

ASIA WATCH OVERVIEW

Two features of the human rights situation in Asia in 1992 stood out: the extent to which Asian countries were contributing to human rights problems outside their own borders and the extent to which they decided to respond formally to external pressure on human rights.

Most of the human rights problems noted in 1991 remained the same, including the treatment of dissidents in China and the harshness of the Chinese prison and labor camp system; political imprisonment and atrocities against national minorities in Burma; military and paramilitary abuses in Kashmir; and repression by the Indonesian government in East Timor. The fall of President Najibullah in Afghanistan threw that country into a state of chaos and factional fighting that threatened to turn it into an Asian Somalia. The refusal of the Khmer Rouge to cooperate with a United Nations peace agreement and reports of its successful political infiltration of Cambodian villages raised the specter of a return to influence of one of Asia's deadliest organizations. If there was a bright spot, it was Taiwan's continued progress toward a more open society, marked among other things by the repeal of the Sedition Law. South Korea, by contrast, kept its National Security Law on the books, despite a recommendation in July 1992 by the United Nations Human Rights Committee that the vaguely worded law be phased out.

It was striking how many of Asia's human rights problems involved more than one Asian government. Burma's ruling State Law and Order Restoration Council (SLORC) was armed by China and kept afloat by trade with China and Thailand. When SLORC's abuses pushed Muslim refugees across the border to Bangladesh, problems of the treatment of refugees arose on the Bangladeshi side. Efforts to put pressure on the Khmer Rouge depended on Thai willingness to seal off its borders to the gem and logging trade. Thai police routinely abused Burmese refugees, particularly women. Pakistan's supply of arms to Kashmir contributed to the tension there (although abuses by Indian security forces could neither be explained nor justified by such involvement.) Saudi Arabian and Pakistani sources were believed to be supporting Afghan *mujahidin* leader Gulbuddin Hekmatyar's efforts to wrest power from other *mujahidin* factions, despite Hekmatyar's abusive practices. Hong Kong's forced repatriation of Vietnamese refugees and India's repatriation of Tamils to Sri Lanka were both characterized by inadequate screening and monitoring procedures. The Chinese government was attempting to prevent democratization in Hong Kong before the British colony is returned to China in 1997. Worker rights in Indonesia were reported to be particularly abused in plants owned or managed by South Koreans; similar allegations were made about the treatment of workers in factories in China that were financed with Hong Kong or Taiwanese capital. Japan, as the region's largest donor and investor, had enormous financial interests in countries with the worst human rights records in Asia, but it chose not to exert its economic leverage. Abuse against HIV and AIDS sufferers became an increasing problem, linked to drug production and trafficking in women across Burma's

borders with Thailand, China and India. Human rights abuses against villagers living in forest areas was another problem as Thai logging companies backed by the military sought new areas of operation in Cambodia, Burma and Laos, as well as in ostensibly protected forest areas of Thailand.

The complicity of Asian governments in human rights abuses beyond their own borders gave a new twist to the other striking development during the year: the interest shown in establishing formal human rights bodies in Asia. There were numerous examples:

- The governments making up the Association of Southeast Asian Nations (ASEAN)—Indonesia, Malaysia, Singapore, Thailand, the Philippines and Brunei—began to discuss setting up a governmental human rights forum for the region.
- Indonesia set up a parliamentary committee on human rights.
- India, supported by the state governments, moved to set up a human rights commission in Delhi which was expected to begin work in early 1993.
- China issued two new White Papers on human rights, one on the criminal justice system and one on Tibet.
- Cambodia, through the Supreme National Council, acceded to six major international human rights agreements and Thailand moved toward accession to the International Covenant on Civil and Political Rights.
- Japan reaffirmed its commitment to use respect for human rights as one criterion in allocating Official Development Assistance, its overseas aid program.

These moves, while positive, would have been more welcome had they been coupled with evidence of a desire to prevent human rights abuses at home or within the region. With the exception of Thailand, where government efforts to address human rights concerns were overwhelmingly the result of domestic pressure following the May violence to place curbs on the army, and Cambodia, where the United Nations Transitional Administration in Cambodia (UNTAC) was setting the human rights agenda, government moves appeared to be more an effort to fend off international criticism than a genuine attempt to ameliorate human rights abuses. They were at once a reaction to efforts by Western donors to condition aid on democratization and respect for human rights; a determination to define an "Asian" concept of human rights; and a way of responding to outside criticism of specific practices and policies. But there were clear differences of approach in South Asia, Southeast Asia and China.

In South Asia, Sri Lanka and India responded to international pressure by taking steps in 1991 to set up their own human rights commissions and task forces which would at once

address the concerns most often raised by donor countries and keep human rights investigations a domestic affair. "Once we have the human rights commission," an Indian official said, "there will be no need for Asia Watch or Amnesty International." Local nongovernmental organizations (NGOs) were torn. In Sri Lanka, many activists felt that the new agencies forced the government to pay more attention to human rights, even if they were slow, unwieldy and too limited in scope. In India, human rights organizations expressed concern that a human rights commission would be a way for the government to focus less on its own conduct than on abuses by militants in Kashmir, Punjab and elsewhere. However, even the skeptics acknowledged that a commission would give legitimacy to discussions on human rights.

In Southeast Asia, there was much more of an effort to band together to face what was perceived as an onslaught of Western criticism on human rights—and one likely to get worse with a Clinton administration in Washington. The moves were led by Indonesia, Malaysia and Singapore, with tacit support from Vietnam and, to some extent, China. At the Non-Aligned Movement's summit meeting in Jakarta in September, Prime Minister Mahathir Mohamed of Malaysia called the conditioning of aid on respect for human rights a form of cultural imperialism, imposing Western political values on non-Western countries. At a meeting between ASEAN and European Community foreign ministers in Manila in October, Indonesian Foreign Minister Ali Alatas reiterated a theme he has stated many times before: developing nations must secure the economic rights of their people before turning to individual rights which are purportedly a luxury of developed countries.

To further the notion that developing countries, and particularly Asian countries, need to foster a concept of human rights that is more in tune with their culture and level of economic development, ASEAN governments in 1992 began to discuss the idea of forming their own regional human rights commission. Spokespersons for Indonesia, Malaysia and Singapore acknowledged the universality of human rights principles but argued that it should be up to governments to determine how these principles should be implemented.

China reacted to human rights pressure by accepting the principle of respect for human rights but denying its own violations. Just as its October 1991 White Paper on Human Rights stressed the social and economic benefits that Chinese people enjoyed, two new White Papers issued in 1992 described the enlightened treatment of China's prisoners and the human rights enjoyed by the people of Tibet.

The underlying message of Asian governments was that while discussion of human rights issues was legitimate, control over the interpretation and implementation of international human rights standards should rest with the government in question. At the end of 1992, there were efforts to develop a common governmental position across South and Southeast Asia that could be presented at the United Nations World Conference on Human Rights scheduled to be held in Vienna in June 1993.

Asian NGOs and individual human rights activists from Asian countries also tended to believe that human rights priorities had been skewed by the West but they sought to block moves to weaken the universality of international standards. Moreover, in a statement signed by 60 Asian NGOs in preparation for the World Conference, they noted, "While the denial and deprivation of economic and social rights is a matter of grave concern, Asian NGOs are equally distressed by the gross violations of the civil and political rights of people in the region."

The stands taken by South Asia, Southeast Asia, and China all acknowledged the legitimacy of human rights as a topic of international discussion. The question was whether that acknowledgement would lead to action by governments, either to address violations of human rights and humanitarian law in their own countries or to join forces with other countries in the region to put pressure on offending neighbors. Paradoxically, the more Asian governments become involved in human rights violations elsewhere in Asia, the more they become a necessary part of the solution. Even if the European Community, the U.S., Australia and Japan agreed to put pressure on the Khmer Rouge, their actions would be ineffective without Thai cooperation. A full trade embargo against Burma is likely to have little effect unless China takes part. To put real pressure on China to improve its human rights performance, Japan must weigh in. Establishing the legitimacy of the topic was a first step, but it is not enough.

The Right to Monitor

Human rights monitors had a difficult year in Asia, and they fared no better in democratic countries than in authoritarian ones. Governments throughout the region used a variety of techniques of intimidation, ranging from murder to cutting off an organization's source of funding. No known domestic human rights organizations exist in Brunei, Burma, East Timor, North Korea, Singapore or Vietnam. In China, underground organizations were active but were not allowed to function openly. Human rights monitors tended to face the most danger in areas marked by internal conflict or ongoing civil strife within countries that generally allowed a high degree of freedom of expression and association. Human rights activists were arrested or continued to be detained in 1992 for documenting or publicizing violations of internationally recognized rights in Cambodia, China, India, Indonesia, Malaysia, Philippines and Tibet.

Many governments in the region appeared to be indirectly targeting human rights organizations by imposing general controls on nongovernmental organizations: making registration procedures more onerous or restricting the amount of foreign funding allowed. In fact, as Asian governments increasingly decried conditioning aid on respect for human rights, those governments tended to see domestic human rights organizations that received foreign funds as agents of foreign interests.

U.S. Policy

The Bush administration did not place a high priority on human rights problems in the region, and Asian governments were

awaiting the transition to a Clinton administration with some anxiety. If the Bush administration had by and large encouraged trade and investment at the expense of human rights—by saying that what is good for American business is good for human rights—Asian governments feared that Clinton would be more willing to use trade sanctions in support of human rights.

In country after country, whether China, Indonesia, India or Sri Lanka, the Bush administration put business first and assumed that as long as economic reforms in favor of foreign investment were underway, political change was inevitable, and concerted pressure on human rights was neither desirable nor necessary. The administration vetoed conditions on Most Favored Nation trade status for China; it tried to avert a cutoff of military aid to Indonesia after the East Timor massacre; and it actively opposed a bill in Congress that would have required U.S. businesses investing in China to observe a Code of Conduct that would promote human rights. Among the region's worst offenders, only Burma came in for sustained criticism—and U.S. economic and strategic interests there were minimal.

In general, the administration's reluctance to press very hard on human rights issues on a bilateral basis was also evident in its performance in multilateral settings. It contributed to the defeat of a resolution at the U.N. Human Rights Commission meeting in Geneva that would have condemned China for human rights abuses in Tibet. It continued to oppose some loans to China in the World Bank, but whereas after the 1989 crackdown it had lobbied other governments to do the same, by 1992 it was making no effort to prevent World Bank lending to China from reaching record-high levels. The administration's record was better in the annual meetings of donors to particular countries. In March, prior to the meeting in Paris of donors to Sri Lanka, the U.S. urged Japan to join in pressing the Sri Lankan government on human rights, and in July, at the meeting of the donor consortium on Indonesia, the U.S. made a public statement noting human rights abuses in East Timor.

The administration reacted swiftly and appropriately to the killings in Bangkok in May by suspending joint military exercises with the Thai military, but it was too quick to resume cooperation after the September 13 election restored a civilian government to power. Major questions about the Thai military's role in the killings and in subsequent disposal of bodies remained unanswered, and continued suspension of military cooperation would have been a powerful source of pressure.

U.S. policy toward refugee-related human rights problems in Asia was mixed. The administration properly opposed forced repatriation of Vietnamese refugees from Hong Kong, although its opposition was derided in the region because of its own summary repatriation of Haitian refugees. It gave assistance to Burmese refugees in Bangladesh and exerted pressure on the Bangladeshi government to ensure that any repatriation to Burma was safe and voluntary. On the other hand, its policy toward Burmese refugees in Thailand was decidedly ambiguous, as the administration appeared to support less-than-adequate screening and monitoring

in the proposed "safe area" for Burmese students in Thailand.

AFGHANISTAN

Human Rights Developments

Nineteen ninety-two was a watershed for Afghanistan. The U.N.-sponsored peace talks that appeared to be making progress at the beginning of the year came to an abrupt end on April 15 when President Najibullah was prevented from leaving the country. In the months that followed, thousands of refugees streamed back into the country even as Kabul was rocked by the worst fighting there in 14 years of war. Steady rocketing and shelling in August by the forces of the radical *mujahidin* leader Gulbuddin Hekmatyar killed at least 2,000, most of them civilians. Hundreds of thousands fled the city and remained in makeshift camps along roads leading to Pakistan. By year's end, international interest in the conflict had all but vanished and Afghanistan appeared to be on the brink of a humanitarian catastrophe.

On March 18, 1992, President Najibullah announced that he had agreed to cede power as part of a negotiated arrangement with the U.N. Secretary General's Special Representative in Afghanistan, Benon Sevan. The resignation was intended to pave the way for a U.N.-brokered agreement on a transitional government. But on April 15, Najibullah was blocked from leaving the country by members of his own party who were allied with *mujahidin* rebels controlling Kabul's airport. Since then, Najibullah has remained in hiding in Kabul.

Two prominent members of the government were killed during the takeover. Minister of State Security Ghulam Faruq Yaqubi was assassinated shortly after Najibullah was deposed, although his death was reported as a suicide. Abdul Karim Shahdan, the chair of the National Security Court, was abducted and murdered by unknown assailants a few days later. A member of a government security force answering to the Ministry of the Interior was beaten and shot dead in front of a Reuters cameraman after being discovered hiding in a ministry office. Although the new ruling council eventually declared a general amnesty, there were other instances of summary execution and reprisal killings by various forces after the coup. In the northern city of Mazar-i Sharif, a number of government soldiers were reportedly shot dead by a militia-*mujahidin* coalition that took over the city.

Over the next two weeks, street battles broke out between the forces of Gulbuddin Hekmatyar and those allied with Ahmed Shah Massoud, the powerful commander of the *Jamiat-e Islami* organization from northeastern Afghanistan who is an ethnic Tajik. On April 28, the Interim Council of the Islamic State of Afghanistan, under the presidency of Sigbatullah Mojaddedi, assumed authority in Kabul, as agreed to by all the major Sunni *mujahidin* leaders at a meeting in the Pakistani border city of Peshawar after the coup. However, the council's authority did not extend beyond Kabul. Elsewhere, local governing *mujahidin* councils, where they existed, or individual commanders, assumed control.

The council immediately announced its intention to enforce Islamic law throughout the country. The notorious Pul-e Charkhi prison was opened, and all detainees were released. A mass grave long rumored to exist outside the prison was discovered, but no significant exhumations or forensic investigations were conducted.

Hekmatyar rejected the authority of the Interim Council, which controlled Kabul through mainly Tajik and Uzbek security forces. In early May, his forces bombarded Kabul with rockets, killing at least 73, most of them civilians. Serious fighting also broke out between the Saudi-backed Pashtun Sunni *Ittehad-e Islami* party and the Iran-backed Shi'a *Hezb-e Wahdat* party in Kabul. Both groups engaged in deliberate abductions of civilians of the Hazara and Pashtun ethnic communities. Hundreds were killed, and as many as 1,000 detained and tortured before a cease-fire eventually took hold in June. Continuing tension between ethnic groups erupted in other violent confrontations throughout the remainder of the year.

On June 28, Burhanuddin Rabbani, the head of the *Jamiat-e Islami* party, became president of the interim council, peacefully taking over from Mojaddedi. Within a week, Hekmatyar, who had allied his forces with the mainly Pashtun Khalq faction of the former communist party, attempted to seize power and launched an all-out assault on the city. He evoked Pashtun nationalism in claiming that his motive was to drive out the Uzbek forces of General Abdur Rashid Dostam, who had formerly supported Najibullah and had allied with other *mujahidin* leaders to launch the April coup. In the month of August alone, a bombardment of artillery shells, rockets and fragmentation bombs killed over 2,000 people in Kabul, most of them civilians. Hospitals were unable to perform surgery during the assault, which contributed to the number of deaths, especially of children. A two year's supply of fuel was also destroyed. By the end of the month, 500,000 had fled the city, erecting tent camps along the roads outside Kabul. Other refugees, including Hindu and Sikh minorities, fled the country.

After weeks of bloodshed, a cease-fire took hold on August 29, and most of the few foreign diplomats and relief staff were evacuated from Kabul. At the end of the year, there was no expatriate U.N. presence in the city although U.N. personnel remained in Herat and Mazar-i Sharif. The International Committee of the Red Cross (ICRC) handed over control of its hospital in Kabul to the government, citing fear for staff security. Prospects for a lasting cease-fire remained dim.

Refugees continued to return to rural areas of Afghanistan in huge numbers from Pakistan, despite the threat of fighting and the danger from land mines. According to the ICRC, the frequency of mine injuries tripled after April.

In November, Hekmatyar's forces, together with guerrillas from some of the other parties, barricaded a power station in Sarobi, 30 miles east of Kabul, cutting electricity to the capital and shutting down the water supply, which is dependent on power. His forces and other *mujahidin* were also reported to have prevented food convoys from reaching the city.

On November 23, Minister of Food Sulaiman Yaarin reported that the city's food and fuel depots were empty. There were also reports of food shortages in central and eastern Afghanistan and in Herat.

The Right to Monitor

No known domestic human rights organizations were in place in Afghanistan at the end of 1992. The country was in such a state of chaos that even had such organizations been allowed to function by law, their ability to do so would have been limited by the severity of the fighting. By year's end, Asia Watch had received reports of arrests in Kabul of persons suspected of opposing the ruling council or elements of it, including Zia Nassery, a U.S. citizen of Afghan origin who was detained in October.

U.S. Policy

Despite the substantial role the U.S. played in supporting the *mujahidin* throughout the war, the U.S. administration paid little attention to the crisis in Afghanistan after the April coup. Even Hekmatyar's brutal attack on Kabul in August, carried out with U.S.- and Saudi-financed weaponry, merited only a belated condemnation more than a month after it occurred.

On January 1, 1992, the agreement signed in September 1991 between the U.S. and the then-Soviet Union banning supply of lethal aid to their respective clients in Afghanistan went into force. The agreement also called for the withdrawal of major weapons systems provided by the two superpowers, but U.S. efforts to secure the return of Stinger missiles that had been supplied to the *mujahidin* proved fruitless. For their part, the Russians also failed to retrieve Scud missiles supplied to the Najibullah government, some of which were seized by Hekmatyar. In this period, Hekmatyar—who had stockpiled large quantities of arms during the war—also reportedly continued to receive support from former officers of Pakistan's Directorate of Inter-Services Intelligence (ISI) and other sources in Pakistan, Saudi Arabia and elsewhere in the Middle East.

For fiscal year 1992, the U.S. requested \$60 million for cross-border assistance and \$6 million in food aid to be delivered to Afghanistan through the World Food Program. The administration also requested \$20 million in aid for Afghan refugees in Pakistan and reconstruction of the Afghan countryside. On April 8, the U.S. announced that it would provide 10,000 metric tons of wheat for needy residents of the capital.

In April, as the *mujahidin* were advancing on Kabul, the U.S. welcomed their success after what State Department spokeswoman Margaret Tutwiler called "a long and bitter struggle for self-determination which won admiration and support from around the world." At the same time, the U.S. stressed its support for a strong U.N. role in resolving the conflict and urged all parties "to use the utmost restraint...[and] not resort to violence." In June, the State Department welcomed the "peaceful transfer of power from Mojaddedi to Rabbani," and again called on "the Afghan

factions to continue a peaceful political process which will lead to a government acceptable to the Afghan people." The statement also called on the Afghan parties to "honor the cease-fire" but neglected to acknowledge that the most serious threat to the "peaceful process" came from the forces of Gulbuddin Hekmatyar, who long received much of the weaponry financed by the U.S. and its allies.

Hekmatyar's attack on Kabul in August received scant comment from U.S. officials at the time. It was not until October 2 that the State Department issued a strong statement naming Hekmatyar and condemning his "recent savage bombardment." It added that "these actions, taken in pursuit of personal ambitions, were responsible for the deaths of hundreds of innocent people in Kabul. We condemned these ruthless actions and will continue to oppose any one who uses violence to subvert the political process."

The Work of Asia Watch

On May 28, Asia Watch appealed to the interim council to take urgent steps to safeguard the rights of all Afghans and ensure that the armed forces abide by standards of human rights and humanitarian law. On June 5, Asia Watch and Middle East Watch jointly issued a press release condemning continuing attacks on civilians and urging Saudi Arabia, Iran and Pakistan to use their leverage with various Afghan factions to end the bloodshed. Asia Watch also met with U.N. Special Representative Benon Sevan and senior U.S. officials to discuss concerns about the humanitarian crisis in the country.

BURMA (Myanmar)

Human Rights Developments

Burma (Myanmar) in 1992 remained one of the human rights disasters in Asia. Nobel Peace Prize winner Aung San Suu Kyi continued under house arrest, and an unknown number of political dissidents remained in prison. Reports of military abuses against members of ethnic minority groups were frequent. Certain positive measures were taken by Burma's military junta, the State Law and Order Restoration Council (SLORC), such as the release of several hundred alleged political prisoners and SLORC's accession to the Geneva Conventions of 1949. But the changes were largely superficial, and human rights violations persisted unchecked.

The year began with one of the most intensive dry-season offensives ever mounted by Burmese troops against the minorities living along the borders of Thailand, China and Bangladesh. By June, over 300,000 refugees from Arakan State, most of them members of the Rohingya Muslim minority, had fled into Bangladesh, with horrifying accounts of rape, forced labor and religious persecution. The Burmese government claimed that the Bengali-speaking refugees were illegal immigrants and never belonged in Burma in the first place.

In early April, Jan Eliasson, the U.N. Secretary General's

new humanitarian relief coordinator, went to Bangladesh and Burma to discuss the crisis, visit the border area, and secure the safe and voluntary return of the refugees. Shortly afterward, Burma and Bangladesh reached an agreement that set the terms for the repatriation but contained no provisions for international monitoring on the Burmese side of the border. The repatriation was to begin May 15, but the first refugees did not return until September 22, when 47 refugees were sent back without the knowledge of the Bangladesh office of the United Nations High Commissioner for Refugees (UNHCR). A second group of 63 returned on October 12, this time after having been interviewed by UNHCR officials. Although the latter were able to verify that the return of the 63 was indeed voluntary, there were no international monitors on the Burmese side to ensure that those repatriated would not be persecuted.

As of November, the Bangladeshi government had submitted to the Burmese government a list of 125,635 names of refugees it wished to repatriate; the Burmese government agreed to accept 13,060 names on the list, but neither the UNHCR nor the Bangladeshi government was aware of the criteria used to select those deemed "eligible for repatriation." There is no indication that those named on the list had agreed to return. In response to domestic pressure on the Bangladeshi government to resolve the refugee issue, the repatriation was speeded up in November and nearly 1,000 people were sent back on November 25, some of them against their will, according to UNHCR and relief workers.

SLORC announced on April 28 the suspension of its fighting with the Karen insurgents. Although fighting did stop through the rainy season, by September Burmese troops had resumed military operations against the Karen, an ethnic minority living in a province adjoining northwest Thailand. The war sent hundreds of refugees into Thailand with accounts of forced labor, forcible relocations of entire villages, and summary executions. At the same time, Burmese troops reportedly built up their forces around the Mon territory in southeastern Burma, and accelerated operations against the Karenni, yet another ethnic group living along the northern Thai border. At the end of the year, minority leaders and relief workers were preparing for the possibility of a heavy influx of refugees, many from the estimated 100,000 internally displaced in Burma.

SLORC made a concerted effort to improve its pariah image by making several superficial political changes. None substantially altered the repressive nature of the government. In April, General Than Shwe replaced General Saw Maung as prime minister, chair of SLORC and Armed Forces commander-in-chief. Prior to his appointment, General Than Shwe was deputy commander of the Defense Service and army chief and known to be unswervingly loyal to Burmese strongman Ne Win who remained in control of the government even after his formal resignation in July 1988.

Also in April, SLORC issued Declaration No. 11/92, announcing that political detainees who posed no threat to state security would be promptly released. The statement was the first acknowledgment by SLORC that it held political prisoners. By late 1992, over 300 prisoners had been released, including at least 33

who had been elected to parliament in May 1990, but it was not clear that all 300 were political prisoners.

Declaration 11/92 also stated that "SLORC will hold talks with the leaders of elected representatives from legal standing political parties and independent representatives within two months and that a national convention will be called within six months in order to lay down basic principles to draw up a firm constitution." Over 100 of those elected to parliament in May 1990 had already been disqualified for a variety of spurious reasons. Of the 366 members of parliament who had not been disqualified, 29 were selected to participate in the first so-called "talks" held in June and July to discuss who would be invited to the national convention. Declaration 11/92 seemed to be an attempt to answer charges by the international community that SLORC was making no progress toward handing power over to the parliament elected in May 1990, but SLORC clearly had no intention of overseeing a transition to civilian rule. Indeed, on October 3, SLORC announced that any new constitution would ensure "participation of the armed forces in the leading role of national politics."

Aung San Suu Kyi, now in her fourth year of house arrest, was allowed family visits for the first time in June and July 1992. However, in an interview with the BBC in Rangoon, Major General Khin Nyunt made clear that there was no role for her in Burmese politics and that the government had not changed its attitude toward her.

On August 24, Burma acceded to the Geneva Conventions of 1949. However, by the end of the year, the International Committee of the Red Cross (ICRC) still was not permitted to visit prisons or provide medical or other humanitarian services to those in areas affected by the conflict between the Burmese military and various ethnic insurgencies.

Universities and colleges were reopened in August, after SLORC had forced all university teachers back to school earlier in the year for courses on how to enforce discipline. The course included a loyalty test, and those who failed were fired. Over the year, according to the government-run newspaper, *Working People's Daily*, 160 lecturers from Rangoon University and 50 doctors from the Ministry of Health were fired on loyalty grounds.

The Right To Monitor

The United Nations Human Rights Commission passed a resolution on March 3, condemning Burma for human rights violations and appointing a Special Rapporteur to give a public report to the next meeting of the United Nations General Assembly and Human Rights Commission. However, the rapporteur, Professor Yozo Yokota, was not granted permission by SLORC to visit Burma until December 1992.

No domestic human rights organizations are allowed to exist, nor is independent monitoring permitted within the country.

U.S. Policy

The Bush administration in 1992 issued strong public

condemnations of Burma's human rights practices, labeling the government one of the worst violators in the world. It also took some steps to increase international political pressure on SLORC—particularly among Burma's Southeast Asian partners—as well as to respond to the refugee crisis on the Bangladeshi border. However, the administration failed to impose any new economic sanctions against Burma or to push SLORC's Chinese sponsors to stop supplying arms.

The State Department's *Country Reports on Human Rights Practices in 1991*, issued in January 1992, noted that SLORC had taken "further steps in 1991 to prolong its rule until a constitution and civilian leadership acceptable to the military can be produced. Such preconditions could well take years to fulfill." Later in 1992, the administration expressed skepticism toward SLORC's "dialogue" with certain political groups. While acknowledging SLORC's limited reforms, including the release of some political prisoners, the U.S. government continued to call for the release of all political figures, including Aung San Suu Kyi, and the establishment of a democratically elected, civilian government. The State Department also publicly condemned the harsh sentences given to eight students sentenced by military tribunals in September.

The Administration once again refused to certify Burma for anti-narcotics assistance. The State Department's 1992 *International Narcotics Control Strategy Report* said that Burma was the largest source of opium and heroin worldwide, and that the production of illicit drugs has doubled since SLORC took power.

At the United Nations Human Rights Commission, the U.S. government actively supported the resolution on Burma. The administration also indicated its commitment to press for passage of a resolution at the U.N. General Assembly in December.

Congress urged the Bush administration to take additional measures to isolate Burma. A Senate resolution adopted on May 19 took note of Chinese arms sales to Burma, a European Community (EC) arms embargo, and the EC's decision to withdraw military attaches from Rangoon, in urging the President to seek an international arms embargo. It also asked him to instruct the Secretary of State to "call privately and publicly for an end to China's military sales and economic support to Burma until such time as all political prisoners are unconditionally released." A similar resolution was passed by the House on June 2, urging the President to "seek a mandatory arms embargo on Burma." The House action was sponsored by Representative Stephen Solarz, who said such an embargo could help end the military assault driving refugees across Burma's borders, and that concern about Chinese arms "appears to be shared by most governments in the region." While the administration had imposed a ban on U.S. arms to Burma following the 1988 crackdown, it did not pursue international action because of its reluctance to confront China.

A House Foreign Affairs Committee bipartisan staff delegation traveled to the region in April and issued a report making recommendations for U.S. policy, including the option of

comprehensive economic sanctions on trade and investment. But the Administration explicitly ruled out any restrictions on U.S. investment in Burma when its new Assistant Secretary of State for East Asian and Pacific Affairs, William Clark, was questioned by the Senate Foreign Relations Committee. "The Administration currently has no further economic sanctions under active consideration," Clark said. "We should not take unilateral, purely symbolic actions which harm U.S. business interests and which the Burmese regime can ignore without difficulty." In fact, there were additional U.S. investments in Burma in 1992, including two oil contracts signed in June. The State Department failed to see the utility of U.S. sanctions as part of a broader effort to encourage Burma's largest trading partners, especially Japan and Southeast Asian nations, to take similar steps. The Australian government, acting on its own initiative, discussed with the U.S. the possibility of implementing trade and economic sanctions, but as of November 1992 no concrete actions had been taken.

In concert with other Western governments and Australia, the U.S. made a strong appeal for renewed pressure on Burma at the post-ministerial conference of foreign ministers of the Association of Southeast Asian Nations (ASEAN) held in Manila in July. Secretary of State James Baker said, "Collectively, our message to the Burmese military must be loud and clear: release all political prisoners immediately...." Fifteen prominent members of Congress wrote to Baker before the meeting urging him to raise Burma at the ASEAN conference. But the members of ASEAN renewed their commitment to "constructive engagement" and rejected appeals to put pressure on Rangoon, although Malaysia did block Burma's attempt to attend the meeting as an observer, citing Burma's poor human rights record.

The U.S. responded to the Rohingya refugee crisis by expressing support for the efforts of the UNHCR and the return of refugees under safe conditions. The U.S. also provided \$3 million through the U.S. Emergency Refugee and Migration Assistance Fund for relief efforts in Bangladesh, plus another \$191,419 for health and sanitation projects. Members of Congress from both the House and the Senate wrote to Bangladeshi and Burmese authorities to urge a suspension of repatriation until UNHCR is fully involved in the process, and firm guarantees are in place to ensure the protection of those who return.

The Bush administration's attempt to send a new U.S. envoy to Burma was stalled in March and remained in limbo at the end of the year. Acting on the nomination of Parker Borg, a career diplomat, the Senate Foreign Relations Committee unanimously recommended that the Senate not consider his nomination unless the administration publicly endorsed the assumption of power by the civilian government elected in May 1990, withdrew the U.S. military attaché in Rangoon, supported a U.N. arms embargo and opposed further U.N. Development Program funding for Burma. The administration objected to the precedent of the committee stipulating conditions on an ambassadorial appointment, and also maintained that it was essential to keep a military attaché in Rangoon to monitor Burmese military activities; it did not

express opposition to the other terms of the committee's recommendations.

The Work of Asia Watch

Asia Watch worked in several ways in 1992 to raise the public profile of human rights concerns in Burma and to advocate U.S. policy options. Asia Watch sent several missions to Thailand to investigate abuses against Burmese citizens and published four reports on its findings: *Human Rights in Burma (Myanmar) in 1991*; *Abuses Against Burmese Refugees in Thailand*; *Burma: Rape, Forced Labor and Religious Persecution in Northern Arakan*; and *Changes in Burma?* The reports were widely distributed among the press, diplomatic community and parliamentarians, in the U.S., Europe, Asia and Australia.

In both New York and Washington, Asia Watch coordinated frequent roundtable discussions on Burma for representatives of dozens of organizations, both governmental and nongovernmental. When a new ambassador to Burma was under consideration in February, Asia Watch presented testimony on U.S. policy to the Senate Subcommittee on East Asian and Pacific Affairs. Throughout the year, Asia Watch staff offices responded to Congressional inquiries and provided input for resolutions adopted in the House and Senate. They stayed in close touch with the State Department and wrote to Secretary of State James Baker, urging him to raise the question of Burmese human rights abuses at a conference with ASEAN foreign ministers in July.

Japanese policy toward Burma was a key issue in discussions with government officials and others in Tokyo during an Asia Watch mission in March.

CAMBODIA

Human Rights Developments

The October 1991 peace settlement, which promised to end Cambodia's civil war and culminate in "free and fair elections," was on the verge of unravelling a year later due to the Khmer Rouge's refusal to disarm and open its bases to U.N. supervision. As a result, the three other armies—the Khmer Rouge, FUNCINPEC (the Sihanoukist organization) and the Khmer People's National Liberation Front (KPNLF)—demobilized in only token respects, and U.N. deployment in the Khmer Rouge zones was limited to military observers whose movement was restricted. The arrival of U.N. peacekeepers did bring an end to a series of political killings and attacks in the capital, but political violence continued in the provinces along with periodic military clashes in Kompong Thom and Preah Vihear provinces.

The U.N. Transitional Authority in Cambodia (UNTAC) got off to a late start, with the arrival of Special Representative Yasushi Akashi in March 1992, some five months after the accords were signed. Prior to his arrival, Phnom Penh was rocked by a series of violent demonstrations and political attacks, including the near-lynching of Khmer Rouge representative Khieu Samphan in

November 1991; student demonstrations against corruption in December 1991, involving some violence, which ended with military forces firing into the crowd; the murder of Tea Bun Long, a government official outspoken against corruption, and the shooting attack on Ung Phan, a former political prisoner who intended to form a new political party in January 1992; and in March, the mysterious death of Yang Horn, another former political prisoner who suffered a blow to his head shortly after being summoned with Ung Phan to an encounter with his former jailers who warned both not to engage in political activity.

The late start and the inflexible schedule culminating in May 1993 elections has forced UNTAC into a race against time to lay the groundwork for the transition to an elected government. Critical steps for protecting human rights, such as de-mining arable land, developing legal guarantees, constructing a civilian justice system, and educating administrators and police to respect human rights, were getting started with only nine months to go before the elections. Khmer Rouge intransigence has blocked the plan to disband the various armies and disarm soldiers, vastly complicating the U.N.'s task. With all sides preparing for a possible revival of the civil war and bands of armed soldiers still at large, goals such as securing free movement in the country, reintegration of refugees and factional zones, and political neutrality are more difficult to achieve.

Despite these obstacles, significant progress toward improving human rights has taken place. The Phnom Penh government, or the State of Cambodia (SOC), has been the most cooperative in opening its territory to U.N. supervision, with the ironic consequence that it has been the subject of the greatest number of complaints filed with the U.N.'s human rights administrators. After initial resistance, as described below, the central authorities have been generally forthcoming in cooperating with U.N. investigations into human rights complaints.

In late 1991, the Phnom Penh government began releasing hundreds of political prisoners, even though it resisted supervision by the International Committee of the Red Cross until January 1992. UNTAC has now established access to both civilian and military prisons, and a Prison Control Commission has been established on UNTAC's recommendation to oversee prison conditions and review the basis for detention of all prisoners in government custody. The government has also agreed to end abusive practices such as prolonged shackling and dark cells, and the World Food Programme is preparing to provide emergency subsistence rations to all prisoners in Phnom Penh jails. However, the discovery of several clandestine SOC detention centers in and around Battambang in mid-1992 raised concerns about the SOC's commitment to these reforms.

UNTAC had no regular access to prisons maintained by the other Cambodian factions. There were widespread reports of summary executions of prisoners in the custody of the various military factions, including the KPNLF and FUNCINPEC. The Khmer Rouge claimed to maintain no prisons, and instead to turn its prisoners over to Thai authorities, but lack of access to Khmer

Rouge areas made that claim impossible to verify.

UNTAC did not succeed in completely resolving the issue of identity cards, which are necessary for movement and employment in the SOC, and which normally are issued in conjunction with the creation of political dossiers. Returning refugees could not obtain identity cards without bribes, and were forced to rely for photographic identification on old ration books that clearly reveal the faction-controlled camp from which they come. UNTAC settled for a plan whereby provincial authorities issue temporary cards without photographs while the government processes permanent cards (without political interviews). The issue of political dossiers keyed to identity cards for long-term residents in the SOC has yet to be addressed.

UNTAC supervision of the Phnom Penh government's legal system and the police force began in mid-1992. In the FUNCINPEC and KPNLF zones, where UNTAC civil administrators arrived in August, there were virtually no civilian institutions of any kind, making UNTAC's task of establishing neutral administration of justice that much more difficult.

The repatriation to Cambodia of over 300,000 refugees from the Thai border was another task slated to be accomplished before elections. At year's end, the United Nations High Commissioner for Refugees (UNHCR) had transported over 200,000 refugees back to Cambodia safely, itself a significant accomplishment. In the process, however, the repatriation plan had been reformulated several times, weakening safeguards that were to ensure free choice of destination on the part of refugees. The diminished protection was significant because the political factions controlling the Thai border camps were seeking to maintain their control by coercing some refugees to resettle in their small "zones" near the border.

Incitement to racial violence against the ethnic Vietnamese minority in Cambodia was another problem facing the U.N. Several massacres of ethnic Vietnamese civilians occurred after UNTAC's arrival, including a brutal attack on men, women and children at Tuk Meas, in Kampot province, in July. The attacks were attributed to the Khmer Rouge, which denied responsibility even as its radio applauded the killings. The Khmer Rouge continued to demand the expulsion of purported Vietnamese soldiers disguised as civilians, despite the U.N.'s assertion that no Vietnamese military units had been identified.

UNTAC's response to the threat of racial violence was to criminalize incitement, defamation, insult, and false news in a new penal code for the country. This approach established serious limits on freedom of expression beyond those permitted by international law. Commonly used epithets can now subject the speaker to prison time, as can deliberately distorted reporting or mischaracterization of UNTAC. These measures set an ominous precedent for regulation of speech under the next Cambodian government.

Efforts to remove land mines from Cambodia have been slow to start and limited in scope, although de-mining was once a precondition for the repatriation process to move forward. Several strategic routes have been cleared, including large parts of

Route 5, which runs from Phnom Penh to the Thai border, but major efforts still await the establishment of the Cambodian Mine Action Center, a joint effort by UNTAC and the Supreme National Council, the sovereign authority which includes representatives from all four Cambodian factions.

In May the Supreme National Council acceded to the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. The U.N. did not at any time recommend accession to the Optional Protocol of the Civil and Political Rights Covenant, which allows individuals to submit grievances to the Human Rights Committee, but told Asia Watch that it would make such a recommendation in the future. In September, the SNC acceded to other major human rights conventions: the Convention on the Rights of the Child; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention and Protocol Relating to the Status of Refugees and its subsequent Protocol.

The Right to Monitor

In the past, none of the Cambodian parties tolerated serious criticism of its human rights record by Cambodians under its control, and none had any mechanism to investigate or redress rights abuses.

The peace settlement and the presence of U.N. monitors dramatically changed this situation, particularly in the State of Cambodia, where cooperation and access are most advanced. UNTAC's human rights office established an investigative unit along with the UNTAC civil police, and as of August had received almost 200 complaints. It remains to be seen whether the KPNLF and FUNCINPEC will cooperate in investigations in the areas that they control, and the Khmer Rouge has not granted access to its areas.

The first independent human rights organization in the State of Cambodia formed in January 1992. Composed of former political prisoners and intellectuals, The Association for Human Rights in Cambodia (ADHOC) describes its mandate as "to eliminate all human rights violations in Cambodia and to try by every means available to avoid a return of the massacres and tortures and all inhuman practices that were widespread in the past."

The attack on Ung Phan, an early ADHOC sympathizer, forced the group to take a low profile at first, but following the establishment of a significant U.N. presence in Phnom Penh, the group began publishing a newsletter and organized a series of seminars on human rights with the cooperation of the UNTAC human rights component. Nevertheless, members of the group still receive threats. On May 1, an ADHOC member in Prey Veng province was arrested, and the application papers and photographs of over 30 prospective ADHOC members were confiscated from him by the police. The incident was resolved after UNTAC intervention, but members in Prey Veng were warned by the authorities that if they continued to report to the U.N., they might "win for a little while, but meet with an accident later."

Other human rights groups also came into being, including

the Cambodian League for the Defense of Human Rights, and Human Rights Vigilance in Cambodia. On the Thai-Cambodian border, several human rights groups began to function in the major KPNLF camp, Site 2, most of which had links to the faction. Human rights classes were held under U.N. auspices in several of the camps. In Site 8, the most open of the Khmer Rouge camps, refugees told Asia Watch that while there was great interest in human rights education, it was too dangerous to establish an independent human rights group.

U.S. Policy

The 33 nations attending the Tokyo Conference on Rehabilitation and Reconstruction, which convened in June, pledged \$880 million toward Cambodia's development, but not without expressing "serious concern" over the Khmer Rouge's refusal to cooperate with the peace plan. On July 21, the U.S. joined in a unanimous U.N. Security Council resolution forbidding the Khmer Rouge to benefit from any of this promised development aid should it continue to withhold its cooperation with the U.N. This sanction is not expected to have much effect, given the considerable wealth that the Khmer Rouge has accumulated, and continues to amass, from logging and gem-mining concessions in the enclaves it controls. The U.S. has so far been reluctant to pressure Thailand to seal its borders to the lucrative trade between the Khmer Rouge and Thai military and business leaders. In November, the co-chairmen of the Paris Conference on Cambodia (the foreign ministers of France and Indonesia) sponsored talks in Beijing with the Khmer Rouge in a final effort to gain their cooperation. The Khmer Rouge did not yield, and on November 30, the U.S. joined the Security Council in barring the delivery of oil to and the export of gems and timber from areas under Khmer Rouge control. However, enforcement of the sanctions depends entirely on Thailand, which opposes the presence of UNTAC on its side of the border to monitor sanctions.

Following the signing of the Paris Accords, the United States dropped its embargo of Cambodia, and by the end of the year, major development institutions such as the World Bank and the U.N. Development Program preparing to commit funds. The World Bank sent a team to Cambodia in March and April 1992, which recommended a financial rehabilitation program of at least \$350 million for 1992-94, not including technical assistance and humanitarian aid. The team's report, published in June, noted that in light of the current situation in Cambodia, "preventing a further deterioration of basic public services and gradually improving their operations within the next two to three years would itself constitute a major achievement."

The United States, which financed the non-communist resistance armies (KPNLF and FUNCINPEC) since 1979, continued to allocate money to these parties through the U.S. Agency for International Development (USAID). According to a March 1991 USAID "strategy document," one of the Bush administration's long-term objectives was to "prepare the non-communists to govern Cambodia." The U.S. provided administrative subsidies to the KPNLF and FUNCINPEC and paid for their administrative costs in

participating in the Supreme National Council, including the rent for their Phnom Penh headquarters. Proposed fiscal year 1992 allocations included \$3 million to support "democratic groups and projects" and \$5 million in direct aid to the KPNLF and FUNCINPEC. Traditionally, the U.S. has considered these parties more inclined toward democratic development than the others, their lack of democratic institutions notwithstanding.

USAID allocation requests over the last two years show a shift toward balancing the funds allocated to resistance areas with those provided throughout the rest of Cambodia. In fiscal year 1991, \$10 million was allocated to nongovernmental agencies for general humanitarian projects in Cambodia, \$5 million for programs supporting women and children, and \$10 million for the resistance. The fiscal year 1992 budget included \$5 million in continued support for women and children and \$11 million for rural road reconstruction throughout Cambodia. The administration continued to refuse to provide direct aid to the Phnom Penh government, even while recognizing that some form of administrative subsidy was essential to keep basic services running.

The foreign aid bill adopted in October for fiscal year 1993 included \$20 million for humanitarian and development assistance through international relief groups, U.N. agencies, and private and U.S. voluntary organizations to meet priority needs as recommended by USAID, together with an additional \$5 million to provide humanitarian assistance to children and war victims in Cambodia. The legislation required the administration, within 120 days of the bill's passage, to conduct an on-site assessment of the needs for economic development as well as the eradication of land mines. The law also mandated a cutoff of aid to any Cambodian organization cooperating the Khmer Rouge military operations, and required a report from the President by May 1, 1993 on all violations of the U.N. peace agreement by the Khmer Rouge and the U.S. response.

The Work of Asia Watch

In September 1992, Asia Watch published *Political Control, Human Rights, and the U.N. Mission in Cambodia*, a 73-page report based on a mission to Cambodia and the Thai-Cambodian border camps in April and May 1992. The report discusses the means by which each Cambodian faction has maintained political control over Cambodians, and the obstacles the U.N. faces as it tries to loosen that control, establish respect for fundamental human rights, and create a politically neutral atmosphere for elections.

While in Cambodia, members of the Asia Watch delegation met with diplomats, U.N. officials, representatives of the four Cambodian parties, human rights activists, ordinary Cambodians, and refugees. The delegation also brought to the attention of the U.N. a Phnom Penh municipal order permitting house-to-house searches by the police for "election registration," which was being used to harass members of opposition parties. Asia Watch also opposed a restrictive press law passed by the State of Cambodia's National Assembly which subjected publishers, printers

and distributors to close government supervision. Both regulations were suspended by UNTAC.

CHINA

Human Rights Developments

The Chinese government throughout 1992 maintained its hard-line stance toward political dissent. Any hope that Deng Xiaoping's renewed campaign for economic reform would bring about positive political change was ended on October 12 at the opening session of the 14th National Party Congress. Jiang Zemin, general secretary of the Chinese Communist Party (CCP), warned Party members, "We must not tolerate liberalism or any defiance of organization and discipline."

Official insistence that the book was closed on the 1989 pro-democracy movement did not prevent new arrests, arbitrary detention, pre-judged political trials, torture, and other human rights abuses in 1992. On July 21, in the most important political trial in China since the Gang of Four was tried 12 years earlier, the Beijing Intermediate People's Court sentenced Bao Tong, a leading reformer and former aide to deposed Party Secretary Zhao Ziyang, to seven years in prison. On August 5, Bao's assistant, Gao Shan, was sentenced to four years in prison, and on August 25, Wu Jiayang, an influential economic theorist, received a three-year prison term.

At least 55 people were arrested in 1992 for peaceful political activities. Some were associated with pro-democracy organizations, such as the Socialist Democratic Party of China (SDPC), which was founded in 1991, is based in Lanzhou, Gansu Province, and promotes democratic reform and the release of all political prisoners; the China Progressive Alliance, committed to non-violent opposition to a one-party system; and the Free Labor Union of China (FLUC).

Others arrested during the year included Liao Jia'an and Wang Shengli, both graduate students at People's University in Beijing. In early June, they were held in "shelter for investigation," a form of administrative detention, in connection with the distribution of *Trends of History*, a book of essays in support of the reformist faction of the Communist Party. Legally published in April by People's University Press, the book was then criticized by hard-line officials and withdrawn from circulation. In addition to staging a reading of the book, Liao and Wang had founded a student organization, the "Study Club" at People's University. Although the organization was formed in accordance with university regulations, it came under scrutiny because of reformist political commentary in its journal, *Dajia* (Everyone), since banned, which the two men edited.

On June 3, Wang Wanxing was seized by police in Tiananmen Square for unfurling a banner condemning the 1989 massacre, and was later sent to a psychiatric hospital.

Shen Tong, a student activist during the 1989 Tiananmen Square protests who had fled to the United States, returned to China to establish a branch of his U.S.-based pro-democracy

organization and was arrested in Beijing on September 1, hours before a scheduled press conference. He was released and deported back to the United States on October 24. Several dissidents in China were arrested for meeting with Shen: at least two in Beijing, one of whom was later released, two in Hunan, and two in Tianjin.

Beijing continued to exert tight control over alleged "splittist activities," of nationalist or unofficial religious groups.

In Tibet, suppression of pro-independence activities escalated at the end of February when groups of policemen conducted surprise raids at the homes of Lhasa residents. Record numbers of demonstrations were reported, not only in Lhasa but also in rural areas. The chair of the People's Government in Xinjiang, acknowledging "activities and sabotage" against communist rule, called for harsh punishment of national separatists.

Despite the well publicized "humanitarian" releases of a few elderly bishops, arrests of Roman Catholic priests continued. In April, Bishop Joseph Fan Xueyan, the most influential bishop in the underground church, died under mysterious circumstances. Chinese authorities ignored international requests for an official investigation. Members of the Protestant "house church" movement also were harassed and detained. On June 15, in the Hu Guan District of Chang Zhi, Shanxi Province, 12 church leaders and laymen were arrested after a raid on a gathering of more than 100 Christians. According to eyewitnesses, Public Security Bureau personnel sealed the doors of the house and assaulted those inside with electric batons. Those arrested were interrogated and beaten. Seven of the 12 were released after several weeks; the others remained under house arrest.

Many prisoners were detained under appalling conditions and routinely tortured or denied medical care. Li Guiren and Ren Wanding, two dissident intellectuals sentenced in 1991, and Xu Wenli, a Democracy Wall activist in prison since 1981, were in urgent need of medical treatment at the end of 1992. Ren had retinal and cataract problems; Li was too weak to walk; and Xu had lost control of his bladder.

Political prisoners in Lingyuan No. 2 Labor Reform Detachment in Liaoning Province, known to the outside world as Lingyuan Motor Vehicle General Assembly Plant, were severely abused. Inmates smuggled out accounts of forced labor, seven days a week, twelve to fourteen hours a day, as well as graphic details of torture. Lingyuan is one of several prisons that continue to manufacture goods for export. Concern over prison exports that violate U.S. law led to the signing by the United States and China on April 7 of a Memorandum of Understanding on investigation of such exports.

The Chinese government continued the practice of "forced in-camp employment," the phrase used to describe making prisoners stay on after their sentences expire to meet production needs. A former prisoner from Hunan reported that a fellow inmate had his urban residency permit cancelled after his prison term ended so that he was forced to continue working in the prison factory. His

daily working hours and production quota were virtually the same as while he was in formal custody.

Persecution after prison continued in 1992. Released dissidents were dismissed from their work units or assigned work inconsistent with their training and experience. Some, such as Li Mingqi, a former Beijing University student who spoke at a campus rally commemorating the first anniversary of the 1989 crackdown and served two years in prison, were denied permission to continue their education after their release. Others lost their housing or were forced to leave their urban residences. Many were restricted to their home villages. In addition, close surveillance continued of 1989 dissidents, even those who have never been charged, as did discrimination against the families of those still imprisoned.

On August 11, as part of a continuing campaign to improve its human rights image, the Information Office of the State Council issued a *White Paper on Criminal Reform in China*, which claimed that the government had succeeded in transforming criminals into law-abiding citizens by productive labor and "humane handling of prisoners in accordance with the law." At the same time, however, the government acknowledged a substantial increase in violations of individual rights by law enforcement agencies.

Some key dissidents were allowed to leave China in 1992, such as Han Dongfang, leader of the 1989 independent labor movement, and Liu Qing, a pro-democracy activist who had been released in December 1989 after serving a ten-year prison sentence, only to be arrested again for continuing to demand respect for human rights. Others, such as Hou Xiaotian, wife of imprisoned intellectual Wang Juntao, were prohibited from leaving.

Controls on freedom of expression remained, despite official calls for a loosening of restrictions on intellectual and artistic expression. The domestic ban was lifted on two films that had received critical acclaim abroad, *Ju Dou* and *Raise the Red Lantern*, but another film, *The Blue Kite*, was banned for its politically sensitive content.

In January, a State Education directive ordered universities to check all dissertations written in the past five years for "political problems." In May, Wang Jun, a reporter for the overseas edition of *Renmin Ribao* (People's Daily) was arrested on charges of giving information to the foreign media. Prior to the opening of the Party Congress in Beijing in October, police launched a crackdown on illegal publications, arresting one man, closing more than 40 unlicensed book stalls, and seizing 11,000 published items, only 74 of which were labeled obscene. According to the official *Beijing Evening News*, the move was intended "to create a good social environment for reform and opening up."

Foreign journalists continued to be restricted and harassed. Chinese authorities required that any coverage of events in a public place first be approved by government officials. On April 30, James Miles, a journalist with the British Broadcasting Corporation, had his press credentials temporarily revoked when he covered a protest in Tiananmen Square by European politicians.

In May, officials from the State Security Ministry took personal papers and a notebook from the office safe of Lena Sun, Beijing correspondent for *The Washington Post*. That same month, the Chinese army issued standing orders to its soldiers to stop foreigners from reporting on incidents of "rebellion" by, as necessary, confiscating notes, recordings or videotapes or taking the individuals into custody. On June 3, two foreign newsmen in Tiananmen Square were beaten by plainclothesmen for photographing a lone demonstrator. One, an ABC journalist, required hospitalization for a suspected spinal injury. In August, journalists trying to cover the rush of would-be stockholders to get share application forms in Shenzhen, the center of China's special economic zone, were harassed, with at least one detained and others turned back at the Hong Kong border.

The government reinforced its ban on independent trade unions as labor unrest intensified. The Free Labor Union of China (FLUC), organized in December 1991 for the purpose of promoting the economic and political rights of workers, began distributing leaflets in early 1992 to some 2,500 factories, urging workers to form their own unions. In May and June 1992, FLUC members were secretly arrested, and the organization was effectively smashed.

Dissident labor leader Han Dongfang applied for permission to hold a one-man demonstration on March 23 to press for an amendment to a new Trade Union Law that would guarantee the right of workers to organize freely. The application was turned down. When the Trade Union Law was finally passed by the National People's Congress in April, state-sponsored amendments ensured that the All China Federation of Trade Unions, a Party organization, remained the sole legal union.

The Right to Monitor

While no domestic human rights organization was permitted to operate in China, underground groups in several different provinces, including Hunan, risked severe consequences to get information on prisoners to the outside world. Veteran human rights advocates such as Ren Wandong, Wei Jingsheng and Yulo Dawa Tsering remained in prison. No international human rights organization was permitted to conduct fact-finding missions in China.

U.S. Policy

Bush administration officials pursued a two-track policy toward China in 1992. They argued that "engagement, rather than confrontation" was the most effective way to encourage change in China, hoping that economic reform would eventually lead to political reform. But when it came to protecting U.S. business interests in China, President Bush was willing to take a hard-line approach to extract concessions from Beijing. While refusing to impose sanctions or increase pressure on Beijing to promote human rights, he risked a multibillion dollar trade war by threatening tough sanctions to promote U.S. commercial interests.

By the end of 1992, the policy had failed, and the human rights "dialogue," touted by the President when he renewed China's Most Favored Nation (MFN) trade status in June, was

moribund. But the tough stance on commercial concerns bore fruit: on October 9, Beijing signed an unprecedented, far-reaching agreement on market access to avert some \$3.9 billion in sanctions on Chinese exports to the United States.

The President signaled his determination to bring Beijing's hard-line leaders back into the international fold when he met privately with Premier Li Peng during a U.N. Security Council session in New York on January 31, despite vocal, bipartisan opposition from Congress. Twenty-two senators wrote to President Bush in a vain effort to convince him that such a meeting was "inconsistent with U.S. policy...while the harsh post-Tiananmen crackdown ordered by Mr. Li continues." The meeting was a propaganda coup for Li Peng: the official Chinese news agency boasted after his return to Beijing that Li had set the West straight about human rights.

The President maintained his firm opposition to human rights conditions on MFN status for China and twice fought off efforts by a broad, bipartisan majority in Congress to attach such conditions. The Chinese government rewarded him by continuing its repressive policies, with only token prisoner releases and the publication of two "white papers," on criminal reform and Tibet.

On March 2, President Bush vetoed legislation requiring specific improvements in human rights, trade and nuclear proliferation before the President could extend MFN status to China for another year (a decision made each June, under existing law.) The legislation had broad support in the House (357 for, 61 against) but failed on March 18 to garner sufficient backing in the Senate (60 for, 38 against) to override the veto.

A second MFN struggle later in the year dramatized even more sharply the differences between the two branches of government over China policy. A new bill outlining conditions for renewing in 1993, modeled on a proposal by Human Rights Watch, took the administration's own approach to trade issues and applied them to human rights. In December 1991, U.S. Trade Representative Carla Hills had threatened to impose double tariffs on a selected group of key Chinese exports if China failed to respect U.S. patents and copyrights. Once the names of the targeted products appeared in the Federal Register, Beijing said that U.S. demands would be met. In an op-ed in *The New York Times*, Human Rights Watch proposed that tariff increases be imposed selectively unless human rights improvements took place, and that government-owned industries be singled out for particular penalty.

Bills based on this proposal were introduced in the House and Senate, but even this more selective, moderate approach to sanctions drew strong opposition from the administration. Its spokespersons argued that this targeted approach was "simply unworkable" on technical grounds, because of the supposed difficulty of identifying state-run enterprises, and that China's leaders were "unlikely to meet" the conditions, thus making their imposition tantamount to revocation.

Yet throughout the summer, as talks on market access stalled, the administration stepped up the pressure on China by threatening billions of dollars worth of sanctions if agreement was not reached by mid-October, and carefully targeted them in

much the same way as provided for by the MFN human rights bill. In August, Trade Representative Hills, in accordance with U.S. trade law, published a list of Chinese exports selected for huge retaliatory tariffs.

At the same time, the administration refused to acknowledge that three years of unconditional MFN status had yielded minimal results, and that MFN status, by permitting billions of dollars worth of trade with the U.S., was in effect subsidizing Beijing's policy of coupling economic reform with harsh political repression. The Congress's alternative approach, if embraced by the President, would have exerted effective pressure for *both* economic and political reform by making state-run enterprises less competitive and exacting a price for continued human rights abuses.

The new MFN bill won support in both houses of Congress but was vetoed by the President on September 28, who argued that "our human rights dialogue gives us an avenue to express our views directly to China's leaders" and that "comprehensive engagement" was the foundation of his policy. The House voted to override the veto, but the Senate vote fell short (59 for, 40 against.)

Meanwhile, on June 2, President Bush had extended MFN status to China for another year, citing "positive, if limited, developments" in the administration's human rights dialogue with China. The accompanying report to Congress, as well as an earlier report submitted in May (in compliance with the Foreign Relations Authorization Act for fiscal years 1992 and 1993), made it clear how limited those developments were. The administration claimed that it had "secured an accounting" of 800 political prisoners whose names were on a list presented to the Chinese in June 1991. In fact, Beijing had handed over contradictory, inconsistent and virtually useless information. Follow-up requests by the State Department for further information elicited little response, and efforts to persuade China to allow the International Committee of the Red Cross access to prisons got nowhere.

Despite a series of meetings between Chinese officials and Assistant Secretary of State for Human Rights and Humanitarian Affairs Richard Schifter in January 1992, and between Arnold Kanter and the Chinese Vice-Minister for Foreign Affairs in March, the Chinese continued to deny leading dissidents visas to leave China. It later granted five requests out of 20 on the State Department's list.

By October, in the wake of the President's sale of F-16 jet fighters to Taiwan the previous month, a move considered by China to be a betrayal of U.S. commitments to China, the human rights "dialogue" was on ice.

In his report to Congress, the President took credit for speaking out on behalf of Tibetan victims of human rights abuses, both in bilateral exchanges and before the U.N. Human Rights Commission. In fact, the U.S. role at the Commission's session in March was extremely controversial. The U.S. delegation, by opposing a draft put forward by the European Community and other nations, effectively assured the defeat of a resolution condemning human rights violations in Tibet. The U.S. took this position on the grounds that the measure should deal with

violations in all of China. A compromise draft presented on the eve of the vote, dealing with violations in "China/Tibet," drew support from the U.S. but was rejected on a procedural motion, since many delegations objected that it gave implicit recognition to China's claims over Tibet.

During the MFN debate in 1991, the President had promised to step up the administration's efforts to stop export of prison labor products to the United States from China. After nearly nine months of negotiation, a "memorandum of understanding" between the United States and China was signed on August 7, 1992. Its most important provision provided for inspection of sites suspected of producing prison goods, but it was vague about the conditions for inspection, stating merely said that such visits should be "promptly arranged." By the end of October, the agreement remained untested; the State Department had given the Chinese a list of 18 sites from which prison goods had been exported to the United States, but none had yet been visited by the single U.S. Customs Service official assigned to the embassy in Beijing to implement the agreement for the whole of China. Authorities in Beijing were ostensibly conducting their own investigation of the 18 sites, a preliminary step provided for in the agreement. (U.S. officials told Asia Watch that the huge Lingyuan prison complex, believed involved in exports to the United States, was not on the list.)

The administration also fought off an attempt by Congress to legislate a "code of conduct" for U.S. companies operating in China and Tibet, modeled roughly after the Sullivan Principles for South Africa. The proposed code took at face value the claims of U.S. businesses that supported unconditional renewal of MFN status by insisting that U.S. economic ties could be a positive force for human rights in China. It called on U.S. companies to ensure they were not knowingly using prison labor or prison-made products; to protect freedom of assembly, expression and association of their employees; to discourage compulsory political indoctrination in the workplace; and when the opportunity arises, to attempt to raise with the Chinese government cases of political prisoners. Despite the administration's opposition and the watering down of some of the original language, the code was included in the Export Administration Act (conference report) passed by the Senate on October 8; however, it died in the House of Representatives when Congress adjourned.

The President did sign into law, on October 9, an immigration bill allowing some 70,000 Chinese students to remain permanently in the United States if conditions do not allow their safe return to China by the middle of 1993. The President must make such a determination by June 30, 1993, and if he finds unsafe conditions, Chinese citizens would have one year to apply for permanent resident status. The Chinese government, anxious to entice overseas nationals to return to China, criticized the law as "untenable."

In May 1991, legislation was introduced in the Senate to establish a Radio Free China, patterned after Radio Free Europe and Radio Liberty, to broadcast to China daily news of events in

China. However, when questions were raised about the scope, feasibility and implementation of the proposal, Congress established a bi-partisan commission to come up with recommendations. In July 1992, the commission concluded that an independent service broadcasting into China, as well as into North Korea, Vietnam, Cambodia, Laos, Tibet and Burma, should be established. A minority of the commission, with the concurrence of the State Department, argued for strengthening Voice of America instead.

U.S. policy towards China at the World Bank remained unchanged in 1992. As it has since the 1989 crackdown, the administration technically limited its support to loans that served "basic human needs." However, multilateral lending to China soared to record levels in 1992. Indeed, China received more money from the World Bank than any other country during the fiscal year ending June 30, 1992—over \$2.5 billion, compared to an annual rate of \$590 million immediately after the June 1989 crackdown. This show of support for the Chinese government was accompanied by a return of major U.S. commercial banks, such as BankAmerica and Citicorp. The administration abstained on one World Bank loan (\$180 million for the Yanshi thermal power project in January), and opposed another (\$82.7 million for a regional cement project in March) on the grounds that they went beyond serving basic human needs. However, these votes were token gestures. Treasury Department officials confirmed to Asia Watch that the administration was making no effort to slow down World Bank consideration of loans to China, to restrict the level of lending or, as the U.S. had done prior to 1990, to convince others at the Bank to oppose loans that did not meet basic human needs. This policy allowed the administration to give the appearance of responding to congressional pressure for a brake on loans, while in fact allowing lending levels to increase.

The record-breaking loans to China were criticized by former U.S. Ambassador to China Winston Lord as "a testimony to China's success in having the world overlook what it's doing to its people." In a *Los Angeles Times* article, Richard Schifter, former Assistant Secretary of State for Human Rights and Humanitarian Affairs in the Bush Administration, argued that though Bank loans are intended to alleviate poverty in China, "the repressive central government of China is the beneficiary and gets the credit" for the loans.

The Work of Asia Watch

Asia Watch's largest single project during 1992 was the effort to document the post-1989 crackdown in Hunan province. For nine months, the Hong Kong office of Asia Watch worked with Tang Boqiao, a leader of the 1989 student movement, to unearth details of more than 200 previously unknown imprisoned pro-democracy activists in the province. The collaboration also produced information of unparalleled detail about the labor camp and prison system, and about the macabre range of punishments and torture used by Chinese security forces. A report, entitled *Anthems of Defeat* and published in late May, revealed that the

1989 crackdown was far more widespread in the vast hinterland beyond Beijing than had previously been suspected.

The Hong Kong office went on to document similar crackdowns on dissent in other little-known areas of China. An April 1992 report, *Continuing Crackdown in Inner Mongolia*, presented new cases of imprisoned ethnic Mongolian activists, as well as confidential government reports urging the local authorities to tighten controls on Mongol cultural and political life. It also offered the most complete profile to date of the Inner Mongolian penal system.

Another report, released in September 1992, documented the abuse suffered by pro-democracy activists imprisoned in Liaoning province. It also presented the most powerful evidence to date of the Chinese government's systematic exporting of prison-made goods: a sales catalogue in English and Chinese, advertising an astonishing range of goods produced by some 30 prison and labor camp enterprises throughout Liaoning province for overseas sale—including to the United States. Highlights from the catalogue, which appeared in the report, established for the first time a direct link between particular imprisoned pro-democracy activists and specific prison-made exports. These and other cases from the Hunan report provided the U.S. Customs Service with abundant data for its ongoing investigation into the Chinese prison export industry.

Throughout 1992, the Hong Kong office continued to serve as a direct link between Asia Watch and the small but growing mainland Chinese dissident community, gathering vital, first-hand information on the continuing suppression of dissent.

In late 1992, the Hong Kong office began to unearth substantial evidence demonstrating that many political prisoners in China have been and still are falsely diagnosed as "mentally ill" and forcibly confined by judicial authorities to institutes for the criminally insane.

The Asia Watch office in Washington concentrated on trying to influence U.S. policy toward China, in addition to providing policymakers, the media, and the diplomatic community with documentation of human rights abuses in China and Tibet.

Asia Watch maintained regular contact with the State Department and was often consulted for information on prisoner cases, as in January, when the State Department asked for an assessment of Beijing's response to a list of prisoners that had been presented to the Chinese government in 1991.

The Washington office provided information and briefings to other government agencies, including the U.S. Customs Service, the office of the U.S. Trade Representative, and the Treasury Department.

Much of Asia Watch's activity was aimed at servicing a broad constituency in Congress concerned about China and Tibet. Asia Watch testified before the Senate Foreign Relations Committee in August at the first congressional hearing ever held solely on Tibet. Staff also presented written or verbal testimony at hearings on MFN status for China before the House Ways and Means Committee (Subcommittee on Trade) in June and the Senate

Finance Committee in July. On June 4, Asia Watch testified in New York at a hearing organized by the Commission on Broadcasting to the People's Republic of China.

Asia Watch provided material for congressional letters and other initiatives protesting President Bush's meeting with Li Peng, and seeking to influence U.S. actions on China and Tibet at the U.N. Human Rights Commission. Asia Watch reports on China were frequently cited in congressional debates and floor statements, or were excerpted in the Congressional Record. Congressional offices also consulted Asia Watch on various legislative efforts related to China, including MFN bills and the proposed "code of conduct" for U.S. companies operating in China and Tibet. Members of the business community and trade union groups solicited advice on ways of preventing or monitoring prison exports from China.

Asia Watch staff in New York monitored the status, whereabouts and well-being of Chinese political prisoners, producing updates and analyses of individual cases such as that of Bao Tong.

INDIA

Human Rights Developments

Human rights issues assumed an increasingly important place in public debate in India in 1992, as government officials found themselves pressed to respond to international and domestic criticism of India's human rights record. On September 15, Prime Minister Narasimha Rao formally announced to Parliament that the government would establish a national Human Rights Commission to investigate reports of abuses. At the same time, domestic human rights groups, journalists and other peaceful critics of government policy continued to come under attack by police and government officials throughout the year. Government security forces also engaged in widespread human rights abuses in their efforts to stem violent insurgencies in Kashmir, Punjab and Assam. Militant groups in these states also committed serious abuses and violations of international humanitarian law.

In the disputed state of Kashmir, human rights conditions continued to deteriorate. The government launched "Operation Tiger" in August—a campaign of surprise raids designed to capture and kill suspected militants and terrorize civilian sympathizers. In October, a joint mission by Asia Watch and Physicians for Human Rights (PHR) visited the Kashmir valley and documented the summary executions of dozens of civilians and suspected militants who had been taken into custody and shot dead after interrogation. In one case, four students who were arrested during a search operation on October 14 in the Dal Gate area of Srinagar were shot dead that night and their bodies handed over to their families the next day. The security forces also broke up peaceful protests against these killings by beating, teargassing and shooting demonstrators.

The Indian army and the federal paramilitary Border Security

Force (BSF) and Central Reserve Police Force (CRPF) also murdered and raped civilians in retaliation for attacks by militant forces. On October 15, a man and woman were burned alive in Badasgam when BSF troops locked them in a shop and torched it and ten other buildings after mistaking a sonic boom for a militant attack. An army investigator later confirmed that the troops' action was "unprovoked." On October 1, militants ambushed a patrol near the village of Batteikut, killing one. In reprisal, the security forces rampaged through the village, killing ten villagers, raping four women, and burning houses and grain stores. Eight women and an eleven-year-old girl were raped during a search operation by an army unit near Shopian on October 10. On July 2, paramilitary forces opened fire in a crowded market area of Srinagar after mistaking the bursting of a bus tire for sniper fire. Seven civilians were killed. Officials later claimed they had been killed in "cross fire."

Throughout the conflict, the Indian army and other security forces in Kashmir continued to exhibit blatant disregard for international norms of medical neutrality. Hospitals were subjected to frequent raids, sometimes weekly, when security personnel forced doctors at gunpoint to identify wounded militants, who were then arrested, at times after disconnecting them from their intravenous feeding tubes and even removing one patient under deep anesthesia from an operating theater. Health professionals were routinely detained, assaulted and harassed for having discharged their duties. The security forces also deliberately prevented injured persons from being transported for emergency care, in several cases shooting ambulance drivers who attempted to remove the wounded.

Detainees were routinely subjected to severe and prolonged beatings, electric shock and other forms of torture. The Asia Watch-PHR team documented a number of cases of renal failure caused by extensive use of the "roller" torture treatment, in which the muscle tissue is crushed, releasing toxins that cause serious, and sometimes fatal, damage to the kidneys.

Journalists were also attacked. On March 5, 82 journalists were beaten by police when they attempted to deliver a petition to state officials protesting government restrictions on reporting. On September 25, Yusuf Jameel, a stringer for the British Broadcasting Corporation (BBC) and Reuters, and several other journalists were beaten by police in Srinagar when they attempted to obtain the names of five women who were being arrested during a demonstration against alleged deaths in custody. Jameel was clubbed in the head with a police baton, and a paramilitary officer threatened to shoot him. Although the government promised an inquiry into the incident, no investigation has taken place.

Militant groups in Kashmir killed suspected police informers and kidnapped, assaulted and murdered other civilians. They also threw grenades and detonated bombs in public places, killing and wounding civilians.

In Punjab, the long-postponed elections to the Parliament and state assembly were held on February 19, but intimidation by Sikh militants and protests by other Sikh parties resulted in a

turnout of only about 22 percent statewide, and no turnout at all in some rural areas. The Congress (I) party formed a government, but real authority for all matters related to the conflict remained with Director General of Police K. P. S. Gill.

Immediately after the election, Gill launched an all-out campaign against the militants, expanding a bounty system of cash rewards for police officials who killed top militants. By August, many of the militant leaders had been killed and the government claimed that "normalcy" was returning to the state. During this campaign, however, extrajudicial killings and disappearances of civilians and suspected militants escalated. Detainees in police custody were subjected to severe beatings, crushing of the leg muscles with a heavy wooden roller, stretching the legs, suspension, and electric shock. The Asia Watch-PHR team documented numerous cases of torture, disappearances and police killings that had occurred since the elections.

Militant abuses also continued. Before and after the polls, Sikh militants attacked Hindu laborers, shooting dead 65 between February 17 and March 18. In apparent retaliation for police killings of militant leaders, militants attacked the families of policemen, shooting dead at least 42 men, women and children in July and August. On October 30, militants shot dead 27 migrant laborers in the villages of Daburji and Silon Kalan near Ludhiana.

The right of free expression was under attack in India in several states. In Maharashtra and Madhya Pradesh, peaceful protesters who opposed a World Bank-funded dam on the Narmada River were illegally detained, beaten and subjected to other forms of physical abuse as part of a campaign by the state governments to prevent organized protests and restrict the dissemination of information about the dam's environmental and social consequences. Protests intensified in a number of villages near the dam site in early 1992 when officials attempted to evict villagers in anticipation of monsoon flooding.

Growing criticism about the project inside India and from international organizations prompted World Bank authorities to take the unprecedented step of sending an independent team, the Morse Commission, to examine concerns raised about the project. The team's report, issued on June 18, concluded that the project was deeply flawed and that, given the strong opposition to the project by local residents, completing it would "be impossible except as a result of unacceptable means."

On July 13, during a visit by World Bank officials, local authorities attempting to evict villagers from a tribal area called Talgoda, in Maharashtra, opened fire on demonstrators, killing one woman and injuring seven others. Peaceful demonstrations by villagers opposed to the dam were broken up by police on several occasions in August and September. Nevertheless, in an internal memorandum dated September 11, Bank President Louis Preston recommended that support for the dam be continued. The memorandum did not mention human rights concerns. On October 23 the Bank's Executive Directors voted 59 percent to 41 percent to continue support for the project, contingent on the Indian government meeting specific conditions, including a

grievance procedure that would include human rights abuses. The U.S., Japan, Germany, Australia, Canada, and the Nordic countries voting against continuing the project. Its status will be reassessed in April 1993.

In April 1992, the government of Tamil Nadu launched a crackdown against the press. Local authorities confiscated and destroyed journals and newspapers critical of Chief Minister Jayaram Jayalalitha's administration and brought law suits against reporters. Other reporters and editors received anonymous threats and were the victims of acts of vandalism and arson. Ganeshan, a printer at the weekly *Nakeeran*, was detained on April 10 on sedition charges after the weekly published an editorial critical of the government's attacks on the press. After he was released on April 20 he told colleagues that he had been tortured. He died of a brain hemorrhage on April 27. Human rights groups have called for an investigation into his death but no inquiry has taken place. Beginning on September 18-19 over 4,600 people were arrested, mostly under preventive detention laws, in connection with a conference and rally in Madras in which political activists called for Tamil Nadu's secession from India. Sixteen political leaders were charged with sedition. On January 20, India began repatriating some 30,000 Tamil refugees who had fled from Sri Lanka to Tamil Nadu (see chapter on Sri Lanka).

On July 1, at least 16 people were killed when police opened fire on a crowd of striking mine workers in Bhilai, Madhya Pradesh, India. The workers were striking to demand the arrest of industrialists believed responsible for the assassination on September 29, 1991, of Shankar Guha Niyogi, a human rights activist with the People's Union for Civil Liberties (PUCL), and leader of the mine workers union. On July 2, 1992, Rajendra Sail, the organizing secretary for the local branch office of the PUCL, was detained, apparently to prevent him from investigating the shooting. He was later released on bail. Another 89 persons who participated in the strike were also arrested. It is not known whether they have been released.

The Right to Monitor

In addition to Rajendra Sail, mentioned above, human rights activists came under attack in several states. Andhra Pradesh, in southern India, continued to be one of the most dangerous places to do human rights monitoring and investigative journalism. As 1991 drew to a close, Ghulam Rasool, a 31-year-old reporter for the Telugu newspaper *Udayam* in the state capital, Hyderabad, was shot dead in what police claimed was an "armed encounter." In fact, Rasool and a friend, Vijay Prasada Rao, had been arrested by police on December 27, 1991 and their bodies discovered the next day. Police alleged that the two men were members of a radical militant group known as the Naxalites, and had been shot in an exchange of fire with police. The bodies were cremated secretly. Asia Watch sources believe Rasool was killed because of his investigation into illegal land grabbing in Hyderabad, reportedly by members of the ruling Congress (I) party and a deputy superintendent of police named Rajaiah, among others. Following widespread protests, Rajaiah was transferred and a

judicial inquiry into the killing ordered. No other action has yet been taken against the police.

On February 3, Dr. K. Balagopal, the general secretary of the Andhra Pradesh Civil Liberties Committee (APCLC), was detained by local police in Bhadrachalam, Khammam district, and held overnight under a preventive detention law. He was released the next morning after local human rights monitors protested the arrest. Later that day, after he arrived in the town of Kothagudem, he was assaulted by thugs reportedly hired by the police who beat him severely until local human rights activists intervened. Balagopal was then brought to the local clinic in Kothagudem, where the staff provided first aid but refused to treat his serious injuries out of fear of the police. On February 5, Balagopal was brought to Hyderabad and was treated for facial fractures, cuts around his left eye, and other injuries. No one has been charged yet with the assault.

Ram Singh Billing, a journalist and member of the Punjab Human Rights Organisation, was detained by police in Sangrur, Punjab, on January 3. The authorities later denied he was ever in custody. He is believed to have died as a result of torture.

On April 3, Justice Ajit Singh Bains of the Punjab Human Rights organization was arrested under the Terrorist and Disruptive Activities Act after he made a speech which state authorities claimed was "seditious." Bains, who is 70, alleged that before his arrest he had received threats from the police warning him to cease his work with the Punjab Human Rights Organisation. He was released on bail on August 18. The charges are still pending.

U.S. Policy

Human rights concerns continued to be the subject of private interventions by U.S. officials and were reported to be a priority for the new U.S. Ambassador in New Delhi, Thomas R. Pickering, and his staff. In his written statement for the Senate confirmation hearings, Ambassador Pickering stated that human rights were among the difficult issues between the U.S. and India that he would take up.

At a January 31 State Department briefing, Assistant Secretary of State for Human Rights and Humanitarian Affairs Richard Schifter confirmed that U.S. concerns about deteriorating human rights conditions had been communicated to the Indian government and were considered a "very serious problem" for India, the world and "above all...for the people who live there." At hearings before the House Subcommittee on Human Rights and International Organizations on March 4, Secretary Schifter reiterated that violations by security forces in Kashmir were a problem of "continuing concern" and that the U.S. government had expressed this to the Indian authorities. In a written statement supplied for the record, the administration added, "[W]e are concerned by the persistent and credible reports of human rights abuses by Indian security forces ...and have urged the Indian Government to refrain from the excessive use of force."

However, the strength of these statements was diminished when Schifter responded to a question about whether the Indian

government had demonstrated a willingness to curb abuses by security forces in Punjab and Kashmir and punish those responsible. He commented that "the Central Government would wish that it did not happen but power is quite decentralized and at the local levels things happen that the Government probably finds embarrassing and wishes it could stop." The statement is ludicrous because in fact, authority for the security forces in Kashmir rests with the central government and even in Punjab, where there is now an elected state government, central government authorities are directly involved in determining policy. In both states, central government officials have long condoned abuses by security personnel and, as the State Department's *Country Reports on Human Rights Practices in 1991* accurately notes, "little is done to punish those responsible for extrajudicial killing."

In the report accompanying the 1992 foreign aid bill, the Senate Appropriations Committee expressed concern about "persistent reports of widespread human rights violations by Indian Government forces and separatist militants in Kashmir and elsewhere." The Committee called on the Indian government to "establish an independent commission to investigate reports of human rights violations and to prosecute individuals who are responsible...[and] ensure that the rights of detainees are fully protected and that the International Committee of the Red Cross has prompt access to all detainees."

In fiscal year 1992, the U.S. government estimates that it gave India \$37.4 million in development assistance, \$96.9 million in PL480 food aid, \$25 million in housing guarantees and \$340,000 for the International Military and Training Program.

On July 13, Senators Patrick Leahy, David Obey and Robert Kasten wrote to World Bank President Louis Preston to express their concern about human rights abuses in connection with the Narmada dam. On October 23, the U.S. Executive Director to the World Bank, E. Patrick Coady, voted for suspension of the Narmada dam project.

In September, in a rare but significantly effective public rebuke, U.S. officials protested to India over the sale of chemicals used to make poison gas and other weapons to Syria. A shipment of the chemicals being transported on a German vessel was halted after American officials alerted German authorities, who ordered the shipment returned to India. The Indian government has since stated that it is investigating the company responsible. According to a report in *The Washington Post*, administration officials stated that the Indian government had enacted "rudimentary" controls in response to the complaint but was not enforcing them.

The Work of Asia Watch

In January, an Asia Watch researcher traveled to India to meet with government officials and investigate human rights abuses in Andhra Pradesh, the Narmada River valley, and Tamil Nadu. In a press release issued on January 18, Asia Watch called for a halt to the repatriation to Sri Lanka of Tamil refugees in Tamil Nadu until protection for returning refugees could be ensured. In

February, Asia Watch organized appeals on behalf of human rights activist K. Balagopal, who was detained and badly beaten in Andhra Pradesh.

Following meetings with senior Indian government officials, Asia Watch provided recommendations on the formation of a national Human Rights Commission.

On June 17, Asia Watch released "Before the Deluge: Human Rights at India's Narmada Dam." The newsletter was circulated widely among Executive Directors at the World Bank and released to coincide with the Morse Commission's highly critical review of the dam project. Because of Japan's influence at the World Bank, the press release was translated into Japanese and circulated among Japanese Diet members. Asia Watch also conducted extensive meetings with World Bank staff, congressional aides and Treasury officials to raise concerns about human rights abuses that have occurred in connection with the project.

In September, Asia Watch published *Police Killings and Rural Violence in Andhra Pradesh*, which documented attacks on journalists and human rights activists, "encounter killings" and other abuses against peasant activists, and attacks on low caste and tribal villagers by powerful landlords.

In December, Asia Watch will publish "No End in Sight: Human Rights Abuses in Assam," based on the finding of an investigation carried out by a consultant to Asia Watch in April and May.

In October, a delegation from Asia Watch and Physicians for Human Rights traveled to India to investigate abuses by government forces and militants in Punjab and Kashmir. The first of several reports on the mission's findings was published in December.

INDONESIA

Human Rights Developments

While international attention was focused on East Timor in the aftermath of the November 12, 1991 massacre in Dili, severe human rights abuses continued to take place throughout Indonesia. Hundreds remained in prison for the peaceful expression of their political or religious views. Trials of those accused of subversion or the political charge of "spreading hatred" were inherently unfair, with the verdicts determined from the outset and testimony presented in court that had been extracted under duress during interrogation. Torture and ill-treatment of prisoners continued, and allegations of political killings were not properly investigated.

Despite investigations by both a presidentially appointed National Commission of Inquiry and a Council of Military Honor, and the indictments and trials of nine soldiers and one policeman, little additional information emerged in 1992 about the Santa Cruz massacre in Dili, East Timor on November 12, 1991, in which Indonesian troops opened fire on unarmed demonstrators, killing at least 75. The government, which initially acknowledged some 90 as "missing," later lowered the figure to 66. Independent estimates were higher. Neither the Commission nor the Council

shed any light on who started the shooting, who ordered military trucks to pick up bodies from the scene, who drove the trucks or where the bodies were taken. A year after the massacre, the bodies of those killed had not been returned to their families.

Despite calls for an impartial, international investigation of the massacre, none took place. Amos Wako, then Special Rapporteur on Summary and Arbitrary Executions for the U.N. Commission on Human Rights, went to Jakarta and Dili in early February 1992 as a special envoy of U.N. Secretary General Boutros Boutros-Ghali. His report was never made public.

Much-publicized courts-martial of ten soldiers involved in the massacre, accused of either disciplinary infractions or, in one case, assault, took place in Bali in May and June. To Asia Watch's knowledge, the courts-martial were the first ever of military personnel accused of criminal offenses in a political case. In that respect, the trials set an important precedent. But the defendants were curiously chosen, the prosecution was weak and the sentences were ludicrous. Not one of the ten was on the scene when the shooting started, so questions about the cause of the massacre remained unanswered. With one exception, no civilian witnesses were called. The highest sentence handed down, to one officer who admitted firing into the crowd, was 18 months in prison. In addition, two senior officers had been dismissed very publicly in December 1991, but disciplinary actions against other senior officers and transfers of key military intelligence personnel took place in 1992 out of the public eye.

Trials also took place in Dili and Jakarta of East Timorese accused of planning or participating in the November 12 demonstration and the march in Jakarta to protest the killings on November 19, 1991. In March 1992, the district court in Dili initially tried to prevent the defense team of the Indonesian Legal Aid Foundation and the Indonesian Bar Association from taking on the cases, and some of the defendants' families were harassed for not accepting a court-appointed lawyer. Although not a single Dili defendant was accused of using violence, the sentences were harsh. One young man, Gregorio da Cunha Saldanha, the alleged mastermind of the November 12 demonstration, was sentenced in May to life in prison.

In Jakarta, five students who organized the peaceful protest march on November 19 were sentenced on charges ranging from "spreading hatred" to subversion. Fernando de Araujo and Joao Freitas Camara, the two convicted of subversion, received sentences of nine and ten years in prison.

Throughout 1992, widespread preventive arrests were reported in East Timor whenever the authorities feared a demonstration or other manifestation of discontent with Indonesia rule. These arrests took place in March, prior to the sailing from Darwin, Australia of a "peace ship," the Lusitania Expresso, with hundreds of activists from around the world on board (it was turned back by the Indonesian navy before it reached East Timor); in August, before the Non-Aligned Summit meeting in Jakarta; in October, before an Australian parliamentary delegation was scheduled to visit Dili (the Indonesian government later cancelled the visit); and in November, prior to the first

anniversary of the massacre, when hundreds were briefly detained for interrogation, ostensibly because their identification cards were not in order.

One young East Timorese was apparently summarily executed in October after a clash between Indonesian troops and some East Timorese youths in Baucau. One young East Timorese, Dominggus Aikarak, was wounded in the incident and made his way to the hospital in Baucau for treatment on the night of October 5. That night, soldiers removed him from the hospital, over the objections of doctors. His body was returned to his village for burial the next day, and the Indonesian government announced that Dominggus was a rebel who had died of gunshot wounds after a shoot-out.

On October 19, Dadang Trisasongko, a staff lawyer for the Surabaya branch of the Legal Aid Foundation, was arrested and detained for four days. His arrest was linked to his work on behalf of the people of Singosari, Gresik, a town near Surabaya, Indonesia's second-largest city. In 1991, the National Electricity Company (PLN) decided to erect a power grid of high-voltage wires over the homes of Singosari villagers. PLN tried to convince the villagers that there would be no health or safety problems from the grid, but experts say the grid would have created such a strong electric field that voltage would be induced in metallic objects, giving rise to significant shock hazards.

On October 20, in discussing why Dadang was arrested, the military commander of East Java, Major General Hartono, said Dadang had deliberately compiled press clippings about the Singosari case; he had paid for several families from Singosari to travel to Bekasi, West Java to look at the effects of a similar project; and he had suggested names of people and organizations that the Singosari villagers should contact. He also had shown the villagers a videotape of a protest against another PLN project. Although Dadang was released from police custody after four days, charges against him of "spreading hatred" were still pending at the end of November.

East Timor was for all practical purposes closed to the outside world in 1992. A ban on foreign journalists and Indonesian journalists working for foreign news agencies was announced on February 26 and remained in effect for the rest of the year. It was lifted twice, once for a BBC journalist to cover the June parliamentary elections and once for a Reuters correspondent to cover the November 12 anniversary.

Aceh and Irian Jaya remained human rights trouble spots. In three subdistricts of the special region of Aceh where support of the Aceh Merdeka separatist movement was strongest, a heavy military presence remained under the guise of army assistance to village development. In the subdistricts of Kembang Tanjung, Mutiara and Tiro in Pidie district, a squad of between 15 and 30 men drawn from the mobile police brigade, the army special forces and the local district military command was placed in every four or five villages. A curfew was in effect in those subdistricts at least through March.

The army continued its policy of shooting suspected rebels

rather than taking them into custody. The resulting deaths were usually explained as occurring when the suspects refused to heed calls to surrender, as in the case of Sofian, an alleged Aceh Merdeka member shot and killed in Padang Tiji, Pidie, on January 21, and Jamal Buraq, killed in his hiding place in the village of Beu'ah, subdistrict Delima, Pidie, on February 13. The army also continued to stage mass releases of "rebels"—Acehnese who had been arbitrarily detained during the counterinsurgency campaign. On January 11, 112 people were freed in Lhokseumawe after between six months and one year of incommunicado detention in military custody. They were given a loyalty oath and made to swear to help the army in its efforts to crush the "security disturbers."

Trials of suspected separatists continued throughout 1992 in Aceh, disappearances that occurred there at the height of the military campaign in 1990-1991 remained unresolved, and information about the area remained restricted. The International Committee of the Red Cross was able to visit the region for the third time in early September. Its representatives visited over 100 prisoners in 13 detention centers. On March 21, a report by the Legal Aid Foundation on trials in Aceh was formally banned by the Attorney General.

Human rights offenses also took place in the province of Irian Jaya, where the armed nationalist Free Papua Movement (OPM) and other independence organizations operate. On May 30, troops from the regional military command (KODAM Trikora) stormed the hideout of OPM leader Martinus Prawar and killed him. Of the eight people present in the camp, only Prawar was shot, while the rest escaped, leading to allegations that Indonesian troops deliberately chose to kill rather than capture Prawar. Calls for an investigation were ignored. Indonesian authorities also rewarded a villager living near the southeastern town of Merauke for killing a suspected OPM member, raising fears that the availability of bounties would lead to more murders.

In Lampung, Sumatra, three men remained in prison until October after having been detained more than two years without charge or trial in connection with a clash in 1989 in Talang Sari, Lampung, between Indonesian troops and Muslim radicals. Hasan Tito was arrested in June 1990, and Jayus bin Karmo and Suryadi in May of that year, by the regional army command. Tito and Suryadi said they were tortured. No arrest warrants were ever issued, none of the three had access to lawyers, and Tito's wife was only able to visit him 18 months after his arrest. In August 1992, the Legal Aid Foundation began to issue press releases about the case. In October, Tito and Suryadi were finally released. Jayus went on trial the same month; the trial was still in progress at the end of November.

One indication of the Indonesian government's determination to restrict freedom of expression and association was an announcement on April 24 by the Ministry of Interior banning Dutch government aid to nongovernmental organizations (NGOs). The announcement followed Indonesia's rejection in March of any further Dutch development assistance because of the Netherlands's criticism of Indonesia's human rights record, particularly in

East Timor. Since the major donors to the most outspoken Indonesian NGOs, including the Legal Aid Foundation, are Dutch "co-financing agencies," which themselves receive government funds, the announcement was clearly a threat to silence NGO criticism by cutting off their financial support. That threat was reinforced by warnings that the government planned to introduce amendments to the Social Organization Law of 1985 that would lead to closer governmental scrutiny of NGOs. The amendments had not been introduced by the end of 1992.

Numerous arrests took place in 1992 in violation of the right to freedom of expression. In May, two popular student emcees from Central Java were arrested after punning on well known phrases of the Quran during a student rock concert. On October 13, Ambar "Moko" Widiatmoko, a literature major, and Bambang Wahyu Nurbito were each sentenced to two-and-a-half years in prison by the Yogyakarta District Court for insulting a religion.

Curbs on freedom of expression were also evident in arrests that took place on the island of Yamdena, Tanimbar, in September, following local protests against logging of valuable hardwoods by a company owned by Liem Sioe Liong, a Chinese financier close to President Suharto. Thirty-nine people were arrested and remained in detention without charge in a prison in Tual, the capital of the district of Southeastern Moluccas, which includes the Tanimbar archipelago. All were reported to have been badly beaten after their arrest.

Others were arrested in violation of their right to freedom of association. On March 6, three members of a Sumatran NGO coalition—Osmar Tanjung, Taufan Demanik and Sri Muharani—were arrested for organizing an "illegal meeting" in Medan two days earlier to discuss an anti-pollution project. They were interrogated at the local military headquarters for four days about the nature and funding of the NGO coalition and then released.

On October 27, anti-riot police and army troops from Yogyakarta arrested 12 participants, all but one of them students, meeting in what they called an Open Forum to discuss how to disband the official government youth organization, the National Indonesian Youth Committee. They were released the next day.

A pattern of harassment and intimidation, sometimes involving physical abuse, was evident against those who supported political parties other than the ruling GOLKAR in the June parliamentary elections, which GOLKAR won.

Asia Watch continued to be concerned by violations of labor rights in Indonesia. Efforts to form alternatives to the one officially recognized trade union, SPSI, met with intimidation. On October 28, nine members of an independent union formed in April 1992 called Prosperous Indonesia Labor Union were arrested and held overnight in the West Javanese town of Tangerang on charges of holding an "illegal meeting." The meeting was called to discuss how legally to register the new union. The U.S. embassy's labor attache, Greg Talcott, was attending the meeting

and was "invited for questioning" by the arresting officers. He was allowed to leave after an hour. Military intervention in strikes and military supervision of worker efforts to negotiate wage increases with management was common.

Despite its human rights record, Indonesia acknowledged the legitimacy of human rights concerns by setting up a new committee on human rights in the national parliament.

The Right to Monitor

Human rights organizations were under constant pressure from the government in 1992. As noted, the financial survival of the largest human rights organizations was in question at year's end. In addition, individual monitors faced intimidation or arrest.

Indonesia continued to deny access to international human rights monitors. Asia Watch executive director Sidney Jones was told in February, on leaving Indonesia, that she had been formally blacklisted since 1991 and would not be permitted to re-enter. (She joined 17,000 others on the Department of Immigration's blacklist of foreigners who are not allowed into Indonesia and domestic critics who are not allowed out.) The ban appears to have been the result of Asia Watch reports about human rights abuses in Aceh. After the February visit, Asia Watch learned that human rights lawyers visited by Jones had been interrogated by military intelligence; it issued a protest and took steps to ensure that the lawyers would be protected by the diplomatic community.

U.S. Policy

Indonesia was the focus of much congressional criticism for human rights abuses in East Timor, to the point that in October, Congress took the unprecedented step of cutting off U.S. military assistance to Indonesia through the International Military Education and Training (IMET) program. U.S. embassy officials, while opposed to the IMET cutoff, were generally willing to raise human rights concerns with the Indonesian government. In Washington, however, the Bush administration seemed reluctant to take any step that would offend a major friend in the region and possibly jeopardize U.S. business interests. Its priorities were underscored at the Senate confirmation hearing on June 24 for new U.S. Ambassador to Indonesia Robert Barry, who said, "Trade and investment will be the central goal of the embassy." At the same time, he said that human rights would be "one of our priorities."

Indonesia was increasingly important as a trading partner, with the yearly two-way trade with the U.S. valued at over \$5 billion. The value of exports to the U.S. for which Indonesia received benefits under the General System of Preferences (GSP) program was over \$351 million in 1991. Indonesia was less important as an aid recipient, with only \$45.6 million requested by the administration for disbursement in fiscal year 1993 by the U.S. Agency for International Development (USAID). Security assistance totalled \$5 million in economic support funds (ESF) and \$2.3 million for IMET, which was used to train some 130 Indonesian officers each year. No ESF was requested for fiscal year 1993. Foreign military sales totaled \$15 million in fiscal

year 1992 and were estimated at the same level for fiscal year 1993. Commercial military sales were valued at an estimated \$115.8 in fiscal year 1992, with \$69 million in sales projected for fiscal year 1993. Japan remained Indonesia's most important donor, creditor and trading partner.

In Washington, Congress took the lead in raising human rights issues. On February 27, the Senate Foreign Relations Committee held hearings on East Timor. Kenneth Quinn, Deputy Assistant Secretary of State for East Asian and Pacific Affairs, defended the administration's policy of working cooperatively with Indonesia and opposed a cutoff of IMET. On March 21, Assistant Secretary of State for East Asian and Pacific Affairs Richard Solomon testified before the Committee. In response to a question about Indonesia's decision to ban Asia Watch director Sidney Jones, Solomon said that the State Department had urged reconsideration of the ban. He added, "The U.S. government believes that policies which encourage openness and freedom of movement best serve the interests of truth and will best help ameliorate the situation in East Timor."

Several members of Congress met Indonesian Foreign Minister Ali Alatas when he visited Washington in March to raise concerns about East Timor. The following month, Senators Claiborne Pell and David Boren, heads respectively of the Foreign Relations Committee and the Select Committee on Intelligence, visited Indonesia in April but were denied permission to visit East Timor. On April 23, they met with President Suharto and told him that the situation in East Timor was having a negative impact on U.S.-Indonesia relations. On June 11, a bipartisan group of senators wrote to Secretary of State James Baker expressing concern about the cutoff of Dutch aid to Indonesian NGOs and urging the U.S. to make a "strong, public statement" at a World Bank-chaired meeting scheduled for July of donor countries providing aid to Indonesia. The statement, the letter noted, should reflect America's "continued distress at Indonesia's human rights record."

The U.S. delegation to the July meeting, which included representatives of USAID and the Treasury Department, did in fact raise concerns about human rights in East Timor in a public statement, the only donor attending to do so explicitly. (Canada did not attend the meeting at all as a protest against the November 12 massacre; it was the only country that at the end of 1992 had not resumed its full development assistance program to Indonesia.)

After a bitter battle in Congress and over the objections of the State Department, the IMET program was cut from the foreign aid bill in October. State Department spokespersons had claimed that the program fostered human rights and humanitarian values. In September, a study by the General Accounting Office (GAO) entitled "Security Assistance: Observations on Post-Cold War Program Changes" was published. The study found that for the most part, the IMET program worldwide did not provide specific human rights training and that about half the IMET students questioned by GAO did not recall receiving any human rights education while in the U.S. American officials interviewed in Indonesia for the

study said that the impact of IMET on human rights conditions in specific countries need not be evaluated, because "providing human rights education is not a stated objective of the IMET program."

The U.S. embassy in Jakarta was helpful on human rights issues. Officials raised concerns about the interrogation of human rights lawyers in Medan and Surabaya; they attended the trials of both civilians and military personnel arrested in connection with the East Timor massacre; and they complained about the Indonesian government's unwillingness to grant access to human rights organizations. Indonesian NGOs generally considered the U.S. embassy, its consulates in Medan and Surabaya, and its consular affairs office in Bali to be supportive of their concerns.

The Work of Asia Watch

Indonesia remained a priority for Asia Watch in 1992. In late January, Asia Watch sent a mission to Indonesia and East Timor; delegates were under surveillance throughout the trip. Six newsletters on human rights concerns in Indonesia and East Timor were published during the year as well as several press releases. Asia Watch regularly translated press releases from the Indonesian Legal Aid Foundation on the trials of East Timorese and distributed the translations in the U.S. Asia Watch also acted as the U.S. distributor for the English-language journal published by the Foundation, *Human Rights Forum*.

The Asia Watch staff testified at the Senate Foreign Relations Committee hearing on East Timor in February; met with Indonesian Foreign Minister Ali Alatas during his visit to Washington in March; and testified at a public hearing on East Timor held by the European Parliament in Brussels in April.

The Asia Watch staff kept in regular contact with the Indonesian embassy in Washington, as well as with other embassies concerned about the human rights situation in Indonesia and East Timor. Indonesia was a major subject of discussion with Japanese Foreign Ministry officials during an Asia Watch mission to Japan in March. Throughout the month of June, Asia Watch coordinated efforts to urge the U.S. delegation to the July meeting of donor countries to raise human rights concerns, including by organizing meetings at the World Bank and the Treasury Department and writing to the USAID representative leading the delegation.

In June, Asia Watch submitted a petition to U.S. Trade Representative Carla Hills alleging labor rights violations in Indonesia in accordance with a procedure whereby the U.S. is obliged to cut off GSP benefits if such violations are established. Trade Representative Hills agreed to review the petition, and a hearing was held in Washington on October 16 at which Asia Watch testified. A decision is not expected until 1993.

Asia Watch took an active role in the debate over the IMET cutoff, urging that the cut be made as a gesture of concern to the Indonesian military. Staff met with representatives of American corporations that were concerned the cutoff might lead the Indonesian government to take retaliatory actions against

U.S. businesses.

JAPAN

Human Rights Developments

Asia Watch continued to monitor the Japanese government's treatment of asylum-seekers and closely followed its implementation of human rights guidelines for its foreign aid program.

While Japan continued to deny political asylum and any other form of blanket protection to Chinese dissidents fearing persecution if returned to China, it remained flexible in dealing with visa requests from Chinese students. Immigration officials granted a number of these students special "designated activities" visas, first provided for in 1991, which allow legal residency in Japan. By the end of October, 34 Chinese students had received the visas and the cases of at least ten others were pending with the Immigration Bureau.

The case of Lin Guizhen, a pro-democracy activist from Fujian province, who was denied political asylum and forcibly repatriated to China on August 14, 1991, received international attention again in 1992. In January, a *New York Times* journalist visited her family in China and revealed that she had been imprisoned for six months after her return. At the time of Lin's deportation, Japan insisted that it had received assurances from Beijing that no legal action would be taken against her. Japan's Ministry of Foreign Affairs later appeared to justify China's action by saying that Lin was serving a term of "re-education" and that this was "not a penal measure." China's ambassador in Tokyo admitted that Lin had been arrested and detained, but denied that this was due to her pro-democracy activities as opposed to her supposed violation of China's emigration laws when she fled the country in September 1989. He said that she had received a one-year prison sentence, was released from detention on January 16, and was serving the remainder of her sentence at home.

On April 14, the Tokyo District Court rejected a suit seeking refugee status for Lin, which had been pending at the time she was deported. The court ruled that her repatriation to China made any judgment on her claim "worthless," but stopped short of deciding whether Lin had a well-founded fear of persecution. However, a separate ruling by the Fukuoka District Court, on March 26, found that she had participated in pro-democracy protests in June 1989 and fled China fearing repression. (One lawsuit sought cancellation of her deportation order, the other pressed her claim for refugee status.) In April, Lin's lawyers made public a letter from Lin describing her continuous supervision by Chinese security officials, and her fear of being reimprisoned. Appeals to the High Court were pending as of November 1992.

A lawsuit filed by another Chinese dissident, Zhao Nan, in June 1991 was still before the courts in November 1992. Zhao had received a "designated activities" visa, but was seeking

political asylum. The prominent pro-democracy activist had formerly been imprisoned in China.

Political refugees from Burma also sought protection in Japan. It is estimated that at least 5,000 Burmese live in Japan illegally. In a rare move, three Burmese dissidents were given asylum in April. In a separate development, the Japan Federation of Bar Associations agreed to represent 14 other Burmese asylum-seekers, the first such attempt by a group of Burmese to gain legal recognition. According to their lawyers, all of the applicants' visas had expired but they feared persecution in Burma because of pro-democracy activities related to the 1988 uprising.

During 1992, the Japanese government reaffirmed its commitment to promote human rights and democratization through its extensive foreign aid program. This commitment has potentially profound consequences for Japan's relations in Asia and elsewhere. According to figures published in mid-1992, Japan was the largest aid donor in the world in 1991, increasing assistance to \$11 billion, nearly 20 percent over the 1990 figure.

The Official Development Assistance (ODA) guidelines were first adopted in April 1991. They were spelled out in further detail in the Foreign Ministry's Annual Report on ODA published in March 1992. The report stated, "Full attention will be paid to [efforts by recipient countries]...to introduce democracy and market-oriented economy, and to secure human rights and freedoms." This guideline would be implemented in two ways: by providing increased aid to assist countries seeking to democratize, and by suspending aid to countries that have committed serious human rights violations. The report stressed that dialogue with the government would precede a cutoff in assistance, and that if improvements were not made, aid would be reviewed, giving "full consideration...to the cultural, historical and social circumstances of the country concerned." (Three other principles also included in the April 1991 guidelines dealt with military expenditures, arms sales and imports.)

On June 30, in response to complaints that the program had no clear direction, the cabinet reiterated Japan's ODA philosophy and criteria. The cabinet embraced the principle of considering whether potential aid recipients guaranteed basic human rights and freedoms, and said that Japan would continue to give most of its aid to Asian neighbors.

A "white paper" on ODA, published by the Foreign Ministry on October 5, described how these principles and criteria were actually being applied, and acknowledged that this was a "trial and error" process. Japan had provided assistance to elected governments in Mongolia, Zambia and Central America. At the same time, it had suspended aid to Haiti after the military coup in September 1991; suspended new aid to Burma following the 1988 crackdown, although aid previously committed continued; pledged no assistance to Kenya and Malawi at World Bank-convened donor meetings "because of their disappointing political performances"; and suspended aid to Zaire due to the country's "deteriorating

situation."

Japan also took credit in some cases for exerting positive influence on "undesirable" government behavior and preventing a worsening of human rights conditions, citing its response to the massacre of civilians in East Timor in November 1991, the killing of pro-democracy activists in Thailand in May 1992, and Peru's suspension of its constitution in April 1992. In none of these cases, however, was Japanese aid cut off or suspended.

In an unprecedented move, Japan sent two diplomats from its embassy in Jakarta to East Timor to look into the Dili massacre. A government spokesman in Tokyo later hinted that Japan, as Indonesia's largest donor (\$867 million in ODA funds in 1990), might review its aid program depending on the results of the National Commission of Inquiry ordered by Indonesian President Suharto. However, Japan ultimately praised the commission's report, despite its serious flaws, and no review took place, although a Japanese embassy official did attend the courts-martial of Indonesian soldiers accused of shooting East Timorese demonstrators.

Japan responded to the bloody crackdown in Bangkok in May with low-key expressions of regret and diplomatic appeals, but without cutting the large ODA program for Thailand. (Japan supplies over 70 percent of Thailand's foreign aid, totaling \$406 million in fiscal year 1991.) "Cutting off aid may de-stabilize the country and hurt the people it was meant to help," said a Foreign Ministry spokesman.

Japan made no new ODA commitments to Burma in 1992 but continued its policy of disbursing funds committed prior to the 1988 crackdown for "humanitarian aid" projects. However, reliable information obtained by Asia Watch raised questions about the nature of some of these projects: they may benefit Burmese civilians, but they also provide crucial infrastructure support to Burma's military government. For example, one such project involves improvements in the national railway system.

Policymakers in Tokyo told Asia Watch that a basic reason for maintaining some aid to Burma was to keep channels open for dialogue with its rulers. Following a meeting in Manila of foreign ministers of the Association of South East Asian Nations (ASEAN), Japan did not join the U.S. and other nations in publicly urging ASEAN members to increase pressure on Burma but made only general references to the new ODA criteria.

Japan was active on Burma in other diplomatic arenas. It supported a strong resolution condemning Burma at the U.N. Human Rights Commission in Geneva in March. Tokyo also welcomed the partial lifting of martial law in Burma in September, emphasizing that it expected further progress toward transferring power to a civilian government as soon as possible. Foreign Minister Michio Watanabe reported that he appealed for the release of Aung San Suu Kyi in meetings with the Burmese foreign minister in Tokyo.

Japanese policy toward China continued to contradict official ODA policy, as \$1.1 billion in aid was disbursed in 1992, unaffected by Chinese human rights violations. A visit to Tokyo by Chinese Communist Party leader Jiang Zemin to mark the twentieth anniversary of normalization of relations was aimed at

encouraging closer economic ties between the two countries. Following his visit, Japan and China signed an agreement for approximately \$5 billion in new energy loans.

The increase in aid was not accompanied by attempts to link ODA to human rights improvements. Foreign Ministry and trade officials in Tokyo told Asia Watch that such a linkage was highly unlikely, and that Japan would continue to push economic reform and liberalization in China in the hope that political reform and an end to human rights abuses would eventually result. They also stressed that given Japan's military history in China, human rights appeals would be inappropriate.

Increasingly in 1992, as the new ODA policy became more widely known, government officials were anxious to explain Japan's approach to promoting human rights, which relied primarily on quiet diplomacy. They felt this approach was widely misunderstood in the West and interpreted as indifference to human rights. Officials in Tokyo told Asia Watch they believed Japan's method could produce results when dealing with other Asian countries, especially when Japan's "soft approach" is complemented by "hard approaches" taken by the U.S. and others.

The Right to Monitor

Human rights groups in Japan are free to function without government restriction or harassment.

U.S. Policy

In 1992, the U.S. refrained from any public criticism of Japan's treatment of Chinese dissidents. The State Department's *Country Reports on Human Rights Practices in 1991*, issued in January 1992, noted Japan's refusal to grant asylum or refugee status to Chinese dissidents, and its decision to grant the "designated activities" visa in some cases and to extend student visas in others. It also referred to evidence that Chinese students seeking to extend visas faced many obstacles and impedimenta erected by immigration officials.

While the State Department report referred to Lin Guizhen's repatriation, it did not criticize Japan for deporting her but simply said the government had "considered her case through regular procedures, including consultation with the office of the U.N. High Commissioner of Refugees." No mention was made of Lin's pending court suits or the reasons why she feared persecution in China.

The Work of Asia Watch

In March, Asia Watch sent a delegation to Tokyo to carry on its dialogue with Japanese government officials, members of the Diet, trade organizations, nongovernmental groups and others. Throughout the year, Asia Watch kept in regular touch with Japanese government officials about human rights concerns in Asia and worked with Japanese nongovernmental organizations to raise specific issues on Indonesia and Burma with the Japanese government.

PHILIPPINES

Human Rights Developments

The most important political development in the Philippines in 1992 was the peaceful transition of power from Corazon Aquino to Fidel Ramos on June 30, after a presidential election in which Ramos won a plurality (23.8 percent) of the popular vote. Ramos had a poor human rights record as head of the notoriously abusive Philippines Constabulary under Ferdinand Marcos. He was also criticized for failing to enforce his own human rights directives while serving first as Chief of the Staff of the Armed Forces and then as Secretary of National Defense in the Aquino administration. His election was thus greeted with some concern by Philippine human rights monitors.

Nevertheless, President Ramos made some significant moves within a month of taking office. He proposed the repeal of the Anti-Subversion Act (Republic Act No. 1700) under which the Communist Party of the Philippines (CPP) had been outlawed; an extension of an Aquino-era amnesty for former rebels of the New People's Army (NPA), the armed wing of the CPP; the formation of a National Unification Commission to open peace talks with the rebels; and a review of all cases of suspected rebels currently in detention. Repeal of the Anti-Subversion Act was approved by the Philippines Congress and went into effect on September 22, leading to the release of several well known prisoners such as Rodolfo Salas, former head of the CPP. Salas was freed one day before his six-year term expired. However, human rights organizations estimated that several hundred suspected rebels continued to be detained on criminal charges, particularly illegal possession of firearms. They alleged that in many cases, the charges were either spurious or politically motivated.

There was concern that President Ramos was not taking adequate steps to curb abuses by the paramilitary force, Citizens Armed Forces-Geographical Unit (CAFGU). He said he would reduce the size of CAFGU, depending on the number of rebels who take advantage of the amnesty program, but in September, he proposed that a new urban paramilitary force be created, the Auxiliary Police Force. It was not clear if strict controls over recruitment, training and supervision of the new force would be imposed from the outset to prevent abuses.

A well-established pattern of human rights violations continued in 1992, although with fewer reported violations than in previous years. Over a dozen disappearances of persons associated with community organizations suspected of rebel connections were reported; one example was that of Ricardo Lirasa, a member of the Basic Christian Communities in Negros Occidental who was arrested by CAFGU members in May and subsequently disappeared. Extrajudicial executions of suspected rebels by CAFGU members and soldiers were reported from Negros Occidental, Agusan del Sur, Zamboanga del Sur, and other provinces.

The Right to Monitor

There are no legal restrictions on human rights organizations in

the Philippines. Antonio A. Ayo, Jr. and Santiago Ceneta, two lawyers from the Camarines Norte branch of the human rights organization, the Free Legal Assistance Group (FLAG), were charged with subversion in 1991 for allegedly aiding the NPA. FLAG maintained that the charges were in fact a form of harassment against lawyers who defended suspected NPA members. Both lawyers went on trial in 1992 but the charges against them were dropped when the Anti-Subversion Act was repealed.

U.S. Policy

The Philippines Senate voted to have the U.S. withdraw its military bases, and the United States completed its withdrawal from the Subic Bay naval base on November 24. During his confirmation hearing in July, U.S. Ambassador Richard Solomon stated that the U.S. would continue to assist the Philippine military with information, training and maintenance under the 1951 U.S.-Philippine Mutual Defense treaty. In June, the administration said that it had ceased supplying military equipment and training to the Philippines National Police (PNP), formed 18 months earlier after the dissolution of the Philippines Constabulary, which had been part of the military. The State Department had determined, Solomon said, that such aid would have violated Section 660 of the U.S. Foreign Assistance Act, which prohibits training or financial support for civilian police forces. The PNP continues to receive aid under other U.S. programs.

U.S. aid to the Philippines took a dramatic downward turn in 1992, from \$567.9 million in fiscal year 1991 to \$218.7 million in fiscal year 1992. For fiscal year 1993, Congress provided \$40 million for the Multilateral Assistance Initiative; the foreign aid bill required that at least \$25 million of those funds be channeled through private voluntary organizations and cooperatives. Additional funding not earmarked by Congress included \$25 million in Economic Support Funds, \$30 million for development assistance, \$45 million requested for security assistance, and \$2.4 million for International Military Education and Training.

In its report on the foreign aid bill, the House Appropriations Committee urged the administration to use its influence with Manila "to seek justice in many of the outstanding cases involving reports of human rights atrocities by Philippine security forces or individuals within their control." Ambassador Solomon, in his confirmation hearings, acknowledged that "extrajudicial violence" in the government's counterinsurgency campaign was a problem but was unable to suggest possible steps that might be taken to promote human rights more effectively.

A jury in a U.S. district court found the late Ferdinand Marcos's estate liable for torture; the court will next determine the amount of compensation owed to his victims.

The Work of Asia Watch

In January and February, Asia Watch conducted a five-week investigation of human rights abuses by the CAGU paramilitary force, and in April issued a report of its findings. *Defending*

the Earth, a joint report of Human Rights Watch and the Natural Resources Defense Council, included a chapter documenting politically motivated abuses against environmental activists and reporters in the Philippines, and another Human Rights Watch report, *Indivisible Human Rights: The Relationship of Political and Civil Rights to Survival, Subsistence and Poverty*, included a chapter on the forced eviction of the indigenous T'boli people from their ancestral land in Mindanao by landlords linked to the armed forces.

Asia Watch met twice with Philippine embassy officials in Washington, including the ambassador, to discuss the abuse of Filipina domestic workers in Kuwait as well as human rights concerns in the Philippines.

SRI LANKA

Human Rights Developments

The civil war in Sri Lanka continued in the Northeast between the Tamil militant group, the Liberation Tigers of Tamil Eelam (LTTE), and Sri Lankan government troops, with violations of the laws of war by both sides. However, death squad killings and disappearances associated with government counterinsurgency campaigns in the South decreased, leading some government officials to claim that the country was "back to normal." But southern Sri Lanka experienced a marked increase in political intimidation and violence in 1992, with journalists, human rights lawyers and political opposition members the targets. Tens of thousands of disappearance cases from the mid-1980s through 1992 remained unresolved, and new government human rights agencies were still far from effective.

According to a government report, 2,095 people, including 457 civilians, were killed in the war between January and September 1992. Tens of thousands of families were displaced by fighting in northern Sri Lanka in 1992, in addition to the million and a half already displaced since the current phase of the war began in June 1990. The military's attempts to seal off the Jaffna peninsula led to repeated shortages of food and essential supplies for the civilian population.

In January 1992, the Indian government began repatriating the first 30,000 of some 230,000 Sri Lankan Tamils who had fled to India since 1983. Reports of involuntary repatriation continued throughout 1992 and refugee agencies expressed concern that many returnees were ill-informed about security risks in Sri Lanka.

Most returning refugees were destined for temporary camps in the eastern district of Trincomalee, or for the northern districts of Mannar and Vavuniya—all sites of recent violence between the LTTE and security forces. In September, the LTTE began targeting strategic locations in Trincomalee District as a vital link between North and East and launched major attacks against soldiers in the area. Security forces also arrested large numbers of young Tamils in Trincomalee in September. With security

conditions in the Northeast making it impossible for many of the repatriated refugees to return home, the temporary facilities were severely overcrowded. According to reports from refugee agencies in late September, only half of the refugees repatriated since January had been able to return home.

In August, the government of Sri Lanka began prohibiting returnees with homes in LTTE-controlled areas from leaving welfare centers in government territory. Previously, some 5,000 refugees who were allowed to return to LTTE-controlled areas were required to sign forms relieving the government of responsibility for their safety.

In February, the Sri Lankan army began a series of offensives in the North, each employing thousands of troops, as well as armor and air support. Reports of civilian deaths and injuries associated with indiscriminate firing and shelling continued, although at lower levels than at the height of the air war in 1990. On May 20, 1992, for example, artillery shells hit the Vattappalai Temple in Mullaittivu District where some 3,000 Hindu Tamil worshippers had gathered for the annual Pongal festival. Twenty-three worshippers were killed and at least 30 were injured.

Combatants also continued to engage in deliberate, large-scale massacres of civilians. Throughout 1992 the LTTE responded to the army's assaults not only with ambushes and counter-assaults against army personnel, but also with bombings of marketplaces, ferries and bus stops, and massacres of Muslim and Sinhalese civilians. Most of these attacks occurred in northern and eastern Sri Lanka, where different ethnic groups live in close proximity. Similar massacres were carried out by Muslim and Sinhalese civil defense units called "home guards"—villagers who are armed and given perfunctory training by the Sri Lankan military, often after LTTE killings of Muslims.

The heaviest toll in Sri Lanka's bloody cycle of attacks and counterattacks occurred on October 15 in pre-dawn assaults on three villages in Polonnaruwa District, in north-central Sri Lanka. Over 180 people, most of them Muslim civilians, were shot and hacked to death by attackers whom witnesses identified as LTTE cadre.

Sri Lankan soldiers have also engaged in massacres of civilians, and while the government made more of an effort to hold its forces accountable for abuses, it had little to show in the way of prosecutions. On January 30, 1992, a presidential commission investigating the massacre of at least 67 civilians in eastern Sri Lanka in June 1991 found that the killings in the village of Kokkadicholai had been the result of "deliberate retaliatory action" by army personnel for the deaths of two soldiers killed in a land mine explosion.

The case was turned over to the military for investigation, and in early August 1992 the government reported that soldiers involved in the Kokkadicholai massacre faced possible court-martial. On October 28, the commander, Lieutenant H.I.S. Kudaligama, was found guilty of "allowing his soldiers to use their weapons" in the massacre and allowing them to dispose of

the bodies. The 19 soldiers implicated were acquitted, reportedly for lack of evidence.

Informed sources told Asia Watch that the military command was reluctant to pursue the prosecution of soldiers in this case because Sri Lankan troops were already so demoralized by the deaths in August of General Denzil Kobbekaduwa, head of military operations in the north, and eight other senior officers whose vehicle detonated an LTTE land mine in northern Sri Lanka.

In the South, there was an alarming rise in violent attacks against public figures and journalists. Some of the attackers were identified as police officers or ruling party members acting with police complicity. The Civil Rights Movement (CRM), one of the foremost Sri Lankan human rights organizations, counted at least ten such incidents between January and August 1992. In a statement released on August 28, CRM denounced what it called "officially sanctioned or condoned lawlessness." It called on the government to end impunity for security forces by investigating and prosecuting the attacks and by actively promoting peaceful freedom of expression as a "crucial safety valve." Similar attacks were also attributed to opposition supporters and even hired thugs.

A number of legal actions designed to limit freedom of expression were taken against journalists in 1992. Most recently, editors of *The Island*, an independent English-language newspaper, were told by Criminal Investigations Department (CID) investigators that criminal charges for defamation of the President might be filed against the paper for printing an article on August 20 entitled "Gang threatened death if I drew cartoons of President." The article quoted a letter from Jiffry Younous, a well known cartoonist of the opposition paper *Aththa*, to the Inspector General of Police with details of an attack he suffered on August 18 when armed thugs assaulted him and warned him to stop drawing political cartoons.

In April, *Aththa* itself faced charges for printing accusations made by a former Deputy Inspector General of Police, Premadasa Udugampola, about government complicity in death-squad activity. *Aththa*'s editor and publisher were indicted under Article 26 of the Emergency Regulations for "causing hostility, ill-will and contempt of the government." Both were acquitted on November 10, but Senior State Counsel A.R.C. Perera indicated that the Attorney-General would appeal the decision. Three other papers, *Ravaaya*, *Yukthiya* and *Rajaliya*, were accused of similar offenses.

It was possible to evaluate the work of several government human rights agencies during the year. In 1990, Sri Lanka had responded to international condemnation of its human rights practices by setting up various bodies to investigate past abuses. These included the Human Rights Task Force (HRTF), designed to safeguard the rights of detainees, and the Presidential Commission of Inquiry into the Involuntary Removal of Persons, charged with investigating disappearances.

The results are mixed. While the government's recognition of the need to address past abuses and prevent future ones was a significant step forward, the progress of the commissions was

extremely slow, and their mandates were in some cases so narrow as to limit their usefulness. For example, the commission looking into disappearances can investigate only those that occurred after January 11, 1991, even though an estimated 40,000 people disappeared between 1983 and 1990 after arrest by government forces or abduction by government-linked death squads. By the end of June 1992, according to a progress report Asia Watch received in September, the Commission had received only 453 complaints that fell within its mandate, and of these, only 49 people had been traced.

The Human Rights Task Force has been somewhat more successful. In April it began conducting surprise visits to police stations and army camps—where many of the most serious violations take place—and registered over 780 detainees in these facilities. It also opened several regional offices, although the staff of these offices do not appear to enjoy adequate cooperation from police and army personnel. The HRTF's annual report made useful recommendations for improving the lot of detainees. In particular, it concluded that emergency regulations allowing for indefinite preventive detention were "counterproductive" and called for a re-examination of the regulations. The report openly admitted to shortcomings, remarking that although through August 10 the Task Force had received reports of 3589 missing persons, it had managed to locate only 93. "The gap between 'missing' and 'found' is disconcertingly large," it added. It also acknowledged instances of torture and ill-treatment in police lock-ups, and complained that the army was not informing the HRTF of all detentions. This rare candor on the part of a governmental body in Sri Lanka is most welcome.

Sri Lanka's efforts to address past abuses are noteworthy. While pressure from donor countries played a major role, these efforts were unusual in that they were undertaken by a government that itself was responsible for gross abuses, rather than by a new, reformist government coming to power after a repressive predecessor was ousted.

The Right to Monitor

Although human rights activists in Colombo enjoyed more freedom to monitor in 1992 than in the recent past, threats and violence against individuals and groups continued. In July 1992, unidentified armed men, searching for Kalyananda Thiranagama and Mohan Seneviratne, lawyers with the Lawyers for Human Rights and Development (LHRD), threatened staff members at the LHRD offices in Colombo. The lawyers had taken up many legal cases against the police and other state authorities for violations of fundamental rights. The printer who prints the LHRD newsletter, *People's Rights*, also received threats in July warning him to stop printing LHRD's material. The government responded by providing police protection for the lawyers, but the harassment continued when the police guard went off duty. The government reportedly has made no effort to investigate.

U.S. Policy

Despite ongoing severe abuses in Sri Lanka, U.S. officials acknowledged privately in 1992 that the country once again was not a high priority for the Bush administration, except in the area of commercial relations. At her Senate confirmation hearing in May, Teresita Schaffer, the newly appointed U.S. ambassador to Sri Lanka, indicated that she planned "to take advantage of every opportunity to expand U.S. exports and investment." But she also declared, "We stand for vigorous protection of human rights, and will press all concerned to adhere to international standards in this area." She gave no indication that the zeal to strengthen commercial relations would be tempered by persistent Sri Lankan government abuses.

The Bush administration delivered about \$67 million in development assistance and food aid to Sri Lanka in fiscal year 1992. For fiscal year 1993, the administration requested \$16.5 million in development assistance, and \$55.9 million in food aid.

The administration also spent \$229,000 for International Military Education and Training (IMET) for fiscal year 1992. The administration has requested \$250,000 for IMET for fiscal year 1993. The IMET program is described as "professional military, management and technical training." According to U.S. officials, an IMET human rights program "is still being refined" and details are not yet available.

On March 23, a senior Bush administration official denied reports in *The Washington Post* that the U.S. had proposed \$10 million in credits for the purchase of military equipment to Sri Lanka. U.S. officials have consistently maintained that there was no military aid of any kind to Sri Lanka other than IMET and that human rights concerns are taken into account when any request for military transfers, credits or sales is considered. According to State Department sources, there have been no transactions of this type in the last three years.

At the March 23 briefing, the Bush administration welcomed the Sri Lankan government's acceptance of 30 of 32 recommendations made by Amnesty International to improve human rights conditions, adding that the U.S. government would like to see them all implemented. While acknowledging human rights improvements, the administration expressed concern over continuing disappearances and allegations of misconduct by government forces that far exceeded the number of investigations. The U.S. urged the Sri Lankan government to institute tighter discipline and better procedures for handling detainees.

In a February meeting, a consortium of major bilateral and multilateral donors known as the Sri Lanka Aid Group, of which the U.S. is a member, pledged a total of \$825 million in financial support for economic development and medium-term structural adjustment reforms. Participants in the meeting, including the U.S., acknowledged the Sri Lankan government's efforts to address human rights issues, but urged the government to "bring a larger number of human rights cases to closure." The participants did not explicitly link future aid to progress in fulfilling this recommendation.

The U.S. supported World Bank loans totalling \$132.4 million

to Sri Lanka for fiscal year 1992 (ending June 30, 1992), a reduction from the \$163 million disbursed in fiscal year 1991. Asia Watch believes that the U.S. should use the pendency of these loans to encourage the Sri Lankan government to prosecute its forces for past violations and to end ongoing abuses.

The Work of Asia Watch

Asia Watch continued to monitor the implementation of the Sri Lankan government's human rights initiatives and the repatriation of Tamil refugees.

On January 18, 1992, Asia Watch released a statement calling on the Indian government to halt its proposed repatriation of Sri Lankan refugees housed in camps in Tamil Nadu until their safety in Sri Lanka could be guaranteed. Citing continued security risks in Sri Lanka and possible coercion on the part of camp officials, Asia Watch called the plan dangerous and irresponsible. On January 23, letters to Indian Prime Minister Narasimha Rao and Sri Lankan President Ranasinghe Premadasa reiterated Asia Watch's concern for the welfare of returning refugees and urged India to allow international bodies such as the United Nations High Commissioner for Refugees (UNHCR) access to the camps.

On February 3, Asia Watch released the preliminary findings of its December investigative mission to Sri Lanka. Timed to coincide with the Sri Lankan aid consortium meeting in Paris, the report urged donors to insist on accountability for past patterns of human rights violations.

On February 13, Asia Watch staff met with Sri Lankan Government Special Representative Milinda Moragoda, and Minister Bernard Goonetilleke of the Sri Lankan Embassy, to discuss the findings of the Asia Watch mission, the recommendations of the U.N. Working Group on Disappearances, and Asia Watch's own recommendations to minimize civilian casualties in situations of armed conflict.

In April, Asia Watch released an appeal to both the Sri Lankan government and the LTTE leadership. Aimed at the protection of noncombatants during an anticipated army offensive, the appeal outlined minimum standards of humanitarian law applicable to all parties in the Sri Lankan civil war.

On May 31, Asia Watch released *Human Rights Accountability in Sri Lanka*, which provided a more detailed analysis of human rights reforms undertaken by the Sri Lankan government since the meeting of Sri Lanka's donor countries in October 1990. The report also made recommendations to the Sri Lankan government on how to improve the effectiveness of these reforms. On July 10, at the request of government officials, Asia Watch released an open memorandum to the Sri Lankan government summarizing the recommendations of this report.

On October 15, responding to one of the largest massacres of Sri Lanka's civil war, Asia Watch condemned the LTTE's attack on over 160 Muslim civilians as "a blatant violation of humanitarian law." Asia Watch also urged the Sri Lankan security forces and Muslim groups not to respond in kind.

On November 10, Asia Watch released a letter to Mme. Sadako Ogata, United Nations High Commissioner for Refugees, expressing

continued concern over reports of human rights violations associated with the repatriation of Sri Lankan refugees from India. Asia Watch urged, given the volatile security situation in Sri Lanka and reports of coercion by camp authorities, that the repatriation process be halted until the UNHCR has full access to refugee camps in India and adequate screening and monitoring procedures are in place.

THAILAND

Human Rights Developments

Thailand, not usually considered a major human rights abuser in Asia, became the focus of international attention in May when Thai troops fired into crowds of demonstrators in Bangkok who were demanding the resignation of Prime Minister Suchinda Kraprayoon. Between May 17 and 20, at least 52 were killed and several hundred injured while more than 200 remain unaccounted for.

The roots of the demonstrations lay in a military coup on February 23, 1991, when a group of generals, including General Suchinda, overthrew a democratically elected government. They formed a National Peace-Keeping Council (NPKC) and promised to hold elections in six months. Suchinda himself promised he would not accept the post of prime minister.

The NPKC took two actions to restrict labor rights, banning state enterprise unions and requiring Ministry of Interior approval for any labor union "advisers." The NPKC also silenced prominent critics, among them Professor Sulak Sivaraksa, who was charged with *lese majeste* for a speech he gave criticizing the military and the monarchy at Thammasat University on August 22, 1991. A warrant was issued for Prof. Sulak's arrest, and he fled into exile.

By November 1991, the military was rewriting sections of the constitution to give itself a permanent power base. Mass demonstrations took place in Bangkok during November and December 1991 to protest the changes, which allowed the NPKC to appoint an upper house of the Parliament, and an unelected prime minister to be designated by the Parliament.

On March 22, 1992, general elections were held with a coalition of five military-backed parties winning 195 seats in the House of Representatives—a clear majority—as compared to 165 seats for the pro-democracy parties. On March 25, Narong Wongwan was nominated as prime minister, but his nomination was withdrawn when the U.S. government announced that Narong had been refused a visa because of alleged involvement in narcotics trafficking. On April 7, Supreme Commander and army chief General Suchinda was appointed prime minister, despite his earlier promise not to accept the post.

On April 8, a former member of Parliament, Chalad Worachat, began a hunger strike demanding Suchinda's resignation. Throughout April, tens of thousands of demonstrators took to the streets to echo that demand, and by early May, the demonstrations

were even larger. Former Governor of Bangkok Chamlong Srimuang declared that he, too, would go on a hunger strike if Suchinda did not resign. On May 10, the opposition agreed to call off the demonstrations for one week to allow for negotiations.

With no significant progress in the negotiations, demonstrators gathered on May 17 at the Sanam Luang park in Bangkok demanding constitutional changes that would lead to the immediate resignation of Suchinda. By 10:00 P.M., police had turned water cannons on the demonstrators, who responded by throwing rocks and turning over two fire trucks. Police then began beating demonstrators with their nightsticks. By midnight, Suchinda had declared a state of emergency, and military troops, equipped with M-16 rifles, had opened fire. Over the next three days the Thai military and Border Patrol Police fired their guns indiscriminately to clear the streets, killing at least 52, injuring hundreds and arresting over 3,000.

After the intervention of the King and increasing international pressure, Suchinda stepped down on May 24. His last act was to ensure that an executive decree was issued, providing an amnesty for "all offenders", leading to the release of those arrested during the demonstration but also to impunity for the military officers who used excessive force against demonstrators and, in some cases, deliberately executed them. The much-respected Anand Panyarachun, who had reluctantly accepted appointment as prime minister after the February 1991 coup, was persuaded to return to the post until elections could be held. He proceeded to take a number of steps in support of human rights, including approving in principle Thailand's accession to the International Covenant on Civil and Political Rights; revoking the decree by which the Supreme Commander of the Armed Forces had automatic command of the Internal Peace-Keeping Force; transferring key commanders involved in the May events to inactive posts; and setting up an ad-hoc committee to study ways of protecting freedom of the press, including by private ownership of the broadcast media. He also set in motion a number of investigations into the May killings.

On September 11, the independence of the Thai judiciary was called into question when Prime Minister Anand passed a controversial executive decree changing the composition of the Judicial Commission, which is primarily responsible for judicial appointments. Anand sought to reduce the power of Supreme Court Senior Judge Pramarn Chansue over the Commission by dramatically decreasing the number of elected members. The House of Representatives quickly overturned the decree and established an ad hoc committee to reform the judiciary. In the meantime, there are charges that the Judicial Commission, now dominated by Pramarn supporters, has shown a marked favoritism in its judicial appointments, particularly the regional chief justices and the promotion of Pramarn to Chief Justice of the Supreme Court over three more senior judges.

National parliamentary elections were held on September 13, and a fragile civilian coalition was formed under Chuan Leekpai, a member of the Democratic Party. The new parliament revoked the May amnesty decree, but by late November, it was still unclear

whether military officers involved in the May violence could legally be prosecuted. The government revived state enterprise unions that had been dissolved after the 1991 coup, but it remained unclear whether they would be granted the right to strike.

The longstanding problem of treatment of Burmese refugees in Thailand persisted in 1992. The number of refugees from Burma's ethnic minorities living in camps along the border climbed to over 70,000. Thousands of Burmans, the country's majority ethnic group, from lowland areas in Burma also fled to Thailand to escape military abuses. (See chapter on Burma.)

Because the Thai government refused to grant refugee status to the Burmese, those who did not end up in the border camps faced deportation or arrest and detention in Immigration Detention Centers (IDC) where conditions were generally appalling. The IDC in Bangkok, for example, with a capacity of 200, had from 1,200 to over 2,000 "illegal immigrants" detained at a given time, the majority of whom were Burmese. The inmates were given extremely limited medical care and no access to translators or legal support.

On February 17, the Thai Ministry of Interior announced that all "Burmese students" in Bangkok would have to register and be interviewed to determine their eligibility for transfer to a "safe area" in Ratchaburi province. Those deemed ineligible would face deportation or arrest. In early September, the Interior Ministry acknowledged that 516 Burmese students were "genuine refugees," of the 1,425 who had registered. The 516 were to be transported to the "safe area" on September 21. However, Burmese groups and international human rights organizations raised serious concerns about the screening procedures used to determine refugee status. They also were troubled by the limited role of the United Nations High Commissioner for Refugees (UNHCR) in monitoring the safety of students in the camp and protecting them against involuntary repatriation and abuse by the Thai military. As a result, the Thai government twice postponed action on the plan, and as of late November only a handful of students had agreed to go to the "safe area" voluntarily.

Thailand's willingness to shelter and trade with the Khmer Rouge (Democratic Kampuchea) has come under particular criticism, particularly as the Khmer Rouge have consistently violated the Paris peace accords and refused to cooperate with U.N. authorities. Until late 1992, the Thai government was refusing to use its leverage with the Khmer Rouge to bring about cooperation, citing the need to maintain evenhandedness with all four factions (see chapter on Cambodia). Thailand also refused to consider U.N.-sponsored sanctions against the Khmer Rouge that would involve sealing off the Thai border to cut their economic lifeline and blocked U.N. convoys and U.N. peace-keeping units from entering Khmer Rouge areas from Thailand. In early November, however, the Thai foreign minister suggested that his government would cooperate if the U.N. decided on sanctions.

Right to Monitor

Human rights groups and other non-governmental organizations are

able to work openly in Thailand but know that there can be serious consequences if they go "too far." In June, following the May killings, Dr. Pradit Charoenthaithawee, rector of Mahidol University and chair of a subcommittee of a government commission of inquiry looking into the fate of those missing, was forced to resign from the commission after he received threats against himself and his family for suggesting that the army knew where bodies were buried. People accused of helping or accommodating "illegal Burmese" in Thailand can face imprisonment of up to five years and a 50,000 Baht fine. The threat of criminal sanction serves as a warning to individuals and NGOs addressing human rights abuses of Burmese in Thailand.

U.S. Policy

In the immediate aftermath of the May killings, the Bush administration pulled out combat troops from joint U.S.-Thai military exercises, publicly condemned the violence and loss of life, and met with Thai leaders to urge restraint and a peaceful political solution. But the U.S. government continued some military sales and took no action to hold up World Bank loans to Thailand. Following the September 13 elections, the administration moved to resume economic and military aid, participation in joint combat maneuvers and high-level military visits, despite key outstanding questions about the role of the Thai military in the May shootings.

Following the military coup in February 1991, in accordance with a provision of the fiscal year 1991 foreign aid bill banning most aid to any country where an elected government is overthrown in a military coup, the administration had suspended U.S. economic and military assistance to Thailand until the installation of a freely elected government. However, this cutoff did not affect anti-narcotics assistance (\$4 million in fiscal years 1991 and 1992, with the same amount budgeted for 1993), and aid given through private voluntary organizations for certain projects. Nor did it prevent Thailand from using its own funds to purchase American military equipment, such as F-16 fighter planes, radar equipment and small arms, reportedly worth over \$900 million since the coup.

The transfer of U.S. arms to Thailand, either through a government-to-government program (Foreign Military Sales, projected at \$400 million for fiscal year 1993) or via commercial sales, remained essentially unchanged following the violence in May 1992, although a ban was imposed on small arms and other lethal items that could be used for crowd control. All other transfers were reviewed on a "case-by-case basis," according to the June 23 written testimony of Assistant Secretary of State for East Asian and Pacific Affairs, submitted to the Senate Foreign Relations Committee.

On May 19, after three days of violence in Bangkok, the U.S. government withdrew 10,000 combat troops from the joint military exercise with the Thais known as Cobra Gold. However, members of Congress criticized the Administration for allowing non-combat troops to participate. "We think it makes common sense in a time of problems in Bangkok not to have picture of U.S. forces

storming the beaches in Thailand," a Pentagon spokesman explained on May 19. A second set of maneuvers scheduled for July was cancelled.

Congress was outspoken in condemning the shootings and demanding an end to the violence and continuing arrests. On May 19, the Senate passed a resolution urging a lifting of the state of emergency and release of all those detained for peaceful activity. The resolution also urged a halt to joint military operations with Thailand and a continued ban on U.S. economic and military assistance until "a duly elected government is installed and human rights are respected." A bipartisan group of members of the House Select Committee on Hunger appealed to the King and Prime Minister Suchinda on May 21 to move swiftly to rescind emergency powers and resume negotiations with the opposition.

At the time of the Bangkok killings, the World Bank was reviewing projects worth \$400 million—\$178 had already been approved, additional funds were due to be considered in June—with several other loans under preparation. Asia Watch publicly urged the U.S. government to lobby the Bank actively for a suspension of these loans, but received no response.

On October 2, following the September elections, the Senate passed a resolution, commending Thailand's interim government for holding elections and investigating the May killings, and urging the new government to complete official inquiries. The Senate expressed support for a resumption of economic assistance, but it made no recommendation on military assistance.

In response to an Asia Watch request that the administration consider holding up some forms of military cooperation or aid until all investigations were completed, James Lilley, Assistant Secretary of Defense for International Security Affairs, wrote stating the Pentagon's intention to re-establish "normal relations with the newly constituted military establishment." As of November, discussions were underway between the administration and Congress regarding resumption of military aid.

The administration expressed support for the Thai government's plan to send 516 Burmese students identified by Thailand's Interior Ministry as "genuine refugees" to a "safe area" along the Thai-Burmese border, despite serious concerns about how well those students would be protected from abuse. The State Department said it believed that the site meets "international standards for the protection and welfare of asylum-seekers," noting that a nongovernmental organization affiliated with the UNHCR (though not the UNHCR itself) will have a permanent presence at the site. As of January 1993, the U.S. government will require that all Burmese students seeking to resettle in the United States must apply from the "safe area."

The Work of Asia Watch

Asia Watch closely monitored events in Thailand in May, issuing statements on May 19 and 21 as the crackdown proceeded, and undertaking a more in-depth investigation in late June, together with Boston-based Physicians for Human Rights (PHR). An Asia Watch-PHR report was released on October 1 entitled *Bloody May*:

Excessive Use of Lethal Force in Bangkok. The two organizations called in the report for a stepped-up effort to find those missing after the May violence and a revocation of the amnesty decree.

Asia Watch also published a report on March 20, *Abuses Against Burmese Refugees in Thailand*, calling for better screening procedures to determine who in fact is a refugee with a well-founded fear of persecution. Asia Watch also issued a press release on September 21 to express concern over the imminent transfer of Burmese students to the so-called "safe area."

Asia Watch staff were active during the year in responding to congressional inquiries and providing input for resolutions on Thailand and Burma adopted in the House and Senate.

VIETNAM

Human Rights Developments

Vietnam pursued further economic and legal reforms in 1992 at the same time as it continued to punish its critics and opponents. Positive developments included constitutional reforms that gave incrementally greater prominence to individual rights, the release of almost all known officials of the Saigon regime who had been held continuously without trial since 1975 for "reeducation," and diminishing control over daily life by the Communist Party. On the negative side, the government continued to arrest, detain and sentence individuals for non-violent dissent, to hold prisoners in conditions that threatened their health and safety, to censor writers, and to repressively control religious institutions.

Perceived political dissent continued to be harshly suppressed. The official press reported in May that Doan Viet Hoat, a professor of English literature, and other intellectuals arrested in late 1990 were to be tried for circulating a newsletter named "Freedom Forum" which published articles on political and social reform. Doan Thanh Liem, a constitutional law scholar arrested for his association with the American businessman Mike Morrow in 1990, was sentenced in a secret trial on May 14 to 12 years' imprisonment for "anti-socialist propaganda." The evidence against him consisted of proposals for constitutional reform that he had circulated to high officials, an article on Catholicism in East Germany that an American friend had sent him, and his private notes that he had jotted on socialism and education. Nguyen Tri, identified as a "reactionary poet," was given an eight-year prison sentence for helping Liem type some documents. The intellectual Le Van Tien began a hunger strike on February 18 to protest his detention on groundless accusations of espionage. The authorities released him some two weeks later after his health had deteriorated sharply but did not permit him to emigrate to the United States as he had planned before his arrest in June 1990.

Numerous other persons were arrested and imprisoned for what appears from official reports to have been non-violent opposition to the government expressed through exercise of their rights to

freedom of expression and association. Among them were Nguyen Ngoc Dat, sentenced to 20 years' imprisonment along with four others for drawing up documents on humanism and Buddhism and making contacts with overseas Vietnamese, with the purported intent "to overthrow the government." A number of former South Vietnamese military officers who had formed the "Lien Viet" group were arrested for leading a campaign to write critical leaflets and messages on banknotes, such as "Communism? No! Democracy? Yes!"

The treatment of prisoners remained cause for grave concern. Dr. Nguyen Dan Que, an endocrinologist arrested in 1990 for signing a petition that called for human rights and political reforms, was transferred in early June from Phang Dan Luu jail to a cell in Chi Hoa prison with violent common criminals. Two of his front teeth were then knocked out. Do Ngoc Long, also arrested with Mike Morrow in 1990 but still awaiting trial, collapsed at the end of May and was transferred from Phang Dang Luu to Chi Hoa prison hospital. Both of these prisoners have since been transferred to labor camps outside of Ho Chi Minh City. Other political prisoners have suffered health disorders and malnutrition during incarceration, and one prisoner reported on his release that he had been punished whenever his name was publicized by foreign human rights organizations. The government continues to violate prisoners' rights by permitting family members only sporadically to visit and deliver food and medicine to prisoners.

Almost all of the former South Vietnamese officials and civilians held continuously since 1975 for "reeducation" were released in 1992. Nguyen Khac Chinh, who had been held without charge or trial since December 1975, was not, possibly because he was one of a group of Catholic intellectuals opposed to the communist authorities. Despite Vietnam's announcement in 1991 that it would permit the International Committee of the Red Cross to monitor reeducation camp detainees, no terms for such an arrangement have been worked out.

The 1992 constitution abolished the Council of State and replaced it with a more powerful President, who is empowered to nominate the Premier, Chief Justice and Chief Inspector, and to replace the Council of Ministers with a Premier-nominated cabinet. General Le Duc Anh, a hard-liner who directed the invasion of Cambodia, was elected President (and armed forces commander-in-chief), and Vo Van Kiet, a reformer, was re-elected Premier. Their selection suggested a continuing two-track policy of economic reform coupled with tight political control.

The elections for the National Assembly brought less change than originally anticipated. Although a new election law permitted independent candidates, only two of 42 independents were found to be qualified as candidates by the Party-controlled Fatherland Front, and several of the more outspoken deputies from Ho Chi Minh City were not invited to run again. Even so, a number of incumbents lost their seats, including Madame Nho Ba Thanh, the head of the legislative drafting committee of the National Assembly, who was one of Vietnam's leading non-communists. The Party had increasing difficulty attracting new members and called

for further efforts against ideological pollution and corruption.

Major constitutional changes recognized new rights to engage in business, own the means of production, and transfer interests in land. Innovations in civil and political rights were less dramatic. In the provision guaranteeing the freedoms of speech, press, assembly, association and demonstration, the new constitution dropped the qualifier "in accordance with the interests of socialism and of the people." The Communist Party is still designated the "leading force of the state and society," but all Party organizations are now to "operate within the framework of the Constitution and the law." "Oppressive investigations" were explicitly forbidden for the first time, but the term "oppressive" was never defined. A prohibition of punishment without a court-imposed guilty verdict, which had existed in the criminal procedure law, was also incorporated into the constitution. However, religious freedom continued to be limited by the warning that "no one can violate the freedom of faith or exploit it in a way at variance with the law and state policies."

An extraordinary protest movement in the Buddhist community for greater independence and freedom began in 1992, set off by the funeral of the Patriarch Thich Don Hau on May 3. Thich Don Hau, the most senior leader of the Unified Buddhist Church still at liberty, had stipulated that his funeral was to follow Buddhist tradition strictly, without any official intervention. Upon the Patriarch's death, however, the government swiftly bestowed upon him the Ho Chi Minh Medal and set about organizing the funeral, despite hunger strikes and threats of self-immolation on the part of many monks. Thich Huyen Quang, the senior leader of the Unified Buddhist Church who since February 1982 has been exiled from Ho Chi Minh City and placed under house arrest, was permitted to attend the funeral only after a day-long hunger strike. He delivered an oration condemning the government's attempt to dissolve the Unified Buddhist Church in 1981 and to establish a state-controlled Buddhist church with the same name.

Thich Huyen Quang also issued a nine-point petition calling on the government either to place him on trial or to annul the decree of house arrest; to account for the deaths of monks and nuns and the destruction of Buddhist property since 1975; to free religious and political prisoners, among them the Buddhists Thich Quang Do (who was rearrested on April 17, just three weeks after he was released from house arrest and internal exile imposed in 1982), Thich Duc Nhuan, Thich Tue Sy and Thich Tri Sieu; and to restore full rights to the original Unified Buddhist Church. Since then, the government has condemned the petition and swept pagodas and monasteries for copies of it. The government also interrogated and arrested monks, nuns and laypersons suspected of possessing or distributing copies and threatened Thich Huyen Quang with further penalties.

Relations between the Vatican and Hanoi have grown more cordial with the first visit of an official Vietnamese delegation to Rome in June. Yet, Msgr. Francois-Xavier Nguyen Van Thuan, appointed archbishop of Ho Chi Minh City in April 1975, was still

unable to return from Rome to assume his duties. A major seminary reopened in Nha Trang this year, and the ordination of Msgr. Thomas Nguyen Van Tram, the new bishop of Xuan Loc diocese, drew a crowd of over 50,000 on May 7. The outspoken Catholic leaders, Father Chan Tin and Nguyen Ngoc Lan, remained under a tightly enforced administrative order of house arrest imposed in 1990, and one priest was sentenced to three years' house arrest for possessing a recording of one of their controversial sermons.

In secular realms, too, censorship continued, even while dissent and debate increased. According to the official press, the authorities continued throughout 1992 to seize and destroy "decadent" literature and videotapes, including materials deemed "superstitious" or "counterrevolutionary." The Culture Ministry confiscated 2,400 copies of a work that satirized the Party's favored authors while praising dissident writers such as Pham Thi Thoai and Nguyen Huy Thiep. In August, Phan Dinh Dieu, a prominent mathematician, circulated a petition urging the head of the party to accept more political openness and to drop its ideological rigidity.

The Right to Monitor

Vietnam does not permit open criticism of its human rights record by its own citizens, and has largely blocked international or foreign organizations from making independent investigations (exceptions being investigations into the status of returning boat people and American MIA cases). Dr. Nguyen Dan Que, a member of Amnesty International, was sentenced to 20 years' imprisonment in 1991 for subversion, and pilloried in the official press for criticizing human rights abuses in Vietnam and other countries.

A telling indication of Hanoi's growing need to respond to human rights criticism was a September 28 broadcast of the official *Voice of Vietnam* in English. It acknowledged occasional reports of "an intellectual or a religious personality...brought to trial for acts in violation of social security," as well as unavoidable "shortcomings and mistakes" on the part of the Communist Party which were said to have been "corrected." However, the view of human rights as somehow inimical to national security prevailed, with the broadcast warning against "those who take advantage of the present open-door policy and democratic atmosphere in order to destabilize the political situation..."

U.S. Policy

The Bush administration moved toward normalizing relations with Vietnam after a breakthrough on the prisoner-of-war/ missing-in-action (POW/MIA) issue in October when the Vietnamese government agreed to open its archives to U.S. investigators. Earlier, an American researcher working on the archives found and turned over to the Pentagon some 4,800 photographs of U.S. servicemen killed in action during the Vietnam War. President Bush said that after these developments, he was "convinced that we can begin writing the last chapter of the Vietnam War."

The administration did not make improvement in Vietnam's human rights situation a condition for establishing full diplomatic relations. Nonetheless, members of the administration

and Congress continued to raise the cases of political prisoners with the Vietnamese government. Assistant Secretary of State for Asian and Pacific Affairs Richard Solomon raised human rights issues when he headed the highest-level U.S. delegation to Vietnam in March. In April, a delegation of the Senate Select Committee on MIA Issues raised the case of Dr. Nguyen Dan Que. Senator Charles Robb brought medicine from Dr. Que's family, and although Senator Robb was not permitted to visit Dr. Que, authorities videotaped their delivery of the medicine to him in prison.

In March, a bipartisan group of 22 senators led by Senators Orrin Hatch and Joseph Lieberman, wrote to Premier Kiet to urge the release of Le Van Tien, Do Ngoc Long and Doan Thanh Liem. They also urged that Vietnam's laws be amended "to ensure the adequate protection of human rights."

Robert Lam and Giang To Pham, two Vietnamese-American businessmen who were arrested for unknown reasons and charged with attempting to "overthrow the government," were released on July 4, in an obvious goodwill gesture to the U.S.

The administration expanded humanitarian aid to Vietnam, even while extending the 17-year trade embargo and maintaining opposition to loans by the World Bank. On a visit to Hanoi in February, presidential envoy General John Vessey announced the first disaster assistance to Vietnam since 1975—\$25,000 for victims of a cyclone. A package of approximately \$3 million was announced during Secretary Solomon's March trip, which included expanded assistance in prosthetics and health care, free shipping for nongovernmental humanitarian assistance, and 15 Fulbright scholarships in 1992 and another 15 in 1993 for Vietnamese to study in the United States. Restrictions on commercial sales of items that meet basic human needs, such as food, medicine and farm machinery, were lifted in April, along with the ban on direct telecommunications with Vietnam. Finally, the administration promised in September to give nongovernmental organizations in Vietnam up to \$2 million to help repatriate and resettle returning asylum-seekers, and to give the United Nations High Commissioner for Refugees another \$800,000 to assist returning unaccompanied Vietnamese children.

The Work of Asia Watch

At the end of 1992, Asia Watch received approval for the first time to send a delegation to Vietnam, to discuss criminal law reforms. Asia Watch hopes to send the delegation in early 1993.

Throughout 1992, Asia Watch produced updated lists of political prisoners in Vietnam, and urged members of Congress and the administration to raise these cases in encounters with Vietnamese officials. Asia Watch does not take a position on normalization of diplomatic relations between the United States and Vietnam, which the administration has conditioned on factors other than human rights. However, Asia Watch does support continued dialogue and contacts between the two countries to facilitate improvements in human rights conditions.

In August, Asia Watch published a report entitled "Refugees

at Risk," which described the plight of certain groups of refugees subject to forcible return by the Hong Kong government. One such group is the ethnic Nung, a minority that was heavily recruited by the French, American and South Vietnamese militaries in the war against the communists. Since 1975, Nung veterans have been subject to forced labor, exile and deprivation of civil rights. Although Hong Kong has recognized some Nung as genuine political refugees, it has rejected other Nung who experienced severe persecution. Despite Asia Watch's appeals to the governments of Hong Kong and the United States and to the United Nations High Commissioner for Refugees, four such veterans were forced back to Vietnam on August 4, 1992, and others followed in a forced return on November 20. Some of those returned experienced intense political interrogation, and difficulty obtaining identity documents necessary to secure basic services and rights.

Asia Watch also expressed concern for Vietnamese who by virtue of political acts committed while in Hong Kong may be subject to persecution or arrest for political crimes should they be forced back to Vietnam. Examples include artists, writers and political activists whose criticism of the current government has become publicly known. Such persons should be considered refugees under international law, regardless of their reasons for fleeing Vietnam initially. The Vietnamese government's current repression of dissent undermines its vow to the British government not to persecute those who are forcibly returned.