had been sentenced to death for treason. He had been arrested by Thai authorities in front of the Burmese embassy in Bangkok on the day of the embassy siege.

The transfer of urban refugees to the border was slow. The first refugees scheduled to be transferred in August were reluctant to move, and the community surrounding the refugee camp in Umphiet Mai, near the border town of Mae Sot, did not wish them to be moved there.

Throughout much of the first half of the year, senior Thai officials stated that the government wished to see the more than 100,000 refugees living in camps along the Thai border return to Burma within three years. In February, a district officer from Mae Hong Son province passed around a list for refugees in Mae Khong Kha camp to sign up for voluntary repatriation. No one volunteered.

Burmese newly arriving at Thailand's refugee camps had difficulty making asylum claims. At the end of 1999, the Thai government instituted a group status determination procedure, which initially recognized as refugees only those persons fleeing from immediate fighting. Throughout the first half of 2000, the new provincial admission boards rejected thousands of applicants, declaring them illegal immigrants. On June 12, Thai authorities expelled 116 refugees from Don Yang refugee camp in Kanchanaburi province. Of the 116, less than half came from the original group rejected by the provincial board. The others had been rounded up by Thai officials and had not yet appeared before a board. On August 17, approximately 100 persons were returned from Nu Pho refugee camp in Tak province. In August, the Mae Hong Son provincial board reversed an earlier decision to reject thousands of asylum seekers and agreed to admit some 3,400 refugees to camps in Mae Hong Son province.

Ethnic minority Shan refugees continued to flee to Thailand from Burma, but the majority of Shan asylum seekers did not have access to international protection and the refugee camps.

Other human rights problems persisted, including killings of suspected criminals in police custody. In October 1999, a Thai provincial court ruled that three police officers in Surin province had killed three suspected drug dealers in their custody on November 27, 1996, but did not address the circumstances surrounding the killings. The attorney general was to determine whether to proceed with murder charges, but had not done so as of October 2000.

Several attacks on the press took place during the year. Amnat Khunyosingh, owner and editor of the northern Thai newspaper, *Phak Nua Daily*, was shot and wounded by three gunmen as he was returning home from work on April 10. Police arrested three army officers and said that the attack was probably related to the paper's coverage of Senate elections in Chiang Mai province. Early on August 24, a bomb exploded just outside the home of Suriwong Uapattiphan, news editor of *Khao Sod*, a leading Thai language daily, but there were no casualties. Suriwong had reported on police corruption and just before the attack had been sued by a police general for defamation. *Khao Sod*'s offices had been bombed in 1999, but the perpetrator was not identified.

The Thai government instituted several measures to reduce statelessness. On May 3, the Local Administration Department decided to shift decision-making on the citizenship of hill-tribe children born in Thailand from the provincial governor's office to that of the district chiefs. Decentralization of the procedures was

intended to make access to citizenship easier. On August 29, the Thai cabinet granted citizenship to the descendants of three groups of displaced persons: Burmese who entered the country prior to March 1976, Nepalese migrants, and Chinese migrants who had migrated to Thailand since the 1960s. Members of other groups, however, remained without a nationality or full citizenship rights, including a number of Thailand's ethnic minority hilltribes. Around 300,000 such people registered with the government were permitted to reside and work in the country but faced restrictions on their movement, could not participate in elections, and could not own land. Hundreds of thousands of other hilltribe villagers remained unregistered and were officially considered as illegal immigrants.

Thailand continued to be a hub of human trafficking within the region. Enforcement of Thai laws on trafficking remained weak. In one exception, police and an activist from the Centre for Protection of Children on April 18 rescued two Lao girls, aged thirteen and sixteen, from a house where the girls were reportedly being prepared to work in the commercial sex industry. Police arrested the owners of the house. On March 20-21, the Thai government hosted a seminar for justice ministers from twenty Asian countries on combating transnational crime, including human trafficking.

The government's treatment of migrant workers from neighboring countries was unsatisfactory. During a November 1999 crackdown on undocumented foreign labor, overcrowding in a number of immigration detention centers reached dangerous levels. Many migrants still did not have an effective opportunity to challenge charges of illegal entry.

## Defending Human Rights

Thai human rights organizations and other advocacy groups generally operated without restrictions. Some nongovernmental organizations providing assistance to Burmese dissidents and others monitoring the human rights situation in Burma were investigated by Thai authorities after the Burmese embassy siege in October 1999 and the Ratchaburi hospital incident in February 2000. These agencies remained under scrutiny in October 2000.

## The Role of the International Community

The principal concerns of the international community continued to be the regional trade in narcotics and Thailand's recovery from the Asian financial crisis, but some governments remained engaged on refugee and human trafficking issues. Britain's foreign minister, Robin Cook, visited Tham Hin refugee camp on April 20, where he called for changes in Burma which would allow the refugees to return. Australia, Canada, the United States, and a number of European Union states agreed to resettle over 1,500 refugees from the Manerly Student Center. UNHCR continued to urge Thailand's provincial admission boards to apply a broad definition of refugee when screening asylum seekers. On October 17-18, U.N. High Commissioner for Refugees Sadako Ogata visited Thailand. Ogata urged the Thai government to sign the 1951 U.N. Convention relating to the Status of Refugees and requested a UNHCR presence in the refugee camps and a greater role in determining who would be admitted into the camps as refugees. Prime Minister Chuan Leekpai reportedly assured Ogata that the Thai government would not seek to repatriate Burmese refugees until UNHCR secured a presence on the Burmese side of the border and the U.N. agency was confident that returnees would not face persecution in Burma.

The trafficking of women and children to and from Thailand received attention in regional meetings. Delegates to the September 5-7 Asia-Pacific preparatory meeting of the U.N. World Conference against Racism, held in Bangkok, drew attention to the problem of human trafficking to and from Thailand.

The United States maintained a close relationship with Thai security forces. In May 2000, US, Thai, and Singaporean troops drilled for two weeks during "Cobra Gold"—

the largest joint military exercise organized by the United States in Asia. The U.S. government sought funds for fiscal year 2001 in excess of U.S. \$5.8 million for State Department training and assistance programs to Thailand ranging from de-mining to counter-narcotics operations. An additional U.S. \$27.287 million was requested to underwrite commercial military exports to Thailand.

## Relevant Human Rights Watch Reports:

*Owned Justice: Thai Women Trafficked into Debt Bondage in Japan, 9/00*

# VIETNAM

The twenty-fifth anniversary of Vietnam's reunification saw the government maintaining tight control over freedom of expression and other basic rights. Highly publicized steps to liberalize the economy, including the signing of a landmark trade agreement with the United States and the establishment of the country's first stock exchange, were not accompanied by rights improvements. Authorities continued to take strong action against those who criticized the ruling Communist Party of Vietnam (CPV) or spoke out in favor of democratic change. Disaffected former CPV leaders, long-time academic critics, independent religious leaders, and the press were common targets. A wide range of political subjects remained off-limits to the media. In a show of reconciliation, the government granted amnesties to more than 20,000 prisoners during the year, but only a handful were people held for their political or religious views. The government restricted access to areas affected by social unrest.

## Human Rights Developments

Twenty-fifth anniversary celebrations in April highlighted recent social and economic openings and the government's success in reintegrating returning refugees and bringing recovery after decades of war. Peaceful critics of the government, however, continued to have few outlets for independent expression. Communication among dissidents, and between them and the outside world, was hampered by official interception of mail, blockage of telephone lines, and denial of publishing rights. When dissidents or former political prisoners criticized the CPV or called for reforms they were subject to heightened surveillance or interrogation by officials. The 1997 Administrative Detention Decree 31/CP remained in force. It allowed officials to detain individuals suspected of posing a threat to national security without a warrant or prior judicial approval.

Early in the year, the CPV's ideological commission accused Nguyen Thanh Giang, a leading geologist and outspoken intellectual who had been detained for two months in 1999, of writing documents which showed "close collusion with reactionary forces abroad to disrupt the social order." Giang remained under surveillance throughout the year.

On May 12, police in Dalat put dissident intellectual Ha Si Phu (Nguyen Van Tu) under house arrest and threatened to charge him with treason under Article 72 of the Criminal Code. Authorities apparently linked him to dissident intellectuals who were drafting an open appeal for greater democracy. On April 28, police searched his house and confiscated his computer and diskettes. As of October, Ha Si Phu remained under investigation and confined to his home, although he had not yet been officially charged.

The government announced several times during the year that it was taking steps against terrorist plots allegedly supported by overseas Vietnamese and "imperialist countries." On August 16, *Nhan Dan* (The People) newspaper stated that more than forty people had been arrested since March 1999 for "directly participat[ing] in the reactionaries' sabotage plan," but it was unclear whether those arrested were indeed saboteurs or peaceful critics.

Several religious leaders and former political prisoners were denied exit visas to attend conferences abroad, including prominent dissident Nguyen Dan Que, Thich Tue Sy of the banned Unified Buddhist Church of Vietnam (UBCV), and Thich Thai Hoa, a leader of the Buddhist Order in Hue.

Despite government repression, several dissidents issued critical public statements though, typically, they were able to do so only on the Internet and primarily reached an overseas audience. On May 19, five prominent dissidents issued a public appeal to the National Assembly for greater democracy, the withdrawal of charges against fellow dissident Ha Si Phu, and the repeal of Administrative Detention Decree 31/CP. In April, Thich Huyen Quang, supreme patriarch of the UBCV, who remained under pagoda arrest in Quang Ngai province throughout the year, issued a letter to the party leadership calling for greater religious freedom.

The domestic media remained under strict state control and published scarcely any criticism of the government. One exception, however, was criticism published in *Nhan Dan* by Vietnam's most prominent war hero, General Vo Nguyen Giap, who stated that the CPV should be more democratic and accused it of "ideological stagnancy." Requests by dissidents such as Tran Du and Thich Quang Do for publishing licenses were either denied or ignored by the authorities.

Provisions in the 1999 Press Law, which allowed media outlets to be sued for defamation whether the information they publish is accurate or not, were applied for the first time in September 2000. The Haiphong Agriculture Materials and Transport Company sued *Tuoi Tre Hanoi* (Youth News) for damaging the company's prestige because of its critical reporting on the company's operations. As of October, the case had not yet gone to trial.

The potential for press censorship increased in August when the Ministry of Culture proposed new regulations that would more than triple the number of activities, from 200 to 650, defined as offensive to Vietnamese culture. The regulations, which had not been officially adopted as law as of October, would impose fines for the production or possession of "culturally inappropriate" materials, including those which "distorted Vietnam's history or defamed its national heroes."

Foreign journalists based in Vietnam received strong warnings from government officials after trying to contact and interview dissidents. On December 26, 1999, Pham The Hung, a French journalist for Radio France International, was expelled from Vietnam after meeting with Catholics whose names were not on a list of interviewees he had submitted with his journalist visa request. In April, French reporter Arnaud Dubus, traveling on a tourist visa, was interrogated and had his notes confiscated by police after he met with several dissidents. On April 12, security police in Ho Chi Minh City arrested Sylvaine Pasquier, a reporter for the French weekly *L'Express*, after she tried to meet dissident Nguyen Dan Que. Pasquier was deported on April 14.

Vietnamese listeners had access to most international radio stations, but the government jammed access to Radio Free Asia and Hmong-language Christian broadcasts from the Far East Broadcasting Company. In June, the Foreign Ministry confirmed that the British Broadcasting Corporation (BBC), which had an application pending since 1993, would be authorized to open a Vietnam bureau.

While foreign language newspapers and magazines could be purchased in the major cities, an internal Customs Department bulletin in December 1999 announced a crackdown on illegally imported foreign publications because of their "poisonous" content. Singled out were the *South China Morning Post*, *Asian Wall Street Journal*, Singapore's *Straits Times*, and Thailand's *Nation*. Foreign publications were occasionally censored. In May, government censors blacked out an *International Herald Tribune* editorial that criticized Vietnam's human rights record. In March, the Ministry of Culture and Information ordered the confiscation and withdrawal from circulation of a book by Hanoi author Bui Ngoc Tan. The only book to be banned during the year, *Chuyen Ke Nam 2000* (An Account of the Year 2000) described the author's experiences in North Vietnamese prisons between 1968 and 1973.

Internet access remained tightly controlled for Vietnam's approximately 95,000 subscribers (0.1 percent of the country's population). The government maintained control over Vietnam's only Internet access provider, Vietnam Data Communications (VDC), as well as over five Internet service providers operated by state organizations, including one owned by the army. VDC was authorized to monitor subscribers' access to sites and to use firewalls to block connections to sites operated by groups critical of the government. In January, the Foreign Ministry stated that all information relayed through the Internet in Vietnam must comply with broadly worded national security provisions in Vietnam's press laws and could not damage the reputations of organizations or citizens. These measures had been selectively applied in the past to keep critical voices out of public media. In September, the government launched a new domestic Internet service, which, unlike other services did not require users to register with the government. The new service, however, restricted subscribers to Vietnamese websites only. Several protests over alleged abuses by local officials reported during the year, although coverage was limited by strict controls on media access to the affected areas. In April, several dozen people from southern Dong Thap province assembled for several days in front of the CPV headquarters in Hanoi to protest corruption and lack of democracy in their province. That same month, villagers in Nam Dinh province denounced alleged interference by local Communist Party officials in commune-level people's council elections. In June, citizens in Nam Dinh held two district party members hostage for a week. After promises that the hostage takers would not be punished, the officials were released. In August, a group of 150 ethnic Ede highlanders in Dak Lak province stormed a lowland Vietnamese settlement in protest over encroachment on their land, part of which was being developed for coffee plantations and gem mining. In September, more than one hundred protesters from provinces in the south as well as the central highlands camped outside government offices in Ho Chi Minh City for several weeks, protesting graft and land confiscation.

As the Ninth Party Congress, scheduled for March 2001, neared, party officials appeared increasingly apprehensive about the potential for rural unrest to boil over, as it had in Thai Binh and Dong Nai provinces in 1997. Party Secretary Le Kha Phieu announced in September that cabinet-led inspection teams would be dispatched to fifteen cities and provinces to look into citizen's complaints about corruption and abuses by officials. In October, *Nhan Dan* reported that more than 2,000 government and party officials had been disciplined in Thai Binh as a result of peasant demonstrations in 1997 against graft and unfair taxation.

Religious freedom also remained sharply curtailed. The government's ban on independent religious associations continued, with all religious groups required to register with and seek the approval of the state. In March, a year-long controversy escalated over whether the party had the right to appoint, not simply to approve, abbots at the historic One-Pillar Pagoda in Hanoi. Congregation members contacted UBCV members abroad and prepared a petition protesting the replacement of their abbots with party appointees. In March, the Hanoi People's Committee ordered head abbot Thich Thanh Khanh to leave the pagoda by April 30; however, as of October, he remained in place.

Members of the Hoa Hao sect of Buddhism came under increased pressure, with at least twelve in detention or prison as of mid-2000. Sect elder Le Quang Liem's telephone line was disconnected in December 1999 and he was interrogated several times by police after he signed a joint appeal calling for greater religious freedom. Surveillance of Liem increased in February 2000, when he announced the restoration of the Central Hoa Hao Buddhist Association, separate from a government-dominated Hoa Hao committee established in 1999. Hoa Hao members in An Giang province clashed several times with police, who reportedly blocked a pilgrimage to their prophet's birthplace, and detained and beat some adherents in December 1999. Police arrested at least eight Hoa Hao members in March 2000 as tensions increased in the approach to a religious anniversary. On March 30, police detained ten Hoa Hao members and blocked thousands of other followers from observing the religious anniversary. Additional clashes with security forces broke out in An Giang in September, when Hoa Hao followers protested the trial and conviction of five members arrested in March.



Conflict continued between the government and the UBCV. In April, police made late-night visits to the pagodas of church leaders Thích Quang Do and Thích Tue Sy, ostensibly to conduct identity checks. On April 24, police took leaders Thích Khung Tánh and Thích Quang Hue to a Ho Chi Minh City police station for questioning. In July, Quang Ngai provincial officials and police interrogated UBCV patriarch Thích Huyen Quang about a statement critical of the government that he had issued in April. In late September and early October, UBCV monks attempting to conduct independent flood relief missions in the Mekong Delta and distribute aid packages marked with UBCV labels clashed with local authorities. Government regulations limited flood relief operations to state-sanctioned organizations. On September 21, authorities halted a UBCV flood relief mission in An Giang province, led by Thích Nguyen Ly. In early October, a contingent of UBCV monks, including Thích Quang Do and Thích Khung Tánh, travelled to An Giang, where security police blocked their flood relief plans. Police reportedly detained the monks for twelve hours on October 7 before ordering them to leave the province and return to their pagodas in Ho Chi Minh City. The Foreign Ministry later denied that the monks had been detained.

The government also continued its attempts to suppress the growth of Protestant evangelical churches which had gained converts among Vietnam's ethnic minorities. While two dozen ethnic Hmong Protestants reportedly were released from detention at the end of 1999, at least eight other Hmong and Hre remained in prison or police custody as of October 2000. The government, however, began to recognize more "Tin Lanh" (Good News) churches, mostly in the north, and hundreds of Protestants were able regularly to attend un-recognized Tin Lanh churches in southern and central Vietnam.

Catholics, too, were not immune from state meddling, with the government continuing to restrict the number of parishes, screen candidates for the priesthood and for appointments as bishops, and to reject requests for a papal visit. One member of the Catholic Congregation of the Mother Co-Redemptrix was released in April, but at least three other Catholics remained in prison.

Unregistered sects and religious activities officially labeled "superstitious," prohibited by a 1999 decree on religion, came under increasing pressure. In November 1999, the state press reported that Vietnam had more than thirty illegal cults. That same month, officials fined members of an unregistered religious sect in Hanoi known as Long Hoa Di Lạc (Chinese Dragon Buddha Sect) for unlawful assembly and use of religion for propaganda purposes. In June, the state press reported that police in Thái Bình were "cracking down on heresy." The target was the Thành Hải Vô Thuổng Su sect, originally established in Taiwan but led by a Vietnamese woman. In August, police in Quảng Bình reportedly confiscated religious texts from the Tâm Giáo Tuyền Dương sect, forcing members to destroy altars and pledge to abandon the sect, and fined the group's leader for allegedly providing illegal medical treatment.

Prison conditions remained poor, with prisoners reporting the use of shackles, dark cells, and torture. Dozens of death sentences were issued during the year, with twenty-nine crimes considered capital offenses, including drug trafficking, many economic crimes, some sex offenses, murder, and armed robbery. In April, Canadian citizen Nguyen Thi Hiep was convicted of heroin smuggling and executed.

While the government insisted it had no political prisoners, in March the Public Security Ministry stated that more than one hundred people were then imprisoned for crimes against national security.

In its largest ever prisoner amnesty, Vietnam released 12,264 prisoners on April 30 to commemorate the reunification of the country, and a further 10,693 on National Day on September 2. The government did not publicly release the names of those freed, but political and religious prisoners known to have been released in the two amnesties included Catholic brother John Euder Mai Duc Chuong, Hmong Protestant Vu Gian Thao, political dissident Nguyen Ngoc Tan (alias Pham Thiet), Protestant Nguyen Thi Thuy, and Cao Daiist Le Kim Bien.

## Defending Human Rights

No domestic human rights organizations were allowed to operate in Vietnam, nor were international human rights organizations allowed to monitor conditions or conduct research there.

## The Role of the International Community

In December 1999, Vietnam's donors pledged U.S. \$2.8 million in aid to Vietnam, with \$700 million conditioned on accelerated economic reforms. For the most part donors were publicly silent about human rights violations, aside from the international outcry after the execution of Canadian citizen Nguyen Thi Hiep. Convicted of drug trafficking, she was executed by firing squad in April, despite the fact that Vietnam had pledged to review her case on the basis of additional information provided by the Canadian government. Afterwards Canada temporarily withdrew its ambassador and its support for Vietnam's entry to the World Trade Organization. Talks on restoring full diplomatic ties resumed in September, when Hiep's mother, Trần Thị Cam, was granted an early release from prison.

In April, the U.N. Commission on Human Rights stated that it would be examining complaints against Vietnam for human rights violations under the "1503 procedure," a confidential procedure whereby complaints are investigated and sent to the full U.N. Commission on Human Rights. In May, Vietnam was elected to the U.N. Commission on Human Rights for a three-year term. The U.N. Development Program's Growth in Governance program focused on legislative, judicial, and procedural reforms, including revision of the labor code.

## United States

U.S. policy towards Vietnam centered on using trade and investment as a means to press for gradual political and economic reforms. Human rights concerns were addressed through a bilateral "dialogue" meeting that failed to include concrete incentives for progress and had minimal effect on overall U.S.-Vietnam relations. The State Department's annual report on religious freedom provoked an angry response from the Vietnamese government, which rejected being labeled one of several "totalitarian or authoritarian regimes" along with China, Myanmar, Laos, and North Korea. In July, after four years of negotiations, Vietnam signed a bilateral trade agreement with the United States. As of this writing the agreement had not received U.S. congressional approval. In November, President Clinton was scheduled to become the first U.S. president to visit Vietnam since Richard Nixon in 1969.

## Japan

Japan, which was Vietnam's largest donor, announced in June that it had extended Official Development Assistance (ODA) to Vietnam for another five years. The foreign ministry was considering including human rights and legal reform in a bilateral dialogue with Vietnam at the vice-foreign ministers' level beginning late in 2000. In 1999 (the latest year for which figures were available), Japan gave \$690 million in loans and grants to Vietnam.

## European Union

The E.U., Vietnam's third largest donor and its biggest trade partner, has provided approximately U.S. \$2 billion in ODA since 1993. Most of the bilateral assistance to Vietnam came from France, Germany, Denmark and Sweden. During a visit to Vietnam in May, the Swedish Minister of Culture called for more openness in the media and greater democracy when she announced a grant of U.S. \$4 million to support media training and live broadcasting programs. During a December 1999 visit to Hanoi, Czech Prime Minister Milos Zeman raised issues of democratization and political prisoners.

**Relevant Human Rights Watch  
Reports:**

*THE SILENCING OF DISSENT, 5/00*