

## HUMAN RIGHTS IN THE APEC REGION

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### 1. ASIA, HUMAN RIGHTS AND U.S. POLICY IN 1993

While human rights violations continued throughout the APEC region, the major story during the year was not so much the nature of the abuses but the debate over how to address them. Two factors had a major impact on this debate: the increased visibility of Asian non-governmental organizations (NGOs) and the growing economic power of East Asia.

Asian NGOs were able to articulate a vision of human rights that differed radically from that of their own governments and thus called into question the ability of the latter to define what is "Asian." They were more successful than their governments in blurring the traditional sub-regional distinctions of South Asia, Southeast Asia and Northeast Asia. Additionally, they helped redefine priorities for the human rights movement in a way that rendered obsolete the old division of labor among human rights, development, women's rights and environmental organizations.

These efforts culminated in the issuing of the "Bangkok NGO Declaration on Human Rights" of March 27 (see Appendix 1). Over 100 NGOs from across Asia and the Pacific gathered in Bangkok on March 23 to coordinate their position for the World Conference on Human Rights, just as Asian governments convened a few days later, also in Bangkok, for the regional preparatory meeting of the World Conference on Human Rights. It was clear from a series of statements they made during 1992 that China, Indonesia, Singapore and Malaysia, at the very least, were determined to promote an "Asian concept of human rights" which downplayed political and civil rights, highlighted the importance of economic

development, stressed the need to take cultural, historical and religious factors into account when assessing human rights, and rejected aid conditionality and other forms of "interference in domestic affairs."

It was this concept that the Asian NGOs set out to rebut in Bangkok. The NGO Declaration they produced stated that because human rights were universal, "The advocacy of human rights cannot be considered to be an encroachment on national sovereignty." While noting the importance in the region of cultural pluralism, the NGOs declared, "Those cultural practices which derogate from universally accepted human rights, including women's rights, must not be tolerated." In reaffirming the indivisibility of political and economic rights, they stated, "Violations of civil, political and economic rights frequently result from the emphasis on economic development at the expense of human rights. Violations of social and cultural rights are often the result of political systems which treat human rights as being of secondary importance."

The Asian governments, at the official meeting from March 29 to April 2, produced a document which reflected much of the Chinese, Indonesian, Malaysian and Singaporean position (although since the U.N.'s definition of Asia includes Southwest Asia, it included the viewpoints of governments such as Syria and Iran as well.) Some of the Asian democracies, including Japan, managed to moderate the tone of some provisions, such as that on aid conditionality, changing the word "reject" to "discourage." They also managed to include important clauses such as that emphasizing the need to encourage all states of the region to ratify the international covenants on human rights (Ironically, however, it was the Asian governments' castigation of the West for failing to heed the importance of social and economic rights and the right to development that led the American delegation to the Vienna Conference to reverse the stance of earlier administrations and announce its intent to ratify the relevant conventions.)

The NGOs succeeded in blunting the efforts of some governments to accentuate North-South and East-West fissures. But it was clear, not only from their stance in Bangkok but from NGO work more generally, that the Asian NGO agenda differed in some respects from that of counterpart organizations in the West, particularly in honing in on the need to address the linkage between human rights and development.

Unlike the "development first" position of many Asian governments, which reflected a pride in their own economic achievements, the Asian NGOs working at the grassroots tended to see the negative impact of development and the human rights implications thereof: peasants displaced from their land for the construction of dams in Indonesia or for commercial enterprises, such as logging in Burma or Malaysia; forced relocation of urban squatters and dispossession of indigenous peoples; increased income disparities and pervasive corruption; exploitation of workers; the growing AIDS epidemic and the discrimination against people with AIDS and HIV; and violence against women. Because many development projects criticized by the NGOs on human rights grounds also had negative implications for the environment, the distinction between human rights and environmental advocacy had little meaning in Asia.

The focus on human rights and development did not mean that NGOs ignored abuses of basic political and civil rights. For many Asian NGOs, detained Burmese opposition leader and Nobel laureate Aung San Suu Kyi was a potent symbol of the Asian struggle for human rights and democracy. Treatment in detention centers was a major issue for Burmese refugees in Thailand. NGOs in Hong Kong were increasingly concerned about preservation of basic civil liberties, particularly freedom of the press, as 1997 approached. Korean NGOs focused attention on the continued use of the National Security Law, and their concerns were reinforced when Cho Guk, an activist from the Korean NGO, KONUCH, who attended the U.N. human rights meetings in Bangkok and Vienna, was arrested shortly after his return from the latter and charged under that law with pro-North Korean and "anti-state" activities. Indonesian NGOs continued to defend political detainees, from suspected insurgents to students accused of criticizing the electoral process, and call for greater freedom of association for workers.

But the fact remained that violations of political and civil rights, for the most part, were most severe in the countries where domestic NGOs were not allowed to operate: China, Vietnam, Burma, Bhutan, Brunei and North Korea. Elsewhere, there were areas which were also effectively closed to domestic and international human rights investigators, including East Timor and parts of Irian Jaya, Tibet, and Khmer Rouge-held zones of Cambodia. The Asia-wide coalition of NGOs thus spoke to concerns in countries which already had a modicum of political openness; in countries without such domestic voices, there was no real alternative to international pressure as a way of drawing attention to human rights abuses and trying to curb them.

As noted above, Asian NGOs succeeded better than their respective governments in working together across subregional boundaries. The Bangkok conference highlighted regional solidarity and common interests, but there were many examples during the year of transnational cooperation. Sri Lankan and Thai human rights NGOs were particularly helpful to their newly-formed counterparts in Cambodia. In Korea, Indonesia, the Philippines and elsewhere, NGOs worked to document the use of comfort women during the Japanese military occupation of their respective countries during the Second World War; they then joined forces with NGOs in Japan to call for Japanese government to acknowledge the abuses and compensate the victims. (By the end of the year, they had the acknowledgement but not the compensation.)

The breakdown of geographical barriers was somewhat offset by the need of NGOs to respond to developments within regional governmental associations like the Association of Southeast Asian Nations (ASEAN). The ASEAN countries -- Indonesia, Malaysia, Singapore, Brunei, Thailand and the Philippines - - seemed well on their way by year's end to developing a regional mechanism to address human rights concerns. NGOs in the region were watching warily, doubtful that any mechanism that included among its founders President Suharto and Prime Minister Mahathir could advance the protection of human rights.

If the growing strength of NGOs in the region affected the human rights debate, so did the growing economic clout of East Asia, home of the "four dragons" (Korea, Taiwan, Hong Kong and Singapore) and the future dragons (China, Indonesia, Thailand and Malaysia). For one thing, it meant that for much of the international community, "Asia" was East Asia; South Asia, comprising the countries of the Indian subcontinent, was largely ignored.

The "Asian concept of human rights" was the creation of East Asian governments, and authoritarian East Asian governments at that, which felt they deserved praise, not censure, for their efforts to alleviate poverty, even if some civil rights were curtailed in the process. Former Prime Minister Lee Kuan Yew went to an extreme when he argued that Asians did not care about democratic government; they preferred efficient government. Other governments argued that it was simply a matter of time: Taiwan and South Korea were now well along in the democratization process, but their period of greatest growth came under authoritarian regimes. The problem with this argument, as the NGOs clearly saw, was that it left it up to non-democratic governments themselves to determine when the requisite level of development had been reached that would permit more political openness. Prior to the Vienna conference, 56 Indonesian NGOs said that time had now come in their country: "Now that development has been carried out for two decades," they said in a joint statement, "it is time for priority to be given to the realization of political and civil rights and democracy."

The experience of Taiwan and South Korea, however, also led many in the West who were uncomfortable with human rights advocacy to posit a direct relationship between economic liberalization and positive political change. Let the Chinese, Vietnamese and Indonesian economies continue to expand,

the argument went, and an improvement in human rights will inevitably result, if only to satisfy the demands of a growing middle class. That argument, however, was of small comfort to the thousands detained in the region on political grounds. It belied the experience of China, where continued commitment to economic reform was accompanied by increased political repression, as China's leaders expressed a determination not to let the reforms affect Party control, and any signs of dissent were quickly crushed. And it ignored the abusive aspects of economic growth -- "maldevelopment" -- which many of the region's NGOs were trying to address.

Economic growth in East Asia, however, also confronted the industrialized governments with some new problems for their human rights policies. Many Asian countries had the economic strength to resist economic sanctions or aid conditionalities imposed by donor countries. In 1992, the U.S. Congress cut off aid for advanced training for Indonesian military officers under the International Military and Educational Training Program; in 1993, the Indonesian government was planning to send officers to the U.S. for what was essentially the same program, but this time at its own expense. It was clear that China did not want to lose Most Favored Nation trade status with the U.S.; it was also clear that China's economy was powerful enough to sustain the loss, if necessary. As trade and investment in the East Asian region became increasingly vital to the strength of industrialized economies, how far were the Western countries and Japan willing to press on human rights? One year into a new administration in the U.S. and six months into a new government in Japan, this question remained unanswered.

## **U.S. Policy**

Fears in the region that Asia would be ignored by the Clinton administration, with its focus on domestic policy, were assuaged by over a dozen visits of senior administration officials during the year, including President Clinton's trip to Tokyo for the summit of the Group of Seven (G-7) industrialized countries in July where he extolled the virtues of what he called the New Pacific Community. The question, as it turned out, was not whether Asia would be neglected; it was whether the attention would be welcome.

The Asia-Pacific region was seen both as a critical area for American jobs and exports, and as a test case in the new administration's determination to promote democracy, open markets and human rights. As Winston Lord, the Assistant Secretary of State for East Asia and the Pacific said in a briefing on August 31, "We believe you can't have open economics and closed politics."

The Clinton Administration made significant efforts to press individual countries in the region on particular human rights issues, such as access by the International Committee of the Red Cross to China, and labor rights in Indonesia. But these initiatives on behalf of human rights were overshadowed by the administration's tending to portray human rights and democracy as core American values, not as values underpinned by an international system of treaties which have been ratified by countries around the world. In a region where non-democratic governments had already made such political capital out of perceived North-South and East-West divisions, the failure to anchor the promotion of human rights securely in United Nations mechanisms was unwise.

Portraying human rights and democracy as quintessentially American, rather than universal, values might also have created problems for the administration's stated desire to see other countries join forces in their protection and promotion. On the other hand, it was not clear that the administration had aggressively sought allies on this issue, particularly in the region. Japan had the potential to be much more active on human rights, given its stated position that allocation of overseas aid should be determined, in part, by a recipient country's democratization and respect for human rights. The new cabinet, formed after the July

elections, also included at least two men, including the new foreign minister, known to be interested in human rights. Yet when Secretary Christopher met Foreign Minister Hata in mid-September, the issue of a multilateral stance on human rights toward the major violators of the region apparently did not come up. The new Korean government also indicated its desire to play a greater regional role in fostering human rights and democracy; it was not clear whether the administration in Washington took the cue.

By and large, however, the Clinton administration demonstrated a stronger rhetorical commitment to human rights than its predecessor, backed up, in a few cases such as China and Indonesia, by the threatened use of selective sanctions. But by the end of the year, the administration seemed to be having second thoughts about a tough human rights approach, particularly with respect to China, as anxiety rose about the political and economic implications.

It was unclear how the administration would resolve the dilemma of promoting human rights and promoting jobs and exports in East Asia. But as the debates on trade benefits for China (MFN) and Indonesia (Generalized System of Preferences or GSP) made clear, a major player in addressing that dilemma would be the American business community. As the year opened, the business community was well aware of the increased readiness of the new administration to impose sanctions and of the ability of East Asian countries to withstand them. It feared that countries like China and Indonesia would retaliate against American companies if human rights pressure from Washington became too intense by giving future contracts to Japanese and European competitors. Some companies thus expressed an interest in working with Asia Watch and other human rights groups to head off a crisis before it arose or to work out a solution that might advance human rights at the same time that it eased the threat of sanctions.

## 2. BURMA (MYANMAR)

### **Ratification of international human rights covenants:**

- International Covenant on Civil and Political Rights: NO
- International Covenant on Economic, Social and Cultural Rights: NO

### **Human Rights Developments**

The ruling State Law and Order Restoration Council or SLORC continued to be a human rights pariah, despite its cosmetic gestures to respond to international criticism. Aung San Suu Kyi, the 1991 Nobel Peace Prize Winner, was permitted visits from her family but remained under house arrest for the fifth year. SLORC announced the release of nearly 2,000 political prisoners, but it was not clear that the majority had been detained on political charges nor could most of the releases be verified. At least 100 critics of SLORC were detained during the year, and hundreds of people tried by military tribunals between 1989 and 1992 remained in prison. Torture in Burmese prison continued to be widespread. Foreign correspondents were able to obtain visas for Burma more easily, but access by human rights and humanitarian organizations remained tightly restricted. A constitutional convention met throughout the year, but over 80 percent of the delegates were hand-picked by SLORC.

Professor Yozo Yokota, the Special Rapporteur to Myanmar appointed by the UN Commission on Human Rights, issued a report in February on his December 1992 visit to the country. The report documented systematic violations of basic personal freedoms and physical integrity and concluded that "serious repression and an atmosphere of pervasive fear exist in Myanmar." It also noted the lack of cooperation from SLORC and the intimidation and harassment of individuals wishing to provide testimony.

The UN Commission on Human Rights passed a resolution on March 10 which called on SLORC, among other things, to end torture, forced labor, abuse of women, enforced disappearances and summary executions; allow investigations of violations; improve prison conditions; cooperate with UNHCR for the safe return of refugees; and release Aung San Suu Kyi unconditionally. It also extended the mandate of the Special Rapporteur for one year.

To respond to international condemnation of its refusal to allow the National Assembly elected in May 1990 to meet, SLORC convened a national constitutional convention in Rangoon on January 9. Of some 700 delegates who attended, only 120 were elected parliamentarians. It was chaired by a 15-member commission, all of whom were active military officers, and delegates were divided into eight groups by occupation and background, such as peasants, workers and "national races." Each group was chaired by a military officer.

The convention met on and off throughout the year, and in September, six out of the eight groups agreed to a constitution that gave the military continued control of the government. The two groups which opposed it were the elected parliamentarians and representatives of political parties.

Many SLORC opponents were arrested in connection with the convention meetings. On August 4, Dr. Aung Khin Sint, a convention delegate and elected representative of the opposition National League for Democracy (NLD) and Than Min, alias Tin Tun Aung, an NLD Executive Committee member for Mingla Taungnyunt Township, were arrested for distributing leaflets. They were accused of political agitation and intent to undermine the national convention. On October 15, they and nine others were sentenced to 20

years in prison. All were detained in Insein Prison in Rangoon.

Fighting between the Burmese military and various ethnic insurgencies along the Thai-Burmese and other borders was minimal during the year, in part because of a concerted effort by SLORC to negotiate ceasefires with different minority groups. In April, for example, a ceasefire was negotiated between SLORC and the Kachin Independence Army (KIA), and on October 1, a formal ceasefire agreement was signed. Thailand and China pressed insurgents based along their borders to negotiate or else lose their ability to shelter and mobilize on their respective territories.

Despite the low level of conflict, however, refugees continued to stream into Thailand. In June, NGOs estimated that 1,000 Burmese were crossing the border every day. The Thai government and international agencies were quick to refer to the newcomers as illegal immigrants, but many reported fleeing forced relocations, forced labor and forced conscription.

The state of Arakan in northwest Burma, home to the Rohingya Muslim minority, remained off-limits to outside observers, raising concerns about the possible repatriation of almost 300,000 Rohingyas who had fled to neighboring Bangladesh in 1991 and 1992. More than 13,000 refugees were repatriated in late 1992 and early 1993 without adequate screening procedures to determine if they were returning voluntarily or adequate monitoring mechanisms on the Burmese side. On January 31, UNHCR staff were allowed to interview refugees scheduled for repatriation in one transit camp in Bangladesh and found that nearly all were there against their will. In May, a memorandum of understanding was signed between UNHCR and the Bangladesh government ensuring UNHCR full access to all camps, and in July, Sadako Ogata, the head of UNHCR, reached an agreement in principle that her agency would be allowed a monitoring presence in Arakan. On November 4, 1993, the Burmese government signed an agreement with UNHCR providing for UNHCR access to "all returnees" to Arakan voluntarily repatriated from the camps in Bangladesh. It was not clear, however, how large a presence UNHCR would establish or what degree of freedom of movement and access they would have in Arakan.

SLORC took no steps to address the large-scale trafficking of Burmese women into forced prostitution in Thailand. Instead, it appeared to be arresting many women deported from Thailand on charges of illegally leaving the country and engaging in prostitution. It also routinely tested returning women for AIDS without their consent and without regard for confidentiality.

No indigenous human rights groups are allowed in Burma, and passing information to outside groups is considered subversive.

The International Committee of the Red Cross has access neither to Burma's prisons nor to displaced populations along the border with China, Thailand and Bangladesh, although it does have a delegate based in Rangoon to run its prostheses program for amputees.

SLORC tried to divert criticism of its refusal to allow access to prisoners by permitting individual foreign delegations highly controlled meetings with a few detainees.

### **Policies of Burma's Neighbors**

Most of Burma's neighbors have pursued a policy of "constructive engagement" with SLORC, some privately criticizing its human rights abuses but all unwilling to join in a Western-led policy of sanctions.

With the Association of Southeast Asian Nations (ASEAN) debating whether to offer Burma observer status next year, many ASEAN governments exchanged high-level visits with SLORC, and Brunei established diplomatic relations with Burma on September 21.

Thailand, of all ASEAN countries, has had both the best and the worst relationship with SLORC. Since 1988, it has been one of Burma's closest regional allies, particularly under Suchinda, the Thai general deposed in the political upheaval in Thailand in May 1992. At the same time, there have been frequent border clashes over the last two years, with military engagements, arrests of Thai citizens and an announcement by SLORC in June that it was revoking all logging concessions with Thai traders, apparently because of the traders' support for rebel groups, including the Karen. Thailand also is host to some 300,000 displaced Burmese which is an ongoing source of tension.

But formally, Thailand has been one of Burma's major defenders. In June, Thailand's Minister of the Interior, General Chavalit Yongchaiyut, who is one of the biggest timber concessionaires, said at the end of a one-day visit to Rangoon that SLORC was tying hard to "open up the country and return power to the people." In August, the head of Thailand's National Security Council General Charan Kunlawanit, said in an interview, "We cannot meddle in Burma's internal problems...We will not say [in reference to Aung San Suu Kyi] 'You must release her.'" With regard to the May 1990 elections, Charan said "In the eyes of the world community, the elected party becomes the government. But in Burma, election is followed by the drafting of the constitution; that is the Burmese way."<sup>1</sup>

On September 15, Prasong Soonsiri, the Thai foreign minister, announced his government's intention to invite Burma to apply for observer status to ASEAN. (Bangkok hosts the ASEAN summit in 1994). He said at the time that Burma was "embarking on democratic reforms" but the pace was necessarily slow. "It is in all our interest to offer incentives and encouragement rather than to attempt a policy of isolation."

The Chuan government, however, overcame military objections and allowed the visit of Nobel laureates in February to come to Thailand to campaign for the release of Aung San Suu Kyi. On October 15, the House Committee on Justice and Human Rights in the Thai parliament issued a statement opposing the invitation to give Burma observer status within ASEAN until it released all political prisoners, ceased all violations against ethnic minorities and turned power over to the winners of the 1990 election.

Khin Nyunt, Burma's strongman and head of military intelligence, visited Singapore in May, indicating reasonably friendly relations. Singapore has been quietly critical of SLORC abuses, particularly the detention of Aung San Suu Kyi, but like Thailand, it opposes any effort at isolating Burma through economic sanctions. An editorial in October in the Singapore government-controlled *New Straits Times* said, "All in all, the gradual cumulative pressures that appear to be envisaged by U.S. policy could well be sufficient to hurt the Burmese people but insufficient to change their political system."

Both Indonesia and Malaysia have rejected, on principle, any conditioning of aid or trade on human rights grounds, and together with Singapore and China, led the Asian governments in adopting a policy rejecting aid conditionality, first at the Non-Aligned Meeting (NAM) conference in September 1992, then at the Bangkok meeting in April 1993.

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<sup>1</sup> Ibid.



But both Indonesia and Malaysia have been concerned about the treatment of the Rohingya Muslim minority along the border with Bangladesh, and the UNHCR office in Kuala Lumpur has found itself handling a large caseload of Rohingya refugees. Malaysia has also said that it will be reluctant to agree to Burma joining ASEAN as an observer state unless it adopts a complete free market system.<sup>2</sup>

Japan has played an ambiguous role with respect to Burma, applauding ASEAN's "constructive engagement" while at the same time intervening with SLORC to press for human rights improvements. Early in 1993, there was a split in the Japanese government over the possible resumption of new foreign aid (Official Development Assistance or ODA) to the military government in Rangoon if the SLORC-sponsored constitutional convention showed any positive result (see entry on Burma). By November 1, there was no change in the existing ODA policy, although Foreign Minister Hata, during a visit to Bangkok in September, said that Japan wanted to help bring Burma's government out of isolation. The government was considering inviting some SLORC officials to Tokyo "for technical training." Behind the scenes, Tokyo played an important role paving the way for Sadako Ogata's visit to Burma in July 1993 to discuss UNHCR's role in monitoring repatriation of refugees from Bangladesh.

Japan's dislike of international economic sanctions on Burma was not just the result of the Japanese business lobby; it was also concerned that Western sanctions was increasing the military and economic influence of China in Burma.

In the Diet, more than 400 members from all parties signed an appeal for restoration of human rights and civilian rule in Burma, delivered to the UN Secretary-General in New York in March by Satsuki Eda (then a member of the House of Representatives, now a cabinet minister.)

China has played no constructive role whatsoever with regard to Burma, but it is clear there may be growing concern in Burma about its economic and military dependence on the Chinese government -- at least a quarter of all Burmese imports are believed to come from China now, and China is far and away the largest supplier of military hardware. In China, there appeared to be some concern about the rising drugs and AIDS problem in Yunnan, across the border from Burma.

## **U.S. Policy**

The Clinton administration continued to be harshly critical of SLORC and all economic assistance remained frozen, but the administration made no effort to discourage investment by U.S. companies. On May 19 and July 20, President Clinton publicly called on SLORC to release Aung San Suu Kyi and other political prisoners, respect the 1990 elections and undertake genuine democratic reform.

Following a meeting with a group of Nobel Laureates in July, President Clinton ordered a high-level inter-agency review to determine how the U.S. could increase pressure on Burma to address human rights abuses. As of November, the review was ongoing. No decision had been taken about such outstanding issues as whether to send an ambassador to Rangoon or to advocate corporate disinvestment in Burma.

At the ASEAN Post-Ministerial Conference in Singapore on July 26, Secretary of State Christopher repeated Clinton's statements, but took no action to encourage new initiatives by ASEAN towards Burma. Privately, US officials acquiesced in ASEAN's "constructive engagement" policy.

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<sup>2</sup> "Change Needed Before Joining ASEAN". *The Nation*, October 24, 1993.

Congress remained active on Burma. On June 22, more than forty members of the House of Representatives wrote to Prime Minister Chuan to urge Thailand to actively promote specific steps to improve human rights conditions in Burma. The Senate passed a resolution on April 19 calling for the immediate release of Aung San Suu Kyi, the transfer of power to those elected in May 1990 and an arms embargo to be effected through a resolution of the U.N. Security Council.

Administration policy was reflected in international agencies as well. The U.S. representative to the 40th Session of the Governing Council of the United Nations Development Program (UNDP) on June 9 announced that the U.S. would not support infrastructure development projects which could enhance SLORC's legitimacy in the eyes of the Burmese people. The U.S. contribution to UNDP for Burma was \$7 million, to be used only for projects which promoted human rights and did not benefit SLORC.

The Foreign Operations bill adopted on June 10 by the House Appropriations Committee pledged \$1 million for Burmese students displaced by civil conflict. The committee also called on USAID to support assistance to Burmese refugees and displaced people.

The Drug Enforcement Agency (DEA) continued a low-level liaison with SLORC, although direct assistance to counter narcotics production remained suspended. An April report by the State Department on narcotics strategy concluded that while Burma accounts for over 50 percent of illicit opium production, there were few signs that SLORC would commit itself to serious law enforcement in this area.

### **3. CHINA/TIBET**

#### **Ratification of international human rights covenants:**

- International Covenant on Civil and Political Rights: NO
- International Covenant on Economic, Social and Cultural Rights: NO

#### **Human Rights Developments**

The Chinese government continued to arrest, detain and torture peaceful critics and to interfere with freedom of expression, association, assembly and religion. Releases of dissidents were carefully timed for political impact, as exemplified by the release days before the Olympic decision in September of writer and editor Wei Jingsheng after over fourteen years of solitary confinement. Foreign Minister Qian Qichen's statement on November 9, just before the APEC meeting, that China would be "willing to consider" access by the International Committee of the Red Cross to Chinese prisons was encouraging; it remained to be seen whether negotiations with ICRC would begin in earnest.

Chinese dissidents were sentenced for peaceful expression of political views. Plans to distribute handbills in Shanghai calling for the gradual introduction of democracy and political freedom to accompany economic reform led to the arrest of three Guangdong men, Li Guoheng, Liang Weiman and Wu Songfa on April 6. Wang Miaogen, a former leader of the Shanghai Workers Autonomous Federation, was sent to a police-run psychiatric facility on April 27 to ensure no disruption of the East Asian Games in May. Members of the banned Shanghai Workers Autonomous Federation were arrested in May on charges of forming a "counterrevolutionary organization." Fu Shenqi, detained on June 26 to prevent him from speaking to journalists during the visit of Australian Prime Minister Paul Keating, was administratively sentenced on July 4 to three years in a "re-education through labor" camp for "inciting trouble" among

Shanghai's dissidents and for speaking to foreign reporters. Two workers, Yao Kaiwen and Gao Xiaoliang, arrested in May, were secretly tried on September 24, the day following the Olympic decision, on charges of "forming a counterrevolutionary clique." Their activities allegedly included attempting to mark the fourth anniversary of the June 4 crackdown in Beijing. In October, in Hubei Province, Yu Zhuo, a graduate student in Wuhan Polytechnic's department of economic management, was sentenced to a two-year prison term for putting up more than thirty posters commemorating the events of June 4, 1989; he had been held incommunicado ever since September 3, 1992.

Nineteen dissidents, arrested in 1992 for their alleged involvement in underground dissident groups, were indicted in September 1993 in a move that indicated trials were imminent.

The State Security Law passed on February 22 had a particularly deleterious effect on journalists. Wu Shishen, an editor in the domestic news department of *Xinhua* was sentenced to life in prison for selling a Hongkong reporter an advance copy of a speech by Party Secretary Jiang Zemin. An alleged accomplice, Ma Tao, an editor at the magazine *China Health Education News*, received a six-year sentence. In May, Bai Weiji and his wife, Zhao Lei, accused of "illegally providing national secrets to a foreigner," received ten and six-year terms. Two friends, one a former journalist, were sentenced with them. Gao Yu, former deputy chief editor-in-chief of the now banned *Economics Weekly*, was charged on October 13, eleven days after her detention, with "leaking state secrets abroad." She was detained on October 2 as she was scheduled to leave China to take up a visiting scholarship at the Columbia School of Journalism in New York. On September 27, a Hongkong reporter, Xi Yang, and a "co-conspirator" were arrested in Beijing for "stealing and spying on financial secrets of the state."

Press freedom was further curtailed by a clampdown on "illegal publishing." Li Minqi, a former student who served a two-year sentence for pro-democracy activities, was detained briefly in June for printing an underground magazine. For selling pornography and trading in publishing quotas, Wang Shuxiang was sentenced to death with a two-year reprieve and his assets were confiscated. Li Dasheng received a twelve-year term for a similar offense, and in March, Wan Jianguo, received a four-year prison term for re-printing some 60,000 copies of *Golden Lotus*, a 400-year-old Chinese erotic classic. The book, banned from public sale, is available to the Communist Party leadership under a system of restricted circulation.

Free expression restrictions extended to film, to "illegal" fax machines and private satellite dishes. "Farewell, My Concubine," co-winner of the Cannes Film Festival Palme d'Or, could not be cleared for general release until substantial cuts were made. At the first Shanghai International Film Festival, works by China's independent filmmakers were banned without exception.

Wang Juntao, Bao Tong and Ren Wandong, all prominent dissidents, were denied release on medical parole despite serious problems. Ren is in danger of losing his eyesight from untreated retinal and cataract problems. Bao may have colon cancer; a request by his family to allow him to see his own doctor was denied.

Those released from prison, either on parole or at the completion of their terms continued to be harassed; many are without jobs, housing and medical benefits. Others are denied access to educational opportunities. Li Guiren, an editor and publisher from Xi'an, was critically ill when he left prison. Fired from his job and denied welfare benefits, he could not afford desperately needed hospitalization. Wang Xizhe, a prominent Democracy Wall activist who served almost twelve years, is prohibited from talking to the press or starting a private business.

Torture continues despite an upsurge in prosecutions of police and prison officials. Liu Gang, a student leader in Tiananmen Square, smuggled out accounts of his torture in a labor camp in Liaoning Province. Li Guoheng, from Guangdong, reportedly was so badly beaten in detention that he asked his family for painkillers. And in Lianjiang County, Guangdong Province, an alleged chicken thief died after he was strung up in a police station window for three hours.

Freedom to leave and enter one's own country remained restricted. While some dissidents were granted passports, most notably Hou Xiaotian, wife of political prisoner Wang Juntao, others, such as Yu Haocheng, a 65-year-old legal scholar, were not. Yu was considered a security risk because of his work as director of the Public Security Department's Masses (Qunzhong) Publishing House.

On August 13, a day after he returned to China on a valid Chinese passport, Han Dongfang, a founder of the Beijing Workers Autonomous Federation, was seized in Guangzhou by the Public Security Bureau, roughed up and forced back across the border to Hongkong. On August 21, Chinese officials invalidated his passport on orders from "concerned government departments." He effectively was rendered stateless.

Prison-made products continued to be exported in 1993. Xu Yiruo, a student detained three times between June 1989 and February 1993, reported that just before he left the Shandong No.1 Labor Re-education Center, he was mining flint clay for export to the U.S. and other markets.

Religious repression in China intensified throughout 1993 with the Protestant house-church movement coming under particular severe attack. In one case, Lai Manping died from injuries sustained when public security officers broke into a religious gathering on March 27 in Shaanxi Province. In July, six Catholics were detained in Fujian Province after a raid on a house in which 250 youths were attending a class on religion and human quality. During interrogation, Public Security Bureau officials used guns and electric prods to beat some of the participants.

Catholic Bishop Julius Jia Zhiguo was detained in April to prevent him from saying an anniversary mass for the late Bishop Fan Xueyan. Eight others were detained with him.

Heightened concern with so-called "splittism" has resulted in an upsurge in arrests in Tibet, Xinjiang and Inner Mongolia. Between January and mid-August alone, there were some 119 political arrests in Tibet, almost half from rural areas and most involving peaceful protest. Two Tibetans, Gendun Rinchen and Lobsang Yonten, arrested in mid-May by State Security officials were still being held incommunicado at the end of the year for planning to inform a visiting European Community delegation of human rights violations. Farmers outside Lhasa, arrested for peacefully demonstrating in 1992, were sentenced in 1993 to terms ranging up to eighteen years. A mass demonstration in Lhasa on May 24 and 25 resulted in the arrests of at least 35 people by July; some were tortured. A Tibetan businesswoman, Damchoe Pema, twenty weeks pregnant when she was arrested in May, miscarried after police forced her to remain standing for over twelve hours and beat her with electric batons.

In Inner Mongolia, a Mongolian literature professor named Delger and a relative were detained for protesting the suppression of Mongol culture and formally charged with "counterrevolutionary propaganda" in January 1993.

In September, army troops were sent to the ethnically Uighur area of Kashgar, Xinjiang province,

after a series of bombings and reported attacks on Chinese attributed to the East Turkestan Party, a separatist organization. On October 7, the official Chinese news agency reported that armed police "crushed" a protest by more than 10,000 Muslims in Xining, Qinghai over a children's book entitled *Braintwisters*, which showed a pig next to a praying Muslim.

No independent human rights organizations are allowed in China. Individual activists risked lengthy prison terms for disseminating information about prisoners, ex-prisoners, prison conditions and other human rights violations. One of the charges against Fu Shenqi, the Shanghai dissident sentenced in July to three years in a re-education camp, was that he mounted a letter-writing campaign on behalf of Wang Miaogen, a former leader of the Shanghai Workers Autonomous Federation who was sent to a police-run psychiatric facility on April 27 to ensure he not disrupt the East Asian Games.

In Shanghai, members of the Study Group on Human Rights in China were harassed and in some cases briefly detained. At least one member was forbidden to leave his apartment on June 9; another was threatened on June 4 with incarceration in a mental facility if he persisted in a hunger strike. Other members were under surveillance. Another Shanghai group, with an overlapping membership, the *Human Rights Association*, applied in March to local authorities to register their organization. Its petition was ignored.

No international human rights organizations were permitted to conduct fact-finding missions in China, but on September 18, five days before the site for the 2000 Olympics was named, the International Federation for Human Rights, based in France, was invited to send a delegation to China by the head of the Chinese Olympic Committee and former mayor of Beijing, Chen Xitong.

## **U.S. Policy**

For the first half of the year, administration policy seemed focused less on improving human rights in China than on reaching an accommodation with Congress to prevent a bruising battle over China's Most Favored Nation (MFN) trade status, which is reviewed annually every June. The latter part of the year saw the initiation of a high-level review of China policy in response to growing concern within the administration and outside it over the poor state of US-China relations.

The annual debate on MFN started early. Through March, Secretary of State Christopher made only vague references to the need to use MFN to improve China's human rights performance. No one in the administration specified even in general terms what improvements would be sought before MFN was extended for another year nor what other governments such as Japan might do to help bring those improvements about.

Congress then took the initiative. On April 22, legislation was introduced in both the House and Senate detailing specific human rights conditions, as well as provisions dealing with trade and proliferation, for renewal of MFN in June 1994. Failure to meet the conditions would mean revocation of MFN for all goods produced or marketed by Chinese state-owned enterprises. (Similar legislation had been passed by large majorities in both houses in 1992 but had been vetoed by President Bush.) Representative Nancy Pelosi and Senator George Mitchell, the lead sponsors, emphasized that the bill was intended to give Clinton leverage in dealing with China, and voiced their hope that the president would attach conditions himself when renewing MFN. China's trade surplus of \$18.2 billion in 1992 helped fuel Congressional concern.

On May 12, the American business community weighed in with an unprecedented letter to Clinton, signed by over 200 leaders of major U.S. corporations and business associations, arguing against conditions

on MFN that might "lead the Chinese to engage in retaliatory actions."

By the time Assistant Secretary of State Winston Lord travelled to Beijing on May 12-13, it was clear that a compromise was in the works. The president would take the MFN issue out of Congress's hands and grant MFN for another year unconditionally, but the administration would craft its own conditions that would be broad enough to avoid provoking a strong counter-reaction from either the Chinese or from U.S. business. Some corporate representatives, aware of this compromise in progress, quietly urged moderation in Beijing. (Lord's visit was later credited for bringing about the release of a few prominent political prisoners, such as Xu Wenli, a Democracy Wall activist imprisoned for nearly 12 years. In addition, China issued passports and exit permits for others seeking to come to the U.S., such as Hou Xiaotian.)

On May 28, the president extended MFN for one year without conditions, noting the progress of economic reform in China and expressing hope that it would lead to "greater political freedom." At the same time, Clinton expressed "clear disapproval of [China's] repressive policies" and issued an Executive Order stipulating that to receive MFN in June 1994, China would need to make certain human rights improvements. Only two conditions were binding and absolute -- promoting freedom of emigration under the Jackson-Vanik provision and abiding by the August 1992 bilateral agreement on prison labor exports -- and these pertained to commitments China had already made. Otherwise, the Secretary of State was to advise the president whether "overall, significant progress" had been made with respect to humane treatment of prisoners; protection of Tibet's cultural and religious heritage; release and full accounting of political prisoners; and unhindered television and radio broadcasts into China. Official reaction in China was muted, and Chinese leaders were said to be relieved that the Executive Order was not stronger.

Democratic Congressional leaders closed ranks behind the president and gave the administration a grace period of one year to try to bring about substantive progress. (A resolution revoking MFN in 1993 was soundly rejected by the House on July 21 by a vote of 318 to 105.) In August, nearly a dozen Congressional delegations visited China, echoing the administration's message that without real progress, MFN would be withdrawn next year.

To add teeth to the Executive Order, Asia Watch recommended that the administration give Congress a progress report after six months on China's compliance with the Order. Representative Sam Gibbons, chairman of the House Ways and Means Trade Subcommittee, at a hearing on June 8, endorsed this recommendation and announced that he would hold hearings early in 1994 at which the administration and human rights groups would be asked to testify. The State Department, to its credit, used this Congressional requirement in its bilateral contacts to increase the pressure on China.

The U.S. also reacted vigorously to defend the right of the dissident, Han Dongfang, to return to China. On August 16 the State Department said it "deplored" the expulsion of Han and complained publicly when his passport was revoked.

A decision, as required by law, on August 25 to ban exports of satellites and related equipment to China in response to its sale of M-11 ballistic missile technology to Pakistan, complicated the administration's human rights policy. The impact of these sanctions on U.S.-China relations was increased when an inspection of a Chinese merchant ship, the Yinhe, suspected by the U.S. of carrying chemical weapons to Iran, came up empty. The Chinese accused the administration of bullying and retaliated by holding up a visit to Beijing by John Shattuck, Assistant Secretary of State for Human Rights and Humanitarian Affairs. The purpose of the visit, originally planned for August, was to resume an official dialogue on human rights cut off by China in October 1992, and to spell out, more precisely, what was

meant in the Executive Order by "overall progress." The administration seemed ill-prepared for the inevitable testing period in relations between the new president and Beijing.

China also resented a bipartisan Congressional campaign to prevent Beijing from being chosen to host the Summer Olympics in the year 2000. On August 9, 60 members of the Senate, led by Senator Bill Bradley, wrote to the members of the International Olympic Committee declaring that awarding the Games would "confer upon China's leaders a stamp of approval...they clearly do not deserve." On July 26, the House passed a resolution with a similar message by a huge margin (287-99), echoed on September 15 by a resolution in the European Parliament. The administration distanced itself from this campaign, while supporting, in a letter to Congress, the general principle that "a country's human rights performance should be an important factor" in the Olympic site selection. On September 23 the IOC voted to award the Games to Sydney, Australia, despite a massive pro-Beijing lobbying effort. The release of China's most prominent dissident, Wei Jingsheng, just prior to the decision, was welcomed by the U.S. at the same time it called upon China "to release all persons like Wei imprisoned solely for the peaceful expression of their political views."

On the prison labor issue, the administration frankly told Congress on September 9 that it was "regrettably at an impasse with the Chinese." The new Commissioner of Customs, George Weise, analyzing China's compliance with the MOU, at a hearing on September 9, said China had responded to only 16 of 31 requests for investigations of suspected prison labor sites, and had granted only one of five requests to allow U.S. Customs officials to inspect facilities.

Congress took the lead in urging the administration to use the leverage of World Bank loans to China on behalf of human rights. The FY 1994 foreign aid appropriations bill report called on the U.S. to "actively seek support among our allied for a policy of restricting loans to China until and unless there are fundamental human rights improvements" and requested a report back to Congress. From January to June, the U.S. voted to approve most loans to China but abstained on eight and voted against three major infrastructure projects. In FY 1993, the World Bank's loans to China reached an all-time high of nearly \$3.2 billion. Once again, China received more funds than any other country.

At the UN Human Rights Commission in Geneva, the U.S. cosponsored and actively organized support for a relatively mild resolution condemning human rights abuses in China. It was defeated.

A high-level policy review initiated in September led the administration to use carrots as well as sticks to encourage the Chinese to be more cooperative on human rights. Resumption of high-level exchanges was one tactic. Assistant Secretary of State for Human Rights John Shattuck visited China and Tibet from October 10-17, but only after the administration agreed to a meeting between President and Party-Secretary Jiang Zemin and President Clinton at the summit meeting of the Asia Pacific Economic Community (APEC) on November 19-20 in Seattle and planned visits to Beijing by Treasury Secretary Bensten, Agricultural Secretary Mike Espy and others. Resumption of military exchanges, suspended after the Tiananmen massacre, began with a trip to China by Assistant Secretary of Defense Charles Freeman in November. It was unclear whether the perception of U.S. softening in the face of harsh Chinese rhetoric might undermine the impact of the administration's warning that China risked losing MFN.

On September 29, President Clinton announced his national export strategy, including significant liberalization of controls on the export of supercomputers, which opened the door to the possible transfer of highly sensitive dual-use technology to China.

## 4. HONG KONG

### Human Rights Developments

China played hardball in its continuing dispute with Hong Kong Governor Chris Patten over his modest proposals for legislative reform. Beijing's determination to win the greatest degree of control over Hong Kong, even prior to its legal resumption of sovereignty in 1997, underscored both the urgency of legal reform to more firmly secure the future observance of human rights, and the colonial government's lack of progress in this area.

At the end of 1992, Chinese officials hurled bitter personal invective against Governor Patten and threatened to set up "a new kitchen" or a parallel government for Hong Kong if his proposals were acted upon. Not until the Governor published his proposals before the Legislative Council in April did Beijing agree to resume talks on the reforms, but little progress resulted. The Governor in his annual policy speech in October suggested that the time left for reaching a mutual agreement was near an end, raising the prospect of further confrontation in 1994.

The government's pro-reform stance was tarnished somewhat in July, when Governor Patten argued that there was no need for an independent human rights commission, as called for by the Legislative Council. Proponents had argued that it was necessary to investigate official practices that might be in violation of the Bill of Rights, particularly as the cost of litigation in Hong Kong (where losers are liable for all fees and costs) greatly inhibits challenges through the courts.

Even so, many laws have been challenged under the Bill of Rights since it came into effect in 1991, in particular criminal laws that placed the burden of proof on the defendant. In October 1993, two activists who were arrested in June 1992 for breaking through a police cordon during a picket of the New China News Agency (*Xinhua*) office -- China's de facto governmental presence -- challenged their conviction by questioning the legality of police restrictions on peaceful assemblies.

China, which had opposed the Bill of Rights from the start, continued to hint that it would alter the legal landscape when it resumed control. In 1993 it unilaterally created the Preliminary Working Committee, a group that was to lay the groundwork for the eventual transfer of power, and one which was widely perceived as China's alternative to cooperating with the British. Simon Li Fook-sean, a co-convenor of the Committee's legal sub-group, suggested in September that the Committee consider drafting laws to prohibit subversion against China. He also went on record in September as criticizing the Bill of Rights' supremacy over other Hong Kong laws, stating, "If we did scrap the Bill of Rights, the Basic Law, common law and all the ordinary ordinances would sufficiently protect human rights in Hong Kong. If people don't believe that, it's because they lack faith."

Precisely because they lacked faith in China's commitment to human rights, many Hong Kong legislators and non-governmental organizations focused attention in 1993 on the government's failure to amend or repeal existing laws that were in conflict with the guarantees of the Bill of Rights. Some of the laws identified included provisions on censorship, police powers to license public demonstrations or compel evidence from journalists, and the Official Secrets Act. The government did, however, propose an amendment to the Television Ordinance that would remove the powers of executive authorities to revoke a television license on security grounds and to regulate the political content of programs. Legislators also decried the government's failure to introduce laws on sexual discrimination or freedom of information, and



prepared to draft their own.

A new urgency infused concern over the future protection of press freedom when another Hong Kong journalist was arrested in China in September. Yang Xi of *Ming Pao* was accused of "espionage regarding state secrets on banking" because of an article about possible changes in interest rates. On October 2, a Chinese woman named Gao Yu was detained and accused of leaking state secrets for providing information to Hong Kong journalists. These arrests follows the 1992 arrest of Hong Kong writer Leung Wai-man, who published a speech by China's Communist Party leader Jiang Zemin a week before it was given. Wu Shishen, a journalist with the New China News Agency who gave her the speech, was sentenced to life imprisonment.

The treatment of Vietnamese asylum-seekers detained in Hong Kong continued to pose grave human rights problems, even as Hong Kong authorities scrambled to comply with China's wish that the detention centers be emptied before 1997.

Screening for refugee status remained flawed, and Asia Watch was again obliged to intercede on behalf of rejected individuals at serious risk of persecution. In June, a Hong Kong court delivered a stinging indictment of the screening system, ordering reconsideration of the case of two Vietnamese, due to the government's failure to read back to them their immigration interview for completeness and accuracy, or to consider evidence of persecution they had proffered. At the year's end, fewer than 3,000 of the approximately 35,000 Vietnamese asylum-seekers detained in Hong Kong remained to be screened, and the vast majority of the rest, who had been screened, had been rejected under flawed procedures. The government has appealed the court's decision.

The policy of incarcerating asylum-seekers also came under challenge in 1993. In mid-year, the U.N. Working Group on Arbitrary Detention began consideration of a complaint filed by the Lawyers Committee for Human Rights and the Women's Commission for Refugee Women and Children on behalf of all detained Vietnamese. In July, damages of over \$25,000 were awarded to the first seven of 111 plaintiffs in the Boat 101 case, in which a court had previously ruled that the government illegally detained it intercepted in 1989 en route to Japan.

The severely overcrowded detention centers for Vietnamese, often dominated by criminal gangs, were the site of yet more assaults and rapes. The overall atmosphere of intimidation and violence worsened as the Hong Kong government and the UNHCR cut back services such as education and psychological counseling, and began systematically transferring asylum-seekers between camps, both to consolidate detention centers and to destabilize established communities in order to encourage people to volunteer to return to Vietnam. In May, tensions were so high in the Whitehead Detention Centre over a plan to transfer 4,000 detainees to a different section that the then-UNHCR Chief of Mission, Robert Van Leeuwen, made a personal visit. During the visit, asylum-seekers explained that every transfer put them at the mercy of criminal gangs, who would use violence to assert control and extort the transferred people. At the conclusion of Van Leeuwen's speech, in which he declined to address these concerns and instead focused on voluntary repatriation, three men slashed their stomachs in protest and had to be hospitalized.

The preoccupation with boosting the flagging numbers of volunteers for repatriation led the Hong Kong government, with the agreement of the UNHCR, to close off alternative sources of information to the incarcerated Vietnamese. In June, the government rejected a proposal from non-governmental organizations for a forum on current conditions in Vietnam to be held in the detention centers; both Asia Watch and Amnesty International had been invited as participants. The government said the forum "could be counter-

productive" given Asia Watch's past criticism of the government's policies. Early in 1993, the premier news and commentary journal edited by detained Vietnamese was closed. UNHCR refused to reauthorize "Freedom" magazine, citing lack of resources despite offers of financing and technical assistance from Hong Kong corporations and professionals; the journal's independence in publishing refugee views, however, was widely believed to be the real reason for its closure.

Hong Kong generally respects human rights monitoring and advocacy, but the prognosis as 1997 draws near is uncertain. One possible harbinger of problems to come was the refusal of 18 of Hong Kong's top law firms to accept as clients Martin Lee and Szeto Wah, two legislators and pro-democracy activists who are regularly reviled by China. Lee and Szeto sought to sue Simon Li Fook-sean of China's Preparatory Working Committee for defamation when he said in mid-July that the pair were unfit to remain in the legislature because they had urged runs on Chinese banks in 1989, after the Tiananmen Square massacre.

A similar problem that received growing attention was the frequent self-censorship the Hong Kong media practices on topics sensitive to China. Although the colonial government uses its broad powers of censorship infrequently, China systematically monitors Hong Kong journalists, punishing those it finds irritating with denial of access to the mainland, or as described above, with arrest and imprisonment.

One of the notable areas where the Hong Kong government restricts media access is the detention centers for Vietnamese. In April, the government opened files more than 30 years old to public inspection, and permitted residents to check personal files it holds on them, but only with regard to information that was provided by the individual.

## **5.INDONESIA/EAST TIMOR**

### **Ratification of international human rights covenants:**

- International Covenant on Civil and Political Rights: NO
- International Covenant on Economic, Social and Cultural Rights: NO

### **Human Rights Developments**

Despite some signs of increasing receptivity to human rights concerns, Indonesia continued to detain critics arbitrarily, restrict freedom of expression, and obstruct the emergence of independent associations. Abuse of detainees immediately after arrest remained routine. Indonesian military abuses continued, but in two major cases, the killing of a young labor activist and the shooting of demonstrators at a dam site in Madura, army personnel were arrested or disciplined.

The appointment of President Suharto to a sixth term by the People's Consultative Assembly in March; the successful campaign by the armed forces to have its commander-in-chief, Try Sutrisno, appointed vice-president; and major cabinet changes announced at the end of March heralded little change in the government's approach to human rights.

Shortly before the Vienna World Conference on Human Rights in June, Indonesia announced the establishment of a national commission on human rights, headed by a former military judge and head of the Supreme Court, Ali Said. The twenty-five-member commission was set up by presidential decree and appeared to have neither independence nor investigatory powers.

Access to Indonesia by international human rights organizations remained limited, although Asia Watch and the International Commission of Jurists were permitted in March to send observers to the highly-charged political trial of Xanana Gusmao, leader of the East Timorese independence organization and guerrilla army.

Asia Watch received no reports of disappearances during the year, although outstanding cases of disappearances in Aceh and East Timor from 1990 and 1991 remained unresolved. The government appeared to be making no effort to find the missing or punish those responsible, and in both areas, the disappeared were presumed dead.

Several killings were attributed to the armed forces and police. On March 25, two men from the transmigrant community of Sei Lapan in North Sumatra were reported to have died in custody after having been beaten following their arrest in connection with a longstanding land dispute. On May 9, a young labor activist named Marsinah was found raped and murdered after a strike at her factory in Sidoarjo, East Java, in which the military had intervened. On November 5, a military officer, Captain Kusaeri, was arrested on suspicion of having been involved in the kidnapping of Marsinah. In late July, the body of Hans Soaf, believed to be a political activist in Irian Jaya, was found buried shortly after his arrest in Waskee, West Sarmi. Suspected leaders of Aceh Merdeka, the armed nationalist organization, continued to be shot dead by the army, rather than captured; two were killed in August. On September 25, soldiers opened fire on a group of peaceful demonstrators in Madura, off the coast of East Java. Three people, including a fourteen-year-old boy, were killed instantly; another died later of his injuries. The demonstrators were protesting the construction of a dam. The army announced that the killings would be investigated.

Freedom of expression continued to be tightly controlled, with dozens arrested for a wide variety of offenses. In early January, two young men, Djoni Purwoto and Sugiri Cahyono, were sentenced to four and three and a half years in prison respectively on blasphemy charges for insulting Islam during a comic theatre performance in Salatiga, Central Java.

Two students from Semarang, Central Java, were accused of "spreading hatred of the government" for criticizing the electoral process during the parliamentary election campaign in May 1992. The prosecution requested several months in prison, but as of mid-November the verdict had not been announced. Another student, David Ramone, was sentenced to six months in prison on slander charges for his role in a demonstration in which students carried posters asking a university administrator to account for his use of student fees. In late June, the trial of a young activist, Buntomi, opened in absentia in Salatiga; he was accused of distributing a calendar in 1991 that bore unflattering caricatures of President Suharto and his wife.

Freedom of association was a major issue, particularly with respect to labor and religion. The government continued to harass people associated with the independent labor union, Indonesia Prosperous Workers Union (SBSI). In June, soldiers arrested two SBSI leaders in Medan, North Sumatra, for their role in a strike at a local shrimp farm. Both men were severely beaten; they were released after a week. On July 29, the government prevented SBSI from holding its first national congress. The Indonesian military continued as a matter of routine to

The military also intervened heavily in a leadership dispute within the Huria Kristen Batak Protestan or HKBP, the largest Protestant congregation in the country, based in North Sumatra. Beginning in January and continuing throughout the year, protests against the government-installed *ephorus* or

archbishop led to over 100 arrests, many of them involving physical abuse. On July 25, a photographer hired by one faction to document the clashes was arrested by the district military command in Bongbongan and beaten. He suffered several broken ribs. Many of those detained tried to bring *habeas corpus* petitions against the army officers who arrested them, but the courts refused to hear them on the grounds that according to the Criminal Procedure Code, they only had authority to rule on irregular arrest and detention procedures involving police.

East Timor continued to receive international attention for the human rights violations committed there. The trial of Xanana Gusmao in Dili District Court from February to May 1993 was, until the end, more open than any East Timorese trial in memory, with foreign journalists, diplomats and human rights organizations all in attendance -- until the defendant abandoned his hitherto passive stance and began his defense. The government first refused to let him read his defense plea in Portuguese; it then tried to prevent diplomats from attending the final sessions; and finally it barred Gusmao from reading the plea at all, declaring it to be irrelevant to the charges against him. Gusmao was sentenced to life in prison, later reduced through a disputed plea for clemency to twenty years. He is serving the sentence in Cipinang Prison in Jakarta.

Between May and July, the military commander responsible for East Timor, General Theo Syafei, tried to prevent the International Committee of the Red Cross from visiting East Timorese detainees on the ICRC's terms. Visits were resumed on July 29.

In early September, prior to the visit of a delegation of Congressional staff members, over fifty East Timorese were detained for what were euphemistically referred to as "courses." They were released after the delegation returned to Jakarta.

Human rights organizations continued to be subject to harassment and threats from the government, even as their visibility and influence increased. In September, Vice-President Try Sutrisno warned darkly of traitors who gave information to foreign organizations. He made the remarks in connection with an announcement from the office of the U.S. Trade Representative that tariff benefits could be revoked unless labor rights practices improved.

Several activists from LBH-Ampera, a legal aid organization, were detained after a peasant demonstration on October 6 in Bogor, West Java. The police chief of Bogor accused the group who organized the demonstration of being linked to the banned Communist Party. Jauhari Ahmed, who works for the organization, received death threats from unidentified men who vandalized his home at 2 A.M.

## **U.S. Policy**

The Clinton administration was particularly active and outspoken on the issues of East Timor and workers' rights in Indonesia, raising these concerns at the highest levels with Indonesian officials.

At the U.N. Human Rights Commission in Geneva in March, the U.S. played a pivotal role in generating support for a resolution expressing concern about human rights abuses in East Timor, clearly signaling to Indonesia that it intended to take a tougher line on human rights than the Bush administration. The resolution was adopted by a vote of 22 to 12 (with 15 abstaining).

At the World Bank-convened donors meeting of eighteen nations in Paris on June 30, the U.S.

raised East Timor and worker rights during the general discussion and in its bilateral talks. The Consultative Group pledged \$5.1 billion in development assistance, with no specific human rights conditions attached. Several governments including the U.S., Canada, Austria and Switzerland, referred to human rights and the issue of "good governance."

On July 3, forty-three senators wrote to President Clinton urging him to bring up East Timor with President Suharto at the G-7 summit meeting in Tokyo. The president did so.

In response to petitions filed in June 1992 with the U.S. Trade Representative's office by Asia Watch and the International Labor Rights Education and Research Fund, Mickey Kantor announced on June 25 that Indonesia's GSP (Generalized System of Preferences) export benefits would be in "serious jeopardy" if "substantial concrete progress" was not made to protect workers' rights. USTR announced it would develop an "action plan" with Jakarta and would decide by mid-February 1994 whether to continue the GSP program in Indonesia. The GSP report, issued in July, was especially critical of the lack of freedom of association for workers and the role of the military in labor relations. The Indonesian government's moves to ban the national congress of the independent union SBSI, in the midst of the GSP review, sparked a strong denunciation by the U.S. Embassy in Jakarta and a stern statement from Timothy Wirth, State Department Counsellor.

On September 20, an inter-agency team, led by USTR, visited Indonesia for five days of talks with Indonesian officials, non-governmental organizations, independent union organizers, and others. Such a visit had never taken place before during the annual GSP review.

Throughout 1993, Congressional concern on human rights in Indonesia was focused almost exclusively on East Timor. A Congressional staff delegation visited Indonesia, and briefly went to East Timor, from August 21 to September 5.

The FY 1994 foreign aid bill continued the ban on IMET (International Military Education and Training) to Indonesia enacted by Congress in 1992.

Indonesia was due to receive \$46 million in development assistance, plus an increase in foreign military sales estimated at \$15 million in FY 1994, and an additional \$15.8 million in commercial military sales. An amendment to the Senate authorization bill, sponsored by Sen. Russell Feingold, was approved by the Foreign Relations Committee on September 8, linking future military sales to Indonesia to human rights progress in East Timor. The administration opposed the Feingold amendment, however, on grounds that it would hamper other efforts to address Indonesia's human rights behavior.

In August, following consultations with Congress, the administration had rejected a request by Jordan to sell U.S. F-5 jet fighters to Indonesia, partly on human rights grounds. At that time, the State Department emphasized that the decision was "not a precedent for other arms transfer decisions."

The U.S. Embassy in Jakarta in 1993 continued energetically to raise concerns about human rights abuses.

## **6. JAPAN**

### **Ratification of international human rights covenants:**

- International Covenant on Civil and Political Rights, 1979
- International Covenant on Economic, Social and Cultural Rights, 1979

## **Human Rights Developments**

Japanese politics was thrown into a state of flux and uncertainty in 1993 as the Liberal Democratic Party, which had ruled for almost four decades, ceded power to a coalition government after elections on July 18. Initial statements on human rights of Prime Minister Morihiro Hosokawa were promising. By the end of the year, it was too early to tell whether Japanese policy on human rights would substantially change, particularly with regard to foreign aid (Official Development Assistance or ODA).

At the U.N. human rights conferences in Bangkok and Vienna, Japan underscored the role of development assistance in promoting human rights. In October, the foreign ministry published a "white paper" on ODA, reiterating the guidelines first adopted in April 1991, that allocation of aid would take into consideration respect for human rights and democratization shown by recipient countries. "Democratization" appeared to be understood as synonymous with free market reforms. The report, however, specified for the first time that a long-term objective of the ODA program was to encourage "good governance" (a term borrowed from the World Bank) as essential to sustainable development.

ODA for 1992 totalled \$11.3 billion, again making Japan the largest foreign aid donor worldwide, with Asian countries receiving 65 percent of that total. Japan announced in June 1993 that it would increase its ODA spending over the next five years by 50 percent, to a total of \$70-\$75 billion.

The ODA guidelines were loosely applied in 1993, as the government relied on "policy dialogues" with recipient governments as the primary method for addressing human rights concerns, rarely engaging in public criticism of abuses or linking ODA decisions directly to human rights.

For example, when Vo Van Kiet, Vietnam's prime minister, met with then-prime minister Kiichi Miyazawa in Tokyo on March 25, seeking further ODA assistance, Miyazawa raised human rights concerns only in a general way and set no specific conditions for Vietnam to meet. Human rights issues did not appear to affect the resumption of ODA to Vietnam in November 1992 (\$370 million) or the willingness of Japan to provide grants and loans to help repay Vietnam's debt to the International Monetary Fund. To assist with Vietnam's market reforms, Tokyo announced in October 1993 that it would send a team of legal experts to help in drafting commercial and investment laws; no similar interest was evinced in criminal or national security laws.

On China, Japan, anxious to prevent a deterioration in U.S.-Sino relations, was willing to play an intermediary role between Washington and Beijing but refrained from exerting any direct economic pressure on Beijing. Foreign Minister Michio Watanabe was the first high-ranking official to meet with the Clinton administration. In talks with Warren Christopher and Clinton from February 11-14, he urged the administration to take a "moderate approach" and to renew MFN unconditionally. Both governments agreed to do what they could to "help political reforms catch up with economic reforms" in China. The same message was delivered directly to the White House when then Prime Minister Miyazawa met with Clinton in Washington on April 15.

Various Japanese government officials visited Beijing in 1993, and while it is not clear that they made specific appeals for human rights improvements, Japan has quietly lobbied for the release of individual political prisoners as well as access to prisoners by international humanitarian organizations. In

early April, an official Japanese delegation visiting Tibet to discuss cultural exchanges also raised prisoner cases and asked to visit a jail.

The Hosokawa government was likely to continue Japan's policy of building strong political and economic relations with China, despite its human rights record, and Hosokawa was expected to make an official visit to Beijing as early as March 1994.

On Burma, there was a split in the Japanese government early in 1993 over the possible resumption of new ODA to the military government in Rangoon if the SLORC-sponsored constitutional convention showed any positive result (see entry on Burma). By November 1, there was no change in the existing ODA policy, although Foreign Minister Hata, during a visit to Bangkok in September, said that Japan wanted to help bring Burma's government out of isolation. The government was considering inviting some SLORC officials to Tokyo "for technical training." Behind the scenes, Tokyo played an important role paving the way for Sadako Ogata's visit to Burma in July 1993 to discuss UNHCR's role in monitoring repatriation of refugees from Bangladesh.

In the Diet, more than 400 members from all parties signed an appeal for restoration of human rights and civilian rule in Burma, delivered to the UN Secretary-General in New York in March by Satsuki Eda (then a member of the House of Representatives, now a cabinet minister.)

At the UN Human Rights Commission in Geneva, Japan played an ambiguous role: cosponsoring a resolution on human rights in China which failed, but abstaining on a crucial resolution on human rights in East Timor, which passed. The Japanese embassy in Indonesia, however, did send representatives to attend the trial of a major East Timorese political prisoner, Xanana Gusmao, between February and May.

Japan also played a constructive role at the Vienna World Conference on Human Rights in June, affirming the universality of human rights and challenging the position of some other Asian governments. "While social and economic development may facilitate enhanced respect for human rights," the Japanese delegate said, "I believe that fundamental freedoms and rights should be respected by each and every country, whatever its culture, political or economic system or stage of development..."

"Japan believes that development assistance should also contribute to promotion of the rights of individuals."<sup>3</sup>

## **U.S. Policy**

The Clinton administration was slow to recognize the enormous potential of Japan in promoting human rights as part of its "global partnership" with the U.S. and its commitment to Clinton's "New Pacific Community." The State Department, for example, was reluctant to act on the suggestion that Japan might assist with specific human rights issues in Vietnam.

Members of Congress expressed concern about the "comfort women" issue. A group of twenty-four Representatives sent a letter to Prime Minister Hosokawa in November, urging Japan to cooperate fully with the UN investigation into sexual slavery and to take other steps to clarify accountability for abuses

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<sup>3</sup> Statement by H.E. Nobuo Matsunaga, Envoy of the Government of Japan, World Conference on Human Rights, Vienna, June 18, 1993, p.3.

during World War II, such as paying compensation to the victims.

## 7. KOREA (Republic of)

### **Ratification of international human rights covenants:**

- International Covenant on Civil and Political Rights, 1990
- International Covenant on Economic, Social and Cultural Rights, 1990

### **Human Rights Developments**

The limits on President Kim Young Sam's commitment to human rights reforms became apparent in 1993. The new government persisted in punishing nonviolent dissenters and those involved in making unauthorized contacts with the North and made no effort to repeal or revise the National Security Law (NSL) which restricted the rights of freedom of expression and association. Despite a presidential amnesty on March 9, which led to the release of 144 people. Another 81 had their sentences reduced. Some 70 people were arrested during the year on political charges and at least 200 other political prisoners continue to be held.

On April 27, a prominent writer, Hwang Suk Young was arrested in Seoul upon his return to Korea from the U.S. and was prosecuted under the NSL for visiting the North. The prosecutor charged that \$250,000 which Hwang received as a copyright fee from North Korea for his novel *Changgilsan*, to be used in a joint-venture movie production by North and South Korean movie producers, were operational funds from North Korea given for espionage purposes. Asia Watch called for his unconditional release on the grounds that Hwang was being prosecuted for his peaceful political activities. In the process of interrogation by the Korean Central Intelligence Agency, Hwang was denied sleep for a few days. On October 25, Hwang was sentenced to eight years (the government had requested a life sentence.) He planned to appeal.

Noh Tae-Hun, a human rights monitor and key member of KONUCH (Korean Network for World Conference on Human Rights in Vienna) was forcibly arrested without a proper warrant on July 15. He was interrogated and accused of being a member of a spy ring upon his return from Vienna. Failing to prove the spy suspicion, the government prosecuted him under the NSL for possessing materials written by former political prisoners. On October 20, Noh was sentenced to one year in prison, suspended for two years and released. He was appealing his sentence and the process was expected to begin at the end of this year or early next year.

Professor Cho Guk, a lecturer of law at Ulsan University and a legal scholar who published a number of research papers, articles and books on Marxist legal theory, criminal jurisprudence and freedom of thought, was arrested on June 23 under the NSL. He was accused of establishing and belonging to the Korean Social Science Academy which prosecutors linked to *Sanomaeng* (Socialist Worker's League), which in the past has been labeled by authorities as an "anti-state" organization. During the trial at the Seoul District Criminal Court, no link could be found between the Korean Social Science Academy and *Sanomaeng*. Cho Guk's final sentence had not been announced as of mid-November.

Kim Sam-Sok and Kim Un-Ju, brother and sister, were arrested without warrants on September 8 by the Agency for National Security Planning (ANSP). They were held incommunicado for two days.



Although South Korean law forbids the use of a coerced confession in court, they were beaten and deprived of sleep for more than three days during their interrogation. Kim Sam-Sok was tortured by being stripped naked and sexually assaulted. The treatment was used, according to Amnesty International, in order to force him to "confess" to charges which he claims are false and to put his thumbprint on a statement which was not his own. According to his lawyers, he attempted suicide on September 20 in the presence of his attorney, citing the suffering he had endured during the interrogation. Both Kim Sang-Sok and Kim Un-Ju were held under the NSL on suspicion of passing military secrets to the North and passing copies of North Korean leader Kim Il Sung's memoirs to student groups in South Korea. Their trial was pending.

On labor rights, no progress was made during 1993 in reforming Korea's labor laws to bring them into compliance with international standards and serious problems of violations of internationally-recognized worker rights remained. The Overseas Private Investment Corporation (OPIC) program, extending loans and insurance to U.S. companies operating in Korea, remained suspended in 1993. Korea was ruled ineligible for OPIC in December 1991 because of labor rights violations.

The Kim Young Sam government has taken no significant steps to improve its labor laws and practices. It continued to intervene in industrial relations by keeping restrictive regulations passed in 1989 that reduced the scope of freedom of association, organization and collective bargaining; by placing new limitations on the right to strike; and restricting collective bargaining in Export Processing Zones. The "third-party intervention" law remained in force; adopted in 1980, the law made trade unionists who support strikes at workplaces other than their own subject to arrest and imprisonment. It was used to prevent other workers from communicating with strikers, even when they are employed by the same company.

In May 1993, Kim Young Sam announced a "New Diplomacy" with an emphasis on human rights and said that Korea would become increasingly active in Asian affairs. However, it was not clear how the new human rights policy would be implemented or whether Korea's foreign aid program would be used as an instrument of that policy.

At the Vienna Conference on June 15, Foreign Minister Han Sung-Joo emphasized Korea's commitment to democracy and human rights. Foreign Minister Han stated that Korea, being a party to most of the major human rights instruments, including the Optional Protocol to the International Covenant on Civil and Political Rights, was preparing to accede to the Convention Against Torture within the year and would carry out all the obligations under the conventions. He stated:

Korea is irrevocably committed to the cause of human rights. President Kim Young Sam of the Republic of Korea announced new foreign policy guidelines last month, which place a particular emphasis on human rights. Korea's new diplomacy, he said, is the one which places emphasis on such universal values as democracy, liberty, welfare and human rights.

His announcement reflects the belief in democracy shared by all people in my country. The Republic of Korea, with the firm faith that democracy is an ultimate guarantor of human rights, individual liberties, peace and development, will continue to do its part in the international endeavor to expand democratic ideals.

Korea's total official development assistance (ODA) was \$89.2 million and bilateral assistance was \$32.4 million. Russia, Indonesia and Nigeria have been recent recipients of Korean loans. On October 18, the Korean government announced it would provide Vietnam with a \$50 million loan to build Vietnam's

infrastructure.

## **US Policy**

The Clinton administration continued its predecessor's policy towards Korea, expressing strong public support for Kim Young Sam's government and limiting any criticism of human rights abuses to private diplomacy.

During his visit to Seoul on July 10, President Clinton spoke to the National Assembly and extolled Korea as an example for the rest of Asia: "Korea proves that democracy and human rights are not Western imports...Now we must respond to those aspirations throughout this region." But he made no reference to Korea's continuing human rights problems and otherwise concentrated on security concerns and the threat posed by North Korea.

On September 14, 1993 the Senate Foreign Relations held a confirmation hearing for the new U.S. Ambassador to Seoul, Dr. James Laney, at which Laney outlined U.S. objectives in Korea, including promotion of human rights. When asked about the NSL, Laney said he would urge Korea to bring its laws into conformity with international human rights standards but made no specific comments on the need to reform or repeal the NSL.

## **8. MALAYSIA**

### **Ratification of international human rights covenants:**

- International Covenant on Civil and Political Rights: NO
- International Covenant on Economic, Social and Cultural Rights: NO

### **Human Rights Developments:**

Prime Minister Mahathir continued to lambaste the West at every opportunity and was one of the champions of the "Asian concept of human rights." His statement at the United Nations General Assembly in October 1992 was typical, where he took on press freedom, individual rights and Western inaction on Bosnia:

...The small nations are being accused of being undemocratic and limiting freedom because we do not allow reception of international TV networks. We hope it is because our accusers believe in the freedom of the press. But we suspect it is because they monopolize the world media and they stand to profit substantially from the freedom they insist every nation should have...

At the ministerial meeting in Vienna this year a more comprehensive definition of human rights was presented. Many countries like Malaysia were smeared for allegedly refusing to accept the universality of human rights. We do subscribe to the universality of human rights but not to the irresponsible variety propounded by the West. Human rights is not a license to do anything without regard to the rights of others. The rights of the majority are just as valid as the rights of the minority or the individual. A society has a right to protect itself from the unbridled exercise of rights by individuals or a minority which in the West has

contributed to the collapse of morality and the structure of human society.

Countries like Malaysia must take exception to the preachings on human rights from people who willingly condone and to a certain degree aid ethnic cleansing in Bosnia-Herzegovina."<sup>4</sup>

But Mahathir continued to hold political opponents under the Internal Security Act. In Sabah, Benedict Topin and Abdul Rahman Ahmad, two men detained in 1990 under the ISA for allegedly being involved in a secessionist plot, were released on July 11; others arrested for the same offense, including Jeffrey Kitingan, brother of the Chief Minister of Sabah, remained in prison. All the detainees were associated with a party called the Parti Bersatu Sabah (PBS) which had come into conflict with the ruling party of Malaysia, the United Malays National Organization or UMNO.

The United Nations High Commissioner for Refugees (UNHCR) continued to be denied access to refugees from Aceh, Indonesia, who were held in Malaysian detention camps. Most had fled Aceh, on the northern tip of Sumatra, in 1991 during counterinsurgency operations by the Indonesian military against an armed separatist organization, Aceh Merdeka.

Members of the Iban and Penan peoples in Sarawak continued to be tried for obstructing logging operations on their ancestral lands. On July 5, the Malaysian government imposed a travel ban on poet Cecil Rajandara, 51, apparently because of his anti-logging activities. The government retained Rajandara's passport.

## 9. PHILIPPINES

### **Ratification of international human rights covenants:**

- International Covenant on Civil and Political Rights, 1986
- International Covenant on Economic, Social and Cultural Rights, 1974

### **Human Rights Developments**

Disappearances and summary executions continued to be reported, although at a lower level than in previous years. Members of the paramilitary force, CAGFU (Citizens' Armed Forces -- Geographical Unit) continued to be among the perpetrators. The death penalty was reimposed in August after being abolished by the 1986 constitution. The government of President Fidel V. Ramos continued to review cases of detained and convicted political prisoners, and many were amnestied. The remaining number of political prisoner, most held under criminal charges, was a source of dispute between the government and human rights groups. Peace talks between the National Democratic Front and the government made little progress; talks began in October in Jakarta during the year between the government and the Moro National Liberation Front (MNLF). The MNLF was blamed for several kidnappings and bombings during the year, including the bombing of Manila's Light Rail Transit line on May 11 which injured 26 people.

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<sup>4</sup> Statement by His Excellency Dato'Seri Dr. Mahathir Bin Mohamad at the Plenary of the 48th Session of the United Nations General Assembly, October 1, 1993.

The National Unification Commission (NUC), the government's peace negotiating body, ended its term on July 31 after 11 months of talks between the National Democratic Front (the front organization of the Communist Party of the Philippines and its armed wing, the New People's Army) and the government. President Ramos named Justice Secretary Franklin Drilon as acting presidential adviser on the peace process in preparation for the creation of a National Amnesty Commission. In its final report, the NUC recommended an absolute and unconditional amnesty for all rebels. The Clinton administration urged Ramos not to include in any future amnesty the men convicted of killing a U.S. army officer, Colonel James Rowe, in Manila in 1989.

CAFGU members continued to be responsible for grave human rights abuses, including extrajudicial executions. On February 23, human rights worker and tribal activist Chris Batan, 26, was shot and killed in *barangay* Betwagan, Sadanga, Mountain Province. A member of the Igorot tribe, Batan had worked with Task Force Detainees and the Cordillera People's Alliance. His killing was witnessed by two colleagues who said they were approached by five or six armed men. A CAFGU member named Agustin Afawan was arrested and pleaded not guilty in May.

CAFGU members were also suspected in the killing of Exquito Lasquite, 33, the local coordinator of the National Federation of Sugar Workers in Hacienda Culminares, *barangay* Minnoyan, Marcia, Negros Occidental. He died of multiple gunshot wounds to the head on April 17. According to local human rights workers, CAFGU members had frequently come to Lasquite's house to question him about his activities and his relation to the NPA.

The Human Rights Committee of the Philippines House of Representatives said in April that there had been an increase in reported incidents of forced recruitment by CAFGU.

July 31 was the deadline for filing claims with a U.S. federal court in Honolulu against the Marcos estate for human rights abuses suffered during Marcos's years in power. As of July 12, only 2,000 people had filed, out of an estimated 10,000 victims. Spurred by the damage claims, a Manila newspaper, the *Philippines Daily Inquirer*, released a list of the top 20 military officers implicated in cases of torture under Marcos. Some of those names were still on active duty.

On August 6, a well-known political prisoner, Jaime Tadeo, chairman of the leftwing peasants' organization, *Kilusang Magbubukid ng Pilipinas* or KMP, was released from Bilibid Prison in Manila. He had been jailed in May 1990 on a charge of embezzlement, but he accused the government at the time of imprisoning him to stop his efforts on behalf of peasant rights. In October, the KMP split into two factions, after efforts to remove Tadeo from office failed.

On August 12, the Philippines Senate passed a bill reimposing the death penalty for six "heinous" crimes: murder, rape, arson resulting in death, kidnapping or serious illegal detention, graft and corruption, and drug trafficking.

## **US Policy**

Although the Clinton administration was generally supportive of President Ramos, U.S. aid to the Philippines fell sharply in 1993 and promises to continue to decline in 1994. The U.S. requested \$2,000,000 in IMET funding for FY 1994, a decrease of \$300,000 from the previous year; \$10,000,000 in Economic Support funds, down from \$25,000,000 in 1993. The request for Foreign Military Funding (FMF) dropped by \$7.3 million to a total of \$7.7 million for FY 1994. In its funding request for Security Assistance for FY

1994, the Clinton administration stated that U.S. assistance was "essential to the ability of the Ramos government to counter the communist insurgency, improve respect for human rights, consolidate democratic processes and institutions, and to sustain economic reforms."

According to the House Foreign Affairs Subcommittee Funding Recommendation for 1994, during FY 1993 the US contributed \$157 million in total aid to the Philippines. It noted that although this was the largest amount of U.S. aid provided to any Asian country, the amount was less than half that provided to the Philippines in 1991. The dramatic decline of US aid to the Philippines followed the Philippines Senate's rejection of a new base treaty in September 1991 -- a policy the Senate Appropriations Bill for 1993 characterized as "punitive rather productively serving any clear long term purpose."

That bill recommended \$40,000,000 for the Multilateral Assistance Initiative for the Philippines for FY 1993 (half the requested amount) and required that the President channel at least \$25,000,000 of those funds through private voluntary organizations and cooperatives.

## **10. SINGAPORE**

### **Ratification of international human rights covenants:**

- International Covenant on Civil and Political Rights: NO
- International Covenant on Economic, Social and Cultural Rights: NO

### **Human Rights Developments**

Restrictions on freedom of the press continued. On August 2, the government limited the sale of *The Economist* because it refused to publish the government's unedited response to a letter from Singaporean opposition leader Jeyaretnam which appeared in the July 10-16 issue. In October, the trial began of the editor of *Business Times*, Singapore's leading financial paper; a journalist; and three economists. All were charged under the Official Secrets Act of obtaining disclosing a figure on projected quarterly economic growth in June, when the figure was only officially made public in August. According to the *Financial Times* of October 22, Former Prime Minister Lee Kuan Yew suggested no reporter would have dared publish government statistics ahead of schedule while he was in office, and the press was merely testing his successor, Goh Chok Tong. The trial was widely interpreted as a test case to see whether Singapore was in fact moving toward a more open society under Mr. Goh.

There were disputed accounts of Singaporean authorities working with the Burmese military leadership (State Law and Order Restoration Council or SLORC) to restrict the travel of a Burmese opposition leader. On October 21, Singapore airport authorities detained the foreign affairs spokesman for the Karen National Union, Dr. M. Martha, who was on his way to New York to join a delegation from the Burmese opposition government-in-exile to work on a Burma resolution at the United Nations. Martha was deported back to Bangkok. The Singaporean government said the deportation was not politically motivated, but took place because the name on Martha's passport did not match the name on his ticket.

It was the second disputed deportation of Burmese from Changi airport. On June 3, 11 Burmese seamen in transit from Australia were put on a plane back to Burma. One account said they had been forced to return by SLORC agents waiting in the airport; Singaporean authorities said it would have been impossible for Burmese agents to enter the transit lounge.

At the Vienna World Conference on Human Rights and the Bangkok regional conference that

preceded it, Singapore was a leading proponent of the "Asian conception of human rights." In its Bangkok statement, the government delegate acknowledged that some human rights were universal, but others were open to "legitimate and continuing differences of interpretation...the notion of universality is not unqualified even among the most passionate advocate of human rights. Are the common interests of humanity really advanced by seeking to impose an artificial and stifling unanimity?"

## **11. THAILAND**

### **Ratification of international human rights covenants:**

- International Covenant on Civil and Political Rights: NO
- International Covenant on Economic, Social and Cultural Rights: NO

### **Human Rights Developments**

Thailand continued to recover from political upheaval in 1992, but its chronic human rights problems remained: treatment of non-Thai nationals and trafficking in women in particular. A full accounting of events of May 1992, when the army opened fire on mass demonstrations in Bangkok, had yet to be made, and some senior officers involved in the May events were promoted in the annual military reshuffle in September. Violations of labor rights continued, as exemplified by a horrific fire that swept through the Kader toy factory in mid-May, killing more than 200 women workers who had been locked in. As of August, 217 prisoners were under death sentence in Bang Kwang prison, mostly for murder and drug trafficking but no prisoners had been executed since 1989.

On the positive side, the civilian government of Chuan Leekpai resisted military pressure and allowed a group of Nobel Peace Prize laureates to visit Thailand to campaign for the release of imprisoned Burmese opposition leader, Aung San Suu Kyi. At the regional Asian preparatory meeting leading up to the Vienna World Conference on Human Rights, held in Bangkok March 29 to April 2, Thailand also reaffirmed its intention to ratify the International Covenant on Civil and Political Rights and other important human rights instruments; by December, however, it had not done so.

The treatment of Burmese and Cambodian refugees was a major cause for concern. Members of Burma's ethnic minority groups continued to flee into camps along the Thai-Burma border. The camps were set up at the discretion of local authorities with little control from Bangkok; by the end of the year, they housed 72,000 refugees, who found themselves increasingly vulnerable to refoulement. On April 7, two camps were burned to the ground by the Thai army's 9th division, and 545 residents were forced back into Burma. In August, Camp No.2 in Mae Hong Son Province, housing members of the Karenni ethnic group, was ordered vacated and its occupants forced back to Burma. On September 17, after extensive negotiations and a written agreement between Thai officials and leaders of the Mon ethnic minority that Mon refugee camps would be permitted to remain on Thai soil, the Mon were pressured to begin relocating refugees back to Burma. The Thai military escorted some 140 Mon refugees from the Loh Loe camp back to Burma to begin clearing land around Halockhane village, only an hour's walk from a SLORC military base camp. The entire Loh Loe refugee population of nearly 7,000 was expected to be moved back to Burma by early 1994.

The Thai government was quick to label the majority of Burmese coming across the border as "illegal immigrants," despite the fact that many were reportedly fleeing forced relocations, forced labor and forced conscription. The influx of refugees peaked in June, when NGOs estimated that over 1,000 Burmese

were crossing the border each day.

The Thai government treated Burmese students and intellectuals differently from the ethnic refugees. On January 14, the Thai Standing House Committee on Justice and Human Rights called on the government to grant Burmese students political refugee status. The call followed the announcement of the United Nations High Commissioner on Refugees (UNHCR) in late 1992 that it would cut off assistance to 516 Burmese "students" recognized by the Thai Ministry of Interior (MOI) unless they agreed to go to a camp in Ban Maneeloy commonly called the "safe area" (see 1992 report). Questions about how the Thai government determined who was a student and which students were valid refugees were not resolved; it was clear, however, that the camp was designed to keep the politically active refugee population out of Bangkok. By February, only a handful of Burmese students had gone voluntarily to the camp, but as third country resettlement was made conditional on passing through the camp, the number of students going there slowly increased. The number of camp inhabitants also rose after some Burmese detained in the Immigration Detention Center in Bangkok were given the option of going to the camp or being deported.

In April, the UNHCR cut off assistance to another 222 Burmese "intellectuals" selected by the Interior Ministry for the Maneeloy camp. If they refused to go, they faced destitution and possible arrest and deportation as illegal immigrants. Despite these risks, only a little over 100 Burmese were living in the camp by the end of the year. Many Burmese were afraid to go because the camp was seen as little more than a prison, albeit a relatively open one, and there were only imperfect safeguards against abuse by Thai military guards and infiltration by the military intelligence of the State Law and Order Restoration Council (SLORC), the ruling junta in Burma.

Thailand's treatment of Burmese reflected its relatively close relationship to SLORC. On September 15, Thailand's foreign minister announced his government's intention to invite Burma to apply for observer status to the Association of Southeast Asian Nations (ASEAN).

The orderly repatriation of nearly 300,000 refugees back to Cambodia was marred by the incident which marked its conclusion. On May 7, hundreds of Thai military arrived in the Site 2 refugee camp in buses with UNHCR markings. The military then forced 400-500 Khmer refugees, who had been unwilling to return, on to eight of the buses and returned them to Cambodia. At the same time, as repatriation concluded and fighting inside Cambodia escalated in the run-up to the elections, the Thai Interior Ministry on May 4, 1993 ordered all provinces bordering Cambodia to take tough action against Cambodians who illegally entered Thailand.

The Thai government on October 26 reportedly removed over 300 Hmong refugees from the Phanat Nikhom Center and put in detention until they could be repatriated in November. It was clear that they were forcibly removed from the camps; it was not clear if any had been adequately screened to determine whether they had valid claims to refugee status. The move appeared to be linked to a July agreement between UNHCR and the governments of Thailand and Laos that all refugee camps in Thailand housing Hmong people would be closed by the end of 1994.

Thai officials made little effort to stop the trafficking of foreign girls and women, particularly Burmese and Chinese, into Thai brothels where the women faced debt-bondage, physical abuse and slave-like conditions. Involvement of local police was extensive. The raid of three brothels in Ranong, in southern Thailand, on July 14 highlighted the pattern of abuse. In the raid, 148 Burmese women were "rescued" by Thai police from brothels surrounded by electrified barbed-wire. All were sent the same night to the immigration detention center in Ranong and charged with illegally residing in Thailand. Two weeks later,

witnesses saw 58 of those rescued deported to Kawthaung, Burma where they were subsequently arrested on charges of illegally leaving Burma and prostitution. The whereabouts of the other 90 remained unknown. Several NGOs tried to negotiate on behalf of the women to provide alternative shelter and an orderly repatriation, but without success. None of the brothel owners were arrested, but eleven pimps and guards (mostly Burmese) at the brothel were taken to the police station. The charges against them were not known.

Two leading dissidents, Pra Prachak and Sulak Sivaraksa, went on trial during the year. Pra Prachak, a monk arrested in connection with his efforts to protest logging operations, was sentenced in January to eighteen months in prison and six months suspended sentence for charges which included trespassing on national forest land.

Freedom of expression was the key issue in the trial of Sulak, a Buddhist leader and social critic, who was charged with *lese majeste* for insulting the King during a 1991 speech at Thammasat University. The trial was ongoing at the end of the year, but Sulak continued to travel freely and speak publicly. Freedom of expression also came into question when a dictionary was banned in July for defining Bangkok as a city of prostitutes.

Thai NGOs have been allowed to operate without obstruction in Thailand. Many regional human rights organizations had their headquarters in Bangkok as it was one of the few capitals in Asia where they could operate without harassment. (Hong Kong, the other center, was becoming increasingly less attractive as 1997 approached.) Nevertheless, many Thai NGOs felt subtle pressure not to criticize the government too harshly or raise particularly sensitive issues publicly.

## **US Policy**

The administration concentrated on strengthening relations with the new Thai government, seeking continued cooperation on regional security matters and copyright laws. When the new Thai army commander-in-chief Wimol Wongwanich visited Washington in September, the US pressed for greater assistance in implementing UN sanctions against Khmer Rouge cross-border trade, but Thai actions on the Burma border were not discussed.

While no Foreign Military Financing (FMF) was requested in FY 1994, the administration resumed International Military and Educational Training (IMET) following the September 1992 elections and budgeted \$1.8 million for IMET this fiscal year. Foreign military sales in FY 1994 were estimated at \$140 million plus another \$28 million in commercial military sales.

U.S. officials did not raise concerns with Thai officials about the trafficking of Burmese women, but the House Appropriations Committee, in its FY 1994 report, urged the Thai government to prosecute those responsible for trafficking, forced labor, and physical and sexual abuse of these women.

On refugee issues, the administration tended to support, with little or no qualification, Thai government policy, backing the Ministry of Interior on the so-called "safe area" for Burmese students. However, \$1 million earmarked in FY 1993 for assistance to the students had not been spent by USAID, as of November 1993, pending discussions with Congress on how the funds should be programmed.

As part of its annual Generalized System of Preferences (GSP) review, the U.S. Trade Representative extended its review of Thailand through 1993, monitoring child labor concerns and government efforts to reform the State Enterprise Labor Relations Act. This law restricts freedom of



association and the right to organize for employees of state enterprises. The review period was extended for six months in June 1993 following the Thai government's stated commitment to take steps to end these abuses.

## **12. UNITED STATES**

### **Ratification of international human rights covenants:**

- International Covenant on Civil and Political Rights, 1992
- International Covenant on Economic, Social and Cultural Rights: signed, but not yet ratified

### **Human Rights Developments**

On September 8, 1992, the United States formally adopted the International Covenant on Civil and Political Rights (ICCPR) but a year later, it had violated a number of its provisions.

For example, the U.S. policy of interdicting and summarily repatriating Haitian boat people violated Article 12 of the ICCPR, which states that "[e]veryone shall be free to leave any country, including his own." The indefinite detention of HIV-positive Haitian asylum-seekers at Guantánamo Bay Naval Base, a practice discontinued in the summer of 1993 by court order, violated Article 9, which requires a statutory basis for detention. It also violated Article 10, which forbids inhumane conditions of confinement, and Article 26, which forbids discrimination on the basis of national origin (only Haitians were subject to medical screening and detention based on HIV status; intercepted Cubans, for example, were not medically screened and were transported directly to the United States). Misconduct by agents of the Immigration and Naturalization Service (INS), detailed below with regard to border violence, violated at least three separate articles.

Prison conditions in the U.S. violated Article 10 of the ICCPR, which provides that prisoners be treated with humanity and dignity. Extreme overcrowding stripped prisoners of that dignity and endangered their health and safety. The brutal treatment of the new "maxi-maxi" high-security prisons also contravened this provision. Confinement of pretrial detainees in facilities that were often older, more crowded and more dangerous than prisons violated Article 10(2), which requires that pre-trial detainees be separated from convicted persons and accorded treatment "appropriate to their status as unconvicted persons."

Serious abuses by the U.S. Border Patrol of the Immigration and Naturalization Service continued along the U.S.-Mexican border. Documented abuses included numerous beatings, sexual assault, arbitrary detention, unjustified shootings, and murder. Border Patrol agents often covered up abuses of fellow agents by observing a "code of silence," complaints were discouraged, procedures for investigating alleged violations were ineffective, and abusive agents often went undisciplined. Those vulnerable to mistreatment included undocumented immigrants, refugees, U.S. citizens and legal residents. Racially motivated verbal abuse by immigration law enforcement agents was also extremely common.

In one case illustrating the impunity surrounding the agents, Michael Andrew Elmer was patrolling the border region near Nogales, Arizona on June 12, 1992 when he and his partner spotted three men they suspected to be lookouts for drug smugglers. As the men fled, Elmer shot at one of them a dozen times, hitting him twice in the back. He then hid the wounded man, Darío Miranda Valenzuela, behind a tree trunk in a gully, where the victim subsequently died. Elmer's partner, agent Thomas Watson, broke the traditional code of silence and reported the shooting fifteen hours later. Although Elmer was acquitted of murder on the

grounds of self-defense, he had allegedly been involved in other incidents. On March 18, 1992, he reportedly assaulted a motorist, leaving him wounded and in need of stitches. Later the same night, he allegedly to have shot at a group of thirty undocumented immigrants, wounding one in the stomach and leg. In keeping with the code of silence, none of the agents present during these incidents reported them. Had it not been for the publicity surrounding the investigation into the Miranda murder, they would have remained hidden and unaccounted for. Significantly, agent Watson, who reported the killing of Miranda Valenzuela, was fired by the border patrol. Although the ostensible reason was his fifteen-hour delay in reporting the shooting, he believed the real cause to be his breach of the code of silence.

In a report entitled "Frontier Injustice," Americas Watch, a sister organization of Asia Watch, concluded that misconduct by border patrol agents continued for many different reasons. First, incidents of abuse often went unreported, due both to victims' fears of deportation or further harassment and to the absence of information regarding complaint procedures. Second, attempts to lodge complaints were often obstructed by immigration officials. Complainants were ridiculed, given incomplete or wrong information, directly discouraged from filing complaints, and threatened with counter-charges.

In addition to these informal obstacles, existing complaint procedures within the INS were inadequate. The Office of the Inspector General of the Justice Department maintained a hotline to receive complaints, but most people did not know of its existence. Most abuse cases were investigated by INS and Border Patrol managers themselves, calling into question the independence of the investigators. Those investigations that did take place were shrouded in secrecy, with the Justice Department refusing to divulge the names of agents involved or the status or results of investigations. Agents under investigation might remain on active duty at the discretion of their supervisors, even when the alleged abuse was a serious criminal offense. Finally, most agents involved in human rights abuses were never disciplined, or if disciplinary action was taken, it was carried out in an arbitrary fashion, turning more on the agent's relationship with his supervisor than on the seriousness of the abuse committed.

There were some encouraging developments following the release of "Frontier Injustice" in May 1993. Citing the Americas Watch report, Acting INS Commissioner Chris Sale sent a letter to all district directors and chief patrol agents in July 1993. Saying she was "seriously concerned about these allegations," Ms. Sale declared her intention "to ensure strict adherence to policies and procedures for investigating allegations of abuse and disciplining ... [violators of] principal human rights." She also promised "imminent approval" of an INS policy for the use of non-lethal force. In October 1993, Doris Meissner was confirmed as commissioner of the INS. In a written statement submitted at her confirmation hearing, Ms. Meissner stated that the work of the INS "must always be done with care, compassion and respect for human and civil rights."

Violation of the right to life through use of the death penalty continued. In September 1993, Human Rights Watch wrote to Governor Tucker of Arkansas, urging him to grant a stay of execution to Barry Lee Fairchild, a mentally retarded man who was found guilty of murder on an accomplice-liability theory. In addition to Fairchild's low mental capacity, reports indicated that his confession may have been coerced through physical abuse by sheriffs investigating the murder.

### **13. VIETNAM**

#### **Ratification of international human rights covenants:**

- International Covenant on Civil and Political Rights: YES, 1982

- International Covenant on Economic, Social and Cultural Rights: YES, 1982

## Human Rights Developments

Vietnam pursued market reforms and improved relations with the international community at the same time it sought to keep the lid on political and religious dissent. The two objectives produced a mixed human rights performance. The government released or reduced prison sentences for a number of well-known dissidents at the same time it imprisoned others for peaceful expression of their views. Dialogue with foreign governments and non-governmental organizations, including Asia Watch, on human rights increased, but human rights investigations were not possible and political trials remained closed to foreign observers -- and often to the general public. Penal and legal reforms continued, but few tangible improvements were discernible. Both the media and religious institutions remained under state supervision.

Several bomb plots by anti-communist overseas groups heightened Vietnam's concern with internal security. Continuing protests by the Unified Buddhist Church also resulted in clashes between government forces and demonstrators. The government, however, often failed to distinguish between opponents who used violence and peaceful critics, punishing both on national security charges.

Dr. Doan Viet Hoat, a professor of English literature and a former university administrator, was sentenced to 20 years in prison on March 29 for "attempting to overthrow the government." His offense was producing four issues of a typed newsletter called *Freedom Forum* which advocated democratic reform and recording his ideas on democratic change on a cassette tape. Nowhere did he advocate violence against the government. Two other defendants, Pham Duc Kham and Nguyen Van Thuan, were convicted of producing *Freedom Forum*, and five more were found guilty apparently just for possessing copies of it. On July 9, the Ho Chi Minh City Court of Appeals reduced Dr. Hoat's term to 15 years and five years of probation. Three other defendants were given similar token reductions.

The government released some political prisoners, but many others remained in jail. U.S. citizens Nguyen Si Binh and Aloysius Hoang Duy Hung were released in June and July respectively, both men having been accused of trying to start alternative political organizations in Vietnam. Do Ngoc Long, a business consultant who was held under a three-year order of administrative detention because of his association with American businessman Michael Morrow was released on April 6, but Doan Thanh Liem, a law professor also linked to Morrow, continued to serve a 12-year sentence for "counterrevolutionary propaganda."

Although in recent years Vietnam has permitted citizens greater freedom of worship and has permitted religious communities to resume a limited role in social work, the government still keeps a tight rein over most other aspects of religion, approving candidates to for the priesthood and religious orders, controlling the clergy's movements, and punishing those whose statements offend the Party or who conduct unauthorized meetings.

The greatest conflict so far has centered on the demands for autonomy of the Unified Buddhist Church (UBC), known for its protests against the Diem regime in the 1960's. Venerable Thich Huyen Quang, who assumed leadership of the UBC in 1992, has been living in government-imposed exile in Quang Nai province since 1982. He made numerous public appeals for the return of church property, the release of imprisoned Buddhist monks, respect for human rights, and freedom from state control. The government responded by sweeping pagodas and monasteries for his writings and detaining monks and lay Buddhists

believed to support him.

Tensions came to a head on May 24 in Hue, when a man immolated himself at the pagoda where the former UBC Supreme Patriarch is buried. Local police immediately removed the man's body and detained the head of the pagoda, Thich Tri Tuu, for questioning. Monks who feared that Venerable Tuu had been arrested organized a sit-down protest in Hue, drawing a large crowd and blocking traffic. Persons in the crowd surrounded a security vehicle transporting Venerable Tuu, removed him and other passengers, and set the vehicle ablaze. At least six monks were arrested in conjunction with the May 24 demonstration, among them Venerable Tuu.

Another violent confrontation occurred in July, when police forces surrounded the Son Linh pagoda in Ba Ria-Vung Tau province, arresting a number of monks. Among those arrested was Thich Hanh Duc, the head of the pagoda and an open supporter of the UBC leader, who had been ordered evicted by the local government. The conflict began when Thich Hanh Duc challenged the validity of the eviction order in a public letter.

Sources within Vietnam claimed that police and other armed forces used tanks and tear gas to break through a ring of some 2,000 Buddhists surrounding the pagoda. The government charged that monks in the pagoda had collected arms, held an official hostage, and attacked police with rocks and sticks, and it denied that military tanks or units were involved in dispersing the crowd. No independent investigation of the incident had taken place by the end of the year.

Asia Watch was concerned that in both confrontations, some monks and supporters of Thich Huyen Quang may have been arrested solely for their religious and political beliefs, rather than for acts of violence. This concern was heightened in August, when the People's Committee of Quang Nai province forbade Venerable Quang to continue any activities in the name of the UBC and ordered him to cease "sowing disunity among the religious" through his demands for church autonomy and religious freedom.

Tensions also remained between the Vatican and Hanoi, despite continued high-level contacts. The government has permitted more frequent ordinations but maintains control over the number of candidates for seminary and their selection, and continues to restrict the transfer or movement of clergy within the country.

One well-known Catholic prisoner, Father Dominic Tran Dinh Thu, was released during the year, but at least 15 other members of the Congregation of the Mother Co-Redemptrix remain imprisoned on charges of "counterrevolution." Also still imprisoned were Father Nguyen Van De and ten other members of the Sacerdotal Maria Movement and the Association of Humble Souls. Protestant pastors Dinh Thien Tu, Tran Dinh Ai and Tran Mai were released from labor camps on April 6, but many other pastors and lay Christians, especially from the highland regions, remained imprisoned for conducting unauthorized religious activities such as home prayer meetings and Bible classes.

Conditions for all prisoners remained poor, with continuing reports of abusive treatment, especially during the period of pre-trial investigation. Food and medicine appear to be grossly inadequate, and prisoners generally rely on supplies brought by their families for sustenance. In at least one labor camp, however, political prisoners were segregated during the year from common criminals, a move that may improve their physical security.

Government officials acknowledged that improvement in prison conditions was needed, and in

March, a Law on Imprisonment was passed, prohibiting torture or humiliation of convicts and ordering the separate accommodation of women and minors from other prisoners. The law also gave prisoners the right to complain about official abuses and required investigation of deaths in custody. It was too early to tell how well the law was being implemented.

Vietnam continued to control the state-controlled media, which was nevertheless quite lively, especially on officially- condoned subjects such as exposés of government corruption. The press, however, also continued to publishing condemnatory articles about political detainees before their trial.

In July, the National Assembly approved a new law on publishing that gave citizens the right to demand corrections or charge libel. But the law also affirmed the government's right to pre-publication censorship "in necessary circumstances decided by the Prime Minister" and maintained state control of all publishing houses. It also set forth many substantive restrictions on the content of published materials, and stipulated as one policy goal "fighting against all ideas and actions which are detrimental to the national interest."

Examples of state censorship abound. At the end of 1992, authorities closed *Co Viet*, a Quang Tri literary journal, for publishing writings implicitly critical of the government. In September 1993, the *Far Eastern Economic Review* reported that a leading social scientist, Hoang Chi Bao, was ordered to make self-criticism for failing to emphasize in his monograph on social policy the achievements of the international communist movement and the role of the "imperialist forces" in the fall of Eastern Europe and the former Soviet Union. Some of contemporary Vietnam's best-known authors, such as Duong Thu Huong, continued to find it impossible to get their works published in Vietnam, and publication of many South Vietnamese writers from the pre-1975 era remained banned.

Vietnam still punishes open criticism of its human rights record by its own citizens through vaguely-written laws against "counterrevolutionary propaganda" and other political offenses. After UBC leader Thich Huyen Quang publicly demanded that state authorities account for Buddhists who were arrested or who died in custody, the government finally gave a public response, in which it formally denied abuses against some of the individuals whose cases had been raised by Venerable Quang. But it also accused him of raising trumped-up charges of human rights violations in order to turn believers against the state and to encourage foreign trade and investment embargoes against Vietnam. As of November, Venerable Quang had not been arrested; security forces followed his movements, however, and he was forbidden to leave his pagoda or have outside contacts.

Vietnam allowed restricted access to the country by some international human rights and humanitarian agencies. In March, Asia Watch sent its first mission to Vietnam to initiate a dialogue on human rights with the government. The United Nations High Commissioner for Refugees (UNHCR), maintained a small staff in Vietnam to monitor the treatment of returning boat people. Several foreign delegations were also permitted to visit prisons, but on at least one such occasion, when Senator John Kerry toured a high-security detention facility in Ho Chi Minh city in November 1992, political prisoners (including U.S. citizen Nguyen Si Binh) were either temporarily transferred out of the prison or warned to describe themselves as common criminals.

For the thirteenth year in a row, however, no agreement was reached with the International Committee of the Red Cross or any other non-governmental group on the regular monitoring of prison conditions.

## **U.S. Policy**

Human rights took a back seat to POW/MIA issues in the Clinton Administration's agenda on Vietnam. New opportunities to raise human rights issues were missed. Asia Watch took no position on the continuing U.S. embargo of Vietnam, which the administration has conditioned on factors other than human rights. Asia Watch did however, seek to focus greater attention on human rights during this formative stage in U.S.- Vietnam relations. By the end of the year, the U.S. had cleared the way for the resumption of international financial lending to Vietnam, permitted U.S. companies to bid on projects financed by these loans, and sent three diplomats to Hanoi on an unofficial basis to supplement the U.S. personnel investigating POW/MIA cases. These developments, in turn, increased pressure on the administration to intensify its human rights advocacy.

U.S. officials did consistently include human rights as a policy goal in relations with Vietnam and mentioned both general concerns and specific cases at meetings with Vietnamese counterparts during the year. In July, Assistant Secretary of State Winston Lord returned from a trip to Hanoi and announced at a Senate Foreign Relations Committee hearing that Vietnam had agreed to open a high-level dialogue on human rights issues; such a dialogue had yet to begin as of early November. At the same hearing, Senator Kerrey proposed the establishment of a high-level delegation to conduct regular talks with Vietnamese counterparts on human rights issues, similar to the regular high-level meetings on POW/MIA matters. This proposal drew no response from the administration.

As in the Bush years, Congress was considerably more voluble in defending the rights of Vietnamese political and religious prisoners than the administration, with members addressing numerous public and private appeals on their behalf to the government of Vietnam. A concurrent resolution adopted by Congress and added as an amendment to foreign aid legislation on September 23 called on the U.S. to support human rights, the rule of law and democratization in Vietnam.

In August, Senator Charles Robb was rebuffed in an attempt to visit one of Vietnam's best-known political prisoners, Dr. Nguyen Dan Que, an endocrinologist who is serving 20 years of hard labor for his public call for political reforms and respect for human rights. Although Vietnamese officials had approved the visit as part of Senator Robb's itinerary in Vietnam, on arrival the Senator was told the visit was indefinitely postponed. Senator Robb criticized the decision, saying it was a missed opportunity for Vietnam to demonstrate sensitivity to human rights concerns. The State Department also expressed disappointment that the visit had been canceled. According to sources in Vietnam, after Senator Robb's visit, Dr. Que was removed to another section of his labor camp, placed in solitary confinement, and assigned hard labor.

On September 13, the White House renewed the embargo against Vietnam, but in an announcement that was conspicuously silent on the issue of human rights, allowed U.S. businesses to participate in projects funded by international financial institutions. This action followed the Administration's decision in July to drop its objections to international lending to Vietnam. In October 1993, the World Bank announced approval of two loans to Vietnam worth \$228 million, with another loan of \$121 million pending for agricultural development.

Section 701 of the International Financial Institutions Act requires the U.S. to cast its vote against loans, other than those for basic human needs, to countries that engage in a consistent pattern of gross human rights abuses. Consistent with this obligation, the U.S. voted for the loan for primary education but abstained on the loan for road improvements. The Asian Development Bank also became a significant

lender to Vietnam in 1993, and projected lending as much as \$1 billion to Vietnam by the year 1996. It remained unclear to what extent the U.S. was prepared to urge major donors countries, such as Japan, to use their influence to press for human rights improvements.

Limited U.S. aid for humanitarian projects in Vietnam continued in 1993. The Agency for International Development allocated \$3.5 million in assistance to private voluntary agencies operating in Vietnam for programs benefitting civilian victims of war and displaced children and orphans. The State Department's Bureau of Refugee Affairs in 1992 had allocated \$2 million figure] for projects to benefit returning boat people and their communities, most of which was disbursed in 1993. For 1994 it planned to continue such programs at similar levels of funding. In October, the U.S. Department of Defense flew approximately 2,000 pounds of textbooks to Vietnam under a program that allows non-governmental organizations to use government transport for free when space is available.

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### **For More Information**

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*Asia Watch is an independent organization created in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg, the Vice Chair is Orville Schell, the Executive Director is Sidney Jones and the Washington Representative is Mike Jendrzejczyk.*

*Asia Watch is a division of Human Rights Watch, which also includes Africa Watch, Americas Watch, Helsinki Watch and Middle East Watch. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Kenneth Roth is Executive Director; Holly Burkhalter is Washington Director; Susan Osnos is Press Director.*