

AMNESTY INTERNATIONAL

External Document

AI Index: POL 10/012/2004 (Public)
News Service No: 122
26 May 2004

Embargo Date: 26 May 2004 09:00 GMT

Asia Pacific Regional Overview Covering events from January to December 2003

The war on Iraq and issues of national security dominated much of the political debate in the Asia-Pacific region during 2003, and several governments used the "war on terror" to curtail human rights. Poverty and discrimination continued to dominate the lives of millions of people, adversely affecting in particular women and indigenous people. Human rights protection remained inadequate across the region and in some countries human rights violations increased as a result of renewed or ongoing armed conflicts.

National security and the 'war on terror'

Security firmly established itself as the prime concern of most governments in the region, often informed by a US-led approach. At the civil society level, however, there was mounting resentment at growing US power and influence both globally and more specifically in Asia. A "strategic partnership" agreement signed between China and the Association of Southeast Asian Nations (ASEAN) in October in Bali, Indonesia, was seen by many as part of China's strategy to counter US unilateralism as well as to build closer economic and security ties within Southeast Asia. In East Asia, tension increased between Taiwan and China after Taiwan adopted legislation in November allowing its people to vote on sovereignty and other issues.

The belief of several governments that human rights could be curtailed under the "war on terror" umbrella was particularly apparent in China, India, Malaysia, Pakistan and Thailand. Hundreds of people suspected of "terrorism" found themselves condemned to legal black holes as the authorities ignored national and international legal frameworks. In Pakistan, more than 500 people, including Arabs and Afghans, were arbitrarily arrested and handed over to the US authorities on suspicion of membership of al-Qa'ida and the Talebanin violation of Pakistan's Extradition Act of 1974. Others were believed to be held at undisclosed locations in Pakistan, but the authorities refused to provide any information about them. In Gujarat, India, hundreds of members of the Muslim community were held in illegal detention against a background of investigations into a range of conspiracies against the state. In China, thousands of members of the predominantly Muslim Uighur community were detained or imprisoned as "separatists, terrorists and religious extremists" and the Uighur culture came under attack through the closure of mosques, restrictions on the use of the Uighur language and the banning of certain Uighur language publications.

Protests by half a million people in Hong Kong in July prompted the authorities to withdraw controversial proposals prohibiting acts of treason, secession, sedition and subversion.

Economic, social and political rights

A growth in economic inequality was particularly marked in the region's most populous state, China, as a consequence of economic liberalization. In some countries that were hit hard by the Asian financial crisis of 1997, including South Korea and Thailand, the economies continued to recover. However, life for the large majority of the region's rural population remained largely unchanged. The dominant reality for the most vulnerable, including women and indigenous people, continued to be widespread poverty and discrimination. Farmers' organizations and others defending the rights of poor rural populations expressed alarm at the impact on human rights of the failure to reach agreement on tariff barriers and agricultural subsidies at the World Trade Organization summit in Cancun, Mexico, in September. Under the pressure of economic hardship in the countryside, more and more people migrated to nearby cities or other countries in the region. Among them were many women looking for work in garment and export assembly plants where they could earn higher wages than in their villages. They were exposed to widespread abuse, including poor working conditions and sexual violence at work.

Many governments, including those in China, Laos and Viet Nam, did not match their apparent support for increased economic freedom with a commitment to political freedom as they continued to hold on to political power in an absolute way. In China, the Maldives, Myanmar and Viet Nam, many prisoners of conscience remained in jail for the peaceful expression of their political beliefs. In China and Viet Nam in particular, there were crack-downs on people using the Internet to download or circulate information on human rights and democracy. After substantial levels of media attention, several of these prisoners were released.

While widespread violations of the right to health continued to be reported, the outbreak of Severe Acute Respiratory Syndrome (SARS) in February pushed some governments to act with greater transparency and accountability. In October the Chinese authorities officially acknowledged for the first time that there were 840,000 people with HIV and 80,000 AIDS patients in the country. The true figures were thought to be considerably higher.

Armed conflict

Armed conflict continued to ravage parts of the region. The seven-year conflict in Nepal resumed after a six-month cease-fire collapsed in August. Both sides to the conflict missed an opportunity to strengthen human rights protection when the National Human Rights Commission presented them with a draft Human Rights Accord in May. Although both sides agreed in principle to the Accord, neither had signed up to it by the time Amnesty International Report 2004 the cease-fire collapsed, and efforts by civil society and the international community to put in place an effective framework for human rights protection remained unsuccessful. In the meantime, there were fears that the continued delivery of weapons from India, the United Kingdom, Belgium, Israel and the USA to the Royal Nepal Army would contribute to an escalation of the conflict.

A cease-fire also collapsed in Nanggroe Aceh Darussalam (NAD) province, Indonesia, with disastrous consequences. After the imposition of a military state of emergency in May, there were allegations of grave human rights violations, including extrajudicial executions, "disappearances", arbitrary detention and torture. Verification of such reports was virtually impossible because the province was effectively closed to independent human rights monitors, humanitarian workers and journalists.

In Laos a decades-old internal armed conflict largely forgotten by the international community was highlighted during the year by reports from journalists. This apparently led to an intensification of military operations by government forces and reports of scores of civilian deaths.

In Afghanistan, there were concerns about the lack of commitment of resources by the international community to the reconstruction of the country, particularly after the focus shifted to Iraq. The Constitutional Loya Jirgatook place in late December amid a deteriorating security situation. Factional fighting continued and Taleban forces gained strength. Instability was compounded by a lack of substantial progress in the disarmament, demobilization and reintegration of former combatants. As the year drew to an end, the Constitutional Loya Jirgawas reaching agreement on a new Constitution. Despite being hailed as a step forward on the country's road to stability, the Loya Jirgawas marred by intimidation of delegates and lack of transparency, and highlighted the continued fractured nature of Afghan society.

Five years of conflict and lawlessness ended in the Solomon Islands when the government invited an Australian-led regional intervention force to restore law and order and to rebuild public services,

including police posts, prisons and courts. The operation, which was continuing at the end of the year, had a regional assistance mandate outside a UN framework. From July, around 2,500 South Pacific troops and police worked with local police officers to arrest more than 400 key suspects, including senior police and rebel commanders, many for crimes relating to serious abuses of human rights. Intervention forces uncovered graves of torture victims and secured the evidence, and ensured the safe return of internally displaced people.

Nuclear weapons

The issue of nuclear weapons continued to cause concern across the region, although for much of the year it was overshadowed by the "war on terror". In February, the International Atomic Energy Agency found North Korea in breach of nuclear safeguards and Amnesty International Report 2004 referred the matter to the UN Security Council. In April, the Security Council expressed concern about North Korea's nuclear program. China acted as the main broker of six-nation talks to resolve the threat of North Korea's nuclear program, also involving Japan, North and South Korea, the Russian Federation and the USA. Tension around the issue dissipated somewhat when in November North Korea stated that it was ready to abandon its nuclear program if the USA dropped its "hostile policy". The North Korean government agreed to consider a US offer of a written security guarantee from the USA and North Korea's neighbours.

Tension between Pakistan and India - both nuclear powers - began to ease towards the end of the year when confidence-building measures, including the resumption of transport links between the countries, were taken by both sides in preparation for the possible resumption of dialogue.

Lack of human rights protection

Against a background of massive political, economic and security challenges, the legal framework for the protection of human rights remained very weak. Asia continued to be the only region without a regional human rights mechanism and governments remained reluctant to ratify key international human rights instruments. For instance, Asia remained the region with the lowest ratification rate for the International Covenant on Civil and Political Rights. The fact that 18 countries in the region were known to have signed immunity agreements with the USA that they would not surrender US nationals accused of genocide, crimes against humanity or war crimes to the International Criminal Court was also an indication of the lack of commitment to combat impunity.

Weak and corrupt criminal justice systems in countries such as Bangladesh, Cambodia and Indonesia continued to impact negatively on human rights. Torture, "disappearances" and extrajudicial executions continued to be widespread across the region.

As in previous years, respect for the right to life was lacking in many Asia-Pacific countries. The region bucked the worldwide trend towards abolition of the death penalty. More people were executed in 2003 in the region than in the rest of the world combined, thanks largely, but not exclusively, to China and Singapore. There was a sharp increase in death sentences and executions in Viet Nam. Singapore was believed to have carried out the highest number of executions per capita in the world since 1994.

According to the UN Office on Drugs and Crime, Asia was the largest producer of illicit drugs - opium and increasingly methamphetamine. The death penalty was frequently used in countries such as China, Malaysia, Singapore, Thailand and Viet Nam as a policy response to drug trafficking, despite evidence of its ineffectiveness. The Thai government appeared to condone killings of drug suspects as one method of fighting drug trafficking and use in the country. According to official statements, 2,245 people suspected of trafficking or using drugs were killed during a three-month campaign starting in February. Child offenders in three countries were known to be at risk of execution. In Pakistan, children continued to be sentenced to death, especially in tribal areas, reflecting the government's failure to implement nationally the laws that forbid the imposition of the death penalty on children in most areas of the country. However, no children were executed during the year. In China, it was reported that a young man was executed in January for a murder committed when he was 16 years old. China's criminal law forbids the execution of minors. In the Philippines, at least seven children held in adult facilities remained under sentence of death.

US-led forces continued military operations in parts of Afghanistan and persisted with arbitrary arrests and detentions. There were grave concerns about detention conditions at the US airbase at

Bagram in Afghanistan where approximately 100 detainees were believed to be held outside any legal framework. In March, US military officials reportedly confirmed reports that "homicide" was the cause of death of two detainees in Bagram in December 2002. The Pentagon opened investigations into their deaths, but the results of these were not made public. Bombings by the US-led coalition forces continued to cause civilian casualties, including two incidents in December that resulted in the deaths of 15 children.

Campaigning for human rights

Human rights defenders across the Asia-Pacific region continued to strengthen their cooperation in response to threats to human rights. In doing so, they faced a wide range of abuses, including killing, "disappearance", torture, arbitrary arrest and detention, and harassment.

Human rights defenders in Indonesia, particularly in areas of armed conflict, were prevented from carrying out their legitimate activities because of the risk of human rights violations. Five activists "disappeared" or were killed in NAD province in Indonesia. Elsewhere in the country, human rights defenders were charged with defamation for publishing information about human rights violations. In various states in India, including Gujarat and Andhra Pradesh, the legitimate activities of human rights defenders continued to be branded as "anti-national", and activists were harassed and threatened by government forces and other agents. In Malaysia, in what was a serious blow for human rights defenders, Irene Fernandez, Director of Tenaganita, a non-governmental organization working with migrant women, was sentenced to 12 months in prison in October for "maliciously publishing false news". The charge related to a report released by Tenaganita documenting patterns of ill-treatment, abuse and deaths from preventable diseases in camps for detained migrant workers.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>