

HUMAN RIGHTS SITUATION IN VIETNAM

ISSUE

The human rights situation in Vietnam remains a serious concern to the Canadian government and a negative factor in an otherwise improving bilateral relationship.

BACKGROUND

Vietnam remains one of the world's last communist states, currently undertaking sweeping economic but much more limited administrative and political reforms. The human rights situation has continued a trend of gradual improvement over the last several years. As a result of the reform process, limited freedom of speech, religion and political discussion are now tolerated. Despite these modest positive trends, Vietnam's performance continues to be mixed and the human rights situation is far from satisfactory. The communist party is firmly committed to one-party rule and any questioning of its leading role is dealt with harshly. An extensive and pervasive security apparatus remains in place. Free and democratic elections have not yet been held in Vietnam, and are unlikely in the foreseeable future.

The last political detainees, who had been held in re-education camps since the fall of Saigon in 1975, were released in 1992. This closes a sordid chapter of the summary incarceration of tens of thousands of South Vietnamese officials and soldiers, and their consequent massive physical deprivation.

Vietnam promulgated a new constitution in 1992 which notes that "human rights in all aspects, political, civil, economic, cultural and social are respected". The constitution also guarantees the customary personal freedoms of speech, movement, association, belief and practice of religion, press, ownership of lawful income, and even the right of self-expression. The caveat, however, is that all of these freedoms must be practiced "in accordance with the law". This permits the incarceration of dissidents, for example, for openly advocating a multi-party system. The lack of an independent judiciary also limits the possibility of individuals from exercising these rights or challenging state contravention of individual rights.

The single most prominent example of human rights violations is Dr. Nguyen Dan Que who has two brothers in Canada and relatives in the USA. As a result of his activities to promote fundamental political reform (and membership in Amnesty International), Dr. Que was sentenced in 1992 to 20 years in prison (which, given his age, amounts to a life sentence).

The incarceration of Buddhist monks and Catholic priests remains a cause for international concern. A number of prominent writers, poets and journalists also remain imprisoned which is a focus of attention of Amnesty International's Canadian branch.

Another area of current concern is the refusal of Vietnamese authorities to allow the return of some of its own nationals back to Vietnam.

CANADIAN POSITION

Canada continues to have major concerns with the human rights situation in Vietnam. Vietnam has come under scrutiny in the ODA, human rights and democratic development review process and these considerations have been taken into account in the development of the ODA program.

We have continued to make regular high-level representations to Vietnamese authorities on every appropriate occasion to encourage greater respect for human rights and about specific cases of interest to us. Human rights issues were raised by then Minister of International Trade, the Honourable Tom Hockin, during the visit to Canada of the Vietnamese Minister of Commerce and Tourism, Le Van Triet, in August 1993.

Canada has also continued to voice its concern about the human rights situation in Vietnam in relevant international fora. The most recent was in a statement made by Ambassador Fréchette to the Third Committee of the 48th Session of the United Nations General Assembly in December 1993.

The establishment by Canada of an Embassy in Hanoi has improved our ability to encourage greater respect for human rights, to discuss issues of concern on a more systematic basis, and to monitor developments.

HUMAN RIGHTS SITUATION IN BURMA

ISSUE

Even with a few signs of progress on individual human rights, Burma still has one of the worst records in Asia. There are perhaps 300 political prisoners remaining, including Nobel Peace Prize winner Daw Aung San Suu Kyi, but exact numbers are hard to track. There have also been new cases of harsh sentences for political activity.

BACKGROUND

After civil unrest throughout Burma calling for an end to 26 years of one-party military rule by the Burma Socialist Program Party led by General Ne Win, the military re-established control over the country, creating the State Law and Order Restoration Council (SLORC) as the new ruling body. The National League for Democracy won the elections in 1990 but SLORC refused to allow the parliament to convene. They claimed that a Constitution must be passed before they can hand over power. They have initiated a process of delegitimizing the 1990 elections which have a four-year term.

Since the beginning of 1992, there have been a few developments, such as the abolition of military tribunals, the convening of a National Convention (700 people, with only a few MPs-elect) on the drafting of the Constitution which has been adjourned to January 1994, the release of about 2000 prisoners (some political), and the signing of an Memorandum of Understanding (MOU) with the UNHCR on the repatriation of Rohingya refugees. It appears that if the Constitution is approved, it will formalise the army's domination of Burmese politics.

Burma is a country with a dozen distinct ethnic groups and many dialects. Some of the ethnic groups have their own armies and have been fighting the central government for greater autonomy or independence. SLORC has concluded a ceasefire with some of them, and is likely to further exploit inter-ethnic divisions within Burma.

Burma enjoys active and growing foreign and trade relations with its Asian neighbours even as the West keeps its distance. Ties with the People's Republic of China dominate. Illegal cross-border trade, a centuries-old tradition with India and China, may reach \$2.5 million/day. Opium production has escalated. Unregulated and rapid depletion of the teak forests also has potentially severe environmental consequences for the region.

In December 1993, the UN General Assembly again adopted a unanimous resolution strongly urging SLORC to proceed with democratic reform and respect for human rights. In 1993, the report of the UN Special Rapporteur contained details of continued and systematic human rights violations in Burma.

CANADIAN POSITION

Canada recognized Burma at the time of Independence in 1948 and established diplomatic relations in 1958. The Canadian Embassy in Bangkok is accredited to Burma. Burma opened an embassy in Ottawa in 1966, closed it in 1978 and reopened it in 1985.

Canada's relations with Burma are limited because of our human rights concerns. Canada suspended its aid program in 1988, and military sales have been halted. The Canadian government does not encourage Canadian business to become involved in Burma.

Canada continues to work jointly with a group of "like-minded" countries on this issue. Through bilateral and multilateral channels, Canada has actively sought to promote positive change in Burma. At the ASEAN Post-Ministerial Conference in Singapore in July 1993, Mr. Beatty called for the restoration of democracy in Burma and the immediate release of political prisoners. On the occasion of the presentation of his credentials in November, our Ambassador to Burma reiterated Canadian views to Burmese authorities. At the United Nations General Assembly in December 1993, we once again co-sponsored a strong resolution on human rights in Burma. Canada will maintain its position until SLORC demonstrates that it is ready to respect fundamental human rights and return to democratic government. Canada will not prevent non-official groups from exploring ways to help the most disadvantaged Burmese people.

Canadian officials have continued to maintain fruitful contact with various non-governmental organizations (NGOs) about the human rights situation in China. These contacts allow us to exchange information about specific cases of human rights violations. We intend to pursue such contacts in the future.

HUMAN RIGHTS SITUATION IN INDIA

ISSUE

Human rights abuses continue in India despite a comprehensive legal framework protecting the rights of Indian citizens. On-going violence and abuse in Kashmir and Punjab are of particular concern, with police and security forces as well as opposition groups allegedly involved in serious human rights violations.

BACKGROUND

India is a multi-ethnic country with most states created along ethnic/linguistic lines. About 30% of India's population remain below the poverty line. Although India is officially a secular state, communal or inter-religious tensions and violence have been increasing. The 1992 demolition of the Babri mosque in Ayodhya by militant Hindus, the subsequent violence which left over 1000 people dead, and the recent spate of bomb attacks in Bombay provide clear evidence of this.

While protection of human rights is generally well covered in India's legal framework, India has not implemented these laws effectively and human rights abuses continue in a range of areas.

In Punjab, state and national elections took place in February 1992 after a long period of President's Rule. A campaign by Indian security forces to eradicate militant groups within the Punjab has been largely completed, and the general level of violence, including killings by the police and militant groups, has declined. The Punjab police, however, continue to be accused by many local human rights groups of custodial brutality and extra-judicial killings.

Kashmir is the only state in India with a Muslim majority and, over the past three years, secessionist sentiments and activities have escalated. The current phase of unrest had its origins in the rigged state assembly elections of 1987 and resulted in violent protests in Srinagar in December of 1989. The introduction of over 200,000 Indian military personnel, the dissolution of the state assembly and the imposition of President's Rule has further alienated the local population. There are continuing reports of serious human rights violations, including rape, by government forces. The recent siege of the Hazratbal Muslim Shrine in Srinagar by Kashmiri militants exacerbated tensions. At least seventy marchers, protesting the siege of the shrine, were killed by Indian army personnel.

Women and girls suffer from low status and unequal access to education, employment, health care, income, and political participation in India despite an extensive legal framework, beginning with the Constitution, which gives equality to women. The problem is deeply rooted in traditions related to caste and to social attitudes and religious practices such as arranged marriages. The number of so called dowry deaths is on the rise. India has not yet ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Child labour is endemic in India despite provision in the Constitution to protect children from this practice. Over 40% of children work. Poverty and lack of access to basic education are the main reasons for child labour. India is also cited as having possibly the largest number of street children in the world. Despite laws prohibiting child marriage under the age of sixteen, the practice is widespread. India has ratified the UN Convention on the Rights of the Child.

More positively, a special unit has been created within the armed forces, its purpose being to educate and generally raise the awareness of security force members with regards to human rights. A National Commission on Human Rights has also been established. Not yet operational, the effectiveness and legitimacy of this Commission, however, are already being called into question. The armed forces, including the paramilitary, are not subject to review by the Commission and it has no independent investigative capacity. While able to make recommendations to the government, the Commission cannot ensure these recommendations will be acted upon. Created by an ordinance and therefore not the subject of debate within Parliament, the manner of the Commission's very birth has been drawn into question.

CANADIAN POSITION

Canada regularly raises human rights problems in India in multilateral fora such as the UNCHR, the UN General Assembly and Aid India Consortium.

Bilaterally, Canada maintains a dialogue on human rights with the Indian government, both at the national and state levels. Canada has pressed the Indian government to re-admit groups such as Amnesty International to the country and to create an effective human rights commission.

On specific issues such as the Sopore massacre of January 1993 and the recent siege of the Hazratbal Muslim Shrine in Srinagar, Canada has, and continues to make representations to the Indian government registering our concerns about human rights violations and urging appropriate action.

Poverty is one fundamental underlying factor that gives rise to situations where human rights abuses occur. Bilateral and Canada Fund development programs are directed towards poverty alleviation and include important women-in-development components.

HUMAN RIGHTS SITUATION IN INDONESIA

ISSUE

While there have been some positive developments in the area of human rights, serious concerns remain especially with respect to East Timor.

BACKGROUND

When Indonesia declared independence in 1945, it comprised a vast territory bereft of any strong national institutions or of cultural, linguistic, religious, national or even geographic unity. The country staggered through 20 years of civil unrest, political experimentation and chaos, confrontation with neighbours and precipitous economic decline. After the communist coup attempt of 1965, the army and the public turned on real or alleged communists, killing hundreds of thousands (including many ethnic Chinese because of China's support for the Indonesian Communist Party).

Born out of this chaos, the Soeharto government has made unity, stability and development its top priorities. While it has enjoyed success in all three areas, most notably in the phenomenal economic growth which the country continues to enjoy, the government has made use of the military, judicial system, legislation and press controls in ways not always respectful of human rights.

There have been positive developments in Indonesia over the last eighteen months, perhaps most notable is the remarkable increase in press freedom and the general improvement in the quality of public debate on human rights issues. Other developments include the holding of a number of public meetings on human rights, the relaxation or removal of controls on international travel for many people, including some prominent human rights activists, and the establishment of a human rights commission. These developments have been accompanied by other positive gestures, such as allowing Amnesty International to visit after an absence of 15 years and making public overtures towards high profile dissidents.

On the other hand, arbitrary arrest and detention of people in sensitive areas, mistreatment of detainees, and lack of investigation of cases of extra-judicial killings remain areas of concern. There has also been little effort to address past abuses, including a number of missing following the Dili incident and the killing of up to 1500 civilians in Aceh during the 1989-91 anti-subversion campaign.

Regions of particular concern in the past showed signs of slow improvement this year. In East Timor, the special military command was reduced from general to colonel level and plans were announced to reduce the military presence from eight (mostly combat) to two (territorial) battalions. Travel restrictions for journalists were relaxed. President Soeharto reduced Fretilin leader Xanana Gusmao's life sentence to twenty years. Internationally,

Indonesia resumed discussions with Portugal under the auspices of the UN Secretary General to find an internationally acceptable resolution to the East Timor issue. On the negative side, intimidation by the military appears to continue unabated and the ICRC has faced obstacles in the conduct of prison visits.

The situation in Aceh remains calm. Incidents of executions and disappearances appear to have all but stopped since mid-1992. Reports of summary detention and torture continue, but in much smaller numbers. There have been recent reports of skirmishes in Irian Jaya, on the border with Papua New Guinea where separatists groups were active during the 1980s, although the extent of military involvement has yet to be fully clarified.

Land issues continue to be of concern as exemplified by the September 1993 incident on Madura island when the military fired on a group of civilians demonstrating against the construction of a dam. The government's immediate reaction in removing and sanctioning several officers may suggest it is prepared to take firmer action to discipline the military in these types of incidents.

CANADIAN POSITION

Human rights concerns have been at the forefront of the bilateral relationship since Canada's suspension of three planned development projects following the November 1991 Dili incident. The Canadian government has repeatedly raised its concerns at every opportunity, most recently when Prime Minister Chrétien met President Soeharto at the APEC meeting in Seattle. In Indonesia, the Canadian Ambassador expressed Canada's intention to pursue these issues when he met Major-General Theo Syafei, the military commander responsible for East Timor. Canada has also made representations on behalf of East Timorese detainees, including Xanana Gusmao and Antonio Gomez da Costa, urging the Indonesian authorities to consider full clemency to encourage reconciliation and a resolution of the East Timor issue.

The Canadian delegation to the 49th session of the United Nations Commission on Human Rights (UNCHR) co-sponsored a strongly worded resolution which called on the government of Indonesia to honour commitments made previously before the UNCHR on human rights in East Timor. In the Canadian human rights statement to the UNGA Third Committee in December 1993, Ambassador Louise Fréchette spoke to the human rights situation in Indonesia and particularly in East Timor, and urged the Indonesian government to pursue real progress in the UN-sponsored talks.

The Canadian government has decided to cancel the projects suspended following the Dili incident with a view to moving ahead with other carefully selected projects. These will address fundamental social, environmental and economic issues facing the Indonesian people and will include projects designed to promote more open and effective government in Indonesia. In making this decision, Canada has indicated that while we welcome the positive developments which have occurred in Indonesia, human rights concerns remain an important element of the bilateral relationship.

HUMAN RIGHTS SITUATION IN PAKISTAN

ISSUE

The human rights situation in Pakistan remains worrying. Discrimination against women and minorities, underpinned by Islamic precepts, stands out as a particular problem. However, the election of Prime Minister Benazir Bhutto in October 1993 reaffirmed the democratic process, and has held out hope for basic social improvements, which will improve the human rights situation.

BACKGROUND

While it is still early in the tenure of Prime Minister Bhutto's government to assess any changes/improvements in the human rights situation in Pakistan, it is already clear that her government will place stronger emphasis on a wider range of social concerns than did the previous administration of Prime Minister Sharif. However the social conditions in Pakistan continue to make it difficult for human rights to flourish.

Increasing income polarization, removal of subsidies and cutting of services - part of Pakistan's IMF inspired structural adjustment package - further sharpen existing social and economic disparities. The rural masses, the bulk of the population, continue to live under the dominance of feudal overlords who have constituted the majority in virtually every legislature Pakistan has had since independence.

Religion, and especially Pakistan's version of Islamic fundamentalism, has proven an obstacle to the advance of democracy and internationally-recognized human rights standards, especially as they impact on women. Well-organized and vocal, the Pakistani Islamic fundamentalists, who constitute a small minority, exercise a disproportionate moral influence. Fortunately, this has not yet translated into a political influence, and the fundamentalists did very poorly in the October 1993 elections. While successive Pakistani leaders have resorted to increasingly harsher versions of Islam, it is anticipated that PM Bhutto may slow down its progress; she wishes Pakistan to evolve as a secular, Western-looking state. Regardless, and notwithstanding any moderating influence that PM Bhutto may be able to exercise during her term of office, in the long term, secular traditions and institutions (in the Western context) will be slow to take root in Pakistan. There is, however, hope of a change under PM Bhutto.

Worsening socio-economic conditions have contributed to the emergence of the "Kalashnikov" culture. The rich are heavily guarded and the powerful retain small private armies. Ethnic, sectarian, political and criminal violence is often inter-mingled and increasingly lethal due to the easy availability of weapons. The police are seen by most

Pakistanis not as protectors but as oppressors. The levels of venality, corruption and criminality in police ranks are extremely high. Physical abuse, rape and torture in police custody are commonplace.

Overall, the human rights prospects remain worrisome. In addition to traditional banditry, discrimination of all forms characterises Pakistan society, although Pakistan does not have as rigid and pervasive a caste system as India. There are in fact few places in the world where women are worse off. Literacy among women is less than half of the (abysmally low) rate among men. However, urban upper-class women enjoy opportunities for education and professional work in some fields. They make up most of the membership of women's groups who promote women's rights and lobby the government. But again, Islamicization poses a threat to even this slender achievement. Discrimination against religious and other minorities is also rife, with abrogations of Islam being punishable under law.

With a GNP per capita of USA dollars 380, Pakistanis know extreme poverty and its consequences. The infant mortality rate is 103 per thousand, much of it caused by simple diarrhoea and dehydration. Mortality is higher among girls than boys who tend to receive better care within the family because higher value is put on their lives. There are 2900 people per doctor and fewer nurses than doctors. Malnutrition and disease take their toll - the average life span is 56 years. Hospitals are free for basic medical care but grossly understaffed and under-funded.

There is no social safety net except for the family/clan and Islamic charities. Unemployment is about ten percent. Working conditions can be harsh, even bordering on slavery - the ILO estimated that in 1989 there were 20 million bonded labourers, a figure which may be exaggerated but nevertheless indicates the scale of the problem. The exploitation of children, for example, in the brick-making industry, is epidemic.

CANADIAN POSITION

Canada is pleased that the nature of the disposition of the Pakistani Army in the Sindh has changed and that they now are being used in support of the civil authorities efforts to re-establish law and order.

We are pleased that Pakistan passed legislation against bonded labour and look forward to these laws being fully implemented.

We are very concerned over the situation and treatment of women as a result of the application of the Haddood Ordinances, and of minorities, as a result of Ordinance XX and various other laws.

We are concerned over the considerable evidence that many prisoners in police custody are the victims of torture and female prisoners the victims of rape. We are encouraged, however, by the recent urgent steps taken by the Bhutto Administration to establish women-only police stations to enable women police officers to deal more effectively with public safety concerns of women complainants.

Canada maintains close contact with Pakistani human rights groups, and has been involved in making recommendations for Pakistani participants in Canadian human rights courses. ICHRDD is involved in a project to promote the rights of bonded labourers. Canada frequently makes its concerns known to the authorities, through multilateral channels, as well as to the Ministry of Foreign Affairs in Islamabad and the Pakistan High Commission in Ottawa.

HUMAN RIGHTS SITUATION IN THE PHILIPPINES

ISSUE

Serious human rights abuses still occur in the Philippines although the frequency continues to decrease, following the trend of the past few years.

BACKGROUND

Human rights violations were a serious problem under the late President Marcos, particularly between 1972 when martial law was imposed, and 1986 when Corazon Aquino came to power. President Aquino restored democratic institutions and committed her government to respect of human rights, a provision included in the new Constitution of 1987. Violations initially declined under President Aquino. However the inherent conflict between the government's commitment to human rights and its policy aimed at eliminating the communist insurgency, spearheaded by the National People's Army, resulted in a continuation of human rights violations by the police and the military. In addition the large gap between rich and poor, and the special privileges reserved for the small but powerful elite, created conditions conducive to human rights violations throughout the Marcos and Aquino governments. These conditions remain under President Ramos.

There has been a marked decline in human rights violations in the past year but serious violations continue largely due to ingrained attitudes and the structure of society. The military, police, citizens' militia, and both communist and Muslim insurgent groups are the major violators. As part of a major campaign to implement and seek broad support for the process of national reconciliation, initial steps have been taken to address the problem of human rights abuses by these groups. Special negotiating panels were established to explore the possibilities for amicable settlement of differences between the government and the major dissident groups, including the communists, Muslim separatists and right-wing military rebels. This peace process offers the best prospects in recent years of achieving stability and consequently, improvement in the human rights situation.

In the first year of his government, President Ramos has laid the foundation for addressing the major underlying causes of human rights violations, including threats to peace and security, corruption, economic and political disparities, poverty and lack of economic growth. Considerable political will and effort will be required to achieve progress in all these areas. Enhanced professionalism and human rights education at all levels of the government, the military, the police and the judicial system would help to improve the human rights record.

Positive developments over the last year include: understandings reached with both the left-wing National Democratic Front and the Muslim Moro National Liberation Front; repeal of the anti-subversion law and release of most political prisoners; creation of the National Unification Commission - soon to be replaced by the National Amnesty Commission - and appointment of a presidential advisor on the peace process; establishment of a presidential anti-crime commission under Vice-President to deal with crime and corruption; and the implementation of human rights courses for the military and police by the Commission on Human Rights.

On the negative side, in addition to the difficulties experienced in following through on some of the commitments above, the government appears to be set on reinstating the death penalty for a wide range of offences.

CANADIAN POSITION

Canada has expressed strong support for President Ramos' efforts to promote political stability and security, as well as economic reform as a means of bringing about real improvement in the human rights situation in the Philippines. A priority in the bilateral relationship, human rights concerns are addressed through dialogue at the ministerial level, regular consultation with Canadian and Philippine NGO groups, cooperation between Canadian human rights institutions and their Philippine counterparts, and representations on specific and illustrative human rights abuse cases across the spectrum of concerns (disappearances, internal refugees, NGO harassment, and military and policy brutality). In addition, CIDA supports a number of human rights activities through NGO channels, including projects in support of rights of women and those of indigenous people.

AIDE-MEMOIRE

CNRM

East Timor diplomatic & intelligence digest

conselho nacional da resistencia maubere
national council of maubere resistance
conseil national de la resistance maubere

Comissão Directiva da FRETILIN • Comando das FALINTIL • Resistência Nacional Estudantil de Timor Leste • RENETIL

Update on East Timor at the UNCHR

1. Australian diplomats have told people the following;

: That Indonesia has responded satisfactorily to the demands for an investigation and punished those responsible for the massacre.

: That the Commission for Human Rights should not adopt a strong resolution because it would be counter-productive and would only strengthen the position of the hard-liners.

2. We have circulated a draft resolution which provides a strong basis for bargaining. The Portuguese have incorporated the fundamental elements of this into their draft without substantial changes. The same has been approved at the top level in Portugal.

3. This draft is now the subject of discussion within the European Community. The Portuguese met with the EC on Feb. 12 specifically to discuss the East Timor resolution. There were comments on it, but no immediate adverse reaction at this meeting.

4. The U.S., Australia, the Dutch and the U.K. continue to work against us.

5. The East Timorese lobby has so far concentrated much of its work on the African Group. We believe that this is crucial due to the following:

: In light of their previous support for East Timor in the General Assembly on the grounds of the inviolability of colonial boundaries, upon which we can pressure them for support.

: It is crucial that we prevent the Asian bloc from forming a pact with the African Group, which would in effect present a combined Afro-Asia front in which Indonesia could block anything it wanted to at this Commission.

Address:

: We have also met with several Latin American delegations, some EC, and the Scandinavian countries. We will be speaking to the Australians in greater depth in the next few days. The eyewitnesses are also lobbying delegates.

6. We are in a difficult position because the main focus of this Commission is Asia. The countries under discussion are East Timor, Cambodia, Iraq, Iran, Burma, Sri Lanka and Tibet. The Commission will not adopt resolutions on more than two of them, so we are in the unenviable position of virtually "competing" with these other issues in the region.

7. We have encountered a problem with the decision to send a Special Envoy of the Secretary-General to Indonesia. Amos Wako (the Kenyan Attorney-General) left last Saturday and is due to return this weekend. His mandate is unclear, and at best he would have spent only a day or so in East Timor. We communicated what information we could to his party before his departure. The problem his trip presents is twofold.

: Firstly, his trip could give the impression that action on East Timor is already in train, so attention may be diverted from the issue here at the Commission.

: Secondly, many countries have indicated that they will await the outcome of Wako's trip before making a commitment either way on East Timor. This is of some concern to us because it legitimates the delaying tactics by some governments. We are therefore doing our best to counter this.

8. Portugal, Australia and Indonesia have all spoken.

: Portugal made a strong speech rejecting the Indonesian Inquiry, posing pertinent questions, and calling for an international investigation and a long-term solution to the future of East Timor.

: Australia did not specifically mention Indonesia or East Timor.

: Indonesia strongly attacked Portugal. They acknowledged the massacre and expressed their regret for it. They also expressed their desire to cooperate with the international community in their effort to combat human rights abuses in Indonesia. This indicates a subtle new strategy of clever diplomacy on their behalf, which we will be closely monitoring.

9. Koojiman presented his report to the Commission. He did not specifically refer to East Timor in his presentation, but he did thank Indonesia for the invitation to investigate.

10. Alan Nairn, Amy Goodman, Russell Anderson and Saskia Kowenberg are all in Geneva. Alan and Amy addressed the Commission, and were well received. The Portuguese presented a showing of the video of the massacre at which Alan and Amy provided commentary.

11. There has been some media coverage of East Timor, namely in a large Swiss daily (interview with me) and by French Swiss TV (interview with me, Amy and Allan plus showing footage of the

massacre). The Independent carried a major story on Aceh. See enclosure. A Press Conference for Swiss media will be held this morning and a Press briefing for UN Correspondents will be held this afternoon.

12. I'll speak under item 12 on 20 Feb. Vote will take place 3 March.

13. ICJ will issue its own report on East Timor next week and will host a luncheon where I'll speak.

14. We have the support of many NGO's that are lobbying on our behalf - this is very important to our work.

Conclusions

: The Commission is still at an early stage, so we have some time on our side in which to maximize our lobby.

: It is clear that major players in the Western Group like the U.S. do not want a strong resolution on East Timor, and that Australia and the U.S. in particular will continue to lobby on this point.

: Most Asian countries will vote with Indonesia.

: Portugal is strongly stating its position that there be negotiations without preconditions involving the East Timorese under UN auspices. In doing so, they are acknowledging their responsibility as the formally recognized Administering Power of East Timor, and asking for the right to complete the process of decolonization in accordance with UN procedures. This could prove to be an important policy shift, particularly as Portugal holds the Presidency of the EC at the moment.

: The vote on East Timor will take place on a draft which will either be an acceptable compromise to us, or if defeated, the Portuguese have stated that they will break with the EC and go alone.

Subject: _____



EAST TIMOR ALERT NETWORK

□ ETAN/Vancouver: 2120 West 44th #104, Vancouver BC, V6M 2G2, (604) 739-4947, etanvan@web.apc.org •
□ ETAN/Toronto: PO Box 562, Station P, Toronto Ont., M5S 2T1, (416) 531-5850, etantor@web.apc.org •
□ ETAN/Ottawa: PO Box 1031, Station B, Ottawa Ont., K1P 5R1, etanott@web.apc.org • □ ETAN/Windsor-Essex
County: 125 Tecumseh Rd. W., Windsor Ont., N8X 1E8, (519) 252-1517, etanwec@web.apc.org • □ ETAN/Guelph: PO
Box 1302, Guelph Ont., N1H 6N6, (519) 767-0313, hands@web.apc.org • □ ETAN/Hamilton: c/o Earth Action, Box 212,
McMaster Univ., Hamilton Ont. L8S 1C0 • □ ETAN/Montréal: No. 47505, Co. P. Plateau Mont-Royal, Montréal Que.,
H2H 2S8, (514) 848-7443, etanmon@web.apc.org • □ ETAN/Calgary: 2820—1st Ave. NW, Calgary Alta., T2N 0C8

BRIEF PRESENTED BY

THE EAST TIMOR ALERT NETWORK/CANADA

TO THE CANADIAN DELEGATION

IN PREPARATION FOR THE 51ST SESSION

OF THE UNITED NATIONS

COMMISSION ON HUMAN RIGHTS

January 17, 1995

THE EAST TIMOR ALERT NETWORK

My name is Sharon Scharfe and I represent the East Timor Alert Network of Canada. Thank-you for giving us the opportunity to express our concerns regarding East Timor; concerns that I hope will be reflected in the position taken by the Canadian delegation at the upcoming session of the UNCHR.

I must begin by noting that I object to East Timor being lumped in with details on Indonesia in the briefing book. At the Commission, East Timor is given its due concern. While human rights abuses that are occurring in Indonesia are part of a larger picture of systemic human rights violations by the Indonesian government, as coordinator of the only group in Canada specifically dealing with human rights in East Timor, I shall restrict my comments to issues relating to East Timor.

Human Rights Violations in East Timor in 1994

As the briefing section on East Timor notes, the human rights situation in East Timor has not improved in 1994. Many people have been detained, arrested or have disappeared for protesting the illegal Indonesian occupation. Canada's delegation to APEC could not miss the protests and arrests of Timorese in Dili and Jakarta. However, the activities and responses by the Indonesian military that were highlighted at APEC were not an aberration; if anything the presence of the Heads of State served as a moderating effect on the actions of the Indonesian military. With the international spotlight now gone, the repression continues for the East Timorese.

Part of this problem is due to transmigration as the transmigrants are simply intensifying the suffering of the Timorese. It also seems to be part and parcel of the fundamental problem of Indonesia's illegal occupation of ET. In the past year there have been many documented cases of transmigrants killing Timorese which results in understandable consequences, such as acts of anger and resentment. This gives Indonesia a scapegoat for their impact in ET under the rubric of "ethnic strife" as well as giving the Indonesian police/military more reason to maltreat and even kill Timorese (simply because they are protesting a violation committed by a transmigrant).

While there are untold thousands of cases of human rights abuses by the Indonesian military, I would like to draw the attention of Canada's delegation to one specific category of abuse, namely human abuses against Timorese women. I have begun to document only a few of the many thousands of cases of forced sterilization, killing of Timorese infants, torture, disappearances, systemic rapes and killings of Timorese women. On October 18, 1994, the Catholic Bishop of East Timor said that Indonesia is carrying out a "*systematic sterilization program*" of indigenous East Timorese women". In a telephone interview, Bishop Ximenes Belo said that Jakarta's policy is to cut the birth rate and replace the local population with immigrant supporters of its annexation of the territory it disputes with Portugal. "*They are forcing people to*

follow their orders by telling them that if it is the state that feeds the population, it should obey the state and not the church," said Bishop Belo. He claimed that the policy of limiting the birth rate among the Timorese *"made no sense"* since the Indonesians were *"using their migration plan to fill the territory with people from Java and Bali"* and did not respect the beliefs of the local population.

Report by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

At the 50th Session of the UNCHR, Canada was part of the international community that supported the Chair's Statement on East Timor. In our opinion, the one positive thing to have emerged from the last session was the report by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. This report will be formally submitted in the upcoming discussions on East Timor at the UNCHR, but for now I wish to draw to your attention some of the recommendations contained within this report.

This report deals specifically with the 1991 Dili Massacre, where as many as 273 peaceful protestors were killed. After stating he had "clearly sensed the terror among the many Timorese" with whom he had spoken, Bacre Ndiaye recommends that what happened at Santa Cruz should not be considered "a thing of the past", stating that "it is not too late" to find out the truth. The recommendations include setting up a civil police force in Timor, allowing international organisations access to the territory, creation of a new and credible commission of inquiry, establishment of mechanisms through which lawsuits could be brought against the military by Timorese civilians and through which they could be tried by ordinary courts. They are predictable suggestions. What was not expected, however, was the recommendation that Jakarta accelerate and broaden the demilitarisation of East Timor, so that "families feel safe enough to denounce the murder or disappearance of their relatives". In its Conclusions, the report states that "no confidence measure can be effective, and no solution for the problems of East Timor can be found before justice is done".

The report by Mr. Bacre Ndiaye, in exposing Indonesia's official lies over the Santa Cruz massacre and the persistent and widespread pattern of abuse of human rights in East Timor, calls into question the conciliatory approach by Canada, Australia, the US, Japan and the UK in their bilateral dealings with Indonesia and compromising posture at the CHR.

The people of East Timor are not going to quietly accept integration with Indonesia; this is obvious given the activities of 1994, particularly those surrounding APEC in November. As the people of East Timor stand up for their legitimate right to self-determination, the Indonesian army and government continue to grossly violate their basic human rights. The Special Rapporteur noted this in his report as well, for he states his concern that the same conditions that allowed the killings in Dili to happen on November 12, 1991 still persist in East Timor. With a view to preventing violence in the context of public manifestations, he recommended that the new law on demonstrations currently being drafted explicitly recognise the right to peaceful assembly and

manifestations, and clearly reflects the obligation of the security forces to respect the restrictions and limitations on the use of force and firearms, as contained in the pertinent international instruments.

Resolution on East Timor at the 51st Session of the UNCHR

In light of this authoritative UN Report, and the relative ineffectiveness of the Chair's Statement of 1994, the East Timor Alert Network calls on the Canadian government to take the lead and actively lobby for a Resolution on the issue of East Timor at this year's 51st Session. Canada must support firm action at the CHR in February when East Timor is considered under item 12 of the CHR's agenda.

A Resolution at this year's Commission should include the following points:

- 1) A proper, impartial, UN moderated investigation must be made into the Dili Massacre of 1991, with the findings made public and the perpetrators of the Massacre brought to justice. The impunity currently enjoyed by members of the Indonesian armed forces must end;
- 2) Must condemn the continuing human rights abuses, enforced disappearances and the persistent practice of torture;
- 3) Canada and other members of the Commission must also impress upon Indonesia to invite at least three more thematic bodies of the UN to visit East Timor in the course of 1995, namely the Special Rapporteur on Torture, the Working Group on Disappearances and the Special Rapporteur on Violence Against Women;
- 4) The release of political prisoners (notably Xanana Gusmao, Jose Antonio Neves);
- 5) Call for a fact finding mission concerning human rights violations against East Timorese women;
- 6) Cessation of arrest and mistreatment of students;
- 7) Reduction of Indonesian troops which cause human rights violations;
- 8) Cessation of religious provocations; and
- 9) Cessation of illegal population transfers (the cause of recent inter-ethnic conflicts).

Can the members of Canada's Delegation to the UNCHR who are present today assure me that Canada will vigorously pursue a resolution on the issue of East Timor?

I thank you for this opportunity to speak today, and I will follow with great interest the activities of the Canadian delegation at the UNCHR concerning the issue of East Timor.



EAST TIMOR ALERT NETWORK

- ETAN/Vancouver: 2120 West 44th #104, Vancouver BC, V6M 2G2, (604) 739-4947, etanvan@web.apc.org •
- ETAN/Toronto: PO Box 562, Station P, Toronto Ont., M5S 2T1, (416) 531-5850, etantor@web.apc.org •
- ETAN/Ottawa: PO Box 1031, Station B, Ottawa Ont., K1P 5R1, etanott@web.apc.org • □ ETAN/Windsor-Essex County: 125 Tecumseh Rd. W., Windsor Ont., N8X 1E8, (519) 252-1517, etanwec@web.apc.org • □ ETAN/Guelph: PO Box 1302, Guelph Ont., N1H 6N6, (519) 767-0313, hands@web.apc.org • □ ETAN/Hamilton: c/o Earth Action, Box 212, McMaster Univ., Hamilton Ont. L8S 1C0 • □ ETAN/Montréal: No. 47505, Co. P. Plateau Mont-Royal, Montréal Que., H2H 2S8, (514) 848-7443, etanmon@web.apc.org • □ ETAN/Calgary: 2820—1st Ave. NW, Calgary Alta., T2N 0C8

Dear ET Supporter,

January 18, 1995

Re: United Nations Human Rights Commission (UNCHR)

Let me begin by apologize for the generic greeting, but I'm sending this letter off to many different people and organizations, and simply don't have the time to write personal letters to all -- and still be effective in time for this year's Commission.

I have spent the first part of 1995 preparing for the annual NGO consultations with the Department of Foreign Affairs and the Canadian Delegation to the UNCHR. I presented a brief on behalf of ETAN/Canada yesterday (of which you will find the long version attached). This is my third year for doing so, and in my opinion, was the most encouraging year so far.

In the Asia section, the country order went China, Burma, Indonesia ..., ordered by the government according to the number of briefs that were anticipated to be presented on each country situation, starting with the greatest and working on down. Well, Indonesia and East Timor surpassed China and Tibet for the first time, with twelve briefs presented, from organizations such as Amnesty International, the Canada-Asia Working Group, Canadian Lawyers Committee for Human Rights, Article 19, the Canadian Autoworkers Union and the Coalition to Oppose the Arms Trade, amongst others. One of the highlights for me was to hear Yvon Bonn, former Canadian Ambassador to the UN (and very highly regarded by the Department) speak on the issue of East Timor and direct a specific comment to Ed Broadbent (who was sitting in for the China, Burma and Indonesia/East Timor session), that the International Centre for Human Rights needs to fund research into this issue. Amnesty International and CAWG presented two briefs each, one focusing on East Timor and the other focusing on Indonesia.

When Amnesty International asked the Canadian government to not overlook violations in Indonesia by focusing only on East Timor, the Department of Foreign Affairs (Marius Grinius, Director, Southeast Asia Division), replied that if it seemed that the Department was focusing on East Timor, it was only due to the "outstanding" job that the East Timor Alert Network was doing in bringing to the attention of the Canadian government cases of human rights violations in East Timor (I hate it when he "compliments" us like that!).

Marius also noted in his reply that the Indonesian Ambassador to Canada had met with the Department last week, to present their version of human rights violations in East Timor (he didn't elaborate on what this was, but Marius does appear to be on our "side" when talking about East Timor; he and I just "disagree" on how best to resolve the situation from a Canadian standpoint). I, of course, contacted the Portuguese Embassy today, and the Portuguese Ambassador is meeting with Marius tomorrow. The Indonesian government is preparing well in advance of the Commission, and as such, requires a concerted effort from each country to lobby their government to stand strong this year.

Urgent Action Required NOW!!!

There must be pressure from Canadians. Please write to Andre Ouellet, Minister for Foreign Affairs and Raymond Chan, Secretary of State for Asia-Pacific, regarding your concerns for the upcoming session of the UNCHR. Please send copies of your letters to your MP, Svend Robinson and Lucien Bouchard (noting of course, that all these letters are postage free). And should you find yourself with a stamp on your hands, I would highly recommend your writing a letter directly to the Director for Southeast Asia Division, Marius Grinius, Department of Foreign Affairs and International Trade, Lester B. Pearson Building, 125 Sussex Drive, Ottawa, ON K1A 0G2 (Fax: (613) 996-4309). (Marius will ultimately be the one who will say either "yay" or "nay" for Canadian support of a Resolution on East Timor.) Let these people know your concerns, noting that you will be following the activities of the UNCHR very closely. It should be emphasized that Canada must press for a Resolution, even if it is in principle only (in case others, such as the US, are supporting another Chair statement like last year).

The more pressure, the better. But if you're going to write a letter, it must be now, as the UNCHR is scheduled to commence late January, with East Timor appearing on the agenda sometime in February. I will be monitoring the situation through friends at the Portuguese UN Mission, and NGOs in Geneva who will be contacting me concerning the activities of the Canadian delegation. Should I find out that Canada is up to something less than admirable, I will let you know immediately. Please keep me apprised of your activities; and send me a copy of any letters that you may write concerning the UNCHR. My address is: ETAN/Ottawa, P.O. Box 1031, Station B, Ottawa, ON K1P 5R1.

Good luck!

Sincerely,

Sharon

Sharon Scharfe
ETAN/Canada

Encl.

CONSULTATIONS
IN PREPARATION FOR THE 51ST SESSION
OF THE U.N. COMMISSION ON HUMAN RIGHTS

JANUARY 17-18, 1995

NOTE

On January 17, 1995, the consultations will be held at the Palais des Congrès, 200 promenade du Portage, Hull, and on January 18, 1995, at the L. B. Pearson Building, 125 Sussex Drive, Ottawa.

THE HUMAN RIGHTS SITUATION IN INDONESIA

ISSUE

The human rights situation in Indonesia remains of concern following a number of setbacks over the past year and signs, both positive and negative, of increased sensitivity by the Indonesian government.

BACKGROUND

A complex country not well known to Canadians, Indonesia is quickly emerging as a major player on the international stage. This new status is a reflection of its size, phenomenal economic growth, impressive natural resource base and strategic location in Asia. Following on the political and economic chaos that characterized the Sukarno era, the Soeharto government has made unity, stability and development its top priorities. While it has enjoyed success in all three areas, the government has made use of the military, judicial system, legislation and press controls in ways not always respectful of human rights.

Developments over the past year have heightened international concern about human rights in Indonesia. In May, the suspicious death of a union activist and a generalized strike led to a riot in North Sumatra that highlighted the limited labour rights enjoyed by Indonesian workers in one of the more dynamic economies in the region. In June, the Indonesian government banned three prominent news magazines because of reporting on government corruption and economic policies. Warnings were issued to other prominent Indonesian media in further attempts to limit press freedoms. Ensuing demonstrations were met with force and many demonstrators were detained. Also in June, Indonesia publicly threatened the Philippines with political and economic sanctions to force the cancellation of a non-governmental conference on East Timor eventually held at the University of the Philippines.

In July, a demonstration in East Timor was forcefully suppressed by Indonesian security forces equipped with riot-control gear following a series of incidents reminiscent of the situation that preceded the November 1991 Dili incident. In this latest event, approximately 50 demonstrators were injured and many were detained. Further incidents of violence during the APEC meetings in November speak to the heightened tension between the Timorese and the large occupying military force.

While there have been setbacks, there have also been some advances as demonstrated by the restraint exercised by the security forces in dealing with both peaceful and more violent (as in Dili, in November) public demonstrations. Recent meetings between the Indonesian Foreign Minister and exiled Timorese leaders, the visit to East Timor of the United Nations Special Rapporteur on Summary and Arbitrary Executions and the improved access enjoyed by the ICRC in East Timor and the country as a whole are further indications of the government's increased sensitivity to international concerns.

As has been well documented by several international organizations, none of these developments or trends has any real bearing on the fundamental structural problems that are at the heart of the human rights situation in Indonesia. The military maintains an oppressive presence in East Timor and elsewhere and generally behaves with little regard for human rights and with impunity in dealing with perceived threats to national security. The legal system remains subject to political interference and the political system has no true democratic accountability. The slow, gradual improvement in the human rights situation is attributable to the considerable domestic and international pressure in this matter. This pressure will likely increase both domestically as a result of improved economic prospects and higher education levels, and internationally as Indonesia seeks to play a more important role commensurate with its economic and political weight.

CANADIAN POSITION

Human rights concerns have been at the forefront of the bilateral relationship since Canada's suspension of three planned development projects following the November 1991 Dili incident. The Canadian government has repeatedly raised our concerns at every opportunity, most recently when Prime Minister Chrétien met President Soeharto at the APEC meeting in Jakarta. One of the first items raised by Prime Minister Chrétien, the situation in East Timor was discussed at length. The Prime Minister offered Canadian cooperation in support of Indonesia's own efforts in strengthening respect for human rights. It is in this context that the Canadian government is supporting the visit of Canada's Chief Commissioner for Human Rights and his efforts to engage the Indonesian Commission for Human Rights in constructive cooperation. While in Indonesia, Prime Minister Chrétien also announced a new \$2 million project with Care Canada aimed at strengthening community groups and NGOs in East Timor and helping the poor meet basic human needs.

The Canadian Embassy remains active in pursuing Canadian concerns in meetings with senior Indonesian officials and non-governmental organizations active in this area. The Canada Fund, administered by the Embassy, has been effectively used to support projects aimed at furthering Canadian human rights interests in Indonesia.

Canada has also been active on this issue in multilateral fora. At the Third Committee of UNGA, it has consistently addressed the issue of human rights in Indonesia and particularly in East Timor, urging the Indonesian government to improve access to East Timor by international observers and pursue real progress in the UN-sponsored talks between Portugal and Indonesia. At the CHR, Canada has worked with other delegations to ensure the most effective outcome possible on the issue of East Timor following the Dili shootings in November 1991.

An important element in furthering Canada's human rights objectives, the development assistance program in Indonesia addresses fundamental social, environmental and economic issues facing the Indonesian people. CIDA, through its bilateral and partnership channels, cooperates with organizations that promote human rights in areas such as women's rights,