

# ASIA OVERVIEW

Two very different dynamics were at work in East and South Asia during the year. In East (including Southeast) Asia, the deepening economic crisis was by far the most significant factor in terms of human rights developments, and it showed no signs of abating. South Asia remained largely unaffected by the crisis; rights issues there remained depressingly familiar, including communal and caste-related violence and abuses linked to armed conflict and civil strife. Violence against women was a major issue across the region, with particular concern for the treatment of women by the Taliban in Afghanistan. Failure to protect refugees was another regionwide problem. Important elections took place in many key Asian countries during the year, but it would be difficult to argue in India or Cambodia that they presaged any major improvement in human rights. Kim Dae-Jung's election to the presidency of South Korea in December 1997 and Indonesia's change in government in May 1998 offered the most hope for better rights protection, but the depth of the economic crisis in both places tempered any optimism.

## Human Rights Developments

The Asian economic crisis had both predicted and unforeseen consequences in terms of human rights. Even the predicted consequences, however, were more painful than most had anticipated. Massive layoffs in Indonesia, Thailand, and South Korea, among other places, resulted in much of the new middle class sinking back below the poverty line. In Indonesia, loss of jobs meant a growing inability to pay school fees—which in turn meant an increase in dropouts to the point that some feared a “lost generation” of uneducated children. The breakdown of transportation networks meant that widespread food shortages were developing for the first time in recent memory. The ethnic Chinese minority, with a disproportionate control of the retail economy, became more of a target than ever before, in some cases with tacit government endorsement.

As the job market dried up, migrant workers were sent home: Burmese from Thailand, Indonesians from Malaysia, Thais and South Asians from South Korea. Immigration detention centers were reported to be overflowing with new detainees, as not only did police intensify roundups of undocumented workers but the crisis also spurred a new exodus from migrant-sending countries. Thailand and Malaysia both used the cover of deportation of migrants to send back individuals with a clear claim to refugee status.

In a situation of economic collapse, large-scale corruption became a pressing political issue, especially in South Korea, Malaysia, and Indonesia, to the point that dismissal of corrupt officials, investigation of ill-gotten wealth, and the creation of anti-corruption agencies became seen as the essence of political reform.

One widely predicted consequence—an anti-Western backlash—was not nearly as strong as anticipated, as Asians tended to find more fault with their own governments, past or present, than with Western creditors. Indonesian President Soeharto, after thirty-two years, would not have been forced from office without the economic crisis as a backdrop, and investigation into his assets became a major demand of the Indonesian public. Asians increasingly sought accountability, primarily of public officials and to a lesser extent of international financial institutions, as it was they that had allowed loans to corrupt governments to proceed unhindered.

The crisis changed fundamental assumptions about rights. The Asian “miracle” had fostered the notion that economic development had to precede political liberalization. The crash forced a reassessment of that position. The World Bank, in its September 1998 report, *East Asia: The Road to Recovery*, noted, “Corruption and poor institutional performance shoulder much of the blame for the crisis.” Editorials in the Asian and international press suggested that open and accountable governments could prevent disastrous decision making, better cope with economic crises when they occurred, or at least forestall political unrest by having elections in which voters could throw out those perceived as the culprits. Thailand and South Korea were increasingly held up as examples of how popularly elected governments seemed to be working their way out of the crisis faster than their neighbors.

This cause-and-effect correlation was overly simplistic. Just as a utilitarian approach to authoritarianism—that it was good for stability and growth—had blinded many foreign investors to the political pressures building up within repressive states, a new-found support for democratic elections, human rights, and the rule of law on the part of much of the donor community as the crisis deepened was based on exactly the same utilitarian approach to government—democracy was now seen to be better for stability and recovery, if not resumption of growth. In fact, the nature of the political system was only one of many factors affecting the likelihood of a country to be seriously hit by the crisis and its capacity for coping with it. The utilitarian argument implied that a free press, independent courts, and a strong civil society were desirable as means of coping with the economic crisis, rather than as ends in themselves. This meant that if the economic crisis continued to deepen, the utilitarians' support for strong democratic institutions could weaken accordingly.

What the utilitarian argument failed to grasp is that the economic crisis coincided with a profound desire for political change across Asia. Indonesia's political instability was not caused solely by the collapse of the currency but also by the fact that resentment against Soeharto's paternalistic repression and his children's corruption had been building over the previous ten years. The Thai electorate saw the crisis in 1997 as an opportunity to correct some of the worst ills of a money-driven political system. In Malaysia, the arrest of Anwar Ibrahim was not only Prime Minister Mahathir's response to an alternative set of economic policies but, perhaps more importantly, a defiant response of the old guard to a more outward-looking political generation. It was not necessarily that political change would produce economic answers, but that economic crisis helped bring simmering political tensions, many of them rooted in past human rights abuses, to the surface.

It was telling that the new attachment to democracy on the part of the international community was only visible where a locally generated transition was already in place. The economic-development-leads-to-political-liberalization theory was still very much in vogue at the end of the year with respect to countries like China where democratic transitions had not taken place, and where international pressure on human rights issues had all but ceased. Chinese leaders periodically reiterated the “development first” premise during the year, and the steady stream of Western leaders going to Beijing with large trade delegations showed that the lessons learned from Indonesia and Thailand were not going to be applied to China. In India, where democracy had flourished since independence in 1947, human rights issues were simply not high on the international agenda, in part because of the assumption that democracies prevented human rights abuses from happening.

Civil society in Asia knew better. For the tens of thousands of Asian nongovernmental organizations, the economic crisis strengthened the argument that political and economic rights were truly indivisible. Just as political reform became the major demand of nongovernmental groups in the

initial phase of the crisis, concerns over food security, access to health care, an adequate standard of living, and provision of a social safety net for the unemployed and impoverished became paramount concerns as the crisis deepened. In policy terms, this meant a move away from advocating the conditioning of IMF or other assistance packages on immediate political reform toward insistence that nongovernmental groups should be actively involved in the planning and implementation of aid or bailout programs.

The nuclear standoff in South Asia did not lead to an increase in communal violence in India and Pakistan, as some had feared. However, the tests did contribute to rising tension between the two countries over Kashmir, and shelling by troops along the cease-fire line increased sharply in July and August, killing more than one hundred civilians.

Afghanistan remained a human rights disaster, with the world either unable or unwilling to exert pressure on warring parties to end abuses that included massacres of those deemed to be the enemy. In the case of the Pakistan-backed Taliban forces who controlled much of the country, abuses included discrimination against and deliberate terrorization of women, as well as summary executions, including the massacre of thousands of Hazaras, a Shi'a minority, in August. Human rights violations in Sri Lanka were also committed by both parties to the conflict, and the fighting appear to be escalating toward year's end. (In early October, local rights monitors and journalists estimated the number of government soldiers killed by the Tamil Tigers in a three-day period to be in the high hundreds.) In Afghanistan, Sri Lanka, and Burma, ongoing conflicts had displaced hundreds of thousands internally, and many more had fled abroad. Refugee and rights organizations paid particular attention during the year to the failure of the international community to provide adequate protection to ethnic minority refugees from Burma in Thailand, but the protection failure was in fact region-wide.

Violence against women was a major issue around the region. The policies of the Taliban perhaps attracted the most attention, but reports of rape against ethnic Chinese women in Indonesia during riots there in May generated outrage around the world and led to the creation of a new network of groups organized over the Internet or in person to combat such violence. Many of the members were based in Malaysia, Singapore, Hong Kong, and Taiwan, as well as among ethnic Chinese communities in Canada, Australia, and the U.S. By October, international and domestic concern had led to the creation of a Commission on Violence Against Women. In India, violence against Dalit, or low-caste, women continued as part of a broader pattern of violence against Dalits. Police paid little attention to crimes by higher-caste groups against Dalit women, including sexual assault and rape, which seemed aimed at intimidating Dalits into ceasing their efforts to demand fundamental rights. Concern over trafficking of Asian women continued, as the economic crisis drove many more families into poverty, making them vulnerable to the offers of recruiters.

Abuse of national security legislation, particularly that which provided for broad powers of search, arrest, and detention without charge, remained a focus of human rights groups' concern. Malaysian Prime Minister Mahathir's use of the Internal Security Act (ISA) to arrest his deputy, Anwar Ibrahim, was the most prominent example of such abuse. In India, groups continued their campaign for repeal of the Armed Forces (Special Powers) Act, but it was only one of several preventive detention statutes used to harass and detain lower castes, minorities, and human rights activists. In Indonesia, President Habibie announced his intention to repeal the hated Anti-Subversion Law (Presidential Decree 11/1963), but by year's end it appeared that many of the law's provisions would simply be included in the criminal code. In China, the fate of some 2,000 prisoners convicted of "counterrevolution" who remained in prison even after the "counterrevolution" provisions of the criminal code were repealed became a focus of international concern. On a more positive note, the Supreme Court in Pakistan checked efforts of Prime Minister Nawaz Sharif to suspend all fundamental rights by declaring a state of emergency; it also struck down controversial sections of a 1997 Anti-Terrorism Act that gave enhanced powers to the police. Nevertheless, by year's end, the courage of the court gave little hope to Pakistani human rights defenders, who predicted only further erosion of civil liberties. One reason for their pessimism was Sharif's proposed amendment to the constitution, authorizing the removal of officials for failure to enforce Islamic law.

Important elections or changes of leadership took place during the year across the region, in India, Cambodia, the Philippines, Hong Kong, Indonesia, China, and Vietnam. The Hong Kong election in May was structured to reduce the number of popularly elected seats, but pro-democracy candidates overwhelmingly won those available in a clear rejection of the notion that the people of Hong Kong would see that their best interests lay in supporting Beijing. The Cambodian election may have demonstrated again the desire of Cambodians to vote, but it also demonstrated the cynical use by donor countries of international observers to rubber-stamp a preordained outcome. In this case, ruling party intimidation and pressure in the months before election day made it questionable whether the polling results, free or fraudulent, accurately represented the desire of the electorate. In India, the coming to power of the Hindu nationalist party generated fears of a rise in communal tension; those fears were realized in the states of Gujarat, Maharashtra, Bihar, and Madhya Pradesh, where anti-Christian violence surged in the latter half of the year. In Indonesia, the resignation of President Soeharto and the immediate lifting of controls on political parties offered some hope that the elections scheduled for 1999 would be the freest since 1955, although thirty years of stifled political development meant that coalition-building and compromise were something of a lost art. And despite some signs that pressures for political reform were increasing in China and Vietnam, the closed nature of the political system in both countries made it impossible to tell how much the new leadership would be beholden to conservatives in the Communist Party power structure.

## Defending Human Rights

The fiftieth anniversary of the Universal Declaration of Human Rights and the likely adoption of a Declaration on Human Rights Defenders in the U.N. General Assembly in December were reminders of how important Asian organizations and activists had become in the international human rights movement. With a long-established tradition of nongovernmental community development work in South and Southeast Asia, there was a foundation to build on when a series of political emergencies arose in the 1970s that led to the creation of new human rights organizations. That tradition may also have helped Asian organizations lead the way in fusing straightforward documentation of rights abuses with efforts to extend political, civil, social, and economic rights to disadvantaged social groups.

Of all the countries in the region, the human rights network in India is probably the oldest, going back to the Gandhian movement that flowered as India's independence struggle reached its height. Groups dedicated to helping the poor and disadvantaged emerged throughout India in the 1940s and 1950s, but most were community projects, restricted in geographic scope. A separate stream of Indian rights activism that emerged about the same time was inspired by Ambedkar, an architect of the Indian constitution and champion of low-caste communities. The Catholic church in the Philippines provided another important precursor of a human rights network, but it was not until the 1970s that human rights organizations, consciously using international law as a framework for their activities, began to emerge in response to specific political crises at home. Indira Gandhi's emergency in 1975 prompted the establishment of the People's Union for Civil Liberties in India; Marcos's declaration of martial law in 1972 gave rise to the Free Legal Assistance

Group: a bloody coup in Thailand in 1973 produced the Union for Civil Liberties; and a general absence of due process combined with a repressive political structure produced the Legal Aid Institute of Indonesia in 1971. The first human rights organization, short-lived, to appear in China was in 1979, when Ren Wanding founded the League for Human Rights to work on behalf of his colleagues arrested in connection with the Democracy Wall Movement.

The focus of all of these and other organizations that emerged in the region at the time was very specifically restoration of political and civil rights at home. They were founded and staffed, for the most part, by lawyers, in many cases defending their professional colleagues. There was some contact with other human rights groups in the region, largely through one of the oldest regional organizations, the Asian Cultural Forum on Development or ACFOD, based in Bangkok, or in some cases, through church linkages, like the Christian Conference of Asia. There was little sense, however, of taking part in an international movement.

That relative isolation changed by the early 1980s, thanks to dedicated and far-sighted efforts by individual activists to make the linkages among groups as well as the availability of foreign funding for travel and conferences. Moreover, the focus of Asian human rights work shifted as the political situation in the region became less repressive: away from a focus on political detainees to a broader concern with disadvantaged populations: women, indigenous groups, ethnic minorities. The explosion of environmental activism in the early 1980s reinforced that focus.

At the time of the Asian Preparatory Meeting for the 1993 Vienna World Conference on Human Rights, representatives of more than one hundred rights organizations in the Asia-Pacific region converged on Bangkok to present a view of human rights that differed radically from their governments' "Asian values"-driven perspective. Women's groups were among the best organized, but the existence of an impressive regional network, well-versed in international human rights standards, was obvious to all.

The widespread availability of the Internet in the late 1990s has further solidified links among Asian rights organizations and between them and their international counterparts. It has also enabled local human rights organizations to mobilize on issues that take place outside the country where they are based. From January to June, groups working to abolish child labor participated in the "Global March Against Child Labor," an initiative spearheaded by the South Asian Coalition Against Child Servitude (SACCS) that included both children and adults from over 700 NGOs and trade unions in ninety-seven countries. The six-month march wound its way through Asia, Africa, the Americas and Europe, culminating in Geneva in June 1999, when discussions began on a new convention on child labor at the International Labor Conference. In March the International Migrant Rights Watch Committee, an international network of organizations dedicated to migrant workers' rights in coalition with NGOs and NGO networks in some 150 countries, launched the Global Campaign for Ratification of the Migrant Workers Convention. In August, eighteen activists from Southeast Asia, Australia and the U.S. entered Burma to distribute leaflets commemorating the 1999 uprising. When Anwar Ibrahim was arrested in Malaysia, human rights organizations in Indonesia, the Philippines, Thailand and elsewhere were busy organizing protest letters and demonstrations, and pro-democracy activists throughout the region flocked to Internet news sources in record numbers.

Cooperation between governmental human rights institutions and NGOs in the region seemed to be on the increase. In Jakarta in September, the Asia Pacific Human Rights NGOs Facilitating Team expressed appreciation for the efforts of the Asia Pacific Forum of National Human Rights Institutions to encourage regional cooperation by official agencies such as the national human rights commissions in the Philippines, India and Indonesia and urged them to take greater advantage of NGO knowledge and expertise. In general, governmental human rights commissions in the region made important contributions to the promotion of rights but were sometimes hampered by lack of sufficient resources and the failure of other government forces to cooperate with them or follow through on their recommendations, particularly in the area of prosecutions.

As in past years, NGOs in Asia used a variety of methods to strategize on common concerns, including large regional meetings, such as those held around the the Asia-Europe Meeting (ASEM) in April or the annual Asian-Pacific Economic Cooperation (APEC) summit in November, where hundreds of NGOs discussed the impact of economic globalization on human rights protection; and smaller meetings that occurred throughout the year on such themes as migrant worker rights, media freedom, HIV/AIDS, refugee protection, caste violence in India, trafficking of women, nuclear testing in South Asia, prisoners' rights, child labor, medical approaches to human rights abuse, and forced or uncompensated displacement for hydroelectric dams and other development projects that lacked impartial mechanisms for challenging eviction proceedings. Training sessions on human rights fact-finding and documentation, legal advocacy, and information technology were also important venues of regional cooperation among NGOs.

By 1999, the focus of the human rights movement in Asia was shifting again in response to economic and political developments in the region. A greater emphasis on civil and political rights seemed to be returning in response to changes in government and greater freedom in Thailand, South Korea, and Indonesia, or the perceived danger to freedom in Hong Kong and Pakistan. At the same time, the concern for social and economic rights had not diminished, making the Asian wing of the human rights movement probably more firmly rooted in the notion of indivisibility of political and economic rights than many of their Western counterparts. At year's end, only a handful of Asian countries had no human rights organizations at all—Afghanistan, Brunei, Bhutan, North Korea, Burma, Singapore, and Vietnam among them—but these countries were the focus of human rights attention from within the region.

## The Role of the International Community

### United Nations

The UN system for protection of human rights had both gains and setbacks during the year in terms of acceptance of its role by Asian governments. The biggest setback was China's successful lobbying to persuade its Western trading partners to abandon any effort at a resolution critical of its practices at the fifty-fourth session of the Commission on Human Rights in Geneva. The gains included more acceptance by the region's governments of the legitimacy of the UN system, including by China, which hosted a visit by UN High Commissioner Mary Robinson in September and signed the International Covenant on Civil and Political Rights in October (see China chapter). Other important examples of UN oversight in the region included a May visit to Sri Lanka by the special representative of the secretary-general for children in armed conflict and one to Vietnam by the special rapporteur on religious intolerance in October. Following Soeharto's resignation in Indonesia, the new government ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ILO Convention 97 on Freedom of Association. The Cambodia Office of the High Commissioner for Human Rights (COHCHR) in Phnom Penh continued to do crucial monitoring and investigation work in the face of harassment and threats from the government, and an agreement establishing an office of the High Commissioner for Human Rights in Jakarta was signed in August. Burma was the last hold-out at this writing, the special rapporteur on Burma had still not been allowed to set foot in the country. Afghanistan remained a major

concern of the United Nations, with a resolution of concern over the deteriorating human rights situation there passed at the Commission on Human Rights in April and a devastating report by the Special Rapporteur on Afghanistan that concern had little visible impact on the country, however. Conflict resolution efforts by the secretary-general's office in East Timor, by contrast, showed the potential for having some positive human rights implications, particularly if an August 5 agreement between Portugal and Indonesia, brokered by the secretary-general, led to a reduction in the Indonesian military presence.

## ASEM, APEC, and ASEAN

All regional organizations involving East and Southeast Asia were preoccupied with the economic crisis during the year. The crisis dominated the agenda of the second summit of the Asia-Europe Meeting (ASEM) held in London on April 3-4, but press reports gave the gathering generally low marks in terms of substantive achievements. The twenty-five leaders reaffirmed the importance of the IMF, set up an ASEM Trust Fund to transfer financial skills to Asia, and agreed to work cooperatively in seeking to end sexual exploitation of children—the one human rights issue that everyone could agree on.

In July, the Association of Southeast Asian Nations (ASEAN) annual meeting provided evidence of changing attitudes in the region. With Burma in mind, Thai Foreign Minister Surin Pitsuwan proposed a change in practice that would allow member states to raise critical questions about each other's policies. That proposal, called "flexible engagement," was quickly shot down by other members, but growing differences among Indonesia, Malaysia, and Singapore, and the sharp criticism of the arrest of Anwar Ibrahim from President Habibie of Indonesia and President Estrada of the Philippines suggested that the Thai initiative might well resurface.

Also in July, the seven members of the South Asian Association for Regional Cooperation (SAARC), at their tenth summit, reaffirmed their commitment to the goal of establishing a South Asian Free Trade Area (SAFTA) by the year 2001 and to the eradication of poverty in the region. Future goals included the signing of a regional convention against trafficking of women and children for prostitution at the next summit to be held in Kathmandu, Nepal in the second half of 1999. SAARC was also working toward the formulation of a social charter focusing on a broad range of social targets to be achieved across the region in the areas of population stabilization, empowerment of women, protection of children, and the promotion of health and nutrition.

The Asia-Pacific Economic Cooperation summit scheduled for mid-November in Kuala Lumpur promised to be dominated more by the Malaysian political scene and the imprisonment of former Deputy Prime Minister Anwar Ibrahim than by any of the critical economic issues facing the region.

## International Financial Institutions

The IMF and the World Bank played highly visible, and in the case of the IMF, highly controversial roles during the year. IMF prescriptions for the Asia crisis, as noted above, were seen by leading economists, Asian officials, nongovernmental organizations, and, in some cases, the World Bank itself, as worsening the ailment. The World Bank, in its efforts to create a workable social safety net for those most affected by the economic crisis, reached out more than in the past to nongovernmental organizations. Developing anti-corruption strategies in the region was a particular focus of the World Bank; these included not only better auditing procedures, including of the bank's own projects, but more attention to the watchdog function of a free press and independent judiciary. Both the IMF and the World Bank went further than before in acknowledging the linkage between economic and political developments, but trying to translate that recognition into policy proved difficult. On the one hand, some Asian activists took the position that no IMF funds should be disbursed without demanding total political reform from the recipient countries; others argued that the U.S. Treasury Department was exerting too heavy a hand in setting a behind-the-scenes political agenda that would only serve to benefit U.S. corporations and investment banks. The "moral hazard" argument—that IMF bailouts just served to reinforce the bad practices of irresponsible lenders—struck a responsive chord in the Asian human rights community. Virtually all activists monitoring IMF projects agreed that more transparency in IMF negotiations with recipient countries was essential.

A debate over the fate of the World Bank's Inspection Panel remained unresolved as of this writing. The Inspection Panel, a quasi-independent body created to hold the bank accountable for violations of its policies and procedures and address the grievances of those adversely affected by bank-financed projects, played an important role in exposing abuses in a bank project in the Singrauli region of India. The panel's role lent support to arguments that its role should be strengthened rather than weakened.

## Donors and Investors

Donor concern focused mainly on helping to support social safety net programs in countries hit hard by the economic crisis. The standard annual donor consortium meeting on Cambodia did not take place in 1999, as donors awaited the establishment of a stable and legitimate government following the July 1997 coup. Donor commitments to Pakistan and India were affected by the nuclear testing crisis, and human rights were given lower priority than security concerns, though child labor issues remained on the agenda of the World Bank. The donor consortium meeting on Indonesia in July focused on mobilizing emergency humanitarian aid.

For the most part, private investors were preoccupied with protecting their assets affected by the crisis, but in some cases, notably Indonesia, foreign companies recognized the link between human rights and political stability and raised rights issues with Indonesian authorities. In Burma, investors stayed away, discouraged by a deteriorating economic situation as well as by the country's pariah status. Similarly, in Cambodia, few companies appeared interested in going back in until the political situation stabilized.

## The Work of Human Rights Watch

The Asia division made six countries the focus of particularly intensive work during the year: Afghanistan, Burma, Cambodia, China, Indonesia, and India, with concerns about women, refugees, political violence, and the human rights impact of the economic crisis given particular attention. The division used the Internet to establish contact with important new constituencies in Malaysia, Singapore, and elsewhere, from high school students to former government officials to people too frightened about surveillance of their messages to sign their own names.

Refugee protection was an important focus during the year. A Thai government policy beginning in June to deny entry to Burmese asylum seekers and a series of attacks by Burmese paramilitary forces on refugee camps in Thailand led to intensified monitoring of the treatment of Burmese refugees and examination of the reasons for their flight from Burma. A major report examining treatment of refugees in Thailand over the last decade was issued in October. We also sent a mission to Thailand in February and March to investigate the treatment of refugees and migrants in immigration detention centers. In other refugee-related work, we sent two missions to Pakistan during the year to interview Afghan refugees, the second prompted by reports of massacres by the Taliban of thousands of men belonging to the Hazara ethnic minority. A mission to Dharamsala, India, to interview refugees from eastern Tibet produced new information on the Chinese government's treatment of those seeking to flee Tibet.

The economic crisis led us to examine the impact on worker rights in Asia, in a report produced to coincide with the ASEM summit in April. Two reports focused on violence against the ethnic Chinese minority in Indonesia, which had become a convenient scapegoat to blame for the country's economic ills. The human rights impact of the crisis was also the theme of advocacy work with donor countries, the World Bank, regional meetings, and a G-8 meeting in Birmingham in May.

The Asia division intensively monitored the human rights situation in Cambodia in the lead-up to and aftermath of the July elections, using regular updates and briefings to press the international donor community to use its leverage to ensure a fairer atmosphere for campaigning as well as prosecutions for human rights violations by state agents. We worked closely with local Cambodian human rights groups and ensured that their concerns were voiced at the international level.

In India, we worked closely with local activists to initiate a campaign within the country to end violence against Dalits, including by trying to secure better enforcement of key laws. Human Rights Watch played a catalytic role in bringing local groups and activists together to formulate a national strategy on the issue, helping those activists to strengthen ties with each other as well as with the international human rights movement more generally.

Arbitrary detention remained an ongoing concern in the region. Research and advocacy work in China included efforts to draw attention to the arbitrariness of the administrative punishment of re-education through labor. Advocacy on behalf of detained opposition party members in Burma continued, and in Indonesia, the releases of political prisoners following Soeharto's resignation provided a hook for looking at others convicted of political offenses who remained imprisoned.

At the international level, our offices in Washington, London, and Brussels promoted public debate on issues of concern to the Asian region, and ongoing advocacy with Japanese government officials helped produce official Japanese intervention on behalf of a political prisoner in Vietnam and the "disappeared" in Indonesia. Asia division staff testified nine times before the U.S. Congress during the year: three times on Indonesia, three times on China, twice on Cambodia, and once on general Asian human rights issues.

Throughout the year, Asia staff had regular contact with the World Bank, including social sector offices working on child labor and sexual violence, the bank's inspection panel, and executive directors' offices. Human Rights Watch joined a delegation of human rights NGOs meeting with President James Wolfensohn in June; at the September annual meetings of the World Bank and the IMF, an Asia staff member took part in a panel discussion on the intersection of corruption and human rights.

We used high-level visits to Asian countries as a focus for advocacy work, with particular attention to the steady stream of state visitors to China, including U.S. President Bill Clinton, French Premier Lionel Jospin, and British Prime Minister Tony Blair. And we worked closely with other human rights advocates at the international level, including issuing a joint report on Indonesian political prisoners with Amnesty International.

At the regional and grassroots levels, advocacy efforts took place through direct contacts with fellow human rights organizations in the field, participation in regional meetings of Asian nongovernmental organizations, as well as through Internet networks. When the rape of ethnic Chinese women became a major issue in Indonesia after riots there in mid-May, our Asia and women's rights staff compiled material for Indonesian women's rights advocates on the experience of investigating rape and protecting the anonymity of rape victims in Bosnia, Rwanda, and South Africa. Our NGO liaison maintained regular Internet communication with thousands of nongovernmental groups in Asia through various networks based in the region.

*For a listing of relevant reports and missions, see page 494. Partial listings also follow each country chapter.*

## AFGHANISTAN

Afghanistan remained one of the world's most intractable human rights disasters in 1999. The war between the forces of the Taliban, an ultraconservative Islamist movement that has controlled the capital Kabul since 1996, and the coalition of opposition forces known as the United Front (UF) continued to wreak devastation in the north of the country. A bloody offensive that began in July left the Taliban in control of all but parts of central and northeast Afghanistan; during the battle for the city of Mazar-i Sharif, the Taliban massacred civilians belonging principally to the ethnic Shi'a Hazara minority. Killings of civilians were also reported from Bamian, the main city in a predominantly Hazara region of central Afghanistan that fell to the Taliban in September. Afghans living in other Taliban-controlled areas continued to suffer under repressive policies that were particularly harsh on women and minorities. Those in areas controlled by the opposition were subject to abuses also, including extrajudicial killings, rape and arbitrary detention. Large numbers of civilians on both sides were killed in aerial bombardments. Refugees from the country who had fled the fighting and repression numbered between 1.5 and 2 million; the numbers of internally displaced were estimated in the millions.

### Human Rights Developments

On August 9, Taliban forces captured the northern city of Mazar-i Sharif. As they entered the city, the Taliban troops opened fire indiscriminately in streets and market areas as panicked civilians attempted to flee. Over the next week, the Taliban conducted house-to-house searches, detaining Tajik, Uzbek and Hazara men and teenage boys and often shooting the Hazaras in the street or in their houses. Thousands were detained in the city jail and an unknown number transported to jails in Herat and Kandahar. Scores of prisoners transported in large container trucks suffocated. At least several

HUNDRED BODIES, AND PERHAPS MANY MORE, WERE REPORTEDLY BURIED IN THE DESERT OUTSIDE THE CITY. IN ADDITION, EIGHT IRANIAN OFFICIALS AND A JOURNALIST WERE KILLED IN THE CITY. AS THEY ATTEMPTED TO LEAVE THE CITY, HAZARA CIVILIANS WERE STOPPED AND TAKEN AWAY TO UNKNOWN DESTINATIONS FOR INTERROGATION. A LARGE NUMBER OF CIVILIANS DIED IN ROCKET ATTACKS AND AERIAL BOMBARDMENTS AS THEY FLED ON THE MAIN ROAD SOUTH OF THE CITY. THE MASSACRE WAS BELIEVED TO HAVE BEEN CARRIED OUT IN LARGE PART IN REPRISAL FOR THE MASSACRE OF SOME 2,000 OR MORE SURRENDERED TALIBAN SOLDIERS DURING A FAILED ATTEMPT BY THE TALIBAN TO TAKE MAZAR-I SHARIF IN MAY 1997.

BY OCTOBER, THE TALIBAN CONTROLLED ALL OF AFGHANISTAN'S MAJOR CITIES, IMPOSING IN THESE AREAS ITS OWN STRICT INTERPRETATION OF ISLAM. EDICTS GOVERNING SOCIAL BEHAVIOR WERE ENFORCED BY THE MINISTRY FOR THE ENFORCEMENT OF VIRTUE AND SUPPRESSION OF VICE, WHOSE VIGILANCE SQUADS EXACTED SUMMARY PUNISHMENT BY BEATING OR DETAINING TRANSGRESSORS. SUCH ABUSIVE PRACTICES WERE MORE CHARACTERISTIC OF THE TALIBAN'S ADMINISTRATION IN KABUL, WHERE THE POPULATION IS ETHNICALLY MIXED AND LESS SYMPATHETIC TO THE TALIBAN'S INTERPRETATION OF ISLAM THAN IN QANDAHAR AND OTHER AREAS IN THE SOUTH. THERE WAS NO FREEDOM OF ASSOCIATION OR FREEDOM OF EXPRESSION IN TALIBAN-CONTROLLED AREAS. GIVEN THE DEEP SUSPICION THAT DIVIDES THE MEMBERS OF THE UF AND THE WARLORD NATURE OF GOVERNANCE IN MUCH OF THE NORTHERN AREAS, THERE WAS LITTLE SCOPE FOR ANY SUCH FREEDOMS THERE.

WOMEN WERE PARTICULARLY TARGETED BY THE VIRTUE AND VICE SQUADS. THEY WERE NOT ALLOWED TO MOVE OUTSIDE THEIR HOMES UNLESS COMPLETELY COVERED IN A HEAD-TO-TOE GARMENT CALLED A BURQA AND ACCOMPANIED BY A MALE RELATIVE. THOSE CAUGHT VIOLATING THESE REQUIREMENTS WERE BEATEN. AS A CONSEQUENCE OF THESE RESTRICTIONS, WOMEN WERE SOMETIMES UNABLE TO SEEK MEDICAL CARE. WITH FEW EXCEPTIONS, WOMEN WERE NOT PERMITTED TO WORK. ENTIRE FAMILIES WERE DRIVEN INTO DESTITUTION AS A RESULT.

ANOTHER GROUP SPECIFICALLY TARGETED BY THE TALIBAN WAS THE HAZARAS, A SHIA MINORITY, AND TO A LESSER EXTENT, OTHER NON-PASHTUN ETHNIC GROUPS, INCLUDING TAJIKS. HAZARAS RETURNING FROM IRAN, WHERE SOME TWO MILLION HAD FLED DURING THE 1980S, WERE DETAINED UPON RETURN, TRANSPORTED TO QANDAHAR AND JAILED. AT LEAST 700 WERE REPORTED TO BE JAILED THERE IN 1998 PENDING A PROLONGED SCREENING PROCESS DESIGNED TO IDENTIFY SUPPORTERS AND MEMBERS OF HEZB-I WAHIDAT, THE HAZARA PARTY THAT IS PART OF THE UF. AS A CONSEQUENCE OF THESE DETENTIONS AND THE DETERIORATING RELATIONSHIP BETWEEN IRAN AND THE TALIBAN, REPATRIATION OF REFUGEES FROM IRAN VIRTUALLY STOPPED IN 1998. TAJIKS AND HAZARAS FEATURED PROMINENTLY AMONG THE INTERNALLY DISPLACED. BEGINNING IN 1996, LARGE NUMBERS OF TAJIKS HAD BEEN FORCIBLY RELOCATED FROM THEIR HOMES NORTH OF KABUL OUT OF FEAR THEY MIGHT GIVE SUPPORT AND COVER TO OPPOSITION TROOPS TRYING TO MOVE SOUTH TOWARD THE CAPITAL.

ANOTHER STRIKING PATTERN OF ABUSE INSTITUTIONALIZED UNDER THE TALIBAN WAS THE PUBLIC DISPLAY OF SUMMARY, CORPORAL PUNISHMENT. EVERY FRIDAY, THOUSANDS WERE PRESSURED TO WITNESS PUBLIC EXECUTIONS AND PUNITIVE AMPUTATIONS IN KABUL'S STADIUM.

AS HAS BEEN THE CASE THROUGHOUT THE WAR, ALL PARTIES TO THE CONFLICT WERE RESPONSIBLE FOR VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW. OVER 180 PEOPLE WERE KILLED IN A BARRAGE OF ROCKET ATTACKS FIRED ON KABUL BY UF COMMANDER AHMAD SHAH MASSOUD ON SEPTEMBER 20-22. REPRISAL ATTACKS ON CIVILIANS, INDISCRIMINATE ROCKETING AND SHELLING OF CITIES, AND SUMMARY EXECUTIONS OF CAPTURED PRISONERS WERE ALSO REPORTED. IT WAS GENERALLY BELIEVED THAT ALL PARTIES WERE LAYING NEW LANDMINES.

## Defending Human Rights

NO HUMAN RIGHTS ORGANIZATIONS OPERATED IN ANY PART OF AFGHANISTAN, ALTHOUGH SOME NONGOVERNMENTAL ORGANIZATIONS BASED IN PAKISTAN DID CONDUCT INVESTIGATIONS AND CARRIED OUT SOME MONITORING AND DOCUMENTATION OF CONDITIONS INSIDE THE COUNTRY. THEY DID SO AT CONSIDERABLE RISK, AND SOME RECEIVED THREATS FROM MEMBERS OF THE TALIBAN AND FROM THE ISLAMIC PARTY (HEZB-I ISLAMI). A NUMBER OF WOMEN WORKING FOR AFGHAN NONGOVERNMENTAL ORGANIZATIONS (NGOS) IN PESHAWAR, PAKISTAN WHO HAVE BEEN CRITICAL OF THE TALIBAN'S POLICIES ALSO RECEIVED THREATS. NAJEEBA SARA BIBI, A REPORTER WITH THE BRITISH BROADCASTING CORPORATION'S PASHTO SERVICE IN PESHAWAR, RECEIVED THREATS AFTER SHE SPOKE ABOUT WOMEN'S RIGHTS AT A GATHERING IN CONNECTION WITH AFGHAN INDEPENDENCE DAY. ON OCTOBER 5, TWO UNIDENTIFIED GUNMEN SHOT AT HER, BUT SHE WAS UNHARMED.

## The Role of the International Community

AFGHANISTAN HAD ATTRACTED LITTLE INTERNATIONAL ATTENTION SINCE 1992, WHEN RESISTANCE FORCES SUCCEEDED IN TOPPLING THE COMMUNIST GOVERNMENT AND THEN EMBARKED ON THE BLOODY CIVIL WAR. EFFORTS IN EARLY 1998 TO RESTART A PROCESS AIMED AT RESOLVING THE CONFLICT TOOK ON NEW URGENCY AFTER THE TALIBAN'S MID-YEAR OFFENSIVE, AND THE EXECUTIONS OF TEN IRANIAN OFFICIALS IN MAZAR-I SHARIF, RAISED THE PROSPECT OF WAR WITH IRAN. HUMANITARIAN ASSISTANCE TO AFGHANISTAN AND TO THE 1.2 MILLION REFUGEES IN PAKISTAN REMAINED THE PRINCIPAL BASIS FOR MOST COUNTRIES' RELATIONSHIP WITH AFGHANISTAN. MOST NEIGHBORING COUNTRIES ALSO PROVIDED FINANCIAL OR MILITARY SUPPORT TO ONE OR MORE OF THE AFGHAN FACTIONS, AS DID SAUDI ARABIA.

THE TALIBAN'S GENDER POLICIES CONTINUED TO ATTRACT WIDESPREAD INTERNATIONAL CONDEMNATION, PARTICULARLY FROM THE EUROPEAN UNION AND FROM WOMEN'S ORGANIZATIONS IN THE U.S. IN RESPONSE TO PRESSURE FROM SUCH ORGANIZATIONS, THE U.S. ALSO STEPPED UP ITS CRITICISM OF THE TALIBAN.

## United Nations

DESPITE THE TALIBAN'S DEMANDS FOR U.N. RECOGNITION, MEMBER STATES CONTINUED TO REFUSE TO RECOGNIZE IT AS A LEGITIMATE GOVERNMENT. AS OF OCTOBER, THE OUSTED GOVERNMENT OF BURHANUDDIN RABBANI REGIME STILL HELD AFGHANISTAN'S U.N. SEAT — A FACT THAT CONTRIBUTED TO PROBLEMS BETWEEN THE U.N. AND THE TALIBAN.

THE GROUP OF SIX-PLUS-TWO, COMPOSED OF ALL THE COUNTRIES BORDERING AFGHANISTAN (PAKISTAN, IRAN, TURKMENISTAN, UZBEKISTAN, TAJIKISTAN AND CHINA) PLUS THE UNITED STATES AND RUSSIA, AND OPERATING UNDER THE AUSPICES OF THE U.N., STEPPED UP EFFORTS EARLY IN THE YEAR TO INITIATE TALKS AIMED AT A SETTLEMENT BETWEEN THE UF AND THE TALIBAN. DURING A VISIT BY U.S. AMBASSADOR TO THE UNITED NATIONS BILL RICHARDSON—THE MOST SENIOR U.S. OFFICIAL TO VISIT THE COUNTRY IN TWENTY YEARS—IN APRIL, A CEASE-FIRE WAS ANNOUNCED, BUT PLANS FOR FURTHER TALKS BETWEEN THE TWO PARTIES FOUNDERED ALMOST IMMEDIATELY. THE TALIBAN'S MID-YEAR OFFENSIVE SCUTTLED FURTHER EFFORTS.

THROUGHOUT THE YEAR, THE HUMANITARIAN EFFORT IN THE COUNTRY WAS PLAGUED WITH PROBLEMS AS THE U.N. AND NONGOVERNMENTAL RELIEF ORGANIZATIONS CONFRONTED NEW SECURITY CONCERNS AND THE TALIBAN'S RESTRICTIVE GENDER POLICIES. A STALEMATE BETWEEN THE U.N. AND THE TALIBAN OVER SECURITY AND FREEDOM OF MOVEMENT FOR FEMALE WORKERS ACHIEVED SOME RESOLUTION IN MAY WHEN THE TALIBAN AGREED TO GUARANTEE THE SECURITY OF U.N. PERSONNEL WORKING IN THE COUNTRY. HOWEVER, IN A CONCESSION THAT APPEARED TO UNDERMINE ITS OWN PRINCIPLES, THE U.N. ALSO AGREED THAT WOMEN'S ACCESS TO HEALTH CARE AND EDUCATION WOULD BE "GRABUVAL." ALTHOUGH THE TALIBAN ALSO AGREED TO ALLOW FOR THE CONSTRUCTION OF SCHOOLS FOR BOYS AND GIRLS, AND TO PERMIT WOMEN TO WORK IN THE HEALTH SECTOR, IT PROVIDED NO ASSURANCES THAT GIRLS WOULD BE ALLOWED TO ATTEND THE SCHOOLS OR THAT FEMALE HEALTH WORKERS WOULD BE ALLOWED

to travel freely to work. In the weeks following the agreement, the Taliban closed all home-based schools and vocational training centers for girls and women in Kabul and ordered doctors not to treat women who were not accompanied by a male relative.

In a dramatic development in July, thirty-five international NGOs operating in Kabul withdrew their expatriate staff from the country rather than comply with a Taliban demand to relocate to and rehabilitate a dilapidated dormitory that lacked electricity and running water. The Taliban ultimately agreed to allow the NGOs to return to their former offices, with the understanding that the relocation would take place in the near future. Among the groups affected were Save the Children, CARE International, and Doctors of the World (Médecins du Monde). Some groups, including CARE, were able to keep some programs running using local staff.

Further negotiations between the NGOs and the Taliban were put on hold following the U.S. airstrikes on alleged training camps near the Pakistani border and the subsequent shooting by unidentified assailants of two U.N. workers in Kabul, one of whom died. In the aftermath of the U.S. action, the U.N. and virtually every relief group evacuated its staff from the country. The International Committee of the Red Cross maintained limited protection services and undertook the first visit to Mazar-i Sharif in August. As of October, the U.N. and the NGOs were negotiating the terms of their return. The U.N. was also negotiating to send a humanitarian mission to Bamian, which fell to the Taliban in September, as it was reported to be in urgent need of food and other relief supplies. As of mid-October, no agreement had been reached, and the Taliban claimed that the airport was too damaged to permit such a delegation to land.

In his March report, U.N. Special Rapporteur for Human Rights in Afghanistan Choong-Hyun Paik stated that the human rights situation had continued to deteriorate, that people in Kabul lived in fear of arbitrary punishment and harassment by the religious police, and that a large number of people, particularly from minority groups, had been imprisoned in Kabul. Paik also visited the sites of mass graves of 2-3,000 Taliban prisoners who had been summarily executed in Mazar-i Sharif during a failed attempt by the Taliban to capture the city in May 1997; he recommended that a full investigation take place. The office of the U.N. High Commissioner for Human Rights also sent a mission to Afghanistan in May to assess the feasibility of conducting an investigation into the massacre. The team visited sites where bodies had been thrown into wells, buried in mass graves, and left lying in the open in remote desert areas. The subsequent massacre of civilians in the city in August 1999 was carried out largely in revenge for the killings of the captured Taliban troops.

In a resolution passed on April 21, the U.N. Commission on Human Rights noted with concern the "ongoing further deterioration of the situation of human rights in Afghanistan," in particular violations of the human rights of women and girls and combatants' mass killings of civilians and prisoners of war. The resolution condemned interference by all factions with the delivery of humanitarian assistance to the civilian population.

On August 28, the U.N. Security Council passed resolution 1193, expressing its grave concern at the continued Afghan conflict, which it said had caused "a serious and growing threat to regional and international peace and security, as well as extensive human suffering, further destruction, refugee flows and other forcible displacement of large numbers of people," and noted the "increasingly ethnic nature of the conflict, [and] reports of ethnic and religious-based persecution, particularly against the Shi'ites." The Security Council demanded "that all Afghan factions stop fighting, resume negotiations without delay ... and cooperate with the aim of creating a broad-based and fully representative government, which would protect the rights of all Afghans" and called for an end to all "outside interference in the internal affairs of Afghanistan," asking states to prohibit their "military personnel from planning and participating in military operations in Afghanistan and immediately to end the supply of arms and ammunition to all parties to the conflict." On September 15 the Security Council "strongly condemned" the murder of the Iranian officials and called for prosecutions of those responsible for those killings and for the attacks on U.N. personnel. On April 6 the Security Council expressed concern at the increasingly ethnic nature of the conflict and called for all outside states to cease their interference. The Security Council also stated that it "support[ed] the steps of the Secretary-General to launch investigations into alleged mass killings of prisoners of war and civilians in Afghanistan."

The massacres in Mazar-i Sharif and the killings of the Iranian officials spurred Iran to mount military exercises along its borders. Escalating rhetoric between Iran and the Taliban led U.N. Secretary-General Kofi Annan on October 9 to urge both countries to "exercise maximum restraint." On October 14, U.N. Special Envoy Lakhdar Brahimi traveled to Qandahar to meet with the head of the Taliban, Mullah Muhammad Umar, in an attempt to defuse tensions with Iran and also to press for action against those responsible for the attacks on U.N. personnel in Kabul. Umar agreed to a face-to-face meeting with Iranian leaders. Brahimi also held meetings with officials in Iran before arriving in Afghanistan.

## Relevant Human Rights Watch report:

*Afghanistan: Massacre at Mazar-i Sharif, 11/99*

# BURMA

Ten years after the 1990 pro-democracy uprising was crushed by the army, Burma continued to be one of the world's pariah states. A standoff between the government and Daw Aung San Suu Kyi, general secretary of the opposition National League for Democracy (NLD), and other expressions of nonviolent dissent resulted in more than 1,000 detentions during the year. Many were relatively brief, others led eventually to prison sentences. Human rights abuses, including extrajudicial executions, rape, forced labor, and forced relocations, sent thousands of Burmese refugees, many of them from ethnic minority groups, into Thailand and Bangladesh. The change in November 1997 from the ruling State Law and Order Restoration Council (SLORC) to the gentler-sounding State Peace and Development Council (SPDC) had little impact on human rights practices and policies: the SPDC's euphemism for continued authoritarian control—"disciplined democracy"—indicated no change. In addition to pervasive human rights violations, an economy in free fall made life even more difficult for the beleaguered population.

## Human Rights Developments

The SPDC's first steps briefly raised hopes for change. In December 1997, the minister for home affairs held an unprecedented, if unproductive, meeting with NLD members. In January, the SPDC continued an unexpected anti-corruption drive that had begun in late 1997, this time extending it to the police force. Five police chiefs were forced to resign, and the Rangoon division police chief was sacked. In a seminar on the economic crisis, held in Rangoon on January 20-21, SPDC Secretary-1, Lt. Gen. Khin Nyunt, urged all participants to freely discuss Burma's economic problems, the first time anyone in the military government had called for opinions.

Optimism that the government was opening up quickly waned, however. Between December and February, a new wave of arrests of political dissidents and student activists took place, and seven members of the NLD, arrested in 1997, were given long prison terms. On March 1, Khin Myint gave a press briefing in which he named several men, some of them students, whom he accused of having taken part in plots to assassinate SPDC leaders or otherwise disturb the peace. Of those arrested, six—Ko Thein, Khin Hlaing, Naing Aung, Thant Zaw SWE, Myint Han and Let Yar Hsun—were sentenced to death for their part in alleged bomb plots. Thirty-three others were given harsh sentences, including Aung Tun, sentenced to fifteen years under the 1962 Printers and Publishers Registration Act and the 1950 Emergency Provisions Act for publishing a book describing the history of the student movement in Burma. In connection with Aung Tun's research, veteran politician and independence hero Thakin Ohn Myint, aged eighty, was sentenced on May 5 to seven years' imprisonment with hard labor.

In April NLD parliamentarian Daw San San, who had been arrested during the October 1997 clampdown, was sentenced to serve the remainder of a twenty-five-year jail term she had received for alleged treason in December 1990. She had been released under an amnesty in May 1992, but on condition that she did not take part in political activities. However, a radio interview she gave to the British Broadcasting Corporation in June 1997 was now claimed as "evidence" that she had broken the conditions of her release.

Tensions rose dramatically in May. On the eve of the May 27 anniversary of the 1990 election, which the NLD had won, the SPDC permitted the NLD to hold a party meeting at Aung San Suu Kyi's Rangoon home. Over 200 NLD supporters and parliamentarians, however, were detained for having either attended the meeting or attempting to do so. Even so, those present passed a resolution demanding that a parliament be convened by August 21.

That demand triggered a crackdown which persisted as of this writing. Initially, the SPDC imposed travel restriction orders on NLD officials, using the 1961 Habitual Criminal Offenders Act, which puts repeat offenders on permanent bail, forcing them to sign in with local authorities on a daily basis. Many NLD members refused to sign in, and as a result by mid-July some seventy-nine parliamentarians were reported to have been detained.

As the arrests mounted, Aung San Suu Kyi made attempts to meet with party activists outside Rangoon. Her moves were the result of a decision by NLD leaders to risk personal safety in order to force the government to the discussion table. On June 29, Aung San Suu Kyi was among a group of NLD leaders injured in a scuffle when the military forcibly prevented a student discussion group from meeting outside her home. Subsequently, she tried to leave Rangoon four times. On July 7 and 21, she was stopped en route to visit party members and prevented from reaching her destination. On July 24, her car was stopped as she attempted to visit Bassein. This time, the stand-off lasted for six days and ended only after the military forcibly entered her car and drove her back to Rangoon. On August 12, she made another attempt to reach Bassein, and when her car was stopped at the same point, she remained inside for thirteen days with little food or water. Only a suspected kidney infection and jaundice forced her to return to Rangoon.

This was the prelude to the mass detention of NLD supporters. In mid-August, SPDC leaders held two "confidence-building" meetings with NLD officials, including the party chairman Aung Shwe. They pointedly refused, however, to meet with Aung San Suu Kyi. Then, as the NLD August 21 deadline approached, a stream of editorials in the state media accused the NLD of treason, claiming no parliament would be allowed to meet until a new constitution was drawn up. Subsequently, over 700 NLD members were detained, bringing the number of elected parliamentarians in detention to 194.

In addition to opposition politicians, students were also the target of arrests. Although the universities had remained closed since December 1996, dozens of students were reportedly arrested in sporadic demonstrations in Rangoon in August and September, including members of two student-backed organizations, the All Burma Federation of Student Unions and the Democratic Party for New Society. In September, a number of junior army officers were also reportedly detained for expressing pro-democracy sentiments, and there were reports of the arrest of Buddhist monks in the northern city of Mandalay.

Prison conditions continued to be a source of concern. In a rare event in February, the International Committee of the Red Cross was allowed to hold a seminar on health matters for Burma's prison doctors in Rangoon. Three well-known detainees were reported to have died in custody during the year, their deaths almost certainly exacerbated by prison conditions or ill-treatment: Aung Kyaw Moe, a student leader, Thein Tin, an NLD Rangoon division organizer, and Saw Win, an NLD parliamentarian.

In ethnic minority areas, the Burmese armed forces used a mixtures of carrots and sticks to deal with ethnic discontent and armed opposition forces. In areas of armed opposition where cease-fires had been reached, local groups reported progress on development and social initiatives, especially in Kachin state. By contrast, in other war-zones there was continued fighting, with attendant grave human rights abuses. Despite repeated international condemnation, the Burmese army's use of forced labour was widespread, confirmed in a major investigation and report by the International Labour Organisation (ILO) published in August (see below).

The government stepped up its practice of targeting villagers suspected of supporting ethnic insurgents. Forced relocations were especially prevalent in the central southern Shan state, Kayah (Karenni) state, Karen state and Tenasserim division, all of which were areas where peace talks or cease-fires had broken down in the previous three years.

In addition, the Democratic Karen Buddhist Army (DKBA), a breakaway group from the rebel Karen National Union formed in late 1994 with the support of the Burmese army, renewed its terror campaign against Karen refugees in camps in Thailand. In a series of attacks on Huay Kaloke, Mawker, and Mae La refugee camps during March and April, at least four refugees were killed, over fifty wounded, and thousands made homeless.

As of November, some 21,000 Muslim Rohingya refugees from Rakhine (Arakan) state were still living in the two remaining official camps in Bangladesh, with most of the 260,000 who fled from Burma in 1991-92 having been repatriated by 1997. At the same time, new refugees continued to arrive, citing forced labor and other human rights abuses, but were denied entry to the refugee camps.

The year witnessed increased surveillance and occasional arrests of foreign visitors and journalists. One man of Australian and British citizenship, James Mandusley, was sentenced to five years for breaking immigration laws when he entered the country, without a visa, via Thailand in April. He was eventually released as a humanitarian gesture in August. At least five freelance reporters who entered the country with tourist visas were known to have been deported (usually after they tried to make contact with Aung San Suu Kyi or NLD officers), while those who declared their profession in their applications were denied visas from the middle of the year. The SPDC attempted to block all international reporting, and NLD telephone lines were routinely tapped and cut off if foreign journalists managed to get through.

## Defending Human Rights

Dragonian laws preventing freedom of association and expression remained in place, so that ten years after the SLORC/SPDC assumed power, Burma still



had no indigenous human rights organizations.

In August, eighteen foreign human rights activists (from Thailand, Malaysia, the Philippines, Indonesia, the U.S., and Australia) were arrested in Burma while handing out leaflets commemorating the 1990 uprising. After interrogation, they were charged under the 1950 Emergency Provisions Act and sentenced to five years' imprisonment, then immediately deported.

For the third year running, the Special Rapporteur to Burma, Justice Rajssoomer Lallah, was also denied permission to visit the country.

## **The Role of the International Community**

International policies towards Burma continued to be contradictory. While Western governments supported limited sanctions and the political isolation of the SPDC, Burma's Asian neighbors called for closer engagement. In particular, China remained Burma's most important trading partner and arms supplier, while contacts with the Association of Southeast Asian Nations (ASEAN) increased following Burma's 1997 admission to the organization.

### **United Nations**

Concern over the suppression of human rights in Burma was again expressed through a number of U.N. bodies during the year. In particular, consensus resolutions were passed by the U.N. General Assembly in December 1997 and the U.N. Commission on Human Rights in April 1998, noting a broad range of human rights concerns and calling on the SPDC to protect democratic freedoms and institute dialogue with leaders of political parties, including the NLD and ethnic minority groups. Following Burma's 1997 accession to the Convention on the Elimination of All Forms of Discrimination against Women, the annual report of the Special Rapporteur, Rajssoomer Lallah, also highlighted incidents of forced labor and rape as well as the plight of refugee women.

Alvaro de Soto, representing the U.N. secretary-general's office, visited Burma in January, where he met both SPDC leaders and Aung San Suu Kyi.

In August, Secretary-General Kofi Annan, at U.S. urging, offered to send Ismail Ratali, the former Malaysian representative to the U.N. as well as former president of the General Assembly, to Burma to facilitate talks between the government and the opposition. But the SPDC almost immediately rejected the offer, in part because of its American origins.

Longstanding U.N. concerns over the practice of forced labor by the military authorities in Burma gained further urgency with the August report of the ILO, which concluded that compulsory labor was "pervasive" in Burma, widely performed by women, children and the elderly, especially forced on ethnic minority groups, and frequently accompanied by physical abuse, including beatings, torture, rape and murder.

The role of the United Nations High Commissioner for Refugees (UNHCR) also gained new prominence in Burma. With an office in Arakan and efforts underway to wind down operations on the Bangladesh border, the UNHCR also turned its attention to Thailand after being invited by the Thai government to begin negotiations over a new monitoring role there. Some feared that role might lead to the eventual repatriation of over 100,000 refugees to Burma.

### **European Union**

During 1998, the European Union (E.U.) ban on arms sales to Burma remained in place as did the restriction against SPDC officials visiting E.U. countries. The European Commission's March 1997 decision to suspend trading benefits to Burma under the Generalised System of Preferences (GSP) program was also imposed, effectively excluding Burma from participation in E.U.-ASEAN discussions. The SPDC was notably not invited to the Asia-Europe Meeting (ASEM) summit in London in April. In addition, individual E.U. members imposed new restrictions of their own: the Labour government of the United Kingdom announced a new policy to "actively discourage" tourism in Burma, the first time a British government had made such a move over any country. An E.U. mission to Burma to meet with Aung San Suu Kyi and SPDC leaders was also proposed in August but rejected by the SPDC.

Despite condemnatory statements by E.U. bodies over the political and human rights situation in Burma, European companies went ahead with investments. The gas pipeline constructed across southern Burma to Thailand by the French oil giant Total, in partnership with the U.S. corporation Unocal, was completed in mid-year, while the British oil company Premier began construction of a new pipeline in the same area, despite E.U. recommendations against trade in Burma. The E.U. filed a brief in July with the U.S. district court in Massachusetts, invoking World Trade Organization agreements and stating that the 1996 Massachusetts Selective Purchasing Law, banning state business with companies that invested in Burma, was inhibiting U.S.-E.U. relations.

### **U.S. and Canada**

The U.S. policy of economic and trade sanctions against Burma continued during 1998 and was strongly supported by members of Congress and officials of the Clinton administration. At the ASEAN foreign ministers' meeting in July, Secretary of State Madeleine Albright spoke out forcefully on Burma. The U.S. continued to oppose any World Bank loans to Burma; in September, the bank declared that Burma was in arrears for its debts and that World Bank assistance could not be considered until they were paid.

The State Department repeatedly condemned the political crackdown on the NLD, warned that any moves against Aung San Suu Kyi would escalate the international response, and urged other governments including Japan to impose sanctions. The U.S. strongly protested the detentions and prison sentences given to political activists in May, calling on the Burmese government to "guarantee the basic rights to due process and to release those imprisoned for the peaceful expression of their political views."

In April, the U.S. ambassador to the U.N., Bill Richardson, tried to visit Burma as part of a tour of South Asia but was denied a visa by the SPDC. The formal reason given for the decision was the U.S. ban on travel by SPDC government officials.

Narcotics policy on Burma shifted during the year. Burma is classified by the State Department as the world's largest producer of illicit opium and heroin. But although Burma was decertified in 1998 for narcotics assistance, the U.S. decided in early 1998 to give up to \$3 million towards a new crop substitution program by the U.N. Drug Control Program in the Shan State, along the China border. Narcotics programs have generally entailed cooperation with the Burmese military, but it was not clear whether this assistance did in fact mean any closer cooperation with the authorities.

The Canadian government publicly urged Burma's rulers to initiate a "meaningful dialogue" with the NLD and condemned the travel restrictions on Aung San Suu Kyi and others. But Ottawa did not impose any sanctions beyond the withdrawal of GSP (Generalized System of Preferences) trade benefits in August 1997. Canada joined six other governments in issuing an appeal at the ASEAN ministerial meeting in Manila urging the SPDC to end the standoff with the NLD.

## ASEAN

THE FIRST FULL YEAR OF BURMA'S MEMBERSHIP OF ASEAN WAS MARKED BY CONTRADICTORY SIGNALS OVER WHAT INFLUENCE THE ORGANIZATION MIGHT HAVE IN THE COUNTRY'S FUTURE. IN GENERAL, ASEAN MEMBERS CONTINUED THEIR SUPPORT FOR A POLICY OF "CONSTRUCTIVE ENGAGEMENT," ARGUING THAT WESTERN ISOLATION OF THE SPDC AND TRADING SANCTIONS WERE BOTH DISCRIMINATORY AND COUNTERPRODUCTIVE. NOT ALL OF ASEAN'S ENGAGEMENT WAS ITSELF CONSTRUCTIVE, HOWEVER: ACCORDING TO *JANE'S DEFENCE WEEKLY*, A SINGAPORE GOVERNMENT-OWNED COMPANY (CHARTERED INDUSTRIES) PROVIDED A PREFABRICATED FACTORY TO PRODUCE SMALL ARMS AND AMMUNITION THAT WAS SHIPPED TO BURMA IN FEBRUARY.

AT THE SAME TIME, THERE WERE INCREASING INDICATIONS OF ASEAN FRUSTRATION WITH BURMA IN BOTH POLITICAL AND ECONOMIC AFFAIRS. THE REGIONAL FINANCIAL CRISIS CUTS TWO WAYS. NOT ONLY DID THE FINANCIAL CONSTRAINTS IN SEVERAL ASEAN STATES, NOTABLY THAILAND, MALAYSIA AND INDONESIA, CURTAIL JOINT ECONOMIC PROJECTS, BUT FROM THE BEGINNING OF THE YEAR THE SPDC ALSO SHUT OFF ITS BORDERS TO IMPORTS, TRYING TO SALVAGE THE VALUE OF THE RAPIDLY FALLING BURMESE KYAT. IN PARTICULAR, THAILAND WAS FRUSTRATED BY THE CONTINUED CLOSURE BY THE SPDC OF THE MYAWADDY-MAE SOT FRIENDSHIP BRIDGE, A PRESTIGE THAI INVESTMENT, AS WELL AS ATTACKS BY BOTH BURMESE ARMY AND DKBA TROOPS ALONG DIFFERENT PARTS OF THE BORDER. THE REFUGEE CRISIS IN THAILAND BECAME A MATTER OF GROWING ASEAN CONCERN.

AS A RESULT, ALTHOUGH DIPLOMATIC EXCHANGES BETWEEN THE SPDC AND ASEAN MEMBERS ACCELERATED, THERE WERE ALSO SIGNS OF ASEAN DISAPPROVAL OF THE BURMESE GOVERNMENT. IN DECEMBER 1997, AUNG SAN SUU KYI SENT A RECORDED MESSAGE TO ASEAN LEADERS FOR THEIR ANNUAL INFORMAL SUMMIT, CALLING ON THEM TO SUPPORT POLITICAL CHANGE IN BURMA, AND THIS CALL WAS GENERALLY HEEDED. IN MARCH, THE MALAYSIAN FOREIGN MINISTER, ABDULLAH BADAWI, HELD A TWO-HOUR MEETING WITH AUNG SAN SUU KYI IN RANGOON, WHILE SOUTHEAST ASIAN NONGOVERNMENTAL ORGANIZATIONS, LED BY THE ALTERNATIVE ASEAN NETWORK, STEPPED UP THEIR CAMPAIGN FOR DEMOCRACY IN BURMA.

THE MOST SIGNIFICANT MOVES, HOWEVER, CAME FROM THAILAND AND THE PHILIPPINES, WHICH ADVOCATED STEPS TOWARDS MORE OPEN DEBATE WITHIN ASEAN THAT WOULD PERMIT CRITICISM OF FELLOW MEMBERS, LIKE BURMA.

## Japan

JAPAN CONTINUED ITS TWO-TRACK POLICY ON BURMA, PROVIDING LIMITED ECONOMIC ASSISTANCE TO THE RANGOON GOVERNMENT WHILE URGING IMPROVEMENTS IN HUMAN RIGHTS AND RESTORATION OF DEMOCRATIC RULE. A CONTROVERSIAL DECISION IN MARCH TO RESUME A \$19.5 MILLION OFFICIAL DEVELOPMENT ASSISTANCE (ODA) PROJECT TO EXTEND THE RANGOON AIRPORT, INITIALLY SUSPENDED IN 1990 FOLLOWING THE MILITARY COUP, WAS OPPOSED BY JAPANESE PARLIAMENTARIANS OF BOTH THE RULING COALITION AND THE OPPOSITION. THE CABINET WENT AHEAD WITH THE PROJECT, HOWEVER, AFTER A PRO-BUSINESS LOBBY IN THE DIET APPARENTLY CONVINCED THEM IT WAS "HUMANITARIAN AID" NEEDED TO RESTORE AIRPORT SAFETY. THE MINISTRY OF FOREIGN AFFAIRS PUBLICLY CALLED ON BURMA TO IMPROVE HUMAN RIGHTS AND BEGIN A "MEANINGFUL DIALOGUE" WITH THE DEMOCRATIC OPPOSITION AND AUNG SAN SUU KYI, BUT MINISTRY OFFICIALS SAID THERE WERE NO EXPLICIT CONDITIONS ATTACHED TO THE ODA FUNDS. THE U.S. PUBLICLY AND PRIVATELY PROTESTED THE DECISION.

ALSO IN MARCH, JAPAN GAVE BURMA A \$16 MILLION GRANT IN DEBT RELIEF AND TOOK THE LEAD IN PERSUADING THE U.N. DRUG CONTROL PROGRAM TO SPONSOR A SEMINAR IN RANGOON. AT THE MEETING, JAPAN PLEDGED \$800,000 FOR CROP SUBSTITUTION PROGRAMS AND AGREED TO GIVE THE FUNDING WITHOUT ADEQUATE MEASURES IN PLACE TO MONITOR ITS USE. FOR THE FIRST TIME, JAPAN ALSO AGREED TO FUND EFFORTS BY NGOs TO ASSIST BURMESE REFUGEES ON THE THAI BORDER; IT GAVE \$75,000 IN EARLY JULY.

FOLLOWING THE ASEAN MEETING IN MANILA IN JULY, JAPAN JOINED OTHER GOVERNMENTS IN PUBLICLY CALLING ON BURMA TO ENGAGE IN THE DIALOGUE WITH AUNG SAN SUU KYI. WHEN FOREIGN MINISTER MASAHITO KOMURA VISITED THE U.S. IN MID-AUGUST, HE AGREED WITH U.S. SECRETARY OF STATE ALBRIGHT TO URGE BURMA TO REMOVE RESTRICTIONS ON AUNG SAN SUU KYI'S MOVEMENTS AND TO CEASE HARASSMENT OF THE OPPOSITION.

## Relevant Human Rights Watch report:

*UNWANTED AND UNPROTECTED: BURMESE REFUGEES IN THAILAND, 9/98*

# CAMBODIA

## Human Rights Developments

THE FIRST NATIONAL ELECTIONS IN CAMBODIA SINCE 1993 DOMINATED POLITICAL DEVELOPMENTS DURING THE YEAR. TOO READILY DECLARED FREE AND FAIR BY THE INTERNATIONAL COMMUNITY, THEY WERE PRECEDED BY WIDESPREAD INTIMIDATION OF VOTERS, AND FOLLOWED BY PROTESTS OF FRAUD. IN THE HEAVIEST VIOLENCE IN PHNOM PENH SINCE THE 1997 COUP BY SECOND PRIME MINISTER HUN SEN AGAINST HIS FORMER COALITION PARTNER, PRINCE NORODOM RANARIDDH, FIERCE CLASHES ERUPTED IN SEPTEMBER BETWEEN RIOT POLICE AND DEMONSTRATORS PROTESTING THE VICTORY BY HUN SEN'S CAMBODIAN PEOPLE'S PARTY (CPP). AS OF MID-OCTOBER, A NEW GOVERNMENT HAD NOT BEEN FORMED: THE PROSPECT OF YET ANOTHER ADVERSARIAL COALITION GOVERNMENT BETWEEN RANARIDDH AND HUN SEN OFFERED LITTLE HOPES FOR STABILITY OR HUMAN RIGHTS IMPROVEMENTS. NO PROGRESS WAS MADE DURING THE YEAR TOWARD ENDING IMPUNITY FOR RIGHTS VIOLATIONS: OFFICIALS LINKED TO MURDERS AND "DISAPPEARANCES" REMAINED IN OFFICE, AND KHMER ROUGE LEADERS ASSOCIATED WITH THE 1975-79 MASSACRES OF A MILLION OR MORE CAMBODIANS REMAINED AT LARGE EVEN AFTER POL POT'S DEATH IN APRIL. ETHNIC VIETNAMESE LIVING IN CAMBODIA CONTINUED TO BE A TARGET OF POLITICAL VIOLENCE.

HUN SEN BEGAN TO LAY THE GROUNDWORK FOR THE 1998 ELECTIONS IN LATE 1997 BY SENDING A LETTER TO U.N. SECRETARY-GENERAL KOFI ANNAN ON OCTOBER 22, GUARANTEEING THE SAFE RETURN OF OPPOSITION POLITICIANS WHO FLED AFTER THE COUP AND PLEDGING TO ORGANIZE FAIR ELECTIONS. BY THE END OF NOVEMBER, THE UNITED NATIONS OFFICE OF THE SECRETARY-GENERAL'S PERSONAL REPRESENTATIVE IN CAMBODIA HAD CREATED A NEW UNIT OF INTERNATIONAL PERSONNEL, MANDATED TO MONITOR THE PHYSICAL SECURITY AND SAFETY OF RETURNING POLITICAL LEADERS, THEIR FREEDOM FROM ARREST AND DETENTION, AND THEIR ABILITY TO ENGAGE IN POLITICAL ACTIVITIES. BY EARLY 1998, MOST HAD RETURNED. THESE INCLUDED RANARIDDH'S PARTY, FRONT UNI NATIONAL POUR UN CAMBODGE INDEPENDENT, NEUTRE, PACIFIQUE, ET COOPERATIF, OR FUNCINPEC; SAM RAINSY'S KHMER NATION PARTY (KNP); AND THE SON SANN FACTION OF THE BUDDHIST LIBERAL DEMOCRATIC PARTY (BLDP). THROUGHOUT THE FIRST HALF OF THE YEAR, THE CPP WAS VIRTUALLY THE ONLY PARTY ABLE TO FREELY AND ACTIVELY CONDUCT POLITICAL ACTIVITIES THROUGHOUT THE COUNTRY. IT WAS NOT UNTIL MAY THAT OPPOSITION PARTIES WERE LEGALLY RECOGNIZED AND NOT UNTIL JUNE THAT THEY WERE FULLY REGISTERED TO PARTICIPATE IN THE ELECTION.

Until mid-February, a political impasse over Ranariddh's ability to participate in the elections threatened to block international donor support for the vote. Hun Sen charged that Ranariddh had imported illegal weapons in 1997 and mounted an armed opposition with Khmer Rouge support against government forces. In February, however, a group of donor and neighboring countries known as the Friends of Cambodia endorsed a peace initiative put forward by Japan, and Hun Sen and Ranariddh agreed. Dubbed the "Four Pillars" plan, it called for an immediate cease-fire and reintegration of resistance forces into the government army, the severing of Ranariddh's ties with the Khmer Rouge, the trial of Prince Ranariddh in absentia followed by his pardon by King Sihanouk, and government guarantees of Ranariddh's safe return to Cambodia.

The latter two provisos were easier to observe than the first two. In a trial held in Phnom Penh Military Court on March 4, Ranariddh was found guilty of the weapons charge and sentenced to five years in prison. In a second trial on March 17, he and two of his generals were convicted of colluding with the Khmer Rouge to overthrow the government. Ranariddh was sentenced to thirty years, and he and his co-defendants were required to pay U.S. \$56 million in damages to the government, individuals, and private companies that had incurred losses during the coup. On March 21, King Sihanouk issued a full royal pardon for both of Ranariddh's criminal convictions and released the prince from having to pay any compensation.

A National Election Committee (NEC) was formed in January to organize and monitor the elections and verify the accuracy of the final tally, but it was dominated by the CPP.

Similarly, the Constitutional Council, the nation's highest appeals body, which was mandated to resolve electoral disputes and verify the accuracy of the final tally, had a disproportionate number of CPP-affiliated members and was established too late to address most election-related disputes. At party congresses in Phnom Penh in March, two leading opposition parties changed their names because of legal battles with pro-CPP rival factions. The KNP became the Sam Rainsy Party, and one faction of the BLDP became the Son Sann Party. During political party registration, which began on March 29, thirty-nine parties were approved by the Ministry of Interior and the NEC.

A pattern of violence against opposition party workers continued late into the year. Prior to Ranariddh's return on March 3, several high-ranking FUNCINPEC officials were assassinated in Phnom Penh, including Lt. Col. Moun Sameth on March 3, Gen. Thach Kim Sang on March 4, and Lt. Col. Chea Vutha on March 29. Local activists in the countryside were also targeted, as for example in the April 26 grenade attack against Son Sann Party members in Takeo, in which two people were killed.

In April the CPP turned its attention to getting its members appointed to the provincial and commune election commissions and launched a heavy-handed but generally nonviolent party recruitment campaign. Local officials and militia went house to house or conducted mass meetings to solicit thumbprints and pledges from the populace to vote for the CPP, confiscated and recorded identification numbers on voter registration cards, and conducted "mock elections" before the actual polling, in which people were pressured to vote for the CPP. Although voter registration got off to a rocky start on May 19, the NEC reported that 92 percent of the estimated 5.6 million eligible voters eventually registered to vote.

Top opposition leaders such as Ranariddh and Rainsy began to make high-profile visits to the provinces in May, but the ongoing threat of political violence discouraged activity by local-level opposition members outside Phnom Penh. A May 13, 1999 memorandum from the Special Representative of the Secretary-General for Human Rights in Cambodia detailed forty-two killings and six long-term "disappearances" of people presumed killed since the initial forty-one killings that took place in the immediate aftermath of the July 1997 coup. A U.N. report prepared in April concluded that the government had not launched any serious investigations into coup-related abuses and that no investigations were planned.

On June 9, the co-prime ministers signed a directive establishing a National Human Rights Committee. The fact that the committee was led by two top advisers to Hun Sen, and that this was the fourth time since July 1997 that Hun Sen had pledged to set up such a commission, did not inspire confidence that it was a serious effort. A National Task Force on Security for the Elections was established the same month, responsible for investigating election-related violence. Headed by National Police Chief Hok Lundy, himself linked to political murders, the task force concluded that all of the cases it received stemmed from personal motives such as revenge or robbery.

In the final two months preceding the elections the Cambodia Office of the High Commissioner for Human Rights (COHCHR) received several hundred allegations of voter intimidation, death threats, acts of violence against individuals, illegal arrests and detention, forced removal or destruction of party signs or shooting at party offices, coercion of voters to join the CPP, temporary confiscation of voter registration cards by local authorities, and barring of party members from access to communities. More than one hundred of the complaints were deemed credible. During the same period, the COHCHR found at least twenty-two murders in which political motivations played a part.

In the elections themselves, 94 percent of the registered voters turned out to vote, observed by the Joint International Observation Group (JIOG), a U.N.-coordinated body of thirty-seven countries. The JIOG dispatched only 250 pairs of observers to cover more than 11,000 polling sites and 1,600 counting centers. Additional observation was handled by Cambodian observers under the auspices of well-respected electoral monitoring NGOs, such as the Committee for Free and Fair Elections (COMFREL) and the Coalition for Free and Fair Elections (COFFEL). Most of the international observer delegations flew in only days before the elections, gave their approval, and left as quickly as they had come. Immediately following the polling, hundreds of opposition activists fled their homes in the provinces after receiving threats of reprisals and death from local officials. Meanwhile, counting continued well into the third week in August.

The JIOG issued its assessment that the voting was free and fair on July 27, before the counting was even completed. The Asian Network for Free Elections (ANFREL) was the only international observer delegation to avoid making a snap judgment, calling on the NEC on July 30 to investigate complaints of polling and counting irregularities as well as reports of widespread intimidation and threats against opposition party members following the elections.

In preliminary results released by the NEC in August, the CPP was declared the winner, but the opposition rejected the results and demanded a recount. However, after cursory examination of only a fraction of the opposition's complaints, both the NEC and the Constitutional Council declared the appeals process closed. On September 1, the NEC announced the final results: the CPP received sixty-four of 122 National Assembly seats, or a slight majority, while FUNCINPEC got forty-three seats and the Sam Rainsy Party fifteen. The opposition refused to join a coalition government proposed by the CPP, which had not won enough seats for the two-thirds majority required to form the new government on its own. In late August the opposition launched three weeks of protest marches and rallies in Phnom Penh and set up a tent city in front of the National Assembly which they called "Democracy Square."

Unprecedented numbers of people took to the streets to call for Hun Sen to step down. Government officials declared that the demonstrations

were illegal and threatened to arrest Sam Rainsy.

Anti-Vietnamese sentiments flared in some of the demonstrations and rallies, with opposition politicians charging that Hun Sen and Vietnamese "puppets" were intent on eliminating the Cambodian people. On August 30, demonstrators attempted to destroy a stone memorial in "Democracy Square" that commemorates Cambodia-Vietnam friendship, smashing it with hammers and setting it on fire. On September 3 and 4, at least four ethnic Vietnamese were killed in mob violence in Phnom Penh as a result of rumors that more than seventy people had died from drinks or food that had been poisoned by Vietnamese people.

Following a grenade attack on September 7 on Hun Sen's residence in Phnom Penh, government forces found a pretext to move against the demonstrators, opening fire outside the Cambodiana Hotel, where Sam Rainsy had taken refuge, killing one man and provoking widespread anger. Over the next week daily clashes broke out between riot police, pro-CPP demonstrators and opposition supporters. Bulldozers were brought in to destroy the tent city, and riot police used electric batons, fire hoses, rifle butts and bullets to disperse protesters around the city. At least two people were killed by government security forces or their agents during the unrest, with another twenty-four deaths under investigation by the COHCHR. Dozens more, including monks, women, and students, were beaten or injured by government security forces, and more than twenty people were arrested. The government banned sixty-eight opposition politicians from leaving the country and threatened that some would be arrested. While the travel ban was effectively lifted on September 24 for most opposition leaders, Son Sann Party candidate Kem Sokha, the former chairman of the National Assembly's Human Rights Commission, continued to be barred from leaving the country. In late September he went into hiding after a court summons was issued in connection with his role in the September demonstrations.

Under intense pressure from the international community and King Sihanouk, the opposition called off the demonstrations. On September 22, the king hosted a meeting in Siem Reap between Hun Sen, Ranariddh, and Rainsy. While this facilitated the swearing in of the new National Assembly on September 24, tensions escalated again when a rocket exploded that morning along the road to the ceremony in what Hun Sen charged was an assassination attempt. Ranariddh, Rainsy and many of their members immediately left Cambodia after the swearing-in ceremony, citing concerns about their personal security.

Fundamental freedoms of association, assembly, and expression faced periodic threats during the year, although large numbers of people, sometimes tens of thousands, were able to gather for political rallies, labor demonstrations, and protest marches. For the most part, candidates were able to speak freely during the campaign. In the course of the crackdown on opposition supporters protesting the election results, however, the government issued a statement on September 9 that banned "unauthorized gatherings," particularly those that might disrupt public order and security.

Opposition parties had virtually no airtime on broadcast media during the year, except for the thirty-day official campaign period, when NEC regulations provided for somewhat more equitable media access. Even during the campaign, however, the privately owned Apsara and Bayon stations continued to give disproportionate coverage in the first half of July to the CPP, which appeared 446 times, with FUNCINPEC appearing six times and the Sam Rainsy Party nine times.

In September, the Ministry of Information ordered the closure of FM 105, a private radio station owned by an unsuccessful opposition candidate, charging that the station had aired inflammatory programs. In October, opposition newspaper *Udom Kotte Khmer* (Khmer Ideal) was suspended for allegedly publishing stories detrimental to national security and political stability. Also in October, the Minister of Information threatened to revoke the visa of an American reporter and suspend two American-owned publications, the *Cambodia Daily* and *Phnom Penh Post*, for allegedly biased reporting. After protests from foreign diplomats, the minister backed down.

The court system remained virtually powerless in 1998, with the judiciary subject to political pressure. While no move was made against officials suspected of rights abuses, UN Secretary-General Kofi Annan in August announced the creation of a Commission of Experts to assess evidence of war crimes, genocide, and crimes against humanity committed by the Khmer Rouge under Pol Pot, who died on April 15, only days after the United States announced its intention to capture him and his top deputies and bring them to trial. Questions persisted as to the status of other ranking Khmer Rouge leaders who are still alive, including those who remain in hiding as well as more than a dozen influential Khmer Rouge who have defected to the government since 1996.

## Defending Human Rights

More than half a dozen Cambodian human rights organizations continued to be active throughout the country. On April 2 one of the COHCHR's Khmer staff persons, who was monitoring demonstrations during Ranariddh's return to Phnom Penh, was beaten by government security forces. During the unrest in Phnom Penh in September, local and international human rights workers attempting to monitor demonstrations or assist the wounded were harassed by government security officials.

Relations between the government and COHCHR were at times antagonistic, starting off in January with the unsuccessful visit to Cambodia of High Commissioner for Human Rights Mary Robinson. Even before Robinson arrived, a defiant Hun Sen put the U.N. on the defensive, derailing any agenda Robinson might have had. In a letter to Secretary-General Annan just before Robinson's visit, Cambodia's co-premiers accused the COHCHR of interference, arrogance and dissemination of inaccurate information and warned the U.N. not to offer protection to Ranariddh to enable him to return to Cambodia, claiming that the U.N.'s mandate did not cover accused criminals.

COHCHR nevertheless increased its human rights monitoring staff in the provinces during the elections. The U.N. Secretary-General's Special Representative for Human Rights Thomas Hammarberg made eleven visits to Cambodia, continuing to speak out strongly on the issues of impunity, political violence, lack of access to the media, independence of the judiciary, and accountability.

The government moved to regulate NGOs during the year. In October 1997 the government had launched an NGO Monitoring Commission, with a particular focus on groups suspected of being involved in political or human rights work. In June 1998, a new draft Law on NGOs and Associations was circulated that would increase and complicate registration requirements for both national and local NGOs, prohibit associations from receiving foreign assistance, and bar foreign associations from receiving any government funding. The National Assembly had not acted on the draft law by October.

## The Role of the International Community

The international response to developments in Cambodia was characterized by donor weariness with Cambodia's seemingly never-ending problems, eagerness

to sign off on a flawed electoral process, and acquiescence in Hun Sen's consolidation of power. The UN seat that had been left vacant after the 1997 coup was not restored to Cambodia during the 1999 UN General Assembly meeting.

## United Nations

The UN was actively involved in Cambodia, most importantly through the Office of the Secretary-General's Personal Representative in Cambodia, headed by Lakshmi Mahapatra, and the Cambodia Office of the High Commissioner for Human Rights (COHCHR). The mandate of the first, directed more at peace-building than human rights, was due to be extended for six months in October, subject to approval by the new government and the Secretary-General. At the beginning of the year, its primary concern was ensuring the safety of opposition politicians returning from exile; fifteen people were brought in as monitors to help in this regard. COHCHR augmented its staff for the election, bringing in four mobile monitors, two political analysts and one election analyst. Its mandate ran until March 1999.

The UN did not deploy its own electoral observers but set up a secretariat to coordinate the deployment of and logistical support for international observers. The UN Development Program (UNDP) administered a trust fund through which foreign aid for the elections was channeled. In an April 2 memorandum to Cambodia's two prime ministers, the UN reserved the right to suspend its coordination of observers if there was not equitable access to the media or if observers were restricted in their movements, parties were blocked from campaigning, a general climate of intimidation thwarted fundamental freedoms to speech and assembly, or the Constitutional Council was unable to exercise its authority. While conditions were flawed in most of these respects, the UN did not suspend its activities.

## European Union

As the largest donor to the electoral process, the European Union (EU) contributed U.S. \$11.6 million for voter registration, journalist training, and international observers. In mid-May with the commencement of voter registration, the EU sent more than a dozen long-term observers. EU member states bilaterally provided more than eighty short-term observers during the actual polling.

The EU's stance was generally to downplay problems and highlight instead the stability that elections would bring. Within the EU, Austria and the Netherlands appeared more critical of the violent pre-campaign environment and proposed in April that the elections be postponed for several months.

For the first time a high ranking member of the European Parliament, Glenis Kinnock, was appointed to observe a foreign election as EU special envoy. In a post-election statement, Kinnock assessed polling and counting as credible but cautioned the international community from taking any final position until the entire electoral process had been completed. In addition she called for an end to harassment of and violence against opposition members.

Following the polling, some EU member states, including France, put pressure on Ranariddh to form a coalition with the CPP. On September 4, the EU issued a statement from Vienna calling on the contending parties to cooperate in forming a new government.

The European Parliament (EP) passed resolutions on Cambodia in 1999, on March 11, June 19 and September 17. The pre-election resolutions deplored the EU's announcement of election aid despite little evidence that the elections would be free and fair and raised issues of security for returning opposition politicians, equal access to the media, bias in the composition of the Constitutional Council, political violence and intimidation, and repatriation of Cambodian refugees. The September 17 resolution noted the rapidly deteriorating human rights climate, called on all parties to work together to halt the violence, and linked the continuation of European aid to the democratization process.

## Asia

Establishing conditions for the July elections in Cambodia was a high priority for Japan. Tokyo took the lead in proposing the "Four Pillar" political solution that was ultimately supported by Pinom Penh's other donors. Japan also provided key funding for the elections via the UN and sent thirty-two short-term observers to participate in the UN-coordinated election monitoring team. Japanese officials downplayed the pre-election violence and ongoing rights abuses, however, undermining pressure from other governments for an end to official impunity. After the July elections, Japan endorsed the results. On September 3, Japan's Ministry of Foreign Affairs declared that the elections were "conducted in a sufficiently free and fair manner," urged the opposition parties to join a coalition government, and pledged to "strengthen its support for the economic development of Cambodia" by providing bilateral aid to the new government. Japan's contribution to Cambodia of U.S. \$9.12 million included the costs of ballot boxes and vehicles and office equipment for the election commission. Japan also provided U.S. \$605,000 to the United Nations to support the Electoral Assistance Secretariat and the UN's monitoring of the safe return of returning politicians.

Member states of the Association of Southeast Asian Nations (ASEAN) sent election observers. On September 4 ASEAN affirmed the JIQG's assessment of the elections as free and fair and urged that all parties resolve their differences. On September 9, after violence erupted in Pinom Penh, ASEAN issued a statement from Singapore calling for the parties to exercise restraint and avoid violence. As of late October, Cambodia's ASEAN membership continued to be on hold.

## United States

The U.S.—which suspended all non-humanitarian aid to Cambodia after the 1997 coup—took a firmer line on the Cambodian electoral process than ASEAN or the EU. It withheld direct election aid and waited until May before coming forward with U.S.\$2.3 million to fund local and international observers. The funding also covered some of the costs of the UN Electoral Assistance Secretariat and UN monitoring of safe return of politicians and election-related rights violations. Secretary of State Albright noted after the election that voters had turned out in "inspiring numbers" despite clear intimidation. On September 16 the U.S. called on the Cambodian government to lift the travel ban on opposition leaders.

Members of the U.S. Congress expressed concern about rights violations throughout the year. The Asia and the Pacific Subcommittee of the Senate Foreign Relations Committee held hearings on Cambodia in June and October. In March, Senators Kerry and McCain wrote to Hun Sen urging him to address problems of political violence, intimidation, and media access. In a June 11 letter to Secretary Albright, five members of Congress proposed a two-month delay of the elections in order to improve conditions for free and fair elections. In September, various members of Congress expressed strong concerns about the post-election violence and the travel restrictions on opposition politicians. In October, Assistant Secretary of State for East Asia and

Pacific Affairs Stanley Roth said that the United States would withhold aid and oppose Cambodia's U.N. seat until a new government was formed that included a "meaningful role" for the opposition. The U.S. sent twenty-five long-term observers and fifty short-term observers to Cambodia.

## Relevant Human Rights Watch report:

*Cambodia: Fair Elections Not Possible, 6/99*

# CHINA AND TIBET

Despite some encouraging developments, China's human rights practices remained cause for concern. On the positive side, intellectuals had greater freedom to debate political and economic reform; some notable prisoners were released, including student leader Wang Dan; community-based organizations continued to emerge; and the government signed a major human rights treaty. A sharp increase in the number of lawsuits brought by citizens against officials through administrative courts seemed to indicate a growing consciousness of individual rights. At the same time, strict controls remained on expression, association and assembly, with political and religious dissidents, labor activists, and supporters of nationalist movements often facing arrest and detention.

Western governments seized on tentative signs of tolerance to strengthen calls for engagement, a desirable goal, but one that in policy terms all too often meant silence on China's egregious human rights record. Visits of world leaders to China were marked more by symbolism than substance and were often accompanied by preventive detention of known dissidents. In general, China played an obstructionist role in efforts to strengthen international human rights, most notably in discussions on the International Criminal Court. The government in Beijing took a largely hands-off approach to the Special Administrative Region of Hong Kong, but this may have been due to the generally pro-Beijing policies of the SAR government.

## Human Rights Developments

President Jiang Zemin's apparently successful consolidation of power during the year and the appointment in March of Zhu Rongji as premier led to speculation that the two might work in tandem to promote limited political reform. The appearance of books that would earlier have been banned, such as one linking corruption to the lack of checks in the political structure, and greater tolerance of public demonstrations during the year seemed to point in that direction. But China specialists pointed out that such openings, followed by crackdowns, have happened so often in China at times when they served the interests of those in power that it would be foolhardy to conclude that this represented any lasting liberalization.

Greater scope for scholarly discussion of reform did not mean increased tolerance of political dissent. Those who publicly challenged the Communist Party, organized petitions to senior officials on political issues, maintained links to dissidents abroad, or had contacts with the foreign media were particularly vulnerable to arrest and detention.

Thirteen activists from Hanzhou, Zhejiang province were detained for up to seven weeks after they attempted to register an opposition group, the China Democratic Party, on June 25. On September 10, officials in Shandong and Hubei provinces expressed willingness to register the party if petitioners paid a fee, but the next day, an official in Beijing overruled them. Would-be CDP party members also presented applications to register in the northeastern provinces of Heilongjiang, Jilin, Liaoning, as well as in Beijing and Shanghai. They were questioned by authorities and in some cases, briefly detained.

A few notable prisoners were released at politically opportune moments. Wang Dan, the 1999 student leader, was released into exile on April 19, before President Clinton's China trip and after the U.S. abandoned any effort to sponsor a China resolution at the U.N. Human Rights Commission. Bishop Zeng Jingmu was freed after a high-profile visit by a delegation of American religious leaders. But hundreds, perhaps thousands, of prisoners were still serving long sentences for non-violent activities. They included Li Hai, imprisoned since 1995 for gathering information about Tiananmen Square detainees; Jampa Ngodrup, a Tibetan held since 1999 for copying name lists of those arrested or injured in pro-independence demonstrations in Tibet; and Gao Yu, a journalist arrested in 1993 on charges of "leaking state secrets" for gathering economic data that had not yet been officially released. Liu Nianchun, a labor activist, continued to be held in a labor camp beyond the May 21 expiration of his three-year sentence.

Many dissidents were sentenced during the year to reeducation through labor, an administrative sentence that can lead to detention for up to three years in a labor camp without judicial review. They included Yang Qinheng, a Shanghai activist, who received a three-year term on March 27, a month after he was arrested for reading an open letter on Radio Free Asia citing workers' right to unionize. In early April Wu Ruojie, a rock musician, and Li Yi, a businessman, were sentenced for "divulging state secrets" about the arrest of four poets in Guiyang, Guizhou province.

Overseas connections often meant trouble. Li Qingyi, an unemployed former health worker from Shaanxi, was detained on January 16 and later ordered to serve a one-year reeducation through labor sentence at home for calling on workers to form independent unions, contacting overseas labor and democratic organizations, and listening to the Voice of America. Wang Jingjin, an Anhui mathematics teacher, was accused of assisting in the January 26 illegal entry into China of U.S. resident Wang Bingzhang. In mid-April he was sentenced to two years' reeducation through labor. Chen Zengyang, another dissident with connections to Wang, was reportedly sentenced in October to seven years in prison on charges of leaking state secrets, in connection with his distribution of a list of Shandong political prisoners. In October, Shi Binhai, a journalist at the state-run *China Economic Times* and co-editor of a book on political reform, was indicted for collusion with overseas dissident organizations.

China made a concerted effort to keep overseas dissidents and their relatives out of China. On April 4, less than an hour after she arrived at her parents' apartment in Sichuan province, police took Li Yiborong, a research scholar at the University of Maryland, into custody. She was traveling on a U.S. passport and had a valid visa, but according to police officers, her work in the U.S. on behalf of human rights in China was unacceptable. She was only one of several activists deported or turned away at the border during the year.

Interviews with the foreign media often triggered harassment. In June, shortly after his political rights were formally restored, former political prisoner Bao Tong, the highest-ranking official to be imprisoned in connection with the June 1999 protests, was given repeated warnings after he gave interviews to the U.S. print and broadcast media during President Clinton's visit.

It was routine for public security officers to hold dissidents briefly in connection with the visits of foreign dignitaries. In Yī'an, for example, President Clinton's first stop in China, police detained four people; they were released shortly afterwards. In September, democracy activists in Wuhan had their homes searched before the arrival in China of French Premier Lionel Jospin.

The Chinese government remained concerned about the potential for increased worker unrest, particularly with ongoing reforms of state enterprises that resulted in widespread layoffs, and officials moved quickly to stop activities in support of labor rights. Zhang Shangguang, founder of the Association to Protect Worker Rights, an organization set up to help laid-off state workers, was detained on July 21 and charged a month later with endangering state security. On August 24, Li Bifeng, a former tax official in Mianyang city, Sichuan province, was sentenced to seven years on a politically motivated fraud charge. Human rights organizations believe his real offense was to have informed international human rights groups about the violent dispersal by police of massive worker protests across Sichuan province.

Religious persecution continued, as did concern that unchecked religious practice was a threat to social stability. New regulations were adopted in Guangzhou city and Zhejiang province requiring religious communities to accept government control, restrict contact with overseas organizations, and register with authorities or face fines and other penalties. In May, Hunan provincial officials banned the "indiscriminate" establishment of temples and outdoor Buddha statues. In April and again in June, officials in Gansu "invited" underground Catholic clerics in at least two dioceses to week-long meetings to pressure them to join the officially recognized church. Some religious leaders who rejected state control of their activities were detained, usually under reeducation through labor provisions.

China made new efforts to control the flow of information. On December 30, 1997, draconian new regulations titled "Administrative Measures for Ensuring the Security of Computer Information Technology, the Internet" mandated fines as high as 15,000 renminbi (approximately U.S.\$1,900 at the time) and threatened unspecified "criminal punishments" for use of the Internet agencies. In March 25, Lin Hai, a computer company manager, was detained in Shanghai and later charged with "inciting to subvert the government" for providing a U.S.-based dissident magazine with the e-mail addresses of 30,000 users in China. He was believed to be still in detention as of September, although the prosecutor had rejected the case for lack of evidence.

Media censorship continued. In August, the Chinese Communist Party's Central Committee announced restrictions on reporting corruption cases involving senior officials, hitherto unreported activities of deceased leaders, and immoral social phenomena. Earlier, officials limited independent reporting on natural disasters such as an earthquake in Hebei on January 11 and the disastrous floods along the Yangtze river. Chinese authorities also routinely interfered with reporting by foreign journalists.

As of October, China was reportedly planning to amend its adoption law, facilitating domestic adoptions. Such an amendment could significantly reduce the number of children in state orphanages, many of whom suffer from inadequate care.

On October 20 and 21, China hosted a two-day international symposium on human rights to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights. The government used the meeting to argue against universal standards.

## Tibet

The human rights situation in Tibet remained a major source of concern. At the end of 1997 Chinese government officials made clear that a campaign against the Dalai Lama and pro-independence forces would continue.

At least ten and possibly twelve prisoners reportedly died following two protests in Drapchi prison in Lhasa, the Tibetan capital, in May. The first protest took place on May 1, the second on May 4, on the day of a visit to the prison by ministers from the E.U. troika countries. During both, prisoners shouted slogans in support of independence and the Dalai Lama. In the weeks following the E.U. visit, scores of prisoners were interrogated, beaten, and placed in solitary confinement. Some of the prisoners were reported to have died in early June. Two reportedly were killed by gunfire during one of the protests, while others were said to have died from beatings. Authorities in Tibet maintained that many of the deaths were suicides. No independent investigation had taken place by the end of the year.

Details of retaliation against prisoners involved in a earlier protest during the visit of the U.N. Working Group on Arbitrary Detention in October 1997 became known in 1998. Three prisoners who shouted political slogans reportedly were beaten and held in solitary confinement for a lengthy period before having their prison terms extended between three and ten years.

Prison conditions in Tibet, as in China, were said to be poor, frequently resulting in prisoners' ill-health. Some prisoners were also believed to have died as a result of punishment. Yeshe Samten, a monk, died on May 6, six days after he was released from Trisam prison, reportedly as a result of torture he had suffered during his two-year sentence. The E.U. ministers reported that they were told there were some 1,900 prisoners in Tibet, of whom some 200 were held for state security crimes. Unofficial figures are much higher.

A "patriotic education campaign" continued during the year designed to force Tibetans, especially monks and nuns, to denounce the Dalai Lama, accept the child recognized by Chinese authorities as the Panchen Lama, and admit that Tibet has always been a part of China. As a result of the campaign, authorities reported that 76 percent of Tibetan monasteries and nunneries had been "rectified." Monks and nuns who refused to be "educated" faced expulsion.

It remained unclear as of October whether Gendun Chopel Nyima, the nine-year-old boy recognized by the Dalai Lama in 1995 as the reincarnation of the Panchen Lama, was under house arrest or some other form of custody, and there was conflicting information concerning his whereabouts and living conditions. Chinese authorities repeatedly denied requests, including by U.N. High Commissioner for Human Rights Mary Robinson, for access to the boy.

## Xinjiang

Separatist activity continued in the Muslim region of Xinjiang, but strict censorship of the media and restrictions on access made it almost impossible to obtain accurate information. Dissident organizations claimed that many ethnic Uighurs suspected of supporting the separatist movement were detained and sometimes executed, not only for taking part in violent acts designed, in the words of Chinese officials, "to split the motherland" but also for peaceful advocacy of independence. Scattered incidents, such as a gun battle in April in Ili during which at least two Uighurs and one policeman were killed and a bombing in Khotan in August, indicate continuing violence on the part of both parties.

## Hong Kong

At first glance, residents of the Special Administrative Region (SAR) of Hong Kong seemed to have more to fear during the year from a deteriorating economy than from mainland political interference. In the first elections under Chinese sovereignty on May 24, pro-democracy candidates won more than 60 percent of the directly elected seats in the Legislative Council (Legco). But the elections themselves were structured so that the democrats could always be outvoted by pro-government elites.

There were other worrying signs as well. In April, the provisional legislature hand-picked by China rushed through the Adaptation of Laws (Interpretive) Bill, a law that effectively transferred immunity from prosecution under local laws from the British Crown to the Chinese government. It followed on a controversial decision by the SAR Department of Justice not to prosecute the Xinhua News Agency, China's front for the Communist Party in Hong Kong, for refusing to turn over files on pro-democracy activist and former legislator Emily Lau as it was required to do under Hong Kong's Privacy Law. Local courts also ruled that China's National People's Congress had the right to override the Basic Law, the document worked out by Britain and China that functions as the SAR's constitution. Two activists were convicted on public order grounds for defacing the national and SAR flags in May.

While the annual commemoration of the June 4 massacre passed without incident in Hong Kong, and demonstrations in general were permitted to go forward, many pointed out that no incident had occurred in 1998 that had really tested the "one country, two systems" principle. As the economy continued to worsen and the prospect of social unrest increased, the test might not be long in coming.

## Defending Human Rights

Independent legal aid organizations, such as Wuhan University's Center for Protection of Rights of Disadvantaged Citizens, operated openly but gingerly. They were often able to help individuals challenge wrongful actions by officials, but they did not take on highly charged political cases. On September 7, authorities in Jilin province accepted the registration application of a new organization called the Economic and Social Rights Protection Association, designed to protect the rights guaranteed by the International Covenant on Economic, Social, and Cultural Rights. It was not clear as of October whether the government's acceptance of the application meant that the new group would indeed be registered by the Civil Affairs Bureau.

Many of those who tried to advocate openly on behalf of political prisoners still faced harassment, intimidation, or arrest. Activists Yu Wenli and Qin Yongmin were unsuccessful in their attempts to officially establish an independent human rights monitoring group in Wuhan in April. On September 22, a dissident named Jiang Qisheng was detained while preparing to publish statements on political and civil liberties. Many individuals who took part in petition drives to advance civil and political rights were briefly detained during the year.

## The Role of the International Community

China succeeded in convincing virtually all industrialized countries to substitute "dialogue" for "confrontation" and public criticism during 1998. But the lack of transparency in the various "dialogues" made it impossible to assess whether they were a source of real pressure for change. "Rule of Law" programs to promote long-term penal and judicial reforms largely replaced the focus on political prisoners and dissidents on most governments' agendas. High-level state visits to China, from U.S. President Bill Clinton in June to French Premier Lionel Jospin in September and British Prime Minister Tony Blair in October, underscored a common policy of engagement. International attention to repression in Tibet may have increased during the year, but other key concerns were virtually ignored, including workers' rights, women's rights, the death penalty, and repression of ethnic minorities. Few sources of international leverage remained for ending current abuses or pressing for concrete improvements.

## United Nations

For the first year since 1990, neither the U.S. nor E.U. tabled a resolution on China at the U.N. Human Rights Commission session in Geneva. China invited High Commissioner Mary Robinson to visit China and Tibet, which she did between September 6 and 14, and promised to sign the International Covenant on Civil and Political Rights (ICCPR), which it did in October. Even though both the invitation and the promise to sign the ICCPR were of long standing, both were used by the West to justify dropping the Geneva resolution, and the fact that both the visit and the signing took place were interpreted as the Chinese quid pro quo. It was unclear when China would ratify either the ICCPR or the International Covenant on Economic, Social, and Cultural Rights, which it had signed in 1997.

The Working Group on Arbitrary Detention reported to the commission in April on its visit to China and Tibet in October 1997. The report failed to stress the lack of an independent judiciary, but it did strongly criticize the "vague and imprecise" offenses in the Chinese criminal code including those related to state security.

China blocked a Security Council briefing by Mary Robinson in February and again in June, on the grounds that human rights issues belonged only in the U.N.'s Economic and Social Council. It apparently feared that to speak of human rights issues in the Security Council could lead to a discussion of Tibet.

## European Union

The E.U. led the way in capitulating on human rights. With the U.K. holding the rotating E.U. presidency from January to July, British Foreign Minister Robin Cook met with Chinese Foreign Minister Qian Qichen in Beijing in January. Qian agreed to Robinson's visit, signing the ICCPR, and scheduled another E.U.-China human rights dialogue. Cook presented an E.U. list of political prisoners.

China, meanwhile, launched an aggressive effort to lobby E.U. states to drop any resolution at the U.N. Human Rights Commission. Premier Li Peng visited the Netherlands and signed a \$4.5 billion deal with Royal Dutch Shell; other Chinese leaders visited Denmark, the Netherlands, and Luxembourg, key countries that had supported previous Geneva resolutions. The Danish foreign minister, Niels Helveg Petersen, signaled a major shift when he told Vice-Premier Li Lanqing that Denmark would deal with rights concerns "through dialogue and open and frank discussion" only. France actively lobbied other E.U. governments to abandon a resolution in Geneva.

On February 23, European Union foreign ministers met in Brussels and agreed on the new approach and formally decided that no E.U. member states would support action in Geneva even if other countries were to sponsor a motion.



A meeting of European and Chinese legal experts took place in Beijing on February 23-24. Some E.U. countries' ambassadors to China urged China to undertake specific reforms, warning that a "dialogue without results will soon run out of steam and will not be acceptable to public opinion in Europe." But privately, European diplomats were told that China intended to attach reservations on key provisions of both U.N. covenants.

On March 25, the European Commission presented a new policy on China which was formally adopted by the Council of Ministers in September. The new policy paper "Building a Comprehensive Partnership with China," stressed expanding economic relations while strengthening dialogue on political issues, including human rights. That theme dominated talks in London on April 2-3 between the new premier, Zhu Rongji, and British Prime Minister Tony Blair, Commission President Jacques Santer, and Trade Commissioner Leon Brittan. Blair said a positive atmosphere had been created by the E.U.'s decision to abandon a resolution in Geneva and declared that the thaw in relations would lead to rights improvements. He confirmed that three E.U. ambassadors would visit Tibet, but China made no substantive concessions. A joint E.U.-China statement affirmed both sides' interest in getting China into the World Trade Organization and looked toward "continued E.U.-China dialogue on all aspects of human rights," supported by technical assistance projects to promote the rule of law. Regular summits would be held annually.

A series of high-level visits to China by European leaders later in the year were aimed at solidifying the improved relationship between China and European Union countries, and included visits by French Prime Minister Lionel Jospin in September and British Prime Minister Tony Blair in October. (Switzerland, not an E.U. member, went along with the new approach, hosting a conference in Beijing in October on the rule of law.) Prime Minister Jospin traveled with fifty business leaders and signed major trade deals. In meetings with authorities, he raised concerns about detentions of activists and carried a message from the Dalai Lama. Prime Minister Blair carefully avoided any public criticism of China's rights abuses; in private discussions with Premier Zhu Rongji, he objected to the detention of dissident Yu Wenli during his visit and raised Tibet.

The E.U.-China human rights dialogue continued with a two-day meeting in Beijing in October, involving experts and officials from China and the E.U. troika countries of Austria, Germany, and Britain. Two European-based nongovernmental organizations took part at E.U. request: Amnesty International and SOS Torture.

## United States

In the U.S., Congress increased pressure on the White House to proceed with a Geneva resolution, with the Senate and House both voting in favor of such a resolution in March. But China's announcement on March 12 that it would sign the ICPR gave the administration the cover it needed to drop Geneva, which it did on March 16, removing a major irritant in time for Clinton's trip.

To head off legislation requiring sanctions against governments that restrict religious freedom, the White House sent a high-level delegation of U.S. clerics to China and Tibet (February 9-March 1). The delegation handed over a list of thirty religious activists imprisoned or harassed and met with Jiang Zemin, but while the visit was hailed by the U.S. and China as evidence of a new spirit of cooperation, the delegation received no commitments that religious controls in China would be eased.

Senior U.S. officials traveled to China in April and May, seeking progress on human rights in connection with Clinton's visit. Secretary of State Madeleine Albright, during an April 29-30 visit, suggested that some of the remaining post-1989 sanctions on trade programs might be lifted in exchange for such progress. Tibet was prominent on the agenda during the pre-summit talks, with the U.S. pushing for a major breakthrough to help justify the president's trip. But by setting the dates for the visit without preconditions, the administration squandered much of the leverage the summit offered.

In the weeks leading up to Clinton's China tour, Congress stepped up pressure on the administration by adopting legislation that would increase Customs Service monitoring of prison labor exports; increase funding for Radio Free Asia; deny visas and travel funds for religious persecutors and officials involved in forced abortions; and increase funding for human rights monitors in the U.S. embassy. The final budget for fiscal year 1999 included \$22 million to Radio Free Asia to increase broadcasting to China for twenty-four hours a day and for other broadcasts.

Intense debate in the House on the president's decision to extend Most Favored Nation (MFN) trading status to China for another year focused on the upcoming summit and Clinton's decision to participate in an official welcoming ceremony in Tiananmen Square. Members of both parties urged him to boycott the ceremony and urged Clinton to meet with dissidents. The House voted on July 23 (264 to 166) to reject a motion overturning Clinton's renewal of MFN status. Also in July, Congress voted an amendment to change the designation MFN to "NTR" (Normal Trade Relations). But the administration did not push a proposal for permanent NTR for China, thus abolishing the annual renewal process; instead it used the prospect of doing so as a carrot to get concessions on China's WTO entry.

The president's China trip was considered a success by officials in both countries. In an unprecedented move, Jiang agreed to have their June 27 news conference broadcast live on Chinese television, although later coverage in the official media was heavily censored. The two leaders had lively exchanges on the 1989 crackdown, Tibet, and other rights issues. Clinton revealed that in private talks, he had urged release of political prisoners and review of those sentenced under security laws that since had been repealed. But he turned aside numerous petitions from dissidents and avoided any meetings with them or family members of the 1989 victims. In Hong Kong, in response to congressional and media pressure, Clinton held a separate meeting with democracy leader Martin Lee; he also met with other elected legislators and leaders of civic groups.

Clinton's official talks with Jiang and other leaders did not yield visible progress in terms of prisoner releases, commitments to ease religious persecution, or review of security laws. Of fourteen agreements reached at the summit, only two dealt with human rights: resumption of the bilateral dialogue cut off by Beijing in 1994 (an initial meeting was expected to take place early in 1999); and expanded rule of law exchanges.

## Pacific Rim Countries

Other governments also stressed dialogue. Australia's second human rights dialogue took place in Canberra and Sydney (August 10-11). A program including judicial exchanges and a project on women's rights were announced, and Beijing agreed to send an observer to Jakarta in September for a meeting of representatives from national human rights institutions in Asia.

Canada hosted a human rights seminar in Vancouver in March focusing on China and invited other Asian governments to send delegates. But Canadian NGOs were denied access to the meetings, which covered a wide range of issues such as the role of judiciary, limitations on freedom of expression, and the relationship between civil and political and economic and social rights. No public report was issued.

Japan made a major effort to strengthen relations with Beijing. The first official visit by a Chinese defense minister to Tokyo took place in February. China received more Official Development Assistance (ODA) than any other country in 1997 (the last figures available), under a five-year package: \$576.9 million. There was no linkage between ODA and China's poor human rights record. Instead, Japan focused on its bilateral human rights dialogue with China, with meetings in October 1997 in Tokyo and in June 1998 in Beijing. Japan urged China to sign and ratify the two UN covenants and raised the issues of arbitrary detention, status of the so-called "counterrevolutionary offenders," and conditions in Tibet. There was no public report on the dialogue.

Tokyo allowed the Dalai Lama to visit Japan in April despite intense Chinese pressure, including protests by the Chinese foreign minister to then-Japanese Foreign Minister Keizo Obuchi. Jiang Zemin was due to make an historic visit to Tokyo in early September—the first visit ever by a Chinese president to Japan—but the trip was delayed due to serious flooding in China. It is now scheduled to begin on November 25.

## World Bank

The level of World Bank funding to China remained high. Loans in FY1998 totaled U.S.\$2.5 billion and included power projects, highway construction, health services, and \$150 million for the Tarim Basin (II) irrigation project in Xinjiang. There were no initiatives by any of the bank's donors to limit funding or to condition multilateral assistance on human rights or workers' rights improvements.

## Relevant Human Rights Watch report:

*State Control of Religion: Update #1, 3/98*

# INDIA

Elections in February brought to power India's Hindu nationalist Indian People's Party (Bharatiya Janata Party or BJP). Barely two months in office, the new government flaunted its defiance of international opinion by testing five nuclear devices on May 11 and 13. The tests ignited a firestorm of criticism around the world and triggered sanctions by a number of India's donors and trading partners. The tests, together with the government's more hawkish posturing on Kashmir, increased tensions with nuclear rival Pakistan and sharpened international concern about the prospects of a regional war.

The election of the BJP also raised fears of renewed communal hostility in India. Several senior officials of the BJP, including Home Minister Lal Kishan Advani, have been implicated in instigating anti-Muslim violence in riots that took place after groups aligned with the BJP destroyed the Babri Masjid, a sixteenth-century mosque, in 1992. In 1998, these groups threatened to go ahead with plans to build a temple on the site of the destroyed mosque despite the prospect of further violence. In Gujarat, where the state government was also BJP, Hindu activists targeted Christian churches as part of a campaign to drive missionaries from India. In Maharashtra, the state government led by the BJP and Shiv Sena, another Hindu nationalist group, launched a campaign to deport Bengali-speaking Muslims, claiming that they were illegal Bangladeshi immigrants. The new government did little to address other longstanding human rights concerns, including child labor and caste violence.

## Human Rights Developments

In the aftermath of India's nuclear tests, an upsurge in shelling and shooting by Indian and Pakistani troops stationed along the cease-fire line in Kashmir left over 100 civilians dead. Although India maintained that the exchanges represented a "seasonal" phenomenon, observers in Kashmir reported that the shelling was the heaviest in several years.

In a deadly new development in Kashmir, Pakistan-backed militant groups massacred Hindu civilians in at least six separate incidents in the first nine months of the year. Most of the killings took place in Doda district and in border villages and appeared to represent a tactical shift for militant groups that had been largely driven out of major towns in the Kashmir valley. On January 25, unidentified gunmen shot dead twenty-three members of two Hindu families in the village of Wandhama, the home district of Chief Minister Farooq Abdullah. On April 19, militants hacked to death twenty-six people in two villages in Udhampur district. Responding to the massacre, Home Minister Lal Kishan Advani threatened "hot pursuit" of the militants into Pakistan-controlled Kashmir. An April 26 attack on a village in Pakistan-controlled Kashmir appeared to have been carried out in retaliation for the Udhampur massacre (see Pakistan chapter). On June 19, guerrillas shot dead at least twenty-five male members of two Hindu wedding parties, including both bridegrooms, in Chapnari village in Doda district. On July 25, four people were killed in Hodi Dhoke; on July 29, sixteen people were killed in Doda, and on August 3, thirty-five laborers were shot dead in Chamba, in the neighboring state of Himachal Pradesh. On August 31, militants shot dead five people in a village near the capital, Srinagar. Two of the victims were former rebels who had defected to the Indian authorities.

A new government offensive in Doda and the border districts revived patterns of abuse by Indian forces that had abated in the Kashmir valley, where the conflict has been centered since it began in earnest in 1990. In one of the deadliest incidents of its kind in years, army soldiers fatally shot at least nine villagers during a search operation in the town of Qadrona on January 30, after some of the villagers began throwing stones at the troops. Summary executions of detainees also continued. On April 20, security forces detained S. Hamid, chairman of one of the factions of the Jammu and Kashmir People's League. The next day the authorities claimed he had been killed in a shootout with the Special Operations Group, a counterinsurgency unit of the security forces. However, relatives who witnessed the detention stated that he had been killed in custody.

Caste-related violence continued to represent a serious problem in 1998. Despite campaign promises to address longstanding concerns about violence and discrimination against low-caste "untouchable" Dalit groups, the government made no progress in either investigating incidents of caste-related abuse or implementing laws designed to curb such abuse. Many of the incidents represented an effort by middle- and higher-caste groups to suppress Dalit movements demanding land reform or payment of minimum wages. Women were singled out in attacks and were frequently raped. In Bihar, the Ramvir Sena, a private militia controlled by high-caste landlords, was responsible for murdering at least fifty-eight people on December 1, 1997. During the attack, five teenage girls were raped and mutilated before being shot in the chest. Local police established a camp in the village after the massacre, but situated it in the higher-caste landlord neighborhood, strengthening suspicions about police tolerance of the Ramvir Sena's

activities. No one responsible for the rapes or murders was arrested.

Caste clashes in the southern districts of Tamil Nadu involved local police. On February 26, in Gundupatti, 130 police personnel, together with four truckloads of unidentified strongmen thought to be affiliated with the ruling Dravidian Movement Party (Dravida Munnetra Kazhagam, DMK), attacked Dalits and bonded laborers residing in two villages in Kookal Panchayat, a remote area of the Kodaikanal hills. According to a local human rights organization, women were kicked and beaten, their clothing was torn, and police forced sticks and iron pipes into their mouths. The attackers reportedly looted and destroyed property and assaulted children and elderly persons. Kerosene was poured into stored food grains and grocery items, and the attackers, including police personnel, reportedly urinated in cooking vessels. The police raid was apparently in retaliation for a decision made by residents of the Kookal Panchayat to boycott national elections.

In Andhra Pradesh's Kurnool district as many as thirty low-caste villagers were killed in the early morning hours of July 16. The victims were hacked to death, and their bodies were thrown into a house which was then set on fire. At least one hundred other houses were burned to the ground. High-caste villagers were believed responsible for carrying out the massacre in apparent retaliation for the murder of a high-caste community leader by members of the People's War Group (PWG), a Marxist-Leninist organization that has advocated the use of violence to achieve land reform. Many Dalits in the area supported the PWG, and most of those killed belonged to Dalit communities. Local police did not appear on the scene for more than ten hours after the massacre. Dalit villagers told local human rights investigators that many of their attackers remained in the village after the massacre and appeared to have police protection.

On February 16, Bombay High Court Justice B.N. Srikrishna, who conducted the one-man commission of inquiry into the 1992-93 Bombay riots, presented his findings to the Shiv Sena-BJP government of Maharashtra. The report, released to the state legislature on August 6, determined that the riots were the result of a deliberate and systematic effort to incite violence against Muslims, some of whom had carried out spontaneous and sometimes violent protests following the destruction of the Babri Masjid. More than 700 people died in the riots, the vast majority of them Muslims. The report singled out Shiv Sena leader Bal Thackeray and Chief Minister Manohar Joshi as responsible for inciting violence and recommended that they be prosecuted. The report stated: "[T]here is no doubt that the Shiv Sena ... took the lead in organizing attacks on Muslims and their properties...." Despite widespread calls by the political opposition, human rights groups, women's rights groups, and other community groups, for the prosecution of the perpetrators, the Shiv Sena-BJP government refused to adopt the commission's recommendations and instead labeled the report "anti-Hindu." The political opposition planned to petition the state supreme court to order the prosecution of Thackeray and Joshi.

Civilians continued to be victims of military operations against armed opposition groups seeking autonomy in India's northeastern states. In September, Home Ministry Additional Secretary P.D. Shenoy announced that India planned to recruit former members of the separatist United Liberation Front of Assam (ULFA) into its security forces, including the army, to provide them with employment. As in past years, surrendered ULFA members (called "SULFA") who aided regular security forces in counterinsurgency operations were implicated in extrajudicial executions. After the August 10 killing of SULFA businessman Tapan Datta and a friend, SULFA agents reportedly retaliated by killing the elder brother of ULFA chairman Arabinda Rajkhowa, four members of the family of ULFA's publicity secretary, Mithinga Daimary (Deepak Das), and the elder brother of Krishna Gogoi, leader of ULFA's Dihing regional unit.

Armed opposition groups in northeastern states carried out attacks on security personnel and government officials and engaged in arbitrary killings of noncombatants, hostage-taking and extortion. In April an armed group in Tripura abducted thirty bus passengers and held six for ransom after releasing the rest. In June suspected members of the All Tripura Tiger Force kidnapped a tea estate owner and killed his son. Bodo separatists and members of ULFA carried out bombings that killed civilians at various points in 1999. Ethnically based separatist groups in Assam, Tripura, Manipur and Mizoram were all accused of attacks on villagers of rival ethnic groups. Between December 1997 and May 1999, ethnic clashes in Mizoram reportedly caused more than 3,500 families to flee to Tripura and Assam. On July 29, five women and six children, all Bodos, were killed by Santhal gunmen in Assam's Kokrajhar district. In September, at least 700 houses were burned in ethnic clashes between members of the Bodo and Santhal tribes in Assam. By mid-September, some forty people had been killed and thousands had fled their homes.

In Singrauli, Madhya Pradesh, activists protesting environmental degradation and resettlement of local villagers at the site of the World Bank-financed National Thermal Power Corporation (NTPC) power plant and ash dikes continued to suffer physical attacks, arbitrary arrests and the destruction of property. In May, the Independent Monitoring Panel (IMP), established in response to a review of the project conducted by the World Bank's Inspection Panel, set up an office in the Singrauli region to resolve disputes related to compensation and violations of civil and political rights. At the same time, construction of ash dikes in the highly disputed Mithini village area was halted pending resolution of compensation-related grievances.

## Defending Human Rights

The human rights movement in India in 1999 was as varied in its composition and the range of issues addressed as it was in the success of individual groups in achieving substantial reforms. Groups representing anywhere from a handful of individuals to more complex organizations continued to address the range of human rights issues, political and economic. A large number of human rights groups also joined with other activist organizations throughout India to protest against the nuclear tests. As has been the case in previous years, few groups attempted to monitor the controversial concerns arising out of counterinsurgency operations in Kashmir and the northeast. Few independent groups operated in these areas; activists who did so faced harassment and arrest by local police.

In January, Indian groups working to abolish child labor participated in the "Global March Against Child Labor," an initiative spearheaded by the South Asian Coalition Against Child Servitude (SACCS) that included both children and adults from over 700 nongovernmental organizations (NGOs) and trade unions in ninety-seven countries. The six-month march wound its way through Asia, Africa, the Americas and Europe, culminating in Geneva in June 1999 when discussions began on a new convention on child labor at the International Labor Conference.

In July, forty-one activists from nine Indian states and Delhi participated in meetings organized by Human Rights Watch in Bangalore and Delhi to discuss an advocacy campaign urging implementation of a law aimed at protecting the rights of the low-caste Dalit groups. The campaign, which was to be launched in October, marked the first time groups from north and south India had collaborated on the issue.

The human rights movement in Punjab, which has made significant gains in pushing for prosecutions of Punjab police involved in human rights abuses, suffered a setback when a prominent lawyer was detained in July, and several others were threatened with arrest. Jaspal Singh Dhillion, head of

the Forum on Human Rights and Democracy, was detained on July 23. Police claimed that Dhillon and several others had participated in a conspiracy to assist in a jail break by passing explosives to inmates at Buraail jail.

In a positive move, in September, India's Supreme Court ruled that the official National Human Rights Commission could proceed in its investigation of mass cremations carried out by the Punjab Police, after a hiatus of more than one year.

On September 9, the Association of the Parents of Missing People, the first organization of its kind in Kashmir, stated at its inaugural press conference that 2,000 people had "disappeared" since 1990 after being taken into custody in Kashmir, and that no legal remedies were available for discovering their fate. Other human rights groups reporting on conditions in Kashmir reported harassment and fear of possible reprisals by the security forces.

### **The Role of the International Community**

India's relationship with the international community in 1998 was marked by two phases. In the first months following the election of the BJP, a number of European countries and the United States made plans for high-level visits principally to discuss expanding trade relations. The nuclear tests changed everything. In the immediate aftermath of the tests, the United Nations and many member states criticized India; a number of countries, including Britain, Japan, the U.S., and Australia, also imposed sanctions. Increased international attention to Kashmir as a possible flashpoint for a nuclear confrontation left India struggling to downplay growing tensions in the region while at the same time blaming Pakistan for staging a "proxy" war.

#### **United Nations**

The sharpest criticism of the tests came from the U.N. Security Council. On June 6, over the misgivings of some of its members, the council passed Resolution 1172, in which it used the strongest language in the council's parlance to condemn the testing and demand that India and Pakistan refrain from any further such actions. The council also cautioned that the tests could lead to regional instability and an escalating arms race between India and Pakistan. Secretary-General Kofi Annan expressed "deep regret" at the tests. In August, India criticized a statement by Secretary-General Annan expressing concern over growing tensions in Kashmir, arguing that the statement played into Pakistan's campaign to "internationalize" the Kashmir problem.

#### **European Union**

Early in the year, relations between the India government and European Union member states focused on trade. French President Jacques Chirac visited India in January, but aside from expressing concern about Kashmir, no other human rights issues were on his agenda. Following the tests the E.U. called upon India to adhere to international non-proliferation regimes and stated that if India and Pakistan would fail to do so the E.U. would consider "further measures." In an urgent resolution the European Parliament expressed its "deep concern" about the tests and called on E.U. member states to prevent exports to India and Pakistan of any equipment that might assist nuclear weapons programs. Britain and Germany suspended aid; Britain recalled its high commissioner for consultations. Britain also placed new restrictions on visas for scientists involved in any senior capacity with India's nuclear program.

#### **Japan**

In accordance with the principles of its aid program dealing with military spending and development of nuclear weapons, Japan suspended aid to both India and Pakistan. Almost immediately following India's nuclear tests in May, Japan cancelled U.S.\$30 million in grants to the Indian government and said it would consider suspending larger aid programs; since 1992, Japan has given nearly \$1 billion in aid to India annually.

#### **United States**

A series of high-level visits between senior U.S. and Indian officials took place following the election of the BJP and were designed in part to pave the way for a planned U.S. presidential visit later in the year. U.S. Ambassador to the U.N. Bill Richardson held meetings in Delhi in April, raising a number of human rights concerns including "disappearances" in Kashmir and child labor.

India's nuclear tests triggered automatic sanctions from the United States, although in July, a waiver was granted for the sale of food grains. The planned visit by President Clinton was placed formally "under review," and despite numerous meetings in mid-year between Undersecretary of State Strobe Talbott and Jaswant Singh, special adviser to Prime Minister Vajpayee, to discuss the issue, the visit in the end was postponed at least until early 1999, pending the outcome of further negotiations between the two countries.

#### **World Bank**

In the immediate aftermath of the tests, the World Bank postponed consideration of U.S.\$206.4 million in loans to India and delayed another U.S.\$865 million in loans already approved. Japan and Canada supported a U.S. move to have the bank turn down the loans, but other member states urged that the loans be postponed.

## **INDONESIA AND EAST TIMOR**

Indonesia had one of the most tumultuous years in its modern history: economic collapse spurred student-led demands for political reform, bringing President Soeharto's three-decade rule to an end in May. His successor and protégé, Vice-President B.J. Habibie, tried to distance himself from his patron by releasing political prisoners, lifting political controls, and setting a timetable for free elections, but these measures won him little legitimacy from a skeptical populace. The army, traditionally the country's most powerful institution next to the president, appeared weaker than any time in recent memory as more and more evidence of past abuses came to light. Rising prices, food shortages, and massive unemployment led to outbreaks

of violence throughout the year, much of it directed against the small ethnic Chinese minority, widely resented for their disproportionate control of the retail economy. Poor but resource-rich provinces used the newly open political atmosphere to demand more economic autonomy. These demands, together with major progress in negotiations between Portugal and Indonesia over political autonomy for East Timor and renewed pro-independence activity in Irian Jaya, led to the renewal of a long dormant debate about federalism as well as widely expressed fears for the country's disintegration. By year's end, there was no sign of economic recovery, and it was impossible to know whether Indonesia was on its way to pluralist democracy, prolonged upheaval, or both.

## Human Rights Developments

The year began with the free fall of the Indonesian currency, an outbreak of anti-Chinese riots, and the beginning of student protests with a view to influencing the outcome of the planned session in March of the unopposed "re-selection" of President Soeharto by Indonesia's version of an electoral college. The economic decline and political unrest were both exacerbated by Soeharto's announcement on January 21 that B.J. Habibie, an unpopular cabinet minister with a penchant for expensive showcase projects such as a national airline industry, was his choice for vice-president. Soeharto's son-in-law, Gen. Prabowo Subianto, helped fuel anti-Chinese sentiment by making veiled references to "traitors" who took their money abroad.

As campus protests escalated and security tightened in February, well-known political activists began to "disappear," abducted from their homes or workplaces in what was clearly an organized operation. On March 10, Soeharto was duly reappointed to a seventh five-year term, and the consensus among political observers at home and abroad was that only violence in the streets followed by army intervention, or Soeharto's death, could prevent him serving out the full term. Discontent escalated with the announcement on March 14 of a new cabinet that included Soeharto's daughter and several cronies: it was seen as a clear sign that Soeharto had no interest in reform of any kind.

Student protest became a lightning rod for demands for change, gaining widespread support from the middle class and among the political elite, including parts of the military. International outrage over the "disappearance" of activists and pressure for clarification of their whereabouts led to the led to the creation of a new organization, KontraS, to work on behalf of the families of the "disappeared," and to the eventual resurfacing of several young men in April and early May. Pius Lustrilaning, the first to give a public account of his abduction, torture, and detention, set an example for others: the evidence they produced pointed directly to the involvement of the army special forces, Kopassus, and to General Prabowo, former Kopassus commander.

On May 4, the government announced a gasoline price hike, fulfilling strictures set by the International Monetary Fund (IMF). Riots erupted immediately, with the worst violence in Medan, North Sumatra, much of it anti-Chinese. On May 9, Soeharto left the country for a meeting in Egypt. On May 12, four students were shot dead, apparently by army or police snipers, following a demonstration at Trisakti University in Jakarta. The next day, the worst violence Jakarta had seen in decades broke out and continued for three days, with security forces standing by as mobs torched Chinese shops and homes. Over 1,000 died, many of them non-Chinese shoppers or would-be looters trapped in burning shopping malls. Foreign embassies and companies evacuated staff and dependents, and thousands of Chinese-Indonesians fled the country.

President Soeharto cut short his visit to Cairo and returned home, but it was too late. Political support among those closest to him had evaporated, and by May 19, student protestors had occupied the national parliament building, with tacit military endorsement. Promising at first to step down after new laws were drafted and an election held at some indeterminate time in the future, Soeharto then bowed to public pressure (and the resignation of half his cabinet): on May 21, he turned over power to Vice-President Habibie. In a development of almost equal import, General Wiranto, commander of the armed forces and defense minister, emerged the victor in a power struggle with General Prabowo, whose allies were suspected not only of the "disappearances" but also of shooting the Trisakti students and organizing the Jakarta riots. (In August, Prabowo admitted his role in the "disappearances" to a military investigating board and was dismissed from the army; in September, it was announced that he would be court-martialed, even though he was now a civilian.)

President Habibie formed a new cabinet that dropped the most notorious cronies and political hardliners, but his efforts to include opposition figures failed: such was his association with Soeharto that none agreed to serve. Within days, he announced a series of steps designed to demonstrate his reformist credentials, including the release of two of the country's best-known political prisoners, labor leader Muchtar Pakpahan and former opposition parliamentarian Sri Bintang Pamunkas. By late August, more than one hundred other prisoners had been freed, with the notable exception of East Timorese leader Yanana Gusmao; Budiman Soejatmiko, Dita Sari, and other political organizers associated with the leftist People's Democratic Party (Partai Rakyat Demokratik or PRD); and several men linked to a coup attempt in 1965.

In June, Habibie announced an "action plan" for human rights that included ratification of key human rights treaties. By the end of the year, the government had ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Labour Organization's Convention 87 Concerning Freedom of Association and Protection of the Right to Organize.

Ordering the Justice Ministry to draft new laws on political parties and elections to be presented to the People's Consultative Assembly in late 1999, Habibie also lifted controls on political party formation, including a Soeharto-era ban on the PRD. By September, more than seventy parties had registered with the Home Ministry, most of which were likely to lack the mass base necessary under a new draft law to compete in parliamentary elections.

The print and broadcast media enjoyed virtually full freedom after Soeharto's fall for the first time in thirty years, and well over one hundred licenses for new publications were issued by the Ministry of Information between June and August. The news magazine *Tempo*, banned in 1994, reopened in October.

A controversial draft law on demonstrations was tabled in July, designed to place curbs on any demonstrations of more than one hundred persons. The National Human Rights Commission and rights activists denounced the bill as a curb on internationally recognized rights, and by October, it had become the first piece of legislation in years defeated by popular protest. (A less restrictive version was passed in its place.)

July saw a number of issues come to the fore that remained unresolved by the end of the year. Violence against the ethnic Chinese, and ethnic Chinese women in particular, was one. Soon after the May riots in the cities of Jakarta, Solo, and Surabaya, reports began to emerge of mass rapes and other forms of sexual assault against ethnic Chinese women in a systematic, organized fashion. The reports were followed by graphic descriptions and photographs that appeared on the Internet and that became the basis for public protests from Beijing to Los Angeles. General Wiranto announced in June that an army investigation had uncovered no evidence of rape; rights organizations said victims were too frightened or traumatized to come forward.

or had fled the country. The government appointed a fact-finding team to look into the May violence, including rape, on July 24. (As of late October, the team had not issued its final report.) In August, the Internet photos were conclusively proven false, and questions had arisen about some of the rape data initially collected. Advocacy groups reporting the rapes meanwhile were subjected to harassment and threats from unidentified callers, while racist groups emerging in the new climate of free speech played on the fear of ethnic Chinese by warning of new assaults on the community. The murder in October of Ita Martadinata, a Jakarta woman whose mother was deeply involved in the rapes investigation, only increased that fear.

Also in July, a series of pro-independence demonstrations broke out in towns across Irian Jaya on the anniversary of a 1961 proclamation of independence by an armed nationalist group, the Free Papua Movement (Organisasi Papua Merdeka or OPM). In Jayapura and Biak, the army opened fire after attacks on local security personnel. One student and one policeman died in Jayapura; the death toll in Biak was at least one demonstrators and perhaps more, as the military tried to suppress information on casualties. Rights groups said the demonstrations had been inspired in part by a letter sent on May 22 by members of the U.S. Congress, urging, among other things, a political dialogue on Irian Jaya. The deaths fueled separatist sentiment, coming as they did after revelations in May of grave human rights abuses in the area around Mapnduma, Jayawijaya district, during military operations there in 1996-97 following the army's rescue of hostages taken by the OPM.

These revelations, as well as new evidence on the widespread atrocities in Aceh, a region on the northern tip of Sumatra, during counterinsurgency operations there in 1990-91, generated pressure on the government to look more systematically into past abuses. (The deportation of hundreds of Acehnese "migrants" from Malaysia in late March caused an international outcry, as some of those sent back were clearly refugees who had fled Aceh in the early 1990s and had good reason to fear persecution in Indonesia. (See entry on Malaysia.)

In August, as the National Commission on Human Rights was looking into the possibility of setting up a "truth commission" for Indonesia, a respected Muslim leader, Abdurrahman Wahid, announced the establishment of a non-governmental commission on Truth and National Reconciliation to look into past abuses in Aceh, Irian Jaya, and East Timor. Not to be outdone, the government in early September announced the formation of a National Reconciliation Commission, a body whose mandate did not appear to include exposing the truth or seeking justice.

Attention to past military abuses also led to demands for troop withdrawals in special security zones called "military operation areas" (*daerah operasi militer* or DOM). Most of Aceh was considered such an area, as were parts of Jayawijaya district in Irian Jaya. In August, General Wiranto apologized to the people of Aceh for the abuses they had suffered and declared the "DOM" status revoked. But on September 2, as troops began to leave from the city of Lhokseumawe, popular anger boiled over. Violence directed against the departing soldiers soon turned into a more general riot, amid accusations that the rioting had been sparked by the military elements themselves to ensure their continued presence in Aceh (where some had lucrative commercial operations).

On East Timor, the U.N. brokered an agreement between the Habibie government and Portugal on August 5 in which both sides committed themselves work toward an agreement on "wide-ranging autonomy" for the former Portuguese colony considered by Indonesia to be its twenty-seventh province and by the U.N. to be under Portuguese administration. Indonesia agreed to drop its insistence that a precondition of negotiations must be acceptance of Indonesian sovereignty, although it continued to reject the idea, widely supported inside East Timor, of a referendum on independence. Pro-independence demonstrations took place before and after the agreement, without interference from the army. Shortly before the agreement was signed, Indonesia announced it was pulling combat troops out of the territory, but days after the first 399 were pulled out, another 263 "army health personnel and police" were sent in. By August, some 1,000 soldiers had been sent home, but East Timorese leaders did not consider the withdrawals significant, as thousands of troops, not considered "combat" forces, remained in place.

In September, fresh violence broke out across the country as the impact of the economic collapse became increasingly felt. Riots in Medan and Bagan Siapi-api in North Sumatra and in Kebumen and Cilacap, Central Java were particularly violent, with Chinese shops and homes again targeted. The government's response included allegations that the unrest was due to "communist" forces.

Beginning in July, murders began of suspected practitioners of black magic in East Java by mysterious groups of men called *ninjas*. By October, over 140 people had been killed, and over ninety of those belonged to one Muslim organization, the Nahdlatul Ulama (NU). The NU had aligned itself with popular opposition leaders Megawati Soekarnoputri against President Habibie, and its leaders and the East Java police were among many suggesting the *ninjas* were linked to the army. By late October, revenge killings against suspected *ninjas* had begun.

The reform process continued to lurch forward, with a major debate shaping up on the role of the armed forces and the announcement in September of the repeal of the hated Anti-Subversion Law that had been used repeatedly by Soeharto to detain political opponents.

## Defending Human Rights

Indonesian human rights groups proved to be a critical force for political change, if only through their repeated demands for accountability. The efforts of a nongovernmental group called the Volunteer Team for Humanity to document rapes of ethnic Chinese women in May led directly to the creation of a Commission on Violence Against Women in October. Evidence compiled by KontraS, the coalition set up to investigate "disappearances" of activists, was directly responsible for the investigation of senior officers from the army special forces, Kopassus, which in turn fueled public debate about the role of the armed forces. Human rights defenders in Aceh and Irian Jaya used their evidence of abuses during counterinsurgency operations to help secure promises of troop withdrawals from both regions.

During the critical months of March, April, and May as student protests escalated, human rights defenders were on the front line, using cell phones to keep international human rights organizations and the media informed of day-to-day developments. Every time another protestor was arrested or a political meeting broken up, human rights lawyers would draw attention to the arbitrariness of state actions in a way that ratcheted up the demands for political reform. Their actions, together with the very powerful statements from the National Human Rights Commission on the need to check abuses of power, also helped ensure that human rights would have to be a high priority for any post-Soeharto government desirous of public support.

Human rights defenders were also crucial in securing a role for the nongovernmental community in the World Bank's efforts to establish a social safety net for Indonesia but also in demanding that the bank be more accountable for past "slippage" in loans due to corruption.

Even after Soeharto's resignation, some human rights defenders faced serious harassment. The head of KontraS, Munir, received almost constant threats as he was compiling information on the "disappeared." Father Sandayawan Sumardi, head of the Volunteer Team for Humanity, and Ita Nadia of the women's rights group Kalyanamitra were targeted in particular in July, August, and September for their work on behalf of ethnic Chinese rape victims. Some harassment came from the conservative Muslim organization, KISDI, which earlier in the year had been linked to Soeharto's son-in-law, Prabowo.

Indonesians played an increasingly high-profile role in defending rights abuses abroad. In August, three Indonesians from Jakarta-based advocacy groups were arrested with eighteen others in Burma as they tried to distribute leaflets to commemorate the tenth anniversary of the crushing of the 1988 pro-democracy uprising. After Deputy Prime Minister Anwar Ibrahim was arrested in Malaysia in September, Indonesian human rights lawyers organized a delegation to go to Kuala Lumpur to make representations on his behalf.

## The Role of the International Community

### United Nations

The primary concerns of the U.N. and its agencies were the conflict in East Timor and the impact of the economic crisis. The above-mentioned August 5 agreement between Indonesia and Portugal, brokered by the U.N. Secretary-General, represented a major advance in the long stalemated talks on resolution of the East Timor conflict. Indonesia promised to release political prisoners and reduce its troops in East Timor, promises it had only partially fulfilled by November. Interests sections were to be established in each other's capitals, and an agreement on "wide-ranging autonomy" to be worked out if possible by the end of 1998.

On August 13, a memorandum of understanding (MOU) was signed in Geneva between the office of the High Commissioner for Human Rights and the Indonesian government. The MOU provides for a program officer from the High Commissioner's office to be assigned to the office of the United Nations Development Program in Jakarta. The officer was to have full access to Indonesia and East Timor and was to assist among other things in implementation of Indonesia's national action plan on human rights, human rights education and training, and provision of information needed for ratification of international human rights instruments. The weakness of the MOU reflected the fact that it had been negotiated while Soeharto was still in power; at that point, even access to East Timor seemed a major advance. The usefulness of the program officer, who had no explicit monitoring functions, would depend on the person appointed; as of late September, no appointment had been made.

The MOU was an outgrowth in part of the chairman's statement on East Timor at the fifty-fourth session of United Nations Human Rights Commission in March, a weaker critique of Indonesia's human rights practices there than the previous year's resolution. Indonesia also agreed, as part of that statement, to invite the Working Group on Arbitrary Detention to East Timor, although the visit itself was not expected to take place until early 1999. Radhika Coomaraswamy, the U.N. special rapporteur on violence against women, made a formal request to the Indonesian government to visit to investigate the rapes of ethnic Chinese women.

The economic crisis and its impact on ordinary Indonesians were major preoccupations of the ILO and UNICEF. On May 26, the ILO issued a statement welcoming the release of detained labor union leader Muchtar Pakpahan and urging the release of others. (Dita Sari, a student labor leader, remained in prison in Surabaya as of mid-September.)

### Donors

In the first part of the year, international emphasis was almost entirely on Indonesia's economic straits, with pressure from most of the G-8 countries on President Soeharto to meet the terms of a January 15 accord with the IMF. Personal telephone calls or visits by world leaders and their representatives, including U.S. President Clinton and former Vice President Mondale, Japanese Prime Minister Hashimoto, and German Chancellor Kohl, had no noticeable impact. At a meeting on May 16-17, in the immediate aftermath of the Jakarta riots, the G-8 came as close as it ever had to calling for political reform.

At the annual donors' meeting in Paris in late June, members of the Consultative Group on Indonesia (CGI) pressed for economic reforms, and several governments pledged assistance with social safety net programs. Japan pledged the most, some 107 billion yen. Corruption was also a key point of discussion. The U.S. raised concerns about East Timor, both in its public statement and in private discussions with Indonesian officials.

The reaction to the "disappearances" of political activists in January and February was strong. Many governments, including key donors and trading partners such as Japan and Australia, urged investigations and prosecution of those responsible.

### United States

A furor in the U.S. Congress was unleashed in March when a news article revealed that the Pentagon was engaged in joint training exercises under the Global J-CET program involving Kopassus units as well as the Jakarta Joint Military Command. The Pentagon suspended the training, and in Congressional hearings in June, U.S. defense officials described a new process of oversight of the entire J-CET program including the State Department, before any training in Indonesia would be reinstituted. Congress voted in October to ban the provision of J-CET training to countries whose security forces violate human rights; it also voted to continue the suspension of IMET (International Military Education and Training) training in Indonesia, citing ongoing abuses in East Timor.

Calls for political reform were late in coming. Just hours before Soeharto resigned, U.S. Secretary of State Albright said in a speech that he had "an opportunity for a historic act of statesmanship" that would "preserve his legacy"; the remarks were almost universally interpreted as call for him to step down.

The Clinton administration fought an uphill battle all year trying to persuade Congress to allocate new credits for the IMF, arguing that IMF support was crucial to continue support for Indonesia and other Asian economies. But the House of Representatives insisted that any funding be accompanied by reform of the IMF itself to provide greater transparency and accountability. The budget for financial year 1999 included the full \$10 billion requested by the administration for the IMF, and included IMF reforms, including a report by the Treasury Department on abuses of core worker rights in IMF-recipient countries and whether IMF measures have had a negative effect on worker rights, particularly the right of free association. Under the reforms, the Treasury Department would establish an IMF advisory committee composed of representatives from industry, labor, and environmental and human rights organizations.

The rapes of ethnic Chinese sparked a vigorous grass-roots campaign to link bilateral U.S. economic assistance to investigation of the perpetrators and compensation of the rape victims. House and Senate letters to the administration were accompanied by language inserted into the foreign aid bill in both houses calling for action and urging U.S. technical and funding assistance with the rape investigations.

## European Union

ON JUNE 19 THE EUROPEAN PARLIAMENT ADOPTED AN URGENT RESOLUTION EXPRESSING ITS DISMAY AT THE LIMITED PROGRESS TOWARD GREATER POLITICAL OPENNESS IN INDONESIA AND CALLED ON AUTHORITIES TO UNCONDITIONALLY RELEASE ALL POLITICAL PRISONERS. THE E.P. ALSO CALLED ON THE HABIBIE GOVERNMENT TO TAKE STEPS TO INTRODUCE DEMOCRACY BY SETTING A DATE FOR FREE ELECTIONS. IT ALSO URGED THAT A PEACEFUL SOLUTION TO EAST TIMOR BE FOUND.

AMBASSADORS IN JAKARTA REPRESENTING THE E.U. TROİKA COUNTRIES VISITED EAST TIMOR FROM JUNE 27 TO JULY 30. WHEN THE AMBASSADORS REACHED BAUCAU, A CLASH BETWEEN PRO-INDEPENDENCE SUPPORTERS AND SUPPORTERS OF THE INDONESIAN GOVERNMENT LED THE INDONESIAN ARMY TO FIRE ON DEMONSTRATORS, KILLING ONE MAN, ORLANDO MERCADO. THE E.U. ASKED THE INDONESIAN GOVERNMENT TO CONDUCT AN INQUIRY INTO THE SHOOTING. A REPORT ON THE VISIT ISSUED IN LATE JULY STRESSED THE URGENCY OF INVOLVING THE EAST TIMORESE PEOPLE IN A SEARCH FOR A POLITICAL SOLUTION TO THE CONFLICT AND SAID THAT THE WITHDRAWAL OF TROOPS SHOULD BE A TOP PRIORITY.

## Japan

INDONESIA WAS A FOCUS OF SPECIAL ATTENTION. DURING THE YEAR JAPAN GAVE INDONESIA OVER \$1.3 BILLION IN YEN LOANS, PLUS A \$1 BILLION LOAN BY THE JAPANESE EXPORT-IMPORT BANK, A \$30 MILLION GRANT FOR MEDICAL ASSISTANCE, AND CONTRIBUTIONS OF RICE AND OTHER IN-KIND HUMANITARIAN AID. JAPAN ALSO INCREASED ITS CONTACTS WITH INDONESIAN NGOs INVOLVED IN DEALING WITH THE SOCIAL DIMENSIONS OF THE ECONOMIC CRISIS.

MEMBERS OF THE DIET CONTINUED TO BE ACTIVE ON EAST TIMOR. PARLIAMENTARIANS IN THE DIET MEMBERS FORUM ON EAST TIMOR CALLED ON THE JAPANESE DELEGATION TO THE U.N. HUMAN RIGHTS COMMISSION TO COSPONSOR AN E.U. RESOLUTION ON EAST TIMOR. IN MEETINGS WITH U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON IN JANUARY, THEY URGED HER TO SET UP AN OFFICE IN JAKARTA TO MONITOR ABUSES IN EAST TIMOR.

## International Financial Institutions

THE IMF PLAYED SUCH A HIGH-PROFILE ROLE IN THE INDONESIAN CRISIS THAT IT WAS ACCUSED INSIDE AND OUTSIDE INDONESIA OF WORSENING A BAD SITUATION. THE LETTERS OF INTENT BETWEEN THE IMF AND THE INDONESIAN GOVERNMENT SIGNED ON OCTOBER 31, 1997 AND JANUARY 15 CAUSED MAJOR PROBLEMS, BOTH IN TERMS OF THE SUBSTANCE OF THE REFORMS SOUGHT AND THE UNWILLINGNESS OF THEN-PRESIDENT SOEHARTO TO IMPLEMENT THEM. AT THE SAME TIME, THE INDONESIAN CRISIS HELPED LEAD THE IMF TO FOCUS MORE THAN IT HAD BEFORE ON THE IMPACT OF ITS STANDARD PROGRAM ON THE POOR AND VULNERABLE, MEANING FOOD SUBSIDIES TARGETED FOR REMOVAL WERE EVENTUALLY RESTORED, AND ON THE NEED FOR GOOD GOVERNANCE, A CONCEPT THAT ENTAILED LEGITIMATE LEADERSHIP.

THE WORLD BANK MADE A VISIBLE EFFORT TO CONSULT WITH NONGOVERNMENTAL GROUPS, INCLUDING IN A HIGHLY PUBLICIZED MEETING IN JAKARTA IN FEBRUARY BETWEEN DOZENS OF HIGHLY VOCAL CRITICS OF PAST BANK POLICY AND JAMES WOLFENSOHN, THE BANK'S PRESIDENT.

## Private Sector

THE BUSINESS COMMUNITY ALSO PLAYED A CRITICAL ROLE DURING THE YEAR, AND IN SOME CASES, DIRECTLY ADDRESSED HUMAN RIGHTS CONCERNS. FOR EXAMPLE, A DELEGATION OF LEADING U.S. COMPANIES WENT TO JAKARTA IN EARLY MAY, AT THE HEIGHT OF THE CRISIS, AND BROUGHT UP THE "DISAPPEARANCES" IN MEETINGS WITH HABIBIE AND OTHER SENIOR OFFICIALS. COMPANIES AND TRADE ORGANIZATIONS ALSO RAISED SCHOLARSHIP FUNDS FOR INDONESIANS STUDYING ABROAD AND DONATED FOOD AND MEDICAL SUPPLIES TO PARTICULARLY HARD-HIT RURAL AREAS. AT YEAR'S END, FOREIGN INVESTORS REMAINED DEEPLY WORRIED ABOUT POLITICAL STABILITY AND CONTINUING FOOD RIOTS.

## Relevant Human Rights Watch reports:

*THE DAMAGING DEBATE ON VIOLENCE AGAINST ETHNIC CHINESE WOMEN*, 9/99

*RELEASE PRISONERS OF CONSCIENCE NOW!*, 9/99

*ACADEMIC FREEDOM IN INDONESIA: DISMANTLING SOEHARTO-ERA BARRIERS*, 9/99

# JAPAN

THE USE OF THE DEATH PENALTY, GOVERNMENT POLICY ON "COMFORT WOMEN," CHILDREN'S RIGHTS, AND ASYLUM FOR REFUGEES WERE KEY HUMAN RIGHTS CONCERNS IN JAPAN THIS YEAR. JAPAN PLAYED A GENERALLY CONSTRUCTIVE ROLE ON THE CREATION OF THE INTERNATIONAL CRIMINAL COURT (ICC). IMPLEMENTATION OF GUIDELINES ON THE USE OF OFFICIAL DEVELOPMENT ASSISTANCE (ODA) TO PROMOTE HUMAN RIGHTS AND DEMOCRACY WAS INCONSISTENT, AND POLICIES TOWARD HUMAN RIGHTS ABUSERS TENDED TO FOLLOW THE U.S. LEAD, SOMETIMES WITH DIFFERENT STRATEGIES AND TACTICS.

PRIME MINISTER RYUTARO HASHIMOTO RESIGNED IN JULY, BUT THE LIBERAL DEMOCRATIC PARTY MAINTAINED CONTROL OF THE GOVERNMENT, AND HIS SUCCESSOR, PRIME MINISTER KEIJO OBUCHI, (FORMER FOREIGN MINISTER), CONTINUED THE SAME BASIC FOREIGN AND DOMESTIC POLICIES RELATED TO HUMAN RIGHTS.

## Human Rights Developments

ON APRIL 27, IN A LANDMARK RULING, A YAMAGUCHI DISTRICT COURT ORDERED THE JAPANESE GOVERNMENT TO PAY U.S. \$2,300 EACH TO THREE SOUTH KOREAN "COMFORT WOMEN" FORCED INTO SEXUAL SLAVERY BY JAPANESE SOLDIERS DURING WORLD WAR II. THE RULING WAS A REJECTION OF EXISTING POLICY DENYING GOVERNMENT COMPENSATION TO INDIVIDUALS.

DURING SOUTH KOREAN PRESIDENT KIM DAE-JUNG'S VISIT TO TOKYO IN OCTOBER, THE JAPANESE EMPEROR, AKIHITO, AND PRIME MINISTER OBUCHI MADE THE STRONGEST OFFICIAL APOLOGY THUS FAR FOR THE ABUSES OF THE PAST, EXPRESSING JAPAN'S "REMORSEFUL REPENTANCE" FOR "THE UNBEARABLE DAMAGE AND PAIN" INFLICTED ON THE KOREAN PEOPLE DURING COLONIAL RULE. BUT THE GOVERNMENT ANNOUNCED NO CHANGES IN ITS POLICY ON "COMFORT WOMEN."

JAPAN CONTINUED TO USE THE DEATH PENALTY, WITH SOME TWENTY-EIGHT EXECUTIONS CARRIED OUT IN SECRET SINCE 1993. IN JUNE, THREE CONVICTED MURDERERS WERE HANGED, BUT THE JUSTICE MINISTRY REFUSED TO GIVE NOTICE OF THE EXECUTIONS, CLAIMING THAT ANNOUNCING THEM IN ADVANCE WOULD CAUSE RELATIVES "TOO MUCH DISTRESS." JAPAN ROUTINELY KEEPS DEATH ROW PRISONERS IN SOLITARY CONFINEMENT FOR YEARS AND PREVENTS ACCESS BY LAWYERS AND PHYSICIANS DURING THE



WEEK BEFORE THEIR EXECUTION.

JAPAN CONTINUED TO REFUSE TO GRANT ASYLUM TO REFUGEES, THOUGH REFUGEES FROM BURMA WERE STILL ALLOWED TO STAY LEGALLY IN JAPAN ON A TEMPORARY BASIS. ACCORDING TO THE MINISTRY OF JUSTICE, IN 1997 (THE LATEST FIGURES AVAILABLE) A TOTAL OF 242 PEOPLE APPLIED FOR REFUGEE STATUS FROM COUNTRIES WORLDWIDE; ONLY ONE PERSON WAS GIVEN ASYLUM.

THE GOVERNMENT PLAYED A HIGH-PROFILE ROLE AT THE ICC CONFERENCE IN ROME, BACKING THE CREATION OF THE ICC. FOLLOWING THE APPOINTMENT OF A U.N. SPECIAL REPRESENTATIVE ON CHILDREN AND ARMED CONFLICT, JAPAN ANNOUNCED A GRANT OF U.S. \$100,000 TO ASSIST WITH HIS WORK AND OFFERED TO SPONSOR A SYMPOSIUM IN ASIA ON CHILD SOLDIERS. AT THE ANNUAL SESSION OF THE U.N. COMMISSION ON HUMAN RIGHTS IN GENEVA, THE JAPANESE DELEGATION USEFULLY HIGHLIGHTED THE REFUSAL OF BURMA TO GRANT ACCESS TO THE U.N.'S SPECIAL RAPPORTEUR. THE MINISTRY OF FOREIGN AFFAIRS MARKED THE FIFTIETH ANNIVERSARY OF THE U.N. UNIVERSAL DECLARATION OF HUMAN RIGHTS BY HOLDING ITS THIRD SYMPOSIUM ON HUMAN RIGHTS IN THE ASIA-PACIFIC REGION (JANUARY 27-29), WITH MARY ROBINSON, THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS, AS THE KEYNOTE SPEAKER.

JAPAN'S ODA PROGRAM REMAINED THE LARGEST IN THE WORLD FOR THE SEVENTH YEAR IN A ROW, WITH U.S. \$9.3 BILLION IN LOANS DISBURSED IN FY 1997, DESPITE A 10 PERCENT CUTBACK. JAPAN CONTINUED TO VOICE ITS COMMITMENT TO USE ODA TO PROMOTE DEMOCRATIZATION AND HUMAN RIGHTS BUT ALSO STRESSED "POSITIVE LINKAGE," THE USE OF AID AS AN INCENTIVE, FOR EXAMPLE THE EFFORT TO ENCOURAGE FREE MARKET REFORMS IN VIETNAM, OVER "NEGATIVE LINKAGE" SUCH AS AID SUSPENSION IN THE CASE OF NIGERIA.

THE APPLICATION OF THE ODA CHARTER'S GUIDELINES ON DEMOCRATIZATION AND HUMAN RIGHTS REMAINED BOTH HIGHLY INCONSISTENT AND ERRATIC, BUT THE JAPANESE GOVERNMENT WAS FAR MORE CONSISTENT IN APPLYING THE CHARTER'S PRINCIPLES DEALING WITH MILITARY SPENDING AND DEVELOPMENT OF NUCLEAR WEAPONS. FOR EXAMPLE, ALMOST IMMEDIATELY FOLLOWING INDIA'S NUCLEAR TESTS IN MAY, JAPAN CANCELLED \$30 MILLION IN GRANTS TO THE INDIAN GOVERNMENT AND SAID IT WOULD CONSIDER SUSPENDING LARGER AID PROGRAMS. IT IMPOSED SIMILAR SANCTIONS ON PAKISTAN WHEN IT CONDUCTED NUCLEAR TESTS LATER THAT MONTH.

THE ECONOMIC CRISIS IN SOUTHEAST ASIA HAD SERIOUS IMPLICATIONS FOR TOKYO'S INVESTMENT AND TRADE RELATIONS. IN MAY, THEN-FOREIGN MINISTER OBUCHI TOURS THE REGION, NOTING THAT JAPAN HAD COMMITTED \$37 BILLION IN AID FOR THE REGION WHILE ALSO CALLING FOR GREATER TRANSPARENCY AND ACCOUNTABILITY.

## Defending Human Rights

HUMAN RIGHTS DEFENDERS IN JAPAN WERE ACTIVE DOMESTICALLY IN PROTESTING JAPAN'S USE OF THE DEATH PENALTY, ON ISSUES SURROUNDING THE RIGHTS OF FOREIGN WORKERS AND REFUGEES, ON CHILDREN'S RIGHTS AND ON THE GOVERNMENT'S POLICY ON "COMFORT WOMEN." JAPANESE ACTIVISTS INCREASINGLY JOINED THEIR ASIAN COLLEAGUES IN REGIONAL AND INTERNATIONAL ADVOCACY EFFORTS TOWARDS THE RATIFICATION OF THE MIGRANT WORKER CONVENTION, ON GLOBAL CAMPAIGNS AGAINST CAPITAL PUNISHMENT, ON CHILD LABOR, AND PROTESTING HUMAN RIGHTS VIOLATIONS IN THE ASEAN REGION, ESPECIALLY THOSE COMMITTED IN BURMA, CAMBODIA, AND INDONESIA.

## The Role of the International Community

A REPORT BY A PRIVATE CONSULTANT TO THE U.N., SUBMITTED TO THE SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES, WAS SHARPLY CRITICAL OF JAPAN ON THE "COMFORT WOMEN" ISSUE, CALLING ON JAPAN TO CRIMINALLY PUNISH THOSE RESPONSIBLE FOR THE SEX SLAVERY AS WELL AS TO PAY COMPENSATION TO THE VICTIMS. A REPORT BY THE U.N. SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, RADHIKA COOMARASWAMY, WAS MORE POSITIVE. WHILE CRITICIZING TOKYO FOR FAILING TO ACKNOWLEDGE ANY LEGAL RESPONSIBILITY, SHE GAVE THE GOVERNMENT CREDIT FOR APOLOGIZING AND EXPRESSING REMORSE TO THE WOMEN AND FOR INCLUDING REFERENCE TO THE SEXUAL SLAVERY IN JAPANESE TEXTBOOKS.

JAPAN'S RECORD OF COMPLIANCE WITH THE U.N. CONVENTION ON THE RIGHTS OF THE CHILD WAS REVIEWED IN JUNE. THE U.N. COMMITTEE COMPLAINED ABOUT THE LACK OF AN INDEPENDENT BODY TO MONITOR CHILDREN'S RIGHTS AND RAISED CONCERN ABOUT THOSE IN "VULNERABLE CATEGORIES," INCLUDING AINU AND KOREAN ETHNIC MINORITIES NOT FULLY INTEGRATED INTO GOVERNMENT PROGRAMS FOR CHILDREN. IT ALSO URGED PROTECTIONS FOR DETAINED JUVENILES AND CALLED FOR DEVELOPMENT OF A COMPREHENSIVE PLAN TO COMBAT CHILD PROSTITUTION AND TRAFFICKING. JAPAN'S REPORT ON COMPLIANCE WITH THE INTERNATIONAL COVENANT AND CIVIL AND POLITICAL RIGHTS WAS SCHEDULED FOR REVIEW BY THE HUMAN RIGHTS COMMITTEE IN OCTOBER.

# MALAYSIA

THE SEPTEMBER ARREST OF DEPUTY PRIME MINISTER ANWAR IBRAHIM AND SOME OF HIS CLOSE ASSOCIATES UNDER THE INTERNAL SECURITY ACT (ISA) MARKED A SHARP TURN TOWARD REPRESSION IN MALAYSIA AS THE ONCE BOOMING ECONOMY WENT INTO DECLINE. TENS OF THOUSANDS OF FOREIGN MIGRANT WORKERS, MOST OF THEM INDONESIAN AND BANGLADESHI, WERE ARRESTED AND SENT HOME DURING THE YEAR, AMID ALLEGATIONS OF SEVERE OVERCROWDING IN IMMIGRATION CAMPS AND POLICE BRUTALITY DURING DEPORTATION. IN SOME CASES, INDIVIDUALS WITH A VALID CLAIM TO REFUGEE STATUS WERE DEPORTED WITH THE MIGRANTS. RESTRICTIONS ON FREEDOM OF EXPRESSION CONTINUED, WITH THE TRIAL OF MIGRANT RIGHTS' ACTIVIST IRENE FERNANDEZ ON CHARGES OF MALICIOUS REPORTING ENTERING ITS THIRD YEAR. THE GOVERNMENT WAS QUICK TO PUNISH ANY SIGNS OF WHAT IT SAW AS COMMUNAL INCITEMENT.

## Human Rights Developments

THE ARREST OF ANWAR IBRAHIM, ONCE HEIR-APPARENT TO PRIME MINISTER MAHAATHIR, DWARFED ALL OTHER NEWS. A POWER STRUGGLE BETWEEN THE TWO THAT HAD BEEN BUILDING FOR SEVERAL YEARS INTENSIFIED AS THE ECONOMIC CRISIS WORSENEED, WITH ANWAR INCREASINGLY TAKING A PRO-FREE MARKET APPROACH SYMPATHETIC TO FOREIGN INVESTORS AND THE INTERNATIONAL MONETARY FUND, AND MAHAATHIR BLAMING THE WEST AND WESTERN CURRENCY SPECULATORS IN PARTICULAR FOR HIS COUNTRY'S ECONOMIC PLIGHT. BY MID-YEAR, BORROWING THE REFORM SLOGANS FROM NEIGHBORING INDONESIA, ANWAR'S SUPPORTERS WITHIN THE RULING UNITED MALAYS NATIONAL ORGANISATION (UMNO) PARTY WERE MAKING CORRUPTION AND NEPOTISM MAJOR POLITICAL ISSUES, WITH MAHAATHIR THE UNSTATED TARGET.

IN MAY, *50 DALIL KENAPA ANWAR TIDAK BOLEH JADI PM* (50 REASONS WHY ANWAR CANNOT BECOME PRIME MINISTER), A BOOK CONTAINING GRAPHIC SEXUAL ALLEGATIONS AS WELL AS ACCUSATIONS OF CORRUPTION AGAINST ANWAR, WAS PUBLISHED IN KUALA LUMPUR. IN EARLY JUNE, THE BOOK WAS CIRCULATED AT THE ANNUAL MEETING OF UMNO. IT WAS DURING THAT MEETING THAT MAHAATHIR APPARENTLY BEGAN STRENGTHENING HIS CONTROL OVER THE PARTY AND MAKING MOVES AGAINST ANWAR. DAYS LATER, ANWAR OBTAINED A COURT INJUNCTION TO PREVENT FURTHER DISTRIBUTION OF THE BOOK AND FILED A DEFAMATION COMPLAINT AGAINST THE AUTHOR.

In July, a visit by the Indonesian opposition leader Amien Rais led to more pointed comparisons of Malaysia and Indonesia. Domestic critics accused Mahathir of tolerating cronyism, and the international financial press and the IMF demanded greater transparency in government and UMNO-managed enterprises. The editors of *Utusan Malaysia*, a Malay-language newspaper and magazine group, and *Berita Harian*, another prominent Malay newspaper, were forced to resign in July, allegedly because of the prominence their papers had given to the transparency issue. Both were supporters of Anwar.

In August, police charged the author of the *50 Reasons* book with malicious publishing of false news. But in September, the judge who had banned the book's distribution—a pro-Anwar decision—was transferred, raising concerns among Malaysian lawyers about a judiciary whose independence was already problematic.

Mahathir formally dismissed Anwar on September 2, accusing him of precisely the "inappropriate behavior" detailed in the *50 Reasons* book. Anwar claimed he had been fired because of his efforts to warn Mahathir of public anger over corruption and cronyism and growing popular demands for reform. Anwar's dismissal extended to all his positions: deputy prime minister, finance minister, and deputy chair of the National Economic Action Council (NEAC). On September 4 he was expelled from UMNO.

Between September 6 and 15, several close associates of Anwar, including his adopted brother, were arrested under the ISA, some of them charged with sodomy or other forms of "sexual misconduct" banned by Malaysian law. The allegations had all been outlined in the *50 Reasons* book. Earlier, in August, police had arrested an Anwar business associate, S. Nallakuruppan, under the ISA for unlawful possession of ammunition. Affidavits later filed at the High Court also accused Nallakuruppan of arranging some of Anwar's sexual liaisons and suggested that because they traveled together abroad, Nallakuruppan may have had access to official secrets.

On the evening of September 20 Anwar was arrested at his home by police, after some 35,000 of his supporters marched to demand the prime minister's resignation. Also arrested following the demonstration were six others including UMNO youth leader Zahid Hamidi and several officers of the Malaysia Islamic Youth Organization (Angkatan Belia Islam Malaysia or ABIM). All were detained under the ISA, but they were freed unconditionally on September 30.

When Anwar appeared for the first time in public on September 29 to be formally charged on ten counts of corruption and "unnatural sex," he had a black eye and a bruised right hand and accused his captors of torturing him. Anwar's injuries caused international outrage. Prime Minister Mahathir accused Anwar of beating himself, while the public prosecutor announced on September 30 that Anwar's claims of ill-treatment would be investigated. On October 14, Anwar was released from ISA detention but remanded to prison to await trial. He was expected to be tried on four of the corruption charges from November 2 to 14.

Hundreds of Anwar supporters were arrested in the weeks following his arrest as demonstrations against the government increased. The government banned all meetings to discuss *reformasi* or reform, the word used as a slogan both by Anwar and by Indonesian students in their effort to bring down Soeharto.

Anwar's arrest drew worldwide attention to the continued use of the ISA, long used by the Mahathir government and its predecessors against political opponents. In recent years, it had been used less to punish free expression than publication of false passports and travel documents for undocumented migrant workers. Of 199 people known to be in detention under the ISA during the year, the overwhelming majority were detained for facilitating the illegal entry of foreign workers into Malaysia.

The Malaysian government continued to use other broadly worded laws to punish its critics. On August 25, outspoken opposition parliamentarian Lim Guan Eng was jailed after the federal court upheld his conviction for sedition and malicious publishing of false news in connection with statements he had made in 1995. He had accused the attorney general of mishandling a case involving the chief minister of Malacca's alleged statutory rape of a schoolgirl.

Irene Fernandez, head of the Kuala Lumpur-based advocacy organization called *Tenaganita* (Women's Force), continued to face the possibility of three years' imprisonment as her trial on charges of malicious publishing entered its third year. Fernandez had published a short memorandum in July 1995 on abuses in immigration detention centers. The government maintained that the report was inaccurate.

In August, a case involving Param Cumaraswamy, a Malaysian attorney serving as U.N. special rapporteur on the independence of judges and lawyers, was referred to the International Court of Justice. He had been sued in 1997 for sixty million ringgit in the Malaysian courts after he had alleged corporate interference in the Malaysian judiciary. He made the allegations in connection with his work as special rapporteur, and the Malaysian government refused to recognize the immunity granted him by the United Nations secretary-general.

The government put a high priority on preventing communal violence and punishing any activities seen as a possible incitement to violence. In February, the conversion of a Muslim woman named Nur'aisah to Catholicism in order to marry a Catholic man caused a furor and demands from conservative Muslims that the ISA be used against apostates. Most newspapers voluntarily refrained from printing any stories about it, but the police inspector-general also warned that publicity given such incidents could be inflammatory. Nur'aisah alleged that Malaysian police helped her family, who were opposed to the marriage, abduct her from her lawyer's office; they also arrested the lawyer but later released him. The couple was forced to flee Malaysia.

On September 24, four people were charged with incitement under Section 505 (b) of the penal code for spreading rumors on the Internet about communal riots. They were to be tried separately later in the year or in 1999. On August 7, "news" appeared on the Internet, which is widely used in Malaysia, about riots in the Chow Kit area of Kuala Lumpur. The riots were said to have involved attacks by Indonesian migrant workers armed with machetes against ethnic Chinese or Malays. (There were different versions of the reports.) Given the attention in the Malaysian press to anti-Chinese violence in Indonesia, the "news" set off a wave of panic-buying in Kuala Lumpur and traffic jams as people tried to get out. In fact, there were no riots, and police later detained four people suspected of circulating the stories. On August 17, after the four, all ethnic Chinese, had been arrested, the attorney general warned that anyone who disseminated false information over the Internet could be charged under a number of laws, including the Sedition Act, Defamation Act, Broadcasting Act as well as the new Communications and Multimedia Act. He added that the police also had the right to detain offenders under the Internal Security Act without consulting the attorney general. According to the Internet service provider, Mimos Bhd, the four had pretended to be members of different ethnic groups depending on the ethnicity of the recipients of their messages. The government had asked Mimos to help police with their investigation into the source of the rumors, and Mimos obliged by providing confidential identification details of the four. It told the press that it would not invade the privacy of its users without specific reasons, such as a "request by authorities." The four faced a maximum two years' jail or fine or both if convicted.

THE MALAYSIAN GOVERNMENT REMAINED EXTREMELY SENSITIVE TOWARD ANYTHING THAT MIGHT CAUSE AN OUTBREAK OF ETHNIC VIOLENCE. IN MID-MARCH THE GOVERNMENT INTERVENED TO SETTLE A CONFLICT BETWEEN MUSLIMS AND HINDUS IN PENANG, WHERE HINDUS HAD TRIED TO BUILD A TEMPLE WITHIN TWENTY METERS OF A MOSQUE. OVER 100 PEOPLE WERE ARRESTED WHEN THE CONFLICT WAS AT ITS HEIGHT, BUT MOST WERE QUESTIONED AND RELEASED; SOME FORTY REMAINED IN DETENTION IN THE WEEKS IMMEDIATELY FOLLOWING.

ON SEPTEMBER 21 THE BRITISH BROADCASTING CORPORATION AND INDEPENDENT TELEVISION NEWS (U.K.) PROTESTED MALAYSIA'S JAMMING OF BROADCAST SIGNALS TO PREVENT THEM FROM RELAYING COVERAGE OF DEMONSTRATIONS OVER THE ARREST OF SACKED DEPUTY PRIME MINISTER ANWAR IBRAHIM. OTHER INTERNATIONAL BROADCAST COMPANIES, INCLUDING NEW ZEALAND BROADCASTING, WERE ALSO REPORTEDLY STOPPED FROM BROADCASTING RIOT PICTURES.

THE ECONOMIC DOWNTURN BECAME AN OFFICIAL RATIONALE FOR THE ONGOING CAMPAIGN TO ARREST AND DEPORT UNDOCUMENTED MIGRANTS. BETWEEN JANUARY 1 AND APRIL 30, THE HOME MINISTRY REPORTED 30,000 DEPORTATIONS. ON MARCH 26, EIGHT MIGRANTS AND A POLICEMAN WERE KILLED IN A RIOT SPARKED BY MIGRANTS FROM THE INDONESIAN SPECIAL REGION OF ACEH, ON THE NORTHERN TIP OF SUMATRA, WHO WERE PROTESTING THEIR IMMINENT DEPORTATION. RIOTS ALSO OCCURRED IN THREE OTHER CAMPS WHERE ACEHNESE INMATES WERE DETAINED. SOME 545 ACEHNESE WERE DEPORTED SHORTLY THEREAFTER, SOME OF WHOM HAD BEEN ACKNOWLEDGED BY UNHCR AS REFUGEES WITH A VALID FEAR OF PERSECUTION IN INDONESIA; SOME SUFFERED SERIOUS INJURIES, INCLUDING GUNSHOT WOUNDS, WHEN POLICE TRIED TO BREAK UP THE PROTEST. MALAYSIAN NGOS AND INTERNATIONAL PRESS WERE THREATENED WITH LAWSUITS FOR REPORTING ALLEGATIONS OF POLICE ABUSE DURING DEPORTATION OPERATIONS.

ON MARCH 29, UNHCR OFFICIALLY (AND UNSUCCESSFULLY) REQUESTED THE MALAYSIAN GOVERNMENT TO STOP DEPORTING ACEHNESE AND TO GRANT ACCESS TO THE IMMIGRATION CENTERS. ON MARCH 30, TWELVE ACEHNESE WERE AMONG FOURTEEN MIGRANTS WHO FORCED THEIR WAY INTO THE UNHCR COMPOUND IN KUALA LUMPUR DEMANDING PROTECTION; ALL HAD ESCAPED FROM THE LENGGENG IMMIGRATION DETENTION CENTER IN MALACCA DURING THE MARCH 26 RIOTS. ON APRIL 10, A GROUP OF THIRTY-FIVE ACEHNESE, MANY OF WHOM WERE ESCAPEES FROM LENGGENG, ENTERED THE U.S., SWISS, FRENCH, AND ROYAL BRUNEI DIPLOMATIC COMPOUNDS IN KUALA LUMPUR TO DEMAND PROTECTION. THE LATTER THREE EMBASSIES CALLED THE POLICE, AND TWENTY-SEVEN ACEHNESE WERE ARRESTED. THE GOVERNMENTS IN QUESTION IGNORED INTERNATIONAL PROTESTS AND DEMANDS THAT, AT THE LEAST, ALL BE PERMITTED INTERVIEWS WITH UNHCR. THE U.S. ALLOWED THE EIGHT WHO HAD ENTERED ITS EMBASSY COMPOUND TO STAY UNTIL THIRD-COUNTRY RESETTLEMENT WAS FOUND. BY SEPTEMBER, THESE EIGHT, TOGETHER WITH THE FOURTEEN WHO HAD ENTERED THE UNHCR COMPOUND, HAD ALL DEPARTED FOR SWEDEN, DENMARK, AND NORWAY.

## Defending Human Rights

MALAYSIA'S HUMAN RIGHTS GROUPS WERE ACTIVE DOMESTICALLY AND IN THE REGION. PARTICULARLY OUTSPOKEN GROUPS, SUCH AS SUARAM AND TENAGANITA, FACED PERIODIC HARASSMENT FROM THE GOVERNMENT. SUARAM WAS ONE OF THE FIRST TO ISSUE A STATEMENT CONDEMNING THE ARREST OF ANWAR IBRAHIM. ON OCTOBER 10, THE MALAYSIAN BAR COUNCIL MET IN EXTRAORDINARY SESSION AND PASSED RESOLUTIONS CONDEMNING THE ISA AND CALLING FOR THOSE DETAINED UNDER IT TO BE EITHER RELEASED OR CHARGED UNDER MORE APPROPRIATE LAWS.

THREE MALAYSIAN ACTIVISTS WERE AMONG EIGHTEEN ACTIVISTS DETAINED IN BURMA IN MID-AUGUST FOR DISTRIBUTING LEAFLETS TO COMMEMORATE THE AUGUST 9, 1988 CRUSHING OF THE PRO-DEMOCRACY MOVEMENT IN BURMA. THEY WERE QUICKLY TRIED, CONVICTED, AND DEPORTED.

## The Role of the International Community

### The United States

IN MARCH, THE U.S. PUBLICLY URGED THE MALAYSIAN GOVERNMENT TO "ACT JUDICIOUSLY" IN CARRYING OUT THE MASS RETURN OF MIGRANTS FROM INDONESIA, "TAKING INTO ACCOUNT THE SAFETY AND DIGNITY OF THE INDIVIDUALS INVOLVED [AND] CONSISTENT WITH THE PRINCIPLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS." THE STATE DEPARTMENT SPECIFICALLY URGED PROTECTION FOR BONA FIDE ASYLUM SEEKERS, WHILE DEFENDING MALAYSIA'S RIGHT TO CARRY OUT THE DEPORTATIONS.

THE STATE DEPARTMENT, ON SEPTEMBER 24, CRITICIZED THE USE OF THE ISA TO RESTRICT THE RIGHTS OF MALAYSIAN CITIZENS. THE U.S. EXPRESSED PARTICULAR CONCERN ABOUT THE DETENTION OF ANWAR AND HIS ASSOCIATES UNDER THE ISA, AS WELL AS RESTRICTIONS PLACED ON HIS WIFE, AND CALLED FOR OPEN TRIALS UNDER THE MALAYSIAN CONSTITUTION. AFTER ANWAR APPEARED IN PUBLIC WITH A BLACK EYE AND A BRUISED RIGHT HAND, THE STATE DEPARTMENT URGED THE MALAYSIAN GOVERNMENT TO INVESTIGATE REPORTS THAT HE HAD BEEN BEATEN DURING HIS ARREST.

AS OF THIS WRITING, U.S. PRESIDENT CLINTON PLANNED TO TRAVEL TO MALAYSIA FOR THE APEC (ASIA PACIFIC ECONOMIC COOPERATION) SUMMIT MEETING IN MID-NOVEMBER; THE WHITE HOUSE SAID THAT HE WOULD RAISE CONCERNS ABOUT HUMAN RIGHTS WITH MALAYSIAN OFFICIALS.

### European Union

IN AN URGENT RESOLUTION IN NOVEMBER 1997, THE EUROPEAN PARLIAMENT CALLED FOR A REVIEW OF THE ISA AND NOTED THAT MORE THAN 200 PERSONS WERE BEING HELD UNDER IT. IN MAY 1999, IN ANOTHER URGENT RESOLUTION, THE E.P. CALLED FOR A DETAILED INQUIRY TO BE CARRIED OUT ON THE CIRCUMSTANCES SURROUNDING THE DEATH OF INDONESIAN IMMIGRANTS IN DETENTION CENTERS. THE E.P. ALSO DEPLORED THE FACT THAT ACEHNESE ASYLUM SEEKERS HAD BEEN HANDED OVER TO MALAYSIAN AUTHORITIES BY THE FRENCH, SWISS, AND ROYAL BRUNEI EMBASSIES IN KUALA LUMPUR.

THE ARREST OF ANWAR OCCURRED DURING A VISIT TO MALAYSIA BY QUEEN ELIZABETH II AND U.K. FOREIGN SECRETARY ROBIN COOK. BRITISH OFFICIALS INITIALLY FOCUSED ON SECURITY CONCERNS ARISING FROM THE ARREST AND ITS EFFECT ON THE QUEEN'S VISIT, WHILE URGING MAHAATHIR TO DEAL WITH ANWAR'S CASE "THROUGH THE LEGAL PROCESS AND INDEPENDENTLY THROUGH THE COURTS." IN A DECLARATION ISSUED BY THE AUSTRIAN E.U. PRESIDENCY ON OCTOBER 2, THE E.U. EXPRESSED ITS DEEP CONCERN ABOUT REPORTS OF ANWAR'S MISTREATMENT, CALLED FOR AN INVESTIGATION, AND URGED THAT ACTION BE TAKEN AGAINST THOSE RESPONSIBLE. THE EUROPEAN PARLIAMENT ALSO DEPLORED THE ARREST OF ANWAR AND CALLED FOR HIS IMMEDIATE RELEASE IN A OCTOBER RESOLUTION. THE E.P. ALSO CALLED ON THE E.U. TO MAKE ANY NEW COOPERATION CONTINGENT UPON MALAYSIA'S WILLINGNESS TO RESPECT HUMAN RIGHTS.

### Asia

ANWAR'S ARREST SPARKED UNPRECEDENTED PROTESTS FROM NEIGHBORING STATES. INDONESIAN PRESIDENT HABIBIE AND PHILIPPINES PRESIDENT ESTRADA, BOTH PERSONAL FRIENDS OF ANWAR, WERE PARTICULARLY CRITICAL, TO THE POINT THAT THEIR FOREIGN MINISTERS WERE FORCED TO STATE PUBLICLY THAT BOTH MEN WERE SPEAKING IN THEIR PERSONAL CAPACITIES. BOTH HABIBIE AND ESTRADA THREATENED TO BOYCOTT THE APEC MEETING BUT LATER RELENDED; BOTH MET WITH ANWAR'S DAUGHTER IN MID-OCTOBER. DEMONSTRATIONS IN FRONT OF MALAYSIAN EMBASSIES TOOK PLACE IN INDONESIA, THAILAND, AND THE PHILIPPINES, INDONESIAN HUMAN RIGHTS LAWYERS OFFERED TO

HELP WITH ANWAR'S DEFENSE, AND THAI MUSLIM GROUPS ISSUED PUBLIC STATEMENTS CONDEMNING HIS ARREST AND ILL-TREATMENT.

ON SEPTEMBER 21, AUSTRALIAN PRIME MINISTER JOHN HOWARD EXPRESSED DEEP CONCERN OVER THE ARREST OF MALAYSIA'S FORMER DEPUTY PREMIER ANWAR IBRAHIM AND WARNED AGAINST GROWING AUTHORITARIANISM IN MALAYSIA. PRIME MINISTER KEIZO OBUCHI ALSO RAISED ANWAR'S CASE DURING PRIME MINISTER MAHATHIR'S VISIT TO TOKYO FROM OCTOBER 16-20.

IN MID-OCTOBER, THE ASIAN HUMAN RIGHTS COMMISSION, A HONG KONG-BASED REGIONAL HUMAN RIGHTS ORGANIZATION, LAUNCHED A CAMPAIGN OVER THE INTERNET TO SEEK THE RELEASE OF ALL ISA DETAINEES.

## PAKISTAN

PAKISTAN CONTINUED ITS SLIDE INTO ECONOMIC CHAOS IN 1999. THE DECISION IN MAY TO ANSWER INDIA'S FIVE NUCLEAR TESTS WITH SIX OF PAKISTAN'S OWN WAS WIDELY CONDEMNED AND TRIGGERED SANCTIONS FROM THE U.S., JAPAN AND A NUMBER OF EUROPEAN COUNTRIES THAT HELPED PUSH THE ECONOMY INTO A NEAR-COLLAPSE. THE ANNOUNCEMENT IN SEPTEMBER THAT PAKISTAN WOULD SIGN THE COMPREHENSIVE NUCLEAR TEST BAN TREATY WAS EXPECTED TO LEAD TO A LIFTING OF THOSE SANCTIONS. IN THE AFTERMATH OF THE TESTS, THE GOVERNMENT OF PRIME MINISTER NAWAZ SHARIF DECLARED A STATE OF EMERGENCY AND ATTEMPTED TO SUSPEND ALL FUNDAMENTAL RIGHTS BUT WAS CHECKED BY THE SUPREME COURT. HUMAN RIGHTS WERE OTHERWISE COMPLETELY ABSENT FROM THE GOVERNMENT'S AGENDA; INSTEAD, AS SECTARIAN CLASHES WORSENERED IN THE COURSE OF THE YEAR AND RENEWED VIOLENCE THREATENED TO BREAK OUT BETWEEN THE ETHNICALLY BASED OPPOSITION PARTIES AND THE GOVERNMENT IN KARACHI, PRIME MINISTER SHARIF PROPOSED LEGISLATION TO FURTHER STRENGTHEN THE POWERS OF THE EXECUTIVE IN THE NAME OF BRINGING PAKISTAN'S CONSTITUTION INTO CONFORMITY WITH ISLAMIC LAW. THE BILL PASSED THE NATIONAL ASSEMBLY ON OCTOBER 9 BUT WAS EXPECTED TO FACE MAJOR OPPOSITION IN THE SENATE.

DESPITE THE ECONOMIC CRISIS, PAKISTAN CONTINUED TO INTERVENE IN TWO CONFLICTS ON ITS BORDERS, IN AFGHANISTAN AND KASHMIR. IN AFGHANISTAN, PAKISTAN PROVIDED SUBSTANTIAL FINANCIAL AND MILITARY SUPPORT FOR THE TALIBAN MOVEMENT, BACKING AN AUGUST OFFENSIVE THAT CONSOLIDATED THE MILITIA'S HOLD ON MUCH OF NORTHERN AFGHANISTAN. IN KASHMIR, AN ESCALATION IN CROSS-BORDER EXCHANGES BETWEEN INDIAN AND PAKISTANI TROOPS ALONG THE TERRITORY'S CEASE-FIRE LINE LED TO MORE THAN ONE HUNDRED CIVILIAN DEATHS ON BOTH SIDES IN JULY AND AUGUST.

### Human Rights Developments

AS THE PAKISTAN GOVERNMENT FOCUSED ON SECURITY CONCERNS FROM OUTSIDE, LITTLE EFFORT WAS EXPENDED TO PREVENT THE HUMAN RIGHTS VIOLATIONS STEMMING FROM THREATS WITHIN ITS BORDERS. IN MAY THE SUPREME COURT STRUCK DOWN A NUMBER OF PROVISIONS OF THE ANTI-TERRORISM ACT (ATA), A CONTROVERSIAL LAW GRANTING POLICE EXPANDED POWERS OF ARREST THAT WAS INTRODUCED IN 1997. HOWEVER, LITTLE ACTION WAS TAKEN TO STEM CUSTODIAL VIOLENCE BY THE POLICE, WHILE THREATS AGAINST JUDGES AND MEMBERS OF THE PRESS FURTHER ERODED THE INDEPENDENCE OF PAKISTAN'S FEW DEMOCRATIC INSTITUTIONS. THE COUNTRY'S "BLASPHEMY LAWS," WHICH HAVE STRENGTHENED CRIMINAL PENALTIES FOR OFFENSES AGAINST ISLAM, CONTINUED TO SERVE AS TOOLS OF RELIGIOUS PERSECUTION. IN MAY, A PROMINENT HUMAN RIGHTS ACTIVIST COMMITTED SUICIDE AS AN ACT OF PROTEST AGAINST THE LAWS.

THE INDIAN AND PAKISTANI PRIME MINISTERS MET FOR TALKS AT THE ANNUAL MEETING OF THE SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION (SAARC) BUT FAILED TO LAY THE GROUNDWORK FOR PROGRESS ON ISSUES OF BILATERAL CONCERN. IN SEPTEMBER, A GOVERNMENT SPOKESMAN ACKNOWLEDGED FOR THE FIRST TIME THAT KASHMIRI MILITANTS FREQUENTLY CROSSED THE CEASE-FIRE LINE SEEKING REFUGE IN PAKISTAN. PAKISTANI AUTHORITIES CLAIMED THAT AN APRIL 26 ATTACK ON A VILLAGE IN PAKISTAN-CONTROLLED KASHMIR WAS CARRIED OUT BY INDIAN COMMANDOS IN RETALIATION FOR MASSACRES OF HINDU CIVILIANS ON THE INDIAN SIDE. THERE WAS NO INDEPENDENT CONFIRMATION OF THE CHARGE.

IN KARACHI, AN UPSURGE IN FIGHTING BETWEEN THE IMMIGRANTS' NATIONAL MOVEMENT (MOHAJIR QAWMI MOVEMENT, OR MQM), A GROUP REPRESENTING URDU-SPEAKING MIGRANTS WHO LEFT INDIA IN 1947, AND THE UNITED NATIONAL MOVEMENT (MUTTAHIDA QAWMI MOVEMENT), A GROUP THAT SPLIT FROM THE MQM, LEFT MORE THAN 700 DEAD, 300 IN THE MONTHS OF JUNE AND JULY ALONE. IT WAS THE HIGHEST NUMBER OF KILLINGS SINCE 1995. ON AUGUST 12, UNIDENTIFIED GUNMEN SHOT FOUR MOHAJIR MEN, INCLUDING ONE SIXTEEN-YEAR-OLD, WHO WAS THE ONLY ONE TO SURVIVE. LATER THAT EVENING NINE MUTTAHIDA ACTIVISTS, RANGING IN AGE FROM FIFTEEN TO TWENTY-TWO, WERE KILLED AND FIVE WERE INJURED BY UNKNOWN GUNMEN. IN APPARENT RETALIATION, THE NEXT DAY TWO MOHAJIR ACTIVISTS WERE FORCED OFF A PUBLIC BUS BEFORE BEING SHOT, AND TWO VEHICLES WERE BURNED ON THE STREETS.

DESPITE THE FACT THAT UNTIL SEPTEMBER THE MUTTAHIDA FORMED PART OF THE GOVERNING NATIONAL COALITION HEADED BY PRIME MINISTER NAWAZ SHARIF'S PAKISTAN MUSLIM LEAGUE (PML), SOME OF THE ATTACKS WERE BELIEVED TO HAVE BEEN PERPETRATED EITHER WITH OFFICIAL PARTICIPATION OR AT LEAST THE ACQUIESCENCE OF VARIOUS GOVERNMENT AGENCIES. IN SEPTEMBER, THE MUTTAHIDA QAWMI MOVEMENT QUIT SHARIF'S COALITION. AFTER FOUR OF ITS ACTIVISTS WERE KILLED ON OCTOBER 5, THE GROUP CALLED A STRIKE THAT SPARKED WIDESPREAD RIOTING IN KARACHI.

ON JULY 17, UNIDENTIFIED GUNMEN IN KARACHI SHOT DEAD SALIM REZA, VICE-PRESIDENT OF THE MILITANT SUNNI TEHRİK PAKISTAN (STP). TWO DAYS LATER, ABDUL WAHID QADRI, LEADER OF A BREAKAWAY FACTION OF THE STP, WAS ASSASSINATED. ON SEPTEMBER 26 A PROMINENT SHI'A LEADER, SAFAR ALI BANGASH, AND HIS SON WERE ASSASSINATED. BUT SECTARIAN VIOLENCE WAS BY NO MEANS RESTRICTED TO KARACHI DURING THE YEAR, AS THE CONFLICT BETWEEN EXTREMIST SUNNI AND SHI'A GROUPS CONTINUED IN PUNJAB. THE KILLING OF TWENTY-TWO SUNNIS IN MOMINPURA GRAVEYARD IN LAHORE IN JANUARY SET THE STAGE FOR THE CONTINUING HOSTILITIES BETWEEN THE TWO FACTIONS AND BEGAN A CHAIN OF ATTACKS AND COUNTERATTACKS THAT LEFT 300 DEAD BY THE END OF MAY. NO ONE WAS ARRESTED FOR ANY OF THE KILLINGS. ON AUGUST 11, SHI'I MILITANT MEHRAM ALI, CONVICTED UNDER THE ATA OF A JANUARY 1997 LAHORE COURT BOMBING, WAS EXECUTED. IN THE FACE OF OTHER GOVERNMENT INACTION, THE EXECUTION SERVED TO CONFIRM FEARS AMONG THE SHI'A MINORITY THAT IT WOULD BE SINGLED OUT FOR PUNISHMENT.

IN MAY THE SUPREME COURT ORDERED THE GOVERNMENT TO AMEND THE ATA TO BRING IT INTO CONFORMITY WITH CONSTITUTIONALLY GUARANTEED PROTECTIONS BY

granting higher courts the power to hear appeals from the anti-terrorism courts and by eliminating provisions granting police special powers to search private residences, obtain confessions by duress, and shoot without first being fired upon. At this writing, the government was preparing to introduce a revised version of the ATA. While acknowledging the constitutional infirmities of the ATA as originally drafted, however, the court's ruling did not apply retroactively to cases already decided under the ATA, including many that have resulted in death sentences.

Hours after May's nuclear tests, the Sharif government imposed a state of emergency and sweepingly suspended fundamental rights. However, in response to petitions challenging the legality of the move, the Supreme Court ruled in June that the constitution did not permit the government to suspend all fundamental rights and noted that certain rights, such as freedom of religion and freedom from slavery, could never be suspended. The government then responded with a modified order that permitted the government to make preventive arrests without providing cause and suspended the rights to property and equal protection.

Police torture continued and, with rare exceptions, few official steps were taken to curb it. Violent protests following the custodial killing of a fourteen-year-old boy in Mansehra, in the North-West Frontier Province (NWFP), and the police crackdown that followed drew attention to the pervasive problem of torture in police custody. The boy, Ghulam Jilani, was pronounced dead on May 12 in a Mansehra hospital, where police had taken him hours after arresting him on theft charges. In a first information report filed immediately after Jilani's hospitalization, the police alleged that Jilani had tried to hang himself. According to the autopsy report, however, he died of head injuries. In the riots that followed, mobs attacked the local office of the PML, other government offices, and private businesses. On May 13, police and paramilitary rangers exchanged fire with armed demonstrators, resulting in two official casualties (five by unofficial accounts), as well as over one hundred injuries. A heavy deployment of police, rangers, and the Frontier Constabulary quelled the protests by May 15. In the riots' immediate aftermath, Muhammad Nawaz, the head constable of the Mansehra police station, was arrested on murder charges. At the same time, the NWFP government established a tribunal of inquiry into Jilani's death, headed by District and Sessions Judge Syed Yahya Zahid Gilani. As of August, the tribunal's findings had not been made public.

In Punjab, the summary execution of a suspect in an alleged "encounter" with police came to light after a local doctor refused to take the victims' bodies into the morgue, in part because the doctor doubted the officers' story. Shortly after the facts became known, the fourteen officers were promoted by the Punjab chief minister.

Ahmadiis and Christians continued to be persecuted under Pakistan's blasphemy laws. In April a Christian man, Ayub Masih, was sentenced to death for speaking favorably of author Salman Rushdie during a dispute with a Muslim villager. During Masih's hearing, one of the complainants, Mohammad Akram, shot and wounded Masih in the courtroom; despite eyewitness testimony by family members, the police refused to register their complaint against Akram. Based solely on the statements of the complainants, the court handed down a death sentence against Masih on April 27. Protesting the sentence, Bishop John Joseph of Faisalabad, a longtime activist for religious minorities, shot himself on May 6. It was widely believed that Masih's accusers hoped to drive the Christian family from their village and gain control over the family's land. Although Pakistan's Minister for Law and Justice Khalid Anwar acknowledged the possibility, noting that "there is no doubt that people, for personal reasons, file false cases [...] and judges are under great pressure not to acquit the accused," no progress was made toward reforming the laws.

The abusive nature of Pakistan's Hudood Ordinances, which prescribe punishments for certain offenses, was highlighted in the context of conflicts over intertribal marriages. In February, Riffat Afridi, a Pashtun woman in Karachi, eloped with Kanwar Ahsan, a member of the Mohajir community. In response, the Pashtun community called a strike in Karachi; two people were killed and dozens injured in the violent clashes that followed. Afridi's family and other Pashtuns filed charges that Afridi had been kidnapped by Ahsan and claimed that she was already married to one of her cousins. The police detained Ahsan, but when they attempted to bring him to court for a hearing, a group of Pashtuns, allegedly including some of Afridi's male relatives, opened fire in the courthouse. Ahsan survived, and the court acquitted him of the charges. Fearing further retaliation by the Pashtun community, the couple sought asylum abroad.

The Pakistan Commissionerate for Afghan Refugees (CAR), the body responsible for security in Afghan refugee camps, has also been responsible for abuses. On April 6, two Afghan women were reportedly raped after being abducted from a bus traveling from Nasir Bagh refugee camp to Peshawar. The driver was arrested but was released after he apparently paid a bribe to the police. Complaints from the refugees prompted CAR to investigate the case, and the driver was reportedly rearrested. Refugees also reported routine harassment by the Pakistan police, who demanded to see the refugees' "papers" and threatened to arrest them or demanded bribes.

## Defending Human Rights

Pakistan's human rights movement remained active on a range of issues including protests against the nuclear tests. In June, the militant Shabab-i-Milli attacked a press conference held by the Pakistan-India People's Forum for Peace and Democracy to protest the nuclear tests. Although there were no other direct attacks on mainstream human rights organizations, the suicide of Bishop Joseph highlighted the obstacles activists faced in trying to achieve reforms.

The press, particularly journalists exposing official malfeasance and corruption, came under attack more frequently. On July 9 two bombs exploded at the Karachi headquarters of *Dawn*, an English-language daily newspaper. On August 16 twelve individuals from the youth wing of Prime Minister Sharif's PML attacked the editor-in-chief of a local weekly in Punjab for publishing an article critical of the PML. Despite threats on his life, the editor filed a complaint with the local police, but as of this writing, no action had been taken against any of the alleged attackers.

Human rights groups and other nongovernmental organizations (NGOs) protested against Prime Minister Sharif's efforts to amend the constitution to make Islamic law the supreme law of Pakistan. On October 10 a joint committee of thirty-five NGOs released a statement claiming that the bill would increase intolerance and would limit the jurisdiction of the courts.

## The Role of the International Community

Actions of the international community focused primarily on Pakistan's nuclear tests, its economic crisis, and regional conflicts, particularly Afghanistan. A number of countries also registered concern about continuing religious persecution under the blasphemy laws.

## United Nations

As it had done with India, on June 6 the U.N. Security Council strongly condemned Pakistan's nuclear tests and demanded that both countries refrain from further testing. The council also expressed concern about a potential arms race between India and Pakistan. U.N. Secretary-General Kofi Annan expressed "deep regret" at the tests.

In February, the U.N. Special Rapporteur on the Independence of Judges and Lawyers issued a report expressing concern about the independence of the judiciary in Pakistan. The special rapporteur noted, among other incidents, that in late November 1997, a senior advocate of the Supreme Court, Mohammad Akrom Sheikh, had been assaulted and threatened with death by members of the PML on more than one occasion for opposing the PML's policies on the role of the judiciary. The government disputed the report and failed to provide any assurance that security would be provided to Sheikh.

## European Union

In addition to imposing limited sanctions on Pakistan (and India) for May's nuclear tests with other members of the G-7, in June the European Parliament passed a resolution calling for revision of the blasphemy laws and greater protection for the rights of religious minorities in Pakistan.

## Japan

As it had done with India, Japan suspended aid to Pakistan but did not link that suspension to human rights concerns. Japan is Pakistan's largest single aid donor: it gave Islamabad 36 billion yen [U.S. \$307.7 million] in 1997.

## United States

A series of high-level visits between senior U.S. and Pakistani officials took place in the course of the year. A visit by U.S. Ambassador to the U.N. Bill Richardson in April was designed in part to pave the way for a planned presidential visit later in the year, but the discussions that took place were largely focused on the conflict in Afghanistan. After the nuclear tests, the presidential visit was placed "under review" in early October the administration announced that the visit had been postponed until 1999.

As mandated by legislation, President Clinton immediately imposed sanctions on Pakistan for its nuclear tests, including denial of loans from the Export-Import Bank, restrictions on trade between the two states, and withdrawal of support in international financial institutions, effectively removing Pakistan from consideration for new aid under the IMF or the World Bank. In light of Pakistan's economic crisis, however, with dwindling foreign reserves and possible default on prior debt obligations, the United States, in addition to the other members of the G-7, have permitted limited financial assistance. In July, a waiver was granted for the sale of food grains. Such assistance may have come in exchange for guarantees from the Sharif government that Pakistan would sign the Comprehensive Test Ban Treaty.

Relations between the U.S. and Pakistan were further strained after the U.S. airstrikes in Afghanistan on August 20. Some fifty men were killed in the attack, including a number of militants of the Harakat-ul Mujahideen, a militant group backed by Pakistan that has been fighting Indian security forces in Kashmir. Pakistan has long denied supporting such groups.

Following the suicide of Bishop Joseph in May, the U.S. condemned the blasphemy laws and urged the Sharif government to repeal them.

## World Bank

In the immediate aftermath of the tests, the World Bank put all new loans to Pakistan on hold, but ongoing lending continued for a wide range of projects focused on health, education, infrastructure, and agriculture. The World Bank approved U.S.\$399.5 million in loans to Pakistan in the 1999 fiscal year.

# SRI LANKA

## Human Rights Developments

Little progress was made in 1999 towards a political settlement of the government's fifteen-year conflict with the Liberation Tigers of Tamil Eelam (LTTE), and as abuses by all parties to the conflict continued, so did political battles over government proposals for constitutional reform. Efforts to identify, redress and prosecute war-related rights violations moved slowly. In January, the government made good its promise to release reports of inquiries into more than 16,000 "disappearances" dating back as far as 1993, but thousands more remain to be investigated. The year also saw the first severe punishment of government personnel for human rights violations in the course of the conflict (a gang rape, "disappearance" and multiple murder that resulted in the death penalty). But the vast majority of outstanding cases—many involving extrajudicial killings by security forces—remained unresolved, and new violations continued.

Rancorous disputes over approaches to ending the ongoing conflict with the LTTE dominated political news in Sri Lanka. Debate focused on acceptable terms for negotiating with the LTTE and administrative arrangements for ethnic power sharing. A ruling People's Alliance (PA) proposal to devolve greater political power to regional councils, including a Tamil-administered one, was opposed by the main opposition United National Party (UNP), Sinhala nationalists and influential Buddhist clergy who favored a unitary state with strong central authority. The government made clear its position that a political consensus among "the entire Sinhala polity" was a prerequisite for negotiations with the LTTE. President Kumaratunga also declared negotiations to be conditional on the LTTE giving up its key demand for a separate state and rejected its calls for third-party mediation. In September Kumaratunga accused the UNP of conspiring to overthrow the government after the party called for unconditional talks with the LTTE and she learned that a UNP member of parliament had met with LTTE leaders.

Amid these political battles, the army continued its campaign in the northern Vanni region for control of a key highway that would give it land access to the former LTTE stronghold of Jaffna. The operation, code named Jaya Sikuru or "Sure Victory," was launched in mid-May 1997 and has been the longest in the history of the conflict. Censorship of war reporting and restricted access to conflict areas made independent monitoring of abuses difficult, but reports continued of civilians killed and wounded in aerial bombardment, shelling and gunfire. After attacks in June when at least twenty

were reported killed and fifty injured, hundreds of demonstrators petitioned government authorities in the Vanni to protect civilian lives. Shortages of food and essential supplies were reported in conflict areas. Hundreds of thousands remained internally displaced mid-year; hundreds sought safety in India, others died in the attempt.

Hundreds of deaths and injuries of civilians were also reported during army operations in the east, which received much less international attention. As in the north, both security personnel stationed there and ex-militant paramilitary forces working alongside them were accused of extrajudicial killings, torture, and illegal and arbitrary detentions of persons suspected of LTTE links. In one of the few cases where official action was taken, on February 1 in Thambalagamam, Trincomalee district, officers from the Bharathipuram police post and local home guards reportedly arrested and killed eight young men in retaliation for an attack by the LTTE on police in the area the night before. Police arrested forty-two, thirty-nine of whom had been released on bail by mid-June.

Tamil politicians and human rights organizations protested the security forces' continued use of homeguards and armed ex-militant Tamil groups to aid in security operations, as "spotters" to identify suspected LTTE members, and to detain and interrogate suspects. They have been accused of murder, abduction, extortion, assault, illegal detention, torture, and forced conscription.

Large-scale arbitrary arrests of Tamils based almost solely on their ethnicity continued in many parts of the country, particularly after major attacks attributed to the LTTE. In the north and east, residents complained of beatings, torture, and public humiliation of persons detained during searches, and of arrested youths being used for forced labor. In Colombo, where thousands of mostly short-term arrests occurred, protests by Tamil politicians in April after a midnight roundup of more than 1,200 people led the government to propose improved procedures for registration of Tamil arrivals in the city and the establishment of government-run guest houses—suggestions that concerned human rights defenders, who feared their potential abuse. In July, complaints over a number of roundups conducted prior to the SAARC (South Asian Area Regional Cooperation) summit convinced President Kumaratunga to appoint a special presidential committee to deal with complaints of harassment of Tamil civilians.

The LTTE was blamed for many deaths of noncombatants in 1999, in bombings, assassinations, and at least one public execution. On January 26, the Sri Lankan government banned the LTTE after blaming it for the truck bombing the Temple of the Tooth in Kandy, an important Buddhist shrine. The attack damaged the entrance to the temple and killed seventeen people. In three separate incidents in February, March, and August bombings attributed to the LTTE killed nearly fifty people and wounded more than 270.

A number of political assassinations in Jaffna in 1999 were also attributed to the LTTE. Army Brig. Larry Wijeratne was killed by a suicide bomber on May 14, 1999. On May 17, Sarojini Yogeswaran, mayor of Jaffna city, was killed by an unidentified gunman. On September 11, her successor, Pon Sivapalan, died from wounds sustained in the explosion of a powerful mine hidden in the Jaffna municipal council. Also killed was Jaffna's top army officer, Brig. Susantha Mendis, along with six army and police officers and several civilians.

The LTTE continued to detain Tamils with dissenting viewpoints as political prisoners. In August LTTE forces in Kilinochchi arrested four Tamil members of the Trotskyist Socialist Equality Party of Sri Lanka. Three were freed September 13 after almost a month and a half in captivity; a fourth was released September 16 after being held for more than two weeks.

Independent press coverage of the war has been difficult since 1995, when the Defense Ministry introduced regulations barring journalists from the north except during infrequent visits organized under military escort. In June, the situation deteriorated further when, for the third time under the People's Alliance (PA) government, strict censorship rules were imposed on war reporting, punishable under emergency regulations. This time the government also banned reporting on the conduct and transfer of security personnel. News services noted that background on the ethnic dynamics of the war was frequently censored.

On August 4, the Sri Lankan government reimposed a state of emergency throughout the country "for the preservation of public order." The move permitted President Kumaratunga to cancel five provincial council elections, scheduled for August 28, in which critics expected the party to do poorly. The military claimed it would be difficult to provide security for candidates and polling booths. Members of the Free Media Movement (FMM) filed a case in the Supreme Court accusing the government of denying Sri Lankans the right to exercise their franchise.

Human rights and media organizations also protested a rash of politically motivated attacks on journalists in 1999. Two air force officers, a squadron leader and a flight lieutenant, were arrested for their February attempt to abduct senior military correspondent Iqbal Aftab from his home and threaten his family. The men were directed to appear in court on October 14. Also in February, Pradeep Dhamaratne, a correspondent for the Sinhala language *Dinamina*, was hospitalized for injuries suffered when he was arrested and tortured after publishing a report linking local police to the illicit liquor trade. An inquiry led to the censure of an officer implicated in the incident, but Dhamaratne continued to receive death threats, and on March 4 his house was burned down. On July 17, unidentified attackers fired anti-tank bullets at the home of *Sunday Leader* editor Lasantha Wickrematunge after his paper published allegations of government corruption.

On August 26, Thodshanamurthy Mahasoothanathan, a columnist for *Saraniyar*, the Tamil newspaper published by the human rights organization MIRJE (Movement for Inter-Racial Justice and Equality) and editor of another Tamil bulletin, was abducted off a street in Colombo and held incommunicado for seventeen hours until journalist friends traced him to police custody, where he was detained under emergency regulations pending investigation. His father, who attempted to visit him in detention, was denied access; on August 28 his two younger brothers were also arrested.

Official efforts to account for tens of thousands of persons "disappeared" at the hands of the security forces continued. As it promised in 1997, the Sri Lankan government made public the reports of three regional commissions of inquiry into some 16,742 reported "disappearances" dating back to 1999. In July, a new commission with islandwide jurisdiction was appointed to investigate and report on about 11,000 complaints left uninvestigated by these earlier commissions. In July, the Civil Rights Movement of Sri Lanka criticized the government's failure to appoint a similar commission to investigate the 600 or more reported "disappearances" in the Jaffna area after government forces took control of the former LTTE stronghold in mid-1996 or to address the many "disappearances" of Tamils in eastern Sri Lanka from 1994-1999.

Prosecution of the crimes uncovered in these and other inquiries has been a halting process, although charges have been filed against a number of government personnel. In the first criminal prosecution of its type, on July 3 the Colombo High Court sentenced to death six soldiers and a reserve policeman found guilty of the September 1996 murders of Jaffna schoolgirl Krishanthi Kumarasamy and her mother, teenage brother and neighbor. Five of the accused were also convicted of the rape of Krishanthi, and three were found guilty of abduction. Like many Tamil civilians "disappeared" in security force operations, Krishanthi was abducted from a military checkpoint; her family members and neighbor who attempted to find her were taken from the same checkpoint later that day.

In a related matter, in July after Rajapakse Jayasinghe, a soldier convicted in the Kumarasamy case, claimed that he knew the location of a mass grave containing up to 400 bodies killed and buried by the security forces, the Sri Lankan government ordered police investigations. Three months later, there had been little progress into this or other investigations into reported mass graves. Human rights defenders, concerned about impartiality, called on the Human Rights Commission (HRC) to undertake an independent investigation with the help of international forensic experts, but although an HRC official had planned to travel to Jaffna in October to begin recording testimony from families of the "disappeared," his trip was postponed, and there were no exhumations.

In several prominent human rights cases before the courts, security personnel accused of gross violations remained on active duty, including eight army officers charged in relation to the "disappearances" of at least twenty-five teenagers in Embilipitiya between August 1, 1989 and January 30, 1990.

No progress was made in reopening the notorious "Bolgoda Lake" case despite government vows in 1997 to expedite it. The case implicated twenty-two Special Task Force (STF) commandos in the 1995 murders of twenty-three Tamil youths whose bodies were found floating in bodies of water near Colombo. The suspects were released on bail in 1996 and resumed their duties.

In August, five senior police officers including a Deputy Inspector General were sent on compulsory leave after the report of a presidential commission established to investigate allegations of torture and extrajudicial executions at a government-run detention center at the Batalanda Housing Estate near Colombo implicated them in the torture and "disappearances" of a large number of youths in the late 1980s.

## Defending Human Rights

Although human rights defenders continued to play a crucial role in exposing, combatting and preventing abuse, they faced both legal and extralegal efforts to silence criticism. Organizations with a specialized thematic focus such as children's rights, gay rights, the rights of workers or women grew in strength and number and were responsible for introducing important issues for public debate. At the same time, Sri Lankan nongovernmental organizations came under additional government regulation in 1998. Both local and international organizations that worked in conflict areas or with conflict-affected people faced restrictions on their activities, and some found themselves accused of partisan loyalties. Peace groups and groups advocating free expression also ran risks of censure. As noted previously, journalists faced particular dangers in 1998.

The government took advantage of an opposition walk-out on March 4 to rush through a controversial amendment to the Voluntary Social Service Organisations (Registration and Supervision) Act which allowed the government to replace an NGO's executive committee with an interim board if there was evidence of fraud or misappropriation; the original act also allowed officials to enter and inspect NGO offices and attend meetings. The Civil Rights Movement of Sri Lanka declared it a violation of freedom of association and called for its repeal.

International Alert, a British organization devoted to conflict resolution, was forced to close its office in Colombo following its dismissal in June of an employee who wrote an article critical of the LTTE in a local newspaper. The paper reacted to the dismissal by attacking International Alert and other "like-minded NGOs" as LTTE fronts. Foreign Minister Lakshman Kodirgamar joined in the attack.

In May, Peace Brigades International, an organization specializing in protective accompaniment of persons at risk of political violence, announced that it was ending nine years of work in Sri Lanka after officials from the ministries of defense and foreign affairs informed the organization that it would be required to submit all future reports to authorities before publication if its representatives wished to remain in the country. Peace Brigade's reports frequently contained information about human rights situations faced by persons under their protection.

On September 9, parliament created a National Child Protection Authority (NCPA) to protect children from sexual and other forms of abuse and to treat victims. The body would implement new, tougher laws relating to child abuse, including an amendment to the penal code denying bail to persons accused of sexual offences against children.

## The Role of the International Community

International policy on Sri Lanka continued to combine public calls for a political solution to the conflict, condemnation of LTTE attacks on noncombatants, and humanitarian efforts to mitigate the worst effects of the war on civilians.

Sri Lanka's pervasive climate of impunity was a source of concern for both the U.N. Working Group on Disappearances and Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Bacre Waly N'diaye. In March 1998, the U.N. released the report of N'diaye's 1997 visit to Sri Lanka. The report expressed concern over the government's failure to bring to justice those responsible for the country's "almost ubiquitous" extrajudicial killings and noted a troubling disconnection between apparent awareness of human rights issues at the top level of the armed forces and abusive practices on the ground. N'diaye called for a negotiated settlement to the conflict, possibly with U.N. assistance; and advocated improvements in security force training and discipline, strengthening the Human Rights Commission, revising emergency regulations to bring them in line with international norms, and establishing mechanisms to combat ethnic discrimination.

The May 1998 concluding observations of the U.N. Committee on Economic, Social and Cultural Rights on Sri Lanka's initial report acknowledged the government's expressed desire and efforts to promote the economic, social and cultural rights of its citizens despite the ongoing conflict but noted that the war had resulted in large-scale internal displacement, hindered efforts to provide essential services, and diverted resources. The committee voiced concern over the lack of progress towards a political settlement, evidence of ongoing discrimination and abuse against minorities, children, and women, threats to the right to shelter, to health, and to an adequate standard of living, and inadequate protection of workers.

The May 1998 visit of Olara Otunnu, U.N. Special Representative of the Secretary-General for Children in Armed Conflict, brought wide international attention to the plight of children in Sri Lanka's conflict areas. In response to his visit the LTTE pledged not to use children under the age of eighteen in combat or to recruit children under seventeen and to accept a framework to monitor compliance. They also vowed not to restrict the movement of displaced persons or interfere with the delivery of humanitarian assistance. Otunnu urged the government to create a political atmosphere that facilitated relief measures for victims of the conflict. In October, Otunnu expressed disappointment at the LTTE's apparent breach of its promise, after the military produced twenty-six child soldiers who had allegedly surrendered from the LTTE's ranks.

Also in May, the U.N. Committee Against Torture considered Sri Lanka's initial report. The committee's conclusions noted the establishment of Sri Lanka's Human Rights Commission with regional offices and the positive role of its Supreme Court in granting compensation to torture victims. But it also expressed grave concerns over continued torture and "disappearances," impunity and the absence, until recently, of effective impartial



investigations. While Sri Lanka has acceded to the Convention Against Torture it has not signed the declaration under Article 22 that permits individuals to make complaints to the committee.

In June, the United Nations Development Program (UNDP) launched a long-awaited landmine clearing project on the Jaffna peninsula, where U.N. officials estimate ten to fifteen people a month are killed and injured by mines, unexploded mortars and artillery shells. The project got off to a slow start, apparently hindered by government bureaucracy, and in August the U.N. team threatened to cancel the project altogether if they were not allowed to bring crucial radio and communications equipment into the area, which the government apparently feared might be stolen by the LTTE. Sri Lanka has not ratified the international treaty banning landmines, which it opposed for reasons of national security.

The United Nations Children's Fund (UNICEF) announced in July that Australia, Germany, Sweden, and the United Kingdom had provided over U.S.\$5 million for programs aimed at conflict-affected children and women. Programs to be funded include landmine awareness campaigns, education for conflict resolution, activities for community-based rehabilitation of disabled children, programs dealing with psychosocial trauma, health, nutrition, education, safe water, environment, sanitation, and special programs for single parents and unaccompanied children.

In May, Sri Lanka's donor countries pledged U.S. \$790 million in financial support, but the World Bank expressed concern that the prospects for an end to the conflict had not improved. Donors "deplored the growing tragic impact of the war" and called on politicians to set aside differences. In the meantime, aid was directed at improving living conditions in conflict areas, reconstruction and basic human needs.

In Jaffna in late August, Amb. David Tatham of the United Kingdom appealed to expatriate Tamils to return to Jaffna, use their financial resources to help end the war and rebuild the country. He said negotiations towards a political settlement should resume and that "resources of the Tamil community abroad" would supplement the efforts of the international community. Britain, Germany and the European Union are involved in aid projects in the Jaffna peninsula.

Since the U.S. State Department declared the LTTE a "terrorist" organization in 1997, there appeared to be greater U.S. cooperation in training of security personnel. In August, Sri Lankan and foreign press reported that the United States was providing antiterrorist training to Sri Lankan police. Government officials confirmed that the police training was being conducted by the (Secretary of State's) Counter Terrorism (SCT) unit. Two groups of thirty-nine officers had reportedly received training at the Louisiana State Police Academy and the Federal Law Enforcement Training Center in Georgia. The training is allegedly designed to improve the Sri Lankan police ability to protect civilian-run installations against bombing.

## THAILAND

The most serious human rights issue in Thailand continued to be the Thai government's treatment of refugees, including more than 100,000 Burmese. For Thai citizens, but not for refugees or migrants, the scope for human rights protection increased with the adoption of a new constitution in October 1997. Legal experts and human rights activists pushed during the year for comprehensive legal reforms that would guarantee popular participation and administrative power sharing, protect the independence of the judiciary, and provide for necessary checks on abuse of power by state forces such as the police. As the economic crisis worsened, the new opportunities to make demands on the political system seemed to offer an important outlet for expressing grievances that spared Thailand any major episodes of social unrest during the year. Nevertheless, there were fears that the growing number of unemployed and the government's inability to ease the hardship could still create social and political troubles ahead.

### Human Rights Developments

Treatment of refugees continued to be a major cause for concern. Thailand is still not a party to the 1951 U.N. Convention on the Status of Refugees and has no procedures whereby a person can be determined to be a refugee with a well-founded fear of persecution. The government allowed Burmese and Cambodians fleeing armed conflict to stay in camps along Thailand's borders but refused to acknowledge that human rights violations in the country of origin other than those associated with armed conflict were a valid reason for needing asylum.

In February, the Thai government began negotiations with the United Nations High Commissioner for Refugees (UNHCR) that would allow UNHCR a formal role for the first time on the Thai-Burmese border. By September, they appeared to have produced an agreement that would result in a limited protection role for UNHCR but one restricted to those refugees in camps on the border and with the primary aim of facilitating eventual repatriation to Burma.

Burmese from ethnic minority groups who were allowed to stay for the most part had access only to camps along the Thai border that were vulnerable to attack by military groups backed by the Burmese army. One such group, the Democratic Karen Buddhist Army (DKBA), renewed its terror campaign against ethnic Karen refugees in Thailand. In a series of attacks on Huay Kaloke, Mawker and Mae La refugee camps during March and April, at least four refugees were killed, over fifty wounded and 10,000 made homeless. The DKBA attempted to defend these attacks by claiming that a number of villagers in its control areas had been killed by guerrillas of the Karen Liberation Army, an insurgent force fighting the Burmese government. The DKBA claimed that attacks had been launched from the refugee camps. The Thai government responded by accelerating its plans to consolidate the more than twenty Karen camps at the beginning of the year into just five or six major sites.

In April the new Thai deputy foreign minister, Sukhumbhand Paribatra, visited Rangoon and was reported in the Thai press as saying that Burma's military rulers had agreed to the UNHCR being involved "in assisting displaced Karens in order to secure their voluntary repatriation."

In addition, over 500,000 other displaced persons or "illegal migrants" from Burma also remained in Thailand but were vulnerable to arrest and deportation even though many were believed to have a valid fear of persecution. By July, the Thai Labor Department reported that foreign workers had "vacated" 120,000 jobs to make way for Thai workers. Not all of those workers would have been deported, but deportations were clearly on the rise, and serious overcrowding in immigration detention centers had become a major issue by the end of the year. New immigration checkpoints were opened during

the year on roads near the Thai border, and anyone detained without proper documentation was subject to instant deportation (and sometimes to abuse, extortion, or theft) without right of appeal.

In February, Thailand's Interior Minister Sanan Kachornprasart announced that the government was considering abolishing a 1952 law banning communism because it contradicted the new constitution and could be used to restrict citizens' rights. The law gives security officials wide powers of arrest, search, and detention. The move was supported by human rights and pro-democracy activists, but army officials, who had long used the law against suspected drug traffickers, said they would only agree to its repeal if a new law was passed enabling them to have the same powers against suspected traffickers.

Reports continued of abuse and extrajudicial killings by Thai police. In January, a violent police assault on protesting workers outside an auto parts factory led to promises that the police department would improve its systems for riot control and take disciplinary action against police found to have employed excessive force. In March, an inmate who escaped from Kabin Buri Prison along with five others and was recaptured on the same day was found hanged in his prison cell. According to witnesses, his body showed signs of fresh injuries and he appeared to have been beaten, leading to speculation that he had been killed by police. The Ministry of the Interior announced in July that it was investigating the killing of a second inmate in the same institution who was shot to death by a prison janitor, reportedly while his ankles were chained. Prison officials alleged he was armed with a knife and attempting to escape.

In July, relatives of three men slain in Hua Hin district called on Thailand's director general of police to investigate charges that local police had killed the men and attempted to burn their bodies, apparently to destroy the evidence. They also sought to bar local police from investigating the case. Witnesses charged that the victims were carried to a deserted area in a car with a flashing light on top and were subsequently shot. Gasoline was poured on their bodies, which were thrown onto fires and burned.

On September 16, Salang Bunnag, a suspended deputy police director general, and another high-level police officer failed to appear for the first hearing of the 1996 Suphan Buri murder case in which seventeen police under Salang's command were accused of the extrajudicial killings of six drug suspects. Public prosecutors said Salang would be arrested if he failed to show at the next hearing. Since the case was reopened in March, senior investigating officer Anothai Banrungphong said he had received threatening phone calls; there was also a shooting incident near his house on June 5. The officer said he believed both had been carried out by officers involved in the Suphan Buri incident.

On November 17, 1997, Thailand enacted the Measures in Prevention and Suppression of Trafficking in Women and Children Act, allowing authorities to detain suspected trafficking victims caught in searches of public places, airports, railway and bus stations, seaports, entertainment establishments and factories for as long as ten days for authentication of their travel documents. The law does not permit authorities to detain suspected traffickers who are accompanying victims.

In an effort to bring its laws into accordance with International Labour Organisation (ILO) standards, Thailand enacted a new labor law that came into force on August 19, which included prohibitions of child labor and sex discrimination, outlawed sexual harassment, and regulated working hours, overtime, and benefits.

In July, Thai Foreign Minister Surin Pitsuwan made an unsuccessful effort to change the policy of the Association of Southeast Asian Nations (ASEAN) of not criticizing fellow members. He proposed a new approach of "flexible engagement" so that Thailand, for example, would be able to raise concerns about Burma through the ASEAN framework. Supported only by the Philippines foreign minister, the idea was dropped.

## Defending Human Rights

Thailand continued to be a hub of regional human rights activism on a wide variety of issues, including the economic crisis. Thai academic institutions and large regional nongovernmental networks like the Asian Cultural Forum on Development (ACFOD) and Asian Forum for Human Rights and Development (Forum-Asia) sponsored a variety of NGO consultations, strategy meetings and human rights training courses for Asia-based activists during the year. Some Bangkok-based regional groups, such as the Alternative ASEAN Network, focused their efforts on supporting pro-democracy efforts, condemning abuses or influencing bilateral policies toward specific countries, such as Burma. Others used Thailand as a base for regional and global efforts on women's human rights, trafficking in persons, migrant workers' rights, or refugees. Thailand continued to be an important center for regional nongovernmental work on HIV/AIDS, child prostitution and child labor.

In March, police attempted to restrict the participation of about one hundred international human rights advocates in a five-day seminar on East Timor in Bangkok, saying the foreign participants would violate Thai law if they spoke out against Indonesia. Chulalongkorn University withdrew its cosponsorship of the event after pressure from the authorities. The meeting proceeded under the watchful eye of immigration and labor ministry officials and police. Forum-Asia, one of the organizing groups, said immigration police had threatened to ban the second day of the seminar.

Thailand's own outspoken press and human rights community addressed many of the same issues as their regional colleagues. Activists continued to condemn the Petroleum Authority of Thailand (PTT) for social and environmental damage in the construction of the Yadana gas pipeline. Prominent social critic Suwak Sivaraksa was arrested and then released on bail in connection with a protest against the pipeline in March.

## The Role of the International Community

In March, Thai Prime Minister Chuan Leekpai came to the U.S. for a high-profile tour; it was the first such visit by a Thai leader since the Asian economic crisis hit. He met with U.S. President Clinton, as well as members of Congress and officials of the International Monetary Fund (IMF), which had just approved payment of U.S.\$270 million of a \$17.2 billion rescue package for Thailand. Refugee concerns were on the agenda of at least some of his congressional meetings.

In his July confirmation hearing before the U.S. Senate and in response to questions submitted by the U.S. Senate, Richard Hecklinger, the new ambassador to Thailand, highlighted the role of the U.S. embassy there in ensuring protection of Burmese refugees through regular visits to the border; he

also expressed support for any decision by the UNHCR to open a field office in the border area. He praised the new Thai law on trafficking and said the U.S. did not "knowingly provide training to members of the Thai police who may be traffickers."

At the same time, the State Department said it would unveil, at the ASEAN ministerial meeting in Manila, plans to contribute funding to a regional program to return trafficked women and children, many of them in Thailand, to their countries of origin.

# VIETNAM

## Human Rights Developments

The unexpected release of some of the country's best-known political prisoners was a highlight of the year. Arbitrary detention in substandard prison camps continued, however; press freedoms remained strictly curtailed; independent associations and trade unions were not allowed to operate; and little progress was made in legal reform. Rural unrest that had erupted in 1997 continued, with peasant protests against high prices, corruption, land confiscation, and excessive taxation. Differences between reformers and conservatives at top levels of the political power structure appeared to deepen during the year, but it was difficult to tell from human rights developments who was in the ascendant. Veteran revolutionaries and influential intellectuals tried to test the newly-installed Communist Party leadership during the year by openly criticizing the government and advocating for increased democracy, economic reforms, and press freedom.

Arbitrary detention of individuals for their political beliefs remained a major concern, but in September, the government freed at least eleven prominent dissidents and religious leaders as part of a broader amnesty involving more than 5,000 prisoners, with more releases announced in October. Those released in September included Dr. Doan Viet Hoat, arrested in 1990 for publishing the pro-democracy bulletin, "Freedom Forum"; Dr. Nguyen Dan Que, arrested in June 1990 for issuing a public appeal for political pluralism; prominent monks Thich Quang Do, Thich Tri Sieu, and Thich Tue Sy, who are all members of the banned Unified Buddhist Church, as well as Paul Nguyen Chau Dat and Tadeo Dinh Viet Hieu, members of the Catholic Congregation of the Mother Co-Redemptrix. It was not clear what prompted the releases, but the planned visit in October by the U.N. Special Rapporteur on Religious Intolerance may have been a factor in the release of the religious activists. Despite the prisoner amnesties, dozens of other dissidents remained under surveillance or in "administrative detainment" under Directive 31/CP, which authorizes detention without trial for up to two years by the Ministry of Interior. Critics who remained under house arrest included biologist and writer Ha Si Phu, poet Bui Minh Quoc, writer Tieu Dao Bao Cu, and war veteran Nguyen Ho.

Vietnam's leadership, with newly appointed Communist Party Secretary Le Kha Phieu at the helm, was deeply divided over political and economic reform. In January, in the first of several open letters to the party leadership, Gen. Tran Do, a respected retired military officer, criticized the party's concentration of power and proposed reforms, including free elections.

Other well-connected intellectuals and military veterans issued letters and statements during the year criticizing high-level corruption and calling for reform. Most did not suffer reprisals; respected geophysicist Nguyen Thanh Giang was detained for three days in March before being released after going on a hunger strike.

The country's farmers continued to show their anger over rampant corruption, punitive taxation, unfair rice prices, land disputes, and compulsory labor contributions to national infrastructure projects. Sporadic incidents of rural unrest surfaced in Thai Binh province, the site of the most severe unrest in 1997; Long Binh in southern Dong Nai province, where farmers protested evictions by the military in January; Ha Tay province near Hanoi, the site of ongoing dissatisfaction over land rights and corruption as well as Ha Nam, Nam Dinh, Thanh Hoa, Quang Ngai, and Bac Ninh provinces. In March, at least nine local people were convicted for disturbing public order during the January clashes in Dong Nai. In July, the People's Court in Thai Binh sentenced more than thirty local people, whom the government termed "extremists," to prison terms for inciting people to disrupt public order during uprisings in the province in November 1997.

Unusually candid reporting in the domestic press on farmers' unrest in various provinces demonstrated the degree to which the leadership wanted the public to believe that it was resolving the farmers' grievances. For example, a lengthy front-page article in the official *Nhan Dan* (People's Daily) newspaper on February 5 carried the results of the government's investigation into the Thai Binh unrest, which it blamed on local officials' failure to respond to administrative corruption and excessive taxation. The government dispatched high-level officials, including Politburo member Pham The Duet (ironically the object of corruption charges himself during the year) to sites of unrest, notably Dong Nai and Thai Binh, where they launched inquiries and suspended, fired, or levied fines against dozens of corrupt local cadres. In a February 23 press conference, President Tran Duc Luong made one of the strongest public acknowledgments of the problem to date, blaming local corruption for spurring peasant discontent. In March an anti-corruption ordinance was passed that contained provisions requiring officials to declare their assets. The National Assembly heatedly debated a draft law to facilitate the filing of complaints by citizens against local officials but failed to pass the legislation by the close of its session in May.

The government continued to require that all religious activity be approved by the state and to apply restrictions on travel by religious leaders and on the contents of their sermons and speeches. In July, the Politburo issued its first directive on religion, saying the party's policy was to respect religious freedom but banning "superstitious practices" without defining what those were. The directive also prohibited the printing and distribution of Bibles, banned "excessive mobilization of the population," and threatened legal repercussions against those who abused religion to cause social unrest or oppose the government. In July, the government turned down a request for a papal visit in August during the two-hundredth anniversary of the sanctuary of the Notre Dame of La Vang in Quang Tri province. It also attempted to discourage citizens from other provinces from traveling to La Vang for this event. (Nevertheless, more than 60,000 Catholic pilgrims were able to attend, making it the largest religious gathering in Vietnam in decades.) On the other hand, in March, the government approved the Vatican's appointment of a new archbishop of Ho Chi Minh City, a position that had been left vacant for five years because of official rejection of an earlier nominee. In July, three years after a request was originally submitted, the government approved the October visit of Abdelkader Amor, the U.N. special rapporteur on religious intolerance.

The press remained under tight government control during the year. None of the criticism of the government by senior party leaders or retired officers was published in the media. In a stern reminder to journalists not to exceed state-imposed limits, Nguyen Hoang Linh, editor of *Doanh Nghiep* (Enterprise) newspaper and a Communist Party member, was brought to trial on October 21 after his arrest a year earlier. He was found guilty for

"taking advantage of democracy to damage the state" and sentenced to time served (one year and thirteen days). In 1997 NGUYEN HAD REPORTED ON HIGH-LEVEL CORRUPTION.

TROUBLED AREAS SUCH AS THAI BINH AND DUNG NAI REMAINED OFF-LIMITS TO FOREIGN JOURNALISTS, ASIDE FROM A ONE-DAY, OFFICIALLY SPONSORED TOUR IN MID-FEBRUARY. IN AN EFFORT TO CONTROL INFORMATION ABOUT THE REGIONAL ECONOMIC CRISIS AND ITS IMPACT ON VIETNAM, THE MINISTRY OF CULTURE CONTINUED TO IMPLEMENT A 1997 PRESS EDICT THAT PROHIBITED MEDIA COVERAGE OF THE BANKING SYSTEM AND INSTRUCTED EDITORS TO TONE DOWN CRITICAL ECONOMIC COVERAGE.

## Defending Human Rights

FREEDOM OF ASSOCIATION REMAINED TIGHTLY CONTROLLED, AND THERE WERE NO INDEPENDENT NONGOVERNMENTAL ORGANIZATIONS. NO DOMESTIC HUMAN RIGHTS GROUPS OPENLY CONDUCTED ACTIVITIES.

## The Role of the International Community

AN INTERNATIONAL AID PACKAGE OF U.S. \$2.4 BILLION FOR 1999 WAS APPROVED IN DECEMBER 1997 AT A WORLD BANK-CHAIRMED DONOR CONSORTIUM MEETING IN TOKYO, FROM DONORS THAT INCLUDED THE WORLD BANK, INTERNATIONAL MONETARY FUND (IMF), ASIAN DEVELOPMENT BANK (ADB), UNITED NATIONS DEVELOPMENT PROGRAM, JAPAN, FRANCE, SWEDEN, AND AUSTRALIA. ON JUNE 13, MAJOR DONORS MET IN HUE WITH VIETNAMESE GOVERNMENT OFFICIALS TO PRESS FOR ECONOMIC AND LEGAL REFORM, PRIVATIZATION OF MORE THAN 6,000 STATE-OWNED COMPANIES, MEASURES TO ADDRESS CORRUPTION, AND GREATER FINANCIAL TRANSPARENCY. ON SEPTEMBER 9, THE WORLD BANK APPROVED THREE LOAN AGREEMENTS TOTALING U.S. \$193 MILLION DOLLARS FOR AGRICULTURAL DEVELOPMENT, HIGHER EDUCATION, AND URBAN TRANSPORTATION PROJECTS IN VIETNAM. ON THE SAME DAY, THE ADB ANNOUNCED A LENDING PACKAGE OF U.S.\$300 MILLION A YEAR FOR EACH OF THE NEXT THREE YEARS, CONTINGENT ON VIETNAM SHOWING PROGRESS ON ECONOMIC REFORMS, PARTICULARLY OF STATE-OWNED ENTERPRISES.

### Japan

JAPAN CONTINUED ITS SUPPORT OF *doi moi* (renovation) in Vietnam, focusing on promoting economic reform, and provided technical assistance to help design a new five-year budget plan. Privately, Japanese officials were concerned about the growing social unrest but failed to raise the issue during the December 1997 donor meeting. Japan pledged U.S. \$720 million to Vietnam for 1999, most of it in yen loans, plus some grant aid and technical assistance. Japan also continued to give assistance for legal reforms, including a program on civil procedure law, but undertook no initiatives in the area of criminal or penal law. In the first known intervention by Japan with Hanoi in the case of a political prisoner, the Ministry of Foreign Affairs's appeal on behalf of dissident Doan Viet Hoat helped bring about his release in September.

### European Union and the United States

THE EUROPEAN UNION ALSO TOOK ACTION ON BEHALF OF POLITICAL PRISONERS, INCLUDING DR. HOAT AND DR. QUE, MAKING DEMARCHES IN HANOI ON THEIR BEHALF. PRESIDENT JACQUES CHIRAC OF FRANCE RAISED DR. HOAT'S CASE WITH THE VIETNAMESE DELEGATION TO ASEM IN LONDON IN APRIL. THE EUROPEAN PARLIAMENT PASSED A RESOLUTION ON HUMAN RIGHTS IN VIETNAM IN JULY, IN WHICH IT CALLED FOR RELEASE OF PRISONERS OF CONSCIENCE, AN END TO HOUSE ARREST FOR OTHER DISSIDENTS AND RELIGIOUS LEADERS, REPEAL OF ADMINISTRATIVE DETENTION DIRECTIVE 31/CP, REFORM OF THE JUDICIAL SYSTEM, AND GUARANTEES FOR COMPLETE FREEDOM OF RELIGION.

IN THE THIRD YEAR OF NORMALIZED DIPLOMATIC RELATIONS BETWEEN THE U.S. AND VIETNAM, THE U.S. TOOK TENTATIVE STEPS TOWARDS ESTABLISHING TRADE RELATIONS. IN MARCH, PRESIDENT CLINTON ISSUED A WAIVER OF THE JACKSON-VANIK EMIGRATION REQUIREMENTS IN ORDER TO ALLOW U.S. COMPANIES THAT DO BUSINESS IN VIETNAM TO OBTAIN CREDITS FROM THE EXPORT-IMPORT BANK AND LOANS AND POLITICAL RISK INSURANCE FROM THE OVERSEAS PRIVATE INVESTMENT CORPORATION (OPIC). ON JUNE 3, CLINTON EXTENDED THE WAIVER FOR ONE YEAR. THE HOUSE OF REPRESENTATIVES VOTED ON JULY 30 AGAINST A RESOLUTION TO OVERTURN THE WAIVER. ON MARCH 19, OPIC SIGNED AN AGREEMENT WITH VIETNAM, DESPITE THE RESULTS OF OPIC'S OWN INVESTIGATION OF LABOR RIGHTS ABUSES (A PRECONDITION FOR RECEIVING OPIC ASSISTANCE), WHICH POINTED OUT THE LACK OF FREEDOM OF ASSOCIATION IN THE WORKPLACE, LACK OF COLLECTIVE BARGAINING, AND OTHER SERIOUS ABUSES.

IN MAY, THE STATE DEPARTMENT HELD ANOTHER MEETING IN ITS BILATERAL HUMAN RIGHTS DIALOGUE WITH VIETNAM, BUT THE DIALOGUE PRODUCED NO IMMEDIATE RESULTS. FOR THE FIRST TIME, AS REQUESTED BY CONGRESS, THE TALKS TOOK PLACE AT THE LEVEL OF ASSISTANT SECRETARY OF STATE.

IN SEPTEMBER, THE UNITED STATES PRAISED THE PRISONER RELEASE, STATING THAT THE AMNESTY WOULD IMPROVE RELATIONS BETWEEN THE TWO COUNTRIES, BUT URGED THE VIETNAMESE GOVERNMENT TO RELEASE EVERYONE DETAINED IN VIOLATION OF INTERNATIONAL HUMAN RIGHTS STANDARDS.