

Human Rights Developments

Asia continued to be a region of impressive economic growth rates and poor human rights, with China the outstanding example of both. If in 1993, in an effort to keep western critics at bay, some of the worst abusers in the region argued that Asia had its own definition of human rights, in 1994, they did not even have to make the argument: criticism eased anyway. One by one, developed countries pursued a policy of "commercial diplomacy," looking to China, Indonesia, India, Vietnam, and even Burma, for investment opportunities and good trade deals. Human rights concerns were inevitably pushed to the sidelines, and repressive governments could feel triumphant. With President Bill Clinton's decision in May to end the linkage between Most Favored Nation (MFN) trading status and human rights in China, use of trade conditionality and other forms of economic leverage seemed, for the moment, a thing of the past.

The problem was that the abuses did not go away—indeed, in some cases, the easing of international pressure seemed to generate more. Developments in China, Indonesia, and India were illustrative.

In China, at least nineteen activists were arrested for peaceful activities between March and December 1994, including Wei Jingsheng, China's most famous prisoner. After serving over fourteen years in prison for having advocated democratic change in China through a series of posters and mimeographed journals, Wei had been released in September 1993 and proceeded almost single-handedly to revive the pro-democracy movement in China. He wrote articles, gave interviews and met diplomats, all of which, according to Chinese authorities, violated the terms of his parole. On February 27, 1994, he met with U.S. Assistant Secretary of State for Democracy, Human Rights and Labor John Shattuck, much to the Chinese government's anger, and in April, he and his assistant, Tong Yi, were detained. Tong Yi was later tried on a spurious criminal charge; as of mid-November, Wei Jingsheng remained in untried detention in an unknown location.

There were no significant releases of political prisoners between May and mid-November, when eight people were paroled on the eve of President Clinton's meeting with Jiang Zemin at the November 1994 summit meeting of the Asia-Pacific Economic Cooperation (APEC) forum in Jakarta, Indonesia. The paroles were offset, however, by the secret trial of Chinese journalist Gao Yu, who on November 10 was given a six-year sentence for "leaking state secrets" for having written an article based on a copy she had obtained of a secret speech by Chinese President Jiang Zemin. Gao Yu's family was not informed of the trial until after it was over, and she had no legal counsel. She had been arrested in October 1993, one day before she was to leave for the United States to begin a fellowship.

Negotiations over access to Chinese prisons by humanitarian organizations ground to a halt after President Clinton's unconditional renewal of MFN status became certain, and violations of China's own criminal procedure code seemed to increase.

Human rights abuses in Tibet continued, with thirteen monks and nuns arrested in February and March in and around Lhasa, the Tibetan capital, for organizing peaceful protests. In May, Chinese authorities began a campaign to ban the display of photographs of the Dalai Lama.

In Indonesia, where the threat of American trade sanctions because of worker rights violations was effectively ended in February, the government had no hesitation in putting independent labor organizers on trial weeks before President Clinton and his trade representative arrived in Jakarta for an APEC summit. Mochtar Pakpahan, leader of the Prosperous Workers Union of Indonesia, an independent labor union, was sentenced to three years in prison on

November 7 on charges of inciting labor unrest in Medan, North Sumatra in April. Mr. Pakpahan was not in Medan at the time of the unrest.

The APEC meeting triggered a series of harsh measures by the Indonesian government to prevent any signs of dissent or unrest. These included curbs on the press, surveillance of human rights activists, harassment of outspoken academics and an anti-crime campaign that resulted in dozens of extrajudicial executions.

In India, deaths in custody in Kashmir took a sharp upward swing after international criticism became more muted. Police abuses continued in Punjab, despite the crushing of the militant Sikh opposition. Indeed, the continuing abuse was a direct legacy of the extrajudicial methods, including many disappearances and executions, used to curb militant violence. Indian officials, particularly at the state level, continued to use special security laws such as the Terrorist and Disruptive Activities act, usually known as TADA, to arrest and detain suspected members of armed opposition groups or members of particular communities. In the state of Gujarat, Muslims were disproportionately arrested under TADA, for example.

Many Asian human rights groups and other nongovernmental organizations (NGOs), from Sri Lanka to Thailand, expressed cynicism over the eagerness of Western governments to buy into the miracle economies of Asia, particularly when they themselves were feeling more heat. In Bangladesh, NGOs came under physical attack from religious extremists, and the government made little effort to investigate or prosecute the perpetrators. In Indonesia, a draconian draft presidential decree on NGOs was threatening to drastically increase government control over their activities and give broad new grounds for dissolution. In China, new state security regulations signed into law in June widened the basis for restricting peaceful dissent and independent organizing.

Intraregional concerns took on a new prominence during the year. This was particularly true of the countries of ASEAN, the Association of Southeast Asian nations: Brunei, Indonesia, Malaysia, the Philippines, Singapore, and Thailand. A theory of "ASEAN solidarity" was propounded to mean that each ASEAN country would try to prevent activities disliked by another from taking place on its soil. Thus, Indonesia bullied first the Philippines, then Malaysia and finally Thailand to stop conferences or demonstrations on East Timor from being held in those countries. The Asia-Pacific Conference on East Timor in Manila went ahead in May, but some foreign participants were denied visas. In July, the Thai government put eleven East Timor activists on a blacklist and deported three others who were in Thailand for a conference on human rights in East Timor and Burma. In the case of the Manila meeting, the Indonesian government used economic sanctions, including canceling joint ventures, to try to halt the conference. In September, Malaysia persuaded Thailand to arrest a religious activist whom it accused of "deviating" from Islam. The man was deported and immediately arrested under Malaysia's abusive Internal Security Act; he was released in November but two of his followers remained in detention. The actions of both the bullying and the bullied governments sparked widespread protests from NGOs in the region.

At the same time that governments of the region were colluding in human rights abuses, they were also having increasing problems with the way neighboring governments treated their own nationals, particularly workers. Labor shortages in the more developed countries of the region exerted a strong pull on workers from poor countries: some 200,000 to 400,000 Burmese, for example, were working in Thailand, while Thai workers went to Taiwan, Korea, and Japan. Indonesians constituted most of the 430,000 legal and 200,000 illegal foreign workers in

Malaysia, and Filipina domestic workers could be found in Taiwan, Singapore, Malaysia, and Hong Kong. When Malaysia arrested over 1,000 Filipina maids in March on suspicion of prostitution, the Philippines government was furious. When the Japanese government imprisoned trafficked Thai women as illegal immigrants, Thailand requested that they not be considered criminals and that they be given safe passage home, even though its own officials were actively involved in the trafficking into Thailand of Burmese women and girls. China was upset at the treatment of Chinese workers in a Japanese-owned factory in Dalian, and Korean managers at joint ventures in Indonesia were singled out for criticism by Indonesian labor officials.

Worker rights continued to be one of the major issues for Asia, leading to over 10,000 strikes and work stoppages in China in 1993 by the government's own admission, and to tens of thousands of workers out on the streets of Medan, North Sumatra in April 1994. Wages and working conditions were usually key issues, but so was the freedom to organize to present demands for improvements. Vietnam gave workers the right to strike, but the new labor code denied that right to those in state-owned factories or private firms deemed essential to the economy and security. Many Asian governments were creating a pressure cooker by keeping tight controls on freedom of association and allowing worker grievances to build up.

The Right to Monitor

Human rights monitoring from within the country was not possible in North Korea, Burma or Brunei and extremely restricted in Singapore, China, and Vietnam. In Burma, a former UNICEF employee was sentenced to fifteen years in prison for providing information to foreign embassies and media. Chinese human rights activists were particularly targeted after it became clear that international pressure was evaporating. The best-known of those activists, Wei Jingsheng, was detained on April 1 and remained in custody as of this writing. Elsewhere, human rights organizations were subjected to harassment if they probed too deeply into sensitive subjects, but were able to operate nevertheless. No restrictions were placed on NGOs in Japan or Hong Kong, and there were few restrictions in Thailand.

One positive development in the region was the development of national institutions for human rights monitoring, even when the institutions created were less than fully independent. The Indonesian national human rights commission set up by presidential decree in June 1993 began functioning that December. By the end of 1994, it had proved to be more independent than expected, even if it seemed to be better at dispute arbitration than investigation. It had no power to compel testimony. A slightly stronger commission set up in India proved also to be better than human rights activists feared, and showed a willingness to take on some of the country's most controversial issues, like Kashmir. The human rights commission of the National Assembly in Cambodia was active in investigating complaints and in raising human rights issues related to proposed legislation. A bill to set up a human rights commission was pending in Thailand at the end of the year.

Asian governments made increasing use of the specialized human rights mechanisms of the United Nations. In July, the U.N.'s special rapporteur on summary and arbitrary executions visited East Timor, and the working group on arbitrary detention visited Vietnam for three weeks in November. The special rapporteur on religious intolerance was scheduled to visit China, also in November.

The Role of the

International Community

As noted above, virtually all donor countries rushed to board the economic bandwagon in Asia. The U.S., in particular, lost credibility as a human rights advocate with the de-linkage of MFN and human rights in China after two years of strong rhetoric. The "comprehensive engagement" of the United States in China was matched by Australian Foreign Minister Gareth Evans's "principled pragmatism" toward Burma. The European Union, for its part, moved toward "equal partnership" with the countries of ASEAN. In all cases, the move was away from criticism and toward engagement, as if the two were mutually exclusive.

Japan's human rights diplomacy continued to evolve slowly, conditioned largely by overriding economic and political interests. Thus, Tokyo was more energetic in applying its principles for allocating overseas aid (Official Development Assistance or ODA) outside of Asia—for example, in Haiti and Nigeria—than in China or Indonesia.

There were moves in the United States to involve the private sector in human rights protection through the adoption of a voluntary set of principles for corporations. The White House took the lead in formulating those principles after President Clinton made his decision on MFN. But the principles, which were initially expected to relate to companies operating in China, were reportedly broadened to become more generic, and as of November, it was unclear whether the White House formulation would turn American businesses into a more pro-active force on behalf of human rights.

The Work of

Human Rights Watch/Asia

Human Rights Watch/Asia focused on several key countries of the region: Burma, Cambodia, China, Indonesia, Japan and India. Additional research and monitoring took place on Nepal, Pakistan, Hong Kong, Vietnam, South Korea, Thailand and the Philippines.

In terms of thematic issues, political imprisonment, worker rights and the trafficking of women were high priorities, as were human rights abuses associated with internal strife or conflict, such as Kashmir.

Human Rights Watch/Asia issued three book-length reports during the year, including *Detained in China and Tibet*, a 688-page directory of political and religious prisoners in China, the most comprehensive account of arbitrary detention ever published on post-Cultural Revolution China. It also published sixteen short reports, nine of them on China.

In advocacy, particular attention was paid to pressing the U.S. and Japanese governments to use their leverage in Asia, and to engaging the American corporate sector in a dialogue on human rights, with particular attention to China, Vietnam, and Indonesia. The World Bank and World Bank-chaired donor meetings were also the focus of advocacy efforts, as were major regional meetings, such as the November APEC summit in Jakarta.

In several countries, most notably Cambodia, Human Rights Watch/Asia staff provided critical commentary on proposed laws and directives, pointing out those sections that were inimical to human rights and in some cases, suggesting alternative language.

Human Rights Watch/Asia staff worked closely with NGOs in the region, exchanging information, sharing skills, and undertaking coordinated advocacy efforts where possible. A report issued in December 1993, *A Modern Form of Slavery: Trafficking of Burmese Girls and Women into Brothels in Thailand*, provided an opportunity to work with Thai NGOs in evaluating the book's impact.

BANGLADESH

Human Rights Developments

The Bangladesh government failed to denounce, investigate or punish much of the widespread violence against women, and NGOs, and threats against writers and editors that occurred during the year, all linked to militant Islamic groups.

Some humanitarian agencies alleged that government officials were using threats and physical abuse to persuade thousands of ethnic Rohingya refugees from Arakan state in Burma to return home. The refugees had been living in camps in and around Cox's Bazar since 1991. Most of the returning refugees were interviewed by staff from the United Nations High Commissioner for Refugees (UNHCR), but the intimidation was reported to take place before the interviews. In May, a cyclone hit southern Bangladesh, leaving 100,000 refugees without shelter; in July, humanitarian NGOs in the camps reported that the Bangladesh authorities were preventing a speedy rebuilding of the camps in order to "encourage" the refugees to return. In talks on August 12, 1994 in Cox's Bazar, the governments of Bangladesh and Burma agreed to a figure of 20,000 repatriations a month and by November, nearly 95,000 refugees had returned.

On June 30, the Jamaat-i-Islami, the country's largest religiously-based political party, called a strike (hartal) to demand an end to NGO activities. On that day, a clinic in Zakiganj run by the Bangladesh Women's Health Coalition was burned to the ground and an adjoining NGO's office was badly damaged. The clinic's medical officer, Dr. Sultan, narrowly escaped being burned alive. Arrests were made, but charges were dropped, reportedly after a call from the prime minister's office.

Two of the country's largest NGOs, the Bangladesh Rural Advancement Committee (BRAC) and the Grameen Bank, became particular targets, in part because their efforts to promote the development and empowerment of women and girls were considered "un-Islamic." In January, fatwas (edicts) were issued by local imams in the Sadar subdistrict of Kishorganj to prevent children from going to BRAC schools. Trees being grown by local women for silk production were cut down at the imams' instigation.

A number of writers and editors came under attack during the year, including Taslima Nasreen, thirty-one, a doctor-turned-writer whose novel *Lajja* (Shame), a fictional account of a Hindu family's persecution by Muslims following the destruction of the Ayodhya mosque in 1992, was banned in Bangladesh in July 1993. Certain militant religious groups accused Nasreen of blasphemy and called for her execution; threats against her intensified in May 1994 after a Calcutta newspaper quoted her as having called for the Qur'an to be revised. The Bangladesh government issued a warrant for her arrest on June 4 on charges of having violated Section 295(a) of the penal code by acting with "deliberate and malicious intent" to hurt the religious sentiments of the people of Bangladesh. The Jamaat-i-Islami continued to urge that she be hanged, and on June 10 a leading imam issued a fatwa offering a reward for her assassination. No one was charged in connection with these threats. Nasreen remained in hiding until August 3 when she turned herself in to authorities and was granted bail and leave to travel abroad by the High Court. On August 10, she arrived in Sweden.

The government failed to prosecute many cases of violence against women. As of November, no charges had been brought in the December 1992 murder of Nilufar Rashid. The case was portrayed by human rights organizations as an instance of dowry death, with Nilufar's

husband the main suspect. The failure of the police to conduct a thorough investigation led to charges of suppression of evidence by order of Home Minister Abdul Matin Chowdury because of his close relationship with the suspect.

Women in Farhadnagar Union, Begumganj Thana, Chohelgachi Union, Jessore, and Kasba were verbally and physically attacked for allegedly committing adultery (zina). Traditional village councils (salish) pronounced sentences ranging from public floggings and stoning, to forced marriage. Punishments were generally more severe in cases that involved pregnancy.

On July 29, in a positive move, Attorney General Aminul Huq warned that the enactment of a "blasphemy law," as advocated by the Jamaat-i-Islami, would constitute a contradiction of fundamental human rights and Islam and foster an atmosphere of religious intolerance and fear. Draft legislation, making acts which "defile" the Qur'an or the name of Prophet Muhammad criminal and punishable by death, had been introduced in 1992. The attorney general's statement emboldened others to speak out against the proposed law, but it remained pending at the end of the year.

Intervention by women's and human rights groups succeeded in getting the government to compensate victims of violence incited by fatwas and to initiate police inquiries and make arrests in some cases.

The Right to Monitor

The Bangladesh government imposed no restrictions on the right to monitor human rights, but the failure to prosecute violence against NGOs cast a pall over human rights work more generally. Father Richard W. Timm, a human rights activist who has worked extensively on land issues, child labor and abuses in the Chittagong Hill Tracts, was denied a visa renewal on December 31, 1993. He had worked in Bangladesh for over forty years, and the denial was believed linked to his human rights activism. He remained in Bangladesh, however, knowing that if he left the country, he would be unable to return.

The Role of the International Community

Taslima Nasreen's plight drew an outpouring of international concern with quiet offers of asylum and expressions of dismay and outrage from governments around the world. Less attention was paid to the attacks on NGOs.

The international community paid scant attention to the repatriation of ethnic Rohingya refugees to Burma, despite allegations from human rights and humanitarian groups that some Bangladeshi government officials were intimidating them into going back. In late October, a group from the U.S. and British missions in Bangladesh visited the refugee camps at the invitation of the UNHCR. They reported "no evidence of systematic forced repatriation," but said they could not comment on the appropriateness of the program, since they were denied access to the Burma side of the border.

The Work of Human Rights Watch/Asia

Until July, Human Rights Watch/Asia had restricted its work on Bangladesh to monitoring the situation of the Rohingya refugees from Burma. In July, however, on the eve of the nationwide strike called by Muslim militant groups, it issued a short report on the violence against NGOs,

warning that if it were not addressed, human rights problems could worsen. Together with the Human Rights Watch Women's Rights Project, it also worked with members of Congress to raise concern about the case of Taslima Nasreen and gender-related violence in Bangladesh. At the end of the year, Human Rights Watch/Asia was in discussions with the Bangladesh government about a possible mission to the country.

BURMA (MYANMAR)

Human Rights Developments

The State Law and Order Restoration Council (SLORC), a military body established as a temporary government in Burma after the pro-democracy uprising in 1988, continued to be responsible for forced labor, especially on infrastructure projects; arbitrary detention; torture; and denials of freedom of association, expression, and assembly. Fighting with armed ethnic groups along the Thai and Chinese borders continued to diminish, as the SLORC reached a cease-fire agreement with the Kachin Independence Organization in February and opened talks with others.

Nobel Laureate Aung San Suu Kyi, leader of the democratic opposition, remained under house arrest but for the first time since her detention in July 1989 was permitted to meet with visitors outside her family. On September 21, as the U.N. General Assembly opened in New York, she was allowed out of her house for a televised meeting with the chair and secretary-1 of the SLORC, Senior General Than Shwe and Lieutenant General Khin Nyunt. A second meeting took place on October 28.

Some seventy political prisoners were released during the year under SLORC Order 11/92, though there were no details of those released, and it was likely that at least some had served their full sentences.

The National Convention, the constitutional forum established by the SLORC in January 1993, continued with no clear end in sight. Members of political parties elected in May 1990 made up only 14 percent of the 700 delegates, the rest being hand-picked by the SLORC.

In September, some of the principles on which the constitution would be based were announced. Ethnic nationality was one. Burma is currently divided into seven states, named after the majority ethnic nationality in the area, and seven divisions where Burmans are the majority. Under the new constitution these states and divisions (renamed "regions") would have equal status, and smaller ethnic nationalities which previously had no representation in the legislature would be given self-administered zones or divisions if they made up more than 0.1 percent of the population in any one area. In cases where ethnic nationalities were already represented in a state, they would not be allowed further representation, regardless of the size of their population in other areas. This arrangement could lead to increased ethnic tension and discrimination.

The legislature would have two houses, a House of Representatives and a House of Nationalities. In both houses, representatives from the armed forces, the Tatmadaw, would have a quarter of the seats.

Apparently believing that these measures were not sufficient to ensure the military's hold on power, the SLORC created another mechanism of control, the Union Solidarity Development Association (USDA). Formed on September 5, 1993 to provide general assistance to the military and headed by civilian (but ex-military) members of the cabinet, it only became active in 1994.

In January, mass USDA rallies were held across the country, which the SLORC claimed were attended by four million people, though western journalists present noted that the numbers were often less than half those claimed. Local residents and civil servants complained of being forced to join the rallies and become members of USDA.

Arrest and harassment of the political opposition continued. At least seven people were arrested in May when they stood to watch two foreigners who held aloft banners calling for the release of Aung San Suu Kyi. It is not known if they were later freed or tried. On July 8 and 11, seven people were arrested for distributing pamphlets calling for the release of Aung San Suu Kyi. Although their names are known, no details were available on their trials or sentences. In September, a former UNICEF employee, Khin Zaw Win, and four members of the National League for Democracy (NLD), the opposition party headed by Aung San Suu Kyi, were arrested for passing "fabricated news" to foreign media and embassies and distributing "documents of expatriate groups." On October 9, Khin Zaw Win was sentenced to fifteen years in prison, and San San Nwe, a well-known writer and NLD member, to ten years. The others were all sentenced to eight years. They were tried under the 1950 Emergency Provisions Act and the 1957 Unlawful Associations Act. Most political prisoners in Burma are held under these two laws.

Following the cease-fire agreement with the Kachin, the SLORC continued to push for similar agreements with other ethnic groups based on the Thai border, aided by pressure from Thai authorities. In May, the Karenni Nationalities Peoples Liberation Front signed an agreement, while a second Karenni faction, the National People's Party, resumed talks in October, having suspended them in January after a SLORC attack on their troops near Loikaw. On October 9, the Shan State National Liberation Army, a small group of ex-Communist Party rebels, also known as the Red Pa-O, signed an agreement.

The New Mon State Party (NMSP) began talks early in the year, but they were suspended in July, following an attack by the Tatmadaw on a Mon refugee camp. At the end of the year the Karen National Union (KNU) remained the only major nationality group with which the SLORC had not begun direct talks.

As these discussions continued, little fighting was reported around the country, with the notable exception of the Shan state, where the SLORC launched a major offensive against drug warlord Khun Sa at the beginning of the year. In the course of that offensive, refugees arriving in Thailand in May claimed that up to 5,000 people from Keng Tung and Tachilek towns had been seized by the army to work as porters carrying ammunition and other supplies by the Burmese army. In mid-July the SLORC launched air strikes against Khun Sa's troops, in some instances targeting civilian villages alleged to be supporters of Khun Sa.

There was also fighting in Maungdaw Township, northern Arakan, between forces of the Rohingya Solidarity Organization and the Burmese army in late April. The RSO is one of two groups claiming to represent the 270,000 Muslims refugees who fled to Bangladesh in late 1991.

The repatriation of these refugees continued through the year, and by November nearly 95,000 had gone back, amid charges that their return was involuntary. Under an agreement between the SLORC and the U.N. High Commissioner for Refugees, nine UNHCR staff arrived in Arakan state in April to oversee their "re-integration" and resettlement. Despite their presence, some refugees returned to Bangladesh claiming that abuses by the military in Arakan state continued.

Forced labor took place on a massive scale across the country. Journalists visiting Burma noted that people, including shackled prisoners, were forced to dredge the moat in Mandalay, Burma's second largest city. In Bassein in southern Burma, 30,000 villagers forced to build a

new airport reportedly received no wages, food, or medical supplies, despite a cholera outbreak at the site in June.

The most widely publicized forced labor project was the construction of a railway line from Ye in the Mon State to Tavoy in Tenasserim Division, a distance of 110 miles. Refugees from the project who arrived in Thailand estimated that 50,000 people a day were being forced to work here, using crude tools to clear the forest and scrub-brush and construct high embankments. The SLORC insisted that these projects were undertaken by "volunteers" under a traditional system of corvée labor (a form of unpaid labor owed by peasants and serfs to feudal rulers).

The trafficking of women into sex slavery in Thailand and elsewhere in Asia continued to be a major problem. There was also a rise in prostitution inside Burma, as the government-promoted tourism industry tried to attract tourists through promoting the sexuality of young girls and women. In a speech to senior police officers, the secretary-1 of SLORC in March noted, "Illegal activities such as gambling and prostitution [are] on the rise...while brothels and disreputable houses [are] known to enjoy police protection."

The Right to Monitor

There are no indigenous human rights groups in Burma, and the right to form any association in Burma is severely restricted. Individuals who passed on human rights information to journalists or through embassies faced arrest, as in the case of Khin Zaw Win who had assisted the U.N. special rapporteur on Burma in 1992.

The U.N. special rapporteur, Professor Yozo Yokota, on his mission in November 1993 was allowed access to prisoners in detention for the first time, although one man, Dr. Aung Khin Sint, cut short the visit for fear of reprisals later. U.S. Representative Bill Richardson was also allowed to meet with five political prisoners, including Aung San Suu Kyi.

The International Committee of the Red Cross, which has been seeking access to political prisoners in Burma since 1989, continued its negotiations with the SLORC during the year.

The Role of the International Community

The international community continued to express its concern about persistent human rights abuses in Burma. In December 1993, the U.N. General Assembly passed a resolution by consensus urging the SLORC to restore democracy. It also called on the Secretary-General of the United Nations to assist in the implementation of the resolution. In October, talks were held between the secretary-general's office and the Burmese foreign minister.

The countries of ASEAN continued their policy of "constructive engagement" towards Burma, officially inviting the SLORC to the annual ASEAN ministerial meeting in Bangkok in July. Thailand, which sees itself as a center for regional development and already has extensive fishery and other economic deals with Burma, was supported in its overtures to Burma by Singapore, which signed trade and tourism development deals in Burma worth \$465 million in 1993. In March the Singaporean prime minister, Goh Chok Tong, became the second head of state to visit Burma since the SLORC took power.

At the opening of the ASEAN meeting in July however, Thai Prime Minister Chuan Leekpai in private meetings with the Burmese foreign minister urged the SLORC to start a dialogue with Aung San Suu Kyi.

Even as ASEAN countries ventured a few mild criticisms of Burma, the west moved

away from a policy of isolating the SLORC. Led by Australia and the European Union a new, pro-active policy of "critical dialogue" was adopted, intended to end the western isolation of Burma in favor of direct contact. As part of this new policy, Australian Foreign Minister Gareth Evans met with SLORC officials during the ASEAN meeting, and German, U.S., and U.K. officials went on missions to Rangoon in late October and early November.

On November 8, Japan announced it would be extending \$10 million of aid for medical and humanitarian purposes. China continued to play an important role in Burma throughout the year. Arms shipments from China, including naval frigates, were reported in Jane's Defense Weekly, and trade between Burma and Yunnan Province alone rose by 26 percent in 1993 to U.S.\$228 million, though the total trade between the two countries is estimated to be in the billions of dollars. China also granted millions of dollars' worth of soft loans, and was helping build new airports in Rangoon and Mandalay, roads from Yunnan to Mandalay, and several other smaller projects. Diplomatic ties were reinforced when China opened a consulate in Mandalay in August.

The U.S. remained the second largest investor after Thailand (\$203 million, compared to Thailand's \$210 million), despite the pull-out of the Amoco oil company from Burma in 1994. The Clinton administration, while maintaining a ban on any direct aid to SLORC, took the first tentative steps late in 1994 towards opening a dialogue, even as it continued its outspoken condemnation of Burma's human rights violations. However, implementation of an effective policy towards Burma during much of the year was hampered by internal divisions within the administration and the halting, disjointed efforts of a long-delayed White House review of Burma policy. Congress expressed frustration at the delays and made specific recommendations for U.S. actions.

President Clinton ordered a high-level review of Burma policy in mid-1993, but a formal discussion by the National Security Council did not take place until March 1994. A decision was made to endorse ongoing diplomatic efforts at the U.N., to press for appointment of a special envoy by the U.N. Secretary-General, and to continue quiet efforts to encourage restraint by some of Burma's arms suppliers. But decisions were deferred on some of the most controversial issues, such as economic sanctions and the role of U.S. investors, and no new significant policy initiatives were announced. In June, the administration told the House Foreign Affairs Committee that there were no plans to appoint an ambassador to Rangoon (the position has been vacant for four years). Divisions and debate within the government over how to deal with SLORC on the narcotics issue also continued throughout the year.

Despite the policy vacuum, the administration made ad hoc decisions in response to certain developments and opportunities. When Congressman Richardson was invited to Burma on February 14 for separate meetings with Khin Nyunt and Aung San Suu Kyi, he carried with him a letter to the Nobel laureate from President Clinton and closely coordinated his visit with the administration. Richardson urged SLORC to begin talks with Aung San Suu Kyi.

While the U.S. objected to Thailand's move to invite Burma to send an observer to the ASEAN post-ministerial conference, it did not try to block the decision. In advance of the ASEAN meeting, fifty-three members of the House and Senate wrote to Secretary of State Warren Christopher, urging the administration to call on ASEAN's member states to use their influence with SLORC to press for specific human rights improvements.

On July 15, the Senate unanimously adopted a resolution on Burma suggesting specific U.S. policy actions, including attempts to urge ASEAN states to join an arms embargo,

imposition of a U.N. arms embargo, and steps to prevent Burmese refugees from being forcibly repatriated from Thailand and Bangladesh. The Senate also expressed opposition to "commercial arrangements that only provide financial support for the SLORC" or to sending an ambassador to Rangoon. The House Foreign Affairs Committee approved a similar resolution.

On the fifth anniversary of her house arrest, President Clinton issued a strong statement urging SLORC to release "unconditionally Aung San Suu Kyi and all other remaining prisoners of conscience in Burma." He also called on SLORC to "begin a substantive dialogue" with the Nobel laureate.

In late October, the administration completed its review of Burma policy. Thomas Hubbard, Deputy Assistant Secretary of State for East Asia and Pacific affairs, went to Rangoon on October 30 to present the new policy directly to Khin Nyunt, offering the SLORC "two visions of a future relationship with the U.S., either increased cooperation based on positive movement on human rights, democratization and counternarcotics issues, or increased isolation." He was accompanied by State Department officials from the bureaus of Democracy, Human Rights and Labor, and International Narcotics Matters. The administration insisted the trip did not represent a softening of its position towards SLORC. No immediate progress was announced as a result of the visit, and the delegation was denied access to Aung San Suu Kyi; Burmese officials told Hubbard they would continue talks with her and that they would allow prisons visits by the International Committee of the Red Cross.

The Work of Human Rights Watch/Asia

Human Rights Watch/Asia paid particular attention to advocacy work on Burma during the year, focusing on both bilateral and multilateral channels of pressure. Staff made policy recommendations and provided information on human rights in Burma to U.N. agencies as well as to the U.S., Japanese, European, and other governments, with the aim of continuing international pressure on SLORC to implement key U.N. recommendations and increase protection for Burmese refugees in Bangladesh and Thailand.

At the U.N. Human Rights Commission meeting in Geneva in February and March, Human Rights Watch/Asia joined other human rights organizations in pressing individual government delegations to support a strong resolution on Burma; the resolution was adopted on March 4. With other major American human rights groups, Human Rights Watch/Asia wrote to the U.N. Secretary-General on July 20, the anniversary of Aung San Suu Kyi's house arrest, urging him to use his good offices to assist in bringing about her release.

Human Rights Watch/Asia had meetings with staff of the UNHCR to discuss concerns related to the repatriation of Rohingya refugees from Bangladesh. On the issue of trafficking of Burmese women into Thailand, Human Rights Watch/Asia supported U.S. Congressional efforts to put pressure on the Thai government to enforce its own laws and respect internationally-recognized rights. (See the Human Rights Watch Women's Rights Project section.)

Human Rights Watch/Asia briefed Representative Richardson prior to his visit to Burma in February and on June 29, testified before the House Foreign Affairs Committee (Subcommittee on Asia and the Pacific) on U.S. policy towards Burma. Human Rights Watch/Asia staff was routinely consulted throughout the year by Congressional offices drafting appeals, letters, or resolutions on Burma. In August, they briefed the President's director for

national drug policy on human rights concerns and drug trafficking in Burma.

In May, Human Rights Watch/Asia sent a mission to the Thai-Burmese border to interview newly arrived refugees from the Mon State.

CAMBODIA

Human Rights Developments

Cambodia, in the first year of a democratically elected government, faced continued civil war, the dislocation of tens of thousands of civilians, and severe human rights abuses by both the Khmer Rouge and government forces. Local human rights activists and the burgeoning independent press were the targets of official attacks as various elements within the government vied for power. Murders of ethnic Vietnamese continued, and the Cambodian legislature approved an immigration law that failed to resolve the issue of nationality and gave little protection to long-term Vietnamese inhabitants against summary expulsion.

At the same time, there were many signs of significant change, not least the Cambodian government's willingness to acknowledge problems and to cooperate with international human rights and humanitarian bodies. Prison conditions remained poor, but local and international monitors continued to have access, and government officials took steps to relieve overcrowding in one of the worst facilities in Phnom Penh when pressed. The legislature debated and investigated human rights issues, the government sought military reform, and individuals scattered throughout the administration struggled to put in place legal and political means of enforcing accountability.

The political and military events of the year provided a difficult context for human rights progress and institution-building. Although the royalist FUNCINPEC party had won a narrow victory over the Cambodian People's Party in May 1993, it agreed to share leadership of the government after a failed secession attempt led by two CPP hard-liners in June 1993. FUNCINPEC leaders shared key offices with CPP officials at the national and provincial levels, but in practice the CPP retained control of local government as well as the bureaucracy and security apparatus. By the end of 1994, the coalition was showing signs of strain, having weathered another coup attempt by CPP elements and a Cabinet reshuffling that sidelined certain reformers.

The Phnom Penh military and the two non-communist forces integrated their military commands, and by early 1994 the combined forces had knocked the Khmer Rouge out of several logistical bases. While King Sihanouk unsuccessfully tried to end the civil war by negotiating a governmental role for the Khmer Rouge, the new Cambodian army moved against the two largest Khmer Rouge strongholds, Pailin and Anlong Veng. Both campaigns ended disastrously, with the government forces holding the two bases for a month or less before Khmer Rouge guerrillas pushed them out. Although each side's positions returned to roughly where they had been prior to the offensive, the Khmer Rouge built up forces in the north and northwest, declaring Anlong Veng their "capitol," and the security situation deteriorated, with free movement increasingly restricted in this region. Military activity also intensified in the southwest province of Kampot, where Khmer Rouge guerrillas had been kidnapping local Cambodians for ransom over the years.

When the Khmer Rouge attacked a train in late July, abducting three Westerners, international attention prompted the government to respond by pouring troops into the area and periodically

bombarding it. (The hostages were later killed.)

Although the world had closely followed the repatriation of Cambodians from Thai border camps during the U.N. Peace keeping mission, it largely ignored the war's continuing displacement of Cambodians within Cambodia. Over 50,000 Cambodians fled during the Pailin offensive in 1994; when they returned several months later, many found their homes pillaged and their gardens planted with fresh landmines. On the Khmer Rouge side, between 25,000 and 30,000 persons fled Pailin into Thailand as the government forces advanced. Thailand responded by sealing off access to these persons by all humanitarian organizations (and indeed, even by Thai civil authorities) and forcing them back across the border into a malarial and mined Khmer Rouge zone.

Reports of grave abuses committed by both sides during the fighting were widespread, including allegations that civilian women were raped and prisoners of war summarily executed. The Khmer Rouge used civilians for portering and frequently took civilians hostage, as well as abducting and sometimes killing civilian authorities in areas of conflict. Over eighty wounded government soldiers left behind in the Pailin clinic were reportedly executed by the Khmer Rouge when they recaptured the town. The government engaged in forced conscription and extortion of men at various points of the year, and its troops, ill-disciplined and ill-supplied, plundered territory as often as protecting it, earning the fear and enmity of the local population. Information on Khmer Rouge abuses is sporadic, due to the lack of access to areas under their control; abuses committed by the government's military against civilians are more visible, and have often been extreme.

For example, members of the B-2 military intelligence units in the northwestern provinces, authorized to arrest and interrogate resistance fighters, turned in 1993 and 1994 to abducting civilians, extorting ransom from their families and often murdering the victims. A report by the U.N. Centre for Human Rights, leaked in 1994, estimated the group murdered at least thirty-five individuals between late June and November 1993 and held others captive in secret locations in Battambang City and a remote village called Che K'mau. Some of the victims have never been located and were believed to still be detained; among the others are one man who allegedly died while his captors ate his liver and another who lost a limb and an eye when forced to perform de-mining, according to the report.

Although the crimes of these B-2 units were privately reported to political leaders during the peacekeeping period, the new government was slow to take action. An investigation by the Ministry of Defense corroborated most details of the U.N. Centre's reports, but investigators from the prime ministers' office initially denied the findings. Details of the investigations were then leaked to the press in August, and pressure from within the country and abroad forced the government to continue its inquiry. As of October, First Prime Minister Norodom Ranariddh and Interior Minister You Hokry, both of FUNCINPEC, had suggested that all the abuses had occurred prior to the May 1993 elections, in what appeared to be an attempt to absolve the new government of responsibility. The prime minister's office continued to conduct investigations, inviting the U.N. Centre to participate as an observer. As of this writing, no action had been taken against any of the accused perpetrators, and indeed, one of the accused, jailed for shooting at police at a checkpoint, was released for an alleged lack of evidence.

The Prime Ministers' office was expected to announce its findings in this case by the end of the year. A failure to act decisively against this military intelligence group could undercut one encouraging development: the willingness of provincial prosecutors and courts to refer cases

of serious abuse by high military officers to the Ministry of Defense for investigation by the military prosecutor. Some courts had also begun to investigate and try low-ranking military offenders and their relatives. Military police were deployed in some provinces in the latter half of the year, and succeeded to some extent in diminishing abuses by renegade soldiers, but banditry, extortion, and killing by persons in military uniform remained an extremely serious problem.

The public exposure in Cambodia and abroad of military atrocities demonstrated the power of the press and the local human rights movement to mobilize public opinion, and in turn raised the specter of retaliation. An early danger signal was the inadequately investigated death of Tou Chhom Mongkol, Editor-in-Chief of the newspaper *Antarakhum* (Intervention), on a main city thoroughfare on the night of June 11, following a March 24 grenade attack on the newspaper's office by perpetrators never identified by the police. Suspicions of official retribution were fueled by the paper's articles condemning corruption among government authorities.

The suppression of a second coup attempt on July 3, again attributed to Prince Chakrapong and Sin Song, provided a pretext for the government to rein in the press. Shortly after the coup attempt, the prime minister warned that anyone publishing "inaccurate" information with the aim of provoking "turmoil" would be treated as having committed a crime. Noun Nonn, editor of *Dom Ning Pei Prek* (Morning News) was the first target, arrested on July 8 for an article that suggested high officials in the Ministry of Interior were responsible for the coup. The "law" invoked in his case was a 1992 enactment of the Phnom Penh regime during the peacekeeping period, that forbade publishing "inaccurate" information with "intent to alarm the citizenry" or information "detrimental" to national security. Although Noun Nonn was released from prison in August, charges against him are still pending, and his son is under investigation for an article the newspaper published alleging corruption on the part of the governor of Svay Rieng, who since has been appointed national chief of police. The government also issued warnings it would take legal action to close half a dozen other newspapers that had published articles on the coup or criticisms of senior officials.

Another opportunity to curb the press came in early September. Prime Minister Norodom Ranariddh threatened to expel foreign journalists who "exaggerate," after international newspapers exposed both the atrocities that had been committed by the B-2 units in Battambang, and the denial by the prime minister's office that secret prisons existed.

On September 7, Noun Chan, the editor of the journal *Sam-leng Yuvachun Khmer* (The Voice of Khmer Youth), was gunned down by two men on a motorcycle as he was driving around one of Phnom Penh's main traffic circles. The newspaper had received written warnings from the Ministry of Information for articles which criticized CPP leaders Hun Sen and Chea Sim, and senior staff members had also received death threats prior to the murder. The newspaper had also criticized FUNCINPEC security officials and controversial business figures. Several human rights organizations, that strongly condemned the slaying themselves received warnings from government officials. Television broadcasters have also been warned not to air the views of critics of government policies.

On the positive side, the Human Rights Commission of Cambodia's National Assembly took an active role in investigating complaints submitted to it and raising human rights issues pertaining to proposed legislation, and after a slow start, the National Assembly increasingly became a forum for genuine discussion of draft laws. The government's proposal to outlaw the Khmer Rouge occasioned hot debate in July in the parliament, which added measures to clarify

the definition of forbidden acts and to punish those who use the law to accuse others maliciously.

A proposed law on the press was withdrawn from legislative consideration in May following criticism by both foreign and local nongovernmental organizations, including the Khmer Journalists Association.

A new immigration law, however, passed the assembly in August without serious objection, despite the fact it neither defined nationality nor explicitly protected the rights of refugees. The law was widely perceived as facilitating the possible expulsion of ethnic Vietnamese residents of Cambodia, who are estimated to number between 200,000 and 500,000.

It empowered the government to summarily expel foreigners who cannot produce proper documentation, and to close areas of the country off to alien residents. Prior to the law's enactment, the Ministry of Interior had inquired whether the United Nations High Commissioner for Refugees (UNHCR) would approve the use of centers it built to house aliens pending deportation. Ethnic Vietnamese in certain parts of the country had also had their identity documents temporarily confiscated by government authorities conducting a rough "census" of aliens.

Attacks against ethnic Vietnamese continued, with reports of at least forty civilians killed and another thirty injured since the beginning of the year in eight separate incidents. Although the Khmer Rouge were suspects in most of the massacres, in at least three of these instances the political identity of the murderers could not be established, although there were some signs that government military may have been involved. In the worst case, thirteen Vietnamese in Peam So village, Sa-ang district Kandal province were murdered in cold blood, among them nine children.

Government authorities apprehended but then freed suspects who had confessed, and whose voices were recognized by victims, on the grounds of "lack of evidence." Approximately 5,000 ethnic Vietnamese, some of them with documents proving residency in Cambodia since the 1960s, continued to languish on houseboats in the middle of the Bassac river at Chrey Thom, the Vietnamese-Cambodian border. These people had fled their homes on the Tonle Sap lake in 1993, at the height of a wave of Khmer Rouge attacks against Vietnamese fishing settlements, and have been acknowledged as citizens by neither Vietnam nor Cambodia.

The Right to Monitor

A wide variety of NGOs, including human rights groups, operated in Cambodia, and their efforts in popular education and human rights monitoring were beginning to have an impact, at least gauged by signs of an official backlash against their activities. Mid-year, the interior minister issued a series of new regulations for NGOs, including requirements that they give the authorities lists of their members, reports on their activities, and advance notice of all meetings; officials justified these requirements as necessary for maintaining public order. But authorities in at least two provinces relied on these directives to deny permission to established human rights groups to carry out their activities. Following criticism by human rights organizations and other NGOs, the Ministry of Interior proposed to "clarify" these directives, but no formal repeal or revision of the directives was issued. The CPP minister of interior did explain that existing NGOs do not have to ask permission to conduct educational activities, though they must report them. Following the murder of Noun Chan, NGO leaders in Phnom Penh were also given direct warnings by government officials to tone down their criticism of the government or be shut down. As of this writing, no human rights NGO had yet been closed despite the warnings.

The U.N. Centre for Human Rights opened its first field office in Phnom Penh in late

1993, and the U.N. Secretary-General appointed a special representative for human rights in Cambodia, whose mandate was due to be reviewed in March 1995. Bureaucratic obstacles delayed the transfer of funds to the U.N. center's office for many of its planned technical assistance programs. Yet despite funding problems, the center's small staff performed superbly, providing educational services and legal advice, and investigating military abuses and prison conditions. The U.N.'s special representative, Justice Michael Kirby visited three times since the field office's establishment in late 1993, raising a wide range of human rights concerns with the Cambodian government and publishing comprehensive reports on the human rights situation.

But the superior work in highlighting abuses drew attention to the U.N. Center, and possibly retaliation. In September, the five-year-old daughter of one employee was deliberately abducted and shot in the leg when gunmen waiting in front of the family's home hijacked their car as it arrived. Government investigations had not produced results by November, and there was evidence that the attack may have been retribution against the U.N. center for its role in exposing abuses.

The International Committee of the Red Cross continued to monitor government prisons, but did not have a formal arrangement to monitor prisons operated by the Khmer Rouge. The UNHCR maintained a presence in Cambodia, and field protection staff closely monitored the welfare of those who returned from the border in 1993 and persons newly displaced by the continuing war. The UNHCR was considering plans to close down its field office in Battambang by the end of the year, a move that Human Rights Watch/Asia viewed with concern in light of the continuing prospects for dry season warfare and expulsions of Vietnamese residents under the new immigration law.

The Role of the International Community

Pledges from the international community for Cambodia's development remained strong, but so did concerns about the government's ability to absorb and account for aid, and its political instability. At the March 1994 donors' conference, where a total of \$773 million in pledges were confirmed overall, the U.S. pledged \$29.4 million for programs under the Agency for International Development (USAID) for fiscal year 1994 and \$37 million for fiscal year 1995; it also pledged an additional \$6 million for de-mining activities and support.

Ambassador Charles Twining made the U.S. interest in human rights known through gestures such as attending a court hearing in the case of imprisoned editor Noun Nonn, and the embassy on several occasions expressed concern privately over serious human rights violations. USAID funded a range of democracy and human rights programs, including training of Cambodian criminal defenders and technical support for the National Assembly. Among the visitors to the U.S. that Washington sponsored were various legislators and human rights activists, but also Sar Kheng, the CPP minister of interior who is widely perceived as Hun Sen's rival and who later was suspected of complicity in the July coup attempt.

The United States and most other countries approached for military aid remained wary of providing weaponry, but considered other programs to train and professionalize the government's forces. American soldiers trained both the Cambodian Mine Action Center and the Royal Cambodian Armed Forces in de-mining and construction engineering. Australia began an assistance program to the fledgling Cambodian navy, and France began training a military police force that would answer directly to the prime ministers. Indonesia and Malaysia planned to train

specialized military units. Countries negotiating to supply military equipment or ammunition to the Cambodian military included North Korea, Singapore, Malaysia and Israel. The Khmer Rouge reportedly still have access to ample military supplies delivered before the 1991 peace accords, and have bought further weaponry on the open market and from Cambodian military forces.

Thailand continued to maintain that the government's policy was to support the elected government, not the Khmer Rouge. However, it opposed arms sales to the Cambodian government on the grounds that it would only delay the prospect of reconciliation and negotiation with the Khmer Rouge, and did not cooperate with Cambodian requests to bar access by Khmer Rouge leaders to Thailand, much less to freeze Khmer Rouge assets or extradite Khmer Rouge leaders under the new Cambodian legislation outlawing the group.

The discovery in December 1993 of a major arms cache in Thailand guarded by Khmer Rouge soldiers, some of whom had just accompanied a delivery to the border, caused a major scandal, and raised the question of whether the Thai military supported logistical aid for the guerrillas. Although no other major instances of arms supply came to light, the Khmer Rouge continued to retreat tactically into Thailand, and on some occasions appeared to attack Cambodian positions from Thai soil. Thailand has maintained an official policy of disarming and repatriating Cambodians who are displaced into Thailand.

The Work of Human Rights Watch/Asia

Human Rights Watch/Asia continued to broadly assess human rights conditions in this first year of the new Cambodian government, with a particular focus on military abuses, a field in which Cambodian NGOs were less able to safely probe and report. Researchers visited Cambodia in March and August 1994 to conduct field investigations in Phnom Penh and five other provinces.

In March, Human Rights Watch/Asia investigated allegations that secret prisons continued to operate in Battambang province under the direction of military intelligence units. In view of the extreme nature of the abuses and the difficulty in gathering evidence and protecting witnesses, the organization urged international groups based in Cambodia to pursue the inquiry; the U.N. center for Human Rights field office ultimately produced a comprehensive report on the abuses. Human Rights Watch/Asia wrote privately to the prime ministers on July 6, urging that action be taken against the military officials responsible for the abuses in these secret prisons. Human Rights Watch/Asia planned to publish a report in conjunction with the Arms Project of Human Rights Watch at the close of the year on military abuses on the part of both the government and the Khmer Rouge.

The organization also produced a series of public letters to Cambodian executive and parliamentary authorities on human rights problems with proposed laws and directives, including the press law, the immigration law, the law banning the Khmer Rouge, and regulations on the registration and activities of NGOs. It also protested the arrest and imprisonment of editor Noun Nonn in July. Human Rights Watch/Asia staff participated in several conferences assessing the U.N. performance in Cambodia.

CHINA AND TIBET

Human Rights Developments

Human rights in China deteriorated during the year. By the beginning of March, when it became clear that support in the United States for placing human rights conditions on China's receipt of Most Favored Nation (MFN) trade status was fast waning, China began stepping up its moves against dissidents. At least nineteen activists were arrested for peaceful dissent between March and December, and many of them "disappeared" after being taken into custody. The use of repeated short-term arbitrary detentions increased. In April, negotiations with the International Committee of the Red Cross (ICRC) came to a halt and as of early November had not resumed. After President Clinton announced the unconditional renewal of MFN in May, prisoner releases all but ceased, and long-delayed trials of political prisoners began. New security regulations, further restricting the limits of lawful dissent, went into effect in June. At the same time, old patterns of human rights abuses, including torture and beatings in prison and strict curbs on freedom of association, expression, assembly and religion persisted. In Tibet, the treatment of prisoners remained harsh.

Dozens of dissidents were rounded up in Shanghai and Beijing in late February and early March, before or during the visits of senior U.S. officials and the early March meeting of the National People's Congress. Among those detained were Wei Jingsheng, China's most famous political prisoner; his assistant, Tong Yi; most of the leadership of the Shanghai-based Study Group on Human Rights; and the founders of a new organization called the League for the Protection of the Rights of the Working People, including Yuan Hongbing, Liu Nianchun, and Wang Zhongqiu. As of November, Wei Jingsheng remained in detention without formal charges in an undisclosed location under what the government called "residential surveillance," Tong Yi had been charged with a minor criminal offense, four Shanghai activists had been sent to re-education camps for three years, and Liu Nianchun had been released.

Releases of prisoners sentenced in connection with the Tiananmen Square crackdown of June 4, 1989, effectively ended after President Clinton renewed MFN in May. Wang Juntao and Chen Ziming, the "black hands" of the 1989 protests, released in April and May respectively, were the last significant figures to be freed as a result of international pressure, while others, such as veteran pro-democracy activist Ren Wanding and former senior party official Bao Tong, remained in prison. Both of the latter were ill and had been denied access to appropriate medical care. Bao Tong, serving the remainder of a seven-year sentence for "leaking an important state secret" and "counterrevolutionary propaganda and incitement" was due to be released in 1996. Human Rights Watch honored him, in absentia, with other international human rights monitors at the Human Rights Watch observance of Human Rights Day in December.

Trials and sentencing appeared to be timed to express maximum contempt of Western human rights pressure. Immediately after the decoupling of human rights and MFN, the long-delayed trials began of the so-called Beijing Fifteen, dissidents who were accused of organizing "counterrevolutionary groups." The sentencing of three of the Shanghai activists mentioned above, Bao Ge, Yang Zhou, and Yang Qinheng, took place less than a week after Foreign Minister Qian Qichen met with President Clinton on October 3.

Several developments underscored the Chinese government's abuse of its own legal procedures. Increasingly, the authorities refused to inform families of the whereabouts of detained dissidents, making several of these cases tantamount to disappearances. Prisoners were kept in detention despite the lack of evidence against them.

Gao Yu, formerly deputy chief editor of the banned newspaper Economics Weekly, was tried in camera on April 20 and was still in detention in November despite the judge's finding that the evidence against her was insufficient. Trials and sentencing were unaccountably delayed. At least nineteen dissidents in Gansu and Beijing, arrested in May and June 1992, were still being held incommunicado as of October 1994. The "Gansu Four," Liu Wensheng, Liu Baiyu, Gao Changyuan, and Ding Mao, tried and convicted in July 1993, had not been sentenced by the end of the year. The fates of five others indicted with them, and twelve more referred to in the indictment, were still unknown. None of the fifteen tried in Beijing in July 1994 was sentenced by December, to Human Rights Watch/Asia's knowledge.

The use of repeated short-term arbitrary detention was another trend during 1994. For example, in a three-month period starting at the beginning of March, Bao Ge was picked up a total of five times, three of them in connection with visits by foreign dignitaries. Released activists were under constant surveillance. Wang Dan, who in 1989 had been No.1 on the student "most wanted" list, was sent on "vacation" outside Beijing to prevent "disruption" during the visit to Beijing in March of U.S. Secretary of State Warren Christopher.

New security regulations, the Detailed Rules for the Implementation of the Security Law of the People's Republic of China, were signed into law by Li Peng on June 4, 1994. They widened the basis for restricting peaceful political dissent and freedom of religion, expression, association, and assembly, by heavily penalizing the "cooperation" of Chinese activists with "hostile" nongovernmental organizations outside China (the definition of hostile was left to the Ministry of Public Security). The regulations also defined speech, including rumors, or writing harmful to state security as "sabotage." Interviewing or contacting certain people or organizations could be construed by Chinese authorities under the new law as a criminal offense.

Persons arrested for political activities were increasingly charged with criminal offenses rather than with "counterrevolution." During 1994, at least seven dissidents were administratively sentenced to two or three-year "re-education through labor" terms on such charges.

Among them were Zhang Lin, a labor organizer, for "hooliganism" on the trumped-up charge of never having registered his marriage; Liu Huanwen, a Christian labor activist, also for "hooliganism"; Qin Yongmin, after meeting with other dissidents to discuss a "Peace Charter," for "disturbing the social order"; and Yan Zhengxue, an avant-garde artist and representative to the People's Congress, for "stealing a bicycle." Tong Yi, who was We Jingsheng's assistant, was charged with forging a seal to a university document, and Bi Yimin was accused of giving "public money" to the families of Wang Juntao and Chen Ziming.

Old patterns of human rights abuse continued into 1994. Qin Yongmin was badly beaten and mutilated in prison in June and July, according to his wife. Zheng Muzheng, an active Protestant proselytizer, was beaten to death the day after he was taken into custody. In both cases, the prisoners' spouses were harassed, interrogated, and threatened with arrest for attempting to seek governmental redress.

New religious regulations, spelling out rigorous conditions and procedures for registering churches went into effect in January. Catholics and Protestants who refused registration continued to be detained, harassed, and fined. Another set of regulations tightened the conditions under which foreigners can worship with their co-religionists.

Curbs on freedom of expression tightened in 1994. In a case viewed as a warning to the Hong Kong media to restrict reporting on human rights, Xi Yang, a reporter for the Hong Kong

newspaper, Ming Bao, received a twelve-year sentence for writing an article on central bank gold strategies and loan interest rates. The information had not yet been officially released, thus constituting a "state financial secret." Tian Ye, a clerk at the Peoples' Bank implicated in the case, was given a fifteen-year term.

In March, in an effort to limit human rights violations from reaching the international community, China barred Wei Jingsheng from meeting with foreign reporters for three years. When the wife of veteran dissident Xu Wenli tried to talk with foreign reporters after her husband was detained twice within a twenty-four-hour period in early April, police officers forcibly dragged her into her house. Five foreign journalists were held for questioning in the incident. A Dutch journalist, Caroline Straahof, was detained five hours for attempting to visit Liu Nianchun; and some thirty police officers interrogated Nick Driver, Beijing bureau chief of United Press International (UPI), a U.S.-based news agency, and Matt Forney of Newsweek after they left Liu's house. Crew members from the National Broadcasting Company (NBC), a U.S. television network, were questioned for several hours after interviewing Wang Dan; a Taiwan reporter was held for trying to interview dissident intellectual Ding Zilin; and Lena Sun of The Washington Post was detained for taking pictures of dissidents' graves.

The media crackdown was particularly severe in the run-up to the fifth anniversary of the June 4 crackdown in Beijing. Police interrogated Kathy Chen, a Wall Street Journal reporter, for four hours for trying to interview Beijing University students. A South Korean camera operator and his crew were expelled from China for "reporting without permission." A Columbia Broadcasting Service (CBS) crew from the U.S. was prevented from filming in Tiananmen Square and had their video tape confiscated. Chinese police sent a fax to Beijing hotels on June 2 to switch off Cable News Network (CNN) transmission until after June 6.

Free expression was restricted in other ways. At Beijing universities, even minor symbolic protests to commemorate June 4 were dealt with harshly. When paper money, a traditional means of commemorating the dead, was burned at People's University, all evening students were detained until the culprits could be interrogated and taken away. On March 12, seven film directors were banned from work for illegally participating in a Rotterdam film festival.

The right to free assembly was violated in March when the Chinese government prevented leading dissidents from meeting with Secretary of State Christopher. That same month, security forces in Beijing prevented a group of friends from gathering to mark the fifteenth anniversary of the arrest of Wei Jingsheng. More than one hundred elderly Chinese protestors were detained for gathering outside the Japanese Embassy in an attempt to deliver a letter to then-Japanese Prime Minister Morihiro Hosokawa demanding compensation for war-related damages.

Human rights abuses in Tibet continued. Despite the unexpected January releases of two Tibetan human rights monitors, Gendun Rinchen and Lobsang Yonten, Tibetan activists continued to receive harsh treatment, and curbs on free expression escalated. As of February, over 200 political prisoners were in TAR No.1 Prison (Drapchi), more than double the number held four years ago. Twenty-year-old Phuntsog Yangki, a nun, died in a police hospital in early June reportedly from lack of medical treatment after Drapchi Prison staff beat her for singing Tibetan independence songs in February during Tibetan New Year. She had been serving a five-year term for a 1992 independence demonstration.

Courts handed down heavy sentences. In late 1993 or early 1994, twelve nuns who

allegedly tried to organize a demonstration received sentences of up to seven years. In July, five Tibetans in Pakshoe County in eastern Tibet, received twelve- and fifteen-year terms for "counterrevolutionary" offenses. Police arrested at least thirteen monks and nuns in February and March in Lhasa and Kyimshi (twenty-seven miles south of Lhasa), some for organizing a peaceful poster and leaflet campaign.

The Chinese concern for limiting information flows also applied to Tibet. In March, all units subscribing to cable television channels and owning ground satellite stations were ordered to immediately stop receiving and relaying British Broadcasting Company (BBC) and three Star Television channels, then to reapply to receive foreign programming. In Lhasa, all travel agencies were notified they would be punished if journalists or diplomats journeyed with them.

In May, a renewed crackdown on religious freedom began in Tibet with the apparent aim of discrediting the Dalai Lama as a religious leader. Party members were ordered to remove from their homes all signs of devotion, including any photographs of him. By August, the ban had been extended to government and semi-official agency personnel. At the end of September, police seized all of the Dalai Lama's pictures on display in Lhasa's city markets.

The Right to Monitor

No independent human rights monitoring was permitted in China, and attempts to raise human rights concerns publicly met with severe reprisals. Three members of the Shanghai-based China Study Group on Human Rights were sentenced in early October to three-year "re-education through labor" terms. All three had been subject to repeated detentions, surveillance, and harassment. One of those sentenced, Bao Ge, was picked up just after he had mailed an application to the Ministry of Civil Affairs requesting permission to establish a nationwide organization, the Voice of Human Rights.

Petitioning for adherence to the Universal Declaration of Human Rights brought retribution. Three professors, Xu Liangying, from the Chinese Academy of Social Sciences, and Ding Zilin and Jiang Peikun of People's University, who joined with four other academics, were under virtual house arrest in March and April for sending a human rights appeal to President Jiang Zemin and to the chair of the National People's Congress.

Meanwhile, the government funded and set up a "nongovernmental organization" of its own, the China Society for Human Rights Studies. To date, the statements and publications of this group, which is headed by a former chief of the official New China News Agency, Zhu Muzhi, have been indistinguishable from government policy.

The Role of the International Community

The last vestige of meaningful pressure on China from the international community ended with President Clinton's decision to de-link human rights and Most Favored Nation (MFN) trading status on May 26. The U.S. decision had immediate negative consequences. In addition to the deterioration of human rights documented above, it also signaled the marginalization of human rights on the U.S.-China bilateral agenda, and damaged American credibility on human rights worldwide. The U.S. was the last to abandon a tough human rights stance, as other governments and key trading partners with China had long since given priority to expanding economic ties.

By January 1994, it was clear that while the Clinton administration was deeply divided over the utility of continuing its threat to deny MFN to China if the conditions in the President's

May 1993 Executive Order were not met, the forces in favor of jettisoning the MFN-human rights link were strong and growing. Treasury Secretary Lloyd Bensten visited China in late January and hinted that the annual MFN review might be dropped altogether. He also praised China for granting the U.S. Customs Service access to a handful of suspected prison labor sites—part of the administration's ongoing pattern of giving credit to China for token gestures which undermined the prospects for securing genuine human rights improvements.

Assistant Secretary of State for Democracy, Human Rights and Labor John Shattuck met with Chinese officials in Beijing in late February, and infuriated them by also meeting with prominent dissident Wei Jingsheng. Shattuck's message, however, was undercut by a concurrent visit by Undersecretary of Commerce Jeffrey Garten, lobbying in Beijing for U.S. trade deals and publicly extolling the value of the Chinese market for American exporters.

Secretary of State Christopher was the next American official to visit, and despite the detention of Wei Jingsheng and other dissidents prior to his arrival in March, he refused to suspend or delay an ill-timed trip that also coincided with the National People's Congress plenum—a time of domestic tension under the best of circumstances. Christopher did raise human rights issues with Chinese officials. But the visit brought him only public humiliation by the Chinese, a marginally useful agreement on prison labor exports, and Congressional attacks on the credibility and effectiveness of the President's overall policy.

In April, China dispatched a huge trade delegation to the U.S., which signed contracts worth over \$11 billion, further eroding Congressional support for the MFN linkage.

By the time President Clinton made a last-ditch appeal on human rights to Vice-Premier Zou Jiahua in the Oval Office on May 3, China was convinced the U.S. was more interested in access to its markets than in human rights improvements, and Zou made no promises. But China did release two prominent dissidents on "medical parole," Wang Juntao and Chen Ziming, as a face-saving gesture to Clinton.

With those releases in hand, Clinton justified his decision to renew MFN and de-link human rights from future annual renewals (still legally required under the Jackson-Vanik amendment of U.S. trade law, making tariff benefits to non-market economies conditional on free emigration) on the most tenuous grounds possible. China, Clinton said, had not made "overall significant progress" as required by his May 1993 executive order, but it had agreed to resolve a dozen emigration cases, signed a new agreement on prison labor, and said it would adhere to the Universal Declaration of Human Rights. He argued that a tough human rights policy was hampering the ability of the U.S. to pursue trade and security interests, citing, among other things, the need for Chinese cooperation on resolving the North Korean crisis. The MFN decision, it should be noted, had no effect whatsoever on China's stance on that issue.

As a sop to Congressional advocates of selective trade sanctions, Clinton imposed a wrist-slapping sanction by banning \$200 million worth of annual imports of Chinese weapons and ammunition. (A bill to impose broader sanctions on some \$5 billion worth of exports, vigorously opposed by the administration, was defeated in the House of Representatives on August 9 by a vote of 270 to 158.) He also announced an "aggressive" and "vigorous" new human rights policy, including an effort to get U.S. businesses operating in China to adhere to a voluntary set of principles, increased support of broadcasting to China on internal political developments, undefined expanded multilateral efforts on human rights, and support for nongovernmental organizations in China—despite the fact that Chinese NGOs do not exist. This would be part of an "enhanced engagement" strategy designed to erase the stigma of the 1989

crackdown near Tiananmen Square and to remove human rights as an obstacle to improved Sino-American relations.

By year's end it appeared that the new human rights policy was all form and little substance, and there would be no significant political or economic pressure exerted to replace MFN. The administration embarked on an aggressive campaign to expand high-level contacts with China across the board, while keeping the human rights discussion muted. At the G-7 summit meeting in Naples in July, the White House ruled out any discussion of China, thus squandering a key opportunity to develop a multilateral agenda. Commerce Secretary Ron Brown, the first cabinet level official to visit China after the MFN decision, led a delegation of twenty-four American corporate executives in August. They negotiated nearly \$6 billion worth of trade deals. Discussion of human rights was relegated to quiet diplomacy, however, and Brown refrained from publicly criticizing detentions that took place during his trip. He was followed by a series of other senior administration officials, including Secretary of Defense William Perry, Energy Secretary Hazel O'Leary, and Export-Import Bank president Ken Brody.

The White House chaired an interagency group to develop so-called voluntary principles for U.S. businesses in China, but no such principles were announced as of November 1994. Meanwhile, legislation was introduced in the House of Representatives outlining a specific code of conduct for U.S. companies in China and requiring regular reports to the State Department. No action was taken by the House on the bill; it was expected to be reintroduced in 1995.

The administration was actively considering dropping two remaining sanctions imposed after the 1989 crackdown: a ban on Overseas Private Investment Corporate loans and insurance to U.S. investors, and suspension of the Trade and Development Administration's export program. It was not clear what, if any, human rights improvements would be secured in exchange.

In October, Chinese officials told the U.S. that they were resuming a "human rights dialogue" with Assistant Secretary Shattuck, broken off by Beijing following Shattuck's meeting with Wei Jingsheng in February, talks with the Voice of America on international broadcasting, and negotiations with the International Committee of the Red Cross over access to prisoners. Although the Clinton administration expressed delight, there was no indication by the time of this writing that any real progress had been made in the three areas.

China lobbied heavily for a visit by President Clinton to Beijing sometime in 1995. During an Oval Office meeting on October 4, he privately raised human rights issues (including cases of individual dissidents) and foreign minister Qian Qichen reiterated an invitation to China first extended by President Jiang Zemin at the 1993 APEC meeting. The White House said "no formal plans" for a visit had been made. President Clinton met with President Jiang Zemin again at the APEC meeting in Jakarta in November.

The administration made no new efforts to exert leverage on China through the World Bank, which continued to give China more funds than any other nation. By the end of June, China received over \$3.07 billion, and commitments by the bank to give another \$3 billion in fiscal year 1995. The fiscal year 1995 U.S. foreign aid bill requires the U.S. directors at multilateral lending institutions to "use their voice" to promote internationally recognized worker rights. Before the bill was signed, China voiced strong opposition to this provision, which it viewed as a potential threat to its access to multilateral development bank loans. However, it was unclear how vigorously the administration planned to implement the new law with respect to China.

Other governments in Europe and Asia also took steps in 1994 to emphasize their expanding commercial relations with China, while marginalizing or downgrading the importance of human rights. Beijing was thus largely able to deflect effective bilateral or multilateral pressure on human rights through a combination of strategically aimed trade deals and reciprocal exchanges of high-ranking officials.

Anxious to restore relations with Beijing damaged by the sale of jet fighter planes to Taiwan in 1992, French Prime Minister Edouard Balladur went to China in April. But his visit was marred by the detention of prominent dissidents in Beijing and Shanghai (Xu Wenli, Wang Fuchen, and Bao Ge) just prior to his arrival. The prime minister was further embarrassed by Chinese Foreign Ministry denials that any detentions had taken place. On July 5, the French minister for foreign trade, Gerard Longuet, led a delegation of 125 business people to China and signed deals worth approximately \$1 billion. To cap the effort to boost economic relations, President Jiang Zemin was invited to Paris in September. Authorities initially banned protest demonstrations in Marseille and Paris, but ultimately allowed few to take place. Eighteen protesters were arrested. Just hours after signing trade agreements worth \$2.5 billion, Jiang Zemin rejected criticism of China's human rights practices on the grounds that stability is a "primordial condition" for economic development. President François Mitterand, according to press accounts, gave Jiang a list of jailed dissidents and discussed human rights.

Even more controversial was Chinese Prime Minister Li Peng's tour of Europe in June and July, which was marked by protest demonstrations and by Li's vehement defense of his decision to crush the pro-democracy demonstrations in 1989. Li toured Austria, Romania, and Germany. The Green Party circumvented a ban on public protests in Vienna and held a protest meeting in parliament, while Austrian officials completed agreements on trade and development projects and Li offered, in exchange, to start a human rights "dialogue" with Austria. Li cut short his week-long visit to Germany after being harassed by protests in several German cities; complaints about China's human rights practices were voiced by various German politicians. Though a public relations disaster, the trip succeeded in further cementing Chinese-German economic relations: Li signed over \$3 billion worth of aerospace contracts, for example.

Canada's prime minister, Jean Chrétien, told parliament in June that Ottawa would seek to improve human rights in China through expanded trade, and announced that in November he would be the first Canadian leader to visit China since 1989. China is one of Canada's largest export markets, with bilateral trade of about \$4 billion. Accompanied by provincial authorities and business representatives, Chrétien planned to visit Beijing and Shanghai in mid-November en route to the APEC summit meeting.

Australia continued its policy of promoting trade (in 1992-1993, exports to China totaled \$2.2 billion), while conducting a human rights "dialogue" through separate channels. Australian Prime Minister Keating and Foreign Minister Gareth Evans actively lobbied the Clinton administration to de-link MFN and human rights. Canberra decided to defer sending a third human rights delegation to China pending a reciprocal delegation from Beijing to investigate Australia's human rights conditions. (Australia had sent human rights delegations to China in 1991 and 1992.) Until such a visit was scheduled, Australia's dialogue was "on hold" as of November 1994.

Japan's prime minister also visited China in March 1994, and Tokyo continued to give Beijing more bilateral aid than any other country.

The Work of

Human Rights Watch/Asia

Human Rights Watch/Asia sought to keep public attention focused on China's abysmal human rights practices by a steady stream of detailed information and to debunk the widely held belief that economic reforms were leading to human rights improvements. It redoubled its efforts to involve the private sector in discussions on human rights and by the end of the year was increasingly turning its attention to issues related to worker rights.

China remained the most important country in Asia for Human Rights Watch/Asia in terms of staff time and resources. In February, it issued the 688-page *Detained in China and Tibet*, a directory of over 1,000 political and religious prisoners and perhaps the most comprehensive report on arbitrary detention ever published on post-Cultural Revolution China. Approximately one report a month was released thereafter, two of them in collaboration with another organization, Human Rights in China. The reports ranged from detailed accounts of prison life and lists of prisoners, to information on religious persecution, to accounts of efforts of dissident intellectuals to raise concerns about the impact of China's economic reforms on society, to documentation on the sale of executed prisoners' organs for medical transplants.

Human Rights Watch/Asia also issued a steady stream of press releases on U.S. policy toward China and on developments in individual prisoner cases. The Washington director of Human Rights Watch/Asia was repeatedly called upon to testify at Congressional hearings, to brief members of Congress and others traveling to China on human rights developments and to raise concerns about those developments with other governments, including Japan. At the same time, the Hong Kong office remained the center for Human Rights Watch/Asia's investigatory research on China, collecting and analyzing documents and conducting interviews as needed.

Major work went into opening a dialogue with American, and by the end of the year German, corporations involved in China, much of it over the development of a voluntary set of principles to which companies could subscribe in the interests of promoting human rights.

HONG KONG

Human Rights Developments

Hong Kong's fate was thrown into deeper uncertainty during 1994 when Beijing reacted to the adoption of Governor Patten's electoral reforms by resolving to abolish all elected bodies upon its resumption of sovereignty in 1997. The implications for human rights in Hong Kong were ominous, given that elected legislators had become key advocates for stronger protections for civil and human rights. For its part, the government responded reluctantly to their proposals for civil rights measures, anxious not to reignite conflict with Beijing.

Governor Patten, after numerous futile efforts to reconcile China to its proposals for moderate electoral reforms, finally sent the first set of proposals regarding the 1994 District Board elections to the Legislative Council (Legco) in February. Legco approved them, lowering the voting age from twenty-one to eighteen, abolishing appointed seats and reducing the number of popularly elected legislators to one per constituency. In June, legislators approved the government's proposal for the 1995 Legco elections, which for the first time made all sixty seats elected by one or another electoral constituency, although the proposal fell short of recommending direct election by universal franchise for each seat.

Beijing's response was not subtle. The day after the vote, Chinese officials unveiled an

electric signboard to count the number of days remaining until Chinese rule, and reiterated threats to dismiss all legislators and reconstitute all representative bodies after the June 30, 1997 handover. In September, just before Hong Kong held elections to district boards under the new law, Beijing formalized its position through a resolution of the Standing Committee of the National People's Congress ordering the termination on July 1, 1997 of all elected positions at the legislative, municipal and district levels. Yet despite the pall cast by these pronouncements, Hong Kong successfully carried off the elections, producing the first district boards where all members were chosen by popular vote. A dark note was the disqualification as a candidate of Lau San-ching, a Hong Kong resident who spent ten years in a Chinese prison because of his attempts to contact Democracy Wall activists. The government, and later the High Court, upheld his disqualification under an ordinance barring criminal convicts and persons who did not reside continuously in Hong Kong for ten years, despite the fact that Lau's "criminal record" and forced sojourn in China were themselves human rights abuses.

As relations with the British administration broke down in 1993 over Governor Patten's electoral reforms, China had unilaterally established the so-called Preliminary Working Committee to prepare for the 1997 transition; in late September 1994, reports circulated that Beijing was also planning to organize a separate Chinese Communist Party committee to supervise the post-1997 Hong Kong administration. Following China's resolution to dissolve the legislature due to be elected in 1995, a subcommittee of the Preliminary Working Committee recommended in October that a "provisional" legislature be chosen by a committee appointed by China until new elections were organized. Each of these developments signaled a departure from the 1984 agreement on the transfer of rule between Britain and China, and each lent credibility to fears that China felt it could alter Hong Kong's legal and political structure with impunity.

Despite this gloomy prospect, human rights activists and legislators pressed for further institutional and legislative reforms to entrench human rights, even while the government dragged its heels, anxious to avoid further confrontation with China. Britain and the Hong Kong government opposed the creation of a human rights commission, despite the explicit endorsement of Legco and the British House of Commons Foreign Affairs Select Committee. Lu Ping, China's senior Hong Kong official, promised that China would disband any such commission, and for good measure reiterated that China felt no obligation to discharge the reporting requirements on human rights to the U.N. as required by the International Covenant on Civil and Political Rights (extended to Hong Kong by Britain) after 1997. The governor officially refused to introduce to Legco a private bill to establish such a commission, proposing instead measures to increase human rights education.

A group of legislators led by Christine Loh proposed a law on free public access to officially held information which China opposed, and Governor Patten refused to support it. Instead, the government began preparing a much narrower set of discretionary administrative measures in the form of a code of practice, and announced plans to submit a law giving individuals the right of access to their personal records held by the government.

The government moved slowly on other legal reforms necessary to bring Hong Kong's colonial legislation into line with its Bill of Rights and the International Covenant on Civil and Political Rights, and it failed to amend or introduce new provisions in ordinances that concerned censorship, police powers to search for and seize evidence from journalists, sedition, criminal penalties for publication of information relating to investigations of the secretive Independent Commission Against Corruption, or penalties for leaks of government information.

Hong Kong's Basic Law, the so-called constitution for the post-1997 era, stipulates the territory shall prohibit "any act of treason, secession, sedition or subversion" against China or "theft of state secrets." There was strong debate on the need for Hong Kong to reformulate its current laws on treason, sedition, and disclosure of official information, both to bring them into closer conformity with international human rights standards and to ensure they would not expire with the end of British rule, leaving these areas to the discretion of a provisional legislature appointed by Beijing.

The importance of clarifying legal protections for freedom of expression was underscored by China's conviction in 1994 of Xi Yang, a mainland journalist working for the Hong Kong paper Ming Pao who received a twelve-year sentence for allegedly stealing "state secrets."

Journalists throughout Hong Kong participated in several demonstrations protesting the trial of Xi Yang, but the incident provided new opportunities for intimidation and self-censorship. Some publications warned writers not to sign petitions on Xi's behalf or run stories on the incident. In May, Beijing temporarily banned ten Hong Kong reporters, all of whom had signed a letter of protest, from entering China. Hong Kong's director of education appeared to be caught in the self-censorship trend when he recommended that two textbook publishers delete references to the Tiananmen massacre; he reversed this position after intervention by Governor Patten.

The year also saw some of the worst official abuses to date against Vietnamese asylum-seekers, although they fell into a long-established pattern of violations associated with efforts on the part of the Hong Kong government to forcibly repatriate most of the Vietnamese from the prison-like detention centers in the colony. Early in the year, Vietnamese began peaceful hunger-strikes and demonstrations in the detention centers to protest the regional multilateral decision to approve of deportation of non-refugees. Protests against forcible repatriation, however, had been going on for years. The protests alarmed the Hong Kong government, already concerned by the drop in voluntary repatriation, and on April 7, it launched a massive dawn raid on the Whitehead Detention Centre involving some 1,260 officers in full riot gear, for the purpose of moving 1,055 adults and 421 children to another detention center. In the process, the correctional and police officials fired 557 canisters of tear gas at the confined inmates. Over 300 injuries resulted, including burns on small children who were sprayed at point-blank range, and wounds from unprovoked beatings by the officers.

Under pressure from legislators and human rights groups, the governor ordered an independent inquiry, which documented serious abuses. The report, however, made no recommendations as to who was responsible and declined to question the wisdom of the massive police operation in the first place.

Action to hold officers accountable for the brutalities suffered by the Vietnamese did not take place until September 28, when the government announced it would seek prosecution of three low-ranking officers for the assaults at Whitehead, claiming that evidence was insufficient to take action against others.

During the first week of September, 550 armed officers moved against many of the same Vietnamese to break up another nonviolent demonstration, this time in anticipation of the forced deportation of twenty-one asylum seekers. On this occasion, a private monitoring group was allowed to observe the operation. Teargas was again deployed in large quantities and at close range to dislodge protestors from the roofs of huts. In an eerie repetition of the April incident, the government at first misrepresented the number of Vietnamese injured to be only a handful;

newspapers ultimately reported well over two hundred injuries and complaints of maltreatment at the hands of the officers in riot gear. At the deportation, Hong Kong authorities forcibly injected tranquilizers into those Vietnamese who had protested return through suicide attempts, wrapping the men in blankets to get them onto the plane to Hanoi.

The Right to Monitor

At present, Hong Kong offers one of the most hospitable environments for local human rights and civil liberties activists in Asia, and these issues receive increasing attention in the local media. In 1994, the Hong Kong Journalists Association, in conjunction with the London-based group, Article 19, published a sequel to its 1993 report on freedom of expression, and several legislators held public hearings on human rights issues, including the police assault on Whitehead.

To its credit, the government protested China's position that it does not feel obliged to continue reports to the United Nations on human rights in Hong Kong, as presently required under the International Covenant for Civil and Political Rights, to which Britain is a signatory but China is not. The 1984 treaty between Britain and China stipulates that the covenant shall apply to Hong Kong, which would include the covenant's reporting requirement as well.

The government, however, compromised on the public's right to information by opposing visas for two well-known Chinese democracy proponents, Liu Binyan and Ruan Ming, to visit Hong Kong on the fifth anniversary of the Tiananmen massacre. Although the government conceded the need for legislation to allow individuals access to dossiers the government keeps on them, it opposed a private bill to also require government departments to provide basic information on their activities to the public on demand.

Media access to Vietnamese confined in detention centers remained limited to those who had volunteered for repatriation, and regulations enforcing censorship and restriction of printed materials remained in force. Reporters were allowed to observe police raids and deportations from a distance, but not to interview the Vietnamese involved. Although the Hong Kong government permitted four independent observers to monitor the September raid, it did not release police videotapes of the action, nor did Legco seek any independent inquiry into the use of tear gas or force. Lawyers and human rights monitors continued to receive access to Vietnamese clients, albeit on restrictive terms, and nongovernmental development agencies continued to have a presence in the detention centers, although their operations are gradually being phased out. Human Rights Watch/Asia expressed concern that the confined and isolated conditions of detention contributed to the sense of desperation in the camps, and increased the danger of violent confrontation.

The Role of the International Community

In the United States, the Clinton administration maintained a conspicuous silence on virtually all major human rights issues connected to Hong Kong during 1994. The U.S. signaled stronger support for forcible repatriation of non-refugees in the region at the regional conference on the Comprehensive Plan of Action (governing policy towards Vietnamese boat people), which Hong Kong authorities took as an endorsement of their deportation policy. No concern was expressed by the State Department over either the April or September police actions against protesting Vietnamese.

Congress, however, took a more critical view of these events. At the House of Representatives Asia-Pacific Subcommittee hearing in April, members of Congress expressed concern over the use of force by Hong Kong authorities and faulty screening practices that left genuine refugees in danger of forced return. In October, fifty-one members of Congress called on President Clinton to take action in egregious cases of individuals wrongly denied refugee protection.

Congressional interest in democratization and human rights in Hong Kong also found expression in a Senate resolution congratulating Hong Kong for its successful district board elections and urging the government to "make every effort to support the progress of democratic reforms...and to encourage all parties to protect these gains as the 1997 transition approaches."

The Work of Human Rights Watch/Asia

Human Rights Watch/Asia continued to work with local human rights and refugee advocates to bring international attention to abuses in Hong Kong in 1994. It began the year by campaigning for the Congressional Human Rights Caucus to urge Governor Patten to establish a human rights commission.

Following the raid on the Whitehead detention facility in April, Human Rights Watch/Asia expressed dismay to the government over the excessive use of force and resultant injuries, and urged a public inquiry and punishment of responsible officials. At the same time, Human Rights Watch/Asia privately urged the United Nations High Commissioner for Refugees to aggressively monitor such incidents and swiftly and publicly respond to abuses. When the commission of inquiry's report was released in June, Human Rights Watch/Asia voiced disappointment with its failure to assign responsibility for the abuses committed in April. In July, after receiving letters from over a hundred Vietnamese asylum-seekers injured in the raid, Human Rights Watch/Asia urged the Hong Kong secretary of security to pursue vigorously the police inquiry into responsibility for assaults.

INDIA

Human Rights Developments

India attempted to silence international critics of its human rights record during the year by using two radically different tactics. One was wooing foreign investors in India's burgeoning market and stressing the advantages of business over pressure. The second was admitting that some abuses had taken place but insisting that Indian organizations, including a new Human Rights Commission, were well equipped to deal with them. Neither tactic led to major improvements in the human rights situation.

Abuses in the disputed territory of Kashmir continued to mount, particularly deaths of suspected militants in custody. Communal violence remained a problem, with police involvement in Hindu-Muslim clashes in Bangalore in October and discriminatory arrests of Muslims in Gujarat under a controversial law called the Terrorists and Disruptive Activities (TADA) law. The TADA law grants sweeping powers to local authorities to arrest and detain suspects, allows for lengthy pre-trial detentions, and reverses the presumption of innocence.

Two years after communal violence claimed more than 2,000 lives following the

December 1992 destruction of a sixteenth century mosque by Hindu nationalists, to Human Rights Watch/Asia's knowledge, no police officer identified as participating in attacks on Muslims had been prosecuted.

In Kashmir, Indian troops continued to execute detainees in custody, kill civilians in reprisal attacks, and burn down neighborhoods and villages as collective punishment of those suspected of supporting the militants. In the first half of 1994, human rights groups in Kashmir recorded more than 200 deaths in custody. The Jammu and Kashmir Bar Association reported fifty summary executions between mid-May and mid-June alone.

On May 9, for example, Border Security Force (BSF) troops arrested and then shot dead three teenage boys in Bandipora: Nisar Ahmad Mir, thirteen, Fayaz Ahmad Bhat, sixteen, and Irshad Ahmad Mir, sixteen. The killings were believed to be in retaliation for an attack five days earlier, in which militants had hurled a grenade at a BSF patrol.

Not a single soldier was prosecuted in a court of law or convicted for the murder or torture of a detainee. Army authorities did, however, make public a number of courts-martial of soldiers accused of rape. On July 29, 1994, two soldiers were sentenced to twelve years in prison after being court-martialed for raping a village woman in Kashmir.

In August, India's junior defense minister admitted that there had been fifty instances of soldiers killing civilians in India since the beginning of the year.

In May, and then again in October, Indian authorities released key Kashmiri opposition leaders from prison. The government then announced that elections would be held within eight months, despite objections by Kashmiri opposition parties who said they would boycott Indian-administered elections. The released prisoners included Yasin Malik, head of the Jammu and Kashmir Liberation Front, Abdul Gani Lone and Syed Ali Shah Gilani of the All Party Hurriyat, and Shabir Ahmed Shah of the People's League. Shah was released on October 14 after four years in detention under the Jammu and Kashmir Public Safety Act.

Militant factions were also responsible for abuses in Kashmir during the year, including the June 1994 kidnapping of two British tourists by a pro-Pakistani militant organization called the Harakatul Ansar (both men were released unharmed); the June 19 assassination of Dr. Qazi Nisar, a well-known religious leader, reportedly by the Hezb-ul Mujahidin, the most powerful of the groups that support accession to Pakistan; and the October kidnappings of three British and one American tourist by Al Hadid, a group Indian authorities said was based in Pakistan and Afghanistan and had links to Harakatul Ansar.

In Punjab, where militant violence had all but ended, police abuses continued, including the disappearance of a prominent human rights lawyer in May. The press was also targeted. On January 11, eight employees of the Punjabi newspaper Aj Di Awaz, including the managing editor Gurdeep Singh, were arrested under the TADA law. Ten days before the arrests, Gurdeep Singh had been called to the office of the assistant district police commissioner and ordered to refrain from criticizing state authorities.

The Indian government came under increasing international pressure to answer charges of abuse by Punjab's police force. On September 16, India's Supreme Court ordered a federal inquiry into the disappearance in Punjab of seven members of one family in October 1991. Chief Justice M.N. Venkatachalliah criticized Punjab's police chief, K.P.S. Gill, for inadequate investigation of the case and expressed deep concern for the "safety of the citizenry at the hands of an errant, high-handed and unchecked police force." Gill has been personally identified with many of the most serious abuses of human rights in Punjab.

Communal violence broke out in the southern state of Karnataka in October. Twenty-six people were reportedly killed and more than two hundred injured in the city of Bangalore when Hindus and Muslims clashed over the state government's introduction of Urdu-language news broadcasts. Urdu is spoken mainly by Muslims, a minority in India. According to Bangalore police, at least eight of those killed were shot by police who opened fire on rioters armed with knives and sticks. The violence reportedly began when Muslims threw stones at Hindus protesting the broadcasts. Karnataka's Congress Party-led government accused its chief political rival, the Hindu-nationalist Bharatiya Janata Party (BJP), of organizing the protests, seeking to ignite Hindu-Muslim enmity in advance of state elections. In the wake of the violence, the state government suspended the broadcasts.

Indian counterinsurgency efforts in the northeastern states of Assam and Manipur in 1994 continued to be marked by reports of severe abuses of human rights, including indiscriminate attacks on residential areas, disappearances, extrajudicial killings, and torture of suspected militant sympathizers. In Assam, staged "encounter" killings of young men detained, tortured and executed by the Central Reserve Police Force continued to be reported by human rights organizations and featured in the local press. The apparent torture and extrajudicial execution of five members of the All Assam Student Union in February drew widespread criticism from local activists who submitted the case to the National Human Rights Commission for investigation.

Special security laws, including TADA, the National Security Act and the Armed Forces Special Powers Act, have severely restricted freedom of expression and dissent in the northeast. TADA was used repeatedly in 1994 to silence journalists, including Ajit Kumar Bhuyan, the convener of the human rights organization Manab Adhikar Sangram Samiti (MASS), who was arrested in July. At least ten other journalists in Assam were arrested in the second half of the year.

Northeastern India was also the site of increased insurgent violence in 1994. In Assam, between May and July, clashes between militant members of the Bodo community and Bangladeshi Muslim immigrants led to more than one hundred deaths and the displacement of some 50,000 people. Violence also continued in Manipur between members of the National Socialist Council of Nagaland (NSCN), an ethnically based group fighting for an independent Naga state, and rival Kuki militants. Since May 1993, an estimated 1,000 people have been killed and tens of thousands have been displaced in violence between the two groups, which has been characterized by the destruction of villages and large-scale attacks on Kuki and Naga civilians. In January, the Indian government dissolved the Manipur's state government and imposed president's rule.

In Maharashtra and Madhya Pradesh, peaceful protesters who opposed a World Bank-funded dam on the Narmada river were subjected to arbitrary arrest, illegal detention, beatings, and other forms of physical abuse. These abuses were part of a repressive campaign by the state governments involved to prevent the groups from organizing support for the protests in villages affected by the dam. Nevertheless, protests intensified in a number of villages near the dam site in mid-1994 when officials began to forcibly evict villagers in the submergence zone in anticipation of monsoon flooding.

The Right to Monitor

In Punjab, attacks on human rights monitors continued. On May 12, Sukhwinder Singh Bhatti, a human rights lawyer, was abducted by armed men in plainclothes, thought to be police, as he was

traveling by bus from Sangrur to his home village of Badbur in Punjab. The authorities denied that Bhatti was in custody. On June 17 the Punjab and Haryana High Court directed the Central Bureau of Investigation to inquire into his "disappearance," but as of November he had not been traced.

In Assam, as noted above, the journalist Ajit Kumar Bhuyan was arrested and detained in July under TADA after he published an exposé on official corruption. He was accused of inciting the kidnapping of a tax official featured in the article.

In March 1994, the International Committee of the Red Cross was invited to conduct a survey of humanitarian needs in Kashmir. In mid-September, the Indian government agreed to allow the ICRC to provide limited humanitarian assistance in Kashmir. The government also agreed in principle to allow the organization to visit prisons, but the details of the agreement had not been finalized at this writing. At the same time, the government blocked the granting of visas to two Human Rights Watch researchers. In August, Minister of State for External Affairs Salman Khurshid told the press that the government would not consider a request from Human Rights Watch for a research mission.

The first reports of the National Human Rights Commission, established in September 1993, were issued in early 1994 and were more hard-hitting than many had expected. For example, its report on the October 1993 massacre of forty-three civilians in Bijbehara, Kashmir, called for the prosecution of fourteen members of the Border Security Force (BSF). According to the Indian government, a BSF staff inquiry charged four BSF members with excessive use of force, and a separate magisterial inquiry indicted twelve. Court-martial proceedings were initiated against persons named in the inquiries and their commanding officer was placed under a form of house arrest. The Indian authorities have not publicized the proceedings. The Human Rights Commission also requested reports from every state where deaths in custody or custodial rapes occur within twenty-four hours of the incidents, and has acknowledged widespread concern over the abuse of TADA by undertaking a review of the law. On October 7, Indian Home Minister S.B. Chavan denied allegations of abuse under the act and ruled out the possibility that TADA would be repealed.

The Role of the International Community

Pressure on India to improve its human rights record was more muted than in previous years, in part because of a successful campaign by the Indian government to woo critics with business opportunities. In both the United States and Europe, trade increasingly became the cornerstone of bilateral policies toward India. In July, the Council of the European Union approved a comprehensive trade agreement with the Indian government, despite a key article in the agreement asserting that human rights was the basis for cooperation.

Both the United States and Europe backed away from criticism of Indian human rights abuses.

U.S. Policy

In 1993, the Clinton administration had broken with previous administrations in publicly criticizing India's human rights record. Reaction to what was portrayed by Indian leaders as a dramatic change in U.S. policy was swift. In a move apparently designed to persuade the Clinton administration to back off its public stance, Indian officials condemned U.S. criticism as a "tilt"

to Pakistan which would endanger Indo-U.S. relations. The Clinton administration quickly capitulated, and since early 1994 has blunted criticism of India's human rights record, choosing instead to focus on economic relations. That human rights would be relegated to private discussion only was made clear by the new U.S. Ambassador to India, Frank Wisner, in an interview published in the July 15, 1994, issue of the prominent Indian news magazine *India Today*. Ambassador Wisner stated that he believed human rights was an issue governments should discuss privately. In a letter to Human Rights Watch/Asia dated July 21, Assistant Secretary of State Robin Raphel echoed this line, stating that the administration "believe[d] that at this time the most effective way for the U.S. government to influence the Indian government...is through private, rather than public, diplomacy."

The State Department repeatedly gave India credit for measures the government had not even taken. At a hearing before the Senate Appropriations Subcommittee on April 19, Assistant Secretary of State for Democracy, Human Rights and Labor John Shattuck claimed that the administration had "successfully pushed for unfettered access for international human rights and humanitarian organizations to Kashmir." In fact, no international human rights groups were permitted to conduct independent investigations in Kashmir. As previously noted, twice in 1994, India failed to grant visas to Human Rights Watch/Asia researchers.

In April, U.S. Deputy Secretary of State Strobe Talbott made a trip to India his first official visit after assuming office. Talbott and Prime Minister Rao discussed U.S. initiatives to end the nuclear stalemate between India and Pakistan, and Rao accepted an invitation from President Clinton to visit the U.S.

During Prime Minister Rao's visit to the U.S. in May, during which he was given the honor of addressing a joint session of Congress, all mention of human rights was avoided. At a lunch hosted by Vice President Al Gore in honor of Prime Minister Rao's visit, human rights, which had been a major issue between the two countries, was not mentioned.

At the meeting of the U.N. Commission on Human Rights in March, India went to extraordinary lengths, even enlisting the support of such dubious allies as Iran and China, to ensure that a resolution condemning abuses in Kashmir was withdrawn. The U.S. abstained.

E.U. Policy

An agreement of cooperation between India and the European Community, which was approved by the Council of the European Union on June 18, 1994, completely disregarded India's human rights record when it pledged mutual cooperation on trade and investment, "technical, economic and cultural matters," acceleration of India's economic development, and liberalization of imports and exports. Article 1 of the agreement stated, without irony, that "[r]espect for human rights and democratic principles is the basis for the cooperation between the Contracting Parties and for the provisions of this Agreement, and it constitutes an essential element of the Agreement."

The Work of Human Rights Watch/Asia

Human Rights Watch/Asia broadened its work on India in 1994 to include new projects on the role of political forces in communal violence, the trafficking of Nepali women and girls for prostitution in India, and the relationship between HIV/AIDS and human rights. Human Rights Watch/Asia continued to monitor events in Kashmir, which remained among the most serious human rights situations in Asia, and on Punjab, where despite the cessation of militant violence,

police continued to commit abuses and to enjoy impunity for past violations. Human Rights Watch/Asia sought to sustain international pressure on the Indian government to stop abuses by its forces and prosecute past violations. In May, Human Rights Watch/Asia and Physicians for Human Rights published *Dead Silence: Legacy of Abuses in Punjab*. The report, which documented continuing violations of human rights by Punjab's police force despite the end of militant violence, was released during Prime Minister Rao's visit to the U.S. Conditions documented in the report were raised by members of Congress and the press during his visit.

Human Rights Watch/Asia's work on Kashmir in 1994 focused on the power of international bodies like the U.N., and important trading partners like the U.S., to help or hinder efforts to improve human rights conditions in the region. In August a new report, *Continuing Repression in Kashmir: Abuses Rise as International Pressure on India Eases*, examined the link between an upsurge in violations by Indian forces in Kashmir during the first half of 1994 and decreased international pressure on India to end abuses.

INDONESIA AND EAST TIMOR

Human Rights Developments

Indonesia's policy of "openness," characterized by broadened press freedoms, greater tolerance of demonstrations, increased visibility of nongovernmental organizations, and open discussion of previously taboo subjects, came to an abrupt end during the year with the closing of three well-known news publications in June. The closures, weeks before the Asia-Pacific Economic Cooperation (APEC) summit was to be held in Jakarta, served to draw international attention back to a pattern of abuse that the policy of "openness" had temporarily obscured.

That pattern was characterized by military intervention in virtually all aspects of Indonesian public life and by the arbitrary exercise of authority by President Soeharto, well into his fifth term as president and looking increasingly likely to stay in office for life. More and more, however, the president and senior army officers were at odds, with Soeharto's championing of the powerful minister of research and technology, B.J. Habibie, a major sore point with the military as Habibie increasingly took on defense procurement functions and worked on turning an organization of Muslim intellectuals into a vehicle to build a political base for the president and himself. (The immediate cause of the press closures was a series of articles in one of the banned magazines about Habibie's controversial decision, without the military's knowledge, to purchase thirty-nine ships from the former East German navy.) Neither the military nor the president was accountable to the Indonesian public for their actions, and therein lay one of the key factors in ongoing human rights abuses.

In addition to restrictions on freedom of expression and curbs on dissent, the abuses included denial of worker rights, especially the ability to form independent trade unions; harassment and intimidation of nongovernmental organizations and professional associations; forcible dispersal of peaceful demonstrations and other legitimate exercises of freedom of assembly; arbitrary detention; and torture. In East Timor, violations of fundamental civil rights were particularly severe.

The issue of worker rights came to a head with a massive workers' rally on April 14 and 15 in Medan, North Sumatra, where workers poured into the streets demanding higher wages and

the right to organize, and the subsequent trials of its alleged organizers in October and November. The rally was the culmination of months of wildcat strikes and turned into anti-Chinese violence on the second day, with Chinese-owned shops vandalized and one ethnic Chinese businessman reported as killed; although his death was initially reported as a lynching, an autopsy showed that he died of a stroke after his car was set upon by angry workers. The violence appeared to have been instigated by typed flyers distributed by military-backed thugs.

Hundreds of workers and labor organizers were arrested in connection with both the rally and several subsequent strikes in North Sumatra, and they were tried more quickly than usual, apparently to try to defuse worker grievances before the APEC conference. Most workers accused of damaging property were sentenced to relatively lenient terms of three or four months in prison. Independent labor organizers accused of incitement were treated more harshly. Amosi Telaumbanua, the head of the Medan branch of the independent but officially unrecognized labor union called Serikat Buruh Sejahtera Indonesia (SBSI), was sentenced to fifteen months in prison in late October, and SBSI's national head, Mochtar Pakpahan, was expected to get three years—long enough to keep him out of circulation during the national parliamentary elections in 1997. Several other labor organizers, including two activists from Medan named Janes Hutahean and Parlin Manihuruk, were on trial as of early November. Human Rights Watch/Asia believed all those charged with incitement were arrested in violation of their right to freedom of association.

In an effort to dampen domestic and international criticism of worker rights, especially with the threat of American economic sanctions looming large, the Indonesian government announced a series of labor reforms in January and raised the minimum wage. It also entered into an agreement with the International Labor Organization which many local labor activists saw as merely serving to strengthen the government-recognized union.

Freedom of association was also at stake with the drafting of a presidential decree on nongovernmental organizations (NGOs) that would tighten government control of their activities and make it possible for them to be dissolved if they were judged to have engaged in actions detrimental to undefined "national interests." The draft decree was circulated by the Ministry of Home Affairs in February, and as of November, it had not yet been promulgated, although many believed the government was waiting until after the APEC conference to do so. The decree appeared to be aimed at many of the most outspoken human rights and environmental organizations including the Legal Aid Institute and WALHI. The latter, an environmental organization, brought a lawsuit against President Soeharto in September in the Jakarta administrative court, alleging that he had allowed Minister Habibie to take a no-interest loan from funds meant for reforestation in order to support the development of Habibie's aircraft manufacturing company.

The travails of Independent Journalists Association (Aliansi Jurnalis Independen, AJI), were also indicative of controls on freedom of association. Most professional organizations in Indonesia are government-backed or run and have no interest in challenging government policies.

The officially-recognized journalists organization, Persatuan Wartawan Indonesia (Indonesian Journalists Association, PWI), was no exception. The closure of two magazines, Tempo and Editor, and a tabloid newspaper, DeTik, on June 21, however, led outraged journalists and editors, many of them from the banned publications, to set up AJI on August 8. In what became known as the Sirna Galih Declaration after the place where it was announced, the journalists rejected "all kinds of interference, intimidation, censorship and media bans which deny freedom

of speech and open access to information." The Ministry of Information then began to harass AJI members, saying the organization was not recognized, suggesting to their editors that they be fired and stating that access to important meetings like APEC would be restricted to PWI members. On October 31, Andreas Harsono, a prominent AJI member and journalist from the English-language Jakarta Post was fired, on vague charges of misconduct.

Two of the publications closed down in June attempted unsuccessfully to reopen under other names and with a new editorial staff. The editor of DeTik, Eros Djarot, tried to publish a look-alike tabloid called Simponi on October 3, but it was shut down after one day, in part on the grounds that journalists who were not PWI members were involved in its publication. The staff of Tempo loyal to the former editors tried to obtain a new license for a Tempo look-alike called Berita, but as of November, their chances of doing so looked slim.

Academic freedom became a major issue late in the year with the military interrogation and dismissal respectively of two noted activist professors from a small Christian university, Satya Wacana Christian University, in Salatiga, Central Java. Dr. Arief Budiman, a Harvard-trained sociologist and professor of development studies at the University, was fired, effective October 31, ostensibly for "making unauthorized comments that damaged the good name" of the university. Budiman was outspoken on everything from human rights to political succession in Indonesia to the need for democracy on campus. Dr. George Aditjondro, who holds a PhD in education, was intensively interrogated by police in the central Javanese city of Yogyakarta in October. He was suspected of having insulted governmental authorities for humorous remarks he made about the political power structure in Indonesia during a university seminar on August 11. He had also been repeatedly criticized by officials for his work on East Timor, suggesting that the death toll in the 1991 Dili massacre was far higher than acknowledged.

The government made no effort to investigate, let alone stop, torture by both the military and police, who are also part of the armed forces. One prominent case publicized during the year involved members of one faction of a church dispute in North Sumatra who were severely tortured in the district military command of Tarutung, North Tapanuli, after their arrest on May 12. They were arrested, in violation of their right to freedom of assembly, on suspicion of having conducted a secret meeting to discuss church affairs; a month afterwards, two were still hospitalized as a result of the torture they suffered. Torture was also a major issue at the trial of eight civilians and one military officer accused in the May 1993 slaying of a labor organizer named Marsinah, whose murder became one of the most notorious human rights cases of the decade. At the trials in Surabaya and Sidoarjo, East Java, between March and July 1994, all of the civilians alleged that they had been tortured during the nineteen-day period in October 1993 and that they had been held in incommunicado detention by the intelligence unit of the East Java division of the army.

The army also stepped up an anti-crime campaign that appeared to involve the extrajudicial execution of criminal suspects, when it launched a so-called Operation Clean-Up in April. The Jakarta police commander gave the upcoming APEC conference as one reason for the draconian measures. At least thirteen suspected criminals were shot dead in the first month of the operation.

East Timor, the territory invaded by Indonesia in 1975 and unlawfully annexed as its twenty-seventh province in 1976, continued to be the site of major human rights abuses, as the government tried to prevent any expression of pro-independence sentiment or dissatisfaction with

Indonesian administration. At the same time, there were some signs of movement on the question of East Timor's political status. A "reconciliation meeting" took place in England from September 27 to September 29 between East Timorese working with the Indonesian government and East Timorese exiles, who for the most part, however, were not supporters of the largest resistance organization, the Maubere National Resistance Council (CNRM). A CNRM leader, Jose Ramos Horta, met with Indonesian Foreign Minister Ali Alatas in New York on October 7 for further talks, although Indonesia said the talks did not constitute negotiations.

In East Timor itself, tight controls on the freedoms of expression, association and assembly remained in place, and while disappearances and extrajudicial executions were increasingly rare, there was no progress on accounting for past cases. (The U.N. Human Rights Commission's special rapporteur on summary and arbitrary executions visited East Timor at the invitation of the Indonesian government in July.)

Two demonstrations were forcibly broken up by the military. On April 14, a small group of East Timorese held a pro-independence demonstration in front of the hotel in Dili, the capital of East Timor, where a delegation of foreign journalists was staying. They were briefly detained, then released until after the journalists had departed. In early May, eleven young men were arrested in connection with the demonstration, and six were eventually charged and tried. The heaviest sentence was given to Pedro de Fatima, three years and six months for "spreading hatred toward the government of Indonesia."

On July 14, a march of students from the University of East Timor to the local parliament to protest the behavior of Indonesian soldiers and perceived religious insults had just gotten underway when it was forcibly dispersed by the military. The military blamed the students for initiating the violence by throwing stones at security forces, but this account was contradicted by the university's rector, a Javanese named Bratasudarma, who saw developments unfold and said soldiers had led the attack.

Peaceful supporters of independence continued to be arrested. On May 19, an East Timorese theological student named Jose Antonio Neves was arrested in Malang, East Java, while posting a letter from the East Timorese guerrilla leader Konis Santana to supporters attending a conference in Manila. His trial was ongoing in November. Dozens of East Timorese remained in prison for their nonviolent role in organizing or participating in a funeral procession on November 12, 1991, on which Indonesian troops opened fire.

Indonesian sensitivities over East Timor led to an effort to export controls on freedom of expression and assembly to neighboring countries. In May, the Indonesian government tried to stop a conference on East Timor from being held in Manila; after canceling joint venture contracts with Philippine companies and engaging in other heavy-handed tactics, it succeeded in persuading President Fidel Ramos to ban foreigners from attending the four-day Asia-Pacific Conference on East Timor (APCET). Similar pressure was exerted on Malaysia in June and on Thailand in July to stop meetings or demonstrations in support of East Timor.

The Right to Monitor

Indonesia human rights groups faced routine harassment, and the pending presidential decree on NGOs appeared to be aimed in particular at them. One provision in particular would make it possible for the government to dissolve any nongovernmental organization (NGO) that provided assistance to "foreign parties" in a way that could be considered "damaging to Indonesia's foreign policy." Provision of human rights information to international NGOs might well fall in that

category.

Some human rights lawyers were arrested during the year. Maiyasyak Djohan, a lawyer with an organization called the Indonesian Institute for Children's Advocacy (Lembaga Advokasi Anak Indonesia) was arrested in September in connection with the April worker unrest in Medan, apparently because of information given to him during confidential conversations with his clients who had been involved in earlier strikes. He was expected to be tried on charges of incitement in November. A lawyer named Munir from the Legal Aid Institute's Surabaya (East Java) branch was arrested and briefly detained on August 19 in Malang, East Java, for advising workers on how to pursue legal claims for unfair dismissal. He was accused of holding a meeting without a permit. As the summit meeting of the APEC organization approached, human rights activists from the Legal Aid Institute and other organizations found themselves under constant surveillance by military intelligence. On November 12, twenty-nine East Timorese climbed into the American embassy compound in Jakarta, demanding a meeting with President Clinton and the release of resistance leader Xanana Gusmao. Other East Timorese who did not make it into the embassy grounds were arrested; as of mid-November, four were in military custody in Jakarta and the fate of some thirty-six others was unclear.

The Role of the International Community

International concern over worker rights and East Timor was more than matched by the increasing tendencies of developed countries to see Indonesia as an emerging regional power and attractive market. The latter view began to prevail in the United States, after a relatively tough stance on human rights during the Clinton administration's first two years led to increasing pressures from sources ranging from the business community to the Australian government, to take a more "constructive" approach.

The American reversal on labor rights was a case in point. After having given the Indonesian government eight months in July 1993 to improve its labor rights policies or face a cut-off of tariff benefits under the Generalized System of Preferences (GSP) program, the U.S. Trade Representative's office decided in February that the legal reforms announced by the Indonesian government in January were sufficient to warrant a decision to "suspend but not terminate" its review of labor rights practices. The legal reforms in question, however, which included revoking a decree that allowed military intervention in labor disputes; allowing workers to negotiate collective bargaining agreements at the workplace level; restructuring the single government-recognized union; and raising the minimum wage, had little effect in practice on abuses of worker rights. In late August, the USTR's office visited Indonesia to assess worker rights again, and despite the fact that key labor organizers were under arrest in Medan and that military intervention in labor disputes continued to be routine, the Clinton administration showed no signs of reviving the pressure.

Indonesian pressure on the Philippines over the East Timor conference in May provoked especially strong reactions in France, where one of the invitees denied a visa to attend was Danielle Mitterand, wife of the French president. Several delegations of parliamentarians visited East Timor during the year, from Britain, Sweden, New Zealand, and Japan. In November, the Japanese parliamentarians, who had visited in August, urged Prime Minister Murayama to raise the issue of human rights in East Timor during his bilateral meeting with President Soeharto at the APEC conference in Jakarta; they also criticized the use of Japanese development aid to

monitor shortwave transmission in East Timor.

Several countries expressed concern about the clashes in July between Indonesian soldiers and East Timorese in Remexio and Dili; on July 18, the European Union issued a declaration calling for respect for human rights, access by international organizations and creation of the conditions that would allow a just, lasting and internationally acceptable solution to the question of East Timor.

The newspaper closures in June generated widespread, but muted, international criticism. Australian Prime Minister Gareth Evans called it "a very disappointing development indeed." The initial American response was to express "regret." A somewhat stronger statement, buried in paragraphs of praise for economic achievements, was included in the U.S. delegation's statement at the annual meeting in July of the Consultative Group on Indonesia (CGI), the countries and international lending institutions that provide Indonesia with development aid.

A debate ensued in both Europe and the United States over arms sales to Indonesia. On June 16, the Senate Foreign Operations Subcommittee, in a report attached to the 1995 foreign aid bill, urged the U.S. government to "carefully consider progress in addressing human rights concerns" prior to approving licenses to sell military equipment. The Clinton administration adopted a new policy on Indonesia in 1994, ceasing both sales and the granting of licenses for export of small arms and other crowd control items. The subcommittee report suggested that certain human rights conditions be met before the sales or licensing was resumed. The administration opposed the proposal, and the Indonesian government said it would rather buy arms elsewhere than accept conditions. But on August 1, Congress went ahead with wording that arms sales and export licensing to Indonesia could take place only if the President could report that the Indonesian government was reducing its military presence in East Timor, complying with the recommendations made by the U.N. Human Rights Commission in a resolution on East Timor in March 1993 and working to advance the U.N. Secretary-General's efforts to resolve the political status of the territory.

As it did in 1993, the American embassy in Jakarta played a useful role in raising concerns over a number of human rights issues that arose during the year, including press freedom, the arrest of labor activists and East Timor.

The Work of Human Rights Watch/Asia

Indonesia remained a priority country for Human Rights Watch/Asia, both in terms of research and advocacy. As with China, the challenge was to keep public attention to human rights high as the desirability of the Indonesian market loomed larger to foreign investors. Worker rights continued to be a primary focus and the subject of two short reports in January and May. Efforts were also made to look at abuses in areas outside Jakarta and Java that were less likely to be covered by the international press.

After a research visit to Indonesia in June, Human Rights Watch/Asia issued a book-length report, *The Limits of Openness: Human Rights in Indonesia and East Timor*, in September, followed by an analysis of the measures Indonesia was taking to prevent any signs of dissent or unrest during the APEC conference. The June visit was also an opportunity to reinforce already close ties with Indonesian NGOs and to discuss priorities, tactics and training with them.

The Washington office of Human Rights Watch/Asia was central to advocacy efforts,

again with a particular focus on workers' rights, maintaining contacts and providing information to the State Department, foreign embassies, the World Bank, and Congressional offices and the business community.

JAPAN

Human Rights Developments

Japan experienced dramatic changes on the domestic political front in 1994, but the impact on foreign policy, specifically in the area of human rights, was negligible. The resignation of Prime Minister Morihiro Hosokawa in April led to the creation of a short-lived minority coalition government headed by Tsutomu Hata; this, in turn, was replaced by a tripartite alliance of political parties, which chose Tomiichi Murayama, chair of the Social Democratic Party, as prime minister on June 29. Murayama came into power pledging a continuation of Japan's existing foreign policy.

Japan's human rights diplomacy continued to be conditioned largely by overriding political and economic interests. On the sensitive question of the participation of Japan's Self-Defense Forces (SDF) in overseas multilateral operations, however, Murayama's party abandoned its traditional opposition, and Japan agreed in August to send SDF medical, engineering and other forces to provide humanitarian assistance to Rwandan refugees in Zaire.

The guiding principles for Japan's foreign aid program—or Official Development Assistance (ODA)—first adopted in 1991, remained in place, including making provision of aid contingent on respect for human rights and progress towards democratization. Sixty percent of ODA was given to Asian governments in 1993 (the last year for which statistics are available), with Indonesia, China, the Philippines, Thailand, and Malaysia among the top ten ODA recipients worldwide. Rather than adopting specific human rights criteria for ODA, the government emphasized constructive improvements through "quiet and continuous démarches." In a handful of cases, "flagrant violations of human rights," clearly designated as such by the broader international community, might result in cut-off or suspension of economic assistance. In 1994, for example, all aid with the exception of certain humanitarian assistance, remained suspended to Sudan (as of October 1992); to Sierra Leone (as of May 1993); and to Malawi (as of May 1992). As of the military coup in September 1991, ODA to Haiti had been suspended. Following President Aristide's return, ODA was restored in October 1994; Japan also pledged the equivalent of U.S.\$14 million to help Haiti settle its arrears to international financial organizations. Assistance to Nigeria was suspended on March 18, 1994, with a public statement calling on the military to transfer political power to a civilian government and publish a timetable for the transition.

The only Asian country where aid flows were directly affected by the ODA human rights guideline was Burma, where economic assistance had been suspended in principle since 1988, with the exception of certain projects of a "humanitarian" nature. In February, following cabinet-level discussions, it was decided to give \$50,000 to the Burmese Red Cross and another \$180,000 to Médecins sans Frontières. In June, a forty-five-member corporate delegation led by Keidanren (the Federation of Economic Organizations) visited Burma to assess the investment potential and met with top-ranking military leaders and oil industry officials. In November, Japan announced it was extending \$10 million in humanitarian and medical aid, and was

considering full resumption of ODA.

At the same time, on the diplomatic level, Japan continued to call for the release of imprisoned Burmese opposition leader Aung San Suu Kyi, while welcoming the September 20 meeting between the imprisoned leader and senior military officials. This message was also conveyed in July at the so-called Post-Ministerial Conference of the Association of Southeast Asian Nations (ASEAN), during a brief meeting between Japan's foreign minister and his Burmese counterpart.

Members of the Diet expressed concern about the human rights situation in Burma and urged action by the Japanese government, in a petition delivered to then-Prime Minister Hata on May 18, 1994, signed by 508 members of parliament.

Aid levels to other major human rights abusers in Asia, however, remained unaffected by the ODA principles on human rights. China, which received \$1.05 billion in 1992, was told in 1994 that the next package of ODA loans would be scaled back from five years to three years, but the step appeared to be more a signal of concern about China's growing military budget than about human rights practices. Likewise on India, while Tokyo raised concerns about India's proliferation policies an ODA delegation that visited Delhi in March did not bring up human rights and humanitarian concerns in Kashmir.

In the case of Indonesia, at the annual bilateral donors meeting in July 1994, Japan pledged a record \$1.67 billion in ODA in the coming fiscal year, and during the meeting, voiced only very general concerns about the human rights situation. East Timor continued to attract attention from both the foreign ministry and Diet. When an ODA delegation met with President Soeharto in Jakarta in February, there were oblique references made to human rights and East Timor. Five Diet members went to Indonesia in August on a fact-finding mission and publicly called for the withdrawal of Indonesian troops from East Timor.

China presented one of the most difficult challenges to Japan in 1994. Tokyo provoked a sharp backlash from Beijing, including a formal protest from its ambassador in Japan, when it co-sponsored a resolution criticizing China at the 1994 session of the U.N. Human Rights Commission in Geneva. Shortly thereafter, then-Prime Minister Hosokawa went to Beijing immediately following U.S. Secretary of State Warren Christopher in March, at the height of the dispute over Most Favored Nation (MFN) status. While there, he reportedly urged Li Peng to take steps to improve China's human rights record, citing the concern of the international community and the final communiqué of the Vienna U.N. human rights conference in 1993 in particular. But Chinese officials and Hosokawa himself later contradicted these reports, acknowledging that the Japanese prime minister had in fact reinforced Li Peng's assertion that human rights are essentially a Western notion—thus effectively undercutting the MFN pressure from the U.S. at a critical time. The Japanese government welcomed Clinton's decision in May to de-link MFN and human rights.

Tokyo further strengthened its relations with Vietnam during the year, while largely ignoring human rights concerns. ODA to Vietnam was resumed in 1992, and by last year Japan was Hanoi's single largest aid donor, supporting construction of thermal power plants and other major infrastructure projects, and giving aid totaling \$523 million in fiscal year 1993. When Prime Minister Murayama visited Vietnam in August 1994, he promised even more aid, but said nothing about human rights—thus wasting Japan's considerable potential for urging both economic and political reforms in Vietnam.

As the foreign ministry explored various means of implementing Japan's evolving human

rights policy, it commissioned a study group, convened by the Japan International Cooperation Agency (JICA), to examine the concept of "good governance" and to suggest ways in which Japanese policy might reflect this approach to development assistance. Its study was due to be published at the end of 1994.

Human rights in Japan came into sharper focus during the year with attention to mistreatment of foreign workers, including Asian women trafficked into Japan for prostitution. Prison conditions also came under the scrutiny of international and domestic human rights organizations. (See Human Rights Watch Prison Project section.)

Right to Monitor

Human rights groups in Japan faced no legal restrictions.

U.S. Policy

In February 1994, U.S. Assistant Secretary of State for Democracy, Human Rights and Labor, John Shattuck visited Tokyo for talks with his counterparts in the Foreign Ministry. This was the first step in developing a formal means of bilateral cooperation on specific human rights issues. Within the Foreign Ministry, there appeared to be genuine interest in working with the U.S. on human rights problems, while recognizing that Japan's approach and strategy might differ.

Six ranking members of the U.S. Senate, including the chairman of the Foreign Relations Committee, wrote to the Japanese ambassador in March 1994, to express concern about possible resumption of ODA to Burma and to urge Japan's continued support for human rights and civilian rule in Burma.

The Work of

Human Rights Watch/Asia

Human Rights Watch sent four missions to Japan in 1994. The Washington director of Human Rights Watch/Asia visited Tokyo in March and again in November to continue a dialogue with government officials, Diet members, and others on Japan's human rights policies. Also in March, the Women's Rights Project sent a team to begin investigations of the trafficking of women from Southeast Asia in Japan. In July, the Prison Project sent a delegation to assess conditions in Japanese penal institutions, with a report expected in early 1995.

The Human Rights Watch/Asia office in Washington, D.C. maintained regular contacts with the Japanese embassy and exchanged information throughout the year on a range of human rights concerns.

NEPAL

Human Rights Developments

Throughout Nepal in 1994, police continued to be the primary violators of human rights. Abuse occurred in connection with crowd control, during arrests, and in detention. Between May and August 1994, Nepal experienced its most serious period of political unrest since a popular movement led to the reestablishment of multiparty democracy in April 1990. Nationwide strikes and political protests accompanied the dissolution of the country's elected government. Reports followed of large-scale arbitrary arrests and detention and police abuse—including beatings and torture—of opposition supporters, journalists, and street children.

Demonstrations and political rallies continued in the days leading up to the November 15 elections. At least six people were killed in pre-election violence, including two who were shot when police opened fire on stone-throwing demonstrators at an opposition rally on November 3. More than twenty-five others were injured in the shooting.

The state's unwillingness to prosecute police officers guilty of wrongdoing has perpetuated routine custodial abuse and promoted corruption. Several disappearances from police custody were reported in 1994, and at least one prominent disappearance case from 1993 remained unresolved. Beatings and mistreatment in police lockups, attempts by police to extort money from detainees, and the almost systematic fleecing of Tibetan refugees attempting to enter Nepal have been widely reported. Like many Asian nations, Nepal has made little progress in eradicating contemporary forms of slavery such as the trafficking of women and girls for prostitution in India, the sale of children as factory workers, and the unchecked use of bonded labor. The trafficking industry has been sustained by bribes made to police officers and other officials, and by corrupt politicians who profit from the trade.

On May 4, the first of a series of nation-wide strikes and demonstrations was called by the United People's Front, an opposition party, to protest the government of Girija Prasad Koirala perceived subservience to India in the wake of an unauthorized raid on houses in Kathmandu by Indian police searching for a criminal. The strike and ensuing demonstrations, which were largely peaceful, led to the arrests of some four hundred people, many of whom were held for more than four days without charge. Among those arrested were more than eighty street children, who have frequently been found at the front of such demonstrations and sometimes throw rocks. According to Child Workers in Nepal (CWIN), a local organization that monitors the rights of children, many of the children who were detained during the May demonstrations complained of beatings and torture by police, said they were not provided with food, blankets or bedding during the two to three days they were detained, and charged that some of them were forced to perform labor for the police.

In July, Nepal's first democratically elected prime minister in three decades, Girija Prasad Koirala, resigned after he failed to receive his party's support on a crucial parliamentary vote. On July 11, King Birendra dissolved Nepal's parliament, called mid-term elections for November, and appointed Koirala interim prime minister—a move that led to protests by opposition supporters throughout the country. Between July 20 and 24, human rights workers reported that some 500 people, mainly opposition party supporters, were arrested in connection with political protests. While some demonstrators reportedly engaged in rock throwing or vandalism, many people thought to be potential troublemakers were arrested before the demonstrations as a preventive measure.

The Informal Sector Service Center (INSEC), a prominent Nepali human rights organization, reported that at least three people disappeared from police custody in the first half of 1994. Two were criminal detainees; the third, thirty-two-year-old Triloki Gaud, disappeared on May 17 from a local police post where he had gone to report the theft of a large amount of timber. His mother, who had gone with him, reported that she and her son were both badly beaten by police before she was forcibly ejected from the police station. Her son never returned home.

The well publicized disappearance of Prabhakar Subedi, a twenty-year-old engineering student who disappeared during a demonstration on June 25, 1993, remained unresolved in spite of a 1993 court order directing the police to investigate.

Local human rights organizations continued to raise concerns over unlawful use of force by Nepali police. In January 1994, for example, one person was killed and several injured when police in eastern Nepal opened fire on demonstrators protesting the actions of a police officer who poured boiling water under the skirt of a woman who ran a roadside restaurant. The police officer was suspended pending investigation.

Reports of police corruption and the involvement of politicians in the forcible trafficking of Nepali women and children for prostitution in India persisted in 1994. The Koirala government has made little effort to investigate or prosecute officials accused of links to the industry. Despite laws which provide for prison terms of up to twenty years for the trafficking of persons, the flow of young women and girls to Indian brothels continued unabated, with thousands estimated to be sold every year into conditions akin to slavery, where they are subjected to years of debt-bondage, repeated rapes, and physical assaults.

Human rights organizations in Nepal also raised concerns about the pervasive use of bonded labor in industry and agriculture. But in its March 1994 report to the U.N. on Nepal's compliance with the International Covenant on Civil and Political Rights, the government stated that "No slavery, slave trade or institutions or practices similar to slavery are found in Nepal."

The Right to Monitor

Although human rights organizations enjoyed much greater freedom to operate than before the democratic government took office, several apparent attempts to silence dissent were reported in 1994. In January, Gopal Siwakoti and Gopal Krishna Siwakoti of the human rights organization INHURED reported receiving a series of anonymous threatening telephone calls after they submitted a petition to the Supreme Court calling for public disclosure of information about the controversial World Bank-funded Arun III hydroelectric project. The petition also called for postponement of the project pending a parliamentary review. On July 22, the office of the Arun Public Commission, another organization critical of the project, was attacked by unknown assailants.

On April 27, the office of the Kathmandu chapter of Amnesty International (AI) was raided by armed men from the Ministry of Finance's revenue investigation department. A Finance Ministry official told the press a team had "visited" the office to investigate the human rights body's financial dealings for tax purposes. Local AI chair Krishna Pahadi said the gunmen had "terrorized" his staff. Eight human right groups in Nepal issued a joint statement on May 1 denouncing the raid.

On July 24 Subodh Pyakurel, a member of the executive committee of the Human Rights Yearbook, a project of INSEC, was among hundreds who were placed in preventive detention in connection with political protests. He was released the following day. Several journalists were also detained.

The Role of the International Community

Nepal is greatly dependent on international aid and on three crucial industries, handmade carpets, tea and tourism. The carpet industry came under intense scrutiny from local human rights groups and the international community in 1994 for its reliance on child labor—including bonded child labor—and its links to the trafficking of girls and women into prostitution in India. A report by the U.S. Department of Labor, published in July 1994, on the use of child labor in American

imports supported these findings, and noted that in 1992 Nepal exported approximately \$17 million worth of carpets to the United States. The European Union stopped negotiations concerning possible E.U. aid to the carpet industry due to allegations about the use of bonded child labor.

A report by the United Nations special rapporteur on the sale of children, Vitit Muntabhorn, which was published in January 1994, commented on the trafficking and sale of Nepali children for labor and prostitution, concluding that Nepal's "[l]aw enforcement authorities are often weak, understaffed, undertrained and corrupt..." and that "[t]here is an expansive web of criminality which exploits children and which abuses the open border with India."

The Work of Human Rights Watch/Asia

In March, Human Rights Watch/Asia visited Nepal to renew ties with local human rights groups and to investigate reports of the forcible trafficking of Nepali girls and women to India for prostitution. Meetings and interviews were conducted with women who had been trafficked to India, human rights activists and relief workers who monitor the trade, police, and government officials. A companion mission to India was conducted in August.

In July, Human Rights Watch/Asia wrote to Nepali Home Minister Sher Bahadur Deuba expressing concern over reports of mass arrests, unacknowledged detentions, and torture of political activists. The letter also raised concerns about threats against nongovernmental organizations critical of the Arun dam project.

PAKISTAN

Human Rights Developments

In stark contrast to 1993, when Pakistan experienced four changes in government, in 1994 a coalition led by Prime Minister Benazir Bhutto of the Pakistan People's Party (PPP) held onto its control of the national parliament and the two largest provincial governments, Punjab and Sindh, without significant interference from the president or army. With the political situation thus relatively stable, the government could have addressed the problem of widespread and endemic human rights abuses. It failed to do so, however, and torture, persecution of religious minorities, arbitrary detention, discrimination against women, bonded labor, and other violations of labor rights continued. There were also several reports of extrajudicial executions in the context of violence in Sindh between the government and the Mohajir Qaumi Movement, or MQM, a political party that claims to represent Urdu speakers who fled to Pakistan from India after 1947 and has itself been responsible for serious violations of human rights.

In late April, conflict in Sindh between the MQM and the PPP government flared up. The government's inability to broker a power-sharing arrangement in the region with the MQM, whose primarily urban-based supporters claimed to be underrepresented in the provincial power structure, led to riots in Karachi from April 29 to May 5, leaving thirty-two dead. Police reportedly fired indiscriminately at people in riot-torn neighborhoods. On May 3, police and rangers were reported to have summarily executed five men in two separate incidents in the town of Sukkur, apparently for supposed ties to the MQM.

In October, riots broke out again in Karachi, with some thirty people killed. While much

of the violence in Karachi was a direct result of MQM-government conflict, it also involved clashes between Sunni and Shi'a Muslims. The Pakistan government has been complicit in the sectarian violence to the extent that it has routinely failed to denounce, punish or prosecute those involved.

The treatment of religious minorities deteriorated as systematic use was made of the so-called blasphemy law. The blasphemy law makes offenses against Islam, broadly defined, punishable by death and serves as a judicial tool for vengeance in cases of religious, political, social or economic rivalry. While most cases were dismissed, the blasphemy law was also used to incite obscurantist sentiments, which resulted in public violence against the accused. It was also used disproportionately against religious minorities, especially Christians and Ahmadis. In June, in a positive move, the federal cabinet approved a bill to amend the procedure for registering cases of blasphemy. However, after a number of religious parties and the opposition sought to block the proposed amendments, the government deferred its decision to bring the bill before parliament.

Despite the government's stated desire to regulate the use of blasphemy laws, accusations continued to multiply, resulting in attacks on the accused which the police then ignored. On April 5, Manzoor Masih, a Christian on trial under the blasphemy law, was shot and killed after his court hearing in Lahore. The authorities made no concerted effort to find or punish his killers.

Many Muslims have also been prosecuted under the law. While many of the cases do not reach the courts because of the weakness of the evidence against the accused, the public response to accusations can be dangerous. In April, Farooq Sajjad, a practitioner of traditional medicine, was accused and detained near Gujranwalla for allegedly burning a copy of the Qur'an. Soon afterwards, a local mob broke into the police lockup, dragged Sajjad into the streets, and stoned him to death. His corpse was set afire and paraded around town. The police took no action to intervene.

The status of women continued to be neglected by the government. While the government gained media attention during the year for prosecuting Maulvi Mohammad Sharif in a case in which he was charged with inserting electrified iron rods into his wife's vagina, it did not seek to implement legislative reforms to protect women. The Hudood Ordinances, a penal code based on an interpretation of Islamic law which, as applied in Pakistan, explicitly discriminates against women, remain on the statute books. One feature of the Hudood Ordinances is that to secure a conviction for rape, four male Muslim witnesses must testify against the defendant, and if the victim is thought to have accepted the forced intercourse passively, she can be charged and convicted for adultery. Many rape victims thus no longer attempt to prosecute their rapists for fear of prosecution themselves. Such was the case of five women in Larkana who were gang-raped in January and revoked their allegations when they were threatened with prosecution under the Hudood Ordinances.

Abuse of women in custody, 60 percent of whom have been placed in Pakistan jails under the Hudood Ordinances, continued unabated as did the trafficking of women into Pakistan from Bangladesh for purposes of prostitution.

The basic rights of workers in Pakistan continued to be violated as the government failed to respect a number of International Labor Organization (ILO) Conventions to which it is a party including those on freedom of association and the prohibition of forced labor. Pakistan, under Benazir Bhutto, has emphasized economic development over worker rights, allowing multinational corporations and many domestic industries the right to restrict unions. The

government did nothing to address the plight of bonded laborers.

Torture continued to be widespread and endemic in Pakistan. Detainees were routinely slapped, beaten with sticks, stripped naked and sexually abused, hung upside down by a rope from the ceiling, and burned with cigarettes. Among case reports were those of men whose genitals were crushed with pliers, and their legs pulled apart until bones were broken or ligaments torn. An official with the Pakistan CIA (a body created to investigate cases which fall outside the purview of the police) publicly stated in February, "Without torture interrogation is impossible."

The Right to Monitor

Human rights groups generally functioned freely in Pakistan during 1994. In late June, amid the controversy surrounding the government's proposal to amend the blasphemy laws, a militant religious group urged "those who love Islam" to kill Asma Jehangir, General Secretary of the Human Rights Commission of Pakistan. She was not harmed.

The Role of the International Community

In June, the ILO and Pakistan signed a memorandum of understanding which, according to the ILO, "will enable the government progressively to prohibit, restrict, and regulate child labor with a view to its ultimate elimination." In exchange for financial and advisory services from the ILO, the government agreed to establish national steering committees, comprising representatives from ministries, employers' groups, and workers' groups, to carry out an action program. The ILO also called on Pakistan to liberate all adult or child bonded laborers, as national legislation had abolished the bonded labor system in March 1992.

U.S. aid to Pakistan, which was canceled under the Pressler Amendment in 1990 as a result of Pakistan's nuclear program, was not restored in 1994. However, the U.S. government sought closer ties, and U.S. Energy Secretary Hazel O'Leary visited Pakistan in September to promote stronger economic links between the countries.

The Work of Human Rights Watch/Asia

Human Rights Watch/Asia testified on the widespread existence of bonded child labor in Pakistan at the U.S. Department of Labor hearings on child labor. The Arms Project of Human Rights Watch released a newsletter documenting the complicity of the Pakistan government in the flow of arms to groups responsible for human rights abuses in Punjab and Kashmir. Human Rights Watch/Asia invited I.A. Rehman, director of the Human Rights Commission of Pakistan (HRCPP), to be honored for his work at Human Rights Watch's observance of Human Rights Day in December.

THAILAND

Human Rights Developments

To the extent that Thailand's human rights practices came to international attention at all, the focus was on ill-treatment of refugees and immigrants, police abuses, forced prostitution and worker rights. Thai nongovernmental organizations focused as well on human rights violations

associated with land disputes. The Thai government came under fire during the year for succumbing to pressure from its neighbors to restrict freedoms on their behalf. Thus, in July, bowing to pressure from Indonesia, the government withdrew the visas of eleven supporters of East Timor scheduled to attend a conference in Bangkok, and deported two Australians. In early September, at Malaysia's request, Thai police arrested and deported the leader of a Muslim organization, Al-Arqam, and nine of his followers, even though it was clear they faced arrest under Malaysia's draconian Internal Security Act for nothing more than peaceful religious activities. The Thai military also came under criticism for alleged continued support of the Khmer Rouge.

Burmese, Lao, and Cambodian refugees were forcibly repatriated during the year in violation of the principle of non-refoulement; Burmese in particular also faced abuse in Thai immigration detention centers. Ethnic minority refugees from Burma continued arriving in large numbers, bringing the refugee population on the Thai-Burmese border to nearly 77,000, up 4,000 from the year before.

Ethnic Mon refugees and migrant workers living in the Loh Loe camp south of Three Pagodas Pass were forced back into Burma in April, to a camp called Halockhani. The camp was also half a day's march from a Burmese military post, and in July, the new camp was attacked by the Burmese army and partly destroyed by fire. Sixteen men were taken away, and the Thai army's division commander responsible for the area acknowledged most of them had been taken to be used as porters. (Forced portering has been a particularly egregious practice of the Burmese military.) Some 6,000 refugees fled back into Thailand to a border checkpoint where they were told they could not stay; the Thai government cut off all supplies of food and medicine, and they were eventually forced to return in September. No journalist was allowed access to them in Thailand.

Days after the refugees were forced back, the state petroleum companies of Thailand and Burma, together with Total (France) and Unocal (U.S.), signed an agreement to build a 240-mile natural gas pipeline to transport gas from offshore oil fields in Burma's Yadana area to the Kanchanaburi district in Thailand. The pipeline would cross through Mon territory and enter Thailand at Nat Ei Daung, only a few miles from Loh Loe, the camp from which the refugees were first evicted.

In similar moves, close economic cooperation between Thailand and Laos, including the opening of the Friendship Bridge in April, was followed by a crackdown on ethnic Hmong refugees whom Laos accused of being anti-government activists. Under the terms of an agreement reached in July 1993 between the United Nations High Commissioner for Refugees (UNHCR) and the governments of Thailand and Laos, some 8,000 ethnic Hmong refugees were repatriated from the drug rehabilitation center at Wat Tham Krabok where they had been living. Thai authorities claimed that the Wat was being used as a refuge for Hmong insurgents. On September 30, the Baan Na Pho refugee camp, which housed 20,000 Hmong, was closed and the residents sent back to Laos. Thai authorities insisted the repatriation was voluntary, but they also warned that those who did not return would be prosecuted under Thai immigration laws. UNHCR was able to interview some but not all of the returnees.

Cambodians faced a similar fate. In March, between 25,000 and 30,000 Cambodians who had fled fighting with the Khmer Rouge were pushed back into a malarial Khmer Rouge zone, to which international humanitarian agencies were barred from access. In April, 3,000 ethnic Karen refugees were denied entry into Thailand, forcing a Karen organization to establish Klay Mu Hta

camp on the Burmese side of the Salween river. And in May and June, hundreds of Burmese Shan refugees, fleeing fighting between the Burmese army and drug warlord Khun Sa, were forcibly sent back by Thai authorities in Mae Sai, Chiang Rai Province.

The publication of the Human Rights Watch report *A Modern Form of Slavery: Trafficking of Women and Girls into Brothels in Thailand* in December 1993 added to the domestic and international debate on issue of trafficking of Burmese women and girls into forced prostitution and may have helped spark an initiative for legal reform that was continuing at the end of the year (see Human Rights Watch Women's Rights Project section).

In August, Police Major General Darun Sothipan admitted that torture of suspects occurred in police custody. The admission followed numerous reports of police corruption and abuse, including a statement from twenty Taiwanese prisoners that abuses in Thailand's jails were widespread and the trial of seven tourist police officers who had robbed and murdered over thirty Asian tourists in July. Most notorious were the revelations of high-ranking police involvement in the "Saudi jewel case" involving the theft in 1989 of some U.S.\$20 million worth in jewels from a Saudi prince by his Thai servant who later fled to Bangkok. Seven police and one civilian went on trial during the year for their role in this case, which had involved seven murders, including the wife and son of a key witness on August 1.

In Parliament, discussions continued on amendments to the constitution to guarantee the civil and political rights of individuals, and a first draft of a bill to establish a national human rights commission.

Worker rights continued to be abused. Following the May 1993 fire at the Kader factory outside Bangkok in which 188 workers died and 469 were injured, workers and activists complained that none of the owners, designers or government safety inspectors were brought to justice. Only one man was arrested in connection with the fire, a guard at the factory who admitted smoking a cigarette on duty. While it was clear that safety procedures at the factory were ignored by both the owners and government inspectors, so that the workers were unable to escape before the entire building collapsed on top of them, there were no plans to prosecute the management or owners of the Kader Company, which produced "Cabbage Patch" dolls.

The Right to Monitor

Most Thai human rights organizations and activists were able to operate without obstruction in Thailand, and many had a cooperative relationship with the government, especially in the areas of trafficking of women and child labor. Bangkok was rapidly becoming the city in mainland East Asia where regional and international human rights organizations felt they could operate most freely, especially as Hong Kong, the other regional hub, became increasingly sensitive to Chinese government concerns.

But several areas of human rights work remained highly sensitive and subject to government monitoring and restrictions: any work related to Burmese refugees or immigrants; activities related to abuses by a neighboring ASEAN country, such as Indonesia; and work that touched on the commercial activities of the Thai military, such as logging.

The Role of the International Community

The Clinton administration's policy towards Thailand was aimed at further strengthening political, economic and security relations with Prime Minister Chuan's government, while

relegating human rights concerns to the margins of discussion. Throughout the year there were signs of strain in the Thai-U.S. relationship though, as Thailand reacted vociferously to U.S. claims of human rights abuses and linkages of foreign aid to Thailand's support of abusive regimes in neighboring Burma and Cambodia. The issues of forced prostitution and trafficking of Burmese women were addressed by the administration as serious violations of women's rights in Thailand.

Arms sales to Thailand remained brisk as Bangkok obtained much of its military equipment from the U.S. Foreign Military Sales (FMS) accounted for the bulk of the transfers in fiscal year 1993: FMS agreements reached \$388 million, with another \$12 million in commercial transfers. In fiscal year 1995, FMS sales were estimated to total \$350 million, which would make Thailand the largest U.S. arms recipient in the East Asia and Pacific region, and sixth in estimated U.S. arms sales globally.

The 1995 fiscal year Foreign Aid Bill contained \$875,000 for the International Military Education and Training (IMET) program, which the administration said would provide education focused on civilian control of the military and would help to "institutionalize Thai democracy." Congress attached a provision requiring a report by February 1995 on "the efforts of the Thai Government to impede support for Burmese democracy advocates, exiles and refugees" and Thai support for the Khmer Rouge. The State Department also called in the Thai ambassador to protest the treatment of Mon refugees at Halochani, but when President Clinton met with Thai Prime Minister Chuan Leekpai on October 6 refugee issues were not raised.

In December 1993, the U.S. Trade Representative's office had officially suspended its review, under the annual Generalized System of Preferences (GSP) process, of worker rights abuses in the state sector in Thailand. The suspension was based on a commitment by the Thai government to undertake certain reforms in the State Enterprise Labor Relations Act restricting freedom of association and the right to organize for state enterprise employees, but as of November 1994 those reforms had yet to be implemented.

In July 1994, the U.S. Labor Department published a detailed study of the use of child labor in American imports from countries worldwide titled (By the Sweat and Toil of Children). It described Thailand's use of at least four million child workers in the garment, seafood processing, and furniture industries. Thailand is a party to the U.N. Convention on the Rights of the Child, but has not ratified international labor conventions on minimum age for employment.

The Work of Human Rights Watch/Asia

Following the publication of the report *A Modern Form of Slavery* in December 1993, much of Human Rights Watch/Asia's work in Thailand continued to focus on human rights violations associated with the trafficking of Burmese women into Thailand.

Human Rights Watch/Asia also continued to monitor the treatment of Burmese and other refugees in Thailand. In May, a research mission visited ethnic Mon refugees in Thailand. A report scheduled for publication in December analyzed the reasons why refugees continued to leave Burma and their treatment by Thai authorities.

VIETNAM Human Rights Developments

Vietnam maintained tight controls on political and religious dissent as economic reform continued, an approach that seemed to heighten internal tensions. The government continued to imprison people for peaceful dissent. Under sustained international pressure, however, it quietly released several dozen political prisoners held on security charges and provided certain others with minimally improved medical care. Conflict between the government and groups within the Buddhist community continued at high pitch, frictions with the Vatican increased, and Protestant evangelical groups suffered heightened repression. Vietnam engaged in discussions of human rights with a number of countries, including the United States, but an Australian delegation canceled a trip after Vietnam denied a visa to an outspoken member who told the BBC that one purpose of the visit was to investigate human rights issues.

Arbitrary detention remained a major concern. Nguyen Van Ho, a former senior party cadre and founder of an independent Vietnamese military veterans group, was arrested on March 7 for writing and distributing an autobiographical essay, which called for greater freedom, democracy and respect for human rights in Vietnam. He was held incommunicado for three months without trial until his failing health forced authorities to move him to a military hospital in late May. Nguyen Ho was allowed to return home on June 25, but at year's end, remained in extremely poor health and under house arrest.

One of Vietnam's best-known dissidents, Dr. Doan Viet Hoat, was transferred abruptly among three different prisons this year, ending up in Thanh Cam camp, a facility for common criminals in a remote and malarial part of Thanh Hoa province, where he was the only political prisoner. Arrested in November 1990, Dr. Hoat was given a fifteen-year sentence for producing the reformist newsletter Freedom Forum.

Dr. Nguyen Dan Que, an endocrinologist whose public call for political reform and respect for human rights earned him a twenty-year prison sentence in 1991, was placed in solitary confinement in August 1993 and was reported to be in poor health. Doan Thanh Liem, a constitutional law specialist, entered the fourth year of a twelve-year term for "counterrevolutionary propaganda" for his association with American businessman Michael Morrow and his writings on constitutional reform. He was reported to be suffering from a serious pulmonary condition.

The government released a number of political prisoners, some of whom had been the subject of international pressure. Tran Vong Quoc was released on June 5 from the Ham Tan prison camp, thirty months before his twelve-year sentence for "attempting to overthrow the government" was to expire. His activities included attempts to report executions and other abuses to human rights groups abroad. Human Rights Watch/Asia also received reports of the early release of several dozen prisoners held on security charges from Ham Tan prison in April and May, but was not able to confirm their identities. Well-known dissident Quach Vinh Nien, who had been imprisoned for sixteen years for publishing newspaper articles critical of the government, was also released early this year and allowed to rejoin his family in Australia.

The government improved medical treatment for some ill prisoners who had been the subject of international pressure. Nguyen Van Thuan, another Freedom Forum defendant, suffered a stroke on February 15 at the Ham Tan prison camp. After three days of being denied medical care, Thuan was admitted to a military hospital; at the end of the year, he still faced eventual return to prison.

The government kept a tight rein on a wide range of religious activities and engaged in outright repression of groups deemed reactionary. Tensions with the Unified Buddhist Church

(UBC), which has demanded institutional autonomy from the government, led to further protests and arrests. (In at least one case, a Buddhist monk not associated with the UBC was also arrested for his protests against religious repression.)

On August 7, a monk named Venerable Thich Giac Nguyen was taken away in a government car from the Phap Hoa Temple in Ho Chi Minh City after a two-day protest. The Vietnamese government confirmed his arrest, claiming he was arrested for "committing a number of dissident acts," and was being held for questioning. As of mid-November, his family had not received any information from authorities about his location or condition.

Police in Tra Vinh province reportedly arrested two Buddhist nuns at Ngoc Dat pagoda after Venerable Thich Hue Thau, a UBC supporter, immolated himself there on May 28. The nuns had reportedly been arrested when they requested permission to enter the temple to prepare Venerable Thau's remains for burial. As of November, it was not clear whether they were still in detention.

Many Buddhist leaders arrested and tried in 1993 for their involvement in protests remain imprisoned.

A crackdown was reported against ethnic Hmong converts to evangelical Protestant sects in Vietnam's northern provinces of Son La, Lai Chau and Ha Tuyen. Thao A Tong, a thirty-two-year-old local official and Christian convert, was arrested in January for proselytizing in Hong Thu village, Sonh Ho district of Lai Chau province. Additional arrests of Hmong Protestants reportedly took place in Lai Chau and Tuyen Quang provinces in February and April.

Vietnam was able to maintain its tight control over the Catholic church when the Vatican agreed in March to seek approval from the government for all clerical appointments, including those of bishops. On March 17, the Vietnamese Foreign Ministry announced that the Holy See had also agreed not to appoint Bishop Nguyen Van Thuan as deputy to the archbishop of Ho Chi Minh City, and would assign him to a position in Rome. Bishop Thuan, former archbishop of Saigon in 1975 and a nephew of former South Vietnamese President Ngo Dinh Diem, was imprisoned in Vietnam for thirteen years and had been living in exile in Rome since 1992.

Freedom of movement for priests remained restricted, sermons were subject to censorship, and church personnel were kept under close surveillance. At least eleven members of Catholic movements that the government considered reactionary remained imprisoned. They included Father Nguyen Van De other members of the Sacerdotal Maria Movement and the Movement of Humble Souls.

Vietnam continued to apply the death penalty to a wide range of crimes. On August 22, Le Thi Thu Ha, a policewoman from Nam Ha province, was sentenced to death for fraud in accordance with a 1991 amendment to the criminal code which expanded the application of the death penalty to cases of serious fraud and bribery.

Although the media continued to be state-controlled, press coverage of sensitive subjects, such as official corruption, was lively, and the doi moi or "renovation" policy allowed a wide range of authors to publish their work. Many other topics remained off-limits, however, such as challenges to the one-party system or criticism of Communist heroes.

Elements in the party and government were apprehensive of the social and political impact of western influence in the wake of the lifting of the U.S. trade embargo. Throughout the year articles appeared warning of schemes by both Vietnamese citizens and foreign governments to use the promotion of political pluralism and human rights, identified as "peaceful evolution," to destabilize the Vietnamese state. Citing "technical reasons," Vietnam in March canceled a

week-long seminar at which a group of prominent foreign journalists was to provide training for Vietnamese reporters. The Far Eastern Economic Review reported that the meeting was canceled by security officials who had launched a campaign against "peaceful evolution" in the press and in meetings around the country at that time.

Vietnam's National Assembly drew up a labor code in June, which for the first time, gave Vietnamese workers the right to strike and prohibited unlawful forced labor. In the six months before its passage, there were eleven strikes in Ho Chi Minh City alone, compared to only twenty reported for all of Vietnam in the previous two years. Under the new labor code, the right to strike does not extend to workers at state-owned industries, or to private firms considered essential to the national economy or security. Additionally, those who organize strikes deemed to be unlawful by the government can be subject to administrative penalties.

The Right to Monitor

The government continued to isolate and punish Vietnamese citizens who criticized its human rights record. Authorities transferred Dr. Doan Viet Hoat five times since November 1993 to prevent him from issuing public statements about human rights conditions in Vietnam.

Vietnam allowed restricted access to the country by some international human rights and humanitarian agencies. It permitted a three-week visit by the U.N. Human Rights Commission's Working Group on Arbitrary Detention in October, including a prison visit. However, Vietnam drew back from a planned visit by an Australian parliamentary consultative human rights delegation. Australia called off the trip when Vietnam canceled visits to a prison and ethnic minority areas, meetings with several ministries and the Vietnamese writers association, and denied a visa to a delegation member after that member publicly described a primary goal of the mission as investigating human rights.

The United Nations High Commissioner for Refugees (UNHCR) maintained a small staff in Vietnam to monitor the treatment of returned boat people, who now number over 60,000. In at least one case there is concern that an asylum-seeker deported from Hong Kong may have been arrested for political reasons. Nguyen Van Kha, a former student activist in Hanoi, was detained incommunicado after his return in January and faced the death penalty for crimes, including murder, that the government alleges he committed prior to his departure from Vietnam in 1990. Vietnam denied requests by both the UNHCR and the British Embassy for access to Kha and failed to produce a copy of Kha's original arrest warrant.

The Role of the International Community

Desire to bolster trade and investment with Vietnam tended to push human rights to a low priority for the international community.

The U.S. lifted a nineteen year-old trade embargo against Vietnam on February 3. In doing so, the Clinton administration announced that human rights would continue to be a major element in future relations with Vietnam. But the issue of prisoners of war and those missing in action from the Vietnam War, the so-called POW-MIA issue, continued to dominate all policy discussions, often to the exclusion of human rights issues more broadly.

The U.S. and Vietnam did initiate an official "dialogue" on human rights in which the U.S. raised cases of specific prisoners, and meetings were held in both February and August between State Department officials and Vietnam's U.N. ambassador. Little, however, emerged in

the way of tangible results. An agreement was reached in May 1994 between Vietnam and the U.S., in which the State Department was given the right of consular access to American citizens of Vietnamese descent imprisoned in Vietnam. At the end of the year, access had been granted in some, but not all, cases.

The U.S. Congress continued to take a stronger stance in defense of Vietnamese political and religious prisoners than the administration, and members addressed numerous public and private appeals on their behalf to the Vietnamese government. On June 22, twenty-four members of Congress sent a letter to Assistant Secretary of State Winston Lord urging him to raise human rights issues and specific cases during a visit to Hanoi that began on June 28. The letter, which was made public during Lord's visit, drew special attention to the cases of Dr. Doan Viet Hoat, Doan Thanh Liem, Freedom Forum member Pham Duc Kham, and Venerable Thich Huyen Quang. According to Vietnamese Deputy Foreign Minister Le Mai, Lord requested information on the well-being of four Vietnamese imprisoned for political offenses during his visit. A concurrent resolution adopted by Congress on October 5 urged the administration to "place a high priority" on seeking the release of all nonviolent political prisoners and urging the government of Vietnam to allow access to its prisons by international humanitarian organizations.

Vietnam agreed on July 23 to the inclusion of a human rights clause as part of a new trade and cooperation pact that it was negotiating with the European Union. As of November, however, final agreement on the pact was still pending.

Hanoi hosted a number of high-ranking foreign officials in 1994, many of whom raised human rights concerns. Among the visitors were Dutch Foreign Minister Peter Kooijmans, who discussed human rights with his Vietnamese counterpart during a March 10 meeting, and Swedish Prime Minister Carl Bildt, who held a discussion of human rights with Prime Minister Vo Van Kiet on April 7. British Foreign Secretary Douglas Hurd also raised the issue of human rights with Vietnamese leaders during a two-day visit in September, and submitted a list of specific cases. Although Japanese Prime Minister Tomiichi Murayama met with Vietnamese leaders in Hanoi in late August, human rights concerns were conspicuously absent in his discussions. As of the time of Murayama's visit, Japan had pledged a total of approximately \$640 million through its Official Development Aid (ODA) program, making it Vietnam's largest foreign aid donor. Japan's ODA program requires the government to "pay full attention" to the human rights situation in recipient countries.

In March, the U.N. Human Rights Commission voted to remove Vietnam from a confidential "1503" procedure under which human rights abuses were being investigated.

The Work of Human Rights Watch/Asia

Human Rights Watch/Asia continued its efforts to document and publicize political and religious imprisonment while maintaining a dialogue with the Vietnamese government through meetings with officials in the U.S. It also sought to broaden its human rights advocacy by keeping various governments, international organizations and members of the business community apprised of human rights concerns and urging them to press Vietnam for concrete improvements.

Human Rights Watch/Asia provided briefings and case studies to representatives of various foreign governments and international bodies such as the U.N. Working Group on Arbitrary Detention. It also worked closely with U.S. legislators on Vietnam policy. On

February 9, it submitted written testimony to the Senate Foreign Relations Committee, urging the Clinton administration to ensure that human rights remain a long-term component of U.S. policy as relations with Vietnam develop. It supported a request by several members of the Senate on February 4 that the administration issue a full report to Congress on the progress of the human rights "dialogue" no later than February 1, 1995.

On March 28, in testimony before the House Subcommittee on Asia and Pacific Affairs, Human Rights Watch/Asia drew special attention to the repression of religious dissent. It encouraged the U.S. to work together with other countries to press Vietnam to allow international organizations, such as the International Committee of the Red Cross, to provide humanitarian services to prisoners and to allow diplomatic observers to attend key political trials.

Human Rights Watch/Asia also released press statements expressing concern over the arrest of Nguyen Van Ho, and the transfer of Dr. Doan Viet Hoat to a remote jungle camp.