

HUMAN RIGHTS WATCH/ASIA OVERVIEW

Contrary to expectation, the reversion of Hong Kong to China did not have the most impact on human rights in Asia during the year. The famine in North Korea, the currency crisis in Southeast Asia, and the forest fires in Indonesia unexpectedly vied for that honor. All served to weaken the shibboleths about human rights and economic development in Asia, highlighting the issue of government accountability. The fires, the economic crisis, and the coup in Cambodia also raised questions about the staying power of "Asian solidarity" that has been such a block to regional human rights initiatives in the past.

War, work, and religion were three other themes running through human rights developments in the region during the year. Ongoing internal armed conflicts in Afghanistan, Sri Lanka, East Timor, India's northeast, Kashmir, and the border areas of Burma continued to produce serious abuses by both government and opposition forces and a growing population of refugees and internally displaced people. Labor rights remained a top priority of activists in the region, with bonded labor an ongoing issue across South Asia, forced or compulsory labor a continuing problem in Burma, Tibet and Vietnam, and restrictions on the right to organize source of deep concern in Indonesia and China. International campaigns also highlighted abuse of workers in Asian-invested plants producing international name-brand footwear. The political use of religion by Asian governments caused human rights violations in Pakistan, China, Indonesia, Burma, and Vietnam, while arbitrary detention and torture continued to be a problem across the region.

Human Rights Developments

On the surface, the problems in North Korea and Southeast Asia could not have been more different. The secretive Stalinist government in Pyongyang, clinging to a home-

grown ideology of self-sufficiency, seemed to be frozen politically, socially, and economically in the 1950s. In contrast, the urban elite of the capitalist, foreign investment-friendly societies of Thailand, Malaysia, Singapore, and Indonesia seemed in some ways to have already crossed the bridge to the twenty-first century. It was the governments of these "miracle economies" of Southeast Asia, together with China, that produced the spurious "Asian values" claim, arguing that the welfare of the community through economic development had to take precedence over protection of individual rights, and that Asians valued efficiency over democracy. Many Western analysts bought the argument, often adding that a strong, centralized leadership not beholden to particular constituencies and capable of taking unpopular decisions at critical times was responsible for the soaring rates of economic growth.

But when the Asian bubble burst in July, with the collapse of the Thai currency and dangerous smog spread over Southeast Asia, the comparison to North Korea did not seem so farfetched. North Korea's catastrophe was only a more extreme version of a central problem besetting Southeast Asia: lack of government accountability. It seemed to underscore the accuracy of philosopher Amartya Sen's contention that famines—as opposed to crop failures—only take place in countries with tight restrictions on freedom of expression.

The absence of checks on executive power also contributed to Southeast Asia's woes. One lasting image for the year may well be the larger-than-life videoscreens of Malaysian Prime Minister Mahathir and financier George Soros trading accusations at the World Bank meeting in Hong Kong in September over who was responsible for Southeast Asia's economic crisis. Mahathir blamed Soros and Western speculators in general, going so far as to suggest that Soros was out to punish the Association of Southeast Asian Nations (ASEAN) for admitting Burma as a member in July. Soros countered that the crisis in the region might have been averted by a freer press and less corruption.

Certainly Malaysia, Singapore, and Indonesia continued to punish those who released damaging information about

THE GOVERNMENT OR WHO PORTRAYED GOVERNMENT LEADERS IN A NEGATIVE LIGHT. SINGAPORE CONTINUED TO RELY ON CRIMINAL DEFAMATION SUITS, WITH TWO OPPOSITION POLITICIANS, JAYARETNAM AND TANG LIANG HONG, THE PARTICULAR OBJECTS OF ITS WRATH. MEANWHILE, IN THAILAND PRIME MINISTER CHAVALIT ESTABLISHED A "NEWS ANALYSIS CENTER" UNDER THE MINISTRY OF THE INTERIOR, OSTENSIBLY TO ENSURE ACCURATE REPORTING AT A TIME WHEN THE GOVERNMENT WAS BLAMING NEGATIVE PRESS ARTICLES FOR SOME OF THE COUNTRY'S ECONOMIC PROBLEMS.

LACK OF GOVERNMENT ACCOUNTABILITY AND CORRUPTION ARE ALSO BELIEVED TO HAVE BEEN FACTORS IN THE FOREST FIRES THAT RAGED THROUGH SUMATRA AND KALIMANTAN, INDONESIA, IN THE LATTER HALF OF THE YEAR. ONE CAUSE OF THE FIRES WAS A PROLONGED DROUGHT, BUT ANOTHER WAS THE INDONESIAN GOVERNMENT'S GRANTING OF TIMBER CONCESSIONS TO SOEHARTO FAMILY CRONIES AND THE CLEARING OF LAND FOR PALM OIL PLANTATIONS, BOTH OVER THE OPPOSITION OF LOCAL PEOPLES AND BOTH RESULTING IN THE DESTRUCTION OF WIDE SWATHES OF RAINFOREST. THE ARGUMENT THAT CONTROLS ON FREEDOM OF EXPRESSION AND ASSOCIATION LESSENED THE POSSIBILITY OF FINDING CORRECTIVES TO BAD DEVELOPMENT POLICIES HAD FALLEN ON DEAF EARS AS LONG AS THE NEGATIVE IMPACT OF THOSE POLICIES STAYED WITHIN NATIONAL BOUNDARIES. BY LATE 1997, WITH THE SMOG CAUSING SERIOUS HEALTH HAZARDS IN AT LEAST THREE COUNTRIES BESIDES INDONESIA, THE ARGUMENT WAS BEGINNING TO CARRY MORE WEIGHT.

ONE RESULT OF THE PROBLEMS IN EAST AND SOUTHEAST ASIA WAS THAT INDIAN DEMOCRACY GAINED NEW RESPECT. SINGAPOREAN OFFICIALS, IN PARTICULAR, HAD BEEN FOND OF POINTING OUT THAT IF INDIA AND THE PHILIPPINES WERE EXAMPLES OF ASIAN DEMOCRACY, THEY WANTED NONE OF IT. OPEN POLITICAL PROCESSES, IN THEIR VIEW, PRODUCED CHAOS AND PERPETUATED POVERTY. CHINA, WITH ALL ITS HUMAN RIGHTS PROBLEMS, WAS DOING MORE TO IMPROVE THE STANDARD OF LIVING OF ITS PEOPLE THAN INDIA. THAT VIEW BEGAN TO CHANGE DURING THE YEAR. MORE REALISTIC ASSESSMENTS OF LONG-TERM GROWTH IN THE REGION LAID STRESS ON THE IMPORTANCE OF THE RULE OF LAW, INDEPENDENCE OF THE JUDICIARY, POLITICAL ACCOUNTABILITY, AND THE NEED FOR BUILDING UP POPULAR CONSENSUS TO SUSTAIN ECONOMIC REFORM PROGRAMS, AND THE SAME ANALYSTS BEWITCHED BY THE "ASIAN VALUES" ARGUMENT OF THE MID-1990S WERE BEGINNING TO SEE INDIA AS PERHAPS A BETTER INVESTMENT PROSPECT THAN CHINA.

THE CURRENCY AND FOREST FIRE CRISES IN SOUTHEAST ASIA, COMBINED WITH THE COUP IN CAMBODIA, ALSO BROUGHT INTO QUESTION THE NOTION OF "ASIAN SOLIDARITY" IN A WAY THAT HAD IMPLICATIONS FOR HUMAN RIGHTS. WHILE FRICTIONS AMONG SOUTH ASIAN COUNTRIES HAD LONG BEEN PUBLIC AND BITTER, THE GOVERNMENTS OF EAST AND SOUTHEAST ASIA HAD TENDED TO OBSERVE A CODE OF SILENCE WITH RESPECT TO EACH OTHER'S PRACTICES. NOT ONLY DID THEY TRADITIONALLY REFRAIN FROM ANY PUBLIC CRITICISM OF THEIR NEIGHBORS, BUT THEY EVEN ALLOWED THE MORE REPRESSIVE COUNTRIES OF THE REGION TO SET THE LOWEST COMMON DENOMINATOR FOR HUMAN RIGHTS. THUS, IN NOVEMBER 1996, THE YOUTH WING OF THE RULING PARTY (UMNO), BACKED BY MALAYSIAN POLICE, BROKE UP A CONFERENCE ON EAST TIMOR AND DEPORTED THE LARGELY ASIAN PARTICIPANTS, SO AS NOT TO CAUSE OFFENSE TO INDONESIA. IN AUGUST 1997, APPARENTLY FOR THE SAME REASON, THE SINGAPOREAN GOVERNMENT REQUESTED THE FOREIGN CORRESPONDENTS' ASSOCIATION TO CANCEL A PLANNED LECTURE BY INDONESIAN OPPOSITION POLITICIAN, MEGAWATI SOEKARNOPUTRI. NO GOVERNMENT OFFICIAL WOULD PUBLICLY CRITICIZE BURMA OR CHINA FOR ITS HUMAN RIGHTS PRACTICES, ARGUING THE CASE INSTEAD FOR QUIET PERSUASION. THE CODE OF SILENCE WAS ADOPTED PARTLY AS A REACTION TO WESTERN PRESSURE ON HUMAN RIGHTS—a STATEMENT ON MAY 25 BY U.S. STATE DEPARTMENT SPOKESMAN NICHOLAS BURNS SAYING BURMA SHOULD NOT BE ADMITTED TO ASEAN WAS WIDELY BELIEVED TO BE THE ACT THAT CONVINCED THE LAST HOLDOUTS IN ASEAN TO DROP THEIR OBJECTIONS—AND PARTLY FOR SELF-PROTECTION OF THE INDIVIDUAL MEMBER GOVERNMENTS. IT MEANT, AMONG OTHER THINGS, THAT IT WAS LUDICROUS TO EVEN THINK OF A REGIONAL GOVERNMENTAL ASIAN HUMAN RIGHTS CHARTER, COURT, OR COMMISSION BECAUSE THERE WAS SUCH A RELUCTANCE TO INTERFERE IN WHAT WERE PERCEIVED AS THE DOMESTIC AFFAIRS OF ONE'S NEIGHBORS. INDEED, ACCORDING TO THE *ECONOMIST* MAGAZINE IN JULY, ASEAN "HAS GIVEN THE IMPRESSION OF BEING A CLUB WITHOUT EVEN MINIMAL STANDARDS OF POLITICAL BEHAVIOR." ASEAN'S CALL IN JULY, AT PRIME MINISTER MAHATHIR'S INSTIGATION, FOR A REVIEW OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, DID NOTHING TO DISPEL THAT IMPRESSION.

BUT CRACKS IN THE FACADE OF UNITY WERE SHOWING. THE MOST IMPORTANT FACTOR WAS THE CAMBODIAN COUP OF JULY 5-6, CARRIED OUT BY HUN SEN JUST BEFORE CAMBODIA WAS TO BE FORMALLY ADMITTED AS A MEMBER OF ASEAN. SINGAPORE WAS ONE OF THE FIRST COUNTRIES TO SPEAK OUT AGAINST THE VIOLENCE, AND ASEAN AS A WHOLE HELD AN EMERGENCY MEETING

within days of the coup and decided to put Cambodian membership in the regional body on hold. As ASEAN mounted a mediation effort led by Indonesian Foreign Minister Ali Alatas, Malaysian Deputy Prime Minister Anwar Ibrahim coined the phrase "constructive intervention," as opposed to "constructive engagement," to describe the body's newfound role.

Then, as the Asian currency crisis deepened, Malaysians wondered publicly whether if they had voiced concerns about Thailand's problems earlier, some of the spillover effects of the problem might have been avoided. In October, a Singaporean paper, *The Sunday Times*, made similar comments about the forest fires. It said that while information about Indonesia as the source of the smog problem had been apparent as early as May 1997, Singapore's Environment Ministry requested the press not to publish the information because of "regional sensitivities," according to an October 12 Reuter dispatch. The paper acknowledged that keeping the information from the public in Singapore and elsewhere also meant that there were no demands on Indonesia from affected governments to take action to address the problem. "If only everyone concerned who had been monitoring the situation closely had spoken out about it early, clearly and loudly enough, the region may not have suffered the unmitigated environmental, public health and economic disaster that followed," Reuter reported the paper as saying. If governments of the region became well aware of the transnational impact of poor economic and environmental policy, it remained to be seen whether they would be willing to break the code of silence on their neighbors' human rights practices.

In other areas, long-festering problems remained much the same, with armed conflict remaining a major source of human rights violations. In Kashmir, elections in 1996 did little to reduce the incidence of rape and extrajudicial executions on the part of the Indian armed forces and groups working with them during 1997. In Afghanistan, summary trials and executions by Taliban forces got less attention than the group's efforts to ban women and girls from education and employment outside the home. In East Timor, attacks by guerrillas on army posts just before and after the May 29 elections sparked widespread arbitrary detention of young East Timorese men, often accompanied by torture, on the part of the Indonesian military; the guerrillas were also responsible for executions of civilians suspected of having links to Indonesian military intelligence.

Labor issues continued to be high on the agenda of local human rights groups. In China, new studies by researcher Anita Chan showed a system of bonded labor in some of the footwear manufacturing plants that have grown up in the country's booming coastal provinces, whereby migrant workers, recruited from inland provinces, are required to pay their employers a deposit for a temporary work permit which is then deducted from wages. She also documented widespread physical abuse of workers, including the use of electric batons by private security guards with links to the Chinese police. Chinese labor activists were among those who received particularly harsh administrative sentences during the year, and Chinese independent union organizer Han Dongfang, now resident in Hong Kong, remained banned from entering the mainland. In Burma, ongoing forced labor prompted the European Union to halt tariff benefits for Burmese agricultural exports. In Vietnam, reports of abuses of Vietnamese workers by Korean and Taiwanese managers in footwear factories were coupled with the Vietnamese government's announcement in May that families would be required to donate labor to the construction of the most massive infrastructure project in Vietnam's history, the construction of a north-south road running the length of the country. Bonded labor problems in South Asia, particularly India, Pakistan, and Nepal received new attention from the World Bank and other development agencies, with renewed emphasis on projects to eliminate bonded child labor in selected industries such as sericulture (silk production). In Indonesia, much of the labor activism was focused on a draft labor law that continued restrictions on freedom of association as well as on the issue of working conditions in Asian-owned plants in Java producing shoes for the Nike company. Independent labor union leader Mochtar Pakpahan moved back and forth between a hospital bed and his trial on subversion charges in a Jakarta court, as members of his union continued to face harassment, including brief detentions, during the year.

Finally, political manipulation of religion and communalism was another theme prevalent in Asia during the year. In Pakistan, in a gesture to religious conservatives, the government made permanent the *qisas* or retributive penalties mandating that punishments for certain crimes be equal to the harm caused. Persecution of the Rohingya

Muslim minority continued in Burma's Arakan (Rakhine) state, causing a new outflow of refugees to Bangladesh, and attacks by Buddhist monks on Muslims in the central Burmese city of Mandalay in March were widely believed to have been instigated by the government as a way of increasing popular support. In Indonesia, it remained unclear whether government agents were involved in a series of outbreaks of communal violence prior to the May 29 elections, but the October trial of a well-known Catholic priest and social activist in Jakarta, on charges of harboring student radicals accused of subversion, was widely interpreted as a government effort to brand opposition leaders in heavily Muslim Indonesia as non-Muslim. In China, the government increased its control of organized religious activities, claiming that religion was being used by foreign powers to subvert and destabilize the country. The stepped-up control affected Protestants and Catholics, Muslims in Xinjiang and Tibetan Buddhists.

The Right to Monitor

Independent human rights organizations did not exist in Afghanistan, Bhutan, Burma, Brunei, China, North Korea, Singapore, or Vietnam. Where they were allowed to function, they remained vulnerable to various forms of intimidation, with individual activists facing threats, arrests, and sometimes death for their advocacy of rights and social justice. India continued to be one of the most dangerous places for human rights activists to work. Most of the attacks occurred in areas of conflict where human rights monitors were accused of sympathizing with armed opposition groups. Activists working with low caste or other marginalized groups in more remote rural areas were also targeted. Nevertheless, when rights organizations in the region acted in concert to advocate for common goals or to come to the assistance of beleaguered colleagues, they displayed remarkable strength. Governments, corporations and international financial institutions like the World Bank were forced to acknowledge their importance and include them (albeit sometimes grudgingly) in decision-making.

Regional networks expanded during the year, with nongovernmental organizations (NGOs) from India, Bangladesh, Nepal, Pakistan and Sri Lanka joining colleagues from East and Southeast Asia for strategizing on common concerns, including the impact of economic globalization and protection of labor and migrant rights in the context of the Asian-Pacific Economic Cooperation (APEC) organization. They (unsuccessfully) worked to prevent Burma from joining ASEAN and combatted national security legislation that infringed on civil rights. The Internet also played an increasingly important role in day-to-day communications among distant groups, allowing rapid responses to arrests of colleagues, threats to organizations, and other breaking news. Government attempts to control the Internet had little noticeable impact on the widening electronic network, in part because the governments most determined to put controls in place, such as China, Vietnam and Singapore, were also those where independent organizations were weakest.

In December 1996, more than one hundred activists from some twenty countries attended the Asia Pacific NGO Human Rights Congress in New Delhi, India. The meeting sought to enhance coordination among Asian rights groups to pressure governments, increase nongovernmental consultation in policy making, and counter attacks on the universality of human rights by Asian governments. The congress was an initiative of the Asia-Pacific Human Rights NGO Facilitating Team, a body of Asian NGOs that was formed in 1994 following the Vienna World Conference on Human Rights.

In January and February, nongovernmental activists throughout the region joined in celebration when Malaysia's attorney general dropped charges against participants in the banned Second Asia-Pacific Conference on East Timor (APCET II), which had been forcibly dispersed in Kuala Lumpur in late 1996. The attorney general also agreed to prosecute four members of a pro-government group who participated in the violent dispersal.

The case filed in 1995 by the Malaysian government against human rights activist Irene Fernandez continued to be a priority for NGO colleagues worldwide. Fernandez, director of Tenaganita (Women's Force), was charged with publishing "false information" for her reporting on abuses of migrant workers in Malaysian immigration detention facilities. The case focused international attention on the growing phenomenon of migrant workers in Asia and the need for human rights protections.

THROUGHOUT THE YEAR, ASIAN ACTIVISTS CONCERNED WITH THE PLIGHT OF MIGRANT WORKERS LAUNCHED CAMPAIGNS ON BEHALF OF ENDANGERED OR STRANDED WORKERS. THE ASIA-PACIFIC MISSION FOR MIGRANT FILIPINOS IN HONG KONG RELEASED A GLOBAL APPEAL IN AUGUST REGARDING STRANDED FILIPINO MIGRANTS IN SAUDI ARABIA. THE HUMAN RIGHTS ORGANIZATION SUARAM, BASED IN MALAYSIA, CIRCULATED AN APPEAL ON BEHALF OF BANGLADESHI MIGRANT WORKERS WHO HAD BEEN DETAINED IN MALAYSIA AFTER THEY PROTESTED LABOR RIGHTS VIOLATIONS BY A JAPANESE FACTORY OWNER.

IN JUNE, PRESSURE ON THE WORLD BANK BY WELL-COORDINATED NETWORKS OF INDIAN AND INTERNATIONAL NGOs CONCERNED ABOUT THE USE OF CHILD LABOR AND BONDED CHILD LABOR IN WORLD BANK-FUNDED PROJECTS LED THE BANK TO CONVENE MEETINGS WITH INDIAN NGOs TO DETERMINE MEANS BY WHICH IT MIGHT ADDRESS CHILD LABOR ISSUES. THE BANK AGREED TO CANVAS EXISTING PROJECTS TO DETERMINE IF THEY EMPLOYED CHILDREN AND TO ENSURE THAT SOCIAL ASSESSMENT WORK ON CHILD LABOR BE CARRIED OUT FOR PROJECTS IN PREPARATION THAT POSED A SERIOUS RISK OF EMPLOYING CHILD LABOR. THE OVERALL RESPONSE OF NGO PARTICIPANTS IN THESE MEETINGS WAS CAUTIOUS BUT POSITIVE. THEY STRESSED THE NEED FOR THE BANK TO EMPHASIZE PREVENTION THROUGH QUALITY PRIMARY EDUCATION AS WELL AS THE NEED FOR LAW ENFORCEMENT.

NATIONAL HUMAN RIGHTS COMMISSIONS IN THE REGION (INDIA, THE PHILIPPINES, INDONESIA, AUSTRALIA, AND SRI LANKA AMONG THEM) CONTINUED TO MEET AND FORGE LINKS WITH EACH OTHER, HOLDING OUT THE POSSIBILITY THAT SOME KIND OF MORE FORMALIZED NETWORK MIGHT EMERGE.

The Role of the International Community

THE LURE OF THE MARKET IN THE REGION, OR CONCERNS ABOUT ITS HEALTH FOLLOWING THE CURRENCY COLLAPSE IN SOUTHEAST ASIA, OVERRODE HUMAN RIGHTS CONCERNS FOR MOST OF THE INTERNATIONAL COMMUNITY. THIS WAS PARTICULARLY TRUE WITH RESPECT TO CHINA. NO GOVERNMENT SUCCESSFULLY RESOLVED THE DILEMMA OF HOW TO EXERT PRESSURE TO IMPROVE HUMAN RIGHTS PRACTICES ON THIS IMPORTANT TRADING PARTNER AND EMERGING SUPERPOWER WITH A KEY VOICE ON REGIONAL SECURITY, PROLIFERATION AND OTHER CONCERNS. INTEGRATING CHINA INTO THE GLOBAL SYSTEM OF HUMAN RIGHTS NORMS AND ACCOUNTABILITY REMAINED A VAGUE OBJECTIVE WITHOUT A CONCRETE STRATEGY. THE GROUP OF EIGHT (G8), MEETING IN DENVER IN JULY, WHICH MIGHT HAVE HAMMERED OUT SUCH A STRATEGY, FOCUSED ONLY ON HONG KONG. MOST GOVERNMENTS OPTED TO DROP POLITICAL OR ECONOMIC PRESSURE ON HUMAN RIGHTS ALTOGETHER AND TO SUBSTITUTE "DIALOGUE" AND SUPPORT FOR LONG-TERM, UNCONTROVERSIAL RULE OF LAW PROGRAMS.

ANOTHER SOURCE OF POTENTIAL LEVERAGE, LIMITS ON ARMS TRANSFERS TO ABUSIVE GOVERNMENTS, WAS VIRTUALLY IGNORED, WITH THE EXCEPTION OF AN INTERNATIONAL CAMPAIGN TO BAN ARMS TO INDONESIA BECAUSE OF HUMAN RIGHTS VIOLATIONS IN EAST TIMOR. FOREIGN MINISTER ROBIN COOK, RESPONDING TO PRESSURE IN THE U.K., ANNOUNCED IN SEPTEMBER THAT HE WOULD APPLY THE NEW BRITISH GUIDELINES ON AN "ETHICAL" FOREIGN POLICY AND BAN £1 MILLION WORTH OF ARMS SALES TO INDONESIA, FOR REINFORCED LAND ROVERS THAT THE GOVERNMENT CALLED ARMORED PERSONNEL CARRIERS AND SNIPER RIFLES. THE U.S. CONGRESS ALSO FORMALIZED AND EXTENDED AN EXISTING BAN ON SOME ARMS TRANSFERS TO INDONESIA.

United Nations

THE U.N. CONTINUED TO HAVE A VISIBLE PRESENCE IN ASIA, WITH A SPECIAL RAPPORTEUR ON BURMA (WHO WAS NEVERTHELESS DENIED ACCESS TO THE COUNTRY); A SPECIAL REPRESENTATIVE ON CAMBODIA AND AN ACTIVE FIELD OFFICE IN PHNOM PENH OF THE U.N. CENTRE FOR HUMAN RIGHTS; AND A SPECIAL REPRESENTATIVE OF U.N. SECRETARY-GENERAL KOFI ANNAN TO WORK ON EAST TIMOR. OFFICIALS FROM THE U.N. DEPARTMENT OF POLITICAL AFFAIRS CONTINUED TO BE ACTIVE IN TRYING TO HELP RESOLVE CONFLICTS IN THE REGION.

SEVERAL VISITS BY THE "THEMATIC MECHANISMS" OF THE U.N. COMMISSION ON HUMAN RIGHTS TOOK PLACE DURING THE YEAR. THE SPECIAL RAPPORTEUR ON RELIGIOUS INTOLERANCE VISITED INDIA IN DECEMBER 1996, BUT THE SPECIAL RAPPORTEUR ON TORTURE, WHO HAD REQUESTED A VISIT, WAS NOT INVITED. THE SPECIAL RAPPORTEUR ON SUMMARY AND ARBITRARY EXECUTIONS VISITED SRI LANKA, AND THE WORKING GROUP ON ARBITRARY DETENTION WENT TO CHINA IN OCTOBER. THE U.N. HUMAN RIGHTS COMMISSION KEPT PENDING A DECISION ON WHETHER OR NOT TO TAKE UP HUMAN RIGHTS PROBLEMS IN THAILAND (RELATED TO ITS TREATMENT OF BURMESE REFUGEES) UNDER A CONFIDENTIAL REVIEW PROCEDURE KNOWN AS "1503."

SOME PROGRESS WAS MADE IN RATIFYING INTERNATIONAL HUMAN RIGHTS TREATIES OR COMPLYING WITH TREATY OBLIGATIONS. IN JANUARY, THAILAND'S RATIFICATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS ENTERED INTO FORCE. IN MARCH, PAKISTAN REESTABLISHED DIALOGUE WITH THE U.N. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION AFTER A TEN-YEAR LAPSE. IN OCTOBER, SRI LANKA BECAME THE FIRST SOUTH ASIAN COUNTRY TO ACCEDE TO THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. CHINA SIGNED (BUT NOT NECESSARILY RATIFY OR ACCEDE TO) THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS BEFORE THE END OF THE YEAR.

Regional Bodies

THE NINTH SUMMIT IN MAY OF THE SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION (SAARC) PROVIDED A FORUM FOR THE PRIME MINISTERS OF INDIA AND PAKISTAN TO MEET AND BEGIN TALKS ON KASHMIR—THE FIRST MEETING OF ITS KIND IN EIGHT YEARS. WHILE THERE WAS NO IMMEDIATE IMPACT ON THE HUMAN RIGHTS SITUATION IN KASHMIR, MOST OBSERVERS BELIEVE THAT THE HUMAN RIGHTS PROBLEMS COULD NOT BE RESOLVED WITHOUT ADDRESSING THE UNDERLYING POLITICAL CONFLICT.

ASEAN'S PLANS TO ADMIT BURMA AS A MEMBER, WHICH IT DID IN JULY, PROMPTED THE CREATION OF THE SO-CALLED ALTERNATIVE ASEAN, A COALITION ESTABLISHED IN OCTOBER 1996 OF MORE THAN FIFTY PRIMARILY SOUTHEAST ASIAN NONGOVERNMENTAL ORGANIZATIONS TO MOBILIZE PRESSURE WITHIN THE REGION TO ADDRESS BURMA'S HUMAN RIGHTS RECORD.

THE ASIA PACIFIC ECONOMIC COOPERATION (APEC) FORUM STEADFASTLY REFUSED TO EXAMINE HUMAN RIGHTS ISSUES, ALTHOUGH THE CANADIAN GOVERNMENT, AS THE 1997 HOST OF APEC IN VANCOUVER, PROVIDED SOME SUPPORT FOR DISCUSSIONS ABOUT "CIVIL SOCIETY" IN THE VARIOUS APEC WORKING GROUP MEETINGS LEADING UP TO THE VANCOUVER HEADS OF STATE MEETING. THAT MEETING IN LATE NOVEMBER WAS PRECEDED BY A "PEOPLE'S SUMMIT" DRAWING HUNDREDS OF ACTIVISTS FROM THROUGHOUT THE REGION TO DISCUSSIONS OF LABOR RIGHTS AND FREEDOM OF EXPRESSION.

Donors and Investors

THE ANNUAL CONSORTIUM GROUP (CG) MEETINGS OF INTERNATIONAL DONORS CONVENED BY THE WORLD BANK, AND IN SOME CASES COSPONSORED BY JAPAN, ARE A POTENTIALLY USEFUL VENUE FOR GOVERNMENTS TO RAISE HUMAN RIGHTS CONCERNS, BUT THE MEETINGS ON CAMBODIA, INDONESIA AND INDIA HAD MIXED RESULTS. THE CAMBODIA DONOR MEETING TOOK PLACE IN PARIS LITERALLY DAYS BEFORE THE JULY COUP, BUT THE STRONG MESSAGE SENT BY SEVERAL GOVERNMENTS ABOUT CORRUPTION AND THE ELECTIONS WAS LARGELY ECLIPSED BY EVENTS. THE INDONESIA CG IN TOKYO WAS LARGELY A MISSED OPPORTUNITY TO PRESS JAKARTA ON KEY ISSUES SUCH AS TREATMENT OF NONGOVERNMENTAL ORGANIZATIONS AND ABUSES RELATED TO THE MAY ELECTIONS, THOUGH SOME DONORS BROUGHT UP THESE ISSUES IN PRIVATE BILATERAL DISCUSSIONS. AT THE INDIA CG IN PARIS, A NUMBER OF GOVERNMENTS URGED ACTION ON CHILD LABOR AND BONDED CHILD LABOR ISSUES—AS THEY DID AT THE PREVIOUS YEAR'S CG IN TOKYO—WHICH CLEARLY HAD AN IMPACT WHEN COMBINED WITH INITIATIVES AT THE WORLD BANK.

THE ASIAN DEVELOPMENT BANK (ADB), ON THE OTHER HAND, WAS SLOW TO IMPLEMENT ITS "GOVERNANCE" POLICY ADOPTED IN AUGUST 1995, ALTHOUGH IT DID SPONSOR A PANEL ON GOVERNANCE AND A SEMINAR ON WORK WITH NONGOVERNMENTAL ORGANIZATIONS AT ITS ANNUAL MEETING IN FUKUOKA, JAPAN, FROM MAY 10 TO 14. NEARLY FORTY SUCH ORGANIZATIONS (INCLUDING HUMAN RIGHTS WATCH) FROM THIRTEEN COUNTRIES IN THE REGION WERE ACCREDITED TO ATTEND. THE BURMESE FINANCE MINISTER, GEN. WIN TIN, MADE AN ABORTIVE EFFORT TO LOBBY THE ADB TO RESUME FUNDING TO SLORC SUSPENDED SINCE 1988. THE ADB CONTINUED AN ONGOING DIALOGUE WITH THE NGO WORKING GROUP, BASED IN MANILA, WHERE THE ADB IS HEADQUARTERED. BY THE END OF THE YEAR, THE ADB PLANNED TO ISSUE AN UPDATED POLICY ON NONGOVERNMENTAL ORGANIZATIONS AND ONE ON GENDER AND DEVELOPMENT.

AMONG PRIVATE INVESTORS, GOVERNANCE ISSUES TOOK ON GREATER RELEVANCE IN MANY COUNTRIES THROUGHOUT THE REGION. THE FLIGHT OF CAPITAL FROM CAMBODIA FOLLOWING THE COUP—including, most dramatically, from Southeast Asian countries—sent an unmistakable political signal to Hun Sen. Foreign investors, including major U.S. oil companies like Texaco, continued to pull out from Burma in response to both consumer pressure and a desire to distance themselves from the country's dismal human rights image. Equally significant were moves by companies to examine the impact of expanding trade and investment in the Asia-Pacific region, the need for open legal systems and accountable governments, and how to handle increasing demands in the region for worker rights.

THE PRIVATE SECTOR BECAME INCREASINGLY SENSITIZED TO CONSUMER CAMPAIGNS ON BURMA, EAST TIMOR, U.S. AND FOREIGN "SWEATSHOPS," AND CHILD LABOR ISSUES. (NIKE'S EFFORT TO MONITOR ITS OWN CODE OF CONDUCT THROUGH A BRIEF INSPECTION TRIP TO VIETNAM, CHINA AND INDONESIA BY FORMER U.S. AMB. ANDREW YOUNG IS DESCRIBED IN THE SECTION ON CORPORATIONS AND HUMAN RIGHTS.) LEGISLATION IN MASSACHUSETTS BANNING THE STATE FROM PURCHASING GOODS AND SERVICES FROM COMPANIES INVESTING IN BURMA PROMPTED A COMPLAINT FROM EUROPEAN COUNTRIES TO THE WORLD TRADE ORGANIZATION OF DISCRIMINATORY TRADING PRACTICES; MUNICIPALITIES AROUND THE U.S., FROM MADISON, WISCONSIN TO NEW YORK CITY, ENACTED SIMILAR BURMA-RELATED BANS. MEANWHILE, SIMILAR LEGISLATION WAS PENDING IN MASSACHUSETTS AT THE END OF THE YEAR WITH REGARD TO INDONESIA AND EAST TIMOR.

THE U.S. HOUSE OF REPRESENTATIVES ADOPTED LEGISLATION IN THE HOUSE IN LATE SEPTEMBER, REQUIRING THE U.S. EXPORT-IMPORT BANK TO GIVE PREFERENCE IN ITS EXPORT ASSISTANCE PROGRAMS IN CHINA TO U.S. COMPANIES AGREEING TO A SPECIFIC "CODE OF CONDUCT." (CHINA RECEIVES ABOUT \$1 BILLION A YEAR IN EXPORT CREDITS FROM THE BANK). THOUGH THE BILL HAD NOT COME TO A SENATE VOTE AT THIS WRITING, ITS PASSAGE IN THE HOUSE INDICATED A GROWING CONSENSUS ON THE IMPORTANCE OF THE PRIVATE SECTOR'S ROLE IN PROMOTING HUMAN RIGHTS.

The Work of Human Rights Watch

MANY OF THE THEMES TOUCHED ON ABOVE WERE COVERED BY THE ASIA DIVISION OF HUMAN RIGHTS WATCH IN REPORTS AND ADVOCACY EFFORTS. WE RESPONDED IMMEDIATELY TO THE JULY COUP IN CAMBODIA, INTERVIEWING NEWLY ARRIVED REFUGEES IN BANGKOK AND USING INFORMATION FROM SOURCES IN PHNOM PENH TO PUT PRESSURE ON THE INTERNATIONAL COMMUNITY TO RESPOND FORCEFULLY TO SUMMARY EXECUTIONS AND OTHER HUMAN RIGHTS ABUSES COMMITTED BY FORCES LINKED TO HUN SEN. IN ADDITION TO ASSISTING OPPOSITION PARLIAMENTARIANS AND OTHERS FORCED INTO TEMPORARY EXILE, WE ISSUED A REPORT ON THE RANGE OF ABUSES THAT FOLLOWED THE COUP. THAT REPORT, CITED IN NEWSPAPER EDITORIALS IN THE U.S. AND EUROPE, HAD AS ONE OF ITS KEY RECOMMENDATIONS THAT THE INTERNATIONAL COMMUNITY NOT PRESS FORWARD WITH SUPPORT FOR ELECTIONS SCHEDULED FOR MAY 1998 UNTIL BASIC SAFEGUARDS FOR HUMAN RIGHTS WERE IN PLACE.

WE UNDERTOOK TWO EXPLORATORY MISSIONS TO INVESTIGATE LINKS BETWEEN HUMAN RIGHTS VIOLATIONS AND THE FAMINE IN NORTH KOREA.

CONCERNS ABOUT THE EROSION OF CIVIL LIBERTIES IN HONG KONG UNDER THE SPECIAL ADMINISTRATIVE REGION GOVERNMENT PROVIDED AN IMPORTANT FOCUS OF WORK IN BRUSSELS, WASHINGTON, AND HONG KONG ITSELF. THOSE CONCERNS WERE OUTLINED IN A RESPONSE WE PREPARED IN FEBRUARY TO THE BRITISH GOVERNMENT'S REPORT ON HOW THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS WAS BEING IMPLEMENTED IN HONG KONG. AT THAT TIME, LESS THAN FIVE MONTHS BEFORE THE REVERSION TO CHINESE RULE ON JULY 1, SEVERAL DISTURBING STEPS HAD ALREADY BEEN ANNOUNCED BY THE CHINESE GOVERNMENT. WE CONTINUED TO MONITOR THE INDEPENDENCE OF THE COURTS AND THE PRESS AND ANALYZE LEGISLATIVE DEVELOPMENTS, COMMENTING PUBLICLY EACH TIME A KEY DECISION WAS TAKEN. WE HELPED ARRANGE VISITS TO THE U.S. FOR HUMAN RIGHTS DEFENDERS IN HONG KONG TO ENSURE THEY COULD PERSONALLY RAISE THEIR OWN CONCERNS WITH POLICYMAKERS IN WASHINGTON, AND WE CO-SPONSORED A SEMINAR ON THE RULE OF LAW IN HONG KONG IN WASHINGTON IN MARCH TO ENSURE THAT THOSE CONCERNS WERE AIRED BEFORE A LARGER AUDIENCE, INCLUDING THE PRIVATE SECTOR. IN JUNE, WE ISSUED A JOINT REPORT WITH THE HUMAN RIGHTS MONITOR, A LOCAL HUMAN RIGHTS ORGANIZATION IN HONG KONG, AFTER UNDERTAKING THE FIRST-EVER INTERNATIONAL ASSESSMENT OF PRISON CONDITIONS THERE. THE REPORT, WHICH GAVE A REASONABLY CLEAN BILL OF HEALTH TO HONG KONG PRISONS, WAS INTENDED BOTH TO ESTABLISH A PRECEDENT FOR PRISON ACCESS AFTER THE REVERSION AND TO SET BENCHMARKS FOR ASSESSING PRISON CONDITIONS UNDER S.A.R. ADMINISTRATION. FINALLY, IN THE MONTHS AND WEEKS PRIOR TO THE REVERSION, OUR HONG KONG OFFICE MADE A MAJOR EFFORT TO ENSURE THAT CHINESE DISSIDENTS RESIDENT IN HONG KONG WERE SAFELY RESETTLED IN THIRD COUNTRIES PRIOR TO JULY 1.

THE CONSEQUENCES OF INTERNAL ARMED CONFLICT AND RELIGIOUS AND COMMUNAL PERSECUTION WERE CENTRAL TO OUR WORK ON REFUGEES, ASYLUM SEEKERS, AND DISPLACED PEOPLE. IN MARCH, WE ISSUED A REPORT ON THE STATUS OF THE

REMAINING VIETNAMESE BOAT-PEOPLE IN HONG KONG. IN JULY AND AUGUST, WE ISSUED REPORTS ON MEMBERS OF BURMESE ETHNIC MINORITIES WHO HAD FLED TO THAILAND AND BANGLADESH RESPECTIVELY. BOTH REPORTS WERE BASED ON MISSIONS TO THE REGION AND INTERVIEWS WITH NEWLY ARRIVED REFUGEES; ONE REPORT WAS ISSUED JOINTLY WITH REFUGEES INTERNATIONAL. INCIDENTS OF INVOLUNTARY REPATRIATION PROMPTED AN ONGOING DIALOGUE WITH THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) ABOUT HOW BEST TO PROTECT THE REFUGEES INVOLVED, AS WELL AS PROTESTS AND APPEALS, TOGETHER WITH OTHER NONGOVERNMENTAL ORGANIZATIONS, TO THE THAI GOVERNMENT TO STOP PUSHING BURMESE REFUGEES BACK OVER THE BORDER. THE REFUGEE EXODUS FROM CAMBODIA TO THAILAND FOLLOWING THE CAMBODIA COUP WAS ALSO CAUSE FOR CONCERN. ON THAILAND, CAMBODIA, AND BURMA, HUMAN RIGHTS WATCH WORKED IN CLOSE COOPERATION WITH THE JESUIT REFUGEE SERVICE.

HUMAN RIGHTS ABUSES ASSOCIATED WITH THE CONFLICT IN EAST TIMOR PRODUCED A REPORT IN SEPTEMBER, CITING VIOLATIONS BY BOTH THE INDONESIAN ARMED FORCES AND RELATED PARAMILITARY GROUPS AND THE EAST TIMORESE GUERRILLAS. THE REPORT PLACED PARTICULAR EMPHASIS ON THE FAILURE OF THE INDONESIAN GOVERNMENT TO ADDRESS THE PROBLEMS OF ARBITRARY DETENTION AND TORTURE OF THOSE SUSPECTED OF SUPPORTING THE ARMED OPPOSITION. IN KASHMIR, OUR INVESTIGATIONS INTO HUMAN RIGHTS ABUSES ASSOCIATED WITH THE CONFLICT THERE, INCLUDING BY INDIAN SOLDIERS AND FORMER MILITANTS WORKING WITH THEM, LED TO VISA DENIALS FOR OUR STAFF MEMBERS AND CONSULTANTS.

A MAJOR REPORT ON RELIGIOUS REPRESSION IN CHINA APPEARED IN OCTOBER, AS DID A REPORT ON COMMUNAL VIOLENCE IN WEST KALIMANTAN, ONE OF INDONESIA'S MOST SEVERE OUTBREAKS OF ETHNIC CONFLICT IN DECADES. THE LATTER REPORT WAS BASED ON TWO MISSIONS TO KALIMANTAN, ONE IN JANUARY AND ONE IN JULY.

MUCH OF OUR ADVOCACY WORK DURING THE YEAR FOCUSED ON LABOR RIGHTS. ON BURMA, WE SUBMITTED INFORMATION ON FORCED LABOR TO AN INTERNATIONAL LABOUR ORGANISATION COMMISSION OF INQUIRY AND PRESENTED TESTIMONY ON THE SAME SUBJECT AT A HEARING BY THE U.S. LABOR DEPARTMENT ON JUNE 27. OUR WORK ON FORCED LABOR ALSO CONTRIBUTED TO KEY EUROPEAN UNION DECISIONS ON WITHHOLDING TARIFF BENEFITS FOR BURMA. AS NOTED ABOVE, WE PRESSED THE ISSUE OF BONDED LABOR IN INDIA WITH THE WORLD BANK AND WERE IN REGULAR TOUCH WITH OUR INDIAN COUNTERPARTS TO FOLLOW UP ON WHAT STEPS THE INDIAN GOVERNMENT AND INTERNATIONAL DONOR AGENCIES WERE TAKING TOWARD ITS ERADICATION. IN AN EFFORT TO ENSURE THAT ALL THOSE ENGAGED DOMESTICALLY AND INTERNATIONALLY ON THE BONDED LABOR ISSUE IN INDIA HAD ACCESS TO THE SAME INFORMATION, WE PREPARED THE FIRST IN A SERIES OF ELECTRONIC NEWSLETTERS ON DEVELOPMENTS IN THE WORLD BANK, THE INDIAN SUPREME COURT, LOCAL GOVERNMENT INITIATIVES IN INDIA, AND BILATERAL AID PROGRAMS. ON INDONESIA, WE CONTINUED TO GIVE LABOR RIGHTS ABUSES A HIGH PRIORITY IN WASHINGTON-BASED ADVOCACY, PARTICULARLY AS A PETITION WE SUBMITTED IN 1995 TO THE U.S. TRADE REPRESENTATIVE'S OFFICE CALLING FOR A RESUMPTION OF THE USTR'S REVIEW OF INDONESIA'S LABOR PRACTICES REMAINED PENDING DURING THE YEAR.

RESTRICTIONS OF RIGHTS ON THE GROUNDS OF NATIONAL SECURITY REMAINED A MAJOR AREA OF CONCERN. IN APRIL, WE ISSUED A REPORT TOGETHER WITH HUMAN RIGHTS IN CHINA FOCUSING ON CHINA'S NEW CRIMINAL CODE. THE REPORT DOCUMENTED THE REPLACEMENT OF CRIMES OF "COUNTERREVOLUTION," USED TO SENTENCE MOST DISSIDENTS, WITH OFFENSES AGAINST STATE SECURITY AND PROVIDED THE BASIS FOR AN ONGOING CAMPAIGN DURING THE YEAR TO GET CASES OF CONVICTED "COUNTERREVOLUTIONARIES" REVIEWED WITH A VIEW TOWARD THEIR RELEASE. WE JOINED COLLEAGUES IN HONG KONG IN PROTESTING NEW LEGISLATION THERE ALLOWING THE GOVERNMENT TO BAN ORGANIZATIONS AND DEMONSTRATIONS ON THE GROUNDS OF NATIONAL SECURITY AND PROVIDED DOCUMENTATION ON U.S. CASE LAW TO HELP REFUTE THE S.A.R. GOVERNMENT'S CONTENTION THAT THE NEW LAWS WERE NO MORE RESTRICTIVE THAN LAWS IN THE UNITED STATES.

MORE GENERALLY, WE CONTINUED TO WORK FOR ATTENTION TO THE "TRADITIONAL" HUMAN RIGHTS PROBLEMS OF POLITICAL IMPRISONMENT AND TORTURE IN CHINA, BURMA, AND INDONESIA. THE STEADY DIMINUTION OF INTERNATIONAL PRESSURE ON CHINA TO IMPROVE ITS HUMAN RIGHTS PRACTICES WAS THE FOCUS OF A REPORT RELEASED IN MARCH, JUST BEFORE THE U.N. HUMAN RIGHTS COMMISSION MEETING, EMPHASIZED CHINESE DIPLOMACY AND WESTERN HYPOCRISY. IT WAS ALSO THE FOCUS OF NUMEROUS BRIEFINGS, TESTIMONIES, NEWSPAPER COMMENTARIES, AND OTHER INTERVENTIONS BY OUR BRUSSELS AND WASHINGTON OFFICES.

WE CONTINUED TO WORK CLOSELY WITH OUR COLLEAGUES IN THE HUMAN RIGHTS WATCH CHILDREN'S AND WOMEN'S RIGHTS PROJECTS. IN JANUARY, WE PUBLISHED A REPORT ON CHILDREN'S RIGHTS IN BURMA AND TOOK PART IN A HEARING ON BURMA HELD IN GENEVA BY THE COMMITTEE ON THE RIGHTS OF THE CHILD. RESEARCH ON THE TRAFFICKING OF WOMEN IN ASIA CONTINUED, WITH A PARTICULAR FOCUS ON THAI WOMEN TRAFFICKED TO JAPAN. IN JULY, WE HELPED A SMALL GROUP INTERESTED

in the trafficking of Indonesian girls to Malaysia find funding and establish themselves as a nongovernmental organization. A joint investigation with the Human Rights Watch Women's Rights Project, on the state's response to victims of sexual violence in Pakistan, began with a mission in November 1996 (see the WRP section).

We testified three times in the U.S. Congress during the year, on Indonesia, Hong Kong, and the general subject of democracy in Asia; we also submitted a written statement for a Senate hearing on Cambodia. Our Washington staff briefed members of Congress and their staff traveling to Asia, hosted Burma "roundtable" meetings with U.S. policymakers, nongovernmental organizations and members of the media; and met frequently with senior White House, State Department, and foreign embassy officials. We maintained regular contact with the World Bank, both at the staff and management level as well as with the U.S. executive director's office. In efforts to ensure good communication with the private sector on human rights issues in China, Hong Kong, Indonesia and Burma, we maintained a steady dialogue with relevant business and trade associations.

In the European Parliament, our Brussels office organized support for a resolution calling on the E.U. to back a China resolution at the U.N. Commission on Human Rights in April. In October, it helped mobilize support for a similar resolution for the commission's 1998 session. On Hong Kong, our Brussels and Washington offices worked in close coordination to secure expressions of support for the pro-democracy movement in its efforts to challenge actions by the S.A.R. government. Those efforts intensified prior to the visits by S.A.R. Chief Executive Tung Chee-hwa to the U.S. and Europe in September and October respectively.

The U.N. and its various agencies played an important part in our work during the year. In addition to the Burma and China advocacy described above, we appeared before the annual meeting of the U.N. Decolonization Committee to present material on human rights violations in East Timor and submitted to the Human Rights Committee a critique of the Indian government's report on its compliance with treaty obligations under the International Covenant on Civil and Political Rights.

Our advocacy work with Japan continued to be a key priority, with a staff mission in May and regular contacts with the Japanese embassy in Washington. These proved particularly useful during the Cambodian crisis. We also published commentaries on Asian human rights issues in the Japanese press.

As in the past, we worked closely with nongovernmental organizations in the region, sharing information, exchanging views on strategy (particularly with respect to labor issues), and cooperating in research. We continued an advocacy campaign with Indian rights groups on the issue of bonded child labor and took part in an ongoing campaign initiated by Asian organizations to promote the freedoms of association, assembly, and expression in the region. In defense of our embattled Asian colleagues, we wrote to the Indian government on behalf of threatened human rights activists in Kashmir and Andhra Pradesh. In March, our NGO liaison visited Malaysia to attend the trial of Irene Fernandez; later the same month, we helped lead sessions on using international law and on forging linkages among NGOs as part of a two-week Asian regional study session on human rights, sponsored by the Asian Forum for Human Rights and Development (Forum-Asia) and the Programme for the Promotion of Non-Violence in Thai Society at Chulalongkorn University. In November, we cosponsored a seminar called "Open Markets, Open Media" at the annual APEC summit; the seminar highlighted the effect that the region's trade liberalization has had on freedom of the press.

For a listing of relevant reports and missions, see xxxx at the end of this report. Partial listings also follow each country chapter.

BURMA

Respect for human rights in Burma continued to deteriorate relentlessly in 1997. The opposition National League for Democracy (NLD) continued to be a target of government repression. NLD leaders were prevented from making any

PUBLIC SPEECHES DURING THE YEAR, AND OVER 300 MEMBERS WERE DETAINED IN MAY WHEN THEY ATTEMPTED TO HOLD A PARTY CONGRESS. THERE WERE NO MEETINGS DURING THE YEAR OF THE GOVERNMENT'S CONSTITUTIONAL FORUM, THE NATIONAL CONVENTION, WHICH LAST MET IN MARCH 1996; THE CONVENTION WAS ONE OF THE ONLY FORA WHERE RANGOON-BASED POLITICIANS AND MEMBERS OF BURMA'S VARIOUS ETHNIC MOVEMENTS COULD MEET. THE GOVERNMENT TIGHTENED RESTRICTIONS ON FREEDOM OF EXPRESSION, REFUSING VISAS TO FOREIGN JOURNALISTS, DEPORTING OTHERS AND HANDING DOWN LONG PRISON TERMS TO ANYONE WHO ATTEMPTED TO COLLECT INFORMATION OR CONTACT GROUPS ABROAD. PERSECUTION OF MUSLIMS INCREASED. ARMED CONFLICT CONTINUED BETWEEN GOVERNMENT TROOPS AND ETHNIC OPPOSITION FORCES IN A NUMBER OF AREAS, ACCOMPANIED BY HUMAN RIGHTS ABUSES SUCH AS FORCED PORTERING, SUMMARY EXECUTIONS, RAPE, AND TORTURE. THE RULING STATE LAW AND ORDER RESTORATION COUNCIL (SLORC) CONTINUED TO DENY ACCESS TO U.N. SPECIAL REPRESENTATIVE TO BURMA RAJSOOMER LALLAH. DESPITE ITS HUMAN RIGHTS PRACTICES, HOWEVER, BURMA WAS ADMITTED AS A FULL MEMBER OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) IN JULY.

Human Rights Developments

IN LATE JANUARY, THE SLORC ANNOUNCED THE SENTENCING OF THIRTY-FOUR PEOPLE IN CONNECTION WITH LARGE-SCALE PROTESTS DURING THE CLOSING MONTHS OF 1996. ALL WERE ACCUSED OF BEING MEMBERS OF THE DEFUNCT COMMUNIST PARTY OF BURMA AND RECEIVED A MINIMUM OF SEVEN YEARS' IMPRISONMENT. ELEVEN OF THOSE SENTENCED WERE NLD MEMBERS. THE END OF 1996 HAD BEEN MARKED BY A SERIES OF STUDENT DEMONSTRATIONS, THE FIRST IN FIVE YEARS, IN RANGOON, MANDALAY AND OTHER MAJOR CITIES. THE DEMONSTRATIONS BEGAN IN OCTOBER AS A PROTEST OVER POLICE BEATINGS OF THREE STUDENTS FROM THE RANGOON INSTITUTE OF TECHNOLOGY AND BY EARLY DECEMBER HAD SPREAD TO THE MAIN RANGOON UNIVERSITY CAMPUS WHERE THEY GREW TO INCLUDE 2,000 STUDENTS AND AT LEAST AS MANY MEMBERS OF THE PUBLIC. ARMED RIOT POLICE AND SOLDIERS EVENTUALLY STORMED THE CROWD, ARRESTING HUNDREDS. ON DECEMBER 4, THE GOVERNMENT RELEASED A STATEMENT ANNOUNCING THAT 609 PEOPLE HAD BEEN DETAINED, OF WHOM 487 WERE STUDENTS AND 122 WERE "AGITATORS." THE STATEMENT CLAIMED THAT THE STUDENTS HAD ALL BEEN RELEASED, BUT THERE WAS NO INFORMATION REGARDING THE FATE OF THOSE CLASSIFIED AS AGITATORS, NEARLY ONE HUNDRED OF WHOM WERE BELIEVED TO REMAIN IN DETENTION BY THE END OF 1997.

DURING THE DECEMBER 1996 DEMONSTRATIONS THE GOVERNMENT HAD CLOSED ALL EDUCATIONAL INSTITUTIONS, FROM UNIVERSITIES TO PRIMARY SCHOOLS, IN RANGOON AND IN MANY OTHER CITIES INCLUDING MANDALAY, PROME, TAUNGGYI, MOULMEIN AND SITTWE, FORCING THE STUDENTS TO RETURN TO THEIR HOMES. THE DISPERSAL OF UNIVERSITY STUDENTS MADE IT IMPOSSIBLE TO COLLECT ACCURATE INFORMATION ABOUT ARRESTS. THE PRIMARY SCHOOLS FINALLY REOPENED SEVEN MONTHS LATER, AFTER THE ASEAN MEETING IN JULY. AS OF NOVEMBER, MOST HIGH SCHOOLS, COLLEGES AND UNIVERSITIES REMAINED CLOSED.

MILITARY BARRICADES SET UP IN LATE 1996 ON THE ROAD LEADING TO THE HOUSE OF OPPOSITION LEADER AUNG SAN SUU KYI WERE MAINTAINED UNTIL MAY. AFTER THAT, ARMY CHECKPOINTS REMAINED IN PLACE NEAR THE HOUSE, WHICH WAS ALSO THE UNOFFICIAL HEADQUARTERS OF THE NLD, AND AT TIMES OF HIGH TENSION THE BARRICADES THEMSELVES REAPPEARED. FOR MOST OF THE YEAR, AUNG SAN SUU KYI REMAINED UNDER VIRTUAL HOUSE ARREST, HAVING TO ASK FOR PERMISSION TO LEAVE HER HOME IN ORDER TO MEET LOCAL AND INTERNATIONAL MEDIA. HER PHONE LINE WAS FREQUENTLY CUT. DESPITE THIS, THE NLD WAS ALLOWED TO HOLD THREE CELEBRATORY GATHERINGS DURING THE YEAR IN DAW SUU'S HOME. ON JANUARY 4, SOME 1,000 PARTY MEMBERS AND GUESTS MARKED THE FORTY-NINTH ANNIVERSARY OF BURMA'S INDEPENDENCE. ON FEBRUARY 12, THE NLD HELD UNION DAY CELEBRATIONS AT THE HOUSE, ALTHOUGH A MILITARY BARRICADE PREVENTED AT LEAST HALF THE GUESTS FROM ATTENDING. IN THE DAYS THAT FOLLOWED, THIRTEEN NLD MEMBERS WHO HAD PLAYED A PROMINENT ROLE ON THE CELEBRATIONS WERE REPORTED TO HAVE BEEN ARRESTED, INCLUDING DR. THAN NYEIN, AN NLD ORGANIZER AND COINCIDENTALLY THE BROTHER-IN-LAW OF THE SLORC'S TOP OFFICIAL, SECRETARY-1 KHIN NYUNT. THAN NYEIN WAS LATER RELEASED, BUT HIS MEDICAL LICENSE WAS REVOKED. IN APRIL THE NLD HELD NEW YEAR CELEBRATIONS ATTENDED BY SOME 600 SUPPORTERS, ALL OF WHOM HAD TO REGISTER AT THE ARMY CHECKPOINT. THE EVENT RAISED FUNDS FOR THE FAMILIES OF NLD MEMBERS IN JAIL.

FOR THE SECOND YEAR RUNNING, THE NLD ATTEMPTED TO HOLD A PARTY CONGRESS ON THE ANNIVERSARY OF THE MAY 1990 ELECTION WHICH IT HAD WON. SOME 316 NLD MEMBERS WERE PREVENTED FROM ATTENDING THE GATHERING, THOUGH FEW WERE ACTUALLY DETAINED. THOSE FEW WERE HELD IN GOVERNMENT GUEST HOUSES FOR UP TO TWO WEEKS, WHILE OTHERS WERE PLACED UNDER TEMPORARY HOUSE ARREST OR OTHERWISE WARNED NOT TO GO TO RANGOON. SHORTLY THEREAFTER, U AYE WIN, DAW SUU'S

close adviser, was arrested. By November he remained without charge in unlawful detention in Insein jail in Rangoon and was in poor health, having spent long periods in the prison hospital after an operation in July.

On June 13, five NLD activists were arrested: U Ohn Myint an eighty-year-old party adviser; Khin Maung Win (known as Sonny), a photographer; Cho Aung Than, a cousin of Daw Suu; his sister Daw Khin Ma Than, and her husband U Myint Swe. U Ohn Myint was released after questioning, but on the same day trade unionists U Myo Aung Thant, U Khin Kyaw and his wife, all members of the exiled Free Trade Union of Burma (FTUB), were also arrested at Rangoon airport on arrival from Thailand. In a press conference on June 27, Lt. Gen. Khin Nyunt accused the group of having collaborated with "overseas anti-government activists and advocates of destruction within the country" to bring in money for the NLD from overseas and to transmit information from Burma. He described them as puppets of the U.S. government. Myo Aung Thant and Khin Kyaw were also accused of smuggling in explosives in a rice cooker. On August 15 a court inside Insein prison sentenced Cho Aung Than, Daw Khin Ma Than, and U Myint Swe to ten years under the Unlawful Associations Act and the 1950 Emergency Provisions Act (EPA), section 5(e), which allows for seven years of imprisonment for anyone who "causes or intends to spread false news, knowing beforehand it is untrue." Myo Aung Thant was sentenced to life imprisonment for treason. The fates of Khin Maung Win and U Khin Kyaw were not known.

Other NLD members, elected members of parliament and supporters faced harassment and arrest from late 1996 through 1997. Over twenty NLD parliamentarians were forced to resign their seats. All had reportedly received threats that if they did not resign, members of their families would suffer reprisals ranging from arrest to permanent dismissal from public sector jobs. Seven members of parliament were arrested: U Hla Min, Saw Oo Reh, U Hla Myint, U Min Swe, U San Myint, U Tin Aung, U Saw Lwin, Dr. Hla Win, and Dr. Than Aung, bringing the number of elected parliamentarians in prison to thirty-three. At least fourteen NLD party organizers and activists, the majority from Irrawaddy division, were also arrested. Most were charged under the EPA; others were charged with criminal offenses, a tactic frequently used by the SLORC to discredit the opposition.

In July, in the only formal meeting during the year between the government and the opposition, Secretary-1 Khin Nyunt met with U Aung Shwe, NLD chairman. There were no other moves towards political reconciliation. On September 17, the NLD refused a further offer of talks because they did not include Aung San Suu Kyi.

On September 28, the NLD was permitted to hold a ceremony marking the ninth anniversary of the founding of the party. While the government gave express permission to allow 300 members to attend, some 700 were reported to have arrived at Daw Suu's house. All those attending had to give their personal details to military intelligence officers at the house, and some thirty NLD activists were denied permission to attend and were removed from the area.

Prison conditions remained poor and, in Myitkyina, Thayet, Myingyan and Tharrawaddy jails, reportedly deteriorated. U Tin Shwe, sixty-seven, a NLD central committee member, died on June 8 after nearly six years in Insein jail. The official report said he had died of heart disease in Rangoon General Hospital. During the year at least five political prisoners had to receive emergency medical treatment. Many of the most prominent political prisoners were transferred to jails far from their families, making visits difficult and the provision of extra food and medicines almost impossible.

On April 7, Cho Lay Oo, the daughter of Secretary-2 of the SLORC and Commander in Chief of the Army Lt. Gen. Tin Oo, was killed when she opened a parcel bomb sent to their home. It was the second bomb attack in four months: the first, on December 25, 1996, had killed five people and injured seventeen at the World Peace Pagoda in Rangoon, shortly before Lt. Gen. Tin Oo arrived to pay his respects. The SLORC blamed both attacks on armed opposition groups, the exiled All Burma Students Democratic Front (ABSDF) and the Karen Nation Union (KNU), and implicated the NLD as an "above-ground destructive element" with whom these groups were alleged to have contact. In May the government published an editorial in the official newspapers denying rumors that the bombs were a result of internal discord among military officers. By the end of the year, no arrests had been made in relation to either attack.

Muslims continued to be the target of discrimination throughout the country. On March 16, a group of monks in Mandalay provoked a confrontation at a mosque over the attempted rape of a Buddhist girl by a local Muslim, apparently in an attempt to whip up anti-Muslim sentiment. In the three days of riots that followed, four mosques and nearly 400 Muslim-owned shops and houses were destroyed. The violence spread to Rangoon, Sittwe, Moulmein and Prome, and in most areas eyewitnesses reported that security forces made no attempt to stop the rioters or to protect Muslims and their property. In Rangoon, seven mosques were attacked.

A disproportionately high number of Muslims joined ethnic Karen refugees fleeing Papun and Duplaya township during the year. Muslim refugees reported that soldiers had destroyed their mosques and schools and had ordered them to convert to Buddhism or leave the country. In Arakan state, refugees of the Rohingya Muslim minority returning from Bangladesh reported continued persecution by the Burmese military because of their race and religion. Some 270,000 Rohingyas had sought refuge in Bangladesh in 1991 and 1992. Of those who returned home, some 20,000 fled once again to Bangladesh in 1997.

By October, the number of internally displaced in Burma was estimated to be over 300,000. Forced relocations and a major military offensive against the KNU during the year drove some 150,000 people from their homes. Shan state, where over 100,000 people had been forced to leave their villages in 1996, was particularly hard-hit. The relocation program, aimed at cutting off support for ethnic rebels, was extended to new areas, and many of those displaced in 1996 were forced to move again to sites on the outskirts of government-controlled towns. The relocations were accompanied by killings, rape, and other forms of torture, and scores are believed to have died from malnutrition and related diseases due to poor conditions at the government-controlled sites. In other areas, relocated villagers were forced to work on road building projects. As many as 400 Shan villagers were reportedly killed by the Burmese army during May and June when they returned to collect food, or in reprisal attacks by the Burmese military after clashes with rebel soldiers. Others were killed by SLORC soldiers at the Thai border when they could not afford to bribe their way out of Burma.

Forced relocations also continued further south in Karenni state, where over one hundred villages had been removed during 1996. Conditions there remained dire, with the lack of sanitation, food and medical care leading to scores of deaths from malaria and other diseases. Villagers sent to the camps were forced to build fences around the periphery, turning the camps into virtual prisons. In July, eleven additional villages were forcibly relocated to Laikha district, bringing the total of displaced in Karenni state to over 25,000. Government efforts to block rice supplies coming into areas where rebels were active, combined with a sharp downturn in the Burmese economy and massive inflation, led to severe malnutrition in Shan, Karenni and Arakan states.

In Karen and Mon states and Tenasserim division, new fighting broke out in January after the failure of peace talks and the Karen National Union's continued support for Aung San Suu Kyi expressed in the Mae Tha Raw Hta statement of January 14, led to the major offensive against the KNU's last remaining strongholds. The offensive began on February 7, and by February 28 an estimated 80,000 Burmese troops had forced the KNU to abandon territory in these areas. Some 20,000 Karens fled to areas inside Burma or to Thailand in advance of the Burmese troops. In addition to displacement, Karen, Mon and Tavoyans living in these areas were subject to summary executions, arbitrary arrests, portering for the army and other forms of forced labor.

Even after fleeing to Thailand, Karenni and Karen refugees were not free from attack by Burmese government or government-backed groups. On January 3, a group of forty Burmese soldiers marched into a Karenni camp in Thailand's Mae Hong Son district and killed two people. Nine others were seriously injured. Four weeks later, members of the Democratic Karen Buddhist Army (DKBA), a militia group backed by the government, attacked three Karen refugee camps further south in Thailand's Mae Sot district. Three refugees were killed in the attacks, and 7,000 refugees were left without shelter as parts of camps were razed. On April 27, the DKBA attacked Ta Per Poo camp in Thailand's Umphang district.

The Right to Monitor

THE PRESS REMAINED UNDER TIGHT GOVERNMENT CONTROL. NO INDIGENOUS HUMAN RIGHTS ORGANIZATIONS WERE PERMITTED TO FORM, AND NO INTERNATIONAL HUMAN RIGHTS GROUPS WERE PERMITTED TO VISIT DURING THE YEAR. ON OCTOBER 24, NLD ORGANIZER KYOW DIN, WHO HAD BEEN ACCUSED OF PASSING ON INFORMATION TO OTHERS THAT WOULD CAUSE "FEAR OR ALARM," DIED IN A PRISON HOSPITAL. HIS DEATH WAS ATTRIBUTED TO NATURAL CAUSES, BUT HIS INCARCERATION FOR HIS MONITORING ACTIVITIES ALMOST CERTAINLY CONTRIBUTED TO HIS ILL HEALTH. U.N. SPECIAL RAPPORTEUR RAJSOOMER LALLAH WAS DENIED ACCESS TO THE COUNTRY FOR THE SECOND STRAIGHT YEAR. ONLY NLD MEMBERS WERE ABLE TO SPEAK OUT AGAINST HUMAN RIGHTS ABUSES WITH SOME DEGREE OF FREEDOM, BUT DURING THE YEAR IT BECAME INCREASINGLY DIFFICULT AND DANGEROUS FOR THEM AND OTHER BURMESE TO REPORT ON EVENTS IN THE COUNTRY. OF THE NLD MEMBERS ARRESTED DURING THE YEAR, MANY HAD APPEARED IN INTERNATIONAL NEWSPAPER AND TELEVISION REPORTS. JOURNALISTS THEMSELVES BECAME THE SUBJECT OF ATTACK, WITH PHOTOGRAPHER MYO THANT AND HIS JAPANESE COLLEAGUE, SHIGEFUMI TAKASUKA, OF THE DAILY YOMIURI SHIMBUN, BEING BADLY BEATEN DURING THE DECEMBER 1996 DEMONSTRATIONS. MANY OTHER FOREIGN JOURNALISTS, ESPECIALLY THOSE WHO HAD WORKED ON BURMA IN THE PAST, WERE DENIED VISAS DURING THE YEAR, AND NINE FREELANCE JOURNALISTS WERE DEPORTED.

ACCESS TO ETHNIC MINORITY AREAS IN PARTICULAR REMAINED VERY RESTRICTED. NO U.N. AGENCIES OR INTERNATIONAL NONGOVERNMENTAL ORGANIZATIONS WERE PERMITTED TO ASSIST THE DISPLACED IN THE SHAN, KARENNI AND KAREN STATES, DESPITE THEIR REQUESTS TO DO SO. LOCAL CHURCH GROUPS MANAGED TO PROVIDE SOME RELIEF TO THE DISPLACED, BUT DID SO WITHOUT GOVERNMENT PERMISSION.

IN JANUARY, BURMA'S TREATMENT OF CHILDREN CAME UNDER SCRUTINY AT THE COMMITTEE ON THE RIGHTS OF THE CHILD. THE GOVERNMENT SENT A LARGE DELEGATION TO GENEVA IN JANUARY TO DISCUSS WITH THE COMMITTEE ITS INITIAL REPORT ON BURMA'S COMPLIANCE WITH THE CONVENTION ON THE RIGHTS OF THE CHILD. THE LEADER OF THE DELEGATION DENIED ALL ALLEGATIONS OF HUMAN RIGHTS ABUSES AGAINST CHILDREN. NO NONGOVERNMENTAL ORGANIZATIONS WORKING IN BURMA, FOREIGN OR LOCAL, SUBMITTED REPORTS TO THE COMMITTEE FOR FEAR OF GOVERNMENT RETALIATION.

The Role of the International Community

THE INTERNATIONAL COMMUNITY CONTINUED TO BE DEEPLY DIVIDED BETWEEN THOSE COUNTRIES ADVOCATING ISOLATION OF BURMA AND THOSE CALLING FOR ENGAGEMENT. LIMITED ECONOMIC SANCTIONS IMPOSED BY THE U.S. AND EUROPE, AND SUPPORT WITHIN ASEAN FOR BURMA'S ADMISSION AS A FULL MEMBER IN THE REGIONAL BODY, HIGHLIGHTED THE DIFFERENCE IN APPROACH.

United Nations

DEMANDS FOR AN IMPROVEMENT IN HUMAN RIGHTS AND DEMOCRATIC ACCOUNTABILITY REMAINED STRONG IN THE UNITED NATIONS. THE GENERAL ASSEMBLY IN DECEMBER 1996 AND THE U.N. COMMISSION ON HUMAN RIGHTS IN MARCH 1997 PASSED CONSENSUS RESOLUTIONS CALLING ON THE SLORC TO COOPERATE MORE WITH THE U.N. SYSTEM, PARTICULARLY WITH THE SPECIAL RAPPORTEUR.

IN MAY, THE U.N. SECRETARY-GENERAL'S REPRESENTATIVE, ALVARO DE SOTO, WAS PERMITTED A FOUR-DAY MISSION TO BURMA, WHERE HE MET WITH THE LEADERS OF THE NLD AND OTHER POLITICAL PARTIES AS WELL AS WITH LT. GEN. KHIN NYUNT. HE WAS NOT ABLE TO MEET ETHNIC MINORITY REPRESENTATIVES, HOWEVER, NOR WITH OTHER MEMBERS OF THE SLORC.

IN JUNE, THE INTERNATIONAL LABOUR ORGANISATION (ILO) INITIATED A COMMISSION OF INQUIRY INTO ALLEGATIONS OF FORCED LABOR IN BURMA. SUCH A STEP HAD ONLY BEEN TAKEN AGAINST NINE COUNTRIES IN THE ILO'S SEVENTY-EIGHT-YEAR HISTORY AND, DEPENDING ON THE RESULTS OF THE INQUIRY, COULD LEAD TO BURMA'S EXPULSION FROM THE ILO. THE COMMISSION WAS EXPECTED TO INVESTIGATE FOR ONE YEAR AND TO HEAR TESTIMONY FROM VICTIMS OF FORCED LABOR. THE ILO WAS PLANNING TO SEEK ACCESS TO BURMA TO VERIFY ALLEGATIONS.

European Union

THE EUROPEAN UNION (E.U.) CONTINUED TO MAINTAIN A BAN ON PROVISION OF ARMS AND MILITARY EQUIPMENT TO BURMA, KEPT MILITARY ATTACHÉS OUT OF ITS EMBASSIES IN BURMA, AND CONTINUED ITS SUSPENSION OF NON-HUMANITARIAN AID. IN LATE 1996, IT ADDED PROVISIONS WHICH BANNED ENTRY VISAS FOR SENIOR MEMBERS OF THE SLORC, THEIR FAMILIES, AND OTHERS IN THE BURMESE SECURITY FORCES WHO FORMULATE, IMPLEMENT OR BENEFIT FROM POLICIES "WHICH IMPEDE BURMA'S TRANSITION TO

DEMOCRACY." IT ALSO CALLED FOR SUSPENSION OF HIGH-LEVEL BILATERAL GOVERNMENTAL VISITS BETWEEN OFFICIALS OF THE E.U. AND BURMA.

IN EARLY NOVEMBER 1996, THE EUROPEAN COMMISSION TRIED TO SEND A MISSION TO BURMA TO INVESTIGATE FORCED LABOR, BUT THE BURMESE GOVERNMENT DENIED THE MISSION ENTRY, SAYING THAT SINCE THERE WAS NO FORCED LABOR IN BURMA, THERE WOULD BE NOTHING TO INVESTIGATE. IN DECEMBER, THE COMMISSION APPROVED A DECISION TO CUT BURMA'S LOW TARIFF ACCESS TO THE EUROPEAN UNION MARKET THROUGH THE GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM BECAUSE OF FORCED LABOR AND SAID THE CUT, WHICH AFFECTED INDUSTRIAL EXPORTS, WOULD REMAIN IN FORCE UNTIL FORCED LABOR WAS ABOLISHED. IT WAS THE FIRST TIME THE HUMAN RIGHTS CLAUSE OF THE EUROPEAN GSP PROGRAM HAD BEEN INVOKED. ON MARCH 25, FOLLOWING ACTION IN THE EUROPEAN PARLIAMENT, THE COUNCIL OF MINISTERS SUSPENDED BURMA'S GSP BENEFITS FOR AGRICULTURAL PRODUCTS AS WELL. ON JULY 28, IN HIS ADDRESS BEFORE THE E.U./ ASEAN MINISTERIAL MEETING, EUROPEAN UNION COUNCIL PRESIDENT JACQUES POOS ANNOUNCED THAT THE E.U. HAD EXTENDED ITS COMMON POSITION ON BURMA THAT EFFECTIVELY PREVENTED BURMA FROM BEING INCLUDED IN THE 1990 EC-ASEAN COOPERATION AGREEMENT.

IN BRITAIN, THE NEWLY ELECTED LABOUR GOVERNMENT, WHICH HAD PROMISED TO PUT HUMAN RIGHTS AT THE HEART OF FOREIGN POLICY, ANNOUNCED IN JUNE THAT IT NOT ONLY WOULD CONTINUE THE SUSPENSION OF ALL GOVERNMENT-SPONSORED TRADE TOURS TO BURMA BUT WOULD ACTIVELY DISCOURAGE U.K. COMPANIES FROM INVESTING THERE. IN SEPTEMBER, FOREIGN MINISTER ROBIN COOK ALSO STATED THAT DESPITE HAVING BEEN ACCEPTED AS A MEMBER OF ASEAN, BURMA WOULD NOT BE INVITED TO ATTEND THE ASIA-EUROPE MEETING (ASEM) TO TAKE PLACE IN LONDON IN APRIL 1998. IN ADDITION TO THESE MOVES WESTERN GOVERNMENTS CONTINUED TO GIVE FINANCIAL AID TO BURMESE REFUGEES IN CAMPS IN THAILAND AND BANGLADESH, AND EUROPEAN GOVERNMENTS ALSO GAVE AID TO ASSIST VICTIMS OF SEVERE FLOODING IN IRRAWADDY DIVISION IN SEPTEMBER.

United States and Canada

THE U.S. ALSO ACTED ON HUMAN RIGHTS CONCERNS. ON OCTOBER 2, 1996, THE U.S. SENATE PASSED THE FISCAL YEAR 1998 FOREIGN ASSISTANCE ACT, WHICH INCLUDED A PROVISION GIVING THE PRESIDENT AUTHORITY TO BAN VISAS FOR ALL BURMESE OFFICIALS AND TO PROHIBIT NEW INVESTMENT BY U.S. CITIZENS OR COMPANIES IF THE BURMESE GOVERNMENT PHYSICALLY HARMED, REARRESTED OR EXILED AUNG SAN SUU KYI OR COMMITTED LARGE-SCALE REPRESSION AGAINST THE POLITICAL OPPOSITION. THE VISA RESTRICTIONS WERE IMPOSED THE FOLLOWING DAY. DISCUSSION CONTINUED ON WHAT CONSTITUTED LARGE-SCALE REPRESSION UNTIL APRIL 22, WHEN PRESIDENT CLINTON ANNOUNCED HIS DECISION TO IMPOSE THE INVESTMENT BAN. AS OF OCTOBER, HOWEVER, THE TREASURY DEPARTMENT HAD YET TO ISSUE THE IMPLEMENTING REGULATIONS.

CANADA TOOK SIMILAR ACTION ON AUGUST 7 WHEN FOREIGN MINISTER LLOYD AXWORTHY ANNOUNCED THE WITHDRAWAL OF THE GENERAL PREFERENTIAL TARIFF TO BURMA AND A MEASURE REQUIRING ALL FIRMS TRADING IN BURMA TO APPLY FOR EXPORT PERMITS. AXWORTHY ALSO URGED ALL CANADIANS TO "REFRAIN" FROM INVESTING IN BURMA.

ASEAN

WESTERN MOVES TO PRESSURE THE SLORC FOR REFORM WERE OFFSET BY BURMA'S ADMISSION INTO ASEAN AND BY AN INCREASE IN INVESTMENT FROM ASEAN COUNTRIES. IN THE RUN UP TO THE ASEAN MINISTERIAL MEETING IN KUALA LUMPUR IN JULY, IT WAS NOT CLEAR WHETHER BURMA WOULD BE ADMITTED, ESPECIALLY FOLLOWING THE ASEAN DECISION TO DELAY CAMBODIAN MEMBERSHIP. REGIONAL NONGOVERNMENTAL ORGANIZATIONS, MEMBERS OF PARLIAMENT AND OTHER PROMINENT GROUPS, LED BY THE KIM DAE JUNG FOUNDATION AND THE ALTERNATIVE ASEAN NETWORK, PROTESTED BURMA'S IMMINENT ENTRY. BUT THE SANCTIONS ENACTED BY THE U.S. AND E.U. PRIOR TO THE MEETING SEEMED ONLY TO HARDEN ASEAN RESOLVE TO ACCEPT BURMA AS A FULL MEMBER AND DEFEY WHAT WAS PROJECTED AS AN EXAMPLE OF WESTERN IMPERIALISM. THE JAPANESE GOVERNMENT SUPPORTED BURMA'S ENTRY INTO ASEAN, WHILE ALSO WARNING THAT THIS SHOULD NOT PROVIDE "COVER FOR OPPRESSION." TOKYO CONTINUED ITS BAN ON ODA (OFFICIAL DEVELOPMENT ASSISTANCE) TO RANGOON AND ATTEMPTED TO USE THE AID LEVERAGE AS A CARROT TO PROMOTE IMPROVEMENTS. (SEE JAPAN SECTION FOR DETAILS.)

Relevant Human Rights Watch reports:

No Safety in Burma, No Sanctuary in

Thailand, 7/97

Children's Rights and The Rule of Law, 1/97

CAMBODIA

FUNDAMENTAL FREEDOMS IN Cambodia suffered a harsh reversal with the July coup d'état by Second Prime Minister Hun Sen of the Cambodian People's Party (CPP) against his coalition partner, First Prime Minister Prince Norodom Ranariddh of the Front Uni National Pour un Cambodge Independent, Neutre, Pacifique, et Cooperatif (FUNCINPEC). Once touted as the United Nations' greatest peacekeeping success, the fractious and ill-fated coalition government installed after U.N.-supervised elections in 1993 disintegrated with the eruption of two days of heavy fighting in Phnom Penh and factional battles in the provinces. Before the coup, both factions of the coalition government had taken actions to undermine press freedom and freedom of association, and government officials at all levels enjoyed virtual immunity from prosecution for human rights violations. Afterwards, new problems arose with key members of FUNCINPEC and other parties fleeing to Bangkok, and thousands of refugees fleeing across the northern and western borders into Thailand. Many inside and outside Cambodia raised questions as to whether conditions for free and fair elections could be established by May 1998 when the first post-U.N. ballot was scheduled. The coup also served to stop the momentum that had been building internationally to find ways to bring Pol Pot and other Khmer Rouge leaders to justice for crimes against humanity.

Human Rights Developments

Relations between Ranariddh and Hun Sen had rapidly deteriorated since March 1996. Both factions had spent more than a year building up their own private armies, police forces, and bodyguard units. In February 1997, factional fighting erupted in Battambang province between FUNCINPEC and CPP forces, with human rights workers reporting as many as twenty soldiers killed during the armed clashes.

On March 30, a grenade attack on a peaceful rally in front of the National Assembly led by KNP President Sam Rainsy left at least sixteen dead and more than one hundred wounded. The two prime ministers continued to build up their personal arsenals and private armies, with Hun Sen's security forces numbering at least 1,500 and Ranariddh's approaching 1,000.

Tensions continued to escalate as the two factions competed to recruit defecting Khmer Rouge units, as well as to build new rival political alliances, which led to virtual paralysis of the fragile coalition. The beginning of the National Assembly's planned three-month session, slated originally for April 21, was postponed after divisions broke out within FUNCINPEC, with a renegade faction led by Minister of State Ung Phan and Siem Reap Governor Toan Chay announcing their intention to oust Ranariddh. During the ensuing political stalemate, the National Assembly failed to convene for nearly six months, holding up passage of crucial legislation regulating the upcoming elections, nongovernmental organization (NGO) activity, political parties, and access to broadcasting frequencies.

When military authorities in late May seized a shipment of weapons and ammunition, addressed to Ranariddh and marked "spare parts," the first prime minister said he "did not have any choice" but to procure weapons in order to protect himself from CPP forces. On June 17, fighting broke out in the streets of Phnom Penh for several hours between Ranariddh's personal security unit and troops under CPP loyalist National Police Chief Hok Lundy, in which several people were killed.

The coup followed less than three weeks later. On July 5 and 6, sections of Phnom Penh were pounded by exploding mortars, tank blasts, and automatic weapon fire as forces loyal to Hun Sen seized the airport as well

as the headquarters and military bases of FUNCINPEC. The national headquarters of the main opposition party, the Khmer Nation Party (KNP), was ransacked and looted, as were dozens of businesses, factories, and private homes. In Phnom Penh, at least sixty-five people died, and more than 200 were wounded in the two days of fighting.

The forcible ousting of Prince Ranariddh, whose party won a plurality of seats in the 1993 elections, was followed by an apparently systematic campaign of intimidation, torture, and summary executions of at least forty-one FUNCINPEC members by Hun Sen's forces. In addition, more than 500 FUNCINPEC soldiers were temporarily confined in detention centers—with at least thirty tortured in custody—while dozens of other FUNCINPEC officers disappeared and remain unaccounted for. Dozens of opposition members of parliament, political workers, labor union activists, and journalists fled to Thailand, where many regrouped as the Union of Cambodian Democrats. Others made accommodations with the CPP or escaped to FUNCINPEC zones in northwestern Cambodia. In a development that more than anything else symbolized the resumption of civil war, more than 40,000 Cambodians fled to the Thai border to escape factional fighting in northwestern Cambodia that began in July. By the end of the year, approximately 400 Cambodians had applied for asylum with the U.N. High Commissioner for Refugees (UNHCR) in Bangkok.

After the coup, Hun Sen moved to consolidate his power through action in the courts and the rump National Assembly. On August 6, despite the absence of twenty exiled parliamentarians, the National Assembly removed Ranariddh's parliamentary immunity from criminal prosecution and confirmed Hun Sen's choice for a new first prime minister, Foreign Minister Ung Huot, a member of FUNCINPEC. A warrant was subsequently issued for Ranariddh's arrest for allegedly buying and importing illegal weapons in May 1997.

The constitutionality of installing Ung Huot as a prime minister without removing Ranariddh was questionable on several grounds, including the fact that the National Assembly lacked a quorum for its Permanent Committee, which sets the body's agenda, and the National Assembly vice president, who is required to approve the appointment of new prime ministers, was in exile in Bangkok.

In September, the Phnom Penh Municipal Court issued two rulings with possible repercussions for exiled opposition leaders. On September 9, Cambodia's most prominent political prisoner, former KNP security chief Srun Vong Vannak, was sentenced to thirteen years in prison for conspiracy to murder Kov Samuth, deputy chief of the Criminal Department of the Interior Police, who was the brother-in-law of Hun Sen's wife. In violation of the penal code, Vannak was held for almost a month without access to a lawyer and forced to confess under duress by police, according to his defenders. The court's decision could set the stage for the filing of criminal charges against KNP president Sam Rainsy as a co-conspirator in a bid to bar him from running in the 1998 elections.

In another move to neutralize opposition parties, on September 17 the Municipal Court determined that the Son Sann faction of the Buddhist Liberal Democratic Party (BLDP), which sided with Ranariddh, could no longer use the BLDP party name or logo. Additional measures to block electoral participation by some exiled politicians are contained in a draft electoral law approved by the Council of Ministers and forwarded to the National Assembly in October. The law would require candidates to live in Cambodia for at least a year before the election and bar convicted criminals from running.

To further strengthen his hand, Hun Sen proposed a cabinet reshuffle in September to eliminate ministers loyal to Ranariddh and replace them with pro-CPP figures from FUNCINPEC and BLDP. However, the National Assembly rejected the slate of candidates proposed by Hun Sen in an initial vote conducted on September 16.

In an effort to get beyond international condemnation for atrocities committed during and after the coup and legitimize the new regime, Hun Sen began to focus his public statements on the 1998 elections. As early as July 13, he pledged that the media and human rights organizations could continue to operate. In a public relations gesture in August, he unveiled an "anti-crime" plan to depoliticize the military, root out corruption in the armed forces, and bring an end to kidnapping and extortion. The eight-point plan has largely been used to arrest offenders who are members of FUNCINPEC, now that they have no protection from political patrons.

A climate of fear throughout the country after the coup, along with the exodus of opposition leaders and

JOURNALISTS, SERIOUSLY UNDERMINED PROSPECTS FOR FREE AND FAIR ELECTIONS SCHEDULED FOR MAY 1998. MANY IN AND OUTSIDE CAMBODIA BELIEVED ELECTIONS SHOULD TAKE PLACE ONLY IF THE GOVERNMENT ENDED ITS PERSECUTION OF THE OPPOSITION, BROUGHT HUMAN RIGHTS ABUSERS TO JUSTICE—PARTICULARLY THOSE RESPONSIBLE FOR EXECUTIONS DURING AND AFTER THE COUP—LIFTED RESTRICTIONS ON THE PRESS, ENSURED THE SAFE RETURN OF EXILED POLITICIANS, AND ESTABLISHED A NEUTRAL ELECTORAL ADMINISTRATION.

THE PROBLEM OF IMPUNITY CONTINUED TO PLAGUE CAMBODIA, WITH POLICE, ARMY, AND GOVERNMENT OFFICIALS OFTEN SHIELDED FROM CONVICTION FOR CRIMINAL OFFENSES OR POLITICALLY MOTIVATED CRIMES THROUGH ARTICLE 51 OF THE CIVIL SERVICE LAW, WHICH FORBIDS THE PROSECUTION OF GOVERNMENT EMPLOYEES WITHOUT PRIOR MINISTRY APPROVAL. TO DATE, NO INSTANCE OF POLITICAL VIOLENCE SINCE THE 1993 ELECTIONS—ASIDE FROM THE MURDER OF HUN SEN'S WIFE'S BROTHER-IN-LAW, WHICH MAY NOT HAVE BEEN POLITICALLY MOTIVATED—HAS RESULTED IN A SERIOUS GOVERNMENT INVESTIGATION.

THE LACK OF AN INDEPENDENT JUDICIARY ALSO CONTINUED TO POSE A PROBLEM. A SUPREME COUNCIL OF MAGISTRACY, MANDATED BY CAMBODIA'S CONSTITUTION TO APPOINT AND DISCIPLINE JUDGES, WAS EXPECTED TO MEET FOR THE FIRST TIME IN NOVEMBER, BUT A CONSTITUTIONAL COUNCIL THAT IS TO PROVIDE INDEPENDENT CONFIRMATION OF LEGISLATIVE COMPLIANCE WITH THE CONSTITUTION HAD YET TO BE ESTABLISHED.

ONE OF THE MOST HIGH-PROFILE EVENTS OF THE YEAR WAS THE JULY 25 PUBLIC DENUNCIATION OF KHMER ROUGE LEADER POL POT BY OTHER KHMER ROUGE MEMBERS, NOT FOR GENOCIDE OR CRIMES AGAINST HUMANITY COMMITTED DURING THE 1970S BUT FOR THE EXECUTION OF KHMER ROUGE DEFENSE MINISTER SON SEN AND AN ATTEMPTED PURGE OF OTHER KHMER ROUGE LEADERS IN JUNE 1997. WHILE THE INTERNATIONAL PRESS REFERRED TO THE EVENT AS A TRIAL, ALMOST ALL THE ELEMENTS OF A TRIAL WERE ABSENT. MANY OBSERVERS BELIEVE THE EIGHTY-MINUTE PROCEEDING, WHICH SENTENCED POL POT TO LIFE IMPRISONMENT, WAS A MANEUVER DESIGNED TO BESTOW LEGITIMACY ON THE REBEL FACTION IN ITS NEW ALLIANCE WITH FUNCINPEC.

THE STATUS OF FUNDAMENTAL FREEDOMS OF ASSOCIATION, EXPRESSION, AND ASSEMBLY—MANDATED BY THE PARIS PEACE ACCORDS, CAMBODIA'S 1993 CONSTITUTION, AND ITS SIGNING OF INTERNATIONAL HUMAN RIGHTS TREATIES—SUFFERED A HUGE SETBACK IN 1997. HUNDREDS OF CAMBODIAN NGOs, POLITICAL PARTIES, AND LABOR UNIONS THAT HAD SPRUNG UP SINCE THE U.N. PEACEKEEPING MISSION WERE FORCED TO CLOSE OR OPERATE MUCH MORE CAUTIOUSLY IN THE CLIMATE OF INTIMIDATION FOLLOWING THE COUP, AVOIDING DIRECT CONFRONTATION WITH AUTHORITIES. WITH SO MANY IMPORTANT OPPOSITION LEADERS IN EXILE, THE REMNANTS OF THE PARTIES THAT REMAINED IN CAMBODIA LARGELY ACTED AS SATELLITES OF THE CPP. GIVEN THE CURRENT POLITICAL CLIMATE, IT WAS UNCLEAR BY YEAR'S END WHETHER LOCAL RIGHTS ORGANIZATIONS WOULD BE ABLE TO CONDUCT MORE THAN SYMBOLIC ELECTION MONITORING EFFORTS IN 1998, OR WHETHER THE TWO MAIN NGO COALITIONS THAT HAVE FORMED—THE COMMITTEE FOR FREE AND FAIR ELECTIONS (COMFREL) AND THE COALITION FOR FREE AND FAIR ELECTIONS (COFFEL)—WOULD DISSOLVE OR BECOME IRRELEVANT.

AN ACTIVIST TRADE UNION MOVEMENT SPRANG UP IN 1997, WITH THE NATIONAL ASSEMBLY PASSING A NEW LABOR LAW IN JANUARY 1997 THAT GAVE WORKERS THE RIGHT TO FORM AND JOIN INDEPENDENT TRADE UNIONS, STRIKE, AND BARGAIN COLLECTIVELY. THE LAW WAS CRITICIZED ON SEVERAL GROUNDS, INCLUDING THE LACK OF PROTECTIONS FOR CIVIL SERVANTS, WHO CONSTITUTE 85 TO 90 PERCENT OF SALARIED WORKERS IN CAMBODIA. SINCE THE ENACTMENT OF THE LABOR LAW, THE GOVERNMENT FAILED NOT ONLY TO IMPLEMENT IT IN A FAIR AND NEUTRAL MANNER BUT ACTIVELY INTERFERED IN WORKERS' RIGHTS TO ORGANIZE AND BARGAIN COLLECTIVELY, FAVORING CPP-AFFILIATED UNIONS OVER INDEPENDENT UNIONS OR THOSE LINKED TO THE KNP. FOLLOWING THE COUP, TRADE UNION LEADERS RECEIVED THREATS, AND MANY WENT INTO HIDING OR LEFT THE COUNTRY.

PRESS FREEDOM WAS ALSO DEALT A BLOW IN 1997. THE CPP CONSOLIDATED ITS HOLD OVER THE ELECTRONIC MEDIA DURING THE COUP, TAKING CONTROL OVER FUNCINPEC TELEVISION AND RADIO STATIONS ON JULY 7. EVEN BEFORE THE COUP, DIFFERENT POLITICAL PARTIES HAD COMPLAINED ABOUT UNEQUAL ACCESS TO THE AIRWAVES. IN MARCH 1997, RANARIDDH THREATENED TO CALL OUT TANKS AGAINST THE MINISTRY OF INFORMATION, CHARGING THAT GOVERNMENT BROADCASTERS GAVE PREFERENTIAL RADIO AND TELEVISION COVERAGE TO THE CPP. THE MINISTRY OF INFORMATION REPEATEDLY DENIED APPLICATIONS FOR BROADCASTING LICENSES BY OPPOSITION PARTIES SUCH AS THE KNP OR THE SON SANN FACTION OF THE BLDP.

IN MAY 1997, A CPP-AFFILIATED TELEVISION STATION IN SIHANOUKVILLE WAS ATTACKED BY SOLDIERS ARMED WITH ROCKET LAUNCHERS, KILLING TECHNICIAN PICH EM AND WOUNDING SEVERAL OTHERS. THREE DAYS LATER, THE CO-PRIME MINISTERS

instructed government radio and television stations not to broadcast political attacks between the prime ministers and their political parties, ostensibly in an effort to de-escalate violence incited by the diatribes aired in the media. The ban was not enforced, and CPP party propaganda continued to dominate the state media.

Print journalists remained largely free to publish what they wanted throughout the year, although that did not mean they operated in an environment conducive to freedom of expression. During 1997, at least three journalists or media workers were killed: two while covering the March 30 demonstration in front of the National Assembly and another in May during the armed attack at the government radio station in Sihanoukville. In addition, several editors and journalists received threats or were physically attacked, including the editor of the pro-FUNCINPEC newspaper *Kumnit Koen Khmer* (Thought of Khmer Children), who survived a beating and shooting attack in January by assailants in police uniforms. In February, following a pattern of increasingly vitriolic attacks on King Sihanouk in the press, several pro-CPP reporters were threatened or attacked, according to the League of Cambodian Journalists. In addition, sixteen journalists were injured in the March grenade attack at the National Assembly. In October, Thong Uy Pang, the editor of the pro-CPP newspaper, *Koh Santepeap*, survived a grenade attack on his home, which he attributed to high-ranking CPP officials he had accused of corruption. Since 1993, however, none of the perpetrators of violent attacks or murders of journalists have been brought to justice.

As of July 1997, approximately fifty newspapers and magazines were publishing in Cambodia, representing a wide spectrum of political affiliations. In the week following the coup, all newspapers not affiliated with the CPP suspended publication, and several journalists went into hiding or fled the country. By August, in addition to the pro-government press, a number of non-CPP affiliated newspapers had resumed publication, sometimes carrying pieces highly critical of Hun Sen. The Ministry of Information reported in August that thirty-two newspapers were publishing again in Cambodia, including seven foreign-language publications.

In late August, the Ministry of Information ordered a private printing house to stop publishing the opposition newspaper *Moneakseka Khmer* (Khmer Conscience), ostensibly at the request of the paper's editor, who was in Thailand; the ministry said he had not authorized the paper to resume publication. In September, the Interior Ministry filed court charges and announced the thirty-day suspension of *Prayuth* (The Fight) newspaper under Article 12 of the Press Law for allegedly damaging "national security and political stability" by publishing inflated casualty figures from the military offensive in northwestern Cambodia. In October, the Ministry of Information cancelled a public affairs program on television produced by the Khmer Institute for Democracy (KID), a human rights organization, charging that KID Director Lao Mong Hay had attacked the government as undemocratic. Also in October the ministry reprimanded the pro-government *Chakroval* (Universe) newspaper for publishing insulting stories about the king, suspended *Andarakhum* (Intervention) newspaper for twenty-five days for publishing a faked photograph implying government troops support for resistance leaders, and shut down the *Banteay Srei News* on the grounds that it lacked a license.

In the first half of the year Cambodians frequently exercised their right to freedom of assembly, albeit in circumstances that were often tense and confrontational. The KNP organized dozens of mass rallies, with hundreds and sometimes thousands of people demonstrating against garment factory owners, the state visit of Burmese leader Than Shwe, the lack of an independent judiciary, and illegal logging. In addition, farmers calling for flood relief or settlement of land disputes and merchants protesting marketplace rent hikes staged more spontaneous rallies in front of the National Assembly or the Royal Palace, and newly formed labor unions not affiliated with the KNP organized spirited marches, rallies, and demonstrations as well.

Most of the Sam Rainsy-led demonstrations were carried out under the constant threat of violence or provocation by extremely large numbers of police in attendance. In January, police used a water cannon in one instance, and electric shock batons in several other demonstrations, to disperse garment worker marches and rallies. Police forcibly dispersed another rally in January at the Tack Fat garment factory, beating up several protesters and shooting at the tires of Sam Rainsy's car as he attempted to leave the area.

The deadly March 30 grenade attack against an authorized demonstration led by Sam Rainsy was a clear

violation of freedom of assembly. An FBI investigation into the grenade attack, conducted because an American was injured, reportedly implicated the bodyguard unit of Hun Sen, although the report itself has not been made public. After the March grenade attack, Ministry of Interior officials said that they would most likely reject all requests for public demonstrations on a case-by-case basis for the time being, although the ministry never issued a written policy to that effect. A significant exception was made to the ministry's unwritten policy on August 3, when Buddhist monks and nuns led more than 1,000 people on a march through the streets of Phnom Penh to call for peace and nonviolent conflict resolution.

Cambodia increasingly served as an illegal transshipment point in 1997 for the smuggling of illicit drugs, timber, and women and children for prostitution, with high-level dealers and mafia-like businessmen operating under the protection of well-placed political patrons. Cambodian business tycoon Teng Boonma, president of the Cambodian Chamber of Commerce, was blacklisted by the United States from obtaining a U.S. visa because of alleged involvement in narcotics trafficking. After the coup, Boonma admitted providing U.S. \$1 million to Hun Sen to abate widespread looting by paying marauding soldiers to return to their barracks. Boonma also told the *Phnom Penh Post* that he had contributed \$50,000 each to three parliamentarians—Ung Phan, Toan Chay, and Doung Khem—who shifted their allegiance from Ranariddh to Hun Sen in April 1997.

Cambodia's co-prime ministers and the armed forces presided over the illegal exploitation of the country's forests, resulting in severe social, ecological, and environmental consequences. Because of their connections to the prime ministers or high-ranking military officials, logging companies frequently carried out their activities with impunity. Protests by local people about illegal logging, as well as efforts by local officials to supervise or control logging in forested areas, frequently met serious intimidation, armed opposition, and even murder by soldiers or security forces attached to logging companies. In April 1997, a Siem Reap provincial forestry official was murdered by soldiers when he tried to stop logging trucks from passing a checkpoint.

Illegal loggers also used landmines to block police, forestry officials, and local people from entering logging areas.

Journalists who covered illegal logging activities risked their personal safety, as reporters had been threatened or murdered in the past for investigating the issue. After the English-language *Cambodia Daily* newspaper published an article in March linking the giant Malaysian logging company, Samling/SL International, to illegal logging, Samling filed a criminal defamation suit against the paper. The Cambodian courts said no criminal defamation was involved and reduced the case to civil status. As of November, no decision had been reached.

The Right to Monitor

In the wake of the March grenade attack and July coup, most of the indigenous human rights organizations scaled back high-profile activities such as monitoring and investigating human rights abuses out of fear of reprisals from the government. After the coup, a number of Cambodian human rights organizations began to consider the need to re-structure their activities out of concern for the safety of their staff and clients. Possible scenarios included dissolving the large human rights organizations and helping to form smaller local NGOs focusing on development work or less controversial issues such as children's rights. Another possibility under consideration by at least one group was to form a new human rights organization located in a neighboring country, monitoring the situation from there. Human rights education and training programs by Cambodian NGOs continued largely unfettered.

With most of the domestic opposition in hiding, exile, or practicing self-censorship, the United Nations Center for Human Rights (UNCHR) in Phnom Penh emerged as the only body that could effectively monitor and deter human rights violations without serious reprisals. In the face of human rights criticism about executions and torture during the coup, Hun Sen demanded an apology from the UNCHR and the replacement of its staff, accusing the UNCHR of falsely reporting executions and convincing dozens of members of the National Assembly to flee unnecessarily. He also announced plans to establish his own human rights committee to monitor abuses.

UNCHR STAFF ENCOUNTERED OFFICIAL RESISTANCE WHILE ATTEMPTING TO CARRY OUT INVESTIGATIONS AFTER THE COUP, DESPITE HUN SEN'S APPOINTMENT OF A SPECIAL ADVISOR TO MAINTAIN CONTACT WITH THE CENTER. INITIAL UNCHR REQUESTS FOR ACCESS TO SOME DETENTION SITES IN JULY WERE DENIED, AND IN AUGUST AN AK47 WAS FIRED OVER THE HEADS OF INVESTIGATORS AT A GRAVE SITE. IN ANOTHER INSTANCE, UNCHR INVESTIGATORS IN THE FIELD HEARD RADIO TRAFFIC FROM GOVERNMENT SOLDIERS DEBATING WHETHER TO KILL THEM OR NOT. THE U.N.'S DECISION IN SEPTEMBER NOT TO FILL CAMBODIA'S SEAT AT THE GENERAL ASSEMBLY HEIGHTENED TENSIONS FURTHER BETWEEN HUN SEN AND U.N. AGENCIES IN PHNOM PENH. BALANCING OUT HUN SEN'S ANIMOSITY TOWARDS UNCHR, ON AUGUST 29 KING SIHANOUK CITED STAFF FROM UNCHR AND AMNESTY INTERNATIONAL FOR EXCEPTIONAL SERVICE TO THE COUNTRY.

SINCE THE COUP, INTERNATIONAL AND REGIONAL HUMAN RIGHTS ORGANIZATIONS SUCH AS FORUM ASIA, HUMAN RIGHTS WATCH, AND AMNESTY INTERNATIONAL HAVE SENT FACT-FINDING MISSIONS TO CAMBODIA AND/OR THAILAND, WHERE MANY OF THE SELF-EXILED PARLIAMENTARIANS WERE INITIALLY BASED.

The Role of the International Community

DONORS FROM THE MAJOR INDUSTRIALIZED COUNTRIES AND THE WORLD BANK POURED AID INTO CAMBODIA UNTIL JULY, WHEN VIRTUALLY ALL INTERNATIONAL PROGRAMS WERE PLACED UNDER REVIEW. MEMBER COUNTRIES OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN), USUALLY RELUCTANT TO CRITICIZE THEIR NEIGHBORS, TOOK A STRONG PUBLIC STANCE AGAINST THE COUP BY POSTPONING ADMISSION OF CAMBODIA INTO ASEAN. SEVERAL COUNTRIES WITH EMBASSIES IN PHNOM PENH, THE U.S. AND AUSTRALIA AMONG THEM, WERE CRITICIZED FOR FAILING TO OFFER MEANINGFUL SUPPORT DURING AND IMMEDIATELY AFTER THE COUP TO OPPOSITION MEMBERS IN DANGER.

United Nations

U.N. SPECIAL REPRESENTATIVE FOR HUMAN RIGHTS IN CAMBODIA THOMAS HAMMARBERG MADE SEVERAL VISITS TO CAMBODIA IN 1997. AFTER A VISIT IN MARCH, HE RAISED CONCERNS ABOUT THE POOR FUNCTIONING OF THE JUDICIAL SYSTEM AND THE GOVERNMENT'S INACTION ON CONFIDENTIAL UNCHR REPORTS ABOUT VIOLENCE AGAINST JOURNALISTS AND TORTURE COMMITTED BY THE MILITARY. HE ALSO ADDRESSED THE ISSUE OF IMPUNITY, REFERRING IN PARTICULAR TO "CRIMES AGAINST HUMANITY" COMMITTED BY THE KHMER ROUGE FROM 1975 THROUGH 1979 AND CALLING FOR THE ESTABLISHMENT OF A "TRUTH COMMISSION" TO CONDUCT A FULL INVESTIGATION INTO THEIR ACTIVITIES. IN JULY, HAMMARBERG WAS QUICK TO DENOUNCE HUN SEN'S MILITARY TAKEOVER AS A "VIOLENT COUP D'ÉTAT...WHICH HAS DISPLACED THE LAWFULLY ELECTED GOVERNMENT OF CAMBODIA." IN SEPTEMBER, HAMMARBERG MET WITH SECOND PRIME MINISTER HUN SEN TO DISCUSS A REPORT PREPARED BY UNCHR ON MORE THAN FORTY CASES OF EXTRAJUDICIAL EXECUTIONS AND TORTURE. HAMMARBERG CALLED FOR AN IMPARTIAL INVESTIGATION INTO VIOLENCE SURROUNDING THE COUP AND FOR THE GOVERNMENT TO REVEAL THE LOCATION OF ALL DETENTION CENTERS, PRISONS, AND CREMATION SITES.

ON SEPTEMBER 19, THE U.N. CREDENTIALS COMMITTEE DECIDED NOT TO FILL CAMBODIA'S SEAT AT THE FIFTY-SECOND SESSION OF THE GENERAL ASSEMBLY.

Europe

ON NOVEMBER 7, 1996, THE EUROPEAN COMMISSION (EC) SIGNED THE FIRST FORMAL AGREEMENT WITH PHNOM PENH DESIGNED TO AID IN CAMBODIA'S RECONSTRUCTION AFTER MORE THAN TWENTY-FIVE YEARS OF CONFLICT. THE AGREEMENT INCLUDED ASSISTANCE FOR REFUGEES, EDUCATION, RURAL DEVELOPMENT, HUMAN RESOURCES, ENVIRONMENT, MINE CLEARANCE, AND HUMAN RIGHTS. A JOINT DECLARATION ANNEXED TO THE AGREEMENT STIPULATED THAT IT COULD BE SUSPENDED IN THE EVENT OF SERIOUS HUMAN RIGHTS VIOLATIONS.

IN JANUARY, THE EC APPROVED A HUMANITARIAN AID PACKAGE WORTH ECU 1.5 MILLION TO BE DISTRIBUTED BY THE EUROPEAN COMMUNITY HUMANITARIAN OFFICE (ECHO), WHICH WOULD ENABLE NONGOVERNMENTAL ORGANIZATIONS TO CARRY OUT A SIX-MONTH PROGRAM FOCUSING ON HEALTH AND DE-MINING.

FOLLOWING THE MARCH 30 GRENADE ATTACK AT A KNP RALLY, THE EUROPEAN PARLIAMENT ADOPTED A RESOLUTION IN EMERGENCY DEBATE, URGING THE EC TO REMIND CAMBODIA OF THE IMPORTANCE OF THE HUMAN RIGHTS CLAUSE IN THE NOVEMBER

COOPERATION AGREEMENT. THE RESOLUTION WELCOMED THE ESTABLISHMENT OF AN INDEPENDENT COMMITTEE OF INQUIRY AND INSISTED THAT CAMBODIAN AUTHORITIES IDENTIFY THOSE RESPONSIBLE FOR ATTACKS ON POLITICAL PARTIES AND BRING THEM TO JUSTICE.

AT THE SAME TIME, THE COUNCIL OF MINISTERS, THE DECISION-MAKING BODY OF THE E.U., PREPARED TO FORMALLY SIGN THE NOVEMBER AGREEMENT. THE COUNCIL'S SIGNATURE WOULD MEAN THAT THE AGREEMENT WOULD THEN HAVE TO BE RATIFIED BY THE EUROPEAN PARLIAMENT AND THE CAMBODIAN NATIONAL ASSEMBLY. IN MID-JUNE, THE EUROPEAN PARLIAMENT COMMITTEE ON DEVELOPMENT AND COOPERATION ADOPTED A REPORT RECOMMENDING APPROVAL OF THE COOPERATION AGREEMENT, DESPITE ITS REJECTION BY THE COMMITTEE ON FOREIGN AFFAIRS, SECURITY, AND DEFENSE POLICY BECAUSE OF CONTINUING WIDESPREAD CORRUPTION AND DEFORESTATION IN CAMBODIA. THE DEVELOPMENT COMMITTEE ARGUED THAT THE AGREEMENT'S SOLID HUMAN RIGHTS CLAUSE MIGHT HELP CONSOLIDATE DEMOCRACY. THE REPORT WAS PUT BEFORE THE PLENARY ON OCTOBER 1 AND 2 AND WAS RETURNED TO THE DEVELOPMENT COMMITTEE SO THAT FUNDAMENTAL CONDITIONS ON AID COULD BE DRAFTED IN LIGHT OF THE JULY COUP.

WITH CLOSE TO TWO-THIRDS OF CAMBODIA'S NATIONAL BUDGET OF U.S.\$792 MILLION DERIVED FROM FOREIGN AID, THE POTENTIAL LEVERAGE OF INTERNATIONAL DONORS IS CONSIDERABLE. AT THE SECOND CONSULTATIVE GROUP (CG) MEETING OF DONORS IN PARIS, CONVENED ON JULY 1 AND 2, 1997, INTERNATIONAL DONORS PLEDGED U.S.\$450 MILLION TO CAMBODIA. BUT THE COUP, THREE DAYS AFTER THE CG MEETING, LED SEVERAL COUNTRIES TO SUSPEND FINANCIAL AND TECHNICAL AID. THE MOST UNEQUIVOCAL RESPONSE CAME FROM GERMANY, WHICH SUSPENDED ALL AID.

United States

THE UNITED STATES SUSPENDED ALL AID FOR THIRTY DAYS FOLLOWING THE COUP, FOLLOWED IN AUGUST BY SUSPENSION OF ALL BUT HUMANITARIAN AID AND AID GIVEN THROUGH NONGOVERNMENTAL GROUPS, CUTTING ITS FUNDING BY TWO-THIRDS. THE U.S. EMBASSY IN PHNOM PENH WAS CRITICIZED, HOWEVER, FOR REFUSING SANCTUARY AND PROVIDING MINIMAL ASSISTANCE TO CAMBODIANS FACING POLITICAL PERSECUTION DURING AND AFTER THE COUP. THE U.S. ALSO AVOIDED CALLING THE CPP TAKEOVER A COUP SO AS NOT TO TRIGGER SANCTIONS THAT BY LAW MUST BE IMPOSED WHEN A DEMOCRATICALLY ELECTED GOVERNMENT IS OVERTHROWN. IN SEPTEMBER, HOWEVER, THE UNITED STATES PLAYED A CRUCIAL ROLE IN THE U.N. CREDENTIALS COMMITTEE'S DECISION TO DELAY FILLING THE CAMBODIA SEAT AT THE GENERAL ASSEMBLY.

THE POSITION OF CAMBODIAN ASYLUM SEEKERS IN BANGKOK WAS COMPLICATED BY INTERNATIONAL BUREAUCRATIC OBSTRUCTIONS. THE U.S. EMBASSY DID NOT OFFER EMERGENCY VISAS TO CAMBODIANS WHO FEARED FOR THEIR SAFETY, TELLING THEM INSTEAD TO REQUEST POLITICAL ASYLUM FROM THE EMBASSY IN BANGKOK. AN AUGUST 2 STATEMENT BY THE STATE DEPARTMENT ANNOUNCED THAT THE U.S. GOVERNMENT WOULD CONSIDER CASES OF CAMBODIAN ASYLUM SEEKERS THAT THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) DETERMINED TO BE REFUGEES IN NEED OF THIRD-COUNTRY RESETTLEMENT, BUT BECAUSE THE THAI GOVERNMENT REFUSED TO ACKNOWLEDGE ANYONE AS A REFUGEE, ONLY ALLOWING THE DESIGNATION "PERSONS OF CONCERN TO UNHCR," THAT AVENUE APPEARED TO BE BLOCKED.

Asia

FOLLOWING THE COUP, THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) MADE AN UNPRECEDENTED DECISION TO POSTPONE CAMBODIA'S MEMBERSHIP IN THE BODY, ORIGINALLY SLATED TO TAKE PLACE IN LATE JULY, AND TRIED UNSUCCESSFULLY TO MEDIATE THE CONFLICT. AFTER AN AUGUST 11 MEETING OF ASEAN FOREIGN MINISTERS, THE GROUPING AVOIDED TAKING A STAND ON THE LEGITIMACY OF UNG HUOT'S APPOINTMENT AS FIRST PRIME MINISTER BY ANNOUNCING THAT IT "RECOGNIZED STATES NOT GOVERNMENTS."

AUSTRALIA SUSPENDED ITS MILITARY AID TO CAMBODIA ON JULY 15 BUT CONTINUED ITS GENERAL HUMANITARIAN AID PROGRAM. AMBASSADOR TONY KEVIN WAS QUOTED IN A LEAKED CABLE AFTER THE COUP AS CALLING HUN SEN A "DEMOCRAT AT HEART" AND WAS QUIETLY SUPPORTIVE OF UNG HUOT, WHO HOLDS DUAL AUSTRALIAN-CAMBODIAN CITIZENSHIP.

JAPAN, CAMBODIA'S LARGEST AID DONOR, WHILE NOT OFFICIALLY SUSPENDING OR TERMINATING AID, HALTED ITS PROGRAMS TEMPORARILY, FOLLOWING THE LEAD OF OTHER DONORS AND OUT OF CONCERN FOR THE SAFETY OF ITS AID WORKERS. BUT ON JULY 26, DESPITE HAVING PREVIOUSLY STATED FOUR CONDITIONS FOR RESUMING AID—INCLUDING ASSURANCES OF "FUNDAMENTAL HUMAN

rights and political freedom”—the Japanese Foreign Ministry announced resumption of aid to Cambodia. On October 16, Japanese Foreign Minister Keizo Obuchi reportedly told senior Cambodian officials that Ranariddh should be allowed to return to Cambodia to participate in the 1998 elections. China, on the other hand, gave its full support to Hun Sen.

As of August 4, the Thai embassy in Cambodia—under pressure from Hun Sen—stopped issuing visas for Cambodians to travel to Thailand.

World Bank

On September 23, the World Bank and the International Monetary Fund announced an indefinite suspension of their aid programs to Cambodia. The IMF stated that it was freezing Cambodia's U.S.\$120 million, three-year loan because of concerns about corruption and logging. The World Bank, which has provided approximately U.S.\$95 million to Cambodia since 1994, announced that it would not renew its funding support to Cambodia until the IMF resumed its programs.

Relevant Human Rights Watch reports:

Cambodia Aftermath of the Coup, 9/97

Deterioration of Human Rights in

Cambodia, 12/96

CHINA AND TIBET

Despite China's ongoing violations of human rights, the international community with few exceptions continued to let itself be intimidated into silence by threats of commercial sanctions. It expressed more concern during the year over the prospect of the erosion of civil liberties in Hong Kong than over the virtual elimination of the dissident movement on the mainland. The release of Wei Jingsheng, China's best-known prisoner, in November, shortly after the U.S.-China summit, was a victory for international pressure, particularly for the Clinton administration and concerned individuals and organizations around the world who had worked on Wei's behalf. But, one man's release, however significant, changed little in terms of the overall human rights situation. Thousands of political prisoners remained behind bars, and prison conditions continued to be poor with consistent reports of torture and denial of medical care. "Unauthorized" religious congregations were subjected to a widening government campaign aimed at forcing them to register with state-sanctioned religious bodies or face dissolution. Suspected supporters of nationalist movements in Tibet, Xinjiang and Inner Mongolia were subjected to increasingly severe policies of surveillance, harassment and persecution. In Xinjiang, where the level of political violence was high, the crackdown extended well beyond those directly engaged in violent acts. Much-heralded legal reforms had little impact on those detained for peaceful expression of their beliefs. Assaults on freedom of expression, through print and electronic media, continued. In view of this pattern of abuse, the failure of some of China's key trading partners to make a credible effort to censure China at the U.N. Commission on Human Rights was particularly striking.

Human Rights Developments

Chinese authorities continued to hold dissidents and other activists in incommunicado detention before trial and then to sentence them harshly. The release of Wei Jingsheng was therefore not an indication of an increased tolerance for dissent. In December 1996, Ngawang Choephel, a thirty-five-year-old U.S.-based Tibetan ethnomusicologist, was sentenced to eighteen years in prison by a Lhasa court for alleged "espionage" in

CONNECTION WITH RESEARCH HE HAD BEEN CARRYING OUT IN TIBET. AROUND THE SAME TIME, LI HAI, A FORMER PHILOSOPHY STUDENT FROM BEIJING UNIVERSITY WHO HAD BEEN DETAINED INCOMMUNICADO SINCE MAY 1995, WAS SENTENCED TO NINE YEARS IN PRISON ON STATE SECRETS-RELATED CHARGES FOR COMPILING A LIST OF NAMES AND OTHER DETAILS OF BEIJING RESIDENTS STILL IN PRISON IN CONNECTION WITH THE 1989 PRODEMOCRACY MOVEMENT. ALSO IN DECEMBER, WANG MING, A LONGTIME SICHUAN-BASED ACTIVIST AND FORMER EDITOR OF SEVERAL UNOFFICIAL JOURNALS FROM THE 1978-81 DEMOCRACY WALL MOVEMENT, WAS SENTENCED WITHOUT TRIAL TO THREE YEARS' "REEDUCATION THROUGH LABOR" FOR WRITING AND DISTRIBUTING A DOCUMENT TITLED "A MANIFESTO FOR CITIZENS' FREEDOM OF SPEECH." HU KESI, AN EDITOR OF THE HONG KONG MAGAZINE *PACIFIC ECONOMY* WHO HAD BEEN SECRETLY DETAINED THE PREVIOUS MARCH, RECEIVED A SIMILAR ADMINISTRATIVE SENTENCE IN CONNECTION WITH UNSPECIFIED ALLEGED DISSIDENT ACTIVITIES IN SHANGHAI. CHEN LONGDE, A VETERAN DISSIDENT FROM HANGZHOU ALSO SERVING A THREE-YEAR LABOR REEDUCATION TERM, WAS SENT BACK TO HIS CELL AFTER RECEIVING ONLY CURSORY MEDICAL TREATMENT FOR SERIOUS INJURIES SUSTAINED WHEN HE LEAPT FROM A THREE-STORY PRISON BUILDING TO ESCAPE PERSISTENT TORTURE.

IN JANUARY, FIVE PROMINENT DISSIDENTS FROM GUIYANG, DETAINED SINCE MID-1995 FOR ADVOCATING DEMOCRATIC REFORM, WERE TRIED AND SENTENCED FOR ALLEGED "SUBVERSIVE ACTIVITIES." CHEN YI, LEADER OF THE GROUP AND A LECTURER AT GUIZHOU JINZHU UNIVERSITY, RECEIVED A TEN-YEAR PRISON TERM. THE OTHER MEN RECEIVED SENTENCES RANGING FROM TWO TO FIVE YEARS.

THE DEFEAT IN APRIL OF AN EFFORT AT THE GENEVA-BASED U.N. HUMAN RIGHTS COMMISSION TO CENSURE CHINA FOR HUMAN RIGHTS VIOLATIONS WAS SOON FOLLOWED BY REPORTS OF SERIOUS ILL-TREATMENT OF DETAINED POLITICAL DISSIDENTS. THAT MONTH, YAO ZHENXIAN BEGAN A HUNGER STRIKE AT DAFENG LABOR REEDUCATION CAMP TO PROTEST THE FREQUENT BEATINGS, DEPRIVATION OF FAMILY VISITING RIGHTS, AND CONFISCATION OF CORRESPONDENCE THAT BOTH HE AND HIS BROTHER HAD ENDURED SINCE THEIR JOINT DETENTION IN APRIL 1996. HIS BROTHER, YAO ZHENYANG, IS A SHANGHAI DISSIDENT WHO HAD FLED TO FRANCE IN 1994 AND THEN RETURNED TO CHINA IN 1996 AFTER RECEIVING OFFICIAL REASSURANCES FOR HIS SAFETY.

IN MAY, LABOR RIGHTS ACTIVIST LIU NIANCHUN, SERVING A THREE-YEAR LABOR REEDUCATION TERM IN SHUANGHE LABOR REFORM CAMP IN THE FAR NORTHEAST OF THE COUNTRY, ALSO STAGED A HUNGER STRIKE IN PROTEST AGAINST THE AUTHORITIES' UNLAWFUL EXTENSION OF HIS OWN PRISON TERM AND THOSE OF TWO OTHER BEIJING DISSIDENTS, FELLOW LABOR RIGHTS ACTIVIST ZHOU GUOQIANG AND A CHRISTIAN ACTIVIST NAMED GAO FENG. THE SENTENCE EXTENSIONS (288 EXTRA DAYS FOR ZHOU, AND 216 DAYS EACH FOR LIU AND GAO) WERE ORDERED BY THE PRISON GOVERNOR BECAUSE THE DISSIDENTS HAD CONTINUED TO REFUSE TO WRITE CONFESSIONS SINCE THE TIME OF THEIR INITIAL SENTENCING HEARINGS. AS PUNISHMENT FOR CARRYING OUT THE HUNGER STRIKE, LIU WAS SUBSEQUENTLY SUBJECTED TO BEATINGS WITH ELECTRIC SHOCK BATONS, DENIED WATER FOR AN EXTENDED PERIOD, AND PLACED IN SOLITARY CONFINEMENT. AS OF SEPTEMBER, HE WAS REPORTED TO BE SUFFERING FROM A BLOCKED INTESTINE, SWOLLEN LYMPH NODES AND EXTENSIVE MOUTH ULCERS BUT HAD RECEIVED NO MEDICAL TREATMENT. SIMILARLY, ZHOU GUOQIANG, WHOSE ORIGINAL THREE-YEAR JAIL TERM WAS EARLIER EXTENDED BY ONE YEAR AFTER HE MADE A FAILED ESCAPE ATTEMPT, WAS SAID TO BE RECEIVING NO TREATMENT FOR HIS PRISON-CONTRACTED TUBERCULOSIS.

WANG GUOQI, AN INDEPENDENT LABOR ACTIVIST SERVING AN ELEVEN-YEAR SENTENCE IN BEIJING, WAS DENIED ALL FAMILY VISITS DURING 1997 ON THE GROUNDS THAT HE HAD "FAILED TO MEMORIZE THE PRISON RULES."

THE MEDICAL CONDITION OF SEVERAL OTHER PROMINENT CHINESE POLITICAL PRISONERS ALSO DETERIORATED DURING THE YEAR. GAO YU, A WOMAN JOURNALIST SERVING A SIX-YEAR SENTENCE FOR ALLEGEDLY "LEAKING STATE SECRETS" IN ARTICLES WRITTEN FOR THE HONG KONG PRESS, WAS DENIED RELEASE ON MEDICAL BAIL DESPITE SUFFERING FROM A DETERIORATING HEART CONDITION, REPEATED LOSS OF CONSCIOUSNESS, AND SKIN DISEASE. (IN MAY, WHEN GAO WAS AWARDED THE UNESCO WORLD PRESS FREEDOM PRIZE, THE CHINESE GOVERNMENT THREATENED TO WITHDRAW IN PROTEST.)

WANG DAN, THE PRINCIPAL STUDENT LEADER OF THE 1989 PRODEMOCRACY MOVEMENT SERVING AN ELEVEN-YEAR SENTENCE FOR CONTINUING TO SPEAK OUT AGAINST THE GOVERNMENT'S HUMAN RIGHTS RECORD, WAS REPORTED TO BE SUFFERING FROM AN ENLARGED PROSTATE GLAND, A STOMACH DISORDER, AND PERSISTENT HEADACHES AND DIZZINESS. DESPITE REPEATED REQUESTS FROM HIS FAMILY AND SEVERAL GOVERNMENTS, CHINESE AUTHORITIES AS OF OCTOBER WERE STILL REFUSING TO RELEASE HIM ON MEDICAL PAROLE.

IN JUNE, A SHENZHEN COURT FINALLY ANNOUNCED THE VERDICTS IN THE CASES OF TWO YOUNG LABOR RIGHTS ACTIVISTS CHARGED WITH "CONSPIRACY TO SUBVERT THE GOVERNMENT" WHO HAD BEEN DETAINED SINCE MAY 1994 AND BROUGHT TO TRIAL

ONLY IN NOVEMBER 1996. LI WENMING, A JOURNALIST FROM HUNAN, AND GUO BAOSHENG, A FORMER PHILOSOPHY STUDENT FROM BEIJING UNIVERSITY, BOTH RECEIVED PRISON TERMS OF THREE AND A HALF YEARS—a RELATIVELY LIGHT PUNISHMENT.

AT THE SAME TIME, ATTEMPTS DURING THE YEAR BY JAILED CHINESE DISSIDENTS, INCLUDING LIU NIANCHUN, ZHOU GUOQIANG, BAO GE, THE YAO BROTHERS, LIU YIABO AND OTHERS, TO APPEAL THEIR PUNISHMENTS OR PURSUE LAWSUITS PROTESTING ILL-TREATMENT IN PRISON THROUGH DOMESTIC LEGAL CHANNELS WERE REJECTED BY THE COURTS. IN THE CASE OF SEVERAL SHANGHAI-BASED DISSIDENTS, THE LOCAL COURT EVEN CLAIMED IT HAD NO JURISDICTION IN THE MATTER SINCE THE SENTENCES IN QUESTION HAD BEEN IMPOSED BY THE POLICE.

IN MARCH AND AUGUST, THE SECURITY AUTHORITIES PLACED VETERAN DISSIDENT REN WANDING, RELEASED FROM JAIL IN JUNE 1996 AFTER COMPLETING A SEVEN-YEAR SENTENCE, UNDER CLOSE HOUSE ARREST THROUGHOUT THE RESPECTIVE VISITS TO BEIJING OF U.S. VICE-PRESIDENT AL GORE AND U.S. NATIONAL SECURITY ADVISER SANDY BERGER.

DESPITE THE INHOSPITABLE CLIMATE, POLITICAL DISSSENT CONTINUED TO SURFACE. ON THE EIGHTH ANNIVERSARY OF THE TIANANMEN SQUARE CRACKDOWN, SHEN LIANGQING, A STATE PROSECUTOR-TURNED-DISSIDENT FROM ANHUI PROVINCE AND A FORMER POLITICAL PRISONER, SENT A PETITION TO THE NATIONAL PEOPLE'S CONGRESS (NPC) DEMANDING AN OFFICIAL REASSESSMENT OF THE 1989 CRACKDOWN, THE RELEASE OF ALL POLITICAL PRISONERS, AND PERMISSION FOR THE RETURN TO CHINA OF EXILED PRODEMOCRACY ACTIVISTS. TWO MONTHS LATER, THE GOVERNMENT RESPONDED BY ORDERING SHEN TO EVACUATE HIS PRIVATE RESIDENCE AND SURRENDER IT TO THE LOCAL AUTHORITIES. THE FOLLOWING MONTH, SHEN WAS TAKEN INTO POLICE DETENTION AFTER HE SIGNED A LETTER EXPRESSING SOLIDARITY WITH DEMONSTRATING WORKERS IN MIANYANG, SICHUAN PROVINCE (SEE BELOW); AS OF OCTOBER HE WAS STILL BEING HELD INCOMMUNICADO.

IN AUGUST, PRIOR TO THE LANDMARK FIFTEENTH CONGRESS OF THE CHINESE COMMUNIST PARTY, THE VETERAN WUHAN DISSIDENT QIN YONGMIN ISSUED AN OPEN PETITION TO PRESIDENT JIANG CALLING FOR WIDE-RANGING DEMOCRATIC REFORMS. IN SEPTEMBER, LIN MU ISSUED A PUBLIC APPEAL TO SENIOR DELEGATES TO THE CONGRESS URGING THEM TO INTRODUCE FREEDOM OF THE PRESS, PUBLICATION AND SPEECH, A REVERSAL OF THE OFFICIAL VERDICT ON THE JUNE 1989 PROTESTS, AND AN END TO ONE-PARTY RULE IN CHINA. A FEW DAYS LATER, ANOTHER DISSIDENT, LIN YINGSHU, SENT AN OPEN LETTER TO CONGRESS DELEGATES RAISING SIMILAR DEMANDS AND STRESSING THAT THE CONGRESS SHOULD SERVE AS A PLATFORM FOR THE PUBLIC DEBATE OF URGENT SOCIAL ISSUES. AND WHEN THE FORMER DETAINEE BAO GE PETITIONED THE CONGRESS TO SHOW ITS OPPOSITION TO "DESPOTISM AND THE CULT OF PERSONALITY" BY CREMATING THE MUMMIFIED CORPSE OF MAO ZEDONG, HIS TELEPHONE LINE WAS CUT OFF, AND HE WAS PLACED UNDER INTENSE POLICE SURVEILLANCE. AROUND THE SAME TIME, SUPPORTERS OF OUSTED FORMER PARTY CHIEF ZHAO ZIYANG ISSUED AN UNPRECEDENTED APPEAL TO GOVERNMENT LEADERS CALLING FOR ZHAO'S RELEASE FROM EIGHT YEARS OF HOUSE ARREST AHEAD OF THE FORTHCOMING CONGRESS. IN THE EVENT, THE CONGRESS MADE NO DISCERNIBLE PROGRESS TOWARDS THE INTRODUCTION OF DEMOCRATIC POLITICAL REFORM.

SEVERAL DISSIDENTS AND OTHERS JAILED FOR EXERCISING THEIR RIGHTS TO FREEDOM OF EXPRESSION AND ASSOCIATION WERE FREED DURING THE YEAR, MOSTLY AFTER HAVING COMPLETED THEIR PRISON TERMS IN FULL. ONE OF THE MOST NOTABLE EARLY RELEASES WAS THAT OF YI YANG, A JOURNALIST ON HONG KONG'S *MING PAO* NEWSPAPER WHO HAD BEEN SENTENCED TO TWELVE YEARS OF IMPRISONMENT IN MARCH 1994 FOR ALLEGEDLY LEAKING STATE SECRETS IN ARTICLES ABOUT THE CHINESE ECONOMY. HIS RELEASE IN LATE JANUARY WAS AN APPARENT GESTURE TO HONG KONG PUBLIC OPINION IN ADVANCE OF THE FORMER BRITISH COLONY'S RETURN TO CHINESE SOVEREIGNTY.

THE RELEASES IN MAY OF LABOR ACTIVISTS TANG YUANJUAN AND LI WEI WERE ALSO NOTEWORTHY. IN A SIGNIFICANT DEPARTURE FROM PREVIOUS JUDICIAL PRACTICE, THE COURT AUTHORITIES QUASHED ONE OF THE TWO PRINCIPAL COUNTS ("ORGANIZING A COUNTERREVOLUTIONARY GROUP") ON WHICH THE MEN HAD ORIGINALLY BEEN CONVICTED; THE OTHER MAIN CHARGE ("COUNTERREVOLUTIONARY PROPAGANDA AND INCITEMENT") WAS UPHeld, BUT THE SURPRISE MOVE PAVED THE WAY FOR THE TWO DISSIDENTS' RELEASE FROM PRISON IN JULY.

THE YEAR BROUGHT NEWS OF TWO UNANNOUNCED RELEASES THAT HAD OCCURRED SEVERAL YEARS AGO. DING JUNZE, A FIFTY-FIVE-YEAR-OLD FORMER LECTURER IN PHILOSOPHY AT SHANYI UNIVERSITY, WHO HAD BEEN SERVING A TWELVE-YEAR PRISON TERM FOR HIS INVOLVEMENT IN THE 1989 PRODEMOCRACY MOVEMENT, WAS RELEASED ON MEDICAL PAROLE IN 1994. SUFFERING FROM HIGH BLOOD PRESSURE, HEART DISEASE AND ARTERIOSCLEROSIS, HE REPORTEDLY HAD BEEN CLOSE TO DEATH ON SEVERAL OCCASIONS OVER THE PAST FEW YEARS. CHEN ZHIXIANG, A FORMER TEACHER AT THE GUANGZHOU MARITIME TRANSPORT ACADEMY WHO HAD BEEN

SENTENCED TO TEN YEARS IN PRISON IN 1990 FOR WRITING "REACTIONARY" SPEECHES AND AROUND THE TIME OF THE JUNE 1989 CRACKDOWN, WAS ALSO RELEASED, APPARENTLY IN 1996.

DISSIDENTS FREED FROM UNTRIED DETENTION AFTER COMPLETING THEIR ADMINISTRATIVE SENTENCES OF LABOR REEDUCATION IN FULL INCLUDED ZHANG LIN, A LABOR-RIGHTS ACTIVIST; TONG YI, WEI JINGSHENG'S FORMER SECRETARY, WHO HAD SUFFERED NUMEROUS HARSH BEATINGS AT THE HANDS OF FELLOW PRISONERS DURING HER INCARCERATION IN WUHAN; AND BAO GE, A FOUNDER OF THE UNOFFICIAL SHANGHAI-BASED ASSOCIATION FOR HUMAN RIGHTS AND A LONGTIME CAMPAIGNER FOR JAPANESE WAR REPARATIONS TO CHINA. BOTH DESCRIBED PUNISHINGLY LONG HOURS OF WORK IN PRISON.

IN AUGUST, BAO TONG, FORMER CHIEF AIDE TO OUSTED PARTY LEADER ZHAO ZIYANG, WAS FINALLY RELEASED FROM DE FACTO DETENTION IN A GOVERNMENT COMPOUND IN WESTERN BEIJING TO WHICH HE HAD BEEN CONSIGNED IMMEDIATELY AFTER HIS COMPLETION IN MAY 1996 OF A SEVEN-YEAR PRISON TERM IMPOSED FOR HIS ALLEGED ROLE IN THE 1989 PROTESTS; BAO'S FREEDOM WAS MADE CONDITIONAL UPON HIS FAMILY AGREEING TO EVACUATE THEIR GOVERNMENT-SUPPLIED RESIDENCE IN CENTRAL BEIJING AND RELOCATE TO A CLOSELY MONITORED APARTMENT IN THE FAR WESTERN SUBURBS OF THE CITY.

IN SEVERAL REPORTED CASES, THE AUTHORITIES DENIED CHINESE CITIZENS THE RIGHT TO RETURN TO THEIR OWN COUNTRY, IN VIOLATION OF ARTICLE 13 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. THE GOVERNMENT APPEARED TO HAVE EXPANDED AN INTERNAL BLACKLIST OF OVERSEAS-BASED CHINESE ACTIVISTS OFFICIALLY BARRED FROM REENTERING CHINA. IN APRIL, HAN YIAORONG, WIFE OF EXILED DISSIDENT LIU QING, WAS REFUSED PERMISSION BY MAINLAND IMMIGRATION OFFICIALS TO ENTER CHINA FROM HONG KONG. THE FOLLOWING MONTH, HOU YIAOTIAN, THE WIFE OF U.S.-BASED DISSIDENT WANG JUNTAO, WAS ALSO DENIED ENTRY TO CHINA FROM HONG KONG. DISSIDENTS WHO DID SUCCEED IN REENTERING CHINA WERE SUBJECTED TO VARIOUS FORMS OF HARASSMENT. THE U.S.-BASED POET BEI LING ENDURED SURVEILLANCE, DETENTION AND INTERROGATION BY THE POLICE; LIU HONGBIN, A LONDON-BASED POET, WAS EXPELLED. IN ADDITION, NUMEROUS PRODEMOCRACY ACTIVISTS AND POLITICIANS IN HONG KONG, INCLUDING LEADING MEMBERS OF THE DEMOCRATIC PARTY, CONTINUED TO BE DENIED PERMISSION TO ENTER MAINLAND CHINA FOR ANY PURPOSE.

A SERIES OF MAJOR PROTESTS BY WORKERS AND OTHER DISAFFECTED URBAN RESIDENTS OCCURRED DURING THE YEAR IN A NUMBER OF CHINESE CITIES. THE ROOT CAUSE APPEARED TO BE LAYOFFS AT STATE-OWNED ENTERPRISES THAT HAVE LEFT AN ESTIMATED 25 PERCENT OF THE URBAN INDUSTRIAL WORKFORCE (OR ROUGHLY THIRTY MILLION PEOPLE) ACTUALLY OR EFFECTIVELY UNEMPLOYED, COMPOUNDED BY THE INFUX OF AS MANY AS 130 MILLION MIGRANTS FROM THE COUNTRYSIDE AND THE LACK OF A SOCIAL SECURITY OR WELFARE SYSTEM.

IN MAY, THE OFFICIAL *WORKERS DAILY* NEWSPAPER REPORTED THAT "IN THEORY" THE URBAN UNEMPLOYMENT RATE STOOD AT 24 PERCENT, ALTHOUGH THE OFFICIAL UNEMPLOYMENT RATE IN THE CITIES WAS SAID TO BE IN SINGLE DIGITS. IN OCTOBER 1996, WHEN THE MAGAZINE *CHINESE WRITERS* TRIED TO PUBLISH ITS OWN UNEMPLOYMENT FIGURES, THE MAGAZINE WAS PROMPTLY CLOSED DOWN BY THE AUTHORITIES, AND 100,000 COPIES OF THE ISSUE WERE REPORTEDLY DESTROYED. ACCORDING TO SEVERAL REPORTS, INTERNAL DECREES ISSUED DURING 1997 ORDERED A MEDIA BLACKOUT ON INCIDENTS OF UNAUTHORIZED LABOR UNREST AND REITERATED A GOVERNMENT BAN ON THE FORMATION OF UNOFFICIAL TRADE UNIONS.

THE MOST SERIOUS OF LARGE-SCALE WORKER DEMONSTRATIONS ERUPTED IN THE FIRST HALF OF THE YEAR IN A NUMBER OF CITIES IN SICHUAN. OTHER PROVINCES EXPERIENCED SIMILAR UNREST. IN MARCH, IN NANCHONG, MORE THAN 20,000 WORKERS FROM THE CITY'S LARGEST SILK FACTORY TOOK THE FACTORY MANAGER HOSTAGE, PARADED HIM THROUGH THE STREETS, AND BESIEGED THE CITY GOVERNMENT HALL FOR THIRTY HOURS UNTIL LOCAL LEADERS PLEDGED THAT THE WORKERS WOULD BE PAID. FOUR OF THE DEMONSTRATING WORKERS WERE DETAINED, ONE OF WHOM WAS REPORTEDLY RELEASED. SEVERAL WEEKS LATER, A LARGE PIPE BOMB WAS EXPLODED IN THE CITY HALL BY SOMEONE BELIEVED TO BE AN UNEMPLOYED WORKER. (THE SAME MONTH, UNEMPLOYED WORKERS WERE OFFICIALLY BLAMED FOR SETTING OFF BOMBS ON TWO BUSES IN CENTRAL BEIJING, INJURING AROUND A DOZEN PEOPLE.)

IN JULY, UPWARDS OF 4,000 WORKERS FROM THREE BANKRUPT TEXTILE PLANTS IN THE CITY OF MIANYANG, SICHUAN, STAGED A DEMONSTRATION OUTSIDE THE CITY GOVERNMENT OFFICE, DEMANDING JOBS. WHEN CITY OFFICIALS REFUSED TO MEET WITH THE WORKERS, THE PROTESTS BECAME MORE HEATED AND THE GOVERNMENT SENT IN PEOPLE'S ARMED POLICE OFFICERS TO BREAK UP THE GATHERING. SEVERAL DOZEN DEMONSTRATORS WERE REPORTEDLY INJURED IN THE ENSUING CONFRONTATION, AND A SIMILAR NUMBER OF ARRESTS WERE MADE. THE FOLLOWING MONTH, IN THE SICHUAN CITY OF DUJIANGYAN, A CROWD OF SEVERAL HUNDRED

DEMONSTRATORS, COMPRISING BOTH UNEMPLOYED WORKERS AND RETIRED ELDERLY PEOPLE WHO HAD NOT RECEIVED THEIR PENSIONS OR WERE DEMANDING OVERDUE COST-OF-LIVING INCREASES, STAGED A SIT-IN PROTEST OUTSIDE THE GOVERNMENT OFFICES FOR SEVERAL DAYS. MEANWHILE, LI BIFENG, A FORMER TAX OFFICER WHO HAD FAXED REPORTS ABOUT THE PROTESTS TO OVERSEAS HUMAN RIGHTS GROUPS AND SENT APPEALS TO THE CENTRAL AUTHORITIES IN BEIJING, WENT INTO HIDING IN LATE JULY AFTER LEARNING THAT THE SECURITY AUTHORITIES WERE SEARCHING FOR HIM. LI'S GIRLFRIEND, ZHANG JIAN, AND TWO OF HIS OTHER FRIENDS WERE DETAINED AND INTERROGATED SEVERAL TIMES BY THE POLICE IN AN ATTEMPT TO ASCERTAIN HIS WHEREABOUTS. ZHANG WAS RELEASED AFTER THREE DAYS.

IN MAY, WHEN LAID-OFF WORKERS FROM THE ZHONGYUAN OILFIELD IN HENAN PROVINCE REPORTEDLY ORGANIZED AN UNOFFICIAL UNION AND SENT DELEGATES TO BEIJING TO PLEAD THEIR CASE, THE DELEGATES DISAPPEARED AND WERE FEARED TO HAVE BEEN ARRESTED, WITH NO FURTHER WORD ON THEIR FATE.

FREEDOM OF EXPRESSION AND ASSOCIATION REMAINED TIGHTLY CONSTRAINED. IN JANUARY, THE MINISTRY OF CIVIL AFFAIRS IMPOSED AN INDEFINITE NATIONWIDE MORATORIUM ON THE CREATION OR REGISTERING OF ANY NEW "SOCIAL BODIES," A BROAD AND INCLUSIVE CATEGORY ENCOMPASSING ALL NON-GOVERNMENTAL ORGANIZATIONS AS WELL AS ACADEMIC SOCIETIES, BUSINESS ASSOCIATIONS AND SOCIAL PRESSURE GROUPS.

THE GOVERNMENT DEVOTED PARTICULAR ATTENTION TO CONTROLLING ORGANIZED RELIGIOUS ACTIVITIES. LOCAL OFFICIALS REDOUBLED THEIR EFFORTS TO IMPLEMENT REGULATIONS ISSUED BY THE GOVERNMENT IN 1994 REQUIRING ALL "UNOFFICIAL" CHRISTIAN, MUSLIM, DAOIST, BUDDHIST, AND OTHER RELIGIOUS CONGREGATIONS TO REGISTER WITH THE RELIGIOUS AFFAIRS BUREAU OR FACE DISSOLUTION. IN DECEMBER 1996, SOME EIGHTY MEMBERS OF THE UNDERGROUND CATHOLIC CHURCH NEAR LINCHUAN CITY IN JIANGXI PROVINCE WERE REPORTEDLY DETAINED, BEATEN AND FINED BY THE POLICE, APPARENTLY IN AN ATTEMPT TO DISSUADE THEM FROM CARRYING OUT PLANS TO HOLD A LARGE OUTDOOR MASS AT CHRISTMAS. AROUND THE SAME TIME, CCP OFFICIALS IN JIANGXI REPORTEDLY ISSUED AN INTERNAL DIRECTIVE ON REGISTERING SUCH PERSONS AND FORCING THEM TO WRITE LETTERS DENYING THEIR FAITH AND PLEDGING TO JOIN THE OFFICIAL CHURCH. SIMILARLY, AN INTERNAL DOCUMENT ISSUED BY THE AUTHORITIES IN ZHEJIANG PROVINCE'S TONGXIANG MUNICIPALITY IN FEBRUARY 1997 OUTLINED A THREE-STAGE "SPECIAL CAMPAIGN" AGAINST ALL UNAUTHORIZED RELIGIOUS ACTIVITIES BY LOCAL CHRISTIANS, INCLUDING CATHOLICS. A NEW REQUIREMENT THAT ALL RELIGIOUS GROUPS AND ORGANIZATIONS UNDERGO ANNUAL GOVERNMENT INSPECTIONS WAS INSTITUTED DURING THE YEAR.

IN MARCH, EIGHT PUBLIC SECURITY OFFICERS CONDUCTED A NIGHT-TIME RAID AT THE HOME OF BISHOP JOSEPH FAN ZHONGLIANG, LEADER OF THE CITY'S UNDERGROUND CATHOLIC DIOCESE, AND CONFISCATED BIBLES, MEDALS, ROSARIES AND CASH AMOUNTING TO 20,000 YUAN (AROUND U.S. \$2,500); NO RECEIPT WAS ISSUED, AND THE GOODS AND MONEY WERE SUBSEQUENTLY NOT RETURNED. THE FOLLOWING MONTH, POLICE RANSACKED THE HOME OF ANOTHER LOCAL UNDERGROUND CATHOLIC PRIEST, REV. ZEN CAIJUN, AND SEIZED RELIGIOUS ARTICLES, CASH, A TELEPHONE AND A VIDEO-RECORDER.

IN APRIL, EIGHT PROTESTANT HOUSE-CHURCH LEADERS, INCLUDING PETER YU YONGZIE, LEADER OF THE ZHENGZHOU-BASED "BORN AGAIN" EVANGELICAL GROUP, WERE DETAINED BY POLICE IN HENAN PROVINCE AFTER A MEETING. ON SEPTEMBER 25, THE ZHENGZHOU INTERMEDIATE COURT REPORTEDLY SENTENCED YU TO A TEN-YEAR TERM FOR "DISTURBING PUBLIC ORDER." THE SENTENCE IS BELIEVED TO BE THE LONGEST METED OUT TO A RELIGIOUS DISSIDENT SINCE 1983.

IN NOVEMBER 1996, A PEASANT NAMED JIANG FENGLAN AND OTHER PROMINENT MEMBERS OF A SICHUAN-BASED CHAPTER OF THE ASIA-WIDE SECT DEVOTED TO THE WORSHIP OF A CHARISMATIC WOMAN KNOWN AS THE "QINGHAI MASTER" WERE ARRESTED; BY THE END OF THE YEAR, THERE HAD BEEN NO FURTHER WORD ON THE DETAINED SECTARIANS.

FREEDOM OF EXPRESSION SUFFERED FURTHER ASSAULTS. NEW GOVERNMENT PRESS REGULATIONS INTRODUCED IN FEBRUARY STIPULATED THAT PUBLISHING HOUSES WERE FORBIDDEN TO PUBLISH ANYTHING THAT OPPOSED CHINA'S CONSTITUTION, REVEALED "STATE SECRETS," "HARMED NATIONAL SECURITY," OR JEOPARDIZED "SOCIALIST PUBLIC MORALITY OR THE PEOPLE'S FINE CULTURAL TRADITIONS." NEW CONTROLS ON THE INTERNET WERE INTRODUCED IN JUNE, REQUIRING ALL INTERNET SERVICE PROVIDERS TO APPLY FOR LICENSES FROM THE AUTHORITIES AND PROVIDE DATA ON THE SCOPE AND NATURE OF THEIR ACTIVITIES. MEANWHILE, DOZENS OF WORLD WIDE WEB SITES THAT HAD BEEN PROSCRIBED AND ELECTRONICALLY BLOCKED BY THE GOVERNMENT IN 1996, INCLUDING THOSE OF OVERSEAS-BASED DISSIDENT GROUPS AND HUMAN RIGHTS ORGANIZATIONS, REMAINED INACCESSIBLE TO THE COUNTRY'S ESTIMATED SEVERAL HUNDRED THOUSAND INTERNET USERS. ALSO IN JUNE, ACADEMICS IN BEIJING WERE ORDERED TO INFORM THE POLICE IN ADVANCE IF THEY PLANNED TO HOLD CONFERENCES ATTENDED BY MORE THAN TWENTY

participants, in or out of the capital, and scholars wishing to engage in exchange programs or joint activities with foreign and Taiwanese institutions were required to secure prior permission from the Ministry of State Security, the Ministry of Public Security and the State Education Commission, in addition to that from their college party committees.

Censorship of books continued, the most notable being *Wrath of Heaven*, a novel by Chen Fang that was a thinly disguised fictionalized account of the saga of disgraced former mayor of Beijing, Chen Yitong, charged with corruption.

The human rights picture in Inner Mongolia, Xinjiang and Tibet remained bleak. On February 5 and 6, the city of Yining in northwestern Xinjiang was shaken by large-scale riots after local people tried to prevent police from arresting an ethnic Uighur. Uighurs, a predominantly Muslim people, form the core of several separatist movements in Xinjiang. The authorities responded by sending in armed police to quell the protests. According to official reports, ten people were killed, 199 injured, and about 500 were arrested. (Exiled Uighur opposition sources claimed far higher figures.) On the afternoon of February 25, at least three homemade bombs exploded on crowded public buses in the regional capital of Urumqi, killing nine people. The Chinese authorities later blamed these incidents on "outside instigation" by foreign radical Muslim groups, in particular by the Pakistan-based "Tableeghi Jamaat" sect. An underlying factor, however, was rising tension over dominance by Han Chinese of what was formerly a Uighur majority region, home in 1944 to the short-lived Republic of East Turkestan. The collapse of Communism in Eastern Europe and the subsequent emergence of the independent republics of Kazakhstan, Kyrgyzstan and Tajikistan gave considerable impetus to pro-independence sentiment in Xinjiang.

Few details have come to light regarding the many Uighurs reportedly arrested in the crackdown that followed the incidents described above. Those known include: Abudu Heilili, twenty-nine, reportedly the "ringleader" of the Yining riots; Abu Khair and Abdu Medchit, both said to be students and around twenty-five years old; and Abdulkhalil Abdulmedchit, whom Uighur exiles claimed had swiftly been executed by the authorities. In late March, the Urumqi People's Procuratorate announced that nine people had been arrested in connection with the incidents, including one ethnic Han and eight Uighurs, and the group included people who had allegedly sold and supplied weapons and explosives to the separatist groups concerned. Reuters news agency reported that three men were executed in April and twenty-seven others had been sentenced to prison terms ranging from seven years to life, and that another eight were executed in May in connection with the Urumqi bus bombings.

In response to the unrest, the government carried out a major purge of local officials and targeted "underground" Muslim religious activities, including banning the construction or renovation of 133 mosques. Altogether forty-four "core participants in illegal religious activities" were arrested in the Yili region. In addition, more than one hundred "illegal classes" teaching the Koran were broken up by security authorities, five school principals were sacked and numerous teachers threatened with dismissal for allegedly stirring up separatist sentiment.

In Inner Mongolia, two Inner Mongolian activists, Hada and Tegexi, were sentenced to fifteen and ten years of imprisonment respectively for helping to form the pro-autonomy Southern Mongolian Democratic Alliance.

In Tibet, a government-orchestrated campaign against the Dalai Lama continued throughout the year. In mid-April 1997, the party school in Tibet announced a meeting had been held to "expose the crimes" of the Tibetan leader. A ban on possession and sale of photographs of the Dalai Lama continued to be in force.

The campaign included a reeducation program for monks and nuns. Beginning in 1996 at Tibet's three most famous monasteries, Sera, Drepung, and Ganden, it had reached some fifty monasteries and nunneries by June and over 900 by September. Monks were supposed to denounce the Dalai Lama, accept that Tibet had been a part of China for centuries, and acknowledge the legitimacy of the Chinese government's selection of the new Panchen Lama, or resign.

Monks who refused to cooperate with reeducation officials faced punishment. In Gongkar County, Jampel Tendar,

a twenty-year-old from Choede Monastery, was arrested during the year after several monks refused to denounce the Dalai Lama in writing. In Nyemo County monks were locked in their rooms for at least three weeks for their intransigence, and in Tsethang County, Tandruk Samdrubling monks walked out en masse on June 18 after reeducation began. Refusing to comply with instructions to denounce the Dalai Lama, they opted to close the monastery and go home. At Terdrom Nunnery in the Drigung area, some fifty miles northeast of Lhasa, over half the 240 residents nuns were expelled after reeducation ended in December 1996.

The issue of the Panchen Lama (see World Report 1997) remained unresolved. The Chinese government finally acknowledged that Chadrrel Rinpoche, the abbot who had headed the committee to select the child later acknowledged by the Dalai Lama to be the reincarnation of the tenth Panchen Lama, had been sentenced on April 21, 1997 to a six-year term and three years' subsequent deprivation of political rights. He was charged with "conspiring to split the country," "colluding with separatist forces abroad," "seriously jeopardizing the national unification and unity of ethnic groups," and "leaking state secrets." Authorities did not disclose his whereabouts, and his trial was closed because "state secrets" were involved.

It was not until September 9, 1997 that Human Rights in China reported that Chadrrel Rinpoche was being held under horrendous conditions in a secret compound in Chuangdong No. 3 Prison, Dazu County, Sichuan Province. Located behind an isolated "strict observation brigade," as the special section which houses recalcitrant prisoners is called, it is forbidden to all but three people, two commissars who report directly to the Ministry of Justice and a prisoner who acts as a guard and a cook. Chadrrel Rinpoche was reportedly taken there shortly after sentencing. He is reported to be denied all outside contacts and to be restricted to his cell.

The child selected as the Panchen Lama, Gendun Choekyi Nyima, now eight years old, remains in state custody in an undisclosed location.

A comprehensive revision of the 1979 Criminal Law had little immediate impact on the human rights situation. Counterrevolutionary offenses abolished by the NPC in March were merely replaced by a new, largely identical set of offenses called "crimes of endangering state security." The changes opened the way for virtually any type of dissident activity to be judicially branded as criminal and those responsible sentenced to terms of up to life imprisonment. Nor would the reforms result in any kind of review of the cases of more than 2,000 sentenced "counterrevolutionaries" still officially said to be held behind bars in China.

The implementation in January of a revised Criminal Procedure Law (CPL), enacted by the NPC at its previous session in March 1996, somewhat strengthened the rights of suspects on paper but brought little in the way of enhanced legal safeguards for the rights of detained dissidents. Announcements by the government during the year that it planned to maintain the country's system of "reeducation through labor" ended hopes for an end to the use of such arbitrary forms of detention in China.

In July, the Ministry of Public Security called for teams of inspectors to be set up at all levels of China's police force to investigate the endemic problem of torture and ill-treatment in the country's prison and detention facilities.

The nationwide anti-crime campaign known as "Strike Hard" resulted in the highest number of judicial executions (more than 4,000) and suspended death sentences since the first such campaign in 1983.

The government's chief response to continuing foreign criticism of the conditions in state orphanages was to continue to restrict access for foreign volunteers and aid agencies. It also announced that rather than allocating any additional state funds toward the upkeep of these institutions, it would seek to raise money from the public through a state-sponsored charitable lottery.

Virtually the only bright spot on China's human rights front were the release of Wei Jingsheng and its signing of the U.N. International Covenant on Social, Economic and Cultural Rights in October. The undertaking did not include any pledge to ratify the covenant, however, thus relieving the Chinese government of becoming legally bound by its provisions.

The Right to Monitor

NO INDEPENDENT HUMAN RIGHTS ADVOCACY ORGANIZATIONS WERE ALLOWED TO OPERATE IN CHINA OR TIBET. IN SEPTEMBER, CHINA PREVENTED TWO NONGOVERNMENTAL ORGANIZATIONS HIGHLY CRITICAL OF ITS HUMAN RIGHTS RECORD, HUMAN RIGHTS IN CHINA AND THE HONG KONG HUMAN RIGHTS MONITOR, FROM ATTENDING THE ANNUAL MEETING OF THE WORLD BANK IN HONG KONG BY DENYING THEM ACCREDITATION ON THE GROUNDS THAT THEIR WORK WAS NOT RELEVANT.

THE EMERGENCE OF QUASI-NONGOVERNMENTAL ORGANIZATIONS ON THE MAINLAND, SOME OF THEM DEALING WITH WOMEN'S RIGHTS AND COMMUNITY EMPOWERMENT, CONTINUED, ALTHOUGH SUCH GROUPS WERE SUBJECT TO STRICT SURVEILLANCE. THEY DID NOT MONITOR HUMAN RIGHTS ABUSES BY THE GOVERNMENT.

A MEETING BETWEEN THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) AND CHINESE OFFICIALS TOOK PLACE IN MAY, RESUMING LONG-STALLED NEGOTIATIONS OVER ACCESS TO CHINESE PRISONS, ALTHOUGH CHINA CONTINUED TO MAINTAIN THAT IT COULD NOT ACCEPT THE ICRC'S CONDITIONS FOR SUCH ACCESS.

The Role of the International Community

CHINA ESCAPED SERIOUS INTERNATIONAL PRESSURE ON ITS HUMAN RIGHTS RECORD DURING THE YEAR, WITH ITS KEY TRADING PARTNERS CONTINUING EITHER TO TRADE SILENCE ON HUMAN RIGHTS FOR COMMERCIAL CONTRACTS OR TO EXPRESS CONCERN THAT TOO MUCH EMPHASIS ON RIGHTS WOULD LESSEN THEIR LEVERAGE ON SECURITY ISSUES.

United Nations

BY DELAYING A FINAL DECISION ON SPONSORING A RESOLUTION ON CHINA AT THE U.N. COMMISSION ON HUMAN RIGHTS UNTIL AFTER U.S. VICE-PRESIDENT ALBERT GORE JR. VISITED CHINA IN LATE MARCH, THE CLINTON ADMINISTRATION JOINED THE EUROPEAN UNION (E.U.) IN HANDING CHINA ANOTHER MAJOR VICTORY AT THE COMMISSION'S MEETING IN GENEVA. CHINA SUCCEEDED IN SPLITTING THE E.U., NORMALLY THE LEAD SPONSORS OF A RESOLUTION, BY PROMISING TO SIGN CONTRACTS WITH FRENCH COMPANIES AND THE AIRBUS CONSORTIUM DURING A VISIT BY PRESIDENT JACQUES CHIRAC IN MAY. FRANCE WAS JOINED BY GERMANY, SPAIN, ITALY AND GREECE IN FAILING TO SPONSOR THE RESOLUTION. WHEN PRESIDENT CHIRAC WENT TO BEIJING, HE REPORTEDLY RAISED THE CASES OF SEVENTEEN POLITICAL DISSIDENTS, ALTHOUGH THEIR NAMES WERE NEVER MADE PUBLIC, AND HE WAS PRAISED BY JIANG ZEMIN FOR THE "WISE AND FAR-SIGHTED" DECISION TO SABOTAGE ACTION IN GENEVA. THE CHINESE AUTHORITIES ALSO PERSUADED OTHER KEY GOVERNMENTS SUCH AS JAPAN, CANADA AND AUSTRALIA TO ABANDON THEIR SPONSORSHIP IN EXCHANGE FOR BILATERAL HUMAN RIGHTS "DIALOGUES" AND A PROMISE TO SIGN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS BEFORE THE END OF THE YEAR. THE CHINESE GOVERNMENT SIGNED THE COVENANT IN LATE OCTOBER. DENMARK, UNDER U.S. PRESSURE, PUT FORWARD A MEASURE AT THE LAST MINUTE DESPITE THREATS OF TRADE RETALIATION BY CHINA. HOWEVER, A CHINESE NO-ACTION MOTION WAS ADOPTED (27 TO 17) ON APRIL 16, KEEPING THE RESOLUTION OFF THE AGENDA AND PREVENTING A DEBATE OR VOTE.

IN OCTOBER, THE U.N. WORKING GROUP ON ARBITRARY DETENTION VISITED CHINA.

United States, European Union, and Canada

IN ADDITION TO DEFEATING A RESOLUTION AT THE U.N. COMMISSION ON HUMAN RIGHTS, PRESIDENT JIANG ZEMIN SCORED A HUGE DIPLOMATIC TRIUMPH AS THE FIRST CHINESE LEADER TO BE HOSTED FOR A STATE VISIT TO WASHINGTON SINCE THE JUNE 1989 CRACKDOWN. THE LATE OCTOBER SUMMIT WENT FORWARD WITHOUT ANY HUMAN RIGHTS PRECONDITIONS ALTHOUGH HUMAN RIGHTS CONCERNS WERE CLEARLY ADDRESSED PRIVATELY AND PUBLICLY BY PRESIDENT CLINTON. PRESIDENT CLINTON ANNOUNCED PLANS TO VISIT CHINA IN 1998. JIANG ZEMIN WAS ALSO SCHEDULED TO VISIT CANADA FOR A STATE VISIT IN LATE NOVEMBER, IN CONJUNCTION WITH THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM IN VANCOUVER.

THE U.S. STATE DEPARTMENT'S ANNUAL REPORT ON HUMAN RIGHTS PRACTICES, ISSUED ON JANUARY 30, DECLARED THAT IN 1996 "ALL PUBLIC DISSSENT AGAINST THE GOVERNMENT AND THE PARTY WAS EFFECTIVELY SILENCED" IN CHINA. THIS WAS PRECEDED BY A STUNNING ADMISSION BY PRESIDENT CLINTON IN A NATIONALLY TELEVISED NEWS CONFERENCE THAT HIS "CONSTRUCTIVE ENGAGEMENT" POLICY HAD FAILED TO PRODUCE ANY SIGNIFICANT HUMAN RIGHTS PROGRESS.

Vice-President Gore's visit to China was largely a wasted opportunity to press for concrete rights improvements. Gore signed \$695 million worth of contracts for Boeing Corporation in a high-profile ceremony with Premier Li Peng while saying nothing publicly about human rights and bypassing Hong Kong altogether just months before the July 1 handover. Following his meetings, Gore proclaimed that China's leaders had "a more receptive ear" to concerns about human rights and cautioned that results might take time.

International concern during the first half of the year was mostly focused on Hong Kong, and the Group of Eight (G8) leaders of industrialized nations at their summit meeting in Denver on June 20-23 did include in their final communique an appeal to China to fulfill its promises to protect Hong Kong's "fundamental freedoms and the rule of law" after July 1. However, the G8 failed to discuss or adopt any long-term strategy for promoting human rights and the rule of law in China during the crucial post-Deng Xiaoping transition.

Just weeks before the July 1 handover, a report of Wei Jingsheng's beating by other inmates provoked expressions of concern by some officials, including U.S. Secretary of State Albright, who met with Chinese Foreign Minister Qian in Hong Kong. Other governments, including Japan, were silent. U.S.

Congressional concern was also focused on the President's decision to renew Most Favored Nation (MFN) trading status. A coalition of religious and labor groups led a campaign for revocation of MFN. But the debate, focused on a broad range of issues including religious persecution, China's family planning practices, and repression in Tibet, was countered by a business and a White House-led lobbying effort to maintain unconditional MFN. A House motion of disapproval, to revoke MFN, was defeated (259 to 175) on June 24.

In mid-July, the first of a series of human rights exchanges between China and Canada took place in Ottawa. A combined Ministry of Justice and Foreign Ministry delegation discussed a wide range of concerns, including political prisoners and treatment of minorities, but made no new commitments. A second session was scheduled for Beijing in October.

A parliamentary delegation from Germany visited Tibet in late August and was given a guided tour of detention centers and monasteries.

On September 22, foreign ministers of the E.U. troika (from the United Kingdom, Netherlands and Luxembourg) met with Chinese Foreign Minister Qian Qichen at the U.N. in New York and agreed to resume the E.U.-China human rights dialogue, with talks scheduled to take place in Brussels. The question of E.U. sponsorship of a 1999 resolution in Geneva next year was left unresolved. However, during its October session the European Parliament passed an urgent resolution urging E.U. member states to jointly sponsor a China resolution in Geneva.

Asia

Australian Prime Minister John Howard's visit to China in late March focused almost exclusively on solidifying commercial relations. He was accompanied by a large business delegation. In mid-August, Australian Foreign Minister Alexander Downer went to Beijing for four days of talks on human rights issues and pledged \$300,000 (Australian dollars) to support "policy development, research, training and administrative resources" for China's criminal and judicial systems. Downer also urged ICRC access to Chinese prisons.

Japan's prime minister, Ryutaro Hashimoto, visited China in early September, mainly to promote Japanese investment and stable diplomatic relations. Hashimoto raised concern about human rights with Premier Li Peng and other leaders only in the most general terms in the context of "global issues." The trip ended with no date set for the first Sino-Japanese bilateral dialogue on human rights, agreed to when Foreign Minister Yukihiko Ikeda went to Beijing on March 30, and Tokyo said it would drop its cosponsorship of the Geneva resolution.

The World Bank

The World Bank, in a prominent report on China's future economic development issued at the opening of its annual meeting in Hong Kong in late September, warned that continued growth would be hindered by the lack of the rule of law and by corruption. But the bank in 1997 gave more funds to China than any other government: during fiscal year 1997 China received a total of \$2.8 billion in World Bank loans. Legislation introduced in the U.S. Congress

aimed to cut off China's access to multilateral funds, but absent a coordinated effort with other donors, passage of such a law was unlikely to produce any change in current bank policy.

Relevant Human Rights Watch reports:

State Control of Religion in China, 10/97

"State Security" in China's New Criminal Code, 4/97

Chinese Diplomacy, Western Hypocrisy and the United Nations, 3/97

HONG KONG

The transfer of sovereignty over Hong Kong from Britain to China on July 1 and the installation of the new Special Administrative Region (S.A.R.) government were arguably the most important events in the territory's history, but the political changes produced no dramatic crackdowns, no arrests, and no bans on demonstrations by late October. Journalists pointed to many instances of self-censorship on the part of their editors, but the S.A.R. government itself did not censor the print or broadcast media. The worrisome changes were almost all on the legal front, where China's concerns about security and stability took precedence over civil rights protections. Tung Chee-hwa, a businessman appointed S.A.R. chief executive in December 1996, showed himself to be a proponent of the "Asian values" school of thought and in August, he endorsed Malaysian Prime Minister Mahathir's suggestion that the Universal Declaration of Human Rights be reviewed.

Human Rights Developments

Assaults on the legal foundation of civil liberties proceeded steadily throughout the year. In December 1996, the Preparatory Committee, a body handpicked by China to handle transition matters, authorized the appointment of a provisional legislature that was to remain in place for one year. The appointed body replaced the elected Legislative Council (Legco) on July 1, but it in fact began meeting in China long before then.

In early 1997, the Preparatory Committee submitted proposals to China's National People's Congress (NPC) to repeal or amend twenty-four Hong Kong laws, on the grounds that they had been passed after the 1984 Sino-British Joint Declaration had been signed and were therefore in violation of the Basic Law, the document that has become the S.A.R. constitution. Among the laws affected were several provisions of Hong Kong's Bill of Rights, adopted in 1991, and two British colonial laws, the Societies Ordinance and the Public Order Ordinance, that had been amended after 1991 to bring them into conformity with the Bill of Rights. The Bill of Rights had been adopted in an attempt to ensure that the provisions of the International Covenant on Civil and Political Rights (ICCPR) were implemented in Hong Kong; the repealed section, arguably the most important part of the bill, gave the bill's guarantees of rights precedence over past and future Hong Kong laws that might be in conflict with them.

The proposed changes generated strong opposition in Hong Kong. On February 19, a Legislative Council motion, endorsed by both the Democratic and Liberal parties, urged the NPC not to accept the proposals. On February 26, however, the NPC approved them.

The proposed amendments of the Societies and Public Order Ordinances would have made it possible for the S.A.R. to ban demonstrations or dissolve associations on broadly defined political grounds in the interests of "national security." After a much-publicized "consultation" process through which Tung Chee-hwa invited public comment on the laws, some of the most egregious provisions in the draft were dropped. But even in their final form as passed by the provisional legislature on June 14, the laws have disturbing elements.

Whereas, before, groups organizing protests had merely to notify the police of their plans, they now must receive permission from the police, which may be denied in the interests of national security. On July 18, the Commissioner of Police issued a document titled "Guidelines on 'National Security' in the Public Order Ordinance"

in which he cited "advocacy of independence for Taiwan or Tibet" as grounds for refusing permission to demonstrate.

Likewise, in the final version of the Societies Ordinance, the government can deny registration to a society; before it was passed, societies simply had to notify the government of their formation to have a legal existence. "National security" is again grounds for denying registration, and societies deemed to be "political organizations" are barred from receiving funds from abroad. The consultation process did result in narrowing some of the definitions used. "Political organization," for example, was defined to mean only those organizations which put up candidates for election to public office.

In the final days of the elected legislature, the British administration pushed a heavily opposed Official Secrets Ordinance through the Legislative Council on June 4, 1997, a day when most members of the pro-democracy parties were absent commemorating the anniversary of the Tiananmen crackdown. The government argued that such a law was needed to "localize" colonial legislation into domestic law and to satisfy the requirements of key provisions of the Basic Law. The resulting act, modeled on much-criticized British legislation, criminalizes a broad range of activity, such as being "in the neighborhood of...a prohibited place" for "a purpose prejudicial to the safety or interests" of Hong Kong. It is not even necessary to show that the act did in fact jeopardize Hong Kong's interests if the "known character" of the accused would indicate that such was his or her intention. The law does not allow certain common defenses for the disclosure of official information, such as prior publication of the information.

On July 16, the provisional legislature suspended four labor laws passed by the elected legislature in the days leading up to the handover. The laws would have brought Hong Kong into compliance with standards set by the International Labour Organisation. They explicitly guaranteed the right to union representation and collective bargaining, the right to conduct union activity on an employer's premises, and the right to be compensated for union work done during the course of the normal work day. The laws had also altered previous legislation restrictive of union sovereignty and would have allowed unions to act without governmental approval on certain internal issues. Three and a half months later, in late October, the provisional Legislative Council would move to dismiss much of the legislation entirely, voting to remove the suspended legislation on collective bargaining and anti-union discrimination.

The continued independence of the courts remained cause for concern, although that concern was somewhat eased by the appointment in late May of Andrew Li, a widely respected barrister, as head of the Court of Final Appeal, the S.A.R.'s highest court.

But in mid-July, in the case of *Ma Wai Kwan*, the Hong Kong Court of Appeals made a landmark decision on the legality of the provisional legislature that seemed to give license to China's legislature to violate Hong Kong's Basic Law at will. A criminal defendant had argued that laws and indictments in force prior to the transfer no longer existed, because the provisional legislature had provided for their continuation and the legislature itself was in violation of the Basic Law. In ruling against the defendant, the court acknowledged that the provisional legislature was nowhere described by the Basic Law but opined that Hong Kong courts could not judge it illegal because it was established by a body authorized by the NPC. S.A.R. courts, the court said, had no power to examine either the decisions or institutions created by the NPC.

Finally, under the terms of new voting laws presented to the public on August 15, two-thirds of the legislature's sixty seats are to be filled by "functional constituencies," many with a heavy business and corporate focus. The remainder are to be elected not through the "one person, one vote" system that allowed pro-democracy candidates to sweep the polls in the 1995 elections, but in one of two possible systems, variations on proportional representation, that would reduce the number of seats held by the most popular pro-democracy groups.

In early September, Andrew Li and Lord Irvine, Britain's Lord Chancellor, met to discuss possible British assistance to the Hong Kong judiciary, and it was announced on September 8 that two British judges would be made available to the Court of Final Appeal.

IN APRIL, THE OUTGOING GOVERNMENT ALLOWED HUMAN RIGHTS WATCH AND THE HONG KONG HUMAN RIGHTS MONITOR TO CONDUCT THE FIRST-EVER INTERNATIONAL INVESTIGATION OF THE TERRITORY'S PRISON SYSTEM. THE INVESTIGATION WAS UNDERTAKEN AS A WAY OF ESTABLISHING BENCHMARKS AGAINST WHICH TO MEASURE CHANGES THAT MIGHT TAKE PLACE AFTER THE TRANSITION. (GIVEN CHINA'S NOTORIOUSLY POOR PRISON CONDITIONS AND ITS FREQUENT USE OF CAPITAL PUNISHMENT, SOME OF HONG KONG'S 12,000 PRISONERS EXPRESSED GRAVE APPREHENSIONS REGARDING THEIR TREATMENT UNDER CHINESE RULE.) IN LIGHT OF THESE CONCERNS, THE INVESTIGATION WAS ALSO MEANT TO ESTABLISH A PRECEDENT OF INDEPENDENT MONITORING OF THE TERRITORY'S PRISONS, TO ENCOURAGE FUTURE MONITORING. IN GENERAL, THE DELEGATION FOUND THE PRISONS TO BE ADMINISTERED BY AN EXTREMELY COMPETENT AND PROFESSIONAL STAFF, THE PHYSICAL INFRASTRUCTURE TO BE IN VERY GOOD SHAPE, AND THE PRISONS THEMSELVES TO BE RELATIVELY SAFE AND SECURE. ON THE NEGATIVE SIDE, THE DELEGATION FOUND THAT MANY OF THE PRISONS WERE SERIOUSLY OVERCROWDED AND THE CONTROLS ON CONTACT WITH THE OUTSIDE WORLD WERE UNNECESSARILY STRINGENT.

HUMAN RIGHTS GROUPS HAD RAISED CONCERNS DURING THE YEAR ABOUT TWO PARTICULARLY VULNERABLE GROUPS, CHINESE DISSIDENTS WHO HAD FLED TO HONG KONG, AND VIETNAMESE ASYLUM-SEEKERS WHO REMAINED IN DETENTION CAMPS IN HONG KONG. ALL OF THE DISSIDENTS AT RISK WHO WISHED TO LEAVE HONG KONG WERE SUCCESSFULLY RESETTLED IN THIRD COUNTRIES BEFORE THE REVERSION. IN THE CASE OF THE VIETNAMESE, THE DETERMINATION OF BOTH THE HONG KONG GOVERNMENT AND THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) TO RESPOND TO CHINESE PRESSURE TO GET ALL OF THE BOAT-PEOPLE HOME BEFORE JULY 1 LED TO A SINGLE-MINDED FOCUS ON REPATRIATION EFFORTS AND AN EFFORT TO "PUSH" THE VIETNAMESE OUT BY MAKING CONDITIONS IN THE CAMPS INCREASINGLY INTOLERABLE.

SOME 525 STATELESS ETHNIC CHINESE FORMERLY RESIDENT IN VIETNAM, WHOM THE VIETNAMESE GOVERNMENT REFUSED TO TAKE BACK ON THE GROUNDS THAT THEY WERE NOT VIETNAMESE CITIZENS, REMAINED IN HONG KONG AS OF OCTOBER. ALL EITHER HAD FLED VIETNAM IN THE LATE 1970S DURING AN ANTI-CHINESE CAMPAIGN—THEIR FAMILY MEMBERS HAD TAIWANESE PASSPORTS AFTER 1949—OR HAD FLED TO MAINLAND CHINA AT VARIOUS TIMES AND HAD BEEN REFUSED ENTRY.

The Right to Monitor

NO HUMAN RIGHTS ORGANIZATIONS BASED IN HONG KONG, DOMESTIC OR INTERNATIONAL, REPORTED SIGNIFICANT HINDRANCE OF THEIR ACTIVITIES, EITHER BEFORE OR AFTER THE HANDOVER. A POLICY INSTITUTE LINKED TO PAUL YIP, A CLOSE ADVISER OF TUNG CHEE-HWA, DID CONDUCT A SURVEY OF NONGOVERNMENTAL (NGOs) EARLY IN THE YEAR, HOWEVER, ASKING FOR INFORMATION ON LEGAL STATUS AND SOURCES OF FUNDING. IT WAS NOT CLEAR HOW THE RESULTS OF THE SURVEY WERE GOING TO BE USED.

IN SEPTEMBER, TWO NGOs, THE HONG KONG HUMAN RIGHTS MONITOR AND HUMAN RIGHTS IN CHINA, WERE DENIED ACCREDITATION TO THE WORLD BANK ANNUAL MEETING IN HONG KONG AT CHINA'S REQUEST. CHINA HAD ARGUED THAT THE ORGANIZATIONS' WORK HAD NO RELEVANCE TO THE MEETING.

The Role of the International Community

SO MUCH CONCERN WAS EXPRESSED INTERNATIONALLY ABOUT THE TRANSITION THAT THERE WAS LITTLE FOR THE INTERNATIONAL COMMUNITY TO SAY OR DO IN THE IMMEDIATE AFTERMATH OF JULY 1. THE U.S. GOVERNMENT REPEATEDLY CRITICIZED THE ROLLBACK OF CIVIL LIBERTIES IN STRONG TERMS AND SAID IT WOULD NOT CONSIDER "LEGITIMATE" ANY LAWS PASSED BY THE PROVISIONAL LEGISLATURE. IN MARCH, THE U.S. HOUSE OF REPRESENTATIVES ADOPTED THE 1997 HONG KONG REVERSION ACT, AUGMENTING THE U.S.-HONG KONG POLICY ACT OF 1992, SPELLING OUT ADDITIONAL BENCHMARKS AND REPORTING REQUIREMENTS TO DETERMINE WHETHER THE S.A.R. IS "SUFFICIENTLY AUTONOMOUS" TO JUSTIFY SEPARATE TREATMENT BY THE U.S. AS OF OCTOBER THE SENATE HAD NOT TAKEN UP THE BILL.

IN JUNE, LEADERS OF EIGHT MAJOR INDUSTRIALIZED NATIONS MEETING IN DENVER, COLORADO, INCLUDED AN APPEAL TO CHINA IN THEIR FINAL COMMUNIQUE, URGING IT TO MEET ITS COMMITMENTS TO PROTECT HONG KONG'S "FUNDAMENTAL FREEDOMS AND THE RULE OF LAW."

IN A FINAL PRE-HANDOVER REPORT, THE BRITISH GOVERNMENT REPEATED ITS POSITION THAT REPLACING THE ELECTED LEGISLATURE WAS ENTIRELY UNNECESSARY AND REAFFIRMED THE NEED FOR CONTINUED MONITORING OF THE SITUATION.

THE TRANSITION WAS WATCHED CLOSELY AROUND THE WORLD. MOST COUNTRIES SENT HIGH-LEVEL OFFICIALS TO OBSERVE THE CEREMONIES SURROUNDING THE JULY HANDOVER, BUT BOTH U.S. SECRETARY OF STATE MADELEINE ALBRIGHT AND BRITISH PRIME MINISTER TONY BLAIR REFUSED TO ATTEND THE SWEARING-IN CEREMONY OF THE PROVISIONAL LEGISLATURE, IN PROTEST OF THE DISSOLUTION OF THE ELECTED LEGCO.

TUNG CHEE-HWA VISITED THE U.S. IN SEPTEMBER. PRESIDENT CLINTON, FOLLOWING A BRIEF MEETING WITH TUNG ON SEPTEMBER 12, EXPRESSED HIS "DISAPPOINTMENT" AT THE DECISION TO REVERSE HONG KONG'S LEGISLATIVE ELECTORAL REFORMS. EARLIER IN THE YEAR, CLINTON HAD ALSO MET WITH MARTIN LEE, HEAD OF THE DEMOCRATIC PARTY IN HONG KONG. MANY MEMBERS OF CONGRESS AND SENIOR STATE DEPARTMENT OFFICIALS WHO SAW TUNG REMAINED UNCONVINCED THAT THE CHANGES IN THE ELECTORAL LAWS WERE WARRANTED OR NECESSARY.

JAPAN GENERALLY REFRAINED FROM PUBLIC CRITICISM OF THE CHANGES IN CIVIL LIBERTIES LAWS OR THE ABOLITION OF THE ELECTED LEGISLATURE. IT DID STATE FIRMLY THAT IT WOULD NOT TOLERATE A SEVERE CRACKDOWN IN HONG KONG ALONG THE LINES OF THE TIANANMEN SQUARE KILLINGS OF 1989, ALTHOUGH SUCH A CRACKDOWN WAS GENERALLY CONSIDERED UNLIKELY IN THE IMMEDIATE FUTURE.

Relevant Human Rights Watch reports:

HONG KONG: PRISON CONDITIONS IN 1997,

6/97

INDIA

PREOCCUPIED WITH ITS OWN POLITICAL SURVIVAL, INDIA'S UNITED FRONT (UF) GOVERNMENT MADE LITTLE PROGRESS IN ADVANCING HUMAN RIGHTS IN 1997. ALTHOUGH INDIA SIGNED THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT IN OCTOBER, THE U.N. SPECIAL RAPPORTEUR ON TORTURE IN A 1997 REPORT NOTED WITH REGRET "THE RELUCTANCE OF THE GOVERNMENT TO INVITE HIM TO VISIT THE COUNTRY." INDIA'S LONG-DELAYED REPORT ON COMPLIANCE WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) ALSO DOWNPLAYED A NUMBER OF SERIOUS VIOLATIONS, AND INDIA WAS ONE OF THE MOST PROMINENT NATIONS TO STATE THAT IT WOULD NOT SIGN A NEW GLOBAL TREATY BANNING THE USE OF ANTI-PERSONNEL MINES.

MILITARY OPERATIONS AGAINST INSURGENT GROUPS IN JAMMU AND KASHMIR AND INDIA'S NORTHEAST RESULTED IN MANY OF THE WORST ABUSES, AS FEDERAL FORCES ENGAGED IN EXTRAJUDICIAL EXECUTIONS AND TORTURE, AND ARMED OPPOSITION GROUPS CARRIED OUT ATTACKS ON CIVILIANS. OUTSIDE THESE AREAS OF CONFLICT, THE MOST SERIOUS ABUSES WERE THE RESULT OF LOCAL POLICE PRACTICES THAT HAD THE SANCTION OF STATE OFFICIALS. DEATHS IN POLICE CUSTODY AND CUSTODIAL ABUSE REMAINED A MAJOR PROBLEM THROUGHOUT THE COUNTRY. POLICE ALSO THREATENED AND ASSAULTED HUMAN RIGHTS ACTIVISTS AND ROUTINELY BEAT AND JAILED DEMONSTRATORS PROTESTING AGAINST DEVELOPMENT PROJECTS. THEY WERE ALSO COMPLICIT IN INCIDENTS OF COMMUNAL VIOLENCE AGAINST LOW-CASTE OR TRIBAL ACTIVISTS. ON A POSITIVE NOTE, A DECEMBER 1996 SUPREME COURT RULING MARKED A SERIOUS STEP FORWARD IN ENFORCING LAWS BANNING BONDED LABOR. FOLLOWING A SHAKE-UP IN INDIA'S UNITED FRONT COALITION GOVERNMENT IN MAY, PRIME MINISTER H. H. DEVE GOWDA WAS REPLACED BY INDRAJIT GUJRAL, WHOSE REPUTATION FOR PROMOTING BETTER RELATIONS WITH NEIGHBORING COUNTRIES RAISED HOPES FOR A RAPPROCHEMENT WITH PAKISTAN. BY YEAR'S END, HOWEVER, THERE HAD BEEN NO MAJOR BREAKTHROUGH IN RELATIONS BETWEEN THE TWO COUNTRIES, AND ARTILLERY EXCHANGES ACROSS THE BORDER HAD RESULTED IN A NUMBER OF CIVILIAN CASUALTIES.

Human Rights Developments

THE RESTORATION OF AN ELECTED GOVERNMENT IN JAMMU AND KASHMIR IN OCTOBER 1996 DID NOT TRANSLATE INTO IMPROVED HUMAN RIGHTS CONDITIONS. THREE HUMAN RIGHTS GROUPS WHO CONDUCTED A FACT-FINDING MISSION IN JUNE DOCUMENTED A LARGE NUMBER OF EXTRAJUDICIAL EXECUTIONS THAT HAD OCCURRED IN THE YEAR SINCE FAROOQ ABDULLAH'S GOVERNMENT TOOK POWER. IN ONE CASE IN EARLY MARCH, SUSPECTED MILITANTS MOHAMMED YUSUF GANAI, MANZOOR AHMAD KHAN, FIRDOUS AHMAD

Kirmani, and Abdul Masid Wani were killed in custody by the Special Operations Group (SOG) of the Jammu and Kashmir state police. On October 27 the bodies of two teenaged boys who had been detained by the SOG in Srinagar on August 5 were exhumed in Pampore, some twenty miles south of the city. State-sponsored paramilitary groups working with Indian security forces also committed serious human rights abuses. Imtiyaz Ahmed Wani, a hospital employee, reportedly died in police custody in May after he was abducted by members of the pro-government militia, Muslim Brotherhood (Ikhwan-ul-Muslimoon). Wani had organized a protest against army harassment of medical employees the day of his abduction.

Indian human rights groups also documented an increase in reports of rape by Indian troops. In one incident, members of an Indian army unit, the Rajputana Rifles, reportedly raped six women in the village of Nawoosa on the night of April 22-23. The women, whose ages ranged from about thirteen to thirty, filed a complaint with the police on April 24, but the latter declined to register a case, according to human rights activists who interviewed five of the women. After the local community protested, the state government and army initiated a joint investigation. As of October, no findings had been made public.

On August 9, the Jammu and Kashmir state government appointed a human rights commission to investigate complaints of abuse but gave it no jurisdiction over the army or other federal forces. Although the government claimed to have prosecuted security personnel in a number of human rights cases, it continued to refuse to make public the nature of both the abuses and the punishments, despite requests by human rights groups that it do so.

Abuses by militant groups in Kashmir also continued. On March 21, seven Hindu villagers in Sangrampora were murdered by a militant group which reportedly had close links to Pakistan. On October 31 a car bomb in Srinagar killed three and injured at least thirty. On March 29, a car bomb in Jammu killed sixteen civilians and injured more than seventy. Militants also assassinated members of the state's governing National Conference Party and other officials. In Punjab, Sikh separatist groups launched a number of surprise attacks. One of the bloodiest occurred on July 9 when an unidentified militant group detonated a bomb on a train in the state, killing at least thirty-eight passengers.

Civilians continued to be victims of Indian military operations against armed opposition groups seeking autonomy in India's northeastern states. Security forces, who were granted extraordinary powers under the Armed Forces (Special Powers) Act, engaged in arbitrary arrests and detentions, extrajudicial executions and torture, including rape. On the night of February 9, 1997, Junmoni Hangique, sixteen, sister of a member of the armed opposition United Liberation Front of Assam (ULFA), was reportedly raped by officers from the 79th Sikh Regiment. The family filed charges, but as of October, none of the officers had been prosecuted.

Armed opposition groups in turn carried out attacks on security personnel and government officials and engaged in arbitrary killings of noncombatants. Bodo separatists in Assam were accused of train bombings that killed over one hundred civilians in 1997. Armed opposition groups in Assam, Tripura and Manipur were all accused of attacks on villagers of rival ethnic groups. Kidnapping and extortion also remained hallmarks of militant operations in the region; managers and laborers on tea estates were particular targets. In August, police in Assam began an unprecedented crackdown on persons thought to be providing logistic or financial support to ULFA, and charged senior tea industry executives with supporting ULFA through the payment of protection money.

A three-month cease-fire between Indian forces and the National Socialist Council of Nagaland (Isak-Muivah) (NSCN-IM) went into force in Nagaland on August 1. It was later unilaterally extended to other Naga groups but did not include Manipur. Despite the truce, the chief minister of Nagaland, S.C. Jamir, and former government ministers Rajesh Pilot and Pawan Singh Ghatowar were the targets of a September 27 assassination attempt when unidentified gunmen fired at their convoy near the town of Kohima.

Progress in prosecuting police responsible for abuses in some states was offset by official indifference or endorsement of abuse in others. In Punjab, the courts continued to hear evidence in cases of custodial torture, killings and "disappearances" by senior police officers. Prosecutions of senior officers continued despite protests by police following the suicide in June of Superintendent Ajit Singh Sandhu, who had been charged in a

NUMBER OF HUMAN RIGHTS CASES. AS OF OCTOBER, CASES WERE PENDING AGAINST 123 POLICE OFFICERS.

IN OCTOBER FORTY-THREE POLICEMEN IN UTTAR PRADESH WERE INDICTED IN CONNECTION WITH THE 1996 MURDER OF TWO YOUNG MEN. IN MAHARASHTRA, MEANWHILE, STATE HOME MINISTER GOPINATH MUNDE VOWED THAT A POLICY OF "ENCOUNTERS," THAT IS, EXTRAJUDICIAL EXECUTIONS, WOULD BE FOLLOWED TO RESTORE LAW AND ORDER. HUMAN RIGHTS GROUPS DOCUMENTED A SURGE IN POLICE "ENCOUNTER" KILLINGS OF SUSPECTED CRIMINALS IN THE MAHARASHTRA STATE CAPITAL, BOMBAY. ON JULY 10, INDIA'S OFFICIAL NATIONAL HUMAN RIGHTS COMMISSION (NHRC) ISSUED A NOTICE TO THE MAHARASHTRA DIRECTOR-GENERAL OF POLICE ASKING FOR INFORMATION ON THE INCREASE IN ENCOUNTER KILLINGS IN BOMBAY. IN JULY, BOMBAY POLICE OPENED FIRE ON LOW-CASTE PROTESTERS WHO HAD ORGANIZED A DEMONSTRATION AGAINST DISCRIMINATORY STATE POLICIES, KILLING TEN.

A REPORTED INCREASE IN DEATHS IN JUVENILE CUSTODIAL FACILITIES PROMPTED THE NHRC TO LAUNCH A NATIONWIDE INVESTIGATION IN MAY. IN AN ATTEMPT TO ADDRESS INCREASING COMPLAINTS OF CUSTODIAL VIOLENCE, ON AUGUST 10 THE NHRC ANNOUNCED THAT IT WOULD INITIATE VISITS TO POLICE LOCK-UPS THROUGHOUT THE COUNTRY.

DETENTION OF PERSONS UNDER THE NOTORIOUS TERRORIST AND DISRUPTIVE PRACTICES (PREVENTION) ACT (TADA) CONTINUED FOR OFFENSES ALLEGEDLY COMMITTED BEFORE THE LAW LAPSED IN 1995—A PRACTICE THAT AUTHORITIES HAVE REPORTEDLY ABUSED THROUGH THE SPURIOUS BACKDATING OF VIOLATIONS. THOSE DETAINED JOINED MORE THAN 3,000 TADA DETAINEES WHO WERE HELD UNDER A PROVISION AUTHORIZING THEIR CONTINUED DETENTION, EVEN THOUGH THE LAW ITSELF WAS NO LONGER IN FORCE.

POLICE IN MAHARASHTRA ARRESTED AND BEAT DEMONSTRATORS PROTESTING AGAINST THE CONSTRUCTION OF THE DABHOL POWER PLANT, A JOINT VENTURE INVOLVING U.S.-BASED MULTINATIONAL CORPORATIONS. PROTESTERS WERE HELD FOR PERIODS RANGING FROM FIVE TO TEN DAYS, APPARENTLY IN AN EFFORT TO PREVENT FURTHER DEMONSTRATIONS OF DISSENT. WOMEN AND YOUNG GIRLS WERE REPORTEDLY SINGLED OUT FOR ARREST. IN JUNE, SOME ONE HUNDRED DEMONSTRATORS STAGING A PEACEFUL PROTEST AGAINST A WORLD BANK-FINANCED POWER PROJECT IN SINGRAULI, ORISSA, WERE BEATEN AND DETAINED BY POLICE.

ON DECEMBER 10, 1996, INDIA'S SUPREME COURT REACHED A LANDMARK DECISION AIMED AT FREEING CHILD LABORERS FROM HAZARDOUS INDUSTRIES BY PROMOTING COMPULSORY EDUCATION THROUGH THE CREATION OF A TRUST FUND FROM EMPLOYERS AND THE GOVERNMENT. IT ALSO RECOMMENDED A PROGRAM OF JOB REPLACEMENT AIMED AT PROVIDING JOBS TO ADULT FAMILY MEMBERS INSTEAD OF CHILDREN. THE DECISION HAD BROAD IMPLICATIONS FOR INDIA'S BONDED CHILD LABORERS, ESTIMATED TO NUMBER ABOUT FIFTEEN MILLION OR FROM ONE-FOURTH TO ONE-EIGHTH OF THE TOTAL CHILD LABOR FORCE. UNDER THE COURT'S PLAN, OFFENDING EMPLOYERS WERE TO BE FINED FOR EACH CHILD WORKER, AND THE FUNDS COLLECTED WOULD BE USED FOR THE CHILD'S EDUCATION AND WELFARE. EMPLOYERS WOULD REMAIN LIABLE TO CONTRIBUTE TO THE FUND EVEN IF THEY DISMISSED THEIR CHILD WORKERS.

IN ANOTHER RULING ON DECEMBER 11, 1996, THE SUPREME COURT PROHIBITED SHRIMP FARMING ALONG COASTLINES PROTECTED UNDER INDIA'S ENVIRONMENTAL LAWS. THE RULING SERVED AS AN INDICTMENT OF THE SHRIMP INDUSTRY AND EFFECTIVELY PUT AN END TO ABUSES BY SHRIMP COMPANY EMPLOYEES AND THE LOCAL POLICE WHO HAD ENGAGED IN BEATINGS AND ARRESTS OF LOCAL VILLAGERS AND ACTIVISTS ORGANIZING PROTESTS AGAINST THE SHRIMP FARMS.

IN ACCORDANCE WITH THE 1993 CHEMICAL WEAPONS CONVENTION, INDIA ACKNOWLEDGED THAT IT POSSESSED CHEMICAL WEAPONS, BUT DECLINED TO MAKE PUBLIC ANY INFORMATION ABOUT ITS PROGRAM.

The Right to Monitor

HUMAN RIGHTS GROUPS WHO OPERATED IN MAJOR CITIES OR ENJOYED AN INTERNATIONAL REPUTATION CONTINUED TO OPERATE FAIRLY FREELY, ALTHOUGH SOME WERE OBSTRUCTED FROM INVESTIGATING SPECIFIC INCIDENTS OF ABUSE. FOR EXAMPLE, IN JUNE, MEMBERS OF THE COMMITTEE FOR INITIATIVE ON KASHMIR WERE PREVENTED FROM VISITING PAHALGAM, THE SITE OF WIDESPREAD ABUSES BY INDIAN TROOPS.

A PATTERN OF STATE-TOLERATED INTIMIDATION AGAINST CIVIL LIBERTIES LAWYERS AND OTHER POLITICAL ACTIVISTS CONTINUED IN ANDHRA PRADESH, WHERE THE STATE GOVERNMENT HAS BEEN ENGAGED IN A LONGSTANDING CONFLICT WITH ARMED MAOIST GROUPS COLLECTIVELY KNOWN AS NAXALITES. IN APRIL AND MAY A GROUP CALLING ITSELF THE "GREEN TIGERS"—A REPORTEDLY FICTITIOUS NAME USED BY A POLICE COUNTER-INSURGENCY UNIT—CLAIMED RESPONSIBILITY FOR ASSAULTS ON TWO SENIOR MEMBERS OF THE ANDHRA PRADESH CIVIL LIBERTIES COMMITTEE (APCLC) AND A PROTEST SINGER, AND THREATENED TO ATTACK FOUR OTHER PROMINENT CIVIL LIBERTIES ACTIVISTS. IN JUNE, THE ANDHRA PRADESH GOVERNMENT ORDERED STATE

COLLEGES AND UNIVERSITIES TO TAKE DISCIPLINARY ACTION AGAINST ANY ACADEMIC WITH TIES TO APCLC. SEVERAL UNIVERSITIES RESPONDED BY SENDING LETTERS TO APCLC OFFICE HOLDERS ORDERING THEM TO DISASSOCIATE THEMSELVES FROM THE HUMAN RIGHTS GROUP.

IN SEPTEMBER, A POLICE OFFICIAL ENTERED THE OFFICES OF THE SOUTH ASIA HUMAN RIGHTS DOCUMENTATION CENTRE (SAHRC) IN NEW DELHI AND QUESTIONED THE DIRECTOR, RAVI NAIR, ABOUT THE GROUP'S ACTIVITIES. WHEN NAIR REQUESTED THAT THE OFFICIAL PROVIDE PROPER IDENTIFICATION, HE LEFT. SUBSEQUENTLY, NAIR RECEIVED A CALL FROM THE DEPUTY COMMISSIONER OF POLICE WHO THREATENED TO ARREST NAIR AND GIVE HIM "SPECIAL TREATMENT" IF HE DID NOT COOPERATE.

IN OCTOBER, R. N. KUMAR, AN ACTIVIST FROM THE COMMITTEE FOR INITIATIVE AND ACTION IN PUNJAB, RECEIVED ANONYMOUS DEATH THREATS OVER THE TELEPHONE. KUMAR HAD BEEN INSTRUMENTAL IN BRINGING ABOUT INVESTIGATIONS INTO THE "DISAPPEARANCES" OF OVER 900 PEOPLE IN PUNJAB BETWEEN 1984 AND 1994. ALSO IN OCTOBER, BABLOO SINGH LOITONGBAM OF THE COMMITTEE ON HUMAN RIGHTS IN MANIPUR WAS INTERROGATED BY POLICE IN IMPHAL, MANIPUR, AFTER HE CRITICIZED INDIA'S HUMAN RIGHTS RECORD AT THE U.N. HUMAN RIGHTS COMMITTEE'S HEARINGS IN GENEVA IN THE LAST WEEK OF JULY.

PROGRESS WAS SLOW IN THE INVESTIGATION OF THE 1996 MURDER OF JALIL ANDRABI, A PROMINENT HUMAN RIGHTS LAWYER AND POLITICAL ACTIVIST ASSOCIATED WITH THE PRO-INDEPENDENCE JAMMU AND KASHMIR LIBERATION FRONT. A SPECIAL INVESTIGATION INTO ANDRABI'S KILLING WAS LAUNCHED UNDER THE DIRECTION OF THE JAMMU AND KASHMIR HIGH COURT. AS OF OCTOBER, THE ARMY MAJOR WHO ARRESTED ANDRABI HAD BEEN INDICTED BUT REMAINED AT LARGE, ALTHOUGH THE NHRC HAD CALLED ON THE ARMY TO DISCLOSE HIS WHEREABOUTS.

ATTACKS ON ACTIVISTS BY NON-STATE ACTORS ALSO POSED SPECIAL PROBLEMS FOR INDIAN NONGOVERNMENTAL ORGANIZATIONS (NGOs). ON OCTOBER 27, THE DECAPITATED BODY OF FATHER A.T. THOMAS, A JESUIT PRIEST WHO TOGETHER WITH OTHER PRIESTS HAD WORKED ON DEVELOPMENT ISSUES AMONG LOW CASTE COMMUNITIES, WAS FOUND IN THE HAZARIBAGH DISTRICT OF BIHAR. THE MURDER FOLLOWED OTHER ATTACKS ON CHRISTIAN AND LOW CASTE COMMUNITIES IN THE REGION WHICH ARE BELIEVED TO HAVE BEEN CARRIED OUT WITH THE SANCTION OF POLICE AND LOCAL OFFICIALS. IN JULY, INDIAN SOCIAL WORKER SANJOY GHOSE, HEAD OF THE ASSOCIATION OF VOLUNTARY AGENCIES FOR RURAL DEVELOPMENT (AVARD), WAS ABDUCTED AND KILLED BY MEMBERS OF ULFA WHO WERE UNHAPPY WITH HIS RURAL ORGANIZING EFFORTS. THE ABDUCTION GALVANIZED THE INDIAN NGO COMMUNITY, AND A GLOBAL CAMPAIGN WAS LAUNCHED TO CALL FOR GHOSE'S RELEASE. CRITICS BELIEVE, HOWEVER, THAT GHOSE WAS KILLED SOON AFTER HIS ABDUCTION.

IN AUGUST, POLICE IN ASSAM ARRESTED SIX PROMINENT HUMAN RIGHTS ACTIVISTS AND JOURNALISTS FOR ALLEGED LINKS WITH ULFA, INCLUDING AJIT KUMAR BHUYAN, EDITOR OF *Pratidin*, A POPULAR ASSAMESE DAILY, AND CHAIRMAN OF THE ORGANIZATION FOR THE STRUGGLE FOR HUMAN RIGHTS (MANAB ADHIKAR SANGRAM SAMITI, MASS), A LOCAL HUMAN RIGHTS ORGANIZATION, AND ASHISH GUPTA, SECRETARY GENERAL OF THE NORTH EAST HUMAN RIGHTS COORDINATION COMMITTEE (NECOHR). ALTHOUGH BHUYAN HAD BEEN VOCAL IN HIS CRITICISM OF THE ABDUCTION OF SANJOY GHOSE, HE WAS CHARGED BY AUTHORITIES WITH COMPLICITY IN GHOSE'S MURDER AND HELD IN VIRTUAL INCOMMUNICADO DETENTION FOR ALMOST THREE WEEKS.

HUMAN RIGHTS ORGANIZATIONS CONCERNED ABOUT DETERIORATING CONDITIONS IN INDIA'S NORTHEAST LAUNCHED A COUNTRY-WIDE CAMPAIGN IN APRIL CALLING FOR THE REPEAL OF THE ARMED FORCES (SPECIAL POWERS) ACT. THE LAW GIVES SWEEPING POWERS TO THE SECURITY FORCES OPERATING IN THE NORTHEAST AND IN KASHMIR. THE CAMPAIGN, BASED ON AN EARLIER FACT-FINDING MISSION TO ALL SEVEN NORTHEASTERN STATES BY FOURTEEN PROMINENT INDIAN ACTIVISTS, SIGNIFICANTLY RAISED THE PROFILE OF HUMAN RIGHTS CONCERNS IN THE REGION. ON AUGUST 20, THE SUPREME COURT RESERVED JUDGMENT ON A PETITION BROUGHT BY A PARTICIPATING ORGANIZATION, THE NAGA PEOPLE'S MOVEMENT FOR HUMAN RIGHTS, CHALLENGING THE ACT ON THE GROUNDS THAT IT PROVIDED NO PROCEDURE TO FILE COMPLAINTS ABOUT VIOLATIONS OF THE RIGHT TO LIFE OR INDISCRIMINATE USE OF THE LAW IN CONFLICT AREAS. THE COURT WAS EXPECTED TO FRAME RULES FOR APPLICATION OF THE ACT, BUT AS OF OCTOBER, NO DATE HAD BEEN SET FOR A FINAL HEARING.

The Role of the International Community

United Nations

IN JULY, THE U.N. HUMAN RIGHTS COMMITTEE CONSIDERED INDIA'S LONG-OVERDUE REPORT ON COMPLIANCE WITH THE ICCPR. IN ITS CONCLUDING OBSERVATIONS, THE COMMITTEE, WHILE COMMENDING INDIA FOR SOME INITIATIVES, INCLUDING THE ESTABLISHMENT OF A NATIONAL HUMAN RIGHTS COMMISSION, CRITICIZED THE GOVERNMENT FOR ITS USE OF SPECIAL POWERS LEGISLATION IN DISTURBED AREAS, INCLUDING CONTINUED USE OF LAWS PERMITTING PREVENTIVE DETENTION, AND FOR ITS FAILURE TO ADEQUATELY PROSECUTE SECURITY PERSONNEL FOR ABUSES.

European Union

AS THE E.U. CONTINUED TO EXPAND TRADE RELATIONS WITH INDIA, FEW HUMAN RIGHTS ISSUES ATTRACTED INTERNATIONAL ATTENTION APART FROM CHILD LABOR, ALTHOUGH A NUMBER OF COUNTRIES EXPRESSED CONCERN ABOUT THE NEED FOR PROGRESS IN TALKS BETWEEN INDIA AND PAKISTAN ON KASHMIR.

AT THE BEGINNING OF SEPTEMBER, REPRESENTATIVES OF THE PAST, PRESENT AND FUTURE CHAIRS OF THE E.U. (THE SO-CALLED *TROIKA*) MET WITH REPRESENTATIVES OF INDIA IN LUXEMBOURG TO DISCUSS IMPROVING RELATIONS BETWEEN THE E.U. AND INDIA, THE SITUATION IN KASHMIR, INCLUDING THE UNRESOLVED CASE OF WESTERN HOSTAGES, AND HUMAN RIGHTS, INCLUDING FORCED CHILD LABOR. THE E.U. AND INDIA ALSO DECIDED TO ELEVATE RELATIONS FROM A TWICE-YEARLY MINISTERIAL MEETING TO AN ONGOING DIALOGUE THAT WOULD INVOLVE MORE REGULAR MEETINGS OF SENIOR OFFICIALS. THEY ALSO DISCUSSED INDIA'S POTENTIAL MEMBERSHIP IN THE ASIA EUROPE MEETING (ASEM), WHICH IN 1997 INCLUDED ONLY NATIONS FROM EAST AND SOUTHEAST ASIA AND THE E.U. A WORKING GROUP WAS ESTABLISHED WITHIN THE E.U. ON STRENGTHENING DEMOCRACY IN THE REGION AND TACKLING CHILD LABOR ISSUES.

United States

THE U.S. STATE DEPARTMENT'S 1997 REPORT ON HUMAN RIGHTS WAS A NOTABLE IMPROVEMENT OVER THE 1996 REPORT AND REFLECTED BETTER CONSULTATION WITH LOCAL AND INTERNATIONAL NGOs. THE REPORT, HOWEVER, RELIED ON INACCURATE GOVERNMENT STATISTICS ON BONDED LABOR AND IGNORED THE FACT THAT EXISTING LAWS PROHIBITING BONDED LABOR WERE SELDOM ENFORCED.

IN SEPTEMBER, ASSISTANT SECRETARY OF STATE KARL R. INDERFURTH VISITED INDIA IN THE FIRST OF A SERIES OF HIGH-LEVEL VISITS DESIGNED TO ENHANCE TRADE RELATIONS AND BOOST DISCUSSIONS BETWEEN THE TWO COUNTRIES ON DISARMAMENT AND OTHER SECURITY ISSUES; SECRETARY OF STATE ALBRIGHT WAS DUE TO FOLLOW IN MID-NOVEMBER AND PRESIDENT CLINTON IN EARLY 1998. ALSO IN SEPTEMBER, U.S. PRESIDENT BILL CLINTON AND INDIAN PRIME MINISTER GUJRAL AT THE U.N.

IN OCTOBER, THE U.S. CONGRESS INTRODUCED A BILL TO BAN THE IMPORT OF GOODS MADE BY FORCED CHILD LABOR.

World Bank

IN JUNE, PRESSURE ON THE WORLD BANK BY WELL-COORDINATED NETWORKS OF INDIAN AND INTERNATIONAL NGOs CONCERNED ABOUT THE USE OF CHILD AND BONDED CHILD LABOR IN WORLD BANK-FUNDED PROJECTS LED THE BANK TO CONVENE MEETINGS WITH INDIAN NGOs TO DETERMINE MEANS BY WHICH IT MIGHT ADDRESS CHILD LABOR ISSUES IN INDIA. THE BANK AGREED TO CANVAS EXISTING PROJECTS TO DETERMINE IF THEY EMPLOYED CHILDREN AND TO ENSURE THAT SOCIAL ASSESSMENT WORK BE CARRIED OUT FOR PROJECTS UNDER PREPARATION THAT POSED A STRONG RISK OF EMPLOYING CHILD LABOR. THE OVERALL RESPONSE OF NGO PARTICIPANTS IN THESE MEETINGS WAS CAUTIOUSLY POSITIVE. THEY URGED THE BANK TO CONTINUE AND EXPAND ITS EFFORTS TO CONSULT WITH NONGOVERNMENTAL ORGANIZATIONS ON CHILD LABOR ISSUES AND TO ENCOURAGE INDIA'S GOVERNMENT TO DO LIKEWISE. NGOs STRESSED THE NEED FOR THE BANK TO EMPHASIZE PREVENTION THROUGH QUALITY PRIMARY EDUCATION AS WELL AS THE NEED FOR LAW ENFORCEMENT.

INDONESIA AND EAST TIMOR

IN INDONESIA, THE YEAR WAS MARKED BY SERIOUS COMMUNAL CLASHES, THE MOST VIOLENT ELECTION CAMPAIGN IN THE HISTORY OF PRESIDENT SOEHARTO'S THIRTY-ONE-YEAR-OLD GOVERNMENT, HARSH TREATMENT OF POLITICAL DISSIDENTS, ONGOING LABOR

RIGHTS PROBLEMS, AND HARASSMENT AND INTIMIDATION OF NON-GOVERNMENTAL ORGANIZATIONS. IN EAST TIMOR, THE HUMAN RIGHTS SITUATION DETERIORATED DRAMATICALLY DURING THE YEAR AS THE ARMED CONFLICT HEATED UP. AND THE FOREST FIRES IN KALIMANTAN AND SUMATRA THAT BY SEPTEMBER HAD THE MAKINGS OF AN INTERNATIONAL ENVIRONMENTAL DISASTER WERE ATTRIBUTED BY MANY TO THE ABSENCE OF CHECKS ON THE EXECUTIVE BRANCH OF GOVERNMENT THAT RESTRICTIONS ON FREEDOM OF ASSOCIATION AND EXPRESSION HAVE PERPETUATED.

INTERNATIONALLY, WHILE INDONESIA TOOK THE LEAD IN GETTING AN ASEAN DELEGATION TO TRY TO MEDIATE THE CAMBODIAN CRISIS, IT ALSO TOOK A LEADING ROLE IN ASEAN IN PRESSING FOR ADMISSION OF BURMA (SEE BURMA CHAPTER). INDONESIA'S ENTHUSIASM FOR BURMA'S MEMBERSHIP WAS NOT UNRELATED TO THE SOEHARTO FAMILY'S EXTENSIVE INVESTMENTS IN BURMA. INDONESIA SENT AN OBSERVER TO OSLO BUT DID NOT SIGN THE NEW TREATY BANNING ANTI-PERSONNEL MINES, AND IT JOINED A NUMBER OF OTHER COUNTRIES WITH POOR HUMAN RIGHTS RECORDS TO TAKE STEPS THAT COULD WEAKEN THE U.N. HUMAN RIGHTS COMMISSION.

Human Rights Developments

TO NO ONE'S SURPRISE, THE RULING PARTY GOLKAR WON THE MAY 29 PARLIAMENTARY ELECTIONS BY OVER 74 PERCENT, AN EVEN BIGGER THAN USUAL MARGIN IN THE EXERCISE THAT TAKES PLACE EVERY FIVE YEARS. THE GOVERNMENT ALLOWS ONLY TWO OPPOSITION PARTIES TO FIELD CANDIDATES IN WHAT IT CALLS THE "FESTIVAL OF DEMOCRACY:" THE INDONESIAN DEMOCRATIC PARTY, KNOWN BY ITS INDONESIAN INITIALS PDI, AND THE UNITED DEVELOPMENT PARTY, PPP. AS A RESULT OF THE GOVERNMENT OUSTER IN JUNE 1996 OF THE POPULAR MEGAWATI SOEKARNOPUTRI AS HEAD OF PDI AND A RULING ON JANUARY 20 BLOCKING BOTH MEGAWATI AND HER SUPPORTERS FROM RUNNING AS CANDIDATES, POPULAR SUPPORT FOR THAT PARTY EVAPORATED. THE STRONGEST CRITICS OF THE GOVERNMENT THEN EITHER ADVOCATED A BOYCOTT OF THE VOTE OR JOINED FORCES WITH THE STRONGLY MUSLIM PPP.

RESTRICTIONS ON FREEDOM OF EXPRESSION AND ASSOCIATION INCREASED AS THE ELECTION APPROACHED. ON JANUARY 14, ABERSON MARLE SIHALOHO, A FIFTY-EIGHT-YEAR-OLD MEMBER OF PARLIAMENT FROM THE PDI AND A CLOSE ADVISER TO DEPOSED PDI LEADER MEGAWATI SOEKARNOPUTRI, WENT ON TRIAL IN CENTRAL JAKARTA DISTRICT COURT ON CHARGES OF INSULTING INDONESIAN AUTHORITIES IN PUBLIC. THE CHARGES STEMMED FROM A SPEECH HE HAD MADE IN JULY 1996, A TAPE OF WHICH WAS PRESENTED AS EVIDENCE, IN WHICH HE ACCUSED PRESIDENT SOEHARTO OF RECOLONIZING THE INDONESIAN PEOPLE, USING THE PUBLIC'S MONEY TO BUY MILITARY WEAPONS THAT WERE USED AGAINST THE PEOPLE THEMSELVES, AND TURNING THE INDONESIAN PARLIAMENT INTO A BODY REPRESENTING BIG CONGLOMERATES. HE WAS ALSO ACCUSED OF INDIRECTLY IMPLYING THAT HE WISHED SOEHARTO'S DEATH BY SAYING, "IF YOU WANT TO CHANGE SOEHARTO, THAT'S EASY. THERE IS NO NEED TO PRAY OR TO BURN INCENSE, GOD WILL TURN SOEHARTO INTO SOIL LATER." ON JULY 21, HE WAS SENTENCED TO NINE MONTHS IN PRISON.

ON JANUARY 19, FIVE INDONESIAN STUDENTS IN PURWOKERTO, CENTRAL JAVA WERE ARRESTED AND ACCUSED OF INCITEMENT AFTER THEY DISTRIBUTED STICKERS ADVOCATING A BOYCOTT. ALL FACED UP TO FOUR YEARS IN JAIL.

ON JANUARY 27, THE ATTORNEY GENERAL ISSUED AN ORDER TO SOUTH JAKARTA POLICE TO INVESTIGATE MEGAWATI HERSELF AS A SUSPECT IN WHAT THE AUTHORITIES CLAIMED WAS THE HOLDING OF AN ILLEGAL POLITICAL MEETING AT HER HOUSE ON JANUARY 10 RELATED TO THE TWENTY-FOURTH ANNIVERSARY OF PDI. AFTER REFUSING SEVERAL SUMMONSES, SHE FINALLY AGREED TO APPEAR FOR QUESTIONING ON FEBRUARY 20; NO FURTHER LEGAL ACTION AGAINST HER WAS TAKEN.

ON MARCH 5, AN OUTSPOKEN FORMER PARLIAMENTARIAN NAMED SRI BINTANG PAMUNGKAS WAS ARRESTED AND CHARGED WITH SUBVERSION, A CAPITAL OFFENSE, FOR URGING A BOYCOTT OF THE ELECTIONS IN A CARD HE SENT AROUND TO INDONESIA'S POLITICAL ELITE TO MARK THE END OF THE MUSLIM FASTING MONTH, RAMADAN. AT THE TIME, HE WAS FREE PENDING THE OUTCOME OF AN APPEAL TO THE SUPREME COURT AFTER HAVING BEEN SENTENCED TO THIRTY-FOUR MONTHS IN PRISON FOR INSULTING THE PRESIDENT, IN A LECTURE HE HAD GIVEN IN BERLIN, GERMANY IN APRIL 1995. THE SUBVERSION CHARGE WAS ALSO RELATED TO SRI BINTANG'S ESTABLISHMENT OF A POLITICAL PARTY CALLED THE UNITED INDONESIAN DEMOCRATIC PARTY (PARTAI UNI DEMOKRASI INDONESIA, PUDI), IN VIOLATION OF A LAW RESTRICTING THE NUMBER OF PARTIES TO THE TWO MENTIONED ABOVE, PPP AND PDI, IN ADDITION TO GOLKAR. IN SEPTEMBER, PRESS REPORTS SUGGESTED THAT PUDI, ALONG WITH A NUMBER OF OTHER ORGANIZATIONS, WAS GOING TO BE FORMALLY BANNED BY THE MINISTRY OF HOME AFFAIRS. AS OF THIS WRITING, SRI BINTANG WAS STILL AWAITING TRIAL. ON APRIL 7, ANDI SYAHPUTRA, PRINTER OF AN UNDERGROUND MAGAZINE CALLED *SUARA INDEPENDEN*

(VOICE OF INDEPENDENCE), was sentenced to two years and six months in prison for defaming President Soeharto and distributing material hostile to the head of state. He had been arrested in October 1996. The offending issue of the magazine contained an interview comparing Soeharto to the king in the fairy tale "THE EMPEROR'S NEW CLOTHES." On the same day, a two-day training workshop in election monitoring organized by the Committee for Independent Election Monitoring (KIPP) in the South Sulawesi capital of Ujung Pandang, was broken up by security forces halfway through the first day, despite the fact that all necessary permits had been secured and the meeting was fully in accordance with Indonesian law.

On April 28, Jakarta courts issued the harshest sentences handed down for peaceful political dissent in more than a decade against a group of students active in a left-wing political organization, the People's Democratic Party (PRD), and arrested following a riot in Jakarta in July 1996. Budiman Soedjatmiko, head of the PRD, was sentenced to thirteen years in prison, and Garda Sembiring, head of the group's student affiliate, to twelve. Seven others were sentenced to prison terms ranging from eighteen months to eight years. In Surabaya, East Java, three other students associated with the same organization—Dita Indah Sari, Coen Husein Ponto, and Mohamed Soleh—were also sentenced to heavy terms. Dita's sentence of six years was reduced on appeal to five; the four-year terms of the two others were reduced to three and a half years. The government accused the PRD of being the latest manifestation of the banned Communist Party of Indonesia. It also accused the students, correctly, of organizing worker rallies, calling for a referendum on East Timor, and campaigning for a more open political system. The PRD was formally banned on September 30.

A demonstration outside the courts on the opening day of the PRD trials led to the arrests of two more students, Anom Winanto and Aris, of an organization called the National Committee for Democratic Struggle (Komite Nasional Perjuangan Demokrasi). As of September, they remained in detention, and it was unclear when their trials would begin. They were accused of "spreading hatred" toward the Indonesian government by holding up a pro-Megawati banner.

On May 26, the PPP complained to the National Human Rights Commission that over one hundred of its supporters in the central Javanese town of Jepara had been arbitrarily arrested from their homes.

Among the many outbreaks of election-related violence, two were particularly noteworthy. On May 24, PPP supporters in Banjarmasin, Kalimantan, led an attack on the local Golkar office after Golkar supporters tried to ride by a mosque during Friday prayers. The attack turned into a riot marked by burning, looting, and destruction of homes, shops, and vehicles belonging to ethnic Chinese. Several churches and a temple were also burned. The death toll from a fire in one large shopping mall alone was 123; two other people were stabbed to death. Rumors that some of the victims had been shot could not be verified because the dead, many of whom were said to be burned beyond recognition, were buried before an adequate forensic investigation or attempt at identification was undertaken. A brief investigation by the National Human Rights Investigation was insufficient to shed much light on what happened. As of June, families reported 197 people still missing. Over one hundred people were brought to trial on relatively minor charges such as looting; only one person was tried for incitement, a man named Tohar who had appeared on a silent police videotape. The only witnesses against him were police who said he had been urging a holy war against Golkar.

On May 29, a crowd in Sampang, Madura rioted after alleging that election officials had tampered with ballots to ensure a Golkar victory in what was traditionally a PPP stronghold. At least three people died in unexplained circumstances. The family of one victim, Wafir, who disappeared during the violence and whose body was found in a rice field a week later, believed he was killed by security forces.

At least five editors were demoted or suspended for election-related coverage in cases of direct or indirect government pressure. In early March, Kafil Yamin, political editor of the English-language newspaper, *Indonesian Observer*, was dismissed from work for one month after his paper published a photograph of Megawati and one of Indonesia's most important Muslim leaders, Abdurrahman Wahid. The photograph was construed as supportive of Megawati. Four editors were dismissed or demoted following a meeting of top army commanders on June 3 where

media coverage of the elections was deemed injurious to national stability. The Jakarta-based Alliance of Independent Journalists said twenty journalists were beaten, harassed and/or had their films seized while covering the election campaign.

On July 29 began the long-awaited trial of the man suspected in the August 1996 murder of Fuad Muhammad Syafuruddin, known as Udin, a journalist for the Yogyakarta, central Java newspaper, *Bernas*. Udin was widely believed to have been killed for his investigations into corruption by the district head of Bantul, outside Yogyakarta. The prosecution claimed that Dwi Sumaji, the accused, had killed Udin in a fit of jealous rage; Dwi Sumaji claimed he had been framed by police. Police investigators filed the case five times before it was accepted for prosecution by the Bantul district court. It was rejected the first four times for lack of evidence.

Indonesia was struck during the year by many instances of communal violence, not so clearly linked to the elections, which were spawned by or resulted in human rights violations, although there was no evidence that the government was directly involved in the initial outbreak. On December 26, 1996, violence broke out in the West Java town of Tasikmalaya following police detention and torture of Muslim teachers who had disciplined the police chief's son. The son had been accused of petty theft. Reports of the torture led to a mob attacking and setting fire first to police stations and guardposts across the city, then to shops and homes of ethnic Chinese. Four churches, three Protestant and one Catholic, were also badly damaged. At least four people died in the violence, including a sixty-two-year-old Chinese woman and a fourteen-year-old year old student. Over 160 people were arrested and interrogated at the district military command, including many who said they were only bystanders. A veteran rights activist named Agustiana, aged thirty-two, was taken into custody on January 9, held in two different hotels by police and military intelligence without ever being informed of the charges against him, and was finally given a formal detention order and moved to a normal pre-trial detention facility on January 29. When he refused to countersign the order, saying he wanted to know first what he was being accused of, he was put in solitary confinement for three days. Eventually charged with subversion for being the "intellectual mastermind" behind the violence, he went on trial in August. The prosecution's charges focused heavily on his contacts with other activist organizations and appeared to be based primarily on tapped telephone conversations. As of this writing, the trial is still ongoing.

On January 30, in Rengasdengklok, a village in Krawang district, West Java, a riot broke out after an ethnic Chinese woman complained about the recording coming from a nearby mosque that was intended to wake up Muslims for their pre-sunrise meal during the fasting month. Her husband, Tjio Kim Tjion, allegedly threw a stone at the mosque. In the anti-Chinese riots that ensued, three churches and several vehicles belonging to Chinese were burned. The government filed charges against twenty-one of the rioters who were later sentenced to terms ranging from two to four months. Tjio Kim Tjion, who was arrested and charged with blasphemy, received a sentence of three years and six months. The relative harshness of his sentence compared to those of the rioters, indeed the fact that Tjio Kim Tjion was arrested at all, appeared to be evidence of anti-Chinese discrimination. Another major anti-Chinese riot erupted on September 15, this time in Ujung Pandang, Sulawesi, after a disturbed man of Chinese origin stabbed a nine-year-old Muslim girl to death. Some 500 Chinese shops were burned in the violence that followed. President Soeharto's close association with Chinese financiers, combined with a policy of official discrimination that restricts the number of Chinese in state universities, bans the use of Chinese characters, and with few exceptions bans Chinese from the civil service and military, makes the Chinese population a convenient target for expressions of political and economic discontent.

Communal violence also broke out in Banti, Irian Jaya between the Amungme and Dani people in late January, not far from Timika where the mining operations of the U.S. corporation Freeport McMoran are based, and again between Amungme and Dani in Timika itself in March. It was the fourth major outbreak of communal violence in the area since March 1996. In late August, four more people were killed near Timika, two teenagers in an incident apparently involving a Freeport vehicle, and two men after the military opened fire on a group of tribes people, some of whom were allegedly armed with bows and arrows. A national human rights commission delegation, after

visiting the site, blamed the troubles on inefficient local government, but local activists said the commission's investigation was wholly inadequate.

In West Kalimantan (Indonesian Borneo) from late December 1996 through late February, an outburst of violence by indigenous Dayaks against immigrant Madurese resulted in a death toll of over 500: the army admitted to 300 dead. The Indonesian government did not instigate the initial clash, but its efforts to ban news coverage and discourage any investigation served to fuel rumors that exacerbated the conflict. Moreover, hundreds of people were later arbitrarily arrested under an anachronistic law banning possession of sharp weapons in a part of the country where virtually every family owns them.

In terms of labor rights, the government of Indonesia continues to allow only one officially recognized trade union federation. A ministerial regulation issued in early 1994 did allow workers to organize plant-level unions for collective bargaining; if they sought to federate with other workers beyond the plant, however, they could only do so through the official union. The government claimed that over 1,400 plant-level agreements had been reached; as of this writing, no one, from nongovernmental organizations (NGOs) to Jakarta-based diplomats, has been able to obtain a list of the 1,400 plants. Of the few such agreements known to have been concluded, many appear to have been effectively designed and drafted by management without real worker representation.

Muchtar Pakpahan, the founder of Serikat Buruh Sejahtera Indonesia (Indonesian Prosperous Workers Union, SBSI), the only independent trade union to constitute a challenge to the government federation and a man who for many has come to symbolize the struggle for worker rights, remained on trial in Jakarta on subversion charges at the end of the year. He was arrested shortly after the July 27, 1996 riots. In its formal charge-sheet, the prosecution cited a book Pakpahan had written in August 1995 that noted increasing social injustice and feelings of hatred toward the family of President Soeharto. The book also called for a referendum on independence to be held in East Timor. The prosecution also cited Pakpahan's signing of a statement in June 1996, together with representatives of thirty human rights, development, and pro-democracy organizations, that rejected the government's efforts to oust Megawati and called for democracy and for Soeharto to be put on trial. For most of the year, Pakpahan was hospitalized with what was reported to be a tumor in his lung, and the trial was put on hold; it resumed in September.

While the SBSI itself was not formally banned, its meetings were regularly broken up by security forces. On July 29, a joint military team closed down an SBSI training seminar in the town of Pringsewu, Lampung province and confiscated all documents and a computer. All twenty-six participants were arrested without warrant and interrogated for three days. The questioning initially focused on the lack of a permit for the meeting, then shifted to the content of the seminar, implying that it served to "spread hatred" and discredit the government.

On September 19, SBSI tried to hold its second congress at the SBSI headquarters in Tebet, South Jakarta, only to have police and military arrest eight SBSI members and four foreign observers after a verbal confrontation. All were released after questioning.

A major new draft labor law submitted to the Indonesian parliament during the year drew heavy criticism from local NGOs and international labor groups for not meeting international standards in terms of freedom of association and the right to strike.

In East Timor, the human rights situation worsened. Tensions escalated as the army continued efforts to "Timorize" the security forces, with a heavy reliance on unemployed young people as informers, and as socioeconomic problems (a high unemployment rate; development policies seen as favoring non-Timorese; and an increasing number of Indonesian migrants) fueled resentment of the Indonesian presence. A series of guerrilla attacks around the time of the Indonesian elections in May killed dozens of soldiers and police and brought a predictable response from the army: widespread arbitrary detention, with torture used to force detainees to produce names of possible perpetrators. The May attacks were preceded by a series of violent outbreaks, each of which led to mass arrests and accompanying human rights violations. They included the demonstration in Dili on December 24, 1996 when Bishop Carlos Ximenes Belo returned to Dili from Norway after receiving the Nobel Peace

PRIZE. HUNDREDS OF THOUSANDS LINED UP ALONG THE ROAD TO WELCOME HIM FROM THE AIRPORT, BUT IN SEVERAL PLACES, PEOPLE SUSPECTED OF BEING INTELLIGENCE AGENTS WERE SET UPON BY EAST TIMORESE YOUTH WHO BELIEVED THEY WERE PLANNING TO ASSASSINATE THE BISHOP. AN ARMY CORPORAL WAS KILLED, AND THE POLICE COMMANDER OF DILI AND SEVERAL OTHERS WERE BEATEN. A MASSIVE MANHUNT TOOK PLACE IN THE AFTERMATH OF THE VIOLENCE; SIXTEEN PEOPLE WERE EVENTUALLY ARRESTED, TRIED, AND RECEIVED LIGHT SENTENCES IN JULY. ONE REASON FOR THE LENIENCY, ACCORDING TO THEIR LAWYER, MAY HAVE BEEN THE EVIDENCE OF TORTURE PRODUCED AT THEIR TRIALS.

BETWEEN FEBRUARY 6 AND 10, MORE THAN THIRTY PEOPLE WERE ARRESTED IN VIQUEQUE AFTER ARMED MEMBERS OF THE YOUTH MILITIA, GARDAPAKSI, TOGETHER WITH THE COUNTER-INSURGENCY FORCES, MOUNTED AN OPERATION IN UAI-TAME AND NAE-DALA, TWO VILLAGES SUSPECTED OF BEING LOGISTICAL SUPPLY BASES FOR THE GUERRILLAS. VILLAGERS WERE TERRIFIED BY THE OPERATION, SAYING IT WAS AS BAD AS ANYTHING THEY HAD SEEN SINCE 1975, THE DATE OF THE INDONESIAN INVASION. THE LEADER OF THE GARDAPAKSI UNIT THAT LED THE OPERATION, EUGENIO DA COSTA SOARES, WAS LATER KILLED IN AN AMBUSH BY GUERRILLA FORCES IN APRIL.

ON FEBRUARY 21, A RIOT ERUPTED IN OECUSSE, AMBENO DISTRICT, INVOLVING MORE THAN 600 YOUTHS STARTED AFTER A PARISH PRIEST, ATTENDING THE FIRST-EVER CELEBRATION THERE OF THE END OF THE MUSLIM FASTING MONTH AT THE DISTRICT MILITARY COMMAND ON FEBRUARY 19, WAS SERVED A MEAL THAT HAD BEEN TAMPERED WITH BEFOREHAND, MAKING IT LOOK LIKE HE WAS GETTING LEFTOVERS. DESPITE APOLOGIES FROM THE MILITARY COMMANDER, WORD OF THE INCIDENT LEAKED OUT AND LED TO A RIOT IN WHICH ONE MAN WAS KILLED AND SEVERAL KIOSKS WERE DESTROYED. DOZENS WERE ARRESTED BY ARMED TROOPS FROM THE MOBILE POLICE BRIGADE (BRIMOB). SEVEN WERE LATER CHARGED WITH A VARIETY OF CRIMINAL OFFENSES.

ON MARCH 23, A GROUP OF YOUNG PROTESTORS HELD A DEMONSTRATION AT THE MAHKOTA HOTEL IN DILI WHERE U.N. SPECIAL ENVOY JAMSHEED MARKER WAS STAYING. THE DEMONSTRATION WAS FORCIBLY BROKEN UP AND LED TO THE ARRESTS OF THIRTY-THREE PEOPLE, SEVERAL OF WHOM WERE TORTURED IN CUSTODY. NINETEEN HAD BEEN CONVICTED BY SEPTEMBER AND SENTENCED TO ONE-YEAR PRISON TERMS ON CHARGES OF "SPREADING HATRED"; FOURTEEN REMAINED TO BE TRIED, APPARENTLY ON ASSAULT CHARGES.

SEVERAL OF THE GUERRILLA ATTACKS IN MAY INVOLVED CLEAR VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW. ON MAY 27, A GROUP OF UNIDENTIFIED YOUTHS ATTACKED A NUMBER OF ELECTION OFFICIALS IN THE VILLAGE OF NUNIRA, SUBDISTRICT LAGA, BAUCAU, KILLING TWO SERGEANTS. THE NEXT EVENING IN WEST DILI, GUERRILLAS ATTACKED THE HEADQUARTERS OF A MOBILE POLICE BRIGADE COMPANY, WOUNDING FIVE POLICE. THE SAME DAY IN A VILLAGE OUTSIDE LOS PALOS, IN LAUTEM DISTRICT, GUERRILLAS SHOT AN ELEMENTARY SCHOOL TEACHER NAMED CASTELO WHOM THEY SUSPECTED OF BEING AN INFORMER, TOGETHER WITH THREE OF HIS CHILDREN AND A GROUP OF OTHER TEACHERS. IN A SEPARATE ATTACK THE SAME DAY IN BAUCAU, GUERRILLAS SHOT AND KILLED MIGUEL BAPTISMO DA SILVA, AGED FIFTY-FOUR, AND HIS WIFE. ON MAY 31, SEVERAL MEN WEARING INDONESIAN ARMY UNIFORMS THREW A GRENADE INTO A TRUCK CARRYING TWENTY-SIX POLICEMEN AND TWO SOLDIERS IN QUELICAI, BAUCAU. AN OIL DRUM OF GASOLINE IN THE BACK OF THE TRUCK EXPLODED, AND IN THE RESULTING INFERNO, THIRTEEN OF THE PEOPLE IN THE TRUCK WERE BURNED TO DEATH AND FOUR WERE SHOT AS THEY TRIED TO ESCAPE. THE DEAD INCLUDED SIXTEEN POLICEMEN AND ONE SOLDIER. IT WAS UNCLEAR IF THERE WERE ANY CASUALTIES AMONG THE ATTACKERS.

A MASSIVE MANHUNT WAS LAUNCHED IN RETALIATION, LEADING TO HUNDREDS OF ARRESTS ACROSS THE TERRITORY. A GUERRILLA COMMANDER NAMED DAVID ALEX WAS SHOT IN AN ARMY AMBUSH ON JUNE 25 NEAR THE TOWN OF BAUCAU. HE WAS TAKEN INTO CUSTODY AND, AFTER AN INEXPLICABLE DELAY, WAS FLOWN TO THE INDONESIAN MILITARY HOSPITAL IN DILI, WHERE HE DIED. THE MILITARY LATER ANNOUNCED THAT HIS FAMILY HAD ATTENDED HIS BURIAL, WHICH WAS NOT TRUE.

The Right to Monitor

THE INDONESIAN GOVERNMENT GENERALLY DID NOT PREVENT THE FORMATION OF HUMAN RIGHTS ORGANIZATIONS, BUT CONSTANT SURVEILLANCE, TELEPHONE TAPS, DISPERSAL OF MEETINGS, AND OTHER FORMS OF INTIMIDATION MADE IT VERY DIFFICULT FOR SOME OF THEM TO FUNCTION. IN LATE SEPTEMBER, THE INDONESIAN PRESS REPORTED THAT THE MINISTRY OF HOME AFFAIRS WAS ABOUT TO BAN SEVERAL POLITICALLY ACTIVE GROUPS, INCLUDING SBSI (WHICH THE GOVERNMENT HAS ALWAYS CONSIDERED AN NGO, NOT A TRADE UNION); PUDI, THE PARTY OF SRI BINTANG PAMUNGKAS; AND PRD, THE PARTY TO WHICH THE STUDENTS SENTENCED IN APRIL BELONGED.

ON MARCH 22, POLICE AND MILITARY BROKE UP THE NATIONAL MEETING OF INDONESIA'S LARGEST HUMAN RIGHTS ORGANIZATION, THE INDONESIAN LEGAL AID FOUNDATION (YAYASAN LEMBAGA BANTUAN HUKUM INDONESIA OR YLBHI) AT THE GRAHA ASRI HOTEL IN BANDUNG, WEST JAVA, ON THE GROUNDS THAT YLBHI HAD NOT APPLIED FOR AN OFFICIAL PERMIT TO HOLD THE MEETING. TWO LOCAL ORGANIZERS, WIRAWAN AND HEMASARI, AS WELL AS THE HOTEL MANAGER, WERE TAKEN TO THE LOCAL POLICE STATION IN CIDADAP (KAPOLSEK) AROUND 11:00 A.M. AND WERE LATER TRANSFERRED TO THE REGIONAL POLICE OFFICE (KAPOLWILTABES) IN BANDUNG, WHERE THEY WERE INTERROGATED THAT EVENING.

ON APRIL 11, SECURITY FORCES IN BRASTAGI, NORTH SUMATRA BROKE UP AN ADVOCACY TRAINING SEMINAR ON AGRARIAN ISSUES CARRIED OUT BY THE STUDY AND RESEARCH GROUP ON COMMUNITY DEVELOPMENT (KELOMPOK STUDI, PENELITIAN DAN PENGEMBANGAN MASYARAKAT OR KSPPM). THE SECURITY FORCES CONFISCATED IDENTITY CARDS AND BAGS OF ALL OF THE PARTICIPANTS, THEN INTERROGATED THEM FOR FIFTEEN HOURS AT THE LOCAL POLICE HEADQUARTERS BEFORE RELEASING THEM WITHOUT CHARGE.

ON JUNE 19, THE ANNUAL MEETING OF A MEDAN-BASED ORGANIZATION, THE PEOPLE'S INFORMATION NETWORK (WAHANA INFORMASI MASYARAKAT OR WIM), IN THE NORTH SUMATRAN VILLAGE OF HARANGGAOL WAS BROKEN UP BY THE POLICE ALSO ON THE GROUNDS THAT THE ORGANIZERS DID NOT HAVE A PERMIT. THE MEETING HAD BEEN SCHEDULED FOR THE BEGINNING OF APRIL, BUT WIM HAD BEEN URGED BY LOCAL SECURITY OFFICIALS TO DELAY IT UNTIL AFTER THE ELECTIONS.

THE OFFICIAL INDONESIAN NATIONAL HUMAN RIGHTS COMMISSION IN GENERAL CONTINUED TO DO A CREDITABLE JOB OF PRESSING THE GOVERNMENT FOR ANSWERS WHEN HUMAN RIGHTS VIOLATIONS OCCURRED, BUT IT HAD NEITHER THE RESOURCES NOR, IN SOME CASES, THE INCLINATION TO PURSUE INVESTIGATIONS BEYOND BRIEF ONE- OR TWO-DAY VISITS WHERE COMMISSION DELEGATIONS WERE ALMOST ALWAYS ACCOMPANIED BY SENIOR OFFICIALS FROM THE LOCAL GOVERNMENT. WITH RESPECT TO THE COMMUNAL VIOLENCE IN WEST KALIMANTAN, THE HEAD OF COMMISSION REJECTED SUGGESTIONS THAT HIS ORGANIZATION SHOULD PROBE THE VIOLENCE MORE DEEPLY, SAYING IN EFFECT THAT THE VIOLENCE WAS OVER AND TRYING TO FIND OUT MORE WOULD ONLY STIR THINGS UP.

THE EAST TIMOR OFFICE OF THE COMMISSION WAS WIDELY RECOGNIZED TO BE A FAILURE. ON THE OTHER HAND, THE JUSTICE AND PEACE COMMISSION OF THE CATHOLIC CHURCH IN EAST TIMOR IMPROVED ITS DOCUMENTATION CAPACITY DURING THE YEAR AND BECAME AN IMPORTANT SOURCE OF INFORMATION ON HUMAN RIGHTS ABUSES. NO INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS HAD ACCESS TO EAST TIMOR.

The Role of the International Community

THE INTERNATIONAL COMMUNITY KEPT ITS ATTENTION DURING THE YEAR PRIMARILY ON EAST TIMOR, ARMS SALES TO INDONESIA, THE RIGGED MAY ELECTION, AND THE ONGOING LABOR RIGHTS PROBLEMS.

Response on East Timor

THE AWARDING OF THE NOBEL PEACE PRIZE TO JOSÉ RAMOS HORTA AND BISHOP CARLOS XIMENES BELO OF EAST TIMOR IN LATE 1996 GAVE BOTH MEN GREATER ACCESS TO WORLD LEADERS AND RAISED THE PROFILE OF THE EAST TIMOR ISSUE. IN FEBRUARY, U.N. SECRETARY-GENERAL KOFI ANNAN APPOINTED FORMER PAKISTANI DIPLOMAT JAMSHEED MARKER AS HIS SPECIAL REPRESENTATIVE ON EAST TIMOR, A SIGN OF GREATER U.N. INTEREST IN MOVING AHEAD WITH LONG-STALLED TALKS BETWEEN INDONESIA AND PORTUGAL. BEGINNING IN JULY, AN INITIATIVE BY SOUTH AFRICAN PRESIDENT NELSON MANDELA TO HELP RESOLVE THE CONFLICT WAS WELCOMED BY ALL PARTIES, ALTHOUGH THE PROSPECT OF ANY BREAKTHROUGH IN THE POLITICAL STALEMATE SEEMED SLIM.

HUMAN RIGHTS VIOLATIONS IN EAST TIMOR LED TO AN INTERNATIONAL EFFORT TO STOP ARMS SALES TO INDONESIA. THE U.S. SENATE INCLUDED IN THE FISCAL YEAR 1998 FOREIGN AID BILL A PROVISION STATING THAT IN ANY "SALE, TRANSFER, OR LICENSING OF ANY LETHAL EQUIPMENT OR HELICOPTERS" TO INDONESIA THE AGREEMENT SHOULD STATE THAT THESE ITEMS WOULD NOT BE USED IN EAST TIMOR. A DEBATE IN THE U.S. CONGRESS OVER THE PROPOSED SALE OF F-16 FIGHTER PLANES LED PRESIDENT SOEHARTO TO SEND A LETTER TO PRESIDENT CLINTON ON MAY 26, SAYING THAT, GIVEN THE "UNJUSTIFIED CRITICISM" FROM CONGRESS ABOUT INDONESIA'S HUMAN RIGHTS RECORD, HE HAD DECIDED TO FOREGO BOTH THE F-16S AND U.S. TRAINING OF INDONESIAN OFFICERS UNDER THE INTERNATIONAL MILITARY AND EDUCATION TRAINING (IMET) PROGRAM. IN THE U.K., FOREIGN

Secretary Robin Cook decided to let arms contracts signed by the previous U.K. government proceed, but in September he canceled two contracts with British firms to supply armored personnel carriers and sniper rifles to Indonesia. In doing so, he cited his party's May 1 manifesto not to sell arms to governments that might use them for internal repression. In the U.S. initiatives were underway in the Massachusetts legislature to ban the state from purchasing the goods and services of any corporation that did business with Indonesia because of human rights violations in East Timor.

In April, the U.N. Human Rights Commission in Geneva passed a resolution calling on the Indonesian government, among other things, to ensure the early release of East Timorese detained for their political views; to invite the commission's special rapporteur on torture to East Timor; to facilitate the stationing of a program officer from the office of the High Commissioner for Human Rights in Jakarta and allow him or her unhindered access to East Timor; to encourage the secretary-general of the U.N. to continue to use his good offices to achieve a just and internationally acceptable solution in East Timor; and to provide access to East Timor for human rights organizations.

European Union and the United States

Both E.U. countries and the U.S. were critical of the electoral process in Indonesia. On May 15, the European Parliament adopted a resolution condemning the harsh sentences given to the student dissidents and requesting independent monitors observe the Indonesian elections. Just prior to the elections, nine members of the U.S. House of Representatives wrote to President Clinton expressing concern about the pre-election violence and urging the administration to assess the conditions in the lead-up to the elections with a view to providing observers. On May 30, the U.S. State Department issued a sharply worded statement, citing reports from independent local monitors that the elections had been marked by intimidation, multiple voting, and numerous procedural irregularities. Shortly after the elections were held, the European Parliament passed a resolution deeming them undemocratic. It also urged the Indonesian government to throw out legislation restricting popular political participation.

Much attention around the world focused on the detention of independent labor leader Muchtar Pakpahan and the situation of labor rights more generally. Pakpahan received regular visits from U.S. and European embassy officials; the U.S. tried unsuccessfully to secure his exit abroad for medical treatment. In February, the U.S. trade representative (USTR) sent an official to meet with the government, labor rights organizations, and others to assess progress on the benchmarks agreed to in 1994 by then-USTR Mickey Kantor and Indonesian Foreign Minister Abdul Latief. The agreement resulted from U.S. pressure on Indonesia to improve its labor rights practices or lose tariff benefits for Indonesian exports under the Generalized System of Preferences (GSP) program. As of October, a petition filed with the USTR in 1995 by Human Rights Watch urging a formal resumption of the worker rights review remained pending.

World Bank

The annual meeting of Indonesia's major donors, called the Consultative Group on Indonesia, took place in Tokyo in July. The donors together pledged \$5.3 billion for Indonesia's development, but more than half brought up the need for transparency, implying the need to end corruption, and for strengthening the rule of law. Several donors expressed concern about harassment of NGOs; only the U.S. mentioned East Timor in its formal statement. The World Bank's total lending to Indonesia in fiscal year 1997 totalled \$914.6 million, mainly for infrastructure and rural and social development.

Relevant Human Rights Watch report:

Deteriorating Human Rights in East Timor, 9/97

JAPAN

Human Rights Developments

PRISON CONDITIONS IN JAPAN, COMPENSATION FOR "COMFORT WOMEN," THE COVERAGE OF WORLD WAR II IN SCHOOL TEXTBOOKS, AND TREATMENT OF FOREIGN WORKERS CONTINUED TO BE MAJOR ISSUES IN JAPAN DURING THE YEAR.

JAPAN'S TREATMENT OF SOME 200,000 "COMFORT WOMEN," COMPELLED BY THE JAPANESE ARMY TO PROVIDE SEXUAL SERVICES DURING WORLD WAR II, CONTINUED TO GENERATE CRITICISM, ESPECIALLY FOR THE GOVERNMENT'S REFUSAL TO PROVIDE INDIVIDUAL COMPENSATION TO VICTIMS AS RECOMMENDED BY THE U.N.'S SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN IN HER 1996 REPORT. INSTEAD, A VOLUNTARY FUND WAS ESTABLISHED. LAWSUITS FOR COMPENSATION FILED IN 1993 IN TOKYO DISTRICT COURT IN THE CASE OF COMFORT WOMEN FROM THE PHILIPPINES WERE EXPECTED TO BE CONCLUDED BY THE END OF THE YEAR, AND CASES ON BEHALF OF SOUTH KOREAN WOMEN SOMETIME IN 1998. NONGOVERNMENTAL ORGANIZATIONS (NGOs) WORKING WITH COMFORT WOMEN IN INDONESIA OBJECTED TO JAPAN'S GIVING A BLOCK GRANT FROM THE FUND TO THE INDONESIAN MINISTRY OF SOCIAL AFFAIRS, RATHER THAN DIRECTLY TO THE WOMEN THEMSELVES.

IN SEPTEMBER, THE JAPANESE GOVERNMENT ALSO ANNOUNCED IT WOULD NOT ISSUE AN APOLOGY OR PROVIDE COMPENSATION TO MORE THAN 16,000 MENTALLY OR PHYSICALLY DISABLED JAPANESE WOMEN WHO WERE FORCIBLY STERILIZED UNDER A GOVERNMENT PROGRAM THAT BEGAN IN 1949.

IN AN IMPORTANT CIVIL LIBERTIES CASE, THE SUPREME COURT RULED ON AUGUST 29 THAT THE EDUCATION MINISTRY MUST CEASE THE USE OF CENSORSHIP IN SCHOOL TEXTBOOKS. THE MINISTRY HAD DELETED REFERENCES TO ABUSES COMMITTED BY JAPANESE FORCES DURING WORLD WAR II. THOUGH THE COURT DID NOT STRIKE DOWN ALL USE OF CENSORSHIP BY THE MINISTRY, IT DECLARED THAT THE POWER HAD BEEN ABUSED IN EXPUNGING CASES OF WELL-DOCUMENTED ATROCITIES FROM SCHOOL BOOKS. FOR YEARS THE ISSUE HAD GENERATED WIDESPREAD CONTROVERSY THROUGHOUT ASIA, WHERE JAPAN WAS OFTEN CRITICIZED FOR NOT DIRECTLY CONFRONTING ITS WAR RECORD, AND CIVIL LIBERTIES ADVOCATES IN JAPAN HAILED THE COURT'S DECISION.

OTHER HUMAN RIGHTS ABUSES CONTINUED IN THE AREAS OF TREATMENT OF FOREIGN WORKERS AND TRAFFICKING OF WOMEN INTO JAPAN FOR PROSTITUTION, WITH QUESTIONS RAISED ABOUT FAILURE TO PROVIDE ADEQUATE INTERPRETATION FOR FOREIGNERS ACCUSED OF VIOLATING JAPANESE LAW, TREATMENT OF INMATES IN IMMIGRATION DETENTION CENTERS, AND FAILURE OF JAPANESE OFFICIALS TO MAKE ANY DISTINCTION BETWEEN ILLEGAL IMMIGRANTS AND TRAFFICKING VICTIMS.

ON AUGUST 29, BAHMAN DANESHIAN FAR, AN IRANIAN PRISONER DETAINED IN FUCHU PRISON, FILED A LAWSUIT AGAINST THE JAPANESE GOVERNMENT FOR DISCRIMINATION AND PHYSICAL ABUSE. HE CLAIMED THAT PRISON OFFICIALS HAD MADE DEROGATORY REMARKS ABOUT IRANIANS AND WHEN HE PROTESTED, HE WAS BEATEN, KICKED REPEATEDLY IN THE GROIN, PLACED IN SOLITARY CONFINEMENT, AND PUNISHED BY BEING FORCED TO WEAR LEATHER HANDCUFFS WHICH THE GUARDS COULD TIGHTEN TO CAUSE PAIN. THE LAWSUIT IS ONLY THE SECOND BROUGHT BY A FOREIGN PRISONER IN FUCHU.

AT THE UNITED NATIONS, THE GOVERNMENT OF PRIME MINISTER RYUTARO HASHIMOTO PLAYED A MORE CONSTRUCTIVE ROLE IN THE PREPARATORY DISCUSSIONS ON THE CREATION OF AN INTERNATIONAL CRIMINAL COURT (ICC) WHILE REITERATING ITS OPPOSITION TO THE ICC BEING USED TO PUNISH TRANSGRESSIONS COMMITTED DURING WORLD WAR II. TOKYO PARTICIPATED IN THE OSLO PROCESS ON THE BANNING OF ANTI-PERSONNEL LAND MINES, AND PROVIDED DEMINING ASSISTANCE IN CAMBODIA AND OTHER COUNTRIES. IN LATE OCTOBER, JAPAN ANNOUNCED IT WOULD SIGN THE TREATY BANNING ANTI-PERSONNEL MINES.

WITH THE WORLD BANK, JAPAN CONTINUED TO CO-HOST DONOR CONSORTIUM MEETINGS, CONVENING THE INDONESIA DONOR MEETING IN JULY AND PREPARING TO HOST THE ANNUAL DONOR MEETING ON VIETNAM IN DECEMBER. IRONICALLY, TOKYO'S HIGHER PROFILE IN THE INTERNATIONAL DONOR COMMUNITY COINCIDED WITH AN UNPRECEDENTED DECISION BY THE GOVERNMENT DURING THE YEAR TO CUT BACK THE LEVEL OF OFFICIAL DEVELOPMENT ASSISTANCE (ODA) FUNDING, WITH A 10 PERCENT REDUCTION AUTHORIZED IN FISCAL YEAR 1998. MEANWHILE, THE LEVEL OF FOREIGN AID FUNDING DECLINED IN 1996 APPROXIMATELY 35 PERCENT FROM THE PREVIOUS YEAR, PARTLY DUE TO FOREIGN EXCHANGE RATES: WORLDWIDE ODA DECLINED FROM U.S. \$14.4 BILLION IN 1995 TO ONLY \$9.4 BILLION IN 1996. BUT ACCORDING TO THE FOREIGN MINISTRY'S ANNUAL REPORT ON ODA IN 1996 (PUBLISHED IN FEBRUARY 1997), JAPAN STILL MAINTAINED ITS POSITION AS THE TOP GLOBAL AID DONOR.

AN INTERAGENCY PANEL WAS FORMED IN APRIL TO DISCUSS ODA REFORM, AND THE GOVERNMENT TOOK MORE AGGRESSIVE

steps to promote its aid program with the Japanese public, calling for a "people-centered" development strategy in the twenty-first century and beginning a pilot program to include NGOs in official delegations abroad to formulate ODA projects. On the other hand, the government's implementation of the ODA Charter's principles on human rights and democratization continued to be inconsistent and sporadic, for the most part sparing Japan's most important economic and trading partners from threats to cut or actual reductions in ODA because of their human rights practices. The Foreign Ministry's annual ODA report argued against "mechanical application of a set of uniform standards" and seemed to accept arguments offered by some of Asia's authoritarian governments that stronger action to exert pressure for human rights improvements through aid sanctions might be seen as "a unilateral imposition of values" that would "provoke a backlash and delay improvements in the situation."

Indonesia (receiving \$965.5 million in 1996) and China (\$867 million in 1996) remained the top two ODA recipients, despite their poor human rights records: Indonesia was promised a total of \$1.98 billion in ODA for fiscal year 1997. Japan's close economic and trade relationship with Indonesia affected its overall approach to Jakarta, as reflected in its failed effort to negotiate a chairman's statement on East Timor at the U.N. Commission on Human Rights in April (instead of the much stronger resolution that was eventually passed); its reluctance to criticize abuses committed in the run up to the May elections; and its hesitancy to directly raise human rights questions at the Indonesia donor meeting in Tokyo in July.

Japan's reluctance to use economic leverage was apparent outside Asia as well. It continued to provide ODA and balance of payment support assistance to Kenya, for example, despite the Kenyan government's failure to keep its promises of political reform. Japan did co-sign several strongly worded statements with twenty-two other foreign embassies protesting the deteriorating situation in Kenya during the year. Aid also flowed to Peru and to Egypt, with Cairo receiving praise for its "political stability and democratization, as seen in the operations of the democratic legislature." Egypt received more ODA than any other Middle Eastern country (\$243 million in 1995, the latest figures available) and was the eighth largest recipient worldwide.

Tokyo's most controversial aid decision during the year was its move to resume assistance to Cambodia approximately a month after the coup. At a donor conference in Paris in early July, Japan had pledged \$69.6 million in aid to the Cambodian government in fiscal year 1997, plus \$1 million in demining assistance, continuing its role as Cambodia's leading aid donor. Following the July 5-6 coup, Japanese aid workers were withdrawn from Cambodia and ODA effectively suspended, and the government announced four principles for resumption of aid, including respect for the 1993 elections and restoration of "fundamental human rights and freedoms." But as early as July 17, Prime Minister Hashimoto signaled that aid would soon flow again despite reports of extrajudicial executions and other abuses. When U.S. special envoy Stephen Solarz visited Tokyo in late July to coordinate U.S. Cambodia policy with other countries in the region, Foreign Minister Yukihiko Ikeda refused to criticize the appointment of Ung Huot as the new Cambodian first prime minister to replace the deposed Prince Ranariddh, urging the U.S. to take a "realistic approach." When Ikeda met Ung Huot at an ASEAN conference in Kuala Lumpur later in July, he announced that ODA would be resumed despite the fact that the four conditions were not being met, and shortly thereafter aid workers began returning to Cambodia.

Japan closely followed plans for elections in May 1998 and indicated it would consider sending election observers. In April, Hashimoto had sent a letter to the two Cambodian prime ministers condemning political violence and calling for free and fair elections in 1998.

Relations with China were a key foreign policy issue in 1997, marked by Prime Minister Hashimoto's visit to Beijing from September 4 to 7 to commemorate the twenty-fifth anniversary of the normalization of relations between the two countries. A visit to Tokyo by Li Peng was scheduled for early November. Foreign Minister Ikeda visited Beijing in late March in order to smooth relations, officially resuming grant assistance cut off in 1995 because of China's nuclear testing program, and also seeking to ease tensions over regional security issues and the Diaoyu Islands. In a highly controversial move, Ikeda acceded to a request from Beijing that Japan drop its annual cosponsorship of a resolution on China at the U.N. Commission on Human Rights. In return, China reversed a

decision made during a February visit by a senior Foreign Ministry official denying Japan's request to open a bilateral human rights dialogue. By the time of Hashimoto's September trip, however, the date and agenda for the dialogue had yet to be negotiated. Hashimoto brought up human rights in his meetings with Li Peng and other officials but only in general terms in the context of "global issues." The Chinese government later informed Japan that it would send some "human rights experts" to Tokyo from October 21-23. Meanwhile, economic relations continued to boom reaching \$60 billion in bilateral Sino-Japanese trade in 1996, and Japan pursued its active lobbying for China's early entry into the World Trade Organization.

On Hong Kong, Japan agreed to inclusion of an appeal for human rights and the rule of law in the communique issued at the summit of the Group of Eight (G8) industrialized nations meeting in Denver in June, but in general it took a low-key approach, refusing to publicly criticize actions by the new Hong Kong government to roll back civil liberties protections, while privately urging Beijing to honor its commitments to Hong Kong's autonomy. Foreign Minister Ikeda attended the swearing-in of the Hong Kong provisional legislature on July 1.

In its policy on Burma, Japan continued to refrain from resuming ODA suspended since 1988, although in May it did offer to resume at least one key ODA project, involving some \$60 million for expansion of the Rangoon airport, as an incentive to encourage an end to harassment and the beginning of a dialogue with the National League for Democracy (NLD). The Burmese government, however, rejected the overture, and the offer was withdrawn. During a visit to Indonesia in January, Hashimoto told President Soeharto that he supported Burma's prospective membership in ASEAN, but he warned that Burma's admission should "not become a cover for oppression." Ikeda repeated this message during the ASEAN conference in Malaysia in July, stressing that democratization and national reconciliation in Burma were essential. Just days after ASEAN had announced its formal decision to admit Burma, Keidanren, the powerful Japanese business association, dispatched a major trade mission to Rangoon in early June. The government took no action to discourage or delay the mission.

Separately, Keidanren announced in December 1996 a new "charter for corporate good behavior." Among its provisions was a stipulation that corporations should "stand firm against antisocial forces and organizations that threaten the order and security of civil society," and in their operations abroad, they should "respect the cultures and customs of the hosting society."

In August, the highest-ranking delegation to visit Burma in five years arrived in Rangoon for talks with senior SLORC officials just as heavy prison terms for NLD members were announced. But parliamentary vice foreign minister Masahiko Komura did not bring up these cases in his discussions, nor did he meet with Aung San Suu Kyi. For the first time, Japan gave humanitarian assistance in 1997 to Burmese refugees on the Thai border through a consortium of NGOs.

Throughout Southeast Asia, Japan focused on upgrading its commercial and political relations, sending two ODA missions to Vietnam and planning to maintain its high level of aid to Hanoi (\$830 million was pledged in 1996), while generally avoiding explicit criticism of human rights problems. In a prominent policy speech delivered in Singapore at the conclusion of an ASEAN-wide tour in January, Prime Minister Hashimoto emphasized Tokyo's interest in developing a "broader and deeper partnership" with ASEAN. This became known in the region as the "Hashimoto doctrine" and was taken to mean that Japan would take a higher-profile interest in political affairs of the region. It was also widely interpreted in the region as a way of solidifying links between Japan and ASEAN at the expense of China.

In South Asia, Japan focused on nuclear proliferation, pressing both India and Pakistan to join the non-proliferation treaty. No human rights issues were explicitly on the agenda with either country, and Japan attempted to address child labor concerns in India mainly as a poverty reduction issue. In Sri Lanka, Japan provided \$264 million in ODA in 1995, recognizing Colombo's efforts to improve human rights, while "continuing to observe the situation in the north and east, where human rights are still being violated in strife-torn regions," according to the Foreign Ministry's ODA report.

The Right to Monitor

HUMAN RIGHTS GROUPS IN JAPAN FACED NO LEGAL RESTRICTIONS ON THEIR ACTIVITIES.

The Role of the International Community

MOST OF THE INTERNATIONAL ACTION WITH RESPECT TO HUMAN RIGHTS IN JAPAN TOOK PLACE WITHIN THE UNITED NATIONS. JAPAN'S HUMAN RIGHTS RECORD CAME UNDER INTERNATIONAL SCRUTINY AS THE GOVERNMENT PROVIDED ITS REPORT TO THE U.N. HUMAN RIGHTS COMMITTEE MONITORING COMPLIANCE WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. THE LAST SUCH REPORT, SUBMITTED IN 1993, TRIGGERED RECOMMENDATIONS FROM THE COMMITTEE DEALING WITH THE DEATH PENALTY, INTERROGATION METHODS, INADEQUATE PROTECTION OF SUSPECTS' RIGHTS, TREATMENT OF WOMEN AND REFUGEES, AND OTHER CONCERNS. IN THE 1997 REPORT, THE GOVERNMENT VIGOROUSLY DEFENDED THE CONTINUED USE OF THE DEATH PENALTY, TIGHT RESTRICTIONS ON CONDEMNED PRISONERS' CONTACTS WITH OUTSIDERS, AND REFUSAL TO GIVE FAMILY MEMBERS ADVANCE NOTICE OF EXECUTIONS. THE GOVERNMENT ALSO DENIED THAT THE PRETRIAL DETENTION SYSTEM VIOLATES THE RIGHTS OF DETAINEES BY SUBJECTING THEM TO PROLONGED INTERROGATION WITHOUT COUNSEL. JAPANESE LAWYERS AND CIVIL LIBERTIES GROUPS CRITICIZED THE REPORT FOR FAILING TO ADEQUATELY ADDRESS THE HUMAN RIGHTS COMMITTEE'S EARLIER FINDINGS AND RECOMMENDATIONS.

AT ITS MEETING IN AUGUST IN GENEVA, THE U.N. SUBCOMMISSION ON THE PREVENTION OF DISCRIMINATION DECIDED NOT TO RECOMMEND THAT THE HUMAN RIGHTS COMMISSION TAKE UP JAPANESE PRISON CONDITIONS UNDER A CONFIDENTIAL REVIEW PROCEDURE. THE SUBCOMMISSION DID CONVEY CONCERNS ABOUT THE ISSUE TO THE JAPANESE GOVERNMENT, HOWEVER.

THE U.S. AND JAPAN COOPERATED ON PROMOTING DEMOCRACY AND CIVIL SOCIETY THROUGH THE G8 INITIATIVE ANNOUNCED IN JUNE, AS WELL AS THE "COMMON AGENDA," A PROGRAM OF COOPERATION ON GLOBAL ISSUES INITIATED WHEN PRESIDENT CLINTON WAS IN TOKYO IN 1993. ON SPECIFIC ISSUES, HOWEVER, THERE WERE NOTABLE DIFFERENCES, SUCH AS RESUMPTION OF AID TO CAMBODIA AFTER THE JULY COUP AND SPONSORSHIP OF A RESOLUTION ON CHINA AT THE U.N. COMMISSION ON HUMAN RIGHTS.

PAKISTAN

Human Rights Developments

SECTARIAN VIOLENCE AND THE GOVERNMENT'S HARSH RESPONSE TO IT DOMINATED PAKISTAN'S POLITICAL LANDSCAPE IN 1997, LEAVING LITTLE SCOPE FOR IMPROVEMENT IN HUMAN RIGHTS. ALTHOUGH VIOLENCE IN KARACHI DROPPED CONSIDERABLY FOLLOWING THE BRUTAL 1996 CRACKDOWN AGAINST THE ARMED OPPOSITION IMMIGRANTS' NATIONAL MOVEMENT (MOHAJIR QUAMI MOVEMENT OR MQM), CLASHES CONTINUED BETWEEN THE MQM AND FEDERAL SECURITY FORCES. SECTARIAN VIOLENCE BETWEEN SUNNI AND SHI'A POLITICAL GROUPS ALSO ESCALATED DRAMATICALLY IN PUNJAB, LEAVING AT LEAST 200 DEAD. IN AUGUST, IN A MISGUIDED EFFORT TO QUELL THE VIOLENCE, THE NAWAZ SHARIF GOVERNMENT ENACTED THE ANTI-TERRORISM ACT (ATA)—A HASTILY CONCEIVED LAW SUSPENDING CONSTITUTIONAL SAFEGUARDS AND GIVING INCREASED POWER TO POLICE AND OTHER SECURITY FORCES. AT THE SAME TIME, THE GOVERNMENT MADE NO PROGRESS IN CURBING RAMPANT POLICE ABUSE OR IN ADDRESSING STATUTORY DISCRIMINATION AGAINST WOMEN AND RELIGIOUS MINORITIES. THE GOVERNMENT TOOK SOME STEPS TO RESPOND TO INTERNATIONAL PRESSURE TO END CHILD LABOR BUT WITHOUT SERIOUSLY ENFORCING LEGISLATION PROHIBITING BONDED LABOR.

IN FEBRUARY, THE PAKISTAN MUSLIM LEAGUE (PML), LED BY PRIME MINISTER NAWAZ SHARIF, SWEEPED THE NATIONAL AND PUNJAB ASSEMBLY SEATS IN ELECTIONS TRIGGERED BY THE NOVEMBER 1996 DISMISSAL OF BENAZIR BHUTTO, LEADER OF THE PAKISTAN PEOPLE'S PARTY (PPP). THE GROUNDS FOR BHUTTO'S DISMISSAL INCLUDED CORRUPTION AND HUMAN RIGHTS ABUSES COMMITTED IN THE COURSE OF THE CRACKDOWN ON THE MQM IN KARACHI. A JUDICIAL INQUIRY INTO EXTRAJUDICIAL EXECUTIONS OF SOME MQM MILITANTS WAS BEGUN IN JUNE; ITS REPORT WAS DUE IN OCTOBER.

THE CHANGE OF GOVERNMENT DID NOT HERALD AN END TO HUMAN RIGHTS VIOLATIONS IN KARACHI. AT LEAST 400 PERSONS HAD BEEN KILLED IN THE CITY BETWEEN JANUARY AND NOVEMBER, VICTIMS OF EXTRAJUDICIAL EXECUTIONS BY POLICE AND FEDERAL

SECURITY FORCES OR RETALIATORY KILLINGS BY THE MQM. SEVERAL CHILDREN WERE COUNTED AMONG THE VICTIMS, INCLUDING A TWELVE-YEAR-OLD WHOSE CORPSE WAS FOUND ON A GARBAGE DUMP WITH A NOTE ACCUSING HIM OF BEING A POLICE INFORMER. THE MQM HAS CLAIMED TO REPRESENT MOHAJIRS, URDU-SPEAKING MIGRANTS WHO FLED INDIA AFTER THE 1947 PARTITION AND WHO COMPOSE 60 PERCENT OF KARACHI'S POPULATION OF TWELVE MILLION. FOLLOWING A GOVERNMENT CRACKDOWN IN JULY, INVOLVING 9,000 PARAMILITARY POLICE IN KARACHI, THE MQM CHANGED ITS NAME TO UNITED NATIONAL MOVEMENT (MUTTAHIDA QUAMI MOVEMENT, STILL WITH THE INITIALS MQM) AND RAISED DEMANDS FOR FREE EDUCATION AND AN END TO DISCRIMINATION AGAINST THE AHMADIYA RELIGIOUS MINORITY (SEE BELOW) IN AN APPARENT BID TO ATTRACT OTHER ETHNIC GROUPS. IT REMAINED TO BE SEEN WHETHER THE MOVE WOULD RESULT IN AN END TO THE GROUP'S CAMPAIGN OF POLITICAL VIOLENCE. MEANWHILE, HUNDREDS OF MQM ACTIVISTS AND SUPPORTERS REMAINED IN PRISON WITHOUT TRIAL.

IN PUNJAB, AT LEAST 200 PEOPLE WERE KILLED IN SECTARIAN CLASHES. POLICE BLAMED THE SURGE IN VIOLENCE ON ESCALATING STRIFE BETWEEN THE MILITANT SUNNI SIPAH-I-SAHABA PAKISTAN (SSP) AND ITS SHI'A COUNTERPART, SIPAH-I-MOHAMMAD PAKISTAN (SMP). FOUNDED IN THE EARLY 1990S, THE SSP HAS DEMANDED THAT SHIITES BE DECLARED A NON-MUSLIM MINORITY IN PAKISTAN. THE MURDER OF SUNNI LEADER ZIA UL-REHMAN IN LAHORE IN JANUARY AND THE FEBRUARY KILLING OF MUHAMMED ALI RAHIMI, HEAD OF AN IRANIAN CULTURAL CENTER IN THE SOUTHERN PUNJAB CITY OF MULTAN, PROVOKED FURTHER RETALIATORY ATTACKS BETWEEN MEMBERS OF THE TWO SECTS DURING THE YEAR. IN JULY, POLICE LAUNCHED A CRACKDOWN ON RELIGIOUS MILITANTS AIMED AT STEMMING SECTARIAN VIOLENCE IN PUNJAB PROVINCE. OVER FORTY PEOPLE WERE PICKED UP IN POLICE RAIDS IN THE CITIES OF RAWALPINDI, JHELUM, CHAKWAL, AND ATTOCK. MEANWHILE, IN THE NORTHWESTERN CITY OF PESHAWAR, POLICE SET ON FIRE MORE THAN FIFTY HOMES AND SHOPS OF SUSPECTED CRIMINALS IN AN EFFORT TO CURB CRIME IN THE TRIBAL AREA AND BREAK UP A KIDNAPPING RING.

ON AUGUST 6, NINE PEOPLE WERE KILLED IN AN ATTACK ON THE SUNNI ZIAUL ULOOM MOSQUE IN THE GUJJARPURA AREA OF LAHORE, THE CAPITAL OF PUNJAB. THE SAME DAY, THREE WORSHIPPERS WERE KILLED WHEN A BOMB EXPLODED IN A SUNNI MOSQUE IN MULTAN. THE ATTACKS WERE BELIEVED TO BE IN RETALIATION FOR THE KILLING OF A SHI'A SHOPKEEPER EARLIER IN THE DAY. FOLLOWING THE INCIDENTS, MOSQUES IN LAHORE BEGAN POSTING PRIVATE ARMED GUARDS TO PROTECT AGAINST RANDOM ATTACKS.

SUNNI ISLAMIC SCHOOLS, MANY UNDER SSP CONTROL, HAVE OPERATED AS RECRUITING CENTERS FOR SOLDIERS FIGHTING IN AFGHANISTAN, INCLUDING THOSE ASSOCIATED WITH THE TALIBAN, A MOVEMENT OF CONSERVATIVE STUDENTS WHOSE FORCES TOOK CONTROL OF MUCH OF AFGHANISTAN IN 1996 WITH PAKISTAN'S SUPPORT. BECAUSE OF THE SSP'S ROLE IN THE AFGHAN CONFLICT, OFFICIALS HAVE OFTEN LOOKED THE OTHER WAY AND ALLOWED IT AND OTHER SUCH GROUPS TO OPERATE WITH IMPUNITY. IN AUGUST, HOWEVER, POLICE BEGAN INVESTIGATING CHARGES AGAINST AN ISLAMIC SCHOOL ACCUSED OF FORCIBLY SENDING THIRTEEN-YEAR-OLD MAROOF AHMED TO JOIN THE TALIBAN IN AFGHANISTAN. THE CASE PROMPTED A NUMBER OF OTHER INVESTIGATIONS INTO SUCH SCHOOLS.

CLAIMING THAT THE VIOLENCE IN PUNJAB AND KARACHI REPRESENTED AN "EXTRAORDINARY SITUATION" REQUIRING AN "EXTRAORDINARY MEASURE," IN AUGUST THE GOVERNMENT INTRODUCED THE ANTI-TERRORISM ACT, A LAW WHICH AUTHORIZED LAW ENFORCEMENT PERSONNEL TO OPEN FIRE ON ANYONE "COMMITTING A TERRORIST ACT" OR "LIKELY TO COMMIT A TERRORIST ACT." THE ATA ALSO AUTHORIZED POLICE TO ARREST AND SEARCH WITHOUT A WARRANT AND TAKE POSSESSION OF ANY PROPERTY OR WEAPON "LIKELY TO BE USED" IN ANY ACT OF TERRORISM. A PROVISION ALLOWING CONFESSIONS TO THE POLICE, EVEN THOSE MADE UNDER DURESS, TO BE ADMISSIBLE AS EVIDENCE CONTRADICTED CONSTITUTIONAL PROTECTIONS AGAINST SELF-INCRIMINATION AND THE USE OF TORTURE. ELEVEN SPECIAL COURTS WERE SET UP UNDER THE ATA TO CARRY OUT SUMMARY SEVEN-DAY TRIALS FOR THOSE CHARGED WITH ACTS OF TERRORISM. WITHIN DAYS OF THE ATA BECOMING LAW, MORE THAN 3,000 LAWYERS IN PUNJAB STAGED A PROTEST STRIKE, DEMANDING ITS REPEAL. AS OF OCTOBER, THE NEW LAW HAD BEEN CHALLENGED IN THREE HIGH COURTS.

DESPITE PROTESTS BY MEDICAL PRACTITIONERS, ORDINARY CRIMINAL COURTS AND SHARI'A (ISLAMIC) COURTS CONTINUED TO AWARD SENTENCES OF *qisas*, PUNISHMENT EQUAL TO THE INJURY CAUSED, AND *diyat*, BLOOD MONEY. HUMAN RIGHTS GROUPS HAVE COMPLAINED THAT THE QISAS AND DIYAT ORDINANCE HAS EFFECTIVELY ENABLED WEALTHY AND INFLUENTIAL PEOPLE TO ESCAPE PUNISHMENT EVEN FOR CRIMES AS SERIOUS AS MURDER OR ASSAULT AND HAS BEEN DISCRIMINATORY TOWARD NON-MUSLIMS WHO DO NOT HAVE THE OPTION OF PAYING DIYAT FOR THE MURDER OF A MUSLIM.

IN APRIL, THE NATIONAL ASSEMBLY AMENDED THE OFFENCE OF ZINA (ENFORCEMENT OF HUDOOD) ORDINANCE 1979 TO AWARD

THE DEATH PENALTY TO PERSONS CONVICTED OF GANG RAPE. AT THE SAME TIME, THE GOVERNMENT MADE NO MOVE TO AMEND PROVISIONS OF THE ZINA ORDINANCE THAT HAVE BEEN INTERPRETED IN SUCH A WAY THAT RAPE VICTIMS MAY BE CHARGED WITH ADULTERY IF THEY ARE UNABLE TO PROVE RAPE. IN AUGUST, THE GOVERNMENT-APPOINTED COMMISSION ON THE STATUS OF WOMEN, AN ADVISORY BODY WHICH INCLUDED A NUMBER OF PROMINENT HUMAN RIGHTS ACTIVISTS, RECOMMENDED THAT THE HUDOOD ORDINANCES (OF WHICH THE ZINA ORDINANCE IS A PART) BE REPEALED. THE REPORT ALSO RECOMMENDED THAT MARITAL RAPE BE CONSIDERED A CRIME; THAT WOMEN BE GIVEN THE RIGHT TO SEEK AN ABORTION WITHIN 120 DAYS OF PREGNANCY; AND THAT 33 PERCENT OF SEATS IN EACH ELECTIVE BODY, FROM THE LOCAL TO NATIONAL LEVEL, BE RESERVED FOR WOMEN. AS OF NOVEMBER, THE GOVERNMENT HAD YET TO REACT TO THE COMMISSION'S RECOMMENDATIONS.

ON MARCH 10, THE LAHORE HIGH COURT HANDED DOWN A LANDMARK DECISION IN THE MUCH-PUBLICIZED SAIMA WAHEED CASE, UPHOLDING THE VALIDITY OF THE TWENTY-TWO-YEAR OLD PAKISTANI WOMAN'S MARRIAGE, WHICH HAD BEEN CHALLENGED BY HER FATHER. MANY WOMEN'S RIGHTS ACTIVISTS REMAINED CAUTIOUS ABOUT THE JUDGMENT WHICH ALSO CALLED FOR BASIC AMENDMENTS TO FAMILY LAWS TO ENFORCE PARENTAL AUTHORITY AND DISCOURAGE COURTSHIPS AND EXTRAMARITAL RELATIONSHIPS. THE SUPREME COURT WAS TO HEAR AN APPEAL ON THE HIGH COURT DECISION BY THE END OF THE YEAR. WAHEED REMAINED IN HIDING BECAUSE OF THREATS FROM RELIGIOUS ORGANIZATIONS OPPOSED TO THE COURT'S DECISION.

PAKISTAN'S SO-CALLED BLASPHEMY LAWS AND OTHER LEGISLATION REGULATING RELIGIOUS PRACTICE WERE USED TO HARASS, INTIMIDATE AND PUNISH RELIGIOUS MINORITIES, PARTICULARLY CHRISTIANS AND AHMADIS. AS OF JULY, MORE THAN 2,000 AHMADIS HAD BEEN CHARGED WITH VARIOUS OFFENSES UNDER THE LAWS. THE LAWS CONTRIBUTED TO A CLIMATE OF VIOLENCE AGAINST THESE GROUPS. ON JUNE 19, ATEEQ AHMAD BAJWAH, AN AHMADI LAWYER AND LOCAL LEADER OF THE AHMADIYYA COMMUNITY, WAS SHOT AND KILLED IN BROAD DAYLIGHT IN VIHARI, PUNJAB. AT HIS WRITING, NO ONE HAS BEEN ARRESTED FOR THE MURDER. ON OCTOBER 10, RETIRED HIGH COURT JUSTICE ARIF IQBAL BHATTI WAS SHOT AND KILLED IN HIS LAHORE OFFICE. THE MURDER WAS REPORTEDLY COMMITTED BY A MEMBER OF A MILITANT SUNNI MUSLIM ORGANIZATION WHO WAS ENRAGED BY JUSTICE BHATTI'S 1995 DECISION TO ACQUIT TWO PAKISTANI CHRISTIANS ACCUSED OF BLASPHEMY.

DESPITE REPEATED ASSURANCES THAT FREEDOM OF THE PRESS WOULD BE RESPECTED UNDER THE SHARIF ADMINISTRATION, A NUMBER OF JOURNALISTS WERE ATTACKED AND NEWSPAPER OFFICES RANSACKED IN 1997. REPORTERS WORKING IN REMOTE AREAS AND FOR SMALLER PUBLICATIONS WERE MOST VULNERABLE. THE ATTACKS WERE INSTIGATED PREDOMINANTLY BY POLITICAL PARTIES ANGERED BY REPORTING CRITICAL OF THEIR MEMBERS OR ACTIVITIES.

THE YEAR BEGAN ON AN OMINOUS NOTE WHEN THE PESHAWAR PRESS CLUB WAS ATTACKED DURING A NEW YEAR'S EVE FUNCTION BY ARMED WORKERS OF TWO ISLAMIST PARTIES, THE JAMAAT-E-ISLAMI AND THE JAMIAT ULEMA ISLAM. THE TWO RELIGIOUS PARTIES LATER APOLOGIZED TO JOURNALISTS AND PROMISED TO TAKE DISCIPLINARY ACTION AGAINST THOSE RESPONSIBLE. IN FEBRUARY, THE RAWALPINDI OFFICES OF THE URDU DAILY *ASSAS* WERE RANSACKED AND STAFF MEMBERS ATTACKED BY OVER ONE HUNDRED ARMED PERSONS REPORTEDLY ANGERED BY THE PAPER'S REFUSAL TO PUBLISH A POLITICAL CANDIDATE'S STATEMENT CONTAINING UNCONFIRMED ALLEGATIONS AGAINST HIS OPPONENT. IN THE SAME MONTH, SAILAB MESHUD, PRESIDENT OF THE TRIBAL UNION OF JOURNALISTS AND CORRESPONDENT FOR THE DAILY *THE NEWS* WAS SEVERELY BEATEN BY A POLICE OFFICER WHEN HE ATTEMPTED TO OBTAIN INFORMATION ON A DETAINEE HELD AT A POLICE STATION IN THE PUNJABI TOWN OF TANK. IN MARCH, A BOMB EXPLODED IN THE OFFICE OF THE URDU EVENING NEWSPAPER *QAUMI AKHBAR*. ALTHOUGH NO ONE WAS INJURED, THE OFFICE SUSTAINED EXTENSIVE DAMAGE.

IN AUGUST, SHAKEEL NAICH, CHIEF REPORTER FOR *AWAMI AWAZ*, WAS BRUTALLY ASSAULTED BY POLITICAL ACTIVISTS ANGERED BY AN INTERVIEW NAICH HAD PUBLISHED CRITICAL OF MUMTAZ BHUTTO, FORMER CARETAKER CHIEF MINISTER OF SINDH AND CHIEF OF THE SINDH NATIONAL FRONT (SNF) PARTY. NAICH SUSTAINED SERIOUS HEAD INJURIES AS A RESULT OF THE ATTACK. WORKERS FOR SNF LATER OBSTRUCTED DISTRIBUTION OF THE PAPER IN NUMEROUS CITIES BY SEIZING BUNDLES AND SETTING THEM ON FIRE. THE BUREAU OFFICE OF THE NEWSPAPER *KAWISH* IN LARKANA, SINDH, WAS RANSACKED AND BURGLARIZED THE FOLLOWING MONTH, APPARENTLY BECAUSE OF ITS EXTENSIVE COVERAGE OF THE ASSAULT ON NAICH. A SIMILAR INCIDENT TOOK PLACE IN MAY WHEN COPIES OF THE ENGLISH DAILY *Dawn* WERE CONFISCATED AND BURNED, REPORTEDLY IN RETALIATION FOR THE PUBLICATION OF AN ARTICLE CRITICAL OF THE CHIEF MINISTER OF SINDH, LIAQUAT ALI KHAN JATOI.

THE YEAR WAS FURTHER MARRIED BY THE DEATHS OF TWO JOURNALISTS AND THE COURT MARTIAL AND CONVICTION OF A THIRD. ON JANUARY 19, ONE PRESS PHOTOGRAPHER WAS KILLED AND FIVE OTHERS WERE INJURED IN A BOMB BLAST AT A LAHORE

SESSIONS COURT. THE BOMB WAS INTENDED FOR LEADERS OF THE SIPAH-I-SAHABA PARTY WHO HAD BEEN BROUGHT TO THE COURT FOR A HEARING. ON JUNE 9, SHAMSUDDIN HAIDER, A PROGRAM PRODUCER FOR RADIO PAKISTAN, WAS SHOT IN HIS HOME BY TWO GUNMEN IN THE SOUTHERN PUNJAB TOWN OF BAHAWALPUR. FOR ONLY THE SECOND TIME IN PAKISTAN'S HISTORY, A CIVILIAN JOURNALIST WAS TRIED IN A MILITARY COURT. HUMAYUN FUR, PESHAWAR BUREAU CHIEF OF THE DAILY *MASHRIQ*, WAS DETAINED IN JUNE AND CHARGED WITH "ANTI-STATE" ACTIVITIES. ON SEPTEMBER 9 HE WAS SENTENCED TO FIVE YEARS IN PRISON. THE HUMAN RIGHTS COMMISSION OF PAKISTAN EXPRESSED SERIOUS CONCERN OVER FUR'S CONVICTION AND PREDICTED THAT IT WOULD HAVE A CHILLING EFFECT ON FREEDOM OF THE PRESS IN THE COUNTRY. ON OCTOBER 7 FUR WAS PARDONED ON MEDICAL GROUNDS SOON AFTER HE WAS HOSPITALIZED FOR HEPATITIS C AND JAUNDICE. FUR'S CONDITION HAD REPORTEDLY DETERIORATED IN JAIL, WHERE REPEATED REQUESTS FOR MEDICAL ATTENTION WERE IGNORED.

The Right to Monitor

AS HAD BEEN THE CASE IN PREVIOUS YEARS, HUMAN RIGHTS ACTIVISTS IN 1997 CONTINUED TO RECEIVE MORE THREATS FROM RELIGIOUS GROUPS THAN FROM GOVERNMENT AGENTS. ASMA JAHANGIR, A PROMINENT HUMAN RIGHTS LAWYER AND CHAIRPERSON FOR THE HUMAN RIGHT COMMISSION OF PAKISTAN, CONTINUED TO RECEIVE THREATS FROM RELIGIOUS ORGANIZATIONS OPPOSED TO THE LAHORE HIGH COURT'S DECISION IN THE SAJMA WAHEED CASE.

The Role of the International Community

THE INTERNATIONAL COMMUNITY'S CONCERNS FOCUSED LARGELY ON CHILD LABOR TO THE EXCLUSION OF MOST OTHER HUMAN RIGHTS CONCERNS.

United Nations

AFTER A TEN-YEAR LAPSE, PAKISTAN RESUMED DIALOGUE WITH THE U.N. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION UPON THE COUNTRY'S SUBMISSION OF ITS TENTH, ELEVENTH, TWELFTH, THIRTEENTH AND FOURTEENTH PERIODIC REPORTS (PURSUANT TO ARTICLE 9 OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION). AT A MEETING IN MARCH, THE COMMITTEE COMMENDED PAKISTAN FOR ESTABLISHING A MINISTRY OF HUMAN RIGHTS IN 1995 AND PARTICULARLY NOTED THE ACTIVE ROLE PLAYED BY THE NONGOVERNMENTAL PAKISTAN HUMAN RIGHTS COMMISSION. THE COMMITTEE NOTED THAT PAKISTAN'S DEFINITION OF MINORITIES WAS BASED ON RELIGIOUS AFFILIATION AND NOT ON ETHNIC, RACIAL OR LINGUISTIC GROUNDS, AND RECOMMENDED THAT PAKISTAN EXTEND ITS LEGAL PROTECTIONS TO ALL MINORITY GROUPS. FURTHER INFORMATION ON THE RIGHT TO EQUAL TREATMENT BEFORE TRIBUNALS AND ON PROTECTION BY THE STATE AGAINST VIOLENCE OR BODILY HARM (WHETHER INFLECTED BY GOVERNMENT OFFICIALS OR BY ANY INDIVIDUAL GROUP OR INSTITUTION) WAS ALSO REQUESTED.

European Union and the United States

IN DECEMBER 1996 THE EUROPEAN COMMISSION AND REPRESENTATIVES OF THE GOVERNMENT OF PAKISTAN MET IN BRUSSELS FOR THE FIRST ROUND OF NEGOTIATIONS FOR A NEW, THIRD-GENERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND PAKISTAN. THE AGREEMENT COVERS COOPERATION IN DEVELOPMENT, TRADE AND COMMERCE, ECONOMICS, AND SCIENCE AND TECHNOLOGY. THE PARTIES MET AGAIN IN APRIL 1997 AND CONTINUED TO FACE A DEADLOCK ON ISSUES RELATING TO HUMAN RESOURCE DEVELOPMENT. PAKISTAN REFUSED TO INCLUDE ANY SPECIFIC REFERENCE TO INTERNATIONAL LABOUR ORGANIZATION (ILO) PRINCIPLES, PARTICULARLY THOSE RELATING TO CHILD LABOR, IN THE TEXT.

ANY PROGRESS BY THE PAKISTAN GOVERNMENT TO ADDRESS THE PROBLEM OF CHILD LABOR WAS DUE IN LARGE PART TO INCREASED INTERNATIONAL PRESSURE. ALTHOUGH ENFORCEMENT OF RELEVANT LAWS, PARTICULARLY THE BONDED LABOUR (ABOLITION) ACT, REMAINED GROSSLY INADEQUATE, THE GOVERNMENT TOOK SOME POSITIVE STEPS DURING THE YEAR. ON

FEBRUARY 15, UNDER AN ACCORD SIGNED WITH THE ILO, PAKISTAN AGREED THAT CHILDREN UNDER FOURTEEN WOULD NO LONGER BE EMPLOYED IN THE STITCHING OF SOCCER BALLS. NIKE, REEBOK AND SEVERAL OTHER SPORTING GOODS COMPANIES SIMULTANEOUSLY ANNOUNCED THEIR DECISION NOT TO BUY SOCCER BALLS MADE IN PAKISTAN USING CHILD LABOR. THE PROJECT WAS SET TO BE PHASED IN OVER A PERIOD OF EIGHTEEN MONTHS. PAKISTAN, THE EUROPEAN UNION, AND THE ILO'S INTERNATIONAL PROGRAMME FOR ELIMINATION OF CHILD LABOUR (IPEC) LAUNCHED TWO ADDITIONAL PROGRAMS TARGETING CHILD LABOR. ON MAY 31, OFFICIALS ANNOUNCED THAT U.S. \$1.5 MILLION WOULD BE SPENT ON REHABILITATING 7,000 CHILDREN EMPLOYED IN THE FOOTBALL STITCHING INDUSTRY IN SIALKOT. ANOTHER \$2.2 MILLION, TWO-YEAR PROGRAM WAS LAUNCHED TO TARGET BONDED CHILD LABOR IN CARPET AND BRICK FACTORIES.

THE MOVES SHOULD BE SEEN IN THE CONTEXT OF A PETITION FILED WITH THE EUROPEAN COMMISSION WHICH COULD EVENTUALLY TRIGGER THE WITHDRAWAL OF TARIFF BENEFITS UNDER THE E.U.'S GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM IF PAKISTAN FAILED TO BEGIN TO ADDRESS THE PROBLEM OF FORCED LABOR. THE UNITED STATES HAD ALREADY PARTIALLY SUSPENDED PAKISTAN'S PREFERENTIAL TRADE BENEFITS UNDER THE GSP PROGRAM IN MARCH 1996. THE SUSPENSION, WHICH AFFECTED TRADE IN SURGICAL INSTRUMENTS, SPORTING GOODS, AND CERTAIN CARPETS, WAS DUE IN PART TO PAKISTAN'S INADEQUATE EFFORTS TO ADDRESS THE PROBLEM OF BONDED AND CHILD LABOR. AS OF OCTOBER 1997, THE U.S. HAD NOT REINSTITATED THOSE BENEFITS.

IN MAY, MEMBERS OF THE EUROPEAN PARLIAMENT PROPOSED THAT INDIA AND PAKISTAN USE THE INTERNATIONAL COURT OF JUSTICE IN THE HAGUE AS A FORUM TO RESOLVE THEIR DISPUTES OVER KASHMIR. U.S. PRESIDENT BILL CLINTON MET WITH INDIAN PRIME MINISTER Inder Kumar Gujral AND PAKISTANI PRIME MINISTER Nawaz Sharif IN SEPTEMBER AND RENEWED THE UNITED STATES' OFFER TO HELP THE TWO COUNTRIES SETTLE THEIR DIFFERENCES.

SRI LANKA

POLITICAL VIOLENCE CONTINUED TO PLAGUE SRI LANKA, BOTH IN THE LEAD-UP TO LOCAL ELECTIONS IN LATE MARCH AND IN THE ONGOING WAR WITH THE SEPARATIST LIBERATION TIGERS OF TAMIL EELAM (LTTE). POLITICIANS FROM MAINSTREAM POLITICAL PARTIES AND MEMBERS OF LTTE BOTH STOOD ACCUSED OF POLITICAL ASSASSINATIONS IN 1997. EFFORTS TO ACCOUNT FOR PAST ABUSES MADE SOME PROGRESS AS THE GOVERNMENT VOWED TO MAKE PUBLIC THE REPORTS OF THREE PRESIDENTIAL COMMISSIONS THAT CONCLUDED INVESTIGATIONS INTO NEARLY 17,000 REPORTED "DISAPPEARANCES" DATING BACK AS FAR AS 1990, BUT ATTEMPTS TO PROSECUTE ABUSES PROCEEDED HALTINGLY, AND NEW VIOLATIONS CONTINUED. ARBITRARY ARRESTS, TORTURE, RAPE, EXTRAJUDICIAL EXECUTIONS AND SOME NEW "DISAPPEARANCES" OF TAMIL CIVILIANS BY MEMBERS OF THE SECURITY FORCES AND ARMED GROUPS WORKING ALONGSIDE THE MILITARY WERE REPORTED IN 1997. THE LTTE WAS ALSO ACCUSED OF ARBITRARY KILLINGS OF CIVILIANS AND OF TAKING HOSTAGES. THE GOVERNMENT MADE LITTLE PROGRESS TOWARD RESOLVING ITS WAR WITH THE LTTE OR GAINING WIDER ACCEPTANCE FOR A NEW PROPOSED CONSTITUTION AIMED AT DEVOLVING MORE POWER TO MINORITIES THROUGH REGIONAL COUNCILS DEFINED IN PART ALONG ETHNIC LINES.

Human Rights Developments

ON FEBRUARY 11, ONE DAY BEFORE THE DEADLINE FOR FILING NOMINATIONS IN THE MARCH 21 LOCAL ELECTIONS, PEOPLE'S ALLIANCE (PA) MEMBER OF PARLIAMENT (MP) NALANDA ELLAWALLA WAS ASSASSINATED BY PROMINENT MEMBERS OF THE UNITED NATIONAL PARTY (UNP). THE MURDER SPARKED A RAMPAGE IN SOUTHERN SRI LANKA, AS PA SUPPORTERS BURNED SCORES OF UNP HOMES AND BUILDINGS. A SPECIAL POLICE UNIT SET UP TO MONITOR CAMPAIGN AND ELECTION VIOLENCE RECORDED 369 COMPLAINTS IN FEBRUARY ALONE, INCLUDING MANY INCIDENTS OF THREATS AND ASSAULTS ON UNP AND OTHER OPPOSITION PARTY MEMBERS BY PA SUPPORTERS. IN AN EFFORT TO CONTAIN THE VIOLENCE, PRESIDENT KUMARATUNGA ORDERED THE CONFISCATION OF ARMS OWNED BY POLITICAL PARTY MEMBERS AND DECLARED AN AMNESTY UNTIL MARCH 15 FOR THOSE WHO VOLUNTARILY TURNED IN THEIR WEAPONS. SOME TOOK ADVANTAGE OF THE AMNESTY, BUT MANY DID NOT. TWO CITIZENS' GROUPS MONITORING THE VOTE,

THE MOVEMENT FOR FREE AND FAIR ELECTIONS AND THE MOVEMENT AGAINST POLITICAL VIOLENCE, REPORTED 1,936 INCIDENTS OF POLITICAL VIOLENCE DURING THE ELECTIONS, INCLUDING MURDER, ASSAULT, VOTER INTIMIDATION AND IMPERSONATION, THEFT OF POLLING CARDS, AND ABDUCTION AND INTIMIDATION OF OPPOSITION POLLING AGENTS. THE GOVERNMENT WAS ACCUSED OF USING STATE-OWNED MEDIA TO INFLUENCE THE ELECTION, AND INTERNATIONAL OBSERVERS WERE DENIED VISAS.

IN JULY, THE LTTE WAS IMPLICATED IN THE ASSASSINATIONS OF TWO POPULAR POLITICIANS, BOTH IN TRINCOMALEE DISTRICT.

ON JULY 5, ARUNASALAM THANGATHURAI, TAMIL UNITED LIBERATION FRONT (TULF) MP FOR TRINCOMALEE DISTRICT, AND FIVE OTHERS WERE KILLED IN A GRENADE ATTACK AS THANGATHURAI LEFT THE PREMISES OF A SCHOOL WHERE HE HAD ADDRESSED A PUBLIC MEETING. THANGATHURAI WAS KNOWN TO BE CRITICAL OF BOTH GOVERNMENT AND LTTE ABUSES IN HIS CONSTITUENCY. ON JULY 20, MOHAMMED MASHROOF OF THE UNP TOGETHER WITH FIVE OTHERS, INCLUDING MASHROOF'S DRIVER AND THE DRIVER'S FOUR-YEAR-OLD SON, WAS KILLED WHEN GUNMEN THOUGHT TO BE LTTE FORCES OPENED FIRE ON HIS JEEP. THE UNP GROUP HAD BEEN ON ITS WAY TO MEET THE FAMILIES OF FORTY-ONE VILLAGERS FROM IRAKKANDY WHO HAD BEEN ABDUCTED BY THE LTTE ON JULY 2.

FIGHTING BETWEEN THE LTTE AND GOVERNMENT FORCES WAS FIERCE IN 1997. ON MAY 13, SRI LANKAN ARMED FORCES LAUNCHED THE LARGEST MILITARY OPERATION OF THE YEAR IN NORTHERN SRI LANKA. IN A MASSIVE OFFENSIVE WHICH CONTINUED THROUGH OCTOBER, SOME 20,000 TROOPS BACKED UP BY ARTILLERY, ARMORED VEHICLES, AND AIR SUPPORT WERE DEPLOYED TO RECOVER REBEL-HELD TERRITORY AND REOPEN A SUPPLY ROUTE TO THE JAFFNA PENINSULA ACROSS THE LTTE-CONTROLLED VANNI REGION. AT THE OUTSET, AN ESTIMATED 20,000 TO 30,000 CIVILIANS FLED THE OFFENSIVE, ADDING TO THE HUNDREDS OF THOUSANDS ALREADY DISPLACED IN THE AREA. THERE WERE REPORTS OF CIVILIAN CASUALTIES, AND MANY SUFFERED FROM PERIODIC SHORTAGES AS RESTRICTIONS WERE PLACED ON THE MOVEMENT OF FOOD AND SUPPLIES. IN AUGUST, TAMIL POLITICIANS CHARGED THAT INDISCRIMINATE ATTACKS ON CIVILIAN AREAS NOT UNDER GOVERNMENT CONTROL HAD RESULTED IN CIVILIAN DEATHS AND INJURIES AND HAD DAMAGED HOMES, SCHOOLS AND PLACES OF WORSHIP.

CONFLICT-RELATED VIOLENCE WAS NOT LIMITED TO THE COUNTRY'S NORTH AND EAST. SOME EIGHTEEN PEOPLE DIED ON OCTOBER 15 IN A BOMBING OF COLOMBO'S WORLD TRADE CENTER AND GUN BATTLES IN THE CITY'S BUSINESS DISTRICT. AT LEAST 110 PEOPLE WERE WOUNDED. THE GOVERNMENT BLAMED THE LTTE FOR THE VIOLENCE; A LONDON-BASED SPOKESMAN FOR THE GROUP DENIED INVOLVEMENT.

JOURNALISTS CONTINUED TO HAVE GREAT DIFFICULTY FILING INDEPENDENT STORIES ON THE WAR, AS THEY HAVE HAD SINCE 1995 WHEN THE DEFENSE MINISTRY INTRODUCED REGULATIONS BARRING THE PRESS FROM VISITING THE NORTH EXCEPT DURING INFREQUENT VISITS ORGANIZED UNDER MILITARY ESCORT. THE RESULT HAS BEEN A MASSIVE PROPAGANDA BATTLE OF CLAIMS AND COUNTERCLAIMS REGARDING COMBATANT AND NONCOMBATANT CASUALTIES, ATTACKS ON CIVILIANS, AND DELIVERY OF HUMANITARIAN ASSISTANCE TO PERSONS DISPLACED BY THE CONFLICT, AND JOURNALISTS HAVE BEEN CENSURED FOR INACCURATE WAR REPORTING. IN JULY, WELL-KNOWN WAR CORRESPONDENT IQBAL ATTHAS MADE SEVERAL COMPLAINTS TO THE POLICE ABOUT HARASSMENT BY PERSONS THOUGHT TO BE CONNECTED TO THE SECURITY FORCES WHO HAD PLACED HIM UNDER SURVEILLANCE.

IN REPORTING UNRELATED TO THE WAR, *SUNDAY TIMES* EDITOR SINHA RATNATUNGA WAS CONVICTED IN JULY, AND THREE OTHER EDITORS FACED CRIMINAL DEFAMATION CHARGES FOR PUBLISHING ARTICLES CRITICAL OF PRESIDENT KUMARATUNGA.

CONSTRAINTS ON FREEDOM OF MOVEMENT REMAINED A SERIOUS PROBLEM FOR TAMIL CIVILIANS FLEEING THE VIOLENCE IN THE NORTH. TENS OF THOUSANDS OF DISPLACED PERSONS SEEKING TO TRAVEL SOUTH DURING THE YEAR WERE INVOLUNTARILY DETAINED FOR MONTHS IN CROWDED "WELFARE CENTERS" IN VAVUNIYA PENDING RIGOROUS GOVERNMENT SECURITY CLEARANCE. CIVILIANS WISHING TO TRAVEL TO JAFFNA WERE STRANDED IN JULY WHEN PASSENGER SERVICE TO THE NORTHERN PENINSULA WAS SUSPENDED AFTER THE LTTE ATTACKED SHIPS TRANSPORTING CIVILIANS. IN COLOMBO AND OTHER TOWNS UNDER GOVERNMENT CONTROL, POLICE ENFORCED OFTEN CONTRADICTIONARY REGISTRATION REQUIREMENTS FOR TAMIL NEWCOMERS AND THEIR HOSTS, CONTRIBUTING TO HARASSMENT OF TAMIL CIVILIANS, ARBITRARY ARRESTS AND INCREASED LIKELIHOOD OF MISTREATMENT IN CUSTODY. POLICE IN COLOMBO LOOKING FOR LTTE SUSPECTS CONDUCTED FREQUENT CORDON AND SEARCH OPERATIONS AND MASS ROUND-UPS, SOMETIMES PICKING UP HUNDREDS OF SUSPECTS AT A TIME.

REPORTED RAPES BY SECURITY PERSONNEL ESCALATED IN EARLY 1997, PARTICULARLY IN JAFFNA AND IN EASTERN SRI LANKA, BUT IT REMAINED UNCLEAR WHETHER THE NUMBERS REFLECTED AN ACTUAL INCREASE IN INCIDENTS, SINCE RAPES HAVE BEEN NOTORIOUSLY UNDERREPORTED. SEVERAL OF THESE CASES RECEIVED EXTENSIVE PUBLICITY, INCLUDING THE ALLEGED RAPE AND

MURDER BY POLICE OFFICERS OF MURUGESUPILLAI KONESWARY, A MOTHER OF FOUR CHILDREN, WHO WAS KILLED BY A GRENADE EXPLOSION ON MAY 17. AS OF OCTOBER, THE CASE WAS UNDER INVESTIGATION, BUT ANY EVIDENCE OF RAPE WAS DESTROYED BY THE EXPLOSION. JOSEPH PARARAJASINGHAM, AN MP FOR BATTICALOA DISTRICT WHO HAS DOCUMENTED HUMAN RIGHTS ABUSES, PROVIDED DETAILS IN JULY OF SIX OTHER RAPES BY POLICE AND ARMY PERSONNEL, BUT HE ESTIMATED THAT THERE HAD BEEN MANY MORE IN HIS CONSTITUENCY SINCE 1995. PARARAJASINGHAM ALSO CLAIMED THAT EXTRAJUDICIAL KILLINGS AND "DISAPPEARANCES" HAD OCCURRED AT A COMBINED RATE OF ABOUT SEVEN PER MONTH IN BATTICALOA DISTRICT SINCE JANUARY 1997.

THE GOVERNMENT CONTINUED TO MAKE EFFORTS TO INVESTIGATE "DISAPPEARANCES," THAT OCCURRED UNDER PREVIOUS ADMINISTRATIONS AS WELL AS ABUSES REPORTED UNDER ITS OWN WATCH, BUT IT WAS LESS VIGOROUS IN ITS PURSUIT OF PROSECUTIONS. BY AUGUST 1997, THE SRI LANKAN GOVERNMENT HAD INITIATED INVESTIGATIONS INTO SOME 760 COMPLAINTS OF "DISAPPEARANCES" THAT HAD OCCURRED IN THE JAFFNA PENINSULA DURING THE PREVIOUS YEAR—THE HIGHEST REPORTED FIGURE SINCE 1992. IN AUGUST, HEARINGS INTO "DISAPPEARANCES" IN JAFFNA WERE CONDUCTED BY THE DEFENSE MINISTRY WITHIN THE PERIMETER OF AN ARMY CAMP, A MOVE THAT DREW CRITICISM FROM OBSERVERS WHO REPORTED THAT THE VENUE WAS CAUSING DIFFICULTIES FOR WITNESSES.

PROGRESS WAS SLOW IN THE PROSECUTION OF IMPORTANT CASES OF EXTRAJUDICIAL KILLINGS BY STATE FORCES. AS OF OCTOBER, THERE HAD BEEN NO MOVEMENT TOWARDS REOPENING THE NOTORIOUS BOLGODA LAKE CASE, WHICH THE CHIEF MAGISTRATE ORDERED OFF THE COURT'S DOCKET IN MARCH AFTER MEMBERS OF THE PROSECUTING TEAM FAILED TO APPEAR FOR TWO CONSECUTIVE COURT DATES. THE CASE DATES FROM MID-1995, WHEN SOME TWENTY-ONE BODIES, MANY OF THEM YOUNG TAMIL MEN ABDUCTED FROM LOCAL GUEST LODGES, WERE FOUND IN AND AROUND BOLGODA LAKE NEAR COLOMBO. SOME SHOWED SIGNS OF STARVATION, STRANGULATION OR TORTURE. TWENTY-TWO OFFICERS OF THE SPECIAL TASK FORCE (STF), A POLICE COUNTERINSURGENCY AGENCY, WERE ARRESTED AND CHARGED IN THE CASE. THEY WERE LATER RELEASED ON BAIL. CALLING THE PROSECUTION'S ABSENCE "AN OBSTRUCTION OF JUSTICE," THE JUDGE REFUSED TO CONTINUE THE TRIAL. SRI LANKAN AMBASSADOR TO THE UNITED NATIONS BERNARD GUNATILLEKE VOWED THAT THE CASE WOULD CONTINUE, TELLING THE U.N. HUMAN RIGHTS COMMISSION IN GENEVA ON APRIL 9 THAT THE GOVERNMENT HAD "DECIDED TO FILE INDICTMENTS DIRECTLY AGAINST THE STF PERSONNEL IN THE HIGH COURT WITHOUT GOING THROUGH A NON-SUMMARY INQUIRY TO AVOID DELAY." THE ATTORNEY GENERAL CLAIMED TO BE AWAITING FURTHER FORENSIC EVIDENCE BEFORE FILING THE CASE AGAINST THE ACCUSED.

IN APRIL, SRI LANKAN COURTS DISMISSED TWO IMPORTANT "DISAPPEARANCE" CASES DATING BACK TO 1989, ALLEGEDLY FOR LACK OF EVIDENCE. ON APRIL 4, A COLOMBO MAGISTRATE ORDERED THE RELEASES OF ASSISTANT SUPERINTENDENT OF POLICE SUMITH EDIRISINGHE AND CHIEF INSPECTOR ANTON SISIRA KUMARA. THEY WERE ACCUSED OF ABDUCTING AND MURDERING A NUMBER OF PEOPLE IN THE HOKANDARA AREA IN 1989 AND HAVING THEM BURIED ALONG A ROADSIDE. THE SITE WAS LATER EXCAVATED AND SKELETAL REMAINS FOUND, SOME OF WHICH WERE SENT FOR FORENSIC EXAMINATION. ON APRIL 5, CHARGES WERE ALSO DROPPED AGAINST SUSPECTS IN THE WAWULKELEY MURDER CASE IN WHICH SIX PERSONS INCLUDING FOUR POLICE OFFICERS WERE ACCUSED OF ABDUCTING AND MURDERING SIX YOUTHS IN 1989.

HEARINGS PROCEEDED INTERMITTENTLY IN THE TRIAL OF EIGHT SOLDIERS CHARGED WITH THE MURDER OF TWENTY-FIVE TAMIL CIVILIANS INCLUDING WOMEN AND CHILDREN IN A MASSACRE IN THE VILLAGE OF KUMARAPURAM IN TRINCOMALEE DISTRICT ON FEBRUARY 11, 1996. AT A HEARING IN APRIL, A SURVIVING WITNESS, ARUNASALAM PARAMARANI, IDENTIFIED TWO OF SOLDIERS ACCUSED OF THE KILLINGS.

IN JUNE HUMAN RIGHTS ORGANIZATIONS IN SRI LANKA AND ELSEWHERE VOICED CONCERN OVER THE GOVERNMENT'S DECISION TO DISMANTLE THE HUMAN RIGHTS TASK FORCE (HRTF), A GOVERNMENT BODY ESTABLISHED IN 1991 TO MONITOR THE WELFARE OF DETAINEES HELD UNDER EMERGENCY REGULATIONS. ALL HRTF ASSETS, INCLUDING THEIR EXTENSIVE DATA FILES ON DETAINEES, WERE TO BE TRANSFERRED TO THE NEWLY ESTABLISHED NATIONAL HUMAN RIGHTS COMMISSION, WHICH FINALLY RECEIVED ITS GOVERNMENT APPOINTEES ON MARCH 17. BOWING TO PRESSURE FROM HUMAN RIGHTS ORGANIZATIONS, THE GOVERNMENT AGREED TO ALLOW THE HRTF'S REGIONAL OFFICES TO OPERATE FOR ANOTHER MONTH. NO ARRANGEMENTS WERE MADE REGARDING THE HRTF STAFF, SOME OF WHOM HAD BUILT UP SIGNIFICANT EXPERTISE IN HUMAN RIGHTS INVESTIGATION AND ALSO RISKED POSSIBLE RETALIATION FROM ARMY AND POLICE PERSONNEL THEY HAD ENCOUNTERED WHILE INVESTIGATING ABUSES. AT THE TIME OF THE DECISION, THE NATIONAL HUMAN RIGHTS COMMISSION WAS NOT YET OPERATIONAL AND LACKED STAFF TO DO SYSTEMATIC

monitoring and intervention. Human Rights Watch joined Sri Lankan and international human rights organizations in urging the government to ensure that the functions of the HRIF were not allowed to lapse even temporarily and that its expertise did not go to waste.

On August 9, the government announced a long-awaited plan to establish citizens' committees to monitor arrests and detentions at police stations.

In September the government announced that both the final and interim reports of the three presidential commissions of inquiry into past "disappearances," which were delivered to the president on September 3, would be made public. The president also announced that the government would pursue prosecution of those against whom the commissions found prima facie evidence of wrongdoing. The commissions were established in late 1994 to investigate "disappearances" and abductions by non-state agents reported in the country since January 1989. They heard evidence in some 16,750 cases out of 19,079 complaints and were to identify those responsible, recommend legal action, and suggest relief and preventive measures. In September President Kumaratunga also announced plans for a new commission to examine complaints that had not been addressed by the three commissions before their terms ended.

In October, Sri Lanka notified the U.N. of its ratification of the Optional Protocol of the International Covenant on Civil and Political Rights. The protocol allows individual complaints about violations to be taken to the U.N.'s Human Rights Committee.

The Right to Monitor

Although Sri Lankan human rights organizations continued to operate without legal restrictions, international relief agencies and nongovernmental organizations faced obstacles when attempting to operate in conflict areas.

Both Quaker Peace and Peace Brigades International, organizations which had carried out important relief and monitoring efforts in eastern Sri Lanka, were barred from operating in Batticaloa district in April. The restrictions, which did not appear to be motivated by security concerns, were lifted later in the year. International relief agencies were also permitted to operate in areas outside government control, but pulled out when military operations intensified. Agencies did not receive permission to work with independent local nongovernmental organizations (NGOs) in Jaffna; if allowed to work at all, they were required to do so with state-linked institutions. This policy discouraged some organizations from seeking permission to work in Jaffna and caused others to withdraw.

In the lead-up to local elections in late March, a broad-based network of citizens' groups and NGOs launched a massive campaign against political violence, undertaking voter education, organizing rallies and calling on voters to shun candidates linked to violence. Despite the campaign's success in raising the issue of political violence, international observers who were invited by these groups to attend an NGO workshop on election monitoring were denied visas.

In July, media freedom groups called for the repeal of laws governing criminal defamation as well as the Press Council Law, which appoints a council to regulate newspapers, and to censure journalists for professional misconduct, and makes it an offense to publish a false report about issues under consideration by members of the cabinet. On September 11, in response to NGO pressure, Sri Lanka repealed the Parliamentary Privileges Special Provision Act, a law that gave parliament the right to fine and imprison journalists for defamation.

The Role of the International Community

Most governments and international NGOs that raised concerns about Sri Lanka's human rights record focused on abuses linked to the ongoing war. Many governments denounced LTTE violence and called for a political solution to the conflict. They also gave some attention to the need for humanitarian relief, accountability for past violations, and the plight of Sri Lankan refugees.

United Nations

In August, Bacre Waly N'diaye, the U.N.'s special rapporteur on extrajudicial, summary or arbitrary executions, undertook a twelve-day visit to Sri Lanka. N'diaye expressed concern over the high numbers of unresolved "disappearances" and stated that "the gap between those who have disappeared and the number of people whose whereabouts have been finally discovered is too huge, too important." He noted that Sri Lanka had the second-highest number of cases pending with the U.N. Working Group on Enforced or Involuntary Disappearances, some 10,000 since the 1980s, and that reports of "disappearances" in Jaffna had also increased since 1996.

Japan

In its 1996 annual report on Overseas Development Assistance (ODA), published in February 1997, Japan noted in connection with the human rights clause of the ODA charter that while the Sri Lankan government was "making efforts to protect and improve human rights," instability and ongoing human rights violations persisted in "strife-torn regions." Japan pledged to "continue to observe the situation in the north and east."

European Union

On April 2, the Sri Lankan government announced that with the assistance of British Undersecretary of Commonwealth and Foreign Affairs Liam Fox, an agreement had been reached between Sri Lanka's ruling People's Alliance and the opposition UNP to work together to end the war with separatist Tamil rebels. Sri Lankan Foreign Minister Lakshman Kadirgamar added, however, that "the government was not contemplating mediation or facilitation by any foreign government or third party at this point of time."

Also in April, German State Minister in the Foreign Office, Dr. Werner Hoyer vowed during a state visit that his government would not provide any support to the LTTE, directly or indirectly, and that Germany was "ready to ban" the group or deport its members if there was evidence that they were engaged in terrorism.

United States

In July, following a number of LTTE attacks on noncombatants, including the burning of an Indonesian passenger ferry, the seizure of a North Korean cargo vessel and the killing of one of its sailors, and the assassination of the two MPs in Trincomalee, the U.S. called on the LTTE to "cease all acts of terrorism" and expressed unconditional support for the Sri Lankan government's proposals for a political resolution of the ethnic conflict. During a visit to Colombo that month, Australian Foreign Minister Alexander Downer expressed similar views.

On August 29, 1997, the U.S. promised Sri Lanka U.S. \$1 million for humanitarian assistance for war victims and displaced children. The USAID grant is in addition to \$1 million that the U.S. granted to the Citizens' Participation (CIPART) project in Sri Lanka, a program designed to strengthen democratic institutions. In September, the new U.S. Assistant Secretary of State for South Asian Affairs, Karl R. Inderfurth, visited Colombo on his first trip to the region. Inderfurth told journalists that President Kumaratunga had once again urged the U.S. to designate the LTTE as a terrorist organization but said that the U.S. was still examining the legal ramifications of such a decision. On October 9, the Clinton administration included the LTTE on a list of thirty organizations banned under a 1996 anti-terrorism law. The law bars LTTE members from the United States, prohibits fund-raising for the organization, and permits the freezing of members' bank accounts.

THAILAND

THAILAND'S ECONOMIC CRISIS, CULMINATING IN THE COLLAPSE OF ITS CURRENCY IN JULY, PUSHED ALL OTHER DEVELOPMENTS OUT OF THE HEADLINES, BUT THE FULL EXTENT OF THE SOCIAL AND POLITICAL REPERCUSSIONS OF THE CRISIS REMAINED UNCLEAR AT THE END OF THE YEAR. A NEW CONSTITUTION, PASSED IN SEPTEMBER IN THE WAKE OF THE CRISIS, PROMISED MORE PROTECTIONS FOR HUMAN RIGHTS AND GREATER GOVERNMENT ACCOUNTABILITY, OFFSETTING EFFORTS BY THE GOVERNMENT EARLIER IN THE YEAR TO PLACE RESTRICTIONS ON THAILAND'S TRADITIONALLY FREE PRESS. IN THE MEANTIME, HOWEVER, THE PARAMOUNT HUMAN RIGHTS PROBLEM, THE GOVERNMENT'S TREATMENT OF REFUGEES AND MIGRANTS, DETERIORATED STEADILY DURING THE YEAR WITH MASSIVE FORCIBLE RETURNS OF REFUGEES INTO BURMA AND DENIAL OF ENTRY INTO THAILAND OF WOULD-BE REFUGEES FROM BOTH BURMA AND CAMBODIA. (THE GOVERNMENT EVENTUALLY ADMITTED TENS OF THOUSANDS OF CAMBODIANS FLEEING THE VIOLENCE THAT FOLLOWED THE JULY 5-6 COUP IN PHNOM PENH.) ALTHOUGH THAILAND'S ECONOMIC GROWTH IN RECENT YEARS WAS BUILT ON A SUPPLY OF CHEAP MIGRANT LABOR, LARGELY FROM BURMA, THE ECONOMIC CRISIS RESULTED IN AN IMMIGRATION CRACKDOWN, LEADING TO SUMMARY DEPORTATIONS AND FILLING IMMIGRATION DETENTION CENTERS THAT ALREADY HAD A REPUTATION FOR OVERCROWDING AND ABUSE. THAILAND HAD A MIXED RECORD IN SUPPORT FOR HUMAN RIGHTS IN THE INTERNATIONAL ARENA. IT BECAME A FULL PARTY TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) IN JANUARY AND INDICATED THAT IT WOULD SIGN THE MULTILATERAL TREATY TO BAN ANTI-PERSONNEL MINES. HOWEVER, ITS OFFICIALS WAVED BUT ULTIMATELY SUPPORTED BURMA'S ADMISSION AS A FULL MEMBER OF THE ASSOCIATION OF SOUTH EAST ASIAN NATIONS (ASEAN), THUS GIVING UP AN IMPORTANT SOURCE OF LEVERAGE ON BURMA'S LEADERS TO IMPROVE THEIR HUMAN RIGHTS PRACTICES.

Human Rights Developments

PRIME MINISTER CHAVALIT YONGCHAIYUDH, A FORMER COMMANDER OF THE THAI ARMY WHO TOOK OFFICE IN NOVEMBER 1996, PRESIDED OVER A WEAK SIX-PARTY COALITION, CHARACTERIZED BY FREQUENT SHIFTS IN POLICY AND PARALYZING INFIGHTING, UNTIL HIS RESIGNATION IN NOVEMBER AFTER MONTHS OF ESCALATING ECONOMIC PRESSURES. THE WEAKNESS OF HIS GOVERNMENT CONTRASTED SHARPLY WITH HIS OWN DESIRE TO PLAY THE ROLE OF STRONGMAN, RESULTING IN A HEAVY RELIANCE ON MILITARY ADVISERS, THE BLURRING OF MILITARY AND CIVILIAN ROLES, ESPECIALLY IN THE INTELLIGENCE FIELD, AND MORE GOVERNMENT SUPERVISION OF THE GENERALLY FREE THAI PRESS. CHAVALIT WAS ALSO RESPONSIBLE, HOWEVER, FOR UNPRECEDENTED CUTS IN THE DEFENSE BUDGET.

SIGNS OF THAILAND'S ECONOMIC SLIDE WERE APPARENT EARLY IN THE YEAR. WHILE THE IMMEDIATE CAUSES WERE BAD DEBTS, IRRESPONSIBLE BORROWING, AND A PROPERTY BOOM GONE BUST, MANY THAIS ATTRIBUTED THE PROBLEM TO CORRUPTION, POLITICAL FAVORITISM AND GENERALLY BAD GOVERNANCE. ONE RESULT WAS THE DRAFTING OF A NEW CONSTITUTION BY A SPECIALLY ELECTED NINETY-NINE-MEMBER ASSEMBLY FOCUSING ON POLITICAL REFORM, WITH PROTECTION OF CIVIL LIBERTIES, A STRENGTHENED JUDICIARY, FAIRER VOTING PRACTICES, AND GOVERNMENT ACCOUNTABILITY HIGH ON THE AGENDA. THE REFORMS WERE GIVEN ONLY A SLIGHT CHANCE OF SURVIVING UNDILUTED UNTIL THE ECONOMY HIT BOTTOM IN JULY; BY AUGUST, WHEN THE PARLIAMENT BEGAN ACTIVE CONSIDERATION OF THE DRAFT, IT WAS WIDELY EXPECTED TO PASS AND IN SEPTEMBER DID SO, BECOMING THE SIXTEENTH CONSTITUTION SINCE 1932.

THE CHAVALIT GOVERNMENT TOOK SEVERAL STEPS TO CONTROL THE MEDIA. IN LATE 1996, CHAVALIT HAD APPOINTED THE SUPREME COMMANDER OF THE THAI MILITARY AS CHAIRMAN OF THE MASS COMMUNICATIONS AUTHORITY, AND IN EARLY 1997 HE INSTALLED THE FORMER EDITOR OF A PRO-ARMY MAGAZINE AS HEAD OF A KEY STATE-RUN TELEVISION NETWORK. BUT THE MOST WORRISOME MOVE CAME ON JUNE 11 WHEN A MEDIA MONITORING COMMITTEE, CALLED THE NEWS ANALYSIS CENTRE, WAS SET UP UNDER THE MINISTRY OF INTERIOR TO ANALYZE MEDIA REPORTS FOR THE PRIME MINISTER'S OFFICE IN AN EFFORT TO ENSURE "ACCURATE" REPORTING. WHILE THE GOVERNMENT DENIED THE MOVE WAS AN EFFORT TO RESTRICT FREEDOM OF THE PRESS, IT CAME AT A TIME WHEN SOME OFFICIALS WERE BLAMING CRITICAL PRESS REPORTING FOR THE COUNTRY'S ECONOMIC WOES.

THAILAND'S SECURITY FORCES INCREASINGLY RESORTED TO THE USE OF EXCESSIVE FORCE AND SUMMARY EXECUTIONS OF SUSPECTED CRIMINALS IN 1997. SOME TWENTY-NINE PEOPLE WERE SHOT BY THE SECURITY FORCES BETWEEN NOVEMBER 1996, WHEN SIX SUSPECTED DRUG TRAFFICKERS WHO HAD SURRENDERED AND HAD BEEN HANDCUFFED WERE SHOT DEAD BY POLICE, AND

APRIL 1997: BY THE END OF THE YEAR, NONE OF THE INVESTIGATIONS INTO THESE KILLINGS HAD BEEN COMPLETED. IN JANUARY THAI SECURITY FORCES SHOT DEAD THREE MINORS FROM CAMBODIA AS THEY WERE CROSSING THE BORDER FROM SA KAEW PROVINCE IN THAILAND TO POIPEH TOWN IN CAMBODIA. THAI AUTHORITIES HAVE NOT CLARIFIED THE CIRCUMSTANCES OF THESE SHOOTINGS, AND NO INVESTIGATION TOOK PLACE. IN JUNE, IN AN APPARENT ATTEMPT TO CRACK DOWN ON ILLEGAL IMMIGRATION, POLICE IN SANGKHLABURI DISTRICT OPENED FIRE ON A TRUCK CONTAINING CIVILIANS FROM BURMA. AT LEAST ONE PERSON IN THE TRUCK WAS KILLED AND A NUMBER OF OTHERS INJURED.

THE THAI GOVERNMENT'S TREATMENT OF REFUGEES ALONG THE THAI-BURMESE AND THAI-CAMBODIAN BORDERS WAS A MAJOR CONCERN. IN FEBRUARY, BURMA'S ARMED FORCES LAUNCHED AN OFFENSIVE IN AREAS CONTROLLED BY THE KAREN NATIONAL UNION (KNU) IN BURMA'S TENASSERIM DIVISION AND KAREN STATE, DRIVING AN ADDITIONAL 20,000 REFUGEES FROM BURMA INTO THAILAND AND SWELLING TO 117,000 THE NUMBER RESIDING IN CAMPS ALONG THE THAI/BURMESE BORDER. IN A REVERSAL OF ITS PREVIOUS POLICY OF ALLOWING ASYLUM-SEEKERS FROM BURMA TEMPORARY REFUGE, THE THAI ARMY AND BORDER PATROL POLICE EITHER DENIED ENTRY TO OR IN SOME CASES PUSHED BACK SOME 9,500 REFUGEES, VIOLATING INTERNATIONAL STRUCTURES AGAINST FORCED RETURNS OR *REFOULEMENT*.

IN ONE INCIDENT ON FEBRUARY 25, 230 MEN WHO HAD FLED INTO BONG TI, A THAI VILLAGE WERE SEPARATED FROM THE WOMEN, CHILDREN, SICK AND ELDERLY WITH WHOM THEY HAD FLED, AND TRUCKED TO PU NAM RAWN, A POINT ON THE THAI-BURMESE BORDER IN KANCHANABURI PROVINCE. FROM THERE THE THAI AUTHORITIES REPATRIATED THE MEN TO BURMA, DIRECTLY INTO AN ACTIVE CONFLICT ZONE. THE REMAINING 900 REFUGEES WERE TRUCKED TO A POINT FURTHER SOUTH AND REPATRIATED. THE PREVIOUS DAY, THAI BORDER PATROL POLICE AT PU NAM RAWN HAD REFUSED ENTRY TO SOME 500 MEN, INCLUDING MINORS.

IN FEBRUARY, THERE WERE MULTIPLE REPATRIATIONS FROM HTEE HTA BAW AND HTEE LA PAH FROM A GROUP OF REFUGEES THAT HAD ORIGINALLY NUMBERED 2,300. IN MARCH, IN SANGKHLABURI DISTRICT, 2,000 PEOPLE AT THO KAH WERE REPATRIATED. IN MAY SOME 430 CIVILIANS WHO HAD FLED INTO MAE HONG SON PROVINCE FROM SHAN STATE WERE FORCIBLY RETURNED; THEY HAD FLED THEIR HOMES AFTER BURMESE SOLDIERS HAD ACCUSED THEM OF HARBORING REBELS. THE SOLDIERS HAD BEATEN SOME OF THE VILLAGERS AND TAKEN OTHERS AWAY AS PORTERS.

ON TWO OCCASIONS IN JUNE, THE THAI AUTHORITIES REPATRIATED A TOTAL OF 1,700 REFUGEES FROM HUAY SATU IN PRACHUAP KHIRI KHAN PROVINCE. THE SAME MONTH, 400 ETHNIC MONS WHO HAD FLED INTO THAILAND IN APRIL WERE SENT BACK, WITH PERSONNEL FROM THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) OBSERVING THEIR RETURN. THE THAI GOVERNMENT MAINTAINED THAT THE REFUGEES HAD INDICATED THEIR DESIRE TO GO BACK, BUT A NUMBER OF INTERNATIONAL NONGOVERNMENTAL ORGANIZATIONS (NGOs) QUESTIONED THE VOLUNTARINESS OF THE REPATRIATION. THEY ALSO CRITICIZED UNHCR FOR LENDING LEGITIMACY TO THE RETURN BY HAVING STAFF PRESENT AS OBSERVERS.

FROM THE BEGINNING OF JUNE, THE THAI GOVERNMENT REFUSED TO ALLOW NEW REFUGEES FROM BURMA TO ENTER THAILAND, WITH THE RESULT THAT THOUSANDS OF PEOPLE MASSING ON THE BURMESE SIDE OF THE BORDER WERE LEFT VULNERABLE TO ATTACK.

THAILAND'S FAILURE TO PROVIDE ADEQUATE SECURITY FOR CAMPS CLOSE TO THE BORDER, SOMETIMES EVEN STRADDLING IT, LEFT REFUGEES VULNERABLE TO CROSS-BORDER RAIDS BY BURMESE TROOPS OR FORCES BACKED BY THE BURMESE GOVERNMENT. ATTACKS IN JANUARY ON THREE REFUGEE CAMPS IN THAILAND—HUAY KALOKE, DON PA KIANG AND MAE LA—RESULTED IN AT LEAST THREE DEATHS AND LEFT 7,000 HOMELESS. DESPITE THE OBVIOUS DANGER, THAI AUTHORITIES REFUSED TO ALLOW THE REFUGEES TO MOVE. AGAIN IN APRIL, BURMESE TROOPS ATTACKED THE TA PER POO REFUGEE CAMP, RAZING EIGHTEEN HOUSES. THE INTERNATIONAL OUTCRY THAT FOLLOWED THE INSTANCES OF *REFOULEMENT* IN FEBRUARY PROMPTED THAI AUTHORITIES TO MOVE SOME OF THE CAMPS AWAY FROM THE BORDER, BUT MOST OF THE APPROXIMATELY TWENTY-FIVE CAMPS REMAINED WHERE THEY WERE. THAILAND CONTINUED TO REFUSE FORMAL PERMISSION TO UNHCR TO WORK IN THE REGION BORDERING BURMA.

CONDITIONS REMAINED POOR IN THE REFUGEE CAMPS NEWLY ESTABLISHED DURING THE YEAR, AS THE THAI AUTHORITIES PERMITTED ONLY TEMPORARY STRUCTURES CONSTRUCTED VERY CLOSE TOGETHER, IN BREACH OF THE WORLD HEALTH ORGANISATION'S MINIMUM GUIDELINES. THEY ALSO REFUSED TO ALLOW SCHOOLS TO BE ESTABLISHED IN THE CAMPS.

THAILAND CONTINUED TO BLOCK THE ESTABLISHMENT OF CAMPS FOR REFUGEES FLEEING WORSENING HUMAN RIGHTS ABUSES IN BURMA'S SHAN STATE, DRIVING MANY FROM SHAN STATE TO JOIN THE ESTIMATED ONE MILLION MIGRANT WORKERS IN THAILAND WHO RISK HARASSMENT, ARREST AND DEPORTATION BY THE THAI AUTHORITIES IN ADDITION TO ABUSE BY THEIR EMPLOYERS. A 1996

PROGRAM PERMITTING EMPLOYERS IN DESIGNATED INDUSTRIES IN FORTY-THREE PROVINCES TO REGISTER ILLEGAL FOREIGN WORKERS FOR TWO YEARS OFFERED SOME PROTECTION TO THE MIGRANTS, BUT AUTHORITIES OFTEN DID NOT DISTINGUISH IN ARRESTING AND HARASSING FOREIGN WORKERS BETWEEN THE REGISTERED AND UNREGISTERED. IN JUNE IT WAS REPORTED THAT A TWENTY-TWO-YEAR-OLD REGISTERED SEAMAN FROM BURMA, WORKING OUT OF THE PORT OF MAHACHAI IN SUMUT SAKHON PROVINCE, WAS BEATEN TO DEATH BY A THAI POLICE OFFICER WHILE TRYING TO HIDE FROM THE POLICE TO ESCAPE HARASSMENT.

CONDITIONS IN IMMIGRATION DETENTION CENTERS CONTINUED TO BE CAUSE FOR CONCERN. IN JUNE, MAHACHAI POLICE STATION REPORTEDLY HELD UP TO 400 NATIONALS FROM BURMA IN SEVERELY OVERCROWDED AND UNSANITARY CONDITIONS. OFFICIALS REPORTEDLY ACCEPTED BRIBES TO TRANSFER DETAINEES TO BANGKOK'S IMMIGRATION DETENTION CENTER WHERE CONDITIONS WERE SOMEWHAT BETTER, BUT EVEN THERE CONDITIONS WERE HARSH, WITH SERIOUS OVERCROWDING AND JUVENILES AND ADULTS BEING HELD TOGETHER.

REFUGEES FROM CAMBODIA ALSO FACED PROBLEMS. IN AUGUST SOME 30,000 CIVILIANS FLEEING IN THE AFTERMATH OF THE JULY COUP (SEE CAMBODIA CHAPTER), ENTERED THAILAND FROM THE BORDER TOWN OF O'SMACH, AND ANOTHER 7,000 CAME IN FROM THE CAMBODIAN TOWN OF POIPEH. ALTHOUGH THE THAI AUTHORITIES FACILITATED THEIR ENTRY, PRIME MINISTER CHAVALIT MADE IT CLEAR THAT THE CAMBODIANS WOULD NOT BE ACCORDED REFUGEE STATUS AND WOULD BE RETURNED ONCE THE FIGHTING SUBSIDED. AS WITH BURMESE REFUGEES, THE THAI GOVERNMENT OPERATED ON THE INACCURATE ASSUMPTION THAT FEAR OF PERSECUTION WAS SOLELY RELATED TO ARMED CONFLICT AND NOT TO OTHER FORMS OF HUMAN RIGHTS ABUSES.

IN EARLY AUGUST THE THAI EMBASSY IN PHNOM PENH STOPPED ISSUING VISAS TO CAMBODIANS, EFFECTIVELY PREVENTING THEM FROM TRAVELING LEGALLY INTO THAILAND. THIS WAS CONSISTENT WITH THAILAND'S POSITION THAT ALL ASYLUM-SEEKERS ARE ILLEGAL IMMIGRANTS, SUBJECT TO ARREST, DETENTION, AND DEPORTATION, EVEN WHEN THEY ARE DEEMED BY UNHCR TO BE IN NEED OF INTERNATIONAL PROTECTION. INDEED ON SEPTEMBER 15, THREE MINISTERS OF THE NATIONAL COALITION GOVERNMENT OF THE UNION OF BURMA, BURMA'S GOVERNMENT-IN-EXILE, WERE ARRESTED FROM THEIR OFFICE IN BANGKOK. THAI POLICE SAID THEY WOULD BE DEPORTED TO BURMA, BUT THE THREE WERE EVENTUALLY RELEASED JUST INSIDE THE THAI BORDER AT MAE SOT AFTER INTERNATIONAL PROTESTS.

NO PROGRESS WAS MADE DURING THE YEAR TOWARD ENFORCEMENT OF LAWS BANNING FORCED AND CHILD PROSTITUTION AND TRAFFICKING OF WOMEN OR PROTECTION OF THE WOMEN AND CHILDREN CAUGHT UP IN TRAFFICKING NETWORKS.

The Right to Monitor

PROVISION WAS MADE IN THE NEW CONSTITUTION FOR THE ESTABLISHMENT OF AN INDEPENDENT NATIONAL HUMAN RIGHTS COMMISSION AND CREATION OF THREE OMBUDSMEN EMPOWERED TO EXAMINE COMPLAINTS OF HUMAN RIGHTS VIOLATIONS. THEIR POWERS WILL DEPEND ON AN IMPLEMENTING LAW WHICH MUST BE FINALIZED WITHIN TWO YEARS OF THE PASSING OF THE CONSTITUTION.

THE NUMBER OF LOCAL NGOs INCREASED DURING THE YEAR, AND THAILAND CONTINUED TO BE AN IMPORTANT CENTER FOR REGIONAL AND INTERNATIONAL NGOs AS WELL. GENERALLY BOTH DOMESTIC AND INTERNATIONAL NGOs WERE ABLE TO OPERATE WITHOUT OBSTRUCTION. NGOs ORGANIZED A LARGE NUMBER OF PROTESTS THROUGHOUT THE YEAR AGAINST THE CONSTRUCTION OF THE YADANA GAS PIPELINE FROM BURMA TO THAILAND'S KANCHANABURI AND RATCHABURI PROVINCES. GROUPS WORKING ON ISSUES CONSIDERED TO BE POLITICALLY SENSITIVE, HOWEVER, WERE CLOSELY MONITORED AND, ON OCCASION, RESTRICTED BY THE GOVERNMENT. IN MAY FOUR BURMESE STUDENTS WERE DETAINED BY THAI INTELLIGENCE OFFICIALS FOR HOLDING A PEACEFUL DEMONSTRATION OUTSIDE THE MALAYSIAN EMBASSY IN BANGKOK TO DEMAND THAT BURMA NOT BE ADMITTED INTO ASEAN. FOUR BURMESE STUDENTS WHO WERE DETAINED DURING U.S. PRESIDENT CLINTON'S VISIT TO THAILAND IN 1996 WHILE TRYING TO STAGE A DEMONSTRATION REMAINED IN BANGKOK'S SPECIAL DETENTION CENTER DURING THE YEAR, DESPITE BEING RECOGNIZED AS PERSONS OF CONCERN TO UNHCR.

The Role of the International Community

SEVERAL GOVERNMENTS, INCLUDING THE UNITED STATES AND THE EUROPEAN UNION, RESPONDED PROMPTLY TO THE REFOULEMENT

OF REFUGEES AND CALLED ON THAILAND TO HALT THE PRACTICE. IN THE FIRST HALF OF THE YEAR, FOURTEEN FOREIGN EMBASSIES SENT VISITORS TO REFUGEE CAMPS ALONG THE THAI-BURMESE BORDER. ONLY THE U.S. EMBASSY, HOWEVER, VISITED THE MORE ISOLATED CAMPS.

IN FEBRUARY, THE UNHCR IN BANGKOK ISSUED A PRESS RELEASE SEEKING CLARIFICATION FROM THE THAI GOVERNMENT ABOUT REPORTS OF REFOULEMENT OF NATIONALS FROM BURMA AND EXPRESSING CONCERN FOR THE LIVES OF THOSE WHO WERE RETURNED. UNHCR OFFICIALS ALSO MADE NUMEROUS VISITS TO REFUGEE CAMPS ALONG THE THAI-BURMESE BORDER. THE ORGANIZATION, HOWEVER, DID NOT MAKE ANY FURTHER PUBLIC STATEMENTS ABOUT INSTANCES OF REFOULEMENT WHICH OCCURRED AFTER FEBRUARY OR ABOUT THAILAND'S POLICY OF DENYING ENTRY TO NEW REFUGEES FROM BURMA.

AT THE END OF JANUARY, THE EUROPEAN COMMISSION APPROVED A PACKAGE OF HUMANITARIAN AID WORTH ECU2 MILLION FOR BURMESE ETHNIC MINORITIES LIVING IN THAILAND OR RECENTLY RETURNED TO BURMA. THE AID, MANAGED BY THE EUROPEAN COMMUNITY HUMANITARIAN OFFICE (ECHO), ALLOWED EUROPEAN NGOS AND THEIR LOCAL PARTNERS TO CARRY MEDICAL AND FOOD AID TO REFUGEES.

THE U.S. CONGRESS CONTINUED TO APPROPRIATE FUNDS TO SUPPORT WORK BY BURMESE STUDENT GROUPS AND OTHER NGOS ALONG THE THAI-BURMESE BORDER. IN LEGISLATION PASSED IN JULY, THE SENATE EARMARKED \$5 MILLION FOR FISCAL YEAR 1998 AND SPECIFIED THAT \$2 MILLION OF THOSE FUNDS SHOULD BE USED FOR HUMANITARIAN ASSISTANCE TO DISPLACED REFUGEES. THE SENATE ALSO REQUIRED, SIXTY DAYS AFTER ENACTMENT, A REPORT FROM THE SECRETARY OF LABOR ON FORCED LABOR PRACTICES IN BURMA, INCLUDING DETAILS ON FORCED RELOCATIONS AND FORCED LABOR USED "IN CONJUNCTION WITH, AND IN SUPPORT OF" THE YADANA GAS PIPELINE BEING BUILT THROUGH BURMA TO THAILAND.

Relevant Human Rights Watch report:

No Safety in Burma, No Sanctuary in Thailand, 7/97