

ASIA WATCH OVERVIEW

Asia witnessed a few triumphs and many more setbacks for human rights in 1990. One notable triumph was the success of the pro-democracy movement in Nepal, inspired in part by events in Eastern Europe, which managed to curb the powers of the King, replace a repressive government with a multiparty parliamentary system, and promulgate a new Constitution guaranteeing civil and political rights. In Cambodia and Afghanistan, the US-Soviet rapprochement led to progress in efforts to settle long-standing wars, although by the end of the year, the fragile agreement of the four parties to the Cambodian conflict on a UN-led transition authority had run into serious trouble, and fighting was escalating with the onset of the dry season. The Soviet Union's waning interest in supporting Afghan President Najibullah led the latter to embark on a program of reform which, if properly implemented, could lead to significantly greater freedoms of expression, association and assembly.

Those were the bright spots in an otherwise gloomy picture. Singapore's Lee Kuan Yew, one of the world's longest serving heads of state, turned over his prime minister's post to Goh Chok Tong in November but no one believed he had really relinquished power or that Singapore's intolerance of political opposition and freedom of expression would alter. The Chinese government announced the release of some 881 prisoners but thousands were believed to remain in custody, and the trials of the "black hands" of the 1989 demonstrations were being prepared at year's end.

Democratic governments such as Sri Lanka and India were torn apart by civil strife, partly of their own making, and reacted to opposition abuses by committing serious human rights violations themselves. Newly elected governments, such as those in Pakistan and the Philippines, proved increasingly unable to assert civilian control over unruly or uncooperative militaries. The government of South Korea, also recently elected, proceeded with its "Nordpolitik" at the highest levels while cracking down on those who tried to visit or contact counterparts in North Korea, and suppressing organizations such as trade unions suspected of being influenced by the left.

Political dissenters continued to be imprisoned in Indonesia and East Timor, China and Tibet, and Burma, where the ruling State Law and Order

Restoration Council failed to turn over power to an opposition overwhelmingly elected to the National Assembly on May 27.

Freedom of expression was in short supply throughout the region. In China and Tibet, dissent continued to be punished with arrest and imprisonment; students who took part in the 1989 demonstrations in Tiananmen Square had the fact noted in their personnel files, perhaps endangering their job prospects for the rest of their lives. In Indonesia, a student who criticized government policies was sentenced to eight-and-a-half years in prison on subversion charges. In Burma, monasteries were shut down as monks took a prominent role in protests against the military leadership. In Cambodia, senior government officials including a Cabinet minister were arrested for advocating a multiparty system. In Sri Lanka, a member of parliament was stopped at the airport en route to Geneva, and documents he was carrying to bring to the United Nations Working Group on Disappearances were confiscated. Further restrictions on the press were imposed in Singapore. If there was one overriding abuse in a continent marked by a crazy quilt of political systems and conflicts, it could well be the lack of freedom of expression, from which many other abuses followed.

Bush administration policies toward human rights violators in the region were contradictory and inconsistent. Administration officials castigated Burma and appeased China; talked with the Soviet Union about settling the Afghan conflict while supporting an abusive guerrilla offensive against Kabul; spoke of determination to prevent the Khmer Rouge from returning to power while supporting the Khmer Rouge's military allies.

Nowhere were the contradictions more obvious than on China. The administration lobbied against congressionally imposed sanctions even though prisoner releases, the safe passage of Fang Lizhi and his family out of China, and the lifting of martial law in Tibet and China were carefully timed efforts by the Chinese authorities to maintain trading privileges and ease the resumption of loans. Assistant Secretary of State for Human Rights and Humanitarian Affairs Richard Schifter went to Beijing in December to hold discussions on human rights, but only after the administration had effectively lifted all sanctions but one (the ban on military sales) in exchange for Chinese cooperation in the Persian Gulf. By seeing Foreign Minister Qian Qichen at the White House in November and allowing the World Bank to resume loans of a nonhumanitarian nature, President Bush sent a strong signal to Beijing that differences over human rights were over. That signal may have made the Schifter visit possible; it also may have rendered it

irrelevant by removing any remaining leverage that the US had to force concessions.

On Cambodia and Afghanistan, the Bush administration worked toward conflict resolution through a formula of setting up a transition authority leading to general elections. At the same time, however, it continued supporting the non-Communist resistance in both countries rather than pressing for a ceasefire in the belief that to strengthen the resistance would wrest further concessions from the governments of Hun Sen and Najibullah. That policy risked backfiring. In Cambodia, the lack of discipline by non-Communist forces operating in "liberated zones" in northwest Cambodia made the Khmer Rouge look good by comparison. In Afghanistan, the anger over civilian deaths caused by the *mujahedin* rocketing of Afghan cities could only have benefited the government.

On Sri Lanka and especially Burma, the Bush administration was outspokenly critical of abuses but did not back up the criticism with concrete actions. Sanctions or other economic measures were required by law to be imposed if the Burmese government had not released political prisoners or begun moves to hand over power to the popularly elected Assembly by October 1. By the end of the year, no action had been taken.

In much of the rest of the region where abuses were rampant -- Indonesia, the Philippines, South Korea -- human rights were simply not on the Bush administration's foreign policy agenda.

Because of the scale of abuses there and the cowardice of the Bush administration's response, China continued to receive the greatest share of Asia Watch's staff time and resources. Asia Watch issued three reports and maintained the most comprehensive list available of political arrests and releases. Asia Watch helped shape the congressional debate over sanctions, testifying in Congress nine times during the year on China, particularly with regard to the debate over whether to extend Most Favored Nation trading status for China.

Asia Watch also engaged governments directly in debate. It was the first human rights organization invited to undertake a mission by the Hun Sen government in Cambodia and by the Najibullah government in Afghanistan. Both visits were opportunities to discuss human rights concerns at length with senior government officials, including, in Afghanistan, a two-hour meeting with President Najibullah. A mission to South Korea in June led to a continuing exchange of

letters with the Korean government over labor rights and imprisonment under the National Security Law. In September, Asia Watch met with Indonesian Foreign Minister Ali Alatas to discuss issues ranging from abuses in East Timor to the use of the anti-subversion law to detain political opponents. Even in countries that Asia Watch cannot officially visit, such as China, it was clear from government denunciations of our reports that our allegations were reaching their intended target.

In general, the higher our profile in a particular country, the greater the interest of local human rights organizations in sharing information and working together. Publicity about our concerns as expressed in reports and press releases thus strengthened our relationships with local human rights monitors, particularly in East and Southeast Asia. Asia Watch benefited from extensive press coverage in the Bangkok and Hong Kong newspapers of its work on China, Tibet, Burma, Cambodia, Indonesia and Japan.

Japan deserves a special mention. During the year, Asia Watch made a concerted effort to build contacts with Japanese organizations and individuals with the aim of encouraging Japan to use its enormous economic and political leverage in Asia for promoting human rights. Toward that end, Asia Watch staff visited Japan in June and convened a meeting of Japan specialists in Washington to discuss opportunities for influencing the policy-making process. We also joined with Japanese organizations in protesting the treatment of Chinese dissidents in Japan.

As in earlier years, Asia Watch, given its limited resources, was forced to be selective about the countries on which it worked. There was little work done on Bangladesh, Brunei, Malaysia, North Korea, Pakistan, Singapore or Taiwan. Afghanistan, Burma, Cambodia, China, India, Indonesia, Nepal, the Philippines, South Korea, Sri Lanka and Vietnam received most of our attention in 1990.

AFGHANISTAN

Human Rights Developments

Constitutional reforms in Afghanistan held out hope in 1990 for improved respect for civil liberties, although it was too soon to say whether the reforms had been put into practice. Fighting between government troops and resistance forces, or *mujahedin*, continued at a lower level of intensity than before, although violations of the laws of war continued to be committed by all sides.

In May, the government of President Najibullah in Kabul convened a *loya jirga*, or Supreme Council, to ratify constitutional changes proposed by the government. Among those changes were a commitment to political pluralism, a guarantee of the rights to counsel and fair trial, fewer restrictions on freedom of association and assembly, and a partial relaxation of controls on freedom of the press. In June, the ruling People's Democratic Party of Afghanistan (PDPA) renamed itself *Watan*, or Homeland, and renounced its historical commitment to Marxism.

As part of the effort to refurbish its image, the government allowed greater access to the country by human rights and humanitarian agencies. In July, Asia Watch became the first human rights organization allowed to conduct a fact-finding mission in Afghanistan since the Soviet withdrawal, including visits to the central prison in Kabul, Pol-e Charkhi, and the main detention and interrogation center, Sedarat. As of December, the International Committee of the Red Cross was still not authorized to visit persons under interrogation or those awaiting trial and held on order of the Ministry of State Security.¹¹² Instances of torture during interrogation were reported from Kabul and other cities.

Some 644 people were arrested following a coup attempt in March, according to the government. According to sources interviewed by Asia Watch in Kabul, the total may have been higher. By July, the government said, over 200 had been released and the others tried. None of the defendants is believed to have had

¹¹² ICRC Bulletin, December 1990.

access to counsel. No executions have been carried out since 1989, according to the government; Asia Watch could not verify that assertion.

Developments on the civil liberties front were encouraging, but it was difficult to assess the impact of the 1990 reforms, as wariness and continuing fear prevented people from seriously testing the new freedom for political parties or demonstrations. There was less cause for optimism on the war front, where international laws of war designed to protect civilians were violated by all sides. All sides continued to use methods of warfare which result in indiscriminate killing. Government bombardments of villages were reported from the areas of Jalalabad and Khowst, largely in reprisal for guerrilla assaults or to protect strategic routes. At the same time, certain *mujahedin* commanders, backed by the Pakistani Inter-Services Intelligence (ISI), continued to launch rocket attacks against Kabul and other cities, resulting in widespread civilian casualties. The UN Special Rapporteur on Afghanistan, Felix Ermacora, reported a claim by the Afghan government that 4,771 civilians had died in these attacks between March and October 1990.

Land mines continued to maim civilians throughout Afghanistan, and major de-mining efforts were underway, both by the United Nations and private agencies. All sides in the Afghan conflict laid fewer mines in 1990, according to experts interviewed by Asia Watch, but unexploded mines laid before the Soviet troop withdrawal constituted a major hazard. These mines, including the PMN, PMD and POMZ-2 anti-personnel mines, were not always placed to serve military objectives, nor were they always marked. The Afghan government stopped dropping the lethal "butterfly mine" which Soviet forces together with their Afghan allies had aerially disseminated by the thousands. *Mujahedin* commanders made no attempt to map areas where their forces laid mines.

During the year, the government employed paramilitary forces from various tribal groups to supplement regular troops. In Qandahar, Faryab and Badghis, these militias robbed returning refugees, looted property, including a hospital, arrested young men to serve in the army and illegally detained prisoners. The government took no measures, to Asia Watch's knowledge, to prevent these abuses.

Asia Watch received one unverified report from a *mujahedin* commander of a mass execution by government forces in Mahalajat, outside Qandahar, in June.

Mujahedin elements continued to execute prisoners summarily. In one incident in October, some 95 government soldiers who surrendered to the *mujahedin* in Tarin Kot were immediately shot. Two weeks later, according to diplomatic and guerrilla sources, 125 soldiers were executed after surrendering at Qalat in Zabul province.¹¹³ Numerous killings which Peshawar residents interviewed by Asia Watch attributed to the *mujahedin* also took place in Pakistan during the year. One victim, shot in July, was Dr. Mohammad Nasim Ludin, a refugee physician who operated several clinics in Peshawar. According to Asia Watch sources who requested anonymity, he had received previous threats and may have been targeted for execution by the Hezb-e Islami of Yunus Khales.

Mujahedin factions continued to operate prisons inside Pakistan. Torture was reported from a prison in Shamshatoo refugee camp, outside Peshawar, run by the Hezb-i Islami of Gulbuddin Hekmatyar. No international organizations had access to *mujahedin* prisons in Pakistan.

US Policy

The Bush administration continued to negotiate with the Soviet Union over a transition administration for Afghanistan, the process for holding free elections, the establishment of a ceasefire and the cessation of weapons supplies. The sticking points were the powers that the transitional body would have and the role of President Najibullah. Both sides continued to provide aid to their respective clients, and the US continued to profess support for the Afghan Interim Government (AIG), an artificial coalition government-in-exile composed of warring *mujahedin* factions. As negotiations progressed, strains developed between the United States and the Pakistani ISI, which favored the abusive fundamentalist *mujahedin* faction of Gulbuddin Hekmatyar.

The ISI, operating without restraint after the dismissal of the government of Pakistani Prime Minister Benazir Bhutto on August 6, reportedly planned in September to make Hekmatyar defense minister of a reorganized Afghan Interim

¹¹³ Associated Press, "Kabul Rebels Reported to Kill 200 Soldiers," *New York Times*, November 11, 1990

Government, but US opposition scuttled those plans. In late October, as Congress began for the first time to cut back the administration's already-reduced requests for aid to the resistance, the US Central Intelligence Agency and the Pakistani ISI encouraged the *mujahedin* to open a coordinated offensive in several parts of the country.

US diplomats on the ground, conceding that the offensive never had a chance of overthrowing the Kabul government, had hoped that it would shake the Soviet negotiating position and lead to a diplomatic agreement between the superpowers. By the end of October, the offensive had failed, at a cost of countless civilian lives.

The *mujahedin*'s failure to deliver a victory appeared to be the reason for the \$50 million congressional aid cut, the first since the war began, and for the decision to condition release of half of the remaining \$250 million on another vote in 1991. The administration initially argued against an aid cut (which as originally proposed in Congress was far more substantial), saying that it would send the wrong signal at a time when negotiations toward a settlement were making progress.

On November 30, President Bush vetoed the 1991 intelligence authorization bill which had included the congressional restrictions on aid to the *mujahedin*. The ostensible reason for the veto was the President's dissatisfaction with a provision of the bill related to the Iran-contra scandal, which limited the executive's opportunities to solicit third-country support for covert operations. Congressional sources said that the Bush administration opposed as well the congressional language on Afghanistan, Angola and Cambodia also contained in the bill. The House and Senate Select Intelligence Committees tentatively scheduled reconsideration of the bill for late January 1991, when they are expected to offer legislation which modifies the Iran-contra provision, but retains the provisions on covert operations in Afghanistan and other countries.

The administration's decisions on aid to the resistance did not take into consideration human rights practices of some of the *mujahedin* factions. In written responses submitted for a hearing before the House Subcommittee on Asian and Pacific Affairs on July 18, the State Department stated that civilian deaths resulting from the *mujahedin*'s attacks on the cities were "the regrettable result of attacks on militarily significant targets." In fact, the military impact of the rocketing of the cities was negligible, in part because of the notorious inaccuracy

of the US-supplied SAKR rockets used by the *mujahedin* and the inadequate training of resistance troops. Again, in written responses submitted for a hearing before the House Subcommittee on Asian and Pacific Affairs on November 2, the State Department excused these attacks on the grounds that the "military installations" targeted were "located in or near residential areas" and that the *mujahedin* "express deep regret for civilian casualties." The administration should have used the opportunity of the hearings to call upon the *mujahedin* and Pakistan, to desist from practices which incur such heavy civilian casualties.

At the November 2 hearing, the State Department also stated that "reports of human rights violations" by the *mujahedin* are brought "to the attention of Resistance leaders." Regrettably, such expressions of concern have not been made public, diminishing their force. The administration also acknowledged, in statements submitted for the November 2 hearing, reports of human rights abuses within *mujahedin* prisons. The administration's assurances that these reports were being investigated were welcome. However, statements calling for access to these prisons by international humanitarian organizations would go further toward ending these abuses.

The State Department made at least one other attempt to raise the issue of human rights with the resistance forces. In mid-November, a letter was sent to six of the *mujahedin* factions by the US Special Envoy to the Afghan Resistance, Peter Tomsen, regarding the massacre of government soldiers at Tarin Kot and other incidents. The State Department strongly condemned the execution of prisoners under any circumstances, calling such executions gross violations of the laws of war.

US officials made no public attempt to pressure Pakistani authorities to investigate the abuses reportedly committed by *mujahedin* leaders in Pakistan and to prosecute those responsible for torture and murder. In written responses submitted for the July 18 congressional hearing, the State Department went so far as to credit the Pakistani authorities with conducting "a serious investigation" into the 1988 murder of Professor Sayd Majrooh. In fact, the Pakistani police resisted following credible evidence implicating Gulbuddin Hekmatyar's faction in the murder. Dozens of similar murders have been carried out with impunity by elements of the *mujahedin*.

The Work of Asia Watch

In mid-1990, Asia Watch delegations traveled to Pakistan and Afghanistan to examine violations of the laws of war by all parties to the conflict, and to evaluate the human rights reforms undertaken by the government of President Najibullah.¹¹⁴

In Afghanistan, the delegation met President Najibullah and discussed the government's reforms and Asia Watch's concerns about the war, including indiscriminate attacks on civilians. A report on the Asia Watch missions is scheduled for publication in early 1991.

In October, Asia Watch representatives met with Assistant Secretary of State for Near Eastern and South Asian Affairs John Kelly and other officials to discuss human rights concerns and US policy. Asia Watch staff also had discussions in Washington with Peter Tomsen, US Special Envoy to the Afghan resistance, regarding abuses committed by the *mujahedin*.

¹¹⁴ Requests by Asia Watch and Helsinki Watch to send missions in 1984, 1985 and 1988 were not granted.

BURMA

Human Rights Developments

The military government in Burma, known as the State Law and Order Restoration Council, or SLORC, intensified political repression in the wake of the opposition's landslide victory in elections for a new National Assembly held in May 1990. Soon after taking power in September 1988, following an unprecedented nationwide uprising against the 26-year-old rule of General Ne Win and his Burma Socialist Programme Party in which security forces are believed to have killed an estimated 3,000 to 10,000 protestors, SLORC promised to deliver power to a civilian government as soon as elections could be organized.

In May, the first multiparty elections in Burma in thirty years were held, with the main opposition party, the National League for Democracy (NLD), winning an overwhelming majority. Although the balloting itself is thought to have been relatively free and fair, tight martial-law restrictions prevented any real campaigning by political parties, and many party activists reported constant harassment by military authorities. SLORC also refused to consider releasing Daw Aung San Suu Kyi and U Tin U, the NLD's top leaders, who had been arrested in July 1989 and were later barred from contesting the elections.

Despite the government's initial promise of a rapid transfer of power, SLORC soon backtracked and insisted that a new constitution would first have to be drafted and approved in a general referendum – a process which some say may take several years. The NLD, in a resolution adopted in late July by its elected representatives, called for an immediate transfer of power under an interim constitution. SLORC responded to this challenge by arresting the NLD's acting leader, U Kyi Maung, and other senior party officials.

SLORC continues to rule through martial law, having abolished the 1974 Constitution and established military tribunals with sole jurisdiction over suspected political offenders and violations of martial-law regulations. Gatherings of more than four people are banned. Travel overnight beyond one's own township must be reported to township military authorities. Political freedom is virtually nonexistent, with the written press, television and radio owned and

controlled by the military, and perceived anti-government activities punishable by one of three sentences: three years' imprisonment, life imprisonment or death. Fearing renewed unrest, the government has kept all universities and most secondary schools closed for the third year in a row. The total number of prisoners held for peaceful opposition to SLORC is unknown, but diplomats in Rangoon have put the number conservatively at over 3,000, with other estimates running as high as 30,000. SLORC is reported to be building or to have built a large detention camp in the Putao Valley, near the Tibetan border, for new political prisoners. In 1989, a leaked cable from then US Ambassador Burt Levin noted that one group of political prisoners had been chained together and marched from the town of Taunggyi into the jungle; it was later reported that the group had been taken to work in government-owned mines.

Torture of political prisoners is believed to be routine and has included severe beatings, electric shock, immersion in water for long periods, sleep deprivation, peeling off skin by rubbing wood or bamboo repeatedly against a person's shins, and applying salt or curry powder to wounds made with a knife or bayonet. On at least two occasions in 1990, political prisoners died shortly after being released from custody. In May, the family of a student who had been beaten to death was reportedly not allowed to see his body because of its mutilated condition. In November, U Maung Ko, a senior NLD official, was believed to have been beaten to death shortly after being arrested. Although authorities claimed that he had committed suicide after interrogation, his family stated that they doubted the official story and that his body bore marks of torture.

On August 8, the second anniversary of the 1988 uprising, large crowds demonstrated in Rangoon and several other towns for a transfer of power and the release of all political prisoners. In Mandalay, security forces fired on protestors, killing at least four people, including two Buddhist monks. Buddhist monks in Mandalay and other towns responded by refusing to perform religious services for members of the armed forces or their families. In mid-September, SLORC began to crack down on dissident monks, arresting hundreds and raiding over a dozen monasteries in Mandalay alone. At the same time, NLD offices in Rangoon and elsewhere were shut down and over 20 senior officials of the NLD, including elected National Assembly representatives, were arrested and imprisoned.

In late 1989 and early 1990, well over 500,000 people were forcefully evicted from their homes in Rangoon and other large towns and moved to isolated tracts in the countryside, for the most part areas without electricity, running water

or proper sanitation. They were given short notice of the move, compelled to move to designed areas and often not given any compensation. It was widely believed that these forced relocations reflected SLORC's attempt to lessen the possibility of renewed unrest in urban areas.

In the meantime, SLORC continued efforts to achieve a military victory in the Burmese army's 40-year war against ethnic minority rebels. In early 1990, the army overran a number of rebel bases along the Thai border, sending 20,000 new refugees into Thailand. The Burmese army was reported to have killed, tortured or raped numerous civilians in ethnic minority areas during the 1989-1990 cold-weather offensive, but no accurate statistics were available. The Burmese army also forcefully rounded up hundreds and perhaps thousands of civilians to use as porters, carrying army supplies without adequate food or water, or as human minesweepers, walking ahead of army troops.

The new influx of Burmese refugees in Thailand brings the total to over 40,000, including 2,000 Burmese students who had fled Rangoon and other towns after the 1988 crackdown. In addition, there are believed to be tens of thousand of other Burmese "illegal immigrants" in Thailand whose reasons for leaving Burma are not know but who have been routinely repatriated by Thai immigration authorities. Thailand on at least five occasions, in March, June, July, September and November, forcefully repatriated a total of at least 2,000 refugees and "illegal immigrants." On all five occasions, it is believed that many or all of the returned people were arrested by Burmese security forces and may then have been used as porters or human minesweepers during army operations.

US Policy

The Bush administration has continued its policy of suspending all assistance to Burma until power is transferred to an elected government, as well as of speaking out against human rights abuses. Calling SLORC a "xenophobic know-nothing group that maintains itself in power through sheer force," the administration has made clear its support for democratic change.

Prior to August 1988, the US government provided modest assistance of

approximately \$10 million annually, mostly for antinarcotics programs, including helicopters and herbicides.

In the wake of the crackdown, the United States not only suspended assistance but also actively encouraged other countries to do the same, especially Japan, Burma's largest donor. In addition, since September 1988, the US embassy in Rangoon has tried to minimize high-level contacts with the Burmese government, while lodging numerous private protests over human rights abuses. The United States has also tried quietly to discourage countries from selling arms to Burma and has itself imposed a *de facto* embargo on arms sales.

In early 1990, the chapter on Burma in the State Department's *Country Reports on Human Rights Practices* focused attention on the forced relocation of hundreds of thousands of people from Rangoon and other towns to the countryside, and the US embassy worked to collect information on the condition of the resettled communities.

The administration spoke out on several occasions against the repressive conditions surrounding the May election campaign and the continued detention of NLD leaders U Tin U and Daw Aung San Suu Kyi. For example, on January 25, the State Department announced that the banning of leading opposition candidates coupled with "continuing human rights abuses including restrictions on political activities and debate all disturbingly point to the regime's intention to control the elections it has so repeatedly promised would be free and fair."

Nevertheless, the administration welcomed the final election results and expressed hope that SLORC would respect the opposition victory and transfer power. The State Department stated that the Burmese people "are to be congratulated for their courage and determination in the face of oppression" and warned that any refusal to transfer power was "bound to intensify the regime's domestic difficulties and international isolation."

In October, the Burmese government suddenly withdrew its agreement to accept the appointment of Frederick Vreeland, who was to have succeeded Burton Levin as US ambassador to Burma. The Burmese change of heart followed some controversy within the United States about Vreeland's career as a covert CIA official and, particularly, the White House's initial decision not to reveal his CIA background. Nevertheless, it appeared that the Burmese decision not to accept

Vreeland's nomination was based on his testimony during his confirmation hearings in which he expressed support for a strong line against human rights abuses in Burma and said that US economic sanctions seemed "inevitable" in light of continued repression. By the end of 1990, the White House had not yet nominated anyone else to the post, effectively reducing the US presence in Burma to the level of chargé d'affairs.

In August, Congress passed legislation calling on the administration to impose sanctions on Burma if, by October 1, a transfer of power, a release of all political prisoners and other conditions had not been met. The legislation, sponsored by Senator Daniel Patrick Moynihan, does not, however, require the administration to impose sanctions, and leaves to the administration's discretion the sort of sanctions to impose. In October, at a press briefing, the State Department said that it was "considering an embargo" but has not given other details. The US has reportedly tried to interest other countries in sanctions, particularly Japan and the EEC countries, but their response was unclear at year's end.

The US embassy in Bangkok demonstrated increased concern in 1990 over the situation of Burmese asylum-seekers in Thailand. Nevertheless, the embassy did not publicly criticize a number of forced repatriations – some without any judicial proceeding – which took place during the year. Furthermore, the US embassy has, by and large, limited its concern to Burmese students seeking asylum in Thailand and not to the much larger group of refugees in Ranong, in southern Thailand, including ethnic minority villagers and Burmese workers, who have been handed over to Burmese security forces and reportedly have faced severe mistreatment, including detention or forced porter service. Given the refugees' increasingly precarious situation in Thailand and the lack of a strong Thai government position on their situation, increased US attention could be very important for ensuring the protection of Burmese asylum seekers in Thailand.

Although antinarcotics assistance was suspended together with all other assistance in 1988, the US Drug Enforcement Agency as well as others in the administration are reported to have recommended a limited resumption of aid related to antidrug efforts. Resuming such assistance would send an unfortunate message of support to the Burmese government at a time when its human rights record is significantly worsening. There are also increasing reports of official Burmese complicity in drug production and trafficking.

The Work of Asia Watch

In March, Asia Watch issued a newsletter condemning continuing Burmese human rights abuses, particularly the banning of opposition leader Daw Aung San Suu Kyi from the May elections and ongoing restrictions on freedom of speech and assembly. The same month, Asia Watch circulated a letter to the Burmese government from parliamentarians of several countries, including the US, Japan and India, condemning a wide range of human rights violations.

In May, on the eve of the general elections, Asia Watch issued a detailed report of human rights conditions in Burma, based on an investigative mission into Burma and to the Thai border areas. The report concluded that whatever took place on election day itself, the complete lack of political freedom in the country and the harassment and detention of political activists called into doubt whether the elections could be considered "free and fair."

Asia Watch called on the Burmese government to release all political prisoners; establish impartial investigations into all reports of torture, disappearance and other gross abuses, and prosecute those responsible; abolish the practice of incommunicado detention and establish safeguards against torture; suspend the use of military tribunals; withdraw all restrictions on basic civil liberties; abolish the use of forced porters for the army; establish independent investigations into reports of army abuses in the border conflict; and permit international organizations that operate confidentially and international relief organizations the full range of their protection activities.

In August, Asia Watch released another newsletter on the continuation of human rights abuses after the elections. It noted that SLORC had made no significant move toward a transfer of power to the elected National Assembly and that the human rights situation had deteriorated even further, with the shooting deaths of several demonstrators on August 8. Asia Watch again called on SLORC to respect the results of the May elections and immediately release all political prisoners.

In June, an Asia Watch press release drew attention to the forced

repatriation of approximately 300 Burmese refugees from Thailand to Burma's Myawaddy township, and to the reported detention and mistreatment of these refugees upon their return by Burmese security forces.

Asia Watch has repeatedly called on the United States to continue to support human rights in Burma and, in particular, to impose economic sanctions in line with the Moynihan amendment. Asia Watch believes that sanctions could only help quicken the process of democratic change in Burma, especially if the US mobilized its allies to participate as well. After the Vreeland nomination was withdrawn, Asia Watch urged the Bush administration to ensure that the next nominee for ambassador to Burma would be someone equally committed to human rights concerns.

Throughout the year, Asia Watch worked in support of efforts to denounce Burmese human rights abuses before the United Nations General Assembly in New York and the United Nations Human Rights Commission in Geneva. In particular, Asia Watch expressed its strong support for the appointment by the Human Rights Commission of a special rapporteur or independent expert to investigate the human rights situation in Burma. When the Commission did appoint an expert, Sadako Ogata, the Burmese government allowed her into the country in November but tried to deny her access to all but government-appointed sources. Asia Watch issued a public statement criticizing SLORC for obstructing the mission. Asia Watch also helped lobby for passage of a resolution, sponsored by Sweden at the General Assembly, expressing concern over the Burmese government's failure to transfer power to elected representatives, calling for a release of all political prisoners, and asking the Secretary General to report on the situation. Action on the resolution was deferred until the 1991 General Assembly session.

CAMBODIA

Human Rights Developments

Despite major advances in international efforts to bring about a settlement to the Cambodian conflict, including an important shift in US policy, the war continued, and with it, human rights abuses by all sides. The State of Cambodia based in Phnom Penh and the armed forces of the three resistance factions, the Khmer People's National Liberation Front (KPNLF), the Sihanouk National Army (ANS) and the Khmer Rouge, were all responsible for avoidable civilian deaths, some caused by deliberate targeting, some by the choice of indiscriminate weaponry. The government, the Khmer Rouge and the ANS engaged in arbitrary forced conscription, and the latter two forced noncombatants living in camps under their control in Thailand to "porter" ammunition and supplies into Cambodia, thereby turning the civilian porters into military targets. Both the Khmer Rouge and the ANS were reported to use children under the age of 15 in the war effort, frequently as porters. Relief workers reported the torture of captured prisoners by all parties to the conflict. The access of these prisoners to some kind of fair judicial process appeared to be nonexistent or minimal on all sides.

Severe restrictions on political and civil liberties remained in Cambodia, where important legal reforms made in 1989 were stalled in their implementation. Controls on freedom of opinion and expression were highlighted in May and June with the arrest of at least six senior officials for their alleged advocacy of a multiparty system and the sacking of Khieu Kanarith, the editor of *Kampuchea Weekly* known for his pragmatic and sometimes critical political stance. Abuse of detainees and substandard prison conditions remained cause for concern in Cambodia.

Displaced Cambodians in Thailand faced an array of human rights violations, from lack of fundamental freedoms inside the guerrilla-controlled camps to being forced back into Cambodia against their will. A plan announced by the Thai government in April to provide some measure of protection for the refugees by establishing a "neutral" camp inside Thailand -- administered by the United Nations rather than the resistance factions -- was moribund by September. With the five permanent members of the UN Security Council and the four parties

to the conflict apparently reaching agreement on a framework for peace in September, repatriation of the refugees seemed like a real possibility. By December, however, hopes for peace were dimming and, with the onset of the dry season in Cambodia, the war had resumed.

The war was the context for serious violations by all sides. The year began with a major guerrilla offensive already underway to capture towns in northwest Cambodia as part of an effort to expand and hold the "liberated zone" there. As part of that offensive and under pressure from the Thai military, thousands of Cambodians (30,000, according to one estimate in the Thai press) were moved from camps inside Thailand to new sites across the border in Cambodia. Many of these appeared to have been moved against their will. In one notorious case, the United Nations Border Relief Operation (UNBRO) sent trucks in late January to move all residents of the "closed" Khmer Rouge camp in Borai to the Site K camp where they would have access to UN services. Instead, UNBRO officials found that the Khmer Rouge had secretly moved 4,000 of the 4,400 residents across the border to secret Khmer Rouge camps around the mining town of Pailin.

All parties failed to take measures to protect civilians during the fighting, in violation of international humanitarian law. Cambodian government forces used long-range artillery to try to dislodge the KPNLF from the towns of Svay Chek and Thmar Puok, apparently without warning the population to evacuate and without choosing specific military targets. The result was unnecessary civilian casualties, destruction of homes and schools, and thousands of displaced residents. (The towns were retaken by the government in February; an attempt by the guerrillas to recapture them in April failed.)

In May and June, intense fighting between Khmer Rouge guerrillas and government forces took place around Kompot, Kompong Speu, Kompong Chhnang and Kompong Thom. The government again engaged in indiscriminate shelling. Attacks on civilians by the Khmer Rouge were more targeted: the Khmer Rouge reportedly executed local political officials and, on July 15, attacked a train in Kompong Chhnang, killing 53 and wounding over 100.

In an effort to strengthen its defensive capability, the government organized and armed a civilian militia but failed to provide adequate training or supervision. Members of the militia were given antipersonnel mines which they laid around bridges and roads to keep out the Khmer Rouge but failed to keep

track of; civilian casualties were one result. Militia members also used their weapons to engage in petty extortion along Cambodian highways.

There were widespread reports during the year of arbitrary conscription by the government's regular forces. Young men were picked up off the streets or in video parlors in Phnom Penh and other cities.

The level of fighting diminished during the height of the rainy season but resumed again as the dry season approached. In late September and continuing through October, government forces attacked the Khmer Rouge stronghold of Pailin, and many Khmer Rouge fighters reportedly tried to flee to the nearby KPRLF-controlled camp of Sok Sann in Thailand. Reuters reported that the Sok Sann commanders refused to take in the escapees, for fear of offending the KPRLF's Khmer Rouge allies -- despite the severe punishment, including torture and possible execution, that would await the men if they were caught by their own officers after having fled combat.¹¹⁵ The renewed fighting led to further forced relocations of refugees from Thailand into Cambodia.

It was difficult to assess how the different parties treated prisoners captured in combat. International agencies had no access to such prisoners held in camps on the Thai side of the border. In September, the government in Phnom Penh granted the International Committee of the Red Cross access to those it termed "prisoners of war." There were unconfirmed reports of torture meted out to captured Vietnamese nationals near or in Site 2, the largest KPRLF camp.

The Khmer Rouge routinely denied residents of camps they controlled access to food and medical care, sometimes as a method of forcing compliance with orders to porter supplies or move into Cambodia, sometimes as an effort to prevent exposure to Western influence. When Phnom Penh government forces in January shelled hidden Khmer Rouge camps inside Thailand on the northern border with Cambodia, wounding scores of noncombatants, the Khmer Rouge did not permit the International Committee of the Red Cross to evacuate the victims.

In addition to violations of the laws of war, all sides also engaged in violations of political and civil rights. In Cambodia itself, a new Constitution passed in 1989 included important limits on detention and guarantees of the

¹¹⁵ Reuters Information Services, October 15, 1990

rights of the accused, and a committee of the National Assembly reviewed cases of all those detained without trial since 1979, releasing most of them. But real progress was prevented by a combination of factors: a legal system that was just beginning to be rebuilt after the destruction of the Khmer Rouge period; an almost total absence of trained lawyers and judges who had survived that period; and resistance to the reforms on the part of hardliners in the Ministry of the Interior. As of an Asia Watch visit in late May, the Supreme Court had not held a single formal hearing.

Freedom of expression, association and opinion continued to be tightly controlled. While some articles on corruption or the abuses of the civilian militia were allowed to appear in the United Front newspaper *Kampuchea Weekly*, or the state news service, direct criticism of the government remained off limits. The May arrest of senior government officials, including Ung Phan, the Minister of Transport, Communications and Posts, for trying to form an independent party called the Liberal Social Democratic Party was an indication of the limits that were still in place. At least six people and perhaps several dozen were arrested in the crackdown; all six were believed still in detention at the end of the year. Shortly after these arrests, Khieu Kanharith, editor of *Kampuchea Weekly* and a member of the National Assembly whom many believed to be sympathetic to efforts to open the political system, was fired.

Freedom of religion, by contrast, made significant gains. Buddhism was much more openly practiced and the authorities allowed younger men to become monks. On Easter, the first Catholic mass was celebrated since 1975.

Violations of civil liberties also occurred in the resistance-controlled camps in Thailand. None of the camps allowed residents the freedom to move to a different camp, so each faction effectively had a captive population under its control. By the end of the year, there was a rudimentary justice system in place in the largest KPNLF and ANS camps to handle criminal cases, but abuses by camp commanders, police and the Thai military were beyond its capacity to handle. The absence of civil liberties was most notable in the Khmer Rouge camps, where even marriage was controlled by the camp commanders.

US Policy

US policy on Cambodia took a dramatic turn on July 18 when Secretary of State James Baker announced in Paris that the United States would no longer support the seating at the United Nations of the Coalition Government of Democratic Kampuchea – composed of the three resistance factions – and that the Bush administration would permit \$5 million in humanitarian aid voted by Congress to be given to the Phnom Penh government. The US also inched toward opening direct talks with the Phnom Penh government, with contacts in September between the US chargé d'affaires in Vientiane and his Cambodian counterpart and between US Ambassador to Indonesia John Monjo and Cambodian Prime Minister Hun Sen during negotiations the same month in Jakarta. At the same time, the Bush administration, torn between the hawks of the National Security Council staff and a more pragmatic State Department, announced that aid to the non-Communist factions (the KPNLF and ANS) would continue despite strong pressure from some congressional leaders to cut it.

The shift in policy was related more to the progress of the talks on Cambodia among the five permanent members of the Security Council than to the situation on the ground, but Secretary Baker acknowledged for the first time the seriousness of the military threat posed by the Khmer Rouge. Likewise, US attention to human rights in Cambodia focused more on the future than the present. The Bush administration supported the broad and vaguely worded section on human rights in the "Perm 5" agreement signed on August 28 in Paris but made little attempt to address ongoing abuses by the parties to the conflict that were receiving US aid or to take steps to ensure that there was no military cooperation between the non-Communist forces and their Khmer Rouge allies.

In March, for example, the US Agency for International Development (USAID) renewed funding for what is named a "Military-Oriented Youth Center" run by the ANS forces where boys aged 12 to 16 received training in marching, drills and "basic acts of combatants." While the USAID aid letter specifically stated that US funds should not be used for the military training, the aid obviously freed other funds to be used for that purpose. The US appeared to be encouraging the ANS to violate provisions of humanitarian law prohibiting children under 15 from serving as soldiers. Use of child soldiers by the ANS was reported to Asia Watch by aid workers along the Thai-Cambodian border in May and again in November.

The Bush administration repeatedly denied that there was any "systematic" cooperation between its non-Communist clients and the Khmer

Rouge, despite some evidence to the contrary. In September, for example, the Bangkok press reported that the Khmer Rouge had joined the KPNLF in a four-hour attack on a government military base. On June 28, the Senate Intelligence Committee, concerned that the \$10 million in "non-lethal" covert aid to the KPNLF and ANS was directly or indirectly benefiting the Khmer Rouge, voted to end that aid. The House Intelligence Committee did not go along. In October, over administration objection, the Senate passed an amendment to the foreign aid appropriations bill, largely replacing the covert aid program – a small amount of covert aid reportedly remained through January 1991 – with \$25 million in humanitarian and development aid to Cambodia, only some portion of which would go to non-Communist resistance forces as "non-lethal" assistance.¹¹⁶ Enacted into law, the provision required the President to produce a public report by January 1, 1991 detailing how the aid would be allocated as well as describing the extent of military cooperation since 1986 between the Khmer Rouge and any group or faction of the non-Communist resistance.

During a hearing on September 12 before the House Foreign Affairs Subcommittee on Asia and the Pacific, Undersecretary of State Robert Kimmitt argued that any cut in aid would have "tragic humanitarian consequences" and would "severely and adversely" affect the ability of the non-Communists to win concessions from the Phnom Penh government at a crucial stage in the negotiating process. On the question of the non-Communists' cooperation with the Khmer Rouge, he said that "there has been a degree of contact that is expected when forces operate in proximity to one another," but that this contact was "still below the threshold of the law," referring to legislation that bars cooperation with the Khmer Rouge as a condition of US aid to the non-Communist resistance.

It was not clear that the Bush administration had the will or the capacity to accurately assess the nature of cooperation among the resistance factions; instead, the administration appeared prepared simply to accept assurances from top non-Communist field commanders that there was no coordination.

But if the administration was concerned about the growing strength of the Khmer Rouge forces, it was strangely silent about the complicity of others in assisting them. Not only did the Thai military actively encourage the forced relocations from Khmer Rouge-controlled camps back into Cambodia, but in June,

¹¹⁶ Of the \$25 million, \$5 million is earmarked to aid children.

Bangkok newspapers revealed that six Thai timber companies were offering the Khmer Rouge cash and equipment in exchange for logging concessions around Pailin. One of those companies was partly owned by a Thai cabinet minister. In addition, despite the delivery of Chinese-supplied tanks and heavy equipment to the Khmer Rouge in October, President Bush still welcomed Chinese Foreign Minister Qian Qichen to the White House in November (see chapter on China, *infra*).

The Bush administration also made no comment when, during the meeting of the four Cambodian parties in Jakarta in September, the Khmer Rouge included Son Sen as one of their participants in the Supreme National Council. A close aid of Pol Pot, Son Sen was responsible for the administration of the notorious torture center in Phnom Penh, Tuol Sleng. In the September 12 hearings before the House Subcommittee on Asia and the Pacific, Undersecretary Kimmett merely said that Son Sen's name did not appear on the list that the State Department had prepared of the Khmer Rouge leadership.

The Work of Asia Watch

In January, Asia Watch sent a mission to the Thai-Cambodian border to interview Cambodian refugees and aid workers about the human rights situation. One result was a newsletter on "Violations of the Laws of War by the Khmer Rouge."

In May, Asia Watch visited Phnom Penh at the invitation of the government, the first strictly human rights organization to be so invited.¹⁷⁷ While the delegation was able to meet with officials of the Foreign Affairs and Justice Ministries, its efforts to meet officials from the Defense and Interior Ministries got nowhere. As a result, Asia Watch was not able to visit the main Phnom Penh prison, T-3, where it had hoped to interview political prisoners and corroborate reports suggesting that there had been some improvement in prison conditions since

¹⁷⁷ In August 1989, the Cambodian Documentation Commission, a private organization with a strong human rights concern, sent a delegation to Phnom Penh headed by Dith Pran and Haing Ngor.

1985 and 1986 when torture, the use of dark cells, shackling, and prolonged deprivation of food and water were common. (Information received after the visit from recently released detainees indicated that dark cells, at least, were still in use.)

In early June, with the help of an Asia Watch representative in Phnom Penh, Asia Watch was the first organization to verify the names of the six officials arrested for trying to form a new political party.

On July 20, two days after Secretary Baker announced the policy change, Asia Watch testified before the Senate Foreign Relations Committee on the human rights situation in Cambodia. While noting that it did not oppose a continuation of humanitarian aid, Asia Watch testified that any assistance that would further the non-Communists' objective of "neutralizing" Cambodian security forces would leave the Phnom Penh government all the more vulnerable to Khmer Rouge attack.

On September 11, Asia Watch met with Deputy Assistant Secretary of State for East Asian and Pacific Affairs Kenneth Quinn and Charles Twining, Director of the State Department's Office for Vietnam, Laos and Cambodian Affairs, to discuss US policy on Cambodia. Following that visit, Asia Watch wrote to Quinn suggesting ways in which the human rights section of the Perm 5 agreement could be made more specific.

CHINA

Human Rights Developments

The Chinese government in 1990 intensified and institutionalized its repression of the democracy movement, now dubbed "the counterrevolutionary rebellion." In the wake of the bloody crackdown of June 4, 1989, thousands remained detained without charge, often in abysmal prison conditions and often subject to torture. The number of arrests and trials of pro-democracy activists and sympathizers mounted throughout 1990, and at least one new execution was reported, bringing the total officially announced since June 4 to 49. The government reimposed state controls over all aspects of free expression, adopted measures to monitor its citizens overseas, and tightened restrictions on religious and ethnic groups within the country. The effect of these measures was to nullify the tentative liberalization of the previous decade, and reassert the firm ideological control of the conservative wing of the Chinese Communist Party.

This internal campaign of repression proceeded in tandem with the government's attempts to project to the world a picture of renewed domestic harmony and tolerance. Adopting a stance of "outward relaxation, internal intensification" (*nei jin, wai song*), the Chinese leadership strove to close the book on the 1989 movement and return to business as usual with international partners. It assiduously courted foreign investment and the lifting of sanctions, most prominently through cooperation in the United Nations Security Council with US positions on the Persian Gulf crisis. All the while, behind-the-scenes purges of government critics (real or imagined) moved forward, culminating in November in charges against leading figures of the democracy movement for sedition, a capital offense.

With a view toward heading off further sanctions by the West, the Chinese government formally lifted martial law, in Beijing in January and in Lhasa in May. The substance of martial law remained, however, with the maintenance of a massive, armed security force in both cities.

The Chinese authorities also announced a series of releases of pro-democracy detainees over the year, totaling 881 persons. But the government

named only a handful of those said to have been released, and there has been no independent verification of the number or names of the others.

The announcements of releases were skillfully timed to influence US policy on China. The first 573 releases were announced in January, days before a key vote in Congress on legislation to protect the more than 40,000 Chinese students in the United States against involuntary return to China. Another release of 211 was announced in May, on the eve of President Bush's decision not to withhold Most Favored Nation trading status from China. Shortly before a meeting of the world's industrial nations at which loan policy to China was discussed, the Chinese government on June 26 allowed Fang Lizhi and his wife, Li Shuxian, to leave the US embassy in Beijing for England, and made its last announcement of 97 prisoner releases.

Release from detention did not end the ordeal for all who were government targets. Wang Ruowang, the prominent writer and government critic, was released on October 29 after 16 months' detention without charge. At year's end, however, he remained under investigation, was required to report on his activities twice per week, and was prohibited from leaving Shanghai without police permission. Following her release in May 1990, the well known journalist Dai Qing (who published a favorable account of her treatment in custody in Beijing) was followed by a police escort, even when visiting relatives. The academic Li Honglin, also incarcerated in Beijing, was placed directly on an airplane to Fuzhou upon his release in May and not permitted to visit his wife in their Beijing home. He is also believed to be under surveillance, and his stepdaughter was denied permission to visit relatives in the United States.

During the latter half of 1990, Chinese government spokesmen insisted that a mere 355 post-June 4 detainees remained in prison, but this was widely believed to be a gross underestimate, taking into account neither the prisoners held outside Beijing and Shanghai, nor those held in other forms of administrative detention, nor most of the ordinary workers who bore the brunt of government repression.

Ordinary workers, who turned out in massive numbers to support the students and intellectuals of the pro-democracy movement and to protest the June 4 crackdown, suffered the severest government retaliation. In an effort to quash politicization of the workforce (termed the "Polish disease"), the

government characterized these detainees as "thugs" and charged them as common criminals. Workers comprised the majority of those tried and convicted, frequently drawing heavy prison terms in the 10-to-15-year range. Workers and peasants accounted for all officially announced executions through the end of 1990.

By year's end, no labor leaders active in the pro-democracy movement had yet been released. Han Dongfang, the 27-year-old organizer of the Beijing Workers Autonomous Federation – China's first independent trade union since 1949 – had been in solitary confinement since June 1989, despite deteriorating health which required him to be hospitalized at least six times. He had yet to be charged, although he had been told he would be tried as a common criminal.

Asia Watch documented several dozen reports of trials of pro-democracy activists during 1990, although the true numbers were believed to be much higher. It was unlikely that these trials met international standards for fairness given Chinese criminal procedure practices. The presumption of innocence is overlooked by judicial panels, which are told how to decide cases by Party committees in advance of sensitive trials. The accused are pressured to confess from the moment they are first detained, and under the best circumstances they do not receive counsel until days before trial. Defense lawyers, for the most part, confine themselves to arguing for lenience in sentencing.¹¹⁸

The practice of charging workers as common criminals, rather than as political criminals, permits the application of summary procedures that in effect remove the right to present a defense or appeal a death sentence.¹¹⁹ On the other

¹¹⁸ These practices have drawn extensive criticism within China as well. *See, e.g.*, Xiong Jiquan, "We Must Overcome the Practice of 'Passing Verdict Before the Trial,'" *Faxue* (Law Science Monthly), No. 4, 1990, pp. 31-32; Li Shaoping, "Change the Practice of 'Decide First and Then Hold the Trial' to One of 'First Hold the Trial and then Decide,'" *Faxue Yanjiu* (Law Studies Journal), No. 2, 1990, pp. 39-43; Bai Zhuolin, "Taking Issue with 'Adjudication Committees are Trial-Conducting Bodies,'" *Faxue Yu Shijian* (Law Studies and Practice), No. 2, 1990, p. 27.

¹¹⁹ "Decision of the Standing Committee of the National People's Congress Regarding the Procedure for Rapid Adjudication of Cases Involving Criminal Elements Who Seriously Endanger Public Security," September 2, 1983. These regulations suspend the requirement

hand, defendants facing political charges reportedly are limited in their choice of counsel to senior-ranking lawyers who are Party members. Two directives issued by the Ministry of Justice reportedly barred lawyers from defending pro-democracy activists without the Ministry's prior approval, and barred lawyers from entering a plea of "not guilty" for such clients without prior notification of the Ministry.¹²⁰

Many others detained since June 1989 were denied the chance to enter any plea whatsoever; instead, they were simply convicted by the public security organs (the police) without benefit of any court appearance or hearing. Persons may be sentenced without a trial to as much as three years of so-called "labor reeducation," one of several official euphemisms in China for forced labor under arbitrary detention. Another example of administrative detention without trial is so-called "shelter and investigation," a widely used method of incarceration for which there exists no basis in Chinese legislation. Under this practice, the police on their own authority and without supervision by the courts or procuracy hold suspects in conditions similar or worse than those for convicted criminals for months at a time. Both of these punitive measures, which are applied against hundreds of thousands (and perhaps millions) of Chinese citizens every year, violate the prohibition in international law against arbitrary detention and the right to be presumed innocent until found guilty in a court of law.

In the spring of 1990, the Chinese government launched a massive nationwide campaign to "crack down on serious crime." According to the official China News Service, as many as 986,000 people were arrested by public security authorities at all levels between May and September. Of those arrested, a large number were executed – estimates varied from 500 to several thousand. This campaign, similar to a major crime sweep of late 1983, was launched ostensibly to "clean up" society in advance of the Asian Games, which Beijing hosted from September 22 to October 7.

that defendants be notified of the charges against them and their right to counsel at least seven days before trial, and shorten the time for appeal of a death sentence from ten to a mere three days.

¹²⁰ See Charlene Fu, "Lawyers Barred From Defending Pro-Democracy Movement Participants," Associated Press, November 13, 1990.

The "anti-crime" campaign appeared to have provided cover for an intensified round of suppression of pro-democracy groups and individuals. The police chief of Guangdong Province reported in November that in his province alone (which was relatively free of pro-democracy demonstrations in the spring of 1989), the authorities had uncovered and dealt with "20 instances of counterrevolution" in the course of the anti-crime campaign.¹²¹

A primary concern of the Chinese government was to prevent any public protests of the 1989 military crackdown. In addition to the anti-crime campaign, the authorities imposed stringent security measures and limited access to cities during important holidays and anniversaries. Beijing sealed off Tiananmen Square and prohibited all unofficial public signs of mourning during Qing Ming Festival on April 5. This traditional holiday to honor the dead is also the anniversary of a 1976 incident in which militia and police beat to death dozens of demonstrators in the Square who had gathered to honor the memory of Chou Enlai as a protest against the Gang of Four. Similar security measures were adopted in advance of the June 4 anniversary. For the Asian Games, the authorities set about plastering over bullet holes left over from June 1989, instituted roadblocks and citizens' patrols, and instructed citizens to limit contacts with foreigners.

The clearest signal of Beijing's efforts to close accounts on the 1989 democracy movement was the wave of charges brought against leading students and intellectuals in October and November 1990. Taking advantage of the public relations gains made by cooperation with the West in the Gulf crisis, the Chinese government picked Wang Juntao and Chen Ziming to blame as the ringleaders of the 1989 movement. Veterans of the 1978 protests against the Cultural Revolution, Wang and Chen established in the 1980s a number of unofficial associations to promote reform within the system. In 1989, both were instrumental in building a coalition that linked students and intellectuals with workers. Their families were formally notified on November 24, 1990 that the two would be charged with spreading counterrevolutionary propaganda, a crime that can draw five years' imprisonment or more, and plotting to overthrow the government, a capital offense.

Also reported to face charges of counterrevolutionary propaganda and instigation were Liu Suli and Chen Xiaoping, law professors who advocated the

¹²¹ *Yangcheng Wanbao*, November 8, 1990.

supremacy of the constitution and the rule of law over Party authority; Liu Xiaobo, a literary critic who participated in a brief hunger strike in Tiananmen Square just before the massacre; Ren Wandong, a worker-intellectual who in 1979 founded the first organization to protect human rights in the People's Republic; Lü Jiamin, a professor and participant in the Democracy Wall movement of 1978-1981; and Bao Zunxin, a philosopher and leading intellectual. Student leaders of the movement who headed the "most wanted" lists, such as Wang Dan, Zhang Ming, Zhou Yongjun and Liu Gang, reportedly faced similar charges, and Zhang Ming and Zheng Xuguang, also student activists, were tried in mid-November, although their sentences were not announced. None of these individuals used or advocated violence; to the contrary, some were known to have specifically urged protesters to disarm and act peacefully.

The wretched prison conditions and frequently brutal treatment meted out to the post-June 4 detainees showed no signs of amelioration during 1990, according to reports by those released. Conditions in local jails and detention centers were the worst. However, even in facilities such as Beijing's Qincheng Prison, where leading intellectuals are held, illness and abuse were reported to be widespread.

Yao Yongzhan, a student leader from Hong Kong who was imprisoned for ten months in Shanghai No. 1 Detention Center, described his experience to Asia Watch shortly after his release in June 1990. He was kept with 12 other prisoners in a cell measuring 13 to 14 square meters. Sleep was difficult as the lights were kept on all night; there were no beds, so the prisoners had to lie on the wooden floor. The cells were infested with fleas and bugs, and 80 to 90 percent of the prisoners had infectious skin diseases. During his entire period of incarceration, he was let out of his cell for fresh air and exercise only once, for about half an hour. He reported that persons accused of ordinary crimes were often tortured with electric batons, kicking and beatings.

In 1990, several long-term political prisoners, such as Wei Jingsheng and Xu Wenli, began their tenth year behind bars for having dared to publish their proposals for peaceful democratic reform during the Democracy Wall movement. In November, Xu's wife told a foreign reporter that her husband, who like Wei had been held in solitary confinement throughout his incarceration, had developed serious medical symptoms consistent with a diagnosis of lymphatic tuberculosis. In addition, Xu had undiagnosed lumps on his neck and suffered from

malnutrition. "They shouldn't treat a human being this way," said his wife.¹²² Like the 1989 activists awaiting trial, Xu and Wei had been charged and tried for "counterrevolution."

The right of free expression was severely curtailed by the government in the course of 1990 in its effort to whip journalists back into their role as the loyal "tongue and throat" of the Party. The government enacted nationwide controls and restrictions on the rights of assembly and public demonstration and reasserted tight control over publishing and the news media, decimating the ranks of journalists, publishers and distributors. A major campaign against pornographic and "illegal" publications was frankly acknowledged by a deputy director of the Party's Central Committee Propaganda Department to be a means of combatting "bourgeois liberalization" and the spread of "Western capitalist values and decadent ideas."¹²³ Concerned with the "negative influences" spread by foreign cable broadcasts, the state also promulgated new regulations requiring all satellite dish owners to apply for licenses by January 1, 1991, after which unlicensed owners might be penalized.

As a result of the "anti-pornography" campaign, fully ten percent of all publishing houses in China were to be closed, according to a December 6, 1989 report in *China Daily*. By the end of August 1990, a total of 80,000 persons had been punished and 780,000 contraband publications seized. Printing facilities were limited to 500 houses nationwide, and distribution outlets were likewise forced to reregister and, in the process their numbers were limited. On October 25, the National People's Congress approved a draft resolution calling for life imprisonment for those producing, publishing or selling pornographic materials, and the death penalty for those who use pornography to carry out criminal activities. These massive efforts at censorship and control notwithstanding, a further "antipornography" drive was slated for the end of 1990 and the beginning of 1991.¹²⁴

On November 14, the New China News Agency revealed that no less than

¹²² Associated Press, November 29, 1990.

¹²³ Beijing Xinhua Domestic Service, October 22, 1990, in FBIS, October 24, 1990.

¹²⁴ *Renmin Ribao* editorial, October 27, 1990, in FBIS, October 29, 1990.

155,000 persons had been stripped of official press credentials during a recent government campaign to reissue press cards. At least 13 Chinese journalists detained after June 4, 1989 were still behind bars at the end of 1990. Among them were Zhang Weiguo, Beijing bureau chief for the pioneering *World Economic Herald*.

The foreign press corps was also subjected to a level of surveillance and intimidation greater than any it had experienced since the Cultural Revolution. Several foreign journalists were beaten and detained around the first anniversary of the June 4 massacre. Access to the People's Republic was tightly restricted for journalists from Hong Kong and Macau under regulations banning telephone interviews and requiring them to apply for permission to enter China 15 days in advance. In Beijing, the government reportedly established a new office to dispense rewards of access to friendly journalists.¹²⁵

Pro-democracy academics and intellectuals who avoided being imprisoned during the June 4 crackdown continued to experience serious harassment and worse at the hands of Party officials. The case of Professor Wen Yuankai of Hefei University of Science and Technology, a close associate of the exiled dissident Fang Lizhi, was an example. Initially stripped of his Party membership and confined to campus, he was reported in November to have been placed in detention, unable to communicate with or be visited by his family.¹²⁶ A report at the end of the year said that Wen had been released from confinement but had not yet received word when he could return to his teaching and research. He was quoted as saying, "I hope I'm not going to end up working as a cashier at the university canteen."¹²⁷

Zhang Wei, the former director of the city of Tianjin's Foreign Economy and Trade Committee and Party Secretary for the Tianjin Foreign Affairs Office, was not a participant in the democracy movement, but after the June 4 bloodbath denounced the government's use of military force and resigned his positions and

¹²⁵"Office to 'reward' journalists," *South China Morning Post*(Agence France-Presse), November 21, 1990.

¹²⁶ *Hong Kong Standard*, November 28, 1990.

¹²⁷Associated Press (Hong Kong), December 24, 1990, quoting article in *Ming Pao Daily News*.

Party membership. In a telephone interview in November 1990, he reported that since then the authorities had bugged his telephone, canceled his driver's license, required him to report on his daily activities, and followed him everywhere (which made moving about "very safe," he quipped.)¹²⁸

In an effort to forestall any future student unrest of the type that led to the 1989 protest movement, the government on November 7, 1990 issued sweeping new restrictions on free speech and political activity on China's campuses. Speeches that "run against the basic rules of China's Constitution and education policy, or that spread superstition or religious activities" were forbidden, as were "unauthorized organizations, illegal publications and broadcasting on campus."¹²⁹

The policy of retaliation extended to Chinese students abroad. Xu Lin, an official of the Chinese embassy in Washington who defected in May, released documents, including one signed by Premier Li Peng, from a high-level meeting in Beijing held in March 1990. The documents set out a program for controlling Chinese students in the United States and Canada. Dividing students into five classes, from Party loyalists to "reactionary core elements" (i.e., dissident leaders and participants in "anti-government" activities), the policy called on embassy officials to discredit and punish the latter by canceling their scholarships, revoking their passports, and forbidding them family visits. Students in both Japan and the United States reported receiving harassing telephone calls, and said that Chinese consular officials had grilled them on their political views and associations, threatening them with cancellation of their passports and scholarships.

Government repression of ethnic and religious groups showed no sign of easing in 1990. The surge in Tibetan independence activism which began in Lhasa in October 1987 was countered by what China's security chief Qiao Shi described in July 1988 as a policy of "merciless repression." The hardline policy was reiterated by Jiang Zemin, the Party General Secretary, when on July 29, 1990 he ordered a "tough new crackdown on the independence movement in Tibet."¹³⁰

¹²⁸Fang Zhiyuan, "Jiang Wei: 'I am under surveillance,'" *China Spring*, January 1991.

¹²⁹"Campus curbs cited – link to Tiananmen denied," *South China Morning Post*, United Press International, November 8, 1990.

¹³⁰Reuters, July 29, 1990.

Martial law in Lhasa, imposed in March 1989 after violent clashes between demonstrators and security forces that resulted in an unknown number of deaths, was formally lifted on May 1, 1990. However, the Tibetan quarter of Lhasa remained under effective siege by a massive deployment of the paramilitary People's Armed Police. On June 2, the authorities initiated an intensive program of so-called "population screening" -- a euphemism for night-time house searches and arrests of separatists. One Tibetan described the situation as being "martial law without the checkpoints."

Asia Watch recorded several dozen arrests and trials of peaceful Tibetan demonstrators and independence activists from late 1989 through the end of 1990. This figure probably represented only a fraction of the total number, given the restricted access to Tibet and the severe censorship of news. It included the cases of Loye, a monk at the Potala Palace, sentenced on December 6, 1989 to 15 years' imprisonment for "counterrevolution" and "espionage";¹³¹ a Tibetan businessman reportedly sentenced on March 22, 1990 to seven years' imprisonment for putting up independence posters; and a 14-year-old sentenced to two years in an adult jail for allegedly distributing independence leaflets at school.¹³²

In late October and early November 1990, Chinese authorities permitted a US State Department official and four Scandinavian diplomats to visit the notorious Drapchi prison near Lhasa, one of several Tibetan prisons in which political detainees were held. The diplomats sighted Yulo Dawa Tsering, a 60-year-old monk sentenced in January 1989 to ten years in prison for "colluding with foreign reactionaries to overthrow the government." They reported that he appeared to be in "fairly" good health, but stressed to Chinese officials the need for an improvement in the human rights situation in Tibet and more humane treatment of political prisoners.¹³³

A Lhasa police spokesman, in a reversal of previous official denials that

¹³¹Tibet Radio, December 7, 1989, in FBIS, December 20, 1989.

¹³²*Ibid.*

¹³³*South China Morning Post*, November 19, 1990.

there were any political prisoners in Tibet, informed the diplomats that Drapchi prison held 56 political prisoners, all of whom had been tried and sentenced, and that 63 others were held in "labor reform" camps in the region. However, a list copied from an official government roster named 77 political prisoners held in Drapchi Prison as of September 1990.

Religious freedom in Tibet was further curtailed in 1990. Three weeks after it lifted martial law, the Chinese government enacted regulations forbidding any political or religious assembly to be held without prior official approval. Monks and nuns of the Tibetan Buddhist order were subjected to "screening" procedures designed to weed out those supporting independence. Some monasteries and nunneries were closed; others were decimated by expulsions of their members.

Another ethnic minority area, the Xinjiang Uighur Autonomous Region in China's extreme northwest, experienced serious unrest in April 1990. According to official reports, 22 were killed and 13 wounded during an uprising. Reports from foreign travelers suggested the true death toll may have reached 60. The short-lived rebellion, which occurred in the town of Baren in the autonomous prefecture of Kizilso Kirghiz, near Kashgar on the ancient "Silk Road," was suppressed by Chinese troops and security forces on April 5 and 6. The official press blamed the uprising on a small group of so-called "splittists."

Subsequently, a detailed plan to limit the number of mosques and religious schools in the region was published. Strict limitations were placed on proselytizing¹³⁴ and religious education, and the official press reportedly declared that Chinese Muslims "must choose between Marx and Allah."¹³⁵

In mid-September, the Xinjiang regional government adopted a draconian set of regulations banning Muslim clerics from meeting foreigners or foreign religious organizations, espousing separatism, opposing the Communist Party or using religion to challenge China's birth-control policy. The new regulations, published in the *Xinjiang Ribao*, also applied to Tibetan monks and to

¹³⁴ Reuters, April 11, 1990.

¹³⁵ Lillian Craig Harris, "China: The Choice Between Marx and Allah," *Middle East International*, July 6, 1990.

clergy in China's state-sponsored Catholic and Protestant churches in the region. Under the regulations, clerics "shall not propagate the history of holy war and incite ethnic hatred under any circumstances."¹³⁶

Practicing Catholics and Protestants who refused to join government-sponsored church organizations were in recent years subjected to increasing persecution. The government broke up unauthorized congregations, sometimes violently, and made widespread arrests. Beginning in late 1989, dozens of priests, bishops and laypersons belonging to the underground Roman Catholic church in northern and western China were arrested. The underground church remained loyal to the Vatican, which recognizes Taiwan and does not have diplomatic relations with China. There were signs that the government linked Vatican loyalists to the pro-democracy movement, such as accusations that underground Bishop Hou Guoyang incited a small group to demonstrate in Sichuan and collected money "to support the turmoil."¹³⁷

US Policy

In 1990, the Bush administration continued its policy from 1989 of attempting to strengthen relations with China, largely on China's terms. But the administration's hopes that "constructive engagement" with China would yield significant human rights gains were sorely disappointed. Congress strongly opposed the administration's efforts to maintain normal trade relations and to block legislation protecting Chinese students in the United States. But Iraq's invasion of Kuwait and the US desire to enlist China's support for the international isolation of Saddam Hussein dramatically weakened the US position toward sanctions. While the Bush administration retained certain economic sanctions, such as the prohibition on military sales, and on World Bank loans for other than "basic human needs," it abandoned its earlier commitment to limit high-level contacts with China.

¹³⁶"New controls on clerics," *Hong Kong Standard* (Agency France-Pressel), October 30, 1990.

¹³⁷Reuters, June 28, 1990.

In early January, President Bush stated: "Some people think the best way to make changes for human rights in China is isolation: don't talk to them, try to punish them by excommunication. I don't feel that way."¹³⁸ President Bush and State Department officials took this position further by continuing their role as apologists for China throughout the first quarter of the year. At Senate hearings on February 8, for example, Deputy Secretary of State Lawrence Eagleburger appeared to chastise senators for their preoccupation with Tiananmen Square and its aftermath, saying, "In the real world, we need to see that China is less completely charming than the land of panda bears and the Great Wall and also less completely evil than a night in June when the Goddess of Democracy was crushed by tanks in Tiananmen."¹³⁹

The administration was particularly congratulatory when China announced cosmetic human rights improvements in early 1990 in an effort to influence US policy. On January 12, while human rights groups voiced skepticism that the lifting of martial law in China was anything more than a cosmetic gesture, President Bush praised the measure, saying, "there's no way you can look at that and not say it is positive."¹⁴⁰ Similarly, when China claimed to release some 573 prisoners later in the month (although the government released no names and permitted no inspection of jails and prisons), the President rushed to describe it as "a kind of amnesty."¹⁴¹ Vice President Quayle even went so far as to proclaim that the lifting of martial law was a "dividend" of the President's policy toward China.¹⁴²

¹³⁸"Bush's Statements and Excerpts from News Conference," *Washington Post*(Associated Press), January 6, 1990.

¹³⁹Robert Pear, "US Official Urges 'Real World' View of China," *New York Times*, February 8, 1990.

¹⁴⁰Robert Pear, "Bush Hails Thaw in China; Congress Is Skeptical," *New York Times*, January 12, 1990.

¹⁴¹"Excerpts from President's News Conference on China and Other Matters," *New York Times* (as recorded by CNN), January 26, 1990.

¹⁴²Robert Pear, "Martial Law Ends in China's Capital; US Eases Curbs," *New York Times*, January 11, 1990.

The administration rewarded the lifting of martial law with more than words. On January 11, the White House announced that the administration would support "basic human needs" loans to China at international financial institutions, but continue to discourage "project loans."¹⁴³ Although State Department spokeswoman Margaret Tutwiler insisted that the change in loan policy was not linked to the lifting of martial law one day earlier, most observers believed that the two were clearly linked.

The result of the change in US policy was a \$60 million loan for poverty relief and \$30 million for earthquake relief by February. On a more positive note, however, the US opposed World Bank consideration of a \$150 million loan for road improvements, and the loan did not come up for formal consideration at the World Bank. Later loans did have US support, such as a \$300 million loan for tree planting approved in May. By November, the World Bank appeared prepared to remove all restrictions on loans to China, and announced that it would consider a \$110 million loan for technological improvement of rural industry in early December.¹⁴⁴ To its credit, the Bush administration opposed the loan when it came up for formal consideration. However, because the United States has less than a 20 percent voting share at the World Bank, the loan went forward over US objection, with the support of Japan and the European Community. Congressional leaders have said that the administration must work behind the scenes to prevent loans from being considered, as it did for the first six months after June 4, 1989. Some feared that while the US was opposing loans when they came up for a vote, it had abandoned efforts to prevent such loans from being considered in the first place.

The administration also maintained its policy of refusing to license sales of military equipment to China, and took the unusual step in February of ordering a Chinese government corporation to sell a company it owned in Seattle.¹⁴⁵ Other

¹⁴³ Before the announced change, the US had opposed *all* loans to China at the World Bank, and had worked behind the scenes at the bank to prevent loans from coming up for consideration.

¹⁴⁴ Nayan Chanda, "World Bank Is Preparing to Lift Curbs On China Loans, Despite US Opposition," *Wall Street Journal*, November 13, 1990.

¹⁴⁵ The action was taken pursuant to the so-called "Exon-Florio" provision in US law, which

positive aspects of US policy toward China were the administration's outspokenness on the question of China's harassment of Chinese students in the United States, and the US embassy's refusal to send a representative to "Army Day" events in Beijing on August 1. The administration also signed a proclamation making May 13 a national day in support of human rights in China.

Unfortunately, these positive actions by the administration were outweighed by competing tendencies, the worst of which came from President Bush himself. One example was President Bush's "pocket" veto in late 1989 of congressional legislation which would have provided safe haven for Chinese students in the United States. When Congress returned to Washington in January 1990, the first item on its agenda was to override the President's veto. The administration pulled out all the stops to undermine the effort, including predictions that if the bill were enacted China would retaliate by ending all student exchanges with the United States.

The administration also attempted to persuade Congress that legislation was not needed because the President would issue an executive order providing the same protection. But Rep. Stephen Solarz spoke for many in Congress when he stated, "If the President can send some of the highest foreign policy officials in his administration to Beijing at the same time as he is telling the American people that he has suspended all high-level contacts, then he cannot be relied upon not to rescind the executive order at some time in the future."¹⁴⁶ In a firm repudiation of the Bush administration's policy, the House of Representatives voted 390 to 25 to override the President's veto on January 24.

The President then turned his attention to the Senate, where administration officials engaged in a desperate, last-minute campaign of arm-twisting to prevent an override of the veto there. He barely prevailed. On January 25, sixty-two senators voted against the President, but the total was four votes short of the two-thirds majority required to override the veto. In a statement following the vote, President Bush tried to claim that the Senate action vindicated

requires foreign governments that would gain access to secret US technology through their companies in the United States to divest those companies.

¹⁴⁶Thomas Friedman, "Bush Is Set Back by House Override of Veto on China," *New York Times*, January 25, 1990.

his China policy, stating, "The thing I like about it [the vote], given the mournful predictions of some a few months ago, is that it gives me the confidence that I'm going to go forward the way I think is correct here."¹⁴⁷

Despite President Bush's claims, Congress remained at odds with the administration on its China policy. The wide divergence between the executive and legislative branches was seen in the debate on Most Favored Nation (MFN) trading status for China. MFN (i.e., normal trading relations) is renewed for Communist countries on a yearly basis. It is conditioned by law on the beneficiary country's compliance with human rights conditions relating to its citizens' right to emigrate.¹⁴⁸

The administration was required by law to submit a request to continue MFN for China by June 3, and few doubted that the President would do so. Nonetheless, the Bush administration could have helped achieve progress on human rights in China by encouraging a sense of suspense about its intentions on MFN. But in the months preceding the announcement, neither the White House nor the State Department issued any public statement about the kind of human rights progress that would be required of China if the renewal was to be requested, and so far as the public record shows, the Chinese had little reason to fear that President Bush would not proceed with the request.

Nonetheless, Chinese authorities were extremely concerned about the possible loss of MFN and took actions on the human rights front which were clearly aimed at influencing the debate on MFN. In late April, for example, martial law was lifted in Lhasa, and on May 10, Beijing announced the release of some 211

¹⁴⁷In April, the press revealed that the President had failed to issue an executive order to protect the students. Despite his repeated claims of having done so, it appeared that he had merely issued a directive, which was not formally published in the Federal Register. Following an embarrassed flurry of activity at the White House, the formal order was issued on April 11.

¹⁴⁸Section 402 of the Trade Act stipulates that the President may not designate as an MFN recipient any Communist country which "denies its citizens the right or opportunity to emigrate." If a country is not in compliance with this condition, the President may waive it if such a waiver would "lead substantially to the achievement of the objectives of this section," i.e., freedom to emigrate and the advancement of human rights.

prisoners.¹⁴⁹

On May 24 the administration submitted its request to Congress, and President Bush held a news conference to defend the action. He justified the decision on economic grounds, stating that failure to continue MFN would result in a loss of American exports and jobs. He also hailed recent actions by China (such as the lifting of martial law in Tibet and the release of political prisoners), stating that "211 detainees were recently released and then their names provided for the first time." The President was in error in stating that the names of those said to be released had been provided; it had the effect of crediting the authorities with something they had not done.

More helpful to the human rights cause was a May 24 White House statement, revealing that, "He [the President] is personally disappointed that the Chinese government has not taken more decisive steps to demonstrate a commitment to internationally accepted human rights," and indicating that the lifting of martial law and the release of prisoners were "modest" and "clearly inadequate."¹⁵⁰

From May through October, the MFN issue was debated in Congress and dominated US relations with China. Throughout the period, Beijing periodically

¹⁴⁹These gestures, while they indicated a willingness to respond to US concerns, were disappointing since, as noted, the lifting of martial law in no way lessened repression and abuse in Tibet. Similarly, the authorities named only six prisoners of the 211 allegedly released, and permitted no inspection of its jails and prisons to verify the releases and the number of prisoners remaining. Moreover, these gestures were outweighed by a deterioration in human rights in the period from December 1989 to February 1990, which saw the arrests of dozens of priests, bishops and laymen belonging to the underground Catholic church.

¹⁵⁰However, a more unfortunate aspect of the statement was the insistence that the United States "pays tribute" to the victims of the Tiananmen Square crackdown "by continuing to sustain as high a level of people-to-people contact and commerce as we can." Certainly, the Chinese authorities saw the unconditional renewal of MFN as a message of US support for themselves, not for the pro-democracy demonstrators. The statement was also flawed by its failure to describe the significant new limits on the freedom to emigrate and travel imposed after the Tiananmen Square crackdown.

announced releases of prisoners.¹⁵¹ Notwithstanding the administration's efforts, however, opposition to MFN status for China grew in Congress, and by July, several bills to limit or end MFN were under active consideration in the House.

Deputy Secretary of State Lawrence Eagleburger issued a letter to Congress commenting on one of these initiatives on July 11. The letter noted:

Our most immediate concern is the bill's effect on progress on human rights and other issues important to the United States. Our current sanctions have already sent a powerful message to China's leaders. Some positive steps have resulted, including the release of almost 900 political detainees...

The administration thus uncritically accepted Beijing's claims of having released a number of prisoners which was almost entirely unverified.

Congress was apparently unmoved by the administration's opposition to repeal or limits on MFN for China. In a series of dramatic votes on October 18, the House enacted a resolution to repeal MFN for China by a vote of 247 to 174. Legislation to maintain MFN but with strict human rights conditions passed even more dramatically in a 383 to 30 vote. Such a margin indicated near-universal displeasure with the administration's policy on China and a willingness to end MFN if human rights did not improve significantly. The Senate did not take up the measure before the 101st Congress adjourned, but Senate leaders announced their intention to revisit the question in 1991.¹⁵²

US relations with China improved dramatically following the Iraqi invasion of Kuwait on August 2. The US effort to organize international sanctions

¹⁵¹A Chinese diplomat who defected to the United States made available a secret memorandum prepared by the Chinese government. The document stated that the government intended to use the release of political prisoners as a "card" to influence American policy toward China. Fox Butterfield, "Beijing Aims Jail Releases at Influencing US," *New York Times*, May 11, 1990.

¹⁵²The legislation, sponsored by Rep. Don Pease, would have made MFN conditional on a number of human rights conditions. The ease with which it passed the House encouraged the bill's sponsor to bring it up again in 1991.

against Iraq at the United Nations required China's cooperation. That cooperation was secured by a series of high-level meetings with Chinese government officials, beginning with a meeting between Secretary of State James Baker and Chinese Foreign Minister Qian Qichen in Cairo on November 6. According to the State Department,¹⁵³ Secretary Baker raised the subject of human rights with Foreign Minister Qian at that time (although nothing was said publicly) and a list of human rights cases prepared by Asia Watch was delivered to a senior official at the Foreign Ministry in Beijing.

On November 27, Foreign Minister Qian was invited by Secretary Baker to visit Washington for talks on the Persian Gulf. The Foreign Minister was the highest ranking Chinese official to visit the United States since the June 4 crackdown. The US invitation was proffered just three days after two pro-democracy activists, Wang Juntao and Chen Ziming, had been charged with the capital offense of plotting to overthrow the Communist regime. No public mention of these or any other cases was made by the administration during the Foreign Minister's visit, although President Bush reportedly raised human rights concerns to the Foreign Minister in an impromptu meeting at the White House.¹⁵⁴ When asked about the meeting, National Security Advisor Gen. Brent Scowcroft stated that one of the reasons Secretary Baker had invited the Chinese Foreign Minister to the United States was to "personally" make it clear to the Chinese government that "there was no forgetting Tiananmen Square" and "no let-up for sanctions," although, he noted, the Secretary did call attention to "the fact that we could cooperate on issues of global importance."¹⁵⁵

Notwithstanding Gen. Scowcroft's remarks, the visit by the Chinese Foreign Minister was clearly a reward for China's abstention at the Security Council on a critical resolution on Iraq, and formally ended the administration's previous position of limiting high-level contacts with China. While it was clear that the United States had important interests to pursue with Beijing, it was a

¹⁵³ Letter to Asia Watch from Kent Wiedemann, Director of Office of Chinese and Mongolian Affairs, US State Department, November 16, 1990.

¹⁵⁴ Al Kamen, "Bush Warns China on Its Human Rights Record," *Washington Post*, December 1, 1990.

¹⁵⁵ CBS "Face the Nation," Interview with Gen. Brent Scowcroft.

shame that human rights were the trade-off in securing China's acquiescence to US policy in the Gulf. This trade-off was particularly regrettable in that it occurred precisely at a time when human rights conditions in China were deteriorating badly.

From December 17 through 19, the Assistant Secretary of State for Human Rights and Humanitarian Affairs, Richard Schifter, held talks in Beijing with Chinese officials from the courts, police, and other departments on human rights conditions. At a press conference at the conclusion of his talks, Assistant Secretary Schifter told reporters that he had called on China to release all dissidents held for nonviolent political offenses and that he had presented a list of 150 representative detainees. The list included well-known students, workers and intellectuals jailed for participation in the 1989 democracy movement (including Wang Juntao and Chen Ziming), prisoners from prior democracy movements (including Wei Jingsheng), Tibetan independence activists, and Catholic and Protestant clergy. The Assistant Secretary also warned Chinese government officials that Congress might not renew MFN status in 1991, and requested that the US embassy be permitted to send observers to political trials.¹⁵⁶

The State Department refused to make the entire list of detainees public, citing at various times a range of concerns, from avoiding increased danger to those political prisoners not listed, to encouraging a response from China through a quiet approach. China's immediate response, however, was far from encouraging. A Foreign Ministry spokesman characterized the talks as an "exchange of views on Sino-US relations and other issues,"¹⁵⁷ and rebuffed Schifter's request to visit a jail.¹⁵⁸ A commentary in the official Communist Party newspaper was even less delicate, lambasting "gentlemen making a living out of human rights" who lecture other countries about their internal affairs.¹⁵⁹

¹⁵⁶Sheryl WuDunn, "American Official Presses China to Free Captives," *New York Times*, December 20, 1990; Associated Press, December 19, 1990.

¹⁵⁷Reuters, December 21, 1990.

¹⁵⁸Associated Press, December 19, 1990.

¹⁵⁹Susumu Awanohara and Tai Ming Cheung, "Abusive Treatment," *Far Eastern Economic Review*, January 3, 1991.

The Schifter press conference represented the most pointed criticism that the administration had made in months, and revealed a new willingness on the part of the Chinese government to at least listen to human rights complaints. There were no indications, however, that Chinese officials were ready to do more than listen. To the contrary, the Foreign Ministry spokesman noted that "[t]o exchange views on human rights is one thing and to interfere in internal affairs under the pretext of human rights is another," adding that China had no plans to free jailed intellectuals.¹⁶⁰ The administration's failure to publicize the names of all whose release Schifter demanded hinders efforts to hold China accountable for their fate, and to measure the Bush administration's policy toward China in light of Chinese responsiveness.

Despite these shortcomings, the US embassy in Beijing, under the leadership of Ambassador James Lilley, appeared to take a strong interest in human rights. The State Department's annual *Country Report on Human Rights Practices*, issued in February 1990, contained a detailed and unapologetic condemnation of human rights in China.¹⁶¹ And the embassy welcomed Chinese human rights leader Fang Lizhi and his wife when they sought refuge following the Tiananmen Square crackdown. Fang and his wife stayed in the embassy fully 13 months while Ambassador Lilley and his staff worked with Chinese authorities to resolve the impasse over the terms on which the couple could leave.

The year 1990 was a bad one for human rights in China, and the Bush administration's policy of muffling human rights criticisms did not result in improvements, despite the administration's repeated promises that it would. The situation deteriorated badly, but administration statements did not reflect that trend. Indeed, the executive branch was virtually silent on such issues as the execution of more than 500 suspected criminals in the month preceding the Asian games in September, the tightening of already repressive controls on freedom of speech and press, and the trials of student leaders in November.

¹⁶⁰Sheryl WuDunn, "China Keeps Door Closed on Dissent," *New York Times*, December 23, 1990.

¹⁶¹The country report on China was prepared by embassy staff and edited by the State Department's Human Rights Bureau.

Fortunately, Congress remained outraged by Tiananmen Square and its aftermath, and the important policy dispute over Most Favored Nation status put China on notice that President Bush is not the only actor in Washington on such questions. The policy dispute also provided an important opportunity to publicize continuing abuses.

The Work of Asia Watch

Asia Watch's work on China in 1990 aimed at publicizing human rights abuses in China and Tibet and generating pressure on the Chinese government from a variety of different sources, most significantly from the US government. Asia Watch testified nine times in Congress on human rights in China in the context of the debate over economic sanctions.

Asia Watch produced three major reports in 1990. *Punishment Season*, published in March, described human rights violations in China since the imposition of martial law in May 1989 and included what was then the most comprehensive list available of people reported detained in connection with the pro-democracy movement and its aftermath. *Merciless Repression*, published in May, documented human rights abuses in Tibet. And *Repression in China since June 4, 1989*, released in September, was an updated list of some 800 people believed still to be in detention for political activities.

Those reports, shorter newsletters on torture and prison conditions, and a lengthy article published by Asia Watch in *The Nation* on June 11, 1990, provided the basic data for advocacy work and campaigning. Asia Watch requested permission to visit China twice during the year, once in March and once in November for trial observation. Neither request received a response. To ensure continued access to up-to-date and reliable information from China, Asia Watch opened an office in Hong Kong at the end of October.

Much of the advocacy work concerned US policy on sanctions. Discussion in Washington in January over how to force China to make concessions on human rights led Asia Watch to formulate a position advocating a calibrated sanctions package, many elements of which were later adopted in proposed congressional legislation. In support of sanctions, Asia Watch

representatives appeared in a number of public debates, including one in May at the Library of Congress where Asia Watch debated the head of the US China Business Council. Beginning in March, as discussion heated up over whether to extend MFN benefits, Asia Watch took the lead in formulating a position that would allow MFN to be extended only if human rights conditions were imposed which China would have to meet by 1991.

Asia Watch also took the lead in drawing attention to the plight of Chinese workers, virtually ignored as Americans focused instead on imprisoned students and intellectuals. In a campaign to publicize the case of Han Dongfang, a founder of the Beijing Autonomous Workers Federation who was arrested in June 1989, Asia Watch dubbed him the "Chinese Lech Walesa" and enlisted the help of colleagues in Helsinki Watch to have Solidarity in Poland take up his cause. In April, Asia Watch arranged a trip to Washington by another founder of the federation, Lu Jinghua, to introduce her to members of Congress and to interest the AFL-CIO in campaigning for the release of Chinese workers. Ms. Lu was honored by Human Rights Watch in December 1990 for her efforts on behalf of imprisoned labor activists.

In April and May, Asia Watch, together with the Robert F. Kennedy Memorial Foundation for Human Rights, worked with Soviet dissident Yuri Orlov to initiate a campaign of scientists on behalf of dissident astrophysicist Fang Lizhi, who was then trapped in the US embassy in Beijing. The scientists agreed to boycott international scientific conferences in China until Fang and his family were allowed safe passage out of the country. After they were permitted to leave in June, the campaign continued on behalf of other imprisoned scientists.

In time for the anniversary of the June 4 crackdown, Asia Watch launched another appeal, this time to every Catholic bishop in the United States, on behalf of Catholic priests and layworkers in China imprisoned during a wave of arrests in late 1989 and early 1990, mostly in northwest China.

Asia Watch also worked with counterparts in Japan to pressure the Chinese government on human rights issues (see chapter on Japan, *infra*).

In November, an Asia Watch representative met with Ambassador Lilley and briefed Assistant Secretary Schifter before his much-publicized trip to China.

INDONESIA AND EAST TIMOR

Human Rights Developments

The human rights situation in Indonesia and East Timor took a sharp turn for the worse in 1990. The Indonesian military tortured and summarily executed detainees in the course of counterinsurgency efforts along the Irian Jaya-Papuan New Guinea border, in Aceh in northern Sumatra, and in East Timor. Elsewhere, at least 12 criminal suspects and probably many more were shot dead by police, and others died in custody, apparently as the result of torture. Four men in their 60s, accused of involvement in the 1965 coup attempt, were executed by firing squad outside Jakarta on February 16 after almost 25 years in prison. Freedom of expression was sharply curtailed, with newspapers banned, plays cancelled, journalists blacklisted and critics of the government sentenced to heavy prison terms. New "screening" procedures designed to uncover supporters of leftist organizations in the 1960s constituted a serious infringement on freedom of opinion and privacy. A community legal aid organization in Sumatra and a new labor federation in Jakarta confronted restrictions on freedom of association, and peaceful political demonstrations were broken up in Dili, East Timor and Yogyakarta. The independence of lawyers, already limited, suffered further setbacks. It was not a good year.

Military actions against pro-independence activists in Aceh, Irian Jaya and East Timor resulted in serious human rights abuses. In Aceh, attacks on police and soldiers by an armed opposition group, the Aceh/Sumatra National Liberation Front, more commonly known as Aceh Merdeka, led to massive retaliation by combined troops of the regular army, the mobil brigade of the police, the special forces (*Kopassus*) and units of the air force. Suspected supporters of the group were rounded up, held incommunicado, and often tortured to obtain information. Asia Watch was able to document six disappearances but the true figure is believed to be far higher. The death toll on both sides since January, according to one army doctor, may be as high as 1,000. A growing number of unidentified corpses found along roads, rivers and plantations in three districts of Aceh led to speculation that the military was executing prisoners and dumping their bodies in areas where they would not be known. No inquests were conducted and international humanitarian organizations were denied permission to provide

services in Aceh.

In early June, over 100 people from Irian Jaya, some of them activists with the armed independence organization *Organisasi Papua Merdeka*, or the Free Papua Movement, fled across the border into Yapsei, Papua New Guinea. Indonesian troops followed them across the border, where at least two noncombatant refugees from Irian Jaya were reported killed at point-blank range.

Human rights abuses in East Timor were committed against peaceful demonstrators, many of them students. On January 17, troops used excessive force to break up a small demonstration in front of the hotel in Dili where US Ambassador John Monjo was staying. On September 4, a demonstration involving an estimated 10,000 people took place to mark the 50th anniversary of the diocese of Dili. A group of students reportedly held up a flag of the armed independence organization Fretilin. While there were no immediate arrests, masked men on motorcycles, some of whom were reportedly police, began appearing on Dili streets after dark in what residents believed was a campaign of intimidation. Several demonstrators were reportedly taken in for questioning and beaten.

A series of arrests took place in East Timor beginning on October 1 after an Indonesian soldier was badly beaten by East Timorese youths. On October 8, four pupils at a junior high school in Dili were arrested for jeering at the public prosecutor, an Indonesian official, and the school was occupied by troops for three days. On October 15-16, several students at the Sao Jose Externatao high school in Dili were arrested after anti-Indonesian graffiti appeared on the walls. By the end of October, over 100 arrests, most of them short-term, had taken place, many of them students who were tortured during interrogation with electric shocks, lighted cigarettes and severe beatings.

Human rights violations also continued to stem from actions by the Indonesian military following a coup attempt in 1965 which the army blames on the since-banned Indonesian Communist Party (PKI). On February 16, four former members of President Sukarno's palace guard, sentenced to death for their alleged involvement in the murder of six generals on the night of the coup attempt, were executed by firing squad after almost 25 years in prison. Yohanes Surono, Norbertus Rohayan, Satar Suryanto and Simon Petrus Sulaiman were believed to have had unfair trials, and their appeals process was a travesty.

Increasing limitations were placed on freedom of expression. In October, Bonar Tigor Naipospos, 29, a student, was convicted of subversion and sentenced to eight-and-a-half years in prison for leading a study group which discussed how the Suharto government's policies were not benefiting the poor. He was also accused of circulating books about Marxism and allegedly helping to sell novels by Pramoedya Ananta Toer, a well known writer and former political prisoner.

In November, performances of a play by Riantiarno about presidential succession, called *Sukses*, were cancelled in Jakarta. Another play by the same author, *The Cockroach Opera*, about poverty, was also banned on the grounds that it could give rise to social unrest. (In mid-December, the ban was lifted, but security forces said Riantiarno would be held responsible for any unrest that might occur.)

The publishing permit for a tabloid newspaper called *Monitor* was withdrawn and the editor arrested in November after the Christian-owned paper published a survey of its readers' views on the world's most influential people, and the Prophet Muhammad placed only eleventh. Shortly thereafter, the publisher of another newspaper owned by the same company withdrew his paper from publication after a letter to the editor was printed about a dream that the writer had had about Muhammad. The letter was accompanied by an artist's rendering of the Prophet, in violation of the Islamic ban on such portrayal. At the end of 1990, the police said they were still hunting for the writer of the letter.

Also in November, the police banned the public reading of two poems by the poet W.S. Rendra, claiming that they could give rise to ethnic or religious tensions. The newsweekly *Tempo* then printed both poems in full, without repercussion from the military, but a journalist from a paper called *Media Indonesia* who wrote about the banning was reportedly fired after the editor received a warning from the Ministry of Information.

Steven Erlanger, the Southeast Asia correspondent for the *New York Times*, was blacklisted on November 24 after an article he wrote on the Suharto family's business interests appeared in the November 12 edition of the *International Herald Tribune*. The *Herald Tribune's* distributor in Indonesia "voluntarily" suspended all sales of the newspaper. By December, a Singapore-based agent was reportedly taking on distribution in Indonesia.

Limits were also placed on freedom of association. In August, the local

military in North Sumatra banned a community development organization, KSPPM, which had assisted villagers affected by the operations of a large pulp and rayon factory to use legal channels to protest land expropriation and destruction by the factory. The ban was issued on the grounds that KSPPM had not registered under the "Social Organizations Law" when in fact it was not covered by that law because it had no mass membership. The real reason for the ban was believed to be military unhappiness with the organization's legal aid activities. After domestic and international pressure, the ban was lifted at the end of October.

In mid-November, the human rights lawyer H.J.C. Princen announced the formation of a new independent labor federation, Solidarity, and scheduled its first meeting for December 17. The coordinating minister for politics and security immediately declared the union illegal. Its establishment drew attention to the complete absence of worker rights in Indonesia, including the right to form independent unions.

US Policy

An article in the *Far Eastern Economic Review* in April began, "Indonesia has seldom been, and is not today, a country which is foremost on the minds of Washington officials and politicians, or of the general American public." The Bush administration did nothing to disprove that observation in 1990.

The administration in Washington generally refrained from public condemnation of Indonesia's human rights record, and with great fanfare sent top-ranking officials to the opening of the Festival of Indonesia, a two-year series of cultural performances and exhibits stretching over some 200 US cities.

Ambassador Monjo, by contrast, played a constructive role. In January, following the demonstration in East Timor, he publicly expressed regret that the nonviolent assembly had been broken up, urging Indonesian officials not to arrest anyone, and visiting the injured participants in the hospital.

Despite urging from Asia Watch and other human rights organizations, the US failed to protest the executions of the four long-term prisoners in February,

on the grounds that protest would be inappropriate because the US itself retains the death penalty. The administration ignored arguments that more than capital punishment was at issue, eschewing the fair trial and humanitarian questions at stake.

In April 1990, US Trade Representative Carla Hills rejected a petition filed in 1989 by the AFL-CIO seeking to revoke trade benefits granted Indonesia under the Generalized System of Preferences (GSP) because of violations of the right to freedom of association and the absence of collective bargaining in Indonesia. Indonesian officials lobbied intensively against the petition. The AFL-CIO received a 49-page document justifying the decision, which went through a point-by-point refutation of the AFL-CIO's claims. The cause of labor rights in Indonesia would have been better served if the administration had engaged in such a dialogue with the AFL-CIO in public.

Concern about human rights violations was more apparent in Congress than in the executive branch. In May, Rep. Ted Weiss called for an inquiry by the House Select Committee on Intelligence after allegations by investigative journalist Kathy Kadane that US embassy officials and CIA staff had compiled lists of PKI members to give to the Indonesian army following the 1965 coup attempt, when the army was systematically hunting down such people for arrest or execution. By the end of 1990, preliminary investigations were stalled because of the Persian Gulf crisis. In December, a letter from over 200 members of Congress protesting human rights abuses in East Timor was circulated.

The Work of Asia Watch

Asia Watch published two major reports on Indonesia during the year, *Injustice, Persecution, Eviction* in March, covering arrests and trials of nonviolent government critics, violations of freedom of expression, deaths in custody, and civil rights violations during land disputes; and *Prison Conditions in Indonesia* in August. Both reports were based on a mission in December 1989. An article in the *Economist* about the prison report led Indonesian journalists to undertake their own investigation of prison conditions in more remote areas of the country, resulting in an article in the leading newsweekly.

Following the executions in February, Asia Watch sent telexes to nine heads of state, including the leaders of the United States, the Soviet Union, Britain and Japan, urging them to condemn the killings publicly. Asia Watch also sent a letter to Ambassador Monjo explaining the unfairness of the men's trials and appeal process, and issued a press release noting that the men had been imprisoned almost as long as Nelson Mandela.

In May, Asia Watch called on Secretary of State James Baker to investigate the Kadane allegations. In August, Asia Watch presented a statement on human rights violations in East Timor to the United Nations Special Committee on Decolonization. Both statements were noted in the Indonesian press.

In September, Asia Watch representatives met with Indonesian Foreign Minister Ali Alatas in New York to discuss a wide range of human rights issues. The Minister said that Asia Watch would be allowed access officially only when it stopped "taunting" the Indonesian government.

Asia Watch also issued news bulletins during 1990 criticizing the "screening" process used to root out former leftists from the civil service and the banning of KSPPM in Sumatra. A newsletter on human rights abuses in Aceh was issued in December, following an investigative mission to Indonesia the previous month.

JAPAN

Human Rights Developments

Asia Watch focused on only one aspect of human rights in Japan in 1990, the treatment by the Japanese government of Chinese dissidents who were in Japan at the time of the military crackdown in Beijing on June 4, 1989, or who fled to Japan after the crackdown.

During the year, the Japanese government forcibly repatriated some Chinese claiming to be dissidents, most notably Zhang Zhenhai, a participant in the demonstrations in Tiananmen Square who hijacked an airplane to Japan in December 1989, allegedly for the purpose of seeking political asylum. Despite an international campaign to prevent his extradition on the grounds that he would likely be tortured upon his return, the Japanese government forcibly repatriated him on April 28. His appeals through the Japanese judicial system did not appear to be given a fair and impartial hearing. Zhang, who was in custody, was permitted only ten minutes with his attorneys prior to filing his application for refugee status, requiring him to write the application on his own. His lawyers did not even see a copy of the application until it had already been rejected by the Ministry of Justice. While it normally takes six months to a year to consider such applications, Zhang's was rejected in two weeks.

The government also obstructed the processing of requests for asylum, refugee status and visa extensions for Chinese fearful of returning to China because of their participation in protest activities. Under a Justice Ministry ban not lifted until late in 1990, lawyers were prohibited from contacting refugees in detention, and the government provided no information on refugee options to students applying for visa extensions.

In addition, the government consistently disregarded evidence that dissidents were likely to suffer arrest and imprisonment if they returned. One student had taken a highly visible role during the pro-democracy demonstrations in Tiananmen Square, bringing food to the students. He was detained briefly after the June 4 crackdown, released after interrogation, and fled to Japan in late June. He received letters from China indicating that the Public Security Bureau in

Beijing had arrested two of his friends and was looking for him. The Japanese government did not consider him in danger of persecution and pressed for his forced repatriation.

In some asylum and refugee cases, the government impeded access of Chinese to legal counsel and information, in violation of recommendations issued in 1977 by the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) and a pledge in Paris in July 1989 by the seven industrialized nations, including Japan, "to extend the stays of those Chinese students who so desire."¹⁶²

Chinese students who took part in demonstrations or joined dissident organizations in Japan experienced systematic harassment by Chinese embassy officials, including surveillance, interrogation and threats. The Japanese government failed to protest, thus appearing to condone restrictions on the students' freedom of expression, assembly and association.

In December 1990, there were indications that the Japanese government was considering a more flexible approach. The Justice Ministry issued ten 90-day visa extensions, and immigration officials appeared to be considering measures which would allow more Chinese students with expired visas to stay in Japan.

US Policy

Officials of the US embassy in Tokyo, while acknowledging that Chinese embassy officials were harassing Chinese students in Japan, did little to urge an end to the practice.¹⁶³ They also rejected the notion that Japan has engaged in *refoulement*, or forced repatriation of those who face persecution. After discussing the situation with the Japanese Justice Ministry, representatives of the US embassy in Japan accepted the Ministry's view that no one in danger of persecution had been deported to China.

¹⁶² The six other "G-7" participants are the United States, France, Great Britain, Italy, Germany and Canada.

¹⁶³ It should be noted that Chinese students face similar harassment in the United States.

The Work of Asia Watch

In June, an Asia Watch delegation visited Tokyo to open a dialogue on human rights issues with the main political parties and with members of the Japanese Diet, and to build on contacts already established with non-governmental organizations.

Asia Watch led the US part of the campaign to prevent the extradition of Zhang Zhenhai, through press releases, appeals to the Japanese government, and Congressional advocacy. In October, Asia Watch issued a newsletter, *Japan: Harassment of Chinese Students*. Copies were widely distributed in Tokyo and Washington. Some members of Congress wrote the Japanese Justice Ministry as a result. In addition, Asia Watch urged the State Department to express its concern to Japanese officials.

NEPAL

Human Rights Developments

Dramatic change took place in Nepal in 1990, transforming the country from an absolute monarchy where political parties were prohibited by law to a constitutional monarchy with a new constitution that contained important human rights guarantees.

The path to reform was marked by violence and serious human rights violations by security forces. Arrests of opposition activists increased steadily in the final weeks of 1989, as opposition political parties, which existed in fact if not in law, began organizing a campaign for the restoration of multiparty democracy, scheduled to begin on February 18, 1990.

On February 5, the largest of these parties, the Nepali Congress, passed a resolution officially launching the "country-wide peaceful mass movement." Shortly thereafter, as many as 475 opposition party members, human rights advocates, students, lawyers and journalists were arrested. Opposition newspapers were seized, reportedly because they contained articles critical of the government and advocating a multiparty system. In a number of incidents, police opened fire indiscriminately into crowds of unarmed demonstrators. Estimates of the number killed range from 50 to several hundred. While the lower figure probably is more accurate, the precise figure may never be known because the police disposed of many of the bodies in secret without conducting inquests.

Throughout the 1990 pro-democracy campaign, demonstrators and others engaging in the peaceful expression of their political views were subjected to mass arrest. In most cases, persons were detained for periods ranging from half a day to several weeks. The detainees were rarely charged under any law, not even under the broad provisions of the Public Security Act.

In one particularly egregious incident, on March 20, over 500 persons were arrested while participating in a seminar at Tribhuvan University which had been organized by the University Teachers' Association, other professional associations, members of the Bar Association and human rights groups. Most of

those arrested were held for six to eight hours for interrogation, and some for several days. The detainees were questioned about previous political activity and associations. They were not permitted to notify family members or contact lawyers during their detention.

The use of torture against demonstrators and political activists was widespread. Detainees were often severely beaten all over the body, including the head and the soles of the feet, with wooden batons (*lathis*). At Traffic Police Headquarters in Kathmandu, where hundreds were held, detainees were whipped, thrown into water tanks, and kept in crowded rooms without adequate food, water and toilet facilities. Many of those detained were held outside ordinary detention centers, where they also were subjected to severe beatings and other forms of torture.

The incident that marked a watershed in the campaign occurred on April 6, when security forces opened fire on hundreds of peaceful demonstrators outside the King's palace. Days later, as demonstrations against the actions of the security forces grew, King Birendra acceded to the opposition's demand to lift the ban on political parties. The Prime Minister resigned and an interim government under K.P. Bhattarai took office and established a Constitutional Commission to redraft the country's constitution. Political prisoners were released, and inquiries into abuses by the security forces were begun. On November 9, 1990, the new constitution was promulgated and the drafting of an election law was undertaken, with elections to be held in March or April 1991.

The 1990 Constitution guarantees a free and independent press, the right to petition for *habeas corpus*, and the right of workers to unionize. It also abolishes the death penalty. However, the interim government has been unable to secure civilian control over the country's military forces.

US Policy

The Bush administration was inexplicably slow to express concern about the crackdown against the pro-democracy movement in Nepal and about human

rights violations by the security forces. The first major public statement by the State Department came on April 2, more than six weeks after the mass arrests began. In that statement, the administration said that "the Nepalese should be free to organize themselves into political parties if they so choose and to express their opinions freely, without fear of arrests or other reprisals." The administration also expressed concern about "the excessive use of force in quelling demonstrations, the practice of preventive detention, and reports of mistreatment of prisoners."

In March, the US ambassador to Nepal, Julia Chang Bloch, responded to Asia Watch questions about the widespread practice of torture in Nepal by asking rhetorically whether it was not the case that torture was fairly standard in the Third World.

After the events of April 6, the administration made some interventions with Nepalese authorities. For example, on April 24, the State Department said that it had "raised [its] concerns with the Nepalese government about the security situation." After the Constitutional Reforms Commission presented a draft constitution to King Birendra and the Palace announced that it would be promulgated on November 9, Assistant Secretary of State for Asian and Pacific Affairs John Kelly testified on November 2, before the House Subcommittee on Asia and Pacific Affairs, saying:

[T]he new constitution appears to represent fundamental political change...[It] also guarantees many fundamental rights. We believe it is a major step forward in the process to develop democratic institutions, which are essential to a workable, thriving democratic system. The United States has encouraged and supported Nepal's democratic transition from its beginnings last spring in Kathmandu.

The Work of Asia Watch

The sharp deterioration in human rights in Nepal in early 1990 prompted Asia Watch to send a mission to the country to investigate reports of torture and the shooting of peaceful demonstrators.

Prior to the mission, Asia Watch issued a number of press releases to focus international attention on the crisis. For example, on February 26, Asia Watch welcomed the initiative of six members of the US Congress who sent a letter to King Birendra expressing concern over mass arrests of pro-democracy activists and calling for investigations into reports of torture of detainees. At the same time, Asia Watch protested the government's banning of over ten opposition newspapers and called on it to release all political activists arrested for exercising rights of freedom of expression and association.

The Asia Watch delegation visited Nepal between March 16 and 25. Asia Watch researchers met with representatives of the Nepali Congress and United Left Front, lawyers, human rights activists, journalists, and senior officials of then Prime Minister Marich Man Singh Shrestha's government. The delegation also met with released prisoners and the families of detainees, relatives of victims of police shootings, and doctors who had treated torture victims and persons injured during demonstrations.

In June, as the Constitutional Commission began its proceedings, Asia Watch submitted a detailed memorandum to the government, summarizing the mission's findings and making recommendations on legal and constitutional reforms to ensure greater protection for human rights.

PHILIPPINES

Human Rights Developments

Both government and insurgent forces of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines, were responsible for human rights violations during 1990.¹⁶⁴ The Philippine military, together with the official paramilitary force, CAFGU (Citizens Armed Forces – Geographical Unit), engaged in summary executions and disappearances of suspected supporters of the NPA and the Muslim insurgency, the Moro National Liberation Front (MNLF). Suspected rebels were frequently arrested without warrant, held for long periods in solitary confinement or incommunicado detention, and occasionally tortured.

The NPA continued to execute, without the benefit of fair judicial process, civilians suspected of being informers or abusers of workers or peasants. It also abducted several civilians during the year, including foreign nationals, and held them hostage in an effort to obtain money or a change in government policy. Both the executions and hostage-taking were in violation of international humanitarian law governing civil conflict.

Developments on the legal front were not encouraging. The infamous Presidential Decree 1850, left over from the Marcos years, which gave military courts jurisdiction over all military personnel, including those accused of human rights offenses against civilians, remained in effect, despite congressional efforts to repeal it. For the most part, prosecutions of human rights offenders got nowhere, although 16 officers were finally convicted in September of the 1983 murder of President Aquino's husband, Senator Benigno Aquino, Jr. In July, the right to be protected against arbitrary arrest, guaranteed by the 1987 Constitution, was eroded when the Supreme Court ruled that suspected communists could be arrested without warrant.

¹⁶⁴ Murders, bombings and other criminal acts were committed by right-wing military rebels, but the rebels were not organized enough to qualify as insurgents. The acts they committed were crimes, not violations under international humanitarian or human rights law.

The use of CAFGUs and other, unauthorized paramilitary "vigilante" groups in military operations and in attacks on suspected leftists continued to be cause for concern. CAFGUs were implicated in several cases of disappearances and summary executions during the year. In one case, Antonio Buenavista, 42, a fisherman, disappeared on January 7 in the village of Santa Cruz, Hagonoy town, in the province of Bulacan, after refusing to join the CAFGUs (such refusal is often interpreted as sympathy for the rebels). His abductors were former rebels who surrendered to the government and were active in helping build the local CAFGU forces. At the end of the year, Buenavista was still missing. His was only one of several dozen disappearances reported during the year.

CAFGU members were also implicated in the November 22 execution of three members of a workers' theatre group in Murcia, Negros Occidental. Aguinaldo Morfil, Reynaldo de la Fuente and Ferdinand Pelaro had been in Murcia campaigning on labor issues together with members of the militant union, the National Federation of Sugar Workers. The three men were reportedly stopped by CAFGUs, taken to the nearby Hacienda Varela and shot at point-blank range. Their bodies were then taken and dumped near the auditorium in Murcia's town center.

Regular forces were responsible for one particularly brutal massacre. On August 3 in New Passi, Tacurong, Sultan Kudarat, 19 civilians ranging in age from one to 72 were executed by members of the 38th Infantry Battalion based in Esperanza, Sultan Kudarat, apparently in revenge for the MNLF killing of two soldiers some weeks earlier. When soldiers approached the house of Muslim leader Kabagal Manindiala, 72, his son, Kamlong, tried to flee. Kamlong was shot and killed; then, according to press accounts, the other 18 members of the extended family were taken outside and executed. The dead included six children, aged one to 13; a woman who was six months pregnant; and three people over 65. The commander of the 6th Infantry Division, under whose command the 38th Battalion operates, dismissed the battalion commander, two other officers, and 12 regular soldiers after the incident; it was not clear if they would be formally prosecuted.

Unlawful detention continued. As of July, three relief workers had spent eight months in incommunicado detention, despite efforts by their families in the courts to get the military to acknowledge their detention. In November 1989, a community health worker named Josefa Padcayan and two companions had been arrested by members of the 17th Infantry Battalion in Zinundungan, Cagayan in

northern Luzon while trying to deliver relief supplies to villages in the Zinundungan Valley affected by intensive military operations. Their families brought a habeas corpus petition before the Regional Trial Court, but key respondents failed to appear after three hearings, the last in June 1990. The court made no effort to try to visit detention facilities at the base camp of the 17th IB to ascertain whether the three workers were there.¹⁶⁵

Human rights monitors continued to receive death threats, apparently from military-linked groups. Human rights lawyer Solema Jubilan, a member of the Free Legal Assistance Group in Kidapawan, North Cotabato, received such threats by telephone on May 22. In August, Sister Aquila Sy and other religious workers in Negros Occidental were threatened by military-backed organizations, reportedly for their efforts to press the military to reveal the whereabouts of three men suspected of being couriers for the NPA who disappeared on July 6.

The NPA engaged in its share of abuses. Many of the assassinations carried out by its hit squads, the so-called "sparrow units," were not legitimate military targets by the terms of international law. On June 5, for example, retired Col. Laudemar Kahulugan, the security chief of Purefoods, Inc, in Quezon City, Manila, was shot and killed on his way to work by a sparrow unit. Col. Kahulugan had been the Philippines Constabulary chief in Davao City between 1984 and 1986 at a time when the NPA there was successfully infiltrated by the military.

US soldiers and workers at the six US military installations in the Philippines became NPA targets as well, again in violation of international law since the US is not a direct party to the hostilities. On May 13, two US servicemen were shot dead in Angeles City, near Clark Air Base, the night before bilateral negotiations on the future of the US bases were to begin.

Although hostage-taking is also specifically prohibited by the 1949 Geneva Conventions, the NPA continued to abduct civilians and military personnel alike. NPA guerrillas kidnapped a Japanese aid worker on May 29 and US Peace Corps volunteer Timothy Swanson on June 13; both were released unharmed on August 2. The NPA said Mizuno's abduction was a warning to Japan, apparently to discourage it from providing aid to the Philippines government. The aim of the Swanson abduction was not clear, although it may have been the removal of the

¹⁶⁵ Amnesty International, UA 357/90, September 11, 1990.

Peace Corps, which the NPA characterized as "an instrument of the Central Intelligence Agency to support counterinsurgency in the Philippines." All Peace Corps volunteers did in fact pull out of the Philippines following the abduction.

The saga of PD 1850, which human rights organizations in the Philippines have been trying to get repealed since the day President Aquino took office, continued. In December 1989, the Philippines Congress passed a law repealing the decree, but President Aquino vetoed it in January. A serious coup attempt had just taken place, and the new law would have allowed the coup plotters to be tried in a civilian court. The President submitted an alternative bill to the Congress, together with the veto. The bill, introduced in Congress as Senate Bill 1468, was approved on May 30 by the Senate but the House had not acted by the end of the year. Under it, civilian courts will try members of the armed forces and CAFGU when civilians are either victims or codefendants, except when the crimes committed are service-related, such as desertion, mutiny and sedition.

US Policy

The Bush administration was preoccupied with negotiations over US military bases in the Philippines for most of 1990. The Philippines continued to be one of the largest recipients of US aid (\$455 million was requested for fiscal year 1991), but the administration remained reluctant to criticize the Aquino government for human rights abuses or to urge that its military aid be made conditional on an improved human rights record.

On October 1, the *Manila Chronicle* reported the arrival of the first of 22 advanced helicopter gunships bought with foreign military sales credits over the objections of US Defense Department officials. (The officials wanted the Philippines military to use leftover Hueys instead of the new McDonnell Douglas MH520s that they purchased.) The gunships were to be used in counterinsurgency operations, as a deterrent to NPA ambushes, according to Philippine military spokesmen. "The enemy won't know it's there till it's on top of them, that's how quiet it is," one officer told the *Chronicle*. Given the extent of military abuses and the paucity of prosecutions, the Bush administration could have used such a sale as leverage for pressing the Aquino government to bring military officers accused

of human rights offenses to trial.¹⁶⁶

The Work of Asia Watch

In May, Asia Watch issued a news bulletin on disappearances in the Philippines. In August, it published *The Philippines: Violations of the Laws of War by Both Sides*, which was the first report by any human rights organization to address abuses by the New People's Army as well as the government and to explain the provisions of humanitarian law in the Philippines context. The report was widely publicized and discussed in the Philippines. Shortly before it was published, Asia Watch staff met with staff of the House Appropriations Committee to urge that language expressing concern about human rights abuses be inserted into the 1990 appropriations bill. It was not.

¹⁶⁶ *Manila Chronicle*, October 1, 1990, in FBIS, October 1, 1990.

SOUTH KOREA (Republic of Korea)

Human Rights Developments

The South Korean government's commitment to human rights and democratic reform seemed to weaken steadily in 1990 as restrictions on freedom of expression and association increased.

In January, two opposition political parties merged with the ruling party to form the Democratic Liberal Party (DPL), which in turn controlled more than two-thirds of the seats in the National Assembly. It pledged to use its power to effect political reforms and reconciliation with North Korea. To counter widespread skepticism about its sincerity, the government released 22 political prisoners, including Suh Sung, who had been incarcerated for nearly 20 years.¹⁶⁷

By the middle of the year, however, that skepticism seemed well founded. As in 1989, writers, publishers, political activists and others were arrested and prosecuted for expressing views contrary to those of the government on reunification between the two Koreas, or for engaging in personal pro-unification diplomacy through unauthorized travel to North Korea.

The number of political prisoners, one indicator of this gap between government rhetoric and reality, continued to rise. By the end of July 1990 there were nearly 1,400 prisoners detained for politically motivated crimes, according to Minkahyop, an organization of families of these prisoners, although many of these were charged with acts of violence. Nearly half were workers and labor activists. Some 435 were detained under the National Security Law, a broadly worded statute providing stiff penalties for anyone accused of supporting or benefiting an "anti-state organization." Like the National Security Law, the Law on

¹⁶⁷ Suh was arrested in April 1971 on charges of "anti-state activities" and held until his parole in February 1990. He was one of Korea's most well known and longest-serving political prisoners. His original death sentence had been commuted to life imprisonment in 1973.

Assembly and Demonstration, which allows the government to ban a wide range of gatherings, also remained in force in 1990; as of June, some 200 had been arrested under it. The Agency for National Security Planning, historically involved in domestic surveillance and interrogation of political opponents as well as espionage cases, had no new legal limits placed on its activities, and continued to be involved in the arrest of dissidents, labor activists and publishers suspected of sympathizing with North Korea. Though fewer than before, incidents of torture and mistreatment of detainees continued to be reported.

One of those arrested under the National Security Law was Hong Song-dam, chairman of the Kwangju chapter of the National Artists Federation (Minminyon). Hong's main offense was to have sent to Pyongyang, North Korea a photographic slide of a large mural that he had painted. In June, he was sentenced to seven years in prison. Hong alleged that he had been tortured during his three weeks of detention by the Agency for National Security Planning.

On September 29, 1990, Kim Keun-tae, a prominent leader of the opposition movement and recipient of the Robert F. Kennedy Human Rights Award in 1987, was sentenced to three years in prison for violations of the National Security Law and the Law on Assembly and Demonstration. He was charged in connection with demonstrations on May 9, 1990 by at least 100,000 people protesting the formation of the new governing party. The demonstration led to a firebomb attack on the US Information Service building in downtown Seoul; as many as 1,900 demonstrators were detained by the police. Kim was not involved in the violence. It appears that he was arbitrarily singled out because of the influential role that he was playing in Chonnminyon, the movement to unify the opposition, since he was the only person prosecuted for a serious offense in connection with the demonstration.

In early October, the limits of democratization were brought into sharp focus when an agent in the Defense Security Command, the military's counterintelligence agency, publicly revealed the existence of an extensive spying program that kept at least 1,300 politicians, labor leaders, academics, religious leaders, journalists and others under regular surveillance. President Roh Tae Woo immediately fired his Defense Minister and the head of the Defense Security Command (DSC) but replaced them with loyalists. The new Defense Minister, Lee Jong-koo, said in October that the DSC would no longer engage in domestic surveillance activities.

Increasing trade union activity gave rise to a concerted crackdown on labor organizers and independent trade unions, yielding violence on both sides. The government set a hardline tone when, on January 20, it unveiled a tough program to crack down on labor. President Roh told his key ministers that "labor problems should be coped with resolutely at an early stage and forces behind illegal disputes should be subject to stern punishment." The Labor Ministry produced a new set of guidelines, including a ban on strikes over such "political demands" as seeking the release of imprisoned workers. The right to organize and bargain collectively continued to be undermined by restrictive laws; company goons and plainclothes and riot police continued to be used to break up strikes, sometimes using excessive force; and hundreds of union leaders and organizers were arrested for their union activities in violation of their freedom of assembly and association.

Thousands of riot police were mobilized in April to crush strikes at the Korean Broadcasting System in Seoul, and at the Hyundai companies, a huge industrial conglomerate with shipbuilding and other facilities in the port city of Ulsan. In addition, throughout 1990, the government harshly suppressed efforts by workers to form an independent nationwide union federation, Chonnohyop. The government declared the federation illegal, arrested its key leaders, harassed member unions by launching probes into their internal affairs and accounting, and blocked their rallies and demonstrations on the grounds that it feared violence.

The government also failed to amend laws prohibiting public and private school teachers from organizing unions.¹⁶⁸ An independent teachers union, Chunkyojo (Korean Teachers and Educational Workers Union), formed in May 1989 and declared illegal by the government even before its inauguration, saw thousands of its members and supporters arrested for participating in rallies and demonstrations. Some 1,500 Chunkyojo members were dismissed from their jobs for union-related activities in 1989, and ideological tests were introduced the same year to screen out potential pro-union college graduates from obtaining teaching positions.

¹⁶⁸ In 1989, the National Assembly passed an amendment to the Trade Union Law which would have lifted the ban on union organizing by public-school teachers; President Roh vetoed it.

US Policy

The Bush administration in 1990 continued to state that it was committed to human rights and democratic reforms in South Korea. But its failure to comment publicly and forcefully when the number and severity of human rights violations increased sent the opposite signal.

Notably, the administration missed several opportunities to comment publicly on specific human rights abuses. One such occasion was President Roh's meeting with President Bush in Washington on June 6. The meeting followed Roh's "summit" in San Francisco with Soviet President Mikhail Gorbachev where steps toward reunification and improved relations between North and South Korea were discussed, indicating an easing of the concerns over subversion from the north that underlay many South Korean restrictions on human rights. The Washington meeting also took place shortly before a special legislative session was due to begin in Seoul, reportedly to take up reforms in the National Security Law, labor laws, and various other statutes limiting human rights. Asia Watch publicly urged the administration to use the occasion to press the South Korean government to implement legal reforms, including revisions of the National Security Law, and to release those imprisoned for non-violent political activity. However, as far as could be determined from the published accounts of the talks, neither President Bush nor the State Department made any reference to human rights concerns.

US officials in Seoul told Asia Watch that it was current policy to raise human rights concerns only through quiet, diplomatic channels because of the Korean government's sensitivity and the danger that public criticism could give rise to anti-Americanism. They rejected the view that the US embassy should be publicly outspoken about human rights abuses, or that it should demonstrate its concern about detainees subjected to abuses by seeking to visit them. The embassy was also reluctant to consider sending observers to trials of trade-union leaders and others charged for peaceful political activities, either as an act of protest over the prosecutions or as a signal of US concern that trial procedures meet international standards of due process.

There is no evidence that this quiet diplomacy is working to curb Korean abuses. At a time when South Korea is seeking to become a member of the United

Nations, the US should use Korea's desire for international acceptance to press publicly for improvements in the human rights situation.

The United States continues to be one of South Korea's most important trade markets. South Korea exported \$20.2 billion worth of goods to the US in 1988 and \$19.7 billion in 1989. In 1989, over \$80 million in insurance and investment guarantees were given to US investors in South Korea through the Overseas Private Investment Corporation (OPIC).¹⁶⁹ OPIC is mandated by Congress to "take into account...all available information about observance of and respect for human rights and fundamental freedoms" in countries receiving OPIC assistance. Other federal statutes¹⁷⁰ also link US trade benefits to the recipient government's respect for internationally recognized worker rights, including the right to freedom of association and the right to organize and bargain collectively. In November, Asia Watch testified during the annual OPIC review and called for the termination of OPIC assistance to South Korea due to the failure of the Korean government to take steps to adopt and implement labor rights.

The Work of Asia Watch

An Asia Watch delegation visited South Korea from June 5 to 17 to examine freedom of expression and labor rights.

Based in large part on information gathered during the mission, Asia Watch in November published *Retreat from Reform: Labor Rights and Freedom of Expression in South Korea*.

In December, Asia Watch published a newsletter, "The *Plantados* of Asia: "Non-Converted Political Prisoners in South Korea." The publication described the

¹⁶⁹ OPIC guarantees to South Korea declined steadily in 1990 due to a ceiling imposed by the OPIC board of directors which was lifted late in the year.

¹⁷⁰ Section 502(3)(8) of the 1984 Trade Act.

plight of 57 long-term political prisoners, 25 of them men in their 60s and older, detained under the National Security Law and the Anti-Communist Law.¹⁷¹ They are languishing in prison with no hope for parole or inclusion in government amnesties because they have refused to submit to government pressure to "convert" their political beliefs from communism to democracy. Requiring prisoners to sign "conversion" statements violates their rights to freedom of expression and conscience as guaranteed by the International Covenant on Civil and political Rights and the South Korean Constitution. The Korean government sent a letter to Asia Watch on December 13 responding to the newsletter. It said that most of the prisoners in question were convicted North Korean espionage agents, that they were not being coerced into "conversion" but rather instilled with "a respect for the laws of our democratic society," and that Asia Watch had failed to take into account "the constant menace of internal subversion by the North."

Throughout 1990, Asia Watch conveyed its concerns directly to the Korean government on a number of individual prisoner cases, such as Dan Byong-ho, head of Chonnohyop, and Yun Yong-kyu, chairman of the Korean Teachers and Educational Workers Union.

At the end of April, Asia Watch wrote to President Roh expressing concern about reports of injuries and arrests during violent clashes between riot police and workers in Ulsan at the Hyundai Heavy Industries; between police and student demonstrators in Seoul; and between police and demonstrators in Kwangju. Asia Watch urged that Korean law enforcement officials respond to the demonstrations in compliance with the UN Code of Conduct for Law Enforcement Officials, which provides that they may use force "only when strictly necessary and to the extent required for the performance of their duty."

In July and August, Asia Watch protested the imprisonment of Kim Keun-tae and called for his prompt and immediate release. The Director of the Human Rights Division of the Ministry of Justice responded to various Asia Watch appeals on behalf of Kim by saying that he and fellow members of the opposition coalition Chonminnyon had referred to the South Korean government as a "pro-American

¹⁷¹ The Anti-Communist Law was enacted in 1961 by President Park Chung-lee to block the activities of Communist and pro-Communist organizations which were considered a threat to national security.

military dictatorship." This and other phrases in the Chonminnyon charter were deemed to be "concepts...used by North Korea to bring about instability and incite revolution in South Korea" and therefore to violate the National Security Law. He also equated Kim's participation in rallies with "instigating violence," though without providing any evidence of instigation.

In response to the Asia Watch report *Retreat from Reform*, the Korean government issued a public statement critical of the report, charging that it was "lacking in objective and reasonable grounds and ignored the legal order in the Republic."

Asia Watch continued to be an important source of information for those in Congress concerned with human rights in Korea. With support from Asia Watch, ten members of Congress sent a cable in mid-February to Korean authorities calling for the release of Suh Sung; he was released two weeks later. In March, the Congressional Working Group on International Labor Rights, a bipartisan group of 50 US senators and representatives, wrote to South Korean officials about the deterioration of labor rights in South Korea. In October, a letter by 46 members of the Congressional Human Rights Caucus focused on the detention of political prisoners and the "conversion" system.

The United States continues to be one of South Korea's most important trade markets. South Korea exported \$20.2 billion worth of goods to the United States in 1988 and \$19.7 billion in 1989.¹⁷² In 1989, over \$80 million in insurance and investment guarantees were given to US investors in South Korea through the Overseas Private Investment Corporation (OPIC).¹⁷³ OPIC is mandated by Congress to "take into account...all available information about observance of and respect for human rights and fundamental freedoms" in countries receiving OPIC assistance. Other federal statutes¹⁷⁴ also link US trade benefits to the recipient governments' respect for internationally recognized worker rights, including the right to freedom of association and the right to organize and bargain collectively.

¹⁷² *Official Statistics*, US Department of Commerce, July 26, 1990.

¹⁷³ OPIC guarantees to South Korea declined steadily in 1990 due to a ceiling imposed by the OPIC board of directors. The ceiling was lifted late in the year.

¹⁷⁴ Section 502(3)(8) of the 1984 Trade Act.

SRI LANKA

Human Rights Developments

Violence against civilians by all parties to the conflict continued to characterize the war in Sri Lanka in 1990. In the south, the murder in February of a prominent journalist brought world attention to the activity of government-backed death squads, which then seemed to subside. An armed Sinhalese nationalist group, the Janatha Vimukthi Peramuna (JVP), which was responsible for several thousand killings, appeared to be crushed when its top leaders were apparently killed in custody in late 1989. By late 1990, however, both the JVP and the death squads had resurfaced. In the northeast, human rights conditions reached a new low in June, after the breakdown of a 14-month ceasefire between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE), the largest Tamil opposition group.

Even for Sri Lanka, the utter brutality on all sides that followed the LTTE's June attacks on police stations and military installations in the northeast was unprecedented, creating an atmosphere of terror. The LTTE and the Sri Lankan security forces both carried out massacres of civilians. The army summarily executed suspected Tamil insurgents; the LTTE did the same to Sri Lankan police officers. Both the LTTE and the security forces used civilians as shields against attacks. The army engaged in heavy bombing in civilian areas, resulting in damage to homes, hospitals, temples, churches and pedestrians. Burning bodies appeared along roadsides in many parts of the country, and reports of mass arrests and disappearances increased.

Since June, more than 4500 may have been killed in the course of the fighting in the northeast. An estimated one million people have been displaced, of whom over 100,000 have fled to southern India.

From July to September, bloody massacres of Muslim and Sinhalese villagers in the north and east left hundreds dead.¹⁷⁵ The Sri Lankan government

¹⁷⁵ The majority of Tamil speakers in Sri Lanka are Hindu. Many Muslims also speak Tamil, but are considered a separate ethnic group. The Sinhalese are predominately Buddhist.

attributed the killings to the LTTE, a charge which the group has repeatedly denied. Others are less sure, claiming to have heard both Tamil and Sinhala spoken during the attacks.

The killings led to retaliatory attacks by Muslims and Sinhalese on neighboring Tamil communities, perpetuating the already familiar cycle of ethnic violence in the region. Many of these attacks appeared to have been the work of Muslim home guards – volunteer forces that were armed and trained by the Sri Lankan army at the request of Muslim community leaders following the massacres of Muslims in July.

The government announced in a November 15 press conference that it would continue to support and train these home guards. At the same news briefing, Defense Minister Ranjan Wijeratne admitted that the security forces had also "deployed" members of the EPDP (Eelam People's Democratic Party) and TELO (Tamil Eelam Liberation Organization), rival Tamil groups, against the LTTE. He said that the government would begin using these militia more extensively to protect Tamil villagers against attack by the Muslim home guards. These rival Tamil groups, in turn, have been accused of carrying out extrajudicial executions of suspected LTTE members. Despite the utter ruthlessness of these killings, Asia Watch is unaware of any serious government investigation.

As a result, members of the security forces, operating outside the law, continue to be responsible for extrajudicial executions, sweeping arrests and torture of Tamil civilians, particularly though not exclusively young men. The aim appears to be to wipe out all possible active supporters of the LTTE.

In late 1989 and early 1990, government-backed death squads, reportedly made up of members of the security forces and police officers, are believed to have murdered tens of thousands of students and other civilians suspected of sympathizing with the JVP. A delegation of European parliamentarians who visited Sri Lanka in October 1990 estimated the number of killed and disappeared on all sides in south and central Sri Lanka alone to be at least 60,000 in the prior two years. Other more conservative estimates place the number at around 35,000. Local human rights groups estimate that several thousand of these deaths are attributable to the JVP. The majority are thought to be

There are also small numbers of Christians who speak each language.

the work of government-linked death squads.

After the top JVP leaders were killed under suspicious circumstances in police custody in November and December 1989, the organization was widely considered crushed. Yet death squad killings of suspected JVP sympathizers continued. *The Financial Times* reported on January 17, 1990 that "147 headless corpses – presumed suspected members of the JVP – were found on roads in the south." As late as November 1990, Asia Watch continued to receive reports from southern Sri Lanka of disappearances of people forces suspected of JVP links. In Kandy District, which had been a JVP stronghold, burning bodies continued to appear along roadsides. These practices had been characteristic of the government's counterinsurgency campaign since 1988, although the number of persons killed declined in 1990.

In what has become one of the most publicized cases of death squad activity in Sri Lanka in 1990, Richard De Zoysa, a respected actor and journalist who had been outspoken in his criticism of human rights violations by the Sri Lankan security forces, was found murdered on February 19. Eyewitnesses reported that on the morning of February 18, six gunmen, two wearing police uniforms, arrived in a police jeep and took De Zoysa from his home. Other witnesses reported that they knew some of the abductors to be members of a special police team that reported directly to President Ranasinghe Premadasa.

De Zoysa's mother, Dr. Manorani Saravanamuttu, positively identified Senior Superintendent of Police Ronnie Gunasinghe as the leader of the group of abductors. In statements to the police and, through her lawyer, to the court of inquiry, she also said that she had information implicating a second police officer, Ranchagoda, in the abduction. She has continued to press for a full inquiry into her son's death, despite death threats received in May warning her away from the case. Her lawyer, Batty Weerakoon, received a similar threat, as did two police guards appointed for his protection.

Not unexpectedly, a court-ordered investigation by the police into the charges against their colleagues made little headway. At a hearing before the court on August 30, representatives of Attorney General Sunil De Silva reported that there was insufficient evidence against Gunasinghe to proceed against him. Gunasinghe remains on active duty.

Attempts to press for an independent inquiry into the De Zoysa abduction

and murder have so far been unsuccessful. The police officers identified by Dr. Saravanamuttu have brought a defamation suit against her.

After De Zoysa's widely publicized death, the incidence of death squad killings gradually decreased, only to increase again with reports of renewed JVP activity in the south. According to human rights organizations in Sri Lanka and Amnesty International, there were at least twelve disappearances and many reports of burnt bodies found along roadsides in Kandy District in September and October. The European parliamentarians' report estimated that the combined total of reported disappearances and killings in Kandy was between 20 and 40 a week for that two-month period.

US Policy

While the Bush administration has recognized the seriousness of the human rights situation in Sri Lanka, its response has been muted. Administration officials acknowledge the flagrant abuses by all parties, including the existence of government-linked death squads and the killing of civilians by security forces in the northeast. They have also called publicly for prosecution of perpetrators of death squad killings. But they have made little effort to reinforce such statements with concrete actions, such as economic sanctions.

Although US aid to Sri Lanka is only approximately \$31 million (mostly in the form of food aid), the United States nevertheless is in a position to exert economic leverage on Sri Lanka through its participation in the Sri Lanka Aid Consortium, which accounts for approximately \$1 billion in nonmilitary grants and loans. At the Consortium meeting in October in Paris, US representatives acknowledged human rights abuses by government forces as well as the LTTE, and urged the government to discipline those involved in violations -- an important step. The US refrained, however, from any effort to condition aid on an end to abuses -- a step which, in light of the severity of Sri Lankan abuses, should have been taken.

In 1989, the last full year for which data was available, the United States supported loans to Sri Lanka totaling \$172 million from the World Bank and the Asian Development Bank. Substantially more seemed to have been extended in

1990, with US support. In accordance with Section 701 of the International Financial Institutions Act, which mandates US opposition to such bank loans to governments that consistently engage in gross violations of human rights, except those that expressly benefit the poor, the US should oppose all loans to Sri Lanka that do not fall within the statutory exception.

In fiscal year 1990, the United States also provided Sri Lanka \$18.5 million in development assistance and approximately \$30 million in food aid under PL 480. The Defense Department in its FY 1991 Congressional presentation for Security Assistance Programs estimated that licenses for commercial sales of military equipment to Sri Lanka would total an estimated \$1 million. The figures on equipment actually shipped were unavailable. According to the State Department, no sales of munitions were approved during 1990.

The Work of Asia Watch

Asia Watch in 1990 continued its efforts to document and respond to the ongoing human rights abuses by all parties to the Sri Lankan conflict, focusing particular attention in the first part of the year on violations by government-linked vigilante groups in the south and later in 1990 on the war between the LTTE and the government in the northeast.

On February 5, Asia Watch cabled the Sri Lankan government, expressing concern over the arrest of V.S. Wanniarachchi, wife of Nimal Jayawardena, a human rights lawyer and chairman of the Kandy Citizens Committee who had received death threats in connection with his work and left Sri Lanka in late December 1989. In January 1990, armed men came to Jayawardena's home, demanded human rights documents belonging to the Citizens Committee, and shot two young men who had assisted him. On February 4, Jayawardena's wife and her brother-in-law, Sarath Pathirana, were arrested, reportedly by army personnel. Asia Watch urged the government to ensure their protection and investigate all assassinations of human rights lawyers. The New York City Bar Association, acting on information received from Asia Watch, also sent a cable to the Sri Lankan government on this case. The two were later released.

Richard De Zoysa's fame as a television personality and the ceaseless efforts of his friends and family helped focus much-needed international attention on the activities of the death squads operating in southern Sri Lanka. In February, Asia Watch issued a press release condemning his murder and calling for the prosecution of all security personnel involved in death squad killings.

On March 8, Asia Watch published a longer newsletter, *Journalist Murdered in Sri Lanka as Death Squad Killings Continue*, which linked a special police team with close ties to the Premadasa government to De Zoysa's murder. The newsletter called on the Sri Lankan government to institute an independent investigation into this and other death squad killings, and urged the government to prosecute security forces who have engaged in extrajudicial executions. Asia Watch also called for the repeal of the Indemnity Act, which grants immunity from prosecution for human rights abuses committed by security personnel.

On the same day, Asia Watch issued a press release denouncing unsubstantiated accusations by Sri Lankan officials that De Zoysa was a member of the JVP, that he had issued "death threats to fellow journalists, shopkeepers, hospitals and transport workers," and that he had written "false articles" on Sri Lanka's human rights situation to "damage Sri Lanka's image." The press release concluded that the allegations "appeared to reflect an effort on the part of some government officials to justify his murder" and reiterated Asia Watch's demands for an independent investigation.

Following the publication of this newsletter, an Asia Watch delegation met with Sri Lankan Ambassador to the United Nations Daya Perera to discuss human rights concerns.

In late March, an Asia Watch researcher traveled to Sri Lanka where she met with US embassy officials, journalists, members of international humanitarian organizations, government officials and human rights organizations.

On March 12, Asia Watch wrote to Secretary of State James Baker urging the State Department to convey US concerns about human rights abuses to the Sri Lankan government. Asia Watch called on the US to press the Sri Lankan government to stop abusive activities, focusing particularly on the killings in custody of top JVP members in late 1989 and the continued activity of death squads as evidenced by the De Zoysa murder in February.

Asia Watch denounced the killing and harassment of human rights lawyers and the imposition of the Prevention of Terrorism Act, which permits the government to detain persons incommunicado for up to 18 months without charge or trial in any place selected by the Interior Minister. Asia Watch also urged Secretary Baker, in accordance with US law, to oppose loans to Sri Lanka that do not expressly benefit the poor in view of the Sri Lankan government's consistent pattern of gross violations of human rights.

On April 4, in consultation with Asia Watch, Reps. Tom Lantos and John Porter of the Congressional Human Rights Caucus sent a letter of concern to the Sri Lankan Ambassador to the United States, W. Sunta De Alwis, focusing on continuing abuses by government forces and pro-government vigilante groups and specifically denouncing the De Zoysa killing. Their letter urged the Sri Lankan government to launch "an independent inquiry into death squads and to prosecute members of paramilitary organizations or the army or police who are engaged in killings and disappearances of noncombatants."

On June 4, Asia Watch issued a press release calling on the Sri Lankan government to ensure the safety of human rights lawyer Batty Weerakoon and Richard De Zoysa's mother, Dr. Saravanamuttu, after they received death threats in connection with the police investigation into the De Zoysa murder.

On July 9, Asia Watch issued a press release providing an update on the human rights situation in northeastern Sri Lanka following the breakdown of negotiations, and condemning abuses by both the LTTE and the Sri Lankan government.

In a press release issued on October 3, Asia Watch condemned the seizure by government forces of papers documenting human rights violations which a member of the Sri Lankan parliament was carrying to a meeting of the United Nations Working Group on Disappearances in Geneva.

In advance of the Sri Lanka aid consortium meeting in Paris in October, Asia Watch sent a letter to members of the consortium designed to stimulate a discussion of human rights issues.

On October 19, Rep. Stephen Solarz, chairman of the House Subcommittee on Asian and Pacific Affairs, and Gus Yatron, chairman of the House Subcommittee

on Human Rights and International Organizations, wrote a joint letter which cited the Asia Watch release of October 3, urging representatives of the US Agency for International Development to raise human rights concerns during the aid consortium meeting.

VIETNAM

Human Rights Developments

The year 1990 saw a sharp curtailment of the modest human rights reforms that had accompanied Vietnam's "renovation" policy (*doi moi*). Alarmed at the political changes in Eastern Europe and the impending cutback of Soviet-bloc trade and aid, the Communist Party of Vietnam followed China's lead in attempting to hedge economic reforms with tight ideological control at home.

The policy of renovation, adopted in December 1986 by the Sixth Party Congress of the Communist Party of Vietnam, came to embrace gradual reform of Vietnam's economy toward a greater market orientation, amnesties for thousands of political prisoners held since 1975 in "reeducation" camps, promulgation of a criminal procedure code, exposure of corruption within Party and government ranks, and limited official sanction of political and social criticism in the arts and media. Although the Party officially continued to support economic reforms, it reasserted control over actual and supposed critics, the better to avert any Tiananmen-style protests.

Directive 135, issued from the Council of Ministers in late 1989 and promulgated by the National Assembly in April 1990, established a paramilitary police unit and inaugurated a series of campaigns against criminals, corruption and opponents to Party policies.¹⁷⁶ The result was arrests and "surrenders" of thousands of criminals and massive seizures of contraband tapes and videos, according to the official press. Asia Watch sources reported that citizens, particularly former "reeducation" prisoners, were forced to attend study sessions on Directive 135, and that the authorities stepped up detention, interrogation and harassment of small entrepreneurs under its mandate.

Tough new restrictions on press and publishing went into effect during the summer. A Central Committee Secretariat directive gave procedures for

¹⁷⁶ *Nhan Dan*, April 16, 1990, in FBIS, April 16, 1990.

banning publications and punishing "politically reactionary" authors, and called for "councils of arts" nationwide to censor literary and artistic publications and review all existing works published in the North prior to 1945 and in the South prior to April 1975.¹⁷⁷ The Secretariat also required newspaper editors and publishers to be Party members.¹⁷⁸ The government banned a Quang Nam-Danang Province legal journal, *Tap Chi Phap Luat*, and fired the deputy director of the provincial judicial service for allowing its publication.¹⁷⁹ In this climate, it was not surprising that in November and December, Colonel Bui Tin, deputy editor of the party newspaper *Nhan Dan*, chose to express his views on Vietnam's troubles from France using the BBC to reach his readership in Vietnam.¹⁸⁰ Asia Watch has received reports from refugees and others that a number of writers and poets previously released from "reeducation" camps were rearrested in late 1990. These include Le Nguyen Ngu, Le Van Tien, Pham Thai Thuy, Vuong Duc Le, Khuat Duy Trac and Mai Trung Tinh.

Persecution of religious leaders remained in full force, although refugees interviewed by Asia Watch reported that official toleration of private worship increased somewhat during the "renovation" years. The authorities continued to severely restrict applications for admission to the clergy of all religions.

On May 16, Father Chan Tin, a prominent Catholic priest accused of preaching sermons that would incite Catholics to demand political and civil rights, was removed from his church in Ho Chi Minh City and confined to another on the outskirts of the city. Nguyen Ngoc Lan, his associate and a prominent Catholic intellectual, was placed under house arrest. Both were reported to have been arrested for "carrying out activities aimed at opposing socialism, sowing dissension among religions, undermining the solidarity between religious and secular life, and compiling and supplying documents to other countries for use

¹⁷⁷ Hanoi Domestic Service in Vietnamese, July 27, 1990, in FBIS, August 8, 1990.

¹⁷⁸ Hong Kong AFP in English, August 3, 1990, in FBIS, August 7, 1990.

¹⁷⁹ Hanoi Domestic Service in Vietnamese, June 25, 1990, FBIS, June 29, 1990.

¹⁸⁰ See, "Ex-Follower of Ho Chi Minh Scolds Vietnam in Broadcasts," *New York Times*, December 29, 1990.

against the people's authorities." Eleven Catholics, including Nguyen Van De and Nguyen Thi Nhi, were sentenced in August for illegal religious and political activities following a two-day trial.¹⁸¹ Buddhist monks Thich Tue Sy and Thich Tri Sieu remain incarcerated under 20-year sentences for alleged subversion, and monks Thich Quang Do and Thich Huyen Quang, both critics of human rights violations, have been banished from Ho Chi Minh City to their villages in Central Vietnam since 1982.

Anticipating political unrest on the 15-year anniversary of the end of the war (April 30) and the centenary of Ho Chi Minh's birth (May 13), the public security authorities intensified the crackdown on perceived troublemakers. On April 23, public security forces jailed US businessman Michael Morrow for two weeks, accusing him of espionage. Although Morrow, who was never given an opportunity to meet with counsel, was released after admitting to inadvertent violations of Vietnam's public security regulations, certain Vietnamese intellectuals who were detained in association with him remain in prison. They include Doan Thanh Liem, a lawyer and specialist in constitutional law; Do Ngoc Long, a Catholic businessman; Nguyen Van Tan, a former journalist; Do Trung Hieu, a well known Communist intellectual; and Dang Hai Son, an art dealer.

Vietnam detained and expelled a number of other foreigners during this time, including Miriam Hershberger, a Mennonite teacher who was accused of trying to destabilize the government by using foreign newspapers in her English classes.¹⁸² The official press reported these cases with a stern warning that "we must expose and severely punish those elements engaged in espionage work who travel to our country under certain covers to carry out activities aimed at opposing our socialist regime and sabotaging our people's livelihood."¹⁸³

The government extended its repression even to the ranks of the "loyal opposition." Nguyen Ho and Ta Ba Tang, chairman and vice-chairman of the Club of Former Resistance Fighters, a group of South Vietnamese Communist war veterans which called for accelerated political and economic reform, resigned

¹⁸¹ Hong Kong AFP in English, August 17, 1990, in FBIS, August 20, 1990.

¹⁸² *United Press International*, June 8, 1990.

¹⁸³ *Saigon Giai Phong*, June 19, 1990, in FBIS, August 27, 1990.

their positions under pressure on March 4. Both were placed under police surveillance and house detention after giving interviews to a British journalist a few days earlier. Huyhn Tan Mam, a former student leader and opponent of the South Vietnamese government during the war, was also placed under house detention and surveillance; he had published an open letter to Party General Secretary Nguyen Van Linh calling for more democracy.

Despite the release of thousands of political prisoners in 1987 and 1988 and regular amnesties on Vietnam's National Day, Asia Watch believes that large numbers of political prisoners remain in the notorious "reeducation" camps, subject to rigorous labor, life-threatening shortages of food and medical care, and abuses such as fettering, beating and solitary confinement. Among these prisoners are Tran Vong Quoc, imprisoned since December 1984 for trying to pass information to international human rights organizations; journalist Tran Duy Hinh, the last member of Vietnam's former PEN association, imprisoned for the last 15 years; Father Le Thanh Que, a Jesuit priest accused of counterrevolutionary propaganda and sedition; and the Hanoi poet Nguyen Chi Thien, who has been incarcerated periodically since 1958, most recently in 1979 when he attempted to send his poetry abroad for publication.

US Policy

The Bush administration made significant strides in 1990 toward normalizing relations with Vietnam. A series of official US-Vietnamese contacts over the summer culminated on September 29 when Secretary of State James Baker received Foreign Minister Nguyen Co Thach in Washington for the highest-level talks since the end of the Vietnam War.

Vietnam's cooperation in resolving the Cambodia crisis and accounting for MIA-POWs were the two issues emphasized by the State Department as key to progress on normalization. On December 5, Assistant Secretary of State for East Asian and Pacific Affairs Richard Solomon said that the US was prepared to start formal talks on normalization once Vietnam agreed to sign the United Nations-sponsored peace plan for Cambodia, and made satisfactory steps toward

resolving MIA cases.¹⁸⁴ Although Vietnam approved the establishment of a permanent US presence in Vietnam to handle MIA issues,¹⁸⁵ Solomon's prediction that full normalization could be complete within two years may have been premature, given Vietnam's rejection of the UN plan on December 14.¹⁸⁶ However, the fluidity of negotiation positions in the course of Cambodian peace talks during 1990 left open the possibility that Vietnam's rejection was not definitive.

Strikingly absent from the administration's stated agenda on normalization were human rights abuses directed at Vietnam's own citizens. Members of Congress, however, were more vocal on this issue. On April 23, Senator Pete Wilson introduced a resolution calling for human rights and democratic reforms in Vietnam as a precondition to normalization of relations. The resolution, which called for release of all political prisoners, abolition of "reeducation" camps, establishment of an independent bar and judiciary, introduction of free elections and repeal of the constitutional supremacy of the Communist Party, was sharply criticized by Radio Hanoi.¹⁸⁷ Senator John McCain, who met with Foreign Minister Thach in October, called for the US to tie full economic relations to political reforms, particularly Vietnamese respect for the right of dissent, and urged that the release of Vietnamese war veterans from "reeducation" camps be made a condition of diplomatic relations. Although Asia Watch takes no position on the question of normalizing US-Vietnamese relations, it urges the administration to use available leverage to encourage Vietnamese authorities to curb human rights violations.

The Work of Asia Watch

¹⁸⁴ "U.S. is Now Ready for Vietnam Talks," *New York Times*, December 6, 1990.

¹⁸⁵ *United Press International*, October 30, 1990.

¹⁸⁶ *United Press International*, December 15, 1990.

¹⁸⁷ Hanoi Domestic Service, June 19, 1990, in FBIS, June 19, 1990; *see also Indochina Digest*, April 29-May 5, 1990.

Asia Watch conducted an investigative mission to the refugee camps and detention centers of Hong Kong from October 16 to 28, interviewing two dozen recently arrived Vietnamese about human rights conditions in Vietnam. Although the refugees tended to agree that human rights conditions had improved somewhat throughout the renovation years, they also reported fresh arrests for religious and political activities, and confirmed the continued existence of conditions of privation and brutality in "reeducation" camps. The Asia Watch researchers gathered detailed accounts of the operation of Vietnam's system of household registry, through which citizens exercise (and are frequently denied) basic civil rights, and of continued discrimination against individuals based on the political history of their relatives. Among those interviewed were members of the Vietnam Human Rights League, an underground group dedicated to nonviolent human rights advocacy, who had escaped from Vietnam earlier in the year. Their accounts of protest activities and police repression will be published in 1991.

On July 25, Asia Watch expressed its concern about the continued detention of Doan Thanh Liem to Madame Nho Ba Thanh, president of the Legislative Committee of Vietnam's National Assembly, and relayed a petition for his release from the faculty of the Georgetown University Law Center. At Asia Watch's request, the Congressional Committee to Support Writers and Journalists wrote the Permanent Representative of Vietnam to the United Nations to request the immediate release of Tran Duy Hinh. Asia Watch also participated in a briefing session on Capitol Hill on December 14, discussing human rights conditions in Vietnam in the context of the refugee situation in Southeast Asia.

In November, Asia Watch formally requested permission to visit Vietnam to discuss human rights concerns with government officials. No official response had been received by the end of the year.