

ASIA WATCH OVERVIEW

Human Rights Developments

While China, Burma and Kashmir exemplified the continuing human rights problems in Asia, the major development in the region was not so much the nature of the abuses but the debate over how to address them. Two factors had a major impact on this debate: the increased visibility of Asian nongovernmental organizations or NGOs and the growing economic power of East Asia.

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

These efforts culminated in the issuing of the "Bangkok NGO Declaration on Human Rights" of March 27. Over one hundred NGOs from across Asia and the Pacific gathered in Bangkok on March 23 to coordinate their position for the World Conference on Human Rights, just as Asian governments convened a few days later, also in Bangkok, for the regional preparatory meeting of the World Conference on Human Rights. It was clear from a series of statements they made during 1992 that China, Indonesia, Singapore and Malaysia, at the very least, were determined to promote an "Asian concept of human rights" which downplayed political and civil rights, highlighted the importance of economic development, stressed the need to take cultural, historical and religious factors into account when assessing human rights, and rejected aid conditionality and other forms of "interference in domestic affairs."

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

The Asian governments, at the official meeting from March 29 to April 2, produced a document which reflected much of the Chinese, Indonesian, Malaysian and Singaporean position (although since the U.N.'s definition of Asia includes Southwest Asia, it included the viewpoints of governments such as Syria and Iran as well). Some of the Asian democracies, including Japan, managed to moderate the

tone of some provisions, such as that on aid conditionality, changing the word "reject" to "discourage." They also managed to include important clauses such as that emphasizing the need to encourage all states of the region to ratify the international covenants on human rights.

Ironically, however, it was the Asian governments' castigation of the West for failing to heed the importance of social and economic rights led the American delegation to the Vienna Conference to reverse the stance of earlier administrations and announce its intent to ratify the relevant conventions.

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

The focus on human rights and development did not mean that NGOs ignored abuses of basic political and civil rights. For many Asian NGOs, detained Burmese opposition leader and Nobel laureate Aung San Suu Kyi was a potent symbol of the Asian struggle for human rights and democracy. The communal riots that erupted in India following the destruction of the Ayodhya mosque led to abuses that horrified Indians of all religious and political backgrounds. Indian activists continued to fight against laws such as the Terrorist and Disruptive Activities Act (TADA), which severely restricted the rights of detainees. Treatment in detention centers was a major issue for Burmese refugees in Thailand. NGOs in Hong Kong were increasingly concerned about preservation of basic civil liberties, particularly freedom of the press, as 1997 approached. Korean NGOs focused attention on the continued use of the National Security Law, and their concerns were reinforced when Cho Guk, an activist from the Korean organization KONUCH, who attended the U.N. human rights meetings in Bangkok and Vienna, was arrested shortly after his return from the latter and charged under that law with pro-North Korean and "anti-state" activities. Indonesian NGOs continued to defend political detainees, from suspected insurgents to students accused of criticizing the electoral process, and to call for greater freedom of association for workers.

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

As noted above, however, Asian NGOs succeeded better than their

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

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

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

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

The experience of Taiwan and South Korea, however, also led many

in the West who were uncomfortable with human rights advocacy to posit a direct relationship between economic liberalization and positive political change. Let the Chinese, Vietnamese and Indonesian economies continue to expand, the argument went, and an improvement in human rights will inevitably result, if only to satisfy the demands of a growing middle class. That argument, however, was of small comfort to the thousands detained in the region on political grounds. It belied the experience of China, where continued commitment to economic reform was accompanied by increased political repression, as China's leaders expressed a determination not to let the reforms affect Party control, and any signs of dissent were quickly crushed.

Economic growth in East Asia, however, also confronted the industrialized governments with some new problems for their human rights policies. Many Asian countries had the economic strength to resist economic sanctions or aid conditionalities imposed by donor countries. In 1992, the U.S. Congress cut off aid for advanced training for Indonesian military officers under the International Military and Educational Training Program; in 1993, the Indonesian government was planning to send officers to the U.S. for what was essentially the same program, but this time at its own expense. As trade and investment in the East Asian region became increasingly vital to the strength of industrialized economies, how far were the Western countries and Japan willing to press on human rights? One year into a new administration in the U.S. and six months into a new government in Japan, this question remained unanswered.

The Right to Monitor

As noted above, several Asian governments banned human rights organizations from operating in their countries altogether. No human rights monitoring was possible in China, Vietnam, Burma, Bhutan, Brunei or North Korea. In China, dissidents in Shanghai who tried to write letters on behalf of detained colleagues were briefly detained in June and one, Fu Shengqi, was sentenced to three years of re-education. The letter-writing campaign was one of the charges against him. In North Korea and Brunei, no one even attempted to form a human rights organization within the country.

In many other areas, human rights monitors faced harassment, intimidation and even murder by government agents or armed opposition groups. India and the Philippines, both functioning democracies, were the only countries during the year where monitors were killed, apparently for their human rights activities. Kashmir was a particularly hazardous place for human rights activists to work. In Indonesia, human rights activists working to defend peasants in a West Java land dispute case were detained for interrogation by police in October.

But thanks in part to the Bangkok and Vienna conferences on human rights in March and June, Asian human rights organizations had a higher profile than ever before. Their importance was perhaps demonstrated by the fact that the Chinese government felt it necessary to create a "nongovernmental" human rights organization, the China Society for Human Rights Studies, just so it would have

access to discussions by NGOs in both meetings. Several new regional human rights organizations came into being, such as Forum Asia and the Asian Regional Resource Center for Human Rights Education; other, long-standing organizations, such as the Asia and Pacific Women in Law and Development (APWLD) and the Asian Cultural Forum on Development based in Bangkok, took on a new prominence in organizing NGO activities in the region. The issue for many human rights organizations in the region was no longer sheer survival but how to get a stronger voice within the U.N. and within international institutions such as the World Bank. Still, protection of human rights monitors remained a central concern. The Bangkok NGO Declaration of March 27 identified the "increasing restrictions" imposed on human rights defenders as one of the critical challenges facing the region. It stated, "As these groups voice the interests of the people and work for their advancement, it is imperative that they be permitted to work freely."

U.S. Policy

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

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

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

Portraying human rights and democracy as quintessentially American, rather than universal, values might also have created problems for the administration's stated desire to see other countries join forces in their protection and promotion. On the other hand, it was not clear that the administration had aggressively sought allies on this issue, particularly in the

region. Japan had the potential to be much more active on human rights, given its stated position that allocation of overseas aid should be determined, in part, by a recipient country's democratization and respect for human rights. The new cabinet, formed after the July elections, also included at least two men, including the new foreign minister, known to be interested in human rights. Yet when Secretary Christopher met Foreign Minister Hata in mid-September, the issue of a multilateral stance on human rights toward the major violators of the region apparently did not come up. The new Korean government also indicated its desire to play a greater regional role in fostering human rights and democracy; it was not clear whether the administration in Washington took the cue.

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

By and large, however, the Clinton administration demonstrated a stronger rhetorical commitment to human rights than its predecessor, backed up, in a few cases such as China and Indonesia, by the threatened use of selective sanctions. It continued the policy of harsh words toward Burma and strongly criticized rights abuses by Indian security forces in Kashmir. But by the end of the year, the administration seemed to be having second thoughts about a tough human rights approach, particularly with respect to China, as anxiety rose about the political and economic implications.

The Work of Asia Watch

Asia Watch expanded its work during the year in terms of countries covered, issues addressed and advocacy techniques employed. It sought stronger coordination with local human rights organizations in setting priorities and increasingly looked beyond the United States to Europe and Japan for sources of pressure on human rights offenders in the region. It increased efforts to get donor nations to raise human rights concerns with recipients, and it increasingly saw the business community as a potential ally for the protection and promotion of human rights.

While Asia Watch continued to focus on a few key countries—China, India, Indonesia, Cambodia and Burma—it also sent a mission for the first time to Vietnam and intensified work on Pakistan,

Thailand and Sri Lanka. Routine monitoring of Korea, Taiwan, Hong Kong, Singapore, the Philippines and Malaysia continued. Each of the five key countries had a particular claim on Asia Watch resources. China, the largest country in the world, had an appalling record of arbitrary detentions and torture. Some of the worst carnage in Asia during the year took place in Kashmir, where Indian security forces tried to crush internal strife and armed insurgency, with methods that ranged from summary executions and disappearances to destruction of whole neighborhoods. Indonesia, the fourth-largest country in the world, was notable both for the scope of its abuses, ranging from arbitrary arrest in East Timor to worker rights violations in Java and Sumatra, and for its role in trying to define an "Asian" view of human rights. Cambodia was a test case of how the United Nations would balance peacekeeping and human rights monitoring, and Burma, a human rights disaster area, prompted a split between western proponents of sanctions and Asian proponents of "constructive engagement."

The range of human rights issues addressed became increasingly complex. Communal violence was a major issue in South Asia and in Cambodia, between ethnic Khmer and Vietnamese. Abuses related to the trafficking of women was the focus of Asia Watch work on the Thai-Burmese border. Trafficking of women was also an issue through much of the rest of the region, including India, Pakistan, China and Japan, and with it came a new set of human rights concerns linked to AIDS. Commercial logging throughout Southeast Asia led to violence against individuals who protested the logging itself or who resisted being evicted from their land; but the borderline between state and private sector involvement was sometimes hard to distinguish.

On the advocacy side, Asia Watch continued to build contacts in Japan and to engage Japanese officials in a discussion of the use of foreign aid (Official Development Assistance or ODA) as a tool for the protection of human rights. We tried to coordinate advocacy efforts with the work of NGOs and governments in Europe, particularly with respect to Indonesia, Sri Lanka and Burma. And in taking advantage of the debate on "good governance" within the World Bank, Asia Watch expanded contacts there. It also tried to ensure that human rights issues were raised at the annual donor meetings on Indonesia, India and Sri Lanka.

AFGHANISTAN

Human Rights Developments

The fall of the Najibullah government in April 1992 precipitated a bloody battle for control of Kabul that continued through 1993, with devastating loss of life. But despite the intensity of the fighting, Afghanistan remained largely ignored by the outside world, and there was little evidence of United Nations or diplomatic efforts to end the bloodshed. Most of the casualties resulted from indiscriminate rocketing and shelling by forces loyal to the Prime Minister, Gulbuddin Hekmatyar, a bitter enemy of the former Defense Minister, Ahmad Shah Massoud. Civilians were

also targeted during sporadic battles between two communally-based political organizations, the Hezb-e Wahdat (Shi'ite) and the Ittehad-e Islami (Sunni Pashtun). Elsewhere in the country, regional councils or commanders consolidated power with little regard for events in Kabul. Hundreds of thousands of refugees returned from Pakistan, and thousands more were forcibly repatriated from Iran. Some 50,000 Tajik refugees who fled the civil war in Tajikistan remained in camps near the northern Afghan border. In July, Tajik and Russian forces shelled Afghan villages, killing an estimated 300.

On January 3, Burhanuddin Rabbani, the leader of the Jamiat-e Islami party, was sworn in as President. Rabbani's authority remained limited to only part of Kabul; the rest of the city remained divided among rival *mujahidin* factions.

On January 19, a short-lived cease-fire broke down when Hezb-e Islami forces renewed rocket attacks on Kabul from their base south of the city. Civilians were the principal victims in the fighting which killed some 1,000 before a peace accord was signed on March 8. Refugees continued to flee the city for Pakistan; others became part of the growing population of internally displaced, fleeing to Mazar-e Sharif and other areas north of Kabul.

Under the March accord, brokered by Pakistan and Saudi Arabia, Rabbani and Hekmatyar agreed to share power until elections could be held in late 1994. Hekmatyar was named Prime Minister, but by November he had not entered Kabul because of continuing opposition from forces loyal to Massoud and sometimes those allied to the Uzbek commander, General Dostum. The cease-fire broke down again on May 11, leaving more than 700 dead in bombing raids, street battles and rocket attacks in and around Kabul. The parties agreed to a new peace accord in Jalalabad on May 20 under which Massoud agreed to relinquish the post of defense minister. A council of commanders was to assume that office, as well as the office of Interior Minister, but by mid-November the power struggle remained unresolved.

Throughout the year, sporadic fighting also continued between the Hezb-e Wahdat (which was aligned with Massoud and Dostum until January and after that with Hezb-e Islami) and Sunni Pashtun Ittehad-e Islami (which had aligned with Hezb-e Islami until January but then shifted allegiance to Massoud). Various commanders controlling sections of Kabul launched attacks on civilian areas in other quarters of the city. Rape, particularly of Shi-ite women, was reportedly one weapon in these attacks. While the rest of the country did not experience the intensity of fighting that took place in Kabul, conditions remained insecure for aid workers and returning refugees. On February 1 three United Nations workers and a Dutch engineer were murdered while driving from the Pakistani city of Peshawar to Jalalabad, in eastern Afghanistan. The incident prompted the United Nations to withdraw its staff from Jalalabad and Qandahar. U.N. staff who were evacuated from Kabul in August 1992 had not returned by November 1993. The U.N. continued to operate out of Mazar-e Sharif and Herat. Médecins Sans Frontières also closed down operations in the northern town of Kunduz after its workers there received threats.

Fierce fighting between rival leaders in Jalalabad in mid-October temporarily blocked one of the two main roads into Kabul, resulting in shortages of food and other supplies in the capital. Afghan refugees continued to return to areas in the east and north of the country, even though little mine clearance had been done in many of these areas. In July, the International Committee of the Red Cross (ICRC) reported a tripling of mine injuries since April 1992.

The Right to Monitor

No known domestic human rights organizations were functioning in Afghanistan during 1993, and the continuing chaos throughout the country made it unlikely that any such group would emerge in the near future.

U.S. Policy

The Clinton administration paid little attention to the crisis in Afghanistan in 1993.

In July, the Central Intelligence Agency stepped up efforts to buy back Stinger anti-aircraft missiles which had been provided to the mujahidin in the last years of the war. The efforts were largely unsuccessful.

For fiscal year 1993, the U.S. requested \$62 for humanitarian assistance and development aid for programs inside Afghanistan and for refugees in Pakistan.

Throughout 1993, the U.N. convened meetings of the "Friends of Afghanistan," including the U.S., Russia, Pakistan, Saudi Arabia and Iran, to discuss the continuing conflict. In a background briefing for the South Asia press on October 28, a senior administration official stated that the U.S. was urging the U.N. to convene another meeting of the group to send a fact-finding mission to Afghanistan to help focus world attention on the continuing crisis.

The Work of Asia Watch

In March an Asia Watch researcher traveled to Peshawar and Islamabad, Pakistan, to meet with officials of the U.N. High Commissioner for Refugees (UNHCR) and the U.N. Office for the Coordination of Humanitarian Assistance for Afghanistan (UNOCHA) officials to discuss attacks on civilians, obstruction of the delivery of relief supplies, and de-mining programs. A similar visit took place in October.

BURMA (MYANMAR)

Human Rights Developments

The ruling State Law and Order Restoration Council or SLORC continued to be a human rights pariah, despite its cosmetic gestures to respond to international criticism. Aung San Suu Kyi, winner of the 1991 Nobel Peace Prize, was permitted visits from her family but remained under house arrest for the fifth year. SLORC announced the release of nearly 2,000 political prisoners,

but it was not clear that the majority had been detained on political charges, nor could most of the releases be verified. At least one hundred critics of SLORC were detained during the year, and hundreds of people tried by military tribunals between 1989 and 1992 remained in prison. Torture in Burmese prisons continued to be widespread. Foreign correspondents were able to obtain visas for Burma more easily, but access by human rights and humanitarian organizations remained tightly restricted. A constitutional convention met throughout the year, but over 80 percent of the delegates were hand-picked by SLORC.

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

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

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

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

Many SLORC opponents were arrested in connection with the convention meetings. On August 4, Dr. Aung Khin Sint, a convention delegate and elected representative of the opposition National League for Democracy (NLD), and Than Min, alias Tin Tun Aung, an NLD executive committee member for Mingla Taungnyunt township, were arrested for distributing leaflets. They were accused of political agitation and intent to undermine the national convention. On October 15, they and nine others were sentenced to twenty years in prison. All were detained in Insein Prison in Rangoon.

Fighting between the Burmese military and various ethnic insurgencies along the Thai-Burmese and other borders was minimal during the year, in part because of a concerted effort by SLORC to negotiate cease-fires with different minority groups. In April,

for example, a cease-fire was negotiated between SLORC and the Kachin Independence Army (KIA), and on October 1, SLORC signed a cease-fire agreement with the Kachin Independence Council (KIC). Thailand and China pressed insurgents based along their borders to negotiate or else lose their ability to shelter and mobilize on their respective territories.

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

The state of Arakan in northwest Burma, home to the Rohingya Muslim minority, remained off-limits to outside observers, raising concerns about the possible repatriation of almost 300,000 Rohingyas who had fled to neighboring Bangladesh in 1991 and 1992. More than 13,000 refugees were repatriated in late 1992 and early 1993 without adequate screening procedures to determine if they were returning voluntarily or adequate monitoring mechanisms on the Burmese side. On January 31, UNHCR staff were allowed to interview refugees scheduled for repatriation in one transit camp in Bangladesh and found that nearly all were there against their will. In May, a memorandum of understanding was signed between UNHCR and the Bangladesh government ensuring UNHCR full access to all camps, and in July, Sadako Ogata, the head of UNHCR, reached an agreement in principle that her agency would be allowed a monitoring presence in Arakan. Details of the agreement were still being negotiated as of November.

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

The Right To Monitor

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

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

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

U.S. Policy

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

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

At the Association of Southeast Asian Nations (ASEAN) Post-Ministerial Conference in Singapore on July 26, Secretary of State Christopher repeated Clinton's statements of May and July, but took no action to encourage new initiatives by ASEAN towards Burma. Privately, U.S. officials acquiesced in ASEAN's "constructive engagement" policy.

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

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

The foreign operations bill adopted on June 10 by the House Appropriations Committee pledged \$1 million for Burmese students displaced by civil conflict. The committee also called on the U.S. Agency for International Development (USAID) to support assistance to Burmese refugees and displaced people.

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

The Work of Asia Watch

Asia Watch sent missions during the year to Thailand and Bangladesh to interview Burmese refugees and victims of human rights abuses, including women trafficked over the Thai border. The missions to Thailand were jointly undertaken with the Jesuit Refugee Service.

A major report on the trafficking of Burmese women into Thailand was scheduled for release at the end of the year. A short report

examining abuses of Rohingya refugees in Bangladesh was published in September, and Asia Watch issued several press releases during 1993 calling for the release of detainees in Burma and better protection for Burmese refugees.

Burma was a key issue in meetings Asia Watch held with Japanese officials in April. Asia Watch helped coordinate and circulate a letter issued jointly on June 22 by the U.S. Congress and the Japanese Diet. The letter was addressed to the prime minister of Thailand and requested his assistance in implementing the recommendations of the March resolution on Burma of the U.N. Commission on Human Rights.

Asia Watch, in cooperation with the Lawyers Committee on Human Rights and the Jesuit Refugee Service, also held regular roundtable meetings on Burma in New York and Washington.

CAMBODIA

Human Rights Developments

With peaceful elections carried out in May, the promulgation of a new constitution in October and the restoration of Norodom Sihanouk to the throne as a constitutional monarch, Cambodia became the crown jewel of United Nations' peacekeeping efforts. But the success of the elections obscured the very real human rights problems that remained, including the failure to hold officials accountable for abuses, the treatment and status of ethnic Vietnamese, the continued presence of the Khmer Rouge, and the weakness of the legal system. The achievements of the United Nations Transitional Authority in Cambodia (UNTAC) on the political front pushed to the background but did not resolve the tensions inherent in the eighteen-month UNTAC mission between peace-keeping and human rights protection.

UNTAC struggled unsuccessfully to contain an explosion of political violence from January through May that threatened to undermine the elections. The Phnom Penh government (State of Cambodia or SOC) engaged in a series of attacks against political opponents, particularly those belonging to FUNCINPEC, the party headed by Norodom Ranariddh, Sihanouk's son. The Buddhist Liberal Democratic Party (BLDP) also came under attack. For example, on January 3, armed men attacked the FUNCINPEC headquarters in Sisophon, Banteay Meachay province, killing Roen Sopheap, aged twenty-one, a security guard. The next day, two grenades were thrown at a house in Moug Russei district, Battambang province, owned by a BLDP official. One woman was injured. On the night of January 31, soldiers from the Fifth Division of the Cambodian People's Armed Forces (CPAF), the army of the State of Cambodia, detained six people in Sangke district, Battambang. Two were released, but four, who were all FUNCINPEC members, were taken to the Takok military camp and never seen again.

In the same period, the Khmer Rouge carried out numerous attacks on ethnic Vietnamese residents of Cambodia, including four in the month of March alone. By September, over one hundred ethnic Vietnamese had been murdered since the beginning of the UNTAC

mission.

In January, UNTAC head Yasushi Akashi authorized the creation of a "special prosecutor" to bring criminal charges against human rights violators and empowered UNTAC police to arrest them. The effort came to little after the Phnom Penh government in February refused to allow its courts to try the case of Em Chan, a policeman accused of murdering a FUNCINPEC party officer. By the time UNTAC departed in September, it had arrested a total of four men, one of whom had died of natural causes. The other three were turned over to the new government for further proceedings.

In February and March 1993, UNTAC conducted a series of raids on police and military officers that yielded evidence showing the Phnom Penh government had set up undercover units to infiltrate and attack political opposition groups. Those raids were not made public until after the election when the *Washington Post* disclosed the existence of a secret UNTAC report, which Asia Watch subsequently published.

The extent of political violence by April was such that many people believed that the "neutral political environment", a prerequisite for the holding of elections according to the 1991 Paris peace accords, was lacking. But confounding all skeptics, almost 90 percent of registered voters went to the polls from May 23 to May 28. FUNCINPEC won 45.46 percent of the vote, taking fifty-eight out of 120 seats in the constituent assembly, with the Phnom Penh government's Cambodian People's Party (CPP) winning 38.22 percent and taking fifty-one seats.

After the election, Vice-Prime Minister Prince Norodom Chakrapong, National Security Minister Sin Song and Gen. Bou Thang led a short-lived secessionist movement centered in the eastern provinces of Kompong Cham, Prey Veng and Svay Rieng. It lasted only a few days and collapsed by June 15.

Sihanouk brokered an interim power-sharing arrangement between FUNCINPEC and the Hun Sen government which was carried over into the new government, with two Prime Ministers and two ministers of national security. Non-communist military units were incorporated into the Phnom Penh army, and towards year's end, there was speculation that the new government would launch a dry season offensive against the Khmer Rouge, which still controlled zones around Pailin. Although Prince Sihanouk in early July suggested that the Khmer Rouge might be allowed to play an unspecified role in the new government as "counselors", he cancelled scheduled talks with the party on July 20, citing interference from the United States. The U.S. had expressed hesitation at providing aid to the new government if the Khmer Rouge were included.

The Khmer Rouge continued to engage in attacks against the ethnic Vietnamese as some of the Vietnamese who had fled earlier assaults attempted, just after the elections, to return to their homes on Cambodia's great lake, the Tonle Sap. Ethnic animosity of Cambodians against Vietnamese remained a potent force, and it was unclear whether any ethnic Vietnamese would be granted citizenship under the new constitution. The new government moved cautiously to establish a technical committee with Vietnam on issues of citizenship and borders.

The continuing war with the Khmer Rouge also meant continued

laying of landmines in a country that already had the highest proportion of amputees in the world. UNTAC trained and deployed forty teams of Cambodian deminers, but progress was slow. Land that had been de-mined was mined again by opposing armies, and it was widely believed that as many new mines were laid as were cleared during the peacekeeping period.

In October, the Cambodian Mine Action Center, a joint U.N./government body that was to coordinate de-mining efforts after UNTAC's departure, was almost bankrupt and planned to close in mid-November. The U.S., which had offered \$2 million to purchase UNTAC's de-mining equipment for Cambodia, had still not reached agreement with the U.N., which had valued the equipment at over \$3 million. On October 8, the U.N. General Assembly passed a resolution stressing the urgency of de-mining worldwide and requesting the Secretary-General to advise on the establishment of a trust fund for mine clearance.

The situation of some repatriated refugees remained cause for concern. Over 360,000 Cambodians returned from Thailand in 1992 and 1993 under the auspices of UNTAC and the U.N. High Commissioner for Refugees. They had been promised land, but a shortage of mine-free land led to most receiving small cash grants instead. Although the repatriation in general went smoothly, it was too early to assess how the returnees would fare when U.N. rice subsidies ended. The one UNHCR experiment in supervising repatriation to a Khmer Rouge-administered area ended disastrously when the settlement became a war zone after the elections, forcing hundreds of refugees to flee to neighboring areas.

UNTAC made important progress in its efforts to rebuild a civil society in Cambodia. By the end of the year, more than a dozen independent newspapers were publishing regularly and non-governmental organizations, including five human rights organizations and several professional associations, were operating more freely than at any time in Cambodia's history. UNTAC supervised Cambodia's accession to seven international human rights treaties, trained officials and ordinary citizens in basic principles of human rights, and drafted a new criminal law for the transition period that contained basic guarantees of procedural fairness. The law, however, was rarely enforced, given the weakness of the judicial system and the deep politicization of the police and military.

The Right to Monitor

Four Cambodian human rights organizations emerged during UNTAC's tenure in addition to the Association de Droits de l'Homme au Cambodge (ADHOC) which was formed in January 1992. The new organizations were LICADHO (Cambodian League for Human Rights); Outreach; Human Rights Vigilance of Cambodia; and LCDHC (Cambodian League for Human and Citizens' Rights). With support from UNTAC, they began to teach human rights, monitor the elections, report abuses and publish magazines. In the period leading up to the elections, some local human rights activists became targets of violence and intimidation, and the Phnom Penh government discouraged Buddhist temples from allowing human rights offices on their premises. SOC authorities viewed the human rights

organizations as political opponents in another guise, and monitors often reported being followed by government agents. In general, however, the ability to carry out human rights monitoring was better than at any other period in Cambodian history. After the election, eight Cambodian human rights and development organizations made a bold statement on granting citizenship to long-term ethnic Vietnamese residents. They also urged that citizenship and residency rights be resolved according to humanitarian principles. The local organizations also played a critical role during the drafting of the constitution, pressing to open the process to public comment. They lobbied for specific human rights provisions, including independence of the judiciary and judicial review of executive acts as well as strong protections for the rights of women and children. The Buddhist church, previously under complete state control, also showed signs of becoming more independent, and monks led several peace walks and public demonstrations. During UNTAC's presence, international human rights organizations enjoyed free access to all areas of Cambodia except those controlled by the Khmer Rouge, and two international conferences were convened by UNTAC's Human Rights Component.

U.S. Policy

The Clinton administration firmly backed the U.N. peacekeeping mission in Cambodia and expressed support for a limited U.N. presence once UNTAC was withdrawn.

The U.S. contributed \$517 million to UNTAC's total budget (approximately 30 percent). Additional funding for fiscal year 1994 was devoted primarily to economic development and de-mining, including \$1 million pledged to HALO Trust, a de-mining group, plus another \$700,000 to the Cambodia Mine Action Center; \$2 million was also committed to help keep UNTAC's de-mining equipment in Cambodia. Another \$2 million was contributed towards the expenses of the transitional administration.

At the 1992 donors conference in Tokyo, the U.S. had pledged \$880 in development assistance; at the Paris International Conference on Reconstruction of Cambodia in September 1993, it reported that over \$135 million had been provided in fiscal year 1992 and 1993.

The administration put considerable emphasis, particularly in the lead-up to the elections, on supporting human rights and democratization projects, including training political parties and election observers.

State Departments officials described progress on human rights under UNTAC as "impressive," citing the release of political prisoners, accession to international human rights conventions, and formation of indigenous human rights groups. While studiously avoiding any public criticism of UNTAC's human rights activities, administration officials acknowledged in testimony before Congress on June 16 and October 27 that serious human rights problems remained. The U.S. backed the decision by the U.N. Human Rights Commission to appoint a Special Representative on Human Rights for Cambodia and to establish a field office to continue monitoring abuses.

While acknowledging the ongoing threat posed by the Khmer Rouge,

the State Department maintained that encouraging economic development and rebuilding the country's communications and transportation infrastructure offered the most effective long-range strategy for denying the Khmer Rouge a base of political support.

The foreign aid appropriations bill for fiscal year 1994 contained explicit prohibitions on direct or indirect aid to the Khmer Rouge and "Cambodian organizations" cooperating militarily with them. The administration estimated commercial military sales to Cambodia of \$22,000 in fiscal year 1994.

The administration gave mixed signals on the issue of whether U.S. aid to the new Cambodian government would be withheld if the Khmer Rouge were given a role. The State Department expressed the view that the new constitution effectively prohibited appointment of Khmer Rouge officials to ministerial or sub-cabinet level positions. The U.S. declined to call for Pol Pot or other high-ranking Khmer Rouge leaders to be put on trial by an international tribunal for atrocities committed during their rule, leaving this question for the new Cambodian government to decide.

The Senate's fiscal year 1994 State Department authorization bill (yet to be enacted by mid-November), contained a provision originally introduced by Sen. Charles Robb requiring the State Department to set up an office in Cambodia to investigate and gather documentation on "crimes against humanity" committed by Khmer Rouge leaders from 1975 through 1979, and to develop a proposal for an international tribunal.

The administration confirmed that cross-border smuggling and leakage of goods across the Thai border to the Khmer Rouge persisted as of mid-June, despite U.N. sanctions. But the State Department publicly praised Thai civilian authorities for trying to enforce the sanctions and defended Bangkok against Congressional criticism.

The chief U.S. representative in Phnom Penh, Charles Twinning, received wide praise for his public denunciations of killings of ethnic Vietnamese and other human rights abuses.

The Work of Asia Watch

Asia Watch closely monitored human rights in Cambodia. A month-long fact-finding mission to Cambodia in February and March 1993 provided material for three published reports: "Cambodia: Human Rights Before and After the Elections;" the Cambodia chapter of *The Lost Agenda: Human Rights and UN Field Operations*; and "An Exchange on Human Rights and Peace-Keeping in Cambodia." Asia Watch also met with UNTAC officials in Washington to discuss its concerns and findings.

Asia Watch testified before Congress twice during the year on safeguarding human rights in Cambodia, the first time before the Senate Foreign Relations Committee on June 16, and the second before the House Foreign Affairs Committee on October 27. Among its recommendations were immediate funding for continued de-mining in Cambodia, the conditioning of any international aid to Cambodia's police or military on measures for strict accountability for human rights abuses, continued support for building a justice system in Cambodia, and the establishment of a

human rights commission or ombudsman to investigate and expose human rights abuses.

Asia Watch invited Srey Chanphallara, a unique leading woman in the Cambodian human rights field, to be honored by Human Rights Watch at its observance of Human Rights Day, December 10.

CHINA AND TIBET

Human Rights Developments

The Chinese government continued to arrest, detain and torture peaceful critics and to interfere with freedom of expression, association, assembly and religion. International concern over these abuses led to the failure of China's bid for the 2000 Olympic games. Releases of dissidents were carefully timed to manipulate world opinion, as exemplified by the release days before the Olympic decision in September of writer and editor Wei Jingsheng after over fourteen years of solitary confinement. Foreign Minister Qian Qichen's statement on November 9, just before the Asia-Pacific Economic Cooperation (APEC) meeting, that China would be "willing to consider" access by the International Committee of the Red Cross (ICRC) to Chinese prisons was encouraging; it remained to be seen whether negotiations with ICRC would begin in earnest.

China's efforts to restrict freedom of expression reached beyond its borders. In May, it successfully prevented dissident-in-exile Shen Tong from holding a press conference at the United Nations, and in June, at the Vienna Conference on Human Rights, it tried to ban the Dalai Lama from speaking.

Within China, dissidents were sentenced for peaceful expression of political views. Plans to distribute handbills in Shanghai calling for the gradual introduction of democracy and political freedom to accompany economic reform led to the arrest of three Guangdong men, Li Guoheng, Liang Weiman and Wu Songfa, on April 6.

Wang Miaogen, a former leader of the Shanghai Workers Autonomous Federation, was sent to a police-run psychiatric facility on April 27 to ensure no disruption of the East Asian Games in May. Members of the banned Shanghai Workers Autonomous Federation were arrested in May on charges of forming a "counter-revolutionary organization." Fu Shenqi, detained on June 26 to prevent him from speaking to journalists during the visit of Australian Prime Minister Paul Keating, was administratively sentenced on July 4 to three years in a "re-education through labor" camp for "inciting trouble" among Shanghai's dissidents and for speaking to foreign reporters. Two workers, Yao Kaiwen and Gao Xiaoliang, arrested in May, were secretly tried on September 24, the day following the Olympic decision, on charges of "forming a counter-revolutionary clique." Their activities allegedly included attempting to mark the fourth anniversary of the June 4 crackdown in Beijing. In October, in Hubei Province, Yu Zhuo, a graduate student in Wuhan Polytechnic's department of economic management, was sentenced to a two-year prison term for putting up more than thirty posters commemorating the events of June 4, 1989; he had been held

incommunicado ever since September 3, 1992. Nineteen dissidents, arrested in 1992 for their alleged involvement in underground dissident groups, were indicted in September 1993 in a move that indicated trials were imminent. The State Security Law passed on February 22 had a particularly deleterious effect on journalists. Wu Shishen, an editor in the domestic news department of the official news agency *Xinhua*, was sentenced to life in prison for selling a Hong Kong reporter an advance copy of a speech by Party Secretary Jiang Zemin. An alleged accomplice, Ma Tao, an editor at the magazine *China Health Education News*, received a six-year sentence. In May, Bai Weiji and his wife, Zhao Lei, accused of "illegally providing national secrets to a foreigner," received ten- and six-year terms. Two friends, one a former journalist, were sentenced with them. Gao Yu, former deputy chief editor-in-chief of the now banned *Economics Weekly*, was charged on October 13, eleven days after her detention, with "leaking state secrets abroad." She was detained on October 2 as she was scheduled to leave China to take up a visiting scholarship at the Columbia School of Journalism in New York. On September 27, a Hong Kong reporter, Xi Yang, and a "co-conspirator" were arrested in Beijing for "stealing and spying on financial secrets of the state."

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

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

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

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

talking to the press or starting a private business.

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

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

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

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

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

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

Heightened concern with so-called "splittism" resulted in an upsurge in arrests in Tibet, Xinjiang and Inner Mongolia. Between January and mid-August alone, there were some 119 political arrests in Tibet, almost half from rural areas and most involving peaceful protest. Two Tibetans, Gendun Rinchen and Lobsang Yonten, arrested in mid-May by state security officials, were still being held incommunicado at the end of the year for planning to inform a visiting European Community delegation of human rights violations.

Farmers outside Lhasa, arrested for peacefully demonstrating in 1992, were sentenced in 1993 to terms ranging up to eighteen years. A mass demonstration in Lhasa on May 24 and 25 resulted in the arrests of at least thirty-five people by July; some were tortured. A Tibetan businesswoman, Damchoe Pema, twenty weeks pregnant when she was arrested in May, miscarried after police forced her to remain standing for over twelve hours and beat her

with electric batons.

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

In September, army troops were sent to the ethnically Uighur area of Kashgar, Xinjiang province, after a series of bombings and reported attacks on Chinese attributed to the East Turkestan Party, a separatist organization. On October 7, the official Chinese news agency reported that armed police "crushed" a protest by more than 10,000 Muslims in Xining, Qinghai over a children's book titled *Braintwisters*, which showed a pig next to a praying Muslim.

The Right to Monitor

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

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

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

U.S. Policy

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

The annual debate on MFN in Congress started early. Through March, Secretary of State Christopher made only vague references to the need to use MFN to improve China's human rights performance. No one in the administration specified even in general terms what improvements would be sought before MFN was extended for another

year nor what other governments such as Japan might do to help bring those improvements about.

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

On May 12, the American business community weighed in with an unprecedented letter to Clinton, signed by over 200 leaders of major U.S. corporations and business associations, arguing against conditions on MFN that might "lead the Chinese to engage in retaliatory actions."

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

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

Democratic Congressional leaders closed ranks behind the president and gave the administration a grace period of one year to try to

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

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

The State Department, to its credit, used this Congressional requirement in its bilateral contacts to increase the pressure on China.

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

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

China also resented a bipartisan Congressional campaign to prevent Beijing from being chosen to host the summer Olympics in the year 2000. On August 9, sixty members of the Senate, led by Sen. Bill Bradley, wrote to the members of the International Olympic Committee (IOC) declaring that awarding the games would "confer upon China's leaders a stamp of approval...they clearly do not deserve." On July 26, the House passed a resolution with a similar message by a huge margin (287-99), echoed on September 15 by a resolution in the European Parliament. The administration distanced itself from this campaign, while supporting, in a letter to Congress, the general principle that "a country's human rights performance should be an important factor" in the Olympic site selection. On September 23 the IOC voted to award the games to Sydney, Australia, despite a massive pro-Beijing lobbying effort.

The release of China's most prominent dissident, Wei Jingsheng, just prior to the decision, was welcomed by the U.S. at the same time it called upon China "to release all persons like Wei imprisoned solely for the peaceful expression of their political views."

On the prison labor issue, the administration frankly told Congress on September 9 that it was "regrettably at an impasse with the Chinese." The new commissioner of customs, George Weise, analyzing China's compliance with the August 1992 Memorandum of Understanding on prison labor, at a hearing on September 9, said China had responded to only sixteen of thirty-one requests for investigations of suspected prison labor sites, and had granted only one of five requests to allow U.S. customs officials to inspect facilities.

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

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

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

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

The Work of Asia Watch

China remained a key focus for Asia Watch, with work divided among Hong Kong, Washington and New York. The aim was to try to hold the new U.S. administration to its campaign position on China and to ensure that the international community did not lose sight of human rights abuses in China as it became awed by the country's growing economic might.

The Hong Kong office uncovered important new evidence on a range of human rights abuses, including confidential Chinese government documents sanctioning the use of executed prisoners' organs for

medical transplants; fresh evidence of continued exports by Chinese authorities of prison-made goods; and evidence of forcible detention of political dissidents in asylums for the criminally insane.

The director of Asia Watch's Hong Kong office met frequently with government officials visiting Hong Kong to brief them on the human rights situation in China. He also maintained regular contact with the Beijing- and Hong Kong-based press corps. The Hong Kong office also continued to act as a liaison center for information on Chinese prisoners.

Recognizing the high stakes involved in Beijing's bid to host the 2000 Olympics, Human Rights Watch and Asia Watch launched an eight-month campaign to make human rights a factor in the International Olympic Committee's site selection process, focus attention on China's ongoing violations and oppose Beijing's bid. Human Rights Watch initiated a correspondence with the IOC president and raised its concerns with the sports press. It also wrote the chief executive officers of sixteen major Olympic corporate sponsors—many of whom were believed to be supporting Beijing's bid—pointing out that their corporate image could suffer by an Olympiad tarnished by human rights abuses and urging them to use their influence on behalf of human rights.

Working with members of the European Parliament, Human Rights Watch helped generate an appeal to the IOC to reject Beijing's bid in a resolution condemning abuses in Tibet. This was followed by a separate letter from the European Parliament to the IOC President. In Monte Carlo, where the IOC voted, the Human Rights Watch representative distributed information to the press and helped ensure that human rights dominated the IOC decision-making process.

Asia Watch testified in Congress four times during the year: on May 20, before the House Foreign Affairs Committee, on human rights and U.S. policy toward China; on June 8, before the House Committee on Ways and Means, on human rights and MFN for China; on July 15, before the Senate Committee on Commerce, Science and Aviation, on human rights, China and the 2000 Olympiad; and on September 9, before the House Foreign Affairs Committee, on prison labor and U.S. policy toward China.

Asia Watch published two shorter reports on prisoners, "Economic Reform, Political Repression: Arrests of Dissidents in China since Mid-1992" and "Democracy Wall Prisoners." In June, Asia Watch published *Continuing Religious Repression in China*, updating its January 1992 report. For the *Human Rights Watch Global Report on Prisons*, Asia Watch researched and analyzed conditions in Chinese prisons, labor camps, detention centers and police lockups in several cities and provinces. Asia Watch also maintained a data base of all Chinese and Tibetan prisoners and ex-prisoners known to Asia Watch, and issued a comprehensive, detailed list of prisoners in November 1993.

Asia Watch continued to work closely with the Tibet Information Network to raise individual cases of Tibetan prisoners in various fora.

Asia Watch named Liu Gang, one of the leaders of the emerging

student democracy movement in the mid-1980s, and imprisoned since 1989, as one of the international human rights monitors to be honored in 1993 by Human Rights Watch in observance of Human Rights Day, December 10.

HONG KONG

Human Rights Developments

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

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

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

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

China, which had opposed the Bill of Rights from the start, continued to hint that it would alter the legal landscape when it resumed control. In 1993 it unilaterally created the Preliminary Working Committee, a group that was to lay the groundwork for the eventual transfer of power, and one which was widely perceived as China's alternative to cooperating with the British. Simon Li Fook-sean, a co-convener of the committee's legal sub-group, suggested in September that the committee consider drafting laws to prohibit subversion against China. He also went on record in September as criticizing the Bill of Rights's supremacy over other Hong Kong laws, stating, "If we did scrap the Bill of

Rights, the Basic Law, common law and all the ordinary ordinances would sufficiently protect human rights in Hong Kong. If people don't believe that, it's because they lack faith."

Precisely because they lacked faith in China's commitment to human rights, many Hong Kong legislators and nongovernmental organizations focused attention in 1993 on the government's failure to amend or repeal existing laws that were in conflict with the guarantees of the Bill of Rights. Some of the laws identified included provisions on censorship, police powers to license public demonstrations or compel evidence from journalists, and the Official Secrets Act. The government did, however, propose an amendment to the Television Ordinance that would remove the powers of executive authorities to revoke a television license on security grounds and to regulate the political content of programs. Legislators also decried the government's failure to introduce laws on sexual discrimination or freedom of information, and prepared to draft their own. A new urgency infused concern over the future protection of press freedom when another Hong Kong journalist was arrested in China in September. Yang Xi of *Ming Pao* was accused of "espionage regarding state secrets on banking" because of an article about possible changes in interest rates. On October 2, a Chinese woman named Gao Yu was detained and accused of leaking state secrets for providing information to Hong Kong journalists. These arrests followed the 1992 arrest of Hong Kong writer Leung Wai-man, who had published a speech by China's Communist Party leader Jiang Zemin a week before it was given. Wu Shishen, a journalist with the New China News Agency who gave her the speech, was sentenced to life imprisonment.

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

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

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

persons intercepted in 1989 en route to Japan.

The severely overcrowded detention centers for Vietnamese, often dominated by criminal gangs, were the site of yet more assaults and rapes. The overall atmosphere of intimidation and violence worsened as the Hong Kong government and the U.N. High Commissioner for Refugees (UNHCR) cut back services such as education and psychological counseling, and began systematically transferring asylum-seekers between camps, both to consolidate detention centers and to destabilize established communities in order to encourage people to volunteer to return to Vietnam. In May, tensions were so high in the Whitehead Detention Centre over a plan to transfer 4,000 detainees to a different section that the then-UNHCR chief of mission, Robert Van Leeuwen, made a personal visit. During the visit, asylum-seekers explained that every transfer put them at the mercy of criminal gangs, who would use violence to assert control and extort the transferred people.

At the conclusion of Van Leeuwen's speech, in which he declined to address these concerns and instead focused on voluntary repatriation, three men slashed their stomachs in protest and had to be hospitalized.

The preoccupation with boosting the flagging numbers of volunteers for repatriation led the Hong Kong government, with the agreement of the UNHCR, to close off alternative sources of information to the incarcerated Vietnamese. In June, the government rejected a proposal from nongovernmental organizations for a forum on current conditions in Vietnam to be held in the detention centers; both Asia Watch and Amnesty International had been invited as participants. The government said the forum "could be counter-productive" given Asia Watch's past criticism of the government's policies. Early in 1993, *Freedom*, the premier news and commentary journal edited by detained Vietnamese was closed. UNHCR refused to reauthorize the magazine, citing lack of resources despite offers of financing and technical assistance from Hong Kong corporations and professionals; the journal's independence in publishing refugee views, however, was widely believed to be the real reason for its closure.

The Right To Monitor

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

A similar problem that received growing attention was the frequent self-censorship the Hong Kong media practiced on topics sensitive to China. Although the colonial government used its broad powers of censorship infrequently, China systematically monitored Hong Kong journalists, punishing those it found irritating with denial of access to the mainland, or as described

above, with arrest and imprisonment.

One of the notable areas where the Hong Kong government restricted media access during 1993 was the detention centers for Vietnamese. In April, the government opened files more than thirty years old to public inspection, and permitted residents to check personal files it held on them, but only with regard to information that was provided by the individual.

U.S. Policy

The Clinton administration supported the reform plans of Governor Patten, saying on March 30 in a report to Congress required under the U.S. Hong Kong Policy Act that the reforms were consistent with the Basic Law. Secretary of State Warren Christopher and Assistant Secretary of State for Asia and the Pacific Winston Lord also gave support for the plans, although Lord told the Senate on March 31 that the U.S. should stay out of negotiations between Britain and China over greater democracy.

Patten visited Washington from May 2 to May 8. The official purpose of his visit was to urge the U.S. to extend Most Favored Nation status to China without conditions, as Hong Kong would be hurt by withdrawal of MFN.

The Work of Asia Watch

Asia Watch was particularly concerned by the treatment of Hong Kong journalists as a harbinger of increased restrictions on freedom of the press when Hong Kong reverts to Chinese control in 1997. It continued to monitor the situation of Vietnamese refugees in Hong Kong.

INDIA

Human Rights Developments

The destruction of a sixteenth-century mosque in Ayodhya, in north India, on December 6, 1992, continued to have violent repercussions throughout the country as political leaders tried to exploit rising tension between Hindus and Muslims. In January 1992, unprecedented communal violence in Bombay left at least 700 dead. Massacres of civilians by Indian security forces in Kashmir continued during the year; armed Kashmiri militants were also responsible for some summary executions of non-combatants. The conflicts in Punjab and Assam abated considerably, but security forces continued to commit abuses with impunity. Although the government of India found itself increasingly under pressure to respond to international and domestic criticism about human rights violations, it took few concrete steps to end them. The razing of the Babri Masjid in Ayodhya was the culmination of a campaign by the Hindu nationalist political party, the Bharatiya Janata Party (BJP), together with other Hindu militant organizations, to challenge the Narasimha Rao government and assert the dominance of Hindu culture in India. Despite promises by BJP state government officials that the mosque would be protected, police at the site reportedly refused to intervene to

prevent either the demolition or subsequent attacks on journalists and others. More than 1,000 died in the violence that followed in cities across north India. A disproportionate number of those killed were Muslims shot by police. In some cases, those shot dead were pulled from their homes and summarily executed. In Surat, in the state of Gujarat, attacks on Muslims included the gang-rapes of women.

In January, Muslims in Bombay were again the principal target during nine days of violence in which more than 700 people were killed. The Bombay police, many of whom reportedly support the Hindu militant Shiv Sena organization, deliberately targeted Muslims or stood back while mobs burned Muslims' homes. An official investigation into the violence and the police's role began in April; as of November, no findings had been made public. In August, the report of an independent commission, headed by two retired High Court judges, was published by the Indian People's Human Rights Commission, an independent group. It named eighty policemen and politicians from the BJP and the Congress (I) political party who were identified by eyewitnesses as participating in the violence.

On March 12, Bombay was rocked by a series of bomb blasts that tore through tourist hotels, markets and the stock exchange, killing at least 250 people. A police investigation blamed a prominent Muslim family involved in organized crime for the bombings. The motive for the attack remained unclear.

In Kashmir, the year began with the massacre of civilians by Border Security Force (BSF) troops in the western city of Sopore on January 6, in retaliation for a militant attack in which two soldiers had died. Eyewitnesses confirmed that the troops went on a rampage and killed at least forty-three persons, some of whom died of gunshot wounds, others of whom were burned alive when the troops set fire to their shops and homes. Although security officials first claimed that the victims died in cross-fire, the government was forced to order a judicial inquiry and to suspend several officers in response to widespread publicity about the incident. By November, no details of the proceedings or findings had been made public. Human rights groups complained that the investigation was being hampered by the fact that it had been held in Srinagar, some twenty-five miles away, making it impossible for many witnesses to testify.

In February, the Indian government launched a new initiative, spearheaded by Union Minister of State for Internal Security Rajesh Pilot, to open negotiations toward a political settlement. Ironically, these efforts met with an upsurge in violence in March and April, provoked by hard-line elements in both the government and intelligence agencies and by extremist militant factions. As the government appeared increasingly divided over its Kashmir policy, human rights conditions in the state worsened dramatically. By November, human rights groups and journalists in Kashmir reported several hundred executions of detainees since mid-1992. The death of a police constable in army custody, on April 21, sparked a revolt by the local police force, which was widely believed to sympathize with the militants. Although several key political figures returned to the civilian

administration in Srinagar in May, and the controversial head of the abusive BSF was transferred out of the state, abuses continued.

Tensions again escalated during a month-long standoff between the army and Muslim militants barricaded inside the Hazratbal mosque in Srinagar beginning on October 15. On October 22, BSF troops in the town of Bijbehara opened fire on protesters who were demonstrating against the army siege, reportedly after first blocking the street in which the marchers had assembled. The standoff at the mosque was brought to an end when the government agreed to permit the militants to surrender to local Kashmiri police rather than to the army.

Militant groups in Kashmir continued to murder suspected informers and other civilians, to launch attacks on civilian targets, and to commit rape and other abuses. On May 11, the Hezb-ul Mujahidin launched rocket-propelled grenades at the offices of the civilian administration in Srinagar, killing one employee and injuring three others. Militant groups also issued death threats against the press, including employees of the state-run television corporation, which was forced to withdraw a serial on the Bible. The program resumed on April 11 after state officials provided extra security for the television station in Srinagar.

The brutal police crackdown in Punjab appeared to have brought an end to the ten-year-old conflict there but at the cost of massive police abuses. Director General of Police K.P.S. Gill's counter-insurgency efforts included torture, disappearances and a bounty system of cash rewards for the summary execution of suspected Sikh militants. The campaign succeeded in eliminating most of the major militant groups, and by early 1993, the government claimed that normalcy had returned to the state. Police abuses continued, however, and there was no effort to account for hundreds of disappearances and summary killings. Although Gill promised to take action against abusive policemen, he promoted them instead, meanwhile, similar operations were launched in neighboring states to kill suspected militants who had migrated out of Punjab.

Government officials considered these brutal methods as a model to be applied elsewhere; the upsurge in summary executions in Kashmir was cited as an example of the "Punjab solution."

Sikh militants were believed responsible for a car bomb which exploded in New Delhi on September 11, killing eight people. The apparent target was a senior Sikh leader of the Congress Party, Maninder Singh Bitta, who was injured by the blast.

The repatriation of Sri Lankan refugees from Tamil Nadu resumed in August, under circumstances tantamount to *refoulement*. No international agency was permitted access to the refugee camps in Tamil Nadu to monitor whether the registration of refugees was voluntary; the United Nations High Commissioner for Refugees (UNHCR) was permitted to interview refugees only after they had been registered and moved to transit camps to await repatriation. Asia Watch representatives who visited the camps in April discovered that refugees had been subjected to direct and indirect coercion, including arbitrary arrest, withdrawal of stipends and food rations, and pressure to sign forms indicating

their willingness to return. The refugees had no reliable means of getting information about conditions upon which to base their decision to return and were frequently unaware of bombing and fighting in their home villages.

Government efforts to check sectarian violence focused initially on attempts to impose sweeping bans on religiously-based political parties rather than to prosecute and punish political leaders and police responsible for inciting and participating in the violence. On December 10, 1992, the central government banned five organizations under the Unlawful Activities Prevention Act on the grounds that they had incited religious hatred and communal violence, but the bans were later overturned by the Supreme Court. In late February 1993, thousands of BJP supporters who defied a government ban on a rally in central New Delhi were arrested, but they were released within a few days. Moves in August and September by the government to ban religiously-based political parties were obstructed by opposition parties. On October 5, forty politicians, including senior BJP and Shiv Sena leaders, were formally charged with criminal conspiracy and the destruction and defiling of a place of worship for their role in the violence at Ayodhya.

The militant Hindu organization Shiv Sena was responsible for a number of attacks on journalists in 1993, including the May 22 murder of Dinesh Pathak, the editor of *Sandesh*, who was stabbed six months after the former head of the Shiv Sena in Gujarat publicly threatened to eliminate him.

On March 30, Indian authorities canceled a \$450-million World Bank loan for the controversial Sardar Sarovar dam on the Narmada River in western India because they were unable to meet environmental and resettlement standards established following a 1992 Bank-sponsored review of the project. Officials insisted, however, that the project would be completed without World Bank funding. Anti-dam demonstrations in April and May resulted in the arrests of hundreds of demonstrators and police raids of villages scheduled for inundation. As of November 1993, the project remained under government review.

A bill to establish a national commission to investigate reports of human rights violations was submitted to the parliament in May 1993. In September, Prime Minister Narasimha Rao established the commission by executive order and named former High Court justice Raganath Misra to head it. Although the commission's powers remained to be finalized, it appeared likely to have only a limited role in recommending action with regard to abuses by the military.

The Right to Monitor

Human rights monitoring continued to be extremely dangerous in areas of conflict in India, especially Kashmir. On December 5, 1992, Hirdai Nath Wanchoo, one of the most prominent human rights activists in Kashmir, was shot dead by unidentified gunmen. Almost a year later, no one had been brought to justice for the murder. The government's refusal to conduct an independent investigation of the murder raised serious questions about the possibility of government complicity in the killing.

On February 18, 1993, Dr. Farooq Ahmed Ashai, fifty-four, chief orthopedic surgeon at the Bone and Joint Hospital in Srinagar, was shot and killed by Indian paramilitary troops at a security force post located near the Rambagh bridge in Srinagar. Dr. Ashai was an outspoken critic of the government's human rights record in Kashmir, and had documented cases of indiscriminate shooting and torture. The killing was apparently in retaliation for a militant grenade attack on the security forces about one-half hour earlier. An inquiry into the incident reportedly confirmed that the central reserve police force troops shot Dr. Ashai, but as of December 1993, the inquiry report had not been made public. Dr. Abdul Ahad Guru, a renowned Kashmiri surgeon, was assassinated by unidentified gunmen in Srinagar on March 31, 1993. Dr. Guru was a member of the governing council of the Jammu and Kashmir Liberation Front (JKLF), and his political position made him a target for rival militant groups as well as elements within his own organization. He was also an outspoken critic of human rights abuses by Indian security forces in Kashmir and met frequently with the international press and international human rights groups. He and his family had been harassed and assaulted by the security forces on several occasions. During the funeral procession, police opened fire on the mourners, shooting Dr. Guru's brother-in-law in the head and killing him instantly. Jaspal Singh, president of the Ropar branch of the Punjab Human Rights Organisation, was detained by the Punjab police on the evening of August 16, 1993. The case attracted considerable attention from domestic and international human rights groups, and on September 8, Jaspal Singh was returned to his home by the Punjab police.

The government's policy on international human rights investigations was erratic. India does not officially permit international human rights organizations to conduct investigations, although it has permitted Asia Watch representatives to carry out research on tourist visas. In August, however, Minister of State for External Affairs Salman Khurshid stated that the government would not consider a request from Asia Watch for a research mission. In November 1992 the government had invited a delegation from Amnesty International for meetings in Delhi, but as of November 1993, the organization had not yet been permitted to carry out any investigations. The International Committee of the Red Cross (ICRC) has never been permitted to perform its protection activities in India, including prison visits. However, in September, the Indian government made it known that the home secretary had agreed to permit the ICRC to conduct human rights seminars for border security forces in Kashmir.

U.S. Policy

The first visit by a senior State Department official to New Delhi under the Clinton administration was marked by public criticism of India's human rights record. In May, then-Interim Deputy Assistant Secretary for South Asia John Malott stated that India "had to take steps to bring the behavior of its security forces into line with its constitutional commitment to human

rights, especially in Kashmir." In his September 27 address to the United Nations, President Clinton mentioned Kashmir as one conflict that posed a threat to world peace. During a briefing for the South Asia press on October 28, Assistant Secretary of State for South Asia Robin Raphel appropriately criticized paramilitary forces responsible for the October 22 massacre of thirty-eight demonstrators in Kashmir and stated that the administration was pushing India "very hard to clean up their act in terms of human rights violations" and "make the security forces accountable for their own behavior." She also stated that the "insurgency is not an excuse" for disappearances, extrajudicial executions and deaths in custody. The briefing, which was meant to be on background, became the subject of a diplomatic row between India and the U.S. following Secretary Raphel's observation that the U.S. did not recognize that Kashmir's accession to India was necessarily final. Human rights issues also continued to be the subject of private discussions between India and the U.S. In fact, by early 1993, human rights was frequently cited as one of the three most contentious issues between the two countries, along with nuclear proliferation and trade issues. In private discussions with the Indian government, the U.S. raised human rights issues at the July 1 donors meeting in Paris, an initiative urged by several leading members of Congress.

On June 16, the House of Representatives voted to condition future International Military Education and Training (IMET) assistance on presidential certification of improvement in India's human rights record. The move was opposed by the administration and was not included in the Senate authorization bill, which however noted the need for swift investigation of human rights abuses and punishment of those responsible as well as access by international human rights groups to areas of conflict in India.

In a report accompanying the 1993 appropriations bill, the Senate Appropriations Committee expressed its disappointment that the ICRC had not been permitted access to Kashmir and called on the Indian government to act forcefully to end abuses. It also urged the U.S. executive directors to the World Bank, Asian Development Bank and IMF to "use their voice and vote, in accordance with United States human rights law, to promote improvements in human rights by the Indian government."

U.S. military assistance and military sales to India in fiscal year 1993 included the IMET program, estimated at \$345,000, commercial military sales licensed under the Arms Export Control Act, estimated at \$54.6 million and military sales under the Foreign Military Sales Program, estimated at \$40 million. World Bank loans planned for 1993 totaled \$3.7 billion.

The Work of Asia Watch

India remained a high priority for Asia Watch in 1993. Asia Watch's statements calling for investigations into the role of the police during the communal violence that followed the destruction of the mosque at Ayodhya received wide coverage. In order to focus international attention on the crisis in

Kashmir, Asia Watch, together with Physicians for Human Rights (PHR), published a series of reports throughout the year on torture, rape, extrajudicial executions and violations of medical neutrality. The reports received extensive press coverage in India and were widely circulated in Kashmir. Asia Watch also publicly called on the U.S. to suspend all military assistance and military sales to India until the government took steps to end abuses.

In March 1993, Asia Watch held discussions with government officials and representatives of human rights organizations in Delhi. On April 28, Asia Watch testified about human rights in India at a hearing before the House Subcommittee on Asian and Pacific Affairs. Asia Watch also released a newsletter on abuses in Assam on April 18.

INDONESIA AND EAST TIMOR

Human Rights Developments

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

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

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

Access to Indonesia by international human rights organizations remained limited, although Asia Watch and the International Commission of Jurists were permitted in March to send observers to the highly-charged political trial of Xanana Gusmao, leader of the East Timorese independence organization and guerrilla army. Asia Watch received no reports of disappearances during the year, although outstanding cases of disappearances in Aceh and East Timor from 1990 and 1991 remained unresolved. The government appeared to be making no effort to find the missing or punish those responsible, and in both areas, the disappeared were presumed dead.

Several killings were attributed to the armed forces and police. On March 25, two men from the transmigrant community of Sei Lapan in North Sumatra were reported to have died in custody after

having been beaten following their arrest in connection with a longstanding land dispute. On May 9, a young labor activist named Marsinah was found raped and murdered after a strike at her factory in Sidoarjo, East Java, in which the military had intervened. A special police investigation had uncovered no suspects by October. In late July, the body of Hans Soaf, believed to be a political activist in Irian Jaya, was found buried shortly after his arrest in Waskee, West Sarmi. Suspected leaders of Aceh Merdeka, the armed nationalist organization, continued to be shot dead by soldiers, rather than captured; two were killed in August. On September 25, soldiers opened fire on a group of peaceful demonstrators in Madura, off the coast of East Java. Three people, including a fourteen-year-old boy, were killed instantly; another died later of his injuries. The demonstrators were protesting the construction of a dam. The army announced that the killings would be investigated, and later transferred four officers from the area.

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

Two students from Semarang, Central Java, were tried in October for criticizing the electoral process during the parliamentary election campaign in May 1992. Both were accused of "spreading hatred of the government." Another student, David Ramone, was sentenced to six months in prison on slander charges for his role in a demonstration in which students carried posters asking a university administrator to account for his use of student fees. In late June, the trial of a young activist, Buntomi, opened in absentia in Salatiga; he was accused of distributing a calendar in 1991 that bore unflattering caricatures of President Suharto and his wife.

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

The military also intervened heavily in a leadership dispute within the Huria Kristen Batak Protestan or HKBP, the largest Protestant congregation in the country, based in North Sumatra. Beginning in January and continuing throughout the year, protests against the government-installed *ephorus* or archbishop led to over one hundred arrests, many of them involving physical abuse. On July 25, a photographer hired by one faction to document the clashes was arrested by the district military command in Bongbongan and beaten. He suffered several broken ribs. Many of those detained tried to bring *habeas corpus* petitions against the

army officers who arrested them, but the courts refused to hear them on the grounds that according to the Criminal Procedure Code, they only had authority to rule on irregular arrest and detention procedures involving police.

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

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

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

The Right to Monitor

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

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

U.S. Policy

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

At the U.N. Human Rights Commission in Geneva in March, the U.S. played a pivotal role in generating support for a resolution expressing concern about human rights abuses in East Timor, clearly signaling to Indonesia that it intended to take a tougher

line on human rights than the Bush administration. The resolution was adopted by a vote of 22 to 12 (with 15 abstaining).

At the World Bank-convened donors meeting of eighteen nations in Paris on June 30, the U.S. raised East Timor and worker rights during the general discussion and in its bilateral talks. The Consultative Group pledged \$5.1 billion in development assistance, with no specific human rights conditions attached. Several governments including the U.S., Canada, Austria and Switzerland, referred to human rights and the issue of "good governance."

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

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

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

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

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

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

In August, following consultations with Congress, the administration had rejected a request by Jordan to sell U.S. F-5 jet fighters to Indonesia, partly on human rights grounds. At

that time, the State Department emphasized that the decision was "not a precedent for other arms transfer decisions." The U.S. Embassy in Jakarta in 1993 continued energetically to raise concerns about human rights abuses.

The Work of Asia Watch

Asia Watch worked with Indonesian human rights organizations to define priorities and tried to mobilize pressure from governments including the U.S. and Japan to address those concerns. Six short reports and several press releases were issued, and consultants and interns visited the country three times. Although Executive Director Sidney Jones remained banned from the country, the government permitted an Asia Watch consultant to observe one session of the trial of East Timorese leader Xanana Gusmao and gave her full access to military and civilian officials. She was offered an opportunity to meet with Gusmao, as well, but turned it down after certain safeguards requested to ensure continued access by outsiders to Gusmao after the interview were not forthcoming.

Asia Watch continued to meet with Indonesian officials from the ministries of Foreign Affairs and Manpower during their visits to New York and Washington, and was in regular contact with a wide range of nongovernmental organizations based in Indonesia.

Asia Watch gave particular attention to restrictions on freedom of expression and labor rights, especially the right to organize trade unions. Much of the work on the latter involved ensuring that demands raised by worker organizations inside Indonesia were reinforced by publicity and pressure from outside.

Concern in the business community about Indonesian government retaliation for threatened U.S. sanctions over labor practices led to fruitful explorations into how U.S. businesses and the human rights community might work together for the protection of human rights. One result was that Asia Watch was able to open new channels for raising concerns in situations where American companies themselves were involved with the Indonesian government in possible rights violations.

JAPAN

Human Rights Developments

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

At the U.N. human rights conferences in Bangkok and Vienna, Japan

underscored the role of development assistance in promoting human rights. In October, the Foreign Ministry published a "white paper" on ODA, reiterating the guidelines first adopted in April 1991, that allocation of aid would take into consideration respect for human rights and democratization shown by recipient countries. "Democratization" appeared to be understood as synonymous with free market reforms. The report, however, specified for the first time that a long-term objective of the ODA program was to encourage "good governance" (a term borrowed from the World Bank) as essential to sustainable development. ODA for fiscal year 1992 totalled \$11.3 billion, again making Japan the largest foreign aid donor worldwide, with Asian countries receiving 65 percent of that total. Japan announced in June 1993 that it would increase its ODA spending over the next five years by 50 percent, to a total of \$70 to \$75 billion. The ODA guidelines were loosely applied in 1993, as the government relied on "policy dialogues" with recipient governments as the primary method for addressing human rights concerns, rarely engaging in public criticism of abuses or linking ODA decisions directly to human rights. For example, when Vo Van Kiet, Vietnam's prime minister, met with then-Prime Minister Kiichi Miyazawa in Tokyo on March 25, seeking further ODA assistance, Miyazawa raised human rights concerns only in a general way and set no specific conditions for Vietnam to meet. Human rights issues did not appear to affect the resumption of ODA to Vietnam in November 1992 (\$370 million) or the willingness of Japan to provide grants and loans to help repay Vietnam's debt to the International Monetary Fund. To assist with Vietnam's market reforms, Tokyo announced in October 1993 that it would send a team of legal experts to help in drafting commercial and investment laws; no similar interest was evinced in criminal or national security laws. On China, Japan, anxious to prevent a deterioration in U.S.-Sino relations, was willing to play an intermediary role between Washington and Beijing but refrained from exerting any direct economic pressure on Beijing. Foreign Minister Michio Watanabe was the first high-ranking official to meet with the Clinton administration. In talks with Secretary of State Christopher and President Clinton from February 11 to 14, he urged the administration to take a "moderate approach" and to renew Most Favored Nation status (MFN) for China unconditionally. Both governments agreed to do what they could to "help political reforms catch up with economic reforms" in China. The same message was delivered directly to the White House when then-Prime Minister Miyazawa met with President Clinton in Washington on April 15. Various Japanese government officials visited Beijing in 1993, and while it was not clear that they had made specific appeals for human rights improvements, Japan quietly lobbied for the release of individual political prisoners as well as access to prisoners by international humanitarian organizations. In early April, an official Japanese delegation visiting Tibet to discuss cultural exchanges also raised prisoner cases and asked to visit a jail.

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

On Burma, there was a split in the Japanese government early in 1993 over the possible resumption of new ODA to the military government in Rangoon if the SLORC-sponsored constitutional convention showed any positive result [see entry on Burma]. By November 1, there was no change in the existing ODA policy, although Foreign Minister Hata, during a visit to Bangkok in September, said that Japan wanted to help bring Burma's government out of isolation. The government was considering inviting some SLORC officials to Tokyo "for technical training."

Behind the scenes, Tokyo played an important role paving the way for Sadako Ogata's visit to Burma in July 1993 to discuss the role of the U.N. High Commissioner for Refugees (UNHCR) in monitoring repatriation of refugees from Bangladesh.

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

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

The Right to Monitor

Human rights groups in Japan faced no legal restrictions.

U.S. Policy

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

Members of Congress expressed concern about the "comfort women" issue. A group of twenty Representatives sent a letter to Prime Minister Hosokawa in October, urging Japan to cooperate fully with the U.N. investigation into sexual slavery and to take other steps to clarify accountability for abuses during World War II, such as paying compensation to the victims.

The Work of Asia Watch

Asia Watch sent a mission to Tokyo in April 1993 to continue its dialogue with government officials, NGOs, academics and others. Asia Watch representatives gave several seminars and made a presentation at the Institute for International Cooperation of the Japan International Cooperation Agency; the Institute had been assigned by the Foreign Ministry to examine methods for

assessing human rights progress in countries receiving ODA. Other Human Rights Watch visits to Japan took place in connection with international conferences. The chair of Africa Watch attended, as an unofficial observer, a conference in Tokyo on African development issues co-sponsored by Japan and the U.N. on October 5 and 6.

In December, an Asia Watch board member was scheduled to speak on the role of business and human rights at a meeting hosted by the Council for Better Corporate Citizenship of Keidanren, the powerful Japanese business association.

The Asia Watch office in Washington maintained regular contact with the Japanese embassy, and Asia Watch representatives met the new U.S. ambassador, Walter Mondale, prior to his posting to Tokyo.

PAKISTAN

Human Rights Developments

The continuing power struggle between the prime minister and the president dominated political developments for much of the year. With the exception of Pakistan's support for Muslim militants in Kashmir and elsewhere, human rights issues attracted little international or domestic concern; nor did they feature significantly as an issue in the October parliamentary elections that returned Benazir Bhutto to power as Prime Minister.

The riots that followed the destruction of a sixteenth-century mosque in Ayodhya, India, in December 1992 were replicated in Pakistan. Hundreds of Hindus were assaulted throughout the country and at least six, a woman and her five children, burned to death. Hundreds of homes and some 120 temples were burned or damaged. In many of the incidents, local police and government officials passively watched and did not intervene to stop the violence.

The sudden death of the army chief of staff, Gen. Asif Nawaz, in January, upset the traditional balance of power between Pakistan's ruling troika: the President, Prime Minister, and army commander. Irregularities surrounding Nawaz's death prompted calls for an inquiry that was still underway as of November. On April 18, the power struggle between Prime Minister Nawaz Sharif and President Ghulam Ishaq Khan culminated in the President's dismissal of Sharif's government. In a landmark decision on May 26, the Supreme Court declared the President's actions unconstitutional and restored Nawaz Sharif as prime minister. But under pressure from the army, both Ghulam Ishaq Khan and Nawaz Sharif resigned, and an interim Prime Minister, Moeen Qureshi, and President, Wassim Sajjad, were appointed. Qureshi implemented a number of reforms which attempted to address political corruption, curb the activities of drug traffickers, and tax agricultural lands. In addition, his reforms curtailed the ability of a number of groups to illegally influence election results.

In October elections were held for the national and provincial

assemblies. Popular disgust with the political leadership was apparent in the low voter turnout of 40 percent, and 15 percent in Karachi where a local party enforced a boycott. Although no single party won an absolute national majority, the Pakistan People's Party (PPP) led by Benazir Bhutto took the most seats and formed a government. The principal Islamic parties received a record low number of seats.

The political turmoil had little effect on the country's pervasive human rights problems. Legal discrimination against minorities was particularly apparent during the October election.

Members of Pakistan's Hindu, Christian, Ahmadi, Parsi, Sikh, Buddhist, Bahai, and Kalash minority communities had been banned from contesting general seats in elections since 1985 and were restricted to voting in a system of separate electorates for minority candidates. Electoral discrimination affected not only minorities but also residents of the federally administered tribal areas whose representatives are elected not by the general population but by a limited number of local notables.

The Ahmadi community officially boycotted the October election to protest their designation as a religious minority. Ahmadis had suffered widespread discrimination by the state as a result of being declared non-Muslim in 1974. Moreover, in the past several years hundreds of Ahmadis were arrested on charges of "insulting Islam" and "posing as Muslims" under the Anti-Islamic Activities Ordinance of 1984. The broad and vague provisions of a series of laws known collectively as the "blasphemy" laws, also dating from 1984, which strengthened criminal penalties for offenses against Islam, were used to bring politically-motivated charges against members of the Ahmadi and Christian communities as well as against some Muslims. Several hundred people were arrested under these laws over the years, including Salamat Masih, a eleven-year-old boy arrested in May 1993 on charges of writing blasphemous statements. As of November, two men, a Christian and a Muslim, had been sentenced to death for blasphemy and the cases remained on appeal.

Women in Pakistan also continued to suffer severe discrimination under the law. Over 60 percent of women in Pakistani jails were sentenced under Islamic penal laws called the *Hudood* ordinances. Because of the bias against women in the courts and unreasonably high standards of proof for rape allegations, rape victims were prosecuted under these laws for adultery or fornication. Before the October election, Benazir Bhutto repeated her earlier promise to repeal the *Hudood* ordinances, although it remained unclear whether she would be able to muster the political support to do so.

Abuse of women in custody continued to be reported. On February 27, policemen from the Tando Jam police station near Hyderabad severely beat a fourteen-year-old low-caste Hindu girl, Shakina, after arresting her on charges of theft. Pakistani women were not the only victims. Hundreds of Bangladeshi women were jailed in Pakistan and subjected to similar treatment after having been smuggled into the country—at a rate of over one hundred a month—and forcibly sold into prostitution or domestic servitude.

No prosecutions for trafficking in women, however, took place during the year.

Torture and deaths in custody occurred throughout the country, particularly in Sindh province where some forty cases of deaths in custody and "encounter" killings of suspected criminals or political detainees were reported in the first six months of the year. Torture was used both to extract information and to intimidate or humiliate the victim. Police also routinely tortured detainees in order to extract bribes. In May 1993, Nazir Masih, a Christian, was beaten to death in police custody in Faisalabad, reportedly because he refused to provide alcohol for the police. Beatings, electric shock and crushing the muscles with a heavy roller were common forms of torture.

Proscriptions against child labor were ignored, and children often worked as bonded laborers. Over 6,000 children a year were being kidnapped and smuggled to the Gulf States where their small size and light weight made them ideal camel jockeys. The state did little to combat the trade, and Pakistani human rights organizations claimed local officials were involved.

A law providing for automatic bail for children under age fourteen was rarely applied, and thousands of children were held in jails throughout the country.

The Right to Monitor

Human rights groups generally functioned freely in Pakistan during 1993. However, on April 1, three staff members of the Human Rights Commission of Pakistan, including the organization's director, I.A. Rehman, were detained by police and documents from the commission's office confiscated. The three men were released later that day. The police questioned them about a poster published by the commission which depicted Pakistan's president beating the country with the eighth amendment to the constitution—an amendment which gives the president overriding powers over the prime minister and national assembly. The police confiscated all the posters and several other papers from the office. In response to protests by civil rights organizations and the press, the deputy commissioner of police reportedly issued a statement accusing the Human Rights Commission of publishing an "objectionable poster."

U.S. Policy

Throughout the Cold War, Pakistan enjoyed a close relationship with the U.S. because it was seen as an important ally against Soviet influence in the region. To that end, U.S. policy was concerned with supporting Pakistan as a military power. Human rights concerns never figured prominently in the relationship. Following the Soviet withdrawal from Afghanistan in 1989, Pakistan's relationship with the U.S. deteriorated precipitously. Growing concern in the U.S. about Pakistan's nuclear weapons capability and the threat of an arms race in the subcontinent culminated in the suspension of all U.S. economic and military aid to Pakistan on October 1, 1990. However, commercial arms sales have continued.

In late 1992 and early 1993, the U.S. increased pressure on Pakistan to end its support for militant groups in Kashmir. After the U.S. threatened to include Pakistan on its list of countries sponsoring terrorism, Pakistani officials launched a public relations campaign to counter the charges and by mid-year claimed that the flow of arms into Kashmir had been stopped. A police crackdown on suspected militants from Tunisia, Saudi Arabia and Egypt living in Peshawar resulted in scores of arrests and deportations. On July 14 Pakistan was removed from the U.S. State Department's terrorist watch list. Public statements have tended to focus on the holding of elections. At an October 28 background briefing for the South Asia press corps, a senior administration official commended Pakistan for conducting "as free and fair an election as you can get in that part of the world." During a visit to Pakistan in November, Assistant Secretary of State for South Asia Robin Raphel raised the case of eleven-year-old Salamat Masih, detained in May on blasphemy charges. Within hours the boy was released on bail, but charges were not immediately dropped.

The Work of Asia Watch

In a report issued in June on the conflict in Kashmir, Asia Watch condemned Pakistan's role in supporting abusive militant groups. Following the killing of twenty Somali civilians by Pakistani troops on June 13, Africa Watch urged Secretary-General Boutros Boutros-Ghali to ensure that the soldiers responsible were returned to Pakistan with the recommendation that the government of Pakistan carry out court martial proceedings. In September, Asia Watch issued a report on Pakistan's blasphemy laws which concluded that these laws impose dangerous restrictions on internationally recognized rights of freedom and expression and freedom of religion, and have led to serious abuses particularly against the country's minorities. An Asia Watch mission to investigate bonded labor took place in October. The report was planned for 1994.

PHILIPPINES

Human Rights Developments

Disappearances and summary executions continued to be reported, although at a lower level than in previous years. Members of the paramilitary force, CAGFU (Citizens' Armed Forces—Geographical Unit) continued to be among the perpetrators. The death penalty was reimposed in August after being abolished by the 1986 constitution. The government of President Fidel V. Ramos continued to review cases of detained and convicted political prisoners, and many were amnestied. The remaining number of political prisoners, most held under criminal charges, was a source of dispute between the government and human rights groups. Little progress was made in peace talks between the National Democratic Front (the front organization of the Communist Party

of the Philippines and its armed wing, the New People's Army) and the government; talks began in October in Jakarta between the government and the Moro National Liberation Front (MNLF). The MNLF was blamed for several kidnappings and bombings during the year, including the bombing of Manila's Light Rail Transit line on May 11 which injured twenty-six people.

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

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

On July 17, another tribal activist, William Rom, head of Research and Documentation for SILDAP-Sidlakan, a tribal group based in Butuan City, Mindanao, was killed by CAFGU after returning from a visit to the Mamanwa tribal community. Rom and a companion, Carolina Salas, were followed and then attacked with machetes by four men identified as CAFGU recruits. Salas, who sustained a facial cut, said the attackers accused them of belonging to the New People's Army (NPA). One of the attackers, Mario Muyon, turned himself in to the police of Gigaquit, Surigao del Norte.

Many other instances of CAFGU harassment of suspected NPA supporters were reported during the year. On September 3, for example, a doctor named Hendry Plaza, the first doctor to join the Department of Health's "Doctors to the Barrios" program, was harassed by CAFGU members as he was immunizing children in San Luis, Agusan del Sur. In October, the military acknowledged that Plaza was on the military's wanted list or "order of battle," suspected of links to the NPA when he was a medical student in 1988. Later that month, President Ramos's Secretary of Health ordered Plaza transferred out of the province, saying, "We don't need dead heroes."

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

The Human Rights Committee of the Philippines House of Representatives said in April that there had been an increase in reported incidents of forced recruitment by CAFGU. Journalists also came under attack during the year. In January, a journalist named Romeo Legaspi was abducted by men believed to be members of the Philippines National Police after he published an article in the newspaper *Voice of Zambales* criticizing the police. His family also received death threats. As of December, he was still missing. On June 14, Clovis Nazareno, thirty-three, a newspaper columnist, was attacked by a local businessman in barangay Loon, Bohol province, in the presence of the municipal police chief. He suffered serious injuries, including a broken shoulder blade, but the police chief arrested Nazareno instead of his attacker. Charges were later dropped. Nazareno had written articles critical of illegal logging and had been accused in 1991 of supporting the NPA. On June 22, he filed charges against the businessman and police chief, but the case was dismissed when witnesses refused to testify, fearing reprisals. July 31 was the deadline for filing claims with a U.S. federal court in Honolulu against the estate of Ferdinand Marcos for human rights abuses suffered during Marcos's years in power. As of July 12, only 2,000 people had filed, out of an estimated 10,000 victims. Spurred by the damage claims, a Manila newspaper, the *Philippines Daily Inquirer*, released a list of the top twenty military officers implicated in cases of torture under Marcos. Some of those named were still on active duty. On August 6, a well-known political prisoner, Jaime Tadeo, chairman of the left-wing peasants' organization, Kilusang Magbubukid ng Pilipinas or KMP, was released from Bilibid Prison in Manila. He had been jailed in May 1990 on a charge of embezzlement, but he accused the government at the time of imprisoning him to stop his efforts on behalf of peasant rights. In October, the KMP split into two factions, after efforts to remove Tadeo from office failed. On August 12, the Philippines Senate passed a bill reimposing the death penalty for six "heinous" crimes: murder, rape, arson resulting in death, kidnapping or serious illegal detention, graft and corruption, and drug trafficking. Asia Watch documented numerous instances of threats, beatings and occasional murder of people trying to document illegal logging or who lived in areas where such logging was taking place.

The Right to Monitor

Human rights monitoring was still a hazardous profession in the Philippines as indicated by the deaths of Chris Batan and William Rom, noted above. On October 11, two other human rights activists, Neil Ballesteros and his wife, Maria Socorro, were abducted from a supermarket in the Manila suburb of Quezon City by six men who identified themselves as police, forces into a van and taken to a barracks where they were interrogated for about three hours. Ballesteros's interrogators demanded that he become an informer for the military in exchange for his wife's life. He was asked specifically to inform on the leader of a faction of the Communist Party, Filemon Lagman. Ballesteros agreed in order

to secure the release of himself and his wife; they later appealed to President Ramos for protection. Ballesteros was an organizer for an urban poor organization, Kongreso ng Pagkakios ng Maralitang Lungsod or KPML; his wife worked on human rights education for Amnesty International.

U.S. Policy

Although the Clinton administration was generally supportive of President Ramos, U.S. aid to the Philippines fell sharply in 1993 and promised to continue to decline in 1994. The U.S. requested \$2,000,000 in funding for officer training (IMET) for fiscal year 1994, a decrease of \$300,000 from the previous year; \$10,000,000 in Economic Support funds, down from \$25,000,000 in 1993. The request for Foreign Military Funding (FMF) dropped by \$7.3 million to a total of \$7.7 million for fiscal year 1994. In its funding request for Security Assistance for fiscal year 1994, the Clinton administration stated that U.S. assistance was "essential to the ability of the Ramos government to counter the communist insurgency, improve respect for human rights, consolidate democratic processes and institutions, and to sustain economic reforms."

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

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

The Work of Asia Watch

In January, Asia Watch held talks with human rights organizations in Manila.

In September, Asia Watch sent a mission to the Philippines to investigate the relationship between human rights and illegal logging activities.

Asia Watch invited Cecilia Jimenez, Secretary General of PAHRA (Philippine Alliance of Human Rights Advocates), to be honored in December by Human Rights Watch.

SRI LANKA

Human Rights Developments

The human rights situation in Sri Lanka was marked by the ongoing civil war in the northeast, the problems of repatriated refugees and a spate of political killings. Political violence in Sri Lanka reached a climax in 1993 with the assassination of President Ranasinghe Premadasa on May 1, and of his chief political rival, Lalith Athulathmudali, one week earlier. The deaths were seen by many Sri Lankans as evidence of a profound erosion of Sri Lanka's political process by years of repression and violence.

A decade of civil war between government forces and Tamil separatists, two violent insurgencies, and counterinsurgency efforts in which police and soldiers have engaged in arbitrary arrests, torture, murders and disappearances have claimed tens of thousands of lives. In this atmosphere of lawlessness, during 1993 death threats and physical assaults were aimed at politicians from many parties, at journalists covering political rallies, human rights lawyers and trade unionists.

Athulathmudali, head of the Democratic United National Front (DUNF), was shot while addressing an April 23 campaign rally for the upcoming provincial council elections. Although the government accused the guerrilla group, the Liberation Tigers of Tamil Eelam (LTTE) of the murder, many Colombo residents blamed the ruling party. At least twelve other violent attacks against opposition politicians were reported during the campaign, as well as more than eighty arrests.

Athulathmudali's funeral on April 28 became a massive anti-Premadasa demonstration at which two people were killed and more than forty injured when police opened fire on some of the marchers.

Two days later, President Premadasa himself was assassinated in a bomb blast at a May Day rally for the United National Party (UNP). Twenty others were also killed. Police superintendent Ronnie Gunasinghe, who had been implicated in the 1990 death-squad murder of journalist Richard De Zoysa, was among the casualties. The bombing was again attributed to the LTTE. Former Prime Minister Dingiri Banda Wijetunga was immediately sworn in as Acting President and was unanimously elected by the parliament on May 7.

Although several human rights agencies designed to investigate disappearances and protect the rights of detainees had operated since 1991, and abusive provisions of emergency regulations were revised in 1993, prosecution of state forces for abuses remained rare.

As of November 1993, a verdict had still not been reached in the case of twenty-three Sri Lankan soldiers tried in civilian court on charges of massacring thirty-five Tamil civilians in the village of Mahilanthani in eastern Batticaloa District in August 1992. The soldiers pleaded innocent when the hearings opened on March 2.

In response to internal and external criticism, Wijetunga announced in mid-May that he would consider constitutional amendments to limit the powers of the presidency, and that he had dissolved a secret police force established under Premadasa which kept dossiers on political opponents and influential businessmen.

Wijetunga also promised to end government interference with the press. On May 26, *The Island*, an independent Colombo newspaper, reported that the government had issued instructions to the police and other authorities not to interfere with media freedom because such interference could "have deleterious international repercussions."

Even so, in October, Iqbal Athas, a senior journalist who covers military affairs for the *Sunday Times*, and had been critical of army operations, received phone calls threatening his life and the kidnapping of his daughter. Army commander Lieutenant General Cecil Waidyaratne has been accused of issuing the threats. Leaders of the Lanka Samasamaja Party (LSSP), journalist Saman Wagaarachchi, Secretary of the Free Media Movement, an organization that monitors press freedom, and *Yukthiya*, the newspaper Wagaarachchi works for, also received death threats after releasing statements criticizing the threats against Athas. In July, doubts resurfaced about Wijetunge's commitment to human rights accountability when the government pardoned the former deputy inspector general of police, Premadasa Udugampola, and appointed him vice chairman of the Sri Lanka Ports Authority, after he rescinded his accusations of government complicity in the operation of death squads. Udugampola is thought to be the architect of some of the most brutal counter-terrorist tactics against the Sinhalese Marxist Nationalist Janatha Vimukthi Peramuna (JVP), a militant insurgency that was responsible for several thousand deaths in the late 1980s.

The civil war in Sri Lanka entered its tenth year in 1993 with the LTTE and the Sri Lankan government continuing to battle for control of the northern and eastern parts of the country. Both LTTE militants and paramilitary groups affiliated with the army engaged in killings, abductions and torture of suspected informers and enemy sympathizers.

Massive repatriation of Sri Lankan refugees from India continued [see *India entry*], adding to the more than 600,000 persons already displaced by the war. Returnees and the internally displaced in Sri Lanka complained of harassment; arbitrary arrests and mistreatment by police and pro-government Tamil paramilitary groups; and the threat of violence from the LTTE against suspected government sympathizers.

Although the number of reported disappearances committed by government forces continued to drop in 1993, the Human Rights Task Force (HRTF), a government agency, reported that it had received over 2,000 complaints of missing persons since August 1992, some of them dating back to 1991. Of those reported missing, 114 persons were traced to police stations and army detention centers. The missing included sixteen Tamils who disappeared around Batticaloa after their arrest by the army in February 1993.

The army and police, often with the help of PLOTE (People's Liberation Organization of Tamil Eelam), a former Tamil separatist group which now aids the government in counterinsurgency, and two other armed groups, the Tamil Eelam Liberation Organization (TELO) and the Eelam People's Democratic Party (EPDP), continued to engage in massive and arbitrary search

and arrest operations which targeted Tamils throughout the island. Arrests escalated following the assassinations of Premadasa and Lalith Athulathmudali.

Despite a government agreement in June to implement safeguards to prevent mistreatment of detainees and discourage arrests based solely on ethnicity, large-scale arrests of Tamils in and around Colombo continued. More than 2,000 Tamil civilians were picked up for questioning during the second week of October; most were released shortly thereafter.

In October 1993, President Wijetunga announced to a delegation of European parliamentarians that the government had established a special agency to investigate disappearances reported during the eight-year period from 1983 to 1991.

The Right to Monitor

Although nongovernmental human rights organizations enjoyed more freedom to operate than in previous years, and intimidation of human rights lawyers eased in 1993, threats continued to be reported. A lawyer involved in a much-publicized disappearance case against army officers in the south left the country in July after having received anonymous threats warning him to withdraw the case.

Labor unionists involved in peaceful protests and journalists covering labor rights issues also faced harassment and assaults by police officers.

U.S. Policy

The U.S. government continued to raise human rights issues with the Sri Lankan government. From October 13 to 19, Prime Minister Wickremasinghe visited Washington and was told by Secretary of State Warren Christopher, among others, that the human rights situation left room for improvement.

On June 18, the thirteen-member Sri Lanka Aid Group of donor nations, including the U.S., pledged \$840 million for 1994, a \$15-million increase over 1993. The U.S., while noting "continuing improvement in the human rights picture," urged the Sri Lankan government to "redouble" its efforts to implement commitments made to the U.N. Human Rights Commission, specifically to "prosecute those responsible for abuses"; to "further revise the Emergency Regulations to reduce the opportunities for abuse and to remove non-emergency related provisions;" and to "investigate the conditions under which detainees and prisoners are interrogated." The U.S. also condemned LTTE abuses.

The administration planned to continue IMET (International Military Education and Training) assistance to Sri Lanka, estimated at approximately \$225,000, including training in military justice systems and human rights norms; the fiscal year 1994 security request proposed expanded IMET training. No Foreign Military Sales aid was expected; commercial military sales were expected to drop from an estimated \$2.6 million in fiscal year 1993 to \$1.3 in fiscal year 1994.

The Work of Asia Watch

Asia Watch's work in Sri Lanka focused on refugee protection and the repatriation of Tamil refugees from India because of reports of violations of humanitarian law in areas to which refugees were being returned as well as reports of abuse by paramilitary forces guarding resettlement centers. In April, Asia Watch sent a delegation to Sri Lanka and southern India to investigate reports of involuntary repatriation and human rights violations against returnees.

In June Asia Watch addressed a memorandum to countries providing assistance to Sri Lanka, raising the above concerns.

In August, Asia Watch released a report, calling on the governments of both India and Sri Lanka to halt a planned repatriation until there were firm guarantees that the refugees were going back voluntarily and would not be subjected to any form of persecution on their return.

In October, Asia Watch met with Prime Minister Wickremasinghe in Washington, D.C. to discuss human rights concerns and government initiatives to address abuses.

THAILAND

Human Rights Developments

Thailand continued to recover from political upheaval in 1993, but its chronic human rights problems remained: treatment of non-Thai nationals and trafficking in women in particular. A full accounting of events of May 1992, when the army opened fire on mass demonstrations in Bangkok, had yet to be made, and some senior officers involved in the May events were promoted in the annual military reshuffle in September. Violations of labor rights continued, as exemplified by a fire that swept through the Kader toy factory in mid-May, killing more than 200 women workers who had been locked in. As of August, 217 prisoners were under death sentence in Bang Kwang prison, mostly for murder and drug trafficking, but no prisoners had been executed since 1989.

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

The treatment of Burmese and Cambodian refugees was a major cause for concern. Members of Burma's ethnic minority groups continued to flee into camps along the Thai-Burma border. The camps were set up at the discretion of local authorities with little control from Bangkok; by the end of the year, they housed 72,000 refugees, who found themselves increasingly vulnerable to *refoulement*. On April 7, two camps were burned to the ground by the Thai army's 9th Division, and 545 residents were forced back into Burma. In August, Camp No.2 in Mae Hong Son Province,

housing members of the Karenni ethnic group, was ordered vacated and its occupants forced back to Burma. On September 17, after extensive negotiations and a written agreement between Thai officials and leaders of the Mon ethnic minority that Mon refugee camps would be permitted to remain on Thai soil, the Mon were pressured to begin relocating refugees back to Burma. The Thai military escorted some 140 Mon refugees from the Loh Loe camp back to Burma to begin clearing land around Halockhane village, only an hour's walk from a Burmese military base camp. The entire Loh Loe refugee population of nearly 7,000 was expected to be moved back to Burma by early 1994.

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

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

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

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

The orderly repatriation of nearly 300,000 refugees back to

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

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

Thai officials made little effort to stop the trafficking of foreign girls and women, particularly Burmese and Chinese, into Thai brothels where the women faced debt-bondage, physical abuse and conditions akin to slavery. Involvement of local police was extensive. The raid of three brothels in Ranong, in southern Thailand, on July 14 highlighted the pattern of abuse. In the raid, 148 Burmese women were "rescued" by Thai police from brothels surrounded by electrified barbed-wire. All were sent the same night to the immigration detention center in Ranong and charged with illegally residing in Thailand. Two weeks later, witnesses saw fifty-eight of those rescued deported to Kawthaung, Burma where they were subsequently arrested on charges of illegally leaving Burma and prostitution. The whereabouts of the other ninety remained unknown. Several nongovernmental organizations tried to negotiate on behalf of the women to provide alternative shelter and an orderly repatriation, but without success. None of the brothel owners was arrested, but eleven pimps and guards (mostly Burmese) at the brothel were taken to the police station. The charges against them were not known.

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

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

The Right To Monitor

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

U.S. Policy

The administration concentrated on strengthening relations with the new Thai government, seeking continued cooperation on regional security matters and copyright laws. When the new Thai army commander-in-chief, Wimol Wongwanich, visited Washington in September, the U.S. pressed for greater assistance in implementing U.N. sanctions against Khmer Rouge cross-border trade, but Thai actions on the Burma border were not discussed. While no Foreign Military Financing (FMF) was requested in fiscal year 1994, the administration resumed International Military and Educational Training (IMET) following the September 1992 elections and budgeted \$1.8 million for IMET. Commercial military sales continued to be brisk, projected at \$140 million for fiscal year 1994.

U.S. officials did not raise concerns with Thai officials about the trafficking of Burmese women, but the Senate report accompanying the 1994 Foreign Appropriations Bill, urged the Thai government to prosecute those responsible for trafficking, forced labor, and physical and sexual abuse of these women.

On refugee issues, the administration tended to support, with little or no qualification, Thai government policy, backing the Ministry of Interior on the so-called "safe area" for Burmese students and providing funds for programs in the camp.

As part of its annual Generalized System of Preferences (GSP) review, the office of the U.S. Trade Representative extended its review of Thailand through 1993, monitoring child labor concerns and government efforts to reform the State Enterprise Labor Relations Act. This law restricts freedom of association and the right to organize for employees of state enterprises. The review period was extended for six months in June 1993 following the Thai government's stated commitment to take steps to end these abuses.

The Work of Asia Watch

Much of Asia Watch's work during the year focused on human rights violations associated with the trafficking of Burmese women into Thailand. A report scheduled for publication in December analyzed the abuses inherent in trafficking, the level of state involvement and how the Thai government's efforts to crack down on brothel operations sometimes further victimized the women involved.

Asia Watch continued to be concerned about the protection of Burmese refugees in the "safe area" and communicated its concerns both to Thai government and UNHCR officials. In August, together with the Jesuit Refugee Service, Asia Watch sent a mission to the

Thailand to interview Burmese coming into Thailand about human rights violations taking place across the border in Burma. Asia Watch also monitored the abuses of Burmese in Thailand by Thai authorities.

Asia Watch maintained close ties to Thai organizations and in March sent an observer to the Asian NGO Forum that preceded the official Asia regional preparatory meeting for the World Human Rights Conference.

VIETNAM

Human Rights Developments

Vietnam's efforts to pursue market reforms and improve relations with the U.S. and the international community while keeping the lid on political and religious dissent produced a mixed human rights performance. The government released or reduced prison sentences for a number of well-known dissidents at the same time that it imprisoned others for peaceful expression of their views.

Dialogue on human rights with foreign governments and nongovernmental organizations, including Asia Watch, increased, but human rights investigations were not possible and political trials remained closed to foreign observers—and often to the general public. Penal and legal reforms continued, but few tangible improvements were discernible. Both the media and religious institutions remained under state supervision. Several bomb plots by overseas anti-communist groups heightened Vietnam's concern with internal security. Continuing protests by the Unified Buddhist Church also resulted in clashes between government forces and demonstrators. The government, however, often failed to distinguish between opponents who used violence and peaceful critics, punishing both on national security charges.

Dr. Doan Viet Hoat, a professor of English literature and a former university administrator, was sentenced to twenty years in prison on March 29 for "attempting to overthrow the government."

His offense was producing four issues of a typed newsletter called "Freedom Forum," in which he advocated democratic reform, and recording his ideas on democratic change on a cassette tape.

Nowhere did he advocate violence against the government. Two other defendants, Pham Duc Kham and Nguyen Van Thuan, were convicted of producing "Freedom Forum," and five more were found guilty just for possessing copies of it. On July 9, the Ho Chi Minh City Court of Appeals reduced Dr. Hoat's term to fifteen years and five years of probation. Three other defendants were given similarly token reductions.

The government released some political prisoners, but many others remained in jail. U.S. citizens Nguyen Si Binh and Aloysius Hoang Duy Hung were released in June and July respectively, both men having been accused of trying to start alternative political organizations in Vietnam. Do Ngoc Long, a business consultant who was held under a three-year order of administrative detention

because of his association with American businessman Michael Morrow, was released on April 6, but Doan Thanh Liem, a law professor also linked to Morrow, continued to serve a twelve-year sentence for "counter-revolutionary propaganda."

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

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

Tensions came to a head on May 24 in Hue, when a man immolated himself at the pagoda where the former UBC Supreme Patriarch is buried. Local police immediately removed the man's body and detained the head of the pagoda, Thich Tri Tuu, for questioning.

Monks who feared that Venerable Tuu had been arrested organized a sit-down protest in Hue, drawing a large crowd and blocking traffic. Persons in the crowd surrounded a security vehicle transporting Venerable Tuu, removed him and other passengers, and set the vehicle ablaze. At least six monks were arrested in conjunction with the May 24 demonstration, among them Venerable Tuu. On November 15, Venerable Tuu and three other monks were convicted of "public disorder" in a one-day, closed trial and sentenced to four and three year prison terms; five laypersons were also sentenced that day to terms between six months and four years on the same charges.

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

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

Asia Watch was concerned that in both confrontations, some monks and supporters of Thich Huyen Quang may have been arrested solely for their religious and political beliefs, rather than for acts

of violence. This concern was heightened in August, when the People's Committee of Quang Nai province forbade Venerable Quang to continue any activities in the name of the UBC and ordered him to cease "sowing disunity among the religious" through his demands for church autonomy and religious freedom.

Tensions also remained between the Vatican and Hanoi, despite continued high-level contacts. The government permitted more frequent ordinations but maintained control over the number of candidates for seminary and their selection, and continued to restrict the transfer or movement of clergy within the country. One well-known Catholic prisoner, Father Dominic Tran Dinh Thu, was released during the year, but at least fifteen other members of the Congregation of the Mother Co-Redemptrix remain imprisoned on charges of "counter-revolution." Also still imprisoned were Father Nguyen Van De and ten other members of the Sacerdotal Maria Movement and the Association of Humble Souls. Protestant pastors Dinh Thien Tu, Tran Dinh Ai and Tran Mai were released from labor camps on April 6, but many other pastors and lay Christians, especially from the highland regions, remained imprisoned for conducting unauthorized religious activities such as home prayer meetings and Bible classes.

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

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

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

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

Examples of state censorship abound. At the end of 1992, authorities closed *Co Viet*, a Quang Tri literary journal, for publishing writings implicitly critical of the government. In

September 1993, the *Far Eastern Economic Review* reported that a leading social scientist, Hoang Chi Bao, was ordered to make self-criticism for failing to emphasize in his monograph on social policy the achievements of the international communist movement and the role of the "imperialist forces" in the fall of Eastern Europe and the former Soviet Union. Some of contemporary Vietnam's best-known authors, such as Duong Thu Huong, continued to find it impossible to get their works published in Vietnam, and publication of many South Vietnamese writers from the pre-1975 era remained banned.

The Right To Monitor

Vietnam continued to punish open criticism of its human rights record by its own citizens through vaguely-written laws against "counter-revolutionary propaganda" and other political offenses.

After UBC leader Thich Huyen Quang publicly demanded that state authorities account for Buddhists who were arrested or who died in custody, the government finally gave a public response, in which it formally denied abuses against some of the individuals whose cases had been raised by Venerable Quang. But it also accused him of raising trumped-up charges of human rights violations in order to turn believers against the state and to encourage foreign trade and investment embargos against Vietnam.

He was not arrested, however.

Vietnam allowed restricted access to the country by some international human rights and humanitarian agencies. In March, Asia Watch sent its first mission to Vietnam to initiate a dialogue on human rights with the government. The United Nations High Commissioner for Refugees (UNHCR) maintained a small staff in Vietnam to monitor the treatment of returning boat people. Several foreign delegations were also permitted to visit prisons, but on at least one such occasion, political prisoners were relocated for the duration of the visit.

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

U.S. Policy

Human rights took a back seat to POW/MIA issues in the Clinton administration's agenda on Vietnam. New opportunities to raise human rights issues were missed. By the end of the year, the U.S. had cleared the way for the resumption of international financial lending to Vietnam, permitted U.S. companies to bid on projects financed by those loans, and sent three diplomats to Hanoi on an unofficial basis to supplement the U.S. personnel investigating POW/MIA cases.

U.S. officials did consistently include human rights as a policy goal in relations with Vietnam and mentioned both general concerns and specific cases at meetings with Vietnamese counterparts during the year. In July, Assistant Secretary of State Winston Lord returned from a trip to Hanoi and announced at a Senate Foreign Relations Committee hearing that Vietnam had agreed to open a high-level dialogue on human rights issues; such

a dialogue had yet to begin as of early November. At the same hearing, Senator Kerrey proposed the establishment of a high-level delegation to conduct regular talks with Vietnamese counterparts on human rights issues, similar to the regular high-level meetings on POW/MIA matters. This proposal drew no response from the administration.

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

In August, Sen. Charles Robb was rebuffed in an attempt to visit one of Vietnam's best-known political prisoners, Dr. Nguyen Dan Que, an endocrinologist who was serving twenty years of hard labor for his public call for political reforms and respect for human rights. Although Vietnamese officials had approved the visit as part of Senator Robb's itinerary in Vietnam, on arrival Robb was told the visit was indefinitely postponed. Senator Robb criticized the decision, saying it was a missed opportunity for Vietnam to demonstrate sensitivity to human rights concerns. The State Department also expressed disappointment that the visit had been canceled. According to sources in Vietnam, after Senator Robb's visit, Dr. Que was removed to another section of his labor camp, placed in solitary confinement, and assigned hard labor. On September 13, the White House renewed the embargo against Vietnam, but in an announcement that was conspicuously silent on the issue of human rights, allowed U.S. businesses to participate in projects funded by international financial institutions. This action followed the administration's decision in July to drop its objections to international lending to Vietnam. In October 1993, the World Bank announced approval of two loans to Vietnam worth \$228 million, with another loan of \$121 million pending for agricultural development.

Section 701 of the International Financial Institutions Act requires the U.S. to cast its vote against loans, other than those for basic human needs, to countries that engage in a consistent pattern of gross human rights abuses. In keeping with this obligation, the U.S. voted for the loan for primary education but abstained on the loan for road improvements. The Asian Development Bank also became a significant lender to Vietnam in 1993, and projected lending as much as \$1 billion to Vietnam by the year 1996. It remained unclear to what extent the U.S. was prepared to urge major donor countries, such as Japan, to use their influence to press for human rights improvements. Limited U.S. aid for humanitarian projects in Vietnam continued in 1993. The Agency for International Development allocated \$3.5 million in assistance to private voluntary agencies operating in Vietnam for programs benefiting civilian victims of war and displaced children and orphans. The State Department's Bureau of Refugee Affairs in 1992 had allocated \$2 million for projects to benefit returning boat people and their communities, most of

which was disbursed in 1993. For 1994 it planned to continue such programs at similar levels of funding. In October, the U.S. Department of Defense flew approximately 2,000 pounds of textbooks to Vietnam under a program that allows nongovernmental organizations to use government transport for free when space is available.

The Work of Asia Watch

Asia Watch strategy on Vietnam had two elements: initiation of a dialogue on human rights with the Vietnamese government and efforts to convince other countries, including the United States, to bring more pressure to bear on Vietnam to improve its human rights record.

In March, an Asia Watch mission visited Vietnam for two weeks, meeting with senior officials in various agencies and ministries, including the ministries of interior, justice, and foreign affairs. The delegation also met with journalists, lawyers, scholars, clerics and returned asylum-seekers. Discussions were lively and wide-ranging, although Vietnamese officials were reluctant to discuss specific cases of political or religious prisoners. Subsequent meetings with government officials took place in New York.

On July 21, Asia Watch submitted testimony on human rights conditions in Vietnam to the Senate Committee on Foreign Relations, Subcommittee on Asia and the Pacific. Asia Watch did not take a position on normalization of diplomatic relations with Vietnam, which the U.S. had conditioned on factors other than human rights. Asia Watch did, however, recommend that the administration vigorously raise human rights concerns and press for the release of political and religious prisoners, through public statements if necessary. It also urged the U.S. government to support increased contact and exchange between Vietnam and the international community and recommended that American businesses urge Vietnam to reinforce the rule of law and respect internationally recognized human rights.

Asia Watch continued to publish detailed reports on the cases of particular individuals imprisoned for peaceful expression of their views, urging members of Congress, the administration, and representatives of other governments to advocate their immediate release. In January, Asia Watch published "The Case of Doan Viet Hoat and *Freedom Forum: Detention for Dissent in Vietnam*," which was placed into the Congressional Record in April by Sen. Paul Wellstone. In March, Asia Watch asked to send an observer to Dr. Hoat's trial, a request the Vietnamese government denied. Asia Watch also raised in publications and private meetings with Vietnamese government officials the plight of prisoners suffering from poor health or poor conditions of detention. It maintained regular contact with representatives of the business community and international lending institutions.

Although Vietnam appeared to be making strong efforts to treat repatriated asylum-seekers fairly and reintegrate them into their communities, Asia Watch remained concerned about the international community's ability to monitor closely the increasingly large and dispersed returnee population.

