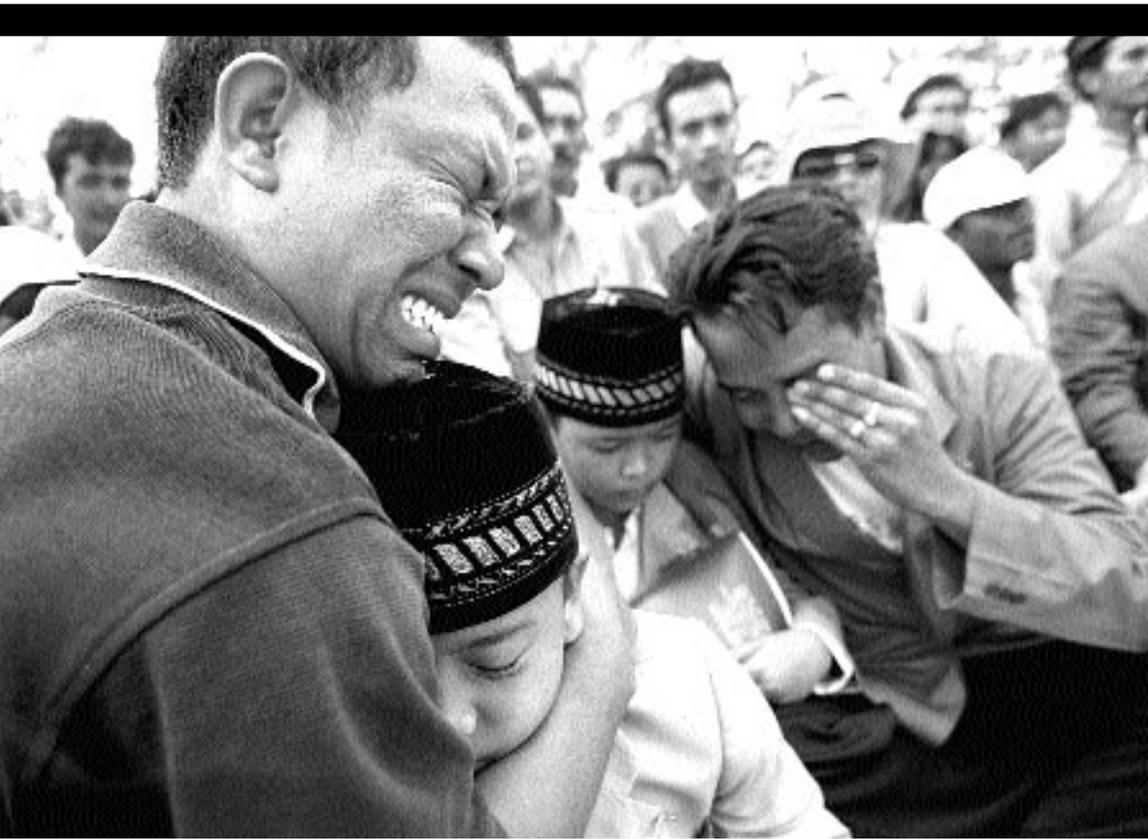


**HUMAN RIGHTS WATCH WORLD REPORT 2002**

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# **ASIA**



*Mourners pay tribute to civilians who were killed when they tried to attend a pro-referendum rally in Banda Aceh, Indonesia.*

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## ASIA OVERVIEW

**T**he entire Asian region suffered a political earthquake in the aftermath of the September 11 attacks on the United States. Afghanistan was the epicenter, but the aftershocks threw domestic politics and international relations into upheaval.

All countries in the region condemned the September 11 attacks, and in response to the Bush administration's challenge, "Are you with us or against us?" most governments, including North Korea, lined up cautiously on the U.S. side. Governments from India to China found, in measures to counteract terrorism, new justifications for longstanding repression. Real enthusiasm, however, was only evident in the Philippines, Malaysia, Taiwan, and South Korea, and by November, most Asian leaders were finding that a pro-U.S. position had political costs at home.

Indonesian and Malaysian leaders found that support from important domestic constituencies could be jeopardized if they seemed to be unconditionally supportive of the U.S. bombing of a fellow Muslim-majority nation. By November, Indonesian President Megawati was pleading with President Bush to end the bombing before Ramadan, the Muslim fasting month, began. In South Asia, India was clearly worried about the U.S. embrace of Pakistan and the implications for Pakistani mischief in Kashmir, while Pakistan's President Musharraf worried about how he could use alliance with the U.S. to achieve political and economic goals (halting the U.S. embrace of India, securing the lifting of economic sanctions against Pakistan) while keeping Islamist forces at bay. For China, the question was how a war on terrorism could be used to intensify a campaign against splittists in Xinjiang without the U.S. threatening Chinese interests in Central Asia. China and the Koreans, mindful of Japanese atrocities against their peoples in World War II, were concerned about how Japan's offer of logistical support for U.S. forces might strengthen forces on Japan's pro-military right.

But these were all government reactions. The popular reactions across the region were if anything more important, given the increasing importance of civil society in most Asian countries. In general, there were widespread expressions of sympathy both for victims of the September 11 attacks as well as for Afghan civilians. Large demonstrations against the U.S. airstrikes erupted in October across Bangladesh, India, Sri Lanka, Malaysia, Indonesia, and elsewhere. (Anti-U.S. sentiment in China after September 11 was actively suppressed by the Chinese government through controls on the media and the Internet.) In some cases, these protests reflected the successful portrayal by conservative Muslims of the U.S. effort as an attack on Islam, but they also expressed a broader discomfort within civil society about the perceived disproportionate use of power by the U.S. in a devastated

country. Intellectuals throughout the region also raised the issue of how U.S. policies, particularly in the Middle East, had alienated important segments of the Muslim community.

## **FRAGILE DEMOCRATIC TRANSITIONS**

The September 11 attacks eclipsed many of the human rights issues that had dominated the first nine months of the year. These included the fragility of democratic transitions in the region and the dilemmas posed by partial democratization in the absence of strong political institutions—or in the presence of strong militaries.

Fair elections produced disastrous leaders in Southeast Asia: Joseph Estrada, a corrupt ex-movie star, ousted from the Philippines presidency in January by Gloria Macapagal Arroyo, and Abdurrahman Wahid, a nearly blind cleric, ousted from the Indonesian presidency in July. Estrada remained highly popular among the country's poor, and his ouster after military-backed protests from the elite and middle class in Manila was semi-legal at best. The question arose, which was the greater danger to Philippine democracy, a shady president with underworld connections who systematically looted the national treasury but who was nevertheless the choice of the people, or his less than constitutional ouster? The crisis showed Philippine political leaders and institutions at their worst: a malleable parliament, a weak judiciary, and new president whose first instinct in May, in the face of protests from pro-Estrada forces, was to declare a state of rebellion to arrest political opponents.

In Thailand the dilemma was similar but less stark. In January, the Thai Rak Thai party, led by Thaksin Shinawatra, won a majority of parliamentary seats in the January 6 national election, making Thaksin prime minister. But ten days before the vote, Thaksin, a telecommunications tycoon, was indicted by the National Counter-Corruption Committee (NCCC) on charges of failing to fully declare his financial assets as required by law when he held a previous government post. If the Constitutional Court upheld the indictment, banning Thaksin from public office for five years, the Thai political system could have been thrown into serious crisis. If it did not, despite apparently strong evidence of unrevealed wealth, the independence of the court and Thailand's battle against high-level graft and corruption would be undermined. Which was worse? The court voted eight to seven not to uphold the indictment, to the disappointment of political reformers and yet to the relief of many who feared that democracy would be poorly served by a prolonged period of uncertainty and instability.

President Abdurrahman Wahid, Indonesia's great hope for furthering democratization, proved to be entirely unsuited for the job. He listened to no one, ignored major crises, and in the end, tried unsuccessfully to use the military against the parliament that was trying to impeach him on corruption grounds. But the alternative was either a return to former President Soeharto's party, Golkar, or support for Vice-President Megawati Sukarnoputri, whose party had the most seats in the Indonesian parliament and who had extensive army backing. On human rights

issues, the choice came down to one of incompetence versus lack of political will. Which was worse, a president who could not make the justice system work or one who would not even try? Much of the human rights and reformist community preferred the former, but when that same inability and inattention to political and economic problems began to lead to a nostalgia in some circles for authoritarianism, Indonesia's democratic experiment was in trouble.

In Cambodia, targeted political assassinations, while few in number, continued to discourage many grassroots candidates from running in Cambodia's long-delayed commune elections, scheduled for early 2002.

Nepal's shaky transition to democracy, begun in 1990, underwent its most severe test with the assassination of almost the entire royal family by the crown prince in June 2001. The prince later shot himself. Like Thailand and Cambodia, the monarchy in Nepal has been an anchor for the transition, and the murdered King Birendra had helped hold the country together through the collapse of ten governments in ten years combined with a growing Maoist insurgency. The unpopularity of the new king, an economic crisis in an already desperately poor country, and the growing clout of the rebels all suggested that Nepal's democratic transition would face further trials in 2002.

In Pakistan, the problem was somewhat different. President Pervez Musharraf had abruptly halted Pakistan's flailing attempts at democratization when he overthrew the corrupt Nawaz Sharif in a military coup in October 1999. Some Pakistanis at the time saw a temporary loss of civil liberties as an acceptable price to pay for getting rid of politicians whose desire for power seemed motivated primarily by greed. But human rights defenders and reformers accurately predicted that once taken away, these liberties were going to be hard to restore. By September 11, Musharraf, despite international condemnation of the coup, had shown no hurry to hold elections. Human rights activists and political reformers pointed out that the political vacuum was only encouraging the growth of religious extremism, all the more so after the U.S. war against the Taliban provided a potent rallying point for the Islamic right. The U.S. and British embrace of Musharraf in their anti-terrorism coalition effectively ended any international pressure for the restoration of democracy in Pakistan.

While nothing could be further from democratic transition than North Korea, the importance of that country's slight opening to the outside world in late 2000 and 2001, apparently driven by the need to earn foreign exchange, should not be underestimated. In February, during a visit by a European Union delegation, North Korean officials agreed to a human rights dialogue with the E.U.

## **INTERNATIONAL JUSTICE**

International justice for war crimes and crimes against humanity was an issue throughout Asia during the year, but it was often a case of local NGOs, foreign governments, and international rights organizations trying to force unwilling governments to act. The Cambodian parliament passed a law in August to set up a tribunal to try former Khmer Rouge leaders, and the same month in Indonesia, all legal hur-

dles blocking the establishment of an ad hoc tribunal on East Timor were cleared, but neither court was functioning by the end of November. Political will to proceed with indictments was noticeably absent. In East Timor, local NGOs by September 2001 were demanding an international tribunal to try Indonesian officers and the militia commanders they had created and armed, but it was not just Indonesian leaders who showed little interest in justice. East Timorese leaders also made clear that punishing past abuses was not for them a priority.

The issue of war crimes by Japan during World War II continued to fester. China and Korea, whose populations suffered terribly under Japanese occupation, were outraged in August by Japanese Prime Minister Koizumi's visit to a shrine honoring Japanese war heroes. The issue of "comfort women"—women forced to provide sexual services to Japanese soldiers—returned to center stage with a people's tribunal convened in Tokyo in December 2000.

Accountability for past abuses was becoming an issue in Afghanistan by late 2001, with respect to crimes not only by the Taliban but by individual commanders in the Northern Alliance (United Front) and by *mujahideen* outside that alliance, and by Soviet commanders during their decade-long occupation of the country. Efforts were underway to bring a war crimes case against a former Afghan commander living in London.

By mid-November, Cambodia was close to becoming the first country in East or South Asia to ratify the Rome Statute of the International Criminal Court.

## **VIOLENCE, REFUGEES, AND THE INTERNALLY DISPLACED**

Asia continued to be wracked by outbreaks of war and ethnic and communal strife, producing widespread human rights violations and massive new populations of refugees and the displaced. As all eyes were focused on the humanitarian crisis in Afghanistan in November 2001, with estimates of the displaced in the hundreds of thousands as winter approached, it was also important to remember the 850,000 to one million internally displaced in Indonesia; more than 800,000 in Sri Lanka; some 600,000 to one million in Burma, and an estimated half million displaced in India. In most cases, access to humanitarian aid and protection for the displaced was difficult, either because of government obstruction or security concerns.

Refugee populations were also large, with an estimated 200,000 Burmese in Thailand, 120,000 Burmese in Bangladesh, and about 100,000 refugees from Bhutan in Nepal. An estimated 135,000 new refugees from Afghanistan had arrived in Pakistan after September 11. In West Timor, an estimated 60,000 to 80,000 East Timorese remained after the forcible expulsions of 1999, but the rate of voluntary return picked up sharply after the peaceful elections in East Timor in August.

If would-be refugees managed to cross into another country, access to aid was usually easier, but some governments deliberately closed their borders to asylum-seekers. By the time the American bombing campaign in Afghanistan began, for examples, all of Afghanistan's neighbors had shut their borders, citing security concerns, inability to handle a new influx, and in some cases, U.S. pressure. By Novem-

ber, Pakistan, already host to some two and a half million Afghan refugees, had relented somewhat and was allowing fifteen new camps to be built inside its borders, but under conditions that raised serious protection concerns for the new arrivals.

The other country in the region that closed its borders to asylum-seekers was Australia. In August, when his political popularity was at an all-time low, Prime Minister John Howard decided to capitalize on anti-immigrant sentiment by very noisily denying asylum to more than four hundred mostly Afghan refugees who had nearly drowned in Indonesian waters and had been picked up by a Norwegian freighter and brought to Australian waters near Christmas Island. Howard refused to let them land and reversed his political fortunes, winning a third term in mid-November on the basis of hardline policies and new legislation that violated Australia's obligations under international refugee law.

Asylum-seekers also had a difficult time in Japan. Only twenty-two asylum-seekers were granted refugee status in Japan in 2000, and the figures for 2001, to be published in 2002, were not expected to be any greater.

In addition to violence, repression and discrimination were factors leading Asians to flee their own countries. China's Uighurs fled to Kyrgyzstan and Kazakhstan, from which they were occasionally sent back, and even to Pakistan; some Tibetans continued to try and reach Nepal.

Beginning in February, more than 1,000 ethnic highlanders from Vietnam, known collectively as Montagnards, fled to Cambodia after Vietnamese police crushed a public protest over land-grabbing and controls on freedom of religion. While Cambodia agreed to provide temporary asylum to the Montagnards at two United Nations High Commissioner for Refugees (UNHCR) sites, Cambodian officials violated the principle of *non-refoulement* several times during the year when they forcibly returned large groups of Montagnards back to Vietnam, where many were arrested and beaten.

North Koreans fled to China largely to look for food and work. They could face severe punishment in North Korea on charges of illegal departure if returned. Chinese authorities reportedly sent many back to unclear fates. Estimates of the number of North Koreans in China ranged from South Korean government figures of ten to thirty thousand to estimates ten times higher from nongovernmental sources. The problem drew international attention in June when a family of seven North Koreans sought refuge in the UNHCR office in Beijing. They were eventually allowed to leave for South Korea via the Philippines.

Bhutanese refugees spent a tenth year in exile in camps in southeast Nepal, deprived of their right to return home. Despite the start in early 2001 of a joint verification program by the governments of Nepal and Bhutan to ascertain the status of these refugees, progress was slow, and no refugees had returned as of late November.

## **INTERNAL SECURITY LAWS**

Even before September 11, internal security legislation was being widely abused

in many Asian countries. In China, several academics and business people based in the West were detained under laws preventing the disclosure of state secrets. In Malaysia, Prime Minister Mahathir made increasing use of the draconian Internal Security Act to arrest members of the political opposition. In Indonesia, laws once used to detain critics of former President Soeharto made an unwelcome comeback, particularly clauses of the Criminal Code punishing spreading hatred toward government officials. In South Korea, little progress was made toward amending the hated National Security Law. In August, seven activists of a pro-reunification organization were arrested in Seoul for having illicitly contacted members of the North Korean Youth League before attending a meeting of the League in Pyongyang.

In India, government officials used the post-September focus on terrorism to push for a new Prevention of Terrorism Ordinance, that would give police sweeping powers of arrest and detention. It would reinstate a modified version of the hated Terrorist and Disruptive Activities (Prevention) Act or TADA which was repealed in 1995 after years of abuse against suspected rebels and anti-government activists.

## **HUMAN RIGHTS DEFENDERS**

Asian human rights activists continued to play a high-profile international role, and in some cases, paid a high price for doing so. At least nine human rights defenders in the region were killed between November 2000 and November 2001, seven of them from Aceh, Indonesia. Many more faced intimidation or arrest, and the trial of Malaysian human rights defender Irene Fernandez entered its sixth year in Kuala Lumpur.

At the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), Asian activists succeeded in getting international attention to the issue of caste discrimination, not just in Asia but around the world.

Human rights in Singapore took a step forward with the approval in October 2001 of the Think Centre, an independent organization committed to the expansion of civil liberties, as a fully registered society under Singaporean law. Founder James Gomez had faced pressure during the year for holding rallies without permits, but no legal action was taken against him.

Long established regional nongovernmental organizations such as Forum Asia and the Asian Commission on Human Rights campaigned actively for Asian ratification of the treaty establishing an International Criminal Court and for the repeal of the Internal Security Act in Malaysia. They also worked with other groups in the region to promote better protection of human rights defenders. The Asian Migrant Centre based in Hong Kong had a campaign in seven Asian countries for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Asia Monitor Resource Centre took a leading role in documenting labor practices and implementation of corporate codes of conduct throughout East and Southeast Asia. The Bangkok-based South East Asia Press Alliance (SEAPA) was an effective advocate for journalists in the region, helping raise the profile of the beleaguered [malaysiakini.com](http://malaysiakini.com), an elec-

tronic news service that the Malaysian government shut down; assist the new East Timorese journalists association in getting started; and protest threats against the daily newspaper in Banda Aceh by rebels unhappy with the paper's content.

In November 2001, three hundred activists from Bangladesh, India, Nepal, Pakistan, and Sri Lanka formed a new group called South Asians for Human Rights.

National human rights commissions in the region had their ups and downs. SUHAKAM in Malaysia took a stronger position than many expected in criticizing government abuses against demonstrators and Internal Security Act arrests; Komnas HAM in Indonesia came more and more under the control of obstructionists anxious to prevent serious human rights investigations.

On April 30, the Korean National Assembly passed a law establishing a national human rights commission, scheduled to begin work in November 2001. The body was empowered to investigate a broad range of human rights violations and provide compensation to victims. Its mandate covered discrimination, including sexual, racial, religious, and against the mentally or physically handicapped. The bill also included provisions dealing with cases of unlawful arrest, torture, intimidation, punishment, and detention of citizens by public service personnel, including employees of psychiatric hospitals.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

The stance of the international community toward Asia shifted dramatically after September 11. It was not just terrorism that was suddenly front and center on the international agenda; the humanitarian crisis in Afghanistan, all but forgotten before mid-September, suddenly became an issue as television screens across the world focused on the plight of refugees, the displaced, and the near-starving.

With that attention came new questions about mixing military and humanitarian missions, exemplified by U.S. food drops inside Afghanistan; tradeoffs between security and refugee protection as Afghanistan's neighbors closed their borders; and the extent to which failure to address humanitarian issues in the past might have contributed to the rise of religious extremism. These questions had a relevance not just for Afghanistan but for conflict-ridden areas of Asia more generally.

The crisis in Afghanistan highlighted once again the lack of regional institutions in Asia that have any capacity for dispute resolution, peacekeeping, human rights monitoring, or administration of justice. The Association of South East Asian Nations (ASEAN) remained weakened by Indonesia's ongoing internal troubles, and the South Asian Association for Regional Cooperation (SAARC) never functioned effectively, largely because of hostility between India and Pakistan.

That left, as always, the United Nations. Just as the U.N. began to wind down its operations in East Timor, it appeared poised to take on a major new role in Afghanistan, although exactly what that role would be was not clear as of late November.

In general, the large, amorphous organizations set up to discuss trade issues (Asia-Pacific Economic Cooperation or APEC for Asia and North America and the Asia Europe Meeting or ASEM for Asia and the European Union) were useful largely as a setting for informal high-level bilateral meetings and symbolic shows of

solidarity. The APEC summit in October in Shanghai, for example, became a forum for building alliances against terrorism.

In September 2001, the European Commission adopted a new strategy for enhanced partnership with Asia that focused on six areas, including peace and security, and the promotion of democracy, governance, and the rule of law. The strategy called for the European Union (E.U.) to play a more active role in conflict prevention in Asia and strengthen an E.U.-Asia dialogue on issues such as asylum and immigration. It also cited the much-criticized E.U.-China human rights dialogue as a model of constructive exchanges.

Japan was eager to contribute to the counter-terrorism effort. Despite worries in East Asia about Japan's expanded military role, the Koizumi government pushed through the Diet a bill to allow Japanese self-defense forces to supply logistical support in Afghanistan in non-combat areas. Japan also provided humanitarian assistance for refugees in Pakistan and planned to co-host with the U.S. an international conference on Afghanistan's reconstruction. On human rights concerns in Asia, Japan was most active diplomatically in Indonesia, and least willing to push rights concerns with China and Malaysia.

Some donor meetings convened by the World Bank were useful forums to raise human rights concerns, such as the donor conferences on Cambodia and Sri Lanka. Donors at the annual meeting of the Consultative Group on Indonesia in November 2001 were frank about unhappiness with Indonesia's lack of progress fighting corruption. In general, views of civil society organizations were increasingly solicited prior to these meetings.

## **THE WORK OF HUMAN RIGHTS WATCH**

Throughout the year, the Asia Division focused in particular on five countries: Afghanistan, Cambodia, China, India, and Indonesia, with additional monitoring of human rights developments across the region.

The human rights situation in Afghanistan had been a priority all year, with a major effort having gone into documenting massacres by the Taliban in the Hazarajat region in January and again in June. Following the September 11 attacks, Human Rights Watch launched a major emergency project to monitor violations of human rights and international humanitarian law in Afghanistan, using the model employed earlier in Chechnya and Kosovo. A Human Rights Watch team arrived in Pakistan in October.

Work on Indonesia focused on Aceh and Papua, with reports and numerous updates produced on both. In both areas, Human Rights Watch worked closely with local rights organizations. Staff conducted two training sessions, in May and August, in human rights documentation for some three dozen human rights activists from Aceh.

The WCAR provided a focal point for work in India where an international campaign against caste violence and discrimination continued to gather strength. Despite hard lobbying by the Indian government to keep caste off the agenda of the conference, the Dalit (untouchable) delegation succeeded in getting international

media coverage and direct acknowledgment from U.N. Secretary-General Kofi Annan.

The flight to Cambodia of Montagnard refugees from Vietnam led to intensive advocacy work by Human Rights Watch to persuade both the Cambodian government and the UNHCR to protect the refugees from refoulement. Without that advocacy, there would have been no protection; even with it, Cambodian authorities forcibly deported several hundred Montagnards. Human Rights Watch later received first-hand reports that some of those who had been deported were subsequently detained and tortured.

In the U.S., Human Rights Watch focused on the development of strategies to effectively engage the incoming Bush administration on human rights in Asia. The administration tended to be far more preoccupied with security and economic relations than with human rights, especially in South and East Asia, and to emphasize religious freedom over other concerns. Human Rights Watch also met regularly with corporations in the U.S. and Japan, to explore ways in which corporate leverage might be used to address concerns in Indonesia and China. Advocacy work on China was particularly challenging, given the decline in effectiveness of the U.N. Commission on Human Rights in Geneva as a vehicle for raising concerns about the country's human rights practices, and as Beijing's "dialogue" strategy deflected pressure from the E.U., Canada, Australia, and other key countries. Research on China focused on the arrest and detention of Falungong supporters and on repression in Tibet and Xinjiang.

## AFGHANISTAN

**E**vents in Afghanistan were changing daily as this report went to press. Before the September 11 terror attacks on the United States (U.S.), the main human rights concerns in Afghanistan were collective punishment by Taliban forces of civilians in areas that the opposition Northern Alliance (United Front) had briefly occupied or attempted to capture; systematic discrimination against women; harassment of international aid agency staff and other abuses; and continued arms supplies to parties responsible for human rights violations. After September 11, concerns focused on violations of the laws of war, including summary executions of prisoners by the Northern Alliance and use of cluster bombs by the U.S.; protection of millions of refugees and internally displaced; ensuring accountability for human rights violations; and instituting human rights safeguards for the future, including to protect women's rights.

Beginning on October 7 Taliban-held territory in Afghanistan became the focus of a U.S.-led military campaign to destroy the al-Qaeda network of Osama bin Laden, whom the U.S. accused of planning the September 11 attacks, and remove from power the core Taliban leadership that had sheltered bin Laden since 1997.

By late November, the Northern Alliance (United Front), backed by a U.S.

bombing campaign, had recaptured virtually all of northern Afghanistan, and Taliban rule was rapidly collapsing in the south. The demise of the Taliban brought with it the immediate prospect of greater personal freedoms and opportunities for women. It also portended a return to the political fragmentation that marked the country before the Taliban's rise, and the reemergence of many of the same warlords whose fighting and disregard for international humanitarian law devastated Kabul between 1992 and 1996. Against this backdrop, the United Nations was seeking to broker negotiations among different Afghan factions for the creation of a viable transitional government.

The U.S. airstrikes against Taliban military targets entailed an undetermined number of civilian casualties, at least some of which resulted from mistargeting. The airstrikes also contributed to the humanitarian crisis, with thousands of Afghans fleeing their homes. Their flight swelled the ranks of hundreds of thousands who were already internally displaced because of drought, war, and conflict-related violence.

## **HUMAN RIGHTS DEVELOPMENTS**

Systematic human rights abuses were committed by both Taliban and anti-Taliban forces. By late October, questions had also arisen as to whether any of the civilian casualties caused by the U.S. bombing campaign were possible violations of international humanitarian law, although there were no clear answers at the time this report went to press.

### **Reprisal Killings by the Taliban**

In several areas of northern and central Afghanistan, Taliban forces subjected local civilians to a ruthless and systematic policy of collective punishment. Summary executions, the deliberate destruction of homes, and confiscation of farmland were recurrent practices in these campaigns. The Taliban's victims overwhelmingly belonged to ethnic minority groups predominating in those areas, including Aymaqs, Hazaras, and Uzbeks. The groups were suspected of supporting forces linked to the Northern Alliance in the Afghan civil war.

After retaking Yakaolang district in the central highland region of Hazarajat from Hizb-i Wahdat and Harakat-i Islami, two Shi'a Muslim parties in the Northern Alliance, on January 8, Taliban troops detained and then massacred at least 170 male residents of the town, all of them noncombatants. The men were herded to assembly points in the center of the district and several outlying areas, and then shot by firing squad in public view. The two Shi'a parties regained control of Yakaolang at the end of January, permitting human rights investigators to independently document the killings that had taken place. The Taliban retook the district in early May and carried out isolated killings of civilians; most of Yakaolang's civilian population, however, fled in advance to the surrounding hills.

On June 5, Hizb-i Wahdat recaptured Yakaolang but it fell again to the Taliban on June 10. Mullah Dadaullah, a Kabul-based Taliban commander implicated in

previous abuses against civilians, was in charge of what the Taliban's official news agency termed a "mopping up operation." Over a two-day period, his troops burned over 4,000 houses, shops, and public buildings in central and eastern Yakaolang, including a medical clinic, twelve mosques and prayer halls, and the main *madrassa*, or Islamic seminary. As the Taliban troops retreated, they continued to burn villages and to detain and kill civilians. Some civilians were killed while trying to escape, and a number of detainees were held for a period of forced labor.

A number of villages around the town of Khwajaghar in Takhar province also changed hands several times. Taliban forces occupied the area from January 13 to 23. After Northern Alliance forces had taken control of the area, they discovered mass graves of civilians who had apparently been shot with their hands bound. Human rights investigators reported that at least thirty-four ethnic Uzbek civilians had been summarily executed and that forty-five others had been detained and were unaccounted for.

To the north of Bamiyan, in Zari district, Balkh province, similar reprisals were carried out by Taliban forces against ethnic Uzbek civilians in late May 2001. While most civilians fled to the hills, many of those who remained or who returned were reported to have been killed by Taliban forces reoccupying the district. There were also credible reports from Ghowr of summary executions, looting, and the large-scale burning of villages by Taliban forces between late June and mid-October.

### **Discrimination Against Women**

Taliban decrees continued to restrict women's movement, behavior, and dress. In public, women were required under threat of severe punishment to wear the *chadari*, an all-enveloping garment, and to be accompanied by a close male relative at all times. Violations of the dress code, in particular, could result in public beatings and lashing by the Religious Police, who wielded leather batons reinforced with metal studs. Women were not permitted to work outside the home except in the area of health care, and girls over eight years old were not permitted to attend school. The decrees contributed to an illiteracy level for women of over 90 percent, while the restrictions on mobility meant that women did not enjoy satisfactory access to health care.

International relief agencies grappled with more rigorous enforcement of Taliban prohibitions on women working outside the home as well as heightened surveillance of the personal conduct of their employees. In May, an impasse between the Taliban and the U.N.'s World Food Program (WFP) over employing Afghan women to conduct household surveys threatened to close down bakeries feeding 300,000 vulnerable households in Kabul. On several occasions during the same month, police from the Ministry for the Prevention of Vice and Promotion of Virtue raided hospitals, beating several staff members and forcing the facilities to suspend surgical operations because male and female staff allegedly mixed in the dining area and operating wards. The Taliban also prohibited all female aid workers from driving cars.

As the Northern Alliance established control over areas once under the Taliban, Afghan women became able to move about freely in public. In Kabul, women were

able to register to return to medical school for the first time in five years. At the same time, however, the Northern Alliance's interior minister, Younis Qanooni, citing security concerns, ordered the cancellation of a planned women's freedom march through the streets of Kabul. (See Women's Human Rights.)

### **Other Taliban Violations**

The Taliban's increasingly confrontational posture toward the international community included moves that appeared calculated to provoke an international outcry. These included attacks on the country's architectural heritage as well as the proposal of laws discriminating against religious minorities.

On March 11, Taliban forces in Bamiyan destroyed two enormous statues of the Buddha, thirty-eight to fifty-three meters high, that had been carved into sandstone cliffs overlooking the city in the second and fifth centuries, A.D. A BBC report on the destruction, which included an interview with a prominent Afghan living outside the country, led to the expulsion of the BBC reporter from Taliban-controlled Afghanistan in April.

In May, the Kabul-based Council of the Ulema promulgated a new order requiring Afghan Hindus to wear distinctive clothing. Taliban representatives stated that the measure was intended to protect Hindus from being stopped by the religious police, although most local Hindus who interacted with the authorities already carried documentation attesting to their religious identity. The order met with widespread international condemnation, and subsequently appeared to have been withdrawn.

Also in May, the Taliban imposed new restrictions on foreign workers, placing them under the jurisdiction of the religious police of the Ministry for the Prevention of Vice and Promotion of Virtue, and requiring that they sign a letter undertaking not to violate prohibitions on adultery, consuming pork and alcohol, and proselytizing. Those found in violation could be imprisoned or deported. Twenty-four staff members of the German relief agency Shelter Now, including eight foreigners, were arrested by the Taliban on August 6, on charges of proselytizing. They were brought to trial in September. The foreign detainees were freed on November 15, when Northern Alliance forces took control of Ghazni, where they were then being held.

Security conditions for humanitarian aid agencies worsened sharply after September 11. On October 16, Taliban soldiers seized WFP food warehouses in Kabul and Kandahar, taking control of some 7,000 tons of food. Human Rights Watch also received credible reports of other incidents involving looting of vehicles and office equipment, as well as assaults on aid agency staff, from the Taliban-controlled cities of Kandahar, Kabul, Jalalabad, and Mazar-i-Sharif. While most of those responsible for the attacks appeared to be Taliban fighters, non-Afghan fighters (known in Afghanistan as "foreign guests") and rogue armed elements also appeared to have been involved.

On October 26, Taliban forces captured and executed Abdul Haq, a veteran commander from eastern Afghanistan who had returned to build opposition to the Taliban among local ethnic Pashtun commanders. Also executed were his nephew,

Izzatullah and another companion, Commander Haji Dauran. The fate of eight others who were arrested by the Taliban following a confrontation between Abdul Haq and the Taliban was unknown.

### **Violations by Anti-Taliban Forces**

There were several reported rights abuses by Northern Alliance forces in the wake of the Taliban retreat from Mazar-i-Sharif, Herat, Kunduz, and Kabul in November 2001. Scattered reports from aid agencies, refugees, and news correspondents indicated that Northern Alliance forces in newly captured areas summarily executed a significant number of Taliban troops who had surrendered or were captured, and engaged in looting of humanitarian aid compounds and commercial stores. In Mazar-i-Sharif, in early November, the siege of a school compound in which several hundred Pakistani Taliban fighters had taken refuge ended with the entire school being repeatedly shelled, killing the entire force inside. There were conflicting reports about whether some of the Pakistani Taliban forces attempted to surrender before the compound was shelled. In addition, there were outstanding questions about the events surrounding a prison riot in Mazar-i-Sharif which began on November 25. All of the prisoners, at least 120 and perhaps twice that many, were reportedly killed in the suppression of the riot, which entailed the use of Northern Alliance artillery and tank fire, and bombardment of parts of the prison by U.S. air support. In southern Afghanistan, a Northern Alliance commander claimed to have executed 160 captured Taliban fighters, according to a November 28 Reuters report.

### **United States Bombing Campaign**

The US-led military campaign in Afghanistan began on October 7. In two separate incidents investigated by Human Rights Watch researchers, civilians were killed by bombs that had either been mistargeted or went astray. On October 21, at least twenty-three civilians, the majority of them young children, were killed when U.S. bombs hit a remote Afghan village located near a Taliban military base in Thori, Urozgan province. The following day, at least twenty-five, and possibly as many as thirty-five, Afghan civilians were killed when U.S. airplanes first bombed and then strafed the village of Chowkar-Karez, near Kandahar.

On October 22, nine people died in the village of Shakar Qala near Herat after U.S. warplanes dropped cluster munitions in the area. Eight died instantly and a ninth was killed after picking up one of the bombs, according to a U.N. demining team which visited the village after the attack. Human Rights Watch called for a global moratorium on use of cluster bombs, which have a wide dispersal pattern and cannot be targeted precisely, urging the U.S. to desist from using them in Afghanistan. Cluster bombs also have a high initial failure rate, resulting in numerous explosive “duds” that pose the same post-conflict problem as antipersonnel landmines.

Other bombing raids hit facilities belonging to U.N. agencies and the International Committee of the Red Cross (ICRC). On October 9, U.S. bombs hit an office

of a U.N.-backed demining agency in Kabul, killing four security guards. On October 16, U.S. bombs also struck the ICRC warehouses in Kabul, destroying supplies and injuring at least one worker. The ICRC said that it had provided the U.S. the locations of its facilities in Afghanistan before the bombing campaign began. Despite further consultations between the ICRC and U.S., the same compound was struck again by U.S. forces on October 26. According to the ICRC, food and non-food items meant for 55,000 people in Kabul were destroyed in the second attack.

### **Internal Displacement**

Hundreds of thousands of Afghans were displaced during the year from their homes within Afghanistan, adding to the ranks of the millions displaced in previous years. Before September 11, the leading causes of displacement were food and water shortages, localized persecution by Taliban or Northern Alliance authorities, security concerns stemming from fighting between the Taliban and the Northern Alliance, and systematic destruction of homes and farmland by Taliban forces.

Most displaced families moved toward urban areas, especially Herat, Mazar-i-Sharif, Kunduz, and Kabul in Taliban-held areas, and Faizabad in the Northern Alliance held areas. In many parts of the north and west, displaced persons ultimately settled in unorganized and unsanitary camps without adequate shelter. Scores of these spontaneous camps sprung up outside Mazar-i-Sharif, Kunduz, and Pul-e-Khumri. Most of the displaced were forced to beg food and even water from other Afghan families, many of whom were themselves struggling to survive. Several independent reports from the north indicated that some families resorted to marrying off their daughters at young ages (between six and twelve years) for reduced dowries, essentially selling their children to survive. Other reports indicated that Taliban soldiers occasionally abducted young women from camps for the displaced. (See Refugees, Asylum Seekers, Migrants, and Internally Displaced Persons.)

## **DEFENDING HUMAN RIGHTS**

A number of Afghan human rights groups operated from Pakistan and issued reports on rights violations inside Afghanistan and against Afghan refugees in Pakistan. In October a new group, Citizen's Against War Criminals, which included relatives and survivors of various civilian massacres, formed and issued statements calling for a war crimes tribunal for Afghanistan.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **United Nations**

The U.N.'s peacemaking efforts—which had previously been thwarted by Taliban opposition to power-sharing—were revitalized after the rapid collapse of Tal-

iban rule throughout most of Afghanistan in November 2001. The U.N. secretary-general's special representative to Afghanistan, Lakhdar Brahimi, who was appointed in October to oversee the U.N.'s political and humanitarian work in the country, convened a meeting in Bonn, Germany on November 27 of the Northern Alliance and three Afghan exile political groupings. As this report went to press, the meeting had made progress on a formula to establish an interim ruling council, to be followed by the convening of a *loya jirga* or Grand National Assembly that would elect a transitional government. The Northern Alliance, however, had rejected proposals to deploy an international peacekeeping force in Afghanistan.

The Taliban's collapse also enabled officers from the Civil Affairs Unit of the U.N. Special Mission to Afghanistan (UNSMIA) to resume work in some areas of the country. Following the Security Council-mandated closure of the Taliban's diplomatic offices abroad, in February the Taliban ordered the UNSMA to close its offices in territory under its control. After negotiations with the Taliban, UNSMA closed most of its offices in May, thereby curtailing much of the monitoring capacity of its Civil Affairs Unit.

A sanctions monitoring team was appointed on September 18, pursuant to U.N. Security Council Resolution 1333 in December 2000 which imposed an arms embargo on the Taliban, banned travel outside Afghanistan by Taliban officials of deputy ministerial rank, and ordered the closing of Taliban offices abroad. An earlier resolution had imposed an international flight ban on the Afghan airline Ariana and frozen overseas assets of the Taliban. After September 11, the Security Council issued resolutions calling on states to cooperate in preventing and suppressing terrorism (resolution 1373); supporting the establishment of a transitional administration that would lead in turn to the formation of a "broad-based, multi-ethnic and fully representative" Afghan government (resolution 1378). Resolution 1378 also said that the transitional administration should respect the human rights of all Afghans and called on all Afghan armed forces to refrain from reprisals.

Various U.N. human rights mechanisms directed greater attention toward civilian massacres in Afghanistan and the flow of arms to the warring parties. Early in 2001, the U.N. Commission on Human Rights, in resolution 2000/13, noted reports about the January 2001 mass killings of ethnic Hazaras in Yakaolang and urged an immediate end to the supply of arms and other military support, including providing foreign military personnel, to all parties to the conflict. The Commission's special rapporteur on Afghanistan, Kamal Hossain, included in his sixth report extensive details of both the January 2001 massacre and the Taliban's subsequent destruction of villages in Yakaolang and western Bamiyan in June 2001. He also recommended a comprehensive arms embargo on Afghanistan.

In November, U.N. High Commissioner for Human Rights Mary Robinson seconded a full-time human rights officer to a task force in New York that was meant to facilitate a coordinated U.N. response to the crisis in Afghanistan. The United Nations High Commissioner for Refugees (UNHCR) was also actively engaged with the Afghanistan crisis. (See Refugees, Asylum Seekers, Migrants, and Internally Displaced Persons.)

### **Military Assistance**

At a meeting in Tehran on December 28, 2000, Russia and Iran agreed to launch a new long-term program of political and military co-operation, including closer ties over Central Asia and in Afghanistan, where both sides had supplied arms and other assistance to factions opposing the Taliban. Such supplies increased after September 11. Beginning in October, the U.S. also began to supply Northern Alliance factions with food, ammunition, and air support.

The Taliban's principal supporter, Pakistan, continued to provide military support throughout the first half of the year. In direct violation of U.N. sanctions, in April and May 2001 as many as thirty trucks a day were crossing the Pakistan border, Human Rights Watch sources reported; sources inside Afghanistan reported that some of these convoys were carrying artillery shells, tank rounds, and rocket-propelled grenades. Shipments of fuel and other military supplies reportedly continued through September. (See Arms.) After joining the U.S.-led anti-terrorism coalition in early October, President Pervez Musharraf reshuffled Pakistan's army corps command, marginalizing several officers with close ties to the Taliban.

### **Donor Countries**

The increasingly bitter confrontation between humanitarian organizations and the Taliban led many donors to exert pressure on the Taliban to ease its restrictions. At a meeting in Islamabad in June, the Afghanistan Support Group (ASG), a joint funding group made up of various donor governments and U.N. agencies, issued a statement urging the Taliban to co-operate with aid agencies working in the country or risk having vital humanitarian projects come to a halt.

International aid to Afghanistan in 2001 before September 11 amounted to approximately U.S. \$300 million. These funds were devoted primarily to short-term humanitarian projects and demining programs and to a lesser extent to development programs in agriculture, health, education, and income generation.

Following September 11, several countries have pledged additional emergency funds for humanitarian projects in Afghanistan. Two main funding conferences met to discuss future long-term funding plans for Afghanistan. A joint development conference hosted by the World Bank, the United Nations Development Program, and the Asia Development Bank, geared toward long-term economic development, commenced on November 27. The ASG convened a meeting that was geared toward humanitarian assistance but which also provided a forum for discussing long-term development strategies.

Detailed planning during both meetings was made difficult by uncertainty over the future Afghan government; and questions about how long current military activities in Afghanistan would continue. Nevertheless, participants noted in position papers the need for a comprehensive funding program going beyond the immediate humanitarian needs of the country. Donors at an ASG meeting in August were told by several U.N. and nongovernmental agencies of the need for increased funding in development areas not previously funded in Afghanistan,

including programs for rebuilding civil society and civil infrastructure, among them rule of law mechanisms and educational, health, and banking systems.

### **Relevant Human Rights Watch Reports:**

*Humanity Denied: Systematic Violations of Women's Rights in Afghanistan*, 10/01  
*The Crisis of Impunity: The Role of Pakistan, Russia, and Iran in Fueling the Civil War*, 7/01  
*Massacres of Hazaras in Afghanistan*, 2/01

## **BURMA**

**T**here were signs of a political thaw early in the year and, for the first time in years, hopes that the government might lift some of its stifling controls on civil and political rights. By November, however, the only progress had been limited political prisoner releases and easing of pressures on some opposition politicians in Rangoon. There was no sign of fundamental changes in law or policy, and grave human rights violations remained unaddressed.

### **HUMAN RIGHTS DEVELOPMENTS**

Upon his return from a January visit to Rangoon, new United Nations Special Representative for Myanmar Razali Ismail revealed that Lieutenant General Khin Nyunt, one of the top three leaders of the ruling State Peace and Development Council (SPDC), and Aung San Suu Kyi, the head of the opposition National League for Democracy (NLD), had been engaged in talks about a political settlement since October 2000. The talks, the first since 1994, were largely attributed to the efforts of Ismail, who had worked behind the scenes to promote dialogue. The talks continued throughout much of 2001, though representatives of minority groups were not invited to participate.

In an apparent goodwill gesture connected to the talks, the SPDC periodically released small groups of political prisoners, 182 of whom had been freed by November. They included NLD chairman Aung Shwe and vice-chairman Tin Oo; fifty-four NLD members who had been elected to parliament in the aborted 1990 elections; journalist San San Nweh; and members of a comedy troupe, The Moustache Brothers, who had been held since January 1996 for political satire.

Even with these releases, over 1,000 prisoners remained in prison for their political beliefs, including 1988 student leader Min Ko Naing and NLD political strategist Win Tin. More than fifty had completed their sentences but continued to be detained by the SPDC using article 10a of the penal code, which gives authorities broad discretion to extend incarceration. Four political prisoners—Mya Shwe,

Maung Maung Aye, Sithu, and Khin Maung Myint—died in prison during the year, and the Emergency Provisions Act, the security law most frequently used to charge and imprison political prisoners, remained in use.

The SPDC continued to stringently restrict freedom of association and assembly nationwide, but initiated some limited confidence-building measures in conjunction with the political talks that eased conditions slightly. In June, authorities permitted the NLD to reopen its headquarters and eighteen of forty-two Rangoon ward-level offices; another three ward-level offices were allowed to reopen later in the year. On June 19, some four hundred supporters of Aung San Suu Kyi were permitted to gather to celebrate her birthday and on September 27 around five hundred NLD sympathizers were able to gather to celebrate the anniversary of its founding, though on both occasions NLD Secretary General Aung San Sui Kyi remained confined to her home. Burmese intelligence continued to monitor NLD leaders, however, and to attend many NLD meetings in Rangoon.

Outside Rangoon, there was no relaxation and hundreds of NLD local offices remained closed by the authorities, as were those of other political parties that had secured seats in the 1990 election, such as the Shan Nationalities League for Democracy, the National Democratic Party for Human Rights, and the Mon National Democratic Front, which were effectively unable to function.

The press was largely state run and strictly censored. The government did not renew the license of the Burmese language magazine *Thintbawa* in December 2000 after one of its editors, Tin Maung Than, was accused of copying and circulating a speech by Deputy Minister for National Planning and Development Brigadier General Zaw Tun. The speech was sharply critical of the SPDC's economic policy. Detained on August 13, 2000, Tin Maung Than was held for four days, questioned, and forced to sign a document acknowledging that he would be prosecuted if circulation of the speech turned out to be "a political plot." Fearing that he could be imprisoned, he fled to Thailand in December 2000.

Some 140,000 Burmese displaced by decades of conflict and ongoing political repression continued to live in refugee camps in Bangladesh and Thailand, and hundreds of thousands more lived as internally displaced people within Burma or outside camps in Bangladesh, India, and Thailand.

Life in conflict affected areas, where the Burmese army sought to deny ethnic minority insurgents all sources of support, remained particularly grim. Villagers continued to be forcibly relocated, and those suspected of aiding guerrillas were tortured and sometimes killed. In January, government soldiers extrajudicially executed three ethnic minority Palaung men in Ho Ha village in Shan State after a search for weapons turned up an old carbine rifle that villagers used for hunting. In another case in early 2001, soldiers deployed in Shan State tortured and interrogated one man by setting light to his mustache and burning his mouth and another by holding a flame to his eye.

The army forbade villagers whom they forcibly relocated in Shan, Kayah (Karenni), and Karen State from returning to their fields. Villagers were required to obtain a pass to move between major towns under government control and curfews were enforced in many areas. The army continued to uproot villagers and consolidate them in larger, government-controlled towns, though on a reduced scale com-

pared to the mid-1990s. In January, the army reportedly displaced some 30,000 villagers in Karen State when it burned villages in its dry season offensive against the insurgent Karen National Union. In Shan State, hundreds of people were forced to move during Burmese army attacks on the Shan State Army-South in February and March. Many joined the estimated hundreds of thousands of internally displaced villagers in ethnic minority states while others fled to Thailand.

The SPDC continued to deny full citizenship rights to ethnic and religious minority Rohingya villagers, leaving many of them stateless and subject to severe restrictions on their freedom of movement, right to own land, and access to education. In February, violence between Buddhist and Muslim communities in the Arakan State capital Sittwe reportedly resulted in over a dozen deaths, and led to further regulation of movement by Rohingya and other Muslims within and out of Arakan, impeding their access to markets and health care. In Prome (Pyi), Pegu town, and Hanthada, night curfews were introduced following communal clashes in October.

The authorities continued to use forced labor. On October 27, 2000, following the visit of a technical mission from the International Labour Organization (ILO), the SPDC issued an order banning all government officers from requisitioning labor, and circulated it to local level authorities. Even so, refugees told Human Rights Watch that they had no knowledge of it, indicating that the policy was not being aggressively implemented. At its November 2000 meeting, the ILO's governing body, concluding that the new order was insufficient and that the SPDC had still not taken adequate steps to end forced labor, recommended penalties to force compliance. One called on other governments, United Nations agencies, and corporations to scrutinize their relationships with the SPDC to ensure that none of their activities contributed to the perpetuation of forced labor. In response, several member states submitted reports on this to the ILO in March 2001.

In February 2001, refugees from Shan State arriving in Thailand reported that they were continuing to face demands from the Burmese army to construct roads and military bases, clear and plant fields for local battalions, and porter for troops on patrol. Reports of forced labor were also received from other states and divisions throughout the year. In November, ILO experts submitted a report on their visit a month earlier, concluding that though the government had widely circulated its order banning forced labor, implementation and enforcement remained weak. The ILO governing body in its November meeting recommended an ILO presence in Burma to work with the SPDC to address those weaknesses.

As of mid-November, Human Rights Watch knew of no cases in which the government had prosecuted anyone for violating the ban on forced labor.

## **DEFENDING HUMAN RIGHTS**

The SPDC did not permit local human rights groups to operate in Burma and those human rights and democracy organizations that did function had to do so from abroad.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

The talks between Aung San Suu Kyi and the government and release of political prisoners were welcomed by the international community. Some governments moved towards resuming or offering to provide aid to Burma in order to encourage further progress, while others maintained sanctions.

The United Nations was particularly active. Special Representative Razali Ismail visited the country in January, June, and August to facilitate the dialogue between the SPDC and the NLD, and for the first time since 1995, the government permitted a visit by the United Nations special rapporteur on Myanmar. The new rapporteur, Paulo Sergio Pinheiro, made a brief visit in April and met with SPDC representatives, Aung San Suu Kyi, and local aid workers. In a report to the U.N. in August, he welcomed the talks and prisoner releases but pointed to the need to address other important rights issues, including the need for a humanitarian space to relieve villagers affected by conflict. He made a second visit Burma in October and presented his conclusions to the U.N. General Assembly (Third Committee) in early November.

The United Nations High Commissioner for Refugees (UNHCR) maintained a presence in northern Arakan State to protect and reintegrate hundreds of thousands of Rohingya returnees. UNHCR requested access to eastern parts of Burma, but received no reply from the SPDC.

Japan stepped up its policy of engagement with a decision to offer major new aid to Burma. Though officially justified on humanitarian grounds, the move was widely seen as a political gesture to reward the SPDC for the dialogue. In April, Japanese officials promised approximately U.S. \$29 million to upgrade Baluchaung no. 2 hydroelectric power plant in Kayah (Karenni state). A survey mission went to Burma in August; by November, the cabinet had not yet approved disbursement of the funds. The aid decision was widely criticized as premature in view of Burmese government failure to end forced labor and other major abuses.

In May, Japan's Federation of Economic Organizations (Keidanren) held two days of discussions with the SPDC on ways to improve trade and investment between the two countries, though most Japanese companies remained reluctant to invest.

Japanese officials publicly praised Burma's release of political prisoners at several points during the year. In July, Foreign Minister Makiko Tanaka, during an Association of Southeast Asian Nations (ASEAN) conference in Vietnam, said Burma "should develop as quickly as possible into a country with which we can cooperate," hinting that more aid might be forthcoming if the dialogue led to substantive progress. In October she said it was important that the SPDC "take steps to allow freedom of activities for political parties beginning with the NLD."

Australia welcomed the release of political prisoners and continued its engagement policy. On May 25, John Howard's government announced that it would renew its Human Rights Initiative, providing training for Burmese officials with the ultimate goal of establishing a national human rights commission. Australia planned to allocate approximately Au \$140,000 to hold four training sessions, one

of which was to be held in Mandalay. Former Australian human rights commissioner and director of the program, Chris Sidoti, stated that Aung San Suu Kyi had expressed support for the training.

The E.U. held to its basic sanctions policy on Burma, while offering the carrot of humanitarian aid. An E.U. "troika" mission visited Burma in January and described the dialogue between the SPDC and Aung San Sui Kyi as "the most interesting development since 1990." E.U. External Affairs Commissioner Chris Patten told the July ASEAN meeting in Hanoi that the SPDC would have to make more "significant progress" before the E.U. would consider lifting sanctions. In October, when reviewing its common position on Burma, the E.U. symbolically eased its sanctions by agreeing that Burma's foreign minister could attend an E.U.-ASEAN meeting in 2002, and stressed its "readiness to accompany the deepening of the reconciliation process with humanitarian assistance."

Speculation that the Bush administration would lift sanctions on Burma had not proved correct by November 2001. The U.S. welcomed the talks but renewed regulations that ban travel to the U.S. by top Burmese officials, prohibited new U.S. investment in Burma, and continued to block lending to Burma by the World Bank and other international financial institutions.

In December 2000, the U.S. Defense Department ordered an immediate halt to the import of clothing made in Burma after a news report disclosed that in October 2000 alone nearly \$140,000 of apparel was purchased from Burma for sale to U.S. military personnel, dependents, and U.S. government employees overseas. In May 2001, a bill was introduced in the U.S. Senate to ban private retailers from importing apparel from Burma, but the legislation was never voted on.

In February, Deputy Assistant Secretary of State Ralph Boyce visited Burma and met with Aung San Suu Kyi and Lt. Gen. Khin Nyunt to discuss the Razali-initiated dialogue, which he called a "welcome development." Secretary of State Colin Powell met with Razali in September and expressed his support for Razali's mission, while emphasizing the need for results.

Various ASEAN members expressed support for the talks between the SPDC and Aung San Suu Kyi. Malaysia deepened its political and economic. Prime Minister Mahathir Mohammed visited Burma in January and Malaysian economic delegations followed, while Senior General Than Shwe and Lt. Gen. Khin Nyunt paid a return visit to Malaysia in September to discuss bilateral trade and other issues.

The new Thai government of Thaksin Shinawatra also sought to improve relations. However Thai efforts to do this suffered a six-month setback when the Thai and Burmese armies engaged in skirmishes in February and March after a Burmese military unit entered Thai territory. The Thai government also blamed Burma for one of its main national security concerns, the flood of methamphetamines entering Thailand, an illegal trade involving both the Burmese military and its aligned militia, the United Wa State Army, allegedly the top narcotics producer in Burma's portion of the Golden Triangle. The armed confrontation led to high level official exchanges, including a visit to Burma in June by Prime Minister Thaksin, and in early September, a trip to Bangkok by Lt. Gen. Khin Nyunt. By October, relations had apparently improved, with talks shifting to trade and improving communication links between the two countries.

## CAMBODIA

Cambodia's human rights record during 2001 included progress on some issues as well as several disappointing setbacks. By mid-November, Cambodia was close to becoming the first Southeast Asian country to ratify the Rome Statute of the International Criminal Court (ICC), but the government continued its efforts to dilute the power of a tribunal to bring the Khmer Rouge to justice. While advocacy organizations benefited from relaxed policies on freedom of association, political violence increased. The government risked angering its long-time ally Vietnam by affording temporary asylum to ethnic minority asylum seekers from Vietnam, thereby meeting its obligations as a signatory to the 1951 Refugee Convention. At the same time, provincial Cambodian officials periodically deported dozens of asylum seekers back to Vietnam, violating the fundamental principle of *non-refoulement*. Prison conditions remained poor and torture continued to be used by police and prison officials with impunity. Social and environmental rights increasingly emerged as an issue. Hundreds of villagers organized to protect community fisheries, forests, and other natural resources from abusive exploitation by government agencies or officially sanctioned companies.

### HUMAN RIGHTS DEVELOPMENTS

Political violence increased and preparations began for long overdue local elections, scheduled for February 2002 in Cambodia's 1,600 communes, or subdistricts. In the elections, existing commune chiefs, mostly appointed by the ruling Cambodian People's Party (CPP), were to be replaced with popularly elected commune councils. In September, the Cambodian Human Rights Action Committee, a coalition of eighteen nongovernmental organizations (NGOs), documented eighty-two cases of political threats and violence since the beginning of the year, most of them directed at the opposition Sam Rainsy Party (SRP).

By November, at least four likely commune candidates had been shot dead and two others wounded. SRP commune candidate Uch Horn was killed on June 30 in Kompong Speu. He had previously complained to two local human rights organizations and the U.N. that he had received death threats. On July 1, Soeung Sem, a commune candidate for the royalist Funcinpec Party, survived a shooting in Pursat, but Funcinpec candidate Meas Soy was shot and killed on July 17 in Kompong Chhnang. SRP activist Toch Savoeun was shot and killed on August 23 by two unidentified gunmen at his home in Siem Reap. On November 5, SRP candidate Sam Sophear was beaten to death by five unknown assailants in Battambang. While Cambodian human rights groups and the Cambodia Office of the U.N. High Commissioner for Human Rights (COHCHR) determined that at least three of the killings were politically motivated, local officials attributed the murders to personal disputes.

In August, after a barrage of criticism from donor countries, human rights groups and the U.N., the government established a Central Security Office comprising representatives from the interior and defense ministries, national police, military, and the National Election Commission (NEC), to address electoral violence. By mid-November, the office was still inactive.

There were reports of vote buying as early as August. The Committee for Free and Fair Elections (Comfrel), a Cambodian NGO, reported that CPP activists in Takeo and Banteay Meanchey provinces were promising gifts to voters in exchange for pledges of loyalty to the CPP. In September, Comfrel reported widespread confiscation of voter registration cards by CPP officials and accused the CPP of pressuring people in many provinces to sign documents pledging to vote for the CPP.

Local authorities and in some cases uniformed police officers carried out voter opinion surveys on behalf of the CPP, distributing forms with lists of names and photographs of possible candidates. Election monitoring NGOs charged that this was in violation of the Commune Election Law, which calls for government institutions to be politically neutral.

### **Moves Toward a Khmer Rouge Tribunal**

Progress toward establishing a tribunal to bring former members of the Khmer Rouge to justice was slow. In July 2000, the government had agreed on legislation with the U.N. that would establish a “mixed tribunal” presided over by both Cambodian and international judges and co-prosecutors. However, the legislation sent to the Cambodian National Assembly in January 2001 differed markedly from what had been agreed on, most notably deleting the provision that prior amnesties would not be a bar to prosecution. This had been designed to ensure that key people, such as former Khmer Rouge Foreign Minister Ieng Sary, granted a royal pardon in 1996, could still be brought to justice.

The U.N.’s Office of Legal Affairs sent a strongly worded letter to the Cambodian government in January, calling for clarifications or changes to seventeen of the forty-eight articles in the draft law. In June, U.N. Secretary-General Kofi Annan stressed that the Cambodian law should accord with the previous agreements, but Prime Minister Hun Sen’s response was that Cambodia would conduct its own tribunal if the U.N. refused to participate.

In August, the National Assembly passed the tribunal legislation as proposed by the government. By October, the U.N. had still to agree and sign a Memorandum of Understanding with the Cambodian government, one of the final steps toward actually establishing the court. It was clear, however, that former members of the Khmer Rouge were becoming apprehensive. In August, the Democratic National Union Movement (DNUM), a group loyal to Ieng Sary, urged the government not to prosecute their leader, and former Khmer Rouge leader Khieu Samphan issued a seven-page public letter in which he offered an unusual apology to the Cambodian people.

Cambodia’s judicial system remained weak and far from independent, with numerous court decisions influenced by corruption or apparent political influence. The high-profile trials in June and October of sixty alleged members of the Cam-

bodian Freedom Fighters (CFF) fell short of international standards for fairness. Most of the defendants were arrested without warrants and had little or no access to their lawyers while in pre-trial detention, which exceeded the legal limit of six months. After the first day of the trial of the first thirty-two defendants in June, most of the lawyers for the accused boycotted the proceedings, citing breaches of proper procedures. Five lawyers subsequently received anonymous threats of violence against them if they did not return to the courtroom. The judge appointed two new lawyers to act for all of the accused, and refused to delay the hearing, leaving these lawyers with no opportunity to meet their clients or prepare an adequate defense. On June 22, all but two of the first group of accused were convicted of terrorism and membership in an illegal armed group, and given sentences ranging from three years to life in prison. Another twenty-six defendants were convicted in the October trial.

In September 2001, more than fifty additional CFF suspects were arrested in the provinces and Phnom Penh. Human rights groups expressed concern that the government's response to the CFF's November 2000 attack in Phnom Penh could be used as a pretext to intimidate opposition party members, particularly as the commune election campaign began to get underway.

Two political killings resulted in trials. On March 15, the Kampot provincial court found commune chief Im Nan, a CPP member, and three accomplices guilty of the murder of Funcinpec commune candidate Pak Choeun in June 2000. On October 12, a former soldier, Sang Rin, and another accused were convicted of the murder of SRP member Uch Horn at a trial in the Kompong Speu provincial court. In both cases rights groups held that the murders were politically motivated; the courts, however, attributed both murders to retaliation for the victims' alleged use of "black magic."

### **Refugee Influx**

Beginning in March, a slow but steady stream of refugees from Vietnam entered Cambodia's eastern Mondolkiri and Ratanakiri provinces. They were indigenous minority people from Vietnam's Central Highlands, known collectively as Montagnards, who were displaced by a Vietnamese government crackdown in February. (See Vietnam.) On March 23, Cambodian police arrested twenty-four Montagnards in Mondolkiri and took them to the municipal Gendarmerie headquarters in Phnom Penh, where they detained them for several weeks. Prime Minister Hun Sen initially threatened to deport the group, saying he did not want Cambodia to become a haven for other countries' political opponents. After considerable international pressure, Cambodia agreed to allow United Nations High Commissioner for Refugees (UNHCR) representatives to interview the Montagnards on March 31, and by April, thirty-eight Montagnards were resettled in the United States.

In the following months, more than 1,000 Montagnards crossed the border to Cambodia. Provincial officials forcibly returned several hundred back to Vietnam and in May attempted to arrest and deport several refugees under UNHCR protection. After negotiations between UNHCR and the government, and pressure from

several foreign embassies, Cambodia agreed to provide temporary asylum to Montagnards fleeing Vietnam at two sites operated by UNHCR. As of October, the number of Montagnards asylum seekers in Cambodia had swelled to more than seven hundred.

Unlike in neighboring Laos and Vietnam, recent years have seen the development of a thriving civil society in Cambodia and the emergence of hundreds of local NGOs. The government generally does not obstruct public meetings. In June, however, the Council of Ministers banned a public forum on the country's border disputes, organized by the Students Movement for Democracy, on grounds that it could confuse the public by raising disagreements with the government's National Committee on Border Disputes.

For the most part, rallies and demonstrations were allowed, although demonstrators were sometimes dispersed by police or by counter-demonstrators organized by the government. As in previous years, hundreds of farmers from the countryside periodically gathered in front of the National Assembly to demand resolution of land or fishing conflicts or appeal for flood and food relief. In February, scuffles broke out in Siem Reap at the SRP's annual congress, when counter-demonstrators were trucked in to disrupt the proceedings. Police used water cannons to disperse a Buddhist ceremony organized to mark the end of the SRP's congress, reportedly because the SRP lacked proper authorization to hold the ceremony.

In May, more than seven hundred market vendors in Siem Reap demonstrated against a provincial decision to evict them from the provincial market and construct a new market where vendors would be charged higher rents. Cambodian human rights groups urged the provincial authorities to organize a public forum to resolve the dispute. Instead, on July 9, police and soldiers surrounded the market, firing in the air and forcibly removed the vendors, at least fourteen of whom were beaten, handcuffed and temporarily detained by provincial military police. Several SRP parliamentarians observing the process were also assaulted. In August, Hun Sen supported a proposal for negotiations to resume between the vendors and representatives of the market developers.

Cambodian television stations were still owned fully or partly by the government, which continued to deny a broadcast license to the opposition SRP on the grounds that no frequencies were available. In February, Sam Rainsy announced plans to start broadcasting a one-hour radio program from an un-named Asian country. Only one independent radio station, Sambok Kmum (Beehive), broadcast during the year. The NEC's media monitoring subcommittee primarily focused on the political content of voter education materials produced by election NGOs, rather than the denial of access to the airwaves by opposition parties during the election campaign. NGO leaders were occasionally featured on radio and television programs to discuss social issues.

More than two dozen privately owned newspapers were published, including some affiliated with opposition groups. Foreign Minister Hor Nam Hong sued three journalists from the English-language *Cambodia Daily* for defamation after they published an article in January that examined his alleged role in the Khmer Rouge regime. In September, the Phnom Penh municipal court ordered the jour-

nalists to pay U.S. \$6,500 in compensation to Hor Nam Hong and a \$1,280 fine to the government. Both sides appealed the decision. In August, the Ministry of Information banned a Khmer-language book written by Sam Rainsy entitled "Light of Justice," saying that it made false allegations about the government. In response, Rainsy filed a complaint against the banning in the Phnom Penh municipal court in September.

The Ministry of Information revived a media subdecree, in the works since 1996. It included provisions for the licensing of newspapers and defined vague terms used in the 1994 Press Law, including national security and political stability. As a result of pressure from journalist associations and human rights groups, several provisions were dropped from the original draft subdecree, including requirements that publishers certify that they have 2.5 million riel (about U.S. \$640) in the bank and health certificates showing they have no mental problems.

Freedom of expression came under threat in September, when the Ministry of Cults and Religion issued a decision forbidding political discussions in the country's mosques following the September 11 attacks in the United States as well as a controversial leadership split in a mosque near Phnom Penh. In October, Hun Sen reversed the ministry's decision.

Prison conditions continued to be poor, with many facilities seriously overcrowded and lacking adequate medical care, food, and water. At least six prisoners died within a two-month period in Prey Sar prison in Phnom Penh because of insufficient food and medication, according to a report by a Cambodian human rights organization. The use of shackles was reported in prisons in Kompong Som and Kompong Cham. Pre-trial detention beyond the legal limit of six months was common.

Torture continued to be used with impunity, particularly by police officers attempting to extract confessions from suspects in custody. Police also failed to intervene to stop violence against women either in the home, where domestic abuse was considered a family matter, or in the sex industry, which is often supported and protected by members of the military, police or other government officials.

Cambodian human rights organizations increasingly gave attention to social and environmental rights. Villagers filed complaints protesting the confiscation by military officers and local officials of natural resources that rural communities depend on for their livelihoods - such as bamboo, tree resin, and rattan. They also protested the government's granting of concessions to exploit such resources. Environmental and human rights advocates worked to draft a Community Forest Sub-decree that would protect community user rights to forests that villagers rely upon for collection of forest products. In April, the Department of Forestry issued an instruction calling for the temporary suspension, in all forest concessions, of cutting of all trees from which people collect resin.

Positive steps were taken during the year to protect community fisheries, on which a huge percentage of Cambodians depend. In late 2000 Hun Sen announced that fishing lots would be taken away from large concessionaires and returned to local people. He subsequently dismissed the director of the Department of Fisheries for not implementing the decision. The department involved local communities in developing legislation to protect community fisheries, setting a positive precedent for local participation in natural resource management. Despite these

efforts, poor implementation of policies at the local level, reflected in the confiscation of community fishing lots by fishery department officials, continued to pose a problem in some areas.

Land conflicts also remained a major issue throughout the country. Legal Aid of Cambodia (LAC), a local NGO, reported that its land-related caseload involved 7,000 families, or 35,000 people, with the vast majority of the conflicts involving military commanders or provincial and local officials. In one high-profile case, indigenous minority villagers in Ratanakiri province filed a lawsuit seeking to protect their rights to 1,250 hectares of village land that they said had been fraudulently obtained by a representative of a military general. Villagers were given bags of salt and promises of development in return for their thumbprints on documents that—without their knowledge—transferred ownership of their ancestral lands to the general. In a decision in March, the Ratanakiri provincial court ruled against the villagers' civil complaint. With the help of LAC the villagers then took the case to the Appeals Court in Phnom Penh, but it had not been heard by November. In July, the National Assembly passed a new land law, drafted with the input of NGOs and local communities, designed to stem the widespread practice of land grabbing.

## **DEFENDING HUMAN RIGHTS**

Several dozen Cambodian human rights organizations were active throughout the country investigating violations, monitoring prison conditions, observing trials, and conducting human rights education. In addition, three large NGOs specializing in election observation monitored voter registration and the commune election process. Overall, the atmosphere for NGOs was less threatening than in previous years. Several times during the year, however, public officials issued strongly worded warnings to NGOs. In the months following the November 2000 CFF attack in Phnom Penh, human rights groups and their leaders came under strong criticism from officials when the groups called for due process to be followed in the arrests and trial of alleged CFF members. In several speeches Prime Minister Hun Sen charged that NGOs were hiding terrorists “under their logos” and threatened them with arrest.

Global Witness, which has served as an independent monitor within the government's Forest Crime Monitoring and Reporting project since 1999, came under fire in January when it released a report critical of illegal logging and resource rights abuses just prior to an international donor meeting. Government officials said Global Witness should have given them the opportunity to review and comment on the report before it was publicized. Prime Minister Hun Sen threatened to expel the group from Cambodia but relented after pressure from donors. In June, Global Witness signed an agreement with the government on new reporting procedures shortly before the annual donor meeting.

In July, Hun Sen criticized the Human Rights Action Committee for its statements deploring the rise in political violence. He said the burden of proof was on the NGOs to show that the killings of commune candidates were politically motivated.

In October, the acting director of the Cambodian League for the Promotion and

Defense of Human Rights (Licadho), a local human rights group, faced criminal charges when a court accepted a complaint by the adoptive parents of a seven-year-old girl whom Licadho was housing. Licadho previously had sought child abuse charges against the adoptive parents and had been granted temporarily lawful custody of the child. Cambodian and international rights groups expressed concern that the initiation of criminal proceedings appeared to be without foundation and aimed at intimidating Licadho. As of November, the case had not yet been heard.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

The Cambodia Office of the High Commissioner for Human Rights (COHCHR) maintained a field operation in Phnom Penh and several provinces. The U.N. Secretary General's Special Representative for Human Rights in Cambodia, Peter Leuprecht, made several visits to Cambodia during the year, and called for increased foreign aid while urging the government to address broad issues of poverty, violence, corruption, and lawlessness. During Leuprecht's June trip, he expressed reservations about the Khmer Rouge tribunal bill that had been passed by the National Assembly. In August he condemned mounting political violence against commune candidates and urged the government to cease its involvement in election-related opinion surveys. He constantly pressed the government to formalize its memorandum of understanding with COHCHR so as to extend its mandate, last renewed in March 2000, and to address the security concerns of COHCHR's Cambodian staff.

Relations between the government and the UNHCR were strained at times, particularly over the issue of refolement of Montagnard asylum seekers to Vietnam.

### **Major Donors**

Donors pledged U.S. \$560 million at the World Bank chaired Consultative Group meeting, hosted by Japan in June. Most donors praised the Cambodian government's efforts to improve political stability and the economy, although some raised human rights concerns as well. A study on key governance issues prepared for the Asian Development Bank, released in May, criticized corruption, lack of government transparency and weaknesses in the judiciary, and called for concrete reforms as a precondition for assistance. In August, the World Bank approved a U.S. \$18.4 million loan to demobilize 30,000 soldiers and reintegrate them to civilian life.

China increasingly became a key player in Cambodia. In May, visiting Chinese Prime Minister Li Peng told Hun Sen that China would consider aid requests totaling U.S. \$60 million to assist road construction and demobilization.

Several donors, including Japan, Australia, and the European Union (E.U.), were expected to help meet the costs of the commune elections. In July, an E.U. delegation called for an intimidation-free environment before and during the election. In a meeting with Deputy Prime Minister Sarkheng in September, the U.S., U.K.,

Canadian, Swedish and other ambassadors expressed concern over the low rate of voter registration and pressed for extension of the registration period. On September 6, the European Parliament passed a resolution deploring political violence and calling for E.U. observers to monitor the commune elections.

A number of donor countries expressed interest in funding the Khmer Rouge Tribunal or nominating judges to participate in the proceedings once a final agreement is reached. Japan was expected to contribute an estimated U.S. \$60 million. Judges from Australia, France, India, Japan, Russia, the United Kingdom and the United States were considered candidates to preside over the trials, along with Cambodia judges. China, which was one of the Khmer rouge's main financial backers, was not expected to participate.

The U.S. took a strong stand on the Montagnard refugee issue, swiftly resettling thirty-eight Montagnards in the U.S. in April and consistently pressing for protection of asylum seekers by both UNHCR and Cambodian authorities. In August, the Ministry of Foreign Affairs issued a strongly worded response after the U.S. ambassador criticized government corruption at a public forum, charging that "inflammatory words inciting revolt against the royal government of Cambodia" had been used.

Cambodia's relations with Vietnam were tense at times over the Montagnard issue. During a visit to Cambodia in July, Vietnamese Public Security Minister Le Minh Huong signed a bilateral agreement with Deputy Prime Minister Sar Kheng on cooperation to stem illegal immigration, drug smuggling and organized crime. In November, Vietnamese and Cambodian officials were slated to sign several agreements, including one on border and immigration issues, during a visit to Phnom Penh by Vietnamese President Tan Duc Luong.

## CHINA AND TIBET

**T**he Chinese leadership's preoccupation with stability in the face of continued economic and social upheaval fueled an increase in human rights violations. China's increasingly prominent international profile, symbolized in 2001 by its entry into the World Trade Organization (WTO) and by Beijing's successful bid to host the 2008 Olympics, was accompanied by tightened controls on fundamental freedoms. The leadership turned to trusted tools, limiting free expression by arresting academics, closing newspapers and magazines, strictly controlling Internet content, and utilizing a refurbished Strike Hard campaign to circumvent legal safeguards for criminal suspects and alleged separatists, terrorists, and so-called religious extremists. In its campaign to eradicate Falungong, Chinese officials imprisoned thousands of practitioners and used torture and psychological pressure to force recantations. Legal experts continued the work of professionalizing the legal system but authorities in too many cases invoked "rule of law" to justify repressive politics. After the September 11 attacks in the United States, Chinese offi-

cially used concern with global terrorism as justification for crackdowns in Tibet and Xinjiang.

## HUMAN RIGHTS DEVELOPMENTS

Starting in late 2000, authorities began tightening existing restrictions on the circulation of information, limiting the space available to academics, journalists and Internet users. Attacks on academic researchers may have been partly a response to the January 2001 publication of the *Tiananmen Papers*, a collection of government documents spirited out of China which described in detail the role played by Chinese leaders at the time of the historic June 1989 crackdown.

In December 2000, Guangdong's publicity bureau told newspapers and journals not to publish articles by eleven prominent scholars. In June 2001, one of those named, economist He Qinglian, fearing imminent arrest, fled China. Although her 1998 book, *China's Pitfalls*, had been widely praised by the Communist leadership for its exposé of corruption, she later angered authorities when she publicized the widening income gap in the country.

Between February and September, four Chinese academics who were either naturalized U.S. citizens or permanent U.S. residents were arrested, tried on charges of spying for Taiwan, and then deported. The four were Dr. Gao Zhan, a scholar at American University in Washington; journalist and writer Wu Jianmin; Qin Guangguang, a former editor and scholar; and Dr. Li Shaomin, a naturalized U.S. citizen teaching in Hong Kong. Sichuan native Xu Zerong, a Hong Kong resident since 1987, detained in June 2000, was still in custody in November 2001.

Scholars were also affected when the Chinese Academy of Social Sciences rescinded invitations to foreign and Taiwan scholars to participate in an August 2001 conference on income disparities. In November 2000, authorities cancelled an officially sponsored poets' meeting in Guangxi province after it became known that dissident poets, some of whom helped underground colleagues publish, were expected to attend. Three organizers were detained. In May, police in Hunan province raided a political reading club that had attracted teachers and intellectuals, and detained several participants including the founder.

Restrictions on information flows also affected HIV-AIDS research and reporting. In May, Beijing prohibited Dr. Gao Yaojie, who had helped publicize the role of unsanitary blood collection stations in the spread of the disease, from traveling to the U.S. to receive an award. Earlier, Henan health officials had accused her of being used by "anti-Chinese forces;" local officials, who often profited from the sale of blood, had warned her not to speak out. In July, village cadres refused to allow her to enter their AIDS-ridden villages.

Media regulations were also tightened. In November, the Communist Party's top publicity official signaled a new policy when he told a meeting of journalists that "the broad masses of journalists must be in strict agreement with the central committee with President Jiang Zemin at its core," a warning repeated in January by Jiang himself. The same month, a Party Central Propaganda Department internal circular warned that any newspaper, television channel, or radio station would be closed if it acted independently to publish stories on sensitive or taboo topics such

as domestic politics, national unity, or social stability. The regulations instituted a new warning system; after three citations, a media outlet was subject to closure.

By June, the Party had instituted a stricter regime. A decree expanded taboo content to include speculation on leadership changes, calls for political reforms, criticism of Party policies including those related to ethnic minorities or religion, and rejection of the guiding role of Marxism-Leninism and Mao-Deng theories, among many other categories. The decree forbade independent reporting on major corruption scandals, major criminal cases, and human and natural disasters and threatened immediate shutdown for violators. The government also ordered a nationwide campaign to educate journalists in “Marxist news ideology.”

In the immediate aftermath of the September 11 attacks in New York and Washington, the Chinese Communist Party’s Central Committee Propaganda Department ordered news media to refrain from playing up the incident, relaying foreign news photos or reports, holding forums, or publishing news commentaries without permission. Chinese youth had welcomed the attacks on Internet postings and officials said the restrictions were needed to prevent damage to U.S.-China relations.

Authorities routinely prohibited the domestic press from reporting on incidents it considered damaging to China’s image. After a military truck blew up in Xinjiang in November 2000, three journalists were sanctioned for “violat[ing] news discipline and reveal[ing] a lot of detailed information” before Xinhua, the official news agency, printed the official line on the incident. News media in China are required to use Xinhua reports on any stories that local or central propaganda authorities deem sensitive. In June, Yao Xiaohong, head of news for *Dushi Consumer Daily* in Jiangxi province, was dismissed after reporting an illegal kidney transplant from an executed prisoner. In October, under pressure from central government publicity authorities, he was fired from his new job at the *Yangcheng Evening News* in Guangdong province. Jiang Weiping, a Dalian, Liaoning province journalist who had exposed corruption, received a nine-year prison sentence in September 2001 for “leaking state secrets.”

Chinese authorities moved against publications as well as individual journalists. In May, *Today’s Celebrities* was preemptorily closed for printing articles about corruption and the Cultural Revolution (1966-76). In June, authorities replaced the acting editor and other editorial staff at *Southern Weekend* (*Nanfang Zhoumuo*), China’s most outspoken news publication after the magazine published a series of articles blaming the government for problems in rural areas. Officials also closed the *Guangxi Business Daily*, which had operated for two years as an independent, privately-owned paper, when it refused to merge with the *Guanxi Daily*. In Jiangsu province, officials ordered the immediate suspension of the *Business Morning Daily* after it suggested that President Jiang’s policies had advanced Shanghai’s development at the expense of other cities.

In August, party leaders associated with Jiang used publishing regulations to shutter an opposition party faction, suspending the theoretical journal *Seeking Truth*, (*Zhenli de Zhuiqi*) which had opposed Jiang’s proposal to allow private entrepreneurs to become party members, and tightening control over *Mainstream* (*Zhongliu*) and *Contemporary Thoughts*, also affiliated with opposition factions.

That same month, the State Council announced revised “Regulations on Print-

ing,” which included a sweeping provision forbidding publication of reactionary, erotic, or superstitious materials or “any other” material forbidden by the state. In early November 2000, courts sentenced ten people to prison terms ranging from five years to life for illegally printing and selling books about such topics as the Chinese intelligence community and the film community. In September, tens of thousands of Falungong publications were among some 500,000 documents confiscated in Anhui province.

The foreign press was also muzzled. In early March, after *Time* ran a story on Falungong, Beijing banned future newsstand sales of the magazine. In June, five security officers beat an *Agence France Presse* reporter after he photographed a protestor outside a “Three Tenors” concert held to support Beijing’s Olympic bid. In July, government officials in Beijing prohibited the U.S. CBS television network from transmitting video footage for a story about Falungong. Chinese authorities banned the October 29 issue of *Newsweek* when it ran a cover story on corruption.

China Central Television also reneged on a July agreement to air in full U.S. Secretary of State Colin Powell’s Beijing interview. It cut one-fifth of his remarks, including those defending U.S. criticism of Beijing’s human rights record.

Other moves to tighten information flows and increase government control included the construction of new jamming facilities aimed at preventing ethnic groups in Tibet and Xinjiang from receiving news from overseas “hostile radio stations.” In May, the State Administration of Radio, Film, and Television ordered all cable TV networks folded into provincial or municipal broadcasting networks. In July and August, the State Press and Publications Administration announced plans to set up publishing conglomerates to consolidate control of magazines and newspapers.

Stringent regulations on rapidly growing Internet use came into effect in November 2000. New regulations required general portal sites to get their news solely from state-controlled media, required that bulletin board services and chatrooms limit postings to approved topics, and made monitoring of postings routine. A month later, Chinese authorities increased the number of Internet police to more than 300,000. In January 2001, a new regulation made it a capital crime to send “secret” or “reactionary” information over the Internet. In February, software called Internet Police 100, capable of “capturing” computer screens and “casting” them onto screens at local public security bureaus, was released in versions that could be installed in homes, cafés, and schools. But even with some sixty sets of regulations in force, President Jiang in July decried the spread of “pernicious information” over the Web and called the existing legal framework inadequate.

Chinese regulations limited news postings on the websites of U.S.-based companies operating in China. The English chatroom of SOHU.com, partly owned by Dow Jones, posted a list of issues prohibited on the Internet by Chinese law, including criticism of the Chinese constitution, topics which damage China’s reputation, discussion that undermines China’s religious policy, and “any discussion and promotion of content which PRC laws prohibit.” The posting continues: “If you are a Chinese national and willingly choose to break these laws, SOHU.com is legally obligated to report you to the Public Security Bureau.” An internal AOL memo recommended that if AOL were asked what it would do if the Chinese government

demanded records relating to political dissidents, AOL staff should respond "It is our policy to abide by the laws of the country in which we offer services."

Chinese officials stopped licensing new Internet cafes beginning in April while public security departments checked more than 55,000 cafes. In October, officials announced that more than 17,000 had been closed. Internet bulletin boards, chat rooms, and online magazines, including university-based sites and those catering to journalists, were also closed. Sites that were normally blocked, such as those of U.S. newspapers, were unblocked during the Asia-Pacific Economic Cooperation (APEC) summit in Shanghai in mid-October, but blocked again as soon as the conference was over.

At least sixteen people were arrested or sentenced in 2001 for using the Internet to send information or express views that the leadership disliked. Four others were tried at the end of September on charges of subversion for organizing a new youth organization and publishing articles about political reform. As of mid-November, there was still no information available on the outcome of Huang Qi's secret trial in August 2001. Huang was charged with subversion for featuring articles about democracy on his website.

Political dissidents continued to be persecuted, including members of the banned China Democracy Party. Activists associated with the Southern Mongolian Democratic Alliance, which seeks to promote Mongolian traditions and cultural values, and farmers in the Three Gorges dam area protesting corruption associated with resettlement in the dam basin were also monitored and in some cases arrested and sentenced on spurious charges.

On April 3, 2001, President Jiang initiated a three-month Strike Hard (*yan da*) campaign. Stressing the need to safeguard social stability and the reform process, he asked that improvements in fighting crime be made with "two tough hands." The campaign featured hastily processed cases, denial of due process rights, summary trials, harsh sentences, mass sentencing rallies, and an upsurge in executions. Although the use of torture to elicit confessions was illegal, such confessions, admissible in court, were officially acknowledged. Li Kuisheng, a prominent lawyer in Zhengzhou, Henan, was finally cleared of all charges and released in January 2001. He had been arrested in November 1998 after defending a client fighting corruption charges, and under torture had "confessed" to fabricating evidence.

Provinces and municipalities, in a kind of bizarre competition, reported regularly on their compliance with the campaign. Their accounts included totals of those apprehended, sentenced, and executed, and information on the kinds of crimes committed. Capital sentences were imposed for some sixty offenses including, in addition to violent acts, economic crimes, drug trafficking, smuggling, arms dealing, racketeering, counterfeiting, poaching, pimping, robbery, and theft. During the first month of Strike Hard, some 10,000 people were arrested and at least five hundred executed. By the end of October, at least 1,800 people had been executed, at least double that number had received death sentences, and officials had announced they would continue the campaign at least through June 2002 with increased "intensity."

Despite the Strike Hard campaign, officials in some areas implicitly acknowledged unfairness in the criminal justice system. In November 2000, Liaoning offi-

cial announced that prosecutions in some cities would be based on proof rather than confessions, thus guaranteeing suspects' right to remain silent during criminal interrogation. In January, the vice-president of the Supreme People's Court admitted to corruption within the legal system, including intentional errors of judgment, forged court papers, and bribe taking. In June, the Supreme People's Procuratorate issued six new regulations to prevent violations in the handling of cases and acknowledged Communist Party interference in sensitive cases. However, in August, in Luoyang, Henan province, judges who heard the cases of twenty-three defendants charged in a fire that killed 309 people said they would not release their findings until they had talked to provincial leaders.

China continued to crack down on groups it labeled cults and on independent religious organizations. Falungong continued to experience the harshest repression, with thousands of practitioners assigned to "reeducation through labor" camps and more than 350 imprisoned, many for nothing more than printing leaflets or recruiting followers for protests. On June 11, the Supreme People's Court and the Supreme People's Procuratorate issued a new interpretation of cult provisions in the Criminal Law to make it easier to punish practitioners on a wide variety of charges. Authorities also targeted other so-called cults, among them Zhonggong, Xiang Gong, Guanyin Famin, and Kuangmin Zhaimen, sentencing their leaders, closing down their offices, and seizing their publications.

A few weeks before Christmas 2000, hundreds of "illegal" Protestant and Catholic churches and Buddhist and Taoist temples and shrines in Wenzhou were demolished. In March and April, several dozen house church leaders in Hubei province were detained; in May, twelve others were administratively sentenced in Inner Mongolia. Beijing also instituted a special study group to bring Christianity "into line with socialism" through reinterpretation of basic beliefs. The continuing government-ordered merger of Catholic dioceses, a move that went unrecognized by Rome, also signaled Beijing's determination to run the church in accord with its own needs. In October, after Pope John Paul expressed regrets for Catholic Church errors committed during the "colonial period" and expressed hope of normalized relations, Chinese religious officials responded by demanding that the Vatican first sever its ties with Taiwan, refrain from "using the pretext of religious issues to meddle in Chinese internal affairs," and apologize for last year's canonization of "foreign missionaries and their followers who committed notorious crimes in China." Detentions in 2001 included those of several elderly influential bishops and priests. One priest, Father Lu, was sentenced administratively in April to three years' reeducation through labor for refusing to join the official Catholic Patriotic Association and continuing to preach the gospel and celebrate Mass. In May, the Chinese government leveled the grave of Bishop Fan Xueyan, a prominent "underground" bishop who died in 1992, to prevent Catholics from paying their respects.

Reports of clashes between police and workers and farmers protesting layoffs, unpaid wages and benefits, corruption, and relocation problems continued throughout the year. In April, police in Yuntang, Jiangxi arrested five villagers who had been leading a three-year protest against new taxes, then stormed the village killing two unarmed protestors and injuring some thirty-eight others. In October, police in Qingdao, Shandong detained protestors demonstrating against the city's

failure to honor its commitment to provide appropriate housing for residents displaced by a real estate project.

Labor activists also continued to be targeted. In one prominent case, Li Wangyang, imprisoned from 1989 to 2000 for labor activism, was sentenced in September to a new ten-year prison term after petitioning for compensation for mistreatment suffered while serving the prior term. Li's sister received a three-year administrative sentence on June 7 for publicizing her brother's case.

In October 2001, authorities passed a new Trade Union Law requiring enterprises with more than twenty-five workers to establish a union and prohibiting management personnel from holding important union positions, but only government-affiliated unions were mentioned in the law and the right to strike was not guaranteed. Also in October, authorities revised residential regulations to allow rural residents to apply for residence in some small cities and towns so long as they could first find jobs and homes. In most cities, however, continuance of the existing permit system left migrants open to abuses by their employers, the police, and private security guards. Most migrant parents, even if legally registered, could not afford school fees for regular city schools, forcing them to send their children back to the countryside, keep them out of school, or send them to inferior "migrant" schools. Before the start of classes in September, officials closed fifty migrant schools in one Beijing district.

## **Tibet**

China revised its overall Tibetan policy in June 2001, the fourth such change since it took command of the region in 1950. Goals for 2001-2006 included accelerated economic development and tightened control over alleged "secessionist" activities. During a July visit, Vice-President Hu Jintao stated that it was "essential to fight unequivocally against separatist activities by the Dalai clique and anti-China forces in the world."

Efforts to engage the Chinese leadership in a dialogue with representatives of the Dalai Lama were unsuccessful in 2001. Following the Dalai Lama's criticism of Chinese policy during a speech to the European Parliament general assembly on October 24, Chinese officials reiterated their position that talks could take place only if the Dalai Lama renounced his "separatist stand" and openly acknowledged that Tibet was an inalienable part of China, Taiwan merely a province, and "the government of the People's Republic of China the sole legitimate government representing the whole of China."

At the beginning of the Tibetan New Year in February, government workers, cadres, and school children were banned from attending prayer festivals at monasteries or from contributing to temples and monasteries. During Monlam Chemo, formerly a festival of great religious significance, monks at Lhasa's major monasteries were not permitted to leave their respective complexes, and government authorities banned certain rites.

The Strike Hard campaign in Tibet had a decidedly political focus. At a May meeting in Lhasa, capital of the Tibet Autonomous Region (TAR), courts were ordered to carry out the campaign forcefully against "those whose crimes endanger

state security,” and “those who guide people illegally across borders,” in other words, against those who help Tibetans reach Nepal or Dharamsala, India, the Dalai Lama’s home in exile. During the first month of the campaign, 254 people were caught trying to leave or reenter the TAR, many allegedly carrying “reactionary propaganda materials.” In June, police in the Lhasa region detained hundreds of Tibetans who burned incense, said prayers, or threw *tsampa* (roasted barley) into the air in defiance of an order banning celebration of the Dalai Lama’s birthday. Some twenty Tibetans were arrested or sentenced in 2001 for “splittist” activities. In October, at least three foreign tourists and three Tibetans were detained in Lhasa in October for displaying the banned Tibetan flag and shouting pro-independence slogans.

Authorities cut back the number of nuns and monks from 8,000 to 1,400 at the Buddhist Study Center Larung Gar near Serthar in Sichuan province, destroying their housing as they left. A similar order was put into effect at Yachen, another encampment in Sichuan. Authorities continued to deny access to the Panchen Lama, the second most important figure in Tibetan Buddhism. The boy, now twelve years old, disappeared from public view in 1995 after Beijing chose another child as the reincarnation. Chadrel Rinpoche, the senior lama who led the search, was still in prison. He was last seen in mid-May 1995 shortly before he was sentenced to a six-year prison term.

## **Xinjiang**

Even before September 18, when the Chinese government publicly equated Uighur calls for autonomy or independence with global terrorism, Beijing had instituted strict measures to crush “separatism” and “religious extremism” in Xinjiang. In April, at the beginning of the nationwide Strike Hard campaign, Ablat Abdureshit, chairman of the region, was explicit as to targets in Xinjiang: “national splittists,” “violent terrorists,” and “religious extremists.” At the same time, the leadership reiterated its determination to develop the region economically. Both campaigns were entrusted to patriotic Party cadres working at the grassroots, kept in check by a local law passed in May threatening punishment should they sympathize with Uighur aims. In June, the Shanghai Cooperation Organization (formerly the Shanghai Five), composed of China, Russia and four republics in Central Asia, reiterated its pledge of cooperation to combat “terrorism, separatism and extremists” and to establish “a regular anti-terrorist structure.”

Efforts to bring religious practices under the aegis of the state included the April formation of a China Islamic Affairs Steering Committee under the administration of the Islamic Association of China. The members, sixteen senior China-based experts on Islam, interpreted religious doctrines in accordance with Chinese law, drafted sermon pamphlets, and worked to bring Islam into conformity with Chinese political ideology. An imam “patriotic reeducation” campaign, begun in March, assigned some 8,000 religious leaders to twenty-day sessions stressing patriotism, upholding Party leadership, combating separatism, and the like. In a number of cases, mosques were leveled, clerics arrested, and “illegal” books and audio cassettes confiscated.

Although there were credible reports of violence by Uighur separatists in Xinjiang, strict Chinese controls on information coming from the region often made it impossible to know whether particular individuals had indeed committed criminal acts or whether they were being punished for exercising their rights to free political expression, association, or assembly. Typical charges included “splittism,” subverting state power, setting up an organization to establish Islamic rule, stockpiling weapons, endangering social order, and printing anti-government literature. There were also new reports of torture, forced confessions, unfair trial procedures, and collective punishment. In November 2000, Abdulelil Abdumejit died while serving a sentence for the anti-Chinese riots in Yining in 1997. Supporters claim he died from beatings and torture; the state claims he died from his refusal to follow an appropriate medical regime.

The Strike Hard campaign exacerbated the rate of arrests and sentencing. Within three months of the campaign’s start in April, Xinjiang police reported that they had arrested 605 suspects, destroyed six separatist and terrorist organizations, and, in conjunction with the procuracy, held more than one hundred rallies before 300,000 spectators to parade “criminals” and announce sentences before a public expected to signify approval. Rebiya Kadeer, a Uighur businesswoman sentenced to an eight-year prison term in March 2000 for sending local newspapers to her husband in the U.S., continued to be limited to one family visit every three months. Rebiya’s four sons, one of whom was released from a “reeducation through labor” camp in February, continued to be subjected to harassment and surveillance.

### **Hong Kong**

Hong Kong authorities continued to defer to Beijing on a range of important questions. In July, Hong Kong’s legislature, of which elected members are a minority, passed legislation acknowledging Beijing’s power to remove Hong Kong’s chief executive, even though the Basic Law, which governs Hong Kong-mainland relations, is silent on the question. Although many observers noted a continuing trend toward media self-censorship and other pressures on civil liberties, the year was also significant for what did not happen. Despite surveillance and escalating rhetoric, the Hong Kong government did not ban Falungong or enact an anti-cult law. After losing a “right of abode” case in Hong Kong’s high court, authorities did not seek reinterpretation from Beijing as they had in May 1999. Finally, government and university officials did not block Li Shaomin, convicted in July on the mainland of spying for Taiwan and subsequently deported, from returning and resuming his teaching duties at the City University of Hong Kong.

### **DEFENDING HUMAN RIGHTS**

No independent watchdog organizations were permitted in China; in Hong Kong there was a vibrant NGO community functioning without any apparent government interference.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **United Nations**

On February 28, China ratified the International Covenant on Economic, Social and Cultural Rights but took a reservation on the right to freely organize and join trade unions. In May, the International Labor Organization signed an agreement to provide assistance with social security, job retraining, and worker health and safety concerns, but did not address the right of free association. China still had not ratified the International Covenant on Civil and Political Rights, which it signed in 1998.

Mary Robinson, the U.N. High Commissioner for Human Rights, visited Beijing in February and November for workshops on punishment of minor crimes and human rights education, respectively. In her November visit, Robinson also met with Jiang Zemin, pressed for access for the U.N. special rapporteur on torture, warned China not to use the war on terrorism to justify its crackdown in Xinjiang, and signed a Memorandum of Understanding for expanded technical cooperation. In August, the U.N. held a workshop in Beijing on human rights and the police.

On April 19, the U.N. Commission on Human Rights adopted China's no-action motion, twenty-three to seventeen with twelve abstentions and one absence, blocking debate of a U.S.-sponsored resolution critical of China's rights record. No other governments co-sponsored the resolution.

In August, the U.N. Committee on the Elimination of Racial Discrimination issued "concluding observations" following review of China's report on its implementation of the convention. The committee expressed concern about restrictions on freedom of religion for national minorities in Tibet and Xinjiang, and discrimination in education, particularly in Tibet. In May, the Committee reviewed Hong Kong's record under the Convention, noting the SAR's failure to enact an anti-racial discrimination law.

### **Olympics**

China waged an aggressive campaign on behalf of Beijing's bid to host the Olympics in 2008. Human rights were raised in the international debate leading up to the July 17 decision in Moscow to award the games to Beijing, but the IOC set no human rights preconditions and ignored appeals from Human Rights Watch and others to set up an independent monitoring committee. Chinese officials publicly pledged to allow foreign journalists covering the games unrestricted access to the country.

### **United States**

The Bush administration's policy towards China shifted from a confrontational posture early on, to cordial by mid-year, to cooperative in the post-September 11 climate. Bush put a heavy emphasis on religious freedom. But after September 11,

it was unclear how effectively the administration would balance human rights concerns, trade, and cooperation with China on anti-terrorism initiatives.

The early months of the Bush administration were marked by tensions over arms sales to Taiwan and detentions of China scholars. When Vice Premier Qian Qichen visited Washington to meet Bush in March to smooth relations, Bush raised specific cases of detained academics. A low point came in April when Chinese forces captured a U.S. Navy spy plane and its crew.

The administration embraced expanded trade with China, and supported China's formal entry into membership of the World Trade Organization on November 10 at the Doha, Qatar ministerial meeting. The National People's Congress had not ratified the accession agreement by mid-November.

A Congressional-Executive Commission on China was established mid-year; it was required under legislation enacted in October 2000 giving China permanent normal trade relations (PNTR). It had nine members each from the House and Senate, and representatives from the departments of State, Commerce, and Labor. The commission was charged with monitoring human rights, rule of law, labor rights, and religious freedom in China and with making U.S. policy recommendations. But its first report, due in October 2001, was delayed until 2002, and the Commission held no meetings or hearings during the year.

The administration and Congress were active in pressing for consular access to detained China scholars and for their prompt release and return to the U.S. The high profile cases of Gao Zhan and Li Shaomin were resolved just days before Secretary Powell's Beijing visit in July.

During his visit, Powell announced resumption of a U.S.-China human rights dialogue, which China had suspended following the NATO bombing of its Belgrade embassy in 1999. A dialogue meeting held from October 9-11 in Washington, DC produced no immediate results.

In late October, Bush met Jiang Zemin for the first time for bilateral talks at the Shanghai APEC summit. Bush reportedly raised human rights issues, urged dialogue with the Dalai Lama, and publicly said that no government should use the anti-terrorism campaign "as an excuse to persecute minorities within their borders." When U.S. military strikes began against Afghanistan, China had appealed for international support for its crackdown in Xinjiang.

### **Canada, European Union, and Japan**

During trade meetings in China in February, Canadian Prime Minister Jean Chretien raised human rights concerns in Tibet and the crackdown on Falungong, and the two countries held a human rights dialogue in July.

The European Union, under public pressure to show more progress from its human rights dialogues with China—nine had taken place since 1997—made public in January a set of objectives including China's ratification of U.N. covenants, cooperation with U.N. human rights mechanisms, restrictions on the use of the death penalty, and international access to prisoners in Tibet and Xinjiang. In February, the Swedish presidency presided over an E.U.-China rights dialogue and the E.U. held a seminar on the death penalty in Beijing in May.

In late May, in advance of the Asia-Europe Meeting of E.U. and Asian foreign ministers in Beijing, the E.U. Council published a revised policy statement on China, declaring that the E.U. must increase its engagement. Chris Patten, E.U. Commissioner for External Affairs, argued that expanded contacts would “support China’s transition to an open society based upon the rule of law and respect for human rights.”

A China-E.U. summit took place in Brussels on September 5, led by Belgian Prime Minister Guy Verhofstadt and Premier Zhu Rongji. Talks focused on China’s prospective WTO membership, illegal immigration and trafficking of Chinese to Europe, and the treatment of North Korean refugees in China. The two sides affirmed their interest in continuing the human rights dialogue, although Zhu insisted that China’s human rights record was the best it had ever been.

Japanese policy towards China was marked by tensions over a decision to allow the former Taiwanese president permission to come to Japan for medical treatment in April, Chinese outrage over official approval of Japanese history textbooks that sanitized Japan’s record during World War II, and a visit to a war shrine by new Japanese Prime Minister Junichiro Koizumi in August. The prime minister went to China in early October, in advance of the APEC summit, to apologize to the Chinese “victims of aggression” and to explain new legislation allowing Japan’s Self Defense Forces to give logistical support for U.S. attacks in Afghanistan. Another session in Japan’s bilateral human rights dialogue with China was agreed to in principle, but as of November, no meeting had taken place.

### **World Bank**

In fiscal year 2001, the World Bank gave over U.S. \$787 million in loans to China, mainly for environmental and infrastructure projects. In fiscal year 2002, which began in July, it estimated that approximately \$950 million in new projects would be approved. The Bank also continued to fund transportation projects in Xinjiang and gave small grants to government-sponsored “NGOs,” including groups working on HIV-AIDS and environmental initiatives. It made some efforts to expand its consultation process with local communities and international NGOs in designing new projects, but did not provide new financial support for legal and judicial reform or use its policy dialogue with China to promote anti-corruption initiatives.

## **EAST TIMOR**

**E**ast Timor made steady progress toward self-government, with full independence scheduled for May 20, 2002. Under the auspices of the U.N. Transitional Administration in East Timor (UNTAET), it held a peaceful election in August for a constituent assembly whose delegates then proceeded to discuss and debate the nature of the new state: how it would be structured, how power would

be shared, what fundamental rights would be guaranteed. In September, an all-East Timorese Council of Ministers was appointed as the effective cabinet. The guerrilla force, Falintil, was transformed during the year into a component of the new East Timorese Defence Force. Policing was increasingly turned over to local graduates of the East Timorese police academy. In October, an East Timorese replaced a Tanzanian expatriate as general prosecutor.

The slow pace of justice continued to be a source of frustration for East Timorese jurists, human rights advocates, and victims alike, with much of the blame focused on UNTAET's Serious Crimes Unit. Nevertheless, prosecutions for serious crimes committed in 1999 did take place, with the first conviction in November 2001 of a former militia leader for crimes against humanity.

East Timorese who fled or were forcibly expelled to West Timor in 1999 began to return home in greater numbers. In May, a fifteen-year-old East Timorese girl was rescued and returned to East Timor from West Timor where she had been held in sexual slavery in a militia-controlled camp. Following the August election, the rate of return increased, with more than 3,000 people returning in October. Although reports continued of militia leaders in the West Timor camps intimidating refugees and spreading disinformation to discourage them from returning, their hold over the camps seemed to be steadily declining.

## **HUMAN RIGHTS DEVELOPMENTS**

East Timor took a giant step toward independence with a widely praised election on August 30, 2001, the second anniversary of the referendum that produced a vote to separate from Indonesia—and devastating violence. The election for a constituent assembly involved sixteen parties competing for eighty-eight seats. Nearly the entire eligible voting population registered and participated, with almost none of the political violence that had been widely predicted. Prior to the elections, in June, the National Council of East Timorese Resistance (CNRT), the pro-independence coalition that had dominated East Timor's political life for the last two years, quietly dissolved itself to make way for a more competitive political system.

Justice for the 1999 violence in East Timor continued to be elusive. By late November, the office of the general prosecutor in Dili, the capital, had filed thirty-three indictments for serious crimes, four of which involved crimes against humanity. But many of the more than seventy suspects named in the indictments were militia members or Indonesian army officers living in Indonesia, and unlikely to be prosecuted there, let alone extradited to East Timor.

The sentences handed down by the panel of East Timorese and international judges in the Dili District Court reflected the seriousness of the crimes. On January 25, Joao Fernandes became the first person convicted of murder in connection with the 1999 violence. He received a sentence of twelve years. (He then escaped, but was eventually recaptured.) Augustino da Costa, who was convicted in July of killing a local employee of the United Nations Mission in East Timor (UNAMET) on August 31, 1999, received a fifteen-year prison sentence. Defendants who cooperated fully

with the court and were shown to have themselves been under threat of death from their commanders when they killed were given similarly heavy sentences.

While such terms for serious crimes would ordinarily have occasioned little comment, some senior East Timorese officials, including Xanana Gusmao, former resistance leader and East Timor's president-in-waiting, questioned whether prosecuting East Timorese served the interests of justice when the Indonesian architects of the 1999 violence were not even indicted.

The Serious Crimes Unit's need to clear the backlog of cases, involving long-detained suspects, also meant that investigators and prosecutors had no time to prepare cases against top militia commanders believed to have been responsible for crimes against humanity—cases which should have been prepared as a top priority when UNTAET first arrived in Dili. This meant that some commanders, such as Cancio de Carvalho and his brother, Nemencio, could negotiate their return to East Timor from West Timor on the understanding they would face trial, yet without any serious prospect of prosecution.

Criticism of the Serious Crimes Unit surfaced repeatedly during the year, notably poor administration and weakness of its senior staff, and several good prosecutors and investigators left in frustration.

Problems also continued with the Dili court due to its lack of good interpreters, poor or nonexistent translations of dossiers, inadequate court reporters, and inexperienced defense counsel and other court personnel. In Baucau, East Timor's second largest city, the district court was briefly closed in May after assaults on a judge and prosecutor. Court personnel complained that the U.N. police had failed to provide adequate security in the face of threats, apparently from people unhappy with court decisions.

On October 4, a U.S. Federal Court judge ruled in response to a lawsuit based on the Alien Torts Claim Act that Indonesian General Johnny Lumintang should pay damages of U.S. \$66 million for his role in the human rights violations committed by the Indonesian army following the August 30, 1999, referendum in East Timor.

On October 16, during a seminar in Dili on "Justice and Accountability in East Timor," East Timorese nongovernmental organizations called for an international ad hoc tribunal to be set up to prosecute war crimes and crimes against humanity in East Timor occurring after Indonesia's 1975 invasion of the country. One week later, on October 23, Jakarta's chief justice of the Supreme Court promised that the long-delayed ad hoc human rights court to try the East Timor cases would be up and running in Jakarta by December.

In April East Timor's provisional legislature, the National Council, approved the establishment of a Truth, Reception, and Reconciliation. It was designed both to facilitate the return of former militia members from West Timor and to ease the burden on the formal judicial system by allowing those responsible for less serious crimes, such as arson, to confess their crimes before a commission panel and receive a punishment of community service.

There were some instances of attacks on Muslims during the year, but they were quickly condemned by East Timorese and UNTAET officials. On January 1 and 2, 2001, stones were thrown at Muslims living in the An-Nur mosque in Dili, and on March 7, the mosque in Baucau was destroyed.

A long-awaited labor law was finally passed by the National Council in July. Drafted with the help of the International Labor Organization, it established a system of labor relations in accordance with ILO standards.

## **DEFENDING HUMAN RIGHTS**

East Timor's human rights defenders operated freely and played an active role in lobbying UNTAET and transitional government institutions. In July, the country's premier human rights organization, Yayasan Hak, led an effort to challenge UNTAET regulations that it felt compromised the independence of the judiciary in East Timor; the regulations were changed as a result. There were no attacks on human rights defenders. UNTAET's Human Rights Unit provided human rights training programs for East Timorese NGOs.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

Australia continued to play a particularly significant role in the reconstruction of East Timor given its proximity to the new country, and Japan was the largest single donor. East Timor in general, however, enjoyed strong support from the international donor community.

In November 2000 and June 2001, international donor conferences were held in Dili with the specific aim of providing assistance to the East Timorese Defence Force. Australia was expected to provide major aid to the new force; lusophone countries were prominently represented at the conference, including Portugal, Angola, and Mozambique.

The E.U., U.S., Canada, and Australia were among the most active donors with regard to supporting justice projects.

Portugal and the lusophone countries, notably Brazil, continued to provide important assistance to East Timor, particularly in the field of education and culture. Some three hundred students from East Timor went to Portugal for post-high school studies, and some 150 Portuguese schoolteachers arrived in East Timor.

## **United Nations**

The United Nations administered East Timor for a second year, and despite criticism within East Timor of some aspects of its role there, it continued to be seen as a major peace-keeping success story. Given the enormity of the task at hand, UNTAET, the U.N. Security Council, the international donor community, and above all, the East Timorese themselves deserved credit for the enormous progress made in institution- and capacity-building. One question outstanding at the end of the year, however, was what human rights role the United Nations would have post-independence; it appeared by November that the Office of the High Commissioner for Human Rights had secured agreement for a team of human rights monitors to be assigned to East Timor after UNTAET formally comes to an end.

The Security Council continued to take an active interest in East Timor. In November 2000, in the aftermath of the killings of three workers from the U.N. High Commissioner for Refugees office in Atambua, West Timor, a Security Council delegation visited Indonesia and East Timor. In January 2001, through resolution 1338, the Security Council voted to extend UNTAET's mandate through January 2002. On November 1, the Council endorsed May 20, 2002, as the date for East Timor's independence and agreed to keep peacekeepers, some civilian staff, and police trainers in East Timor for up to two years after independence.

### **United States**

In February, legislation was introduced in both houses of the U.S. Congress to facilitate East Timor's transition to independence through assistance for democracy building, support for reconciliation programs, steps to enhance trade and investment, and training of self defense forces. The bill was incorporated into the State Department authorization legislation for fiscal year (FY) 2002; final adoption, which was expected, was pending in late November. In the FY 2002 foreign operations appropriations bill, the U.S. Congress renewed and strengthened human rights conditions on International Military Education and Training (IMET) and government military sales to Indonesia. One condition was progress on accountability for abuses committed in East Timor.

Xanana Gusmao visited Washington, D.C. in May and met U.S. Secretary of State Colin Powell. In August, James Kelly, U.S. assistant secretary of state for East Asia and the Pacific, visited East Timor. He used the opportunity to criticize the Indonesian government for its lack of progress on accountability for abuses committed in East Timor in 1999.

### **European Union**

The European Commission remained one of East Timor's major donors. In addition to providing significant humanitarian and development aid during the year, the European Union also fielded the largest delegation of observers—thirty members in all—for the constituent assembly elections in August.

### **Japan**

Japan supported the creation in Indonesia of an ad hoc human rights court for East Timor. In August and September, it sent monitors to East Timor and provided \$ 1.19 million in emergency grants to the United Nations Development Program (UNDP) to assist with monitoring and training of local election administrators in Indonesia. In November 2001, it decided to dispatch seven hundred members of Japan's Self-Defense Forces to East Timor as peacekeepers, mainly for operations in areas bordering West Timor; an assessment mission was due to visit East Timor later in the month to finalize plans for the deployment. East Timorese NGOs opposed the deployment on the grounds that Japan had never compensated East Timorese victims of atrocities during World War II.

## World Bank

The World Bank continued to play an instrumental role in financing development and reconstruction projects through the Trust Fund for East Timor (TFET). TFET is administered jointly by World Bank and the Asian Development Bank. World Bank personnel have also been active in working with East Timorese leaders on setting benchmarks for political and economic goals, for the transition to independence and beyond. UNDP was active in supporting programs to assist the electoral process and to aid the administration of justice.

## INDIA

**I**n 2001, India held steadfast to its distinction as the region's most stable and vibrant democracy even as its neighbors underwent dramatic and often violent shifts in power. With the onset of the war in Afghanistan, and as relations with Pakistan deteriorated and violence in Kashmir and elsewhere escalated, the Indian government faced heightened national security concerns. Some measures taken in response, including the cabinet approval of the Prevention of Terrorism Ordinance, came under sharp attack by various sectors of Indian civil society for opportunistically curtailing civil liberties in the name of fighting terrorism. Increased violence in the state of Uttar Pradesh, where the Hindu nationalist Bharatiya Janata Party (BJP) hopes to achieve a comeback election victory early in 2002, highlighted the dangerous results of exploiting communal and caste tensions for political ends.

Police violence, attacks on the country's minority communities including Muslims, Christians, Dalits and tribals, and violence against women continued to be serious problems, though some positive steps were taken to help better ensure women's and children's rights. Human rights defenders came under legislative assault through changes to laws and procedures aimed at restricting their ability to travel, hold conferences, and receive foreign funds. The U.N. World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), held in South Africa from August 31 to September 8, paved the way for unprecedented international as well as national scrutiny of the problem of caste discrimination.

## HUMAN RIGHTS DEVELOPMENTS

On January 26, a devastating earthquake rocked the northwest state of Gujarat, the country's worst natural disaster in recent history. Within days at least 30,000 were declared dead and over one million were left homeless. While the government allocated equal amounts of monetary compensation and food supplies to members

of all communities, Dalit (so-called untouchable) and Muslim populations did not have the same access to adequate shelter, electricity, running water, and other supplies available to others. Upper-caste families in Kutch refused to live alongside Dalits in temporary settlements built by Rapid Action Forces. As a result, hundreds of tents lay empty while Dalits were required to live in makeshift shelters. Even relief kitchens for the two communities had to be kept separate as the higher castes refused to share resources with those they considered "diseased." According to local NGOs, several thousand Dalit homes were also left out of government reconstruction surveys. In October, Gujarat Chief Minister Keshubhai Patel resigned, in part because of criticism about the slow pace of relief and rehabilitation following the earthquake.

Dalit communities continued to suffer systemic discrimination and violence. In a number of cases, police were complicit in the attacks or used excessive force against Dalits when they organized to respond to the attacks, rendering legal protections meaningless. Violence was particularly acute in Uttar Pradesh and Bihar, and those responsible were rarely brought to justice by the authorities.

On February 19, a group of Thakurs (an upper-caste community) in Lucknow, Uttar Pradesh, assaulted a Dalit laborer following a wage dispute. The perpetrators entered the victim's home and pinned him down while the employer urinated in his mouth. On June 12, assailants beat a Dalit man and then pushed his wife into a fire, burning her to death. The incident was quickly followed by a spate of violence, including a June 14 rampage led by seven Thakurs who killed five members of a Dalit family, including three women and a ten year-old girl. In Aligarh, Uttar Pradesh in June a Dalit woman and her five children were burnt alive, allegedly by the staff of a brick kiln operating unit which had employed the woman and her husband as bonded laborers.

Conditions in Bihar continued to be marred by a caste war involving rival leftist factions and upper-caste private militias. In January, fifty houses were set ablaze and four Dalits were killed in a gun battle. On February 3, rival gangs gunned down twelve Dalit youths, killing nine of them, and subsequently set their homes on fire; on April 18, militants belonging to the Maoist Communist Center killed fourteen Dalits. In August, a village in Patna was attacked, killing six Dalit women and children.

Dalits also continued to face considerable opposition in exercising their political rights. On October 16 in Dharmapuri district, Tamil Nadu, an entire Dalit village was razed after Dalits dared to nominate their own candidate to the post of village council president. More than 140 houses were destroyed by members of the upper-caste community in the area, rendering eight hundred Dalits homeless. Many were also physically assaulted during the attacks. One pregnant woman was kicked in the stomach, aborted her child, and died later that day. Police charged protesting Dalit villagers with batons and arrested more than twenty-two Dalits while the upper-caste attackers remained at-large.

Social prohibitions on marriages between higher and lower-caste community members remained in place and were often reinforced through the threat of social ostracism and punitive violence. On August 6, 2001, an upper-caste Brahmin boy and a lower-caste Jat girl in Uttar Pradesh were dragged to the roof of a house and publicly hanged by members of their own families as hundreds of spectators looked

on. The public lynching was punishment for refusing to end an inter-caste relationship. Also in August, a forty-year-old Dalit woman was paraded naked in Bellary, Karnataka after being accused of helping a fifteen-year-old upper-caste girl elope with her lower-caste fiancé.

Dalits were often beaten or fined for participating in religious ceremonies. On April 3 in Bargarh, Orissa, for example, a Dalit was fined Rs. 4,000 (U.S. \$83.42) and beaten for entering a Hindu temple. On June 2 in Bhadkiyan, Rajasthan, an upper-caste man beat to death a sixty-five-year-old Dalit man with an iron bar for daring to pray outside the temple of the village deity.

Attacks on churches and members of the Christian clergy by members of right wing Hindu groups including the Bajrang Dal, the Vishwa Hindu Parishad (VHP), and the Rashtriya Swayamsevak Sangh (RSS), collectively known as the *sangh परिवार* continued, peaking in July and August. Christians in Orissa, Gujarat, Rajasthan, Maharashtra, Uttar Pradesh and Madhya Pradesh were hardest hit.

On November 26, 2000, four hundred VHP activists in Gujarat desecrated and took over a church, replacing the church's cross with Hindu idols and hoisting their signature saffron flag. The mob also drove out eighty Christian families from the area, confining them to a nearby forest until they embraced Hinduism.

At St. Anna High School in Bokaro district, Bihar, a dozen armed men assaulted the principal and three nuns, and raped the school cook on December 3, 2000. In Tamil Nadu a nun was murdered on January 21, 2001, in the state's Salem district. On January 23, in Rampur district, Uttar Pradesh, a nun was hospitalized after sustaining serious head injuries. Two simultaneous attacks on Christian missionaries on August 6 in Madhya Pradesh and Maharashtra drew sharp condemnation from the All India Christian Council and the Catholic Bishops' Conference of India.

From March 16-18, Muslim youth in Kanpur, Uttar Pradesh clashed with state police during protests over the burning of a Koran in New Delhi by Hindu radicals. When protesters began to burn an effigy of Prime Minister Atal Bihari Vajpayee, police responded with tear gas and the crowd turned violent. Police then opened fire as rioters began burning shops and hurling crude bombs. By the end of three days of riots, fourteen people were dead, dozens injured, and eighty-nine arrested. Six mosques were damaged, Muslim homes were looted, and the authorities had imposed a round-the-clock curfew. In the wake of the violence, human rights groups charged the police with using excessive force against Muslim demonstrators and looting and plundering Muslim shops and homes.

In the hopes of achieving a comeback victory in assembly elections scheduled for early 2002 in Uttar Pradesh, India's most populous state, the BJP and its allies amplified calls to build a temple to the Hindu god Ram at the site of the Babri Masjid, a mosque in the city of Ayodhya whose demolition sparked the infamous 1992-1993 Bombay riots in which thousands of people, most notably Muslims, were killed. In 2001, many feared that the re-energized Ram temple campaign would lead to more violence and bloodshed between the state's Hindu and Muslim communities.

In July, a crowd of three hundred people demolished a sixteenth century mosque at Asind near Bhilwara, Rajasthan and built a makeshift Hindu temple in its place. The mob was encouraged by VHP and RSS activists.

The government took some positive steps to prosecute perpetrators of violence

against members of minority religious communities. In May, the Jhabua district court in Madhya Pradesh sentenced ten men to life in prison for the September 1998 gang-rape of four Christian nuns. Prosecution of Dara Singh, accused in the 1999 murder of Australian missionary Graham Staines and his two sons in Orissa, also continued, with several witnesses testifying that Singh played a key role in instigating the murder.

There was little progress, however, in many other cases, including those of individuals indicted by the Srikrishna Commission for their role in the 1992-93 Bombay riots. One exception occurred in August, however, when a special task force filed charges against former police commissioner R.D. Tyagi and seventeen policemen for their role in 1993 riots in the city.

Control over natural resources continued to be the source of violence against tribal communities in Orissa. On December 16, 2000, three tribals were killed in Maikanch village, Rayagada district, in clashes with the police over the villagers' opposition to a proposed private aluminum plant in the area. A fact-finding team, which included retired Chief Justice D.S. Tewatia, claimed that the attack was pre-planned and demanded a judicial probe, alleging that an administrative inquiry ordered by the state government was a "cover-up operation." On October 30, 2001, in Rangabhathi village, three tribals were killed and over fifty were injured when police reportedly opened fire on a gathering of four hundred tribals. The tribals were protesting against the June 24 killing of two people by an armed mob of 3,000 in Jambodora, a Dalit village. Two more people were killed by police in Raigarhar, Nabrangpur district on November 11, when over 8,000 women held a rally to protest the October 30 incident.

Violence against women, including rape, kidnapping, dowry deaths, domestic violence, female foeticide, sexual harassment, and trafficking continued unabated, though authorities did take some positive steps in response.

In April, the Supreme Court directed prosecutors to enforce existing laws banning the use of prenatal diagnostic techniques to determine the sex of the fetus and authorities warned doctors that their names would be removed from the register of the Medical Council of India if they were found to be practicing female foeticide. In June, authorities announced new legislative measures to safeguard women's rights, including a new Domestic Violence Prevention Bill.

There were also positive developments for children's rights. In September, the government announced that a seven-member national commission for children, headed by a retired Supreme Court judge, would be established to implement protections for children enshrined in the Indian constitution. A meeting between Indian and Bangladeshi border guards in October resulted in agreements to strengthen cooperation to stop the trafficking of women and children across the border. According to human rights groups, about 20,000 women and children were trafficked to India from Bangladesh annually. Also in October, the state government of Rajasthan, in an attempt to make child marriage illegal, approved legislation requiring all couples to register marriages with authorities.

In mid-November, the government was considering enacting a modified version of the Terrorist and Disruptive Activities (Prevention) Act (TADA), notorious for facilitating tens of thousands of politically motivated detentions, torture,

and other human rights violations against Muslims, Sikhs, Dalits, trade union activists, and political opponents in the late 1980s and early 1990s. The new proposed Prevention of Terrorism Ordinance (POTO) set forth a broad definition of terrorism that included acts of violence or disruption of essential services carried out with “intent to threaten the unity and integrity of India or to strike terror in any part of the people.” It also made it a crime not to provide authorities with “information relating to any terrorist activity,” and allowed for up to three months of preventive detention without charge. The ordinance came under sharp attack from civil rights groups, academics, lawyers, opposition parties, media organizations, and both religious and secular institutions. The National Human Rights Commission also maintained that existing laws were sufficient to fight the threat of terrorism.

Freedom of assembly nationwide suffered following the beginning of U.S.-led air strikes in Afghanistan on October 7, with student groups and organizations protesting India’s backing of the U.S.-led campaign facing increased harassment from the police. On October 28, seven anti-U.S. protestors were killed when police opened fire on demonstrators in Malegaon, Maharashtra. Local police reportedly had tried to prevent a small group of Muslim protestors from distributing leaflets calling on people to boycott U.S.-made goods and to oppose air strikes in Afghanistan. Authorities claimed that protestors began throwing stones, leading first to a police baton-charge and then police shooting. Three more people were killed the following night when protestors tried to block the main road connecting Malegaon to the capital, Delhi. Police said they used baton charges and tear gas to disperse the crowd and only fired at protestors when that failed.

The government drew sharp criticism from numerous minority groups for selectively banning the Students Islamic Movement of India (SIMI) as part of its post-September 11 actions to counter terrorism while ignoring the “anti-national” activities of right-wing Hindu groups. At least four people were killed when police opened fire on a protest in Lucknow on September 27 following the arrest of some SIMI activists.

Insurgency and increased ethnic violence took a heavy toll in Assam and other northeastern states. In January, the United Liberation Front (ULFA) of Assam that advocates the establishment of a “sovereign socialist Assam” by armed force was blamed for a number of killings and bombings to disrupt elections and protest Republic Day celebrations. The group was also believed responsible for killing a ruling party leader, ten activists, and six political leaders in the run-up to elections in May. Indian federal troops killed at least five ULFA militants in response. In June, protestors opposed to any concessions to Naga rebels in Manipur burned the state legislature building and a former chief minister’s home after the government extended a truce with the rebels.

The conflict in Kashmir remained a flashpoint for violence, as all parties failed to protect civilian non-combatants. On November 19, 2000, Prime Minister Vajpayee declared a unilateral ceasefire, but, shortly thereafter, Jammu and Kashmir police chief A.K. Suri announced that the ceasefire would not affect police counterinsurgency operations. Indian security personnel continued to target Muslim citizens suspected of supporting guerrillas. Arbitrary arrests, torture, and staged

“encounter killings” were reported throughout the year, both when the ceasefire was in effect and after it was lifted on May 23, 2001.

India, like Pakistan, continued to deny political rights and to restrict freedoms of expression and assembly in Jammu and Kashmir. At least six people were killed when security personnel opened fire on demonstrators in Haigam and Maisuma in February. On February 15 in Haigam, forty kilometers north of Srinagar, five people were killed when Indian troops opened fire on demonstrators protesting the alleged killing of pro-independence activist Jalil Ahmed Shah in police custody the day before. In Maisuma, Srinagar on February 16, one person was killed in a similar incident. In both cases the police maintained that they were firing in self-defense.

On May 10, seventeen journalists were beaten by troops of the Indian Border Security Force (BSF) in Magam. The assault took place while the journalists were covering a suicide bomb attack against a BSF camp. The officers implicated were subsequently recalled from Kashmir but as of mid-November no disciplinary action had been taken against them.

July also witnessed a dramatic upsurge in violence in Kashmir with almost two hundred reported deaths in the week following the failed Agra summit between Prime Minister Vajpayee and Pakistani President Pervez Musharraf. On July 22, fifteen Hindu villagers were killed by suspected Islamic militants in Doda district. The attacks came a day after thirteen Hindus were killed while on pilgrimage.

Tensions flared up again after the September 11 attacks on the United States. On October 1, at least thirty-eight people were killed when a suicide attacker drove a hijacked government jeep to the main entrance of the state assembly in Srinagar and detonated explosives loaded in the car. The Pakistan-based Jaish-e Mohammad militant group claimed responsibility for the attack but then retracted the following day.

In the weeks that followed, numerous militants and security personnel were killed in tit-for-tat attacks while tensions heated up along the Line of Control between the Indian and Pakistan-controlled portions of the territory.

## **DEFENDING HUMAN RIGHTS**

The brutal killings of two members of the Andhra Pradesh Civil Liberties Committee (APCLC) within a period of four months sent shock waves throughout the human rights community. In November 2000, T. Puroshottam, Joint Secretary of APCLC was stabbed to death by a group of unidentified men. Puroshottam had been a leading monitor of police abuses. In February 2001, Azam Ali, the district secretary of the Nalgonda branch of APCLC, was hacked to death by two sword-wielding youth. Despite demands from human rights organizations and allegations that police hired former members of armed groups to carry out the attacks, by November 2001 the government had yet to conduct any judicial inquiry.

On July 7 police raided the offices of Bharosa Trust and the Naz Foundation International in Lucknow, organizations that work on HIV/AIDS prevention, arresting several staff members. Although subsequently released on bail, the staff

members were charged under article 377 of the Indian Penal Code, a provision that prohibits “carnal intercourse against the order of nature.” Article 377 has been used repeatedly to justify discrimination and police brutality against gay, lesbian, and bisexual individuals.

The Narmada Bachao Andolan (NBA), one of India’s largest peoples’ movements, continued to protest the construction of large dams on the Narmada river in central India. Protesters highlighting the impact of the project on millions of river valley residents and the government’s failure to adequately rehabilitate affected families continued to face harassment, police abuse, and contempt charges.

The work of rights activists was also hindered by restrictive laws and regulations. In July, the Supreme Court upheld the validity of a Union Home Ministry order requiring that organizations obtain clearance from the ministry before holding international conferences, seminars or workshops if the subject matter was “political, semi-political, communal or religious in nature or is related to human rights.” On October 23, President K.R. Narayanan signed an ordinance empowering both central and state governments to suspend the passports and travel documents of any suspected terrorist, militant or “anti-national element,” or any person suspected of having links with terrorist organizations. At this writing, a bill amending the Indian Passports Act, 1967 to reflect these changes was being considered during Indian parliament’s winter session. Many human rights activists have been labeled by authorities as “anti-national elements.”

The National Human Rights Commission continued to highlight the need for more effective implementation of laws on bonded labor and manual scavenging and issued several directives to state governments to compensate the victims of police and military atrocities. In total, the commission received 71,685 complaints alleging human rights violations in 2000-2001, 41,984 of which were from Uttar Pradesh. State human rights commissions were also set up in Maharashtra and Chattisgarh.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **United Nations**

The year saw a much-heightened international focus on the plight of India’s 160 million Dalits. In August 2001, U.N. Subcommission on the Promotion and Protection of Human Rights expert R.K.W. Goonesekere presented a working paper on work and descent-based discrimination, or caste discrimination, to the subcommission’s fifty-third session. The presentation of the paper, and the ensuing debate amongst subcommission experts that followed, marked the first time that caste discrimination worldwide was treated as a serious rights violation by a U.N. human rights body.

The WCAR held in Durban, South Africa in September, was a watershed for the Dalit movement and for the rights of “untouchables” and other so-called lower-caste communities worldwide. The Dalit contingent of more than 160 activists, led by India’s National Campaign for Dalit Human Rights, was one of the largest at the

conference and drew strong international support from governments, India's National Human Rights Commission, and U.N. Secretary-General Kofi Annan. Dalit NGO efforts met with considerable resistance from the Indian government, which maintained that caste discrimination was an internal matter and used its political and economic leverage to censor any mention of caste in WCAR documents. In the run up to the conference, journalists, anthropologists, political parties, and others in India joined an increasingly mainstream debate on caste discrimination as an issue of international concern. The conference also highlighted caste discrimination as a global phenomenon affecting many Asian and African countries.

### **United States**

The U.S. walked a tightrope in its relations with India and Pakistan following the September 11 attacks. India lobbied hard to ensure that the U.S.' campaign against terrorism would include militants in Kashmir.

After September 11, the Bush White House accelerated the Clinton administration's moves towards closer political and economic relations with India. On September 22, the U.S. lifted the sanctions imposed against India and Pakistan in the wake of nuclear testing by both nations in May 1998, allowing resumption of military equipment sales. The administration planned to increase funding for international military education and training (IMET) of Indian officers from \$500,000 to \$650,000 in the fiscal year 2002. It also planned a boost in bilateral economic assistance from \$5 million to \$7 million.

On November 9 President Bush met with Prime Minister Vajpayee. The U.S. renewed its offer to facilitate talks between India and Pakistan on Kashmir but made no public comments on the Prevention of Terrorism Ordinance.

The U.S. Commission on International Religious Freedom urged the Indian government in May 2001 to more swiftly and explicitly condemn and counteract increasing violence directed towards Christian populations. The panel voiced concern that the government's lack of decisive action created an atmosphere that invited inter-religious violence.

### **European Union**

The E.U. welcomed the July Agra summit between India and Pakistan. Although the summit did not reach any resolution, the E.U. urged both countries to continue their dialogue—a dialogue that seemed far out of reach by mid-November.

In its annual Human Rights Report, the European Parliament called upon the E.U. to investigate the extent to which its policies “contribute to the abolition of caste discrimination and the practice of untouchability in India” and “to formulate strategies to counter the widespread practice [of caste discrimination].” A subsequent parliamentary resolution expressed regret that the final declaration of the World Conference Against Racism failed to highlight caste discrimination.

At this writing, the E.U. and India were preparing for a second annual summit to be held in New Delhi on November 23.

## Japan

On October 26 Japan announced that it too would lift sanctions against India and Pakistan imposed after the 1998 nuclear tests, citing both countries' "efforts to contribute to strengthening the international coalition against terrorism" and increased instability in the region as a result of U.S.-led military strikes in Afghanistan.

## World Bank

India continued to be the World Bank's largest borrower. In June 2001 the World Bank sanctioned four loans and credits to the government of India totaling U.S. \$913.8 million, for a total lending of U.S. \$2.5 billion for the fiscal year (FY) 2001.

The U.S. Foreign Aid Bill for the FY 2002 instructed the United States executive director at the World Bank to vote against any water or sewage project in India that did not prohibit the use of scavenger labor. Though prohibited by law, the government of India employs a majority of the country's estimated one million Dalit manual scavengers for the cleaning of non-flush public latrines.

In an August meeting in Delhi, Indian groups joined trade union leaders from Pakistan, Bangladesh, Sri Lanka, and Nepal to formulate a regional stance against IMF and World Bank policies that reduce jobs and increase layoffs. Over 160 delegates took part in the four-day seminar that also focused on the impact of the World Trade Organization on the developing world.

## Relevant Human Rights Watch Reports:

*Caste Discrimination: A Global Concern*, 8/01

## INDONESIA

**I**ndonesia had another turbulent year, marked by a power struggle in Jakarta and an escalation in regional conflicts. The war in Aceh and an outbreak of communal violence in West Kalimantan produced the most civilian casualties, but conflicts in the Moluccas, Central Sulawesi, and Papua continued to simmer. By October, the number of displaced persons remained well over one million, half of them from the Moluccas.

The government made no serious efforts to address past or current abuses, new human rights legislation notwithstanding. The number of political prisoners rose steadily during the year, with many peaceful political activists charged with "spreading hatred toward the government," an offense associated with the government of former president Soeharto. The justice system remained a shambles.

Defending human rights remained a dangerous occupation, particularly in Aceh, where at least seven rights workers were killed.

Indonesia's bilateral donors showed concern over the regional conflicts, but their main focus was the long drawn-out struggle in Jakarta between the parliament and President Abdurrahman Wahid. That conflict ended peacefully in late July with Wahid's impeachment and the accession to the presidency of Megawati Sukarnoputri. A combination of relief over the transition, delight over some key cabinet appointees, and strategic and economic interests led many donors to rush to support the new administration.

In late 2001, widespread protests in Indonesian cities against the U.S. bombing of Afghanistan, accompanied by some intimidation of Westerners, underscored the difficulties President Megawati faced in balancing domestic political constituencies with external pressures.

## **HUMAN RIGHTS DEVELOPMENTS**

The power struggle between President Abdurrahman Wahid and the Indonesian parliament consumed so much energy of the political elite that all of the country's major problems were left to fester. The Indonesian parliament, following decidedly unclear constitutional guidelines, formally censured Wahid on February 1 and again on April 30 over two financial scandals. At the end of May, the attorney-general ruled there was no evidence of presidential involvement in the scandals, but the parliament continued the de facto impeachment process on grounds of presidential incompetence. On July 23, the People's Consultative Assembly, Indonesia's highest legislative body, ignored a decree from Wahid disbanding parliament and convened a special session during which those present voted unanimously to remove Wahid and replace him with Megawati.

Megawati's first cabinet had some strengths, but her choice of attorney-general was poor. The new minister, M.A. Rahman, was a career prosecutor known for obstructing human rights cases, particularly with regard to East Timor.

The appointment continued a pattern of one step forward, two steps back that marked successive governments' approach to accountability. In November 2000, the parliament passed Law No. 26 setting up new courts to try cases of serious human rights violations. For the first time, crimes against humanity, war crimes, and other crimes of a "widespread or systematic" nature were incorporated into Indonesian law. The law established new courts to try such cases prospectively and provided for the establishment of "ad hoc" courts to prosecute serious human rights abuses that had occurred before the law took effect, including the 1999 East Timor cases.

But President Wahid's attorney-general, Marzuki Darusman, dithered and by the time the Wahid government fell, had failed to set up the courts or proceed with a single prosecution. His accomplice in procrastination was M.A. Rahman, appointed by Megawati to succeed him. As of October 2001, prosecutors for the new courts had been named, as had some but not all of the judges. Indictments were promised for December.

Other problems with accountability surfaced. The Indonesian National Human Rights Commission, known as Komnas-HAM, had been one of the most courageous defenders of human rights during the late Soeharto years. Ironically, it began to lose its critical edge under the democratically-elected Abdurrahman Wahid. Law No. 26 gave Komnas-HAM, rather than the police, responsibility for initial investigations into cases of serious human rights violations, but leading obstructionists within Komnas-HAM itself increasingly blocked action on key cases. A bill in the parliament to set up a national truth and reconciliation commission along the lines of the South African model remained undiscussed as of late 2001. With no interest in prosecutions on the part of the president, the attorney general, or the minister of justice, let alone the military, prospects for accountability looked bleaker than ever.

### **Aceh**

The situation in Aceh deteriorated sharply during the year, and a six-hour visit in September by Megawati to the area made little difference. The 2001 death toll had topped 1,300 by September, and while most of the deaths were civilians killed in the course of military operations, the rebel Free Aceh Movement (Gerakan Aceh Merdeka or GAM) was also responsible for serious abuses.

In early November 2000, Indonesian security forces tried to prevent a rally organized by the Information Center for a Referendum on Aceh (Sentral Informasi Referendum Aceh or SIRA) in the provincial capital, Banda Aceh. They blocked people from reaching the city, including by shooting at sea and land transport; arrested and beat up members of the organizing committee; and raided offices of nongovernmental organizations (NGOs) in the lead-up to the rally. On November 20, the head of SIRA, Muhammad Nazar, was arrested on charges of “spreading hatred” for having hung banners in favor of a referendum and against the Indonesian military during a campus rally the previous August. He was convicted in March 2001 and sentenced to ten months in prison. With time served, he was released in October.

On December 6, 2000, four workers for an organization called Rehabilitation Action for Torture Victims of Aceh or RATA, were stopped outside Lhokseumawe, North Aceh, and abducted by a group of armed soldiers and civilians. Two men and a woman were executed; a fourth escaped and gave testimony identifying several of the killers. Later that month, four civilians and four military men were arrested. The civilians “escaped”—they were almost certainly let go with official connivance—from a police barracks in Medan, North Sumatra on March 22, 2001. One of them was back in Aceh in June, terrorizing local activists. The soldiers reportedly remained in the military police detention center in Medan as of October. Efforts by some within Komnas-HAM to have the RATA murders treated as serious enough to warrant prosecution by the new human rights courts were blocked by some of their own colleagues, and the prosecutor in Banda Aceh maintained in May that he lacked enough evidence to proceed with a trial.

On March 29, a human rights lawyer, Suprin Sulaiman, together with his client, Teungku Kamal, and a driver, Amiruddin, were shot dead shortly after leaving the

South Aceh district police station where Tgk. Kamal had been summoned as a suspect in criminal defamation of the police. In February, he had allegedly helped NGOs rescue five women that they believed were victims of sexual assault by the paramilitary police, Brimob. The women were brought to Banda Aceh where their case was widely covered by the local press. As they were returning home, the police took them into custody, whereupon they changed their stories, saying they had been forced by GAM to accuse the police. The police began targeting all NGO workers and journalists involved in the initial rescue and publicity efforts and formally named several as suspects. They did not proceed with any investigation into the deaths of the three men in South Aceh.

On April 11, President Wahid issued President Instruction (Inpres) No. 4, which effectively authorized increased police-military operations in Aceh. The instruction was issued following the closure of Exxon-Mobil gasfields in North Aceh because of security threats. The decree was roundly denounced in Aceh and the call for its revocation became a rallying cry for political activists province-wide.

Even before Inpres No.4 was issued, the security forces made a practice of retaliatory burnings of houses and shops to punish GAM attacks. On February 28, 2001, GAM took control briefly of the town of Idi Rayeuk in East Aceh. After military forces retook the town of 15,000, they burned it to the ground, causing massive displacement. Similar arson attacks took place throughout the year, despite the fact that on May 22, Brig. Gen. Zamroni, the commander of military operations in Aceh, formally forbade the practice.

In June, an eruption of violence in central Aceh led to hundreds of civilian deaths. It started with a GAM attack on the night of June 5-6 on Javanese settlers, killing more than forty. The next days and weeks saw a ferocious counterattack by the military working in collaboration with a local militia. By early July some 150 people had been confirmed dead by the Indonesian Red Cross and more than eight hundred houses had been burned to the ground.

On August 9, a massacre of thirty-one Acehnese workers took place on the Bumi Flora palm oil plantation in Julok, East Aceh. While both sides blamed each other for the killing, the evidence accumulated by late September suggested that Indonesian security forces were responsible and were intimidating potential witnesses. Reports by fact-finding teams sent by the district government and Komnas-HAM had not been made public by late 2001.

In addition to the killings noted above, several high-profile murders took place that remained unsolved by the end of November. On May 10, 2001, Major General (ret.) Haji Djohan, local leader of Golkar, the former ruling party, was gunned down outside his home in Banda Aceh. On September 1, Zaini Sulaiman, a member of the provincial parliament representing the United Development Party (known as PPP) was slain in front of his home by unidentified armed men. On September 6, Dayan Dawood, the rector of Banda Aceh's Syiah Kuala University, was killed as he was driving home from work in an official car. Neither side acknowledged responsibility for the killings.

Local parliamentarians faced threats from both sides. A legislator from East Aceh, Ghazali Usman, was abducted by GAM after having been named a member of the government fact-finding team looking into the Julok massacre. He had not

been released by early November. Schoolteachers were also targeted. The Indonesian teachers' association noted in September that 135 of its members had been victims of violence in Aceh over the previous two years. Dozens of elementary schools were burned down during the year.

Banda Aceh's main newspaper, *Serambi Indonesia*, was forced to close twice during the year because of GAM threats, once in June and once in August.

Efforts at dialogue proved fruitless. Negotiations between the Indonesian government and GAM, facilitated by the Geneva-based Centre for Humanitarian Dialogue, foundered on mutual lack of trust and effectively broke down in early July when, Indonesia unilaterally withdrew from a security monitoring team. Later that month, police in Banda Aceh arrested six GAM negotiators despite government guarantees of their security. Five of the negotiators were conditionally released on August 29 but the charges against them were not dropped; one continued to be held as of October on the grounds that he held a false passport. New talks were scheduled for early November, but GAM refused to participate unless the Indonesian government dropped its case against the negotiators.

President Megawati signed a law giving autonomy to Aceh on August 11 and made that implementation of that law the centerpiece of her Aceh policy. But the law, changing the name of the province to Nanggroe Aceh Daroessalam (NAD), did not appear to have widespread support, especially as there was little consultation in Aceh before it was passed.

## Papua

Conditions in Papua also continued to worsen. Although the Indonesian government made important political overtures, including a promise of substantial autonomy, to Papuan leaders in response to an all-Papua congress in June 2000, it also returned to a hardline approach.

In late 2000 and throughout 2001, Indonesian security forces intimidated and at times attacked civilians in areas where rebels of the Free Papua Movement (Organisasi Papua Merdeka or OPM) were believed to be active. They at times used indiscriminate or excessive force against pro-independence demonstrators: two Papuans were killed in Fakfak on December 1, 2000, eight in Merauke on December 2, and four in the highland town of Tiom on December 16, all during clashes between pro-independence demonstrators and security forces. Authorities also increased surveillance and harassment of prominent civil society leaders and banned peaceful pro-independence expression. Several activists were put on trial in Wamena, Jayapura, and Jakarta, many of them under the same "spreading hatred" laws used in Aceh.

One of the most highly publicized incidents took place in Abepura, near the provincial capital, on December 7, 2000. After two police officers and a security guard were killed in an early morning raid apparently carried out by pro-independence Papuan highlanders, police retaliated by rounding up scores of sleeping students (mostly highlanders) and other Papuans, beating and torturing many of them for much of the next thirty-six hours. One student was shot and killed, two more died as a result of beatings, and dozens sustained serious injuries. The case

became the subject of a high profile investigation that led investigators to issue a hard-hitting report naming twenty-six police officers as suspects, but no charges were filed and the future of the prosecution remained in doubt as of mid-November 2001.

The worst violence occurred in the Wasior area of Manokwari district, triggered by the murder on April 6 of three plantation workers. Plantation officials claimed the perpetrators were rebels. Security forces responded by launching violent "sweeps" or raids in nearby villages which, according to local rights monitors, left six civilians dead by mid-May. On June 13, five police officers and a logging company employee were killed in an attack police blamed on the rebels, prompting renewed sweeps. By mid-November, there had been dozens of new arrests, several reports of torture, and thousands of people in the region had fled their homes fearing retaliation. Local monitors in November also reported security crackdowns in Ilaga and near Timika following clashes between rebels and security forces.

The Indonesian parliament passed the Papuan autonomy bill on October 23, giving Papuans a greater say in provincial government and allowing provincial authorities to retain 80 percent of local forestry and fishery revenues and 70 percent of oil, gas, and mining revenues. Papuan political leaders, however, continued to demand independence. On November 10, Theys Eluay, a leading Papuan independence leader was abducted and killed outside Jayapura; his family blamed security forces, as international and domestic organizations called for an independent inquiry.

### **Central Kalimantan**

An eruption of violence in Central Kalimantan in February 2001 around the logging port of Sampit, Kotawaringin Timur district, led to indigenous Dayaks killing some five hundred immigrants from the island of Madura, off the coast of East Java, and displacing more than 150,000 people. Many of the killings involved decapitation, and little distinction was made between men, women, and children. The outbreak had complex roots but appeared to be linked to longstanding economic and social grievances of the Dayaks, competition over local resources, and new opportunities for political mobilization along ethnic lines. Muhamad Usop, a Dayak leader who sought the Central Kalimantan governorship, was arrested on May 4 and held briefly on incitement charges.

As elsewhere in Indonesia, police proved incapable of halting the violence, and the army was sent in, further poisoning relations between the police and army.

### **Maluku**

Christian-Muslim violence continued to erupt sporadically in the Moluccas. The government made no effort to remove Laskar Jihad, the Java-based Muslim militia that arrived in the province by the thousands in 2000. Its members continued to be responsible for human rights violations. In early 2001, evidence emerged of Laskar Jihad forcing several hundred Christians from Teor, Ceram and the island of Kesui to convert to Islam and circumcising men and women alike. On May 4, the

Wahid government finally took action against the head of Laskar Jihad, Jafar Umar Thalib, but not for any of his actions as commander of a private army. Instead, he was charged with murder for sentencing one of his followers to execution by stoning and having a crowd proceed to kill the confessed adulterer. The arrest appeared to prompt a new wave of violence that killed eighteen Christians by the end of May. On June 14, a botched raid by an army battalion on a Laskar Jihad post left twenty-two Muslims dead. On August 8, Megawati's vice-president, Hamzah Haz, made a point of meeting with Jafar Umar Thalib and Laskar Jihad members. While he urged them to abide by the constitution, the meeting gave the group new legitimacy.

In June, Alex Manuputty, the Christian militia leader and founder of the Front for Maluku Sovereignty, was arrested on charges of rebellion. He was sentenced to four months in November.

### **East and West Timor**

No one was brought to justice by November for the 1999 crimes in East Timor. Half-hearted efforts by the attorney general's office during the year to set up an ad hoc tribunal to try people originally named in September 2000 as suspected perpetrators of serious crimes came to nothing. The tribunal needed a recommendation from the parliament to the president and then a presidential instruction. When President Wahid finally issued the instruction in April, it only allowed for prosecution of crimes occurring after the August 30, 1999 referendum. After protests, the instruction was returned to the Ministry of Justice for rewriting. The reworded decree was issued in August by President Megawati in one of her first acts after taking office, but it remained flawed, as it only allowed for prosecution of two cases from before August 30, 1999, that the attorney general's office had deemed a priority. It thus weakened the possibility of examining the whole pattern of state policy that would be critical to establishing a crimes against humanity case.

In the meantime, the six alleged killers of the three United Nations High Commissioner for Refugees (UNHCR) workers, murdered in Atambua, West Timor, on September 6, 2000 were brought to trial in January 2001. On May 4, they were sentenced to prison terms ranging from ten to twenty months. They had only been accused of assault, apparently at the direction of the man who became Megawati's attorney general, M.A. Rahman, but even that charge could have resulted in a twelve-year sentence. The leniency of the sentences was widely condemned internationally.

Eurico Guterres, the East Timorese militia leader responsible for much of the 1999 violence in the city of Dili, was charged in relation to another incident in Atambua that took place on September 24, 2000 shortly after the UNHCR killings. Accused of incitement for resisting efforts of authorities to disarm the militias, he was sentenced to six months in prison by the North Jakarta district court on April 30, 2001, but, credited with time spent under house arrest, he served only twenty-three days before being released.

Little progress was made toward addressing the 1999 violence in East Timor. As of September, some 50,000 East Timorese remained in West Timor. A June 6, 2001

registration of that population conducted by the Indonesian government found that 98.2 percent wished to stay in Indonesia, but it was unclear to what extent the refugees had access to relevant information and felt able to answer freely. Only the views of “heads of households”—usually men—were surveyed. Many refugees were expected to return in the aftermath of the peaceful election in East Timor on August 30.

## **DEFENDING HUMAN RIGHTS**

At least seven human rights defenders were killed in Aceh between November 2000 and October 2001, including the three RATA workers mentioned above. Muhamad Efendi Malikon, thirty-five, secretary of a human rights organization called Care Forum for Human Rights—East Aceh (Forum Peduli HAM-Aceh Timur) was killed on February 28 in Peukan Langsa village, Langsa Timur subdistrict, East Aceh. His body was found shortly after the vehicle in which he was riding was stopped at a checkpoint by the paramilitary police, Brimob. At the time, he was carrying a substantial amount of money to turn over to widows whose husbands had been the victims of human rights violations in 1991.

Suprin Sulaiman, a lawyer with Koalisi-HAM in South Aceh, was killed on March 29 after accompanying his client to an interrogation session by police. (See above.)

Yusuf Usman, another member of Forum-Peduli HAM-Aceh Timur, was killed on September 8. Jafar Syehdo, fifty-seven, a volunteer with the Indonesian Red Cross (Palang Merah Indonesia, PMI) was found shot to death on October 3 in Bireun. The PMI is the only humanitarian organization with a province-wide field operation; among its tasks is the recovery of bodies of victims of the conflict.

No progress was made in the investigation of the death of Jafar Siddiq Hamzah, human rights lawyer and founder of the International Forum on Aceh, whose stabbed body was found north of Medan, North Sumatra in September 2000.

Acehnese human rights monitors trying to investigate abuses were routinely hampered by the security forces, sometimes through short-term detention.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

International attention focused largely on the power struggle over the presidency, the economy, the transition to democracy, and regional conflicts. Donors continued to express frustration, often publicly, at Indonesia's failure to make headway in bringing human rights abusers to justice, particularly in relation to the 1999 violence in East Timor and the September 2000 killing of the three UNHCR workers.

The resumption of military aid to Indonesia was a major issue for many donors and their respective publics. In August, the *Jakarta Post* announced that the United Kingdom (U.K.) would resume arms sales to Indonesia, quoting U.K. Foreign Office Minister Ben Bradshaw as saying Britain had accepted Indonesian army

assurances that the arms would not be used for internal repression. The U.S. also decided to “re-engage” the army, without, however, resuming sales of lethal weapons.

### **United Nations**

The U.N. Security Council continued to be concerned about Indonesia’s failure to make any progress toward accountability for the 1999 violence in East Timor and the situation of East Timorese refugees in West Timor. In a visit to Jakarta in mid-November 2000, a Security Council delegation stressed the need for speedy resolution of the refugee problem and progress in bringing human rights abusers to trial. On May 4, Secretary-General Kofi Annan took the unusual step of issuing a statement expressing outrage at the light sentences handed down by a Jakarta court against the killers of the UNHCR workers.

The U.N.’s Office for the Coordination of Humanitarian Affairs (OCHA) continued to be active in Indonesia. On February 27, it sent two missions to Kalimantan to look into the impact of the Dayak-Madurese violence, particularly as it related to the internally displaced. In late August, OCHA opened a small office in Aceh to coordinate humanitarian aid, and it continued to be active in the Moluccas.

In late 2000, the United Nations Development Program launched a program called “Partnership for Governance Reform” through which it coordinated aid programs from several donors in efforts to strengthen democracy and civil society. Program areas included strengthening of parliamentary institutions; electoral reform; civil society participation; legal and judicial reform; anti-corruption efforts; decentralization and civil society reform; and police reform. The Asian Development Bank, World Bank, and several bilateral donors including the Netherlands and Nordic countries were among the initial donors.

On November 22, 2000, five U.N. human rights experts issued a joint statement of concern about the deteriorating situation in Aceh. Francis Deng, the U.N. special rapporteur for internally displaced persons, visited Indonesia during the last week in September.

Indonesia presented its first report to the Committee against Torture in November 2001; in doing so, it announced that it would ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights by the end of the year.

### **European Union**

The E.U. continued actively to strengthen relations with Indonesia, while also exploring ways to resolve regional conflicts. On December 13, 2000, in response to a proposal from the European Commission to develop closer relations with Indonesia, the European Parliament expressed concern about factors undermining democratization in Indonesia, including lack of accountability for human rights abuses, the continued role of the armed forces in government, and the ongoing conflicts in the Moluccas, Aceh, and Papua. It supported further aid for Indonesia

as long as attempts were made to resolve those conflicts, human rights were substantially improved, and the corruption problem was addressed.

In May, the E.U. echoed Kofi Annan's protest over the light sentences given the six men found guilty of the deaths of the UNHCR workers. In a statement issued on May 10, the E.U. welcomed the Indonesian attorney-general's declared intent to appeal the sentences and pointedly recalled Indonesia's earlier commitment to the United Nations Commission on Human Rights that the trials of the suspects be conducted in conformity with international standards of justice and fairness."

The E.U. repeatedly called on Indonesia during the year to implement Security Council Resolution 1319 with regard to disarming the militias in West Timor and facilitating the return of East Timorese there.

### **United States**

Both Congress and the Clinton administration condemned the murders of the UNHCR workers in West Timor, and urged the indictment of senior military officials responsible for the violence in 1999. Accountability in general remained high on the agenda of the U.S. embassy in Jakarta.

The U.S. was actively engaged in supporting dialogue and strengthening civil society in Aceh. In March, the State Department denied reports in the Indonesian press that the U.S. was backing an Indonesian military offensive in order to secure the Exxon-Mobil gasfields, saying that it was instead urging restraint and a "comprehensive political solution." U.S. diplomats repeatedly reiterated their support for Indonesia's territorial integrity.

Megawati Sukarnoputri became the first head of state to visit the U.S. in the aftermath of the September 11 attacks in New York and Washington. Rather than cancel the long-planned visit, the Bush administration used it to secure Indonesia's cooperation in opposing global terrorism. The administration had earlier decided to expand contacts with the TNI, lifting some of the sanctions that had been in place since the East Timor violence in 1999, including a ban on non-lethal commercial arms sales, and used the visit to announce this. Restrictions on foreign military sales (FMS), U.S.-government financed arms sales, and international military education and training (IMET) programs remained in place in accordance with provisions of the so-called Leahy Amendment.

The U.S. also promised bilateral assistance for judicial reform and carried out some limited police training in areas such as crowd control and counternarcotics efforts. The U.S. Export-Import bank gave a U.S. \$3.2 million credit to Indonesia in May for police equipment for forensics work.

Indonesia's failure to curb threats against Americans by radical Islamic groups following September 11 led to U.S. protests that its citizens and interests were not being sufficiently protected.

### **Japan**

Japan quietly urged President Wahid to move forward with setting up the ad hoc

tribunal on East Timor. While not objecting to military operations in Aceh, Japanese officials urged both Indonesian security forces and GAM to exercise restraint. Japan continued to be Indonesia's largest donor. Its aid programs included some training in community-based policing.

President Megawati visited Japan in September and met with Prime Minister Junichiro Koizumi. The two leaders expressed opposition to terrorism. Megawati asked for Japanese aid and private investment; she also sought rescheduling of Indonesia's debt (more than \$2.7 billion) to Japan. Koizumi agreed to consider her requests in advance of the donor conference in November.

### **Australia**

Relations with Indonesia, seriously strained by Australia's role in the East Timor crisis in 1999, improved somewhat with the visit to Canberra by President Wahid in late June 2001—the first visit by an Indonesian president in twenty-six years. According to press reports, he assured Prime Minister John Howard that prosecutions would take place for serious crimes committed in East Timor in 1999.

Prime Minister Howard became the first head of state to visit President Megawati after her accession to the presidency in July. On his return to Australia, Howard declared that the two countries had put their differences over East Timor behind them.

Relations quickly became strained again in August, however, over the issue of asylum-seekers and undocumented migrants seeking to enter Australia from Indonesian waters. Indonesia is not a party to the 1951 Refugee Convention.

### **International Financial Institutions**

In February, the World Bank launched a new three-year country assistance strategy for Indonesia, criticizing the high level of debt and corruption. It announced that it would lend only \$492.7 million for fiscal year 2001, down from the average of \$1.3 billion annually from 1990-1997. The bank also urged adoption of an agreement with the International Monetary Fund (IMF) that would allow disbursement of a \$400 million loan held up since late 2000. The loan was eventually disbursed on September 10, 2001.

President Megawati met with World Bank President James Wolfensohn in September; he stressed the need for progress on legal and judicial reform before the bank could consider increasing its lending.

### **Relevant Human Rights Watch Reports:**

*The War in Aceh*, 8/01

*Violence and Political Impasse in Papua*, 7/01

## MALAYSIA

**T**he government of Mahathir Mohamed, beginning his third decade as prime minister, continued to crack down hard on potential political challengers, arresting key opposition leaders, banning political rallies, and breaking up public gatherings with force.

The year began with the prime minister's popularity in decline. In November 2000, the ruling coalition suffered a by-election defeat in Mahathir's home district in Kedah state and the government faced increasingly vocal opposition protests. In response, it turned the draconian Internal Security Act (ISA) against its political opponents. Among those targeted under the ISA, which allows detainees to be held indefinitely without charge or public airing of the evidence against them, were minority Shi'a Muslims, supporters of jailed former Deputy Prime Minister Anwar Ibrahim, and youth leaders in the opposition PAS (Partai Islam Se-Malaysia) party, although individuals linked to specific violent acts were also among those detained. In the wake of the September 11 attacks in the United States, authorities used global concern with terrorism to justify their actions.

### HUMAN RIGHTS DEVELOPMENTS

The government detained six Shi'a Muslims under the ISA between October 2000 and January 2001, three of whom reportedly were still being held in November. Other ISA detentions of Shi'a Muslims in previous years were said by government officials to be necessary to prevent "religious disharmony" that could damage the nation's political and economic development.

On November 5, 2000, police punched and kicked participants at a peaceful demonstration outside the city of Klang, fired tear gas and water cannons, and arrested 126 people demonstrating in support of Anwar Ibrahim. The National Justice Party (Partai Keadilan Nasional or Keadilan), founded by Anwar's wife, Wan Azizah, had applied for but been denied a permit to hold the demonstration.

In January, nine government opponents were arrested and charged with rioting in the run-up to the November 2000 by-election in Kedah. The nine were accused of trying to prevent busloads of supporters of the ruling coalition (Barisan Nasional), whom they believed were traveling to the area to vote illegally, from reaching the polls.

In January, police also forcibly prevented political speeches and stopped cultural displays at a multi-cultural festival organized by the opposition, despite having issued a permit for the festival. Police also stopped a book launch party at a restaurant attended by more than 1,000 former Labour Party members. The book was a historical account of the leftist party disbanded three decades ago.

In February, police arrested four protestors, including Keadilan Vice-President Tian Chua and columnist/filmmaker Hishammuddin Rais, at a demonstration

calling for former Attorney General Mohtar Abdullah to be for abuse of power in conducting the prosecution of Anwar. On February 14, police used tear gas and water cannons to disperse 15,000 to 20,000 people at a Keadilan political rally in Kampung Lahar, held on private property. Police had refused to grant a permit for the rally.

On February 9, Marina Yusoff, former vice president of Keadilan, was fined 5,000 ringgit (approximately U.S. \$1,315) for asserting in a speech in September 2000 that the ruling coalition had sparked anti-Chinese riots in 1969 following a local election defeat. On March 5, Keadilan youth leader Mohamed Ezam Mohamed Nor was arrested and subsequently charged with sedition for remarks published in *Mingguan Malaysia* newspaper in which he reportedly stated that he would continue leading street demonstrations until the government was brought down. On March 6, police arrested nine people who held a candlelight vigil for him outside a police station. Ezam was released on bail on March 13, but, as described below, was subsequently rearrested less than a month later under the ISA.

Ethnic violence broke out on March 9 when ethnic Indians and Malays clashed in Kampung Medan, a poor quarter of Kuala Lumpur. Police reported that six people, including five of Indian origin, were killed and over fifty injured. Most of the wounded were also ethnic Indians. Four opposition party leaders jointly challenged the official casualty figures, suggesting the actual figures were higher: in response, the government threatened to charge them with sedition, though no charges were ultimately brought. Indian community representatives continued to demand further investigation.

On April 10-11, just days before public protests planned to mark the second anniversary of the sentencing of former Deputy Prime Minister Anwar Ibrahim, the authorities detained seven opposition leaders under the ISA, then three other people in the following days. Most of the ten, who were all held incommunicado until May 4, were members of Keadilan. The authorities alleged that they were plotting to overthrow the government but produced no evidence to substantiate this. On May 30, in an unusual and courageous ruling Judge Hishamuddin Yunus ordered the release of two ISA detainees on a writ of habeas corpus, and suggested that the parliament should review and either scrap or amend the ISA to reduce its potential for abuse. By mid-November, authorities had released three more detainees, but five had been served with two-year detention orders and were being held at the Kamunting Detention Centre. The five are: Tian Chua, Ezam Mohamed Noor, Hishammuddin Rais, Saari Sungib, and Lokman Nor.

In July, the authorities detained two student activists, Khairul Anuar Ahmad Zainuddin and Mohamad Fuad Mohamad Ikhwan, under the ISA, the former for twenty three days and the latter for ten days.

Also in July, the government banned all political rallies stating that they would undermine the country's security. When PAS subsequently planned a series of meetings to protest the policy, police refused to grant permits and dispersed those who attempted to attend. On August 2-4, police arrested an additional ten people under the ISA, all of whom were affiliated with or supporters of PAS, including four prominent youth leaders. The authorities said the ten belonged to a group that planned to overthrow the government, sometimes labeling the group the Malaysian

Militant Group and sometimes the Malaysian Mojahedin Group. One of those detained, Nik Adli Nik Aziz, was the son of a leading PAS official. The authorities alleged he had received military training in Afghanistan and had learned bomb making from Muslim rebels in the Philippines, but he denied this and PAS leaders emphasized that they used only peaceful, democratic means in their struggle against the ruling coalition. As of mid-November, nine of the ten remained in custody after being served two-year detention orders.

Four days after the September 11 attacks in the United States, Deputy Prime Minister Abdullah Ahman Badawi sought to justify the ISA as providing “an initial preventive measure before threats get beyond control,” and on October 10 two other alleged members of the Malaysian Mojahedin Group were detained under the act. PAS leaders, however, dismissed the detentions as a “political ploy” and challenged the government to bring charges and produce the detainees in open court.

The government maintained important restrictions on press freedom. Under the Printing Presses and Publications Act, newspapers were required annually to obtain licenses to publish from the government and those held to have breached the terms of their license could be restricted or shut down. The PAS organ *Harakah*, formerly a biweekly publication, continued to be restricted to two issues per month for allegedly breaching the terms of its license in 2000 by selling to non-PAS members. In March, editions of both *Far Eastern Economic Review* and *Asiaweek*, which had been chronicling the growing opposition to Mahathir and signs of political unrest, were held back by government censors. Mahathir had complained that the photo of him on the cover of an earlier edition of *Asiaweek* had made him look like “an idiot.”

Authorities also appeared to be struggling for a way to rein in independent Internet daily *malaysiakini.com*, winner of an International Press Institute 2001 Press Freedom Award. As part of its effort to promote Malaysia’s multimedia corridor, the government had promised there would be no Internet censorship, and Internet sites were exempt from media licensing provisions. Early in the year, ministers accused *malaysiakini.com* of receiving funds via a Bangkok press group from financier George Soros, long pilloried in the government-controlled Malaysian press as personally responsible for the Asian economic crisis in 1997. On February 11, an information ministry official said that *malaysiakini.com* would be barred from covering government press conferences “because their credibility is doubtful.” On May 23, the deputy home affairs minister told parliament that the government was monitoring “every article” published by *malaysiakini.com* to ensure that its writings did not upset public order.

The threat of multimillion dollar libel awards against journalists and media publications, said to be the highest such awards among the fifty-four countries of the Commonwealth, also continued to limit press freedom. A Bar Council publication in March noted that, since businessman and one-time Mahathir insider Vincent Tan won a 10 million Ringgit (approximately U.S. \$2.2 million) judgment against a group of media defendants in 1994, more than seventy libel cases had been filed against journalists and media defendants, many seeking millions of dollars in damages.

Serious questions remained about the independence of the judiciary. In March,

the Kuala Lumpur Bar Committee issued a memorandum concluding that “the administration of justice in Malaysia is in its darkest hour since independence.” By early November, however, a number of developments suggested that the appointment in December 2000 of respected jurist Dzaiddin Abdullah as chief justice was beginning to have a positive impact. On March 15, former police chief Abdul Rahim Noor was sentenced for the prison beating of Anwar Ibrahim, though only to a two-month term. In June, a federal court dismissed contempt charges that had been laid against Anwar’s lawyer, Zainur Zakaria, when he petitioned for the removal of two of the prosecutors during Anwar’s trial. The May 30 decision of Judge Hishamuddin Yunus to order the release of two ISA detainees was also a powerful reassertion of judicial independence.

In another important decision on June 8, high court judge Muhammad Kamil Awang overturned the results of the March 1999 state elections in Likas (Sabah) after finding that the electoral roll included nonexistent voters. (Sabah’s three million population includes an estimated 500,000 immigrants, mostly from neighboring Indonesia and the Philippines). The judge also sparked a police investigation into improper judicial interference when he disclosed that one of his superiors had ordered him in 1999 to dismiss the case.

On October 16, prominent human rights lawyer Karpal Singh was put on trial for sedition for comments he had made in January 2000 while lead defense counsel for Anwar Ibrahim. Following reports that increased levels of arsenic had been found in Anwar’s blood, Singh had suggested in court that “people in high places” were trying to poison his client. He faced up to three years in jail if convicted.

It was a difficult year for migrant workers. In May, the government announced plans to expel 100,000 illegal migrant workers. Government figures showed that 50,953 illegal immigrants were detained in nationwide operations between January and the end of June. In August, the government announced plans to amend the Immigration Act to punish illegal migrant workers and employers who engage them with imprisonment and caning. Officials justified the measures as necessary to stem the influx of illegal migrants, who they blamed for an increase in serious crime.

## **DEFENDING HUMAN RIGHTS**

Human rights groups continued to play a critical role in investigating and publicizing abuses. In response to the increased use of the ISA, rights groups such as Aliran, Hakam, and Suaram (Suara Rakyat Malaysia) helped form a new umbrella organization called AIM (Abolish ISA Movement), which campaigned actively on behalf of detainees’ rights and for repeal of the law. Some human rights workers were among those detained: Badaruddin Ismail (also known as Pak Din), a member of Suaram’s secretariat, was among those detained under the ISA. He was released on June 5.

With the government still exerting substantial control over major media outlets, Malaysia’s alternative media and rights groups were also important sources of independent information about human rights and related developments.

Malaysia's national human rights commission (Suhakam), established by the government in late 1999, also began to speak out more forcefully, though its performance was uneven. It called for review of the ISA and urged the government, unsuccessfully, to allow Anwar to travel to Germany for surgery for back injuries that he apparently sustained as a result of being beaten in custody. In early August, Suhakam criticized the police in a report on freedom of assembly. The commission said police had refused to grant permits for public gatherings without adequate justification, and had given protestors insufficient time to disperse and used excessive force against them. It called for amendment of the Police Act to remove the police permit system and require only that police be given advance notice of an assembly, to provide that any conditions should not restrict free expression, and to require the police to exercise restraint in dispersing demonstrators. The commission also recommended amendment of the Public Order (Preservation) Act 1958, which it said unduly restricted freedom of assembly. Later in August, Suhakam published the results of its five-month inquiry into police conduct in connection with the November 2000 Keadilan-sponsored rally near Klang. The commission accused the police of using excessive force in crowd control and in the arrest and treatment of detainees. The government said it would study Suhakam's findings and recommendations.

The trial of Irene Fernandez, head of Tenaganita (Women's Force), already the longest trial in Malaysian history, entered its sixth year. Fernandez faced three years in prison if convicted on charges of malicious publishing for her July 1995 memorandum on abuses in immigration detention centers. Several former detainees testified in 2001, corroborating allegations in the report of the existence of torture and sexual abuse in the camps.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

The continuing crackdown in Malaysia evoked little international response either in the region, including from Japan, the country's largest bilateral aid donor and one of its most important investors, or from Western governments.

In April 2001, Foreign Minister Syed Hamid complained when a dozen foreign Malaysia-based diplomats attended a private briefing by Wan Azizah on the health of her husband, Anwar Ibrahim. The minister said he would summon the diplomats and explain to them "the actual political situation" in Malaysia.

The Bush administration shifted its position on Malaysia following the September 11 attacks. In late June, Wan Azizah visited Washington and met senior U.S. State Department officials and members of Congress. A few weeks later, Syed met with U.S. Secretary of State Colin Powell and was reportedly told that a meeting between President Bush and Prime Minister Mahathir could take place only if there were progress on Anwar's case and in the treatment of political dissidents. However, when Mahathir and Bush met at the Asia Pacific Economic Cooperation (APEC) summit in Shanghai in late October, Bush reportedly made no public comment on Malaysia's human rights record.

## PAKISTAN

General Pervez Musharraf took steps that further consolidated the army's authority and all but ensured that any future government would operate under military tutelage. With media attention focused on internal unrest following Pakistan's break with the Taliban and its public support for the United States-led intervention there, Musharraf's movement toward establishing a controlled democracy faced little international opposition. Musharraf arguably emerged from the political realignment that occurred following the September 11 attacks on the U.S. in a stronger position. He reshuffled the military corps command so as to marginalize key Taliban backers; arrested leaders of religious parties who challenged his authority; and secured a critical rescheduling of Pakistan's debt, donor commitments of new loans, and the lifting of existing sanctions. Nevertheless, the potential domestic fallout from a prolonged U.S. presence in Afghanistan and the possibility of a Northern Alliance-dominated government emerging in Afghanistan left Musharraf clearly discomfited by November.

Mainstream political parties continued to operate under tight constraints. A ban on rallies remained in force, and the authorities detained thousands of political party members and activists to forestall planned demonstrations against government policies and continued military rule. The government used a draconian accountability law that it introduced shortly after the October 1999 coup as leverage in a largely unsuccessful attempt to fashion a pliant party leadership.

### HUMAN RIGHTS DEVELOPMENTS

The formation of the multiparty Alliance for the Restoration of Democracy (ARD) on December 3, 2000, posed the first major challenge to military rule and remained a principal target of the Musharraf administration during the first months of the year. The alliance brought together by the country's two largest political organizations—the Pakistan Muslim League (PML) of deposed Prime Minister Nawaz Sharif and the Pakistan People's Party (PPP), led by the self-exiled former prime minister Benazir Bhutto—with the avowed aim of restoring parliamentary government through immediate elections. In an apparent effort to forestall the alliance from pursuing its objectives and to control any restoration of parliamentary government, the Musharraf administration lent tacit support to a group of dissidents within the PML who had broken with Sharif after the coup and who opposed the formation of the alliance.

The National Accountability Ordinance was a key instrument in this effort. The ordinance, enacted in November 1999 ostensibly to facilitate prosecution of officials and other leaders for corruption and other illegal acts, combined unchecked powers of arrest, investigation, and prosecution in a single institution, the National Accountability Bureau (NAB). The ordinance provided for detention of suspects for up to ninety days without charge, abolished bail, and established special

accountability courts. Additional provisions required that trials be conducted within thirty days of charges being filed, effectively limiting defendants' ability to arrange an adequate defense, and automatically barred those convicted under the ordinance from holding public office for twenty-one years.

Although linkages could not conclusively be drawn, events suggested that the government withdrew accountability cases against PML leaders or improved conditions of detention in exchange for obtaining their support for the dissident faction or their resignation from party posts. Syed Ghous Ali Shah, who had been held by NAB since his April 2000 acquittal in a plane hijacking conspiracy case against Sharif and his senior aides, resigned as the PML president for Sindh province on March 2, 2001; the move was followed by Shah's transfer from NAB custody to a hospital. On March 8, before new elections for a party president were held, about two hundred pro-dissident activists of the Sindh PML youth wing forcibly occupied the PML office in Karachi. Police were subsequently deployed in the area, but did not interfere with the takeover. Within days of the occupation, an accountability case was withdrawn against the Sindh PML youth wing leader.

In April, the Pakistan Supreme Court ordered the government to modify the ordinance to restore the right to bail and reduce pretrial detention to fifteen days. However, the court order did little to limit the potential for selective application of the law; detention periods could be extended at the court's discretion, and the burden of proof remained on the accused.

The other major devices employed by the government to limit opposition political activity were the Maintenance of Public Order (MPO) ordinance, which broadly prohibited any speech deemed "likely to cause fear or alarm to the public" or "likely to further any activity prejudicial to public safety or the maintenance of public order," and a ban on "political meetings at public places, strikes and processions" that was imposed in March 2000. Officials announced in August that they would lift the ban ninety days before the general elections scheduled to take place in October 2002.

On two separate occasions, authorities arrested hundreds of ARD leaders and activists to forestall planned protests. On March 20, police in Punjab carried out mass arrests to prevent the ARD from holding a rally that had been planned for March 23; ARD leaders said that about two hundred party members were detained in Lahore alone and some 2,500 throughout Punjab. A second rally, planned for May 1 in Karachi, was similarly suppressed. According to the Sindh home secretary, Mukhtar Ahmed, about 850 ARD members had been taken into "protective custody" throughout the province as of April 30. On May 1, protesters clashed with police across Karachi, chanting, waving placards, and throwing stones. Police responded with baton charges and tear gas, arresting three hundred people.

Regional parties were also prevented from holding planned protests. On April 9, police in Karachi used batons, fired tear gas, and arrested about ninety people, many of them women, who were protesting against water shortages in Sindh province. Two days later, police arrested thirty activists of the Muttahida Qaumi Movement (MQM) and Jay Sindh Qaumi Mahaz (JSQM) after they arrived outside the Karachi Press Club to begin a fast to protest the shortages.

For much of the year, the authorities enforced the ban on political meetings

selectively. They prevented mainstream political parties from holding meetings, but allowed religious parties to hold regular meetings and processions in most parts of the country. This changed after September 11, however, when Musharraf announced his administration's support for the U.S.-led anti-terrorism coalition. Religious parties that continued to mobilize protesters in support of the Taliban, or who explicitly challenged Musharraf's authority, faced arrest.

On October 7, North West Frontier Province (NWFP) authorities placed Maulana Fazlur Rehman, leader of the Jamiat Ulema-i Islam (JUI), and Maulana Samiul Haq, leader of a JUI splinter party, under house arrest. On October 22, more than one hundred members of the JUL and the Jamiat-e Islami (JI) were arrested in Sindh, reportedly to thwart plans by the parties to stage a sit-in at Jacobabad, site of a Pakistani air base used by U.S. military personnel. On November 3, authorities placed JI head Qazi Hussain Ahmed under house arrest to prevent him from participating in an anti-U.S. rally in the Bajaur tribal agency bordering Afghanistan. Two days later, the government filed sedition charges against Ahmed; although details of the charges were not specified, Ahmed had two weeks earlier accused the government of working against national interests in a speech in Rawalpindi, near the federal capital.

The withdrawal of government support from the Taliban starting in September and the government's decision to back U.S.-led military action in Afghanistan also triggered public protests in Quetta, the capital of Baluchistan province. On October 8, police clashed with protesters at rallies in Quetta involving some seven to eight thousand demonstrators, many of them Afghan refugees. On October 9, three Afghan refugees were shot dead by police in Kuchlak, a small town close to Quetta, with police reportedly failing to give warnings or use teargas or other means to control the mob before opening fire.

The militarization of civilian institutions, a trend already observable during Nawaz Sharif's second term in office, continued under Musharraf. According to official records cited by the respected Lahore-based weekly *Friday Times*, at the beginning of the year about 175 serving and retired military officers held high-level civilian posts. In addition, Musharraf had established a countrywide network of army monitoring teams to supervise and assist in the functioning of the civilian bureaucracy. The teams were constituted at the provincial, regional, and district levels and consisted of army personnel, Directorate of Military Intelligence personnel, and members of the Inter-Services Intelligence Agency's field units. In practice, local observers claimed, the teams interfered with the autonomy of the civilian bureaucracy and frequently disregarded civil procedure laws.

At the executive level, Musharraf initiated moves that institutionalized his personal authority and formalized the military's role in governance. On June 20, he amended his 1999 Proclamation of Emergency Order, formally dissolving the suspended national and provincial assemblies, and issued a President's Succession Order enabling him to assume the presidency the following day. How long his term of office would last was not clear. Musharraf justified his actions as being necessary to ensure political and economic stability. On July 4, Musharraf issued an order reconstituting the National Security Council (NSC) that he had established immediately after the coup. Under the new guidelines, it would aid and advise the presi-

dent on “Islamic ideology, national security, sovereignty, integrity, and solidarity of Pakistan.” The revamped NSC was to be chaired by the president and consist of the chairmen of the joint chiefs of staff committee; the naval, army, and air force chiefs; provincial governors; and “such other members as may be appointed by the president in his discretion.” The government also announced on August 14 that it would promulgate new constitutional amendments in 2002 aimed at introducing checks and balances in government. Officials said that the proposed amendments would be opened for public debate but would be finalized by June 30, 2002 without a public referendum.

In July, the government barred twenty-five candidates from the Jammu and Kashmir Liberation Front (JKLF) from contesting assembly elections in the Pakistan-held portion of Kashmir, known in Pakistan as Azaad Kashmir, after they refused to sign a declaration pledging their support for the accession of Kashmir to Pakistan. Several dozen JKLF supporters were also arrested during protests over the elections.

Candidates associated with the mainstream political parties took the lion’s share of the seats in the non-party local government elections, dealing a setback to government ambitions of establishing local bodies that were not bound to provincial political interests and were directly accountable to the federal government. While accepting the need for accountable government at the local level, Pakistani human rights activists faulted the design and implementation of the administration’s plan. Election planners had reserved 33 percent of the seats for women in an affirmative effort to increase women’s participation in the political process. But during local government elections held on March 21 and July 2 in parts of the North-West Frontier Province, women voters were reportedly threatened and intimidated from voting and running for office by conservative religious activists. The election results in these areas were nevertheless upheld.

Many voters belonging to religious minorities boycotted the local government elections after federal authorities disregarded demands by minority nongovernmental organizations and community leaders to hold the elections on the basis of a joint electorate. Introduced at the national and provincial levels by Pakistan’s last military ruler, General Mohammad Zia-ul-Haq, the separate electoral system reserved a limited number of seats for each minority community and limited the franchise of non-Muslim citizens to the seats that had been allotted to their respective communities. The system was widely criticized by minority activists as having contributed to their communities’ political marginalization.

Under the Musharraf administration’s local government plan, seats were reserved for minorities in districts and sub-divisions of districts where they form 10 percent or more of the population. Of the 210 seats reserved for minorities in Sindh’s Larkana division, which had a large Hindu population, only fifty-six declared candidates during the first phase of the local government elections, in December 2000; of those, fifty-two ran unopposed. A similar pattern was observable in several districts of Punjab with significant Christian minorities.

The government promptly condemned an October 28 attack on a Christian congregation in the southern Punjab town of Bahawalpur, and ordered an investigation into the incident. Eighteen people were killed when masked gunmen entered

St. Dominic's Church, locked the doors, and fired at the assembled worshippers. Although Bahawalpur has been scarred by sectarian violence between Sunni and Shi'a Muslims in recent years, human rights investigators said it was the first attack directed at Christians in the area.

In September 2000, the government established the Commission on the Status of Women. Despite its directive to safeguard and promote women's rights, the commission had few powers to implement its mandate and in 2001 made little progress in the way of setting forth concrete recommendations. Human rights activists decried continued impunity and lenient sentences for so-called honor crimes against women, the practice of punishing women said to have brought dishonor to their families.

The government officially closed Pakistan's border with Afghanistan in November 2000, citing an inability to absorb additional refugees. The border remained formally closed throughout 2001, though refugees continued to make their way to Pakistan, with about 200,000 entering the country between September 2000 and September 2001, and a further 150,000 arriving after the start of U.S.-led bombing on October 7. The government attempted at the beginning of the year to prevent the registration of new arrivals, deported thousands of undocumented Afghans who were already living in the country, and sought to uproot a large, established refugee community at Nasir Bagh, near Peshawar. A screening agreement reached with the United Nations High Commissioner for Refugees (UNHCR) in August, after protracted negotiations with the government, was shelved after the September 11 attacks on the U.S. a temporary relocation of UNHCR's international staff. The government subsequently identified a number of sites near the border where it proposed relocating new arrivals from Afghanistan as well as residents from two camps near Peshawar and the transit camp at the Chaman border crossing.

In a welcomed move affecting labor rights, Pakistan, on August 15, ratified International Labor Organization (ILO) Convention No. 182, which called for immediate and effective measures to secure prohibition of the worst forms of child labor, as well as ILO Convention No. 100, concerning equal remuneration for men and women.

## **DEFENDING HUMAN RIGHTS**

Pakistani human rights groups played a vital role in challenging the government's policies toward refugees and, especially in the case of minority NGOs, its retention of the separate electorate.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

The international community almost unanimously eased diplomatic and economic sanctions when Pakistan backed the U.S.-led anti-terrorism coalition. Pressure for elections and a return to constitutional rule in 2002 was eased, while key

donors made commitments of huge aid packages for Afghan refugee relief and basic economic assistance. Some donors resumed arms sales.

### **United States**

On September 22, the Bush administration, with strong Congressional backing, waived economic sanctions imposed on Pakistan after its 1998 nuclear tests, allowing the U.S. to approve loans at the International Monetary Fund (IMF) and the World Bank. On October 30, President Bush signed legislation giving him authority to waive “democracy sanctions” on Pakistan, imposed following the October 1999 coup, opening the door for the sale and licensing of military equipment through September 30, 2003. However, the administration refused a request from Pakistan to transfer twenty-eight F-16 fighter planes that Pakistan had purchased in the 1980s.

On November 10, President Bush announced more than U.S. \$1 billion in U.S. support to Pakistan, including direct budgetary assistance, funds for control of its borders, anti-terrorism assistance, Afghan refugee relief, financial support through the IMF, debt relief, and trade assistance. In September, Washington agreed to reschedule U.S. \$379 million of Pakistan’s \$3 billion debt obligation to the U.S.

President Bush met with President Musharraf at the United Nations in early November. Musharraf repeated his pledge to hold national elections by October 2002. A visit to Pakistan by Secretary of State Colin Powell in mid-October was largely overshadowed by renewed fighting in Kashmir, which ended a ten-month cease-fire.

### **European Union**

On October 17, the U.K. announced a 15 million pound debt relief package to Pakistan to help cope with the Afghan refugee crisis and internal reforms. On November 24, Pakistan signed a new Co-operation Agreement with the European Community, replacing the 1986 agreement. The signing of the agreement had initially been postponed following the October 1999 coup. In a joint declaration, the European Union and Pakistan “reconfirmed their commitment to the respect, protection and promotion of human rights and democratic principles.” Pakistan also reiterated “its firm commitment to return to democratic government in accordance with the roadmap announced by President Musharraf on August 14, 2001.” Ongoing European Commission development cooperation projects in Pakistan totalled 195 million euros, and were primarily focused on social sector development.

### **Commonwealth of Nations**

In its concluding statement of March 20, 2001, the Commonwealth Ministerial Action Group criticized the restrictions imposed by the Musharraf administration on political parties, including their formal exclusion from the local government elections, and pressed the regime to shorten its electoral timetable and to restore

full democratic rule. The ministers agreed that Pakistan should remain suspended from the councils of the Commonwealth pending the restoration of democracy.

On August 21, Commonwealth Secretary General Don McKinnon met with President Musharraf in Islamabad to discuss plans to restore democracy by October 2002. He also met with politicians from the disbanded parliament.

## Japan

On October 26, Japan joined the E.U., the U.S., and Canada, and lifted economic sanctions against Pakistan. Japan had frozen new grants and loans, except for humanitarian aid, to Pakistan since the country conducted nuclear tests in 1998.

In September, Tokyo announced it would consider rescheduling some of Pakistan's \$500 million debt and offered U.S. \$40 million in emergency aid for Pakistan including assistance for refugees. Prior to September 11, Japan had decided to give more than U.S. \$70 million in Official Development Assistance (ODA) in the form of grants and soft loans for various health, education, and communication projects.

Foreign Minister Makiko Tanaka met President Musharraf in Islamabad in late November to express support for Pakistan's counter-terrorism efforts and invited him to Tokyo for the ministerial conference on Afghanistan's reconstruction scheduled for early 2002. Tanaka also pledged an additional U.S. \$300 million in grant aid to Pakistan over the next two years.

## International Financial Institutions

The World Bank on October 24 approved a U.S. \$300 million loan to promote privatized banking, and planned to provide additional assistance bringing the total for fiscal year 2002 to about \$600 million. The Asian Development Bank announced plans to give Pakistan a total of U.S. \$950 million in 2001, increased from \$626 million planned prior to September 11. In late October, the U.S. was negotiating with the International Monetary Fund for a line of credit for Pakistan of up to U.S. \$1 billion. On October 24, the Islamic Development Bank approved U.S. \$25 million to help finance imports of energy products.

## Relevant Human Rights Watch Reports:

*The Crisis of Impunity: The Role of Pakistan, Russia, and Iran in Fueling the Civil War, 7/01*

## SRI LANKA

**T**he year was marked by prolonged political infighting in Colombo, renewed clashes between Sri Lankan military forces and the armed separatist Liber-

ation Tigers of Tamil Eelam (the “Tamil Tigers” or LTTE), and stalled peace initiatives. By early November, with the political fate of the People’s Alliance government in question and new parliamentary elections called for December 5, pressing human rights problems had again been pushed off the top of the government’s agenda.

Renewed fighting in the war, which since 1983 has claimed more than 60,000 lives, left hundreds of civilians dead, many more injured, and thousands newly displaced from their homes. Both the government and LTTE were responsible for serious abuses, including indiscriminate suicide bombings by the LTTE and torture and “disappearances” by government security forces and affiliated paramilitaries. Norway’s efforts to bring the two sides to the negotiating table continued until June when the process appeared to stall; no formal talks took place during 2001. Although the government appeared more ready than in previous years to acknowledge past abuses and there was progress in a few specific cases, impunity remained the norm. Draconian security laws continued to facilitate arbitrary arrest, lengthy detention of suspects without trial, and attendant abuses. Restrictions in the north and east, disproportionately affecting Tamil civilians, prevented many displaced persons from reaching work sites to earn a living, attend schools, or seek urgent medical care.

## **HUMAN RIGHTS DEVELOPMENTS**

On April 24, LTTE leader Velupillai Prabhakaran announced the end of a five-month unilateral cease-fire, saying that the government had not reciprocated. Within hours of the cease-fire’s end, the Sri Lanka army launched Operation Agni Khiela (“fire ball”) seeking to extend its control over the Jaffna peninsula. The army sustained heavy losses. Civilians, caught in the middle of the conflict, faced renewed hardships.

Increased fighting meant renewed displacement. At the end of April, for example, government aerial attacks on the Jaffna peninsula caused some 5,000 civilians to flee from their homes in Pooneryn north, adding to the estimated 800,000 internally displaced people (IDPs) island-wide. Reports of “disappearances” continued to emerge, including one in July that two youths had “disappeared” after being questioned by members of the People’s Liberation Organization of Tamil Eelam (PLOTE), which is paid and armed by the government.

New cases of torture were also reported. In January, Sri Lankan Human Rights Commission (HRC) officials reported that anti-terrorism police held Jaffna-based journalist Nadarajah Thiruchelvam in incommunicado detention, beat him with metal pipes, and kept him handcuffed in solitary confinement for twelve days before HRC officials were permitted to visit him. In October, the Hong Kong-based Asian Human Rights Commission reported the torture of Namal Fernando, a social worker, who had been threatened and pistol-whipped by police after being taken from his home near Colombo on October 6. He was reportedly forced to sign a confession, but then was released without charge the following day. His arrest was apparently a case of mistaken identity.

Although fighting was heaviest in the north, civilians were also reported killed and wounded in military operations against LTTE positions in the east, although most accounts were insufficiently detailed to determine if the deaths were avoidable or due to violations of international humanitarian law. Most deaths and injuries in eastern Sri Lanka occurred around Batticaloa, Velaichenai, and in Muttur, south of Trincomalee. In November 2000, homes were reported damaged, a two-year-old child killed, and twelve others injured during army and police shelling north of Batticaloa. Again in late April, eight villagers were reported injured in artillery fire across the Batticaloa lagoon. Three civilians were killed and more than twenty injured in separate incidents in the Velaichenai area in June and July; the army acknowledged two civilian deaths and seven injuries during the July 30 assault.

For its part, the LTTE continued to be responsible for or implicated in serious abuses. On November 7, 2000, newly elected Tamil United Liberation Front (TULF) member of parliament Nirmalan Soundaranayagam was assassinated near Batticaloa. Although his assailant was never identified, the LTTE, believed to have been responsible for the assassination of several other TULF members in previous years, including human rights advocate Neelan Thiruchelvam in July 1999, was the prime suspect.

In April 2001, there were reports that the LTTE had executed three men, M. Kamalanathan, Xavier Albert, and S. Thillainayagam after charging them with murder and rape. On April 24, LTTE members reportedly abducted two Muslim civilians near Velaichenai and held them for ransom. Four workers in a prawn farm and a rice mill from the same area were abducted for ransom on June 1. On May 2, LTTE members and local thugs reportedly killed Sivanesarajah, a young minister for a local church group of the Assembly of God near Vakarakai. The human rights organization University Teachers for Human Rights (UTHR) said that the church's emphasis on pacifism had been viewed as a threat to LTTE recruitment.

In July, the United Nations Children's Fund (UNICEF) accused the LTTE of continuing to recruit and deploy child soldiers, some of them as young as twelve. Monitors in the north and east reported a sharp increase in conscription of children by the LTTE through October and said the LTTE had resorted to extortion and threats to families to comply. In an article published September 4, LTTE Batticaloa and Amparai district political leader Karikalan told the Tamil press that a recruitment drive in eastern areas was attracting "large numbers of youth, male and female" and praised parents for bringing their children to enlist. He rejected accusations that the recruitment was forced.

On July 24, the LTTE attacked Katunayake air force base and Colombo's Bandaranaike International Airport, destroying military aircraft and passenger jets. Two civilians, seven security personnel, and fourteen LTTE members were killed. The attack on Sri Lanka's only international airport was both a political and financial blow. It reduced the country's commercial fleet by half, drove up exporters' insurance premiums and damaged tourism.

On October 30, Prime Minister Ratnasiri Wickramanayake narrowly escaped a suicide bombing in Colombo that claimed the lives of three civilians and a police officer and injured many others. On November 15, three former members of a paramilitary group working with a Sri Lankan army intelligence unit were killed

and another wounded by a suicide bomber in Batticaloa; one civilian was also killed and eight injured in the attack. The LTTE was suspected in both attacks.

Arbitrary detention and mistreatment of prisoners by police and security forces remained common. A report by human rights lawyer N. Kandasamy indicated that some 18,000 people may have been arrested under emergency regulations and the Prevention of Terrorism Act from January to November 2000. The vast majority were Tamil, some of whom were ordered detained without trial for more than two years. Often the only evidence against them was a confession extracted under torture. Although many such cases were thrown out by courts in 2001 and some torture victims won court-ordered compensation, cases continued to take years to make their way through the court system. Deaths in custody in 2001 included that of Kandaiah Uthayakumar, suspected of smuggling banned commodities in the northern town of Mannar, who died on February 28 after arrest by Navy personnel. His children, who witnessed the arrest, said he had been beaten and strangled by the arresting officers. In late March, a Mannar district judge ordered two naval personnel detained pending investigation.

Government efforts to stem custodial abuse included a new emergency regulation promulgated in May requiring detention centers to provide district courts with a list of all persons in custody every two weeks. Earlier, the government had established a police unit and special committee under the Justice Ministry to investigate complaints of illegal detention and harassment by police and armed forces, and to accelerate the release of victims.

Sexual violence against women by security forces attracted new attention in 2001. The premeditated gang-rape on June 24 of a twenty-eight year old Tamil woman in Colombo by police and army personnel at a security checkpoint sparked widespread protests by Tamil and Muslim political parties and women's rights organizations, and a general strike by shop owners in the north and east on July 6. In the media storm that followed, several other custodial rape cases received new scrutiny and at least one victim of grave sexual abuse was ordered released from custody. Prosecutions in older cases stalled because witnesses were afraid to testify, or, as in the case of Ida Carmelita, raped and murdered in Mannar in July 1999, proceeded extremely slowly.

Pressure on medical officials to cover up evidence of custodial mistreatment was suggested in another case of sexual abuse — the March 19 gang rape and sexual torture by police and naval personnel of two women who had been arrested by anti-subversion police in Mannar. The initial report of the district medical officer concluded there were no signs of mistreatment. After the women's complaints were made public, a second examination was ordered about a week later, the second doctor concluding that the women had been tortured and raped.

Police and military personnel were rarely punished for mistreatment of detainees or failing to abide by legally mandated procedures, such as notifying the HRC of arrests and notifying family members when individuals were detained under special security legislation. No one had been convicted for the crime of torture since Sri Lanka ratified the U.N. Convention Against Torture in 1994 and introduced domestic legislation mandating a seven-year minimum sentence for torture. According to the Attorney General's Office, several prosecutions were pending.

Sri Lankan authorities appeared more willing than in past years to acknowledge official responsibility for atrocities. On January 31, Sri Lankan army personnel in Batticaloa publicly acknowledged their role in large-scale massacres of civilians in the east, mentioning notorious attacks in Kokkaddicholai, Sathurukkondaan, Vanthaarumoolai, and Batticaloa. In February, the attorney general reportedly issued indictments against more than six hundred police and armed forces personnel implicated in “disappearances” that occurred before 1994—many in connection with counterinsurgency operations against the Janatha Vimukthi Peramuna (JVP) organization. On June 28, two soldiers were sentenced to six years in prison and fined Rs. 2,500 (U.S. \$27) each for their role in an abduction and murder in 1989.

On March 12, President Chandrika Kumaratunga appointed Justice P.H.K. Kulatilaka to investigate the October 2000 massacre of some twenty-seven youths in the Bindunuwewa Rehabilitation camp. The dead included individuals being held under the Prevention of Terrorism Act and LTTE members, some in their early teens, who had surrendered to authorities. On June 28, the attorney general reported that forty-three suspects had been arrested in connection with the killings. In July, President Kumaratunga announced the formation of a three-member “truth commission” to investigate incidents of ethnic violence between 1981 and 1984, including anti-Tamil riots in July 1983 that killed nearly six hundred people.

Progress was halting or nonexistent in many high profile cases. Some cases were slowed partly by defendants’ petitions to move cases out of the north and east for security reasons, including the Mirusuvil massacre case, in which fourteen soldiers were accused of having tortured and murdered Tamil civilians in northern Jaffna in December 2000. In 2001, the case was transferred out of the district to the Anuradhapura District Court. Similarly, while proceedings continued in the trial of soldiers accused of the 1992 massacre of thirty-five Tamil civilians in the eastern village of Mailanthani, the case continued to move slowly following its transfer in 1996 to Colombo, far from key civilian witnesses. The case of five security personnel arrested in connection with the 1999 discovery of fifteen skeletons in Chemmani, thought to be those of persons “disappeared” by the army in 1996, also made little progress.

Official restrictions on war reporting, including provisions imposed in 2000, were relaxed in May 2001, but restrictions on access to areas under LTTE control remained a serious impediment to accurate reporting on the human rights situation in conflict areas. In April, journalist Marie Colvin, writing for the London *Sunday Times* was shot and seriously injured when she defied a government ban on travel to LTTE controlled areas and crossed the line of fire. Certain Sri Lankan journalists also faced arrest, intimidation, and physical threats. The risks were particularly acute for correspondents in the north and east and those covering political events. Between October 2000 and November 2001, one Jaffna-based journalist was killed and at least five others based in the northeast were arrested or threatened by the security forces.

Criminal extortion rings linked to political forces were blamed for increased communal tension in central and eastern Sri Lanka. In May, two people were killed and a large number of shops destroyed when Sinhalese mobs attacked Muslims demonstrators. The demonstrators had been protesting police inaction after thugs with alleged ruling party links publicly tortured a Muslim shopkeeper who

had refused to pay protection money. Demonstrations—some violent—spread to Colombo. The government invoked a curfew to prevent further violence and appointed a commission of inquiry. In September Muslim businessmen in the eastern town of Muttur demonstrated against an extortion racket allegedly run by the LTTE. The LTTE reportedly retaliated by burning a passenger ferry providing transport to the area and threatened mortar attacks if demonstrations continued.

Violence continued to plague the political process in the lead-up to parliamentary elections scheduled for December 5. As of November 21, the Police Elections Secretariat said it had received 1028 election-related complaints of violence, including three murders.

## **DEFENDING HUMAN RIGHTS**

Human rights defenders in the capital, Colombo, operated in relative freedom, but individuals and organizations in the north and east faced serious pressure from state forces, armed paramilitary groups, and the LTTE. In some cases, human rights defenders in the east asked that the details of threats made against them—particularly those made by LTTE members and paramilitaries—be kept confidential out of fear of retaliation.

Journalists (see above) and humanitarian aid workers were also attacked. Unknown assailants threw two grenades at the Colombo office of Oxfam in late January and three at the International Committee of the Red Cross (ICRC) office in Muttur on September 6. Although buildings and other properties were damaged, no one was injured in either attack.

Local human rights organizations strongly advocated an end to official impunity and custodial abuse, including violence against women. Sri Lankan human defenders denounced political violence locally, but were also active in international fora in events leading up to the Durban World Conference Against Racism and in the global campaign against the use of child soldiers.

In 2001, rights activists joined academics and other private citizens in Sri Lanka's growing peace movement in denouncing the government's ban on the LTTE and calling on the LTTE and government to commence negotiations. Sri Lanka's flagging business climate, particularly in the wake of the LTTE's attack on Sri Lanka's only international airport, also drove business leaders to renew private efforts to end the war. The Society for Love and Understanding, founded by Ceylinco group chairman Lalith Kotelawala, notified political leaders that it intended to open a dialogue with the LTTE. In September, representatives of more than a dozen of top national business groups and advertising agencies initiated a "Sri Lanka First" campaign advocating civil action to end the war.

Human rights defenders continued to express concern about the work of the HRC, particularly in relation to custodial abuse of detainees. Although HRC officers visited registered places of detention, critics said the commission needed to make more regular visits to prevent abuses. Five years after its establishment, the HRC still had no access to any unregistered place of detention or authority over

paramilitary groups, and security forces often failed to report arrests and detentions to the commission as required by law.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

The European Union, India, Japan, and the United States strongly supported Norway's efforts to facilitate talks between the Sri Lankan government and the LTTE, and rejected the idea of an independent Tamil state. Many countries, particularly Sri Lanka's donors, criticized human rights and international humanitarian law violations by government forces and the LTTE. Donors also called for greater transparency in the government's financial management and criticized increased military spending and the apparent erosion of democratic structures.

### **Sri Lanka Development Forum**

After political instability delayed the meeting for more than two years, the Sri Lanka Development Forum, a consortium of Sri Lanka's donors convened by the World Bank, met in Paris on December 18-19, 2000 to discuss assistance plans for Sri Lanka. In 1997, Sri Lanka received U.S. \$860 million in assistance from donors; it received another \$780 million in 1998. But at the December 2000 meeting donors refused to pledge new assistance, calling instead for the government to take concrete steps to end the war with the LTTE, speed up restructuring of the public sector, and account for previous assistance. Donors expressed special concern over the country's disproportionately high level of military expenditure and political interference in development and relief initiatives.

World Bank Vice President for South Asia Mieko Nishimizu described Sri Lanka as a country "in deep crisis, public institutions are politicized, politicians are not accountable, people are not heard and they are isolated." She noted links between poverty, war, and governance problems in the country, and suggested that progress on these fronts would be necessary before development partners would provide additional support.

The European Union emphasized the need for a negotiated end to the war, economic restructuring, and transparency. It made a special call for accountability in the Bindunuwewa rehabilitation camp massacre case. The E.U. cautioned that Sri Lanka's large military budget was jeopardizing the country's development. In 2000, the defense budget consumed about 36 percent of government income or 6 percent of Sri Lanka's GDP. Defense expenditure rose by almost \$300 million after the government made additional arms purchases following military defeats in April and May 1999. In 2001, Sri Lanka purchased arms from Israel (the Israeli defense ministry sent a delegation to Colombo in August), the Czech Republic (\$2.5 million in tanks, rocket launchers, and other military vehicles), and other countries.

### **United Kingdom**

On February 28, in spite of heavy lobbying by Tamil groups, the LTTE was

included on the list of 21 banned organizations proscribed under the U.K.'s Terrorism Act 2000, making it illegal to belong to, support, or raise funds for the LTTE.

### **United States**

Ambassador Ashley Wills outlined the U.S. position on Sri Lanka in a speech in Jaffna on March 7. He said that the U.S. supported an end to the war—"the sooner the better"—and rejected the possibility of a military solution. The U.S. favored a negotiated settlement and supported Norway's efforts to facilitate talks. Wills rejected "the idea of an independent state carved out of Sri Lankan territory" and the LTTE as sole representative of Tamils in Sri Lanka. He acknowledged complaints of discrimination against Tamils in Sri Lanka, saying Tamils must be treated "equally, respectfully and with dignity" within a democratic state. Wills said the U.S. would reconsider its ban on the LTTE if it renounced violence, embraced democratic principles, and entered into negotiations to end the war.

The U.S. continued to provide economic support funds (ESF) for development as well as international military education and training (IMET). The Bush administration requested \$3 million in ESF and \$275,000 for IMET in fiscal year 2002, the latter a \$30,000 increase over the previous year.

### **United Nations**

U.N. agencies, including UNICEF, criticized the LTTE's continued recruitment of child soldiers. U.N. Secretary-General Kofi Annan, in a September report to the U.N. Security Council noted that, despite LTTE commitments, children "continued to be targeted in the ongoing conflict of Sri Lanka." Annan noted that the Sri Lankan government was one of only two to set the minimum age for voluntary enlistment at eighteen and acknowledged efforts in the country to demobilize child soldiers, but said prevention of recruitment and re-enlistment was an overwhelming concern. He stressed the need for adequate resources, structures, and programs to ensure successful reintegration into society of demobilized children.

Hoping to help revive agriculture in Sri Lanka's war-torn north and east, the World Bank in September announced plans to fund renewed U.N. mine clearance efforts in the northern regions, where civilian casualty rates from mines are reported to be among the world's highest. The U.N. began its demining program in July 1999 but fighting in 2000 had halted operations.

## **VIETNAM**

**T**he government's human rights record took several major steps backward during 2001, with religious rights in particular coming under attack. Security forces arrested dozens of ethnic minority Montagnards in a heavy-handed

response to a popular protest over land rights in the Central Highlands in February. The authorities detained, arrested or harassed many religious leaders and political dissidents, including members of the banned Unified Buddhist Church of Vietnam, the Hoa Hao Buddhist sect, Roman Catholics, retired Communist Party of Vietnam (CPV) members and military veterans known for their criticism of the party, and ethnic minority Protestants in the northern and central highlands.

The election of new CPV General Secretary Nong Duc Manh, known as a consensus builder, at the Ninth Party Congress in April, raised hopes that Vietnam might step up the pace of reform. These hopes had been largely dashed by October.

### **HUMAN RIGHTS DEVELOPMENTS**

In February 2001, unprecedented mass demonstrations broke out in Gia Lai, Dak Lak, and Kontum provinces in the Central Highlands. Thousands of indigenous minority people known collectively as Montagnards, many of them Christians, gathered to demand greater land rights and religious freedom. In response, authorities sent troops to the region, and police conducted door-to-door searches for suspected leaders of the protests, arresting at least twenty in February alone. Some were beaten, kicked, or shocked with electric truncheons by police officers upon arrest and during interrogation. In many parts of the highlands, the government banned gatherings of more than four people, restricted freedom of movement, and increased its surveillance and harassment of ethnic minority Protestants. Telephone communication to, from, and within the region was cut off for weeks. Diplomats and foreign media were barred from visiting the area, other than a government-sponsored press tour in mid-March and a four-day trip by the U.S. Ambassador in July.

Fearing arrest, more than 1,000 Montagnards fled to Cambodia. (See Cambodia.) In September, the People's Courts in Dak Lak and Gia Lai sentenced fourteen Montagnards to prison sentences ranging from six to twelve years on charges of disrupting security brought under article 89 of the Penal Code. At least ten other Montagnards were sentenced in several district-level trials quietly conducted in Dak Lak and Gia Lai in October, bringing the total tried as of November to at least twenty-four people.

Human Rights Watch received reports of security forces burning down several Protestant churches in the Central Highlands. On March 10, heavily-armed police and soldiers, in full riot gear and carrying electric batons, raided Plei Lao village, Chu Se district, Gia Lai where several hundred ethnic Jarai villagers were conducting an all-night prayer meeting. After police officers arrested one young villager, a crowd gathered and pulled the youth from the police jeep. Police and soldiers fired tear gas and then bullets into the crowd. Dozens were wounded by shooting or beating, and at least one villager, Rmah Blin, was killed. The security forces then burned down the church. As of October, at least four of the dozens arrested were believed to remain in detention at T-20 prison in Pleiku. In September, Plei Lao villager Siu Boc was sentenced to eleven years in prison at a trial in Gia Lai. Beginning in June,

provincial authorities conducted dozens of ceremonies in the Central Highlands in which Montagnards who had participated in the February demonstrations were forced to read confessions about their alleged wrongdoings and renounce Christianity in front of entire villages, sealing their pledges by mandatory drinking of rice wine mixed with goat's blood.

Throughout Vietnam, the government conducted a systematic campaign of intimidation and surveillance of perceived political opponents. On February 9, academic Ha Sy Phu was placed under administrative detention for two years in Dalat for allegedly collaborating with "hostile forces" abroad. That same month democracy activist Vu Cao Quan was summoned to police headquarters several times after he organized a meeting in Hai Phong to discuss democratic reforms. On April 24, Vu was arrested and detained for ten days after meeting in Hanoi with other democracy activists. On April 26, a squad of policemen in Hanoi went to the home of another well-known dissident, Hoang Minh Chinh, and insisted that he go with them to police headquarters. Hoang Minh Chinh refused and remained under surveillance throughout the year.

In June, security police apprehended Vietnam's most influential dissident, Tran Do, in Ho Chi Minh City (Saigon) and confiscated a draft section of his memoirs. Afterwards, Tran wrote to party leaders and the Vietnam Association of Writers to protest the seizure of his writings.

The government stepped up the harassment in September, when fifteen dissidents were detained in Hanoi, including Pham Que Duong, Hoang Tien, Hoang Minh Chinh, Tran Van Khue, Nguyen Vu Binh, and Nguyen Thanh Giang. On September 2, just before the detentions, Pham Que Duong and Tran Van Khue had submitted a request to the government to form an independent anti-corruption organization. On October 9 Tran Van Khue was officially placed under house arrest for two years under Administrative Detention Decree 31/CP. In February and again in June, Pham Que Duong, Hoang Minh Chinh, and Hoang Tien joined more than a dozen other dissidents in signing joint appeals to CPV officials calling for the repeal of decree 31/CP, which authorizes detention for up to two years without trial.

Police summoned outspoken Buddhist monk Thich Quang Do, the second highest-ranking monk in the banned Unified Church of Vietnam (UBCV), for interrogation several times during the year. On February 4, Thich Quang Do was detained and searched by security police after visiting UBCV's Supreme Patriarch, Thich Huyen Quang, who has been under house arrest in Quang Ngai province since 1982. In June, Thich Quang Do was placed under administrative detention for two years at his pagoda after he announced that he intended to escort Thich Huyen Quang to Ho Chi Minh City for medical treatment. Three other UBCV monks, Thich Khong Tanh, Thich Quang Hue and Thich Tan An, were also detained at the same time. On September 2, Ho Tan Anh, a leader of the banned Buddhist Youth Movement (BYM), which is affiliated with the UBCV, burned himself to death in Danang, reportedly as an act of protest against religious intolerance in Vietnam. Afterwards, police searched the homes of several BYM leaders.

As in past years, the government only allowed religious activities by officially-recognized churches and organizations. In April 2001, the State Bureau of Religious Affairs recognized the Evangelical Church of Vietnam, thus granting legal status to

approximately three hundred individual churches in the south but specifically excluding the much more numerous ethnic minority Protestant house churches. Christians in ethnic minority areas were suppressed and pressured to renounce their faith, not only in the Central Highlands but also in the northern provinces of Lai Chau, Lao Cai and Ha Giang. At least sixteen ethnic Hmong were thought to be in prison in Lai Chau, Vinh Phuc and Thanh Ha provinces as of October. In April and June, Ho Chi Minh City police shut down services conducted by outspoken Mennonite pastor Nguyen Hong Quang, who was beaten and detained on August 17, reportedly for operating a school for children without official permission.

In January, Ha Hai, secretary general of the banned Hoa Hao church, was sentenced to five years in prison for violating house arrest orders and “abusing democratic rights.” On March 17, Le Quang Liem, Chairman of the Central Council of the Hoa Hao Buddhist Church, was arrested in Ho Chi Minh City. Two days later, Hoa Hao church member Nguyen Thi Thu immolated himself in a protest in Dong Thap province. Other Hoa Hao members sentenced during the year included Ho Van Trong and Truong Van Duc.

Despite a visit by a Vatican delegation to Vietnam in June, little progress was made towards establishing diplomatic ties between Vietnam and the Vatican. Vietnam continued to insist on having final approval over Catholic religious appointments, accepting three Vatican-approved bishops in June but rejecting three others. However, the authorities permitted Catholics to attend an annual celebration mass at the historic Our Lady of La Vang Church in Quang Tri province. In March, Catholic Father Nguyen Van Ly was put under house arrest in Hue and denounced by state media after he submitted written testimony to the U.S. Commission on International Religious Freedom. On May 17, he was arrested after leading a religious service at which he allegedly distributed leaflets. He was charged with violating his house arrest order and inciting public disorder. In October, after a one-day trial by the People’s Court in Thua Thien-Hue province, he was sentenced to fifteen years in prison for “undermining the policy of national unity” and violating his probation order under articles 87 and 269 of the Penal Code. At least three members of the Catholic Congregation of the Mother Co-Redemptrix, imprisoned in 1987 for holding training courses and distributing religious books, remained in prison.

Freedom of association continued to be severely restricted, and the formation of independent associations, trade unions, or nongovernmental organizations (NGOs) remained prohibited. The government tolerated a number of small gatherings and “sit-ins” to protest land grabs or corruption. In an unusually large protest in Hanoi in March, five hundred ethnic minority people from northern Son La province gathered outside Ho Chi Minh’s mausoleum in Hanoi to put forward their side in a land dispute. Police, who allowed representatives of the delegation to speak with officials, quickly cordoned off the area. Later, as part of security arrangements for the Ninth Party Congress, the prime minister ordered a clampdown on public protests in Hanoi.

Strikes, while rare, increased during the year, mostly directed against foreign and private companies. In the first six months of the year there were more than a dozen strikes in Ho Chi Minh City against foreign-invested companies. In August, more

than four hundred garment workers struck in Ho Chi Minh City to claim unpaid wages and protest the alleged beating of a pregnant worker at a South Korean-owned company.

All media remained state-owned and tightly controlled. There were no private newspapers and television was operated solely by the government. Foreign media representatives were required to obtain advance authorization from the Foreign Ministry for all travel outside Hanoi and to clear all interviews with Vietnamese nationals four days in advance. In July a new media decree, 31/2001/ND-CP, took effect. It imposed fines for a variety of offenses, including republishing previously banned stories, intentionally providing false information to the media, and publishing articles containing pornography or “superstitious attitudes.”

In August, the government passed a decree that imposed stricter regulations on Internet cafes and imposed fines for illegal Internet usage, while opening up provision of Internet services to privately-owned businesses, including foreign companies. The government continued to maintain strict control over the country’s overall gateway to the Internet by controlling the operation of the sole Internet access provider. In addition, the government continued to use firewalls to block access to sites considered objectionable or politically sensitive. In August, Internet access was terminated in Phu Yen province, on the grounds that it could threaten national security.

Prison conditions continued to be extremely harsh. Human Rights Watch received reports of the use of shackles and solitary confinement in cramped, dark cells, and the beating, kicking, and use of electric shock batons on detainees by police officers. In June, the official press reported that more than 17 percent of detainees at Chi Hoa prison in Ho Chi Minh City were held beyond the expiration of their sentences, including one inmate who was still in detention thirteen years after his conviction was overturned on appeal. Police officers routinely arrested and detained suspects without written warrants, and suspects were often held in detention for as long as a year without being formally charged or tried. Decree 31/CP, the administrative detention decree, was used on many occasions to place dissidents under house arrest.

Corruption was identified by the Ninth Party Congress as one of the “four dangers” facing Vietnam. The Central Committee passed new measures to address corruption within the CPV, such as requirements for members to reveal their assets. In July, the Ministry of Public Security proposed to establish a special court to address corruption, saying it threatened to undermine the CPV’s authority. In September, six government officials were convicted for corrupt land deals involving the Thang Long water park. While a businessman convicted in the same case was jailed for twenty years, the officials were either released or sentenced to prison terms of a year or less. In mid-November a provincial court opened a trial of twelve people accused of bribery and embezzling money from government development projects in northern Lai Chau province, inhabited primarily by low-income ethnic minorities.

The National Assembly appeared to be more assertive than in previous years. In June, National Assembly members grilled cabinet officials on live television about their progress on previous policy commitments. That same month the assembly rejected a law supported by the minister of planning that would have increased the

authority of district courts, reportedly because of concerns that the bill would cause a dramatic increase in the prison population and violations of judicial procedures. Also in June, assembly members questioned safety plans for the party-approved Son La dam project as well as the proposed relocation of hundreds of thousands of people to make way for the dam. Despite the controversy, however, they approved the project in late June.

In July, Prime Minister Phan Van Khai called for the 1992 constitution to be amended, reportedly in order to clarify the role of the judiciary, national assembly, and state bureaucracy, and distribute more decision-making power to local authorities. A nationwide campaign was announced in August to solicit public opinion on the proposal, with the caveat that CPV policies be reflected. A clandestine group called the Vietnam Restoration Party (To Chuc Phuc Hung Vietnam) ignored that caveat and distributed a letter calling for the repeal of article 4 of the constitution, which states that the CPV is “the force leading the State and society.”

## **DEFENDING HUMAN RIGHTS**

The government did not allow independent associations or human rights organizations to operate in Vietnam. Contact with international human rights organizations was strongly discouraged and the government continued to refuse to permit international human rights organizations such as Human Rights Watch and Amnesty International to conduct official missions to Vietnam. In October Tran Van Khue, who had proposed to establish an anti-corruption NGO, was placed under house arrest.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

Vietnam’s increasingly poor human rights record came under international criticism during the year. The government’s repression of religious leaders and its crackdown against ethnic minorities in the Central Highlands drew particular fire. At the annual World Bank-sponsored donor meeting in December 2000, Vietnam’s donors, while pledging U.S. \$2.8 billion in aid, pressed the government to focus more on environmental issues and good governance, in addition to economic reforms. In July, the World Bank signed its largest set of loan agreements with Vietnam, totaling U.S. \$520 million, targeted at infrastructure development, economic growth, and poverty reduction. The Asian Development Bank (ADB) announced that its Japan Special Fund would provide U.S. \$600,000 for secondary education in rural areas, targeted at ethnic minorities.

### **United Nations**

In August, the U.N. Committee on the Elimination of Racial Discrimination (CERD) issued its Concluding Observations on a report, overdue since 1993, submitted by the Vietnamese government. The committee expressed concerns about

religious persecution of ethnic minorities, allegations of forced sterilization of Montagnard women, and the impact of population transfers to areas inhabited by indigenous groups. Relations between the Vietnamese government and the United Nations High Commissioner for Refugees (UNHCR) were often strained during the year over the fact that thirty-eight Montagnards were resettled to the U.S. in April, and the UNHCR's establishment of sites to receive asylum seekers in Cambodia. In July, talks between UNHCR, Vietnam and Cambodia on the possibility of voluntary repatriation of Montagnards from Cambodia broke down when Vietnam refused to grant UNHCR unhindered access to the Central Highlands to monitor the status of returning asylum seekers. In September, Vietnam ratified two optional protocols to the Convention on the Rights of the Child, one on the sale of children, child prostitution and child pornography, and the other on child soldiers.

### **Japan**

Vietnam's largest donor, Japan, provided assistance to conduct legal training programs and reform of the legal system in the specific areas of civil code reform, drafting of the civil procedure code and criminal procedure code, as well as various commercial laws.

### **European Union**

The E.U., Vietnam's second largest donor, was vocal in its support of human rights. In July, the European Parliament adopted an emergency resolution on religious freedom in Vietnam and denounced the persecution of several religious leaders and ethnic minorities in the Central Highlands. That same month E.U. External Affairs Commissioner Chris Patten raised concerns about religious freedom and restrictions on international media based in Vietnam in a meeting with the Vietnamese foreign minister. In talks with CPV Secretary General Nong Duc Manh during an August visit to Vietnam, the foreign minister of Sweden raised the issue of human rights and greater freedom of the press, and even broached the topic of a multiparty system. After an European Commission (EC) meeting in Hanoi in November, an EC spokesman said that Vietnam had made some progress on human rights conditions but that it still had a long way to go.

Several E.U. political figures became the subject of controversy after they visited dissidents in Vietnam. In April, Member of the European Parliament (MEP) Lars Rise of the Norwegian opposition Christian People's Party was detained and deported from Vietnam after visiting several dissidents. In June, Italian MEP Olivier Dupuis was expelled after he tried to stage a sit-in at the monastery where Thich Quang Do lives under house arrest.

### **United States**

Relations between the U.S. and Vietnam were strained at times during the year, but the overall trend was positive. Vietnam reacted defensively, however, to any suggestion that its human rights record could be improved. Several times during the

year the Foreign Ministry charged that the U.S. was inciting unrest in Vietnam and interfering in its internal affairs, in particular by sponsoring hearings on religious rights in Vietnam in February and by approving Montagnard resettlement to the United States. U.S. Ambassador Pete Peterson pressed hard for an official visit to the troubled Central Highlands after the February unrest. He secured approval only in July, shortly before he ended his term as ambassador. Peterson was highly critical of some provincial officials for preventing him from talking freely with villagers.

U.S. Assistant Secretary of State James Kelly, the first senior Bush administration official to visit Vietnam, made a strong statement criticizing the arrest of Father Nguyen Van Ly, which occurred during Kelly's visit in May. The seventh round in the U.S.-Vietnam human rights dialogue took place in Hanoi in July, with no tangible results.

In October the Senate passed a resolution approving the Bilateral Trade Agreement between the U.S. and Vietnam. In September, the House approved the Vietnam Human Rights Act, which would link future increases in non-humanitarian aid to progress on human rights. Vietnam reacted strongly against the measure, issuing public statements from the Ministry of Foreign Affairs and the mass party organizations.

### **Association of South-East Asian Nations (ASEAN)**

Fellow ASEAN members made virtually no comment on Vietnam's human rights record during the year. In July, Hanoi hosted the annual ASEAN ministerial meetings, the ASEAN Regional Forum, and the ASEAN Post Ministerial Conference, attended by ASEAN members as well as the U.S., E.U., Canada, Japan, and China.

Vietnam's relations with neighboring Cambodia were tense at times over the issue of the Montagnards, especially when Cambodian Prime Minister Hun Sen defied his long-time ally by refusing to send the first group of twenty-four Montagnard asylum seekers back to Vietnam in March. However, the two countries signed agreements during the year to strengthen border controls, prevent illegal crossings, and train Cambodian police in Vietnam.